the weekly Standard

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OBAMACARE DRAGS DEMS DOWN
MICHAEL WARREN

Al Qaeda—*not* 'on the run'

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Fallujah, Iraq, January 2014

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Contents

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Articles

Features

Books & Arts

COVER: NEWSCOM

This Thing of Ours

Before Chris Christie's first scandal devolves into an obsessive quest to prove who knew what, when, it's worth pausing to appreciate the wonderful, quintessential New Jerseyness of the incident itself. What happened, roughly, is this.

On August 13, Bridget Anne Kelly, one of Christie's three deputy chiefs of staff, sent an email to David Wildstein, a Christie confidant serving as an executive for the Port Authority of New York and New Jersey, which controls much of the transit infrastructure of northern Jersey. Kelly said that it was "time for some traffic problems in Fort Lee." Some speculate that the precipitating event may have been the unwillingness of Fort Lee mayor Mark Sokolich to endorse Christie. Two caveats are worth noting: (1) Sokolich is a Democrat, making his reluctance to back Christie understandable; (2) at the time Christie held a commanding 32-point lead over his Democratic opponent, Barbara Buono. So he didn't exactly need Sokolich's help.

What happened next only makes sense if you have a grasp of New Jersey geography. It's commonly said that Fort Lee sits in the shadow of the George Washington Bridge, but that doesn't quite do justice to the town's situation. The bridge traffic not only empties into Fort Lee and collects there, but you can see the bridge from just about any point within the town's 2.9 square miles. Fort Lee *is* the George Washington Bridge and the George Washington Bridge is one of only three access points from New Jersey into Manhattan. And let's be frank: Manhattan is really the only reason anyone pays attention to New Jersey in the first place.

What happened next is this: The Port Authority, without warning or explanation, closed two of the three toll booths going from Fort Lee to the bridge, and narrowed the access ramps from three lanes to one. If you live in Indiana, this might not sound so bad. But for commuters in New Jersey it meant that a leg of their commute—just one leg, mind you—which normally took roughly 30 minutes was suddenly taking more than two hours.

In New Jersey, traffic is a serious subject—there's a local cable channel dedicated to 24-hour traffic coverage. So lots of people notice when toll booths are closed. Local papers were on top of the story the next day. The drumbeat of curiosity and outrage caused the Port Authority to release a statement explaining cryptically that they were "reviewing traffic safety patterns at the . . . bridge to ensure proper placement of toll lanes." Which had roughly the effect of an Air Force spokesman in New Mexico saying that people in Roswell had only seen a weather balloon.

Every state gets the political scandals it deserves and this one has New Jersey written all over it: a charismatic, domineering don demanding fealty from button men of both families. And then making an example of the dissenters. Using the Port Authority as his hitman and traffic as his weapon. The only thing missing is the Sanitation Department helping to dispose of the paper trail.

The image of Chris Christie as Tony Soprano seems destined to persist—the loyal and aggressive underlings; the hard-nose for politics; the ambition to find a place for himself in the sun. In Mark Halperin and John Heilemann's book on the 2012 election, *Double Down*, they reported that Christie took the unusual step of telling Mitt Romney that he wasn't allowed to fundraise in New Jersey without the governor's say-so:

> Months earlier, Christie had banned Romney from raising money in New Jersey until Christie had given the O.K. to do so—a move Romney found galling, like something out of *The Sopranos*. Are you kidding me, Mitt thought. He's going to do that? There were plenty of New Jersey donors who'd given money to Mitt in 2008; now Christie was trying to impose a gag order on talking to them?

The good news for Christie is that America loved Tony Soprano. Right up until the minute Members Only Jacket walked into the diner. ♦

Foolish Consistency

You would guess that an agreement between the United States and Japan to move a Marine air base from one location to another on Okinawa would be good news. And it is, for three reasons. First, because there has been opposition to relocating the base on the island, and negotiations had stalemated. And second, because the move is endorsed by Okinawa's governor, who had initially opposed it. That endorsement came at a price, of course: Japan's prime minister, Shinzo Abe, offered Okinawa (in the words of the *Washington Post*) "a major spending package aimed at infrastructure and development projects on the island."

But it's money well spent, in The Scrapbook's opinion, because of reason number three, described again by the *Post*: "The relocation . . . is a key piece of a broader U.S. realignment of troops and resources in the Asia-Pacific region. The Obama administration is seeking to augment its presence in the region to counterbalance China's military rise and anticipate threats from a volatile North Korea."

Sounds sensible, prudent, vigilant, responsible, and entirely

consistent with our historic responsibility to defend freedom, protect our allies, and keep the peace—yes? Well, not if you're one of the "international scholars, peace advocates, and artists" who issued a statement last week condemning the agreement, supporting (in their words), "the people of Okinawa in their nonviolent struggle for peace, dignity, human rights, and protection of the environment." To be sure, there's no evidence that the people of Okinawa have solicited the support of the aforementioned international scholars, peace advocates, and artists; but a closer look at the list of signatories tells a tale.

There are the predictable left-wing historians and political scientists—Norman Birnbaum of Georgetown, Catherine Lutz of Brown—and professional opponents of American foreign policy: Richard Falk of Princeton, Noam Chomsky of MIT, Joseph Gerson of the American Friends Service Committee. There are celebrity cranks (Daniel Ellsberg, filmmakers Michael Moore and Oliver Stone), enablers of tyranny (Rev. Lois Wilson of the World Council of Churches), even Canadian conspiracy theorists (Naomi Klein). Oliver Stone's documentary colleague, Peter Kuznick of American University, is famous for blaming the Cold War exclusively on the United States.

Which is precisely the point. This comparatively trivial issue—the relocation of a single Marine base on Okinawa—has brought together a constellation of names whose careers have been almost exclusively dedicated to loudly opposing American postwar policy, undermining efforts to preserve national security, defending our enemies, excoriating our allies, and blaming the United States for the world's ills. Even when the Obama administration gets it right, they cannot break the nasty habits of a lifetime. Some would call them foolish, some might say misguided, others might even consider them dangerous.

The Scrapbook is not quite sure on that point. But one word nicely sums them up over the decades: wrong. ♦

MSNBCrazy

Things have been a bit of a mess at MSNBC lately. The network's fortunes are tied to the fate of liberalism, and with Obama's undeniable incompetence the preeminent political topic for the last few months, this has sent the network off on an increasingly desperate search for right-wing villainy to discuss. The results have not been pretty.

Host Martin Bashir resigned after a disturbingly detailed rant about how Sarah Palin should be defecated on. On January 4, host Melissa Harris-Perry issued a tearful apology for a segment in which she and her panelists made fun of the fact that one of Mitt Romney's sons had adopted a black child. In a ludicrously chivalric attempt to quell the controversy, *Atlantic* senior editor Ta-Nehisi Coates then leapt to Perry's defense, dubbing her "America's most foremost public intellectual" (sic). Well-deserved mockery of Coates's over-the-top encomium ensued, which he chalked up to "the machinery of racism."

National Review Online's Eliana Johnson made a game attempt to

figure out which MSNBC patient is running the asylum. According to Johnson, the network's prime-time anchor Rachel Maddow is running roughshod over the network executives in a bid to push MSNBC's programming—and ultimately the opinions of the show's younger generation of viewers—to the left, ratings be damned. The Oxford-educated Maddow has long appeared to be more substantive than the network's other personalities, though when compared with the likes of Chris Matthews and Ed Schultz, the competition is not stiff. But now there are signs that even Maddow has descended into the fever swamps.

On January 2, a producer for Maddow's show fired off an email to the general counsel for Koch Industries, the left's particular *bête noire*, asking about their financial support for the Florida Foundation for Government Accountability (FFGA), a group that had helped pass a law requiring mandatory drug tests for welfare recipients in the state. The email was sent at 7:14 P.M., well after business hours and less than two hours before Maddow went on air to run a report accusing the Koch brothers of being in part responsible for the law.

The accusation was flimsy, to say the least. The Kochs had never directly given money to the FFGA; they had given $40,000 over the course of eight years to the State Policy Network, of which the Florida Foundation for Government Accountability was one of many dues-paying members. The accusation was even more preposterous because the Koch brothers are staunch libertarians. The idea that they would push mandatory drug testing by the state is risible to anyone who knows the first thing about their politics.

But we're just scratching the surface of Maddow's shoddy reporting. The blog *Power Line* reports that another well-known donor to the State Policy Network happens to be Comcast, which owns MSNBC and signs Maddow's paychecks. "Maddow could equally well have said that MSNBC 'ha[s] been promoting forced drug tests for people on welfare,' and that FFGA is an 'MSNBC-affiliated group,'" observes *Power Line* blogger John Hinderaker. Watchdog.org further notes that the Florida drug testing law was overturned by a lawsuit from the ACLU—an organization to which the Kochs have directly given some $20 million.

Asked about correcting her report after questions started emerging, Maddow responded with the sneer that's become her trademark. "I do not play requests," she said. At this point, expecting a modicum of integrity from anyone at MSNBC is probably expecting too much. ♦

Churchill Was Right (and Still Is)

These observations of his on the Middle East have easily withstood the test of time:

"The whole of the Middle East is intimately related. Beneath the smooth surface of British rule and the slender garrisons which normally sustain it are smouldering the antagonisms of centuries. There are always feuds and animosities. There are always scores to be settled and fanatical thirsts to be slaked. Any appearance of lack of will-power on the part of the British Government or of lack of confidence in its mission in these countries blows like a draught of air on the dull, fierce embers" (1929).

"The Middle East is one of the hardest-hearted areas in the world. It has always been fought over, and peace has only reigned when a major power has established firm influence and shown that it will maintain its will. Your friends must be supported with every vigour and if necessary they must be avenged. Force, or perhaps force and bribery, are the only things that will be respected. It is very sad, but we had all better recognize it. At present our friendship is not valued, and our enmity is not feared" (1958). ♦

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Stars Fell on Auburn

We're a UVA family. My three daughters, two sons in law, and I are graduates of the University of Virginia. We have season tickets to UVA football and basketball games. We're loyal UVA fans.

My son is the exception. He went to Auburn, class of 2008. This has had an impact on our family. Auburn grads have raised loyalty to one's alma mater to a new height. They wear their loyalty on their sleeves and also on their hats, clothes, homes, cars—pretty much on everything. For them, Auburn is a deep, lifetime commitment. For many of the rest of us, the Auburn thing is appealing. And the UVA crowd in my family—some of us, anyway—have succumbed to it.

So when Hugh Hewitt, the great radio talk show host, offered me two tickets to college football's national championship game, Auburn vs. Florida State, I instantly said yes. Hugh had gotten them from Denis Binder, a colleague at Chapman University Law School in Orange County, California. Though Auburn suffered a painful, last-second loss, my son and I are grateful to Hugh and Denis.

The seats were in the front row at the Rose Bowl, right behind the Auburn bench. We had to stand to see the game over the heads of the Auburn players and coaches. That was not a problem. We'd probably have stood regardless. We were happy to be there.

That Auburn was in the championship game was a miracle. To get to Pasadena, the Tigers beat Georgia on an under-thrown pass that was tipped to an Auburn receiver—no tip, no Auburn touchdown, no victory, no trip to the Rose Bowl. Then came Auburn's game-ending return of a missed field goal for a TD that beat Alabama.

The victories over Georgia and Alabama, plus the overpowering of Missouri in the Southeastern Conference championship game, made Auburn the "team of destiny" for the 2013 college football season. That's not good. The team of destiny is what you don't want to be. It usually means you're destined to come up short. More often than not, powerhouses win championships. Bookies know this. That's why the betting line had Florida State winning by 8 points in Pasadena.

NEWSCOM

Florida State's Kelvin Benjamin makes the championship-winning catch against Auburn.

We sat in an integrated section. To my right was an actress who stars in commercials. To my left were a father and son who spent much of the game doing the tomahawk chop and chanting. How Florida State—the Seminoles, or Noles—gets away with this politically incorrect practice I'll never know. If the Washington Redskins tried it, liberals would sack the town.

The Noles were horrible in the first half and trailed 21-3 until they stole a play from the team-of-destiny playbook: They faked a punt. Auburn was, surprisingly, caught by surprise. It led to a Florida State touchdown and cut the Auburn lead to 21-10.

Suddenly the roles were reversed, and the Noles became the true team of destiny. We know this for certain because of what happened when Florida State scored on a kickoff return. The Auburn player in position to thwart the returner pulled up lame. No one hit him. He wasn't blocked. Fate, or whatever force decides destiny in football games, had intervened.

Auburn came back to retake the lead, 31-27, on a run by Tre Mason, the best player on the field. With a minute left, the Florida State offense faced the Auburn defense. This was a matchup that favored the Noles and was why they had been predicted to win. You know the rest.

My son was inconsolable. My wife was too. Days later she was still in a morose mood. The loss? I didn't need to ask. "It was awful," she said. "Very, very disappointing. Kind of crushing." And she's neither an Auburn grad nor a football fan. But she'll stay up late to watch an Auburn game.

Alabama is a polarized state. You're either an Auburn fan or an Alabama fan, the gap never to be breached. This precedes football. Auburn began as the state's cow college. Alabama the elite school. The Alabama clan looked down on Auburn. Auburn resented it, and still does.

So much so that when the pain of losing to Florida State fades, they'll have the return of the missed field goal that beat Alabama to warm their hearts. It was one of the greatest plays of all time. And it will always belong to Auburn and forever be an embarrassment to their haughty rival.

Fred Barnes

the weekly Standard

When War Weariness Wears Off

Arthur Schlesinger posited the existence of cycles in American political history alternating between "public purpose" and "private interest"—his jaundiced labels for liberalism and conservatism. There are also cycles in American foreign policy alternating between interventionism and noninterventionism, the latter sometimes verging on downright isolationism. Normally when one trend backfires in some spectacular fashion, the other trend becomes dominant, until it too burns out and the cycle starts again.

Thus the interventionism of 1917-1918—when 116,000 Americans died to "make the world safe for democracy," and military regimentation was imposed on the home front—led to a quest for "normalcy" in the 1920s, which eventually morphed into isolationism in the 1930s. That retreat from the world, which ignored the rise of Nazi Germany and Imperial Japan, was followed by the all-out mobilization of World War II. After the defeat of the Axis at great cost, including 417,000 American lives, the United States demobilized, only to rearm once again following the outbreak of the Korean War in 1950.

John F. Kennedy's inauguration on a promise to "pay any price, bear any burden . . . in order to assure the survival and the success of liberty" led to the Vietnam war and the death of 58,000 soldiers. The trauma of Vietnam was responsible for a quasi-isolationist decade in the 1970s, which ended in the humiliation of the Iranian hostage crisis and set the stage for a defense buildup and a more assertive foreign policy under Ronald Reagan.

After the American victories in the Cold War and Gulf war, Bill Clinton downsized the military and concentrated on domestic priorities. George W. Bush planned to do the same, but following 9/11 he undertook ambitious interventions in Afghanistan and Iraq, which left more than 6,700 American troops dead and tens of thousands wounded and cost trillions of dollars.

Which brings us to where we are today in the cycles of American politics: in a disengagement phase, sometimes camouflaged as "leading from behind." President Obama has vowed to "rebalance" our commitments, from the Middle East to the Pacific. But the rebalancing has often looked like a full-blown American retreat from the most conflict-torn region in the world.

Is the pendulum going to swing the other way?

NEWSCOM

The president pulled U.S. troops out of Iraq and showed little interest in shaping Iraqi politics thereafter, a task he delegated, along with other unpleasant chores, to Vice President Biden. He lost faith in his own surge in Afghanistan, according to Robert Gates's memoir, and pulled the plug earlier than commanders on the ground thought prudent. Obama now plans to leave only a small residual force in Afghanistan after 2014—and maybe not even that if Hamid Karzai refuses to sign a security accord soon.

Obama refused to become heavily engaged in Syria. After months of dithering, he almost ordered airstrikes last year in retaliation for Bashar al-Assad's use of chemical weapons but then backed down and agreed to a deal to eliminate Assad's chemical weapons arsenal in return for tacit American approval for the continuation of his rule. Obama did use American airpower to help overthrow Muammar Qaddafi but kept allies in the lead and refused to engage in nation-building afterward. He has refused to strike the Iranian nuclear facilities, as urged by allies such as Israel and Saudi Arabia, preferring to make a deal with the mullahs, whom he also hopes to draw into negotiations to end the Syrian civil war.

