the weekly Standard

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BRAVE NEW STEREOTYPES
ANDREW FERGUSON

GIVE IT BACK

ERIC EDELMAN • REUEL MARC GERECHT
STEPHEN F. HAYES • LEE SMITH

Barack Obama, Nobel Peace Prize winner, 2009

WEEKLYSTANDARD.COM

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The Motorcades of D.C.

It's not often that The Scrapbook finds common cause with Vincent Gray, the mayor of Washington, D.C. But occasionally, worlds do collide. And in this instance, we are in full agreement with the mayor about a familiar topic for readers of this page: the United States Secret Service.

As we have mentioned before, the federal agency that protects the president and other senior officials has enjoyed a growth spurt in recent years: The size and scope of the Secret Service has expanded relentlessly, and along with it, the level of inconvenience to ordinary citizens has exploded as well. Washingtonians are now accustomed to daily motorcades—transporting Valerie Jarrett to and from lunch, no doubt—featuring loud sirens, flashing lights, roaring motorcycles, and grim-faced agents glaring angrily at pedestrians.

When President Obama travels the two or three blocks from the White House to a nearby hotel for a Democratic fundraiser, the Secret Service makes sure that the inconvenience to the president's constituents is maximized: Traffic is closed for several blocks around the venue, sidewalks are cordoned off, and Secret Service agents and the Metropolitan Police patrol the neighborhood, heavily armed. A journey on foot from one's office to the drugstore for a bottle of aftershave can seem like a trip across no-man's-land during the Great War. And if the Obama fundraisers are held in the early evening, as they usually are, the poor souls trying to get home get caught in a vise.

Last week, Mayor Gray wrote a letter to the head of the Secret Service, Julia A. Pierson, complaining that, during the visit of the Israeli prime minister to Washington for the AIPAC conference, long stretches of major commuting arteries were closed to traffic during peak rush-hour periods. Moreover, Prime Minister Netanyahu was ensconced at the downtown Willard Hotel: The customary venue for visiting dignitaries, Blair House, is closed for renovations, and traffic was blocked for a wide perimeter around the Willard for three days. Pedestrians were barred from walking from point A to point B, and commuters were trapped in gridlock for hours.

Apparently the Secret Service is in the habit of doing these things without consulting the District government, and Gray is understandably angry: "I appreciate that important dignitaries visiting the nation's capital and the White House must be afforded every courtesy and protection available," he wrote to Pierson. But arbitrarily closing off large segments of downtown Washington, and without warning, causes "tremendous inconvenience to tens of thousands of District workers and visitors during rush hour. To treat the District with such disrespect is simply unacceptable."

The Scrapbook would not have made this a question of pride—"disrespect" and all that—so much as a matter of common courtesy and concern for democracy. Washington is a large city full of people going about the business of the nation's capital, and the arbitrary imposition of what amounts to martial law is both arrogant and discourteous. Moreover, we're not a banana republic or uniformed oligarchy: While the president and senior government officials require protection, our culture is better suited to understatement than overkill. Americans used to admire Harry Truman's early-morning walks around Lafayette Square; if you want to see long menacing motorcades bristling with guns, you visit Pyongyang or Havana or Chechnya (for grim amusement, Google for the video of Chechen warlord Ramzan Kadyrov's cortège).

The Secret Service, in response to Gray's letter, said that it would review its street-closure policies and meet with local officials (in the words of the *Washington Post*) "to improve how streets are closed." Better yet, how about keeping streets open? Surely there are practical measures the Secret Service can take: housing visiting dignitaries in less central locations, or even in the White House; consulting with the local government before shutting off downtown. And the president might ponder the symbolic effect of disrupting thousands of lives, and paralyzing the nation's capital, to entertain fat cats at a posh hotel. ♦

Harry Reid's Comeuppance

Terry Eastland noted three weeks ago in these pages ("After the Filibuster," February 24) that "President Obama and Senate Democrats have gone to great lengths to secure the appointment of executive-branch officers and judges and thus help advance his policies and programs." A key move was Senate majority leader Harry Reid's uprooting of that age-old Senate tradition, the filibuster. No longer could the president's nominees be held up by a determined minority in possession of a mere 41 votes. Instead of a supermajority of 60, a bare majority of 51 senators would henceforth be able to cut short debate (cloture) and move to a vote. Eastland took care to note that Reid's procedural steamroller was not entirely bad news for opponents of the president:

> The new threshold doesn't guarantee confirmation, and some Republicans think it will work in some cases in their favor. Thus, where under the old supermajority rule red-state Democratic senators (seven are up for reelection this year) were able to hide, in effect, behind cloture votes on left-wing nominees, now they will be on the record with up-or-down votes and thus at risk of upsetting more conservative constituents or damaging relationships with their colleagues and the president.

It took less than a month for this observation to be revealed as prophetic. Legal writer Ed Whelan, in his *National Review Online* column, provides a succinct summary. On March 6,

> seven Democratic senators joined Republicans to deliver a smashing defeat to President Obama's nomination of Debo Adegbile to be Assistant Attorney General for DOJ's Civil Rights Division. . . . One welcome consequence of the abolition of the supermajority cloture rule is to make Senate Democrats accountable for their votes. If . . . the supermajority cloture rule were still in effect, the seven Democrats who oppose Adegbile would probably have been inclined to stand aside and let Republicans take the heat for blocking the nomination. . . . It's a great lose-lose for Democrats. The Adegbile nomination is defeated, and red-state and purple-state Democrats who voted for him and who are up for re-election this November may pay heavily for doing so. That list includes Kay Hagan of North Carolina, Mary Landrieu of Louisiana, Jeanne Shaheen of New Hampshire, Mark Udall of Colorado, and Mark Begich of Alaska.

Helluva job, Harry Reid! ♦

Chevron Vindicated

Last week, a federal judge ruled that a $9.5 billion judgment for environmental damage in Ecuador could not be enforced against Chevron. American environmental lawyers had brought suit against Chevron for polluting the Amazon basin in Ecuadorean courts, which in turn handed down the astronomical judgment. But U.S. District judge Lewis Kaplan concluded that the Ecuadorean judgment could not be enforced in America, because the evidence that the plaintiffs' lawyers were corrupt was "voluminous." Chevron presented evidence of bribe payments, coded emails, and secret meetings with Ecuadorean judges—a sinister plot that would "normally come only out of Hollywood," wrote Kaplan in his 497-page ruling.

In fact, this case did come out of Hollywood. Mark Hemingway's article last week on the truthiness of politically charged documentaries ("A Documentary in Name Only") noted that Chevron's RICO suit against the corrupt attorneys came about in part because they subpoenaed the raw footage from an Academy Award-nominated filmmaker who made a documentary about the case. It turns out that the raw footage—not included in the film—showed the plaintiffs' lawyers engaged in dubious conduct. The outtakes even showed the lead attorney, Steven Donziger, talking about intimidating an Ecuadorean judge. The lawyer said it would be good if the judge feared for his life.

From there, it all started unraveling. In the end, Kaplan concluded that the legal team was responsible for writing the multibillion-dollar judgment and the Ecuadorean judge merely signed his name to it. A former Ecuadorean judge, Alberto Guerra, testified he'd been paid to ghostwrite the opinion. And Chevron's legal team pointed out that sections of the judgment had been copied word-for-word from internal documents held by Donziger's legal team.

Donziger has responded to the stinging rebuke by accusing the judge of "implacable hostility" directed at him personally and of having no respect for Ecuador's legal system. In

Judge Kaplan's defense, the evidence would suggest Donziger is an unlikable bully, and there's little reason to respect the legal system of a country known for its corruption and judicial malfeasance.

Along with the initial $18 billion judgment against Chevron in 2011, that same year an Ecuadorean court heard a defamation case brought against the publishers of the newspaper *El Universo* by Rafael Correa, Ecuador's president. "All four defendants were found guilty of aggravated defamation and sentenced to three years in prison and an unprecedented fine of $40 million," notes Freedom House. "International human rights and press freedom organizations, the Organization of American States (OAS), and the United Nations denounced the court decision as a clear effort to intimidate the press." Correa further tried to hire a Spanish firm to lodge frivolous copyright claims in order to remove documentary outtakes from YouTube that blew holes in the case against Chevron.

Chevron is still engaged in arbitration over this matter, but it's worth noting the pollution in question was the result of a joint project between Texaco (later purchased by Chevron) and the state-owned oil company Petroecuador. Texaco reached a settlement on the matter in 1998. Nonetheless, the pillars of the liberal base—environmentalists, trial lawyers, and Hollywood—all appeared to line up against Chevron, when the case was far from black and white. Unable to deny evidence of his own wrongdoing, Donziger's defense boiled down to asserting his transgressions are trivial because all right thinking people *know* oil companies are irredeemably evil. Judge Kaplan didn't buy it: "Justice is not served by inflicting injustice. The ends do not justify the means. There is no 'Robin Hood' defense to illegal and wrongful conduct. And the defendants' 'this-is-the-way-it-is-done-in-Ecuador' excuses—[are] actually a remarkable insult to the people of Ecuador." ♦

Dept. of Self-Parody

Back in the nineties, the notion of an online magazine was new and exciting. *Salon* was one of the first big web publishing endeavors, and for a number of years, the site attracted respectable literary and political contributors. It always had a liberal bent, but it was a serious publication. Over time, the novelty has worn off, and the competition among liberal webzines has grown fierce. The seriousness has also worn off, as *Salon* seems to have adopted a unique strategy to distinguish itself from its competitors—being as outrageously dumb as possible.

A sampling of some choice headlines reveals *Salon* has become a caricature that no satirist could outdo. Video games aren't politically correct enough: "'The Legend of Zelda' is classist, sexist and racist." Only backwoods moralists object to murder: "So what if abortion ends life?" And then this winning entry from Joan Walsh, Salon's editor at large: "What's the matter with white people?"

But last week, they may have finally outdone themselves with "Why I can't stand white belly dancers," the latest in *Salon*'s recent series exploring the grievances of feminists of color. It seems white women who belly dance—excuse us for using the offensive Western term—are committing the sin of "appropriation" and engaged in a "brownface Orientalist façade." For author Randa Jarrar, "Ultimately, the question is this: Why does a white woman's sisterhood, her self-reclamation, her celebration, have to happen on Arab women's backs?" Good point. Surely, only repressive mullahs should be in the position of denigrating the sensual expressions of Arab women.

It's encouraging for the republic that the liberal know-nothing demographic doesn't appear to be large enough to sustain *Salon*. Last month's SEC filings reveal that Salon's liabilities are twice its assets, and industry observers speculate that *Salon*'s days may be numbered. The Scrapbook does not cheer the demise of any publication, but should *Salon* go under, the cause of death will not be a mystery. ♦

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My App-Lyfting Story

Now that "software is eating the world," in the words of Marc Andreessen, every once in awhile, we dinosaur types like to try our luck in the land of Web 2.0, 3.0, or Whatever.0 we're on at the moment. To that end, I recently applied to become a driver at Lyft, the "ride-sharing" service where drivers who drive their own personal vehicle with a giant pink moustache lashed to the grille (the Lyft trademark) are summoned to your location at the touch of an app. This way, users don't have to do the unthinkable, like look away from their smartphone while hailing a cab. I signed up—for a potential story, mind you, not out of insecurity. Like all proud Americans—say, bookstore managers or travel agents—I know that if/when the bottom falls out of my business, print journalism, there'll be a good job waiting for me in an Amazon fulfillment warehouse, assuming it hasn't been automated by then.

Lyft is part of the new "sharing economy," which holds it is better to share than to own, even if "sharing," a term of art and moral preening, is actually more akin to renting, since goods and services are exchanged for money. We formerly called this "commerce."

Nowadays, an app-topian can have his every whim catered to by sharing. He can share a house-as-a-hotel through Airbnb or a parking space through ParkAtMyHouse, or can even commandeer a Boy Friday at a button's push to pick up his laundry or run a brick of heroin across town through the good folks at TaskRabbit. Pretty soon, an app will likely allow you to "share" your wife and children, and you'll probably need the extra scratch. After all, who can afford to support them, what with the middle class becoming a memory as the app-topians find ever-more-efficient ways to render entire occupations like cab-driver obsolete, while replacing them with part-timers and odd-jobbers who want to meet cool people while expressing themselves.

Like all sharing-economy companies, Lyft comes wrapped in gauzy lingo, calling itself "your friend with a car," even though my friends don't charge me a safety fee or a $6 minimum, and don't require my credit-card information ahead of time. (If I needed more fake friends, I'd just join Facebook like everybody else.) Drivers are required to fist-bump passengers. Chumminess is encouraged. (Passengers can ride shotgun and charge their phones!) Zaniness is celebrated. Lyft even highlights driver antics on Twitter (#Lyftcreatives) for those who pose as The Dude from *The Big Lebowski* or who trick out their Camry with karaoke equipment.

GARY LOCKE

For Lyft is not just a ride, it's an "experience." Lyft loves to tell "stories," mostly about itself, and never passes up a social-media opportunity to do so. So endemic has storytelling become to the app-topian economy (some companies have titles like "chief storyteller") that even bricks'n'mortar types seem to be aping them. Recently, I spied Dunkin' Donuts begging me to "share your Dunkin' story," as if I'd want to advertise that I'd just ingested one of their sugar-coated calorie bombs. (My #Dunkinstory: I say to a Dunkin' cashier, "Put two vanilla crèmes in the bag, then let's pretend I was never here.")

My Lyft story isn't much longer. After cleaning my car, downloading the app, and taking a "mentor ride" where a seasoned Lyft driver assessed how skillfully I could steer my Honda with a knee while balancing my GPS device and phone, I was wait-listed, because of an excessive pool of applicants. Or maybe it was because I asked if I could serve beer, to enhance the friend/passenger experience.

When I later took compare-and-contrast rides with a Lyft driver, then a cabbie, my Lyft driver fist-bumped me, chatted my ear off, played trendy world music, and even remarked how the picture on my Lyft-mandated Facebook account didn't look much like me—probably because my stooge-account profile photo is of a young Brad Pitt. My Moroccan cabbie did not fist-bump me, played no music, and mostly talked about how Lyft drivers were eating his livelihood, though these amateurs had no idea where they were going, even with their Google maps. The cabbie didn't give me much of an experience at all, except one: He got me to the same destination five minutes faster and seven bucks cheaper than the Lyft driver, using only the map in his head.

The cabbie worries he'll be out of work if Lyft persists. I offer him small consolation: One of the joys of the Disruptive Economy is watching the self-congratulatory disruptors get disrupted themselves. Let's see if my friends with a car still want to fist-bump me when I'm riding in a self-driving cab.

Matt Labash

the weekly Standard

The "uncontested arrival" of Russian troops in Ukraine, presumably "helping to deal with the economic transition"

NEWSCOM

Obama's Fantasy-Based Foreign Policy

On February 23, five days before Russia invaded Ukraine, National Security Adviser Susan Rice appeared on *Meet the Press* and shrugged off suggestions that Russia was preparing any kind of military intervention: "It's in nobody's interest to see violence returned and the situation escalate." A return to a "Cold War construct" isn't necessary, Rice insisted, because such thinking "is long out of date" and "doesn't reflect the realities of the 21st century." Even if Vladimir Putin sees the world this way, Rice argued, it is "not in the United States' interests" to do so.

It was a remarkably transparent case of pretending the world is what we wish it to be, rather than seeing it as it is.

On February 28, Russian troops poured into Ukraine. As they did, Secretary of State John Kerry spoke to Foreign Minister Sergei Lavrov, his Russian counterpart. Kerry briefed reporters after their talk, plainly unaware of the developments on the ground. Kerry said that Russia wants to help Ukraine with its economic problems. Lavrov had told him "that they are prepared to be engaged and be involved in helping to deal with the economic transition that needs to take place at this point."

Hours later, television screens across the world displayed images of Russian soldiers infiltrating Crimea and Russian artillery rolling through Sevastopol. Obama administration officials told CNN's Barbara Starr that the incursion was not "an invasion" but an "uncontested arrival" and that this distinction was "key" to understanding the new developments.

But euphemism can't alter reality. So, President Obama delivered a statement: "The United States will stand with the international community in affirming that there will be costs for any military intervention in Ukraine." The White House wasn't quite ready to lead the international community in a response to an intervention that was underway, but with the snarl of a puppy, the president announced we would "stand with" others if the uncontested arrival somehow turned into real military intervention. (Thirty minutes after his warning, no doubt meant to convey toughness and resolve, Obama appeared at a Democratic National Committee pep rally and declared the opening of "happy hour.")

Four days later, with Russia in effective control of Ukraine's Crimean peninsula, Vladimir Putin held a press conference—a rambling series of claims and statements that sometimes contradicted each other and often contradicted reality. Putin maintained, for instance, that there were no Russian troops on the ground in Ukraine, and that the Russian-speaking soldiers who often identified themselves as Russian soldiers were probably local defense groups who may well have bought their uniforms from military surplus stores.

Where others saw the agitprop of an emboldened authoritarian, the White House chose to see hope. Administration officials seized on one sentence of his blather and expressed optimism. "Regarding the deployment of troops, the use of armed forces so far, there is no need for it. . . . Such a measure would certainly be the very last resort," Putin said. Obama national security officials saw

this claim—which came days after Russian troops had been deployed—as evidence that Putin was looking for an "off-ramp." And soon we had a name for this new Obama approach to the crisis: "de-escalation."

It's not de-escalation, it's delusion. And it's dangerous. The public seems to understand this. In a Fox News poll released March 6, Obama's foreign policy approval rating fell to a new low—at just 33 percent (56 percent disapprove).

For five years, the Obama administration has chosen to see the world as they wish it to be, not as it is. In this fantasy world, the attack in Fort Hood is "workplace violence." The Christmas Day bomber is an "isolated extremist." The attempted bombing in Times Square is a "one-off" attack. The attacks in Benghazi are a "spontaneous" reaction to a YouTube video. Al Qaeda is on the run. Bashar al-Assad is a "reformer." The Iranian regime can be sweet-talked out of its nuclear weapons program. And Vladimir Putin is a new, post-Cold War Russian leader.

