

ISRAEL AFTER SHARON
ELLIOTT ABRAMS • YUVAL LEVIN
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Obamacare: Undoing the Damage

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& YUVAL LEVIN

ARTHUR HERMAN
& JOHN YOO



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Comprehensively Repellent

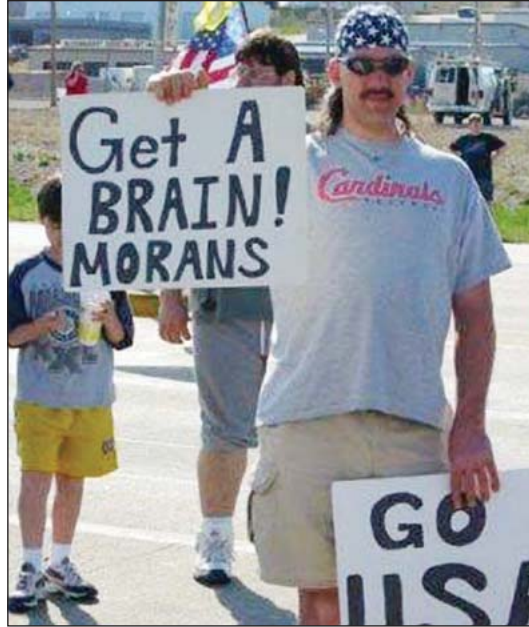
Despite what readers may think, when people we never liked reach their expiration date, THE SCRAPBOOK tends to lean in the direction of *de mortuis nil nisi bonum*. (Loosely translated: Don't speak ill of the dead.) It's a little different, however, when political careers die—and so we freely confess to a quiet satisfaction at the news that Rep. James Moran (D-Va.) has announced that he will not seek a twelfth term in Congress. Good riddance.

We say this not because James Moran is a Democrat: There are more than a few Democrats we like; there are plenty in the House to the left of Moran; and most Democrats in Congress are considerably more competent than the representative from Virginia's Eighth District. Nor do we say this because we tend to disagree with Moran on nearly everything, from his profligate spending of taxpayers' money to his conviction that the "Jewish lobby" promoted the Iraq war.

We say this because James Moran, apart from his political opinions and appropriations prowess, neatly personifies everything Americans dislike about politicians.

He is corrupt. He had to resign from his very first public office—the Alexandria (Va.) city council—when accused of misusing public funds, which set a pattern for the decades to come: Conflicts of interest, bribery

allegations, influence-peddling are the usual subjects when Moran makes the news, even in the sympathetic pages of the *Washington Post*. He has regarded public office not as a public trust but a means of rewarding himself and his friends.



So that's who this guy had in mind.

He is extreme. We live in an age of rhetorical overkill in politics; but even by contemporary standards, Moran is almost in a class by himself, routinely characterizing Republicans as racists, claiming that time spent in uniform is not public service, comparing his political opponents to the Taliban, blaming Israel for the prob-

lems of the Middle East. He is famous for his tirades, and lack of physical control, at public meetings. "I like to hit people," he has said.

He is violent. Moran has probably been involved in more public altercations than any congressman in recent memory—perhaps in congressional history—ranging from barroom brawls to domestic disputes to shoving/punching matches on the floor of the House. And as a member of Congress, and in earlier years as mayor of Alexandria, he has been largely exempt from arrest, or the legal accountability to which ordinary citizens are subject when they hit people.

In short, Moran is not just a substandard congressman, of whom there are plenty, but a thoroughly unpleasant human being whose contribution to the public weal has been nil. So unpleasant is Moran, in fact, that THE SCRAPBOOK has sometimes wondered if his problems are deeper than mere orneriness. There are 435 members of the House, and in recent years a handful—Patrick Kennedy of Rhode Island, Bob Dornan of California, Steve Cohen of Tennessee, Anthony Weiner of New York, and others—have impressed us with their all-too-evident instability. The name of James Moran probably heads this dubious roll, so we'll keep our distance, thanks, as he heads out the door. ♦

A Surplus of Hot Air

The political debate over what to do about global warming rages on, largely because liberals refuse to have an honest discussion about their plans to deal with it. The heart of their every proposed "solution" to climate change is a radical economic

program that would threaten the livelihood and well-being of millions, based on computer models of dubious accuracy trying to project weather patterns decades into the future. Via Bloomberg News, last week we got an unsettling glimpse into just how extreme the economic plans of the climate commissars really are:

China, the top emitter of greenhouse gases, is also the country that's "doing it right" when it comes to addressing global warming, the United Nations' chief climate official said. . . . "They actually want to breathe air that they don't have to look at," she said. "They're not doing this because they want to save the planet. They're doing it because it's in their national interest."

China is also able to implement policies because its political system avoids some of the legislative hurdles seen in countries including the U.S., Figueres said.

In other words, if international bureaucrats could impose economic restrictions and reduce energy production by fiat, we'd be well on our way to healing the planet. Of course, the Communist party in China comprises only a small minority of the Chinese people, and the idea that they do anything because it's in the "national interest" is laughable. China's ruling party only cares about enriching themselves and holding on to power, which is why their exploitative and repressive economic program has resulted in environmental calamities on a colossal scale.

About half a billion Chinese lack access to safe drinking water and 99 percent of the country's 560 million city dwellers breathe air that would be considered unsafe by EU pollution standards. But because the Communist party is paying lip service to a renewable energy program, U.N. officials are falling all over themselves to uphold the country as an environmental model.

So long as concern over global warming remains little more than a cudgel to advance a left-wing political program, any cure for the problem will be worse than the disease. Of course, there's also ample evidence that the dangers of global warming have been overhyped—to the point where credulous people are increasingly willing to sacrifice anything precious on the altar of environmentalism. *Rolling Stone* recently received widespread and well-deserved mockery for an idiotic article titled "5 Economic Reforms Millennials Should Be Fighting For." Said reforms were all essentially tenets of communism, including "guaranteed work" and the abolition of private property. When the writer, Jesse A. Myerson, was challenged about his retrograde views, his response on Twitter was curious: "If I have to answer for Soviet gulags, these market/capital twits have to answer for climate collapse,

the greatest genocide in history." Well, so far the global warming death count is hypothetical, unlike the tens of millions actually killed by Mao and his henchmen and the Soviet terror. And not to forget, China is currently the world's largest producer of greenhouse gases. Whether you care about global warming or humanity, it's pretty easy to conclude that communism is certainly not the answer. ♦

FEMA Backs Down?

In our November 25, 2013, issue, Jonathan V. Last chronicled the story of Ocean Grove, the New Jersey shore town which was being denied

FEMA relief funds to repair damage from Hurricane Sandy. The problem was that Ocean Grove was originally settled as a Methodist campsite and that the town remains nominally Christian—which is to say that it is governed by a "Camp Meeting Association," which has roughly the power of a garden-variety homeowner's association. But which also happens to own all of the land.

Like many other towns along the Jersey shore, Ocean Grove had its boardwalk swept out to sea. FEMA stepped in to shoulder the cost of rebuilding the boardwalks in those other towns. But not in Ocean Grove. It said that since the boardwalk tech-

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RAMIREZ

THE IRS SCANDAL

nically belonged to the Camp Meeting Association, that made it a private religious “recreational facility” and as such ineligible for aid. Never mind that FEMA had, after earlier storms, helped rebuild Ocean Grove’s boardwalk. Under the Obama administration, there would be a new precedent.

The most plausible explanation for the change in government policy was that Ocean Grove had been in 2007 the site of a minor skirmish in the gay marriage wars. And unlike President Obama, the Camp Meeting Association had not sufficiently evolved in its views.

The town was taken aback by FEMA’s denial. They appealed and were denied again. They then constructed a second appeal, in which they changed the rationale for the

boardwalk. Instead of saying that it was a public accommodation (which it is), they claimed that the boardwalk’s essential purpose is to act as “a public thoroughfare in providing emergency access and life-saving operations.” The boardwalk isn’t there for people to enjoy—it’s there for safety!



After months of dithering (and lobbying from New Jersey’s Democratic delegation in Congress), FEMA has relented. Last week FEMA announced that it now deems Ocean Grove “eligible” for aid. Whether it will actually dis-

pense aid, of course, is a separate question. It’s not clear yet if this represents a genuine reversal by the administration, or simply the kind of empty “compromise” that President Obama has become known for. ♦



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We Were Smokers Once, and Young

As Colorado's new law permitting—encouraging?—the recreational use of marijuana went into effect, many of our country's finest journalists felt the need to share the details of their experience with the ganja. Some came to celebrate the state's new liberality, others to condemn it.

Yet the stories from both camps followed a similar arc. The writers goofed around with marijuana in high school and/or college, many with their own modest version of President Obama's Choom Gang. Then they grew out of it. Their non-pot-addled adult lives were proof either that doping up didn't do them any harm or that toking and leading a grown-up life are incompatible.

What struck me most about the remembrances, though, was the blithe self-assurance these people must have had as kids.

It drives me slightly meshugana when people say that “everyone” does pot. Growing up, I never touched the stuff. And neither, so far as I know, did the vast majority of my friends.

In high school, we didn't have especially sophisticated objections to marijuana. Like all forbidden fruit, it had a certain allure. What kept us from doing it was fear. Get caught sneaking into your girlfriend's bedroom and her parents (and yours) might bring the lumber. Get caught with drugs and you could go to jail.

At least in theory. It never occurred to us that governments might go to the trouble of having laws but not bother to enforce them. Instead, we assumed that if we broke the law by purchasing or possessing narcotics, there was a nontrivial chance we'd get caught. In which case The Authorities would

throw the book at us, thus ending our dreams of attending a Good School and someday getting a Good Job. A system that winked at illegality and bestowed success on the high and sober alike—that world we simply didn't imagine.

Today, our naiveté looks more foolish than charming. Yet in our defense, this was the early '90s, before America elected three consecutive druggie presidents. It was, as Ken Burns might say



were he narrating the miniseries version of our lives, a more innocent time.

Besides our cowardice, the other thing that kept us away from drugs was resentment. Because the one trait shared by all the kids who did take up—the motorheads, the hippies, the waste-oids, the preps—was a repellent sense of entitlement. They believed the rules that bound us did not apply to them. It didn't help matters that they turned out to be right.

At university, a different sort of fear kept us away from drugs. A bit more than half of my college class majored in the hard sciences, and although there was plenty of drug use going on at school, nearly all of it was outside the sciences. And that's because most of the core courses in the sciences were graded on a C curve.

That curve was the central fact of our undergraduate lives. When the median grade is a C, it means that the vast majority of the class isn't struggling over the dean's list. They're fighting to stay in school. Because roughly a quarter of every class fails, and two course failures are enough to get you the boot.

In my department the professors had a nasty habit of increasing the randomness of grades by rigging the exams to decrease the spread. So, for instance, on a test with 100 possible points, the high score might be a 35, the low score a 2, and the mean a 19. Keeping the spread narrow increased the odds that even a top student could fail. Meaning that no one was ever truly safe from the curve, no matter how smart or diligent.

Under such a regime, rock 'n' roll was an intolerable waste, sex was but a rumor, and drugs were a time-sapping indulgence likely to get you sent home. We had a term for the kind of coddled, slow-witted kids who could get stoned and still stumble into A's. We called them history majors.

I took two lessons from all of this. The first is that there's no moral turpitude at the university that can't be remedied by the C curve—a corollary of which is that the debauched world of Charlotte Simmons is probably a direct consequence of grade inflation.

The second is that, as much as I resented the entitled mindset of the kids who did smoke, I've come to admire it. The essence of Empire, as the Brits once explained it, was that an Englishman could walk down any street in the world with the same confidence he might have striding through Piccadilly Circus.

Entitlement is unbecoming, but self-possession is a fine thing. And while I've never regretted passing up drugs, I sometimes wonder if I abdicated the empire of my youth.

JONATHAN V. LAST

Unwinding Obamacare

Obamacare is no longer a theoretical proposition. It is now being implemented, if with some notable exceptions for the portions of the law the Obama administration finds particularly inconvenient. Millions of Americans are experiencing its consequences directly, and millions more are forming their opinions of it based on what they are hearing of its effects. Those opinions are generally not positive. The fact that many of the law's congressional supporters are now running scared for fear of voter backlash is a good indication of how poorly the rollout is going.

Obamacare's travails seem likely to play into the hands of the law's Republican opponents this year, even if the GOP does very little to try to reverse or slow the law's implementation. The inevitable displeasure of those forced into inferior coverage with diminished access to care at higher cost because of Obamacare (and the concern of those who fear they might be) appears set to overwhelm the approval of those benefiting from its redistributive mechanisms, and so to swing the political pendulum at least somewhat to the right. Off-year elections in an incumbent president's second term already tend to go poorly for that president's party, and Obamacare appears likely to exacerbate that trend.

But to fully capitalize on the political opportunity before them, and to set the stage for a genuine rollback of Obamacare and its replacement with a far better alternative, Republicans in Congress cannot be satisfied to sit back and watch the disaster unfold. They should take the initiative, as they did at several crucial moments in 2013, and push legislation that would speed up the process of unwinding Obamacare and lay out for the public their concrete plans for a real reform.

The GOP should begin by renewing its commitment to protect Americans from being coerced into Obamacare. That means jettisoning, or at a minimum delaying, the individual mandate. The mandate has always been among the least popular elements of this unpopular law, and it has grown increasingly difficult to defend as the

rollout has proceeded and more Americans have found themselves forced out of coverage they liked and faced with the prospect of paying a penalty (or a tax, as Chief Justice Roberts would have it) for not buying coverage they don't like.

The Congressional Budget Office's most recent estimates (made before the rollout of Obamacare began) assumed some \$2 billion would be collected in 2015 from households forced to pay this uninsured tax for 2014. If the average payment is \$500, that would mean 4 million Americans. And the number could be much higher if enrollment in exchange coverage is as low as it is now expected to be.

It is hard to imagine Democrats being able to sustain support for such an unpopular proposition, especially in light of the president's unilateral decision to exempt those with canceled 2013 individual policies from the tax in 2014. Indeed, it is possible, and perhaps even likely, that the president will eventually take the next logical step himself and waive the tax for everyone in 2014 (though he would presumably wait to take such a step until after the enrollment period closes at the end of March). This is all the more reason why Republicans should make repealing this mandate, and codifying the president's own delay of the employer mandate, their top priority in 2014, just as it was in 2013.

In addition to a repeal or delay of the individual and employer mandates, Republicans should hammer the other weak link in the Obamacare chain: the back-door subsidy that promises a massive bailout for insurance companies. Like the mandate, the promise of bailouts is there to persuade insurers to play ball despite the system's irrationality.

Especially troubling is the "risk corridor" provision of the law, under which taxpayers are on the hook for covering large portions of the losses that insurers incur on the Obamacare exchanges. If an insurer pays out claims that exceed 108 percent of its premium collections, taxpayers would cover about 75 percent of its losses.

A mirror-image provision is also supposed to recoup



75 percent of any profits above 108 percent of premium collections. But because Obamacare's design is so flawed and its rollout has been so bungled, enrollees in the exchange insurance plans are likely to be significantly older and sicker than the insurance company actuaries assumed (there was also a great deal of political pressure on insurers to lowball their premiums in this first year of the program). There will thus likely be few if any insurers rebating profits under this risk-corridor provision, only a large cost to the taxpayer. The insurers are counting on this massive bailout to avoid a bloodbath of losses from Obamacare.

An all-out assault on this aspect of Obamacare is well justified on both policy and political grounds—indeed, very few issues have the potential to unite voters politically like this one. It is hard to imagine that many Americans, regardless of their political leanings, want taxpayers to be on the hook for covering the losses of shareholder-owned insurance companies. The promise of such a bailout effectively amounts to collusion between these companies and the Obama administration at the expense of the public: Insurers avoid pricing coverage in ways that take account of the distorted risk profiles of the exchanges so as to give the law a better chance of surviving a little longer, and in return the administration cushions their losses with taxpayer dollars.

There is certainly room for risk-sharing and reinsurance in a rational insurance system, should insurers desire it, but such mechanisms must be symmetrical: The losses of some insurers should be cushioned by funds drawn from the profits of other insurers. That is how the Congressional Budget Office assumed these provisions would function in Obamacare, and they projected them to be budget neutral. But risk corridors would only work this way in a market that was properly structured and allowed insurers to price for risk—so that while the risk might be unevenly divided among insurers, it would be accounted for by the market as a whole. Obamacare's exchanges are not rational insurance markets, and its risk-corridor provision now looks to be very far from budget neutral. This year it could easily cost taxpayers hundreds of millions and perhaps billions of dollars.

Republicans should therefore propose either to eliminate entirely the program's risk-corridor provisions (as a bill introduced by Florida senator Marco Rubio and Rep. Tim Griffin of Arkansas would do) or to make them explicitly budget neutral, requiring that payments to insurers suffering losses be reduced proportionally so they total an amount no larger than the payments from insurers reaping profits. That way, insurers who chose to participate in the exchanges would together bear the consequences of a failure to price their products appropriately, rather than making the taxpayer pay for their mistakes and allowing them again to lowball premiums

next year to keep this broken new system on life-support.

It is important to understand how crucial the prospect of a taxpayer bailout of insurers is to the future of Obamacare. Insurers facing the prospect of participating in the exchanges in 2015 without the backstop of a taxpayer bailout would be forced either to price their products properly (and therefore likely well above their 2014 premiums) or withdraw from the exchanges altogether. Either way, the law will become even less attractive to middle-income and moderate-wage households who get little or nothing in subsidies. Insisting on budget neutrality or repealing these provisions would, like the elimination of the individual mandate, not only make good political sense but also help to speed the unwinding of Obamacare, which is essential to the ultimate repeal of the law and its replacement with a real reform of American health care.

For that very reason, the insurers and the Democrats are certain to mightily resist a repeal of the bailout provisions. But the more intense their resistance, the more it will reinforce the case against the law. A program that cannot survive without a massive taxpayer bailout of private insurers is not a program that is working. It is a program that is failing, and needs to be replaced.

