

LOVE THROUGH
THE LENS OF SAPPHO
A.E. STALLINGS

the weekly

Standard

JULY 27, 2015

\$4.95



WHY ARE
THESE MEN
SMILING?

MATTHEW CONTINETTI • REUEL MARC GERECHT • WILLIAM KRISTOL
MICHAEL MAKOVSKY • JEREMY RABKIN • LEE SMITH
on Obama's deal with Iran

Iran's negotiators in Vienna: Mohammad
Javad Zarif, left, with Ali Akbar Salehi

WEEKLYSTANDARD.COM

Contents

July 27, 2015 • Volume 20, Number 43



8
11
12
15
24



13



30

- 4 The Scrapbook *The friends of Pluto, Pernicious Bunk 101, & more*
- 7 Casual *Victorino Matus, big spender*
- 8 Editorials
On the Consequences of the Deal
Dishonorable Agreement
Reprehensible
- BY MICHAEL MAKOVSKY
BY WILLIAM KRISTOL
BY JOHN MCCORMACK

Articles

- 11 We Aren't the World *Barack Obama's global test* BY MATTHEW CONTINETTI
- 12 It's Not a Deal *It's a new, and appalling, partnership* BY LEE SMITH
- 13 The Donald and The Bernie *Which one is the bigger problem?* BY FRED BARNES
- 15 After Iran, Climate Change *Once again, the president wants to save us without involving Congress* BY JEREMY RABKIN
- 18 The Best of Times . . . *The remarkable success of Kentucky's Republicans* BY JOHN DAVID DYCHE
- 20 Still Stupid *The counterproductive ban on crude oil exports* BY IKE BRANNON
- 21 The International Baby Business *Surrogacy is giving gay parenting a bad name* BY JULIE BINDEL

Features

- 24 How Will We Know? *The coming Iran intelligence failure* BY REUEL MARC GERECHT
- 27 It Still Matters *The American Civil War, that is* BY GEOFFREY NORMAN

Books & Arts

- 30 Classical Intoxication *Love through the lens of Sappho* BY A. E. STALLINGS
- 32 Germany in Extremis *The death, and rebirth, of its modern state* BY ANDREW NAGORSKI
- 34 Now, Voyager *The science—and mystery—of the disappearing red knot* BY CHRISTOPH IRMSCHER
- 36 A Ghost's Lament *The collision at the corner of Language and Politics* BY JAMES BOWMAN
- 37 Rocks of Ages *Isamu Noguchi, sculpting at dual purposes* BY JAMES GARDNER
- 39 Genius Is Pain *But there are fewer laurels for craftsmanship* BY JOHN PODHORETZ
- 40 Parody *Man of the moneyed people*

COVER: NEWS.COM

The Enemies of Scott Walker

On July 16, we saw the definitive end to one of the greatest abuses of power in recent memory. After five years, the Wisconsin supreme court finally halted the Milwaukee district attorney's notorious "John Doe" investigation that targeted Governor Scott Walker and political allies trying to reform the state's laws regarding fiscally ruinous public employee unions. Imagine a grand jury investigation but without the jury, leaving a prosecutor who operates secretly—in this case, the district attorney's investigation was headed by one John Chisholm—with almost sole discretion to pursue whatever evidence he deems relevant to his investigation. (There was nominal supervision from a judge who seems to have exercised no oversight.)

In Wisconsin, Chisholm ordered early morning raids where the cops showed up at political activists' homes carrying battering rams and subpoenas. The very thin justification for such heavy-handed tactics was, improbably, being accused of violating campaign finance rules that disallow coordination between independent groups and candidates.

Normally, when people work to change a law they disagree with it's called the democratic process. But in this case, "Chisholm's wife was a teachers' union shop steward who was distraught over Act 10's union

reforms," reported *National Review's* David French. "[A former prosecutor] said Chisholm 'felt it was his personal duty' to stop them"—legal authority be damned.

According to the Wisconsin supreme court's ruling halting the investigation—it had previously been put on hold by state and federal courts—"as part of this dragnet, the special prosecutor also had seized wholly irrelevant information, such as retirement income statements, personal financial account information, personal letters, and family photos." Further, "this conclusion ends the John Doe investigation because the special prosecutor's legal theory is unsupported in either reason or law." That bit about the investigation not being founded in "reason" is a remarkable statement coming from a panel of judges. It's legalese for shouting "Have you no sense of decency, sir?" at the prosecutor.

The court, to its credit, also realizes that there are much bigger issues at stake, given that all this was done in the name of enforcing campaign finance laws. Liberals appalled at the Supreme Court's *Citizens United* decision have long insisted that there's no conflict between empowering the government to heavily regulate "political speech" and ensuring that free speech is broadly protected. Wisconsin's John

Doe investigation exposes this for the lie that it is, and the state supreme court is alert to the danger:

The special prosecutor has disregarded the vital principle that in our nation and our state political speech is a fundamental right and is afforded the highest level of protection. The special prosecutor's theories ... instead would assure that such political speech will be investigated with paramilitary-style home invasions conducted in the pre-dawn hours and then prosecuted and punished. ... It is fortunate, indeed, for every other citizen of this great State who is interested in the protection of fundamental liberties that the special prosecutor chose as his targets innocent citizens who had both the will and the means to fight the unlimited resources of an unjust prosecution.

The national media were perversely unmoved by the horrors accompanying the John Doe investigation, no doubt because it cast discredit on the motives of unions, campaign finance activists, and other favored groups and distracted from the evil personified by Governor Scott Walker. And so they have largely ignored the appalling abuses.

But the rest of us should not forget the name John Chisholm or the willingness of liberal "good government" crusaders to abandon any respect for basic rights the moment they have an opportunity to go after their enemies. ♦

The Friends of Pluto

THE SCRAPBOOK is delighted by the success of NASA's New Horizons project to send a spacecraft all the way to the edge of the solar system—indeed, just a few thousand miles from the surface of Pluto, which we now see with astonishing clarity.

This is an extraordinary feat of engineering: Pluto is three billion miles from Earth, and New Horizons was launched on its 31,000-mile-an-hour journey in January 2006. It arrived at its destination with exact

precision, and the photographic images of Pluto we now possess are not only awe-inspiring but an astronomical breakthrough. The surface of Pluto is now usefully visible, revealing ridges, mountain ranges, probable snowfields, evidence of likely tectonic activity, and a curious heart-shaped feature that might be the remnant of some ancient collision.

THE SCRAPBOOK is pleased not just for NASA's achievement, which reminds us of the grandeur of space exploration, but because, like more than a few of its fellow countrymen,

it has a soft spot for Pluto. Up until a decade ago, tiny, frigid Pluto was considered the ninth, and outermost, planet in the solar system and was the only one discovered by an American, the 24-year-old astronomer Clyde Tombaugh, in 1930. But in the very year that New Horizons departed from Earth, the International Astronomical Union ruled that Pluto fails to qualify as a planet because, despite its spherical shape and solar orbit, it does not "dominate" its orbit, being affected by other objects and space debris.

Accordingly, and to the deep

distress of Pluto's friends and admirers, the IAU downgraded Pluto to "dwarf planet" status.

Well, as is sometimes the case, the settled scientific consensus isn't quite what it's cracked up to be. To begin with, a slight adjustment of its location would, in fact, allow Pluto to "dominate" its orbit—it seems no more vulnerable to asteroids than Earth—and the Kuiper belt, Pluto's neighborhood and home to fellow dwarf planets, appears to harbor fewer objects than first recorded. So there is a case to be made for restoring Pluto's status, and New Horizons's photographs will do that case no harm.

After all, who can forget that, between 1973 and 1995, the pedants at the American Ornithologists' Union insisted on renaming the Baltimore oriole—and for "scientific" reasons that turned out to be mistaken? Or that the killjoys at the International Code of Zoological Nomenclature remain determined to deep-six the name of *Brontosaurus*—beloved "thunder lizard" of the Late Jurassic period—in favor of the awkward, obscure *Apatosaurus*?

In the struggle to preserve our solar system as we've known it, New Horizons gives us die-hard Plutonians fresh ammunition. ♦

Pernicious Bunk 101

When Jenny McCarthy was fired from *The View* last year, THE SCRAPBOOK let out a sigh of relief. Her position on the ABC gabfest meant the former *Playboy* model could preach her antivaccination gospel to an audience of millions, five days a week. Now we fear deadly but preventable diseases like measles and tetanus will continue to spread—because it turns out not even venerable institutions of higher learning are immune to this pernicious propaganda.

Officials at the University of Toronto are defending a course with a syllabus less serious than the bibliography of a Jenny McCarthy book. For the last two years, Beth Landau-Halpern, a homeopath, taught "Alternative Health: Practice and Theory,"



The COMPROMISE.

RAMIREZ

a course in UT-Scarborough's health studies program that, in her words, presented an alternative to the "scientific, drug-based approach to health." Except when science—read pseudoscience—suited her, that is. "Quantum physics," she declared in the course description, "offers clear explanations as to why homeopathic remedies . . . are able to resolve chronic diseases, why acupuncture can offer patients enough pain relief to undergo surgery without anesthesia, why meditation alone can, in some instances, reduce the size of cancerous tumors."

One class, entitled "Vaccination—the King of Controversy," sparked the most outrage. (Note that the unqualified Landau-Halpern is the wife of UT-Scarborough's dean.) The "required reading/viewing" for that week consist-

ed, in its entirety, of 30-some pages of a self-published book and three YouTube videos, including an interview with Andrew Wakefield, the long-discredited researcher who spawned a movement with his falsified work claiming a link between vaccination and autism. Landau-Halpern assigned no readings on vaccination's life-saving successes or the mountains of evidence there's no connection between it and autism. But that was fine with Vivek Goel, the University of Toronto's vice president of research and innovation, whose confidential report on the course came out this month. "The instructor reports that she provides these readings as the students have already seen the other side in previous courses," he wrote. "As a result, I do not find that the instructor's approach in this class has been, or

“An all-too plausible and scary scenario...”

-- Lee Bender, Phila. Jewish Voice

From the author of EAST WIND

Jack Winnick

DEVIL AMONG US

The team from EAST WIND is back to smash an anti-Zionist plot in the US.

When a New York synagogue is destroyed, Lara Edmond and Uri Levin take on the Muslim extremists in a new action-packed, international chase.



“Winnick’s fine thriller displays his expert knowledge of the Middle East and his laudable skill as a storyteller.”

-- Kirkus Reviews

Now available at Amazon.com Kindle.com and BN.com

would have reasonably been perceived to be unbalanced.” The school gave the same glib response to a group of University of Toronto scientists and faculty members—some experts in quantum physics—who had written the school’s president “concerned about the way the scientific method is portrayed in the course.”

The University of Toronto, columnist Tabatha Southey noted in the national newspaper the *Globe and Mail*, is “the place where stem cells and insulin were discovered.” Maybe researchers there should start working on a new cure for whooping cough. ♦

The Blackstone Test

A happy sestercentennial (250th anniversary) to the publication by Sir William Blackstone of the first volume of his legal treatise, *Commentaries on the Laws of England*. He aimed to benefit his students most immediately, but his four-volume work would soon become the most influential legal treatise in the English language and go on to serve as a touchstone for all thoughtful men during the 18th and 19th centuries. Today, he is more cited than studied, which, THE SCRAPBOOK says, is our great loss.

As the election season gets underway, we suggest pulling your copy out of storage (or from under your toddler’s highchair), refreshing yourself on some black-letter law, and, while you’re at it, taking a peek at what it would have taken your favorite candidate to pass Blackstone’s political exam:

In general, all mankind will agree that government should be reposed in such persons ... the perfection of which are among the attributes of him who is emphatically styled the supreme being; the three grand requisites, I mean of wisdom, of goodness, and of power: wisdom, to discern the real interests of the community; goodness, to endeavor always to pursue that real interest; and strength, or power, to carry this knowledge and intention into action. These are the natural foundation of sovereignty, and these are the requisites that ought to be found in every well constituted frame of government. ♦

the weekly
Standard

www.weeklystandard.com

William Kristol, *Editor*

Fred Barnes, Terry Eastland, *Executive Editors*

Richard Starr, *Deputy Editor*

Claudia Anderson, *Managing Editor*

Christopher Caldwell, Andrew Ferguson,

Victorino Matus, Lee Smith, *Senior Editors*

Philip Terzian, *Literary Editor*

Stephen F. Hayes, Mark Hemingway,

Matt Labash, Jonathan V. Last,

John McCormack, *Senior Writers*

Jay Cost, Michael Warren, *Staff Writers*

Daniel Halper, *Online Editor*

Kelly Jane Torrance, *Assistant Managing Editor*

Ethan Epstein, *Associate Editor*

Julianne Dudley, Jim Swift, *Assistant Editors*

David Bahr, Erin Mundahl, *Editorial Assistants*

Shoshana Weissmann, *Web Producer*

Philip Chalk, *Design Director*

Barbara Kytte, *Design Assistant*

Teri Perry, *Executive Assistant*

Max Boot, Joseph Bottum,

Tucker Carlson, Matthew Continetti,

Noemie Emery, Joseph Epstein,

David Frum, David Gelernter,

Reuel Marc Gerecht, Michael Goldfarb,

Mary Katharine Ham, Brit Hume,

Frederick W. Kagan, Charles Krauthammer,

Yuval Levin, Tod Lindberg,

Robert Messenger, P.J. O'Rourke,

John Podhoretz, Irwin M. Stelzer,

Contributing Editors

MediaDC

Ryan McKibben, *Chairman*

Stephen R. Sparks, *President & Chief Operating Officer*

Grace Paine Terzian, *Chief Communications Officer*

Kathy Schaffhauser, *Chief Financial Officer*

Catherine Lowe, *Integrated Marketing Director*

Mark Walters, *Sr. V.P. Marketing Services & Advertising*

Paul Anderson, T. Barry Davis,
Andrew Kaumeier, Brooke McIngvale,
Jason Roberts, Elizabeth Sheldon
Advertising Sales

Advertising inquiries: 202-293-4900

Subscriptions: 1-800-274-7293

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



A Fistful of Forints

Have you ever had two dinners in one night? I did, more than 20 years ago, in Budapest. My buddy Todd and I had gone backpacking through Europe, hitting 11 cities in 30 days. As students, we were careful not to overspend, staying at pensions and hostels and crashing at my former host family's house in Germany. By the time we reached Budapest, our last stop, we'd saved more money than we'd anticipated. We were also tired of living on the cheap, so we decided to stay at a three-star hotel (for \$50 a night) and, on a whim, ate twice in one evening.

The first meal was at a place called Pizza Jazz. As I recall, the pizza was decent, but not quite filling. Luckily, across the way was a Dairy Queen. That's right—a mere five years after the fall of communism, Hungarians already had access to banana split blizzards. And how can anyone resist a blizzard? Of course, I'd forgotten DQ also serves burgers and fries, and I couldn't help wondering if they tasted the same as they do back home. (They did.)

Admittedly, the image of two American tourists with nothing better to do than have a double dinner seems a bit decadent—especially in those environs. But we didn't care. The exchange rate at the time was extremely favorable to the dollar. In fact, by the second day, it dawned on us that we had converted more of our money into forints than we should have—and they'd be worth so little in dollars that transferring them back was pointless. This is when our trip turned into *Brewster's Millions*. We had more money than we could spend and not enough time to spend it.

So we abandoned the fast food (up to then, our culinary adventures had included Burger Kings in Munich and Paris and Pizza Hut in Prague) and hit the city's finer dining establishments. We ate like Habsburg emperors, although the only dish I still remember is a goose leg platter. The comedian Larry Miller once mentioned his father's sage advice to be a decent tipper, "but don't tip like a gangster." Well, we tipped like Al Capone and



John Gotti. Everywhere we went, the Hungarians were gracious. At one place, called the Apostolok restaurant, our waiter was so grateful to get our business that when we visited a second night, he shoved aside his colleague who was just about to seat us. "Gentlemen, so good to see you again!" I recall him saying, or words to that effect (few of the locals we encountered spoke much English).

A few days later, we were headed back to Vienna, where I was studying and Todd would take a plane back to the United States. I remember sitting on the train with a slight sense of defeat, having failed to spend all my forints. (Perhaps I shouldn't have wasted so much time in the hotel room watching reruns of *The A-Team* and *Hardcastle & McCormick*

in German.) A few moments later, Todd entered the train car carrying something large, wrapped in paper. "A gift," he told me, with a big smile on his face: a white Hungarian beer stein. It was enormous, unwieldy, and, frankly, not that attractive. He gave one of his sinister laughs, knowing he had triumphed by outspending me. And the last thing I needed was to try to stuff a giant beer mug into my 70-pound backpack bursting mostly with dirty laundry.

The unfolding crisis in Greece reminded me of this adventure. "First Sighting of Drachma in the Wild, Via Credit-Card Mystery," ran the headline at *Bloomberg Business*: A reporter in Greece noticed on his credit card statement an expense not in euros but in that country's retired currency. The episode was ultimately blamed on a technical glitch, but many wondered how a currency conversion would play out. The answer is not well. The drachma would be worth approximately half the value of the euro. Add to this spending levels that have already plummeted because of limited cash

flow. Indeed, about the only people to benefit might be the tourists, whose dollars and euros (or drachmas) are desperately needed.