In the real world, it was a pen pal of the late jihadist Anwar al-Awlaki who opened fire on soldiers at Fort Hood. The Christmas bomber was dispatched from Yemen, where he was instructed by Al Qaeda in the Arabian Peninsula. The Times Square bomber was trained and financed by the Pakistani Taliban. Benghazi was a deliberate attack launched by well-known terrorist groups. Al Qaeda is amassing territory and increasing its profile. Assad is a brutal dictator, responsible for the deaths of more than 100,000 Syrians. The Iranian regime is firmly entrenched as the world's foremost state sponsor of terror and remains determined to lead a nuclear state. And in Russia we face a Cold War throwback willing to use force to expand Russian influence.

And Vladimir Putin, it turns out, is who we thought he was. Unfortunately, so is Barack Obama.

—Stephen F. Hayes

Job Destroyer

President Obama talks, talks, talks about jobs. The first 20 minutes of his State of the Union address in January was all about jobs. Immigration reform would "create jobs for everybody," he said. His energy policy "is creating jobs." Obama said he's assigned Vice President Biden to make sure training programs match workers with "good jobs that need to be filled right now." Last week he described his new budget as "a road map for creating jobs."

Yet for all the talk, his record on jobs is pathetic. It raises this question: Does the president have a clue about what creates jobs and what kills jobs? Based on the evidence from his five years as president, the answer is no, he doesn't.

Consider that record. Obama boasts that 8 million new jobs have been created on his watch. But rather than an achievement, this marks the slowest economic recovery in decades. There are 1.2 million fewer jobs today than in 2007 when the recession began. The 6.6 percent unemployment rate would rise to 13 percent if participation in the workforce were the same now as when the downturn began. The labor force participation rate—the percentage of those able to work who actually have jobs or are looking for jobs—is the lowest it's been since the late 1970s. And 18 percent of those employed have part-time jobs.

Obama's excuse is that he took office in the midst of a deep recession. But President Reagan also faced a harsh downturn soon after he entered the White House, and he ignited an economic boom and robust growth in jobs.

The key difference is the policies they pursued. Reagan cut taxes and spending, imposed sweeping deregulation, and supported slower growth of the money supply. Obama has done the opposite. He's raised taxes, increased spending, re-regulated nearly everything, and backed a loose monetary policy. Reagan offered the private sector incentives to create jobs. Obama has relied almost entirely on government to enlarge the workforce. It turns out the private sector is far better at creating jobs than the government is.

By now, Obama should know better. If Reagan's example isn't enough, there is President Clinton's. True, Clinton was no Reagan. He raised taxes. But he also reduced the tax rate on capital gains, reformed the welfare system, contained spending with the help of congressional Republicans, and produced four balanced budgets.

Obama appears to have learned nothing from his predecessors. His attitude toward incentives for private job creation is perish the thought. Instead, his new budget calls for eliminating tax preferences and loopholes and using the money saved to pay for infrastructure construction. Yes, it will create some jobs, but not as many as would be if the proceeds were applied to tax reform that lowers tax rates.

One of Obama's pet projects is a network of "hubs for high-tech manufacturing." He's launched two and announced in his State of the Union speech that he intends to "launch six more this year." The goal, he said, is to "beat other countries in the race for the next wave of high-tech manufacturing jobs."

However, the premise of the program is flawed. It sees government as the trigger for innovation and job creation. If this were true, we'd currently be experiencing a historic Obama economic upsurge, led by Washington. Obviously, we're not. A major reason for the high-tech boom in recent decades is that government played such a small role.

Obama seems oblivious to the job-killing effect of his policies. The Congressional Budget Office (CBO) projects the equivalent of 2.5 million jobs will be lost as a result of Obamacare. The 2.3 percent excise tax on medical devices—it's part of Obamacare—has already cost 33,000 jobs, accord-

ing to the Advanced Medical Technology Association, a trade group.

From all appearances, Obama is unfazed by the plethora of studies that have concluded a boost in the minimum wage kills jobs. In fact, he has declared there's "no solid evidence that a higher minimum wage costs jobs." The CBO respectfully disagrees. It reported in February that hiking the wage to $10.10 an hour would cause a net loss of 500,000 jobs and possibly as many as one million.

Obama persists in advocating an extension of unemployment benefits for 1.8 million jobless. Perhaps the president doesn't understand that subsidizing joblessness is a sure way to keep people out of work.

His environmental policies are relentless job killers. The crackdown on the coal industry has come at the cost of tens of thousands of jobs. Approval of the Keystone pipeline would lead to thousands of new jobs, but Obama has balked. So too would the opening of federal lands to natural gas production, just as it has on private lands.

Obama's reference to his budget as a "road map" to more jobs is sad since he may truly believe it. It's really a "net negative" on job creation due to its higher taxes, increased regulations, and deficits, says Douglas Holtz-Eakin, the former CBO director. The rule of thumb now is that job growth occurs in spite of the president, not because of him.

—Fred Barnes

The Great Divide

NEWSCOM

From his place on the podium at AIPAC's annual policy conference last week, Benjamin Netanyahu surveyed the Middle East. "On the one side stands Israel, animated by the values we cherish," said the Israeli prime minister. And on the other side are Iran, Bashar al-Assad, and Hezbollah—"the forces of terror . . . steeped in blood and savagery." There's a "moral divide," said Netanyahu, "that separates Israel from its enemies."

There is indeed a yawning moral chasm separating the Iranian-led axis of resistance from Israel, a nation that sets up field hospitals to care for Syrian civilians targeted and besieged by Assad and his allied forces of terror. However, the more daunting issue right now is the strategic divide separating Israel from the White House. The two sides don't see the same Middle East, neither the region's major threats nor its potential bright spots. And there is no telling how that enormous gap might be bridged.

Netanyahu, like America's traditional Arab allies in the region, believes that Iran is the pressing issue. In his AIPAC speech, he was careful to underscore a point he has been making for years: "No country has a greater interest in the peaceful elimination of the Iranian nuclear threat" than Israel. And in order to dismantle Iran's nuclear weapons capability peacefully, there are two necessary conditions: first, crippling sanctions. "Pressure is what brought Iran to the negotiating table in the first place," Netanyahu reiterated last week, "and only more pressure will get them to abandon their nuclear weapons program."

Obama's reading of the regime, however, runs entirely counter to Netanyahu's. Obama believes the Iranians need to be coaxed, not pressured. He refused to back the Iranian Green Movement that took to the streets to protest the 2009 elections, or to arm the anti-Assad rebels in order to topple Iran's Syrian ally, because he feared pressure would drive the regime away from the negotiating table. Obama initially resisted the congressional push for sanctions legislation and has most recently promised to veto further rounds. The president's faintheartedness on the subject, coupled with the economic relief already granted to Iran, has effectively collapsed the sanctions regime.

Netanyahu's second condition is that there must be a credible threat of force. However, the situation unfolding in Ukraine underscores the fact that, counter to Obama's boasts, neither adversaries nor allies believe that this president would ever use force to stop Iran. The issue is not that Obama won't dispatch special operations forces to liberate Crimea. Rather, it's that in his mishandling of Syria, Obama has heightened Putin's stature while diminishing his own.

Even before the administration signed on to the Russian initiative to rid Assad of his chemical weapons, Obama was enabling Putin by claiming that there was only a political solution to the Syrian conflict—a solution to which Russia held the keys. Putin on the other hand obviously believes there is indeed a military solution, which is why, ignoring the nagging of White House officials, he continues to back the Syrian regime. Accordingly, Moscow rather than Washington became the address to apply to for anyone, including American allies from France to Saudi Arabia, who sought to stop Assad's killing machine. When Obama accepted Putin's chemical weapons initiative in order to avoid a potentially embarrassing vote in

Congress refusing to authorize the use of force against Assad, the commander in chief effectively turned Putin into the indispensable Russian, while rendering America irrelevant. With Ukraine, Obama reaps what he has been sowing for three years in Syria—American impotence.

Perhaps Netanyahu regards the American position with alarm—or maybe he's already written off Obama because it's obvious the White House is working from an entirely different script.

Netanyahu's most positive message last week concerned future cooperation with Israel's Arab neighbors, especially those in the Persian Gulf, also threatened by Iran's revolutionary project for the region. "The combination of Israeli innovation and Gulf entrepreneurship," said Netanyahu, "could catapult the entire region forward."

But this is not how Obama sees it. From his perspective, America's traditional allies in the Persian Gulf represent not an opportunity but a burden. The way he sees it, the Saudis and other Sunni Arabs aren't looking for reassurances regarding Iran from a longtime ally, they just want him to do their dirty work and kill Persians in a Sunni-Shiite sectarian conflict. But that won't happen on Obama's watch. What the White House seeks instead is to establish a geopolitical equilibrium balancing the Sunnis and the Shiites against each other. And that is presumably the message Obama will carry when he visits Saudi Arabia later this month—that the Arabs, like the Israelis, need to deal with the new reality: They're getting a downgrade. As Obama told journalist Jeffrey Goldberg last week, "I think that there are shifts that are taking place in the region that have caught a lot of them off guard. I think change is always scary." And tough luck if the octogenarian Saudi king isn't nimble enough to keep up.

The unseemly fact is that by trying to establish a new geopolitical equilibrium in which Washington attenuates its support for traditional allies, the White House has effectively become Iran's lawyer. For instance, last week the outgoing American ambassador to Syria, Robert Ford, tried to wrangle the Syrian opposition into negotiations with Iran's Lebanese client, Hezbollah. The administration conveys messages on behalf of the Iranians not only to the Arabs, but also to Israel.

Last week, the White House asked the Israelis to stop killing Iranian nuclear scientists—a request that seems par for the course given that administration officials have repeatedly leaked accounts of Israeli attacks on Hezbollah and Iranian targets in Syria. The White House also announced it is cutting $200 million out of the proposed 2015 budget for Israeli missile defense, which means that Israel is more vulnerable not only to rocket attacks from Hezbollah and Palestinian groups, but also ballistic missiles launched by Iran in the event of a retaliatory strike should Israel bomb Iranian nuclear weapons facilities.

The White House's efforts amount to making Israel more vulnerable, just as the administration has neutered itself by collapsing the sanctions regime and stripping itself of a credible threat of force. The new balance of regional power that Obama seeks to establish is not really between Iran and Saudi Arabia. After all, Riyadh may have plenty of American arms, but it is a U.S. client state, incapable of projecting power on its own. The geopolitical equilibrium that Obama wants is between Iran and Israel. It's Israeli power that he needs to rein in—he's balancing Tehran not against Riyadh but against Jerusalem.

Obama, in short, seeks to overturn the U.S. order in the Middle East, a legacy dating back to World War II. The strategic divide separating us from our allies, Israel as well as the Arabs, won't be bridged while he is in the White House. The question is—what will be left of the U.S. position in the strategically vital Middle East three years from now?

—Lee Smith

Indefensible

In a speech the other day to state attorneys general, the U.S. attorney general, Eric Holder, offered an ideal job description for himself and his state counterparts: "not merely to use our legal system to settle disputes and punish those who have done wrong, but to answer the kinds of fundamental questions—about fairness and equality—that have always determined who we are and who we aspire to be." This is what "all justice professionals are called" to do, said Holder, leaving us to wonder what we the mere people are supposed to do.

Diving into one aspect of our legal system, Holder observed that, as with the U.S. federal attorney general (himself), so it is with state attorneys general: They are not obligated to defend laws that they deem unconstitutional. Even so, he added, decisions not to defend a law "must be exceedingly rare." Yet he noted with approval that five state attorneys general (all Democrats) had recently made such a decision, each concluding that his state's ban on so-called same-sex marriage is unconstitutional and therefore indefensible.

Holder's speech, a mini-version of which he shared the day before with the *New York Times*, was a not-so-subtle preachment that attorneys general still defending such bans should declare them unconstitutional and abandon their defense—in other words, disavow laws they are sworn to enforce. The Republican state attorneys general, some 24 in all, demurred, with the South Carolina attorney general, Alan Wilson, issuing a statement saying the administration was "ignoring the rule of law."

In case you wonder why our primo justice professional was giving this speech, the answer is that he wants a country that, as a matter of constitutional law, has redefined marriage to include "same-sex marriage." That was not exactly the position of Holder's boss, President Obama, during the 2008 election, when Candidate Obama said marriage is "between a man and a woman." But Obama evolved, announcing in 2012, as he bid for a second term, that he personally was in favor of same-sex marriage. His goal is now that of Holder, his appointee.

And Holder would like to see the Supreme Court issue a decision that state laws prohibiting same-sex marriage violate the equal protection clause of the Constitution. Holder reckons, or so it seems, that the sight of more and more state attorneys general refusing to defend such laws might influence the Supreme Court in a case challenging a state ban on same-sex marriage, expected to be taken up within the next year or two.

Attorney General Eric Holder

NEWSCOM

Holder's speech is the latest of the justice professional's efforts to advance the cause of "marriage equality," as its advocates also call it. He is plainly proud of his work, recently winning applause for it from audiences during a visit to Sweden on a recent trip across the pond. But it is a dubious labor, bad for the legal system and bad, too, for the country—quite apart from what you might think about same-sex marriage.

Consider that under longstanding practices an attorney general, the nation's chief law enforcement officer, must carry out even those laws he disagrees with as a matter of policy. He must also defend laws against constitutional attack so long as there are reasonable, or nonfrivolous, grounds for doing so, a very low bar. Further, he must see to it that the arguments in behalf of a constitutionally challenged law are advanced vigorously, even if he doesn't agree with those arguments.

In 2009, in litigation over the constitutionality of the Defense of Marriage Act, which defined marriage for purposes of federal law as "the legal union between one man and one woman as husband and wife," the Justice Department made a workmanlike defense of the statute. As the litigation proceeded, however, the quality of the department's defense of the statute deteriorated in virtually every respect.

Most important, Justice rejected the constitutional argument that had enjoyed the most success in other DOMA cases, stating in a case from California that "the United States does not believe that DOMA is rationally related to any legitimate interests in procreation and child-rearing" and therefore will not rely on such interests to defend the law against constitutional challenge. That move was unjustified since the procreation and childbearing argument was, objectively speaking, clearly a reasonable one.

It was not surprising that in 2011 the administration formally announced it would no longer defend DOMA. What "drove President Obama and me" to do that, Holder told his state counterparts, was "the strong belief that all measures that distinguish among people based on their sexual orientation must be subjected to a heightened standard of scrutiny." Yet it's hard to see how the procreation and childbearing argument (or others, easily identified) fails to meet even that higher standard, unless the bar is set extremely high.

In 2013, the Supreme Court struck down DOMA, but both the majority and the dissent criticized Holder for failing to defend the law. Even so, there was Holder the other day in his speech to the state AGs, holding up heightened scrutiny as the standard they should adopt—in order to declare state bans on same-sex marriage unconstitutional and thus no longer worthy of defense.

Holder's speech invites some obvious questions: Why must laws that an attorney general disagrees with on grounds of policy nonetheless be executed and defended? Why must the standard for measuring the constitutionality of a statute be set so low and be so easy to meet? And why must arguments on behalf of a law under constitutional attack be vigorously made, regardless of whether the government believes in the arguments or not?

Holder, the justice professional, did not probe such questions in his speech. But the answer to all of them is that, through the means they identify, our legal system extends to Congress, as Drew Days, solicitor general under President Clinton, has said, "the respect to which [it] is entitled as a coordinate branch of government" and "prevents the executive branch from using litigation as a form of post-enactment veto of legislation that the current administration dislikes."

In serving those goals, our legal system also supports the rule of law and affirms the right of self-governance, a right that recognizes we the people (the "fountain of authority," James Madison said of us) as the primary agents of social change. Would that we had an attorney general, indeed a president, who still understood our constitutional order in those terms.

—Terry Eastland

Confronting Putin's Invasion

It can—and must—be done.

BY ERIC EDELMAN

Non-soft diplomacy: Russian special forces in Crimea

NEWSCOM

On the last day of February and first day of March, Russia's mendacious foreign and defense ministers told their credulous U.S. counterparts that Russia had every intention of respecting Ukraine's independence and territorial integrity. Of course, Foreign Minister Sergei Lavrov is virtually the poster child for Henry Wotton's famous definition of a diplomat as someone sent abroad to lie for his country. Russian assurances to their U.S. counterparts during the war in Georgia in 2008 were equally deceitful. Lavrov's duplicity during the Georgia war negotiations that year was so outrageous that French president Nicolas Sarkozy, according to witnesses, at one point grabbed him by the lapels and called him a liar to his face.

Eric Edelman was undersecretary of defense for policy from 2005 to 2009.

The crisis in Georgia was a serious matter but unfortunately came in the midst of an American presidential election and at the tail end of an administration that was both physically and psychologically exhausted after seven years of war. The serious but unsuccessful effort to impose costs on Russia was complicated by the fact that Georgia's impetuous president, Misha Saakashvili, had ignored U.S. cautions, risen to the bait, and carelessly stepped into the trap set for him by Vladimir Putin. When Bush administration witnesses testified before the Senate Armed Services Committee in September 2008 (full disclosure: the author was one of the witnesses), some Democrats on the committee, notably including then New York senator Hillary Clinton, hinted darkly at a Bush administration conspiracy that had somehow orchestrated the war (implicitly to assist John McCain's presidential election campaign), although her own experience appears to have soured her a bit on Putin.

After the Obama team took over, its members demonstrated minimal sympathy for the Georgians (who were facing their own internal political problems) since any close attention to Russia's continued violations of the agreements that ended the war would detract from the new administration's efforts to "reset" relations with Russia. Although Secretary of State John Kerry now has virtually denied there ever was a "reset" policy, it was aimed at securing Russian support for the president's overriding nonproliferation objectives, particularly with regard to Iran, and at securing Russian support for the U.S. effort in Afghanistan, specifically the northern distribution route for supplying NATO forces (later, Russian support on Syria would be added to the list). The purchase price for this was scaling back U.S. missile defense efforts in Central Europe and a sweetheart deal in the New START Treaty, which required the United States to dismantle nuclear force structure while allowing Russia to build up its strategic nuclear forces to the agreed treaty levels while totally ignoring Russian theater nuclear weapons.

The administration's failed efforts at reset are now obvious for all but the most deluded to see. Russia's invasion of Ukraine presents the United States and its European allies with what is commonly conceded to be the biggest test of European security since the end of the wars of the Yugoslav succession in 1999. As was the case in Georgia, there will be a strong temptation to find a face-saving agreement that papers over Putin's gains in order to trumpet the "success" of a negotiated, diplomatic outcome and allow the international community to return to its normal torpor. It can't be said enough that any outcome that

allows Putin to wrest either Crimea or other parts of Ukraine from Kiev's control should not be acceptable. He should not be allowed to maintain the ill-gotten gains of his aggression. As Obama's former NATO ambassador has said, "this isn't just about Crimea. This is about who is ultimately in control of Ukraine."

