the weekly Standard

WHO WILL DEFEND THE MARINES?
AARON MACLEAN

JANUARY 25, 2016 • $4.95

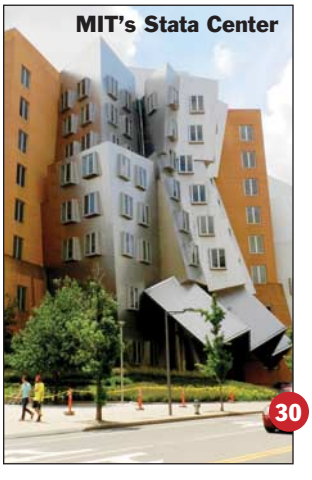
Frank Gehry's Starchitectural Landscape

BY ANDREW FERGUSON

WEEKLYSTANDARD.COM

Contents

January 25, 2016 • Volume 21, Number 19



PABLO VALERIO

COVER BY CHRIS GALL

The Antonio de Spinola Award

Like many prizes offered by The Scrapbook, the Antonio de Spinola Award is not bestowed on a regular basis. This is not because The Scrapbook is instinctively ungenerous or reluctant to cheapen a distinct honor. It is because of the nature of the award itself.

Readers of a certain age may recognize the name of Antonio de Spinola (1910-1996), the Portuguese general who was the titular leader of the successful 1974 officers' revolt against the Lisbon dictatorship. We leave it to historians to evaluate General Spinola's role in the coup and its aftermath; but from The Scrapbook's perspective, the passage of nearly 42 years has scarcely diminished our wonder at the general's appearance. As far as we can tell, he was the last general officer in any army on earth—indeed, the last person in public life—to sport a monocle.

Of course, this gave him the grave aspect of a Prussian officer on the Western Front rather than a veteran of colonial wars in tropical climates. But no matter the cause or effect, General Spinola inspired The Scrapbook's eponymous award, bestowed on wearers of memorable eyewear in public life.

As might be expected, there have not been many eligible recipients in recent years, and we have been occasionally tempted to award the Spinola posthumously: to the late Bolshevik Leon Trotsky, for example, or to the architect Philip Johnson, or the Hollywood agent Irving "Swifty" Lazar. Indeed, the growing monotony of personal appearance, even among celebrities, has prompted The Scrapbook to consider the occasional public rebuke: for example, of George H.W. Bush, who, on the advice of campaign consultants in 1980, traded in his idiosyncratic half-lenses—always perched on the tip of his nose—for the ho-hum aviator glasses of his presidency.

From upper left: Antonio de Spinola, Staffan de Mistura, Philip Johnson, 'Swifty' Lazar, George H.W. Bush

All such hesitation and woolgathering, however, was swept aside last week when we stumbled upon a photograph of the U.N. special envoy for Syria, Staffan de Mistura of Italy. Ambassador Mistura, a veteran United Nations diplomat of joint Swedish-Italian nationality, habitually wears a pair of pince-nez (glasses with a nose clip but no earpieces) that would do credit to Franklin D. Roosevelt. Offhand, The Scrapbook cannot think of anyone in the past several decades of public life who wore pince-nez, nor can we think of a more deserving recipient of the Antonio de Spinola Award.

As we mentioned, FDR was the last president to be seen in public wearing pince-nez—although even in his time they were considered antiquated—and in recent years, especially, American politicians have been notably reluctant to draw attention to minor eccentricities of dress and appearance. Even Speaker Paul Ryan's beard, which The Scrapbook recently commended, came and went with disturbing swiftness. Now, with his Antonio de Spinola Award in hand, let the pince-nezed Ambassador Staffan de Mistura break the glasses ceiling, as it were. ♦

TOP LEFT, CLOCKWISE: KEYSTONE / GETTY IMAGES; FABRICE COFFRINI / AFP / GETTY IMAGES; AP PHOTO; RON GALELLA / WIREIMAGE; EVAN KAFKA / LIAISON

Easy Does It

We should all be active participants in a good and decent public life, President Barack Obama lectured in his final State of the Union address. But then he issued this important caveat: "It is not easy." And how! But we should be grateful for small mercies: At least he didn't say "and it won't be quick." For that rhetorical pairing—*it won't be easy and it won't be quick*—has been one of the most persistent and annoying clichés of the president's years in the spotlight.

It was already a tic on the stump in 2008, when Obama would preface his assertion that "it's time to come together and change" with the warning "It won't be easy, it won't be quick." In his nomination acceptance speech months before, he had proclaimed: "America, our work will not be easy." A few years later he allowed, "As I've said since I first ran for this office, solving our challenges won't be quick or easy." How right he was.

Rebuild our economy and transition to a clean-energy future? "We knew it wouldn't be easy or quick."

Ending gun violence? "It won't be easy."

Partner with the Afghan government? "I want to repeat we don't antici-

pate this process will be easy or quick."

"Rooting out a cancer like [the Islamic State] won't be easy and it won't be quick." But how about in conjunction with Arab allies? "This is not going to be something that is quick and is not something that is going to be easy."

Peace between Israelis and Palestinians? "None of us are under any illusion that this would be easy," and "The work will not be easy."

Even the first lady got into the act. In a speech on ending childhood obesity, Michelle said, "This won't be easy—and it won't be quick."

It-won't-be-easy-and-it-won't-be-quick has been the default answer to criticism of the administration. Naysayers are preemptively dismissed as knuckleheads who imagine everything is quick and easy.

IWBEAIWBQ has been such a reflexive, prophylactic excuse for anticipated failure that the president has trotted it out even when real change was just around the corner. Confronted with the challenge of "ending this cycle of rising gas prices," the president pronounced it "won't be easy, and it won't happen overnight." But, of course, it did (no thanks to his administration). How easy was that? ♦

All in the Family

The *New Yorker*'s Jane Mayer is out with a new book, *Dark Money*, purporting to unmask those dastardly Koch brothers and their infamous habit of spending money to support libertarian and conservative causes. Her 2010 *New Yorker* article "Covert Operations" succeeded in vilifying the Kochs among progressive voters in spite of being riddled with strange accusations and dubious assumptions. Her book seems to be no different.

Aside from running a glowing review, the *New York Times* splashed a big scoop taken straight from Mayer, "Father of Koch Brothers Helped Build Nazi Oil Refinery, Book Says." The story in question reveals that the senior Koch built part of an oil refinery in Hamburg in 1933, six years before Germany invaded Poland, at a time when nearly every sizable American corporation—GM, Coke, IBM, et al.—was still doing business in Germany.

The blowback from the article's sensational charge was such that the *Times* ran a follow-up article best described as a weaselly, passive-voiced semi-acknowledgment that the critics had a point. Still, they ran it under an insulting headline: "Koch Executive Disputes Book's Account of Founder's Role in Nazi Refinery."

Perhaps more insulting is that at no point did the *New York Times* acknowledge some obvious conflicts of interest. Mayer is married to Bill Hamilton, the *Times*'s Washington editor. And *Times* reporter Nicholas Confessore, who wrote both articles about the Kochs, is thanked in the acknowledgments of Mayer's book.

If this were simply about the *Times* running advertorials to goose book sales for a top editor's wife, that's bad enough. But this baseless attack on the Kochs also subordinates journalistic standards to further the cause of liberal politicians. On that score, Mayer is a repeat offender, but far from the worst the *New Yorker* has ever produced. That honor belongs to Sidney Blumenthal, who under

the guise of covering the '96 election for the *New Yorker* shared with the Clinton campaign what he learned as a reporter. He later went to work at the White House.

Blumenthal was such an odious character, the Obama White House wouldn't let Hillary Clinton hire him years later at the State Department. But he still managed to be at the center of the recent congressional Benghazi investigation because emails revealed Clinton was entertaining his war-profiteering scheme in Libya.

Among the emails Blumenthal sent Clinton at the State Department was this gem from November 2012, in which he forwards to Clinton the following message from Mayer to himself:

> Omigod—there's a new twist. You won't believe who tipped off the FBI—you are so right that it has the stench of dirty tricks. I think it may just be a Times story so I have to keep my mouth shut for a few more hours, but you're going to like this.

So there you have it. A *New Yorker* writer passes on a juicy tidbit from her *New York Times* editor husband to one of Washington's most mendacious and disreputable figures, who then passes it on to the Democratic secretary of state who, inexplicably, hangs on his every word. If The Scrapbook didn't want to keep those invites to Georgetown cocktail parties coming, we might consider loudly pointing out that the Beltway media establishment is thoroughly corrupt. ♦

Ralph Hauenstein, RIP

A loyal reader brought to our attention the death last week at age 103 of a western Michigan philanthropist, Ralph Hauenstein. Our scribe writes that Hauenstein was "a real American hero" and encouraged us to read about him, since "we have so few chances left to say thank you to this generation."

Hauenstein indeed lived quite a life. He moved to Grand Rapids as a child and built a life there that changed that community for the better. Along the way he briefly joined the Civilian Conservation Corps and served as city editor of the *Grand Rapids Herald*. When World War II broke out, he joined as a reserve officer, eventually running the intelligence branch for the U.S. Army's European Theater. History buffs might enjoy the book he wrote on his experiences, *Intelligence Was My Line: Inside Eisenhower's Other Command*.

After the war, Hauenstein went into business, where he worked in international trade and manufacturing. He was president of the Tri-Continental Trading company and later served as chairman of the Werner Lehara Corporation in Grand Rapids. Ike wasn't the only president Ralph Hauenstein knew personally. As one might guess of a prominent figure in Grand Rapids, the odds of his knowing Gerry Ford were pretty high. But to say they knew each other would be putting it mildly: They were high school football rivals who later became close friends. Hauenstein was a Ford backer from his early days in Congress, and when Ford died, he was asked to serve as part of the funeral honor guard.

If this weren't enough of a legacy, Hauenstein donated millions to local institutions in western Michigan. Two bear his name. At Grand Valley State University is the Hauenstein Center for Presidential Studies and the Hauenstein Center at Mercy Health Saint Mary's hospital (which specializes in neuroscience). He and his wife also donated to Aquinas College, where the library bears her name.

President Ford once hailed Hauenstein as "a true American hero." The Scrapbook wholeheartedly agrees. ♦

Help Wanted

The Weekly Standard has a full-time, entry-level position available for a talented individual with reporting and writing experience. Duties will include reporting, writing, and assisting the online staff with editorial and production tasks across a variety of digital platforms. Candidates should send a cover letter and résumé to hr@weeklystandard.com. ♦

the weekly Standard

www.weeklystandard.com

William Kristol, *Editor*
Fred Barnes, Terry Eastland, *Executive Editors*
Richard Starr, *Deputy Editor*
Eric Felten, *Managing Editor*
Christopher Caldwell, Andrew Ferguson, Victorino Matus, Lee Smith, *Senior Editors*
Philip Terzian, *Literary Editor*
Kelly Jane Torrance, *Deputy Managing Editor*
Stephen F. Hayes, Mark Hemingway, Matt Labash, Jonathan V. Last, John McCormack, *Senior Writers*
Jay Cost, Michael Warren, *Staff Writers*
Daniel Halper, *Online Editor*
Ethan Epstein, *Associate Editor*
Jim Swift, *Deputy Online Editor*
David Bahr, *Assistant Literary Editor*
Priscilla M. Jensen, *Assistant Editor*
Erin Mundahl, *Editorial Assistant*
Shoshana Weissmann, *Web Producer*
Philip Chalk, *Design Director*
Barbara Kyttle, *Design Assistant*
Teri Perry, *Executive Assistant*
Claudia Anderson, Max Boot, Joseph Bottum, Tucker Carlson, Matthew Continetti, Noemie Emery, Joseph Epstein, David Frum, David Gelernter, Reuel Marc Gerecht, Michael Goldfarb, Mary Katharine Ham, Brit Hume, Frederick W. Kagan, Charles Krauthammer, Yuval Levin, Tod Lindberg, Robert Messenger, P.J. O'Rourke, John Podhoretz, Irwin M. Stelzer, *Contributing Editors*

MediaDC
Ryan McKibben, *Chairman*
Stephen R. Sparks, *President & Chief Operating Officer*
Kathy Schaffhauser, *Chief Financial Officer*
David Lindsey, *Chief Digital Officer*
Catherine Lowe, *Integrated Marketing Director*
Mark Walters, *Sr. V.P. Marketing Services & Advertising*
Paul Anderson, Rich Counts, T. Barry Davis, Andrew Kaumeier, Brooke McIngvale, Jason Roberts, Elizabeth Sheldon, *Advertising Sales*

Advertising inquiries: 202-293-4900
Subscriptions: 1-800-274-7293

The Weekly Standard (ISSN 1083-3013), a division of Clarity Media Group, is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) at 1150 17th St., NW, Suite 505, Washington D.C. 20036. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-274-7293. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-386-597-4378 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, $4.95. Back issues, $4.95 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, D.C. 20036.

Gone but Not Forgotten

I've never been one for elaborate New Year's rituals. I don't thump the walls with bread to rid the house of evil spirits, as some do in Ireland. Nor swing caged fireballs around my head to torch last year's misfortune, as they do in Stonehaven, Scotland. I don't make hollow resolutions, since I might fail not in expected ways, but in spectacular new ways yet to be imagined.

If Christmas is about giving, New Year's is about taking. So come New Year's Day, I take a fistful of ibuprofen and a nap. Then, after coming to, I take mental inventory of the old year's final moments, praying it was my wife I goosed as the ball dropped, since a sour-mash fog leaves me easily confused, and all white people start bearing strong resemblance.

There is one sacred ritual, however, that I observe every new year: I read about dead celebrities who didn't manage to escape the old one. *In memoriam* columns and slideshows make great clickbait, so by January 1, they're featured by every other news outlet. I read them all, to see who I missed and will be missing. It's not that I'm a celebrity worshipper; far from it. It's more that I can truly appreciate them once they've taken leave, much as watching an obnoxious child sleeping endears him. We all become innocent when we dream or die. And whatever you envy celebrities for in life—their fame, their fortune—you wouldn't switch places with them now. Death is the ultimate democratizer.

We lost many last year, too many to name, since even as the herd-of-the-famous is culled, they seem to multiply faster than they subtract. The *Onion* once ran a headline that nicely captured the faux-celebrity produced by wall-to-wall reality shows and YouTube suckerfish: "32 Percent of U.S. Citizens Still Not Famous." Decades from now, it is not hard to imagine entire memorial columns being taken up solely by Kardashian offshoots—their sex-tape costars, their baby-daddies, their collagenists.

And yet we lost some real stars as well. The replaceable irreplaceables. It was a bad year for musical Kings, as we lost B.B. and Ben E. It was a bad year for the sports/animal kingdom, as we lost Jerry "Tark the Shark" Tarkanian, Ernie "Mr. Cub" Banks, and Ken "The Snake" Stabler. I likewise seemed to have lost half my childhood television family: no more Dick Van Patten (*Eight Is Enough*) or Al Molinaro (*Happy Days*) or Wayne "Trapper John" Rogers (*M*A*S*H*).

JORI BOLTON

On a more personal note, I lost NBA great/Chairman of the Boards Moses Malone. When I was a ballboy for the then-Washington Bullets in the '80s, Malone once gave me a surly look, then threw a bloody Band-Aid at my head—or "passed the torch," as I related to my high school basketball team, where I played twelfth man. And there went Jethro Pugh, who was not the most famous member of the Doomsday Defense. He wasn't even the most famous Jethro—he was no Cousin Jethro or Jethro Tull. And yet, when I was a second-grader growing up in Texas, I looked at his face every single day, since he adorned my wall when my world seemed no bigger than the 1977 Dallas Cowboys.

And while I wasn't looking, there went the *New York Times*'s David Carr, one of my earliest editors and friends in Washington. An eccentric parade-float of a man, Carr, who had given up the sauce years ago out of necessity, was one of the rare souls who could blow into town, sit at the bar all night, and nurse Diet Cokes while still seeming to be two drinks ahead of you.

We lost a lot more. There will be no more Anita Ekberg seducing Marcello Mastroianni in the Trevi Fountain. There will be no more Cynthia Robinson, Sly Stone's funky horn player, imploring, as she did in "Dance to the Music," that "all the squares, go home." There will be no more Rowdy Roddy Piper, the most entertaining wrestler of all time. He lost partial hearing after his eardrum was ruptured in a dog-collar match. But he never lost his ear for perfect dialogue: "I came here to chew bubblegum and kick ass. And I'm all out of bubblegum."

These people weren't the poles of my life, just the random stars who briefly illuminated it. Which is what stars do, helping us pass the time, until our own time has passed. Noting their endpoint is the least we can do, a favor returned. For as Yogi Berra said, before we lost him last year at age 90, "You should always go to other people's funerals. Otherwise, they won't come to yours."

