

**ARCHIVALLY
CORRECT**
ANDREW FERGUSON

the weekly

Standard



WHY WE FOUGHT

America in World War I • BY DAVID ADESNIK

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August 11, 2014 • Volume 19, Number 45



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News of the Weird

Last week something unusual happened: “Weird Al” Yankovic, the 54-year-old parody singer, captured *Billboard*’s number one slot with the release of a new album, *Mandatory Fun*. It’s hard to overstate how weird (sorry) this is. Yankovic’s first hits came in the 1980s with send-ups like “Eat It” (instead of Michael Jackson’s “Beat It”). It was great, and Weird Al kept at it, creating a niche for himself in the music biz over the next 30 years. Which is remarkable in its own right, much less in the genre of ephemeral comedy. Only a handful of singers have charted on *Billboard*’s Top 40 in four straight decades: Among them are Michael Jackson, Madonna, and . . . Weird Al.

The improbable hit single on Weird Al’s improbable hit album is “Word Crimes,” a parody of Robin Thicke’s global megahit “Blurred Lines.” Instead of being a sub rosa celebration of the hook-up culture, Weird Al’s song lampoons the grammar and spelling oddities of millennial Twitter culture, taking aim at some prevalent abuses of the English language. For instance:

*Okay, now here are some notes
Syntax you’re always mangling . . .
No x in “espresso”
Your participle’s danglin’
But I don’t want your drama
If you really wanna
Leave out that Oxford comma
Just keep in mind
That Be, See, Are, You
Are words, not letters
Get it together*

For another instance:

*You finished second grade
I hope you can tell
If you’re doing good or doing well
You better figure out the difference
Irony is not coincidence
And I thought that you’d gotten it*



*through your skull
About what’s figurative and what’s literal
Oh but, just now, you said
You literally couldn’t get out of bed
That really makes me want to literally
Smack a crowbar upside your stupid head*

It’s not Noël Coward, but there is a genuine frisson at seeing someone in the popular culture stand up for standards so elementary that they used to be taken as given. Which is probably why some professional educators went into high dudgeon.

At the University of Pennsylvania’s language blog, Lauren Squires, an assistant professor of English at Ohio State, posted a Very Concerned response to “Word Crimes.” As a professional linguist, Squires found “Word Crimes” to be, well, she can tell you herself:

While “grammar nerds” are psyched about Weird Al’s new “Word Crimes” video, many linguists are shaking their heads and feeling a little hopeless about what the public enthusiasm about it represents: a society where largely trivial, largely arbitrary standards of linguistic correctness are heavily privileged, and people feel justified in degrading and attacking those who don’t do things the “correct” way.

You can guess where this is heading: If you believe that there’s a meaningful distinction between “its” and “it’s,” then you had better check your privilege:

Second, a little rumination on Weird Al’s violent reactions against “bad grammar” raises deep and long-standing questions of social equity regarding class, education, race, age, ethnicity, gender, and how these relate to languages, dialects, and social registers. There is ample research on these issues (which any sociolinguist could point you to), but the upshot is that the notion of “Proper English” typically serves to prop up the already-privileged speakers whose native language variety it is (sort of) based on. This puts speakers whose native language variety does not approximate “Proper English” at an immediate disadvantage in society, the same way that privileging Whiteness puts those who are not White at an immediate disadvantage in society.

How degraded has the academy become? We now have professors of English going to war against a pop musician, not just any musician—no, against the only one defending the integrity of the English language. ♦

Pro-Keith (for Once)

Maybe you won’t be surprised to hear that THE SCRAPBOOK wishes Keith Olbermann had never gotten

into political commentary. But don’t misunderstand: The problem isn’t his terminal case of Bush Derangement Syndrome, or his feud with Bill O’Reilly, or his unintentionally hilari-

ous and pompous policy pretensions. No, it’s that he took way too much time away from sports journalism, at which he excels, especially when it comes to baseball.

For instance, last week Olbermann took on what seems to be a growing consensus among the baseball commentariat: The defensive shifts that clubs are employing more than ever this year are killing hitters. Maybe, some say, it's time for a rule against illegal defenses that, for instance, would prohibit a team from putting three infielders on the right side of second base.

Olbermann is having none of it. As he explains, the game's powers-that-be are forever trying to tilt the playing field to favor the hitter. In the 1880s, they moved the mound back from 50 to 60 feet, in the 1960s they lowered the mound, they've periodically juiced the ball, and in 1972, says Olbermann, they "released the designated kraken"—by which he means the designated hitter rule that allows pitchers never to have to take a turn at bat in American League games.

What's most absurd about the whole debate, notes Olbermann, is that shifts have been around for as long as the game has been played. Most famously, Cleveland Indians player-manager Lou Boudreau stacked the right side of his infield whenever Ted Williams came to the plate. But even long before that, as Olbermann discovers in a neat bit of investigative baseball reporting, the shift was used by the skipper of Brooklyn's National League team, Bob Ferguson. The *New York Clipper* documented what seems to be the earliest of shifts, in 1879, and described what it looked like to fans without the benefit of the video highlight.

Smith (3B) stood at left-short, Ferguson (SS) covered second. Crane (2B) was deep right-short, and Latham (1B) covered first well back, while Cassidy (RF) was ready for a right-field assistance. Pike (CF) at right-centre, and Powers (LF) at left-centre. The moment a right-handed batsman took his place, the field was moved around to the regular positions to suit the probable hitting.

It's not defensive shifts that are hurting offense this season, explains Olbermann. Rather, it's the fact that hitters have forgotten their trade and are striking out more than ever—more than 20 percent of the time this



year, compared with a little less than 15 percent in 1990, and 8.2 percent in 1930. Hitters and their enablers ought to stop whining, Olbermann argues. He's right, and what a pleasure it is seeing him once again as the adult in the room. ♦

While We're At It

Keith Olbermann's derisive reference to the "designated kraken" reminds THE SCRAPBOOK of a classic anti-designated-hitter article by Christopher Caldwell, published in these pages in April 1998. Longtime readers may yet remember it: "A DHuMB Idea at 25." It's still a great read, all these years later, whether you care

about baseball or not. Indeed, even the pro-DH heretics out there might enjoy the panache with which Caldwell goes after them. Here's a sample:

"People come to see players produce runs," says Wade Boggs. It is not peripheral to our argument that Boggs is one of the stupidest men ever to play baseball. The game as Boggs understands it is basically the moronball you see on the evening-highlight films. If a game ends 6-5 on a suicide squeeze in the 17th inning, you'll still see only the home runs that were hit in the top of the third. Why? Because *Home Runs = Excitement*. Look at the ad campaign Major League Baseball has been running for the last two seasons, with the succession of home-plate collisions

and speed guns and dust flying off a smashed ball. "I love this game," says a man's voice at the end of every commercial. Yes—unfortunately, the game he loves is basketball.

The DH appears here to stay. As Seymour Siwoff of the Elias Sports Bureau says, "It's become part of working conditions." Even if most DHs stink, their seniority makes their average salaries the second-highest in the game. At \$3.46 million per annum, they're just behind first basemen (\$3.57 million), at 250 percent of the average big-league paycheck. Owners have pleaded with the

players' union to let them scrap the DH and offered to add a 26th player to all rosters as recompense. The union isn't budging.

Does this remind you of anything? It's featherbedding. ♦

Sentences We Didn't Finish

‘S o, obviously Israel has a right to self-defense, but . . . ’ (Hillary Clinton, in a July 28 interview on *America with Jorge Ramos*). ♦

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The Weekly Standard (ISSN 1083-3013), a division of Clarity Media Group, is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) at 1150 17th St., NW, Suite 505, Washington D.C. 20036. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-274-7293. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-386-597-4378 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, \$4.95. Back issues, \$4.95 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. Copyright 2014, Clarity Media Group. All rights reserved. No material in The Weekly Standard may be reprinted without permission of the copyright owner. The Weekly Standard is a registered trademark of Clarity Media Group.



Game of Yawns

George R.R. Martin's *A Song of Ice and Fire* might be the most daunting mountain in the history of fantasy fiction. The cycle includes five fat books so far, totaling over 4,500 pages, and Martin suggests that at least two more volumes will be needed to conclude the story. Compared with Tolkien's *Lord of the Rings* series or Asimov's *Foundation* books, *A Song of Ice and Fire* isn't just Everest—it's the entire Himalayan range.

Even so, I wasn't intimidated by it. I've spent 30 years reading fantasy and science fiction of every type, from the good (Orson Scott Card's *Ender* books) to the bad (Terri Brooks's Tolkien-knockoff *Sword of Shannara* series) to the terrible (Douglas Hill's *Galactic Warlord* saga, which is more or less *The Bourne Identity*, in space).

Martin's series offers multiple pathways for the ascent. There are the books themselves. There's a TV adaptation, called *Game of Thrones*, that runs on HBO. There's even a comic-book version. But none of these was particularly appealing. I average perhaps 900 pages of pleasure reading a year, meaning that I wouldn't finish the five current books until midway through President Hillary's first term. The TV version was unworkable for similar reasons: I don't watch as much television as I'd like to, and I watch almost none without my wife, whose tastes are somewhat more elevated than my own. When I first proposed watching *Game of Thrones*, she raised one eyebrow and asked, "Does it have either dungeons or dragons?"

Not having seen it, I couldn't be sure. But I admitted the answer was probably yes on both counts. So *Game of Thrones* would have to come out of my own TV time. I watch roughly 20 hours of solo television annually, with 3 hours allocated to the Philadelphia Eagles' playoff defeat, another 3

hours for the Super Bowl, and 6 hours for movies featuring Batman. Which meant that watching *Game of Thrones* on TV would have me finishing the series around the same time as reading the books would have. I briefly considered the comic books, but decided that the short, graphic adaptation would sacrifice too much of the series's richness.

Which left the audiobook version. I eat audiobooks like candy. From Aus-



ten and Trollope to Patrick O'Brian and Lee Child, they are, for me, just about the ideal way to consume fiction. But the first entry in the series, *A Game of Thrones*, runs 34 hours, and it's the shortest of the bunch. The second is 37 hours and change. They get longer from there. Listening to *A Song of Ice and Fire* was going to mean an investment of over 200 hours. I have a fair commute to work, but listening to it in both directions, the entire way, five days a week, was still going to take more than half a year of my life. It was at this point I began wondering, *Where do people find the time?*

Still, I started it. For three weeks, I dutifully listened every day as I schlepped back and forth between the exurbs and the city. And I now

understand why people have fallen in love with it. Martin is an incredibly gifted world-builder, and the level of detail he has lavished on the fictional land of Westeros is so complete that he has created hundreds of years of history simply leading up to the point where his own story begins. To read—or listen to—*A Game of Thrones* is immersive in the best sense of the word. And yet, after the third week, I returned the audiobook to the library. I was bored.

Good genre fiction is always about something more than the story—it's about a Big Idea. It has something to say. Irving Kristol saw this. "Science fiction," he wrote, "as every student of the genre knows, is a peculiar vision of power: What it is really about is politics." That strikes me as more or less true. And fantasy, which is the twin of sci-fi, is really about metaphysics. But *A Song of Ice and Fire* seemed to me much less a work of ideas than a soap opera. The most lushly imagined, sprawling soap opera ever written, perhaps. But a soap just the same. It's an endless succession of character scenes where the big questions are who is betraying or scheming with or sleeping with whom. Which, by the by, may account for its enormous mainstream popularity.

Of course, I may be wrong. In an essay on Martin for the *Claremont Review of Books*, my friend Matt Continetti argued that *A Song of Ice and Fire* was more Machiavelli than swords and sorcery. Martin, Continetti wrote, "is exploring, through his characters and situations, whether enlightened despotism is possible in a broken world."

"Who rules, on what grounds, and for what purposes are the central questions of the series," Continetti explained. I would certainly love to read that book. But I never made it to any questions, let alone the central ones.

Maybe some day, when I have a spare 200 hours, I'll try again.

JONATHAN V. LAST



Old jets don't die, they just go to the 'Boneyard': F-4 Phantoms and T-38 Talons at Davis-Monthan Air Force Base in Arizona.

Be Alarmed... Be Very Alarmed

An unquestionably eminent, manifestly distinguished, and conspicuously bipartisan congressionally appointed panel has produced a report on the state of our nation's defenses.

One's normal response to such a report? Yawn. Eyes glazed over. Get back to me later.

In normal times, that might be reasonable. But as Orwell famously said, "we have now sunk to a depth at which the restatement of the obvious is the first duty of intelligent men."

The good news is that the intelligent men and women of the National Defense Panel have done their duty, and have done it admirably (you can read their full report at www.usip.org). The panel was co-chaired by William Perry, secretary of defense under President Bill Clinton, and by General John Abizaid, CENTCOM commander from 2003-2007. Joining them were the undersecretaries of defense for policy under Presidents Bush (Eric Edelman) and Obama (Michèle Flournoy), a former Democratic congressman (Jim Marshall) and a former Republican senator (James Talent), and four retired general officers, including Admiral James "Hoss" Cartwright, vice chairman of the Joint Chiefs of Staff under Presidents Bush and Obama.

These worthies have produced a compelling report that

restates what should be obvious. It lays the evidence out clearly and soberly, and in a way that's intelligible to the nonexperts among us. It's the product of serious people addressing an important subject.

In evaluating the threats the United States faces, the panel finds that because of the "scale and sophistication" of China's rapid military buildup, "the balance of power in the Western Pacific is changing in a way unfavorable to the United States." The panel worries that "a war on the Korean peninsula or an internal collapse of the North Korean regime" is a "plausible contingency," and would be "most stressing" to the armed forces. The panel also concludes that "the threat of Islamic terrorism is higher today than it was on September 10, 2001."

All this and more makes for a challenging threat environment, to say the least. Are we prepared to deal with it? No: "If a force sized at the BUR [Bottom-Up Review] levels was necessary twenty years ago, when the world was much more stable and less risky, that is powerful evidence that the substantially smaller force of today, much less the QDR [the latest Quadrennial Defense Review produced by the Obama administration] or sequestration force, is too small." Indeed, "given proliferating security threats, any reasonable review will conclude that the Navy and Air Force should

be larger than they are today, and that the QDR's contemplated reduction in active Army end strength goes too far."

Indeed, "the severe budget cuts of the last several years have presented the Department with a choice between needed capacity and needed capability—that is, between reducing a force that is already too small and cutting the modernization programs that will make the force more effective and less vulnerable." Worse, "in the current budgetary environment, the choice before the Department is really no choice at all; the existing baseline will fully support neither the capability nor the capacity that the Department needs."

What does this imply for funding? The report calls for an emergency appropriation of funds by Congress for the military "to remedy the short-term readiness crisis that already exists." The panel acknowledges that "the bill will not be small, but the longer readiness is allowed to deteriorate, the more money will be required to restore it."

In addition to funds to deal with the immediate crisis in readiness, the report calls for a "return as soon as possible" to "at least the funding baseline" proposed three years ago for the fiscal year 2012 defense budget. According to the panel, that budget, submitted by Secretary of Defense Robert Gates, "represents the last time the Department was permitted to engage in the standard process of analyzing threats, estimating needs and proposing a resource baseline that

would permit it to carry out the national military strategy."

The panel judges that "the reductions since then have been imposed with no analysis of their impact on short or long-term readiness" and believes "it highly likely, given the events of the last three years, that the Gates proposed fiscal 2012 baseline budget will not be adequate to prepare the Defense Department for the challenges ahead. But it is the minimum required to reverse course and set the military on a more stable footing." Such a minimally acceptable budget would imply an increase of about \$100 billion a year over the next decade above the current defense budget baseline. Put otherwise, we need something like a 20 percent increase in defense spending.

This is not because the panel is enamored of performing heroic tasks abroad. It's simply because "today the Department is facing major readiness shortfalls that will, absent a decisive reversal of course, create the possibility of a hollow force that loses its best people, underfunds procurement, and shortchanges innovation. The fact that each service is experiencing degradations in so many areas at once is especially troubling at a time of growing security challenges."

The National Defense Panel's report is in no way alarmist. But it is surely alarming. Have we sunk to such a depth that, having received this report, we will choose to close our ears, avert our eyes, and shirk our duty?

—William Kristol

Let's Pave the Way for Infrastructure Funding

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

National leaders have the opportunity to strengthen our investment in America's infrastructure system, boosting our economy and sharpening our competitive edge along the way. They've already taken a step in the right direction by temporarily replenishing one of the most crucial sources of federal funding, the Highway Trust Fund. But we've got a long way to go.

The Highway Trust Fund is the pot of money that's dedicated to maintaining and modernizing our surface transportation infrastructure. The trouble is that the pot is running dry because the revenues that have traditionally filled it—mostly gas tax receipts—aren't rolling in the way they used to. People are driving fewer miles and vehicles are more fuel-efficient. Next year the Trust Fund is projected to have a \$15 billion cash shortfall. Just to maintain current spending through 2020, it needs

nearly \$100 billion in new revenues.

