the weekly Standard

JULY 9 / JULY 16, 2018 • $5.99

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1950-2018

WEEKLYSTANDARD.COM

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July 9 / July 16, 2018 • Volume 23, Number 42


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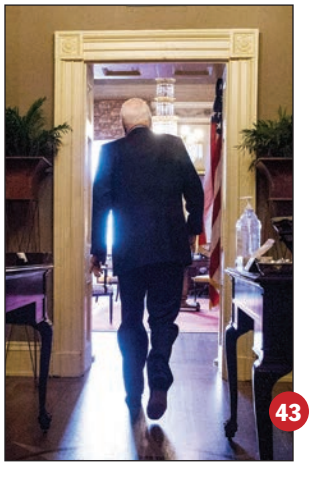
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COVER BY JASON SEILER

Little Minds in the Big Woods

Readers of the *Wall Street Journal*'s Review section may remember an explosive essay that ran in its pages in 2011: "Darkness Too Visible," by the paper's children's books columnist, Meghan Cox Gurdon. In that essay, Gurdon surveyed an array of popular books published in what's called the YA category, or young-adult literature. That today's books should address the thornier topics faced by tweens and teens—puberty, divorce, alienation, bigotry, cruelty—is neither surprising nor objectionable. But many young-adult books published these days, Gurdon found, immerse their young readers in lurid and appalling stories of savage violence, sexual deviancy, rape, drug addiction, and worse.

For suggesting that these subjects may normalize the sickening and offensive in ways writers don't anticipate, Gurdon was predictably attacked on social media, accused of philistinism and preachiness by young-adult authors, and held up to nasty ridicule on book-industry blogs. Less predictably, perhaps, the American Library Association (ALA) issued a prolix statement accusing Gurdon of misrepresenting the facts and of "encourag[ing] a culture of fear around YA literature."

If this latter point makes you think the ALA is run by a lot of effete progressives, you would not be wrong. This week, the Association for Library Service to Children (ALSC), a division of the ALA, decided to change the name of its biannual Laura Ingalls Wilder Award. The prize, which dates from 1954 when Wilder herself was given the award, "honors an author or illustrator whose books, published in the United States, have made, over a period of years, a substantial and lasting contribution to literature for children."

Alas, our modern Pharisees have caught up with the great memoirist and chronicler of the northern Midwest. The ALSC explains: "Wilder's body of work continues to be a focus of scholarship and literary analysis, which often brings to light anti-Native and anti-Black sentiments in her work. . . . ALSC recognizes the author's legacy is complex and Wilder's work is not universally embraced."

Having read all her major books, The Scrapbook has trouble recalling much in Wilder's books that could be called "anti-Native and anti-Black," but that is probably because we only read the books; we didn't mine them for hints of regressive opinion. We wonder, though, if any author outside Shakespeare is "universally embraced." We'll only suggest that, outside the ranks of YA lit professionals, Wilder's work is about as universally embraced as any author's could be. That is the case because her books—*Little House in the Big Woods*, *Farmer Boy*, *Little House on the Prairie*, *By the Shores of Silver Lake*, and others—are little masterpieces of efficient prose and subtle storytelling.

Oh well. She failed to anticipate the hypersensitivities of postmodern America, so her name must not be honored. Perhaps if she had put more hyperviolence and addiction and sex crimes into her stories . . . But we're fairly certain that people will still be buying and reading Wilder's books when the ALA and the ALSC have been forgotten. ♦

Needed: An Equal Retweets Amendment?

Sexism, however we define it, is still a problem. And we reckon it always will be, in a fallen world. Still, a great variety of metrics show that women in America are now doing better than men in an impressive range of areas, from educational achievement to career success. But we've tended to overlook perhaps the most revealing indicator that American women have achieved unprecedented forms of equality, namely, the pettiness of the complaints.

We present to you the latest paper on the cutting edge of social

TOP: FINE ART IMAGES / HERITAGE / GETTY; CAN, BIGSTOCK. BELOW, TWS ART

science: "Twitter Makes It Worse: Political Journalists, Gendered Echo Chambers, and the Amplification of Gender Bias." According to the authors of the study, male political reporters retweet other men three times as much as they retweet women. We have neither the time nor the inclination to inquire into the soundness of the study's methodology, but we wonder how many people needed to be told that social media tend to confirm users' biases. Sexism is but one ingredient in the hemlock cocktail we like to call Twitter.

"Women operate at a disadvantage," the study's lead author, Nikki Usher, told *Vox*. "The power to control the dialogue is still in the hands of men." No one, however, seems to have looked qualitatively at the "dialogue" on Twitter and asked whether it's worth controlling. Another reading of the study might suggest that female journalists, unlike their male colleagues, aren't a bunch of pompous jackasses alternately trying to flatter and outshine each other. ♦

Great Moments in Acknowledgments

'And thanks to my groomer and stylist, Marvin 'Marv the Barb' Church, the world's best barber, and Ms. Carolyn Brown, who squires me in a marvelous manner. I'm grateful to the remarkable group of artists and activists who sat for interviews for this book, including Harry Belafonte (thanks for the amazing blurb), Clarence Jones, Muhammad Ali, Jesse Williams, Lin-Manuel Miranda . . . " (from Michael Eric Dyson's *What Truth Sounds Like: RFK, James Baldwin, and Our Unfinished Conversation About Race in America*, St. Martin's Press). ♦

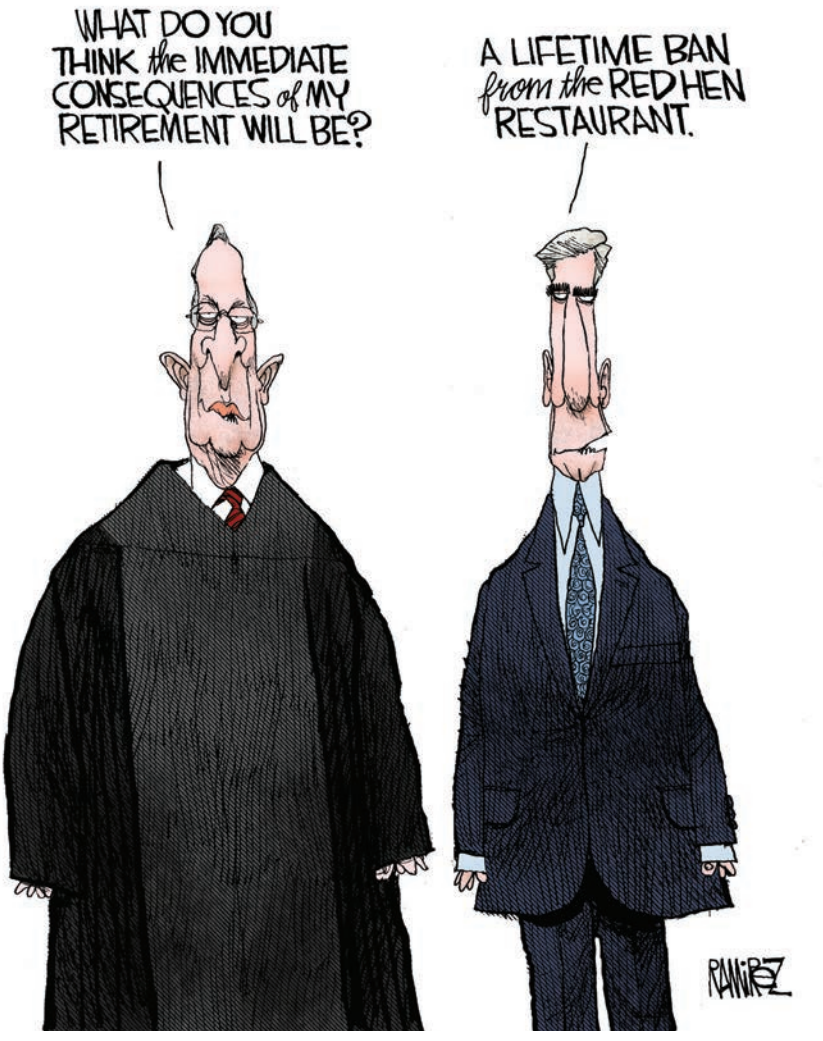
Donald Hall, 1928-2018

We were saddened this week to learn of the death of Donald Hall, one of the great formalist poets to arise in the second half of the 20th century. Hall wrote scores of works. He was a talented playwright, a superb memoirist, and an omnicompetent anthologist.

As a poet he was a perfectionist, revising each poem and revising it again until it satisfied him. For Hall, as for all great poets, writing was work, not the "spontaneous overflow of powerful feelings," as the equally hardworking William Wordsworth rather misleadingly put it. Hall attended Phillips Exeter and Harvard, graduating with a bachelor's degree in 1951. But although he is sometimes called an "academic" poet because he held teaching posts—Stanford, Bennington, Michigan—there is little recondite and nothing pretentious about Hall's poems.

Hall's verse is clearly the product of a keen intelligence, and it is often unearthly, but it appealed far beyond the suffocating confines of poetry magazines. In 1972 he married the poet Jane Kenyon, who died of leukemia in 1995. Just before she died he wrote "An old life," first published in the *New Criterion*.

Snow fell in the night.
At five-fifteen I woke to a bluish
mounded softness where
the Honda was. Cat fed and coffee made,
I broomed snow off the car
and drove to the Kearsarge Mini-Mart



Donald Hall in his blue chair

before Amy opened
to yank my Globe *out of the bundle.*
Back, I set my cup of coffee
beside Jane, still half-asleep,
murmuring stuporous
thanks in the aquamarine morning.
Then I sat in my blue chair
with blueberry bagels and strong
black coffee reading news,
the obits, the comics, and the sports.
Carrying my cup twenty feet,
I sat myself at the desk
for this day's lifelong
engagement with the one task and desire. ♦

Never Won a War

In this month's *GQ* magazine is a long essay we knew we shouldn't read, but we couldn't help ourselves: "Jimmy Carter for Higher Office in '18," by Michael Paterniti.

Paterniti is a capable writer, and there's nothing terrible about the idea of profiling the 93-year-old president as he lives a semi-ordinary life in Plains, Georgia. But the thrust of the piece—that Jimmy's vaunted humility is just what our politics needs now—leaves us rather cold. Historical reputations are often truncated and unfair, but Carter's is about as close to accurate as we could hope for: He was a good governor, an unwise president, and a self-righteous incompetent whose muted personality masked a left-liberal ideologue. Nor, in The Scrapbook's opinion, has his post-presidency done much to repair his reputation, what with his shuttling around the globe for the purpose of undermining U.S. administrations of which he disapproved.

For our part, one passage in the profile summed up all our apprehensions about the 39th president:

> He likes to quote a favorite theologian, Reinhold Niebuhr, who said, "The sad duty of politics is to establish justice in a sinful world." Carter says, for better or worse, he tried. In the Oval Office every morning before beginning his day's work, he would stand before the huge globe situated by the Resolute desk and touch his finger on Moscow, trying to put himself in Brezhnev's shoes. He would think: How can I not provoke him today? "We never shot a bullet, we never dropped a bomb, we never launched a missile," says Mr. Jimmy of his time in office.

Jimmah

We have our problems with the current president's habit of pointlessly provoking friends and enemies alike. But the remedy isn't its inverse. There's a reason the Cold War ended in 1989 and not a decade earlier. ♦

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The Weekly Standard (ISSN 1083-3013), a division of Clarity Media Group, is published weekly (except one week in March, one week in June, one week in August, and one week in December) 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 85409, Big Sandy, TX 75755-9612. 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 85409, Big Sandy, TX 75755-9612. 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.

A Work in Progress

A fifth-year reunion, I recently learned, is just the epilogue of a campus novel that no one is likely to write. There was an impromptu party for the always functionally married but newly engaged couple of the group, with a cake from the diner and a centerpiece of prettily wilting pansies the local florist donated. We toasted them with a faux champagne that popped and fizzed like the real thing, which we found at the last minute when we decided we were too law-abiding to drink in public on the porch of the old student center, even though five, six, seven years ago it would have been unquestionably worth the risk. A mid-afternoon open container—*Isn't it a civil infraction in New Hampshire?* Oh, how we'd grown . . .

I did one moderately risky thing, though, in service to a metaphor: paddleboarding fully clothed up the Connecticut River, keeping pace with my roommate's rented kayak and wavering while the wake from a passing powerboat rocked my board and threatened my nervous poise. It wasn't so bad, really—maintaining balance while standing on the water's surface was almost as easy as I was trying to make it look. And wasn't it also a literal exercise of the mundane bravery fledgling adulthood demands? What is "maintaining balance" on the bouncing river of life if not five years of paying rent, keeping a pet alive, and holding down a job?

Even the romantic developments that dominated our discussions had the air of denouement. My roommate, a graduate student, and our lawyer friend both had promising-sounding boyfriends: professionals who respect them and laugh at their jokes. When none of our exes arrived on campus for the weekend, we declared total territorial victory. In the middle of the green one night, a friend from my freshman dorm confessed to her longtime crush and found out he'd liked her too. But when he finally texted her at 2 A.M. to "meet up," she ignored him, having long since graduated from hookup culture.

To further the plot where we could, the newly engaged couple and I spread a rumor at the second of several class receptions that my other roommate, a beat reporter, and her boyfriend had eloped and told no one. We counted at least two men there from our class whose hair had already gone gray and several more who'd sprouted paunches. We marveled at how unchanged all the women were by comparison: We dressed a little better and, even with weightier responsibilities, managed to worry less than we had back then, although we really did look the same.

JORI BOLTON

Rationalizations, for instance, easily quieted our professional anxieties. The beat reporter and I reassured each other that we have far more fun at work every day than classmate consultants whose salaries surpass ours by head-spinning ratios. And whose once impressive-sounding vocabularies—*But what actually is "strategic planning"?* my roommate pressed one, whom she'd briefly dated—have dulled, painfully.

So had the light in the eyes of the dark-haired boy with the long nose and the runner's physique whom I thought I loved for a week at the very start of freshman year. Back then he wore the tender, lost expression of a small-town track champion and valedictorian, forced to surrender his fiefdom. Revisiting the details that consumed our earlier lives would have been reason enough for the epilogic return trip: a farewell to the ones you aren't going to fall in love with, to all the jobs you aren't going to have, to everyone it's already too late for you to be.

Because of who I am now, I gave my business card to a classmate who wrote his senior paper on radical Islam and sparsely, cryptically described a career that brings him occasionally to the D.C. area. In a white brick waterfront house with black mullions, between the end of campus and the country club, a Democratic senator with well-known national ambitions appealed to members of her class, 1988, for campaign donations. I walked by twice, but felt too weighed down with nostalgia to try to talk my way in.

The weekend's real work came later: After paddling the Connecticut, we lay in the sun on the riverbank and wondered who we'd be five years from now. The couples would be parents, the graduate student a full professor, the lawyer picking up the check. "Since none of us has changed at all yet, not *really*, everyone will have to be significantly different by then," teased one roommate, anticipating a sequel.

Alice B. Lloyd

the weekly Standard

Exit Kennedy

The swearing-in: President Reagan with his new Supreme Court justice, Anthony Kennedy, on February 18, 1988

Justice Anthony Kennedy's announcement on June 27 that he will retire from the Supreme Court came as a bracing relief for conservatives and a prophecy of woe for liberals.

Kennedy, though nominated in 1987 by Ronald Reagan, voted with his more liberal colleagues often enough to be considered the court's swing vote, particularly after the retirement of Sandra Day O'Connor (also a Reagan appointee) in 2006. Kennedy wrote the court's *Obergefell* decision declaring same-sex marriage to be a constitutional right; declined to overturn *Roe* v. *Wade* in the second landmark abortion case, *Planned Parenthood* v. *Casey*; and insisted in *Boumediene* v. *Bush* that the right of habeas corpus applied to detainees at Guantánamo Bay. But he joined the court's conservatives in *D.C.* v. *Heller*, which rolled back many municipal gun control laws, and wrote the majority opinion in *Citizens United*, which struck down laws regulating independent expenditures on political campaigns.

Reagan chose the philosophically indeterminate Kennedy only after the nominations of Robert Bork and Douglas Ginsburg failed—the former because Democratic leaders openly slandered a distinguished jurist. So began the era of ideological warfare over judicial nominations. Three years later George H.W. Bush nominated David Souter, who "grew" on the bench and turned out to be one of the court's reliably liberal votes.

Donald Trump was elected president in large part because he promised to nominate principled conservatives in the mold of Antonin Scalia, and with the 39 Trump judicial nominees confirmed so far—including Neil Gorsuch to replace Scalia—he has kept that promise. We trust he will nominate an accomplished and principled conservative this time, too—and he has already announced that he will make his selection from the excellent list of conservative judges he announced during his campaign.

Democrats are still embittered by Senate Republicans' hardball refusal to hold hearings on the man who would have been Barack Obama's third Supreme Court appointment, Merrick Garland. It's easy to appreciate their resentment, even if we don't quite buy their high-minded protestations. If the Democrats held the Senate and one of the court's liberals died or retired, giving a Republican president the opportunity to nominate a third Supreme Court justice in the final months of his presidency, we're confident they would do the same. Of course, the consti-

DIRCK HALSTEAD / THE LIFE IMAGES COLLECTION / GETTY

tution doesn't oblige the Senate to vote on judicial nominees, but Senate Democrats know this already: Minority leader Chuck Schumer vowed in 2007, remember, not to hold votes on any further nominations by George W. Bush. Nonetheless we expect Schumer and friends to recruit every bit of that leftover resentment in the coming battle over Kennedy's replacement.

They might be resting easier if in 2013 Harry Reid, then the Democratic majority leader, hadn't abolished the filibuster for almost all executive and judicial nominations—excluding only Supreme Court nominees. He imposed this major rule change against the vehement wishes of the GOP minority on a party-line vote. Reid's foolish abolition of the minority's ability to stop objectionable nominations guaranteed that Republicans, once back in the majority, would abolish the same maneuver for Supreme Court nominations. That's why there was no filibuster of Neil Gorsuch and why there will be none of the next nominee. Indeed, thanks to Reid, the only two people whose opinions the administration need worry about are both Republicans: Lisa Murkowski of Alaska and Susan Collins of Maine.

But liberals shouldn't despair. They fear that the Trump presidency will make the federal bench more "conservative." But judicial "conservatism," at bottom, only means constitutionalism. Constitutionalists abide by the law as it's written, not as they think it should have been written, and their approach often yields results favorable to those of a more liberal or progressive worldview.

Even so, many on the left are beside themselves that Kennedy didn't wait to retire until a Democrat took Trump's place. They were counting on some 5-4 victories over the next two years, and those are likely to become 4-5 losses. But this is the world the American left has created with its judicial activism—a world in which many of its most lasting achievements were not brought about by congressional votes but imposed by court decisions. To keep scoring such victories, however, you need to keep winning elections; and Democrats find it harder and harder to dominate America's elective branches as their opinions and rhetoric creep further and further to the left. As Justice Kennedy's departure and the consequent panic of the Democrats remind us, those who live by the courts die by the courts. ♦

An Election in Baghdad

The Trump administration has its attention fixed on Iran, and there is much coming out of Tehran to worry over. The mullahs are funding terrorist organizations across the Middle East, abetting rogue states from Syria to North Korea, abusing the Iranian people, and almost certainly constructing a deliverable nuclear weapon. But the threats from Iran are no good reason for our neglect of neighboring Iraq. The Trump administration's unconcern comes straight from the top: The president came into office proclaiming the Iraq war to have been a mistake and an unqualified disaster—even pretending to have opposed it. His recent triumphalist claim that the United States has rid the region of ISIS gives the strong impression that, with the mission completed, he will have nothing more to do with Iraq.

But Iraq will have plenty more to do with us. ISIS has lost territory but remains capable of mounting attacks across Iraq, and al Qaeda is a resurgent presence in both Iraq and war-torn Syria. If the government in Baghdad falls into chaos or collapses altogether—or if Iran's proxies succeed in turning Iraq into a client state—it's difficult to see any outcome that doesn't involve the hegemonic mullahs waging even more aggressive wars against its enemies, who are, remember, America's friends.

And the Iraqi government is teetering. On May 12, Moktada al-Sadr's Sairoon alliance won 54 of the Iraqi parliament's 329 seats—the most of any single political faction. Sadr, as readers will remember from the long years of the Iraq war, led a militia called the Mahdi Army that carried out suicide bombings and other attacks against coalition forces. As recently as January 2016, his soldiers kidnapped three American contractors and held them for more than a month. He is now one of Iraq's most popular politician-clerics.

Sadr is a Shiite, like nearly 70 percent of Iraqi population. He is being joined in a political coalition by other Shia groups like the staunchly pro-Tehran Fatah bloc, led by Hadi al-Amiri, which won 47 seats. Western diplomats are prone to saying they can work with anybody who fought ISIS, as Amiri and his confederates did, but this is not so. The members of Iraq's Fatah are anti-American fanatics. Haider al-Abadi, whose Victory party controls 42 seats, is also joiing Sadr and Amiri. If Nuri al-Maliki and his 25 seats follow as is predicted, Sadr will have a parliamentary majority—168 seats—and a devoted enemy of the United States can take control of Iraq's government. This coalition would be Iraq's first majority-Shia government.

Turnout was poor in the May election, and the results are contested, with a partial recount underway. Confidence in the election results was only reduced on June

10 when a ballot-box storage facility holding some half of Baghdad's ballots caught fire. Abadi claims foul play. Others, such as Maan al-Hetawi, the chairman of Iraq's board of election commissioners, disagreed and argued that "the fire [did] not affect the election results."

No matter the outcome of the recount, the alliance between Sadr and Amiri confirms the extent of Iran's influence on Iraqi politics. Amiri once led a fanatically pro-Iranian militant group called the Badr Brigades, and he fought on Iran's side in the Iran-Iraq War of the 1980s. As recently as 2013 he was openly expressing loyalty to Qassem Soleimani, the head of the Quds Force of Iran's Revolutionary Guard.

Where Amiri is vociferously pro-Iran in public, Sadr has been much less so. He purports to criticize Iran, and his followers in Najaf and elsewhere are keen on demanding that Iran stay out of Iraqi affairs. Yet in the late 2000s, he was summoned to Iran—to the holy city of Qom—to "study," and he remains under the spell of Tehran.