Matt Labash

the weekly Standard

Neither Trump Nor Hillary

Jerusalem

I've spent much of this week in Jerusalem discussing with young Israelis the subject of America—both the classics of our political thought and the history of modern American conservatism. I've found the seminars interesting and the conversations stimulating, not so very different from similar discussions with young Americans. I've noticed, though, one difference—not in my interlocutors but in my own attitude. At home, one is wary of seeming too solemn or earnest even in discussing weighty matters. The ponderous self-regard of so many in public life inclines one towards the opposite stance. Abroad, especially perhaps in Israel, one is less embarrassed to be serious about history and politics, and one is inclined to err on the side of sobriety rather than irony.

So I write in that spirit, having spent the week with students reading William F. Buckley and Irving Kristol, discussing Ronald Reagan, and considering articles from *National Review* and the *Public Interest* and *Commentary* and, yes, The Weekly Standard. In considering the modern American conservative movement I've been reminded again of its tensions and ambivalences, its historical limitations and its many unresolved questions, and also the fact that today's challenges require—as befits a living movement—new thinking for new situations.

But I've been struck, too, by the grand aspirations and signal achievements of American conservatism. One of the readings assigned was the 1957 letter from the political philosopher Leo Strauss to *National Review*, in which Strauss seeks to persuade the editors of the young magazine, and by extension the American conservative movement, to take a more favorable view of the state of Israel. American conservatism would soon abandon its earlier anti-Israel animus, so Strauss's letter is today, in that respect, merely of historical interest. But his brief account and defense of Zionism remains relevant, and one statement in particular struck home with some of the seminar participants: "Political Zionism is problematic for obvious reasons. But I can never forget what it achieved as a moral force in an era of complete dissolution. It helped to stem the tide of 'progressive' leveling."

I'm tempted today to say something similar about modern American conservatism. It is problematic for obvious reasons. But it helped win the Cold War abroad and renewed an understanding of and appreciation for constitutional self-government at home. One should never forget what it achieved as a moral and political force in an era of liberal dissolution.

American conservatism was able to achieve what it achieved because it was not afraid, as Bill Buckley wrote in 1955, to "[stand] athwart history, yelling Stop, at a time when no one [was] inclined to do so, or to have much patience with those who so urge it." It was able to achieve what it achieved because it was willing to argue, as Irving Kristol did in 1993, that "what is wrong with liberalism is liberalism—a metaphysics and a mythology that is woefully blind to human and political reality." Kristol continued, "sector after sector of American life has been ruthlessly corrupted by the liberal ethos. It is an ethos that aims simultaneously at political and social collectivism on the one hand, and moral anarchy on the other. It cannot win, but it can make us all losers."

Which brings us to 2016. I've half-jokingly written on Twitter—a medium suited to half-joking—that my only goal, my sole aim, for this year's election is neither Trump nor Hillary. But sometimes a tweet isn't merely a joke.

If Hillary Clinton (or another Democrat) is elected president at this crucial juncture in the fate of American democracy at home and American influence abroad, it will be hard to see a constructive way forward. We will, of course, continue the fight, as Whittaker Chambers battled on though convinced he was on the losing side, as Robert Bork sought to rally us though inclined to believe we were slouching toward Gomorrah. But it will be hard to see a plausible path out of the dissolution.

It will also be hard to see a plausible path forward if the political party with whom conservatives have thrown in their lot nominates as its presidential candidate Donald Trump—a demagogue with no history of attachment to conservative principles or respect for conservative ideas. In his letter to *National Review*, Strauss addressed the magazine's apparent suspicion that Israel might well lose in its confrontation with neighbors who sought its destruction: "The possibility of disastrous defeat or failure is obvious and always close." But, Strauss continued, "a conservative, I take it, is a man who despises vulgarity; but the argument which is concerned exclusively with calculations of success, and is based on blindness to the nobility of the

IMAGES: JOE RAEDLE / GETTY

effort, is vulgar." Donald Trump is nothing if not vulgar.

Can the Republican party be saved from Donald Trump and the country from Hillary Clinton? The possibility of defeat is obvious and of failure is close. But American conservatism has overcome greater obstacles than Donald Trump and conquered more daunting adversaries than Hillary Clinton.

—William Kristol

On the Ropes

Obamacare is closer than ever to being repealed. Congressional Republicans recently took one of their most assertive actions against it to date, while the centerpiece of the Obama presidency is playing out even worse than most of its opponents predicted. What's missing is a presidential contender willing to run on an alternative to Obamacare. Whoever steps up with a replacement plan that is at once conservative and general-election-ready is likely to reap rewards from grateful Republican voters and, soon after, the wider electorate.

That's because Obamacare, always poised to be a disaster, is now becoming one. Obamacare supporter Charles Gaba calculates that premiums in the Obamacare exchanges have risen some 12 percent nationally from last year to this. Last spring, the Congressional Budget Office predicted that 21 million people would buy insurance through the exchanges by the end of 2016. The Obama administration now says it expects that number to be 10 million—less than *half* the CBO's estimate. Americans aren't exactly lining up for expensive insurance with narrow doctor-networks—even when they're mandated to buy it.

Not only are customers shying away from the exchanges, so are insurers. The University of Houston's Seth Chandler reports that, of the 36 PPO or POS plans (plans that grant access to wider doctor and hospital networks) available on the exchanges in Houston in 2015, not one remains available in 2016. UnitedHealthcare, the biggest insurer in the country, announced in November that it may withdraw from the exchanges altogether in 2017 thanks to "higher risks and more difficulties," and other insurers are raising similar flags. Aetna recently wrote to the Obama administration, "Unless some fundamental flaws are corrected, we believe there is a grave risk that the federal exchange will not operate as a viable, competitive market in 2017."

Blue Cross and Blue Shield told regulators that Obamacare markets are being undermined by "special enrollments" that let consumers "purchase coverage only when they need medical care." According to *Politico*, the Blues calculate that "exchange customers who sign up during special enrollment periods are 55 percent more expensive than their counterparts who enroll during the regular season." Those who sign up as special enrollments—a quarter of Aetna's Obamacare business—often don't pay premiums for long but, while on the plans, have "unusually high claims generation."

Politico put it bluntly: "Obamacare customers are gaming the system, buying coverage only after they find out they're ill and need expensive care."

This isn't a glitch in Obamacare; it's a core feature of the law. As President Obama never tires of saying, Obamacare keeps insurers from denying coverage to those with expensive preexisting conditions. So why buy insurance while you're healthy when you can wait until you're sick or injured?

Isn't that where the mandate to buy insurance is supposed to come in? Yes, but the penalty is generally cheaper than the insurance. Besides, there is a 90-day "grace period" for those who stop paying their premiums, and "many people have figured out they need pay for only nine months to get a full year of coverage," *Politico* reports. "An enrollee might buy an [Obamacare] policy, get their health needs addressed and then let their coverage lapse—without having to pay the penalty for being uninsured."

As Obamacare continues to spiral downward, congressional Republicans have finally started to pick up their game. They recently sent a bill to Obama's desk, for the first time, that would repeal most of the president's health care law—doing so using the same "reconciliation" process that Democrats used to get Obamacare across the finish line in 2010. That process allows senators to circumvent the filibuster and pass budget-related legislation through the chamber via a simple majority vote.

The president vetoed the bill, of course, but Speaker Paul Ryan struck a refreshingly defiant tone, more reminiscent of his own splendid opposition to Obamacare in 2010 than of anything we've heard from congressional leadership since: "The idea that Obamacare is the law of the land for good is a myth," Ryan said. "We have now shown that there is a clear path to repealing Obamacare without 60 votes in the Senate. So, next year, if we're sending this bill to a Republican president, it will get signed into law."

Then again, even with a Republican president in office there wouldn't be nearly enough Republican senators willing to repeal Obamacare in the absence of presidential leadership and, most importantly, a compelling alternative.

Happily, at this point what a winning conservative alternative would look like is hardly a mystery. It would address the unfairness in the tax code—which has long played favorites by giving a tax break to those with employer-based insurance while denying a tax break to those with individually purchased insurance. It would address this inequity without affecting the typical American's employer-based plan. It would offer a tax break in the individual market that isn't income-tested. It would

get the government out of the business of providing direct subsidies to insurance companies. It would provide an answer to preexisting conditions that doesn't undermine the very notion of insurance. It wouldn't neglect the poor. It would result in more people having private health insurance than under Obamacare. And it would cut spending by more than $1 trillion over a decade versus Obamacare.

Ed Gillespie ran on such an alternative in his 2014 Senate race in Virginia and nearly erased his opponent's double-digit lead in the process. Obamacare is a clear winner for the GOP, as the elections of 2010 and 2014 have shown. The question is whether any candidate will realize it's the ticket to the nomination and to the White House in 2016.

—Jeffrey H. Anderson

Unabated Hostility

Early last Wednesday, Iran released the ten American sailors it had detained to coincide with President Obama's State of the Union address Tuesday night. The administration understood clearly that the Iranians were both trying to ruin Obama's victory lap and sending a message—on the eve of implementing the Joint Comprehensive Plan of Action—that Tehran will be calling the shots. So Obama made no mention of Iran's capturing 10 Americans during his speech: No way were the Iranians going to get a rise out of him on his day.

The administration would prefer to forget the incident entirely—along with a series of other hostile acts by Iran since the nuclear deal was signed in July. In addition to its customary "Death to America" rallies, in the last few months the Islamic Republic has sentenced, in secret, *Washington Post* journalist Jason Rezaian; imprisoned U.S. citizen Siamak Namazi; tested ballistic missiles, in violation of U.N. Security Council resolutions; fired rockets near a U.S. aircraft carrier in the Straits of Hormuz; and attacked two diplomatic missions belonging to longtime American ally Saudi Arabia. Detaining American sailors comports perfectly with this pattern.

Some American lawmakers aren't willing to let it slide. Representative Mike Pompeo (R-Kan.) released a statement saying "we now must fully investigate Iran for possible violations of the Geneva Convention and ensure these sailors were treated properly."

Pompeo is on solid ground. When the Iranians detained British sailors in 2007 and paraded them on television, Prime Minister Tony Blair rightly described it as a breach of the Geneva Conventions. Article 13 stipulates that "prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity." The first piece of evidence that the Iranians violated Geneva are the photographs and videos of the American sailors, especially those of them kneeling with their hands behind their heads, which were shown repeatedly in the Iranian media; further evidence is the coerced apology from the commanding officer.

It's worth noting that Iran's latest hostile action has given us a clearer picture of how the regime actually functions. As the event unfolded, CNN and other American media spoke of the "two Irans," meaning the hardliners and the moderates. This has been the administration's working theory, which holds that the former comprises the Islamic Revolutionary Guard Corps and Supreme Leader Ali Khamenei. The "moderates" in this view are figures like President Hassan Rouhani and Foreign Minister Mohammad Javad Zarif. In this scenario, it was the "hardliners" who were responsible for detaining the 10 Americans, and it was thanks to the diplomatic channel that John Kerry opened with Zarif while negotiating the nuclear deal that the sailors were freed without much delay. This theory posits that the hardliners kidnapped the Americans in an effort to embarrass the moderates, who want warmer relations with the White House. Therefore, the fact that the moderates prevailed signals a great victory for moderation and American diplomacy—for "principled diplomacy," to use Obama's phrase.

This scenario may be possible, but it isn't likely. If there really is a split in the regime, why would the hardliners put themselves in a position to lose an intra-regime battle against the moderates? It would show the world that they're not only weaker than the moderates, they're also weaker than the moderates' new partners, John Kerry and Barack Obama. Indeed, if it was the moderates who liberated the sailors from the grip of the extremists, it means the supreme leader himself required them to free the Great Satan's seamen. Which would mean that the supreme leader has sided with the moderates and the Americans against the extremists.

That's a stretch, to say the least. What is far more likely is that there is no such split between moderates and hardliners. The two camps—if there are indeed two camps—work in tandem. The hardliners take prisoners and the moderates negotiate the price of their release. Iran's moderates are a ministry of bagmen sent out to collect on behalf of the hard men.

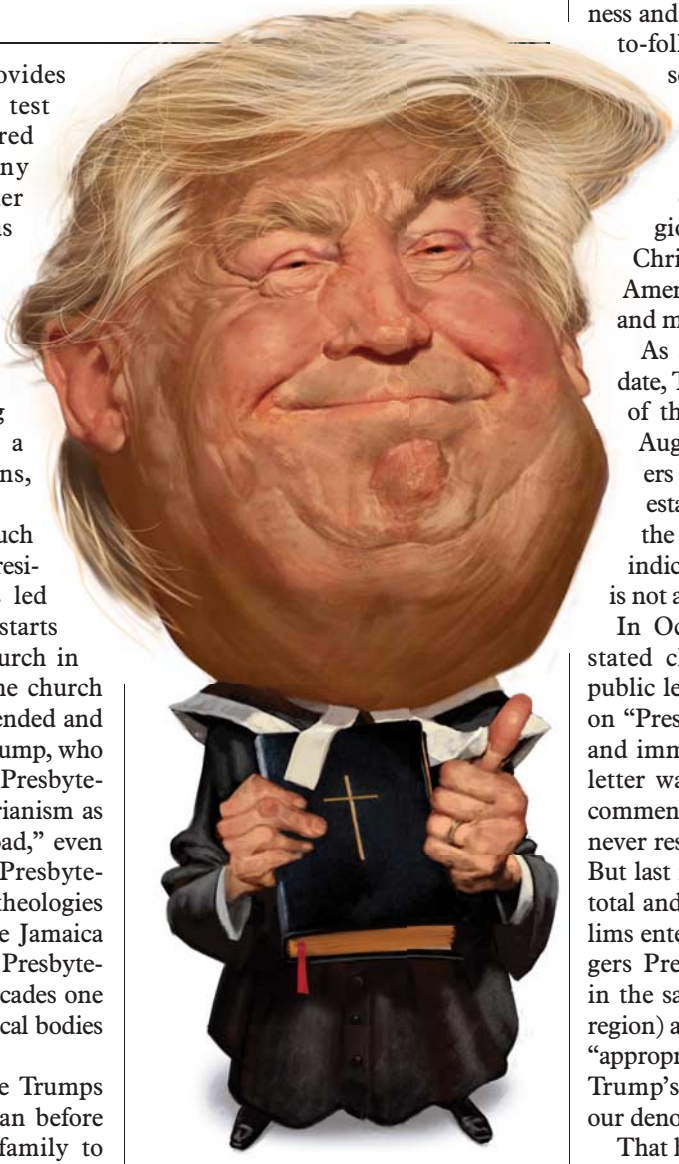
In short, the regime with which the White House has negotiated the future of American national security is still a regime that takes Americans hostage. Unless you believe that hijacking a U.S. Navy boat, humiliating its crew, photographing them with their hands above their heads, and broadcasting their apologies on state television is a demonstration of peaceful, moderate intentions.

—Lee Smith

The Religion of Trump

Will evangelicals balk at pulling the lever for him?

BY TERRY EASTLAND



THOMAS FLUHARTY

The Constitution provides that "no religious test shall ever be required as a qualification to any office or public trust under the United States." But, as Gary Scott Smith of Grove City College writes in his new book, *Religion in the Oval Office*, "Throughout American history many citizens have viewed strong faith as an asset, if not a requirement, for politicians, especially presidents."

The biography of faith, such as it is, of the Republican presidential candidate who has led the polls for six months starts with First Presbyterian Church in Jamaica, Queens. That is the church Donald Trump's parents attended and in which he was baptized. Trump, who is 69 and a self-described Presbyterian, characterizes Presbyterianism as "down the middle of the road," even though there are several Presbyterian denominations, with theologies that critically differ, and the Jamaica church is a member of the Presbyterian Church (U.S.A.), for decades one of the most liberal ecclesiastical bodies in the country.

It's unclear how long the Trumps went to Jamaica Presbyterian before they started taking their family to Marble Collegiate Church in Manhattan. Founded by the Dutch in 1628, Marble is a member of the Reformed Church in America, a small, theologically liberal denomination. When Trump attended, however, Marble was not a typical RCA church, mainly because of the influence of its head pastor, Norman Vincent Peale, author of *The Power of Positive Thinking* (1952), a *New York Times* bestseller for three consecutive years.

Trump has nothing but good things to say about Peale, who was at Marble from 1932 to 1984, drawing crowds as large as 4,000 during the 1950s and 1960s. "You could listen to him all day long," Trump told an Iowa audience last summer, as reported by Gwenda Blair in *Politico*. "And when you left the church, you were disappointed it was over. He was the greatest guy." Blair, who has written a biography of Trump, says Peale merged "worldliness and godliness to produce an easy-to-follow theology that preached self-confidence as a life philosophy." Critics of Peale, writes church historian D.G. Reid, saw the message of "positive thinking" as "religious pragmatism that dilutes Christian theology and promotes American doctrines of self-reliance and materialistic reward."

As a leading presidential candidate, Trump has drawn the attention of the churches of his youth. In August, after Trump told reporters that "I am Presbyterian Protestant. I go to Marble Collegiate," the church responded that "as he indicates, he is a Presbyterian, and is not an active member of Marble."

