the weekly Standard

HAUNTED BY SYRIA?
ELLIOTT ABRAMS

THE MAN THE WARMISTS HATE THE MOST

MIT's Richard Lindzen and his critics

BY ETHAN EPSTEIN

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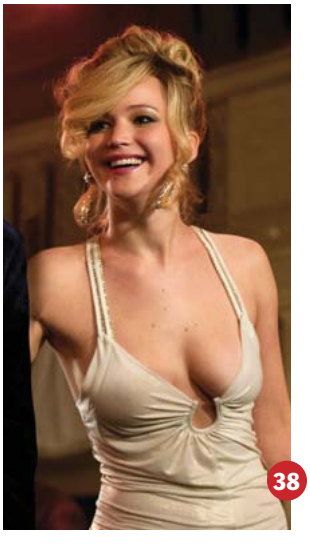

COVER BY THOMAS FLUHARTY

Journalism's Elusive Golden Age

Like Diogenes in search of an honest man, The Scrapbook has been on an extended quest to find the Golden Age of American journalism. That was the era, not so long ago, when a literate public was downright serious about the news, and America's newspapers, magazines, and television networks paid close, detailed attention to current events, foreign affairs, and national politics—which, of course, were civil in tone, bipartisan in nature, and concerned with finding *solutions* rather than exploiting *problems*.

There must have been a Golden Age, because journalists refer to it routinely, especially when elderly politicians or old colleagues expire. It sounds like a splendid epoch, and wouldn't it be wonderful if we could recapture its spirit? But its elusive nature is frustrating to The Scrapbook. When was it, exactly?

We know that it must have been before right-wing zealots captured a once-great Republican party, and newspapers weren't owned for profit by corporations. It might have been around the time when Ronald Reagan and Tip O'Neill had their arms around each other's shoulders on a permanent basis, setting aside their differences for the good of America. But it could not have been when Edward R. Murrow was interviewing Jayne Mansfield on *Person to Person*, or, more recently, when the *New York Times* was obsessing over the number of female members at the Augusta National Golf Club.

So the search continues. And thus The Scrapbook is grateful for assistance from Dana Milbank, reporter-columnist for the *Washington Post*. Returning from overseas last week, Milbank was appalled by all the attention that, in his absence, the media had been giving to ephemeral stories—Phil Robertson, Pajama Boy, etc.—while his colleague Brad Plumer, by contrast, "expertly outlined [that] there are four million people who have been out of work for 27 weeks or longer." And that there are uninsured people "in states where Republican governors have refused to implement the . . . Medicaid expansion" in Obamacare. (It is unclear whether that second story was expertly reported by Brad Plumer or by another *Post* colleague-expert.)

The Scrapbook can only say Amen to all that—and thank the *Post* and Dana Milbank for reminding us that, in a modern media universe of overnight sensations, there are serious issues to be seriously addressed by serious people with serious intent. The only problem is that Dana Milbank and the *Washington Post* are manifestly unqualified to register such complaints. The *Post*, after all, is the big metropolitan newspaper where scant cultural coverage is found in a section called "Style," and its current daily crusade is not about chronic unemployment or health care but about the name of Washington's professional football team.

And Dana Milbank is an opinion writer—or reporter; it's unclear since his column runs in the news pages—whose habitual stock in trade is snark/hilarity/sarcasm at the expense of public servants he dislikes.

Journalist, heal thyself. ♦

What They Were Thinking

NEWSCOM

Kim Jong-un visits a newly built North Korean ski resort.

A Donkey by Any Other Name . . .

'Walmart recalls donkey meat in China," announced a headline on FoxNews.com last week. The Scrapbook, for one, was incensed: How dastardly to lace edible meat with donkey! We hungered for more information: What were the tainted goods? Were the "100 percent beef" hamburgers at Walmart's Beijing branch strangely Eeyore-like? Or perhaps it was the "100 percent pork" sausages at the chain's Shanghai outlet that tasted oddly of burro?

Well . . . not exactly. We read on: "[Walmart] has recalled donkey meat sold at some outlets in China after tests showed the product contained the DNA of other animals, the U.S. company said," came the story from Reuters. "The Shandong Food and Drug Administration earlier said the product contained fox meat." That's right: The scandal is that meat that was sold as 100 percent donkey actually contained fox.

If nothing else, this is a reminder that China continues to have serious food-safety problems. Remember last year when "lamb" sold throughout the country was discovered to be rat? If you're the kind of person for whom unknowingly eating rat doesn't sound particularly appealing—i.e., if you're not Andrew Zimmern of *Bizarre Foods* fame—you might be best off going vegetarian on any jaunts over there in the near future. More deeply, it's a reminder that all culinary preferences—more, even than politics—are local. One man's filet mignon is another man's . . . well, donkey. Anyone up for jackass au poivre? ♦

Grade Inflation Revisited

Our item on rampant grade inflation at Harvard ("A Gentleman's A+," The Scrapbook, December 16) caught the eye of reader Robert D. King, who also happens to be founding dean of liberal arts and Rapoport chair of Jewish studies emeritus at the University of Texas at Austin. Professor King writes to let us know that the struggle against grade inflation is not in fact hopeless:

"I first heard the phrase 'grade inflation' in the 1970s when Harvard announced that an embarrassingly high percentage of its students were graduating 'with honors.' Academics being what they are, face-saving explanations were quick to follow, as they are now. *Today's students are smarter than they used to be* (give me a break!). *Our admission policies are so much stricter* (don't tell me all 'legacy entrants' are geniuses, please). *We teach better today* (than Jacques Barzun, Lionel Trilling, and all those truly great teachers of the postwar years? Oh brother).

"At the time," King continues, "I was dean of liberal arts at what we are now pleased to call a 'major research university,' and I saw my mission as holding the fortress of the ancient, honorable Academy against the barbarians battering every portcullis. Easy grading was a symptom of this leveling barbarism, so I decided to do something about it. Step One was to measure grade inflation quantitatively. Any fool could see that professors were grading easier, but how much easier exactly?

"My soulmate was Associate Dean Joseph Horn, a distinguished psychologist—a psychologist who made his reputation in twin studies, not in 'tell-me-how-bad-your-parents-were' psychology. Joe was a genius with numbers and as conservative and no-nonsense as I was. He devised something we called the Grade Inflation Index.

"First you calculate a Class Grade Point Average (GPA). An A is worth 4.0 points, a B 3.0, etc. Multiply the number of students who received A's by 4.0, the number of B students by 3.0, and so on down to F (which by then was virtually extinct). Then add up those numbers, divide by the

number of students in the class, and you get the Class GPA.

"Suppose you're Associate Professor Twerk teaching Lesbian Motifs in Jane Austen. Twerk's an easy grader, you'll get an A unless you betray a closet conservatism, so the Class GPA for that course would be high, say 3.8 (almost all A's). Meanwhile, Professor Dismal, who teaches Advanced Macroeconomics, is a famously tough grader. His Class GPA might be down around 2.3 (slightly above a C average).

"Every student will have an overall GPA they come to class with. Take Twerk's Class GPA (3.8) and divide it by the average GPA her students bring with them to her class (say it's 2.5), and you get a number we called the Grade Inflation Index of 1.52 (3.8 ÷ 2.5). Suppose Dismal's students had an Overall GPA of 2.8; his Grade Inflation Index would be 0.82 (2.3 ÷ 2.8). An Index > 1 means you're an easy grader; an Index < 1 means you're tough.

"What we didn't dare do was to publicize these numbers, since students would use them to choose easy-grading profs. What we could do was to use grade inflation as one of the criteria of promotion decisions and salary increases. Naturally the faculty hated the whole concept, the department chairmen threatened to resign en bloc, the school newspaper excoriated me, I was burned in effigy. But my superiors supported me and my noisome ways, whatever they may privately have thought.

"So Joe Horn and I persisted, and guess what: Grade inflation leveled off and actually began to decrease. Yes! It can be done, but you have to want to really do something about grade inflation and not care about your popularity. There are solutions to problems, but the solutions are not easy and will never make you well-liked."

An inspiring tale, indeed. But given the thick skin, fortitude, and administrative support required, The Scrapbook is not holding its breath waiting for Harvard to do anything about the Gentleman's A+. ♦

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Bag Man

Back in the 1980s I spent one afternoon working for Ralph Nader and wound up with bite marks all over my bum. The memory returned a couple nights ago when a college kid came to the door, shaking the cup for some charity. He'd memorized a spiel about dioxins and microfluids and picoliters. He must have noticed my look of dead-eyed boredom, because he stopped mid-sentence and said, "We're responsible for the D.C. bag law."

"I hate the bag law," I said.

He gave me a look of pop-eyed incredulity. The bag law was clearly his trump, the line that's supposed to get any bleeding-heart to say, "Well, heck, if it's for the bag law . . . let me get my credit card."

Washington, D.C., makes merchants charge 5 cents for every bag they give out. It has surely benefited clean water, but the benefits to petty tyranny have been more obvious. I know a cheery teenage girl who works as a cashier. Pitying an older man leaving the store with a lot of unwieldy knick-knacks, candies, and toiletries, she offered him a bag, only to have the geezer wheel around and hiss that he had been responsible for the bag law (in my neighborhood, apparently, the bag law is one of those victories that have a thousand fathers) and that, while he would not report her to the authorities this time, any further indifference to the Environment We All Share would have consequences.

Such vigilance has borne fruit. I bought a computer at the Apple Store in Bethesda the other day, along with various necessary data sticks, patch cords, and other small, expensive, awkward-to-carry doodads. When I asked for a bag to put them in, the salesman informed me that Montgomery County, Maryland, had a 5 cent bag law, too.

"Are you kidding me?" I asked, using a synonym for the word "kidding." I pulled a nickel out of my pocket.

The guy wouldn't take it! Out of fear, not hauteur. He needed documentation of the transaction, lest he be suspected of having done a human being a favor. Unfortunately he had handed off his little credit-card reading machine to a colleague, and now he couldn't find her. It took 10 minutes. One often gets the sense in an Apple Store that this is what Europe would look like had Germany won the war.

ANTON EMDIN

I told Bag Tax Boy none of this. I had once been in his shoes. One college summer, I lived in SoHo and worked as a busboy. I was not a good one. Busboying required precision skills of the sort that can be dulled by immoderate youthful drinking. Turns out, the slightest departure of a tray from horizontality could send all the refuse-filled crockery, glasses, and ashtrays from a recently departed party of six onto the table of a newly arrived one. Soon I was looking for work.

My roommate had canvassed houses for Ralph Nader's New York Public Interest Research Group in high school. I met them on Broadway, near City Hall, and was taught their spiel on the bus to Queens. There was a lot of palaver about pollution and the corporate establishment, but our never-fail line was that we were fighting Consolidated Edison to keep utility rates down. The neighborhood we worked that day was not promising: brick Cape Cods, weedy sidewalks, chain-link. No one seemed to be up for a fight with Con Edison. I came to a house that had no front door. A concrete walk went around the right side of the house into a narrow alley. I rapped on a tinny screen door there. There was no doorbell, but there was a sign on the brick wall at eye level. At exactly the moment I read the words "VICIOUS DOG," I heard the sickening tinkle of a chrome leash on the cement behind me. I ran.

I almost made it. It was very painful when, two strides from the sidewalk, the dog's jaws closed around my right buttock. It was even more painful when, one stride from the sidewalk, the dog ran out of leash.

A kindly lady across the street had seen what happened. She sat me at her kitchen table and gave me a glass of juice. I told her husband what I was doing in the neighborhood, fighting Con Edison and all.

"Bet you aren't doing so great," he said.

"How'd you know?"

"Did you see that plant down the block?" he said. "Everyone in the neighborhood works there. Want to guess what it is?"

CHRISTOPHER CALDWELL

the weekly Standard

Pro Patria

The year 2014 marks a centennial and a bicentennial. The centennial is well known: 1914 saw the beginning of World War I, a calamity perhaps unmatched until then in the history of the West. We will be reminded many times this year in centennial commemorations of the war's terrible destruction, but also of its devastating political and cultural effects over subsequent decades, and of its continuing deep if often indirect contribution to today's demoralization of the West.

Writing several years ago in this magazine about its seismic cultural consequences, David Frum quoted the concluding lines of "the most famous poem in our language about World War I":

> If you could hear, at every jolt, the blood
> Come gargling from the froth-
> corrupted lungs,
> Obscene as cancer, bitter as the cud
> Of vile, incurable sores on innocent
> tongues,—
> My friend, you would not tell with such
> high zest
> To children ardent for some desperate
> glory,
> The old Lie: *Dulce et decorum est*
> *Pro patria mori*.

The Battle of Fort McHenry

The Latin, which translates as "It is sweet and fitting to die for one's country," comes from an ode of Horace's. As Frum pointed out, Horace's line is one "that any educated Englishman of the last century would have learned in school." Those pre-War Englishmen would, on the whole, have understood the line earnestly and quoted it respectfully. Not after the War. Living in the shadow of Wilfred Owen rather than Horace, the earnestness yielded to bitterness, the respect to disgust. As Frum puts it, "Scoffing at those words represented more than a rejection of war. It meant a rejection of the schools, the whole society, that had sent Owen to war."

This year, a century later, the commemorations of 1914 will tend to take that rejection of piety and patriotism for granted. Or could this year mark a moment of questioning, even of reversal?

Today, after all, we see the full consequences of that rejection in a way Owen and his contemporaries could not. Can't we acknowledge the meaning, recognize the power, and learn the lessons of 1914 without succumbing to an apparently inexorable gravitational pull toward a posture of ironic passivity or fatalistic regret in the face of civilizational decline? No sensitive person can fail to be moved by Owen's powerful lament, and no intelligent person can ignore his chastening rebuke. But perhaps a century of increasingly unthinking bitter disgust with our heritage is enough.

Besides being the centennial of World War I, 2014 also happens to be the bicentennial of the Battle of Fort McHenry, a minor battle during a conflict of infinitely lesser significance than World War I, the War of 1812. The bombardment of the American fort near Baltimore produced a poem. "Defence of Fort McHenry" is far less likely to appear in anthologies of the greatest poems of the English language than "Dulce Et Decorum Est." But the greater work of art is not always the better guide to life.

Francis Scott Key's poem, composed within hours of the American victory and set the next day to a popular melody, was within days a popular song and within weeks "The Star-Spangled Banner." Its first stanza is what is usually sung today, and it ends in a question:

> O say does that star-spangled banner yet wave,
> O'er the land of the free and the home of the brave?

It's perhaps fitting and proper that the national anthem of a nation dedicated to the question of whether societies of men can govern themselves by reflection and choice ends not in a boast but in a question.

But the last stanza, less often sung, does in fact end with a confident assertion:

> Then conquer we must, when our cause it is just,
> And this be our motto: "In God is our trust."
> And the star-spangled banner in triumph shall wave
> O'er the land of the free and the home of the brave!

A century after World War I, two centuries after Fort McHenry, do we dare take our bearings not from Owen's bitter despair but from Francis Scott Key's bold hope?

—William Kristol

Wrong Again

To hear it from the *New York Times* editorial page, the many issues surrounding the attacks in Benghazi are now settled.

In a December 30 editorial, published under the headline "The Facts About Benghazi," the newspaper proclaims an end to the 15 months of debate about the fatal attacks on the U.S. consulate on September 11, 2012. Citing an "exhaustive investigation by The Times" that it says "goes a long way toward resolving any nagging doubts about what precipitated the attack" and "debunks Republican allegations," America's Newspaper of Record declares that "in a rational world" the investigation "would settle the dispute over Benghazi."

Well then.

It's hardly surprising that the *New York Times* would find the *New York Times* the final word on an issue.

But for the rest of us, rational and irrational alike, this revisionist account is neither authoritative nor definitive. The central thesis of the piece is wrong, and the sweeping claim the author has made in defending it is demonstrably false.

Here's the background.

In a long, front-page article published in late December, David Kirkpatrick, the Cairo bureau chief of the *New York Times*, offered an account of the attacks in Benghazi based largely on interviews with Libyans there, including some who participated in the attacks. From these interviews and others, Kirkpatrick declared that there is "no evidence that al Qaeda or other international terrorists had any role in the assault."

It's a startling claim, even beyond the challenge of proving a negative. In an interview on *Meet the Press* following the publication of the article, moderator David Gregory asked Kirkpatrick how he could be sure that there was no involvement of al Qaeda or international terrorists. Kirkpatrick responded: "I think honestly if you asked anybody in the U.S. intelligence business, they would tell you the same thing."

But that's not true.