Iraq's future appears bleak. A sometime terrorist is likely to take the premiership, his coalition partners are sympathetic to Iranian expansionism, and the country is again a breeding ground for both an allegedly vanquished ISIS and a thriving al Qaeda. We hope the State Department is doing what it can to prevent Baghdad's rapprochement with Tehran—furthering the cause of Kurdish independence comes immediately to mind. If Iraq fails, America's enemies in the Middle East will have doubled or tripled their strength.

Donald Trump may wish to ignore Iraq. But if the president believes his own rhetoric about the threats from Iran, and if he's serious about defeating jihadists in the region, he and his secretary of state had better start paying attention. ♦

Going Hog Wild

It's hard to think of a more American company than Harley-Davidson, the Milwaukee-based motorcycle maker. Anybody who has ever seen a Harley—or, more likely, heard one—knows it has a sturdy and uniquely American style. The company's motto: "All for freedom. Freedom for all." So you might expect an American president with an America First philosophy and a pro-business outlook to be a Harley booster. But we live in unexpected times, and you would be wrong when that president is Donald Trump.

The dust-up began on June 25 when the company announced it would move some of its operations out of the United States in order to "mitigate the impact of retaliatory EU tariffs"—tariffs that our European allies imposed in response to Trump's tariffs on steel and aluminum. Europe's new motorcycle tariffs were expected to cost Harley as much as $100 million a year.

Made in America, for now

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Now, it's possible the company is exaggerating the role played by the EU tariffs, which went into effect only a few days before the announcement and could well be short-lived. It's just as likely that the company had already decided to move some operations overseas—where the market for motorcycles is growing faster than it is in the United States—and the tariffs offered a convenient excuse. Either way, Harley was making a reasonable decision.

It seems to have offended President Trump, however. In a series of tweets over three days this week, the president unloaded on Harley-Davidson as though it were a CNN anchor. Trump wrote: "Surprised that Harley-Davidson, of all companies, would be the first to wave the White Flag. . . . Their employees and customers are already very angry at them. If they move, watch, it will be the beginning of the end—they surrendered, they quit! . . . We won't forget, and neither will your customers or your now very HAPPY competitors!" Trump counseled Harley to "be patient"—which is easy to say when it's not your millions on the line.

Sympathetic observers have defended the administration's tariffs as getting tough to protect American interests, as a timely boost to neglected U.S. industries, and as a negotiating posture to gain leverage. Even if one grants the validity of the protectionist viewpoint, however, the Harley-Davidson example reminds us that tariffs have serious costs. Penalties on imported products mean American companies which buy those products have to pay more for them, and they pass the costs on to consumers. Those penalties also provoke foreign trading partners into retaliating, and so domestic companies get hit from the other direction, too. Harley-Davidson is simply behaving rationally.

The motorcycle business is a tough one. Sales in the United States have been in decline for years. Competition from Honda, Suzuki, and Indian Motorcycles is intense. Managing global supply chains is a hugely complex undertaking.

Trump did a great service to U.S. companies last year by bringing our corporate taxes in line with global norms. He can build on that success by allowing Harley and other U.S. businesses to make their own decisions rather than subjecting them to Twitter shakedowns whenever he sees a headline he doesn't like. ♦

TERRY EASTLAND

Anthony Kennedy's legacy: a split decision

Anthony Kennedy was not a great Supreme Court justice, but not a bad one either. If you were to rank the 113 justices so far, he would be somewhere in the middle, probably the upper middle. On the Supreme Court for 30 years, which is a long time as the lives of justices go, Kennedy, who will be 82 this month, was not the great thinker or writer Justice Scalia was, yet he was learned in the law and generally competent in deciding cases and controversies.

A federal appeals court judge in California, Kennedy filled the seat vacated by Justice Lewis Powell in 1987. He was not President Ronald Reagan's first choice. Robert Bork was, and the battle over his rejected nomination became an ongoing war of sorts over judicial selection for the Supreme Court as well as for the courts of appeals—though not before the Democratic Senate had voted 97-0 to confirm Kennedy. His judicial qualities impressed senators on both sides of the aisle.

The new justice knuckled down and went to work. Early on, he voted to narrow the use of race in affirmative action programs; to allow for more accommodation of religion in public life; and to find flag desecration statutes in violation of the First Amendment's free speech provision.

As the years passed, Kennedy's vote came to be coveted by his colleagues in cases of often intense public interest that seemingly might have gone either way. Here, too, Kennedy was in the middle—the middle of the Court, occupying its ideological and tactical center. He embraced no comprehensive theory of interpretation, though he sometimes evinced an outsized view of the judge's role. If he was a judicial conservative, he was so in terms of results. He affirmed gun and property rights, free exercise and free speech rights, and the constitutionality of school voucher programs.

Liberals did not like his work in *Citizens United*, in which he wrote the Court's 5-4 opinion protecting corporate speech while also striking down restrictions on the amount of money companies may spend to support political candidates. But they liked his effort to limit the use of the death penalty.

LIKENESSES: DAVE CLEGG

It is not fair to judge Kennedy only in terms of his positions on abortion and homosexual rights, important as those decisions are.

And then there were his decisions on abortion and same-sex marriage. In Kennedy's second year on the job, he declined to overrule the right to abortion that the Court had created in 1973 in *Roe* v. *Wade*. Twenty-three years later, the Court, by a 5-4 vote, with Justice Kennedy writing for the majority in *Obergefell* v. *Hodges*, again created an ostensible constitutional right: that of same-sex marriage. That Kennedy, a justice appointed by Reagan, was on the judicial left on these crucial social issues was not expected by conservatives. Kennedy had "grown" on the job, it was said derisively, and maybe he had.

It is not fair, however, to judge Kennedy only in terms of his positions on abortion and homosexual rights, important as they are. He had a strong interest in the structural Constitution, meaning the Constitution as understood in terms of its structural principles, those of federalism and separation of powers, which by design protect liberty. By federalism, Kennedy meant the allocation of powers between the federal government and the states, and by separation of powers, the allocation of powers among the three departments of the federal government.

The latter allocation of power, Kennedy emphasized, included an allocation between Congress and the executive branch. It is power that was used to establish the modern administrative state—whether lawfully or not remains an abiding question. Here is how Kennedy raised it: "What kind of constitutional structure do we have if the Congress can give an agency the power to grant or not grant a religious exemption based on what the agency determined?" With Kennedy leaving the Court, the questions he pressed about the structural Constitution and its allocations of power and protections of liberty will remain for others to take up. A Kennedy legacy, if you like.

President Trump has the exclusive power to nominate Kennedy's successor, and, as President Obama's failure in 2016 to fill Justice Scalia's seat revealed, the Senate is under no obligation even to have a cup of coffee with the person Trump sends to them.

The Republican Senate, however, is not going to block the nomination of a Republican president, provided of course that all is well with the president's choice. Nor are the Senate Democrats in a position to filibuster Trump's nominee since the Senate changed its procedures so that only a simple majority is needed to confirm.

If President Trump chooses a nominee soon—by the weekend would be best—the Senate would have time to

confirm the person before the midterm elections this fall. If the individual is not confirmed by then and the Senate changes hands, the Democratic majority can be expected to follow the Republican precedent of 2016 and deny Trump his choice.

Fortunately for the Trump administration, it is prepared to make the nomination. It still has that list of more than 20 prospects for the Court, all of whom have been vetted and are sound in terms of judicial philosophy. If Trump makes the right selection, the Court will have five bona fide judicial conservatives, a goal of conservatives for the past half-century, before there ever was a Justice Kennedy. ♦

COMMENT ♦ ANDREW FERGUSON

Patriotic readings

This Fourth of July, as is my wont, I will bring down from the shelf my well-thumbed copy of *What So Proudly We Hail* and therewith touch off a semi-controlled bacchanal of patriotism in my little household. I do this as a civic duty and to set an example for my countrymen. The indispensable Karlyn Bowman of the American Enterprise Institute tells us that when it comes to feeling patriotic, Americans finish close to the middle of the pack among the nations of the world. We are above gloomy Norway but well below Azerbaijan. If more American families followed my lead and regularly consulted *What So Proudly We Hail*, we could take our rightful place at number one on the international patriot charts. (The present number one is Qatar. Come on.)

Be warned: *What So Proudly We Hail* is a big book. It's nearly 800 pages, weighing a few ounces shy of three pounds with the dustcover off. It is also an incomparably rich anthology.

Be warned: *What So Proudly We Hail* is a big book. It's nearly 800 pages, weighing a few ounces shy of three pounds with the dustcover off. It is also incomparably rich, gathering short stories, folk songs, essays, poems, official documents, speeches, and works of journalism from such U.S.A. fans as Mark Twain, Willa Cather, George S. Patton, and Ring Lardner. Some of the stuff would be found in any collection of written Americana: the Declaration of Independence, the Gettysburg Address, Washington's Thanksgiving Proclamation, all of which deserve an annual re-reading anyway.

But the patriotic fun lies in the surprises. It never occurred to me that anyone could write a poem about a congressional hearing, but Herman Melville did it when Robert E. Lee came to Washington to testify before the Reconstruction Committee a year after Appomattox. (The poem is not as long as *Moby Dick*, but close.) The chief of staff to our current president, former Marine general John F. Kelly, makes an appearance with a Veterans' Day speech delivered in 2010. After all this time, I suppose I shouldn't be surprised by the learning and eloquence of Calvin Coolidge, represented here in a speech explaining the Declaration, but the surprise is always pleasant. "The mind of the [founding generation] was not so much engrossed in how much they knew, or how much they had, as in how they were going to live."

Every piece has its place. The scheme is thematic rather than chronological. Under "The American Character: Individuals Free and Equal" we find (unexpectedly) stories by Saul Bellow, Kurt Vonnegut, and Philip Roth, none of them known for their unthinking boosterism. "Courage and Self-Sacrifice: Toward Country and Ideal" brings together contributions from John McCain and Mark Salter, Stephen Vincent Benét, and Michael Shaara. "The Goals of Civic Life" offers Frederick Douglass, W. E. B. Du Bois, and Wallace Stegner.

The juxtapositions are ingenious and always illuminating. To explore the relationship between law and justice, the editors place Lincoln's Lyceum address (1838), which extols "reverence for the law" as the "political religion of the nation," alongside Martin Luther King's "Letter from Birmingham Jail," the most compelling defense of civil disobedience ever written. The virtues that Ben Franklin believed were necessary for the all-American, self-made man appear just before a story from the Gilded Age by Henry James, "Pandora," about an all-American "self-made girl." The editors illustrate the power of the past, personal and national, with an Alice Walker story about family heirlooms close by Oliver Wendell Holmes's Decoration Day address to Civil War veterans ("in our youth our hearts were touched by fire . . . "). Somehow—I don't know how—a delightful Hyman Kaplan sketch by Leonard Q. Ross fits perfectly next to the lurid essay "True Americanism" by the appalling Theodore Roosevelt.

The book's vast acreage, spiritually speaking, manages to encompass all the perennial questions raised by our great experiment in self-government. As readers wander through it, staring up in wonder at mighty sequoias like Lincoln and Douglass, lingering to appreciate homegrown geniuses like Stephen Crane and Ralph Ellison, they'll see that the very largeness of the book testifies to the largeness of the country it's meant to represent. The preoccupations of the edi-

tors turn out also to be the preoccupations of the country's greatest minds and hearts. What is the link between civility and civic life? How do smaller communities relate to the larger national community and to one another? When do symbols cease to be symbols and take on the character of the thing they were meant to symbolize? How do we sustain the ideal of citizenship in a multiracial, multiethnic society that favors the individual over the collective? The book is itself an act of the educated patriotism it hopes to encourage.

The range of the collection reflects the range of interests of the editors: Amy and Leon Kass, late of the University of Chicago, and Diana Schaub of Loyola University Maryland. With the book's publication in 2011 they got up a website too: whatsoproudlywehail.org. Schaub and the Kasses conceived their anthology as a kind of workbook, not only for teachers and students and parents and children but also for book clubs and reading groups, where citizens can gather to chew over the obligations and rewards of citizenship. It is a book of stories not arguments, aimed at the heart as well as the head, and its "ultimate goal, stated without apology, is to produce better patriots and better citizens." With the secondary goal of putting Qatar in its place. ♦

COMMENT ♦ CHRISTOPHER CALDWELL

Did Turkey gobble up democracy?

To judge from Western newspapers, the elections on June 24 in Turkey brought a crisis for democracy. The "crisis" is that Turks will continue to be governed by Recep Tayyip Erdogan, the perennially popular Islamist former mayor of Istanbul, for whom they voted overwhelmingly, and not by Muharrem Ince, the secularist darling of Western journalists, who lost to Erdogan by 20 percentage points and 11 million votes. In Germany, the *Frankfurter Allgemeine* calls Erdogan Turkey's "first elected sultan," a "master of manipulation." In London, the *Financial Times* alluded to opposition warnings of a "one-man regime."

This is certainly a crisis for *something*. Erdogan has been a mischievous participant in the Syrian and Iraq wars, and an unreliable NATO partner. He appeases ISIS. He buys air-defense systems from Russia. He single-mindedly sabotages America's Kurdish allies. He has become perhaps the loudest voice against Israel on the world stage.

But if it is a crisis for democracy, then journalists are using a strange definition of democracy. The most undemocratic-looking elements of the Turkish elections have to do with Turkey's embroilment in international conflict. The Kurdish candidate, Selahattin Demirtas, waged his campaign over YouTube, from jail. That is because the war Turks have waged against Syria's Kurds allows Erdogan to classify their sympathizers (including Turkey's Kurds) as "terrorists."

Erdogan's triumph is certainly a crisis for *something*. But if it is a crisis for democracy, then journalists are using a strange definition of democracy.

This may be an injustice, but it is one in which the United States is, to put it mildly, not blameless.

Many journalists have spoken, too, of Erdogan's "worrying track record on rights" since the attempted military coup against him in July 2016. Journalists have been jailed, the army reformed from top to bottom, and more than 100,000 government employees fired. This may be quite excessive. But most news coverage misses the point: When a country's armed forces try to overthrow its democratically elected leaders, a responsible politician might believe he has higher priorities than, say, building day-care centers.

Nothing was ever the same after the coup. Some people surely find it a worse country to live in. But when Erdogan's enemies speak of "one-man rule," what they are most often referring to is the reform of the constitution, passed by referendum last year. It does make the executive more powerful, primarily by replacing a parliamentary system like Britain's or Germany's with a presidential system like that of France or the United States.

There are rich constitutional arguments, many of them by American Anglophiles and English Americanists, over which system is better. James Madison, Lord Bryce, Woodrow Wilson, Lani Guinier—such scholars have sought the right balance between giving a voice to dissent and providing for what Alexander Hamilton called "energy in the executive." European journalists covering Turkey appear to consider the matter settled. For them, the difference between presidents and tyrants is an unimportant one. As the *Financial Times* puts it:

> The new turbo-charged presidency will grant almost total control over the levers of the state to a divisive leader who has already been accused of using ballot box victories to justify a winner-takes-all style of rule. He will now be able to hire and fire ministers and senior civil servants, issue executive decrees that carry the force of law, and wield greater control over judicial appointments.

Heaven forfend! This is the American system. Whether one favors such

powers for the Turkish head of state or not, they were secured by a democratic vote, and any victor in the last election would have enjoyed them.

One journalist noted: "The amended laws do leave a small space for checks and balances, making control of the 600-seat parliament crucial." But if taking parliament is crucial, then there would seem to be a *large* space for such checks. And Erdogan lost ground in this new parliament, which he controls only through a coalition with the nationalist MHP party.

Germans have been particularly anguished over the Turkish result. With its population of 1.5 million Turkish citizens, Germany is an important Turkish electoral district. And German Turks, with their years of exposure to Western liberalism, turn out to be considerably more pro-Erdogan than their cousins back home: Whereas 53 percent went for Erdogan in Turkey, 65 percent did in Germany. The leading German tabloid, *Bild*, asked Turkish residents why they liked Erdogan so much. "He doesn't let himself get pushed around," one said. "Not by the USA, not by Chancellor Merkel." And for many, especially the self-described "headscarf people," the most important thing is that Erdogan is a pious Muslim.

From a western perspective, Turkey has a culture problem: It is increasingly Islamist and theocratic. It has an economy problem: It is dependent on fickle foreign investment. But it does not have a democracy problem. In fact, in setting their own path, its people are less impeded by unaccountable elites than many Western peoples are.

Turkey has a problem with democracy only to the extent that the word *democracy* has been altered to mean something like "the stuff respectable journalists and board members in New York and Berlin approve of." C. S. Lewis, in a great 1944 essay, used *democrat* as the prime example of that class of "words which were once insulting and are now complimentary." Like *villain* and *gentleman*, the word has become a crude value judgment. "The truth," Lewis wrote, "is that words originally descriptive tend to become terms either of mere praise or of mere blame. The vocabulary of flattery and insult is continually enlarged at the expense of the vocabulary of definition. As old horses go to the knacker's yard, or old ships to the breakers, so words in their last decay go to swell the enormous list of synonyms for good and bad." ♦

COMMENT ♦ CHRISTINE ROSEN

The Gosport horror: a hospital in name only

The staff at Gosport War Memorial Hospital in the U.K. had a nickname for the Daedalus Ward. They called it the "Dead Loss" ward because so many of the patients assigned to it died untimely deaths. From 1989 to 2000, it's also where medical staff at the hospital pursued a mercenary policy of euthanasia, killing patients by administering overdoses of opioids and other drugs in what a recently issued independent investigation into the hospital's practices called an "institutionalized regime."

The panel found "a disregard for human life and a culture of shortening the lives of a large number of patients" at the hospital. As the Right Reverend James Jones, KBE, the head of the investigatory panel, notes, "The shocking outcome of the Panel's work is that we have now been able to conclude that the lives of over 450 patients were shortened while in the hospital." Some critics have suggested the number is much higher.

Many of the victims were admitted to the hospital with recoverable conditions such as a broken bone. Elsie Devine was one such patient; the 88-year-old grandmother went to Gosport to recover from a mild infection; a few weeks later, she was dead, the victim of a powerful and medically unnecessary cocktail of fentanyl and diamorphine. The same was true of 78-year-old Ethel Thurston; sent to Gosport to recover from a fractured femur, she was labeled "aggressive" by nursing staff because she wouldn't eat the hospital food and "has been known to strike staff." Nurses noted her treatment: "Syringe driver started diamorphine 90 mg. Midazolam 20 mg." She was dead by that evening.

It was only through the tireless efforts of victims' families that the situation at Gosport was finally revealed, but it was evidently an open secret among the people who worked there.

It was an open secret among people who worked there. One nurse told police, 'It appeared to me then and more so now that euthanasia was practiced by the nursing staff.'

As the London *Times* reported, one nurse who had worked at Gosport told local police, "It appeared to me then and more so now that euthanasia was practiced by the nursing staff." So common was the practice that, as the *Guardian* reported, hospital staff often joked among themselves about especially difficult patients. "We agreed that if he wasn't careful," they said of an annoying patient, "he would 'talk himself into a syringe driver.'" The patient was later euthanized.

Dr. Jane Barton, the physician responsible at Gosport, frequently delegated killing duties to her staff.

According to the *Guardian*, she wrote the following on Thurston's file: "Please make comfortable. I am happy for nursing staff to confirm death." Although she was disciplined for her role in the deaths of 12 patients, Barton never faced criminal charges or lost her medical license. Now retired, Barton delegated to her husband the task of responding to the recent investigation. As the BBC reported, he read the following statement: "She has always maintained she was a hardworking, dedicated doctor—doing the best for her patients in a very inadequately resourced part of the health service."

While the British government reckons with the meaning of Gosport (Prime Minister Theresa May apologized to the families of the victims and called the situation "tragic" and "deeply troubling") the case has relevance beyond the U.K. We often repeat that ideas have consequences, but euphemisms have consequences, too: their use can mask many evils. Euphemism was the argot at Gosport. Patient files included notes such as, "this patient is for palliation" and "please make comfortable," when what was meant was "terminate." Even the independent panel's report on Gosport avoids using words such as "murder" and "killing," instead trafficking in such doublespeak as "shortening the lives" and "terminal care pathways."

The embrace of euphemism at Gosport appears to have encouraged an understanding of human life as a qualitative resource whose value could be abstracted, measured, and acted upon accordingly (thus Dr. Barton's self-serving complaint about "inadequate resources"). Such a worldview might deem a life less worth saving when it comes in the form of, say, a grumpy old man with bedsores seeking to extend his stay at a rehabilitation hospital that is struggling with budget cuts. The fate of patients at Gosport offers a stark reminder that you can judge a society's values by how it treats its most vulnerable members, particularly children, the elderly, and the disabled. Given the rapidly aging populations of many countries, including the United States, our approach to taking care of the vulnerable should reflect our values, not numbers on a balance sheet.

The findings at Gosport also have implications for the way we discuss assisted suicide.

There is growing support for doctor-assisted suicide in the United States. A May 2018 Gallup poll found that 72 percent of Americans think a doctor should be allowed to help a terminally ill patient die as long as the doctor has the patient's and family's consent; 54 percent said doctor-assisted suicide was "morally acceptable." Approval rates were highest among self-described liberals and Democrats and lowest among weekly churchgoers.

The Gosport case suggests we might want to be very cautious about embracing assisted suicide as a moral advance. Supporters of the practice traffic in the same language employed by Gosport's eager euthanasiasts, often citing the alleviation of suffering and the desire to make people "comfortable" at the end of life. They appeal to individual autonomy and choice, which is why

they call it a "right" to die. But rights arise in particular cultural contexts. The assumption of right-to-die advocates is that the *quality* of a life determines its worth (and thus when it should end). In this view, aging and illness are understood as burdens (on one's family or care-givers or society) rather than a normal, if often challenging, part of being human.

It was a community of surviving family members that ultimately brought the murders at Gosport to the public's attention. That community's demands for justice for their loved ones serves as a reminder that even free and prosperous societies must guard against a mindset that views the weakest among us as a burden. All of us, because we are human, will at times be a burden to others. And all of us, if we want to retain our humanity, should find it within ourselves to bear such burdens. ♦

COMMENT ♦ MARK HEMINGWAY

Want to defend civil liberties? Don't look to the ACLU.