Why does Ukraine matter so much?

First, it matters because—despite Putin's risible claims of anti-Russian violence in Crimea and eastern Ukraine (even Angela Merkel reportedly told President Obama that she thinks Putin is "in another world")—this is military aggression against a neighboring independent state in the heart of Europe that violates the U.N. Charter and the Helsinki Final Act. Moreover, the pretext upon which it is based, protection of Russian national minorities in Ukraine, could also be used against NATO member states like Estonia, Latvia, and Lithuania, and under Article 5 of the NATO treaty, "an armed attack against one [member state] . . . shall be considered an attack against them all." The future viability of the alliance is at stake here.

Second, if Putin can pull off a smash and grab operation against Crimea without being made to pay a serious and significant price, others will draw their own conclusions. Would the "international community" exact a price subsequently if China seized the Senkaku Islands or even Taiwan? Would Pyongyang or Tehran conclude that it might have more leeway for aggressive moves against its neighbors?

Third, there is a huge nonproliferation issue (allegedly the president's highest national security priority) at stake. Ukraine, as one of the successor states to the former Soviet Union, found itself in 1991 with nuclear weapons on its territory to which it laid claim. It was one of the Clinton administration's signal diplomatic achievements to have gotten Ukraine, Belarus, and Kazakhstan to agree to return the nuclear weapons on their respective territory to Russia, leaving one nuclear weapons state on the territory of the former USSR rather than four. In return, the United States, United Kingdom, and Russia all signed, along with Ukraine, the Budapest Memorandum, which accompanied Ukraine's adherence to the Nuclear Nonproliferation Treaty. Inter alia, that document committed Russia to "respect the independence and sovereignty and the existing borders of Ukraine" and imposed on Russia an "obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations." If left standing, Russian aggression will establish that security assurances offered by the nuclear weapons states to states that willingly give up their nuclear weapons or weapons programs mean precisely nothing.

If Putin can pull off a smash and grab operation against Crimea without being made to pay a serious and significant price, others will draw their own conclusions. Would Pyongyang or Tehran conclude that it might have more leeway for aggressive moves against its neighbors?

What is to be done? Several commentators have suggested there are no military options and effective diplomacy and soft power are the order of the day. This trope of the mainstream media implicitly supports the Obama administration's standard response to criticism—any alternative to the current policy would result in a "war" that would require U.S. "boots on the ground." Such either/or thinking totally ignores a range of more forceful middle options that would, in this case, give the president more tools with which to manage the crisis.

The first order of business is clearly to reinforce Ukraine's independence and territorial integrity. Dispatching Secretary Kerry to Kiev was a valuable first step, but it would have been better had he been accompanied by either Secretary of Defense Chuck Hagel or the chairman of the Joint Chiefs of Staff, General Martin Dempsey. Kerry needs to be followed by a long line of NATO and EU foreign ministers to consult, guide, and reassure the Ukrainian interim government. Shoring up the Ukrainian economy (in conjunction with the EU) is obviously the most immediate and important signal to be sent. It would be good, however, to dispatch a military needs assessment team to identify crucial shortfalls in the Ukrainian military and to lay the basis for urgent and longer-term military assistance programs on a bilateral U.S.-Ukraine basis. This should be done in coordination with (and as a stimulant to) a meeting of the NATO-Ukraine Commission as recently recommended by former Supreme Allied Commander in Europe James Stavridis. The commission could help share intelligence with the Ukrainians but also assist them with planning a more targeted NATO military assistance program.

A second necessary step is to strengthen NATO's deterrent posture and ability to reassure allies. Reinforcing the NATO air policing mission in the Baltics is a good beginning, but this will also require a thorough reconsideration by the alliance of the self-abnegating undertakings it assumed at the time of the NATO-Russia Founding Act in 1997. The alliance should consider whether and how it wants to position ground combat forces on the territory of the former Warsaw Pact states that now are members of NATO. It should also reconsider the so-called three no's—no intention, no plan, no reason to deploy nuclear weapons on the territory of the new NATO members. Bringing NATO military power closer to the borders of Russia would impose

a real cost on the Russian military and might cause nationalists who support Putin's current course to reconsider. All of this would need to be accompanied by a large increase in the defense budget, much like the one Jimmy Carter obtained after the Soviet invasion of Afghanistan. A jolt to the budget—at least to the levels proposed by Secretary Gates in 2011—would signal an end to the relative decline in U.S. military power over the past four years that, in Secretary Hagel's words, has meant that "we are entering an era where American dominance on the seas, in the skies, and in space can no longer be taken for granted." That would send a powerful and unwelcome message to those in both Moscow and Beijing who are betting on the end of the unipolar world.

Finally, we need to undercut some of the tools of economic and political influence that Russia has wielded so effectively in Ukraine and elsewhere. The administration's sanctions targeting corrupt individuals who are complicit in Russian military action in Ukraine are all well and good, but they must hit the malefactors around the head kleptocrat—Vladimir Putin. Russia's use of oil and gas to intimidate and sway can also be a target. It is time for the U.S. government to enable industry to export oil and natural gas and facilitate the infrastructure for doing so—by building a liquefied natural gas export terminal on the East Coast, for example, turning the United States effectively, as one former Bush administration official has suggested, into an "arsenal of energy."

If all of this sounds a bit familiar, perhaps reminiscent of Ronald Reagan's successful policies in the 1980s, it shouldn't be a big surprise. During the third presidential debate in 2012, President Obama derided the courses of action recommended by Governor Mitt Romney by saying that "the 1980s are now calling to ask for their foreign policy back." There are many words that the president will have to eat in light of the past week's events. He ought to start with those. ♦

The Other Russian Crackdown

Unrest in Ukraine means more repression in Moscow. BY CATHY YOUNG

On February 24, while Ukrainian protesters were still reveling in their victory over corrupt pro-Russian president Viktor Yanukovych, eight Russians stood in a Moscow courtroom to hear their sentences in a blatant show trial stemming from the last of Moscow's massive street protests two years ago. Seven men convicted on trumped-up charges of rioting and assaulting police officers during a May 6, 2012, march toward Bolotnaya Square—their crimes, by all credible accounts, consisting of either minor acts of resistance to rampant police brutality, or mere presence at the rally—received sentences of two and a half to four years in a penal colony; the lone female defendant got a suspended sentence.

Defending this outcome in a radio interview the next day, government lawyer Mikhail Barshchevsky invoked events in Ukraine, where, he claimed, the government fell because it failed to properly back up its police forces. The harsh sentences in the Bolotnaya case, Barshchevsky argued, had less to do with the defendants themselves than with sending a "message" from the state to the security services, the *siloviki*: "We've got your back." It is not too much of a stretch to suppose that the message was also directed to anyone harboring fantasies of a Russian version of the Maidan, Kiev's Independence Square and the site of the protests that toppled the Yanukovych regime: Don't try this at home, kids.

While the Russian opposition viewed the revolution in Kiev as a source of both envy and inspiration, the Kremlin's nervous response to these events was undoubtedly driven by domestic as well as international concerns. It is important to keep in mind that an earlier wave of Maidan demonstrations—the Orange Revolution of 2004-2005, which forced the reversal of an election stolen by Yanukovych—had a great deal to do with shaping Vladimir Putin's mindset. Apparently genuinely convinced that the protests were the work of Western and particularly American plotting, Putin became obsessed with the "orange threat" at home. In Kremlin propaganda, "orange"—meaning "foreign-backed subversive"—became a common slur against the liberal opposition, particularly in 2011-2012 when the opposition actually managed to bring almost Maidan-sized crowds into Moscow's streets and squares.

A new Maidan triumph in Ukraine surely ranked among Putin's worst nightmares. That alone seems to portend stepped-up repression against what's left of independent politics, civic life, and media in Russia.

The sentences handed down to the Bolotnaya defendants are one likely sign of such a crackdown. Somewhat paradoxically, the case also galvanized some of the largest protest rallies Moscow has seen in the past two years, with thousands gathering outside the courtroom; one demonstrator wore a Putin mask and held a sign that read, "Let's lock up everyone!" But it also generated the biggest wave of detentions since the Bolotnaya events: 230 peaceful demonstrators were dragged into police vans on the morning of February 24 outside the courthouse where the sentencing took place; more than 400

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were detained at rallies in downtown Moscow later that afternoon. Among those arrested and released were the two recently amnestied Pussy Riot activists, Nadezhda Tolokonnikova and Maria Alyokhina.

Several detainees, including former governor and opposition leader Boris Nemtsov and blogger, activist, and recent Moscow mayoral candidate Alexei Navalny, received jail sentences of 7 to 10 days; Navalny was found guilty of resisting arrest despite a video, and testimony from two eyewitnesses, contradicting the charge. (After his release, Navalny was placed under house arrest in an unrelated, politically driven embezzlement case for which he is now awaiting trial; in a particularly blatant attempt to muzzle the activist, he has been banned from the Internet until April 28.)

The Ukraine crisis almost certainly provided the impetus for new measures against nongovernmental organizations—already required, under controversial 2012 legislation, to identify themselves as foreign agents and include a disclaimer to that effect in all their published materials if they receive any funding from abroad. On February 24, Putin signed an insta-law, enacted by his puppet parliament, expanding the government's power to harass NGOs with investigations and surprise inspections to root out noncompliance with various rules, regulations, and prior official orders. A simple complaint of "extremism" or other misconduct brought by any entity—a government agency, a prosecutor's office, a citizens' group, or a private individual—will now trigger such scrutiny.

On the media front, Ekho Moskvy (Echo of Moscow) radio, one of the very few surviving broadcast media outlets that provide a platform for dissent, may be facing new threats. Since 2001, the station has operated under the primary ownership of Gazprom Media, an arm of the natural gas giant with close government ties. And despite initial fears of a pro-Kremlin takeover, its editorial independence has remained largely intact until now, perhaps as a showcase for media freedom. On February 18, however, Ekho's Gazprom-controlled board of directors abruptly sacked its CEO and general manager, Yuri Fedutinov, and replaced him with Yekaterina Pavlova, a former producer at the state-owned Rossiya TV channel and more recently deputy chair of the pro-government radio station Voice of Russia.

Moscow riot police detain punk rocker Nadezhda Tolokonnikova at a rally in support of the Bolotnaya Square prisoners, February 24.

NEWSCOM

The station's editor in chief, Alexei Venediktov, who has held the job since 1998 and has managed to maintain a difficult balance between principle and compromise, told reporters that Pavlova's appointment was a blatantly political move: With Ekho operating at a profit, there seemed to be no business-related reason for the change of leadership. Pavlova has pledged, for now, not to push for changes in programming. A big test of Ekho's ability to continue as an independent voice will be whether the board of directors votes to keep Venediktov as editor in chief later this month. On March 2, Nemtsov wrote on his Facebook page that, for the first time ever, a blog post he made on the Ekho website became the target of censorship: He was asked to remove the phrase "fratricidal war" and a reference to Putin as "a vampire thirsting for blood" from a comment on the Crimea invasion.

The possible muzzling of Ekho is particularly alarming given the slow strangulation of Dozhd, Russia's last TV news station that does not toe the Kremlin party line. The cable channel found itself under attack after running an online poll on January 26 asking whether Leningrad should have been surrendered to the Germans during World War II rather than face a blockade that cost a million civilian lives. The backlash was swift, and came not only from the blogosphere but from the government. Despite an apology from Dozhd, the St. Petersburg legislature filed a complaint seeking legal retribution against the channel, "possibly including its shutdown." The State Duma passed a resolution condemning the poll; then, on February 11, it ordered an investigation into claims that Dozhd was offering illegal kickbacks to cable providers for offering it allegedly preferential treatment. Under pressure, one cable provider after another began to drop Dozhd from its lineup. In early March, the channel's general manager Natalya Sindeyeva said that unless the situation changed, Dozhd would be off the air in a month.

Another alarming development was reported by *Izvestia* on March 6: The

Duma will soon consider legislation that makes it a criminal offense to publish "deliberate falsifications intended to provide support for terrorism, intervention, extremism, separatism or genocide." The author of the bill, Yevgeny Fyodorov, told the newspaper that his initiative was a response to what he regards as overly sympathetic coverage of the revolution in Ukraine.

With Russia poised on the brink of a war with uncanny echoes of the 1968 Soviet invasion of Czechoslovakia, and with political repression on the rise, one can understand the concerns of independent journalists such as EJ.ru deputy editor in chief Alexander Golts, who wrote in his March 4 *Moscow Times* column, "I am afraid that when we wake up tomorrow, we will find ourselves in a different country. I even know the name of that country: the Soviet Union."

Still, for now Putin's Russia has space for dissent that would have been unthinkable in the USSR—and not just in the virtual space of the Internet. The President's Advisory Council on Human Rights—which has no real power but does have a public voice—issued a statement condemning the use of military force in Ukraine, causing a very public split between the council's liberal majority and its pro-Kremlin minority. The human rights ombudsman, Vladimir Lukin, has criticized the detentions of protesters at the Bolotnaya sentencing. And, remarkably, Andrei Zubov, a professor at Moscow's prestigious State Institute of Foreign Relations who was asked to resign from his job after publishing a column that compared the Crimea incursion to Hitler's *Anschluss*, was promptly reinstated after his dismissal received negative media coverage and drew protests from students.

Where do Russia's internal politics go from here? That almost certainly depends on whether Putin escalates in Ukraine. At worst, a Russian war in the post-Soviet space might bring about a Soviet-style crackdown against domestic dissent. At best, things will revert to Putin-era "normal," in which dissent is allowed as long as it poses no tangible threat to the regime. ♦

Delay, Delay, Delay

The lawless tweaking of Obamacare's provisions continues. BY JAY COST

Another week, another Obamacare delay, improvised by the administration. The latest is particularly laughable. It seems the administration miscalculated when it first decided to delay Obamacare's mandated minimum coverage requirements for health insurance. According to the *Hill*: "A one-year moratorium pushed the deadline beyond the midterm election, but insurers must send out cancellation notices 90 days in advance. That would mean notices in the mail by October 1, five weeks before voters go to the polls." So now Obama will extend the deadline even further, lest voters realize before pulling the lever that they're about to lose health insurance plans the administration deems substandard.

L'état, c'est moi.

Conservatives let out a collective chuckle over this news, but only to keep from sobbing. After all, what does this say about the rule of law in the United States? Ours is supposed to be a system of checks and balances: The legislature drafts the laws; the executive implements them; the courts interpret them. How has the administration gotten away with assuming all three roles? This cannot be a sign of a well-functioning republic.

James Madison's description in *Federalist* 51 sounds like a smoothly operating governmental machine. "Ambition must be made to counteract ambition," was how he put it. The idea is that our government would be self-correcting. Any transgression by one branch would bring a rebuke from another, thus preserving a balance.

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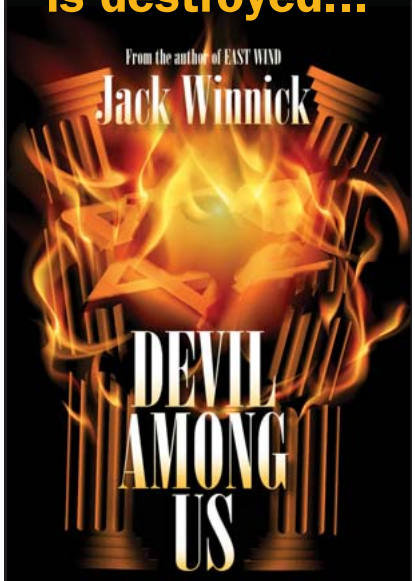
But the rule of law has regularly been sacrificed at the altar of presidential ambition. Madison himself was the architect of a foreign policy that saw executive encroachments that would raise an eyebrow even today. During the Jefferson administration, the government sought to restrain trade with Britain and France, and in so doing the president strong-armed state governments and sought to use the Navy as a domestic police force.

A generation later, the capricious Andrew Jackson would regularly mistake his political self-interest for the public good. Celebrated as a staunch nationalist for standing up to the South Carolina nullifiers, Jackson looked the other way when Georgia ignored the (federally guaranteed) treaty rights of Native Americans because it furthered a policy goal of his. Worse, he acted in a blatantly illegal fashion by removing Treasury deposits from the Second Bank of the United States and placing the money in banks controlled by his supporters.

Teddy Roosevelt has often been celebrated as a model for vigorous executive action, but as Bowdoin College's Jean Yarbrough convincingly argues, TR promulgated a theory of executive power during the 1902 coal strike that basically put him above the law. During World War I, the Wilson administration all but ignored the First Amendment as it threw people in jail for opposing a war that was not terribly popular.

FDR would have a similar disregard for the law, at least when it came to the dispensing of federal work relief (read: patronage). FDR and Harry

When a New York synagogue is destroyed...



The FBI and the Mossad are enlisted to smash an anti-Zionist plot in the United States. The team who foiled a Hezbollah scheme in the US, Lara Edmond and Uri Levin, take on the Muslim extremists again in an action-packed, international chase.

Praise for Jack Winnick's DEVIL AMONG US:

"Winnick's fine thriller displays his expert knowledge of the Middle East and his laudable skill as a storyteller."
-- Kirkus Reviews

"Jack Winnick has done it again with his second novel, the fast paced international thriller, "Devil Among Us," demonstrating his vast knowledge of Middle East history and politics, with an all-too plausible and scary scenario involving FBI agents, the Mossad, Christian Zionists, fundamentalists, oil tycoons, politicians against the backdrop of Arab-Muslim-based militants, which starts out with a shocking bombing of a New York synagogue on the High Holidays. Too real, just hope the bad guys don't get any ideas here."
-- Lee Bender, Philadelphia Jewish Voice

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Hopkins deployed jobs and revenue from the Works Progress Administration to undermine the independence of local Democratic party officials. They destroyed Tammany Hall in New York, bankrolled pro-FDR machines in Chicago, Jersey City, and Pittsburgh, and encouraged their cronies to use the WPA to "purge" the Senate of conservative Democrats.

The regularity with which presidents step outside their constitutional limits suggests that the cause is ultimately structural. And indeed it is inherent in our system as it has evolved over the centuries. The Framers were most concerned about congressional encroachment upon the executive and judicial branches. This helps account for why Congress's powers are enumerated as well as why there are two chambers of Congress.

