

'MINNESOTA MEN'  
SCOTT W. JOHNSON

the weekly

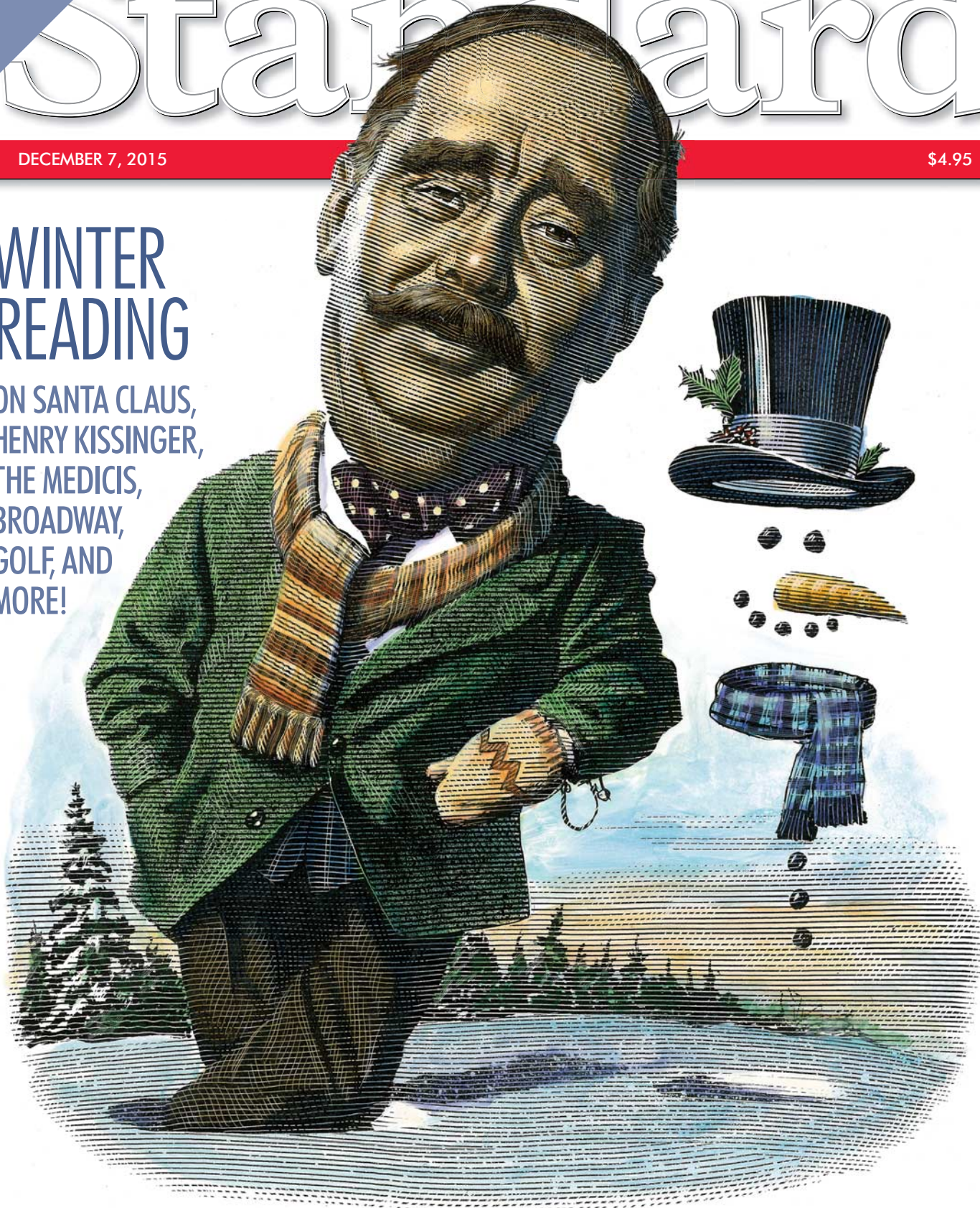
# Standard

DECEMBER 7, 2015

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## WINTER READING

ON SANTA CLAUS,  
HENRY KISSINGER,  
THE MEDICIS,  
BROADWAY,  
GOLF, AND  
MORE!



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# Speaking Flattery to Power

Last week, CNN global affairs correspondent Elise Labott—who according to her Twitter bio is also a self-appraised “truth seeker”—was suspended from the network for two weeks for editorializing on social media. The offending tweet was this: “House passes bill that could limit Syrian refugees. Statue of Liberty bows head in anguish.” At first glance, this punishment appeared grossly unfair. Not because Labott isn’t obviously biased, but according to CNN she apparently violated network policy that demands reporters not appear “predictably partisan.” By that standard, it’s a mystery why Labott would be punished while scores of other CNN employees get off scot-free.

However, not long afterward, Labott went from being caught exhibiting garden variety liberalism to being utterly professionally embarrassed. Emails obtained by the website *Gawker* show multiple instances of Labott tweeting messages directly suggested by Hillary Clinton aide Philippe Reines, including criticism of Senator Rand Paul for speaking out against Clinton’s conduct following a Benghazi hearing, as well as regurgitating the former secretary of state’s dubious defenses of the State Department’s internal

Benghazi investigation. Behind the scenes, Labott’s tone with Reines was as obsequious as you could imagine. “[Hillary] was great. well done. I hope you are going to have a big drink tonight,” she told Reines of Clinton’s performance at the Benghazi hearings. Reines responded to her by patting himself on the back for suggesting a “good tweet.”

And Labott isn’t the only journalist exposed by this latest batch of emails. In another email obtained by *Gawker*, *Politico*’s Mike Allen pitches Reines on an interview with Chelsea Clinton and, of his own volition, makes some pretty astonishing concessions:

No one besides me would ask her a question, and you and I would agree on them precisely in advance. This would be a relaxed conversation, and our innovative format (like a speedy Playbook Breakfast) always gets heavy social-media pickup. The interview would be “no-surprises”: I would work with you on topics, and would start with anything she wants to cover or make news on. Quicker than a network hit, and reaching an audience you care about with no risk.

Note that even with a promise of the most favorable terms imaginable, Chelsea Clinton turned down Allen’s interview request. Five weeks

after he made the request to Reines, Allen coauthored a *Politico* column decrying the Obama administration’s predilection for the “super-safe, softball interview” and noting that “the kid glove interview of Obama and outgoing Secretary of State Hillary Clinton by Steve Kroft of CBS’s *60 Minutes* is simply the latest in a long line of these.”

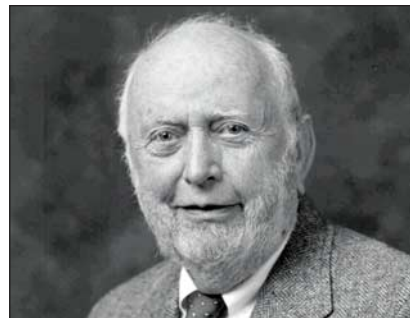
And don’t expect reporters to show an ounce of shame over this episode, either. *Politico*’s Glenn Thrush went on—where else?—Twitter and waved off the notion that these emails would be a problem for his peers and colleagues: “People hate media and will assume the worst. Most of this stuff is just everyday tradecraft—same BS as any job.” We hate to break it to Thrush, but in any job, betraying the trust of others to sniff the throne of powerful people is actually considered unethical. If Beltway reporters still had any interest getting questions answered, they might pause to ask why “people hate media and will assume the worst” before using their reputation as an excuse to justify their behavior.

As for the rest of America, still tethered to basic standards of professionalism and decency, they’re right to be worried that our political media are irredeemably corrupt. ♦

## Douglass North, 1920-2015

SCRAPBOOK friend and frequent WEEKLY STANDARD contributor Ike Brannon, a visiting fellow at the Cato Institute, emailed us last week upon hearing of the death of a legendary economist:

“The Nobel Prize-winning economist Douglass North passed away Monday at the age of 95. He had a remarkably fecund career and is one of the few laureates who managed to remain productive after receiving the award, even though he was well into



Douglass North

his 70s when he received his summons from the Royal Swedish Academy of Sciences.

“North will be remembered for forcing economists to quit obsessing over the business cycle and start talking about institutions—that is, the economic rules of the game, either explicit or implicit, that exist for commerce. This encompasses the role of unions in an economy, the strength of patent protections, and the extent to which the government regulates financial markets, prices, or wages, to cite but a few examples.

“He came to realize the primacy of institutions late in his career. After spending his younger years making economic history respectable again

(why would a “science” like economics need to look at the past, not a few members of my profession believed), he decided that the institutions in an economy mattered more than the statistical minutiae that most economic historians obsessed over when it came to understanding the factors that can create economic growth. This insight led him to radically alter his research agenda, for the benefit of us all.

“Preventing the business cycle is a fool’s game, as the Great Recession certainly demonstrated, but if we can clearly identify policies that produce stronger long-term economic growth, that would be an unmitigated good. His work on economic history helped him divine lessons from the past.

“In general we know some of the necessary institutions for economic growth: limited and sensible regulation, relatively low and stable taxes and government spending, a well-educated workforce, well-defined property rights, and functioning financial markets. North’s early research suggested that there’s reason to believe political exigencies can help push countries towards these outcomes. In other words, a market-oriented economy may be a long-term equilibrium for countries.

“However, after the collapse of the Soviet Union and dissolution of the Iron Curtain failed to produce a bevy of new market democracies, he began to doubt his earlier conclusion, and he decided to study this issue some more. Winning the Nobel Prize afforded him the freedom to embark on an ambitious project to travel around the world and see if he could discover The Truth about economic growth. A few years after embarking on this voyage he came to the annual meeting of the American Economic Association to tell an overflow audience what he had learned from his peregrinations.

“He told us, somewhat surprisingly, that he hadn’t learned a damn thing, and spent his time informing the 600 economists in attendance how little we know about the necessary ingredients for economic growth. The pithy rules we agree are necessary for growth to occur aren’t at all sufficient for growth, it turns out.



“He concluded that this failure of the profession ought to be the primary preoccupation of us all and encouraged the audience members to pick up their staffs and start thinking about this issue along with him.

“That same evening I happened upon North standing alone in a hotel bar. I introduced myself, and asked him if he had any advice for a newly minted economist. While he waited for the bartender to bring his change he gave me his 15-second dose of realism. Don’t write academic papers about topics no one cares about just to get tenure, he told me: Spend a few years trying to come up with something original that truly adds to the discipline, and if it doesn’t happen go do something else.

“So I’m doing something else, grateful that Douglass North nudged me to escape the fate of an unproductive purgatory of academic mediocrity and still pondering the challenge he gave me—and many other economists—all those years ago.” ♦

## Giving Thanks

A reader writes: “I just finished reading Aaron MacLean’s article ‘A Family Affair,’ in your November 9 issue, reporting the recent retirement of General John F. Kelly from the Marine Corps. I am deeply grateful for the supremely moving description of General Kelly’s life and in particular MacLean’s recounting of the

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speech the general gave in St. Louis mere days after his son Robert's death in Afghanistan.

"I recall reading the 'Giving Thanks for Our Warriors' piece in THE SCRAPBOOK column of your December 6, 2010, issue. That 2010 piece quoted excerpts from the portion of General Kelly's speech describing the last six seconds of two Marines' lives—Corporal Jonathan Yale and Lance Corporal Jordan Haerter, who were killed in action, simultaneously, in Iraq on April 22, 2008.

"As a retired Navy captain I have been asked to speak at numerous Memorial Day events in and around my Grand Rapids, Michigan, home. Every Memorial Day speech I've given since 2011 has not been my own words. Instead I have read to my audience 'Giving Thanks for Our Warriors.' It is stark, powerful, gut-wrenching. I warn my audiences about this before I begin. The reaction exhibited by my audiences upon hearing these words always includes shock and a stunned, profound silence. I can only imagine the collision of emotions within General Kelly's own mind when he spoke those words in St. Louis five years ago. I cannot begin to comprehend his level of self-discipline or his mental toughness; he possesses those qualities to a much greater degree than I can ever hope to.

"These people—Robert, Jonathan, Jordan, and all our brave men and women who sacrificed everything to defend freedom—need to be remembered by all Americans. Aaron MacLean and THE WEEKLY STANDARD contribute significantly to that effort. For that I am deeply grateful, as a veteran, as an American, and as a human being."

*Sincerely, Paul J. Ryan  
Captain, United States Navy (Ret.)* ♦

## Headline of the Week

Oh, holy Moses. It's probably the headline of the year, and possibly even of the millennium. From *Haaretz*, November 23: "Jewish Law Was Never Meant to Be Set in Stone." ♦

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## Where Angels Fear to Tread

Friends of mine once saved for a trip to Europe by emptying their pockets at the end of each day and placing any money in a big plastic jug. Occasionally, when short of cash, they had to turn the jug upside down and withdraw a bill or two with a pair of tweezers, but the system worked. After a couple years, they bought plane tickets and were on their way.

When my wife Cynthia and I visited Italy recently, we too were counting nickels, dimes, and euros. Like my old friends, we saved money whenever possible, to spend it more lavishly when desire struck.

In Rome we stayed in a simple *pensione* and walked everywhere. Traveling between cities, we took trains and even buses, which were slower but less expensive. On our third day, I reveled in the wisdom of our frugality, as our almost empty bus rose and fell like a ship sailing the hills of Tuscany, the region's beautifully furrowed farms rising and falling like ocean swells out the long bank of uncluttered windows.

Arriving in a little town called Sinalunga, we wondered if we could hoof it to the luxury hotel one and a half kilometers away where we were staying for a single delicious night. It seemed we had little choice as the seedy bus and train station contained more than a couple suspicious characters but not a single taxi.

The hotel's website had included directions for arriving by private helicopter but not on foot. And yet walking there seemed simple enough as we strolled through town, feeling a little conspicuous with our rolling luggage clacking annoyingly across the corduroy-combed cement. Three or four blocks on, we came to a big intersection with almost no accommodation

for pedestrians, though deft jaywalking delivered us, without incident, to the other side. More troubling was the discovery, three blocks later, that the sidewalk came to a complete end.

We continued along the shoulder of the road, by this time a two-lane country road, the kind that here in America would show 45 mph signs being genially ignored.

We considered walking back to the station. Perhaps from there a call to the hotel would fix things. But there is nothing more foreign than a for-



eign pay phone, and to avoid roaming charges we weren't using our cell phones. The shortest path between where we were and where we wanted to be seemed still to lie in front of us.

As we walked on, a driver in a sporty red Peugeot beeped his horn disapprovingly but did not adjust his steering in the slightest to avoid us. I began searching for the metaphor that would describe the proximity he achieved, settling on "close enough to trim my sideburns." We crossed to the other side, where the shoulder was just wide enough for us to walk single file.

Passing a farm, we encountered a young Italian who spoke English well enough to say yes, we were headed in the right direction, and the hotel was maybe a 15-minute walk from where

we were. There was something diffident in his manner, maybe an opinion that was going unexpressed. We thanked him and marched onward.

In a minute or two a narrow bridge came into view and the shoulders vanished. The bridge crossed a sharp downward buckle in the land. It took us a moment to decipher the road sign, but we concluded it meant that cars had to drive over some kind of bump. The bump seemed to us a symbol for stupid American tourists who get run over, so we abandoned the road and began walking across some farmland to bypass bridge and bump, while, in the distance, a dog barked indignantly at our trespassing.

Further ahead, we found the road to our hotel—long, steep, and lined beautifully with cypress trees. Shlepping up this unpaved drive, we hoped no guests or hotel staff would see us in our ridiculous state, yanking our suitcases, red-faced and sweaty-browed. As we followed signs to the parking lot, I thought how curious it was that neither Cynthia nor I had insisted on changing course—a true marriage of minds, too true perhaps.

Anyway, we arrived, and the next 24 hours were perfect. We felt not only welcomed here but adored. The food, the wine, and especially the service left me half-persuaded to devote my life to becoming rich so I could live like this more often.

When it came time to leave, Cynthia asked the woman at the front desk to arrange a taxi for us. Are you catching a train? she asked. Actually, Cynthia said, a bus.

A bus? the woman wondered, her eyes lighting up as if that were a very quaint answer. Yes, said Cynthia, who mentioned that we had come by bus and walked from Sinalunga. This time the woman said, almost philosophically, "Yes, you *could* walk."

"Have other guests walked here from Sinalunga?" Cynthia inquired.

"No," she said, "never."

DAVID SKINNER

# Obama's Intel Scandal

Barack Obama says he wants the truth. On November 21, the *New York Times* reported allegations that military intelligence officials provided the president with skewed assessments that minimized the threat from ISIS and overstated the success of U.S. efforts against the group. The *Times* story was an update of reporting from the *Daily Beast* earlier this fall. “More than 50 intelligence analysts working out of the U.S. military’s Central Command have formally complained that their reports on ISIS and al Qaeda’s branch in Syria were being inappropriately altered by senior officials,” the *Beast* reported in September. These analysts say their superiors regularly massaged pessimistic assessments to make them more upbeat before sending them up the chain of command. The analysts registered their grievances with the inspector general at the Pentagon, who is investigating their claims.

Obama was asked about this investigation at a press conference on November 22. The president said he doesn’t know the details of the allegations. But he added: “What I do know is my expectation, which is the highest fidelity to facts, data—the truth.”

The allegations are serious. We’re told by sources with knowledge of the investigation that the analysts who made them knew well in advance they’d be filing an official complaint. So they were ready when they did, providing the IG with extensive documentation—going back more than a year—to support their claims.

Why were they so well prepared?

Among other reasons: They’d seen such pressures before, up close. And they understood that by formalizing their complaints they would be challenging not their immediate superiors alone but in some important respects an entire system that had encouraged analysts and other national security officials to downplay the jihadist threat.

The current storm over ISIS intelligence is not a new controversy, though most of the media are treating it as such. It’s better understood as an installment in a long-running scandal that extends beyond CENTCOM in Tampa, into the upper reaches of the U.S. intelligence community and perhaps into the White House.

Readers of this magazine are familiar with the story of the documents obtained in the raid that killed Osama bin Laden. The Sensitive Site Exploitation team on the raid collected more than a million documents—papers, computer hard drives, audio and video recordings. Top Obama administration officials at first touted the cache as the greatest collection of terrorist materials ever captured in a single raid

and boasted that the contents would fill a “small college library.” An interagency intelligence team, led by the CIA, conducted the initial triage—including keyword searches of the collection for actionable intelligence. And then, according to senior U.S. intelligence officials with firsthand knowledge of the controversy, the documents sat largely untouched for as long as a year. The CIA retained “executive authority” over the documents, and when analysts from other agencies requested access to them, the CIA denied it—repeatedly.

After a bitter interagency dispute, James Clapper, director of national intelligence, allowed analysts from CENTCOM and the Defense Intelligence Agency to have time-limited, read-only access to the documents. What they found was fascinating and alarming. Much of what these analysts were seeing—directly from Osama bin Laden and other al Qaeda leaders—contradicted what the president and top administration officials were saying publicly. While drone strikes had killed some senior al Qaeda leaders, the organization had anticipated the U.S. decapitation strategy and was flourishing in spite of it; bin Laden remained intimately involved in al Qaeda decision-making and operational planning; the relationship between al Qaeda and the Afghan Taliban remained strong despite the Obama administration’s attempts to weaken it by negotiating with Taliban leaders; al Qaeda’s relationship with Iran, while uneven and fraught with mutual distrust, was far deeper and more significant than U.S. intelligence assessments had suggested.

Taken together, this new primary-source intelligence undercut happy-talk from the White House about progress in defeating jihadist terror. Al Qaeda wasn’t dying; it was growing. The Afghan Taliban wasn’t moderating; its leaders were as close to al Qaeda as ever. The same Iranian regime promising to abide by the terms of a deal to limit its nuclear program had provided safe haven for al Qaeda leaders and their families and had facilitated al Qaeda attacks on the interests of the United States and its allies.

Analysts on the CENTCOM/DIA team were told they could not include information from the bin Laden documents in finished intelligence products. As word of the contents of the documents began to circulate informally in intelligence circles, one official on the team was summoned to Washington and ordered to quit analyzing the documents. To date, only a fraction of the document collection has been fully exploited, and fewer than 150 of the documents have been declassified and released.

This is a scandal. And those involved believe that it reaches into the White House.

“We were certainly blocked from seeing all the documents, and we were given limited time and resources to exploit the ones we had,” says Michael Pregent, a DIA analyst on the CENTCOM team. In late spring 2012, the CENTCOM team received approval from Clapper’s office to review the documents uninterrupted for five days at the National Media Exploitation Center in McLean, Virginia. CIA director David Petraeus, whose agency retained executive authority over the collection, supported the trip. But shortly after the visit was approved, it was canceled. The travel “was canceled hours before our trip by the NSC,” says Pregent, and the CENTCOM team was “disbanded” a short time later. Pregent says they were told they were being “let go” because of “sequestration.”

The obvious question: Why would the president’s National Security Council intervene to block access to the bin Laden documents for analysts from the DIA and CENTCOM—analysts who are providing intelligence to those on the frontlines of America’s battle with jihadists?

