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Waking Up to Reality

ad report card

Can Tampons Be Cool?

Playtex gives feminine care a sporty makeover.

By Seth Stevenson

Monday, January 15, 2007, at 7:14 AM ET

The Spot: *We see a tennis player crushing her ground-strokes and serves; a gymnast throwing herself around on the uneven bars; a female swimmer, soccer player, and snowboarder each doing her thing. Meanwhile, animated graphics tout a new "no-slip grip" and "360-degree protection." Says the announcer: "Get high performance when you need it most. ... Game time, anytime. New Playtex Sport. May the best protection win."*

I am not in the target market for this product. (Rarely am I *less* in the target market for a product.) But I was intrigued by this ad because it feels like a wholly new approach to selling tampons.

I called up Julie Elkinton, vice president of marketing for feminine care at Playtex, to ask her about the thinking behind this spot. "In the past," she said, "we and competitors have played on the embarrassment factor. The hesitation to engage in activities because of a fear of leakage." This brings to mind the classic tampon sales pitch, which typically includes some or all of the following elements: 1) a high school hallway or classroom; 2) the cutest boy in school; and 3) the ultimate tampon portent—a snow white pair of trousers. (Alternate scenario: group trip to the beach in white bikinis, with cutest boy in school making a cameo appearance.)

There are some shades of old-school fear-mongering still embedded in this Playtex Sport ad. The scenes of female athletes in action include several crotch-centric shots, including a gymnast with legs splayed wildly and a snowboarder in a strained, midair squat. But the point is only partly that these tampons will endure extreme physical contortion.

"You don't have to be doing sports to appreciate the product," Elkinton says. This is "sport-level protection" (in the hyperbolic phrasing of the ad), so *certainly* you can trust it when you're walking with Travis to geometry class. But the subtler message here is that these tampons are for girls with a certain type of personality—active, bold, confident. The ladies in the ad are kicking ass. The soundtrack is aggressive and beat-heavy (lyrics: "Step up, let the games begin, don't back down, may the best girl win"). And there are no boys to be seen.

Philosophically, I prefer this newer Playtex message, which is less about preying on fear than about creating an image that's appealing to the consumer, and jibes with the way she thinks about herself. We've seen this shift happen in guys' deodorant ads, which increasingly emphasize slaying the ladies (see: [Axe](#), [Old Spice Red Zone](#)) and don't bother with the armpit-stink

scare tactics. But tampons seem like a tougher product to brand. Do women really want to make their tampon choice a part of their self-conception?

I looked around at current tampon marketing to see what kinds of imagery are out there. Tampax Pearl incorporates the word *upgrade* into its ads at every opportunity and seems intent on positioning itself as the posh, high-end tampon for the classier set. Meanwhile, o.b. has a more bohemian, earthy feel, with its boasts about being designed by a female gynecologist. (Tampax, which was [the first patented tampon](#), was invented by a male doctor in Denver in 1929.)

But Playtex Sport appears to be the only brand looking to seize the active, athletic niche. It's like the Gatorade of feminine care. (And frankly, the first time I saw this ad on TV, only half paying attention, I assumed it was for a sports drink. Wait, I thought, is that plastic contraption some kind of sport straw? Ohhhhhhhh ...)

Of course, every brand also touts its superior technology. Elkinton can talk for hours about "tapered applicator barrels" and "a finger grip with flared grooves" and a "unique, double-layer, folded [pledget](#)." The other tampons play this game, too. I'm in no position to comment, but my sources assure me these high-tech applicator distinctions are fairly meaningless. In fact, one brand, o.b., has bowed out of the applicator race altogether, instead making its lack of an applicator its central selling point: "You control where it goes and place it where it fits just right for you."

Whatever floats your boat. Or puts it in dry dock? OK, I'll just stop.

Grade: B+. Elkinton says the target demographic for Playtex Sport is ages 13 to 24. It's important to reach younger tampon buyers because their brand preferences can lock in early and never change. Also, according to this [abstract](#) of a report on the feminine care industry, the market trends clearly favor pitching to teens. Baby Boomers are pushing the population bulge toward menopause, and birth-control users will increasingly opt for pills that suppress menstruation to a large extent. (For historical context, and some great [vintage tampon ads](#), check out the online [Museum of Menstruation and Women's Health](#).)

Advanced Search

Friday, October 19, 2001, at 6:39 PM ET

bushisms

Bushism of the Day

By Jacob Weisberg

Tuesday, January 16, 2007, at 4:02 PM ET

"Because of your work, children who once wanted to die are now preparing to live."—speaking at the White House summit on malaria, Dec. 14, 2006

Click [here](#) to see video of Bush's comments. The Bushism is at 1:29.

For more, see "[The Complete Bushisms](#)."

chatterbox

O.J. Confesses. Really.

The ghostwriter of *If I Did It* calls Simpson "a murderer."

By Timothy Noah

Monday, January 15, 2007, at 10:41 PM ET

Hello? [Los Angeles County district attorney's office](#)? Anybody home? O.J. Simpson has delivered what any sensible person must now recognize to be a murder confession. If it isn't too much trouble, could you start collecting the evidence—audiotapes, videotapes, manuscript drafts—and *then* figure out [what to charge him with](#)?

I've been told that Simpson is a murderer by someone who's in an excellent position to know: [Pablo Fenjves](#), the ghostwriter for the book containing Simpson's "hypothetical" confession, *If I Did It*. Fenjves taped many hours of interviews with Simpson in assembling the book, whose publication NewsCorp halted as it was shipping to bookstores in November because of what I've previously described as a [bizarrely misdirected](#) public outcry. (It would be obscene if Simpson were to profit from the book, but [litigation is underway](#) to recover these funds, and the payment question was always separate from the issue of suppressing Simpson's potential confession.) Fenjves discussed the Simpson book with me on Jan. 15, the day a paraphrase-heavy description of the chapter detailing the murder, "The Night in Question," [surfaced in Newsweek](#). The reporter, Mark Miller, calls the

chapter "surprisingly revealing" and "a seeming confession in Simpson's own voice," and if anything, I think Miller's being too tentative.

Here is how Fenjves described his meetings with Simpson to me: "I was sitting in a room with a man I knew to be a murderer, and I let him hang himself."

This statement is decidedly off-message. "I would never suggest to you or to anyone else that the book is a confession," Fenjves recited carefully in our interview, like a prisoner of war blinking a distress signal in Morse code. He would never do that because "*Mr. Simpson insisted on calling that particular chapter hypothetical.*" Obviously Fenjves is under some contractual obligation not to call this book a real murder confession. But Fenjves is plainly a little ticked off at Simpson, who, responding to the *Newsweek* story, characterized "The Night in Question" as a "created half-chapter" and proceeded to take a [couple of swipes](#) at Fenjves:

The ghostwriter of *If I Did It* knew nothing about the case when he came into the project and had to do a lot of research, Simpson said. The writer was not a witness at the criminal trial, as has been reported, Simpson said.

Simpson said he saw a number of factual flaws while proofreading the chapter but did not correct them because he thought that would prove that he did not write it, he said.

It's a matter of public record that Fenjves *was* a witness at Simpson's murder trial. Fenjves lives about 60 yards from the scene of the crime, and heard the frantic barking of Nicole's Akita as she was being murdered. (The book's publisher, Judith Regan, recruited Fenjves because he's done a lot of ghosting for her before.) It's entirely possible, but immaterial, that Simpson let the odd factual error slip by; there's no such thing as a nonfiction book that's entirely free of errors. The two crucial questions are whether the book's most significant "hypothetical" and previously unrevealed eyewitness details about the murder, as related in *Newsweek*, were supplied by Simpson, and whether Fenjves really thinks these details *are* hypothetical. Fenjves declined to give me a direct "yes" or "no" answer to these questions, but he did say, variously:

"I'm not in the habit of making things up in my books."

"What do you expect him [O.J.] to say?"

"The book has his name on it."

"I ask [the people I ghostwrite for] questions. They answer them."

What are these "hypothetical" and previously unrevealed eyewitness details? One is simply a matter of tone. The chapter about how the murder happened, Miller writes, contains

the classic language of a wife abuser. In his crude, expletive-laced account, Simpson suggests Nicole all but drove him to kill her. She is taunting him with her sexual dalliances, he says, and carrying on inappropriately in front of their two children.

Now tell me something: Would a writer-for-hire *take it upon himself* to inject a hateful tone into a narrative about the author of record's murdered ex-wife? Or would that ghostwriter *borrow* much of the author of record's *own language* to make sure that nobody missed Simpson's pathological rage? When I asked Fenjves whether he'd picked up Simpson's own language to establish the book's tone, he answered, "That's my job."

Newsweek's Miller goes on to write that the chapter describes Simpson getting ticked off at Nicole at his daughter's dance recital, and driving over to her house in his famous white Bronco. He brings a knife that he keeps in the car to ward off "crazies," enters Nicole's yard through a broken gate, encounters Goldman, and flies into a jealous rage when the Akita trots up and greets Goldman with a friendly wag of the tail. "You've been here before," Simpson screams. Nicole lunges at Simpson, slips, and falls, cracking her head on the ground. This last detail strikes me as implausible, but only as a description of something that happened; it sounds *exactly* like what a known wife-abuser would tell *himself* and others—particularly his children—to avoid admitting that he struck first with a heavy blow.

Goldman assumed a karate stance, according to Miller's description. "Then," Simpson/Fenjves writes discreetly, "something went horribly wrong, and I know *what* happened, but I can't tell you exactly *how*." Note the absence of the subjunctive tense. An additional intriguing detail is that a friend of Simpson's, whom Simpson/Fenjves calls "Charlie," was with Simpson in Nicole's yard. After a passage about disposing the knife and his bloody clothes—Miller is vague here, presumably because the authors are, too—Simpson/Fenjves goes into defense-attorney mode and writes that he is "absolutely 100 percent not guilty."

That Simpson ever suggested this project—the idea was Simpson's, Fenjves says, *not* Regan's—makes me conclude that a killer is coming apart at the seams. Before he got involved, Fenjves told me, there "was talk he was going to do this as a straight confession." A working title for the book at one point was not *If I Did It*, but *I Did It*. The title was suggested not by Regan, but by Simpson. What do you have to do in this country to get yourself thrown in jail?

corrections

Corrections

Friday, January 19, 2007, at 11:07 AM ET

In a Jan. 18 "[Sports Nut](#)," Daniel Engber mistakenly identified San Jose Sharks forward Jonathan Cheechoo as "Joseph Cheechoo."

In the Jan. 16 "[Explainer](#)" on frozen embryos, Melonyce McAfee mistakenly wrote that the temperature inside a tank filled with liquid nitrogen would drop once the nitrogen dissipated from the tank. The temperature inside the tank would rise.

In the Jan. 10 "[Architecture](#)," Witold Rybczynski misidentified the Hampton Oaks development in Fairburn, Ga., as the seventh community built by KB Home in collaboration with Martha Stewart. It is the second.

In the Jan. 4 "[Explainer](#)" about identifying meteorites, Melonyce McAfee listed two sources from the University of Indiana. The sources are from Indiana University.

dad again

Disinheritance

The sisters welcome their new brother.

By Michael Lewis

Thursday, January 18, 2007, at 4:51 PM ET

Once they wheel Tabitha from the delivery room to the recovery room, Stage 1 ends and Stage 2 begins. For the whole of Stage 1, a father performs no task more onerous than seeming busy when he isn't. Nothing in Stage 1 prepares him for Stage 2, when he becomes, in a heartbeat, chauffeur, cook, nurse, gofer, personal shopper, Mr. Fixit, sole provider, and single parent. Stage 2 is life as a Mexican immigrant, with less free time. Entering Stage 2, I know from experience, I have between 24 and 48 hours before I'm overwhelmed by a tsunami of self-pity. I set out to make the most of them.

The first assignment is to fetch our 7- and 4-year-old daughters from home so that they can meet their new baby brother and see firsthand the joy of partial disinheritance. The birth is meant to have put them into a delicate psychological state. As I enter the house, I see no trace of it, however, or, for that matter, of them. Just inside the front door lies the shrapnel from an exploded

giant Reese's Peanut Butter cup. In the kitchen is the residue of what seems to have been a pancake breakfast for 20. Dishes long banished from use have migrated out of the backs of kitchen cabinets, toys untouched for years litter their bedroom floors. Exactly 13 hours ago, at midnight, our kind and generous next door neighbors left their own bed for ours, so that we might go to the hospital and have a baby. Briefly, I have the feeling that if I turned around and walked away, my children would very happily use these new grown-ups to create a new life for themselves and never think twice about it.

At length, I find them, at play with their benign overlords in the courtyard. "Daddy! Daddy! Daddy!" they shriek.

We embrace, histrionically. They know where I've been, and they know their mother has given birth. But instead of asking the obvious question—to what?—they race off to find various works of art they've created in the past six hours. "You have a baby brother!" I shout at their vanishing backs. A baby brother, as it happens, is exactly what they both claimed to least want. "A baby brother!" they shriek again. I've never been able to feel whatever it is I'm meant to feel on great occasions, so I shouldn't expect them to either. But of course I do. It's not until they climb into the minivan that they finally get a grip. "Daddy?" asks Dixie, age 4, from her seat in the third row. "How does the baby get out of mama?"

This minivan is new. I've never been in the same car with a person who still seemed so far away. In the rearview mirror, her little blond head is a speck.

I holler back what little I know.

"Daddy?" asks Quinn, age 7.

"Yes, Quinn."

"How do cells get from your body into mama's body?"

We wheel into the hospital parking lot.

"Help me look for a parking spot."

That distracts her: They love to look for parking spots. In the Bay Area, looking for parking spots counts as a hobby. One day when they are grown, their therapists will ask them, "What did you and your father do together?" and they will say, "Look for parking spots."

We find a spot and instantly the race is on to the hospital elevators, followed by the usual battle-to-the-death to push the up/down button, followed by the usual cries from Dixie that because Quinn pushed the up/down button she has first dibs on

the floor button, followed by Quinn's usual attempt to push the floor button, too. Since not long after Tabitha began to balloon, they've treated every resource as scarce; one of anything has become *casus belli*; no object is too trivial to squabble over. A Gummi Worm vitamin, for instance, or a ripped pair of stockings. Produce in their presence an actually desirable object—an elevator button in need of punching or, God forbid, a piece of candy—and you'll have screams inside of a minute and tears inside of two. Oddly enough, they used to get along.

When the elevator doors open onto the third floor—all smiles, you'd never know how narrowly they'd just averted bloodshed—they come face to knee with Shirley. Shirley is the large and intimidating security guard assigned to prevent the 12,000 babies born each year in the Alta Bates hospital from being stolen. She must be a success at it, as she's been guarding them even longer than we've been making them. This is the very same Shirley who, seven and a half years ago, prevented Quinn from being abducted at birth, and thus spared some poor kidnapper years of sleep deprivation.

But even Shirley presents the girls with no more than a small speed bump in their endless race. Security badges gleefully grabbed, they resume their competition to see who will be the first to find mama's room, No. 3133. Advantage Quinn, again, as Dixie can't read any number greater than 10. With Dixie behind her, running as fast as her little legs will carry her and screeching "Wait for me Quinn!" Quinn flies to her mother's hospital door. And there, amazingly, she stops in her tracks. The big, cold recovery room door is too much for even her to barrel through. She knocks nervously and announces her presence, giving Dixie just time enough to catch up.

"Just let me put some clothes on!" I hear Tabitha shout.

That's not what she's doing. She's setting the stage.

Much effort, none of it mine, has gone into preparing for this moment. She's bought and read them countless books about sibling rivalry; taken them to endless sibling prep classes at the hospital; rented many sibling-themed videos narrated by respected authorities—*Dora The Explorer* for Dixie, *Arthur* for Quinn; watched with them, every Sunday night, their own old baby videos; and even bought presents to give to them *from the baby* when they visit him in the hospital. Before this propaganda blitz, our children may or may not have suspected that they were victims of a robbery, but afterward they were certain of it. Hardly a day has passed in months without melodramatic suffering. One afternoon I collected Dixie from her pre-school—to take one of approximately 6,000 examples—and learned that she'd moped around the playground until a teacher finally asked her what was troubling her. "When the baby comes, my parents won't love me as much," she'd said. Asked where she'd got that idea from, she said, "My big sister told me."

I've sometimes felt that we're using the wrong manual to fix an appliance—that, say, we're trying to repair a washing machine with the instructions for the lawn mower. But my wife presses on, determined to find room enough for three children's happiness. The current wisdom holds that if you seem to be not all that interested in your new child the first time the old ones come to see him, you might lessen their suspicion that he's come to pick their pockets. And so that's what she's doing in there: As her children wait at her hospital door, she's moving Walker from her bed into a distant crib.

"OK, come in!"

They push through the door and into the room.

"Can I hold him, Mom?" asks Quinn.

"No, I want to hold him!" shouts Dixie.

And with that Walker's identity is established: one of something that we need two of. In less time than it takes an Indy pit crew to change a tire, Quinn's holding him and Dixie's waiting her turn, swallowing an emotion she cannot articulate and wearing an expression barely distinguishable from motion sickness.

damned spot Barack (Almost) Jumps In

Dissecting Obama's campaign biography.

By Andy Bowers and John Dickerson

Tuesday, January 16, 2007, at 7:28 PM ET

Sen. Barack Obama has launched his presidential exploratory committee and with it two new videos. The first is the [announcement](#), which speaks for itself. The second is a [biographical look](#) at his life and accomplishments. The first-term senator says in the coming weeks he'll evaluate whether or not to take the final plunge. Set your calendar for Feb. 10, when he'll announce his decision in Illinois. To help you make your decision about Obama, the "Damned Spot" crew decided to dissect some of the hidden meaning in the biography and highlight the themes Obama is running on as well as those parts of his record he's trying to run away from.

Click the video player to launch *Slate's* remix of the ad.

Send feedback to podcasts@slate.com. (E-mailers may be quoted by name unless they stipulate otherwise.)

dear prudence
Poison Penned

How can I get an embarrassing letter back from the man I sent it to?

Thursday, January 18, 2007, at 6:37 AM ET

Get "Dear Prudence" delivered to your inbox each week; click [here](#) to sign up. Please send your questions for publication to prudence@slate.com. (Questions may be edited.)

Dear Prudie,

About year into my current relationship with N, I had a brief but intense affair with B. In my infatuation, I was convinced that smarmy, boorish B was the love of my life. Soon, however, B became insecure about my continued attachment to N and broke it off—whereupon I wrote him a lengthy, painstaking masterpiece of a love letter, with hopes of winning him back. Shortly thereafter I realized how stupid this was—and more important, how wrong B had been for me all along. I have also been happier than ever with N since then and hope to share a future with him. While the affair itself is utterly dead to me, the letter remains an anguishing, shameful residue. I want it back. It's not that I fear it'd be made public somehow. (I did discuss the affair with N—leaving out the part about the letter.) I just hate the thought of letting this deeply personal thing I crafted remain in the possession of someone I now emphatically regard as a stranger, wholly undeserving of such a gift. I also hate the thought of contacting B at all. Yet the matter continually bothers me and I want to be free of it. What's your advice on how to get it back, or how to let it go?

—Belle Lettriste

Dear Belle,

It sounds as if you've read *Les Liaisons Dangereuses* one too many times. What a cad B is for not understanding that your cheating was a sign of your sophistication, not your perfidy. How dare he not be persuaded by your epistolary masterpiece, and instead retain a document of which he is so undeserving. Oy gevalt, get off it already! You think the issue is what to do about this letter, but the real issue is the casualness with which you treat people you supposedly love. You sent the letter to B, so it's rightfully his now—if he hasn't put this glorious manuscript through the shredder. What's the point of asking for it back except to incite more drama (and what's to stop B from keeping a copy even if he did return it)? Be grateful N is either the forgiving type, or a chump, and stay away from quill pens.

—Prudie

Dear Prudence,

I'm a married woman, late 40s, with five wonderful children. My

husband is a year younger than me. It disturbed me initially, because I just did not want to be married to someone younger. But my friends encouraged me, saying it was OK and that if I liked him, I should not let our age come between us. We got married but never told anyone he was younger. For some time, it still bothered me, since I didn't want to look older than him—and I didn't. Even after five children, I used to get a lot of compliments about how young I looked. About three years ago, he decided to get a permanent wig stuck to his head, which made him look at least 20 years younger than his age, and now he looks as old as my 20-year-old son. It makes me uncomfortable to go out with him, as I look so much older now. He knows how I feel about it, but doesn't really care, because he's enjoying the attention. He seems to have gained some confidence since his hairdo, and is really friendly with younger women. I am miserable.

—Older Wife

Dear Older,

When people talk about someone having a younger spouse, they are referring to years, not months. Your husband just doesn't qualify as a younger man. Let me also assure you that having something that resembles a dead muskrat glued to his head does not make a man in his 40s look like a college student, it makes him look like a fool. But instead of feeling terrible about how old you look, go get a makeover. Then people will be wondering what that attractive woman sees in the guy wearing a rodent.

—Prudie

Dear Prudie,

I am the youngest child of two great parents, who are both now in their 70s. They are in relatively good health and mentally sound. While home for the holidays (the first time in almost a year), I noticed that their house has become very dirty—dust everywhere, grungy bathrooms, crumbs on the kitchen counters, etc. The dishwasher doesn't work properly and still-dirty dishes are put in the cupboard. Mom was never a white-glove type, but the house was never dirty. I'm afraid that the dust and mold in the house could eventually make my parents sick, and that the unclean conditions could attract mice and bugs. I have two dilemmas. One, I want to pay for a good thorough cleaning for the family home but don't know how to give this gift to Mom and Dad without offending them (especially Mom). Two, I would also love to hire my sister to do the cleaning; her family isn't doing well financially and she lives very close to my parents. How do I make these two offers?

—In the Dust

Dear Dust,

It's clear that your parents need a regular housekeeper or service, not a once-over. Are they financially able to pay for this? If so, touchy though the subject might be, you need to tell them that

you were concerned that the house seemed less clean than usual and that it's time they took some of the burden of maintaining it off of themselves. If they can't afford it, before you bring it up, consider whether you want to cover or chip in for a monthly cleaning. As for hiring your sister, unless she has worked as a housekeeper, I'm afraid it's just too touchy for one sister to offer to pay the other to scrub their parents' toilet.

—Prudie

Dear Prudence,

I am married for the first time (five years) to a man who has three children from his former marriage. The children and I get along pretty well, and they are sweet, intelligent, and polite. My husband insists on buying them what I feel are exorbitant presents, and it drives me crazy! I am sort of a tightwad, but I also keep us in the black instead of the red. I come from a family of seven, and we could not afford to buy everything we wanted. I feel I'm better off because of this. Maybe I'm also peeved because my stepson drives a truck that my husband bought, while I'm driving the same car I purchased over 12 years ago. When I mention this to him, he says, "Well, then buy a new car"! I don't want to purchase a new car until we get his new car and truck paid off. I love my husband to death, and he is a good and generous man. He loves his kids, and since he sees them mostly on weekends, he is only trying to make them happy. Despite all the gifts, the kids never initiate phone calls; my husband always has to call and this makes him very sad, even though all his children have their own cell phones (I do not). Should I just back off and learn to accept this? We both work, and he does make more than I do, but half his check goes to monthly insurance and child support.

—Ticked Off

Dear Ticked,

Keeping your mouth shut is an investment in the future of your marriage and your relationship with your stepchildren. He may overindulge them financially, and they may not be as grateful as you would like, but if you set yourself up in opposition to his kids, you will lose, even if you nag him enough to get him to cut back on the spending. Despite your qualms, you say you like your stepchildren. Assuming you want to stay married to their father, you will be involved with them for the rest of your life. How much satisfaction will you get from seeing more money go to you, not them, at the expense of the good feeling you all now have? You married a man with three children, that means you have to share him with them. You've been doing so graciously so far. In years to come, you'll be glad you kept it that way.

—Prudie

explainer

My Fruit Is Freezing ...

Call in the helicopters!

By Kathryn Lewis

Thursday, January 18, 2007, at 6:35 PM ET

An unexpected [run of freezing overnight temperatures](#) in California may have damaged nearly a billion dollars' worth of unharvested citrus fruit. Farmers rushed to pick what they could before the cold snap hit, and have been staying up all night in an effort to keep their orchards warm. How do you keep fruit from freezing?

With irrigation systems, wind machines, and, er, helicopters. Citrus fruit that's exposed to freezing temperatures for more than four or five hours will become slushy on the inside and can no longer be sold. Oranges and lemons tend to freeze when the temperature drops below 28 degrees—the exact freezing point depends on the fruit's sugar content—but temperatures at or below 20 degrees may even damage the trees themselves. Since a few degrees can make a million dollars' worth of difference, farmers will go to great lengths to warm their groves, spraying them with warm water all night long, blowing warm air down onto orchards with towering fans, or even [burning piles of peach pits](#).

Warm water dispensed through irrigation systems can help raise the temperature of a particular grove: As the water cools, heat is released. The wind machines—which look like 40-foot-tall windmills—take advantage of a common weather phenomenon in California's citrus valleys called an [inversion layer](#). This results in a canopy of warm air high in the atmosphere that traps colder air closer to the ground. (The inversion layer is also responsible, in part, for keeping Los Angeles swimming in a miasma of smog.) By blowing the higher air down toward the surface, farmers can sometimes warm their trees enough to avert a freeze. But in the absence of inversion conditions, all the wind in the world would do no good.

Farmers without wind machines can turn to helicopters, which also push warm air down toward the earth. Their high cost per hour (as much as \$1,650) and the limited area they're able to warm makes them a choice of last resort. Farmers who never installed wind machines will occasionally send out choppers to save a small area of a grove that might otherwise perish.

Eighty percent of citrus farmers use wind machines to warm their groves, and the California Farm Bureau Federation estimates that the statewide cost of protecting trees and crops this winter is already nearing \$95 million. Is it worth it? A freeze of only three days in December 1998 destroyed 85 percent of California's citrus crop, a loss valued at \$700 million.

Got a question about today's news? [Ask the Explainer](#).

Explainer thanks Shirley Batchman of California Citrus Mutual and Dave Kranz of the California Farm Bureau Federation.

explainer

800,000 Missing Kids? Really?

Making sense of child abduction statistics.

By Christopher Beam

Wednesday, January 17, 2007, at 7:06 PM ET

Two boys abducted in Missouri were [found](#) in a St. Louis suburb last Friday, in the home of a pizza shop employee. One had been missing for less than a week, the other for more than four years. News reports [cited](#) a statistic that 800,000 children disappear every year—or about 2,000 a day. Seriously? How reliable are these numbers?

Reliable enough, but easily misinterpreted. Like most crime statistics, abduction numbers are fungible since they depend so much on whether the crime gets reported and how you define *abduction*. Saying a child is "missing" can mean any number of things; a child who has run away from home counts the same as a kidnapped murder victim. For officials, the total number includes those who fall into several different [categories](#): family abduction, nonfamily abduction, runaways, throwaways (abandoned children), or lost and "otherwise missing" children. Local police departments register missing children with the federal National Criminal Information Center database, specifying what type of abduction it is.

When the categories get conflated, the statistics can become confusing. Take the number 800,000: It's true that 797,500 people under 18 were reported missing in a one-year period, according to a 2002 study. But of those cases, 203,900 were family abductions, 58,200 were nonfamily abductions, and only 115 were "stereotypical kidnappings," defined in one study as "a nonfamily abduction perpetrated by a slight acquaintance or stranger in which a child is detained overnight, transported at least 50 miles, held for ransom or abducted with the intent to keep the child permanently, or killed." Even these categories can be misleading: Overstaying a visit with a noncustodial parent, for example, could qualify as a family abduction. Some individuals get entered into the database multiple times after disappearing on different occasions, resulting in potentially misleading numbers.

But in other ways, the NCIC may understate the figures. Many missing persons aren't reported at all—a 1997 study estimated that only 5 percent of nonfamily abductions (in which a nonfamily member detains a child using force for more than an hour) get reported to police. Some police departments may not even bother filing a report when a kid runs away from home for

a few days. It's also easy to lose track of abduction cases, since some of them get filed away under associated crimes, like homicide or sexual assault.

Until the early '80s, investigating cases of missing children was left entirely up to local officials, who didn't have an alert system in place or a central database to keep records. But after a series of high-profile abductions in the late 1970s and early '80s, like those of 6-year-olds [Etan Patz](#) and [Adam Walsh](#) (son of *America's Most Wanted* host John Walsh), Congress passed legislation creating the [National Center for Missing and Exploited Children](#), an organization that monitors the FBI's database of missing children and collaborates with local law enforcement to get the word out. In recent years, states implemented "[Amber laws](#)," named after 9-year-old murder victim Amber Hagerman, setting up an alert system for missing children.

Got a question about today's news? [Ask the Explainer](#).

Explainer thanks Paula Fass of the University of California, Berkeley and Connie Marstiller of the National Criminal Information Center.

explainer

Ice Ice Baby

How long can you keep an embryo frozen?

By Melonyce McAfee

Tuesday, January 16, 2007, at 7:29 PM ET

A Louisiana woman displaced by Hurricane Katrina [gave birth](#) Tuesday to a son whose frozen embryo was rescued from a [flooded New Orleans hospital](#) during the 2005 storm. How long do frozen embryos last?

For decades, if you store them the right way. Embryos can remain on ice pretty much indefinitely; one baby was born after being [frozen for 13 years](#). To get that kind of shelf-life, an embryo must be carefully sealed inside a tank filled with liquid nitrogen and monitored to keep it at least 31 degrees Fahrenheit below zero.

The [tanks are usually free-standing](#) and do not have to be refrigerated because the liquid nitrogen inside keeps the contents frozen at about minus 320 degrees. [Once](#) all of the nitrogen has turned to gas and seeped out of the tank, the temperature rises dramatically* within 24 hours. To keep the embryo nice and cold, the liquid nitrogen must be checked and refreshed at least weekly. (Some tanks refuel automatically.) A sealed, undamaged tank can stay at a suitable temperature for a couple of months before being restocked with fresh nitrogen.