Wendy Kaminer is actively engaged in an unusual mission for a former board member of the American Civil Liberties Union (ACLU): warning the public that the ACLU has abandoned its commitment to defending free speech. Writing in the *Wall Street Journal* on June 20, Kaminer notes that a recent internal ACLU memo on "case-selection guidelines" explicitly says that the cases the organization takes up may be influenced by "the extent to which the speech may assist in advancing the goals of white supremacists or others whose views are contrary to our values." As Kaminer notes, "factors like the potential effect of the speech on 'marginalized communities' and even on 'the ACLU's credibility' could militate against taking a case."

After Kaminer brought attention to the memo, the ACLU wrote a letter to the *Journal* insisting that the organization will "continue to defend the speech rights of the unpopular." However, the problem for the ACLU is not just that this latest controversy has undermined its reputation for being principled. It's that the ACLU, while having done lots of commendable work over the years, has been putting politics over principle for decades—and is either in denial or uninterested in correcting its organizational problems.

Last summer, the ACLU took up the case of white supremacists who wished to hold a rally at a public park in Charlottesville, Va., after city officials tried to shut down the event. The ACLU prevailed legally, as they should have under the First Amendment, but the rally took a tragic turn. Angry counterprotesters descended on the town, police mismanaged the event, and a white supremacist drove a car through the crowd, killing a woman and injuring 19 others. After the rally, some 200 of the ACLU's 1,300 full-time employees signed a letter criticizing the organization's leadership for continuing to defend the speech rights of those with whom the employees disagree. "Our broader mission—which includes advancing the racial justice guarantees in the Constitution and elsewhere, not just the First Amendment—continues to be undermined by our rigid stance," the letter says. "This letter has to be seen for what it is—a repudiation of free-speech principles," Michael Meyers, another former ACLU board member, told the *New York Times* last year.

Unfortunately, recent decades provide plenty of evidence that the contemporary ACLU leadership regards free speech as secondary to other political goals.

But based on this latest internal memo, the pressure applied to the organization after Charlottesville appears to have worked. The ACLU's reaction to Charlottesville is a sadly ironic mirror image of the stand it took that perhaps most cemented the reputation of the organization as a principled defender of speech. Between 1977 and 1978, the ACLU fought a tense battle in both the courts and in the court of public opinion for the right of neo-Nazis to march through a Jewish neighborhood in Skokie, Illinois. Its defense of Nazis resulted in a mass exodus from the ACLU that left the organization with a substantial budget deficit, but it was worth it. The ACLU won a landmark First Amendment case at the Supreme Court, *National Socialist Party* v. *Skokie*, the long-term benefits of which far outweighed the potential indignity of watching a small group of hateful men play dress-up and wave swastikas (the march through Skokie never occurred; the neo-Nazis staged a rally in Federal Plaza in Chicago instead).

Unfortunately, recent decades provide plenty of evidence that the contemporary ACLU leadership regards free speech as secondary to other political goals. In 1999, the ACLU filed an amicus brief at the Supreme Court in favor of anti-abortion protesters challenging "buffer zone" laws that keep them away from abortion clinics. In 2007, however, the national ACLU overruled the opinion of a state chapter in Massachusetts when the local chapter came out in opposition to a state buffer zone law even stricter than the one the ACLU had opposed in 2000. This put the ACLU on the wrong side of a law restricting the First Amend-

ment that was unanimously overturned by the Supreme Court in 2014.

After opposing campaign finance laws for decades on the grounds that they restrict free speech, in 2010, the ACLU changed its position when it came under fire from liberal supporters in the wake of the landmark *Citizens United* Supreme Court case, which loosened campaign finance restrictions. It apparently didn't matter that the Obama administration's deputy solicitor general had told the Supreme Court that campaign finance laws entitled the government to ban books. The ACLU responded to criticism of its support for *Citizens United* by voting to change the organization's position to accept "reasonable" campaign finance restrictions, a limitation the organization never bothered to define.

And in 2015, the organization abandoned its 20-year support of Religious Freedom Restoration Act (RFRA) laws just as those laws were beginning to be invoked to defend Christians who did not wish to be compelled to provide services for gay weddings. (The ACLU is currently suing a grandmother in Washington state for her home and personal assets after she refused to make floral arrangements for the wedding of a gay customer to whom she otherwise faithfully sold flowers for nine years.)

In a *Washington Post* op-ed, an ACLU staff member argued that the organization couldn't support RFRA laws because the laws would protect businesses that object to paying for the birth control of employees; the ACLU also couldn't support Catholic bishops who have the temerity to receive public funds to take care of unaccompanied migrant children and not provide them with abortions. To argue that these concerns should be given priority over freedom of conscience or religious freedom is unpersuasive, to put it mildly.

And, of course, the ACLU was repeatedly called out by pro-life activists for refusing to take a position on the brazenly unconstitutional compelled speech in *National Institute of Family and Life Advocates* v. *Becerra*. The June 26 Supreme Court ruling in that case invalidated a California law requiring crisis pregnancy centers to tell pregnant women about abortion. Meanwhile, the Alliance Defending Freedom, the Christian legal group which won this case (and eight other Supreme Court cases in the last seven years), has been labeled a "hate group" by the Southern Poverty Law Center for taking on the types of cases that the ACLU could once be counted on to defend.

While it would be nice to chalk up the ACLU's problems to the political tumult of the last decade, it's worth noting that its reputation has always been overblown and the forces now destroying the ACLU from within are the predictable result of phenomena endemic to progressive institutions.

In 1985, political scientist Aaron Wildavsky wrote a prescient *Public Interest* essay about why he had left the ACLU decades earlier, when it first began embracing identity politics, promoting causes concerned with equality of outcomes, and distorting notions of equality under the law.

"Activists in these other movements moved into the ACLU, and people discomforted by this trend toward support of equal results moved out," wrote Wildavsky. "The process is self-reinforcing: New policies attract more like-minded adherents. No one has to tell the ACLU membership what to do. They can guess what the equality of the condition requires, and trial and error tells them what catches on with the people who flock to their cause."

Based on the organization's recent behavior and rhetoric, it appears this process is starting to reach its logical and tragic conclusion. The policy that currently seems most galvanizing to the American Civil Liberties Union is defending its unearned reputation as the arbiter of what is considered "acceptable" free speech, even as it's pointed out that they no longer defend the civil liberties of people far more respectable than Nazis. ♦

COMMENT ♦ PHILIP TERZIAN

Trump has my thanks if he ends the worship of presidents

When asked whether he intended as prime minister to offer the British public moral guidance, Harold Macmillan answered that if the people wanted moral instruction, "they should consult their bishops." Macmillan wasn't suggesting that people don't need guidance, nor was he without convictions himself. He just didn't think that (most) politicians were equipped to furnish moral instruction or that the public should expect such things from elected officials.

This may be a peculiarly British attitude on the subject. Britain, after all, has an established church, which we manifestly do not, and a constitutional monarch who functions as head of state. Prime ministers, who are party politicians dependent on votes in a fractious parliament, are mere heads of government. By contrast, the American presidency combines both functions in one—head of government *and* state—and given our constitutional balance of power, divided as it is among the three separate branches, the office has acquired a status resembling royal prestige.

This was brought home to me in the waning days of the Nixon administration, when some of the president's more stalwart defenders likened impeachment/resignation to regicide, as in the execution of King Charles I. To be sure, Nixon's downfall was a shocking series of events, since no president had ever resigned his office, and Watergate featured much partisan opportunism. But it was a political episode—Richard Nixon was vulnerable and congressional Democrats had the votes—

not the overthrow of a monarch who ruled by divine right.

Yet by 1974, so embedded in our system was the notion of an imperial presidency that Nixon's successor, Gerald Ford, was swiftly embraced as an embodiment of national unity, soothing America's nerves. Of course, the irony was that Ford's perceived modesty (he was famously photographed toasting English muffins at home) was favorably compared with Nixon's alleged pretension—thereby affirming Ford's own royal touch. We were a lot less sentimental in the previous century: After the genuine trauma of Abraham Lincoln's assassination, his successor Andrew Johnson was treated contemptuously—and very nearly removed from office—by Congress.

I am not certain if this is progress. With the 20th-century shift in power toward the White House, the status of the chief executive has long since surpassed what the Founders had in mind. Thomas Jefferson disdained the idea of delivering a state of the union address in person to Congress, believing that it bore an uncomfortable resemblance to a monarch's speech from the throne at the opening of Parliament. It is not for nothing that Woodrow Wilson, who deplored what he called "congressional government," revived the practice of speaking in person on Capitol Hill, a ritual that now features television coverage, half-hour entrances and exits ("Mr. Speaker, the president of the United States!"), and rounds of applause after every pronouncement.

Indeed, the president is not just regarded as first among equals in our system but enjoys a peculiar cultural status as well. He arrives and departs to the tune of a Scottish anthem entitled "Hail to the Chief." The president's consort is called first lady and commands a substantial taxpayer-funded secretariat. Older presidential offspring are objects of public interest and occasionally get married in semi-state White House ceremonies. Presidents don't just entertain visiting foreign dignitaries but are also expected to graciously receive winners of professional sports championships, recipients of the Nobel Prize, and honorees of the John F. Kennedy Center for the Performing Arts. America is strewn with great pyramids called presidential libraries, and the nation's highest civilian award is called the Presidential Medal of Freedom.

Presidents don't just entertain visiting foreign dignitaries but are also expected to graciously receive sports champions, Nobel laureates, and honorees of the Kennedy Center.

The networks devote a fair amount of their evening "news" segments to chronicling the president's daily activities while generally disdaining Congress and the Supreme Court. The Gridiron Club of the Washington press corps offers "but one toast" at its annual dinner—"to the president of the United States." It is the president, not the chief justice or Senate majority leader, who lights the National Christmas Tree, comforts the afflicted after natural disasters, and travels in ever-lengthening royal progresses around the capital city and country.

I suppose it should be obvious, at this juncture, where this is leading. It is certainly obvious to me, at any rate, whenever I read another impassioned essay about President Trump's character or lack of it: Whatever you may think of Donald Trump's politics, he has certainly challenged the accelerating mythification of the presidency. And that, by any measure, is a welcome development. I say this partly because it is healthy to have a clear eye about the fallible people who hold public office, especially the presidency, and partly because the dignity of office is a two-edged sword.

Extending ritual deference to politicians—especially politicians elected in national ballots—is a natural instinct; but just as the admiration of Trump voters for Trump enrages his detractors, both attitudes seem largely a symptom of political prejudice. From my standpoint, the hero-worship of Barack Obama was equally as dangerous, and implausible, as Trump-worship. And as the present reputations of admired past presidents (Jefferson, Wilson, Andrew Jackson, etc.) suggest, standards of character and virtue may be variable.

If all presidents were Caesar Augustus, or even George Washington, obeisance might seem tenable. But they're not. And while it may be a personal defect that I find Trump more amusing than disturbing, the fury he inspires tells us more about the infuriated. For Trump neatly illustrates Machiavelli's notion that a "most excellent captain" may not necessarily be "among the most excellent men." Trump's impulsiveness can be disconcerting, and his Twitter habit is a decidedly mixed blessing. But in my view, the effect of both has proven (in certain foreign and domestic instances) to be salutary, even commendable. And a lot of the contemporary frenzy about Trump is a high-fevered version of standard partisan conflict.

I, too, wish that the president were more temperamentally attuned to the conventions of his office and came closer to my own ideal of a president. But it is always useful to separate policy from personality, to judge actions by results, and expect that not all presidents are "most excellent men." I wouldn't seek moral instruction from Donald Trump, but I wouldn't have sought it from John F. Kennedy, either. ♦

Fight Preview

Democrats will go to war against Trump's court pick, without much hope of success. BY FRED BARNES

Democrats are in a state of high anxiety over the likelihood that departing Supreme Court Justice Anthony Kennedy will be replaced by a more conservative and much younger justice. And they ought to be.

Not that Republicans are in a commanding position. They have only a one-vote margin in the Senate, 50-49, assuming that John McCain (R-Ariz.) will be absent due to a brain tumor. But all the Republicans voted a year ago to confirm Justice Neil Gorsuch, and three Democrats joined them.

Democrats have only themselves to blame for the fact that just a simple majority will be required for confirmation. There used to be an opportunity to filibuster, but Democratic majority leader Harry Reid, who retired in 2017, changed that rule in 2013.

Democrats don't appear to have any fresh ideas, at least for now, for derailing President Trump's second nominee to the court. Trump has pledged to pick from a carefully selected list of more than 20 potential nominees, all of them judicial conservatives to one degree or another.

And their hardy perennial attack on GOP nominees may be too stale or even irrelevant, depending on the nominee. It's to accuse the nominee of being wrong on social issues—that is, even slightly right of center.

House minority leader Nancy Pelosi has already voiced the familiar accusation, one that many Democrats ought to be able to recite by heart. "Make no mistake," she said. "Republicans now have the opportunity to erase a generation of progress for women's rights, LGBTQ rights, civil rights, workers' rights, and health care."

Fred Barnes is an executive editor at THE WEEKLY STANDARD.

The Democrats' refrain on social issues also aims to rile up the base with the claim that any conservative nominee would create a five-judge majority for overturning *Roe* v. *Wade*. But that claim has lost its punch. Leonard Leo of the Federalist Society told Fox News's Stuart Varney that of the current justices, only Clarence Thomas is publicly in favor of tossing out the pro-abortion ruling.

Still another tactic is to try to peel off Senators Susan Collins of Maine and Lisa Murkowski of Alaska, both moderate Republicans, by emphasizing social issues. But that was tried in Gorsuch's case and failed. Neither senator was a holdout who needed special wooing to vote for Gorsuch.

Social issues do have an impact on who is nominated. Republicans are fearful of picking a judge who has ruled against gay rights or abortion, even on marginal aspects of those issues. That would only add to the fierce opposition we'll see in the confirmation hearings.

Democrats have raised a new demand: delay a confirmation vote until after the midterm election in November in hopes they can capture a Senate majority. Majority Leader Mitch McConnell said he will schedule the vote before the midterm, and he stuck by that in the days after Kennedy's announcement.

To force their point, Democrats are circulating petitions. Senator Tim Kaine (D-Va.) asks people to sign this: "I am calling on Majority Leader Mitch McConnell to follow his own rule and not consider a Trump nominee until after November's election."

Democrats cite what they call the "stolen" justice of 2016. When Justice Antonin Scalia died in February of that year, McConnell announced there would be no vote on a successor until after the presidential election. Senator Pat Leahy and other Democrats are now citing a McConnell line from that year: "The American people should have a voice in the selection of the next Supreme Court justice," meaning wait until after the midterm election.

At the time, Hillary Clinton was expected to win. But Trump won and is now basking in his power to create a high court dominated by five solid conservatives.

All sides, not just Democrats and Republicans but also unaffiliated liberal and conservative groups, are well organized for the coming confirmation fight. The conservative Judicial Crisis Network has already run an ad urging Democrats to vote for Trump's nominee.

That's not as much of a long-shot as one might think. Three red state Democratic senators—Joe Manchin of West Virginia, Heidi Heitkamp of North Dakota, and Joe Donnelly of Indiana—voted to confirm Gorsuch in 2017. All three are up for reelection this year, and voting against a conservative nominee just before November might be risky.

The White House has been evaluating a list of possible nominees for months. The top five of the list are federal appeals court judges:

Brett Kavanaugh, 53, of the D.C. Circuit Court of Appeals. He's a favorite of many conservatives.

Amy Coney Barrett, 46, of the Seventh Circuit. She is a former professor at Notre Dame Law school.

Amul Thapar, 49, of the Sixth Circuit. He was one of four men interviewed by Trump last year when Gorsuch was chosen.

Thomas Hardiman, 52, of the Third Circuit. Trump's sister is a senior judge on that court and is said to speak highly of Hardiman.

Raymond Kethledge, 51, also of the Sixth Circuit. Less known than the others in national judicial circles, he might be the dark horse.

Very likely, you'll soon be hearing a lot more about one of these. ◆

GARY LOCKE

Lawyer Fees and Loopholes

The Patriot Legal Expense Fund is here to help Trumpworld. BY MICHAEL WARREN

In the president's view, the Russia investigations are a "rigged witch hunt." But this doesn't mean that people in Trumpworld can dismiss them. Special counsel Robert Mueller has already secured indictments or guilty pleas from more than a dozen people, and there are two concurrent congressional investigations. It's a field day for Washington defense lawyers, and the costs of even basic legal representation can get pretty high. What's a low-level White House staffer to do?

Have no fear: The Patriot Legal Expense Fund Trust is here. Established in February, PLEFT promises in its charter agreement to "serve as a legal expense fund to raise money and pay for or help defray legal expenses, which can include attorneys' fees, court filing fees, litigation costs, or other related fees and costs incurred by" eligible recipients. Who is eligible? Any person connected with the Trump campaign, transition, or administration—excluding the president himself and his immediate family—who is in any way caught up by the existing investigations into Russian interference in the 2016 election.

On the surface, PLEFT sounds like a traditional legal defense fund, but there are some notable and curious differences. First, PLEFT was organized in Delaware as a limited liability company. Second, it is registered with the IRS as a tax-exempt political action committee under section 527, which usually governs campaign organizations. Being a 527 allows the fund to receive unlimited contributions, but it also requires the group to disclose its donors, contributions, and expenditures. And finally, unlike the usual defense funds, which are set up to benefit a single individual, PLEFT is not a trust dedicated to paying any one person's legal expenses. Instead, it is designed to have numerous and still unnamed beneficiaries, none of whom has any protected rights to the money (as Paul Manafort and Michael Flynn, for instance, do to the money donated to the funds set up to aid them).

By the way, are these bills fungible?

The power to determine which Trump associates get reimbursed for their legal fees belongs entirely to the manager of the fund—Nan Hayworth, a former New York Republican congresswoman. Hayworth, who served one term in the House (2011-13), is the public face of PLEFT and is featured in a YouTube video on the fund's barebones website urging donations. "Your support of the Patriot fund will keep faith with the people who share President Trump's commitment to make America great again," she announces.

A spokesman for the fund, Mark Serrano, declined to comment, and the fund's legal counsel at the D.C. firm Wiley Rein were also unavailable to respond to questions, all of which boil down to this: Why the atypical setup?

That's the question Democrats on the House Oversight Committee have asked the White House's Office of Government Ethics, which in January gave the Patriot fund the stamp of approval. In an April letter to the ethics office's acting director, the lawmakers raised concerns, including the possibility that White House staff could receive donated funds from outside groups who themselves are not required to disclose their donors—raising the potential for donors to the fund to hide underneath shell organizations.

The Democrats also fear PLEFT's arrangements do too little to police the donations, which could come from prohibited sources. Under federal regulations, an administration employee cannot accept gifts from donors who have—or even appear to have—interests involving that employee's official duties. When it comes to West Wing staff, that means nearly every potential donor is a prohibited source. These problems plagued the White House during President Bill Clinton's legal troubles, and all but killed legal defense funds then as a sensible option.

The Patriot fund's "solution" is to identify all donations for federal employees and redirect any money from prohibited sources toward non-federal employees under investigation. But as Walter Shaub, a former director of the ethics office, points out, "money is fungible." "Every dollar the fund accepts from a questionable source and pays to a nongovernmental beneficiary frees up a dollar for those who do work for the government," he wrote in an op-ed for the *Los Angeles Times* in February.

Shaub, who was appointed to the top job at the ethics office by Barack Obama in 2013, resigned last year and has since become a sharp critic of the Trump administration. He says the structure of the fund allows the people running it to violate federal ethics rules and to misrepresent the interests of donors.

In November, Ty Cobb, then the president's lead counsel, said that

BIGSTOCK

Michael Warren is a senior writer at THE WEEKLY STANDARD.

PLEFT would not pay the expenses of anyone indicted in the investigation, but the fund's charter leaves the door wide open to do exactly that. "The Manager," it reads, "shall avoid payments arising from the defense of any charge or indictment for dishonest, fraudulent or criminal activity unless the Manager determines, in the Manager's sole and absolute discretion, that the acts forming the basis of such charge or indictment were undertaken by the Recipient on behalf of, or directly in support of, the Campaign, the Transition or the Administration in good faith and without knowledge that such acts were prohibited by law." In other words, if you're indicted but the fund's manager believes you didn't break the law on purpose, the fund can reimburse your legal expenses after all.

There's also the possibility that the money "could be used to influence witnesses." While the manager of the fund is prohibited from communicating with potential recipients, the manager can still communicate with the Trump campaign. "This loophole would allow the Campaign to influence which individuals receive disbursements from the fund," wrote the House Democrats to the ethics office. "It would also allow the Campaign to serve as an intermediary for communications between the Manager of the fund and potential recipients." Because PLEFT is not a trust with a protected recipient, legal reimbursements could be made contingent on loyalty to the president, his campaign, or, as the Democrats' letter darkly suggested, how a witness testifies.

There's no way to know if there's been even a hint of malfeasance with PLEFT's donations or expenditures. The IRS has no record of any disclosures in the first quarter of 2018, even though there was more than a month between its registration with the IRS and the March 31 filing deadline. This indicates that the fund had neither accepted donations nor paid out money to recipients as of the deadline. Spokesman Mark Serrano again declined to answer questions about whether there had been any disbursements in the second quarter, referring me to the disclosure form expected in the middle of July. Until then, the Patriot fund will continue to draw scrutiny without giving much in the way of transparency. Says Shaub of the fund's lengthy limited liability agreement: "It's an ingenious legal document if you wanted to be a person who got away with breaking the rules." ◆

Under Ultrasonic Attack

The mysterious assault on our diplomatic personnel in Cuba and China.

BY HOLMES LYBRAND

In late December 2016, reports began trickling in from American diplomats stationed in Havana, Cuba, of strange noises and vibrations at their residences. This wasn't merely a nuisance; the people who heard the noises experienced acute symptoms including hearing loss, headaches, and dizziness. When the Americans stepped away from the specific areas where the noises and vibrations occurred, the symptoms seemed incrementally to subside.

Medical examinations were already underway when more of the bizarre cases occurred. "It wasn't until early February when new incidents were reported that there was sort of this moment of 'We've got something bigger happening here,'" then-diplomatic security assistant director Todd Brown told a Senate subcommittee this year. On February 6, 2017, the first patient was evacuated from Havana. Over the next two months, 40 more individuals would be evacuated and a specialist from Miami flown in to examine even more personnel in Cuba's capital.