This was not an isolated incident. Four sources with knowledge of the bin Laden documents tell *TWS* that the White House was intimately involved in limiting access to them. NSC officials handpicked the first set of documents released to the public—chosen to reinforce the impression that bin Laden was weak and isolated when he was killed and that al Qaeda was in disarray. The release of those documents, six months before the 2012 presidential election, coincided with a push by the White House and the Obama campaign to position Obama as strong on terror.

Derek Harvey, a senior DIA official, served as a lead analyst on the DIA team that exploited the documents. Harvey recently told *TWS* that the U.S. government hasn’t “done anything close to a full exploitation.”

Lt. Gen. Michael Flynn, former director of the Defense Intelligence Agency, says any investigation into the manipulation of intelligence must include the White House. While investigators might find “some of the tactical issues at Central Command,” that’s not the source of the problem, Flynn says. “The focus of this investigation ought to start at the top,” he told Megyn Kelly on Fox News Channel. “Where intelligence starts and stops is at the White House. The president sets the priorities and he’s the number one customer.”

These are not anonymous officials making frivolous claims against the commander in chief. They’re professionals with nearly a century of experience between them who are speaking out because of what they saw and what they’re seeing now. And they’re speaking for many in the ranks. Pregent is an Arabic speaker who has worked for more than 25 years on intelligence matters in the Middle East, North Africa, and Asia. Harvey has worked on Iraq and the global jihadist threat for more than three decades, earning accolades from many who worked closest to him. He spoke out repeatedly against overly optimistic assessments in Iraq from the Bush administration, prompting one retired general to call him the “best strategic intelligence officer in the U.S. mili-

tary” and another to describe him as “the best intelligence analyst the U.S. government has on Iraq.” Flynn draws from a deep reservoir of experience. He served under Obama at DIA, as the president’s top military intelligence official from 2012-2014. Before that, he was director of intelligence at the Joint Special Operations Command with duty in Operation Enduring Freedom and Operation Iraqi Freedom and director of intelligence for the Joint Staff at the Pentagon.

The allegations that intelligence on ISIS was being manipulated at CENTCOM are not noteworthy because they’re new. In this case, they’re noteworthy because they’re not.

—Stephen F. Hayes

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## Who Gets In, Who Doesn’t?

Next month the Supreme Court will hear arguments in *Abigail Fisher v. University of Texas at Austin*, one of the most important cases this term. In 2008 Fisher, a white high school senior in Texas, applied for admission to the university and was turned down. She sued the school, claiming that its admissions procedures discriminated against her on the basis of race in violation of the Fourteenth Amendment’s equal protection clause.

Fisher lost in the district court and then in the Fifth U.S. Circuit Court of Appeals. But the Supreme Court, with Justice Anthony Kennedy writing, said the circuit court had been too deferential to the university’s race-conscious admissions process. The High Court sent the case back to the Fifth Circuit, asking for a more rigorous review. When a three-judge panel—over the dissent of Judge Emilio Garza—ruled in favor of Texas, Fisher asked the Supreme Court to grant review in the case again, and in June it did.

Judge Garza certainly provided a stringent review—doubtless closer to what the Kennedy majority had in mind. Strict scrutiny, he explained, is a doctrine the courts have developed to enforce the equal protection clause. And under strict scrutiny, he said, a public “university’s use of racial classifications is constitutional only if necessary and narrowly tailored to further a compelling governmental interest.” For Texas as for other competitive schools with race-conscious admissions, the interest is the attainment of a diverse student body that includes “a critical mass” of minorities. And yet, wrote Garza in his dissent, Texas has not defined “critical mass” in any objective manner. “Accordingly, it is impossible to determine whether the [school’s] use of racial classifications in its admissions process is narrowly tailored to its stated goal—essentially, its ends remain unknown.” And: “This is the crux of this case—absent a meaningful

explanation of its desired ends, the University cannot prove narrow tailoring under its strict scrutiny burden.”

The majority’s review of the admissions process was, by comparison, superficial. And its decision rested on Supreme Court precedents that the judges described as “settled” but which the *Fisher* litigation has exposed as anything but. It will not be surprising if the oral argument in *Fisher II* is in certain respects a repeat of that in *Fisher I*, with justices questioning the university’s lawyers about the meaning of “critical mass.” Not incidentally, in the 2003 Michigan affirmative cases Justice Kennedy described critical mass as “a delusion used . . . to mask [an] attempt to make race an automatic factor in most instances and to achieve numerical goals indistinguishable from quotas”—quotas being illegal. It will not be surprising if the Court again rules against the university.

*Fisher II* is a court case, but it offers the rest of the country an opportunity to consider the wisdom of race-conscious admissions at competitive institutions of higher education. How about that as a topic for a “national conversation”?

As we see it, the basic problem with racial admission policies is the injury they cause. Necessarily (because seats are limited), they discriminate against applicants who are not of the favored race or ethnic background (usually black and Hispanic). The injury is real, and increasingly Asian Americans are among those denied seats.

Yet this is not the only kind of injury these policies cause. Consider the ostensible beneficiaries of preferences, who

unlike the plaintiffs are publicly invisible. Often extended large preferences, they get into better schools than they would under a race-neutral admissions process. The deeper truth, though, is that they have been academically “mismatched” in those schools, as Richard Sander and Stuart Taylor Jr. explained three years ago in their book *Mismatch*.

Drawing upon extensive research data, Sander and Taylor showed that mismatched students often suffer adverse effects. In particular, they tend to learn less than if they were in schools where their level of academic preparation was comparable to that of most other students. Likewise, mismatched students tend to receive lower grades, become academically discouraged, switch to less competitive fields of study (from math to psychology, for example), and even drop out of school. The problem, obviously, is not with the mismatched students, who would do well in schools whose students have academic credentials similar to their own. The problem rather is a system of preferences that perversely hurts the students it’s intended to help.

It’s past time higher educators decided to quit that system and began treating applicants the same, without regard to race or ethnicity. Maybe the outcome in *Fisher II* will shove them in that direction. Perhaps some university president will even have the courage to stand up for what is right. Unlikely, since it’s higher education we’re talking about. But one can hope.

—Terry Eastland

## Global Climate Proposal Deserves Serious Scrutiny

By Thomas J. Donohue

President and CEO  
U.S. Chamber of Commerce

As President Obama begins talks with world leaders in Paris on a proposed climate change agreement, it is critically important that any agreement be thoroughly examined to determine whether it is fair to American workers, families, and businesses whose jobs and livelihoods depend on secure, affordable energy. Based on what we know about the president’s own proposal and the agreement that may be taking shape, several problems are already apparent.

**What the administration has proposed can’t be achieved.** The president has pledged that the United States will reduce its greenhouse gas emissions by up to 28% by 2025. While the administration has rammed through a series of regulations to achieve its goal, about 45% of the emission cuts are still unaccounted for. Moreover, the centerpiece of the U.S. pledge, the Clean Power Plan, stands in serious legal jeopardy.

**Lopsided reduction targets among nations won’t curb rising global emissions.** The United States, Europe, Japan, and a few other developed nations have pledged significant reductions—even though together they make up less than 30% of global emissions. But many developing nations are more concerned with growing their economies than cutting emissions and have made only modest pledges. Even if every nation reaches its reduction goal, global emissions will still rise by 18% between 2010 and 2030.

**The U.S. and other advanced nations will also be expected to pony up cash to help finance climate programs in developing nations.** China, for example, has proposed that developed countries kick in 1% of their annual GDP starting in 2020. In 2014, that would have been \$170 billion from the U.S. Other financing suggestions are equally extravagant. And the president has already promised an initial contribution of \$3 billion.

**The president doesn’t have the power to unilaterally implement or pay**

**for the agreement.** Even if an agreement is reached, without Congressional buy-in, it won’t be legally binding on a future administration. Current efforts to reduce U.S. emissions are a result of executive action, not laws passed by Congress. Lawmakers are right to call on the administration to submit the agreement for Congressional approval. And if the administration doesn’t, the legislative branch still has the power of the purse.

Global environmental challenges require global responses. We should be guided by what has already been proven to work: improvements in efficiency; new technologies; leveraging natural gas, renewable fuels, and nuclear energy; and better methods for developing and using coal and oil. And efforts should be truly global so that the burden doesn’t fall disproportionately on U.S. workers, entrepreneurs, and taxpayers.



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# The Threat from ‘Minnesota Men’

Where ISIS goes for American recruits.

BY SCOTT W. JOHNSON



Soccer game in St. Paul: Nobody here but us Minnesotans.

**I**f you get your news from the headlines, you can be excused for thinking that “Minnesota men” pose a special risk of taking up the terrorist jihad at home and abroad. As the *Wall Street Journal* reported this past April, for example, “U.S. charges six Minnesota men with trying to join ISIS.” The “Minnesota men” featured in such headlines are almost invariably drawn from Minnesota’s swelling population of Somali Muslim immigrants. The state—mostly the metropolitan Twin Cities area—is home to 35,000 such immigrants, the largest Somali population in North America.

Starting in the 1990s, the State Department directed thousands of refugees from Somalia’s civil war to

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Minnesota. As Kelly Riddell pointed out in the *Washington Times* this past February, in Minnesota these refugees “can take advantage of some of America’s most generous welfare and charity programs.” Riddell quoted Professor Ahmed Samatar of Macalester College in St. Paul: “Minnesota is exceptional in so many ways but it’s the closest thing in the United States to a true social democratic state.” After a dip in 2008, the inflow of Somalis has continued unabated and augmented by Somalis from other states. If it takes a village, Minnesota has what it takes.

Unfortunately, according to a September report of the House Homeland Security Committee task force on combating terrorist and foreign fighter travel, Minnesota also leads the country in contributing foreign fighters to ISIS. Reviewing the public cases of more than 250 Americans who had

traveled to join ISIS, the task force found that 26 percent of them came from Minnesota. When it comes to exports to ISIS, we’re number one.

In a presentation to Minnesota’s National Security Society last month, FBI Minneapolis chief division counsel Kyle Loven conveyed the impression that his office is devoting substantial resources to terrorism-related issues. “We have four national security squads working this thing,” he said.

The April charges against six Minnesota men represented the culmination of a 10-month FBI investigation. The charges and the FBI affidavit setting forth the basis for them strongly suggest the existence of an ISIS recruiting network aimed at or operating in the Twin Cities. The FBI affidavit details the recruitment of individuals and provision of assistance to those who want to leave Minnesota to fight abroad. According to an unnamed local FBI informant, ISIS recruiter Abdi Nur (formerly of Minnesota) “may have a trusted contact in Mexico who could provide false passports to those members of the conspiracy interested in traveling from the Twin Cities to Syria from Mexico.” (Nur hasn’t been heard from recently and may have been killed.)

Somali Minnesotans have been the focus of law enforcement concern for nearly 10 years.

The Department of Justice acknowledges that since 2006, “overseas terror organizations” have targeted Twin Cities residents to join al Shabaab (an al Qaeda-allied group in Somalia) and ISIS. Over five years ending in 2011, Operation Rhino targeted al Shabaab recruiting in Minnesota and resulted in the indictment of 20 individuals. Since 2013, according to the Department of Justice, ISIS has targeted “Twin Cities residents” (i.e., Somalis). The Minneapolis division of the FBI and local law enforcement authorities devote substantial resources to deterring and interrupting the recruitment of Minnesota Somalis.

In the case of the six men, law enforcement benefited from an informant. In his October presentation, the

JAH CHIKWENDU / THE WASHINGTON POST / GETTY

FBI's Loven queried how long law enforcement will be able to count on such informants. Loven highlighted the increasing difficulty of tracking the radicalization of individuals online given the evolution of social media and the growing use of encrypted communications. "We are behind the eight ball when it comes to online communication," he said.

Even before the massacres committed by ISIS in Paris, local law enforcement authorities feared that Minnesota's Somali immigrants might take up the cause locally. In February, al Shabaab released a video identifying the Mall of America as a terror target. Both Minneapolis and the Mall of America lie within Hennepin County and the jurisdiction of the county's sheriff, Rich Stanek. Stanek commented at the time: "We train, we exercise, we plan and prepare incessantly hoping something bad never happens but knowing full well each and every day across this country, world, it does. But we are prepared."

Nevertheless, law enforcement is sensitive to concerns about the attention paid to Minnesota's Somali community. In an interview for this article, Stanek bristled when I asked him about security issues raised by the Somali community. Why was I doing that? I referred to the House report recognizing Minnesota's contribution of 26 percent of the American fighters joining ISIS. "I just came from an FBI briefing this morning," Stanek said. "They told me we're 20 percent."

Under the rubric of Countering Violent Extremism, the Obama administration has designated Minneapolis-St. Paul for implementation of a pilot program to deter ISIS recruitment in the Somali community. The program—Building Community Resilience—plows new ground in euphemism. According to the Department of Justice, "This effort seeks to bring together community-based organizations and local partners, including the Minneapolis and St. Paul school systems, interfaith organizations, nonprofits and NGOs, and state, county, and local governments. These organizations will

together create community-led intervention teams. In addition, the plan brings mentorship programs, scholarships, afterschool programs, and job trainers and placement officers into the Somali community to build community resilience and address the root causes of radicalization."

What are the root causes of radicalization according to the program? Several are set forth in a February 2015 brochure issued by the Minnesota office of the United States attorney, and they seem mostly to derive from the Marie Harf school of terrorist sociology. Harf is the former deputy State Department spokesman who famously identified "lack of opportunity" as leading "people to join these groups." In September U.S. Attorney Andrew Luger held a press conference to announce the accomplishments of the first year of Building Community Resilience. They included "a mentorship program for Somali youth operated by Big Brothers Big Sisters of the Greater Twin Cities, . . . the Opportunity Hub, which is a public, private and community partnership to provide a one-stop shop for education and workforce resources . . . [and] nearly \$500,000 of private and government grant funding to be administered by" the nonprofit organization Youthprise. "This is just the beginning of what we hope to accomplish," Luger said.

Although unemployment among Minnesota's Somalis remains high, the problem is probably not attributable to lack of opportunity. The six young Somali men charged in April attended local schools and/or had jobs. Indeed, one of the men told an FBI informant in a recorded conversation "that as long as he had a job, no one [would] suspect him of anything." ISIS recruiter Abdi Nur attended a local community college and spoke of becoming a lawyer. "Then he started visiting a new mosque and dressing in more traditional garb," the *New York Times* reported in a March profile of Nur by Scott Shane. "His case suggests that the Islamic State may rely on recruiters inside the United States and shows how hard it is to predict

who will be swept away by ideological fervor." Prominently featured in the April charges is another local mosque conveniently situated in the neighborhood of one "alternative" Minneapolis high school serving mostly Somali students and attended by one of the defendants charged in April. (The Minneapolis School District has just moved to take over management of the school.)

Building Community Resilience appears to rest in part on the proposition that lack of financial resources contributes to recruitment of Minnesota Somalis, although the evidence supporting the proposition is thin. The FBI affidavit supporting the April charges demonstrates a fine-grained knowledge of the multifarious financial resources available to Somali Minnesotans. The affidavit reveals that one of the defendants withdrew \$5,000 in cash from his federal financial aid debit card in the weeks leading up to his attempted departure to join ISIS.

Obvious questions beyond the empirical basis of Building Community Resilience remain unanswered. What will we do if any of the Minnesota men who have joined ISIS come marching home? It's a question on the mind of one local reporter, who asked Minnesota senator Al Franken about it in the immediate aftermath of the Paris massacres. Franken responded: "Well, this recruitment of Somali Minnesotans has been something that I've been dealing with since I first got to the Senate when they were being recruited to go to Somalia and fight with Shabaab. This is a very, very small number of young men and women. Each one is a tragedy for their family. It's dangerous, you know, for us, especially if they're allowed to return, which we don't allow unless we are tracking them. But the large, vast majority of Somali Minnesotans are as against this as every other American." Asked by email what Senator Franken meant by they're not being allowed to return "unless we are tracking them," a spokesman failed to respond. As with so many matters related to "Minnesota men" seeking ISIS, we are left to puzzle it out for ourselves. ♦

# The Democrats' Boutique Issues

There's a reason they talk of nothing but climate change. **BY FRED BARNES**

When Hillary Clinton announced her opposition to the Keystone pipeline from Canada, she said climate change was the reason. In the first Democratic presidential debate (CNN), Martin O'Malley listed the greatest national security threats to America as nuclear Iran, ISIS, and "climate change, of course." And in the second Democratic debate (CBS)—it was the day after the Paris terrorist attacks—Bernie Sanders insisted climate change "is directly related to the growth of terrorism."

These comments were disingenuous (Clinton), exaggerated (O'Malley), and absurd (Sanders). But there was another problem, the issue of global warming itself. In polls, voters list it as one of their lowest priorities, even while paying lip service to it as a serious matter.

Yet President Obama and Democrats can't stop talking about it. Obama regards the United Nations Climate Change Conference he's set to attend in Paris this week as a significant response to terrorism. "What a powerful rebuke to the terrorists it will be when the world stands as one and shows that we will not be deterred from building a better future for our children," he said last week. No, he wasn't joking.

Perhaps the hubbub and press coverage at the conference will make global warming a salient issue. But it has a long way to go. In 2013, it came

in 21st and last in a Pew survey of what should be the priorities for the White House and Congress. It trailed "curb lobbyists," "moral breakdown," and "infrastructure." And just last month, in a Gallup poll on "the most important problem facing this country," the environment and pollution, much less climate change, barely registered a blip.



*Will she vote for a candidate who agrees?*

So we get to the question: Why do Democrats and their presidential candidates treat global warming as a paramount issue in the 2016 campaign? Do they truly believe it has created an existential crisis for the United States and the world? Some do: Sanders, for instance. He sounds as if he sees himself as a prophet. Unless global warming is curbed, he said in the first debate, "the planet that we're going to be leaving our kids and our grandchildren may well not be habitable."

But there's a simple explanation for the emphasis on global warming: It's what the liberal coalition at the top of the Democratic party wants to talk

about. It especially matters to what has become the most influential interest group, environmentalists. If they prevail on global warming, they will decide how Americans live. No wonder they brook no dissent.

Everyone else in the coalition—unions, feminists, the intelligentsia, mainstream media, rich and upper-middle-class progressives, urban dwellers, gays—has adopted the issue. Similarly, they've embraced the threat of Islamophobia, the need to welcome Syrian refugees, gay (especially LGBT) rights, bigger government, and taxing the wealthy.

Issues like global warming seem politically harmless. But they can be a drag on Democrats as finger-pointing issues—that is, pointing to Democrats' infatuation with matters of little importance to most voters. Why, voters

may ask, are the candidates yapping about global warming when the economy is stagnant?

Democrats ought to understand this. They claim Republicans are fixated on same-sex marriage, an innovation a majority of the public has accepted. Why are Republicans obsessed with a controversy that's been decided?

Islamophobia is different. Despite the growing threat of Islamic terrorism post-Paris, Democrats are

preoccupied with keeping Muslims and Islam from suffering blame. And they go to politically correct extremes to do so.

In their second debate, moderator John Dickerson noted that Marco Rubio had said the attacks the day before in Paris "showed that we are at war with radical Islam. Do you agree with that characterization, radical Islam?"

Clinton was evasive and answered what hadn't been asked. "I don't think we're at war with Islam," she said. "I don't think we're at war with all Muslims. I think we're at war with jihadists who have..."

Dickerson interrupted her. "He

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didn't say all Muslims. He just said radical Islam."

Clinton responded, "You can talk about Islamists who clearly are also jihadists . . . [but] we are not at war with Islam or Muslims. We are at war with violent extremism." A week later, Clinton tweeted this: "Islam is not our adversary. Muslims are peaceful and tolerant people and have nothing whatsoever to do with terrorism."

O'Malley, too, balked at "radical Islam," preferring "radical jihadis." Then he took his turn knocking down the straw man: "Let's not fall into the trap of thinking that all of our Muslim-American neighbors in this country are somehow our enemies here." Sanders dismissed the term as unimportant.

Democrats, meanwhile, have rushed to defend Obama's plan to resettle 10,000 Syrian refugees in the United States in 2016. This is risky. A poll last week by McLaughlin & Associates found 84 percent of Americans see immigration from the Middle East as "dangerous," and 74 percent believe creating a safe haven or no-fly zone in Syria and sending humanitarian aid would be preferable.

In recent years, Democrats have become a party with an elite top and struggling bottom. Those at the bottom—minorities, immigrants, the poor—are crucial to winning elections. So Democrats are not free to ignore their sensitivities. They think this requires deference to the disruptive Black Lives Matter movement.

In the CNN debate, O'Malley and Sanders were asked, "Do black lives matter or do all lives matter?" O'Malley had earlier been harassed by Black Lives Matter activists after he replied, as most Americans would, that all lives matter. He didn't make that mistake again. "The point that the Black Lives Matter movement is making is a very, very legitimate and serious point," he said.

