the weekly Standard

PROGRESSIVES WITH BOMBS
PETER COLLIER

JUNE 3, 2013 $4.95

'I SEE NOTHING! I KNOW NOTHING!'

THE NEW OBAMA DOCTRINE

Anderson • Continetti • Cost
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COVER BY DAVID LEONARD

Hemi-demi-semiscandals

As readers well know, The Scrapbook prefers to see the glass half-full rather than half-empty, and so Act One, Scene 2 of the Obama scandals has been interesting to watch. True, it took evidence of the administration's deep (and possibly unlawful) hostility toward the press to prompt the mainstream media to pay attention—and to take Benghazi and the IRS outrages seriously. But we'll take our small victories as they come, always recognizing reality: When the media look at the Obama White House, they don't see a government to cover but friends, colleagues, classmates, brothers-in-arms, sometimes family.

Which brings us to the *New York Times*'s visual op-ed columnist, Charles M. Blow. The Scrapbook confesses to a certain affection for Charles M. Blow. He is the former art director for *National Geographic* and—how to put this diplomatically?—writes about as well as most art directors we know. Most of all, however, we have a weakness for his unprecedented title. A "visual op-ed columnist," explains Blow, is one who uses "visual evidence to support arguments in a persuasive essay. I use charts and maps and diagrams to support my positions."

Needless to say, Blow's charts and maps and diagrams are specifically designed to support the nonvisual opinions expressed in his columns, and so The Scrapbook pays more attention to the words than to the charts and maps and diagrams in any given visual op-ed column.

And lately, they've been fun to read, because Charles M. Blow is one of the few remaining op-ed columnists, visual or otherwise, willing and eager to protect President Obama and rationalize his behavior in the face of all evidence. But unlike his (nonvisual) equivalents at the *Washington Post*, such as Ezra Klein or Jonathan Capehart, who are periodically summoned to the White House for instructions, Blow is in faraway Manhattan, and so must rely on his wits—and of course, his visual imagination—to ignore what he sees and defend the indefensible.

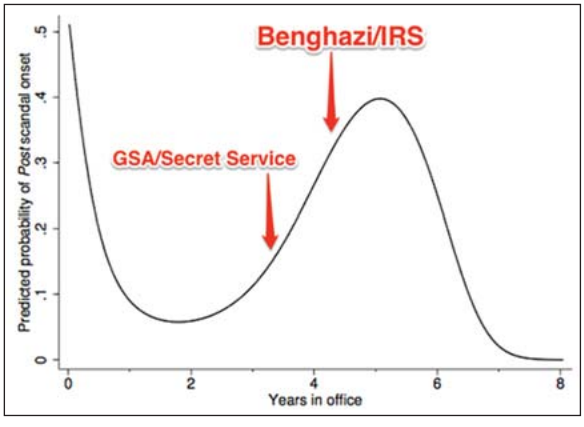
This past week's column is a case in point. Persuasive it ain't. But in the absence of charts, maps, and diagrams to clinch his argument, Blow relies on the time-honored weapon of schoolyard ridicule. The Obama scandals are, in his view, actually "demiscandals," beneath contempt, and the people endeavoring to get at the truth are purveyors of "hate . . . howling" about "bogeymen." Indeed, they're people who "never [miss] a chance to say something asinine," and exhibit "a near-pathological need to say anything"—which, of course, is "mind-numbing" to a visual op-ed columnist as he watches Republicans "race off the cliff in the supercharged outrage machine."

To be sure, Blow has merely adopted his colleagues' technique of substituting personal abuse, and routine invective, in place of argument (see Maureen Dowd, Paul Krugman, Gail Collins, et al.). Which is why The Scrapbook takes such comfort in reading Charles M. Blow. Yet there are limits to such tactics. For even demiscandals have been known to evolve into scandals, and sometimes the outrage machine is appropriately supercharged. As the evidence of White House malfeasance accumulates, will the spectacle become visible to a visual op-ed columnist? ♦

The Benghazi Graph

Dartmouth government professor Brendan Nyhan is one of those political scientists who must really want his field to be considered a hard science, like chemistry or physics. To that end, he often marshals graphs and quantitative measurements in service of his arguments, no matter how dubious. (He's one of that new breed of pundit/political scientist who seems to think that a pie chart is a substitute for argument.) It's working well for him: Nyhan is now so widely quoted in news outlets like NPR and the *Washington Post* that Larry Sabato must be starting to look over his shoulder.

Give Nyhan credit, too: He does have a, um, novel theory as to why Obama is now entering his third week of Scandalpalooza. Forget the underlying events, says Nyhan! The Benghazi dissembling, the IRS targeting of conservative groups, the spying on AP and Fox News reporters—they're irrelevant! Rather, Nyhan says, writing on his personal blog, "My research suggests that the structural conditions are strongly favorable for a major media scandal to emerge. First, I found that new scandals are likely to emerge when the president is unpopular among opposition party identifiers. . . . In addition, I found that media scandals are less likely to emerge as pressure from other news stories increases. . . . Finally, Obama is in his second



Proof! Nyhan's chart.

term, which is when scandals are most likely to take place."

And he's got a chart to prove it! ♦

Another IRS Target

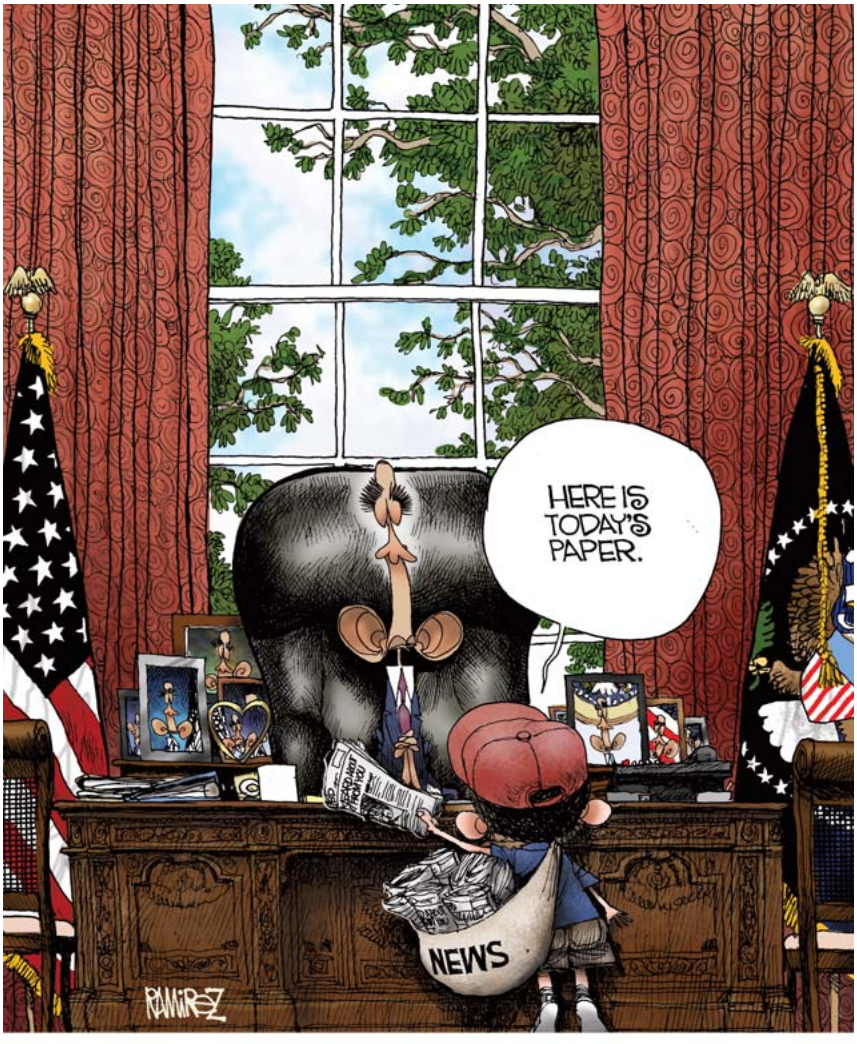
Tax collection may be a necessary evil, but the IRS has been working hard to emphasize the latter over the former. And this applies to conduct beyond the current scandal over political targeting.

As you may know, adoption is expensive. It costs tens of thousands of dollars, and requires enormous amounts of time and paperwork. To offset this burden—which is largely the result of government regulations—adoptive families can claim a tax credit for as much as $12,970. Or at least families can try to claim that credit, provided the IRS doesn't hassle them. In 2012, 90 percent of tax returns claiming an adoption tax credit were flagged for more information by the IRS. The IRS then went on to audit 69 percent of all filers claiming an adoption tax credit. Was there rampant fraud, perhaps? Hardly. According to the Taxpayer Advocate Service:

> Of the $668.1 million in adoption credit claims in tax year (TY) 2011 as a result of adoption credit audits, the IRS only disallowed $11 million—or one and one-half percent—in adoption credit claims. However, the IRS has also had to pay out $2.1 million in interest in TY 2011 to taxpayers whose refunds were held past the 45-day period allowed by law.

This seems like an awfully poor rate of return to excuse hassling just about every family that offers a home to an unwanted child. Beyond some basic safeguards, to the extent government is involved in adoption it should facilitate the process. The audits are especially appalling in light of recent revelations that IRS agents asked a pro-life group about the content of their prayers and told them not to engage in protest activities against Planned Parenthood.

It's worth noting that the Taxpayer Advocate Service first revealed this targeting of adoptive families in a report last year and no one cared. To the meager extent it's now been written about, it is only because of scrutiny brought on by the political scandal. Contemplating what other injustices perpetrated by the IRS have escaped notice is disconcerting to say the least. ♦



THE DAILY PRESIDENTIAL BRIEFING.

Starving for a Beer

It's become an all too familiar tale: A naïve, amoral Westerner travels to Stalinist North Korea and returns with breathless tales of what a wacky, weird, and wild time he had there! (Somehow, the country's extensive gulag never makes it onto the visitor's itinerary.)

No, we're not just talking about former New Mexico governor Bill Richardson. *Wired* magazine's British edition reported recently on one Josh Thomas, an advertiser and "amateur microbrewer" who traveled to North Korea recently to explore its "beer culture." Yes, it turns out that North Korea has one, in the sense that the grotesquely self-indulgent Pyongyang elite have opened a few breweries while their countrymen in the hinterlands starve.

The tone that *Wired* takes in its write-up is glib: Headlined "Kim Jong-Ale," it begins by tossing off a reference to North Korea as a country that "commonly experiences famines." But Thomas, the beer-o-phile, is the real scoundrel here. The first warning sign is that throughout the

piece, he refers to North Korea as the "DPRK," the regime's preferred name for the country. (It stands for Democratic People's Republic of Korea.) And, unsurprisingly, Thomas seemingly walked around with blinders—or were they beer goggles?—blissfully unaware of or indifferent to the fact that he was visiting the world's most brutal regime.

He lauds, for example, North Korea's tradition of Maoist self-criticism: "One element pervasive in North Korean society is a willingness to ask for a critique of one's work. I believe this to be an element of their socialist upbringing where they were constantly critiquing and judging their own and other's work. She was extremely receptive, probably more than most brewers, to learn from my opinions."

Thomas also admonishes would-be visitors to North Korea: "Do not travel to the DPRK unless you have a deep understanding of the culture and have spent a significant amount of time learning about who they are and what they believe. Agree or disagree with their system and politics, you are visiting their country and you are their guest. You are there to listen and be respectful, as an ambassador of your country." Would that he had clammed up after the first six words.

Amusingly, Thomas accidentally admits how perverse the presence of a North Korean beer industry is. "Beer is one of the simplest things to make in the entire world," he says. "If you can make porridge, you can make beer. If you can make congee, you can make beer. If you can make bread, you can make beer." What's more, he informs us, "Famine aside, beer seemed to be quite readily available."

So there you have it: Even as North Korea refuses to supply its people with the aforementioned bread and congee, its regime uses its limited foodstuffs to brew itself beer. Maybe the Pyongyang elite needs the suds to drown its shame. ♦

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Ray Manzarek, 1939-2013

I met him once. Well, *met* in the loosest sense: I was introduced to Ray Manzarek at a Los Angeles restaurant in the 1980s and got to shake his hand. No more than that, but even at the time it felt like an encounter with passing greatness, a brush with the fading mythology of the age, and down through the years, I've never forgotten it.

Manzarek died of cancer on May 20, at age 74, to obituaries around the nation that dutifully mentioned his screen-music compositions, his fiction writing, the handful of solo albums, and the mentorship of young musicians to which he devoted himself as a producer. But then, duty over, the obituaries all heaved a sigh of relief, turning back in delight to the late 1960s when Manzarek was in his twenties and played the organ, one of those Vox Continentals with the plastic keys, for a rock group called The Doors. Everything else in the man's life, the 40-odd years after lead singer Jim Morrison's death in 1971, seemed almost a coda. The mythological moment, the mystical connection with the age, was gone.

After the 1953 death of her husband, the poet Dylan Thomas—another of those figures who somehow caught the mad slipstream of his times—Caitlin Thomas gave her autobiography the bitter title *Leftover Life to Kill*. By all accounts, Manzarek was never bitter; he seems, in fact, to have been a cheerful man who lived with some real grace and not a little ironic bemusement about the cultural eddies that had swirled for a few short years around his friend Jim Morrison. But there always remained something of that strange aura surrounding Ray Manzarek: leftover life to kill.

No one has ever quite explained the combination of luck, talent, and good looks—the humble dedication and arrogant self-mythologizing, for that matter—by which some figures mount the whirlwind with spurs on their heels, but whatever that combination is, Jim Morrison had it. And Ray Manzarek went along for the ride.

We could name dozens of similar figures, of course, in movie acting, sports, and music. But what makes The Doors so interesting is that, nearly everyone agrees, Manzarek was by a long stretch the most musically talented member of the group. A classical pianist, he brought into The Doors a skillful drummer named John Densmore, whom he knew from a meditation group, and Densmore in turn eventually gathered in Robby Krieger, new to rock guitar but trained in classical and flamenco acoustic work.

Ray Manzarek with Jim Morrison in London, 1968

GETTY / WIREIMAGE

All that the three musicians really had in common was a certain Eastern inflection—these were the days when the cognoscenti were all proclaiming Ravi Shankar's sitar the greatest music on the planet—and a sense of mild California jazz. Listen again to the lounge style of "Riders on the Storm," or the free-form background to the middle of "The End," or the straightforward blues they played on what seems half The Doors' recordings. The typical pattern of their songs is a quick riff to establish the beat and chord progression, then a couple of verses of Jim Morrison's pop poetry, an extended instrumental, and a concluding Morrison lyric.

And that instrumental midsection almost always begins with a virtuoso organ performance. Then Manzarek backs off to allow Krieger to display his own skills, the sitar-influenced sound of the guitar often forming a counterpoint to, or even a fight with, the organ. Densmore's drumming keeps the rhythm of Manzarek's riff going—until, in the signal that the climax has arrived, the drums shift to the beat of Krieger's guitar riff and decide the battle. The three musical Doors were, in essence, a talented jazz trio. A jazz trio, that is, who happened to back a rogue frontman heading places no jazz trio typically goes.

And having been to those places, what remained for Manzarek, the wonderful keyboardist? He had been on the inside of the mythological fantasy that was Jim Morrison and The Doors, and myth is always better—more meaningful and complete—when seen from the outside. Ajax, Hector, Paris, and even Helen get used up in the *Iliad*, because it's not their story. They're the necessary players in another person's tale. It's Achilles' myth we're told by Homer, and everyone else is just along for the ride.

Ray Manzarek was a gentleman and conscientious friend who never disparaged the days and the man that had made him famous. But it must have been odd to live another 40 years beyond The Doors, knowing he would never do anything as famous again. Like a man who had fought his way skillfully through the Trojan War and survived the dangerous adventures of the journey home—only to spend the rest of his life being asked, "But what was Achilles *really* like?"

Joseph Bottum

the weekly Standard

Shielding What from Whom?

The workings of Washington sometimes attain a kind of purity in their illogic. This happens most often after a particularly jarring event, when the frenzy to do something, anything, becomes irresistible to the beehiving journalists, legislators, lobbyists, and regulators who constitute the capital's political class. Usually the legislative overreaction is blessedly fleeting and inconsequential. The demand for new gun control measures after the horrors of Newtown is a nice example: Although the legislation would have done nothing to prevent the atrocity that provoked it, it gave our city's peacocks many weeks of deeply satisfying moral preening and then faded harmlessly away, leaving only a litter of scare headlines, outraged op-eds, and hysterical fundraising appeals tumbling amid the tail feathers.

Other times, Washington's gratuitous overreaction has lasting and genuinely destructive effects. The War Powers Resolution of 1973 and the Budget Act of 1974 were supposed to reclaim congressional prerogatives in the midst of the executive excesses revealed by the Watergate scandal. Together the two laws have distorted policy-making in every department of the federal government for nearly 40 years. And now comes the journalism "shield law" that President Obama suddenly insists is a dire necessity. Cosponsored by Sen. Charles Schumer, a Democrat, and Sen. Lindsey Graham, a Republican—hey, that makes it bipartisan!—the Free Flow of Information Act has the declared purpose of making it harder for prosecutors to wrangle the names of government sources (leakers) from journalists (leakees). As an exercise in gestural politics, it wouldn't confuse democratic processes as profoundly as the post-Watergate legislation did. But close enough for government work.

In keeping with Washington's illogic, the shield law would likely have done nothing to avert the jarring event that inspired it. Earlier this month, we all learned that Justice Department officials, investigating the leak of a counterterrorism operation in Yemen and beyond, had subpoenaed and pawed through the phone records of reporters in the Washington bureau of the Associated Press. Republicans and Democrats alike rose on their hind legs to declare themselves "profoundly dis-

turbed" and "deeply concerned." When legislators insist on describing their emotional state in this way, you can be sure they are temporarily at a loss for something to do but will do it anyway, by God. Fortunately for them, Schumer offers them something to do: In 2009, with the encouragement of the president, he introduced a federal shield bill protecting journalists from overreaching investigations. The bill died a quiet death then, owing to a lack of support from the president. Now the president supports it again. He knows a potential bandwagon when he needs one.

In fact, back in 2008, Sen. Obama joined John McCain, Richard Lugar, and many other bipartisan types to cosponsor a shield law even broader than Schumer's 2009 bill. He also pledged his devotion to journalistic privilege in a deferential appearance before a gathering of newspaper editors. But we know how it goes with those promises made by Barack Obama during that first campaign, when the world was young. Once he was president his enthusiasm for a shield law went the way of his hatred for the Patriot Act or his insistence on comprehensive climate change legislation. Dreams collided with reality and reality won. By the time Schumer's 2009 bill died, Obama's Justice Department had managed to weaken the journalistic privilege with special exceptions, allowing judges to approve the release of private records to prosecutors and to compel reporters to testify about leaks that endanger national security.

Those exceptions will likely remain in the current bill, which means it could not have inhibited the Justice Department from doing what it did to the AP and its phone records. The Free Flow of Information Act is, in other words, completely beside the point. But if it passes now it will not be without effects, most of them pernicious.

At least 31 states have a law protecting journalists under varying circumstances from having to disclose their sources. The laws have proved popular because they are a convenient and harmless way for a legislator to stay on the good side of the local publishers and media owners that deliver news about him to the folk back home. You have only to glance from state to state to see the problems in federalizing a journalistic privilege. States and municipalities don't deal in the secrets necessary to maintain national security, which, if mishandled, can get lots of people killed—something you'd seldom say about leaks from the Keokuk department of roads and transit. States differ hugely on whom the shield is supposed to protect, on which matters—civil? criminal? proprietary?—the shield is supposed to cover, and on the manner in which differing claims under the law are to be resolved. Simply scaling up this incoherence to the national level won't make it go away.