And Obama has presided over a substantial decline in defense spending, which is due to be reduced by $1 trillion over the next decade, or roughly 30 percent from projections at the beginning of the administration. This has led to a readiness crisis that recalls the hollow army days of the 1970s.

All this Obama has done with approval from a war-weary public. A recent Pew poll finds that 52 percent of those surveyed think "the U.S. should mind its own business internationally and let other countries get along the best they can on their own"—the first time since 1964 that more than half of respondents have taken such a stance.

Clearly, the noninterventionist cycle is far advanced. And, like the interventionist phase that preceded, it has gone too far, setting the stage for a backlash that could augur a new era of more activist foreign policy. This is not a prediction that U.S. foreign policy will change overnight (it will probably take another presidential election to effect major change), but it is increasingly obvious to observers of all political hues that the costs of American nonintervention have been high.

Iraq, Syria, Lebanon, Egypt—indeed the entire Middle East—are in a worse state than ever. Al Qaeda fighters are parading through Fallujah, car bombs are going off in Beirut, barrel bombs are being dropped on Aleppo.

Iran and its proxies in Hezbollah are stronger than ever, having gone all-in to preserve Assad in power while the United States has dithered on the sidelines. Iran has 19,000 centrifuges spinning and is closer than ever to acquiring nuclear weapons, free of any effective threat of American military action. Tehran's nuclear ambitions may be slowed but are unlikely to be abandoned by a deal with the United States, which ratifies its supposed "right" to enrich. Even while negotiating with Washington, Iran is supplying Hezbollah with long-range rockets and the Bahraini opposition with arms.

On the other side of the sectarian divide, al Qaeda and its fellow-travelers are stronger than ever, with Sunni jihadists freely operating in western Iraq and northern Syria, and even in Lebanon, where they are matching Hezbollah car bomb for car bomb. Saudi Arabia and the Gulf states are so disgusted with U.S. foreign policy that they are pursuing their own path, which is drawing them into a de facto alliance with jihadists from Iraq to the Levant.

Much of this, it goes without saying, is due to the internal dynamics of the region's dysfunctional states, but the United States has had a role in stoking the conflict. Democrats want to blame all this on Bush for invading Iraq, but that explanation is wearing thin five years after Bush left office. It's true that Bush made a hash of Afghanistan and Iraq initially, and that the ripple effects of his early blunders are still with us. But he also set in motion a surge in Iraq that reduced violence by 90 percent and made it possible to imagine a more stable, democratic state developing out of the rubble. Except perhaps in Kurdistan, that promise has now been lost, in no small part because of Obama's unwillingness to follow up.

Things might have gone very differently in Iraq if Obama had gotten personally involved after the 2010 hung election by lobbying for the selection of Ayad Allawi, a nonsectarian Shiite acceptable to Sunnis, as prime minister rather than rubber-stamping, in cooperation with Iran, the reelection of the more sectarian Nuri al-Maliki. So, too, things might have been different if Obama had launched a full-court press early on to win Iraqi agreement for U.S. troops to remain after 2011. In the judgment of many knowledgeable observers, Iraqi politicos could have been brought around to support a U.S. troop presence, had not Obama chosen to pull the plug on negotiations after some initial difficulties over immunity from Iraqi laws. A more activist American government might have prevented the emergence of a poisonous rift between a Shiite sectarian regime in Baghdad and the Sunni sheikhs of Anbar Province—a rift that has been exploited by Al Qaeda in Iraq to stage a dismaying resurgence.

In Syria, things might have been different if the president had decided to arm the moderate opposition at the start of the civil war in 2011, as urged by Secretary of State Hillary Clinton and CIA director David Petraeus. If such actions had been combined with the imposition of a no-fly zone, Assad's regime might have been overthrown in relatively short order, as Qaddafi's was. Instead the war has raged on and on, killing more than 120,000 people and destabilizing the neighboring states of Iraq and Lebanon. Syrian territory is now being divided by Hezbollah on the one hand and, on the other, Sunni extremist groups such as the Al Nusra Front and the Islamic State of Iraq and Syria.

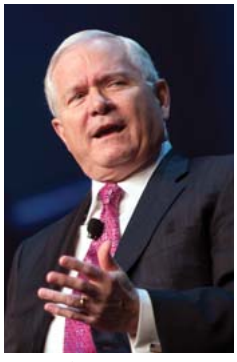
All of these catastrophic trends have been evident for a couple of years, at least, but they have only caught the public eye now that al Qaeda fighters are, at least temporarily, in plain control of Fallujah, a city that American forces sacrificed much to pacify in 2004. Even the *New York Times*, on its front page, is making fun of Obama's frequent boast, "I ended the war in Iraq," because it is evident that Obama's troop pullout actually restarted a war that had been all but extinguished.

It is time for the cycle to swing back to a more interventionist phase. There is an opening here for a presidential contender smart enough to grasp it. If history is any judge, the swing back to interventionism is coming, and soon. A smart contender would get out ahead of the cycle now by outlining how the United States can pursue a policy of strategically grounded, tactically adept international leadership.

—Max Boot

Gates at War

The memoir of former defense secretary Robert M. Gates has landed with a bang. Gates has harsh words for President Barack Obama's wartime decision-making and quotes Hillary Clinton saying that her opposition to the surge in 2007 was political. There is more than enough to outrage partisans—and even non-partisans—on both sides of the political spectrum. But outrage about the book will only further the very problem Gates was trying to highlight. *Duty: Memoirs of a Secretary at War* is a lengthy lament that far too few leaders in Washington, civilian or military, Democratic or Republican, understand that the United States was—and is—at war. Even fewer understand what that means. This critique is right and important, and it highlights a great peril to the nation in a dangerous time.



Robert M. Gates

America is still at war. Tens of thousands of American soldiers are fighting and occasionally dying in Afghanistan. If President Obama heeds the advice of his military and considers the long-term interests of the United States, there will still be thousands of American troops in Afghanistan after 2014. Changing the name of their mission and declaring "combat operations" to be over will not change the reality. When soldiers go into the field against enemies trying to kill them, they are at war. When they are at war, we as a nation are at war, or should be. That is the central point Gates was trying to get across.

Why are we at war? Gates is at pains to avoid relitigating the invasion of Iraq or operations in Afghanistan, and quite rightly. We are where we are. And that is in a war that we did not begin and that we cannot unilaterally end. The war began in 1993 with al Qaeda's first attempt to destroy the World Trade Center. The United States did not recognize that attack as the start of a prolonged conflict. If we had, we might have been less phlegmatic about it, about the al Qaeda attacks on our embassies in Kenya and Tanzania in 1998, and about the attack on the USS *Cole* in 2000. We might have responded to each of those battles in Osama bin Laden's campaign with something more than cruise missile strikes that hit nothing and criminal investigations that went nowhere.

We need not have invaded anywhere in the 1990s to have averted the disaster that struck us in 2001. The camps from which bin Laden planned the 9/11 attacks were protected by both the Taliban and the Haqqani network in Afghanistan. Both groups were fighting a civil war against their former anti-Soviet allies, the Tajiks, Uzbeks, and Hazaras, led by Tajik fighter Ahmad Shah Massoud. The United States had supported Massoud, through Pakistan's Inter-Services Intelligence Directorate (ISI), as it had also supported the Haqqanis and five other major Afghan factions. We knew Massoud, and we knew what was going on inside Afghanistan in the 1990s. We also should have known Jalaluddin Haqqani, the man who was sheltering bin Laden, and known him for the militant Islamist that he always was. We believed that we had no dog in that fight, however, after the Soviet withdrawal in 1989, and we offered no meaningful assistance to anyone.

Yet Haqqani and the Taliban did not have an easy time defeating Massoud—whom al Qaeda assassinated on September 9, 2011, to weaken their most immediate foes right before launching another attack on what bin Laden referred to as "the far enemy." U.S. assistance to him could have helped a great deal—assistance like advisers, equipment, and training. Massoud did not need troops—he had troops. They were the same troops with which his successors toppled the Taliban in a few weeks in late 2001, once supplied with limited American assistance and almost no boots on the ground. Massoud needed outside help to counterbalance the enormous amount of support the ISI continued to give his extremist foes after cutting him off when the Soviets left. The United States was somnolent. Then we were attacked, devastatingly, at home.

We stand today in a similar situation in the very same war. We drove al Qaeda from Afghanistan in 2002 and have largely kept it out—the only enduring success we have had in this conflict. President Obama completed the efforts of his predecessor to find and kill Osama bin Laden, yet Ayman al Zawahiri replaced him almost without missing a beat. Now we are trying to tell ourselves that we no longer have a dog in the Afghan fight—again. We are trying to convince ourselves that al Qaeda franchises in Syria, Iraq, Yemen, Somalia, and West Africa—groups that have formally sworn allegiance to Zawahiri and to al Qaeda's global Islamist ideology and have in turn received formal recognition by al Qaeda's senior leadership—are not really a threat to us. We may indeed convince ourselves, but that will not change the reality that they are a serious threat.

The frustration Gates expresses in 600 pages is aimed at senior civilian and military leaders of both parties who did not recognize or shoulder their responsibility to provide full support for American troops they had sent into harm's way. That frustration is spot-on. But it is not sufficient. War does not end when we bring our troops home—it ends when our enemy loses the will or ability to continue to fight. So far he has lost neither.

Al Qaeda in Iraq killed thousands of Iraqis in 2013. Al Qaeda franchises have killed thousands more in Yemen, Syria, and now Lebanon. Radicalized youth from Europe, America, the Caucasus, and Russia, to say nothing of the

JOHN ZICH / ZRIMAGES / CORBIS / APIMAGES

Muslim world, have gone to wage what they call jihad in Syria, and some are returning to their homelands. As my colleague Leon Aron points out in a forthcoming paper from the American Enterprise Institute, the al Qaeda threat has begun to spread into Russia. An ethnic Russian youth who converted to Islam and was radicalized in the Caucasus blew himself up in Volgograd (formerly Stalingrad), one of several such attacks to shake the Russian heartland in the run-up to the Sochi Olympics. Spotty reports from China suggest that ethnic Uighurs are expanding their own terrorist campaign, and we have seen at least one terrorist video released half in Turkish and half in Uighur. The tide of war—of this war, of al Qaeda's war against us—is not receding, it is advancing.

It does not follow that we must or should invade everywhere or send thousands of troops all over the place. This war is complicated and our responses to it must take that into account. But we must understand that we are still at war. We must understand that inaction is a form of action, indecision a form of decision. Above all, we should remember the mistakes we made in the past, all of them, and remember the price we paid for convincing ourselves that we were not at war when, in fact, we were.

We still have opportunities to make a difference without a massive intervention. We can and should support the moderate Syrian opposition now fighting both against Bashar al-Assad and against one of the al Qaeda affiliates in Syria. We can and should support the Iraqi tribes fighting Al Qaeda in Iraq while working to mediate between them and Prime Minister Nuri al-Maliki, whom they see as almost as great a threat. We can and should commit to extending our presence in Afghanistan and so avoid repeating the disastrous failure of our diplomacy to secure a similar extension in Iraq after 2011. It may still be possible for relatively small and limited interventions that do not involve the deployment of large numbers of U.S. troops to change the balance in these key fights. But the window for that opportunity is closing fast. If we allow it to close, our options will become more stark and the choice between massive intervention and unacceptable danger may well become the only choice we have.

—Frederick W. Kagan

Defining al Qaeda Down

The fallout continues from the *New York Times*'s failed attempt to change the narrative on the Benghazi attacks. The latest hit comes from an unexpected source—the *Washington Post*:

> U.S. officials suspect that a former Guantanamo Bay detainee played a role in the attack on the American diplomatic compound in Benghazi, Libya, and are planning to designate the group he leads as a foreign terrorist organization, according to officials familiar with the plans. Militiamen under the command of Abu Sufian bin Qumu, the leader of Ansar al-Sharia in the Libyan city of Darnah, participated in the attack that killed U.S. Ambassador J. Christopher Stevens and three other Americans, U.S. officials said.

That's not great news for the *Times* or others who trumpeted the findings of its new Benghazi reporting as definitive. That article had claimed that there was "no al Qaeda role" in the Benghazi attacks and that neither Qumu nor anyone else from Darnah had played a significant role in the Benghazi attacks.

But fighters from Darnah, members of Qumu's Ansar al Sharia, did participate in the Benghazi attacks. And Qumu's connections to al Qaeda go back decades.

Readers of this magazine will not be surprised by the news of Qumu's involvement. As we reported in November: "U.S. intelligence officials believe that Sufian Ben Qumu, a Libyan ex-Guantánamo detainee, trained some of the jihadists who carried out the attacks in Benghazi. He, too, has longstanding connections with al Qaeda leadership."

The U.S. military detailed Qumu's deep al Qaeda ties in a summary published years ago by WikiLeaks: He trained in al Qaeda camps in Afghanistan, he received monthly stipends from al Qaeda, he worked closely with Abu Zubaida, then al Qaeda's no. 3. If Sufian Ben Qumu doesn't qualify as "al Qaeda," then very few people do.

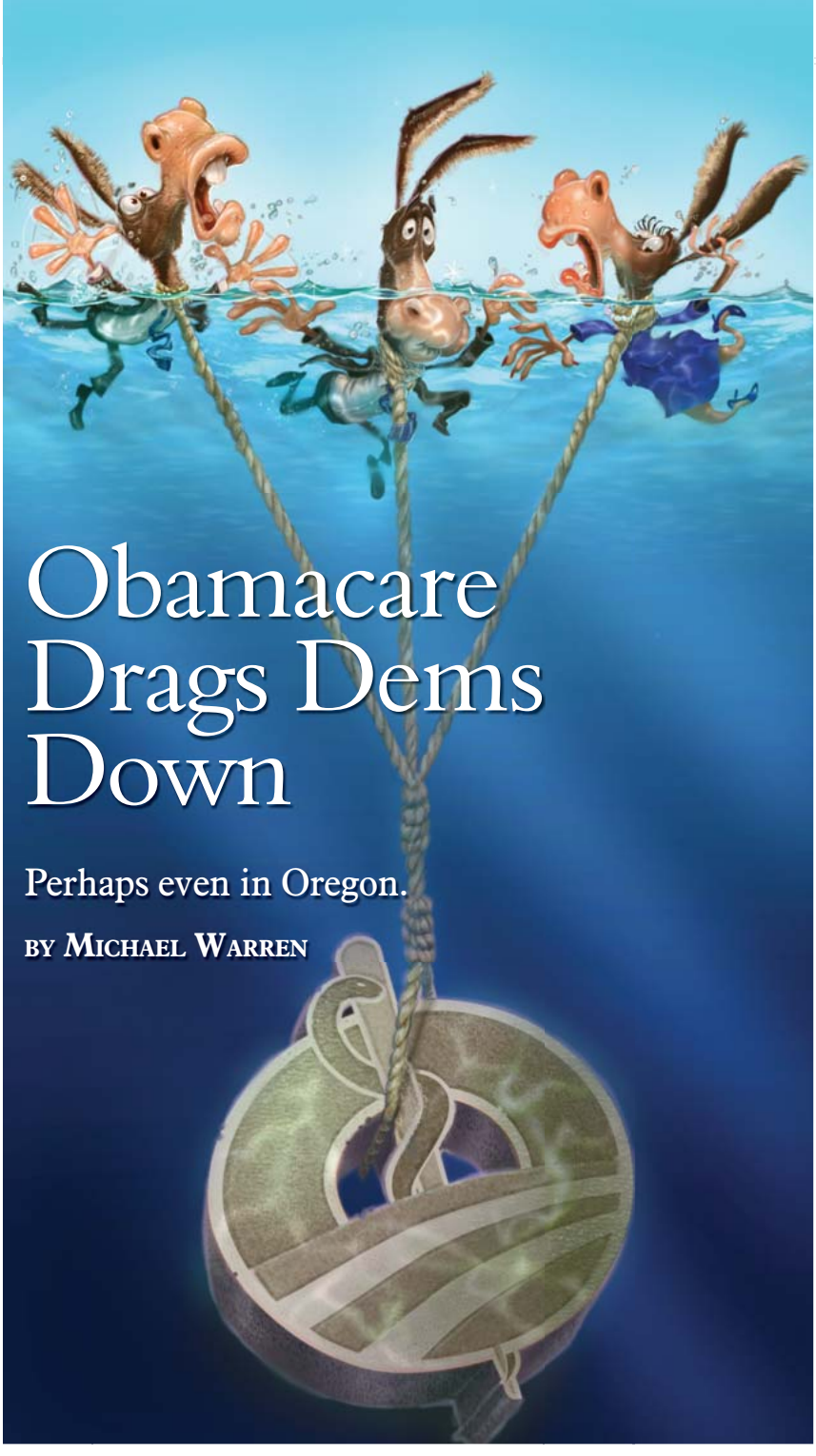
That may be the point.