Finally, Republicans should continue their efforts to minimize the harm to people with pre-Obamacare insurance coverage that they would like to keep. Their efforts to enable those whose policies were canceled to retain them late last year yielded a chaotic and lawless administration move to empower insurers in some states to continue offering those policies. That has helped some people, but a legislative reprieve would be more stable and effective, and should also be extended to small businesses—many of which obtained early renewals of 2013 policies and so will be facing cancellations in the course of 2014. These look likely to affect millions of families, and Republicans should help those who like their coverage to keep it.

Each of these measures would be both politically popular and substantively helpful to the cause of unwinding Obamacare and moving toward the law's replacement. Obamacare has already encountered enormous difficulties in its early months, and more are in the offing. But Republicans cannot stand aside and assume the law will collapse of its own weight. The administration and its supporters in Congress will do all they can to mask the faults of this monstrosity and enable its survival, and they will further assert that bare survival is the new definition of success. Republicans should respond with measures that help voters see that Obamacare is neither inescapable nor irreversible—by saying no to the mandates, the bailouts, and the forced coverage cancellations that Obamacare requires to stay alive.

—James C. Capretta & Yuval Levin

Hillary? Really?



This week's *Time* magazine splashes the question on its cover: "Can Anyone Stop Hillary?" THE WEEKLY STANDARD is happy to provide our friends at *Time* with an answer to their query: Yes. Hillary Clinton can be stopped. How? Let us count the ways.

The easiest way Hillary can be stopped is if she stops herself.

She can choose not to run. Indeed, *Time* reports "on good authority" that "Hillary Clinton has not decided whether to run for president again." There is a reasonable chance she'll decide not to. She's an intelligent woman. She remembers that her last experience of running for president wasn't fun and didn't end well. She knows that winning the Democratic nomination won't be as easy as the media now pretend and that the general election will be, at best, a 50-50 proposition. *Time* points out that Hillary is now "able to dominate discussion of 2016 even as she sails above it." Of course, the moment she announces, Hillary will no longer be "sailing above it." It will be all downhill from the announcement. Why bother?

Because there's so much she wants to accomplish as president, and only she can accomplish those things? No. Hillary has no agenda different from that of other generic Democratic candidates, or for that matter from Barack Obama, the man she would succeed. Hillary's first term would in reality be Obama's third. She'd be tinkering with his successes and trying to cope with his failures. Becoming president in 2009 after eight years of dastardly Republican rule, with a chance to make things anew, was an exciting prospect for a liberal. Succeeding *the* modern liberal president after two terms? Hillary may well decide it's not worth the candle.

There's also the matter of winning the nomination. Hillary is very likely to be out of step with the Democratic primary electorate in 2016—too close to Wall Street, too establishment, a prominent part of an administration that employed drone strikes and used the NSA in all sorts of dastardly ways. For Democrats in 2016, Hillary Clinton might be too much of a . . . Clinton Democrat. She'll have a tougher nomination fight than everyone now expects.

And then there's the general election. The only time since 1952 a party has held the White House for a third successive term was in 1988, when George H. W. Bush won, in effect, Ronald Reagan's third term. Will the country be in as good shape in 2016 as it was in 1988, ready to vote for a con-

tinuation of the same party in office? Will Hillary's opponent be as hapless as Michael Dukakis? It's possible.

It's more likely that Hillary goes down in the general election, a representative of the old order losing to a younger, fresher Republican face. *Time* claims, "One widespread forecast holds that Clinton is poised for a cakewalk of historic proportions." One would like to see what analysis that forecast is based on, and whether it's "widespread" among anyone other than Clinton loyalists.

Wait, wait, wait . . . We've forgotten something: Hillary would be the FIRST WOMAN PRESIDENT! That might be enough to get her to run and conceivably to get her elected. But Golda Meir and Margaret Thatcher hadn't been first lady before taking power. Hillary will be the second Clinton president. That fact overwhelms her claim to first-ness. As a feminist, Hillary surely knows that when your husband's been president, you're not really breaking any glass ceilings on behalf of womankind. And lots of other women understand this as well.

Speaking of Bill, one gathers that he does very much want Hillary to run. It will be a liberating moment for Hillary—and perhaps an inspiring one for other women—when she decides that she doesn't have to do what her husband wants.

Hillary likely won't run. If she does, she likely won't win. We think.

—William Kristol

Rein in HUD

Under our Constitution, a government agency may not act beyond the authority given it by Congress. Indeed, as the Supreme Court has said, "an agency literally has no power to act . . . unless and until Congress confers power upon it."

The principle is basic, but in a significant matter the Department of Housing and Urban Development under President Obama has ignored it, to say no worse. Fortunately, a lawsuit now moving forward in the nation's capital promises to compel the agency to quit its conspicuous overreaching.

At issue is the Fair Housing Act (FHA) and the meaning of its provision prohibiting discrimination. The law, which HUD enforces, makes it illegal to "refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin . . . or handicap" or to "discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in

connection therewith, because of race [or any of the other prohibited characteristics].”

No one doubts that this provision means, for example, that a realtor can't treat someone looking to buy a house differently because of the person's race or color or religion, etc. The realtor can't engage in what is called “disparate treatment.” That's what “discrimination” is under the FHA, and it clearly must be *intentional* discrimination, engaged in by someone who *refuses* to sell or rent *because of* race or color. Indeed, to prevail in a claim of discrimination, the accusing party must prove discriminatory intent or motive.

There is, though, another view as to what discrimination is, and it defines discrimination in terms of actions or policies that are neutral on their face and nondiscriminatory in their intent but have a disproportionate impact, shown through statistics, on a group of persons defined in terms of race or color, etc. Thus, discrimination is seen in terms of “disparate impact.”

HUD has used this approach in enforcing the FHA, though never in any previous administration so aggressively as it has under Obama's. And over the years the approach has been accepted by the circuit courts that have ruled on it in housing cases. Even so, disparate impact is not provided for in the FHA, whose focus is on the motivation of the conduct in question and not its effects.

HUD last year issued a regulation purporting to authorize disparate impact. Liability “may be established under the Fair Housing Act based on a practice's discriminatory effect” upon a protected group, even if “the practice was not motivated by a discriminatory intent.” HUD cites its own “experience” in enforcing the law to justify its view that a disparate impact or effect may be discriminatory, even when there is no discriminatory intent. But the critical question remains what the text of the FHA actually says. And, fairly read, it doesn't permit the disparate impact approach.

It is basic administrative law that an agency acts outside the authority delegated to it by Congress when it enacts a regulation contrary to the intent of its statutory authority. And that is precisely what HUD has done in issuing what's known as the disparate impact rule. The rule prohibits disparate impact, but the FHA prohibits *only* intentional discrimination.

The challenge to disparate impact now in federal court in Washington is being brought by the American Insurance Association and the National Association of Mutual Insurance Companies, two of the largest among the trade associations representing homeowner's insurers. But will this case actually be decided?

After all, twice now since 2011 private parties brought disparate impact claims in cases that reached the Supreme Court and were accepted for review. Both cases presented the same question as the insurers' associations present now—whether such claims are legitimate under the FHA. And both cases were settled mere weeks before oral argu-

ment, paving the way for their withdrawal from the Court.

Significantly, both settlements were driven by parties fearful that the Supreme Court would decide that disparate impact claims are not permitted under the FHA. In the first case, *Magner v. Gallagher*, administration officials, with help from the civil rights lobby, negotiated the settlement, which was reached in early 2012. Congressional investigations ensued, but were of little consequence. Yet the unusual and fiercely determined deal-making led by Thomas Perez, then head of the Justice Department's Civil Rights Division, illustrated the lengths to which the administration was willing to go to protect its cherished legal theory. Perez was promoted to labor secretary last summer.

The administration tried to persuade the Court not to take the second case, *Township of Mount Holly, New Jersey v. Mount Holly Gardens Citizens in Action*. The solicitor general argued that the justices should wait to see how the new disparate impact rule fares in the lower courts. The justices rejected that counsel and accepted the case, only to see it go the way of *Magner*, with settlement (this past November) on the eve of oral argument, followed by removal from the Court.

While there has been no evidence (so far) that the administration played a direct role in making *Mount Holly* disappear, its allies in the philanthropic and housing communities did. As the *Wall Street Journal* reported, the Ford Foundation, George Soros's Open Society Foundations, the National Fair Housing Alliance, and Self-Help Community Development were among the entities that contributed money to TRF Development Partners, another administration ally, to build new homes for those who brought the case as well as other private buyers.

With the American Insurance Association and National Association of Mutual Insurance Companies lawsuit, there is now a third challenge to disparate impact in housing that could make its way to the Supreme Court during the Obama presidency. While we would be eager to know whether administration officials and their disparate impact allies are dialing up the folks at AIA and NAMIC, hoping to find a way to take the case from the judiciary, the plaintiffs are serious about the issue and not likely to quit their complaint prematurely.

And let's hope they don't. And that the Court, in the AIA case or one like it not yet on the horizon, reads the FHA correctly and decides that disparate impact claims are not authorized by the law.

In that event, those who favor disparate impact in housing would, of course, be free to go to Congress and try to persuade it to enact what is, on the merits, a highly controversial policy. Were that to happen, our government of separated powers would be working properly. As it is now, we have an agency that's acting in excess of its delegated power.

It's time—past time, really—to rein it in.

—Terry Eastland

Done Being Born

Israel after Sharon and his generation.

BY YUVAL LEVIN



Although he has, in most respects, been gone from the scene for the better part of a decade, Ariel Sharon's death this month has nonetheless hit Israel hard. His military career was among

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the most exemplary in a nation that has seen far more than its share of great warriors. And by the end of his political career (if not at every point throughout it), Sharon was widely respected and admired. The sudden end of his premiership in 2006 left many in Israel with a sense of missed opportunity and unexplored possibility. But perhaps more deeply than that, his death signals the passing from the political scene of Israel's founding generation. Sharon was the last prime minister who participated personally

in the nation's founding, and there will not be another. Israel has clung to its founders as long as it could.

In the 1990s, Israelis tried out two leaders from the younger generation—Benjamin Netanyahu and Ehud Barak—but reached back for Sharon in an hour of crisis, as the second intifada raged. It is not hard to see why. In the decades after their nation's founding, Israelis had grown accustomed to larger-than-life leaders, world-historical figures who had played important roles in the realization of what, if not for that amazing generation, could easily have remained an impossible dream.

Although Israel's president, Shimon Peres, was a member of that generation, the presidency is a ceremonial role, and Israeli politics no longer lives in the shadow of that nation's founding generation. This has been increasingly clear for a decade and more, of course, but Sharon's passing makes it an unavoidable fact. It has not been an easy fact for Israelis to get used to, in a variety of ways—some more obvious than others.

Being governed by plain old politicians, rather than men and women of historical stature who fought impossible odds to bring a new nation into being, has been a painful letdown for a society rightly accustomed to living in awe of its own existence. But more than that, Israelis have had a hard time letting go of the founding intensity that has characterized their politics; they have had a hard time getting used to the fact that their country is no longer in the process of being born, but is, for all the never-ending threats to its security, an established presence on the world stage.

The result is a nation peculiarly unwilling to acknowledge its achievements or to contend with the deep problems that remain unaddressed at the core of its civic and national life. Israel's national anthem is a melancholy song of hope that there might someday be an Israel. Its political and (especially) legal system exists in a constant state of emergency, insistently unwilling to recognize in itself sources of precedents and traditions

DAVE MALAN

that might stabilize things. Many of the most promising members of the up-and-coming generation of Israeli professionals and intellectuals—people born into a nation in its third or fourth decade, whose connection to the founding was their grandparents—still live with a yearning for the profound source of meaning that a Zionism that had yet to achieve its principal goal offered prior generations. They have trouble finding such meaning in the mundane tasks of self-government and perpetuation.

This is a problem that Americans once experienced too. Ours also is, to a degree unequalled in the modern era almost anywhere except in Israel, a founded nation. And the first three generations of Americans lived in every sense under the shadow of the founding generation.

Every president in the 48-year stretch from George Washington through Andrew Jackson claimed some connection to the revolution (with Jackson making endless hay of having been captured by British troops as a young boy and cut in the face for refusing to be of use to them), just as every one of Israel's prime ministers in its first 48 years (until Netanyahu's election in 1996) had been involved in its founding. And when those with direct memory of or involvement in the revolution passed from the scene, the United States was left not only with decidedly lesser leaders in charge but with a palpable unease about what should come next.

The greatest expression of that anxiety came from the greatest member of America's third generation. On January 27, 1838, the Young Men's Lyceum of Springfield, Illinois, invited an up-and-coming lawyer in town to address the students about an important public question. The 28-year-old attorney, Abraham Lincoln, chose as his subject a question to which he thought his countrymen needed to turn their attention: "The Perpetuation of Our Political Institutions." And he could see clearly why turning to that subject was difficult for America, because the nation in his day (at 63

years of age, almost exactly Israel's age today) was confronting the challenge of moving from a mode of ambitious founding to a mode of grateful preservation that might allow its people to build on the best of what they had inherited while addressing the terrible problems left unresolved by the founding. Americans of his generation, Lincoln said, lived in a

It is a problem that Americans once experienced too: Ours also is, to a degree unequalled in the modern era almost anywhere except in Israel, a founded nation. And the first three generations of Americans lived in every sense under the shadow of the founding generation.

thriving nation blessed with great advantages that, as far as they were concerned, had always been there:

We, when mounting the stage of existence, found ourselves the legal inheritors of these fundamental blessings. We toiled not in the acquirement or establishment of them—they are a legacy bequeathed us, by a once hardy, brave, and patriotic, but now lamented and departed race of ancestors. Theirs was the task (and nobly they performed it) to possess themselves, and through themselves, us, of this goodly land; and to uprear upon its hills and its valleys, a political edifice of liberty and equal rights; 'tis ours only, to transmit these, the former, unprofaned by the foot of an invader; the latter, undecayed by the lapse of time and untorn by usurpation, to the latest generation that fate shall permit the world to know. This task of gratitude to our fathers, justice to ourselves, duty to posterity, and love for our species in general, all imperatively require us faithfully to perform.

That task is, in a word, the task of conservatism—the task of building on the given, not creating something wholly new. It was the task to which

Lincoln thought his nation needed to turn if it was to overcome the enormous political and moral challenges it faced without destroying itself. And the move from a mode of founding to a mode of conservation and improvement would be no easy feat for a nation whose founding was so dramatic and which, until so recently, had lived with the direct memory of that founding. But that directness could no longer be appealed to, Lincoln worried:

I do not mean to say, that the scenes of the revolution are now or ever will be entirely forgotten; but that like every thing else, they must fade upon the memory of the world, and grow more and more dim by the lapse of time. In history, we hope, they will be read of, and recounted, so long as the bible shall be read—but even granting that they will, their influence cannot be what it heretofore has been. Even then, they cannot be so universally known, nor so vividly felt, as they were by the generation just gone to rest.

At the close of that struggle, nearly every adult male had been a participator in some of its scenes. The consequence was, that of those scenes, in the form of a husband, a father, a son or brother, a living history was to be found in every family—a history bearing the indubitable testimonies of its own authenticity, in the limbs mangled, in the scars of wounds received, in the midst of the very scenes related—a history, too, that could be read and understood alike by all, the wise and the ignorant, the learned and the unlearned. But those histories are gone. They can be read no more forever. They were a fortress of strength; but, what invading foeman could never do, the silent artillery of time has done; the leveling of its walls. They are gone. They were a forest of giant oaks; but the all-resistless hurricane has swept over them, and left only, here and there, a lonely trunk, despoiled of its verdure, shorn of its foliage; unshading and unshaded, to murmur in a few gentle breezes, and to combat with its mutilated limbs, a few more ruder storms, then to sink, and be no more.

They were the pillars of the temple of liberty; and now, that they have crumbled away, that temple must fall, unless we, their descendants, supply their places with other pillars, hewn from the solid quarry of sober reason.

In that wise but still youthful reflection on the problem of how a nation might address its flaws by revering and building on its greatest strengths—the problem that would occupy him for the rest of his life—Lincoln laid an awful lot of weight on pure rational persuasion. “Passion has helped us; but can do so no more,” he told the students as he neared the close of his remarks. “It will in future be our enemy. Reason, cold, calculating, unimpassioned reason, must furnish all the materials for our future support and defense.”

Twenty-three years later, as Lincoln stood on the steps of the Capitol having just taken on the presidency in an hour of terrible crisis, he was still wary of pure passion in the life of a nation, but he was less certain that pure reason was enough. “Though passion may have strained it must not break our bonds of affection,” he said at the conclusion of his first Inaugural Address. “The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.”

He had discovered the secret link between the spirit of pride and reverence for an extraordinary founding and the spirit of preservation and improvement of a cherished inheritance. He had discovered memory.

Israel’s strengths and weaknesses, its challenges and its problems, are very different from ours. But maybe what it needs, as it moves out of the shadow of its founding, is not so different from what America needed as the last of its founding generation passed away. It needs a way to revere those who brought it into being while still seeing clearly what they left unresolved at home and abroad. It needs to find the strength to deal with its problems in the very memory of its founding, and in the legacy built up since. It needs to see itself as the mature, impressive, complicated, full-blown nation that it is.

And it could probably use a Lincoln, too—but who couldn’t? ♦

No Statistics, No Mischief

A modest proposal for the new Fed chairman.

BY ANDREW FERGUSON

It’s been more than a week now and I’m beginning to suspect she’s not going to call, so here I will offer Janet Yellen the advice I’ve been hoping to give her privately since the Senate confirmed her as the new chairman of the Federal Reserve. My advice is: Think about John Cowperthwaite. By this I mean: Really *think* about John Cowperthwaite.

The name is familiar to economic historians, academics in postcolonial studies, specialists in the tax policy of the Far East, and avid libertarians, but less well known to normal people. Cowperthwaite was a lifelong government bureaucrat who should be lionized by anyone who loathes and fears bureaucracies. In 1945, as a member of His Majesty’s colonial administrative service, he was sent to Hong Kong, which was then (and remained until 1997) a British protectorate. Hong Kong was in bad shape at the end of the war. Things only got worse when hundreds of thousands of refugees streamed in as the Chinese Revolution raged next door.