We have been asking people in the U.S. intelligence business about al Qaeda and the Benghazi attacks for 15 months. Virtually all of them have told us the same thing: Terrorists associated with al Qaeda and its affiliates were involved in the attacks.

So we were puzzled. How could a star *New York Times* reporter claim that no one in the U.S. intelligence community believes al Qaeda or other international terrorists had any role at all in the attacks, when we were talking to more than a dozen such sources who said the opposite?

Part of the answer is obvious: We were talking to different people. But that doesn't explain why Kirkpatrick would claim that his sources reflect not just the consensus view of the U.S. intelligence community, but the unanimous view.

The bigger problem for Kirkpatrick is the fact that over the past 15 months many people in the "U.S. intelligence business" have contradicted his main argument on the record.

Consider what Senator Dianne Feinstein told host Bob Schieffer on *Face the Nation*, back on December 2, 2012, about a briefing from CIA director David Petraeus shortly after the attacks. "General Petraeus briefed us on the 13th," she said. "There is a transcript. He said very clearly that there were al Qaeda elements involved."

Presumably Feinstein, a Democrat who chairs the Senate Intelligence Committee, qualifies as someone in the "U.S. intelligence business." So does the CIA director.

Matthew Olsen, director of the National Counterterrorism Center, testified on September 19, 2012, that there were "indications that individuals involved in the attack may have had connections to al Qaeda or al Qaeda's affiliates, in particular Al Qaeda in the Islamic Maghreb."

There were others. Representative Dutch Ruppersberger, the ranking Democrat on the House Permanent Select Committee on Intelligence, reported without qualification that al Qaeda had a role in the Benghazi attacks. "The people involved in the group were affiliates of al Qaeda and other extremist groups," he said during a press conference on November 16, 2012. He continued: "That was well organized—command and control—and that [had] people who had experience in attacking and are al Qaeda and other extremists. They knew how to shoot mortars and hit targets."

Even some Republicans joined intelligence officials and Democrats contending that al Qaeda-affiliated jihadists participated in those attacks. The two top intelligence committee Republicans on Capitol Hill, Mike Rogers in the House and Saxby Chambliss in the Senate, have consistently pointed to al Qaeda ties among the Benghazi attackers.

NEWSCOM

So on the one hand Kirkpatrick claims no one in the U.S. intelligence business believes al Qaeda and its affiliates played any role in Benghazi; on the other, many individuals in the U.S. intelligence business say they believe al Qaeda and its affiliates played a role in Benghazi.

Who to believe?

Perhaps the *Times* uncovered new information that invalidates those earlier claims.

Not according to Representative Adam Schiff. A Democrat who serves on the House Intelligence Committee, he responded to the *New York Times* piece by telling *Fox News Sunday*'s Chris Wallace that, while there were local militias and others who participated in the attacks, "the intelligence indicates that al Qaeda was involved."

Several sources tell THE WEEKLY STANDARD that the evidence of al Qaeda involvement has gotten stronger over the course of the investigation. Representative Devin Nunes, a Republican on the House Intelligence Committee, met privately with four U.S. government officials who were in Benghazi. "The latest information I have is based on interviews with the U.S. intel personnel on the ground before, during, and after the attacks. These interviews have solidified what U.S. officials knew within hours of the attacks—that al Qaeda was responsible for the deaths of four Americans, including the ambassador."

Intelligence officials say operatives from the Muhamad Jamal network, based in Egypt, participated in the attacks, along with terrorists tied to Al Qaeda in the Islamic Maghreb and Ansar al Sharia in Libya.

The extent of coordination between these groups and al Qaeda leadership in Pakistan varies. Some in the intelligence community, including many national security officials in the Obama administration, are eager to separate "core al Qaeda" from regional and local affiliates. In some cases, local extremist groups are just that—local. But each of the groups involved in the Benghazi attacks has ties to broader al Qaeda—including its leadership.

Muhamad Jamal, the namesake of the Egyptian network, has ties to al Qaeda leader Ayman al Zawahiri and was corresponding with him in the months before the attacks.

An unclassified report published by researchers at the Library of Congress in August 2012, just a month before the Benghazi attacks, said that Ansar al Sharia "has increasingly embodied al Qaeda's presence in Libya." That study, "Al Qaeda in Libya: A Profile," produced in coordination with terrorism analysts at the Pentagon, looked at the growing presence of al Qaeda in post-Qaddafi Libya. It concluded that "al Qaeda senior leadership (AQSL) and al Qaeda in the Islamic Maghreb (AQIM) have sought to take advantage of the Libyan Revolution to recruit militants and to reinforce their operational capabilities in an attempt to create a safe haven and possibly extend their

area of operations to Libya." Al Qaeda leaders "dispatched trusted senior operatives as emissaries and leaders who could supervise building a network. Al Qaeda has established a core network in Libya, but it remains clandestine and refrains from using the al Qaeda name."

And contrary to the claims of the *New York Times*, many of those in the U.S. intelligence business continue to insist that members of this al Qaeda network participated in the Benghazi attacks.

—Stephen F. Hayes

A GOP Year

A White House official once noted that the problem with the national press corps is it can only keep one idea in its mind at a time. And while that's often true, it's not at the moment in regard to Republicans.

Today's media line on the Republican party is it faces irreversible decline. That's on the one hand. On the other, Republicans have a solid shot at capturing the Senate in the midterm elections in November, are all but certain to retain control of the House, and have reasonable prospects of winning the White House in 2016.

That these two scenarios conflict is obvious. Both are speculative, but there's a difference. Predicting long-term political trends is chancy. We were assured not long ago that Democrats were in inevitable decline. Then they won four of the last six presidential elections. But predictions of the outcome of the next election are more reliable and indicative of a party's durability.

As luck would have it, Republicans have distinct advantages this year, the biggest being Obamacare. It has flipped politics on its head. Republicans were bleeding last fall from the government shutdown, only to have the launch of Obamacare drag down President Obama and Democrats.

Better still, Obamacare has legs. It may well replace taxes as the dominant domestic issue for years to come. In 2014, millions of voters will find their health insurance premiums have increased, contrary to what President Obama promised, and access to some of their favorite doctors has been eliminated. Also, the most unpopular provision of Obamacare, the mandate to buy insurance or pay a fine, will go into effect. As for the flawed HealthCare.gov website, it's unlikely ever to be fully functional.

The temptation for Republicans will be to sit idly by and let Obamacare deliver victory to them on a silver platter. That could happen. Midterm elections are usually referendums on the president and his policies, and Obama is at a low point now. His prospects for recovery are poor.

Two poll numbers point to a strong Republican edge. Presidential job approval correlates closely with how well the party in power fares in midterm elections. If Obama's approval persists in the low 40s, Democrats will suffer. Making matters worse, Obama has plummeted in trust. Most polls show a majority of Americans don't believe he is honest and trustworthy.

Yet Republicans would be foolish to sit on their hands. Voters loathe being taken for granted. Republicans who doubt this should check what happened in the 1998 midterm elections. Since President Clinton was on the verge of being impeached, Republicans were confident they'd pick up seats in Congress. They lost seats. It was one of the rare times when the party in the White House triumphed in the sixth year of a presidency.

In 2014, Republicans have an opportunity to negate one Democratic issue and gain ground on another. But to do so, they'll have to ignore the advice of influential GOP factions.

Both wealthy donors and Republican consultants are squeamish about social issues, particularly abortion. They urge candidates to avoid them at all costs, and many do. This strategic mistake has allowed the Democrats' accusation that Republicans are waging a "war on women" to go unchallenged.

Republican silence serves as an invitation to Democrats to invoke the charge again this year. And it will work as effectively as it did in 2012—and in the Virginia governor's race in 2013—if Republicans remain mute. Instead, they should tag Democrats as extremists who favor abortion on demand, even in the case of late-term pregnancies, even for sex selection. This would have the extra benefit of encouraging millions of pro-lifers who stayed home in 2012 to vote in November.

One only has to look at recent polls to see the opportunity for Republicans with Hispanics voters. More than any bloc of voters in the country, Hispanics have lost faith in Obama and Democrats. But they won't pay attention to Republicans until immigration reform has moved forward—with GOP help. It's a door opener. The whole notion of Republican decline is based heavily on Hispanics as a growing bloc that votes overwhelmingly Democratic.

Many conservatives, however, oppose any change in the immigration laws that legalizes the status of Hispanics who entered the country illegally, even if brought here as children. Republicans don't need to champion the immigration bill passed by the Senate. But they would benefit from taking a step or two in that direction.

What Republicans should reject is the new Democratic campaign against "inequality" and for a higher minimum wage. This is a 21st-century version of "fairness" that Democrats touted noisily in the 1980s and 1990s. It fell flat then and will again, unless Republicans embrace it. Indeed, that would cause their decline.

—Fred Barnes

Crime and (Doggie) Punishment

A tale (or tail) of lost freedom.

BY ANDREW B. WILSON

On a beautiful day in late October, Gus and I were enjoying a rare moment when our only companions in the large and hilly park in front of St. Louis's Concordia Seminary were nut-gathering squirrels and the birds in the trees.

I was sitting on a Coleman camping chair reading a book and Gus, a beautiful black-and-tan Gordon setter, was doing his favorite thing—chasing birds. This is something Gus does at high speed, in narrowly zig-zagging and broadly circling patterns. The chases go on for as long as eight or nine seconds. I have never seen him pluck a bird out of the air, but he is right on their tails the whole time—forcing many a low-flying wren or robin to go into a steep climb.

It is a sight to behold. People stop and stare in disbelief. The birds seem to enjoy the game as much as Gus. Why else would they be so willing to come out of the trees and play catch-me-if-you-can? Sometimes, Gus begs them to do it—in short, staccato steps under a tree. Nose down, he dances to the sight of moving shadows signaling movement above. On a good day, Gus has dozens of bird chases.

On this particular day, my sense of perfect contentment was broken when I looked up and saw Gus at the far end of the park in the company, but not the grasp, of a policeman. It looked as if my grand-dog thought he had found something rather interesting and was happily escorting the policeman into my presence. Gus was off leash, as, too, of course, was the policeman.

As Gus pranced about the policeman, I grew increasingly annoyed thinking about what was about to happen. Wherever you go in today's America, the nanny state, in its all-encompassing wisdom, has declared *there shall be no dogs off leash*—anywhere and everywhere, with the possible exception of your own basement.

If people who were alive a hundred years ago were to return today to our parks and open spaces . . . and find that no one is allowed to let a dog run free because of a widespread horror of dog poo, and fears that house pets might turn into killers . . . they would be appalled at our conformity, timidity, and stupidity. They would feel sorry for the dogs and wonder why we as a people weren't already extinct.

As my mood turned sour, I also wondered—as a legal point, and I am no lawyer—what gave the policeman the right to come marching up to me on a private college campus.

So I did not politely get out of my chair to greet the officer, or even look up from my book, until he was hovering over me.

"Do you know there's a leash law?" he asked. I answered his question with one of my own:

"Do *you* know this is private property?"

"Is it *your* property?" he countered.

"*I* know my dog and I are welcome here," I answered. "My wife and I have been here many times. We have come to know several of the

DAVE CLEGG

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faculty members. No one has ever asked us to put this dog on a leash. In fact, our dog has played off leash with their dogs."

At this point, the policeman claimed the school administration had asked the Clayton police department (Clayton being a close-in St. Louis suburb) to enforce Clayton's leash law. He pulled out a pad and started to write a ticket—asking for particulars not just about me (my name and address) but also the dog (name, breed, and weight).

The policeman was not unpleasant. An older cop (55 or 60), he was probably assigned to the easiest duty, and what could be easier than sitting in a parking lot on a super-safe college campus and getting out of his car to write a ticket on a dog that befriended everyone, himself included? He sympathized with the fact that my wife and I had been keeping this very sporty dog, now three-and-a-half years old, for our daughter and her family ever since he had been a puppy, and this was a dog, as he could see, that should not be cooped up in an empty house for 10 hours a day while its parents were working. We keep Gus on weekdays and he goes back to Elizabeth's house on weekends.

So the policeman and I talked a bit about what to do with a dog that really needs at least an hour of hard exercise a day to be fit and happy.

There were several dog parks in the area, he volunteered.

"And they're all like prison yards," I told him—places where the more aggressive dogs are forever preying on less aggressive. It's hump-o-mania all the time in crowded dog parks. Gus could stand up to the aggressive dogs, and would often, good-heartedly, come to the protection of weaker ones, but he didn't like dog parks. Birds don't much like dog parks either.

Maybe you could buy a farm, the policeman weakly suggested. He left me with a ticket and summons to appear in court on December 4.

Beth Ann, my wife, wanted to be there—with Gus. She is planning to write a children's book about our several encounters with the law on this issue—and also our more numerous encounters with other dog-owners who scrupulously obey the leash laws and shout out enviously to outliers like us: *Don't you know there's a leash law*? For the purposes of the book, she wanted Gus to have his day in court.

I didn't think Beth Ann had a chance of getting through security with a dog—even with such a beautiful and noble-looking dog as Gus. But I am never surprised by my wife's inventiveness.

My sense of perfect contentment was broken when I looked up and saw Gus at the far end of the park in the company, but not the grasp, of a policeman. It looked as if my grand-dog thought he had found something rather interesting and was happily escorting the policeman into my presence. Gus was off leash, as, too, of course, was the policeman.

I had been sitting in the Clayton municipal courthouse for about an hour—along with about 100 other miscreants waiting their turn before the judge—when she and Gus (on a leash) came sweeping down the aisle. Beth Ann stopped to talk to a lawyer friend who was just leaving the court. Then, just as suddenly, she and Gus were gone.

To skip ahead to what would seem to be the end, when I was called to go before the judge, he told me that I had two options: I could plead not guilty and face a quick trial with the possibility of a fine of $300 or more; or I could talk to the person on the same dais seated to his left, who was the prosecutor and who had the discretion to negotiate a settlement. Naturally, I took the second option.

In a brief conference that took less than a minute, I told the prosecutor that Gus was not my dog, but my grand-dog, and that I had not known that I was violating any leash law at Concordia Seminary. He seemed faintly amused. Here was the deal, which I quickly accepted: If I agreed to pay court costs ($26.50), there would be no fine and, as the prosecutor put it, both Gus and I would be on six-month probation.

I won't tell you what Gus and I might or might not do between now and next May. But I will tell you how Beth Ann and Gus got into the Clayton municipal courtroom.

As Beth Ann tells the story—

In her first approach to the courtroom door with Gus in tow, she was stopped and told she had to sign in first. Patrolman Karl pointed to an open ledger along the wall on the other side of the anteroom. She signed the ledger. When she returned to the big courtroom door, Patrolman Karl stopped her a second time.

"Dogs aren't allowed in the courtroom," he said.

"But he's the perpetrator. He's *asked* to appear in court."

"I don't think he has to be present in court."

"Are you *sure*?"

"I'll go ask the judge."

With that, Patrolman Karl went through the door and Beth Ann and Gus followed a moment or two later. Having determined in private discussion with the judge or prosecutor that Gus's presence in court was not an absolute requirement, Patrolman Karl duly shushed Beth Ann and Gus out of the courtroom.

So Gus really did have his day in court.

I wish the moral to this story was that you can't keep a good dog down. But I fear the reality is that the nanny state and its obedient servants will keep any number of good dogs down for a long time to come. We are witnessing the death of common sense as a substitute for rules and regulations.

Life is less fun, with less freedom. ♦

A Tale of Two Judges

The NSA on trial.

BY GARY SCHMITT

Not that long ago, one could assume that a judge with an activist approach to interpreting the Constitution was probably left-of-center politically and, accordingly, believed that overturning precedents was often necessary in order to make the Constitution relevant to present issues and alive to evolving democratic mores. Conversely, a judge holding a philosophy of restraint was more than likely right-of-center in his political beliefs and inclined to respect court precedents as the accumulated wisdom of the body politic, tying current and previous generations back to the Constitution's text and founding principles.

No more—or, at least, not so readily. Last month, a judge nominated to the federal bench by "originalist" President George W. Bush summarily swept aside longstanding precedent and the accumulated and numerous judgments of his colleagues, declaring the National Security Agency's collection of telephony metadata as not only "likely unconstitutional" but "Orwellian" in character. A little less than two weeks later, however, another federal judge—this one appointed by President Bill Clinton, a graduate of that bastion of "progressive" legal theory, Yale Law—found the program not only in accord with Fourth Amendment prescriptions and existing case law but also acting as an essential "counter-punch" to the terrorists who brought us 9/11.

