

**ISIS, ONE
YEAR LATER**
LEE SMITH

the weekly

Standard

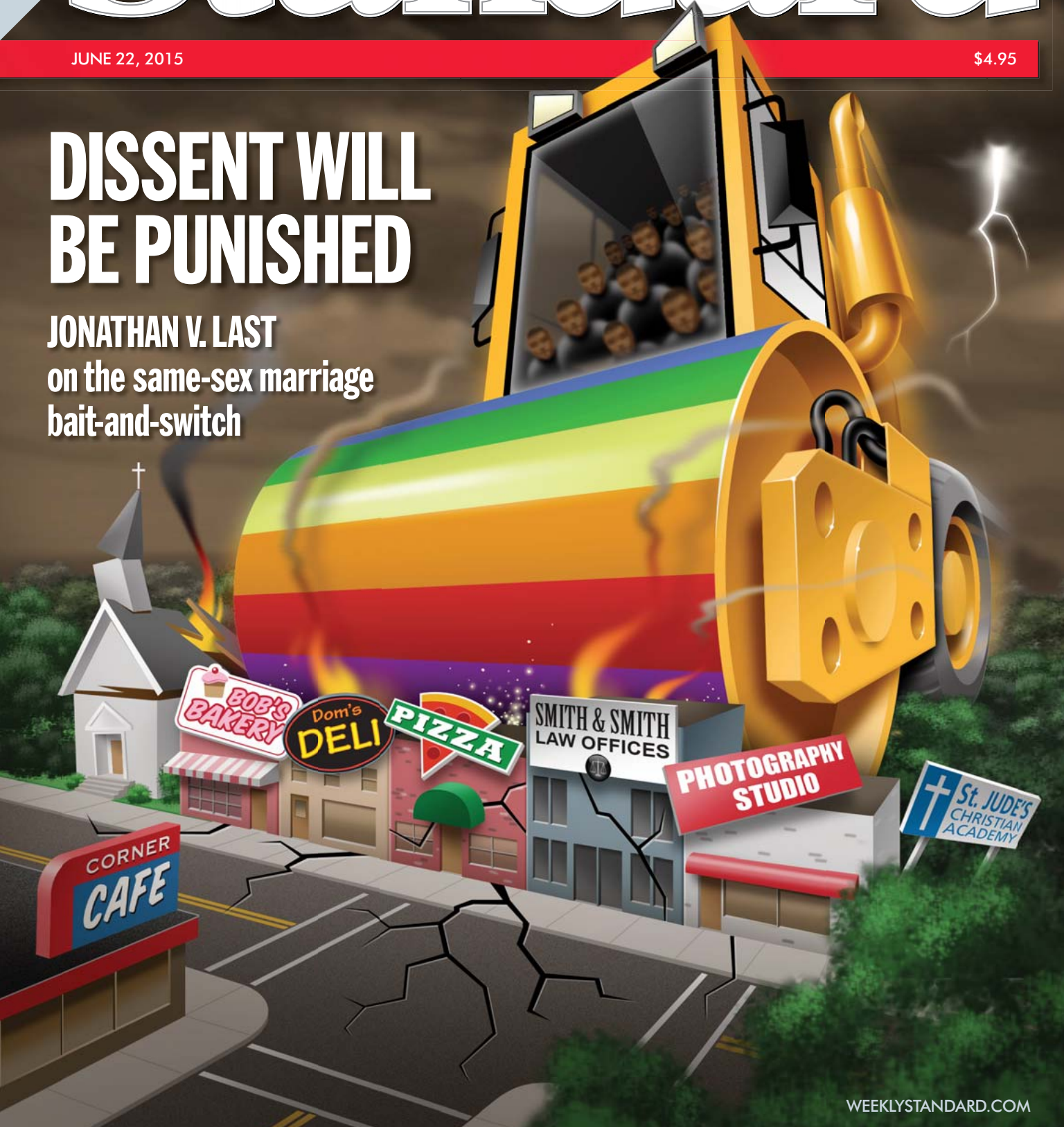
JUNE 22, 2015

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DISSENT WILL BE PUNISHED

JONATHAN V. LAST

on the same-sex marriage
bait-and-switch



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COVER: KEN DUN

The ‘Rotating First Lady’

Our attention was drawn last week to the presidential campaign of Lindsey Graham. THE SCRAPBOOK likes and admires Graham, the veteran Republican senator from South Carolina, but concedes that he is probably not the likely nominee. Graham’s specialty is foreign relations, which never plays a prominent role in primary politics, and he doesn’t have much of a campaign staff or fundraising apparatus.

He does have one particular distinction, however, shared by no other candidate in either party: Lindsey Graham is not married. Which is to say, if he were to be elected president next year, America would have no first lady after January 20, 2017. This singular status has attracted press attention and prompted one news organization to ask him (in apparent seriousness) how this social deficit would affect a Graham White House.

“Well, I’ve got a sister,” Graham gamely responded. “She could play that role if necessary. I’ve got a lot of friends. We’ll have a rotating first lady.”

THE SCRAPBOOK’s advice to Senator Graham is not to worry too much. Yes, most of our presidents have been married, and their wives, to varying degrees, successfully fulfilled the function of White House hostess. But as with most everything in the executive branch of government, the institution of “first lady”—which goes unmentioned in the Constitution—has grown to disproportionate, one

might say gargantuan, size in modern times.

Very nearly an entire wing of the executive mansion is now the headquarters of the first lady, who comes equipped with voluminous staff, Secret Service protection, and access to a generous travel allowance.



Lindsey Graham and sister Darline Graham Nordone

All of which, in THE SCRAPBOOK’s judgment, is entirely superfluous and unimportant. We have had a few first ladies of political consequence—certainly Edith Wilson and Eleanor Roosevelt, maybe Lady Bird Johnson, perhaps Hillary Rodham Clinton—and other first ladies of achievement: Lucy Webb (Mrs. Rutherford B.) Hayes graduated from college (Ohio Wesleyan, 1850) at a time when few women anywhere in the world pursued higher education, and Lou Henry (Mrs. Herbert Hoover, a pioneering graduate of Stanford (1898), was a Chinese linguist and geologist.

But presidents aren’t monarchs; and their families, while interesting at times, aren’t critical, or even necessary, to their presidencies. Indeed, we have had two bachelor presidents (James Buchanan, Grover Cleveland) and some of our most important chief executives (Thomas Jefferson, Andrew Jackson) took office as widowers, and remained widowers throughout their tenure. To be sure, Cleveland got married in the White House, and some first ladies (Caroline Harrison, Ellen Wilson) died while their husbands were in office. But as Senator Graham suggests, there have always been capable substitutes at hand—sisters, nieces, daughters, friends—for the social requirements of the White House. The republic will endure.

Which brings us to a political footnote. Three times in the past four decades, the unmarried Gov. Jerry Brown (D) of California ran credible races for the presidency—and THE SCRAPBOOK has no recollection of any concern in the media about who would be Brown’s White House hostess. Similarly, the favorite for next year’s Democratic nomination is the aforementioned Hillary Clinton—whose husband would be (if Mrs. Clinton were elected) the first White House host in history.

Frankly, the prospect of Bill Clinton as America’s first gentleman strikes THE SCRAPBOOK as more worrisome than a lonely Lindsey Graham in the White House. ♦

Target: Rubio

It’s far too early to pick a front-runner for the Republican nomination, but we already have a pretty good idea which candidate is doing the best job of scaring both the media and the Democratic establishment (but we repeat ourselves).

In the span of a week, Marco Rubio was the focus of not one but two hit pieces by the *New York Times*. The first was headlined “Marco Rubio and His Wife Cited 17 Times for Traffic Infractions.” Of course, that headline was misleading in the extreme. The article actually reveals that Marco Rubio has received 4 traffic tickets going back to

1997, and his wife has received 13. In other words, Mrs. Rubio has a lead foot, and the *Times* decided that the only way they could get away with a petty attack on a candidate’s wife is if they combined their driving records. (Some of the citations, by the way, tell you more about money-hungry local municipalities than about either

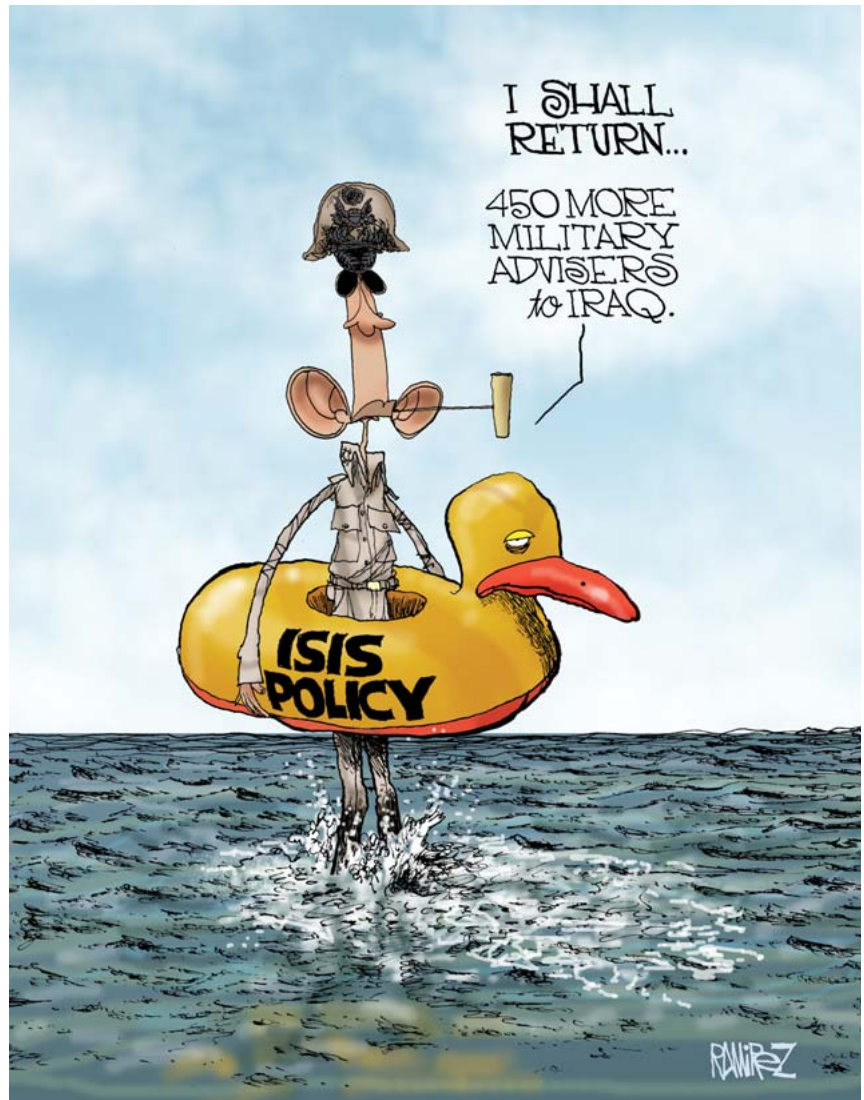
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of the Rubios: for instance: “driving 23 m.p.h. in a school zone where the speed limit was 15 m.p.h.”)

The typical employee in the *New York Times*'s Manhattan newsroom, THE SCRAPBOOK is guessing, may not know much about the struggles of America's drivers. The fact that Rubio has four traffic tickets over 18 years is probably pretty close to the record of the everyday commuter and will, if anything, make him a bit more sympathetic. Further, Rubio's F-150 is not an SUV as the *Times* initially blundered. Sure, it's been one of the bestselling vehicles in America for over 33 years, but since they don't drive many pickup trucks in Manhattan, the reporters managed to botch this detail.

As for his wife's driving record, well, we're not voting for her, and at least she drives herself. Last year, Hillary Clinton revealed she hadn't been behind the wheel since 1996. Comparatively speaking, the only way Hillary could be further out of touch would be if she eschewed her chauffeured Town Cars and asked to be carried around on a litter by menial servants. Last, is spousal conduct fair game for campaign attacks? Because Rubio should seize on this new standard and run with it. At the *Federalist*, Mollie Hemingway quipped that, according to the *New York Times*'s logic, it would be reasonable to assert in a headline that “Hillary Clinton and her husband had sexually assaulted numerous women.”

As if the actual premise of the hit piece weren't embarrassing enough, within an hour of the *Times*'s report being published, the *Washington Free Beacon* reported that, according to public documents, the Rubios' driving records had been inspected only a few days before by the pro-Clinton liberal opposition research firm American Bridge. Rather than answer the *Free Beacon*'s questions about whether the paper was in a silent partnership with the liberal oppo group, the *Times* told *Politico* that its reporters had independently-but-contemporaneously discovered the story of the Rubios' tickets. This is hard to believe, but then again, so is much of what the *Times* writes about Republicans.



Just four days after *Times* reporters summited this molehill, the paper pounced again with “Marco Rubio's Career Bedeviled by Financial Struggles.” The shocking revelation in the second story is that Rubio struggled financially in his 20s and 30s and shouldered a lot of debt. After finally being given an \$800,000 advance to write a memoir about being raised by Cuban immigrants, Rubio “splurged on an extravagant purchase: \$80,000 for a luxury speedboat.” The *Times* quotes financial adviser Harold Evensky as saying Rubio “was living financially dangerously.” Rubio also accrued debt via a \$135,000 home equity line “from a politically connected Miami-based bank.”

Upon further review, Rubio's “luxury speedboat” turned out to be a fishing boat, modest by Miami standards, and the \$80,000 price tag seems like small beans relative to his \$800,000 advance. The *Free Beacon* again tormented the *Times* by revealing that Evensky, the *Times*'s expert critic of Rubio's household budget, was also an Obama donor. As for Rubio's “politically connected” home equity lender, this seems incredibly benign relative to Barack Obama's paying for his Chicago home with a financial assist from jail-bound developer Tony Rezko. And both pale in comparison to Hillary Clinton's enriching herself with millions from a who's who of international human rights violators and shady oligarchs.

**When a
New York
synagogue
is destroyed...**

From the author of *EAST WIND*

Jack Winnick

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If the 2016 election is contested on the playing field chosen by the *New York Times*—spousal conduct and personal finances—it should be a very good year for Republicans. ♦

Annals of Political Correctness

Off hours, THE SCRAPBOOK has been dealing, like many everyday Americans, with the sort of problem that admits of no governmental solution: namely, a leaky basement. But just because government has nothing to offer by way of solutions (at least not yet!) doesn’t mean that it’s ignoring what we’re up to.

So what should be a relatively simple agreement between THE SCRAPBOOK and its contractor of course comes larded with fine print having to do with bonding, pulling the proper permits, and, the real point of this little story, assurances that gas lines and water mains won’t be disturbed. That last commitment requires the contractor to coordinate with local utilities. Different localities have different ways of doing this. Where THE SCRAPBOOK hangs its fedora, in Northern Virginia, there is a number to call, familiarly known as Miss Utility. (Get it? They send someone to put out little flags, so that when the workers start digging, they will “miss” hitting the gas and water and sewer pipes.) Only, in this case, the contractor has promised, “We will have public utilities marked by calling Ms. Utility.”

Two possibilities, and we’re not sure which is worse: Either computers are now auto-correcting every instance of Miss to Ms., or some social justice warrior didn’t understand the dual meaning of the word *miss*. ♦

Sentences We Didn’t Finish

“I think about how decades ago, across America, white men sat in their white-men rooms deciding what kind of country they wanted to live in. They put blacks under a kind of dome and . . .” (Lonnae O’Neal, *Washington Post*, June 8). ♦

the weekly
Standard

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The Divine Miss H, Revisited

Roughly four years ago I reported on the acquisition of a calico kitten named Hermione. I began by writing that she was asleep in my inbox. Now four years later, too large for my inbox, she sleeps in the chair next to mine in the room in our apartment I call my office. I ended my earlier scribble about her by saying that whatever disorder she might bring into my life I judged to be worth it. I now have to report that she has brought no disorder whatsoever, and instead her becalming company has brought only contentment, pleasure, and delight.

In all the time she has lived *chez* Epstein, Hermione has caused no destruction of any kind. She has knocked nothing off any counter or table. She never attempts to eat any but her own food, with the exception of her taste for tuna, a small amount of which I parcel out to her when I prepare tuna salad. On the “it’s alimentary, my dear Watson” front, she has never failed to use her box and, given her constant bathing, is doubtless cleaner than I. Her only known vice is a passion for rubber bands, which I prevent her from indulging out of fear of her swallowing one.

Hermione is a house, or in our case a sixth-floor-apartment, cat. Apart from a few trips to the veterinarian, since living with us she has not been out of doors. Only once has she been left, for a week, in a vet’s kennel for cats, and, though she survived the ordeal well enough, with luck she will never have to do that again. I have decided that she is the feline equivalent of a Christian Scientist, at least on that religion’s medical aspect, which is to say, I have determined to dispense with regular visits for her for check-ups, shots, and the rest. She is—touch wood—bountifully healthy.

When I first saw Hermione, she

was the runt of a litter of 11 kittens, all of whom had lost their mother and were lodging in a local pet store as what were called rescue animals. Runtish no more, she is, without being overweight, a full-figured girl,



though with a small and elegant head. Hermione is lengthy, and, gracefully passing from room to room, she sometimes reminds me of one of those accordion-connected double buses.

Hermione sleeps a lot, in various locations. (Is this, I wonder, because I bore her?) One of her favorite locations is atop our kitchen counter in a square box, now filled with tissue paper, that once contained a pair of boots. Although she is not a lap cat, she will squiggle up at my feet

or sometimes atop my head when I’m napping. Evenings, when we are watching television, usually some old BBC drama now on DVD, she joins us on the couch and agrees to allow petting, which she prefers behind the ears and under the chin, though she will accept strokes along her back. She spends most nights asleep at the foot of our bed.

