the weekly
Standard

THE CONVERSATION GOOGLE KILLED
WILLIAM SALETAN

SEPTEMBER 4, 2017 • $5.99

MUST SHE CHOOSE?

The debate over paid family leave

BY ALICE B. LLOYD

WEEKLYSTANDARD.COM

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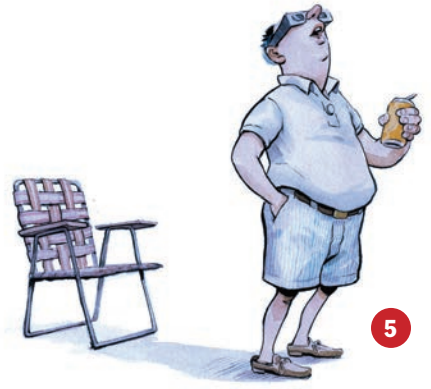
September 4, 2017 • Volume 22, Number 48



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COVER BY DAVE MALAN

Science à la Mode

When we think of trendy endeavors, it's the fashion and entertainment industries that come to mind, not anything so serious as science. But the new issue of *Scientific American* is out, and it's proving yet again that the Bunsen-burner crowd is every bit as modish as the Kardashians.

In vogue are all things transgender, and so it comes as no surprise that science publications have, all of a sudden, discovered that last week's science of sex will no longer do: "As science looks more closely," the magazine editors inform us, "it becomes increasingly clear that a pair of chromosomes do not always suffice to distinguish girl/boy—either from the standpoint of sex (biological traits) or of gender (social identity)."

In an ever-so-bold editorial, *SciAm* gives us an example of what is becoming increasingly clear: "To varying extents, many of us are biological hybrids on a male-female continuum." The evidence for this rather broad assertion? "Researchers have found XY cells in a 94-year-old woman, and surgeons discovered a womb in a 70-year-old man, a father of four." One might be forgiven for wondering whether such rarities are compelling proof that "many of us are biological hybrids."

Lacking a Ph.D. in biology and never having monkeyed with an electron microscope, The Scrapbook makes no claims to scientific knowledge—at least none beyond the sort of common-sense skepticism that once was a pillar of the scientific method. That skepticism is aroused when significant changes in science just happen to follow changes in social standards. A massive cultural shift over the last couple of years has transformed transgenderism from curiosity to the conventional. And right on cue, science discovers that to be trans is the biological norm. Wow! What are the odds?

Could it be that scientists are eager to chase trends as a way to chase grants? Perhaps. And they may be wise to avoid the career-ending opprobrium that comes from trying to publish research with conclusions inconsistent with the morals of the moment. But whatever the reason, science is getting in line. That means the advocates of the new gender-identity movement will now be able to justify their agenda not just as a civil rights cause but as an imperative demanded by scientific consensus. Who said science wasn't cool? ♦

Cultural Approbation

The Delta Sigma Phi fraternity chapter at the University of Michigan had what it thought was a delightful theme—antiquity on the Nile—for a party kicking off the school year. They invited guests to come as a "mummy, Cleopatra, or King Tut, it doesn't matter to us. Get your best ancient Egyptian robe and headdress and be ready to party in the desert."

If you've been paying any attention to college life of late, you know where this is headed.

A poobah with the university's Egyptian Student Association objected, writing a long Facebook post decrying the event and accusing the fraternity of cultural appropriation. The "party is extremely offensive and disrespectful," wrote Yasmeen Afifi. "I take pride in the grandeur of my people's legacy and will not allow my culture to be appropriated for your entertainment."

Having clearly learned what happens to people who run afoul of the campus identity police, the young men of Delta Sig at Michigan reacted to Afifi not with guffaws but with groveling. "It quickly came to our attention that the party theme was insensitive to various groups, especially those of Egyptian descent," read a statement from the chapter's abased executive board. "Upon hearing that our party was seen as appropriating Egyptian culture, the event was immediately cancelled." The press release included repeated apologies, including to anyone "offended by the event" and "anyone who was hurt by the theme choice."

Just in case that was insufficient cringing, the brave lads of Delta Sig blubbered, "We completely accept all responsibility for this ordeal." That's right—*ordeal*! "We will begin

ABOVE: JENNER, ABC / IMAGE GROUP LA; FIGURE, BIGSTOCK. BELOW: NBC

an education effort to teach ourselves how our actions have an effect on people from a wide variety of backgrounds." They recognized that this is "a very teachable moment." Very true, if what they were being taught was how to appease even the smallest of social media mobs.

The best was yet to come. The local chapter's self-flagellation was soon followed by an official statement of apology from Delta Sigma Phi national headquarters "to reiterate and expand" on the local's apology. "Cultural insensitivity and appropriation have no place in our organization," thundered Patrick F. Jessee, executive director and CEO of Delta Sigma Phi. "The theme of this party called into the spotlight stereotypical tropes of Egypt that perpetuate myths about the Egyptian people." Those stereotypes come from "popular media and Hollywood blockbusters," he sniffed.

What Jessee failed to mention, as he tossed his young charges under the bus, is that the boys in Michigan actually got the idea to use "stereotypical tropes" from no less than Delta Sig headquarters itself. The imagery of the organization he helms is a preposterous mélange of Egyptian and Ottoman icons. The fraternity's official symbol, atop its official crest, is the Sphinx; its official color is "Nile green"; well-behaved chapters are awarded the "Pyramid of Excellence" (illustrated on the national headquarters website by a photo of the Giza Necropolis); Their Greek letters—themselves a lamentable cultural appropriation, don't you know—are displayed on fezzes.

Denial ain't just a fraternity party in Michigan. ♦

Sophomores Shrugged

For all the millennials "feeling the Bern," *Time* has come to a startling realization: "Young Americans Are Actually Not Becoming More Progressive," the magazine announced last week (with a parental sigh). Republicans, you'll remember, were predicted to have a "young-people problem" in 2016, but 37 percent of 18-29-year-olds—an age group that now includes both millennials and the newly christened "iGen"—ended up voting for Trump.

HANNIBAL CROSSING the ALPS

Young voters "are more conservative than is often assumed," said Jean Twenge, professor of psychology at San Diego State University. The "percentage of high school seniors who identified as conservative rose from 23 percent in 2000 to 29 percent in 2015." Which is a larger percentage of the student body with sensible political views than the GenX Reaganites of the 1980s. Yes, young people today are more likely to support same-sex marriage and legalized marijuana, but they're also wary of gun control and nationalized health care. They are neither liberal nor conservative.

In the measured tones of a parent-teacher conference, *Time* explains that your child is what's called a libertarian. "iGen was raised in a highly individualistic culture favoring the self over the group . . . and libertarianism

is as close to cultural individualism as can be found in the political arena." Not that it helped Rand Paul or Gary Johnson much.

Still, it's a hopeful sign that so many young Americans, notwithstanding the social pressure to be socialist, have libertarian-conservative impulses. Just wait till they have to start paying taxes in earnest. ♦

Wet Work

In the last issue of The Weekly Standard, Tony Mecia wrote about a California farmer facing fines for planting wheat in a contested wetland ("Plowed Under," August 21/August 28). The farmer has since settled with the Justice Department: John Duarte agreed to pay $1.1 million in fines and mitigation credits for having plowed through some shallow depressions on his land near a creek.

The U.S. Army Corps of Engineers had been seeking penalties totaling at least $16 million in a case that started in 2013 under the Obama administration. Farming groups had watched the case closely, saying it exemplified the overreach of the regulatory state. They had hoped the regulation-skeptical Trump administration would drop the case, but it did not.

Duarte's lawyer, Tony François, said the case called into question the "normal farming" protections under the Clean Water Act: "It creates a really ambiguous situation where farmers don't know in advance what that protection applies to and what it doesn't."

Another takeaway from the case: "The government has shown it is fully prepared to throw massive potential liability at you if you challenge them." No surprise there.

But what of these federal regulatory agencies? Is the new administration bringing them to heel? François would say only: "I have read the press releases and statements made during rallies." That sounds like lawyer-speak for "no." ♦

Truth & Consequences

Always on the lookout for good writing with a little kick to it, The Scrapbook is pleased to announce its discovery of *American Consequences*, a new magazine edited by none other than our valued contributing editor P.J. O'Rourke. This is the first magazine P.J. has edited since stepping down from *National Lampoon* these many years ago. But there's a difference: Whereas the *Lampoon* specialized in sex jokes, profane cartoons, and pictures of topless women, *American Consequences* deals in business, finance, and economics.

The first three issues show that P.J. has assembled a lively and knowledgeable stable of writers who can make worthy subjects interesting—even fun—to read about: the pros and cons of bitcoin; the "Escher effect" of the Federal Reserve's surreal manipulations; and a scary new creature called "mutant capitalism." And best of all: It's free! You can see for yourself at AmericanConsequences.com. ♦

the weekly Standard
www.weeklystandard.com

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, first week in July, and third week in August) at 1152 15th St., NW, Suite 200, Washington, DC 20005. 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, $5.99. Back issues, $5.99 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1152 15th Street, NW, Suite 200, Washington, DC 20005-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1152 15th St., NW, Suite 200, Washington, DC 20005.

BPA WORLDWIDE

THOMAS FLUHARTY

Through Glasses, Darkly

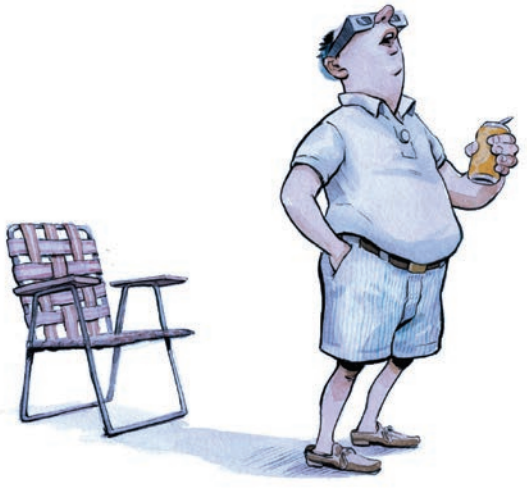
Columbia, South Carolina, is known for its excessive heat, and that's about it. The place has its benefits, and the weather is splendid for nine months out of the year, but like some other state capitals—Harrisburg, say—it's not a destination. When I'm in Washington and tell someone I live in Columbia, the reply is usually something like this: "Oh, right. I've been to Charleston."

And that's the way I prefer it. A lot of new people can only mean more traffic and higher taxes and more stupid arts festivals.

Nonetheless, on Monday, August 21, Columbia was a destination. People from Atlanta and Charlotte and Savannah came here, and not the other way around, because the moon's shadow passed directly over us. For weeks, the town's media were filled with little but the eclipse—how to watch it, whether it was likely to rain, which highways were likely to be crowded on the big day, how the last total eclipse seen in Columbia happened 375 years ago, why you'd better do your grocery shopping beforehand because we're expecting half a million visitors to the city, and so on.

Southerners are rightly ridiculed for stocking up on food at the merest threat of snow or ice; now we were doing it in the dead of summer. All this, together with the eclipse mania happening across the country, made me dread the whole thing. I wanted no part of the fun. Plus all the focus on scanning the skies seemed vaguely astrological or pagan to my admittedly hidebound Christian sensibilities. I don't worship the moon or the sun or both together, especially when doing so might fry my retinas.

Still, a little Baptist church down the road was hosting an eclipse party as a kind of "outreach" to the neighborhood or something, so I went along with my wife and daughters. It was hot and intensely humid, but the very sweet Baptists served cold cans of Sunkist with Moon Pies (the latter



BRITT SPENCER

a distinctively Southern confection made of marshmallow and graham cracker and sold in plastic wrappers—rather off-putting unless you've grown up with them). There were games and crafts for the kids. One of my children showed me a sun made of yellow construction paper with a dark sphere pasted partially on top. In the middle of the sun were the contrapuntal words of Psalm 136:

To him that made great lights: for his mercy endureth for ever:

The sun to rule by day: for his mercy endureth for ever:

The moon and stars to rule by night: for his mercy endureth for ever.

"Weather man talks like it's gon' rain," an elderly man beside me said, and indeed it looked as though it would. Twenty minutes passed, and we thought we might miss the show. But at last the sun, or the two thirds of it that remained, burst through a hole in the gray clouds. The heat was notably diminished, having been partially absorbed by the moon. Some of the mothers shouted at their children not to look at the sun until they'd put on their ill-fitting cardboard glasses. The little ones tried to look up through their glasses but either couldn't find it or, finding it, didn't see the big deal.

I looked through my glasses and quietly gasped: a deep orange globe with a mysterious dark competitor slowly moving to intercept it. The obscurity was still only partial, but suddenly it made perfect sense to chase eclipses all over the world, as I've read some people do. I had seen a partial solar eclipse once before, in 1984 or so, and found the experience unmemorable; my mother allowed me to look at it for a few seconds through a piece of wax paper. This eclipse, though, still only halfway to totality, shocked me. It was a little like being lost and suddenly finding your bearings: At last you realized you'd been standing on this great sphere as it slowly rotates to give all its surfaces a measure of heat and light. The sky grew darker. The street lights turned on and the crickets (reluctantly I imagined) began chirping. The dimmed sun gave everything around us a tint of blue I don't think I'd ever seen. Then the sky turned almost dark as night and we shed our glasses and there it was, a flaming ring suspended in the air. I felt I could almost put my finger through it.

For a few minutes after it was over I would have crossed the world to see it again, this inscrutable spectacle of the sun and moon ruling at once. The old man beside me clasped his hands, maybe in prayer. I kept my glasses on and pretended I hadn't cried.

Barton Swaim

the weekly Standard

Afghanistan and Its Neighbors

Seven months after taking office, President Donald Trump finally announced how his administration plans to fight the longest-running war in American history. "My original instinct was to pull out—and, historically, I like following my instincts," Trump told the nation in a prime-time address outlining his strategy for Afghanistan. But after studying the situation—and weeks of dithering in the face of vicious infighting on the subject among his staff—he came to understand why withdrawal wasn't wise: "9/11, the worst terrorist attack in our history, was planned and directed from Afghanistan because that country was ruled by a government that gave comfort and shelter to terrorists."

The president at Fort Myer, August 21

The course he chose is little different from the status quo, with one exception: The president called out one of Afghanistan's neighbors for providing protection to those destabilizing the country. "We have been paying Pakistan billions and billions of dollars at the same time they are housing the very terrorists that we are fighting," Trump noted. "No partnership can survive a country's harboring of militants and terrorists who target U.S. service members and officials." It was a direct rebuke to his predecessor, Barack Obama, who declared in his Afghanistan strategy speech that "we are committed to a partnership with Pakistan that is built on a foundation of mutual interests, mutual respect, and mutual trust." Obama didn't mention Pakistan's neighbor and rival, but Trump did; working more with India, he said, was a "critical part of the South Asia strategy."

Trump rightly recognizes that to change the situation in Afghanistan, America must change its strategy in the broader region. But he only mentioned countries to Afghanistan's east and south. He said not a word about its direct western neighbor, which enjoys causing chaos in that country and beyond: Iran.

Trump noted that "Pakistan often gives safe haven to agents of chaos, violence, and terror." The Islamic Republic does, too—and much more. Iran sees itself killing two birds with one stone there. A permanently destabilized Afghanistan is easier to exert influence over, and through the Taliban, Iran can help hit what it calls the Great Satan: the United States. In a long report in its August 6 edition, "Iran Flexes in Afghanistan As U.S. Presence Wanes," the *New York Times* detailed the ways Iran contributes to the terrorist cause. Some Taliban commandos live in Iran, moving back and forth across the border, and new fighters are recruited and trained there. Iran also gives Taliban terrorists direct aid: fuel, weapons, cash. As Afghan officials told the *Times*, "Iran is set on undermining the Afghan government and its security forces, and the entire United States mission, and maintaining leverage over Afghanistan by making it weak and dependent."

The details in the *Times* account were eye-opening, but its conclusions weren't a revelation. "In the past several months, multiple U.S. commanders have warned of increased levels of assistance, and perhaps even material support, for the Taliban from Russia and Iran," the Congressional Research Service noted in an August 22 report. Weekly Standard contributing editor Thomas Joscelyn last year analyzed documents, including records from the State Department, Treasury, and a D.C. district court, and concluded, "Iran has supported the Taliban's insurgency since late 2001."

Some skeptics persist in claiming that Iran, a Shia state, wouldn't align itself with a Sunni fundamentalist group. Superficial students of the Middle East and environs think all alliances and enmities there are sectarian. But not every battle in the region sees Sunni pitted against Shia (think only of the recent diplomatic row between Qatar and a group of Arab Gulf states). Who can be surprised that a government that imprisons and tortures dissidents, encourages acid attacks on women who go unveiled, and bans social media is happy to back an organization that, when it was in power, outlawed music and movies, prevented girls from being educated, and gave safe haven to terrorists plotting attacks against the United States?

The Trump administration is reportedly close to finishing its review of U.S. policy toward Iran. The president

MARK WILSON / GETTY IMAGES

has made it clear he would like to tear up the Joint Comprehensive Plan of Action signed by his predecessor, but he's twice bowed to pressure from advisers and recertified it. Here the author of *The Art of the Deal* should follow his instincts. The nuclear deal is providing the Islamic Republic with increased resources it's using to fund terrorism in Afghanistan and elsewhere. Iran received $1.7 billion from the United States through the agreement. "None of that money reached the Iranian people," Farzad Madadzadeh, a 32-year-old dissident who fled Iran less than two years ago, told me recently. He was quick to name some of the people and groups who have benefited from the largesse: Syrian dictator Bashar al-Assad, Hezbollah, Yemen's Houthis. And more American money will be pouring into the country the State Department calls "the foremost state sponsor of terrorism." Boeing has signed two deals to supply Iran with aircraft, one for $16 billion, the other for $3 billion. By making those contracts possible, the JCPOA gives Iran the ability to do more harm to U.S. forces and interests in Afghanistan.

Will Trump ultimately overrule his viziers? One of them undermined the president just moments after his Afghanistan address. Trump said in his speech that someday "perhaps it will be possible to have a political settlement that includes elements of the Taliban in Afghanistan." It was a strange statement, one that contradicted his declaration that "it is up to the people of Afghanistan to take ownership of their future, to govern their society, and to achieve an everlasting peace." Do the Afghan people want to be ruled by murderous fundamentalists who massacred civilians and brutally repressed women before they were replaced by the country's first elected government? They haven't indicated so at the ballot box; but then, a Taliban spokesman once stated, "General elections are incompatible with *sharia* and therefore we reject them."

Secretary of State Rex Tillerson has admitted that he and the president "have differences" over the Iran nuclear deal. And not just there, it seems. Tillerson released a statement the night of Trump's address stating that the Taliban has a path to "political legitimacy." "We stand ready to support peace talks between the Afghan government and the Taliban without preconditions," he said, adding that Pakistan "can be an important partner in our shared goals of peace and stability in the region." Trump's secretary of state is a lot more willing than his boss to make deals with terrorists and their supporters. Let's hope that this is one area in which the president is willing to recoup his authority.