More than 50 news organizations (Reuters, Gannett, the *New York Times*, and so on) signed a letter protesting the AP subpoenas, and of course journalism guilds like the Society of Professional Journalists are using the subpoenas to agitate on behalf of the Free Flow of Information Act—and for the same reason guilds always lobby the government for special privileges. The act will go a long way toward establishing a government-sanctioned journalistic class. There will be, on the one hand, approved reporters who are immune to certain kinds of governmental inquiry, and, on the other hand, everyone else, those less exalted citizens who, faced with the same governmental inquiry, would just have to suck it up. The act is a classic restraint of trade, protecting favored journalists from the pressure of competitors who lack the proper credential.

We don't doubt there are admirable libertarian impulses behind the shield law, too, if it is intended to encourage the exposure of illicit uses of government power. But like so many libertarian impulses, admirable or otherwise, this one ends up extending rather than restraining the reach of the state's sweaty and thick-fingered hand. Any shield law must turn on definitions. Who's a journalist? Well, says one version of the act, a journalist is "a person who, for financial gain or livelihood, is engaged in journalism." Leave aside for the moment why anyone in his right mind would go into journalism "for financial gain." The next question is, And what is journalism? It is "the gathering, preparing, collecting" etc. etc. "or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public." These are definitions without practical meaning. They will be refined on the fly, applied willy-nilly, by either unelected judges or self-interested legislators.

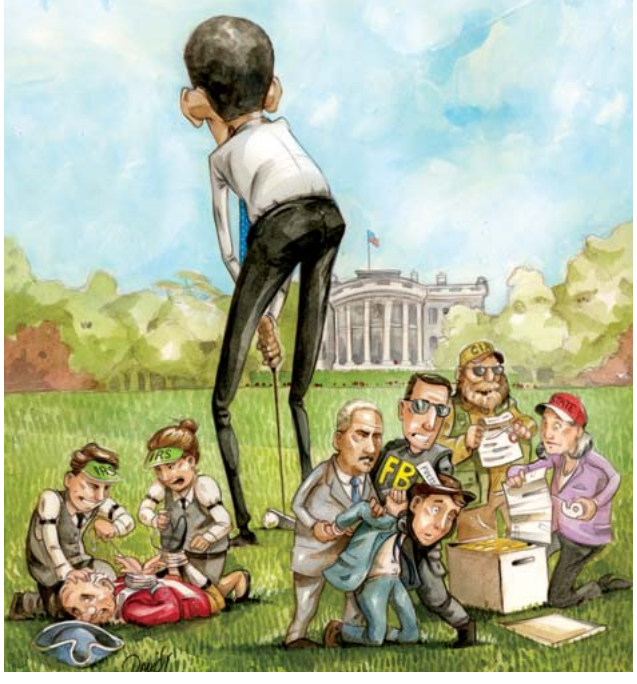
Our guess is that Schumer's act won't go anywhere, precisely because its support among legislators is a panicked response to a jarring event, and its support from the president, a much cooler customer, is an expedient, a mere gesture. Yet the act's revival, however hopeless and fleeting, is worth following. It has exposed yet again the self-aggrandizing pose of the establishment press—the instinct of Reuters and Gannett and the rest to confuse the interests of their own industry with a flourishing First Amendment. Trust us: If Gannett and Reuters went toes-up tomorrow, the First Amendment wouldn't notice.

Even better, it reminds us of the advance our technology has made since the day of the great A. J. Liebling, author of the famous aphorism, "Freedom of the press belongs to the man who owns one." Now, of course, we all own one. Liebling's press baron could be anyone with a laptop and a connection to the free Wi-Fi at his local Starbucks. From even so modest a perch a budding Lord Beaverbrook or Colonel McCormick can gather "news and information" on "matters of public interest" and

disseminate it to a readership beyond Liebling's wildest dreams. The Free Flow of Information Act reminds us that the free flow of information—the freedom of the press—the First Amendment itself—will thrive so long as the government doesn't try to protect it.

—Andrew Ferguson

Do Not Disturb



Harry Truman famously kept a sign on his desk in the Oval Office, "The Buck Stops Here." Sixty years later, President Obama hangs a sign on the door to the Oval Office, "Do Not Disturb." In 1978, about halfway between the two liberal presidents, Harvey Mansfield, as we've noted before, diagnosed the decline: "From having been the aggressive doctrine of vigorous, spirited men, liberalism has become hardly more than a trembling in the presence of illiberalism. . . . Who today is called a liberal for strength and confidence in defense of liberty?"

Not Barack Obama. He's the Do Not Disturb president, presiding over a Do Not Disturb liberalism. So:

Do not disturb the commander in chief when Americans are under attack in Benghazi on the anniversary of September 11. Or when the Iranian regime moves forward to get nuclear weapons, or when civil war in Syria threatens to destabilize the Middle East. Or when detainees released from Gitmo find their way back to the battlefield to rejoin their old comrades in terror.

Do not disturb the chief executive, charged with taking care that the laws are faithfully executed, when there are reports and letters from members of Congress concerning the targeting of political opponents by his IRS, or when his Justice Department violates its own guidelines when going after the press, or when the implementation of his major legislative initiative is proving to be a train wreck.

It should be noted that today's liberals *are* disturbed about some things. They're disturbed about sexual harassment, politically incorrect speech, any resistance to the right to kill unborn babies, and Islamophobia, to pick a few items more or less at random. On these occasions, the Do Not Disturb sign is removed, and the front desk is bombarded with whining and insistent calls: Service, Now!

But in our republic we don't have to answer the phone and hop to it when liberal elites call. They may occupy the fanciest suites, but we're not relegated to serving as their concierge desk. And the president isn't a wealthy patron whose wishes have to be heeded. He's an elected official who can be checked by other elected officials in Congress. Here the people rule. The buck stops with the American people.

The country will pay a price for having, for a few more years, a liberal president who doesn't choose to be disturbed by what should disturb him. But the real price would be if he (and his minions) convinced us not to be disturbed by the mounting threats to our well-being abroad and to liberty at home. He won't succeed.

For, borne on the night-wind of the Past,
Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear . . .

—William Kristol

Citizens, Not Customers

"We provided horrible customer service," outgoing acting commissioner of the IRS Steven Miller told the House Ways and Means Committee on May 17, referring to evidence that his agency had targeted Tea Party groups for special scrutiny in determining tax-exempt status. The passing remark, which so neatly captured the attitude of condescension and entitlement Miller brought to the hearing, was part of an apology. As grovels go, it wasn't the best.

Yet Miller's implicit comparison of the federal tax collection bureau to just another service provider—your auto

DAVID LEONARD

mechanic, say, or the chopped-salad place down the street—was nonetheless revealing. And it creates an opportunity for conservatives and Republicans.

When the IRS doesn't do its job, one cannot take one's business elsewhere. Uncle Sam is the only game in town. And he can stick you in jail. On the other hand, if a CVS pharmacy fails to satisfy, if a clerk is rude, one can try another branch, or visit Walgreens or Walmart or Target or even, if it still exists, the local mom-and-pop store.

This is what economist Albert O. Hirschman called the ability to "exit" from an organization in decline. Exit from a national tax code, of course, is possible only if one is willing to go the full Depardieu and renounce one's citizenship. The rest of us are stuck with the IRS, and must rely on Hirschman's concept of "voice" to change the law.

What government does is administer the law. "Customer service" it does not provide. Confusion sets in when flawed analogies are made between government and something it is not. Miller's comment, for example, raises more questions than it answers. Who exactly are the customers the IRS serves? American taxpayers? Congress? Political appointees? Or does he mean the unelected and all-too-often unaccountable civil servants who manage the bureaucracy?

And what, specifically, was the disservice in question? Miller could have been referring to the slow-walking of Tea Party applications for tax exemption, or to the fact that the agency did not subject progressive groups to similarly intrusive and intensive examination, or to the dodgy way the IRS handled the disclosure of the inspector general's audit of its activities. There's really no way to know.

To reduce the complexity and power of government to the language of exchange—you either purchase a good or service or you don't—is at the very least absurd. But it is the sort of absurdity one might expect when one realizes the agents of our government are just as confused about its purposes as our elected officials are.

A happy consequence of the IRS mess would be if conservatives took the opportunity, in between the high dudgeon and special investigations, to explain to the public the true purposes of government. A government whose primary object is to secure the natural rights of its citizenry would not be so invested in regulating political speech and association. A government whose elected representatives met to promote the general welfare through simple laws, equally binding on all, would not write gigantic bills, such as the tax code, Affordable Care Act, and the current omnibus immigration reform, which grant massive discretionary power to largely autonomous administrators. A government with a system that taxed all forms of income equally, and perhaps derived much of its revenue from sources other than income

tax, would have less need of an imperious IRS.

This is also a moment for conservatives to reintroduce the concept of exit into policy debates. Exit is a conservative principle. There may be no escaping the IRS, but initiatives to allow the states room for experiment would grant Americans the ability, through the power of opting-out, to hold declining institutions to account. Taxpayers already migrate from high-tax, high-expenditure states to low-tax, low-expenditure ones.

But why stop there? Deny the IRS further power over American lives by repealing Obamacare. Welcome homeschooling, Internet-friendly deregulation, and school choice, increase health care competition through price transparency and point-of-service payment, privatize government services where appropriate, create the option of shielding income from tax through universal savings accounts—all of these measures would enhance the freedom and prosperity of America.

Ultimately, it would be a waste if the investigations consuming Washington led to nothing but posturing and lawyering and political drift. Better to make Steven Miller famous as the spokesman for an unlimited and arrogant government, and to direct the Tea Party energies loosed by this scandal toward a program of choice, competition, and renewal. That would be the best service Republicans could provide.

—Matthew Continetti

Uncivil Service

On May 21, liberal columnists Jonathan Capehart and Ezra Klein of the *Washington Post* and Josh Marshall of *Talking Points Memo* were seen heading into the West Wing for a meeting. Just a few hours earlier, it had been reported that Lois Lerner, the bureaucrat at the center of the IRS scandal, would be invoking her Fifth Amendment right not to incriminate herself in her testimony to the House Oversight and Government Reform Committee.

We don't know what was said at Tuesday's meeting, but here's an educated guess at what message the White House was pushing. The next morning, Marshall wrote a blog item about Lerner headlined "She Has To Go." While the president can order a drone strike anywhere in the world, it seems firing Lerner or any of our two million career civil servants is beyond his reach. "I was chatting with people yesterday who said that civil service protections may make this extremely difficult or even impossible," Marshall wrote.

For his part, Klein wrote an item for the *Post* the next morning headlined "Yes, heads should roll at the IRS." (Five days earlier, Klein had been more laid back, opining, "The scandals are falling apart. . . . Things go wrong in government. Sometimes it's just bad luck." The liberal punditry is nothing if not creative when it comes to leveraging its diminishing credibility in defense of Barack Obama.) Klein, the head wonk in charge at the *Washington Post*'s *Wonkblog*, offered a detailed explanation of the Kafkaesque morass of civil service protections keeping IRS employees from being held accountable.

So Marshall and Klein, who have rarely failed to insist that an activist bureaucracy betters America, simultaneously acknowledged that federal employees can be malevolent and unaccountable. Why have liberal pundits suddenly come to this conclusion? This question brings us to the political climate that gave rise to the IRS abuses now belatedly under scrutiny.

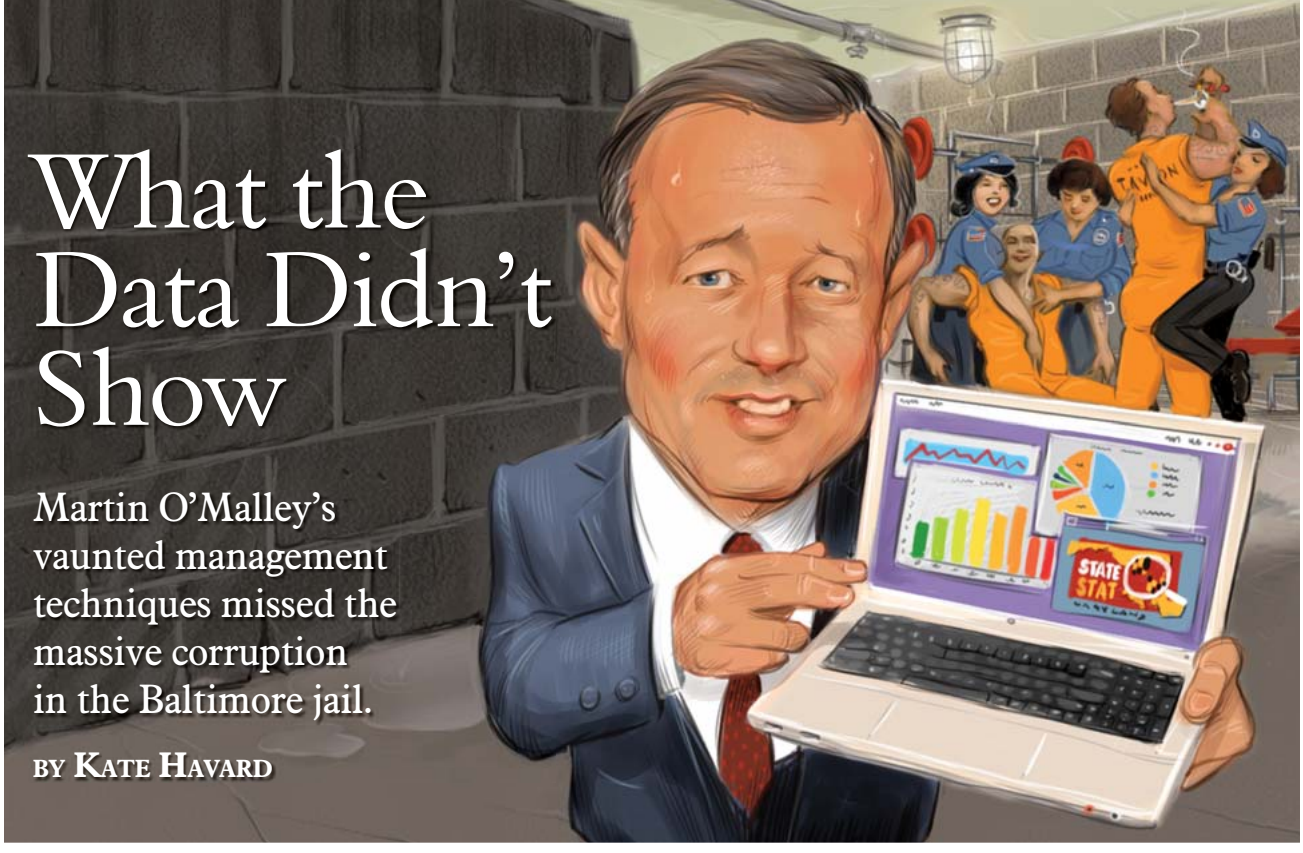
The initial defense of the IRS's conduct was that agents were just trying to tamp down the supposedly pernicious influence of money in politics—a leitmotif of the liberal punditry for years. In practice, however, the fear of seeing tax-exempt organizations engage in electioneering was highly selective. The IRS gave the rubber-glove treatment to hundreds of regional Tea Party groups with maybe a dozen members each. Meanwhile, groups like, say, the political action committee of the National Treasury Employees Union—which represents IRS employees, and is, like all unions, a nonprofit entity allegedly overseen by the IRS—spent $571,812 last year in political donations and gave 96 percent of that to Democrats. And though the NTEU isn't affiliated with the AFL-CIO, all of the other federal employee unions are. The AFL-CIO spends tens of millions in every election cycle with almost no scrutiny.

In return for generous campaign donations from federal employees—donations you pay for out of taxes collected by, yes, the IRS—federal workers on average are now paid $133,000 a year in salary and benefits, and it's nearly impossible for them to be fired. The political influence of government unions is undeniable.

The Republican temptation to focus on the short-term political implications of the IRS scandal is understandably great. But to improve their fortunes, Republicans need more than scandals—they need a purpose. If the White House wants to absolve itself of responsibility by insisting it has no control over the federal bureaucracy, Republicans could respond by moving to curb unnecessary civil service regulations and pushing laws that would diminish the power and influence of federal unions. And when the White House and its defenders shrug and say, "things go wrong in government," voters might be impressed if Republicans worked with renewed purpose to set those wrongs right and to limit the size and scope of government.

—Mark Hemingway

What the Data Didn't Show



Martin O'Malley's vaunted management techniques missed the massive corruption in the Baltimore jail.

BY KATE HAVARD

Baltimore

The presidential ambitions of Maryland governor Martin O'Malley have taken a hit after a federal investigation uncovered a sordid sex-drugs-and-racketeering ring festering right under his nose.

On April 23, prosecutors indicted 13 state corrections officers on charges that they colluded with inmates at the Baltimore City Detention Center (BCDC) to launder money and smuggle drugs and cell phones to the inmates, members of a prison gang called the Black Guerrilla Family.

Two of the guards indicted had the name of the jail's BGF leader, Tavon White, tattooed on their bodies, one on the wrist, the other on the neck. Of the 13 (female) guards indicted, four were pregnant with White's children. At a news conference, the FBI agent in charge said that White "effectively raised the BGF flag over Baltimore City Detention Center."

That this occurred on O'Malley's watch looked bad, but might have been redeemable. After all, the governor first rose to prominence as Baltimore's tough-on-crime mayor. Department of Public Safety and Corrections secretary Gary Maynard emphasized the state was proactive enough to ask the FBI to commandeer the investigation. It was time for O'Malley to take control, fire a lot of people, and pose for some good pictures frowning and talking intently with the FBI.

Instead, the spin has been almost worse than the scandal. O'Malley was off on a trade mission to Israel when the story broke, and he waited a week to respond. When he finally did, the governor shirked responsibility ("We're all responsible") and clung tightly to the notion that the indictments are a "positive development in our fight against corruption and gangs."

It did not go over well. The *Washington Post*'s Robert McCartney wrote, "O'Malley spent 40 minutes . . . trying to convince me that" the indictments were "a major advance in the struggle against the state's deadliest gang. He didn't succeed."

"This is an embarrassing failure of management. It reflects badly on the entire administration of the state corrections system and ultimately on the governor," editorialized the *Baltimore Sun*. "The only possible 'positive development' at this point would be for Mr. O'Malley to take full responsibility for this fiasco, but a chipper assessment a week after the fact doesn't cut it."

O'Malley's spin rubbed Maryland lawmakers the wrong way, too—especially Baltimore Democrats, who grumble that the governor has, in his rapacious quest for higher office, neglected his own backyard. "This is not a 'positive development,'" declared delegate Curt Anderson. "This is an embarrassment to the entire state."

It's also done damage to O'Malley's self-anointed status as a "performance-driven progressive" who takes a data-driven approach to solving problems. When glowing profiles put O'Malley forward as a presidential candidate, they often point to his record of passing liberal policies in a liberal state and his Paul-Ryanesque biceps. But more than anything else, they point to CitiStat.

When he became mayor of Baltimore in 1999, O'Malley co-opted CompStat, the New York Police Department's vaunted system of high-tech crime fighting, expanding the scope of its mission. He applied it to city government, tracking trash pickup and pothole repairs the way the NYPD tracked murders. The program landed him a lot of national attention: *Esquire* called him "Best Young

TIM FOLEY

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Mayor in America" in 2002 and *Time* included him in its 2005 list of the "5 Best Big-City Mayors."