Sanders answered bluntly. "Black lives matter," he said. Clinton got a different question and avoided the pressure to reply as Sanders and O'Malley had. Lucky for her. Blacks, by 2-to-1, told a Rasmussen poll that "all lives matter" was closer to their view. ♦

# The Disloyal Opposition

We need a better form of partisanship.

BY JAY COST

If you were to acquire political information only from former and current officials of the Obama administration, you would think the Republican party is borderline seditious. President Obama himself regularly castigates Republican motives as un-American. Last week, in a typical tweet aimed at Republican presidential candidates, he said, "Slamming the door in the face of refugees would betray our deepest values. That's not who we are."

Never one to be one-upped, the graceless Hillary Clinton recently listed as her enemies "the NRA, the health insurance companies, the drug companies, the Iranians . . . probably the Republicans." Earlier this month she added, "We have to create more good-paying jobs, and there's a bunch of things we could do, if the Republicans would just get out of the way." This is more or less the argument advanced by the High Federalists when they passed the Alien and Sedition Acts of 1798. The opposition was an enemy of the public good, and therefore had to be squashed.

Clinton can't outflank Bernie Sanders on ideological grounds, so she is appealing to Democratic voters by emphasizing partisan enmity. It is a smart maneuver when judged against her immediate self-interest, which is the only sort of calculus the Clintons typically make. Nevertheless, the rhetoric is worrisome. Have we gotten to the point in this country when the highest leaders in government think that half

of America is basically un-American?

Make no mistake, politics has a long tradition of rough elbows, and Republicans have given as good as they are getting. Dartmouth political scientist Brendan Nyhan took to cataloguing the instances during the Bush administration when Republicans, often senior officials in the administration, indulged in overheated rhetoric about the patriotism and loyalty of Democratic opponents. So perhaps this is just the American political version of the eternal recurrence: Democrats do unto Republicans as Republicans do unto them.

But does it have to be this way? Should we not expect more from the presidential office? It is one thing for rhetoric like this to come from members of Congress, state and local party officials, or ideologues in the media. It is quite another for it to emanate from the executive branch, including from a former first lady and senator like Clinton, who is the party's heir apparent. The president, after all, is the one officer in the government who may claim to speak for the whole nation. The office is also endowed with enormous power, which increasingly is quasi-legislative and can be exercised without checks and balances. Moreover, the pomp and circumstance that increasingly surround the office, while muted compared with what the Bourbon Kings enjoyed, has the effect of giving the president's words special weight.

In other words, today's executive branch is not the place for Manichean rhetoric—at least not in a nation that fancies itself a democratic republic.

Not every president has indulged in this low form of partisanship. Thomas Jefferson worked behind the scenes

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to destroy the Federalist party in the 1790s, employing legerdemain that has tarnished his reputation in the eyes of historians, but after his victory in 1800 he declared, “We are all Republicans, we are all Federalists.” He then put those words into practice, pursuing a gracious policy towards his former opponents. The result was a quarter-century of national harmony, and an opportunity for the Union to cement itself. Sixty-four years later, Abraham Lincoln closed his second Inaugural Address with this graceful benediction:

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.

And this was near the end of a war that left hundreds of thousands of Americans dead, by the hands of their fellow citizens.

Is such high-mindedness no longer possible? In *The Promise of Party in a Polarized Age*, political scientist Russell Muirhead makes the case for partisanship, but of a better sort. Low partisanship, he argues, is a relentless focus on tactics, without regard to the bigger picture. High partisanship, on the other hand, “is about the broad goals that define a partisan conception of the common good.” This, he continues, “can be a salutary force, and perhaps there is no way to think deeply about the common good without becoming a partisan in the high sense.”

This is the sort of partisanship we should expect from the White House. But it is not what we get, and the downstream effects on politics are enormous. When a president or his senior advisers suggest that the opposition is disloyal or un-American, they alienate the opposition, leaving the latter to feel as though the government does not represent them. That happened to liberals during the Bush years, and it is happening to conservatives now.

Maybe the problem comes down to a disjuncture in our system of

government. The 20th century saw an enormous increase in the diversity of the nation, as immigrants from Eastern and Southern Europe arrived in America, African Americans finally earned the right to vote, and most recently immigrants from Asia and Central America became part of the national fabric. The increasing diversity suggests that it is actually Congress that should be the avatar of the national will. Congress is cacophonous,



*A rising ugliness in politics*

disagreeable, and often indecisive. This is no doubt frustrating, but it also happens to be a fairly good representation of the body politic itself.

Yet our politics has trended in the opposite direction—toward concentration of power in the executive office, with the president increasingly becoming the focal point of all public affairs. Our nation began with a Whiggish view of the presidential office and a decided emphasis on Congress as the main agent in the government. But since the Progressive Era, we have drifted toward a view reminiscent of the Stuart monarchs that the Whigs dispatched in the Glorious Revolution: The president should be an all-powerful, unrivaled advocate of the general welfare.

Is it any wonder that our political discourse is so dysfunctional? A single person cannot possibly embody the nation as a whole, yet our expectation is for the president to do exactly that. Should we be surprised that presidents insist upon a singular view of America that aggravates and alienates the half of the country that does not share it?

The long-term effect of this style of executive leadership is that one side feels manipulated and alienated for four or eight years, then finally has a chance to “take back America.” This in turn leaves the other side feeling manipulated and alienated, and resolving to “take back America . . . again.” Is this what our politics has been reduced to—constant recriminations and mutual enmity?

Of course, we might get lucky in 2016. Maybe the new president will manage to articulate the national interest in a way that does not relentlessly divide one half of America from the other. Jefferson managed that feat. Lincoln might have, too. Enlightened statesmen have been known to work wonders. But as James Madison, the realist counterweight to Jefferson’s incorrigible romanticism, put it in *Federalist 10*:

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

Madison would call on us to stop placing so much emphasis on the personalities in politics, and pay closer attention to the institutions and rules of the government.

That would be a healthy change of pace. For a nation self-consciously founded upon a governing instrument, rather than the will of some warrior-turned-king, we sure do spend a lot of time fussing over personalities. Maybe

it is time to again approach politics the way Madison would suggest: stop hoping for a great statesman and adjust the rules of the political process, taking human beings as they are rather than as we would wish them to be.

Regardless of party, the modern president has too much power. He is invested with too much glory and magnificence. A bad president can wreak too much havoc on the political climate. And good presidents are too hard to find.

Congress, for all its many faults, is a better fit for the age. It deserves much more attention from the people than it currently receives. Congress should

first be reformed, and then elevated to the high status that the Framers envisioned. The president, meanwhile, should retain control over foreign affairs, but should be more deferential toward the legislature and therefore less partisan in his approach to domestic political squabbles. This should hold true regardless of which party controls which branch.

This alternative would not eliminate heated partisan rhetoric, which is an intrinsic feature of democratic politics. Partisan hyperbole would be much less deleterious, however, were it not emanating so regularly from 1600 Pennsylvania Avenue. ♦

Dr. Carson is right and wrong. Kill the funding, by all means, but not to engineer balance conservatives would deem acceptable.

The Click incident isn't isolated, with campuses nationwide seeing Missouri-inspired protests and some troubling behavior and demands. Perhaps the most striking has been at Amherst College, where the group Amherst Uprising, in addition to publishing an exhaustive list of peoples it demands school officials apologize to for historical injustices, declared:

President Martin must issue a statement . . . that states we do not tolerate the actions of student(s) who posted the "All Lives Matter" posters, and the "Free Speech" posters that stated . . . "in memoriam of the true victim of the Missouri Protests: Free Speech." Also let the student body know that it was racially insensitive to the students of color on our college campus and beyond who are victim to racial harassment and death threats; alert them that Student Affairs may require them to go through the Disciplinary Process if a formal complaint is filed, and that they will be required to attend extensive training for racial and cultural competency.

While the stridency of activism may seem to have reached new highs—or lows—it is hardly a recent arrival. You could go at least as far back as William F. Buckley's *God and Man at Yale* to behold the leftward lean of America's ivory tower. Academia did not become an almost wholly owned subsidiary of the left—63 percent of professors self-identify as "far left" or "liberal," only 12 percent "conservative" or "far right"—overnight.

The questions we should be asking are where the injustice is in this, and what should be done about it. Of course, threatening to physically expel a reporter, as Professor Click did, is illegal. But what about incidents that are legal, but also sheer bullying?

The latter would include Amherst Uprising's demand that school officials not "tolerate" free speech defending, well, free speech, and at Yale, the public berating of the master of Silliman College over an email from his wife defending the right of students

MARK SCHIERBECKER / AP

# Not on My Dime

Time to phase out subsidies for higher education?

BY NEAL McCLUSKEY



Melissa Click, poster child for killing higher-ed subsidies, in action on November 9

At the University of Missouri, feminist professor Melissa Click cried out "I need some muscle over here!" to expel a reporter from the Concerned Student 1950 protest in a public quad. A more apt encapsulation of what conservatives feel ails

academia—identity obsession, rights-curbing, self-righteous bullying—can scarcely be imagined. It's exactly the kind of thing that might make them cry out for some muscle of their own: someone to force intellectual diversity. Indeed, Republican presidential candidate Ben Carson has said he would punish "extreme bias" by cutting off a school's access to federal money.

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to wear culturally “appropriating” Halloween costumes. Berating is not illegal, nor is a private college censoring speech, but both shatter the free exchange of ideas universities are supposed to enshrine.

One problem for conservatives is that while they may recoil at politically correct power plays, there is no unanimously agreed-upon line demarcating “extreme bias.” And if conservatives ask themselves who should get to set that line for everyone, their answer should be “no one. That would be tyranny.”

And are conservatives prepared to say that student actions are absolutely baseless? Is it not possible that there is racial inequity at the University of Missouri? Or that it is dispiriting to see buildings named after slaveholders, as students on several campuses have complained? And isn’t it conceivably valuable to prohibit inflammatory speech lest exchanging ideas devolve into *The Jerry Springer Show*?

A good example of how valid values may clash is the drive to remove memorials to Woodrow Wilson at Princeton University, where Wilson was president from 1902 to 1910. Some conservatives may cheer the effort because Wilson was a political progressive and equal condemnation seems fair, but others may have qualms condemning someone for views considered far more odious today than in his time.

Given the inherent injustice of dictatorial punishment for “extreme” views, and the possibility of all sides having legitimate positions, the only remedy fair to both conservatives and those with whom they disagree is to phase out higher education subsidies: You may say what you please, but not on my dime. Indeed, no matter who is subsidized, it is simply unjust to force one person to fund the speech of another.

Of course, we cannot end subsidies—from all levels of government, currently around \$250 billion annually—overnight. It would have to be done over a long enough period for both schools and students to adjust.

The best starting point would be to turn state higher education funding into grants, connecting it explicitly to

student choices rather than allocating it to institutions. At least then what policies and people are punished or rewarded would be based on individual, not government, decisions. Colorado started such funding for undergraduates in 2004, creating what it calls College Opportunity Fund stipends.

That said, there is ultimately little justification for forcing taxpayers to hand out money to students. Not only does the average college graduate see a huge profit, earning roughly \$1 million more over a lifetime than someone with only a high school diploma, but grants force taxpayers to subsidize the student’s collegiate political activities.

Loans are preferable because borrowers are expected eventually to make taxpayers whole. Still, taxpayers have no say in funding them, and the federal government runs several forgiveness

programs. Even tax credits and deductions involve coercion, putting the government thumb on the scale to send money to colleges. They are the less odious end of the compelled-support spectrum, but are de facto subsidies nonetheless.

Eventually, conservatives should want fully private funding of higher education, often deemed unrealistic but hardly so. The \$1 million payoff would be a huge inducement for private lenders or investors to work with even very low-income students who are ready to study in-demand fields, and ending subsidies would deflate rampant tuition inflation, alone a huge benefit.

Conservatives are rightly aggravated by college craziness and brazen political bullying. But they have no right not to be aggravated—only not to pay for it. ♦

# Everyone’s Least Favorite Aunt

A tale of tort law run amok.

BY CHARLOTTE ALLEN

At first she was the “Aunt From Hell,” with an #AuntFromHell hashtag to match. Jennifer Connell, age 54, had sued her young nephew, Sean Tarala, for \$127,000 over an incident at the boy’s eighth birthday party in 2011. Sean had impetuously jumped into Connell’s arms to greet her when she arrived at the party, causing her to fall and break her wrist.

At the two-day trial in mid-October in Bridgeport, Conn. (the boy and his father, Michael Tarala, lived in nearby Westport), everything seemed to go wrong for Connell strategically, and perhaps legally, too. Sean’s mother had died a year before the lawsuit went to trial, and the 12-year-old Sean

accompanied by his father in the courtroom made a mournful sight. Connell, by contrast, was a childless, brassy-blond human resources manager in Manhattan, with an apartment on the opulent Upper East Side. “I was at a party recently and it was difficult to hold my hors d’oeuvres plate,” she testified by way of explaining how much physical discomfort the accident had caused her.

It took the jury only 20 minutes to decide on October 13 that Sean had not been negligent in his enthusiastic embrace and to award Connell zero for her efforts. She fared no better in the court of public opinion. The sobriquet “Auntie Maim” began to appear on social media. (Technically speaking, Connell is not Sean’s aunt but his first cousin once removed.)

*Charlotte Allen, a frequent contributor to THE WEEKLY STANDARD, last wrote on tenure.*

“Yes, it’s so tragic that your social life has been disrupted, Jennifer,” a sarcastic Gabriella Ginsberg wrote for *HollywoodLife*. The webzine also took a poll: “Should Jennifer have won the case?” Some 96.5 percent of respondents voted “No way!” while only 3.5 percent voted “Yes.”

Then trial lawyers got into the act in an effort to turn Connell into the Aunt More Sinned Against Than Sinning. It began with Connell’s own lawyers, who issued a statement: “From the start, this was a case about one thing: getting medical bills paid by [Michael Tarala’s] homeowner’s insurance. . . . Our client was very reluctant to pursue this case, but in the end she had no choice. . . . [H]er hand was forced by the insurance company.”

In other words, according to the lawyers, Connell was simply a victim of a mean-spirited insurance company that had refused to settle with her before trial (the company, whose name was not disclosed in court, was reported to have offered her exactly one dollar). Also to blame, her lawyers said, was Connecticut law, which, like the laws of other states, requires that injured people file a lawsuit against the allegedly negligent party in order to collect from an insurance company insuring property not one’s own. Connell and even Sean himself told reporters that they loved each other, and Connell insisted that she had been forced to sue only as a way to get reimbursed for two surgeries (and a likely third) stemming from the accident. “This was meant to be a simple homeowners insurance case,” she told CNN.

Other trial lawyers jumped to agree wholeheartedly. “People have been suing children since suing began,” Danny Cevallos, a personal-injury lawyer in Pennsylvania, wrote in a column for CNN. He elaborated further:

Another way of looking at it is that if someone like Connell gets injured in a completely well-meaning accident, and has some serious or permanent impairment, then we agree that has a cost to her, right? Especially if she can’t work or engage in life activities. And if there is someone else responsible for that injury, and that someone’s actions are covered under an

insurance policy, then at some point, that someone, or another someone paid for that coverage. Believe me, that insurance company had no complaints about accepting someone’s money to insure that activity.

New York personal-injury lawyer Eric Turkewitz wrote on his blog: “Certainly insurance companies would prefer that folks don’t sue. It would be a great business model, wouldn’t it, to keep collecting all those premiums and never pay anything out?”

Sure, everyone hates stingy insurance companies—but there’s a conceptual problem. Homeowners’ insurance



Jennifer Connell, left, and Sean Tarala

is *liability* insurance. It’s supposed to kick in to cover an injured party’s medical bills *only* if the policyholder (or, usually, a spouse or child of the policyholder) is found legally liable for the injury. And that means the policyholder must have committed some wrong, either intentionally or negligently. The very legal term “tort” derives from the medieval Latin *tortum* (“twisted”), meaning “injustice.” So if 8-year-old Sean didn’t act negligently by jumping into Connell’s arms—and the jury didn’t think he did—she wasn’t entitled to collect on the homeowner policy, no matter how painful her injuries were or what sort of hardball the insurance company played. After all, it wasn’t Jennifer Connell who was paying the premiums on that policy.

A few decades ago Connell’s case would probably never have even made it into a courthouse. The law of torts once made it difficult for social guests—in contrast to, say, deliverymen or contractors doing work on the property—to collect damages from property owners should they be injured on a visit. Traditionally owners

simply owed a lesser “duty of care” to their social guests than to those they invited onto their premises for commercial purposes. “But a lot of courts have collapsed that distinction,” said Kenneth S. Abraham, a professor of tort and insurance law at the University of Virginia law school. “The goal was to encourage people to make their houses and apartments safer for their guests. There’s a tradeoff, of course. You get more lawsuits.”

And therein lies the reason the general public was outraged at the idea that Connell would sue her little nephew—and also the reason the trial lawyers who represent injured plaintiffs such as Connell were outraged at the Taralas’ insurance company. Tort law as traditionally conceived is supposed to have a moral focus: If you injure someone by your carelessness, you are responsible for making that person whole—and if you weren’t careless, then you don’t owe that person anything. But “from the 1950s through the 1970s the legal doctrines changed” thanks to the efforts of law professors and judges, says Walter K. Olson, a senior fellow at the libertarian Cato Institute and creator of the tort-reform blog *Overlawyered*. “People had high hopes that tort law could be a kind of insurance system, so they stretched the concept of liability insurance into a bigger piece of the social system. The idea was that the costs of people’s injuries could be spread painlessly through the system. Whole generations of students in law schools learned that in the absence of European-style social insurance, one way to be progressive like Europe was to use liability insurance as a form of social insurance.”

Of course this transformation entailed a blurring of the traditional notions of duty of care, fault, negligence, and individual responsibility. It also entailed a rising expectation that if someone got hurt in an accident and there was an insurance policy somewhere, the insurance company ought to pay. The problem, said Olson, is that when you turn the tort system into an insurance system, “the overhead costs” in the form of lawsuits and lawyers’ fees “are very high. There’s also the random

LEFT, BRIAN A. POUNDS / HEARST CONNECTICUT MEDIA / AP; RIGHT, NEWS.COM

factor—it depends on what side of the state line you’re on if you want to collect. And once people figured out that they could get their medical bills paid by suing their relatives, insurance companies had to defend the family members. That’s why those lawsuits were barred in the first place.”

As Abraham noted, the response of many insurance companies has been to write explicit exclusions into policies—certainly for auto insurance but sometimes also for homeowner insurance—that bar members of an insured’s immediate family, such as spouses and children, from collecting under the liability clauses. “There’s a fear of collusion, where you’d have someone suing for negligence and the negligence would be admitted so the insurance company would pay,” he said.

The most fascinating aspect of Connell’s suit was that although many lawyers and law professors didn’t see a problem with an aunt’s suit against a little boy for insurance purposes, the public and the media vociferously did. The public seemed to be operating under an old-fashioned sense of right and wrong that tort law has rejected in the name of social progress: You don’t engage in litigation against small children closely related to you who were trying to show you how much they loved you at a birthday party.

“There’s a big divide between what lawyers consider ethical and what the public considers ethical,” says Jack Marshall, a Virginia lawyer who conducts ethics training sessions for other attorneys. Marshall emphasized that Connell’s lawyers had done nothing wrong in vigorously pursuing the lawsuit that Connell wanted them to file. “Really, the only obligation that lawyers have is to their client—the client makes the decision,” Marshall said. “But they could have asked their client to look at the case from a familial standpoint. I have seen families torn apart by being sued. They could have said, ‘But look—it was a child! Are you sure that this isn’t going to traumatize the kid?’ What I got from the trial lawyers was rationalization: The child doesn’t care. But we have no idea how that kid feels.” ♦

# Under the Old Magnolia Tree

## A better flag for Mississippi.

BY BENJAMIN MORRIS

The lowering of the state flag from the campus of the University of Mississippi in October is another salvo in the war over that emblem’s future. Voting 41-1 in the faculty senate, university officers cited many of the arguments—the divisiveness of the symbol, a sea change in

resisted calls for removal for decades. But just 23 days after the shootings, South Carolina lowered the battle flag displayed on statehouse grounds; in the months following, Mississippians have had increasingly to grapple with the same demand.

Unsurprisingly, in a state that holds its traditions close to its heart, concerns such a decision would impugn our heritage and “erase history” quickly arose in newspapers, on social media, and at dinner tables around Mississippi. No matter that the current state flag, which includes the battle flag’s saltire, never flew during the Confederacy (it was raised decades later, in 1894): If ever the emblem had a lifespan,

some observers argue, it is never more apparent than now. Yet this is not the first time the debate has arisen. As Bradley Bond detailed in his *Mississippi: A Documentary History*, Mississippians voted overwhelmingly in a 2001 referendum to keep the current flag, a vote that until October, Governor Phil Bryant had insisted stood. Now Bryant—reelected by a significant margin on November 3—has softened his position, suggesting the issue could return to the ballot next year.