Freezing an embryo ([embryo cryopreservation](#)) takes a few hours and involves bathing an embryo (usually three or five days after fertilization) in a cryoprotectant solution like sucrose or propylene glycol. The solution draws moisture out of the embryo to prevent ice crystals from forming inside and destroying it. The embryo and solution are then transferred to a thin vial or straw, which is placed in a computerized freezer and taken from room temperature to around minus 18 degrees.

Next, a lab technician begins to "[seed the freezing process](#)," which involves touching a cold object to the straws or vials so that the first ice crystals form in the surrounding solution, and not inside the cell. (There are newer methods of freezing embryos that bypass the seeding phase.) Then the temperature of the embryo is gradually reduced by about half a degree per minute until it reaches somewhere between minus 31 to minus 130 degrees. It's then safe to plunge the vial containing the embryo into the liquid nitrogen solution for storage.

Once the mother's uterus is ready to have the embryo implanted, [thawing it takes around an hour](#). The technician soaks the embryo in liquids that gradually wash away the cryoprotectant solution. Once the embryo is thawed to room temperature, it needs to be placed in an incubator to keep it at 98.6 degrees so it can live until implantation. It can last a day or more in this state.

Got a question about today's news? [Ask the Explainer](#).

Explainer thanks John Moschella of East Coast Fertility, Douglas Powers of Boston IVF, and William Venier of San Diego Fertility Center.

Correction, Jan. 17: *The original version of this piece said that the temperature inside the tank would drop once all of the nitrogen had turned to gas and seeped out. In fact, the temperature would rise. ([Return to the corrected sentence](#).)*

faith-based

The Next Jewish Challenge

They've tackled gay ordination. Now it's time to address intermarriage.

By Shmuel Rosner

Wednesday, January 17, 2007, at 2:14 PM ET

Not even a month has [passed](#) since the Jewish Conservative movement decided that it is now permissible for its rabbinical schools to admit openly gay people—and a new initiative, no less momentous, is already in the making. The 76 [Schechter day schools](#) in the United States and Canada, which admit only children who are Jewish according to Jewish law—born to a mother who is Jewish or has converted to Judaism—will now be

more "flexible": They will soon [begin to admit](#) students with Jewish fathers.

Conservative Judaism is a movement torn between conservatism and liberalism, being squeezed between its two competitor branches of Judaism—Orthodoxy on the right and Reform on the left. Orthodox Jews adhere to ancient religious law in everyday life, and Reform long ago rid itself of those archaic constraints. Conservative Jews walk the middle ground: They follow *halacha*, or Jewish law, but try to make it more adaptable to the needs of current generations, a delicate and always complicated maneuver in these times of polarization. The great game of Jewish evolution has a clear pattern. Take a look at Reform Judaism, and you'll see where Conservatives might be tomorrow. Take a look at Conservative Jews, and you'll see what the Orthodox will need to debate even later. For instance, the chief question facing many Orthodox scholars now concerns [women's participation and equality](#)—something the Conservatives overcame back in 1955 with their ground-breaking decision to give Jewish women the right to *Aliyah*, the honor of making the blessings during Torah reading in the synagogue.

The decision on gay ordination—and on allowing gay commitment ceremonies—provides a perfect example for the way it is done. The rabbis debated the issue for a decade and a half, rejecting both gay ordination and commitment ceremonies for reasons of *halacha* first. Then, a couple of weeks ago, they reversed their decision in the most bizarre way imaginable. The Committee on Jewish Law and Standards—25 rabbis who constitute the movement's supreme institution of *halacha*—approved a *tshuva* ([responsum](#)) that keeps homosexual anal sex illegal (according to Jewish law) while still permitting homosexual relations.

This decision was the culmination of quite a pandemic debate. Does the "lying with a male" that is proscribed for males in the Torah ([Leviticus 18:22](#)) refer only to the technical act of penetration, or is it a comprehensive prohibition on sexual contact between males (and, by implication, between women, too). Some rabbis were adamantly arguing that such distinction is no more than a hypocritical way to make the wrong right—but more thought it was a way out of a crippling discussion that was hanging over the movement, and making its members, most of them quite liberal, very uncomfortable.

For Conservatives, with the gay controversy over, the new issue might be the widespread phenomenon of mixed marriage. Hence the issue of accepting the sons and daughters of Jewish fathers (as opposed to Jewish mothers) to Schechter schools—a small step, signifying more to come. The Reform decided in 1983 to get rid of the matrilineal orthodoxy and emphasize the Jewish upbringing as the definitive element of Jewishness. Matrilineal descent was not the biblical practice and was probably adopted during the [second Temple period](#). There is [more than one theory](#) explaining why: Some think it was the number of Jewish women

raped by non-Jews, some believe it was borrowed from the Romans, and there are scholars who think it was a response to intermarriage.

The Reform movement's decision was based on the rising number of intermarriages: They didn't want to lose all those youngsters. The Conservatives, though, still adhere to the old tradition. But as they look for ways to boost declining membership, they will have no choice but to turn to the growing population of Jews who marry someone of a different faith.

Conservatives haven't yet reached the point of hard decisions. For now, they are just making it easier for children of intermarriages to join, on the condition that they convert to Judaism before their bar mitzvah. But one should not envision this decision as an isolated case of better marketing. Whether the rabbis and leaders are ready to accept it or not, they are entering the treacherous fields of Jewish identity in the age of intermarriage.

And Conservatives, following the sister Reform movement, will probably get to the point of more acceptance. They need members, and the members marry, and the marriage isn't always to someone whom the rabbis recommend. This trend, though, has its strange ways and conflicting results. As the Orthodox follow the Conservative, who follow the Reform—but the Reform are now trying to turn the train back. Mixed marriage, they realized, has become a custom too powerful and destructive to ignore.

Two weeks ago, in *Ha'aretz*, I [wrote](#) about a new study examining intermarriage and its implications on American Jewish society. "We are developing into two distinct populations," according to professor Steven Cohen, a leading scholar on American Jewish life. "The identity chasm between in-married and intermarried is wide, which suggests the imagery of 'Two Jewries.'" He concluded, "Intermarriage does indeed constitute the greatest single threat to Jewish continuity today."

Jews are a small minority in America, and their number around the world is insignificant—12 million to 13 million. If Jewish Americans will keep marrying non-Jews (and there's no sign they are going to stop), future generations will see an even smaller percentage and a smaller number of Jews. And the fewer people you have, the less likely you are to find a spouse from the tribe. So, this is not only a train that's going fast—but rather one that will be going ever faster.

And leaders of the Reform movement understand this. A year ago, in the biennial convention of the Reform movement, the head of the movement, Rabbi Eric Yoffie, [delicately reminded](#) his crowd that there's a time to permit, but also a time to forbid: "By making non-Jews feel comfortable and accepted in our congregations, we have sent the message that we do not care if they convert. But that is not our message," he preached, urging a

more aggressive approach to conversion. "The time has come to reverse direction by returning to public conversions and doing all the other things that encourage conversion in our synagogues."

fighting words

The Iraq Jinx

How Bush is blowing our last chance.

By Christopher Hitchens

Tuesday, January 16, 2007, at 12:12 PM ET

Of the raft of books about the calamitous mismanagement of the intervention in Iraq, Patrick Cockburn's little volume [The Occupation: War and Resistance in Iraq](#) is probably the most readable and certainly the only one that—even if only in the driest possible way—manages to be amusing. Cockburn has been covering Iraq for three decades, knows most of the players, provided several exposés of the Saddam regime, and displays exemplary courage in continuing to travel the country despite his polio (the subject of another excellent book of his in the shape of a memoir: [The Broken Boy](#)). Turning his pages, I got the feeling that I have sometimes had before: the slightly ridiculous but unshakeable sensation that there is some kind of jinx at work. One strives, in other words, to think of a blunder that could have been made and was not. Cockburn instances the farcical yet tragic case, in April 2004, of the new Iraqi flag.

It looked, he thought, like a beach umbrella: white with two parallel blue stripes, a yellow band, and a blue crescent. The blue stripes immediately reminded people in the street of the Israeli flag, and they were not mollified to be told that these supposedly represented the Tigris and Euphrates rivers. Moreover, "hundreds of thousands of young Iraqi men had fought and died under the flag in the Iran-Iraq war. I had often seen it used as a shroud to cover their cheap wooden coffins." True, for the Kurds it was a flag representing massacre and oppression, but their solution was not to fly it and instead to display their own. But for much of the rest of the population, an arbitrary decision to scrap and replace the national emblem was profoundly hurtful and insulting and had been made, moreover, without any consultation. It then turned out that the unappealing new design was the result of nepotism: One member of the Paul Bremer-installed Iraqi Governing Council had called his brother, an artist living in London, and told him to dream up a fresh flag. Nothing has been heard of the new banner since 2004, but many Iraqi insurgent groups can and do now wave the old one with additional patriotic zest.

An all-round foul-up, in fact, where the micro elements take on a macro proportion. This is why the [callously bungled execution of Saddam Hussein](#) was and is so important and why I rubbed

my eyes on Monday when I read that the [hangmen had been at it again](#) and this time had managed to [decapitate](#) Saddam Hussein's hellish half-brother Barzan Ibrahim al-Tikriti. During the long campaign to abolish the gallows in England in the 1960s, I learned (from a brilliant book by Arthur Koestler) more than you want to know about how the expression "hanged by the neck until dead" can conceal a number of horrors. A clean, [long drop with the noose adjusted under the left ear and jaw](#) can ensure an almost instant death. Incompetence or lack of professionalism will lead either to slow strangulation or to the distressing tearing off of the victim's head. Barzan al-Tikriti's head was wrenched off, ergo Nouri al-Maliki's eager Shiite noose artists have bungled it again, and (who knows?) perhaps deliberately.

The critical thing about the much-bruited [surge](#) is that it, too, belongs in the all-important realm of the symbolic. A few thousand extra troops in Baghdad and in Anbar are of scant use in themselves, unless they in some way represent a commitment to stick to Iraq no matter what. And if the Iraq to which they stick is in fact symbolized by Maliki's surly confessional regime, then the United States is not baby-sitting a civil war so much as deciding to take part in it. The president conceded as much when he said that new patrols in Baghdad would not be determined by sectarian calculations: Such an assurance would not be necessary if the contingency itself—or the symbolic perception of it—was not so strongly present in people's minds. In these conditions, it's almost perfect that the Democrats have been discussing a symbolic vote against the surge (you cannot beat these people for moral courage), while our new secretary of defense seems to believe that what the surge really symbolizes is a renewed determination to hand over to the Iraqis and start drawing down—as near to a flat contradiction in terms as you could wish.

During the war in Kosovo, I shared a flagon of slivovitz with an especially triumphalist Kosovar Albanian who exulted at what he was seeing. Decades of being pushed around and ground down by the Serbian supremacists and then, suddenly, "Guess what? We get to f--- the Serbs and to do it with Clinton's dick!" (That twice-repulsive image took up a horrible tenancy in the trashy attic of my mind, where it is still lodged.) Matters in Kosovo had been allowed to decay to the point where one either had to watch the cleansing of the whole province by Slobodan Milosevic or, yes, allow NATO and the U.S. Air Force to become, in effect, the air force of the Kosovo Liberation Army. On balance, the latter option was better, while the geographical and demographic scale of the problem was more manageable. Matters in Iraq have degenerated much faster and much more radically than that; now the Shiite majority wants to screw the Sunnis with Bush's (more monogamous, for what that's worth) member. The picture is hardly a prettier one.

A few months ago, I wrote [here](#) that the coalition potentially acted as a militia for those who didn't have a militia. I got quite good feedback for that formulation from American soldiers and from Iraqis, too. In large parts of Iraq, still, there are people who

dread what might happen in the event of our withdrawal—people to whom in some sense we remain pledged. A surge of any size will be worse than useless if it loses us that moral advantage. In all the recent ignorant burbling about another Vietnam, it ought to have been stressed that there is just one historical parallel worth noting: the early identification of the Kennedy brothers with the Catholic faction in Saigon over the Buddhist one. This is one mistake that we can and must avoid repeating, and Maliki's regime, with its Dawa and Sadrist allies, should be made to know it.

foreigners

Legalize It

How to solve Afghanistan's drug problem.

By Anne Applebaum

Tuesday, January 16, 2007, at 6:32 AM ET

The British Empire once fought a [war](#) for the right to sell opium in China.

In retrospect, history has judged that war destructive and wasteful, a shameless battle of colonizers against colonized that in the end helped neither side.

Now NATO is fighting a war to eradicate opium from Afghanistan. Allegedly, this time around the goals are different. According to the modern [British government](#), Afghanistan's illicit-drug trade poses the "gravest threat to the long term security, development and effective governance of Afghanistan," particularly since the Taliban are believed to be the biggest beneficiaries of drug sales. Convinced that this time they are doing the morally right thing, Western governments are spending hundreds of millions of dollars bulldozing poppy fields, building up counternarcotics squads, and financing alternative crops in Afghanistan. Chemical spraying may begin as early as this spring. But, in retrospect, might history not judge this war to be every bit as destructive and wasteful as the original Opium Wars?

Of course, right now it isn't fashionable to argue for any legal form of opiate cultivation. But look at the evidence. At the moment, Afghanistan's opium exports account for somewhere between two-thirds and one-third of the country's GDP, depending on whether you believe the [United Nations](#) or the [United States](#). The biggest producers are in the southern provinces where the Taliban is at its strongest. Every time a poppy field is destroyed, a poor person becomes poorer—and more likely to support the Taliban against the Western forces who wrecked his crops. Every time money is spent on alternative crops, it has to be distributed through a corrupt or nonexistent

local bureaucracy. To date, the results of all this are utterly dispiriting. According to a [U.S. government report](#) from December 2006, the amount of land dedicated to poppy production *grew* last year by more than 60 percent. So central is the problem that Afghan President Hamid Karzai has called opium a "cancer" worse than terrorism. Spraying may make things worse: Not only will it cause environmental and health damage, Western planes dropping poisonous chemicals from the sky will feel to the local population like a military attack.

Yet by far the most depressing aspect of the Afghan poppy crisis is the fact that it exists at all—because it doesn't have to. To see what I mean, look at the history of Turkey, where once upon a time the drug trade also threatened the country's political and economic stability. Just like Afghanistan, Turkey had a long tradition of poppy cultivation. Just like Afghanistan, Turkey worried that poppy eradication could bring down the government. Just like Afghanistan, Turkey—this was the era of [Midnight Express](#)—was identified as the main source of the heroin sold in the West. Just like in Afghanistan, a ban was tried, and it failed.

As a result, in 1974, the Turks, with U.S. and U.N. support, tried a different tactic. They began licensing poppy cultivation for the purpose of producing morphine, codeine, and other legal opiates. Legal factories were built to replace the illegal ones. Farmers registered to grow poppies, and they paid taxes. You wouldn't necessarily know this from the [latest White House drug strategy report](#)—which devotes several pages to Afghanistan but doesn't mention Turkey—but the U.S. government still supports the Turkish program, even requiring U.S. drug companies to purchase 80 percent of what the [legal documents](#) euphemistically refer to as "narcotic raw materials" from the two traditional producers, Turkey and India.

Why not add Afghanistan to this list? The only good arguments against doing so—as opposed to the silly, politically correct, "just say no" arguments—are technical: that the weak or nonexistent bureaucracy will be no better at licensing poppy fields than at destroying them, or that some of the raw material will still fall into the hands of the drug cartels. Yet some of these problems can be solved by building processing factories at the local level and working within local power structures. And even if the program only succeeds in stopping half the drug trade, then a huge chunk of Afghanistan's economy will still emerge from the gray market, the power of the drug barons will be reduced, and, most of all, Western money will have been visibly spent helping Afghan farmers survive instead of destroying their livelihoods. The director of the [Senlis Council](#), a group that studies the drug problem in Afghanistan, told me he reckons that the best way to "ensure more Western soldiers get killed" is to expand poppy eradication further.

Besides, things really could get worse. It isn't so hard to imagine, two or three years down the line, yet another emergency presidential speech calling for yet another "surge" of troops—but this time to southern Afghanistan, where impoverished villagers, having turned against the West, are joining the Taliban in droves. Before we get there, maybe it's worth letting some legal poppies bloom.

gaming **Gears of War**

Why a derivative sci-fi gorefest is the best video game of the year.

By Chris Suellentrop

Wednesday, January 17, 2007, at 2:30 PM ET

The closest thing video games have to the Oscars are the annual "Game of the Year" awards handed out by the gaming press. This year, there's a rough consensus that three games deserve the nod. The first two are predictable, worthy selections: [Wii Sports](#) and [The Legend of Zelda: Twilight Princess](#), games for Nintendo's innovative, you've-never-played-like-this-before [Wii console](#). The third choice, however, is something of a surprise—a derivative piece of genre work for the Xbox 360 called [Gears of War](#) that somehow still manages to astonish and keep you up late into the evening.

If video games advertised themselves the way movies do, the Gears of War people would have no trouble finding superlative pull quotes. "[B]etter than *Halo*," [enthuses Entertainment Weekly](#); "the best looking game I have ever played," [says GameSpy](#); "the most fully-realized truly cooperative action experience in games since the days of 2D beat 'em ups—Double Dragon and their ilk," [slobbers Game Developer](#). Gears was also named the overall (encompassing PC games and all consoles) game of the year by [GameSpot](#), [Joystiq](#), and [GameDaily](#).

Gears of War isn't getting critical acclaim because it's unique or revolutionary. The game will be recognizable to anyone who's picked up a game controller in the past 10 years. It's a science-fiction game (a third-person shooter rather than first-person) in the tradition of Doom, Quake, and Halo. You're Marcus Fenix, a run-of-the-mill character whom Gears lead designer Cliff "CliffyB" Bleszinski describes as your typical "[sci-fi combat badass](#)." Fenix finds himself under siege by a race of marauding, genocidal space aliens. He starts out with a relatively weak machine gun but acquires increasingly powerful weapons over the course of the game's five "acts": a chainsaw, a shotgun, a sniper rifle. Conveniently located ammunition clips are sprinkled throughout the game. You know the drill.

What's the big deal, then? First, Gears is the kind of game that Wii skeptics pointed to when they said Nintendo's console doesn't have enough horsepower under its hood. Gears of War uses the superior processing power of the Xbox 360 to render the most impressively animated video game ever made. In one interview, Bleszinski strained for the neologism [cinemactive](#) to describe the filmic quality created by the game's graphics, which paint a bleak but beautiful war-scarred planet. Playing Gears of War feels like being dropped into a sci-fi action movie like *Aliens* or *Starship Troopers*. (There's even a Bill Paxton-style "Game over, man, game over" meltdown by one of your fellow soldiers.)

Wii Sports uses the motion-sensitivity of the Wii Remote to create an astonishingly realistic gaming experience that belies the game's cartoonish graphics. Gears, on the other hand, doesn't feel realistic in the slightest. The graphics instead draw you into a compelling universe that is fantastical and otherworldly (with more splatter than an early Peter Jackson film). Despite the mantra of many gamers, graphics *do* matter. (As Bleszinski [told GameSpy](#) last year, "[U]ntil recently you couldn't express a nuanced brow raise or a wry grin which can say a thousand things to the user. Instead we'd just go, 'That's hard, let's give her some huge boobs and call it a day.'")

To go along with its graphical wizardry, Gears of War also employs a couple of nifty gameplay innovations. Most shocking, you can't jump. Almost every game since the days of Super Mario Bros. has permitted players to hop around, even if there's no compelling reason to do so. In Gears of War, however, pressing the "A" button sends Marcus Fenix diving into cover. He hides behind pillars, cars, couches, walls, and any other obstacle you can find. In the game's manual, Bleszinski says the design was inspired by a game of paintball, during which he realized that the run-and-gun tactics of most shooting games did nothing to approximate the duck-and-cover tactics of a real (or at least a paintball) firefight.

In addition to being a great marketer, Bleszinski is also terrific at explaining how game design works. "In the grand scheme of videogame real estate the 'A' button is Park Place," he [wrote in a blog post](#) this past September. "The D-pad, Y, and back are Compton and Watts. When we put together our control scheme for our games we say to the player that the buttons that are prime real estate are the things that the player will be doing most often while playing. Allow me to ask this question then—how did [using the 'A' button for jumping] from the days of Sonic and Mario creep into the shooter genre?"

Despite the clarity of this logic, those who are fiercely attached to gaming convention have moaned that they can't make Fenix bop up and down like Mario. In part that's because anyone with a certain amount of "gaming literacy" expects that "A" equals "jump." When that doesn't happen, it can be frustrating. It's like driving a car that has the brake and the accelerator reversed.

To compensate for tweaks such as no-jumping-allowed, Bleszinski made the rest of the game hew pretty closely to the conventions of the shooter genre (see the aforementioned sniper rifle). In that sense, the game is intentionally derivative. But while the gameplay is repetitive enough to allow for a pleasing feeling of mastery after some practice, it also has surprising variety. It never feels like you're just plowing through a level to get to the next one. Each successive "scene" is a discovery.

In a 2000 [Game Developers Conference lecture](#), Bleszinski called this element of game design "pacing." "Constant scares dull the senses," he said. "The scariest horror movies are the ones that lull the viewers into a false sense of security and then spring something scary upon them, and a great level is no different." Good pacing, I would argue, is what gamers really want, rather than plot. Pacing can feel like plot, because we're accustomed to thinking of games as narratives, even when they're not. Gears has only the thinnest of stories drizzled over its gorgeous visuals and addictive mechanics. The pace is what makes it great.

In another blog post at 1up.com, Bleszinski acknowledges the derivative nature of much of Gears of War. And that's what people like about it, he suggests. He points to the innovative, critically acclaimed, and commercially disappointing game Psychonauts, whose designer recently complained that game publishers aren't interested in originality. (He might have added that many gamers aren't, either.) "[I don't think it's always a good thing to be 110% unique](#)," Bleszinski wrote. "Sometimes, the more unique your game and universe design the more difficult it can be for millions of gamers ... to latch onto your game mechanics and characters." He added, "The most original and unique films are often not commercial box office hits. They're the groundbreaking ones that other more mainstream flicks draw from in years to come as the larger audience evolves with them."

That's a good analogy. Bleszinski and his team at Epic Games set out to make Gears of War as the gaming equivalent of a top-notch popcorn movie, and they succeeded. It's a blockbuster, not a revolution.

hey, wait a minute Smoker's Voice

How Obama's filthy habit could win him the presidency.

By Juliet Eilperin

Tuesday, January 16, 2007, at 1:47 PM ET

Sen. Barack Obama has the sort of voice that political consultants dream of: It's authoritative but comforting, rich and resonant and wise. Whether he's talking about the Darfur

genocide or [Monday Night Football](#), the man sounds like a leader. His voice helps account for why even hardened cynics go weak at the knees when they hear him. One of my friends prides himself on being strictly nonpartisan, but after listening to Obama's *Dreams From My Father*, read by the senator himself, he confessed to me, "I shouldn't say this, but I love him."

There are plenty of reasons for Obama's magic voice: where he grew up, how his parents talked, how he breathes. But perhaps most important is one Obama doesn't want to talk about: cigarettes. Obama is an occasional smoker.

Smoking over time transforms a person's voice by thickening and drying out the vocal chords. The vocal chords vibrate as your breath passes through them, so their texture and shape helps determine what your voice sounds like. David Witsell, who directs Duke University's Voice Care Center, notes that the nodules on Johnny Cash's vocal cords that stemmed in part from his smoking habit helped create his unique sound. "Many famous voices in history have pathologies that are part of their vocal signatures," Witsell says.

But Obama's semisecret weapon amounts to a double-edged sword. After all, what sort of successful Democratic politician smokes nowadays? Smoking is GOP old-school. House Minority Leader John Boehner regularly smokes cigarettes—which helps explain why he didn't hesitate to hand out tobacco-industry campaign checks on the House floor some years back. But Democrats shun the demon weed, at least in public. One of the first acts of House Speaker Nancy Pelosi was to ban smoking in the Speaker's Lobby, long the haunt of nicotine-crazed legislators. (The most famous Democratic tobacco addict doesn't even smoke. Former President Clinton likes to chomp on cigars—and, [as the Starr report detailed](#), to occasionally use them for other purposes. Sometimes a cigar is not just a cigar.)

So, it's understandable that Obama, according to his aides, has been trying to kick the filthy habit as he gears up for a possible presidential campaign. The senator is refreshingly honest about his penchant for cigarettes: When asked about it by the *Chicago Tribune* in 2005, he replied, "The flesh is weak." When asked whether Obama still smokes, his spokesman, Tommy Vietor, hedged. "I haven't seen him for a month, so I don't know," Vietor said in late December. Vietor later declined to comment for this piece.

(Though if any politician can make cigarettes cool again, it's Obama. As GOP consultant Stuart Stevens replied when asked whether smoking might actually help Obama's presidential aspirations, "You know it's true if John Edwards takes up smoking [too] ... I think [Obama] will be fine, as long as he doesn't smoke [Gauloises](#).")

Here's the problem: If he quits, Obama may lose that wonderful maple-syrup sound just as he begins running in earnest. Since

smoking amounts to an irritant, stopping smoking altogether can help restore vocal chords to health. But it's unclear how long that takes, and whether a person's voice returns to its pristine state. "You can reverse the changes over time," said Vanderbilt University Voice Center Director Robert Ossoff, who treated Johnny Cash as well as a host of other country and western singers. "Whether you can get back to the 100 percent original voice, I don't know."

Ossoff is well aware that some performers intentionally take a drag or two on a cigarette before crooning; he's witnessed it in local nightclubs, and has asked singers about it. But in general, his performing patients worry that smoking is *damaging* their voice.

"They're losing some range, they're losing some clarity," Ossoff said, adding that some record labels now send him singers as soon as they sign them to have his clinic examine their voices and lecture them about bad habits. Even among Nashville performers, Ossoff said, when it comes to smoking, "I do believe it's way out of fashion."

Longtime smoker Bob Dylan tried to kick cigarettes for his album [Nashville Skyline](#), and his voice sounds distinctively clearer on songs like "Lay, Lady, Lay." (Not necessarily better, granted, but easier to decipher.) However, Dylan resumed smoking, and tried to deflect the question of whether his voice had become huskier again in a March 1978 *Playboy* interview. "No, you know, you can do anything with your voice if you put your mind to it," Dylan told *Playboy*. "I mean, you can become a ventriloquist or you can become an imitator of other people's voices. I'm usually just stuck with my own voice."

So, will Obama abandon cigarettes altogether, or will he go the way of Cash and Dylan instead? It's a suitably tough decision for a man who aspires to be president: Quit now, and risk losing his vocal magic while campaigning, or puff on and pay later.

hollywoodland

The Trouble With *Borat* and *United 93*

Two movies without screenplays get nominated for writing awards. Whoops.

By Kim Masters

Thursday, January 18, 2007, at 5:32 PM ET

Thursday, Jan. 18, 2007

Time To Improvise: Here's an interesting note: Two of the Writers Guild's nominations for best screenplay this year honor movies that didn't have screenplays.

There was *Borat*, of course, which lists Sacha Baron Cohen along with Peter Baynham, Anthony Hines, and Dan Mazer as writers. According to Fox's production notes, they drafted an outline, but the film had no script. "The movie is an experiment—a new form of filmmaking for an age in which reality and entertainment have become increasingly intertwined," the notes say. "Real events with real people push the film's fictional story, and when scenes played out in unexpected ways, Baron Cohen and his colleagues had to rewrite the outline."

Thanks to a quirk of guild rules, *Borat* is nominated as best adapted screenplay because the film was based on a character previously seen on *Da Ali G Show*.

In the best original screenplay division is *United 93* with director Paul Greengrass listed as the writer. But according to those familiar with the situation, there was no screenplay for this movie, either. It was heavily improvised. When Greengrass pitched the film to Universal, he turned in a lengthy treatment—one executive involved calls it a "scriptment"—that did not include dialogue but gave a sense of the characters and action. (Greengrass had already lined up the *United 93* families to ensure their cooperation. And Universal, of course, was interested in having him direct another installment of the *Bourne Identity* series, so committing about \$15 million to let him make a passion project seemed fair enough. The studio could not have been expecting a big return. But despite the difficult subject matter, the film has grossed more than \$75 million worldwide, so that bet's paid off financially and been one of the few bright spots in Universal's generally bad year.)

The rules for the Writer's Guild awards don't require submission of a script. A guild spokesman was surprised to learn that *United 93* lacked a screenplay but observed that HBO's *Curb Your Enthusiasm*, which also includes lots of improvisation, won for best comedy series last year. He added that even when there's no script, writers shape the story. "You don't just show up with cameras and a crew and make a movie," he observed.

It might seem that members of a writers guild would recoil from screenplay-free movies. But the

guild is trying to expand its jurisdiction to reality shows. The production companies say those shows have no writers but the guild counters that those who shape the stories are in fact writers and deserve to be compensated as such. So, perhaps Fox should demand that Cohen withdraw *Borat* from consideration. Accepting a writing award for a film that is made for "an age in which reality and entertainment have become increasingly intertwined" might suggest that the guild's argument has merit after all. ([link](#))

Tuesday, Jan. 16, 2007

Breathe Out: If you heard a gentle "whoosh" last night as the name *Dreamgirls* was called at the Golden Globes, it came from the group that worked on the film as they finally exhaled. A loss could have been disastrous. Emerging with the most Globes, even if the total is just three, is much preferable. The result keeps *Dreamgirls* securely in the Oscar game. Obviously, the fact that the awards were spread about among contenders underscores how this year's race continues to be wide open.

With wins for *Dreamgirls* and *Babel*, the Paramount party was a hot ticket. Genuine Supreme Mary Wilson turned up there, and how cool is that? Held in a cavernous space that long ago was a Robinsons-May department store, the bash offered enough space for everyone to breathe. That's just as well, because, despite the many hugs, there was a bit of tension in the room.