The Obama administration has devoted considerable time and effort to convincing the American people that al Qaeda is "on the run"—and if not already dead, then at least in the throes of agonal respiration. To make this case first required redefining the Bush administration's "war on terror" as something more focused and smaller—a war on al Qaeda.

But that wasn't enough. The common understanding of what our leaders meant by "al Qaeda" had to change, too. No longer would al Qaeda mean the vast, global network targeted by that war on terror. Instead, top Obama officials, including the president himself, would use "al Qaeda" to refer to the small group of al Qaeda leaders in Pakistan and Afghanistan. So when Obama boasted repeatedly in the last presidential campaign that "al Qaeda is on the path to defeat," he was defining al Qaeda down.

But redefining al Qaeda is quite different from killing it.

—Stephen F. Hayes



Obamacare Drags Dems Down

Perhaps even in Oregon.

BY MICHAEL WARREN

In 2014, very few Senate Democrats are safe from the undertow of Obamacare. One who—surprisingly—may not be is Jeff Merkley of Oregon. Merkley, by all accounts, should safely win reelection in November. Elected in 2008 over incumbent Republican Gordon Smith, he's a perfect fit for the state's population center, the progressive hipster mecca of Portland. As the Oregon house speaker, Merkley advanced a liberal laundry list of items like an expanded indoor smoking ban, a ban on junk food in schools, and more laws to limit discrimination against same-sex couples. In the U.S. Senate, he's been a hero to the grassroots left for pushing for filibuster reform but has otherwise been a loyal liberal in line with an increasingly Democratic state. Obama won Oregon in 2012 by 12 points, and in the GOP's banner year of 2010, senior Democratic senator Ron Wyden won handily over his Republican challenger.

Despite all those advantages, Merkley's race may well be one to watch. If Obamacare continues to unravel and Republicans are running up big numbers against Democrats in Arkansas, Louisiana, North Carolina, Alaska, Virginia, and Montana, the unpopularity of Obama's signature reform could claim a seat most analysts still consider solidly Democratic.

Merkley's support is shallower than it appears. His victory in 2008 was only by 3 points, and he didn't break 50 percent. A recent poll by one Republican-affiliated group found just 33 percent of likely Oregon voters say he deserves reelection.

More consequentially, Merkley is an unabashed supporter of Obamacare. He joined the rest of his Senate Democratic colleagues and voted for it in 2010. Indeed, Merkley made his own version of the now-infamous promise that under the law, if you liked your insurance plan you could keep it. "You would have the choice of sticking with the plan you have," Merkley told constituents at a 2009 town hall meeting in eastern Oregon.

That promise has already made its way into an ad for one of Merkley's potential Republican challengers, Dr. Monica Wehby (pronounced "webby"). Wehby juxtaposes Merkley's promise with local news coverage of Oregonians who are losing their insurance or seeing higher premium rates since the Obamacare implementation. Her ad ends with the tagline: "Keep your doctor. Change your senator."

"One of my friends came up with it," Wehby laughs in an interview. "Our bumper stickers are flying off the shelf!"

Oregon has plenty of reasons to be angry over Obamacare. State officials announced in October that the individual plans of around 150,000 Oregonians would be canceled

GARY LOCKE

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because they did not meet Obamacare requirements. The state's insurance exchange website, Cover Oregon, has been plagued with worse technical glitches than the federal exchange. Since December, two top Cover Oregon officials, including the program's director, have resigned. The day after the state's enrollment deadline, Cover Oregon announced that just about 20,000 people had enrolled in private plans, far below initial projections and fewer than the 150,000 who had enrolled instead in Oregon's Medicaid program.

The point, Wehby says, is Merkley sold the law as less intrusive and disruptive than he knew it would be. "People will forgive you if you're trying to do the right thing and you make a mistake," she says. "But when you deliberately mislead people and then they find out that you deliberately misled them, that's a tougher thing to get by on."

Senate Democrats across the country, from Oregon to New Hampshire, made similar promises about Obamacare. That will certainly hurt those red-state Democrats up for reelection, people like Mary Landrieu of Louisiana and Mark Pryor of Arkansas, who top the GOP's most wanted list. But the intrusion of Obamacare into the lives of many Americans means Democrats like Merkley who appear well protected could be in for a surprise.

"You're seeing in the data that a lot of people who voted for Obama are unhappy" with Obamacare, says Tim Miller, executive director of the Republican-aligned opposition research firm America Rising.

"Barring some unforeseen event, Obamacare will be the issue," says Jennifer Duffy, senior editor at the Cook Political Report. "And Democrats believe that."

So do Republicans and conservative groups. "A 2010 vote for Obamacare is going to be a millstone around the neck of any Democratic senator except in the most blue of states," says Jonathan Collegio of American Crossroads, one of the major conservative super-PACs. "It will be the central policy issue in the conversation in 2014, and Democrats will be desperate to change the subject to personal issues, local issues, or whatever issues."

Americans for Prosperity, another conservative group, is already acting on that assumption. The group kicked off the year with a significant $2.5 million TV ad buy in New Hampshire, North Carolina, and Louisiana, targeting incumbent Democratic senators Jeanne Shaheen, Kay Hagan, and Landrieu for their support of Obamacare. Each 30-second spot highlights the senator's version of the "lie of the year"—if you like your insurance plan, you can keep it under Obamacare.

Dr. Monica Wehby

For example, the ad running in North Carolina opens with an interview with Sheila A. Salter, described as a self-employed woman from Chapel Hill. "I was shocked when I got the notice that my health care policy was canceled," Salter says in her Carolina drawl. "Kay Hagan told us if you like your insurance plan and your doctors, you could keep them. That just wasn't true. Now, I have a temporary policy that cost me 20 percent more. Next year under Obamacare, my costs go up another $4,500."

Americans for Prosperity president Tim Phillips says Obamacare is a more "visceral" issue this year than it was in 2010, when conservative groups like his helped elect a Republican majority in the House over outrage at the law's passage.

"The reason I think 2014 could be more difficult for liberals is the law has hurt a lot of people," Phillips says.

Jennifer Duffy predicts the midterms will come down to a "battle of the anecdotes." Republicans will highlight Americans who have lost their insurance, or are paying higher premiums, or aren't able to see their old doctors, or are experiencing longer waits for medical services. Democrats, she adds, will try to counter with their own stories of previously uninsured Americans who are better off because of Obamacare.

But Democrats are conspicuously trying to change the subject. Senate majority leader Harry Reid said in a December interview there is "no greater challenge" to the country than income inequality. The mainstream media picked up on the cue.

"Income gap takes shape as a focus ahead of midterms," read the front-page *Washington Post* headline on January 7, the same day Reid took up a vote to end debate on extending unemployment insurance. That came just days after President Obama argued publicly for raising the minimum wage.

Meanwhile, Reid's political arm, Senate Majority PAC, has begun targeting GOP Senate candidates over last fall's government shutdown. Bill Cassidy, a Louisiana congressman challenging Landrieu, is "part of the problem" according to one ad because he "voted 16 times to shut down the government." Another House member running for the Senate, Tom Cotton of Arkansas, was called "reckless" and "irresponsible" for his support of the shutdown. Another ad targets former Massachusetts senator Scott Brown, who may run against Shaheen in New Hampshire, for being a friend to Wall Street and big banks.

Democrats' best hope to shift the focus away from Obamacare may come from Republicans themselves. Duffy says that if the GOP nominates too many problematic Senate candidates who draw negative attention to themselves (think of Christine O'Donnell of Delaware in 2010 or Todd Akin of Missouri in 2012), the political heat of Obamacare could be tempered.

But don't count on Jeff Merkley being able to distract voters from the effects of Obamacare, Monica Wehby says, if she is the Republican nominee. Says the pediatric surgeon and mother of four: "He can't use the usual 'war on women' stuff." ♦

Black Flags over Fallujah

The comeback of Al Qaeda in Iraq.

BY JESSICA LEWIS

Al Qaeda supporters celebrate their ascendency in Fallujah.

The United States is sending more military aid to Iraqi prime minister Nuri al-Maliki to fight al Qaeda in Fallujah and Ramadi. This is understandable. The resurgence of Al Qaeda in Iraq (AQI) is a clear threat to Maliki's government and the Iraqi people, and its leadership of foreign fighters in Syria is also a threat to the United States. The problem is that Maliki's war on al Qaeda masks another enduring war he has waged on the Sunni tribes and political leadership since American troops departed in 2011. By targeting Iraq's Sunnis, Maliki has likely undercut Iraq's chances to defeat AQI, and has driven his country to the brink of rekindled insurgency and sectarian civil war. U.S. military aid will be unavailing if Maliki does not earn the support of the Sunni tribes and political leaders.

Over the past two years, the prime minister has seized every opportunity to disenfranchise Iraq's Arab Sunnis. His sense of timing is remarkable. Maliki arrested his Sunni vice president, Tariq al-Hashimi, right after U.S. troops withdrew from Iraq in December 2011. In response, the predominantly Sunni Iraqiyya bloc boycotted parliament, but it soon dwindled and fractured. Maliki seized an even more shocking moment to target the moderate Sunni minister of finance, Rafi al-Issawi—right after Iraq's Kurdish president, Jalal Talabani, suffered a stroke, almost exactly one year later. This threw the Sunni population into an uproar, and a national protest movement organized large sit-in camps in the Sunni-majority provinces. Maliki delayed elections in Anbar and Nineveh for security reasons, prompting continued protests. He then had the Iraqi Security Forces (ISF) storm a protest camp in Hawija, killing or wounding more than 100 civilians. Like clockwork, this recent Christmas week, Maliki arrested Iraqiyya member of parliament Ahmed al-Alwani after an al Qaeda ambush in Anbar killed an Iraqi Army division commander and 23 other officers. Maliki is calculating and patient, and he delivers his most aggressive blows to the Sunnis when all eyes are focused elsewhere.

Maliki has even managed to convince the United States that his new operation in Anbar is targeting only AQI. That group is clearly on the rise there. Last year along the Upper Euphrates, AQI engaged in prolonged firefights with the ISF, destroyed a bridge, cut power lines, decapitated 14 local police personnel, and attacked police stations in separate incidents between September and November. On October 21, AQI attacked the Fallujah police directorate and held an adjacent power directorate building against security forces for eight hours. The group's synchronized attacks on police stations in Ramadi and Fallujah on January 1 were even more operationally impressive. But not all the action is in Fallujah. AQI has comparable capabilities in other parts of Iraq.

Maliki's attack on the Ramadi sit-in site was a political move to squash his rivals, not a quest to eradicate an al Qaeda headquarters, as the prime minister claimed. It is convenient for Maliki to portray the protest sites as hearts of darkness rather than victims of al Qaeda's increasing infiltration. Maliki might have calculated that he would benefit from clearing the Ramadi protest camp; achieving a counterterrorism victory in Anbar would symbolically repeat his famous Charge of the Knights campaign that

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cleared Shiite militias out of Basra in 2008 and enormously increased his popularity. Should the present counteroffensive fail, AQI's endurance in Anbar would justify Maliki's military occupation and could well be used to justify his refusing to hold elections in Anbar this spring.

With this calculus, and his sights on the more politically challenging Ramadi rather than the more radicalized Fallujah, Maliki moved confidently into Ramadi on December 30 to clear the camp. He did so despite vigorous protest from Sunni leaders, and afterwards violence erupted in both cities. Maliki withdrew the Iraqi Army from Anbar's cities, as he has in the past when tensions have flared. AQI moved into Fallujah and Ramadi immediately thereafter, and a three-way contest for control ensued.

No one defeats al Qaeda in the Middle East without the backing of the Sunni population. The United States learned this in 2006, when the Sunni tribes in Anbar turned their guns on al Qaeda and worked with the U.S. Army to clear the province. Sunni militias are the ones to defeat al Qaeda, not Assad, not Hezbollah—and not Maliki.

Maliki escalated confidently in Fallujah, ordering military reinforcements from Baghdad and Wasit Province. On January 5, he announced the evacuation of the city's residents and an operation to clear Fallujah with the Iraqi Army and elements of the Iraqi Special Forces. Where some tribal militias are working with the Iraqi Army to repel AQI in Ramadi, the tribes and the army are still violently opposed in Fallujah. There can be no greater threat to an Anbari tribesman than a predominantly Shiite army shelling and patrolling in Fallujah, except perhaps al Qaeda's return.

Maliki has presented Iraq's Sunni tribes with a terrible choice: Fight the Iraqi Army, or fight al Qaeda. The tribes faced a similar choice in 2006 and 2007—fight the Iraqis and Americans or fight al Qaeda. But then the Americans promised to help the tribes negotiate with Maliki and to press Maliki to behave more moderately toward them. Maliki agreed, but then reneged once the United States was gone. Recent reports hold that he is now engaging the tribes to seek their immediate cooperation in Fallujah. This is vital, but he must overcome their memory of the last two years in order to make any headway.

The tribes are still deciding. New reports that al Qaeda has left Fallujah may appear to suggest that Maliki has won. However, these claims from local tribal leaders are unconvincing, and may signify only a desire to remove the Iraqi Army from the city at all costs. Elsewhere in Anbar, clashes continue between tribal militias and the Iraqi Army. In addition, a new Anbar military council has formed, suggesting that the Sunnis may attempt to counter al Qaeda and the Iraqi Army on their own with an insurgency partly modeled on that in Syria. These developments more credibly suggest that Maliki is losing.

In the end, no one defeats al Qaeda in the Middle East without the backing of the Sunni population. The United States learned this in 2006, when the Sunni tribes in Anbar turned their guns on al Qaeda and worked with the U.S. Army to clear the province. This has recently been proven again in northern and eastern Syria, where Sunni popular groups within the Islamic Front are pushing al Qaeda out of cities. Sunni militias are the ones to defeat al Qaeda, not Assad, not Hezbollah—and not Maliki. The Sunni tribes are the key to any military counterterrorism solution in Anbar.

Certainly, the Iraqi Army cannot repel al Qaeda alone. It failed to defend prisons against complex attacks in Tikrit and Abu Ghraib

through which AQI freed its hardcore veterans and returned them to the fight. The Iraqi Security Forces could not stop car bombs in Baghdad, which were responsible for the vast majority of civilian casualties this year. A recent report suggests that the Iraqi Security Forces no longer control security in Mosul. They have been trying, with offensives in northern Diyala, the western desert in Nineveh, and northern Baghdad, but the net result is that they are not strong enough without the support of the Sunni population.

The Syrian civil war has provided al Qaeda with additional resources, particularly foreign fighters. It has also provided a mutually supportive rear area, which makes it very difficult tactically to corner Al Qaeda in Iraq. AQI is fighting in Iraq and Syria under its new banner of the Islamic State of Iraq and Syria. Solutions to Iraq's current crisis cannot be found uniquely in Iraq. The United States needs to take action to degrade al Qaeda affiliates in Syria while also acting to degrade Assad's capabilities.

U.S. military aid to Maliki unfortunately coincides with a promise of further military support from Iran. Instead of enhancing the fight against al Qaeda, the United States has potentially sent an errant message to Iraq's Sunnis that we are siding with Maliki at their expense. Given that the Syrian civil war has ignited a regional sectarian conflict, this is a perilous policy choice. Empowering the Sunni tribes against AQI is critical, or Iraq will sink into a sectarian civil war, and there will be no state army positioned to fight al Qaeda in Iraq or Syria.