Apart from a dish of dry food, and a quarter can of moist food served twice daily, and a bowl of cold water (known locally as Walden Pond) set out to the right of the kitchen sink, she has no regular requirements. Some mornings she will appear at my desk, mewling lightly, a signal that she wishes to be brushed. Other times she will roll over on her back, paws raised, which means she wants to play with the toy called Cat Dancer: a length of wire with bits of rolled cardboard at each end, with which she tussles and rolls about.

I cheerfully accede to Hermione’s few demands not only because of my deep affection for her but because I sometimes worry that she has had a bad deal in life. Here, as I see it, is the deal. Hermione has been spayed and for company been restricted to two adults, who, though quite mad about her, can communicate with her only in a limited way. In exchange for the loss of freedom and a life among her own species in the larger world, she has been given warm shelter, a guaranteed supply of food, and safety from the harsh depredations of nature and malevolent humankind. In this deal, she is likely to live three or four times as long as she figures to do out on her own in a cold climate. All in all, she has been offered a gentler if more extreme version of the welfare state, in place of the life that Hobbes described as nasty, brutish, and short.

Would you take such a deal? I’m far from certain that I would. That’s why Hermione, for all her days, has only to ask for a brushing or a cat dance workout and she shall receive.

JOSEPH EPSTEIN

The Iran-ISIS Connection

A year ago the Islamic State first made headlines around the world by storming Mosul and conquering Iraq's second-largest city. President Obama pledged to "degrade and ultimately destroy" the organization. Here we are a year later, and with ISIS now holding more territory—including other Iraqi cities like Ramadi—the Obama White House has yet to figure out how to degrade, never mind destroy, the organization. As Obama said last week at the end of the G7 summit in Germany, "We don't yet have a complete strategy."

Sending an additional 450 U.S. military advisers to Iraq, as the White House announced last week, is not a strategy, but a quick political fix meant to stifle domestic critics of the administration's ramshackle Middle East policy. Indeed, the number of troops the president might send to Iraq is irrelevant until he defines what would constitute victory over the Islamic State.

The Bush administration's Iraq surge succeeded not just because the United States sent an additional 20,000 troops to Iraq, but also because U.S. commanders partnered with the Sunni Arab tribes against the foreign fighters who made up Al Qaeda in Iraq. Obama could send the same number of troops to Iraq, or many more, and the White House would still not be able to win back the Sunni Arab tribes, because the difficulty in defeating ISIS is not simply one of troop strength. More fundamentally, it's about policy.

The problem isn't simply that Obama has failed to come up with a strategy to defeat the Islamic State. It's something far more disturbing: The region-wide Sunni rebellion spearheaded by ISIS is the direct, dangerous fallout of the administration's own Middle East policy. The president decided that a deal with Iran is the be-all and end-all of his second term in office. And to reach that deal, he would have to make nice with the clerical regime in Tehran, subordinating all other regional issues that might get in the way. This has meant tacitly or overtly siding with Iran's beleaguered allies—the Assad regime in Syria and the Shiite-dominated Iraq government in Baghdad, among others. The White House has thereby helped push many of the Sunni Arab tribes who once fought against al Qaeda extremists into ISIS's fold. ISIS and its tribal enablers

will continue to advance unless the White House changes direction and turns against Iran, which the Sunni tribes of Iraq (and Syria) see as an even bigger threat than the Saudis, Chechens, Tunisians, and other foreign fighters of the Islamic State.

The December 2011 withdrawal of U.S. forces from Iraq left a vacuum that has been filled by Iran, in particular by Quds Force commander Qassem Suleimani. The U.S. departure left Iraq's then-prime minister Nuri al-Maliki free to wage a sectarian campaign against the Sunnis, including the tribes who had fought side by side with American forces against Al Qaeda in Iraq. Without U.S. troops on the ground, all the Obama administration could do was petition Maliki to govern more inclusively. Left to fend for themselves, the Sunnis eventually lined up with the remnants of AQI as well as with the dead-enders from Saddam Hussein's military and intelligence services who today constitute much of the Islamic State's leadership. The Islamic State is in many respects

simply the bloodiest and most fanatical part of a regionwide Sunni uprising against Iran's imperial ambitions in the Middle East.

In March 2011, Syrian president Bashar al-Assad, another Iranian client, embarked on his own sectarian war against the Sunnis. Obama told Assad to step aside but did nothing to make it happen, even after Assad crossed Obama's red line regarding the use of chemical weapons. In time, the Sunnis came to understand that what seemed like American impotence was in reality the White House expressing its preferences. In order to protect the nuclear deal with Iran, Obama was siding with Tehran's allies and against Tehran's rivals, the Sunni Arabs.

After idly watching as hundreds of thousands of Sunnis were slaughtered by Assad, the administration finally moved to protect Yazidis and Christians targeted by ISIS in Iraq. The White House said that there were no good guys in the Syrian conflict, but U.S. airstrikes targeted ISIS and other Sunni terror organizations, even while we promised Iran that we would avoid hitting Assad and Shiite terror groups like Hezbollah and the Iranian Revolutionary Guard Corps (IRGC). Administration spokesmen and media surrogates explained that the White House wasn't going to set



ISIS in Mosul, June 2014

up a no-fly zone in Syria and thereby “serve as al Qaeda’s air force.” But when Suleimani and Iraqi militias couldn’t take Tikrit back from ISIS on their own, the administration had no problem tasking American pilots to, in effect, serve as the IRGC’s air force. The administration is similarly flying drones over Lebanon that feed intelligence to Hezbollah-controlled units of the Lebanese Armed Forces.

The White House may believe that it’s just fighting the Islamic State, but that’s not how it looks to the Sunnis in the Middle East. Iran and its allies, including Syria, Hezbollah, Baghdad, even under new prime minister Haidar al-Abadi, and Iraq’s Shiite militias, are at war with the Sunnis. Since Washington is now seen as Iran’s ally, the White House is also understood to be taking sides against the Sunnis, who happen to be the regional majority by a margin of nearly nine to one.

Iraq’s Sunni Arab tribes have thus lined up with ISIS because they don’t see a better choice. More U.S. troops on the ground aren’t enough to change their minds. Absent a change in policy, there will just be more Americans put in harm’s way on behalf of Iran’s interests. By partnering with Iran, the White House has only ensured that ISIS will grow, drawing its strength from the wider Sunni population.

One of the Obama White House’s most popular refrains, apparently applicable to every hot spot from Yemen to Ukraine, is that there is no military solution, only a political one. In this instance, the administration is silent, even though it’s clear the political solution—confronting Iran’s regional ambitions head-on—has to precede the military one.

As Gen. David Petraeus and the other U.S. commanders in Iraq showed in fighting AQI in 2007, the only way to defeat a menace like the Islamic State is to strip it of its base of support in the broader Sunni community. And the only way to do that is to make clear to the Sunnis that the United States is not going to leave them to the mercies of the Islamic Republic of Iran and its allies. To defeat the Islamic State, the Obama administration is going to have to turn against Iran first.

—Lee Smith

Keep Hope Alive!

In last week’s blur of news, as we forced ourselves to pay attention to the candidacies of the second Clinton and the third Bush, as we reacted to the vagaries of the Supreme Court at home and the brutalities of ISIS abroad, as we pondered the implications both of the Iranian nuclear

program and the Caitlyn Jenner reality show, one story in particular caught our attention. Its headline: “Experts Say Best Option Now Is Keeping Nation As Comfortable As Possible Till End.”

Okay, it wasn’t a real news story but a satire by the jokesters at the *Onion*. Still, it seemed to speak to our situation more trenchantly than all the real events that were being dutifully reported. The story “quoted” experts and ordinary Americans arguing that “letting the U.S. pass peacefully is better than having to watch it linger on in agony like the United Kingdom.”

As the *Onion*’s crack correspondent went on to elaborate,

According to those familiar with its condition, the country’s long, painful decline over the past several decades has made it clear that the most compassionate choice at this juncture is to do whatever is possible to ensure America is at ease during its last moments. . . . “At a time like this, it’s completely understandable to wish for some kind of 11th-hour miracle, but expecting the U.S. to somehow magically return to the way it was in its prime isn’t healthy or realistic,” said Georgetown University researcher Andrew Fischer, who later stressed that just because the nation still has “the occasional good day,” this should not cause anyone to get their hopes up for a sudden recovery. “It’s important to manage expectations and realize that sometime very soon, we’re all going to have to say goodbye.”

Funny—but not so funny. And if we can take the risk of earnestness in response to comedy, we do feel compelled to say, for the record and even with some spirit: No. It might turn out that we’re on a path of decline. But we at THE WEEKLY STANDARD aren’t resigned to going gentle into that good night. Au contraire: We do our best to keep hope alive.

And so we urge policies that we think would make a difference and recommend courses of action that we believe to be in the national interest. We chastise those who would lead us astray and condemn those who would imperil our well-being.

Maybe it is all for naught. Maybe we should join the *Onion* in a stance of worldly fatalism or at least philosophical resignation. But—at least until we see the results of the next presidential election!—we resist the temptation.

After all, nations, unlike individuals, do not go through an irreversible aging process with mortality beckoning at the end. A nation is more like a family. Generations come and go, but the family can strengthen as well as weaken, descendants as often outshine their predecessors as they fall short of them. Ascent and triumph are as open to us as decline and fall.

So we at THE WEEKLY STANDARD say about another journal for which we have the highest regard: The *Onion* is funny and perceptive—but this time the *Onion* is wrong.

We hope.

—William Kristol

A Chip Off the Old Block?

The distinguished career of Carly Fiorina's father.

BY TERRY EASTLAND



Carly Fiorina with her father Joseph Sneed, October 20, 2006

A largely unnoticed story about Carly Fiorina is that she is the daughter of a man who was one of the finest lawyers of his generation. His influence on her, she says, is “huge.” Asked in an interview whether he would be surprised by her bid for the Oval Office, Fiorina said he “probably would be,” adding, “I hope he would be proud. I think he would be proud.”

Joseph Tyree Sneed III was born in 1920 in a small town about 100 miles northeast of Austin, Texas. His father was a cotton farmer and cattle rancher, and Sneed grew up, it appears, quite at home on the range, fancying himself a cowboy. After high school, he went to the oldest university in the state, Southwestern, in Georgetown, graduating in 1941 with a degree in business administration. He entered the University of Texas School of Law in

Austin, but left in 1942 to join the U.S. Army Air Corps. After the war, Sneed resumed his legal education, finishing in 1947 at the top of his class. The faculty had a high regard for Sneed and asked him to stay on as a professor.

In Austin, where Carly was born in 1954, Sneed excelled as a scholar and teacher. In 1957, Cornell Law School hired him from Texas, and in 1962, Stanford Law School, then scouring the country for accomplished professors, hired him from Cornell. Sneed's claim to fame was his work in tax law. His pathbreaking book was *Configurations of Gross Income* (1967), which, as one reviewer summarized it, “on a grand scale and with much success” filled “the longstanding gap between economic theory and pure legal analysis.” The reviewer added, “This is a book that most teachers of tax law will wish they had written.”

In 1971, Duke Law School sought out Sneed to be its dean. As her father mulled whether to take the job, Carly

Sneed was about to enter her senior year in high school and wasn't keen on pulling up roots in California for the unknown of Durham, N.C. She told her father as much. “I was complaining,” she says. “I didn't want to move.” Fiorina recalls her father's response: “Carly, sometimes you just have to follow your star.” The Sneeds moved east.

Sneed was the rare dean of a distinguished law school who was Republican. Not long after arriving in Durham he met President Nixon, whose law degree was from Duke. The dean and the president hit it off, and in February 1973 Nixon appointed Sneed deputy attorney general, the second-ranking position at the Justice Department. Sneed was in no way connected to the Watergate scandal, and those who knew him well say that when a seat opened on the U.S. Court of Appeals for the Ninth Circuit, he was pleased that Nixon asked him to fill it. Roughly a week passed between his nomination and confirmation, and on August 24, 1973, Sneed was commissioned. Sneed spent just six months as deputy attorney general; his principal accomplishment was helping defuse the tensions during the 71-day standoff at Wounded Knee, probably saving lives as a result.

Sneed served almost 14 years on the Ninth Circuit, taking senior status in 1987 and participating in cases as long as his health permitted. He was 87 when he passed away in 2008. Clerks of his I spoke with for this article remembered him as a trusted mentor and a wise teacher. And they invariably remarked on his intellectual curiosity, which led him (among other pursuits) to write a history of the enactment of the Fourteenth Amendment, *Footprints on the Rocks of the Mountain* (1997), a book he hoped could assist judges in deciding cases brought under that part of the Constitution. In the book's epilogue, addressing late-twentieth-century controversies over individual and group rights, Sneed expressed his view that “freedom's focus should remain on the individual; and equality should be absolute with respect to the individual's basic civil rights, and in accordance with his capacities in other respects,”

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GETTY IMAGES / JUSTIN SULLIVAN

adding, “This will not be easy.”

Sneed’s legacy as a judge is found in his many opinions and the judicial philosophy they reflected. He was a judicial conservative, concerned perhaps above all that the courts not stray beyond their limited jurisdiction. A case in which Sneed’s court did that was *Rucker v. Davis*. At issue was the meaning of the Anti-Drug Abuse Act of 1988, which required that every public housing lease include a provision permitting termination of tenancy when a tenant or members of his household or guests engaged in “drug-related criminal activity on or near public housing premises.” Those challenging that requirement said public housing tenancies could not be terminated for drug activity on the premises unless the tenants knew about the activity, and the Ninth Circuit agreed.

In dissent, Sneed protested his court’s disregard of Congress’s “unmistakably clear statutory language” and said it had basically rewritten the statute “based on nothing more than the majority’s understanding of what is ‘reasonable’ or ‘absurd.’” The court, wrote Sneed, had “overstepped its constitutional limits.” The Supreme Court agreed in an 8-0 opinion, observing that the view held by the Ninth Circuit “would trench upon the legislative powers vested in Congress” by the Constitution.

“From my father,” writes Carly Fiorina in her obligatory campaign book, *Rising to the Challenge*, “I learned that character is the core of who we are and the foundation of what we can become.” She also learned from her father about politics. In our interview she recalled sitting with him “from a young age when he would watch the news at night and read the newspaper at breakfast.” And he would comment on everything he was watching or reading, especially the stories about politics and important events abroad. “So I grew up with this running commentary.” She didn’t realize at the time “what an education” she was getting. “I just liked being with my dad.”

Fiorina didn’t become a lawyer like her father. “I made it about one semester,” before dropping out of UCLA, a

decision that disappointed him. Nor, while she pursued her business career in the high-tech industry, was Fiorina very active in politics. She was a registered Republican who didn’t vote, she says. “I didn’t vote for the same reason I hear from people on the campaign trail—that they don’t think it matters. I didn’t vote because I . . . couldn’t see a connection between my vote and what happens.” She now thinks there is or can be one; politics, she writes in *Rising to the Challenge*, is “something within our power to change.”

So Judge Sneed probably would have been surprised by his daughter’s political career, which started after she left Hewlett Packard in 2005. It’s unlikely he ever expected her to become a candidate for office—first in 2010 for a seat in the U.S. Senate (when she challenged Barbara Boxer) and now for the White House, against the Republican field and, potentially, Hillary Rodham Clinton. He probably would be pleased with presidential candidate Fiorina, so far at least.

In our interview I asked Fiorina about the role the Constitution plays in her approach to politics. “That’s a lot of what my dad was all about,” she said. “He taught tax law because he thought the power to tax was the most consequential power the government has.” Fiorina is running a campaign concerned about the continually growing and often ineffective big government that tax dollars must pay for, and how to go about limiting and reforming this behemoth. That’s not exactly a new message for a Republican presidential candidate, but on the stump Fiorina is delivering it with believable conviction.

Also top of mind for Fiorina, constitutionally speaking, is the presidential oath of office (found in Article II), which obligates a president to “preserve, protect, and defend the Constitution of the United States.” “That’s everything,” she says, meaning the most important thing a president must do.

When the subject turns to the kind of attorney general she’d appoint, she says, “While it is a political position, it cannot be a political position”—by which she means it is a position that is

held by a political (presidential) appointee, but it is not a position the appointee should exploit for political gain; justice, after all, is the name of the department the attorney general administers (with the help of the deputy attorney general, not incidentally). Fiorina says that under President Obama and Eric Holder the department has been politicized. “And that’s a huge problem.” She would consider for AG (and DAG, and other presidentially appointed positions at Justice) individuals who see the department not as some kind of “political weapon” but as an agency appropriately engaged in “the pursuit of justice.”

Fiorina is critical of Obama’s executive unilateralism and says that as president she would challenge it, in the areas of immigration and health care in particular. She is aware of the irony of using an executive order to roll back an (Obama) executive order, but that is what she says she’ll do. Even so, “I don’t intend if I’m in the White House to govern through executive action.”

In a single four-year term, the next president could make as many as 200 nominations to the federal bench. In our interview, I’d just finished asking Fiorina a question—that of what kind of lawyers, having what kind of judicial philosophy, would she appoint—when I realized how she would answer it. And so she did: “I’d be looking for people like my dad.” She went on: “I’d be looking for people who love the law, have great reverence for the Constitution, who are people of great integrity—and who know that the position of a judge, a powerful position, is not about them.”

Asked which justices she admires, she named Samuel Alito. “He is not the only justice I admire,” says Fiorina, “but he’s plain-spoken, he’s clear, he’s stayed true to his judicial philosophy. . . . He’s not always the most popular justice, but he doesn’t seem to waver.”