Paramount should perhaps be renamed *Paramounts*. The studio is like a collection of city-states. The DreamWorks camp, which has *Dreamgirls* in contention, doesn't trust the main-studio camp, with *Babel* in the race. And vice versa. The intrigue thickens if you consider that Paramount chief Brad Grey is also a producer of *The Departed*, released by Warner Bros. So, which movie is he voting for? To add even more spice to the soiree, ousted studio President Gail Berman, fired just last week, put in an appearance. Game girl.

Planning a strategy for hitting at least a few of the many Golden Globes after-parties is a tricky business. You want to start at a party that's going to attract interesting talent. If you don't get in early, the fire marshals may be blocking doors. But by the time you wrest yourself free to move on, other doors may be blocked, or the wave may have crested anywhere else you go.

You have to give credit to the Weinsteins. Despite having nothing in contention, unless you count *Bobby*, they threw a party that stayed packed far longer than it should have. Aside from all sorts of stars, Rupert Murdoch dropped by, having spent an appropriate amount of time at the party thrown by his own studio. (The Fox celebration had its share of heat with Sacha Baron Cohen, Meryl Streep, and Forest Whitaker, but it had

waned by the time Murdoch made his way to the Weinstains' still-jammed event.)

Murdoch seated himself in a snug banquet with Harvey, and we cocked a curious ear but only caught Harvey apparently suggesting a visit to the Bahamas. Later we sidled up to another player at the table who had been sitting and nodding during the conversation. We asked what had been discussed. With the music thumping away, he yelled back, "Couldn't understand a fucking thing!" Thinking that he hadn't heard the question, we repeated it. "No!" he said. "I couldn't understand a fucking thing Murdoch said! It's the accent!" ([link](#))

human nature

Birth-Control Doughnuts

The new rap on trans fats: infertility.

By William Saletan

Friday, January 19, 2007, at 9:14 AM ET

(For the latest **Human Nature** columns on lesbianism, cloned food, and made-to-order embryos, click [here](#).)

Trans fats may cause female infertility. **Data:** "Each 2% increase in the intake of energy from *trans* unsaturated fats, as opposed to that from carbohydrates, was associated with a 73% greater risk of ovulatory infertility," even after adjustment for fertility risk factors. **Hypothesis:** Trans fats disrupt a fertility-boosting "cell receptor involved in inflammation, glucose metabolism and insulin sensitivity." Next: Trans fats cause ADHD and herpes. (For Human Nature's take on banning trans fats, click [here](#).)

Nicotine output increased every year in every cigarette category over seven years, according to a Harvard [analysis](#) of Massachusetts government data. During this period as a whole, nicotine yield from [every major tobacco company](#) increased. Tobacco companies' spin: It's random variation, since some [individual brands](#) didn't increase. Researchers' [rebuttal](#): When yields from every category and every producer go up, that's not random. Outraged reaction: The nicotine infusion [violates the industry's legal agreement](#) to discourage youth smoking. Casual reaction: Who cares, since cigarette sales [steadily declined](#) during this period. (For recent updates on banning smoking in cars, click [here](#), [here](#), and [here](#).)

Some Indian **victims of the 2004 tsunami are selling their kidneys**. The tsunami wiped out their fishing-based economy, so they've been [selling kidneys](#) for about \$1,000 apiece. Old industry: gutting fish. New industry: gutting people. (For previous updates on organ sales, click [here](#), [here](#), [here](#), and [here](#).)

An analysis of old data confirms that **parenthood is lethal**. Having 12 or more kids instead of 1 to 3 kids quadrupled a mother's risk of death (within a year of the last birth). It increased a father's risk of death sixfold. "Even after their child-bearing years came to an end, women who had had many children died earlier than women who had had few." Suggested reasons: mental and physical stress. Critique: The data are a century old, predating improvements in maternal survival of childbirth. Downside: Kids are the death of you. **Upside:** Human parents live much longer than parents of many other species, because our kids need our help to reach the age of procreation.

An embryo rescued after Hurricane Katrina has become a baby. Police used boats to evacuate [1,400 frozen embryos](#) from a hospital that had lost electricity; the first one to become a baby was born Tuesday. **Father's reaction:** "I thought the only thing you could freeze [and revive] was a crab." Pro-life view: See, embryos are babies. Skeptical view: Which would you put in your boat first—the patients or the embryos? (For Human Nature's take on manufacturing embryos, click [here](#).)

Porn entrepreneurs are planning to offer video of **live, on-demand sex** through hotel TVs. **Trends** in this direction: 1) Americans spent half a billion dollars last year on pay-per-view or on-demand sex videos. 2) TV is merging with computers, which facilitate private communication. 3) Computers are already allowing porn buyers to text performers. 4) Live sex on demand is more exciting than video sex on demand. Live-sex operator's conclusion: "We are planning to make the jump to hotel rooms." Skeptical view: Hotel chains won't allow it because it's not mainstream. Cynical view: It's not mainstream *yet*. (For a previous update on virtual-sex technology, click [here](#). For the average viewing time of pay-per-view porn, click [here](#). For Human Nature's take on policing cybersex, click [here](#).)

Marriage is losing its grip on the United States. Data: 1) Most American women no longer live with a husband. (They're single, divorced, separated, or have an absent husband.) 2) Married couples are no longer a majority of U.S. households. 3) "On average, Americans now spend half their adult lives outside marriage." Reasons: 1) Women are less dependent on men. 2) They're cohabiting longer and marrying later. 3) They're living longer after husbands die. 4) They're staying single longer after getting divorced. **Excited reaction:** This is a "tipping point" that will shift public and employer benefits away from marriage. Skeptical reaction: Most men still live with a wife, and most women still marry at some point. (For a previous update on marriage and global sex trends, click [here](#).)

Candidates are being screened for the **first U.S. womb transplant**. The only previous womb transplant failed several years ago in Saudi Arabia. To minimize anti-rejection drugs, the womb would be a one-shot rental, transplanted shortly before pregnancy and then removed with the baby. **Objections:** 1) It's risky and unnecessary, since the purpose is to allow pregnancy,

not survival. 2) If you want a kid, you can hire a surrogate or adopt instead. 3) It's unethical to put a fetus at such risk.
Defense: 1) Pregnancy is a "very basic desire." 2) It's not "a doctor's role to tell a patient that their values are not important." 3) We're already transplanting hands and faces, which aren't necessary to survival. Idealistic spin: Men could have babies! Cynical spin: Men could wash dishes ... but they don't. (For Human Nature's takes on artificial wombs and made-to-order embryos, click [here](#) and [here](#).)

The U.S. House passed legislation to fund embryonic stem-cell research. The White House pledged to veto the legislation because such research requires the destruction of embryos. Supporters lack enough votes to override the veto. Opponents touted new research suggesting that some amniotic cells might permit the same research and therapies without requiring embryo destruction. **Liberal view:** Our opponents are overselling what the amniotic cells can do. **Conservative view:** Our opponents are overselling what the embryonic cells can do. Cynical view: They're both right. (For Human Nature's previous takes on stem-cell alternatives, click [here](#), [here](#), [here](#), [here](#), and [here](#).)

Los Angeles County supervisors voted to consider a ban on trans fats. This follows a ban adopted last month in New York City. The L.A. City Council has already requested a study on possible restrictions. California Restaurant Association's **question:** "What's next? Butter, cheese or anything that has saturated fat?" Political answer: What's next is L.A. (For Human Nature's take on banning trans fats, click [here](#).)

Prostate cancer treatment reduced penis length by 40 percent in a Turkish study. The treatment was "androgen suppression plus radiation"; the result over 18 months was a reduction in average "stretched penile length" from [5.6 to 3.4 inches](#). Authors' proposed **warning:** If you choose this treatment, you may lose some of your penis. Human Nature's proposed warning: If you don't choose this treatment, your penis may lose you. (For a previous update on condoms and short Indian penises, click [here](#). For insects with two penises, click [here](#). For the first penis transplant, click [here](#).)

Latest Human Nature columns: 1) *The first human [embryo factory](#).* 2) *The bum rap on [cloned food](#).* 3) *Lesbians of [mass destruction](#).* 4) *The [Best of Human Nature](#) 2006.* 5) *Unhealthy food [outlawed](#) in New York.* 6) *Food and sex [without consequences](#).* 7) *Rush Limbaugh's [reality problem](#).* 8) *The eerie world of [policing cybersex](#).*

human nature The Embryo Factory

The business logic of made-to-order babies.

By William Saletan
Monday, January 15, 2007, at 8:32 AM ET

Friday morning, an investigator from the Food and Drug Administration spent four hours questioning Jennalee Ryan of San Antonio, Texas, about her new line of business. That business, outlined [a week ago](#) by *Washington Post* reporter Rob Stein, is making and selling human embryos from handpicked donors. The FDA says this [doesn't appear to violate](#) any rules within its purview. Embryo manufacture? Go right ahead.

It's tempting to label Ryan a madwoman, as many critics [have](#). But that's exactly wrong. Ryan represents the next wave of industrial rationality. She's bringing the innovations of Costco and Burger King to the [business of human flesh](#).

To understand her line of work, you have to understand how she got into it. "Twenty years ago, as a single parent, I contacted agencies and attorneys in the hopes of adopting a child," she [explains](#) on her Web site. Unfortunately, "those that were willing to help me offered me older children with emotional problems or severe physical handicaps." These lousy offers drove her to find ways around the system. "With a background in marketing, I came upon the idea of advertising for potential birthmothers," she recalls. "My enterprise grew so quickly, that I soon quit my career in sales and marketing to go into the field of adoption advertising fulltime. ... Within 2 years, we were the largest adoption service in the United States."

Ryan deplors the helplessness of adoptive parents. They can't control the child's race, sex, or health. "There is no guarantee ... that the gender is absolutely known," she [warns](#) clients. "If you are open to different ethnic backgrounds, drug use during pregnancy, etc., there is a better chance that you will be called." You can't even verify drug abuse unless the birth mother [consents](#) to a test.

Worse, you have to suck up to the birth mother. She can pick any adoptive parent she wants. "After years of dealing with birth mothers who decided to take [babies] back ... watching poor families have to kiss these girls' butts when they know they are using drugs and alcohol in the pregnancy," Ryan [says](#) she began looking for ways to give clients more power over child acquisition. "It was a control thing for me," she [explains](#).

One way around the drug problem is to adopt a leftover IVF embryo instead of a baby. That way, you control gestation. But these embryos often aren't viable. Like leftover babies, they may carry "[genetic mental illnesses](#)." And you still get screened. "The recipient family must be scrutinized by the biological parents as well as the agency which requires a home study," Ryan [protests](#). "This can sometimes add insult to injury to an infertile family, who ... must 'prove' that they will be good parents."

A better solution is to customize your embryo. By buying eggs, you can get "[more control of the prenatal environment and health of the child](#)" than you'd get with adoption. Through Ryan, you can [select](#) an egg "donor"—in practice, a seller—based on "her complete application, her medical and psychological results, genetic screening," and "copies of all the pictures she sent our program of her children, if any, and siblings." The pictures are crucial. Ryan requires [five color photos](#) before she'll offer a donor's eggs to buyers. One advantage of buying eggs, she [points out](#), is that you can "choose a donor with similar characteristics" to yours.

Better yet, donors can't screen you. Unlike the adoption scenario, in which an agency can examine your parental fitness, "there is absolutely no such screening required for either egg donation nor sperm donation," Ryan [tells](#) buyers. "Nor is the recipient family forced to have to 'sell' themselves to the biological parents in the hopes that they would be chosen as suitable parents." The only thing your donor will be told about the fate of her eggs, [according](#) to Ryan, is "whether or not a pregnancy resulted."

But eggs, sperm, and IVF are expensive. Ryan [lays out the costs](#): \$4,800 to find your ideal egg donor; \$3,500 to \$15,000 to compensate her; \$3,500 for her drugs; \$9,000 to \$13,000 for related medical expenses; \$3,000 for her travel expenses; \$1,000 for legal fees; \$500 for a sperm donor; and \$1,000 in additional charges. And that's before you get into "medical fees associated with pregnancy and childbirth."

What if you pooled these expenses? What if you hired two highly fertile and desirable donors, combined their eggs and sperm in one IVF round, made a big batch of embryos, and sold the embryos a pair a time? Why buy retail when you can buy wholesale?

That's Ryan's plan. She charges [\\$2,500](#) per embryo. Two women split the first batch; a third has signed a contract for two embryos from the second batch. Ryan figures each batch costs about [\\$22,000](#) to make. The yield from the first round was 26 embryos. With 300 buyers on her waiting list, Ryan is well positioned to sell out each lot. At \$2,500 per unit, a batch of 26 viable embryos would gross \$65,000 and net \$43,000.

It's a good deal for Ryan's clients, too—"much less expensive than the total IVF procedure, with a much greater overall success rate," she [points out](#). One reason for the higher success rate is that you're paying for an embryo, not an attempt. If you buy eggs and sperm separately and don't get an implantable embryo, you take the loss. Ryan, through her package deal, absorbs that risk for you. No embryo, no bill.

Buying embryos gives you all the advantages of buying eggs and sperm. You can screen donors—in this case, the embryo's parents—for physical and mental health, education, and looks. Since Ryan is shouldering the risk, she screens donors up front.

Her embryos' moms are college-educated. The dads have [advanced degrees](#). All the donors are white, since the clients are white. Ryan is no bigot, but business is business. "There is simply a demand for white babies," she [shrugs](#). In fact, three-quarters of the DNA in her first two batches comes from [blue-eyed blonds](#). This isn't eugenics; it's narcissism. "What I was really looking for was blond hair, blue eyes, so the child would look similar to me," one of Ryan's clients [told](#) ABC News.

Ryan [argues](#) that by using a manufactured embryo instead of a leftover IVF embryo, you can avoid "the discomfort of involving the biological parents." No need to worry that they're "[a family somewhere](#)." They've never met each other, much less the embryo. All they sold were eggs and sperm. "I am not emotionally attached to my eggs," says a donor [quoted](#) on Ryan's Web site as a model of suitability. "I am not giving my couple a baby." The easiest child to acquire, like the easiest child to abuse, is one who belongs to nobody.

The trouble with adoption agencies that handle leftover embryos is that they don't see it this way. They treat embryos like babies. That's why they screen you, to make sure the embryo will be in good hands. To evade this scrutiny, Ryan calls her service embryo "[donation](#)" instead of "adoption." The linguistic change is morally and legally pivotal. Adoption is what happens to babies. Donation is what happens to eggs and sperm. "Embryo donation" is a declaration that embryos should be treated like eggs and sperm—subject to purchase, screening, sale, and disposal—not like babies.

Ryan is explicit about this. "It is unfair that the 'creator' of the embryos can use an egg donor and donor sperm to create the embryos, and have no criteria or third parties to be 'approved' by; yet the family willing to undergo implantation of those same embryos after freezing must come under third party scrutiny," she [protests](#). In other words, embryos deserve no more oversight than eggs and sperm do. John Robertson, chairman of the [ethics committee](#) of the American Society for Reproductive Medicine, [agrees](#): "People are already choosing sperm and egg donors in separate transactions. Combining them doesn't pose any new major ethical problems."

That's the central question Ryan's venture poses. She didn't invent commerce, quality control, or trait selection in human reproduction. Those trends are [rampant](#) in the egg and sperm markets. All she did was extend them across the line of conception. Does that line matter?

If it does, you'd better figure out how to square that with your views on abortion and stem-cell research. But if it doesn't, you'd better figure out where to draw the next line. Because the logic of what Ryan is offering—more control, more customization, higher quality, fewer hassles, lower cost, and lower risk—won't end here.

The first thing to go will be the fixed price of embryos. Ryan says "high demand" egg donors can earn up to \$15,000 per cycle, more than [four times](#) what other women get. "Additional compensation is offered to those donors who have earned a post-graduate degree [or] have a unique skill, characteristic or trait," she [tells them](#). That cost will have to be passed along. Meanwhile, competition will generate a more affordable low-end market. Ph.D. embryos will cost more than B.A. embryos.

Next comes the integration of surrogacy. If packaging eggs and sperm with IVF improves quality control and cuts expenses, why not add gestation? The embryo you're buying is biologically foreign to you, anyway. Why risk it in your infertile, 40-year-old body when Ryan can find a healthy 25-year-old to carry it for you? She already advertises this service for an extra fee: "[pre-screened surrogate mothers available](#)." And since her embryo sales pitch relies heavily on the bottom line—a superior "[pregnancy success rate](#)"—why not sell the embryo-surrogate package based on its birth-success rate? That's what buyers ultimately care about. With a network of reliable surrogates, Ryan or a competitor might even make payment contingent on the final product. Cash on delivery.

To Ryan, embryos are inventory. "I saw a demand for something and created the product," she [told](#) to the *San Antonio Current*. The doctor who mixed Ryan's first batch of embryos was aghast to discover their fate, but Ryan [insists](#), "If they are my embryos, legally, what I do with those embryos is really none of her business." What if clients aren't satisfied with the embryos? "If they don't think it's right for them, they don't have to take them," she [shrugs](#). With surrogacy, that policy could be extended for weeks. Tested, personalized, affordable, disposable. You've come a long way, baby.

idolatry

Bring on the Freak Show

Blogging the new season of *American Idol*.

By Jody Rosen

Thursday, January 18, 2007, at 5:49 PM ET

Season 6 of *American Idol* began on a triumphalist note, with a montage of past winners and images of a nation gone *Idol*-mad. "Together, we've created a phenomenon," said Ryan Seacrest, trying hard to sound stentorian, like the voiceover guy from NFL Films. "You caught McPheever, and turned [Katharine](#) into America's Sweetheart," he intoned. Did we really? I'm not so sure. Still, as the new season kicks off, *Idol*'s pop-culture preeminence is undeniable, as is its music-biz clout. (Among the astonishing statistics reeled off by Seacrest is the fact that *Idol* contestants have produced "over 100 No. 1 CDs.") The industry held its nose for the first couple of seasons, but now superstars

vie to appear as guests on the show, and last year's finale, with performances by Prince and Mary J. Blige among others, felt like as much of an event as the Grammys. This year, producers are promising more A-list guest stars—[Mariah? Macca?](#)—and [big midseason twists](#). And while [highbrows continue to sniff at *Idol*](#), the show's track record of anointing worthy new talent is very solid indeed. Exhibit A in 2006 was Season 4 winner Carrie Underwood, whose debut, *Some Hearts*, was [an excellent country-pop record](#), not to mention the year's best-selling CD by a solo artist. Did I mention that an *American Idol* runner-up is [about to win an Oscar](#)?

None of which has much to do with Red. Red is the nearly toothless, flame-haired giant who croaked a pitiful version of "Bohemian Rhapsody" on last night's broadcast, a two-hour-long compendium of clips from *Idol*'s Seattle auditions. (Tuesday's show focused on the Minneapolis tryouts.) Red was mesmerizing—in a creepy, [hillbilly Charles Manson kind of way](#)—but in general I find the audition phase boring. Six years in, the formula is familiar: a parade of the freakish, the tone-deaf, and the delusional, interrupted, roughly every half-hour, by a talented singer who gets a ticket to Hollywood. Occasionally, the bad singers are funny and revealing. On Tuesday night, a lesson in the larynx-shredding aesthetics of post-grunge vocal style was supplied by a pimply young "rocker," whom Simon sent off to learn an Abba song. I laughed at (with?) the [big girl](#) who mumbled her way through the Pussycat Dolls' "Don't Cha"—and was excited beyond reason to learn that she'd co-authored an *Idol*-inspired "novella" with her mother. (Hello, publishing world? Where's Judith Regan when you need her?)

Overall, though, the freak show preliminaries are tiresome, and I find myself itching for the beginning of the competition proper. It's the post-William Hung effect: For every genuine would-be superstar, there's a would-be über-geek anti-star. Watching the first two episodes, you couldn't help but suspect that most of the "bad" singers were actually savvy performance artists, angling for a few minutes of airtime. Thus the [Jewel super-fan](#) (quite possibly the last one on earth), who sang a wounded water buffalo version of "You Were Meant for Me" to a panel that included guest judge [Jewel herself](#); the [dude dressed up as Uncle Sam](#); [the fellow in the Apollo Creed outfit](#); the "cowboy" who mauled "Folsom Prison Blues"; the tiny Justin Timberlake wannabe, whom Simon cruelly (but accurately) likened to "one of those creatures that live in the woods with those massive eyes"; the [urban Amish](#) guy; [the juggler](#); [the girl with the pink arms](#); etc.

These acts mostly ring false, and when they don't, *Idol* veers into the icky, exploitative territory of lesser reality shows. (Last night, the program lingered for several uncomfortable minutes on a [fat kid](#) who was clearly developmentally disabled.) Really, how many more bug-eyed Simon Cowell reaction shots can we see before the joke ceases to be funny? On the other hand, I am

enjoying the leitmotif of rejected contestants trying to exit through the wrong, locked door—a priceless bit of old-school slapstick punctuated, each time, by Simon's drawing, "Other door, sweetheart."

One of the big questions heading into Season 6 is: Will *Idol* get with 21st-century innovations in pop repertoire and vocal style? Back in Season 2, I wrote an article complaining about *Idol*'s domination by Mariah Carey wannabes, and the overuse of flamboyant Careyesque melisma in pop and R&B singing generally. What I didn't take into account was the groundbreaking new singing style—speedy and tensile, weirdly syncopated, clearly influenced by rap—that was being pioneered right then by [R. Kelly](#), [Usher](#), and, especially, [Beyoncé](#). In the years since, *Idol* has seen its share of country and rock singers, and even some old-fashioned crooners. But circa-1992 Mariah- and Whitney-style belting remains the most prevalent—this despite the fact that [Carey herself has moved on to channeling Beyoncé](#). Will Season 6 bring a post-hip-hop R&B vocalist, a singer representing the definitive contemporary style? When is someone going to step forward, braving the wrath of Cowell, to do a version of "[Ignition \(Remix\)](#)" or "[Ring the Alarm](#)"?

We'll keep an eye on that and other intriguing musical and sociological questions in this space, in addition to the more pressing issues—[Paula Abdul](#)'s fragile emotional state (she's been disappointingly sane and sober thus far), the smoldering sexual tension between Simon and Ryan, Randy Jackson's gratuitous mentions of his own session work with Journey and Mariah Carey. (The tally so far: 1.) In the meantime, my early votes go to the absolutely adorable Malakar siblings, [Shyamali](#) and [Sanjaya](#) (who killed "Signed, Sealed, Delivered" in his audition); to 16-year-old [Denise Jackson](#), who, we were informed in a heart-jerking interlude, was a "crack baby"; and to the extravagantly moussed beatboxer [Blake Lewis](#), who, despite his hair, came across as genuinely charismatic and talented. (You can sample his vocal stylings on [his MySpace page](#).) Then there's the developing singers-in-arms subplot, with two members of the military already advancing to the next round. [Rachel Jenkins](#), an Army reservist from Minnetonka, Minn., whose husband is currently in Baghdad, might be the stronger vocalist of the two. But the smart early money is on [Jarrod Walker](#), a Naval intelligence specialist with a pleasant Andy Griffith air about him, who won the USS *Ronald Reagan*'s "Reagan Idol" competition, and sailed through to Hollywood, singing the Rascal Flatts weepie, "Bless the Broken Road." Might Americans purge their guilt about souring on the Iraq war by "supporting the troops" in the *Idol* competition?

Until next week: other door, sweetheart.

in other magazines

No Choice?

New York Times Magazine on "post-abortion syndrome" and *New York on FDNY's "Black Sunday."*

By Christopher Beam and Avi Zenilman

Wednesday, January 17, 2007, at 3:17 PM ET

New York Times Magazine, Jan. 21

Many anti-abortion activists have dropped right-to-life rhetoric in favor of claims that abortion hurts the mother, despite scientific evidence that abortion doesn't increase the risk of depression any more than unwanted pregnancy or giving birth. Their viewpoint "challenges the connection between access to abortion and women's rights—if women are suffering because of their abortions, then how could making the procedure readily available leave women better off?" writes *Slate*'s Emily Bazelon. To treat ensuing feelings of guilt and regret, abortion-recovery therapists "offer a diagnosis that gives meaning to the symptoms, and that gives the women a way to repent," says psychology professor Brenda Major. ... Marc Leibovich profiles Sen. Bernie Sanders, Vermont staple and Socialist former mayor of the "People's Republic of Burlington." Even his political allies, like Rep. Barney Frank, decry his "holier-than-thou attitude." But his unorthodox style has earned him respect and, especially recently, votes: "People have gotten to know him as Bernie," Leahy says. "Not as the Socialist."—*C.B.*

New York, Jan. 22

In January 2005, on the day the New York Fire Department still calls Black Sunday, six firefighters leapt from a fourth-floor window in the South Bronx to escape a blaze. The four who survived break their silence in a [piece](#) by Robert Kolker. After months of litigation and recriminations, questions remain about where to lay blame. Some fault the lack of safety ropes, others the floor plan that blocked fire escapes. But a report by the FDNY suggests that the firefighters themselves could have handled the situation better. ... New York chef David Chang [dishes](#) on the vision that earned him a reputation as a "culinary rebel." When patrons of his Momofuku Noodle Bar complained about the lack of vegetarian options, he eliminated every vegetarian dish except ginger-scallion noodles. "We said, 'Fuck it, let's just cook what we want,'" Chang says. But his unorthodox approach to dining hasn't translated into success in his latest effort: Asian burritos.—*C.B.*

Newsweek, Jan. 22

In a *Newsweek* exclusive, Mark Miller, who covered the O.J. Simpson trial, [parses](#) a chapter of *If I Did It*, which describes the killings in lurid detail. The author is struck by "how closely it tracks with the evidence in the case." The way Simpson describes it, he loses control during the killings: "[S]omething went horribly wrong, and I know *what* happened, but I can't tell

you exactly *how*." He claims a second man—an "unwilling accomplice" named Charlie—accompanied him. By the end, "Simpson reverts to his more familiar public stance: outrage that anyone could believe he committed the murders." ... The cover piece [examines](#) how sectarian violence is "poisoning the next generation of Iraqis." The author speculates that no matter what happens with the "surge," the "larger battle" may already be lost: "Instead of training them to rebuild their country, they are being trained to use weapons to destroy it," says a former U.S. Army captain.—*C.B.*

Time, Jan. 22

The cover piece [examines](#) China's growing role on the global stage. The giant is reaching out both economically, by building railroads and factories in developing countries like Angola, and politically, by presiding over nuclear negotiations with North Korea and sending peacekeeping troops to Lebanon. Despite the country's poverty and environmental woes, President Hu Jintao has made international relations a priority. But if the 21st century is to be "China's century," the author wonders, will the transition be peaceful? Perhaps, as long as other nations keep their distance: Looking at the U.S. invasion of Iraq, the Chinese "felt they can't allow that sort of meddling in what they see as a nation's internal affairs." ... Senate Majority Leader Harry Reid doesn't have an easy job, a piece [suggests](#). With a slim 51-49 majority and new hard-line House legislation pending approval, he'll need all the Republican help he can get. Still, he doesn't hesitate to call the Iraq war the "biggest foreign policy fiasco in the history of our country."—*C.B.*

The New Yorker, Jan. 22

A piece examines the journey of al-Qaida "homegrown" Adam Gadahn from death metal enthusiast in rural California to propaganda specialist for Osama Bin Laden. Plagued by feelings of emptiness, Gadahn joined Christian support groups as a teenager but later criticized them for their "blind dogmatism." He converted to Islam at 17, joined the Islamic Society of Orange County, and later left for Pakistan, where he eventually narrated messages for al-Qaida. "The streets of America shall run red with blood," he said in a 2005 video. ... A profile explores the world of environmentalist guru Amory Lovins. Thirty years after he first argued the United States should wean itself off fossil fuels, Lovins, founder of the Rocky Mountain Institute, is still proposing unlikely solutions to complex problems. When the author refers to "thinking outside the box," Lovins interrupts: "There is no box."—*C.B.*

Economist, Jan. 13

The editors [back](#) President Bush's call for 20,000 more troops in Iraq: "We don't admire Mr. Bush, but on this we think he is right." And not just because of the "surge": "Far more significant is the strategic message that in spite of the Baker-Hamilton

report, and notwithstanding the growing pressure from public opinion and a Democrat-controlled Congress, this president will not in his remaining two years concede defeat and abandon Iraq to its fate." Of course, the United States may need to revise its definition of victory, even if that means aiming merely "to mitigate the dimensions of the debacle." ... Many international companies are opting to open factories in countries like Vietnam and Malaysia instead of in China, a special report [finds](#). Rising costs, coupled with an urge to diversify investments, have driven managers to look elsewhere: "China has become a victim of its own success," says Peter Tan, president of Flextronics in Asia.—*C.B.*

New Republic, Jan. 22

A cover piece [examines](#) John Edwards' populist reincarnation. Since losing the 2004 elections alongside John Kerry, Edwards has doffed his Guy Smiley image for a more serious attitude, visiting labor rallies across the country and making poverty a main focus of his campaign: "[H]e has ditched his past commitment to fiscally restrained Rubinomics and now favors universal health coverage and an expensive raft of other policy initiatives to lift Americans—and even people in other countries—out of poverty." ... Michael Crowley [discusses](#) the Democrats' dilemma: Should they handle their victory with poise, or seek revenge on Republicans? After 12 years under the Republican boot, some Democrats are finding maintaining an open regime more easily said than done: A former aide says California Rep. George Miller's people "don't give a shit about openness," according to a former House Democratic aide. "They don't care about the process. Those guys really are interested in passing an agenda and wielding power."—*C.B.*

Weekly Standard, Jan. 15

In the cover piece, Andrew Ferguson [looks askance](#) at the Democratic celebrations in the Capitol, which he finds "oddly subdued." Comparing the Democratic majority—which outlined its 100-hour agenda—to that of the Republicans in 1994—who outlined their plan for the first 100 days—he feels "sick and tired of this partisan one-upmanship." There are differences: Reporters treat Nancy Pelosi with none of the derision they reserved for Newt Gingrich. But Ferguson also focuses on the similarities: "[T]his is just another collection of professional pobs, ... with the same ratio of nutters, ideologues, incompetents, egomaniacs, and borderline crooks spread among the usual mass of grinning mediocrity." ... Another piece [imagines](#) the fallout of an American withdrawal from Iraq and contends that a new counterinsurgency plan by Gen. Jack Keane and historian Frederick Kagan has a "decent chance of success." A "strong, aggressive American military presence" is necessary to halt radicalization of Shiites, the author argues, while pulling out would encourage Islamists to keep fighting.—*C.B.*

Reason, February 2007

A gaggle of prominent libertarians sounds off on the "much-anticipated return of gridlock" in Washington, D.C. Two-party government will mean a "return to a system of partisan checks and balances," stagnant government, and limited presidential power. One writer predicts that both sides will agree to increase education spending, while ignoring underperformance; another counsels that Democrats will be too busy investigating the Bush administration to enact "wealth transfers"; the consensus is summed up by Ryan Sager, who warns, "*bipartisanship* is just another word for 'terrible idea.'" ... Supreme Court decisions and the federal DEA may pose less of a threat to medical marijuana in San Francisco than the local zoning boards. An article contends that a California public that "seems to favor an approach to medical marijuana that combines Communism with imminent death" has started to deny local "dispensaries" the ability to sell pot (and possibly attract riff-raff).—*A.Z.*

The Nation, Jan. 8 and 15

The cover piece [examines](#) the rise of antiwar sentiment in the military. Nearly 1,000 uniformed Americans have signed an appeal for redress asking Congress "to support the prompt withdrawal of all American military forces and bases from Iraq." While signatories are protected from reprisal under the Military Whistleblower Protection Act, some soldiers fear less overt forms of punishment, such as denial of promotion. But, unlike the dissenting GI movement during Vietnam, the appeal takes a nonconfrontational tone: "This is not about resistance," says a lawyer who advised the appeal organizers. "This is about working inside the democratic process." ... A piece [praises](#) Kofi Annan's "quiet authority and palpable decency" as U.N. secretary general. Bill Clinton supported Annan's appointment, hoping to avoid a combative bureaucrat with "big ideas and a big mouth." "They were right about the big mouth," the author contends, "wrong on the big ideas."—*C.B.*

Texas Monthly, January 2007

The cover piece honors Dick Cheney with its 2007 "Bum Steer of the Year" award, lauding the VP as "a man who's a real blast to go hunting with, who this year gave the country (and his friend Harry Whittington) a shot in the arm, among other places." ... A piece [examines](#) the debate over proposals to build 17 new coal power plants in Texas—a plan that would more than double the state's reliance on the "dirtiest energy source." What environmental advocates portray as an issue of public good versus private interest is complicated by the growing population, the rise in natural-gas prices, and the decline of nuclear power in the region. ... Former House Majority Leader Dick Army [argues](#) in an interview that the Republicans lost the elections after botching key issues like Terri Schiavo and illegal immigration: "Who is the genius that said, 'Now that we've identified that [the Hispanic community] is the fastest-growing

demographic in America, let's do everything we can to make sure we offend them'? Who is the genius that came up with that bright idea?"—*C.B.*

jurisprudence

Happy Birthday, *Roe v. Wade*

On the ruling's anniversary, its fans should celebrate another case, too.