The two decisions (*Klayman* v. *Obama* and *ACLU* v. *James Clapper*) have generated public confusion over the constitutionality of the NSA's data collection program—a kind of judicial "he-said, she-said" standoff. But once the substance of the two opinions is taken into account, it's clear who got it right.

In the first case, Judge Richard Leon's opinion is dotted with ad hominem arguments and hyperbole. In the second, Judge William Pauley stays with the facts, is sensible in applying existing case law, and shows apt deference both to previous decisions by his colleagues on the bench and the two political branches that established and oversee the NSA program.

Richard Leon, left, and William Pauley

The cases both consider two major questions: first, whether plaintiffs have a reasonable expectation of privacy that the metadata program violates (and, hence, becomes substantively a government "search" under the Fourth Amendment); and, second, if they do, whether the search is reasonable given that amendment's injunction against "unreasonable searches and seizures."

On the first question, Judge Leon spends a goodly portion of his opinion arguing that the existing precedent, *Smith* v. *Maryland* (1979), is just too old to be of any relevance today. In *Smith*, the Supreme Court ruled that the use of a telephone pen register by police to capture a suspect's call data was not a violation of Smith's privacy rights since there was no "legitimate expectation of privacy." The information collected (the numbers dialed from a particular phone and those calling in) would not only be known to the phone company as it facilitated the call, the Court argued, but also would be recorded, if only to allow the company to bill its customers later.

According to Leon, since we now use our cell phones ubiquitously and technology has transformed them into cameras, mail transmitters, calendars, music players, maps, and even pseudo-lighters at concerts, the Court in 1979 could not "have ever imagined how the citizens of 2013 would interact with their phones." Whereas in *Smith*, the Court was reviewing a onetime, targeted request, the NSA program is a "daily, all-encompassing, indiscriminate dump of phone metadata" that amounts to "the stuff of science fiction." And while Leon admits that, "as in *Smith*, the *types* of information" currently sought by the NSA "are relatively limited: phone numbers dialed, date, time and the like," given how we use our phones today, the prospect of what the NSA *could* derive from those data should send a chill down everyone's back. By Judge Leon's lights, "I dial, therefore I am." He's seemingly worried that the very instrument of our "self-expression, even self-determination" is at risk.

In contrast, Judge Pauley keeps his feet planted firmly on the ground, noting that, while individuals may in fact use their phones in a variety of ways today that the Court in *Smith* could not have dreamed of, the fact remains that people's "relationship with their telecommunications providers has not changed," and the issue before the court "only concerns" smartphones' "use as telephones." The data being collected by the NSA are no different in kind than what was at issue in *Smith*—numbers dialed, numbers calling in, and the duration of the calls. Moreover, there is no evidence that the NSA is trolling

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through these data to conduct "the type of data mining the ACLU warns about in its parade of horribles."

If anything, when the actual metadata program is examined in detail, it is arguably no more intrusive than government searches at an airport security line or, as Judge Pauley notes, "a law enforcement officer's query of the FBI's fingerprint or DNA databases to identify someone."

Times have indeed changed but not the essence of the issue at hand. As Judge Pauley points out: "Every day, people voluntarily surrender personal and seemingly-private information to transnational corporations, which exploit that data for profit. Few people think twice about it, even though it is far more intrusive than the bulk telephony metadata collection" that the NSA engages in. In short, Pauley concludes, neither the character of the information being collected by the government nor the expectation of privacy has so fundamentally changed that the Court's holding in *Smith* should be dismissed.

Since Judge Leon concludes just the opposite—that individuals do have a "very significant expectation of privacy"—he then moves on to assess whether this particular impingement on privacy might still be warranted under the Fourth Amendment as a justifiable violation by the government. Implicitly, this means balancing the government's interest in providing security with what the Court has previously declared to be the "subjective expectation of privacy that society recognizes as reasonable."

Brushing aside in a footnote all the statutory, executive branch, and Foreign Intelligence Surveillance Court-mandated safeguards in the program that minimize the program's intrusion on citizens' information, Judge Leon charges forward and declares that the NSA's "almost Orwellian" surveillance cannot be justified by the minimal security returns found in the three cases the government put forward as examples of the program's success. In none of the three was the program key to stopping "an imminent attack." Doubting "the efficacy" of the metadata collection program, he concludes: "NSA's bulk collection program is indeed an unreasonable search under the Fourth Amendment."

Judge Pauley also examines the three examples provided by the government but, unlike Judge Leon, he notes that while the collection program might not have been essential in stopping an imminent attack, it was nevertheless an important aid in rounding up co-conspirators and confirming terrorist ties. In addition, as Pauley reminds, these are only the examples provided to the court to share in the open record. More pointedly, the judge opens his opinion with the example of 9/11 hijacker Khalid al-Mihdhar, whose calls from San Diego to an al Qaeda safe house in Yemen were left untracked because of existing laws and the fact that there was no metadata collection program in place at the time.

In the absence of any clear evidence that NSA's program runs afoul of sensible expectations about privacy, Judge Pauley is unwilling, as he says, to engage in "judicial-Monday-morning-quarterbacking" over whether the collection effort is being run exactly as some might want or is only important but not immediately critical to the nation's security. Those are issues for Congress and the president to decide.

For all the differences between the two judges' opinions, they do agree on one thing—that we live in a different time, with different circumstances. But where Judge Leon would have the shadow of a "Brave New World" hanging over today's discussion about NSA's collection efforts, Judge Pauley reminds us that such programs are the result of the fact that "the September 11th terrorist attacks revealed, in the starkest terms, just how dangerous and interconnected the world is." "Al-Qaeda plotted in a seventh-century milieu" but employed "the technology" and "conveniences of modernity" against us. This is indeed new, and failing to adjust to that change is likely to be far more dangerous to the rights of Americans than Judge Leon's bogeyman of an omniscient federal Big Brother. ♦

The Genealogy of Obamacare

Harking back to the worst of the New Deal.

BY JAY COST

We simply want to guarantee incumbency—er, access to health care.

Despite its clunky rollout, Obamacare continues to move forward. Many of the problems with the website have been fixed, at least on the "front end" that the consumer sees. The government, meanwhile, has reported nearly 2 million enrollments between the federal and state exchanges. This number is well below the 3.3 million expected—and it is almost surely an overestimation, considering the potentially high levels of nonpayment by enrollees and the remaining problems on the "back end," where the insurance companies interact with the government. Still, it suggests that the program is here to stay for the time being.

Supporters of the law are breathing a huge sigh of relief, but their respite may be short-lived. Already there are hints of bigger problems with the law—bad ratios of healthy to sick enrollees, limited networks of doctors and hospitals, paltry drug formularies, and more. And there are more problems to come, symptoms of a deeper malady inherent in the law: It is ill-suited to our Madisonian system. Obamacare seeks to micromanage a vast sector of the American economy, when our government was designed purposely to prevent that sort of control. When central planners during the New Deal ignored the limitations placed on our pluralistic government, the results were disappointing and often perverse. The flaws already evident in the Obamacare system suggest that history may be repeating itself.

The progressives of the early 20th century were a diverse group of activists, but one thing they had in common was a taste for telling people what to do. Early progressive thinkers like Herbert Croly were enthusiastic about grand, government-directed endeavors to make America a better place. And that was the subtext of Theodore Roosevelt's famed Osawatomie speech: He wanted to co-opt Lincoln's wartime coercion for peaceful social engineering.

The problem the progressives encountered is that our Madisonian system is incompatible with their grand ambitions. If the progressive left was bent on telling people what to do for their own good, just that sort of curb on individual freedom was one of the Framers' biggest fears. For a decade, the Founding generation had been bossed around by a distant and unsympathetic British government, and then—after throwing off the shackles of colonialism—they found themselves, under the Articles of Confederation, at the mercy of ignorant, capricious, yet effectively omnipotent state legislatures. The subtext of *Federalist* 51 is a promise from Madison to the people: Nobody is going to tyrannize you under this new government. In Madison's scheme, the government would empower a broad spectrum of interests to check one another, thus breaking and controlling what he called in *Federalist* 10 "the violence of faction."

Of course, this has not stopped the government from finding novel ways to boss people around. Even so, the Madisonian system has often thwarted central planners who think the world would be a better place if only the country would follow their dictates.

This was a lesson the progressives had to learn the hard way during the New Deal. Today when people think of the New Deal, they are wont to recall Social Security or the minimum wage. But those were actually part of the *second* New Deal, which focused on granting new rights or powers to different groups. The first New Deal had more to do with controlling almost every aspect of American economic life, and it was an epic disaster that even the staunchest FDR cheerleaders are hard-pressed to defend.

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The Agricultural Adjustment Act (AAA) of 1933 was the first major program of the New Deal, and it was straightforward: The government would pay farmers not to farm in the hope that this would cut down the glut of agricultural products, raise farm prices and wages, and thus promote prosperity. Yet in practice it failed in surprising and far-reaching ways. It was in Dixie that the AAA wrought the most harm, decimating the economic standing of poor farmers, many of them black. Wealthy landowners manipulated the payment program so as to stiff tenants, purchase farm equipment, and send unskilled laborers crowding into the big cities looking for work. When reformers in the Agriculture Department tried to do something about this, they were unceremoniously sacked to keep congressional bigwigs like Senate majority leader Joseph Robinson of Arkansas happy.

The National Industrial Recovery Act (NIRA) of 1933 sought a grand bargain among all the major industrial players including big and small businesses, organized labor, and consumer groups. It suspended the antitrust laws in exchange for cooperation from businesses in writing codes of "responsible" industrial conduct that protected unions and consumers. Yet big businesses mostly wrote the codes and took charge of their enforcement, using the NIRA as a vehicle for cartelization. Consumer prices went up, organized labor gained nothing at all, and small businesses took it on the chin. Jacob Maged, a dry cleaner from Jersey City, spent 30 days in jail for charging an extra nickel to press a suit, while General Motors was free to squash incipient unionism.

The disastrous experience of the NIRA pushed FDR into the second New Deal. Instead of grand bargains, he would supply targeted groups (read: prospective FDR voters) with benefit streams from Uncle Sam. Organized labor received explicit guarantees, senior citizens received Social Security, laborers won a new minimum wage, and so on.

This became liberalism's template for generations to follow, in no small part because it was electoral dynamite. It was so irresistible that the Republican party came to mimic it, expanding programs like Social Security and Medicare. From 1935 until 2009, "clientele liberalism" was triumphant and "programmatic liberalism" was largely abandoned.

To a surprising extent, Obamacare stands apart from the string of social welfare programs that stretches from Social Security, enacted in 1935, to the Medicare prescription drug program of 2003. Instead, it harks back to the first New Deal. To be sure, it provides a new benefit—subsidized health insurance—to a certain group, and thus is similar to classic liberal efforts. But unlike Medicare and Social Security—programs created out of whole cloth, with income streams in the form of withholding taxes dedicated to funding specific benefits—Obamacare accomplishes a clientelistic goal by programmatic means. It rearranges and cobbles together a wide swath of "stakeholders" (a favorite Obama administration buzzword) in a grand bargain reminiscent of the NIRA and AAA: In exchange for cooperation in administering subsidies and providing the uninsured with government-approved health insurance, Obamacare essentially guarantees the stakeholders a permanent place in the nation's health care architecture. To bring this promise to fruition, Obamacare must then regulate the minutest details of health care provision.

And so it seems that the "central planning" wing of the American left, dormant for generations, has sprung back to life. It is hard to account for this. Perhaps contemporary liberals do not understand their own history, in particular what has worked and what has not. Or perhaps they do, but believed a straightforward benefit program akin to Medicare simply could not pass. Or perhaps they were itching all along to give the NIRA/AAA approach another shot, but simply lacked the votes until 2009.

Whatever the explanation, the odds are high that history will deem Obamacare to have been based on false assumptions. Our system's pluralistic nature does not lend itself to top-down programmatic efforts like the first New Deal and Obamacare. The Constitution exacerbates what F.A. Hayek called "the fatal conceit," the illusion that central authorities are equipped to control the details of complex human affairs. Again and again, the same story plays itself out: The planners, unable to coerce behavior outright, try to woo disparate interests through governmental incentives; they are convinced they have set up the incentive structures correctly but have miscalculated just a bit somewhere along the line; affected interests whose assent is required for the program to work respond to these miscalculations by pursuing goals that undermine the program's stated purposes, producing effects that cause other assumptions to become false; and the ensuing vicious cycle produces perverse results. That is how the AAA came to support the established powers of the segregationist South and the NIRA reinforced the wealthiest industrialists even as unemployment topped 25 percent.

We are already seeing signs of this with Obamacare. The paltry provider networks, insufficient drug formularies, high deductibles, and outrageous out-of-pocket limits offered by the insurance exchanges are all a consequence of insurers' pursuing their bottom lines in the context of the government's extensive regulations. Will young and healthy consumers, another vital moving part in this massive system, actually purchase policies such as these? If they do not, then insurers, stuck with predominantly older, sicker, and therefore more-expensive-to-cover enrollees, will be forced to jack up premiums or deductibles even more, making their policies less attractive still to healthy customers.

These are not the only interests from which Obamacare requires cooperation. Will hospitals behave the way the planners expect? Will drug

makers? Will small employers? Will large businesses? The list goes on and on. Importantly, every assumption that proves mistaken has the potential to blow up another assumption, then another, then another, creating a cascade of failure.

Unfortunately, even when they fail, such grandiose plans do not necessarily disappear from the national landscape. The NIRA did, as the Supreme Court struck it down in its famed *Schechter Poultry* decision, but the AAA largely survived. Indeed, after the Court struck down the original law, Congress quickly passed a new version that addressed the constitutional issues the justices had flagged. Congress did so not because the policy had succeeded; in the South, at least, the AAA destroyed the fragile farm economy, replaced it with nothing, and contributed directly to the urban crises of the postwar era. Rather, the program was reinstituted because key groups found it profitable and used their position in our pluralistic system to retain a favorable status quo. Eighty years later, Congress's annual ritual of passing the pork-laden farm bill is a reminder that the AAA has survived in a form that the New Dealers would surely deem perverse.

That is the great danger of Obamacare—not merely that it will fail, but that it will fail *and* cannot be undone. The best chances conservatives had to do away with Obamacare altogether have come and gone. Now, Obamacare is not merely a policy problem, it is a political problem as well, and the two are inextricably linked: The program damages health care as a whole while favoring key groups who can be expected to fight to protect their new benefits. It is not enough that conservatives develop good policy alternatives to solve the problems Obamacare creates; they must also adopt innovative political strategies.

Success is far from guaranteed, as history indicates. Generations from now, Americans might still be stuck with the ill effects of Obamacare, just as we are still saddled with the corrupting remnants of the AAA. ♦

Putin's Pardons

A sign of strength or of weakness?

BY CATHY YOUNG

As the winter holidays approached, the beleaguered Russian opposition had a rare occasion to celebrate: Russia's three best-known political prisoners were unexpectedly granted their freedom. On December 20, Mikhail Khodorkovsky, the former oil tycoon whose arrest a decade ago escalated Vladimir Putin's war on independent politics in Russia, received a presidential pardon and was flown to Germany, where his mother is undergoing cancer treatment. Three days later, the two still-imprisoned women from the Pussy Riot punk band, convicted of "hooliganism" in 2012 for a controversial anti-Putin protest in a Moscow cathedral, were freed under a hastily passed amnesty bill that covered nonviolent female offenders with small children. But the clemencies, however welcome to the prisoners, their families, and their Russian and Western champions, leave many unanswered questions in their wake.

Mikhail Khodorkovsky

PRESSCENTER OF MIKHAIL KHODORKOVSKY AND PLATON LEBEDEV

The biggest question concerns the Kremlin's motive—particularly in the case of Khodorkovsky, widely viewed as the target of a special vendetta for breaking Putin's informal pact with Russia's business oligarchs whereby he left them alone and they stayed out of politics. (Khodorkovsky, then the CEO of the now-defunct Yukos oil company, had courted trouble by financing opposition parties and seeking to strengthen his position through deals with Western corporations.) Originally convicted of tax evasion in 2005, Khodorkovsky was tried again in 2009 on theft and fraud charges, based on the premise that all the oil produced by Yukos had been "stolen" and fraudulently sold. While most experts agreed with former Russian State Bank chairman Victor Gerashchenko's assessment of the new case as "arrant nonsense," no one was surprised by the guilty verdict or the stiff 14-year sentence.