As the medical examinations continued, an unusual pattern of injuries emerged: The patients' symptoms resembled brain injuries found in people who had experienced a concussion, but these patients lacked any signs of physical head trauma. Between March and mid-April, a new cluster of U.S. personnel in Havana experienced similar incidents and corresponding symptoms. The Canadian government also removed diplomats and their families from Havana after the same symptoms emerged among Canadian personnel.

In August 2017, two more Americans who reported health problems left Cuba, bringing the total number of diplomats reporting the same concussion-like symptoms to 24. The United States government had finally seen enough. It was around the same time that the State Department began referring to these incidents as "health attacks," a catch-all term rarely, if ever, used by U.S. officials. By late September, all nonemergency U.S. personnel were evacuated from the Caribbean island and within weeks the Trump administration expelled 15 Cuban diplomats.

Twenty-one of the American diplomats who reported symptoms were evaluated at the University of Pennsylvania's Perelman School of Medicine. According to several articles published in the *Journal of the American Medical Association* (*JAMA*) earlier this year, symptoms including cognitive, balance, auditory, and visual dysfunction as well as headaches and sleep impairments persisted in a majority of these patients even several months after the strange "attacks" in Havana.

"This group looks extremely like the concussion group, just without

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the concussion," Dr. Douglas Smith, director of Pennsylvania's Center for Brain Injury and Repair at the Perelman School, said on a *JAMA* podcast. With rehabilitation and other treatments, all 21 of the patients showed signs of improvement. "The good news is when they had rehab, uniformly they improved. They've all improved," Smith said. But many unanswered questions remain. Nearly a year after the incident, the condition of 14 of these diplomats had not improved enough for them to be cleared to go back to work. "We're really just at the beginning of this," Smith added, saying [concussion] "is not a real diagnosis, it's really a description of the symptoms."

Under sonic assault: the U.S. embassy in Havana

Stranger still is the fact that almost a year after removing American diplomatic personnel from Havana, officials are no closer to determining the cause of or motivation for these health attacks. The Security and Privacy Research group at the University of Michigan has posited that the high-pitched noises might be unintentional interference created by eavesdropping devices and a "second inaudible ultrasonic source." Researchers were able to replicate the high-pitched noises (thought to be similar to the ones diplomats heard in Havana) from a recording released by the Associated Press (AP), but this hasn't explained how such noises could cause the symptoms the Americans experienced. According to the AP, after "months of investigation and four FBI trips to Havana, an interim report from the bureau's Operational Technology Division says the probe has uncovered no evidence that sound waves could have damaged the Americans' health."

The Cuban government has been unhelpful, to say the least, blaming the strange illnesses on everything from mass hysteria to field crickets, as *PBS NewsHour* noted. Some Cuban officials have gone so far as to accuse the U.S. government of deliberately lying about the incidents. Dr. Randel Swanson, who led the medical evaluation of the diplomats, rejected the notion that this group suffered from a form of mass hysteria: "The characteristics of a group of patients who experience [mass hysteria is] such that the symptoms are short-lived and often benign in nature and there aren't consistent physical exam findings, which is completely the opposite of what we see in this patient population," Swanson said on the *JAMA* podcast. Additionally, Smith argued that mass hysteria often presents the exact same symptoms in each patient, something that did not occur in the 21 diplomats he evaluated. Smith and Swanson also ruled out possible causes such as infection or exposure to toxins.

Elected officials haven't entirely ignored the mystery of these diplomatic health attacks. During a hearing early this year into the events in Cuba, Senator Marco Rubio, chairman of the foreign relations subcommittee that covers events in the Western Hemisphere, asked State Department officials whether the government was aware of any technology that was capable of launching the alleged attacks in Havana.

"If someone in the U.S. government says, 'We want to cause these symptoms in people,' that technology doesn't exist," Rubio said. "We don't know of that technology. Is that accurate? We are not aware of a technology that does this? We've never seen a technology anywhere in the world that does this to people?"

"That's my understanding, senator," Todd Brown replied. "When going to the subject matter experts both in government and outside government, we have not seen this."

Yet during the hearing, State Department officials were adamant that even though the United States isn't sure who launched the attacks, the Cuban government likely is aware of the culprit. "Cuba's a security state," then-acting assistant secretary of state for Western Hemisphere affairs Francisco Palmieri told the subcommittee. "The Cuban government, in general, has a very tight lid on anything and everything that happens in that country." Then-secretary of state Rex Tillerson also believed the Cubans knew who perpetrated these alleged attacks. "The Cuban government, someone within the Cuban government can bring this to an end," Tillerson told the AP.

However, in late May, the mystery dilated when reports surfaced that at least one U.S. diplomat in China's southern city of Guangzhou had experienced physical symptoms similar to a concussion after months of exposure to abnormal auditory stimuli. According to a health advisory posting issued by the State Department, the victim "reported subtle and vague, but abnormal, sensations of sound and pressure." The diplomat was sent back

ADALBERTO ROQUE / AFP / GETTY

to the United States in April for evaluation by the same physicians who examined U.S. personnel stationed in Cuba. An embassy spokeswoman told reporters that preliminary "clinical findings" on the patient "matched mild traumatic brain injury." In the weeks following, the *New York Times* reported that two more U.S. diplomats had fallen ill in Guangzhou with similar symptoms after hearing unexplained auditory stimuli.

The "medical indications" of the first reported victim in China were "very similar and entirely consistent with the medical indications that have taken place to Americans working in Cuba," Secretary of State Mike Pompeo told the House Foreign Affairs Committee on May 23. "We are working to figure out what took place both in Havana and now in China as well… We've asked the Chinese for their assistance in doing that, and they have committed to honoring their commitments under the Vienna convention to keep American foreign service officers safe." The State Department established a task force earlier this summer to investigate the health attacks.

It's no secret that, like Cuba, China is a surveillance state, one with far more advanced technological surveillance capabilities than Cuba. China already tracks its citizens using sophisticated facial recognition technology and Internet monitoring, for example. If the U.S. government is so certain Cuba knows who perpetrated these alleged attacks, why wouldn't the government also be certain that China knows as well?

Some of the diplomats sickened in the attacks clearly aren't confident the federal government will solve this mystery. As the *Miami Herald* reported in June, 8 of the 24 U.S. personnel affected by the incidents in Havana have hired a lawyer to help them pursue their health claims given the confusing signals they've received thus far regarding their treatment. "Are they being treated or are they being studied? It's not entirely clear what is happening," the group's lawyer told the *Herald*.

Writing in *Commentary* in 1961, Philip Roth observed, "The American writer in the middle of the 20th century has his hands full in trying to understand, and then describe, and then make credible much of the American reality. It stupefies, it sickens, it infuriates, and finally it is even a kind of embarrassment to one's own meager imagination." Roth was describing—and lamenting—the difficulty of matching the absurdity of the early '60s in fiction, but with these recent health attacks, our current reality seems to be taking cues from a Cold War novel.

Given the public's interest in "fake news" and Internet conspiracy theories (and how avidly it consumes true-crime podcasts and television shows), it's odd that Americans are so sanguine about this real-life mystery. Each new reported case, each new statement from the government, raises far more questions than answers. Meanwhile, experts continue to posit competing theories with what little information is available, leaving the public—and the diplomats sickened by these attacks—with partial truths and no clear path forward. ♦

The Mulvaney Maneuver

Beating Elizabeth Warren at her own game.

BY RONALD L. RUBIN

On June 18, President Trump nominated Kathy Kraninger to replace Mick Mulvaney, the acting director of the Consumer Financial Protection Bureau. Few had heard of Kraninger, Mulvaney's deputy at the other agency he leads, the Office of Management and Budget. Critics quickly declared that Kraninger's lack of consumer finance experience made her unfit to lead the CFPB.

Kraninger is certainly not the most qualified Republican the president might have chosen, since many of the presumed candidates for the director's job were extraordinarily accomplished. Among the names floated over the last year were those of the chairman of the National Credit Union Administration's board, the general counsel of Fannie Mae, the chairman of the House Financial Services Committee, and a professor recognized for expertise in consumer financial law. Nevertheless, the Senate must decide only whether Kraninger is *sufficiently* qualified to lead the bureau.

Senator Elizabeth Warren opposes Kraninger, of course, just as she would have opposed any other Republican candidate. Warren, the former law professor who first proposed a Financial Products Safety Commission in a 2007 article and later led the CFPB's start-up process, believes that only Democrats can protect consumers from financial industry fraud. More important, she has never forgiven Republicans for blocking her own attempt to become the bureau's first director.

The Constitution sets no guidelines for Senate confirmation of presidential nominees. Some jobs merit more scrutiny than others, but to be evenhanded, each senator should apply consistent standards for any particular vacancy. For Warren, Ohio senator Sherrod Brown, and New York's Charles Schumer, the

Ronald L. Rubin was an enforcement attorney at the Consumer Financial Protection Bureau and chief adviser on regulatory policy at the House Financial Services Committee.

Leandra English, left, with patrons Chuck Schumer and Elizabeth Warren, November 27, 2017; inset, Kathy Kraninger

benchmark for evaluating the qualifications of potential CFPB directors is Leandra English.

English held mostly political positions during the Obama administration before serving as former CFPB director Richard Cordray's chief of staff for less than a year. On November 24, 2017, Cordray promoted English to deputy director and announced that under the Dodd-Frank Act, she would become acting director when he resigned later that day to run for governor of Ohio. President Trump, relying on the Federal Vacancies Act, immediately appointed Mulvaney acting director.

During the ensuing legal battle, Warren, Schumer, Brown, and other Democrats touted English's qualifications to lead the bureau. Republicans argued, and a judge agreed, that the president, not Cordray, had the right to appoint the acting director. English is still deputy director, although she rarely visits her office and does little to earn her salary. Kraninger's and English's education and work experience are comparable, so it is difficult to argue that Kraninger is less qualified.

Of course, Warren has done just that, with a bit of gratuitous character assassination. Citing little more than Kraninger's budget office title, the senator published a letter demanding extensive documentation of the nominee's role in the administration's zero-tolerance immigration policy and tweeted, "Kathy Kraninger helps oversee the agencies that are ripping kids from their parents."

One critic of Kraninger's credentials likened her to Harriet Miers, President George W. Bush's White House counsel and 2005 Supreme Court nominee, who withdrew after Republicans questioned her qualifications. A more appropriate analogy than the Miers episode is Cordray's attempt to retain control of the CFPB by making English acting director.

The Kraninger nomination will extend Mulvaney's influence there for at least another year, since he will remain acting director while the nomination is pending, and Kraninger likely shares his plans. If the process does not go smoothly, the Vacancies Act allows Mulvaney to continue as acting director for 210 days after the nomination is withdrawn or rejected, and after that while a second nomination is pending. If the Senate confirms Kraninger to a five-year term, she cannot be removed by the president—any president—except for cause.

Mulvaney need not apologize for taking full advantage of the law. Warren's attempt to link Kraninger to an unpopular immigration policy is typical of the gamesmanship that has been standard practice at the CFPB since 2010, when Democrats controlled Congress and the White House and, with Warren's input, enacted the Dodd-Frank Act that created the bureau and immunized it from congressional oversight.

Claiming that only a government agency independent from politics could stand up to the financial industry, Democrats guaranteed the director's five-year term and the CFPB's funding, which comes from Federal Reserve Bank profits rather than congressionally appropriated tax dollars. Warren then staffed the agency with liberals, and President Obama nominated Cordray to be its director.

Republicans objected to being completely shut out of the bureau for at least five years and filibustered Cordray's nomination. On January 4, 2012, Obama dismissed their protests and executed a recess appointment while Congress was technically in session, a maneuver the Supreme Court would find unconstitutional two years later. Cordray served as acting director for 18 months before Democrats forced Republicans to abandon their filibuster and allow his confirmation to a new five-year term. Mulvaney may be playing partisan hardball, but at least he's doing so legally.

Eight years after its conception, the CFPB is irreparably politicized. Even Democrats who once believed its structure served some purpose beyond excluding Republicans now recognize this simple truth: An agency with a single leader chosen by one party cannot be independent from politics; it can only be independent from the other party.

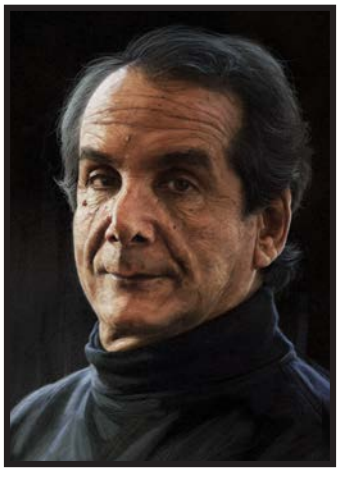
Many House Democrats support the Financial Product Safety Commission Act of 2018, a bipartisan reform bill that would replace the CFPB's director with a five-member, bipartisan panel similar to the Securities and Exchange Commission. Mulvaney, and presumably the president, will back the bill. Ironically, Warren's threat to filibuster it in the Senate is now the main obstacle to a commission like the one she envisioned in 2007. If she persists, she will have only herself to blame when Mulvaney shepherds his vision for the CFPB to fruition. ♦

TOP: DENNIS BRACK / BLOOMBERG VIA GETTY

Charles Krauthammer, 1950-2018

Selections from his Weekly Standard *essays, with appreciations by William Kristol, Fred Barnes & Stephen F. Hayes*

Editor's note: In the summer of 1995, as we prepared to launch The Weekly Standard, Charles Krauthammer agreed to be a contributing editor. We were thrilled. Charles was a writer at the top of his game, a forceful and graceful essayist on any topic to which he turned his attention. And the topics were varied: not just politics and foreign policy, but space exploration, chess, sports, Israel, and many other things besides. There's an old joke in the magazine trade about contributing editors, that they are eminent writers whose names may grace the publication's masthead but who don't edit and rarely contribute. Not Charles! He did contribute—early and often and always memorably, for which we and this magazine's readers were then and will forever remain grateful. He would write a spectacular review of Newt Gingrich's book *To Renew America* for our debut issue, the first of 40-some contributions to our pages over the years. Below are excerpts from some of our favorites.



JASON SEILER

A CRITIQUE OF PURE NEWT

Enter Gingrich and *To Renew America*. The book is unsystematic, but its underlying vision is easily discerned. It is positive. It is visionary. It is optimistic. It is non-divisive. And it does not hold up.

Gingrich's vision is of an American civilization socially restored by individualism and a sense of personal responsibility, economically restored by a freed-up, unstifled market. So far so good, but still conventionally "negative." Something more is needed to turn this prosaic vision of pre-welfare state America into the shining city of the 21st century. Newt has found it: high technology.

Wed the free individual and unfettered market to the emerging power of information-based technology (Third Wave, in Tofflerese, emerging from the hidebound Second Wave industrial technology) and you get the "opportunity society," an America of boundless prosperity, opportunity, mobility, harmony, and order. The new technology, he promises, in the chapter titled "America and the Third Wave Information Age," will in and of itself overthrow the great obstacles to growth and freedom: the guild-like legal system, the monopolistic educational establishment, hierarchical medicine, the giant corporations, Big Government itself.

The book is a catalogue of the combinative powers of freedom and technology, of how tele-education will democratize learning; how tele-medicine will solve our medical cost dilemmas; how software and e-mail will make lawyers obsolete; how, in effect, the single mom with laptop will find her way out of dependency. As Gingrich once said, "There has to be a missionary spirit that says to the poorest child in America, Internet's for you."

To be sure and to be fair, there are myriad other prescriptions for reorganizing this and reforming that in *To Renew America*, not at all tied to technology. But what is new and unique about Gingrich's conservatism—what lifts his above its merely "negative" anti-welfare-state counterpart—is precisely this marriage of conservative values and digital technology.

It is also what makes it so appealing. Confronting and deconstructing existing social hierarchies—educational, legal, governmental, corporate—is generally assumed to require politics, a politics of destruction, a hard, divisive, traditional "negative" politics of the kind practical politicians (like Gingrich and [House majority leader Dick] Armey) have to engage in daily in Congress. Gingrich yearns to rise above this. In this book he does. By assigning the task of politics to the painless and miraculous workings of technology, Gingrich manages to escape the negative and sail his techno-conservatism, unsullied, into a bright and shining future.

The Life He Intended

I miss Charles. I've missed him for the past 10 months, ever since his operation. As he wrote in his farewell letter, "That operation was thought to have been a success, but it caused a cascade of secondary complications." Charles fought those complications in the hospital. This meant that he and his wife Robbie and son Daniel, who were constantly at his side, had to step back not just from public life but from private socializing with friends.

So we missed him over these months. But we looked forward to seeing him again. As Charles put it in his note, "It was a long and hard fight with many setbacks, but I was steadily, if slowly, overcoming each obstacle along the way and gradually making my way back to health." That spare sentence does not begin to capture the amazing courage and determination with which Charles conducted a fierce and prolonged struggle to overcome the obstacles in his way.

It seemed until recently that Charles would once again prevail. But it was not to be. The cancer returned. The fight was over.

So Charles Krauthammer is gone. It is hard to believe. When more time has gone by, we will miss him, I suppose, somewhat less acutely. We will, I imagine, be more grateful for his life and less bereft over his death. But we will still miss him.

I originally intended in this piece to write a bit about Charles's thinking on America and Israel. Charles's hardheaded realism was in many ways like that of our Founders—and that of the Zionist founders as well. And so I planned to show how deep and compelling was his understanding and defense of the two exceptional nations that he loved.

But as I began to write, what I had to say about these topics struck me as pretty obvious, and in any case well said by others. More important, what overwhelmed me as I sat down to write was my appreciation of Charles the man. Charles was, to be sure, a major public figure who contributed a great deal to his country and his people—as much perhaps as any writer of his generation. But it is Charles the man who was unique.

Capturing his remarkable qualities of character and soul far exceeds my descriptive abilities. The good news is that those qualities come though in his own writing. When you read through the essays collected in the volume *Things That Matter*—particularly the pieces in the first section ("Personal"), but also many of the political and historical essays—you can't help but see, if a bit obliquely and indirectly, Charles the man. If you read more widely among Charles's writing, or if you watch or listen to longer interviews with him, you see even more. What you see strikes any sensible person as extraordinarily impressive.

One impressive thing about Charles was that he knew *Casablanca* virtually by heart. If I were to think of Charles in the context of *Casablanca*, I'd think of him as Rick Blaine on the surface but with more than a touch of Victor Laszlo underneath. (I guess this description might apply to Rick Blaine himself, which may be why Charles so loved the movie.) In any case, the fact is that beneath Charles's

Why does this vision not convince? At the broadest level, because it is as naively optimistic about the social and political possibilities of technology as thinkers 50 years ago were naively pessimistic. In the same way that Orwell and Huxley were fascinated and seduced by the totalitarian potential of technology—convinced that as technology became more powerful, it would become increasingly centralized, a means of social atomization and political oppression—Gingrich is fascinated and seduced by its potential for liberation. It is as if Gingrich's entire philosophy hinged on the famous Apple commercial (shown once, during the 1984 Super Bowl) that had the individual, armed with the Mac, destroying the Big Brother telescreen. Having seen the PC and the Internet, Gingrichism, a post-totalitarian creed, shows no appreciation for the darker side of technology.

Take, for example, the central contradiction of capitalist democracy pointed out by Daniel Bell: the way in which the constant churning and change of capitalism undermines the social structures of society. Like all conservatives, Gingrich recognizes the decline of intermediate institutions (churches, clubs, charities, other voluntary associations), the kind of associationism so celebrated by Tocqueville. We all know that Americans are, as Robert Putnam has put it memorably, "bowling alone."

For Gingrich, the solution lies at hand in the free, fluid, associative virtual communities of the Internet. Perhaps. Perhaps there will be a slice of society that will interact on the Internet, though how real this kind of community is remains very much open to question.

But what he ignores is the far more important influence of high technology. Why are Americans bowling alone? Because technology enables everybody to spend all night (and much of the day) cocooned in front of the widescreened "home entertainment center." Those who do go out move zombie-like through the streets, hard-wired to

hardheaded, almost clinical realism was an appreciation for a kind of nobility. A nobility Charles demonstrated in an understated way.

Charles had also, of course, an appreciation for the more mundane pleasures of life. He loved baseball. The single most moving tribute to Charles was, I thought, not any of the intelligent and eloquent essays written about him, but the moment of silence in his memory at Nationals Park just a few hours after his death. The baseball players with caps over their hearts, the fans in the stands standing in silence, the photo of Charles on the scoreboard in the stadium he so enjoyed frequenting . . . that was something else.

And just as one is moved by Lou Gehrig saying at Yankee Stadium on July 4, 1939, that he considered himself "the luckiest man on the face of the earth," so Charles's final paragraph in his farewell letter will speak to us as long as we respect personal courage and appreciate human excellence: "I leave this life with no regrets. It was a wonderful life—full and complete with the great loves and great endeavors that make it worth living. I am sad to leave, but I leave with the knowledge that I lived the life that I intended."

Charles Krauthammer lived the life he intended. It was a courageous life, a loving life, a fulfilling life, an American life . . . and a Jewish life.

I happen to have read something recently about Marc Bloch, the great French historian and hero of the French Resistance, killed by the Gestapo in 1944. Bloch wrote a testament a few years before, asking that at his funeral a friend would read these words: "I have not requested that the Hebrew prayers be recited over my grave, even though their rhythm has accompanied so many of my ancestors, as well as my father himself, to their final resting place. . . . As one much greater than I requested, I would readily have on my tombstone no other motto than these simple words: *Dilexit veritatem* [he loved the truth]."

Krauthammer in his office in Washington, December 2005

Charles Krauthammer loved the truth. Indeed, in his final letter he wrote, "I believe that the pursuit of truth and right ideas through honest debate and rigorous argument is a noble undertaking." But when, before he underwent surgery last August, he left instructions for his funeral in the event the operation was not successful, he requested that it be a simple and traditional Jewish service. And so, in accord with his intention, the Hebrew prayers were recited in synagogue and over his final resting place.

—William Kristol

Walkmans, as oblivious and unavailable to society as the voice-plagued schizophrenic. And the TV and Walkman are far more common than PCs with NetScape.

Even the 500 channels celebrated by the high technologists as liberating have their largely ignored, atomizing underside. The more channels, the more fractionated the audience. The more every individual can order up the kind of self-stimulation that suits his particular taste, the less his need for social association. In the old days of three channels, the audience could be shepherded into some kind of shared national experience—moon shots, *Roots*, presidential debates—that helped knit together a country of suburbanites and ex-urbanites. The cultural onanism of movies-on-demand-by-fiber-optic-wire may be personally satisfying, but it does nothing for community.