I've never been to Greece so I don't have any drachmas on me. But in the event another European country decides to exit the euro, I do have a fair number of lira, guilders, pesos, francs, marks, and schillings, not to mention a giant wad of yet-to-be-retired Hungarian forints. During my backpacking days, I kept all these currencies in an oversized wallet I wore under my shirt (a variation on the money belt). Today, they can be found in my parents' house, on a bookshelf in my old bedroom. They're all crammed into a giant Hungarian beer stein.

VICTORINO MATUS

On the Consequences of the Deal

In his first Inaugural Address, President Obama offered an open hand to the Iranian regime. On July 14, announcing the nuclear deal that is the culmination of that overture, he shook a closed fist at the American people. The president came out swinging—not at the regime in Tehran but at his predecessors in the Oval Office and in Congress who for decades imposed an increasingly tough sanctions regime on Iran. He declared that he and his international partners—but it was clear he meant himself—“achieved something that decades of animosity has not: a comprehensive long-term deal with Iran that will prevent it from obtaining a nuclear weapon. This deal demonstrates that American diplomacy can bring about real and meaningful change—change that makes our country and the world safer and more secure.” As a result of this deal, he said, “Every pathway to a nuclear weapon is cut off.” At a press conference the next day, Obama asserted the deal was a “historic chance to pursue a safer and more secure world,” representing “an opportunity that may not come again in our lifetime.”

The president is right about the historic nature of the deal: It is a catastrophic error, and an unforced one at that. It doesn't prevent a nuclear Iran; at best it simply kicks the centrifuge a few years down the road and guarantees that when Iran goes nuclear it will do so with a robust infrastructure, ample economic resources, and international legitimacy. It doesn't make the world safer, but it will enrich Iran with up to \$150 billion, a staggering amount that the regime will use to support terrorist groups and sectarian militia proxies in the region. It will also trigger nuclear proliferation throughout the Middle East, which will increase the risk of nuclear conflict that could draw in the United States.

The details are worse even than the deal's deplorable general outlines. Rather than the “24/7” inspections that President Obama touted, the text specifies an onerous, 24-day arbitration process (if not much longer) that the international inspectors will have to go through to attempt to get access to suspicious facilities. Rather than the option to “snap back” sanctions if Iran cheats, the deal carves out an exception from any reimposed sanctions for newly signed contracts; that is, all the major, lucrative international business Iran lands before it cheats will not

be subject to any “snap back.” Further, the deal not only fails to address Iran's attempts to develop intercontinental ballistic missiles, with which it will eventually be able to fire nuclear weapons at the United States, it actually lifts the arms embargo that prevents it from buying those weapons, and other advanced systems, from Russia and China.

Rather than defend the deal on its merits, Obama attempted to scare the American people with misleading “alternatives.” “Consider,” he urged in his announcement, “what happens in a world without this deal.” He would have

us believe that there is no possibility of getting a better deal, such as by ratcheting up sanctions: “Nothing we know about the Iranian government suggests that it would simply capitulate under that kind of pressure.” And he would deny America's ability to lead the world: “The world would not support an effort to permanently sanction Iran into submission.” Thus, the alternative to this deal must be an Iranian nuclear program run amok: “No deal means no lasting constraints on Iran's nuclear program.” The only possible outcome, Obama argues, would have to be war: “Without a diplomatic resolution, either I or a future U.S. president would face a decision about whether or not to allow Iran to obtain a nuclear weapon or whether to use our military to stop it. Put simply, no deal means a greater chance of more war in the Middle East.”

Such fear-mongering is both unconvincing and shameful. At a time the United States should be using its power and influence to convince Iran of the dangers of terror-sponsorship and regional meddling, as well as of progress in its nuclear and ballistic missile programs, the president has used his bully pulpit to try to intimidate the American people from a real debate. Further, Obama's argument about the only alternative to the deal suffers from two obvious defects.

First, the alternatives he described require believing that the United States had no more leverage to exert over Iran in these negotiations, that this deal is the best and only agreement that could have been reached. Yet, at the very same time, Obama claims, “We put sanctions in place to get a diplomatic resolution. And that is what we have done.” But if sanctions helped convince Iran to come to the table, then continued and intensified sanctions would have had even more impact. The alternative to the deal was and is the continuation of the



sanctions regime and other forms of economic, diplomatic, and political, and military pressure on Iran.

Second, to buy Obama's narrative one must believe that the consequences of accepting this deal will be peace rather than war. But our allies have made clear that they see this deal as making more likely the conflicts Obama claims he is trying to prevent. Other countries in the region, such as some of our traditional Arab allies, will develop nuclear programs or acquire nuclear weapons of their own. Obama acknowledged this in 2012: "It is almost certain that other players in the region would feel it necessary to get their own nuclear weapons." But now he dismisses it, saying in May of the Persian Gulf Arabs, "They understand that ultimately their own security and defense is much better served by working with us." In reality, Saudi Arabia has good reason to question our reliability. After two decades of American presidents, including this president, declaring that Iran needs to dismantle its nuclear program and America will prevent a nuclear Iran, the Obama administration is touting a deal that legitimizes Iran's nuclear program, makes Iran more likely to engage in terror and war, emboldens warlike radicals in the region, and in turn requires others to prepare for war.

Rather than have an honest discussion about all of this, President Obama is trying to scare the American people into accepting this deal. That is why it is critical that Congress stand up to the president, expose all of the fundamental flaws of this deal to the sunlight of public scrutiny, and vote to disapprove it.

—Michael Makovsky

Dishonorable Agreement

President Obama had a moment of impressive moral clarity at his Iran press conference Wednesday. It was when he was asked about Bill Cosby.

"I'll say this: If you give a woman—or a man, for that matter—without his or her knowledge, a drug, and then have sex with that person without consent, that's rape." And, Obama continued, "I think this country, any civilized country, should have no tolerance for rape."

Nor, surely, should this country, or any civilized country, tolerate those who kill our soldiers and Marines, who boast about doing so, and who provide enhanced instruments of terror and pay bounties to others to do so.

Yet President Obama has an abundance of tolerance for the Iranian regime, which gets access to \$150 billion as a result of the deal he is now touting. He even has tolerance

for Iran's main instrument of war and terror, the Revolutionary Guard Corps and its leader, Qassem Suleimani, who are explicitly removed from the sanctions list in the deal. Bygones are to be bygones. Indeed, foregones are to be foregones, since the deal doesn't even contain a commitment from Iran to mend its ways or forbear from continuing to try to kill and maim, and help others try to kill and maim, American soldiers and Marines, Jews around the world, Syrian children, and Israeli teenagers.

There is plenty to object to in the rest of the deal—the fact that Iran is legitimized as a nuclear threshold state, the porous inspection and verification regime, the amazing commitment in the notorious Annex III.D.10 to help the Iranian regime fight off attempts by others to slow its nuclear program, and more. But how can we debate all of that without attending to the \$150 billion that is going to a regime with American blood on its hands?

National Review's David French, an Iraq war vet, put it very well:

Iran is responsible for more than 1,000 American military deaths since 9/11. That's just a number, but for many of us those numbers have names—the names of men we knew. I will never forget the horrible days in March and April 2008, when Iranian-made IEDs periodically closed even the main supply route into our small forward operating base. I'll never forget the hero flights, standing at attention as brothers carried the still bodies of their fallen comrades to waiting Blackhawk helicopters. And I won't forget about the people who are even now learning to walk, and eat, and live again—recovering from horrific wounds.

Yesterday, I got an angry message from a friend from my Iraq deployment, a man whose vehicle was destroyed by an Iranian-made IED. Some of the blood on Iran's hands is his own.

The American people need to clearly understand what their president has done. He's granting billions of dollars in sanctions relief to a nation *that put bounties on the heads of American soldiers*. Iran isn't ending its war against America. It's still working—every day—to kill Americans, including the Americans Barack Obama leads as commander-in-chief of our armed forces. There is no honor in this agreement.

There is neither wisdom nor honor in President Obama's agreement. After Munich, Winston Churchill famously said that "Britain and France had to choose between war and dishonor. They chose dishonor. They will have war."

Barack Obama has chosen dishonor. If his choice is ratified by Congress, the United States will have chosen dishonor. We are also more likely to have war than if we were simply to leave in place the sanctions regime and various diplomatic, economic, political, and sabotage efforts against the Iranian regime.

National dishonor and an unnecessary risk of war. This country, any civilized country, should have no tolerance for either.

—William Kristol

Reprehensible

It may sound too ghoulish to be true, but it is. In a video released on July 14, a top official at Planned Parenthood was caught discussing how the billion-dollar nonprofit harvests and sells the organs of aborted babies to for-profit biotech companies.

“I’d say a lot of people want liver,” says Deborah Nucatola, Planned Parenthood’s senior director of medical research, in the undercover investigation conducted by the Center for Medical Progress. While sipping red wine and nibbling on a salad at a swank Los Angeles restaurant, Nucatola describes how she will “crush” an unborn baby in a particular way to preserve the organs for research.

“We’ve been very good at getting heart, lung, liver, because we know that, so I’m not gonna crush that part, I’m gonna basically crush below, I’m gonna crush above, and I’m gonna see if I can get it all intact,” says Nucatola, who adds that the most difficult thing to get out intact is “the calvarium—the head is basically the biggest part.”

Nucatola informs the actors posing as buyers at a biotech company that they could get a fetal corpse for \$30 to \$100 “per specimen.” She explains that Planned Parenthood’s nonprofit affiliates “want to break even. And if they can do a little better than break even, and do so in a way that seems reasonable, they’re happy to do that.”

The sickening video led to calls for a congressional investigation and accusations that Planned Parenthood broke the law that purports to prohibit the sale of aborted baby organs. An investigation may very well turn up evidence that laws have been broken. But it’s likely to reveal an even greater scandal—that most of the trafficking of aborted baby organs is perfectly legal in the United States.

The relevant law regarding the “donation” of such “tissue” for research was sponsored in the House of Representatives by left-wing Democrat Henry Waxman and signed into law by President Clinton in 1993. “It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration,” the law reads. But it also states: “The term ‘valuable consideration’ does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.” So what’s a “reasonable payment” and what’s not? The law doesn’t say.

Planned Parenthood insists that its practice of organ harvesting is not only legal but a moral good—a “humanitarian undertaking,” in the words of its public relations firm. Once a baby has been killed by an abortionist, after all, the only question is what to do with what remains of her body: use it for research or throw it in a dumpster? If you accept the premise that human beings have no rights and no dignity prior to birth, Planned Parenthood’s practice of harvesting and selling their organs is not wrong.

We, of course, reject this premise and affirm our country’s creed that all human beings are “created equal” and endowed by their creator with the unalienable right to life. It is “the right without which no other rights have any meaning,” as Ronald Reagan said.

If the result of this video and ensuing debate is a consensus that using aborted baby organs for experimentation should be banned, great. The legality of such research incentivizes wealthy biotech companies to support the regime of abortion on demand.

But let no one pretend that what’s truly morally relevant is whether or not Planned Parenthood “crushes” an unborn child to death in a particular way to sell her organs—it’s the fact that Planned Parenthood annually “crushes” hundreds of thousands of unborn children to death in the first place.

The cause of the American pro-life movement remains what it ever was. As the editor of this magazine wrote in 1998 on the 25th anniversary of *Roe v. Wade*, it is to put “abortion in the course of ultimate extinction. This agenda—Lincolnian in character, principled but incremental, appealing to the better angels of our nature—will have to be at once politically credible and morally convincing.”

The best way to advance this agenda in 2015 is to promote legislation to ban abortion after the fifth month of pregnancy, when infants can feel pain and are viable if born prematurely. The Pain-Capable Unborn Child Protection Act has already become law in a dozen states and passed the House of Representatives earlier this year. It has the backing of the American people and awaits a vote in the Senate. If we can’t protect the lives of babies old enough to feel pain and inhabit neonatal intensive care units, we can’t protect the right to life of any unborn children.

Republican presidential candidates should acquaint themselves with arguments for this legislation and apprise voters of the reality of current law and the Democratic party’s agenda, which is abortion-on-demand until birth at taxpayer expense. The video just released provides an excellent opportunity to do so.

—John McCormack



Crush, crush, crush

We Aren't the World

Barack Obama's global test.

BY MATTHEW CONTINETTI

‘Without this deal,’ said President Obama on Tuesday, “there is no scenario where the world joins us in sanctioning Iran until it completely dismantles its nuclear program.” That was nothing new. Throughout the negotiations with Iran, “the world” has been one of the president’s favorite defenses against criticism. “Nothing we know about the Iranian government suggests that it would simply capitulate under that kind of pressure,” he continued. “And the world would not support an effort to permanently sanction Iran into submission.”

In a 15-minute speech on a paramount issue of national security, Obama mentioned “the world” some 12 times. It’s worth asking exactly what he means when he appeals to such authority. For the world as a whole is—to say the least—not thrilled at the prospect of rewarding Iran for promising to freeze elements of its nuclear program for a decade. Americans don’t trust the Iranians to live up to the agreement, Israel is rightly terrified of Iranian threats, and Sunni powers such as Saudi Arabia and Egypt are likely to pursue their own nuclear programs now that the Iranian one has been preserved. When Obama says “the world” won’t continue the sanctions regime indefinitely, he’s actually referring to specific nations: the welfare states of Europe and the Russian and Chinese autocracies.

And not just these nations but the elites who run them: the bien-pensant global left, the largely unselected

Matthew Continetti is editor in chief of the Washington Free Beacon and a contributing editor to THE WEEKLY STANDARD.



functionaries who believe in global warming as a greater threat than nuclear terrorism, in “pooling sovereignty” to limit freedom of action, in diplomacy over deterrence, in the West’s sin of colonial exploitation, in the free movement of peoples across borders, in measures that expand and enhance the power of states and state-aligned businesses over markets and individuals. And while Vladimir Putin and Xi Jinping may not believe any of the platitudes their foreign ministers dutifully trade in at international gatherings, they are happy to

benefit from the indulgent naïveté of Western liberals. These are the men and women whose good opinion constitutes Obama’s “world.”

When did U.S. foreign policy become dependent on the wishes of Europeans, Russians, and Chinese? For decades, liberals in the Democratic party have tried to subordinate American hawkishness to dovish multi-lateral institutions such as the United Nations. Their efforts became more pronounced during the second war in Iraq. As the Democratic nominee for president in 2004, John Kerry invoked a “global test” that would determine the legitimacy of U.S. interventions abroad. Here, too, Kerry wasn’t actually talking about the entirety of global opinion—plenty of countries backed the U.S. invasion of Iraq—but the slice of it that includes Paris, Brussels, Berlin, Moscow, and Beijing.

Still, the idea of a global test implies that America is separate from—even independent of—our Euro-Asian proctors. What makes President Obama unique is his attempt to collapse the distinction between American sovereignty and sovereignty as understood by “the world.” Obama has acted as if he represented two bodies: the American electorate and the global community. As a candidate for president in 2008 he addressed the people of Germany as “a fellow citizen of the world.” As president he said “no one nation can or should try to dominate another nation,” repeated his declaration of world citizenship, and became the first chief executive of the United States to chair a meeting of the U.N. Security Council.

Obama justified his 2011 war against Muammar Qaddafi on the basis of world opinion. His *casus belli* wasn’t a provocation against America but against the amorphous international community. “In the face of the world’s condemnation,” the president said in one speech, “Qaddafi chose to escalate his attacks, launching a military campaign against the Libyan people.” The Libyans “appealed to the world to save lives.” Action was taken to prevent “a massacre that would have reverberated across the region and

JASON SEILER

stained the conscience of the world.”

America was not at the forefront of the assault, Obama said, but just one partner in “a strong and growing coalition.” Indeed, as an anonymous aide famously put it, we were leading from behind. Qaddafi was deposed, killed by a mob in October 2011, his arsenal plundered, and his country left to the depredations of warring tribes, al Qaeda, ISIS, and human traffickers.

The opinion of “the world” trumps its American counterpart. In early March 2011, 63 percent of respondents told the Pew Research Center that America did not have a responsibility to end the Libyan civil war, and public opinion was split, 44-45 percent, on whether to enforce a no-fly zone there. Obama went to war anyway, without congressional authorization.

Two years later, the public opposed intervention in Syria, 48 to 29 percent. This time the president followed the polls and refused to enforce red lines that he himself had drawn. Why? Part of the reason must have been the reluctance of “the world” to back a U.S. war against Syria: Opposition was expressed in the British House of Commons, and the Russians sold Obama on a farcical and unsuccessful plan for Bashar al-Assad to give up his chemical weapons.

President Obama often seems to be balancing his elective responsibilities as commander in chief of this country with his self-imposed duty to speak for other countries. “He is convinced that an essential component of diplomacy is the public recognition of historical facts,” David Remnick wrote after interviewing Obama in 2014. “Not only the taking of American hostages in Iran, in 1979, but also the American role in the overthrow of Mohammed Mossadegh, the democratically elected prime minister of Iran, in 1953.”