The Framers did not anticipate the modern presidency. The democratization of the presidential office did more than anything to disrupt the original design, ironic considering that the efforts of Madison and Jefferson in the 1800 presidential contest began this transformation.

A democratic presidency has had two profound effects. First, it gave rise to the idea that the president is the tribune of the people, the sole representative of the public good, and therefore endowed with authority that is not necessarily laid out in the Constitution. Jackson, TR, and Wilson all contributed mightily to the development of this viewpoint, and from there it is but a hop, skip, and a jump to ignoring Congress, the courts, and the law itself. And because this argument implicitly flatters the voters, it's harder for opponents to prevail in the court of public opinion.

Second, it facilitated the rise of the national parties. Previously, party coalitions had been state-based or regional; however, competing for the presidency is a nationwide effort, which requires a nationwide organization. Nothing has done more to degrade the logic of *Federalist* 51. Under Madison's theory, members of Congress should resist encroachments from the executive branch because they are institutional rivals. But, in the party system, the president has a partisan alliance with (roughly) half of the legislature. Moreover, the alliance is unequal, as the political survival of congressmen depends much more on the president than the president's survival depends on them. This makes it difficult for Congress to assert its institutional prerogatives in the face of executive overreach.

Thus, presidents have a ready-made excuse for ignoring the law ("I speak for the people!"), and they can usually count on Congress to do nothing to stop them. Little wonder that presidents have been disposed to color outside the lines. Little wonder as well that Obama's approach to the Affordable Care Act—*princeps legibus solutus est*—has been met only by impotent protests from his opponents. There is little to do but wait him out.

Conservatives can meanwhile take grim satisfaction that the Obamacare delays are clearly coming from a position of weakness, not of strength. Obamacare is a vast system of penalties and rewards designed to reshape the American health care system. The only way it can possibly sustain itself is if certain groups are made worse off, while others are made better off. Yet the administration has thus far systematically refused to allow the law to harm any politically powerful bloc. This may make for good short-term politics, but it is terrible for the law's sustainability.

Broadly speaking, all of those who were supposed to be harmed by Obamacare were paying an indirect tax that Obama and his congressional allies did not want to impose directly. Granting group after group waiver after waiver inoculates them from the "taxes" they were set to pay, but those costs will have to be borne somehow, either in reduced benefits for the law's winners or (more likely) greater withdrawals from the Treasury.

Of course, while the voters frequently complain about runaway federal spending, they are often averse to doing anything about it. But with Obamacare, there is a twist, for the federal government has more or less become responsible for maintaining

the profit margins of the health insurance industry. *This* sort of deficit spending will not be politically sustainable. The country has been known to tolerate government support of business bottom lines, but never to this extent, and never for an industry that is so massively unpopular (in no small part because of the demagoguery of Obama and his minions).

This suggests one of two outcomes. Either the administration will start deploying Obamacare's "sticks" and not just its "carrots," forcing people to pay those implicit taxes, or the law's opponents will gain a decisive advantage in the court of public opinion as Uncle Sam becomes the backstop for the shareholders of WellPoint, Aetna, et al. Sooner or later, the law will be either obeyed or rewritten.

Ultimately, Obama's problem here is that he is in the minority on the issue of Obamacare, although like a good Jacksonian "sovereign," he is convinced that his crude political interests are necessarily those of the people at large. But because Obamacare is so unpopular, his maneuverings will prove in the end a relatively minor abuse of the rule of law. As Madison writes in *Federalist* 10 about the dangers of minority factions:

> If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution.

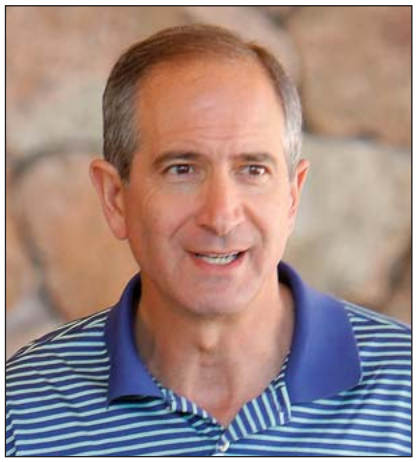
Sooner or later, this clogging of the administrative levers of government will come to a conclusion. Either the administration will execute this law in a way that makes it broadly popular, or it will be substantially reformed, if not repealed altogether. In the meantime, we just have to remember that Madison's "republican principle" is realized at the ballot box. The ultimate way to address the abuses of the Obama administration is to make the case, patiently and carefully, with the American people, and allow them to rebuke him at the ballot box in November. ♦

King Cable

The Comcast-Time Warner combination deserves close scrutiny.

BY IRWIN M. STELZER

So Comcast's chairman and CEO Brian Roberts is counting on his political clout with the Obama administration and a few inconsequential divestments to win regulatory approval for Comcast's $45 billion acquisition of Time Warner Cable. And antitrust experts such as myself will be crunching numbers to see what the effect is on arcane and little-understood numbers such as the Herfindahl Index, which measures the increase in concentration caused by a merger. We really needn't bother. This is a case in which common sense and anecdote trump statistical manipulation.



Comcast's Brian Roberts

Start with political clout. If spending and hiring politically connected insiders constitutes clout, Comcast has that in spades. Its 100-strong lobbying army includes former lawmakers, former aides on the Hill and in the regulatory agency, and a former member of the Federal Communications Commission. Lee Drutman, a senior fellow at a "watchdog group," told *Politico*, "They know how key decision-makers think and how the process works." Nothing wrong with that, or with spending $20 million last year on its lobbying effort. But Comcast's hiring of an FCC commissioner "not long after she voted to approve the [$30 billion] Comcast-NBCUniversal deal," according to *Politico*, does give cause for concern that others now in government might see a path to future employment that is suboptimal for the credibility of the regulatory process.

I have no way of knowing what goes on in this world of below-the-radar advocacy. But my experience in antitrust matters tells me that political pressure on the Justice Department's Antitrust Division and the Federal Trade Commission is often resented and counterproductive. Whether that remains the case in this administration, I know not.

But I do know, subject of course to any revelations when the regulators take a closer look, that there is much to suggest that this merger is about as anticompetitive, and therefore as anticonsumer, as one can get, which this anecdote makes clear. When News Corp., in the days when I was one of its consultants, brought out Fox News, it was crucial to get exposure on the Time Warner Cable system in New York City. Not only is Gotham a huge consumer market, it is the hub of the advertising industry, and if the Mad Men could not easily see what Fox was offering, they were unlikely to recommend to their clients that they sponsor some of the new channel's programs.

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But Time Warner did not want to see a competitor to its CNN gain traction. So it refused to allow Fox News access to its New York City cable system, one to which satellite is not a serious competitor and long before the emergence of any viable alternative to Time Warner. Pleas from Fox and then-mayor Rudy Giuliani were to no avail. It took an antitrust case and a disastrous deposition by Ted Turner, the founder of Time Warner's CNN, one in which he stated his wish that Rupert Murdoch and, if I recall correctly, his children would starve to death, to get the cable monopoly to cave and grant Fox access. But only via a very high number on the channel listing. This, in an era when search engines and grids were less used by viewers, who typically searched for something to watch by scanning channels, starting with the lowest numbers: Before viewers ever got to the high numbers, many had selected something else. That was then, this is now: CNN badly trails Fox News in viewers.

Now, if this merger goes through, even after divesting itself of about 3 million customers the combined colossus would control access to 30 million customers, including those in the lush markets of New York City and Los Angeles. Yes, there is more competition than there was in the days when Time Warner sought to strangle Fox News in its crib, but make no mistake: Cable's residual market power is sufficient to give it the power of life and death over new entrants that threaten to compete with its own programs, or in any way threaten the value of its investments in the status quo. Any creative person hoping some day to develop products that compete with the offerings of NBC, or the Universal film studio, or any of the big cable channels that are part of the Comcast empire, must be hoping that the regulators will understand that the mere fact that the merged company will control "only" 30 percent of the nation's viewers is an irrelevant measure of its clout.

Comcast already possesses sufficient market power to behave as any such firm would: offer appallingly poor service. The *Financial Times* reports that Comcast and Time Warner "rank at the bottom of customer service satisfaction studies." A combination of these companies might not reduce the number of delivery systems available to consumers in any zip code, as Comcast argues, but it would reduce the market for innovations by increasing the size of the sunk investment to be protected, and make it more difficult for providers of content for the combination's digital pipes to compete with content provided by the new powerhouse.

Or so it seems. It would be bad policy and unfair to just say "no" before fuller inquiry. But healthy skepticism towards claims of consumer advantage, and insistence that political clout count for naught, do seem appropriate. ♦

Letting the Taxman Censor Speech?

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

Raise your hand if you think it's a good idea for the IRS to regulate political speech.

Well, believe it or not, the Treasury Department does. It has apparently learned nothing from the scandal that engulfed the IRS in 2013, when supposedly apolitical tax agents admitted to applying extra scrutiny to conservative-leaning civic groups hoping to engage in constitutionally protected political speech in the 2012 elections.

Rather than coming up with ways to protect organizations from future IRS discrimination based on speech, Treasury, instead, proposes to double down. It wants to install the IRS as the nation's primary political speech regulator and empower revenue agents to dictate to civic groups what kind of political speech they can engage in, when, and how much.

Treasury's proposal overreaches so broadly that groups from the entire political spectrum, from the National Rifle Association to the Sierra Club, are united in opposition. In fact, more than 145,000 comments were filed in response to the proposed rules, the overwhelming majority opposed.

The rules would, in effect, create a huge "no speech zone" for groups organized under Section 501(c)(4) of the Internal Revenue Code. The rules would cover not only election-related speech but also large quantities of speech that have nothing to do with elections. They would create long, nationwide blackouts of speech every election year. And they would capture every kind of speech—not just broadcast but Internet, newspaper, magazine, infomercial, even email to a civic group's own members if it is intended to reach more than 500 people.

The IRS has a long history of being misused for political ends. In this case, it lacks the expertise, experience, and authority necessary to regulate political speech. That job belongs to Congress and the bipartisan Federal Election Commission, both of which have refused to enact rules like the ones Treasury is trying so hard to shoehorn into the tax code. As a result, Treasury's creation violates the First Amendment by conditioning tax status on giving up freedom of speech, flouts agency rulemaking standards that say rules can't be arbitrary or irrational, and throws the tax rules into hopeless conflict with themselves and other laws.

Vibrant political speech is in America's DNA. Americans don't want the taxman acting as a political speech czar. It's time for the Treasury Department and the IRS to withdraw their fatally flawed proposal, get out of the business of regulating political speech, and allow voices all across the political spectrum to be freely heard in 2014.

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Don't Guarini Me, Bro!

Why do lobbyists work so hard to counter a tax bill that has no chance of passing? BY IKE BRANNON

Rep. Dave Camp: keeping tax lobbyists up late at night

When House Ways and Means Committee chairman Dave Camp, a Michigan Republican, introduced a major tax reform proposal at the end of February, the entire tax policy world in Washington was set into motion. I have friends who lobby on tax issues who claim they did not sleep the two days after the release, working through consecutive nights to read the bill, confer with colleagues, and conceive of a plan to counter what's in the bill that impacts their clients.

At first glance it appears to be useless wheel-spinning. No one in D.C. operates under the illusion that tax reform is happening anytime soon: John Boehner has signaled indifference to convening a vote on any reform, and Harry Reid openly mocks the notion of reform. The current administration's coolness to the issue is pretty obvious as well to anyone paying attention.

If tax reform ever happens it will be with a new chairman of the Ways and Means Committee, as well as a new president and a new majority leader of the U.S. Senate. That's 2017 at the earliest. And there's no reason to think that Paul Ryan or whoever succeeds Camp will feel himself bound in any way by this proposal, or that some future Senate Finance Committee will pay any heed to this report. Three years is a long time, and the economic conditions and political realities are likely to be quite different from today.

Then why are lobbyists working with such urgency to kill something that's already dead? While lobbyists have always excelled in scaring their clients over remote possibilities, the real reason is that they fear falling victim to what is known to the cognoscenti as a "Guarini."

A bit of background: In the world of "pay as you go" budget rules that Congress has ostensibly operated under in some form since the 1990s, tax relief for one industry or constituent must be offset by something that raises revenue by the same amount—typically the closure of a tax break of some sort. A "Guarini" occurs when a revenue-raiser originally proposed by a member of Congress to pay for one set of tax reductions or spending plans gets hijacked to pay for an entirely different one.

The term is named for a former Ways and Means member, Rep. Frank Guarini, a New Jersey member from the 1980s and early '90s who yelled particularly loudly when Dan Rostenkowski made off with some clever revenue-raisers that Guarini had identified to pay for Rostenkowski's pet projects rather than Guarini's.

When former Ways and Means chairman Charlie Rangel proposed what came to be known as the "Mother" bill (as in "the mother of all tax reforms") in 2007, he complained bitterly about being Guarini'd by Speaker of the House Nancy Pelosi, who refused to let the bill come to a vote on the floor, instead choosing to use various tax pay-fors from Rangel's bill to finance other legislation.

The key to creating a pay-for is to locate a tax break that has relatively little support and whose disappearance is unlikely to anger other committee members or important lobbies.

Finding revenue-raisers that no one objects to is an impossible task, of course, but in the days before we got to trillion-dollar deficits the members of the Ways and Means Committee and its Senate counterpart, the Finance Committee, devoted a great deal of effort to finding such things, which they would then hoard for themselves, to be used when the moment was right to try to get another pet project through the committee.

The greatest pay-for of all time was the "black liquor" ruse. Congress had created a tax incentive to encourage

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NEWSCOM

companies to use waste product to produce energy, part of a gaggle of energy-efficiency provisions rolled into a large tax bill. While the original score suggested this would have only a minimal impact on revenues, an IRS staffer one day declared that the almost ancient practice of paper companies using the waste byproduct from creating paper—so-called black liquor—qualified for the tax credit. No one on the tax-writing committees had conceived of this when writing the legislation. The Joint Committee duly placed a score on the new interpretation of the provision of nearly $7 billion a year. That meant that *closing* the provision (although the paper companies fought furiously to keep it) would generate $70 billion over the next decade that could be used to pay for other tax provisions.

In reality the low-hanging fruit dried up even before the financial crisis, when members began paying for one-year extensions of various tax breaks (such as the annual exercise of passing tax "extenders") with *permanent* changes in the tax code. And it illustrates the very real danger facing industries and corporations with Camp's DOA tax reform: A tax increase that would hurt them might have been included in this bill for the purpose of paying for lower rates. Staffers might borrow the idea to pay for some other reform that has less for them to like than the current one—or to pay for something else entirely.

While Camp's bill may be going nowhere, it's not because he didn't do his homework. Camp has devoted his entire chairmanship to accomplishing reform: The committee held dozens of hearings on various topics related to reform, producing several well-received white papers on various intricacies related to the tax code. He and his staff have met with anyone who had an interest in tax reform, and Camp went on a highly publicized trip this summer with Finance Committee chairman Max Baucus across the country, talking to denizens outside the Beltway with an abiding interest in tax reform.

This diligence suggests that at least some of the revenue-raisers included in the bill to help pay for lower marginal rates have already passed muster with at least one group of Republicans—those on Camp's committee—along with a few Finance Committee Democrats. That a tax on big banks or a reduction in the cap on the mortgage interest deduction from $1 million to $500,000 could potentially get through the Ways and Means Committee opens up a range of possibilities for entrepreneurial members.

With tax reform going nowhere fast, what's to keep members from borrowing these pay-fors to pay for something else—like infrastructure improvements, a permanent solution to the Medicare "doc fix" that Congress agonizes over every year, or some other tax or spending proposal that somehow unifies the White House, Senate, and House?

A new list of revenue-raisers is officially in play, and tax lobbyists will be staying up late to fight over them while tax reform languishes. ♦

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A Baleful Peace Process

For how many decades will we pursue this diplomatic dead end?

By Reuel Marc Gerecht

To be outrageously iconoclastic among the Washington foreign-policy crowd is easy: Just suggest that the Israeli-Arab peace process is not merely pointless but actually damaging to America's position in the Middle East and bad for both Israelis and Palestinians. Such a view is anathema not only to the liberal foreign-policy establishment, which instinctively does the peace process because Americans have been doing it for five decades (it's what problem-solving, well-intentioned Americans do), but also to the establishment's "realist" set, who usually view Israel as a strategic liability: Israel vs. 22 Arab countries; 6 million Jews vs. 425 million Arabs, with another billion Muslims howling from the bleachers.

Liberals and realists mix, of course, which is what we've got in Barack Obama and his secretary of state, John Kerry. The president also gives off a whiff of a sentiment common on the left, especially in Europe and increasingly in Israel itself: The creation of Israel denationalized the Palestinians. America supported Israel's birth, but failed, so the argument goes, to give equal justice to the Palestinians. And without justice for the Palestinians, the Middle East will not be stable. It's a stunning tribute to the perdurability of this belief that even after the Great Arab Revolt—which has roiled the entire region, unleashing in Egypt the rise and fall of the Muslim Brotherhood and a new wave of fascism; in Syria, regime savagery and virulent Islamic militancy; and in the Gulf, Mesopotamia, and the Levant, a Sunni-Shiite rivalry that could well provoke the spread of nuclear weapons—serious people in Washington want to spend America's capital on talks between West Bank Palestinians and the Israelis, neither of whom appear to care as much about these discussions as American officials.

Some do want to move beyond the peace process. In Europe, and in many academic quarters in the United States, Israel's birth is akin to original sin, a *naqba* or calamity as the Arabs put it, which now can be relieved only by a "one-state solution"—the Jewish homeland ceases to exist—since the Israelis simply will not make the concessions necessary for a "two-state solution" to work. The one-state solution, like the two-state approach advanced by Westerners feeling guilty about the Palestinians' plight, has a strong moral pull for its advocates since they see Palestinian claims as at least equal to Jewish ones. Israel's founding generation mostly fled lethal anti-Semitism in Europe and the Middle East. But anti-Semitism wouldn't have become so acute among Muslims, many suggest, if modern Israel had never been born. Therefore Jewishness ought to be the minority identity in the Holy Land. By their years in residence and their numbers, Arabs have the more compelling case.