This is not just Iraq's war. AQI is now operating on three fronts, in Iraq, Syria, and Lebanon. The moderate Sunnis are the answer in each of these places, and the United States should be shaping policies to back them. Otherwise we leave them to observe our negotiations with Iran, our failure to hold Assad accountable for chemical attacks, and our provision of aid to Maliki. And we leave them to wonder if we simply don't care about their fate or are actually hostile to them. ♦

Who Loves a Jury?

The Framers of the Constitution, that's who.

BY **DAVID M. WAGNER**

As an institution, the jury—especially in civil cases—is having a bad run these days. Nobody likes that summons in the mail (even though clerks-of-court in the electronic era have figured out ways to make jury service less of a hassle). Experts who monitor medical-legal issues scoff at the notion that a jury, informed by a limited range of paid experts chosen for advocacy purposes, can reach a better decision on the safety of a drug or medical device than can the Food and Drug Administration; and health reform proposals, including some put forth by Republicans in their commendable efforts to repeal and replace Obamacare, contain provisions to direct health care cases away from courts with juries and towards "special tribunals."

And they knew what they were doing.

It seems the civil jury can't get no respect.

Although it's conservatives who most often make the case against civil justice excesses, the downgrading of juries in popular respect marks a huge, though almost unnoticed, divide between this generation and the Framers.

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Ask most people today what is the most direct way they participate in government. They will probably say voting. And yes, the right to vote is in the constitutional text, although something of a latecomer, in various forms in the 14th, 15th, 19th, 23rd, and 26th Amendments.

But 81 years before the right to vote made its first appearance in the Constitution, the jury right in criminal cases was already included in the unamended Constitution (Article III, Section 2, paragraph 3), as it came from the Philadelphia Convention. But the convention declined to extend this right to civil cases. This alone lost the Constitution the votes of George Mason and Elbridge Gerry, and got the ball rolling on the movement for a Bill of Rights, either as a condition of ratification (constitutional opponents lost on that), or as a top item of business when the new government convened (they won on that; politicians kept promises in those days). And so a guarantee of jury trial in civil cases became the 7th Amendment.

In fact, 3 of the first 10 amendments mention juries: We have grand juries in the 5th, criminal petit juries in the 6th, and civil juries in the 7th. For comparison, the right to vote is nowhere mentioned in the Bill of Rights. A latecomer, as I said.

Perhaps, though, we shouldn't drive too thick a wedge between jury service and voting. A jury votes, after all. Yale's Akhil Amar, a major advocate of juries, even suggests that the Framers likened juries to a Parliament in miniature, with the jury analogized to the House of Commons, making the most important decisions, and the judge to the House of Lords, exercising a moderating but rarely reversing power.

To whom did this "jury right" belong? The criminal suspect? The

civil plaintiff and defendant? All of these—but also to the citizen who would take a turn as a juror. This was an important element of self-government. Citizens were to have a role not only in making laws (by voting for their representatives), but in enforcing and interpreting them too.

We need not get deeply into the issue of the right of juries to determine law as well as fact. This was controversial in the Founding era and remains so. One side argued that as soon as laws were being made by the people (not by a king and his far-away Parliament, in which Americans had no voice), Americans no longer needed the proverbial second bite at the apple in law-reform by juries. Others argued that the people were not fully their own governors unless they had a hand in more than just the legislative aspects of their government: The executive and judiciary should also have to face the people, in the form of the jury, every time a law was applied. "It is essential in every free country, that common people should have a part and share of influence, in the judicial as well as in the legislative department," wrote the anti-Federalist who signed his work "The Federal Farmer."

Happily we can leave that great debate unresolved for now and still realize that, for the Framers—and, yes, the "Farmers," too ("The Federal Farmer" was long thought to be Virginia's Richard Henry Lee, but historians Gordon Wood and Jack Rakove now believe he was New York's Melancton Smith)—jury service was not an onerous burden but a closely guarded right. Yes, criminal defendants and civil litigants wanted juries; but jurors also wanted juries.

At first the Bill of Rights was binding only on the federal government, and to this day the 7th Amendment remains one of the provisions in the Bill of Rights that the Supreme Court has not fully applied to the states. The reason? No apparent need: The states themselves guarantee the civil jury right, and have done so since the Founding. Northwestern's Steven Calabresi and his fellow legal scholars have recently found that 12 of the original 13 states, representing about three-fourths of the population of the new United States of America, had civil jury provisions in their state constitutions at the time of the Founding, second only to provisions for the free exercise of religion.

Civil juries are not perfect, but, in accordance with the Framers' vision, they should come out of the doghouse they seem to be in today. They should not take the whole blame for excessive tort judgments, and the higher insurance rates and research costs that these create. A critical eye should also be cast on liability theories that legitimize plaintiffs seemingly in need of infinite and unforeseeable product warnings; fee structures that favor lawyers over victims; and, increasingly, hedge funds that see litigation as an investment opportunity, turning on its head the common law rule against "champerty" (which meant, fairly precisely, investing in litigation).

The civil litigation system is flawed along several fissures; juries are not the only ones, or the worst. Above all, they have countervailing, decisive civic, and constitutional benefits. At least our Framers, after debating the issue, came to that conclusion, and we are unwise to ignore their counsel. ♦

The Day After

If Israel withdrew to the 1967 borders, what then?

BY ARYEH TEPPER

Even with al Qaeda making gains across the Middle East and Iran still enriching uranium in its march to a nuclear breakout, John Kerry's attention is focused on the Israeli-Palestinian peace process. He has visited Israel 10 times since becoming secretary of state. The aim of Kerry's feverish shuttle diplomacy is to hammer out a framework agreement between Israelis and Palestinians that will be long on generalities and short on thorny details and, as such, will enable peace talks to move forward. The objective is to establish an independent Palestinian state and to end the conflict.

The strategic goal of this immense investment of American time and prestige is grounded in the conventional view, evidently shared by Kerry, that achieving Israeli-Palestinian peace will improve America's relations with the Arab-Muslim world and foster stability in the Middle East. But a little reflection upon the character of the conflict should raise serious doubts about the cogency of this view. As improbable as a deal is at present, if Kerry really were able to broker a peace accord, it would most likely engender a harsh backlash, thereby damaging America's relations with the Arab-Muslim world and undermining stability in the region.

If this claim seems counterintuitive, that's because one of the basic assumptions animating the Israeli-Palestinian peace process is that the Arab-Muslim world in general and the Palestinians in particular are angry over the failure to establish a Palestinian state in the occupied territories. The main grievance in the Arab-Muslim world, however, is not that in 1967 Israel occupied the West Bank and has denied the Palestinians their right to national self-determination ever since, but that in 1948 the Jews uprooted Palestinians from their homes and built a state upon stolen Palestinian land.

This narrative ignores inconvenient facts like the ancient Jewish connection to the Land of Israel, the Arab refusal

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to accept the U.N. partition plan, which the Israelis accepted, the war that the Arab states then initiated in 1948 in order to destroy the incipient Jewish state and throw the Jews into the sea, and the subsequent expulsion of nearly one million Jews from Arab countries. But playing the victim distorts perceptions, and the governing perception in mainstream Arab-Muslim discourse is that the establishment of the state of Israel was a crime, and to accept the existence of the state of Israel is to acquiesce in that crime.

Among Arab regimes and the Palestinian leadership, the nearly universal response to the founding of the state of Israel has been to keep the Palestinians exiled in refugee camps until they can return to their homes in present-day Israeli cities such as Jaffa, Haifa, etc. The Palestinian refugees' desire to return to their original homes occupies a central place in Palestinian political discourse, and the tenor of Palestinian discourse reflects and influences the character of Arab-Muslim political rhetoric in general.

So let's imagine for a moment that through a shrewd mixture of diplomatic pressure and financial incentives the United States succeeds in brokering a peace agreement between Israelis and Palestinians. The Israelis won't sign on to a deal that enables millions of Palestinians to move to Jaffa, Haifa, etc., because this would mean the end of Israel as a state with a Jewish majority. Instead, the Palestinians will be absorbed into the nascent Palestinian state.

What would be the response in the Arab-Muslim world? Joy that the Palestinians have finally realized their right to national self-determination? Perhaps. More likely, however, is that with the 66-year-old dream of Palestinian return outstripped by reality, idealists and opportunists alike will characterize the establishment of a Palestinian state within 1967 borders as a historic betrayal. If recent history is any indication, Islamists will rally the masses against the dictatorial Arab leaders who consented to the betrayal, and popular opinion in the Arab world will respond accordingly.

And it is the United States that would be blamed for propping up these leaders and pushing them to betray the Palestinians' right to return to their homes in present-day Israel. The response to Israeli-Palestinian peace will be anti-American rage and regional instability.

Viewing the Israeli-Palestinian conflict from this relatively stark but straightforward perspective also helps to render intelligible the present negotiating positions of Israeli prime minister Benjamin Netanyahu and Palestinian Authority president Mahmoud Abbas. Netanyahu demands that the Palestinians recognize the right to Jewish national self-determination in the Land of Israel because he believes that the failure to grant such recognition is the root problem of the present conflict. Likewise, Abbas refuses to grant such recognition. As the talking points outlined in the internal Palestinian Authority documents published by *Al Jazeera* as "The Palestine Papers" explained, "recognizing Israel as a 'Jewish state' would likely be treated by Israel and third states as Palestinian recognition of Israel's demographic objections to the right of return and, by extension, an implicit waiver of the right of return."

The pursuit of peace in the Middle East can be intoxicating stuff, but a sober approach to peacemaking would be to treat the Palestinian refugee problem before trying to conclude a deal.

President Obama has spoken eloquently in various contexts about the importance of compelling different sides to a conflict to face difficult truths. That's why the president went to Jerusalem and told an Israeli audience that the occupation must end. For the sake of peace in the Middle East, President Obama can also tell a Palestinian audience that there will be no right of return.

If, however, the Palestinian position regarding the refugees proves to be uncompromising, then at least the Americans will know that the enticing yet ever elusive vision of Israeli-Palestinian peace is, at present, no more than a Middle Eastern mirage. ♦

Know Your Enemy

Al Qaeda's grand strategy

By Thomas Joscelyn

In the summer of 2008, Barack Obama, senator and presidential candidate, toured the war zones of Afghanistan and Iraq. Obama had endeared himself to the antiwar left by denouncing President Bush's decision to topple Saddam Hussein and repeatedly claiming that the war in Iraq had diverted resources from defeating al Qaeda and its allies in South Asia. Obama did not tone down this criticism even as he spoke with CBS News from Kabul on July 20, shortly before proceeding to Saddam's former abode. "We got distracted by Iraq," Obama said. Afghanistan "has to be the central focus, the central front [in] our battle against terrorism."

Some top U.S. military commanders, including General David Petraeus, then the face of the American war effort, disagreed with Obama's assessment. And in Iraq, the general and the senator squared off. The contentious meeting between Petraeus and Obama has been recorded in *The Endgame: The Inside Story of the Struggle for Iraq, from George W. Bush to Barack Obama*, by *New York Times* reporter Michael Gordon and General Bernard E. Trainor.

Obama repeated that "Afghanistan is the central front in the war on terror," and therefore a timetable for withdrawing troops from Iraq was necessary. Petraeus disagreed: "Actually, Senator, Iraq is what al Qaeda says is the central front."

Obama was unpersuaded. "The Al-Qaeda leadership is not here in Iraq. They are there," Obama said, pointing to Pakistan on a map.

Petraeus, of course, knew this. The general did not need the senator to point out the obvious. And besides, Petraeus argued, Obama was missing the point. Whatever one thought of the decision to invade Saddam's neo-Stalinist state in the first place, al Qaeda had made the fight for Iraq its main priority.

Obama pressed forward, questioning "whether Al Qaeda in Iraq [AQI] presented a threat to the United States," Gordon and Trainor write. "If AQI has morphed into a kind of mafia then they are not going to be blowing up buildings," Obama said. Petraeus pointed to a failed terrorist attack in Scotland in 2007 as an example of why Obama's thinking was wrong. "Well, think about the Glasgow airport," Petraeus warned. The general, according to Gordon and Trainor, "also noted the potential of AQI to expand its influence to Syria and Lebanon."

Al Qaeda has come roaring back in Iraq, capturing significant territory in Fallujah, Ramadi, and elsewhere. And AQI has 'expanded its influence' in neighboring Syria as a result of the revolution against Bashar al-Assad.

The debate between Obama and Petraeus may seem like ancient history after more than five years have passed. And Obama went on to "end" the war in Iraq, or so he claimed during his reelection campaign and thereafter, by withdrawing all of America's forces at the end of 2011.

The truth, however, is that the disagreement between Obama and Petraeus still resonates today. Al Qaeda has come roaring back in Iraq, capturing significant territory in Fallujah, Ramadi, and elsewhere. Obama does not believe this is a major concern. And, just as Petraeus warned, AQI has "expanded its influence" in neighboring Syria as a result of the revolution against Bashar al-Assad. Other al Qaeda affiliates have joined AQI in the fight for Syria.

But there is something even more fundamental about the Obama-Petraeus debate. It goes to the heart of how we define al Qaeda itself.

More than a dozen years since the September 11, 2001, terrorist attacks, the United States is still confused about al Qaeda's goals and even how the group founded by Osama bin Laden is organized. The intellectual confusion is pervasive—and some of it is deliberate.

POLITICAL REVOLUTIONARIES

Osama bin Laden will always be remembered for his success in attacking the United States within its own borders, thereby shattering Americans' illusion of security. To this day, if you listen to many

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commentators, this is al Qaeda's principal reason for existence. It is widely thought that if al Qaeda is not striking targets in the West, then the group must be close to defeat. This is simply not true.

Terrorizing the United States and its Western allies was always a tactic, a step toward achieving al Qaeda's real goal—power for its leaders and their ideology in the heart of the Islamic world. Al Qaeda's jihadists are not just terrorists; they are political revolutionaries. They have sought, since al Qaeda's founding in 1988, to overturn the existing political order in various Muslim-ruled countries.

Al Qaeda's ideologues believed that the status quo before the 2011 Arab uprisings was heretical. They believed that Muslim rulers had abandoned true Islam by neglecting to implement *sharia* law as defined by al Qaeda. They also believed, and continue to believe, that an imaginary Zionist-Crusader conspiracy has prevented the real believers from achieving success. Therefore, al Qaeda deduced, the conspirators must be confronted.

By striking America, al Qaeda's most senior leaders believed, they could cause the U.S. government eventually to withdraw its support for various Muslim rulers and Israel. According to bin Laden and other al Qaeda thinkers, American support was the main reason why early jihadist efforts to overthrow Muslim dictatorships ended in bloody fiascos.

Strike America, al Qaeda argued, and it will crumble just as the Soviets did after their embarrassing loss to the mujahedeen in Afghanistan in the 1980s. As America's influence wanes, al Qaeda's theory of the world continued, the apostate tyrants who rule throughout the Muslim world will become susceptible to the jihadists' revolution. Al Qaeda and like-minded jihadists can then replace the dictators with pure Islamic states based on *sharia* law. And these states can then link up to resurrect the Caliphate, a supranational Islamic empire that was dissolved in 1924 and that has taken on a mythical status in al Qaeda's thinking.

This is how al Qaeda has long seen the world and why America was struck on September 11, 2001. It is why U.S. interests were attacked well before 9/11 and have continued to be targeted ever since. Al Qaeda's conspiratorial view of Middle Eastern politics, its deep hatred of the West, and its resentment of Western influence in the Islamic world made such attacks necessary.

Al Qaeda has repeatedly made this strategy clear. In his 2002 letter to the American people, Osama bin Laden emphasized that "our fight against these [Muslim] governments is not separate from our fight against you." Removing "these governments is an obligation upon us, and a necessary step to free the *Ummah* [community of believers], to make the *Shariah* the supreme law and to regain Palestine."