In October, Gradye Parsons, the stated clerk of the PCUSA, sent a public letter to Trump schooling him on "Presbyterian policies on refugees and immigrants." By implication the letter was critical of the candidate's comments about those groups. Trump never responded, at least not publicly. But last month, when he called for "a total and complete shutdown of Muslims entering the United States," Rutgers Presbyterian Church, which is in the same presbytery (geographical region) as Jamaica Presbyterian, asked "appropriate" church bodies to review Trump's "standing/membership in our denomination."

That hasn't been done, nor will it be done, for the simple reason that it cannot be done. Conceding a lack of "factual evidence that Mr. Trump currently holds membership in any local [Presbyterian] congregation," Parsons said last month that "the discipline process that would be necessary to remove him from membership is not applicable." Thus did a church steadily losing

Terry Eastland is an executive editor at THE WEEKLY STANDARD.

members since 1965 miss out on a great deal of publicity—Trump on trial!—if only he had ever joined.

Trump may be a man without a church home, but he does not lack for preachers who like and will meet with him. Unsurprisingly, given his attraction to Peale, Trump has an affinity for preachers of the so-called prosperity gospel. In September, roughly 40 ministers, many of whom may be described as prosperity preachers, gathered with Trump. The event, arranged by Florida megachurch pastor Paula White, included televangelists Jan Crouch and Kenneth and Gloria Copeland. As reported by the Christian Broadcasting Network, the two-hour meeting ended with a laying-on of hands and prayer—"for the Lord to give the GOP presidential frontrunner wisdom, stability, and knowledge necessary to pursue this endeavor."

The prosperity preachers hold, more or less, that God will provide financial success to believers who have enough faith. Their gospel is a heresy, as Ross Douthat explains in his book *Bad Religion*. But Trump is not one to dig much beyond the surface of things religious, much less parse doctrine and guard the deposit of faith. On the campaign trail he has talked about what a great book the Bible is, while declining to identify a single favorite Bible verse. And he has said he's not sure he's ever asked God for forgiveness. As for attending church, he says he goes when he can but always on Christmas and Easter. In discussing his religion, he often defaults to some formulation or other of "I am a Presbyterian."

Soon we'll see how Republican voters regard Trump and in particular the extent to which white evangelical voters, who constitute the party's largest voting bloc, are willing to support him. In the most recent NBC News/Survey Monkey poll of Republican voters, Trump garnered 33 percent of white evangelical voters, 12 points more than the runner-up, the Southern Baptist Ted Cruz. How this can be, said Gary Scott Smith in an interview, is a mystery, since there are lots of things about Trump that you would think evangelicals wouldn't like. The list includes his two divorces, ownership of casinos from which he profits from gambling, vulgar remarks about women, immigrants, and minorities, and not being a church member.

None of those things seems to be hurting Trump, at least not yet. Perhaps the reason is that many evangelical voters are willing to set aside concerns they normally take seriously. Indeed, some notable evangelicals are arguing that in Trump's case, they should do just that. Robert Jeffress, pastor of the 12,000-member First Baptist Church in Dallas, contends that evangelical voters, like all other voters, should select as president someone—meaning Trump—who has "both the leadership skills and tenacity to solve our country's practical problems, such as the immigration dilemma and our economic stagnation." Other factors don't matter.

Russell Moore of the Southern Baptist Convention's Ethics and Religious Liberty Commission disagrees. "For evangelicals to support Donald Trump," Moore told me, "would mean tossing aside everything that evangelicals have previously said about character matters and about human dignity."

Iowa kicks off the GOP's nominating process with its caucus on February 1. Over half of the Republican caucusgoers are expected to be evangelicals. Trump spoke at one of their rallies recently. "We love the evangelicals," he declared, "and we're polling so well." ♦

Peace Breaks Out

A new comity among House Republicans.

BY FRED BARNES

Those happy days for Democrats and the media—when House Republicans were angry with each other and divided—are over. The archconservatives of the House Freedom Caucus are mostly on board with Speaker Paul Ryan. So is Heritage Action, the serious-minded group that wants the most conservative ideas to be paramount in Congress.

To the extent there's comity, though, it's fragile. Differences among House Republicans—more tactical than ideological—haven't magically vanished. Disagreements are as likely as ever on the budget blueprint that may be voted on as early as next month. And Idaho's Raul Labrador, a Freedom Caucus stalwart, told reporters, "The honeymoon is over" with Ryan.

That's true, but it's been replaced by a close relationship between Ryan and the conservatives who opposed his predecessor, John Boehner. Heritage Action officials are in regular contact with Ryan and Majority Leader Kevin McCarthy. It's not nirvana, but it's not a combative relationship either.

"I'm a big believer that ideas can unify people, and I think that a House which is using its majority to advance a bold conservative agenda will find much more harmony than we've had in past years," says Michael Needham, CEO of Heritage Action. "Ryan's focus on policy has certainly been a contrast with the visionless agenda Boehner pushed, and I've had a lot of members comment on that to me in the last few months."

Ryan has brought Republicans together around four ideas to pursue this year: tax reform, welfare reform, health care reform, and defense spending. He's not demanding they have top priority. Ryan has promised issues will emerge "bottom up" in the House. And his urging assures their emergence.

House Republicans "do not see politics as a popularity contest," he said in his first major speech as

Fred Barnes is an executive editor at The Weekly Standard.

speaker, delivered in December at the Library of Congress. "We do not care for the tricks of the trade. What we love are ideas."

Republicans generally agree on some version of reform of taxes, welfare, and health care, and on increasing defense spending. They—and Ryan especially—want positive solutions to problems. The four constitute a popular agenda that doesn't require tax hikes or higher spending except for defense. Ryan left out immigration reform intentionally. It divides the party.

"If we want to save the country, then we need a mandate from the people," Ryan said in his speech. "And if we want a mandate, then we need to offer ideas. . . . And that's where House Republicans come in. So, our number-one goal [for 2016] is to put together a complete alternative to the left's agenda. . . . We owe it to the country to offer a bold, pro-growth agenda. And that is what we are going to do."

There's little chance of enacting any of the agenda this year, not with Barack Obama in the White House and Senate Democrats inclined to filibuster anything they frown on. But Ryan's hope—and that of conservative leaders such as Heritage Foundation president Jim DeMint—is that action on the four issues will become the dominant story in the House. If it does, that's bound to create a more favorable political environment for Republicans.

There are two other potential benefits. One is that the House effort will pressure the Senate to follow suit. And if, say, welfare reform passes the House, that would generate even more pressure on the Senate. The other is to tee up a conservative agenda for the next president, assuming a Republican is elected.

The Freedom Caucus's Tim Huelskamp stands to vote for Paul Ryan as speaker, October 29.

For Ryan, the "first item is creating jobs and raising wages," he said at the Library of Congress. That means tax reform. "The only way to fix our broken tax code is to simplify, simplify, simplify. Close all those loopholes and use that money to cut tax rates for everybody."

Getting rid of loopholes won't be easy. They've been accumulating since 1986, when the tax code was last reformed. "I know people like many of these loopholes and they have their reasons," Ryan said. "But there are so many of them that now the tax code is like a to-do list—Washington's to-do list."

Ryan says Kevin Brady, chairman of the House Ways and Means Committee, is ready to roll on tax reform. "We want a tax code that rewards good work instead of good connections," Ryan said in his speech. "When people know they will keep more of their hard-earned money, they will work more, save more, invest more, and create more jobs for all of us."

Jim Jordan, who heads the Freedom Caucus, is as eager as Ryan to reform welfare, with two goals in mind. One is to require able-bodied recipients, particularly if they are single, to work. The other, Ryan said, is "to make sure it always pays to work." Those on welfare won't take a job if they face "80, 90 cents on the dollar in higher taxes and lower benefits."

On health care, "there are many things to do, but most urgent is to repeal and replace Obamacare," according to Ryan. How does he know it has failed? "You notice we don't talk about lowering premiums anymore. We're supposed to be happy if they don't go up by double digits."

For all their cooperation with Ryan, Heritage Action and the Freedom Caucus haven't been co-opted by the House GOP hierarchy. At last week's Republican retreat, Heritage Action gave conservative members a "Congressional Boarding Pass" with ideas to emphasize. On the Obama agenda, one said, because of the president's "disregard" of Congress, the Senate should refuse to confirm his nominees except for national security posts. Good idea.

The Freedom Caucus, meanwhile, is creating a "Contract with America II." It's not a Ryan product. A draft version lists 10 bills Republicans will submit in the first 100 days of the new Congress. Number five is "Safeguard Our Constitution." It would require every bill "to identify the constitutional provision that grants Congress the power to do what the bill proposes." Another good idea.

The media will find Ryan-friendly conservatives hard to accept, much less cover fairly. In early January, Michelle Cottle wrote this in the *Atlantic*: "So for all the anxiety and anticipation and bluster, for the Freedom Caucus, this year could wind up being somewhat Shakespearean, full of sound and fury signifying . . . not a helluva lot." I wouldn't count on that. ♦

CHIP SOMODEVILLA / GETTY

Co-ed Boot Camp

Who will defend the Marines?

BY AARON MACLEAN

Marines are made at a recruit depot located amid the swamps of Parris Island, tethered to the rest of the Carolina coast by a single causeway, and at another such depot in California, jammed onto a scrubby patch of ground between the San Diego International Airport and Interstate 5.

Grim as these locations might seem to the casual observer—or, let's be honest, as grim as they in fact are—these installations are sacred to Marines. A great deal of ink has been devoted to the work that is done in these places, and as one who has witnessed busloads of frightened, disconcertingly normal-looking young Americans arrive, only to depart a few months later as bona fide Marines, I can attest that the drill instructors and their officers know what they are doing.

That's what most Americans assume, too—but not what Ray Mabus, the secretary of the Navy, believes. For months now Marines have been at the vindictive mercies of Mabus, who was evidently greatly annoyed by the Corps's stubborn resistance to integrating women into its ground combat arms jobs. (See "Ray Mabus Can't Handle the Truth," September 28, 2015, in these pages.) He all but called his own officers liars late last year, when Marines promoted a study that questioned the wisdom of making the infantry co-ed. Mabus then effectively won the day, as Secretary of Defense Ash Carter decided in favor of allowing women in ground combat units.

Then, taking a place in the Sore Winners Hall of Fame, on New Year's Day Mabus issued a memo directing the Marines not only to open ground combat units to women, but to make recruit training (or "boot camp," as it's colloquially known) co-ed as well—not something that was at all required under Carter's original order. The memo gave the Marines a grand total of 15 days to come up with a "detailed" plan to comply with this order, and to begin compliance no later than April 1. (Mabus also ordered the Marines, in a memo issued on the same day, to remove the word "man" from position titles—a directive that he sent to the Navy as well.)

Female trainees on Parris Island, South Carolina, February 27, 2013

SCOTT OLSEN / GETTY

Marines, who can't speak in public about their service secretary, are seething over their treatment at the hands of a civilian appointee whose military experience consists of two years in the Navy during the seventies. On social media, former Marines and sailors have directed blistering volleys in the SecNav's general direction. ("You are single-handedly crippling the Marine Corps more than any one single event or person has since 1775," is a characteristic, if family friendly, example.)

But in Congress and among Republican presidential candidates, with few exceptions, the response is muted. Requests for comment on the matter from the presidential campaigns went unanswered. On Capitol Hill, a congressional aide with knowledge of the issue said, "The behavior of the Navy secretary has raised member concerns, beyond their substantive oversight concerns about this important integration issue." These concerns have not yet resulted in hearings being scheduled. The only significant public responses have come from two former Marines in the House, Rep. Duncan Hunter (R-Calif.) and Rep. Seth Moulton (D-Mass.). In a letter to the secretary of defense, Hunter said that Mabus "is destroying the martial fabric of the Marine Corps" by ignoring the advice of Marine leaders. Accusing Mabus of putting lives at risk, the congressman continued:

> The fact that the Marine Corps was not even consulted on such a change is disgraceful and disrespectful, and the actions of Secretary Mabus . . . amount to the desecration of holy ground—which to any Marine is recruit training.

Moulton, for his part, said on Twitter, "ALL Marines must meet the same standards & 15-day deadline from @SECNAV is ridiculous. This is too critical to rush."

Moulton's remark highlighted something that is inarguable, whatever one's opinion of the changes afoot for the Corps: This is a complicated issue that raises questions no one can easily answer. Aside from purely logistical difficulties (at present, all women Marines are trained separately in Parris Island by female drill instructors; no women are trained in San Diego), the question of standards looms. The Marines, like all the services, maintain two sets of books for men and women. Men have to meet a higher physical

Aaron MacLean, a former Marine Corps infantry officer, is managing editor of the Washington Free Beacon.

standard than women; if women were held to the male standard, many would fail even to graduate from boot camp—as the Marines verified when they experimented in 2013 with having female recruits meet the male graduation requirement of three pull-ups. With significant preparation and training, 55 percent of women failed to meet that minimum standard.

Now that some sort of co-ed integration at recruit training is to be imposed, will the standards be evened? That surely cannot be Mabus's desire, as it would significantly shrink the number of women coming into the Corps. Of course, the standards could also be lowered, something that neither Mabus nor the proponents of military gender equality will openly admit is necessary to ensure significant female inclusion. Marine general John Kelly, until this month the leader of U.S. Southern Command, worried last week in front of reporters at the Pentagon, "They're saying we are not going to change any standards. There will be great pressure, whether it's 12 months from now, 4 years from now, because the question will be asked whether we've let women into these other roles, why aren't they staying in those other roles? Why aren't they advancing as infantry people?"

Even if these concerns, significant as they are, were somehow answered, they don't address the issue of whether instructors get the best results by putting 18-year-old male and female recruits cheek by jowl. The other services do and face no end of problems; the Marines never have and have never wanted to. Now, with a single memo from a political appointee who doesn't care about the opinion of the Marines who both live and die with the consequences, that's over.

It is startling that such rough treatment of a major American institution at the hands of an Obama appointee faces spirited resistance only from a couple of former Marines in Congress—one of them a Massachusetts Democrat!—and not from the most prominent members of the Republican party, a party that flatters itself on being responsive to the concerns of the military. ♦

A Real Dialogue for a Change

Which may be a first on the issue of campus rape hysteria. BY CATHY YOUNG

A panel on "Grappling with Campus Rape" was part of the "Hot Topic" program at the American Association of Law Schools annual meeting, held January 6-10 in midtown Manhattan. Indeed, that issue has been the focus of particularly intense polemics in academia. A number of law professors, even some with strong liberal feminist credentials, have spoken out against the campus rape panic and the push for harsher measures that they say trample on students' rights. Late last year, 19 Harvard law professors signed a strongly worded letter denouncing the CNN-sponsored campus rape documentary *The Hunting Ground* for misrepresenting a case involving a Harvard Law School student.

In many corners of academe, any debate on the definition of rape or the credibility of accusations is regarded as thoughtcrime. When dissident feminist Christina Hoff Sommers addressed the subject in a talk at Georgetown last year, the campus newspaper, the *Hoya*, editorialized that "such discourse encourages rape denialism" and is "an insult to Georgetown's survivors." But the AALS panel, organized by University of Miami law professor and former public defender Tamara Rice Lave, was a decidedly unsafe space for those who find diversity of opinion traumatic.

Campus crybabies surely would have demanded a "trigger warning" before the remarks of University of Colorado law professor Aya Gruber, who opened by praising "the political energy of the anti-rape movement" for revitalizing a once-moribund feminism, but then delivered a strong critique of that movement. Gruber noted that in recent years, "publicity about rape culture and the campus rape crisis has created widespread anxiety over rampant rape committed by college men"—despite studies showing that sexual assault is on the decline and less prevalent on campus than off.

What Gruber memorably dubbed an "anti-rape culture" on campus doesn't sound like a bad thing, and she acknowledged as much: "We should be rape-impermissive." The problem, of course, is in how broadly the label "rape" is applied—sometimes even when it's not used by the ostensible victims themselves. "If the studies stood for the fact that one in five students has drunk or regretted sex, or that one in four students has sex after ambiguous communication, we would not all be sitting here," Gruber said. She pointed out the pitfalls of trauma-centered activism: "Law and policy should rightly be responsive to the trauma experienced by sexual victims. But the discourse that equates a broad range of bad college sex with life-ruining trauma has costs."

These points aren't new to those familiar with critiques of modern feminism; but it's refreshing to hear them made by a self-identified academic feminist.

Remarkably, even some speakers in broad agreement with the "anti-rape culture" were critical of the current policy framework for addressing campus sexual violence. University of Kansas School of Law professor Corey Rayburn Yung, who believes campus rape is a large hidden problem, questioned the reliance on Title IX, which prohibits sex discrimination in education, for

Cathy Young is a columnist for Real Clear Politics *and a contributing editor to* Reason.

enforcing policies against sexual misconduct. He pointed out that this creates at least theoretical problems in dealing with same-sex assaults and in addressing off-campus attacks, and that sexual assault is a safety problem, not an equality problem.