—Kelly Jane Torrance

Supremely Overdone

'Make no mistake," writes *New Yorker* editor David Remnick, "white supremacists are now at the forefront of American politics." That platitudinous "make no mistake" put us in mind of Joe Queenan's observation years ago in these pages. The phrase is "an underhanded way of clinching an argument without having to prove your point," Queenan wrote. It's "a variation on the beloved old chestnut 'Take it from me.'"

Remnick's remark is, of course, ludicrous—white supremacists have no credibility whatsoever in American political life. Whatever one makes of Donald Trump's claim that there were some "very fine people" among the neo-Nazi demonstrators in Charlottesville in mid-August, that crowd of roughly 500 people has no political influence. No one in Congress views "white nationalists" as a constituency; ordinary Americans have no sympathy with Klan wannabes and Hitler-saluting doofuses.

But the observation is cleverly worded: What does it mean for a group to be "at the forefront of American politics"? That it has real influence? Boasts large numbers of adherents? Or does it just mean that liberal journalists talk endlessly about it? If so, white supremacists are indeed at the forefront of American politics. So are adherents of the ideologically incoherent alt-right movement, and for much the same reason: Liberals just can't stop writing about them. And now, thanks partly to the president's perverse handling of the Charlottesville protests, these liberals have all the excuse they need to write and broadcast more stories about the rising tide of white bigotry and the burgeoning power of the alt-right movement.

Exaggerating the importance of white supremacists is an old habit in the mainstream media—memorably parodied by the *Onion* under the headline "Klan Rally 70 Percent Undercover Reporters"—as is the practice of drawing superficial comparisons between conservatives and racist agitators.

But the old habit has turned into an obsession. Hence the unceasing stream of stories in the *New York Times* and *Washington Post* and on CNN and NPR about the allegedly serious threat posed by white nationalists to the Republican party. Hence, too, the nonstop coverage of anything having remotely to do with any memorial to any Confederate general. The obsession has reached such a state of mindless frenzy that ESPN pulled a play-by-play announcer off a University of Virginia football game for no other reason than that his name is Robert Lee.

Expect the fixation on white supremacist symbolism to intensify now that Trump has shown Steve Bannon the door. Bannon, until last week the president's chief political strategist and the imagined architect of Trump's Novem-

ber victory, had evidently caused one too many problems for his boss. He had been the source of innumerable leaks and abetted several major feuds within the administration and contributed much to the general dysfunction of this White House. Now, having lost the argument over foreign policy with his rivals and got himself fired, Bannon has rejoined Breitbart News, the alt-right media organization he headed before signing onto the Trump campaign in 2016.

Charlottesville, August 11

Breitbart, an enthusiastic pro-Trump organ, has lately begun posting harshly critical articles about the president. The site attacked the president's daughter Ivanka for praising anti-Trump protesters in Boston, criticized the president for failing to act on illegal immigration, and portrayed his new policy on Afghanistan as a betrayal of his "America First base." Predictably, mainstream news outlets gave lavish coverage to this mildly interesting turn of events as though it were an ideological war of world-historical proportions.

Enough. Whether a pugnacious website attacks the president or praises him simply doesn't matter. What matters a great deal, however, is the disingenuous way in which established news organizations treat "white nationalists" as though they were part of the conservative movement and its intellectual disagreements. Donald Trump makes that easier with his disinclination to offer the kind of full-throated condemnation these fringe actors deserve. But Trump himself was never part of the conservative movement, and while he managed to win the (often reluctant) support of Republicans across the country, he did so in part because of precisely the kind of distorted, caricaturish coverage now on display.

We understand why liberal journalists would rather talk about the supposed resurgence of white supremacy than other, thornier political topics. It's a splendid way to tar your rivals. It's also more fun to write about the alt-right and the Klan than Iran and tax reform. The subject of white supremacy admits of no nuance or subtlety and places the reporter or commentator solidly on the side of goodness and morality. Fair enough.

We reject the premise. Racism still haunts American society, and there are still enough white supremacists to make trouble. But racial animosity is not the defining issue of our time. The real dispute remains what it was before Trump was elected and what it will be after he's gone: whether government should direct every part of human life, whether the judgment of elites should overrule the habits of ordinary people, and whether strength abroad is worth the costs at home. These are questions well worth debating, and they have nothing to do with controversial memorials or narrow identities or idiotic racial theories. They are, and will continue to be, at the forefront of American politics. ◆

Wouldn't It Be Nice?

It would be nice, in a way, to be a progressive. You'd be confident you know the direction History is moving. And you'd have faith that the direction in which History is moving is the direction in which History should be moving.

So you'd think of politics as a drive along a highway to the future. Your decisions would consist mostly of when to step on the gas or, occasionally, when to tap the brakes. You might make occasional errors of judgment as to speed. But direction would be no problem. And at the end of the day, whatever the messiness of the real world and however much some choices seemed not to be working out, you'd be confident that History had your back.

But you'd be wrong.

What, on the other hand, if you're one of those who know there are more things in heaven and earth than are dreamt of in the progressive catechism? But what if you also know that simply embracing the opposite of progressivism isn't a sufficient guide?

You might tell yourself that you can learn from history. You say to yourself that those who cannot remember the past are condemned to repeat it. But of course you also know that simply remembering the past isn't sufficient to avoid new mistakes. After all, the past is . . . the past.

So for example: You wonder if the Trump presidency is heading down a path like that of Jimmy Carter, or Richard Nixon, or Lyndon Johnson. All are helpful guides to possible outcomes. But Trump himself is sufficiently different from those predecessors, and the times and circumstances are sufficiently changed, that one suspects the Trump episode won't play out in the same way as any of these models. The guidance provided by history is limited.

SAMUEL CORUM / ANADOLU AGENCY / GETTY IMAGES

Another example: A month or so ago, there was talk among some Trump critics of signing a statement calling on President Trump to resign. Several of those approached thought this a bad idea, judging the prospect so impractical and wishful that it would seem a declaration of impotence. But what if in fact the single best thing that could happen for the country, to say nothing of the Republican party and conservatism, would be for Trump to resign? Why not think more seriously about whether such a thing could become possible and how the groundwork might be laid for such an eventuality? Is it a dereliction of duty *not* to work towards such an outcome? Such an outcome is, after all, what sensible people would be pushing for if we lived in a parliamentary system. Why not borrow a page from the British?

And what of conservatism? Will part of the conservative movement be driven by Trump into a revived Democratic party, as liberals who became neoconservatives found a place in the Republican party in the late 1970s? That seems highly unlikely: Today's Democratic party is far less hospitable to anti-Trump conservatives than the Reagan Republicans were to anti-Communist and anti-New Left liberals. What about a revival of the GOP as a party of liberty and decency? This seems possible if difficult. But what if it fails? What then? The formation of a new conservative party? Or a new centrist one? Or a party of liberty that is at once conservative and libertarian? Any of these novel projects would be daunting tasks.

But what's the alternative? To surrender to a grim future where the choice is between the politics of Donald Trump and Bernie Sanders?

In December 1862, President Abraham Lincoln told Congress, "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country."

Without comparing our trials in any way to those Lincoln faced, we increasingly suspect that now is a time when the dogmas of the quiet past are inadequate to the stormy present.

In a way, Donald Trump was the first to sense this. Because he is a talented demagogue, he was ahead of more decent and conventional politicians. They continued to be attached to the dogmas of the quiet past, which in some cases had served the country well. But in the new moment in which we live, other politicians were left in the dust.

As a result, we have a president who's manifestly not up to the job, two political parties who seem very much

out of touch, and an awful lot of us analysts and pundits whose thought was shaped in a different era. The world is dangerous in new ways, and our politics and culture are radically unsettled. The occasion is piled high with difficulty. We must think anew.

It would be nice if this were not the case. But it is.

—William Kristol

Sand in the Gears

Donald Trump's remarks following the killing of a young paralegal by a white supremacist in Charlottesville, Virginia, generated widespread opprobrium—and no one was more cutting than many of the president's fellow Republicans. Mitch McConnell, Ted Cruz, and Marco Rubio were just a few among the dozens of party stalwarts who lambasted the president—and who made clear their own strong objections to bigotry, anti-Semitism, and racism.

But what if Republicans wanted to demonstrate their commitment to racial equality in a way that goes beyond simply chastising the president? Many possibilities come to mind, but there is one opportunity to do something that would be both practical and symbolic.

Unfortunately, that opportunity is born out of some shamefully cynical behavior on the part of too many Republicans, particularly at the state level. Over the past several years, in several states, there appear to have been attempts to reduce black voter turnout. Given the historic mistreatment of African Americans, from slavery to Jim Crow, this effort is not only disturbingly anti-democratic, but also redolent of some of the ugliest chapters in American history.

We're not talking about voter ID laws, which mandate that when people turn up at the polls they should be able to prove they are who they say are. That's just basic good governance, and a useful check on voter fraud. We're highly dubious of the various studies, cited widely in the press, that claim that voter fraud is essentially nonexistent. Contra media reports, the lack of evidence of voter fraud hardly proves it doesn't exist; if the fraud is effective, it's ipso facto undetected. It's little wonder, then, that polls suggest large majorities of all races of Americans support these requirements.

But when states impose laws mandating voter ID, as many have done in recent years, they should at the same time do what they can to make it simple to obtain the required ID. An alarming number of Republican-led states have done just the opposite. There's Alabama, for example, which after imposing a voter ID law in 2014 shut down a number of DMVs, citing budgetary cutbacks, that happened to be located disproportionately in the state's so-called "black belt." And Texas, which has done nothing to reduce its dearth of DMVs, even though some residents (admittedly these are edge cases) would have to travel upwards of 100 miles to obtain a photo ID. Needless to say, this is an arduous task for the poor—who are disproportionately minorities—particularly if *they lack a driver's license*, which is the whole reason they would need to travel to the DMV in the first place. Moves like these only serve to undermine the very legitimate case for voter ID.

Other states have engaged in different forms of chicanery. Indiana Republicans have increased the number of early voting stations in majority-white counties, while curtailing them in largely black areas. Florida has reduced early voting days, eliminating them on the Sunday before Election Day. At the time that law was passed, a state GOP official noted, "the Sunday before Election Day was one of [the Republicans'] targets only because that's a big day when the black churches organize themselves."

North Carolina, meanwhile, greatly reduced early voting as well as same-day voter registration. (Studies suggest minorities are overwhelmingly more likely than white voters to avail themselves of both of those services.) Indeed, those two moves by North Carolina, coupled with the imposition of a strict voter ID law, were ultimately struck down by a federal appeals court, which found that they targeted African-American voters "with almost surgical precision."

State officials in all these cases were able to offer non-sinister explanations. And given the fact that African Americans vote overwhelmingly Democratic, these moves were surely taken more out of partisanship than bigotry. Some other recently imposed voting restrictions make that obvious: Texas, for example, now allows concealed carry gun permits as valid voter identification but not student IDs. That law is clearly partisan in intent. But the cumulative effect of many of these new voting restrictions is still disturbing, whatever their intent may have been. Republicans at the national and state level should do what they can to remove many of these impediments.

The fairly open secret underlining this is that Republicans don't really compete for black votes. From skipping NAACP meetings to not making even minimal efforts to canvass majority-African-American neighborhoods, the party of Lincoln has simply stopped bothering. That, as the cliché has it, is "political malpractice." But moving from shrugging at black voters to throwing sand in the gears for those who want to vote? That's democratic malpractice.

—Ethan Epstein

Afghan officials stand beside a crater after a suicide car-bomb attack that targeted a provincial government compound, December 7, 2015.

The Nation-Building Straw Man

Trump's 'principled realism' just isn't realistic.

BY ELLIOTT ABRAMS

President Trump's new strategy for Afghanistan shows considerable reflection among the president and his top advisers on many military questions but deep confusion on the issues of "nation-building" and democracy.

The president's August 21 speech illustrated the confusion. Take the signature lines: "We are not nation-building again. . . . We are killing terrorists. Our troops will fight to win. We will fight to win. From now on, victory will have a clear definition: attacking our enemies, obliterating ISIS, crushing al Qaeda, preventing the Taliban from taking over Afghanistan, and stopping mass terror attacks against America before they emerge." And these: "We will no longer use American military might to construct democracies in faraway lands, or try to rebuild other countries in our own image. Those days are now over."

First, it should be clear that those days are not just over, they never existed. The United States no more invaded Iraq and Afghanistan to "construct democracy" than we invaded Germany and Japan in the 1940s for that purpose. But our leaders concluded after the Second World War that the domestic order in those places affected our own security. Fascist Japan and Germany were enemies; democratic Japan and Germany would be allies, we thought, and we were right. The conditions in Iraq and Afghanistan would determine whether they became enemy states, dangerous ungoverned spaces that harbored terrorist groups like al Qaeda and ISIS, or were able to control their own territories in alliance with the United States.

There was a hint of this in the president's speech when he said that "it is up to the people of Afghanistan to take ownership of their future, to govern their society, and to achieve an everlasting peace" and then that "the government of Afghanistan must carry their share of the military, political, and economic burden. The American people expect to see real reforms, real progress, and real results." But what political burden does the Afghan government carry? What reforms do we demand?

What's entirely missing in the new policy is an understanding that Islamist extremist groups have not just guns but *ideas*—what the president called an "evil ideology." To defeat their guns, our own military efforts in support of local police and military operations are necessary—and here the president was quite right to continue and expand those efforts. But policemen and soldiers cannot provide the ideas that are needed to defeat Islamist extremism. Put another way, the president's emphasis on "killing terrorists" is right, but he has overlooked the other half of the necessary formula: preventing those who are killed from being replaced by new armies of extremism. He did at one point say we will "dry up their recruitment," but he did not say how we plan to do this throughout the Muslim world.

This is not an abstract or intellectual problem. Take the example of Egypt. Presumably there is rejoicing in official Cairo over the president's apparent abandonment of any effort by the United States to "rebuild other countries in our own image." To the Egyptian regime, that must mean that it will hear no complaints about human rights violations. But there are up to 60,000 political prisoners in

NOORULLAH SHIRZADA / AFP / GETTY

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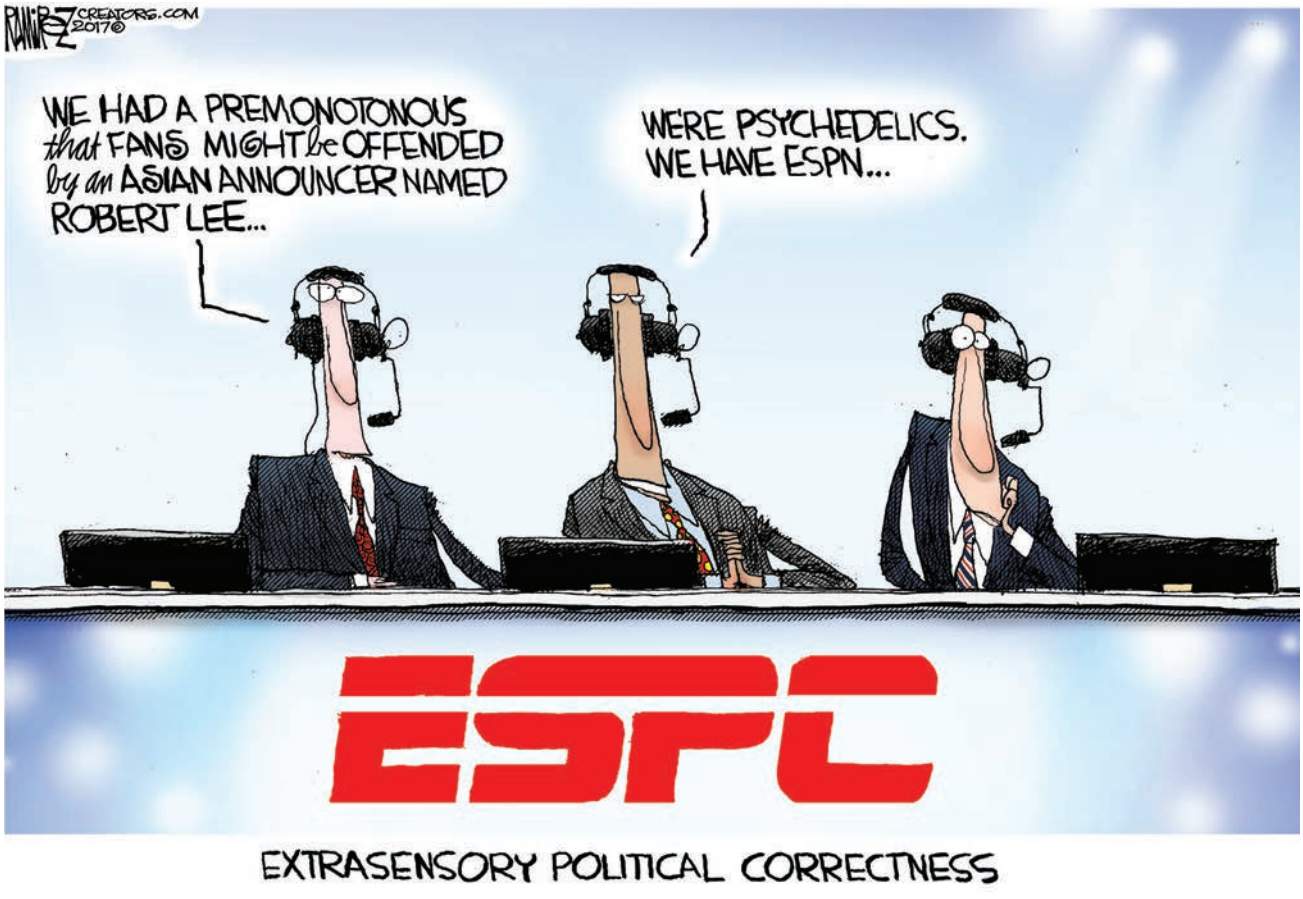
Egypt's jails—people who have not yet been tried on any charge or who have been tried and jailed for peaceful protests. In those jails they face abuse and torture at the hands of a regime they must increasingly see as deeply unjust, while they are surrounded by jihadist prisoners who are the genuine article—Islamist extremists with ideas and theories of what is wrong with Egypt and how to fix it. What will emerge from those jails is more extremists and more terrorists. The Egyptian government has a magic elixir here that can turn peaceful protesters into jihadists.

An American policy that is indifferent to this is not a practical or realistic formula for defeating terrorism. As we have seen with al Qaeda, one group can be brought low only to be replaced by another, like ISIS, or to bounce back itself; and as we have seen in Syria, killing jihadists doesn't "win" a war if there are endless supplies of replacements ready to travel to those battlefields.