Recent congressional action will ensure the immediate solvency of the fund and keep important transportation projects on track and construction workers on the job. But we'll be back in the red in December, unless lawmakers come up with a long-term solution.

Our leaders are in almost total agreement that this is a problem that must be addressed. A permanent fix would provide certainty to businesses, states, and anyone who relies on our nation's roads, bridges, and highways. It would enhance safety, mobility, and productivity. It would unleash economic development, international trade, and job creation. But few can agree on how to pay for it.

The U.S. Chamber believes that the simplest, most straightforward way to fix the Highway Trust Fund is to raise the gas tax, which hasn't been done in nearly 20 years. A modest, phased-in increase—plus indexing to inflation—would shore up the fund. This proposal has gained the support of labor and key industries, including trucking and

shipping. We believe that motorists could get behind it as well if Congress were serious about ensuring that the money goes to the most essential projects.

This is one idea among many to support federal funding. But in addition to federal investment, we should seek to attract more private investment, including \$180 billion in available global capital. We should better leverage public-private partnerships. And we should bring greater transparency to the system and badly needed reforms to the regulatory and permitting processes.

The bottom line is that we're not going to make meaningful progress until we start talking about the options. We're calling on Congress to seriously consider a long-term revenue solution this fall, with the goal of creating—and seizing—the opportunity to act before year end. Time is short and the consequences of inaction are high.



U.S. CHAMBER OF COMMERCE
www.uschamber.com/blog

Archivally Correct

Another Washington institution diminished.

BY ANDREW FERGUSON

It wasn't so long ago that visitors to the National Archives, in Washington, D.C., were expected to ascend. A trip to see the nation's founding documents was an uplifting experience, literally. A broad flight of stone steps drew visitors up from the summer glare and clamor of Constitution Avenue to a porch high above, and from there through great bronze doors into the cool and quiet of a vast rotunda. Once inside, another rise of stairs brought them in line of sight of the Declaration of Independence, set upright in a bronze display case, and a final group of stairs placed them face to face with the Declaration itself, faded behind glass and washed in a yellow light. The Constitution was there, too, and the first page of the Bill of Rights. A fitting payoff for all that climbing.

The Archives is still one of the premier attractions for tourists in Washington, but visitors no longer make such a grand ascent. They're not allowed to. As at the Capitol building and the Supreme Court, unauthorized citizens can no longer climb the broad staircase outside to enter through the bronze doorways. Instead, as at the Capitol and the Supreme Court, they gain access around the back of the building, on the bottom floor, and then once admitted they get to the ceremonial spaces by the backstairs, like a scullery maid.

Visitors to the Archives will see something new this year, after they pass through a ground-level, hard-to-find, low-ceilinged entryway bristling with cops and metal detectors. A few years ago, the philanthropist David M.

Rubenstein donated \$13.5 million to build a history museum on the ground floor. The David M. Rubenstein Gallery opened in December. It should not be confused with the David M. Rubenstein Leadership Hall, which is at Mount Vernon, or the David M. Rubenstein Rare Book and Manuscript Library, which is at Duke, or the David M. Rubenstein National Center for White House History, which is



Interacting in the gloom

on Lafayette Square, and certainly not with the David M. Rubenstein Family Giant Panda Habitat. That's at the zoo.

The gallery houses a permanent exhibit titled "Records of Rights." A press release says the exhibit is "a journey of exploring America's continual efforts to perfect liberty and democracy." The journey begins with what nobody has dared to call the David M. Rubenstein Magna Carta, which he bought for \$21.3 million a few years ago and immediately loaned to the Archives. On either side of the glass case are translations of the document and brief, informative histories of what Magna Carta has meant for the development of popular government.

This part of "Records of Rights" is pretty straightforward, refreshingly so for anyone who has the bad habit of frequenting contemporary history museums. In keeping with today's curatorial fashion, the Archives

museum is pitched to the intelligence and attentiveness of a slightly unruly 12-year-old boy. Wide aisles and open spaces accommodate running, skipping, and scampering, and the muted, pinpoint lighting offers many shadows from which to pounce on unsuspecting classmates. The exhibits are ruthlessly "interactive"—although not "immersive," which is now the ideal of museum designers. "Interactive" is a close second, though. At every point our impatient little prepubescent is confronted with stage-prop doors and touchscreens and passageways and optical illusions and shifting soundscapes and moving images and hand tools and levers on the theory that, because children like to tap, slam, poke, jiggle, open, shut, hit, throttle, bump, and slide, they should always and everywhere be encouraged to do so, even on those occasions when they might be expected to just sit still and shut up. But of course there's nowhere to sit.

The disarming forthrightness of the Magna Carta exhibit seems like a ruse in retrospect, for the rest of the museum's content is shaped by the interests and views of academic historians. These days historians are consumed by their indignation at American injustice. Even the most ulcerated mossbacks have come to see that the traditional study of U.S. history omitted many indispensable elements—to cite one fashionable example, the decisive use of "colored" troops during the Civil War. Historians have been so busy correcting these omissions that they've lost the thread of the main story they're supposed to be correcting. "Records of Rights" is all corrective, a bill of grievances presented by the curators to the hapless tourists who stumble in from the glare on Constitution Avenue.

Like Gaul, "Records of Rights" is divided into three parts. Each part concerns an oppressed group. The first, "Bending Towards Justice," depicts the oppression of African Americans. The next part, "Remembering the Ladies," depicts the oppression of women. The third, "Yearning to Breathe Free," depicts the oppression

Andrew Ferguson is a senior editor at THE WEEKLY STANDARD.

of immigrants—though by this time, as Edward Rothstein noted in a scathing review in the *New York Times*, you'll be at a loss to come up with a reason why any immigrant would want to come here. Under the section "Equal Rights," we find "stories about Jim Crow laws, violence against Asian immigrants, and discriminatory voting laws." Under "Rights to Freedom and Justice," we find "stories about slavery and other forms of servitude, the Ku Klux Klan and mob violence, and Japanese internment." American history is truly a glorious pageant.

The exhibits readily acknowledge that the Founders and other powerful white men talked a good game. But the curators are here to make us wake up and smell the coffee, with the goal of "perfecting democracy," as the press release said. The juxtaposition of artifacts makes the point clear. The curators take care that any glimmer of American idealism—say, the deed to the Statue of Liberty, included in the immigrant exhibit—is quickly snuffed out with a companion artifact: in this case, the Chinese Exclusion Act of 1882. The original 19th Amendment is shown, recognizing women's right to vote. A grand achievement, yes? Look right next to it: the Equal Rights Amendment, "introduced in Congress as a way to end discrimination against women." America rejected it. *Pfffft*.

Events of little or no historical significance, however interesting in themselves, are elevated into landmarks simply because they echo the curators' parochialism: the Zoot Suit riots, the Double V campaign by the *Pittsburgh Courier* newspaper, Muhammad Ali's "fight for justice." I am one of many millions of lucky Americans who had forgotten all about the National Women's Conference in Houston in 1977—until I ran into a large section devoted to "The Spirit of Houston," complete with video and still pictures: "Attendees at the 1977 National Women's Conference in Houston are shown here supporting privacy of one's body." At the same time, major strands of American history are ignored altogether, though they are surely essential to the

work of the Archives. Evidently the major contribution the military made to American life was to get desegregated after World War II. That was the war when all those Japanese Americans got interned.

"What About Contemporary Issues?" the curators ask at various points in the exhibit. They answer with a disclaimer that they simply lack the material to deal with current controversies: "Most of the records in 'Records of Rights' were created before 1980 because the National Archives generally receives permanent records when they are 30 years or older."



The new, denuded shrine

It's a sly evasion, for even the most manic 12-year-old will see current controversies hovering everywhere around the exhibit, with the unflinching message that much work remains to be done in our democracy-perfection project. We learn about the "victims" in the war on drugs (not innocent bystanders caught in gang crossfire, but dealers harshly sentenced for selling crack). The section on women's rights proceeds blow by blow until it reaches a triumphant culmination: a photograph showing President Obama signing the Lilly Ledbetter Fair Pay Act in 2009. Mrs. Pelosi looks particularly happy. And we get a 1949 letter from Harry Truman to a friend who had criticized the president's plan to socialize the nation's medical care.

"Nobody is working for socialized medicine," Truman writes, in

the same peevish, imperial tone that his admirers call "plain speaking." "There are a lot of people like you who need straightening out on this subject." Some things never change.

Meanwhile, as they wander from injustice to injustice, visitors will likely begin to feel the drag of the décor, which weighs as heavily on the spirit as the exhibits themselves, for all the bright flourishes of touchscreens and video. Cyclone fencing and cinder block evoke the immigrant experience; another fence is intended to show the barriers thrown up against marching suffragettes; badly painted walls of faux brick under a corrugated metal ceiling suggest a segregated bus station in the 1950s Deep South. Stenciled on one wall are the words "PRIVATE PROPERTY." The words are meant to be chilling.

At last visitors do get to ascend, though without grandeur. Off to the side of the exhibit, opposite the gift shop, a marble staircase leads to the rotunda where the nation's charters are displayed. Earlier generations referred to this room as "the shrine." Now the word is used ironically if at all. After the bludgeoning administered by "Records of Rights," the chance to see the Declaration and the Constitution seems less a patriotic mission than an afterthought. You enter through an unassuming side door. The little steps that used to raise you to eye level with the Declaration are gone, along with the imposing bronze showcase that set it above and apart. Now the founding documents are encased hip high, so you can look down on them.

What an attraction for tourists! I've been to the Archives a few times lately, and I can't measure the reaction of the Americans who have come from all over. Are they surprised to learn that the caretakers of the country's patrimony are so contemptuous of it? Or is it old news by now?

At least the old grand stairway is still there, outside, on the other side of the great bronze doors. It's only used as an exit, however, and nowadays the summer glare and clamor of Constitution Avenue come as a relief. ♦

Last Refuge of a Scoundrel

Obama's 'economic patriotism.'

BY FRED BARNES

When he's in trouble, President Obama changes the subject to the economy. And in speech after speech, he utters some version of this line: "We know from our history, our economy does not grow from the top down, it grows from the middle up."

This is a puzzling statement. I don't know what it means, much less whether it's true. I asked a number of economists and they were no help. "I have no idea what it means," Douglas Holtz-Eakin, the former director of the Congressional Budget Office, says. "I am unaware of any literature supporting the proposition," Kevin Hassett, the American Enterprise Institute economist, says." My conclusion: It's gibberish.

But it's not the only thing that makes the president's speeches on the economy so egregious. He gave nine of them in July. They were full of untruths, contradictions, demagoguery, exaggerations, and odd policy solutions.

His current obsession is American companies that don't bring their overseas profits home to avoid paying taxes. There's a reason they don't. Not only are U.S. corporate rates the highest in the developed world, but no other major nation imposes taxes on foreign profits. Instead, taxes are paid to the country in which they are earned. And that's it—except for American firms, whose current government would increase their taxes and make them less competitive with their corporate rivals.

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Obama is especially angry at "unpatriotic" companies that merge with foreign businesses, move their headquarters overseas, and pay taxes there and not in the United States. "They're basically renouncing their citizenship and declaring they're based somewhere else, just to avoid paying their fair share," he said in his weekly address last Saturday. They're exploiting "an unpatriotic tax loophole." But

they pay taxes on profits made in the United States, and the so-called loophole is legal.

Tax relief on foreign earnings is not uncommon. American citizens working overseas are eligible for the "foreign earned income exclusion"—\$96,700 in 2013, indexed for inflation. They also can deduct housing expenses. Are these tax breaks unpatriotic? Obama hasn't said.

There's a simple way to repatriate profits: cut the tax rate. In 2005, corporations were offered a onetime rate of 5.25 percent on foreign profits. More than \$300 billion was brought home. Today, American companies are sitting on \$2 trillion in overseas profits. But cutting their tax burden substantially appears to be anathema to Obama.

The president often claims he'd like to reduce the corporate tax rate of 35 percent. A 28 percent rate has been suggested, but Obama has done nothing to make it happen. Besides, a reduction that small would be unlikely to prompt a wave of repatriation.

Meanwhile, Obama wants to aid the middle class. And he has some unusual ideas about how to do it. "So far this year, Republicans in Congress have blocked or voted down every serious idea to strengthen the middle class," he said in Austin, Texas, last month. "They've said no to raising the minimum wage. They've said no to fair pay [for women]. They said no to unemployment insurance for hardworking folks . . . who have paid taxes all their lives and never depended on anything and just needed a little help to get over a hump."

These are three of the president's pet proposals, but how they would aid the middle class is a mystery. Raising the minimum wage to \$10.10 an hour would kill 500,000 or more jobs, according to the CBO. Fair pay? There's already an Equal Pay Act on the books. And the effect of extending jobless benefits to 99 weeks, which Republicans opposed, would be to keep more people unemployed, not help them find middle-class jobs.

In his speeches, Obama insists he's on the side of entrepreneurs. But his

THOMAS FLUHARTY

notions about helping them are peculiar. “If we’re focused on making sure that child care is accessible and high-quality, that frees up a whole bunch of potential entrepreneurs,” he said in early July. One can only imagine if Bill Gates or Steve Jobs had been saddled with child care duties. No Microsoft? No Apple?

Even entrepreneurs need government, Obama believes. “Typically throughout our history, the way [the economy has grown from the middle out] is that the entrepreneurship and drive and energy and focus of the American people is then combined with some collective efforts through our government to give people a shot.”

Obama is fixated on a role for government in everything. All the states and many cities have a development office to lure new business and find private financing for projects. Governors travel overseas to recruit companies to their state. They’ve been doing it for decades.

Still, they need help from Washington, Obama says. “Lots of states and local governments would welcome more private investment, but they need a partner in the federal government to help do some matchmaking and work through some of the complexities of private financing of infrastructure,” he said in Wilmington, Delaware, in July. Somehow states like Texas have prospered without a federal matchmaker.

For Obama, the notion of “economic patriotism” has become an infatuation. It applies to much more than tax-avoiding companies with foreign profits. It encompasses his entire agenda.

Here’s what he said in Los Angeles in late July: “Economic patriotism says it’s a good thing when our fellow citizens have access to preschool, and college, and, yes, health care that is affordable. It’s a good thing when women earn the same as men for doing the same work. It’s a good thing when nobody who’s working full-time has to raise a family in poverty. That’s not un-American. It’s how we built America together. That’s what economic patriotism is.”

If Obama’s agenda represents

patriotism, where does this leave Republicans? The implication is not hidden. In Los Angeles, he said Republicans “obstruct and they obfuscate and they bamboozle and they sometimes don’t tell exactly what’s true—that was a euphemism.” The transcript noted “laughter” at this point in the speech.

In unguarded moments, however, Obama has cited bipartisan bills

backed by Republicans that he said aided the middle class. Fact-checker Glenn Kessler of the *Washington Post* looked into this and concluded the president had gone “too far” in claiming Republicans had “blocked every serious idea to strengthen the middle class.” I suspect Obama knows how he went wrong. He said a nice word or two about Republicans. ♦

Beverly Hills GOP

Can Elan Carr actually win Henry Waxman’s seat?

BY MATTHEW FLEMING

Los Angeles

Republicans can’t compete in Henry Waxman’s district. Everyone knows that. Someone would have to be either stupid or crazy to try. But Elan Carr is neither stupid nor crazy, so there must be something else going on in California’s 33rd Congressional District. He actually is competing to replace the retiring Democratic icon. What’s more, he’s winning.

Carr’s first-place finish in June’s jungle primary, where the top two candidates, regardless of party, advance to the November general election, forced naysayers to take notice. And he’s brimming with confidence.

“Do I know what’s going to happen?” Carr asks at Urth Caffe near his home in Beverly Hills. “No one can predict the future. But one thing I can say with absolute certainty is this is a competitive race and we have a very, very good shot of winning.”

It’ll be tough, but Carr has never shied from a challenge. He spends his days prosecuting gangs in Los Angeles. In the Army, he led an antiterrorism team in Iraq and prosecuted those who had committed crimes against the United States. He didn’t back down from the threat of religious persecution

when he started regular Jewish services for American service members in Iraq—in one of Saddam’s old palaces, of all places. And he’s not afraid to speak what he believes is the truth, even if it’s unpopular within his party.

He says his two biggest issues are education and the economy. He advocates using the federal power of the purse to persuade states to perform better educationally and exercising strong U.S. leadership abroad. But on other issues, like immigration and health care, he strays at times from the party’s national rhetoric.

“I say deport all the people who have criminal records,” he says of undocumented immigrants. “But those people who are law-abiding, decent, patriotic Americans, why wouldn’t we embrace them and welcome them when we are the ones who didn’t secure our borders?”

Porous borders are “an attractive nuisance,” says Carr. “You want to get serious? Get serious with the border. Close the border, and then you can posture if someone goes through the tremendous effort to dig a tunnel under the border.”