Times have changed, critics say, and Mississippi has changed; back in 2001, while Dylann Roof was in second grade, there were no racially motivated murders galvanizing the flag debate—only a commission led by top state officials, hardly the stuff to quicken the pulse of the electorate. Bryant, in fact,



*‘Magnolia’ flag of the Confederate state of Mississippi, captured by the 2nd Iowa Cavalry in 1862 and now at the State Historical Society of Iowa*

public opinion, and a move towards inclusivity—that have characterized the debate over the Confederate battle flag and its offspring since the mass shootings at Emanuel African Methodist Episcopal Church in Charleston, South Carolina on June 17.

It is remarkable just how swiftly those killings caused a shift in the political consciousness of the South. South Carolina and Mississippi—the first and second states to secede from the Union—were the last two states to display the iconography of the Confederate battle flag and had famously

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faces dissent from within his own conservative ranks, as a growing number of Mississippi's representatives both in Jackson and in Washington urge revisiting the symbol in the wake of the tragedy. And it is undeniable that in recent years the state has become far more open about confronting the injustices in its history: Not only have civil rights-era murderers such as Byron De La Beckwith and Edgar Ray Killen been tried and convicted, but a major new civil rights museum is due to open in Jackson in 2017. Rather than denying the past, today's Mississippians are increasingly willing to look it square in the eye.

But as old habits die hard, so do old hurts. Among adult whites, it only takes going back three or four generations to reach ancestors who fought for the Confederacy, ancestors who passed on their fierce love of state to their children and grandchildren. On the flip side of the coin, to reach veterans of the civil rights struggle who grew up under Jim Crow, it only takes a phone call. All Mississippians—white and black, urban and rural, liberal and conservative—feel the weight of history keenly. We in the deepest part of the South wonder sometimes how folks elsewhere consider it so easy to “let it all go.”

Another reason this debate has persisted, however, is that, six months after the events that reignited it, no one has yet offered any serious alternatives to the rebel flag, were it finally to come down. It is one thing to dismantle a symbol—which is *not* the same thing as obliterating it—but we have to replace it with another. The lesson is not lost to history: Knowing the symbol of apartheid could not stand in a young democracy, the architects of regime change in another racially torn society, South Africa, ultimately produced the flag of the “rainbow nation” to symbolize their new, common project. And it is here that, ironically, Mississippi's own history might offer a way forward, with the flag used right before the current one.

If lawmakers (or Facebook commenters) are looking for a suitable alternative, they could do worse than the flag flown from 1861 to 1894, with

its red, white, and blue coloration and sketch of the magnolia, the state's official tree and flower, which give it the moniker the Magnolia State. A symbol around which all Mississippians can gather, the magnolia is emblematic of our favorite pastimes: spending time outdoors, fishing and hunting, eating and drinking at picnics and reunions, even just enjoying the cool of the shade on a summer's day. Emotionally, the symbol calls to mind hospitality and welcome, qualities that every self-respecting Southerner, no matter skin color, holds dear. Critics may object that this flag, flying over the state during its membership in the Confederacy, has no place in a reunited union. Fair enough: In that case, take the iconography and update it with a modern design. But either way, consider how incorporating a previous flag would simultaneously move forward from a painful symbol and silence critics decrying the “erasure” of our past. Indeed, unless Mississippians remain mindful of that past—no matter how painful—we will always run the risk of its return.

Times change; I should know. As an eighth-generation Mississippian and descendant of slaveholders, whose great-great-grandfather named Forrest County after Nathan Bedford Forrest out of the personal admiration he felt for the man, by rights I should have inherited the same opinions he held—if Mississippi were the isolated, backwater place its critics love to insinuate it is. Times continue to change: Days after Ole Miss lowered its flag, so did the University of Southern Mississippi, with talk of Mississippi State University swiftly following. Granted, recent polling suggests that, at least for now, the flag will remain atop the statehouse. But if the debate yields another vote, in an emotional political environment, it is anybody's guess what will happen. Regardless, one thing is clear: It is not enough simply to remove a symbol from a position of importance. Rather, we must find a symbol around which we can all come together, a symbol that—ironically, paradoxically, fortuitously—may well come from our own benighted past. ♦

# The End-of-Life Bureaucracy

Medicare and advance directives.

BY WESLEY J. SMITH

**T**he federal technocracy, like the old B-horror-movie monster *The Blob*, grows by sucking all surrounding life into its amoeba-like digestive system. There are never enough bureaucratic controls or government programs to “incentivize” us—in the jargon—to behave in ways the technocrats think best.

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That is why we should look with a jaundiced eye at new legislation that would pay Medicare beneficiaries for preparing an advance medical directive. The Medicare Choices Empowerment and Protection Act is founded on the belief of its authors—senators Chris Coons (D-Del.) and Bill Cassidy (R-La.) along with representatives Diane Black (R-Tenn.) and Mike Thompson (D-Calif.)—that we are not doing a good job accomplishing what the government wants us to do. The legislators' press release claims that

70 percent of us have “thought about” end-of-life care but “only” 30 percent have actually prepared written advance directives that would give instructions if we become incapacitated—and so an inducement is needed.

There is nothing wrong with filling out an advance directive, of course. To the contrary, it is an important task given the evolving economics of medicine, and especially so if one wants expensive life-extending care. But once the government sticks its ever-growing nose into private, individual decisions, they rarely stay private or remain individualized. Hence, the 22-page bill would not just encourage the creation of advance directives. It would also make it easier to federalize the entire sector in coming years.

First, the bill would grant Medicare beneficiaries a onetime benefit of \$75 (indexed to inflation) to prepare an advance directive. The wisdom of having the government pay us to take care of our own business is questionable. But this being federal legislation, not just *any* advance directive will do. In order to qualify for the payment, the directive will have to be “certified” by the federal government and “executed in accordance” with the law of the state in which the beneficiary lives, not a federal standard. Okay. But here’s the kicker: To be federally certified the advance directive must be “offered by an entity that has received accreditation from the Secretary” of health and human services.

As with everything governmental, official accreditation favors large, institutional suppliers. To be accredited, vendors would have to meet extensive computer and online technical capabilities, including:

- the facility to “create, adopt, modify, and terminate an advance directive through an online process.”
- “comply with an annual quality review to be conducted by the Secretary.”
- the capacity to provide the state statutory or alternative advance directive forms that comply with the particular laws of each state in which the vendor offers advance directives.
- the ability to allow “any family member, legal representative, or

health care proxy . . . near real-time online access to the beneficiary’s advance directive,” as well as access to “providers of services and suppliers” under Medicare.

- “comply with the Federal regulations (concerning the privacy of individually identifiable health information),” which is a very complex field of federal civil and criminal law.

- the capacity to successfully pass “rigorous independent testing regarding standards of timeliness, accuracy, and efficiency” and “real-time tests simulating a realistic volume of beneficiaries and providers accessing advance directives simultaneously.”

- the willingness and capacity to administer detailed “annual beneficiary surveys” for submission to the government.



*‘With both death and taxes, government can have full control over inevitability.’*

That kind of technical know-how and capability will require the business or organization seeking accreditation to maintain a significant computer infrastructure supported by extensive IT capacities and security protocols to guard against hacking. (Good luck with that!) In a nutshell, this is how government favors large institutions over small, while continuing to expand its own regulatory intrusions.

Once a group received accreditation, it would be expected to maintain executed ADs for online retrieval by patient, surrogate, family, and/or health care providers, as, and wherever, needed. (Apparently, the authors are unaware of an invention known as “scanners,” that can copy and email documents anywhere in the world.) The government will also maintain a clearinghouse to each state’s certified AD suppliers, with links, but will not be authorized to store the documents in a federal database.

The intent behind the Medicare

Choices Empowerment and Protection Act is obviously not to empower “death panels.” No one would be forced to fill out an advance directive, and noncertified directives could still be crafted, as they are now. The bill would also require that the *Medicare and You* handbook and the HHS website contain a statement advising consumers, “You should not feel pressured to violate your own values and preferences, and you are entitled to implement them without discrimination based on age or degree of disability.” Of course, such a statement should be in the booklet anyway.

Moreover, because vendor accreditation would be based solely on technical standards—as opposed to moral views—right to life groups with the capacity to develop the required systems could just as readily become accredited as right to die organizations or businesses pushing the forms. Indeed, the National Right to Life Committee’s Burke Balch—an unequivocal opponent of medical utilitarianism—supports the bill as a potential prophylactic against the vulnerable being pressured during end-of-life doctor/patient conferences into refusing expensive treatments, by ensuring that Medicare beneficiaries have wider exposure to—and information about—advance directives that make it easy to request care.

But here’s the problem: Once the federal government gets into the advance directive “certification” and “accreditation” business, a Rubicon will have been crossed. It is not in the nature of government to remain a neutral arbiter. Given bureaucracy’s natural intrusiveness, the bill would, over time, almost certainly result in increased federal influence over the content of our end-of-life choices.

Protecting America’s weakest and most vulnerable patients from being deflected from requesting expensive care is important. But the best protection against that danger is *less*—not more—centralization. Enlarging the federal bureaucracy’s role in end-of-life choices will ultimately empower the federal bureaucracy’s control over end-of-life care.

NEWS.COM

# Who's Afraid of Campbell Brown?

*Teachers' unions, and for good reason*

BY MARK HEMINGWAY

*New York*

Campbell Brown doesn't seem intimidating, and she certainly doesn't put on airs. The former *NBC Nightly News* anchor and CNN host warmly greets visitors in person at her office in lower Manhattan. This is something of a necessity. Not only does she not have a receptionist, she doesn't even have a regular office. Her new venture is being run out of a franchise of "WeWork," a startup specializing in "collaborative workspaces," which is a baroque way of saying she's saving a few bucks by sharing an office with a bunch of unrelated businesses.

But don't let this modest arrangement fool you: Brown's new endeavor is all about kickstarting her ambitious plans to reshape the education debate in America. In June, she launched the *Seventy Four*, an online news agency with a staff of 14 dedicated to covering education reform. The name refers to the 74 million Americans under age 18 who stand to benefit from better schools. So far, the amount and breadth of content produced by the site is impressive. In addition to reporting on federal policy, the site has done lots of in-depth coverage of controversies and developments in local school districts, interviews with prominent education figures across the political spectrum, and investigations of corporate interests involved in education. And should the abundance of educational failures get you down, there are plenty of heartwarming and inspiring success stories about students' achievements and public schools that succeed in spite of the odds.

By covering education all day every day, Brown hopes to foster a sense of urgency about improving American schools. Brown has promised that the site won't shy away from advocacy and opinion—which it labels "opinion"—but at the same time she insists that her mission is not political. "My whole point about school reform is it's not partisan. It's not," she says. "It's a moral issue."

The trouble is, the last thing America's teachers' unions

want is real reform, and they certainly don't want Campbell Brown leading the charge. Far from making education a moral issue, they're counting on it remaining a partisan one.

In August, Brown organized an education reform forum in New Hampshire with six contenders for the GOP presidential nomination. It was a wide-ranging and informative discussion in a primary season where substantive policy discussions have been largely, uh, trumped. Brown was all set to hold a similar event with Democrats in Iowa on October 22 that was to have been cosponsored by the *Des Moines Register*. But the order came down from on high that Democrats were not to participate, and the forum was called off.

"What happened here is very clear: The teachers' unions have gotten to these candidates," Brown told *Politico*. "All we asked was that these candidates explain their vision for public education and how we address the inequality that leaves so many poor children behind. . . . President Obama certainly never cowered to the unions."

In assessing just how much control teachers' unions exert over Democrats, Brown was overgenerous to Obama. One of his first major acts as president was to appease unions by killing off the District of Columbia's successful school choice program, which benefited poor black kids almost exclusively. (The Republican Congress later reinstated the program.) On the other hand, Obama hasn't been completely hostile to education reform. He has backed charter schools and merit pay for teachers—that is, paying teachers based on their performance as opposed to union metrics unrelated to performance such as seniority. But even hugely popular reforms like these still face resistance from unions.

Flawed as it is, Obama's record still contrasts favorably with those of previous Democratic standard-bearers. Campaigning for president in 2004, John Kerry came out for merit pay. Soon after, a leaked memo from National Education Association (NEA) president Reg Weaver explained he had met with Kerry to discuss supporting merit pay and confidently assured union members that the Democratic nominee "would not do so in the future."

Since then, teachers' unions have remained among the Democratic party's most influential and energetic activists.

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*Mark Hemingway is a senior writer at THE WEEKLY STANDARD.*

In 2012, 16 percent of the delegates to the Democratic convention were teachers' union members, and it's hard to imagine things being different in 2016. The American Federation of Teachers (AFT) endorsed Hillary Clinton this summer, betraying a promise to hold off until a public meeting and angering the rank and file's many Bernie Sanders supporters. But it's safe to say that whoever the Democratic nominee is, teachers' unions will largely be able to dictate the education agenda.

Since all meaningful education reforms hinge on greater accountability and erosion of the ironclad union protections that keep bad, even criminal, teachers in classrooms, the union agenda is preserving the status quo. As Campbell Brown recently found out, education reform remains an issue that the teachers' unions are genuinely afraid to discuss in front of voters.

And that gets Brown worked up. "I don't understand how it's not a part of the conversation!" she says. "I just heard a debate the other night between a prominent lawmaker and a politician about how Democrats were teaming up with the Koch brothers to work on criminal justice reform. So apparently it's safer, if you're a Democrat, to team up with the Koch brothers to reform criminal justice than it is to take on the teachers' unions." Her exasperation is more than justified when you consider that study after study has linked criminal activity to a lack of educational attainment. "Criminal justice reform is the end of the problem, not the beginning," she says. "Why wouldn't you work on education reform? I mean, they are deciding how many prison cells to build based on whether schools are succeeding."

Given that teachers' unions are used to making some of the most powerful politicians in the country dance on a string, they're not happy about the emergence of Campbell Brown as a politically influential voice in education reform. She's well-connected, independent, and has deep pockets. Perhaps most important, she's a former A-list broadcast journalist, and her communication skills are superb. Consequently, union leaders don't just disagree with Brown—they feel intense personal hatred.

"She is a good media figure because of her looks, but she doesn't seem to know or understand anything about teaching and why tenure matters," Diane Ravitch, a prominent education academic and reliable supporter of the unions, told the *Washington Post* last year. "I know it sounds sexist to say that she is pretty, but that makes her telegenic, even if what she has to say is total nonsense."

If this sounds sexist, that's because it is. But such patronizing dismissals have not been entirely ineffective—the

more liberal elements of the media have gotten the union memo about attacking Brown personally and disingenuously implying she has a hidden agenda because, like nearly every other politically sensitive nonprofit, hers does not disclose all the donors funding her efforts. *Salon's* headline was "Campbell Brown's insidious new lie: Charter schools, dark money and the war on teachers' unions—and your kids." *Mother Jones*, slightly more measured, went with "Who's Really Behind Campbell Brown's Sneaky Education Outfit?" *Esquire* graciously inquired, "Who The Fck Is Campbell Brown?" Another ground for ad hominem attack—AFT president Randi Weingarten is particularly



Chris Christie joins Campbell Brown at the New Hampshire Education Summit in Londonderry, August 19.

fond of bringing this up—is Brown's marriage to Dan Senor, a bestselling author, Wall Street figure, and former chief spokesman for the Coalition Provisional Authority in Iraq in the Bush administration. Unlike her husband, Brown has always steadfastly maintained her political independence, but "Republican" is about the worst slur imaginable in the minds of teachers' union officials.

What's going on here is obvious. They attack Brown because actually responding to the substance of her complaints would be far too awkward for unions and their media allies. Since Ravitch brought it up, teacher tenure laws are a good example. In 2013, Brown founded the Partnership for Educational Justice, which has led both legal and PR campaigns to reform New York's dismissal-protection laws for teachers. Far from spouting "total nonsense," Brown laid out the problems with New York's tenure laws in a *Wall Street Journal* op-ed. In New York, any allegation against a teacher must be first evaluated by an independent investigator. It is then brought before an employment arbitrator, and the teachers' union has a say in approving the arbitrator. Since the arbitrators are paid \$1,400 a day, they have a

strong incentive to keep the unions happy. The result is that even sexual misconduct and physical abuse by teachers often result in little more than a slap on the wrist.

And as bad as this is, firing teachers in New York may be easier than in other parts of the country. In 2010, *LA Weekly* concluded a five-month investigation into the corrupting influence of absurd teacher tenure laws in the Los Angeles Unified School District, the second-largest district in the country. The results were astounding. “In the past decade, [L.A. school] officials spent \$3.5 million trying to fire just 7 of the district’s 33,000 teachers for poor classroom performance—and only 4 were fired, during legal struggles that wore on, on average, for five years each. Two of the 3 others were paid large settlements, and one was reinstated. The average cost of each battle is \$500,000.” Another 32 teachers were given settlements of \$40,000 to \$195,000 for the district to be rid of them, and it’s estimated that as many as 1,000 of the district’s teachers are considered “performance cases” by the district.

Brown not only understands the issues surrounding teacher tenure, she’s got pretty good reasons to be indignant. “If the unions had come to the table and said, ‘This is crazy, there should not be an abusive teacher in the classroom. Period. Let’s figure out how to rework this, how to rewrite this law, how to deal with them, how to deal with dismissal protections in a new, better, smarter way,’ then they would have remained relevant,” she says. “You can’t defend teachers who physically harm or sexually harm children. You can’t. And yet they are. So it destroys their credibility. And they have no sort of standing to have any conversation about what the future of public education looks like, when all they’re trying to do is hold the line.”

Unions aren’t just good at holding the line, they’re also good at cowering their critics. Last year, *Time* magazine ran a cover story headlined “Rotten Apples: It’s nearly impossible to fire a bad teacher. Some tech millionaires may have found a way to change that.” Teachers’ unions organized a petition against *Time* that garnered over 100,000 signatures, and the magazine subsequently published pages and pages of responses to the article from Randi Weingarten and numerous other union sympathizers. It’s hard to imagine any other interest group in America getting a major publication to bend over backwards like this.

Brown, on the other hand, isn’t much bothered by personal attacks and gives as good as she gets. “These people are from another era. I wish there was someone on the other side who was thoughtful, who I could engage with, who seems to be genuinely committed to progress. That would be fantastic to have a real debate,” she says. “But when this is the opposition, I am amazed we have not won already. Good God. It tells you everything you want to know about the unions and where they are headed.”

Ultimately, the problem for union spokesmen such as Weingarten and Ravitch is not that they have to contend with refuting some telegenic idiot every time the *Washington Post* calls them for the union point of view. Brown is eager to publicly debate education reform, but they’re afraid of engaging her. Given the opportunity, she’s going to clean their clocks. And, yes, she’s going to look good doing it.

**D**espite a vigorous campaign to tar Brown with her husband’s politics, she is no right-wing firebrand. Only seen in the funhouse mirror of union politics is she a radical, or even a person who comes at education from a political rather than a pragmatic standpoint. On Common Core standards—the plan for states to voluntarily adopt uniform education curricula and accountability measures across the country—for instance, she’s unlikely to satisfy the Republican base. Opposition to Common Core among the conservative grassroots is so fierce there’s even been talk about coordinating a campaign to get state referenda on Common Core on the 2016 ballot in the hope it would drive Republican turnout in the presidential race.

Brown’s thoughts on Common Core are uncharacteristically tepid. She freely admits there are problems with the initiative and that she’s still thinking through the issue. But she’s also bothered by the hypocrisy of some prominent conservative politicians—particularly governors Bobby Jindal and Chris Christie—who helped launch Common Core and sold it as an important new accountability tool, only to turn their backs on it once they realized it was going to be a liability in GOP presidential primaries.

The result of politicians’ demagoguing Common Core is that voters are confused. “Whenever anyone says, ‘Are you for or against Common Core?’ the first thing I ask them is, ‘What do you think Common Core is?’” Brown says. “Because I get a different answer from everyone I ask. For some people it actually is a set of standards that all states are supposed to abide by. But for some people it really is about testing.”

A lot of parents are worried that Common Core will exacerbate overtesting. Congress is currently overhauling the Bush administration’s landmark No Child Left Behind law. There’s bipartisan agreement that the way the law attaches education funding to student test scores has created some perverse incentives, and there’s concern that Common Core’s accountability measures could do more of the same. Earlier this year, teachers and administrators in Atlanta got prison time for their role in a massive cheating scandal to dodge No Child Left Behind’s accountability provisions. And parents and teachers alike have complained that schools spend far too much time preparing kids for federally mandated tests, as opposed to traditional pedagogy.

Brown acknowledges the tests are written poorly. “And

on top of that, as teacher evaluations became linked to test scores in different states, there was a big push by the unions to add additional tests,” Brown notes, because unions want to ensure one bad test result doesn’t impact a teacher disproportionately. The result? “In some school districts, literally, they are taking six or seven tests a year. That’s insane,” she says.