In private correspondence recovered in bin Laden's Abbottabad compound nine years later, the terror master repeatedly made the same point. Bin Laden emphasized the necessity of striking American interests as a step towards building a true Islamic state. Bin Laden worried that, however much the United States had been weakened since 9/11, the world's lone superpower retained the ability to destroy an al Qaeda-style nation should it arise. The "more we can conduct operations against America, the closer we get to uniting our efforts to establish an Islamic State," bin Laden or one of his top lieutenants wrote in 2010. Still, al Qaeda's leaders believed that the "time to establish an Islamic state is near, and the jihadist ideology is spreading abroad."

Al Qaeda on parade in northern Syria, January 2, 2014

Al Qaeda adjusted its tactics in the post-9/11 world, especially with American troops on the ground in Iraq and Afghanistan. Bin Laden wrote in another letter that his organization must "concentrate" its "jihad efforts in areas where the conditions are ideal for us to fight." Bin Laden concluded that "Iraq and Afghanistan are two good examples."

The centrality of the Iraq war, from al Qaeda's perspective, was emphasized in a letter from Ayman al Zawahiri, then bin Laden's top deputy, to the head of Al Qaeda in Iraq in 2005. Zawahiri wrote: "I want to be the first to congratulate you for what God has blessed you with in terms of fighting in the heart of the Islamic world, which was formerly the field for major battles in Islam's history, and what is now the place for the greatest battle of Islam in this era."

The very fight that Barack Obama has long seen as tangential to al Qaeda's operations, and even similar to

NEWSCOM

Mafia-style crime, was viewed quite differently by al Qaeda's leaders. It was the "greatest battle of Islam in this era."

This was not empty rhetoric. Numerous public and private statements from al Qaeda emphasized the centrality of Iraq and their desire to establish an Islamic state in the heart of the Middle East.

Al Qaeda has continued to adjust its operations in the wake of the 2011 Arab uprisings. In Syria, the organization has devoted a substantial amount of its resources to defeating Bashar al-Assad's regime and establishing a new Islamic regime. Elsewhere, in countries ruled by newly installed Islamist governments, such as Tunisia, al Qaeda initially advised jihadists to refrain from fighting altogether. In such countries it was best, al Qaeda said, to concentrate on recruiting and to build a base of popular support for its ideology. Over time, that strategy has evolved, however, as the Tunisian government has cracked down on al Qaeda-allied organizations.

But everywhere, the goal is the same: to advance a political revolution that al Qaeda sparked more than a quarter of a century ago.

AL QAEDA'S GLOBAL NETWORK

Once you understand al Qaeda's true aspirations, the structure of its organization begins to make sense. Although much of al Qaeda's network remains clandestine, a vast amount of information on its operations is available to the public.

The days when al Qaeda was a small cadre have long since passed. From its earliest days, al Qaeda devoted a substantial share of its efforts to insurgencies ranging from Chechnya to North Africa. Before 9/11, most of the recruits who passed through al Qaeda-sponsored training camps in Afghanistan were tasked with doing something other than attacking America. "Some experts even believe that the ratio of insurgent fighters to terrorists in al Qaeda's camps may be 15 to 1," notes the START Database's website, which is sponsored by the U.S. Department of Homeland Security. This created a deep well from which al Qaeda could draw manpower. Estimates of the number of jihadists trained in al Qaeda's camps prior to 9/11 vary, but easily totaled 10,000. (U.S. intelligence estimates cited by the 9/11 Commission range from 10,000 to 20,000 fighters. Other estimates are much higher.) Only 19 of these trainees attacked the United States on 9/11.

Going back to his days in Sudan in the early 1990s, bin Laden believed that his al Qaeda was the vanguard of the global jihadist movement. According to the 9/11 Commission, bin Laden "had a vision of himself as head of an international jihad confederation." Bin Laden established an "Islamic Army Shura," which "was to serve as the coordinating body for the consortium of terrorist groups with which he was forging alliances." The Shura "was composed of his own al Qaeda Shura together with leaders or representatives of terrorist organizations that were still independent." As of the early 1990s, bin Laden and al Qaeda pursued a "pattern of expansion through building alliances" and thus had laid the "groundwork for a true global terrorist network."

Throughout the 1990s and thereafter, al Qaeda continued to pursue versions of this original vision. In some cases, other jihadist groups were outright absorbed into bin Laden's joint venture. In other instances, al Qaeda remained closely allied with jihadist organizations that did not formally merge with it. Al Qaeda also deliberately spawned new groups to expand its influence.

Al Qaeda's policy of aggressive geographic expansion has been largely successful of late. While the group once relied almost entirely on a network of secret operatives embedded within countries ruled by hostile governments, al Qaeda now has formal branches (often called "affiliates") operating in Africa, throughout the Middle East, and in South Asia. Each branch is fighting to create an Islamic state and has openly declared its loyalty to Ayman al Zawahiri, bin Laden's successor as the head of al Qaeda.

Al Qaeda in the Arabian Peninsula (AQAP) is headquartered in Yemen and led by Nasir al Wuhayshi, Osama bin Laden's former protégé. In August 2013, Zawahiri appointed Wuhayshi as the general manager of al Qaeda's global operations. This gives Wuhayshi great power across the network. Wuhayshi has been experimenting with al Qaeda-style governance, even creating a new brand (Ansar al Sharia, or Defenders of Sharia) for his efforts. Ansar al Sharia in Yemen was the first of several similarly named jihadist groups to emerge following the Arab uprisings.

Al Qaeda in the Islamic Maghreb (AQIM) took over much of Mali in 2012 until the French intervened in January 2013. The group continues to operate throughout West and North Africa. In Somalia, another al Qaeda branch, Al Shabaab, continues to hold some territory and wage an insurgency against African forces.

The war in Syria has been a boon for al Qaeda. Jabhat al Nusra and the Islamic State of Iraq and Syria, the successor to Al Qaeda in Iraq, have thousands of fighters on the ground in Syria and Iraq. The two have quarreled over leadership and other matters. But they are still doing a considerable amount of damage while probably controlling more territory than al Qaeda has ever held before. There are other al Qaeda-allied groups operating inside Syria as well.

In addition to these five official branches, there are numerous jihadist groups that have said they are part of al Qaeda's global jihad. And in South Asia, al Qaeda

continues to operate as part of a terror "syndicate," owing to its decades-long ties to extremist organizations that share its ideology. Al Qaeda continues to cooperate closely with the Taliban, Lashkar-e-Taiba, and an alphabet soup of other groups based in Pakistan. They are jointly seeking to reestablish the Taliban's Islamic state in Afghanistan.

The degree of command and control exercised by al Qaeda's senior leaders over this global network is hotly debated. But the minimalists have to ignore a substantial body of evidence showing that Zawahiri and his lieutenants maintain a significant amount of influence, despite the management problems that any human organization faces.

THE ENEMY GETS A VOTE

The debate between Obama and Petraeus in 2008 has not been resolved. If anything, Obama now defines al Qaeda more narrowly than ever before, even as al Qaeda's many branches have become more virulent.

To hear the Obama administration explain the current state of the war, you would never know that al Qaeda seeks to establish Islamic states, or that the group has made stunning advances toward this end. Instead, the president and his surrogates consistently draw a hard line between al Qaeda's "core" in South Asia and "affiliated" groups everywhere else. Some are quick to brand virtually any jihadist group, even if it is openly pro-al Qaeda and has well-known ties to one or more of al Qaeda's branches, as a "local" nuisance that should not be considered part of al Qaeda's network. Such arguments miss the entire reason for al Qaeda's existence, which has always been to acquire power in "local" settings. This is why al Qaeda has always devoted most of its resources to fueling insurgencies.

It would be naïve to assume that the Obama administration's definition of al Qaeda is not directly tied to its preferred policies. President Obama is dedicated to decreasing the American military's footprint, even as al Qaeda has increased its own. U.S. troops were pulled out of Iraq by the end of 2011. And a short-lived surge of forces in Afghanistan was ended, with the goal of removing most of America's forces in the near future. While Obama argued in 2008 that Afghanistan, not Iraq, must be our "central front," it quickly became apparent that this was political rhetoric, not a real strategy. Drone strikes, Special Forces raids, and other covert activities are sufficient, in the Obama administration's view.

This is not to suggest that large-scale American military deployments are necessary everywhere al Qaeda's branches prosper. But in the coming months, there simply will be no central front in America's fight against al Qaeda and its allies.

President Obama's plan for fighting al Qaeda, therefore, rests on a gamble. As long as al Qaeda's various branches do not successfully attack the continental United States, then the United States will not treat them as first-order security threats. In countries where America has semi-reliable allies, others will take the fight to al Qaeda. In countries where no allied forces exist, such as Syria, America and the West will simply hope for the best. Well over 100,000 Syrians have been killed since the uprising against

In a video posted on YouTube, a spokesman for an al Qaeda affiliate in Iraq offers encouragement to fighters in Fallujah.

Assad's regime began; thousands of them have been killed by al Qaeda's branches. In Obama's estimation, al Qaeda's victims inside Syria and Iraq are not America's concern.

But there are already indications that Obama's understanding of the enemy cannot be sustained. Al Qaeda's branches, especially Al Qaeda in the Arabian Peninsula (AQAP), and closely allied groups, such as the Pakistani Taliban, now threaten the U.S. homeland. The threats to American security from al Qaeda's global network are multiplying, not receding.

And during a press briefing on October 30, an anonymous senior White House official explained to reporters that Al Qaeda in Iraq and Syria is "really a transnational threat network" now. "This is really a major and increasing threat to Iraq's stability, it's [an] increasing threat to our regional partners, and it's an increasing threat to us," the official continued.

That is, General Petraeus had a point about Iraq all along.

Meanwhile, al Qaeda strives on towards its real goal. It is a difficult course, and success is far from certain. But history tells us that a lot of carnage can be wrought in pursuit of violent fantasies.

In one of the documents recovered in his Abbottabad compound, Osama bin Laden wrote that "the jihad war is ongoing, and on several fronts." The strategy is simple: "Once America is weak, we can build our Muslim state." ♦

NEWSCOM

The Unmaking of the Middle East

Obama's historic misunderstanding

By Thomas Donnelly & Mary Habeck

The first, the supreme, the most far-reaching act of judgment that the statesman and commander have to make is to establish . . . the kind of war on which they are embarking, neither mistaking it for, nor trying to turn it into, something that is alien to its nature.

Carl von Clausewitz

Far beyond the question of al Qaeda participation in the September 11, 2012, attacks on the U.S. consulate in Benghazi, Libya, that killed Ambassador Christopher Stevens and others, David Kirkpatrick's notorious *New York Times* article—claiming no international terror group had a role in the assault—is evidence that, 12 years after 9/11, we still don't understand the enemy. More fatally, even after seven decades of direct engagement and involvement in the greater Middle East, we do not understand the nature of the war.

The al Qaeda war—whether George Bush's "global war on terror" or Barack Obama's "overseas contingency operations"—is best understood as a component campaign in a larger contest for power across the Muslim world. The al Qaeda network is a unique and uniquely lethal participant in this contest, but most of the other local contestants, that is, the states of the region, are just as important to the outcome. Al Qaeda may be, for the moment, a "non-state" actor (though the "emirate" in western Iraq and eastern Syria walks and quacks like a state), but looking at al Qaeda in isolation distorts our view. An even bigger failure has been an inability to establish our enduring interests and a definition of victory. Thus, President Obama is attempting to turn the Middle East war into something alien to its nature: a war from which the United States can easily withdraw.

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AL QAEDA'S WAR

In this contest for power, al Qaeda has a much stronger hand than it did in the 1990s. From a small band of terrorists with a grandiose vision, al Qaeda has morphed into a flexible and hierarchical network of militant groups operating throughout the greater Middle East. A list of the countries and areas afflicted with al Qaeda-linked violence—either serious terrorism or insurgency—is dismaying: Algeria, Tunisia, Libya, Egypt, Mali, Nigeria, Somalia, Kenya, Yemen, Syria, Iraq, the Caucasus, Pakistan, Afghanistan, and Burma have all suffered thousands of casualties because of militants tied to al Qaeda. The expansion of al Qaeda-linked insurgencies has been especially alarming: In January 2011 there were just three; today there are nine, and the capabilities of the militants fighting in them are rapidly growing. A revitalized Al Qaeda in Iraq, for instance, has taken over several cities in Anbar, Fallujah most prominently, and has been able so far to repel regular forces sent to retake these areas.

It's tempting to compare this network with the jihadist groups that carried out violent attacks or started insurgencies during the 1980s and 1990s—groups like Gama'a Islamiyya in Egypt or the Armed Islamic Group in Algeria—but this analogy would be misleading. Unlike the earlier local insurgencies, the al Qaeda network has a global vision and objectives that ignore borders and boundaries. Gama'a Islamiyya never carried out attacks in neighboring countries, and it didn't train fighters for battlefields around the world. Al Qaeda in the Islamic Maghreb, Shabaab in Somalia, Al Qaeda in Iraq, and the others have no such self-imposed limitations. The al Qaeda-linked insurgencies are also following identical political game plans wherever they take territory. In Somalia, Yemen, Iraq, Northern Pakistan, and Northern Mali they have set up shadow governments that impose the same distinctive version of *sharia* using the same organizational structures—a feat that none

of the insurgencies in the 1990s could match. The linkages and support between groups within the network are also unprecedented, with fighters and money flowing as needed between regions.

The network links help make the local affiliates much more resilient. It's notable—and especially troubling—that where al Qaeda-linked groups have set up shadow governments, the official local governments can't get rid of them without outside help. But for assistance from Ethiopia, Kenya, and an African Union force, Shabaab would still run most of Somalia. It took intervention by the French military to eject Al Qaeda in the Islamic Maghreb and Ansar al-Din from Northern Mali. Local tribes in Yemen could not stop Al Qaeda in the Arabian Peninsula (AQAP), nor would al Qaeda have been forced from Iraq in 2007-09 but for the American "surge." The examples of Iraq and Yemen are also cautionary tales: In both cases the al Qaeda-linked groups survived the intervention and rebuilt once outside forces withdrew.

The expansion of al Qaeda-linked insurgencies has been especially alarming: In January 2011 there were just three; today there are nine, and the capabilities of the militants fighting in them are rapidly growing.

Despite the mounting evidence, Washington is faithfully wedded to its original conceptions of al Qaeda. Experts like Thomas Lynch, Will McCants, and Peter Bergen have argued that none of these militant groups is tightly connected to another or controlled by the leadership "core" back in South Asia, and Kirkpatrick's entire case in his December 28 *New York Times* feature turns on that presumption. There is also the Obama administration's view expressed by James Clapper, the director of national intelligence, and Matthew Olsen, director of the National Counterterrorism Center, who claim that these groups—with the exception of AQAP in Yemen—only have local or regional agendas and have no intention of attacking the U.S. homeland. Jeh Johnson, the new secretary of homeland security, has added that we'll have won against al Qaeda as long as we are safe here at home.

But for al Qaeda, attacking the United States and killing Americans has always been a means more than an end. Al Qaeda aspired to be the "government in exile for the entire Muslim world," as Osama bin Laden put it in September 2000, and, one day, to be the government in power across the Muslim world. By focusing on one of al Qaeda's tactics—terrorism targeted at the United States and Americans—we distort al Qaeda's geopolitical purpose. And thus it should be no wonder that our strategy is ineffective. We got Osama bin Laden in the end, but al Qaeda is winning the war. We've declared victory and started going home, while they've renewed their efforts and are advancing.

THE OTHER MIDDLE EAST WARS

A second critical reason for al Qaeda's recent successes is the fragile if not collapsing anciens régime across the Middle East. Many of the traditional pillars of power—in Cairo, Damascus, Baghdad—totter on uncertain foundations. Recep Tayyip Erdogan's neo-Ottoman ambitions for modern Turkey cannot be fulfilled. With the ebbing of American interest in the region, Saudi Arabia stands increasingly exposed as a senescent oil oligarchy struggling to keep its Gulf neighbors in line, unable to respond to Iran's bid for hegemony or to the al Qaeda it helped to create. Tehran is ascendant, but over time, its ambitions are likely to exceed its capabilities. Israel is powerful and prosperous but isolated. Deprived of their American sun, the planets are prone to unstable orbits.