After O'Malley became governor in 2007, he started StateStat, which maps everything from employee absenteeism to improving employment for veterans. But critics say that StateStat also creates a fine opportunity to obfuscate using lots of meaningless data, disguising the metrics that matter. To wit, Jim Pettit and Mark Newgent, writing in *National Review Online*, have compiled a list of StateStat's failures. Legislative audits reveal:

> a lack of accountability for the state's speed-camera vendors, chronic cronyism, violations of procurement laws at the State Highway Administration, failure of the education department to conduct background checks for child-care workers, lack of monitoring of state tax credits by the Department of Business and Economic Development, failure of the labor department to inspect elevators, and millions of dollars in lost and overpaid funds at the Developmental Disabilities Administration.

Decrepit: a BCDC door

This latest meltdown in a Baltimore jail is only one of many failures. But the idea that there's a way to harness technology to cure government incompetence remains alluring. In May, O'Malley showed up on the cover of *Washington Monthly*, styled "the best manager working in government today" for his ability "to actually make the bureaucracy work."

But as the corrections scandal shows, the power of StateStat is but a tale told by Martin O'Malley, full of pomp and PowerPoint, signifying not very much.

You didn't need Big Data to know that the corrections department was a mess, a former employee said: All you had to do is walk down the halls of BCDC and smell the corruption.

The former BCDC officer, who asked not to be identified, described life inside the jail: "It was very medieval, very dark. Every day you're walking down dark hallways like you're in a dangerous projects neighborhood, inmates crawling all over the walls, everything smelling like marijuana, always." With drugs, he said, "You could launch a search but they'd just flush it."

When it came to sex between inmates and guards, he said, a common rendezvous point was the BCDC gym, where a corrections officer could lock herself in with the inmate.

Corruption was rampant. Inmates dined on "shrimp, crab, whatever they wanted," he said. But there was little point to complaining. "You'd file a report and the assistant warden would tell you they lost the packet. You couldn't call the confidential reporting line they give us, because it's been broken for years. You call it, every day your car would get a little bit vandalized, one day a broken window, then maybe a radio, you know, just enough so it wouldn't meet your deductible but you'd know they were there."

Eventually he couldn't take it anymore. "I went back in the Army," he said. "It was safer for me to go to Afghanistan than to stay there."

In the wake of the scandal, O'Malley has promised a thorough investigation. But behind closed doors, O'Malley officials seem more interested in making the story go away than in cleaning up the mess.

After the indictments came out, the Maryland House Judiciary Committee quickly called for a hearing with top corrections officials to assess the problem (and, frankly, to grill Secretary Maynard).

A few days before the hearing took place, it was suddenly canceled. According to WBAL-TV, Stacy Mayer, the governor's chief legislative officer, showed up at a meeting between Maynard and several members of the committee and discouraged lawmakers from holding a hearing.

When it was finally rescheduled, it had been taken away from the Judiciary Committee (whose members are notoriously sharp-tongued) and put before a friendlier Legislative Policy Committee, where problems will be divvied up and task-forced into obscurity.

Meanwhile, the Department of Public Safety and Corrections has been trying its hand at press intimidation.

On May 10, Republican lawmakers were given a tour of BCDC. Although requests from multiple outlets to see inside the jail had been denied, I accompanied the lawmakers to Baltimore, hoping to snag a spot on an already-scheduled tour. A corrections official (a five-year veteran of O'Malley's office who transferred to the department six months ago) greeted me outside the jail and told me I would not be allowed to join them. If I wanted to appeal, I should contact communications director Rick Binetti.

On the phone, Binetti (a veteran of O'Malley's mayoral office) accused me of plotting a "sneak attack" on the jail. I was "wasting my time with these ridiculous requests," he said, and should stop asking. "Is my message clear?"

Crystal! The department of corrections has a bad attitude—and something to hide. After their tour, delegates described an "ancient" facility, parts of which were constructed during the Civil War. Delegate Michael Smigiel (R-Cecil) said that corrections staff joked with lawmakers about sprucing the place up for the tour. He said that inside, the jail smelled like "feces—and fresh paint."

So while the BCDC was becoming, in the words of one *Baltimore Sun* reporter, "a filthy sex dungeon," where was StateStat?

The department of corrections' most recent StateStat report does take note of cell phone seizures—but there's no indication that the numbers are fluctuating because the guards are smuggling them in.

Harvard professor Robert Behn, who writes about the "Performance Stat" style of governing, says that although StateStat is well equipped to tackle things like staff corruption, "Measuring corruption is not a role for performance stat until the leaders decide to focus on it, or until someone brings it to their attention." If an agency's struggling to tackle a problem, there's no incentive to point it out in StateStat meetings. When agencies don't tell StateStat what it wants to hear, the agency heads face inquisition-style grillings by the governor's staff—or by the governor himself.

It's part of why state employees often refer to the governor by his initials—MO'M. With StateStat, the executive branch plays a heavy-handed role in even the nitty-grittiest of agency operations. It's an approach that O'Malley says he'd like to see taken to the next level.

"I think the truth is we need FedStat," O'Malley told *Washington Monthly*. "At a time when people are so very cynical about what our public institutions are capable of delivering . . . the willingness of leaders to make themselves vulnerable by declaring goals could well restore that essential trust that we need in order to bring forth a new era of progress."

After this soliloquy, O'Malley "stopped, nodding at the cadence of his own thoughts." He was enchanted, it seems, by the prospect of turning the nanny state into the MO'Mmy state. Like the president he hopes to succeed, O'Malley believes technology can not only cure the public's distrust of government, but also curb man's natural tendency toward corruption. He is merely the latest liberal to think that the newest innovations in social science can flatten out human nature, making governing easy, clean, and just.

Instead, O'Malley has created a new buffer for bureaucracy, which nurtures not "a new era of progress," but the oldest kind of corruption—vividly on display in Maryland's jails. This is a big blow for StateStat, and for O'Malley. When you look at the data, neither one measures up. ♦

The Other Benghazi Scandal

Did we really do all we could have to respond to the attack?

BY TOD LINDBERG

The complexity of Washington scandals as they unfold usually involves many moments at which it is possible to lose sight of the forest for the trees. Two such instances have come into sharper relief in recent weeks. One is that we still have no good explanation for U.N. ambassador Susan Rice's talking points for her round of talk show appearances the Sunday after the 9/11/12 attack on the U.S. diplomatic compound in Benghazi. A second is that focusing on the question of whether the loss of four lives there could have been avoided is actually a clever diversion from a serious inquiry into the adequacy of the response to the crisis as it unfolded.

Thanks to the solid reporting of THE WEEKLY STANDARD's Stephen F. Hayes among others, we now have a pretty good picture of how the CIA-prepared "talking points" about the events in Benghazi evolved. A document that initially fingered extremist Islamist groups eventually transmogrified into pabulum that would not contradict Rice's storyline about an attack triggered by protests over an anti-Islam movie trailer. The White House was heavily involved in brokering the interagency catfight provoked by the CIA's ham-handed exercise in blame deflection.

What we still lack, more than eight months later, is an adequate account of why Rice came to seize tenaciously on the film trailer, which had served as a pretext for earlier demonstrations in Cairo, as the best explanation for what was already known to have been a coordinated attack by jihadists on the diplomatic compound in Benghazi.

From the hundred pages of redacted email printouts the administration finally released, however, it looks like we do now know of a document that might hold some answers, though we do not yet know its contents. Someone with the United States U.N. mission sent Rice and her deputy an email at 1:23 P.M. on Saturday, September 15, the day before she made the rounds of the Sunday shows, with the subject line "SBU[Sensitive But Unclassified]/CLOSEHOLD: 0800 SVTS [Secure Video Teleconferencing System] on Movie Protests/Violence." The content of the email, redacted from the beginning for more than a page, then shows a one-word heading "Libya:" followed by another redacted passage and then a paragraph concerning the origin of the request for talking points, which came from the House Permanent Select Committee on Intelligence. But the subject line suggests that Rice was being briefed that morning on the connection between the movie trailer and "Protests/Violence" in Libya and elsewhere.

Of course administration officials had been talking about such a Benghazi connection for days, perhaps making a leap of faith as a result of the Cairo protests. At some early point, however, certainly before Rice went on TV Sunday morning, the administration knew better. There were, after all, no protests or demonstrations in Benghazi, just a coordinated attack. It is manifestly clear that while Rice saw the meaningless blather that ended up going to the House Intelligence Committee, *those were not her talking points.*

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Otherwise she would have stuck to meaningless *investigation-is-ongoing*, *hold-the-perpetrators-to-account* blather herself. Instead, she peddled the movie-trailer line.

Two days later, the State Department spokesperson said, "Ambassador Rice was speaking on behalf of the government with regard to our initial assessments." Right. But the initial assessments tracing the Benghazi attack to the Cairo demonstrations and the movie trailer were wrong. The question with regard to Rice's credibility is whether she or anybody involved in preparing her for the Sunday shows knew or had indication that the initial assessments were wrong. Finding out what else this email had to say about Libya would be a good start.

Ultimately, the detailed course of untangling the talking points may be serving as a distraction from a deeper issue: Did the officials consulted in the course of the hectic hours of the attack do everything they could to try to save the lives of Ambassador Christopher Stevens and the other Americans in danger?

The State Department convened an "Accountability Review Board" co-chaired by the respected former senior diplomat Thomas R. Pickering. The board issued reports in classified and unclassified versions in December. The unclassified version holds that "Responsibility for the tragic loss of life . . . rests solely and completely with the terrorists who perpetrated the attacks," noting later, "the interagency response was timely and appropriate, but there simply was not enough time given the speed of the attacks for armed U.S. military assets to have made a difference. Senior-level interagency discussions were underway soon after Washington received initial word of the attacks and continued through the night. The Board found no evidence of any undue delays in decision making or denial of support from Washington or from the military combatant commanders."

The problem here is the way the lens is pointed. The frame of the board's investigation seems to have been whether anything that could have been done differently would have saved the lives of the Americans. The board concludes that the answer is no, and this may well be correct.

The chronology in its report shows that the attack on the U.S. compound began before 9:45 P.M. local time. The attackers started the fire whose smoke would claim the lives of Stevens and information management officer Sean Smith by 10 P.M. Additional security personnel left a nearby annex to provide assistance shortly thereafter.

The Americans evacuated the compound by 11:30, having found Smith dead but not having located Stevens amidst the thick smoke. Word of another "unresponsive male" (Stevens) came around 2 A.M. Some locals apparently had carried him to a hospital at 1:15 A.M., where efforts to revive him failed. The U.S. embassy in Tripoli, meanwhile, chartered a plane to dispatch a security team of seven to Benghazi. They arrived at about 5:00 A.M., in time for an intensified attack on the annex that left two more Americans dead from mortar fire. At 6:30 A.M., all Americans evacuated the annex to the airport without further incident.

So there was indeed very little time, and Stevens and Smith died early in the attack. But, of course, in the first couple of hours, no one knew how the attack would turn out. It's here that the question of the response needs to be broadened.

Some reports have suggested that additional security assets were available, including Special Forces teams. The deputy chief of mission in Libya at the time, Gregory Hicks, told a congressional hearing that one such team in Tripoli was ready to fly to Benghazi on the C-130 sent for the evacuation, but its commander received a last-minute phone call from Special Operations Command Africa ordering the team not to go. Hicks also noted that there was no display of airpower over Benghazi despite the proximity of the Souda Bay naval base in Greece, about an hour away (though AFRICOM did dispatch an unarmed drone to monitor the scene). Hicks said that "if we had been able to scramble a fighter or aircraft or two over Benghazi as quickly as possible after the attack commenced, I believe there would not have been a mortar attack on the annex in the morning because I believe the Libyans would have split. They would have been scared to death that we would have gotten a laser on them and killed them." Other reports of available undeployed resources have surfaced but remain unconfirmed.

Whether Hicks is right that a show of airpower would have prevented the mortar attack, sparing two Americans, is unknowable. What is certain is that the response to the attack in real time does not exactly seem to have been to mobilize as broadly as possible. It may be that there were no "undue delays in decision making or denial of support from Washington or from the military combatant commanders." But neither does there appear to have been a forward-leaning effort on the part of those making decisions to throw major resources at an unfolding crisis despite the potential for loss of American lives *before anyone knew how many lives would be lost.*

Pentagon officials have claimed that it would have taken as long as 20 hours to get available forces in Italy to the scene. Therefore, it was too late. That would be reassuring only if somebody had actually made a decision by 11 P.M. Libyan time on September 11 to send them. Otherwise, the claim *it was too late* is completely hollow, since no one knew when *too late* was at that point.

And in this light, it's pretty good luck both for the Americans on the ground and the ones who didn't make the decision to deploy credible force as quickly as possible that those who perpetrated this remarkably effective surprise attack didn't have the capacity to continue it through the evacuation of the annex and at the airport.

The military claims to be developing plans for more effective rapid response to situations like Benghazi. That's fine. But they won't do any good in the absence of political will on the part of the senior civilian leadership to act swiftly and decisively. ♦

They'll Always Love Obama

It's only a matter of time before the media are back in the tank. BY PETER WEHNER

Some conservatives think that the elite media are finally turning on Barack Obama and his administration.

The argument goes like this: The trio of scandals that have burst forth in the last couple of weeks—the events before, during, and after the deadly attack on the diplomatic outpost in Benghazi; the IRS's targeting of conservative groups; and especially the Department of Justice's secret subpoenas of Associated Press phone records and targeting of Fox News reporter James Rosen as a potential co-conspirator in a leak investigation—will mark an inflection point. From here on out, journalists will apply far more scrutiny to President Obama. His free ride is over.

Don't believe it.

In saying this, we don't mean to suggest that journalists won't ask tough questions or say critical things about the administration from time to time. But sooner or later they will—with a few impressive exceptions—revert to their ways. We are, after all, dealing with deeply ingrained habits and ideological commitments.

Take the *New York Times*. On May 17, in a story about how President Obama is trying to move beyond his current problems, the *Times* declared, "In the last few days, the administration appears to have stopped the bleeding. The release of internal e-mails on Benghazi largely confirmed the White House's account."

Except it did no such thing. The White House's account was that neither it nor the State Department made any substantive changes to the talking points related to the Benghazi attacks. We have irrefutable evidence—actual documents—that they did. The White House's account was that a YouTube video critical of Muhammad sparked a spontaneous assault on the American diplomatic outpost in Benghazi. Except this is a fabrication. The White House's account was that the administration had no idea Islamic terrorists were responsible for the attack until many days later. Except we have emails that prove high-ranking State Department officials knew Ansar al Sharia was involved within 24 hours of the attacks. The White House has not come clean on any of these matters.

Journalistic enchantment with Barack Obama began for some in 2004, for many others in 2008, and has never really gone away. When they look at the president and his top advisers, they see a reflection of their own background, education, and sympathies.

To demonstrate how deep and wide the Obama administration's deceptions run, we know that statements made by White House press secretary Jay Carney back in November about the talking points were false. (Carney assured us at that time that the White House and the State Department made but a "single adjustment" to the talking points and that it was merely "stylistic.") Undeterred, Carney insists he stands by his statement. In fact, an emboldened Carney is now dismissing questions about the various scandals as analogous to birtherism. Yet the *New York Times*, rather than challenging the White House, is acting as its stenographer.

Indeed, ever since the September 11, 2012, attacks on the diplomatic outpost in Benghazi, most members of the elite media have done everything in their power to make the story disappear—despite malfeasance before and during the lethal assault; despite the president and others repeatedly misleading the American people after the assault; and despite the demotion of a distinguished public servant, Gregory Hicks, for daring to challenge the Obama administration's false account.

Journalists have been more critical of the administration in the IRS and Justice Department-press stories. But even there the criticisms of the president and his top advisers have been relatively restrained. And certainly the intensity of the coverage has been far less than if this were occurring under a Republican president.

Some of us recall the gleeful rush to judgment—the political bloodlust—that swept over the press during the investigation by Patrick Fitzgerald during the George W. Bush presidency of an incident in which there was no underlying crime and which pales in comparison to the gravity of the Benghazi scandal. (Not only did no one die in the Valerie Plame episode, but she and her husband became celebrities.)

So what explains the media's

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abstemiousness when facing such glaring examples of dissembling, intimidation, and abuse of power? Three things. The first is journalistic enchantment with Barack Obama that began for some in 2004, for many others in 2008, and has never really gone away. When they look at the president and his top advisers, they see a reflection of their own background, education, and sympathies—and sometimes they see their former colleagues and even family members. The media therefore give the administration the presumption of good faith. If scandals did occur on Obama's watch, it was simply because he wasn't as engaged as he should have been.

A second reason is rooted in the attitude many journalists have toward Barack Obama's political opponents. They judge Obama well because they view his critics with contempt, which is why journalists are working so hard to make these scandals about GOP partisanship and overreach. Why else would the *New York Times* use a headline that reads: "I.R.S. Focus on Conservatives Gives GOP an Issue to Seize On"?

A third explanation is that the vast majority of journalists are highly sympathetic to a large federal government, and they know where these scandals, if pursued vigorously, will lead—to a further deepening distrust of government. A new Fox News poll shows that more than two-thirds of voters feel the government is out of control and threatening their civil liberties. Journalists are aware that these scandals have the potential to deal a devastating blow to their progressive ideology, which is why they will downplay these stories as much as they can.

The press at its best, Walter Lippmann wrote, "is like the beam of a searchlight that moves restlessly about, bringing one episode and then another out of darkness into vision." But today's media, especially on the Benghazi scandal, have attempted to take something out of vision and return it to darkness. They want this story to vanish—though journalists owe allegiance to the truth. ♦

Taxes for Revenue Only?

The IRS's corruption has deep historical roots.

BY JAY COST

The news of the Internal Revenue Service targeting Tea Party groups has Americans spooked. We're supposed to be a republic, in which everyone is treated equally. So how is it that the federal government has abused so egregiously its taxing power, one of the most potent tools at its disposal?

This is a good question, and it's right to focus outrage on the Obama administration, including (and perhaps above all) on the president himself. Yet it would be a mistake to personalize this scandal too much, for the history of American tax policy is a long, sad record of political abuse, of which this recent wrongdoing is but the latest episode.

Some things never change.

Put aside the issue of legality—which does not necessarily capture the full scope of corruption—and we see the same story play out again and again: Since the earliest days of the republic, the political class has used the government's power to tax as a way to reward friends and punish enemies. And these parochial schemes always go hand in hand with the noble goals that public-spirited leaders articulate.

The first American to promote tax policy as a means to accomplish big ends was Alexander Hamilton. In his *Report on Manufactures*, written in 1791, Hamilton proposed a series of protective tariffs, duties, and other tax devices to direct capital toward the development of the country's largely undeveloped industrial base. The Jeffersonians staunchly opposed Hamilton's plans, but after the War of 1812 moderate Jeffersonians began promulgating the very same ideas. And Henry Clay's "American System" was a plan to use tariff policy to protect industry and use the proceeds to develop infrastructure.

But even this early there was a seedy underside to tax policy. The "Tariff of Abominations," passed in 1828, was the result of political miscalculation by the Jacksonian faction in Congress, which was angling to get its leader elected president. Jackson men proposed a tariff heavily favorable to the middle states (then the "swing" states of the nation) but hard on New England and the South. They expected those regions to unite against it, killing the bill but scoring Jackson political points with voters in Pennsylvania. But New England's members in Congress split on the measure, President John Quincy Adams signed it, and the consequence was grave damage to the Southern economy, as Britain reduced its cotton imports accordingly.

Over the course of the 19th century, especially after the Civil War,

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the protective tariff regime became a massive payoff to big business, which in turn supported the reelection of mostly Northern Republicans, who were its biggest backers. These campaign kickbacks became the grease of many Gilded Age political machines. In a series of muckraking essays called *The Treason of the Senate*, turn-of-the-century journalist David Graham Phillips outlined how many senators had struck bargains with industrial magnates. The leaders of the trusts would supply campaign contributions in exchange for favorable industrial policy—above all, protective tariffs.