The president said that "we will not dictate to the Afghan people how to live, or how to govern their own complex society" and added, "We are not asking others to change their way of life, but to pursue common goals that allow our children to live better and safer lives." The straw man here is obvious: We must stop trying to make Afghanistan look like, say, Connecticut! I would have thought that Gens. Mattis, Kelly, and McMaster might have disabused the president of the notion that this was ever the American goal in the Middle East or South Asia, any more than it was our goal in postwar Europe. Our goal has been far more pragmatic: to promote domestic political arrangements that will be stable and will be successful in controlling territory and preventing the rise of violent groups that can threaten the United States and our allies.

Anyone, including the president and his advisers, who thinks all of that can be achieved without the slightest concern for the domestic political arrangements—vicious tyranny or benign rule, brutal repression or a decent respect for human rights, regimes that rule only by force or governments that are legitimate in the eyes of their population—is repeating a formula that failed us repeatedly in the Middle East, helped lead to the current crisis, and will eventually produce more terrorism.

The president said in his speech that we must continue our efforts in Afghanistan. He seemed to realize that we won't be able to get out safely until the government and people of that country are willing and able to fight terrorism successfully: the "real reforms, real progress, and real results" of which he spoke. Does that sound a bit like the dreaded "nation-building?" Call it what you will, denounce it, even revile it, the conclusion remains: Domestic political arrangements and political legitimacy affect the struggle against extremism. If the president wants to pursue a policy of what he called "principled realism," he will need to acknowledge that fact. ♦



The Art of the Squeal

Bored with self-aggrandizing government boards.

BY PHILIP TERZIAN

During the 2016 presidential primary campaign, Jeb Bush took to calling Donald Trump the "chaos candidate." It didn't seem to have much effect at the time, but Bush was prescient: The chaos candidacy is now the chaos presidency. And yet, as Henry Adams once wrote, while order is the dream of man, "chaos was the law of nature"—and nature, although harsh and capricious at times, knows what it's doing.

I was reminded of this the other week when, in the midst of the brown-red riot in Charlottesville and its disruptive aftermath, several CEO members of the president's new manufacturing council resigned in protest at Trump's maladroit public comments. This was followed by a White House announcement that the council—along with its sister agglomeration of CEOs, the president's Strategic and Policy Forum—would be disbanded.

Critics of the president were swift to seize on this exodus of capitalists as evidence that the Trump presidency was a sinking ship. And of course, if titans of business were setting a trend, the arts community would follow swiftly behind. As if on cue, all 17 members of the President's Committee on the Arts and the Humanities resigned en masse with a blistering letter to Trump laced with cringe-worthy jargon—"Speaking truth to power is never easy. . . . Art is about inclusion. . . . Ignoring your hateful rhetoric would have made us complicit," etc.—and juvenile wit: The opening initials of each paragraph in the letter spelled out "RESIST."

To be sure, the arts council members were all appointed during the Obama presidency and could hardly be expected to tolerate Trump. But the press seemed to regard the judgment of the council's comparatively undistinguished roster—sometime actor and Democratic activist Kal Penn, British-born novelist Jhumpa Lahiri, "entertainment and brand entrepreneur" Fred Goldring, *Jersey Boys* star John Lloyd Young, and so on—as a verdict from the intellectual and creative heart of the nation. Maybe, maybe not. In my own case, I was abashed to acknowledge that until last week, I had never heard of the President's Committee on the Arts and the Humanities, and was intrigued by various press attempts (mostly unsuccessful) to describe what, exactly, the committee is supposed to do or has done since its establishment in 1982.

DAVID CLARK

Which is precisely the point. The executive branch of the federal government is full of advisory councils and presidential committees that seem to duplicate, in miniature form, the missions of actual agencies and departments but are, in truth, largely sinecures for political (and of course financial) supporters of incumbent presidents. There are only so many embassies and minor commissions and vacancies on boards of visitors to go around; but a presidential council may be assembled ad hoc and allow corporate CEOs or stars of stage and screen to visit the White House, pose for a photo op, chat with President [Fill in the Blank] about inner-city arts programs or reviving the steel industry, and embellish their résumés.

In the case of the aforementioned arts and humanities council, for example, it should be noted that, since 1965, there have been two separate national endowments for both humanities and arts in the federal government—and even the website for the committee has some difficulty rationalizing its existence in light of the competing endowments. But of course, it's obvious: The President's Committee on the Arts and Humanities was established by Ronald Reagan (in the words of the *New York Times*) "to advise the White House on cultural issues"—which surely explains the presence of "brand entrepreneur" Goldring, among others. And it has since become a needless appendage consuming federal largesse. In a savory moment of diplomatic clarity, the Trump White House declared that "while the committee has done good work in the past, in its current form it simply is not a responsible way to spend American tax dollars."

Indeed, it may be said that the proliferation of such White House

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fundraiser/celebrity councils is a modern equivalent of those "blue-ribbon panels" of the previous generation, which were usually established to convey the message that something was being done about things that most presidents were powerless to do anything about: the 1968 Kerner Commission on civil disorder, for example, or the 1986 Meese Commission on pornography. You could argue that wartime exigencies perhaps justified the creation of such extra-constitutional bodies as the War Industries Board (1917), presided over by financier Bernard Baruch and charged with coordinating war production, or its World War II equivalent, the Office of War Mobilization (1943), headed by a Washington jack-of-all-trades of the era, James Byrnes. In both instances, however, such emergency boards not only duplicated the functions of existing departments but were deliberately designed to circumvent the authority of Congress and concentrate power in the White House.

Which is the paradox of the drain-the-swamp president setting up his own White House councils. If, in the chaos of post-Charlottesville America, Trump can follow through on his natural instincts and abolish such irrelevancies—as he seems determined to do, one by one—he will have genuinely accomplished something in Washington. And the arts and humanities will still thrive, as will the economy.

So will irony, for that matter, which is seldom in short supply here. One of the deserving Democrats who resigned from the President's Committee on the Arts and the Humanities and who signed Kal Penn's RESIST letter, is Jill Cooper Udall, wife of the Democratic senator from New Mexico, Thomas Udall, and daughter-in-law of the late Stewart Udall. When he was secretary of the interior, a half-century ago, one of Stewart Udall's pet projects was dismantling what he considered to be the obtrusive and obsolescent statues of (Union) Civil War generals in the parks and traffic circles of the capital city. He was unsuccessful, and the statues remain; but in the middle of chaos, for how long? ♦

NICOLAS CARVALHO OCHOA / GETTY

Medical personnel and police tend to the injured after the attack in Barcelona, August 17.

Spain Is Different

Or is it?

BY RAFAEL L. BARDAJÍ

For many years General Franco's regime used the slogan "Spain is different" to attract tourism. Spain had sun and great beaches, unlike, say, Germany and Belgium, but the country was also a dictatorship and lagged economically and socially. We were indeed different from the rest of Europe. Today, Spain is still different, particularly in relation to Islamic terrorism.

Spain was the site of the deadliest post-9/11 jihadist attack. On March 11, 2004, Madrid's railways were bombed: 192 people died and more than 2,000 were injured in the worst terrorist event ever suffered in Spain. But with a few exceptions, people judged the government at the time ultimately responsible for the attacks, and even today the average view is that those attacks were a sort of punishment for the prime minister, José María Aznar, for being too arrogant, too active in the international arena, and too close to President George W. Bush and Prime Minister Tony Blair.

The fact that Spain has not been subject to attacks of any kind since then, while most of our allies in Europe suffered dramatic attacks by al Qaeda, ISIS, and their associates, reinforced the view that being more passive and less relevant internationally made us Spaniards safe. Thus, we looked on with a distant attitude to the horrors in Brussels, Paris, Berlin, and Nice, even as we all ran to put candles in the streets and retweeted hashtags, in solidarity. Our secret weapon against jihadism was the minute of silence after every attack, in sympathy with the far-off victims. We were lucky enough not to have many nationals involved in terrorist attacks around the world.

But our "system" couldn't last forever. And it didn't. On Thursday, August 17, a van driven by a fanatical young Moroccan Islamist, Younes Abouyaaqoub, careened into the popular Ramblas in Barcelona, killing 13

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and injuring more than 100 (a dozen are still in critical condition). The dream of a multicultural, open, liberal Barcelona was transformed into a nightmare in a few seconds. Why and how this could have happened were the two questions everyone asked in the immediate aftermath.

Though the investigation is still ongoing, it is very easy to answer the why and how of the attacks. Contrary to the dominant narrative in Europe of the "lone wolf," the more deadly terror attacks on the continent have required more than a single person, were planned for months, involved international travel, and were conducted by jihadists who were known to the police and/or the intelligence services. The "lone wolf" concept has been useful to some authorities to downplay attacks. Pointing to the mental instability of an attacker, for instance, is a way to deflate the level of threat posed by Islamists in Europe and can be particularly tempting to officials if the attacker was a refugee. Otherwise people might blame the open-door policy pursued in Europe since 2015. Unless a car bomb or Kalashnikovs are involved, the reflex is to seek any explanation except Islamist-motivated terrorism.

But there was no way to avoid the truth in the Barcelona attack: More than a dozen people were directly involved; there was a larger group of relatives and friends who suspected something but said nothing; an imam had provided inspiration; there were international contacts and travel.

People, infrastructure, and ample time to prepare are a dangerous mix. To anyone not familiar with the decay of Spain's institutions, it may be impossible to believe that a group of young jihadists could take over a house as squatters for more than six months and convert it into a massive bomb factory (more than 100 gas canisters were found there) without anyone noticing, not even the owner of the house. But the reality is that in Barcelona the squatter movement has been given succor by officialdom (indeed, the current mayor was a leader of the movement against evictions), and the economic crisis has left banks in possession of thousands of empty houses that nobody cares about and nobody controls.

The terrorists had a Plan A: to drive a truck loaded with explosives into the Sagrada Família, the famous church designed by Antoni Gaudí, and reduce it to rubble, along with the thousands of tourists who visit it every day. Fortunately, they mishandled the explosives and it was their house, not the spectacular church, that was destroyed. At least two terrorists died in that explosion the night before the attack in Las Ramblas. The remaining elements of the jihadist cell moved then to Plan B. They couldn't get a multi-ton truck so they used a van to run down pedestrians. They hijacked a car (killing the driver, an NGO worker and the 14th victim in the attack) to escape the scene; and they tried to replicate the attack later that night in Cambrils, a pleasant town along the coast. They killed one person there before being intercepted by the police and shot dead. Five terrorists were involved in this second attack.

It is interesting to note that nobody, not Catalonia's regional police, the Mossos, not the national police, not the intelligence service, had a clue who they were or what they were planning to do. Despite the facts that their inspirational leader, the imam Abdelbaki Es Satti, was incarcerated for two years in Spain and was close to one of the perpetrators of the 2004 Madrid attack, that earlier this year he spent three months in the Belgian town of Vilvoorde (known for its significant numbers of jihadists departed to Syria), and that he had moved his family to his hometown in Morocco a month ago. Other members of the cell traveled in recent months to France, Switzerland, Belgium, and Morocco, changed some habits, and became more secretive about their activities and visits to their factory house, more than 200 miles away from where they all lived. Nonetheless they kept posting on Facebook radical messages for all to see.

It is worth noting some of the reactions by the police. Just after the Ramblas attack, the terrorists sped through a police checkpoint, injuring one of the officers, but nobody shot to kill. Indeed, four of the five jihadists eliminated that night in Cambrils were shot by a single officer. It could be simply that the others didn't have the right angle. But no one would be surprised if the passivity were instead attributable to the constant harassment suffered by police officers in Spain, thanks to a judicial culture of progressivism that puts the blame on them in any incident in which they must use their weapons. That same culture treats terrorism as a police problem, with officers expected, above all, to apprehend suspects alive. This mentality is not unique to Spain. A jihadist rammed six soldiers in the streets of Paris on August 9, and none of them tried to shoot him. Why? Because the soldiers are not legally and psychologically prepared to deal with combat situations at home. The responsibility for this state of affairs rests on their political masters.

It is certainly true that what happened in Barcelona could have taken place elsewhere. But having said that, there are a few factors that local and national authorities should bear in mind. Catalonia is the region with the highest number of Muslims in Spain, almost 700,000; the region has nearly 300 mosques, and around 80 are well known for their radical Salafist preaching. Why this concentration? Because the regional authorities have been following a linguistic-cleansing policy against the Castilian language spoken everywhere else in the country, and they preferred immigrants of non-Spanish-speaking origin. And because the Catalan political leaders are currently consumed with their policy of disengagement from the rest of Spain, they don't care about much else. And that includes their regional police. How to explain, otherwise, that an explosion in a house occupied by squatters from Morocco is taken at first as an accident (despite all the evidence), and that the only survivor is taken to a hospital without being interrogated? If the explosion had been properly investigated and understood, the attacks of the following day might have been avoided.

But the Mossos didn't pass the information to their counterterrorist colleagues in Madrid.

Furthermore, the confrontational atmosphere between the Catalonian government and the national government made cooperation on the ground impossible. The Catalan authorities did not want any cooperation with the national police or the civil guard, our real experts in counterterrorism. At the same time, the national government of Prime Minister Mariano Rajoy avoided raising the threat level, because it would have triggered the deployment of military units in the streets, including Barcelona's. Since the government doesn't want to make any move that could be criticized as provocative in the context of Catalonia's quest for independence, Madrid has fallen back on the usual assertions that we are safe now. Until the next attack.

Since the attacks of March 11, 2004, the socialist government of José Luis Rodríguez Zapatero and the popular government of Rajoy have tried hard to avoid any jihadist attack on our soil, hoping thereby to sustain the myth that Spain's safety owes to our no longer being engaged in Iraq and the Middle East. In fact, they both encouraged the police to carry out preemptive and preventative operations to dismantle any jihadist plots in the making. And to some extent it worked: Spain had the highest number of detentions of Islamists in Europe but no attacks, until now. That was the real explanation for the lull in terror we enjoyed.

The time has come to explain that Spain is considered by extremists to be part of the lands of Islam, that threats have been mounting in recent years, and that jihadists are motivated more by what happens in Raqqa than by policies in Madrid. Unfortunately, no political leader seems willing to do it. It is far easier to pose in a condolence photo-op carrying a candle, singing (badly) John Lennon's "Imagine," and praying for the victims than to do what it takes to prevent more victims.

Even if Spanish leaders reject the idea that we are at war, changes in immigration policy should be adopted urgently; the labyrinthine system of national, regional, and local police corps must be rethought and simplified, and the counterterror units centralized. But above all, the authorities should start talking sensibly to our citizens, beginning with a clear definition of the enemy. People were chanting in the streets of Barcelona the day after the attacks, "We are not afraid." But not being afraid of dying is not what is needed. What is needed is courage and valor to confront terrorism and terrorists. Spain is not there yet because Spain still believes it is different. ♦

GARY LOCKE

Foxconned?

Wisconsin makes a deal.

BY JOHN MCCORMACK

As a presidential candidate, Donald Trump promised he would make really great deals that would bring manufacturing jobs back to the United States. "We will get our people off of welfare and back to work—rebuilding our country with American hands and American labor," President Trump said in his inaugural address. "We will follow two simple rules: Buy American and Hire American."

So when Foxconn, a Taiwan-based electronics manufacturer that supplies Apple, announced a $10 billion investment in Wisconsin, Trump was understandably beaming with pride about the biggest deal he'd made as president. "The company's initial investment of more than $10 billion will create 3,000 jobs, at a minimum, with the potential for up to 13,000 jobs in the very near future," Trump said on July 26 at an East Room ceremony in the White House, flanked by Foxconn chairman Terry Gou, Vice President Mike Pence, Wisconsin governor Scott Walker, Senator Ron Johnson, and Speaker of the House Paul Ryan. "The construction of this facility

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represents the return of LCD [liquid crystal display] electronics and electronics manufacturing to the United States, the country that we love."

Walker gives Trump much of the credit for Foxconn's plans to build in the United States. "The president convinced them, both through his request and his potential [trade] actions, to make LCD displays in America," Walker told me in an August 21 interview. "They believe the president and his administration are very likely to put tariffs on things they make elsewhere in the world. So for them, this is part of protecting their interest in a major market. If they make things in America, then they think they're protected against tariffs or other trade actions." The company has one million employees, mostly in China, and reported $136 billion in revenue last year.

Once Foxconn had decided to make LCD displays in the United States, Walker says it was up to him and his team to convince Foxconn that "the best place to make them is in Wisconsin." After a meeting at the White House between Gou and President Trump, Walker says he was told by then-chief of staff Reince Priebus that Gou was seriously interested in building in Wisconsin. To woo Gou, Walker jumped in a turbo-prop plane owned by the state on short notice and flew out to Washington the morning of April 28. Walker says he hit it off with Gou during an initial meeting in Priebus's office, and he continued to court Gou and other Foxconn officials at meetings in Wisconsin and one in Osaka, Japan, this summer.

"We changed the business climate, the workforce was good. They needed water, so the proximity to the Great Lakes [was helpful]. They wanted to be close to Chicago but not in Illinois," Walker said. Walker said the executives also appreciated the Wisconsin connection between himself, White House officials like Priebus, and Speaker Ryan. The speaker's congressional district is the location of the planned facility. "Probably as much as any culture, Asian culture is very interested in making sure that they've got people they can talk to in the government," Walker said.

Under the tentative "memorandum of understanding" signed by Walker and Gou on July 27, Foxconn agreed to spend "up to $10 billion" on buildings and equipment and create "up to 13,000 jobs with an estimated average salary of $53,875." In exchange, the state of Wisconsin offered a 15 percent tax incentive (read: subsidy) for capital expenditures (that's $1.5 billion on a $10 billion capital investment) and a 17 percent tax incentive (read: subsidy) for employees' wages (that's about $1.3 billion if Foxconn creates all 13,000 jobs).

Asked how the Foxconn deal wasn't 'picking winners and losers' or 'crony capitalism,' Walker said he had to offer incentives because every other state does it. 'The reality is we would never be even in the ballpark for being considered for something like this unless we offer [tax incentives].'

According to the state legislature's nonpartisan budget office, if Foxconn creates 13,000 jobs, state taxpayers would have spent $1 billion more than they would have taken back in taxes from Foxconn employees 15 years from now. And taxpayers would break even in about 25 years if the deal goes according to plan. The capital subsidies don't go out until building occurs, and wage subsidies don't go out until jobs are created. The deal calls for some "clawback" provisions to get back some tax dollars if Foxconn abandons the plant, but the details of clawback provisions have not yet been negotiated.

Democrats have accused Walker of giving away the store to get the deal. The deal exempts Foxconn from performing an environmental impact study usually required by the state, but Walker points out the company will still have to follow other state and federal environmental laws. The state has typically offered a 7 percent wage subsidy for such deals, while Foxconn is getting 17 percent. But Walker says the deal was just too good to pass up: In addition to the jobs directly created at Foxconn, Walker says there would be another 10,000 construction jobs and 22,000 indirect and induced jobs created by Foxconn's economic activity, not to mention a possibility that Foxconn would reverse the state's "brain drain" and bring in venture capital and companies like Corning Glass to the state.