By Kenji Yoshino

Thursday, January 18, 2007, at 12:10 PM ET

On the anniversary of *Roe v. Wade* next week, any celebration of that 1973 opinion must include a celebration of the 1992 case *Planned Parenthood v. Casey*. In *Casey*, the Supreme Court upheld the legal right to abortion. Along the way, the justices articulated a systematic test for when they could overrule their own precedents—and in applying it, found that *Roe* did not present such an instance.

It is not clear that such a systematic test is a good idea to begin with, or that this particular one works well. Luckily, however, the *Casey* test saves itself by leaving room for its own overruling. And in fact, the court seems on its way to doing so. Indeed, the *Casey* court may have been less interested in the test than in making *Roe* bulletproof. And in that end, it largely succeeded.

Many thought the *Casey* court would overrule *Roe*. In the years after *Roe*, conservative Republican presidents appointed justices to the court more or less with that agenda. Yet in *Casey*, three of those justices—Anthony Kennedy, Sandra Day O'Connor, and David Souter—wrote a joint opinion upholding *Roe*. They stressed that they were not saying *Roe* was correctly decided. To the contrary, they observed that the rule of *stare decisis*—the rule that precedent should generally be followed—dictated the result. "Under normal *stare decisis* analysis," the three justices' opinion stated, "the stronger argument is for affirming *Roe*'s central holding, with whatever degree of personal reluctance any of us may have not for overruling it."

Coming from the Latin for "to stand by things decided," *stare decisis* is a hoary common-law principle. It goes to the heart of the rule of law. As the joint *Casey* opinion observed, "no judicial system could do society's work if it eyed each issue afresh in every case that raised it." On the other hand, as the opinion recognized, *stare decisis* has never been deemed an "inexorable command." As Oliver Wendell Holmes Jr. once observed, "It is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV."

The difficulty, then, is deciding how much deference the doctrine of *stare decisis* requires in any given case. Before *Casey*, the Supreme Court treated this issue as an art rather than a science. In *Casey*, however, Kennedy, O'Connor, and Souter (here speaking for a majority of the court) took a more comprehensive approach, observing that the court usually looked to four "prudential and pragmatic considerations." Precedents would be likely to be overruled if they had proven to be *unworkable* as a practical matter; if there had not been general *social reliance* on the rule; if there had been *subsequent changes in doctrine*; and if there had been *subsequent changes in fact*. Applying these factors to *Roe*, the justices found that they all cut in favor of upholding the legal right to abortion.

Casey was a valiant attempt to pull together the principles that might constrain a judge from simply voting her ideology. But once *Casey* set forth a test for *stare decisis*, a vexing metaphysical problem came into view. As Yale Law School professor Akhil Amar has pointed out, it is difficult to know how much precedential weight to give a precedent, like *Casey*, that tells us how much precedential weight to give a precedent. If, for instance, we think that *Casey* got its *stare decisis* test wrong, are we still compelled to use that test in weighing whether the test should stand? Perhaps yes, given that *stare decisis* constrains a judge from ignoring a precedent just because she disagrees with it. Or perhaps no, given that a bad test could eternally entrench itself if any resistance offered within it were futile.

Fortunately, the *Casey* test gives the court enough discretion to supplant it. In other words, if we apply the four *stare decisis* factors to the four *stare decisis* factors, there is ample room for the court to overrule this part of *Casey*.

Workability cuts for the retention of the test. By workability, the court meant whether a test was sufficiently specific that a court could administer it. The *Casey* four-factor test easily meets this standard, as most of the court's tests will do.

The *change in fact* factor also cuts for keeping the test. Here, the court looks to see if there have been changes either in facts or perceptions of constant facts. One example the joint opinion gave was the changed view of racial segregation and its harms that permitted *Brown v. Board of Education* to overrule the 1897 case *Plessy v. Ferguson*, which upheld the doctrine of "separate but equal." The court's other example reflected similar seismic changes in the nation. No such change has occurred since 1992 that would undermine the test.

In contrast, *social reliance* cuts against retaining *Casey's stare decisis* standard. Although we the public might legitimately rely on the basic idea of *stare decisis*, we cannot rely on any particular formulation of it. This is because most of us are unaware of the specific test the court formulated.

Most significantly, *change in doctrine* also cuts for jettisoning the test. Kennedy, O'Connor, and Souter observed that a precedent that was a "remnant of abandoned doctrine" would be ripe for overruling. Arguably, the *Casey* test is such a remnant. The court has repeatedly overruled precedents without engaging in a full *Casey* analysis. In a 1995 affirmative action case, the court overruled a 1990 precedent without applying all of the factors. Similarly, in *Lawrence v. Texas*, the 2003 case striking down a state sodomy statute, the court overruled a 1986 precedent without applying the full test. The 1995 and the 2003 cases were written by two of the *Casey* opinion's authors—O'Connor and Kennedy, respectively.

The *Casey stare decisis* test, then, leaves more than enough leeway for the court to depart from it. And even though it has not formally overruled this part of *Casey*, the court began moving away from it only three years after creating it. So, why did the court bother to outline such a comprehensive test in the first place?

The answer can be found in the court's statement that *all* of the test's factors cut in favor of upholding *Roe*. The best way of understanding *Casey* is as the court's way of saying that any reasonable standard of *stare decisis* would lead to the conclusion that *Roe* should stand. What was at stake in *Casey* was not a neutral attempt to advance a general test for *stare decisis*, but a largely successful attempt to entrench *Roe*. This is why those who celebrate *Roe*, and the national right to abortion it established, should also celebrate *Casey*.

jurisprudence Absolute Power

The real reason the Bush administration won't back down on Guantanamo.
By Dahlia Lithwick
Saturday, January 13, 2007, at 6:52 AM ET

Why is the United States [poised to try Jose Padilla](#) as a dangerous terrorist, long after it has become perfectly clear that he was just the wrong Muslim in the wrong airport on the wrong day?

Why is the United States still holding [hundreds of detainees at Guantanamo Bay](#), long after years of interrogation and abuse have established that few, if any, of them are the deadly terrorists they have been held out to be?

And why is President Bush still issuing grandiose and [provocative signing statements](#), the latest of which claims that the executive branch holds the power to open mail as it sees fit?

Willing to give the benefit of the doubt, I once believed the common thread here was presidential blindness—an extreme executive-branch myopia that leads the president to believe that these futile little measures are somehow integral to combating terrorism. That this is some piece of self-delusion that precludes Bush and his advisers from recognizing that Padilla is just a chump and Guantanamo merely a holding pen for a jumble of innocent and half-guilty wretches.

But it has finally become clear that the goal of these foolish efforts isn't really to win the war against terrorism; indeed, nothing about Padilla, Guantanamo, or signing statements moves the country an inch closer to eradicating terror. The object is a larger one, and the original overarching goal of this administration: expanding executive power, for its own sake.

Two scrupulously reported pieces on the Padilla case are illuminating. On [Jan. 3, Nina Totenberg](#) of National Public Radio interviewed Mark Corallo, spokesman for then-Attorney General John Ashcroft, about the behind-the-scenes decision-making in the Padilla case—a case that's lolled through the federal courts for years. According to Totenberg, when the Supreme Court sent Padilla's case back to the lower federal courts on technical grounds in 2004, the Bush administration's sole concern was preserving its constitutional claim that it could hold citizens as enemy combatants. "Justice Department officials warned that if the case went back to the Supreme Court, the administration would almost certainly lose," she reports, which is why Padilla was hauled back to the lower courts. Her sources further confirmed that "key players in the Defense Department and Vice President Cheney's office insisted that the power to detain Americans as enemy combatants had to be preserved."

[Deborah Sontag's](#) excellent *New York Times* story on Padilla on Jan. 4 makes the same point: He was moved from military custody to criminal court only as "a legal maneuver that kept the issue of his detention without charges out of the Supreme Court." So this is why the White House yanked Padilla from the brig to the high court to the federal courts and back to a Florida trial court: They were only forum shopping for the best place to enshrine the right to detain him indefinitely. Their claims about Padilla's dirty bomb, known to be false, were a means of advancing their larger claims about executive power. And when confronted with the possibility of losing on those claims, they yanked him back to the criminal courts as a way to avoid losing powers they'd already won.

This need to preserve newly won legal ground also explains the continued operation of the detention center at Guantanamo Bay. Last week marked the fifth anniversary of the camp that—according to Donald Rumsfeld in 2002—houses only "the worst of the worst." Now that over half of them have been released (apparently, the best of the worst) and even though only about 80 of the rest will ever see trials, the camp remains open. Why? Civil-rights groups worldwide and even close U.S. allies like

Germany, Denmark, and England clamor for its closure. And as the [ever-vigilant Nat Hentoff](#) points out, new studies reveal that only a small fraction of the detainees there are even connected to al-Qaida—according to the Defense Department's own best data.

But Guantanamo stays open for the same reason Padilla stays on trial. Having claimed the right to label enemy combatants and detain them indefinitely without charges, the Bush administration is unable to retreat from that position without ceding ground. In some sense, the president is now as much a prisoner of Guantanamo as the detainees. And having gone nose-to-nose with the Congress over his authority to craft stripped-down courts for these "enemies," courts guaranteed to produce guilty verdicts, Bush cannot just call off the trials.

The endgame in the war on terror isn't holding the line against terrorists. It's holding the line on hard-fought claims to absolutely limitless presidential authority.

Enter these signing statements. The most recent of the all-but-meaningless postscripts Bush tacks onto legislation gives him the power to "authorize a search of mail in an emergency" to "protect human life and safety" and "for foreign intelligence collection." There is some debate about whether the president has that power already, but it misses the point. The purpose of these signing statements is simply to plant a flag on the moon—one more way for the president to stake out the furthest corners in his field of constitutional dreams.

Last spring, [The New Yorker's Jane Mayer](#) profiled David Addington, Vice President Richard Cheney's chief of staff and legal adviser. Addington's worldview in brief: A single-minded devotion to something called the New Paradigm, a constitutional theory of virtually limitless executive power, wherein "the President, as Commander-in-Chief, has the authority to disregard virtually all previously known legal boundaries, if national security demands it," Mayer describes.

Insiders in the Bush administration told Mayer that Addington and Cheney had been "laying the groundwork" for a vast expansion of presidential power long before 9/11. In 2002, the vice president [told ABC News](#) that the presidency was "weaker today as an institution because of the unwise compromises that have been made over the last 30 to 35 years." Rebuilding that presidency has been their sole goal for decades.

The image of Addington scrutinizing "every bill before President Bush signs it, searching for any language that might impinge on Presidential power," as Mayer puts it, can be amusing—like the mother of the bride obsessing over a tricky seating chart. But this zeal to restore an all-powerful presidency traps the Bush administration in its own worst legal sinkholes. This newfound authority—to maintain a disastrous Guantanamo, to stage rights-free tribunals and hold detainees forever—is the kind of power Nixon only dreamed about. It cannot be let go.

In a heartbreaking [letter from Guantanamo](#) this week, published in the *Los Angeles Times*, prisoner Jumah Al Dossari writes: "The purpose of Guantanamo is to destroy people, and I have been destroyed." I fear he is wrong. The destruction of Al Dossari, Jose Padilla, Zacarias Moussaoui, and some of our most basic civil liberties was never a purpose or a goal—it was a mere byproduct. The true purpose is more abstract and more tragic: To establish a clunky post-Watergate dream of an imperial presidency, whatever the human cost may be.

A version of this piece appeared in the Washington Post [Outlook section](#).

kausfiles

Boxer: Guilty of Mommyism!

More on Laura & Barbara & Condi.

By Mickey Kaus

Thursday, January 18, 2007, at 5:04 AM ET

More on Barbara & Condi & Laura: Compare Barbara Boxer's line of attack on Condoleezza Rice last week with [Charles Peters' seemingly similar Washington Monthly attack](#) on the insulation of the powerful. First, Peters:

Many of those making between \$100,000 and \$500,000, especially those who live in large cities, worry far more about getting their children into the right private schools or into an elite university than they do about fixing the public schools. And almost all of them, like the congressmen, have generous health insurance of their own that means health care for others doesn't tend to be one of their imperatives. Finally, **because their sons and daughters, with rare exceptions, are not in the armed forces, they could support sending other people's children into the war in Iraq.** [E.A.]

And here's Boxer:

"Now, the issue is who pays the price. Who pays the price? I'm not going to pay a personal price. My kids are too old and my grandchild is too young. You're not going to pay a particular price, as I understand it, with an immediate family. So who pays the price? The American military and their families."

See the problem? As Peters points out, even those who have sons and daughters are usually insulated from the costs of war

because we have a volunteer military. Boxer's riffing about her children and grandchildren (and Rice's lack of "immediate family") isn't relevant to whether, as Boxer later put it, those who make Iraq policy "will pay the price for this escalation" because **people who have military-age children don't pay the price for war either** unless those children volunteer. And most don't.

So why did Boxer bring up her irrelevant children and grandchildren? Why not simply point to the insulating effect of the volunteer army? I don't know. But if I were **a)** allergic to poll-tested liberal rhetoric, and **b)** slightly paranoid--two small "ifs"--I might note that **Boxer's illogical detour allowed her to not-so-subtly advertise her motherhood in line with the reigning mommy-rhetoric of the Pelosi Era**, in which **"the gavel" is in "the hands of America's children."**

The "it's all about children" meme must focus-group really well, because Democrats keep trotting it out (most famously to justify welfare payments for "children," even though it's adults who get the checks). I don't remember Mommyism winning any national elections, though--especially during a war.

Boxer also managed to leave the implication that if only her children *were* of the right age, they would of course be volunteering to serve their country in the military. I don't know Boxer's children, but I'm skeptical.

Verdict: Guilty, guilty, guilty!

P.S.: In my earlier post, I also characterized Laura Bush as unfeminst for asserting that "[y]ou need a very supportive family and supportive friends to have this job" [of President], after Bush noted that Rice "is single, her parents are no longer living, she's an only child." Technically, of course, Bush was suggesting that **both single women and single men would have a hard time being president.** That may still be objectionable. It may also contain a germ of truth. But isn't it possible for singles--even single only children, and even single only children whose parents are deceased--to build networks of "friends" that do the work of a family? I know people who've managed that. The snarkiest dimension of Laura Bush's comment, then, isn't the reasonable argument that it helps to have a network at your back, but the apparent assertion that Rice has no "supportive friends." ... 12:21 A.M. [link](#)

What Liberal Liberalism? Eric [Alterman comes out against race-based affirmative action](#). (He'd base preferences on class, [Kahlenberg-style](#)). **If Alterman, a man of the left, author of [What Liberal Media?](#), blogger for "progressive" site [Media Matters](#), is now against race preferences, who's for them again?** Aside from the entire establishment, I mean. ... **P.S.:** Alterman even suggests that [Martin Luther King would have settled on class-based preferences](#) had he lived. ... 12:47 A.M. [link](#)

Tuesday, January 16, 2007

Pelosi=Amnesty Update:

"The new Democratic-controlled Congress is likely to give President Bush the immigration legislation he wants, congressional leaders of both parties said."

That's from the [Chicago Sun-Times](#).** Meanwhile, the border fence that Congress passed last year is in jeopardy, according to the [CQ Middy Update email](#):

House Majority Leader Steny H. Hoyer, D-Md., said the House will reconsider a plan to build a fence along the southwestern border between Mexico and the United States.

"I think the fence will be revisited," Hoyer told reporters today.

--In fact, Hoyer didn't quite say this in the Fox interview cited. Do Democrats who just won seats in marginal or populist districts really **want legalization of illegals (in exchange for untested border controls) to be the new Dem majority's signal achievement? ... 3:13 P.M.

Scooter-Scoop Reminder: As the [Libby trial opens](#), the major drama of course is watching to see a) if [kausfiles'](#) **big scoop** about [what "Scooter" Libby told Tim Russert](#) gets vindicated, and b) if it's vindicated, how will the MSM handle the touchy subject matter (charges of anti-Semitism)? ... **Early indicators:** You won't even find Russert listed in MSNBC's interactive roster of key "players," though he is one. ... And the [Washington Post publishes the following](#):

The plainspoken Russert will be a star government witness. He has told Fitzgerald that Libby fabricated parts of a conversation with him. He has said that when he spoke with Libby in mid-July, Plame never came up as Libby complained that MSNBC host Chris Matthews had an **antiwar** slant. [E.A.]

Er, no. **Not "anti-war," unless "anti-war" and "anti-Semitic" are now synonymous** (if reporting on the prestigious [kausfiles](#) blog [is to be believed](#)). No doubt the "plainspoken Russert" will eschew such controversy-avoiding euphemisms. ...

P.S.: Everyone expects Tom Maguire to be the [Go-To-Blogger on Libby](#). Those sorts of expectations can be a burden. What if he's gotten tired of Plamegate? **Update:** [Not to worry](#). ...

P.P.S.: I second Maguire's transpartisan (even trans-Plame) statement of [support and best wishes](#) for relentless [firedoglake](#) blogger Jane Hamsher, who's [about to undergo cancer surgery](#). ... 2:50 P.M. [link](#)

Paparazzi catch hot Buick [wearing see-through bra!](#) ... 12:25 A.M.

Monday, January 15, 2007

Did [Laura really say that about Condi like Nora says](#)? It seems [she did](#):

"Dr. Rice, who I think would be a really good candidate [for President], is not interested. Probably because she is single, her parents are no longer living, she's an only child. You need a very supportive family and supportive friends to have this job."

Yikes. Single women can't be president! Move over, Barbara. ... **P.S.:** Does Laura Bush's intra-party sneer [get Sen. Barbara Boxer off the hook](#)? Or--by suggesting some **powerful subconscious urge of married mothers to condescend to single women**--does it make it even clearer that Boxer is guilty? Bush's comment certainly doesn't make the Boxer incident seem like a *better* episode for feminism. ... 1:04 A.M.

Sunday, January 14, 2007

Against [the War](#), For the Surge: I was throwing out some newspapers and came across something I'd forgotten: [Michael Gordon's November 15 NYT piece](#) describing how General Anthony Zinni, a trenchant and consistent critic of the decision to go to war in Iraq and of the prosecution of the war, supports something that looks an awful lot like President Bush's surge:

Anthony Zinni, who used to head the U.S. Central Command and was among the retired generals who called for the resignation of Defense Secretary Donald Rumsfeld, argued that the reduction of American forces was more likely to accelerate the slide to civil war than avert it.

"The logic of this is you put pressure on Maliki and force him to stand up to this," Zinni said in an interview, referring to Nuri Kamal al-Maliki, the Iraqi prime minister. "Well, you can't put pressure on a wounded guy."

"There is a premise that the Iraqis are not doing enough now, that there is a capability that they have not employed or used.

"I am not so sure they are capable of stopping sectarian violence."

Instead of taking troops out, Zinni said, it would make more sense to consider deploying additional American forces over the next six months to "regain momentum" as part of a broader effort to create more jobs, foster political reconciliation and develop more effective Iraqi security forces.

Logic says we should be able to separate support for the war from support for or opposition to the surge, as [H. Kurtz has noted](#). But politics seems to often dictate surge-bashing as a sort of **emotional and political make-up call for failure to oppose the decision to go to war in the first place**. (Just watch Hillary!) I find [Michael O'Hanlon](#) persuasive on the surge issue:

Critics rightly argue that it may well be too little, way too late. But for a skeptical Congress and nation, it is still the right thing to try -- as long as we do not count on it succeeding and we start working on backup plans even as we grant Bush his request.

P.S.: I wonder how much of the blame for the "too late" part will turn out to fall on Karl Rove. It seems highly likely that Bush knew many months ago that a new Iraq plan was needed, but delayed for fear of disrupting his overconfident Republican strategist's flat-footed midterm election strategy--even though, it seems clear now, declaring this new initiative seven months ago might have *saved* the Republicans in the election. ... **10:43 P.M.** [link](#)

Friday, January 12, 2007

It's the Hassle: *Washington Monthly's* Charles Peters [mocks the "new proletariat" of Americans in the "\\$100,000-\\$500,000 income range](#)," especially their agitation against the Alternative Minimum Tax. ... My impression is the main complaint against the AMT is not the extra tax it extracts but the extra paperwork hassle it imposes on those who essentially have to calculate their tax two times, using different sets of rules (or, almost as annoying, pay an accountant to do it for them) ... I would think the anti-bureaucratic *Wash. Monthly* would join in the fraternal struggle against unnecessary government-imposed complications--realizing that **Washington could probably collect a lot more tax money, indeed more money from the complaining top 20%, and if only it did so with less hassle**. ... Similarly, I think the hassle factor--the hassle of figuring out which insurance company is going to screw you in what way, of reading the fine print and artfully filling out forms and switching plans and negotiating with gatekeepers and getting pre-op approval and worrying about treatments that won't be covered--is why even the well-insured 'new proletariat' will ultimately

care about universal health coverage (contrary to what Peters suggests in his last item). ...

Update: Ann Althouse, who uses Turbo Tax, [says it's the money, not the hassle](#). ... *Instapundit* wonders "if Turbo Tax isn't a friend of Big Government." [link omitted] ... I wonder **a)** if the AMT effectively eliminates the tax benefits of the home mortgage deduction and **b)** more and more affluent Americans are going to be subject to the unindexed AMT, then **c)** the resulting decline in utility of the tax deduction will produce a corresponding fall in the price of high-income homes. ...

Update/Correction: AMT payers still get the mortgage deduction if it's [for buying, building or improving a home](#). But they [don't get to take it for home equity loans](#). [Thanks to reader J.L.]

P.S.: My anti-hassle argument is simply that we shouldn't have to do two tax calculations. I'm not saying there's not a good argument that, of the two, we should [keep the AMT and ditch the deduction-riddled regular tax code](#). That may be where we are headed already--as more Americans are obviously going to have to pay the AMT, they eventually may not bother with the regular tax code calculation at all, no? Result: Back-door slow-motion tax reform. ... **10:26 P.M.**

Hagel's Hyperbole: Like most people--including, perhaps, most supporters of the "surge"--I don't expect it to work. But (assuming we don't initiate a new war with Iran or Syria) I don't quite understand why, if it fails, the U.S. will be in all that much *worse* a strategic position than it is now in Iraq. This doesn't seem like a doubling down. It seems more like raising the bet 15%. So when Sen. [Chuck Hagel calls Bush's latest plan](#)

"the most dangerous foreign policy blunder in this country since Vietnam, if it's carried out"

that seems a bit odd. **If the surge fails, surely the 'most dangerous foreign policy blunder' will be not the surge but the initial invasion of Iraq. Hagel voted for that, remember.** ... Perhaps not just publicity-seeking political ambition but guilt is at work behind Hagel's hyperbole. ... **P.S.:** [On Charlie Rose, Hagel equivocates, Kerry/2004 style](#), not quite being able to bring himself to say he was wrong on the Iraq war vote. He also defends his hyperbole, citing both the strains of increased troop deployment and the possibility of conflict with Iran and Syria. But note that Hagel's own plan, as he outlines it, would involve putting our troops on Iraq's borders with Iran and Syria, which might not exactly *reduce* the possibility of conflict ... **8:08 P.M.**

Thursday, January 11, 2007

Auto Snow: Not So Fast, Comrade Kuttner! [Note: It may actually save you time to watch the [accelerated video version of this rant](#).]

The shift lever [falls readily to hand for one R. Kuttner](#), who road tests the Pontiac G6. He doesn't like the door-lock releases. Or the steering. Kuttner concludes the problem with GM isn't its workers--or unions--it's GM's incompetent designers and executives:

You might blame GM's woes on poor American workmanship or the cost of American labor. But Japanese total labor costs are comparable, even with Detroit's higher health insurance costs. Increasingly, Japanese cars are being assembled in the USA, and the quality holds up just fine.

So what's wrong with GM? The cars. GM is famous for being run by bean counters and ad men. Toyota is run by engineers.'

This is a common viewpoint, I've found, among my Democratic friends--Jon Alter, this means you!***--**who would never actually buy a Detroit product but who want to believe the UAW can't be blamed.** The argument seems to be roughly this: **a)** American cars are now reliable enough, having closed the gap with the Japanese brands, so **b)** the workers are doing their job; therefore **c)** if Detroit cars like the G6 are still obviously inferior--tacky and cheap, with mediocre handling--it must be because they're designed badly by white collar professionals, not because they're built badly by blue collar union members.

The trouble with this comforting liberal argument is labor costs. When Kuttner says "Japanese total labor costs are comparable, even with Detroit's higher health insurance costs," he is--as is so often the case--talking through his hat. Look at [this chart](#). GM pays \$31.35 an hour. Toyota pays \$27 an hour. Not such a big difference. But--**thanks in part to union work rules that prevent the thousands of little changes that boost productivity--it takes GM, on average, 34.3 hours to build a car, while it takes Toyota only 27.9 hours.** ** Multiply those two numbers together and it comes out that GM spends 43% more on labor per car. And that's *before* health care costs (where GM has a \$1,300/vehicle disadvantage).

If you're GM or Ford, how do you make up for a 43% disadvantage? Well, you concentrate on vehicle types where you don't have competition from Toyota--e.g. big SUVs in the 1980s and 1990s. Or you build cars that strike an iconic, patriotic chord--like pickup trucks, or the Mustang and Camaro. **Or--and this is the most common technique--you skimp on the quality and expense of materials.** Indeed, you have special teams that go over a design to "sweat" out the cost. Unfortunately, these cost-cutting measures (needed to make up for the UAW disadvantage) are all too apparent to buyers. Cost-cutting can even affect handling--does GM spend the extra money for this or that steel support to stabilize the steering, etc. As Robert Cumberford of *Automobile* magazine has noted, Detroit

designers *design* great cars--but those aren't what gets built, after the cost-cutters are through with them.

Look at the big [Ford Five Hundred](#)--a beautiful car on the outside, based on the equally attractive Volvo S80. But thanks to Ford's cost-cutters it debuted with a tinny, depressing interior that would lose a comparison with a subcompact Toyota Scion. Ford [wants \\$30,000](#) for the Five Hundred. Forget it!

Is it really an accident that **all the UAW-organized auto companies are in deep trouble while all the non-union Japanese "transplants" building cars in America are doing fine?** Detroit's designs are inferior for a reason, even when they're well built. And that reason probably has more to do with the impediments to productivity imposed by the UAW--or, rather, by legalistic, Wagner-Act unionism--than with slick and unhip Detroit corporate "culture."

P.S.: If Detroit can only be competitive when the UAW makes grudging concessions, isn't it likely the UAW will only concede enough to make GM and Ford *survive*, but never enough to let them actually *beat* the Japanese manufacturers? I try to make this point [here](#).

Update: But UAW President [Ron Gettelfinger is right](#) about Ford's botch of the Taurus. ...

***--Non-union Toyota's productivity, in terms of hours per car, has actually been growing faster than GM's, according to the Harbour report [cited by NPR](#). So--thanks in part to Toyota's lack of work-rule bottlenecks?--GM is not catching up. It's **falling further behind**.