Fiorina announced her candidacy on May 5. It is a mistake to regard her bid for the White House only in terms of her business career. The influence of her father is, as she said, “huge.” She is following her own star, and the question is where that star leads. ♦

Fighting for the Black Vote

Hillary Clinton is a demagogue, but the GOP is AWOL. BY JAY COST

Speaking at the historically black Texas Southern University earlier this month, Hillary Clinton gave a fiery speech on voting rights. She accused Republicans of spearheading “a sweeping effort to disempower and disenfranchise people of color, poor people, and young people from one end of our country to the other.”

Clinton’s rhetoric is pure demagoguery, a cheap ploy to scare black voters into backing her as strongly as they supported Barack Obama. But the problem for the GOP is partly of its own making. So long as the party remains ambivalent about the concerns of black voters, Democrats like Clinton will easily castigate their opponents in the harshest terms.

Typically, the claim that Republicans are trying to stifle the black vote has three premises: The GOP is reducing early voting; it favors requiring identification for voting; and it will not update the Voting Rights Act. On each point, the Democrats are carrying on like Chicken Little.

True, several states have recently reduced early voting, but they’ve done so without seeing a drop in black turnout. North Carolina, Ohio, and Wisconsin all reduced early voting before the 2014 midterms (Ohio and North Carolina also eliminated same-day

registration), and none recorded a decline in black turnout relative to white. Perhaps in North Carolina, this can be explained by the fact that the Tar Heel State had an uneventful contest in 2010 but a highly competitive Senate race in 2014. Wisconsin, however, had exciting races for governor both years, while Ohio had exciting Senate and gubernatorial contests in 2010 but a boring, one-sided race for governor in 2014.



Needed: more like her

In general, the consensus of political scientists is that early voting does not produce net new votes, although there are outlying results on both sides. Some scholars have seen an increase, but two recent studies found a *negative* relationship between early voting and turnout. One group of researchers theorized that early voting makes Election Day less special and hampers mobilization efforts in surprising ways. The different results seem to reflect the different research models used.

The same is mostly true of voter identification laws. Political scientists struggle to find solid results that are consistent across research designs. Moreover, voter identification is popular with all racial constituencies, including African Americans, though barely. A Fox News poll last year found that 51 percent of black voters supported the proposition that “voter identification laws are needed to stop illegal voting,” while 46 percent opposed it.

Regarding the Voting Rights Act,

when the Supreme Court held portions of it unconstitutional in *Shelby County v. Holder* in 2013, the left went ballistic. The *New York Times* claimed that the Court had “effectively struck down the heart of the Voting Rights Act of 1965.”

The Voting Rights Act accomplished several important tasks. Crucially, it made altering election laws with the intent to discriminate illegal, and it set up a neutral process for determining intent to discriminate. (Previously, violations of voting rights had been determined by local juries, which never ruled against the segregationists.) In 1982, amendments to the Voting Rights Act forbade election laws that have a discriminatory effect, a change that gave rise to majority-minority congressional districts.

In its 2013 decision, the Supreme Court left these provisions alone. The Court’s focus was the requirement that certain jurisdictions receive “preclearance” from the federal government before making any changes to election rules. The purpose was to bar changes that would lead to a weakening of the position of minority voters (known as “retrogression”). In 1965, this was an important innovation because it placed the burden of proof on the segregationists, who had to receive federal sanction for any new rules. But the formula for determining which jurisdictions must obtain preclearance is now terribly outdated; the last time it was adjusted was 40 years ago. The Supreme Court threw it out, arguing that long-gone discrimination is insufficient ground for burdening local governments.

The Supreme Court’s point is eminently fair. Why should the grandchildren and great-grandchildren of segregationists be subjected to a federal mandate if they have manifestly secured the voting rights of all citizens? Moreover, many jurisdictions covered under preclearance have been transformed by northern immigrants who have no history of discrimination. Why should they be burdened?

Importantly, the Court did not strike down the principle of preclearance or the retrogression standard, only the outdated formula used to

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carry them out. Thus, Congress could pass a new formula. Republican Jim Sensenbrenner of Wisconsin has written an amendment to the Voting Rights Act that would implement what he calls “a rolling, nationwide formula” to determine who must receive preclearance. Republican leaders have been lukewarm to this proposal, with House Judiciary chairman Bob Goodlatte asserting that the Voting Rights Act is strong enough even without a preclearance formula.

You will never hear any of this from Hillary Clinton, who apparently believes that simplistic, Manichean distinctions will increase her share of the black vote. But Clinton is merely taking advantage of a weakness that the Republican party itself has helped create.

Republicans open themselves up to left-wing demagoguery by not trying hard to win the black vote. The struggle for voting rights is a *sacred* story for African Americans. Is it really asking too much of congressional Republicans to develop a new formula for preclearance? And how about early voting? It does not seem to influence turnout either way, so why meddle with the issue at all? Is the benefit of reduced early voting—saving the state some money in managing elections—really worth alienating the black community? The same goes for the strictest voter identification laws. Voter fraud is certainly a worry, but are voter ID laws the most sensitive way to deal with it? They can be softened with hardship exemptions or provisional-ballot allowances that might increase their appeal to hesitant black voters. South Carolina has taken this approach.

There has been a lot of talk since 2008 about how Barack Obama created a new governing majority of young people, single women, and Latinos. Much of this is wild overstatement, and it actually overlooks the true accomplishment of Obama’s campaigns: They massively increased the black vote as a share of the electorate and poached about half of the GOP’s existing black voters.

This, in a word, is stunning. And it is unsustainable for the Republican

party in the long haul. Republicans can hold their own with Latinos, and young people get older. But if the Obama shift in the black vote proves durable, Republicans will struggle to win Florida, Ohio, and Virginia; Wisconsin, Pennsylvania, and Michigan will fall forever out of play; and Democrats will consistently contest North Carolina and eventually Georgia.

Republicans have to start taking the black vote seriously, and their rhetoric on voting rights simply does not cut it.

Take a corollary example. A recent study by the Congressional Research Service found that accelerated depreciation appears to have no net benefit for the economy. Are Republicans therefore talking about eliminating it? Of course not—because core GOP constituencies believe accelerated depreciation is good for the country. Why doesn’t this logic apply to voting rights? Because the voting rights laws matter to a constituency that the GOP tends to slight.

Or how about farm subsidies? This

summer, Republican presidential candidates will trip over themselves to reassure Iowa farmers that they support subsidies, despite overwhelming evidence that farm subsidies are superfluous or damaging. Why do black voters not merit such deference?

More broadly, the Republican party needs a positive agenda that addresses the specific problems faced by the black community. But that is largely lacking. The GOP’s 2012 platform had lengthy planks about all sorts of subjects, from energy to small business to education to agriculture—but hardly mentioned the unique challenges facing African Americans. Farmers are about 1 percent of the American workforce. Why should their issues merit mention in the platform, but not black issues?

Clinton’s rhetoric on voting rights is an overheated and insulting signal to black voters that Republicans don’t care about them. It is time for Republicans to signal, clearly and unequivocally, that they *do care*. ♦

Turkey, Islamism, and the West

A setback for Erdogan.

BY JOSEPH LOCANTE

Istanbul
Claiming victory for his Justice and Development party (AKP) in last week’s historic national election, Turkish prime minister Ahmet Davutoglu was defiant. “This election has shown that the backbone of Turkey is the AKP,” he told supporters at party headquarters in Ankara. “The AKP is the only party that is in

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all of the regions, all provinces, and embraces all of the citizens.” An analyst with Al Jazeera television, a sometimes boosterish outlet for the AKP’s Islamist agenda, offered a rougher assessment: “It was an image of confidence on a very bad night.”

Turkey’s June 7 parliamentary election was, in fact, a rebuke to the AKP and its increasingly autocratic leader, President Recep Tayyip Erdogan. Though the AKP received 42 percent of the vote nationally, its failure to capture a majority of seats means it has lost control of parliament for the first time since coming to power in

2002. It can no longer govern alone.

“There is no doubt that this is great news for Turkish democracy,” Mustafa Akyol, an author and columnist at the oldest English-language newspaper in Turkey, *Hurriyet Daily News*, told me. “The AKP was clearly headed towards illiberal democracy—or elected dictatorship—assuming the support of a great majority of society.”

Whatever direction Turkey’s democracy now takes, this overwhelmingly Muslim nation remains torn by clashing visions of the role of religion in politics and society. The dominant forces in the contest will shape not only the future of Turkey’s domestic politics, but its relationship with its Muslim neighbors—and with the democratic West.

Turkey’s secular government, adopted by its modern founder Mustafa Kemal Atatürk in 1923, retains strong cultural and political support. Yet many ordinary citizens resent the hard-line secularism—supported by military coups—that often seems at odds with their religious values. This helps explain the remarkable rise of the AKP over the last decade.

Promising to infuse Islamic ideals into civic and political life, the party won three consecutive parliamentary elections by ever-increasing margins—a first in Turkey’s republican history. After three terms as prime minister, Erdogan was elected president in 2014 with more than half of the popular vote, in the first direct election for that post in Turkey’s history. Following Sunday’s election, the AKP commands 258 seats in a 550-seat parliament. It remains the most widely supported party in Turkey.

Nevertheless, Erdogan has overplayed his hand. In recent years he has faced intense criticism for jailing unfriendly journalists, prosecuting individuals for “insulting” public officials, muzzling social media, and sacking hundreds of police and judges. The government violently quashed demonstrations in 2013, after thousands gathered peacefully in Istanbul’s Gezi Park to protest the park’s demolition. A recent Freedom House report faulted the government

for “pronounced political interference” in the judicial system. Corruption charges leveled in 2013 continue to dog the administration.

Sahin Alpay, an Istanbul-based columnist for the English-language daily *Today’s Zaman*, told me he initially supported Erdogan and his economic reforms, but that his governing style has become “increasingly arbitrary and authoritarian.” Ilter Turan, a political science professor at Bilgi University, agrees. “The word ‘terrorism’ has been expanded by the government to cover anything they don’t like,” he told me



Erdogan waves to supporters, June 7.

over cups of tea. “The president is blatantly violating the constitution.”

Erdogan, in fact, was hoping the AKP could secure enough parliamentary seats to amend Turkey’s constitution and transform it into a presidential system, strengthening his executive powers in the process. But the plan found only modest support in opinion polls. All told, the AKP lost 70 seats in parliament, leaving it 18 short of a majority.

Anxiety and anger over the AKP’s agenda clearly energized the opposition. The Nationalist Movement party (MHP) won 16.5 percent of the vote, picking up 80 seats. The Republican People’s party (CHP), the founding party of modern Turkey and the main opposition party, collected 25 percent of the vote and 132 seats in parliament. The CHP’s commitment to secular government finds fervent adherents not only among party members, but among people of all ethnic and religious backgrounds.

The lightning bolt was the strong performance of the leftist and

pro-Kurdish Peoples’ Democratic party (HDP). Although Kurds compose roughly 20 percent of the population, they have lacked a political voice: The HDP has never won enough votes—a 10 percent threshold—to secure seats in parliament. For the first time the HDP fielded candidates under its party banner (rather than as independents) and won enough popular support—nearly 13 percent—to gain 80 seats.

“The ones who are authoritarian and arrogant lost, and the ones who are in love with liberty and peace in Turkey won at the polls,” HDP leader Selahattin Demirtas said in a televised statement.

Many Turks still view the Kurdish sympathies of the HDP with deep suspicion given its ties to the Kurdistan Workers’ party (PKK), the Kurdish separatist group engaged in a terrorist campaign against the government since the 1980s. I got an earful from a desk manager at my hotel in Istanbul’s Sultanahmet district, who complained that Kurds with terrorist connections were “taking over” the restaurants and hotels in the neighborhood.

Nevertheless, the HDP has gone beyond ethnic-identity politics and broadened its appeal, attracting social democrats, liberals, young people, and women. The party fielded Yazidi, Christians, and the only openly gay candidate in the election.

HDP leaders claimed a strong showing in Istanbul and other areas outside their Kurdish enclaves in the southeast of the country. Melih Sengolge, a parliamentary adviser, told me that many people voted for the HDP simply to prevent Erdogan’s party from capturing a majority. “This was a strategic move to topple down the AKP government,” he said, “and it is a success story.” I spoke with several CHP members before the election who said they planned to vote for HDP candidates because of their hatred for Erdogan and his Islamista agenda. “It’s not politics,” one CHP member explained, “it’s mathematics.” Some experts estimate that more than a million CHP votes went to the HDP.

The new math that for now defines

AP / EMRAH GUREL

Turkey's political system has plunged the nation into a season of uncertainty. Erdogan and the AKP have gotten credit for Turkey's "economic miracle," attracting large investments from Europe and raising incomes and living standards. Soner Cagaptay, author of *The Rise of Turkey*, notes that since taking power in 2002, the AKP has presided over an economy that has nearly tripled in size. But the global recession has hit Turkey hard, and the worst may be yet to come: On the day after the election, the Turkish currency dropped to near-record lows against the dollar.

The AKP may try to form a coalition government, but that won't be easy. There's bad blood between Ankara and the opposition parties, most of which have vowed not to join the government. The HDP's Demirtas immediately ruled out a coalition, saying his party would make a "strong and honest opposition." If the AKP fails to form a government in 45 days, the constitution calls for another

national election—the outcome of which would be anyone's guess.

What is likely in the short term is that Erdogan will continue to push his Islamist vision for Turkey. By executive order he has made religion classes—promoting a Sunni Islam curriculum—mandatory throughout the public school system. Students can opt out, but not without facing discrimination, explains Isil Oral of the Educational Reform Initiative at Sebançi University. "There is clearly a religious agenda in education in the making," she told me.

Erdogan's religious agenda in foreign policy—to support Islamist movements and regimes—is doing little to calm the fires of extremism in the region.

Over the last decade, Erdogan has endorsed the terrorist activities of Hamas against Israel. He has made Turkey among the most important supporters of the Muslim Brotherhood. Western members of NATO have pressured Turkey, a NATO member,

to close its borders to prevent jihadists from crossing into Syria and fighting for the Islamic State (ISIS). But Erdogan has been unwilling to stop the flood, and thousands have joined the conflict.

James Clapper, director of national intelligence, recently told the Senate Armed Services Committee that about 60 percent of the foreign fighters entering Syria go through Turkey. But he cautioned Congress to expect little help from the Turkish government in the struggle against ISIS: "I think Turkey has other priorities and other interests."

Strengthening Turkey's commitment to liberal democratic values does not appear to be high on the ruling party's list. Last week's election, though, offers hope of altering that reality. Millions of pious Muslims rejected the government's Islamist agenda and voted for a more tolerant and pluralistic future. As an Al Jazeera analyst put it on election night: "Turkey has been able to stay away from a disaster, from the brink of a cliff." ♦

DOL Proposal: Good Intentions, Bad Consequences

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

Good intentions do not guarantee good regulations. Unintended consequences often eclipse the improvements a rule aims to make, ultimately causing more harm than good. Such is the case with the Department of Labor's (DOL's) proposed fiduciary duty rule, which purports to protect consumers but could actually limit their access to retirement services or lock them out of the retirement market altogether.

The DOL has proposed a rule to expand the definition of a "fiduciary"—someone who has a legal obligation to act exclusively on behalf of a client—so that it applies to anyone dispensing financial and retirement advice. Why? Regulators have decided that *only* fiduciaries will act in the best interests of their clients. They apparently believe that other advisors—such as brokers, who are already heavily regulated—*always* give conflicted advice to investors. Therefore,

brokers servicing individual retirement accounts should also be held to the fiduciary standard, creating new costs and regulatory hurdles for providing retirement advice.

According to a new study commissioned by the U.S. Chamber of Commerce, small businesses and their employees will bear the brunt of the proposed rule's consequences.

Today, 99% of employers in the United States are small businesses, responsible for 63% of new private sector jobs. To compete with larger companies and attract employees, small businesses need affordable retirement savings plans. Many use SEP and SIMPLE IRA plans because they provide a simple, cost-effective way for small businesses to contribute to their employees' retirement. As of the end of 2014, these small business retirement plans held approximately \$472 billion in retirement assets for more than 9 million households.

The proposed rule would threaten the availability of these kinds of affordable retirement options. It would create higher costs that would be passed on to small

businesses, potentially limiting their ability to offer retirement plans. And some advisors may not be able to justify the expense or absorb the risk of changing business models and fee structures for small-scale plans, so they could cease to provide those services.

Strengthening transparency and accountability for Americans' retirement savings is a noble goal that the U.S. Chamber supports. But the proposed DOL rule is the wrong way to achieve it. The proposal would make it harder for financial advisors to offer good counsel, and it would discourage small businesses from doing right by their employees and helping put them on the path to a secure future.

We must not limit consumers' choice or access in the name of their own protection. That's throwing out the baby with the bathwater. Instead, let's focus on how to better educate, inform, and serve them.



U.S. CHAMBER OF COMMERCE
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The Specter of the Bob Jones Case

The endgame of the culture war.

BY HADLEY ARKES

June, for conservatives, has been of late the “cruellest month” at the Supreme Court, as the decisions finally roll forth. Many expect—with a combination of apprehension and resignation—that in the critical case of *Obergefell v. Hodges*, Justice Anthony Kennedy will furnish the fifth vote for installing same-sex marriage as a constitutional right. But already, during the oral argument in the case in April, the solicitor general, Donald Verrilli, set off tremors in the land when Justice Samuel Alito raised the question of the precedent in the 1983 case of Bob Jones University.

In that case, the Court held that the IRS was justified in withholding tax-exempt status from a fundamentalist Christian school because its policies on race were “not in accord with public policy.” The school had abandoned a policy of refusing to admit black students, but it retained a policy of barring, to its students, dating and marriage across racial lines. When Justice Alito raised the possible relevance of this case, the solicitor general did not dismiss the dark possibilities here. He drew wide attention simply by saying, “I don’t think I can answer that question without knowing more specifics, but it’s certainly going to be an issue.” As the line went, they would have to look into it.