But aren't Republicans, especially fiscal conservatives like Walker, supposed to oppose deals like this? "Paying out hundreds of millions of dollars directly from taxpayers to an immensely profitable Chinese company sounds problematic from a policy point of view and potentially politically toxic," Wisconsin-based conservative commentator Charlie Sykes told me.

Asked how the Foxconn deal was different from what Republicans usually decry as "picking winners and losers" or "crony capitalism," Walker told me: "I respect arguments that say . . . everybody gets the same and we're constantly trying to improve the business climate." But he said he had to offer tax incentives because every other state does it, even Texas, which has long been a leader for business and has no income tax. "The reality is we would never be even in the ballpark for being considered for something like this unless we offer [tax incentives]. We offer them again for businesses big and small alike," Walker said.

The deal sailed through the state assembly in August on a mostly party-line vote, with two Republicans opposing it and three Democrats supporting it. Walker says he expects the state senate to approve it very soon. Democratic U.S. senator Tammy Baldwin, who along with Governor Walker is up for reelection in 2018, has kept pretty quiet about the deal so far—she attended the White House announcement but did not stand

alongside Trump, Gou, and Wisconsin Republicans at the podium.

The politics of the Foxconn deal will likely depend on whether it lives up to expectations, and there is a fair amount of uncertainty—both generally for a disruptive industry like electronics manufacturing and particularly for a company that is motivated at least in part by a desire to curry favor with U.S. politicians who happen to be in power at the moment.

As the *Washington Post*'s Todd C. Frankel reported on March 3, Foxconn has a history of falling short on its promises. In 2013, Foxconn said it would invest $30 million in Pennsylvania and hire 500 workers, but the factory wasn't built. In 2014, talks between Foxconn and officials in Colorado and Arizona didn't result in action.

Other countries have had similar experiences with Foxconn. In Indonesia, Foxconn signed a letter of intent in 2014 to invest up to $1 billion, but building has not yet occurred. Foxconn also promised to invest $5 billion in India and create 50,000 jobs, but "Foxconn's investment in India has amounted to only a small fraction of what it originally promised," the *Post*'s Frankel reported. "Similar results were seen in Vietnam, where Foxconn committed to a $5 billion investment in 2007, and in Brazil, where Foxconn spoke of a $10 billion plan in 2011. The company made its first major foray in Vietnam only last year. In Brazil, Foxconn has an iPhone factory, but its investment has fallen far short of expectations."

That history doesn't necessarily mean the Wisconsin deal will be a flop. Foxconn has been somewhat tight-lipped about its precise plans in the state. "We are in discussions with Wisconsin officials regarding all aspects of our proposed project and specific project details can only be provided once a site has been selected and details on the project have been finalized," Foxconn told The Weekly Standard in a statement. But a highly automated factory—where the building and robots have been paid for with a 15 percent subsidy from taxpayers—with high-skilled workers could make economic sense for Foxconn.

Stefanie Lenway, dean of the business college at the University of St. Thomas and author of *Managing New Industry Creation*, told *Wired* that many of the employees Foxconn would need at such a plant would be physicists, electrical engineers, and mechanical engineers. But Lenway told me she still thinks "there's a good chance [the deal] won't happen." "It could get bogged down in the courts" over environmental lawsuits, she said. "Grassroots groups can bring suit and stall it long enough."

Scott Walker says he expects Foxconn to break ground by spring 2018. "They'll probably do it before the summer," he says. "Their goal is to have it open and operational by 2020." If Foxconn lives up to expectations, you can be sure you'll see Donald Trump strutting around in a hard hat at its Wisconsin facility in 2020. If it ends up being a flop, you can be sure the president will find a way to blame anyone but himself. ♦

An Alarming Admission

Middling but costly colleges are scrambling.

by Naomi Schaefer Riley

When is a college acceptance letter not a college acceptance letter? When a school suddenly realizes that it has 800 more freshmen than it knows what to do with. This is what happened last month at the University of California, Irvine, which—in an effort to reduce that number—started rescinding offers of admissions to kids who had not kept their GPA high enough or who had failed to submit a final high school transcript by the deadline.

The first group of students was not very significant and, of course, they had only themselves to blame. But among the second group, there was an uproar. Sending a final transcript was a mere formality and, at any rate, it was the high schools' responsibility to send it in. As an editorial in the *Los Angeles Times* noted, "Failure to meet the deadline for a single document out of the reams of paper demanded during the admissions process calls for a little proportionality on the part of the university." And eventually the school's president relented.

The real question is not who came up with this dumb solution to what will be the school's overcrowding problem this fall. It's how the admissions office could have so vastly underestimated UC Irvine's "yield," that is, the number of accepted freshmen who decided to enroll.

There are a lot of factors that go into a school's yield rate, starting with the question of which students a school admits in the first place. Some schools don't want to admit too many kids who really won't come. That's why they make students write them love letters, sorry, admissions essays that explain how much they adore that specific college, instead of using a common application or a more generic essay.

But the real factor in determining a yield rate is what other schools a student might be considering, and here schools like UC Irvine—public

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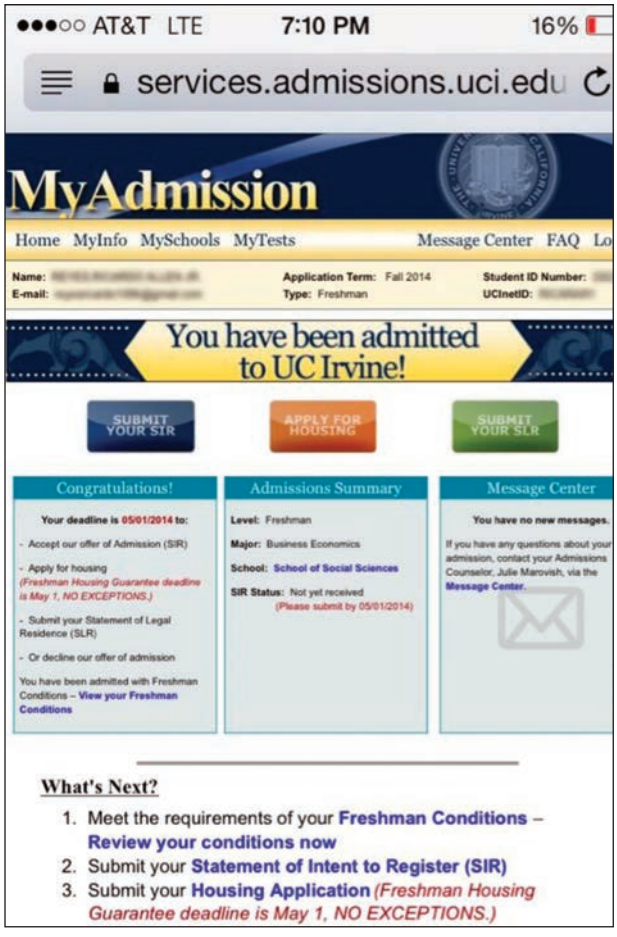
universities that offer students a decent education at a lower cost—are increasingly at an advantage. According to College Scorecard, a website developed by the Department of Education, students at UC Irvine are paying an average of $12,771 a year in tuition, well below the national average of $16,127. Meanwhile, graduates earn an average starting salary of $54,500, well above the national average of $33,500. This is what we call more bang for the buck.

Part of this difference is due to the fact that many students are paying in-state tuition. And some of the school's most popular majors—biology and economics—are likely to net higher paying jobs for graduates. Nevertheless, if you compare a school like UC Irvine to, say, Boston University, which holds the same *U.S. News* ranking—39th among national universities—you'll see a clear difference. Boston University students pay an average of $34,592 a year for their education and earn $59,500 upon graduating. The BU name clearly adds something to students' success, but families may start to question whether that luster is enough to justify a much higher price tag. The same could be said about Tulane, also tied for 39th place, whose average cost is $34,740 and average starting salary is $52,900.

"There is a race towards high-quality, low-cost schools," says Richard Vedder, who heads the Center for College Affordability and Productivity. There will always be a market for expensive private schools at the very top. The name will always be worth something, there will always be a deep-enough bench of families willing to pay full price, and for the rest the schools will have a big enough endowment to subsidize tuition and housing. But for schools in the second and particularly the third tier, parents and students increasingly cannot see the point.

Which is why many of these schools have been struggling in recent years. According to a recent study by the National Association of College and University Business Officers, "The estimated average institutional tuition discount rate for first-time, full-time freshmen at small institutions was 50.9 percent in 2016-17." That means colleges are getting less than half of the tuition they want. And it's not only that net tuition is actually falling once you account for inflation; many of these schools are starting to face a declining student population.



Be sure to read the fine print.

As demographic researchers at the University of Virginia noted on their website StatChat, "Enrollment peaked in 2011. In July of 2011, there were about 18.1 million people in the prime college years of 18-21. In June of 2014, that number was down to 17.4 million—nearly 700,000 fewer young people. . . . Not only are other options opening up for high school grads, but there are also just fewer warm bodies to go around."

So small private schools are closing. Saint Joseph's College, a 900-student school in Indiana, announced in the spring that it would close this year, the result of "dwindling financial resources." Vermont's Burlington College closed last year. And other colleges are having to tighten their belts. Northland College in Wisconsin announced an across-the-board 7.5 percent pay cut for faculty and staff. Creighton University in Nebraska just cut 60 non-faculty positions.

This spring a few colleges started to offer students higher amounts of financial aid after the May 1 deadline, when they may have already committed to another school. This is considered a no-no among admissions officers, but some colleges are getting desperate enough to bargain. Unfortunately for these institutions, even lowering tuition further may not be enough to get students to choose them. As Vedder notes, "there is a flight from lower-quality schools—both low-cost public and high-cost privates. Financial returns for college investment are increasingly seen as becoming very low at the low-quality schools. A college diploma is no longer enough: You need a quality diploma."

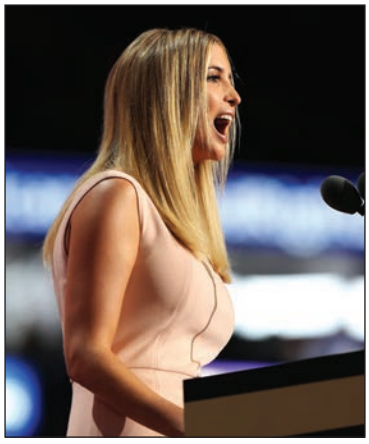
The drive toward universal higher education has had foreseeable consequences. When everyone has a college degree, a college degree is not worth what it once was. But for the schools that can actually teach kids something useful without raising tuition through the roof—well, they may want to consider adding another freshman dorm or two. ♦

The Family Leave Dilemma

Is there a federal answer?

By Alice B. Lloyd

Let's call her Jane. She's 32 and a junior vice president at a big investment bank. The firm's attempt at more manageable hours has made it possible for her to reshuffle her work and stay on after having a baby. But growing responsibilities to clients pull her away from her new role. She totes little Jack to the office on Saturdays and balances her travel schedule so that either she or her husband can be home each evening. When Jack is 2 going on 3, he diverts this promising high-powered career with a single game of "pretend." As she remembers it, he said, "'Pretend you're a kid, and I'm your mommy.' I agreed, and so he said, 'I'm the mommy, I'm going to work. You're the kid, you cry.'" Needless to say, Jane did.



Ivanka Trump speaks at the GOP convention in Cleveland, July 21, 2016.

JOE RAEDLE / GETTY

Now consider Luis, 39, a single dad with a full-time job as a line cook at a restaurant on Capitol Hill. The age gap between young parents and the unencumbered at this workplace is about the same as among the bankers. Almost all the employees in their 30s are kitchen staff with kids at home, while the wait staff is made up of 20-somethings still living with roommates. When a sick babysitter means missing a shift, Luis has to negotiate a last-minute cover with the rest of the staff. "If it happens too often, we'd have to find a full-time replacement for the good of the restaurant," the assistant manager tells me. "Fortunately, we're like a family," and someone's almost always ready to step up. But the assistant manager is still young, in her mid-20s, and if she were pregnant there would be no possibility of paid maternity leave. In this sort of business, if you don't work, you don't get paid.

President Donald Trump's 2018 budget proposal earmarked $19 billion over the next 10 years for paid leave for new parents whose employers provide none: six weeks covered by an unspecified reform of state-level unemployment benefits and increased payroll taxes.

The introduction of a new unfunded federal mandate raises many questions, most with no ready answer. But two things are clear. One, a healthy balance between family and professional duties eludes workers at all strata of American life. It's a universal, though variously manifested, challenge most large companies, six states, dozens of cities, and every other developed nation have taken on. Second, the very presence of paid leave in the president's "America First" budget constituted a win for Ivanka Trump, who was the driving force behind her father's campaign promise of paid leave for new mothers.

When Ivanka Trump introduced the next president of the United States at the Republican National Convention last July, she conjured a portrait of him—*my father the feminist*—foreign even to his most loyal supporters. And she stumped on atypical topics for the biggest gathering of Republicans: the wage gap and paid family leave. "Women represent 46 percent of the total U.S. labor force," she barnstormed with perfect poise. "And 40 percent of American households have female primary breadwinners."

Trump's campaign promise was actually less progressive than what his budget proposed in May. The new plan would extend to fathers, like Luis, and adoptive parents—though the particulars of the coverage would be left up to each state's discretion.

Getting a price tag in the proposed budget doesn't mean a policy will count among congressional priorities. But putting paid family leave into wider consideration counts for something in Washington, and the paid-leave initiative got a standing ovation during the president's joint address to Congress in February. The first daughter

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has pushed a debate long-running among the city-dwelling center-left power elite onto Capitol Hill. It concerns the still-fractious concept of the "motherhood gap," at the edge of which women like Jane too often exit the fast track of the white-collar world.

THE MOTHERHOOD GAP

Ivanka Trump's counterpart at the Democratic convention was Kirsten Gillibrand. "Families today look almost nothing like they did a generation ago," the junior senator from New York announced. "Eight in 10 moms work outside the home; 4 in 10 moms are the primary or sole breadwinners, and many are single. . . . Yet today our policies are still stuck in the *Mad Men* era." The Senate's premier working mom, she noted that "child care can cost as much as college tuition" and that Washington is far behind the new reality in America.

The data don't lie. Both husband and wife work in 61 percent of families in which the parents are married, according to the latest numbers from the Department of Labor. Seventy percent of mothers with children under 18 were working or looking for work in 2016. Mothers' workforce participation shrinks the younger their children are: About 65 percent of mothers with children under 6 worked in 2016, but only 59 percent of mothers of infants. Tellingly, married mothers with small babies are far less likely to be looking for work than those single or divorced—3 percent versus 12.

Stories like Jane's help explain the gender disparity in the middle and upper rungs of top financial firms and the quickening flurry of attention every time a new study quantifies the underrepresentation of women in American corporations' C-suites—one expression of the motherhood gap, a more accurate name for that symptom of systemic sexism often called the "wage gap." Economists Marianne Bertrand, Claudia Goldin, and Lawrence Katz concluded, after tracking close to 3,000 University of Chicago M.B.A.'s who graduated between 1990 and 2006, that women's earnings fall behind men's because of motherhood and the choices it foists on working moms: "[T]he observed patterns of decreased labor supply and earnings substantially reflect women's choices given family constraints and the inflexibility of work schedules in many corporate and finance sector jobs," they wrote. A *Harvard Business Review* survey, which Sheryl Sandberg cited in her bestselling book *Lean In*, found that 43 percent of "highly qualified women" with children cease working at some point. (One can wonder if Facebook COO Sandberg, who earned her business degree at Harvard in the mid-1990s, was one of the women they surveyed.) The same survey found that just 24 percent of men similarly "off-ramp" from their careers—and most of these not because of the burdens of children.

The United States stands alone among 41 economically comparable democratic nations in not mandating paid leave for new parents, according to data presented last year by the Organisation for Economic Co-operation and Development. The U.N. reported in 2014 that only Suriname, Oman, Papua New Guinea, and a smattering of South Pacific islands joined the United States in offering new mothers no form of paid leave. (Oman has since established a 50-day paid maternity leave.) Half a dozen predominantly liberal states—California first among them but also New Jersey, New York, Washington, Rhode Island, and the District of Columbia—and more than 30 cities (San Francisco's fully paid leave policy, for instance, surpasses the state-level offerings) have enacted paid-leave mandates, but different ones, which multistate companies struggle to meet.

Under the conveniently vague catch-all of "pro-family policy" are a wide variety of proposals fighting for attention on Capitol Hill. There's a confusion of goals and ideal beneficiaries that seem at cross-purposes in bills that claim a common cause—improving the work-life balance for American families. Any autopsy of paid-leave promises would diagnose a terminal diversity of definitions, whether it's partly or fully paid, federally mandated or entirely optional but tax-incentivized and tiered. The leading Democratic proposal sets leave at 12 weeks, while IvankaCare asks only for 6. But even to consider these, in the interest of that elusive compromise, requires a common understanding of what "paid family leave" means—what should it accomplish and who is it for? The answers, of course, depend on whom you ask.

FIRST DAUGHTER, WORKING MOTHER

'Politicians talk about wage equality, but my father has made it a practice at his company throughout his entire career," Ivanka Trump told the tens of millions watching the Republican convention. Under the Family and Medical Leave Act of 1993, companies with 50 or more employees—like the Trump Organization—must offer 12 weeks of unpaid leave to workers with a new baby at home. But small businesses are exempt from the rule, and losing 12 weeks' wages would be an unbridgeable hardship for most new parents working for an hourly wage. According to the Bureau of Labor Statistics, just 7 percent of private-sector workers in service fields had access to paid family leave last March. Overall, 13 percent of private-sector workers had access to some form of paid leave, while 28 percent of those working in management, business, or finance had such a benefit.

Ivanka, who became an executive vice president at the Trump Organization at age 24, wants to be seen as a working mother first. She illuminated the Trump campaign's pro-family platform in an op-ed for the *Wall Street Journal* last

September, calling for six weeks' of paid maternity leave. "The current federal policies created to benefit families were written more than 65 years ago when dual-income families were not the norm," she wrote. "Today, however, in about two-thirds of married couples, both spouses work," she added. "Gender is no longer the factor creating the greatest wage discrepancy in this country, motherhood is."

The transferability of a billionaire's daughter's situation is a difficult premise for any political argument. Ivanka knows she's not the natural target for paid-leave proposals, says Angela Rachidi, who studies poverty at the American Enterprise Institute: "The people who are the ones being forced to go back to work when their babies are a week old, it's not Ivanka Trump's friends, and it wasn't me and people like me. We figured out a way to make it work. It's really the low-wage, low-skilled workers who don't have a lot of options." Rachidi was a member of a joint AEI-Brookings Institution working group that in June produced a plan calling for eight weeks of job-protected leave for all new parents—mothers, fathers, adoptive, biological. They would receive 70 percent of their pay, up to $600 per week, in a revenue-neutral proposal covered by an increased payroll tax on employees and equal cuts in federal spending. Ivanka previewed the plan before its publication and reportedly "loved it."