Cowperthwaite rose through the ranks and became financial secretary of the colony in 1961. For the next 10 years he had near-total control over the economic laws and regulations governing Hong Kong. By the time he left office, in 1971, the number of Hong Kongers in poverty had dropped by two-thirds, average wages had risen 50 percent, and Hong Kong had gone from one of the poorest

places on earth to one of the richest.

Hong Kong’s rise seems almost miraculous today, and surely the envy of any maker of economic policy. Chairman Yellen, unlike Cowperthwaite, is a determined advocate of the redistribution of wealth and other governmental manipulations that are guaranteed to make us hap-

pier, healthier, and more wonderful generally. I know this from the many beat-sweeteners that have already been published by the reporters who will be covering her. (A beat-sweetener, in the technical jargon of journalism, is a glowing article written with the purpose of winning favor from a potential source.) In *National*

Journal, for example, a writer named Michael Hirsh wrestled with the question of whether Yellen is a genius or a saint—I’m paraphrasing—and was forced to admit she is probably both.

“Yellen is considered a nonideologue who will relentlessly follow the facts, whether they lead her toward solutions on the left or the right,” Hirsh wrote. More technical jargon: In the mainstream press a “nonideologue” is a liberal. (An “ideologue” is a conservative.) Oddly, Hirsh waited only four sentences before explicitly contradicting himself. “Disciplined, determined, and brilliant”—you bet she is!—“Yellen is also the product of an old progressive tradition of activist, pro-government economics . . . [and] represents a strain of interventionist thinking that has not found expression at such a high level in Washington in decades.”



Cowperthwaite in 1967

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If Yellen is truly as ideological as financial reporters are not saying she is, then she might admire a few of the actions Cowperthwaite took as financial secretary. He truly was a nonideologue. He disliked automobiles, as all good progressives do nowadays, and he discouraged their private ownership—not because he disliked them but because Hong Kong was congested enough as it was. And he was a great believer in government housing, or rather, he oversaw a vast construction program to house the endless river of refugees from Mao's China. The other actions for which he was best known—keeping a flat income tax rate of 15 percent, deregulating nearly every enterprise that caught his attention, nullifying labor laws, and dismantling barriers to imports and exports—are things that Yellen, as Fed chairman, couldn't do even if she wanted to, which she wouldn't.

Instead, Chairman Yellen should contemplate another of Cowperthwaite's initiatives. Asked once what the greatest and farthest-reaching policy of his tenure was, he replied: "I abolished the collection of statistics." If only in this regard, Chairman Yellen, who will sit atop a vast apparatus built primarily for the gathering of statistics, could do us all a favor by following the Cowperthwaite Way. It's true that there will suddenly be many unemployed economists wandering around Washington, D.C. But this is only one of the potential benefits.

Cowperthwaite wasn't anti-intellectual; he did not scorn statistics. The figures gathered by the International Monetary Fund are the most eloquent testimony to Hong Kong's achievement in the Cowperthwaite era. As far as he knew, in his day statistics were being compiled all over the colony. He just didn't want to know what they were. More precisely, he didn't want other economic policymakers to know he knew what they were. He refused to allow government money to be spent cooking them up. Otherwise, he reasoned, "I might be forced to do something about them."

The connection between statistics and mischief is indissoluble. He

explained himself to a gathering of legislators who were pressing him for figures on the colony's gross domestic product—a term of art that everyone uses but no one can usefully define.

Such figures are very inexact even in the most sophisticated countries. I think they do not have a great deal of meaning, even as a basis of comparison between economies. That other countries make use of them is not, I think, necessarily a good reason to suppose that we need them. But, although I am not entirely clear what practical purpose they would serve in

Asked once what the greatest and farthest-reaching policy of his tenure was, John Cowperthwaite replied: 'I abolished the collection of statistics.' Fed chairman Janet Yellen could do us all a favor by following the Cowperthwaite Way.

Hong Kong, I am sure they would be of interest. I suspect myself, however, that the need arises in other countries because high taxation and more or less detailed Government intervention in the economy have made it essential to be able to judge (or to hope to be able to judge) the effect of policies, and of changes in policies, on the economy.

At other times Cowperthwaite suggested the causality works the other way around: Statistics themselves are what create, or at least justify, high taxation and other interventions in the economy. In a way it's a supply-side problem, if you'll forgive the expression. Say's law tells us that supply creates its own demand. A supply of statistics will spontaneously generate a flock of people who will want to study them, and who, having studied them, will reach conclusions about them, and then, still worse, will want to shape their conclusions into government policy that will tug the citizenry this way or that, distracting workers and businessmen alike from the important task of minding their own business.

Cowperthwaite went on:

One of the honourable Members who spoke on this subject said outright, as a confirmed planner, that he thought that [economic statistics] were desirable for the planning of our future economic policy. But we are in the happy position, happier at least for the Financial Secretary, where the leverage exercised by Government on the economy is so small that it is not necessary, nor even of any particular value, to have these figures available for the formulation of policy. We might indeed be right to be apprehensive lest the availability of such figures might lead, by a reversal of cause and effect, to policies designed to have a direct effect on the economy. I would myself deplore this.

Cowperthwaite was a humanist in a field that had fallen victim to social science. I have no great confidence that Chairman Yellen will follow his lead—even if I advise her to do so—and banish statisticians from her cold marble temple on Constitution Avenue. As a highly decorated economist, she has reached the top of a trade that considers statistics indispensable to its own functioning.

But Cowperthwaite didn't believe it. Stripped of his numbers an economist would have to resort to the old home truths about how the world works: If you tax something you get less of it; as a general rule an individual manages his own affairs better than his neighbor can; it's rude to be bossy; the number of problems that resolve themselves if only you wait long enough is far larger than the number of problems solved by mucking around in them. And the cure is often worse than the disease:

In the long run, the aggregate of the decisions of individual businessmen, exercising individual judgment in a free economy, even if often mistaken, is likely to do less harm than the centralized decisions of a Government; and certainly the harm is likely to be counteracted faster.

Somehow the most successful practical economist of the twentieth century knew this was true, and he didn't have to work out a single equation. ♦

A Good Chance of Pryor Restraint

Thanks to Obamacare, Arkansas may get another Republican senator. **BY JAY COST**

To appreciate the Senate race shaping up in Arkansas between two-term incumbent Democrat Mark Pryor and freshman Republican House member Tom Cotton, it's useful to review the state's particular variant of Southern politics.

Arkansas defies easy classification within its region. It stands apart from Virginia, Florida, and Texas, which have been transformed from agricultural to fast-growing industrial or postindustrial economies in the last half-century. Meanwhile, though agriculture remains vital to Arkansas's economy, the state also differs from Louisiana, Mississippi, Alabama, Georgia, and North Carolina, which have larger African-American populations and were ruled by the plantation caste in King Cotton's heyday.

While the term has been overused since Walter Russell Mead coined it, Arkansas can best be thought of as a "Jacksonian" state—one whose politics was solidly in the rural, populist tradition of Andrew Jackson and William Jennings Bryan. Yet Arkansas stuck with the national Democratic party even as urban elements began to dominate it. Not only did Arkansas vote for Franklin Roosevelt four times, but Arkansas senator Joseph Robinson was the upper chamber's majority leader at the height of the New Deal.

The first crack in Democratic dominance did not appear until the presidential election of 1972: Arkansas voted Republican for the first time since Reconstruction, making it the last of the Southern states to go GOP.

After that, Arkansas was something of a bellwether, supporting the victorious presidential candidate every four years until 2008. Since then, as the urban, progressive wing of the Democratic party has triumphed, Arkansas has become a solidly Republican state on the presidential level.

Down-ballot the story is different. As elsewhere in the South, the shift from Democrats to Republicans has



Mark Pryor, left, and Tom Cotton

generally proceeded top-to-bottom. The first Republican Senate victory in Arkansas since Reconstruction did not occur until 1996, and the GOP did not control a majority of the state's House delegation until 2010. And while the first Republican governor since Reconstruction was elected back in 1966, Democrats have dominated the state executive. As for the state legislature, the GOP did not win a majority in either chamber until 2012, when it took both.

Democrats in Southern states have survived this long by carving out identities separate from the national party. In state politics, focused on local issues, this is relatively easy to do, but on the national level, it is trickier. The key, as any longstanding Southern politician will tell you (off the record), is to break conspicuously

from the national party on the issues that matter most to your constituents. Thus, a Southern Democrat can vote for an appropriations bill that funds the Environmental Protection Agency more generously than his conservative constituents want, but he damned well better not support gun control.

Or Obamacare.

In the winter of 2009, Mark Pryor broke that rule. He should have known better, as by that point the Affordable Care Act had all the hallmarks of a liberal measure that his conservative constituents would absolutely hate. Maybe he thought it would become more popular. Or maybe the pull of the Northern, liberal wing of the party was just too great for him to withstand the pressure. Regardless, Pryor's vote for Obamacare is the principal reason he is in trouble. It identifies him inextricably with the national Democratic party and President Barack Obama in particular, an unpopular man in Arkansas. Obama won just 37 percent of the vote there in 2012.

It is the same fatal mistake made by Pryor's former Senate colleague Blanche Lincoln. By 2009, she had represented Arkansas in Congress as a Democrat for more than 15 years, despite the growing strength of the Republicans in her state. As George W. Bush was dominating the presidential race in 2004, Lincoln still won reelection to the Senate comfortably, with 55 percent of the vote. Yet in late 2009, she voted for Obamacare. Less than a year later, Rep. John Boozman defeated her by more than 20 points, 58-37 percent.

With the Blanche Lincoln precedent to cheer them, Arkansas conservatives can find further grounds for hope in Tom Cotton, the GOP's presumptive nominee to challenge Pryor. A native of Dardanelle, Arkansas, a town of about 5,000 people an hour northwest of Little Rock, Cotton attended Dardanelle High School, then Harvard College, then Harvard Law School. With a résumé like that, the world was his oyster, yet he volunteered for the Army in 2005. He served

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in Iraq and Afghanistan as an Army Ranger, rising to the rank of captain. In 2010 he was elected representative for Arkansas's Fourth Congressional District, which comprises Madison County in the Ozarks, down the Oklahoma border to Texarkana, and along the Louisiana border to Monticello.

In a state where, as of 2010, self-identified Democrats outnumbered Republicans, the best way for a Republican to win is to peel off substantial support from the other party. Boozman defeated Lincoln not only by winning independents and Republicans, but also by capturing almost 20 percent of Democrats.

Cotton understands this challenge, which might explain why he sometimes sounds like a Democrat, although not the type you'll see visiting the Obama White House. His rhetoric harks back to the populist tradition of rural Democrats like Burton K. Wheeler, Bryan, and even Old Hickory himself: a belief that the concentration of power in Washington, D.C., inevitably harms average people, especially those as far away as Arkansas. National Democrats abandoned this idea generations ago, but it is still a powerful concept among Southern and rural voters. In his speech announcing his candidacy, Cotton declared:

The politicians and the bureaucrats [in Washington] are playing a corrupt game. They're taking your money and wasting it on big government programs that empower and enrich themselves while not serving you. They boss you around and they act like they're your betters. They hand out special privileges and favors—to whom? Not hardworking Arkansans. To the politically connected and the crony capitalists who want to bend the power of government to their own private gain.

And as for Obamacare, Cotton was blunt: "That corrupt law, with its tangled web of mandates and fines and penalties and taxes, symbolizes everything that is wrong with Washington today."

Republicans have said a lot about Obamacare since its passage, but too

few have connected it to the deep-rooted belief among many that the game of politics is rigged against them. This rhetoric has worked in Arkansas since Andrew Jackson issued his stinging veto of the Second Bank of the United States back in 1832. It used to be the stock-in-trade of the Democratic party, but Democrats have since embraced the very ideas they once rejected. Now, it is left to Southern Republicans like Cotton to make the case.

A seasoned politician like Mark Pryor should have known better than to vote for Obamacare. Now he should be very worried. Though his party has dominated the state since Reconstruction, his Republican opponent is using the very principles that for so long were essential to the Democrats' success. This brand of Republican populism won't play everywhere, but in Arkansas it is a potent weapon for Cotton as he fights to replace Pryor in the Senate. ♦

The Arab Myth of Ariel Sharon

He's not the author of their woes.

BY LEE SMITH

During Anwar Sadat's historic trip to Jerusalem in 1977, he met Ariel Sharon, the Israeli general credited by his countrymen as one of the heroes of the 1973 Arab-Israeli war. Sharon's crossing of the Sinai and his encirclement of the Egyptian Third Army had turned the tables on Sadat's forces, ensuring a victory that had once been uncertain. "I tried to catch you when you were on our side of the canal," Sadat told Sharon. And now, replied Sharon, "you have the chance to catch me as a friend."

Since Sharon's death January 11, the Arab press has been full of articles on Sharon, none of which consider him a friend, nor even, as Sadat did, a worthy adversary whose military stratagems thwarted the Arabs time and again. The Arab press fixates instead on some of the worst controversies in Sharon's career: his

role as commander of Unit 101, which led a 1953 retaliatory raid on Qibya that took the lives of dozens of Palestinian civilians, and as the defense minister who engineered Israel's 1982 invasion of Lebanon. Sharon is seen, that is to say, as evil incarnate.

Sharon will serve as "fuel for the fires of hell," Jihad al-Khazen wrote in the London-based pan-Arab daily *Al-Hayat*. Other assessments are similarly damning. The groundswell of Arab sentiment is so powerful that it has also colored the perspective of virtually every American and European journalist who has worked in the Middle East over the last



Ariel Sharon in 2002

three decades, even if they got their start long after Sharon fell into a coma in 2006. For the Western press corps as well as their Arab colleagues, Sharon is an object of loathing.

To be sure, even for many patriotic Israelis, Sharon is a problematic figure. Among other things, he's alleged to have misled Prime Minister

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Menachem Begin about his real plans for the 1982 invasion of Lebanon and is accordingly held responsible for many of the problems of Israel's most controversial conflict, the 18-year-long Lebanon war. And it's here where the Israeli critique of Sharon, "the bulldozer," inadvertently helps fuel the Arab demonization.

"The Butcher of Beirut," as he's frequently referred to in Arab circles, is held to be the mastermind of the massacre at Sabra and Shatila, a Palestinian refugee camp in Beirut, where, in September 1982, anywhere from 700 to more than 3,000 civilians were killed.

A statement last week by the leader of Lebanon's Druze community, Walid Jumblatt, is typical. "Sharon was very similar to some leaders in the Arab world who mistreated their people, displaced them, and committed numerous massacres against them," said Jumblatt. "It seems that 'Sharonism' is an Israeli policy that is being implemented in Israel and the Arab countries." Jumblatt's point is to connect Sharon to the Arab tyrants responsible for the recent bloody cataclysms in the Middle East, specifically Syria's Bashar al-Assad. (A recent cartoon portraying Sharon handing a scythe to Assad makes the point more baldly.)

It is hardly surprising that Jumblatt dislikes Sharon, who invaded and occupied his country and, in doing so, targeted his allies and often took the side of his local rivals. But by describing a genealogy that begins with the Israeli leader and culminates in Assad's killing machine, Jumblatt is offering an excuse for Arab pathology.

"It's as if the Arabs can't even own their violence," says Tony Badran, a Beirut-born Middle East analyst and research fellow at the Foundation for Defense of Democracies who lived through Lebanon's civil war. "They portray their violence as somehow an imitation of, or as emanating from, a standard set by Sharon. This is a political culture that has produced, among others, the Assads, Sr. and Jr., Saddam Hussein, Omar Bashir, and Muammar Qaddafi. To make Sharon the avatar of Middle East butchery is absurd."

Sharon in fact did not author the mass murder at Sabra and Shatila. It was the work of Elie Hobeika, leader of a Lebanese Christian militia allied with Israel who, according to every reliable source, including that of his bodyguard, ordered his men into the camps with instructions to kill even women and children. At worst, Sharon was negligent about the dangers of allowing Hobeika's men to sweep the camp. Thus Ehud Yaari, a veteran Israeli journalist, told *Al Jazeera* for its "War of Lebanon" series that some Israeli officials feared that letting Hobeika and his men into the camp to root out Palestinian terrorists would endanger civilians and make Israel complicit in the poten-



With Israeli troops outside Beirut in 1982

tial bloodshed. However, the source of the Sabra and Shatila massacre is not to be found in Sharon's approach to the Arab-Israeli conflict, but in the attitudes of the Arabs toward each other.

The campaign to make Sharon's name synonymous with Sabra and Shatila was also fed by an actively hostile Western press corps and academia that typically sees Israel, if not as a unique source of evil, then as the disruptive foreign element in an otherwise stable Middle East. And Sharon certainly didn't get any love from American policymakers at the time. Many in Reagan's White House were outraged not only by the massacre, but also by Sharon's entire Lebanon policy. Nor did it help Sharon that parts of an Israeli political class, while truly appalled at what happened at Sabra

and Shatila, also saw it as an opportunity to attack him and Begin.

Still, Sharon fought back. "You are throwing oil on the fire," he told the Knesset shortly after the massacre. If the Israeli defense minister was to be held responsible for the murders, the perpetrators would effectively be let off the hook, and Israelis collectively, the Jews, would be blamed. "You are throwing oil on the fire of anti-Semitism," said Sharon. "A bonfire of blood libels."

That Sharon's argument was self-interested and possibly self-serving should not obscure the fact that he was right, at least in this respect. Israel, and its defense minister in particular, would be forever tagged with a crime they didn't commit. There was no Arab commission established to investigate the massacre, and neither Hobeika nor any of his bloody lieutenants were ever brought to justice. Their names are all but forgotten.

But Israel was also right. As a democracy, it held Sharon to a higher standard of accountability. The Kahan Commission, or the Commission of Inquiry into the Events at the Refugee Camps in Beirut, found Sharon bore "personal responsibility" "for ignoring the danger of bloodshed and revenge." It recommended that Sharon be removed from his position, which eventually led to his resignation.