He sees the worst of illegal immigration on a daily basis. He mentions that the defendant in a recent murder trial that he prosecuted had been deported only to come back and shoot the victim in the face twice. Another

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case involved a defendant who had been deported seven times prior to being prosecuted for “violence against a police officer.”

But he also points out that the person who trained him in the military is the son of illegal immigrants, and invokes the spirit of Ronald Reagan, who embraced immigration reform.

“Everyone talks about Ronald Reagan as the patron saint of the modern Republican party,” says Carr. “He was inclusive, and open, and brought people in and created the kind of American coalition that we haven’t seen before or since.”

He has taken a fix-it position on Obamacare. Influenced heavily by his wife, who has a private medical practice in the district, he says that low reimbursement rates to doctors and higher premiums are making it difficult for people to get insurance, or insurance that their doctor accepts. But he adds that he would not vote for a straight repeal if sent to Washington—that there have already been too many votes, that “enough is enough.”

He expresses an interest in reaching across the aisle, not surprising considering he’s running in an overwhelmingly Democratic district in one of the most liberal states.

Politicians often pay lip service when campaigning. But of the two political contributions Carr has made in his lifetime, according to FEC records, one was to Rep. Eliot Engel, D-NY, in 2012 (the other was to the Senate campaign of Josh Mandel in Ohio). Carr said that, along with chairman of the House Foreign Affairs Committee Ed Royce, Engel is one of his heroes.

“I don’t agree with him on a lot of issues,” says Carr. “I pick heroes based on courage. When he doesn’t agree with the administration, he stands up and calls [Obama] on it.”

Carr’s departures from party orthodoxy might make him an atypical candidate, but that hasn’t stopped the endorsements. Royce, House

Oversight and Government Reform chairman Darrell Issa, and former majority leader Eric Cantor, among others, have expressed support.

“I see a good candidate,” said California GOP chairman Jim Brulte. “He is a very good prosecutor. He represents that area very well, in terms of his biography.”

Carr says education is his primary issue, but he seems most passionate when discussing foreign policy, especially Israel. He has a foreign policy pedigree, from his time in the Army, and from his Iraqi and Israeli heritage. When his mother was 9, she and her brother fled with their mother from Iraq to Israel shortly after the creation of that state, while her father



Elan Carr



Henry Waxman

sat in prison. Carr speaks fluent Hebrew and Arabic.

“We can’t protect people here at home unless we exercise leadership overseas,” he says. “We are conducting a foreign policy of such confusion, of such weakness, such lack of relevance to world affairs. Not only are we in greater danger because of it, but Israel is in grievous danger. When America isn’t exerting its influence in the world, things don’t get better.”

He’s running against a strong candidate in Democrat Ted Lieu, who has been in the state senate since 2011, after serving in both the state assembly and Torrance City Council. Lieu was ousting and outspending Carr—until now.

FEC filings from mid-July showed Carr actually beat Lieu both in contributions for the second quarter, \$454,874 to \$360,239, and cash on hand, \$245,822 to \$204,438.

But dollars don’t cast ballots on Election Day. Democrats have a substantial advantage in voter registration, 43 percent to 27 percent, and Lieu has greater name identification.

Even so, Carr points to Henry Waxman’s tough road to reelection in 2012 as a reason for optimism. Against the Republican-turned-no-party-preference candidate Bill Bloomfield, Waxman won by only 8 points, 54-46. And that was with Obama at the top of the ticket, who won the district by 24 points.

Carr “has some of the attributes that, in just the right setting, with everything falling just right, someone like that would have a chance,” says Raphael Sonenshein, executive director of the Pat Brown Institute for Public Affairs at CSU Los Angeles.

Sonenshein notes that Carr’s first-place finish in the primary is somewhat misleading, since there were several Democratic candidates splitting the vote—the top four left-leaning candidates together got 61 percent of the vote—and Lieu isn’t seriously flawed in a way that would give an easy opening. Plus, Republicans are not very popular in the district.

“But,” says Sonenshein, “it’s a district with a very strong Jewish population, which leans heavily Democratic. By virtue of being Jewish and also presumably socially moderate enough for the district,” Carr will at least earn consideration from voters. “Without that, I don’t even think he’s in the discussion.”

The seat is likely to remain Democratic, said Sonenshein. The political handicappers, like *Sabato’s Crystal Ball* and *Cook Political Report* agree. But there’s still a chance. “It’s a long-shot,” says Sonenshein. “But it’s not an impossibility.”

The ever-confident Carr places his odds of victory at over 50 percent: “If we stick to our game plan and campaign as our polls show we need to, and if we have the resources, I’m the favorite candidate.” ♦

Paying for Paving

Tax driving, not gas.

BY IKE BRANNON

Everyone involved in the Kabuki theater surrounding the nine-month extension of revenue for the highway trust fund has so far played their parts perfectly.

The secretary of transportation told the media that he would be forced to reduce funding to the states if Congress failed to replenish the fund before recess, even going so far as to put a countdown clock on the DOT website showing the time remaining until highway construction runs short of money. Various governors loudly objected to the prospect of having to pause highway construction in the middle of the summer. The president feigned leadership by demanding Congress pass a bill.

Predictably, Congress dragged things out to the last minute but was on the verge of passing a short-term extension of the highway bill as this magazine went to press. It takes a few billion from the general fund to make up for the shortfall in revenues from the gasoline tax, paid for by some dubious accounting maneuvers. In a few months, the theater will reopen and stage the same show.

The reason that passing a transportation bill is so much more complicated than it was a decade ago is that federal gas tax revenues have been in decline as people drive less and in more efficient vehicles. Today, the federal gas tax does not generate enough money to pay for the level of road spending Congress would like to have.

For the last few years, Congress has dipped into the general fund to supplement the gas tax. But Congress has just about exhausted its list of “pay-fors” necessary to cover this

expenditure in a budget ruled—more or less—by a “pay as you go” rule.

Both sides would like to have more transportation spending. All politicians are Keynesians to some degree, and a new bridge is one of the few manifestations of government that the populace sees as unambiguously good. But few in either party are willing to openly contemplate an increase in the gas tax, which almost no one in America seems to welcome.

There is a way out of this impasse—not one that could be hatched and made into law in the next couple of weeks, mind you, but a radical reform that could lead to both a more equitable and economically efficient way to finance the roads. It would also reduce the need to build or expand roads.

The answer is to scrap the gas tax and go to a market-based method of financing roads. It could take various forms, but the most efficient way to do this would be to put transponders in cars and charge people based on when and where and how much they drive.

While the notion that something this radical could gain widespread political acceptance might strike some as a fantasy, such a change would offer something for everyone.

For the masses who get stuck in traffic jams on a daily basis commuting around urban centers, it offers a way to lessen congestion. Instead of a flat fee per gallon of gas, this would charge people more money if they’re driving on a congested road. Higher road prices will give drivers a greater incentive to travel when it’s not congested, and traffic would be spread out more evenly over the day. People’s anger at paying a daily toll would be partly assuaged by not having a gas tax, as well as getting some of their day back.

Environmentalists would welcome

such a change because congestion is the main cause of smog. If we were largely able to eliminate traffic jams we would see a dramatic improvement in air quality in major cities. It would also lessen the need for road construction, since the existing traffic would be distributed more evenly over the course of a day.

Conservatives might come to embrace a system that takes what is essentially treated now as a collective good and creates a market with which to allocate it. Indeed, many already have. In 2004, when the Bush administration proposed taking a few tentative steps towards tolling, there was pushback from within the small-government conservative community, the argument being, essentially, that a toll was money going to government and that this amounted to a tax increase—and therefore needed to be opposed.

But people like Grover Norquist came to the defense of a tolling regime, recognizing that it represents people paying for something provided by a government and beats a gas tax hands down. If a toll is a tax, then should we oppose admission prices to national parks, or the sale of tickets to sports stadiums built by taxpayer dollars?

Rural denizens and their politicians would benefit from such a regime because they would potentially pay less to drive, living in areas with little congestion.

Tolling would also be more progressive, since the poor tend to use mass transit and are more likely to live and work in central cities. To be sure, progressives would seek to get more money generated from the vehicle miles fee allocated to mass transit, but there’s no reason to think they would oppose such a move.

The major stumbling block that has to be addressed before an ambitious Congress springs this on the populace is the privacy issue. A system that records when and where people drive will generate an immense amount of data, most of which we’d rather not let other branches of the government see.

Jim Harper, a senior fellow at the Cato Institute and an expert on technology and privacy issues, thinks

Ike Brannon, a senior fellow at the Bush Institute, is president of Capital Policy Analytics, a consulting firm in Washington.

such a system could be created. He suggested that a workable system would need to destroy the data used to charge drivers shortly after they receive and pay their bill, and that the software would need to be open-sourced, so software engineers could verify that the system was indeed doing what it is supposed to be doing with the data.

Of course, convincing such disparate groups that this radical change serves their priorities would be no mean feat. And a small minority of recalcitrants could make such a transition impossible.

It is difficult to conceive of a government that struggles to deal with even minor, routine matters coming to an agreement on a fundamental change in how we fund most of our transportation system. But it's not impossible to see people eventually warming to such a system. That is the normal course of opinion any time a government introduces a funding mechanism that operates akin to a genuine price system for roads. California did such a thing when it opened SR-91 in 1995, funded by a toll that increased with the road's congestion. While it was greeted with widespread outrage, the emotion quickly dissipated as drivers across Riverside County began to appreciate the ability to avoid traffic.

And various congestion pricing schemes exist throughout Europe and Asia, nearly all of which quickly become welcomed by drivers. The supposedly statist countries of Europe have been much more accepting of market mechanisms to reduce congestion on the roads.

What's true for Southern California and Europe doesn't necessarily hold for the rest of the country, of course, but funding roads via a vehicle miles fee would work much better than what we currently have in place.

Meanwhile Congress continues to struggle merely to patch together the broken highway financing system a few months at a time. That no one can even broach a reform serves as yet another manifestation of a political process that is just as broken. ♦

Food Fight

On catfish, farmed and wild.

BY GEOFFREY NORMAN

There isn't much left in life that is unregulated and without some degree of government supervision or protection. You get used to it, I suppose. And, anyway, you don't have much choice. But you do need to pay attention because nothing is off limits.

In Vermont, where I live, there was a modest panic a short time back when the FDA announced it would be introducing new regulations governing the



If only I'd been regulated by the Ag Dept.

aging of cheese. How the world had managed—for hundreds of years—while eating cheese that had been aged in unregulated fashion is beyond knowing. But the FDA would be putting an end to this anarchical state of affairs. Henceforth and hereafter cheese makers would not be permitted to put their rounds on wooden planks for aging. They would be required to use metal or plastic. For consumer protection.

Vermont's cheese industry would have been crippled, and there was much relief when the agency backed off, saying that it was "reconsidering." The translation of which is: "Wait till next time." Regulators do not give up.

So I wasn't especially surprised when I saw an item in the *New York Times* on a trade war brewing around . . . catfish. Stories on tariffs and trade fights don't normally count as compelling reading

for me. But, as with the cheese laws, this one touched on a matter in which I had a prior interest. I'm fond of catfish. Fried, with hushpuppies and coleslaw.

Also, from what I knew, if there was anything in the world that could get along—indeed, thrive—without help from the government, that would be the catfish. It is a scavenger, par excellence. In rivers and ponds where nothing else lives, the catfish thrives. But, of course, we are talking here about *farmed* catfish. And when something is farmed, that makes it an agricultural product. Agriculture was one of the first areas of life that government got its fingers around during the great takeover that began not quite a hundred years ago. Among its other policy breakthroughs, the Agriculture Adjustment Act of 1933 included an inspired plan for raising the price of beef and pork. What farmers needed to do was slaughter a sizable number of their pigs and cattle, then bury the bodies, thus shrinking supply. It must be conceded that if that is the objective, this method will work every single time.

According to the *Times* story, the Department of Agriculture is, indeed, a player in the current catfish wars. Congress, as part of the latest farm bill (one of those 1,000-page monstrosities), has commanded the Department of Agriculture to start inspecting imported catfish, almost all of which comes from Asian nations that can bring in their fillets at more than a dollar less per pound than the American operations.

Catfish farming was a good thing in parts of the American South for many years. A man of my acquaintance in Alabama was at risk of losing his farm when the price of soybeans cratered back in the '70s. He dug ponds on the property and started raising catfish and, for a while, he prospered. But the catfish boom faltered under pressure

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from foreign competition. My friend lost his farm. His story was sad but not unique. In 2005, American producers supplied about 80 percent of the catfish sold in this country. By 2012, that was down to just over 20 percent.

When it comes to factory farming of catfish, Vietnamese and other Asian producers have the usual advantage in labor costs. Furthermore, they don't have slow seasons due to weather. Also, they can flush their ponds without worrying about EPA clean water standards, leading some to charge that their product is unsanitary and unsafe.

But consumer protection and education is not really the issue. The farm bill calls for inspection by the Department of Agriculture in spite of the fact that the FDA already inspects imported catfish. It is normally the agency responsible for making sure imported seafoods are safe, while Agriculture handles beef, chicken, and pork. And, now, catfish. This, in spite of the fact that a couple of years ago another agency, the Government Accountability Office, found that the new Department of Agriculture inspection program would "not enhance the safety of catfish."

Nevertheless, the 2008 farm bill had directed the Agriculture Department to get on with it. While the FDA has been doing its inspections at a cost of about \$700,000 annually, the price range for setting up the new inspection shop at Agriculture, which has not yet inspected a single catfish, is in the neighborhood of \$20 million. According to the *Times*, the office has a staff of four. But this must be a misprint. The government cannot possibly inspect zero catfish with so few people. No way a mere four people could inspect no catfish. The number must really be 40, or 400.

It would be a sad thing if this all led to some kind of trade war or higher prices for catfish or both. It is a good thing that people are eating more fish, farmed or otherwise, and no matter the country of origin. And good, also, that there is some price competition. The people who eat catfish are not of the same socioeconomic class as those who eat wild (and endangered) bluefin tuna.

Some of those people would,

doubtless, rather starve than eat catfish, imported or otherwise. They probably couldn't even be seduced by the prospect of wild, natural catfish from some legendary American stream, like the ones I caught out in the Suwannee River a few years back.

I was canoeing down from the Okefenokee Swamp (something to do), and I had asked a local fellow if there were any fish in the river. "Oh, sure," he said. "Plenty of catfish."

So I asked him about the proper technique for catching Suwannee River channel cats.

"Only thing I ever use," he said, "is chicken livers."

So I picked up some (USDA-inspected) at the grocery beforehand, and they worked. I skinned the fish, filleted them, dredged the fillets in cornmeal, and fried them in bacon grease over a fire made out of red gum. When the fillets were brown, I fried up some hushpuppies. For salad: sliced Vidalia onion. To drink: chilled Budweiser.

The catfish was excellent. And it had not, so far as I know, been government inspected. But they will, surely, get around to it. ♦

The Nitty Gritty of Diversity

How many minority students = a critical mass?

BY TERRY EASTLAND

Fisher v. University of Texas at Austin is the affirmative action case that won't go away. It's been to the Supreme Court once and may return. It is a case that could well turn on a failure to define terms—"critical mass" being the critical term.

The path to *Fisher*, and thus to "critical mass," starts with the Fourteenth Amendment, which provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." The amendment thus forbids state action that treats people differently on account of their race. To guard against that, the Supreme Court has held that racial classifications imposed by government "must be analyzed by a reviewing court under strict scrutiny"—the highest level there is—and pass constitutional muster only if they are necessary and "narrowly tailored to further a compelling government interest."

The Court's equal protection

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jurisprudence applies to the use of race in any public context. And its principles long ago were extended, in effect, to private institutions, including those of higher education, thus covering almost the entirety of that sector.

It was in that largely liberal world that educators, starting in the 1970s, crafted a "compelling interest" for competitive institutions seeking to justify using race to admit students who would not be accepted solely on the basis of their academic qualifications. Obtaining the educational benefits of a diverse student body is, they argued and the Supreme Court eventually agreed, a compelling interest that can support the use of race in admissions. Significantly, it is only in higher education that diversity can serve as a compelling interest.

Advocates of the diversity rationale have emphasized—and here I quote Justice Lewis Powell, from his influential opinion in the 1978 case of *Regents of the University of California v. Bakke*—that the student body diversity to be sought, and which is to

produce those educational benefits, is not “simple ethnic diversity,” but one encompassing “a far broader array of qualifications and characteristics.” But despite that larger (and more diverse) understanding, racial and ethnic diversity remains a, perhaps even the, goal of most competitive schools, public and private alike. Writing for the Court in *Grutter v. Bollinger* (2003), Justice Sandra Day O’Connor recognized as much: “As part of its goal of ‘assembling a class that is both exceptionally academically qualified and broadly diverse,’ the [University of Michigan] law school seeks to ‘enroll a critical mass of minority students.’”

That raises an obvious question: how to define this “part” of the diversity goal, this “critical mass of minority students.” It is the question at the heart of *Fisher v. Texas*.