At that point, conventional wisdom in the Russian commentariat held that the fallen oligarch would likely stay in Siberia as long as Putin was in power. Putin did nothing to dispel that belief, with his thin-skinned, vitriolic responses to mere mentions of the Khodorkovsky case: When asked about it in one of his televised chats with the nation during the second trial, he snapped that "a thief belongs in jail" and alluded to unsubstantiated rumors of Khodorkovsky's alleged involvement in murders. Indeed, while Khodorkovsky was scheduled for release next August (with his sentence reduced on appeal), there were ominous indications only a few months ago that the authorities were preparing a new case against him.

Then, on December 19, came Putin's surprise announcement at the end of a four-hour press conference: Khodorkovsky had recently appealed for a pardon on "humanitarian grounds" due to his mother's illness, and a decree on his pardon would be signed "very soon." Hours later, Khodorkovsky told journalist Evgenia Albats of Russia's *New Times* magazine, he was roused from his

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sleep by the penal colony warden and taken to an administrative building to meet a high-level local official—who explained that he was there as the only person authorized to remove a prisoner from the colony without a legal order. The official escorted the ex-tycoon to the airport for a flight to St. Petersburg; it was only before boarding a plane for Berlin a few hours later that he was asked to change into civilian clothes.

Khodorkovsky also disclosed that he had, in fact, petitioned for a pardon in mid-November—but the initiative for this petition came from the Kremlin, with the message conveyed through members of his legal team. Crucially, the requirement of admitting guilt, earlier stipulated as a condition for such a request, had been quietly dropped; instead, Khodorkovsky was advised to emphasize his mother's medical condition. The Russian newspaper *Kommersant* reports an even more dramatic version, in which the ex-tycoon's pardon request was preceded by not-so-subtle pressure from state security officers who visited him at the penal colony to discuss his mother's health and his risk of a third conviction.

These circumstances highlight the lawlessness of both Khodorkovsky's persecution and his deliverance: "In all these 10 years, every single decision in my case has been made by one man," he told Albats—adding, just as bluntly, that if Putin had wanted him dead he would have been dead.

But why this decision, and why now? The most obvious explanation is that Putin is seeking a public relations coup in the run-up to the Sochi Winter Olympics—a project in which he has a strong personal and political investment—to offset the negative publicity about the human rights situation in Russia. Interestingly, Khodorkovsky himself has downplayed the Sochi factor in interviews, telling Albats that he believes Putin freed him primarily as a display of strength, to show the nation and the world that he has nothing to fear from Khodorkovsky as a rival (and, secondarily, to send a message to the overly aggressive hardliners in his entourage).

Some Russian commentators have echoed this theme: In the mostly pro-government daily *Izvestia*, political analyst Boris Mezhuyev writes that Khodorkovsky's release is a sign of how secure Putin feels in his power and marks the end of elite opposition, deprived of one of its key demands—amnesty for political prisoners. The independent media tend to offer a different perspective. In his column in the English-language *Moscow Times*, Moscow-based writer Victor Davidoff points out that in the 1980s, the release of high-profile political prisoners such as dissident physicist Andrei Sakharov reflected the Soviet regime's growing instability in the face of economic woes, and suggests that the same may be true today. Grani.ru blogger Alexander Skobov believes that Putin knew a third Khodorkovsky trial could not be won with even a minimum of international decorum and granted his opponent a "humanitarian" pardon to save face.

While the amnesties have done little to improve Putin's image, Khodorkovsky has generally received high marks for his own conduct—even if some of his post-release statements rankled many of his supporters. Russian liberals were particularly disappointed by his comments in the *New Times* interview endorsing Putin's war in Chechnya as a lesser evil than Chechnya's secession and the likely resulting bloodshed; however, Khodorkovsky's advocacy of a nationalism based on strong statehood rather than ethnicity may well broaden his populist appeal, similar to that of activist and blogger Alexei Navalny (of whom Khodorkovsky has spoken approvingly). Even opposition members critical of some of Khodorkovsky's views have hailed his dignity in the face of hardship and his moral victory in refusing to admit guilt or to thank Putin.

None of the newly released political prisoners is a saint. It is likely that Khodorkovsky, like Russia's other early capitalists of the 1990s, built his enormous fortune using at least some ethically questionable means; there was no other road to wealth in post-Communist Russia. The Pussy Riot members, Nadezhda Tolokonnikova and Maria Alekhina, had a history of tacky and sometimes obscene political performance art, and their church protest was widely criticized as offensive to believers—though it should be noted that they at least did not disrupt a service, and their song, while vulgar, targeted church-state ties and not religion itself.

And yet, in the face of persecution, all three seem to have genuinely risen to the moral stature of prisoners of conscience. At their December 27 press conference in Moscow, Tolokonnikova and Alekhina looked poised and gracious as they made clear that they would not repeat their in-your-face antics today, while also stressing that Putin's repressive machine made it impossible to be heard without being provocative. The women received a friendly reception from the press; in a further sign of their acceptance by the respectable opposition, they announced a joint project with Navalny—who had once criticized their cathedral protest as stupid and offensive—to work for prisoners' rights.

Khodorkovsky—who, by most estimates, still has a significant fortune, though it's unclear how much he will be able to access or how soon—also intends to focus on human rights and projects to strengthen Russia's civil society. For now, he has ruled out active involvement in politics; indeed, it is unclear whether he will be able to return to Russia.

At least so far, Putin's pardons do not signify a general thaw. While another 8 people convicted on various charges related to unsanctioned protest rallies in Moscow have also been released in the amnesty, nearly 30 more activists were arrested in a protest on Moscow's Triumfalnaya Square on New Year's Eve; according to the independent press, several of the detainees were badly beaten, and one of the victims has been charged with assaulting two police officers.

Nonetheless, the end-of-the-year releases in Russia come as a breath of freedom—very real for the freed prisoners themselves, and symbolic for many more. For the time being, moral victories for the Russian opposition are better than none at all. ♦

Fichte, Erdogan, Obama

Some gloomy reflections on the presidential conscience. BY EDWARD ALEXANDER

In his ponderously titled book *Contributions to the Correction of the Public's Judgement Concerning the French Revolution* (1793), the German philosopher and political leader Johann Gottlieb Fichte took time out from his defense of the Reign of Terror to compose what has been called by Daniel Johnson "the most notorious footnote in history." It warned his German countrymen of the Jewish menace in their midst. The Jews, he told them, constituted "a state within a state. . . . I see no way of granting [the Jews] civil rights, unless it be by chopping off all their heads one night and replacing them with new ones in which there would be not a single Jewish idea. And I see no way to protect ourselves from the Jews, unless by conquering their promised land for them and sending them all there."

Erdogan

This classic text of secular European anti-Semitism, which told the Jews, "You have no right to live among us as Jews" (though, perhaps, not yet "you have no right to live"), was recently echoed (just how intentionally we may soon find out) by Turkey's embattled prime minister Recep Tayyip Erdogan. Under attack and investigation for massive corruption, and facing millions of angry street demonstrators, Erdogan has accused his prosecutors of being the agents of a global conspiracy to undermine him and to create in Turkey "a state within the state." He and his minister of economics also blamed the international "interest-rate lobby" for the assault on the Turkish government.

Erdogan has not (yet) gone beyond these familiar euphemisms of European paranoia regarding the Jewish conspiracy, although his deputy, Besir Atalay, explicitly blamed "the Jewish Diaspora" for the assault on their regime. Erdogan is not a highly educated man, but in Europe one need not be an intellectual to appreciate the resonance of Fichte's depiction of the continent's Jewish minority, even in its pitifully reduced post-Holocaust condition, as "a state within a state."

In fact, everything we know of Erdogan indicates that he is one of those Europeans who believe that the Holocaust gave anti-Semitism a bad name, and that it deserves yet another chance. In the first three months of 2009, over a year before the attempt by the Turkish "flotilla" to break Israel's blockade of Gaza exploded relations between the two countries, and four years before Erdogan declared that Israel had engineered the suppression of Mohamed Morsi and the Muslim Brotherhood in Egypt, Turkey was the scene of the fiercest anti-Israel and anti-Semitic agitation in all of Europe.

The competition for this dubious distinction was intense: The Religion of Perpetual Outrage had been expressing its anger over Israeli actions in Gaza by staging violent pro-Hamas demonstrations throughout the old (and increasingly post-Christian) continent. Muslim Brotherhood members and their followers had taken to the streets of European cities screaming, "Death to Israel! Death to the Jews!" Muslim mobs had intimidated policemen in London and Malmö, and smashed up the Place de l'Opéra in Paris. But nowhere was the agitation of the mob more aggressive than in Turkey, where it extended from streets to schools, newspapers, and TV stations. The very good reason for this was that it had been encouraged by Erdogan, who declared that "Israelis know very well how to kill" and—of course—that "Jews control the media."

It was about a week after these demonstrations that Barack Obama took his first presidential grand tour of Europe—and showed the icy indifference to Jewish fears that has marked his entire presidency. Not a single word about this riotous unpleasantness made its way into Obama's speeches to Turkish parliamentarians and university students. Rather, they were full of his usual calls for "respect" for Islam plus assurances that America is not and "never will be" at war with Europe's rapidly growing religious minority.

Nor was this all. It was subsequently revealed that Erdogan is Obama's favorite foreign leader, and indeed a friend with whom he had created "bonds of trust." The *Washington Post* reported that he had spent more time on the phone with Erdogan than with any other "ally leader." He had, to be sure, spent a great deal of time on the phone with Benjamin Netanyahu also, but much of it consisted of hectoring the latter to apologize to Erdogan for the deaths of nine of the flotilla's Hamas marauders. Erdogan, on the other hand, is considered by our president to be a friend whom he trusts and in whose presence he feels secure and comfortable.

Will Obama feel the resonance of Fichte's words about "a state within a state" now that they come from his friend's mouth, and right alongside words including America itself? Erdogan included, in addition to "the interest-rate lobby," our ambassador to Turkey and unspecified journalists and financiers among the conspirators against his government. Obama has had a much more expensive education than Erdogan, and may even be familiar with Fichte's notorious words and their lethal history. Will they stir his conscience? ♦

Edward Alexander's most recent book is The State of the Jews: A Critical Appraisal *(Transaction Publishers, 2012).*

What Catastrophe?

MIT's Richard Lindzen, the unalarmed climate scientist

By Ethan Epstein

When you first meet Richard Lindzen, the Alfred P. Sloan professor of meteorology at MIT, senior fellow at the Cato Institute, leading climate "skeptic," and all-around scourge of James Hansen, Bill McKibben, Al Gore, the Intergovernmental Panel on Climate Change (IPCC), and sundry other climate "alarmists," as Lindzen calls them, you may find yourself a bit surprised. If you know Lindzen only from the way his opponents characterize him—variously, a liar, a lunatic, a charlatan, a denier, a shyster, a crazy person, corrupt—you might expect a spittle-flecked, wild-eyed loon. But in person, Lindzen cuts a rather different figure. With his gray beard, thick glasses, gentle laugh, and disarmingly soft voice, he comes across as nothing short of grandfatherly.

Granted, Lindzen is no shrinking violet. A pioneering climate scientist with decades at Harvard and MIT, Lindzen sees his discipline as being deeply compromised by political pressure, data fudging, out-and-out guesswork, and wholly unwarranted alarmism. In a shot across the bow of what many insist is indisputable scientific truth, Lindzen characterizes global warming as "small and . . . nothing to be alarmed about." In the climate debate—on which hinge far-reaching questions of public policy—them's fightin' words.

In his mid-seventies, married with two sons, and now emeritus at MIT, Lindzen spends between four and six months a year at his second home in Paris. But that doesn't mean he's no longer in the thick of the climate controversy; he writes, gives myriad talks, participates in debates, and occasionally testifies before Congress. In an eventful life, Lindzen has made the strange journey from being a pioneer in his field and eventual IPCC coauthor to an outlier in the discipline—if not an outcast.

Richard Lindzen was born in 1940 in Webster, Massachusetts, to Jewish immigrants from Germany. His bootmaker father moved the family to the Bronx shortly after Richard was born. Lindzen attended the Bronx High School of Science before winning a scholarship to the only place he applied that was out of town, the Rensselaer Polytechnic Institute, in Troy, New York. After a couple of years at Rensselaer, he transferred to Harvard, where he completed his bachelor's degree and, in 1964, a doctorate.

Lindzen wasn't a climatologist from the start—"climate science" as such didn't exist when he was beginning his career in academia. Rather, Lindzen studied math. "I liked applied math," he says, "[and] I was a bit turned off by modern physics, but I really enjoyed classical physics, fluid mechanics, things like that." A few years after arriving at Harvard, he began his transition to meteorology. "Harvard actually got a grant from the Ford Foundation to offer generous fellowships to people in the atmospheric sciences," he explains. "Harvard had no department in atmospheric sciences, so these fellowships allowed you to take a degree in applied math or applied physics, and that worked out very well because in applied math the atmosphere and oceans were considered a good area for problems. . . . I discovered I really liked atmospheric sciences—meteorology. So I stuck with it and picked out a thesis."

And with that, Lindzen began his meteoric rise through the nascent field. In the 1970s, while a professor at Harvard, Lindzen disproved the then-accepted theory of how heat moves around the Earth's atmosphere, winning numerous awards in the process. Before his 40th birthday, he was a member of the National Academy of Sciences. In the mid-1980s, he made the short move from Harvard to MIT, and he's remained there ever since. Over the decades, he's authored or coauthored some 200 peer-reviewed papers on climate.

Where Lindzen hasn't remained is in the mainstream of his discipline. By the 1980s, global warming was becoming a major political issue. Already, Lindzen was having doubts about the more catastrophic predictions being made. The public rollout of the "alarmist" case, he notes, "was immediately accompanied by an issue of *Newsweek* declaring all scientists agreed. And that was the beginning of a 'consensus' argument. Already by '88 the *New York Times* had literally a global warming beat." Lindzen wasn't buying it. Nonetheless, he remained in the good graces of mainstream climate science, and in the early 1990s, he was invited to join the IPCC, a U.N.-backed

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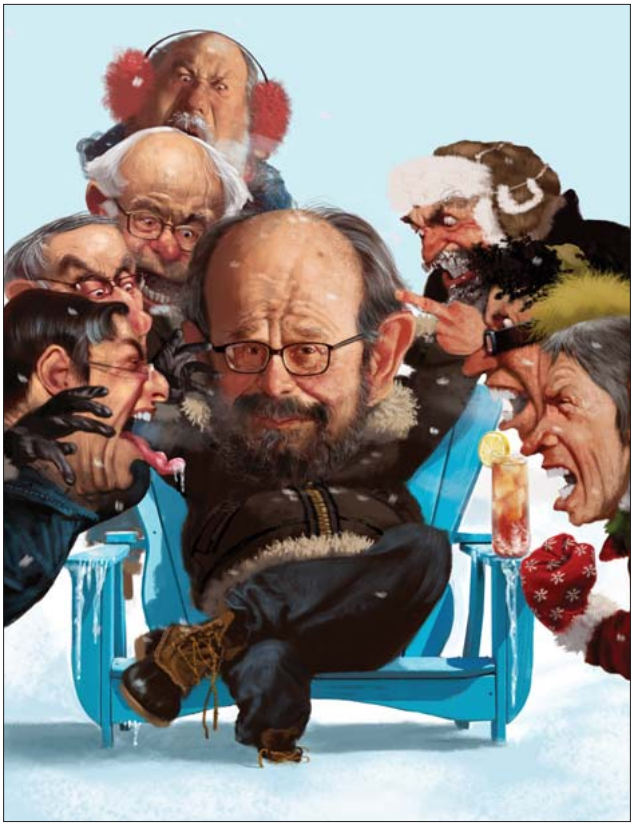
multinational consortium of scientists charged with synthesizing and analyzing the current state of the world's climate science. Lindzen accepted, and he ended up as a contributor to the 1995 report and the lead author of Chapter 7 ("Physical Climate Processes and Feedbacks") of the 2001 report. Since then, however, he's grown increasingly distant from prevalent (he would say "hysterical") climate science, and he is voluminously on record disputing the predictions of catastrophe.



THOMAS FLUHARTY

The Earth's climate is immensely complex, but the basic principle behind the "greenhouse effect" is easy to understand. The burning of oil, gas, and especially coal pumps carbon dioxide and other gases into the atmosphere, where they allow the sun's heat to penetrate to the Earth's surface but impede its escape, thus causing the lower atmosphere and the Earth's surface to warm. Essentially everybody, Lindzen included, agrees. The question at issue is how sensitive the planet is to increasing concentrations of greenhouse gases (this is called climate sensitivity), and how much the planet will heat up as a result of our pumping into the sky ever more CO_2, which remains in the atmosphere for upwards of 1,000 years. (Carbon dioxide, it may be needless to point out, is not a poison. On the contrary, it is necessary for plant life.)