The popular narrative of what happened at Sabra and Shatila is a result of how that vital internal Israeli criticism of Sharon's failure was elided with the idea that Israel is broadly responsible for all the violence in the Middle East. The result is pernicious. It is not only diehard ideological opponents of Israel, whether Arab or Western, who continue to ignore the internal Lebanese dynamics that led to the massacre in the camps. Even well-meaning Westerners are quick to attach broad significance to Israeli failings while remaining effectively blind to the furies that beset Arab societies.

The ugly paradox is that by blaming Sharon and exculpating Hobeika, the actual perpetrators of the

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massacre, and Arabs more generally, are rendered less human—lacking agency, will, or morality. The dominant narrative, that is to say, is based on a grotesque assumption: Sharon is guilty because he should have known he was dealing with animals, and it was his responsibility to keep them on a tight leash.

The repercussions of Sabra and Shatila were far-reaching and enduring. Among other things, they helped put an end to Israel's idea of an alliance with regional minorities (Christians, Shia, etc.) who also confronted a Sunni Arab majority that despised them for their difference. Israeli leaders had long hoped for an accommodation with the Maronites of Lebanon, but after Sabra and Shatila came to see many of them as untrustworthy and as bloodthirsty as Israel's traditional adversaries.

Perhaps even the seeds of Sharon's policy of disengagement are to be found in Sabra and Shatila. He's frequently criticized for not having secured concessions from the Palestinian Authority before withdrawing from Gaza. Perhaps Sharon thought there was no one to strike a deal with, or perhaps it simply didn't matter to him. What was important was putting distance, a wall, any barrier, between his people and those who could not even take responsibility for the blood they traded in so easily. For surely Sharon understood what his standing among the Arabs signaled. Ariel Sharon to them was an animal spirit, a scapegoat and projection of a darkness that they are either unwilling or unable to identify and account for in themselves.

There is indeed a line running from Sabra and Shatila to Bashar al-Assad's campaign of sectarian cleansing in Syria, but it doesn't proceed from or go through Sharon. The same brutal Arab power struggle that led to Sabra and Shatila is also at work in the Syrian civil war. Perhaps at some point, the Arabs will see themselves as accountable for their own violence. In the meantime, we can at least demand the Western media and academia stop offering up excuses. ♦

Don't Give Him What He Wants

Beware Obama's trade deals.

BY IRWIN M. STELZER

Republicans are being urged to support President Obama's request for TPA so that he can complete negotiations on TPP and TTIP while pursuing other deals at the WTO. For those who do not often feast on this alphabet soup: Obama wants what we used to call fast-track authority to make a trade deal.

In today's lingo, the president seeks Trade Promotion Authority (TPA) so that he can put any deal he negotiates before Congress on a take-it-or-leave-it basis, no amendments allowed. The two deals he wants to consummate are a 12-country Trans-Pacific Partnership (TPP) with Canada, Mexico, Chile, Brunei, and several other parties, and a Transatlantic Trade and Investment Partnership (TTIP) with the 28-nation European Union. The administration also hopes to work out a freer trade agreement with the 159-member World Trade Organization (WTO), but the chances of doing that are somewhere between remote and nil, which is one reason the administration is pressing for regional trade deals.

The president has a problem. The same group of Democrats that shot down Larry Summers, his first choice to replace Ben Bernanke at the Federal Reserve, are threatening to deny him

TPA authority: His overseas negotiating partners are reluctant to offer any quid pro quo in return for some U.S. concession if Congress can later vote to pocket the other parties' concessions while canceling the president's. Gary Hufbauer, senior trade expert at the Peterson Institute for International Economics, reckons that at least half of congressional Democrats will

vote against giving the president the authority he seeks, some because history teaches he won't bother consulting with them, some because they fear he will make concessions that damage their constituents. Hufbauer concludes that Obama needs "three-quarters of the Republicans" to get a trade deal passed.

Republicans' business backers are engaged in an

all-out effort to round up those votes. Former U.S. trade representative and head of the World Bank Robert Zoellick, a victor in trade wars past, has returned to the fray to urge Republicans to "lead in opening markets . . . and make 2014 the year the U.S. reclaimed global leadership on trade." With all due respect to the estimable Mr. Zoellick, and to House speaker John Boehner, a reflexive free-trader, congressional Republicans should just say no.

Theoretically, free trade allows every nation to specialize in what it does best, and trade that output for the stuff other nations produce more efficiently than it can. Result: Every nation's resources—labor, capital, land—are put to their best possible use, capital



Can he be trusted?

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flows around the globe to wherever it is most productive, consumers get goods and services at the lowest possible prices, and all is for the best in this best of all possible free-trading worlds. Except that it isn't.

TPA might under some circumstances be a good idea—but only if it empowers a president who respects the legislation passed by Congress, and if the trade agreements it facilitates are also a good idea. Neither criterion is met these days.

Start with the particular president who is requesting this authority. He is no George W. Bush, to whom Congress granted such authority. President Obama has made it clear that he will enforce those parts of any legislation or treaty that suit him, *de facto* amend legislation without seeking congressional approval, and write regulations that order nonenforcement of laws he does not like. Congress refused to pass his Dream Act, so he ordered the authorities to treat illegal aliens as if it had; enforcement of Obamacare's employer mandate at the date specified in the law became inconvenient, so he unilaterally postponed it; he has decided not to enforce the federal law against the sale of marijuana. There's more, but you get the idea.

It is therefore not unreasonable to suppose that a provision in one of these trade pacts that benefits some industry or company that later fails to toe the presidential line or pay financial obeisance to Democratic campaign committees will disappear in a haze of bureaucratic rulings. In short, whatever the theoretical benefits of free trade, they must be weighed against increasing this president's ability to exercise even more extralegal power over American businesses. One example: The Asia deal might include a concession from Japan to ease imports of made-in-America vehicles. It is not beyond imagining that the president will interpret that to apply only to the green vehicles of which he is so fond.

That is the lesser of the objections to a new set of deals. The larger problem is that the international exchange of goods and services—world trade—is occurring in markets so distorted

by the world's major exporter that it is impossible to predict the consequence of any agreement. China is not included in the proposed Trans-Pacific Partnership, but as the world's biggest trader in goods—it overtook the United States last year in what the *Financial Times* calls “a shift in power away from the U.S.”—it affects the trade patterns of all the parties to the potential agreements. For example, German machinery manufacturers who want access to China's market must turn over their intellectual property to Chinese state-owned enterprises, which after an initial period reach a scale that enables them to compete not only with German, but with American manufacturers.

In effect, if these deals are struck, American manufacturers will find themselves competing even more fiercely with exporters whose terms of trade are set in a market dominated by a currency manipulator that subsidizes its inefficient state-owned enterprises, protects key markets from American competition, and—how to put this—steals intellectual property. Despite recent increases in the value of the yuan, it remains undervalued, distorting world trade flows, and forcing Korea and Japan to follow suit, to howls of pain from Detroit automakers who believe such manipulation is artificially constraining sales of made-in-America autos. Yet the president is fiercely opposed to any move by Congress to make an end to currency manipulation “a principal negotiating objective” of our trade negotiators.

There is worse. Even in the absence of the distorting effect of China's key role in shaping international markets, even if freer trade would increase the size of the global economic pie as its advocates confidently contend, it would have a malign effect on the distribution of income in the United States. Both parties have made their sympathy for “the hardpressed middle class” clear. Democrats are translating that into an attack on increasing inequality of income, never mind that data relating to consumption, which reflects progressive taxation of “the

rich” and benefits paid to lower earners, rather than pretax incomes, call such rising inequality into question. Multimillion-dollar bonuses for failed bankers combined with high unemployment and static pay checks for middle-income workers are undermining faith in market capitalism, and promoting the notion that the macroeconomic cards are stacked against the struggling residents of the middle class and, worse, sawing off the rungs on the income ladder that provided upward mobility for future generations.

The two culprits are monetary policy—tipped in favor of those holding the shares, property, and other assets the value of which Fed zero-interest monetary policy aims to increase at the expense of savers—and trade policy. America is the largest market in the world, by far. Closing it to Chinese goods might raise prices in Walmart a bit, but would surely lower China's economic growth rate to regime-threatening levels. Yet we consistently allow China to undervalue its currency so that equally efficient American firms, makers of textiles, shoes, and electronics, among other goods, cannot compete. Yes, we sell things to China, but far fewer than they sell here: China recently announced that its 2013 trade surplus was up 12.8 percent over 2012, and was the largest in dollar terms since 2008, with sales here the principal driver. Meanwhile, China maintains restrictions estimated by the Council on Foreign Relations to be equivalent to a 66 percent tariff on U.S. exports of business services.

The goods we sell to China are mostly high-value items made by higher-paid, skilled American workers. And even those U.S. exporters are living on borrowed time, as China will allow their goods into its country only if accompanied by technology transfers that will soon permit China to become self-sufficient in and major exporters of those products, a process accelerated by the regime's insistence that its state-owned enterprises purchase enough homemade products to enable China to achieve economies of scale.

Meanwhile, the stuff we buy from

China was once made by lower-paid workers here, working hard so that they or their children might join the ranks of the middle class rather than the jobs queue on which they find themselves. Many workers hurt by imports have played the game the way we have asked them to—worked hard, devoted decades to their employers, paid their taxes. Suddenly, the world changes, and through no fault of their own they find themselves unable to compete with the more than one billion low-paid workers that globalization introduced into the world's labor markets.

None of this is to say that America is a pure-as-the-driven-snow free trader. Fed policy of running the printing presses overtime has kept the dollar lower than it might otherwise be, and our trading partners are not wrong to call this a form of currency manipulation. Australia, Vietnam, Malaysia, and New Zealand, partners in the TPP, are not wrong when they complain about our restrictions on imports of sugar, dairy products, textiles, apparel, and footwear.

Nor is support for freer trade inappropriate at all times. But it might not be the optimal time to sign on to comprehensive changes in the way the world does business when (1) any deals we sign now confer enormous additional powers on a president not bound by the Founders' notion of checks and balances; (2) these deals are negotiated in a world in which the leading trading nation is distorting the flow of trade; (3) the deals might well contribute to income inequality and the consequent further loss of faith in market capitalism; and (4) we do not have in place effective programs to relieve the plight of the innocent bystanders who constitute the collateral damage of globalization.

It might, instead, be a time for Republicans who historically bow to the wishes of corporate America to ask if what is good for American corporations is always good for Americans, and if freer trade at this particular moment serves the conservative objective of sustaining support for market capitalism. ♦

The Real Scandal

Why are the Benghazi killers still at large?

BY STEPHEN F. HAYES & THOMAS JOSCELYN

Months and months ago, when Barack Obama could be bothered to say anything at all about the attacks in Benghazi, Libya, on September 11, 2012, the president promised to bring the perpetrators to justice. That was before White House spokesman Jay Carney dismissed the attacks as something that “happened a long time ago.”

It's been 16 months. The U.S. government has neither captured nor killed a single participant in those attacks, which left Ambassador Christopher Stevens and three other Americans dead.

Why? A new report on the attacks from the Senate Select Committee on Intelligence, along with more than 400 pages of newly declassified congressional testimony from senior military officials, provides fresh insight. The explanation for this failure—a lack of will, combined with a shameless mischaracterization of intelligence—is almost as outrageous as the failure itself.

Since the attack in Benghazi, the Obama administration has refused to publicly identify the parties responsible. But the Senate Intelligence Committee's report confirms that the U.S. government's investigation has turned up more and more ties to al Qaeda.

“Individuals affiliated with terrorist groups, including AQIM [Al Qaeda in the Islamic Maghreb], Ansar al-Sharia, AQAP [Al Qaeda in the Arabian Peninsula], and the Mohammad Jamal Network, participated in the September 11, 2012, attacks,” according to the Senate

Benghazi report, prepared under the supervision of Chairman Dianne Feinstein, a Democrat, and signed by every Democrat on the panel.

Obama administration officials know this. And so, when questioned by the press, they increasingly rely on a false distinction. While some of the perpetrators may be tied to al Qaeda, the administration argues, they are not part of “core” al Qaeda.

State Department deputy spokesperson Marie Harf lectured reporters on this supposedly crucial distinction

during a briefing on January 14. A reporter pointed out that Feinstein has openly disagreed with the idea that al Qaeda had nothing to do with the attack. “I believe that groups loosely associated with al Qaeda were” involved,

she told the *Hill* last week. Feinstein's comment was actually an understatement, but it was enough to draw a defensive response from Harf.

“Well, as I said, we have no information at this point that core al Qaeda, which I think is probably what the senator was referring to, was involved in planning or directing this attack,” Harf responded. Harf pointed to the State Department's recent terrorist designation of Ansar al Sharia, one of the groups responsible, and conceded that there may be “some affiliations between some people in Ansar al Sharia and some people who may be affiliated with al Qaeda.” Still, Harf insisted: “But let's be very clear that we don't have evidence—which I think we should all rely on evidence here—in our investigation that links core al Qaeda to developing, planning this attack at this point.”

Harf is right that “we should all



Two of those who got away

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rely on evidence.” When we look at the available evidence it becomes crystal clear that the Obama administration is dissembling.

The Senate Intelligence Committee’s report found that terrorists “affiliated” with four organizations participated in the attack. The ties between those organizations and al Qaeda are direct. Two of those groups, AQIM and AQAP, are official branches of al Qaeda. Both have sworn allegiance to Ayman al Zawahiri, the head of al Qaeda since the death of Osama bin Laden, and there is considerable evidence that they continue to follow the direction set forth by Zawahiri and his advisers.

Neither Harf nor any other administration official has offered a precise definition of “core” al Qaeda. The term, invented in the West, vaguely refers to the group’s top leaders in South Asia. But al Qaeda’s senior leaders are not confined to any one nation or region. They operate in several countries across the globe.

A short biography of Nasir al Wuhayshi, the general manager of al Qaeda, shows just how dubious the administration’s concept of “core” al Qaeda really is. Wuhayshi was hand-picked by Osama bin Laden to serve as his aide-de-camp and protégé years before the September 11, 2001, attacks. He fled Afghanistan after the Taliban’s fall in late 2001 and was then imprisoned for several years in his native Yemen. But Wuhayshi eventually escaped and quickly rose through al Qaeda’s ranks once again. In early 2009, he announced the creation of Al Qaeda in the Arabian Peninsula—a merger of al Qaeda’s wings in Saudi Arabia and Yemen. In August 2013, Zawahiri appointed Wuhayshi as al Qaeda’s global general manager—a “core” position if there ever was one. Wuhayshi is largely responsible for managing al Qaeda’s international operations. The position was previously filled by terrorists operating in Pakistan. In short, Wuhayshi is “core” al Qaeda.

Some of Wuhayshi’s men participated in the Benghazi assault. CNN first reported that several Yemenis belonging to AQAP were directly involved. The Senate Intelligence

Committee has now confirmed the participation of terrorists “affiliated” with Wuhayshi’s AQAP.

A third group identified in the Senate Intelligence Committee’s report is the Muhammad Jamal network. Jamal is an Egyptian who was trained by al Qaeda in the late 1980s. In the years that followed, Jamal served as a commander in the Egyptian Islamic Jihad (EIJ), a group headed by Ayman al Zawahiri that merged with Osama bin Laden’s joint venture prior to the 9/11 attacks. Jamal was imprisoned by Hosni Mubarak’s regime, but released in 2011 after the Arab uprisings. He quickly got back to work. Jamal established training camps in the Sinai Peninsula and eastern Libya.

Jamal was rearrested in late 2012. Egyptian authorities then discovered, on a seized computer, that Jamal had been in direct contact with Zawahiri. In his letters, Jamal reveals that he had sworn *bayat* (an oath of allegiance) to Zawahiri. This oath is binding and requires Jamal to follow Zawahiri’s orders. One of Jamal’s letters to Zawahiri was dated August 18, 2012—less than a month before the attack in Benghazi. (The letter summarized Jamal’s prior operations, but doesn’t discuss any upcoming plans.)

Jamal was working to establish his own official branch of al Qaeda prior to his most recent confinement. He was clearly operating as part of the al Qaeda network. Both the State Department and the United Nations have recognized in formal terrorist designations that Jamal conspired with AQAP, AQIM, and al Qaeda’s senior leadership in Pakistan.

As was first reported by the *Wall Street Journal* and other press outlets, some of Jamal’s Egyptian trainees helped overrun the U.S. compound in Benghazi. The Senate Intelligence Committee’s report confirms this fact.

The final group identified in the Senate report is Ansar al Sharia. Administration officials and some journalists have tried to portray Ansar al Sharia as a purely “local” group unaffiliated with al Qaeda’s global operations. This is false. According to multiple recent reports, the Ansar

al Sharia chapters in Libya and Tunisia are sending fighters to al Qaeda’s branches in Syria. Leaders in both organizations are openly pro-al Qaeda, even when they deny being part of the organization. And in the recent State Department designation mentioned by Harf, the Obama administration recognized that Ansar al Sharia Tunisia is, in fact, “tied” to al Qaeda’s branches, including AQIM. Ansar al Sharia Tunisia was responsible for the ransacking of the U.S. embassy in Tunis on September 14, 2012.

The head of Ansar al Sharia in Derna, Libya, is a former Guantánamo detainee named Sufian Ben Qumu. A leaked threat assessment authored by military officials at Guantánamo identifies Ben Qumu as a longtime al Qaeda operative and “associate” of Osama bin Laden. The same file notes that Ben Qumu’s alias was discovered on the laptop of the terrorist who oversaw the finances for the 9/11 plot. The paymaster listed Ben Qumu as an al Qaeda “member receiving family support.” Ben Qumu trained in al Qaeda camps, received al Qaeda stipends, and worked with senior al Qaeda leaders.

Members of Ben Qumu’s group in Derna also took part in the Benghazi attack, according to the State Department.

The ties between al Qaeda and the four organizations identified in the Senate Intelligence Committee’s report are obvious and indisputable. What’s more, prior to the Benghazi attack, the U.S. government had no trouble identifying the groups involved as being part of al Qaeda. A July 6, 2012, report authored by the CIA, “Libya: Al Qaeda Establishing Sanctuary,” described the Jamal network, AQAP, and AQIM as “al Qaeda-affiliated” groups and warned that they “have conducted training, built communication networks, and facilitated extremist travel across North Africa from their safe haven in parts of eastern Libya.”