But the hard truth is that it will take no hard look by the administration—it will require no decision at all by the White House—just as the original case required no decision from the Reagan administration. The denial of the tax exemption was made by the

IRS itself in response to an orchestrated campaign of complaints directed to the IRS. And why did the action take this path? Because there were no complainants claiming that they had been denied access to the university or any



Then could you rein him in?

of its programs on account of their race. No case could be brought against Bob Jones under the Civil Rights Acts, whether of 1866 or 1964. The university contained students of all races who came of their own free will, and evidently they had been willing to live under the rules on interracial dating and marriage. It was, rather, comparable to a dating service taking in members of all races, who either preferred, or were willing, to confine their dating within their own ethnic or racial group.

And that state of affairs, plainly put, is what made the decision of the Supreme Court so wildly inapt: for there was absolutely nothing in the public policies of the United States—nothing in the statutes, executive orders, or decisions of courts—that made it unlawful for persons to

discriminate on the basis of race in their own private choices of partners in sex and marriage. All of the precedents involved statutes that barred people, by law, from marrying or cohabiting with partners outside their own race.

The question then was whether the principle that barred racial discrimination in marriage law would indeed extend to private acts of discrimination in choosing partners. The signs were everywhere that even the most advanced on the left did not accept such a principle. For in journals of the liberal literati, such as the *New York Review of Books*, one could find personal ads reading: “SWM seeks SWF?” Translation: Single white male seeks single white female. The *New York Review* would never publish an ad saying “White landlord seeks white tenant.” That it would publish such an ad for persons seeking partners showed that the principle that brought Bob Jones University afoul of the law was a principle accepted even by the *New York Review of Books*.

But if the Supreme Court establishes a new constitutional right to same-sex marriage, the situation will be decisively altered. The religions that reject, in their moral teaching, homosexual acts and same-sex marriage will indeed be marked, in their defining character, as groups no longer “in accord with public policy.” Then there will be no need for the Obama administration to formulate and justify a further decision—no need to play the villain and deny tax exemptions to churches and religious schools that do not accord with the new orthodoxy on marriage and sexuality. Only two things will be required: (1) the orchestration of a campaign of complaints directed to the IRS and (2) an IRS sufficiently complaisant to churn out the decision that the administration and its allies so evidently want.

The Obama administration and the Democrats have already shown formidable skill in networking; it will be no strain to produce the deluge of letters to the IRS. And as for the IRS, do we have any reason to doubt that it is quite up to the political work that must be done?

It seems to have slipped into the

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black hole of history that just two years after the Bob Jones case there began another orchestrated campaign of letters, all bearing the same style and form. Seven hundred of these letters, coming from different parts of the country, descended over three years on the Office of Civil Rights in the Department of Education. And they sought the same end: to compel private colleges to cover abortions in their medical plans or lose federal aid. For liberal schools such as Amherst and Wellesley, there was no strain. But small religious schools, such as Eastern Baptist Theological Seminary in Philadelphia and Merrimack College in North Andover, were too fragile financially to withstand the threat of litigation. Some agreed to cover abortions, and others, such as La Salle University in Pennsylvania, decided to drop altogether their program of medical insurance for students. In other words, there is nothing novel here; the scheme of intimidation has already been rehearsed and practiced.

Once a constitutional right to same-sex marriage is in place, the only corrective will be an explicit decision by Congress to protect groups that do not accept same-sex marriage, whether on religious or distinctly moral grounds. But even if such a bill passed and survived a veto from President Obama, test cases would be brought, and a friendly Clinton or Obama judge would strike the law down. The judge could simply draw on Justice Kennedy's playbook and say that Congress had been driven by an "animus" to the homosexual life and to the decision of the Supreme Court on marriage.

Then, once appeals reached the Supreme Court, all it would take would be one more appointment to the Court by Obama or a second President Clinton and the issue would be put away for good. Justice Kennedy, after all, is still credited with a lingering inhibition about coercing people, especially the religious. But we can be sure that any new appointee from a Democratic administration will be serenely delivered from such inhibitions.

By simple steps, already well practiced, the culture war can be taken ever closer to its endgame. ♦

How Dry I Am

Letter from California.

BY DAVID DEVOSS

Los Angeles
After four years of drought it has come to this: California's politicians are trying to convince Los Angeles residents to drink treated sewage. "Toilet to tap" is no joke. The idea was floated during past droughts but foundered on the fact that recycled water would

desert. But thanks to modern engineering, the city has had plenty of water since 1913, when William Mulholland completed his 223-mile aqueduct from the Eastern Sierra. "There it is. Take it," he said, as water began cascading into the San Fernando Valley and Los Angeles beyond. Today, the spillway is bone dry, not because there's no water,

but because 90 percent of what little water remains is being used to grow food or protect the environment.

Nobody really seems upset that California's farmers use 41 percent of the state's water yet face few restrictions. Twelve gallons of water to produce a head of lettuce isn't so bad when it comes in the form of a Cobb salad at the Polo Lounge. At the In-N-Out Burger chain the Double-

Double still rules, despite its taking 450 gallons to produce a single beef patty.

More problematic is the 46 percent of California's water that goes to keeping certain fish happy. In 2007, a federal court limited the amount of water pumped from the Sacramento-San Joaquin River Delta in order to protect a two-inch fish called the delta smelt. Liberal environmentalists in San Francisco applauded that ruling since the water otherwise would have gone to Southern California. They also support a recent State Water Resources Control Board decision to release water from Sierra reservoirs so that steelhead trout and salmon in mountain streams can reach the delta more easily.

"The policy is breathtakingly



Jerry Brown and California mayors confer, April 28.

mostly go to working-class homes. That it again is being considered is symptomatic of the doomsday frenzy now gripping the state.

The panic began in April when Gov. Jerry Brown stood on the slope of a mountain bereft of snow and ordered a 25 percent reduction in urban water use. "The idea of your nice little green grass getting lots of water every day—that's going to be a thing of the past," Brown said with imperious sanctimony. He reinforced the point by threatening water wasters with fines up to \$10,000 a day.

Los Angeles, of course, is naturally a

David DeVoss lives in Los Angeles surrounded by dying grass and an empty swimming pool.

stupid at both the state and federal levels and is being administered by ideological zealots who can't be reasoned with," says Republican congressman Tom McClintock, who represents the western side of the Sierra Nevada Mountains.

McClintock warned of a looming crisis last year, but environmentalists refused to listen. Their attitude changed two months ago, however, when another group of conservationists asked a federal court to dismantle a Yosemite dam that provides water to 2.6 million Bay Area residents. The lawsuit alleges that the dam and canals that send water and power to San Francisco deny the rest of the state the recreational and aesthetic enjoyment that only a wild and scenic river can provide.

Ironically, California has an exceptional record when it comes to water conservation. L.A.'s water usage hasn't increased in over 30 years despite the addition of more than a million people. More than 1.3 million inefficient toilets have been replaced thanks to a rebate program sponsored by the Los Angeles Department of Water & Power. The program was so successful that the city continues to save more than 14 billion gallons of water each year—enough to fill the Rose Bowl about 56 times.

After years of assiduous water conservation, saving an additional 25 percent will be almost impossible. But that hasn't stopped citizens from submitting thousands of ideas. One person suggested the state invest in biodegradable towels that don't require washing in water. Another proposed covering reservoirs to prevent evaporation. My favorite: placing laudatory bumper stickers on unwashed cars that proclaim the motorist a drought-busting hero.

Hundreds of people suggested augmenting the number of privately owned desalination plants along the coast. Environmentalists largely quashed the suggestion by warning that brine resulting from the reverse osmosis process will harm marine life when put back into the ocean.

One project still going ahead is a

\$1 billion desalination plant in Carlsbad, which by 2020 should produce 7 percent of the water used by San Diego County's three million residents. The Boston company that is building the facility hopes to inoculate itself against future criticism by having an Israeli company manage it and hiring former Marines as employees.

Californians start dreaming about pipelines whenever there's a drought. Twenty-five years ago, a Los Angeles County supervisor proposed building an aqueduct that would bring water from the Columbia and Snake Rivers. Oregon rejected the proposal, but Alaska governor Walter Hickel said his state might be interested. Hickel even flew to Los Angeles in 1991 to discuss hydrology. "Hickel believes the pipeline could be built on the back of a huge barge and lowered to the sea floor like a big garden hose as the barge moves south," the *Los Angeles Times* reported. "And because it would be under the sea the pipeline could be built of reinforced plastic instead of the concrete and steel that would be needed to withstand the rigors of a land route."

The current drought evokes little humor. During past water shortages California's flower children were advised to "Save water; shower with a friend." Today Californians are told to bathe with a bucket if they want to water flowers. Recently, actor William Shatner did provide some amusement when he offered to help raise \$30 billion for a pipeline that would bring water down from Seattle. "That place has too much water," Shatner told one reporter. "How bad would it be to get a large 4-ft. pipeline, keep it above ground—because even if it leaks you're irrigating."

In May, L.A.'s Department of Water & Power sent out 7,300 warning letters to households using more water than their neighbors. Just last week, a metropolitan water district in the western part of the county hired uniformed security guards to conduct around-the-clock searches for people watering lawns more than twice a week. And the governor has banned water use on traffic medians and told

cemeteries and golf courses to cut water use by 25 percent or, better still, take out grass and alternate native plants with rockscapes. Regulators hint their next target will be backyard swimming pools.

Twice-weekly watering of residential lawns still is allowed at night, but woe to the person who accidentally sprinkles some concrete. Self-appointed "water crusaders" start patrolling the streets at dawn looking for damp sidewalks. Many carry smartphones with apps like H2O Tracker and VizSafe that allow them to take and immediately post geotagged photos of suspected water hogs.

Tweets hashtagged #droughtshaming recently prompted a snarky *New York Post* article on L.A. celebrities with green lawns. The story took on a life of its own when reposted on a real estate blog called Curbed L.A. "The [Kanye West and Kim] Kardashian flowers and hedges are right in our face," one irate neighbor complained. "It's disgusting. You walk by and you can smell the freshness."

Many of the celebrities being shamed live in the west San Fernando Valley, where manicured estates often have rose gardens, plunge pools, and bridle paths. Jennifer Lopez, Jessica Simpson, and Khloe Kardashian, who purchased her estate last year from Justin Bieber, are dissed anonymously for failing to let their lawns die.

Los Angeles would be a very different city without shade trees, gardens, and lawns. But getting rid of grass has become one of the city's top priorities. Los Angeles offers a \$3.75 rebate on every square foot of grass replaced with drought-tolerant plants. Turf Terminators, a local startup that has grown from 3 to 500 employees in just 10 months, will remove your lawn and provide new landscaping in return for your rebate check.

Nobody knows how long water restrictions will last. The El Niño condition in the Pacific that is bringing rain to Texas eventually may drop some moisture on California. But until that happens we will continue living by the mantra, "If it's yellow, let it mellow; if it's brown, flush it down." ♦

Return to Sender

Postal banking is an idea whose time has come—and gone. **BY KEVIN R. KOSAR**

From 1911 through 1967, the old U.S. Post Office offered savings accounts. The enterprise started because private banks seldom insured deposits. The establishment of the Federal Deposit Insurance Corporation in 1933 removed the *raison d'être* for postal banking. By the time Congress ended it, deposits had dwindled, as the public greatly preferred private banking.

In recent years, postal banking has been floated again on Capitol Hill. Michael Lind of the New America Foundation revived the idea in 2008 in the pages of the *New York Times*.

[T]he structure of public and private finance in the United States chronically fails to address four problems: the almost 10 percent of Americans without a bank account; the concerns of all Americans about the security of their savings; the growing indebtedness of the country to foreign governments and financial institutions; and underinvestment in public assets like sewer systems and bridges. These four problems may seem unrelated. But they can be addressed in the United States, as they have been in similar countries, by a single institution that is at once new and old: the postal savings bank.

Lind's big proposal initially got little traction beyond the liberal intelligentsia. Postal banking reappeared in January 2014 when the U.S. Postal Service inspector general's office issued a report. The IG's more modest proposal urged USPS to offer "non-banking financial services" tailored to the needs of the "unbanked" and "underbanked." These are the "millions of Americans" who "do not have

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a bank account, or use costly services like payday loans and check cashing exchanges just to make ends meet."

Left-leaning publications like the *New Republic* and *Salon* love the idea, and the IG's report made a splash on Capitol Hill. It dangled the prospect of government profit with a social purpose in a policy twofor: shore up the financially foundering USPS and save the poor from predatory lenders. A second IG report released last month further presses the case for postal banking.



To date, no legislation has been introduced in Congress, and there are healthy grounds for skepticism. Contentious and unanswered policy questions abound. These include what financial services the USPS would offer; what interest rates it could and would charge; whether postal union employees would do the work; and, perhaps most crucially, if the USPS failed at banking, would it be bailed out by the taxpayers?

But these issues pale in comparison with a more fundamental objection: that postal banking is not a solution. It will not improve the USPS's financial condition. Nor does there appear to be much demand for such services.

The "financially underserved market" is \$103 billion per year, according

to the Center for Financial Services Innovation. Of that, just \$13.7 billion is reaped by the much-loathed payday lenders and pawn shops. The rest of the expenditures go to other purposes, like auto loans and subprime credit cards. The IG estimates the USPS could see \$382 million in revenue from check-cashing. A nice 20 percent profit on those transactions would earn the agency \$76 million annually. That's not nearly enough to save the USPS, which last month booked a second-quarter loss of \$1.5 billion and is \$15 billion in debt.

Some casual readers of the IG's initial report seized on its mention of 68 million "underserved adults." This number includes both the wholly unbanked and anyone who "used at least one nonbank financial service during the past year," like check-cashing services. Only about 7.7 percent of households—16.7 million adults—are wholly unbanked and unserved by private banks, according to a 2013 FDIC survey.

Of those 16.7 million people, 18.6 percent said they are unbanked because they do not trust or like banks or have privacy concerns. Another 49 percent said they were unbanked because they do not have enough money or because bank fees are too high, and 2.6 percent thought banks had inconvenient hours. These individuals are apparently unaware of online banks that offer no-fee savings and checking accounts. Customers can deposit checks by smartphone app 24 hours a day, and deposits are FDIC-insured. Thus, 70.2 percent—11.7 million individuals—are unbanked by choice or from mistaken notions.

That leaves 5 million adults who might be underserved by the private banking sector. And that number may wildly overstate matters. FDIC found only 1.2 percent of the unbanked—200,000 people—blamed their plight on banks' failure to offer desirable products and services.

Those seeking a quick fix to the postal service's many problems would do well to look elsewhere. Postal banking is less a solution than a bad penny. ♦

You Will Be Assimilated

The same-sex marriage bait-and-switch

BY JONATHAN V. LAST

You may recall Brendan Eich. The cofounder and CEO of Mozilla was dismissed from his company in 2014 when it was discovered that, six years earlier, he had donated \$1,000 to California's Proposition 8 campaign. That ballot initiative, limiting marriage to one man and one woman, passed with a larger percentage of the vote in California than Barack Obama received nationally in 2012. No one who knew Eich accused him of treating his gay coworkers badly—by all accounts he was kind and generous to his colleagues. Nonetheless, having provided modest financial support to a lawful ballot initiative that passed with a majority vote was deemed horrible enough to deprive Eich of his livelihood. Which is one thing.

What is quite another is the manner in which Eich has been treated since. A year after Eich's firing, for instance, Hampton Catlin, a Silicon Valley programmer who was one of the first to demand Eich's resignation, took to Twitter to bait Eich:

Hampton @hcatlin Apr 2
It had been a couple weeks since I'd gotten some sort of @BrendanEich related hate mail. How things going over there on your side, Brendan?

BrendanEich @BrendanEich
@hcatlin You demanded I be "completely removed from any day to day activities at Mozilla" & got your wish. I'm still unemployed. How're you?

Hampton @hcatlin Apr 2
@BrendanEich married and able to live in the USA! . . . and working together on open source stuff! In like, a loving, happy gay married way!

It's a small thing, to be sure. But telling. Because it shows that the same-sex marriage movement is interested in a great deal more than just the freedom to form marital unions. It is also interested, quite keenly, in punishing



Brendan Eich



Hampton Catlin

dissenters. But the ambitions of the movement go further than that, even. It's about revisiting legal notions of freedom of speech and association, constitutional protections for religious freedom, and cultural norms concerning the family. And most Americans are only just realizing that these are the societal compacts that have been pried open for negotiation.

Same-sex marriage supporters see this cascade of changes as necessary for safeguarding progress against retrograde elements in society. People less deeply invested in same-sex marriage might see it as a bait-and-switch. And they would be correct. But this is hardly new. Bait-and-switch has been the *modus operandi* of the gay rights movement not, perhaps, from the start, but for a good long while.

It began at the most elementary factual level: How many Americans are gay? For decades, gay-rights activists pushed the line that 1 out of every 10 people is homosexual. This statistic belied all evidence but was necessary in order

to imbue the cause with a sense of ubiquity and urgency. The public fell so hard for this propaganda that in 2012 Gallup did a poll asking people what percentage of the country they thought was gay. The responses were amazing. Women and young adults were the most gullible, saying, on average, that they thought 30 percent of the population was gay. The average American thought that 24 percent of the population—one quarter—was gay. Only 4 percent of respondents said they thought homosexuals made up less than 5 percent of the population.