At the same time, testing is key to most reform efforts. Brown is understandably worried that testing will become so despised as to undermine future attempts to strengthen accountability in the system. Among the stellar reporting the *Seventy Four* has done is its coverage of the pitched battle in the Montclair, New Jersey, school district over the state’s new standardized test. Some parents and education officials favored requiring the test, while other parents wanted their children to be allowed to opt-out. The opt-out campaign succeeded in getting nearly 50 percent of the parents of Montclair’s 6,700 students to refuse testing. But the *Seventy Four*’s reporting showed persuasively that the opposition to accountability measures in Montclair was in no small part being manipulated by “secretive operatives, education insiders,” and, yes, the teachers’ union.

“If there was one test that was well designed—that wasn’t just some dumb multiple-choice thing, that actually challenged your kid’s critical thinking, that you could then measure how they’re doing . . . I would find that useful,” says Brown. “I think it’s especially useful in low-income communities where the schools aren’t as good, where social promotion happens a lot, and where, if I’m a mother in that community—and I have a lot of friends who are mothers in those communities—I need that test, because that school is telling me everything’s fine. And I’m worried to death about my kid, because he has basically two paths to choose from, actually getting an education and graduating or the street. So for my kid, that test is essential.”

The dilemma with testing, then, is that designing a test that actually challenges kids’ critical thinking isn’t easy and, worse, it opens a political can of worms. Increasingly, imposing one-size-fits-all federal mandates that benefit at-risk urban students tends to present counterproductive bureaucratic burdens for better-performing suburban and rural school districts. And there’s a compelling correlation over the last 40 years: The further America has moved from local control of education, the worse academic performance has become.

Creating national education benchmarks as a basis for comparison means you need students in very different communities to learn the same things. If education is fundamentally a “moral issue,” as Brown says, the content of

the curriculum is unavoidably an ideological issue as well.

It’s one thing when people in your community are instructing your kids. At least by virtue of proximity, they’re likely to be sensitive to the predominant local religious and political sympathies. It’s quite another when national union bosses, academics, and a cartel of corporate testing companies with Washington lobbyists—such as Houghton Mifflin Harcourt and Pearson—get to decide what your child is taught.

If you followed last year’s controversy over revisions to the AP history guidelines, where, in the words of the Ethics and Public Policy Center’s Stanley Kurtz, officials tried to “substitut[e] a more ‘transnational’ narrative for the traditional account” of U.S. history, it’s not much of a stretch to say that the allied interests deciding national education standards are anti-American. If politicians are already reluctant to discuss education, just wait until uniform federal

standards mean that what science textbook your child is required to use becomes an issue in the presidential campaign.

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**‘You can’t defend teachers who physically harm or sexually harm children. You can’t,’ says Brown. ‘And yet [unions] are. So it destroys their credibility.’**

**M**any parents see what is going on and don’t just want to opt-out of onerous mandates, they want out of the public school system altogether. Nationally, the per-

centage of school children enrolled in private schools is 10 percent and declining, but the modest declines in recent years don’t necessarily mean public schools are more attractive to parents. The number of homeschooled kids has more than doubled since 1999 to 1.77 million. Kids in charter schools may technically be enrolled in public schools, but the rapid growth of charters is another reflection of discontent with traditional public schooling.

And when you look at who’s enrolled in private schools, you see how the failure of public schools exacerbates inequality. Liberals are fond of caricaturing those who disdain public education as backward religious fundamentalists, but wealth is actually the likeliest marker for sending kids to private school. Those who have the means are much more inclined to send their kids to private school. Fourteen percent of families with a household income between \$100,000 and \$200,000 choose private school. For households that earn more than \$200,000 it’s 26 percent. And, tellingly, the highest private school enrollment in the country is in Washington, D.C., where 21 percent of students are in private schools, and “private school families’ income is more than three times that of public school families, on average,” according to the *Washington Post*. Interestingly, the two most heavily Republican states, Wyoming and Utah, have

the highest levels of public school enrollment, 93 percent.

As to what it actually costs to educate a student, there often is little disparity between public and private schools. Last year, the AFT's Weingarten bemoaned "the greatest challenges facing our public schools: underfunding and inequity." More often than not, the persistently repeated claim that schools are underfunded is indefensible.

In 2011, District of Columbia schools had the worst graduation rate in the nation and the highest per pupil spending, even under the interpretation of 2010 census data most favorable to the District. Different sources use different methods to calculate per pupil spending, placing the figure for D.C. either as low as \$18,667 or as high as \$29,409. For comparison, Sidwell Friends—some say Washington's most prestigious private school, attended by Sasha and Malia Obama, following in the footsteps of Chelsea Clinton—tuition is around \$35,000 a year. And Sidwell Friends has so much extra cash lying around it took out an ad last year looking to pay a barista \$11.50 an hour to make the students lattes and smoothies.

Sidwell Friends is also one of the more expensive private schools in Washington. At St. Augustine, a Catholic school, tuition starts at \$5,300. Taxpayers could give poor students a solid private school education for considerably less than is being spent by the D.C.'s public schools.

The list of reasons why public education is so expensive is as lengthy as it is dispiriting, but if Weingarten wants to complain about schools being underfunded, unions are in a position to do something about it. A 2011 study by the American Enterprise Institute and Heritage Foundation found that, across the country, public school teachers were being paid \$120 billion over market value; among the study's conclusions were that public school teachers make more than private school teachers and that, on average, people who leave their occupations to teach in public schools get a 9 percent increase in pay. In addition to union negotiators breaking municipal budgets, union waste and corruption remain rampant. In 2002, it came to light that the Washington Teachers' Union president, treasurer, and a handful of other D.C. AFT leaders had embezzled \$5 million. A federal judge lambasted the national AFT for allowing this to happen, saying, "It seems everyone in a responsible position fell asleep at the switch."

Here's where Campbell Brown makes a salient point about the hullabaloo surrounding sweeping national initiatives such as No Child Left Behind and Common Core. At the end of the day, fixing a system this big, expensive, and dysfunctional may not be possible from within. If the goal is improving educational opportunities, Americans would be better served if politicians and angry voters channeled the energy that now goes into fighting Common Core and testing regimes into expanding school choice.

"Do I want the federal government writing a curriculum for our schools? No! To me, that debate is a sideshow if you believe in school choice," she says. "Just using New York as an example, bringing a good school to neighborhoods that, before charters arrived, really didn't have a choice has really put pressure on the system overall and has changed the view of a lot of our politicians. You can't deny what's happened. And you can't be a progressive and oppose better educational choices for low-income people. You can't! I don't understand how you can do that. There's no justification for it other than pure politics, and that's just unacceptable."

If it were up to the Obama administration and teachers' unions, only the rich would have a choice of where to send their kids to school. On November 10, the Fifth U.S. Circuit Court of Appeals ruled against the Justice Department in its lawsuit to shut down the Louisiana Scholarship Program, which has been operating successfully for seven years and gives a voucher worth around \$5,500 to low-income families to help pay for private schooling.

The Justice Department claimed the program was increasing segregation, but the only significant study, done by the University of Arkansas, found that student transfers resulting from the program "overwhelmingly improve integration." The Fifth Circuit called the Justice Department's rationale "disingenuous" and accused the Obama administration of trying to impose "a vast and intrusive reporting regime . . . without any finding of unconstitutional conduct."

Unfortunately, there are reasons to be skeptical of what Campbell Brown is likely to accomplish that go well beyond politics. Education reform battlefields are littered with the failures of prominent and well-funded initiatives. The Gates Foundation has invested billions in improving schools, and last fall Microsoft founder Bill Gates gave a speech about the result of his efforts. Gates "used the word 'naïve' four times in describing the expectations he and his foundation had for the initiative," is how the *Washington Post* summarized his remarks. At least Gates has had some success at getting something done, though his support for Common Core will hardly endear him to much of the country.

Facebook's Mark Zuckerberg has also dabbled in education reform, and describing his particular initiative as naïve would be an understatement. In 2010, Zuckerberg went on *Oprah* with New Jersey governor Chris Christie and Senator Cory Booker, then the mayor of Newark, and announced he was donating \$100 million to help the poorly performing Newark schools become "a symbol of educational excellence for the whole nation." Earlier this year, a new book by Dale Russakoff, *The Prize*—which grew out of a series of ballyhooed *New Yorker* articles—chronicled what happened in Newark in the ensuing five years. The book's

conclusion? Zuckerberg's generosity has "enriched seemingly everyone, except for Newark's children."

But maybe the most head-scratching entry in the education reform sweepstakes is courtesy of filmmaker M. Night Shyamalan. The *Sixth Sense* director, who'd been involved in charitable efforts to help underprivileged students in his hometown of Philadelphia, traveled all over the country studying school reform in an attempt to spend his Hollywood money more wisely. Shyamalan ultimately wrote his own book: *I Got Schooled: The Unlikely Story of How a Moonlighting Movie Maker Learned the Five Keys to Closing America's Education Gap*. Shyamalan is well-intentioned and frequently correct in his conclusions. But the neo-Hitchcockian auteur has a fondness for twist endings, so surely he can appreciate the irony when it's pointed out that his book spends a lot of time discussing the supposedly impressive educational strides being made by Newark schools.

How can Campbell Brown succeed where so many expensive, high-profile attempts at education reform have fallen flat? Well, a little self-awareness goes a long way. Campbell Brown understands the roadblocks thrown in front of all of the wealthy dilettantes who came before her, and she intends to defy expectations. For one thing, far from trading on her celebrity, she'd already said goodbye to her high-flying career in broadcast journalism years before starting the Partnership for Educational Justice and the *Seventy Four*. Her interest in education reform was sparked by chance.

"I became a mother, and it was a personal experience with a close friend of mine," she says, that caused her to fall down the education-reform rabbit hole. "Obviously, with the opportunities in my life, I could send my kids wherever I wanted to, but a close friend who had no money and two sons was . . . zoned for a failing school, and she felt so much heartbreak and desperation trying to figure out what she was going to do about it."

**A**musingly, Brown's own story wouldn't exactly make her your role model for educational attainment. In high school, she was expelled from a girls' boarding school for partying. After two years at Louisiana State University, she transferred to Regis University in Denver to finish college. Her 2006 *New York Times* wedding announcement notes that she "spent her post-college years as a Colorado ski bum." She then taught English in Prague back in the '90s, when floating around post-Communist Europe was a voguish pastime for twentysomethings. She took her time before settling on a career in TV, and while she paid her dues working at local affiliates in the Midwest, her rise to the top ranks of network news happened relatively quickly.

The fact that Brown is at once an overachiever and someone who defies the Type A stereotypes is a big part of her appeal. Whether on camera or in person, she's unpretentious

and relaxed, but as teachers' unions have discovered, it's a mistake to underestimate her. For one thing, Brown is personally invested in a way that other would-be reformers have not been. Where the role of Gates and Zuckerberg was primarily to write large checks, Brown is in the *Seventy Four*'s ad hoc office every day helping shape a never-ending stream of education stories. And where technologists tend to see a failing education system as a problem reasonable people can "solve," Brown appreciates the need to persuade people, knowing full well she might have to both fight the educational establishment and work with it.

"There has long been the view, 'If I just present the data, it's so clearly in my favor, that people will come around,'" she says. "It's a natural evolution that the reform movement is now saying, 'Oh, well, the data alone is not going to win people over.' . . . How do we, then, in order to make more progress, figure out how to tell the story better and engage in a debate that's not just with each other, that's with a much broader audience?"

For a former journalist, figuring out how to tell the story of education reform had an obvious solution. Still, Brown is sensitive to the fact that some might perceive what she's doing as more advocacy than journalism. "Tell me a news site that doesn't take a position. Name one. I'm just admitting it! I'm saying that I spent my life as a journalist and I have always had strong opinions about things, so isn't it better for my readers or my viewers to know what my opinions are going in? Don't you think that would help them trust me more?" she says. "I think the idea that we pretend to be objective when none of us has hurt our credibility. I mean, give me a break. Maybe it's because they are accustomed to seeing me in my previous role, but if they think I don't have opinions they're crazy."

Brown's thoughts on journalistic delusions are refreshing, especially coming from someone who used to share an anchor chair at NBC with Brian Williams. Nonetheless, she's worked hard to set high standards at the *Seventy Four*, and while the site isn't afraid to advocate, it also frequently publishes opposing views. Given how poorly covered education is, Brown sees a real opportunity to influence the debate.

"You need a bigger platform if you want to bring everyone into the conversation. That's the idea behind [the *Seventy Four*]. Its time has come," she says. "I know a lot of people get down about 'Why haven't we made more progress?' but I don't feel that way. We're going to make giant leaps and bounds in the near future."

As infectious as this optimism might be, it's understandable that not everyone shares it. What all can agree, though, is that if we need a national conversation about the future of America's schools, it's going to be a lot more honest—and a lot more lively—if Campbell Brown is the one leading it. ♦



Henry Kissinger, Jill St. John, Los Angeles (1970)

# Oh, Henry!

*Kissinger finds his chronicler.* BY SAM SCHULMAN

**T**his attentive, magnificently written, and profoundly researched biography of Henry Kissinger before he took office is stunningly good, and stuns as much for what it does not say as what it does. Earlier Kissinger biographers have tried to comprehend him, not quite in order to forgive his crimes but to share with others—usually Adolf Hitler—the blame for them. Hitler stung Kissinger at a tender age

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**Kissinger**  
 1928-1968: *The Idealist*  
 by Niall Ferguson  
 Penguin, 1,008 pp., \$39.95

into his amoral realism, and caused him to lure us into a foreign policy that history has proved was unnecessary. Walter Isaacson's 1992 biography ends with the triumph of the West in the Cold War in spite of realpolitik. Kissinger's machinations came to naught because the Cold War was more like a TED conference than a

life-and-death struggle: Victory came to us because our values "eventually proved more attractive."

Niall Ferguson is 15 years younger than the midcentury baby boomers like Isaacson, Christopher Hitchens, and me, whose fathers were Kissinger's contemporaries. Facing not an effortless Cold War victory but a victory squandered, Ferguson is free of the presupposition that both he and his reader are Kissinger's moral superiors. Instead, using Kissinger's thought and early career as his vantage point, Ferguson writes a marvelously

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capacious and dramatic history of American foreign policy during the Cold War's first generation.

Ferguson devotes an entire volume to the period of Kissinger's life that Walter Isaacson tells in 139 pages out of 767. This volume ends with president-elect Richard Nixon's appointment of his national security adviser—and a portentous few pages on Kissinger's appointment of a military adviser, a young Army colonel called Alexander Haig. Freed of the psychological pressure to get to the good bits, whatever horror you fancy in Kissinger's public career, Ferguson has the space fully to explore every aspect of Kissinger's past, including the most thorough account of the experience of his Jewish family in gritty Fürth, northern Bavaria, which had in 1813 taken the name Kissinger.

Arriving in New York at the age of 15, Kissinger turns himself into an American adolescent, a soldier, and a married student at Harvard on the GI Bill, where he prepared himself for his career as Harvard professor, defense intellectual, foreign policy adviser to the Eisenhower, Kennedy, and Johnson administrations, and secretary of state in waiting to the man he thought would be the sixties' greatest president, Nelson Rockefeller. When Ferguson is through, there is very little left of the picture of Kissinger as a wounded victim of history, or of court Jew—the man whom Isaacson described as a born courtier, “incorrigibly attracted to powerful, charismatic, and wealthy people.”

Ferguson depicts a very different type of midcentury figure. Kissinger enters history as a man of action in the mold of Albert Camus, Antoine de Saint-Exupéry, and André Malraux, with rifle in his hand. (Had it not been for World War II, Ferguson muses, Kissinger might have become a successful accountant.) History thrust him into the Battle of the Bulge, and as the U.S. Army advanced toward the Rhine, Kissinger found himself—with a rank never higher than staff sergeant—the de facto administrator of just-captured towns in southern Germany just behind the front, where

he had to deal on his own with starvation and looting among a sullen, occasionally violent populace.

Soon he became a counterintelligence agent, routing out Wehrmacht cells behind American lines, for which he earned his Bronze Star. Even during basic training, the Army gave him, for the first time, the sense of being fully American, and he felt committed to its mission in Germany not as a Jew, but as someone dedicated to a common purpose. His distraught parents in New York wanted him to come home from that “terrible place,” and he tried

*Even during basic training, the Army gave him, for the first time, the sense of being fully American, and he felt committed to its mission in Germany not as a Jew, but as someone dedicated to a common purpose.*

to explain why he couldn't: He and a friend had made a promise to one another the night Hitler died that “we would stay to do in our little way what we could to make all previous sacrifices meaningful. We would stay just long enough to do that.”

The sense of commitment to a mission that American arms discovered in action—that we had a responsibility to restore the world—kept Sergeant Kissinger in the Army and propelled him through the first 20 years of his academic career. As student and professor, Kissinger advised not realism but its opposite; not American supremacy but a commitment to our allies' self-determination; not icy superiority but a sympathetic understanding of the motives of our adversaries, partners, and standers-by. Above all, he believed that a great power had the same obligation to

commitment and action that he had felt as a soldier in Germany.

We must find the will to act and to run risks in a situation which permits only a choice among evils. While we should never give up our principles, we must also realize that we cannot maintain our principles unless we survive.

Kissinger was the same kind of idealist as John Locke, who argued for British participation in the War of the Spanish Succession because “how fond soever I am of peace I think truth ought to accompany it, which cannot be preserved without Liberty. Nor that without the Balance of Europe kept up.”

Early and late, Kissinger counseled an ethic of action as both strategy and principle. In 1950, he formulated a criticism of Harry Truman's policy of containment because it yielded all initiative to our adversaries. Containment had become, in effect,

an instrument of Soviet policy. . . . We have enabled the USSR to select points of involvement for maximum United States discomfort, leading to a fragmentation of our forces and their committal in strategically unproductive areas. . . . [W]e have . . . allowed the Soviet General Staff in a strategic sense to deploy our resources and in a tactical sense to lure our armies into endless adventures.

In his first book, published in 1957, he made the same point about Dwight D. Eisenhower and John Foster Dulles's reliance on mutually assured destruction. Kissinger saw the fruits of these policies in the twin crises of 1956, Suez and the Hungarian uprising. “The petty bureaucrats in Washington,” he wrote to a colleague, “were more outraged with Britain and France than with the Soviets because the British upset their plans more completely. And they were even a little bit irritated with the Hungarians because they forced them into making decisions it would have been simpler never to have had to face. . . . And the Hungarians have shown us the insignificance of our moral stature.” To McGeorge Bundy, he wrote a few weeks later: “We may

have proved that aggression does not pay”—for France and Britain, not the Soviet Union—“but we have done so to people least likely to disturb the peace. . . . I would feel happier about professions of high moral principles if they did not so frequently coincide with a policy of minimum risk.”

With equal consistency and fervor, Kissinger criticized the United States of 1956 on another point: It was not idealist *enough*, and it seldom bothered to articulate its ideals to the rest of the world. “We, the empiricists, appear to the world as rigid, unimaginative, and even somewhat cynical, while the dogmatic Bolsheviks exhibit flexibility, daring and subtlety,” he lamented in the year of Suez. We promised the world more prosperity, but “unless we address ourselves to the problem of encouraging institutions which protect human dignity the future of freedom is dim indeed.” We justify our actions on the basis “of a communist threat, very rarely on the basis of things we wanted to do because of our intrinsic dynamism.” In an early television interview (1958) he told Mike Wallace:

We should go on the spiritual offensive in the world. We did it ourselves with the Revolution. . . . We should say that freedom, if it is liberated, can achieve many of these things.

Instead, our leadership was programmatically indifferent to the national aspirations of our allies—and incapable of deciding who our allies should be. Kissinger wanted the Germans to take a bigger role in the Berlin crisis than John F. Kennedy wanted them to do; he admired the fractious Charles de Gaulle and thought he was correct on such matters as maintaining France’s independent nuclear *force de frappe*. When nominal allies showed that they were incapable of acting in their own interests—as he thought the South Vietnamese were not—Kissinger believed that they should not be regarded as being worth the sacrifice of American resources and lives.

Those who know Niall Ferguson’s newspaper writings will understand that he shares his subject’s deep admiration for America, and the con-

viction that we cannot shirk our role on the world stage. When Kissinger is frustrated with American leaders and bureaucrats who lack the ability or instinct (or even the desire) to explain and defend their country against the criticism of allies or the malice of enemies—no one understands better than Ferguson.

But it is more than a shared view of foreign policy that makes Ferguson Kissinger’s proper biographer. He has a deep affinity for Kissinger as a human being. Biographer and subject came to America as, more or less, adults;



Henry as a young boy

each survived the horrors of being a newcomer at Harvard; both were precociously successful academics whose celebrity beyond the campus earned them the scorn of more conventional and less productive colleagues. Neither contented himself with early success: They continued to work prodigiously hard with an intensity which may have injured the happiness of each man’s family. Ferguson describes with sadness the breakdown of Kissinger’s marriage and in his acknowledgments, thanks his own ex-wife with dignified candor.