On August 16, 2012, Ambassador Stevens sent a cable to the State Department’s headquarters summarizing a security meeting the previous day. During that meeting, a CIA officer pinpointed “the location of approximately

10 Islamist militias and AQ training camps within Benghazi.” Also in August 2012, the Library of Congress published a report in conjunction with the Defense Department’s Combating Terrorism Technical Support Office (“Al Qaeda in Libya: A Profile”) that exposed al Qaeda’s clandestine network inside Libya and concluded that Sufian Ben Qumu and his Ansar al Sharia group have “increasingly embodied al Qaeda’s presence in Libya.”

Immediately after the attack, nothing changed. According to Feinstein, when then-CIA director David Petraeus testified before her committee on September 13, 2012, he was clear that “al Qaeda elements” were involved in the assault. On September 14, the original draft of the CIA’s talking points noted, “we do know that Islamic extremists with ties to al Qaeda participated in the attack.” A follow-up draft contained the same language before it was taken out—ostensibly to protect sources and methods but certainly not because it was inaccurate. In public statements well beyond those early days after the attack, members of the intelligence committees in both houses of Congress—and from both parties—pointed to al Qaeda involvement in the Benghazi attack.

Even so, the Obama administration persists in hiding behind a rhetorical smoke screen. It claims there is no evidence that “core al Qaeda” gave a secret, specific order for these groups to conduct this particular attack, at this particular time, in this particular manner. But we know that senior al Qaeda leaders wanted U.S. facilities attacked. We know this, because they said so, publicly. On September 10, 2012, the day before the Benghazi attacks, Ayman al Zawahiri released a 42-minute video in which he called on followers to avenge the death of Abu Yaha al Libi, a senior al Qaeda operative from Libya who had been killed in a U.S. drone attack in June.

Zawahiri called to the “Ummah of Islam and oh free and honorable ones in Libya” to seek revenge. “So, where are you from retaliating for your son and reviver of the biography of your Sheikh? His blood is

calling you and is urging you and is inciting you to fight and kill the crusaders. So, don’t weaken.”

The Obama administration would have us believe that what happened in Libya the following day, on the anniversary of the 9/11 attacks, was a coincidence. White House spokesman Jay Carney has scolded reporters for “conflating” the attacks in Benghazi with the anniversary of the attacks on September 11, 2001, as if the events are obviously unrelated. The administration is clinging to the fanciful notion that multiple members of al Qaeda’s international network—from Egypt, Yemen, Libya, and elsewhere—wandered onto the scene and just happened to kill four Americans.

This is far from an academic point. The administration is using lawyerly misdirection to excuse its failure to capture or kill any perpetrators. In testimony before the House Armed Services Committee last fall, declassified last week and first reported by Kristina Wong of the *Hill*, the chairman of the Joint Chiefs of Staff, Martin Dempsey, said the U.S. military was

not authorized to target the Benghazi attackers because they were not considered “al Qaeda” or “associated forces” and were therefore not covered by the Authorization for the Use of Military Force passed by Congress after the original 9/11 attacks.

“The individuals related in the Benghazi attack, those that we believe were either participants or leadership of it, . . . don’t fall under the AUMF authorized by the Congress of the United States. So we would not have the capacity to simply find them and kill them either with a remotely piloted aircraft or with an assault on the ground.”

Thus the official position of the Obama administration—as conveyed under oath, in a classified setting, by the nation’s top uniformed military official: The Benghazi attackers are not covered by the AUMF because they are neither al Qaeda nor “associated forces.”

This is a reprehensible evasion. It explains why the United States has failed to bring the Benghazi perpetrators to justice. But it in no way excuses that failure. ♦

Control of the Seas

A strategy to meet the challenges to the U.S. Navy.

BY SETH CROPSEY

In 2007 the U.S. Navy published a new maritime strategy, “A Cooperative Strategy for 21st Century Seapower,” known as CS-21. The Navy had already shifted from its Cold War focus on defeating the Soviet fleet at sea to projecting power from sea to shore, as challenges in such places as Iraq, Bosnia, and Somalia materialized. CS-21

Seth Cropsey, a senior fellow at Hudson Institute, is the author of Mayday, an account of American seapower’s current challenges. He served as a naval officer and deputy undersecretary of the Navy in the administrations of Ronald Reagan and George H. W. Bush.

continued this emphasis on projecting power ashore, but concentrated on multiplying the effect of U.S. seapower by increased association with friendly navies aimed at deterring and preventing crises. Deterrence is an old task for the United States. Preventing conflict by taking action in advance would mean sailing into a *mare incognitum*. U.S. foreign policy habitually reacts to violent breaches in international order. It does not anticipate them.

The public version of CS-21 has other flaws. It does not mention China. It does not say what forces are required to execute the strategy. Still, CS-21 was a worthwhile effort to adapt to

such changes as the increased prospect of failed states that could become large petri dishes for terrorism. This possibility remains, as headlines from Africa's north and Horn show. Added to failed states and terror is the more ominous possibility that "budget realities" will eviscerate American seapower by as much as half of its current strength—285 combatant ships—within the next decade and a half. "Budget realities" is code for both political parties' unwillingness to maintain American seapower at levels that would guarantee continued U.S. dominance at sea. The Navy has thus been revising CS-21 for over a year and is likely to make public its efforts soon.

Strategy worthy of the name seeks its ends by using one's own strength to exploit an opponent's weakness. All states have soft spots in their armor. Sparta was a land power and had no fleet in the Peloponnesian War, where colonies, allies, and enemies dotted the surrounding seas. Athens was a seapower whose first citizen, Pericles, advised his countrymen to rely on the sea for sustenance rather than confront Sparta at her strongest point, land warfare. When Pericles died and the Athenians abandoned his policy the problems that led to their ultimate defeat mounted.

For Britain, the surrounding seas were the globe's oceans. They separated her from the European continent and her colonial possessions on which the sun never set. British strategy used diplomacy, coalitions, and armies in the field to prevent the rise of a continental hegemon—from the War of the Spanish Succession to the Cold War—while maintaining a powerful navy to protect the island from invasion and preserve the benefits of communicating freely with military allies and commercial partners by sea. When the unexpectedly high cost of extending the colonial system—in the Second Boer War—as well as the increasing cost of domestic social spending resulted in exceptional indebtedness, Britain started to shed expensive naval obligations and set in motion a retreat from its global presence. The Royal Navy today has one-third as many

surface ships as it did during the Falklands war of 1982.

The United States finds itself today in a position uncannily similar to Great Britain's over a century ago, when strained resources pressured London into defraying military costs by shedding commitments. The British decision to leave patrolling of the Western Atlantic to Washington turned out well. Abandoning the West Pacific to Japan did not turn out so well, although it provided short-term relief to the nation's finances.

U.S. national interests are challenged at sea today by China's increasing ability to deny the Western Pacific to American seapower. This threatens our ability to deter China in a crisis and corrodes trust with our five treaty allies in the region. By less conventional and less expensive means—the simultaneous use of midget submarines, mines, a host of short-range missiles, swarming and fast surface attack boats—Iran seeks to deny or at least hobble U.S. seapower's ability to operate in the Persian Gulf. Meanwhile, the Eastern Mediterranean is a cauldron of turmoil, from Turkey's descent into Islamism to Syria's civil war to Egypt's political/religious divide. In short, a nearly 10,000-mile arc of sea-going trouble confronts the U.S. Navy. And in a conflict, the Southeast Asian straits through which tankers pass between East Asia and the Middle East would show up in flashing colors along the same arc.

U.S. grand strategy should aim at preventing either China or Iran from becoming the hegemon of its region. In the Eastern Mediterranean, forestalling a widespread plunge into tribal/religious warfare, deterring regional nuclear proliferation, eliminating existential danger to our friends and allies, and securing recently discovered and likely future major energy deposits are among America's vital interests. The challenges come primarily from radical Islamists and are sharpened by Russia's growing permanent naval

presence where we have none, as well as the Obama administration's tenacious view that resolution of Israeli-Palestinian problems offers a royal road to regional harmony.

The new maritime strategy should identify the ability to project dominant expeditionary and sea control force into the Western Pacific, the Persian Gulf, and the Eastern Mediterranean as critical to defending both the nation's maritime and broad foreign policy interests. The strategy should include the kinds of forces needed to accomplish this: large surface combatants equipped with long-distance weapons-capable drones; submarines whose lethality is magnified by extensive use of undersea drones; and modernized conventional, as well as

smaller, surface vessels that are as capable of performing standard naval missions as they are proficient at the swift movement of well-defended, small Marine detachments.

But no maritime threat trumps the self-inflicted diminution

of U.S. seapower, whose retreating goals are unsupported by the monies to pay for them. Strategy is supposed to make difficult choices among competing needs with limited resources. It is not expected to move mountains with teaspoons. An October 2013 report of the Congressional Budget Office is one of several that foresees continued shrinkage of America's combat fleet. "The total costs of carrying out the 2014 [shipbuilding] plan," it says, "—an average of about \$21 billion in 2013 dollars per year over the next 30 years—would be one-third higher than the funding amounts that the Navy has received in recent *decades*" (emphasis added). In other words, the Navy's goal of reaching the fleet that the 2014 fiscal year plan envisions depends on large, sustained, and historically anomalous increases to its shipbuilding budget. The largest strategic challenge facing the United States is to rebuild the seapower on which our status as a great power rests. ♦



Not just a 'budget reality'

What Would Arik Do?

Fortune favors the bold

BY ELLIOTT ABRAMS

What would Arik have done? The death of former prime minister Ariel “Arik” Sharon last week has evoked this question for Israelis, who face chaos and jihadists in Syria, Hamas in Gaza, instability in Egypt, and above all a potential nuclear threat from Iran.

This question of how Sharon would have handled a particular crisis arose for the first time just months after the stroke that incapacitated him in January 2006. For on July 12 of that year Hezbollah forces rocketed northern Israel and crossed the border to kill several soldiers and kidnap two more. Israel’s prime minister, Ehud Olmert, decided in response to launch a war. That war did not go as well, as most observers—Israeli, American, European, and Arab—had initially expected; Olmert had stated war aims that were far greater than Israel’s actual achievements. An investigating commission concluded that the conduct of the war had failed in many ways, and reviews of the war five years later (in 2011) suggested that there were at least two major problems. The IDF had spent too many years focusing on fighting PLO and Hamas terrorists and was not well prepared for this more traditional conflict; and Israel’s leadership

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(Olmert and Defense Minister Amir Peretz had almost no military experience and IDF chief Dan Halutz was from the air force) had failed to make accurate assessments and timely operational decisions. What would Sharon have done had he been prime minister?

Sharon’s collaborators suggest privately that he would have bombed the hell out of Hezbollah sites for several days but not started a war. There is, of course, no way of knowing, but there is also no way to resist speculating. Sharon was an extremely aggressive military commander, but—the

reasoning of his colleagues goes—he had been burned badly in 1982 in Lebanon and would have had no desire to get back in there. Moreover, the notion of him as unfailingly aggressive was wrong, they say. After his withdrawal from Gaza in the summer of 2005, Sharon said that any attacks on Israel from there would be met with decisive force. But he didn’t do it. There were in fact rockets from Gaza, but in the fall of 2005 Sharon barely responded—perhaps an error of judgment

that emboldened Hamas and other groups and ultimately led to Israel’s Operation Cast Lead (22 days of military operations in Gaza) in December 2008. Similarly, in his suppression of the intifada in 2001 and 2002, Sharon acted with great strength but also within limits—never, for example, trying to kill Yasser Arafat. (President Bush thanked him for having shown that restraint when they met after Arafat’s death in November 2004. Sharon smiled and replied, “Sometimes God helps.”) Sharon used to say, after becoming prime minister, that “what you see from here is not what you see from there,” meaning that his perspective as prime minister was different from that of any other general



Ariel Sharon discusses plans for a West Bank wall with locals, 2005.

AP / MOSHE MILNER / GPO

or politician and different from his own previous positions.

So Sharon was capable of restraint, and of attack. The most interesting question now is whether there is a “Sharonian” approach to either the Israeli-Palestinian stalemate or to the problem of Iran.

As to the Palestinians, there is reason to think Sharon would have tried to move forward toward setting Israel’s borders unilaterally in the West Bank and moving settlements back toward the security fence. Several months after the Gaza withdrawal, in December 2005, his chief of staff Dov Weissglas came to Washington and explained where Sharon thought things stood. Sharon is still quite popular at that point, and the Gaza withdrawal had initially gone more smoothly than people anticipated. Sharon correctly judges that most Israelis want some kind of deal with the Palestinians—don’t like them or trust them but want a deal, Weissglas said. Sharon wants to move forward, wants to set the final borders. He sees a window of three more years, the time he and President Bush overlap, to get a more stable situation. He would prefer a signed agreement, under the Roadmap, and will try to get it throughout 2006, Weissglas continued. Only a signed, final agreement justifies the pain of pulling back, but Sharon is not sure Abu Mazen (Palestinian president Mahmoud Abbas) is strong enough to sign anything. If that fails he will look to unilateral moves in 2007 and 2008. He thinks he’s the only person who can do it.

I believed Weissglas’s description of what Sharon was thinking: to use his time as prime minister to change the Israeli-Palestinian conflict. He had begun with the withdrawal from Gaza, but he had meant it when he said this would not be “Gaza only.” What exactly did he intend? We’ll never know. Another close adviser, retired general Eival Giladi, believes Sharon intended to pull back from 42 percent of the West Bank, roughly the areas that under the Oslo Accords were designated Areas A and B (Area A was in theory under Palestinian security control and administration, Area B under Israeli military control but administered by the Palestinian Authority). Secretary of State Condoleezza Rice, too, was confident that Sharon would do more after Gaza: “Oh, absolutely,” she later said. Sharon’s military assistant, General Moshe Kaplinsky, agreed: “I believe that he planned to do more; that’s what I felt. He was very practical, you know? Most of the people in Israel don’t understand how pragmatic and practical he was. His solution was completely different than ‘give them the West Bank’; he believed that we have to keep control of some key points in the West Bank . . . for example, the Jordan Valley.”

Ariel Sharon was capable of restraint, and of attack. The most interesting question now is whether there is a ‘Sharonian’ approach to either the Israeli-Palestinian stalemate or to the problem of Iran.

Weissglas shared the view that Sharon would have built on expected success in Gaza. He later said Sharon had no exact plans, but there were thoughts of trying “to disengage from small, isolated, and remote settlements.” The goal was to move settlers and settlements west, behind the security fence, inducing as many as possible with financial compensation and the ability to move into the larger settlement blocks, so that those who wished to remain “settlers” could do so. But the IDF would not withdraw from the West Bank; there would be a buffer zone beyond the security fence plus control over the Jordan Valley.

It’s fair to ask if Sharon would have changed this view had he seen Hamas take over Gaza and launch repeated rocket and mortar attacks, leading to Cast Lead in 2008

(an operation he would surely have supported). It’s also fair to ask if he would have waited until December 2008 to respond in a big way to the Hamas attacks from Gaza. Logically Hamas’s conduct might have reaffirmed the view that the IDF could not leave the West Bank, but might as well have reaffirmed the idea that Israel should draw its own borders and bring its settlers within them. Waiting endlessly for the Palestinians to agree to some peace deal would not have appealed to Sharon. He had no faith at all in

the Palestinian leadership, which he viewed as incapable of, well, leadership. But of course, as prime minister he dealt with only one president, George W. Bush, and the two men got along well and trusted each other. How Sharon and Barack Obama would have managed is hard to guess. Or maybe not so hard.

What about Iran? Sharon favored and strongly pushed the decision to bomb Iraq’s nuclear reactor in 1981. He wrote this later:

I did not concur with the opinion, which was expressed then by Shimon Peres, I think, that if both parties would have nuclear weapons, there would be a reciprocal deterrence. I said that I couldn’t rely on the discretion of Arab states if they had nuclear weapons. Soviet Union or the United States have a different set of considerations, and they are more responsible, even though the balance of terror always seemed dangerous to me. But I don’t trust Arab states, I have no idea how they would assess a given situation or what would bring them to use these weapons. I also explained that there was a danger that an Arab nuclear “umbrella” would lead to an escalation of smaller scale actions against Israel, because Israel would refrain from responding to such actions in fear of the nuclear threat.

Sharon pushed Prime Minister Menachem Begin to carry out the Osirak attack in 1981, and there can be little doubt that Sharon would have acted as Olmert did in 2007, bombing the Syrian nuclear reactor. Sharon's comments about an Arab nuke indicate that, like Netanyahu, he would also have sought to stop Iran from getting a nuclear weapon. Given his track record, it is fair to assume that in the end he would give the decision to attack—if he had concluded that America would not act, and despite American urgings that Israel not do so. In a conversation with Steve Hadley and me he once said, "I am a Jew above all and feel the responsibility to the future of the Jewish people on my shoulders. After what happened in the past, I will not let the future of the Jewish people depend on anyone, even our closest friends."

But figuring out exactly when Sharon might have decided that he had no alternative to an attack is impossible. There are too many variables: What would his relationship have been like with Obama, if we are past January 2009; where would things stand on the Palestinian front; what was his own domestic political situation; what was his assessment of Israel's military capabilities and Iran's own nuclear timetable? The dangers and advantages he saw in 2005 are very different from those Israelis

have been confronting or enjoying in the last year or two.

His own political situation was very weak in 2004 and 2005, when he kept losing cabinet and Knesset votes over Gaza, and ultimately lost control of his own Likud party. But that did not stop him. In the end he thought more like a general than like a politician—clever, canny, and indeed ruthless politician though he was. If Israel needed better defense lines, draw them—by creating settlements that make a return to the 1949 Armistice lines (usually called "the 1967 borders") impossible, or by withdrawing settlements that are impossible to defend at reasonable cost.