The door swung both ways. Not only did the trusts become clients of the government; they also became its masters. In response to outrage over the corruption of the tariff laws, the Republican party in its 1908 platform pledged reform, which helped it retain the presidency and both chambers of Congress in that year's election. A bill lowering tariffs passed the House easily in 1909, but by the time it got through the Senate, Republican leader Nelson Aldrich of Rhode Island—whom Graham had derisively referred to as "the head of it all"—ensured that the final bill largely *raised* tariffs.

Widespread indignation over the abuse of the tariff system ultimately helped produce the Sixteenth Amendment, which legalized the income tax in 1913. Progressives of that era hoped the income tax would reduce the burden on consumers, especially poor farmers in the South and West, and increase the burden on the wealthy.

So much for that.

It's been a century since the income tax was implemented, and the tax regime of the United States is just as unfair and politicized as it has ever been. Start with the burden on average people: The typical 1040 nonbusiness filer spends 8 hours, or a full working day, just filling out the document. Business filers of the 1040 spend an average of 23 hours. All told, the nation spends 6.1 billion hours and $168 billion filling out its tax forms. A 2011 report from IRS watchdog Nina Olson stated, "If tax compliance were an industry, it would be one of the largest in the United States."

What's more, the federal government now learns answers to all sorts of personal questions. How many children do you have? What are their ages? How much did you pay in student loans this year? How much did you spend on health care? How much did you give to charity? To which charities did you give? And soon: Where do you get your health insurance? What ailments are covered? Americans 100 years ago did not have to reveal such intimate details to Washington, D.C., but nowadays most of us simply take this kind of invasion of privacy for granted.

And what of the tax breaks for special interests? They are, of course, plentiful in the tax code, so much so that both sides agree it is time to clean them out (something that happened just 25 years ago). The special favors in today's tax code remind one of Phillips's complaints more than a century ago:

> To relate the treason in detail would mean taking up bill after bill and going through it, line by line, word by word, and showing how this interpolation there or that excision yonder meant millions on millions more to this or that interest, millions on millions less for the people as merchants, wage or salary earners, consumers; how the killing of this measure meant immunity to looters all along the line; how the alteration of the wording of that other "trifling" resolution gave a quarter of a cent a pound on every one of hundreds of millions of pounds of some necessary of life to a certain small group of men; how this innocent looking little measure safeguarded the railway barons in looting the whole American people by excessive charges and rebates. Few among the masses have the patience to listen to these dull matters—and, so, "the interests" and their agents have prosperity and honor instead of justice and jail.

Is it any wonder that IRS agents abused their authority by targeting groups for political purposes? If anything, they simply followed Congress's lead—the tax code as it exists today is largely political in nature. The legislature, with the assent of the executive, gives payoff after payoff to this interest or that faction while the compliance burdens falling upon the whole country grow heavier and heavier. The republican principle of treating similar people similarly does not apply to the tax code as written by Congress.

A mere 100 years after the United States threw out the politicized mess that was the old tariff system, the new tax code is just as politicized, just as messy, and substantially more intrusive. History has repeated itself, and that says something about the nature of government.

Liberals complain about the inefficiencies and inequities of the free market. And, in some circumstances, their complaints are valid. An unregulated marketplace is not necessarily going to produce the social outcomes we consider just. This is why both sides agree on a basic regulatory regime; the differences between left and right are usually reducible to a debate over its size and scope. But the history of taxation in America demonstrates that the political marketplace can be just as inefficient and unfair, sometimes even more so. If the profit motive is not necessarily conducive to social harmony, neither is the reelection motive.

In light of this, maybe it is time for conservatives to rethink their approach to tax policy. Implicitly, many on the right still see the tax code in the same way that Hamilton and Clay did, as a wonderful tool to redirect social and economic outcomes for the betterment of all. But the history of American taxes demonstrates that the noble cannot exist without the ignoble, and the latter inevitably triumphs. For after the work of men like Hamilton and Clay is done, men like Aldrich invariably emerge to pervert public policy toward their own, selfish ends. And the Aldriches always seem to outnumber the Hamiltons and the Clays.

The rallying cry of small-government advocates in the late 19th century was a "tariff for revenue only!" They understood the kind of corruption that a complicated tariff or tax code inevitably breeds, despite the best intentions that the public-spirited might have. The IRS scandal demonstrates just how right they were. ♦

A Toxic Combination

Obamacare meets the IRS.

BY JEFFREY H. ANDERSON

Of all the scandals in his administration that President Obama knows nothing about, the one Americans find most appalling is the decision by the Internal Revenue Service to target the president's political adversaries. What's more, as subsequent congressional testimony has made clear, the IRS isn't particularly repentant about its actions.

One thing Republicans and Democrats should therefore be able to agree on is that this is no time to significantly *expand* the IRS's power. Yet that is exactly what will happen under Obamacare if no action is taken. A simple proposal: Remove the IRS from any role in implementing or enforcing Obamacare. It would be hard to argue at this juncture that the IRS is up to the job.

Such legislation has been introduced by Sen. John Cornyn (R.-Texas) and Rep. Tom Price (R.-Ga.). Price, a doctor, sensibly writes, "When it comes to . . . health care decisions, no American should be required to answer to the IRS—an agency that just forfeited its claim to a reputation of impartiality."

Under Obamacare, the IRS is set to acquire expansive new powers. A Treasury Department audit concludes that, of the "over 500 provisions" of Obamacare, nearly a tenth involve the IRS. The Treasury audit reads, "Implementation of [Obamacare] presents a major challenge to the IRS as [it] represents the largest set of tax law changes in more than 20 years and affects millions of taxpayers." As Treasury inspector general J. Russell George put it, "The IRS must ensure that all the information needed to accurately and effectively administer these provisions is provided by employers, insurers, and taxpayers," so as "to manage the burden placed on employers, insurers, and taxpayers who must comply with the various [Obamacare] requirements."

How impartially will the IRS do its job? According to the plain language of the Obamacare legislation, its taxpayer-funded subsidies (approaching $1 trillion over the next decade) can only flow into its state-established exchanges, not its federally established ones. The Congressional Research Service says that "this language seems to be straightforward on its face."

But instead of simply enforcing the law as written, the IRS has obsequiously deferred to the position expressed in other quarters of the Obama administration: that the textual language isn't binding. After all, only 17 states opted to run their own exchanges. Accordingly, the IRS has ruled that federally established exchanges will get the money as well. (Legal challenges are proceeding.)

Meanwhile, to exercise its newfound powers under Obamacare, the IRS has requested $440 million and 1,954 additional full-time equivalent employees for fiscal year 2014. That's just for its Obamacare operations. Viewed in a certain light, this seems a reasonable request—for the taxman will be busy. According to the Congressional Budget Office, the loot that the IRS will be responsible for collecting over the 10-year span from 2014 to 2023 will total $1.2 trillion. That tally is solely for Obamacare taxes and penalties.

This total includes penalties on Americans who refuse to purchase federally approved health insurance. (Thanks to last year's decree by Health and Human Services secretary Kathleen Sebelius, such insurance must include "free" coverage of birth control, sterilization, and the abortion drug ella, but not "free" heart medicine, cancer treatments, and the like.) It also includes penalties on businesses and charities that refuse to offer such federally approved insurance, as well as taxes on high-premium insurance plans, taxes on hospital insurance, and taxes on medical equipment.

Under Obamacare, however, the IRS will move beyond the realm of simple tax collection. To quote from the Treasury audit:

> Section 9007 [of Obamacare] requires charitable hospitals to conduct a community health needs assessment at least once every three years and adopt an implementation strategy to meet the community needs identified through the assessment. The IRS is responsible for reviewing, at least once every three years, the community benefit activities of each hospital affected by this provision.

So the judge of whether hospitals are meeting community needs will be the IRS. What could possibly go wrong? (On the heels of Sebelius's earlier decrees, one wonders how the IRS will treat Catholic hospitals.)

The Treasury audit also notes that the IRS will be responsible for ensuring "that tax credits for cellulosic biofuel are not allowed for fuels with significant water, sediment, or ash content." Yes, that's covered by Section 1408 of Obamacare. (Not for nothing is it 2,700 pages long.)

Obamacare will require workers—against the established norms in this country—to divulge their entire household income to their employers. It will also require all citizens to divulge specifics about their health insurance to the IRS. The IRS will need to know what kind of insurance you have, and it will need to know what it covers. Only then will it be able to decide whether to penalize you.

Moreover, Obamacare will require Americans to update the IRS regularly on what's going on in their lives.

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Marriages, divorces, job changes, moves, pay raises, even changes in numbers of hours worked—these are all things on which the IRS will expect to be kept well informed. During congressional testimony last summer, Rep. Tim Walberg (R.-Mich.) asked IRS official Nina Olson, "Do you believe that most Americans are going to update the IRS or state exchanges when they change jobs, get married, move states, whatever?" "I think it's going to be a very great learning curve," Olson replied. "I think it will be a surprise to taxpayers if they don't update their information."

As it collects data on potential violators of Obamacare's coercive mandates, the IRS will be aided by the creation of a new Federal Data Services Hub, which will allow information to be collected and shared between the Department of Health and Human Services, the Department of Justice, the Department of Homeland Security, the Social Security Administration, the several states, and the IRS. As if enough privacy concerns weren't raised by this, HHS has contracted with a private company—Quality Software Services, Inc., a subsidiary of UnitedHealth Group—to help build and police Obamacare's exchanges. So it won't just be government entities that have access to Americans' sensitive data.

And who will be the director of the IRS's Obamacare office? None other than Sarah Hall Ingram, who has lately been in the news for her work running the IRS office responsible for tax-exempt organizations between 2009 and 2012, ground zero for the IRS's heavy-handed treatment of Tea Party organizations.

As detailed in the Treasury audit, the IRS National Headquarters Affordable Care Act Office isn't really just one office. It actually comprises three program management offices (PMOs), four executive steering committees (ESCs), and various "Services and Enforcement Exchange Working Teams." The four functional ESCs and the working teams will report to the PMOs, which in turn will report to the IRS ACA executive steering committee. No doubt President Obama and his subordinates will keep close tabs on the actions of these entities and hold them accountable long before the press uncovers any misdoings. But, just in case, it might be helpful to keep this organizational map handy in the event the IRS comes asking about your health care.

The only way out of this mess—short of full repeal, which will have to wait until a Republican presidential candidate advances a meaningful alternative, makes that the centerpiece of his campaign, and wins the presidency—is to eliminate the IRS's role in implementing and enforcing Obamacare. Whatever thoughts most Americans might have about the appropriate way to provide medical care, they presumably center on their doctor, not the taxman. On both sides of the aisle, it's time for Congress to show similar reasonableness—and disentangle the IRS from our health care system. ♦

Barnstorming for Jobs and Growth

Rick Perry promotes the Texas Miracle.

BY FRED BARNES

Austin, Texas

When President Obama arrived in Austin three years ago, Texas governor Rick Perry greeted him with a four-page letter asking for help in securing the border with Mexico. "He was not particularly enthralled with my theatrics," Perry says. The president didn't bother to respond. Perry heard later from a White House aide.

Obama returned to Austin in early May on the first leg of his new "Middle Class Jobs and Opportunity" tour. This time Perry met him at the airport without delivering a message. Instead he put an ad in the *Austin American-Statesman*: "Mr. President—Take a look at our successful 'Texas Model.'"

Obama may ignore that advice, but Perry says Obama must be aware of the state's booming economy. "He wouldn't have come here if he weren't aware of the success," Perry told me. "Where do you start your jobs tour in America? You go to the most successful place in the country. That's Texas."

Perry has no illusions about converting Obama to the free market, small government model that's worked in Texas. "The president is not the most open individual in the world when it comes to looking at another point of view," he says. Obama "is a true believer in socialist policies, and to take a step away from those would be devastating to his psyche."

So forget Obama. Perry, in his 13th year as governor, has begun a bigger crusade to persuade the country that what has worked in Texas and other Republican-led states will work everywhere. "I want to engage America in this blue state / red state discussion," he says. This may sound grandiose, but he's not kidding.

Rick Perry welcoming the president, 2010

He started by going to California in February and Illinois in April, heavily Democratic states with two of the worst economic records in the country. He urged business leaders to pack up and move to Texas, where they'd thrive because of pro-business policies in place for a decade. "We keep our taxes low, our regulations reasonable and effective. We've implemented lawsuit abuse reforms and cultivated a world-class workforce," he explained in an op-ed in the Austin paper when Obama was in town.

In California, Perry touched off a four-day tour across the state with $24,000 worth of radio ads. "Building a business is tough, but I hear building a business in California is next to impossible," he said in the ads. "I have a message for California businesses: Come check out Texas."

Perry's visit irritated California governor Jerry Brown. Brown called the ads "barely a fart." Then he turned snarky. "A lot of these Texans, they come here, they don't go home," Brown said. "Who would want to spend their summers in 110-degree heat inside some kind of a fossil-fueled air conditioner?" Brown's remarks backfired. The Perry tour became big news.

A similar scenario occurred two months later in Illinois. Perry's radio ads advised businesses to "get out while there's still time. . . . [The] escape route leads straight to Texas." In Chicago, Perry toned down his pitch at a biotech conference. "When people think of Texas, they tend to think football, great barbecue, and a gushing oil well in everyone's backyard," he said. "We've created a fertile climate where innovators are free to create and nurture their ideas and where government stays out of the way."

Gov. Pat Quinn and Chicago mayor Rahm Emanuel were incensed. "We don't need any advice from Governor Perry," Quinn said. "His state, frankly, is water challenged, and any company thinking of going to Texas better check on the water." That was his best argument. Emanuel ribbed Perry about his failure to recall, during a presidential debate in 2012, a third federal agency he would eliminate: "I hope when he comes he remembers all three of his reasons."

Perry got the best of the argument in both states. Emanuel bragged about attracting new businesses, but the jobless rate in Illinois was 9.3 percent in April, while it was 6.4 percent in Texas and 7.5 percent nationally. California's unemployment rate was 9 percent.

Quinn and Emanuel couldn't match Perry's case for Texas, a right-to-work state with no personal income tax. Illinois recently hiked its state income tax from 3 percent to 5 percent. The top rate in California is 13.3 percent.

And in ranking after ranking, Texas is at the top for business climate, fastest growing cities, and job growth. California and Illinois are at

AP / CAROLYN KASTER

Fred Barnes is executive editor of The Weekly Standard.

the bottom (as is Texas for the share of the population uninsured, and near the bottom for poverty). The Perry message impressed Gavin Newsom, the California lieutenant governor. "Perry's getting exactly what he wanted," he told a radio station. "He's getting all kinds of press . . . because he's leaning in. He's in the game. He's getting in our heads."

In Texas, he's gotten a boost from an unexpected source, Erica Grieder, a writer for *Texas Monthly*, in her new book, *Big, Hot, Cheap and Right: What America Can Learn from the Strange Genius of Texas*. Republicans, she wrote recently, "are right to defend the Texas model. The data is pretty hard to deny; either the model's been working or it's a hell of a coincidence."

Grieder knocks down many of the liberal complaints about the Texas boom. The new jobs are mainly low-paying? From 2001 to 2011, "fully 45 percent were in the upper-middle and upper quartiles." The state's dependent on the federal government? In the 1990s and 2000s, "Texas was one of the handful of states that sent more money to Washington than it received in return. Cheap we may be, but at least we're not hypocritical."

Where does all this leave Perry, the politician? He's 63 and hasn't ruled out running again. He could run for reelection as governor in 2014 or president in 2016—or both. But given his flop as presidential candidate last year, when he entered the race late and proved to be unprepared, it's unlikely he'd seek the governorship again as a prelude to running for president. He has nothing to gain from more time in the governor's mansion.

But if it's the White House that interests him, he'll have a great theme that could, if all goes well, offset the memory of his poor performance in 2012. The Massachusetts Miracle propelled Michael Dukakis to the Democratic presidential nomination in 1988. Perry would tout the Texas Miracle. And unlike the Massachusetts Miracle, it would have the advantage of being true. ♦

NEWSCOM

The Brezhnev Doctrine, Iran-style

Tehran pulls out all the stops to win in Syria.

BY ELLIOTT ABRAMS

Funeral in Lebanon for a Hezbollah member killed while fighting in Syria

Grasping the realities of the Middle East is never easy. This is not primarily because they change quickly, but because so much time, effort, and money is spent to prevent reality from breaking through. Fifteen Saudis kill 3,000 Americans on 9/11, so the Saudis spend even more millions to persuade Americans they are friends and allies. Egypt under Hosni Mubarak presents itself as the very model of stability. There is a vast industry presenting the Israeli-Palestinian conflict as requiring only some tough American pressure for Israeli concessions before peace breaks out—not only for the Palestinians but the entire Middle East, whose central problem this is alleged to be.

Our own government has a hard time too. It took George W. Bush enormous effort to break through the false descriptions of the war in Iraq his own generals were giving him, and to insist on the surge so that we did not lose the war. When in 2007 Israel proved to us that North Korea was building a nuclear reactor in Syria, unconnected to any electric grid and obviously part of a nuclear weapons program, the CIA would only say officially that it had "low confidence" of this, because it had not only missed the reactor but could not find the other parts of that program. How many secretaries of state have seen Syria's Assad as a potential "reformer," spoken of their admiration for Mubarak, or seen an Israeli-Palestinian peace only "inches" away?

With this background, it is not so shocking that we are not grasping the reality facing us in Syria. That reality is a humiliating defeat of the United States at the hands of Iran and Hezbollah, aided by Russia, in a manner that destabilizes and weakens

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all our allies and our influence in the Middle East, emboldens our worst enemies, and has a significant geopolitical impact.

The "prudent" approach the Obama administration is taking is detached from reality and (this is the only good news) backed by a decreasing number of supporters. It might be summarized as follows:

"Syria is a humanitarian tragedy, but there are no good answers. It is so complex. The rebels are such a mixed bag; there are thousands of jihadists, so how can you really support giving arms to that side? You'd never know who was getting them. And we don't want to raise the level of violence. We do support them; we give them money and other things, and we are in contact all the time with them through our embassies, and now through the CIA too. The answer here is to persuade the Russians that Assad must go in the end, and get them to ease him out; those discussions with the Russians continue. Lots of countries have interests here and they need to be balanced. American intervention would be a nightmare; after all, the Syrians have a very developed air defense system and we could lose pilots. And in the end Syria will be a mess. Anyway, what legal basis do we have to intervene, without a Security Council resolution?"

The administration has been saying this sort of thing for two years now, changing the talking points when useful (for example as the number of jihadists grew, despite the fact that they grew because Sunnis were being slaughtered by Shiites and no one was acting to help them defend themselves). When reality appeared to contradict its line—when for example the president established a red line on chemical weapons, and the Assad regime crossed it; or when the Israelis repeatedly attacked Syria and did not lose any planes—the administration stuck with the line. Reality was not permitted to change U.S. policy.

That may yet happen. One reality the administration appears to be wrestling with is the impact on Jordan of a million refugees, a number that could be reached in a few months. More chemical weapons use by Assad might embarrass the president into action, as might more Israeli air attacks. But so far, *nothing*—and certainly not the mere fact of 80,000 dead and 1.5 million refugees and millions more displaced persons inside Syria—has moved him.