This is not to deny the liberating effects of digital technology. But it is to question the view that these effects are uniformly good. And it is to deny the view that they somehow finesse the central contradiction of democratic capitalism: the atomization that threatens social cohesion. Information technology may, in fact, make it worse.

—September 18, 1995

KATIE FALKENBERG / THE NEW YORK TIMES / REDUX

AT LAST, ZION: ISRAEL AND THE FATE OF THE JEWS

Milan Kundera once defined a small nation as "one whose very existence may be put in question at any moment; a small nation can disappear, and it knows it."

The United States is not a small nation. Neither is Japan. Or France. These nations may suffer defeats. They may even be occupied. But they cannot disappear. Kundera's Czechoslovakia could—and once did. Prewar Czechoslovakia is the paradigmatic small nation: a liberal democracy created in the ashes of war by a world determined to let little nations live free; threatened by the

covetousness and sheer mass of a rising neighbor; compromised fatally by a West grown weary "of a quarrel in a far-away country between people of whom we know nothing"; left truncated and defenseless, succumbing finally to conquest. When Hitler entered Prague in March 1939, he declared, "Czechoslovakia has ceased to exist."

Israel too is a small country. This is not to say that extinction is its fate. Only that it can be. . . .

Within a decade Israel will pass the United States as the most populous Jewish community on the globe. Within our lifetime a majority of the world's Jews will be living in Israel. That has not happened since well before Christ.

A century ago, Europe was the center of Jewish life. More than 80 percent of world Jewry lived there. The Second World War destroyed European Jewry and dispersed the survivors to the New World (mainly the United States) and to Israel. Today, 80 percent of world Jewry lives either in the United States or in Israel. Today we have a bipolar Jewish universe with two centers of gravity of approximately equal size. It is a transitional stage, however. One star is gradually dimming, the other brightening.

Soon and inevitably the cosmology of the Jewish people will have been transformed again, turned into a single-star system with a dwindling Diaspora orbiting around. It will be a return to the ancient norm: The Jewish people will be centered—not just spiritually but physically—in their ancient homeland.

The consequences of this transformation are enormous. Israel's centrality is more than just a question of demography. It represents a bold and dangerous new strategy for Jewish survival.

For two millennia, the Jewish people survived by means of dispersion and isolation. Following the first exile in 586 B.C. and the second exile in 70 A.D. and 132 A.D., Jews spread first throughout Mesopotamia and the Mediterranean Basin, then to northern and eastern Europe and eventually west to the New World, with communities in practically every corner of the earth, even unto India and China.

Throughout this time, the Jewish people survived the immense pressures of persecution, massacre, and forced conversion not just by faith and courage, but by geographic dispersion. Decimated here, they would survive there. The thousands of Jewish villages and towns spread across the face of Europe, the Islamic world, and the New World provided a kind of demographic insurance. However many Jews were massacred in the First Crusade along the Rhine, however many villages were destroyed in the 1648-1649 pogroms in Ukraine, there were always thousands of others spread around the globe to carry on.

This dispersion made for weakness and vulnerability for individual Jewish communities. Paradoxically, however, it made for endurance and strength for the Jewish people as a whole. No tyrant could amass enough power to threaten Jewish survival everywhere.

Until Hitler. The Nazis managed to destroy most everything Jewish from the Pyrenees to the gates of Stalingrad, an entire civilization a thousand years old. There were nine million Jews in Europe when Hitler came to power. He killed two-thirds of them. Fifty years later, the Jews have yet to recover. There were sixteen million Jews in the world in 1939. Today, there are thirteen million. The effect of the Holocaust was not just demographic, however. It was

He Was Brave

In 2013, Charles Krauthammer was the featured speaker at The Weekly Standard "summit" at the Broadmoor Hotel in Colorado. His performance was scintillating. He surprised the crowd with his sense of humor. He took questions.

Since I had introduced him, I was assigned to help him avoid being mobbed by hundreds of enthusiastic admirers. But when I told Charles I would lead him out of the auditorium, he waved me away. He said the attendees had paid to hear him and he wasn't going to brush them off. For nearly an hour, he chatted with them and, as he sat in his wheelchair, had his picture taken with them at his side.

This became a ritual wherever he spoke. The crowds wanted more than his words and presence. They wanted to be beside him, to idolize him up close, and share a few personal sentiments. Charles was a star, but neither the Hollywood nor the rich nor the royal type. He was loved for his intellect, his ideas, and his conservatism. In return, he was never condescending. He was gracious.

My point here is to reveal a bit of the private Charles Krauthammer. He was the smartest person I've ever known and certainly the nicest. There were a multitude of kind things—not just gestures—he did for people, often strangers. He was generous with his time. Knowing he was a psychiatrist, people consulted him. I did. He offered advice but no psychotherapy. He had long ago rejected Freud.

I have another point, but first a little chronology. I met Charles at the *New Republic* in 1985 when I was hired to write about the White House. He'd been hired a few years earlier the mythical way, only in his case the myth was true. Abandoning psychiatry and medicine, he'd come to Washington and landed in a speechwriting job for Walter Mondale. He also freelanced. He

sent a piece to the *New Republic*, a respected liberal magazine. It was unsolicited—"over the transom," as it's called in the trade. It was written in what we now know as the Krauthammer style: direct, unnuanced, blunt, and brilliantly argued. He soon was hired at TNR and got a weekly column at the *Washington Post.* Fox News came later. And in 1985, he wrote an attention-grabbing essay in *Time*.

It was called "The Reagan Doctrine." And it exemplifies my second point about Charles: He was politically and intellectually courageous. Though Reagan was president, Washington had been a liberal town since the New Deal and still is today. Permanent Washington—the press, the bureaucracy, much of the lobbying community, thousands of leftovers from Capitol Hill and prior administrations, and plenty of "experts" and hangers-on—is liberal.

"The Reagan Doctrine" wasn't. It "proclaims overt and unashamed American support for anti-Communist revolution," Charles wrote. "The grounds are justice, necessity, and democratic tradition. . . . It is intended to establish a new, firmer—a doctrinal—foundation for such support by declaring equally worthy all armed resistance to Communism, whether foreign or indigenously imposed." Help went to anti-Communist guerrillas in Afghanistan, Nicaragua, and Angola, and a few other places.

Charles didn't have to name the doctrine after President Reagan. He could have dubbed it the "Freedom Doctrine" or the "Self-Determination Doctrine." But he didn't. He boldly named it after a conservative interloper in liberal Washington. There was an outcry. Charles was accused of fishing for an invitation to the White House and other sins. He wasn't fazed.

Nor was he queasy about challenging the politically correct view of torture. Indeed, he wrote "The Truth About Torture" in The Weekly Standard in 2005. In this persuasive piece, he wrote that torture is not impermissible, as Senator John McCain would have it. He wrote: "Question: If you have the slightest belief that hanging [a man] by his thumbs will get you the information to save a million people, are you permitted to do it?" Charles said the answer is "certainly" yes. He defended two exceptions to the no-torture rule: when a defiant prisoner can stop a ticking bomb or a high-level terrorist knows of plans to kill many people. When secret prisons for captive terrorists were exposed, Charles said the "gnashing of teeth . . . was considerable. I myself have not gnashed a single tooth."

Krauthammer at the TWS Broadmoor summit

Then there were the Krauthammer attacks on the United Nations. Only hard-line conservatives embrace the old slogan "Get the U.S. out of the U.N. and the U.N. out of the U.S." Yet Charles was sympathetic to that view. "The idea of the 'international community' acting through the U.N.—a fiction and a farce respectively—to enforce norms and maintain stability is absurd," he wrote in "Decline Is a Choice," probably his most famous piece in these pages.

I think of Charles as the exception to the practice of conservatives pulling their punches. It's not that they change their beliefs. They soften them or don't mention them. They fear Washington's intolerance. Charles Krauthammer didn't. He went where ideas and facts took him. He was brave.

—Fred Barnes

psychological, indeed ideological, as well. It demonstrated once and for all the catastrophic danger of powerlessness. The solution was self-defense, and that meant a demographic reconcentration in a place endowed with sovereignty, statehood, and arms.

Before World War II there was great debate in the Jewish world over Zionism. Reform Judaism, for example, was for decades anti-Zionist. The Holocaust resolved that debate. Except for those at the extremes—the ultra-Orthodox right and far left—Zionism became the accepted solution to Jewish powerlessness and vulnerability. Amid the ruins, Jews made a collective decision that their future lay in self-defense and territoriality, in the ingathering of the exiles to a place where they could finally acquire the means to defend themselves.

It was the right decision, the only possible decision. But oh so perilous. What a choice of place to make one's final stand: a dot on the map, a tiny patch of near-desert, a thin ribbon of Jewish habitation behind the flimsiest of natural barriers (which the world demands that Israel relinquish).

He Made Us Laugh

'You're betraying your whole life if you don't say what you think—and you don't say it honestly and bluntly."

Charles Krauthammer said this in 2013, during the taping of an interview with Fox News anchor Bret Baier for an hour-long special on Charles's life. The special focused on *Things That Matter*, a collection of his writings that would sell more than a million copies.

Those words didn't air when the special ran, but the clip was included as part of a moving television tribute to Charles following his passing on June 21.

It's easy to understand why it got cut. In 2013, such an observation seemed obvious, maybe even banal. *Of course people who do what Charles do say what they think: That's the point of a career in opinion journalism.*

But in the years since, we've watched evangelicals shrug off infidelity, free traders start arguing for tariffs, longtime hawks celebrate meaningless diplomacy, and virtuecrats downplay pedophilia. In private, elected officials and pundits complain about having to defend the indefensible and promote candidates anathema to their principles. In public, they cast aside any opinions and arguments that cut against the prevailing mood or contradict the favored views of the new populists. Our public sphere is filled with people who not only avoid saying what they think but readily say things that they don't believe in the slightest.

It turns out Charles wasn't stating the obvious in 2013. As he did so often over his long career, he was seeing things before the rest of us. He was making an observation simple, profound, and prescient.

Charles did this better than anyone. His columns took the confusion of everyday events and brought clarity. They reframed familiar arguments in important ways. They introduced ideas that broadened the knowledge and understanding of everyone who read them. The force of his logic was extraordinary. Even when I started to read a column disagreeing with his premise, I'd almost always find myself nodding along by the time I reached the end.

The same thing was true of his television commentary. He made his case in words that tumbled neatly out of his mouth and turned out to be ordered paragraphs when they were transcribed. It was one of many ways in which he defied the trends of cable television. He spoke softly where others now shout. He listened carefully and thoughtfully to his colleagues rather than talking over them. He made sophisticated and complicated arguments in a medium dominated by sound bites and snark.

Charles was also hilarious. On a *Special Report* in late December one year, substitute anchor Jim Angle asked the panelists for their resolutions. "Last year on this night, I pledged to be kinder and gentler," Charles announced, and then deadpanned, "It looks like I'll have to give that one another shot."

Angle laughed along with the rest of us, and then said "That's it?," expecting Charles to go on.

Charles never went short. He routinely and unapologetically took more time than the other panelists. It was the kind of thing that would have caused tension on any other news show. But the panelists of *Special Report* didn't mind. It was Charles. Whatever he said in those few extra seconds was far more likely to matter than whatever reporting or commentary we had to offer. So Charles's brevity that night caught everyone by surprise.

Prompted by Angle's query, Charles added, with a great twinkle, "and to be concise, which I have apparently done," handcuffing the anchor a second time.

One autumn, Charles and I were both booked to speak at a financial conference in New Orleans. I was tasked with giving the group an update on the political landscape in Washington. Charles was to appear on a panel with James Carville and P.J. O'Rourke. The night before our appearances, we gathered at Drago's, the legendary oyster house,

One determined tank thrust can tear it in half. One small battery of nuclear-tipped Scuds can obliterate it entirely.

To destroy the Jewish people, Hitler needed to conquer the world. All that is needed today is to conquer a territory smaller than Vermont. The terrible irony is that in solving the problem of powerlessness, the Jews have necessarily put all their eggs in one basket, a small basket hard by the waters of the Mediterranean. And on its fate hinges everything Jewish.

What if the Third Jewish Commonwealth meets the fate of the first two? . . . Can the Jewish people not survive as they did when their homeland was destroyed and their political independence extinguished twice before? Why not a new exile, a new Diaspora, a new cycle of Jewish history?

First, because the cultural conditions of exile would be vastly different. The first exiles occurred at a time when identity was nearly coterminous with religion. An expulsion two millennia later into a secularized world affords no footing for a reestablished Jewish identity.

But more important: Why retain such an identity?

to watch game seven of the World Series. It was a night my twentysomething self would have never believed possible—casually hanging out with P.J. O'Rourke and Charles Krauthammer. I drank beer, P.J. downed a couple of cocktails, and Charles had two or three of his favorite drinks—tomato juice and Worcestershire sauce. ("I can't drink," he said. "I'm always driving.")

If P.J. and I were a little sluggish the next morning, Charles was not. After Carville was introduced, he thanked the organizers for including a liberal in a group of conservative speakers: "First of all, I appreciate my role here—as the fire hydrant at the dog show," he said, in his distinctive Southern drawl. Without hesitation, Charles interjected: "Allow me to lift my leg." The friendly crowd roared in approval.

When I joined Fox News, I was intimidated by Charles and afraid to engage with him. I'd pass by the back office that Charles used as his pre-panel hangout, wanting badly to interrupt him as he prepared for the show, or, often, just took a short nap. But I was worried I'd be disrupting his routine and that he'd react badly to my invading his space.

I was wrong, of course. When I finally summoned the courage to engage him there, he welcomed me in and we talked until we had to go on. We did this before most shows thereafter—discussing the issues of the day, sports, family, this magazine.

Without realizing it, I came to rely on Charles. He served as a sounding board, an intellectual signpost, a tutor, a career counselor, a doctor, a friend. It might sound silly, but when he told me he was impressed with my children, I felt it as validation. When he told me he thought I could jump from writing for this magazine to running it, he gave me confidence I needed. And, of course, he provided a constant example: "You're betraying your whole life if you don't say what you think—and you don't say it honestly and bluntly."

—Stephen F. Hayes

Beyond the dislocation would be the sheer demoralization. Such an event would simply break the spirit. No people could survive it. Not even the Jews. This is a people that miraculously survived two previous destructions and two millennia of persecution in the hope of ultimate return and restoration. Israel is that hope. To see it destroyed, to have Isaiahs and Jeremiahs lamenting the widows of Zion once again amid the ruins of Jerusalem is more than one people could bear.

Particularly coming after the Holocaust, the worst calamity in Jewish history. To have survived it is miracle enough. Then to survive the destruction of that which arose to redeem it—the new Jewish state—is to attribute to Jewish nationhood and survival supernatural power.

Some Jews and some scattered communities would, of course, survive. The most devout, already a minority, would carry on—as an exotic tribe, a picturesque Amish-like anachronism, a dispersed and pitied remnant of a remnant. But the Jews as a people would have retired from history.

We assume that Jewish history is cyclical: Babylonian exile in 586 B.C., followed by return in 538 B.C. Roman exile in 135 A.D., followed by return, somewhat delayed, in 1948. We forget a linear part of Jewish history: There was one other destruction, a century and a half before the fall of the First Temple. It went unrepaired. In 722 B.C., the Assyrians conquered the other, larger Jewish state, the northern kingdom of Israel. (Judah, from which modern Jews are descended, was the southern kingdom.) This is the Israel of the Ten Tribes, exiled and lost forever.

So enduring is their mystery that when Lewis and Clark set off on their expedition, one of the many questions prepared for them by Dr. Benjamin Rush at Jefferson's behest was this: "What Affinity between their [the Indians'] religious Ceremonies & those of the Jews?" "Jefferson and Lewis had talked at length about these tribes," explains Stephen Ambrose. "They speculated that the lost tribes of Israel could be out there on the Plains."

Alas, not. The Ten Tribes had melted away into history. As such, they represent the historical norm. Every other people so conquered and exiled has in time disappeared. Only the Jews defied the norm. Twice. But never, I fear, again.

—May 11, 1998

ON TO MARS

What manner of creature are we? It took 100,000 years for humans to get inches off the ground. Then, astonishingly, it took only 66 to get from Kitty Hawk to the moon. And then, still more astonishingly, we lost interest, spending the remaining 30 years of the 20th century going around in circles in low earth orbit, i.e., going nowhere.

Last July, the unmanned Lunar Prospector probe was sent to find out whether the moon contains water. It was a remarkable venture, but even more remarkable was the fact that Prospector was the first NASA spacecraft, manned or unmanned, to land on the moon since the last Apollo astronaut departed in 1972. Twenty-seven years without even a glance back.

We remember the late 15th and 16th centuries as the Age of Exploration. The second half of the 20th was at one point known as the Space Age. What happened? For the first 20 years we saw space as a testing ground, an arena for

splendid, strenuous exertion. We were in a race with the Soviets for space supremacy, and mobilized for it as for war. President Kennedy committed all of our resources: men, materiel, money, and spirit. And he was bold. When he promised to land a man on the moon before the decade was out, there were only eight and a half years left. At the time, no American had even orbited the earth.

The Apollo program was a triumph. But the public quickly grew bored. The interview with the moon-bound astronauts aboard *Apollo 13* was not even broadcast, for lack of an audience. It was only when the flight turned into a harrowing drama of survival that an audience assembled. By *Apollo 17*, it was all over. The final three moonshots were canceled for lack of interest.

At the GOP national convention in Cleveland, July 18, 2016

Looking to reinvent itself, NASA came up with the idea of a space shuttle ferrying men and machines between earth and an orbiting space station. It was a fine idea except for one thing: There was no space station. *Skylab* had been launched in May 1973, then manned for 171 days. But no effort was made to keep its orbit from decaying. It fell to earth and burned. We were left with an enormously expensive shuttle—to nowhere.

The shuttle has had its successes—the views of earth it brought back, the repairs to the Hubble space telescope it enabled. But it has been a dead end scientifically and deadening spiritually. There is today a palpable ennui with space. When did we last get excited? When a 77-year-old man climbed into the shuttle in November 1998 for a return flight. That was the most excitement the shuttle program had engendered in years—the first time in a long time that a launch and the preparations and even the pre-flight press conference had received live coverage. Televisions were hauled into classrooms so kids could watch.

But watch what? The fact is that we were watching John Glenn reprise a flight he'd made 36 years earlier. It is as if the Wright Brothers had returned to Kitty Hawk in 1939 to skim the sand once again, and the replay was treated as some great advance in aviation.

The most disturbing part of the Glenn phenomenon was the efflorescence of space nostalgia—at a time when space exploration is still in its infancy. We have not really gone anywhere yet, and we are already looking back with sweet self-satisfaction.

The other flutter of excitement generated by the shuttle program occurred a few years earlier when Shannon Lucid received the Congressional Space Medal of Honor for a long-duration flight in low earth orbit. A sign of the times. She is surely brave and spunky, but the lavish attention her feat garnered says much about the diminished state of our space program. Endurance records are fine. But the Congressional Space Medal of Honor? It used to be given to the likes of Alan Shepard and John Glenn, who had the insane courage to park themselves atop an unstable, spanking-new, largely untested eight-story bomb not knowing whether it would blow up under them. Now we give it for spending six months in an orbiting phone booth with a couple of guys named Yuri.

What happened? Where is the national will to explore? . . . When the Mars Polar Lander disappeared last month, the country went into a snit. The public felt let down, cheated of the exotic entertainment NASA was supposed to deliver. The press was peeved, deprived of a nice big story with lovely pictures. Jay Leno, the nation's leading political indicator, was merciless. ("If you're stuck for something to get NASA for Christmas, you can't go wrong with a subscription to *Popular Mechanics*. . . . But they're not giving up. NASA said today they're gonna continue to look for other forms of intelligent life in the universe. And when they find it, they're gonna hire him.") And Congress preened, displaying concern, pulling its chin and promising hearings on the failure of the last three Mars missions. This will be a bit of Kabuki theater in which clueless politicians, whose greatest mathematical feat is calculating last week's fundraising take, will pinion earnest scientists about why they could not land a go-cart on the South Pole of a body 400 million miles away on a part of the planet we had never explored. . . .

The biggest scandal of the Mars exploration projects is not that a few have failed, but the way the nation has reacted to those failures. A people couched and ready, expectant and entitled, armed with a remote control yet denied Martian pictures to go with their *Today* show coffee, will be avenged.

Who is to blame for the Mars disasters? Not the scientists, but the people who will soon be putting them on trial.

BRIAN CAHN / ZUMA PRESS / NEWSCOM

. . . The fault, dear Brutus, is not in our stars, but in ourselves. What then to do? If we are going to save resources in acknowledgment of the diminished national will to explore, we should begin by shutting the maw that is swallowing up so much of the space budget: the shuttle and the space station. It is not as if we have nowhere to go but endlessly around earth. Recent discoveries have given us new ways and new reasons for establishing a human presence on the moon and on Mars.

Until a few years ago, it could have been argued that a moon base was impractical, and human Mars exploration even more so. But there is evidence that there may be water on the moon (in the form of ice, of course). And water, there as here, is the key to everything. It could provide both life support and fuel. Similarly, the fact that there is ice on Mars has led to a revolution in thinking about how we can travel there and back. Instead of carrying huge stores of fuel, which would make the launch vehicle enormously expensive and cumbersome, we could send unmanned spacecraft ahead. They would land on Mars and turn the water into life support and fuel. (If you split water, you get hydrogen and oxygen, precisely the gases that you need for life and for propulsion.) Astronauts could travel fairly light, arriving at a place already prepared with life-sustaining water, oxygen, and hydrogen for the flight back.

The moon and Mars are beckoning. . . . In the end, we will surely go. But how long will it take? Five hundred years from now—a time as distant from us as is Columbus—a party of settlers on excursion to Mars's South Pole will stumble across some strange wreckage, just as today we stumble across the wreckage of long-forgotten ships caught in Arctic ice. They'll wonder what manner of creature it was that sent it. What will we have told them? That after millennia of gazing at the heavens, we took one step into the void, then turned and, for the longest time, retreated to home and hearth? Or that we retained our nerve and hunger for horizons, and embraced our destiny?