Abby McCloskey was another member of the working group. An economist, political consultant, and leading conservative advocate for paid family leave, she was pregnant during the 2016 presidential primaries while working as a policy adviser for Texas's Rick Perry—who dropped out of the race just at the tail end of her two-month paid maternity leave from the campaign. Republicans, she says, are "pro-life, pro-family, pro-opportunity," and they face a values test with the issue of paid leave. "If they don't move on this, I think it will be an obvious sign, and it's not just that they didn't like the Democrats' proposal or it was impossible to come to a compromise," says McCloskey, an expectant mother once again. "This is an issue that is central to what the party says it values." Republicans, she adds, will have "no one else to blame if this doesn't pass, so that's a really heavy burden and a crucial test."

As younger lawmakers inherit the GOP, the Eisenhower-era ideal of household roles fades further from memory and new types of pro-family policy are gaining ground. McCloskey perceives "more appetite for this policy among younger politicians, and certainly among women politicians who have experienced firsthand having a child and breastfeeding." Marco Rubio, she notes, is a 46-year-old father of four. "I think the reason why he would propose a plan, and why Ivanka Trump in her mid-30s would make it her focus, is that people who have first-hand experience [of the modern family] are going to be the biggest advocates."

"While the public policy process is messy and slow," says Jane Waldfogel, a professor of social work at Columbia, "the ground is softening on paid leave." In a poll by the National Partnership for Women and Families around the time of the election, 82 percent of voters agreed that Congress and the new president should explore paid family leave and 78 percent that they would like a "national paid family and medical leave fund" to foot the bill for 12 weeks off when life overtakes work. What exactly that legislative exploration would look like—and how it would be funded—will be for Congress to decide.

JUSTIN SULLIVAN / GETTY

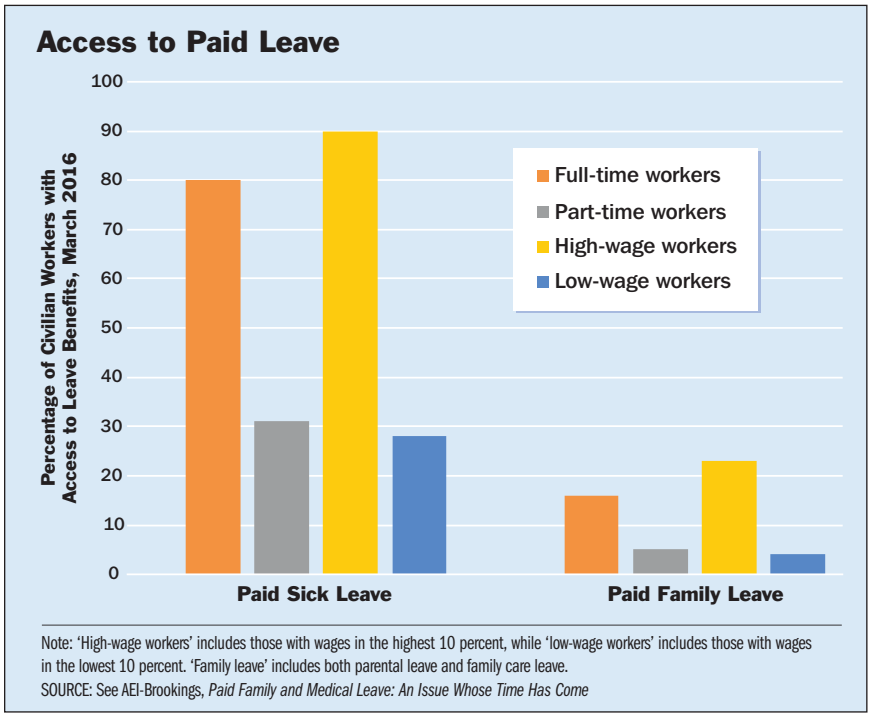
Kirsten Gillibrand listens as fellow senator Heidi Heitkamp of North Dakota discusses paid medical and family leave bills, March 14.

THE TAX CREDIT TWO-STEP

Early in her father's presidency, Ivanka Trump summoned the Republican women of Congress to the White House to talk about paths ahead for child-care and paid-leave policies. But the likelier a proposal is to succeed on the Hill, the less it looks like Ivanka's ideal of paid parental leave. In the weeks after her plan got that federal price tag—$19 billion over 10 years, from state-level reallocations—the Trump administration (in which Ivanka is a senior adviser to the president) considered a conservative alternative. On June 20, the first daughter and nine Republican congressmen sat around a table at the invitation of Marco Rubio and talked "pro-family tax policy." The Florida senator had approvingly retweeted Ivanka's praise of the AEI-Brookings report. "In America, no family should be forced to put off having children due to economic insecurity," Rubio wrote on June 6. "@IvankaTrump is doing important work."

Yet his fellow Republicans aren't buying. Arizona senator Jeff Flake, a Trump critic, said that no proposal that levied a new payroll tax would be "seriously considered" by their conference. Roy Blunt of Missouri, who chairs the Senate subcommittee in charge of budgeting the departments of Labor, Health and Human Services, and Education, tells me

that paid leave, while "a good idea" in theory, isn't in Republicans' plans. Programs to fund research into mental health and opioid abuse treatment "will continue to be priorities that will likely take precedence over a new unfunded issue like paid family leave," he says. And the chair of the Senate Finance Committee, Orrin Hatch of Utah—who told reporters shortly after the budget's release that he supports paid leave—equivocated in a prepared statement: "While this is a worthy goal, there are a variety of ways it can be achieved."



Note: 'High-wage workers' includes those with wages in the highest 10 percent, while 'low-wage workers' includes those with wages in the lowest 10 percent. 'Family leave' includes both parental leave and family care leave.
SOURCE: See AEI-Brookings, *Paid Family and Medical Leave: An Issue Whose Time Has Come*

The following week, Senate conservatives had a plan to push the White House their way—toward a preexisting tax credit proposal that targets families with children under 5 and does not require parents to prove they are employed. The subject line of a June 13 email from Rubio to Republican lawmakers invited them to a "Meeting with Ivanka Trump on Child Tax Credit," signaling his and Utah senator Mike Lee's intention to sell the first daughter on their modest substitute, one they'd included two years prior in a joint tax proposal that failed. The Lee-Rubio plan expands the existing child tax credit to give parents with children not yet in school $2,500 per child, per year—a $1,500 increase on the $1,000 credit already enshrined in the tax code.

In the June 20 meeting, Ivanka heard multiple policy proposals. "She was an active listener," says Nebraska senator Deb Fischer, whose Strong Families Act—a tax credit to reward employers for offering up to 12 weeks of paid family leave—remains the only recent bill of its kind to be introduced by a Republican. Fischer's mind is on working-class Americans, those without a safety net to fall back on. "I think we do have a consensus, Ivanka and I, that this is the group we need to target." She has high hopes for the presidential embrace of paid leave, because as she says of her own legislation, "It's been kind of tough to get it moved."

Republicans have a long record of substituting tax credits for paternalistic social policies. In 1971, Richard Nixon vetoed a bipartisan child-care subsidy at adviser Patrick Buchanan's urging. But five years later, Gerald Ford enacted an alternative that was less challenging to traditional mores: a dependent and child-care tax credit, which George H. W. Bush later expanded into a direct subsidy to help parents make ends meet.

"I think it's great!" says Abby McCloskey, when I ask her about the Rubio-Lee tax credit seeming like a surer thing than paid leave as proposed. "It's less targeted," she adds, pointing out that while it lacks the economic benefits of paid leave, it gives parents flexibility. The child tax credit expansion is expected to lead a "pro-family" package in Republicans' tax reform plan this fall. And even if tax reform falls through, we may well see a standalone child tax credit bill.

Angela Rachidi is more critical than McCloskey of conservative senators' desire to substitute tax credits for paid leave. "There are reasons to expand the CTC," she concedes, "but there are really no good arguments to make it a substitute for these other policies that are needed. It's a mistake." In her view, Rubio and Lee's proposed raising of the credit to $2,500 per year means little to the low-wage worker who takes six weeks of leave at a loss of $2,100. "It runs a risk of being a new federal expenditure that's not going to have very meaningful results," she tells me.

WOMEN WHO WORK—ON CAPITOL HILL

Both Deb Fischer and Kirsten Gillibrand are pushing bills in the Senate that would give workers 12 weeks of paid leave. But there's a deep difference, one that reflects their disparate backgrounds and ideas of America.

Fischer is a moderate Republican from a western state. She raised a family first, then pursued a public career—a degree at her state university followed by successful campaigns for local, state, and national offices. She and her husband are ranchers. The Fischer family followed a premodern model of home economics, and for as long as her

DATA IN CHARTS: AEI-BROOKINGS

three sons worked alongside their father, investment in their upbringing showed returns in their labor. Most people don't do it that way anymore. So when Fischer sells her paid-leave bill—a 25 percent tax credit for employers who offer 12 weeks of paid leave to their workers—to colleagues and to the press, she doesn't talk about herself. She talks about single parents waiting tables and adult children caring for infirm parents while working retail for an hourly wage to make ends meet.

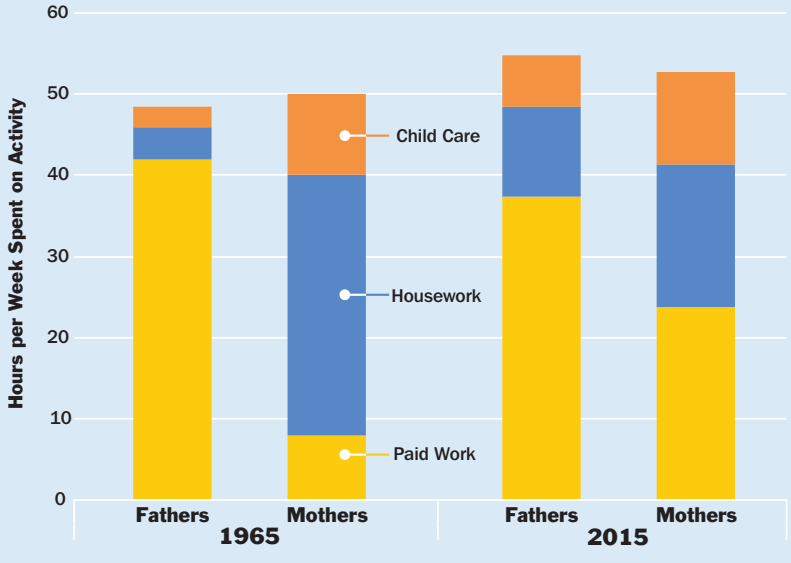
Gillibrand is the junior senator from one of the most populous and powerful northeastern states. She has a banker husband, a moderately preppy pedigree—she's a graduate of Emma Willard and Dartmouth—and a Democratic activist grandmother whose legacy propelled her toward political office after a high-powered law career. She was in her second term in the House of Representatives in 2009 when she was picked to replace Hillary Clinton, who'd become Barack Obama's secretary of state. Gillibrand had only recently given birth to her second son. The spotlight and the timing of her pregnancy turned the first-ever breastfeeding senator from a conservative "blue dog" Democrat to a women's rights activist.

Both of these lady lawmakers' ideas for paid family leave cite flaws in the 1993 Family and Medical Leave Act (FMLA) as their legislative inspiration—unpaid leave won't help low-wage workers. Passed two weeks into Bill Clinton's presidency, the FMLA built on job-protected leave policies that had already been enacted in 34 states. It foreshadowed Clinton's "Middle Class Bill of Rights," which introduced a new child tax credit four years later. Unlike President Ford's child tax credit, which can cover as much as 35 percent of care costs, the Clinton tax credit offered parents a set sum per child. In his first term, George W. Bush doubled the credit-per-child, from $500 to $1000. It is this credit that Rubio and Lee now seek to expand to $2,500. Fischer and Gillibrand welcome such an expansion, but only in addition to and not instead of passing a paid-leave bill.

Gillibrand's Family and Medical Insurance Leave Act (known as the FAMILY Act) offers a uniform 12 weeks paid leave for illness (family or personal) or the birth or adoption of a child. It would be administered through Social Security and funded by tax hikes on both employers and employees. Only about 59 percent of working women are actually eligible for unpaid leave, and the eligibility is much lower for low-income women: Department of Labor surveys have found that unpaid-leave takers' most common worry is financial loss. A mere 6 percent of employers required to provide leave under the existing law gave their workers fully paid leave as of 2016.

Gillibrand enthusiastically welcomed Ivanka Trump's advocacy of paid leave and hoped for wider Republican support. Her bill's great stumbling block since its introduction in 2013 has been its failure to catch a single conservative cosponsor. Although it boasts a lengthy roster of progressive supporters—from Bernie Sanders and Elizabeth Warren to Chuck Schumer and Dianne Feinstein—the bill has never won the approval of centrist senators like Tim Kaine, Mark Warner, or Joe Manchin. All three put their names on Deb Fischer's employer incentive plan.

Parents' Time Spent on Paid Work, Unpaid Housework, and Child Care, Combined



Note: Population includes adults ages 18–64 with at least one own child under 18 living in the household.
SOURCE: See AEI-Brookings, *Paid Family and Medical Leave: An Issue Whose Time Has Come*

When I ask Gillibrand whether she would consider a compromise on paid family leave with the White House's blessing—and named the AEI-Brookings' eight weeks for new parents as an example—she indulges the hypothetical only to swat it away. "It's not what I support. It's limited and not paid for." A staffer chimes in, "It leaves out 75 percent of the people that our bill would cover."

NEW PARENTS VERSUS OLD PARENTS

This figure reflects one of the complexities of paid-family leave discussions: People are often talking about apples and oranges. Would-be paid medical leave takers outnumber new parents threefold. The former

group are the focus of a companion bill to Gillibrand's FAMILY Act, which has three times been introduced in the House of Representatives by Connecticut's Rosa DeLauro. Where Gillibrand reps the maternal minority, the 14-term DeLauro speaks for the growing cohort of ailing seniors in our aging nation and their grown children who need time off from work to care for them. She was diagnosed with ovarian cancer while serving as chief of staff for former Connecticut senator Chris Dodd, and he provided her paid leave.

DeLauro applauds Republicans for coming around. "It used to be just the Democrats looking at these issues," she tells me. "While I believe Donald Trump's parental leave plan doesn't go far enough, I welcome him to the conversation." "Half measures"—an employer tax credit, a program for parental but not medical leave, or a refundable child-tax-credit expansion—aren't worth the trouble, DeLauro warns, because they'll let lukewarm advocates "check that box, and move on to the next thing."

Deb Fischer scoffs at such reflexive opposition to a moderate answer to the universal mandates her Democratic colleagues seek to impose. She knows her bill covers nowhere near so many parents as Gillibrand's federal mandate built atop Social Security, but for her a bill inoffensive enough to pass is a win. Considering what's at stake, "I would find it very difficult to look a single mother in the eye and say, 'Well, I didn't vote for Senator Fischer's bill so you could take a couple hours off to take your child to the doctor because it didn't go far enough.' To me that is a pretty weak excuse."

The splash made by the Rubio-Lee plan didn't escape paid family leave's Senate Republican champion either. "Ivanka has focused a lot on the child tax credit, as have Senator Rubio and Senator Lee," Fischer tells me, after running down a list of other proposals discussed at Rubio's meeting—tax credits for home caregivers and for adoptive parents among them. To the extent that a tax credit substitution nods to stay-at-home moms, it's worth remembering that they are more common in Lee's Utah than any other state.

There's certainly a give-me-liberty tinge to Senate Republicans' nudging Ivanka to the right on the one fixed point in her legislative agenda. But conservative arguments for a comprehensive paid-leave program—one that would increase payroll taxes and wouldn't even spare small businesses—are rising to the fore. A set number of even partially paid weeks of leave, studies show, make new mothers far more likely to keep up regular employment. Advocates like Abby McCloskey want to make lifting these women and their children from a lifetime of welfare dependence a rallying cry for fiscal conservatives.

And the burden on small business shouldn't stand in the way of a federal mandate, former CBO director Douglas Holtz-Eakin said during a panel discussion that marked the AEI-Brookings proposal's unveiling: "Exempting small businesses says to me, 'Let's have a tax on growth,'" he said—a disincentive for employers ever to grow beyond being a small shop. And, he added, "This isn't about the employer. It's about the kid. They are born to workers in small and large firms and we should care about them equally."

SILICON VALLEY'S TRICKLE-DOWN EFFECT

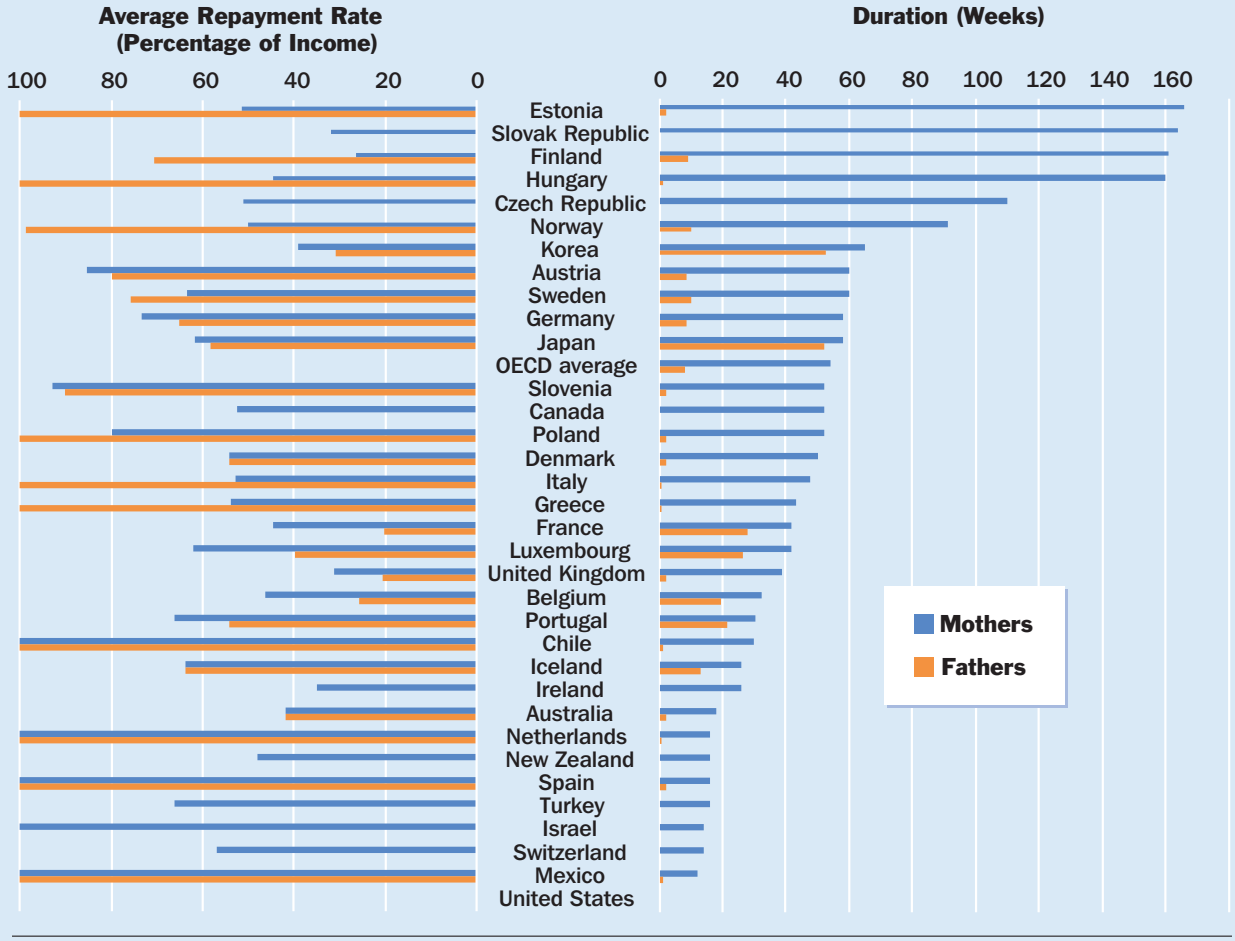
In many ways, the market has already spoken. Silicon Valley has been host to a paid-leave arms race for years that, with flex schedules and work from home arrangements, set a social revolution in motion. In 2012, Google increased its paid leave for mothers from three to five months in response to internal findings that they'd failed to hang on to their female employees. The postpartum attrition rate halved as a result. In 2015, Netflix launched a thousand think pieces with a new policy offering paid maternity *and* paternity leave in the first year of a child's life, even for hourly workers. The unlimited approach allows parents to work continuously in small batches during extended time off.