But even 5 percent turns out to be an exaggeration. The best research to date on American sexual preference is a 2014 study from the Centers for Disease Control with a monster sample of 34,557 adults. It found that 96.6 percent of Americans identified as heterosexual, 1.6 percent identified as gay or lesbian, and 0.7 percent as bisexual. The percentage of gays and lesbians isn't much higher than the percentage of folks who refused to answer the question (1.1 percent).

Then there's the matter of the roots of homosexuality.

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EICH: JOI; CATLIN: BENJISMB8

Important to the narrative behind the same-sex marriage movement has been the insistence that sexual orientation is genetically determined and not a choice. But now that same-sex marriage is a reality, some activists are admitting that this view might not, strictly speaking, be true. For instance, in the avant-garde webzine *n+1*, Alexander Borinsky argued that sexuality is a characteristic to be actively constructed by the self. He was making a philosophical argument from the safety of gay marriage's now-dominant position. Others were less philosophical and more practical. Here, for instance, is how the dancer and writer Brandon Ambrosino tackled the subject in the *New Republic* in January 2014:

[I]t's time for the LGBT community to start moving beyond genetic predisposition as a tool for gaining mainstream acceptance of gay rights. . . .

For decades now, it's been the most powerful argument in the LGBT arsenal: that we were "born this way." . . . Still, as compelling as these arguments are, they may have outgrown their usefulness. With most Americans now in favor of gay marriage, it's time for the argument to shift to one where genetics don't matter. The genetic argument has boxed us into a corner.

It's always a little unsettling when a movement that claims the mantle of truth, liberty, and equality starts openly admitting its arguments are mere "tools" to be wielded for their "usefulness." But that's where the movement is these days. Remember when proponents of same-sex marriage mocked people who suggested that creating a right to same-sex "marriage" might weaken the institution of marriage itself: How could my gay marriage possibly affect your straight marriage? Those arguments have outlived their usefulness, too. Here's gay activist Jay Michaelson last year in the *Daily Beast*:

Moderates and liberals have argued that same-sex marriage is No Big Deal—it's the Same Love, after all, and gays just want the same lives as everyone else. But further right and further left, things get a lot more interesting. What if gay marriage really will change the institution of marriage, shifting conceptions around monogamy and intimacy? . . .

[T]here is some truth to the conservative claim that gay marriage is changing, not just expanding, marriage. According to a 2013 study, about half of gay marriages surveyed (admittedly, the study was conducted in San Francisco) were not strictly monogamous.

This fact is well-known in the gay community—indeed, we assume it's more like three-quarters. But it's been fascinating to see how my straight friends react to it. Some feel they've been duped: They were fighting for marriage

equality, not marriage redefinition. Others feel downright envious, as if gays are getting a better deal, one that wouldn't work for straight couples. . . .

What would happen if gay non-monogamy—and I'll include writer Dan Savage's "monogamish" model, which involves extramarital sex once a year or so—actually starts to spread to straight people? Would open marriages, '70s swinger parties, and perhaps even another era's "arrangements" and "understandings" become more prevalent? Is non-monogamy one of the things same-sex marriage can teach straight ones, along with egalitarian chores and matching towel sets?

And what about those post-racial and post-gender millennials? What happens when a queer-identified, mostly-heterosexual woman with plenty of LGBT friends gets married? Do we really think that because she is "from Venus," she will be interested in a heteronormative, sex-negative, patriarchal system of partnership? . . .

Radicals point out that gay liberation in the 1970s was, as the name implies, a liberation movement. It was about being free, questioning authority, rebellion. "2-4-6-8, smash the church and smash the state," people shouted.

Slate's Hanna Rosin agrees, suggesting that gay marriage won't just change "normal" marriage, but will do so for the good:

The dirty little secret about gay marriage: Most gay couples are not monogamous. We have come to accept lately, partly thanks to Liza Mundy's excellent recent cover story in the *Atlantic* and partly because we desperately need something to make

the drooping institution of heterosexual marriage seem vibrant again, that gay marriage has something to teach us, that gay couples provide a model for marriages that are more egalitarian and less burdened by the old gender roles that are weighing marriage down these days.

Of course, not everyone in the same-sex marriage movement wants to help traditional marriage evolve into something better. Some want to burn it to the ground. Again in the *New Republic*, for instance, one member of a married lesbian couple wrote about her quest to use her own brother's sperm to impregnate her wife. Why would she seek to do such a thing? Because "The queer parts of me relished the way it unsettled people. Uprooting convention, collapsing categories, reframing and reassigning blood relations was a subversive wet dream." This is quite intentionally not, as Andrew Sullivan once promised, a "virtually normal" view of marriage.

Other changes are coming. Remember when people who predicted that gay marriage would lead to polygamy were mocked as dolts and yokels? Well now it turns



At least until we say otherwise.

out that polygamy is just the next frontier. “Legalize Polygamy!” declared one headline in *Slate*. “And now on to polygamy” urged . . . the *Economist*? Oh yes, all the way back in 2013:

The excitement over the Supreme Court arguments on gay marriage has probably died down until the court comes back with a decision. And what with a majority of senators now in favour, it certainly looks like, whether by judicial or legislative action, gay marriage is on a fairly rapid road to acceptance across America. So this moment, when fewer people are paying attention and it can’t do too much harm, seems like a good time for people who support gay marriage to admit that there are a couple of arguments for it which they’ve always thought were wrong. . . .

One of the assumptions that gay marriage calls into question, for many conservatives, is: why pairs, then? If not man-woman, then why not man-woman-woman, and so forth? Again, the response of gay-marriage proponents is generally ridicule. I don’t think this is a ridiculous question. “Why can’t you marry your dog, then?” is a ridiculous question; marriage, in our society, is between consenting adult persons. . . . But “why only two?” isn’t a ridiculous question. It’s easy enough to show that gay marriage does not empirically lead to pressure to legalise polygamy; that hasn’t happened anywhere that gay marriage is legal. But this is different from explaining why opening up the boundaries of the 20th-century understanding of marriage *shouldn’t* raise the possibility of legalising polygamy. Why shouldn’t it be legal for more than two consenting adults to marry each other?



Or else.

Why indeed? In February 2014, the *Atlantic* published a fawning profile of Diana Adams, a polyamorous lawyer in Brooklyn who specializes in legalizing “nontraditional” families, which means, in practice, a lot of polygamous arrangements. And she’s not just helping consenting adults who do it for sport: Adams told the *Atlantic* that she’s particularly excited about the possibilities for three-parent families when it comes to child-rearing. You may have missed that part in the fine print of the same-sex marriage literature.

But if you had bothered to read the fine print, you would have seen it. Changing marriage beyond recognition has long been a stated goal of the organization Beyond Marriage, which is a collection of several hundred gay-rights lawyers, law professors, and activists. They argue that same-sex marriage is merely the first step on the path to redefining the family itself. Ultimately, they want legal protection for a host of other relationships, including, as they delicately put it, “Queer couples who decide to jointly create and raise a child with another queer person

or couple, in two households” and “committed, loving households in which there is more than one conjugal partner.” This group is not a collection of cranks: It includes professors from Georgetown, Harvard, Emory, Columbia, and Yale. The Beyond Marriage project has at least as much elite support today as the entire same-sex marriage movement had in 1990.

And before we move on, a quick word about the ridiculousness of the question “Why can’t you marry your dog?” The legal profession has yet to take up this matter (though the law now allows dogs to receive inheritances and trust funds). But the culture has a head start. In November 2014, *New York* magazine published straight-faced an uncritical, explicit interview with a gentleman titled “What It’s Like to Date a Horse.” In January, *New York* ran a similar interview with a young woman titled “What It’s Like to Date Your Dad.”

All of which is a very long way of saying that whatever the Supreme Court rules in the coming weeks in *Obergefell v. Hodges*, the same-sex marriage campaign is far from over. It hasn’t even reached the point of consolidating its gains. Rather, it is still in its aggressive expansion phase. Next up on the docket are transgender rights—even before Caitlyn Jenner, it was hard to go a week without a transgender story

on the front page of either the *New York Times* or the *Washington Post*—and polyamory. Then the push to bring religious organizations—schools, charities, and para-church groups—to heel will intensify. Already, Catholic Charities has been driven out of adoption and foster care in places like Illinois, Massachusetts, and the District of Columbia because that organization doesn’t place children in same-sex households. (Tellingly, this rebuff has been deemed not a regrettable by-product of the gay-marriage movement, but a victory for it. The goal is not live-and-let-live.) Then will come the big fight over breaking the churches themselves. And if you think that the same-sex marriage movement will stop short of trying to force churches to perform gay weddings, then you haven’t been paying attention.

After Brendan Eich was fired, a collection of *soi-disant* “moderate” same-sex marriage advocates issued a joint statement decrying the Jacobin turn their movement was taking. It was entitled “Freedom to Marry, Freedom to Dissent: Why We Must Have Both.” It was a nice sentiment.

JACK LONDON

One of the signatories was the journalist Jonathan Rauch, who took the extra step of penning his own piece defending conscientious objectors to the new regime. This time the title was “Opposing Gay Marriage Doesn’t Make You a Crypto Racist.” Yet Rauch’s defense was as worrisome as anything coming from the most radical wings of his movement.

Rauch began by acknowledging two other bait-and-switches by gay-marriage proponents. In truth, he said, likening resistance to same-sex marriage to support for antimiscegenation laws is mistaken, despite what gay-marriage advocates have been saying for nearly 20 years. (The first use of the parallel I could find was by Andrew Sullivan in the *New Republic* in May 1996.)

Then Rauch turned to the question of whether or not the creation of same-sex marriage was an obvious extension of liberty—as gay rights advocates have always insisted—or something much bigger:

Virtually all human societies, including our own until practically the day before yesterday, took as a given that combining the two sexes was part of the essence of marriage. Indeed, the very idea of a same-sex marriage seemed to most people a contradiction in terms. . . .

By contrast, marriage has not always been racist. Quite the contrary. People have married across racial (and ethnic, tribal, and religious) lines for eons, often quite deliberately to cement familial or political alliances. Assuredly, racist norms have been imposed upon marriage in many times and places, but as an extraneous limitation. Everyone understood that people of different races *could* intermarry, in principle. Indeed, that was exactly why racists wanted to stop it, much as they wanted to stop the mixing of races in schools. In both intent and application, the anti-miscegenation laws were about race, not marriage.

Why should this distinction matter today, if both kinds of discrimination are wrong? Because asking people to give up history’s traditional understanding of marriage is a big ask. You don’t expect thousands of years of unquestioned moral and social tradition to be relinquished overnight.

Oh dear. So we *are* asking society to make a wholesale redefinition of one of the pillars of human civilization on the basis of a movement that didn’t exist until the day before yesterday. Well, it’s good to have that out in the open, one supposes. Better late than never.

Yet even after making this admission, Rauch can’t bring himself to admit the obvious corollary: that this change—like all changes—may have far-reaching, unintended

consequences, some of which might be wonderful and some of which might be less-than-wonderful. Because if he did reach that conclusion, it would suggest it was prudent to study the outcomes in this new world with open eyes. And the persecution of social scientist Mark Regnerus shows that such clear-eyed study is very much *not* on the agenda.

But never mind all that. With this final, civilizational bait-and-switch acknowledged, Rauch gets around to the question of religious freedom:

The religious basis of the fiercest opposition to same-sex marriage is a truism. . . . To their discredit, all three of the Abrahamic faith traditions condemn homosexual love, and all of them have theologies that see marriage as intrinsically heterosexual. Believe me, no one regrets this more than I do. Religious-based homophobia is every bit as harmful as the secular varieties, and often worse. . . . But gay-rights advocates cannot wish away the deep and abiding religious roots of anti-gay ideology. . . .

The First Amendment carves out special protections for religious belief and expression. That does not mean, of course, that Christian homophobes can discriminate as much as they want provided they quote the Bible. It does mean, *at least for a while*, courts and legislatures will strike compromises balancing gay rights and religious liberty, something they did not have to do with black civil rights.

This makes gay marriage more complicated—legally, socially, and even ethically—than interracial marriage. And it means gay-marriage supporters will hit a constitutional brick wall if we try to condemn our opponents to *immediate* and total perdition. [emphasis added]

Already, Catholic Charities has been driven out of adoption and foster care in places like Illinois, Massachusetts, and the District of Columbia because that organization doesn’t place children in same-sex households. (Tellingly, this rebuff has been deemed not a regrettable by-product of the gay-marriage movement, but a victory for it. The goal is not live-and-let-live.)

The small point here is that even in the course of trying to defend same-sex marriage dissenters, Rauch can’t stop himself from reflexively labeling the traditional view of marriage “homophobia”—an epithet that conveys only the speaker’s self-righteousness. The conviction that marriage is a heterosexual institution is not based on “phobia” any more than the principle of equal protection of the laws, though problematic for affirmative action, is based on racism. Support for traditional marriage stems from many sources, including respect for natural law and the prudential concern that holding any line will become impossible once the core definition of marriage is tampered with. If Jonathan Rauch can’t understand this without resort to sloganeering, then it’s folly to expect better from Twitter. Which explains why every gay

marriage fight devolves into the hounding of Brendan Eich.

But the bigger point—the most important point—is contained in the words “at least for a while” and “immediate.” Rauch is not some radical trying to uproot convention and collapse categories by marrying a horse or creating a baby from his sister’s eggs. He makes the most limited case that exists for gay marriage, and he makes it via compelling, good-faith arguments according to equality. He is as serious and high-minded as any advocate of same-sex marriage in America. And by his own admission, serious, high-minded advocates of same-sex marriage will tolerate religious liberty only so long.

One suspects this isn’t exactly the same-sex marriage future that Americans bargained for.

After the Supreme Court hands down its decision in *Obergefell*, we’ll begin to see the contours of the new deal that has been struck by the courts, the activist groups, government, commercial elites, and everyday social justice warriors. (For a breathtaking glimpse of this interface, have a look at the case of Sweet Cakes by Melissa, the Oregon bakery that was fined \$135,000 for declining to bake a cake for a lesbian wedding. You may remember that after the fine was levied, donations to help the bakers were collected on the crowdfunding site GoFundMe—until gay activists successfully pressured GoFundMe to cancel the drive. Well, documents released on June 1 show officials from the Oregon Bureau of Labor and Industries, which imposed the fine, communicating via email, text message, meetings, and the giving and receiving of donations with the gay group pushing the case.)

If a constitutional right to same-sex marriage is created, then the government will move forward to the next stage, as hinted by solicitor general Donald Verrilli during oral arguments. Asked by Justice Samuel Alito if a new gay marriage right would require religious schools either to embrace it or to lose their tax exempt status, Verrilli replied,

You know, I—I don’t think I can answer that question without knowing more specifics, but it’s certainly going to be an issue. I—I don’t deny that. I don’t deny that, Justice Alito. It is—it is going to be an issue.

And not just religious colleges, but secondary and

elementary schools and para-church charities, too. That’s because the same-sex marriage movement is intent on avoiding what they see as the political legacy of *Roe v. Wade*.

As the Heritage Foundation’s Ryan Anderson makes clear in his forthcoming book, *The Future of Marriage and Religious Freedom*,

Ever since *Roe v. Wade*, our law has granted a right to abortion. And yet, for the most part, pro-life citizens are not treated as though they were “anti-woman” or “anti-health.” Those are just slurs from extremists. Even those who disagree with the pro-life cause respect it and recognize that it has a legitimate place in the debate over public policy. And—this is crucial—it’s because of that respect that pro-choice leaders generally respect the religious liberty and conscience rights of their pro-life fellow citizens. Until the insurance coverage mandates imposed under Obamacare, at least, there was wide agreement that pro-life citizens shouldn’t be forced by the government to be complicit in what they see as the evil of abortion. Pro-life taxpayers, for example, haven’t been forced to fund elective abortions, and pro-life doctors haven’t been forced to perform them.

The Supreme Court thought it was settling the question of abortion in *Roe*. Instead, a political and cultural movement grew up around the pro-life cause, and over the course of 40 years, the argument over abortion has continued in the courts and legislatures and at the ballot box.

Which is why the gay-marriage movement wants to make *Obergefell* less like *Roe* and more like *Brown v. Board of Education*. As Anderson explains, the movement intends to cast supporters of traditional marriage once and for all as bigots who won’t be allowed to make their case in the public square. They want to salt the earth post-*Obergefell* and make certain it’s impossible for any traditional marriage movement to flower. In the same spirit, gay activists pressure corporations to take public stands against legislation protecting religious freedom, as happened in Indiana this spring. And corporations, in turn, increasingly pressure the law firms they contract with to stop their lawyers from doing pro bono work on religious freedom cases.

This determination from the same-sex marriage activists is, in its own way, an admission of their bait-and-switch tactics: They realize that they have not persuaded society of the rightness of the revolution they actually seek. ♦

The gay-marriage movement wants to make *Obergefell* less like *Roe v. Wade* and more like *Brown v. Board of Education*. As Anderson explains, the movement intends to cast supporters of traditional marriage once and for all as bigots who won’t be allowed to make their case in the public square.

Saving Atlantic City

A mayor who thinks small may be the answer

BY ELI LEHRER

Atlantic City

Just about every morning when the weather is nice, Don Guardian rides his bike along the boardwalk and digs into the beach sand. “They’re supposed to clean the top six inches of sand,” he explains. “And I check to make sure that they actually do it. . . . That’s what I’m here for: the small stuff.”

Guardian, the tall, 61-year-old, bow-tied, balding, gray-haired Republican mayor of Atlantic City, N.J., is a political oddity. He describes himself as an admirer of Republican budget priorities who is “economically to the far right.” In office just over a year in this majority-nonwhite city of about 40,000, he already has cut the size of his city’s workforce by about a third, trimmed its budget sharply, and fought with labor unions. He’s a first-time politician but a skilled political operator, talking with ease to blue-collar city workers and visiting drag queens.