An even bigger surprise was Mary Koss, the University of Arizona clinical psychologist and founding mother of feminist campus rape research: Her 1985 survey of college women first generated the "one in four" statistic for rape and attempted rape. Koss's study was widely criticized, by Sommers and others, for classifying unwelcome or regretted sex related to alcohol or drug consumption as rape. Now, Koss herself is outspokenly critical of what she regards as seriously flawed research on campus sexual assault, including a recent Association of University Women study that included unwelcome kisses in its statistics.

While Koss favors having colleges handle sexual assault complaints, her primary interest is in "restorative justice," which focuses on repairing harm and victim-informed redress rather than punishment. "It has been argued that these many sexual acts that violate student conduct codes do not rise to the level of rape," Koss said, "and there is a good argument to be made that we should not be responding to them with the same process that we do to violent or repetitive rape, especially when an adversarial process is not what the victim wants."

Koss also bluntly stated that the 2011 "Dear Colleague" letter from the Department of Education Office of Civil Rights, establishing guidelines for colleges in dealing with sexual assault complaints, was "an obstacle": In her view, it "makes universities fear punishment if they try innovative approaches that don't fit the mold." Among other things, the guidelines forbid mediation in cases of sexual misconduct; while Koss stressed that restorative justice is not mediation, the ban is widely viewed as precluding such alternatives. "There is almost a blind faith in the government making things better," Koss lamented during the question period toward the end of the session.

The panel also included defenders of the current system. City University of New York dean Michelle Anderson decried the "backlash" against allowing colleges to handle sexual assault complaints, pointing out that universities handle all kinds of offenses "from assault to serious plagiarism." (Of course, plagiarism is not a criminal offense, and even assault does not carry the same emotional charge or stigma rape does.) Anderson also asserted that "the fact that there are lawsuits by accused men shows the system is working."

CHASE CARTER

Sure—to whatever extent there is one

Sejal Singh, a Columbia graduate and activist, said that she was sexually assaulted on campus and did not report it because she "knew a friend's case was not handled well." Nonetheless, she strongly advocated a campus-based process, arguing that the criminal justice system has many elements unfair to sexual assault victims (such as "antiquated force requirements"). Singh argued that due process concerns about Title IX proceedings were misplaced, since "the Constitution grants very limited due process rights to public school students facing suspension"—mainly the right to be notified—and college students are entitled to no more.

Somewhat implausibly, Singh also contended that "survivors and accused want the same thing" from campus courts: prompt proceedings, notification, the right to counsel, and "a fair process." It was a particularly odd assertion given her view that nearly all accused men are guilty. Guilty or innocent, accuser and accused will almost certainly have a different notion of what "fair process" entails. To the accused, it probably means rules of evidence allowing him to call witnesses and cross-examine the accuser—something current rules strongly discourage.

The rebuttal to claims that "everything is working as it should" came from the final speaker: Joseph Roberts, a former Savannah State University student introduced by panelist Cynthia Garrett, an attorney with the pro-defendant Families Advocating for Campus Equality. It was likely no accident that the person speaking for the accused to this mostly liberal audience was a young black man from Georgia. Soft-spoken but visibly emotional, Roberts described receiving an email two weeks before his scheduled graduation informing him that he was being removed from campus due to a complaint of sexual assault: "If I returned, I would be subject to expulsion and arrest." His case was never heard, and he never received his diploma. Roberts haltingly and reluctantly noted the devastating effect on his life: Shortly after being thrown out of college, he was brought to the hospital unconscious following a suicide attempt.

Roberts is now suing the school. "If my case is dismissed, I am prepared to deal with that," he said, "but it will remove the rose-colored glasses from my eyes as far as the law."

Call it rose-colored glasses, but I left the AALS panel with a new cautious optimism about the dialogue on campus sexual assault—if only because there *was* a dialogue, including sometimes contentious question and answer exchanges. There was even a willingness to challenge "rape culture" dogma and look for better solutions. A good place to start would be to discuss exploitative, emotionally damaging sexual encounters without calling them rape. ♦

Will Rahm Resign?

Who cares? Chicago's problems run much deeper than one bad mayor. BY DENNIS BYRNE

Rahm Emanuel still is Chicago's mayor. So far, anyway. Not that any serious students of the Chicago Way expected Emanuel to resign, even in the face of accusations that he covered up the brutal shooting of a black youth by a white cop. He might not have survived last year's mayoral election if voters had seen the dash-cam video of the killing. The video didn't become public till later, and only because a court ordered it. Apparently shame isn't enough to make the man quit.

If he won't leave, can he be forced out? Not likely: A bill introduced in the Illinois legislature allowing Chicago voters to recall the mayor from office faces a slow, lonely death. And given Emanuel's Borgian reputation, few leading Chicago or Illinois Democrats are willing to demand his head (maybe because so many worry that the only decapitations would be their own).

Even if Rahm did get the boot, what would that bring? A raucous political fight for succession like the one that followed Mayor Harold Washington's sudden death in 1987, a melee guaranteed to worsen the city's racial divide. Already guesswork has begun over who would follow Emanuel to the throne, but given Chicago's payback culture, that's a perilous endeavor for both the speculator and the speculatee.

No doubt Emanuel deserves to go, as does Cook County state's attorney Anita Alvarez, who also sat on evidence implicating cops. Facing a March primary for reelection, voters might actually hold Alvarez accountable—as they might have held Emanuel accountable, if the video he suppressed had been seen in time. Police superintendent (and designated fall guy) Garry McCarthy has already been handed his gold-braided hat.

But that's not enough. Experienced Chicago hands can only wonder at the media's captivation with Emanuel's fate. Even if the top ranks of city government are purged, it would do little or nothing to solve Chicago's systemic problems. It isn't just the bosses who make a corrupt system run. It's the army of precinct and patronage workers, the small-time grafters—all the favor seekers and dispensers who populate the Democratic party's machine—who sustain the Chicago Way. Why should they get a pass?

Why is virtually no one asking who the political sponsor was protecting Jason Van Dyke, the policeman who shot 17-year-old Laquan McDonald 16 times? During his 14-year career, Van Dyke was named in at least 20 citizen misconduct complaints, including "use of force," "verbal abuse," and "illegal search," according to the Citizens Police Data Project. Of them, five were "not sustained," five were unfounded, four resulted in exoneration, five had unknown outcomes, and in one no action was taken.

Was Van Dyke the repeated victim of false accusations? Or could it be that Chicago's Independent Police Review Authority—the agency in charge of investigating complaints against Chicago police—is so biased in favor of cops that they bury most every grievance?

And then there is the police union, whose contract makes it nearly impossible to act against wrongdoers in blue. From March 2011 through September of last year, civilians filed 28,567 complaints against Chicago police. Less than 2 percent of those complaints resulted in officers being disciplined—and then rarely anything more serious than a reprimand or a week's suspension.

Or perhaps Van Dyke had a patron who made the charges disappear. You don't get ahead in Clout City simply on merit. And you don't survive charges of incompetence (or worse) without the protection of the Democratic party.

This has always been the essence of the Chicago Way. The Machine has been pronounced dead before, supposedly slain by court rulings freeing civil servants from political fealty. The eulogies have been premature; the machine-greasing culture of loyalty lives on. It's how a policeman rates a cushy assignment at, say, O'Hare International Airport. It's how teachers who don't teach keep their jobs. It's how shovel-leaners and paper-shufflers score their sinecures in the first place. Clout punishes. Clout rewards. Clout survives.

Enough Chicagoans benefit from the Machine that the system thrives, even as the good cops, excellent teachers, and dedicated civil servants carry the load of the corrupt, the idlers, the incompetent, and the shielded. It's why well-intentioned political reformers in Chicago have racked up a history of failure.

Imagine Emanuel resigns in disgrace: Satisfying as that would be, little if anything would change. Nothing will change until investigators and the media go after the bottom feeders with all the gusto they deploy against the brass and the bosses. Nothing will change until enough Chicagoans are fed up with the whole lousy political culture that dominates the Democratic-controlled city, county, and state. Maybe some of us will live long enough to see it. ♦

THOMAS FLUHARTY

Dennis Byrne is a Chicago writer.

A War of Choice

The Obama administration welcomed a fight with the Little Sisters of the Poor. BY JOSEPH BOTTUM

Leaving the 10th U.S. Circuit Court of Appeals, December 8, 2014

BRENNAN LINSLEY / AP

The Little Sisters of the Poor are headed to the Supreme Court this year, seeking escape from the contraception mandates of Obamacare—under which they fall, the government claims, as insurance providers for the employees in their nursing homes. The Justice Department is fighting the Little Sisters tooth and nail, determined not to allow them to evade the law's requirements, because . . . because . . .

Um, in truth, the Obama administration has never made entirely clear why it's so desperate to rope nuns into bureaucratic schemes for providing contraception. After all, the administration has let other organizations slip through the cracks. Unions have their exemptions, Congress has its exemptions, and the politically connected seem able to get Obamacare waivers for the price of a postage stamp. Nearly "every other party who asked for protection from the mandate has been given it," says Mark Rienzi, a senior counsel for the Becket Fund. "It made no sense for the Little Sisters to be singled out for fines and punishment. . . . The government has lots of ways to deliver contraceptives to people—it doesn't need to force nuns to participate."

A quiet waiver for the Sisters back in 2012 would have saved the administration some of the political headache of defending Obamacare, yet again, before the Supreme Court. If nothing else, the waiver would have put a less sympathetic group as lead plaintiff in this case. Just listen to the name: *Little Sisters of the Poor*. Even Justice Sonia Sotomayor, from the liberal edge of the Supreme Court, couldn't stomach the Tenth Circuit being mean to the Little Sisters; in January 2014 she issued the emergency injunction that has brought the case to the full Court.

Recently, however, the Judicial Crisis Network's Carrie Severino, writing one of the many amici briefs for the *Little Sisters* case, has directed attention to emails from officials at the IRS and the Centers for Medicare and Medicaid Services. Why has the Obama administration insisted on applying an unrelated tax regulation (a provision defining the entities that have to file tax returns) to determine which religious groups fall under the contraception mandates of Obamacare? The answer starts to emerge when, in the light of the administration's intransigence in the *Little Sisters* case, we look back at those emails.

In October 2011, for example, Medicare's Alexis Ahlstrom wrote her agency's law and policy advisers to find out "what student health plans at catholic universities cover today. Can we reach out to our sources at Aetna and Nationwide to see if they can answer the question?" And in July 2012, a flurry of IRS emails refer to Catholic Charities, the U.S. Conference of Catholic Bishops, religious nursing homes, religious hospitals, and Catholic colleges—all in an effort to define a policy that would sidestep the constitutional problems of compelling churches even while it forced religious institutions to obey the Obamacare mandates for contraception (including abortifacients).

None of this is exactly new. The 2012 emails have been available since their 2013 release by the House Committee on Oversight and Government Reform, which subpoenaed them from the IRS. But we're seven years into the Obama administration, and the pattern of opposition to religious institutions—the pattern apparent in those emails and culminating now in the *Little Sisters* case—is visible for all to see.

Back in 2009, in the early days of Obama's presidency, there was some talk of the new administration's care for the religious. Thus, for example, while she was secretary of state, Hillary Clinton would occasionally speak of this country's commitment to "freedom of faith," at home and abroad.

We should have seen the problem signaled by that slightly odd phrasing, for "freedom of faith" is the freedom to hold one's faith in private, and the religious attack in America has not been an attack on faith. Not really, not in its essence. No one has proposed that government agents break into the homes of believers to wrench the crucifixes from the walls

Joseph Bottum is a contributing editor to The Weekly Standard.

and the mezuzahs from the doorways.

The attack has been instead on religion itself—the freedom of faith to assert itself in public. The old argument was that religion had intruded too far into *governmental space*, and thus, for example, public-school prayer had to be banned and religious monuments needed to be removed from public parks and courthouse grounds. The newer notion, percolating through the years of Obama's presidency, is that religion has intruded too far into *public space*, and thus any exemption from the practices of ordinary businesses is inherently bad.

In this schema, the state controls more than its own property. It controls anything that appears in public, and the strictures that limit governmental religion must also limit public religion. Our government has become a jealous one, hungry to claim all authority—moral as well as legal and political—that once existed in other institutions.

The churches suffer from this notion, to some degree. But they are not the reason for the prosecution of the Little Sisters of the Poor. The target is, instead, what we might call the in-betweens—the organizations that are the expression of faith out from the churches and into the public realm. Hospitals, colleges, prep schools, orphanages, homeless shelters, nursing homes: Every such institution, by performing its work, seems an outrage, an offense against the monopoly on public life that government claims. Each is an assertion that moral and social authority can derive from sources other than acts of law.

The administration has refused religious accommodation precisely because it is *religious*, and these in-between institutions must be brought to heel. They must be made indistinguishable from nonreligious institutions. And if the Little Sisters of the Poor get forced out of their nursing homes, that's a shame, perhaps—but it's the price of doing business, when a jealous government has seized the public square.

Freedom of faith, perhaps: Believe what you want, in private. But freedom of religion, absolutely not: Everyone must conform, in public. ♦

Don't Abandon All Hope

Baby steps to comprehensive tax reform.

BY IKE BRANNON

The main goal for any tax reform that merits being called a reform is to boost economic growth. The way to do that, most economists whose last name isn't Krugman aver, is to reduce marginal tax rates on businesses both large and small and make up the lost revenue by eliminating various tax deductions, exclusions, and credits. Spending cuts, too, if possible.

But *is* any part of it possible?

He can dream, can't he?

Congress late last year made permanent a number of "temporary" tax measures such as the Research and Experimentation Tax Credit and the expensing of capital investment for small businesses. It also extended some provisions set to expire, including tax breaks for alternative energy production. The basic idea was to set the stage for reform: By making these elements permanent Congress lowered the tax-revenue "baseline." Thus, under the Capitol's arcane budget rules, future tax reforms don't have to produce as much compensatory revenues to count as being "paid for."

Ike Brannon is president of Capital Policy Analytics, a consulting firm in Washington.

Still, the near-term prospects for tax reform aren't exactly robust. One big roadblock to action in 2016 is the fact that, in 2013, President Obama raised the top individual tax rates—the rates that also apply to most small businesses. He's not likely to give up those increases anytime soon. Jason Furman, head of the president's Council of Economic Advisers, told a Brookings Institution conference in November that, while the administration remains open to some sort of corporate tax reform, they see no compelling reason to reform the personal side of the tax code.

It leaves tax reform advocates in a quandary: Does it make sense to wait another year before attempting some sort of tax reform, or does it make more sense to get whatever corporate tax reform is possible now—especially given that 2017 could bring not only another Democratic president, but a Democratic Senate as well?

Last year, then-chairman of the House Ways and Means Committee Paul Ryan and Senate Finance Committee chair Orrin Hatch signaled their intent to try for half a loaf. They sent a letter to various small business constituencies asking them to propose ways to make their lives easier without lowering their top tax rates. Small business responded immediately and en masse that the rate is what matters first, second, and third to them, and that they would oppose any tax reform that did not mean lower rates. Small businesses worry that action on corporate taxes now would scotch the chances of further tax reform in the next administration.

Given the hostility of small business to a corporate-only tax reform, tax writers had to ask themselves: Is it worth

NEWSCOM

pursuing a limited tax reform, focusing on the corporate tax code, in 2016? The answer, I think, should be yes.

For starters, it's important to recognize that there is no compelling economic reason for doing corporate and personal tax reform together, just a political one. It's argued that the top rates for pass-throughs—companies that pass both profits and tax obligations through to their shareholders—and corporations should be nearly the same so that a company's incorporation decision isn't skewed by tax disparities. But a good chunk of corporate profits are already being taxed twice, first at the corporate level and then again as dividends or capital gains, making C corporation status something to avoid. Indeed, the steady decline of corporate income tax revenue as a proportion of federal revenue (grist for many anguished editorials at the *New York Times*) is largely thanks to a shift away from C corporation status. Taxes paid by all businesses—C corporations, S corporations, and partnerships together—account for roughly the same proportion of total tax revenue as three decades ago.

And it's worth repeating that the corporate income tax isn't all that progressive. While liberals have it in their heads that corporate taxes come from the hide of rich plutocrats, the reality is that it's paid by workers (in the form of lower wages), consumers (in the form of higher prices), and shareholders. Often—thanks to 401(k) plans—the shareholders and the workers are one and the same.

Individual and corporate tax reform would have to be done separately, even if Congress tackled them concurrently. Corporate reform cannot use a reduction in credits or deductions from the personal side to make up for revenues lost from lower corporate tax rates, though the most consequential tax breaks—the mortgage interest deduction among them—are contained in the personal tax code. And even if changes to individual taxes could be used to offset changes to the corporate code, mixing the two would make it too easy by half to undermine reform. All it would take is one member of Congress (paging Bernie Sanders) to link corporate tax items that reduced revenue with personal tax items boosting revenue: Each and every piece of corporate reform would be denounced as a break for rich businesses paid for by taxpayers.