"The hardest part in a woman's career is coming back after having a baby," says Janet van Huysse, a longtime Silicon Valley human resources manager who built Twitter's benefits package for parents from the ground up. Her first child had just turned 1 when Huysse made her return to the workforce in 2009. Nascent 100-employee, zero-revenue Twitter was offering new mothers 12 weeks' leave and fathers 6 weeks—now, it's 20 weeks for all parents. When her second child arrived on the scene, five weeks early, Huysse worked right through her leave—a choice she advises against. "I use that as a cautionary tale for parents," who, she tells me, haven't figured out yet how much more their children need them than their company does. "You think that you're so important, but you're not going to be doing your best work. Plus, you're never going to get this time back. Your baby's never going to be a week old again, a month old again."

The burden of putting a leave-length value on employees with families has fallen to young and highly competitive companies like Twitter. "It's a reflection of your talent pool," Huysse says, and it's an investment in retention. "A 20-week absence is not a big deal when you're looking at someone who you want to be a part of your company."

Tech companies, competing to retain female employees and recruit the variously gendered, know that millennials are more than twice as likely as their elders to switch jobs in search of paid leave—as reported in Gallup's 2017 *State of the American Workplace*. Savvy CEOs

Paid Parental Leave Entitlements in OECD Countries in 2015



SOURCE: See AEI-Brookings, *Paid Family and Medical Leave: An Issue Whose Time Has Come*

tout their escalating generosity in a game of corporate one-upsmanship.

In early 2017, Sheryl Sandberg, who'd earlier urged women to "lean in," added 20 days of bereavement leave for any Facebook employee mourning a family member and longer for caring for a sick relative. She made the announcement in a moving public letter that invoked her husband's sudden death and its toll on her young family. Facebook also offers fertility benefits—company money to fund in vitro fertilization and egg-freezing for career women who want to wait to have kids—and four months' leave for new mothers and fathers, matching the tech industry average. Such policies and celebrity CEOs' embrace of them are a publicity boon for these companies and help offset some of the bad publicity such corporate giants regularly incur for, say, a mishandled fake news scandal, the widespread hacking of user data, or, most commonly of late, repeat allegations of workplace harassment.

Whether employees actually use the full benefit remains a question. When they do, it's often thanks to examples from on high, Telle Whitney, president of the Anita Borg Institute for Women and Technology, tells me: "Some of these younger companies, like Google and Facebook, as they started to mature and as they became bigger, created paid-leave policies that were very much appreciated by their workforce." As their workers grew up, she explains, so did their policies. But, says Samantha Walravens, author of *Torn: True Stories of Kids, Career & the Conflict of Modern Motherhood*, "If the CEO or executives are not taking their leaves, then it's sending a message to others at the company that it's not okay to take your leave." Mark Zuckerberg, for example, is on the cusp of his second two-month paternity leave, according to a recent post on his Facebook page. Marissa Mayer

sent the opposite message in 2012 when, shortly after becoming Yahoo's president and CEO while pregnant, she built a nursery off her office rather than take a full maternity leave (she took two weeks) or even work from home. Mayer banned remote work for Yahoo employees the following year.

Walravens praises one CEO friend, a notable anti-Mayer. Julia Hartz cofounded the online ticketing company Eventbrite with her husband in 2006 and had her first child in 2008, just when they were looking to hire their first employee. "I was always on my computer in the hospital, and the nurses threatened to take the computer away and move the baby to the nursery," she recalled in a 2010 interview. "I did not unplug from the business, but I did not go back to the office until I was ready. I worked from home for five months." In the years since, she's had a second child and, in 2016, became Eventbrite's CEO. Hartz worked from home every Friday and leaned on her mother and a nanny when her first child—and her company—were young. She is today a vocal advocate for employees taking their leave and only easing back into work. In Walravens's words, Hartz "walks the talk."

So it is that the same Silicon Valley innovators whose revolution outmoded domestic tranquility have also done the best job demanding and receiving time off to take care of their families.

MAKING ENDS MEET

Unlike in the past, there is increasingly little difference between home and office. "Today I can do most of my work from my phone—sadly," says Huysse. The same conveniences that permit the plugged-in home office require parents to respond to their colleagues' emails after putting their children to bed. Our banker Jane remembers waking up in her son's room many hours after his bedtime with her phone furiously pinging in her hand. A young trader was waiting for her signoff on a client presentation.

A mother or father at home during the day is likelier than ever to be working remotely, from a laptop at the dining room table or at a standing desk in the den. Flexible scheduling, telecommuting, and family-friendly hours are common in businesses big and small, according to Lisa Horn, who lobbies Congress for the Society for Human Resource Management. Employees value the freedom to choose their hours and the availability of paid family leave almost equally in rating their benefits, according to a recent Pew survey: 28 percent cite flexible hours first, 27 percent paid leave.

The growing population of work-at-home parents toil in service to an inflated cost of living. The American middle-class family needs as many salaries as it can get today. Yet the benefits of work's encroachment into life's domain may outweigh the losses. Talented women who would, in generations past, have been cowed into the kitchen by convention are maintaining their careers. And men who'd have missed their children's fleeting early years can be present where they would have been absent without getting off the advancement track.

When they first moved to Silicon Valley in the mid-1990s, Huysse and her husband worked long hours on bulky desktop computers. Today's increasingly mobile worker has less and less need to be in the office. Sounding not unlike a Republican lawmaker extolling the virtues of a child tax credit expansion, Huysse says, "I want everyone to be able to have the flexibility to make the right choices for themselves and their families."

AN ISSUE WHOSE TIME HAS COME?

For now, the manifestations of a universal work-life imbalance differ widely enough that sensible people sniff at a socialite like Ivanka Trump's advocating for working women. Ever on-brand, she takes to Twitter to congratulate hedge funds that roll out revamped paid-leave packages. It's easy to say each child deserves as much nurturing as possible in his first weeks of life, regardless of where his parents work. But "work-life balance" and paid family leave and pro-family policy translate differently for every profession—and from every advocate's vantage.

Regardless, it's *An Issue Whose Time Has Come*—at least according to the tagline for the AEI-Brookings plan. But so said nearly everyone I talked to on the subject this summer. The time has come to talk about it, to consider what it means for American families and why more than 80 percent of them want Congress to move on the issue. We have to ask and answer how long leave should be, who'll get it, and—the thorniest thicket of all—who'll pay for it and, by Grover, how.

Stacey Manes, another Silicon Valley human resources pioneer who now coaches women in tech on pursuing leadership roles and competing with the dominant "tech bros," tells me about her mother. "I grew up in a household where both parents worked, and my mom definitely carried the bigger share of the laundry, cooking, and cleaning. How in the world did she do it? She worked full-time." But, Manes realizes, it was an era with very different expectations from the one whose unceasing demands she has built her career helping hardworking men and women manage.

At first, she puzzled over her mother's superhuman ability to run a household and hold a job—then, "It dawned on me that she never brought her work home. She was an office manager for a dentist. The day actually ended at 5 o'clock." And, once again with the recognition that the time has come, she says with a note of mourning, "That's just not the world we're living in anymore." ♦

The Conversation Google Killed

How to talk about our differences

By William Saletan

Every few years, somebody gets pushed out of a job for suggesting that one group of people, on average and in part due to biology, scores differently from another group on some measure of attitude or aptitude. Ten years ago, it was DNA pioneer James Watson, who said blacks registered below whites on intelligence tests. Four years ago, it was Jason Richwine, a Heritage Foundation scholar who said whites outperformed Hispanics on such tests. Now it's James Damore, a software engineer who was fired last month by Google for writing a memo that said women tend to be less interested than men in solitary work, such as software coding.

In a world full of prejudice—illustrated most recently by the neo-Nazi rally in Charlottesville—it's healthy to be revolted by biological theories of inequality. But in Damore's case, the revulsion has gone too far. He and his arguments have been misrepresented, and his constructive ideas have been buried. His critics have falsely pitted the moral truth of equality against the plain fact of sex differences. By firing him, Google has confirmed that what he described in his memo—a progressive "echo chamber"—would rather purge than engage dissent. An opportunity for dialogue has been missed.

I'd like to reopen that dialogue. I believe all of us could gain from it, because I've been through an episode like Damore's. Ten years ago, intrigued by Watson's remarks, I wrote a series of articles about racial differences on intelligence tests. I have many regrets about it, but the biggest is that I didn't understand the social consequences of my words. To me, batting around studies and theories about race was an intellectual exercise, and I thought it was sufficient to stipulate that you can't judge individuals based on such theories. I was wrong. The only message people took from the ensuing uproar was that a liberal writer was endorsing scientific racism. To this day, I believe that the association I projected in those articles, between race and intelligence, did a lot of harm.

It's clear to me, from Damore's memo and from interviews he has given since he was fired, that he doesn't understand the consequences of his words, either. He, too, will probably end up wishing he had written them differently. And after him, there will be other Damores. Curious people will find studies of differences, particularly between the sexes. The response from well-meaning egalitarians—that such differences don't exist—will fail. The heresy may go underground, but it will return. And the cycle will repeat itself until we learn that the problem isn't difference; it's how we talk and think about it.

Maybe we should try a different approach. Instead of debating biology, let's focus on the social effects of characterizing groups. I hope we'll take two lessons from the Damore episode. One is that it's dangerous to traffic in stereotypes. The other is that it's dangerous to deliver that anti-stereotype message through caricatures, falsehoods, and purges.

Damore has been widely vilified as a pig. That's nonsense. In his memo, the 28-year-old engineer acknowledges sexism and praises feminism. He criticizes stereotypes and restrictive gender roles. He notes that it's irrational, not just wrong, to judge anyone on the basis of sex. He affirms the liberal principle that we should "treat people as individuals." He also accepts the progressive principle that we should "correct for existing biases." He writes: "I strongly believe in gender and racial diversity, and I think we should strive for more."

In interviews, Damore talks in a sheepish, halting, college-campus left-speak. He seems earnest and awkward. He's eager to make clear that he thinks the women at Google are just as good as the men. He explains that he doesn't attribute all gender gaps to biology and that it would be wrong to do so. He tells girls who are interested in technology as a career to go for it.

Like Watson and Richwine, Damore notes that group differences are overlapping distributions, not categorical

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divisions. But unlike them, he doesn't focus on ability. He argues that women are underrepresented at Google and similar companies not because they're less adept at coding than men are but because, on average, they're less interested. I'd be shocked if that theory accounts for the 4:1 ratio of men to women in Google's technical workforce. But it's not, as detractors have alleged, a claim of male superiority.

Damore isn't a misogynist. He's a nerd. And that's crucial to understanding not just what he gets right, but what he gets wrong. His mistakes are a nerd's mistakes. He thinks, as I once did, that if you say group averages don't warrant prejudgment of individuals, smart people won't read or apply them that way. He's mystified by the backlash against him. "As a very logical person, I laid out my argument," he told right-wing podcaster Stefan Molyneux in an August 8 interview. About the resulting outcry, Damore confessed: "I don't really understand it."

What Damore didn't grasp is that logic is no match for the social power of stereotypes. You can talk all day about curves, distributions, and outliers. But most people will absorb the stereotype, not the exceptions. That's how stereotypes work: They simplify thought by categorizing things such as predators, trees, and the tribe next door. If you say Jews, on average, are wealthier than non-Jews, people will associate Jews with money. And when they meet someone who's Jewish, they'll start the relationship with that stereotype in mind.

In a society or profession where Jews can defend themselves, these effects might be manageable. But where Jews are vulnerable, the stereotype can accelerate discrimination. And it gets worse if you ground the stereotype in biology. Suppose we find genetic combinations that correlate with acquisitiveness or lack of generosity, and it turns out that these combinations occur at a higher rate in Jews than in other populations. If you were to go around talking about this association, you'd be telling the truth. But you'd also be poisoning the world with the suspicion that every Jew who applies for a job, by his nature, is greedy.

If Damore had thought more about social context, he might have anticipated that his memo was more likely to reinforce discrimination against women than—as he had intended—to avert discrimination against men. Men dominate the technology industry. Eighty percent of Google's tech staff, and nearly 70 percent of its total workforce, is male. When 80 percent of the people around you are men, you get the impression that men belong there and women don't. If you're a woman, this impression can deter you from applying. It can isolate you as an employee, exhaust you with the burden of having to prove yourself, and skew evaluations of your work because men expect less of you.

Damore fixates on the impracticality of perfectly equal representation. In his memo, he argues that if women, under neutral conditions, wouldn't be 50 percent of Google's tech workforce, the company shouldn't aim its hiring process at that goal. To a nerd, that's a simple equation. But in real life, the dynamics of discrimination are complex. In a world of stereotypes, striving for balance can be a hedge against inertia. If you don't push for parity, you'll drift further and further from it, because the stereotype that women don't belong at your company will take over. That's what has happened in much of Silicon Valley.

To support his argument, Damore cites research on anxiety, sociability, testosterone, and sex differences. The research is fine, but it applies only to selected traits and to the general population. To apply it to software engineers at Google, you'd have to know more about what kind of women—and what kind of men—consider or apply for those jobs. You could just as easily point to data that show girls outperform boys academically, apparently due to greater self-discipline. Why infer from the sociability data that men are more suited to programming, rather than infer the opposite from the academic performance data?

When Damore talks about the paucity of women in technology, he presents biological differences as an alternative explanation to discrimination. But discrimination can work just as easily in conjunction with such differences. If women and men thrive equally at Google, there's no business incentive to discriminate by sex. But if women, for biological or cultural reasons, are 10 percent less likely than men to fit in at Google, it's much more plausible that a stereotype will develop. And that stereotype can affect hiring and promotion decisions that go well beyond a 10 percent difference in outcomes.

Damore's biggest mistake isn't that he oversells the science of sex differences. It's that he doesn't understand how the invocation of science, particularly in a debate about group differences, is perceived. He writes about gender research in his memo, and talks about it in interviews, as a way of justifying his position. He thinks he's just defending himself. But to people who worry that women are already besieged, in the tech industry and in society generally, the use of science to defend female underrepresentation—particularly when it's packaged with terms such as "neuroticism," which Damore has acknowledged was a clinical, socially obtuse choice of words—comes across as deeply threatening. Science has tremendous cultural power. Invoking it in this context feels like a declaration of inferiority, even if, on closer inspection, it isn't.

And that, in part, is why the backlash has been so furious. Damore's critics, from scholars to executives to feminists, have attacked his arguments as "pseudoscience"—an epithet that has become as reflexive, tactical, and meaningless as "fake news." They're

quite wrong. There's no clearer gap between any two demographic groups, in terms of biology and behavior, than between the sexes. The gap is often blurry and full of exceptions, but it's obvious to anyone with open eyes. People who deny this are getting in the way of a far more interesting project: understanding how we're equal even when we're different.

Difference deniers see any claim of difference as an accusation of inferiority. But research in this area is complex, often in surprising ways. In general, men perform just as well as women (though not always) on cognitive tasks. But sometimes the average man and the average woman choose different strategies. So where distinctions arise, they can be understood as matters of style rather than ability. In the realm of attitude, as opposed to aptitude, there's lots of evidence that men tend to behave or react differently from women in the ways Damore outlined. And, yes, some research links these differences to biology. But this same research also confounds simple dichotomies between masculine and feminine.

When you think about sex differences in terms of style or disposition—and recognize that in many contexts, styles and dispositions prevalent among women can be more effective than what most men tend to do—the debate over women in the workplace gets more interesting. You start to think about gender balance not just as a matter of fairness, but as an engine of intellectual diversity and innovation. And you begin to realize that Damore, in his sometimes hamfisted way, is pointing toward a synthesis that can get us past the tired, ill-conceived debate between gender equality and gender difference.

Much of Damore's memo can be read not as a denial of gender bias but as an articulation of how it works. "Women on average are more cooperative," he writes. "Women on average look for more work-life balance." He adds that women also display "higher agreeableness. This leads to women generally having a harder time negotiating salary, asking for raises, speaking up, and leading." From one point of view, this is a man blaming women in order to excuse discrimination. But from another point of view, it's an analysis of how companies punish women for healthy or virtuous behavior.

In an email to employees after Damore was fired, Google CEO Sundar Pichai said Damore had violated the company's code of conduct by suggesting that women "have traits that make them less biologically suited to [Google's] work." But what Damore actually suggested, in his memo and in subsequent interviews, was that Google could change its work structure and hiring procedures to suit more women. "We should make the workplace a place where you can actually thrive if you're cooperative," Damore told Molyneux. As an example, he proposed programming in pairs. Damore also argued that Google's interview process might disadvantage women by measuring "only how well you work by yourself. . . . We never really measure how good someone is on a team, which is really important to how [well] you perform at your job."

When you get past the caricature and listen to Damore—and when you see how he thinks and rethinks as he listens to others—you realize how much good could have come from an open-minded conversation among him, people like him, and those who disagree. Instead, Google terminated the conversation and sent a sharp message, by firing him, that such ideas won't be tolerated, much less engaged. The company's decision brought relief to employees who felt that his memo had created an environment hostile to women. But it pushed many libertarians, conservatives, and free thinkers into the closet.