The university’s flagship undergraduate school in Austin admits the majority of each freshman class through a race-neutral process and the balance through a separate process indistinguishable from that upheld in the *Grutter* case—a holistic, individualized review that considers race (African-American) and ethnicity (Hispanic). From the two sources—the one race-neutral, the other race-conscious—the school seeks to assemble a diverse student body that includes a critical mass of minority students.

In 2009 Abigail Fisher, a white applicant who was not admitted under the race-conscious admissions policy, sued the university, claiming she was discriminated against because of her race, in violation of the Fourteenth Amendment’s equal protection clause. Fisher lost in the district court and then in the U.S. Court of Appeals for the Fifth Circuit.

Fisher appealed her case to the Supreme Court, and in July of last year Justice Anthony Kennedy, writing for a seven-to-one majority, ruled that the Fifth Circuit had failed to apply the correct standard of strict scrutiny. In sum, the circuit hadn’t been strict enough in reviewing the university’s position; it was too deferential. The Supreme Court vacated the decision and sent the case back to the Fifth Circuit. Last month a

three-judge panel issued a new decision in the case—one that again sided with the university against Fisher.

The panel, however, was not unanimous, as Judge Emilio Garza filed a dissent in which he challenged critical mass. Garza observed that UT Austin uses race to achieve the compelling interest of diversity, which it has articulated as including “a critical mass” of minority students. Under strict scrutiny, he continued, the Fifth Circuit must determine whether the university’s use of race is necessary and “narrowly tailored” to achieve the university’s stated goal (with narrow tailoring defined as a close “fit” between the goal of a critical mass of minority students and the use of race in admissions). For the court to perform its task, the university must clearly explain its goal, Garza wrote, and yet it has not done so: The university “has failed to define [critical mass] in any objective manner.”

The dictionary definition of mass most relevant in this context is “a large body of people,” with “large” being relative, of course, and “people,” again in context, being the minority students admitted. There would thus seem to be some connection between the university’s diversity goal of critical mass and its race-conscious admissions process. Yet UT Austin has not explained the relationship, wrote Garza.

Garza included a footnote reporting the testimony of an admissions officer asked to give an example in which race would have some impact on an applicant’s application. She replied that “it’s impossible to say . . . because it’s all contextual.” For Garza, the university “has obscured its use of race to the point that even its own officers cannot explain the impact of race on admission.”

As for the majority, Garza said it “entirely overlooks the University’s failure to define its ‘critical mass’ objective . . . repeatedly invoking the term critical mass without even questioning its definition.” Thus, for Garza, the majority had its own failure—that of not making “a meaningful inquiry into the nature of critical mass,” as he believed is required under Kennedy’s opinion for the Court in *Fisher*. Garza

explained the fundamental importance of this failure:

We cannot undertake a rigorous ends-to-means narrow tailoring analysis . . . [nor] tell whether the admissions program closely ‘fits’ the university’s goal . . . [nor] determine whether considering race is necessary for the university to achieve [its diversity goal] or whether there are race-neutral alternatives, when it has not described what “critical mass” requires.

Garza isn’t the only judge dubious about critical mass. In his dissent in *Grutter*, Justice Antonin Scalia referred to it as “the mystical critical mass” and, no less skeptically, “the fabled critical mass.” And in the oral argument in *Fisher*, Chief Justice John Roberts as well as Justices Scalia, Samuel Alito, and Sonia Sotomayor asked questions designed to ascertain its meaning.

Notably, Justice Alito asked Fisher’s counsel, “[D]o you understand what the University of Texas thinks is the definition of a critical mass? Because I don’t.” And the chief justice asked UT Austin’s lawyer what the critical mass is that the university is “working toward,” only to be told, “We don’t have one.”

Later the chief returned to the subject: “I understand my job, under our precedents, [is] to determine if your use of race is narrowly tailored to a compelling interest. The compelling interest you identify is attaining a critical mass of minority students at the University of Texas, but you won’t tell me what the critical mass is. How am I supposed to do the job that our precedents say I should do?”

Fisher has asked for a rehearing by the entire Fifth Circuit. But this is a case that should go to the Supreme Court. It is a case with two issues—whether the University of Texas at Austin discriminated on the basis of race against Abigail Fisher, and whether the Fifth Circuit (again) failed to apply the correct standard of strict scrutiny, letting UT Austin off easy. Both issues involve critical mass, the term made so familiar by its frequent utterance—its meaning, however, still slippery. ♦

Why America Fought

The lessons of World War I

BY DAVID ADESNIK

The United States entered the Great War with its eyes wide open. The mechanical slaughter in Europe had already left millions dead. In the trenches, men had to contend with lice, rats, sickness, mud, extreme temperatures, human waste, rotting corpses, and boredom as well as the threats of poison gas, explosive shells, and being buried alive. In 1914, Europe went to war with only the dimmest awareness of the horrors to come. Yet Congress voted overwhelmingly for a declaration of war in the absence of any direct threat to U.S. territory and despite the country's long tradition of distancing itself from European wars. What could explain both the American government's decision and the broad and deep popular support for the war?

Today, even a well-rounded college graduate is unlikely to know more about American intervention than the fact that it had something to do with German submarines. Yet why did the United States send two million men to fight in France and Belgium after the Germans sank a handful of merchant vessels? The answer is that Americans across the political spectrum believed they were fighting to defend their inalienable rights, which included the freedom of the seas. If the United States let the German empire trample on its rights, this weakness would invite other challenges. There seemed to be no option but war.

By the 1930s, however, a new consensus portrayed American intervention as a tragic and wasteful misadventure. The Allies' hollow victory did not bring peace, but only pervasive fears of a more destructive war to come. In today's terminology, Americans retroactively redefined intervention in the Great War as a choice, not a necessity. The simplistic distinction between wars of choice and wars of necessity, however, only clouds our understanding of the past and its lessons for today. If one revisits 1917 without these conceptual blinders on, what begins to emerge is a deeper understanding of what Americans, in any time and place, believe is worth fighting for.

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WARS OF NECESSITY, WARS OF CHOICE

In theory, wars of necessity have a justification so compelling that there is effectively no choice but to fight. World War II provides the paradigmatic example. For the United States, however, wars of necessity are the exception, not the rule. The label does not account for the War of 1812, the Mexican-American War, the Spanish-American War, the Korean War, Vietnam, the invasions of Panama and Grenada, or George W. Bush's war in Iraq. It certainly does not account for humanitarian interventions. Even George H. W. Bush's war in Iraq does not measure up. General Colin Powell, then serving as chairman of the Joint Chiefs of Staff, opposed the decision to fight. So did 47 senators, whereas only 23 voted against the war to oust Saddam Hussein.

In early 2003, the distinction between wars of choice and necessity earned its place in our political lexicon because it seemed to capture the difference between the invasion of Afghanistan and the impending war with Iraq. In 2009, President Obama justified the dispatch of additional troops to Afghanistan by insisting it remained a war of necessity, yet within months he had shifted to emphasizing his interest in ending the war. Hindsight transformed a necessity into a choice, as it had after World War I.

To dispel this confusion, the place to begin is with the old saw that war should always be the option of last resort. The question is, The last resort before what? The answer depends greatly on both Americans' understanding of their role in the world and their assessment of other countries' capabilities and intentions. This is the real terrain on which a debate about war and peace should take place.

THE MEANING OF AMERICAN NEUTRALITY, 1914-1916

In response to the outbreak of war in Europe, President Woodrow Wilson implored Americans to be "impartial in thought as well as in action." This high-minded sentiment was impractical not just in terms of psychology, but, more important, in terms of geography and technology. According to diplomatic convention, neutral powers had a right to commerce with all belligerents, including the right to sell munitions and war

materiel. In practice, Britain's naval supremacy ensured that only the Allies would have access to the American arsenal. Germany soon discovered that submarines were the only means of disrupting the commerce that sustained the Allies' war effort.

Diplomatic conventions conceived in the age of sail and steam were not readily adjustable to the advent of submarine warfare. In theory, the German Navy had the right to sink any vessel carrying war materiel to Allied ports *after* conducting an inspection of its cargo and *after* ensuring the safety of the crew. Observing such conventions entailed tremendous risks for German submarines, since they moved slowly and had thin hulls. Their main advantage was surprise, yet they had to surface in order to inspect Allied cargo vessels. At that point, a cargo ship could ram the U-boat or, if it were armed, direct its fire at a stationary target.

The tension inherent in this mismatch between technology and tradition ensured that submarine warfare would become a flashpoint in German-American relations during the first years of the war. While many U-boats scrupulously followed the rules, some did not. On May 7, 1915, only three months after the onset of submarine warfare, *U-20* sank the *Lusitania*, a British passenger liner, without warning. The *Lusitania* sank in only 18 minutes, resulting in the deaths of almost 1,200 passengers, among them 128 Americans. Whole families perished. Paul and Gladys Crompton died along with all six of their children, one still an infant.

There was widespread outrage in the United States, yet few calls for war. Publicly, the Germans refused to concede either the immorality or the illegality of the sinking, yet they maintained a commitment to respect the rights of neutrals. Privately, the kaiser expressed deep regret, later telling the American ambassador in Berlin he would have forbidden the sinking if he could have, since "no gentleman would kill so many women and children." Accordingly, the kaiser issued secret orders to the navy forbidding future attacks on large passenger ships.

For more than a year, heated diplomatic exchanges followed every significant infringement of the rules by a German U-boat. Yet during the entire period of neutrality, only three Americans sailing on American ships lost their lives as a result of a U-boat attack. Another 62 perished while aboard British or other belligerent vessels. According to John Milton Cooper, the most prominent historian of Wilson's presidency, "the threat of war was in remission" during the latter half of 1916.

THE RUPTURE OF U.S.-GERMAN RELATIONS

American voters reelected Woodrow Wilson by a three-point margin in November 1916, although a shift of only 4,000 votes in California would have given a majority in the Electoral College to Republican candidate Charles Evans Hughes. Wilson's advocates relentlessly reminded voters, "He kept us out of war." Yet less than a month into his second term, Wilson asked Congress for a declaration of war on Germany.



German attacks on American shipping used in patriotic appeals

On January 31, 1917, the German ambassador in Washington, Count Johann von Bernstorff, informed Secretary of State Robert Lansing that on the following day the German Navy would initiate a campaign of unrestricted submarine warfare. In other words, Germany would embark on the wholesale violation of laws of war it had repeatedly acknowledged as binding over the past two years. American ships would be sunk without warning. The announcement came as a shock to Washington.

Although wartime propaganda would later portray Germany as the land of bestial Huns, Americans mostly considered the Reich to be a civilized nation, despite its frequently unbecoming conduct. There was little sense that Wilhelmine Germany was a criminal state run by brutal extremists, like the future Third Reich.

In response to the German announcement, President Wilson embraced a policy of incredulity. He told a joint session of Congress on February 3 that while he had no choice but to sever diplomatic ties,

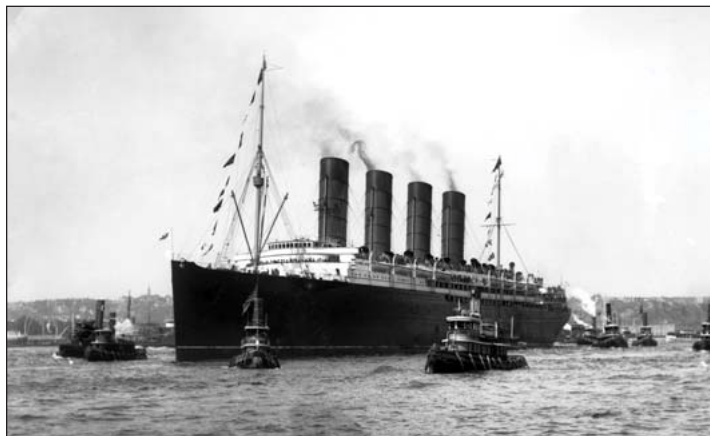
I refuse to believe that it is the intention of the German authorities to do in fact what they have warned us they will [do]. I cannot bring myself to believe that they will . . .

destroy American ships and take the lives of American citizens in the willful prosecution of the ruthless naval program they have announced their intention to adopt.

While enraged by the German announcement, both congressmen and newspaper editors overwhelmingly supported Wilson's policy.

ARMED NEUTRALITY

At first, German behavior seemed to vindicate Wilson's optimism. The same day as Wilson's address to Congress, the submarine *U-53* torpedoed the American freighter *Housatonic*. Before sinking the *Housatonic*, the *U-53* came to the surface, where its captain emerged to explain in fluent English, "You are carrying foodstuffs to an enemy of



The Lusitania before being sunk in May 1915...

my country, and though I am sorry, it is my duty to sink you." The Germans deposited the crew of the *Housatonic* safely on the English coast. Nine days later, the *U-35* sank another American vessel in a similarly courteous manner. Wilson did not protest either incident, though fear of attack had paralyzed the American merchant fleet.

Wilson held fast to his policy of inaction until the revelation of the Zimmermann Telegram. British intelligence had intercepted a communiqué, which it shared with Washington, in which the Germans offered to reward Mexico with Texas, Arizona, and New Mexico if it would join the German side in the event of war. Wilson knew the proposal was utterly implausible. Nonetheless, it damaged his hope that the Germans shared his determination to preserve the peace.

On February 26, the day after learning of the telegram—but before informing the press of its existence—Wilson returned to Congress to assert that "the situation we find ourselves in with regard to the actual conduct of the German submarine warfare . . . is substantially the same that it

was when I addressed you on the third of February." However, change was necessary because American ships were afraid to leave port. Wilson requested support for a policy of "armed neutrality" that would entail the provision of defensive armaments to American ships. The House quickly passed an armed neutrality bill, 403 to 13. There was overwhelming support in the Senate, yet a filibuster by four antiwar progressives killed the proposal. While requesting congressional support, Wilson made clear his belief that his authority as commander in chief enabled him to act without legislative approval, which he soon did.

Wilson exercised an agonizing degree of patience. Germany did not retreat an inch from its official policy of unrestricted submarine warfare, yet neither did its behavior dash Wilson's hope of a German desire for peace, which in fact existed only in his imagination. Two months earlier, at an Imperial Conference at the castle of Pless, the kaiser made an irrevocable decision to suffocate the British Isles. He and his advisers believed this would knock Britain out of the war and force the remaining Allies to sue for peace. The German leadership fully expected the United States to wage war rather than surrender the commercial rights it had asserted for so long. The Germans knew that Americans would consider submarine warfare to be an intolerable insult. But they calculated that the United States could not mobilize quickly enough to prevent a German victory.

There was nothing disingenuous about the Reich's announcement of its decision in February. Its leaders did not intend to play games with Wilson, or to take advantage of his desperate desire for peace. Forty-five days passed between the German announcement and the first incontrovertible act of war because the United States was an afterthought. In the words of German naval minister Eduard von Capelle, "From a military point of view America is as nothing."

NO CHOICE BUT WAR

On March 18, Americans learned of the sinking of the *Vigilancia* by a German submarine. The torpedo struck without warning. "The steamer sank in seven minutes; its captain never saw the attacking U-boat. [The *Vigilancia*] flew an American flag. Its name and home city were painted on port and starboard bows in letters five feet high and could be read at a distance of three miles," writes diplomatic historian Justus Doenecke. Fifteen crewmen drowned.

This was the incontrovertible act of war that Wilson had feared. This was the indication that all of his yearning for peace was worthless. Yet Wilson maintained a remarkable

PHOTOS: BETTMAN CORBIS / ASSOCIATED PRESS

silence. Sensing that war was imminent, socialist, pacifist, and German-American organizations launched a final campaign of antiwar protests. With the tension almost unbearable, the American public had to wait 15 days before hearing from the commander in chief.

On March 20, Wilson called his cabinet into session for two-and-a-half hours. To a man, they called for war. At the conclusion of the meeting, Wilson said only, “I think there is no doubt as to what your advice is.” Three days later, Wilson announced he would address Congress on April 2.

The implementation of armed neutrality had only just begun, yet Wilson and his advisers judged it to be unworkable. Neutrality ruled out any offensive actions. A merchant vessel’s only option was to spot a submerged U-boat and pull the trigger first. On April 1, the *U-46* sank the *Aztec*, an armed American transport; 28 men died, including a naval gunner.

The next day, Wilson delivered his war message to Congress. Today, one phrase in particular from that address remains embedded in public memory: “The world must be made safe for democracy.” It has become shorthand for the mistaken belief that Wilson’s war was a global crusade for freedom. It was nothing of the kind. In the passages dedicated to justifying a declaration of war, Wilson focused overwhelmingly on the perfidy of unrestricted submarine warfare and the insufficiency of armed neutrality. The Senate voted for war 82-6, the House 373-50.

American forces would deliver terrific blows to the Reich in their offensives on the Marne, at St. Mihiel, and on the Meuse-Argonne front. Tens of thousands would remain behind, lying to this day under rows of small white crosses.