Lindzen doesn't deny that the climate has changed or that the planet has warmed. "We all agree that temperature has increased since 1800," he tells me. There's a caveat, though: It's increased by "a very small amount. We're talking about tenths of a degree [Celsius]. We all agree that CO_2 is a greenhouse gas. All other things kept equal, [there has been] some warming. As a result, there's hardly anyone serious who says that man has no role. And in many ways, those have never been the questions. The questions have always been, as they ought to be in science, how much?"

Lindzen says not much at all—and he contends that the "alarmists" vastly overstate the Earth's climate sensitivity. Judging by where we are now, he appears to have a point; so far, 150 years of burning fossil fuels in large quantities has had a relatively minimal effect on the climate. By some measurements, there is now more CO_2 in the atmosphere than there has been at any time in the past 15 million years. Yet since the advent of the Industrial Revolution, the average global temperature has risen by, at most, 1 degree Celsius, or 1.6 degrees Fahrenheit. And while it's true that sea levels have risen over the same period, it's believed they've been doing so for roughly 20,000 years. What's more, despite common misconceptions stoked by the media in the wake of Katrina, Sandy, and the recent typhoon in the Philippines, even the IPCC concedes that it has "low confidence" that there has been any measurable uptick in storm intensity thanks to human activity. Moreover, over the past 15 years, as man has emitted record levels of carbon dioxide year after year, the warming trend of previous decades has stopped. Lindzen says this is all consistent with what he holds responsible for climate change: a small bit of man-made impact and a whole lot of natural variability.

The real fight, though, is over what's coming in the future if humans continue to burn fossil fuels unabated. According to the IPCC, the answer is nothing good. Its most recent Summary for Policymakers, which was released early this fall—and which some scientists reject as too sanguine—predicts that if emissions continue to rise, by the year 2100, global temperatures could increase as much as 5.5 degrees Celsius from current averages, while sea levels could rise by nearly a meter. If we hit those projections, it's generally thought that the Earth would be rife with crop failures, drought, extreme weather, and epochal flooding. Adios, Miami.

It is to avoid those disasters that the "alarmists" call on governments to adopt policies reducing the amounts of greenhouse gases released into the atmosphere. As a result of such policies—and a fortuitous increase in natural gas

production—U.S. greenhouse emissions are at a 20-year low and falling. But global emissions are rising, thanks to massive increases in energy use in the developing world, particularly in China and India. If the "alarmists" are right, then, a way must be found to compel the major developing countries to reduce carbon emissions.

But Lindzen rejects the dire projections. For one thing, he says that the Summary for Policymakers is an inherently problematic document. The IPCC report itself, weighing in at thousands of pages, is "not terrible. It's not unbiased, but the bias [is] more or less to limit your criticism of models," he says. The Summary for Policymakers, on the other hand—the only part of the report that the media and the politicians pay any attention to—"rips out doubts to a large extent. . . . [Furthermore], government representatives have the final say on the summary." Thus, while the full IPPC report demonstrates a significant amount of doubt among scientists, the essentially political Summary for Policymakers filters it out.

Lindzen also disputes the accuracy of the computer models that climate scientists rely on to project future temperatures. He contends that they oversimplify the vast complexity of the Earth's climate and, moreover, that it's impossible to untangle man's effect on the climate from natural variability. The models also rely on what Lindzen calls "fudge factors." Take aerosols. These are tiny specks of matter, both liquid and solid (think dust), that are present throughout the atmosphere. Their effect on the climate—even whether they have an overall cooling or warming effect—is still a matter of debate. Lindzen charges that when actual temperatures fail to conform to the models' predictions, climate scientists purposely overstate the cooling effect of aerosols to give the models the appearance of having been accurate. But no amount of fudging can obscure the most glaring failure of the models: their inability to predict the 15-year-long (and counting) pause in warming—a pause that would seem to place the burden of proof squarely on the defenders of the models.

Lindzen also questions the "alarmist" line on water vapor. Water vapor (and its close cousin, clouds) is one of the most prevalent greenhouse gases in the atmosphere. According to most climate scientists, the hotter the planet gets, the more water vapor there will be, magnifying the effects of other greenhouse gases, like CO_2, in a sort of hellish positive feedback loop. Lindzen disputes this, contending that water vapor could very well end up having a cooling effect on the planet. As the science writer Justin Gillis explained in a 2012 *New York Times* piece, Lindzen "says the earth is not especially sensitive to greenhouse gases because clouds will react to counter them, and he believes he has identified a specific mechanism. On a warming planet, he says, less coverage by high clouds in the tropics will allow more heat to escape to space, countering the temperature increase."

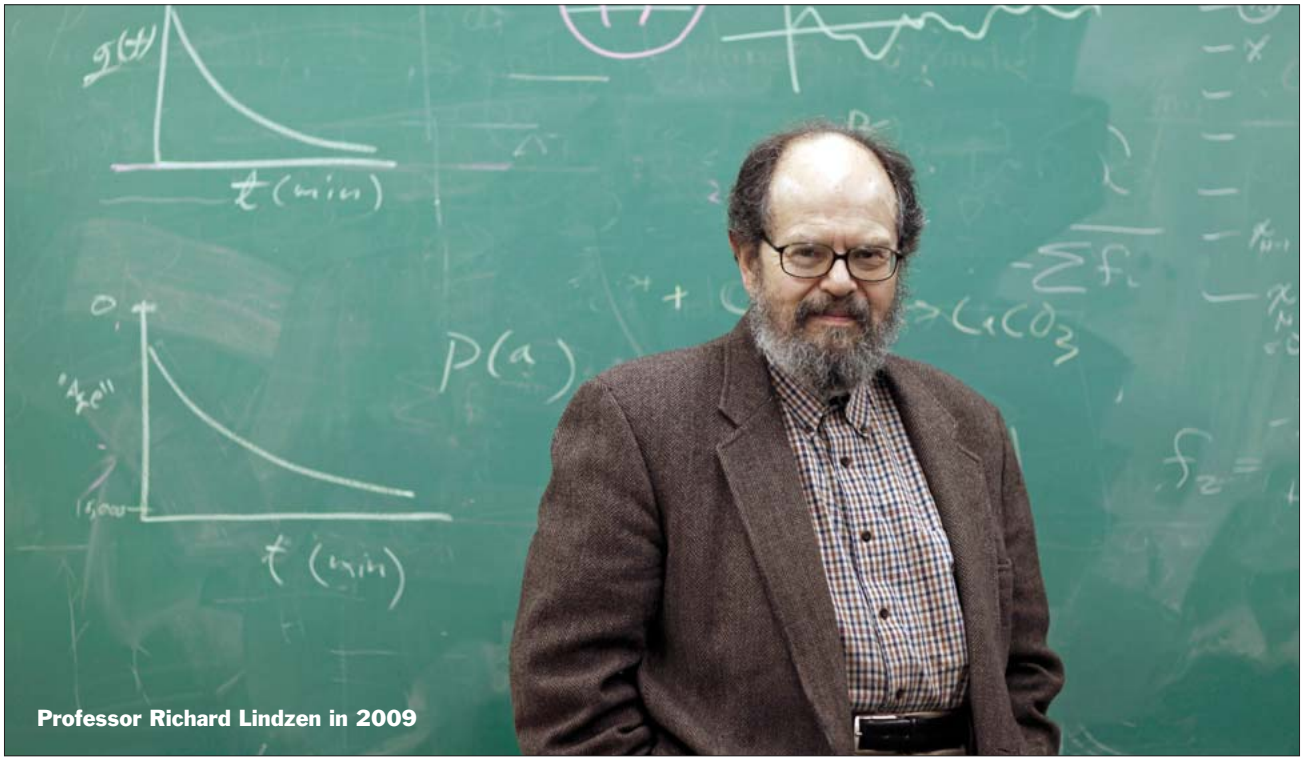
If Lindzen is right about this and global warming is nothing to worry about, why do so many climate scientists, many with résumés just as impressive as his, preach imminent doom? He says it mostly comes down to the money—to the incentive structure of academic research funded by government grants. Almost all funding for climate research comes from the government, which, he says, makes scientists essentially vassals of the state. And generating fear, Lindzen contends, is now the best way to ensure that policymakers keep the spigot open.

Lindzen contrasts this with the immediate aftermath of World War II, when American science was at something of a peak. "Science had established its relevance with the A-bomb, with radar, for that matter the proximity fuse," he notes. Americans and their political leadership were profoundly grateful to the science community; scientists, unlike today, didn't have to abase themselves by approaching the government hat in hand. Science funding was all but assured.

But with the cuts to basic science funding that occurred around the time of the Vietnam war, taxpayer support for research was no longer a political no-brainer. "It was recognized that gratitude only went so far," Lindzen says, "and fear was going to be a much greater motivator. And so that's when people began thinking about . . . how to perpetuate fear that would motivate the support of science."

A need to generate fear, in Lindzen's telling, is what's driving the apocalyptic rhetoric heard from many climate scientists and their media allies. "The idea was, to engage the public you needed an event . . . not just a Sputnik—a drought, a storm, a sand demon. You know, something you could latch onto. [Climate scientists] carefully arranged a congressional hearing. And they arranged for [James] Hansen [author of *Storms of My Grandchildren*, and one of the leading global warming "alarmists"] to come and say something vague that would somehow relate a heat wave or a drought to global warming." (This theme, by the way, is developed to characteristic extremes in the late Michael Crichton's entertaining 2004 novel *State of Fear*, in which environmental activists engineer a series of fake "natural" disasters to sow fear over global warming.)

Lindzen also says that the "consensus"—the oft-heard contention that "virtually all" climate scientists believe in catastrophic, anthropogenic global warming—is overblown, primarily for structural reasons. "When you have an issue that is somewhat bogus, the opposition is always scattered and without resources," he explains. "But the environmental movement is highly organized. There are hundreds of NGOs. To coordinate these hundreds, they



Professor Richard Lindzen in 2009

PASCAL PERICH / GETTY IMAGES

quickly organized the Climate Action Network, the central body on climate. There would be, I think, actual meetings to tell them what the party line is for the year, and so on." Skeptics, on the other hand, are more scattered across disciplines and continents. As such, they have a much harder time getting their message across.

Because CO_2 is invisible and the climate is so complex (your local weatherman doesn't know for sure whether it will rain tomorrow, let alone conditions in 2100), expertise is particularly important. Lindzen sees a danger here. "I think the example, the paradigm of this, was medical practice." He says that in the past, "one went to a physician because something hurt or bothered you, and you tended to judge him or her according to whether you felt better. That may not always have been accurate, but at least it had some operational content. . . . [Now, you] go to an annual checkup, get a blood test. And the physician tells you if you're better or not and it's out of your hands." Because climate change is invisible, only the experts can tell us whether the planet is sick or not. And because of the way funds are granted, they have an incentive to say that the Earth belongs in intensive care.

Richard Lindzen presents a problem for those who say that the science behind climate change is "settled." So many "alarmists" prefer to ignore him and instead highlight straw men: less credible skeptics, such as climatologist Roy Spencer of the University of Alabama (signatory to a declaration that "Earth and its ecosystems—created by God's intelligent design and infinite power and sustained by His faithful providence—are robust, resilient, self-regulating, and self-correcting"), the Heartland Institute (which likened climate "alarmists" to the Unabomber), and Senator Jim Inhofe of Oklahoma (a major energy-producing state). The idea is to make it seem as though the choice is between accepting the view of, say, journalist James Delingpole (B.A., English literature), who says global warming is a hoax, and that of, say, James Hansen (Ph.D., physics, former head of the NASA Goddard Institute for Space Studies), who says that we are moving toward "an ice-free Antarctica and a desolate planet without human inhabitants."

But Lindzen, plainly, is different. He can't be dismissed. Nor, of course, is he the only skeptic with serious scientific credentials. Judith Curry, the chair of the School of Earth and Atmospheric Sciences at Georgia Tech, William Happer, professor of physics at Princeton, John Christy, a climate scientist honored by NASA, now at the University of Alabama, and the famed physicist Freeman Dyson are among dozens of scientists who have gone on record questioning various aspects of the IPCC's line on climate change. Lindzen, for his part, has said that scientists have called him privately to thank him for the work he's doing.

But Lindzen, perhaps because of his safely tenured

status at MIT, or just because of the contours of his personality, is a particularly outspoken and public critic of the consensus. It's clear that he relishes taking on the "alarmists." It's little wonder, then, that he's come under exceptionally vituperative attack from many of those who are concerned about the impact of climate change. It also stands to reason that they might take umbrage at his essentially accusing them of mass corruption with his charge that they are "stoking fear."

Take Joe Romm, himself an MIT Ph.D., who runs the climate desk at the left-wing Center for American Progress. On the center's blog, Romm regularly lights into Lindzen. "Lindzen could not be more discredited," he says in one post. In another post, he calls Lindzen an "uber-hypocritical anti-scientific scientist." (Romm, it should be noted, is a bit more measured, if no less condescending, when the klieg lights are off. "I tend to think Lindzen is just one of those scientists whom time and science has passed by, like the ones who held out against plate tectonics for so long," he tells me.) Seldom, however, does Romm stoop to explain what grounds justify dismissing Lindzen's views with such disdain.

Andrew Dessler, a climatologist at Texas A&M University, is another harsh critic of Lindzen. As he told me in an emailed statement, "Over the past 25 years, Dr. Lindzen has published several theories about climate, all of which suggest that the climate will not warm much in response to increases in atmospheric CO_2. These theories have been tested by the scientific community and found to be completely without merit. Lindzen knows this, of course, and no longer makes any effort to engage with the scientific community about his theories (e.g., he does not present his work at scientific conferences). It seems his main audience today is Fox News and the editorial board of the *Wall Street Journal*."

The Internet, meanwhile, is filled with hostile missives directed at Lindzen. They're of varying quality. Some, written by climate scientists, are point-by-point rebuttals of Lindzen's scholarly work; others, angry ad hominem screeds full of heat, signifying nothing. (When Lindzen transitioned to emeritus status last year, one blog headlined the news "Denier Down: Lindzen Retires.")

For decades, Lindzen has also been dogged by unsubstantiated accusations of corruption—specifically, that he's being paid off by the energy industry. He denies this with a laugh. "I wish it were so!" What appears to be the primary source for this calumny—a *Harper's* magazine article from 1995—provides no documentation for its assertions. But that hasn't stopped the charge from being widely disseminated on the Internet.

One frustrating feature of the climate debate is that people's outlook on global warming usually correlates with their political views. So if a person wants low taxes and restrictions on abortion, he probably isn't worried about climate change. And if a person supports gay marriage and raising the minimum wage, he most likely thinks the threat from global warming warrants costly public-policy remedies. And of course, even though Lindzen is an accomplished climate scientist, he has his own political outlook—a conservative one.

He wasn't reared that way. "Growing up in the Bronx, politics, I would say, was an automatic issue. I grew up with a picture of Franklin Roosevelt over my bed." But his views started to shift in the late '60s and '70s. "I think [my politics] began changing in the Vietnam war. I was deeply disturbed by the way vets were being treated," he says. He also says that his experience in the climate debate—and the rise in political correctness in the universities throughout the '70s and '80s—further pushed him to the right. So, yes, Lindzen, a climate skeptic, is also a political conservative whom one would expect to oppose many environmental regulations for ideological, as opposed to scientific, reasons. By the same token, it is well known that the vast majority of "alarmist" climate scientists, dependent as they are on federal largesse, are liberal Democrats.

But whatever buried ideological component there may be to any given scientist's work, it doesn't tell us who has the science right. In a 2012 public letter, Lindzen noted, "Critics accuse me of doing a disservice to the scientific method. I would suggest that in questioning the views of the critics and subjecting them to specific tests, I am holding to the scientific method." Whoever is right about computer models, climate sensitivity, aerosols, and water vapor, Lindzen is certainly right about that. Skepticism is essential to science.

In a 2007 debate with Lindzen in New York City, climate scientist Richard C. J. Somerville, who is firmly in the "alarmist" camp, likened climate skeptics to "some eminent earth scientists [who] couldn't be persuaded that plate tectonics were real . . . when the revolution of continental drift was sweeping through geology and geophysics."

"Most people who think they're a Galileo are just wrong," he said, much to the delight of a friendly audience of Manhattanites.

But Somerville botched the analogy. The story of plate tectonics is the story of how one man, Alfred Wegener, came up with the theory of continental drift, only to be widely opposed and mocked. Wegener challenged the earth science "consensus" of his day. And in the end, his view prevailed. ♦

Haunted by Syria?