—January 31, 2000

DECLINE IS A CHOICE

The weathervanes of conventional wisdom are registering another round of angst about America in decline. New theories, old slogans: Imperial overstretch. The Asian awakening. The post-American world. Inexorable forces beyond our control bringing the inevitable humbling of the world hegemon.

On the other side of this debate are a few—notably Josef Joffe in a recent essay in *Foreign Affairs*—who resist the current fashion and insist that America remains the indispensable power. They note that declinist predictions are cyclical, that the rise of China (and perhaps India) are just the current version of the Japan panic of the late 1980s or of the earlier pessimism best captured by Jean-François Revel's *How Democracies Perish*.

The anti-declinists point out, for example, that the fear of China is overblown. It's based on the implausible assumption of indefinite, uninterrupted growth; ignores accumulating externalities like pollution (which can be ignored when growth starts from a very low baseline, but ends up making growth increasingly, chokingly difficult); and overlooks the unavoidable consequences of the one-child policy, which guarantees that China will get old before it gets rich.

And just as the rise of China is a straight-line projection of current economic trends, American decline is a straight-line projection of the fearful, pessimistic mood of a country war-weary and in the grip of a severe recession.

Among these crosscurrents, my thesis is simple: The question of whether America is in decline cannot be answered yes or no. There *is* no yes or no. Both answers are wrong, because the assumption that somehow there exists some predetermined inevitable trajectory, the result of uncontrollable external forces, is wrong. Nothing is inevitable. Nothing is written. For America today, decline is not a condition. Decline is a choice. Two decades into the unipolar world that came about with the fall of the Soviet Union, America is in the position of deciding whether to abdicate or retain its dominance. Decline—or continued ascendancy—is in our hands.

Not that decline is *always* a choice. Britain's decline after World War II *was* foretold, as indeed was that of Europe, which had been the dominant global force of the preceding centuries. The civilizational suicide that was the two world wars, and the consequent physical and psychological exhaustion, made continued dominance impossible and decline inevitable.

The corollary to unchosen European collapse was unchosen American ascendancy. We—whom Lincoln once called God's "almost chosen people"—did not save Europe twice *in order* to emerge from the ashes as the world's co-hegemon. We went in to defend ourselves and save civilization. Our dominance after World War II was not sought. Nor was the even more remarkable dominance after the Soviet collapse. We are the rarest of geopolitical phenomena: the accidental hegemon and, given our history of isolationism and lack of instinctive imperial ambition, the reluctant hegemon—and now, after a near-decade of strenuous post-9/11 exertion, more reluctant than ever.

Which leads to my second proposition: Facing the choice of whether to maintain our dominance or to gradually, deliberately, willingly, and indeed relievedly give it up, we are currently on a course towards the latter. The current liberal ascendancy in the United States—controlling the executive and both houses of Congress, dominating the media and elite culture—has set us on a course for decline.

And this is true for both foreign and domestic policies. Indeed, they work synergistically to ensure that outcome. . . .

This renunciation of primacy is not entirely new. Liberal internationalism as practiced by the center-left Clinton administrations of the 1990s—the beginning of the unipolar era—was somewhat ambivalent about American hegemony, although it did allow America to be characterized as "the indispensable nation," to use Madeleine Albright's phrase. Clintonian center-left liberal internationalism did seek to restrain American power by tying Gulliver down with a myriad of treaties and agreements and international conventions. That conscious constraining of America within international bureaucratic and normative structures was rooted in the notion that power corrupts and that external restraints would curb arrogance and overreaching and break a willful America to the role of good international citizen.

But the liberal internationalism of today is different. It is not center-left, but left-liberal. And the new left-liberal internationalism goes far beyond its earlier Clintonian incarnation in its distrust of and distaste for American dominance. For what might be called the New Liberalism, the renunciation of power is rooted not in the fear that we are essentially good but subject to the corruptions of power—the old Clintonian view—but rooted in the conviction that America is so intrinsically flawed, so inherently and congenitally sinful that it cannot be trusted with, and does not merit, the possession of overarching world power.

For the New Liberalism, it is not just that power corrupts. It is that America itself is corrupt—in the sense of being deeply flawed, and with the history to prove it. An imperfect union, the theme of Obama's famous Philadelphia race speech, has been carried to and amplified in his every major foreign-policy address, particularly those delivered on foreign soil. (Not surprisingly, since it earns greater applause over there.)

And because we remain so imperfect a nation, we are in no position to dictate our professed values to others around the world. Demonstrators are shot in the streets of Tehran seeking nothing but freedom, but our president holds his tongue because, he says openly, of our own alleged transgressions towards Iran (presumably involvement in the 1953 coup). Our shortcomings are so grave, and our offenses both domestic and international so serious, that we lack the moral ground on which to justify hegemony. . . .

Heavy are the burdens of the hegemon. After the blood and treasure expended in the post-9/11 wars, America is quite ready to ease its burden with a gentle descent into abdication and decline.

Decline is a choice. More than a choice, a temptation. How to resist it?

First, accept our role as hegemon. And reject those who deny its essential benignity. There is a reason that we are the only hegemon in modern history to have not immediately catalyzed the creation of a massive counter-hegemonic alliance—as occurred, for example, against Napoleonic France and Nazi Germany. There is a reason so many countries of the Pacific Rim and the Middle East and Eastern Europe and Latin America welcome our presence as balancer of power and guarantor of their freedom.

And that reason is simple: We are as benign a hegemon as the world has ever seen.

So, resistance to decline begins with moral self-confidence and will. But maintaining dominance is a matter not just of will but of wallet. We are not inherently in economic decline. We have the most dynamic, innovative, technologically advanced economy in the world. We enjoy the highest productivity. It is true that in the natural and often painful global division of labor wrought by globalization, less skilled endeavors like factory work migrate abroad, but America more than compensates by pioneering the newer technologies and industries of the information age.

There are, of course, major threats to the American economy. But there is nothing inevitable and inexorable about them. Take, for example, the threat to the dollar (as the world's reserve currency) that comes from our massive trade deficits. Here again, the China threat is vastly exaggerated. In fact, fully two-thirds of our trade imbalance comes from imported oil. This is not a fixed fact of life. We have a choice. We have it in our power, for example, to reverse the absurd de facto 30-year ban on new nuclear power plants. We have it in our power to release huge domestic petroleum reserves by dropping the ban on offshore and Arctic drilling. We have it in our power to institute a serious gasoline tax (refunded immediately through a payroll tax reduction) to curb consumption and induce conservation.

Nothing is written. Nothing is predetermined. We can reverse the slide, we can undo dependence if we will it.

The other looming threat to our economy—and to the dollar—comes from our fiscal deficits. They are not out of our control. There is no reason we should be structurally perpetuating the massive deficits incurred as temporary crisis measures during the financial panic of 2008. A crisis is a terrible thing to exploit when it is taken by the New Liberalism as a mandate for massive expansion of the state and of national debt—threatening the dollar, the entire economy, and consequently our superpower status abroad.

There are things to be done. Resist retreat as a matter of strategy and principle. And provide the means to continue our dominant role in the world by keeping our economic house in order. And finally, we can follow the advice of Demosthenes when asked what was to be done about the decline of Athens. His reply? "I will give what I believe is the fairest and truest answer: Don't do what you are doing now."

—October 19, 2009

A Most Agreeable Man

Larry Hogan with Baltimore police during riots following the funeral of Freddie Gray, April 28, 2015

MARK MAKELA / GETTY

A dying breed of GOP moderate, Larry Hogan has handled the rise of Donald Trump better than any other Republican politician

By Andrew Egger

Annapolis

Maryland governor Larry Hogan is known as a moderate, but his victory party at Union Jack's British Pub is a decidedly Republican affair. Square-jawed young professionals mill about with mustachioed suburban dads, drinking Yuengling from plastic cups and munching soft pretzels and cocktail meatballs from chafing dishes set up on the pool table. A band of oldsters in Hogan-for-Governor T-shirts warms up the crowd with a selection of Boomer standards from Creedence Clearwater Revival to John Cougar Mellencamp. It's a primary-night party, but no one is minding the results too closely. Hogan is running unopposed. He takes the stage to the theme from *Rocky* promptly at nine, and the crowd happily joins in with chants of "Four more years!"

"Ladies and gentlemen, the returns are in," the governor says with a smile. "Thanks to all of you, we have won a landslide victory tonight, and we're moving on to the general election in November."

The result may have been a formality, but the celebratory mood is genuine. Hogan is a rare bird in American politics, a broadly popular Republican governor in a very blue state; Democrats outnumber Republicans two to one in Maryland. The son of a congressman, Hogan spent most of his career as a real estate developer, amid failed runs for House seats in 1981 and 1992 and four years serving as Secretary of Appointments (2003-07) under the state's last Republican governor, Bob Ehrlich. During the tenure of two-term Democrat Martin O'Malley, Hogan again made a statewide name for himself by launching a grassroots organization, Change Maryland, to push back against what he saw as the state's excessive taxing and spending.

In 2014, Hogan defeated Anthony Brown, O'Malley's heir apparent, in a campaign where he hammered relentlessly on economic issues and the folly of Maryland's one-party government. In office, Hogan has acquired a reputation for affable, moderate pragmatism and assembled a coalition spanning Republicans, independents, and conservative Democrats. He likes to point out that two-thirds of the state's Democrats approve of his job as governor. Hogan is favored to win again in November, which would make him the first Republican governor of Maryland to be reelected in more than 60 years.

Hogan's story is odder still because he is one of a breed of politico that has been proclaimed dying for years. The main electoral storylines of the past decade have involved both parties fleeing the center, with the election of Donald

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Trump and the ascendance among the Democrats of hard-left progressives like Bernie Sanders and Elizabeth Warren only taking things a step further. The same has held true of the general public: Study after study shows that Americans increasingly dislike and distrust members of the opposite political persuasion, form fewer relationships with them, and decreasingly interact with them at all. And yet here's Hogan, in a room full of Republicans, talking about "disagreeing without being disagreeable," laying the bipartisanship on thick:

> As I was taking the oath of office, I said to those who would drive us to the extremes of either party: Let me remind you that Maryland has always been a state of middle temperament. And I asked that we try to seek that middle ground where we could all stand together. … Instead of letting Maryland become just like Washington, let's send a message to Washington and let's set an example to the rest of the nation by putting the politics aside and coming together for all Marylanders.

A commitment to bipartisanship is not the only thing that accounts for Hogan's success, of course. During his first year in office, he developed a reputation for steady leadership, especially during the rioting following the death of Freddie Gray at the hands of Baltimore police. Working with the city's Democratic mayor, Stephanie Rawlings-Blake, Hogan declared a state of emergency, mobilized the state's National Guard, and temporarily moved his offices to Baltimore to address the crisis directly. He toured inner-city neighborhoods to meet with disaffected citizens and promised to restore order to the city.

"The governor was elected, and when you're elected you're thrown right into your first session. And then about a week after that we had the Baltimore city riots," says Doug Mayer, Hogan's deputy campaign manager. "He was thrown right into international news, and I think he proved to the people of Maryland through that experience that he was a leader and someone they could depend on. At an uncertain time, he was a steady hand, and he was gonna run the state of Maryland competently. Two months after that he got cancer."

In June 2015, Hogan announced he had been diagnosed with a "very advanced and very aggressive" lymphoma. He said he would stay in office while undergoing a punishing chemotherapy treatment that would "beat the hell out of me" but likely completely eradicate the disease. His struggle played out in the public eye for over a year, and the disease took an obvious physical toll. He looks older, more weather-beaten, and now wears his hair in a buzz cut. But the fight humanized him with voters who respected his straight talk and good humor about his illness.

And there's the economic good news to campaign on this season. Hogan touts the fact that Maryland's business climate has improved substantially on his watch, citing metrics like CNBC's "Top States for Business" scorecard, which last year ranked Maryland's state economy 7th in the nation (up from 24th in 2014) and its overall business climate as 25th (up from 35th).

Altogether, Hogan's proven to be a potent package for winning over voters. When he first took office, 42 percent of Maryland residents approved of him, with 24 percent disapproving. By that October, his approval had swelled to 61 percent, and he hasn't looked back: A Morning Consult poll this year found Hogan the country's second-most popular governor, with 68 percent approving and a mere 17 percent disapproving of his leadership.

"After all the progress that we have made together over the past four years, now two-thirds of all the people in Maryland think that Maryland is heading in the right direction," Hogan notes at his victory party. "But not everyone agrees. There are six percent of the people in Maryland who strongly disapprove of the job that we've been doing—and every single one of them was running for governor."

Hogan may also be the Republican politician who has best handled the rise of Donald Trump. His opponents have frequently tried to tie him to the president and capitalize on Maryland voters' distaste for the present head of state. (Trump's approval rating is 21 points underwater in the state.) But Hogan has never been aboard the Trump train: He declined to attend the 2016 National Republican Convention and has publicly stated he didn't vote for the president. He has also frequently criticized Trump's actions, most recently by recalling Maryland National Guardsmen from the U.S.-Mexico border in protest against the White House's policy of separating children from their illegal immigrant parents at the border.

Trump has declared fatwas on insubordinate Republicans for far less, and yet Hogan remains untouched by the president's itchy Twitter finger. There are several reasons for this. First, like most bullies, Trump rarely picks fights he isn't sure he'll win, and there is no MAGA hat-toting Republican to take Hogan's place in Maryland. The political realities of the state are clear: "I think it would hurt the governor if he came out as a strong supporter for Trump," one Hogan supporter tells me, "and I think it would hurt the governor if the president came out as a strong supporter of Hogan."

But it's also likely that Hogan's affability helps him as much with the president as it has with Democratic voters. Towson University professor Richard Vatz draws a contrast between Hogan and nationally prominent anti-Trump Republicans like Arizona senator Jeff Flake: "He's not out to make people see that he has been treated badly by Trump and you ought to therefore reject Trump." "Hogan's position has not been 'reject Trump,'" Vatz says. "It's been: 'I'm not Trump, and you should not vote according to your

feelings on Donald Trump—just look at my policies.' And so he doesn't make a big deal out of Trump unless he's asked about Trump, as opposed to somebody like Flake who is now identified as the anti-Trump Republican."

This isn't to say that some Hogan supporters don't worry that the president might get irritated with him anyway. "He's kind of done that thing where he declares war on Republicans that aren't fully behind him," said Sam Schlaich, a recent law school graduate I meet at Hogan's victory party. "Let's just say that I think Hogan's a smart enough guy to represent Maryland's interest without stepping on any toes in D.C."

Schlaich's friend Warren Ramsey cuts in: "Donald Trump's not someone where you want to step on his toes. He'll, like, break your toes. Hogan's way too smart to do that."

So far, Hogan is succeeding where others who have tried to straddle the Trump line have failed. In neighboring Virginia's gubernatorial election last fall, Republican Ed Gillespie was soundly trounced following a campaign in which he struggled to assemble a cohesive message about the president and managed to alienate both the Trump faithful in the ruby-red south of the state and the more moderate Republicans in the D.C. suburbs. After that race, Trump took to Twitter to suggest Gillespie had lost due to insufficient loyalty. Perhaps Trump's truce with Hogan will continue only as long as the governor keeps winning. And Hogan faces a serious challenge in his bid for reelection.

JASON SEILER

Going into Tuesday's primaries, the eight-odd Democratic candidates covered more or less all the stock characters of left-wing politics. There was Rushern Baker, the centrist technocrat from Prince George's County who had the backing of the state's party establishment. There was Richard Madaleno, the gay state senator who tried to position himself as the race's most anti-Trump candidate with a head-scratching TV spot in which he kissed his husband and then turned to the camera to say, "Take that, Trump!" There was Jim Shea, an attorney and policy wonk who previously served as chairman of the University System of Maryland Board of Regents. And then there was Ben Jealous—the youngest-ever head of the NAACP and the race's full-throated Bernie-style progressive. Jealous's proposals include statewide single-payer Medicare-for-All, full-day pre-kindergarten programs, tuition-free college, and an end to "this era of mass incarceration."

Most analysts and pollsters predicted a dead heat between Jealous and Baker. "Sometime tonight, one of them will limp across the finish line," Hogan joked in his victory speech, "maybe to, like, 20-something percent of the vote." But Jealous pulled off a surprise triumph, roundly trouncing Baker and the rest while collecting nearly 40 percent of the vote.

Hogan has wasted no time drawing a contrast between Jealous's hard leftism and his own more economically cautious stances. "If you like Martin O'Malley, you're gonna love this guy," he told reporters at a press conference on June 27. "He's talking about tens of billions of dollars in tax increases that will cost us hundreds of thousands of jobs and devastate the great economy that we've made so much progress on."

But Jealous presents a problem for Hogan that a candidate like Baker did not. Hogan's greatest strength has been that Democratic attacks against his policies have largely rolled off him. In a campaign between two moderates like Hogan and Baker, it would have been hard to rouse Democrats to support a platform that, in many ways, looked similar to Hogan's own. "The Democrats are not energized by an active dislike of Larry Hogan," Richard Vatz says. "Part of this is due to the fact that Larry Hogan is a cancer survivor, and he also doesn't have the provocative style that tends to energize people who oppose him."

Jealous, on the other hand, will easily distinguish his policy vision from Hogan's and potentially be able to diminish the role voters' personal feelings play in their evaluation of the two men. If Jealous is able to follow the progressive playbook of inspiring heavy turnout among infrequent voters, while peeling off some members of Hogan's own coalition, it could spell trouble for the incumbent.

"We will beat Larry Hogan the same way we won the primary," Jealous told the *Washington Post*. "Talking to everyone, in every corner of the state, about kitchen-table issues."

In other words, the thing Maryland voters will have to choose between as they go to the polls this November is a simple option between two styles of government: one that promises lower taxes, increased wages, economic development, and subtle curtailments of government power, and one that promises a grand explosion of state government and enormous tax increases to fund sweeping, ambitious state programs for healthcare, education, and the like. It's an election about the issues, and it is hard to imagine Larry Hogan complaining about that. ♦

Organization Men

The Declaration of Independence as strategy

By Thomas Donnelly

The Declaration of Independence contains multitudes. It joins assertions of eternal and "unalienable" individual natural rights to a laundry list of particular complaints against the king and Parliament of Great Britain. While altering and abolishing one form of government, it lays a foundation for instituting another.

Abraham Lincoln distinguished the ideals of the Declaration as "an apple of gold" from the organizational particulars of the Constitution's "frame of silver." But this distinction may be overdrawn, if not by Lincoln then more recently, in separating American purposes from practice. The Declaration was a declaration of war, and meant to provide a solution to the two principal strategic problems that faced leaders in Britain's North American colonies in the late 18th century.

George III

THE PROBLEM OF EMPIRE

For George III and his ministers to have made revolutionaries out of American elites was an astonishing feat. In 1763, at the close of the worldwide conflict known in Europe as the Seven Years' War and in America as the French and Indian War, the celebration of British victory in the colonies was as great as or greater than in London. For the colonists, the end of the war—in particular the defeat of French Canada and the opening of the Ohio River system to westward expansion—was a new beginning. The rapturous preaching of Reverend Jonathan Mayhew caught the mood:

> Methinks I see mighty cities rising on every hill, and by the side of every commodious port; mighty fleets alternately sailing out and returning, laden with produce of this, and every other country under heaven; happy fields and villages wherever I turn my eyes, thro' a vastly extended territory; there the pastures cloathed with the flocks, and here the vallies cover'd with corn, while the little hills rejoice on every side! And do I not there behold the savage nations, no longer our enemies, bowing the knee to Jesus Christ, and with joy confessing him to be "Lord, to the glory of God the Father!" Methinks I see religion professed and practiced in this spacious kingdom, in far greater purity and perfection, than since the times of the apostles; the Lord being still as a wall of fire round about, and the glory in the midst of her! O happy country! Happy kingdom!

Mayhew's vision was no more than an especially enthusiastic and apocalyptic expression of consensus opinion. The population of English colonies had hit one million in 1750 and would double by 1770, as Benjamin Franklin had predicted in his essay *Observations Concerning the Increase of Mankind*. The implications for British power were plain:

> This Million doubling, suppose but once in 25 Years, will in another Century be more than the People of England, and the greatest Number of Englishmen will be on this Side the Water. What an Accession of Power to the British Empire by Sea as well as Land! What Increase of Trade and Navigation! What Numbers of Ships and Seamen! We have been here but little more than 100 Years, and yet the Force of our Privateers in the late War, united, was greater, both in Men and Guns, than that of the whole British Navy in Queen Elizabeth's Time. How important an Affair then to Britain, is the present Treaty for settling the Bounds between her Colonies and the French, and how careful should she be to secure Room enough, since on the Room depends so much the Increase of her People?

In the American mind, their British empire stood, in 1763, on the precipice of greatness; the gate manned by the French, Spanish, and hostile Indians had been battered down and all that was left was to let nature take its course. What might happen when "the greatest Number of Englishmen" lived on the American side of the Atlantic was left undefined, but for the foreseeable future, men like Franklin and George Washington wished nothing more than to take a respectable place in the common imperial project.

By contrast, George III, who had come to the throne only in the last two years of war, and his governments were gripped by quite different feelings. These blended the hubris of the global conqueror with the trepidations of a poor and weak island nation off the northwest coast of Europe. Secretary of State Henry Conway captured English hauteur in 1767: "One may indeed be surprised to find that any minister, in any part of the world, even the most remote, needs at this period, to be told of the importance, nay of the

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grandeur and glory of this nation." Britain had been "set . . . in so high a point of light" that the "object of our ministers is . . . to abate the jealousy" of other states. Thus George III had negotiated an end to the war meant to ease European fears of British hegemony and to pull the plug of financial support from Prussia's Frederick the Great.

It had been an expensive victory. Like the colonial population, the British debt had doubled, to more than 130 million pounds, and annual payments on the debt consumed a large portion of government revenues. Angry that the king would not continue the contest, William Pitt, the leading minister and architect of the victory—which Pitt regarded as incomplete and likely to lead to renewed conflict once France recovered and rearmed—resigned. This was much to George's delight. He replaced Pitt with his former tutor, the Scottish Earl of Bute, and together the monarch and minister made peace and set about the tasks of organizing and reforming a massively expanded empire.