It's astonishing that thoughtful people can actually advocate this scenario. (See the former *Wall Street Journal* foreign correspondent Hugh Pope's memoir, *Dining with Al-Qaeda*, for a straightforward expression of a sophisticated Brit's exasperation with Israeli "intransigence.") Even the briefest trip to Israel, where rampant individualism and muscular capitalism have transformed a rather primitive socialist state into an economic, military, and cultural powerhouse, should suggest that the Jewish state isn't going to self-immolate because of European distaste and Israeli angst. But bad ideas are sticky when fueled by Western guilt.

Although many anti-Zionists in America and especially abroad back the "peace process" as a way of righting a perceived wrong and, sometimes, camouflaging old-fashioned anti-Semitism, it is actually well-wishers of Israel who regard peace-processing as the eleventh commandment. The American Israel Public Affairs Committee and the Washington Institute for Near East Policy both view the Middle East through an Israeli security lens, and both adamantly hope for a happy outcome through multilateral, American-guided diplomacy. Among members of the influential American Jewish Committee, which works

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hard to protect Jews worldwide, the peace process is almost as sacred as the determination to be politically bipartisan. American Jewry may not be overwhelmed by arguments about Palestinian rights, but it wants Israel to be secure, and the peace process is seen as the only path, however tortuous, to the permanent normalization of Israel's existence.

Then there are those, like Jeffrey Goldberg, Thomas Friedman, and Peter Beinart, who sincerely worry about the democratic and moral identity of a Jewish state that rules over 2.5 million Palestinians on the West Bank. Israel's occasional violent intrusions into Gaza are also distressing, but they aren't as corrosive to the Israeli spirit, so it seems, because Hamas, a fundamentalist, jihadist outfit with a fondness for Qassam missiles, runs the Strip. President Obama and Secretary of State Kerry appear now to be in this camp. In a recent interview with Goldberg, the president expressed his foreboding:

> Do you resign yourself to what amounts to a permanent occupation of the West Bank? Is that the character of Israel as a state for a long period of time? Do you perpetuate, over the course of a decade or two decades, more and more restrictive policies in terms of Palestinian movement? Do you place restrictions on Arab-Israelis in ways that run counter to Israel's traditions?

Masked nostalgists in the West Bank, 2013

NEWSCOM

Israel needs to solve this fundamental challenge to its moral integrity lest it feed the boycott movement in Europe and the United States, which Obama and Kerry have underscored. Although both men have said they don't support this movement, it doesn't take a logician to see that if the Israelis are guilty of unnecessary coercion and theft, as Obama and Kerry are saying they are, then why shouldn't they be boycotted? Obama and Kerry may have put a time-delay on their opprobrium, but their judgment is clear. This growing angst about Israel's integrity, and thus its existential legitimacy, seems to have gained ground since 9/11 among liberals, both Gentiles and Jews, even among those who've usually been more concerned about the Palestinian cause than Israeli democracy.

A MORE LIBERAL, MORE DEMOCRATIC ISRAEL

It has always been part of the American gospel to believe "that the rule of one people over another offends against a basic principle of nature, if not a higher edict," to borrow from the Middle Eastern historian J.B. Kelly. Since the collapse of Europe's empires, Europeans too have made anti-imperialism part of their moral DNA—though they, like Americans, get much less exercised about this offense when non-Westerners are lording it over other non-Westerners (Tibetans, Uighurs, Kurds, Muslim Caucasians, and so on don't elicit the same passion as the Palestinians). Most Israelis would surely prefer to have as little administratively to do with the Palestinians as possible. And it would certainly be better for Israelis and especially Palestinians if Palestinian terrorists planning a strike against Israelis, or receiving aid from Iran, were always taken down by Palestinian security forces without Israeli assistance on the ground. It would no doubt be an incredible relief to Israelis to have a responsible Palestinian gendarmerie in the Jordan Valley that could police the border to ensure nothing crosses that threatens Israel or Jordan. Israelis and Palestinians ought to know that their good fortune or bad luck is in their own hands.

But Israeli democracy has been doing extremely well since 1967, when Israeli forces took East Jerusalem and the West Bank from Jordan's late King Hussein, who considered both his rightful patrimony. Israel has become vastly more liberal, and even more sensitive to Arab concerns, both Palestinian and Israeli, in the last 20 years. Israelis may be rough in their views of Arabs, but they are more concerned about civil liberties for all citizens—Jewish, Christian, and Muslim—even through the intifadas and suicide bombings. Israeli Arabs, it should be noted, show no desire to leave Israel for the West Bank, Gaza, or Jordan. It is odd to depict the Jewish state's democracy as mortally threatened by its soldiers' continued presence on the West Bank when the last 47 years have seen the efflorescence of this culture.

Duty on the West Bank is certainly no fun for Israeli soldiers, and may well coarsen many of them; it's probably worse for the officers of Shin Bet, the internal-security service, who *really* have the front-line duty. What Andrew Sullivan said about America fighting in the ethically challenging Middle East, that it tarnishes our virtue, is no less true for Israelis who must operate cheek by jowl with Muslims who might use young women as suicide bombers. Yet this morally harsh service hasn't retarded the growth of a much more vibrant, open, and self-critical culture and politics. Israel in 2014 is a healthier country than Israel in 1966. It's possible that Israel's difficulties on the West Bank have actually sped this evolution.

Israel's complicated and challenging supervision of the West Bank hasn't slowed the engine of individualism, the defining creed of the West, which in Israel as elsewhere keeps seizing new ground from traditional mores, local communities, and the state. It's not unusual to see Israeli tourism ads aimed at Europe showing off the physical beauty of Israeli men and women, for both heterosexuals and gays. Orthodox Israeli Jews may be having more babies than their secular compatriots, but the thrust of Israeli society is ever more "global." It may be galling to some to imagine Prime Minister Benjamin Netanyahu, icon of Likud bellicosity, as a promoter of liberal culture, but the capitalist ethic that he helped unleash has made Israeli society much more nonconformist and varied, more like Western Europe and America—and culturally more distant from the Muslim Middle East, which has become more conservative as it has modernized. It has also probably made Israel open to, if not optimistic about, the possibility of peace with Muslim Arabs.

FATAH'S RIGHT TO POWER

Since Israel turned over part of the West Bank to Fatah, the lead group within the Palestinian Liberation Organization, in 1994, Israelis have become understandably more nervous. Until the building of the West Bank barrier, started in 2002, Fatah-orchestrated security, despite tutorials from the Central Intelligence Agency, was an inadequate, lethal mess. The death in 2004 of Yasser Arafat, the longtime chairman of the PLO and the spiritual father of Palestinian nationalism, helped improve the situation considerably since Arafat had personally orchestrated suicide-bombings. (The PLO documents that Israeli forces seized in Operation Defensive Shield in 2002 prove the Nobel Peace Prize winner's guilt.) Mahmoud Abbas, Arafat's successor as the head of the Palestinian Authority, has been much better. Corrupt, authoritarian, old, charisma-free, and ideologically off-balance in confronting the Islamist challenge from Hamas, the Palestinian offshoot of the Egyptian Muslim Brotherhood, Abbas is less ideologically and religiously complicated than Arafat, whose identity was deeply entwined with insurgency and violence.

Since the Oslo Accords of the early 1990s, the Israelis and the PLO have divided the West Bank into three zones: Area A, where Abbas and his men have complete control; Area B, where Palestinians are responsible for civil administration and Israelis and Fatah share security duty; and Area C, where Israelis are solely responsible for administration and security. In areas under Fatah's sway and in the shared zone, the Palestinian Authority has erected a police state of Palestinian design and method. If West Bank Palestinians actively support Hamas, it is Fatah's or Israel's security services or both together who will come calling. If liberal secular Palestinians not enamored of Fatah's endemic corruption and heavy-handed rule protest too loudly and live outside Israel's zone, it's Abbas's men who will do the thumping. The Palestinian police state is financed in part by Israeli tax-transfer payments and in part by American and European aid.

Depending on where they live in the West Bank, Palestinians may regularly encounter Israeli checkpoints that mostly secure the Jordan Valley and protect Israeli settlements surrounding Jerusalem and hugging the 1948 armistice line. Security checkpoints are time-consuming, degrading, and provide endless opportunities for cultural clashes. Many of these Israeli checkpoints went up because Palestinian jihadists were detonating themselves among Israeli civilians. It's an astonishingly shallow and Western view of Islam to believe that Palestinian suicide bombers incinerated themselves, as well as Jewish, Muslim, and Christian Israelis, because they were upset about the boundary lines proposed in the failed 2000 Camp David negotiations. It's also an exceedingly naïve view of intra-Palestinian relations to believe that Hamas's men, who are dedicated to the liberation and Islamicization of all of Palestine (Israel, the West Bank, and quite possibly Jordan, too) will give up their divine mission if Abbas and Fatah can declare East Jerusalem and Israeli settlements theirs.

In 2000 Arafat, and in 2008 Abbas, refused to make a final deal with Israel. Israeli prime ministers Ehud Barak and Ehud Olmert were willing to give far more, in East Jerusalem, the West Bank, and the Jordan Valley, than any Israeli government is likely to offer again, but small land swaps and the Palestinian "right of return" reportedly separated the two sides. Most likely, the deal was impossible because the men of Fatah know that it isn't just the true believers of Hamas who are deeply uncomfortable with renouncing the claim to all of "Palestine." The right of return for Palestinians has been such a sticking point because it is in essence their claim to Israel.

If implemented in the "just" way envisioned by the Palestinian side, the right of return would immediately convulse Israeli society—which is, of course, the point. Philosophically, the right of return is the Palestinian Trojan horse, the last chance Palestinian Muslims have to break down Israel's walls. No self-respecting Muslim Palestinian nationalist would dream of putting thousands, let alone hundreds of thousands, of his own people under Israeli dominion unless he thought it was a liberating act. Indeed, many in Fatah would doubtless like to try to fleece the West for as much money as they could get through a cash-per-refugee deal so long as Palestinians abroad didn't actually move to the West Bank. Many Palestinian "refugees" (using this term after 66 years is problematic) would be totally unacceptable to Fatah for the simple reason that they might

be sympathetic to Hamas. And Palestinians abroad would not necessarily want to live on the West Bank, while the status-quo-loving, Hamas-fearing elite of Fatah, who have done well in what President Obama has described as an "unsustainable" situation, certainly do not want hundreds of thousands of disruptive immigrants to invade their little world. For Fatah, there is only one safe place to put Palestinian refugees—inside Israel.

Palestinian activists want to make their cause a Middle Eastern imperative. The Iraqi-American intellectual Kanan Makiya took a real hit to his reputation among Arab and Western leftists when he argued that Arab intellectuals had done an enormous disservice to Arabs by highlighting the Palestinian cause above democracy and human rights within Arab states. Fouad Ajami, the Lebanese-American scholar, has accumulated many sins in the eyes of the Middle Eastern cognoscenti, but among the most annoying has been his sensitivity to issues beyond the Israeli-Palestinian clash that created "the Arab predicament." Because of their profound affection for the Jewish state, well-wishers of Israel also tend to make Israel the center of the Middle East—a position that the state simply does not deserve.

THE MUSLIM MIDDLE EAST

Take any of the major movements in modern Islamic history, and Israel's role in their formation has been minor. Arab militarism started long before 1948, with the Westernization of the Middle East in the 19th century. The Ottoman Empire, which dominated the Near East and much of North Africa before the rise of European power, naturally put a heavy focus on the creation of a Westernized professional military class once it became obvious that hitherto fearsome Ottoman armies could be sliced-and-diced by more mobile, smaller European forces using artillery with increasing precision and speed. Egypt's Muhammad Ali Pasha (who reigned 1805-1848) and his descendants set the stage for the militarized Arabism that came with the triumph of the "Free Officers" in 1952. In Egypt, Sudan, Syria, Algeria, and the always-intellectually-vivacious Lebanon, "Arabist" ideas percolating since the 1890s gained a following in the tumult following World War I. Arabism, like its less Westernized relative, the Islamism of the Muslim Brotherhood, developed because of the perceived rot of Islamic societies. The creation of Israel and the military triumph of Jewish armed forces in 1948 were simply further proof of the decay and corruption of Muslim lands and their rulers. Israel's devastating defeat of Arab armies in 1967 accelerated the collapse of Arabism as a motivating ideal, and strengthened the Islamist critique of Muslim weakness. But Israeli power didn't cause the rise or fall of Arabism; it had nothing to do with the flowering of Islamic fundamentalism.

The most extreme forms of Islamic militancy—al Qaeda on the Sunni side and the Iranian revolution on the Shiite—treat Israel as a subset of a much larger Western threat, led by the United States. Israel has taken center stage for militant groups face-to-face with the Jewish state—Hamas in Gaza and the West Bank and Hezbollah in Lebanon. But that is the exception, not the rule. Many commentators view Hamas as a byproduct of the Israeli-Palestinian collision. A peace deal with Fatah would thus blunt, if not kill Hamas, since a partial Palestine with the Temple Mount flying the Palestinian flag would cripple the Islamist cause.

But Islamism has grown among Palestinians, as it has among Arabs everywhere, because Muslims have failed to compete militarily, economically, and culturally with the West. The brutality, cultural obsequiousness, and corruption of the ruling Westernized Palestinian elite has also helped. Hamas's total rejection of Israel has deep Muslim roots; this is also true, oddly enough, of the secular Arab nationalist and pan-Arabist rejection of the Jewish state. Israel defies the Koranic narrative, according to which the great Jewish prophets are actually Muslims before the coming of the final prophet, Muhammad. Israel's foundational narratives—the Hebrew Bible and the Diaspora, the historical mainspring of the Jewish claim to modern Israel—are nonsensical and repellent to believing Muslims. In the same way that secularized Muslims have been unable to outflank decisively the fundamentalists on social issues, especially those relating to family law where stipulations are clear in the Koran, secular Muslims have been unable to ignore the religious narrative about the Jews. For most, even the most secular, religious sensibilities are operating in the background. Europe and America, where secular political elites rule, have always shied away from religion in the Israeli-Palestinian conflict since it makes an already complicated situation intractable.

The explosive growth of anti-Semitism in the Muslim world is obviously connected to Israel, its victorious wars over Muslim armies, and the Israeli-Palestinian imbroglio. But even here, one needs to be cautious in assessing the catalyst and proffering cures. Classical Muslim bias against Jews is rooted in the communal struggles on full display in the Koran. The prophet Muhammad, who drew deeply from both Jewish and Christian sources to create his narrative, depicts Jews as being learned but treacherous. His characterization undoubtedly reflects frustration with the Jews of Medina who failed to accept his prophecy, even though he'd rooted Islam firmly in Judeo-Christian history. Islam's staunch monotheism and, later in its development, the omnipresent Holy Law have more in common with Judaism than Christianity, where the Trinity and Mary and the emphasis on theology over law create a different, more anthropomorphic, more feminine spirituality.

This traditional Muslim bias against Jews, which occasionally led to persecution but rarely to pogroms, in the 1930s began to mix with modern European anti-Semitism, which gives the original Christian gravamen against the Jews (their rejection of Jesus) an ever-nastier twist, becoming, via Christendom's inquisitional period, a sin of blood as much as creed. European anti-Semitism's nastiest versions, in the Third Reich and the Soviet Union (Jews as nefarious, irretrievably clannish, devilishly clever, capitalist oppressors), gained traction in the Middle East as Zionism gained ground and Israel gained strength. Israel's existence was for many Muslims proof of a global Jewish conspiracy. It's possible that a resolution of the Israeli-Palestinian clash could break the growth of virulent anti-Semitism in the Middle East, which is now mainstream. But it's increasingly doubtful unless the larger intra-Muslim tugs-of-war, between secularism and the faith, and between authenticity and modernity, are resolved.

LET PALESTINIANS VOTE

America has always wanted to cheat in the peace process: to import into the Middle East the mores and preferences dominant in the West since World War II, minus one rather important principle: democracy. The Israelis would trade post-1967 land for peace. Given enough land, the Israelis and Palestinians would get along. How the Palestinians ruled themselves was irrelevant to this scheme. It's not a coincidence that the peace process has again risen in America's agenda as dictatorship has reasserted itself in the region. With the fall of the democratically elected president Mohamed Morsi in Egypt and the rise of Field Marshal Abdel Fattah al-Sisi's military junta, which has sent Hamas in Gaza into a deep funk, the Obama administration can more easily advance a top-down approach to West Bank Palestinian politics and the peace process. That Abbas has been ruling for over five years without an electoral mandate doesn't matter. The peace process transcends the question of democracy and civil rights. And Abbas is, as President Obama confidently tells us, a man of exceptional gifts in the Middle East since he is "sincere about his willingness to recognize Israel and its right to exist, to recognize Israel's legitimate security needs, to shun violence, to resolve these issues in a diplomatic fashion."

And Israelis are likely to play along since they, like Abbas and his Fatah lieutenants, are content with the status quo and scared to death of change. President Obama is right that the Israelis should take risks for peace: They should insist that the Palestinian Authority be ruled democratically. But Israelis, understandably, are subject to the authoritarian temptation since free elections in the West Bank, Gaza, Jordan, and Egypt could bring Islamists to power. Westernized authoritarian rulers, after their unsuccessful wars against Israel, have signed treaties with the Jewish state. But as the tumult of the Great Arab Revolt showed, the Arab authoritarian states are built on shifting sands. The emergence of democracy was erratic and ugly in the West; it's proven tumultuous in the Middle East. But if the anti-Zionist and anti-Semitic cancer is to be stopped among Muslims, it will only be because faithful Muslims have come to terms with Zion in their midst.

New elections in Gaza and the West Bank might reveal that Hamas has lost its sway; they might reveal that Fatah has gained ground in Gaza, thanks to Hamas's Islamist tyranny, but lost ground on the West Bank; they might reveal that the Palestinian people have grown less enamored of both parties; or that the Palestinians, overwhelmingly Muslim, have no desire whatsoever to renounce their "right of return" or accept land swaps. Democracy could kill the peace process.

If so, so be it. There won't be lasting peace between the Israelis and Palestinians—the kind of peace where Israeli forces are withdrawn from the West Bank, Shin Bet no longer unilaterally undertakes night raids, and the barrier comes down—until peace is a democratic mandate, born of a civil society that demands its own rights before demanding rights from Israelis. That time is probably far off—though we may be only in the early stages of the Great Arab Revolt, and time moves quickly in a revolutionary age. An American-led effort to use the West's financial weight to improve and democratize Palestinian governance would be arduous but not hopeless; certainly no more arduous and frustrating than the egregiously misnamed peace process has been for 40 years. American determination to improve Palestinian governance and civil liberties, which will surely infuriate Israelis who've grown comfortable with the Fatah police state and settlements that make no security sense, could most likely derail any divestment movement in the European Union. The EU isn't a hopeless political theater for Israel, especially not with American diplomatic muscle behind it.