Compare now the Iranian/Hezbollah approach of shipping arms and fighters, while Russia provides protection at the U.N. The humanitarian toll doesn't interest them. What interests them is *winning*. Look at it from their point of view:

"We cannot afford to lose this one. A Sunni government in Syria would align with Turkey or the Gulf Arabs or the West, or some combination of them, against us. The bridge between Iran and Hezbollah would be lost. Hezbollah would be badly weakened, thus weakening our ability to threaten Israel. Israel would be more likely to attack our nuclear sites for this very reason—because it would think Hezbollah and Iran are weaker. Our influence in Iraq would fall too. People would say the rise of Iranian and Shia influence in the region was now over. Hezbollah's enemies in Lebanon, the Sunnis above all, would be energized. People would realize Russia is no match for the Americans. So we must win, and we will dedicate to winning any resources that are needed. As to the humanitarian toll, we don't care about Sunnis in Syria, or about weakening Turkey or especially Jordan; in fact, those would be nice side benefits from the struggle in Syria. There is only one point here: Do we win or do we lose? We have decided to win."

Three news stories last week illustrate this. From the May 22 *New York Times* we learned that

> Qassim Suleimani, the Quds Force commander, recently ordered Iranian artillery and armor officials to help Mr. Assad's regime, American officials say. And Mr. Suleimani has also requested that several hundred fighters from Asaib al-Haq and Kataib Hezbollah, two Iraqi Shiite militias that have been trained by the Iranians, join the war effort in Syria, according to officials familiar with the intelligence assessments. Iran is heavily involved in training thousands of members of Mr. Assad's militia, the Jaish al-Sha'bi, including in Iran.

The *Washington Post* reported on May 21 that "Iran has sent soldiers to Syria to fight alongside forces loyal to President Bashar al-Assad and those of the Lebanon-based Hezbollah militia, a senior State Department official said Tuesday. An unknown number of Iranians are fighting in Syria, the official said, citing accounts from members of the opposition Free Syrian Army, which is backed by the United States."

The *Economist* in London reported,

> Mr Assad's allies, Iran and Hizbullah, the Lebanese Shia movement, have backed the regime with more dedication than the Gulf Arab and Western states have helped the opposition. . . . Hizbullah and the Iranian al-Quds force are helping to train a new "national defence force" of 50,000 drawn from the mainly Alawite militias. Recent sectarian killings in and near the port of Banias suggest a plan to cleanse some of those areas of Sunnis. Hundreds of them have been killed in what seem to have been premeditated massacres.

A good summary of where things stand: They have decided to win, and we have not.

Prudent voices will say that "winning" is a ridiculous concept in the context of Syria today. Not to Hezbollah and Iran it isn't; "winning" means Assad stays in power. So far, so good for their side. Many people (myself included) did not think the regime would last this long, but that miscalculation was due to underestimating the willingness of Iran and Hezbollah to make this their fight, by sending unlimited quantities of money and arms, and then sending thousands of fighters. And due to a further miscalculation: thinking that with this high a humanitarian toll, and the rising threat to stability in Jordan, and the violation of the chemical weapons red line, and the direct Iranian and Hezbollah role, the Obama administration would be forced *to do something serious*. So far, so bad for our side. The Islamic Revolutionary Guards Corps and Hezbollah probably wondered if we would really tolerate their sending an expeditionary force to Syria, which in effect they are doing. They have their answer now; we would.

This amounts to a kind of Khamenei Doctrine, in memory of the Brezhnev Doctrine. For those too young to remember, Brezhnev said this in November 1968 in Poland: "The weakening of any of the links in the world system of socialism directly affects all the socialist countries, which cannot look indifferently upon this."

This was stated three months after the Soviet invasion of Czechoslovakia, and the meaning was clear: No one leaves the Warsaw Pact and the Soviet camp. Today, substitute Shia for Soviet—and the Khamenei Doctrine holds that a country that is part of the Iranian security system, what King Abdullah of Jordan once called the Shia Crescent, will be kept in that system. At all costs. That is what winning means for Iran.

Are we going to accept that—coming now not from a global superpower with a gigantic nuclear arsenal, but from a Third World country of 75 million? Reality forces us to answer "maybe."

Iran's ayatollah does not suffer from our own problems grasping reality. Losing Syria would be a disaster for him, so he will do what he must to prevent it. Period. No hand-wringing, no worrying about the cost and the risks, no concern about the U.N. Security Council and its resolutions, no worries about the human toll. He wants to win and he understands that whether he wins or loses is immensely important.

Our own Syria policy seems based in wishes and speeches and worries, risk avoidance, politics, and conferences. It is no wonder we are losing, as we will continue to lose until the president and secretary of state grasp that the outcome in Syria is immensely important, that the entire world of our allies and friends and enemies is watching very closely and judging our level of comprehension and our willpower—and decide to win. ♦

Progressives with Bombs

The whitewashing of the Weather Underground

By Peter Collier

At one point in *The Company You Keep*, Robert Redford's new film about the residue of the Weather Underground, a character named Sharon Solarz is captured by the FBI after living under a series of aliases since her involvement in a Michigan bank robbery decades earlier in which a security guard was killed. Ruminating in her cell, she describes for a young journalist the moral dilemma people like her faced back then. They could either sit by and watch as America destroyed the innocent peasant culture of Vietnam or take arms against atrocity. She says decisively of her group's decision to go all-in against the war in Vietnam, "We made mistakes, but we were right," and then, after a beat, "I'd do it again."

At about the same time that *The Company You Keep* was being previewed, New York University announced that it was appointing Kathy Boudin, real-life model for the Solarz character, as a 2013 scholar-in-residence at the law school. It might have been called a harmonic convergence back when the Weatherpeople first made news with their Days of Rage, but since then the college campus has been well established as a rehab center for members of the sect looking to reenter the mainstream. Before Boudin (who, in addition to the NYU gig, has an assistant professorship at the Columbia University School of Social Work), Mark Rudd, Howie Machtingter, and, of course, Bernardine Dohrn and Bill Ayers, Weatherman's Bonnie and Clyde, all used university jobs to regain their footing as they resumed their pursuit of the revolution they once thought would be created by propaganda of the deed but concluded, after a few years of paranoid anonymity in the underground, might better be pursued through propaganda of the word.

Kathy Boudin was the hardest case. Still underground after the others had come up, she'd been the getaway driver in the notorious 1981 Brink's robbery in which one guard was murdered. After her getaway vehicle was stopped, she lured four Nyack policemen who arrived on the scene into an ambush where they were cut down by the other gang members' automatic weapons; two policemen were killed (including Waverly Brown, first black officer on the force). When she resurfaced after serving part of her murder sentence, she couldn't very well use the defense of other Weather Underground members that they had, after all, engaged only in victimless crime, or that they were just antiwar protesters, America having fled in ignominy from the Saigon embassy six years before Brink's. But the universities that brought her aboard not only offered respectability and a paycheck, but also, as writer Michael Moynihan has noted, purged her curriculum vitae of all its pungent factuality. NYU's press release announcing her appointment merely certifies that Boudin has been "dedicated to community involvement in social change since the 1960's."

Social change, in fact, is also what Weatherman is all about in *The Company You Keep*. Redford's character, Jim Grant, a former member of Solarz's cell who has long since said goodbye to all that and made a new life (under a false identity) as a public interest lawyer and single father to his 11-year-old daughter, is outed by her capture. He then goes on a quest to find Mimi Lurie (Julie Christie), his lover from the underground days who also was part of the Michigan bank job and has been hiding out ever since. She is the only person who can prove that he wasn't even there on the day the crime went down and thus help him keep the FBI from separating him from his child.

Grant's quest takes him into the gauzy world inhabited by comrades from 40 years ago—one of them a lumber yard owner still guarding the secrets of the old gang with the fierce loyalty that the film sees as a sign of the group's moral character; another is now a professor Grant finds in an Ann Arbor lecture hall discussing Marx (*quelle surprise*!) and then assigning Frantz Fanon for the next class session.

With their help, Grant finally meets with Mimi in a cabin in Upper Michigan, a love shack from their past. She is still committed to the cause and has no sympathy for his timorous second thoughts. They bicker about the way they were and the way they ought to be, and then, in a climactic scene, Mimi fiercely rebukes Grant's bourgeois obsession about what will befall his daughter if he is arrested. She ends her little tirade by saying, as if she has stumbled on something profound, "I still believe in change!"

So when it comes right down to it, Weatherman didn't really have anything to do with bomb factories, bruising

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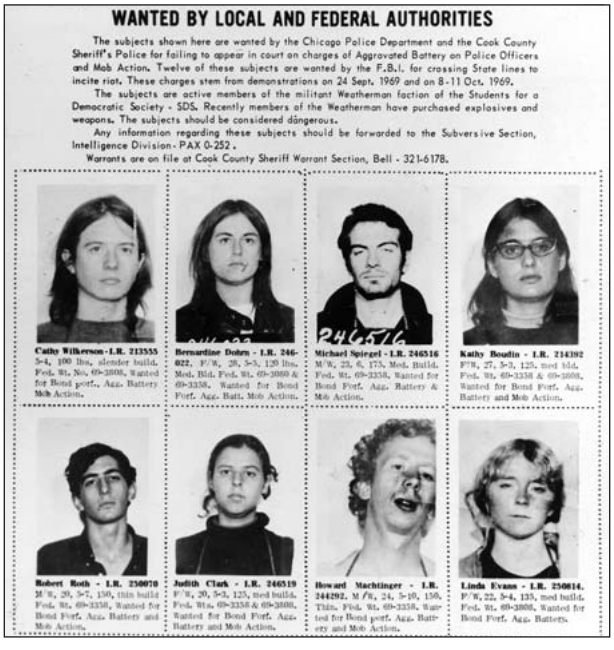
criticism/self-criticism sessions (Maoist "gut checks"), draconian intercourse assignments to break down the bourgeois possessiveness of monogamy, wool gathering sessions about which cop to kill or politician to kidnap, or fantasies about imprisoning capitalists in vast political reeducation centers in the Southwest when America was finally conquered and liquidating them if they refused to recant. No, it was about change—premature Obamaism.

In a promo for the film with the *New York Times*'s David Carr, Redford says that he was "sympathetic" to the Weather Underground at the time, and understood its reasons for doing what it did, although he adds densely that he was also against their "turn to violence"—as if this group's ends and means were ever divisible. He says that like them he too had paid a price for his beliefs. No wonder then that he portrays them as Weather-beaten martyrs in this film. No wonder that he sees them as idealists who might have been driven temporarily insane by an obscene war but have managed somehow to recover their ideals during the gray ambiguity that has enshrouded them ever since.


WANTED BY LOCAL AND FEDERAL AUTHORITIES

The subjects shown here are wanted by the Chicago Police Department and the Cook County Sheriff's Police for failing to appear in court on charges of Aggravated Battery on Police Officers and Mob Action. Twelve of these subjects are wanted by the F.B.I. for crossing State lines to incite riot. These charges stem from demonstrations on 24 Sept. 1969 and on 8-11 Oct. 1969.

The subjects are active members of the militant Weatherman faction of the Students for a Democratic Society - SDS. Recently members of the Weatherman have purchased explosives and weapons. The subjects should be considered dangerous.

Any information regarding these subjects should be forwarded to the Subversive Section, Intelligence Division - PAX 0-252.

Warrants are on file at Cook County Sheriff Warrant Section, Bell - 321-6178.

Cathy Wilkerson - I.R. 213555 5-4, 100 lbs., slender build, Fed. Wt. No, 69-3000, Wanted for Bond forf., Agg. Battery Mob Action.

Bernardine Dohrn - I.R. 246-022, F/W, 26, 5-3, 120 lbs., Med. Bld. Fed. Wt. 69-3000 & 69-3358. Wanted for Bond Forf. Agg. Batt. Mob Action.

Michael Spiegel - I.R. 246516 M/W, 23, 6, 175, Med. Build, Fed. Wt. 69-3358, Wanted for Bond Forf. Agg. Battery & Mob Action.

Kathy Boudin - I.R. 214392 F/W, 27, 5-3, 125, med bld. Fed. Wt. 69-3358 & 69-3000, Wanted for Bond Forf. Agg. Battery and Mob Action.

Robert Roth - I.R. 250070 M/W, 20, 5-7, 150, thin build Fed. Wt. 69-3358, Wanted for Bond Forf. Agg. Battery and Mob Action.

Judith Clark - I.R. 246519 F/W, 20, 5-3, 125, med build, Fed. Wt. 69-3358 & 69-3000. Wanted for Bond Forf. Agg. Battery and Mob Action.

Howard Machtinger - I.R. 244292. M /W, 24, 5-10, 150, Thin. Fed. Wt. 69-3358. Wanted for Bond forf. Agg. Battery and Mob Action.

Linda Evans - I.R. 250814. F/W, 22, 5-4, 125, med build. Fed. Wt. 69-3000. Wanted for Bond Forf. Agg. Battery.

AP/ CHICAGO POLICE DEPARTMENT

Someday, they'll all be hanging out in faculty lounges.

Weatherman was always radical, but how did it become chic? How did this group—proudly totalitarian in its day—get mainstreamed without ever having to undergo denazification? Why has it been allowed a rehabilitation without evincing at least a token of remorse?

The group has profited greatly from the time-lapse atonement our culture offers free of charge to those who simply hang on. Weatherman has no doubt also benefited from the leftward drift of our political world over the last 40 years, especially the etymological waterboarding of the term "liberal" to make it describe the radicals who killed authentic liberalism in the '60s and then inhabited its corpse and claimed that it had always been them anyhow.

But it is also true that this sect, which was about nothing if not the triumph of the will, has created its own redemptive myth. Forty years ago, it might have been expected that the central architect of Weather revisionism would have been Bernardine Dohrn, the sensual face of the group from the moment it became news; the queen bee who maintained internal power by adroitly dispensing her royal jelly among all the jostling males of the group; the group's sayer of the unsayable, as in her infamous reaction to the Manson murders: "Dig it! First they killed those pigs, then they ate their dinner in the same room with them, then they even stuck a fork into the pig Tate's stomach. Wild!"

But today, while Bernardine is the lawyer, it's her husband Bill Ayers who has successfully constructed, over time, the brief accepted by Redford and others that argues, all facts to the contrary, that Weatherman was not a terror group at all, but the last of the just.

Ayers was the first to understand that the universities, dominated in the 1980s by those who had failed to burn them down in the 1960s, could provide a rat line back to the real world. Weatherman had already pioneered the ideology about race, class, gender, and national evil that was finally taking over the academy, and when he surfaced in 1980 (unprosecuted because of irregularities in federal surveillance), he saw that someone like him could use that ideology as protective coloration when resuming the long march.

Briefly a teacher in a Summerhill-like school in his early radical years, Ayers enrolled at Columbia University's Teachers College in 1984 and embraced the "critical pedagogy" that was just then taking over the formation of teachers. This movement, as Sol Stern has pointed out in *City Journal*, charges that public schools reinforce the "oppressive hegemony" of the capitalist order, creating a sinister ideological tape loop that can only be destroyed by a "transformative" curriculum of "social justice." With gurus such as Brazilian Marxist Paolo Freire urging on a radicalism that "does not conceal but proclaims its own political character," critical pedagogy slowly infiltrated leftist ideas into every aspect of classroom teaching, including science and math, and created a prime hitchhiking opportunity for someone like Ayers, who already spoke the lingo.

He got his Ed.D., peewee version of the Ph.D., which led to a teaching job at the University of Illinois, where he began to pursue his old ideas by other means. He began writing and became general editor of a series of

teaching-for-social-justice texts (a couple of them best-sellers) that were regarded as cutting edge by his new colleagues. By the mid-1990s he had established himself as an "education reformer" whose academic credibility, combined with his family connections, helped root him in the rich political humus of Chicago's bien-pensant left.

But all this was just prologue for Ayers's Big Project—constructing a counter-narrative about Weatherman that provided the script Sharon Solarz is reading from when she says in *The Company You Keep* that her cell of criminal revolutionaries was right, whatever mistakes it might have made.

Having spent years practicing on his students, Ayers makes the case with hyperthyroid fervor in his 2001 memoir *Fugitive Days*. He dramatizes himself as born in the U.S.A., a resident of white-bread America whose father was CEO of Commonwealth Edison in Chicago. He was a jock and a girl chaser and a frat boy in the making. But like others of his generation, he also had existential appetites and sensed the allure of alienation. Like them, he heard a beguiling voice in films such as *The Wild One* (where Marlon Brando, leader of a motorcycle gang terrorizing a small California city, announces the advent of the '60s when a girl asks him what he's rebelling against and he answers, "Whaddaya got?"). Finding authenticity in the civil rights and antiwar movements, Ayers tells how "Become who you are" was his credo and "Never let your life become a mockery of your values" his commitment.

Fugitive Days has other such moments of self-dramatization. Assuming his new occupation of activist, Ayers enthuses: "I bounced out of bed most mornings wondering how I could . . . embody justice and enact democracy." And in anticipation of one of the early street actions where violence was in the air: "I was about to personally disrupt this war, and I tingled all over." He also expresses, in moist prose, a generation's narcissistic certainty of its own world historical "specialness, the exceptional good luck at being young and eager to take on the waiting world. . . . So much was in such desperate need of repair, after all, and here we were, expectant, intent, hot with a desire to know and to do. To live."

He and his comrades were ready to begin the reconstruction project, but the politicians continued on their murderous course in Vietnam, which left the radicals no alternative but to go from *The Wild One* to *The Wild Bunch*. In 1969, a small core committed to the idea of "doing it" formed Weatherman, which both epitomized and euthanized the New Left, and resolved not to draw back from the brink of revolutionary violence where the rest of the Movement had halted. They went to war against Amerikkka without a second thought: "I was already a rebel and I would now become a freedom fighter."

Embracing the identity of "vandals in the mother country," Weatherman intended to slough off "white skin privilege" and open up "a front behind enemy lines and fight side by side with Black people." But only a handful of black criminals joined them, and in any case, their plans ran afoul of the Greenwich Village Townhouse Explosion in the spring of 1970, in which three Weatherpeople died while building a nail bomb meant for a dance at Fort Dix for 18-year-old draftees headed ultimately to Vietnam. Among the dead was Ayers's then-girlfriend Diana Oughton, identified by the fingertip that was all that was left of her; one of the two survivors was Kathy Boudin, who fled naked from the blast, never looking back on the journey that would lead her to solidarity with the mad dog Black Liberation Army a decade later and a murder rap for the Brink's job that her father, Leonard Boudin, Communist consigliere to the old and new left for four decades, got his attorney friend Leonard Weinglass to whittle down to second-degree and 20 years.

The Townhouse established their street cred as people whose acts were consequential. (In *Fugitive Days*, Ayers visits the haunting void where the building once stood and allows it to summon up for him the hallowed dead, a Weather version of Arlington.) But it also was a cautionary tale. The group's internal dynamics had always been based on the gut check, but in the explosion they had gut checked themselves.

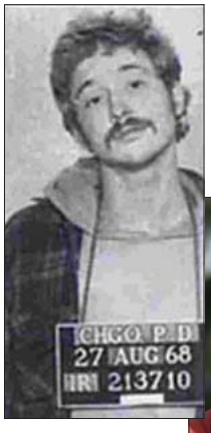
Without the emotional impediment of the Townhouse, they might have taken the course of their continental cousins—the Red Brigades in Italy and the Baader-Meinhof Gang in Germany. But instead, they decided that the prudent course was to stay put in the toy department of terrorism. Although Ayers ostentatiously mourns his loss, the tragedy provided him an important arguing point: The group only killed its own. He also threw the dead martyrs under the bus by implying that the bomb-makers were a faction; them, not us.

Following the Townhouse was the Underground—years of bombing runs, minimum wage jobs, cheesy disguises, and shabby apartments filled with the sour odor of fermented Vietnamese fish sauce which Ayers romanticizes as the time they learned to love their country again by discovering the *real* America of John Brown, Crazy Horse, and Denmark Vesey: "We disappeared then not from the world, but into a world, a world of invention and improvisation, a romance of space and distance and time, an outpost on the horizon of our imagination."