***--**Update:** Alter denies the charge that he'd never buy a Detroit product. He says he "had a Taurus a few years ago." And he doesn't remember the conversation--about the relative culpability of the UAW vs. Detroit design--that I remember. ... 1:57 P.M. [link](#)

[Wednesday, January 10, 2007](#)

Who's Surge Is It, Anyway? In [this video from](#) AEI, Frederick Kagan and Gen. Jack Keane, [originators of the "surge" strategy](#), **make it as clear as can be that they do *not* intend for surging U.S. or Iraqi troops to go after on Moqtada al-Sadr's Shiite Mahdi Army** or to attempt to enter and clear out the vast Shiite neighborhood of Sadr City.** Yet in his [speech](#) tonight, President Bush said (without mentioning Sadr's name) that Iraqi prime minister al-Maliki had given U.S. forces the "green light" to do just that--and news accounts played up the [anti-Sadr angle](#). ... Either Bush's surge is **some other kind of surge from the Kagan/Keane surge**, or there's some Kabuki goin' on (e.g., [al-Maliki doesn't really mean it](#), and perhaps the Bush administration *knows* al-Maliki doesn't really mean it, but wants

a) Iraqi Sunnis, b) Americans, c) Sadr or d) himself to think he means it). ...

P.S.: Kagan and Keane [also wrote](#):

It is difficult to imagine a responsible plan for getting the violence in and around Baghdad under control that could succeed with fewer than 30,000 combat troops beyond the forces already in Iraq.

Bush is sending "roughly 20,000" additional U.S. troops, [according to the NYT](#). ...

Update: Juan Cole [has an idea what the Kabuki is](#):

[I would suggest that PM Nuri al-Maliki's warning to the Mahdi Militia to disarm](#) or face the US military is in fact code. He is telling the Sadrist to lie low while the US mops up the Sunni Arab guerrillas. Sadr's militia became relatively quiescent for a whole year after the Marines defeated it at Najaf in August, 2004. But since it is rooted in an enormous social movement, the militia is fairly easy to reconstitute after it goes into hiding.

But if this is the case, is that a problem for the U.S. strategy, or the key to its implementation--i.e., if "lie low" means the Mahdi Army stops sectarian killings without the U.S. having to attack it?

**--Kagan and Keane want the troops to patrol "Sunni and mixed Sunni-Shiite neighborhoods," in part to convince Shiites they don't *need* Sadr's militias, which is different from taking them on. Attacking Sadr in Sadr City, Kagan says, would be a "very bloody operation" that would "look something like Fallujah." (See [video](#) at 9:58.) While we would "win," he argues that it would have the political effect of "driving all of the Shia parties together to oppose us." 11:27 P.M. [link](#)

The old Pelosi is back: How do you go in a week from appearing to be a [moon-faced 45-year old](#) to [looking your age \(66\)](#). I'm still mystified. ... 10:24 P.M.

[Tuesday, January 9, 2007](#)

"It's Over:" Kate Hudson's people must be paying *US Weekly* to [feature her breakup on the cover](#). I contend nobody actually cares about Kate Hudson's romantic life. Do you? She's no Ron Burkle! ... 5:21 P.M.

Looking in a crowd for friends: Supporters of welfare reform have seen caseloads drop dramatically and a employment rise, but we're still looking for unmistakable signs of a dramatic improvement in the culture of ghetto poverty, especially for black men. Jill Leovy's [Salon piece on the murder rates for black men](#) seems to offer a potentially significant bit of evidence:

The reality is that blacks in 1976 were almost twice as likely to die from homicide as blacks in 2004, and the disparity between black and white rates was 20 percent higher than today.

What's more, Leovy notes, "[s]ignificant progress has happened very recently. Over the last dozen years or so, the nation has seen a startling crime drops ... and black rates have dropped especially steeply." Hmm. What happened a "dozen years or so" ago? I [can't remember](#). ... Leovy doesn't discuss the possible welfare-reform explanation,** though maybe she should. ...

**--In fact, she credits the continuing *breakup* of the black family with a decline in the murder of men by "battered wives, trapped and desperate," although she notes that this can't account for the whole drop. ... 4:58 P.M.

Give me 15 more inches of BarryAchenbachStein: Ezra Dyer's [auto-show blogging](#) comes in on the good end of Hearty Hack. ... 2:12 P.M.

Catching Up With ... NCLB! The [estimable Eduwonk notes](#) that today's [NYT coverage](#) of the debate over the No Child Left Behind Act sees the story through **the hack pre-neoliberal prism: "more money, less money, Republicans against Democrats."** In fact, *Eduwonk* notes,

the NCLB tension evidenced in this story is less Republican and Democrat than differences between the Democratic committee chairs on the House and Senate education committees *and their leadership*. The money issue can be resolved in the context of a deal, the bigger problem is that **while Senate Majority Leader Harry Reid thinks NCLB is punitive, George Miller and Ted Kennedy don't.** [E.A.]

Does Sen. Kennedy mind that the *Times* cluelessly ignores his non-hack, non-anti-Bush role? Probably not, since the perception that he's in there fighting Bush for more money is what gives him the street cred** to play his non-hack role of warding off the education bureaucracies, including unions, that want to water down the law's standards. ...

P.S.: Meanwhile. former NCLB enthusiast Mike Petrilli thinks the bold, risky Bush push into education is FUBAR and advocates [withdrawal to the Kurdish stronghold](#). ...

P.P.S.: As a non-eduwonk, I would think if the NCLB were working we'd see the results by now in positive test scores--and if it isn't working, we should **abandon the perestroika-like attempt to whip the education bureaucracy into shape with testing and "sanctions"--and move on to the dissolution of that bureaucracy** through a proliferation of charter schools. But *Eduwonk* says, via email, that it's too soon to tell whether the NCLB will improve test scores, since the " law was passed in January of '02, states only had the testing really implemented last year and this year ..."

More: For some broader *Eduwonk* takes--but **still not the one-stop what-to-think-about-NCLB piece concerned citizens demand**--see [here](#) and [here](#). ... Also note this comment on the power of the anti-NCLB teachers' unions to reshape (i.e. gut) the law:

A Democratic majority doesn't hurt them but doesn't help them all that much either because there are bad feelings on both sides of the aisles about how the unions, especially the NEA, have approached the law since its passage. ...[snip] ... But if things start to look scary for Dems in 2008, the unions stock goes up.

**--that would be the "liberal street," otherwise known as Iowa. 1:29 P.M. [link](#)

Monday, January 8, 2007

NPR seems to have a new feature: "Pointless Stories from the Civil Rights Era." Apparently they've run out of the good ones. [Enjoy!](#) 2:39 P.M.

Stupidest sentence in the LAT's [big Gates Foundation takedown](#): After noting that Gates invests in oil companies in the Niger Delta, the *Times* team declares--

Indeed, local leaders blame oil development for fostering some of the very afflictions that the foundation combats.

Oil workers, for example, and soldiers protecting them are a magnet for prostitution, contributing to a surge in HIV and teenage pregnancy, both targets in the Gates Foundation's efforts to ease the ills of society, especially among the poor. [E.A.]

Presumably it helps Nigeria's economy to have an oil industry, and it helps Nigeria's workers to have jobs in that industry. If the oil workers (or soldiers) then see prostitutes, what exactly are the oil companies the Gates Foundation invests in supposed to do to stop it that they are not doing, short of pulling out of Nigeria? ... Maybe there *is* something, but the *Times* doesn't say, leaving the impression it's ready to blame Gates for ills that are an indirect byproduct of the sort of ordinary economic development most people would regard as legitimate and beneficial. ... [*Many conflicts here*: Gates' Microsoft used to own *Slate*. Former *Slate* editor Mike Kinsley, a friend, is married to a Gates Foundation official, etc. Still!] 12:12 A.M.

Sunday, January 7, 2007

Great Moments in Public Employee Unionism: Two L.A. traffic engineers [have been charged with "sabotaging intersection signal lights"](#) on "the eve of a two-day job action by members of the Engineers and Architects Assn., which represents 7,500 city workers," according to the *LAT*. The *Times* says the two allegedly rigged computers to disrupt** signal lights at "four busy intersections."

Union officials were unavailable for comment Friday. Robert Aquino, executive director of the Engineers and Architects Assn., did not return repeated calls. But in an Aug. 21 interview with The Times about the pending two-day strike, Aquino noted: "**Los Angeles is not going to be a fun place to drive.**" [E.A.]

P.S.: There is *some* logic to paying private sector employees according to how much disruption they can cause during a strike (which is roughly what U.S.-style collective bargaining does). There's a lot less logic to paying government employees according to how much disruption they can cause--that disruption is often immense, even when strikers don't resort to extralegal means. ... [via [L.A. Observed](#)]

--Correction:** Text originally said "disconnect." The *Times* [now reports](#):

They didn't shut the lights off, city transportation sources said. Rather, the engineers allegedly **programmed them so that red lights would be extremely long on the most congested approaches** to the intersections, causing gridlock for several days ... [E.A.]

9:57 P.M.

Nancy is to Hillary as Arnold is to _____: Just as Hillary Clinton should maybe be worried that a poor performance by

Speaker Pelosi will sour voters on women leaders,** should "maverick" Republican presidential candidates like John McCain and Rudy Giuliani worry that **Arnold Schwarzenegger's example will sour GOP primary voters on maverick Republicans?** ... In Pelosi's case, the worry (for Hillary) would be that she would flop. In Schwarzenegger's case, the worry (for McCain and Giuliani) would be that he'd be *successful* at implementing non-conservative reforms like his [plan to provide guaranteed health care to all children](#) in California *including immigrant children in the country illegally*. The message, for those conservatives who might be tempted to overlook McCain's semi-Democratic domestic ideas (like his pro-legalization immigration plan and campaign-finance schemes) for the sake of his muscular foreign policy, would be that **a maverick Republican is much more likely to get those semi-Democratic ideas enacted than an actual Democrat.** ... **To Be Sure:** This alarmist message might be distorted (the California legislature Schwarzenegger deals with is much more liberal than Congress) and wrong (Schwarzenegger's centrist health initiative, aside from the illegal immigrant part, seems worthy). But that doesn't mean Republican primary voters won't be alarmed. ... [Thanks to alert reader S.A.K.]

**--CW today, but not [last October!](#) 9:27 P.M. [link](#)

Page C5: The *NYT* [sells moneymaking TV stations](#) to refocus on "synergies" between its struggling newspapers and "digital businesses." "Synergies." Where'd I hear that word recently, in a media context? ... [Now I remember.](#) ... **P.S.:** Stock down 14%. Sell off of profitable assets. We're only just beginning to glimpse Pinch's visionary plan for victory! ... 8:22 P.M.

Naked cars: We read *Autoblog* for the pictures. The writing is hackwork--even worse than *Road and Track*, which is saying something. Today, *Autoblog* [sneers at the new Ford Focus](#), without bothering to explain why it "falls short." ... Maybe they're upset that it's [built on the old Focus chassis and not the newer "C1" platform](#) used in Europe and shared with Mazda. But the tinny old American Ford Focus ZX3 hatch is [fun to drive](#). The C1-based Mazda 3 [isn't](#), at least at normal speeds (I think because so much of the design's weight is *way* up at the front). ... 7:22 P.M.

Saturday, January 6, 2007

What You Mean "They," Kemo Sabe? Sen. McCain [woos the GOP base!](#)

"I'll build the goddamned fence if they want it."

[Thanks to reader R.H.] ... 1:58 P.M.

Friday, January 5, 2007

Some [old-fashioned schmoozism on Obama, Hollywood and Hillary.](#) ... 3:12 A.M.

Thursday, January 4, 2007

Capt. Jamil Hussein, controversial AP source, [seems to exist.](#) That's one important component of credibility! ... [via [Lucianne](#)] 4:48 P.M.

Are photo editors just choosing different shots, or has Nancy Pelosi changed her appearance? I can't figure it out. In [this picture](#) for example, she seems almost unrecognizable, based on the photos I've seen previously. But [some old photos of her](#) look similar. ... 4:40 P.M.

Don't Leave with the One That Brung Ya: [Andrew Sullivan](#) [says](#) a U.S. withdrawal from Iraq would

doubtless lead to genocide and ethnic cleansing on a hideously cruel scale

but he's for it! ... 1:19 A.M.

The Sadr-Sunni Paradox: Juan Cole [responds to kf's confusion and explains the](#)

abiding paradox of contemporary Iraq that the Mahdi Army and the Sunni Arab guerrillas are slaughtering each other daily, but that **young Shiite cleric Muqtada al-Sadr (the leader of the Mahdi Army) has a better political relationship with Sunni Arab MPs and leaders than any other Shiite.** [E.A.] **

Cole's post is concise--I won't try to condense it further here. It would seem to have some possible pessimistic implications (are we backing the wrong Shiite in trying to form a "moderate" coalition between Sadr's rival, al-Hakim of SCIRI, and Sunni MPs?) and some possible positive implications, the main one being this: If the Sadrist Shiites and the non-Sadaamist Sunnis can cut some sort of stable deal, then **maybe we can withdraw from Iraq without triggering a Shiite vs. Sunni bloodbath.** Cole addresses this possibility as well. ...

**P.S.--It's more paradoxical than even Cole points out, given that the Mahdi army seems to be behind the killing, not just of Sunni Arab guerrillas, but of [ordinary Sunni civilians in mixed Baghdad neighborhoods.](#) ...12:16 A.M. [link](#)

Wednesday, January 3, 2007

It's going to be a [long "100 Hours."](#) 10:24 P.M.

A [WSJ-Harris "interactive" poll](#) purports to measure public support for various "issues that might be on the agenda of the new Congress." Here is how one of those "issues" is described:

Immigration reform to make it more difficult for immigrants to enter the U.S. and to stay in the U.S. for a prolonged length of time.

Huh? Which legislation, exactly, is this describing? (a) A proposal the Pelosi/Reid Democrats are actually planning to push? (Does it include legalization of many illegal immigrants already "in the U.S. for a prolonged length of time," thereby allowing them to stay a much longer time?) Or (b) the old enforcement-only Sensenbrenner bill? Sounds more like (b). ... The tough-sounding plan got 76% approval. ... 3:29 A.M.

Juan Cole [relays non-critically an Iranian report](#) that has the main parliamentary Shiite bloc on in the Iraqi parliament in negotiations with Muqtada al-Sadr

intended to forestall an **alliance of the Sadrists with Sunni Arab parties**, which would have the effect of dividing the Shiites. [E.A.]

I obviously don't understand Iraq: Aren't the Sadrist militias the ones ethnically cleansing Baghdad by killing Sunnis? (I know Sadr has tried to make alliances with Sunnis in the past, but you'd think it would be beyond that point now, especially after the Sadrist mocking of Saddam on the gallows.) **Update:** See Juan Cole's [explanation](#). ... 2:44 A.M.

Tuesday, January 2, 2007

Mystery Pollster answers the call, delves deep into the competing methodologies of those crazily conflicting Iowa polls and discovers ... that the methodologies are pretty much the same. Which leaves him stumped along with everyone else, except for the possibility that "voters are not yet engaged in the race enough to have strong allegiances." ... **kf's nominee for likeliest possible explanation** (informed by an email from Iowa reader G.M.): There's a big difference between **1**) asking voters if they "definitely plan" to go to the caucuses, and **2**) asking voters if they *actually participated* in the 2004 caucuses. Lots of people *say* they "plan" to attend. That's normal! But those who *have attended* are the sort of pathetically unrepresentative hard core activi ...sorry, committed citizens who make up the tiny sliver (6%) of Iowa voters who actually show up and choose the winner. ... In this case, the merely aspirational caucusgoers pick Clinton, while the **hard core goes for Obama**--a result consistent with the idea that Obama is capturing those who think a lot about politics, while those who don't think as much about

politics haven't yet been hit by the wave. ... **P.S.:** The Dem hard core would also be more anti-war, and thus anti-Clinton. ... **P.P.S.:** And the same strategic 'electability' worries that led the hard core geniuses to light on John Kerry in 2004 might cause them to reject Hillary now. ...

Update: [MP says](#) the theory is "plausible" and notes that more numbers from the competing pollsters--showing how many people their filters filtered out--might resolve the issue. 8:27 P.M.

Soft hothouse quirkiness pays off in *Eat the Press'* 2006 [Honorable Mentions](#)--much more fun than *ETP's* actual, predictable (except for [Hodgman](#)) [Winners](#). ... **P.S.:** "What did you do this year?" is not a question we like to ask around here, though. ... 7:21 P.M.

Arguments that Only Work in a Cocoon Dept.: Another sneering [op-ed arguing](#) the Mexican border fence has an "effectiveness" problem because in San Diego, when 14 miles were built, people stopped crossing there! They went elsewhere to cross!

A little-noticed Congressional Research Service report issued Dec. 12 indicates that expanding the California wall makes little sense. After the San Diego wall went up, apprehensions in the area were reduced, the CRS reports. But "there is ample evidence that flow of illegal immigration ... shifted to more remote areas of the Arizona desert."

See? It won't work because where it's been tried it worked. Q.E.D. ... 6:53 P.M.

If you can't lick the mob of salivating morons, join 'em! Even MSM-friendly blog victim Eason Jordan [is officially frustrated by the inability of anyone to locate](#) the AP's mysterious key **Iraqi source**, Capt. Jamil Hussein:

But efforts by two governments, several news organizations, and bloggers **have failed to produce such evidence or proof that there is a Captain Jamil Hussein**. The AP cannot or will not produce him or convincing evidence of his existence.

It is striking that no one has been able to find a family member, friend, or colleague of Captain Hussein. Nor has the AP told us who in the AP's ranks has actually spoken with Captain Hussein. Nor has the AP quoted Captain Hussein once since the story of the disputed episode.

Therefore, in the absence of clear and compelling evidence to corroborate the AP's exclusive story and Captain Hussein's existence, we must conclude for now that the AP's reporting in this case was flawed.

To make matters worse, Captain Jamil Hussein was a key named source in more than 60 AP stories on at least 25 supposed violent incidents over eight months. [E.A.]

[via [Confederate Yankee](#)] 10:32 A.M.

[Mohammed](#) of *Iraq the Model* still [sees the emergence of a "front of the moderates" in Iraq, presumably excluding the Sadrists, as a possibility](#)--followed by "early general elections towards the end of 2007" designed to weaken Sadr further. ... Have Sadr's Shiite rivals really abandoned the hopes for a military anti-Sunni solution, contrary to [what Fareed Zakaria reported](#) two months ago?

The Shia politicians I met when in Baghdad, even the most urbane and educated, seemed dead set against sharing power in any real sense. In an interview with Reuters last week, Prime Minister Nuri al-Maliki also said he believed that if Iraqi troops were left to their own devices, they could establish order in six months in Iraq. It is not difficult to imagine what he means: Shia would crush Sunni, and that would be that. This notion—that military force, rather than political accommodation, could defeat the insurgency—is widely shared among senior Shia leaders. Abdul Aziz al-Hakim, the head of the single largest political party in Parliament, has made similar statements in the past.

Hakim, of course, is one of the Sadr rivals we are courting to join the "front of the moderates." ... 1:59 A.M. [link](#)

[Monday, January 1, 2007](#)

[An ARG poll](#) of "likely Democratic caucus goers living in Iowa" has **Hillary Clinton beating Obama 31 to 10%**. But a [Research 2000 poll](#) taken at almost the same time showed **Obama beating Clinton 22 to 10%**. I find it difficult to believe these apparent **wildly discordant results** can be explained by ARG's possible use of a tighter 'likely caucus goer' filter. [Pollster.com](#) 's [commenters](#) are perplexed too. ... Looks like a job for *Mystery Pollster*. ... **P.S.--Alternative Resolution:** Who cares what Iowa caucus goers think? They're the idiots who picked Kerry last time! [You're not allowed to say that about America's historic first-in-the-nation caucuses--ed Sorry. Momentary slip-up. Will

care intensely about Iowa from now on.] ... **Note:** Hillary had a "**non-trivial**" decline in national polls over 2006 that began "before 'Obama-mania' took hold in late fall," [according to Prof. Franklin](#). ... **P.P.S.:** What are the chances that Hillary pollster Mark Penn's numbers will show her in a bad light and convince her *not* to run? Wouldn't Penn be missing out on a lot of remunerative work plus celebrity and excitement if she bails out? Just asking! ... 11:52 P.M. [link](#)

Fast: The Giugiaro Mustang, "[out](#)" already? It [only showed up a month ago](#)--and it's not so badly done. ... 2:46 P.M.

Historic Hillary vs. Obama Clash looms over ... [ethanol](#). Once again, the Iowa caucuses focus our nation's leaders on the big issues. ... **P.S.:** Clinton opposed allowing Sen. Coburn to continue practicing medicine because "she believes that senators should not have a second source of income." ... [???](#) ... 1:49 P.M.

[Friday, December 29, 2006](#)

Good to see Ann Coulter [defending the Black Panthers](#). ... 6:50 P.M.

Sen. Tim Johnson is still under sedation, and AP's report contains this **alarming quote** (missing from the [version now posted](#) on *WaPo*):

Dr. Keith Siller, director of the Comprehensive Stroke Care Center at NYU Medical Center and assistant professor at the NYU School of Medicine, said it is unusual for a patient to be sedated after brain surgery for more than a few days.

"The two-week period is longer than I would be happy with," he said.

Siller is not the doctor on the scene, of course. *Congressional Quarterly* has some [more encouraging stats](#) [via *IP*]. ... **He said it:** Only *Slate* 's Tim Noah, however, [has had the balls to prematurely speculate](#) about a partisan Schiavo do-si-do in which Tom DeLay suddenly realizes that 'quality of life' is what counts, while Democrats discover that maybe the Schiavo conservatives had a point. ... **Backfill:** See also [Ace of Spades](#):("Johnson's minor interaction with the world is enough to keep him in the Senate, but wasn't enough to keep Terry Schiavo alive. ... Democrats seem to have newfound respect for an occasional opening of the eyes.") 2:35 P.M.

[Thursday, December 28, 2006](#)

[Crooks & Liars](#) has 4 of the top 10 blog posts of 2006, according to Nielsen BuzzMetrics, which is pretty impressive. ... 3:20 P.M. [link](#)

Sunday Morning Sullivan: Bob Wright [engages a Buddha-like Andrew Sullivan in intense theological discussion](#). Then [I try to give Bob grief for not taking the obvious shots](#) at him. Bob [takes this rather more seriously](#) than I meant it--and that's always must-see TV! ... **P.S.:** The [Great Plano Controversy](#) comes up during this discussion (except I stupidly call it "Waco")--and I now realize I've never linked to [Virginia Postrel's definitive resolution in Texas Monthly](#). The key point Postrel makes--which Sullivan **ignores at his peril, if he thinks reducing the theological sway of fundamentalism is the key to winning red-state approval of gay marriage**--is this:

[M]ost Planoites are not ...[snip] "wildly exercised about sodomy." These solidly conservative, mostly Christian families are not about to launch a pogrom against their gay neighbors. "I have yet to know somebody on finding out that an educator or volunteer was gay in to say, 'Oh, gosh, I can't have them working with my child,'" Kelly Hunter says. "I have known them to say that about the mom who drinks before she goes some place." By the standards of twenty years ago, and certainly by those of Peoria, Planoites are positively accepting.

[snip]

Plano residents aren't "wildly exercised about sodomy," notes a gay friend who last year moved from Dallas to Los Angeles, "but most anti-gay people aren't. They are wildly concerned with making sure their kids never hear the word 'sodomy'; never ask, 'Mommy, what's a drag queen?'; and never have to deal with anything even remotely related to sex. ...[snip]"

He exaggerates, of course. But Plano parents want to determine when and where they talk to their kids about sex, and they assume that explaining that some men fall in love with other men is "about sex."

"We don't have control over a whole lot in the world, but hopefully the education of our children is part of it," Hunter says.

Even in a highly Republican town like Plano, in other words, the religious objection to gay marriage isn't the crucial objection.

Fear that moral entropy will envelop your family's children is the crucial objection. I don't see how that fear is addressed theologically. I would think it has to be addressed practically, over time, by repeat demonstration. But time is one thing a rights-oriented, judicial route to gay marriage doesn't [allow](#). ... 1:13 A.M. [link](#)

[Influence Peddler sees ten House seats moving into Republican areas](#) (from the Democratic Northeast, and from Iowa) after the 2010 census--for a potential net change of 20.** ... Doesn't that assume: **a)** the districts added in Texas, Florida, Arizona, Nevada, Georgia and Utah will invariably be Republican (your bailiwick, [Barone](#)); and **b)** "Republican" will mean the same thing in 2012 that it means today. ... **Update:** IP says he's talking about 10 new reliably Republican *electoral votes* for presidential purposes, not necessarily 10 Republican House seats. ...

**--Pelosi currently has a majority of [31](#). ... 12:33 A.M. [link](#)

Wednesday, December 27, 2006

Our [idea](#) doesn't work! Let's do it! According to Tamar Jacoby, the recent arrest of 1,300 suspected illegal workers at six Swift & Co. meat processing plants [demonstrates the need for 'comprehensive immigration reform'](#). I don't understand:

1) "Comprehensive" reform is supposed to be a deal in which amnesty for current illegals (and a guest worker program) is coupled with a tougher workplace enforcement program to block *future* illegals. Sounds good, but the last such "comprehensive" reform--the 1986 amnesty--failed miserably when its workplace enforcement program turned out to be ineffective at stopping employers from hiring illegals. **The idea behind the current Bush proposal is that this time workplace enforcement will work.** But, as the [New York Times notes](#), Swift & Co. in fact participated in the

the federal Basic Pilot program, a system of checking Social Security numbers that President Bush has touted as a way to crack down on immigration fraud.

How does it increase our faith in "comprehensive" reform if the sort of "reliable verification system" that President Bush himself touts failed conspicuously to stop so many illegals from getting jobs at

Swift that they made up 10% of the company's work force?

2) Jacoby praises Swift for "trying to comply" with workplace enforcement laws. If this is the result that's achieved by a firm "trying to comply," how awful will the results in the future be with firms that are maybe not trying so hard to comply?

3) Jacoby notes that when Swift & Company "tried inquiring" more deeply into the backgrounds of job applicants, it was "sued for discrimination by the Justice Department." Couldn't President Bush--if he cares so much about workplace enforcement--have told the Justice Department to cut it out? If a conservative Republican president won't rule out crying "discrimination" when immigration laws are applied, why do we think a liberal Democratic administration will? **And even if the government doesn't sue to block effective inquiries into illegal status, won't the ACLU and other "civil rights" groups?** The ACLU [just sued](#) a Dallas suburb that passed a law against renting to illegals. Hispanic activists, including big groups like the League of United Latin American Citizens (LULAC) [protested the Swift raids themselves](#).

"This unfortunately **reminds me of when Hitler began rounding up the Jews for no reason** and locking them up," Democratic Party activist Carla Vela said. "Now they're coming for the Latinos, who will they come for next?" [E.A.] **

Hmm. If enforcing immigration laws at the workplace *before* the passage of "comprehensive" immigration reform [reminds Hispanic activists of Hitler](#), **won't enforcing immigration laws at the workplace after the passage of comprehensive reform still remind them of Hitler?***** In both cases it will presumably be mostly Hispanic illegal immigrants who are caught in the net. Jacoby allows that the Swift raids "could be justified in the context of an immigration overhaul of the kind proposed by the president." But the reaction of Hispanic activists suggests *they* will continue to fight in the courts and

legislatures to make sure that the enforcement mechanisms on which the immigration bill relies are as ineffective as possible.

None of this makes Bush's proposed amnesty-for-enforcement deal *more* credible. It makes it seem likelier that, as in 1986, the amnesty part will work but the enforcement part won't. Which may or may not be the real idea behind "comprehensive" reform.

P.S.: After the raids, the line of applicants at the Swift & Co. office in Colorado for the now-vacant jobs--jobs that, according to Jacoby, legal immigrants and Americans won't do--[stretched out the door](#).

P.P.S.: *Kausfiles--Solution-Oriented!* Why doesn't Congress simply **pass a moderate increase in the unskilled legal immigrant quota from Mexico** (and other Latin American countries) while an effective enforcement system**** is devised and tested. No amnesty, no guest-worker program. Then, once we know we have an enforcement scheme that actually works--and won't be crippled by lawsuits--Congress could revisit a "comprehensive" legislation that includes amnesty.

**--How come she gets to violate the Hitler Rule with impunity? No fair. ...

***--For example, according to the *NYT*, [even the "comprehensive" legislation expected to be proposed in the Senate would deny amnesty to immigrants who "arrived after a certain date, perhaps 2004 ..."](#) But would it let the feds actually enforce the law against them? They'll be mostly Hispanics. It will look bad!

****--Including, I'd argue, the border fence Congress authorized last year. ... [Some links via [The Corner](#)] 12:59 A.M. [link](#)

Tuesday, December 26, 2006

Mo' bama: The *kf* enthusiasts [commenting over at MatthewYglesias.com](#) have a point, in that last week's [skeptical Obama item](#) conflated two issues:

1) Has Obama **grappled seriously and smartly with the big questions** of the day; and

2) Has he, in the course of this grappling, **told Dems something they don't want to hear**, or demonstrated independence from Dem interest groups that enforce the party's line in unfortunate ways (e.g., teachers' unions impeding education reform, seniors unwilling to accept any Social Security cuts, populists who pretend bargaining-down drug prices will

largely solve the problem of health-care costs, etc.).

You'd hope that even Dems who don't agree with the DLC-ish sentiments behind #2 would insist on #1. But, yes, Obama could do #1 without #2.

Has he done that? A few weeks ago, *Obsidian Wings catalogued Obama's "wonky" efforts*.** He's against loose nukes, avian flu and unregulated genetic testing! That's impressive, but follows a standard good-Senator's path of **picking off a chewable, discrete problem and pushing a rifle-shot, programmatic solution** (typically involving creation of a small new federal office to control nukes, prepare for avian flu, or establish gene-testing standards, etc.). It's not the same thing as confronting deeper, bigger, less easily addressed problems: How to structure the health care system, how to pay for entitlements, how to confront the terror threat, the rise of China, the problems of trade and immigration, the increase in income inequality at the top.