The greatest affinity between Ferguson and Kissinger is their devotion to history as a way of understanding the world. Ferguson made his mark with a particularly swinging kind of counterfactual history. His first book, *The Pity of War*, depicted a world much better off without Britain’s entry into World War I. He greets Kissinger

as a fellow counterfactual historian, understanding the profound un-inevitability of the world around him. In his career as a policy intellectual, Kissinger soon learned that America’s leadership, both political and military, preferred to understand the world as lawyers see it, and sometimes cherished its historical ignorance, which extended in the Kennedy administration (so Kissinger thought) from the White House down to the lowliest grunt serving in South Vietnam.

Ferguson makes us admire the subtlety and flexibility of Kissinger’s historical understanding, but it is not always easy to grasp. The polarity of idealism and realism begins to bind and limit Ferguson in much the same way Kissinger thought American reliance on mutually assured destruction and containment gave the initiative to the Soviet Union. Kissinger’s adversaries can seem to determine the battlefield on which Ferguson must fight and define the charges against which Kissinger must be defended. Where Ferguson writes that Kennedy really *did* seek Kissinger’s advice, and that Kissinger really *did* want to initiate peace talks with North Vietnam in 1968, you begin to feel that Niall Ferguson is speaking to someone over your shoulder.

After such knowledge as Ferguson provides, what forgiveness? Or what acquaintance? For me, Henry Kissinger’s personality remains elusive. An aspect of Kissinger’s military career, once again, explains more than anything else. Most counterintelligence officers were, like Kissinger, no more than NCOs; their uniforms bore no badge of rank at all, and only generals were entitled to know it. Sergeant Kissinger had the power “to order . . . immediate and unquestioned assistance of available troops . . . from any officer up to and including a full colonel,” as a fellow counterintelligence officer explained. If an officer asked his rank, Kissinger’s instructions were to reply, “My rank is confidential, but at this moment, I am not outranked.”

Even after Niall Ferguson’s work, this may be the most telling description we have of the real man. ♦

JULSTEIN BILD / GETTY

# Their Golden Age

*The invention of the New Yorker, in myth and memory.* BY DANNY HEITMAN

Hearing about someone else's office politics can often be like eavesdropping on his class reunion, the narrative too narrowly tribal to interest those of us beyond the clan. Even so, for more than half a century, books about the inner workings of the *New Yorker* have attracted a loyal audience. Dale Kramer created this curious sub-genre of American letters in 1957 with *Ross and The New Yorker*, his chronicle of the magazine's origins under founding editor Harold Ross. Former staffer James Thurber followed in 1959 with his memoir, *The Years With Ross*, its popularity proving that *New Yorker* nostalgia was a going concern.

Reminiscences of life at the legendary periodical have been hitting bookstores ever since. In a striking testament to the staying power of the *New Yorker* brand, Janet Groth made a splash in 2012 with *The Receptionist*, her account of some two decades answering the phone at the fabled weekly.

We haven't, as yet, been treated to a memoir from the magazine's mailroom or its janitorial service, an absence some enterprising literary agent is no doubt trying to rectify.

What is it about the *New Yorker* that inspires such documentary zeal? The magazine's stature rests largely on the idea that, in starting it in 1925, Ross created something truly singular: a cultural institution worthy, by virtue of its profound and enduring uniqueness, of an inexhaustible mythology. But in truth, at least one other magazine, H. L. Mencken's *American Mercury*, advanced

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## Cast of Characters

*Wolcott Gibbs, E.B. White, James Thurber, and the Golden Age of The New Yorker*  
by Thomas Vinciguerra  
Norton, 464 pp., \$27.95

some of the innovations for which the *New Yorker* is now widely credited. Mencken began the *Mercury* in 1924, the year before the *New Yorker's* launch, and it was an immediate cultural sensation. As Terry Teachout has noted, "It is hard to read about the United States in the mid-twenties without receiving the impression that except for Silent Cal, everyone in the country was either reading the *Mercury* or complaining about it."

The *New Yorker's* profiles and its iconic feature, "Talk of the Town," owed much to similar content in Mencken's magazine, which had, in turn, looked to the *Smart Set*, an earlier Mencken venue, for inspiration. But if the *Mercury* rivaled—or even eclipsed—the *New Yorker* in its early days, the appeal of Mencken's journal proved far less durable. As Teachout explains, Mencken didn't so much cultivate outside contributions as recast them in his own idiom, a lively argot of colloquial American and his ancestral tongue. "I saw my article appear in print colored with such words as *privatdozent*, *geheimrat*, *bierbruder*, and *hasenpfeffer*, which mystified my friends because I don't know German," one *Mercury* scribe reported. Almost every aspect of the *American Mercury* was unmistakably Menckonian, and as his reputation waned in the changing cultural climate of the Great Depression, the magazine faded with him.

But at the *New Yorker*, Ross proved better—if far from perfect—at developing writers as distinctive presences,

creating an institution that has far outlasted his time at the helm. The *New Yorker* ideal was best summarized in a single sentence: "Try to preserve an author's style if he is an author and has a style." That principle wasn't coined by Ross but by Wolcott Gibbs, a figure of the magazine's early days who rests at the heart of Thomas Vinciguerra's *Cast of Characters: Wolcott Gibbs, E.B. White, James Thurber, and the Golden Age of The New Yorker*.

Few people today remember Wolcott Gibbs, a lapse that Vinciguerra has spent the past few years seeking to correct. In 2011 he published *Backward Ran Sentences*, a 688-page anthology of Gibbs's long out-of-print *New Yorker* writings, which ranged from short stories to casuals, profiles to personal essays, theater criticism to spot-on literary parodies. Gibbs was nothing if not versatile, a jack-of-all-trades who quickly proved his worth at a publication that, in its early days, greatly depended on writers who could wear many hats. The title of *Backward Ran Sentences*, drawn from a piece in which Gibbs flawlessly mimicked the inverted prose of *Time* magazine's early period, hints at why he's little remembered today. Imitating Henry Luce's *Time*, however deftly, is a bit like serving up a killer impression of William Jennings Bryan. Who remains familiar enough with the original to grasp the genius of the spoof?

Gibbs's little dictum about preserving an author's style encapsulates his own style rather well. It's pithy, direct, and funny; that little comic qualification, if he "has a style," is classic Gibbs. But the idea behind the proverb—that there's a purity in a good writer's expression that should be distilled yet not destroyed—is also aspirational, pointing to the high standards that he set for himself and everyone else. Gibbs expected so much from people and life that he was invariably let down.

Vinciguerra goes to some lengths to describe Gibbs's chronic sadness, which seemed very much the melancholy of a disappointed romantic. He was a broken man; but then again, so were many of the other writers that Ross seemed to attract. Like Gibbs, James Thurber and E. B. White had landed at the *New Yorker*



Standing: Alan Campbell, St. Clair McKelway, Russell Maloney, James Thurber  
Sitting: Fritz Foord, Wolcott Gibbs, Frank Case, Dorothy Parker (1938)

after checkered stints in newspapering. They were all easily bored, lacking the discipline for newsroom beats covering local government. Ross used the restlessness of his recruits to good advantage, since his magazine, in its initial phase, aspired to a breezy mix of Gotham gossip, cultural chatter, and glancing observations of Manhattan street life. What Ross wanted, and what his stable of writers gave him, was a magazine as kinetic and capricious as the city it was created to cover.

*Cast of Characters* takes its title from a description of early staff members by White, and he was right to think of himself and his colleagues in theatrical terms. They were a self-dramatizing bunch; even White's legendary shyness seemed, paradoxically, like a form of conceit. He was a master essayist who wisely knew that only "a person who is congenitally self-centered has the effrontery and the stamina to write essays."

White was prone to hypochondria and anxiety. Thurber, a celebrated humorist and cartoonist, was emotionally needy, his personality complicated

by a childhood accident that had left him nearly blind. Gibbs, who hailed from a prominent family that had lost its fortune, could be morose and moody, his years increasingly shadowed by booze and pills.

Ross helped keep these misfits productive, a challenge that positioned him as the magazine's house therapist. Taking Gibbs, Thurber, and White out for a meal one evening, Ross found Thurber barely able to navigate because of his vision, White nearly overcome by the heat, and Gibbs startled by a passing car. Returning to his office, Ross reported, "I've just been to dinner with three grown men who wouldn't have been able to get back without me."

The story underscores the degree to which Ross not only edited his staffers, but fathered them, too. Editing, like parenting, demands a bargain between control and independence, between setting firm rules and not setting too many. Ross struggled to strike the right balance, and *Cast of Characters* invites us to wonder how well the founding editor reconciled firmness with flexibil-

ity. Vinciguerra walks readers through the magazine's painstakingly deliberative editing process, a regimen that sometimes bordered on the comically absurd. After profile writer Margaret Case Harriman described Helen Hayes in an early draft as "not beautiful in the classic sense," a committee of editors had several meetings to discuss just how Hayes's appearance should be characterized. Concluding a series of confabs rivaling the Council of Trent, the editors reached a compromise: "She is not strikingly beautiful."

The copy desk "rules and guidelines could be maddening," Vinciguerra observes, mentioning, as an example, a Byzantine back and forth about just when—and how—the term "prefabricated" could be used. Katharine White, the powerful fiction editor who had married E.B. White after he joined the staff, also worried that the magazine's orthodoxy was stifling innovation: "We've always been purists and I do not suggest that we give up editing," she cautioned. "I only suggest that unless we soon make a considerable revision in our

BETTMANN / CORBIS / AP

habits in handling the work of professional writers, we won't have any good fiction at all to publish."

E. B. White also challenged the seeming penchant for rules for rules' sake. He resented the *New Yorker's* insistence on the editorial "we" in commentaries, even in sentences where it was clear that an individual, not a corporate entity, was doing the talking. White complained that the use of the first-person plural gave "the impression that the stuff was written by a set of identical twins or the members of a tumbling act."

White stayed away from his full-time job for a time, finding a more accommodating home at *Harper's Magazine* for the first-person essays he really wanted to write. Those essays, compiled into a classic collection called *One Man's Meat*, are some of his best work. He eventually returned to the *New Yorker* office, but he'd had to leave it to reach his potential. Thurber also felt compelled to distance himself from the magazine, a change with equally meaningful consequences for his creative life. But Gibbs's break proved more difficult. Away from the magazine, he was at loose ends, dying in 1958 at age 56 amid whispers that he'd committed suicide.

Ross himself had died in 1951, concluding what many have called the *New Yorker's* "golden age." William Shawn, who succeeded Ross as editor, attracted other talents, including John Updike and John McPhee; but the magazine's pipeline of writers, fed from the Ivy League rather than street-level journalism, perhaps necessarily became more belletrist less pungent.

In 1949, Ross had led a campaign against the broadcast of commercials over the public address system at Grand Central Terminal, noting that people often used commuting time for reading. "No person can think of two things at the same time," he argued. The practice was discontinued, but it foreshadowed the day when readers would have to compete with television, texting, Twitter, and a hundred other distractions. *Cast of Characters* is about the end of many things—including, quite possibly, an audience focused enough to appreciate any new golden age of publishing that might come along. ♦

BCA

# Dear Mr. Claus

*What letters to the North Pole tell us about America.*

BY RACHEL DICARLO CURRIE

Whenever I feel a twinge of despair over America's challenges—a not infrequent occurrence—I ask myself a simple question: "What year or decade would you like to return to?" It's a useful exercise for anyone harboring undue pessimism about the future or gauzy nostalgia for the past. Americans have a tendency to take much of our long-term economic, technological, medical, and social progress for granted, while assuming that our current problems will only get worse. History shows that such fatalism is unwarranted.

For example: In 1991—the year that America's violent-crime rate reached its highest level on record—no one could have predicted the massive, nationwide crime *drop* that was about to begin. Likewise, as late as 2010—when the International Energy Agency's chief economist declared that "the age of cheap oil is over"—few people could have foreseen the impact of the shale revolution. Of course, sometimes things *do* get worse: A half-century after Daniel Patrick Moynihan sounded the alarm over nonmarital childbearing, more than 40 percent of U.S. births occur outside marriage. Meanwhile, the labor-force-participation rate among prime working-age men is hovering near all-time lows, and deaths from heroin use have been skyrocketing.

The point is: Different metrics tell different stories about how our country has changed, for better and for worse, over the past several decades. Thus, a one-dimensional narrative of decline or triumph is misleading.

Rachel DiCarlo Currie is a senior fellow at the Independent Women's Forum.

**Letters to Santa Claus**  
foreword by Pat Koch  
afterword by Emily Weisner Thompson  
Indiana, 224 pp., \$20

All of this may seem a strange way to introduce a book entitled *Letters to Santa Claus*. Yet while reading it I kept thinking of our journey as a nation: where we've been, where we are, and where we're going. The title is not a metaphor; this really is a collection of letters and envelopes—more than 250 in total—that were addressed to Santa Claus and forwarded by the post office to the town of Santa Claus, Indiana (population 2,500). It includes a foreword by Pat Koch, founder of the town's Santa Claus Museum & Village, who started helping her father answer the Santa Claus letters in the 1940s. Koch's father was Raymond Joseph "Jim" Yellig, who dressed up as Santa, worked at Santa Claus Land, and "was truly the face of Santa Claus, Indiana, for many, many years."

Spanning nine decades, from the 1930s through the 2010s, the letters provide a window into the ever-shifting economic and cultural landscape of modern America. They are alternately silly and somber, hilarious and heartfelt. In a letter from the Depression era, a 9-year-old girl in Woodstock, Maryland, asks Santa to bring her brothers and sisters some winter clothes, lamenting that "we are poor and got no money for toys or candy." She then lists the names and ages of her siblings before adding, "and the others are dead"—delivering an abrupt reminder that child mortality was considerably more commonplace in the 1930s than it is today. (Between 1935 and 2010, the mortality rate

among American children aged 1 to 4 fell by 94 percent.)

By the 1950s, America was a richer, healthier place, yet still poor by the standards of 2015. In 1953, an 8-year-old Chicago girl tells Santa that “our daddy still doesn’t come home and mama cries at night when she thinks we are asleep, because she has no money for our coats and shoes and some dolls for Christmas.” One wonders if this girl had lost her father in the Korean War. In 1970, another Chicagoan, a father with eight children, earnestly asks Santa to help his family meet their basic food and clothing needs, explains that they don’t own a house or car—and then feels compelled to add: “We do not get any help or aid from the city.”

To be sure, there is lighter fare here, such as a letter from a cheeky husband in Pittsburgh requesting “some lovely new lingerie” for his wife, a letter from a 10-year-old Kansas girl warning Santa to “be careful this month and don’t break your leg,” and another from an Ohio girl asking if Santa was around “when the dinosaurs lived.” And it’s interesting to see how the quantity and sophistication of children’s gift requests have increased over time. In 2008, a boy from Campbellsville, Kentucky, asks Santa for a \$479 laptop computer, a laptop case (“It’s only \$15.00 so I can pay for it my self”), a \$29.96 wireless Internet connection card, and a \$69.98 two-year service plan. If these items prove too expensive, he says in a postscript, “tell my mom and dad to deduct the money from my birthday and next years Christmas.”

*Letters to Santa Claus* demonstrates just how much wealthier America has become since the mid-20th century. Yet it also reminds us that, despite our success in reducing material want, more and more children have been growing up in chaotic, broken, or never-formed families. “My mom and I had to move in with Nana + Papaw to help us through some rough times,” writes a Virginia boy in the 1990s. “A man called a Judge, gave me a new Mommy,” says an Indiana girl in 2002. Five years later, a girl from Hope, Arkansas, declares, “All I want for Christmas is my mom and dad to celebrate Christmas with

there family. Also I want them to stop arguing and for them to be safe. Also can you get me a locket with a picture of my mom and dad[?]”

In a more recent letter, a girl from Yonkers, New York, tells Santa that “it’s just me and my mom” and “her being sick and all make’s me really sad.” The girl’s Christmas wish is modest and poignant: “All I want is a gift for us,” she says. “It can be a small gift but at least it would be something,” which is “better than nothing.”

All this, of course, highlights our changing expectations of not just Christmas and Santa Claus but family and the world around us as well. In general, Americans expect more from life today—materially, professionally, socially—than we did in the

Eisenhower years, to say nothing of the Depression era. Rising expectations are not a bad thing; indeed, they can be a profoundly good thing to the extent that they encourage hard work, virtue, and healthy ambition. On the other hand, rising expectations can also lead to disillusionment and cynicism.

Those two attitudes might well define our current moment, when the public has little confidence in politicians, courts, schools, journalists, banks, or corporations. Reading *Letters to Santa Claus* won’t necessarily make you more optimistic about America’s future, but it will give you a deeper perspective on America’s past. It also will help everyone understand why the unique role of Santa Claus in the popular imagination is bound to endure. ♦



# Faith of Their Fathers

*Religious conscience meets scientific mind.*

BY WRAY HERBERT

By the late 19th century, the majority of working scientists, including geologists, had come to accept that the Earth was a very, very old place, as evidenced by an extensive fossil record. This acceptance had not come easily, but the unearthing of strange Triassic mammals and marine creatures and pterosaurs, embedded in stratified quarries and cliffs, had gradually, over the decades, undermined the traditional view of the Earth and creation, including the literal reading of the Book of Genesis. The scientific view of origins was ascendant, the biblical view in retreat.

Except not exactly. At this moment in time, no less an eminence than William Gladstone, longtime British prime minister and accomplished

## Private Doubt, Public Dilemma

*Religion and Science Since  
Jefferson and Darwin*  
by Keith Stewart Thomson  
Yale, 224 pp., \$30

classical scholar in his own right, attempted a feat of intellectual gymnastics. He did not refute the fossil evidence; rather, he flipped it on its head. He argued that the order of origins was identical in both Genesis and the fossil record—“water populations” and “air populations” first, followed by “land population”—and humans last of all. The clear principle was primitive first, followed by increasing complexity, leading to this rhetorical stroke:

How came the author of the first chapter of Genesis, to know that order, to possess knowledge which natural science has only within the present century for the first time dug out of the bowels of the earth?

*Wray Herbert is the author of On Second Thought: Outsmarting Your Mind’s Hard-Wired Habits.*

It is surely impossible to avoid the conclusion that . . . his knowledge was divine.

Gladstone's analysis was part of a public attack on Thomas Henry Huxley, close friend and intellectual ally of Charles Darwin, whose *On the Origin of Species* had been shaking up the accepted wisdom—and church authority—since its publication in 1859. But as Keith Thomson points out in this engaging and provocative book, the same rhetorical sparring could be taking place today—and is, in fact. Biblical literalists are still inventing new contortions, sometimes quite skillfully, that appear to accommodate scientific thinking and analysis, yet really want to deny their relevance to their world of miracles and divine revelation.

Thomson's core argument, first delivered as the 2012 Terry Lectures at Yale and elaborated into this volume of essays, is that new knowledge always comes with a cost—often an intensely personal cost. His two examples of this personal agonizing are Darwin and Thomas Jefferson, who in very different ways advanced the scientific enterprise while struggling privately with the implications of their insights.

Jefferson is the more surprising case study, at least for those familiar with him mostly as a revolutionary, Founder, statesman, politician, and third president of a young nation. Jefferson was also, Thomson says, a “co-founding father of American climatology and geography, scientific archaeology, and paleontology,” and it's this expertise and passion that interests Thomson here. Jefferson was an avid naturalist and somehow found time in his busy life to roam his native Blue Ridge region, studying the mountainous geology, fossils, and petrified shells. He compiled his observations and thought into his *Notes on the State of Virginia* (1787), considered one of the earliest (and impressively accurate) records of the natural history of America.

It was also his personal manifesto, and in addition to meticulous descriptions of the natural world, he held

forth on the sublime quality of Virginia's landscapes. The sheer beauty of the rivers and mountains and valleys, and their complexity, was to Jefferson evidence of a divine creator. He believed in the basic premise of natural theology: that the elegance of the world, especially life on Earth, could not have arisen by chance, but required intelligent design.



Portrait of Charles Darwin by George Richmond (1840)

Many readers will halt at those words—“intelligent design”—because they are still in use today, often summoned to argue for miraculous creation and against the widely held secular view of evolution by natural selection. But Jefferson, unlike contemporary advocates of intelligent design and “creation science,” was anything but antiscience. He embraced natural theology in order to reconcile the flood of scientific evidence with traditional religious authority. He was a deist, never a churchgoer, and he rejected the divinity of Jesus, as he did all miracles. Indeed, he created a redacted version of the New Testament, deleting all references to the supernatural. Yet for all of his accommodation, he was vilified by evangelical Christians during the election of 1800 and slandered mercilessly even after leaving the White House.

So how did Jefferson manage, in his own mind, to make science and reli-

gion coexist peaceably? He punted, according to Thomson. The new geology went a step too far in challenging his worldview and, despite all his devotion to science, he chose the religious answer over the scientific. He “decided to do nothing and go on with the rest of his life.”

Things might have been different had he lived and died a half-century later. That would have placed him in the era of Darwin, whose explorations on the *HMS Beagle* in the 1830s laid the groundwork for his emerging theory of evolution by natural selection. The ideas he later elaborated in *On the Origin of Species* revolutionized all of biological science and inevitably fueled a frontal attack on the creationist view that every species was created independently by a spontaneous act of God.