Principal among these tasks was sorting out the situation in North America. Balanced against the colonists' desires was the necessity of governing a potentially restive French population in Canada and allied Indians along the Ohio, the Mississippi, and the Great Lakes; winning over powerful indigenous tribes and confederations, notably the Iroquois Six Nations, had tipped the balance in the continental interior. Thus, in 1763, George issued a proclamation preventing the land-hungry colonists from acquiring new territories west of the Appalachians. The king also kept a large-scale British army in North America to enforce the peace and proposed direct taxes to pay for the troops.

Taxation without representation and the submission to parliamentary supremacy was bad enough, but paying for their own containment was intolerable to the colonists. It was a violation of the basic imperial compact. "We have to expect," said Franklin in 1773, "the protection [Britain] can afford us, and the advantage of a common umpire in our disputes, thereby preventing wars we might otherwise have with each other." The purpose of such imperial direction was "so that we can without interruption go on with our improvements, and increase our numbers. We ask no more from her and she should not think of forcing more from us."

By 1773 it may already have been too late to sustain the imperial bargain. Not only had the British army been posted to contain American expansion, it had been incompetent at patrolling the frontier, as the broad uprising known as Pontiac's War had proven. After that, the troops were removed to Boston and other coastal garrisons. Containment had become direct oppression. Even before the Declaration, the Duke of Manchester had told the House of Lords:

> [T]he page of future history will tell how Britain planted, nourished, and for two centuries preserved a second British empire; how, strengthened by her sons, she rose to such a pitch of power, that this little island proved too mighty for the greatest efforts of the greatest nations. Within the space of twenty years, the world beheld her arms triumphant in every quarter of the globe, her fleets displayed victorious banners, her sails were spread and conquest graced the canvas. Historic truth must likewise relate, within the same little space of time, how Britain fell to half her greatness; how strangely lost, by misjudging ministers, by rash-advised councils, our gracious Sovereign, George III, saw more than half his empire crumble beneath his sceptre.

A 1754 pro-unity cartoon—attributed to Benjamin Franklin—referring originally to the French and Indian War and later the Albany Plan for Union

THE PROBLEM OF AMERICA

If British colonists no longer had faith in their empire, they also had doubts about their ability to create one of their own. In decades of war with France, the weakness of the colonies had been repeatedly and manifestly made plain; their enthusiasm for liberty and self-governance made even the growing whole less than the sum of its parts. As the population of the British colonies in North America surged into the millions, that of "New France"—which stretched west from the Gulf of St. Lawrence through the Great Lakes and south to the Mississippi Delta—was barely 70,000. The French, however, acted under the direction of Paris and sought only to trade with inland Indians. The French were few, but they had their strategic act together.

As early as 1643, in the aftermath of their war with the Pequots, the Puritans of New England—who were as close to a homogenous polity as there was—attempted to confederate for self-defense. "We all came into these parts of America," they declared in the agreement,

> with one and the same end and aim, namely, to advance the Kingdom of our Lord Jesus Christ and to enjoy the liberties of the Gospel in purity with peace; [yet] . . . in our settling (by a wise providence of God) we are further dispersed upon the sea coasts and rivers than was at first intended, so that we can not according to our desire with convenience communicate in one government and jurisdiction; and . . . we live encompassed with people of several nations and strange languages which hereafter may prove injurious to us or our posterity.

Nonetheless, the "United Colonies of New England" were anything but united. When, in the 1670s, they strove to "encompass" more Indian territory, a diverse group of tribes gathered under the gifted indigenous leader Metacomet—known to history as "King Philip"—to drive the New Englanders back into the sea. The tribes *were* united. Only the intervention of the Mohawks on the side of the colonists turned the tide of the conflict.

Indeed, colonial success exacerbated this strategic conundrum. Daniel Coxe was a prominent colonial landowner and proprietor of a large grant, "Carolana," which ran from Albemarle Sound in modern North Carolina to the St. Johns River in northern Florida. Although Coxe never left England, in 1722 he published an italic-laden complaint that the

> *Frontiers* of our *Colonies* are large, naked, and open, there being scarce any *Forts* or *Garrisons* to defend them for near *Two Thousand Miles*. The dwellings of the *Inhabitants* are scattering and at a Distance from one another, and it's almost impossible according to the present *Establishment* and *Situation* of our *Affairs* there, from the great *Number* of our *Colonies* independent on each other, their different Sorts of *Governments*, *Views*, and *Interests*, to draw any considerable Body of *Forces* together on an *Emergency*, through the *Safety* and *Preservation* not only of any particular *Colony* but of all the *English Plantations* on the Continent.

No one felt the effects of colonial weakness more fully or directly than the revolutionary generation. In May 1754, George Washington had provoked the conflict that became the Seven Years' War by an incompetently conducted encounter with a small party of Frenchmen while attempting to assert British claims—that is, both Virginia's and those of the "Ohio Company," a land-speculation venture in which Washington was heavily invested—in the Ohio River valley. Washington was unable to control his own forces, standing amazed as an allied Iroquois leader tomahawked a wounded 35-year-old French lieutenant, Joseph Coulon de Villiers de Jumonville, and washed his hands in the dead man's brains. The government in Whitehall was equally amazed, but colonial legislatures yawned. From June to July, Benjamin Franklin and representatives of almost all the other colonies met in Albany not only to hammer out a treaty with the Iroquois league but among themselves. The "Albany Plan of Union" was an utter failure. Most of the legislatures that considered it rejected it; the House of Burgesses in Virginia did not even take it up. Local autonomy trumped any larger strategic necessity.

THE DECLARATION OF WAR

This woeful experience of colonial weakness remained the strategic preamble to the Declaration of 1776. Those who pledged their lives, fortunes, and sacred honor were taking a huge gamble, not merely in taking on a global empire but in hopes that, despite past failures, they could organize themselves for victory.

The enumeration of the "long train" of British "abuses and usurpations" of the imperial compact expresses, as a central theme, the colonists' anger at George III's efforts to constrain their westward expansion and what they believed was the fulfillment of their destiny. They professed their right to "alter or abolish" a form of government that was no longer working for them.

Yet even as they vowed to replace the British empire with one that "shall seem most likely to effect" the Americans' "safety and happiness," they were much less specific about the right form of what was to come than about the wrong form of what already was. They could do no more than lay the foundation of "principles" for the empire—and it was the language of empire that the colonists understood—that they would create.

The Declaration inspired renewed forms of what Thomas Jefferson described as an "empire for liberty," the employment of the means of power for just ends. The Articles of Confederation—very much like the Albany Plan in deferring to local autonomy—gave way to the Constitution, a form of organization that itself contains mechanisms for modification in light of changing experience and perception, and became the vehicle for a "new birth of freedom" not only after the Civil War but after World War II. New structures were built on the original foundation.

Fully considered, the July 4 holiday is a time to reflect not only on the justice of the Declaration's principles, but on how they have been made manifest. To make them real has meant introducing the irreducible element of human frailty and imperfection; the task, as Lincoln reminds us, forever remains before us.

In this time of many discontents, when our current government—sclerotic at best and perhaps something darker—is called to account, what is to be done to refurbish this empire of liberty? We have an "imperial problem" in that a hostile world is presenting new dangers. We have also an "American problem"; local autonomies threaten to supplant any larger national cause.

The Declaration of 1776 was a call to arms and to great enterprise that we might heed again. The "apple of gold" endures; the "frame of silver" must be polished. ♦

Theranos founder Elizabeth Holmes was feted by the Clinton Global Initiative (above, September 29, 2015), invited to a White House state dinner, and celebrated by Fortune, Forbes, *and* Time *magazines.*

Blood Con

The spectacular rise and dangerous lies of a Silicon Valley darling.

BY TONY MECIA

You can be forgiven if, several years ago, you glossed over headlines about a small Silicon Valley blood-testing company you had never heard of.

Back in 2015, when Theranos began tumbling from its zenith, a lot of urgent and tragic news stories vied for popular attention: plane crashes, terror attacks, police shootings—to say nothing of the tumultuous presidential race in its early stages. Compared with all that, the Theranos drama might have seemed like the ordinary saga of another tech company, full of energy and hype, that overpromised and underdelivered. Its fall wasn't among the year's top stories and shouldn't have been.

Now the outlines of the story are clearer, and we know that the Theranos saga didn't follow the typical Silicon Valley story arc. Company executives didn't just mislead the public about its technology; they lied, repeatedly and brazenly. They didn't just fail to inform investors and business partners that the company's revolutionary idea—testing for disease by a quick and simple pinprick blood test—didn't work; they actively defrauded them.

Bad Blood
Secrets and Lies in a Silicon Valley Startup
by John Carreyrou
Knopf, 339 pp., $27.95

If those sound like harsh judgments, they are the only possible conclusions that can be drawn from an engaging new book by John Carreyrou, the *Wall Street Journal* investigative reporter who first identified Theranos's deceit in 2015. Since then, other media, federal regulators, and the Justice Department have largely validated Carreyrou's reporting. In *Bad Blood*, Carreyrou stays a step ahead, where he's always been on this story. He quietly compiles detail after damning detail into a fascinating narrative that can appeal even to readers with no background in medicine, technology, or business. The result is a thorough and devastating piece of reporting that deserves a place alongside the masterworks of the inside-the-boardroom business genre. Theranos wasn't an iconic company, like the RJR Nabisco depicted in *Barbarians at the Gate*. Its implosion didn't have the wide-ranging effects of the Enron scandal chronicled in *The Smartest Guys in the Room*. *Bad Blood* isn't remarkable because the downfall it describes is that of a large and well-known company, but rather because the tale it tells is really a sociological exposition that implicates much of our culture, from media adulation to

JP YIM / GETTY

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the cult of celebrity to the triumph of hope over hard work.

At its core, *Bad Blood* is the story of Elizabeth Holmes, Theranos's young founder with the fresh face, huge blue eyes, and affected deep voice. She did not speak to Carreyrou for the book, so her portrayal falls to family friends and former employees. As a Stanford undergraduate, Holmes had the idea of testing blood with a small device that gave quick results. It would dramatically lower lab costs and give doctors more regular information, improving medical care. As an idea, it was novel, even revolutionary. As a matter of science and engineering, it proved utterly unworkable. Yet Holmes pressed on. She declared successes and raked in cash from investors as the device repeatedly failed internal tests. She ignored warnings from employees and was quick to fire workers for perceived disloyalty. At one point, her company was valued at $9 billion, making the then-31-year-old, according to *Forbes*, "the youngest woman to become a self-made billionaire."

Of course, Silicon Valley is filled with dreamers who break the rules, sometimes with success—nobody more so than Apple cofounder Steve Jobs. He famously pushed engineers to meet his demanding visions of how consumer electronics should work and look. Holmes clearly drew inspiration from Jobs, going so far as to wear black turtlenecks and black slacks—Jobs's signature outfit. At one point, Carreyrou writes, Theranos's engineering department "began to notice that Elizabeth was borrowing behaviors and management techniques described in Walter Isaacson's biography of the late Apple founder. They were all reading the book too and could pinpoint which chapter she was on based on which period of Jobs's career she was impersonating."

As Isaacson's biography points out, though, Jobs was not much of an inventor. His strength was in taking existing technology, like a clunky MP3 player, and making it sleek and cool, like an iPod. Holmes, just a few years into her first corporate job, was trying to create technology that did not exist. It's one thing to push engineers to slim an iPhone by a whisker and design rounded edges and persuade people they can't live without it. That makes you a visionary. But hyping a new medical device that doesn't work? That makes you a con artist—and potentially a danger to patients' health.

Carreyrou strives for a neutral tone, and his understated, journalistic writing style leaves the story open to many interpretations. You might delight in the schadenfreude of a kale-smoothie-drinking friend of the Clintons being exposed as a vain and callous fraud. You might find that her dysfunctional management approach—which includes pledges of loyalty, little sleep, high staff turnover, hypersensitivity to criticism, installing relatives in key positions—rings oddly familiar nowadays. Do you think the news media puff up figures that they consider sympathetic? That the business press fawns too much over its subjects? Do you believe government agencies are inept and can be easily outsmarted by the companies they're supposed to regulate? Or that older men suspend their critical faculties in the presence of charismatic young women? Those are all fair conclusions to draw from Carreyrou's merciless anecdotes based on interviews with sources, though he's loath to connect those dots. He reports, you decide.

This detached storytelling becomes a challenge in the last third of the book, where the story of Theranos intersects with Carreyrou's contemporaneous reporting. He shifts to more of a memoir style, in which Carreyrou himself becomes a main character. He details the heavy-handed attempts by Theranos and its lead lawyer, David Boies, to shut down his investigation and discredit him and his sources. While several sources clammed up, others withstood the harassment. Followed by private investigators and threatened with libel and defamation suits, these whistleblowers and Carreyrou emerge as heroes. In one amazing scene, Carreyrou describes the reaction from Holmes and her deputy/boyfriend Sunny Balwani in a company-wide Theranos meeting after his first exposé was published on the *Journal*'s front page in October 2015:

> Holmes wasn't her usual well-put-together self. Her hair was disheveled from her travels and she wore glasses instead of contact lenses. … Striking a defiant tone, she told the assembled staff that the two articles the *Journal* had published were filled with falsehoods seeded by disgruntled former employees and competitors. This sort of thing was bound to happen when you were working to disrupt a huge industry with powerful incumbents who wanted to see you fail, she said. Calling the *Journal* a "tabloid," she vowed to take the fight to the paper. … Three months earlier, when the company had received its herpes test approval from the FDA, Balwani had exhorted employees to yell "F— you" in unison during a similar meeting in the cafeteria. At the time, the shouts had been directed at [competitors] Quest and LabCorp. Balwani was more than happy to indulge the … request for an encore. "We have a message for Carreyrou," he said. At his signal, he and many of the several hundred employees in attendance chanted: "F— you, Carrey-rou! F— you, Carrey-rou!"

As it turned out, Carreyrou's initial article unleashed a deluge of critical press and awakened regulators, and it was the beginning of the company's downfall. Only in March 2018 did the Securities and Exchange Commission get around to charging Holmes and Balwani with civil securities fraud, and only in June did federal prosecutors charge the pair with wire fraud and conspiracy. Holmes agreed to settle the SEC charges and she and Balwani have proclaimed their innocence of the criminal charges, which could land them in jail for up to 20 years. Once mentioned in the same breath as Jobs and Bill Gates and Mark Zuckerberg, it's now more likely Holmes will go down in history alongside Jeff Skilling, Dennis Kozlowski, and Bernie Madoff. It's a satisfying victory for fact-based journalism.

As thorough and entertaining as Carreyrou's account is, there remain several puzzling questions. One is how, exactly, an inexperienced business figure with minimal scientific and technical knowledge could raise more than $700 million in the total absence of proof of a functioning product. Investing in startups is by definition speculative, but a recurring theme of *Bad Blood* is how many people refused to demand evidence that the

company was doing legitimate work—which raises the disquieting prospect that other hucksters are running other Silicon Valley enterprises. Yes, Holmes and her henchmen misled and exaggerated, but board members, investors, and business partners who should have known better wanted so badly to believe that they set skepticism aside. The list of enablers is long and prominent. The company's board members included Gen. James Mattis, the current secretary of defense; George Shultz and Henry Kissinger, former secretaries of state; Bill Frist and Sam Nunn, former senators. Safeway and Walgreens were so eager to be part of the next big thing that their executives disregarded internal warnings and agreed to use Theranos's error-prone technology in their stores, which could have been disastrous for patients who rely on accurate blood tests. The actual harm was minimized because, contrary to the company's claims, it tended not to rely on the new pinprick technology and sent samples to traditional labs for analysis. Incredibly, one early investor still hangs onto the belief that Holmes is the victim. As recently as June, Tim Draper said that he still believes Theranos was doing "really good work" until the "media created such a frenzy."

Another big question is "Why?" Because he couldn't interview Holmes, Carreyrou reaches no firm conclusion on her motivation. Was she delusional? Did she lie to stall for time to make the technology work? Was she just a scammer who figured she wouldn't get caught? Did she buy into her "change the world" mantra so much that she tuned out contrary information? Carreyrou doesn't render a judgment, and he waits until the epilogue to float a theory that seems reasonable in light of the preceding 300 pages: Is she a sociopath? Once again, you make the call.

If you miss this go-round on Theranos, you will have another shot soon. Carreyrou's book is being adapted into a movie starring Jennifer Lawrence as Holmes. It's likely the film will be "based on a true story"—in other words, that it will take some liberty with the truth—which for a movie about Theranos sounds wholly justifiable. ♦

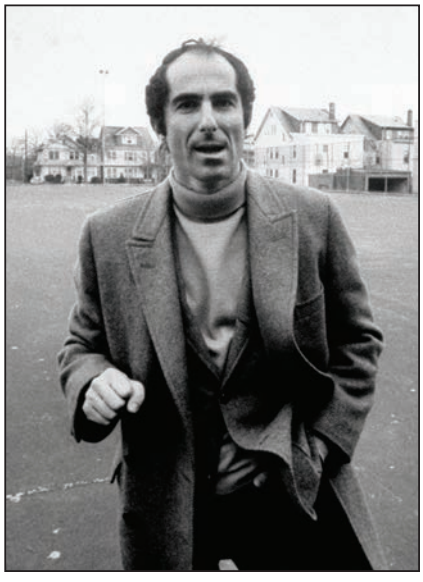
GETTY IMAGES, FROM LEFT: SAM FALK / NEW YORK TIMES; BOB PETERSON / LIFE IMAGES

B&A

Summer Bummer

Belatedly catching up on Wolfe, Roth, and Bourdain.

BY SONNY BUNCH



Tom Wolfe, left, and Philip Roth

First up was Tom Wolfe.

The white-suited chronicler of the latter half of the American Century—from the space race to the acid tests to the Me Decade and beyond—died May 14 at the age of 88. Of the so-called New Journalists, that coterie of penmen who told nonfictional (maybe fudging a bit here and there) stories in the manner of fiction writers, Wolfe was arguably the best. Like some of the others in this class (e.g., Joan Didion, Terry Southern, Norman Mailer), he could switch smoothly between richly written histories (*The Right Stuff*), on-the-spot reporting (*Radical Chic*), cultural commentary (*From Bauhaus to Our House*), and literary fiction (*The Bonfire of the Vanities*).

Unlike some of the others (e.g., Hunter S. Thompson), Wolfe never self-destructed despite being given ample opportunity. *The Electric Kool-Aid Acid Test*, which I picked up after his death, is alternately fascinating and terrifying, a vivid, visceral document of a country trying to tear itself apart. His style—the ellipses and em-dashes and poetry, literal poetry, reported poetry, just kind of jammed in there to give you a sense of the rhythm of the life novelist Ken Kesey and his fellow acidheads were living—was at its most Wolfean in *Electric Kool-Aid*, but all that linguistic creativity was necessary to help the squares and the stiffs like your humble narrator grok just what the world of these people resembled.

For instance (all punctuation and italicization in the original):

> Things were getting very *psychic*. It was like when Sandy drove 191 miles in South Dakota and then he had looked up at the map on the ceiling of the bus and precisely those 191 miles were marked in red … Sandy: : : : : back in Brain Scan country the White Smocks would never in a million years comprehend where he had actually been … which was where they all were now, also known as Edge

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> City … Back in Kesey's log house in La Honda, all sitting around in the evening in the main room, it's getting cool outside, and Page Browning: *I think I'll close the window*—and in that very moment another Prankster gets up and closes it for him and smi-i-i-i-les and says nothing … The Unspoken Thing—and these things keep happening over and over.

And that's a restrained example. The syntax Wolfe used in relating the acid tests themselves (essentially raves in which the psychedelic was distributed willy-nilly) would look like gibberish in the excerpted, context-free form.

A little more than a week after Wolfe's passing, Philip Roth, 85, died. Reading *American Pastoral*—which I cracked open after *Electric Kool-Aid* and two shorter Wolfe books, *From Bauhaus to Our House* (about modern architecture) and *The Painted Word* (about modern art)—felt both disruptive and strangely linear. Roth's style is cleaner and more straightforward than Wolfe's, at least on the surface—at least until you get halfway into the novel and realize you're on your third, or possibly fourth, digression, traveling back through the memories and tragedies of Swede Levov. The Swede appeared to be the Americanized ideal of the immigrant experience: the third-generation son who excelled at sports, bought a big house with lots of land out in the 'burbs, and had three bright, shining boys.

But the idyllic life the Swede constructed for himself is little more than a mirage. His daughter from his first marriage, Merry, joined the Weathermen, set some bombs, killed some people. And while her story is very different from the one Wolfe tells of Kesey and his Merry Pranksters, there's the same sense of strangeness, of a nation that should be fat and happy and at peace with its place in the world instead committed to destroying itself.

American Pastoral is part of a venerable tradition, one that holds that the American Dream is actually the American Nightmare, that we're all covering up something ugly and dirty with our white pickets and perfect perms and hot apple pies. *American Beauty* would win the Oscar for depicting this sort of thing a few years after *American Pastoral* won the Pulitzer. But while *American Beauty* has diminished in the intervening years—it feels more like a caricature of critiques of the American Dream than effective satire, at this point—*American Pastoral* has only grown more shocking, more powerful. Perhaps it shouldn't surprise too much that a novel about a wealthy, worldly people papering over their problems to hide the fact that they are trying to tear themselves apart resonates now more than ever.

Victorino Matus has described Bourdain as 'a born writer who happened to attend cooking school'; his fiction proves that point.

Anthony Bourdain

While reading *American Pastoral*, I morbidly wondered which deceased author I'd be reading next in an effort to catch up. The next day Anthony Bourdain was found dead in a French hotel. The chef, TV host, and bestselling author had committed suicide at the age of 61.

Kitchen Confidential, Bourdain's best-known book, is part memoir, part exposé, part guidebook to a strange and foreign land: the professional kitchen. A land of macho posturing and reckless self-endangerment, Bourdain's portrait of a chef's life caused a stir with folks shocked, shocked to find out that restaurants reuse uneaten bread and push less-than-fresh fish on customers the day before the next delivery comes. But it's far more interesting as a sketch of life on the edge, of the ways in which self-destructive people keep it together just long enough to distribute $30-per-plate dinners to a bunch of diners who have no idea of the psychic turmoil that went into making that truffle-infused risotto.

Victorino Matus has described Bourdain as "a born writer who happened to attend cooking school"; his fiction proves that point. *The Bobby Gold Stories* is a breezy, uncluttered read, perfect for an afternoon at the beach; not terribly complicated or demanding, and requiring only about 100 minutes of your time, it's the story of a small-time hood who is a bit too smart for his line of work and virtually indestructible. Think Elmore Leonard if Elmore Leonard were obsessed with the ways in which the thumb-breaking biz intersects with food dispensaries.