It's still too soon to know whether Barack Obama and John Kerry will do as much harm in the Holy Land as Bill Clinton and his peace-processing minions did (Yasser Arafat deserves the lion's share of the credit for the second intifada, but the naïve, Clinton-propelled Camp David talks get partial credit for the blood later spilled). Odds are another blood bath isn't in the making since Abbas and his spoils system might be the first victims. For Arafat, chaos was always an opportunity. By comparison, Abbas and company are downright timid. Yet Washington still might help plunge Israel, the West Bank, and Gaza into violence. When this round of peace-processing fails, as it will, the United States will not look wiser or more powerful. And that, in the Middle East, is never a good thing. ♦

Brave New Stereotypes

Behold the Lean In Collection

By Andrew Ferguson

Partly because I'm a guy, partly because my professor insisted on holding our Feminism and Culture class at 8 A.M., making it impossible for me to attend, I find myself now, decades later, far behind the curve of gender empowerment. The curve is shifting heavily to the distaff side. Can I still say "distaff"?

The statistics proving the point come in bite-size, journalist-friendly squibs: Men make up only half the labor force, down from 70 percent a generation ago. Sixty percent of the bachelor's degrees in the United States are earned by women. Women hold most entry-level managerial jobs. Single women in urban areas outearn men by as much as 8 percent, on average. Among all younger women, the infamous "pay gap" with men has shrunk to statistical insignificance. By some measures women dominate most of the fastest-growing professions. Over the last 30 years, their wages have risen 25 percent while those of men have fallen 4 percent.

'Female boxer wearing gloves practicing punching'

I like to think that my Feminism and Culture professor, whatever became of her, would be pleased at the turn of events—view it indeed as a kind of triumph and vindication. But I can't be sure. She might be pleased, or she might be one of those people who nod vigorously while reading the boffo bestseller *Lean In: Women, Work, and the Will to Lead*, by Sheryl Sandberg, the COO of Facebook. The book was released a year ago this month, and has been in the top 10 of the bestseller list ever since.

Sandberg's book has been dismissed here and there as classist—the indulgence of a privileged woman who has abandoned the struggle now that she is safely at the top and has refashioned feminism to fit the desires of the fortunate few. And it is hard to argue with the criticism when you keep falling over sentences like this one: "The night before Leymah Gbowee won the 2011 Nobel Peace Prize for helping to lead the women's protests that toppled Liberia's dictator, she was at a book party in my home." I guess you had to be there.

At the same time, though, the criticism isn't entirely fair. Rich as Croesus, successful beyond the dreams of all but a handful of industrial titans, Sandburg is animated by the same itchy agitation and discontent that have always animated the feminist cause. She insists, as feminists always have, that there is always more to do to empower the sisterhood and herself. And she continues to try to spread the word. Having more money than she knows what to do with, she started a foundation, the Lean In Foundation.

What does the foundation do? According to the mission statement, Lean In "is focused on encouraging women to pursue their ambitions" and "changing the conversation from what we can't do to what we can do." It is "offering women the ongoing inspiration and support to help them achieve their goals." It will "talk openly about the challenges women face and work together," and thereby "change the trajectory of women and create a better world for everyone."

Focusing, encouraging, supporting, offering, conversing, talking, changing, and working together: not much, in other words. The website also plays brief video lectures, such as "Be Your Own Hero," "Own the Room," and "Managing Difficult Conversations." You can watch as many as you want, no charge. It's on Sandberg's dime.

Andrew Ferguson is a senior editor at The Weekly Standard.

The foundation's latest and most tangible initiative, announced toward the end of February, is a partnership with Getty Images, one of the world's largest suppliers of stock photography—those generic, instantly forgettable pictures that editors use to illustrate their magazines and websites and that marketers use to make their advertisements irresistible to the plain folks. Getty is now curator of the Lean In Collection. Editors and marketers who can afford to will be able to buy stock photographs "devoted to the powerful depiction of women, girls, and the people who support them." Profits from the Lean In Collection will go to the Lean In Foundation, which supports the Lean In Collection. We can expect much focusing, offering, conversing, and talking in the years ahead.

The Lean In Collection is a crystalline reflection of the book it's named after. The book's theme is that the progress of women as a sex is being retarded through the stereotypes that society imposes on its luckless victims, who then internalize them. "Marketing is both reflective of our stereotypes and reinforces stereotypes," Sandberg told the *New York Times* at the collection's unveiling. There are two kinds of stereotypes running through *Lean In*, though the author and her ghostwriter are aware of only one of them. Stereotypes are what she disapproves of—women as mommies, deferential wives, unambitious workers, overwhelmed strivers. On the other hand, women as masters of their environment, whether home, workplace, marriage, family, or public life—these are clichés she approves of, and therefore cannot be stereotypes.

The idea that human beings, and women especially, take their identities haplessly from the impress of forces beyond their control is a very old one, and it has become a staple of social science research—endlessly studied, endlessly discovered, endlessly proved. "I rely on hard data [and] academic research," Sandberg writes proudly, and innocently, and her book is heavy with citations from social science. The data and research are of a particular kind that will be familiar to anyone who has dipped into our vast literature of marketing, business, and self-help as it touches on questions of sex and power.

Nearly all the research she cites has been produced by social scientists who were drawn to their trade to fight what they saw as the insidious and often violent exploitation of women in this country. They have joined like-minded social scientists to design experiments that, for reasons of convenience and expense, are forced to rely on college students, who have learned in their social science classes that the oppression of women is insidious and often violent. The experiments always yield positive results. The findings are fashioned into papers. These are published in journals that, as a guard against bias and a guarantor of methodological soundness, are reviewed by a panel of peers who went into social science to fight the insidious and often violent exploitation of women. The data are clear: The exploitation of women is insidious and often violent. It's pretty much settled science by now.

'Businesswoman on digital tablet at night'

'Female motorcycle mechanic using digital tablet'

'Colleagues in a planning meeting'

Along with its scientific trappings, the hopeful note in Sandberg's book has proved crucial to its success. Those internalized stereotypes can be overcome! "We can dismantle the hurdles in ourselves today," she writes. And

this is the point of the new Lean In Collection, too. "One of the quickest ways to make people think differently about something is to change the visuals around it," one marketer told the *New York Times*. "The thing about these images is they work on an unconscious level to reinforce what people think people should be like." We're still hapless chumps, in other words, but by being exposed to the images of the Lean In Collection, we will be better, more empowered hapless chumps. All we have to do is look. "You can't be what you can't see," Sandberg likes to say.

Helen Keller would probably disagree, but Helen Keller was too fusty to be the ideal woman of the Lean In future. (Terrible dresser, for one thing.) The point of the new empowered world is made plain in *Lean In* the book. "Getting rid of these internal barriers," Sandberg writes, "is critical to gaining power." The power Sandberg advocates is power as it has been traditionally defined in the old world of masculine dominance: rising to the top of hierarchical organizations, telling subordinates what to do, making lots of money, gaining the personal license to release yourself from the nettlesome demands of other people and of everyday life to do whatever you want—or, in the perfumed jargon of contemporary feminism, to "pursue your dreams" and "follow your passion wherever it leads." Sandberg wants (and has herself won) power in the brute material sense, and the Getty images are intended to encourage this desire in her comrades.

'Two smiling mature women sitting outside on patio having appetizers'

An hour with the Lean In Collection allows us to glimpse what our world will look like as it races toward perfection. The titles of the photos are self-explanatory. "Portrait of woman working in a machine shop." "Female surgeon using digital tablet after work." "Two women doing pushups with dumbbells in crossfit gym." There's a soldier, several surfers, some mountain climbers, and one nervy woman tiptoeing along a slackline. It's important to note that "Female woodworker nailing custom cabinet in workshop" is working on a *custom* cabinet; artisanal craftsmanship replaces mass production in the Lean In world. They can afford it! When you see "Two smiling mature women sitting outside on patio having appetizers," you will swoon over the rustic getaway and know that one of them bought it with cash.

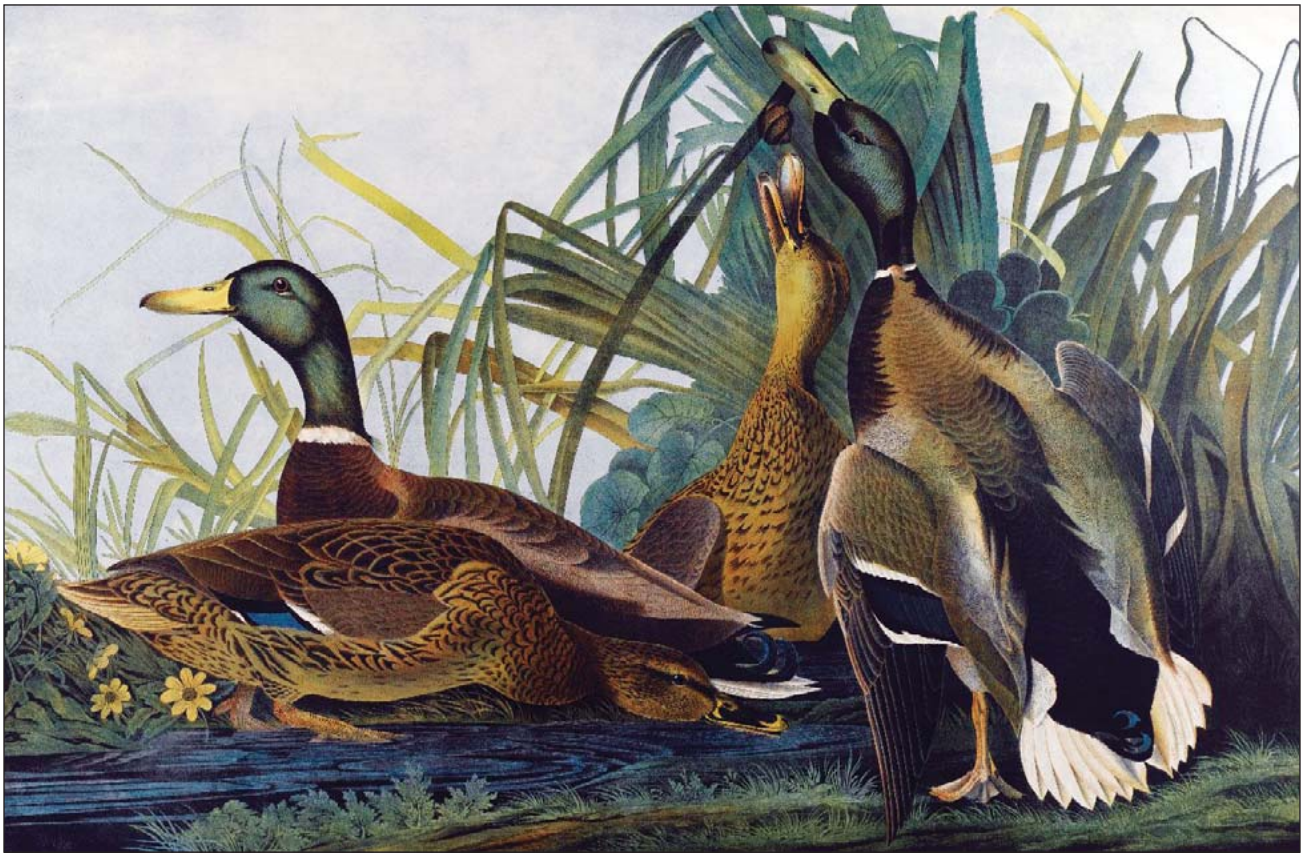
Women will spend a great deal of time in coffee shops in the Lean In future, either singly or in pairs. Mobile devices are their ever-reliable companions. Women will all be pretty—well, most of them—though too many of them, to my mind, will sport tattoos. Even the old women ("Glamorous mature woman smiling"), while unavoidably wrinkly, toss cascades of glowing white hair and beam from tanned faces, suggesting the undying sensuality that is the Lean In woman's birthright. They get tons of exercise, too, young and old and middle-aged, in airy, skylit gyms, which explains why none of them is fat. You can tell they aren't fat because they wear yoga pants usually.

There will be very few books around, unless you count office binders. There will be even fewer men. The men who do sneak into the empowered world will be used for changing diapers, listening politely to a Lean In manager while admiring the charts on her whiteboard, and playfully holding children aloft, at arm's length. Women will play with their children too, in educational ways that involve devices with flat screens. But mostly women will be working, and mostly in offices. Their offices will be exceptionally tidy and bare. A recurring setting is the glass-walled conference room, adjacent to a floor-to-ceiling window, on a high floor. The view in the future will be of a spectacular skyline and a vast cityscape stretched far below. The world will be lit by natural light, which is useful for catching the glimmer of good-natured determination that shines from the eye of the Lean In woman.

Quite often they will be working late. It's notable how many of these images are crepuscular: "Professional woman working late in city," for instance, and "Business woman on tablet at night." The twilight quality of the collection is unmistakable, as though we are coming to the end of something. Working late or early, Lean In women spend much of their time looking out the window, pensively, with a hint of a thousand-yard stare, until the Guatemalan cleaning ladies come clambering to disturb the reverie. Is it nosy to ask what the Lean In women are thinking?

Pondering the images I thought again of my feminism teacher. I do think she'd be pleased with today's state of affairs. The Lean In Collection makes our current condition plain. The collection isn't about "empowering women"; it's about flattering women who are already empowered, riding high in the saddle rather than marching in the streets, placards in hand. The collection itself is today's placard. It says: "Congratulations . . . to me! I won!" ♦

PHOTOGRAPHY CREDITS (ALL FROM GETTY IMAGES LEAN IN COLLECTION)
PAGE 30: COMPASSIONATE EYE FOUNDATION / CHRIS NEWTON. PAGE 31, FROM TOP: TOOGA; CAVAN IMAGES; OLI KELLETT. ABOVE, THOMAS BARWICK.



Chromolithograph of Audubon's mallards

BROOKLYN MUSEUM, GIFT OF SEYMOUR R. HUSTED JR.

A Way to See the Birds

Is it possible to improve upon Audubon? BY CHRISTOPH IRMSCHER

For the better part of a week I lugged *The Birds of America* around with me as I went to campus. Colleagues, students, and strangers looked at me with a mixture of interest and concern as I waddled past them. In the Lilly Library at Indiana University, where I do most of my work, I propped up the new edition next to our original volume of Bien prints—which is, yes, even bigger. Over two days, I took up an entire table in the Reading Room, making no new friends in the process.

The Birds of America
The Bien Chromolithographic Edition
by John James Audubon
and Joel Oppenheimer
W.W. Norton, 256 pp., $350

As I was struggling to open doors and push elevator buttons while holding onto my birds, it occurred to me what a sorry sight I would have made to the keen eyes of the great John James Audubon himself, who regularly carried even larger portfolios into the field with him, in addition to his shotgun and paintbox and who knows what else slung over his shoulder or tucked away under his arm.

Joel Oppenheimer's tome is a reprint of a reprint. What is known as the "Bien edition" of Audubon's *Birds of America*—after the German immigrant and printer Julius Bien, who undertook the printing—was an attempt to re-create one of the most expensive books in history as a series of color lithographs, rather than aquatint engravings, the complicated, time-consuming, and thoroughly impractical technology used for making the very first edition of *Birds of America*.

Audubon's work, published in installments between 1827 and 1838, was a tribute to the beauty and resilience

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of American birds, which he painted in lifesize, in poses and against habitats taken from his own observations in the field. It also documented, for all who cared to see, the uncompromising capacity of the human imagination to overcome all obstacles. No ornithological artist since has been able to match the power of those 435 plates, printed, for the most part, by Robert Havell Jr. on the largest sheets of paper that had ever been used for such a purpose, big enough to portray even the Whooping Crane and the American Flamingo—provided they kept their heads down.

Havell's process remained the same throughout the long collaboration: Audubon would provide him with a watercolor that Havell would then trace onto a large copper plate. That plate was then treated with a combination of methods, from traditional etching to the aquatint engraving. The latter technique required coating the plate with a resin-like substance, heating it, and then immersing it in an acid bath in order to produce a fine mesh of little holes that, when filled with ink, would create larger areas of tone in the print.

Once they had been hand-colored in his shop, Havell's prints seemed so vibrant that they surpassed Audubon's watercolors. Never had dead birds looked so real, so three-dimensional, so full of life on paper! No wonder it took Audubon and Havell 11 years to finish what has since become the world's most expensive and sought-after set of printed volumes.

When they were done, Audubon was exhausted. He did manage to produce a smaller, highly successful octavo-sized version of his *Birds*, which re-created the larger images as hand-colored lithographs, a new and more efficient technique that used inked slabs of stone rather than pricey copper. But as his mind began to darken with what we would probably now call Alzheimer's disease, Audubon, lost in his "little fancies," was unable to carry on with the work on American mammals he had begun.

It is sometimes said that greatness skips a generation, if it doesn't leave a family altogether. John Woodhouse Audubon, Audubon's painter-son who, with his brother Gifford, completed his father's *Viviparous Quadrupeds of North America*, is usually viewed with respectful condescension, or outright pity. A spectacularly unsuccessful western expedition that John undertook in 1850 yielded neither gold nor usable natural history sketches (most of his paintings were lost at sea). This did not help secure his posthumous reputation.

The differences between his and his father's plates are immediately evident, even to the untrained eye: John's hares, deer, and marmots look anxious and angular, placed as if they were props

John Woodhouse Audubon (1838)

into a landscape that seems frozen in some permanent late winter or early spring—the ground hard, the brownish grass stiff, the animals' coarse fur bristling with the lingering cold.

One of John's most enduring achievements might well have been asking Julius Bien to redo the plates of *Birds of America* as less expensive chromolithographs—no hand-coloring needed. John envisioned this as a way of replenishing the family's gapingly empty coffers as well as keeping alive, in all its outrageous, oversized splendor, his father's legacy. But this was a bad time for grand projects: The Civil War brought Bien's work to an abrupt and inglorious end. Only one volume of plates was ever published, by Roe Lockwood & Son in New York.