The advocates of corporate tax reform are already up against a major barrier to getting anything done in the near term: The president won't sign any reform that doesn't bring in more money to Washington. It's hard enough making tax reform palatable under the constraint of revenue neutrality: A 2008 study by the Treasury Department proposing revenue-neutral corporate tax reform had trouble identifying enough revenue-raisers to get the corporate tax rate below 30 percent, which isn't much of a reduction from the current 35 percent. If the White House insists on depositing a few hundred billion dollars of "savings" accrued from any reform into federal coffers, prospects for reform go from slim to none.

Yes the personal tax code is in desperate need of reform, but there's no reason to think Congress has the stomach to get rid of any of the big-ticket personal deductions that would have to go in any real reform. Who's going to take on the mortgage interest deduction?

Given that chances for significant reform of personal taxes are remote, it makes little sense to tether corporate tax changes to that dead weight. A partial victory, focused on corporate tax reform, is possible. It would be both an economic success, making U.S. corporations better able to compete around the world, and a political success, showing that Republicans and Democrats can reach compromise on issues of major importance.

And, who knows, it might even set the stage for reform of personal taxes that would benefit small businesses and individuals. ♦

An Idea Whose Time Never Came

Jack Kemp's enterprise zones still deserve a try.

BY DENNIS TETI

G.K. Chesterton famously remarked, "The Christian ideal has not been tried and found wanting. It has been found difficult; and left untried." The same can be said of a more down-to-earth but still-radical idea: The late Jack Kemp's antipoverty proposal for urban enterprise zones was found politically difficult and never tried.

Dennis Teti was a member of Jack Kemp's congressional staff from 1983 to 1986 and worked on communications and policy initiatives when Kemp was secretary of the Department of Housing and Urban Development from 1989 to 1993.

Democrats and too many Republicans believe the urban myth that in 1993 Congress passed Kemp's plan, which the Clinton administration enacted with disappointing results, thus demonstrating that the enterprise zone idea doesn't work. But Kemp's proposal was drastically different from what was carried out. The two versions share similar names but reflect divergent views about government's role in promoting growth. Kemp's strategy was to open up abandoned areas to all comers, with minimal government direction. Bill Clinton created a bureaucratic maze channeled toward big business urban

renewal that discouraged potential local entrepreneurs.

Kemp's congressional district, which he served from 1971 to 1989, included part of Buffalo, N.Y., and its suburbs, with a large Democratic blue-collar constituency who would not normally vote for a conservative Republican. He was sensitive to the fact that Buffalo suffered from the lack of jobs, business closings, and rising poverty levels that marked urban decline all over the Northeast and Rust Belt. In his 1979 book *An American Renaissance*, Kemp wrote that large federal grants and loan programs were not helping revitalize these aged metropolises: "Federal policies invariably stressed new construction rather than the maintenance and renewal of the existing stocks of social capital—housing, highways, railroads, and utilities—that were located predominantly in the older cities." As a result, Washington was preempting an increasing share of the declining urban tax base. Businesses and residents moved out of the cities, leaving behind the poor together with unused buildings and empty lots. Local governments found themselves without a revenue base to restore blighted infrastructure or provide essential services.

Kemp saw that this cycle would never restore the cities' vitality or, more important, uplift the poor and unemployed. So he called for government at all levels to provide "a tax and regulatory climate that is more favorable to business creation and expansion in the cities," including easing the tax burden on job-creating investment. States and cities should make "a concerted effort to lessen any barriers to economic advancement," by loosening building codes and zoning laws, occupational licensing, and paternalistic labor laws, and shifting property taxes to fall more heavily on land and less on property improvements.

While his book included many elements of the enterprise zone concept, Kemp's proposal was ultimately inspired by the Thatcher government's plan for Britain's decaying urban areas. In 1980, Kemp, with Democratic cosponsor Robert Garcia of New York City, introduced the Urban Jobs and Enterprise Zone Act. It called for certain areas of high poverty, unemployment, and abandoned properties within older cities to be "green-lined." ("Red-lined" was a bankers' term for neighborhoods considered too great a financial risk for lending.) Within "green-lined" zones, the federal government would provide incentives to encourage job creation, new small enterprise investment, and existing business expansion. They included: a 90 percent reduction in Social Security payroll taxes for employers and workers under 21 and 50 percent for those 21 and older; halving the 28 percent capital gains tax rate; a 15 percent tax rate cut for in-zone businesses if half its employees lived in-zone; plus an accelerated depreciation schedule, simplified accounting method, and extended loss carry forward provision. For their part, local governments applying for enterprise zone designation had to agree to reduce their effective in-zone property tax rate by 5 percent for four years. Kemp insisted that the incentives were "targeted to smaller enterprises and individuals because 66 percent of new jobs created nationally, and 100 percent of net new jobs created in the Northeast, come from small businesses."

These dramatic federal and local tax rate reductions looked on paper like revenue losers. But Kemp emphasized that there was little revenue-producing commercial activity in the proposal zones: Abandoned lots and burned-out buildings don't bring in taxes. A key approach was to foster the creation or retention of small businesses employing local residents. Kemp wanted to avoid attracting existing businesses outside the zone and promoting massive urban clearance and redevelopment. That would merely replicate the Great Society's urban renewal experiment that scattered the poor to other locations.

At a profound level, Kemp saw that economic growth entailed freedom to work, save, and invest without government micromanagement. In a 1980 blueprint introducing his bill, Kemp wrote:

> Notice we're talking not just about "capital formation" but about *capital mobilization*. Capital is not just money. . . . Capital, in my view, is productive capability and thus exists in the minds, hands, and creativity of the people—in the inner city and throughout the country. This capital has been deactivated by the effects of excessive taxation and regulation.
>
> There are "experts" who view people below the poverty line as a national stigma, as though they suffered from a permanent affliction. They miss the point of how quickly such human "capital" can be mobilized in our inner cities. They miss how rapidly, in an entrepreneurial economy, the poor can move up the ladder of success.

Kemp introduced or cosponsored several enterprise zone bills during the 1980s. He tinkered with specific provisions to resolve objections and build majority support. During his term as HUD secretary, he continued to promote enterprise zones as an antipoverty measure but could not persuade the George H. W. Bush White House and Treasury Department, resistant to "voodoo" economics, to push for his proposal.

But groups representing minorities and the poor were listening to Kemp's message. In an odd twist of fate, it was a Democratic-controlled Congress that authorized enterprise zones in 1993 as part of an omnibus budget reconciliation bill and the Democratic administration of Bill Clinton that established them. The Democratic program, however, amounted to a new big government plan to pick winners and losers. It created a structure of bureaucracy, varied and minimized its tax applications, and resorted to subsidies and grants to direct preferred outcomes.

The Kemp model was fairly simple. The Democrats' version was divided into three different categories: empowerment zones, enterprise communities, and renewal communities. Distressed communities competed for a handful of available designations. A strategic development plan was required to marshal public and private resources to stimulate economic development and a broad network of stakeholders to implement

it. The benefits available in these categories were different. The program included confusing sets of tax concessions, tax-free industrial development bonds, and zone academy bonds to finance educational arrangements. Kemp's proposal allowed anyone to open a business in an enterprise zone and gain the tax and wage benefits. The Democrats' program was too top-heavy and complex for local entrepreneurs-to-be. It was designed to attract big corporate entities with the money, management, and expert lawyers to negotiate the bureaucratic maze and deal with government micromanagers.

The results were mixed at best. The Government Accountability Office, charged with auditing the agencies' conduct, criticized the lack of useful data gathered by HUD and other administrators, which made it difficult to measure the program's effects. In an interim assessment report from 2001, HUD noted that large businesses were taking more advantage of in-zone tax credits than small ones. A 2010 GAO report had photos of in-zone projects including: construction of upscale hotels, a large supermarket, a bright new Toyota dealership, a new automobile plant, an aluminum extrusion factory owned by a global corporation, expanded grain storage facilities, and a headquarters building for a nationwide pizza chain. All utilized facility or commercial bond issues under EZ provisions. There were some more modest developments, such as strip malls housing small retail shops, a community computer education center, and a new medical clinic. But HUD and local officials expressly said these were complicated financial transactions requiring a lot of upfront money and projects big enough to justify the costs.

HUD claimed that in-zone resident job numbers increased between 1995 and 2000, but GAO reports later charged that the IRS, HUD, and other government agencies had never tracked accurate data on the use of tax credits and grants. GAO saw improvements in unemployment and poverty levels in some zones, but due to the lack of data it could not connect these improvements to the EZ program or determine what would have happened without it. Demographic changes in zoned cities and other older urban areas brought in affluent singles and young couples who gentrified neighborhoods but dispersed impoverished residents. In other words, local poverty rate declines were likely not caused by zone designations.

KEVIN DIETSCH / GETTY

'Bill, You botched my best idea.'
'Yeah, but I got to favor my friends!'

Large-scale urban slum clearance has been the left's preferred approach since the Model Cities program of the 1960s. The enterprise zone program enacted in 1993 amounted to Urban Renewal 2.0. The name echoed Jack Kemp's call for economic growth in decayed urban neighborhoods, but the Democratic program was a far cry from the retail and service stores employing the neighborhood poor that his plan urged. Morton Kondracke and Fred Barnes's recent biography of Kemp recounts that he sharply distinguished his own proposal from the Clinton administration's "weak imitation." If the 1993 program did little to revitalize these neighborhoods, Kemp's untried 1980 proposal clearly was not to blame. The Kemp urban strategy of free market opportunity was designed precisely to avoid the snares that doomed the Democrats' corporate takeover model.

We learned some important lessons from the experience. Federalism is a complication. No one wants the federal government to coerce states and cities to deregulate or to reduce local taxes. In some states, local property tax rate concessions in designated areas violate state constitutions. Yet lower jurisdictions' regulations and taxes need to be reformed, and this will require careful federal-local collaboration.

Massive economic redevelopment projects are entirely different from those making use of existing infrastructure for retail, manufacturing, or small commercial businesses. Enterprise zones should be open to all potential entrepreneurs. Federal and local administrators must not try to pick winners, approving favored projects while closing others out. Excepting dangerous or immoral activities, all proposed enterprises that meet reasonable health and safety codes should be allowed, given the abandoned nature of these neighborhoods.

Kemp at his most enthusiastic liked to say that America should be one big enterprise zone from sea to shining sea. Urban enterprise zones would be experimental, of course, demonstrating, one hopes, that the poor can succeed and small-scale enterprise can generate jobs and economic growth if their tax and regulatory burdens are lightened. The lessons learned could then be applied to the nation's economy as a whole.

Poverty rates have climbed to levels not seen since the War on Poverty began half a century ago. Millions more men, women, and children are living below the poverty line than ever before. Bill Clinton's version of enterprise zones failed. That doesn't mean Jack Kemp's version would. ♦

No, You Decide

A rare, and instructive, case of appropriators relinquishing power. BY CAMERON SMITH

It's been half a decade since the Deepwater Horizon oil rig, which had been drilling the BP-owned Macondo Prospect, suffered a catastrophic blowout. Over 87 days between April and July 2010, 4.9 million barrels of oil gushed into the Gulf of Mexico.

Surveying the aftermath and the huge hit taken by his home state's coast, Sen. Richard Shelby of Alabama decided it was crucial that monies from the inevitable federal fines and penalties be sent back to affected communities to repair the damage.

"I have always believed that, when it comes to government, putting more control in the hands of states and local communities—instead of Washington—will produce optimal results for taxpayers," Shelby told me.

Plenty of conservative politicians have talking points that sound like that, but Shelby pushed legislation that actually did it. In 2012, Congress passed the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act. The law redirects 80 percent of federal fines and penalties from the oil spill to a process giving local and regional officials more control over restoring the economic and environmental damage inflicted on their communities.

According to Shelby, earlier drafts of the RESTORE Act offered by Sen. Mary Landrieu, D-La., redirected Clean Water Act fines and penalties through the congressional appropriations process. Shelby wasn't convinced that simply moving the resources from a federal agency to federal appropriators would be particularly helpful for the Gulf Coast.

Cameron Smith serves as a senior fellow and state programs director for the R Street Institute in Washington.

"The goal of the law was unambiguous," says Shelby. "States and communities affected by the oil spill know better than federal bureaucrats where money is needed most for their economic and ecological recoveries."

That's an unusual attitude for a senior appropriator who's in a position to score serious political points for shepherding spending projects through the appropriations process. Moving resources out of congressional spending committees means less power for Washington politicos.

An oil tar ball from a beach in Alabama, May 9, 2010

Rather than leaving the policy disagreement at an impasse, Alabama's senior senator reached a compromise to get the legislation across the finish line. The final version of the RESTORE Act ultimately put two-thirds of the spending under state and local control, while one-third essentially remained in federal hands.

Because of Shelby's efforts, local communities will have a greater say in their own economic and environmental recovery following the oil spill. That's an important win for the Gulf Coast.

But the RESTORE Act also is an interesting spending model that could shape the way we handle harm to local communities in the future.

Consider the Environmental Protection Agency as just one example. In fiscal year 2014, the EPA secured more than $9.7 billion in injunctive relief against polluters. Over the same period, the agency generated nearly $100 million in federal administrative and civil judicial penalties. That may not sound like a lot in terms of the federal government's multitrillion-dollar annual budget, but those resources could go a long way to improving environmental and economic damage caused by polluters in the states.

Then there's the Department of Justice, which recovered more than $24 billion in civil and criminal cases in fiscal year 2014. While not all cases represent localized harm, some have a direct link to a particular community. One example is the $14 million in civil penalties recovered under the Titanium Metals Corp. settlement, related to the company's "unauthorized manufacture and disposal" of PCBs in Henderson, Nev.

Conservatives frequently wax poetic about shrinking the size of government, but regularly fail to reduce spending. The RESTORE Act shows the way to a different approach entirely. Washington's influence over the states largely stems from the power of the purse. By shifting control over spending to the local level, Washington naturally becomes less essential.

That doesn't mean the federal government gives up its role entirely. The RESTORE Act includes criteria to evaluate spending and sets up councils to select projects. Similar efforts could provide the basic structure for acceptable spending, while leaving specific decisions to the discretion of those closest to the harms inflicted.

"The RESTORE Act should serve as a model for future cases in which federal penalties and fines are assessed, because keeping funds closer to the community is always a better choice," Shelby says.

It's unusual to find a Washington politician willing to reduce his own political clout to give state and local governments more of a chance to repair, with federal funds, harms they've suffered; it's even rarer to find one who's actually done it. ♦

KARI GOODNOUGH / BLOOMBERG / GETTY

Unchecked Power

The regulatory tax problem

By Eric Felten

The *Washington Post* editorialized in November that it was time to regulate how much sugar Americans consume. Sugar causes obesity, which leads to heart disease and diabetes. Government has to pick up much of the tab for treatment, which justifies the feds putting themselves between consumers and the sugar bowl.

But how to actually regulate sugar? Try to fix some limit on serving sizes? Require soda-makers to de-sweeten pop? Such command and control options would no doubt be hamfisted. And so the *Post* suggested the all-purpose solution: new taxes. (Never mind that Washington already dramatically inflates sugar costs through a tangled program of price supports and import controls.) "Sugar taxes are not about punishment or blame," the *Post* declared, "but are about nudging people from destructive behavior in a way that's both economically efficient and less coercive than many alternatives."

The *Post* might have added one other advantage to using taxes to regulate—such regulations are almost guaranteed to get a pass from the courts, which for more than a century have encouraged lawmakers to use tax-collectors as go-to regulators, especially when the constitutional power to regulate something is in doubt.

The tax code is complicated not just because generations of rent-seekers have manipulated it for their advantage but because taxation has become an all-purpose method of regulation, one that is virtually preapproved by the courts. The power to regulate and the power to tax have been crossbred, becoming a sort of hybrid power, one that is rarely challenged, but very much needs to be.

Eric Felten is managing editor of The Weekly Standard. *His most recent book is* Loyalty: The Vexing Virtue.

'Put simply, Congress may tax and spend,' John Roberts wrote in the first Obamacare ruling. 'The Federal Government may enact a tax on an activity that it cannot authorize, forbid, or otherwise control.'

Roberts

The Affordable Care Act is the most recent, and perhaps most disturbing, example of how the tax code can be used to sidestep the Constitution's restraints on Congress—a case that will long be studied by those eager to expand the power of the federal government. Obamacare's success before the Supreme Court will encourage future legislators to exploit the same dangerous loophole: the legal principle that just about any regulation can be justified if it comes packaged as a tax. Which makes Obamacare another sort of case as well—a case for radically reforming the tax code.

The Affordable Care Act has found itself before the Supreme Court in two high-profile cases. The second time, a key question was how much leeway the IRS should have in its implementation of Obamacare. During oral arguments in *King* v. *Burwell* last March, Justice Anthony Kennedy pressed a point that prognosticators (wrongly) took as a clue to how he might vote: "It seems to me a drastic step for us to say that the department of Internal Revenue and its director can make this call one way or the other when there are—what?—billions of dollars of subsidies involved here."

It's an obvious question: How is it that the IRS got in the middle of health care policy? Isn't there something odd about using tax collectors to regulate medicine? But the question came late. Making the IRS Obamacare's enforcer was, for the Court, not a legal pratfall but the very thing that allowed the law to pass muster the first time around.