Brent Staples was one of the few reviewers not to fall for it. Writing in the *New York Times*, which otherwise has been a megaphone for Ayers and Dohrn over the years (most egregiously in a 1993 article

showing Bernardine as just another harried soccer mom, making healthy snacks and ferrying the kids Zayd Osceola—named for the Black Liberation Army soldier Zayd Shakur and the Seminole insurgent—and Malik Cochise—named for Malcolm X and the Apache guerrilla fighter—to all their events in a battered used car while also keeping up the fight against sexism), Staples nailed *Fugitive Days* as "partial telling [that] reaches fraudulence."

Yet he misses the point. While Ayers is a mythomaniac in love with his own story, his intention is never to see his life steadily and see it whole. (He states puckishly in the text that his memory is fuzzy on how and where they set their bombs and certain other matters.) The book's real purpose is to establish the talking points that would provide a second coming for Weatherman.



Bill Ayers, then & now

First, however "excessive" some of the things they did might have been, the body count in Southeast Asia made their actions penny ante by comparison. Six thousand Vietnamese died every week, Ayers repeats over and over in the book and in all the public statements since. In his chop logic, Weatherman could have had a body count of 5,999 and still been morally ahead. (That more people were killed in Southeast Asia in the first 3 years of the Communist peace than in all 13 years of the anti-Communist war goes unmentioned.) Vietnam is for him as God is to Voltaire: If it hadn't existed he would have had to invent it, because in comparison to the napalmed villages, the families destroyed, and the bodies mutilated, what he and his comrades did was child's play.

Second, in their days in the Underground, they behaved with restraint, destroying only property, not people. ("Even with justifiable rage we simply didn't have it in us to harm others, especially innocents, no matter how tough we talked.") But it was not for lack of trying that there was no body count. As Emory professor Harvey Klehr has said, this argument makes a virtue of incompetence.

Third, and contingent on the other two, they were never terrorists but rather activists engaged in symbolic acts. ("Terrorists destroy randomly, while our actions bore, we hoped, the precise stamp of a cut diamond. Terrorists intimidate while we only hoped to educate.") This would be education *by any means necessary*.

Finally and most audaciously, they were no different from everyone else in the New Left, wanting only "to create a society more equal, more fair, more just, more caring"; if they were guilty of anything, it was a "grandiose innocence" in their delusive hope that they might actually help this heaven on earth come to be. But in fact, the rest of the '60s left was deeply suspicious or outright hostile to Weatherman, which is why it remained a cult instead of becoming a movement.

Yet Ayers always wants to give free rein to his imp of the perverse, even if it means undermining the truth he is trying to manufacture. (Not long after emerging from the underground, he said to me and my friend David Horowitz, when asked how he felt about escaping prosecution, "Guilty as hell, free as a bird, America's a great country.") And so, at the end of *Fugitive Days*, after writing his brief, he dedicates it to H. Rap Brown, Mumia Abu-Jamal, Leonard Peltier, etc.

Different in their wickedness, these individuals were all cop killers. And Ayers himself had tendencies in this direction back in the bad old days, if we are to believe *Bringing Down America*, a little-noticed book written in 1976 (and recently reissued) by Larry Grathwohl, who infiltrated Weatherman for the FBI. (He was eagerly accepted at first because he was a Vietnam vet and from a working-class family and therefore the authentic "other.") Assigned to one of its "affinity groups," he saw action in the streets and met many members of the Weather Bureau, Weatherman's ruling junta, notably Ayers himself.

In this unpolished book, Grathwohl describes the brain-dwarfing regimen—karate workouts, struggle sessions, bad meals, and sweaty spycraft to combat presumed surveillance. His cell aspired to be in the mold of the Uruguayan Tupamaros and used *The Minimanual of the Urban Guerrilla* as its guide. Other hard-edged parts of the Movement might romanticize the example of Nguyen Van Troi, the Viet Cong cadre who tried to assassinate Robert McNamara in 1963 (Tom Hayden named his son Troy after him), but Weatherman, always willing to step further into the abyss, fixated on the obscure Marion Delgado, a 5-year-old Italian with an Alfred E. Newman smile who set a concrete block on railroad ties in the 1940s and derailed a freight train. Their war whoop was "Marion Delgado: Live like him!"

Writing about Ayers before he became a public figure, Grathwohl portrays him as one part twerp and one part thug, a mephitic presence who blew through town every once in a while to browbeat the cadre into becoming sharper tools of necessity.

Grathwohl says that Ayers himself conceived the idea of blowing up the Detroit Police Affairs Association building the week before the Townhouse because this group was defending the three cops involved in the "Algiers Motel

AT RIGHT: JOHN KUNTZ / THE PLAIN DEALER / LANDOV

incident." He quotes Ayers: "We'll blast that f—ing building to hell and we do it when the place is crowded." When a couple dozen sticks of dynamite had been gathered, Grathwohl points out timorously that the patrons of the restaurant next to the building, many of whom were black, might be collateral damage. Ayers replies contemptuously, "We can't protect all the innocent people in the world. Some will get killed." (The bomb failed to go off.)

Ayers was always urging them to break on through to the other side: "Anybody can firebomb a police car, but we have to go beyond that stage."

These were the heady months before the Townhouse, when they were still ready to go all the way. At one point, according to Grathwohl, Ayers reproaches members of the cell for their lack of initiative: "It's a shame when someone like Bernardine has to make all the plans, make the bomb and then place it herself." This may refer to the February 1970 bombing of the Park Police station in San Francisco, where one cop was killed and another injured by an especially vicious bomb filled with nails and construction staples. It is still an open case. According to a detailed investigative report by the *San Francisco Weekly*, Ayers and Dohrn were targets of a secret 2003 federal grand jury investigation of the bombing, and in 2009 the San Francisco Police Officers union formally accused them of being involved in the attack.

Grathwohl's book unravels in advance the account Ayers wove in *Fugitive Days* 25 years later. Ayers's argument that the sect never killed anyone (except its own) is shown to hinge on accident, not intention, and has a rancid odor.

While *Fugitive Days* was celebrated, *Bringing Down America* quickly disappeared down the memory hole. Today Grathwohl speaks to small gatherings of ultra-right groups. Ayers speaks to the *New York Times*.

It was exceptionally bad timing, it seemed, when Bill Ayers, on the promotion tour for his memoir, was quoted in the paper's early edition on 9/11 as saying, "I don't regret setting bombs. I feel we didn't do enough." Apparently worried that Ayers would appear louche, the paper sent another reporter for a follow-up five days later.

The growing acceptance of Ayers's apologia for Weatherman was indicated by a 2002 PBS documentary on the Weather Underground that featured and flattered him and the others. He and his comrades had first had a starring role back in 1976, when Emile de Antonio made a documentary that didn't show them but recorded their self-obsessed voiceovers from an undisclosed location. The producers of the PBS show didn't have to bother with such huggermugger and showed a more mature version of Ayers and the others, while also noting on the program's website that they viewed this group as "filled with righteous anger" and driven by "the idealist passions that transformed them from college activists into the FBI's Most Wanted."

The rehabilitation project got a huge boost a year later from Neil Gordon, author of the surprisingly well-received novel on which the Redford film is based. Gordon used a cloud of witnesses to present a revisionist view of the Weather Underground and in his author's note thanks Ayers, whose intellectual fingerprints are all over the book.

One character says, for instance, that the Weathermen were "some of the biggest hearts and best minds of the times [who] put everything they believed into it" but were confronted by such illicit government power that it is natural they became "impatient." Others utter exculpating vacuities such as, "She might have believed in the wrong thing, but at least she believed," apparently unaware that the same might be said of Pol Pot. The Bank of Michigan job, where a guard was killed (by a mysterious Weather member, who, suspiciously like Larry Grathwohl, had been in Vietnam before joining the group and never fit in), is described as not one of the "normal" Weather actions in which "only property was destroyed."

Although Weather Bureau members Billy and Bernardine and Jeff Jones had made it clear in their 1974 underground manifesto *Prairie Fire*, dedicated to assassin Sirhan Sirhan and others, that the group was for "the violent overthrow of the bourgeoisie and establishment of a dictatorship of the proletariat," Gordon portrays them as the moral equivalent of Minutemen. His protagonist says, "In the '70s, for the second time since 1776, white Americans defending the ideals of democracy took up arms against our government." Another character associates the group with the country's most fundamental identity: "We came to partake of the American myth of the maverick, the last wild horses roaming free along a western frontier."

Barack Obama, who left Ayers twisting slowly in the wind along with Jeremiah Wright in 2008, also offered him a unique opportunity to complete his mission. Initially, the revelations about their relationship raised questions about Ayers's status as a mover and shaker in Chicagoland politics, although Mayor Richard Daley Jr. (whose father a younger Billy wanted to kill) let him off the hook by saying, "You judge a person by his whole life." Even so, having the media harrowing the old ground of bombs and bloodthirsty rhetoric that Ayers thought he had put behind him was not a good thing.

But Obama sidestepped his relationship with Ayers.

The two had worked together in the Annenberg Challenge and the Woods Fund—in the first, Ayers helped Obama get the job of giving away $50 million for education in Chicago, and in the second, he sat with Obama on a blue-ribbon board making large and telegenic grants to the downtrodden—and Bill and Bernardine had staged one of Obama's first fundraisers when he made a serious bid for power. When the president-to-be dismissed Ayers during the presidential campaign, despite all these links, as just "a guy in the neighborhood," probably an anodyne Alinskyite at this stage of the game, but in any case someone whose walk on the wild side had occurred when Obama himself was 8 years old, it created a new opening for Bill. If the true nature of Ayers's activities during the 1960s was seen as an academic question by the man about to be president, why should it matter to anyone else? If the future leader of the free world regarded him as worth knowing, why shouldn't Ayers's arguments about the true meaning of things be taken seriously?

The association with Obama gave him a platform to make his case again—at a time of his choosing—to an audience that was now paying attention. Soon after the votes were counted, Ayers was invited to write an op-ed for the *Times* in which his talking points, purged of worrisome details, are compressed into a form as canonical as the Nicene Creed:

> I never killed or injured anyone. I did join the civil rights movement in the mid-1960s and later resisted the draft and was arrested in nonviolent demonstrations. . . . In 1970, I co-founded the Weather Underground, an organization that was created after the accidental explosion that claimed the lives of three of our comrades in Greenwich Village [and] . . . took responsibility for placing several small bombs in empty offices—the ones at the Pentagon and U.S. Capitol were the most notorious—as an illegal and unpopular war consumed the nation. . . . It was not terrorism; we were not engaged in a campaign to kill and injure people indiscriminately. . . . We—the broad "we"—wrote letters, marched, talked to young men at induction centers, surrounded the Pentagon and lay down in front of troop trains. Yet we were inadequate to end the killing of three million Vietnamese and almost 60,000 Americans during a 10-year war.

It was a more serious tone than he had taken in the 9/11 interview, where, when asked if he'd do it all again, he said he didn't want to "discount the possibility." In this final version he makes himself a Where's Waldo somewhere among "the broad 'we.'" He and the other members of the Weather Underground were merely fish swimming in the sea of these people. Ayers felt confident enough that he even ended the piece with a little lecture on the dangers McCarthyism posed to the democratic process: "Demonization, guilt by association and the politics of fear did not triumph, not this time. Let's hope they never will again."

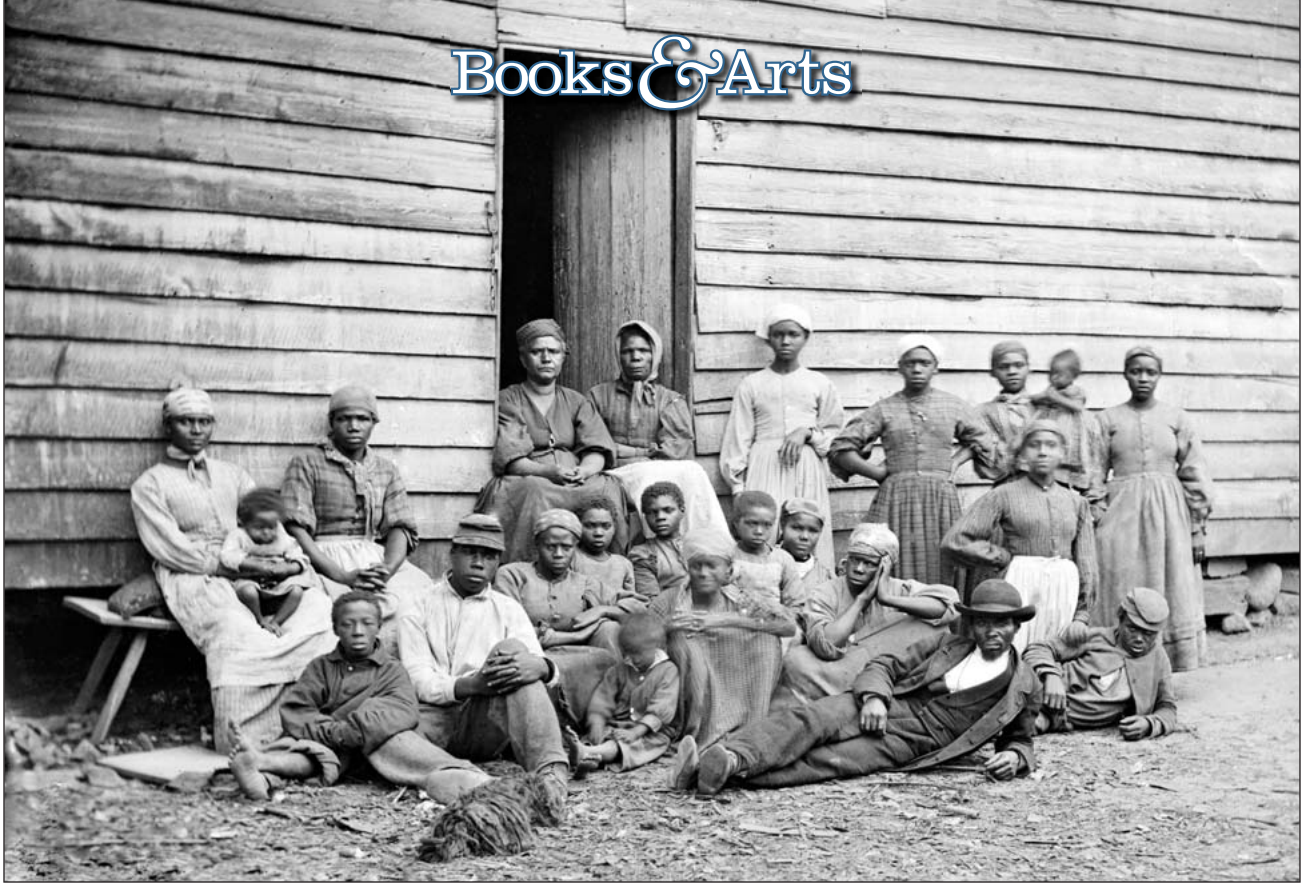
The *Times* approached Ayers again for a Q&A in 2009, in which the interviewer (who identifies herself as the daughter of a couple who were part of Weatherman) refers to him as someone who has engaged in a "long struggle against racism and social injustice." He jocularly accepts the compliment and says that indeed he remains a radical in the sense that he is always inclined "to go to the root of things." After badinage about the unpalatable Sarah Palin and what his children are doing, he tells the interviewer that he continues to be "a work in progress . . . living in a dynamic history that's still in the making." Giving flip and witty answers to the questions, he is, for the *Times* interviewer, quite a character.

And then came *The Company You Keep*, cherry on the whipped cream. The *Daily Beast* celebrated the opening by doing an interview with Ayers, as if he were part of the movie, noting the "parallels" between him and the character played by Redford. Bill is allowed to blithely distance himself from some of the things he and his comrades did when they were "stupid, naïve and young," and then to go on the attack against the Obama administration for its overreaction to North Korea. Having delivered his opinions on the continuing sickness of U.S. foreign and domestic policy, Ayers looks back with satisfaction at the past he has worked so hard to reconfigure: "People want me to say I really regret being in extreme opposition to the war, and I don't regret that. I'm happy for every cringing politician, every restrained bombing mission, and every piece of destroyed military property. I think it's all worthwhile."

The Redford film and this *je ne regrette rien* comprise his victory lap.

Largely because of Bill Ayers, Weatherman, having had its cake, now forces the rest of us to eat it. Like Sharon Solarz in Redford's movie, Bill would do it all again, even though he and his comrades, in his own version, never did it in the first place. Thanks to his perseverance, his little cult of violence has been reimagined as citizen activism in a legendary time when it was bliss to be alive and very heaven to be locked and loaded; veterans of a foreign war in which they functioned as a postmodern version of the Lincoln Brigade; lone survivors of a brave Thermopylae that sought to stop American imperialism in its tracks.

Having finally come home in the age of Obama, the Weatherpeople, it now turns out, were never really revolutionary criminals like Che, Huey, Ho, and all the other political riffraff they still heroize and name their children after, but merely progressives in a hurry. ♦



Liberated slaves—'contrabands of war'—at Cumberland Landing, Virginia (1862)

EVERETT COLLECTION

The Great Debate

Against slavery, as it happened. BY KEN MASUGI

Replete with stunning horror stories, as one would expect, this remarkable collection of antislavery writing astonishes nonetheless. For example: "Our first black President was a man of such distinguished talents, that none chose to risk their own reputation for discernment by not acknowledging it"—which is from an anonymous short story, not contemporary media fawning, published in William Lloyd Garrison's *The Liberator* on April 2, 1831.

Edited by James Basker, the illustrious president of the Gilder Lehrman Institute of American History, and on a chronological path marked by 216 selections and 158 authors, this is an essential collection for understanding the passionate debate over slavery that exploded into the Civil War.

American Antislavery Writings
Colonial Beginnings to Emancipation
edited by James G. Basker
Library of America, 848 pp., $40

Starting with the first antislavery protest of 1688, readers eventually arrive at Abraham Lincoln's Second Inaugural Address and the Thirteenth Amendment. Many of the most notable writers of the nineteenth century appear—from Emerson and Longfellow to Whitman and Melville—and we rediscover familiar names as authors of antislavery literature, such as Louisa May Alcott and her short story "The Hour," about a successful slave rebellion. Most of the excerpts are a few pages long—in some instances, they are page-long poems. Given the most pages, just under 50 pages each, are Harriet Beecher Stowe, Frederick Douglass, and William Wells Brown, who, in the editor's judgment, was "probably the most accomplished African American man of letters of the nineteenth century."

Providing brief but rich introductions, James Basker wisely brings us obscure writings rather than better-known and readily available ones. But there are risks in this approach: Omission of the most significant sources of antislavery thought (such as Jefferson's first draft of the Declaration of Independence and the Northwest Ordinance) and the editor's regard for literary and first-hand resources pushes out legal and political documents.

The injustice of slavery to the slave, the master, and the national character rubs us raw. We all know generally about these evils from reading Frederick

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Douglass, but this collection distills the horror in excruciating detail: from the kidnapping of Africans, to their journey through the Middle Passage, to the brutalities of slave life—including sexual exploitation—to their auctioning, and, for some, their escape to freedom, for others, subsequent return to their owners (or at least those who asserted ownership). We feel the depth and breadth of antislavery passions and arguments rooted in both Christian faith and natural law.

With two millennia of biblical knowledge and natural-right philosophy as a backdrop, Americans always knew that their slavery was a unique form of tyranny, and its earliest critics recognized its peculiar evil and its deadliness to the hopes of the New World. The early question, in the 1688 Resolutions of the Mennonites of Germantown, Pennsylvania, still abides: "[H]ave these negers [sic] not as much right to fight for their freedom, as you have to keep them slaves?" Just over a hundred years after the Mennonites, a survivor of the Middle Passage writes, "Hath not the African as good a right, / Deriv'd from nature to enslave the white?" Theodore Dwight, in a poem written for the *New-Haven Gazette* in 1788, has an African mother yell at a slave ship: "Christians! Who's the GOD you worship?"