Earlier this year, Obama tutored the journalist Jeffrey Goldberg in Iranian thinking: “The fact that you are anti-Semitic, or racist, doesn’t preclude you from being interested in survival.” He told NPR, “It is possible that if we sign this nuclear deal, we strengthen the hand of those more moderate forces in Iran.”

This balancing act leaves speeches like the one announcing the Iran deal sounding more like explanations of why America must go along with whatever Europe, Russia, and China are selling than assertions of American policy. The president is playing one of his audiences against the other. He invokes “the world” in order to pressure America into

becoming more like world elites—less likely to condone the use of military force, less resistant to the demands of tyrants and profiteers, less the world’s policeman and more just another spectator in the crowd. For six decades after World War II, America led the world. Now the world of the global left, and the dictators the left enables, is leading it. ♦

It’s Not a Deal

It’s a new, and appalling, partnership.

BY LEE SMITH

It’s not hard to figure out why the Obama administration is lashing out at critics of the deal it signed with Iran last week. The White House has been pretending it’s a nuclear deal but knows that it really isn’t. Everyone from the president to



Sherman and Kerry: Fooled you.

the secretary of state and his negotiating team is selling it as a historic achievement. The White House, Obama said, “has achieved something that decades of animosity has not: a comprehensive long-term deal with Iran that will prevent it from obtaining a nuclear weapon.”

But nothing in the agreement will stop Iran from obtaining the bomb, regardless of what the administration

argues. The inspection and verification regime stipulated by the Joint Comprehensive Plan of Action cannot ensure that Iran is abiding by the terms of the agreement.

Iran will have at least 24 days’ advance before International Atomic Energy Agency inspectors can visit the regime’s nuclear facilities. Energy secretary Ernest Moniz says “it’s not so easy to clean up a nuclear site.” As a nuclear scientist, he’s presumably speaking as the administration expert. But this isn’t about specialized knowledge—it’s about common sense and recognizing Iran’s clear pattern of behavior. The Iranians hid entire nuclear facilities, like the uranium enrichment plant at Fordow, for years before anyone discovered them. Twenty-four days is ample time for the regime in Tehran to hide virtually anything—including a bomb. After all, according to White House assessments, without a deal the Iranians would be only two to three months from a nuclear breakout. But without a real inspection regime, there is no impediment to a breakout.

At one time, the White House promised that the agreement would secure anytime/anywhere inspections of Iranian nuclear facilities. Last week, undersecretary of state Wendy Sherman explained that she and her colleagues invoked this term of art

Lee Smith is a senior editor at THE WEEKLY STANDARD.

only as “popular rhetoric.” That is, they didn’t mean it. They were lying. The administration uses lots of rhetoric because it knows that what it’s selling is not a bad deal—it’s not a deal at all.

The White House wants to do an end-run around Congress by first seeking approval from the U.N. Security Council. The purpose, explained Secretary of State Kerry, is to create a situation where congressional disapproval would make the United States “in noncompliance with this agreement and contrary to all of the other countries in the world.” The administration is taking sides against the representatives of the American people because it’s selling snake oil. It’s not a deal.

Obama attacked a reporter who asked a question about Americans held hostage by the clerical regime. And then the president hinted at dual loyalties when he contended that people should evaluate the agreement “not based on lobbying, but based on what’s in the national interests of the United States of America.” Obama suggests that Americans are incapable of assessing the deal on their own because he knows the document won’t withstand close scrutiny. It’s not a deal.

And it’s not just Benjamin Netanyahu who thinks the agreement is worthless. The reviews are coming in from the rest of the region as well. Saudi Arabia warned Iran against using the billions of dollars unlocked by the end of sanctions “to cause turmoil in the region.” Lebanon’s Druze leader Walid Jumblatt writes that the “deal was signed with the blood of hundreds of thousands of Syrians who were killed to pave the way for this agreement.”

Jumblatt has identified the issue precisely. The signing ceremony in Vienna last week was meant to formalize an arrangement between the Obama White House and Iran regarding the new order in the Middle East—an order to be managed by the clerical regime, in particular its hard men, its extremists, the Revolutionary Guard.

The negotiating process over the

nuclear program was a two-year-long sideshow. Kerry played the role of the magician’s pretty assistant whose main job is to distract the audience. The real action was elsewhere—on the ground in the Middle East, from the battleground of the Syrian civil war to the Arab capitals that Iran boasts it controls. Even as the White House claimed there was a firewall separating the nuclear talks from other issues it might have with Tehran, the administration was busy either cooperating with or failing to impede Tehran’s ambitions in Beirut and Baghdad, Damascus and Sana. The talks bracketed the nuclear issue so that the administration could move on to the real issue—a pro-Iran regional realignment.

With Obama intent on minimizing the American footprint in the Middle East, Iran, as he sees it, is the natural partner. The Arabs are incompetent and depend on the United States as their security pillar. The Israelis are okay (even if Bibi is a nuisance), but a

tiny nation of 6 million Jews is hardly able to carry the football in a region of hundreds of millions of Muslims.

Iran, however, can get things done. That’s why Obama doesn’t mind Qassem Suleimani, commander of IRGC-Quds Force. At a meeting with Arab officials at Camp David in May, the president told America’s traditional Gulf allies that they should have their own expeditionary unit, like Iran’s, responsible for international terrorism and also managing Iran’s interests in the Syrian civil war, where it is responsible for thousands of deaths.

Obama’s historic achievement will provide Iran with \$150 billion, while also lifting sanctions on the IRGC and Suleimani and ending the U.N. arms embargo. In other words, the Obama White House is funding and arming its new regional partner. When Congress votes, the point will be not simply to strike down a bogus nuclear deal, but to reject an alliance with a criminal regime. ♦

The Donald and The Bernie

Which one is the bigger problem?

BY FRED BARNES

Two political entities are in a state of panic. One is the leadership of the Republican party, suffering a fright attack over the visibility of Donald Trump as a Republican presidential candidate. The other is Hillary Clinton, whose Democratic presidential campaign plunges as she tries to appease the left wing of her party.

I’ll start with the GOP elite, notably the chairman of its national committee, Reince Priebus. He’s

squirming as Trump, the mogul and TV personality, insults Mexican immigrants, trashes Jeb Bush, and generally speaks with the subtlety and grasp of reality of right-wing talk radio.

The mainstream media are indignant that Trump is even running. Yet they cover him as if he’d discovered a clear path to the Republican nomination. He hasn’t. But according to the *Washington Post*, “top Republicans in Washington and nationwide . . . fear that, with assistance from Democrats, Trump could become the face of the GOP.” Priebus spent nearly an hour

Fred Barnes is an executive editor at THE WEEKLY STANDARD.

on the phone with Trump urging him to cool his rhetoric.

Trump has a narrow lead in several presidential polls. Wow! One has only to hark back four years to recognize how meaningless this is. Remember Herman Cain, the pizza magnate? He led the pack of Republican presidential aspirants for the 2012 nomination for several weeks around this time in the campaign cycle. Michele Bachmann, then a House member, was frontrunner in at least one poll.

It's true that Trump is more than a flash in the pan, but not much more. He's a curiosity. Thousands show up to see and hear him. They expect wild words his GOP rivals would never utter, and he delivers. His stump speech consists mostly of applause lines. He's entertaining. He's very smart. He understands television. He's worth \$10 billion, he says. He may stick around through the early primaries and caucuses, then exit.

Trump claims to have spawned a movement. "It's a different movement than I think you've ever seen before," he told the *Post's* Robert Costa. Wrong. "I don't consider Perot a movement." Wrong again. A movement has a leader with a cause. Ross Perot was eager to cut spending and balance the federal budget. He got 19 percent of the vote in the 1992 election. George Wallace led a movement opposed to racial integration and won five southern states and 45 electoral votes in 1968.

One guy with a freewheeling message doesn't constitute a movement. That doesn't mean Trump is harmless. Should he run as an independent and spend a sizable chunk of his wealth in the process he'd be a problem. For now, I suspect no one thinks he's the "face" of the Republican party or ever will be. So GOP leaders ought to relax.

But panic is justified inside Hillary Clinton's camp. The Democratic party has sprinted to the left and she's trying to catch up. First it was Senator Elizabeth Warren of Massachusetts who was

summoning her leftward. Now Senator Bernie Sanders of Vermont, a socialist, is challenging Clinton for the Democratic nomination. And he's rapidly gaining on her in polls and popularity.

She wants to move closer to his agenda without admitting it. That's risky. He would turn America into Greece. He's for higher taxes, more government, welfare galore, and aggressive redistribution of wealth. He's quite candid about all this.

The farther Clinton moves to the left to accommodate the Sanders/Warren wing of her party, the farther she



Sanders launches his campaign in Burlington, May 26, 2015.

distances herself from the center. Many Democrats seem oblivious to this fact, but Clinton and her advisers, notably her husband, are well aware of the predicament she faces. Bill Clinton solved it in his day by tacking to the center. His wife doesn't have that option. Her party's left is too strong—and more ferocious than it was in 1992.

Who doubts that economic growth is necessary for prosperity and a rising standard of living? Sanders, for one. He's a growth skeptic. He opposes what he calls "growth for growth's sake" because, he argues, 99 percent of the benefits go to the wealthiest 1 percent. He'd rather have less growth and more "fairness."

That put Clinton in a bind when packaging her economic plan. She was up to the task, cleverly calling for "a growth and fairness economy." All the cleverer was her tactic of talking up growth while advocating practically nothing to generate it. In her plan, real economic growth is a myth, unless one buys her argument that "affordable

child care" is a "growth strategy."

So how would she meet what she dubbed "the defining challenge" of our time, raising incomes, especially for the middle class? With growth incentives like tax cuts off the table, she turned to coercion. Employers would be required to adopt paid family leave, "equal" (that is, higher) pay for women, earned sick days, a higher minimum wage, more overtime pay, and tax breaks to foster profit-sharing.

Had Clinton thought about serious tax rate cuts—they spurred the Reagan boom in the 1980s—she didn't mention it. How could she? Sanders is bent on raising the top rate on individual income for the rich to who-knows-how-high, doubling the capital gains and dividend rates for the top 2 percent, and blowing the ceiling off Social Security taxes.

It's "patently unfair" that multi-millionaires pay a smaller share of their income into Social Security than the middle class, Sanders says. By applying the payroll tax to earnings above \$250,000, "we could immediately bring in enough revenue to the Social Security trust fund to extend it for decades and also be able to increase benefits."

On this subject, Clinton is silent. When her husband was president, he cut the cap gains rate from 28 percent to 20 percent, and it sparked an increase in economic growth. She's been silent on that too. Also, Sanders either doesn't understand that higher taxes slow growth or likes that particular effect of raising taxes. Clinton doesn't broach that subject either.

Here's a final point. Donald Trump is a noisemaker, but he's not a real troublemaker for Republicans, at least for the time being. Chances are, he'll fade. Bernie Sanders, however, has trouble written all over him for Democrats. The closer Clinton slips into his pocket, the poorer are her prospects for becoming America's first woman president. And chances are, Sanders won't fade.

NEWS.COM

After Iran, Climate Change

Once again, the president wants to save us without involving Congress. **BY JEREMY RABKIN**

President Obama's deal with Iran is not even called an "agreement." Technically, it's a "joint comprehensive plan of action," a mushy term adopted precisely to avoid the implication that it's a formally binding agreement. In truth, it's more like the sort of coordinated "plan of action" that desperate relatives negotiate with hostage-takers. Sometimes it works and the hostages come out alive. But lawyers are never required when negotiating this sort of arrangement. Law has nothing to do with it.

Congress may vote its disapproval but probably can't muster the votes to stop the president from making the concessions he's agreed to in order to ransom his promise to stop Iran from getting nuclear weapons—at least for now. Already supporters of the joint plan warn against undercutting the president in foreign affairs and affronting our European allies, who have made their own parallel commitments to Iran. Anyway, Obama has authority under existing law to waive most sanctions and can't easily be stopped from doing so. Congress will likely remain peripheral to the outcome.

Could we at least insist that Congress be given a more serious role in future negotiations—before the president makes new "commitments" that jeopardize our national interests? In fact, the Obama administration is quietly preparing to do a new version of the Iran deal in negotiations on

climate change. The administration has announced that it will "commit" the United States to reducing U.S. carbon emissions by 28 percent over the next decade (from a 2005 baseline)—without any direct endorsement of this commitment by Congress.

It may not have such high stakes as the Iran deal, but the climate commitment is not a small matter. NERA, the respected economic research firm, estimates the cost of the Obama "Climate



Congress? Congress who?

Action Plan" at nearly half a trillion dollars over a decade. In effect, the administration is proposing to relieve hundreds of billions of dollars in sanctions on Iran—and then impose larger burdens on the American economy in the same interval. And it proposes to pursue both sides of this global redistribution of wealth through the same extraconstitutional evasions.

When President Clinton negotiated a similar promise at the Kyoto conference in 1997, the Senate balked and the resulting treaty was never ratified. The Obama White House has been telling journalists that a new agreement endorsing the U.S. commitment will be structured as a "political commitment"—not requiring approval by two-thirds of the Senate like a regular treaty, or even a majority in each house like a standard trade agreement. Why didn't Al Gore think of that?

A conference in Paris at the end of 2015 is supposed to settle the details. Environmental advocacy groups have already started to disseminate policy papers explaining how President Obama can embrace this agreement without any form of constitutional

process. The most careful argument is by legal scholar Daniel Bodansky, released by the Center for Climate and Energy Solutions in May. Bodansky argues that if U.S. offers for emission reductions in Paris are couched as "a political rather than a legal commitment, then this would not limit the president's authority to conclude the agreement acting alone."

Really? It's true that past presidents have concluded negotiations with vague announcements that might be described as "political commitments." So, for example, without consulting Congress, President Nixon issued a joint statement with Chinese leaders, sketching the framework for future relations, at the 1972 summit in Shanghai. More recently, President George W. Bush bypassed Congress when he signed a "Strategic Framework Agreement" with Iraqi leaders at a Baghdad summit in 2008.

Among Democrats who objected to this act of presidential unilateralism was Senator Barack Obama. Yet President Obama invoked this same agreement only last April at a meeting with the new Iraqi prime minister in Washington. In Obama's view, it doesn't commit the United States to do much of anything to help protect Iraq from invasion by maniacal forces like ISIS.

It's a big leap, however, from vague statements of shared principles to a detailed blueprint for environmental regulation. If it's anything like its predecessor treaty negotiated in Kyoto, the Paris agreement is likely to be extremely long and intricate. It won't deal with diplomatic postures toward foreign governments but implementing commitments that impose very sizable costs and constraints on American business and consumers. And the obligation is supposed to run for at least a decade—that is, throughout the next two presidential terms.

Would a future president be bound by this "commitment"? Surely not, as a strict matter of legality. But there is a real question whether a future president would be comfortable repudiating a global agreement that was years in the making—and will surely be touted as necessary to "save the planet." In effect,

Jeremy Rabkin is professor of law at George Mason University.

Obama would be leaving his successor with the awkward choice of maintaining Obama's "commitments" or undermining American credibility. A Republican successor—perhaps especially a Republican successor—might worry quite a bit about adding to the current perception of the United States as an unreliable partner.

Perhaps it will matter how much has already been put in place. Here the portents are again uncertain. It is true that the EPA already has some authority under the Clean Air Act to impose constraints on carbon emissions. By a narrow majority, the Supreme Court even ruled in 2007 that the EPA would violate its legal obligations if it did not consider some further controls on carbon emissions that might alleviate the challenge of climate change (*Massachusetts v. EPA*). But some response does not mean whatever the president promises—on his own—at some international conference.

The current framework for air pollution control was largely enacted in 1990—before Congress had focused on climate change. Proposals to respond to this concern in the Obama years have received much attention in Congress but no legislative endorsement. The administration's elaborate Climate Action Plan will impose severe controls on coal use. Even if all of EPA's current proposals are implemented, additional regulatory measures will be needed to reach the goals in Obama's "commitment" for the next decade.

The Climate Action Plan may not have an easy time in the courts. At the end of June, the Supreme Court struck down an EPA regulation on power plant emissions with traces of mercury (*Michigan v. EPA*). The Court's majority protested that the cost of compliance to utility companies would run to some \$10 billion per year, while direct benefits from limiting exposure to mercury vapors were calculated (by EPA) at \$4 to \$6 million per year (less than .05 percent of the cost). Neither the dissenters nor the government's own briefs bothered to note that the Obama administration had signed an international convention in 2013 mandating strict

controls on mercury. Maybe the Minamata Convention was discounted because too few other countries have subscribed to it or because it was not a treaty submitted to the Senate. Perhaps it was just too obscure.

But environmentalists will be sure to publicize the Paris Protocol on Climate Change (or Paris Commitments or whatever title the conference bestows on its bloated text). The Obama administration will hail it as a signature achievement, a further legacy in foreign affairs. Will the Supreme Court have the nerve to question its application in American law? Or will the chief justice regard it as so much like the Affordable Care Act that domestic statutes must be reinterpreted to preserve it? This year's ACA ruling in *King v. Burwell*—"jiggery pokery," as Justice Scalia called the Roberts opinion—doesn't inspire confidence in the resoluteness of the Roberts Court.