Unlike Jefferson, Darwin suffered a spiritual crisis of his own making. He could not reconcile his own theory and vast evidence with his personal religion. As a direct result of his intellectual conflict, he suffered lifelong anxiety and unrelenting ailments—nausea, hysterical crying, exhaustion, self-loathing—that nearly killed him.

His own religion was a mix of Unitarianism and Church of England, not uncommon in his day. Unitarianism tolerated a broad range of views—on the immortality of the soul and the divinity of Jesus among other theological issues—but it mostly preached that personal study and reflection were the pathway to God's truth. Importantly, Darwin shared these religious views with Emma Wedgwood, whom he married in 1839, after his voyage on the *Beagle*.

It was geology that most fascinated Darwin on that five-year voyage, and (as with Jefferson) it was primarily geological evidence that challenged, then upended, his religious training. Geological research unified his isolated observations into a grand system of thought, one focused on the long-term evolution of the Earth's surface. These observable evolutionary processes—and his grand system—made his loss of faith inevitable. His doubts, about

the creation account in Genesis and many other basic tenets of Christianity, grew—surged, really. He found it impossible to explain away evil, misery, disease, and death as God’s purpose—a state of disbelief that was hardened by the death of his beloved daughter Annie at the age of 10.

Somewhat like Jefferson, Darwin, when faced with an intellectual and personal crisis that couldn’t be resolved, took the easy way out. In Thomson’s words: “He blinked.” He knew that his radical theory would be extremely unpopular not only with theologians but also with conventionally religious people, so he preemptively sought to appease his audience. Or as Thomson writes, the devil “whispered into his ear.” Perhaps fearing rejection, he added an epigraph to his masterwork, one asserting that nature requires and presupposes an “intelligent agent.” In effect, he endorsed the fundamental principle of natural theology—one that he had, in fact, already rejected.

The personal struggles of Thomas Jefferson and Charles Darwin illustrate the difficulty, even for enlightened minds, to accept change. And yet change, Thomson argues, “is everywhere; to pretend that one can resist it is foolishness.” ♦

uct used by the colonists, from college diplomas to playing cards, intended to defray the costs of defending and overseeing the colonies. The tax infuriated Americans, inspired riots, and made it suicidal for any agent to try to enforce the act. It also ignited a world-changing debate about the purpose of government, the maintenance of empire, constitutional law, popular consent, and checks and balances. As Great Britain looked for new means to tax and subdue its American colonies, arguments raged in weekly newspapers and in pamphlets of 5,000 to 25,000 words—printed in relatively small numbers, but widely circulated in clubs and taverns.

This new two-volume set from the Library of America plunges us into the middle of that historic debate. Editor Gordon S. Wood, the great historian of the period, has judiciously collected 39 essential pamphlets and offers a lively, opinionated introduction to each of them. Wood takes meticulous care to include all sides, with prominent Englishmen (as well as Americans loath to separate from the mother country) challenging the views of bitterly unhappy colonists. Some very famous people speak out here: Thomas Paine, Edmund Burke, Benjamin Franklin, John Dickinson, Thomas Jefferson.



# A War of Words

*Reading the arguments that led to rebellion.*

BY EDWARD ACHORN

Long before cannons, muskets, blood, and bitter sacrifices settled the question of American independence, a revolution occurred “in the minds and hearts of the people,” John Adams recalled late in life.

The citizens of the British colonies of North America were raised with great pride in, and affection for, their mother country, he noted. They considered its government the freest on earth, with a strong Parliament ready to check the tyranny of any monarch who might get out of line. They thought of Great Britain, in Adams’s words, as “a kind and tender parent.” The Boston lawyer James Otis bore him out, declaring in 1764: “Our rights as men and free born British subjects” gave the colonists reason to be happier than “the subjects of any other prince in the world.” Otis

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## The American Revolution *Writings from the Pamphlet Debate 1764-1776*

edited by Gordon S. Wood  
Library of America, 1,889 pp., \$75

added: “If I have one ambitious wish, ’tis to see Great-Britain at the head of the world, and to see my King, under God, the father of mankind.”

But Britain’s indifference to the colonists’ pleadings for a voice in taxation—some sign that they would not be treated as abject “slaves,” as the colonists often put it—poisoned that relationship. And Britain’s willingness to “dash” the Americans’ “brains out” in asserting its imperial prerogatives finally persuaded the colonists to risk all by fighting for freedom. “This radical change in the principles, opinions, sentiments, and affections of the people, was the real American Revolution,” Adams wrote.

That real revolution began 250 years ago this year, with Parliament’s imprudent implementation of the Stamp Act, a tax on virtually every paper prod-

A great deal of the debate centers on matters the modern reader might find arcane: just how much allegiance the colonists owe to Parliament, how the colonies might feasibly be taxed. In his pamphlet on *The Rights of the British Colonies*, Otis himself seems unsure about the limits of Parliament’s authority, though he does warn that Britain will court “the most fatal effects” if it employs “the arts of fraud and force” against the colonists.

There are many fascinating moments embedded in these 1,889 pages. Pragmatic Benjamin Franklin, stationed in London, notes that British leaders were once able to govern America “at the expense only of a little pen, ink and paper” and foolishly risked losing vast amounts of money by trying to extract taxes without consent. “They will not find a rebellion; they may indeed make one,” he warns. Many patriot leaders

dwelling on the example of their New England ancestors, who at a terrible cost established religious freedom and representative governments in a harsh new world. Joseph Warren calls out to his fellow Bostonians suffering under British occupation: “The voice of your Fathers’ blood cries to you from the ground: MY SONS, SCORN TO BE SLAVES!”

Thomas Paine calls for independence in his *Common Sense*, the most popular and inflammatory pamphlet of the period. Paine’s stirring cry to stand against evil still has resonance in our own age, with its leaders who prostrate themselves before terrorist regimes. “Hath your property been destroyed before your face?” Paine asks.

Have you lost a parent or a child by their hands, and yourself the ruined and wretched survivor? If . . . you have, and still can shake hands with the murderers, then you are unworthy of the name of husband, father, friend, or lover, and whatever may be your rank or title in life, you have the heart of a coward, and the spirit of a sycophant.

Samuel Johnson, by contrast, can barely contain his rage over the presumption of colonists in challenging Parliament and whining about taxes to pay for their defense. Noting the preponderance of slaveholders among those advocating freedom, Johnson asks a devastating question that will dog America through the Civil War at least: “How is it that we hear the loudest yelps for liberty among the drivers of negroes?”

One wonders, reading these yelps for liberty over hundreds of pages of elevated language and reasoned argument, whether freedom can ultimately be sustained through the printed word only. As “print” journalism fades, and the public’s attention is increasingly diverted and gratified by digital delights and smartphone apps, the passions that engaged these 18th-century minds seem like a flickering flame grown dim. Yet even before there was a United States of America, James Otis worried about his busy countrymen’s tendency to look the other way as freedom was imperiled. “This barrier of liberty being once broken down,” he warned, “all is lost.” ♦

BCA

# Shuberts’ Symphony

*No business like show business, especially on Broadway.*

BY STEPHEN EIDE

**N***ew York Post* columnist Michael Riedel has great timing: *Razzle Dazzle: The Battle for Broadway* arrives just as Times Square has once again become the center of controversy in New York. Sleaze and swindling are on the rise in the form of aggressive panhandling by costumed superheroes and cartoon characters and “desnudas,” women wearing nothing but body paint above their waists. A unique New York institution, Broadway is essential to the city’s \$60 billion (with a “b”) tourist industry. Many who recall the strenuous efforts of mayors Koch and Giuliani in cleaning up Times Square doubt whether Bill de Blasio, the city’s “progressive” mayor, has the gumption to keep the bad old days from returning.

Riedel, though, emphasizes the role that private sector leadership played in the revival of New York City. He has written a history of Broadway from the perspective of producers and theater owners, primarily Bernard Jacobs and Gerald Schoenfeld, who led the powerhouse Shubert Organization through most of the last 50 years. “The Shuberts” are Broadway’s largest landlord, owning 17 of 40 theaters, and they have also produced or coproduced many of the top shows in recent decades, such as *A Chorus Line* and *Cats*. Yes, it was an epic achievement how New York shed its reputation as “the ungovernable city” through improved policing, transit, and other basic services. But Riedel shows that, at least in the case of Times Square, government couldn’t have done it without the enlightened self-interest of the business community.

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**Razzle Dazzle**  
*The Battle for Broadway*  
by Michael Riedel  
Simon & Schuster, 464 pp., \$27

There have been many “battles for Broadway” throughout its long history. The first that Riedel chronicles is the Shubert brothers’ conquest of the American theater business in the early 20th century. Sam, Lee, and J.J. Shubert were born in Eastern Europe (“no one knows where exactly”) and grew up in Syracuse, New York. They endured poverty and a lack of education, and they had no background in the theater. But they overcame these and many other obstacles thanks to relentless hustle and their grasp of the central importance of real estate to their industry. They bought their first theater in 1899, and by the late 1920s had acquired a sprawling portfolio of 30 houses in New York and 30 more in other cities. They held control of bookings at 750 other houses nationwide.

Like many other businessmen from that red-in-tooth-and-claw era of capitalism, the Shubert brothers were stern characters. Bernard Jacobs explained J.J.’s ruthless behavior towards his rivals and employees by saying that he “was not conscious of the fact he was cruel or mean. After all, he grew up in a world in which he and his brothers came out of nothing.” But they proved to be committed stewards of the theater, sticking with it during the Depression even while their company went into receivership.

In Riedel’s view, “[T]here is no question that [the Shuberts] saved Broadway,” because had they sold out, many of Broadway’s storied houses “would have been torn down to make way for



On 45th Street, looking west from Broadway (1925)

more lucrative real estate,” and Times Square itself would likely have been repurposed. And there may have been no Golden Age. During the two decades following the Depression, the Shuberts played host to *The King and I*, *Gypsy*, *A Streetcar Named Desire*, *Kiss Me, Kate*, and many other classics of the American stage.

But the good times didn't last for long. The 1960s ushered in rock music and America's urban crisis, two existential threats that reinforced each other. Trends in pop culture began to make musicals seem increasingly old-fashioned, while people with old-fashioned tastes—middle-class tourists and suburbanites—began to feel increasingly unwelcome around Times Square, “a twenty-four-hour carnival of sex, drugs, and crime.” Citywide, New York was losing the battle to preserve public ownership of public spaces. Just as the homeless would, in effect, claim much of the transit and parks systems as their own property, theater audiences had to navigate mean streets that

felt like the private domains of prostitutes and drug dealers. Hits such as *Hello, Dolly!* (1964) and *Fiddler on the Roof* (1964) deepened the industry's complacency about just how rapidly popular tastes were leaving it behind: “How square, suddenly, does Ethel Merman look singing ‘There's No Business Like Show Business’ next to Jim Morrison singing ‘Light My Fire.’” Between 1968 and 1972, Broadway attendance dropped from 9.5 million to 5.4 million.

Nineteen seventy-two also saw Jacobs and Gerald Schoenfeld take over the Shubert Organization. They had originally been hired as the Shubert brothers' lawyers in the 1950s. When J.J., the last remaining brother, died in 1963, he donated the company's assets to the nonprofit Shubert Foundation. Thenceforward, no one would technically own any of “the Shuberts” extensive holdings: The for-profit organization would answer to the foundation's six-member board of directors.

The Internal Revenue Service signed

off on this odd corporate arrangement in 1979, though many believed it was not completely on the level. Said one Shubert rival: “It's like competing against Ford Motors and the Ford Foundation all in one. . . . If somebody gives you \$100,000 a year—sure, you'll be more likely to do business with them.” But J.J. Shubert did the theater world a service by denying full control to Lawrence Shubert Jr., the incompetent son of his nephew. Lawrence had been appointed head of the organization for continuity's sake, but under his leadership, it fell into the red for the first time since the Depression. To save the Shubert Organization, Jacobs and Schoenfeld persuaded the foundation's board to push out Lawrence. They would helm the organization until their deaths: Jacobs in 1996 and Schoenfeld in 2008.

Jacobs and Schoenfeld took several actions to ensure the survival of the American theater. Partly as a result of antitrust pressure from the federal government to weaken their hold over Broadway, the Shubert brothers

GETTY/EDWIN LEVICK

had gotten out of producing. Jacobs and Schoenfeld started putting Shubert money behind new shows. Riedel dates the beginning of Broadway's revival to the Shubert-backed *A Chorus Line* (1975), a tremendous commercial and critical success. They pushed for higher ticket prices, a controversial policy that, at least from a business standpoint, has been abundantly validated in that both attendance and the cost of seeing a show are now at all-time highs. They helped rid their industry of "ice," the lucrative black market in prime seats that enriched theater staff at the expense of the public, who had to pay rip-off prices, and investors, who reaped none of the profits. Ice may have been the greatest Times Square scam of them all, even though it was conducted by the neighborhood's "legitimate" businesses.

Jacobs and Schoenfeld's efforts on the urban revitalization front were equally impressive. Local politics has long suffered from a frustrating lack of corporate involvement because of decades of mergers, acquisitions, and globalization. But the Shuberts felt that they had no choice but to engage since, as Schoenfeld remarked, "Corporations can leave the city. But the theater industry can't move." Schoenfeld was an early proponent of what became known as "broken windows" policing, which focuses on the sort of low-level criminal activity that was destabilizing Times Square. Schoenfeld even offered unused theater space for a planned Midtown Community Court for processing petty criminals.

Of course, many of Times Square's problems stemmed from officially law-abiding businesses such as adult bookstores and massage parlors. The Midtown Citizens Committee, which Schoenfeld chaired and partly bankrolled with Shubert funds, pursued every imaginable legal maneuver to put the smut purveyors out of business. Shubert money even went towards private investigators to personally take part in prostitution stings. (Cops were restricted by "the police union's no-disrobing policy.")

*Razzle Dazzle* is uneven because Riedel lacks full command of his material.

In his day job at the *Post*, Riedel writes gossip columns that are sometimes little more than notebook dumps. That works for the short form. But writing a book takes more of what John McPhee has called "the art of choosing what to leave out," which is not easy when you've got a topic as rich as Broadway on your hands. Michael Bennett, the director-choreographer of *A Chorus Line* and other shows, was an incandescent talent, no question about it. But Riedel's extensive discussion of his chaotic private life and father-son relationship with Jacobs, which take up almost 4 full chapters (out of 26), runs far afield of the main theme of *Razzle Dazzle*.

Riedel ends on a triumphal note,

but the serious question he raises is this: Where are New York's Jerry Schoenfelds today? According to police commissioner Bill Bratton, Disney and Marvel "want no part" of the attempt to rein in the current swindling epidemic in Times Square. As business leaders prepare to shell out billions on the 2016 presidential race, they might spare a thought for how much good Jacobs and Schoenfeld did at the city level while also doing well for themselves. New York's renaissance deserves to be celebrated, but to ensure that it lasts, cities will need private engagement in public affairs during the good times just as much as they needed it during the bad times. ♦

BCA

## Lorenzo the Mysterious

*More than one way to see a Florentine drama.*

BY JUDITH MARTIN

Who lured his cousin, confidant, and sovereign by promising him sex with one of their famously virtuous relatives, and then stabbed him repeatedly, remaining in the bloody murder chamber for more than three hours afterwards, to laugh and joke about it with his lackey-accomplices? We know from the subtitle that it was Lorenzo di Pier Francesco de' Medici, who thus dispatched Alessandro de' Medici, duke of Florence, in 1537.

But did he do this in his character of Lorenzino, as many called him, or as his evil twin, Lorenzaccio, the pejorative nickname that others used? Both nicknames were acquired earlier than the crime that made him famous. He was Lorenzino—Little Lorenzo—possibly to distinguish him from his august forebear. Even his admirers

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**The Duke's Assassin**  
*Exile and Death of Lorenzino de' Medici*  
by Stefano Dall'Aglio  
translated by Donald Weinstein  
Yale, 320 pp., \$40

knew that he was no Lorenzo the Magnificent. The diminutive might also have referred to his having once been a studious, philosophically inclined youth from the lesser branch of the Medici family, and thus not perceived to be of consequence in that politically volatile time.

But when he came under the protection of another relative, Pope Clement VII, whom he managed to antagonize by running around Rome chopping off the heads of classical statues, he was more often known as Lorenzaccio—Bad Lorenzo. The pope, who had been rather fond of him, sent him home to Florence to become Alessandro's companion in debauchery. And the two cousins seemed to be getting along at this so well. That it was plausible



*'The Murder of Lorenzino de' Medici' by Giuseppe Bezzuoli (1840)*

to Alessandro that Lorenzo would deliver his chaste aunt while the duke awaited her, stripped, in bed, gives us a notion of their idea of fun.

So why did Lorenzo murder Alessandro? History has rendered contradictory opinions. There are those who believed from the first that it was an heroic, selfless act to rid Florence of a repulsive tyrant. They considered Lorenzino the Florentine Brutus. Others drew the conclusion that any high school counselor would have: that a boy who gets away with committing major public vandalism is not going to end well.

Understandably, Lorenzo preferred the former explanation, and did everything he could to be the hero of the anti-Medici movement—admitting it to be awkward that he was also a Medici—although he had never before shown any sign of such sentiments. He immediately announced his act to people who had not yet received the news and started writing an “Apologia,” declaring the crime tyrannicide. And although even the Florentine exiles who rejoiced at the assassination wondered why he fled without attempting to rally the populace to seize liberty, they embraced him. He spent his remaining years dabbling in international politics and even unsuccessfully pursuing a bishopric, while

jumping around to avoid retaliation for his crime.

Eventually, they got him—although who “they” were was muddled from the first. The Holy Roman Emperor Charles V (Alessandro’s father-in-law) and Cosimo (Alessandro’s successor) sent so many spies and would-be assassins to Venice, where Lorenzo ultimately sought refuge, that they were falling all over one another. “Here it is completely full of spies,” an indignant spy reported to Cosimo, sounding like today’s tourists who complain that there are too many tourists in Venice.

When Lorenzo was finally stabbed to death, one suspect protested his innocence with the excuse that he was busy working on a different assassination at the time, that of Lorenzo’s brother-in-law. Another was taken so by surprise that he incorrectly assumed that the plot he engineered had succeeded, only to find that an entirely different set of hirelings had gotten there first.

Yet one does wonder what took so long—11 years after the murder of Alessandro—considering that Lorenzo’s enemies were powerful monarchs and that this was 16th-century Italy, where there was no shortage of assassins-for-hire and a huge reward was offered.

It is stated at the beginning of *The*

*Duke’s Assassin* that we will not discover whether Lorenzo’s motive was personal or political. So forget the psychological drama angle. For lurid versions, one must turn to the play *Lorenzino* by Alexandre Dumas père, or *Lorenzaccio* by Alfred de Musset. Nor does this book exploit the gossip potential of Lorenzo’s Venetian exile: his friendship with the papal nuncio there, Giovanni Della Casa, author of *Galateo: The Rules of Polite Behavior*, an etiquette book that is still quoted in Italy; his snubbing by his erstwhile friend Benvenuto Cellini because the sculptor had

received from Cosimo a commission for a statue of Perseus; his condemnation by the iconoclastic (and pornographic) poet Pietro Aretino; and even Lorenzo’s love interest, presumed to be a married aristocratic Venetian woman, for whom he risked his safety.

What the author has done, instead, is present documentary evidence questioning both interpretations, which he believes arose from the opposite prejudices of glamorizing and vilifying Lorenzo. Thus it is not a why-did-it-but a demonstration of the pitfalls of history. A research fellow at the University of Leeds, Stefano Dall’Aglio keeps jabbing at other academicians, ancient and modern, for misinterpreting or just plain missing documentary evidence. His chief point is that the impetus for killing Lorenzo, and indeed the execution, came from Charles V, whose motivation was both political and personal—from his daughter, known during her widowhood as Sad Margaret—whereas Cosimo, whom history has credited with revenge, participated only reluctantly and ineffectually. And yet the emperor helped fuel the widespread notion that Cosimo was responsible.

But there are also lessons here for the general reader about the unknowability of the past. There is no shortage of

GETTY / DE AGOSTINI

contemporary reports about the two murders from participants, eyewitnesses, and diplomats (whose dispatches provided a new nickname, always referring to him as Lorenzo the Traitor). And that is even before later historians start drawing on one another as secondary sources.

And yet, everyone has an angle. The grotesque revels in Alessandro's murder chamber were originally described by Lorenzo and one of his accomplices—who, one would think, might have put a better spin on it—but their accounts vary and also differ from testimony in the Florentine sentence pronounced soon afterward.

At dispute were such matters as when Lorenzo arranged his escape, the names of the participants, and whether they were concealed in the murder chamber or entered once the crime had begun.