The collapse is especially visible in the Sunni Arab states, beginning with the largest and most important, Egypt. The implosion of the Hosni Mubarak regime was not, to put it euphemistically, a transition to democracy, but rather a game of musical chairs among despots. The Egyptian Army is, for the moment, back on top, but whether it will provoke a larger civil war, as Mohamed Morsi's short-lived Muslim Brotherhood government seemed likely to do, or prevent one is hard to say. There are reports every day of explosions and killings by mysterious "militants," and the entire Sinai seems to have become a no-go zone. Meanwhile, someone is attempting to provoke a sectarian war with the Copts by destroying churches and randomly massacring Christians. Egypt, once a source of American strength in the region, is now a point of critical vulnerability.

Iraq, too, was until lately a source of American strength, but now is not just a vulnerability but a potential threat. The Maliki government has been a prisoner of its own sectarian agenda—one based in the Saddam era—and as elections loom in April, it's gotten worse. That has allowed both Iran and al Qaeda to gain influence in Iraq. Maliki's squeeze on Sunnis is the proximate cause of the current crisis in Anbar Province, creating an opportunity for the resurgent al Qaeda affiliate, which now boasts an "emirate" encompassing much of western Iraq and eastern Syria. Sectarian killings have returned to 2006 levels in Iraq, and the al Qaeda group is invoking the name and the spectacularly violent ways of Abu Musab al Zarqawi, including videotaped beheadings.

Syria was never a source of American strength, but the Assad regime was long thought to be a predictable quantity. Not that long ago, Secretary of State Hillary Clinton argued that Bashar al-Assad might be a "reformer." Now, after Assad has employed chemical weapons against the rebels fighting to overthrow him, the Obama administration has made the Syrian president its partner in nonproliferation. The outlook is increasingly bleak: A vicious civil war has torn Syria apart, killed over a hundred thousand and made refugees of millions—and this has become the new normal. Damascus is more than ever an Iranian satellite, and Hezbollah fighters from Lebanon played a huge role in saving the regime from extinction. The civil war in Syria has evolved into a regional contest between an Iranian-led, mostly Shiite alliance and a Sunni opposition fractured between militias sponsored by the Gulf states—the weaker, "moderate" opposition—and al Qaeda affiliates.

Saudi Arabia has been, in many respects, the longest-standing Arab ally of the United States, and this, along with oil riches, has allowed the Saudis to play an outsized role. The Saudis are still extremely wealthy, but the ebbing of the U.S. presence across the region exposes fundamental Saudi weaknesses. Senior Saudi princes, including Bandar bin Sultan, for 22 years the ambassador to the United States, have been hinting at a "major shift" in Saudi strategy to contain Iran and hedge against American retreat. But it's not clear what that shift might be. Finding another great-power partner won't be easy—Europe? Russia? China?—and other cures, such as acquiring a nuclear deterrent from Pakistan, could make the disease worse. The comments by the princes do make two things absolutely clear: The Saudis are unhappy with U.S. policy, and they are tempted to find another close partner, one whose interests might be at odds with those of the United States.

The lone source of strength and constant strategic partnership in the region, Israel, is understood by the Obama administration as the greatest liability. By many measures, Israel is more secure and more prosperous than it ever has been, but its growing isolation from the United States—or at least from the White House—serves to undercut these strengths. This irony is particularly well defined in the case of Iran's nuclear program: What Washington seems to fear the most is that the Israelis will act unilaterally. Conversely, the Israeli fear that the Obama administration is ready to partner with a nuclear or near-nuclear Iran increases their incentive to act alone.

That Iran should stand at the center of a new Middle East balance of power would have been unthinkable a decade ago. The administration spin on the nuclear negotiations is that "biting sanctions" have forced Tehran to consider constraining its ambitions, but a more realistic assessment is that the Islamic Republic hopes to consolidate its gains. The domestic unrest of 2009 has been effectively suppressed for now. Iran has rescued its client in Damascus without sacrificing too much blood and treasure, or too much Hezbollah, and its semi-client in Baghdad is well entrenched. Even the prospect of nuclear talks has allowed the Iranians to put forward a more credible claim of legitimacy. And most of all, the United States, the Great Satan, seems ready to acknowledge Tehran's primacy in the region, as long as the Iranians don't make it too obvious or push too far too fast.

In sum, the state system—illegitimate and brittle as it has been—that largely defined the balance of power in the Middle East since World War II is in flux. Even if al Qaeda had disappeared into the Arabian Sea along with the body of Osama bin Laden, these changes would have made for a region-wide conflict. As matters now stand, the metastasizing conflict is creating a world of opportunity for a group once viewed as nearing "strategic defeat."

AMERICA'S STAKE IN THE MIDDLE EAST WAR

Columnist and television host Fareed Zakaria has advanced the idea that Barack Obama "is like Ike," that is, the president's approach to foreign policy broadly and the Middle East in particular is an updated version of Eisenhower's "strategic restraint." Defense Secretary Chuck Hagel passes out copies of David A. Nichols's *Eisenhower 1956*, largely a study of the Suez crisis of that year, when Ike famously refused U.S. support after France and Britain, in league with Israel, invaded Egypt. The supposed lesson: Don't get lured into Middle East wars.

But Obama isn't channeling Ike. Properly understood, the Suez crisis was a declaration that, rather than try to restore European power in the Middle East, from then on the United States would be the guarantor of Western interests there, and that strategy would be set in Washington instead of in London and Paris. Obama is reversing Ike and the consistent course of America's post-World War II policy. The Middle East of 2008, for better and worse, was very much "the Middle East America made" over seven decades. Barack Obama's strategic restraint is letting it go to rot.

The Middle East war is becoming a global as well as a regional disaster. The president may have convinced Americans that they're tired of the Middle East and its problems, but the rest of the world still cares a lot. To begin with, they need the energy resources, particularly in China, Japan, Korea, and India. Second, the world economy needs stability to trade efficiently, and not just in the energy markets. Most profoundly, the rest of the world does not need the political and sectarian enmities of the Muslim world to spread. Indeed, since 1956, the "international system"—that difficult-to-define-but-nevertheless-real entity—has

relied on the United States to keep the worst from happening in the Middle East.

The rest of the world is now waking up to the magnitude of the Obama retreat, panicked and wondering what to do. In November, Saudi prince Bandar met in Israel with Prime Minister Benjamin Netanyahu and President François Hollande of France to discuss the effect of the U.S.-Iran nuclear talks. Russia's Vladimir Putin has enjoyed basking in the diplomatic spotlight in Syria and in dealing with Iran. And China has no experience and little capacity but both a desperate need and a driving ambition to reshape the international system to its liking. In sum, the world abhors the vacuum Obama is creating, and eventually will try to fill it in ways that are likely to exacerbate more than ameliorate the situation.

Finally, the war has become a moral disaster. Or, as Secretary of State John Kerry said of Syria, a "moral obscenity." Obama's turning from the Middle East war is not just a strategic mistake for America, but a stain on America. The legitimacy of representative government is not in self-evident principles but in principles made real, in the principled use of actual power. By pivoting away from the Middle East, the United States is saying through its actions that anything goes: There will be no consequences for murdering thousands of civilians, for the use of WMD, for imposing a vicious form of governance that no one but al Qaeda wants.

The next president will have an opportunity, though perhaps a rapidly shrinking one, to rebuild a Middle East that we and the rest of the world can more easily live with. To do so will demand, alas, the use of military force—it won't be a job for diplomacy or "soft power" alone. That president will have to go to war with the force that he inherits, and it will be a smaller, less trained force.

But that president will only succeed if he begins with a "far-reaching act of judgment" to grasp the nature of the war, rightly understanding the al Qaeda network, solving the shifting puzzle of Middle Eastern states, and setting a course guided by American interests and principles. The entire region—states and nonstate actors, ethnic and sectarian groups, militants of all stripes, and the ordinary people on the street—is engaged in a two-fold contest for power: over who will control the future of the region and who will control the future of Islam. We can pretend that the contest does not affect us, but if the enemy wins, he has promised to bring the war home to us again. We may have lost interest in the Middle East, but the Middle East has not lost interest in us. ♦

J. Harvie Wilkinson, Antonin Scalia, Robert Bork

Is There a Third Way?

Challenge, not deference, to the majority. BY JONATHAN V. LAST

One of the government's slyest powers is the right to grant licenses. As a piece of law, the license is rooted in the idea of communal interest: In areas of life where the general public can easily be harmed by bad actors, the government seeks to mitigate harm by credentialing certain actions. Hence the driver's license, which ensures some minimal competency for operating an automobile. And the physician's license, which upholds a reasonably high standard of competency for doctors.

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Terms of Engagement
How Our Courts Should Enforce the Constitution's Promise of Limited Government
by Clark M. Neily III
Encounter, 232 pp., $23.99

But sometimes the license isn't about general welfare. In Louisiana, for instance, the state requires a license to practice floristry. In order to earn such a license, applicants take a written test and then must pass a practical exam in which they create four floral arrangements to be graded, completely subjectively, by a panel of certified florists. Very few applicants pass this ludicrous exercise, suggesting that the Louisiana floristry license is really an example of a business cartel hijacking the power of the state and using it to protect its interests.

Clark Neily, a lawyer at the nonprofit Institute for Justice, led a legal challenge against the Louisiana florist's license—and lost. He was dismayed at the spectacle of a federal judge refusing to halt this obvious abuse of government power. But he was more troubled by the way in which conservative judicial philosophies aided and abetted the decision. In *Terms of Engagement* he has written a rebuke to the legal doctrines of majoritarianism and originalism, and a brief for a conservative Third Way: a philosophy he calls "judicial engagement."

Unlike most conservatives, Neily isn't (principally) concerned about judicial activism. It's not the specter of courts

WILKINSON: DIEGO M. RADZINSCHI / THE NATIONAL LAW JOURNAL
SCALIA AND BORK: NEWSCOM

amending the Constitution that bothers him. Instead, he worries that government, by its nature, is constantly seeking to expand the bounds of its power and that the only check on this expansion is the judiciary. For all the talk of America's activist courts, Neily argues, our judges mostly let the government do as it pleases. From 1954 to 2002, he writes, Congress enacted 15,817 laws—of which the Supreme Court invalidated just 103—or 0.65 percent.

"The court struck down an even smaller proportion of federal administrative regulations—about 0.5 percent," he writes, "and a still smaller proportion of state laws: just 452 out of one million laws passed, or less than 0.05 percent."

Which leaves only two possible conclusions: (1) Our wise and disinterested elected representatives—men and women like Harry Reid, Nancy Pelosi, Tom DeLay, and Bob Ney—have, for half-a-century, been playing error-free lawmaking; or (2) the courts have been swallowing their whistles. Neily believes the latter to be true and argues that the judiciary's abdication of its responsibility to check lawmakers is its cardinal sin.

Yet for a generation, conservative legal minds have concerned themselves not with the abuses of the legislature but with the *potential* for abuse from the bench. Hence the late Judge Robert Bork's majoritarianism, which attempts to justify nearly all laws stemming from the will of the people. Or Justice Antonin Scalia's originalism, which seeks to confine judicial maneuver within a framework narrowly defined by the Constitution. Thinkers such as Judge J. Harvie Wilkinson argue that judges "should be modest in their ambitions and overrule the results of the democratic process only where the Constitution unambiguously commands it." But Neily counters that the Constitution is "not designed to provide that level of detail, and furthermore, what counts as an 'unambiguous' command turns out to be highly subjective." Such a philosophy, he says, "is a recipe for more government, pure and simple."

Instead, Neily proposes a philosophy of judicial engagement. He asks that judges approach cases neutrally, rather than acting as advocates for the government who look to create justifications for laws (as John Roberts spectacularly did for the individual mandate/tax in Obamacare two years ago). They should also treat all cases consistently, Neily says. Today, some cases are decided under the doctrine of "rational basis" (meaning that the government can merely hypothesize as to what the motive for a law might be), while others are subject to "strict scrutiny," where the government must provide a genuine explanation for its actions. Neily would radically cut back "rational basis" hearings. Finally, Neily suggests that when the government seeks to regulate, the courts should force it to shoulder the burden of proof. (Nonlawyers may be surprised to learn that, in rational-basis cases, the government is assumed to be in the right and individuals are given the burden of proving that their rights are being infringed upon.)

Terms of Engagement is an engaging and important book, and it's encouraging to see conservatives having a vigorous debate about legal philosophy. Yet it is disconcerting to realize that, ultimately, such conversations may matter little. Because while conservatives debate philosophies, liberals worry only about outcomes. In 1995, the liberal legal theorist Duncan Kennedy argued simply that "law is politics." Many liberal jurists agree, as does Richard Posner, who may be the closest thing there is to a heterodox legal mind:

> Constitutional cases in the open area [i.e., those cases for which there's no clear binding Supreme Court precedent directly on-point] are aptly regarded as "political" because the Constitution is about politics and because cases in the open area are not susceptible of confident evaluation on the basis of professional legal norms. They can be decided only on the basis of a political judgment, and a political judgment cannot be called right or wrong by reference to legal norms.

When one side of legal theory decides that the law is simply politics by other means, then it hardly matters what the other side believes. In the long run, naked power is a proposition with which no coherent, principled philosophy can compete. ♦

B&A

Heroic by Nature

Émile Zola and the literary representation of art.

BY EDWIN M. YODER JR.

If this painting isn't iconic, the term should be banished from the vocabulary of art. Forget, for a moment, Mona Lisa's smile and the Sistine Creator transmitting the spark of life to Adam. Set aside what was to come, including Picasso's *Les Demoiselles d'Avignon* (1907). They, obviously, have their claims.

Picture, instead, a painting of a darkish forest glade whose human figures look, at a glance, as if they might have been painted by a gifted eighth-grader with a precocious interest in female anatomy. A nude lady—if "lady" is the word—sits on the turf with her head turned, smiling pleasantly in the painter's direction, hand on chin, as if to ask: "What about this?" Keeping her company are two fully dressed young men, one reclining and gesturing to the other, who seem to be having a conversation—though not about the unusual situation. Some distance behind them, another young woman, fully dressed, appears to be bathing.

Edwin M. Yoder Jr. is the author, most recently, of Vacancy: A Judicial Misadventure.

What is odd—or was odd, when Édouard Manet exhibited this famous scene, *Le déjeuner sur l'herbe* (*Luncheon on the Grass*), at the *Salon des Refusés* (Salon of the Rejected) in Paris a century-and-a-half ago—is the air of nonchalance, as if there were nothing special about a nude maiden keeping company, in a wooded glen, with fully attired young men in the Paris of 1863. And maybe there wasn't, though that was not the judgment of the art world of that age. Nudity itself could hardly have been the issue: The bare body had been a fixture of painting and sculpture since antiquity. Even Michelangelo's heavenly hosts, for that matter, are mostly bare. But, as one historian remarked, Manet had transformed nudity into nakedness.

'Le déjeuner sur l'herbe' by Édouard Manet (1863)

This picture—an image that would define modern painting for years to come—signaled the beginnings of a revolution in craft and taste whose sesquicentennial fell this past year. *Le déjeuner sur l'herbe* was not the first picture to flout academic convention or scandalize traditionalists. But nothing quite like it had been seen before, and hundreds of visitors to the *Salon des Refusés*, where it first came to public view, thought it must be some sort of joke. For one thing, the graduated shadings that defined the contours of human faces and limbs were missing; Manet's style was, as one critic put it, "flat as a postcard."

The unlikely impresario of the *Salon des Refusés* was the mischievous Emperor Napoleon III, who at that moment was intriguing to reestablish an imperial foothold in Mexico. Fearing that the judges who controlled the yearly Salon in Paris had excluded worthy works, he decreed the special exhibit known as the *Salon des Refusés* and offered experimentalists their viewing. But what was to follow?

One who followed, and had an emphatic say, was the young Émile Zola (1840-1902), journalist, storyteller, and pamphleteer, who was ultimately to become, after his model Balzac, the author of an encyclopedic cycle of novels and tales documenting French life in the latter half of the 19th century. The son of a Venetian-born civil engineer, he had imbibed the scientism of his time. He believed that "naturalism," given its innings, would carry the day for the "new painting," as he called it—and he viewed Manet as its prophet, though, to many eyes, Manet's pictures looked anything but "natural."