As I was sitting in the Lilly Library, with a librarian at my side to help me turn the pages, I found myself fully absorbed in the shimmering, strange world that John had asked Bien to re-create. The sheer sensuousness of Bien's chromolithographs came as a bit of a surprise: The eye of the red-tailed hawk sparkles with determined fury; the blue jay's plumage is an intense, vibrant blue that is translucent as the wings of butterflies; the reeds—green, yellow, and brown—among which Audubon's ducks spend their lives rustle as the eye travels along the page. Colors like orange and pink, subtly applied to the sunrises or sunsets featured in the backgrounds of plates, evoke a world still governed by the rhythms of nature and not those of human beings.

While Bien occasionally resorted to some hand-coloring, as Oppenheimer notes in his introduction, for the most part, these orgies of color are the product of nothing but slabs of limestone being applied to paper.

John Woodhouse Audubon felt moved to add pictorial details that were not in his father's originals: In the most startling of these reworked images (the portrait of the bald eagle), small sailboats drift in the background on a remarkably blue lake or river. He also added some greenery in the foreground: Gone is the stark Alpine sublimity of the earlier plate, intended, perhaps, for European subscribers. But the quaint setting—which looks as if it had been inspired by a second-generation Hudson River School painter—enhances rather than diminishes the eagle's power: A fierce, demonic bird-god claws its sacrificial catfish while people elsewhere go about their ordinary business. And by placing his father's fierce black vultures, and the deer's head on which they are about to feast, in a park-like setting, complete with well-cut lawns and a meandering river in the background, John moves that horrid scene so much closer to the viewer's world.

We owe Joel Oppenheimer, one of the nation's leading collectors of natural history books, a debt of gratitude for bringing Bien's work back to life, in digital reproductions taken from his

own set of plates. His well-informed introduction, and useful notes on the paper used by Bien, complement this attractive edition.

In comparison with the Lilly's earlier volume, however, many of Oppenheimer's plates seem autumnal, faded, as if dusk were about to settle on Audubon's avian world. I was not ready for the plate featuring the belted kingfishers: The birds are mostly gray and pale in Oppenheimer's reproduction, whereas in the Lilly volume—a mix, it seems, of first edition and second edition plates, with some unnumbered plates that might be proof sheets thrown in—the birds' plumage retains its funky mixture of light blue, white, black, and brown. The buildings of Key West in the background of the great white heron plate have clearly defined outlines in the Lilly version, whereas in Oppenheimer's edition, they seem indistinct, forming a proto-Impressionist, washed-out cityscape rather than the postcard-precision view I had expected to find.

Much of this might be due to the different set of plates Oppenheimer used. And, mind you, a print, no matter how well executed, is never the real thing. A horribly defaced page in the Lilly Library copy contains a poignant reminder of that simple fact: Someone (a child, one hopes) had taken, perhaps early in the volume's history, a brush to Audubon's resplendent great white heron and painted over the bird's translucent white plumage, almost obliterating it with a dull brown wash, the color of moist sand. Was this, perhaps, an act of rebellion against the endless process by which something living is replaced by its near-perfect facsimile?

From a collector's point of view, the defacement is a disaster; from another perspective, Lilly's great white heron plate, precisely because it is no longer clean, tells us that something is indeed lost when a living bird becomes a dead specimen, and the dead specimen a watercolor sketch, and the sketch a hand-colored, lifesized engraving, and the engraving a lithograph, and the lithograph a digitally reproduced image in a handsome, expensive book that we proudly display on our coffee table.

Such substitutions are, of course, inevitable whenever we try to make a faithful copy of anything. A picture of a bird is not a bird, just as a son is not his father, however much he might resemble him. John Woodhouse Audubon knew this, and it seems touching that he nevertheless tried to continue what his father had done—in a style that was, if not quite like his father's, at least not unlike it—for as long as he could. On February 21, 1862, he succumbed to what had begun as a heavy cold. Aged only 49, he died, as his daughter noted, almost at the same hour as his father had, a little more than a decade earlier.

Julius Bien, by contrast, had many years left to live, although he was never to undertake a project of similar artistic importance. Oppenheimer's gorgeous edition is a welcome tribute to the talents of both men; but I can't help but wonder if it might not be worth taking another look at John Woodhouse Audubon's own work. For, once you have seen his images of American quadrupeds, it is (as Edmund Wilson realized) hard to forget them. The experience of loss is inscribed into the hard little eyes of his emaciated minks and squirrels as they cower next to their burrows or cling to dead tree limbs, occasionally against a background of distant log cabins, fences, and other markers of an encroaching human civilization.

These are humans who will not think twice about killing animals, but who also know, in their better moments, how to turn them into beautiful books. ♦

B&A

The Paper Chase

Printing and human nature get acquainted.

BY LAWRENCE KLEPP

The Invention of News
How the World Came to Know About Itself
by Andrew Pettegree
Yale, 456 pp., $35

News addiction? Nothing new. "You cannot imagine to what a disease the itch of news is grown," wrote an Englishman named John Cooper in 1667. At that time, newspapers had been in existence for just over 60 years. The first appeared in Strasbourg, in German, in 1605: the *Strasbourg Relation*, a weekly that was the brainchild of a book dealer named Johann Carolus. The first English-language newspaper (*Courant out of Italy, Germany etc.*), an English version of a Dutch paper, surfaced, out of the reach of royal censors, in Amsterdam in 1620.

Ben Jonson's play *A Staple of News* was already satirizing news mania in 1625. But long before there were newspapers, there was a craving for what they delivered, and about half of this captivating book about the emergence of the modern commodity we call news is devoted to the early attempts to satisfy that itch, a history of the news before the papers. In the Middle Ages, there were topical sermons given by itinerant preachers, songs by wandering minstrels, gossip in taverns, and travelers' tales in inns. The Crusades created a taste for news from faraway places, and Pettegree remarks that, for the average Christian of the 11th century, Jerusalem was more familiar than the nearest big city.

During the Renaissance, enterprising Italians began offering weekly handwritten news briefings (*avvisi*) to subscribers, mostly rulers and merchants, some of whom could also afford their own correspondents and

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couriers as they scrambled to find out what was happening before anyone else did. Information then, as now, was money and power.

Gutenberg's invention of the printing press in the mid-15th century led to the rise of miscellaneous news pamphlets, often illustrated with woodcuts, that quickly displayed a tendency toward tabloid sensationalism: lurid crimes, earthquakes, celestial apparitions, women giving birth to (according to reliable sources) cats, breathless accounts of discoveries in the New World. The crimes of women seemed to be a particular source of fascination. All this was news to me.

But the proliferation of printed news also had more serious aims and consequences. Pettegree, professor of modern history at the University of St Andrews, is a specialist on the Reformation, and he notes that Luther's movement might have been quickly suppressed if it hadn't been for the publicity it was able to generate: "The Reformation was Europe's first mass-media news event." He shows how major stories of the period like the St. Bartholomew's Massacre (1572) and the defeat of the Spanish Armada (1588) were shaped, or garbled, as breaking news. Punctually published newspapers came into existence just in time to cover the Thirty Years' War (1618-48).

Yet even with plenty of historical turning points to report, early newspapers were very gray ladies indeed, imitating the flat, factual tone of the laconic, handwritten diplomatic and political summaries that preceded them. There were no headlines—the most important stories weren't given any precedence or emphasis—no illustrations, and none of the narrative flourishes and passionate commentary of the news pamphlets.

Maybe it's no coincidence that just as these staid papers came into existence, coffee and tea first arrived in Europe: People needed something to keep them awake while reading. In any case, caffeine and news have been inseparable ever since. The coffeehouse culture of mid-17th-century London and the news culture that flourished with it both came under official suspicion. One of the ministers of Charles II expressed nostalgia for the time "when we drank nothing but sack and claret, or English beer and ale. These sober [coffee] clubs produce nothing but scandalous and censorious discourses, and at these nobody is spared." Of course, sobriety and the output of news stories wouldn't be associated for long.

The first daily paper in England, the *Daily Courant*, appeared in London in 1702. By that time, newspapers, at first written entirely by whoever published them, had begun running regular advertisements, and the extra revenue allowed publishers to farm out the

The London Gazette.

Published by Authority.

From Monday May 14. to Thursday May 17. 1705.

The 'London Gazette' (May 14, 1705)

writing to a new tribe of scribes, the ill-paid hacks of Grub Street. An eighth of each of the London papers, and half of the *Spectator* (Richard Steele and Joseph Addison's pioneering foray into witty and wide-ranging magazine journalism), were devoted to advertisements for books, chocolate, coffee, patent medicines, fugitive servants, and lost property. Even members of the royal family were placing ads for lost spaniels and misplaced scepters.

News, of course, invented the modern world as much as the modern world invented news. Finding out what was going on elsewhere in the world changed people's minds about what was possible or tolerable. And if news didn't change minds by itself, it could be given a partisan spin. By the late 17th century, London papers were Whig or Tory, and in France, the road to the French Revolution was paved with polemical newspapers.

Other changes wrought by news were more subtle. The melodramatic early news pamphlets tended to interpret every natural disaster and lost battle in terms of God's oblique will—in terms of portents, warnings, and punishments of sin. But matter-of-fact newspapers effectively reduced things to capricious natural causes and equally capricious human decisions: The South Sea Bubble in England wasn't designed by a wrathful God to punish frenzied greed; it just looked that way.

In general, Pettegree gets through this vast, multidirectional mass of early modern material lucidly and expertly, turning up all sorts of unexpected bits of information, though some of the scholarly territory he traverses can be as dense with indigestible facts as early newspapers themselves. And the book ends too soon, just as the 18th century gets going. I would have liked to know more about the lives and times and pay scales of those Grub Street hacks, what papers Samuel Johnson read with his copious consumption of tea, and the nascent celebrity culture of popular actresses and wayward aristocrats.

But it leaves one with the reassuring thought that, in terms of our collective appetite for shocking news developments, nothing much has changed. A very large coterie of modern intellectuals attacked the shallowness of newspapers and the poisonous effects of reading them: T.S. Eliot, F.R. Leavis, Nietzsche, Heidegger, et al. But even that wasn't new. As Pettegree shows, angry clerics were denouncing newspaper reading as a sin in the 17th century.

The delusion is that there was some Golden Age of serene, newsless authenticity, a time when people were too spiritually connected to community or nature to be interested in the transient, the faraway, the scandalous. This book reminds us that human beings in any age, like the residents of 1st-century Athens encountered by St. Paul, can't wait "either to tell or to hear some new thing." ♦

B&A

Bard of Honor

Did Shakespeare write Shakespeare? Of course he did.

BY MICAH MATTIX

Questioning the authorship of Shakespeare's plays has long been the domain of amateurs, and Delia Bacon was one of the first. An American schoolteacher, and mostly frustrated writer, she argued in her *Philosophy of the Plays of Shakespeare Unfolded* (1857) that the middle-class and grammar-school-educated Shakespeare lacked the training and courtly experience to write plays that engaged "the highest literary culture of the age." She suggested, instead, that the plays were written by Francis Bacon, Sir Walter Raleigh, and other members of the Elizabethan court.

Delia Bacon managed to interest Ralph Waldo Emerson in her theory, and she met with Thomas Carlyle and Nathaniel Hawthorne in England. (Hawthorne was consul in Liverpool at the time.) Both were cordial, but critical. Hawthorne nevertheless supported the publication of *Philosophy*, perhaps in part because Bacon had won over his sister-in-law, Elizabeth Peabody. But the book failed miserably.

Hawthorne wrote that the "ponderous octavo volume . . . fell with a dead thump at the feet of the public and has never been picked up." Part of the problem was style: Bacon alternates between invective and long, tangled, close readings. More than one critic has called it "unreadable." It was also simply unconvincing; it was rigorously critiqued (and occasionally censured) by outraged Shakespeareans. Bacon, who did not have an easy life, went mad and died in an asylum two years after the book's publication.

Had Delia Bacon lived today, things might have turned out differently. Never have anti-Shakespearean theories, as they are called, been more popular—even gaining some traction among academics for the first time. First published in 2007, the "Declaration of Reasonable Doubt"—which, as the title states, proposes that there is a "reasonable doubt about the identity of William Shakespeare"—has since garnered the signatures of Derek Jacobi and Alexander Waugh, along with various professors of English, theater directors, and performers. In 2011, the film *Anonymous* brought to screens J. Thomas Looney's theory that the Earl of Oxford, Edward de Vere, was the real author of the plays. *Anonymous* was not a success, but it marked a growing interest in anti-Shakespearean theories.

Shakespeare Beyond Doubt
Evidence, Argument, Controversy
by Paul Edmondson and Stanley Wells
Cambridge, 298 pp., $29.99

Now, in *Shakespeare Beyond Doubt*, Paul Edmondson and Stanley Wells write that Shakespeareans have tended to view the question of authorship as "a topic unworthy of their attention, even as a supreme expression of human folly." Not any longer. Due, in part, to the events described above, this volume, composed of brief, accessible essays (most of them just over 10 pages) by international Shakespearean scholars, addresses various aspects of the authorship question. And while Edmondson and Wells strike a cordial note in their introductory remarks, writing that the "authorship discussion is a complex intellectual phenomenon well worthy of objective consideration," these essays make clear that it is, frankly, as silly as ever to suggest that anyone but William Shakespeare of Stratford-upon-Avon wrote the plays attributed to him.

Take, for example, Looney's argument that Edward de Vere was the "real" Shakespeare. Alan H. Nelson provides a number of reasons why de Vere couldn't have written the plays. He was a poor poet—"not bad for a courtier [but] an embarrassment to his proponents"—who owned his own theater company, Oxford's Men, which performed *none* of Shakespeare's plays, an odd decision if the plays were indeed written by de Vere. Oh, and he died in 1604, seven years before *The Tempest* was written. Supporters of Looney's theory get around this problem by suggesting that de Vere faked his own death, or that *The Tempest* was written earlier; but there is no evidence to support either claim.

The cases for Francis Bacon and Christopher Marlowe are equally unpersuasive. The argument in favor of Bacon, Alan Stewart writes, rests largely on the premise that Shakespeare could not have written the plays because of his lack of education and wide experience. In addition to this, a paper book written in Bacon's hand, discovered in 1867, contains a list of Bacon's essays and two of Shakespeare's plays, *Richard II* and *Richard III*. This is proof, Stewart notes, of Shakespeare's growing fame, not (as the anti-Shakespeareans would have it) of Bacon's authorship of the two plays. Moreover, while comparisons of Bacon's and Shakespeare's style yield some similarities, as would the comparisons of any two contemporaries writing in the same, often formulaic, Elizabethan English, they also show some important differences—most notably Bacon's strong didactic bent, making it all but inconceivable that he was able to write plays such as *All's Well that Ends Well* or *A Midsummer Night's Dream*.

Marlowe's biggest obstacle, as with Edward de Vere, was his death. Marlowe died in 1593, but anti-Shakespeareans have long suggested that he faked his death in order to escape

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Rhys Ifans as the Earl of Oxford in 'Anonymous' (2011)

REINER BAJO / COLUMBIA PICTURES / EVERETT COLLECTION

courtly troubles and cuckolded husbands. According to official records discovered in 1925, Marlowe was stabbed in the eye by one Ingram Frizer following a dispute over the day's "reckoning," a "sum of pence owed for the day's food and drink." But in *The Murder of the Man Who Was 'Shakespeare'* (1955), Leo Hochman, using the pseudonym Calvin Hoffman, argues that Marlowe's homosexual lover, Thomas Walsingham, arranged for Frizer and one other man to kill a sailor and claim that it was, in fact, Marlowe so that the beleaguered playwright could escape to the continent. The dead sailor, identified by Marlowe's associates who were in on the hoax, was buried in an unmarked grave, while Marlowe spent the next 20 years in Italy writing plays and sending them to the uneducated actor, Shakespeare.

The problem with this theory, Charles Nicholl writes, is that it's "mere invention. . . . [T]he homosexual relationship, the waylaid sailor, the body switch, the suborned coroner, even the unmarked grave" are all simply made up. The pattern of "authorship controversialism," Nicholl notes, is speculative premise ("Shakespeare could not have written the plays because . . .") followed by "invented evidence" that "plays a determining role in what is presented as genuine historical argument." Over 80 alternative Shakespeares have been proposed to date, and no doubt more will follow, no matter how little evidence there might be to support them.

As other essays here make clear, the data we do have about Shakespeare's life suggest that he was, indeed, the author of the plays. While Shakespeare did not attend university, he had an excellent secondary education provided to him by the position of his upper-middle-class father. Stratford-upon-Avon was no London, but it was a bustling market town visited regularly by traveling theater troupes. Many of Shakespeare's hometown friends went on to serve in positions of prominence in the court and in London. And while it was unusual for a playwright not to have a university education, this might explain some of the early animosity he faced from other playwrights.

Furthermore, Shakespeare's plays bear the mark of being written by a professional theater man. The author's uses of doubled roles (so that 8 to 10 actors could perform a play of some 20 parts) and acute awareness of how long it would take to change costume or "execute a technical effect," James Mardock and Eric Rasmussen write, would have been of little concern to courtiers like Edward de Vere or Walter Raleigh. Also, many of the plays' parts seem to be written for actors who were members of Shakespeare's company, most famously Will Kemp and Richard Cowley.

It is likely that Shakespeare collaborated on some of his plays—a common practice at the time—and particularly on the early ones, such as *Titus Andronicus* and all three parts of *Henry VI*. However, the majority of his plays written after the great success of *Venus and Adonis* (1592) were done without assistance.

If what evidence we do have points to William Shakespeare as the author of his plays, why are there so many theories to the contrary, especially as of late? One author suggests that the Internet has something to do with it: misinformation shared with a poorly educated readership. More telling, though, are the comments of Michael E. Egan, a respected Shakespearean who signed "The Declaration of Reasonable Doubt." Asked by Stuart Hampton-Reeves why he signed it, Egan explains that he is an "agnostic" regarding Shakespeare's identity and is prepared to "follow the evidence where it leads." Yet, he states that ascribing the "astonishing range, wisdom and knowledge" of the plays "to genius is simply to invoke magic."

In short, we live in a sadly reduced age that, nursed on the poisonous skepticism of poststructuralism, no longer believes in identity, much less genius. William Shakespeare's genius seems "magic" because we are by comparison *apes / With foreheads villainous low*. ♦

B&A

California Dreaming

The Golden State is looking increasingly leaden.