The accumulation of brutality and calculation required to seize, transport, sell, buy, and manage slaves harried the founding generation. This habituation to evil eroded republican morals and industry, as Noah Webster noted in 1793. In Benjamin Rush's "The Paradise of Negro-Slaves—a dream" (1787), the departed describe the violence of their deaths. The black architect Benjamin Banneker may have authored a magazine article, under the signature of "Othello," arguing that slavery "should be abolished, particularly in this country, because it is inconsistent with the declared principles of the American Revolution." This logic Banneker later threw in the face of Thomas Jefferson, who could only politely respond by offering his best wishes. George Washington was well aware of the need for emancipation, writing to Robert Morris in 1786: "There is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of" slavery.

Sardonic Americans, such as Benjamin Franklin and his "translation" of a Muslim justification for slavery, echoed Montesquieu's satirical defense of racial slavery. Perhaps they also found inspiration in Shylock's speech justifying his contract for a pound of flesh by comparing it to a slave contract. (*The Merchant of Venice* was then the most frequently performed Shakespeare play in America.) Without slaves, as one author puts it, how can we have "rum to make punch to intoxicate us"? The black poet Phyllis Wheatley, referring to "natural rights," archly observes: "I humbly think it does not require the Penetration of a Philosopher to determine" the superiority of liberty to servitude. To teach a lesson about inflicting pain, one Quaker even temporarily kidnaps the son of a slaveholding friend.

Garrison's *Truisms* (1831) would later encapsulate such contradictions ("Our slaves must be educated for freedom. Our slaves must never learn the alphabet, because knowledge would teach them to throw off their yoke"), and two Quaker women published an antislavery primer for children: *A is an abolitionist. . . . H is the Hound. . . . S is the Sugar, that the slave / Is toiling hard to make, / To put into your pie and tea, / Your candy, and your cake. . . . W is the Whipping-post . . .*

Works of fiction expanded the collective imagination about slaves' potential. Douglass's only novel, *Heroic Slave*, portrays the crafty, historical Madison Washington, in anticipation of Herman Melville's *Benito Cereno*. The same anonymous author who sketched the first black president in Garrison's *Liberator* also imagines a successful civil war by blacks, with decisive intervention from Liberia and Haiti, the pleadings of black ministers for merciful treatment of whites, and demands for colonization or execution of former slaveholders. In addition to memoirs of slavery and slavetrading, William Wells Brown wrote a novel, *Clotel; or, The President's Daughter*, about "a fearful increase of half whites, most of whose fathers are slaveowners, and their mothers slaves." Brown observed, "Society does not frown upon the man who sits with his mulatto child upon his knee, whilst its mother stands a slave behind his chair." Behold a slave auction "at which the bones, muscles, sinews, blood, and nerves of a young lady of sixteen were sold for five hundred dollars," and her morality, intellect, Christianity, and "her chastity and virtue" would each raise the bidding by hundreds more.

Of course, the plain facts of slavery suffice to teach its evil. In one tragicomic recollection, former slave Henry Bibb describes how slaves were prepared for examination and sale. Literacy had to be denied, as educated slaves would be more eager to escape. Allowed by his master to seek a purchaser who might take him with his family north, Bibb is mistaken for a slavetrader, as many Creoles "set their mulatto children free, and make slaveholders of them." Another slave escaped by enclosing himself in a box and having himself sent to Philadelphia. Abolitionists would buy up slaves to free them.

Slavery besmirched the national character, as those of the founding generation continued to argue well into the nineteenth century. John Jay, proposing restrictions on the internal slave trade during the Missouri crisis, and John Quincy Adams, in advocating the release of slaves in the *Amistad* case, attempted to save the Founders' restrictions on slavery and the argument for universal, natural liberty. Jay would halt the "discordancy with the principles of the Revolution." In "The Two Altars," Harriet Beecher Stowe compares the altar of sacrifice of 1776 with that of 1850, which saw the fugitive slave laws passed as part of the Compromise of 1850. The founding generation's sacrifices should be compared with those of the slaves' loss of freedom. On the eve of the Civil War, Ralph Waldo Emerson sneers, "Who makes the Abolitionist? The Slaveholder," and he eulogizes John Brown as "the founder of liberty in Kansas." Two nations were forming in an increasingly divided house. Advocates for slavery, chastised by abolitionists' heated denunciations, began to proclaim the virtues of slave

society, and thus the Civil War came.

Does this collection of passionate voices obscure the most intelligent and efficacious ones? Abraham Lincoln forged an American response to slavery, joining Christian and natural law principles under the yoke of constitutionalism. Lincoln opposed slavery principally because it contradicted the uniquely American experiment in self-government. Hence, his Peoria speech (1854) refers to the Declaration of Independence as "the white man's charter of freedom"—meaning that it was in the self-interest of democratic republican white men to extend the logic of the Declaration to all people.

Lincoln's Second Inaugural Address transformed his First Inaugural's message of Southern responsibility for the rebellion into the American burden of slavery. But what we don't see here is Lincoln's calculated emancipation strategy. Nor do we see the abolitionists in their approval of Southern secession and their opposition to Lincoln in both presidential campaigns. We always knew slavery was wrong, but eliminating it was another order of challenge for the cause of liberty in America. ♦

B&A

One Writer's Bloc

Sometimes Janet Malcolm gets it right, and sometimes not. **BY PETER TONGUETTE**

Forty-one False Starts
Essays on Artists and Writers
by Janet Malcolm
Farrar, Straus and Giroux, 317 pp., $27

In his introduction to this new collection of essays by Janet Malcolm, Ian Frazier writes generously, if generically, that the book "brings together a wide range of pieces that display her unique skills." By the time we have finished reading *Forty-one False Starts*, however, Frazier's praise rings hollow. Malcolm's books are another matter; whatever else there is to be said about *The Journalist and the Murderer* or *The Silent Woman: Sylvia Plath and Ted Hughes*, they certainly display her versatility. But the 16 pieces collected here (most of which were first published in the *New Yorker* or the *New York Review of Books*) have a monotonous lack of variety.

On the surface, of course, Frazier's assertion is accurate: The book surveys a number of disciplines, including painting (David Salle), photography (Diane Arbus), literature (Edith Wharton), and even magazine editing (William Shawn). But as we work our way through the essays, and we start to see what makes Malcolm tick, her perspective becomes predictable. In her otherwise spirited defense of J.D. Salinger, for example, she reaches the unsurprising conclusion that, as Salinger sees it, most adults "cannot be counted on, will ultimately fail the child in the test of disinterest. The young must stick together; only they can save each other." This sentiment is bland enough when applied to Salinger, whose work cries out for a more contrarian interpretation; but the full force of its mushiness becomes apparent when echoed in a later piece on Cecily von Ziegesar's *Gossip Girl* novels: "What makes classic children's literature so appealing (to all ages) is its undeviating loyalty to the world of the child."

Never mind that *Gossip Girl* is not a classic of any sort; but when Malcolm further explains that "in the best children's books, parents never share the limelight with their children," we immediately begin summoning examples to disprove her. Surely she would not claim that, say, Harper Lee means to sideline Atticus Finch in *To Kill a Mockingbird*? What's more, by the time we reach the piece on *Gossip Girl*, we have already trudged through an exhaustingly thorough study of the works of Gene Stratton-Porter, giving us our fill of subpar young-adult literature for the day.

That these pieces share space with appreciations of more deserving figures presents a problem. How can we trust Janet Malcolm on J.D. Salinger or Edith Wharton when that same Janet Malcolm solemnly describes Cecily von Ziegesar as tackling "the indecencies of consumer society"? Frazier observes that "simply, and sensibly, Ms. Malcolm favors hewing to the subject's own words and surviving documents." Perhaps this explains her decision to invest such care and detail in her accounts of von Ziegesar and Stratton-Porter, but it does not explain her decision to write about them at such length. A quote from critic Barbara Rose (from an interesting but too-long piece on the former *Artforum* editor Ingrid Sischy) seems unintentionally relevant: "We felt that we had to make a distinction between Mickey Mouse and Henry James. There's a generation now that feels you don't have to make that distinction."

There is an insular quality to much of *Forty-one False Starts*. After all, how many books include, in succession, a review of a book by the son of the author's former editor, and an obituary of that same former editor? The editor is the *New Yorker*'s William Shawn, and her tribute, while heartfelt, includes these sentences: "He was an enchanting person and an Enchanter. He was our Mr. Chips and our Prospero. We have missed him and we will always miss him." Would her meaning be any less clear if she had compared Shawn only to Mr. Chips, and not to Prospero? In fairness, her review of Allen Shawn's memoir, *Wish I Could Be There*, is well-argued and incisive—but also self-revealing, as when she refers to the younger Shawn's "obsessive returns to already dealt with subjects." We know the feeling. Following her studies of the Shawns is a third effusive

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piece on a *New Yorker* writer, Joseph Mitchell, to whom—along with A. J. Liebling, Truman Capote, and John McPhee (points for anyone who can guess to which magazine these writers frequently contributed)—Frazier has already compared Malcolm.

That the best essays here concern the visual arts is undercut by the complete absence of plates. It would have been nice, for example, to see a few of Diane Arbus's *Family Albums* portraits to go along with Malcolm's precise, elegant, and enthusiastic descriptions. On the other hand, her title essay, about the painter David Salle, starkly illustrates the frustrations of Malcolm's approach of sticking closely to her subjects. Frazier explains that Malcolm, inspired by Salle's collages, "chooses a similarly nervous and impatient approach to describing him and his work, progressing by repetition, revision, erasure, and stopping whenever she feels she is heading into an area that might be sort of dead."

In other words, Janet Malcolm has written a series of prospective beginnings. But instead of evoking Salle's work—none of which we actually see, of course—we are left feeling cheated of a real piece. When is a false start also a dead end? ♦

B&A

Cardinal Virtue

Style and substance in the voice of John Henry Newman. BY EDWARD SHORT

When John Henry Newman died in 1890, English papers around the world singled out different aspects of his life and work for praise or censure, but on one point they were unanimous. As the obituarist of the *Colonies and India* put it, "We question whether there is a living writer who had a command of the English tongue at once so eloquent and incisive, though often ironical." The force of Newman's style may have been universally acknowledged, but the content of the writing was rarely paid the attention it deserves. Then, as now, Newman had many admirers and many detractors, but few true critics. Indeed, for many, insisting on the beauty of Newman's style was a convenient way of ignoring the style's content altogether.

There is a parallel of this in the way that Newman's contemporaries tended to take up religion. In one of his greatest sermons, "Unreal Words" (1839),

Edward Short is the author of the forthcoming Newman and His Family *(Bloomsbury).*

The Genius of John Henry Newman
Selections from his Writings
edited by Ian Ker
Oxford, 384 pp., $55

Newman observed how profession could become an evasion not only of the practice but even the apprehension of religion. "Let us never lose sight of two truths," he exhorted his readers, "that we ought to have our hearts penetrated with the love of Christ and full of self-renunciation; but that if they be not, professing that they are does not make them so." Similarly, effusing about the beauty of Newman's prose style can never be a substitute for grasping the matter that the style presents.

If there is a tendency on the part of some to separate style from content in Newman's work—instead of seeing them, as they need to be seen, as indivisible—it might stem from the example of two other prose stylists of the 19th century, John Ruskin and James Anthony Froude, whose styles often have a life of their own, quite independent from their content. Certainly, one does not have to enter into Ruskin's attack on Renaissance Venice to enjoy the majestic music of *The Stones of Venice* or Froude's defense of Henry VIII to find the prose of his Tudor histories spellbinding. But one cannot arrive at a just estimate of Newman's prose without entering into the truths that the prose was written to impart. Newman was a great stylist because he had great things to say.

Newman is amusing on this subject in his *The Idea of a University* (1873), where he writes of how

> we read in Persian travels of the way in which young gentlemen go to work in the East, when they would engage in correspondence with those who inspire them with hope or fear. . . . They cannot write one sentence themselves; so they betake themselves to the professional letter-writer. . . . They have a point to gain from a superior, a favour to ask, an evil to deprecate; they have to approach a man in power, or to make court to some beautiful lady. The professional man manufactures words for them, as they are wanted, as a stationer sells them paper, or a schoolmaster might cut their pens. Thought and word are, in their conception, two things, and thus there is a division of labour. The man of thought comes to the man of words; and the man of words, duly instructed in the thought, dips the pen of desire into the ink of devotedness, and proceeds to spread it over the page of desolation. Then the nightingale of affection is heard to warble to the rose of loveliness, while the breeze of anxiety plays around the brow of expectation.

In contrast to this "division of labor," Newman was adamant that "thought and speech are inseparable from each other. Matter and expression are parts of one: style is a thinking out into language."

One can open this superb anthology on nearly any page and find examples of how the brilliance of Newman's style issues directly from the brilliance of what he has to say. On the worldly pseudo-Christianity that is as much a part of our society as it was of his, he

speaks of "an existing teaching . . . built upon worldly principle, yet pretending to be the Gospel, dropping one whole side of the Gospel, its austere character, and considering it enough to be benevolent, courteous, candid, correct in conduct, delicate,—though it includes no true fear of God, no fervent zeal for His honor, no deep hatred of sin."

Such a mundane religion puts Newman in mind of the far more unworldly Middle Ages, which his Protestant contemporaries were disposed to regard as lost in Roman error and corruption. For Newman,

> The present age is the very contrary to what are commonly called the dark ages; and together with the faults of those ages we have lost their virtues. I say their virtues; for even the errors then prevalent, a persecuting spirit, for instance, fear of religious inquiry, bigotry, these were, after all, but perversions and excesses of *real virtues*, such as zeal and reverence; and we, instead of limiting and purifying them, have taken them away root and branch. Why? because we have not acted from a love of the Truth, but from the influence of the Age.

Here, also, is a good example of the conversational character that Gerard Manley Hopkins commended in Newman's work. "What Cardinal Newman does is to think aloud," the poet discerned, "to think with pen and paper. . . . He seems to be thinking 'Gibbon is the last great master of traditional English prose; he is its perfection; I do not propose to emulate him; I begin all over again from the language of conversation, of common life.'"

This was an astute insight because, for all of his dazzling attainments, Newman paid very close attention to "common life." It was an expression of his deep respect for the claims of reality. Consequently, the limpidity of his prose is of a piece with the naturalness, the sincerity, the humility of the man himself. Dean Church, the author of what remains the greatest history of the Oxford Movement, made a number of observations in his obituary of Newman in the *Guardian*—an Anglican paper in the 19th century—which nicely corroborate Hopkins's point.

> It is common to speak of the naturalness and ease of Cardinal Newman's style in writing. It is, of course, the first thing that attracts notice when we open one of his books; and there are people who think it bald and thin and dry. They look out for longer words, and grander phrases, and more involved constructions, and neater epigrams. They expect a great theme to be treated with more pomp and majesty, and they are disappointed. But the majority of English readers seem to be agreed in recognising the beauty and transparent flow of language, which matches the best French writing in rendering with sureness and without effort the thought of the writer. But what is more interesting than even the formation of such a style . . . is the man behind the style. For the man and the style are one in this perfect naturalness and ease. Any one who has watched at all carefully the Cardinal's career, whether in old days or later, must have been struck with this feature of his character, his naturalness, the freshness and freedom with which he addressed a friend or expressed an opinion, the absence of all mannerism and formality; and, where he had to keep his dignity, both his loyal obedience to the authority which enjoined it and the half-amused, half-bored impatience that he should be the person round whom all these grand doings centred. . . . He was by no means disposed to allow liberties to be taken or to put up with impertinence; for all that bordered on the unreal, for all that was pompous, conceited, affected, he had little patience; but almost beyond all these was his disgust at being made the object of foolish admiration. He protested with whimsical fierceness against being made a hero or a sage; he was what he was, he said, and nothing more; and he was inclined to be rude when people tried to force him into an eminence which he refused.

These are the qualities that make the *Apologia Pro Vita Sua* (1864), Newman's great spiritual autobiography, such a special book. Far from being an exercise in self-vindication, it is full of the most guileless honesty.

If we recognize that Newman's style is the natural efflorescence of his thought, we will also see that his thought is the expression of a very versatile personality. Editor Ian Ker does this versatility justice by distilling Newman's vast output in terms of what he wrote as an educator, philosopher, theologian, preacher, and writer.

Thus, in the section about education, there are brilliant passages from *The Idea of a University*, demonstrating the perennial appeal of Newman's educational insights, especially at a time when the incoherence of our own universities could not be plainer. In the philosophy section, there are choice extracts from *A Grammar of Assent* (1870), which provide a useful key to that otherwise difficult book. Then, Newman's preaching is nicely epitomized by a generous sampling of his *Plain and Parochial Sermons* (1868). In the section on his theological writings, there are extracts from both his Anglican and his Roman Catholic periods, showing the striking cohesiveness of his theological work. And the splendid chapter on Newman the writer highlights not only his polemical but his satirical genius. From Newman's caustic essay "The Anglo-American Church" (1839), for example, Ker includes that wonderful passage where Newman captures the essence of our refined Unitarians: "They want only so much religion as will satisfy their natural perception of the propriety of being religious. Reason teaches them that utter disregard of their Maker is unbecoming, and they determine to be religious, not from love and fear, but from good sense."

Ker is to be commended for choosing these selections with such consummate care. There are also terse, shrewd, informative introductions to each of the sections. Regarding the section of extracts devoted to Newman the writer, for example, Ker observes: "Like Cicero, whom Newman greatly admired both as a controversialist and as a master of style, it is hardly possible to imagine Newman without his letters, so integral do they seem to his artistic and intellectual achievement. Not only does the corpus of correspondence provide a detailed and extended commentary on the published works, but it is in itself a marvelous manifestation of Newman's powers as an 'occasional writer.'" ♦

B&A

The Red Balloon

Henry Wallace is not to be taken seriously, then or now. BY HARVEY KLEHR

Henry Wallace, Franklin Roosevelt's second vice president and the Progressive party candidate for president in 1948, was once again in the news earlier this year. Oliver Stone and Peter Kuznick produced a multipart Showtime series and large book blaming the Cold War on his removal from the Democratic ticket in 1944. If only Wallace, and not Harry Truman, had succeeded FDR, the world would have been a better and more peaceful place. Conservative (Ronald Radosh) and liberal (Sean Wilentz) historians have skewered Stone and Kuznick's tenuous grasp of history.

In his meticulously researched, clearly written, and devastating account of Wallace's 1948 campaign, Thomas Devine exposes Wallace as a willing tool of the American Communist party (CPUSA). More than that, however, Devine has provided a blistering examination of the mindset of the Stone-Kuznick Popular Front liberalism that believed in an alliance with Communists and persisted in blaming the Cold War on the United States in the face of abundant evidence to the contrary. What Stone and Kuznick and their acolytes fail to comprehend is that the only alliance the CPUSA would tolerate was one that it would dominate; and in the context of American politics, that meant rejection by more than 95 percent of the population. That conservatives would refuse to countenance cooperation with Communists is hardly surprising; what Devine demonstrates is that no principled or practical liberal could do so, either.

Henry Wallace's 1948 Presidential Campaign and the Future of Postwar Liberalism
by Thomas W. Devine
North Carolina, 352 pp., $39.95

On the stump in Charlotte (1948)

A substantial number of Democrats and independents were unhappy with Truman's leadership as the 1948 presidential election season neared. The end of World War II had quickly been followed by tension with our recent ally, the Soviet Union, and some liberals were concerned that the president had squandered opportunities for reconciliation. Republican attacks on New Deal policies had escalated, and Truman seemed unable to summon the idealism and energy to defend or expand them. Even less ideological Democrats worried that the president would lose, and were casting about for an alternative. Many liberals urged Wallace to challenge Truman in the Democratic primaries. Even after he rejected that idea, though, the stunning triumph of Leo Isaacson, a Progressive candidate in a special congressional election in New York, and a successful petition drive that garnered 460,000 signatures to get Wallace on the California ballot convinced many observers that Wallace could win millions of votes and deny Truman the election, thus demonstrating the power of the left wing of the Democratic party.