Josh Gerstein of the *N.Y. Sun* [makes a better case](#): Obama listens to Samantha Power and Susan Rice on human rights, Gerstein reports. He wants to talk to Iran, he discounts the Chinese military threat but **surprisingly, for an early Iraq war opponent, he has said he'd favor "launching some missile strikes into Iran"** if that was the only way to stop "having a radical Muslim theocracy in possession of nuclear weapons." (Does Iowa know this?) He's unpredictable as well on trade. What's less clear is whether that unpredictability reflects a developed world-view or ad-hockery that's fine in a Senator but in a president, not so much.

More talk on these issues, please. And no fair "transcending" them!

Unpredictability of any sort is a plus when it comes to #2, of course. But so far Obama isn't close to meeting the Joe Klein Piss-Someone-Off Test, despite the efforts of his press boosters to claim he has. [Tom Maguire points to a comical attempt by the New York Times](#), where [a mini-profile by Jeff Zeleny declared](#):

He has demonstrated an occasional willingness to break from liberal orthodoxy, including his vote to confirm **Condoleezza Rice** as secretary of state, which at the time infuriated liberals (13 Democrats opposed her).

Wow! As Maguire notes: "So Obama boldly stood with a mere 86 fellow Senators " **P.S.:** What's the word for trumped-up contrarianism? Sister Fauxjah? ...

**--Thanks to commenter ["Trevor" on bloggingheads](#) for the link. 2:08 P.M. [link](#)

Sunday, December 24, 2006

On to New Hampshire! The mighty Hillary juggernaut **closes its vise-like grip on the post of Senate Majority Leader**. A [Concord Monitor poll](#) shows the same weakness as last week's [survey](#) from Iowa. [RCP summarizes](#):

Just like in Iowa, **Hillary loses to Rudy and McCain but beats Romney. And just like in Iowa, Obama beats them all**. Edwards doesn't run as strong in New Hampshire as in Iowa - no surprise there - but he still manages a dead heat against McCain and Giuliani and handily beats Romney. So even though Hillary is clinging to a lead at the top of the field, she's once again giving off the "unelectable" vibe in comparison to her two most serious primary challengers. [E.A.]

P.S.: In light of these poll results, doesn't Dick Morris' theory--that if Obama now *doesn't* run [he'll have done Hillary a favor by clearing the field](#)--have a couple of holes: **1)** Obama hasn't cleared Edwards out; and **2)** If Obama decides not to run early next year, and Hillary's still this weak, there will be plenty of time for new challengers to jump in. ... **P.P.S.:** Why does Massachusetts' governor Mitt Romney do so poorly in 'neighboring New Hampshire'? 12:32 P.M. [link](#)

Hollywood Hates Obama? [Juan Williams on Fox](#):

The question now is does Obama have any hope of raising money? I don't think he'll raise it out of the New York people, **I don't think he's going to raise it out the Hollywood people**, so where's the money going to come from for Barack Obama? [E.A.]

That's right, a charismatic black Iraq war opponent has [no appeal](#) out here! As always, the entertainment community demands *more policy details!* ... **P.S.:** Hello? Juan? You're making [Lawrence O'Donnell](#) look like Edgar Cayce! "Hollywood people" will obviously swoon for Obama at least as easily as any other Democratic constituency. ... **P.P.S.:** Remember when Joe Lieberman was briefly said to be through, after his primary loss, because he [wasn't going to be able to raise money](#)? 12:53 A.M. [link](#)

kf's First Law of Journalism, Rigorously Applied: If, as Lawrence Kudlow claims, ["the Fed has vanquished inflation,"](#) why do all the fancy restaurants that used to cost \$75 for two now routinely top \$100? When the rich-who-are-getting-richer bid up prices, doesn't that count? Just asking. ... **P.S.:** The food I've gotten for \$100 seemed to taste better than the old \$75 food. Maybe the statisticians take that into account. ... **Update:** Alert

reader G.J. suggests fancy restaurants are simply victims of [Baumol's Disease](#)--they're a labor intensive business that's seen few gains in productivity. But in the rest of the economy productivity improvements could still be driving down prices. Good point. ... 12:15 A.M. [link](#)

Saturday, December 23, 2006

Clintonia Breakdown: Isn't Samuel "Sandy" Berger's explanation for why he snuck classified documents out of the National Archives **entirely plausible**? Haven't you ever **been in a library, reading non-circulating material in an uncomfortable chair under harsh lighting--all the while thinking you could just make sense of it if you could take it home and review it in more familiar surroundings**? I faced this dilemma quite frequently at college and law school, and on more than one occasion my reaction was to stuff the papers in my backpack and smuggle them back to my dorm.** You never did that? ...

Sure, the [Inspector General's report on Berger's misconduct](#)--obtained and released by **Pajamas Media**--raises lots of potential questions, some of which are [listed by the Pajamas editors here](#) and the [Powerliners here](#). And I yield to no one when it comes to paranoia about possible extralegal skullduggery in the Clinton administration! Well, I yield to only a few. (My [bona fides](#).) It *could* be Berger was trying to destroy all copies of an early 2000 email that said "Al Qaeda, al Schmaeda. What could they ever do to us?" But **if you read through the IG report in a non-paranoid mood and look for facts that are at odds with Berger's plausible 'I-wanted-to-sort-out-this-stuff-at-home explanation,' you won't find much.**

I did notice one jarring fact: When Berger is given a second copy of an email he's already taken home--#217--he takes *that* copy home too. That makes it look like he wanted to remove all copies of #217. But it's also consistent with the familiar last-minute-crammer's habit of wanting to make sure you've scooped up every little bit of material to study during the impending all-nighter. As long as you're stealing stuff, you might as well be comprehensive. Maybe Berger (as he apparently claims) wasn't certain the two copies of #217 were identical.

Meanwhile, in Berger's defense, we learn from the report that he read the documents in an office with an archives employee who was doing his own work, and whom Berger was reluctant to bother. **Sounds like exactly the sort of arrangement that would stop me from getting any productive thinking done.** Bad Feng Shui! Couple that with **a)** the requirement that Berger couldn't even remove his *own notes* from this room and **b)** Berger's almost certain knowledge that many of the documents subject to these maddening regulations probably shouldn't really be classified in the first place, and you might easily conclude

that **the IG report does more to back up than to cast doubt on Berger's non-sinister explanation.**

**--Admittedly, I didn't then cut them up and put them in the trash. But then, unlike Berger, I wasn't caught before I returned them. 10:51 P.M. [link](#)

D___ Cab for Cutie: The car that most [impressed me](#), during my recent *Gearbox* phase, was the **Scion Xb**, which only recently went out of production. Perfectly-sized for the city, inexpensive, reliable, handles well, holds a lot, leaves a light footprint on the planet. But jeez, before you buy one, take a look at [this picture](#). Grim! [*via [Autoblog](#)*] 5:33 P.M. [link](#)

Friday, December 22, 2006

Thanks, Iowa? Hillary's [big Iowa problem](#). She's running a **strong fourth** with 10%! ... **P.S.:** She can't blame lack of "name recognition." [*Time for the contest to write her withdrawal speech?--ed* We wouldn't want somebody else to [steal that gimmick!](#) But there's one way to guarantee that she won't need a withdrawal speech--if she decides not to risk a run that might end in humiliating primary defeat. She doesn't seem like the type who'd handle that well.] ... **Caveat:** Hillary can always note that [Iowa Democratic voters are proven fools](#). ... 3:28 P.M.

Thursday, December 21, 2006

Obama--[He's no Gary Hart!](#) ... 1:08 A.M

Wednesday, December 20, 2006

Is that a [photo](#) of Rick Stengel or the Madame Tussauds installation of [Rick Stengel](#)? 12:35 A.M.

Tuesday, December 19, 2006

My Obama Problem: After reading up a bit on Barack Obama for a temporarily-aborted *bloggingheads* segment, my tentative working thesis is this: **He's too damn reflective!** And introspective. ... Maybe it's the writers, or the questions they ask, or the audience they think they're writing for, but all the *drama* in the [stories about Obama](#) comes from his ["emotional wrestling match with his background."](#) his overcoming of his "angry sense of racial displacement," his wrenching assessments and reassessments of how to live in "a world that is broken apart by class and race and nationality," etc.

One of those reassessments, according to Obama, came when a friend told him "you always think everything's about you." And he doesn't any more? Obama's favorite complexity still seems to be Obama--it was certainly a

subtext of his [2004 convention address](#). ("We worship an awesome God in the blue states"). At the end of his early Obama profile, my boss Jacob Weisberg says Obama "would never be so immodest" as to compare himself to Lincoln. But a dozen paragraphs earlier, Obama had done just that:

"That kind of hunger—desperate to win, please, succeed, dominate—I don't know any politician who doesn't have some of that reptilian side to him. But that's not the dominant part of me. On the other hand, I don't know that it was the dominant part of—" his voice suddenly trails off as he motions behind him to a portrait of Lincoln, the self-invented lawyer, writer, and politician from Illinois. "This guy was pretty reflective," he says, offering a sly smile.

I'm a "character" voter, not an "issues" voter. **But the way you reveal your character is by grappling with issues, not by grappling with yourself.** Anguish is easy. Isn't it time for Obama to start being ostentatiously reflective about *policies*? That's what you want from a Harvard Law Review type.

And on the issues, what's Obama done that's original or pathbreaking? I don't know the answer. But compare his [big speech on immigration reform](#) with failed Dem Senate candidate Brad Carson's [article on immigration reform](#). Carson says things Democrats (and Republicans) haven't been saying; Obama's speech offers an idiosyncratic **vener of reasonableness over a policy that is utterly party line and conventional**, defended with arguments that are party line and conventional.

OK, that's just one example. Maybe I'm an old-fashioned Joe Kleinish Clintonian self-hating Dem. But I'm not swooning until I hear Obama to tell Democrats *something* they maybe don't want to hear. Did I miss it? [12:21 A.M. link](#)

[Monday, December 18, 2006](#)

[Shane MacGowan of the Pogues on Kirsty MacColl](#), who was killed six years ago yesterday, and their song *Fairytale of New York*, which won a 2004 poll for best Christmas song. [via [Gawker](#)] ... **My nominee for best Christmas song** is something I've only heard once, *The Wedding Present's* ecstatically noisy version of "Step Into Christmas." ... **P.S.:** OK, I've now heard it twice. (It's [here](#).) I stand by my position. ... [8:52 P.M.](#)

And Johnson Walks? So Fannie Mae ex-CEO Franklin Raines [may have to give back \\$84 million in bonuses](#) he received [from 1998 to 2004](#), while his predecessor **Dem bigshot Jim Johnson—who apparently got a bigger bonus than Raines did in 1998—doesn't have to give back anything?** Hardly seems fair. ...

P.S.: Johnson at one point had [parlayed his position at the head of the Fannie Mae gravy train into the chairmanship of the Kennedy Center and the otherwise-reputable Brookings Institution](#). ... Yet even the conservative *N.Y. Sun* [seems to have forgotten](#) that Johnson, who also headed John Kerry's vice-presidential search, is involved in this mess. ... **P.P.S.:** [Here's my attempt to assess Raines' relative guilt or innocence](#). ... In any case, if Raines had taken *kausfiles'* 2004 advice--'[give the money back now!](#)'--he'd be better off, no? He could be the Tara Conner of overpaid CEOs! And he'd still have a political future. ... [7:15 P.M.](#)

If Judith Regan lawyer Bert Fields' bite were as fearsome as his bark, wouldn't [Susan Estrich own the L.A. Times?](#) Just asking! ... [7:14 P.M.](#)

Y.U.: William Beutler, [eerily prescient](#). ... He claims *Time* magazine is just **preternaturally predictable**. [via [Surber](#)] [4:23 P.M.](#)

Hillary Clinton was [asked about a possible troop surge in Iraq](#):

"I am not in favor of doing that **unless it's part of a larger plan**," Clinton said. "I am not in favor of sending more troops to continue what our men and women have been told to do with the government of Iraq pulling the rug out from under them when they actually go after some of the bad guys." [E.A.]

Note to WCBS: This does not support the headline "Clinton Opposes U.S. Troop Surge In Iraq." It supports the headline "Clinton Fudges on U.S. Troop Surge in Iraq." On balance, I'd even say it's **more supportive than not**--any troop surge will clearly be presented as part of a "larger plan," after all. Clinton didn't even say, [as Sen. Harry Reid did](#), that the "plan" has to include "a program to get us out of there ... by this time next year." [11:46 P.M.](#)

"Are social conservatives stuck with a pro-golden shower candidate?" [Ryan Lizza](#) goes into the hilarious details of Mitt Romney's not-so-long-ago tolerance of Bay State gay activism. ... What's shaping up, Lizza notes, is a battle between cynical inside-the-Beltway conservative pros who are willing to overlook Romney's "pro-gay, pro-abortion record" because **"they need an anti-McCain,"** and actual outside-the-Beltway social conservative voters who might be **horrified by state-sponsored fisting seminars** and "Transgender Proms." ... **P.S.:** Instead of trying to persuade social conservatives he's been secretly battling for them all along, wouldn't Romney be better off playing the conversion card? 'Nobody knows the evil of golden showers better than someone who ...,' etc., etc.. I would think it would pack a convincing *frisson*. ... [11:13 A.M.](#)

Sunday, December 17, 2006

Breast Cancer Rates Fall as Women Abandon Hormone Replacement Therapy. ... Moral: Don't get your medical advice from [The New Yorker](#). ... 11:29 P.M.

Warner rethink: OK, that's [enough time with my children!](#) ... And if the need for family time is *not* the big reason why Mark Warner dropped out, as [rumor says it wasn't](#), what made him change his mind? ... Seems like there must be a story here, though maybe not the kind of story that ever comes out (except in [novels](#)). ... [via [HuffPo](#) via [Goddard](#)] 9:53 P.M.

Mohammed of *Iraq the Model* is [cautiously non-pessimistic](#) about the creation of an anti-Sadr majority coalition in Iraq, but doesn't expect it to move militarily against Sadr. ... Juan Cole, who's been [right about Sadr](#) before, [argues that any military move will backfire](#):

The fact is that if provincial elections were held today, the Sadr Movement would sweep to power in all the Shiite provinces (with the possible exception of Najaf itself). It is increasingly the most popular political party among Iraq's Shiite majority. For the US to cut the Sadrist out of power in parliament and then fall on them militarily would just throw Iraq into turmoil. It would increase the popularity of the Sadrists, and ensure that they gain nationalist credentials that will ensconce them for perhaps decades.. ...

Neither thinks al-Maliki will be replaced as prime minister. ... 9:41 P.M.

Saturday, December 16, 2006

First Mark Warner, now [Evan Bayh](#). The solid centrist Dem alternatives to Hillary are dropping out, one by one. Funny how that happens! ... 11:46 P.M.

Friday, December 15, 2006

Malkin and Alterman--Together Again: [Lt. Col. Bateman's post](#) on Media Matters ' *Altercation*--disputing Associated Press in the ongoing controversy over the alleged burning of six Sunnis in Baghdad--seems **quite damning**. Eric Boehlert's [response](#)--"Hey, I'm not defending the AP on this, just attacking the AP's attackers!"--seems quite weak. And **Boehlert, while blasting "unhinged" warbloggers, comes unhinged himself**, I think, when in his [original, near interminable article](#) he writes:

I don't think it's out of bounds to suggest that warbloggers want journalists to venture into

exceedingly dangerous sections of Iraq because warbloggers want journalists to get killed.

[via [Malkin](#)] ... **Update:** But [see](#) ... 4:44 P.M.

Thursday, December 14, 2006

Fading Reyes? Hmm. Looks like that big fight over the chairmanship of the House Intelligence committee was a fight over a [committee that will soon lose--or at least have to share--a big chunk of its turf](#). ... It wasn't because of [the quiz](#), was it? ... 1:20 P.M.

Di Bug Bust: [That official police report](#) on Diana's death appears to be a bust, as far as alleging spying by the Clinton Administration on Republican magnate Ted Forstmann. [Byron York](#):

[T]he Lord Stevens report contains no mention of Forstmann and no description of anyone like him, **nor does it have any evidence that anything like the Forstmann scenario took place.** [E.A.]

But the U.S. may have caught Diana talking about hairstyles with her friend Lucia Flecha de Lima! (The report speculates they would have been overheard because we were eavesdropping on the Brazilian embassy in D.C.). ...

P.S.--Keeping Hope Alive: I should also note, at the risk of sounding like a raving conspiracist, that the Stevens report doesn't seem to say anything that would *rule out* a U.S. a bugging of Forstmann that turned up conversations with or about Diana**--though to be consistent with the NSA's account they would have to be "only short references to Princess Diana in contexts unrelated to the allegations" about her death being the result of a conspiracy. It's just that the Stevens report was what was supposed to substantiate the Forstmann angle, and it doesn't. It's not like there is a lot of *other* evidence for the Forstmann-bug scenario--unless the [credibility-challenged Brit papers](#) can produce some. ...

Still! Diana's apparently famous July 14, 1997 statement to the press--

"You're going to get a big surprise, you'll see, you're going to get a big surprise with the next thing I do"

does seem a lot more consistent with [future plans to hook up with a rich U.S. Republican who would run for president](#) than with plans to marry Dodi Al Fayed--whom, the report says, she hadn't yet met "that summer," doesn't it?

**--From [WaPo](#) :

[NSA official Louis] Giles said the NSA would not share the documents with investigators on grounds their disclosure could reveal secret intelligence sources and methods. Nor did Giles reveal whose conversations were being targeted by the NSA.

12:07 P.M. [link](#)

Wednesday, December 13, 2006

Bloggingheads [bring sexy back!](#) ... Plus Matt Yglesias does his best [Muqtada al-Sadr impression](#). ... 5:32 P.M.

[The Note writes](#) that Massachusetts Gov. Mitt Romney is "looking for ways to sharpen his differences with McCain on immigration." That shouldn't be hard! ... [Here comes one now](#). ... 4:58 P.M.

Tuesday, December 12, 2006

Is it possible those British press reports are completely wrong about the bugging of Ted Forstmann and Diana? (See [below](#).) Thursday's publication of the official Scotland Yard report on Diana's death should be near-definitive on the issue, since the Brit papers are supposedly merely offering leaks from that report. But, [according to today's New York Daily News](#), Forstmann thought he was bugged:

A source close to Forstmann told the Daily News yesterday that Diana may have been overheard while traveling with Forstmann on his private plane, which Forstmann **believed was bugged by the feds to listen in on his rich and powerful friends.** [E.A.]

Note that the [Washington Post's Source Close to Forstmann](#)--who seems to know things only Forstmann himself would know--only says that "he had heard rumors that someone had planted listening devices in his plane to listen to the princess," not to listen generally to Forstmann's rich and powerful friends. Of course, targetting *the princess* is exactly what the Feds are busy denying. Which leaves open ... [via Drudge] 12:44 P.M.

Bloggingheads --Bob Wright's videoblog project.
Gearbox--Searching for the Semi-Orgasmic Lock-in.
Drudge Report--80 % true. Close enough!
Instapundit--All-powerful hit king. **Joshua**

Marshall--He reports! And decides! **Wonkette**--Makes Jack Shafer feel guilty. **Salon**--Survives! kf gloating on hold. **Andrew Sullivan**--He asks, he tells. He sells! **David Corn**--Trustworthy reporting from the left. **Washington Monthly**--Includes Charlie Peters' proto-blog. **Lucianne.com**--Stirs the drink. **Virginia Postrel**--Friend of the future! **Peggy Noonan**--Gold in every column. **Matt Miller**--Savvy rad-centrism. **WaPo**--Waking from post-Bradlee snooze. **Keller's Calmer Times**--Registration required. **NY Observer**--Read it before the good writers are all hired away. **New Republic**--Left on welfare, right on warfare! **Jim Pinkerton**--Quality ideas come from quantity ideas. **Tom Tomorrow**--Everyone's favorite leftish cartoonists' blog. **Ann "Too Far" Coulter**--Sometimes it's just far enough. **Bull Moose**--National Greatness Central. **John Ellis**--Forget that Florida business! The cuz knows politics, and he has, ah, sources. **"The Note"**--How the pros start their day. **Romenesko**--O.K. they actually start it here. **Center on Budget and Policy Priorities**--Money Liberal Central. **Steve Chapman**--Ornery-but-lovable libertarian. **Rich Galen**--Sophisticated GOP insider. **Man Without Qualities**--Seems to know a lot about white collar crime. Hmmm. **Overlawyered.com**--Daily horror stories. **Eugene Volokh**--Smart, packin' prof, and not Instapundit! **Eve Tushnet**--Queer, Catholic, conservative and not Andrew Sullivan! **WSJ's Best of the Web**--James Taranto's excellent obsessions. **Walter Shapiro**--Politics and (don't laugh) neoliberal humor! **Eric Alterman**--Born to blog. **Joe Conason**--Bush-bashing, free most days. **Lloyd Grove**--Don't let him write about you. **Arianna's Huffosphere**--Now a whole fleet of hybrid vehicles. **TomPaine.com**--Web-lib populists. **Take on the News**--TomPaine's blog. **B-Log**--Blog of spirituality! **Hit & Run**--Reason gone wild! **Daniel Weintraub**--Beeblogger and Davis Recall Central. **Eduwonk**--You'll never have to read another mind-numbing education story again. **Nonzero**--Bob Wright explains it all. **John Leo**--If you've got political correctness, he's got a column ... [More tk]

kausfiles

When Laura Snarked Condi

And you thought Barbara Boxer was anti-single ?

By Mickey Kaus

Tuesday, January 16, 2007, at 3:29 AM ET

Paparazzi catch hot Buick [wearing see-through bra!](#) ... 12:25 A.M.

Did [Laura really say that about Condi like Nora says?](#) It seems [she did](#):

"Dr. Rice, who I think would be a really good candidate [for President], is not interested. Probably because she is single, her parents are no longer living, she's an only child. You need a very supportive family and supportive friends to have this job."

Yikes. Single women can't be president! Move over, Barbara. ...

P.S.: Does Laura Bush's intra-party sneer [get Sen. Barbara Boxer off the hook?](#) Or--by suggesting some **powerful subconscious urge of married mothers to condescend to single women**--does it make it even clearer that Boxer is guilty? Bush's comment certainly doesn't make the Boxer incident seem like a *better* episode for feminism. ... 1:04 A.M.

Against the War, For the Surge: I was throwing out some newspapers and came across something I'd forgotten: [Michael Gordon's November 15 NYT piece](#) describing how General Anthony Zinni, a trenchant and consistent critic of the decision to go to war in Iraq and of the prosecution of the war, supports something that looks an awful lot like President Bush's surge:

Anthony Zinni, who used to head the U.S. Central Command and was among the retired generals who called for the resignation of Defense Secretary Donald Rumsfeld, argued that the reduction of American forces was more likely to accelerate the slide to civil war than avert it.

"The logic of this is you put pressure on Maliki and force him to stand up to this," Zinni said in an interview, referring to Nuri Kamal al-Maliki, the Iraqi prime minister. "Well, you can't put pressure on a wounded guy."

"There is a premise that the Iraqis are not doing enough now, that there is a capability that they have not employed or used.

"I am not so sure they are capable of stopping sectarian violence."

Instead of taking troops out, Zinni said, it would make more sense to consider deploying additional American forces over the next six months to "regain momentum" as part of a broader effort to create more jobs, foster political reconciliation and develop more effective Iraqi security forces.

Logic says we should be able to separate support for the war from support for or opposition to the surge, as [H. Kurtz has noted](#). But politics seems to often dictate surge-bashing as a sort of **emotional and political make-up call for failure to oppose the decision to go to war in the first place**. (Just watch Hillary!) I find [Michael O'Hanlon](#) persuasive on the surge issue:

Critics rightly argue that it may well be too little, way too late. But for a skeptical Congress and nation, it is still the right thing to try -- as long as we do not count on it succeeding and we start working on backup plans even as we grant Bush his request.

P.S.: I wonder how much of the blame for the "too late" part will turn out to fall on Karl Rove. It seems highly likely that Bush knew many months ago that a new Iraq plan was needed, but delayed for fear of disrupting his overconfident Republican strategist's flat-footed midterm election strategy--even though, it seems clear now, declaring this new initiative seven months ago might have *saved* the Republicans in the election. ... 10:43 P.M. [link](#)

Friday, January 12, 2007

It's the Hassle: *Washington Monthly's* Charles Peters [mocks the "new proletariat" of Americans in the "\\$100,000-\\$500,000 income range](#)," especially their agitation against the Alternative Minimum Tax. ... My impression is the main complaint against the AMT is not the extra tax it extracts but the extra paperwork hassle it imposes on those who essentially have to calculate their tax two times, using different sets of rules (or, almost as annoying, pay an accountant to do it for them) ... I would think the anti-bureaucratic *Wash. Monthly* would join in the fraternal struggle against unnecessary government-imposed complications--realizing that **Washington could probably collect a lot more tax money, indeed more money from the complaining top 20%, and if only it did so with less hassle.** ... Similarly, I think the hassle factor--the hassle of figuring out which insurance company is going to screw you in what way, of reading the fine print and artfully filling out forms and switching plans and negotiating with gatekeepers and getting pre-op approval and worrying about treatments that won't be covered--is why even the well-insured 'new proletariat' will ultimately

care about universal health coverage (contrary to what Peters suggests in his last item). ...

Update: Ann Althouse, who uses Turbo Tax, [says it's the money, not the hassle](#). ... [Instapundit wonders](#) "if Turbo Tax isn't a friend of Big Government." [link omitted] ... I wonder **a**) if the AMT effectively eliminates the tax benefits of the home mortgage deduction and **b**) more and more affluent Americans are going to be subject to the unindexed AMT, then **c**) the resulting decline in utility of the tax deduction will produce a corresponding fall in the price of high-income homes. ...

P.S.: My anti-hassle argument is simply that we shouldn't have to do two tax calculations. I'm not saying there's not a good argument that, of the two, we should [keep the AMT and ditch the deduction-riddled regular tax code](#). That may be where we are headed already--as more Americans are obviously going to have to pay the AMT, they eventually may not bother with the regular tax code calculation at all, no? Result: Back-door slow-motion tax reform. ... 10:26 P.M.

Hagel's Hyperbole: Like most people--including, perhaps, most supporters of the "surge"--I don't expect it to work. But (assuming we don't initiate a new war with Iran or Syria) I don't quite understand why, if it fails, the U.S. will be in all that much *worse* a strategic position than it is now in Iraq. This doesn't seem like a doubling down. It seems more like raising the bet 15%. So when Sen. [Chuck Hagel calls Bush's latest plan](#)

"the most dangerous foreign policy blunder in this country since Vietnam, if it's carried out"

that seems a bit odd. **If the surge fails, surely the 'most dangerous foreign policy blunder' will be not the surge but the initial invasion of Iraq. Hagel voted for that, remember.** ... Perhaps not just publicity-seeking political ambition but guilt is at work behind Hagel's hyperbole. ... **P.S.:** [On Charlie Rose, Hagel equivocates, Kerry/2004 style](#), not quite being able to bring himself to say he was wrong on the Iraq war vote. He also defends his hyperbole, citing both the strains of increased troop deployment and the possibility of conflict with Iran and Syria. But note that Hagel's own plan, as he outlines it, would involve putting our troops on Iraq's borders with Iran and Syria, which might not exactly *reduce* the possibility of conflict ... 8:08 P.M.

Thursday, January 11, 2007

Auto Snow: Not So Fast, Comrade Kuttner! [Note: It may actually save you time to watch the [accelerated video version of this rant](#).]

The shift lever [falls readily to hand for one R. Kuttner](#), who road tests the Pontiac G6. He doesn't like the door-lock releases. Or the steering. Kuttner concludes the problem with GM isn't its

workers--or unions--it's GM's incompetent designers and executives:

You might blame GM's woes on poor American workmanship or the cost of American labor. But Japanese total labor costs are comparable, even with Detroit's higher health insurance costs. Increasingly, Japanese cars are being assembled in the USA, and the quality holds up just fine.

So what's wrong with GM? The cars. GM is famous for being run by bean counters and ad men. Toyota is run by engineers.'

This is a common viewpoint, I've found, among my Democratic friends--Jon Alter, this means you!--**who would never actually buy a Detroit product but who want to believe the UAW can't be blamed.** The argument seems to be roughly this: **a**) American cars are now reliable enough, having closed the gap with the Japanese brands, so **b**) the workers are doing their job; therefore **c**) if Detroit cars like the G6 are still obviously inferior--tacky and cheap, with mediocre handling--it must be because they're designed badly by white collar professionals, not because they're built badly by blue collar union members.

The trouble with this comforting liberal argument is labor costs. When Kuttner says "Japanese total labor costs are comparable, even with Detroit's higher health insurance costs," he is--as is so often the case--talking through his hat. Look at [this chart](#). GM pays \$31.35 an hour. Toyota pays \$27 an hour. Not such a big difference. But--**thanks in part to union work rules that prevent the thousands of little changes that boost productivity--it takes GM, on average, 34.3 hours to build a car, while it takes Toyota only 27.9 hours.** ** Multiply those two numbers together and it comes out that GM spends 43% more on labor per car. And that's *before* health care costs (where GM has a \$1,300/vehicle disadvantage).

If you're GM or Ford, how do you make up for a 43% disadvantage? Well, you concentrate on vehicle types where you don't have competition from Toyota--e.g. big SUVs in the 1980s and 1990s. Or you build cars that strike an iconic, patriotic chord--like pickup trucks, or the Mustang and Camaro. **Or--and this is the most common technique--you skimp on the quality and expense of materials.** Indeed, you have special teams that go over a design to "sweat" out the cost. Unfortunately, these cost-cutting measures (needed to make up for the UAW disadvantage) are all too apparent to buyers. Cost-cutting can even affect handling--does GM spend the extra money for this or that steel support to stabilize the steering, etc. As Robert Cumberford of *Automobile* magazine has noted, Detroit designers *design* great cars--but those aren't what gets built, after the cost-cutters are through with them.