One thing is for sure: President Obama won't be deflected from making this commitment in Paris. And as with the Iran deal, Congress won't be able to derail it unless it can mobilize veto-proof majorities, which seems most unlikely in the face of hysterical campaigns by environmental activists, heralded by mainstream media.

The climate commitment will have one other important thing in common with the Iranian nuclear deal. It won't actually deal with the problem, because it won't actually commit other countries to act as environmentalists would like. When the first climate change treaty was negotiated in 1992, the Framework Convention on Climate Change, environmentalists insisted that concentrations of carbon in the atmosphere were already driving a warming trend.

Under the Kyoto Protocol, all the commitments for reducing carbon emissions were made by developed countries—and even some of them did not deliver on their promises. The net reductions were offset by steady growth in emissions from developing countries, which made no commitments. They are not promising more today.

It was hailed as a breakthrough

when China promised President Obama, earlier this year, that it might consider a commitment to reduce carbon emissions in the next round of negotiations—a decade from now. We'll need a succession of agreements and a lot more vigorous enforcement to make much difference in actual carbon-dioxide concentrations in the atmosphere in the last decades of this century, when warming is otherwise projected to have the most severe effects.

In the meantime, the Paris accord will be a monument to good intentions—which are not backed by political support or much restrained by law. It is a perfect project for the European Union, the main global sponsor of the effort. But even the Europeans may be distracted by more immediate threats. Like the Iranian nuclear deal, the Paris conference will simply be a launch point for negotiations and recriminations for years to come.

What can the Senate—or the House and Senate—do now to limit the damage? Either chamber or both might pass a nonbinding resolution clarifying that Congress will not feel bound to support a climate commitment that has not been submitted to it. As an expression of opinion, that sort of resolution would not be subject to veto. The resolution would send a signal to foreign countries not to rely on Obama's promises. It might also send a signal to the courts not to take Obama's commitments too seriously.

Expecting congressional majorities to take that action may be expecting too much, however. It will be controversial, and there will be pleas not to undercut the president's bargaining power in Paris or undermine the president's international standing after the bruising debate on the Iran deal.

Perhaps there is an easier way. Willing members of Congress could post their own letter to the Paris conference, alerting other nations that the United States has a Constitution that does not give total power to presidents to bind the national legislature to their favored schemes.

Don't you still have the stationery for this kind of letter, Senator Cotton? ♦

The Best of Times . . .

The remarkable success of Kentucky's Republicans. BY JOHN DAVID DYCHE

Louisville
In many respects, 2015 represents a high-water mark for Republicans in Kentucky. But the GOP's Bluegrass State successes bring new challenges.

Fresh off his landslide reelection last year, Mitch McConnell is majority leader and getting rave reviews for making the Senate function again. The state's junior senator, Rand Paul, has a national following and is a credible candidate for president. No state can boast a more influential pair of senators.

Representative Hal Rogers from rural and relatively poor eastern Kentucky is chairman of the House Appropriations Committee, a plum post, albeit less powerful than it used to be. Republicans hold four of the state's five other congressional seats.

Kentucky has not elected a Democratic senator since 1992 and has not gone Democratic in a presidential election since 1996. But it's not as dependably red in state elections.

In this year's gubernatorial race, though, a recent survey by a Democratic-leaning pollster put Republican Matt Bevin ahead of Democratic state attorney general Jack Conway, whom Paul trounced in the 2010 Senate fight. Republicans lead Democrats down the

John David Dyché is an attorney and political columnist in Louisville, Kentucky, and the author of Republican Leader: A Political Biography of Kentucky Senator Mitch McConnell.

entire slate of constitutional offices, a situation never before seen in a state that has elected only one GOP governor since 1967.

Republicans enjoy a secure majority in the state senate and are within striking distance of finally capturing the state house of representatives. McConnell calls that a top priority on



Rand Paul, left, and Mitch McConnell, July 2011

his political "bucket list" for next year.

The GOP is rapidly gaining ground on the long-dominant Democrats in voter registration. The ratio of 1.35 Democrats to every Republican is the lowest in memory and shrinks with each new report.

So Bluegrass State Republicans should be celebrating, right? As ESPN commentator and former football coach of McConnell's beloved University of Louisville Cardinals Lee Corso might say, "Not so fast, my friend!"

McConnell's tenure atop the Senate is tenuous. Republicans must defend 24 Senate seats in 2016, while Democrats have only 10 on the line. Almost

a third of those Republican seats are in states President Obama won twice. If Democrats win five of them, they recapture the majority.

Paul's determination to seek reelection to the Senate while running for president increases that risk. A Kentucky statute forbids candidates from being on the ballot for two offices. Instead of challenging that law in court, perhaps as an unconstitutional imposition of an additional qualification for federal office, Paul seems to have convinced Kentucky's Republican apparatus to hold a presidential caucus instead of a primary. He promises to foot the bill for it, too.

This gambit, in which McConnell has apparently acquiesced, could generate a lawsuit, maybe by Democratic secretary of state Allison

Lundergan Grimes. She desperately needs something to stay relevant after McConnell trounced her in the Senate race last year despite seemingly daily campaign appearances on her behalf by Bill and Hillary Clinton.

Kentucky law also strictly limits substitutions after the filing deadline, so the GOP may not be able to name a new Senate candidate in the admittedly unlikely event Paul becomes the party's presidential standard-bearer.

Politico put it this way:

"The worst-case scenario could mean either that Paul would have to forfeit Kentucky's eight electoral votes to a Democratic presidential candidate or abandon the Senate seat and leave his party without a candidate in next year's general election."

Paul's camp argues the party could name a replacement. Nobody knows how this scenario will play out, and there is plenty of grumbling about it.

The prudent course would see a friendly alternative run, someone who promises to throw his or her support to Paul if his presidential hopes have petered out by the May Senate primary. McConnell publicly professes support for Paul's

NEWS.COM

presidential campaign, but they fought ferociously during the debate on renewal of the Patriot Act. Given some of Paul's positions, particularly on national security issues like that one, pro-defense Kentucky Republicans might conclude he should have a primary opponent on policy as well as political grounds. That is unlikely, but without someone else on that ballot, Paul's dual ambitions put Republicans in Kentucky and the country in a needlessly precarious position. Popular and effective state auditor Adam Edelen is likely to be the Democratic foe in the general.

Meanwhile, the Tea Party darling McConnell mercilessly mauled in last year's Senate primary is the GOP gubernatorial nominee. Bevin won by 83 votes when the two most formidable of his three opponents—state agriculture commissioner James Comer and former Louisville councilman Hal Heiner—turned their fire on each other over allegations Comer had physically assaulted and facilitated an abortion for a college girlfriend. Rumors had circulated from the beginning, but made their way into the mainstream media late in the race. One newspaper connected Heiner's campaign to a blogger who had been peddling the assault story.

While Comer and Heiner both suffered from the last-minute revelations (which they denied), the glib Bevin ran an ad portraying them in a food fight, with himself the adult in the room, and impressed audiences on the fried (not rubber) chicken circuit. His razor-thin margin of victory was anything but a mandate, however. Only 17 percent of the state's 1.24 million registered Republicans bothered to vote.

Conway, an affluent personal injury lawyer and serial candidate, easily claimed the Democratic nomination. The walkover meant Conway could husband his resources, but the unusual lack of competition for what was once his party's most coveted prize speaks volumes about the state of state Democrats.

The charisma-challenged Conway,

who comes off as a poor man's Al Gore, offers no real policy agenda. He does, however, have the benefit of McConnell's proven playbook from last year's Republican primary. McConnell blasted Bevin for backing and taking government bailouts, exaggerating his résumé, and attending a pro-cockfighting rally. After the Republican Governors Association aired an ad linking Conway to Obama, the Democrat retaliated by bashing Bevin for "scandals—like his refusal to release his tax returns, his possible ethics violation (for not disclosing ownership stakes in certain entities), and his failure to pay his taxes." Conway desperately seeks to distance himself from Obama, who is wildly unpopular



Matt Bevin



Jack Conway

in Kentucky, by saying he voted for him but also sued him (by joining in some anti-EPA, pro-coal suits).

Bevin will need and probably get significant help from the RGA and other outside groups. Kentucky's contest is the most interesting of only three gubernatorial races this year. He has poured millions of his own fortune into consecutive primaries but despite endorsements from some prominent, provocative radio talkers has shown little ability to raise money.

Conway faces a formidable challenge in overcoming his tearful refusal to appeal a federal court ruling overturning socially conservative Kentucky's pre-*Obergefell* legal regime that defined marriage as between one man and one woman. But he was slow to join Republicans' post-Charleston call to move a statue of Confederate president Jefferson Davis, a Kentucky native, from the state capitol rotunda to the state history museum, saying

he would "have to chew on that one a little bit."

Bevin's impressive running mate, Jenean Hampton, would be the first African-American female elected statewide in Kentucky. Some Republicans quietly fear, however, that her presence on the ticket could hurt in parts of the state where some voters want to keep Davis in the capitol and still proudly wave the Confederate flag.

Kentucky's public pensions are the nation's worst-funded. Bevin holds himself out as perhaps the state's premier pension expert, but a recent gaffe raised the kind of doubts that worry even the most ardent GOP loyalists. A state retiree asked him, "Will you commit to putting the full ARC in your budget?" ARC is the "actuarially required contribution" or "annual required contribution," a basic term referring to the amount the employer must contribute to cover benefit costs. Virtually every news report on pensions defines ARC. Kentucky's bipartisan failure to make the ARC in recent years is a big reason state pensions are in such dire straits.

In trying to process the question, the supremely confident Bevin suddenly looked like a dog hearing a strange sound. He cocked his head and cluelessly asked, "Now, the full ARC?" It was clear he had no idea what the questioner was talking about.

Despite unsettling displays like that one, McConnell has endorsed and publicly spoken up for Bevin, who did not do the same for him after their brutal primary. Their relationship remains unclear, however, and Republicans are keenly seeking signals of just how much the state's GOP godfather will do this year for a guy who tried to kneecap him last year. As he has shown by his subsequent good relations with Paul, whom he opposed in the 2010 Senate primary, McConnell is the consummate political professional and perfectly capable of a rapprochement. Yet some still have a hard time believing he would relish having a former foe as governor and a rival power center in the state party. ♦

BEVIN, NEWS/COM; CONWAY, AP / ED REINKNE

Still Stupid

The counterproductive ban on crude oil exports.

BY IKE BRANNON

The oil export ban made little sense when domestic production was low, and it is definitely not a good idea now that we're awash in the stuff. Yet the antiquated rule still has plenty of defenders in Congress. Getting rid of the ban would benefit the economy, create jobs, and do nothing to raise gas prices, which is the ostensible reason for the ban in the first place.

The 1970s was not a particularly creditable era for either fashion or public policy. The gaudy polyester shirts and bell bottom jeans, thankfully, have disappeared, but a few of the egregious policy mistakes are still with us, chief among them the ban on exporting domestically produced oil.

The ban is a product of a mindset that the government could fix problems by making a few well-meaning rules that set aside the vagaries of market forces. The biggest problem facing the economy in 1973 was sky-high oil prices that resulted from the OPEC embargo, which doubled prices almost overnight and put an end to a quarter-century of low and stable prices.

Our government responded to the embargo with several well-meaning but ineffective and costly half-solutions: It lowered the speed limit on interstate highways to 55 mph, mandated more fuel-efficient cars, imposed price controls on retail gasoline sales, and banned crude oil exports, among other things.

The government quickly jettisoned price controls after people grew tired of waiting in line to buy gasoline, and

the 55 mph speed limit—never popular—was haphazardly enforced and did little to improve fuel efficiency. When gas prices receded in the 1980s, the 55 mph speed limit did too. Fuel efficiency mandates proved more durable, although they inadvertently led to the seismic increase in preference for pickup trucks, minivans, and SUVs, which were largely exempt from such strictures. The extent to which these mandates saved fuel versus the natural consumer reaction to high prices is still a matter of debate.

The export ban is the lone 1970s-era palliative that continues unchanged, despite the fact that it's done

even less than any of the other measures enacted to constrain gasoline prices. Its durability can be explained by the fact that voters don't understand the costs it imposes on our economy.

These days no one even pretends that the ban has an impact on gasoline prices: There is currently a glut of oil here and across the world, with a record amount sitting in tanks and tankers floating offshore. Some of that oil is being held for speculative purposes by producers and investors betting on prices going up in the future, but some of it remains in storage because the nation's refineries don't have the capacity to refine all that's being produced in the United States.

Environmental rules have made it all but impossible to open new refineries—the most recent U.S. refinery opened in the 1970s. While existing refiners have managed to expand capacity to accommodate the production boom, the virtual ban on new refineries creates an effective cap on future oil refining and produc-

tion that we are close to reaching.

An end to the oil export ban would not increase domestic gasoline prices in the slightest. In fact, there's empirical evidence suggesting it could reduce prices in the short run by putting further downward pressure on the price of Brent crude oil, an important global oil index that domestic gasoline prices tend to track much more closely than any domestic oil price index. The reason for that, suggests Adam Sieminski, administrator of the Energy Information Administration, is that we effectively participate in a global oil and gasoline market despite all wishing to the contrary, and lower global oil prices translate to lower oil—and gasoline—prices domestically.

The EIA—which strives mightily to avoid taking anything that remotely resembles a partisan policy stance—recently released a report arguing for an end to the oil export ban, which it described as at best ineffectual.

Ending the ban would create jobs by removing the capacity constraints on domestic refiners that threaten future production growth. A study by the global research firm IHS estimates that ending the ban would create between 450,000 and 850,000 jobs annually, most of which would be ancillary to the actual production of oil. It would also help growth by putting further downward pressure on energy prices: While an additional few hundred thousand barrels a day may seem like a drop in the bucket in a world that consumes over 90 million barrels each day, energy demand is quite price inelastic, meaning that small changes in supply can have a disproportionate impact on the price.

The oil export ban isn't simply a harmless vestige of past policies: It imposes a significant cost to the economy in lost jobs and slower economic growth, constraints we can scarcely afford at the present time. While it may be difficult for voters to understand precisely how the oil export ban harms the economy, there's no question that this is precisely what it does—while creating few winners in the process. It's the job of our politicians to explain this fact and then repeal the ban. ♦



An epoch best forgotten

Ike Brannon is a former chief economist for the House Energy and Commerce Committee.

The International Baby Business

Surrogacy is giving gay parenting a bad name.

BY JULIE BINDEL



A 34-year-old wife and mother of two is implanted at a surrogacy clinic in Anand, India, with a pair of embryos flown from the United States. She will stay near the clinic until the baby is born, earning \$4,000—the equivalent of 11 years' wages at her income of a dollar a day.

The huge rise in the incidence of gay men becoming fathers via surrogacy is largely seen as positive by those fighting inequality. Publications aimed at gays and lesbians advertise surrogacy services, and the annual Alternative Parenting Show in London attracts over 2,500 visitors. No wonder an outcry arose when the designers Domenico Dolce and Stefano Gabbana recently described IVF children as “synthetic.” Sir Elton John, the father of several such children, rode a wave of indignation from his fans to call for a boycott of Dolce and Gabbana’s products. “Shame on you,” the pop legend scolded, “for wagging your judgmental little fingers at IVF—a miracle that has allowed legions of loving people, both straight and gay, to fulfill their dream of having children.”

Julie Bindel is a journalist and feminist activist.

But there is a dark side to surrogacy. Its accelerating use by gay couples is no victory for freedom or emancipation. On the contrary, the “gaybe revolution” has brought a disturbing slide into the brutal exploitation of women, who usually come from the developing world and often are bullied or pimped into renting their wombs to satisfy the selfish desires of wealthy Westerners. This cruelty is accompanied by epic hypocrisy. People from Europe and the United States who would shudder at the idea of involvement in human or sex trafficking are themselves indulging in a grotesque form of “reproductive trafficking.”

What’s more, their support for this vicious business exists alongside the shameful neglect of abandoned or abused children in their own countries. Even as commercial surrogacy has become fashionable, child welfare authorities face increasing difficulty

finding foster or adoptive parents for the many thousands of children languishing in residential care. This amounts to a deepening crisis in fostering and adoption in Britain and the United States.

As a lesbian feminist, I campaigned for years for gays and lesbians to be allowed to adopt children, not only because of our human right to have families but also because of the need to give secure, loving homes to vulnerable children. Now the rise of IVF surrogate parenthood is in danger of making the acceptance of gay adoption look like a hollow success.

Baby farming has become a significant international business. There is no law against surrogacy in Britain, but it is illegal for surrogates personally to advertise their services, as they do in the United States and elsewhere. Nor are private surrogacy agreements enforceable in British courts, which means, for example, that a surrogate mother cannot be forced to hand over the baby if she changes her mind. But legal niceties pose fewer barriers in less developed countries.