THE ILLUSIONS OF HINDSIGHT

In the 1920s and ’30s, progressives recast the Great War not simply as a war of choice, but as a war of greed and malice. While the settlement at Versailles disintegrated and Americans rejected responsibility for defending it, progressives revived old conspiracy theories about the role of arms merchants in provoking the 1917 intervention. Before voting against the war, Sen. George Norris (R-Neb.) declared, “We are going into war upon the command of gold. We are going to run the risk of sacrificing millions of our countrymen’s lives in order that other countrymen may coin their lifeblood into money. . . . I feel that we are about to put the dollar sign on the American flag.”

Progressives imposed this interpretation so effectively

that even Franklin Roosevelt had to pay it lip service while swimming against the isolationist tide. In the “I Hate War” address of 1936—commemorated today as part of the FDR Memorial in Washington D.C.—Roosevelt warned, “If war should break out again in another continent, let us not blink the fact that we would find in this country thousands of Americans who, seeking immediate riches—fools’ gold—would attempt to break down or evade our neutrality.”

The second great war against Germany reversed the widespread assumption that the first had been unnecessary. Americans regretted their complacent dismissal of Wilson’s prophetic warnings about the need for collective security.

Since World War II overshadowed its predecessor so decisively, further debate about Wilson’s foreign policy has



...by German U-boats like these captured vessels moored in New York

not resonated beyond the walls of the academy. For most Americans, World War I has become little more than the first good war against very bad Germans.

Nonetheless, persistent debates among scholars demonstrate the instability of any judgment about whether a given conflict is a war of choice or a war of necessity. Since 1945, “realist” scholars of international relations have advocated the unusual hypothesis that World War I was a sort of accidental war of necessity. Emblematic of the realist perspective is Henry Kissinger’s withering criticism of Wilson as a naïve crusader to whom “national interests were irrelevant” and for whom “the war had a moral foundation, whose primary objective was a new and more just international order.” In contrast, a shrewd president would have recognized the imperative to enter the war in order to prevent Germany from dominating Europe and someday threatening the United States.

Strangely, Kissinger asserts, “Wilson did not justify America’s entry into the war on the grounds of specific grievances” against Germany. Of course, that is exactly what

Wilson did. Few scholars, however, have found Wilson's logic to be compelling on strategic grounds. According to Doenecke, "The president realized American security was not in jeopardy." But its honor and prestige were threatened.



U.S. recruiting poster: the kaiser astride an ocean of corpses

Wilson's biographers are sympathetic to his decision, yet portray it as a moral tragedy rather than a strategic masterstroke. John Milton Cooper emphasizes how the final words of Wilson's war message are borrowed from Martin Luther's response to accusations of heresy: "God helping me, I can do no other." In the end, Germany's criminal behavior overcame Wilson's revulsion at the savagery of war.

BEYOND CHOICE AND NECESSITY

The esoteric history of neutrality laws and submarine warfare should not obscure the basic truth at the heart of Wilson's justification for war. World order depends on the existence of rules, even if their application is difficult and there is no impartial transnational authority to enforce them. When a nation of Germany's stature flagrantly violated those rules, it posed a potential

threat to every state that relied on the existing order for its security.

Some, like Holland and Norway, remained neutral because of their relative weakness. If the United States, circa 1917, had considered itself to be more like the Dutch and Norwegians than the British, French, and Germans, it could have accepted German impositions and resigned itself to whatever outcome the war generated. Instead, Americans took it for granted that the United States ought to employ its power to defend and shape the order on which its security depended.

At an earlier point in time, Americans would not have understood their role this way. In the interwar years, Americans would return to a more restricted sense of their responsibilities and interests.

Today, Americans are struggling to understand their role in the world. After seven decades as a superpower, there is still broad acceptance of the idea that the United States ought to be a world leader or even the "indispensable nation" that protects the prevailing liberal order. At the same time, there is growing fear of the costs of leadership, especially the possibility of war with dangerous adversaries such as Russia, China, or Iran.

As in Wilson's time, Americans want the benefits of order while remaining uneasy about the costs. This does not mean that the United States must respond with force every time that order is threatened. It may reconcile itself to Russia's flagrant violation of Ukrainian sovereignty. It may reconcile itself to Beijing's intimidation in the South China Sea, Iran's pursuit of nuclear weapons, and the rise of a terrorist proto-state within Syria and Iraq. What cannot be known is whether and when a crumbling order will bring the threat of violence directly to American shores.

The choice confronting Americans is whether to remain the kind of country that will act before its back is against the wall, or whether it will accept whatever kind of security environment emerges in the absence of American leadership. The advantage of being proactive is that the United States can respond to threats before they achieve maximum lethality. The disadvantage is that Americans will never know, even in hindsight, whether a war was truly necessary. What would have been the impact of a German victory in the Great War, a Communist occupation of South Korea, or Saddam's annexation of Kuwait? No one will ever know for sure.

Describing wars in terms of choice or necessity blinds America to the uncertainty inherent in the pursuit of national security. If the United States remains committed to defending the liberal order it created, the most pressing question will always be how to choose wisely when considering the use of force. ♦

Schools for Scandal

*The astounding waste, corruption, and self-dealing
of university student governments*

BY MARK HEMINGWAY

For anyone who follows national politics, there is no shortage of scandals and harrowing economic figures to buttress the opinion that our leadership is corrupt and incompetent. My own pessimism about government, however, is born of experience. I was foolish once and young; I even believed in The System. That was before I spent time in student government, a corner of campus life that is directly responsible for accelerating the degradation of our broader political culture. If, as P.J. O'Rourke once quipped, giving money and power to government is like giving whiskey and car keys to teenage boys, then giving actual money and power to teenage boys (and girls) is as predictably disastrous as you would imagine.

Before I explain what happened during this spring's campaign for student government at the University of Oregon, my alma mater, know that there are good reasons why you should care. The student government president who emerged from the tragicomic thunderdome I'm about to describe now presides over a \$15 million budget that runs 413 pages, with almost zero professional oversight or legal accountability. That's more than many municipal budgets in the United States. The UO is located in Eugene, which has a population of 157,000. The annual budget for the city's Department of Public Works is around \$6 million, and for fire and EMS services \$25 million. If such financial stakes seem absurdly high for a student government, they're not atypical for a major public university—and the cost of student government, like the cost of everything else in higher education, is exploding.

As a former journalism major who cut his teeth reporting on the UO student government—the Associated Students of the University of Oregon (ASUO)—before briefly

being elected to a position with it, I am qualified, if not exactly eager, to revisit this topic. Like most other forms of government malfeasance, corruption in student government is perpetuated by the fact it is largely opaque even to those who are victimized by it. Your typical college student government is riven with Judean People's Front vs. People's Front of Judea factionalism, and to understand it requires a superhuman tolerance for politically correct posturing and a willingness to decipher reams of inscrutable bylaws. But if you really want to fathom how broken America's political culture is and why higher education costs so much, it's necessary to consider the microcosm of student government corruption.



The University of Oregon's student union

Three undergraduates ran for president of the ASUO this spring, and the controversy centers on two of them. Ben Bowman was the former opinion editor of the campus's influential *Oregon Daily Emerald*, president of the College Democrats, and president of his

fraternity—your basic Big Man on Campus. Thomas Tullis was a freshman affiliated with the *Oregon Commentator*, a libertarian and right-leaning student magazine that has historically combined irreverent lampoon-style humor and investigative journalism into university affairs.

On March 12, Bowman and two of his supporters, Marshall Kosloff and student senator Alex Titus, met with Tullis in his dorm room. A 70-minute audio recording of the conversation that transpired there—presumably made secretly and leaked to the *Emerald* by Tullis—revealed that Bowman and his associates had threatened to blacklist Tullis from both Greek life and student politics unless he dropped out of the race. They went so far as threatening to have the charter of Tullis's fraternity revoked and to keep Tullis's girlfriend from pledging the Gamma Phi Beta sorority. Bowman was also heard promising to use his connections to have negative articles written about Tullis at the *Emerald*. Those were the highlights, but most of the conversation

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was taken up with arguments about esoteric matters of student government. “Throughout the conversation there are multiple references to third parties not present in the room,” notes the *Emerald’s* summary of the recording. “Masturbation is used as a metaphor to illustrate the impact those third parties have on the ASUO process.”

Tullis submitted a transcript of the recording when he filed a complaint with the ASUO elections board, and on March 20, the board voted to disqualify Bowman and his running mate from the ballot. Bowman appealed, and his appeal was denied by the student Constitution Court on March 30. On April 3, however, the university administration intervened and overruled the student government’s decisions. Bowman would be on the ballot, and the student government election would be delayed one week, from April 7 to April 14. The president of the student government elections board resigned in protest, and by April 5, all five members of the board had resigned and the student government was threatening to shut down.

As if this weren’t dramatic enough, the next day, two campus police officers showed up at Tullis’s door and dragged him to the Lane County lockup for making an illegal recording. Hidden video is perfectly legal in Oregon, but for some reason secret audio recordings can run afoul of the law. The district attorney, however, has not filed charges, and the arrest is mired in controversy. Campus police were only recently authorized by the state legislature to carry guns and make arrests, and the arrest and jailing of a student for a nonviolent crime is highly unusual.

The day of Tullis’s arrest, the *Emerald* reported that the student government had reopened an old investigation into Bowman. Back in February, student Rachel Gowland, formerly a member of the College Democrats organization Bowman headed, had filed a “bias response” with the Office of Student Life. According to the complaint, Bowman had tried to “silence me by shaming me” and was inappropriately “calling out my personal, private relationship with Marshall [Kosloff],” though the nature of Gowland and Kosloff’s relationship is unclear. Kosloff just happened to be the Greek coordinator for Bowman’s slate of candidates and had been a participant in the conversation Tullis recorded. Also notable: Gowland serves in student government as the ASUO Tuition and Affordability director and had worked on Tullis’s campaign.

In addition, it was revealed that, following the initial complaint against him with the Office of Student Life, Bowman had been placed on paid leave from his job as opinion editor at the *Emerald* in February, while the student paper’s news team investigated Gowland’s allegations. Having concluded their investigation, the paper was going to reinstate Bowman. Instead, Bowman announced his resignation from the *Emerald* so he could concentrate on

running for student body president. Having put Gowland’s charges behind him once, Bowman denounced the student government’s new inquest as “an absurd continuation of the ongoing witch hunt against me.” But the damage was done. Bowman bowed out of the race for ASUO president, this time voluntarily, on April 8.

For the sake of brevity, I’m omitting various other dramas heading into the ASUO elections, including at least one complaint filed against Beatriz Gutierrez, the third and ultimately victorious candidate for president. Gutierrez beat Taylor Allison—the poor soul who replaced Bowman on his candidate slate after he dropped out of the race—in a runoff election on April 25. If you’re really masochistic and/or obsessive, the journalists-in-training at the *Emerald* have put together a slick interactive timeline on the paper’s website that will allow you to keep track of any contretemps I may have missed.

Now, the University of Oregon student government might well be more dysfunctional than most, but the size of its budget is not unprecedented. UCLA’s student government budget is \$90 million. San Diego State University—whose enrollment, at about 28,000 students, is comparable to Oregon’s—has a student government budget of more than \$20 million.

Nor are concerns about the corruption of the UO student government unique. Earlier this year, former members of the student government at the University of Wisconsin-Milwaukee—enrollment 27,813—sued the university administration following its decision last year to disband the school’s student government and replace it with a board of trustees. The university justified the decision by citing the student government’s inability to follow its own bylaws ensuring a fair election process, not to mention “ballot irregularities” in student government elections. In March, at the University of South Florida—41,000 students, with a student government budget of \$14 million—the winner of the general and runoff elections was declared invalid after the runner-up filed 14 election grievances. Last year at the University of Florida, an email was leaked showing that fraternities were being paid \$250 apiece by candidates for proof that their members were voting in student elections. In 2012, a county judge in Texas suspended University of Texas student elections after a dispute over election rules. Examples of student government corruption at major universities go back decades.

The amount of electioneering for student government is becoming commensurate with the ridiculous sums of money at stake. The ASUO president for the 2013-14 academic year was Sam Dotters-Katz. He was serving his second, nonconsecutive term as ASUO president, this time

as a law student. Dotters-Katz raised \$13,000 for his 2013 campaign, made 20,000 phone calls, and parked the RV he used as his campaign headquarters next to the student union building for weeks. In the not-too-distant past, congressional campaigns were won with similar resources. Also of note, the University of South Florida's student government elections this year were deemed significant enough that the disqualified winner, Jean Cocco, had been publicly endorsed by a former Florida governor running to recapture the office, Charlie Crist.

Naturally, the exorbitant cost of student government and students' inability to responsibly manage the political process for distributing funds affect the affordability of education. Student governments are typically funded by mandatory student fees. Student government at the UO is funded by an inappropriately named "incidental fee" that must be paid by each of the school's nearly 25,000 students. Next year the fee will be \$208 a term, and if you're going to school full-time and paying in-state tuition, it represents a 7 to 9 percent premium over the basic cost of tuition (depending on whether you're taking the usual 16 credit hours or the minimum 12 hours required of a full-time student). You can rent a room off-campus in Eugene for under \$300 a month without too much trouble, and that \$200 is what a student would take home working 30 hours at a typical minimum wage job.

Many student governments have the power to raise their own fees and are not exactly frugal. The University of Oregon's student constitution allows the ASUO to raise fees by as much as 7 percent a year. ASUO's budget, around \$6 million when I graduated in 1998, is now two and a half times larger. Attempts to reduce fees almost always fail. In 2009, during his first go-around as ASUO president, Dotters-Katz actually attempted a onetime \$100 reduction in student fees, but this resulted in an "accounting error" that caused the ASUO to overspend its budget by \$400,000. In response to the problem of ever-growing fees, the Oregon legislature passed a bill last year capping the growth of university tuition and fees at 5 percent per year. The really cruel irony here is that in virtually every student government election, each and every candidate promises to lobby the administration and, if it's a public university, the state government vigorously to lower fees and tuition costs for students.

What exactly do college students get for all this money? Well, it varies wildly depending on the school. But it's safe to say that the money typically flows in three directions. First, there's money that the school's administration should be providing but prefers to shove off its own books. At Oregon, the student government pays for the operation of the large student union

building—at a cost to students of \$5,849,673 last year. The fact that student government alone is responsible for an essential building on campus has caused the administration a great deal of consternation. In 2012, the UO administration hired an outside consulting firm to run a campaign to get student voters to approve a \$135 million renovation of the student center that would have raised fees by \$100 a term. The administration's campaign planned to spend \$20,000 to \$30,000 just on T-shirts, drawstring backpacks, stickers, and other tchotchkes promoting the campaign. After students twice rejected the plan and held it up with an election grievance, they ultimately approved an \$84 million renovation partly funded by a new "facility fee."

And in another egregious bit of manipulation, Oregon's athletic department, flush with cash from one of the most consistently successful football programs in the country, gets \$1,645,968 from student government as a way of making students pay to attend their own school's athletic events.

Second, student government usually pays for basic services and/or perks provided to students. These range from sexual assault support programs to free bus passes.

Third, student government supports various student activities, including student government itself. Often, stipends or even salaries worth tens of thousands of dollars are paid to students serving in student government or running student groups. The proliferation and politicization of student groups has been enough of a headache that in 2000 it spawned a Supreme Court decision, *Board of Regents of the University of Wisconsin System v. Southworth*. The original plaintiffs asserted that mandatory student fees shouldn't be used to support anything that violates student beliefs. Ultimately, the Supreme Court affirmed that funding mechanisms for student groups must be "viewpoint neutral," though in practice they remain nothing of the sort. Conservative and pro-life groups are regularly hassled or subjected to egregious funding disparities.

At Oregon, the ASUO and 180-some student groups are funded to the tune of more than \$6 million, and a number of those groups have seven-figure budgets. There are few barriers to students' attaining funding, and groups hoovering up student fees range from the ridiculous—see the Belegarth Medieval Combat Society—to the plausibly educational, such as student publications or the International Business and Academic Club. The bulk of the remaining groups land somewhere inside a largely overlapping Venn diagram of groups dedicated to exploiting public money to fund left-wing political causes or financially validate absurd gradations of identity politics. If you think fiscal sanity is a laudable goal, this presents all kinds of questions that left-wing campus politics makes nearly impossible to answer, such as: What's the difference between the student Multicultural Center and the Multi-Ethnic Student

Alliance, and why do students need to pay for both of them?

Tullis's leaked conversation didn't just threaten the integrity of the student government's election process. It threw the campus into an uproar because, when the four students caught on the tape weren't arguing and threatening each other, they had a candid and reasonably honest discussion about the diversity racket in student government. Student senator Alex Titus bemoaned the wasteful spending of certain student groups one dare not criticize in public. "Literally the same 10 people took \$5,000 for a conference in Orlando, \$4,000 for a conference in Colorado, and \$15K for an Asian diversity conference about why Asians shouldn't be oversexualized," Titus said in the recording. "That's \$20K in one night that those motherf—ers just took."