Bourdain's death probably hit the hardest of the three, despite my being less familiar with his oeuvre and less in awe of his prose. There was an attainability and approachability to his labor. He was a hard worker who found a niche right as an entire market exploded—a market he arguably helped create. Plus, his motivations felt familiar: In *Kitchen Confidential*, he cites spite as an early instigator of his love of food; it was spite that had just driven me to *American Pastoral*, after wags on social media shrugged off Philip Roth's death: *Just another dude, a white one, one who was mean to women, who will miss him, who needs his deeply problematic work in these more enlightened times*?

Well, I do. And maybe you do too. The summer reading season is the perfect time to catch up with old friends recently passed—or make some entirely new ones. ♦

FAIRFAX MEDIA / GETTY

B&A

Maverick at Twilight

John McCain's warning to his party and farewell to his countrymen. **BY JAMIE FLY**

Idealism is in short supply in Donald Trump's America. Domestically, few political leaders are interested in tackling long-term challenges. In foreign policy, realism and neo-Jacksonianism are en vogue as politicians choose to shirk rather than embrace America's international commitments.

But as Senator John McCain reminds us in *The Restless Wave*, his new book with longtime writing partner Mark Salter, it's America's ideals that "distinguish our history from the history of other nations." From our origins as struggling, disjointed colonies to today's "big, boisterous, brawling, intemperate, striving, daring, beautiful, bountiful, brave, magnificent country," generations of Americans have fought at home and abroad for our fundamental freedoms. It was our forebears' idealism in pursuit of causes greater than themselves, not nativism or cold calculating realism, that brought America to the pinnacle of global power.

The Restless Wave
Good Times, Just Causes, Great Fights, and Other Appreciations
by John McCain and Mark Salter
Simon & Schuster, 402 pp., $30

McCain touches on many subjects—including his bipartisan work in the Senate on immigration policy and campaign finance regulations, his fight with the George W. Bush administration on torture, and his controversial July 2017 health care vote—but what makes this book worthwhile is the love for America expressed in its pages.

It is a love of America's diversity, its history, its institutions, and its values.

It is a love for the physical geography of his adopted state of Arizona and the natural landscape and wildlife on his family's serene ranch.

And it is a love of the men and women who choose to risk their lives to defend our country. McCain notes that since 2003 he has spent every Fourth of July and often other holidays with the troops deployed in Afghanistan or Iraq. He writes wistfully of his final trips to war zones and describes the emotional naturalization and promotion ceremonies he witnessed on remote outposts.

In today's political climate, though, the chapter on America's destiny to be "part of the main"—to be "involved in mankind"—is the book's most timely. After nearly 17 years of war, many Americans have grown skeptical of overseas commitments, and there are

ANDREW BURTON / GETTY

Jamie Fly is a senior fellow at the German Marshall Fund of the United States.

few national leaders willing and able to articulate the need for a robust American presence on the world stage. *The Restless Wave* is essentially McCain's closing argument in a life lived in defense of this responsibility.

In a moving account of the multitude of dissidents and activists he has worked with during his career, many of whom have been harassed, jailed, or assassinated, McCain urges Americans to remember that a "shared devotion to human rights is our truest heritage and our most important loyalty."

No reader of this book will be unaware of the two unhappy facts looming over it. First, McCain has an insidious form of cancer. "My predicament," he writes, "is, well, rather unpredictable." Second, large swaths of the Republican party—the party that just a decade ago made him its presidential nominee—now reject McCain and the bipartisanship, compromise, internationalism, and openness to immigration that he represents.

McCain writes that he remains a "Reagan Republican": "Not a Tea Party Republican. Not a Breitbart Republican. Not a talk radio or Fox News Republican." But for now, the Republican party is increasingly the party of Trump, and McCain does not offer much advice for how his own views might return to favor. What little political optimism he does offer is grounded in an assessment of the country's demographic future, as evidenced by his own state, where the "blend of Hispanic and Anglo influences" means nativism is an electoral loser. If Republicans "want to maintain our competitiveness in the fastest-growing communities in the country we'll stop letting the zealots drive the debate."

Can the party to which McCain devoted his political career find a way to couple a commitment to principle with an effort to address the concerns that have led so many to abandon idealism in favor of angry, alienating populism? Maybe—with the right political leadership. Unfortunately, as McCain writes, he likely won't be around to see this, but his life and legacy will have played a significant part in restoring America to its rightful place as "part of the main." ♦

B&A

Chief Executive Exit

Sober thoughts on the constitutional tool of presidential impeachment. **BY GENE HEALY**

In the wake of Donald Trump's 2016 election victory, one of America's leading constitutional scholars exhibited classic signs of "PTSD": Post-Trump Stress Disorder. Impeachment "should begin on Inauguration Day," Harvard's Laurence Tribe howled in December 2016. The next month, Tribe demanded Trump "be impeached for abusing his power and shredding the Constitution more monstrously than any other President in American history"—a land-speed record for somebody entering his second week in office. In the months that followed, the dean of con-law profs urged Trump's defenestration for everything from emoluments clause violations to mean tweets.

Given that backdrop, when I opened Professor Tribe's new book, *To End a Presidency*, coauthored with Joshua Matz, I was braced for an impeach-at-all-costs jeremiad. The last thing I was expecting was an earnest plea for "cool and evenhanded reflection, informed by the Constitution and lessons from history."

That, however, is exactly what Tribe and Matz have produced. Their intelligent and informative book insists that impeachment is an awkward weapon, one that can't be "readily fired twice during a single presidency," and that holds no magic bullet for the problems of American democracy—useful reminders for #Resistance enthusiasts and Never Trumpers alike.

And yet, they lay it on pretty thick: Impeachment, Tribe and Matz insist, is "a great power and a terrible one," its use fraught with "extraordinary danger."

Gene Healy is a vice president at the Cato Institute and author of The Cult of the Presidency.

To End a Presidency
The Power of Impeachment
by Laurence Tribe and Joshua Matz
Basic, 281 pp., $28

Senators Hugh Scott, left, and Barry Goldwater with Congressman John Jacob Rhodes after meeting with President Nixon prior to his resignation, August 7, 1974

CORBIS / GETTY

If, God forbid, we ever need to deploy it, "we can hope only that the nation survives with its spirit intact and the strength to rebuild all that's broken." *To End a Presidency* turns out to be a sober, conventional case for approaching impeachment with fear and trembling.

Too sober and conventional, for my money: The case for impeachment-phobia has by now been adequately made. It permeates our political culture and dominates respectable opinion, whether it's Senator Jeff Flake—who has compared Trump to *Stalin* while insisting impeachment is out of bounds—or Stephen Colbert, who rejects it as an "extreme" remedy. Exaggerating the dangers of impeachment, as Tribe and Matz do, has made its use all too rare. Neither the Constitution nor the lessons of our history justify their trepidation.

Few if any of the Framers viewed the prospect of presidential impeachments with the dismay and perturbation Tribe and Matz demand. "A good magistrate will not fear them," Massachusetts's Elbridge Gerry insisted during the Constitutional Convention. "A bad one

ought to be kept in fear of them." North Carolina's Hugh Williamson thought there was "more danger of too much lenity than of too much rigour towards the President." Given our paltry record of presidential impeachments—only three serious attempts in 230 years—he was more right than he knew.

So it smacks of projection when Tribe and Matz assert that "you can feel the Framers' anxiety" when considering the structural safeguards they erected around the remedy: "Impeachment was the power they most grudgingly included in the Constitution."

The authors' own account of the deliberations in Philadelphia refutes that notion. Opposition to presidential impeachment was a minority view, held by only a handful of delegates who were all but shouted down by George Mason, James Madison, Ben Franklin, and others. The two-thirds requirement for removal more likely reflects exhaustion than anxiety. That innovation came late in the convention and was approved without debate and apparently without notice.

Whether they quite intended to or not, the Framers made it extraordinarily hard to remove a president. Yet our political culture makes it harder still by conjuring up specters of wounded democracy and constitutional collapse. Tribe and Matz fuel those cultural superstitions throughout the book. "There can be little doubt that a successful impeachment campaign would inflict enduring national trauma," they insist.

But recent experience provides very little evidence for that. As the authors concede—somewhat grudgingly—the Watergate-era crisis of confidence in government helped Americans demystify the presidency and institute necessary checks on executive power. Contra Gerald Ford, the real "national nightmare" was what Nixon and his predecessors had been able to get away with for far too long. And though Tribe and Matz assert that "Watergate permanently scarred a generation of Americans," the journalist Jeff Greenfield is hardly alone in his assessment: "I'll tell you what I remember most about Watergate. It was fun."

During the Clinton imbroglio, despite claims of looming apocalypse from Tribe, among others, late '90s prosperity rolled on, unimpeded by Bill's struggles. Lately, though, in the wake of the #MeToo movement, many liberals have begun to rethink their defense of a predatory, lawbreaking executive. Even failed attempts at removal can help vindicate important presidential norms.

Discussing the Clinton impeachment, Judge Richard Posner predicted, correctly, that the episode's "most abiding effect … may be to make it difficult to take Presidents seriously as superior people."

Maybe that's a lesson we could stand to have refreshed. ♦

B&A

Time on the Inside

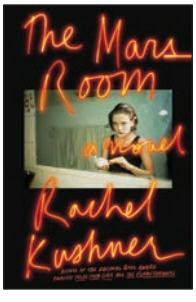
Rachel Kushner's latest novel probes the soul-warping effects of prison life. **BY STEFAN BECK**

Difficult though it may be to imagine a world without the need for prisons, the literature of incarceration issues from the human spirit's chafing at the idea of confinement, its instinctive hatred for the apparatus of punishment. The best of it is by former prisoners themselves: Fyodor Dostoyevsky's *House of the Dead*, Aleksandr Solzhenitsyn's *One Day in the Life of Ivan Denisovich*, Henri Charrière's *Papillon*, and Malcolm Braly's *On the Yard* are indispensable accounts of how prison deforms the soul.

No less fascinating are those attempts by authors outside of the system to, in effect, do somebody else's time. These acts of imaginative empathy—like John Cheever's *Falconer* or even Stephen King's pulpy novella *Rita Hayworth and Shawshank Redemption*—are valuable in a different way, as explorations of fear and exercises in compassion. To walk a mile in another man's shackles is one of the greatest challenges of art or life. In her third novel, *The Mars Room*, Rachel Kushner walks a razor's edge between compassion and credulity to show us the truth. And the truth hurts.

Stefan Beck is a writer living in Hudson, New York.

The Mars Room
by Rachel Kushner
Scribner, 338 pp., $27



Kushner's convict is 29-year-old Romy Hall, a former stripper at San Francisco's Mars Room who is, when we meet her, en route to serve two consecutive life sentences "plus six years" (injury, meet insult) for murdering her stalker. Romy's voice is hard-boiled but betrays more vulnerability than she realizes. When she calls her customers "losers to be exploited but who believed they were exploiting us," the reader may sense that this is, tragically, self-deception: When two people pick each other's pockets, the loser is the one losing sleep over who came out ahead.

Romy, needless to say, never comes out ahead. Her loathsome stalker must die but once. She faces a living death in Stanville Women's Correctional Facility, made all the more horrific when her mother dies and her son, Jackson, becomes a ward of the state. She has no legal recourse even to learn his whereabouts. What she has is time, lots of it, in an environment seemingly engineered to induce madness. Yet of the torments so meticulously anatomized

SCRIBNER

by Kushner—delousing, strip searches, inedible food, mind-numbing drugs, incompetent legal counsel, rules too numerous to learn or follow—the worst seems to be the corrupting presence of other prisoners.

"There was no cooperation," Romy muses. "Just people eager to see others fall under the hammer they suffered under themselves." In this respect, Kushner shows us, prison is not unlike the limbo of juvenile delinquency, substance abuse, and what is now tactfully called "sex work" whence Romy comes. The world available to Kushner's women is perfectly Hobbesian, *bellum omnium contra omnes*, which perhaps is why Kushner named her strip club with a winking nod to the Roman god of war. "The Russian women," Romy says, "when they started dancing at the Mars Room, brought a new post-Soviet ruthlessness."

Bemoaning the intelligence-insulting signs she sees everywhere in Stanville, Romy says, "Plenty I have met in prison cannot read, and some cannot tell time, but that doesn't mean they are not shrewd and superior individuals who can outsmart any egghead. … The imbecile the rules and signs are meant to address is nowhere to be found." But far from being a definition of intelligence that many of us would recognize, this sounds like a hymn to the kind of manipulation, politicking, and predation that if they have not helped to land someone in prison, will certainly be refined to high art by the time he gets out.

Prison normalizes and rewards the worst in people. A person whose job on the outside was "exploiting losers" will have a competitive advantage behind bars. When Kushner shows us women callously grooming lonely men to leech off once paroled, we are faced with a discomfiting chicken/egg question. Did prison, society, or men make these women this way? Or did these women gravitate toward environments in which such "adaptations" have value? We are forever being invited to identify with and applaud survivors, and all prison stories are survival stories. Yet they offer us a chance to ask—survival at what cost? How much of myself am I willing to kill in order to live?

This brings us around to Kushner's only serious failure of imagination. In parallel and also intersecting narratives, she shows us the experience of two men in the prison system. Gordon Hauser is an idealistic young teacher working at Stanville, who lives in a cabin and spends much of his time thinking about those famous cabin-dwellers Thoreau and Kaczynski. Rich "Doc" Richards, a corrupt cop serving time, is, like the most bestial of prisoners, incapable of seeing others as anything but means to an end.

If Gordon illustrates how compassion can stick a target on one's back, Doc represents a more sinister warning: Power corrupts, and when it corrupts the already corrupt, look out. But what about the guards? In an astounding lapse, Kushner all but ignores their attitudes and inner lives, as if to say that of all the people involved in this system, they alone lack spirit or agency. They are shown as mere products of circumstance, either too poor or too stupid to get a different, better job. That their motivations and moral compromises should be treated with less curiosity or generosity than those of murderers and rapists may serve *The Mars Room*'s implicit social justice agenda, but it does not inspire confidence that Kushner quite understands why we have prisons in the first place. ♦

B&A

In a Strange Land

In America and Europe, learning to love your (Muslim) neighbor.

BY JOHN WILSON

Christian Hospitality and Muslim Immigration in an Age of Fear
by Matthew Kaemingk
Eerdmans, 338 pp., $28

Often when I'm reading I come across a passage that makes me want to fling the book across the room. I almost never do this—I handle books with an almost superstitious reverence—but at least I can groan or shake my head.

I did a lot of head-shaking and some groaning while reading Matthew Kaemingk's *Christian Hospitality and Muslim Immigration in an Age of Fear*. Sometimes that was prompted by an excruciatingly pedantic sentence, like this one on page 224: "Music is a powerful sonic medium for liturgical formation." Sometimes it was in response to the author's failure to live up to the very principles he eloquently puts forward, as in his caricature of Ayaan Hirsi Ali (no measured critical engagement here; we'll return to this point later). More often, though, I was scribbling appreciative comments on Post-It Notes and wishing that a friend or two would drop by so we could talk about this book immediately and at length.

Kaemingk's book should move to the top of the reading list for participants in four distinct but often overlapping conversations: (1) on Christian-Muslim interaction generally, post-9/11, and the "framing" of this subject in the West; (2) on Muslim immigrants to the United States; (3) on the "hegemony" of liberalism in modernity; and (4) on Abraham Kuyper's theological case for genuine pluralism, with particular reference to the stance that evangelical Christians in the United States should take (admirers of John Inazu's *Confident Pluralism* will be particularly interested in this thread). Throughout, Kaemingk's narrative focuses on the Netherlands, asking what can be learned from the experience

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of Muslim immigrants there and from the failure of Kuyper's pluralist project; in addition to Kuyper, he draws on the Dutch theologian Herman Bavinck and the pastor-theologian Klaas Schilder.

"So," you're thinking, "basically a book about the Netherlands. Thanks, but I have so much already lined up to read …" No, not exactly. It's a book that uses the case of the Netherlands—especially with regard to Muslim immigration—to illuminate the range of subjects listed above. Kaemingk speaks of a "clash between Mecca and Amsterdam," in which Amsterdam—aggressively, licentiously "liberal"—stands in for "liberal modernity" more generally, priding itself on its "tolerance" even as it becomes ever less willing to brook dissent.

Depending on their investment in this or that conversation, most readers (I suspect) will focus on certain parts of the book and merely skim others. All readers, so I think, should start not at the beginning but with Chapter 8, "Pluralism and Action." This is the most original, most inspiring, and most grittily particular section of the entire book. It starts with a beguiling epigraph from Kuyper: "The smallness of the seed should not disturb us." The seeds in question are specific examples of Christian pluralism in action. Oddly, Kaemingk introduces these wonderful examples rather defensively: "This book does not have a single solution." Well, of course not! (We're not idiots, you know.) "Instead, the goal of this final chapter ["final," that is, in Part 3] is to illuminate a mosaic of Christian answers (notice the plural)." We did notice. (For crying out loud, trust your readers!) "These pluriform answers are being articulated in and through a variety of different careers and social spheres." That awful sentence will no doubt prompt some readers to go on to the next chapter or close the book for good, missing what was for me pure gold.

The examples that follow, drawing extensively on interviews Kaemingk conducted, are delightfully "pluriform." The first little section describes a group of Christian women in Rotterdam who began meeting regularly with Muslim women to sew. The second tells how the religion department of the Free University of Amsterdam "is actively recruiting Muslims to teach Islam, Christians to teach Christianity, Jews to teach Judaism, and so on." There are six examples of "Pluralism and Action" altogether, each distinct and each harmonious with all the others.

If you start with this chapter and then go to the beginning, you will (I think) feel that Kaemingk has earned your trust. Then, when you encounter

A Muslim woman in Rotterdam hands out roses and explains her faith, 2015.

YASIN YAGCI / ANADOLU AGENCY / GETTY

his overview of the "dangerous imbalance in the stories the West tells itself about the conflict between Mecca and Amsterdam," you'll be willing to cut him some slack. Maybe he does exaggerate the extent of "Islamophobia." (Though for some readers, especially those in academic settings, that won't be a problem.) Maybe he doesn't say enough about legitimate concerns with Islam (a subject he mentions but does not really address). Let's not focus on those differences in emphasis; let's concentrate on the big picture.

I'm not merely willing but eager to do so. Still, as I suggested above, there are points at which Kaemingk fails to live up to his own principles, most egregiously in the case of Ayaan Hirsi Ali. I love the first entry for her in the index: "anti-Islamic narrative constructed by." That's a phrase Kaemingk is excessively fond of, as many academics are these days. But of course his own "narrative" is "constructed" as well. His scornful dismissal of Ali's account of Muslim women abused by their husbands reads a bit differently today than it may have when he wrote those sentences. Is it possible that there is some value in this testimony, even if—clearly—it cannot legitimately be used to impugn Islam across the board? And why is there nothing about what Ali herself has endured? "Ayaan Hirsi Ali lives in the United States and has worked for the American Enterprise Institute, a conservative think tank in Washington." A conservative think tank, huh? Obviously she has deserved whatever persecution she has suffered. She's well set-up now. She clearly doesn't merit the "Christian hospitality, justice, and grace" so movingly (and unpretentiously) extended to faithful Muslims in Kaemingk's book.

While reading Kaemingk, I recalled a conversation with a young man (mid-30s) I greatly admire, a convert to Catholicism. He had been telling me about several encounters he's had with Muslims, what good conversations they'd had, how he was struck by their unembarrassed piety, and so on. "In fact," he said, "I feel much closer to them than I do to a lot of other Americans, including"—and here he smiled—"most evangelicals." Too many evangelicals, he thinks, tend to lust after approval from "the culture" and are too ready to compromise. How unthinkable such a conversation would have been when I was that young man's age.

In the early 1990s, when reports of an "Islamist revival" began to appear more frequently, I tried to remember in what contexts Islam had even been mentioned in passing in my four years as an undergraduate. Memory is fallible, needless to say, but I was unable to recall as many as a half-dozen instances. We are still early in an entirely new phase of interaction between Islam and "the West," one in which Muslims are increasingly established in Western Europe and North America. Far too many words in the last 20 years have been devoted to explaining what "will happen next," as the writer confidently asserts, or what will happen if we don't do X, Y, or Z. I don't think anyone knows.

We can be certain, though, that the modest but not undemanding practices commended to us by Matthew Kaemingk will not become irrelevant. ♦

"The Supreme Court on Wednesday dealt a major blow to organized labor. By a 5-to-4 vote, with the more conservative justices in the majority, the court ruled that government workers who choose not to join unions may not be required to help pay for collective bargaining."
—New York Times, *June 27, 2018*

AFSCME
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
AFSCME Anything—Oh!

June 27, 2018

John Sacramoni
Food & Beverage Director
AFSCME Office of Member Services
230 Route 17
Lodi, NJ 07644

Dear Proud Member of AFSCME:

You might have heard in the news recently that a certain Supreme Court has decided to rule against your beloved AFSCME and in favor of a Mr. Mark Janus. We will soon be visiting Mark at his home address in Illinois—just to say hi and maybe have some tea and crumpets. (No, I don't know what crumpets are, but maybe some pizzelles—*Madonn!*)

Supposedly, we can no longer collect dues from some of you—namely youse guys who for some reason or another have forgotten to join the union. Now why would you do such a stupid thing? Don't you know it all goes to collective bargaining so you get a decent wage and decent hours in a decent job? It'd be a shame if you worked so late you missed your daughter's birthday. Permanently.

Nevertheless, it is true, thanks to the Supreme Court, that you non-union f—os no longer have to help your hardworking union brothers and sisters. That is your right, for now.

Do be advised, however, that there are a few new fees that will need to be assessed, such as a water fountain usage fee, a bathroom stall and urinal fee—call it our "flush fund"—and a coffee machine fee. (What? You thought those Keurigs just fell off a truck? Oh!) We expect all public-sector employees, union member or no, to pony up their share to make up for the loss in union dues. But don't worry, it won't be taken out of your paycheck. One of our hospitality representatives will come by your office monthly to collect. All you need is the proper amount in a letter-sized, unmarked envelope.

As always, we thank you for your cooperation.

Your pal,

Johnny