In 2002 commercial surrogacy was legalized in India and Ukraine, now among the most popular destinations for British and American gay male couples seeking commercial surrogacy services. They offer the advantage of low cost. In the United States, IVF plus surrogacy usually carries a price tag of around \$100,000; in India it can cost as little as \$24,000, and regulation is far lighter. India has become the “rent-a-womb capital of the world,” according to *Slate*, with a “reproductive tourism” industry, offering services through some 350 clinics, that is estimated to be worth half a billion dollars. Gay men usually opt for gestational surrogacy, in which the woman has an embryo transferred to her uterus, as opposed to traditional surrogacy, in which her own egg is fertilized with sperm from the intended father.

Pro-surrogacy propaganda usually portrays the surrogate mother as a white, blonde, smiling woman who is carrying a baby in order to make a childless couple happy. But the real

story is far less palatable. The mostly Asian or black women who provide the eggs and wombs for potential parents can suffer appallingly. In the most common situation, where a donor egg has been fertilized by IVF and transferred to the surrogate, who has no genetic link to the fetus, the tendency is to pay relatively higher fees to the egg donor and recruit surrogates from extremely poor backgrounds. In some poor, rural parts of India, parents of multiple daughters sometimes sell the older ones to trafficking gangs and pimps, who take them to cities to work as surrogates and earn money for their younger sisters' dowries. Surrogates in India are usually paid under \$8,000.

Once working as surrogates, women can be kept in cramped quarters and told when to eat, drink, and sleep. Monitored like prisoners, they may be required to refrain from sex and riding bicycles. Surrogates can also be prevented from using painkillers, even for conditions such as migraine, or required to take medicines like Lupron, estrogen, and progesterone to help achieve pregnancy, all of which can have damaging side effects. In fact, the entire process of commercial IVF reproduction can seriously damage surrogates' health. The dangers include ovarian cysts, chronic pelvic pain, reproductive cancers, kidney disease, and stroke, while women who become pregnant with eggs from a donor are at greater risk of pre-eclampsia and high blood pressure.

None of this seems to matter to the clients. I interviewed one rich gay couple for whom the restrictions were part of the appeal. They said they found it reassuring that the women were required to live in a clinic under the surveillance of brokers throughout their pregnancies. In truth, there is a wide streak of misogyny running through this business, with women treated as little more than reproductive machines.

Sometimes there is criminality. In February 2011, police in Thailand disrupted a Taiwanese-run ring that forced Vietnamese women to have babies for sale. Though illegal, this baby farm, Baby 101, advertised its

services. Evidence gathered by police and Thai officials showed that some of the pregnant women had been tricked or forced into service and raped.

Google Baby, a British TV documentary screened on HBO in 2010, explores the growth in global commercial fertility treatment. It makes for difficult viewing. It shows fertility, pregnancy, and childbirth stripped of emotional content and the women whose eggs and bodies are producing babies treated only as parts and vessels. It features a clinic and "surrogacy house" in India where the women sleep 10 to a room. "I guess they control me," says one of the surrogates. "I am like a robot in terms of how my reproductive system goes."

Another surrogate, who has just undergone a painful birth, says, "No one knows that I will cry and give them this baby with a heavy heart."

Reproductive trafficking is an ethical minefield. Religious objection to, as well as blind prejudice against, lesbian and gay adoption still exists, despite changes in the law. The World Health Organization takes a dim view of the commercialization of childbirth, as do many children's charities. But there has been little feminist criticism of the practice of profiting from the use of women's body parts for the benefit of men.

Enthusiasts of surrogacy like its efficiency. "Truth is, surrogacy is usually quicker than adoption and means you avoid going through the hoops with social workers, having to persuade them that you would be suitable parents," says one dad who used a surrogate. They also value it because, as this father said, it "enables you to be a genetic parent."

Some supporters are determined to demonstrate that surrogacy can be managed ethically. Barrie and Tony Drewitt-Barlow, partners for 28 years, have five children born to surrogates and have spent a vast sum creating their family. They live in the United Kingdom. After their first set of twins was born in California, the two successfully challenged the American authorities to become the first gay

couple to have both their names on their children's birth certificates.

The Drewitt-Barlows have set up the British Surrogacy Centre, which offers free advice and, for a fee, in-house services that include criminal background checks of potential surrogates, clinical screening, psychological counseling, and management of each individual surrogacy journey. "We see ourselves as the gold standard in this business," says Barrie. "We could have set up a clinic in India rather than the United States and pocketed the extra profit, but we care about the surrogates. Unfortunately, a lot of the agencies only care about the money."

Drewitt-Barlow is scathing about the clinics in India. "There are male heads of families pimping women into surrogacy because it makes more money than prostitution." Yet despite the best efforts of people like the Drewitt-Barlows, the growing acceptance and popularity of the rent-a-womb industry mean that illegal or simply crass and crude baby farms are bound to flourish.

Other critics of the business have fundamental objections to surrogacy, even where there is no evidence of trafficking or exploitation. Jennifer Lahl is president of the Center for Bioethics and Culture in San Francisco and a founding member of the pressure group Stop Surrogacy Now. "Whether it is commercial or altruistic, between strangers or just friends helping friends," she says, "my efforts are to STOP surrogacy altogether and not have it with regulations, because regulations don't protect women and children."

Indeed, it is difficult to understand why couples would strive to create babies using such harmful, expensive, and morally dubious methods when foster and adoptive parents are desperately needed. In the United Kingdom, there is a shortage of 60,000 foster homes and at least 4,000 children are waiting for adoption; a staggering 100,000 children in the United States are eligible for adoption. Where are the parents who will choose these children and give them a chance at a decent life? ♦

How Will We Know?

The coming Iran intelligence failure

BY REUEL MARC GERECHT

One might think that after the last Iraq war Democrats would be wary of allowing intelligence to dictate policy. Yet that is effectively what Barack Obama has done with the Joint Comprehensive Plan of Action signed in Vienna on July 14. The agreement with Iran is strategically premised on the notion that greater commerce will transform the virulently anti-American, antisemitic, terrorism-fond, increasingly imperial Islamic Republic into something more pleasant. Tactically, the agreement depends on Western intelligence against the Iranian nuclear target. The odds are high that American intelligence, which is certainly superior in its collection capabilities to that of our most accomplished allies (the French, British, Germans, and Israelis), is woefully insufficient to fulfill the task that President Obama has assigned it.

The International Atomic Energy Agency, nuclear watchdog of the United Nations, is competent at static surveillance—that is, monitoring known sites to which its inspectors are given unfettered access. The IAEA's efficiency declines in direct proportion to the deceptive hostility of the host country. Since the clerical regime has declined to confess its past weaponization research, we can be certain it will continue to treat the IAEA with deceptive animus, as it has since the mullahs' clandestine nuclear handiwork was revealed by an Iranian opposition group in 2002.

The mullahs are not wrong to view the IAEA as a Western antibody. Without the assistance of Western powers, especially the permanent Western members of the U.N. Security Council, the IAEA would not be able to function. Although by no means an extension of Western intelligence services, the IAEA does need Western spooks to help it try



The joke's not on them.

to see what a mendacious regime is trying to hide. As IAEA inspectors who have operated inside Iran will confess, Western intelligence agencies have often provided information to inspectors, who operate in the Islamic Republic with little institutional support against a regime that has lied to, and sometimes intimidated, the IAEA's staff, both on the ground and at its headquarters in Vienna. William Tobey, a former deputy administrator for defense nuclear nonproliferation at the National Nuclear Security Administration and

now at Harvard, trenchantly pointed out in the *Wall Street Journal* that the IAEA is on an impossible mission in Iran since the regime has refused to divulge its past weaponization activities and President Obama has declined to make it a red line. "Normally," Tobey wrote,

to do their job, inspectors require access to records and knowledgeable individuals who can support a country's declaration of the state of its nuclear program. They need to examine invoices, lab notes, personnel files, organization charts, production inventories, building plans, and other documents and to discuss the material with scientists and program

managers. As former U.N. and U.S. weapons inspector David Kay recently explained to me: "Unfettered access to people and documents is required to tell inspectors what to look for and where to go."

From there, the inspectors—in a genuine nuclear-inspections program—would construct a comprehensive mosaic of the country's nuclear programs, overt and covert. Tile by tile, they would pursue missing pieces and flag false or inconsistent ones for closer scrutiny. This would have to proceed until the IAEA concluded that it had a complete and correct declaration covering all nuclear-related activities. To do its work, the IAEA needs to probe gaps and inconsistencies, which are often more difficult to hide than covert enrichment facilities.

Both Secretary of State John Kerry and director of the Central Intelligence Agency John Brennan have proudly suggested that American intelligence—primarily the CIA and the eavesdropping National Security Agency—has been quite capable of knowing what the Iranians were up to clandestinely. An Iranian confession of the "possible military dimensions" of its nuclear endeavors is thus unnecessary. The House and Senate intelligence committees can

Reuel Marc Gerecht is a senior fellow at the Foundation for Defense of Democracies and a contributing editor to THE WEEKLY STANDARD.

undertake a simple test of whether this claim has validity. In 2002 in Paris, the Mujahedeen-e Khalq (the People's Holy Warriors), a Marxist-Islamist Iranian dissident group now known as the National Council of Resistance, revealed the existence of the uranium-enrichment site at Natanz and the heavy-water reactor at Arak. The intelligence committees should ask the CIA and NSA to provide all the intelligence reports they produced on these two sites before they were revealed. Probably there are none.

Kerry and Brennan could argue that American intelligence against the Iranian target has become a lot more accomplished since 2002. Again, this would be easy to prove. The committees could ask Langley and Fort Meade to pull up all of their intelligence reports on Mohsen Fakhrizadeh, the so-called Robert Oppenheimer of the Iranian nuclear-weapons program. Are they mostly biographical? Is there any operational reporting on what Fakhrizadeh did at a given location? Is the reporting constant? That is, does it cover one subject continuously, indicating strongly that the CIA has at least one source inside Fakhrizadeh's organization? The committees could do a search of all intelligence produced since 2002 on Revolutionary Guard nuclear activities. We know that the Islamic Revolutionary Guard Corps has operational control over the regime's nuclear-weapons quest. A review would likely reveal, quite quickly, that the CIA does not possess a single active agent—that is, an asset who is reporting clandestinely from Iran—within the Revolutionary Guard Corps's nuclear or long-range ballistic missile programs. We are well aware of several nuclear research facilities and the key personnel that are linked to the weapons effort. Congressional committee staffers could start picking facilities and scientists for intelligence reviews. The CIA could, if Congress obliges it to, produce intelligence file reviews. When the need is urgent, case officers in the field can obtain decent summaries of the dossiers on targeted individuals and subjects within a week, and an operative can usually ascertain, even if headquarters wants to put a happy spin on the information, whether the agency knows much at all.

The State Department's Wendy Sherman, the undersecretary for political affairs, who has been intimately involved in the nuclear negotiations, has asserted that the United States didn't need to include long-range ballistic missiles in its list of sensitive nuclear issues to discuss in Europe. Despite the fact that such missiles have never been built to carry conventional warheads, Sherman argued that Washington needed to concern itself only with the design and construction of atomic warheads. This is a vastly more difficult intelligence task since warhead design—including the development of nuclear triggers—is easily concealable. The intelligence committees should accept Sherman's

challenge: Pull up CIA intelligence reports on Iranian warhead research. The odds are again high that they will not find a single asset in Iran reporting on this issue before 2003, when the 2007 National Intelligence Estimate on Nuclear Capabilities and Intentions suggested that the clerical regime had stopped or paused its work on implosion devices. Sherman and Brennan could be asked to explain how exactly Washington intends to monitor any future Iranian efforts to design nuclear warheads; Brennan could be asked to explain why the CIA appears fairly confident that Iranian engineers aren't currently working on such devices. Since the clerical regime isn't providing any "possible military dimension" information to the IAEA, Brennan should have field-produced human intelligence reports to back up this confidence.

Walk-ins (volunteers who come to American intelligence), defectors, and fortuitously acquired laptop computers can provide brilliant images of the clandestine undertakings of our enemies. But they provide only snapshots. In-country agents alone can give Langley a continuous feed on suspicious activity. And the NSA, despite the brouhaha about its mega-data collection, is in a very tough business where it is largely losing. Defense almost always beats offense in encryption, no matter how many high-powered computers are committed to the task. And Iranian mathematicians aren't bad. Iranians can be blabbermouths on unsecured phones, but such intelligence collection is episodic and frustrating at best.

The truth is that the CIA and the NSA are largely flying blind inside the Islamic Republic on the nuclear question. We know a lot about the program—the occasional defector, to us or to others, and other lucky operational endeavors have given us critical information and allowed us to know, beyond a shadow of doubt, the capacious mendacity of Supreme Leader Ali Khamenei, President Hassan Rouhani, Foreign Minister Mohammad Javad Zarif, and the MIT-educated head of Iran's Atomic Energy Organization, Ali Akbar Salehi. Yet the administration appears supremely confident that the IAEA, backed by the Western powers, will be able to verify sensitive sites through the Joint Comprehensive Plan of Action. Under the agreement, a demand for access to a suspicious site would be made by a majority of the members of the new Joint Commission—the permanent members of the Security Council plus Germany and Iran. This means the United States, France, Great Britain, and Germany would all have to agree on such a demand (not an easy feat of diplomacy, especially once European business returns to Iran). The Iranians would then have 24 days to respond—or to clean any suspect site before risking censure.

That's a long time. Diplomatically and bureaucratically the process is likely to be even longer—a reading of the JCPOA's terms for dealing with alleged violations could

lead to convoluted discussions among the Joint Commission, foreign ministers, and the Security Council that could tie things up for 103 days before new sanctions might be imposed on the mullahs. But leaving aside whether Iran would have 24 days or 103 to clean a site before worrying about possibly “snapped-back” sanctions, how exactly would suspicions arise about Iran’s activities?

Until now, Iran has blocked discussion of the “possible military dimensions” of its nuclear ambitions (and the day Fakhrizadeh sits down for lengthy, document-rich discussions with an IAEA inspector is the day the Islamic revolution is over). The IAEA therefore will not be able to push any leads it has that Iran has refused to address. The United States is obviously not going to make an issue of the past (see Kerry: “What we’re concerned about is going forward”). So that means the CIA, and secondarily the NSA, will be America’s frontline in detecting suspicious nuclear activity in Iran. The CIA has a nearly flawless record of failing to predict foreign countries’ going nuclear (Great Britain and France don’t count). With the possible exceptions of North Korea and China, the Iranian nuclear effort has been Langley’s hardest target to track accurately.

In the future, we are likely to see more Iranian walk-ins or dissident-supplied information about the nuclear program. Before the revelations in Paris in 2002, if you’d asked State Department, CIA, or National Security Council staff whether the United States should take seriously nuclear information supplied by the Mujahedeen-e Khalq, nearly all would have answered “absolutely not.” And for cause: The Mujahedeen often got such things wrong or even lied. But they could also get things right, and in 2002, they found massive concealed nuclear plants that the CIA probably had either missed or mis-analyzed.

A real inspections regime in Iran would have to include the right for IAEA inspectors to follow up any dissident information, especially dissident information that the CIA did not have and disbelieved, with unchallenged, immediate inspections. But does anyone really believe that President Obama will compromise his greatest foreign-policy achievement over information supplied by Iranian dissidents? Or how about an untested CIA agent reporting from Iran? Without IAEA inspections, the CIA will have a very hard time confirming the veracity of any report on sensitive nuclear issues that cannot be seconded by a satellite. Or consider a random intercept that we pick up from a loose-lipped mullah or Revolutionary Guard commander. Intercepts are rarely ideal. They usually consist of bits and pieces that have to be melded together to amount to much. Does anyone really believe that Obama, who made repeated concessions in these negotiations for fear the supreme leader would walk away, would compromise his legacy over suspicions raised by intercepts?

The entire nuclear deal is likely to become surreal if Washington demands that the IAEA inspect a sensitive Revolutionary Guard base for nuclear activity. It is possible that the clerical regime would grant access to the Parchin compound, which is controlled by the Revolutionary Guards. The IAEA and American intelligence have long suspected that Iran experimented with nuclear trigger devices at Parchin before 2003, suspicions that were not allayed by two cursory, controlled IAEA visits in 2005, which Tehran, then fearful of American military power, allowed. As the former nuclear inspectors David Albright and Olli Heinonen have observed, it’s doubtful that any atomic activity is currently under way at Parchin.

The Iranians could throw us a Parchin visit, and it’s likely President Obama would grab it boastfully. But there are other sites that ought to be checked routinely. Our curiosity ought to precede any specific suspicion produced by Western intelligence. The president should want to test the verification system to see whether the Iranians are serious. A good place to start would be the Revolutionary Guards’ long-range ballistic missile bases. The mullahs know that we have declared the missile program outside the JCPOA’s purview, which, translated into Persian, means that such facilities are ideal locations to put nuclear-related research. According to the president, the IAEA can check any military facility inside the country. According to the supreme leader, we can’t. Somebody is lying.