When Obamacare first came before the Court, the question was whether Congress had the right, using the "individual mandate," to fine consumers who chose not to buy health insurance. Lower courts had found that the mandate was a "penalty," not a tax—a key distinction, because if the mandate wasn't a tax, it had to be justified under Congress's power to regulate interstate commerce.

PAUL J. RICHARDS / AFP / GETTY

But if the mandate could be labeled a tax, there was no constitutional quibble to be had: "Put simply, Congress may tax and spend," Chief Justice John Roberts wrote in his opinion in that first Obamacare case, *National Federation of Independent Business* v. *Sebelius*. "This grant gives the Federal Government considerable influence even in areas where it cannot directly regulate," Roberts wrote. "The Federal Government may enact a tax on an activity that it cannot authorize, forbid, or otherwise control."

In other words, for all the Constitution's efforts to rein in the power of Congress and the president, those restrictions largely fall away if a regulation can be packaged as a tax.

And the power of taxation is not limited in the way other enumerated powers are. Compare, in the *Sebelius* ruling, how restrictively Roberts reads the commerce clause with how expansively he conceives the power of taxation.

If the commerce clause can be used to justify regulating "individuals precisely *because* they are doing nothing," the chief justice warned, it "would open a new and potentially vast domain to congressional authority." How vast? Unlimited, because on any given day there are "an infinite number of things" that people don't do.

And yet Roberts dismissed that very distinction—the difference between doing something and doing nothing—once the question was about taxes. He briefly entertained the question of whether it's "troubling to permit Congress to impose a tax for not doing something." But he quickly cast that concern aside, in part by invoking the famous Benjamin Franklin line that "nothing can be said to be certain, except death and taxes." Comforting, that.

If the individual mandate is "just a tax hike on certain taxpayers who do not have health insurance," Roberts wrote, "it may be within Congress's constitutional power to tax." Why? Because "it makes going without insurance just another thing the Government taxes, like buying gasoline or earning income."

But is choosing not to buy insurance the same as choosing to buy gasoline? "Buying" and "earning" are both, of course, things that people *do*. Roberts wasn't worried, it seems, about opening a vast domain of congressional power by allowing Washington to *tax* the infinite number of things that people don't do. Indeed, Roberts bluntly wrote, "[I]t is abundantly clear the Constitution does not guarantee that individuals may avoid taxation through inactivity."

Congress's power to tax, in other words, is a sort of trump card. Those who think limits on federal power are, by and large, a good thing have long found this to be a problem—not only because it opens the regulatory floodgates, but because it encourages lawmakers to indulge in dishonest acts of legal camouflage.

A century ago, Second Circuit Court of Appeals judge Charles Merrill Hough warned, in a *Harvard Law Review* article, that the desire for federal action was far outpacing the powers given to the national government: "Appetite for broad general legislation grows, and the discovery of enough powers enumerated or implied to justify national and nation-wide regulation of industrial and social conditions becomes increasingly difficult."

A century ago, Second Circuit Court of Appeals judge Charles Merrill Hough warned against laws 'whose constitutional support bears no sincere relation to the legislative and popular purposes sought to be attained,' dubbing them 'covert legislation.'


Hough

Hough recognized that this led to a corrupting sort of legislative creativity, in which it had become commonplace to have statutes "whose constitutional support bears no sincere relation to the legislative and popular purposes sought to be attained." Hough called these laws "covert legislation" and warned that such statutes were "habit-forming." And how!

Hough pointed to Congress's struggle to find a constitutional means by which to regulate cotton futures, in which lawmakers settled on a tax. The ability to suppress behaviors with prohibitive taxation, Hough wrote, demonstrated "the covert capabilities of the taxing power."

The constitutional trump is just one of a whole raft of advantages, from the legislators' point of view, that come from regulating under the cover of taxation. Another is the protection afforded by the Anti-Injunction Act, which keeps courts from blocking the collection of a tax. A tax law generally can't be challenged until after the tax has already been paid. Mere regulations can be fought before they are in force; regulatory taxes must be coughed up before they can be contested.

Then there's what Kinky Friedman would refer to as the "financial pleasure": When regulations are taxes, it usually means moneys are being collected, an obvious benefit from the government's point of view.

And finally there's the advantage of having an all-purpose, ready-made, prefunded regulatory body—the IRS—that makes it ever so easy to regulate activities and enterprises that previously hadn't been regulated.

Consider the language supporting regulatory taxation that is included in the "analytical perspectives" section of the president's annual budget proposal—justifications so taken-for-granted that the wording is changed barely, if at all, from year to year. The language touts the behavior-modifying incentives and disincentives available—"deductions; credits; exemptions; deferrals; floors; ceilings; phase-ins; phase-outs"—always taking care to add that "there is an existing public administrative and private compliance structure for the tax system."

Who can argue against the efficient use of existing administrative infrastructure? Except those vaunted efficiencies may be imaginary. The IRS has already used the burden of administering Obamacare as an excuse for not answering taxpayers' basic questions. "Because of the zero funding for the Affordable Care Act," IRS commissioner John Koskinen told Congress, the IRS had "to move a significant part of that support for taxpayer service" into support for Obamacare. There may be, as the boilerplate puts it, "an existing public administrative and private compliance structure," but piling new duties on it is hardly cost-free.

The efficiency argument also assumes that tax-collectors have the skill sets to shape policies that have little to do with revenue. Regulatory taxation gives the taxman the power to make hugely consequential decisions in areas well outside the most generous estimates of his competency. This is how the IRS ends up smack in the middle of health care policy.

Using the infrastructure of tax collection to calibrate regulatory incentives and disincentives can (or should one simply say *does*?) lead to IRS abuse. What is the Lois Lerner affair but an example of the IRS being allowed to determine which speech is encouraged by gaining IRS approval and which speech is discouraged by getting the IRS runaround?

A hefty 1886 tax on 'oleomargarine' was the handiwork of the dairy industry. Makers of the cheap butter-substitute appealed to the Supreme Court, arguing that taxes were being used to destroy an otherwise perfectly legal business. But because the destruction came in the form of a tax, the Court was satisfied it was constitutional.

As were many others, Charles Wille, above, was sent to a federal penitentiary for violating the Oleomargarine Act of 1886.

Given their disdain for regulation and dislike of taxes, you might think conservatives would be doubly opposed to regulations packaged as taxes. And yet many seem to be as enamored of regulatory taxes as liberals. There are those who think regulation via taxation is less oppressive than outright prohibition. Enact a ban and there is no choice; but with a tax, one can choose to pay or not according to one's druthers. (This is one of the reasons Roberts gave to explain his sanguinity in allowing Obamacare's individual mandate to survive as a tax: "We do not make light of the severe burden that taxation—especially taxation motivated by a regulatory purpose—can impose," he wrote. "But imposition of a tax nonetheless leaves an individual with a lawful choice to do or not do a certain act, so long as he is willing to pay a tax levied on that choice.")

And then there are those amenable to the expansion of government power as long as it's couched in the economist's language of "incentives" and "disincentives." Regulatory taxes are the preferred tools for tinkering with imperfect (are there any other kind?) markets. If some activity of mine imposes costs on society (and what activity doesn't?), the idea is to put that cost back in my lap through taxes. In this way I'm either discouraged from engaging in the activity in the first place, or I'm made to pay the costs I've imposed.

The patron economist for this sort of thinking is Arthur Cecil Pigou. Harvard economics professor and chief economist to President George W. Bush, Gregory Mankiw is a prominent Pigouvian, arguing that regulatory taxes "are often the least invasive way to remedy a market failure" and that they restore market efficiency "without requiring a heavy-handed government intervention into the specific decisions made by households and firms." Taxes that discourage, for example, the use of fossil fuels are labeled "smart taxes," which must, we're thereby encouraged to think, be the best sort of taxes.

But as Clemson University economist Bruce Yandle has pointed out, "Pigou was not much of a Pigouvian." Let's say an optimal assortment of taxes and subsidies could be divined: Who, given even the slightest familiarity with government in action, would imagine that lawmakers and regulators would implement that optimal assortment? We "cannot expect that any public authority will attain, or will even wholeheartedly seek, that ideal," Pigou himself wrote. "Such authorities are liable alike to ignorance, to sectional pressure and to personal corruption by private interest. A loud-voiced part of their constituents,

if organized for votes, may easily outweigh the whole."

Flip through the pages of R. Alton Lee's *History of Regulatory Taxation*, and you'll find case after case of the loud-voiced constituents Pigou warned against and their ceaseless efforts to get their competitors' products taxed out of business. In 1886, lawmakers from dairy states combined to suppress "oleomargarine," which was cutting into the butter business. The legislation imposing a hefty tax on the cheap butter-substitute, HR 8328, was penned by the National Dairymen's Association.

Makers of oleomargarine appealed to the Supreme Court, arguing that taxes were being used to destroy an otherwise perfectly legal business. But because the destruction came in the form of a tax, the Court was satisfied it was constitutional: From "the beginning of our government," the justices ruled in *Magnano* v. *Hamilton*, "the courts have sustained taxes although imposed with the collateral intent of effecting ulterior ends which, considered apart, were beyond the constitutional power of the lawmakers to realize by legislation directly addressed to their accomplishment."

It was hog farmers who used the tactic next, lobbying for legislation to tax newfangled pseudo-lard made from cottonseed oil (a sort of proto-Crisco). Producers of the oil, having paid attention to the fate of the oleo crowd, got themselves organized and managed to keep the "compound lard" levy from passing.

Come the turn of the century, oleo was still on the market, and so the dairymen came back to Washington, looking for stiffer taxes, especially on margarine tinted yellow to resemble butter. When other farmers looked to Washington to clamp down on speculation in cotton futures, Arkansas senator James P. Clarke urged lawmakers to use the taxing power, describing it as "one of the most comprehensive and flexible powers of the Government . . . the best means of regulation or suppression at its command." Alabama congressman Oscar Underwood heartily agreed: "If you want to use the most effective power," he proclaimed, "there is no greater power in the government than the power to tax."

There were those who saw, all along, where this was headed. "Once enter upon this kind of legislation," stemwinding Texas senator Joseph W. Bailey cautioned, and "it will end only after the Congress of the United States has become a kind of board to settle the rivalries between competing manufacturers . . . according to the power and influence of the rivals."

Not only did the new tax on oleomargarine pass, it was upheld by the Supreme Court, which ruled it would allow regulatory taxes as long as there was at least some pretense

of revenue-collection. The Court said in *McCray* v. *United States* (1904) that it would strike down such regulations only if it "was plain to the judicial mind that the power had been called into play, not for revenue, but solely for the purpose of destroying rights." Those who would use taxes to regulate have found this to be a rather easy hurdle to clear.

Significant pushback to this expansive standard wouldn't come for nearly two decades. In *Bailey* v. *Drexel Furniture Company* (1922), the Supreme Court ruled that a tax on child labor wasn't really a tax at all but a ban dressed up as a tax. Such a welcome constitutional check on Congress's taxing power, one might think, would have put at least a semi-kibosh on the regulatory tax racket. Instead, it merely proved to be one more incentive to involve tax collectors in the business of regulating: Because as long as there are taxes being collected by the IRS, the courts have proved willing to accept that regulations are mere taxation.

Anti-margarine-tax protesters in Washington, 1949

Which brings us back to Obamacare. In *Sebelius*, Chief Justice Roberts contrasted the Affordable Care Act with the child labor law struck down in *Drexel*. He pointed out that the levy against child labor "was enforced in part by the Department of Labor, an agency responsible for punishing violations of labor laws, not collecting revenue." Obamacare's individual mandate, by contrast, is administered by the IRS. The presence of the tax agency, instead of being a screwy regulatory aberration, serves as proof that the individual mandate is indeed a tax, and thus constitutional under Congress's taxing power.

The legal precedents allowing Congress to use its taxing powers for regulatory purposes are by now so long-established that challenging the practice in court is a nonstarter. Persuasive as arguments such as those made by Judge Hough against "covert legislation" may be, the case law is settled: Accumulated court rulings not only allow but encourage lawmakers to justify regulatory overreach as taxation.

Watch, for example, what happens with the licensing of gun dealers: How long before restrictive regulatory taxes on those licenses become an effective end-run around the Second Amendment?

Is there nothing that can be done to constrain this "power to destroy," as Chief Justice John Marshall once described taxes, a power that, as he warned in *Weston* v. *Charleston*, "in its nature acknowledges no limits"?

The answer is to limit that power by embracing a flat tax. The virtues usually claimed for a flat tax include spurring growth, as investment would be made on economic principles instead of being guided by tax loopholes; reducing corruption, as the lobbyists, lawyers, and accountants who cultivate the tax code would find themselves looking for more productive employment; and fundamental fairness (see Stephen Moore's "Remember the Flat Tax?" May 4, 2015).

But let's add to those compelling reasons one more: Radically simplifying the tax code means radically reducing the opportunities for lawmakers to shape and control our lives. It doesn't mean Washington can no longer regulate, merely that regulations would have to be implemented and justified within the limits of the powers enumerated in the Constitution, rather than under the expansive catch-all of taxation.

Presidential candidates making the case for a simplified tax code, as many in the Republican field have been doing, should look beyond arguments about fairness and growth. Important as those issues may be, the more fundamental question is whether there can be any effective limits on federal power. The courts aren't about to restrain lawmakers from regulating through the tax code, which makes a flat tax potentially the most important reform that could be made to constrain the regulatory state.

This would obviously be a long-term effort. Imagine that a flat tax replaces the current code, like a blackboard wiped clean. Before the chalk dust settles, someone will have suggested the smallest of exceptions that need to be made to correct for this or that. And then, perhaps another eminently reasonable idea—a "smart tax," no doubt—and another: Blank blackboards just beg to be written on.

The challenge would be not only to achieve a flat tax, but to maintain it in the face of endless pressures to use the tax code to regulate. But it's worth the effort. Of all the good reasons to embrace a flat tax, the most compelling may be that it bolsters individual freedom.

Is it possible? Why not? After all, when old Ben was listing the things you could count on, he didn't say "death and regulatory taxes." ◆

BETTMANN / CORBIS / AP

Frank Gehry and son at home in Santa Monica (1980)

Big Budget Items

The starchitectural landscape of Frank Gehry. BY ANDREW FERGUSON

If you weren't lucky enough to see it for yourself, it's hard to describe how charming—how reassuring and inspiriting—the Los Angeles suburb of Santa Monica was in the middle 1970s. The neighborhoods spread from the bluffs above the beach through a low-rise business district and then along avenues lined with olive and fig and jacaranda. The avenues ran through a gridwork of bungalows, block after block of them, each tiny house set back a bit from the street in a private square of green. The houses were stucco, mostly, and painted pink or ochre. Half a mile away the sunlight bounced off the ocean and dappled the houses with the shade of palm trees. They were owned by the people who lived in them, technicians from the nearby aerospace factories, or plumbers, electricians, or welders, teachers and cops.

As you walked around you got the idea that here, right here, after 200 years of ceaseless propulsion across a vast continent, the American dream had finally come to rest. This is where it had been heading all along.

And then you turned a corner and saw that Frank Gehry didn't like it.

Building Art
The Life and Work of Frank Gehry
by Paul Goldberger
Knopf, 528 pp., $35

He wasn't famous then, 40 years ago. His portfolio as an architect was heavy with shopping centers and government housing. In 1977, he bought a house in one of these gleaming Santa Monica neighborhoods, at the corner of 22nd Street and Washington Avenue, 10 or 12 blocks up from the beach. He kept the house, a prewar Dutch colonial, largely intact, preferring to destroy it metaphorically. He surrounded it with uneven walls of corrugated metal and plywood. The floors were surfaced in blacktop. He punched out sections of the original clapboard siding to expose the slats and grouting. Holes for windows were sawed through and the glass placed at odd angles. For the crown of his creation he chose chain-link fencing, jutting out from the upper-levels at acute angles.

SUSAN WOOD / GETTY

Andrew Ferguson is a senior editor at THE WEEKLY STANDARD.

When he was finished with the house, it looked like it wasn't finished; it didn't look like a house, either. It might have been a construction site for a county jail that ran out of funding or a basketball court designed by someone who'd never played basketball.

And *then* he was famous, thanks to his "bold" and "daring" remodeling job, undertaken right in the heart of bourgeois America. The Gehry house was featured in news reports around the world and became an early point of contention in the ongoing clash between the tastes of ordinary people and those of the sophisticated people who commandeer the institutions—news media, large corporations, tax-exempt foundations, government at all levels—on which so many ordinary people depend. Among those ordinary people were Gehry's neighbors, who weren't happy. They didn't see the house as others did, through the window of a passing tour bus or under the tutelage of an architectural guide. They saw it every damn day, day in and day out, when they opened their front doors to get the paper in the morning or took an after-dinner stroll at twilight.