Firing people for talking about sex differences in a clumsy but fair-minded way is bad for everyone. It's bad for those who get fired or silenced. It's bad for Google, which has become what James Damore warned against: an ideological echo chamber. And it's bad for society because it entrenches the false idea that sexual equality can't withstand a frank, nuanced discussion of sex differences. If you force people to choose between reality and feminism, you'll end up with fewer feminists.

But just because you can talk about differences by sex, race, or ethnicity doesn't mean you should. Part of intelligent cultural conservatism is understanding that the ideas passed down to us from the Enlightenment and the civil rights movement, such as treating people as individuals, are social institutions. They're vulnerable to erosion, just as faith and family are. Charlottesville was a warning. If you go around spreading biological theories of sex, race, and attitude or aptitude, the culture of fairness can unravel.

My recommendation, having made that mistake, is to bypass demographics. If biology affects mental traits, then focus on the traits and the biology, not on associating them with a group that can be stereotyped. In Damore's case, that would mean talking about cooperativeness and anxiety, not about women. Do Google's practices disadvantage people who prefer collaboration or are prone to stress? Does that cost the company talent? It might turn out that these practices favor men and that rethinking them would bring more women into the company. You could argue that this would be a fairer, more fitting remedy than quotas. But your argument wouldn't center on sex differences. It would center on traits that can be found, albeit unevenly, in both sexes.

I wish Damore had articulated his ideas that way. Perhaps, after further conversation and reflection, he will. But you don't get there by being silenced. You get there by listening and by being heard. ♦

THE WEEKLY STANDARD / HANNAH YOEST

A Hundred Years of *Summer*

Desire and destiny in a forgotten Edith Wharton classic.

BY KIRSTEN HALL

While vacationing this past June at the Outer Banks, I stopped one afternoon at a small bookstore in the sleepy coastal town of Buxton. After navigating past romance, mystery, and local fiction to the classics corner (*Moby-Dick* and the *Odyssey* make the best beach reading), I was arrested by the cover of a slim, Oxford World's Classics paperback: A young woman, perched alone atop a mountain wearing a white dress that stands in sharp relief against a vast expanse of blue sky, leans forward with her elbows thrust out like wings as she clasps her sunhat to her face. Her lips are slightly parted and her eyes gaze heavenward in a classic posture of ecstasy.

The book, Edith Wharton's short novel *Summer*, was originally published 100 summers ago. Wharton wrote it in spurts while she did relief work and fundraising in France during the war. Though she ranked the book as one of her own favorites, *Summer* has never enjoyed as much popularity as her other New England story, *Ethan Frome* (1911), her second novel *The House of Mirth* (1905), or her Pulitzer Prize-winning *The Age of Innocence* (1920).

Summer follows a young woman, Charity Royall, who, at the start of one summer in a dreary town, yearns to break free from her provincial life, a desire that leads to an intense but short-lived affair with a young architect visiting from the city. This is the story of one woman's pursuit of the kind of passionate, ecstatic life depicted in the painting on the cover of the Oxford paperback—a detail from Charles Courtney Curran's *Woman on the Top of a Mountain*. But the painting is something of a false promise, since its image of radical autonomy is an ideal Charity longs for but never achieves. Wharton challenges the reader to consider whether it is ever possible to pursue a truly "individual adventure" and, if not, whether all lives fall into predictable patterns. She depicts a tragic irony in her heroine's choice of life—a seemingly unconventional path that becomes the most conventional and stifling of all.

The novel's opening pages echo with Charity's bitterness: "How I hate everything!" Charity *does* hate everything: her life under the roof of

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her guardian, the aged lawyer Royall, who once made a sexual advance toward her after the death of his wife; the lack of stimulation in their town of North Dormer; and her shameful origins as a child rescued through the goodwill of the Royalls from the "Mountain," a "little colony of squatters," drunks, and outlaws just above the town.

Charity begrudgingly takes a job at the local library, not because she thinks reading or education will help her escape the "dumb woe" of her life but because she hopes to earn enough money to leave North Dormer for good. Although she has no interest in the "long, dingy rows of books," the library seems to be the site of her salvation when it is visited by Lucius Harney, a young man who represents everything that North Dormer is not: beauty, sophistication, independence.

From the moment Charity meets Harney (as the narrator refers to him) in the library, Wharton's plot enters familiar territory. A contemporary reviewer for the *New York Times* noted that the story was "as old as civilization itself"; a reviewer for a Boston paper described it as "a tale of seduction of the sort that has been popular on the stage and in the novel since the beginning of the art of storytelling and novel writing." As early as the second chapter, we know how the novel will end. This is the "fallen woman" plot, retold by Defoe, Austen, Flaubert, and many other varied writers: boy meets girl of lowly social standing; boy seduces girl; boy abandons girl; girl is left to deal with her ruined reputation and broken heart, most often through prostitution, death, or throwing herself on the mercy of family.

If Charity had read more literature, she would despair to know that her life had taken such a turn for the formulaic. And there's the rub: In pursuit of an extraordinary life, Charity has guaranteed that her fate will be like that of so many who have come before her. She craves more than anything to live the life that no one has lived before, the life that she alone discovers and that contains the secret and "sacred treasure of her happiness." The passion she shares with Harney, she convinces herself, is the exception to the rule. Its sophistication makes it unlike the prosaic relationships she's seen unfold around her: "She had always kept to herself, contemptuously aloof from village love-making, without exactly knowing whether her fierce pride was due to the sense of her tainted origin, or whether she was reserving herself for a more brilliant fate." In Charity's mind, the universe will dole out a special portion to her that it denies everyone else.

Charity finds herself stuck in the narrative equivalent of a Chinese finger trap: The harder she pulls away, the more stuck she finds herself.

In short, Charity believes she has achieved (though she doesn't conceive it in these terms) an Emersonian self-reliance: "Whoso would be a man must be a nonconformist." According to Emerson, the individual looking to live the best life should strive for radical autonomy, seeking only within for truth and inspiration. Charity believes she has found this escape from convention in the secret cottage she and Harney reserve for their daily tête-à-têtes. Charity discovers that "the only reality was the wondrous unfolding of her new self"—a double entendre implying that their love affair has begot her sense of freedom as well as the child she now carries.

At several key moments in the plot, societal expectation interrupts their dream of being "so isolated in ecstasy." In one crucial episode, her guardian, Royall, arrives at the cottage to demand that Harney marry Charity and make of her an honest woman. The realization dawns that marrying Harney would corner her into a conventional role: "Instead of remaining separate and absolute, she would be compared with other people . . . the freedom of her spirit drooped." Increasingly, Charity finds herself stuck in the narrative equivalent of a Chinese finger trap: The harder she pulls away, the more stuck she finds herself.

She visits an abortionist, but recoils in horror as she remembers what happened to Julia, one of the girls from North Dormer, who had been seduced by a local boy, visited the same abortionist, and ended up a prostitute. "Was there no alternative but Julia's?" she wonders. In seeking her sui generis fate above more-familiar life paths, Charity realizes that her story has been told before. And this leaves her with even fewer options than before: prostitution or escape to the Mountain to give birth there. She decides to return to the Mountain, the final place that seems to promise the freedom she seeks.

When Charity reaches the summit, she must face the reality that the price of rejecting society and its strictures is poverty. In the novel's darkest and most disturbing scene, she attends the wretched funeral of her mother. Charity's mother had also borne a child out of wedlock and lived as an outlaw on the Mountain. Like Scrooge confronted with his own grave, Charity glimpses her future. This vision of squalor and anarchy is what radical autonomy leads to—not the promise of limitless horizons but a Hobbesian free-for-all. Wharton's critique of Emersonian individuality was perhaps what T. S. Eliot meant when he said that *Summer* would "certainly be considered 'disgusting' in America." The image of the confident, satisfied woman atop the mountain is ultimately a mirage.

When life on the Mountain proves untenable, Wharton delivers her protagonist a final turn that ends the novel in the exact place the reader of a "fallen woman" story might expect. Charity avoids a life of prostitution and poverty by turning to the one avenue left to her: marriage to her much-older guardian, Royall. He once represented

captivity; now, union with him offers her comfort and security.

By consciously pursuing what she takes to be an extraordinary destiny, Charity guarantees that she finds herself in exactly the most predictable one. Was there no hope for Charity from the beginning? Does the novel really suggest that it is impossible to find the road less traveled by? The seeming fatedness of the troubling ending does not provide comfortable solutions to these problems. It is precisely because of the novel's moral complexity that readers and critics have felt compelled to interpret it in so many ways: as a story of female oppression at the hands of male authority, as a bold exploration of sexual awakening, as a sober look at the way young people must shoulder responsibility, or, as I have presented it here, as the failure of Emersonian autonomy.

Charity would be incapable of contemplating her own story in any of these terms. The narrator's comment in the first chapter, "Never had her ignorance of life and literature so weighed on her," plainly refers to Charity's neglected education, her unworldliness (in contrast with Harney), and her inability to think critically and plan for the future. But that line also suggests that our own lives can achieve a kind of narrative coherence if we take advantage of books and education, pushing to understand the many different stories that have been told before.

Of course, there are stories, most notably *Don Quixote* and *Madame Bovary*, in which the protagonist is undone by reading too many stories. Charity's problem is that she's read too few. Part of why she becomes trapped in a narrative "as old as civilization itself" is because she didn't realize it existed in the first place. Wharton's novel is not just another "fallen woman story," for as much as Charity would have hated to recognize this fact, it could have been her salvation. That day in the library when Charity met Harney, she was wrong to place her hopes in him instead of the books around her. ♦

B&A

Alt-Bannon

From Breitbart to the White House and back again.

BY FRED BARNES

MARK WILSON / GETTY IMAGES

Then-presidential adviser Steve Bannon listens as Donald Trump speaks before signing an executive memorandum in the Oval Office, April 20.

The classic books about presidential campaigns don't fixate on chronology. They only use chronology—the run from primaries to conventions to debates to the election—to tell a bigger story, one that transcends the campaign.

Five books fall into this category. Teddy White's *The Making of the President* in 1960 wasn't about the campaign everyone saw but about what JFK and his team did beyond public view. That should sound familiar. Since then, it's become the basic formula for campaign stories.

Tim Crouse exposed how big-time, big-ego reporters operated in 1972 in *The Boys on the Bus*. Jeff Greenfield's *The Real Campaign* explained the 1980 race from the level of the conservative issues

Devil's Bargain
Steve Bannon, Donald Trump, and the Storming of the Presidency
by Joshua Green
Penguin, 288 pp., $27

Fred Barnes is an executive editor at The Weekly Standard.

that helped elect Ronald Reagan, not the personality parade the press had focused on. In *What It Takes*, Richard Ben Cramer used the 1988 campaign to examine the traits and psychological makeup needed to win the presidency. And then there was Hunter S. Thompson's *Fear and Loathing on the Campaign Trail '72*—a fantastic trip never to be duplicated.

These books are classics because they're different from what nearly everyone else wrote. They're all still read decades later. Will that happen with Joshua Green's book about the 2016 campaign, *Devil's Bargain*? It has already hit the top of the nonfiction bestseller list. But classic? Time will tell.

Devil's Bargain tells a story of two people: Donald Trump and Steve Bannon, Trump's chief strategist for the final three months of the campaign. But Bannon is the star. Trump merely plays a supporting role.

Green, a political writer for *Bloomberg Businessweek*, insists that Trump wouldn't have won without Bannon. This has irritated the president, who doesn't like to share credit. His ire surely played a part in Bannon's exit this August from the White House, where he'd been top strategist and a chronic pot-stirrer.

One year earlier, when Bannon officially joined the campaign in August 2016, it was already in chaos, as campaigns often are. But at the White House, Bannon generated chaos all by himself in his crusade to keep Trump from drifting away from the issues—immigration, trade, nonintervention overseas—he had run on.

Bannon soon had enemies. Gary Cohn, for one: Trump's chief economic adviser is a Democrat who was said to be in line for the same post in Hillary Clinton's White House had she won, and he clashed with Bannon on a range of economic policies. Two of the president's closest advisers, his daughter Ivanka and son-in-law Jared Kushner, aren't on Bannon's page socially or ideologically. And then there are the generals—John Kelly, the current chief of staff, and H.R. McMaster, the national security adviser. To put it mildly, they aren't fans of Bannon's brand of nationalism, which stresses staying out of overseas wars and crises. Last week, Trump sided with the generals and ordered 4,000 more troops to Afghanistan. The timing of that decision and Bannon's departure was no coincidence.

Bannon had never worked in a presidential campaign before joining Trump's team. But he'd been advising Trump for several years and persuaded him to emphasize the Southern primaries. The strategy worked, especially after Bannon engineered Senator Jeff Sessions's endorsement of Trump. Sessions is now attorney general.

Bannon, 63, isn't Trumpian in style. "He looked for all the world like someone preparing to spend the night on a park bench," Green writes. When he appeared on stage for Trump's victory speech, he hadn't shaved. And his background is very different from Trump's, too: traditional Catholic, Virginia Tech, U.S. Navy officer, Goldman Sachs, Hollywood, conservative filmmaker, Breitbart News. Only his Breitbart work aligned him with Trump.

Yet Bannon provided Trump with "two great services," Green writes, "services without which Trump probably wouldn't be president." First, Bannon "supplied Trump with a fully formed, internally coherent worldview that accommodated Trump's own feelings about trade and foreign threats, what Trump eventually dubbed 'America first' nationalism."

Second, Bannon created and delivered to Trump "an infrastructure of conservative organizations that together would work, sometimes in tandem with mainstream media outlets," to stop Hillary Clinton from becoming president.

The most effective of Bannon's efforts was a two-year project in which a research team analyzed the finances of the Clinton Foundation. The result was *Clinton Cash*, a 2015 book by Peter Schweizer that carefully documented tales of corruption. "The book dominated the national political conversation for weeks on end, doing more to shape Clinton's image in a negative way than any of her Republican detractors could."

Trump grabbed the corruption theme enthusiastically, dubbing his opponent "Crooked Hillary." In the campaign's final months, the crowd chant "Lock her up" that first erupted at the Republican convention would become "a mainstay of Trump's rallies, as popular with audiences as his greatest hit, 'Build the Wall,'" Green writes. Trump supporters began to wear "Hillary for Prison" T-shirts at rallies. With Bannon egging Trump on, corruption became Trump's chief attack against Clinton in the campaign's closing phase; he even accused her of corruption practically face-to-face at a televised Catholic charity dinner.

Green recounts Bannon's influence not just on the campaign but on Trump personally. (Trump "loved the guy," says Sam Nunberg, a Trump campaign aide. Bannon's populism intensified Trump's own instinctive populism. And reading the Bannon-run Breitbart News informed Trump's "political vocabulary," Green writes.) But what elevates *Devil's Bargain* above the normal run of campaign books is Green's portrait of Bannon's personality, his character, his thinking. The book is especially good in its depiction of its subject's eclectic intellectual life. Bannon is a voracious reader. He spent a decade studying the world's religions. He practiced Zen Buddhism briefly. He became a declinist. He was drawn to the work of René Guénon, an early-20th-century French philosopher and occultist. Green quotes Guénon as saying that in the face of secular modernity he wanted to "restore to the West an appropriate traditional civilization."

Bannon shares that desire. "Everywhere Bannon looked in the modern world, he saw signs of collapse and an encroaching globalist order stamping out the last vestiges of the traditional," Green writes. "Bannon's response to the rise of modernity was to set populist, right-wing nationalism against it." And that led him to Trump.

If Bannon made Trump president, Trump made Bannon famous. He is now a major player in politics and the

media, with big things on his mind. "I feel jacked up," he told The Weekly Standard in his first post-White House interview. "Now I'm free." At Breitbart, he's free to reopen battles he lost at the White House. "We're about to rev that machine up. And rev it up we will do." His former boss was his first target: Breitbart blasted the president's decision to send more troops to Afghanistan and warned against compromising on immigration. Day after day, we'll hear from Bannon, only this time in full public view. ♦

B&A

Warlike Thrust

The case for changing Maryland's state song—a pro-Confederacy anthem. **by Alexi Sargeant**

Once the base for a statue of Roger B. Taney—former chief justice of the U.S. Supreme Court and author of the majority Dred Scott *decision—a pedestal stands empty in Baltimore after city workers removed the sculpture, August 16.*

Much ink has recently been spilled because of America's statues of Confederate generals; in Charlottesville, wicked men flying Nazi flags caused blood to be spilled as well. In hopes of avoiding further violence, the city of Baltimore, Maryland, recently removed its Confederate statues in the middle of the night (and, for good measure, one of Chief Justice Roger B. Taney, author of the *Dred Scott* decision). Activists have also set their sights on the quasi-Confederate quarters of Maryland's state flag. Still, Maryland's most prominent Confederate memorial remains, despite efforts to remove or change it: the official state song, a pro-Confederate anthem that has been called "America's most martial poem."

Maryland remained in the Union during the Civil War, but it was a slave state and tens of thousands of its citizens fled to fight for the Confederacy—though perhaps only half the number who fought for the Union. It was a Marylander, John Wilkes Booth, who assassinated President Lincoln just after the war's end. Booth's shout of "*Sic semper tyrannis*!" echoed a phrase from the poem that went on to be Maryland's state song.

That poem, "Maryland, My Maryland," was composed in a rage-filled, candlelit night by poet and journalist James Ryder Randall after a friend of his died in the Baltimore riot of April 1861 (a conflict in which a federal militia was attacked by, and then fired back on, a pro-Confederate mob). A Baltimore native then residing in the Deep South, Randall urged his fellow Marylanders to "hark to an exiled son's appeal" and secede from the United States to "avenge the patriotic gore / that flecked the streets of Baltimore." When set to the old German folk tune "Lauriger Horatius"—the melody better known today as "O Tannenbaum" or "O Christmas Tree"—the poem became a favorite of Confederate soldiers and earned Randall the unofficial honorific "poet laureate of the Lost Cause."

In 1939, the centenary of Randall's birth, the song was officially adopted as Maryland's state song, even as the last of the Civil War veterans who sang it on the march were passing away. None of the song's anti-Union lyrics—not even a line referring to "Northern scum"—was altered.

There have been at least eight legislative attempts since the 1970s to replace or edit the song, according to Maryland delegate Karen Lewis Young. The most recent of these efforts, which would have substituted lines extolling Maryland's natural beauty for the song's pro-Confederate lyrics, was stifled in committee last year.

I used "Maryland, My Maryland" as an opening number for a production of *Julius Caesar* I directed earlier this summer (with the lyrics modified to "Roman land, my Roman land"). It seemed to fit the impetuous idealism of Caesar's killers and the pride of those reactionary aristocrats in their homeland. Some members of my cast were surprised when I explained the song's real history. They had assumed from its lyrics it was a song of the American Revolution. Weren't the first lines ("The despot's heel is on thy

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WIN MCNAMEE / GETTY IMAGES

shore, / Maryland! / His torch is at thy temple door, / Maryland!") about King George III? No, in fact the "despot" is Lincoln. And the line "Dear Mother, burst the tyrant's chain" refers not to abolishing slavery but to defying the supposed tyranny of Lincoln over the rights of the Southern states. Although the song does contain references to other episodes in and figures from Maryland history, including from the revolutionary period, it is very much a Civil War song.