Hassan Rouhani has told us repeatedly in his writings that the clerical regime cares much less about nuclear technologies it has mastered than those it has not. The JCPOA concentrates on what the Iranians have already accomplished. It talks in detail about the enrichment plants at Natanz and Fordow and the heavy-water reactor at Arak. It presupposes that our primary concern is an Iranian “breakout” from facilities that were frequently monitored by the IAEA even before the nuclear negotiations started. It’s doubtful, however, that the mullahs ever wanted to try a breakout under the watchful eye of the U.S. Air Force and Navy, even in the age of Obama. It’s a “sneak-out” that should concern the West. Rouhani, an intellectually insecure cleric who probably wants to have a nuclear legacy somewhat different from the one President Obama envisions, can’t help but tell us the truth. The Joint Comprehensive Plan of Action doesn’t have an annex devoted to Rouhani’s nuclear ruminations. It should. With him, with the ruling elite of the Islamic Republic, one must always do what the great Persian poet Hafez advised with mullahs: Look *posht-e pardeh*, or behind the curtain, and discover that they do not do what they preach. ♦

It Still Matters

The American Civil War, that is

BY GEOFFREY NORMAN

O*f the making of books, there is no end.* Thus spake the prophet, and he may have had books about the American Civil War in mind. They come too fast for the amateur to keep up, but one does try. So when I saw, a couple of months ago, that James McPherson was out with a new collection called *The War That Forged a Nation*, I ordered it. I was late, a few weeks beyond the actual publication date, but didn't think that mattered. We were not, after all, dealing with breaking news here.

Except . . . we were.

McPherson's subtitle is *Why the Civil War Still Matters*. I opened the book two days before the massacre of nine black worshippers, in church, by a young white man who liked to photograph himself using what is known as "the Confederate flag" as a prop. The killing took place in Charleston, South Carolina, where the Civil War began when cannons fired on Fort Sumter.

And then there was that flag, which Confederate troops followed into the bloodiest battles in this nation's history. It might be best to think of it as two flags: the one that troops followed ardently in the 19th century and the one that was flown to rally the segregationists of the 20th.

Of course the Civil War still matters. The frequently quoted line of William Faulkner's is precisely appropriate here: "The past is never dead. It's not even past."

Still, one wonders, what accounts for the unyielding fascination a century and a half after Robert E. Lee surrendered at Appomattox?

Several years ago, I put this question to Richard Ketchum, who was a neighbor and the author of many splendid books about the American Revolution. He had begun writing about the revolution when he was a young editor at *American Heritage*. One of his colleagues was Bruce Catton. As Ketchum told it, he and Catton went out to lunch one day and decided to divide up American history. He would take the revolution and Catton would take the Civil War.

"His books were bestsellers," Ketchum said, sounding amused, "and mine were well reviewed."

They were better than that, but the point stands. Assuming their books were of equal literary merit, one would, of course, expect Catton's to be more widely read. But why?

"Photography has something to do with it," Ketchum said. "There was no Mathew Brady at Saratoga or Yorktown. We have these very formal, lifeless paintings of Washington, which don't compare to those haunting photographs of Lincoln, worn down by the war. Or of the dead, lying in the sunken road at Antietam."

Ketchum had much more to say on this matter, but the point about photography struck me and stuck with me. The Civil War was a modern war. Modern in weaponry and tactics and, even, strategy. Rifled muskets made the old stand-up style of war obsolete, though some Civil War generals never really apprehended and acted upon this truth. Field fortifications yielded something that came to be known as "trench warfare," which later ruined Europe, whose generals hadn't bothered to study what the Americans had learned at great cost. And generals like William Tecumseh Sherman and Philip Sheridan went about defeating armies by smashing economies in a fashion of war that is especially modern. They lacked only airplanes.

So much about the American Civil War, then, was foreshadowing, and one reads those books about it with a sense of impending doom, like following the course of the *Titanic* as it bears down on the iceberg.

And then there are the numbers. Contemporary research and scholarship puts the total number of dead, from both sides, at something like 750,000. As McPherson writes, "To illustrate the immensity of that figure, it equals 2.4 percent of the American population in 1860. If 2.4 percent of Americans were to be killed in a war fought today, the number of war dead would be almost 7.5 million."

The battle of Antietam, as he notes, remains the bloodiest single day in American history—more people killed and wounded than at Pearl Harbor, or on D-Day at Normandy, or on September 11. And Antietam was just one battle, lasting one day, and it ended, by the way, as something of a draw. The Civil War established that isolated, daylight battles would not be decisive in modern, total war.

If a single datum could capture the suffering and mayhem, there is this, from Shelby Foote's afterword to his

Geoffrey Norman, a writer in Vermont, is a frequent contributor to THE WEEKLY STANDARD.

three-volume history, *The Civil War, a Narrative*: “During the first year of peace the state of Mississippi allotted a solid fifth of its revenues for the purchase of artificial arms and legs for its returning veterans.”

The numbers and the analytic history, however, are insufficient, I think, to account for the enduring fascination of the American Civil War. There is also what might be called the “literary” element. There was a tragic and epic inevitability about the Civil War. It seems impossible that it would not have been fought and that Lincoln’s “four score” was not all prelude. And then there was the way in which the war seemed almost to have been “written” with drama and suspense and pathos in the mind of the author. I toured Gettysburg, once, with a man who taught the subject at the Army War College, and one of his many insights was that, over and over, this battle came down to “not quite enough and just in time.”

There was nothing inevitable about Gettysburg, and one still experiences a feeling of suspense when reading about it. Will Buford hold out until Reynolds arrives? Will Ewell and Early find it “practicable” to take Cemetery Hill, as Lee put it in his orders? And that was just on the first day. On the second, the entire issue, and perhaps even the outcome of the war itself, came down to Little Round Top, where a hastily deployed unit from Maine, commanded by Joshua Chamberlain, repulsed the Alabamians trying to take it and did it with that rare thing in the Civil War, a bayonet charge.

And then, on the third day, there was the assault that history knows as Pickett’s Charge that reached the Union line but could not break it. The point at which the assault stalled and turned into a retreat came to be known as “the high-water mark of the Confederacy.”

Michael Shaara turned all this into his novel *The Killer Angels*, and one of the most interesting things about that book is that he didn’t have to make anything up. It was as though it had already been written by some much larger hand and Shaara then edited and shaped it, with a fine eye, to make it compelling to modern sensibilities.

There were, throughout the war, so many other moments of “just in time” and “not quite enough.” A.P. Hill arriving at Antietam after a hard march from Harper’s Ferry at almost the exact moment Lee’s line was breaking and might have been rolled up and crushed by the Union. Or when Thomas stood like a rock at Chickamauga. Or Jackson like a “stone wall” at Bull Run. The war seems, in the rearview mirror of history, dramatic, epic, and tragic on a scale that accounts for the language used by Douglas Southall Freeman in a thumbnail biography of Stonewall Jackson:

He wins first place professionally among Lee’s lieutenants and in popular reputation exceeds his chief. . . . Although he always is marching or winning a battle or preparing for

another, he cannot forget the home he has not visited in two years or the baby he has never seen. In the spring of 1863 he does not attempt to conceal his satisfaction at having his family visit him. After that comes what the Greeks would have termed “apotheosis.”

So the war was both epic and tragic. And the suffering may have been appropriate to the magnitude of the flaw—or sin, to be biblical—at its heart. Lincoln understood this when he said,

Yet, if God wills that it continue until all the wealth piled by the bondsman’s two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, “The judgments of the Lord are true and righteous altogether.”

Of course, the next passage in the address is more widely remembered and quoted:

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation’s wounds, to care for him who shall have borne the battle and for his widow and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Terrible as the war was—and it was still going on when Lincoln delivered his Second Inaugural and spoke those words—it is striking how eager some of those who fought it most fiercely were to put it behind both themselves and the country and to “bind up its wounds,” once the fighting was done. Among them Lincoln, of course, and it is fascinating and depressing to imagine how things might have gone if Booth—the original dead-ender—had failed at Ford’s Theatre.

But if the Civil War still matters to you and you read the histories, you will be struck by the magnanimity in victory of William Tecumseh Sherman, who was probably the Union general most hated by southerners. Sherman was a hard man who believed in hard war. But he wanted it hard so that it would be ended quickly and decisively, which would make reconciliation come sooner and more mercifully. Sherman offered terms to Joseph E. Johnston—who surrendered a few days after Lee—that were too generous for the secretary of war, who amended them. Sherman and Johnston became friends after the war, and Johnston died of pneumonia after serving, in the rain, as a pallbearer at Sherman’s funeral.

General Ulysses S. Grant wrote that after he had accepted Lee’s surrender at Appomattox, he felt “sad and depressed at the downfall of a foe who had fought so long and valiantly, and had suffered so much for a cause, though that cause was, I believe, one of the worst for which a people ever fought.”

And then there was Lee, who believed that the issue had been settled on the battlefield, and that his duty was now to do what he could to rebuild and restore. He had been a slaveholder and was perhaps repenting this sin when, during church services in Richmond after the war, a black man went to the altar to take communion and the members of the white congregation remained seated in the pews, leaving him there alone. The general rose and went down the aisle and knelt with the man.

Lee once said, “Before and during the War Between the States, I was a Virginian. After the war I became an American.” Still, his citizenship was not restored until 1975.

Ordinary soldiers, it seems, also wanted to give the war an honored place in memory that somehow worked to bury the hatreds as well. In one of history’s more improbable and touching reunions, over 50,000 veterans of the war returned to the scene of the Battle of Gettysburg 50 years later. The United States and Confederate flags flew side by side, and there was even a reenactment of the famous charge. This time, the assaulters started much closer to the stone wall at the top of Cemetery Ridge, and they carried walking canes instead of muskets. They managed a feeble rebel yell just before they reached the stone wall, where they shook hands with the Union men who were waiting there.

The men who attended that 1913 Gettysburg reunion knew that they had been a part of something very large in history. And that something had surely been settled. Nobody was going to fight that war again. But it still mattered. It also mattered that, fierce as the war had been, it had been fought largely without atrocity—Fort Pillow and a few similar incidents being the exception. In a conversation with Shelby Foote, I was struck when he said, “You know, it was a war without rape. I studied Sherman’s march very thoroughly and couldn’t find cases of rape. A lot of what is called ‘fraternization’ but no rape.”

It was, in some deeply paradoxical sense, a war between countrymen. And when it was done, and the right side had won, it was time to repair Lincoln’s “bonds of affection.” Those bonds had made the war both terrible and . . . something else.

There is an ineluctable quality about the Civil War that is the reason it still makes a difference. It is probably impossible to simplify that thing and get it into a few words. Or even, perhaps, a few million words.

Which explains why of the making of books—like Professor McPherson’s recent volume—there is no end.

Nor should there be. ♦

Dodd-Frank ... Five Years Later

By Thomas J. Donohue

President and CEO
U.S. Chamber of Commerce

The Dodd-Frank Act was signed into law five years ago tomorrow, and the debate over the financial regulatory reform law rages on. Arguments that the law is perfect or should be repealed miss the point. Today the debate should be over whether our financial regulatory system is stronger and better able to generate the growth that our country needs.

Steps have been taken to improve transparency and make the system safer and more stable. But more must be done to create a coherent regulatory system to ensure that consumers are served and Main Street businesses can help drive our economy.

Our system must preserve Americans’ access to capital and consumer credit to meet their unique needs. We should not limit choice or access in the name of consumer protection. Consumers and investors should be equipped with

information to make smart decisions, and bad actors must be rooted out. But when regulators automatically believe that consumers will be taken advantage of, that they don’t have the ability to make informed choices, or that the government knows better and should control everything, serving consumers falls by the wayside.

Main Street must also have access to short- and long-term capital, liquidity, and risk management tools to keep their businesses running and growing. Startups and smaller companies, for example, often rely on the personal credit of the owner. A small business owner may get a home equity loan or even rely on credit cards to buy inventory or needed equipment or keep the lights on. These are not risky loans—they are the reality of doing business when cash coming in isn’t always perfectly timed with cash going out. These kinds of products must be preserved—and not regulated out of existence because they are wrongly deemed too risky.

For our financial system to work as intended, it must also create clear rules

of the road. But Dodd-Frank added more complexity, overlap, and duplication to an already-tangled regulatory framework. Businesses are left trying to figure out what to do when regulators can’t agree with each other or provide clear answers to even basic questions. As a result, we’re seeing financial services providers pulling products off the market or getting out of certain markets altogether. When businesses and consumers have fewer choices, they pay more or lose access to services.

Dodd-Frank is far from perfect, but it’s not going anywhere. So we must work to fix the provisions the law got wrong, add what was left out, and replace what doesn’t work. Lawmakers on both sides of the aisle should join us in that approach. Whether we have strong economic growth and a stable financial system by the 10th anniversary of Dodd Frank depends on it.



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



'Sappho and Alcaeus' by Lawrence Alma-Tadema (1881)

Classical Intoxication

Love through the lens of Sappho. BY A. E. STALLINGS

Much of what we think we know about Sappho is apocryphal, conjecture, invented, or wrong, maybe even her name. (Sappho calls herself Psappho.) Yet somehow we feel we know her, that she is speaking directly to us across chasms of time, language, geography, and alphabets. And this is only from one, perhaps two, complete poems and a smattering of fragments from the nine-scroll corpus known in antiquity.

What we can reasonably say is that she was born on the island of Lesbos and flourished around 600 B.C., that she composed in the Aeolic dialect,

*A. E. Stallings, poet and translator, is the author, most recently, of *Olives: Poems*.*

Sappho

A New Translation of the Complete Works
by Diane J. Rayor and André Lardinois
Cambridge, 184 pp., \$70

that she probably had a daughter named Cleis—and thus, by deduction, a mother named Cleis, since (then as now) Greeks named grandchildren after their grandparents. She was a musician as well as a poet—her poems should properly be regarded as lyrics—and she was considered by the ancients to be the inventor of the plectrum—roughly, a guitar pick—and the Mixolydian mode. (It's as if she invented the blues note.) Her poems are often addressed longingly to young women.

Love is hardly Sappho's only subject—there are hymns, bawdy wedding songs, musings on family difficulties, snippets of narrative, hints of political upheaval—but it is the love poem that she seems almost to invent, and if not love itself, certainly love-sickness, with her psychosomatic description of love's symptoms: The sufferer is tongue-tied, dizzy, feverish, in a cold sweat, pale. It's as if she's the first pop singer to rhyme “fire” and “desire.”

Sappho's lost poems exert a mysterious influence, like dark matter, invisible to us but affecting the gravitation of all the lyric poetry after it. It's something of a shock, then, to receive a new volume whose title is *Sappho: A New Translation of the Complete Works*.

Of course, what the authors mean is

that this is a translation of all poems and fragments we have to date. This is also the only volume available, at this writing, that includes the “Brothers” poem, which electrified (and polarized) the classics world in 2014. Besides adding five nearly complete stanzas to her corpus, the poem refers directly to Sappho’s brothers, Charaxos and Larichos, whom we know by name from other sources.

The story behind the reappearance of the new poem could be the basis of an A.S. Byatt novel, involving as it does ancient Egyptian papyrus, an anonymous collector, the evangelical Christian owners of Hobby Lobby (who hunt ancient manuscripts for a Bible museum), skeptical academics, and the man who recognized the new lines as Sappho’s (an Oxford papyrologist with the protagonist-worthy name of Dirk Obbink). This discovery happened just as this book, a 30-year labor of love, was going to print, and the authors were able to include the “new” poem. Another fragment could be discovered tomorrow; but for now, Diane J. Rayor and André Lardinois have bragging rights.

Anyone with an interest in Sappho will want to add this to their library: It includes a thorough scholarly introduction, copious notes, all extant fragments, an appendix on the new poem, and unvarnished translations that hew dutifully to the originals. Usefully, the authors have set forth the fragments in “order,” rather than grouping them by subject, making it easier to track down a specific fragment. What the book lacks is a certain grace: It could do with less whiff of lamp and more attar of Pierian roses.

In her introduction, translator Diane Rayor discusses her choices for fragment 168B—which, as it happens, might not even be Sappho, written in a suspect dialect:

*The Moon and Pleiades have set—
Half the night is gone.
Time passes.
I sleep alone.*

This early effort is one of the more satisfying—simple and unadorned, the off-rhyme bringing out a quiet music as well as closure. Rayor is dutiful about

reproducing sound effects such as alliteration, but subordinates music to accuracy: “To re-create the vivid and direct effect of the Greek,” she writes, “I retain all specific details and imagery, while compensating for formal aspects, such as lyric meters that sound awkward in English.” But she does not say how she compensates, and I’m not sure I hear it. She talks about revising translations she had done in 1980 for “clarity, accuracy, and sound,” but this seems to be at the expense of poetry. Thus, “and soldiers battling in shining bronze” becomes “and soldiers battling in arms.”

Earlier in her introduction, Rayor says that translations “need to keep the possibilities of the poem intact so that readers can re-create their own Sapphos, based on all the bits of text that still exist. My goal is to activate this potential, revealing the uncertainties of the physical texts, without losing Sappho’s poetry.”

Maybe this sounds admirable (“activate this potential” aside), but I disagree. Do readers want to re-create their own Sapphos? Don’t they want the translator to do that for them? Notes can suggest the frustrating decisions that must be made between one textual choice and another, one meaning and another, but the English translation has to choose. For another tack, we look to another translation altogether, keeping a weather eye, if we can, on the original.