"To many of the neighbors, it was a direct attack on their taste, their values, and their judgment," writes Paul Goldberger in this authoritative and endlessly interesting new biography. "It looks like a Tijuana sausage factory," one neighbor complained to the *Los Angeles Times*, which otherwise published nothing but rapturous praise for Gehry's refurbished home, so fearless was his conception, so disruptive of middle-class smugness. Pointlessly, another neighbor sued to force Gehry to stop construction, not realizing he already had. Yet another down-at-the-heels neighbor, who had temporarily patched together his own crumbling bungalow with bits of plywood and sheet metal, complained to Gehry about the unconventional materials he had used in the remodeling. Gehry responded by pointing out that the neighbor himself had resorted to the same materials. "Yes," the neighbor supposedly replied, "but you're doing it on purpose."

Paul Goldberger likes Gehry a lot; his book sometimes reads more like a brief for his subject and his work than a biography. He knows that the remodeling of the house in Santa Monica was a hinge point in Gehry's career, and he's worried that it gave everybody the wrong idea: "Frank's intentions were gentler than they might appear," he writes. (As friend as well as biographer, Goldberger calls Gehry by his first name throughout. Readers will never forget they're in friendly territory.) He agrees with the postmodern architect Charles Moore that Gehry's remodel was meant as "a cheerful and pleasant addition to a cheerful and pleasant neighborhood." Gehry wasn't laughing at his neighbors, in other words; he was laughing with them.

If the neighbors weren't laughing, it's because they weren't sophisticated enough to fall for the joke—which was, as a result, on them. Other canonical works about Gehry, from Sydney Pollack's worshipful documentary *Sketches of Frank Gehry* (2006) to Barbara Isenberg's *Conversations with Frank Gehry* (2009), make it clear that the architect's chief purpose in his breakthrough work was mockery and satire, rooted in a contempt for the "hypocrisy" that his golden neighborhood represented. He chose to use chain link to overarch the house, for example, precisely because "it was so universally hated. The denial thing interested me."

The "denial thing" refers to our refusal to understand that chain link could be as appealing a structural element as, say, cedar shingles or clapboard, even though it isn't at all appealing and carries unpleasant connotations of danger and constriction and in-your-face authority. Honest architecture like Frank Gehry's welcomed those qualities: "In this world, you can't make things clean and simple and hermetic," he said, deriding the pleasing orderliness of modest suburban houses. Bourgeois architecture, with its symmetry and simplicity, was "mere contrivance."

Gehry has always said that he drew inspiration less from his fellow architects than from contemporary artists. He immersed himself in the post-expressionists who were the nonce enthusiasm of smart people in the 1950s. From Robert Rauschenberg, he learned that "it was okay to use junk." Junk is not a technical term here. When he says "junk" he means *junk*, as in trash, the stuff people used to throw away before mandatory recycling, along with the "found objects" picked up from construction sites. Yet, at first, even some highly educated people didn't tumble to Gehry's valorization of junk. One of Goldberger's most unexpected revelations has to do with Milton Wexler, a well-known California psychiatrist. He treated Gehry for more than 30 years and was, perhaps, the most important personal influence in Gehry's life outside his family. Wexler helped Gehry solve many crucial life problems—for example, whether he should start his own architectural firm or leave his wife and kids for a younger, more promising woman. (Psychiatry's answer in both cases was: Go for it.)

When it came to chain link, Gehry was shocked to discover that Wexler was deep into the denial thing. The psychiatrist, writes Goldberger, "thought of chain-link fencing more in terms of prison yards . . . and he was troubled by Frank's fondness for it." Gehry tells Goldberger:

> He thought I was expressing anger with the chain link, and that I need to do these angry things with this corrugated metal and things to piss people off, to get attention. And he was very critical about that to me. He said it was a waste of time.

Wexler gets full marks for psychological insight and aesthetic judgment, but Gehry won the more important argument, about whether his use of junk was "a waste of time." It was not. Gehry had a keener sense of his audience. Critics and the wealthy people who listened to them weren't going to go into a denial thing about any public art so long as it insulted ordinary taste. He knew there was gold in them thar corrugated metal walls.

His new reputation brought him more substantial and prestigious business than shopping malls and

subsidized apartment complexes, and also clients who were willing to pay. Within a few years he was well on his way to being a "starchitect" like I. M. Pei or Renzo Piano. With the opening in 1997 of his instantly celebrated Guggenheim Museum, rising up from the slums of the arsehole city of Bilbao, in Spain, he was the most famous architect in the world. Indeed, he transcends architecture: He designs jewelry for Tiffany, several lines of decorative art for other retailers, and pieces of furniture that are so awkward and uncomfortable they've won praise from the most demanding international tastemakers.

As a writer, Goldberger shifts easily from scene-setting and storytelling to history and argument. He opens his book with a picture of the starchitect 35 years after his chain-link breakthrough. Gehry no longer uses chain link, of course; his clients can afford pricier material, and the fad for abjectly ugly buildings was short-lived, as such things go. Goldberger describes a party thrown in Gehry's honor in the penthouse of a Manhattan skyscraper. The party celebrates a career landmark: not only Gehry's first skyscraper but his first building, ever, in Manhattan. The building's rippled sheathing makes it look as if the skyscraper itself has gone wobbly with a bad case of vertigo—it's either going to fall over or upchuck. It would be a guaranteed attention-getter even if its 76 stories didn't utterly overwhelm, almost obliterate, the neighborhood it towers over.

The street address is 8 Spruce Street, but the developer has chosen to market the building as "New York by Gehry," which helps goose the rent of even the smallest apartment into the higher reaches of real estate absurdity. More than 300 admirers—some of them famous, all of them rich—have gathered to toast him. At 82, and looking it, Gehry still optimistically sports the black T-shirt and black jacket of a downtown hipster circa 1997. Though surrounded by admirers, he spends much of the party gazing out the windows at the other residential behemoths of the Manhattan skyline, absorbing the moment and savoring the realization that he has arrived at a pinnacle of American culture.

In Goldberger's telling, the moment neatly encapsulates the world of the starchitect and the people to whom he is both hero and hireling. "New York by Gehry" is the perfect 21st-century Manhattan building. It is, in part, a tribute by the designer to himself: It screams ARCHITECT! as loudly as if a sound truck were cruising what's left of the neighborhood. But its main function is to serve as another sky-high perch from which the victors of turbo-capitalism can gaze across at one another as the losers scamper along the streets far below. From here, each can admire the fabulously expensive dwelling spaces of his peers, in a daisy chain of congratulation, oneupsmanship, and covetousness. These are Gehry's clients, and he is their builder.

8 Spruce Street (New York by Gehry)

Once again, Goldberger doesn't want us to get the wrong idea. Gehry isn't a sellout, as we boomers used to say. His politics are those required of a figure of his public stature—that is, solidly left-wing in theory. He just keeps his politics separate from his work: "I'm a do-gooder Jewish liberal to the core," Gehry once said, "and it's hard for me to think I'm solving any problems doing a rich guy's house." But please understand: He will do a rich guy's house. His scorn for the wealthy as an ideological abstraction is equaled only by his eagerness to milk them until their udders are chafed and aching.

Not that the clients are complaining! A single sentence from Goldberger's book offers a nice example of how Gehry finds work, in this instance the commission from Mark Zuckerberg to design Facebook's new corporate headquarters.

> Zuckerberg made no claims to be interested in architecture [but] Bobby Shriver, a close friend of Frank's whose sister, Maria Shriver, was then married to the California governor, Arnold Schwarzenegger, suggested to Sheryl Sandberg, Facebook's chief operating officer, that the company talk to Frank.

He got the job.

The most famous of his professional relationships was with Peter Lewis, the founder of Progressive Insurance. Lewis managed to turn a gift for salesmanship into a fortune that would make a robber baron weep. He decided he wanted to hire Gehry to design his house. The fortune came in handy.

"They bonded quickly," Goldberger writes. Lewis said that both he and Gehry were "iconoclasts, analysands, and political progressives." (Note to aspiring iconoclasts: Your first target is people who call themselves iconoclasts.) He envisioned a collaboration with Gehry that would yield "a magnificent one-of-a-kind house that would become a landmark in the history of architecture." Lewis even picked out a classy name for it: Brookwood.

When Lewis hired Gehry, in the mid-1980s, he told him he was willing

EMMETT HUME

to spend $5 million on Brookwood—roughly 10 million in today's dollars. And he offered to pay Gehry "for however much time he wanted to put into thinking creatively about the project." The invoice with all those billable hours of contemplation must have been something to see. Gehry persuaded Lewis to hire a number of his friends—the architect Philip Johnson, the sculptor Richard Serra—to do piece work in the larger scheme. Three years passed without a completed design. Lewis took Gehry to dinner and asked how much the project would cost after—you know, he hired some guys to build it.

"Probably about fifty million dollars," Gehry replied.

Lewis said okay, and Gehry strapped on his creative thinking cap again. Lewis wasn't terribly bothered because, as he said, "[Gehry] kept getting . . . more famous"—and fame, rather than a usable building, is what patrons like Lewis pay a premium for. Yet more years rolled by and still no Brookwood. Lewis grew antsy. At last he confronted Gehry and his team of designers and demanded a final cost estimate. "In the neighborhood," he was told, according to Goldberger, "of $82.5 million."

The ".5" was a nice touch. Maybe that was Serra's cut.

Peter Lewis went reeling away, and Brookwood never got built—indeed, it never really got designed. But that's not the happy ending! Having watched Gehry waste untold millions of his dollars in an epic of micturition, the client refused to repudiate the starchitect. Lewis, instead, went to lengths in public to express his gratitude: "Gehry schooled himself in the complex tools of a radically new architecture, emerging as a seminal artist of the 21st century," he said of their collaboration. "I paid the tuition and savored the glow of being his client." He even went on to hire Gehry for future projects. And Gehry was big about the whole thing, too. According to Goldberger, he told Lewis that the years he spent thinking for the client were "like a MacArthur 'genius' grant, a sum of money he got to develop his most advanced ideas, with no strings attached."

In some ways, the story of Peter Lewis and Frank Gehry is typical of the starchitecture ecosystem: The wildly exaggerated reputation of the artist-architect only encourages his pocket-picking and high-hatting tendencies. In other ways, it was untypical. In his brutal broadside *Architecture of the Absurd* (2007)—a masterpiece of controlled revulsion—John Silber pointed out that most of the flamboyant and unattractive innovations in recent Western architecture are underwritten by people for whom money is no object. The normal market pressures of economic efficiency don't enter in. Occasionally, these clients are private individuals, like Lewis; more often they are institutions, especially those from that upholstered world we refer to, for some reason, as "nonprofit."

Museums, private colleges, and societies for the performing arts are controlled by boards of directors. The directors are rich people, too, but with a crucial difference: These are rich people spending someone else's money. Commissions from nonprofits have yielded Gehry's most celebrated buildings, including the Guggenheim at Bilbao and the Walt Disney Concert Hall in downtown Los Angeles. Both were delivered late and overbudget—in the Disney case, almost comically so. Gehry was hired in 1988 and the building opened in 2003, having cost five times the original estimate.

These buildings have come to represent the signature Gehry style: twisting exfoliations of gleaming metal, wings and arms shooting up and out, willy-nilly, at seemingly impossible angles. Imagine what might happen if someone blew up a titanium mine. Inside are several spaces exquisitely designed for fundraising dinners and cocktail parties. And there's not a chain link to be found in any of them. Big nonprofits observe a central tenet of the charity racket: To bring in money, you have to look like you already have it. It's the fundraising version of "dress for success." An opera house or art museum or student center made of plywood and sheet metal is out of the question, and Gehry has changed with the times and with his clientele. As much as they craved something unconventional, Gehry realized, his nonprofit clients wanted spectacle above all, buildings that were lapel-grabbers, that could be used to advance the brand. And this is what his buildings offer them.

The flamboyance of Gehry's buildings was impossible before the digital age. Gehry himself scarcely uses a computer; but he has a gift for drawing ungainly shapes with pen and paper that software (and only software) can make into workable blueprints. He squiggles and squiggles, and the computer and his assistants do the rest. It's nice work if you can get it. A three-dimensional model is produced, and then Gehry goes at it again with scissors. The process was captured for the ages in Pollack's documentary: Gehry is shown staring silently at a maquette made of shiny cardboard. Suddenly the whisper of the muse reaches him. He crumples up another piece of cardboard and has an eager assistant tape it to the model. He sits back in admiration, and a grin creases his face.

"It's so stupid," he says in triumph. "It's great!" And he's half right.

Gehry's products are more like huge pieces of sculpture than buildings. This is another way in which Goldberger insists that Gehry has been misunderstood. Traditionalists may criticize his work, but his true sympathies, declares the biographer, are with traditional architectural forms. In Pollack's movie and in *Conversations with Frank Gehry*, nearly all his allusions are to ancient and medieval art and architecture. From the beginning, he rebelled against the austerity of modernism, its pitiless Euclidean demands and its contempt for decoration. Even the chain-link fencing, in this view, was a gesture at classical embellishment, his version of the blind niches and capitals and other flourishes that make classical buildings interesting to look at, though they serve no structural purpose. The difference is that a Gehry building doesn't have decoration; it *is* decoration—a bauble unto itself. It is hard to imagine anything more un-modernist.

Or so goes the argument. I'm not going to contend with Paul Goldberger, the most readable and sensible architecture critic there is; but the idea of Gehry as a anti-antitraditionalist is unconvincing. For one thing, even Gehry's most popular buildings, those gleaming titanium behemoths, undercut their own beauty by exposing here and there the beams and rigging beneath the swirling surfaces. There's no escaping the mockery of ordinary taste. He is still hammering away at the denial thing. "So you think this is pretty?" he seems to be saying. "Well, here's the ugly reality underneath!" He remains allergic to right angles. His work since Bilbao has, if anything, become even more vertiginous, almost violent in its refusal to conform to geometry. The Museum of Biodiversity in Panama City suggests a shantytown swept away by a tropical tsunami; the Stata Center at MIT—infamous for its structural defects and the lawsuits they inspired—looks like someone let the air out of a block of inflatable apartment buildings.

Another reason to doubt Goldberger's thesis: Gehry still lives in that damn house. He has designed a new mansion for himself, but he has yet to move in. For several years now, it's been overbudget and behind schedule. Some things never change, but other things do. The antibourgeois attack the Gehry house embodied is now a commonplace. The neighborhood has filled with a different kind of neighbor. The starchitect is surrounded by his people: much wealthier, much better educated, much more sympathetic—in theory, anyway—to the point he was trying to make. They know that they're supposed to admire the chain link and the corrugated metal as a bold statement of—well, it doesn't really matter what it's a bold statement of anymore, does it? The people who objected to all that are long gone. Only multimillionaires can afford to live in those old middle-class neighborhoods that stretch out through Santa Monica from the beach.

"I now have much more appreciative neighbors," Gehry says. ♦

B&A

On the Bibliohunt

There's gold in them thar shelves.

BY AMY HENDERSON

Social media mavens would have us believe that print media is dead, killed off by the innovative disruption of onscreen newspapers, magazines, and ebooks. But it turns out that pockets of print and print lovers still exist. Part of print's survival is psychological. In the case of books, body weight intimates that the pages within might contain something worth a reader's time and effort. In the case of newspapers, newsprint that comes off on your hand conveys a sense that the information within is somehow "real." However subliminal, the idea of authenticity is important: Lothar Muller recently theorized in *White Magic: The Age of Paper* that this kind of "heavy" media enables a civilization "to anchor itself."

Some of us have been surrounded by books our whole lives. We line our walls with them, build stacks next to favorite chairs, and continually edit what we have to make room for new volumes. Book buying today is instantly accessible, and online buying has vastly changed our book-buying habits. Some of us still occasionally wander through Barnes & Noble, but even that surviving store—the only major chain bookstore left—has been forced to rethink its strategy about actually selling books. But beyond those of us who simply acquire books in print by "clicking," there is a special category of true believers, an anointed clique of adventurers who are impassioned by book *collecting*. Eternally optimistic, they stalk their quarry, rain or shine, in flea markets, bookstalls, and second-hand shops, always hoping to flush out something rare and wonderful.

Amy Henderson is a historian emerita at the National Portrait Gallery in Washington.

Rare Books Uncovered
True Stories of Fantastic Finds in Unlikely Places
by Rebecca Rego Barry
Voyageur Press, 264 pp., $25

The search for the exhilarating "find" is the subject of *Rare Books Uncovered*. A dedicated booklover and editor of *Fine Books & Collections*, a quarterly publication for collectors, dealers, curators, and librarians, Rebecca Rego Barry has heard many stories about extraordinary rare book discoveries; she has also unearthed her own share of first editions lurking in churchyard book sales and flea market bins. As Nicholas A. Basbanes points out in his foreword, "Just like every angler with a fantastic fish story to share, every book collector has at least one great 'find' to talk about when kindred spirits gather."