Lorenzino or Lorenzaccio? The question of Lorenzo's motive remains. We are left with a choice, garnered over the centuries: Contemporary theories included not only noble republican idealism and "his naturally evil mind and ill will," but also "the most intense desire to make himself immortal" and the constant study of Greek literature, which would make him thirst for glory. ♦

while reading *From Turnberry to Tasmania*. The subtitle catches its essence nicely: *Adventures of a Traveling Golfer*. Steinbreder has certainly done the traveling, and his passion for the game has made it into something like an odyssey as opposed to a mere tour. As, for instance, in his introduction when he writes:

During one trip to Morocco . . . I teed it up on one of King Hassan II's courses in the Imperial City of Meknes, a track laid out entirely inside the grounds of the royal palace. Afterward, I drove to the ancient Roman city of Volubilis, where I spent a couple hours ambling down the stone streets of that historic site. Later that night, I dined on savory roasted lamb and sipped fragrant mint tea at a food stall in the Jemaa el Fna, or "Place of the Dead," next to the ancient souk in the heart of Marrakesh, still wearing my Footjoys and what turned out to be a daylong grin.

Not exactly your regular weekend foursome at the club or local muni. But while this passage might appear to be a sample of the kind of travel writing that seeks only to swank it over the reader, Steinbreder is anything but a snob. It might be because he loves the essence of the thing—the golf—so much. With him, it is always about the golf, and his love for the game and the courses he plays and writes about is infectious.

His tour of the world's great courses begins, of course, at St Andrews, and one may be tempted to think that quite enough has been said and written about the Royal and Ancient Golf Club. And in fact, while Steinbreder writes elegiacally about the course, he also takes the reader on a tour of some of the other "seventeen first-rate golf courses within an easy drive or walk" of the hallowed ground and leaves us thinking that maybe it is time, at last, to book that trip—and *now*, before we have to start playing from the forward tees.

So Steinbreder's world tour begins where golf began, and then moves on around the British Isles, taking in those things that are in the neighborhood and appeal to his sensibilities.



# A Duffer's Progress

*No staying put when there's putting to be done.*

BY GEOFFREY NORMAN

Golfers have a hard time explaining the appeal of their game to those who do not play. And in fact, golfers sometimes have a hard time accounting for their passion even to themselves. The old quip about how a round of golf is a "good walk spoiled" seems to stick with a lot of people. But buried in that line is an acknowledgment of something important about golf: Almost every round is, at the very least, "a good walk."

And sometimes, it is better than that. It is a sublime walk. And the reason has a lot to do with the grounds where the game is played. Some golf courses are better than others, and some are a lot better. A few are transcendent—in the mind, anyway, of those golfers fortunate enough to play them.

There are legendary courses that every serious golfer would love dearly to play and that even most nongolf-

**From Turnberry to Tasmania**  
*Adventures of a Traveling Golfer*  
by John Steinbreder  
Taylor, 216 pp., \$22.95

ers have heard about: Augusta, Pebble Beach, the Old Course at St Andrews. They are to the aficionado what the seven summits are to mountaineers or the Michelin three stars are to epicureans. So golfers might imagine paradise as being something like an eternal journey from one of these courses to the next, playing each in the season when it is at peak and savoring not just the golf but the essence of the course and its neighborhood.

John Steinbreder, who writes about golf for a living, has been fortunate to live a mortal's version of this dream, here on earth, and has been generous enough to share the experience with golfers who might never get to put a tee in the ground at, say, Pinehurst No. 1 but will appreciate the chance to live the experience vicariously,

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

The right places for a glass of single malt, say; or after the day's round, when he is playing near Dublin,

amble over to the Duke Pub at cocktail hour for the beginning of an acclaimed literary pub crawl through several of Dublin's finest pubs, all of which have literary connections. The tour took a couple of hours, and I quaffed pints with newfound friends as we listened to a pair of actors recite the words of Shaw, Swift, and Wilde—and tell stories about their life and times in Dublin. We ended the evening in Davy Byrne's, the pub where Leopold Bloom, Joyce's memorable character from *Ulysses*, ordered his Gorgonzola cheese sandwich and glass of Burgundy. Beckett drank there as well, in the 1930s, and scribes like [Brendan] Behan and the "peasant poet" Patrick Kavanagh emptied more than a few glasses there years later.

In the New World, Steinbreder plays the courses you might expect. And some that are surprises. Pebble Beach, of course, is part of the tour: It is a course that stimulates recall of memorable tournaments and great shots that were hit by great golfers on their way to winning those tournaments: "Jack's one iron and Watson's wedge." Most readers will know "Jack" simply by the first name—and probably recall the shot, and will give Steinbreder some credibility points here. It adds significantly to this book's appeal that the author is as much historian of the game as traveler to its iconic destinations.

Also that, like most golfers, he is on the lookout for what in the fraternity are known as "hidden gems." These are the courses that are delightful, challenging, and memorable without being famous destinations. They might even be munis. But their pedigree is less important than how they play. So Steinbreder concludes the chapter that begins at Pebble Beach with a visit to "Pacific Grove Golf Links, a charmingly funky public course in a charmingly funky town of the same name." That course, or a portion of it anyway, is known as the "poor man's Pebble Beach . . . [and] at less than \$50 a round, the price is

right." (Pebble Beach, by the way, is 10 times that.)

The grand golf tour continues to Australia, New Zealand, Bermuda, and the Caribbean. It takes in Italy and Portugal, Nicaragua and Costa Rica, Hawaii, and Nova Scotia. And Steinbreder finds something to love, and some lore to report, everywhere he goes. In his afterword, he provides us with a collection of "top-fives," going beyond listing the

actual courses and including such things as the top five golf lunches and the top five nineteenth holes. The man knows his golf and has appealing eagerness to share, almost as if he were trying to explain what it is about golf that makes some people love it so much.

The answer, in part, is that it isn't just about the golf. And on that, Steinbreder gets it right on the sweet spot. ♦

BCA

# Knowledge Can Kill

*A diplomat's dilemma on the eve of calamity.*

BY ANDREW NAGORSKI

Vladimir Putin has systematically worked to rehabilitate the image of Stalin, downplaying his record of mass murder while celebrating his role as the architect of victory in World War II. But Stalin almost lost that war before he won it. Disregarding multiple warnings from the West, and even his own spies, he refused to believe that Hitler was about to unleash an attack on the Soviet Union in late June 1941, shattering their de facto alliance.

As a result, the German offensive, known as Operation Barbarossa, initially scored dramatic successes, allowing the Wehrmacht to inflict astronomical casualties and rapidly advance deep into Soviet territory. It would take years—and many more millions of Soviet military and civilian deaths—before the Germans would be driven back across their border.

This is the well-known backdrop that Otto de Kat—a pseudonym for the Dutch writer and publisher Jan Geurt Gaarlandt—uses to maximum effect in this slim, tautly constructed novel. While readers know where the epic events at the heart of the story

*Andrew Nagorski's latest book, The Nazi Hunters, will be published next year.*

## News From Berlin

by Otto de Kat  
MacLehose Press, 160 pp., \$22.99

are headed, de Kat has produced much more than just another tale of wartime intrigue. His real focus is the intensely personal struggle of his main character, a Dutch diplomat posted in neutral Switzerland. The result is a mini-drama within a megadrama, making this a thoroughly engrossing emotional ride.

Based in Berne, Oscar Verschuur is (as de Kat explains) "a diplomatic freewheeler, dispatched on far-flung assignments that were considered too delicate or challenging for ordinary civil servants," including working with those who smuggled people out of Germany. Collecting and keeping secrets are his specialty: "He enjoyed it, it was food and drink to him." In other words, he is more of a spy than a bureaucrat, a risk taker in his professional and private life. While his British wife Kate is back in London working in a hospital, he is drawn to Lara, a beautiful Dutch compatriot he meets in the Swiss Alps.

Three weeks before the German invasion, Verschuur is at the receiving end of the biggest scoop of his

diplomat/spy career: the exact date, June 22, for the planned launch of Operation Barbarossa. The source is his daughter Emma. During his earlier posting in Berlin, she had married a German foreign ministry official who works for Adam von Trott. The latter, like the American newsman Howard K. Smith who makes a cameo appearance, is no fictional character; while serving in the foreign ministry, von Trott despised the Nazi regime and was later executed as an accomplice in the 1944 assassination plot against Hitler. Emma's husband shares his boss's views, letting her in on the information about the pending bloodbath.

Because of the source, Verschuur faces a huge dilemma, harboring "a secret that was too important to keep to himself, and yet impossible to share with anyone else." He knows that if he passes this warning on and, as is likely, it is traced back to him, the Gestapo will quickly make the connection with his daughter and her husband. Without warning her spouse ahead of time, Emma had let slip the information on a visit to Berne because she felt her father would know what to do with it—and despite her palpable fear, could not imagine keeping it to herself.

But Emma feels she no longer knows her father well. Neither does Kate in London, as the couple's lives take increasingly divergent paths. That leaves all members of the immediate family struggling with a growing sense of estrangement, and Verschuur's romantic intoxication with his Dutch compatriot looks like more a natural result of that process than its catalyst.

Given Stalin's conviction that the more general warnings he receives constitute Western disinformation aimed at drawing him into conflict with Hitler, Verschuur legitimately wonders if his information can make a difference, especially if he shares it with British officials or the Dutch government-in-exile in London. His countrymen in the British capital are notoriously inept, and the British authorities are not much better. "London was synonymous with bungling, infighting, red tape," he muses.

But can he afford to do nothing, thus protecting his daughter but possibly missing an opportunity to limit the deadly effectiveness of Operation Barbarossa? The stakes could not be higher.

De Kat weaves the strands of these stories together deftly. The one stylistic problem, which may be the fault of translation from Dutch to English, is the occasional reliance on clichés: "Emma's whispered message weighed like a stone on his heart," we are told. But this is a relatively minor irrita-

tion as de Kat manages to build the suspense about what Verschuur will decide, despite our knowledge that nothing would save Stalin from his own willful blindness.

Don't expect a spoiler sentence here. Suffice it to say that Verschuur's ultimate decision estranges him even more—from both his wife and his Dutch lover, while leaving his daughter confused and jumping to the wrong conclusions. The spy who loves going it alone ends up more alone than ever. ♦

BCA

# The Talking Cure

*One last-ditch effort to avoid Civil War.*

BY DAVID BAHR

**I**n a city where the sine qua non of life is failure, it is amazing that political miscarriages don't receive more studious treatment. But in *The Peace That Almost Was*, Mark Tooley, president of the Institute on Religion and Democracy, offers us a splendid treatment in this meticulously researched account of the last, best attempt to prevent the disunion of a nation less than a century old.

The statesmen who gathered at the behest of former president John Tyler in the Willard Hotel during the final weeks of James Buchanan's term found themselves in the uncomfortable position that results when one realizes that one's parents really do *not* have all the answers and that, every so often, the family must rely on its young for succor.

The parents in this case were the Founders, whose soaring locution "all men are created equal" was emerging from the realm of abstraction in the form of our first openly antislavery president, Abraham Lincoln.

*David Bahr is an assistant editor at THE WEEKLY STANDARD.*

**The Peace That Almost Was**  
*The Forgotten Story of the 1861 Washington Peace Conference and the Final Attempt to Avert the Civil War*  
by Mark Tooley  
Thomas Nelson, 320 pp., \$26.99

Lincoln, the Southern attendees well understood, meant to press this practical point on the national stage, lending the peace conference a fatalistic tinge. Already, six Deep South states had seceded and were holding their own convention to establish the Provisional Congress of the Confederate States of America.

The February 1861 conference opened with a prayer led by Senate chaplain (and later pastor and spiritual counselor to President Lincoln) Phineas Gurley. Outside observation was barred, as was the taking of formal minutes. Slavery, of course, was discussed—almost to the exclusion of every other topic, and ultimately formed the core of each of the proposed compromises. The final proposal was rejected in the Senate—it failed to reach the House of Representatives—



Former president John Tyler opens the peace convention (1861).

and a few days after the conference, John Tyler was back in Richmond, taking his seat at the Virginia secession convention, denouncing the peace effort as a “worthless affair.”

But blaming a metaphysical force for the failure of men is not very satisfying. Indeed, as Tooley demonstrates, the 131 members from 14 free and 7 slave states who participated in the conference operated in good faith, sadly aware of what was at stake. Tyler, himself a good Virginian who once quipped of his own state that “her destiny good or evil is with the South,” now declared that the assemblage was tasked with “snatch[ing] from ruin a great and glorious confederation, to preserve the government and reinvigorate the Constitution,” a responsibility his peers took seriously. And yet, as another Virginia delegate, James Seddon, remarked to his Massachusetts counterpart George Boutwell:

It is no use for us to attempt to deceive each other. You have one form of civilization, and we have another. You think yours is the best for you, and we think that ours is the best for us.

What Seddon, a future Confederate cabinet member, was describing was less fact than philosophic point. But modern readers, at a comfortable distance from the causes precipitating the Civil War, would do well to reflect on his pronouncement, for it contains both the failure and the lesson of any

peace conference. The failure of the 1861 summit was based on a misunderstanding between representatives of two cultures headed toward collision. The truth is that there were insoluble differences between the contours of the Northern and Southern souls,

and prolonging an artificial harmony between the two only shifted the burden of resolution to the future. America was at a point where the bonds of law were being ignored—or, from the Southern perspective, misunderstood—and war, not compromise or appeasement, was the only option for honest men. As Tooley points out, Winston Churchill called the Civil War the “noblest and least avoidable of all the great mass conflicts of which till then there was record.”

The lesson is that we should not shy away from Seddon’s clarity about cultural differences. And we should not fear affirming that there are many “cultures,” not all of which are created equal: Some are worth preserving, some worth destroying. During the Civil War, the principles of our Founding documents were in need of vigorous protection over and against the domestic order of the South, and Lincoln was clear-sighted enough to understand that, at a certain point, value judgments had to be made, regardless of the consequences. ♦



# The Shadow Knows

*A novel of wartime suspicion and suspense.*

BY JON L. BREEN

**H**ow many literary genres and how many specialized backgrounds can one novel encompass?

The latest from Gerard Woodward, a British writer frequently shortlisted for prestigious literary awards, has aspects of war, espionage, coming-of-age, comedy, mystery, saga, gay romance, and courtroom drama. It provides a wealth of background detail on subjects as diverse as art, farming, aviation, sex, and the work of camouflage experts in World War II.

*Jon L. Breen is the author, most recently, of The Threat of Nostalgia and Other Stories.*

## Vanishing

by Gerard Woodward  
Pegasus, 400 pp., \$25.95

The title *Vanishing* refers both to the protagonist’s work and his general approach to life and relationships. Artist and British Army lieutenant Kenneth Brill is complex and enigmatic enough, and his life is certainly eventful enough, to maintain the reader’s curiosity through nearly 500 pages of time-shifting first-person narrative.

As the novel begins, Brill is confined to a British military prison awaiting court martial. His first-chapter meeting with Captain Davies,

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the officer assigned to defend him, reveals some basic facts about Brill and the charge facing him while leaving plenty of gaps to fill in as the story goes on. His father, a former stage conjurer, once pretended to make Brill vanish, claiming that although he could see himself, he was invisible to everyone else. Brill's history of school expulsions and his abandonment of his wife represent more vanishings, which Davies points out are "a noticeable theme" of his life. The reader later learns his time in art school included an embarrassing incident in which he fainted in the face of painting a nude male, but later he is involved in recruiting female prostitutes to serve as models. His spotty record includes a police charge for "an act of trespass in a royal household. The Palace, no less." He has had some association with Fascist sympathizers.

He served his country with distinction through most of the war, helping create a historic deception on the enemy that turned the tide in the Battle of El Alamein. Brill was even shot in the line of duty—and Davies notes the irony of a camouflage officer being shot. Near the end of the war, however, Brill has been accused of spying for "painting a picture," actually several paintings, drawings, and even (his accusers allege) diagrams, of the farming area near London, known as the Heath, where he grew up.

Though that may sound innocent enough, the subject was the site for which "one of the biggest military air bases in Europe" was planned—and which eventually would be the location of London's Heathrow Airport. His defense: that these fields were important to him through his childhood and that he was "trying to make a record of them before they are gone." When Davies asks him if he would prefer the land to be "swept away instead by a tide of Nazi jackboots," Brill silently reflects that the "war had become a religion. To question its strategy was like questioning the tenets of a faith, and . . . it always came back to the same question: are you a believer or non-believer? As such, it allowed for no argument, no discussion."

Few novels are packed with so much incident and background detail. The life of Brill's father could make a book of its own: a music hall career in which he accidentally killed his partner in a comic dart-throwing act, a stint as a traveler in medical hardware, a mistaken attempt to corner the market in prosthetic legs, an inept effort at market gardening stifled by the "manure wars," and finally making a fortune in sludg cakes, i.e., human excrement used as fertilizer.

*The life of Brill's father could make a book of its own: a music hall career in which he accidentally killed his partner in a comic dart-throwing act, a mistaken attempt to corner the market in prosthetic legs.*

Brill's trial is covered from opening statements to final in-court surprise in five short scenes, widely spread apart in the nonlinear narrative. They total only about 30 pages, but the trial is the central event to which all the other action leads. Lawyer Davies, who believes the trial should more appropriately be taking place in a civilian court, gives Brill the dubious advice to wear civilian clothes during the proceedings, making him the only person in the courtroom not in uniform.

Though Brill finds the proceedings frustrating, he enjoys seeing his work displayed to the court: "I could imagine . . . that I was a successful artist enjoying my first one-man show in a well-known and respected gallery. In all, I felt pleased. My art, for whatever reason, was being taken seriously, perhaps more seriously than art was taken for any other artist. My art was evidence." Explaining his

previous brushes with the law under cross-examination, he blames his art: "I think it is a condition of being an artist that one walks across boundaries, sometimes not even knowing they are there. For us the visual world contains no boundaries—to us a fence is not an obstruction, it is an illustration of perspective, giving depth to the landscape."

It is left to Learmouth, Brill's fellow art student who studied law at Cambridge and will testify in Brill's defense against a raft of prosecution witnesses deploring the continental, even fascistic influences of his work, to make the sweeping statements about the law that are a common element of legal fiction. Explaining his attraction to the field, he says, "The law is nothing less than the social imagination exposed and codified. Every aspect of the human experience has, at some point, found definition and expression in the law. Though, of course, it is the most pared down and minimal expression one can think of." Later the same character states more sourly, "All human life is there, but crushed and desiccated down into dry crisp pages of parchment."

Kenneth Brill has been cited as an example of that fixture of postmodern fiction, the unreliable narrator. Though he doesn't outright lie to the reader, which a literary guide to the action never should, he is certainly selective of what facts he chooses to tell, leaving his essential character open to varying interpretations.

So, by the end, is the serial vanisher now visible to the reader or still a mystery? We know that author Woodward believes the "hamlet of Heathrow was destroyed by a disgraceful misuse of wartime powers by the British government"—he says so in his acknowledgments—but not how he expects us to feel about the protagonist of his remarkable, wide-ranging novel. The letter that comprises the last two pages of the book is open to two possible meanings, and the true choice might easily be missed on first reading. *Vanishing* reads so smoothly, it's easy to overlook how challenging it is. ♦

**“The White House was on the defense Wednesday morning for statements made by President Obama—who labeled Friday’s Paris massacre that left 129 dead a ‘setback’—and Secretary of State John Kerry’s claim that the terrorists who in January attacked Charlie Hebdo had a ‘rationale.’”**

**PARODY**

—FoxNews.com, November 18, 2015

DECEMBER 1, 2015

# OBAMA SHARPENS RHETORIC, BLASTS ADVERSARIES

## ‘You’ll Be Sorry,’ President Warns Critics of Adele

By WILLIAM MILLER

WASHINGTON — Reacting to those who say he lacks passion and empathy, President Obama held a press conference Monday and lashed out against what he termed “the enemies of America who mean to do us harm and destroy our way of life.” He specifically took aim at the handful of individuals who did not like ‘25,’ the latest album by the popular singer Adele.

“It is outrageous,” said Mr. Obama, “for someone to have the temerity to question the quality of this album.” (A Vox review says, “Adele’s 25 is her least interesting album yet.”) The president called Adele a “creative genius” who writes her own music. “It comes straight from the heart. It is simply soulful. And those who say otherwise will face the ultimate consequence.”

Mr. Obama went after critics who described ‘25’ as lacking in substance. “What is it that they want? Is it not enough that these songs have a good beat? A catchy tune that has you humming all day? Are you not entertained?!” (Reporters who asked about current U.S. efforts in the fight against ISIS were referred to White House press secretary Josh Earnest, who said the president remains concerned. “It vexes him,” said Mr. Earnest. “He’s terribly vexed.”)



Mike Matus

President Obama at his press conference Monday, at which he hinted that critics of Adele might face IRS audits.

At the Department of State, meanwhile, Secretary John Kerry convened his own press conference and expressed outrage. “Enough is enough,” said Mr. Kerry. “We must call for an end to this bitter feud.” Mr. Kerry was, of course, referring to the feud between singers Katy Perry and Taylor Swift. “Haters gonna hate, hate, hate

Continued on Page A6

## Carson Details Foreign Policy

*Demands Withdrawal of Earth  
from ‘United Federation of Planets’*

the weekly  
**Standard**

DECEMBER 7, 2015