If there was a Sharon approach, it was to favor action over inaction and boldness over excessive calculation, and not to expect that things would get better if you did nothing. For then, you were hostage to the actions of others who might be bolder, stupider, or more dangerous but were in any event quicker. What he eventually decided to do sometimes appalled the left and sometimes, in his last years in power, the right, but he did not act out of ideological commitments. He looked at the maps and the terrain, figured out Israel's best interests, and moved. That may be the best summary of the Sharon way: Look around, think, but then don't stop, *make your move*. ♦

State of American Business: Part 2

By Thomas J. Donohue
President and CEO
U.S. Chamber of Commerce

Last week I outlined the pro-growth policies—everything from energy and infrastructure to trade and immigration reform—that the U.S. Chamber believes are essential to accelerating our economic recovery and putting people back to work. How do we pass these policies amid congressional gridlock and in the middle of an election year? And once passed, how do we ensure that the benefits extend to all Americans?

The best way to advance our agenda and get our policies passed is to be sure that we elect the right people. Are they trying to shut down government or make it work? Do they think that business is the problem, or do they recognize that it should be part of the solution? Are they pushing policies or legislation that will grow our economy or slow it down? We're going to use the elections as a

motivator for change by holding people accountable on where they stand and what they do between now and Election Day.

We're keeping watch and keeping score. We'll engage in important races for the House and Senate and in voter education efforts in state Supreme Court and state attorney general contests accordingly. The bottom line is that the fastest and most effective way to influence policy is to put good policymakers in office. We'll work aggressively toward that goal by supporting pro-growth candidates.

But even with the right leaders in place and the right policies for growth moving forward, we must take steps to ensure that everyone has the opportunity to share in the prosperity. Remember, there are 21 million Americans who are unemployed, underemployed, or have given up looking for a job. Many others struggle as their incomes remain stagnant. We must help those who are suffering by making certain that they have

the education, skills, and incentives to make ends meet, move up, and succeed.

Economic growth is critical, but it is not a panacea. To give those who have been left out a real chance to choose their own path and rise by their own efforts, we need a revolution in job training and American education. Thirty percent of high school students don't graduate, and millions of U.S. school children never learn to adequately read, write, count, or reason. It is critical that every young person learns basic skills and is properly equipped for jobs and careers that are actually going to exist in the 21st century.

We need growth, leadership, and a commitment to keep the American Dream alive for all Americans. To learn more about the Chamber's *Jobs, Growth, and Opportunity Agenda*, visit uschamber.com.



U.S. CHAMBER OF COMMERCE
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A Rendezvous with Disaster

Obamacare is a nightmare because today's progressives have forgotten what FDR learned

BY ARTHUR HERMAN & JOHN YOO

Obamacare has quickly become a train wreck. Its troubled website, higher premiums, and inevitable shortages and rationing, married to President Barack Obama's political refusals to enforce parts of the law, guarantee that the program will go down as one of the great public policy debacles in American history.

Unless the White House fixes the problems, the Obama legacy will be a government-controlled health care system that's long on bureaucracy and short on doctors, with less treatment at higher cost. It is difficult to think of another domestic policy that failed so fast, for so many, at such expense. But one example from American history—Franklin Roosevelt's rearmament program during World War II—provides both a warning and a guide. For while, as initially conceived, the national mobilization shared many of the fatal defects of Obamacare, changes were made in time to avert disaster, and the United States was transformed into the famous “arsenal of democracy.” Obamacare requires a similar course correction. Unlike the pragmatic FDR, however, today's left so far refuses to reconsider and

embrace market principles, preferring to sacrifice results on the altar of progressive ideology.

Committed to the belief that government is the solution to the nation's most pressing problems, the Obama White House has not recognized that the real solution to the nation's health care woes lies in less government, not more. The secret is to increase the supply side of the equation, instead of micromanaging the demand side, controlling what kind and how much coverage patients should receive, and eventually even how much treatment.

It is that lesson that Americans learned the last time Washington tried to take over large sections of the economy for its own purposes. In trying to get the United States ready for modern war—the U.S. Army was slightly bigger than Holland's—Roosevelt was under intense pressure to direct the entire effort from the White House, placing the crash program under the control of a single all-powerful figure whose word would have the force of law. Harry Hopkins wrote in a secret memo that America had to

“exceed the Nazis” in commandeering the economy. And in some areas, such as rationing and wage and price controls, the New Dealers got their top-down way, plunging the country into the kind of bureaucratic nightmare we see unfolding with Obamacare.

But in the all-important matter of converting a civilian economy to wartime production, Roosevelt had the sense to realize the job was too huge to be orchestrated by politicians and bureaucrats. Instead, he brought in top executives from industry to work out the timetable and means, using skills and experience developed in the marketplace. The result was the greatest industrial miracle of modern times.



FDR on a wartime tour of a Boeing factory

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Even so, when Roosevelt recruited business leaders like General Motors president Bill Knudsen, AT&T's Bill Harrison, and U.S. Steel chairman Edward Stettinius to help him arm the country in the summer of 1940, they soon learned that his New Deal beliefs made their assignment harder, not easier. One was a deep suspicion of the profit motive. Roosevelt and his advisers instinctively assumed that letting companies make good money producing the warplanes and tanks and landing craft the nation needed was war profiteering. Knudsen and his colleagues in the Office of Production Management had to explain that the profit motive would actually incentivize America's best businesses to commit time and energy and creativity to their task. "The more people we get" volunteering to go into wartime production, Knudsen told the president, "the more brains we can get into it, [and] the better chance it will succeed." Obamacare's rules are designed to do the opposite: to limit the number of insurance providers and types of policies on the market, and to discourage newcomers from getting into the field.

FDR's second assumption was that certain strategic materials like rubber, steel, and aluminum were too vital to the war effort to be left to uncertain market forces and instead needed to be allocated by government in order to avoid shortages at critical points. But the opposite is true. Price controls and rationing plans, no matter how expertly designed, produce allocation distortions of their own—as the architects of Obamacare are about to find out.

The best wartime example was rubber. Roosevelt had decided that supplying enough rubber for the army's vehicles required rationing the existing supply, including scrap rubber—at one point he even contemplated confiscating all the tires from civilian vehicles. Instead of hitting the minimum target of one million tons, the government's rubber drive barely reached a third of that number. At one point the program's director, Harold Ickes, was reduced to stealing rubber mats from the White House corridors.

The real way to secure strategic materials, Knudsen and his colleagues saw, wasn't redistributing what was already available, but giving the private sector the incentive to produce more. As a result, companies banded together to create an entirely new synthetic rubber industry; companies working with new technologies like electric arc melting furnaces almost tripled prewar production of steel; and aluminum supplies, which in 1942 had been the despair of government planners, grew so fast thanks to new plants and new companies like Reynolds that just two years later an official confessed, "We have so much aluminum it's beginning to run out of our ears."

In fact, once Knudsen and Roosevelt's other "dollar a year men" convinced the president and the Army to take a hands-off approach and let production build itself

through the profit motive, they unleashed the most concentrated expansion of industrial production in U.S. history. War production saw a 300 percent increase from 1940 to 1944 and jumped from 2 percent of total economic output in 1940 to 40 percent in 1943—the climax of the wartime buildup—while raw materials like steel and copper saw an average 60 percent increase over the same period.

This despite the fact that war recruitment and the draft took almost 11 million able-bodied men out of the country's labor force. But those numbers were more than made up by millions of people voluntarily leaving farms and rural areas and (in the case of women) their homes to find more lucrative work in the factories and shipyards of wartime America—all without a single government official telling them where to go.

By 1944, half of all war materiel produced in the world was coming out of American factories, plants, and shipyards. By this time, it was clear the Allies were going to win, and the problem was no longer speeding up war production, but slowing it down and then shutting it off at war's end. What had come into being was precisely the kind of "spontaneous order" that free-market advocates celebrate but big government fans scoff at. As Colonel Orval Cook, production division head at Wright Field, summed it up: "Best results are secured . . . where there is a minimum of domination by the Army—and a maximum of flexibility for the private companies involved."

Building the arsenal of democracy should have been a relatively easy task for government. Yet it wasn't. A return to free-market principles was essential to get the job done with the necessary speed. Overhauling the health care system is harder, for several reasons.

For one thing, the government's involvement in wartime mobilization is obviously constitutional. All agree that Washington has the power to manage the economy in order to successfully wage war. Obamacare's constitutionality, by contrast, is contentious on multiple counts. Even a Supreme Court that upheld the Affordable Care Act in *NFIB v. Sebelius* recognized that Washington's authority to "regulate commerce among the several states" did not allow it to impose mandatory, universal health insurance. The Court also agreed that Congress could not use its power to "promote the general welfare" to force states to expand their Medicaid programs against their wishes. It was only Chief Justice John Roberts's implausible reading of the taxing power to permit penalizing individuals who don't buy health insurance that saved Obama's signature program.

And more constitutional defects are apparent. The Supreme Court has already accepted a challenge by corporations whose owners refuse to provide their employees

health insurance that covers products and services to which they have religious objections. As the Obama administration continues improvising to stop the ACA from going under, it will make ever more extravagant demands upon the Constitution.

Second, even at the height of World War II, armaments, munitions, and military supplies still represented less than half of the goods and services the nation produced. Obamacare is more ambitious. It will eventually regulate the medical treatment of every man, woman, and child in the United States, not for a limited period of war, but forever. It goes beyond a wartime emphasis on the numbers of hard goods produced, such as munitions or airplanes, to permanently control services, where outcomes are more difficult to measure. It also seeks to replace the markets that aggregate the decisions of millions of people every day to allocate the economy's resources. If the federal government couldn't successfully micromanage the production of tanks and ammunition, it is hard to believe that bureaucrats can pull off the much more difficult job of producing the most effective outcomes for individual health.

Third, like the misbegotten initial stages of World War II mobilization, Obamacare is founded on an ideology that runs counter to the fundamental principles of American exceptionalism. The New Deal and the early World War II experience had their intellectual origins in the progressive movement. Championed by Woodrow Wilson, who as a political scientist studied German theories of the administrative state, progressivism sought to impose order on an unruly economy through central planning and expert management. When such controls were applied to the U.S. economy in the midst of the worst downturn in its history, the effects were lackluster at best.

Obamacare resurrects these methods and this faith in central planning. As in the past, they are sparking irreconcilable conflict with individual choice, civil society, and private markets. Nobel Prize-winning economist F.A. Hayek demonstrated long ago that command-and-control bureaucracy cannot match the efficiency of decentralized markets because of the vast amount of information and processing power needed to allocate resources. In addition, private markets advance core American values. The resistance to Obamacare reflects not just differences between Republicans and Democrats, but a rejection by the American body politic of a foreign governing principle. As World War II showed, government achieves its purposes by harnessing, rather than fighting, American individualism and private initiative.

There is, of course, no direct analogy between producing ships and steel and gas masks for the Pentagon and producing more health insurance options and better health care

for Americans. Nevertheless, critics of the Obama administration should take a page from FDR. If the congressional majorities don't yet exist to repeal the ACA, critics should introduce targeted revisions that advance free-market principles. A supply-side solution for health care should increase the number of productive, innovative options. For the past two decades every major reform effort in health care has focused on managing the demand side of the equation. We've had HMOs and managed care, practice guidelines, "pay for performance," and now Obamacare. As John C. Goodman of the National Center for Policy Analysis points out, each involves "buyers of care telling the providers how to practice medicine" and trying to lower costs by redistributing available care, or even rationing it. In Obamacare, those demands come via the insurers, with death panels—the ultimate rationing—just around the corner.

It's time to reverse the equation, as Bill Knudsen and his colleagues did in the 1940s. Just as the Army and Navy learned to leave contractors alone to figure out how to design a better plane, build it faster, and at a lower cost, and rewarded them with bigger contracts when they did, so government programs like Medicare and Medicaid should reward doctors and clinics that provide better coverage at lower cost. That would spur them to explore new technologies—say, online diagnosing as a substitute for some costly in-person visits. And it would incentivize private insurers to compete and innovate. Government could help by allowing insurance policies to be bought across state lines and instituting tax credits to encourage people to buy portable insurance on their own instead of through their employers.

One more way the federal government could help would be to make the price of medical services and insurance transparent nationwide. A genuine Blue Book guide to the cost of services not only would allow customers to shop the actual marketplace—instead of the phony "marketplace" of the Obama exchanges—but also would give health providers and insurers information about who's providing services efficiently and who's not. Every auto repair shop has a price list—and auto insurers love to advertise a lower cost for equal or better coverage in their cutthroat battle for customers. Why aren't health insurance companies running TV ads with talking reptiles? Obamacare, and the perverse incentives of demand-side government management, guarantee they never will.

Reforms like these would take advantage of the efficiency of decentralized markets, and they would align with American principles of individual freedom and limited government. And to the extent they were inspired by FDR's war mobilization, we would reap the added satisfaction of finding the cure for one of Washington's worst policy blunders ever in one more legacy from the Greatest Generation. ♦



Jack Oakie, Loretta Young, Clark Gable in 'The Call of the Wild' (1935)

The Ice Palace

Jack London's thousand words a day. BY WILLIAM H. PRITCHARD

In one of the most charming moments of Vladimir Nabokov's *Pnin* (1957), our hero is about to be visited by a 14-year-old American boy, son of Pnin's former (and dreadful) wife and her fraudulent lover, Dr. Eric Wind. Pnin wonders what gifts of welcome he can give young Victor, and decides that along with a football, he will provide some pleasurable reading. Since Pnin believes everyone in his native Russia knows Jack London's work, Pnin asks

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Jack London
An American Life
by Earle Labor
Farrar, Straus & Giroux, 480 pp., \$30

a bookstore employee for London's autobiographical novel *Martin Eden* (1909), to which the lady responds "Eden, Eden, Eden . . . let me see, you don't mean a book on the British statesman? Or do you?"

When the confusion is cleared up, the only book of London's to be found is an old edition of *The Son of the Wolf* (1900),

a collection of stories and London's first published book. Pnin decides to buy it, though it is inferior to *Martin Eden*: "Not his best book but O.K. O.K, I will take it." It turns out that Victor doesn't like sports and believes the London volume is a translation from Russian, Pnin's mother tongue. Politely, Victor says he's sure he will like the book and reveals, "Last summer I read *Crime and*"—at which point he yawns and doesn't complete the title of a novel by a writer whom Nabokov, if not Pnin, abhors.

How many readers these days are familiar with Jack London's work?

20TH CENTURY PICTURES / EVERETT COLLECTION

During his brief life of 40 years, he produced 50 books, 200 short stories, and 400 nonfiction pieces on varied subjects. “Here is truly God’s plenty and a biographer’s plenitude,” concludes Earle Labor in the preface to his loving biography of the writer.

Recognized as the dean of Jack London studies, Labor has been an active London scholar for 60 years, has edited volumes of his stories and letters, and curates the Jack London Museum in Shreveport, Louisiana. There have been previous biographies of London, most recently a good one by James Haley—*Wolf: The Lives of Jack London* (2009)—but Labor’s effort is likely to be as definitive a treatment as anyone needs. It contains relatively little literary criticism of London’s works, and when Labor attempts it the results are not always happy, as when he says of *The Call of the Wild* (1903) that London “had found in the canine species the selfless unconditional love celebrated in the Christian concept of agape.” It’s true that London’s books don’t invite much critical attention to their sentences, the way contemporaries like Joseph Conrad and Stephen Crane, not to mention Henry James, do: Alfred Kazin’s oft-quoted remark that “the greatest story Jack London ever wrote was the story he lived” may be a rationale for not giving serious attention to London the artist.

Instead, Earle Labor leads us skillfully through the many “stories” that constituted London’s life: working as an adolescent in a cannery and as an “oyster pirate” on Oakland’s waterfront; going on a seal hunt in the Bering Sea; riding the rails across America, with an interlude of 30 days spent in the Erie County Penitentiary for vagrancy; finding out how the poor live in London’s East End; joining the gold rush to the Klondike; running for mayor of Oakland on the Socialist ticket; sailing to the South Pacific and visiting Robert Louis Stevenson’s grave in Samoa; observing cannibals

in the Solomon Islands. This is only the beginning of a list that doesn’t include his two marriages, his fathering two children with his first wife Bella, or his periodic intakes of large quantities of alcohol—all the while becoming, by 1915, the highest-paid author in America.

The biographer’s tone throughout is sympathetic, usually admiring, and participatory, since he makes the decision (not, I think, a wise one) to render many of London’s utterances



Jack London

through direct speech rather than indirect narration. For example, he draws on a memoir by London’s close boyhood friend Frank Atherton to create the atmosphere of “a dingy little cottage” in West Oakland that Jack introduces to Atherton this way:

“I hope you’ll excuse our humble circumstances. . . . We’ve always been too poor to buy a tablecloth, so we have to use newspapers.”

“Why, my goodness, Johnnie, you know better!” Flora [his mother] exclaimed, taking the bait. “You know we have tablecloths and I use newspaper to save laundry.”

“I shouldn’t have told tales out of school, Frank, but now the cat is out of the bag, I may as well explain,” Jack persisted.

This presumably direct manner in fact moves the reader away from, rather than closer to, actuality. As does, from time to time, Labor’s enthusiastic abandonment to cliché: When speaking of London’s aspirations, he notes, “Life itself was the biggest, most exciting game in town, and he was hell-bent on playing for the highest stakes.” Such well-worn phrases have the effect of lowering the stakes, even as they attempt to ratchet them upwards.

Labor also fails to mention one of the best criticisms of London, George Orwell’s 1943 introduction to a volume of his stories. Orwell convincingly presents London as a writer whose main theme was the cruelty of nature and who had a corresponding streak of brutality, seen in his preference for the strong against the weak man. A prime example is his novel *The Sea-Wolf* (1904), in which the ship’s tyrannical captain, Wolf Larsen, has a lot more “life” than the civilized narrator who witnesses his cruelty. Orwell admires some of London’s stories for the way they delight in the savage struggle that is life, perceiving its cruelty while refraining from choosing sides, thus suspending narrative judgment.

Orwell also makes the prescient observation that even London’s best stories—and this would apply to the novels as well—have “the curious quality of being well told and yet not well written.” This is a tricky distinction, but Orwell may have been on to something in suggesting that one can perceive a kind of narrative power despite worn or obvious phrases and “erratic dialogue.”