He also has loads of praise for President Barack Obama’s “My Brother’s Keeper” mentoring program; has overseen sharp increases in municipal property-tax rates; and says he’s “to the far, far left” on social issues. He won election in a city where Democrats outnumber Republicans nine-to-one—partly on the strength of his popularity in the city’s large African-American community. He also is the first openly gay Republican to head a significant American city.

In the roughly three years left in his term, Guardian will face one of the toughest challenges of any prominent mayor in the country: the reinvention of a city that has squandered a fortune. If he succeeds, Atlantic City could emerge as an example of how a genuinely smaller, more efficient government benefits a diverse and troubled city. If he fails, there’s a real chance this famous resort town

could disappear from the map. The ultimate outcome will depend not on executing grandiose plans, but on getting the small things right.

Atlantic City long has held deep cultural significance. From 1921 through 2004, it hosted the Miss America Pageant, which returned to Boardwalk Hall last September after a decade away. It is home to the first boardwalk, the birthplace of saltwater taffy, and the source of the street names in Monopoly. With the 1964 Democratic National Convention, it became the smallest American city to host a major-party political convention in modern times. It’s also the place where gambling began its transformation from the disreputable refuge of gangsters to a mainstream form of entertainment.

Most important, though, Atlantic City offers a uniquely American story of invention, innovation, and reinvention. Perched on coast-hugging barrier islands, the city offers excellent beaches and perfectly flat land for building. But it’s basically an overgrown sandbar, and nature, left to its own devices, will almost certainly wash it away in time. (Indeed, since the 1980s, federal policy has prohibited subsidies for new development of many such coastal areas.) Before legalized gambling

arrived in 1978, the city progressed through a series of identities: a health resort, before modern medicine; a hub of railroad hotels, before the advent of the automobile; a “free zone” where Prohibition went unenforced, until Prohibition was repealed; and the home of one of the nation’s first true convention centers, before larger, better-appointed palaces began to draw business away.

Over time, such reinventions have proven more difficult to pull off. The city has lost population fairly consistently since the end of World War II. In 1976, New Jersey voters legalized casinos in the city, hoping to create a cash cow for the state that would also stimulate local development and keep out organized crime. Licenses were doled out sparingly, with the state Casino Control Commission



Don Guardian, spreading his gospel of renewal

Eli Lehrer is president of the R Street Institute.

requiring prospective developers to put up massive resort hotels. Current city planning director Elizabeth Terenik says commission officials of the time “knew quality and understood it.”

For a while, it seemed to work. The Taj Mahal became the first heavily themed casino outside of Las Vegas, and the Borgata became the first big casino in the country to combine a gaming resort with boutique hotel ambiance. The city’s casinos were launched and financed by legitimate businesses. Money was raised on Wall Street, rather than from the mob, so crucial to Las Vegas’s earliest growth. As the only sizable gambling mecca east of the Mississippi, Atlantic City’s casinos thrived through the 1990s and early 2000s. Just three years after the first legal bets were placed, gaming revenues topped \$1 billion. They continued to rise each year for the next quarter-century.

While most of the taxes collected went to statewide programs, Atlantic City’s local government got to enjoy the benefits of ever-increasing property tax receipts. “You could increase spending by \$5 million a year and nobody would notice,” explains Guardian. “The money was always there.”

But soon enough, the taste for legal gambling spread. For a time, this posed little threat to Atlantic City and may even have helped it, by normalizing entertainment options previously frowned upon as vice. But the legalization of big casinos in nearby Pennsylvania and Maryland dealt a serious competitive blow. Since 2006, annual gaming revenues have fallen almost by half, from \$5.2 to \$2.9 billion.

Last year, 4 of the city’s 12 casino hotels—including the much-touted, super-luxury Revel beach resort—closed their doors. This meant mass layoffs that continue to spill over into related industries in a town where more than half the private sector jobs involve the casinos directly. Atlantic City’s unemployment rate remains well above 12 percent, and poverty rates are twice the national average. With more than 85 percent of all municipal revenues coming from the casinos, and with the collapsing real

estate market bringing a raft of property tax appeals, the city’s finances entered a freefall.

That was the situation that greeted Don Guardian last fall, when he defeated a two-time incumbent to become the first person elected mayor of Atlantic City listed on the ballot as a Republican. (Elections before the 1990s were officially nonpartisan.) A self-described “lifelong Jersey boy,” Guardian attended the now-defunct Upsala College in East Orange and first came to the Jersey Shore as a regional executive with the Boy Scouts of America. A connector and community activist, he involved himself in every aspect of the city and took a job with one of the then-new casino hotels. His employer seconded him to a Special Improvement District that used payments from the casinos to maintain the city’s boardwalk, beaches, and other tourist areas. He ran the ACSID for 20 years, cleaning and brightening the city’s tourist district, even as an indifferent and corrupt city government wasted enormous resources and frittered away opportunities. Along the way, he met his now-husband and moved into a home in a largely African-American neighborhood on the city’s north side.

It’s easy to underestimate the difficulty of the job Guardian now faces or the depths of the crisis faced by his city. During a visit on a single day in May, his top two items of city business involved laying off more than 80 percent of the city’s recreation department and attending a development board briefing on the need to declare nearly the entire city an area in need of redevelopment. Atlantic City is in deep trouble.



Above, decency rules enforced, 1920s; below, jobless college graduates sift sand in search of lost valuables, 1935.

Atlantic City’s plight offers a stark contrast to the political left’s standard narrative about what ails American cities. The decline of the manufacturing base isn’t the problem: Atlantic City never had any manufacturing to speak of. It’s not the decline of unions; the two major employers, casinos and government, have some of the strongest unions in the country.

While its tax base is paltry today, tax receipts grew annually for 30 years, and the city could invest in almost whatever it pleased. Throughout that period, casino and government jobs were readily available to nearly any local resident with a modicum of skill. Endemic racism also doesn't appear to be a determinant cause. The two Republican political bosses who ran the city for much of the 20th century, Enoch "Nucky" Johnson and Frank Farley, while corrupt, did not count racial bigotry among their numerous faults. Indeed, both relied on the support of black citizens and helped them play a role in the Atlantic County political machine.

But conservative explanations of urban blight and decline do little better in this case. Gambling can't be the cause of Atlantic City's unique troubles; 20 of the 25 largest metropolitan areas in the United States now have casinos. Las Vegas, which relies just as heavily on its gaming industry, got hit much worse than Atlantic City during the recession, but now has a significantly lower unemployment rate. Corruption long has been rampant in local govern-

ment, with at least five mayors that faced criminal charges in the past half-century. But Atlantic City's population and prosperity peaked during the era when Nucky Johnson, a figure directly involved in organized crime, ran the place. Low residential property taxes and a major new industry didn't exactly spark a boom; population continued to decline for the first decade after gambling was introduced.

So what's the matter with Atlantic City? Part of the blame may lie with the New Jersey Casino Control Commission. Central planning by commission bureaucrats decreed that major casino resorts must have at least 700 rooms. These self-contained worlds gave patrons little reason to leave. As David Schwartz of UNLV describes in his book *Suburban Xanadu*, even when these structures were economically successful in their own right, they did little to benefit surrounding communities or serve as a catalyst for broader economic development.

It took some time for the commission's folly to become evident. In the early 1980s, with Las Vegas the only real competition, it would have been hard to lose money in the gaming business. Through the early 2000s, it was still common for Atlantic City's casinos to "comp" the

overwhelming majority of their rooms to gamblers and even pay to bus them into town. Profits on the tables and slots were so large that every other part of the enterprises could be a money loser.

The "bigger is better" strategy continued even as Atlantic City's East Coast gaming monopoly began to erode. Smaller operators and even one publicly traded company were denied casino licenses. Donald Trump and the precursors of modern casino giants MGM Resorts and Caesars erected their Atlantic City casinos with plenty of government support to build new roads and even to take private homes by eminent domain. This cozy relationship and insulation from new competitors didn't exactly inspire tip-top management on the part of casino owners. On occasion, the commission had to force fire sales of hotels because of deplorable conditions. In 2007, it stripped the Tropicana of its casino license after rampant customer complaints about bedbugs, cleanliness, and other basics of hotel management. But bringing about change proved hard.

"They were providing the jobs and benefits and pensions," Guardian explained. "Nobody, and I mean nobody, wanted to change things back then."

More recently, the state involved itself heavily in the construction of the \$2.4 billion, 1,399-room Revel, opened in April 2012. An architectural marvel with sweeping views of the ocean from the casino floor, elegant dining, and a top-end spa, Revel promised to reinvent the city. When funding ran out, the hotel received a tax credit, at the strong urging of Gov. Chris Christie, worth more than \$260 million against future profits. The venture stayed open just a little more than two years, never made a profit, and, in bankruptcy, has attracted bids of less than 5 percent of its construction cost.

In short, thinking big has failed Atlantic City. Central planning didn't produce lasting prosperity. The Casino Control Commission's strong hand locked Atlantic City into a disastrous pattern of building big even when the market demanded something else. Single-industry towns rarely prosper over the long run, and single-industry towns where central planners control that industry do so even less frequently. As corrupt as the city's party bosses of days past may have been, as lacking as they were in



Miss America contestants, 1941

NEWS.COM

honesty and effectiveness, their crowning grace likely was that they never tried their hands at central planning. Even the gangsters of the Prohibition era focused on smuggling booze, not serving it.

That's why Don Guardian just might succeed by thinking small. "I don't want to second-guess anyone," he offers, and proceeds to do exactly that a few minutes later. "When I went to Revel [for a pre-opening celebration] they served me a martini that was \$18. \$18! That was a problem. It wasn't what people wanted." He reserves his greatest enthusiasm for things that probably don't concern most mayors. He talks at length about some ground-level space in a parking garage behind a successful new outlet mall at the city's entry. The space has been transformed into a combination art gallery and African-American history museum, with murals and frequent SoHo-style art openings.

In a conversation with a TV producer for a special promoting the upcoming summer season, he emphasizes other smaller-scale events that show progress: how casinos have remodeled to host smaller meetings, a new "entertainment shopping" Bass Pro Shops location with giant aquariums and taxidermy. He's as eager to promote the "1,000 DJ sets" planned for the summer as he is headliners like Meghan Trainor, who will come to Atlantic City for concerts this summer.

Meanwhile, the government is shrinking drastically. Crime is down under Guardian, despite a police force that is nearly one-third smaller than it was a decade ago. Guardian also used his expertise in boardwalk maintenance to transform how the city cleans its streets. He terminated a contract with Atlantic County and replaced heavy street sweepers with leaner, nimbler, cheaper-to-operate equipment run by the city. Streets now can be cleaned daily during high tourist season for less than the city used to pay the county to do the same work every two weeks.

A previously bloated recreation department, with some staff who were paid to do something called "watching boilers," will be cut to a small fraction of its former size. Some of the savings will be redirected to supplement existing programs run by the Boys & Girls Clubs and Little League. Guardian is dismissive when asked about the havoc unions will raise over the mass layoffs: "It's a free country," he says, with a wave of the hand.

It isn't that Guardian is incapable of thinking big. He

wants to attract a college to Atlantic City and, for now, has pinned hopes on a deal that, if all the complicated moving parts fit together, will bring a campus of the state's Richard Stockton College to the now-shuttered Showboat Casino building. He also would like to see one of the large vacant casinos demolished and replaced with a waterfront piazza that would let visitors see the ocean when they arrive in the city. New tax arrangements with the remaining casinos, still up for approval by the state legislature, likely will give the city a slightly larger share of the revenue and a more reliable revenue stream.

But thus far, it's his vision of limited government and small thinking that is showing results. While bond rating agencies downgraded the city's debt earlier this year,

they gave positive notice to a plan by a state-appointed "emergency manager" (something of a misnomer since he had no power to change municipal policy) to stave off bankruptcy for the near term. Nongaming tourist revenue, which Guardian says was under \$100 million 10 years ago, exceeded \$1 billion for the first time last year. Free waterfront concerts, newly remodeled casinos, and a



Big and empty: Atlantic City hotel-casinos

cleaner-than-before boardwalk also may lure visitors.

But the biggest problems Atlantic City faces are beyond a mayor's ability to address. In late April 2014, the large casinos had 1,400 job openings. Filling them with city residents would likely bring the unemployment rate down to around the national average. But a very poor local school system leaves many locals unqualified for those jobs. Guardian hopes a college might train at least some of the otherwise unemployed to help fill the gap.

Even worse, there's an existential threat to Atlantic City. Barrier island erosion and the natural sinking of the Eastern seaboard, combined with climate change and sea level rise, means it could eventually be wiped off the map, possibly within a century. Keeping the city whole will require improved flood protections, the cost of which will likely mount into the hundreds of millions of dollars, at least. Whether that price tag is worth paying will hinge greatly on whether the city's economy dissipates as rapidly as the sand on which it is built.

If Atlantic City is going to succeed, it needs to change. It has done so before and, against long odds, has remained viable as a place to live and do business. Big government and lots of tax money could not save Atlantic City. Saving it will require thinking small. ♦



Rounding third (ca. 1915)

Hero as Villain

What you know about Ty Cobb would surprise him.

BY GEOFFREY NORMAN

Among the entries in a 1999 anthology called *The Best American Sports Writing of the Century* is a profile of Ty Cobb (1886-1961). It was originally published in *True* magazine the year of Cobb's death. The writer, Al Stump, recalls the last, bleak days

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Ty Cobb
A Terrible Beauty
 by Charles Leerhsen
 Simon & Schuster, 464 pp., \$27.50

of the great ballplayer's life and makes him into a bitter, violent, alcoholic monster. In one passage, he describes a visit to the graveyard in the town of Royston, Georgia, where Cobb had

grown up. Cobb wanted Stump, who was ghostwriting his autobiography, to go with him, on Christmas Eve, to see where he would soon be buried.

"I drove him there," Stump writes,

... and I helped him climb a wind-swept hill through the growing dusk. Light snow fell. Faintly, yule chimes could be heard. Among the many headstones, Ty looked for the plot he'd reserved for himself ... and couldn't locate it. His temper began to boil.

HULTON ARCHIVE / GETTY IMAGES

It is nicely melodramatic stuff, but there is a problem. As Charles Leerhsen writes in *Ty Cobb: A Terrible Beauty*, “It didn’t snow that day in Royston or for hundreds of miles around.” That might have been the least of Stump’s assaults on the truth and Cobb’s reputation. But like so many other slanders, it has stood, until now, because it fits the narrative of Cobb as a violent, racist near-psychopath. He may have been the greatest pure hitter in the history of baseball and a driven, complicated man. But that is somehow insufficient.

So with the help of writers like Stump, there grew the legend of Cobb the Terrible, about whom “everyone knows” so many things. For instance, that “he killed as many as three people,” as Ron Shelton, who directed the film *Cobb* (1994), told Leerhsen, who pressed him for details and documentation. The best Shelton could come up with was, “All this is well known.”

Yes, of course. And everyone also “knows” how Cobb, in his prime, would file the spikes on his shoes down to a wicked edge, the better to cut up opposing infielders who tried to protect the bag when he was going for the steal.

This one—the sharpened spikes—was part of the lore when Cobb was still playing, and (as Leerhsen writes) it was debunked even then by the men Cobb was supposedly trying to slice up with his feet. Joe Tinker, of the famous Tinker-to-Evers-to-Chance double-play triad, “said in 1910 that he was tired of hearing about Cobb ‘cutting down infielders while getting around the bases. Why didn’t he spike me when he had the chance in the world championship series?’”

In going after this commonplace slander, Leerhsen takes the reader back to the time of a different kind of baseball. In the deadball era, the home run was an anomaly: The point was not to swing hard and trot around the bases, but to get on one—and then to get around them. Bunting and base-running were among the finer arts of the game, and Cobb, who still has the highest lifetime batting average in the history of baseball, also

held for many years the record for stolen bases.

But because he was Ty Cobb, the legend of the sharpened spikes grew and overshadowed this accomplishment. The truth of his ability on the base paths was not so drearily malevolent. What made Cobb such a threat to steal was a combination of ability and intensity. He was fast, and he made a study of opposing pitchers, looking for the slightest “tell” before a pick-off attempt. He worked out a repertoire of nine different slides so that he could get under a tag, or around it, or, when necessary, through it.

He was an aggressive base-runner, to be sure, and also crafty. He stole home a record 54 times, something you almost never see in the modern game. It is still thrilling, all these years later, to imagine Cobb on third in a close game and what that would do to the opposing pitcher’s nerves, something Cobb called creating “mental hazard.”

So he was tough. And he fought and brawled. This was not uncommon among ballplayers in those days. But Cobb may have been in more than his share of fistfights, some of which went way beyond a few shots to the jaw. The temper and the fistfights might have been permitted a lesser player, but not Cobb. According to legend, he became not just a hot-tempered brawler but a racist bully and killer.

Leerhsen treats that element of the dark legend with special, and admirable, care. Ty Cobb was born in Georgia slightly more than two decades after the Civil War ended, denying him the presumption of innocence on racial matters. This, Leerhsen writes, despite the fact that his father, an educator and “something of a public intellectual,” advocated what were, at the time, progressive policies regarding the races. His son, then, did not grow up in a home of redneck haters.

Cobb, for his part, was early and forceful in his support of Jackie Robinson when Robinson broke the color barrier. During his playing days, Cobb treated a young African-American boy who was a kind of locker-room

gofer with kindness—including letting the kid ride secretly with him on segregated trains and bunk with him in segregated hotels.