Any Sappho has to have a note on the very first word of the very first poem, “poikilothron” or “poikilophron”—a description of Aphrodite that could mean either something like “on an embroidered throne” or “with a fickle mind.” The sound note by scholar André Lardinois reads:

On the throne of many hues: Some manuscripts of Dionysios read “with thoughts of many kinds” (*poikilophron*). It is hard to decide between these two readings. Olympian gods are typically depicted on many-coloured thrones, but “with thoughts of many kinds” fits “weaving wiles” in the next line.

Compare Anne Carson’s scholion

on the same word, from her evocatively titled *If Not, Winter: Fragments of Sappho* (if Raynor and Lardinois slyly overstate completeness in their title, Carson fetishizes the fragment):

Now certainly the annals of ancient furniture include some fancy chairs, especially when gods sit on them; and initial mention of her throne provides an elegant point of departure for the downrush of Aphrodite’s next motion. On the other hand, it is Aphrodite’s agile mind that seems to be at play in the rest of the poem and, since compounds of *thron-* are common enough in Greek poetry to make this word predictable, perhaps Sappho relied on our ear to supply the chair while she went on to spangle the mind.

Carson ingeniously discusses the scholarly and textual issue while thinking aloud as a working poet, revealing how one word can hide another. Color the mind spangled!

The Rayor and Lardinois translation is a less agile, sturdier sort of work, destined for the classroom rather than the boudoir. Yet it lacks what would make it most handy for serious students of Sappho: the facing Greek, which Carson’s more eccentric version has. I imagine she and her publishers are, at this moment, working up a new edition. Likewise, I would encourage Cambridge University Press to produce another version of this thorough Sappho with the Greek included.

With translations of great poets, the more the merrier, or maybe the more *poikilophron*. I am glad to have this useful new Sappho on my shelf, but it does not replace Mary Barnard’s intimate, unfussy plainsong, nor Aaron Poochigian’s sleek and sexy Penguin, with its essential introduction. Willis Barnstone, another poet-translator, retains Sappho’s surprising strangeness: She is Psappho, not Sappho, and love is “sweetbitter” rather than the naturalized English “bittersweet.” Barnstone’s, too, includes the Greek, handsomely printed *en face*. But none absolutely renders a new Sappho redundant, a symptom of the poet’s greatness.

The moths of time have been busy

at her tapestry. The medieval church was scandalized by the frank depiction of female desire and destroyed what manuscripts it could. (Even more recent critics seem uncomfortable with the poems' implications and emphasize Sappho's role as a priestess of a church of Aphrodite, or headmistress at an elegant school for girls, a music teacher, choral leader—anything but a lesbian from Lesbos, though the last does not exclude any of the others.)

Still, Sappho survives. One of the epitaphs for her included in the *Palatine Anthology* says that “there will never be a sunlit day that lacks the name of lyric Sappho.”

We are tantalized, too, that there could be more Sappho to come. A lost painting is lost forever: A copy is not an original. But with poems, every copy is the original, even a few lines scrawled on the back of a laundry list and stuffed into an Egyptian mummy. We hang on anxiously for every syllable that can be added to the lacework of loss, because Sappho seems to speak directly to us, as if knowing someday we would overhear. Tears prick my eyes when I read, even in Rayor's plain version, in a language that did not yet exist two and a half thousand years ago: *I say someone in another time will remember us.* ♦

Berlin, including the unforgettable (and often parodied) German film *Downfall* (2004). Kempowski does not dwell on this. Instead, he sprinkles in just enough of that story to contrast it with the everyday realities that the victors and vanquished were facing not just in the German capital but across the terrain of the fast-disappearing Nazi empire. The people who matter most here are the ones who would usually go unnoticed.

As William J. Fox, an American reporter, wrote, “the flotsam of Europe”—freed forced laborers, concentration camp survivors, and Allied POWs, along with often-panicked German civilians and soldiers fleeing the Red Army in its final drive westward—were all part of the huge cast. Along with the last battles, there were exhilarating moments of liberation, violent reprisals, mass rapes, looting, and the full range of often-confusing human behavior as the recent conquerors scrambled to survive as the newly conquered.

While waiting for the end, German troops holding Tempelhof Airport in Berlin were offered bars of chocolate and bottles of wine on April 20, Hitler's birthday. “Ghostly orgies played out in the airport cellars,” noted a German journalist. “Soldiers and officers disported themselves with the women auxiliaries.” Soon, though, other German women were cavorting with the victors: “The bombed-out women in the basement were boozing with Frenchmen and U.S. soldiers,” an older German woman noted disapprovingly. “I was so ashamed for these females, who don't deserve to be seen as ‘German women.’”

In all too many cases, the women had no say in what happened to them—particularly at the hands of Soviet troops. “The most terrible scenes of horror were played out in all the houses,” one resident of Neustrelitz wrote. “All over the city the cries of women being raped rang out. Men coming to the aid of their wives or daughters were shot.” He also reported a surge in suicides, and Kempowski's diary is punctuated by lists of people who took their own lives. In the case



Germany in Extremis

The death, and rebirth, of its modern state.

BY ANDREW NAGORSKI

In the final days of World War II, Kurt Weill wrote a letter to his wife, Lotte Lenya, who was in New York, from the Hotel Bel-Air in Los Angeles. The couple had fled Germany after Hitler had taken power, and Weill was eager for the final collapse of the Third Reich. “This is what we've been waiting for, twelve years now,” he noted. “Isn't it fantastic how unprepared these Nazis were for defeat. . . . I don't think a nation has ever been defeated more catastrophically. . . . What stupidity! What cowardice! What a ‘master race!’”

Weill's letter is included in *Swansong 1945*, a stunning mosaic of firsthand accounts of the last days of the war with Germany, from April 20 to May 8, 1945, pulled together by the late German writer Walter Kempowski (1929-2007). It is also the tenth and final volume of Kempowski's “collective diary” of the

Swansong 1945
*A Collective Diary of the Last Days
of the Third Reich*
by Walter Kempowski
W.W. Norton, 504 pp., \$35

war, which was driven by his determination to rescue “the voices of the dead.” Mixing in the declarations of major players like Hitler, Mussolini, and Churchill, he focuses primarily on the ordinary soldiers, civilians, and concentration camp prisoners caught up in the apocalyptic endgame. Drawing on their diaries, letters, and other personal testimonies, he offers readers a look at the raw materials that historians normally use as background to construct their more polished narratives.

It is precisely the unvarnished nature of these accounts, though, along with their immediacy, that makes this volume so compelling. Of course, there have been many other examinations of the final days of Hitler and his entourage in his bunker in

Andrew Nagorski is the author of Hitlerland: American Eyewitnesses to the Nazi Rise to Power. His new book, The Nazi Hunters, will be published next year.

of a 9-year-old schoolgirl included in one such list, the cause of death reads “shot by own mother.”

But Kempowski does not limit himself to the horror stories. He also cites Germans who are surprised by the decency of some of the conquerors, even those from the east. There are recollections of Red Army soldiers sharing their food with the local population, especially looking out for the children. As for the American GIs, they were often met with cheers and offers of hospitality. Some of this was genuine relief on the part of the Germans that their conquerors were not the Russians, and some was sheer opportunism, as neighbors were quick to point out. A woman in Geismar, near Göttingen, noted that the man welcoming the Americans was “known to glitter with every political color.” Suddenly, those who followed Hitler were portraying themselves as secret opponents who had longed for democracy all along.

And denial was rampant, starting from the top. In a radio address, Joseph Goebbels promised: “After this war, Germany will blossom within a few years as never before.” Hitler insisted he had never wanted war: “It was wanted and started exclusively by those international statesmen who were either of Jewish origin or working for Jewish interests.” Many of his followers clung to their delusions as well, even when confronted with the reality of “the boundless misery of the concentration camp villainy,” as German Army captain Arthur Mrongovius put it. “I always assumed that Hitler was not the man ultimately responsible for it,” he added.

Several Germans recorded their encounters with camp prisoners as if they were meeting a species from another planet, usually insisting that they had no idea what they had endured. A woman who saw “a large column of strangely dressed men” in one of the last death marches from Dachau noted: “Their faces [were] grey, gaunt, as if they were dead. . . . The men

actually smelled moldy.” A Dachau prisoner who survived until American troops arrived recalled the shock of one of his liberators as he surveyed a washroom with 50 emaciated corpses: “Strange to think of a man coming from battle, who sees corpses all the time, an officer in the middle of war, crying at the sight of our dead,” he wrote.

At times, it is the less-dramatic testimony that is the most touching. Nina Mursina recalled that, in 1944, she was only 19 when she found herself in Germany as a Russian forced laborer. “At that age you’re already

off in fluent German: “Go, before I forget myself. In Poland you killed more than pigs!” It turned out that the man “was a Pole in American uniform.”

Many of the losers bitterly resented their new status and saw themselves purely as victims. But there were exceptions, offering glimmers of the kind of self-awareness that would only come slowly to most of the rest of their countrymen. As the Red Army approached, German Navy lance corporal Klaus Lohmann admitted, “We must *all* atone for the terrible crime that has occurred.”



The British Army in Berlin (1945)

dreaming about love,” she wrote. “The German women employed with us came to work with make-up on, they had done their hair in front of the mirror. And we, as *Untermenschen*, wore dreadful rags and wooden clogs that clattered as we walked.”

Soon, many of the freed prisoners and laborers joined “the flotsam,” sometimes showing up in German homes demanding, or simply taking, food. As with the new conquerors, most Germans were not about to risk defying them, although there were rare exceptions. A woman rushed to her pigsty, where she found an American soldier surveying the pigs he had just killed with his machine gun. When she attempted to confront him, he cut her

For the most part, though, it was the instinct for survival that won out, no matter how much Hitler’s followers were still blinded by 12 years of Nazi indoctrination. Horst Wilking, a German sailor on a ship in Rotterdam, had determined to shoot himself when he came off guard duty on May 8, the day of Germany’s unconditional surrender. But when the time came, he decided “it would be extremely interesting to know what happened next.” As a result, he chose not to carry out his plan, and “life went on.”

It was the end of the most horrific conflict in history, but it was also the beginning of a new era. *Swansong* captures that pivotal moment in all its tragedy and hope. ♦

Now, Voyager

The science—and mystery—of the disappearing red knot. BY CHRISTOPH IRMSCHER



Red knot at Sunset Beach, North Carolina

Where I now live, in Bloomington, Indiana, far from any ocean, my year is punctuated by the departure and return of the Canada geese. As the tasks invented by life in middle age accumulate, the rough cries of those geese in the spring and fall—their “ya-honk” of which Walt Whitman spoke—will have to do as my occasional reminder that there’s more to the world than this small college town.

About an hour or two from here, though, in the Goose Pond Fish and Wildlife Area, shorebirds from far-flung places are now regular visitors. This spring, the first black-tailed godwit showed up in nearby Oatsville—a

Christoph Irmscher, provost professor of English at Indiana University, is the author, most recently, of Louis Agassiz: Creator of American Science.

The Narrow Edge
*A Tiny Bird, an Ancient Crab,
and an Epic Journey*
by Deborah Cramer
Yale, 304 pp., \$28

sight bordering on the miraculous in a state that, apart from a slice of Lake Michigan, doesn’t have a coastline. But how on earth did this bird get from Iceland, or central Russia, to Indiana?

The migrations of birds were a cause of wonder to the earliest observers of nature and gave rise to many stories remarkable mainly for their ludicrousness. Birds were said to spend their winters hidden in holes, where they would bide their time until the spring, or to dig themselves deep into the mud under lakes. Some surmised that certain species would simply morph during the

cold months, so that the redstart, for example, would re-emerge as a robin.

As naturalists began to study birds more systematically, the mystery of migration only deepened: “Whence they come, and where they breed, is to me unknown,” complained Mark Catesby, author of the earliest comprehensive description of the New World, about the blue herons he saw. Today, we know so much more, but the wonder remains.

Take the red knot, a plump, short-legged, medium-sized sandpiper equipped with an archaic-looking serrated bill good for holding on to slippery food. Red knots have been around for much longer than human beings, perhaps even for as long as 16 million years. And while they did not leave a fossil trail, we know that they adjusted when the planet last donned its deadly skullcap of ice, as Alexander von Humboldt called it.

The red knot is not an elegant bird, by any means, but its somewhat unathletic appearance belies the bird’s capacity for extensive travel. Each year, red knots travel more than 9,000 miles from the “bottom of the world” to their arctic nesting grounds. John James Audubon knew almost nothing about the bird, except that it made for good eating—a fact that, at least by some accounts, also gave the bird its memorable name. Red knots were alleged to have been the favorite food of the Viking king Canute, or Cnut the Great, ruler of the North Sea Empire.

In the spring, these birds, having begun their annual voyage from their winter residences in Latin America, descend on the beaches of South Carolina, Delaware, and New Jersey, and they once did so in such numbers that people felt that they had stepped into some avian fairyland. Over 30 years ago, naturalist Pete Dunne counted as many as 95,000 red knots on the shores of Delaware Bay.

Deborah Cramer, during her recent visit to that same bay, saw (according to the estimate given by the bird conservationist who accompanied her) around 4,000, a catastrophic loss. The subspecies of the red knot that is the

subject of this volume—*Calidris canutus rufa*—is now considered “federally threatened.” What happened?

In this haunting, unusual book, Cramer, author of the well-received *Great Waters* (2001), a “biography” of the Atlantic Ocean, weaves a complex (and, as I am tempted to pun, *knotted*) tale about this bird. Guided by biologists, environmentalists, fishermen, and hunters, she follows the knot along its migratory path, gathering what facts she can to show how deeply connected we are to it.

She begins her story in Tierra del Fuego, Chile, but the heart of *The Narrow Edge* is the chapter set in Delaware Bay, where the lives of the red knots intersect with ours—and they do so through another animal, one that is even more ancient than the knot: the horseshoe crab.

Each spring and early summer, these crabs arrive on the beach en masse to lay their eggs, about 4,000 per square yard. They were once so plentiful that some beaches had as many as 500,000 eggs per square yard. Their eggs are a delicacy to the red knots, a source of the fat they need to sustain themselves during the arduous next leg of their trek. But these crabs also matter to our own survival—not so much as food (though fishermen use them as bait in eel pots), but as biomedical testing devices: The blood of crabs coagulates around toxins harmful to us.

Each year, crabs are harvested in large numbers for enforced blood donations. Once they are released again, many of them are too traumatized and disoriented to spawn. Quite a few of them die. The consequences for the hungry knots are easily imagined.

Deprived of at least some of their food source, the red knots encounter other challenges to their survival during their journey, from habitat destruction due to rising sea levels to the lethal blades of offshore wind turbines to, finally, fluctuations in the population of lemmings in their arctic breeding grounds that will cause foxes and other predators to lay a “yellow eye,” as Emily Dickinson would have said, on their nests.

If the red knots hover on the narrow edge of destruction, so, ultimately, do we—or at least so does the world we know. Our numbers might not decline like those of the birds around us, but our survival is connected to theirs, in ways that we only imperfectly understand. *The Narrow Edge* is not just another lament for a world wrecked by human shortsightedness, though. It is, first and foremost, a deeply moving declaration of love for one particular bird, a love for which the author will spare no effort.

In an affecting moment early in the book, Cramer cradles a red knot in her hands, thinking about the distances it has traveled. And though she

The migrations of birds were a cause of wonder to the earliest observers of nature and gave rise to many stories remarkable mainly for their ludicrousness.

does not burden her narrative with much autobiographical detail, we do get to see her on an isolated beach in Bahía Lomas, Chile, her eyes tearing up in the stinging wind; being tossed around and feeling sick on a small plane off the coast of Texas, looking for knots that don’t follow the Atlantic flyway; and trudging through the snow on Southampton Island in Nunavut, slowed down by her heavy clothes, her equipment, and the 12-gauge shotgun Environment Canada has required her to carry.

The Narrow Edge is, by turns, lyrical and fact-heavy, depressing and uplifting, nostalgic and forward-looking. Inevitably, this is a book about numbers and about people who count: the numbers of red knots and of crab eggs, the miles these birds

travel, the profits people make or don’t make off the animals they catch.

But even more, it is a book about those people who, by caring about what happens to the red knot, also care about our future, above and beyond predictable political alliances. Deborah Cramer points out that it was the hunters’ organizations that first took responsibility for bird conservation: While they are already protecting the homes of the birds they shoot, we still need to learn to secure those they don’t—perhaps by paying an excise tax on binoculars and other outdoor gear? And Cramer acknowledges the fishermen who have developed alternative bait, landowners who have turned their properties into managed wetlands, and chemists who are working on synthetic endotoxin detectors that would allow us to keep the horseshoe population intact.

Cramer has written a book very much like the red knot itself. Each chapter deals with a different location or problem, and she moves effortlessly from ornithology to invertebrate biology to medicine to geography, from birds to crabs to humans, and then back again. *The Narrow Edge* is not an elegy but an insistent plea for avian and human survival, an assertion of the bond that unites us with all living things.

At times, despite its subject matter, the book is also deeply funny. When Cramer joins the crew of Jerry Gault, owner of Gault Seafoods, on Lucy Point Creek in the South Carolina low country to watch them pick up horseshoes at sunset, Jerry and his men end up with so many animals that they are standing up to their shins in them. When their boat won’t accelerate, the crew begins to discuss, facetiously, whether their problem is too many crabs or “too much weight from writers.”