“A Socialist with the instincts of a buccaneer,” Orwell called London; but it wasn’t only seafaring adventures that London used as material for his books. *The People of the Abyss* (1903), his account of life among the London poor, is surely a strong predecessor to Orwell’s own adventuring in *Down and Out in Paris and*

London (1933). But for all its exploration of grittiness and its social message, London's book is interesting for its inclination toward poetry and poets. Epigraphs to individual chapters feature lines from, among others, Oliver Goldsmith, Thomas Carlyle, *The Rubaiyat*, Algernon Charles Swinburne, and William Morris, and it concludes with Longfellow's "Challenge," quoted in full.

heavy reading he did when preparing to be a student at the University of California (he lasted only a term).

At the beginning of *Martin Eden*, the book Pnin looked for in vain, the hero meets a lovely, aristocratic young woman who lends him copies of Browning and Swinburne. The untutored hero is ecstatic and vows to change his life. Going to bed that night, he has a vision of the lady's "pale face under

into the starch—starch so hot that, in order to wring it out, their hands had to be thrust, and thrust continually, into a bucket of cold water." The whole laundry incident is alive with the energy of a writer who knows how things work because he has worked them—and no inner life is necessary.

London's work is replete with well-described actions, the dog Buck's in *The Call of the Wild* being only the most familiar. *The Sea-Wolf*, aside from its romantic plot in which the narrator and his lady finally overcome Wolf Larsen, is filled with violent fights among the crew and a storm in which the ship is wrecked. These actions exist in our memory apart from any moral or human significance London sometimes imputes to them. In perhaps his best story, "To Build a Fire," a man's freezing to death in minus-75-degree weather is painfully, unforgettably described. As a writer, London was a materialist in the best sense of the word.

A recent critic speaks of London's writing as dealing in "a wholly calculated and manufactured sensationalism," thinking partly of the thousand words he ground out every day until his death. Yet Labor's treatment of that death is on the sensationalistic side, depending mainly on the words of London's second wife, Charmian, who would become keeper of his flame.

In his 40th year, London was suffering from clogged arteries, diseased kidneys, dysentery, edema, and various other ailments, culminating in his failure to wake up one morning. As his limp body was held up by the doctors, Charmian, "looking him directly in the face, cried, 'Mate! Mate! You must come back! Mate! You've got to come back!'"—but to no avail.

Labor rejects the widely held theory that London's death was a suicide and describes as a "canard" the notion that he died of a calculated dose of morphine, injected by a syringe found at his bedside. (Uremic poisoning was the doctor's verdict.) One can almost believe that, after receiving news of his own death, London rose up and wrote a final thousand words about the event. ♦

JERRY AND ROY KLOTZ



Ruins of Jack London's Wolf House, Glen Ellen, California

This "poetic" side to London can be thought of as a spiritual counter to his materialist philosophy—Darwinian survival of the fittest and all that. In *The Sea-Wolf*, to my mind the most gripping novel of the ones I've read, the narrator Humphrey van Weyden finds himself aboard, and compelled to stay aboard, *The Ghost*, Wolf Larsen's ship. Humphrey, soon known as "Hump," manages to elicit from the captain, a man of rippling muscles (like London himself?), the confession that he's been reading Robert Browning but is having trouble with him; whereupon Hump gets out his copy of the poet and reads "Caliban on Setebos" aloud. (No wonder Wolf was having trouble.) He goes on to quote a stanza from Omar Khayyam aloud, to which Larsen cries, "Great. . . . That's the keynote."

At one level, this is ludicrous. But it brings out another side of London: his romance with literature, fueled by the

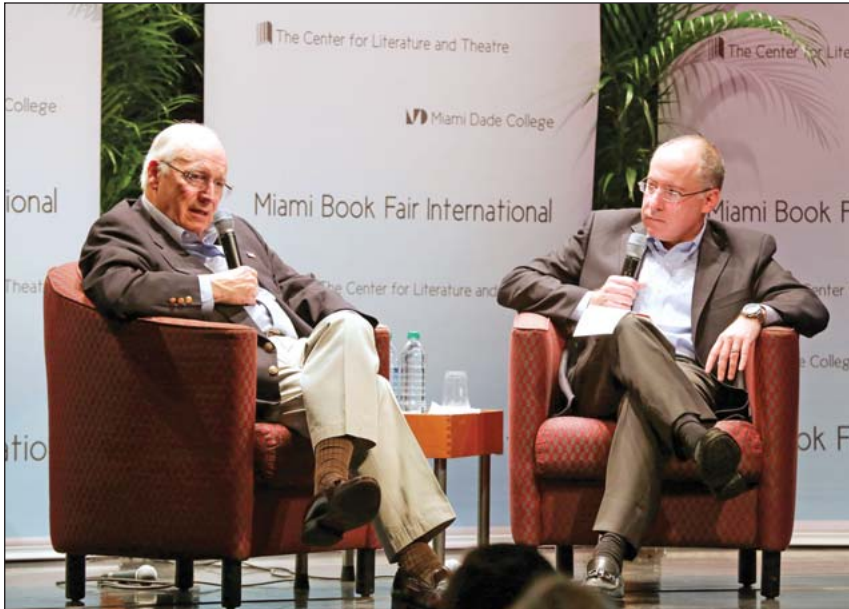
its crown of golden hair, remote and inaccessible as a star." He proceeds to bestow a kiss on both the Browning and Swinburne volumes. And in the final chapter of this long, sometimes tedious, novel, Martin, about to abandon himself to the sea, reads aloud a stanza from Swinburne's "Garden of Proserpine" before casting himself into the waters.

All Labor has to say about *Martin Eden* is that it is "an indictment of the protagonist's fatal self-centered individualism." But London's inability to imagine a convincing inner life for any of his characters makes talk about such an "indictment" pretty hollow. The book comes alive in its scenes of "action," as when the hero and his partner are working in a small steam laundry with "unremitting toil." What we remember from the sequence is Martin's left hand holding up the body of a shirt "and at the same time the right hand dipped

Heavy Heart

The life and cardiac times of Dick Cheney.

BY TEVI TROY



Dick Cheney, Jonathan Reiner, M.D. (2013)

Those who follow politics know that Dick Cheney's biography is an extraordinary one. His rapid ascension from Capitol Hill intern (and Yale dropout) in 1969 to White House chief of staff by 1974 is one of the fastest rises in American political annals. It was so fast, and he rose so high, that it comes second only to Theodore Roosevelt's five-year ascent from New York City police commissioner to assistant secretary of the Navy to New York governor to vice president to president. And Cheney, unlike Roosevelt, was completely unknown when he started his climb.

But, as we learn here, Cheney's

Tevi Troy, a former deputy secretary of health and human services and senior White House aide, is the author of What Jefferson Read, Ike Watched, and Obama Tweeted: 200 Years of Popular Culture in the White House.

Heart
An American Medical Odyssey
by Dick Cheney and
Jonathan Reiner, M.D.
with Liz Cheney
Scribner, 352 pp., \$28

medical history may be even more extraordinary. This engaging book is cowritten by Cheney and his cardiologist, Jonathan Reiner, with an assist from his daughter Liz Cheney. As the former vice president writes, Reiner once related to him that he is not aware of anyone else, besides Cheney, who suffered a heart attack in the 1970s and is still alive.

Furthermore, and this is something even political junkies might not realize, Cheney came remarkably close to death on multiple occasions. In 2009, he had an episode of ventricular fibrillation, which he only survived because "eight years earlier, Dr. Reiner

had had the judgment and foresight to recommend I get an implantable ICD." In addition, he almost died on the night doctors implanted a left ventricular assist device (LVAD) in 2010. If they had not made the accelerated decision to have the surgery on that very night, before the doctors had planned on doing the operation, Cheney would not have survived. And when he received a heart transplant in 2012, doctors marveled at the swollen, diseased organ that had plagued Cheney for so long.

That Cheney did survive so long despite his chronic heart condition—he suffered his first heart attack in his 30s—is a tribute to extraordinary advances in the field of cardiology over the last four decades. Reiner tells this story for roughly half the book, using Cheney's experiences as a patient to trace the improvements in cardiac medicine. The other half of the book, coming from Cheney himself, provides an incisive précis of his longer 2011 memoir, *In My Time*, with an especial focus on his medical travails.

Cheney's heart issues were, in part, congenital, but they also stemmed from extremely unhealthy habits. Cheney was a heavy smoker during his first tour at the White House, and he was not alone in this. As he reminisces, "In those days, just about everyone smoked in meetings, at meals, at home. It was pervasive." In fact, as Cheney notes, the White House itself encouraged his habit: Both President Gerald Ford and Donald Rumsfeld (Cheney's direct superior) smoked pipes, and free cigarette packages with the White House seal on them were a perk for White House aides, as were matches from both the presidential plane and helicopter.

"There was a certain cachet," he writes, "to pulling out a box of presidential cigarettes and using a match from a pack labeled 'Air Force One' to light up."

Alas, the fun could not last forever, and Mother Nature caught up with him. By the time Cheney was in his 30s, he recalls, "I'd developed a heavy smoking habit, my diet was terrible, and I didn't get nearly enough sleep or

exercise.” Cheney is quite frank about the detrimental effect of his unhealthy habits, as well as the shortsightedness of his approach: “I operated as though I’d live forever. Bad habits and their long-term consequences frankly didn’t concern me much.”

Cheney may not have known it at the time, but his cardiac odyssey was about to begin.

When Ford lost a close election to Jimmy Carter in 1976, one of Cheney’s responsibilities as chief of staff was to read Ford’s concession telegram (yes, telegram) over the telephone to President-elect Carter.

After leaving the White House, Cheney went for an overdue physical exam. The doctor warned Cheney that he was a “prime candidate for a heart attack.” Cheney, however, was having none of it, noting, “I didn’t believe him.” It would not be long, however, before Cheney was mugged by reality: He had his first heart attack soon after, and then decided to develop a long-term relationship with a cardiologist, which he calls one of the best decisions he ever made. After the first cardiologist retired, Dr. Reiner took over.

This book intertwines the fascinating ups and downs (mostly ups) of Cheney’s political career with his heart incidents and his cardiologist’s recollections of Cheney’s condition and the development of cardiac medicine at the time. This is an important point, as 20th-century medical advances and the attendant increases in life expectancy meant that people were less likely to die of infections and more likely to die of cancer or heart disease. Consequently, doctors and scientists were putting more and more effort into cardiac treatment and technologies, and Cheney was a direct beneficiary of these advances.

One such technological marvel was the ICD, or implantable cardioverter defibrillator. In Cheney’s case, medical-device maker Medtronic had to create a special modification to his ICD to disable the device’s wireless-programming capabilities. This modification came at the insistence of Dr. Reiner. He was concerned about the

possibility of outside interference, and he wanted to protect not just the vice president but also the patient he had been tending to for so long. Eleven years later, the fictional vice president on the television show *Homeland* would be assassinated by militant jihadists using just such a technique. Reiner also notes that a real-life computer hacker has demonstrated that such an attack could successfully sabotage an implanted ICD.

In writing a book like this, with his vulnerabilities and unhealthy hab-

its acknowledged quite frankly, Dick Cheney reveals a new public side. Perhaps this Cheney 2.0 can help counter the unfair-but-prevalent Darth Vader image he has among ideological critics. At a time when partisanship rides high, it would be interesting to see Dick Cheney and Michelle Obama team up to lend their voices and reputations to an event that supports healthy eating and living. That may not happen, but *Heart* will remind readers of Dick Cheney’s humanity and his long service to the nation. ♦



Tradition Unbound

A church father gets an ideological makeover.

BY JOSEPH BOTTUM

Vincent of Lérins was a Gaulish monk who lived and wrote in the fifth century. Little is known about him, really. It’s said that he was originally a soldier but gave up his military career to enter a monastery near Cannes, on the small Mediterranean island of Lérins (later renamed the Île Saint-Honorat, after the founder of Vincent’s monastery). He may have been a brother of the better-known St. Lupus of Troyes—famous for somehow persuading Attila the Hun not to sack the city of which he was bishop—but the evidence is thin enough to be measured in microns.

He probably held to some version of Semipelagianism—the doctrine (later declared heretical) that the initial choice of faith requires no grace—although even his thought on that topic is something of an inference, resting on such reeds as the doctrine’s general prevalence in southern Gaul and his leaving Augustine’s name off a list of saints. He’s often

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**Vincent of Lérins
and the Development
of Christian Doctrine**
by Thomas G. Guarino
Baker Academic, 192 pp., \$26.99

named as the author of the “Objectiones Vincentianae,” a set of anti-Augustinian propositions that have come down to us only in their repudiation by Augustine’s bulldog, Prosper of Aquitaine. But the one thing that seems beyond doubt is that, around 434 A.D., under the pseudonym of Peregrius, Vincent wrote a text called the *Commonitorium*, his “Reminder” or “Remembrancer,” kept to refresh his memory as he worked his way through the difficult issue of distinguishing truth from heresy.

Interestingly, the thinness of the historical record has not kept Vincent and the surviving manuscripts of the *Commonitorium* from being employed by thinkers throughout the subsequent ages, as the distinguished theologian Thomas Guarino points out in this new study. A Roman Catholic priest and professor of systematic theology at Seton Hall, Guarino is the

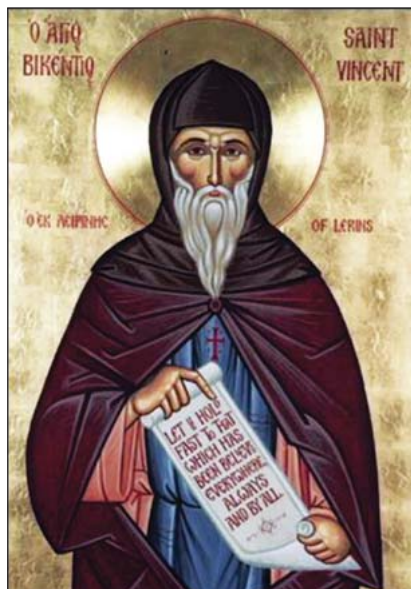
author of *Vattimo and Theology* (2009), the standard study in English of the postmodernism of Gianni Vattimo, as well as *Foundations of Systematic Theology* (2005) and innumerable scholarly articles. In this latest work, Guarino sets out to rebuild Vincent of Lérins's reputation—mostly by removing the monk from the useful place he has occupied in modern debates about the ever-adapting “spirit of Christianity,” the development of doctrine, and the inviolability of the meaning of ancient texts.

Make no mistake: Vincent has been quite useful, mostly as an archetypal figure in arguments since at least the First Vatican Council in the 1860s. In any discussion of tradition—“how it serves as a warrant for truth and how it preserves a certain constancy amidst growth, development, and change,” as Guarino notes—there will be those who, on the one hand, insist that nothing important alters and that we have a duty to adapt our understanding to hallowed prior formulations, to study and intuit their meaning and present application. On the other hand, there will also be those who demand that we abandon traditional formulas as outmoded and irrelevant to changed circumstances, people who define their central tenets as a state of mind, a spirit born in founding documents that requires reformulation to be applied in any new age.

“Teach the same things you were taught, so that when you speak in a new way you do not say new things,” Vincent concludes in a classic statement of the conservative understanding. Indeed, he argues, in what has been dubbed the Vincentian Canon, that we should accept as faith only “what has been believed everywhere, always, and by all.” Quote such lines often enough, and you end up with a kind of easy abbreviation: “Vincent of Lérins” as shorthand for the pole of conservatism in debates about the importance of tradition.

The question of tradition is hardly limited to Christian doctrine. The Supreme Court's reading of the Constitution, arguments over the direction of charitable foundations that

seem out of sync with their founders' intentions, the Hippocratic Oath, analysis of literary texts—any root question of changed circumstances long after a social contract. The public square contains little *except* the fight between traditional understandings and claims of the modern spirit. One of the most depressing features of intellectual life is the realization that every interpretative problem is paralleled by one or another of the early Christian debates over heresy and orthodoxy. Struggle your way up



Vincent of Lérins

the hill to survey the battlefield from what you imagine will be a new vantage point, and you invariably discover that the Church Fathers have been sitting there for a millennium-and-a-half, surprised only that it took you so long to find them.

In *Vincent of Lérins and the Development of Christian Doctrine*, Guarino insists that we have entirely misread Vincent. Thanks, especially, to the battles surrounding the Second Vatican Council, the monk's name became a byword for a position he never actually held. Yes, he did demand that any supposed progress in a theological doctrine “must be made according to its own type, that is, in accord with the same doctrine, in the same meaning, and in the same judgment.” But the line occurs in the context of a

passage arguing that progress actually happens—a passage making the distinction between the Latin words *profectus* and *permutatio*:

But someone will perhaps say: is there no progress of religion in the Church of Christ? Certainly there is progress, even exceedingly great progress. For who is so envious of others and so hateful toward God as to try to prohibit it? Yet, it must be an advance [*profectus*] in the proper sense of the word and not an alteration [*permutatio*] in faith.

Guarino asks us to compare Vincent's description with a line from John Henry Newman's influential 1845 analysis *An Essay on the Development of Christian Doctrine*: “A true development,” Newman notes, “is conservative of the course of antecedent developments being really those antecedents and something besides them: it is an addition which illustrates, not obscures, corroborates, not corrects, the body of thought from which it proceeds.” What real difference is there?

To some degree, Guarino is caught in a trap of his own making. If Vincent of Lérins is a kind of proto-Cardinal Newman, camping on the same sane middle ground as that great Victorian theologian, then why do we bother to read him? This isn't a way to save Vincent; it's a way to dismiss him. And to even achieve this much, Guarino has to generally downplay Vincent's probable Semipelagian leanings and accept him narrowly as an interpreter of tradition.

Still, taken on its own terms, *Vincent of Lérins and the Development of Christian Doctrine* is entirely persuasive. Vincent has been genuinely misread as an icon of extreme conservatism about tradition, and we should free him from that shorthand use. Which shouldn't surprise us. Useful history is almost always doubtful history: The neater and cleaner a historical marker seems, the more we should suspect that the rough edges of actual circumstance have been sanded away. Or, put another way, the more one knows about historical figures, the more there is to say about them—and the less there is to conclude. ♦

Remember the Future?