President Obama is unmoved by the atrocities on his watch

By Elliott Abrams

When the history of the Obama administration is written, there will be a long and damaging chapter on its immense humanitarian and strategic failure in Syria. With three years of Obama yet to come, we have not even seen the full humanitarian disaster play out—nor have we yet confronted the dangers that are arising there from the vast jihadist presence.

There are hard choices to be made when strategic and humanitarian interests diverge or even conflict. In Syria, they combined: The United States had an obvious interest in seeing the Assad regime replaced, and two and a half years ago Obama said Assad must go. After all, this was an enemy regime, tied to Iran and Hezbollah and brutal in its repression of all dissent, and it had a good deal of American blood on its hands because it had facilitated the travel of jihadists to Iraq to kill Americans in the previous decade. Assad's departure would be a grave setback to Iran and Hezbollah and a great boon to the people of Syria, who would have a chance to establish a decent government. The population is 74 percent Sunni, so Assad as an Alawite was always going to have to rule by the gun; a Sunni-led government might be able to rely on the ballot box or at least on a less repressive system.

A man cradles a dead child among the victims of a gas attack in Syria.

REUTERS / BASSAM KHABIEH

As part of the "Arab Spring," a revolt had started—and Assad had tried to crush it by killing uninvolved civilians and peaceful protesters. Unlike Ben Ali in Tunisia and Mubarak in Egypt, who gave up power, Assad had not flinched: His reaction was to crush the opposition with any force necessary. He used chemical weapons, air attacks on civilian neighborhoods, artillery assaults on medical facilities and dense civilian housing. His method of dealing with opposition was mass murder, and this was evident early. So the toll mounted, and today there are probably 200,000 dead—some estimates are double that—and one fourth of the population is homeless, now refugees or displaced persons.

Assad's murders gave rise to an armed opposition, and there was some pressure to help it get organized. Assad, not the people of Syria, had chosen blood, and his killings were aided by Iran and Hezbollah—with arms supplied by Russia. America's Gulf Arab allies (primarily Saudi Arabia, Qatar, and the UAE) and Turkey wanted Assad out and saw the battle for Syria as a critical security issue for the entire region. So did the French. So did key Obama administration officials: Secretary of State Hillary Clinton and then her successor John Kerry and Secretary of Defense Robert Gates urged support for the rebels. The danger was not just that they would lose, but that they would become radicalized unless there were a serious effort to train and arm nonjihadist forces.

Without American leadership, the Arabs and Turks would be unable to put together a coherent program and might back groups we viewed as extreme and dangerous, and tied to al Qaeda. With American leadership, especially early on, we could have organized a coherent international effort to back nonjihadist Sunni rebels, make them stronger than their rivals, and enable them to fight against the regime and against al Qaeda-linked jihadists. Indeed the vacuum that sucked in jihadists from all over the world would never have been created. Nor is this 20-20 hindsight; there were plenty of people inside and outside the administration urging the more active policy for the United States.

But no argument could persuade the president. Advice and warnings from his subordinates fell on deaf ears, as the

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jihadist groups grew in power. Even the multiple uses of chemical weapons by Assad led to nothing, or worse than nothing. In fact they led to an Obama threat—his famous "red line"—and then his eleventh-hour reversal on a decision to strike some of Assad's assets by way of punishment and deterrence. Instead, Obama fumbled and grasped the helping hand of Vladimir Putin, who concocted a chemical weapons deal between Obama and Assad. Under it, Assad declares where his stocks are, and the "international community" works with him to remove them. Of course we have no idea if he is declaring 10 or 40 or 70 percent of those stocks, and no one in the region believes it is 100 percent. Meanwhile Assad, rather than the people of Syria whom he is murdering in large numbers, is now our partner.

At the end of 2013, that is the picture. The chemical weapons deal gave Assad license to continue killing by any means other than chemical weapons, and he is using it. A vicious bombardment of Aleppo began December 15 and continued day after day. Helicopters drop "barrel bombs" filled with explosives, nails, and other shrapnel designed to kill indiscriminately. "The medics say they are removing people in parts; they aren't sure how many there are," came the report from the Aleppo Media Center. "There was a big massacre today. We were treating shrapnel wounds, deep abdominal and brain injuries. I just lost count of the amputations," a doctor told CNN two days before Christmas. Three days before New Year's, a helicopter dropped a barrel bomb on a vegetable market, killing two dozen more people. The American strike that President Obama decided against at the last minute could have destroyed some of Assad's helicopters and fixed-wing aircraft, damaged their bases, degraded their ability to conduct such attacks, and given Assad a firm and credible warning to stop using airpower against civilian targets.

The Obama administration has a variety of excuses for its inaction. What can we do, after all? Would a jihadist victory be better than Assad? Elements of the foreign policy establishment are now echoing the line that perhaps Assad is a necessary evil.

The Obama administration has a variety of excuses for its inaction. What can we do, after all? Would a jihadist victory be better than Assad? Small but growing elements of the foreign policy establishment are now echoing the line that we can't after all allow al Qaeda to take over, so perhaps Assad is a necessary evil. But there were obvious things to do, and the administration should not now be allowed to escape condemnation for its feckless refusal to make choices. If today's choices are worse than yesterday's, or those available in 2012 and most of 2013, that is because Obama decided to do nothing. When I testified to the House Armed Services Committee in July 2013, I urged a onetime strike at Assad's air assets and noted that Secretary Kerry was in favor of the same move: Cripple Assad's small air force and you tilt the battlefield militarily, politically, and psychologically. Remember Kerry's speech of August 30?

> Instead of being tucked safely in their beds at home, we saw rows of children lying side by side, sprawled on a hospital floor, all of them dead from Assad's gas, and surrounded by parents and grandparents who had suffered the same fate. The United States government now knows that at least 1,429 Syrians were killed in this attack, including at least 426 children. Even the first responders—the doctors, nurses, and medics who tried to save them—they became victims themselves. We saw them gasping for air, terrified that their own lives were in danger. This is the indiscriminate, inconceivable horror of chemical weapons. This is what Assad did to his own people. . . .
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> [T]he primary question is really no longer, what do we know? The question is what are we—we collectively—what are we in the world going to do about it? As previous storms in history have gathered, when unspeakable crimes were within our power to stop them, we have been warned against the temptations of looking the other way. History is full of leaders who have warned against inaction, indifference, and especially against silence when it mattered most. Our choices then in history had great consequences, and our choice today has great consequences. . . .
>
> [I]t matters deeply to the credibility and the future interests of the United States of America and our allies. It matters because a lot of other countries whose policies challenge these international norms are watching. They are watching. They want to see whether the United States and our friends mean what we say. It is directly related to our credibility and whether countries still believe the United States when it says something. They are watching to see if Syria can get away with it because then maybe they too can put the world at greater risk. And make no mistake. In an increasingly complicated world of sectarian and religious extremist violence, what we choose to do—or not do—matters in real ways to our own security. Some cite the risk of doing things. We need to ask what is the risk of doing nothing?

Great speech. Wrong president.

Today the war crimes continue, but poor Assad is restricted to using conventional weapons to murder Syrians. In the Balkan wars of the 1990s, it is estimated that a total of 130,000 died. The war in Syria long ago passed that point, and the numbers continue to rise.

The American reaction is pathetic. Here is what the White House spokesman said in response to the murders and "barrel bombs" in Aleppo at year's end:

> The United States condemns the ongoing air assault by Syrian government forces on civilians, including the indiscriminate use of SCUD missiles and barrel bombs in and around Aleppo over the last week. The attacks over the weekend killed more than 300 people, many of them children. The Syrian government must respect its obligations under international humanitarian law to protect the civilian population. The Syrian government must fulfill its November commitment to do more to facilitate the safe and unhindered delivery of humanitarian assistance, so that millions of Syrian men, women, and children have access to urgently needed services. To bring the suffering of the Syrian people to an end, it is imperative that Syrians reach a comprehensive and durable political solution to end the crisis in Syria. The United States remains committed to advancing a political settlement to help end the bloodshed in Syria.

So Assad "must" do this and that—or else what will the United States do? Well, we "remain committed to advancing a political settlement." In the face of these crimes the United States will not remain silent, you see; we'll put out a statement.

Long forgotten, above all by the administration, is the Obama Presidential Directive of 2011 that said

> Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States. Our security is affected when masses of civilians are slaughtered, refugees flow across borders, and murderers wreak havoc on regional stability and livelihoods. America's reputation suffers, and our ability to bring about change is constrained, when we are perceived as idle in the face of mass atrocities and genocide.

Obama established the "Atrocities Prevention Board" in a brave speech at the Holocaust Museum in 2012, where he stated

> We must tell our children. But more than that, we must teach them. Because remembrance without resolve is a hollow gesture. Awareness without action changes nothing. . . . "Never again" is a challenge to nations. It's a bitter truth—too often, the world has failed to prevent the killing of innocents on a massive scale. And we are haunted by the atrocities that we did not stop and the lives we did not save.

Syrian civilians try to cross the border into Turkey.

REUTERS / MOLHEM BARAKAT

As the year ended Obama was golfing in Hawaii; evidence that he was haunted is difficult to come by.

And where are we on the jihadist front? Last summer the *Economist* reported, "The rate at which foreign fighters, both seasoned jihadists and inexperienced young men, have headed for Syria eclipses that of recent conflicts in Afghanistan, Somalia and Yemen." It is now estimated that there are 10,000 jihadists fighting in Syria (some would say several thousand more), of whom perhaps 1,000 or 2,000 are Western—mainly from Europe. This large body of jihadists surpasses the number who ever gathered in Afghanistan, and of course here they are not near the border of Pakistan but on the borders of Jordan, Israel, Lebanon, Turkey, and Iraq. When the Western jihadists go "home," it will not be to Islamabad or Riyadh but to Amsterdam and Paris and Madrid, and perhaps to New York and Washington, or Los Angeles and Chicago. The implications keep Western security officials up at night.

"America's reputation suffers," Obama said, and he is right. Certainly our inaction in Syria has been noted in Jerusalem, where our resolve to stop the Iranian nuclear weapons program is the critical concern. When Moscow judges what we will do as Russia presses Ukraine, and when Beijing estimates the American reaction to a new "air defense zone" in the East China Sea, the gap between words and actions in Syria must be high on the agenda.

But the reputation that will in the end suffer most is Obama's. He is presiding over a humanitarian disaster where war crimes and atrocities occur each day and he responds with speeches. He is conceding a strategic victory to Iran and Hezbollah, who have decided to win in Syria and have rejected the administration line that "there is no military solution." He has weakened our own alliances, for example dragging British prime minister David Cameron into a dispiriting defeat in the House of Commons when he rushed to join a military strike that Obama soon abandoned. He is endangering our safety by allowing jihadists to turn Syria into their world center of activity. And over the next three years, he is likely to reap what he has sowed. The problem is, so will we. ♦

Leonard Bernstein in rehearsal with the New York Philharmonic (1957)

Sincerely, Lenny

The correspondence of Manhattan's Maestro. BY JOHN SIMON

Leonard Bernstein (1918-1990) was a man of multiple talents: He was a composer of classical music as well as of musical comedies (*On the Town*, *Wonderful Town*, *Candide*, *West Side Story*) and a number of ballets for choreographer Jerome Robbins. He was composer, too, of the epochal film score for *On the Waterfront* (1954), and he was a highly gifted musical lecturer on television shows such as *Omnibus*—lectures of equal interest to professionals and outsiders that were collected in a couple of important books. Some lyrics for show tunes display his skill with verse.

The Leonard Bernstein Letters
edited by Nigel Simeone
Yale, 624 pp., $38

As a master conductor of music both old and new—including his own—he was hailed the world over. This led to correspondence with major composers, conductors, and instrumentalists, as well as important others. There are letters from Jackie Kennedy and Bette Davis, Lauren Bacall and Harpo Marx, Ronald Reagan and Richard Avedon, Frank Sinatra and James M. Cain, Aldous Huxley and Francis Ford Coppola, Margot Fonteyn and Boris Pasternak, among many others.

The book's able editor, Nigel Simeone, sensibly includes letters *to* Bernstein as well as excellent biographical sections and ample, helpful footnotes.

A commendable thing about Bernstein's letters is that they are to specific persons about germane matters, none of them grandiloquently aimed at publication and posterity. There are occasional paragraphs that jump out as somewhat "literary," but they

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are simply good writing, not self-aggrandizement or histrionics.

Many of them are to persons with whom Bernstein was in love, platonically or otherwise. Foremost are those to Aaron Copland, adored mentor, as well as those to fellow composers such as David Diamond (despite a late falling-out), Marc Blitzstein, and William Schuman. Here too are his letters to conductors Serge Koussevitzky and Dimitri Mitropoulos and to clarinetist and disciple David Oppenheim, later head of New York University's School of the Arts. Mitropoulos and especially Copland were highly probable lovers; some of the others seemingly so. (Schuman and Koussevitzky definitely not.)

Particularly moving are the letters to Copland and, later, Felicia Montealegre Cohn, the Chilean-American actress who became Bernstein's wife and mother of their three children—the only woman he truly loved. (There were early, fleeting affairs.) There are also warm letters to Bernstein's parents, particularly to his mother.

The earliest schoolboy letters are intemperate: "I hate the Harvard Music Department . . . because it is stupid & highschoolish and 'disciplinary' and prim and foolish and academic and stolid and fussy." But he is aware of his own problems: "My chief weakness [is] my love for people. I need them . . . every moment. . . . Any people will do." To Copland, he writes: "I've never felt about anyone before as I do about you. Completely at ease, & always comforted. . . . This is not a love letter, but I'm quite mad about you." The older man replies, somewhat prophetically: "What terrifying letters you write: fit for the flames. . . . Just imagine how much you would have to pay to retrieve such a letter forty years from now when you are conductor of the Philharmonic. . . . I don't mean that you mustn't write such letters (to me, that is), but I mustn't forget to burn them."

At this early stage, Bernstein is already bursting into bits in other languages (mostly French, sometimes German, rarely Italian, and, later, also Yiddish and Spanish). But then, so did many of his correspondents, it being a show of sophistication. He even invented a patois, or baby talk, of his own, often for nicknames and, of course, endearments, prompting such answers as Copland's "If I said what I felt the paper would melt." But parallel to genuine affection were forays into Turkish baths and Greenwich Village gay bars, often led by Paul Bowles. Of these we read, "The more promiscuous the better"; but the experience was often "as horrible as if I hadn't gone at all."

To David Diamond he gives thanks "for leading me straight into the arms of a great and quiet and radiant joy." To David Oppenheim, with whom he recorded the Clarinet Sonata, his first notable composition, he writes: "You will, of course, destroy this letter. Unless you some day give up the clarinet in favor of blackmail." Samuel Barber (never a close friend) counsels him on how to disqualify for the wartime Army—"Develop an impassioned asthmatic wheeze"—and it works. Copland writes, "You're a good disciple—but an angelic love."

There are interesting letters to and from a couple of female analysts, one of whom he and others refer to as the Frau. "Are you alone—like the Frau wants?" Copland asks Bernstein, who fantasizes about marrying his dentist's pretty daughter. There are also judgments on fellow composers: Vernon Duke is "insufferable"; about George Antheil's music: "When it's all over, one doesn't give a damn"; concerning Roy Harris's "Ode to Truth": "I can't even describe it, except as an eternal measure of turdlike notes . . . with his three tricks in it." It may come as a surprise that, among these letters, there are almost no hints of World War II; Bernstein feels happily "chez moi" wherever he is—as, for instance, in Prague: "The Czechs are happy and look to the future. They are the sweetest people on earth."

Bette Davis fantasizes about becoming his patroness, like Tchaikovsky's Madame von Meck. Numerous and fascinating are the many letters to and from such collaborators as Betty Comden, Adolph Green, and Jerome Robbins, a frequent collaboration often couched in abundant epistolary detail. Thus, for the ballet *Fancy Free*, Bernstein will ask Robbins for "a kind of hot pants feeling . . . but lyrical, perfumed by these little rhythmic urgings in the balls."

For his beloved siblings, Shirley and Burton, there is a private language, such as "Mine deoah" (my dear) and "Mü la dü" (my love to you), and he signs himself Lennuht or Ladümü. Felicia's cold becomes a "kepepelt," and a bed, a "boweweld." From the Frau he gets written advice: "Why cannot you relax and just simply not compose? Remember, you had the idea that adjustment to homosexuality could facilitate heterosexuality! Couldn't adjustment to relaxation constitute a capacity of creative work?" He feels terrific when conducting in his beloved Israel: "Somehow in Israel one finds strength for everything." In Europe, he has "a strange lack of nostalgia for America." In Budapest, he makes his audiences go crazy about Bartók as they never were before.