I was born in Charlottesville but raised in Philadelphia and never considered myself a Southerner; the mythology of the Confederacy as a noble lost cause has no appeal to me. Yet I still find the song's martial lyrics stirring. The nine image-rich stanzas build up a powerful momentum. "Thou wilt not cower in the dust. . . . Thy beaming sword shall never rust." The poem conjures Maryland as a glorious goddess of war, "the battle queen of yore" who has girt her "beauteous limbs with steel"—a compelling figure for loyal sons to follow into battle.

But the honors of this song are stolen; they belong not to Maryland but to Mary. Mary is the Mother of the Church whom Catholics see in the biblical praise of a bride "comely as Jerusalem, terrible as an army with banners." But, as a priest recently reminded me, when Mary invades this vale of tears it is on behalf of the poor and marginalized—witness Lourdes, Fátima, and Guadalupe. The Magnificat—the great hymn of Mary, lifted from the Gospel of Luke—is a counter-song to Confederate anthems that laud strength of arms and ignore the suffering of the enslaved. Mary says of God, "He has cast down the mighty from their thrones, / and has lifted up the humble. / He has filled the hungry with good things, / and the rich he has sent away empty."

Christians especially should be troubled by the song's appropriation of imagery from church to state. Randall longs for a Confederate Maryland in the image of a pre-Christian goddess, a Minerva or a Bellona. Walker Percy, ambivalent Catholic son of the South, wrote of this pagan strain in his 1956 essay "Stoicism in the South": "How curiously foreign to the South sound the Decalogue, the Beatitudes, the doctrine of the Mystical Body. The South's virtues were the broadsword virtues of the clan, as were her vices too—the hubris of *noblesse* gone arrogant."

The penultimate verse of "Maryland, My Maryland" makes explicit the song's anti-Christian message:

Thou wilt not yield the Vandal toll,
Maryland!
Thou wilt not crook to his control,
Maryland!
Better the fire upon thee roll,
Better the blade, the shot, the bowl,
Than crucifixion of the soul,
Maryland! My Maryland!

Again, it all sounds stirring. But what is Maryland being exhorted to do? Kill and die for dominion rather than repent and submit to justice or mercy. The ethos here is a pagan pride in one's defiant power.

Valor and a sense of honor are goods that have their place, but make them ends in themselves and you get the carnage of the Confederacy and its legions of terrible ghosts, from the "strange fruit" of lynching to the burning crosses of the Klan. The lesson we should take from "Maryland, My Maryland" is to run in the opposite direction: What America needs is more "crucifixion of the soul," not less. ♦

B&A

Protecting Privacy

How the Fourth Amendment can keep up with high-tech surveillance. BY MATTHEW FEENEY

The Fourth Amendment is in a sorry state. The constitutional provision intended to protect us and our property from unreasonable searches and seizures has been weakened over decades—a fact that ought to be of acute concern at a time when surveillance technology is increasingly intrusive and secretive. A modernization of Fourth Amendment doctrines is long overdue.

In his new book, *The Fourth Amendment in an Age of Surveillance*, David Gray, a professor at the University of Maryland's Francis King Carey School of Law, attempts to outline what such a modernization might look like. To establish why reform is necessary, he offers a historical account. Gray traces the concepts embodied in the amendment back to mid-18th-century concerns in both England and the American colonies about overly broad permissions for executive agents. In England, the focus of the controversy was general warrants, which were vague in purpose and almost unlimited in scope.

The Fourth Amendment in an Age of Surveillance
by David Gray
Cambridge, 304 pp., $29.99

In the colonies, the controversy focused on writs of assistance, a specialized kind of general warrant, ripe for abuse. In a five-hour-long speech before the Massachusetts Superior Court in 1761, the lawyer James Otis Jr. condemned writs of assistance, declaring them "the worst instrument of arbitrary power, the most destructive of English liberty." John Adams, who witnessed Otis's oration, decades later described it as the moment when "the Child Independence was born." A distaste for needless and indiscriminate intrusions into homes and other property is thus baked into America's revolutionary DNA. It was eventually codified in the Fourth Amendment,

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with its prohibition of "unreasonable searches and seizures" and guarantee that "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The doctrines used in interpreting the amendment have evolved over time. The rise of modern police forces prompted the judiciary to develop the exclusionary rule (which ensures that evidence collected via Fourth Amendment violations is inadmissible), the *Miranda* warning (which, as anyone who has seen a TV cop show in the last four decades can tell you, holds that once you're in police custody officers must tell you that you have the right to remain silent and the right to an attorney), and the warrant requirement (which holds that searches are per se unreasonable if they're conducted without prior approval from a judge or magistrate).

The interpretation of the Fourth Amendment has also evolved in response to technological development. Notably, the advent of eavesdropping devices gave rise to the "reasonable expectation of privacy" test, first formulated in Supreme Court Justice John Harlan's concurrence in *Katz* v. *United States* (1967) and subsequently adopted by the Court. According to the test, government agents have conducted what the law considers a "search" if they have violated an individual's subjective expectation of privacy and if that expectation is one that society is prepared to accept as reasonable.

"Unfortunately," Gray writes, "the *Katz* test has proven inadequate to the task of regulating the means, methods, and technologies that have come to define our contemporary age of surveillance." Gray puts in his crosshairs three post-*Katz* doctrines that have had the effect of leaving some of the most intrusive surveillance technologies outside the purview of Fourth Amendment challenge.

First, thanks to the "public observation doctrine," police do not necessarily need a warrant to peek into your backyard with a drone. (Some states have passed legislation mandating warrants for drone surveillance, but these requirements go beyond what is required by current Fourth Amendment interpretation.) Nor do police need a warrant to track your public activities for days at a time. As Gray points out, there wouldn't even seem to be a Fourth Amendment issue if the government were to install GPS trackers in *every* car or computer and then use those trackers to keep an eye on all citizens' public movements. After all, as the *Katz* Court held, "What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection."

The "third-party doctrine" likewise offers little reassurance. According to this doctrine, you have no reasonable expectation of privacy in information you voluntarily surrender to third parties, such as Internet providers and banks.

In an era of Big Data and ubiquitous electronic communication, the implications of the third-party doctrine are significant. For example, police today can deploy devices called "stingrays" that mimic cellular towers. Each cell phone is constantly playing a game of Marco Polo with nearby cell towers, seeking a connection. A stingray emits a boosted signal, forcing all nearby phones to connect to it. This allows police to monitor the location of a target's cell phone. Using a stingray, law enforcement can also uncover information about a target's communications, such as the number of texts sent, the recipients of texts, the phone numbers dialed, and the duration of calls. But stingrays can also collect all of this information about the communications of innocent people. Thanks to the third-party doctrine, there is no clear Fourth Amendment remedy to this invasion of privacy.

Finally, the rules about legal "standing" in Fourth Amendment cases have, according to Gray, also weakened the remedies available to citizens. Under the rules that emerged after *Katz*, plaintiffs must demonstrate that they have suffered a violation of their reasonable expectation of privacy. So, for example, citizens outraged about the National Security Agency's metadata collection program lack the standing to file

PETER THOMSON / LA CROSSE TRIBUNE / AP

Charles Ashbeck, police chief in West Salem, Wisconsin, tests a drone belonging to his department, which claims to have been among the first to experiment with the new technology. Ashbeck assured the La Crosse Tribune, *'This is not for violating Fourth Amendment rights or for spying.'*

their own Fourth Amendment suits; they have to be able to explain how the program violated their reasonable expectations of privacy. Or, in another instance, when Amnesty International challenged the FISA Amendments Act of 2008, a law giving the federal government broad power to snoop on U.S. citizens' international communications, the Supreme Court ruled in 2013 that the organization lacked standing to challenge the law, even though Amnesty works with many international partners. As Justice Samuel Alito wrote for the Court, "respondents cannot manufacture standing merely by inflicting harm on themselves based on their fears of hypothetical future harm that is not certainly impending."

With its citations from old dictionaries and other contemporary texts, Gray's exhaustive word-by-word and clause-by-clause dissection of the Fourth Amendment should appeal to originalists. His take on standing may raise a few eyebrows, but he does a noble job of defending his claim that an original public understanding of the Fourth Amendment reveals that it protects a collective right to prospective relief, not just relief for past individual harms. The amendment does protect individuals, Gray believes, but its individual protections are derived from the collective right.

Gray proposes several ways to improve Fourth Amendment protections in light of the high-tech surveillance techniques that are now available to authorities. Surveillance conducted by drones and stingrays could, he argues, be curtailed via a remedy modeled on the Wiretap Act. Under that 1968 legislation, passed in the wake of the *Katz* ruling, officers seeking a wiretap order must establish probable cause, exhaust other investigative methods, and ensure that the wiretap is time-limited. The act also requires that officers regularly report back to the court that issued the wiretap warrant.

When it comes to Big Data, Gray proposes a range of constraints governing the aggregation, collection, analysis, and storage of data.

Perhaps Gray's most interesting proposal flows from his collective-right theory of the Fourth Amendment. He would allow individuals and organizations to have standing to challenge programs that threaten the people as a whole. This would allow, say, the American Civil Liberties Union to challenge the legality of New York City's stop-and-frisk program. Such other programs and technologies as persistent aerial surveillance, metadata surveillance, and license-plate readers would be open to challenge under Gray's understanding of the Fourth Amendment.

Not everyone will be convinced by Gray's analysis. Some critics will undoubtedly dispute his collective-right theory of the Fourth Amendment and quibble with his Wiretap Act-like remedies. However, these disagreements will not detract from the fact that his book is a welcome and informative contribution to the public debate about surveillance—a debate that will lastingly shape how we live together and how we understand privacy and liberty. ◆

B&A

Corpse in the Snow

Wind River *is gripping and intense, but it tries too hard to make a point.* BY TIM MARKATOS

Wind River
directed by Taylor Sheridan

Because there are so few of them, any movies about Americans living east of Los Angeles and west of Chicago will nowadays be labeled "important" on first sight. Taylor Sheridan, who grew up on a Texas ranch and moved to Wyoming after 20 years of intermittently rewarding acting work in L.A., has more of a claim than most in Hollywood to being able to tell stories about flyover country. With *Wind River*, his latest screenplay and his directorial debut, nobody can fault Sheridan's motivation—a desire to upend stereotypical portrayals of Native Americans on film and bring attention to underreported statistics about violence against Native American women. But he tries too hard to make his movie *say* something significant.

Sheridan has a gift for crafting compelling scenarios out of places with personality and characters who have been sketched out just enough to get you to root for (or against) them. In *Wind River*, he's trained his eye on the eponymous Indian reservation in Wyoming, where game tracker Cory Lambert (Jeremy Renner) discovers the barefoot body of Natalie (Kelsey Asbille), a young Native American woman several hours dead in the snow. (The film's distributors have chosen to release this dead-of-winter tale in the middle of summer as an effective bit of counterprogramming.) Noticing that the body shows signs of sexual assault, the tribal police chief calls in a female FBI agent, Jane Banner (Elizabeth Olsen), to aid an investigation that would otherwise have been carried out by an all-male team.

The movie tries to get a lot of mileage—perhaps too much—out of Jane's relative unfamiliarity with the day-to-day lives and habits of the Native Americans on the reservation, to say nothing of the cold and unforgiving climate. Even though Jane is a bit of

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a formulaic character—a fish-out-of-water type, a proud Floridian shivering in the snow—Olsen brings to the role just enough grit and empathy that we never doubt her as a fed.

Renner is given more to work with, as the story orbits around Cory and his reasons for agreeing to help Jane investigate the murder. We learn twice over that Cory is still recovering from the loss of his own daughter several years earlier: once from the words Sheridan puts in his mouth and more powerfully from the wince perpetually stretched across Renner's rugged face. Renner and Olsen have great screen chemistry—and, mercifully, Sheridan doesn't try to foist a romantic subplot on them.

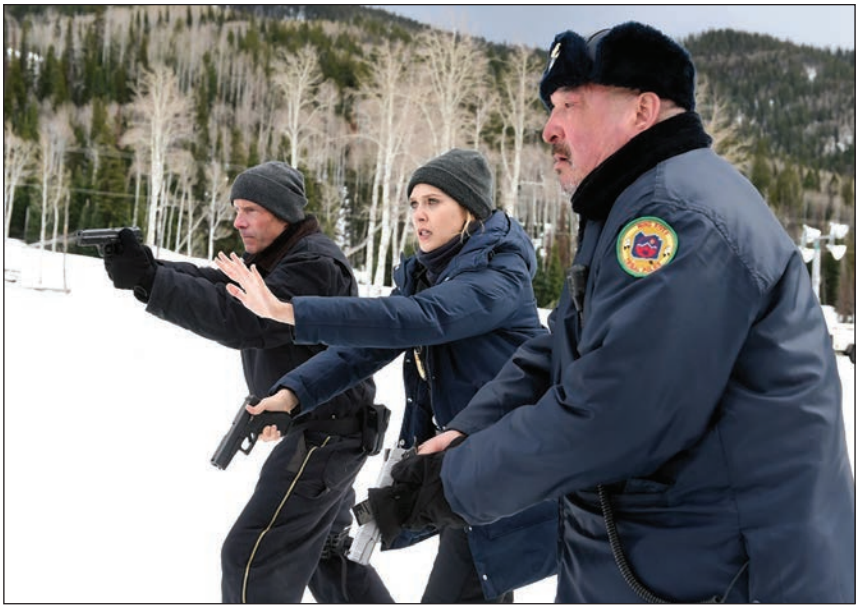
For about an hour and 10 minutes, *Wind River* proceeds as a standard procedural. Jane gathers information about Natalie and her possible abusers, growing frustrated when legal technicalities get in the way (the town coroner can't declare the case a homicide because, to speak with medical precision, Natalie died of natural causes when her lungs filled up with too much subzero air). Meanwhile, Cory circles the periphery of the investigation like a hawk, scouting for clues and danger. There's a shootout or two and just enough cutaways of the Wyoming mountainside (the film was shot on location in Utah, but we'll let it slide) to instill in us a sense of how the vastness of this place can paradoxically create its own kind of claustrophobia. Just as Jane and her crew are narrowing in on their prime suspect, Sheridan tosses in an unforeseeable twist that both allows the dead Natalie to tell a bit of her own story and also introduces the most gratuitously upsetting scene in a film not lacking for grisly images; let the viewer beware.

By the film's final half-hour, I found myself thoroughly gripped by the story—but in spite of the storytelling, not because of it. Sheridan seems to have learned well from Denis Villeneuve and David Mackenzie, the directors who turned his last two scripts (*Sicario* and *Hell or High Water*, respectively) into intense cinematic experiences, but he has a ways to go before he catches up with them: There are many more needlessly obfuscating cuts than there are clever or enlightening ones, a telltale sign that Sheridan has more to learn about planning and blocking scenes.

A bigger problem, though, is Sheridan's on-the-nose dialogue. This isn't a new feature of his writing (by now it's almost a cute quirk of his screenplays that his characters tend to talk in portentous, morally serious dictums), but it is especially glaring in *Wind River*, where most of the characters saddled with reading these lines are Native American actors and actresses channeling a white guy's overzealous interpretation of their lives. Sheridan's intentions were admirably humble: "I didn't know if I could make a *good* movie," he told *Rolling Stone*. "But I knew I could make a respectful one." Yet he frequently fumbles the execution by relying too much on linguistically and culturally inappropriate dialogue that clashes with his desire for slice-of-life realism.

Contrast Sheridan's film with Chloé Zhao's overlooked 2015 gem *Songs My Brothers Taught Me*, shot on location in South Dakota with Lakota Sioux nonactors. In Zhao's film, you're never broken out of the spell of her intensely physical filmmaking by dialogue that doesn't ring true to the lives depicted onscreen. The realism in Zhao's film is, of course, partly a product of the shoestring budget that necessitated it; the comparative luxury of Sheridan's larger budget means the onus was on him to recognize when he should have turned the story over to people who knew better how to tell it.

Fortunately, Sheridan cast two actors whose presence gives us a glimpse of what a truly great version of *Wind River* might have looked like. I found myself most moved by the story when Sheridan turned it over to Graham Greene and Gil Birmingham, both of whom have aboriginal ancestry. To the role of the tribal police chief, Greene brings a layer of sharp wit and irreverent body language that barely conceals exasperation with both the FBI and the reservation's many lawbreaking youngsters. In his two brief scenes, Birmingham, playing the murdered girl's father, switches believably from a default catatonic posture to unguarded paroxysms of grief. Each actor's presence in the film speaks more to the collective hopes, frustrations, and despairs of the Native Americans at Wind River than any clichéd line of Sheridan's overeager script. The movie that's happening silently on the margins of Sheridan's film is the one that leaves the most lasting impression. ♦



FRED HAYES / THE WEINSTEIN COMPANY

Hugh Dillon, Elizabeth Olsen, and Graham Greene

"Former Democratic presidential candidate Hillary Clinton said her 'skin crawled' during last year's second presidential debate, a reaction to Donald Trump standing ominously near her as she delivered answers before a national audience."

—Politico, August 23, 2017

THE WHITE HOUSE
Office of the Press Secretary
For Immediate Release—August 28, 2017
Press Briefing by Press Secretary Sarah Sanders
8/28/2017
James S. Brady Press Briefing Room

TRANSCRIPT (cont'd.)

on a spike in front of the White House for all his enemies to see. But the president was obviously joking. He has great respect for Senator McConnell.

Q: Sarah, has the president reacted to Hillary Clinton's claim that she felt threatened and that her skin was crawling when the president was standing behind her during the debate?

MS. SANDERS: We suspect Secretary Clinton's skin-crawling sensation was caused by dust particles coming out of the air ducts inside the sports complex. This happens a lot in auditorium-sized spaces. It's also why the president sounded like he was sniffling during some of the debates.

Q: Secretary Clinton called it "incredibly uncomfortable" and said—

MS. SANDERS: And she looked incredibly uncomfortable. This is what worried the president. It was then and there that he decided to stand behind her in case she fainted and fell backwards. That way he could grab her by the, um, shoulders.

Q: But Secretary Clinton says, "He was literally breathing down my neck."

MS. SANDERS: Again, the president thought his warm breath might be of some aid to her. You know how cold those auditoriums get. And if he can breathe life into a campaign, he thought maybe he could breathe some life into her. Sadly, it proved too much. She was chilled to the bone, he said. Sort of like those White Walkers.

Q: But she asked herself: "do you turn, look him in the eye, and say loudly and clearly, 'back up you creep, get away from me. I know you love to intimidate women but you can't intimidate me, so back up'?" It's in her new memoir, *What Happened*.

MS. SANDERS: Look, if you want the president's perspective, you'll have to wait for his memoir due out next month. It's called *What Happened Is I Won, So You Can Just*