But the narrative demanded that, being from Georgia, Cobb would necessarily be a foaming-at-the-mouth racist. The demand went so far that one writer simply made Cobb’s antagonists in one of his more infamous brawls into African Americans, when the newspaper accounts made no mention of their race. Still, the writer claimed he had “contemporary accounts” to back him up. Charles Leerhsen, when he could find none, checked census documents that listed one of Cobb’s antagonists as “white.” The legend of that brawl grew to the point that Cobb was said to have stabbed one of the men to death—making that man, perhaps, one of the three Cobb was “known” to have killed.

The line immortalized in John Ford’s *The Man Who Shot Liberty Valance* has it this way: “When the legend becomes fact, print the legend.” The legend of Ty Cobb will probably always eclipse the fact. It makes better copy. But Charles Leerhsen has done baseball aficionados a great mercy by bringing to life Ty Cobb, the man and the ballplayer—warts and all, some might say. The warts are ugly, but not ugly enough to thoroughly disfigure or conceal the ballplayer.

And even more, Leerhsen summons up the days when baseball was young and innocent and, one thinks, filled with a kind of raw vitality that is missing today. There are passages in this book that make the game back then seem like so much more *fun*. Try to imagine the manager of some team today going out to the coaching box to “blow a tin whistle, shake a rubber snake, or put down a parade of windup toys.” That same manager, “as part of his attempt to distract the easily distractible southpaw Rube Waddell . . . briefly shared his coaching box with a dog.”

They don’t make them like that—or like Cobb—any more. And the real Cobb is more compelling than the one of legend and film. ♦

A Poet in Place

The life and work of a 'fastidious perfectionist.'

BY HEATHER TRESELER

I envy the mind hiding in her words," Mary McCarthy opined of Elizabeth Bishop (1911-1979), a poet admired for her air of secrecy during the heyday of confessionalism, when poets regularly hauled their Freudian couches into the amphitheater. Bishop's poems, in contrast, invoke textured scenes and piquant characters—a marketplace in Marrakesh, Robinson Crusoe glumly restored to England, a child in a dentist's waiting room—charging them with psychological tension, intrigue, and widening gyres of feeling.

The pleasure principle in Bishop's poetry is her associative imagination. Like the child narrator in "In the Waiting Room" encountering human nakedness in a *National Geographic* for the first time, Bishop invites her reader to inhabit the paradox of being "too shy to stop." Shyness, like shame, binds both ways: We shy away from shameful things while often being drawn to study them. Ashamed of ourselves, or on account of others, we also become shy. Bishop's poetry rides such hinges; and a shyness, of sorts, governed her career in letters.

Unlike her more prolific peers, Bishop remained a fastidious perfectionist, publishing four major collections in 30 years (1946-1976) and less than 90 poems in total. At that rate, she was writing less than three published poems a year, accreting, by painstaking degrees, an oeuvre of finished work and 3,500 "papers" by the time of her death. The latter have been hungrily excavated by critics who have brought portions of Bishop's letters, poem drafts, essays, and prose fragments to a broadening

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On Elizabeth Bishop

by Colm Tóibín
Princeton, 224 pp., \$19.95



audience in such collections as Alice Quinn's *Edgar Allan Poe & the Jukebox* (2006), Robert Giroux and Lloyd Schwartz's *Elizabeth Bishop Library of America* edition (2008), and Joelle Biele's *Elizabeth Bishop and 'The New Yorker'* (2011).

This archival archaeology has not been without controversy. Some purists, including the estimable Helen Vendler, have resisted this undoing of the poet's Horatian hesitancy, a reticence that likely had as much to do with Bishop's aesthetic standards as with perceived liability. Bishop had lesbian relationships, and she was an expatriate during much of the Cold War. When she served as the poetry consultant for the Library of Congress (now the poet laureateship) in

1949-50, federal employees could be dismissed for homosexuality. Twenty years later, Bishop joked that she desired—in her Boston seaside apartment and in her public life—"Closets, closets, and more closets!"

Yet secrets, in poems, can be solicitous. Here, in Colm Tóibín's new book, the Irish novelist explores Bishop's remoteness in ways that both open her poems to the everyday reader and season scholars' broth about her eminence. John Ashbery once called Bishop a "writer's writer's writer," and Tóibín reveals how this hypothesis has been, in his case, positively true. Though this book is not a biography, it has the uncanny effect of one: In close readings of Bishop's poems and their geographical moorings, Tóibín takes us further inside the poet's (and his own) psyche than, perhaps, the archives ever will.

When Tóibín first purchased a copy of Bishop's *Selected Poems* in 1975, he was a 19-year-old university student on holiday in London. Forty years later, he is the author of eight novels, including three shortlisted for the Man Booker Prize, and the Irene and Sidney B. Silverman professor of humanities at Columbia. What Tóibín finds in Bishop—and in fellow travelers Gerard Manley Hopkins, James Joyce, and Thom Gunn—is an aesthetic rooted in hydraulic power, a language operating within the specific confinements of place.

Thus, Tóibín reads Bishop's classics against their geographical (and existential) backdrops, situating her famous poem "Roosters" in a Key West transformed into a World War II naval base; "The Moose" in a night bus to Boston; and "Crusoe in England" in connection with Bishop's return to America after more than a decade in Brazil. The technical rigor in Tóibín's analyses secures our trust in his more abstract mapping of the poet's spiritual cartography.

Tóibín notes, for example, that Bishop, like Joyce, "was more at ease, or less ill-at-ease, in exile." Yet for all her travels, Bishop "made her homes on a single line of longitude," darting like the anxious bird in her poem

“Sandpiper,” who runs . . . *finical, awkward, / in a state of controlled panic, a student of Blake*. For both Bishop and Joyce—and for Tóibín himself—years lived as a foreigner, far from home, enabled the composition of a homely “music filled with risk and repetition, which would mimic the tones of prayer, the mind at its most exalted.” “Prayer,” as the etymological cousin of “precarious,” suggests the risk and reward of such displacement.

Place was important to Elizabeth Bishop because, in many ways, “home” kept eluding her. Effectively orphaned at the age of 5, following her father’s death and her mother’s psychiatric incarceration, Bishop spent much of her childhood shuttled among relatives. With a knowing tenderness, Tóibín revisits Bishop’s autobiographical stories, “In the Village” (1953) and “The Country Mouse” (1961), in which the poet recounts her mother’s deranged scream hanging like “a slight stain” in the Canadian sky and the miserable months she spent with her paternal grandparents in Worcester, Massachusetts, where she was assigned suitable playmates, immovable dolls, and “four hideous dresses” of Victorian design. Bonding with Beppo, the neurotic self-punishing dog, Bishop developed severe asthma while in her grandparents’ care. That autoimmune disorder, and the poet’s concomitant search for breathable air, motivated many of her adult peregrinations.

Colm Tóibín, like his subject, has mastered the difference between confidence and confession, secret and screed. In his most revealing chapter, “The Art of Losing,” he describes his own childhood on the Wexford Coast of Ireland and the blunt trauma, at age 8, of witnessing his father’s return from brain surgery in Dublin, “an enormous gash on the side of his head . . . the flesh stretched to where the stitching had been done.” As his father struggled to walk and speak, succumbing to death three years later, Tóibín himself developed a stammer, an inability to start sentences with hard consonants and, at times, pronounce his own name.

The vast unspoken is *the little pole /*

that pierces both . . . body and . . . soul in the mechanical toy of Bishop’s “Cirque d’Hiver,” and it serves, by extension, as the axis of these writers’ sensibilities. The echo of a mother’s psychotic scream hides in Bishop’s didactically precise descriptions: the correctness of a child who has lost her “mother’s watch.” Similarly, throughout Tóibín’s fiction, nonfiction, and this book of homage, there is a legible desire to keep “memory barracked in” and language angled at “a form of calm, modest knowledge or maybe even evasion.” Growing up in a

rural district where, in the face of hardship, “a word was a tentative form of control . . . [grammar . . . an enactment of how things stood,” Tóibín notes the native resistance to “easy feeling” he shares with Bishop, a stance that she, an ambivalent American, coyly termed her “George Washington complex.”

On *Elizabeth Bishop* delicately observes *the little that we get for free, / the little of our earthly trust. Not much*. Yet it earns our fealty by finding it, in Tóibín’s judicious extrapolation, “enough to be going on with. Or perhaps not.” ♦

BCA

Prey with Me

The art of falconry as antidote for grief.

BY SARA LODGE

Birds of prey are mysterious. Most of us glimpse them at close quarters only occasionally. We hear the “peow-peow” of a hunting buzzard overhead and sight a pale, feathered undercarriage gliding on unseen thermals. Or the disquiet of other, smaller birds alerts us to an aerial dogfight: crows trying to mob a kestrel near their nest. If we are very lucky, or well-briefed, we may raise our binoculars to a shaking branch where an eagle with an egg-yolk yellow beak and a livid eye is perched like a vengeful angel atop a Christmas tree.

Goshawks are among the most elusive of the tribe. They like to sequester themselves in old-growth pine forests, where their gorgeous plumage—gray lines rippling through a pure white breast—is reminiscent of snow falling on pine needles. Like snow, these birds are often deadly. Using field edges and hedgerows for cover, they can stoop at up to 40 mph to punch

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H Is for Hawk

by Helen Macdonald
Grove Press, 288 pp., \$26

and tear the life out of rabbits, pheasants, even bigger birds like geese, as their full name, “goose-hawk,” suggests. In the Middle Ages, they were known as “the cook’s bird” because they were so efficient at supplying game for the dinner table. They are solitary by nature. To falconers, they have a reputation for extreme difficulty—for being moody, fierce, easily spooked, and easily lost.

Helen Macdonald’s account of buying and training (“manning”) a goshawk in the wake of her father’s death offers a fascinating introduction to the art of falconry. At first, an untrained bird will “bate”—flap wildly in panic and attempt to get loose—whenever a new person approaches. Only by mastering stillness and the appearance of inattention, a kind of magical invisibility, will the falconer gradually become an accepted object in the bird’s landscape. Then the bird must learn to

come and take food from the falconer's gauntlet. On this association, between the glove and food, rests the invisible bond that will bring the bird back when it is being flown free.

Birds of prey are like boxers and jockeys: Their weight is crucial. If Macdonald's goshawk is too "high" (heavy) by even a few ounces, she will lack sufficient incentive to return accurately to the glove. If she is too "low" (light), she may be so frustrated with hunger that she swipes at her owner's scalp with razor-sharp talons. Manning a goshawk, we learn as the narrative progresses, is a matter not only of science but also of developed intuition based on minute observation.

As Macdonald tells us, "To train a hawk, you must watch it like a hawk, and so you come to understand its moods." In the case of her hawk:

A frowning contraction of the crines around her beak and an almost imperceptible narrowing of her eyes meant something like *happy*; a particular, fugitive expression on her face, oddly distant and reserved, meant *sleepy*.

Reading this book, we learn to see the countryside in the hyper-attentive present tense that Macdonald describes as the goshawk's fighter-pilot worldview.

But Macdonald's memoir is unusual. It is not merely a book about birds, history, and falconry. It is, foremost, a book about the experience of deep and prolonged grief: how it "bewilders" us and estranges us from human conversation, and how we channel our loss, often in ways we do not at the time recognize.

Macdonald's father, a well-known photojournalist, died of a sudden heart attack at 67 while on an assignment. His death left Macdonald in crisis. Seeking solace, she embarks on a posthumous argument and a quest with deep roots in her childhood: She drives to Scotland to take possession of a young goshawk, whom she names

Mabel (after the Latin *amabilis*, meaning "lovable"). There is a tradition among falconers that a bird named Attila will never catch any prey, whereas a hawk named Tiddles will be lethal. Macdonald is terrified that she will not be able to keep Mabel alive, let alone "man" her successfully. But her experience in training other birds proves equal to the task, and Mabel surprises everyone with her tractability, eventually becoming so relaxed that she plays with her owner, catching small balls of paper in midair and batting them back.



Mabel the goshawk

The argument that Macdonald conducts is with T.H. White, author of *The Goshawk* (1951) and, more famously, a number of fictions based on Arthurian legend, including *The Once and Future King* (1958), which inspired the musical *Camelot*. In *The Goshawk*, White recorded his epic struggle to tame a goshawk: a battle for mastery that involved keeping the hawk (and himself) awake for days at a time, alternately feeding it and depriving it of food.

Eventually the bird escaped, never to return. White, confessing the novice mistakes he had made, described the bird, Gos, as his demon, as Caligula,

Odin, Macbeth. Macdonald read *The Goshawk* repeatedly as a child and was determined to prove that a relationship based on love and kindness could succeed in manning a goshawk where White's unhappy regime of mutual torture had failed. She is sensitive to White's background—an abused childhood, disgust and despair at his homosexuality—and makes us feel for the unhappy schoolmaster who projected onto Gos his own desire for freedom.

Macdonald's quest is more complex, but it also involves escape. In her first reaction to bereavement, she craves the unemotional concentration of the raptor: its splendid isolation, its professional partnership with death. Later, after her father's memorial service—a moving turning-point in the narrative—she comes to realize that her obsessive hawking has been an attempt to bring her father back.

Birds of prey are, in many mythologies, vectors between this world and the next. In Egypt, the falcon-headed Horus is a sky god and god of war whose eye is an amulet against harm. In Celtic folklore, Sir Orfeo loses his wife to fairyland for many years but is able to cross the barrier to find her again when he sees her with the fairy retinue hawking in the forest. Birds of prey, which drop fiercely from the sky like death itself, but which also can be persuaded to return to a lady's hand of their own free will, can easily become ciphers for our need to master death, our longing to reach out to the beyond, where, in Macdonald's childhood imagination, Gos was forever lost but not irrecoverable.

There are dark days in this story that all of us who have experienced bereavement will recognize. But the movement of the text is through struggle toward light. Macdonald realizes, in connecting with her hawk's wild otherness, that she needs to seek human help and fellowship. When

HELEN MACDONALD

she finally lets go of Mabel to allow her the quiet, six-month molt that all hawks need to renew their feathers, she is, the story makes us understand, allowing the fierceness of her grief to be replaced by something calmer and more outward-looking.

As with all the best nature writers, Helen Macdonald is an exact and fastidious observer, whether she is describing her own dreams or a cloud formation. Her book is passionate in its attention to the detail of the seen universe, and many of her sentences produce a pleasure akin to that of poetry:

It's turned cold: cold so that saucers of ice lie in the mud, blank and crazed as antique porcelain. Cold so the hedges are alive with Baltic blackbirds; so cold that each breath hangs like parcelled seafog in the air. The blue sky rings with it, and the bell on Mabel's tail leg is dimmed with condensation. . . . My feet crack the ice in the mud as I trudge uphill. And because the squeaks and grinding harmonics of fracturing ice sound to Mabel like a wounded animal, every step I take is met with a convulsive clench of her toes.

She observes, too, the behavior of others towards her when she is carrying Mabel, noticing that it is outsiders who approach her: an immigrant from Kazakhstan who misses the wild landscapes of home, a child. Ordinary British people will not break the polite barrier of normalcy to interact with an unexpected visitor. They resolutely behave as if they have not seen a strange woman and a strange, wild bird walking down a busy street. It is a powerful metaphor for how people often treat the grief-stricken. They see, but fear to acknowledge, the rap-tor in their midst.

My own expertise with birds extends only to watching them and cooking them. So, in order to have a practical opinion of Macdonald's craft as an *austringer* (flier of hawks), I asked a professional falconer, Randal Carey, what he thought of her methods of manning Mabel.

"She did it right," he said. "A lot of what she describes is exactly what I do without thinking." But, I persisted,

wasn't it a little odd to keep a goshawk in your living room, watching TV, then have it chasing pheasants across rural Cambridgeshire?

"No," he explained. "Birds of prey, when they aren't flying, just conserve energy. As long as they have food and shelter, they're quite content. Mine watch TV, too," he added, "especially if there's anything that looks like hunting on."

As if to prove his point, he brought a young Harris's hawk into the lounge, where it proceeded to knock Christmas cards off the sideboard, put out the pilot-light in the gas heater,



Italian nobleman as falconer, 1434

and steal food from the kitchen, rather like a boisterous puppy.

Randal told me how he had first become fascinated by falconry. He was 10 years old, a "South London street-raker" truanting from school. He took a train up to Windsor and was walking by the river there when he saw an aristocratic boy (a pupil at Eton) carrying a pet barn owl on his glove. The sense of awe never left him.

Helen Macdonald is similarly skilled at evoking the relationship between bird-keeping and gender and social class in Britain. Falcons were traditionally regarded as the preserve of the nobility, partly because they require miles of open land on which

to hunt: in effect, a country estate. Medieval hawk-handlers were yeomen, and their birds had lower status; this outdated hierarchy proved surprisingly durable.

Goshawks, which need careful handling, were later tainted with the stigma of being fierce, foreign, and female. Macdonald notes that many male-owned hawks in the 1930s were called Jezebel, Swastika, or Salome. Their behavior was described as deliberately aggravating, sulky, perverse.

"Oh my God, Mabel. You know what you are? . . . You're a hormonal woman," Macdonald wryly comments.

She also unpicks the myths that once associated falconry with the *Übermensch* and the kind of aggressive nationalism that made Hermann Göring a patron of the exclusive Nazi-era German *Falkenorden* (national falconers' association). Now the demographic of those who keep birds of prey in Great Britain is much more diverse. There are bikers, teachers, former secret servicemen, and plenty of women.

Macdonald herself is an offbeat character, a researcher in the history of science at Cambridge, with a non-nonsense approach to gutting a rabbit that is reminiscent of intrepid Victorian solo women travelers like Isabella Bird. By her own account, she is edgy, sometimes standoffish, a geek. But whether you like her or not, you believe her. There is a raw truthfulness to this memoir that catches at one's throat like smoke and that brought tears to my eyes.