After Titus's comments were leaked, angry students flooded the ASUO student senate meeting on April 9 holding up signs saying "Diversity is Beautiful!" and "We are not motherf—ers," while Titus looked on shellshocked. The obsequiousness of the UO student government to such demonstrations of political correctness from student groups is so total that Taylor Allison found herself assailed by audience members at the ASUO presidential candidates debate on April 14 for insufficient dedication to The Cause. Specifically, questions were raised about her attendance at "privilege walks," a depressingly Maoist exercise popular on campuses in which students stand side by side in a straight line and are asked questions about their level of privilege relative to the oppressed. Some actual questions taken from college privilege walk materials: "If you were sexually active with several people and it would improve your social reputation in other people's eyes, take one step forward" (hint: guys advance a step, girls stay put) and "If you are able to drive carelessly without someone attributing it to your gender, take one step forward" (hint: ditto). Allison pleaded her case: "I've participated in multiple privilege walks in my time on the ASUO," she protested. "I actually had to leave that retreat early to visit my family, so that's why I wasn't there." Nice try, Allison. If you have a loving and supportive family, take one step forward. It's not coincidental that the winner of the election, Beatriz Gutierrez, ran heavily on identity politics and is the codirector of the student Multicultural Center.

Subsidizing large numbers of student activists is problematic for one obvious reason: Student participation in campus elections is historically low. About 17 percent of

students voted in the first round of student government elections at the University of Oregon this year, and only 12 percent voted in the runoff, and those totals include relatively effortless online voting. In 2005, University of Iowa researchers published a paper, "Voter Turnout in Undergraduate Student Elections," that concluded the mean voter turnout was 18.8 percent, with a standard deviation of 14.7. Adding to our collective confidence in the educational value of student government, researchers noted the low response rate from student governments asked to provide their election data. Still, the Iowa findings roughly jibe with the claim made by Butch Oxendine, the executive director of the American Student Government Association (ASGA), that public universities typically see a turnout of 10 to 15 percent in student government elections.

Low turnout means there's little accountability. The mandatory fees funding student government are paid mostly by oblivious stakeholders, such as parents and/or taxpayer-subsidized financial aid. And with student governments funding

scores, even hundreds, of student groups to the tune of millions of dollars, it stands to reason that of the small percentage of students who do participate, most have some sort of direct or indirect financial interest in the outcome. Student government isn't representative so much as it is captured and controlled by special interests.

With millions of dollars at stake, it stands to reason that of the small percentage of students who vote in campus elections, most have a financial interest in the outcome. Student government isn't representative so much as it is captured and controlled by special interests.

The combination of low turnout and special interest politics also means that student governments can be easy marks for outside groups seeking funds. The ASGA, with 1,281 members, is the national lobby for college student governments. According to the organization's website, "ASGA provides the resources, research, and support you need to grow your SG." Tellingly, an entire section of the website is headed "Ask the Lobbyist." It's there that the ASGA encourages student governments to consider, "Should our SG hire our own lobbyist to be our champion in the state assembly or legislature? Is the expense worth it?" Many student governments have decided the answer is yes.

The ASGA's attempts to grow the influence of student government through lobbying may be unwarranted, but at least it's transparent. For years, one of the highest-funded student groups at the University of Oregon has

been the Oregon Student Public Interest Research Group or OSPIRG, which last year received \$151,000 in student fees. OSPIRG was a controversial topic in the conversation Tullis leaked to the *Emerald*.

Founded by Ralph Nader in the early 1970s, PIRGs are essentially a way to funnel money to liberal political causes. The University of Oregon has the distinction of having one of the first college PIRGs. There are now dozens of PIRG chapters in 15 states that are funded through either student government budgets or a separate fee on tuition bills. Sometimes the fee is mandatory, sometimes students can opt out of it, but more often than not, students have no idea they're paying to lobby for left-wing legislation just by virtue of going to college. PIRGs lobby for a slew of predictably liberal measures—for rent control and pharmaceutical price controls and against nuclear power. If you thought saving a billion people from malnutrition was in the public interest, well, OSPIRG is quixotically involved in a major campaign against genetically modified food. To add a patina of legitimacy to their scheme, PIRGs do mix in a few student issues, such as lobbying for more financial aid.

PIRGs grasping for public money aren't unique to Oregon—nine public universities in California, about a third of New York's SUNY system, and numerous other campuses around the country are involved. It's estimated that PIRGs siphon anywhere from \$10 million to \$20 million from students, and about 10 percent of that is kicked up to USPIRG, the national lobbying organization. Notably, PIRGs are despised even among the left-wing grassroots for the way they treat people. They are notorious for overworking and underpaying idealistic young organizers and generally fostering a terrible work environment. There are entire blogs on the Internet dedicated to exposing PIRGs.

"It's time that those 'bright-eyed and bushy-tailed' soon-to-be college grads got some truth about PIRG, before being shipped off and selling their life for no money," notes the author of the Burned By the PIRG blog. The author adds, "I think the funniest part of training was when they had everyone read excerpts from Saul Alinsky and Cesar Chavez."

Despite mistreating their employees, PIRGs are generally tolerated by their fellow travelers because of the money they raise. Of course, it is supposed to be illegal to channel public funds such as student fees directly into lobbying efforts. Here's how the scam works at the University of Oregon. There are actually two OSPIRGs. One is the Oregon Student Public Interest Research Group and the other is the Oregon State Public Interest Research Group. The student group has a 501(c)3 nonprofit tax classification, which allows it to accept taxpayer funds. The state group has 501(c)4 tax status, which allows it to spend money to influence legislation but not to collect public funds. The two groups share office space, letterhead, and phone number.

They even have the same employees and board members. Functionally and organizationally, they are the same group, despite the fact that this arrangement might violate reams of tax code. Back in the 1990s, University of Oregon students brought a lawsuit against OSPIRG for the misuse of student fees. (The case was later subsumed by the lawsuit that led to the *Southworth* decision.) During a deposition, former University of Oregon president Dave Frohnmayer revealed he was unaware that there were two different OSPIRGs.

As of 2008, five public universities in Oregon were pooling over \$350,000 to fund the Oregon Student Public Interest Research Group. The student group rents its office space from the state group and finds other creative ways to launder money from the 501(c)3 into the 501(c)4. And where other student groups are required to track their expenditures with purchase orders, the University of Oregon student government has traditionally listed OSPIRG's budget as a single cash line item with no transparency. If asked what OSPIRG does that is of direct benefit to Oregon students, the group could produce no paper trail showing how or even whether money had been spent on campus.

As bad as that is, here's where it starts to get sinister. The salaries of professional lobbyists at the state PIRG depend on funding from the student PIRGs, and student governments can change radically from one year to the next. That's why PIRGs pay professional on-campus organizers. It's these organizers' full-time job to get a few naive Tracy Flick-types elected to student government by financing their campaigns, as well as getting out the vote for any referenda that might affect PIRGs' funding. In other words, PIRGs get hundreds of thousands of dollars from student fees, which are then laundered into state and national political lobbies. Then the state and national PIRGs take some of that money back to campuses and use it to ensure that student government elections turn out so as to keep the money spigot open wide. Note that PIRGs, like all Naderite groups, are prominent advocates of "stanching the flow of special interest money in our elections," as it says on USPIRG's website. Given their fairly radical views on campaign finance, the hypocrisy is remarkable. Their official position is that private political donations are not free speech. But PIRGs have defended financing their own political lobbying through mandatory student fees as "protected by the First Amendment."

How far will PIRGs go to gain control of student government? In 2012 at the University of Oregon, then-ASUO president Ben Eckstein and vice president Katie Taylor were dragged before the student Constitution Court and almost removed from office. Oregon Student Public Interest Research Group board chair Charles Denson allegedly donated money to their successful campaigns for student government, but the candidates did not disclose the source

of these funds as required by ASUO rules. The accusation, by the way, was made after it came to light that Denson was married to Taylor, a fact they had concealed from the public, presumably because it would look bad if OSPIRG were literally in bed with student government. The year before, Taylor had cast the tie-breaking vote in the student senate to give OSPIRG a 97 percent budget increase. Despite these controversies, Taylor ran for ASUO president while still serving out her term as vice president. Mercifully, Taylor lost this election after it was revealed that her husband Denson had hacked into the campaign Gmail account of the winning candidate, Sam Dotters-Katz—a possible felony.

OSPIRG has struggled for funding in recent years, and it was completely defunded in the wake of Denson and Taylor's connivance. The current ASUO president-elect, Beatriz Gutierrez, however, campaigned on restoring OSPIRG's funding. There's no reason to think OSPIRG won't return to campus. The group has controlled the University of Oregon's student government for decades.

What becomes of the students who run the unscrupulous gauntlet of student government is a question worth asking. Here's where I should probably come clean: As an undergraduate in 1998, I was involved in the first successful campaign to defund OSPIRG. I participated in student government, both as an editor at the *Oregon Commentator* and as an elected member of the Program Finance Committee, a job that involved a line-by-line review of the budget for 160 or so student groups. This left me convinced my student government was at best ineffective and at worst OSPIRG's piggy bank. Some friends and I banded together to crusade against OSPIRG's funding. We called our effort the "Honesty campaign." I won't bore you with the election complaints that were filed by and against us, except to say they were tedious and many. At one point, the student body president put out a state-wide press release making a variety of untrue accusations to the effect that members of the Republican statehouse were involved in our campus dispute. This press release was no small matter. At the time, student governments across Oregon were petitioning the GOP majority in the statehouse for a tuition freeze. The press release poisoned the well of a legitimate attempt to lower costs for students in a desperate attempt to save OSPIRG's funding. Still, we defeated OSPIRG. Members of student government cried literal tears when the results came in. I won't go so far as to say ours was a masterful campaign, but I will note that the college Republican who quarterbacked the effort went on to work for Karl Rove.

Yet my most vivid memories of this episode involve a grudge match with the kid who was then-ASUO vice

president, Ben Unger, or, as he was affectionately known as a result of his unfortunate email address, "Bunger." I learned a lot about covering politics by thoroughly documenting what I and several fellow students perceived as his dishonesty and corrupting influence. After graduating, Bunger became OSPIRG's campus organizer. He helped engineer a special election and successfully restored OSPIRG's funding.

Of course, a lot has happened since 1998, and my attempt to cast Ben Unger as a villain is unfair. The truth is, it was college, and I had more than a few self-righteous delusions about my own beliefs at the time. People grow up, or so I thought. In the course of writing this, I decided to look up my old adversary: Ben Unger is now an elected state representative.

As for Bunger's political career, I'd be lying if I said I wished him well. But if it makes him feel any better, I will note that there's one heck of a precedent for PIRG organizers who go into electoral politics. Barack Obama worked for NYPIRG at City College of New York in Harlem, though the community organizer in chief has been historically loath to mention this, perhaps because of the justly terrible reputation PIRGs have acquired. There's a one-line description of his work at a "Ralph Nader offshoot up in Harlem, trying to convince the minority students at City College about the importance of recycling" in *Dreams from My Father*. Back in 2007 the *New York Times* gave a terse-but-priceless description of this footnote on the president's CV: "The job required winning over students on the political left, who would normally disdain a group inspired by Ralph Nader as insufficiently radical." Only in the pages of the *Times* would Ralph Nader be described as "insufficiently radical." Still, the headline "Obama's Account of New York Years Often Differs From What Others Say" was unhelpful to the future president. In fact, his description of his time with NYPIRG "surprised some former colleagues." Obama's former NYPIRG supervisor told the *Times* he was a "star" organizer who worked on other "bread and butter" issues, probably meaning that he agitated for PIRG's broader agenda, which is sufficiently radical and goes well beyond recycling. That Obama was a star PIRG organizer should have been warning enough for voters. Instead, the experience worked out well for Obama. PIRGs and student governments across the country were heavily involved in the voter registration drives and other efforts that helped get him elected.

But whether you point to a state representative or the president of the United States, the evidence is considerable: As a way of training future leaders, giving college students millions in free money does nothing but encourage corruption and callousness about special interest politics. It may be called "student government," but the kids are learning all the wrong political lessons. ♦



Reading Room at the Folger Shakespeare Library, ca. 1940

Shakespeare's Other Home

The making of a Washington monument. BY CHARLES TRUEHEART

Henry and Emily Folger had a magnificent obsession. They spent a life of virtually indiscriminate acquisitiveness compiling the largest collection of Shakespeare manuscripts and associated arcana in the world—and then gave all that they had acquired to the American nation, wrapped in the handsome library, museum, and theater that bear their

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Collecting Shakespeare
The Story of Henry and Emily Folger
 by Stephen H. Grant
 Johns Hopkins, 264 pp., \$29.95

name on Capitol Hill in Washington.

When one looks at the ways in which latter-day tycoons direct their disposable income and extracurricular hours, the lives of Henry Clay Folger (1857-1930) and Emily Jordan Folger (1858-1936) offer a sweetly

bizarre contrast. Though Henry rose to become president and then chairman of Socony, a division of Standard Oil, and was a self-taught expert in the booming oil business of his time, not a day passed that he and Emily weren't buying Shakespeareana.

For four decades, the Folgers worked from office and home, without secretarial help, corresponding (by hand, for many years) with hundreds of booksellers, agents, brokers, and fellow collectors; scouring newspaper articles from clipping services;

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reading catalogs; and marking titles for further inspection. Henry carried an umbrella with a pencil in the handle to jot down acquisition ideas. To him, an auction catalog was “as fascinating as a novel.”

Though they could have afforded much more, the childless Folgers lived in unpretentious rented quarters for most of their lives, and then built a relatively modest house in Glen Cove, Long Island. (Neither was born to wealth, but Henry made a connection in college that made all the difference.) Apart from shopping sprees in Great Britain and regular retreats to Hot Springs, Virginia, the Folgers didn’t pamper themselves much. But they were monomaniacal about Shakespeare and anything he may have written, read, or touched, as well as anything that might have been written about him or his work, even plagiarism. I was imagining this as a kind of secular idolatry when, thanks to Stephen H. Grant, I learned there is a word for it: bardolatry.

“Collectors have difficulty observing limits,” writes Grant, with characteristic understatement. The original collection of the Folger Shakespeare Library, when it opened its doors to the public in 1932, was

a dazzling array of objects: books, manuscripts, essays, pamphlets, magazines, newspapers, playbills, prompt books, autograph letters, autographs, letters, diaries, journals, memoirs, commonplace books, scrapbooks, sheet music, phonograph records, maps, charts, public documents, prints, drawings, engravings, woodcuts, oil paintings, watercolors, mezzotints; furniture, building models, coins, weapons, armor, heraldic documents, tapestries, musical instruments, globes, costumes, scenic designs, stage properties, statues, busts, carvings, miniatures, medallions, figurines, relics, curios, works in stained glass, bronze, ivory, wood, china, ceramic, and marble.

The literary works were, of course, at the heart of the Folger enterprise. “Folger’s achievement is unique in the history of book collecting, in terms of both

the rate and quantity of acquisition,” writes Grant. They amassed—really a better word than collected—nearly 10,000 volumes of the Bard’s works, including the largest collection of Shakespeare quartos and First Folios in the world. Before they started collecting, 18 First Folios were in American hands. “A half-century later, Folger had singlehandedly quadrupled that number,” Grant tells us.

Why such rapaciousness? At a point when he was admitting to owning only 47 First Folios, Henry Folger said that every copy “seems to have an excuse



Henry Clay Folger by Frank O. Salisbury (1927)

for its presence.” As Grant explains, “Seeing each of his copies as having a unique history and story, Folger did not consider them simply duplicates.”

What Henry and Emily bought they may have admired; but the joy must have been in the buying itself, for everything went straightaway into storage in New York, in used wooden airtight 10-gallon oil cases adapted for the purpose by Henry’s staff. “The inaccessibility of the collection in storage enraged scholars,” Grant admits, as the Folgers routinely rebuffed academic inquiries for most of their collecting lives. “All this fed the mostly inaccurate perception of Folger as a cantankerous hoarder.” By way of

exculpation, we learn that Henry was always most courteous in his refusals. Grant observes, *faute de mieux*, that “by keeping the treasured items together in storage, catalogued but not curated, Folger protected the growing value of his collection. He also saved money that would have been required for security and scholarly access, spending it on more acquisitions and, eventually, on a safe building.”

“Cantankerous hoarder” actually sounds like a pretty good description, though. Folger was certainly secretive, never admitting to what he had purchased or what he had paid. He was highly competitive, too. Grant devotes a chapter, “Hotspur and Hal,” to a lively account of the friendly rivalry between two modern Henrys, Folger and Huntington, who were assembling their stupendous eponymous libraries at the same time and who often used the services of the same dealer, A. S. W. Rosenbach, a colorful supporting character in this extraordinary tale.

In the last years of his life, Henry Folger decided against giving the collection to a university because it was (as he said) “so narrow in scope, and at the same time so large in size, that it could not be very well fitted into a general library”—which is putting it mildly. Even so, in his will, he left the whole thing to his (and Grant’s and my) alma mater, Amherst College, whose trustees were “flabbergasted by the sudden news that they were invited to administer a library in the nation’s capital.” Amherst has run the facility, most recently under a separate board, ever since.