With 4,500 pounds of crabs wriggling around them, the question answers itself. But unlike Jerry Gault’s boat, *The Narrow Edge* never founders under the somber weight it carries. Instead, when Cramer pays tribute to the people who give a voice to the birds and crabs that cannot speak for themselves, her book soars. ♦

A Ghost's Lament

The collision at the corner of Language and Politics.

BY JAMES BOWMAN

It's a pity that *The Speechwriter* will be judged, both for good and ill, in the light of the media sensation created six years ago by Governor Mark Sanford of South Carolina. Famous for not hiking the Appalachian Trail, Sanford is Barton Swaim's former employer and the principal character—under the less-than-cryptic pseudonym of “the governor”—in this immensely sad yet very funny book.

Even if Swaim had figured out some way to push the governor to the periphery, though, some stories and characters are just too good not to insert themselves into and take over every lesser matter with which they may find themselves adventitiously associated. Even the Appalachian Trail will never be quite the same.

Yet there is much more to this slim volume than a retelling of the now-familiar decoy hike, of Sanford instead spending his days in secret, crying in Argentina, of his return and tearful public apology in the klieg lights of the mocking media, of shame, divorce, engagement to the Mysterious Maria—and, perhaps most remarkable of all, of political comeback.

The last is entirely left out of this book. It is important for the author's purposes that the governor should appear as a quasi-tragic figure in the Aristotelian sense: a good man (though much hated by his staff) and a politician with unusual integrity who is undone and brought to ruin by a tragic flaw.

Although I find this portrait of the governor, whom I know slightly, a persuasive one, I also recognize its useful-

James Bowman, author of Honor: A History and Media Madness, is a resident scholar at the Ethics and Public Policy Center.

The Speechwriter
A Brief Education in Politics
by Barton Swaim
Simon & Schuster, 224 pp., \$25

ness to the rest of the story, as suggested by the subtitle, “A Brief Education in Politics.” This is the more original and interesting story that Barton Swaim has to tell of the decline and fall of American political culture and language. “The speechwriter”—Swaim's own job description when he worked for the governor—is the emblematic figure in this decline: increasingly only a glorified ad man whose job is limited to finding new and better ways of saying nothing while projecting the sort of feelings that voters are supposed to be—and, increasingly, are—attracted to.

Well, what else do they have to vote for? It's also a pity that too many readers will, as a result of Swaim's talent for comedy and telling detail, associate this style of politics only with poor Sanford and not with the larger political culture of which he is only a symptom. Close readers, however, will see that it is precisely because the governor was (or at least tried to be) something better than an empty suit and was not, in any case, a run-of-the-mill politician that this book takes on the poignancy it does.

Told from the point of view of a speechwriter in the employ of a boss who made it a point never to be satisfied with the efforts of his staff, the story naturally takes its shape from the long-running antagonism between the two men. In this struggle over words, we will find it natural to take the speechwriter's side, because he stands for good writing—otherwise, why would

we be reading his book?—in contrast to the governor's rhetorical awkwardnesses, which he has the regrettable habit of insisting upon.

From the beginning, Swaim tells us, the governor made it the speechwriter's job to capture his, the governor's, unique “voice.” Swaim learned that his “job wasn't to write well; it was to write like the governor.” And, remarkably enough, he does, partly through making a list of the governor's favorite words and phrases, his little verbal tics and conversational fillers, and then inserting them liberally and at random into whatever he happened to be writing.

“I could anticipate certain ungainly phrases before he said them,” Swaim writes. “It was like listening to twelve-tone music: you had to force yourself to do it, but after a while you could discern some charmless patterns, and even like them in a perverse kind of way.”

Eventually, he has the disconcerting experience of reading the emails between the governor and his Argentine lover: “I couldn't help feeling I'd written them myself. They were laden with words and phrases from my list, which I hardly bothered to consult anymore, so thoroughly had I internalized it.”

Swaim doesn't *quite* persuade me with his final excursus on why politicians are never to be trusted, which seems to depend on the assumption that a thirst for glory is, in and of itself, discreditable and untrustworthy. “If it be a sin to covet honor,” said Shakespeare's model of the good king, Henry V, “I am the most offending soul alive.” But then, it is almost scandalous now to say that Henry is Shakespeare's model of the “good king.” He, like us, must be supposed to recognize the existence of no such thing.

To its credit, *The Speechwriter* does catch occasional glimpses in Sanford of what could have been a good governor, if there were such a thing; but these cannot help but be overwhelmed by the ridiculousness of his denouement.

Still, and despite the fact that most of the media attention was premised on his fall and not his rise, there was something about it that Sanford couldn't help enjoying. The crowds of

reporters, the incessant headlines, the necessity of responding every day to some new self-inflicted absurdity—there was something about it all that made him thrive.

Of course there was. The tragic hero had made the natural transition, in this day and age, to celebrity, which swiftly renders tragedy, like everything else, banal. But it is a banality that the celebrity himself must be blind to in order to become such.

In his last interview with the boss, Swaim experiences perhaps the only moment of candor between them, as the governor, his career seemingly in ruins, says: “I’m always looking for language that’s—I don’t know. . . . I don’t mean just language, just words. It’s more than words. It’s conceptual. It’s real. I always find myself trying to communicate something—larger.”

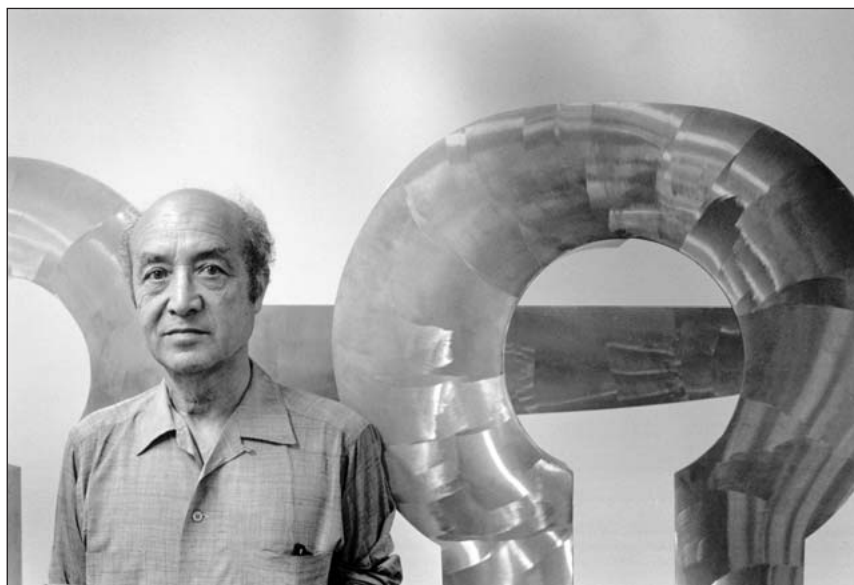
“Larger,” comments Swaim, “was one of the words on my list.” ♦

BCA

Rocks of Ages

Isamu Noguchi, sculpting at dual purposes.

BY JAMES GARDNER



The artist in Los Angeles (1978)

Isamu Noguchi (1904-1988) appeared before the world as a two-form, shape-shifting paradox. One is hard put to say if he was an American sculptor of Japanese extraction, or a Japanese sculptor who happened to spend most of his life in the United States. The short answer, according to Hayden Herrera’s new

James Gardner’s latest book, Buenos Aires: The Biography of a City, will be published in the fall.

Listening to Stone

The Art and Life of Isamu Noguchi

by Hayden Herrera

Farrar, Straus and Giroux, 592 pp., \$40

biography, is that he was American—in fact, very American: Born Isamu Gilmour in Los Angeles, he had an American passport, spoke English as a first language, and often needed an interpreter in Japan.

But beyond that, there is a nebulous quality to the man and to his art. He was the son of a prominent Japanese poet, Yone Noguchi, and Leonie Gilmour, a bohemian writer from Manhattan’s Lower East Side. Although he was named Isamu at birth and spent his earliest childhood in Japan, he used his mother’s maiden name well into his 20s. He was raised almost entirely by her, rather than by his generally absent and bigamous father, whom he treated more with patience than affection or respect.

But if Noguchi was inclined to feel mainly American, the racism he encountered early on challenged that impulse. Although he received favorable reviews from critics who were charmed by his exotic origins, other reviews, like those of Henry McBride, the prominent critic of the *New York Sun*, were gleeful and unapologetic acts of race-baiting: “Once an Oriental always an Oriental,” McBride said of an early exhibition. Regarding one of Noguchi’s most striking sculptures from a few years later, *Death* (1934), whose silvery form depicts a lynched black man, McBride wrote that it “may be like a photograph from which it was made, but as a work of art it is just a little Japanese mistake.”

The question of Noguchi’s cultural identity might seem irrelevant were it not for the fact that it was so integral to his art. Throughout his career, but especially in its latter half, Noguchi was deeply influenced by Japanese aesthetics and saw himself as a conduit through which those aesthetics entered the West. Modernism, of course, had been learning from Japan since the days of Manet, but those lessons were entirely graphic or decorative, rather than sculptural or architectural. It was Noguchi who almost single-handedly reintroduced Japanese visual aesthetics into the West in the postwar era, as much through his garden designs, stage sets for Martha Graham, and home furnishings like his Akari lamps as through his sculptures. Today, the ubiquity of Japanese aesthetics in American homes is such that we easily forget how radical and risky it all seemed when Noguchi pioneered it.

AKG-IMAGES / MARION KALTIER / NEWS.COM

For much of his career, Noguchi's art represented a fertile hybrid of Western and Japanese influences, sometimes appearing sequentially, sometimes coinciding in the same work. Few sculptors of his time, or of any other time, were quite as pluralistic in their approach to form, or in their rapturous receptivity to new ideas. It is nearly impossible to discern any clean and linear evolution in Noguchi's career as we can in those of such important contemporaries as David Smith and Ibram Lassaw. But if there is one constant in his oeuvre, it is a general

visual tact and skill that appears at every period of his career—even if, in his latest works, it is so deeply buried that, to an uninitiated observer, the result may look like nothing more than a pile of rough-hewn stones. It appears in the early art-deco-inspired portrait busts he turned out simply to make a living, as well as in the striking *News* (1940), a clamorous evocation of the free press that still rises above the entrance of 50 Rockefeller Center, formerly the Associated Press Building. But this quality can also be seen in the Metropolitan Museum's more

Paris as a young man and whom he revered to the end of his days. It was Brancusi who first revealed to Noguchi the incalculable metaphorical richness of stone, an intuition upon which so much of his subsequent career would be based. Whether in such Japanese-inspired rock gardens as *California Scenario* (1980-82) and *Constellation (for Louis Kahn)* (1980-83), or such late works as *Water Stone* (1986) in the Metropolitan Museum, the initial spark and inspiration came less from Japan itself than from Noguchi's crucial encounters with the Romanian modernist.

All of this is illuminated in *Listening to Stone*. Hayden Herrera, the author of previous biographies of Frida Kahlo and Henri Matisse, has written an admirably clear and clear-eyed account of the life of this great artist. There is blissfully little use of jargon or methodology as a crutch or armature. Herrera tells her story straight, proceeding chronologically through the eight decades of Noguchi's life and the six decades of his career, enriching her account with a close reading of the artist's correspondence as well as investigations of contemporary sources and interviews with Noguchi's friends.

Herrera is less interested in questions of criticism and interpretation than in Noguchi's life; his place in the history of modern art is not the primary focus of this work. Rather, Herrera has written a portrait of the man himself, of his encounters with such eminent personages as Buckminster Fuller, Robert Moses, and Diego Rivera as well as his numberless affairs with women who found him as irresistible as he found them.

Like the best biographers, Hayden Herrera manages to take readers deep into the life of her subject, to cause them to feel that they have been granted privileged access to things that were unknown and unsuspected by many of the peripheral participants in that life. That, by any measure, is one of the greatest pleasures of biography. ♦

ROB CORDER



'California Scenario' (1980-82)

sense of perfect and total competence in completing any task to which he turned his hand.

For example, one of his most admirable successes is a plaster sculpture—later cast in bronze—that he made of the mermaid Undine when he was scarcely out of high school. This potently erotic work is kitsch, but what kitsch! It is masterful kitsch equal to anything from the *École des Beaux-Arts* in the Second Empire. The point is not that it is great sculpture, but that only an artist of exemplary technical and formal competence could have pulled it off. That one work is proof, if proof were needed, that Noguchi was a born sculptor.

And it is precisely this unerring

orthodox-modernist *Kouros* (1944-45), a miracle of polished equilibrium that, together with a number of contemporary works in a related style, may well be Noguchi's masterpiece.

One of the most striking things about *Kouros*, a man-sized abstract composition of interlocking marble plates, is the astounding sensitivity to stone that informs it, a sensitivity that dominates the entire second half of Noguchi's career. In the history of Western art, no sculptor since Michelangelo had a greater or more implicit reverence for stone as the primordial, maternal source of everything than Noguchi. If Noguchi had any rival in this respect, it was Constantin Brancusi, with whom he apprenticed in

Genius Is Pain

But there are fewer laurels for craftsmanship.

BY JOHN PODHORETZ

Every now and then, on Twitter or Facebook, I find myself referring to something I really enjoyed as “genius” or “a work of genius” or “pure genius.” Why do I do this? After all, I don’t actually think Richard Benjamin’s performance as an unhinged Jewish Van Helsing in the 1979 Dracula parody *Love at First Bite* is “genius.” I think it’s hilarious and unexpected and that Benjamin’s turn raises the movie’s comic game. But it wasn’t a perceptual or scientific or creative leap that thereafter changed the world, which is what real genius truly is and truly does.

I suppose by using the word, I want to make clear the outsized degree of my enthusiasm for the thing I’m commending. But there’s also an element of ironic mockery, both of myself and of the very thing I am celebrating; in some sense, I am devaluing my opinion and the object of my enthusiasm through deliberate overpraise.

So I am an offender when it comes to the flip and inappropriate use of the word “genius.” But what about when the word is used unironically in the wrong way? The question comes up because of a very interesting new movie called *Love & Mercy*, an impressionistic biographical portrait of the singer-songwriter-musician Brian Wilson, whose claim to pop-culture immortality comes from his work nearly 50 years ago as the leader of the Beach Boys.

Told straightforwardly, the Brian Wilson story is fun and sad and melodramatic and uplifting and maddening: He was an abused child of the postwar California boom who



Paul Dano as the young Brian Wilson

had phenomenal success very young with insanely catchy music but was seduced by personality-altering drugs that may have brought about or deepened a case of paranoid schizophrenia. Finally, in his 40s, he pulled himself out of a pit, in part through the love of a good woman.

But *Love & Mercy* operates from the presumption that Wilson is a genius whose exquisite sensitivity made it impossible for him to function in the wider world and literally drove him mad. He is the Vincent van Gogh of rock ’n’ roll, an obsessive and tormented original. Intelligently written by Oren Moverman and beautifully directed by Bill Pohlad, *Love & Mercy* wants to offer us nothing less than an understanding of Wilson’s sensibility and the workings of his supposedly extraordinary brain.

It breaks up his life into two parts and weaves them together. In the mid-1960s, barely out of his teens, kid phenom Brian writes hit after hit before breaking loose with a somewhat experimental album called *Pet Sounds* and then falling to pieces as

he tries to record a follow-up called *Smile*. In the mid-1980s, after 15 years of drug-addled despair, middle-aged Brian begins courting a Cadillac saleswoman. She discovers that he lives under the dominating sway of a Swedish psychologist named Eugene Landy, whose method of treatment is basically to be Wilson’s jailer, and sets out to rescue him.

The film’s great innovation is to have Wilson played by two different actors: by the uncannily odd Paul Dano as a young man and by the rueful John Cusack as the older man. Both are superb, in different ways, and together they serve to make the movie’s point that Wilson was literally a divided soul.

But does Wilson deserve the van Gogh treatment? If you asked my 5-year-old son, whose favorite song since toddlerhood is “Surfin’ USA,” he would certainly say yes, even though he has no idea who van Gogh was (or who Brian Wilson is). But despite its conviction about Wilson’s genius, *Love & Mercy* shows that Wilson was, at his best, a kind of inspired technician of music—able to conceive wondrous harmonies, chord progressions, and unusual and memorable sounds, and execute them with voices and instruments in a recording studio.

The best scenes are about the making of *Pet Sounds*, and what we see is an immensely skilled man working obsessively and creatively at the top of his craft. But still, in the end, it is a *craft*. And that was evidently not enough for the young Wilson. Indeed, it was in part his desperate ambition to prove himself not a craftsman but an Artist (in the form of the aborted *Smile*) that helped hasten his breakdown and effectively ended his career as a major contributor to American popular culture.

Wilson’s craft made him very rich and beloved, and it led him to write and record songs people will surely enjoy as much a century from now as they did a half-century ago. Craftsmanship is a wonderful thing, and it’s a pity our common hunger to elevate those we love and admire to the level of genius runs it down. ♦

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