Look at the big [Ford Five Hundred](#)--a beautiful car on the outside, based on the equally attractive Volvo S80. But thanks to Ford's cost-cutters it debuted with a tinny, depressing interior that would lose a comparison with a subcompact Toyota Scion. Ford [wants \\$30,000](#) for the Five Hundred. Forget it!

Is it really an accident that **all the UAW-organized auto companies are in deep trouble while all the non-union Japanese "transplants" building cars in America are doing fine?** Detroit's designs are inferior for a reason, even when they're well built. And that reason probably has more to do with the impediments to productivity imposed by the UAW--or, rather, by legalistic, Wagner-Act unionism--than with slick and unhip Detroit corporate "culture."

P.S.: If Detroit can only be competitive when the UAW makes grudging concessions, isn't it likely the UAW will only concede enough to make GM and Ford *survive*, but never enough to let them actually *beat* the Japanese manufacturers? I try to make this point [here](#).

Update: But UAW President [Ron Gettelfinger is right](#) about Ford's botch of the Taurus. ...

--Non-union Toyota's productivity, in terms of hours per car, has actually been growing faster than GM's, according to the Harbour report [cited by NPR](#). So--thanks in part to Toyota's lack of work-rule bottlenecks?--GM is not catching up. It's **falling further behind. 1:57 P.M. [link](#)

Wednesday, January 10, 2007

Who's Surge Is It, Anyway? In [this video from](#) AEI, Frederick Kagan and Gen. Jack Keane, [originators of the "surge" strategy](#), **make it as clear as can be that they do *not* intend for surging U.S. or Iraqi troops to go after on Moqtada al-Sadr's Shiite Mahdi Army** or to attempt to enter and clear out the vast Shiite neighborhood of Sadr City.** Yet in his [speech](#) tonight, President Bush said (without mentioning Sadr's name) that Iraqi prime minister al-Maliki had given U.S. forces the "green light" to do just that--and news accounts played up the [anti-Sadr angle](#). ... Either Bush's surge is **some other kind of surge from the Kagan/Keane surge**, or there's some Kabuki goin' on (e.g., [al-Maliki doesn't really mean it](#), and perhaps the Bush administration *knows* al-Maliki doesn't really mean it, but wants a) Iraqi Sunnis, b) Americans, c) Sadr or d) himself to think he means it). ...

P.S.: Kagan and Keane [also wrote](#):

It is difficult to imagine a responsible plan for getting the violence in and around Baghdad under control that could succeed with fewer

than 30,000 combat troops beyond the forces already in Iraq.

Bush is sending "roughly 20,000" additional U.S. troops, [according to the NYT](#). ...

Update: Juan Cole [has an idea what the Kabuki is](#):

[I would suggest that PM Nuri al-Maliki's warning to the Mahdi Militia to disarm](#) or face the US military is in fact code. He is telling the Sadrists to lie low while the US mops up the Sunni Arab guerrillas. Sadr's militia became relatively quiescent for a whole year after the Marines defeated it at Najaf in August, 2004. But since it is rooted in an enormous social movement, the militia is fairly easy to reconstitute after it goes into hiding.

But if this is the case, is that a problem for the U.S. strategy, or the key to its implementation--i.e., if "lie low" means the Mahdi Army stops sectarian killings without the U.S. having to attack it?

**--Kagan and Keane want the troops to patrol "Sunni and mixed Sunni-Shiite neighborhoods," in part to convince Shiites they don't *need* Sadr's militias, which is different from taking them on. Attacking Sadr in Sadr City, Kagan says, would be a "very bloody operation" that would "look something like Fallujah." (See [video](#) at 9:58.) While we would "win," he argues that it would have the political effect of "driving all of the Shia parties together to oppose us." 11:27 P.M. [link](#)

The old Pelosi is back: How do you go in a week from appearing to be a [moon-faced 45-year old](#) to [looking your age \(66\)](#). I'm still mystified. ... 10:24 P.M.

Tuesday, January 9, 2007

"It's Over:" Kate Hudson's people must be paying *US Weekly* to [feature her breakup on the cover](#). I contend nobody actually cares about Kate Hudson's romantic life. Do you? She's no Ron Burkle! ... 5:21 P.M.

Looking in a crowd for friends: Supporters of welfare reform have seen caseloads drop dramatically and a employment rise, but we're still looking for unmistakable signs of a dramatic improvement in the culture of ghetto poverty, especially for black men. Jill Leovy's [Salon piece on the murder rates for black men](#) seems to offer a potentially significant bit of evidence:

The reality is that blacks in 1976 were almost twice as likely to die from homicide as blacks

in 2004, and the disparity between black and white rates was 20 percent higher than today.

What's more, Leovy notes, "[s]ignificant progress has happened very recently. Over the last dozen years or so, the nation has seen a startling crime drops ... and black rates have dropped especially steeply." Hmm. What happened a "dozen years or so" ago? I [can't remember](#). ... Leovy doesn't discuss the possible welfare-reform explanation,** though maybe she should. ...

**--In fact, she credits the continuing *breakup* of the black family with a decline in the murder of men by "battered wives, trapped and desperate," although she notes that this can't account for the whole drop. ... [4:58 P.M.](#)

Give me 15 more inches of Barry Achenbach Stein: Ezra Dyer's [auto-show blogging](#) comes in on the good end of Hearty Hack. ... [2:12 P.M.](#)

Catching Up With ... NCLB! The [estimable Eduwonk notes](#) that today's [NYT coverage](#) of the debate over the No Child Left Behind Act sees the story through **the hack pre-neoliberal prism: "more money, less money, Republicans against Democrats."** In fact, *Eduwonk* notes,

the NCLB tension evidenced in this story is less Republican and Democrat than differences between the Democratic committee chairs on the House and Senate education committees *and their leadership*. The money issue can be resolved in the context of a deal, the bigger problem is that **while Senate Majority Leader Harry Reid thinks NCLB is punitive, George Miller and Ted Kennedy don't.** [E.A.]

Does Sen. Kennedy mind that the *Times* cluelessly ignores his non-hack, non-anti-Bush role? Probably not, since the perception that he's in there fighting Bush for more money is what gives him the street cred** to play his non-hack role of warding off the education bureaucracies, including unions, that want to water down the law's standards. ...

P.S.: Meanwhile. former NCLB enthusiast Mike Petrilli thinks the bold, risky Bush push into education is FUBAR and advocates [withdrawal to the Kurdish stronghold](#). ...

P.P.S.: As a non-eduwonk, I would think if the NCLB were working we'd see the results by now in positive test scores--and if it isn't working, we should **abandon the perestroika-like attempt to whip the education bureaucracy into shape with testing and "sanctions"--and move on to the dissolution of**

that bureaucracy through a proliferation of charter schools. But *Eduwonk* says, via email, that it's too soon to tell whether the NCLB will improve test scores, since the " law was passed in January of '02, states only had the testing really implemented last year and this year ..."

More: For some broader *Eduwonk* takes--but **still not the one-stop what-to-think-about-NCLB piece concerned citizens demand**--see [here](#) and [here](#). ... Also note this comment on the power of the anti-NCLB teachers' unions to reshape (i.e. gut) the law:

A Democratic majority doesn't hurt them but doesn't help them all that much either because there are bad feelings on both sides of the aisles about how the unions, especially the NEA, have approached the law since its passage. ...[snip] ... But if things start to look scary for Dems in 2008, the unions stock goes up.

**--that would be the "liberal street," otherwise known as Iowa. [1:29 P.M. link](#)

[Monday, January 8, 2007](#)

NPR seems to have a new feature: "Pointless Stories from the Civil Rights Era." Apparently they've run out of the good ones. [Enjoy!](#) [2:39 P.M.](#)

Stupidest sentence in the LAT's [big Gates Foundation takedown](#): After noting that Gates invests in oil companies in the Niger Delta, the *Times* team declares--

Indeed, local leaders blame oil development for fostering some of the very afflictions that the foundation combats.

Oil workers, for example, and soldiers protecting them are a magnet for prostitution, contributing to a surge in HIV and teenage pregnancy, both targets in the Gates Foundation's efforts to ease the ills of society, especially among the poor. [E.A.]

Presumably it helps Nigeria's economy to have an oil industry, and it helps Nigeria's workers to have jobs in that industry. If the oil workers (or soldiers) then see prostitutes, what exactly are the oil companies the Gates Foundation invests in supposed to do to stop it that they are not doing, short of pulling out of Nigeria? ... Maybe there *is* something, but the *Times* doesn't say, leaving the impression it's ready to blame Gates for ills that are an indirect byproduct of the sort of ordinary economic development most people would regard as legitimate and beneficial. ... [*Many*

conflicts here: Gates' Microsoft used to own *Slate*. Former *Slate* editor Mike Kinsley, a friend, is married to a Gates Foundation official, etc. Still!] 12:12 A.M.

Sunday, January 7, 2007

Great Moments in Public Employee Unionism: Two L.A. traffic engineers have been charged with "sabotaging intersection signal lights" on "the eve of a two-day job action by members of the Engineers and Architects Assn., which represents 7,500 city workers," according to the *LAT*. The *Times* says the two allegedly rigged computers to disrupt** signal lights at "four busy intersections."

Union officials were unavailable for comment Friday. Robert Aquino, executive director of the Engineers and Architects Assn., did not return repeated calls. But in an Aug. 21 interview with The Times about the pending two-day strike, Aquino noted: "**Los Angeles is not going to be a fun place to drive.**" [E.A.]

P.S.: There is *some* logic to paying private sector employees according to how much disruption they can cause during a strike (which is roughly what U.S.-style collective bargaining does). There's a lot less logic to paying government employees according to how much disruption they can cause--that disruption is often immense, even when strikers don't resort to extralegal means. ... [via *L.A. Observed*]

--Correction:** Text originally said "disconnect." The *Times* now reports:

They didn't shut the lights off, city transportation sources said. Rather, the engineers allegedly **programmed them so that red lights would be extremely long on the most congested approaches** to the intersections, causing gridlock for several days ... [E.A.]

9:57 P.M.

Nancy is to Hillary as Arnold is to _____: Just as Hillary Clinton should maybe be worried that a poor performance by Speaker Pelosi will sour voters on women leaders,** should "maverick" Republican presidential candidates like John McCain and Rudy Giuliani worry that **Arnold Schwarzenegger's example will sour GOP primary voters on maverick Republicans?** ... In Pelosi's case, the worry (for Hillary) would be that she would flop. In Schwarzenegger's case, the worry (for McCain and Giuliani) would be that he'd be *successful* at implementing non-conservative reforms like his plan to provide guaranteed health care to all children in California including

immigrant children in the country illegally. The message, for those conservatives who might be tempted to overlook McCain's semi-Democratic domestic ideas (like his pro-legalization immigration plan and campaign-finance schemes) for the sake of his muscular foreign policy, would be that **a maverick Republican is much more likely to get those semi-Democratic ideas enacted than an actual Democrat.** ... **To Be Sure:** This alarmist message might be distorted (the California legislature Schwarzenegger deals with is much more liberal than Congress) and wrong (Schwarzenegger's centrist health initiative, aside from the illegal immigrant part, seems worthy). But that doesn't mean Republican primary voters won't be alarmed. ... [*Thanks to alert reader S.A.K.*]

**--CW today, but not last October! 9:27 P.M. link

Page C5: The *NYT* sells moneymaking TV stations to refocus on "synergies" between its struggling newspapers and "digital businesses." "Synergies." Where' did I hear that word recently, in a media context? ... Now I remember. ... **P.S.:** Stock down 14%. Sell off of profitable assets. We're only just beginning to glimpse Pinch's visionary plan for victory! ... 8:22 P.M.

Naked cars: We read *Autoblog* for the pictures. The writing is hackwork--even worse than *Road and Track*, which is saying something. Today, *Autoblog* sneers at the new Ford Focus, without bothering to explain why it "falls short." ... Maybe they're upset that it's built on the old Focus chassis and not the newer "C1" platform used in Europe and shared with Mazda. But the tinny old American Ford Focus ZX3 hatch is fun to drive. The C1-based Mazda 3 isn't, at least at normal speeds (I think because so much of the design's weight is way up at the front). ... 7:22 P.M.

Saturday, January 6, 2007

What You Mean "They," Kemo Sabe? Sen. McCain woos the GOP base!

"I'll build the goddamned fence if they want it."

[*Thanks to reader R.H.*] ... 1:58 P.M.

Friday, January 5, 2007

Some old-fashioned schmoozalism on Obama, Hollywood and Hillary. ... 3:12 A.M.

Thursday, January 4, 2007

Capt. Jamil Hussein, controversial AP source, [seems to exist](#). That's one important component of credibility! ... [via [Lucianne](#)] 4:48 P.M.

Are photo editors just choosing different shots, or has Nancy Pelosi changed her appearance? I can't figure it out. In [this picture](#) for example, she seems almost unrecognizable, based on the photos I've seen previously. But [some old photos of her](#) look similar. ... 4:40 P.M.

Don't Leave with the One That Brung Ya: [Andrew Sullivan says](#) a U.S. withdrawal from Iraq would

doubtless lead to genocide and ethnic cleansing on a hideously cruel scale

but he's for it! ... 1:19 A.M.

The Sadr-Sunni Paradox: Juan Cole [responds to kf's confusion and explains the](#)

abiding paradox of contemporary Iraq that the Mahdi Army and the Sunni Arab guerrillas are slaughtering each other daily, but that **young Shiite cleric Muqtada al-Sadr (the leader of the Mahdi Army) has a better political relationship with Sunni Arab MPs and leaders than any other Shiite.** [E.A.] **

Cole's post is concise--I won't try to condense it further here. It would seem to have some possible pessimistic implications (are we backing the wrong Shiite in trying to form a "moderate" coalition between Sadr's rival, al-Hakim of SCIRI, and Sunni MPs?) and some possible positive implications, the main one being this: If the Sadrist Shiites and the non-Sadaamist Sunnis can cut some sort of stable deal, then **maybe we can withdraw from Iraq without triggering a Shiite vs. Sunni bloodbath.** Cole addresses this possibility as well. ...

****P.S.**--It's more paradoxical than even Cole points out, given that the Mahdi army seems to be behind the killing, not just of Sunni Arab guerillas, but of [ordinary Sunni civilians in mixed Baghdad neighborhoods](#). ... 12:16 A.M. [link](#)

Wednesday, January 3, 2007

It's going to be a [long "100 Hours."](#) 10:24 P.M.

A [WSJ-Harris "interactive" poll](#) purports to measure public support for various "issues that might be on the agenda of the new Congress." Here is how one of those "issues" is described:

Immigration reform to make it more difficult for immigrants to enter the U.S. and to stay in the U.S. for a prolonged length of time.

Huh? Which legislation, exactly, is this describing? **(a)** A proposal the Pelosi/Reid Democrats are actually planning to push? (Does it include legalization of many illegal immigrants already "in the U.S. for a prolonged length of time," thereby allowing them to stay a much longer time?) Or **(b)** the old enforcement-only Sensenbrenner bill? Sounds more like (b). ... The tough-sounding plan got 76% approval. ... 3:29 A.M.

Juan Cole [relays non-critically an Iranian report](#) that has the main parliamentary Shiite bloc on in the Iraqi parliament in negotiations with Muqtada al-Sadr

intended to forestall an **alliance of the Sadrists with Sunni Arab parties**, which would have the effect of dividing the Shiites. [E.A.]

I obviously don't understand Iraq: Aren't the Sadrist militias the ones ethnically cleansing Baghdad by killing Sunnis? (I know Sadr has tried to make alliances with Sunnis in the past, but you'd think it would be beyond that point now, especially after the Sadrist mocking of Saddam on the gallows.) **Update:** See Juan Cole's [explanation](#). ... 2:44 A.M.

Tuesday, January 2, 2007

Mystery Pollster answers the call, [delves deep into the competing methodologies of those crazily conflicting Iowa polls](#) and discovers ... that the methodologies are pretty much the same. Which leaves him stumped along with everyone else, except for the possibility that "voters are not yet engaged in the race enough to have strong allegiances." ... **kf's nominee for likeliest possible explanation** (informed by an email from Iowa reader G.M.): There's a big difference between **1)** asking voters if they "definitely plan" to go to the caucuses, and **2)** asking voters if they *actually participated* in the 2004 caucuses. Lots of people *say* they "plan" to attend. That's normal! But those who *have attended* are the sort of pathetically unrepresentative hard core activi ... sorry, committed citizens who make up the tiny sliver (6%) of Iowa voters who actually show up and choose the winner. ... In this case, the merely aspirational caucusgoers pick Clinton, while the **hard core goes for Obama**--a result consistent with the idea that Obama is capturing those who think a lot about politics, while those who don't think as much about politics haven't yet been hit by the wave. ... **P.S.:** The Dem hard core would also be more anti-war, and thus anti-Clinton. ... **P.P.S.:** And the same strategic 'electability' worries that led the hard core geniuses to light on John Kerry in 2004 might cause them to reject Hillary now. ...

Update: [MP says](#) the theory is "plausible" and notes that more numbers from the competing pollsters--showing how many people their filters filtered out--might resolve the issue. 8:27 P.M.

Soft hothouse quirkiness pays off in *Eat the Press*' 2006 [Honorable Mentions](#)--much more fun than *ETP*'s actual, predictable (except for [Hodgman](#)) [Winners](#). ... **P.S.:** "What did you do this year?" is not a question we like to ask around here, though. ... 7:21 P.M.

Arguments that Only Work in a Cocoon Dept.: Another sneering [op-ed arguing](#) the Mexican border fence has an "effectiveness" problem because in San Diego, when 14 miles were built, people stopped crossing there! They went elsewhere to cross!

A little-noticed Congressional Research Service report issued Dec. 12 indicates that expanding the California wall makes little sense. After the San Diego wall went up, apprehensions in the area were reduced, the CRS reports. But "there is ample evidence that flow of illegal immigration ... shifted to more remote areas of the Arizona desert."

See? It won't work because where it's been tried it worked. Q.E.D. ... 6:53 P.M.

If you can't lick the [mob of salivating morons](#), join 'em! Even MSM-friendly blog victim Eason Jordan [is officially frustrated by the inability of anyone to locate](#) the AP's mysterious key **Iraqi source**, Capt. Jamil Hussein:

But efforts by two governments, several news organizations, and bloggers **have failed to produce such evidence or proof that there is a Captain Jamil Hussein**. The AP cannot or will not produce him or convincing evidence of his existence.

It is striking that no one has been able to find a family member, friend, or colleague of Captain Hussein. Nor has the AP told us who in the AP's ranks has actually spoken with Captain Hussein. Nor has the AP quoted Captain Hussein once since the story of the disputed episode.

Therefore, in the absence of clear and compelling evidence to corroborate the AP's exclusive story and Captain Hussein's existence, we must conclude for now that the AP's reporting in this case was flawed.

To make matters worse, Captain Jamil Hussein was a key named source in more than 60 AP stories on at least 25 supposed violent incidents over eight months. [E.A.]

[via [Confederate Yankee](#)] 10:32 A.M.

[Mohammed](#) of *Iraq the Model* still [sees the emergence of a "front of the moderates" in Iraq, presumably excluding the Sadrists, as a possibility](#)--followed by "early general elections towards the end of 2007" designed to weaken Sadr further. ... Have Sadr's Shiite rivals really abandoned the hopes for a military anti-Sunni solution, contrary to [what Fareed Zakaria reported](#) two months ago?

The Shia politicians I met when in Baghdad, even the most urbane and educated, seemed dead set against sharing power in any real sense. In an interview with Reuters last week, Prime Minister Nuri al-Maliki also said he believed that if Iraqi troops were left to their own devices, they could establish order in six months in Iraq. It is not difficult to imagine what he means: Shia would crush Sunni, and that would be that. This notion—that military force, rather than political accommodation, could defeat the insurgency—is widely shared among senior Shia leaders. Abdul Aziz al-Hakim, the head of the single largest political party in Parliament, has made similar statements in the past.

Hakim, of course, is one of the Sadr rivals we are courting to join the "front of the moderates." ... 1:59 A.M. [link](#)

Monday, January 1, 2007

[An ARG poll](#) of "likely Democratic caucus goers living in Iowa" has **Hillary Clinton beating Obama 31 to 10%**. But a [Research 2000 poll](#) taken at almost the same time showed **Obama beating Clinton 22 to 10%**. I find it difficult to believe these apparent **wildly discordant results** can be explained by ARG's possible use of a tighter 'likely caucus goer' filter. *Pollster.com*'s [commenters](#) are perplexed too. ... Looks like a job for *Mystery Pollster*. ... **P.S.--Alternative Resolution:** Who cares what Iowa caucus goers think? They're the idiots who picked Kerry last time! [*You're not allowed to say that about America's historic first-in-the-nation caucuses--ed* Sorry. Momentary slip-up. Will care intensely about Iowa from now on.] ... **Note:** Hillary had a **"non-trivial" decline** in national polls over 2006 that began "before 'Obama-mania' took hold in late fall," [according to Prof. Franklin](#). ... **P.P.S.:** What are the chances that Hillary pollster Mark Penn's numbers will show her in a bad light and convince her *not* to run? Wouldn't Penn be missing out on a lot of

remunerative work plus celebrity and excitement if she bails out? Just asking! ... 11:52 P.M. [link](#)

Fast: The Giugiaro Mustang, "[out](#)" already? It [only showed up a month ago](#)--and it's not so badly done. ... 2:46 P.M.

Historic Hillary vs. Obama Clash looms over ... [ethanol](#). Once again, the Iowa caucuses focus our nation's leaders on the big issues. ... **P.S.:** Clinton opposed allowing Sen. Coburn to continue practicing medicine because "she believes that senators should not have a second source of income." ... [???](#) ... 1:49 P.M.

Friday, December 29, 2006

Good to see Ann Coulter [defending the Black Panthers](#). ... 6:50 P.M.

Sen. Tim Johnson is still under sedation, and AP's report contains this **alarming quote** (missing from the [version now posted](#) on *WaPo*):

Dr. Keith Siller, director of the Comprehensive Stroke Care Center at NYU Medical Center and assistant professor at the NYU School of Medicine, said it is unusual for a patient to be sedated after brain surgery for more than a few days.

"The two-week period is longer than I would be happy with," he said.

Siller is not the doctor on the scene, of course. *Congressional Quarterly* has some [more encouraging stats](#) [via *IP*]. ... **He said it:** Only *Slate*'s Tim Noah, however, [has had the balls to prematurely speculate](#) about a partisan Schiavo do-si-do in which Tom DeLay suddenly realizes that 'quality of life' is what counts, while Democrats discover that maybe the Schiavo conservatives had a point. ... **Backfill:** See also [Ace of Spades](#): ("Johnson's minor interaction with the world is enough to keep him in the Senate, but wasn't enough to keep Terry Schiavo alive. ... Democrats seem to have newfound respect for an occasional opening of the eyes.") 2:35 P.M.

Thursday, December 28, 2006

[Crooks & Liars](#) has 4 of the top 10 blog posts of 2006, according to [Nielsen BuzzMetrics](#), which is pretty impressive. ... 3:20 P.M. [link](#)

Sunday Morning Sullivan: Bob Wright [engages a Buddha-like Andrew Sullivan in intense theological discussion](#). Then [I try to give Bob grief for not taking the obvious shots](#) at him. Bob [takes this rather more seriously](#) than I meant it--and that's always must-see TV! ... **P.S.:** The [Great Plano Controversy](#) comes up during this discussion (except I stupidly call it "Waco")--and I now realize I've never linked to [Virginia Postrel's definitive resolution in Texas Monthly](#). The key point Postrel makes--which Sullivan **ignores at his peril, if he thinks reducing the theological sway of fundamentalism is the key to winning red-state approval of gay marriage**--is this:

[M]ost Planoites are not ...[snip] "wildly exercised about sodomy." These solidly conservative, mostly Christian families are not about to launch a pogrom against their gay neighbors. "I have yet to know somebody on finding out that an educator or volunteer was gay in to say, 'Oh, gosh, I can't have them working with my child,'" Kelly Hunter says. "I have known them to say that about the mom who drinks before she goes some place." By the standards of twenty years ago, and certainly by those of Peoria, Planoites are positively accepting.

[snip]

Plano residents aren't "wildly exercised about sodomy," notes a gay friend who last year moved from Dallas to Los Angeles, "but most anti-gay people aren't. They are wildly concerned with making sure their kids never hear the word 'sodomy'; never ask, 'Mommy, what's a drag queen?'; and never have to deal with anything even remotely related to sex. ...[snip]"

He exaggerates, of course. But Plano parents want to determine when and where they talk to their kids about sex, and they assume that explaining that some men fall in love with other men is "about sex."

"We don't have control over a whole lot in the world, but hopefully the education of our children is part of it," Hunter says.

Even in a highly Republican town like Plano, in other words, the religious objection to gay marriage isn't the crucial objection. Fear that moral entropy will envelop your family's children is the crucial objection. I don't see how that fear is addressed theologically. I would think it has to be addressed practically, over time, by repeat demonstration. But time is one thing a

rights-oriented, judicial route to gay marriage doesn't [allow](#). ... 1:13 A.M. [link](#)

[Influence Peddler sees ten House seats moving into Republican areas](#) (from the Democratic Northeast, and from Iowa) after the 2010 census--for a potential net change of 20.** ... Doesn't that assume: **a)** the districts added in Texas, Florida, Arizona, Nevada, Georgia and Utah will invariably be Republican (your bailiwick, [Barone](#)); and **b)** "Republican" will mean the same thing in 2012 that it means today. ... **Update:** IP says he's talking about 10 new reliably Republican *electoral votes* for presidential purposes, not necessarily 10 Republican House seats. ...

**--Pelosi currently has a majority of [31](#). ... 12:33 A.M. [link](#)

[Wednesday, December 27, 2006](#)

Our [idea](#) doesn't work! Let's do it! According to Tamar Jacoby, the recent arrest of 1,300 suspected illegal workers at six Swift & Co. meat processing plants [demonstrates the need for 'comprehensive immigration reform'](#). I don't understand:

1) "Comprehensive" reform is supposed to be a deal in which amnesty for current illegals (and a guest worker program) is coupled with a tougher workplace enforcement program to block *future* illegals. Sounds good, but the last such "comprehensive" reform--the 1986 amnesty--failed miserably when its workplace enforcement program turned out to be ineffective at stopping employers from hiring illegals. **The idea behind the current Bush proposal is that this time workplace enforcement will work.** But, as the [New York Times notes](#), Swift & Co. in fact participated in the

the federal Basic Pilot program, a system of checking Social Security numbers that President Bush has touted as a way to crack down on immigration fraud.

How does it increase our faith in "comprehensive" reform if the sort of "reliable verification system" that President Bush himself touts failed conspicuously to stop so many illegals from getting jobs at Swift that they made up 10% of the company's work force?

2) Jacoby praises Swift for "trying to comply" with workplace enforcement laws. If this is the result that's achieved by a firm "trying to comply," how awful will the results in the future be with firms that are maybe not trying so hard to comply?

3) Jacoby notes that when Swift & Company "tried inquiring" more deeply into the backgrounds of job applicants, it was "sued for discrimination by the Justice Department." Couldn't President Bush--if he cares so much about workplace enforcement--have told the Justice Department to cut it out? If a conservative Republican president won't rule out crying "discrimination" when immigration laws are applied, why do we think a liberal Democratic administration will? **And even if the government doesn't sue to block effective inquiries into illegal status, won't the ACLU and other "civil rights" groups?** The ACLU [just sued](#) a Dallas suburb that passed a law against renting to illegals. Hispanic activists, including big groups like the League of United Latin American Citizens (LULAC) [protested the Swift raids themselves](#).

"This unfortunately **reminds me of when Hitler began rounding up the Jews for no reason** and locking them up," Democratic Party activist Carla Vela said. "Now they're coming for the Latinos, who will they come for next?" [E.A.] **

Hmm. If enforcing immigration laws at the workplace *before* the passage of "comprehensive" immigration reform [reminds Hispanic activists of Hitler](#), **won't enforcing immigration laws at the workplace after the passage of comprehensive reform still remind them of Hitler?***** In both cases it will presumably be mostly Hispanic illegal immigrants who are caught in the net. Jacoby allows that the Swift raids "could be justified in the context of an immigration overhaul of the kind proposed by the president." But the reaction of Hispanic activists suggests *they* will continue to fight in the courts and legislatures to make sure that the enforcement mechanisms on which the immigration bill relies are as ineffective as possible.

None of this makes Bush's proposed amnesty-for-enforcement deal *more* credible. It makes it seem likelier that, as in 1986, the amnesty part will work but the enforcement part won't. Which may or may not be the real idea behind "comprehensive" reform.

P.S.: After the raids, the line of applicants at the Swift & Co. office in Colorado for the now-vacant jobs--jobs that, according to Jacoby, legal immigrants and Americans won't do--[stretched out the door](#).

P.P.S.: *Kausfiles*--**Solution-Oriented!** Why doesn't Congress simply **pass a moderate increase in the unskilled legal immigrant quota from Mexico** (and other Latin American countries) while an effective enforcement system**** is devised and tested. No amnesty, no guest-worker program. Then, once we know we have an enforcement scheme that actually works--and won't be crippled by lawsuits--Congress could revisit a "comprehensive" legislation that includes amnesty.

**--How come she gets to violate the Hitler Rule with impunity? No fair. ...

***--For example, according to the *NYT*, [even the "comprehensive" legislation expected to be proposed in the Senate would deny amnesty to immigrants who "arrived after a certain date, perhaps 2004 ... "](#) But would it let the feds actually enforce the law against them? They'll be mostly Hispanics. It will look bad!