With Felicia, after some serious bumps in the road, true love led to marriage. Thanks to her, he feels he "can begin really to live my life . . . and not only live on the circumference of it." He writes: "Lonely on the sea, my thoughts were only of her. Other girls (and/or boys) meant nothing," thanks to "the great companionship of this girl." He now "needs no shrinks [and] will cope on [his] own."

He feels his marriage to be "the most interesting thing I have ever done, though there are times when one's interest must be that of a person in an audience, or one would go mad." Felicia's attitude, shortly after the wedding, is that "nothing is really irrevocable." She knows that her husband is "a homosexual and may never change," but is "willing to accept" him as he is without becoming a martyr, because "our marriage is not based on passion but on tenderness and mutual respect."

Bernstein discovers "a new young lyricist named Steve Sondheim, who is going to work out wonderfully" for

what will become *West Side Story*; for *Candide*, "Richard Wilbur, a marvelous young poet who has never written a lyric . . . is already doing wonders." While conducting in Italy, he "became real good friends with von Karajan. . . . My first Nazi." There is much trouble with the making of *West Side Story*. Abroad, he misses his family, "especially you [Felicia] who have come to mean something miraculous." But he has problems: "I study my hairline in the mirror and pray desperately against baldness."

He has fun skiing in Sun Valley, where he meets Hemingway and is "taken totally by surprise," by "a) that charm, and b) that beauty," he writes to his new friend Martha Gellhorn, one of Ernest's ex-wives. Such fun, and yet, "I have only my own sick silly psyche pushing from inside." He discovers Gustav Mahler, for whose revival he works tirelessly: "I bought lots of albums of Mahler & I've been listening & crying as I listen." But when he tries to go on to Bruckner, he wisely finds him "impossibly boring, without personality, awkward & dull, masked in solemnity."

With the New York Philharmonic, Bernstein became a true world conductor, performing as far afield as Japan, about which he writes brilliantly to Felicia. A letter from Nagoya (dated April 30, 1961) is as good as anything I've ever read about Japan, and terse to boot. There, he experienced "the most beautiful day and night anyone has ever had. [But] my big nose is still sick, & needs a big rest."

Upon receiving an honorary degree, together with Copland, from the University of Michigan, Bernstein writes a sonnet. From Vienna he writes, "I am enjoying Vienna enormously—as much as a Jew can." To his mother he adds, "Every morning I eat Vienna rolls—what you always used to call Vianna rolls. Remember?" He sends his parents Demel chocolate, "the best on earth," and signs, "Your Wiener Schnitzel."

From New Zealand, he sends one of his liveliest, most evocative letters to Felicia, full of well-observed and vividly recounted details. "And so much love to you, my angel," it concludes. To the mortally ill conductor Karl Böhm, he writes a touchingly warm letter, complete with some incorrect German: "You *taught* me, in wisdom, what I had been performing by intuition." The great conductor Victor de Sabata writes him: "To know that a Bernstein does exist helps a lot."

Sadly, Bernstein broke his promise to Felicia of dignified discretion; shortly before his wife's death in 1978, he moved into an apartment with a young man. She cursed him: "You're going to die a bitter and lonely old man." To his last days, that malediction haunted him. In a late letter to his business manager, he tells him that he likes his "paradoxical duality" about occult matters, something he likes most "in any thinking-feeling person—including myself, in those ever-decreasing moments when I like myself." The last letters are very moving, notably one from Mother Jennie to her son, wishing him "happy composing" and a "Happy (Jewish) New Year." She outlived him by two years.

Finally, we get a letter from an illustrious colleague, Georg Solti: "It is wonderful that you will continue to write and teach." A few days later, on October 14, 1990, Bernstein died at 72. His manifold legacy, including these letters, lives on. ♦

B&A

Play's the Thing

Send children outside, and let them be children.

BY ABBY W. SCHACHTER

Serial entrepreneur Mike Lanza can't believe what's happened to childhood. Growing up in suburban Pittsburgh, Lanza spent hours after school, outside and unsupervised, playing with neighborhood kids of different ages. Today, practically the opposite is the case. Kids hardly spend any time outside, let alone have unstructured, unsupervised fun. Instead, they spend a tremendous amount of time inside looking at screens or in cars being shuttled from one adult-organized, age-segregated activity to another. Lanza is now on a mission to encourage parents to turn off the screens, open the front door, and get kids out of the house and into their new lives of free play.

In *Playborhood*, he argues that outdoor play among big groups of kids of various ages will improve the lives of those kids. He says that play helps provide a good life for children, and it turns out there's plenty of research to prove his point. Take evolutionary psychologist Peter Gray's research, for example. Gray explains that today's kids are having a hard time successfully growing into adulthood because they are overprotected, over-pressured, and are not given enough time for free play. Since 1960, Gray writes,

> [A]dults began chipping away at [kids'] freedom by increasing the time that children had to spend at schoolwork and . . . by reducing children's freedom to play on their own. . . . Adult-directed sports for children began to replace "pickup" games; adult-directed classes out of school began to replace hobbies; and parents' fears led them, ever more, to forbid children from going

Playborhood
Turn Your Neighborhood Into a Place for Play
by Mike Lanza
Free Play, 254 pp., $9.95

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> out to play with other kids, away from home, unsupervised. There are lots of reasons for these changes but the effect, over the decades, has been a continuous and ultimately dramatic decline in children's opportunities to play and explore in their own chosen ways.

The result, Gray argues, has been more mental illness among the young, less empathy, and less socialization. Lanza couldn't agree more. Moreover, to Lanza's way of thinking, building independence and self-reliance in children is a value and goal of parenting that has all but disappeared. Our children need to learn to do things on their own in order to grow into fully functioning, responsible adults, he writes, as he helpfully enumerates the "developmentally valuable tasks" kids will gain by playing pickup games. When kids "decide what to play, recruit players, decide where to play, improvise rules, settle disputes, decide how to conclude the game and bend the rules for less able players," they are actually learning how to behave and get along with others. "Our challenge as parents," he writes, "is to create physical gathering places in our neighborhoods that will be more attractive than [the] alternatives."

Lanza decided to compete for his kids' attention by nearly banning screens inside his house and tricking out the front and back yards of his Menlo Park, California, home to get his children and their neighbors to play outside. Lanza has also devoted time, money, and energy to making the outside of his house as inviting for children's free play as possible. He's installed a water feature, a white board and markers, a trampoline, various places to sit and store toys and games, a colorful driveway, and a playhouse in an effort to get his own kids, and other children, to join in the fun outside. Lanza even runs a camp one week every summer to have kids come by every day and play.

This might seem like excessive devotion to a seemingly simple problem; but anyone raising children these days can attest to the entrenched reality Lanza is trying to change. He is correct that screens are enticing and attractive enough to draw in nearly every kid. It does take a major effort to get kids to go outside and stay there for any length of time. And parental fears about the possibility of harm coming to our children prevents many of us from embracing Lanza's call for unsupervised free play out of doors.

Lanza addresses many of these concerns, and is even defiant when responding to critics who worry that he'll be sued for allowing kids to play in his yard:

BETTMANN / CORBIS / AP IMAGES

Boys and girls playing sandlot baseball (1946)

> [T]he probability that my kids will have a much better childhood because I've made [my front yard] into a hangout is very high, close to 100 percent . . . almost a 100 percent chance of a better childhood vs. a very, very small chance of getting sued. I'll take that deal anytime.

Beyond his own yard, Lanza has gone looking for communities where his emphasis on outdoor play is similarly valued. He found places in Oregon, a street in the Bronx, a new suburban housing development in Alabama, and communities in Washington and Iowa that share his vision. But Lanza's mission isn't strictly limited to promoting free play: He offers advice about the positive benefits of walking or biking instead of driving, and he explains why families should sit down together for dinner every night. He also advocates oral storytelling and reading to children as often as possible. At heart, Lanza wants readers to understand that, contra Hillary Rodham Clinton, it doesn't take a global village to raise a child; it takes an actual, physical one.

"I strongly believe that it takes a village—an old-fashioned, tight-knit neighborhood—to raise a child. Not some 'network of values and relationships,'" Lanza declares.

He suggests building physical community by sharing parenting responsibilities among neighboring families with similarly aged children, planting a community garden, having regular community dinners, running a neighborhood summer camp, and organizing block parties. This advice goes beyond the question of playing outside as a means of improving the quality of kids' lives, however. This is about improving quality of life for all, because there are practical and long-term benefits for adults as well as kids to having a physical community. Not least is the knowledge that you are not alone in this world. And given that many of us do not live near family, the surrounding community can serve the same function—and help us to feel safer, more secure, and happier. ♦

B&A

Period Piece

The theory and meaning of our own hieroglyphics.

BY BRIAN P. KELLY

If, as Kurt Vonnegut believed, the only reason to use a semicolon is to show that you've been to college, what does it say when someone uses a pilcrow? Or, for that matter, an interrobang, a manicule, or an octothorpe? While this book doesn't make any judgments about the punctuation one chooses to use or avoid, *Shady Characters* takes an entertaining look at the evolution of both common and lesser-known characters.

Unsurprisingly, the roots of modern punctuation have their origins in ancient Greece. Ancient Greek texts were meant to be spoken aloud, and were written in *scriptio continua*: all capitals, no typographic marks, and no spaces. Where punctuation now acts, in one regard, as signposts to aid readers in their task, in ancient Greece, readers were on their own when it came to discerning where sentences, clauses, even some words began and ended. It's easy to see how ITCOULDBEHARDTOUNDERSTAND *scriptio continua*, and so, in the third century B.C., Aristophanes of Byzantium, head of the Library of Alexandria, devised the first system of punctuation in order to make reading easier. He created a series of three dots, or *distinctiones*, to indicate places within a text at which a reader should pause and how long that pause should last. These marks were the *komma* (·), the *kolon* (.), and the *periodos* (˙), indicating a short pause, medium pause, and long pause, respectively.

Oddly enough for a culture in which texts were meant to be read out loud—and that didn't seem preoccupied with formatting for clarity—the paragraph predates Aristophanes' *distinctiones* by a full century. The first paragraphs were marked with a small line in the margin of the text where new sections or key ideas began. These marginalia also gave paragraphs their name—*para-* "beside," and *graphein* "write." While the Romans threw out Aristophanes' system and returned to *scriptio continua* by the end of the second century, the paragraph endured as an important part of the written word, albeit in myriad incarnations. Some writers outdented the first words of a paragraph; others enlarged its initial letters, creating *literae notabiliores* (notable letters); still others inserted the letter "K" at the beginning of paragraphs, short for *kaput*, or "head."

As time passed, various punctuations came into and out of existence, thanks largely to the standardization that early Christians demanded in reproducing and circulating Scripture. Aristophanes' dots were revived and modified; the *positura* (a mark resembling the Arabic numeral 7) indicated the end of a section of text; questions terminated in a *punctus interroatvus* (ʔ); the diple (‹) marked quotations from scripture and eventually evolved into quotation marks (“ ”) and guillemets (« »). The paragraph became standardized and the "K" of *kaput* was replaced by the "C" of *capitulum*, or "little head"—a style that would last until a technological revolution shook the typographic world.

Before the printing press, extant texts were almost universally religious in nature and painstakingly copied by monks from earlier versions. Due to the tedious nature of producing texts before Gutenberg, each stage of production was assigned to a different individual, beginning with a parchmenter who prepared animal hides, followed by a scribe who copied the text, and ending with a rubricator who would ornament it. Scribes often left ample room at the beginning of paragraphs for decoration, and it became common practice for rubricators to embellish the "C"s that populated texts with a vertical line. Hence, the pilcrow was born: ¶.

Later, even after the advent of the printing press, the beginnings of sections were still adorned by hand. Printers, like the scribes of preceding generations, would simply leave a blank space at the start of paragraphs while setting the type, then pass the manuscripts along for decoration. But the number of texts skyrocketed, and rubricators were unable to keep up with demand. In lieu of ornamental pilcrows marking the beginning of sections, these blank spaces became the norm, and are still with us today in the standard indentation that marks the start of every paragraph.

While the story of paragraphic punctuation stretches almost two millennia, not all typographic marks took as long to come to prominence. Indeed, as printing and communication tech-

Shady Characters
The Secret Life of Punctuation, Symbols, and Other Typographical Marks
by Keith Houston
W.W. Norton, 352 pp., $25.95

Interrobang T-shirt

Brian P. Kelly is associate editor of The New Criterion.

nologies improved, marks could rise to ubiquity in the blink of an eye—and disappear just as fast. One such example is the interrobang (⁉)—a mark used to indicate surprise or punctuate a rhetorical question. In a 1962 issue of *Type Talks*, a trade publication dedicated to typography in advertising, ad executive Martin K. Speckter wrote an article entitled "Making a New Point, or How About That . . ." In it, he explains his frustration with the growing number of rhetorical questions in advertising—*Can you believe the price?!*—and their clumsy punctuation. His solution was a new punctuation mark, the "exclamaquest" or "interrobang." The article included examples of what this new mark might look like, the most popular of which turned out to be a question mark overset with an exclamation point.

People loved it. The *Wall Street Journal* and the *New York Herald Tribune* ran pieces in support of the mark; American Type Founders created a font called Americana that featured it. Remington Rand made an interrobang key for one of its typewriters. But like many fads, the interrobang craze was short-lived. This was partly due to stubbornness: Many literary types just didn't like the symbol, and most foundries chose not to cut interrobangs when creating new typefaces. But technological shortcomings also played a role. Monotype and Linotype machines (the most common ones used in printing at the time) could support only a finite number of characters, and more traditional, if rarely used, marks—such as the ligatured a-e (æ) and the dagger (†)—took priority over the newcomer. By the early 1970s, the interrobang had disappeared.

If popularizing a punctuation mark is difficult, the task seems to be at least marginally easier if the symbol has historical roots. Unlike the interrobang, whose conception, creation, rise, and fall were all observable within a decade, the @ symbol has been around for centuries and is now enjoying widespread resurgence thanks to the Internet. While its exact origins are unknown, the earliest recorded use of the @ symbol is in a letter sent from Seville to Rome, dated May 4, 1536. In it, a Florentine merchant named Francesco Lapi discusses ships arriving in Spain from the New World and the price at which they sold one *amphora* of wine. An *amphora* was a standard Roman commercial measure (equivalent to about 26 liters) and seems to have set the precedent for the symbol's use: From all other extant records, "@" has related the quantity of a product sold @ a certain price.

As to the distinctive look of the symbol—Italians call it the "snail," Germans the "spider monkey," Danes the "elephant's trunk A"—the most likely origin is sloppy handwriting. Abbreviations, common for most of writing's history thanks to the time and paper they saved, were indicated by adding a small bar, called a tittle, over the letter. The shortened *amphora* became "ā," and as scribes rushed to take notes, they combined the character into one stroke, joining the tittle with the a and forming the original @.

The @ symbol would have remained strictly in the commercial realm had it not been for Ray Tomlinson, who, in 1971, was employed to write programs for the newly created ARPANET (precursor to the modern Internet). Modifying a primitive form of electronic mail—messages could only be sent and read from the same computer—Tomlinson devised a way to transmit messages written on one computer and store them for retrieval on another. In choosing how to address these messages, he decided to append the host with the recipient's name, selecting the "at" sign to do so: recipient@host. It was originally a pet project, and Tomlinson worried that his superiors would be angry if they found out he had created email—since it wasn't, in his words, "what we're supposed to be working on." His fears were unfounded: By 1973, email accounted for 75 percent of ARPANET's traffic. And so "@" began to be associated with everything digital. Thanks to "Internet c@fés," Twitter handles, and email, the @ symbol, unlike the interrobang, can look forward to a long life. ♦

B&A

Continental Drift

A quarantine for the Sick Men of Europe.

BY DAVID AIKMAN

The year 1946 was vintage for Churchillian rhetoric, with two speeches that significantly affected the history of the West—and, indeed, the world.

The more famous of the two was the Iron Curtain speech delivered in Fulton, Missouri, in March, in which Churchill laid out the stark reality of Communist domination of the eastern half of Europe by Stalin's armies. But the second of the 1946 speeches, given in Zurich six months later, had profound consequences. In it, Churchill foresaw "a kind of United States of Europe," the kernel of a European economic and political union that would, Churchill hoped, banish forever the shadow of war that had ravaged continental Europe's strongest nations, France and Germany.

David Aikman is the author, most recently, of The Mirage of Peace: Understanding the Never-Ending Conflict in the Middle East.