Zola's heroic role in the Dreyfus case three decades later is well-known. What is less well-known is his role as a passionate exponent of the art exemplified by Manet and others whose names would soon be equally celebrated, including Degas and Cézanne. Their dissection of light would become the vital mark of Impressionism, a movement that was probably in the cards even if there had been no Zola to celebrate it. Technical developments, including tube paints and chemical pigments that permitted artists to emerge from dim indoor studios and paint in the open air, led to the new treatment of light. The new optics meant that landscape painting would never again be the same.

It was not written, however, that painters would depict their mistresses in that open air.

Zola's intervention in this painterly revolution would be less well-remembered today had he not amplified his views in two novels, *Thérèse Raquin* (1867) and *L'Oeuvre* (*The Masterpiece*, 1886). The first is a morbid tale of adultery and murder in which the role of art is minor but crucial. Two scheming lovers plot to drown the woman's husband on a rural outing, but their victim's ghost spoils their sexual idyll. Every time the man, who is an artist, tries to revive his modest skills, the resulting portraits, regardless of period or mode, favor the murder victim. Even their bedroom, scene of the lovers' anticipated trysts, is haunted by a crude portrait of the victim. They imagine that his mouldering corpse lies between them in their bed and finally end their insomnia by mutual suicide.

In the later and longer tale, a young and ambitious painter, Claude Lantier, returns to his Parisian atelier on a stormy night to find a young woman huddled in his doorway. She spends the night there (modestly concealed) and then disappears. But the reader knows that Claude hasn't seen the last of her. She soon returns to become, by stages, his model, his mistress, and finally his wife. She is exactly the model he needs to complete an ambitious nude for the Salon. But the

painting for which she models, the central feature of this magnum opus, becomes an obsession he cannot finish. He hangs himself in despair.

T. S. Eliot, wearing his hat as master critic, once ventured the controversial view that Shakespeare had failed, artistically, in what he meant to do in *Hamlet*. The problem, Eliot wrote, coining a jawbreaker term, was that the drama lacked an "objective correlative," a persuasive metaphor, for Hamlet's alleged irresolution—"in other words, a set of objects, a situation, a chain of events which shall be the formula of that particular emotion." Eliot's diagnosis remains controversial, to say the least; but it bequeathed an enduring term for the failure to render an idea or emotion successfully as art.

When I set out to reread Zola's two novels of art, I expected to find in them an "objective correlative" of the supportive views he had expressed about the "new painting." Zola does venture an overarching metaphor for the artist's struggle with his subject—the struggle of the biblical patriarch Jacob, who endured a night-long wrestling match with an angel who left him with a blessing, a new name, and a damaged hip. The episode is a metaphor in Zola's parables of art, made familiar also by Delacroix's mural in the Paris church of Saint-Sulpice. But the angels that Zola's artists wrestle with both turn out to be angels of obsession and death: In Claude Lantier's tale, the gigantic nude whose pursuit on canvas defies him drives him to madness and suicide, less a denouement than a *deus ex machina*.

Was Zola, the journalist and pamphleteer-turned-novelist, trying to tell his readers something about the bewitching fatality of art? Or nudity? It is fair to ask that a novelist's parables of craft clearly transmit a truth about the craft in question, but there is no law that they must; and Zola's art novels do not. We still don't know why his artists, unlike the young polemicist he himself had been a few years earlier, are ultimately defeated by the challenge of painting and driven to kill themselves. ♦

B&A

Act I, Scene Two

Following George Washington was a complicated business. **BY JAMES M. BANNER JR.**

John Adams, Thomas Jefferson

The First Presidential Contest
1796 and the Founding of American Democracy
by Jeffrey L. Pasley
Kansas, 504 pp., $37.50

The importance of this book stretches beyond the subject it addresses.

That subject, the oft-forgotten presidential election of 1796, which pitted the candidacies of Thomas Jefferson and John Adams against each other, is of no small significance. If the election, contrary to Pasley's subtitle, did not exactly inaugurate American political democracy, it *did* kick off our robust, unpredictable, and not-always-seemly history of combative presidential contests—and it deserves close attention for that reason alone. What this book also brings to the fore is the richness, as it is being written now, of the political history of the first 50 years of the United States under the Constitution of 1787.

We've become accustomed, in recent decades, to jeremiads condemning the purported death of "political history," a kind of shorthand term for the subjects at the heart of the classic, early 20th-century history curriculum: politics, public policies, institutions, foreign relations, warfare, and the figures (mostly men) who were their agents. Consequently, the continuing and increasing strengths of written political history have gone unrecognized.

Since the 1970s, vast new subjects, organized under the general headings of "social" and "cultural" history, have broken the earlier monopoly of political history in school and college classrooms. Preferment in academic appointments has tended, since 1970, to go disproportionately to scholars and teachers who pursue topics of gender, race, and class. And yes, political history has had to vie for curricular space with these newer subjects and has lost some of its earlier near-monopoly of curricular listings.

But even if you accept, perhaps even celebrate, the accommodation of scholarly interest in the gains of women,

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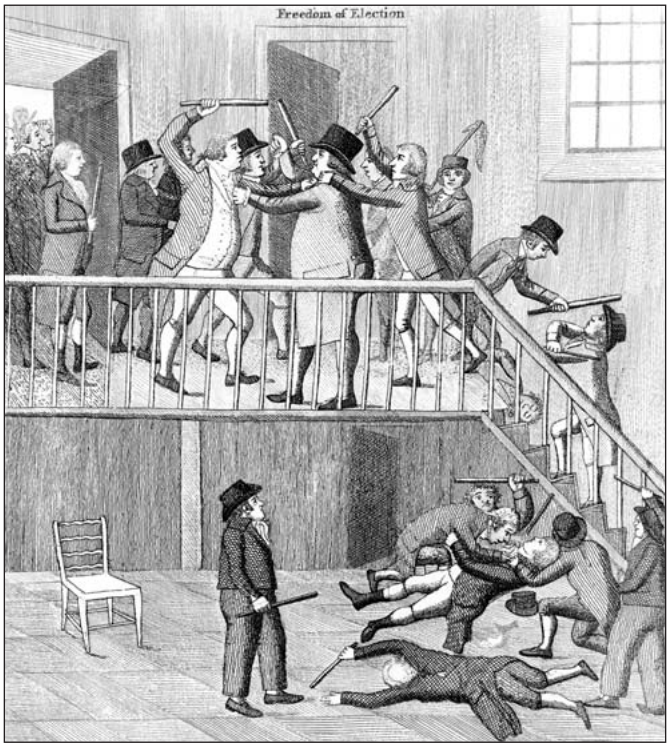
minorities, and other overlooked groups, you might well have been unaware—as many social and cultural historians themselves have been unaware—of the transformations taking place in political history, transformations exemplified by this superb new study.

The sustained strength of political history is explained, first of all, by the fact that, despite claims to the contrary, college and university history departments have continued to prepare, appoint, and advance men and women who pursue their interest in the political past. Second, publishers have continued to offer works of political history—and not only of the events and figures of which and whom the public can't seem to get enough. One such publishing house is responsible for this book. Kansas is a stalwart university press that has emerged to high admiration for making a specialty of books about political and other traditional topics—and sponsoring a series of works (such as this one) on presidential elections.

But most important, political history has prudently absorbed and adjusted to new scholarship and thinking about gender, race, class, public action, symbolic expression, and the like without being overtaken by the forces of Continental theory coursing through literary and cultural studies. And much of that influence, and resulting richness in understanding, has found a home, more so than among other scholars, with historians of the early nation. As a result, the political history of the young republic has surpassed that of any other era of American history.

Early American history can best be characterized by its insistence on two axiomatic principles: first, that the world of politics includes most people and most forms of expression; and second, that all politics are carried on in the cultural metaphors and behaviors of their particular day.

In this respect, the politics of neither our time nor the 1790s are any exception. Yet for decades, historians wrote as if politics could be understood without consideration of religion, ideology, art, public celebrations and fêtes, newspaper editorials and squibs, even the actions of those unable to vote—as if political debates and the policies resulting from them were somehow sterilized of cultural and social content. Only race and, occasionally, class intruded into a focus on institutions and candidates. But that is no longer the case. Politics is now seen as embedded deeply into all parts of society and reflective of an entire population's hopes, fears, aspirations, beliefs, language, and mental images—and vice versa.



The clash of ideas: 'Turn-coats and cut-throats' (1796)

The First Presidential Contest is an exemplary product of this new political history. You get a sense of what's fresh about it from the very start, when Pasley asks us, in thinking about the political realities of the 1790s, to give up our "visions of cigar-chomping party bosses running centralized, militantly nonideological organizations based on political patronage." Instead, he argues, the parties of the early nation were "loose but intense communities of political ideology, emotion, and action that took form among politicians, political writers, and their audiences, especially but by no means limited to the adult white males who could actually vote."

Pasley is known for his deep knowledge of newspapers, newspapermen, and printers in the early republic, giving him an easy feel for the elements of politics that we too often take to be extrinsic to the political world but are, in fact, integral to it. Not surprisingly, the role of newspapers in the run-up to 1796 plays a central role in Pasley's tale. So, too, do "festive politics," the use of public rallies, parades, banquets, toasts, and songs to create and marshal political sentiment where it hadn't existed and focus attention on candidates and what they stood for. It is by the adoption of such means that nonpartisan organizations like the Society of the Cincinnati (retired officers of the Continental Army) and the Tammany Societies (a group of fraternal organizations) took on partisan colorations in the 1790s.

Also, in Pasley's telling, it was in 1796 that many of the metaphors and symbols we still recognize as integral to our politics first took root. Thomas Jefferson was taken to task for his lack of "manly" virtues—being often thought of as (in Pasley's words) "an effete dilettante and annoying smarty-pants"—and for his sympathy for revolutionary France. John Adams and even George Washington himself took brickbats for their monarchical bearing and British-like formality. Symbolic language about a "man of the people" and the "father of the state" vied with each other for the first time. And for the first time, too, foreign policy penetrated deeply into the presidential campaign.

MARY EVANS PICTURE LIBRARY / EVERETT COLLECTION

It is in its emphasis on such public politics that Pasley's tale finds its center. While great men file through his story, the two candidates themselves rarely step onto the stage. They hover in the background and leave politics to their surrogates. The political rules of the day forbade the expression of ambition to gain political office, and since Washington followed that rule to the last, no one was going to venture to break it—at least until Aaron Burr boldly stepped forth to do so in 1800.

So how do you write the history of an election that lacks its main characters? You write, as Pasley does, about the larger political culture of the day and about the local notables who fueled the day's politics.

One of Pasley's achievements is to deal, about as well as can be expected, with local Federalist notables who, behind Adams, were coalescing (like their opponents) into a party that would contest elections only into the 1820s before dying out. "About as well as can be expected" because it has always proven difficult, even for scholars who understand the Federalists more clearly than others, to see them whole and give them the benefit of the doubt. The Federalists were often politically ham-handed; they were nativists; they frequently seemed more favorably disposed to the British than to their own nation; and they flirted with interposition, nullification, even secession. Pasley had to struggle to make these actors worthy of being taken at their own measure: They were bested right and left in newspaper wars by their innovative opponents—and Pasley, the foremost scholar of newspapering in the early republic, is bound to give these journalistic winners their due.

That said, he nevertheless brings some of the Federalists to light as no one else has. His passages on the great Massachusetts Federalist congressman and orator Fisher Ames, and especially his interpretation of Ames's celebrated defense of the Jay Treaty, are without equal. If you've never heard of the South Carolina Federalist William Loughton Smith, Pasley gives to this important but unappealing figure the attention he has long deserved. He does the same for Leven Powell, an overlooked Virginia Federalist whom Pasley credits with doing more than anyone else to keep Jefferson from the presidency. In fact, where other scholars have sometimes praised the Federalists for their proto-abolitionist and antislaveholding views, Pasley uses Smith and Powell to caution us against seeing the Federalists "as a northern-dominated and antislavery party, the ideological and literal fathers and grandfathers of abolitionists, Conscience Whigs, and Radical Republicans."

In such caution lies the exemplary balance of this book.

The book is exemplary in one other way as well. It is a monograph—a work focused on a comparatively limited topic and based on command of the most specialized scholarly literature. Monographs don't usually earn applause or followings for their style or breadth. They're intended to be tightly focused on specific subjects, the aim being to bring as complete and authoritative an understanding to those subjects as possible, not to draw a wide readership. Yet Pasley's monograph is distinctive in being written (as so many are not!) with clarity, verve, and wit.

Because so much of what he relates about this first partisan presidential election seems to be the Big Bang from which American national politics has since drawn its energy, readers will find it tempting to seek parallels between the 1790s and today. It's hard to believe that Pasley wasn't tempted as well, for such parallels are hard to miss, as occasionally he allows himself to acknowledge:

> What is striking is how quickly certain tendencies and patterns of the country's democratic electoral system emerge, long before there was an institutional national election or party system to organize them.

In 1795 and 1796, people argued about Jefferson's and Adams's characters. In bravura displays of negative campaigning, they tore down the candidates' motivations, dredged up their previous writings, and had at their earlier careers. It was in every way what today we call a cultural war—Pasley calls it precisely that—as they battled over religion and other values and beliefs. In Pennsylvania, the state that even then was a battleground and a sure thing for neither Democrat-Republicans nor Federalists, local politicians engaged in "voter suppression" as partisan and purposeful as any we see today. But Pasley sticks to the 1790s, and resists making an election of two centuries ago the template from which all future ones were drawn.

In 1796, American electoral politics were only in the birth pangs of what they would become, and as the presidential election revealed, it was not going to be simple to throw off the expectations and practices of Anglo-American elite politics or to give up the ideal of calm, deliberate electoral contests among white male members of the gentry. That process would take generations—never yet, in some particulars, to be completed. This first presidential contest was one of ancient ways: competition by surrogates, with the major candidates scarcely lifting a hand on their own behalf and discountenancing even an interest in the outcome; a tiny electorate; and no party discipline—in fact, there were scarcely parties at all in any conventional sense of the term.

And yet, as Pasley insists, the presidential election of 1796 was fully reflective neither of colonial politics nor of the modern politics that would emerge in the 1820s. It was a transitional election. If this seems a weak interpretation among possible stronger ones, it also seems entirely justified by the history Pasley relates. For we can now see that the election portended much that was to follow: its boisterousness; the engagement of state legislators, local voters, newspaper editors, and opinion makers; the permeation of questions about the candidates' characters and their previously written convictions—by such developments the election contributed to what would prove to be the emergence, however slow, of American political democracy. ♦

B&A

Practice, Practice?

Great athletes are born, not made.

BY MICHAEL M. ROSEN

Few social scientists doubt that both nurture and nature contribute meaningfully to human achievement. But the balance among the cognoscenti has tilted in recent years toward the perfectibility of the body and mind through practice, even in athletics.

In this thoughtful exploration of the conundrum, *Sports Illustrated* writer David Epstein labors to light the way forward in an arena where results are easily measurable, ultimately concluding that our genetic makeup confers sometimes-unexpected advantages. He recognizes the truism that "nature and nurture are so interlaced in any realm of athletic performance that the answer is always: it's both." Still, he persists in exploring "how, specifically, might nature and nurture be at work here? . . . How much does each contribute?"

In search of answers, Epstein circles the globe, journeying from the Arctic Circle, where he observes a gold-medal skier, to Jamaica, where he seeks out the world's fastest men and women, to Kenya's hallowed Rift Valley, where he tracks champion distance runners among the Kalenjin tribe. Along the way, he carefully traverses the minefields of race, evolution, and genetic determinism to conclude that, in many cases, athletic achievement cannot just be learned.

In particular, Epstein takes a hatchet to the famed "deliberate practice" theory, pioneered in 1993 by psychologist K. Anders Ericsson. Ericsson's research, an examination of the practice regimens of violinists at the Music Academy of West Berlin, revealed that "many characteristics once believed to reflect innate talent are actually the result of intense practice extended for a minimum of 10 years." Specifically, Ericsson found, rigorous practice for at least 10,000 hours enabled the musicians to overcome any innate differences. Malcolm Gladwell injected this theory with anabolic steroids in *Outliers* (2008), inflating it into the now-infamous "10,000-hour *rule*" in various fields and surmising that, for a young hockey player, "without ten thousand hours [of practice] under his belt, there is no way he can ever master the skills necessary to play at the top level." In Gladwell's telling, myriad practice hours are both necessary and sufficient for success in a wide variety of athletic and cognitive endeavors.