For the Folger Shakespeare Library itself, sites other than Washington were considered, including Henry’s ancestral Nantucket, Manhattan, Princeton, and Stratford-upon-Avon. “I finally concluded I would give it to Washington; for I am an American,” Henry declared. Indeed, the Folgers did not see their hobby as a private matter but rather as a contribution to American patrimony and a statement about the emerging place of the United States

of America as the natural steward of English literature—as Henry put it, they wanted “to help make the United States a centre for literary study and progress.” If there is an Elgin Marbles dimension to this, Grant doesn’t touch on it.

In choosing the Washington site, the Folgers were attracted, too, by the adjacency to the Library of Congress and by real estate prices in Washington. True to their patient ways, they took *nine years* to secretly buy, one by one, a block of 14 row houses on East Capitol Street. The houses were razed to build the neo-classical building we know today.

Henry died soon after the cornerstone was laid, and Emily carried on for six more years. Her nephew and adviser, Judge Edward Dimock, observed that, for the Folgers, “building the collection and planning the monument to house it was totally absorbing, a real substitute for children.” James Waldo Fawcett, a Washington journalist who knew the Folgers and planned and abandoned a biography of Henry, said theirs “was an authentic romance without recorded parallel in the history of American philanthropic idealism.” Stephen Grant has done a superb job of telling their peculiar story. ♦

in history from Johns Hopkins, first laid out his fundamental argument in *A Better War: The Unexamined Victories and Final Tragedy of America’s Last Years in Vietnam* (1999) and refined it in *Westmoreland*. According to Sorley, Westmoreland’s operational strategy emphasized the attrition of the forces of the People’s Army of Vietnam in a “war of the big battalions”—multi-battalion, and sometimes even multi-division, sweeps through remote jungle areas in an effort to fix and destroy the enemy with superior firepower. According to Sorley, such search-and-destroy operations were mostly unsuccessful since the enemy could usually avoid battle unless it was advantageous to accept. They were also costly to the American soldiers who conducted them and to the Vietnamese civilians in the area.

Sorley contends that when General Creighton Abrams replaced Westmoreland, shortly after the 1968 Tet Offensive, he adopted a new approach that came close to winning the war. Working closely with Ellsworth Bunker, who had assumed the post of U.S. ambassador to the Saigon government the previous spring, and the CIA’s William Colby, who coordinated pacification efforts, Abrams pursued something like a unified “one war” approach. According to Sorley, Bunker and Abrams and Colby “employed diminishing resources in manpower, materiel, money, and time as they raced to render the South Vietnamese capable of defending themselves before the last American forces were withdrawn. . . . [I]n the process they came very close to achieving the goal of a viable [South Vietnamese] nation and a lasting peace.” For Sorley, Westmoreland represented the triumph of style over substance, and the best he can say of the general is that he was a prisoner of his own experience who lacked the flexibility to move beyond the things that he knew.

Although Daddis mentions Lewis Sorley infrequently, *Westmoreland’s War* is clearly intended as a response to *Westmoreland*. But while Daddis is correct to accuse many of Westmoreland’s critics of recycling flawed circular arguments, he cannot with any jus-



Lessons Learned?

A second look at General Westmoreland’s strategy.

BY MACKUBIN THOMAS OWENS

In his often-cited but little-read *On War* (1832), Carl von Clausewitz observes that “in war, the result is never final.” His observation can be applied to the historiography of war as well. A case in point is this study by Gregory Daddis, an Army colonel who earned a doctorate at Chapel Hill, served in the Iraq war, and now teaches at West Point. *Westmoreland’s War* is the latest salvo in a battle over Vietnam that goes back many years.

Since 1975, interpretations of the Vietnam war have come in waves. The first wave of the narrative held that the United States could never have won, given the nature of the war and the commitment of the Vietnamese Communists. Over the past 20 years, however, a number of observers have called this narrative into question. A

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Westmoreland’s War
Reassessing American Strategy in Vietnam
by Gregory A. Daddis
Oxford, 288 pp., \$34.95

second wave argued that our defeat could be traced to a flawed national strategy, which they blame mostly on civilian policymakers, especially Robert McNamara. But a third wave has indicted the military itself for the failure, blaming the U.S. military leadership in Vietnam, especially General William Westmoreland, for adopting a defective operational strategy.

Early representatives of this narrative include works by David Palmer, Andrew Krepinevich, and Stanley Karnow. More recently, studies by John Nagl, Thomas Ricks, and Max Boot have echoed the charge. But the most influential critic of Westmoreland’s conduct of the war has been Lewis Sorley, the author of *Westmoreland: The General Who Lost Vietnam* (2011). Sorley, a career Army officer who served in Vietnam and earned a doctorate

tice make this charge against Sorley, whose books on both Abrams and Westmoreland are as well researched as Daddis's. In addition, while Daddis relies on the written record, Sorley's work emphasizes interviews, which provide the context often missing even from official reports.

Nonetheless, Daddis offers a fair, if not altogether convincing, defense of William Westmoreland. He contends that Westmoreland was not the "unthinking officer portrayed so contemptuously" in so many histories of the war and that he did, indeed, develop "a comprehensive military strategy for Vietnam, one not confined to simple attrition of enemy forces." That said, it is also the case that the major pacification program in Vietnam, Civil Operations and Revolutionary Development Support, was imposed on Westmoreland's command by Lyndon Johnson in 1967 because Johnson believed that nation-building was not receiving enough attention.

Daddis bases his defense of Westmoreland on the answers to three questions: Was his approach to strategic planning consistent with the Johnson administration's grand strategy? Was there a logical relationship between the military means available to Westmoreland and the goals that his command was expected to achieve? And was Westmoreland's strategic concept not only logical but also realistic? In other words, what was the probability of success?

Given the length and cost of the war, this last question is critical. Daddis's conclusion is that "Westmoreland, and the organization that he led, not only learned and adapted in Vietnam but also developed a comprehensive strategy best suited for the multifaceted environment in which the U.S. Army was operating." He depicts enough of that strategy to illustrate that it was more comprehensive than many of Westmoreland's critics believe, although readers will have to draw their own conclusions

about whether it was "best suited" to the situation.

Daddis also contends that Westmoreland did the best he could, given the lack of strategic direction from Washington. In addition, his situation was exacerbated by the fact that he was really only a sub-theater commander, falling under the direction of Pacific Command. Accordingly, Westmoreland did not control many of the assets—especially air and naval—that

But it seems to this reviewer that Daddis actually acknowledges many of Sorley's criticisms of Westmoreland while letting him off the hook by stressing mitigating factors.

For instance, the most common charge leveled against Westmoreland is that he conducted a war of attrition at the expense of the "other war," or pacification. He certainly claimed to be responding to Washington's demand for progress on the



2nd Battalion, 4th Marine Regiment, Dong Ha (1966)

were brought to bear in Vietnam. Even within Vietnam, his control was limited: In many respects, the Marines in I Corps operated independently and according to their own doctrine, and the South Vietnamese armed forces were never fully integrated into the war effort. It is safe to say that Vietnam was never really Westmoreland's war, and therefore it was not his to lose. There is plenty of blame to go around.

So Daddis's valiant effort to absolve Westmoreland of blame for losing the war is commendable, but not altogether successful. It is true, as Hanson Baldwin observed, that Westmoreland had "more responsibility and less authority than any other [theater commander] in our history."

pacification front by way of numerous monthly reports, and Daddis cites many unit after-action reports that indicate that Army units were paying attention to "the other war." But such reports, as well as what Westmoreland was saying to Washington, merely indicate what his command and its subordinate units *planned* to do, or what they thought higher headquarters wanted to hear, rather than what they were actually doing. Westmoreland may have wished to conduct a more multifaceted war, but in the end, the historical evidence suggests that, just as his critics claim, he emphasized attrition.

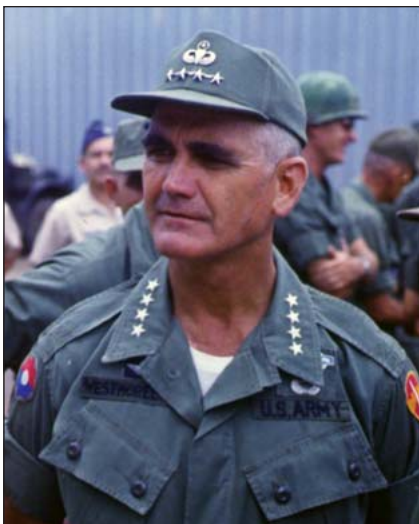
Daddis also ignores Westmoreland's own words regarding both attrition and "small wars." On the one

hand, Westmoreland wrote a paean to attrition for a “lessons learned” book in 1977: Vietnam, he argued, was indeed “a war of attrition.”

Since the battles of the Somme and Verdun, that has been a strategy in disrepute, one that to many, appeared particularly unsuited for a war in Asia with Asia’s legendary hordes of manpower. Yet if one carefully re-examines the strategy of attrition in World War I, one must admit that, for all the horrendous cost, it eventually worked.



areas in which 80 percent of the people lived; degradation of the ability of the North Vietnamese to fight by cutting off their supplies before they left northern ports of entry; and engagement of North Vietnamese and Viet Cong main force units on terms favorable to American forces. According to Krulak, Westmoreland made the “third point the primary undertaking, even while deemphasizing the need for clearly favorable conditions before engaging the enemy.”



Creighton Abrams, William Westmoreland

On the other hand, Westmoreland had made clear his antipathy to the counterinsurgency theories in vogue during the Kennedy administration, criticizing “the obsession that President Kennedy and [Army Chief of Staff] General [Maxwell] Taylor had with our ability to fight small wars and to counter Khrushchev’s strategy involving ‘wars of national liberation.’” It does seem that Westmoreland was predisposed to fight exactly the kind of war his critics accuse him of fighting: a war of attrition.

One of Westmoreland’s critics was Marine Lt. General Victor Krulak, commanding general of Fleet Marine Force, Pacific during Westmoreland’s tenure (1964–68). In his book *First to Fight: An Inside View of the U.S. Marine Corps* (1984), Krulak argued that a successful effort in Vietnam would have required three elements: pacification of the coastal

For his part, Westmoreland was critical of the Marine approach, which (unlike his own) took counterinsurgency seriously and emphasized *small wars*. In his memoir, *A Soldier Reports* (1976), Westmoreland argued that rather than “trying to establish firm control in hamlets and villages, and planning to expand the beachhead up and down the coast,” the Marines “should have been trying to find the enemy’s main forces and bring them to battle, thereby putting them on the run and reducing the threat they posed to the population.”

Daddis’s defense of Westmoreland would also have been strengthened by noting that the realities of the Cold War limited what Westmoreland could do. The greatest concern of American policymakers was to ensure that a conflict did not spin out of control, escalating to a nuclear confrontation with the Soviet Union. This was what

the various theories of “limited war” were designed to address and what constrained some of the steps that Westmoreland could take against North Vietnamese sanctuaries.

Unfortunately, the American emphasis on limiting war out of fear of escalation permitted the North Vietnamese to gain the strategic initiative—and maintain it until after Tet. According to the late Douglas Pike, the Communists followed a strategy they called *dau tranh* (struggle) consisting of two operational elements: *dau tranh vu trang* (armed struggle) and *dau tranh chinh tri* (political struggle). These operational elements were envisioned as a hammer and anvil, or pincers, designed to crush the enemy. Armed *dau tranh* included a strategy “for regular forces” and another for “protracted conflict.” Regular force strategy included both high-tech and limited-offensive warfare; protracted conflict included both Maoist and neo-revolutionary guerrilla warfare. Political *dau tranh* included *dich van* (action among the enemy), *binh van* (action among the military), and *dan van* (action among the people).

For the North Vietnamese, the conflict in the South was what has come to be called a “hybrid” war. The North’s strategic thrust, culminating in the battle of Ia Drang in November 1965, was part of armed *dau tranh* regular force strategy, as was the Tet Offensive of 1968, the 1972 Easter Offensive, and the final push in the spring of 1975. But in 1967—after Ia Drang and until the buildup for Tet—armed *dau tranh* followed a protracted war rather than regular force strategy. Yet Westmoreland’s war of attrition continued even as the North Vietnamese pursued political *dau tranh* and protracted war *dau tranh*.

The character of the war *did* change after Creighton Abrams replaced William Westmoreland in 1968. For one thing, Abrams adopted an approach that emphasized not the destruction of enemy forces per se, but the protection of the South Vietnamese populace by controlling key areas. He then concentrated on attacking the enemy’s “logistics nose” (as opposed to a “logistics tail”): Since the North lacked heavy transport within South Vietnam, they

ABRAMS: BETTMANN / CORBIS / AP IMAGES

had to position supplies forward of their sanctuaries before launching an offensive. Fighting was still heavy, as exemplified by major actions in the A Shau Valley during the first half of 1969; but such operations now disrupted the North Vietnamese offensive timetables and improved the security of the coastal areas.

In Westmoreland's defense, it may be possible to argue that the reason Abrams was able to fight his "better war" was that American and South Vietnamese forces had bloodily crushed the North Vietnamese and Viet Cong armed *dau tranh* during Tet. It is also the case that the Nixon administration had decided to draw down involvement in Vietnam, opting for "Vietnamization," which required a more efficient use of diminishing resources. But Daddis balances the negative portrait that Westmoreland's critics have painted of his generalship. It is a fact that Westmoreland was severely limited in what he could do to fight the war; it is also the case that the Army and Marines adapted to the realities of the war they were fighting (as they have recently done in Iraq and Afghanistan).

Daddis is correct to point out that the American strategy, "while comprehensively planned and faithfully executed, was not sufficient in itself for securing victory in Vietnam." One reason for this is what Clausewitz called the "value of the objective." Ultimately, victory in the war was more important to the Communists than it was to us. Daddis is also correct to observe that "talented American generals can develop and implement a comprehensive political-military strategy and still lose a war." But the fact is that there are better and worse generals. While stipulating the truth of the mitigating factors that Daddis brings to bear on Westmoreland's behalf, I remain persuaded that Sorley is right about both Westmoreland and Creighton Abrams. The latter was indeed the superior general, which raises an interesting question: Would it have made a difference to the outcome of the war if Abrams rather than Westmoreland had been placed in command in 1964? ♦

BCA

Zero Hour

The reconstruction of German society after 1945.

BY SUSANNE KLINGENSTEIN



The best novel of the 20th century was written as an argument against the ruling French literary critic, Charles Augustin Sainte-Beuve. He held that a writer's life was the key to his or her literary work and that the life and letters must be parsed along with the work. Marcel Proust disagreed: "Sainte-Beuve's work adds nothing to our understanding of a writer," he famously declared in 1909. "He ignores what should be obvious to anyone upon reflection, that a book is produced by a different person than the one whom we see in his daily life with his strength and weaknesses as a man." Then Proust wrote his novel to demonstrate his point.

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The Temptation of Despair

Tales of the 1940s
by Werner Sollors
Belknap, 400 pp., \$35

We have come to side with Proust against Sainte-Beuve because the exquisite literary architecture of his novel does not need the scaffolding of the writer's life to be discerned and enjoyed as a work of art. And yet only Proust in all his particularity could and did write *À la recherche du temps perdu*.

I am beginning this review of Werner Sollors's challenging book about Germany in the years 1945 to 1948 with these reflections because, contrary to Proust's claim, the key to *The Temptation of Despair* is the author's life. It is possible, of course, to read this elegantly written and subtly argued

book—in which the author carries his immense learning lightly and displays his broad cultural literacy with unobtrusive grace—without knowing anything about him. But once you know that Sollors was born in Silesia in 1943, came to America with his 1975 Berlin University doctorate on Amiri Baraka (LeRoi Jones) in his pocket, and subsequently built an eminent career at Columbia and Harvard as an innovative, fair-minded scholar of America's multiethnic literature, you begin to see that *The Temptation of Despair* is, sub rosa, an extraordinary autobiography. In his examination of the social and cultural forces evolving out of the chaos of Germany's *Stunde Null* (zero hour) in April 1945, the author looks back on the culture in which his earliest childhood was embedded. And he does so from the vantage point of a lifetime spent in America's freedom, thinking about the fates of Jews and African Americans.

Sollors's portrait of 1945-48 Germany, like Proust's portrait of Paris, is filtered through a sophisticated mind shaped for decades by forces antithetical to those at work on the minds of his subjects. As a consequence, Sollors's book is not a portrait of the unsavory German reality between 1945 and 1948 (just as *Recherche* is not a portrait of Paris between 1871 and 1916) but the portrait of an Americanized mind in motion trying to retrieve a lost time. It is the intensity, subtlety, and suppleness of that mind that makes *The Temptation of Despair* a great book.