Becoming Europe
Economic Decline, Culture, and How America Can Avoid a European Future
by Samuel Gregg
Encounter, 384 pp., $25.99

Soon after Churchill's speech, the Council of Europe came into existence, as did, later on, the European Coal and Steel Community and the other economic structures that were to form the core of the European Economic Community (the Treaty of Rome, 1957) and, eventually, the European Union (Maastricht, 1992).

The idea of a European federal superstate as an economic and political entity was never far from the minds of Europe's key founders. Democratic capitalism was to be the main economic engine of that entity. But as Samuel Gregg points out in this cogently argued study—which frequently refers to Alexis de Tocqueville—whereas the American federal experiment emphasized economic and political freedom as the prerequisites for social prosperity and "human flourishing," Europe's postwar program was heavily influenced by social democracy. The goal became economic security for everyone, an idea that required labor-union political power and large bureaucracies to administer the welfare state.

European Union bureaucrats protesting pay/staff cuts, Brussels (2012)

Gregg correctly reminds us that behind social democracy's stress on fair economic outcomes for Europe's population lay the fundamental Marxist principle of redistributionism. He certainly does not attribute the European Union's recent woes to the influence of Marxism, but he assembles a variety of ingredients that add up to what he calls "social Europe," a social-welfare coterie of EU countries in which general prosperity has declined as economic freedoms have been whittled down.

There is, he argues, a bewildering variety of ailments that have beset the eurozone and the larger economy of the European Union. One of them is *dirigisme*, a term few Americans could comfortably define. Basically, it is the principle that the state is allowed to limit economic freedom if (according to the Italian constitution's definition of *dirigisme*) economic freedom gives rise to activity that could damage "safety, liberty, and human dignity." Put succinctly: Free enterprise is good just as long as some people don't become too rich and others too poor. Less impenetrable to Americans is the philosophy of "corporatism," the idea that employee and employer groups should coordinate with government to agree on what is beneficial to the "solidarity" of society.

Much of this is classic Keynesianism, the theory that a market economy can actually be "managed" in a socially beneficial way. In fact, other European economic shibboleths have dominated the EU economy for years. One of the first to come into existence was the Common Agricultural Policy, a device intended to prop up living standards of (mainly) France's farmers as they were being whittled down by the rise of urban living standards. Today, as Gregg points out, the CAP eats up fully *half* of the European Union's budget, even though agriculture produces only 2 percent of the EU's gross domestic product.

Europe's challenges, however, go well beyond agriculture's cosseted status and the protected living standards that evoke rhapsodic praise from certain Americans. We do, indeed, work harder than Europeans—a full month more each year in many cases—and have to put up with one month's less vacation time. But, as becomes clear in Gregg's description of the challenges facing Europe, the EU's difficulties are partly cultural as well: The disciplined, hard-working northern tier of Europe pays the bills of a spendthrift, sometimes lazy southern tier—and a holdout group of entrepreneurial business executives find it harder and harder to take the risks necessary for innovation. The concept of "social Europe," Gregg suggests, has enabled the development of a social and economic culture of dependency and the emergence of a bureaucratic elite.

There are telling social indicators for the dependency gene: A 2005 French poll showed that 70 percent of Europeans under 30 preferred to have a job working for the state. (A recent book by a French civil servant revealed why that should come as no surprise: She describes a nepotistic work environment in which she and her colleagues put in barely five hours' work a week and competed to see who could take the longest coffee break.) But Gregg is careful not to suggest that Americans are uniformly more virtuous workers than Europeans. He cites the case of Bell, California, where city bureaucrats were paying themselves six-figure salaries. But whereas the Bell case resulted in massive media attention, firings, and criminal charges against elected officials, the French author-whistleblower cited above was suspended from government service and served with angry lawsuits from her former bosses.

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America *is* becoming more like Europe in many ways, Gregg acknowledges. According to the Heritage Foundation, 70 percent of federal spending goes to welfare programs (including Medicare and Social Security). Some 67 million Americans depend on the federal government for housing, food, and student aid, yet only 57 percent of American households paid any income tax in 2013. Is the United States on the way to becoming like the PIIGS (Portugal, Ireland, Italy, Greece, Spain)? While just over half of Americans pay income tax, the list of entitlements grows annually.

Americans are more given to economic risk than Europeans, but social and economic structures here are increasingly restrictive of the economic freedom needed to provide an environment for those risks and create prosperity. Americans, Gregg argues, need to think very carefully before they sacrifice more economic liberties for the sake of economic security. The challenge for the United States is "the fight to take back America from those who sought to realize the social democratic dream over the past eighty years."

With every passing year, and each new EU bailout, Europeans seem to be forgetting where they came from. In the words of Václav Klaus, "they do not understand that their current behavior undermines the very institutions that made their past success possible." Where Europe has already gone, can America be far behind? ♦

B&A

Stagecraftsman

An appreciation of J. T. Rogers.

BY JONATHAN LEAF

On the morning of April 16, 2012, at the very minute that the winner of the Pulitzer Prize for Drama was being announced, the playwright J. T. Rogers's telephone rang. A 43-year-old married father struggling to pay his rent each month, he picked up the receiver with nervous anticipation. Caller ID showed it was an unfamiliar number. Was his life about to change? Were the years of worrying about money—during which he had worked at dozens of jobs, including stints driving a trolley car around Central Park, waiting tables, catering, and doing data entry—about to conclude? He picked up the receiver.

The call to his apartment in Brooklyn was a wrong number.

He was understandably frustrated and left to wonder why he had been passed over; for the Rogers play that had been nominated, *Blood and Gifts*, not only deals with many of the major issues of our time, but is one of the best American plays of the new century. It was greatly lauded at Lincoln Center and London's National Theatre, and among its many triumphant notices was one from the *New York Times* calling it "superb."

J. T. Rogers (2012)

PATRICK MCMULLAN CO. / CELESTE / SIPA / NEWSCOM

Nearly as dispiriting, however, was the news about the play that *had* received the Pulitzer, a mostly forgettable drama—about a veteran employed in a Philadelphia sandwich shop—that had been presented in one theater in Connecticut. Rogers's humiliation was magnified by the discovery that his epic drama about the role of foreign powers in Afghanistan during the 1980s was not even given the consolation of being a finalist—no matter that it's an entertaining, complex, intricately plotted, and ultimately affecting examination of the operations of the CIA during the Cold War, the failures of communism, and the nature of Islamism.

Where had J. T. Rogers erred? Determined to tell his story in a manner consistent with his research about American support for the mujahedeen during the Soviet occupation, Rogers had strayed too far from the fruited plains of accepted truth. The result was a tale in which the full brutality of the Russians is displayed and a CIA agent is our hero. Furthermore, in trying to get his Afghan allies weapons with which to shoot down Soviet planes, the agent is shown to be conscientious and self-sacrificing, while the "good" Muslims with whom he conspires prove to be perfidious and bloodthirsty.

A blend of Graham Greene and Khaled Hosseini, *Blood and Gifts* offers tart, clever dialogue and deftly etched portraits of plotters of various oaths and creeds. Here, for instance, is the response of the British espionage chief whose aid the agent seeks in order to arrange a meeting with a powerful rebel warlord:

> Oh, don't—don't even start. "The special relationship"? Are you serious? Do you even know what "the special relationship" means on our end? We bend over and you give it to us special. . . . Now I may not have a pot to piss in but I know this area. Back of my hand. The Afghans are charming, semi-civilized and utterly untrustworthy. They are the French without the food.

The character being addressed, our hero Jim Warnock, has arrived

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at his latest posting after a tour in Iran at the time of the shah's downfall. While there, he lost a onetime source who was "left behind." Caught by Ayatollah Khomeini's Revolutionary Guards, the man was held down and forced to "watch his daughter be raped. Over and over. And when he closed his eyelids, they burned them off with cigarettes."

If *Blood and Gifts* is not an endorsement of interventionism, it is far from that exercise in moral relativism, or America-hatred, that wins a playwright glittering awards. That the prize committees found its critical take on Islamism unpalatable presents certain ironies: Rogers, a sometime acquaintance, is no conservative. The inspiration for his writing career was the experience of seeing a 1993 student production of "Perestroika," the second half of Tony Kushner's Marxist-agitprop AIDS drama *Angels in America*. While watching it, Rogers realized that theater could tackle the big subjects while focusing on articulate characters poised to debate (and battle over) the outcome of big events.

In this, he has proved a worthy pupil; indeed, I would suggest that he has surpassed his master, celebrity notwithstanding. For while the 56-year-old Kushner managed only in *Lincoln* to write a script that was not self-indulgent, didactic, or ramshackle, *Blood and Gifts* was not even Rogers's first political tour de force. That was *The Overwhelming*, which premiered in London in 2006.

Why was Rogers's earlier play denied the attention Kushner garnered for *Angels in America*? The difficulty lies not only in politics but in the economics of play production. While his breakthrough drama is a fascinating and highly suspenseful story about an American academic and his and his family's search for a missing friend in the days and weeks leading up to the Rwandan genocide, it resembles *Blood and Gifts* in its depressing theme and prohibitively expensive production costs. And here, too, Rogers was not peddling a welcome theme. Like the younger David Mamet, he was writing plays with conservative ideas, no matter what his voter registration card suggested.

The son of a political scientist father and actress mother, both from Berkeley, Rogers concedes that he now understands the necessity of a solid middle class for political stability: The madness born of its absence is among *The Overwhelming*'s themes. Indeed, in both plays, his Americans are well-intentioned people who are naïve in their presumption that the world possesses a kind of plasticity that will mold itself to their touch. His plays are very much the antithesis of what's coming out of MFA programs these days (i.e., small-scale stories with minimal plotting and suspense about carefully observed characters—say, a young man coming out of the closet or a troubled marriage between two sensitive intellectuals).

J.T. Rogers's alternative approach is a function of his divergent path to playwriting. Like Mamet (and, for that matter, Shakespeare), he started out with the intention of being an actor, and then, like so many would-be performers, arrived in the big city, found himself involved in running a small theater, and took on the role of dramatist. This was a part, to his surprise, he much preferred—one for which he has considerable gifts and, more important, a wider ambition than most contemporary playwrights. ♦

B&A

Do the Hustle

Sex, drugs, and politics in the Age of Disco.

BY JOHN PODHORETZ

American Hustle
Directed by David O. Russell

This propulsive and overstuffed movie tries to do far too much. It has more plot than it knows what to do with, and for a while near the end it becomes almost impossible to follow. *American Hustle* is a partly fictionalized account of the headshaking Abscam scandal, in which six members of Congress and one senator were caught on film taking bribes from an FBI agent posing as an Arab oil sheikh.

David O. Russell, who cowrote and directed, wants his movie to be a meditation on false identities, the central role of deception in everyday life, and the gray areas of American politics and finance. Alas, *American Hustle* is too confused and confusing to say anything especially memorable about all this.

Russell has made wonderful movies (*Flirting with Disaster*, *Three Kings*, *The Fighter*) and not-so-wonderful ones (*I Heart Huckabees*, *Silver Linings Playbook*), but one thing all his films have in common is that they are *alive*. They move. They jolt. He stirs actors to new heights. Caviling about a movie this vital is a little like looking a gift horse in the mouth. Also, it has such amazing hair.

The hair sits atop the heads of the movie's pentagon of stars: Christian Bale, Amy Adams, Bradley Cooper, Jennifer Lawrence, and Jeremy Renner. The time is the late 1970s, the American movie's new favorite historical period (owing to the fact that Hollywood's powers-that-be grew up in the Me Decade and now want to go back and visit). Cooper does his own perm. Renner has a pompadour. Adams whips her long, ironed mane around as a form of raw sexuality. Lawrence has a messy mop designed

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Amy Adams, Bradley Cooper, Jeremy Renner, Christian Bale, Jennifer Lawrence

COLUMBIA PICTURES / UNIMEDIA IMAGES / NEWSCOM

to look like she never gets out of bed.

Bale is the hair champ. He has a combover; the film actually begins with a depiction of how the male-pattern baldness sufferers of the day would whip the long, dangling strands off the sides into a cotton-candy confection atop the pate, then augment with a glued-on wig.

He's also the acting champ in a movie as engorged with dazzling turns as it is with storylines. In most of the films he's made since his extraordinary turn as a 12-year-old POW in *Empire of the Sun* a quarter-century ago, Bale comes across as overly intense and cold. But Russell seems to have a special way with Bale; as was the case with his Oscar-winning work in *The Fighter*, Bale embodies the deep humanity in a character who might have come across as a ludicrous (and anti-Semitic) caricature.

Bale plays a classic New York hustler: the owner of a dry-cleaning business who dabbles in art forgeries. At a party, he encounters Adams, a classic self-reinventer who left a life of stripping in the Midwest and talked herself into a job as an editorial assistant at *Cosmopolitan*. She responds to his infectious sense of self, and he responds viscerally to the fact that her whole life is a con.

Together they make a fortune convincing desperate businessmen with bad credit to give them non-refundable fees to secure loans from abroad—loans they have no way of getting. Eventually they run afoul of Bradley Cooper, a clever and ambitious FBI agent who decides to learn how to run a confidence game from Bale in order to get bad guys. Almost by chance, they find themselves involved with politicians and mobsters just at the time that New Jersey has decided to turn Atlantic City into the Las Vegas of the East.

And here is where the movie gets especially interesting, though historically inaccurate: The key politician, played by Renner, turns out to be a good guy who only wants to do good for the struggling people of Camden. So desperate is Renner to get the job done for his constituents that Bale easily gulls him into believing he has an Arab sheikh at the ready to help bribe less honest pols.

Then the Mafia gets involved, there's a fight inside the FBI, and there's a betrayal or two. Bale is torn between Adams and his unpredictable wife—played by Lawrence in another prodigious performance that may win this 23-year-old her second Oscar in as many years. Adams is torn between Bale and Cooper, or is she? Unlike the hair, the plot strands become tangled, and we find ourselves in a mash-up of *Goodfellas*, *The Sting*, and *Boogie Nights*.

Though this is a movie set in the 1970s that wishes to be gritty and hard-edged like a movie of the 1970s, Russell has learned from becoming a populist master—*The Fighter* and *Silver Linings Playbook* were both acclaimed and enormously profitable—that it's better to try to leave an audience smiling than devastated. And so he contrives a sitcom ending as false as Bale's hairpiece. (He did the same in *Silver Linings*.)

Still, *American Hustle* is full of beans, even if it's occasionally full of something else as well. ♦

PARODY

"The administration is still far short of the enrollment targets it set just before the system was launched Oct. 1. The Department of Health and Human Services had anticipated that 3.3 million people would have signed up by now, according to a Sept. 5 agency memo. Still, officials celebrated the end-of-year results."

—Washington Post, *December 29, 2013*

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Health care officials toast their 2013 success

EVITES FOUND IN SPAM FOLDERS

Turnout for party lower than expected

BY JULIET EILPERIN AND SARAH KLIFF

The cake was hardly touched and bottles of champagne remained corked. But officials from the Department of Health and Human Services nevertheless threw a party to mark the more than 1.1 million signups on the federal health care exchange. One hundred guests were expected to show up for the soiree, but only 30 were in attendance. Some bureaucrats quickly scanned the room, picked up a brownie or cupcake, and slipped out unnoticed.

Party planner Marilyn Tavenner, the Centers for Medicare and Medicaid Services administrator, suspects invitees either did not receive the Evite or simply lost their way in the bowels of HHS. "It's a labyrinth," she admitted, "but my organizers assured us our directions were clear and navigable." Tavenner later confessed she only had time for one walk-through before the party started.

"It's pathetic!" exclaimed Rep. Steve Stockman, who dropped in for five minutes. The Texas Republican insisted he was right to turn down cohosting duties at the outset. "We knew it was going to be a disaster from the get-go. It's a waste of time, and I guarantee you no one will eat the cauliflower—because no one ever does," he said, before double-dipping a carrot into a bowl of ranch dressing.

MIKE MATUS

Catering staff outnumbered guests at the enrollment celebration.

Critics pointed to other problems, as well. "You have guests showing up who say they were invited but aren't actually on the list," said Rep. Fred Upton, chairman of the Committee on Energy and Commerce. The Michigan congressman is also concerned no one vetted the organizers, who once held a Let's Move! event featuring the first lady at a nearby Cheesecake Factory.

Just before the party was scheduled to end, Tavenner received word that the president had extended the room reservation for two more hours to allow for more guests to arrive. According to HHS Secretary Kathleen Sebelius, "what happened was so many people wanted to come to our party that they clogged the entrance to

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