The fly in the ointment was the Communist party. Although it was not ordered by the Soviet Union to push for a third-party candidacy—or to support Wallace—the party carefully read tea leaves from Moscow that seemed to suggest it should do so. The denunciation of Earl Browder on Moscow's orders in 1945 taught American Communists not to hide their light and to take the lead in any "anti-monopoly" coalition. The creation of the Cominform in 1947 was interpreted as a signal of the need for increased ideological militancy. Lacking secure means of communication with Moscow, Communist party leaders concluded that the time was ripe for them to help create and dominate a new third party.

Many of those who pushed Wallace the hardest to forgo a Democratic party challenge to Truman and to instead form a third party were concealed Communists, most notably Wallace's close aide Beanie Baldwin and his wife Lillian Traugott. Wallace's chief speechwriters included such Communists as Victor Perlo, David Ramsey, and Millard Lampell. John Abt and Lee Pressman wrote the party platform. The head of the Young Progressives was another Communist. Traugott, Perlo, Abt, and Pressman had even worked for Soviet intelligence, as had other prominent Progressives, such as Harry Dexter White, Larry Duggan, and Mary Price.

Under attack from the Justice Department and congressional committees, the Communist party saw Henry Wallace and the Progressives as a shield and ordered its cadres to do everything possible to promote it. Leo Isaacson's victory and the California petition drive had been due, in no small part, to the mobilization of thousands of New York and California Communists, respectively. The CPUSA ordered its forces in the Congress of Industrial Organizations (CIO) to support Wallace in the

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face of warnings that such defiance of Philip Murray, the CIO leader, would irretrievably damage the party. "Red Mike" Quill, head of the Transport Workers, broke with the party over the issue, and other Communist unions wound up getting expelled from the labor federation, destroying the significant Communist base in the union movement.

The CPUSA was so aggressive that it offended even pro-Soviet liberals. Since it insisted that only unilateral American concessions could ensure peace, it refused to countenance even the mildest criticisms of the Soviet Union. A proposal to add a sentence to the platform noting that it was not the intention of the Progressive party to endorse any nation's foreign policy—the platform was replete with denunciations of American foreign policy, ranging from the Marshall Plan to the Berlin Airlift—was denounced as a smear and "red-baiting," and was voted down. While defending civil liberties for Communists, it included support for criminalizing fascists and anti-Semites. It promoted self-determination for colonies, but, in line with party principles, demanded independence for Puerto Rico without regard for the wishes of the islanders.

Such positions were the bone and marrow of the CPUSA; but why did Wallace and other non-Communists in the Progressive party accept them? Many didn't, and withdrew or resigned as the extent of Communist domination became clear. Such people included those who were willing to accept Communist participation in the Progressive party, but were unwilling to swallow CPUSA's domination of meetings, its personal attacks on dissenters, and the treatment of any criticism of the Soviet Union as red-baiting. Even Earl Browder, expelled from the Communist party but still a Marxist, privately warned Wallace to distance himself from the Communists.

Wallace, however, was in a bind: The Communists were his most fervent supporters and provided much of the Progressive party's organizational muscle and enthusiasm. He once suggested that, if the CPUSA had its own candidate, he might lose a few hundred thousand votes but would gain far more, and he found a variety of excuses to avoid the issue, at one point even explaining that "there is as much variation in the beliefs of Communists as in the beliefs of Democrats and Republicans."

Devine compellingly documents that Wallace shared many of the Communists' beliefs about American foreign and domestic policies. He genuinely believed that the Marshall Plan was a Wall Street plot to control world markets, that domestic fascism was a greater menace than the Soviet Union, and that the Communist coup in Czechoslovakia, far from being a demonstration that alliances with Communists ended badly for non-Communists, was actually the fault of the United States. In fact, the Cold War, to Henry Wallace, was simply a nefarious American scheme to weaken civil liberties. Since there was no private property in the Soviet Union, Stalin was, naturally, a progressive concerned with his nation's common good.

When such positions drew fire and scorn from a broad spectrum of Americans, Wallace clung to the illusion that there was an untapped reservoir of unionists, minorities, and people of good will who would respond to his idealism. As it became more apparent that he was very, very wrong, Wallace became more and more strident. He accused the CIO leaders supporting Truman of behaving like the German labor leaders who had backed Hitler. He labeled both Truman and the Republican nominee Thomas Dewey "Nazis." Revelations of Soviet espionage elicited his claim that the United States was becoming just like Nazi Germany. Even the mildest criticism of communism was "red-baiting" and out of bounds. After the election, Wallace offered a graceless concession and told his aides that he couldn't bring himself to congratulate that "son of a bitch" Truman.

Associated with a group and handicapped by a message that were rejected by most Americans—and having insulted most Americans as akin to fascists—Wallace lost support the more he campaigned. Despite hopes that the Progressive party would get several million votes, it received only 1.1 million, or 2.37 percent—more than a third of which were from New York City. And though some claimed that Wallace had forced Truman to move to the left, Devine notes that the election destroyed the influence of the Popular Front liberals, led to the elimination of Communists from the CIO, and actually helped Truman by reassuring conservative Catholics and ethnic Eastern Europeans that the president was not soft on communism. The election solidified an American consensus on the Cold War that lasted until it was shattered by Vietnam.

Within one year of his crushing defeat, Wallace began to distance himself from the Progressive party, breaking with it over its criticism of America's role in the Korean War. In 1953, he blamed Beanie Baldwin for the Communist domination of the Progressive party, and in 1962, told Truman that he had been justified in firing him from the cabinet when Wallace had criticized American foreign policy.

That Wallace himself repudiated his crusade as mistaken and misguided is, of course, only a minor irritant to those historians and cultural warriors for whom American resistance to communism is an original sin of the modern era. That anticommunism was sometimes used to prop up disreputable regimes, or was employed by disreputable politicians, does not alter the simple fact that had domestic communism not been rejected after World War II, and had America not resisted Communist aggression and influence, many more people around the globe would have suffered to a far greater degree.

How much more do we need to learn about communism to know that, whatever its stated aspirations, it left in its wake mass murder, the destruction of civil rights and liberties, and ruined societies? As the historical memories of communism fade, it is imperative that mythmakers and conspiracy theorists like Oliver Stone not be allowed to peddle their fantasies about American history unanswered. ♦

B&A

Franz K. on Trial

The inner meaning of the outsider Kafka.

BY SUSANNE KLINGENSTEIN

Nothing has been left unsaid about Franz Kafka (1883-1924), the Jewish insurance lawyer from Prague who conducted his work life in Czech, his personal life in German, and his nocturnal writer's life in a highly condensed metaphoric language whose striking images reveal the absurd core in the human struggle for justice or happiness.

Reading about a man who wakes up one morning after disquieting dreams to find himself transformed into a giant cockroach, we are puzzled—until we realize that the man's deep fear about how his parents and sister may see him has suddenly become visible, if only to himself. When the courageous Kurt Wolff was preparing *The Metamorphosis* for publication in 1915, Kafka wrote to his editor that the horrifying thought had occurred to him that the illustrator might want to draw

> the insect itself. Not that, please, not that! I don't want to curtail his sovereignty; I am making this request based only on my naturally greater understanding of the story. The insect itself cannot be drawn. It cannot be shown even from afar.

This is one of the rare instances in which Kafka comments on how his metaphors should be read: They are pictures of mental states, but they are also metaphysical jokes. Kafka famously broke out in peals of laughter when he read *The Metamorphosis* aloud to friends in 1912.

Three years later, in *The Trial*, Kafka ditched psychological suffering and focused on the absurdity of man's metaphysical condition. This time, an ordinary man with a high-profile office job wakes up one morning to find himself "arrested" for a crime he cannot remember committing. Thoroughly secular, he has never heard of the court that has sent its messengers (angels) to him with the bad tidings that he is on trial. He spends the rest of his life trying to track down a court whose metaphysical nature he cannot grasp, and whose right to lay any claim on him and call him "guilty" he denies.

The character, Joseph K., cycles through the entire history of metaphysics, from Abraham's first covenant to Nietzsche, to find evidence of his right to live—against the judgment of the metaphysical court that he is guilty simply because he exists. Only toward the end of his life does Joseph K. grasp the paradoxical nature of his quest: Obsessed with pursuing his justification, he has not lived in the world and has accomplished nothing. The novel is a comedy of errors that ends tragically when deep shame about his obtuseness, and the futility of his life, kills Joseph K.

Readers who want to figure out how to decode Kafka's metaphorical riddles of the Country Doctor, the Penal Colony, or the Castle are invariably pulled into the Kafka Vortex, where more or less myopic critics parse and re-parse Kafka's notebooks, diaries, letters, and drafts, and the memoirs, letters, diaries, and notebooks of his friends. It's been done thousands of times, and, short of digging up Kafka's bones to sequence his genome, we will learn nothing new about him. A glint of hope may come from a cache of documents that Kafka had asked his friend Max Brod to destroy, but which Brod instead saved and bequeathed to his secretary, Esther Hoffe, in 1968. Last year, a judge in Tel Aviv ordered these documents to be transferred to a public institution for cataloguing and publication. Perhaps they will reveal a new wrinkle in the last years of Kafka's life.

Short of new facts, though, it is all interpretation. Readers themselves must connect the dots. Since the 1990s, a game of academic brinksmanship has been going on to come up with the juiciest configuration that could enhance the interpreter's reputation as truly transgressive. Excepting the magisterial biographies by the German scholars Reiner Stach and Peter-André Alt, recent works on Kafka tend to be black holes in which all laws of well-reasoned analysis and linguistic precision are abandoned in the desperate search for novelty.

David Suchoff, in his new study, argues that "Yiddish and modern Hebrew . . . were two of the keys that unlocked Kafka's literary and social imagination." In order to prove this enormous claim, Suchoff would have to document when and how this unlocking occurred, and just how knowledge of Yiddish and Hebrew shaped Kafka's writing. However, Kafka did not know Yiddish beyond what was accessible to him as a German speaker, and he learned Hebrew late in his creative life.

Sharply enlightening work about Kafka as a Jewish thinker and writer was done long ago by Gershom Scholem, Walter Benjamin, Hannah Arendt, Robert Alter, Richie Robertson, and many others. The problem with Suchoff's book is that it focuses not on Jewish concepts but on Jewish languages that Kafka barely knew and in which Suchoff's own proficiency seems a bit

Kafka's Jewish Languages
The Hidden Openness of Tradition
by David Suchoff
Pennsylvania, 280 pp., $65

Franz Kafka
The Poet of Shame and Guilt
by Saul Friedländer
Yale, 200 pp., $25

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shaky, as numerous mistakes suggest (*l'ganev* for *lignov*, for example). In addition, Suchoff's English style is inscrutable throughout. The first sentence of the first chapter reads, "As the cold war came to a close, Kafka began to appear as a figure close to his own historical situation in Prague and central to the emerging critical scene." I don't know what it means to be close to one's own historical situation.

Elsewhere Suchoff writes that, in Yiddish, "Kafka found a canonical language in formation … where the national boundary construction modeled on a standard author was still very much in process." When, and for whom, was Yiddish ever a canonical language? In 1911, when Kafka encountered it, Yiddish was still struggling for recognition after centuries of contempt and mockery heaped on it by German writers, including Goethe—whose autobiography Kafka was just then obsessively reading.

Anyone familiar with the evolution of Yiddish literature, with the efforts made at the time by Sholem Abramovitsh (aka Mendele Moykher Sforim) and Sholem Aleichem to transform an oral medium into a complex tool for high literary art, knows that national boundary construction was the opposite of what they were aiming for. They wanted Yiddish to become an expansive, playful mode of artistic expression in which the contemporary reality of late-19th-century Ukraine meshed with the concepts of second-century Palestinian intellectuals. In order to enter into Mendele's or Sholem Aleichem's literary universe, it helped to have a command of traditional Jewish learning, but whether one was a Yiddish speaker in Paris, Prague, or Mogilev made very little difference.

Kafka grasped clearly that he was as shut out from the world of Yiddish literature as he was from Jewish learning, and he made an effort to move toward the core of Jewish thought by learning Hebrew three years before he died. Here, then, is Suchoff's chance to explain how Kafka's study of Hebrew shaped the writing of *The Castle*, an exercise Evelyn T. Beck undertook in 1971. But Suchoff's reading devolves into a series of disjointed observations that leave the reader as befuddled as Kafka's enigmatic *Castle* itself.

One turns with relief to the immensely readable Saul Friedländer, whose short biographical essay on Kafka appears in the excellent Jewish Lives series from Yale University Press. Friedländer, a Holocaust historian, was born in Prague in 1932 but grew up in France: "My father studied at the German Law School of Charles University, which Kafka had attended 15 years before … and like those of Kafka's three sisters, my parents' lives ended in German camps." One realizes with a jolt just how close in temporal terms the iconic Kafka remains to our own time, and Friedländer writes out of his cultural closeness to Kafka's world.

Tony Perkins in 'The Trial' (1962)

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Friedländer's style is elegant and lucid, his knowledge of Kafka's oeuvre and social world superb, his command of the critical literature impeccable. In seven chapters that progress chronologically, he examines Kafka's relationship to his father, to his Jewishness, to love and sex, to European literature, to his friends, and to experiences of mystic uplift. Friedländer's observations about "A Country Doctor" are fresh and astute, and his pointing to Flaubert as a potential literary source is eye-opening.

Friedländer's essay could very well serve as the new classic short introduction to modernism's most elusive writer. Except that Friedländer, too, has a particular point to make that evolves out of his intimacy with Kafka's culture and his attentive parsing of the letters and diaries. "Kafka's sense of shame and guilt," Friedländer writes, "have elicted mainly very general and abstract interpretations that do not sufficiently point to the personal anguish from which they stemmed."

Of course, we've already been treated to cartloads of books and articles about Kafka's dealings with prostitutes, sadomasochistic fantasies, and homoerotic feelings—all of which are well-supported by passages in Kafka's letters and diaries that would make the author of *Death in Venice* blush and cringe. But to Friedländer, this seems still too general and abstract. So he pursues his hunch that "perhaps [Kafka] opaquely refers to his sexual attraction to adolescents, even children?" Friedländer makes clear, though, that Kafka's "feelings of guilt were related not to some concrete initiatives on his part but to fantasies, to *imagined sexual possibilities*."

Friedländer's speculations raised eyebrows in Germany, where the book appeared last year. Critics asked whether we really needed to know about such possibilities. But Friedländer is revered in Germany, and has been awarded its top prize for intellectual achievement. Moreover, his readings are convincing, and his speculations fit smoothly into the array of sexual fantasies that the new critical editions of Kafka's diaries have laid bare. Friedländer also has the added virtue of not pursuing his novelty point obsessively. He presents a complex and endearing Kafka, a young man of high sensitivity entangled in a labyrinth of the complex feelings that were required to generate his work.

What is missing, perhaps, is a sense of how wickedly funny Kafka was, and how capable he was of seeing the comedy in his situation. Kafka's rock-hard, cryptic work stands unassailed, and, thus far, has survived all attempts made by critical penal colonists to torture it to death. ♦

B&A

Girl, Uninterrupted

A landmark in cinematic self-love.

BY JOHN PODHORETZ

Frances Ha
Directed by Noah Baumbach

Not once, not twice, but three times in the course of the 86-minute running time of the extravagantly praised *Frances Ha* is the title character shown running through Manhattan. Once, we see her running with her best friend. Another time we see her running to find an ATM. Then we see her running while improvising dance moves.

This is meant to show us Frances's exuberance, her zest, her *joie de vivre* in the course of this the-way-these-kids-today-live-now movie. Frances may be 27, she may be penniless, she may be struggling, she may not be able to make a solid relationship with a man, and she may not have the dancing talent she desperately wants to have. But she can't help but *run*!

Mickey Sumner, Greta Gerwig

Young people used to run a lot in French movies of the early 1960s—one thinks of Jeanne Moreau and her two suitors in François Truffaut's *Jules and Jim*, who positively gamboled. But that was a time when directors like Truffaut were discovering the excitement of having cameras following people as they moved through real places in natural light. Those scenes brought a new informality and intimacy to the movies—*50 years ago*.

Today, bits like Frances running through Manhattan evoke not Truffaut but a commercial for an antidepressant that needs lots of background footage of people doing active things while the narrator talks rapidly about all the potential side effects. Indeed, the running and running and running seems more like a depressed person's idea of what a nondepressed person is like than a genuine expression of vivacity. Whatever it is, it's very, very false.

Like HBO's *Girls*, *Frances Ha* is another one of these portraits of struggling young people made by wildly successful young people. *Frances Ha* was cowritten by its star, Greta Gerwig, who has been appearing in movies as a writer and director and leading performer since she was an undergraduate at Barnard. Like Lena Dunham, the star and author of *Girls*, she is not yet 30 and has known nothing but what it is like to be garlanded for the entirety of her adulthood.

Girls is a far more tough-minded piece of work than *Frances Ha*, because Dunham seems to find her contemporaries irritating in their shiftlessness. By contrast, Gerwig seems to be showing compassion and understanding for the travails of women her own age; but the whole project features more than a faint whiff of condescension and contempt. Gerwig and her collaborator, director Noah Baumbach, almost seem to be patting Frances on the head for sticking with it even though it's just *so very hard* for her.

Baumbach fell in love with Gerwig when they made the brilliant and difficult *Greenberg* together in 2010 (he left his wife, Jennifer Jason Leigh, for her), and the movie is clearly designed to be a valentine to her much in the way *Annie Hall* was Woody Allen's valentine to his ex-love, Diane Keaton. He wants to bathe her in soft light, let her show the world her charmingly off-kilter way of moving and talking, give her a chance to exercise her acting chops in a few dramatic scenes, and make her a star the way Allen did Keaton.

But the thing is, Diane Keaton was *funny*, and *Annie Hall* was a romantic comedy—and I don't know what *Frances Ha* is. It feels like a comedy, but there are very few laughs in it. And as for romance, the only one on display here is between Frances and her best friend from college, Sophie. What little plot there is has to do with Sophie pulling away from Frances as she pairs off with a Wall Street guy; Frances's heartbreak is not over her failure to find a suitable mate but the loss of her friend. That is an honest life dynamic, and the movie is best in its exploration of it.

There are good little things scattered through *Frances Ha*—as when Frances takes a spur-of-the-moment two-day trip to Paris she can't afford and is jet-lagged or passed out through most of it—but the effort by critics to pump it and Gerwig up into something original and socially significant is bizarre. This is a tiny and inconsequential movie about someone who is not very interesting. If Frances Ha existed in real life, Greta Gerwig would be far too busy to bother with her. And so should you be. ♦

PINE DISTRICT PICTURES

John Podhoretz, editor of Commentary, *is* The Weekly Standard*'s movie critic.*

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Wilhelm Klink
Luftwaffe Kommandant Oberst (ret.)

Listening to U.S. President Barack Obama and his attorney general, Eric Holder, I am reminded of my dear friend but hapless master sergeant, Hans Schultz. All too often I heard Sgt. Schultz loudly cry, "I see nothing! I know nothing!" But certainly he knew something. Likewise President Obama and General Holder have said repeatedly they know nothing. But, meine Damen und Herren, I do believe they know something. Do not be surprised if Herr Holder gets sent packing to the Russian Front. Dismissed!

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