For, despite the ubiquity of the phrase, the death of a much-loved parent, spouse, or child is not something that one "comes to terms with." It is utterly nonnegotiable. It is more like a meteorite that falls in the yard, taking a part of the house with it. Each day we see it there—shocking, alien, ugly—until eventually it is a familiar part of our landscape. But the impact never leaves us.

This book is clear-eyed about death, admitting how far a great loss scatters the soul, and how longing for flight, the most potent of human desires, can be both an inspiration and a mirage. ♦

Design for Power

*What the Nazis saw, and didn't see,
in the Turkish strongman.* BY THOMAS A. KOHUT



Adolf Hitler, Mustafa Kemal

The Third Reich has surely been the subject of more books and articles than any other topic in European history. Although it is certainly possible to imagine new discoveries of relatively minor features of Nazism or of the Nazi period, it is difficult to imagine someone uncovering facts about National Socialism that are both new and significant.

However, a young German scholar, Stefan Ihrig, educated in Britain, has done just that. He has discovered the important role played by Kemal Atatürk and Atatürk's Turkey in the Nazi imagination. Ihrig's book, which focuses first on the early 1920s and then on the Third Reich,

Thomas A. Kohut, the Sue and Edgar Wachenheim III professor of history at Williams, is the author, most recently, of A German Generation: An Experiential History of the Twentieth Century.

Atatürk in the Nazi Imagination

by Stefan Ihrig
Belknap Press, 320 pp., \$29.95

is based on his reading of the public statements and written expressions of leading Nazis relating to Turkey, and even more on his exhaustive examination “of thousands of articles from German newspapers from the early 1920s and the Third Reich.”

Ihrig argues that the Nazis, including Adolf Hitler, saw and presented Turkey under the leadership of Kemal Atatürk as an inspiration and a model for the new Reich they sought to create in Germany—first, during the early years of the Weimar Republic, and then during the Third Reich itself. Despite the fact that Turkey was initially neutral and ultimately joined the war against Germany on

the side of the Allies in World War II, Nazi leadership and the Nazi press remained sympathetic to Atatürk and Atatürk's Turkey until the Third Reich's bitter end.

The Ottoman Empire had long been an object of “orientalist” fascination for Germans. Despite its apparent exoticism, however, the empire was regarded as Germany's natural ally, particularly during the reign of Kaiser Wilhelm II. The relationship culminated in Turkey's alliance with Germany in the First World War.

Nevertheless, it was the Turkish war of independence, which began in May 1919 and ended in mid-1923, that made Turkey and Mustafa Kemal heroic exemplars for Germans. The war established the boundaries of modern Turkey and, most significantly for the Germans, resulted in the revision (in the Treaty of Lausanne) of the “Turkish Versailles,” the 1920 Treaty of Sèvres, which had dismembered the Ottoman Empire, leaving Turkey something of a rump state. Turkey's revision of a humiliating treaty, and the attendant nationalist revival in Turkey under the leadership of Mustafa Kemal, became (in Ihrig's words) a “major Weimar media event” during the early years of the shamed, “desperate and desolate” republic.

A resurrected and revitalized Turkey was held up as a “role model” for Germany, and Kemal was celebrated as a nationalist hero, particularly in newspapers on the far right of the political spectrum. Rather than being seen as exotic or oriental, Turkey was now portrayed as “similar, and comparable to Germany” in the nationalist press. If Turkey could achieve the revision of a humiliating peace treaty and produce an authoritarian, inspiring leader to resurrect the nation, then Germany could as well.

There were a number of right-wing enemies of the Weimar Republic who saw themselves as potential “German Mustafas”—Adolf Hitler not least among them. Based on his reading of the Nazi press in the period before November 9, 1923, Ihrig boldly claims that Hitler's failed putsch attempt in Munich on that date “was inspired

much more by Mustafa Kemal and the events in Anatolia than by the example of Mussolini's 'March on Rome.'" Indeed, according to Ihrig, Atatürk's critical influence on Hitler's thought and action has generally been overlooked in historical literature in favor of that of Mussolini.

Ihrig contends that "Mustafa Kemal Pasha must have been a key influence in the evolution of Hitler's ideas about the modern Führer and about himself as a political leader" during the early 1920s. The fact that the Nazi press and Hitler spoke favorably about Atatürk and the Young Turk revolution does not necessarily mean that the actions of the Nazis and of the future Führer were inspired by them, or even that Atatürk was more important than Mussolini in the Nazi imagination. Nevertheless, Ihrig presents convincing evidence that Atatürk's "Turkish example" was important to the Nazis and to Hitler in the first years of the Weimar Republic—that they hoped to achieve in Germany what they perceived to have been Atatürk's accomplishments in Turkey, and even that there was "a Turkish, Kemalist dimension" to Hitler's 1923 coup attempt.

Following the failed putsch, Turkey and Atatürk were mentioned relatively rarely in the press during the Weimar Republic, suggesting perhaps that their appeal related primarily to the revision of the victors' peace that had been imposed on both Turkey and Germany at the end of World War I. Nevertheless, the Nazis and Hitler lost none of their admiration for Turkey or its leader in the years leading up to the Nazi seizure of power, and after early 1933 there were renewed public expressions of appreciation of Atatürk and his Turkey in the Nazi press.

Indeed, in an interview that year, Hitler described Mustafa Kemal as "the greatest man of the century" and the new Turkey as having been "a shining star" for him. During the Third Reich, Nazi propagandists portrayed the Turks as racially related to Aryans: They propagated a "cult of Atatürk," which reached a climax with his death in 1938. The

example provided by the "Turkish Führer" proved that history was not made democratically but through the actions of great men. And the example provided by Atatürk's Turkish state demonstrated the superiority of one-party rule—indeed, of one-party rule in an ethnically and racially homogeneous *völkisch* nation.

Whereas backward Ottoman Turkey had been multiethnic and multi-racial, Atatürk's modern Turkey was purportedly ethnically and racially homogeneous. The massacre of the Armenians was presented in the press as "one of the main foundations of this vibrant new *völkisch* state." It, together with the subsequent expulsion

*If Turkey could
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of the Greeks following the Treaty of Lausanne, had "resolved" the Turkish "minority question."

In its celebration of Turkey as a fellow *völkisch* state, the Nazi press conveniently overlooked the non-Turks—Greeks, Armenians, Jews, Kurds, and others—who continued to reside in Turkey. Atatürk was lauded for his secularism and for his efforts to restrict the influence of Islam, which, in the press's view, had long retarded Turkish development—an attitude that reflected the Nazis' own (oft-masked) aversion to Christianity, particularly Roman Catholicism. Finally, Atatürk's Turkey was celebrated as a country under construction, well on its way to becoming a model modern nation-state, despite the fact that it remained largely agri-

cultural and lagged significantly behind Western European countries in industrial development.

Here, as was often the case, the Nazi media and Nazi leadership frequently ignored or grossly distorted the reality of Mustafa Kemal and his nation. Thus, although Ihrig presents Atatürk and Turkey as having *inspired* the Nazis and Hitler—as much as or perhaps even more than Mussolini and fascist Italy had—I found his other claim, that Turkey served as a screen onto which the National Socialist media and leadership *projected* Nazism's own agenda and celebrated Nazism's own achievements, more convincing.

Ihrig does not much deal with the reality of Atatürk's Turkey. Nevertheless, that reality appears, despite certain superficial similarities, to have diverged significantly from the version found in the Nazi imagination—not least the fact that Atatürk thought Hitler to be a "tin peddler" (probably "fraud") and regarded *Mein Kampf* as the ravings of a madman. Atatürk was decidedly unsympathetic to National Socialism and generally sought to distance himself from Nazi Germany. Indeed, the idea that Atatürk and Turkey served less as an inspiration for Hitler and the Nazis and more as a projection screen helps to account not only for the Nazis' ability to overlook features of Atatürk's Turkey that did not conform to their fantasies, but also for the fact that their affection for Turkey was relatively unaffected by Turkey's actual policies, its good relations with Bolshevik Russia, and its initial neutrality and ultimate military intervention on the side of the Allies in World War II.

Stefan Ihrig has written a valuable and important book. He has shed light on an overlooked, remarkable, and significant aspect of National Socialism: namely, the prominent role played by Turkey and Kemal Atatürk in the Nazi imagination. This is a notable accomplishment. Indeed, I look forward to his forthcoming *Justifying Genocide: Germany, the Armenian Genocide, and the Long Road to Auschwitz*. ♦

'Pictures' Tell a Story

The heavy burden for a light touch at the keyboard.

BY COLIN FLEMING

I've long held a fascination with what I term death works—bursts of art born of some thanatos-based concern, be it an artist fronted with his own mortality or, in the case of Modest Mussorgsky's *Pictures at an Exhibition*, the demise of a friend.

That friend was the painter Viktor Hartmann, felled by an aneurysm in 1873 at 39. A subsequent exhibition of Hartmann's canvases in late winter of the next year did for Mussorgsky what the best of such things can do: It provided balm in the form of 400 lively works and musical inspiration. Six weeks later, Mussorgsky had composed one of our most-loved suites, and one of classical music's foremost pianistic challenges, that rare sonic undertaking in which the musician is tasked with making paintings hearable.

Mussorgsky's lot was to compose with celerity and then have his works suffer through difficult publication processes. *Pictures* wouldn't be published until five years after Mussorgsky's 1881 death, when his tireless friend Nikolai Rimsky-Korsakov put out an edition. Most casual listeners know the various orchestrated versions, for Mussorgsky was always someone whose piano parts were so detailed and lush as to suggest symphonic settings, as if a multitude of instruments were housed under that sounding board, awaiting their chance to be heard.

If you are someone who wiles away portions of life in museums and counts those portions as very well spent, you will connect with *Pictures* as daubs of color bind to canvas. There is a promenade to move us from one painting, as

Modest Mussorgsky

Pictures at an Exhibition

Paul Lewis, piano

harmonia mundi, \$19.14

it were, to the next, and one inspired coloristic choice after another to give the ear some sense of what, in an imaginative fashion, we are looking at.

This is all about invocation and depth of field, which is why Paul Lewis—whose touch at the keyboard can be as felicitous as Fragonard's courtly romance scenes and as powerful as Winslow Homer's rugged earth hues—is ideal for the solo approach to *Pictures*. The best pianists work with a precision befitting the surgeon or pugilist, and while people don't do this nearly as much now as decades ago, there was a time when you could argue who were the best pianists in the world with the same vigor that men in bars would quarrel over Rocky Marciano and Joe Louis.

Lewis is an obvious heavyweight, perhaps the top pianist going, with a light touch. (The rendition of Schumann's *Fantasia*, Op. 17, offered as an in-studio encore, doubles as an apt primer in its blend of sweetness and power.) His promenade tends to be sun-dappled, as though we're passing through museum corridors flanked by windows. But the windows give way to back passages, where we find the likes of "The Old Castle," shaded with twilight notes, a swirl of mottled purples and grays kitted out with streaks of black.

This isn't, however, the aural depiction of a structure such as one might encounter in a Montague Summers tome, where the hobgoblins hold sway,

but rather a post from which we will take our leave, as evanescent three- and four-note bouquets of sound are pushed along by fingers of wind in Lewis's understated trills.

"Tuileries," based on a floral study that featured (for the painting was lost) packs of children and overseeing nurses, is full of open, ringing notes, such that one can practically see Lewis's hand hanging over the keyboard, his wrist having just made like a ball bearing to produce ripples of vibrato. "The Market at Limoges" is similarly flooded with life and light, and the prevailing sense of bustle is due to a sashaying, scurrying quality to the movement, notes making like shoes flying underfoot, one motif hip-checking another out of the way, an aural representation of cash pushed forward, a good buy secured.

Odd, then, that the rapid-fire coda, which moves at a very jazzy, almost Art Tatum-like pace, finds us slipping off into the two-part "Catacombs." But this is part of the structural, reflective brilliance of the suite: For in museums as well as in life, juxtaposition works as well as curators—or ourselves, as curators of our own lives—allow it to.

This, at first, is one clanging charnel house. Lewis makes echoes boom, and certain effects resemble keys rattling in a lock, as we gain ingress. The busy sounds of the market, and what we initially encounter in the tomb, peter out into stillness before the promenade resumes, this time in block chords that seem to say, "Time to move again, tarry not too long here."

From there it is on to "The Hut on Fowl's Legs," a title suggestive of the leanings of, say, Picasso or Dalí; but Hartmann's singular illustration of a clock brought out singular writing from Mussorgsky. A sixteenth-note triplet, with its wavering, tremolo effect, features throughout the andante, and it's as though the regularity of the metronome has given way to an uncanny, museum-centric sense of time, where hours may be lost in salubrious stays.

The death work thus begets life, and a work commonly executed by an orchestra finds all it might ever need in a single piano. ♦

Colin Fleming is the author of *Between Cloud and Horizon: A Relationship Casebook in Stories*.

Company Gal

Not for the first time, the star outshines the movie.

BY JOHN PODHORETZ



Melissa McCarthy

As a comic actress, Melissa McCarthy resembles a first-rate baseball pitcher—because, unlike many of her brethren, who have a singular shtick and stick with it, she has both a curve and a fastball.

McCarthy, the unquestioned breakout comedy star of the past few years, does wonders with parts in which she is called upon to be a mild, slightly introverted, lovable fat girl afflicted with low self-esteem and a wit she finds it necessary to suppress so that people won't get mad at her. And she is equally, if not more, wonderful as a loud, blowsy, motor-mouthed insult artist who never heard of low self-esteem, and if she had, would go on an extended profane attack on its very existence.

The writer-director Paul Feig made the inspired decision to sculpt a character for McCarthy in his script for the

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

Spy
Directed by Paul Feig



new movie *Spy* that allows her to use her curve and her fastball in the same performance. She is Susan, a CIA agent who works at Langley as the eyes and ears for a glamorous Bondian hotshot played by Jude Law.

He is able to take out six Bulgarian enemy agents without batting an eye or breaking a sweat only because Susan is watching him from afar and can tell him he's got a guy coming up on his left or a knife coming at him from his right. Susan did well in her training—there's footage of her beating the stuffing out of simulated people—but she never put herself forward for field work because she was effectively seduced out of it by Jude Law, who knows she's in love with him and uses the fact to keep her

working as his aide de camp rather than his work rival.

When Law's character is killed, and other field agents exposed, Susan finally moves out from behind her desk and goes undercover in Paris. About an hour into the proceedings, just as her cover is going to be blown, she desperately transforms herself into the world's most confident person. She spends the rest of *Spy* trading hilariously vicious barbs with the movie's bad guy—played by the gorgeous Australian actress Rose Byrne, with whom McCarthy appeared in Feig's 2011 comedy blockbuster *Bridesmaids*, the breakthrough film for all three of them. (The potential keeper from *Spy* is a delightfully dithering British actress named Miranda Hart, who makes Low Self-Esteem Melissa look like Pallas Athena.)

I wish I could say that the movie that provides McCarthy with the opportunity to achieve this dual tour de force is all that good, but it really isn't. They've been making Bond parodies for nearly 50 years now, dating back to *Casino Royale* (1967), so any new one needs to find an original spin on the proceedings. Feig checks off all the obvious boxes—a glamorous lair, a missing nuke, a crook who plays baccarat at a posh casino—and then does very little with them but put them on display. Mostly, he overlays uninspired skit ideas atop his labored plot.

The basement of the CIA where Susan works is vermin-infested, but the people who work there are trained to be so calm they don't even blink when rats walk across their bodies. Not funny. Susan has to deal with a rogue agent who is constantly bragging about his extreme physical exploits, such as how, after a sword fight, he had to sew his arm back on with his other arm. That's a little funnier, but the British action star Jason Statham overacts so egregiously that he ruins every punch line.

Still, the movie is all McCarthy, and she's so good in so many different ways that she makes up for most of its shortcomings. Not all, though. When you look at your watch more than twice during a movie, that's a sign the movie has lost you. I think I looked six times. ♦

TWENTIETH CENTURY FOX

"McDonald's hired former Obama administration press secretary [Robert] Gibbs as its global communications chief."

—Wall Street Journal, June 10, 2015

PARODY

right. So does

DAY, JUNE 17, 2015

2.24 EUROS

MCDONALD'S ANNOUNCES 'AFFORDABLE MENU ACT'

Burgers, Fries to Reach Missing 15 Percent of Americans

By CLEO MCDOWELL

In an attempt to reverse flagging sales, the McDonald's Corporation announced plans to make its menu available to every single resident in the United States. "There are now more than 30 million American citizens who cannot get a Big Mac, either because our restaurants are too far away or they simply can't afford it," said Golden Arches CEO Steve Easterbrook. "So our plan is to reach out to these poor souls—build more restaurants and lower our prices. These are the burgers we've been waiting for."

Critics were quick to pounce, saying the corporate strategy would inevitably lead to lower-quality food. But when asked if the Big Mac would somehow be less big—or if the special sauce would be somewhat less special—Easterbrook was cryptic, saying only that "you have to order the sandwich so that you can find out what's in it."

According to a recent *New York Times*/CBS News poll, a majority of Americans are skeptical of the new plan and most are satisfied with their current access to a McDonald's franchise. But Easterbrook insisted there was no reason to panic. "About 85 percent of



Mike Matus

McDonald's pitchman Robert Gibbs demonstrates 'improved burger access.'

Americans are already within a short driving distance of a McDonald's," said the CEO. "So if you're one of these folks, it's reasonable that you might worry whether our new strategy is going to create changes that are a problem for

you—especially when you're bombarded with all sorts of fear-mongering. So the first thing you need to know is this: If you like your burger, you can keep

Continued on Page A12

Rubio, Wife Wasted At Least \$50 Seeing 'Lone Ranger' in Theater



the weekly
Standard

JUNE 22, 2015