The Sports Gene
Inside the Science of Extraordinary Athletic Performance
by David Epstein
Current, 352 pp., $26.95

But David Epstein spends most of *The Sports Gene* methodically unraveling the "strong" version of the 10,000-hours principle on the basis of data in fields as diverse as chess, track and field, basketball, wrestling, netball, and the skeleton, in which one study found an Australian racer metamorphosing from "Ice Novice to Winter Olympian in 14 Months." Epstein also observes that the Dutch men's national field hockey team regularly outclasses its Belgian counterparts, despite practicing, on average, thousands fewer hours—and far fewer than 10,000 hours total.

> In absolutely every single study of sports expertise there is a tremendous range of hours of practice logged by athletes who reach the same level, and very rarely do elite performers log 10,000 hours of sport-specific practice prior to reaching the top competitive plane.

In an especially illuminating chapter on "the talent of trainability," Epstein explores several recent experiments and concludes that gene variations account for half of the average athlete's ability to improve her performance. Researchers have been able to identify specific "genes that help account for an individual's drop in blood pressure and heart rate with training." Such findings, Epstein notes, will one day pay handsome dividends in personalized medicine by empowering individuals to adopt an exercise regimen ideally suited to their traits.

Malcolm Gladwell, incidentally, fired back at this in a lengthy *New Yorker* blog post last year, huffing that Epstein "built himself a straw man" and offering the revised—and much more nuanced—conclusion, "*In cognitively demanding fields*, there are no naturals [emphasis added]."

Epstein also offers insightful analyses of issues ranging from a person's running economy and VO_2 max (also known as aerobic capacity) to the spindly lower legs of elite Kenyan runners to relative hemoglobin levels among Andean, Nepalese, and Ethiopian athletes—meticulously explaining exactly how they're influenced by both genetic and environmental factors, such as altitude. At times, Epstein, a skilled storyteller and expert profiler, allows his narrative to lurch from one extraordinary athlete to another without an especially coherent theme to unify his vignettes. Still, *The Sports Gene* adroitly marries epistemological uncertainty to promising research.

In conclusion, he recognizes that "we are unlikely ever to receive complete answers from genetics alone, and not merely because environment and training are always critical factors." Yet he nonetheless maintains that, in certain areas—trainability in particular—genes dominate. And in what is perhaps his most revealing observation, Epstein notes that the practice-only narrative

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"appeals to our hope that anything is possible with the right environment, and that children are lumps of clay with infinite athletic malleability. . . . It has the strongest possible self-help angle and it preserves more free will than any alternative explanation."

We *want* to believe that we, or our offspring, are a scant 10,000 hours away from greatness, that our ultimate dreams can be realized solely through hard work, and that the human mind and body are perfectible—equally so in all individuals. Epstein performs a helpful public service by dispelling such fantasies and reminding us that greatness, in sports and elsewhere, is often God-given. ♦

B&A

Slighting Downhill

From highbrow to lowbrow, in black tie.

BY PETER TONGUETTE

President Obama and Led Zeppelin (2012)

In its first 20 or so years, the Kennedy Center Honors—annually allocated to performing artists of purported preeminence—there were more than enough leading lights still living to assure that the well of meritorious honorees would not quickly run dry. While there is truth to Frank Rich's observation, in 1995, that "this country, like any other, has a limited supply of Balanchines and Grahams and Astaires and Sinatras," for years it seemed as though figures of such prominence did, in fact, grow on trees.

The otherworldly fivesome of Marian Anderson, Fred Astaire, George Balanchine, Richard Rodgers, and Arthur Rubinstein made up the inaugural group of honorees in 1978; but no one could argue with, say, the choices of George Abbott, Lillian Gish, Benny Goodman, Gene Kelly, and Eugene Ormandy in 1982. Or Merce Cunningham, Irene Dunne, Bob Hope, Beverly Sills, and Lerner and Loewe in 1985.

Since the new millennium, however, there have been ever-diminishing efforts to separate the chaff from the wheat and ever-increasing attempts to lasso "names" readily identifiable to the television audience. This has made for some amusing sights in those box seats perched high in the Kennedy Center Opera House, where each year's honorees are seated next to the president and first lady. In 2012, for example, prima ballerina Natalia Makarova was parked next to, among others, David Letterman. As Makarova listened to Tina Fey introducing Letterman, littering the talk-show host's life story with one cliché after another ("The guy who broke all the rules became the most decorated man in television"), the former Kirov Ballet dancer must have wondered to herself: Did I defect from the Soviet Union for this? To be honored in the company of the creator of Stupid Pet Tricks?

Yet what ails the Kennedy Center Honors is not just who is sitting next to whom. Part and parcel with the decline in quality of the honorees is the slippage in seriousness, entertainment, and quality of the show itself. I have seen nearly every installment since the early 1990s, and, airing as it does after Christmas, I associate the Kennedy Center Honors with newly opened presents and the last of the season's eggnog. Perhaps it is for these reasons that I am apt to wax nostalgic about what the show once was and continue to give it a chance, even when I know better. Because the honorees are divulged months in advance, I am always prepared for the newest unfathomable selection—Steve Martin (2007), Neil Diamond (2011), Billy Joel (2013)—and I harbor no illusions that Leonard Bernstein will have been resurrected to lend the evening some gravitas.

Yet I am convinced that the Kennedy Center Honors earned my affection in my first years of regular viewing. Mounted by producer George Stevens Jr. with a kind of solemn grace, the most memorable shows drew on the riches of midcentury popular culture. The glorious 1989 tribute to Mary Martin included an invigorating performance of "I'm Flying" from *Peter Pan* (with Charlotte d'Amboise in the

NEWSCOM

Peter Tonguette is at work on a book about Peter Bogdanovich.

titular role Martin had played nearly 40 years earlier) as well as a hardy rendition of "There Is Nothing Like a Dame" and "Bloody Mary" from *South Pacific*, with a few choice substitutions: "Mary Martin is the girl we love!" Just as lively was Martin's son, Larry Hagman, presenting the members of the Naval Academy Men's Glee Club: "On that note, I want to introduce you to 90 men from the Navy who are going to go out here and sing for you!"

At such moments, the Honors had an agreeable air of unashamed patriotism, amplified by the attendance of the current occupant of the Oval Office—and reflected in things like a shot in the opening montage of an aged Jimmy Stewart giving a brisk, confident salute to the audience from his box seat.

By the time Mary Martin was honored in 1989, she was probably not as familiar to the general public as at least two of her fellow honorees (Harry Belafonte and Claudette Colbert), but that was the point: It was an education to watch the Honors, a way of learning about performers other than musicians and movie stars. Consider, for example, the 1996 tribute to Edward Albee, which included a biographical film that featured cues from Gustav Holst's *The Planets*, followed by George Grizzard reading from Albee's classic debut, *The Zoo Story*. Irene Worth even sauntered onstage to talk about Albee's notable flop *Tiny Alice*. All of which demonstrated that the producers thought there was a degree of erudition—or curiosity, at least—in the viewing public.

The opening montage seemed to demonstrate this as well. It was always one of my favorite parts of the show, and in later years it became the uncontested high point. Set to a rousing theme, shots of honorees from shows past (such as Gene Kelly giving a thumbs-up) were intercut with moments from their tributes (the University of Nebraska Marching Band putting in an appearance for Johnny Carson) as well as clips of them doing what they did best (Fred Astaire dancing). It did not consist entirely of celebrities, however: In 1996, for example, the year Albee was honored, the montage included a shot of Helen Hayes, clasping her hands and smiling warmly. Hayes was once known as "the first lady of the American theater," but her likeness would not have been known by sight to most viewers during the Clinton presidency. No matter: Those sufficiently intrigued would figure out who she was and come to know about one of the country's great actors.

Back row: Merce Cunningham, Beverly Sills, Bob Hope
Front row: Alan Jay Lerner, Irene Dunne, Frederick Loewe (1985)

BETTMANN / CORBIS

But the opening montage, like the rest of the show, has devolved. At some point, the shot of Helen Hayes was cut while shots of more recent, popular honorees have crept in. In 2003, the longtime master of ceremonies, Walter Cronkite, was succeeded by Caroline Kennedy, whose bored, uninflected delivery was a far cry from Cronkite's famously sonorous intonations. In fairness to Kennedy—who missed this year's show because of her new ambassadorship in Tokyo—she has been asked to recite lines that sound surreal in light of the show's pleasingly pompous past. Rock stars are now regularly storming the gates of the Opera House: Tina Turner (2005), Brian Wilson (2007), Pete Townshend and Roger Daltrey (2008), and—God help us—Led Zeppelin (2012). Indeed, of Led Zeppelin, Kennedy was impelled to read the following:

> With primal sounds at once beautiful and dangerous, these English lads built a band that gave a new dimension to rock, and that earned from an admiring world a whole lotta love.

It got worse. Later that evening, a bedraggled Jack Black lumbered onstage and hollered "Led Zeppelin!" at the top of his lungs to kick off the tribute. We are a long way from Larry Hagman introducing singing midshipmen for Mary Martin.

Whenever I am tempted to lose heart, however, I call to mind the charm the Honors used to have: Joanne Woodward introducing honoree Edward Villella in 1997 by talking about her daughter's girlhood crush on the New York City Ballet icon after seeing him in Balanchine's *Jewels* ("I loved the boy in the red velvet," she told her mother); or, that same year, Brian d'Arcy James singing "More I Cannot Wish You" from *Guys and Dolls* as part of the tribute to Charlton Heston. It was, Walter Cronkite informed us, a favorite tune of Heston and his wife, who were celebrating their 53rd year of marriage. As James sang, shots of Heston's pensive expression and furrowed brow revealed how deeply affected he was by the gesture—and by the lyrics, too.

Both moments, in a way, encapsulated what was best about the Kennedy Center Honors: the conveyance of genuine feeling through the magic of the performing arts. And, as we have learned in the fullness of time, this is not the easiest sentiment to put across by having Tina Fey lionize David Letterman. ♦

B&A

Wild in the Street

Too much on the spending, too little on the getting.

BY JOHN PODHORETZ

Leonardo DiCaprio

The Wolf of Wall Street
Directed by Martin Scorsese

The Wolf of Wall Street is three hours long, and you feel every minute of it. It's not that it's tedious; this filthy and foul-mouthed portrayal of young and crazy drug-addled securities crooks is far too garish and overheated to be boring. Instead, Martin Scorsese's latest portrait of American boys behaving badly is just exhausting. Watching *The Wolf of Wall Street* is like being told a crazy anecdote by an entertaining and overwrought relative who keeps getting sidetracked in the course of his tale by side points and his own explosive laughter—and by the time he's finished you're profoundly sorry you ever said, "Hey, Uncle Marty, I hear something weird happened to you."

The Wolf of Wall Street tells the real-life tale of an extremely clever shyster named Jordan Belfort, who devised new ways to bilk gullible investors out of their money in the wake of the 1987 financial meltdown. How did he do it? The screenplay, by Terence Winter, has Belfort (Leonardo DiCaprio) look into the camera, begin to describe his antics, and then say it's all just too boring and doesn't matter anyway. And that's the problem with the movie in a nutshell, because the only thing that matters to Scorsese and Winter and DiCaprio is the misbehavior—the sex and the drug use and the sybaritic excess.

And there's a lot of it. We see Belfort and his comrades scarfing up Quaaludes as though they were Tums, and we're shown at least three orgies. There's an office party with dwarves being tossed like darts, and a huge yacht gets destroyed in a Mediterranean storm because Belfort insists on sailing it through dangerous waters. DiCaprio screams constantly, both to express his enthusiasm and to release his rage. By the third hour, all of this begins to blend together—the screaming and the cocaine and the sex. You long for the relative quiet of the first hour, before the Quaaludes.

But of course *how* Belfort did it does matter. It's really the only thing that matters. Without showing us how Belfort was and is different from any other lowlife with a lot of money, *The Wolf of Wall Street* is just an endless catalogue of creepery. The movie shows DiCaprio's Belfort engaging in disgusting behavior with women, appalling behavior with drugs, and dangerous behavior around children. Some people have complained that in doing so, *The Wolf of Wall Street* inadvertently glorifies the illegalities on display in the way Al Pacino's *Scarface* became not a cautionary tale for would-be drug dealers but a road map. I don't think that's true, because DiCaprio and his confederates don't seem to be having a good time; they're crazy and they're overcharged, but it doesn't look like much fun.

Belfort was a con artist, and what's interesting about con artists is not what they do with the money they steal—the fact that they waste it on self-destructive behavior is the oldest story in the book—but how they work the con. The movie's not-very-interesting idea, presumably borrowed from Belfort's own book of the same name, is that he was a great salesman, and so they show him on the trading floor of his firm selling his own staff. But that's nonsense. Belfort stole something like $200 million. He did it not through salesmanship but by figuring out weaknesses in the financial system and exploiting them. And you don't get that sense of him at all from the film. He just seems like a wild man.

The movie's only truly great scene is a cat-and-mouse discussion between Belfort and the FBI agent (played by Kyle Chandler of *Friday Night Lights*) who is sniffing around his firm. It takes place on Belfort's yacht, and the question is whether Belfort is going to succeed in bribing the FBI guy. He suggestively offers the G-man two girls—then food, then booze—and then he begins to describe the kinds of favors he does for people who are his friends.

For once, you see Belfort's mind at work—how he understands people and how he stays within the bounds of what is legal while attempting to do something brazenly illegal. This is the real game Jordan Belfort played, and it's genuinely fascinating. Watching a man with too much money take too many Quaaludes over and over and over again—the real takeaway from *The Wolf of Wall Street*—isn't. ♦

PARAMOUNT PICTURES

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

"Steven Seagal may run for Arizona governor"
—Associated Press, January 4, 2014

PARODY

...So doesn't that make...

...OVEMBER 5, 2014 — ONE DOLLAR CHEAP

ARIZONA ELECTS STEVEN SEAGAL GOVERNOR BECAUSE WHY NOT?

At This Point, What Difference Does It Really Make?

By PETER BAKER AND JONATHAN WEISMAN

Nov 4, 2014 — Former action movie star and renowned martial artist Steven Seagal was elected governor of Arizona tonight, because why the hell not? After indicating his intention to run in January, Mr. Seagal, the star of such popular movies as "Hard to Kill" and "Under Siege," became the frontrunner in the race to lead the Grand Canyon State when . . . who really cares anymore? Does it really matter that much?

"When I announced I would run for governor, some people laughed. And rightly so. This is pretty [expletive] ridiculous, if I'm being totally honest. What the [expletive], Arizona?" Seagal told a crowd of supporters at his campaign headquarters in Flagstaff. The crowd was largely indifferent to the outcome, and many were clearly unaware that an election had been held. "Huh?" said Dan Bartles, a Flagstaff resident, when asked what he thought of his state's new governor. "He's governor now? I just heard he was here, and I thought it would be kind of cool to be like, 'Oh, Steven Seagal was here, cool.' Maybe put some stuff on Instagram." But some were optimistic about the prospects of the governor-elect's first term. "I mean, I don't think things will get better, because, you know, why would they? But I'll bet there'll be some good memes," said Alicia Khan, 26. "Ha, yeah."

Arizona's new governor-elect Steven Seagal greets photographers and reporters at a shooting range set up at his campaign's victory party in Flagstaff.

Mr. Seagal's opponent, Arizona secretary of state Ken Bennett, conceded early in the night, as it became clear that people just don't care that much about anything anymore. "Mr. Seagal ran a terrible campaign and is clearly not qualified to hold public office, but I guess at this point, that's cool. I mean, whatever."

Moving forward, Mr. Seagal doesn't really have a clear agenda, but he said he'd like to continue shoring up border security and went on a vague, rambling diatribe about "sticking it to the Yakuza," and we don't even know why we are bothering to write this, because nobody really gives a

Continued on Page A3

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