BY MARK PULLIAM

Beginning in 1990, the Manhattan Institute's estimable quarterly *City Journal* helped restore safety and order to Dinkins-era New York. Many had given up on the Big Apple—recall its hopeless depiction in Tom Wolfe's *The Bonfire of the Vanities* (1987)—but under editor Myron Magnet, *CJ* doggedly contended that the city's chaos and decay were simply the result of bad policies and were therefore reversible. *CJ* was right, as mayors Rudolph Giuliani and Michael Bloomberg, whose policies led to a renaissance of prosperity and urban civility in the city, subsequently demonstrated.

Brian C. Anderson (*CJ*'s current editor) notes in his introduction to *The Beholden State* that the transformation of New York in the 1990s "was one of the great public-policy successes in history." In recent years, *CJ* has undertaken a similar rescue project for the state of California, publishing a series of detailed articles exploring the policy failures of the once-Golden State. Whether California, too, can be saved remains to be seen.

Many of *CJ*'s articles are collected in this volume, including contributions by Heather Mac Donald, Steven Malanga, Victor Davis Hanson, Joel Kotkin, and Art Laffer. California surely has fallen from grace. Despite an abundance of natural resources, a famously balmy climate, the world's most productive agricultural region, spectacular beaches and mountains, and what was, until recently, a first-rate infrastructure for transportation, water, and electrical power, California has hit the skids in the past decade. High unemployment, business flight, suffocating taxes and regulation, mediocre schools, and—reversing a decades-long trend—a net exodus of population have supplanted the California dream of comfortable living and upward mobility. What happened?

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The Beholden State
California's Lost Promise and How to Recapture It
edited by Brian C. Anderson
Rowman & Littlefield, 344 pp., $32

The 405 freeway, Los Angeles (2013)

NEWSCOM

The title of this book captures its theme: California was hijacked by special interests—notably, public employee unions, environmentalists, trial lawyers, and the multicultural crowd. These groups have largely taken control of state and local government, enacting deleterious policies that benefit themselves at the expense of everyone else, especially taxpayers and entrepreneurs, who consistently rate California as having the nation's worst business climate.

In the opening essay, Steven Malanga explains how public employee unions managed to become the most powerful force in the Beholden State. The seeds were sown long ago, when California foolishly granted collective bargaining rights to local government workers in 1968. Since then, "bargaining rights" (in a form more one-sidedly pro-union than federal law applicable to the private sector) have been extended to virtually *all* public employees. This, combined with the right to strike and compel payment of union dues—and the growth of government payrolls as California's population mushroomed in the 1970s and '80s—allowed public sector unions to amass staggering war chests and become influential players in state and local elections. The unions learned that labor "negotiations" yield much more favorable results if the government officials on the other side of the table have been elected thanks to union support.

As a result, public employee unions win "contracts" with wages and benefits (especially retirement benefits) so crazily generous that they border on plunder. No wonder California's prison guards can earn over $100,000 a year with overtime, and the cities of Vallejo, Stockton, and San Bernardino have filed for bankruptcy because of massive unfunded pension liabilities. Moreover, the public employee unions reflexively resist any meaningful long-term reform: When cities *do* succeed in adopting reforms, as when San Diego enacted "managed competition" via Proposition C (2006), the unions can stall their implementation indefinitely, through interminable "negotiations." So much for democracy.

The California Teachers Association adamantly opposes school choice and teacher accountability; and all the public employee unions implacably fight privatization, competition, restrictions on the collection and use of union dues, and pension reform. Tax monies that were once spent on infrastructure are now siphoned off to inflate employees' salaries and benefits. Government spending has increased dramatically with no discernible improvement in public services, the grim details of which are explored at length in other chapters here.

Joel Kotkin points out that "California's environmental movement has become so powerful that it feels free to push its agenda without regard for collateral damage done to the state's

economy and people." For example, although California (like Texas) sits atop substantial oil reserves, environmentalists have managed to severely restrict drilling in the interior and offshore. In the name of "green energy," utilities are required to provide a *third* of their total electricity from costly "renewable" sources (such as solar and wind generation) by 2020, which drives up already-high residential and commercial rates. "Carbon neutrality" edicts for all new development will cost California an estimated 1.1 million jobs over the next decade.

Trial lawyers are another rent-seeking special interest group. The American Tort Reform Association regularly names California as one of the nation's "judicial hellholes," based in large part on abusive class action litigation involving minor violations of arcane consumer and/or employment regulations. Class members receive coupons or pennies, but the lawyers who bring the class action receive millions. Heather Mac Donald describes how multiculturalism and political correctness have debased California's once-peerless system of higher education, and how zealous advocates for the homeless threaten to turn the state's urban centers into unruly colonies of beggars, vagrants, and druggies.

Governor Rick Perry heralds his state as the "Texas Model," but mainly it stands as an example of what California used to be. Businesses are relocating to Texas—voting with their feet—in order to escape the destructive consequences of the Beholden State. Can California be saved? The unprecedented demographic changes caused by massive illegal immigration—with little or no assimilation—must be taken into account. California simply is not the same state it was a generation ago: A large and growing percentage of the state's population is unskilled, uneducated, and not fluent in English.

But the greatest challenge to California's recovery lies in indifference and apathy on the part of voters. And in the face of powerful special interests, it will take considerable resolve to fix what's broken. Much of California's middle class—the constituency that passed Proposition 13, limiting property taxation, in 1978—has fled elsewhere. Increasingly, California is populated by liberal elites, service workers, activists, and public employees—all of whom tend to vote Democratic. The business community is in disarray. California might well become a Detroit-by-the-sea, a tragic symbol of greatness in decline and decay.

Whether or not California can be turned around, its road to ruin provides what Steven Malanga calls "a cautionary tale to the rest of the country, where the same process is happening in slower motion." Other states failing to heed these warnings do so at their peril. ♦

B&A

A Moveable Thirst

The importance of being Ernest Hemingway's cocktail shaker. **BY MARTIN MORSE WOOSTER**

To Have and Have Another
A Hemingway Cocktail Companion
by Philip Greene
Perigee, 320 pp., $24

Ernest Hemingway drank far more than most people, and probably more than was good for him. He loved liquor so much that when he was in his late 50s, and a diabetic, his doctors tried to ration his alcohol consumption—to a liter of wine a day.

But Hemingway was far from being an uncontrollable drunk. He did most of his writing in the mornings, and he made sure not to drink while he was writing. Nor did he drink late at night. Moreover, Hemingway well understood the problems that uncontrolled alcohol consumption could cause for a writer's career: Reminiscing about F. Scott Fitzgerald, who often was barely able to control his drinking, Hemingway recalled, "I told Scott that being a rummy made him very vulnerable—I mean, a rummy married to a crazy is not the kind of pari-mutuel that aids a writer."

Drinking was an essential part of Hemingway's character and of his fiction. Here, Philip Greene provides a highly entertaining look at what Hemingway drank, where he drank, and the characters Hemingway encountered while drinking.

Greene is part of the coterie of cocktail writers, along with Jared Brown, Wayne Curtis, Anastatia Miller, and David Wondrich, who are diligently creating new cocktails and striving to expand our knowledge of cocktail history. Greene is also a very careful researcher. For example, he concludes that one drink Hemingway probably did *not* have was the rum-based mojito. The "evidence" that Hemingway drank mojitos is a framed piece of paper in Havana's La Bodeguita del Medio bar that says, "My mojito in La Bodeguita / My daiquiri in El Floridita." Hemingway did spend a lot of time drinking daiquiris in El Floridita, which is still in business and will be happy to give you a souvenir coaster with Hemingway's signature. But there's no evidence that Hemingway was ever in La Bodeguita. And while Hemingway used his daiquiri drinking as the basis for scenes in the posthumously published *Islands in the Stream*, no character in any Hemingway novel or short story ever drank a mojito. Moreover, Hemingway didn't like sweet drinks—he took his daiquiris without sugar even before trying, in a futile effort to stave off diabetes in late middle age, to cut out sugar entirely from his diet.

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Finally, Greene showed a copy of the note to Key West Art and Historical Society archivist Brewster Chamberlin, who has spent countless hours studying Hemingway's handwritten fishing logs. Chamberlin says that he believes Hemingway did *not* write the mojito note.

Greene tells many stories about Hemingway in bars, and he realizes that some stories are too good to check. For example, Hemingway claimed that, on three occasions, he was at Harry's New York Bar in Paris when a former boxer showed up with an incontinent lion, which fouled Harry's with animal waste. On the third occasion, Hemingway claimed, he picked up the boxer and his beast and threw both of them out of the bar: "Out on the sidewalk the lion gave me a look, but he went quietly," Hemingway told his friend A.E. Hotchner.

No one knows if the story about Hemingway and the lion is true. But Greene shows that there is a great deal of supporting evidence for most of the stories about Hemingway in bars. It is true, for example, that Hemingway, as a war correspondent for *Collier's* in 1944, managed to attach himself to a group of French resistance fighters organized by the Office of Strategic Services (OSS). Hemingway demanded that the *maquis* call him "captain," and they proceeded to march into Paris and head for the Ritz Hotel, where (according to Hemingway biographer Carlos Baker) they decided to treat themselves to 50 martinis. That was only the start of their drinking. An hour later, Alan Moorehead met them: "It was a little galling to find Ernest Hemingway sitting in the dining room of the Ritz over a bottle of Heidsieck," Moorehead wrote. "He had liberated the Ritz just an hour before." Hemingway later wrote to Moorehead, correcting him that he had actually been drinking Perrier-Jouët.

Ernest Hemingway, Martha Gellhorn (1940)

Bars, for Hemingway, had all sorts of uses. Once, in 1940, at the Stork Club in New York, Hemingway successfully got the club's owner, Sherman Billingsley, to cash a $100,000 check he had just received for the film rights to *For Whom the Bell Tolls*. Billingsley said he could cash the check if Hemingway could wait until closing time. Hemingway dutifully waited, and the Stork Club paid him. Hemingway even met at least one of his future wives in a bar: One day in 1936, he was drinking daiquiris at Sloppy Joe's in Key West when Martha Gellhorn and her mother came in. Gellhorn's youth, beauty, and intelligence entranced him. Gellhorn fondly remembered Hemingway's "odiferous Basque shorts," and the two spent the afternoon drinking frozen daiquiris. They kept seeing each other, and Gellhorn ultimately became Hemingway's third wife.

Hemingway was familiar with all sorts of mixed drinks, but his two favorites were daiquiris and martinis. If you want to drink martinis like Hemingway did, you must serve them ice-cold. In 1947, he told his publisher Charles Scribner that he had "found a way of making ice in the deep-freeze in tennis ball tubes that comes out 15 degrees below zero and with the glasses frozen too makes the coldest martinis in the world."

But even without his freezer, Hemingway's martinis made him many friends. One afternoon in 1948, Hemingway was invited to a black-tie party featuring the Duke and Duchess of Windsor. Hemingway ignored the rule that jackets were required and showed up with his personal assistant, René, and some sliced onions, olives, Gordon's gin, and dry vermouth. He set up a table, got some ice and a mixer, and made many very dry martinis. The Windsors enjoyed them so much that they ended up drinking with Hemingway both at his Cuban farm and at El Floridita. (According to the gossip columnist Leonard Lyons, Hemingway solved the problem of whether to call the Duchess "Your Highness" or "Your Royal Highness" by calling her "Wallie.")

When, in the 1920s, Gertrude Stein warned Hemingway and his friends that they were a Lost Generation, she was specifically warning about excessive alcohol consumption: "You are a lost generation," Stein declared. "You have no respect for anything. You will drink yourselves to death."

Indeed, alcohol was a two-edged sword for Hemingway: It shortened his life, and it made him more of a character. Had Hemingway been a moderate drinker, he would have lived longer—but he would not have been Ernest Hemingway. Drink was Hemingway's weakness, but the people he met and the time he spent drinking in bars in Key West, Manhattan, Paris, Venice, New Orleans, and elsewhere informed some of the greatest fiction in American literature. ♦

BETTMANN / CORBIS / AP IMAGES

B&A

Hard Times

The white-trashing of American television.

BY JOHN PODHORETZ

What does a poor or lower-middle-class white person, especially one from the South or Southwest, have to do to get a break from fancy high-end TV producers? It is a remarkable fact about this new Golden Age of television, which began with *The Sopranos* in 1999, that its primary focus of attention is the population cohort known (with the exquisite cultural sensitivity we have all learned in the era of political correctness) as "white trash."

HBO's sensationally powerful *True Detective*, with its subsidiary cast of sweaty, unshaven, tattooed, heavily accented, strip-clubbing neo-Neanderthals from Louisiana, is just the latest manifestation of the white-trashing of TV. *True Detective* is the second HBO series set in and around the bayou, following in the footsteps of the vampire show *True Blood*—and let me tell you, those swamp folk, they like their sex dirty in every sense of the word.

The new show came along just after the final episode of AMC's *Breaking Bad*, about an Albuquerque scientist-turned-schoolteacher who serves as the Southwest's key methamphetamine supplier to an endless list of Caucasian scum. (The final episode featured the stirring rescue of the teacher's upper-middle-class-fallen-to-trash sidekick Boy Wonder, who will live to cook blue another day.) On air right now, *True Detective* joins *Sons of Anarchy*, the FX series about rival motorcycle gangs in California who spend most of their illicit gains on leather clothing. FX takes a lighter touch with *Justified*, the highly amusing series about a U.S. marshal forced to return to his white-trash home turf of Harlan County, Kentucky. Harlan was the nation's paradigmatic coal-mining community and, in its day, the source of a great deal of leftist sentimentality about the plight of the working class.

No longer! We don't care about the plight of the white trash folk who provide all this glorious local color; instead, these shows positively revel in the shabbiness of their upholstery, the grunginess of their bars, their casual brutality, their offhanded abuse and/or neglect of children. There is precious little sympathy expressed for them. Even *Mad Men*'s Don Draper, the well-to-do man from Westchester, was damaged forever by being born to a hooker in rural Illinois and raised by a vicious farmer who beat him regularly.

In *Difficult Men*, Brett Martin's book about the remarkable writer-producers who brought television to new cultural heights, Martin notes that there was something explicitly political at work in the early days of what he calls television's "Third Golden Age." Americans "on the losing side" of the 2000 election, Martin writes, "were left groping to come to terms with the Beast lurking in their own body politic." As it happened, "that side happened to track very closely with the viewerships of networks like AMC, FX, and HBO: coastal, liberal, educated, 'blue state.' And what the Third Golden Age brought them was a humanized red state. . . . This was the ascendant Right being presented to the disempowered Left—as if to reassure it that those in charge were still recognizably human."

Of course, the "recognizably human" people who dared vote for George W. Bush were all sociopathic or psychopathic crooks: Tony Soprano, Walter White (note the name) of *Breaking Bad*, the polygamous Mormon Bill Henrickson on *Big Love*, and others. They were the characters at the center, and they were indeed fully human. It's the depiction of the worlds in which they live that is so striking, even more so in the series that have come along since the body politic's shift to the left, beginning in 2006. The canvas on which these characters are brought to three-dimensional life isn't a "humanized red state" at all, but rather the red state of liberal horror fantasy.

True Blood began the white-trashization of the horror genre, which has reached its apogee with the most successful series on cable television, *The Walking Dead*—in which enlightened survivors of an apocalyptic catastrophe must wander through rural Georgia evading flesh-eating zombies who don't look all that different from the supporting players in the other white-trash shows.

In 2009, the screenwriter Michael Tolkin, who is not one of those responsible for TV's Golden Age but is a representative Hollywood thinker, said of *True Blood* and similar cultural fare:

> Obama was elected by the wizard brigade, a children's crusade. Obama read Harry Potter to his Sasha and Malia. It is inconceivable that he's reading them the vampire books. The wizards are in bad shape now . . . seeing as they do that they're surrounded now by Zombies, the tea baggers, a growling mob of brain-dead idiots led by the Vampires. . . . What upsets them about Obama's origins is that he has actual proof of human birth. . . . They're the embarrassing reflection of our lives.

It must be said that embarrassment comes in many shapes and sizes, including intellectual embarrassment, like Michael Tolkin's argument here. As it happens, these shows are not embarrassing at all. For one thing (with the exception of *True Blood*), they're just too good, too interesting, too flavorful. Still, rich Hollywood folk making mincemeat out of poor rural folk is another element of the ongoing American culture war that should not go unremarked. ♦

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

"E-mails portray Wis. governor as fixated on his political image."
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E-mails portray local dog as consumed with biting man

'CLAMPED DOWN ON ME GOOD'

Motive unclear in November incident

BY ALLISON KLEIN

PAUL KOUNINE

Peppermint with her favorite stick

Chuck Haggerty was embroiled in a tricky kitchen remodel job at the home of Terry and Patricia Huntington last November when he and his assistant Hector leaped into crisis mode.

The Huntington family schnauzer, Peppermint, had just bitten Haggerty's left hand, seemingly out of nowhere. According to Hector, Haggerty, a general contractor from Arlington, simply reached down to pet the dog on the head, a common practice among humans who wish to show affection to domesticated animals. Before he knew it, Peppermint had clamped down on his hand and wouldn't let go. But until this week, when several e-mails about the incident surfaced, little was known about the details of this unexpected breach of generally amicable relations between dogs and humans.

"Damn dog bit me at work, not gonna make it to the game tonight," Haggerty wrote his cousin, Gary, later that day. "WHOA, sux!!!" replied Gary. "What happened, dude?"

For the next few weeks, Haggerty and his cousin would exchange several more emails, which paint a picture of a dog consumed with the idea of biting a man. "She just wouldn't let go. Just clamped down on me good. Got 4 stitches."

"Seriously?" asked Gary. "Seriously," replied Haggerty.

Though the full ramifications of this incident are not yet clear, it has raised many questions about the future of human-dog relations, and some experts fear this incident could point to signs of a growing rift between the two species. "Well, whoever knows what a dog is thinking?" said pet store owner Andrew Grant of McLean. "Sometimes they get mad, I suppose." When asked directly about her motivations, Peppermint declined to comment, before staring with great interest at a paper bag for several minutes.

Months later, Haggerty's stitches have healed, but the incident has left a lasting impression on him. "Yeah, guess it was pretty painful. But these things happen," he said, leaning against his truck at a local strip mall, before adding, "Who are you?"

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