Here, Barry has interviewed 52 impassioned collectors and captured fascinating "yarns" aimed at making kindred collecting spirits boggle: A first edition of Charles Darwin's *On the Origin of Species* found in an Oxfordshire bathroom sold for $185,551 in 2009; an early copy, circa 1300, of the Magna Carta found in the Kent County Council Archives sold for $15 million in 2014. But aside from visions of dancing dollar signs, book collectors like David Anthem told Barry that they also just explore to "have fun." He spends his weekends trolling haunts in Philadelphia. His favorite moment came when he spotted a "rough-looking South Philly guy" setting up in a back alley near a flea market: Here he

The Argosy Book Store, New York

discovered a first edition of Harper Lee's *To Kill a Mockingbird*, paying under five dollars for it. Its current value is $25,000.

Chicago collector Joel Birenbaum's prize moment came when he saw a 1979 *Chicago Sun-Times* ad for someone selling Lewis Carroll's *Alice in Wonderland* with illustrations by Salvador Dali; the asking price was $175. It piqued his attention, and research showed that this was a limited edition of 2,500; he bought the book, and today this version can now be worth approximately $4,750 to $8,750, depending on condition. This acquisition also launched Birenbaum down his own rabbit's-hole adventure: His *Alice* collection now numbers over 1,200 editions.

Kurt Zimmerman has a story worthy of the author he collected: He found a trove of Mark Twain books stored in wooden barrels in a San Diego garage. This amazing stash included Twain's signed copies of his own books, such as *More Tramps Abroad*, as well as his personal copies of books such as Darwin's journal from the voyage of the HMS *Beagle*—a copy that Twain not only wrote his name in, but his extensive marginalia as well. The barrelsful of Twain books turned out to be from Twain's own library and had once been part of his daughter Clara Clemens's estate. When Zimmerman auctioned this collection of 271 books in 1997, the Mark Twain House in Hartford bought it for $200,500.

Barry's final story is about the novelist/bookseller Larry McMurtry, whom she designates "the spiritual dean of bibliophiles" and whose bookstore in Texas was long a pilgrimage site for collectors. In his memoir, McMurtry described how he had become entranced by reading and collecting books as a youth, and spent hours scouring charity and junk shops, with Goodwill and Trash and Treasure being his favorite haunts. He spent much of his life exploring a vast range of bookshops, thrift stores, junk shops, and auctions from Texas to California to Washington, D.C.

The collecting spirit was the narrative thread of McMurtry's novel *Cadillac Jack* (1982), in which the protagonist explains that the fun of book collecting was almost never about the money: It was the actual thrill of the hunt that produced that "tickle of anticipation." McMurtry expressed a similar sentiment in his memoirs, confessing "The fun now comes in happening on an important or exciting book that I have never owned or, perhaps, have never read. First one has to find such a book; then one has to recognize it for what it is."

The thrill of the hunt has been somewhat blunted by websites such as alibris, which take the digging out of searching for rare books. Still, Rebecca Rego Barry's advice for potential adventurers is to cheer them on. They may never find Shakespeare's First Folio, but no one should be dissuaded from looking—"not for a Folio, per se, but maybe for a favored author's first editions or an antique volume in good condition." Within this world of kindred spirits, the hunt's the thing. ♦

FREERADICALS

B&A

Conflict and Interest

A Washington muckraker writes into the sunset.

BY CLAUDE R. MARX

Drew Pearson (left) presents President John F. Kennedy a Big Brother Award (1961).

For all but a few, fame is ephemeral—and especially ephemeral for journalists, who are often astute observers of current events but seldom leave a lasting imprint. Drew Pearson, a powerful and much-feared muckraking columnist and broadcaster from the 1930s through the '60s, is mostly forgotten now; but his columns remain a prism through which to observe that tumultuous era. Wading through Pearson's columns, however, can be a lengthy and challenging process, as his writing could be ponderous, pedestrian, and preachy.

Fortunately, the late Peter Hannaford combed through Pearson's diaries, which often summarized his columns and contain lots of behind-the-scenes gossip and insights. The result is a portrait of a smart, influential, and not terribly likable man whose greatest love often seems to be himself. This volume focuses on the last decade of his life, which encompassed the last year of Eisenhower's presidency, through the first year of Nixon's.

Washington Merry-Go-Round
The Drew Pearson Diaries, 1960-1969
edited by Peter Hannaford
Potomac Books, 776 pp., $39.95

Pearson always felt that he was holding politicians accountable, but often focused not on job performance but on personal peccadilloes. He was especially interested in John F. Kennedy's extramarital affairs, writing (April 12, 1963) that "I don't know whether I shall ever write that book on 'Love in the White House,' but certainly I have enough material." He broke a story about gay staff members of California governor Ronald Reagan, which in 1967 was considered scandalous and career-killing. His titillating column also chronicles the fact that Reagan initially took no action when it was revealed that the staffers had been involved in a "homosexual orgy."

Reagan was angry about Pearson's column and did what many politicians do when they receive bad news: attack the messenger. He said that "if [Drew] Pearson is going to hang around California anymore, he better not spit in the street." For his part, Pearson was sensitive about criticism that he refrained from naming the aides: "The fact is that I can't name names without getting into a libel suit and also being unfair. Furthermore, there's no use hurting people who are already suffering."

Yet more interesting than Pearson's penchant for the prurient is the extent to which he was a walking conflict of interest. As a journalist he did not merely break news and pass judgment, he advised and wrote speeches for several key players, including Lyndon Johnson. In one diary entry he praises a speech Johnson delivered, but admits that he is biased—having written it. In another entry, Pearson matter-of-factly refers to writing parts of LBJ's State of the Union address. Pearson's affection for Johnson often came at the expense of the Kennedy clan, whom he frequently disparaged in his columns and broadcasts.

While Pearson relished being a political player—in describing certain civil rights bills he speaks of how "we" got it passed—he loved a good story and didn't mind angering people. Senator Joseph McCarthy once tried to choke Pearson; the fight was broken up by vice-president-elect Richard Nixon. His exposure of financial misconduct by Connecticut senator Thomas Dodd—father of Senator Christopher Dodd—resulted in the senior Dodd being censured by the Senate.

Pearson, the subject of innumerable lawsuits, did have the capacity to self-edit. Just before the 1968 presidential election, under pressure from editors doubtful about his source, Pearson killed a column reporting

ASSOCIATED PRESS

Claude R. Marx is writing a biography of William Howard Taft.

that candidate Richard Nixon had once undergone psychotherapy. After the election, the psychiatrist who treated Nixon claimed that Pearson was right but that he had been pressured by the Nixon campaign to deny the story so that the columnist would have second thoughts.

Pearson was well aware that the revelation might have damaged, even destroyed, Nixon's candidacy. Would such a story be a problem today? ♦

B&A

New and Improved

The late medieval epic gets an English update.

BY ELI LEHRER

A Double Sorrow
A Version of Troilus and Criseyde
by Lavinia Greenlaw
Norton, 240 pp., $29.95

To the medieval Europeans who built magnificent cathedrals and oversaw the greatest flowering of Western culture since Rome, few stories had more resonance than that of Troilus and Criseyde. All three European languages that have given us significant medieval literatures—French, Italian, and English—also left their own versions of the tale produced by poets considered masters of their craft. It continued to resonate: Shakespeare told his own version of it, and other accounts were produced in languages as obscure as Scots. The leading Middle English version, written by Geoffrey Chaucer—and a longtime favorite of Chaucer scholars—is now the focus of a version produced by the British poet Lavinia Greenlaw.

The story, in Chaucer's telling, goes like this: During the Trojan War, Troilus, a prince of Troy, falls for Criseyde, the widowed daughter of the disgraced soothsayer Calchas. They are brought together not by chance, but rather through the machinations of Criseyde's sinister uncle Pandarus. The two exchange letters through him. Eventually, they meet and consummate their relationship. But their love is doomed: Calchas, who has gone to the Greek camp after foreseeing Troy's defeat, asks his hosts to trade a prisoner for his daughter. The two lovers consider eloping but decide not to; instead, Criseyde says she'll escape and return to Troilus' after 10 days.

She doesn't. Instead, she responds coldly to Troilus's letters and ends up in bed—more or less willingly—with a Greek named Diomede. Troilus realizes she isn't coming back and, with nothing left to live for, perishes in battle.

Chaucer borrowed almost all of this plot and much verbiage from Giovanni Boccaccio (best known for the *Decameron*), who, in turn, was inspired by the French *Roman de Troie* of Benoît de Sainte-Maure and, most likely, prior oral traditions.

As compelling as this story was to the medieval mind, it has largely faded from view. A little-performed opera seems to be the only adaptation of note to emerge from the 20th century. Even in college classes intended for English majors, Chaucer's *Canterbury Tales* and the classic *Sir Gawain and the Green Knight* are used far more often to introduce Middle English than *Troilus*. And Shakespeare's version remains one of his least performed plays.

In some ways, this is a pity because Chaucer's poem has much to recommend it. It's all lovely sounding Middle English verse written in seven-line rhyme royal stanzas (A, B, A, B, B, C, C) and offers, in Criseyde, the first fully realized female character in English-language literature. The complex exchange of letters and depths of emotion establish an ideal of courtly love better than any other work in Middle English.

That said, Chaucer's poem is frustrating to read: The ultimate fate of Criseyde, likely the most sympathetic character in the poem, never gets revealed. Instead, after Troilus dies, Chaucer launches into a semi-apology for speaking ill of women, a discussion of eternal love, and then a rant about how Christianity is better than paganism. Many minor plot threads are never resolved, and some plot elements make little sense. (Greenlaw's own introductory notes point to a forest hunting sequence that takes place *during* the siege of Troy.)

In fact, upon examination, the hostage exchange that sets the final tragedy into motion is simply bad plotting: Calchas never gives a particularly good reason why the Greeks would agree to trade a prisoner in exchange for a young girl of no particular military or financial value, especially on behalf of someone who isn't actually fighting. And some other rewards often found in Chaucer's work are absent: *Troilus* isn't funny (like many of the *Canterbury Tales*) and, despite having a plot drenched with sex, it is uncharacteristically coy by Chaucerian standards. A masterwork, yes, but ultimately, pretty boring.

In fact, it's the very opportunity to correct the flaws in Chaucer's work that makes Lavinia Greenlaw's new take on the story so fresh and vital. Writing in what she calls a "corrupt version" of rhyme royal, and using a wholly modern English vocabulary, she distills Chaucer's tale into 211 seven-line poems, each with its own title, appearing one per page. The resulting work is much shorter and, while it often paraphrases Chaucer (and, occasionally, Boccaccio), it's hardly lacking in creativity. At its best, it's just beautiful. Describing Criseyde during a festival, Greenlaw writes:

> *Among these candy colors stands Criseyde*
> *a white veil above her widow's black.*
> *The crowd acknowledge her natural place,*
> *as before all others only she holds back.*

Eli Lehrer is president of the R Street Institute.

'Troilus and Cressida*, Act V, Scene II,' engraving by Luigi Schiavonetti after a painting by Angelica Kauffmann (1795)*

This works well on a number of levels. First, like much good poetry, it condenses meaning in a very effective manner: a woman in black amidst a shimmering spring festival, aloof and somehow important. Second, the poetry is *pretty*: The alliteration of candy / colors / Criseyde and white / widow's in the first lines sounds marvelous when read aloud and may, to modern ears, recapture some of the feelings the poem invoked in Chaucer's original language. Without becoming archaic, she manages to evoke a "long ago" feeling by using dated phrases such as "candy colors" and "natural place."

Where Chaucer is slow in telling the story, Greenlaw writes in distinctly economical language, moving the plot forward with almost terrifying efficiency. Her use of subtitles—moving the plot along at the bottom of many pages—gives the poem a very becoming urgency. And while the story is certainly stripped to its essentials, it's never difficult to follow.

And she's very good at unraveling the psychology of her characters. Introducing Pandarus, the poem's villain, she launches immediately into his twisted psychology, both narrating and offering insight into the mind of a manipulator:

Has The Prince—flat-out, sobbing—
been hurt
Or has some devilry borne fruit?
He pulls up a chair.
He can taste the juice.

This is simple, of course, but also very telling. Pandarus, sympathetic on the outside, is *eager* for the "juice" of "devilry."

Greenlaw also does a good job where Chaucer himself proves strongest: She's particularly good at Troilus, who, despite having the most time onstage in Chaucer's poem, remains the least interesting of the central triumvirate. Greenlaw, in far fewer words than Chaucer, offers at least as much insight. Describing the way he feels when he sees her for what turns out to be the last time, she manages to convey his emotional state with elegance and to foreshadow his demise:

Long after dawn they lie tight pressed.
At last he makes himself dress
All the while looking upon his lover
As if upon his death.

She's just as good—and heartbreaking—in describing his descent into depression and quasi-suicide on the battlefield. In describing his despair over the realization that he has lost Criseyde, she writes:

He recites old letters as if they were prayers
And imposes her form.
He's a locked room.

In just a few lines, Greenlaw describes Troilus's actions (reciting letters) and embodies the feelings of depression overtaking him. This is the work of a master. Lavinia Greenlaw, standing in the shadow of a giant, has done something extraordinary. In many important respects, she has managed to improve on a great work. ♦

Ah, Wilderness!

Early-19th-century capitalism takes a $135 million hit. **BY JOHN PODHORETZ**

The Revenant
Directed by Alejandro G. Iñárritu

The Revenant is beautifully photographed. Really. It's beautiful. I mean, you've never seen such beauty. We're talking nature here, people. Rivers. Mountains. Snow. Even an avalanche. Some fog, both early morning and late afternoon. Also, it's supposed to be set in 1823, so the idea is we're seeing land that few if any human beings have ever walked on. No footprints! No signs about cleaning up your campsite!

The Oscar-winning director, Alejandro G. Iñárritu, and the star, Leonardo DiCaprio, have done nothing for months but talk about how difficult it was to film *The Revenant*. It was so difficult, you wouldn't believe. They were out. In the cold. They had to haul equipment up mountains. DiCaprio had to pull a live fish out of a river and eat it—and it wasn't even cut up by a sushi chef! Oy, the difficulty! It nearly broke them! Imagine the bravery these two men showed, only getting paid $20-30 million (DiCaprio) and probably something like $5 million (Iñárritu) to put up with such suffering, such pain, such indignity! But they didn't mind the sacrifice, because they were sacrificing for *us*, you see. To bring us *art*.

And not only that. They were bringing us a message. A message about capitalism and its horrors, 200 years ago and today. The movie begins with a team of trappers getting waylaid by a tribe of Arikara Indians. The trappers apparently both deserve every arrow that gets shot into their eye—but, like Mongo in *Blazing Saddles*, we learn that they are only pawn in game of life.

Leonardo DiCaprio

"These corporations were getting these young men . . . to sign away their lives, killing every animal, breaking every promise to [Indian tribes], and cutting the trees and using nature as we are today," Iñárritu has said. "So I thought this was very resonant of what we are doing now. This is the start of the regulated capitalism that we live in now. That's exactly where it was born. That vision of having no responsibility to any community, the greed of that."

Yes, the greed! Considering the need we should all feel about exposing capitalist rapacity, it should be a matter of absolutely no moment to you that Iñárritu spent $135 million on a film about some guys in 1823 who were trying to score a few beaver pelts! And hey, you want some more irony? The novel on which the movie was based is by Michael Punke, who is now the deputy U.S. trade representative. This man is working to open more markets for exploitative capitalists to earn their filthy lucre on the backs of indigenous peoples—just the sort of negative force against whom Iñárritu is determined to stand! Unless, that is, he needs $135 million to make a movie in which Leonardo DiCaprio spends most of his time grunting.

He grunts because about 15 minutes in, he's assaulted by a bear. This actually happened in the 1820s to a trapper named Hugh Glass. So did the crucial twist in the story, when men paid to tend to Glass's injuries instead left him behind for dead—which filled Glass with such rage that he traveled 1,500 miles to find them and kill them. (And then didn't.) To "raise the stakes," as they say in Hollywood, DiCaprio's Glass is driven to stay alive and pursue revenge when Fitzgerald, the man paid to watch him, kills Glass's half-Indian son before his eyes before attempting to smother and bury Glass.

The bad man is played by Tom Hardy, a sometimes great actor who is doing himself no favors trying to master American accents. He did a bad Brooklyn in *The Drop* and a bad Appalachian in *Lawless*. He didn't take any chances this time, and if they handed out medals for Best Performance as Tommy Lee Jones, Hardy would win gold, silver, *and* bronze.

His face lost in a ZZ Top beard, DiCaprio alternates between visions of his (*natch*) idyllic life with the Pawnee and scenes of him rolling around on the ground in agony and being hurled about by a raging river. He's probably going to win an Oscar for this thing, even though it's by far the least interesting performance this wonderful actor has ever given.

If you gave me a minute I could probably spin this into yet another statement about the evils of late-stage capitalism, but I don't want to keep you. In this way I am unlike *The Revenant*, which is two-and-a-half-hours long.

What this movie needs is some rapacious capitalist downsizing! ♦

20TH CENTURY FOX

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

"Iowa Democrats are displaying far less passion for Hillary Clinton than for Senator Bernie Sanders of Vermont three weeks before the presidential caucuses, creating anxiety inside the Clinton campaign as she scrambles to energize supporters and to court wavering voters."

—New York Times, *January 12, 2016*

PARODY