The title refers to *acedia*, a state of emotional and spiritual apathy induced by insight into the gravity of one's sins. *Acedia* is a torpor induced by despair so intense that one loses even the will to kill oneself. It's one of the most lethal of the Seven Deadly Sins because it indicates that the sinner has given up on God's grace. *Acedia* is what a noble and literary mind would imagine Germans fell prey to once they saw the photos of Dachau, Bergen-Belsen, and Buchenwald.

But the evidence Sollors is forced to present is one of indifference to the crimes committed by Germans during the war and a lack of introspection about how those at home might have

been culpable. The writers Erich Kästner and Ursula von Kardorff doctored their diaries after the war to reduce the blow to their egos. Kästner, in particular, "strengthened passages that emphasize the shared guilt of the Allies and complain about the suffering of the German population." But Sollors did find a diary entry by a simple soldier, a prisoner of war in Scotland, who was tempted to give way to despair when he saw the images from the camps: "The gates of the underworld are opening up," noted Wolfgang Soergel on May 8, 1945. "There can be no forgetting."

It was, indeed, a world of unimaginable horrors that a civilized world was forced to confront as the survivors came out of the camps and the corpses lay in piles not of dozens but of hundreds—about 13,000 corpses in Bergen-Belsen alone. The images George Rodger shot there for *Life* had to be retouched (clothing the naked bodies) to be publishable in America. Sollors's analysis of a single image—a young boy running along a curved road lined with bodies in Bergen-Belsen—is one of the highlights of this book, in part because Sollors undercuts the idiocies of American academics who have "interpreted" this image. One of them wrote: "The child's face becomes the escape route for an unsayability that seeps into the visual image and contests any narrative articulation of what the camera captures, a world where death and life are virtually indistinguishable." What nonsense!

The 7-year-old boy in the picture is not a German boy avoiding death but a Jewish boy all too familiar with it: He is very much alive and the bodies next to him are quite dead. Sollors goes on to unravel the stunning story of the boy, Sieg Maandag, the son of a Dutch diamond merchant who was deported with his family by way of Westerbork to Bergen-Belsen and managed to survive there (parentless) with his sister.

It is with gratification that the reader next encounters Martha Gellhorn's response to seeing Dachau that spring, full of outrage and self-recrimination: "We are not entirely guiltless, we the Allies, because it took us twelve years

to open the gates of Dachau." Three years later, in 1948, she published her novel *Point of No Return*, in which she worked out her desire for revenge by having her protagonist—an American Jew serving in the U.S. Army and arriving, like Gellhorn, in Dachau—drive his jeep into a group of pink-faced laughing Germans. But in reality, there was no revenge: "At home we hardly ever talked about the war," Sieg Maandag explained. "We had had enough of it." If one looks at the works printed for survivors in the German displaced persons camps, they are prayer books, psalms, Hasidic works. Proust remarked at the end of *Swann's Way* that facts and faith are very far apart.

Sollors's work covers liberation narratives, novels, photography, film, the experience of black GIs in Germany, and legal theory. He inserts short autobiographical vignettes but makes no evaluative comments. He works by offering contrasts, such as the fates of the legal scholars Karl Loewenstein and Carl Schmitt. And sometimes a claim articulated in one chapter, such as the desire for revenge, is put to rest in another section (Jews went on with their lives). Among the many high points is Sollors's reading of the anonymous diary *A Woman in Berlin*, which describes the Red Army as an occupying force and one of its preferred tools of subjugation: rape—about two million overall, some 100,000 in Berlin alone. Sollors shows that the sophisticated literary features of the diary and its self-control enhance its effectiveness and make it a classic about the experience of trauma. What he does *not* say, but has the reader think, is that this is, indeed, an account of a punishment. The anonymous narrator never complains.

Inevitably, there is a chapter about Germany in ruins and Germans suffering from bombings. The question was raised by the Swiss writer Max Frisch in 1946: Should there be some kind of mercy for the Germans? More important is Frisch's insight into the Germans' postwar indifference to the suffering they had caused: "Deadly misery, one's own, narrows my consciousness to one

point,” wrote Frisch. “It turns out to be inhuman to expect of a human being to see beyond his own ruins.” Sollors’s trajectory—out of the ruins of Germany toward a thoughtful,

gimmick-free academic career that has taken note of the suffering of Jews, African Americans, and other minorities—shows that it is possible to grow and see beyond one’s own ruin. ♦

BCA

After Many a Summer

Wounded by scandal, the Bolshoi returns to America.

BY SOPHIE FLACK



Svetlana Zakharova as the Swan Queen

This was the first time in nine years that the Bolshoi Ballet had performed in New York, and rather than bring any of Alexei Ratmansky’s contemporary ballets, which helped catapult the company into the 21st century—under Ratmansky’s direction, the Critics’ Circle named the Bolshoi “Best Foreign Company” in 2005 and 2007—they brought a Soviet-era production of *Swan Lake*, along with *Don Quixote* and *Spartacus*. But the opening night of *Swan Lake*, on July 15 at Lincoln Center, had a particular draw, for two reasons.

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First, the company has been lately riddled with scandal, including an acid attack in January 2013 that left the company’s director, Sergei Filin, battling for his sight. In the aftermath, the company has been reeling from speculation about casting politics and corruption. Second, David Hallberg, the first-ever American star to permanently join the Bolshoi, was cast as Prince Siegfried, and his performance felt like a homecoming. On opening night, the full house, including throngs of Russian balletomanes, was predisposed to love Yuri Grigorovich’s two-act version of *Swan Lake*, and the Bolshoi did not disappoint.

The original production of *Swan Lake*, choreographed by Julius Reisinger, was first performed in the Bolshoi Theatre in Moscow in 1877. It was

a flop. But it was reworked several times, and this 1969 version, revised by Yuri Grigorovich in 2001, incorporates choreography from the Marius Petipa/Lev Ivanov 1895 version as well as elements of Alexander Gorsky’s 1911 adaptation.

The libretto, based on German and Russian folklore, tells the story of Princess Odette, who is transformed into a swan by Rothbart (in this production, referred to as Evil Genius), and only true love can break the spell. On Prince Siegfried’s 21st birthday, his mother asks that he select a bride, but he isn’t interested in any of the prospects. He then finds himself in the forest, where he falls in love with the Swan Queen, Odette.

In other productions, the character of Siegfried enters the forest with a hunting party, with bow and arrow drawn. In this staging, Siegfried wanders alone and bowless, suggesting a more isolated and brooding character. What feels unusual about Grigorovich’s libretto is that it is from the masculine perspective rather than Odette’s: Here, Siegfried and Odette dance a comparable amount, but that’s not the case in most productions of *Swan Lake*. And while Odette and her antithesis Odile are both danced by one ballerina, the masculine struggle between good and evil is divided between two dancers, Prince Siegfried and Rothbart (danced by Vladislav Lantratov). While in most productions Rothbart is more of a character role, here the choreography made it an extremely demanding, acrobatic role. Rothbart often chases Siegfried around the stage, mimicking his movements like a shadow.

The Bolshoi Orchestra, conducted by Pavel Sorokin, was astonishingly precise and made Tchaikovsky’s score come alive in a way I had never heard before. The sets consisted of painted scrims and backdrops, appearing particularly dinky behind such grand dancers. (There was one awkwardly placed scrim that plopped down in the center of the action on numerous occasions, often in the middle of a musical phrase, and its appearance became almost comical.)

DAMIR YUSUPOV

In most productions of *Swan Lake*, the emphasis is placed on the versatility and strength of the ballerina, but the corps de ballet also dances constantly and in multiple roles, often enduring many quick costume changes. A single corps dancer might dance in the court scene, or as part of the *divertissement*, then reappear as a white swan, and then go back to court—only to change again into a black swan. The Bolshoi corps de ballet was flawless in its placement: Each movement, no matter how small, was

more subtle and restrained than some of his Russian colleagues.

That said, without the energy of Igor Tsvirko, who brought genuine joy to the role of the Fool, Anna Tikhomirova (the only female dancer on stage with any real chutzpah) as the Spanish Bride, or the commanding presence of Vladislav Lantratov's Rothbart, the production might have felt a little stiff. These dancers brought much-needed fire to the stage while the rest of the cast, though technically impeccable, bordered on grim at times.



David Hallberg in 'The Sleeping Beauty' (2011)

considered and given meaning. Their precise formations were enviably military and certainly put American companies to shame. Of course, the upper body is stylized differently than in Western ballet: The women lean forward slightly and look under their raised arms, and they cock their head when their arms are low.

In the opening court scene, David Hallberg was convincing as royalty. It was a wonderful showcase for his virtuosic technique, his long, lean line, and his pure, clean movement. As he executed difficult jump sequences, his hips and sternum remained fixed, giving the audience a pleasing sense of calmness. Hallberg is a nuanced actor, and you could follow the story just by watching him from the neck up. His ease and humility might not arouse the kind of enthusiasm from the audience that a dancer with more bravura or charisma would, but he is

Svetlana Zakharova, a seasoned principal who rose through the ranks of the Mariinsky Ballet (formerly the Kirov) before joining the Bolshoi, selected Hallberg to partner her in *The Sleeping Beauty* soon after his arrival in Moscow in 2011. The two are well-matched, and it's easy to see why they are so frequently paired: Both Zakharova and Hallberg are virtuosic technicians with bulbous arches, ceiling-high extensions, and classical lines. But while Hallberg is naturally emotive and expressive, Zakharova sometimes comes off as cold. She may, however, be the most technically proficient dancer ever to grace the David H. Koch Theater stage, and technical mastery is an art form in itself.

Zakharova's Swan Queen is guarded, as if threatened by the presence of an intruder, and she conveyed this through her icy movement quality and tense body rather than by her acting chops. During the pas de deux, Sieg-

fried gradually tames Odette, and as the dance progresses, she goes from folded limbs to exposed throat. She opens herself to him, and then literally falls backwards into his arms as if gaining his trust. At the conclusion of their first pas de deux, the ballerina beats her foot during the violin trills, possibly representing the beating of Odette's heart. It is never clear if Odette actually loves Siegfried or is just desperate to break Rothbart's spell and return to her human form.

While some ballerinas humanize Odette, others interpret the role as bird-like. In the first act, Zakharova appeared not as a bird, or a human, but as a dancer. She is, in fact, best watched from a distance, because it is her movements rather than her facial expressions that are thrilling. And surprisingly, it was not Zakharova's transformation from the guarded Odette to the seductive prowess of Odile that was impressive; it was her range within the single role of Odette that made me fall for her as an artist. Her second-act Swan Queen showed the soft fragility the role is known for, and she brought more humanity to Odette than she did in the first act. Although she doesn't have the softness of certain predecessors (Maya Plisetskaya, Galina Ulanova) that made them so emotionally accessible, the effect here was heartbreaking.

In this version, Siegfried's mistake in swearing his love to Odile ultimately results in Odette's death. This is different from Soviet-era productions, which had more optimistic conclusions. Here, the ending fell a little flat as Odette collapsed at Rothbart's feet and that silly scrim made its final appearance while a forlorn Siegfried looked out to the audience, breaking the illusion of the fourth wall. It was "psychological" in tone, and the effect was a little anticlimactic.

Still, the audience offered a standing ovation, and the company took several well-deserved curtain calls. And while the staging may have felt somewhat outdated, it seemed appropriate for the company that originated the most beloved ballet of all to trump all previous productions in virtuosic ability and technical prowess. ♦

DENIS SINIAKOV / REUTERS / NEWS.COM

Ladies Leading

Women rule Hollywood, and men are box-office poison.

BY JOHN PODHORETZ



Scarlett Johansson

The age of the male movie star has passed. Welcome to the age of the female movie star.

The most successful performers at the box office of late have all been women, featured in star vehicles that focus almost entirely on them: Sandra Bullock, Melissa McCarthy, Angelina Jolie, Shailene Woodley, Jennifer Lawrence, and now, Scarlett Johansson. She is in an odd film called *Lucy* that opened last weekend and made \$45 million solely on the strength of a trailer that showed her manipulating the world with enhanced brainpower.

Now consider this: That same weekend, Dwayne “The Rock” Johnson’s *Hercules* was released. The Rock is the present-day heir to Arnold Schwarzenegger’s mantle—an extraordinary physical specimen with a surprisingly light and agile touch. If he had been around in the 1980s, he would have given Arnold—who was, for about five years, the biggest star the world had ever seen—a run for his box-office money. But he couldn’t give Johansson a run for hers; *Hercules* made \$29 million, which is a healthy sum, but not for a \$100-million movie that exists solely to be a worldwide block-

buster. (*Lucy* only cost \$40 million.)

The Rock’s inability to compete with Johansson parallels a larger trend: Longstanding male stars seem to be running out of gas. With the exception of Leonardo DiCaprio and Brad Pitt—and possibly Channing Tatum, who has had a good run over the past two years—the men who have dominated the box office over the past couple of decades have come up short lately. Will Smith, Tom Cruise, and Johnny Depp have each had a succession of flops. That failure suggests their day might have passed. More important, no one has come along to replace them in their ability to “open” a picture, save for the women I’ve mentioned.

This is significant. For half a century, men ruled the roost at the box office. Indeed, if you scan the list of the most successful performers in motion-picture history, as judged by the grosses of their movies, you have to go to No. 19 to find the first female name—and that name is Emma Watson, who played a supporting role in the Harry Potter movies. The first out-and-out female star on the list is Julia Roberts, who clocks in at No. 21.

There were more male stars than female stars in Hollywood’s studio era, but there were plenty of the latter

until the late 1960s. At that point, female performers receded so far into the background that there were only two female box-office draws—Barbra Streisand and Jane Fonda—in the 1970s and 1980s. In the mid-1970s, with the advent of the blockbuster, teenage boys became the dominant audience at the multiplex. Movies were made for and about them, and that fare barely required women at all except as window dressing.

Roberts was the first major female star who could compete, and she did so for a decade, from *Pretty Woman* in 1990 to *Erin Brockovich* in 2000. Her success carved something of a path for others, Meg Ryan primarily, but Roberts was a singular comet. She stepped away for a few years after winning her Oscar as Brockovich, had kids, and never got her mojo back—largely, I think, because her angry-with-a-beautiful-smile shtick reached its apex with her Oscar-winning role, and she doesn’t have the range to become a character actress.

But when she slowed down, other women came in to occupy her place—Meryl Streep, who really hit it big after the age of 50, and Bullock, who came roaring back from a fallow period in 2008 and is now unquestionably the biggest star in Hollywood. Johansson’s career was supercharged by her presence in the series of linked Marvel comic-book movies, while Lawrence and Woodley have established themselves by taking leading roles in massively successful movie versions of young-adult novels adored by teenage girls—Lawrence in the *Hunger Games* franchise, Woodley in *Divergent* and *The Fault in Our Stars*.

So right now, if you’re a nervous Hollywood studio executive and you want the security of casting someone who is reasonably assured to bring in an audience—which is the way stars can bid up their price and earn genuinely huge amounts of money—then all things considered, you would be safer casting a woman than a man.

Don’t ask me what it all means; your sociological theories would surely be just as valid as mine. Just know it’s happening, and get used to it. ♦

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

EXCREMENTUM TAURI: A JOURNAL OF IDEAS

COWABUNGA, DUDE!
 BIOPOLITICS, MINSTRELSY,
 AND THE FALSE NARRATIVE
 OF BOVINE-AVIAN DICHOTOMY
 IN CHICK-FIL-A ADVERTISING

Sebastian Sprague & Sondra Kapur

University of California, Berkeley

This paper theorizes the Chick-fil-A “Cowz” marketing campaign and “Eat Mor Chikin” advertising slogan as mimetic instrumentalities that simultaneously mask and sedimentize the mechanisms of capitalist biopiracy and power structures through the self-referential paro-digm of bionormative cultural hegemony. Drawing on Rinaldo Aguellar’s reading of the graffiti of South-Central Los Angeles, we locate the Chick-fil-A Cowz’ “resistance” MOOO!-vement to an imaginary superstructure of avian privilege at the intersection of late-stage capitalist ideology and contemporary attempts to schematize the Palestinian intifadas as an emergent critical frame. In dis-assembling the dissembling moncourse that instates a multinational conglomerate as a semi-literate domesticated ungulate—a praxis that is compared to the unreliable narration of early-20th-century blackface minstrelsy, a form of veiled colonialism in which the subduction and oppression of the Other accompanies the cultural appropriation of the subducted, and that is contrasted to the phenomenon of Queer minstrelsy (by, inter alia, the Velvet Garters)—we thereby unpack the dominant narrative of commodification and exchange, effectively exposing the relations of complicity that are encoded on highway billboards and that instantiate biopolitical exploitation through falsified division. Complicating analysis of the indexicality of the cow/chicken dichotomy, our interrogation of the epistemological prenotation and de-notation will reveal (*pace* Derrida) the Chick-fil-A maw as both a consuming and a disgorging entity that can be interpreted as representing allegorically the inequalities of race and gender that necessitate peering through the lens of intersectionality in order to see the often-invisible social text that

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