The population bomb was ticking, and apocalypse was next in line . . . BY PATRICK ALLITT

*Two households, both alike in dignity,
In fair Verona where we lay our scene.
—Romeo and Juliet*

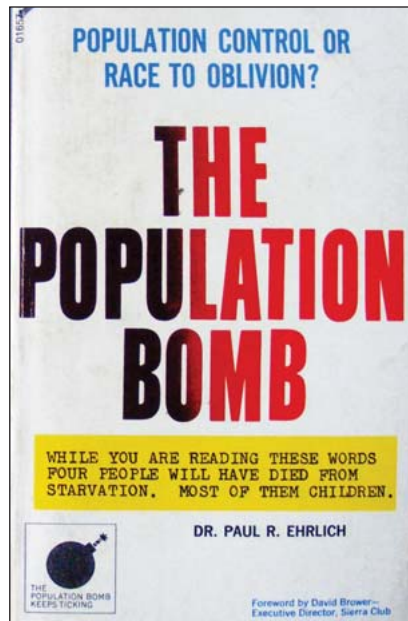
The Ehrlichs and Simons, like the Montagues and Capulets, were remarkably similar families: both Jewish, both two generations off the boat, both moving from poor neighborhoods to better suburbs in New Jersey despite the Great Depression, and both celebrating the birth of a son in 1932. But whereas the tragedy of *Romeo and Juliet* ended a feud, the drama of Paul Ehrlich's encounter with Julian Simon *started* one, a feud that is still going strong today.

Ehrlich became a professor of biology at Stanford. He specialized in butterflies, then became interested in human population. During the postwar decades, the world's population was rising fast. Ehrlich became convinced that it was outstripping food supplies. In *The Population Bomb* (1968), he wrote that a demographic catastrophe lay in the immediate future. It was, he declared, already too late to prevent the famines that would sweep not just the developing world but Western Europe and North America in the late 1970s and '80s.

The book became a bestseller, while a series of television appearances made Ehrlich a household name. He wrote op-ed essays and spoke tirelessly on college campuses, becoming one of the most highly paid pundits of the "ecology" era (1967-75). Overpopulation, he believed, was accelerating the rate at which industrial nations were using up natural resources. Soon there

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The Bet
Paul Ehrlich, Julian Simon, and
Our Gamble Over Earth's Future
by Paul Sabin
Yale, 320 pp., \$28.50



would be nothing left. He agreed with the authors of *The Limits to Growth* (1972) that we faced a bleak future with less of everything.

Julian Simon, meanwhile, became a professor of business at the University of Illinois. In the late '60s, he, too, worried about overpopulation; but a closer look at the issue led to a change of heart. He discovered that population growth and economic growth usually went together and that there was no evidence of food shortages. The chronic problem of American agriculture, in fact, was *over*production. Population was rising because fewer children were dying and life expectancy kept increasing. That was good news, surely. Quite apart from

a decline in agonizing bereavements, said Simon, children once doomed but now destined to survive might go on to be the next Einstein or Beethoven.

Simon also believed in the free market, whose long-term effect was to make products and raw materials not costlier and rarer but cheaper and more abundant. Occasional shortages stimulated increases in efficiency, the invention of better techniques, and the use of new materials.

Irritated that Paul Ehrlich was making a fortune with his apocalyptic prophecies while he, Julian Simon, labored in obscurity, Simon issued a challenge in 1980: Let Ehrlich choose any five commodities and then watch their prices either rise or fall over the next decade. If the prices rose, Ehrlich would seem to be right about shortages; if the prices declined, Simon would seem to be right that things were becoming more plentiful. Ehrlich accepted the challenge and the two men agreed on \$1,000 worth of five metals: copper, chromium, tungsten, nickel, and tin. They agreed that, 10 years later, the loser would mail a check to the winner for the difference above or below \$1,000.

The *Chronicle of Higher Education* called it "the scholarly wager of the decade," and Ehrlich had some cause to feel confident. In the two recent oil crises of 1973 and 1979, gasoline prices had risen sharply while drivers fumed about shortages and long lines at the pump. Copper was in short supply and costlier every year. President Carter had donned a chunky sweater in the White House and ordered federal thermostats turned down to a chilly 65. Believing Ehrlich's claim that the age of austerity was here to stay, the president had also commissioned the *Global 2000* report, whose prognosis for the future was even grimmer than that of *The Limits to Growth*.

On the other hand, Ehrlich might have had misgivings. How many of us, after all, can even remember the famine of 1980, when millions died of starvation in Ohio, Michigan, Illinois, and Wisconsin? If you are younger than 30, ask your parents to reminisce about those dreadful days when they were reduced to gnawing on old bones for survival. Not really! The famine

Ehrlich had described as *inevitable* was a phantom; American farmers were furious just then that Jimmy Carter was preventing them from exporting mountains of surplus wheat to Russia.

It's a strange story, and it gets stranger still. In 1990, Simon won the bet overwhelmingly and got a check for \$576 from Ehrlich (mailed without so much as an accompanying note). All five of the metals were now cheaper than they had been in 1980, some of them by more than 50 percent. But which of the two men promptly received a MacArthur "genius" grant? That's right: Paul Ehrlich. He then won a shower of other distinguished awards, somehow retaining his status as one of the most prescient of environmental prophets.

Ehrlich's new book that year, *The Population Explosion*, declared that the tragedy he had foreseen was now coming true, and that the human race was destroying itself by excessive reproduction. It belittled the "green revolution," the achievement of plant physiologists like Norman Borlaug, who had found ways to make food plants harder and increase crop yields in the developing world. It declined to notice that the incidence of famines worldwide was declining.

In the 1990s, Ehrlich could well have been described by the wonderful Catholic phrase "invincible ignorance," which is used of individuals whom circumstances have made incapable of ever learning the truth. Simon, at least, had enjoyed a little more public notice during the decade of the bet: His book *The Ultimate Resource* (1981) argued that each new birth adds to the world's store of riches. Its upbeat message matched the morning-in-America mood of the Reagan administration. The Heritage Foundation began to sponsor him, while important organizations, including the National Research Council and the World Bank, recognized the merits of his approach to demography—and adjusted their forecasts accordingly. He collaborated on *The Resourceful Earth* (1984), a rebuttal to *Global 2000*. It argued that short-term crises create

incentives to innovate, and that the history of the last two centuries showed a constant improvement of material standards, access to resources, health, longevity, and quality of life.

By the new millennium, a substantial body of opinion held that the world was running out of resources, breeding its way to catastrophe, and facing environmental disaster on an unprecedented scale. Another body of opinion held, at exactly the same time, that the world was constantly generating new and better resources, managing its large population capably, and cleaning up the environmental damage caused by earlier stages of industrialization.



Julian Simon, Paul Ehrlich

Paul Sabin's excellent new book tells the whole story, linking it to larger issues in American political and intellectual life. He argues convincingly that Paul Ehrlich and Julian Simon represent the two poles in this late-20th-century debate, which echoes down to the present. He shows that Ehrlich's exaggerations, and the steady failure of his prophecies to come true, eventually led conservatives to conclude that environmental "crises" were really no more than minor annoyances. Ehrlich unwittingly helped lay the groundwork for the global-warming skepticism that is widespread on the American right today.

Sabin is good on the naïveté with which the two men entered their bet. The metals market is too volatile to act as a proxy for world trends in resources. Certain years a decade apart could even have led to an Ehrlich victory, as price spikes and plunges respond to short-term shifts in supply and demand. Simon was lucky to

win as handsomely as he did, although Sabin agrees that the long-term trend in prices is indeed downward.

He also reminds us that environmentalism, at least for a while, was good politics for Republicans as well as Democrats. President Nixon and California's Governor Reagan, in the late 1960s and early '70s, both spoke out against pollution, waste, smog, and oil slicks, and in favor of an enhanced respect for nature. The squalor and pollution, along with the eye-stinging smog, were real. A bipartisan consensus supported the creation of the Environmental Protection Agency. It also supported a flurry of congressional acts to achieve clean air and clean water, to protect endangered species and their habitats, and to discontinue the use of lead compounds in gasoline.

Sabin did not have a chance to meet Simon, who died in 1998. But he did meet Ehrlich, and to judge from the book's photographs, socialized with him as well. Aiming for even-handedness, he kept discovering that Simon was right and Ehrlich wrong, which put him in the awkward spot of having to judge harshly a man who had become his friend. He tries to cover up his discomfort by looking for a bright side, as when he claims that "Ehrlich and other scientists helped avert genuine ecological disasters." It would be more accurate to say that some scientists helped avert genuine ecological disasters, but that Paul Ehrlich was not one of them.

This caveat aside, *The Bet* very capably explains how we got to today's political impasse over environmental questions. It also shows how the interplay of ideas and personalities can have serious consequences when a feud goes public.

Finally, like all good histories, it reminds us that the past is a foreign country. It takes us back to a time and place in which the prevailing orthodoxy about overpopulation, famine, and exhaustion of resources was so powerful—and its antithesis apparently so implausible—that its principal spokesman could enjoy decades of almost complete immunity to refutation. ♦

EHRLICH: ILKA HARTMANN

Identity Theft

How we know, or don't know, who we are.

BY EVE TUSHNET

When we speak of “the permanent things,” we should mean the enduring, inescapable, and unfulfilled longings of the contradictory human heart: the helpless yearnings found across radically different times and cultures. And among these permanent desires, the need for home and the need for ecstasy stand preeminent.

Donna Tartt made her name with 1992's bestselling murder-by-paganism tale *The Secret History*, which explored our longing for ecstatic release from the self. *The Little Friend* (2002) received less attention, perhaps because it's a slow burn and doesn't get lurid for a while. It has a few swooning moments—the protagonist practices holding her breath until she nearly passes out—but it's a quieter book, a kind of *Harriet the Spy* meets *The Name of the Rose*, an antimystery that asks what kinds of knowledge are really meaningful and worth having.

The Goldfinch surpasses both. It's her best thing so far.

Its narrator is a gouache of different shades of need, dark and bright: He is an everyman, an orphan, a thief. The story begins on the day 13-year-old Theodore Decker loses his mother to a terrorist attack on the Metropolitan Museum of Art. This sequence is propulsive, as suspenseful as any horror movie. (Tartt's timing is split-second perfect throughout the book, each revelation landing like a punch in an especially balletic boxing match.) Theo views this fateful day as the day his life was wrecked by his own fault, when he lost “the unbruised part of myself.” He's like a reversal of the famous Hemingway line (“How did you go bankrupt?” Bill asked. “Two ways,” Mike said. “Gradually and then

The Goldfinch

by Donna Tartt
Little, Brown, 784 pp., \$30



Donna Tartt

suddenly.”). Theo loses his self suddenly, and then gradually. He spends the bulk of the story clutching vainly at the remaining scraps of his integrity and hope as they spin away.

The reader comes to understand that the story isn't so simple, that the lost Eden already had its share of snakes. Still, after his mother dies, Theo is plunged into a nightmare kaleidoscope of caretakers. The sheer helplessness of childhood, the feeling of being entirely powerless in the hands of incomprehensible adults, has surfaced now and then in Tartt's previous work. There's the moment, for example, in *The Secret History* when Richard remembers his parents fighting and his sudden, answerless question, *Who's flying this plane?* But *The Goldfinch* is an extended exploration of this human helplessness, felt most intensely by children.

The day Theo's mother dies is also the day he first sees the painting of a goldfinch. This “light-rinsed” paint-

ing, with its strange mix of tenderness, humor, and cruelty (for the goldfinch is chained to its perch, a prisoner of the artist), had called to his mother in her own childhood and now calls to him. In the chaos following the attack, Theo steals the painting, essentially on the orders of a dying antiques dealer. For a long time he doesn't realize that what he's done is art theft. Tartt's ability to portray distorted, liminal mental states—drug use, withdrawal, fever, concussion, even the disorientation of an international airport—makes this improbable act seem like the only logical response to Theo's situation. For much of the rest of the novel, Theo hides the painting, which becomes a glowing source of light and beauty in a life otherwise characterized by despair and low-rent criminality.

The Goldfinch is rich and layered. Different reviewers might draw out its portrayal of friendship between two damaged boys, its themes of time and change, its blurring of the contrast between real and fake, even its Americana. (The scene in which Theo rides into Las Vegas, coming down from his first Vicodin, is one of the greatest landscape portraits I've read. You can't imagine Las Vegas any other way.) The novel's climax includes a terrific clash of mixed motives, a delightful shipwreck of amends as dark and as merciful as *It's a Wonderful Life*. Its denouement has shades of Diana Wynne Jones's haunting, existentialist children's fantasy *The Homeward Bounders* (1981).

But these aren't the elements I responded to most. I responded most deeply to Donna Tartt's insistence on the human need for a home, and her portrayal of the two conflicting kinds of ecstasy. There's ecstasy that is a punishing, desperate need to escape the shackles of the self. This is a yearning for release which is close to suicidality. And then there's ecstasy that is a desire for contact with something greater than the self: the rapture we feel in the presence of beauty or the apprehension of meaning.

The Goldfinch is about how hard it can be to tell these two forms of ecstasy apart. When we leap out into the void, will a hand grab our hand? Will we touch a face? ◆

Eve Tushnet is a writer in Washington.

Saving Mr. Disney

The fairy tale is about a movie studio, not Mary Poppins. BY JOHN PODHORETZ

The year is 1961. A wonderful and kind and nice and glorious man named Walt Disney must convince a mean and nasty and crazy woman named P.L. Travers to allow him and his movie studio to do something really nice for his children and your children and everyone's children. Our hero—call him Walt, everybody does, except P.L. Travers, because she's mean and nasty and insists on "Mr. Disney"—wants to make a movie out of Travers's book *Mary Poppins*, because he promised his kids he would, and a man never backs out on his promise to his kids. P.L. Travers is crazy because she doesn't want him to do it and tries to sabotage the project by insisting he shouldn't do it the way he knows it should be done. Unfortunately for all that is wonderful and nice and good, the crazy mean woman owns the rights because she happens to be the creator of *Mary Poppins*.

This is the plot of *Saving Mr. Banks*, starring Tom Hanks as Walt Disney and Emma Thompson as P.L. Travers. It is a strange plot, because we know that Disney will prevail and the classic movie we're seeing in chrysalis will, in three years' time, become a beautiful butterfly starring Julie Andrews—the 25th-most-successful movie ever made. The sketches we see on the wall in the Disney studio office of the songwriting Sherman brothers look exactly like the Edwardian London that would soon appear in *Mary Poppins* (1964). We watch the Sherman brothers conceive "A Spoonful of Sugar." We hear one of them play the melody to "Chim Chim Cher-ee."

John Podhoretz, editor of Commentary, is THE WEEKLY STANDARD's movie critic.

Saving Mr. Banks

Directed by John Lee Hancock



We are meant to swoon when they and the screenwriter dance with Travers to "Let's Go Fly a Kite." *Mary Poppins* the movie is all there, including the notion of casting Dick Van Dyke as a cockney (which makes no sense, as the *Dick Van Dyke Show* had yet to air on CBS).

So what's the point of all this? The point is corporate. The true story of *Saving Mr. Banks* is this: The Walt Disney Company engaged an indifferent director and two pedestrian screenwriters to create a hagiography of itself—one that elevates its founder to sainthood and defames a strong-willed writer who was guilty only of working to defend her beloved creation against bowdlerization and trivialization.

Travers did come to Los Angeles in 1961 to work with the movie's creative team for 10 days, during which time she entered all kinds of objections to what they were doing and sought to impose her authorial vision on the project. For this conduct—for Travers's efforts to keep the film true to her understanding of the characters she had created—the *Saving Mr. Banks* screenplay by Sue Smith and Kelly Marcel treats her as some kind of authoritarian monster and killjoy.

And it portrays Walt Disney literally without blemish. He is practically perfect in every way. You would think from *Saving Mr. Banks* that the Disney studio of the early 1960s was a paradise on earth, in which delightfully creative but deeply unpretentious regular folk were producing unaffectedly awe-inspiring work with no conflict

or fuss. It may, indeed, have been a lovely place to work—who knows or cares?—but in 1961, the studio was a stagnant pit of mediocrity. The studio's forays into live-action filmmaking before *Mary Poppins* were mostly labored, obvious, and embarrassing: They included such cringe-inducing fare as *Swiss Family Robinson* (1960), *The Shaggy Dog* (1959), and *The Absent-Minded Professor* (1961). Any writer of taste, which Travers was, would have had every reason to worry about how her creations would be handled by a studio with such a low-brow track record.

Travers spent two decades turning down offers for the movie rights to *Mary Poppins* before she found herself in sufficiently dire straits to finally consider them. Given her recalcitrance, Disney was compelled to offer her what was then, and would be today, a staggering deal: \$100,000 (that would be \$800,000 today), plus a cut of the profits, which has presumably netted tens of millions by now to both her and her estate. No doubt she was very unpleasant to deal with, but she was proved right: The Disney version of *Mary Poppins* poured five tons of sugar over her strange and singular story of a nanny, her charges, and the hapless family for which she works.

Disney was right, too, because the *Mary Poppins* film is an extraordinary thing—the only extraordinary thing produced by his studio between the years of 1962 and 1986, when *The Little Mermaid* saved the place. Half a century after its release, *Mary Poppins* must now be acknowledged as one of the four or five best movie musicals, with a dazzling score and some of the best dance sequences ever filmed. The Travers stories are more mysterious and more powerful, and the cutesy mood of the movie violates their spirit, but it still casts a deep enchantment.

Not so *Saving Mr. Banks*, in which Hanks's Walt Disney spends two hours twinkling adorably while Thompson's P.L. Travers hurls insults—before she gazes at the skyline and remembers her own pained youth in faraway Australia. *Saving Mr. Banks* is not enchanting at all. It is, rather, an appalling disgrace. ♦

Latinos are having trouble signing up for ObamaCare (CuidadoDeSalud.gov) because the Spanish-language website is riddled with grammatical errors and clumsy wording.

—News item

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