****--Including, I'd argue, the border fence Congress authorized last year. ... [*Some links via [The Corner](#)*] 12:59 A.M. [link](#)

Tuesday, December 26, 2006

Mo' bama: The *kf* enthusiasts [commenting over at *MatthewYglesias.com*](#) have a point, in that last week's [skeptical Obama item](#) conflated two issues:

- 1) Has Obama **grappled seriously and smartly with the big questions** of the day; and
- 2) Has he, in the course of this grappling, **told Dems something they don't want to hear**, or demonstrated independence from Dem interest groups that enforce the party's line in unfortunate ways (e.g., teachers' unions impeding education reform, seniors unwilling to accept any Social Security cuts, populists who pretend bargaining-down drug prices will largely solve the problem of health-care costs, etc.).

You'd hope that even Dems who don't agree with the DLC-ish sentiments behind #2 would insist on #1. But, yes, Obama could do #1 without #2.

Has he done that? A few weeks ago, *Obsidian Wings* [catalogued Obama's "wonky" efforts](#).** He's against loose nukes, avian flu and unregulated genetic testing! That's impressive, but follows a standard good-Senator's path of **picking off a chewable, discrete problem and pushing a rifle-shot, programmatic solution** (typically involving creation of a small new federal office to control nukes, prepare for avian flu, or establish gene-testing standards, etc.). It's not the same thing as confronting deeper, bigger, less easily addressed problems: How to structure the health care system, how to pay for entitlements, how to confront the terror threat, the rise of China, the problems of trade and immigration, the increase in income inequality at the top.

Josh Gerstein of the *N.Y. Sun* [makes a better case](#): Obama listens to Samantha Power and Susan Rice on human rights, Gerstein reports. He wants to talk to Iran, he discounts the Chinese military threat but **surprisingly, for an early Iraq war opponent, he has said he'd favor "launching some missile strikes into Iran"** if that was the only way to stop "having a radical Muslim theocracy in possession of nuclear weapons." (Does Iowa know this?) He's unpredictable as well on trade. What's less clear is whether that unpredictability reflects a developed world-view or ad-hockery that's fine in a Senator but in a president, not so much.

More talk on these issues, please. And no fair "transcending" them!

Unpredictability of any sort is a plus when it comes to #2, of course. But so far Obama isn't close to meeting the Joe Klein Piss-Someone-Off Test, despite the efforts of his press boosters to claim he has. [Tom Maguire points to a comical attempt by the *New York Times*](#), where [a mini-profile by Jeff Zeleny declared](#):

He has demonstrated an occasional willingness to break from liberal orthodoxy, including his vote to confirm **Condoleezza Rice** as secretary of state, which at the time infuriated liberals (13 Democrats opposed her).

Wow! As Maguire notes: "So Obama boldly stood with a mere 86 fellow Senators " **P.S.:** What's the word for trumped-up contrarianism? Sister Fauxjah? ...

**--Thanks to commenter ["Trevor" on *bloggingheads*](#) for the link. 2:08 P.M. [link](#)

Sunday, December 24, 2006

On to New Hampshire! The mighty Hillary juggernaut **closes its vise-like grip on the post of Senate Majority Leader.** A [Concord Monitor poll](#) shows the same weakness as last week's [survey](#) from Iowa. [RCP summarizes:](#)

Just like in Iowa, **Hillary loses to Rudy and McCain but beats Romney. And just like in Iowa, Obama beats them all.** Edwards doesn't run as strong in New Hampshire as in Iowa - no surprise there - but he still manages a dead heat against McCain and Giuliani and handily beats Romney. So even though Hillary is clinging to a lead at the top of the field, she's once again giving off the "unelectable" vibe in comparison to her two most serious primary challengers. [E.A.]

P.S.: In light of these poll results, doesn't Dick Morris' theory--that if Obama now *doesn't* run [he'll have done Hillary a favor by clearing the field](#)--have a couple of holes: **1)** Obama hasn't cleared Edwards out; and **2)** If Obama decides not to run early next year, and Hillary's still this weak, there will be plenty of time for new challengers to jump in. ... **P.P.S.:** Why does Massachusetts' governor Mitt Romney do so poorly in 'neighboring New Hampshire'? [12:32 P.M. link](#)

Hollywood Hates Obama? [Juan Williams on Fox:](#)

The question now is does Obama have any hope of raising money? I don't think he'll raise it out of the New York people, **I don't think he's going to raise it out the Hollywood people**, so where's the money going to come from for Barack Obama? [E.A.]

That's right, a charismatic black Iraq war opponent has [no appeal](#) out here! As always, the entertainment community demands *more policy details!* ... **P.S.:** Hello? Juan? You're making [Lawrence O'Donnell](#) look like Edgar Cayce! "Hollywood people" will obviously swoon for Obama at least as easily as any other Democratic constituency. ... **P.P.S.:** Remember when Joe Lieberman was briefly said to be through, after his primary loss, because he [wasn't going to be able to raise money?](#) [12:53 A.M. link](#)

kf's First Law of Journalism, Rigorously Applied: If, as Lawrence Kudlow claims, ["the Fed has vanquished inflation."](#) why do all the fancy restaurants that used to cost \$75 for two now routinely top \$100? When the rich-who-are-getting-richer bid up prices, doesn't that count? Just asking. ... **P.S.:** The food I've gotten for \$100 seemed to taste better than the old \$75 food. Maybe the statisticians take that into account. ... **Update:** Alert reader G.J. suggests fancy restaurants are simply victims of [Baumol's Disease](#)--they're a labor intensive business that's seen few gains in productivity. But in the rest of the

economy productivity improvements could still be driving down prices. Good point. ... [12:15 A.M. link](#)

Saturday, December 23, 2006

Clintonia Breakdown: Isn't Samuel "Sandy" Berger's explanation for why he snuck classified documents out of the National Archives **entirely plausible?** Haven't you ever **been in a library, reading non-circulating material in an uncomfortable chair under harsh lighting--all the while thinking you could just make sense of it if you could take it home and review it in more familiar surroundings?** I faced this dilemma quite frequently at college and law school, and on more than one occasion my reaction was to stuff the papers in my backpack and smuggle them back to my dorm.** You never did that? ...

Sure, the [Inspector General's report on Berger's misconduct](#)--obtained and released by **Pajamas Media**--raises lots of potential questions, some of which are [listed by the Pajamas editors here](#) and the [Powerliners here](#). And I yield to noone when it comes to paranoia about possible extralegal skullduggery in the Clinton administration! Well, I yield to only a few. (My [bona fides](#).) It *could* be Berger was trying to destroy all copies of an early 2000 email that said "Al Qaeda, al Schmaeda. What could they ever do to us?" **But if you read through the IG report in a non-paranoid mood and look for facts that are at odds with Berger's plausible 'I-wanted-to-sort-out-this-stuff-at-home explanation,' you won't find much.**

I did notice one jarring fact: When Berger is given a second copy of an email he's already taken home--#217--he takes *that* copy home too. That makes it look like he wanted to remove all copies of #217. But it's also consistent with the familiar last-minute-crammer's habit of wanting to make sure you've scooped up every little bit of material to study during the impending all-nighter. As long as you're stealing stuff, you might as well be comprehensive. Maybe Berger (as he apparently claims) wasn't certain the two copies of #217 were identical.

Meanwhile, in Berger's defense, we learn from the report that he read the documents in an office with an archives employee who was doing his own work, and whom Berger was reluctant to bother. **Sounds like exactly the sort of arrangement that would stop me from getting any productive thinking done.** Bad Feng Shui! Couple that with **a)** the requirement that Berger couldn't even remove his *own notes* from this room and **b)** Berger's almost certain knowledge that many of the documents subject to these maddening regulations probably shouldn't really be classified in the first place, and you might easily conclude that **the IG report does more to back up than to cast doubt on Berger's non-sinister explanation.**

**--Admittedly, I didn't then cut them up and put them in the trash. But then, unlike Berger, I wasn't caught before I returned them. 10:51 P.M. [link](#)

D ___ Cab for Cutie: The car that most [impressed me](#), during my recent *Gearbox* phase, was the **Scion Xb**, which only recently went out of production. Perfectly-sized for the city, inexpensive, reliable, handles well, holds a lot, leaves a light footprint on the planet. But jeez, before you buy one, take a look at [this picture](#). Grim! [via [Autoblog](#)] 5:33 P.M. [link](#)

Friday, December 22, 2006

Thanks, Iowa? Hillary's [big Iowa problem](#). She's running a **strong fourth** with 10%! ... **P.S.:** She can't blame lack of "name recognition." [*Time for the contest to write her withdrawal speech?--ed* We wouldn't want somebody else to [steal that gimmick!](#) But there's one way to guarantee that she won't need a withdrawal speech--if she decides not to risk a run that might end in humiliating primary defeat. She doesn't seem like the type who'd handle that well.] ... **Caveat:** Hillary can always note that [Iowa Democratic voters are proven fools](#). ... 3:28 P.M.

Thursday, December 21, 2006

Obama--[He's no Gary Hart!](#) ... 1:08 A.M

Wednesday, December 20, 2006

Is that a [photo](#) of Rick Stengel or the Madame Tussauds installation of [Rick](#) Stengel? 12:35 A.M.

Tuesday, December 19, 2006

My Obama Problem: After reading up a bit on Barack Obama for a temporarily-aborted *bloggingheads* segment, my tentative working thesis is this: **He's too damn reflective!** And introspective. ... Maybe it's the writers, or the questions they ask, or the audience they think they're writing for, but all the *drama* in the [stories about Obama](#) comes from his ["emotional wrestling match with his background,"](#) his overcoming of his "angry sense of racial displacement," his wrenching assessments and reassessments of how to live in "a world that is broken apart by class and race and nationality," etc.

One of those reassessments, according to Obama, came when a friend told him "you always think everything's about you." And he doesn't any more? Obama's favorite complexity still seems to be Obama--it was certainly a subtext of his [2004 convention address](#). ("We worship an awesome God in the blue states"). At the end of his early Obama profile, my boss Jacob Weisberg says Obama "would never be so immodest" as to compare himself to

Lincoln. But a dozen paragraphs earlier, Obama had done just that:

"That kind of hunger—desperate to win, please, succeed, dominate—I don't know any politician who doesn't have some of that reptilian side to him. But that's not the dominant part of me. On the other hand, I don't know that it was the dominant part of—" his voice suddenly trails off as he motions behind him to a portrait of Lincoln, the self-invented lawyer, writer, and politician from Illinois. "This guy was pretty reflective," he says, offering a sly smile.

I'm a "character" voter, not an "issues" voter. **But the way you reveal your character is by grappling with issues, not by grappling with yourself.** Anguish is easy. Isn't it time for Obama to start being ostentatiously reflective about *policies*? That's what you want from a Harvard Law Review type.

And on the issues, what's Obama done that's original or pathbreaking? I don't know the answer. But compare his [big speech on immigration reform](#) with failed Dem Senate candidate Brad Carson's [article on immigration reform](#). Carson says things Democrats (and Republicans) haven't been saying; Obama's speech offers an idiosyncratic **vener of reasonableness over a policy that is utterly party line and conventional**, defended with arguments that are party line and conventional.

OK, that's just one example. Maybe I'm an old-fashioned Joe Kleinish Clintonian self-hating Dem. But I'm not swooning until I hear Obama to tell Democrats *something* they maybe don't want to hear. Did I miss it? 12:21 A.M. [link](#)

Monday, December 18, 2006

[Shane MacGowan of the Pogues on Kirsty MacColl](#), who was killed six years ago yesterday, and their song *Fairytale of New York*, which won a 2004 poll for best Christmas song. [via [Gawker](#)] ... **My nominee for best Christmas song** is something I've only heard once, *The Wedding Present's* ecstatically noisy version of "Step Into Christmas." ... **P.S.:** OK, I've now heard it twice. (It's [here](#).) I stand by my position. ... 8:52 P.M.

And Johnson Walks? So Fannie Mae ex-CEO Franklin Raines [may have to give back \\$84 million in bonuses](#) he received [from 1998 to 2004](#), while his predecessor **Dem bigshot Jim Johnson--who apparently got a bigger bonus than Raines did in 1998--doesn't have to give back anything?** Hardly seems fair. ... **P.S.:** Johnson at one point had [parlayed his position at the head of the Fannie Mae gravy train into the chairmanship of the Kennedy Center and the otherwise-reputable Brookings Institution](#). ... Yet even the conservative *N.Y. Sun* [seems to have](#)

[forgotten](#) that Johnson, who also headed John Kerry's vice-presidential search, is involved in this mess. ... **P.P.S.:** [Here's](#) my attempt to assess Raines' relative guilt or innocence. ... In any case, if Raines had taken [kausfiles'](#) 2004 advice--["give the money back now!"](#)--he'd be better off, no? He could be the Tara Conner of overpaid CEOs! And he'd still have a political future. ... **7:15 P.M.**

If Judith Regan lawyer Bert Fields' bite were as fearsome as his bark, wouldn't [Susan Estrich own the L.A. Times](#)? Just asking! ... **7:14 P.M.**

Y.U.: William Beutler, [eerily prescient](#). ... He claims *Time* magazine is just **preternaturally predictable**. [via [Surber](#)] **4:23 P.M.**

Hillary Clinton was [asked about a possible troop surge in Iraq](#):

"I am not in favor of doing that **unless it's part of a larger plan**," Clinton said. "I am not in favor of sending more troops to continue what our men and women have been told to do with the government of Iraq pulling the rug out from under them when they actually go after some of the bad guys." [E.A.]

Note to WCBS: This does not support the headline "Clinton Opposes U.S. Troop Surge In Iraq." It supports the headline "Clinton Fudges on U.S. Troop Surge in Iraq." On balance, I'd even say it's **more supportive than not**--any troop surge will clearly be presented as part of a "larger plan," after all. Clinton didn't even say, [as Sen. Harry Reid did](#), that the "plan" has to include "a program to get us out of there ... by this time next year." **11:46 P.M.**

"**Are social conservatives stuck with a pro-golden shower candidate?**" [Ryan Lizza](#) goes into the hilarious details of Mitt Romney's not-so-long-ago tolerance of Bay State gay activism. ... What's shaping up, Lizza notes, is a battle between cynical inside-the-Beltway conservative pros who are willing to overlook Romney's "pro-gay, pro-abortion record" because **"they need an anti-McCain,"** and actual outside-the-Beltway social conservative voters who might be **horrified by state-sponsored fisting seminars** and "Transgender Proms." ... **P.S.:** Instead of trying to persuade social conservatives he's been secretly battling for them all along, wouldn't Romney be better off playing the conversion card? 'Nobody knows the evil of golden showers better than someone who ..., etc., etc.. I would think it would pack a convincing *frisson*. ... **11:13 A.M.**

[Sunday, December 17, 2006](#)

[Breast Cancer Rates Fall](#) as Women Abandon Hormone Replacement Therapy. ... Moral: Don't get your medical advice from [The New Yorker](#). ... **11:29 P.M.**

Warner rethink: OK, that's [enough time with my children!](#) ... And if the need for family time is *not* the big reason why Mark Warner dropped out, as [rumor says it wasn't](#), what made him change his mind? ... Seems like there must be a story here, though maybe not the kind of story that ever comes out (except in [novels](#)). ... [via [HuffPo](#) via [Goddard](#)] **9:53 P.M.**

Mohammed of *Iraq the Model* is [cautiously non-pessimistic](#) about the creation of an anti-Sadr majority coalition in Iraq, but doesn't expect it to move militarily against Sadr. ... Juan Cole, who's been [right about Sadr](#) before, [argues that any military move will backfire](#):

The fact is that if provincial elections were held today, the Sadr Movement would sweep to power in all the Shiite provinces (with the possible exception of Najaf itself). It is increasingly the most popular political party among Iraq's Shiite majority. For the US to cut the Sadrists out of power in parliament and then fall on them militarily would just throw Iraq into turmoil. It would increase the popularity of the Sadrists, and ensure that they gain nationalist credentials that will ensconce them for perhaps decades. ...

Neither thinks al-Maliki will be replaced as prime minister. ... **9:41 P.M.**

[Saturday, December 16, 2006](#)

First Mark Warner, now [Evan Bayh](#). The solid centrist Dem alternatives to Hillary are dropping out, one by one. Funny how that happens! ... **11:46 P.M.**

[Friday, December 15, 2006](#)

Malkin and Alterman--Together Again: [Lt. Col. Bateman's post](#) on Media Matters' *Altercation*--disputing Associated Press in the ongoing controversy over the alleged burning of six Sunnis in Baghdad--seems **quite damning**. Eric Boehlert's [response](#)--"Hey, I'm not defending the AP on this, just attacking the AP's attackers!"--seems quite weak. And **Boehlert, while blasting "unhinged" warbloggers, comes unhinged himself**, I think, when in his [original, near interminable article](#) he writes:

I don't think it's out of bounds to suggest that warbloggers want journalists to venture into exceedingly dangerous sections of Iraq

because warbloggers want journalists to get killed.

[via [Malkin](#)] ... **Update:** But [see](#) ... 4:44 P.M.

Thursday, December 14, 2006

Fading Reyes? Hmm. Looks like that big fight over the chairmanship of the House Intelligence committee was a fight over a [committee that will soon lose--or at least have to share--a big chunk of its turf](#). ... It wasn't because of [the quiz](#), was it? ... 1:20 P.M.

Di Bug Bust: [That official police report](#) on Diana's death appears to be a bust, as far as alleging spying by the Clinton Administration on Republican magnate Ted Forstmann. [Byron York](#):

[T]he Lord Stevens report contains no mention of Forstmann and no description of anyone like him, **nor does it have any evidence that anything like the Forstmann scenario took place.** [E.A.]

But the U.S. may have caught Diana talking about hairstyles with her friend Lucia Flecha de Lima! (The report speculates they would have been overheard because we were eavesdropping on the Brazilian embassy in D.C.). ...

P.S.--Keeping Hope Alive: I should also note, at the risk of sounding like a raving conspiracist, that the Stevens report doesn't seem to say anything that would *rule out* a U.S. a bugging of Forstmann that turned up conversations with or about Diana**--though to be consistent with the NSA's account they would have to be "only short references to Princess Diana in contexts unrelated to the allegations" about her death being the result of a conspiracy. It's just that the Stevens report was what was supposed to substantiate the Forstmann angle, and it doesn't. It's not like there is a lot of *other* evidence for the Forstmann-bug scenario--unless the [credibility-challenged Brit papers](#) can produce some. ...

Still! Diana's apparently famous July 14, 1997 statement to the press--

"You're going to get a big surprise, you'll see, you're going to get a big surprise with the next thing I do"

does seem a lot more consistent with [future plans](#) to [hook up with a rich U.S. Republican who would run for president](#) than with plans to marry Dodi Al Fayed--whom, the report says, she hadn't yet met "that summer," doesn't it?

**--From [WaPo](#) :

[NSA official Louis] Giles said the NSA would not share the documents with investigators on grounds their disclosure could reveal secret intelligence sources and methods. Nor did Giles reveal whose conversations were being targeted by the NSA.

12:07 P.M. [link](#)

Wednesday, December 13, 2006

Bloggingheads [bring sexy back!](#) ... Plus Matt Yglesias does his best [Muqtada al-Sadr impression](#). ... 5:32 P.M.

[The Note writes](#) that Massachusetts Gov. Mitt Romney is "looking for ways to sharpen his differences with McCain on immigration." That shouldn't be hard! ... [Here comes one now](#). ... 4:58 P.M.

Tuesday, December 12, 2006

Is it possible those British press reports are completely wrong about the bugging of Ted Forstmann and Diana? (See [below](#).) Thursday's publication of the official Scotland Yard report on Diana's death should be near-definitive on the issue, since the Brit papers are supposedly merely offering leaks from that report. But, [according to today's New York Daily News](#), [Forstmann](#) thought he was bugged:

A source close to Forstmann told the Daily News yesterday that Diana may have been overheard while traveling with Forstmann on his private plane, which Forstmann **believed was bugged by the feds to listen in on his rich and powerful friends.** [E.A.]

Note that the [Washington Post's Source Close to Forstmann](#)--who seems to know things only Forstmann himself would know--only says that "he had heard rumors that someone had planted listening devices in his plane to listen to the princess," not to listen generally to Forstmann's rich and powerful friends. Of course, targetting *the princess* is exactly what the Feds are busy denying. Which leaves open ... [via [Drudge](#)] 12:44 P.M.

Bloggingheads --[Bob Wright's videoblog project](#).
Gearbox--[Searching for the Semi-Organic Lock-in](#).
Drudge Report--80 % true. *Close enough!*
Instapundit--*All-powerful hit king*. [Joshua](#)

Marshall--He reports! And decides! **Wonkette**--Makes Jack Shafer feel guilty. **Salon**--Survives! kf gloating on hold. **Andrew Sullivan**--He asks, he tells. He sells! **David Corn**--Trustworthy reporting from the left. **Washington Monthly**--Includes Charlie Peters' proto-blog. **Lucianne.com**--Stirs the drink. **Virginia Postrel**--Friend of the future! **Peggy Noonan**--Gold in every column. **Matt Miller**--Savvy rad-centrism. **WaPo**--Waking from post-Bradlee snooze. **Keller's Calmer Times**--Registration required. **NY Observer**--Read it before the good writers are all hired away. **New Republic**--Left on welfare, right on warfare! **Jim Pinkerton**--Quality ideas come from quantity ideas. **Tom Tomorrow**--Everyone's favorite leftist cartoonists' blog. **Ann "Too Far" Coulter**--Sometimes it's just far enough. **Bull Moose**--National Greatness Central. **John Ellis**--Forget that Florida business! The cuz knows politics, and he has, ah, sources. **"The Note"**--How the pros start their day. **Romenesko**--O.K. they actually start it here. **Center on Budget and Policy Priorities**--Money Liberal Central. **Steve Chapman**--Ornery-but-lovable libertarian. **Rich Galen**--Sophisticated GOP insider. **Man Without Qualities**--Seems to know a lot about white collar crime. Hmmm. **Overlawyered.com**--Daily horror stories. **Eugene Volokh**--Smart, packin' prof, and not Instapundit! **Eve Tushnet**--Queer, Catholic, conservative and not Andrew Sullivan! **WSJ's Best of the Web**--James Taranto's excellent obsessions. **Walter Shapiro**--Politics and (don't laugh) neoliberal humor! **Eric Alterman**--Born to blog. **Joe Conason**--Bush-bashing, free most days. **Lloyd Grove**--Don't let him write about you. **Arianna's Huffosphere**--Now a whole fleet of hybrid vehicles. **TomPaine.com**--Web-lib populists. **Take on the News**--TomPaine's blog. **B-Log**--Blog of spirituality! **Hit & Run**--Reason gone wild! **Daniel Weintraub**--Beeblogger and Davis Recall Central. **Eduwonk**--You'll never have to read another mind-numbing education story again. **Nonzero**--Bob Wright explains it all. **John Leo**--If you've got political correctness, he's got a column ... [More tk]

medical examiner

The Autism Numbers

Why there's no epidemic.

By Arthur Allen

Monday, January 15, 2007, at 2:30 PM ET

For a decade or more, parents of autistic children, including public figures ranging from quarterback Doug Flutie to Rep. Dan Burton to NBC Chairman Bob Wright, have argued that an epidemic of autism is sweeping the country. The claim usually comes in the context of advocating more funding for autism research and treatment, which the advocates justify by pointing to the increase in reporting of autism cases. The numbers of autistic children on the rolls of the California Department of Developmental Services, for example, swelled 634 percent from 1987 to 2003. Similar increases have been reported in other states. Thirty years ago, autism was thought to occur in one in 2,000 children; prevalence rates put it at about one in 200. **Various environmental factors** have been held to blame, and autism has entered public consciousness in a new way, which makes it feel like a new disease, at least in its current dimensions.

But is there, in fact, an autism epidemic? **Most of the scientists** who study the disease—**though not all**—believe that any increase in recent decades in autism incidence, as opposed to diagnosis, has been modest. In his new book *Unstrange Minds; Remapping the World of Autism*, George Washington University anthropologist Roy Richard Grinker, who has an autistic 15-year-old daughter, makes the case that the rise in autism diagnosis is nothing more than an epidemic of discovery.

For parents who are **convinced that vaccines cause autism**, it is significant that autism did not exist as a diagnosis until the Johns Hopkins University psychiatrist Leo Kanner first described the disorder in a 1943 journal paper—several years after children started receiving vaccines that contained minuscule amounts of a mercury preservative. But Kanner merely gave a name to a condition that probably always existed. Children with behaviors that would be called autistic today are scattered through the literature of past centuries. William of Newburgh in 12th-century England described "green children" who could not communicate or follow social customs. Sixteenth-century Russia had "blessed fools," seizure-plagued mutes preoccupied with repetitive behaviors. In 1887 England, Dr. Landon Down—after whom the chromosomal condition Down syndrome was named—coined the phrase "idiot savants" to describe some of the autistic children he saw. Down described the "self-contained and self-absorbed" child who was not "entertained other than in his own dream-land, and by automatic movements of his fingers or rhythmical movements of his body." Even Sigmund Freud saw patients whom he described in terms that match the current definition of autistic—"satisfaction of the instincts is partially or totally withdrawn from the influence of other people." In other

cultures, autistics continue to exist behind other categories: "eternal children," among the Navajo, "marvelous children" in Senegal.

Grinker (whose grandfather Roy Grinker Sr. was an early American psychiatrist) covers all this early history while writing of his daughter's autism and the manner in which cultures from South Africa to Korea have dealt with autistic children. He points out that Kanner's father and grandfather, as well as Kanner himself, had clearly autistic traits. This sensitivity allowed him to bundle the symptoms of autism—social isolation, obsession with maintenance of sameness, muteness or repetitive language—into an identifiable syndrome. "Other doctors completely missed autism," writes Grinker, "because they weren't looking for it." About one in 300 Americans were in mental asylums in the mid-20th century, and case reports show that a good portion of them would be called autistic, if diagnosed today.

Psychiatrists made no real effort to systematically diagnose childhood mental illness, Grinker writes, until 1980, when the American Psychiatric Association published the third edition of its diagnostic manual. Further revisions of the manual in 1987 and 1994 expanded the number of children whose problems could be described as lying on the "autistic spectrum." The most important cause of the increase in autism diagnoses was the Individuals With Disabilities Education Act, a federal law that required states to provide suitable education to autistics and to create registries for them. Autism has become a trendy diagnosis, and at times a useful one to stretch. "I am incredibly disciplined in the diagnostic classifications in my research," Judy Rapoport, a senior child psychiatrist at the National Institutes of Health, tells Grinker, "but in my private practice, I'll call a kid a zebra if it will get him the educational services I think he needs."

As reporting of autism expanded and improved, the numbers of autistics recorded in research studies also increased. In the 1960s and 1970s, when autism was thought to be rare, the few surveys of autistics were simple tallies from administrative records in hospitals and clinics. In more recent surveys, investigators have used expanded diagnostic criteria, registries, and screening techniques to find children with disorders on the autism spectrum, which ranges from full-blown autism to Asperger's syndrome. Many more children with high IQs are now given diagnoses on the spectrum as the new techniques turn up many more cases than the previous, more passive approach. Indeed, the number of autism diagnoses may continue to grow. When California reported 18,000 children under 19 in autism programs in 2002, out of a population of 11 million kids, the prevalence rate of one in 550 was still considerably smaller than the number to be expected from the most careful epidemiological research.

A good side of the refined techniques of autism diagnosis is that many children get earlier treatment, in the form of behavioral therapies that enable them to reduce their symptoms, and

sometimes shed their diagnoses by adulthood. Hundreds of thousands of adult autistics, by contrast, struggle with some degree of disability without ever having been diagnosed. (The same is true, Grinker points out, of the estimated one in 500 children born with Fetal Alcohol Syndrome, many of whom were never diagnosed at birth, and may not get the help they need for learning disabilities and problems with impulse control.)

"I am not sure why people are so resistant to the idea that true autism rates may have remained stable," Grinker writes. "Perhaps they don't want to give up on the hope that, if only we could find the cause of the 'epidemic' we could help these children. We could eliminate the toxins, hold big corporations accountable, do something to reverse the trend. If there is no real epidemic, we might just have to admit that no one is to blame." There's one more thing to be said for the cries of "epidemic"—they get the research money flowing.

sidebar

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A majority of the parents of autistics in one recent [survey](#) blamed vaccines for their child's illness. Other alleged culprits have included environmental toxins, increased numbers of geriatric parents (because of their crumbling chromosomes), [genetic loading](#) (geeks with genes that predispose them to autistic traits marrying one another), and even excessive TV watching, as Greg Easterbrook [recently argued](#) in *Slate*. Since there is no cure for autism, the hypothesized causes have a particularly powerful hold on the imaginations of people with autistic family members. As Susan Sontag once wrote, "Any important disease where causality is murky and for which treatment is ineffectual tends to be awash in significance."

moneybox

The Unwilling Americans

More jobs the native-born won't do.

By Daniel Gross

Thursday, January 18, 2007, at 6:38 AM ET

Last week, I wrote about the phenomenon of [jobs Americans aren't willing to do](#). If companies can't hire the number of people they want to hire at the wages they want to pay, the reasoning goes, it must be because lazy, soft-handed Americans simply aren't willing to roll up their sleeves and do difficult jobs.

Managing hedge funds and starring in reality TV shows? Absolutely. But, by this logic, not landscaping, picking fruits and vegetables, meat processing, manufacturing carpets, soldiering, or working in information technology.

In fact, the perceived shortages have less to do with a declining American work ethic and more to do with managerial stinginess. In many industries, employers—and, ultimately, their customers—simply aren't willing to pay the prices that legal American labor demands in exchange for performing the work—or for going through the expense and trouble of obtaining the skills and credentials necessary to ply certain trades. In today's *Wall Street Journal*, Evan Perez and Corey Dade offer support for this contention. Last September, a chicken-processing plant (one of those industries we're told Americans reject) in Stillmore, Ga., lost three-quarters of its work force after an immigration bust. In response, the company, [Crider](#), "suddenly raised pay at the plant" by more than a dollar per hour and began offering better benefits: "free transportation from nearby towns and free rooms in a company-owned dormitory near to the plant." Miraculously, American workers materialized to accept the jobs.

Last week, we asked readers to send in other examples of jobs Americans apparently aren't willing to do. (At *Slate*, we're big believers in user-generated content, especially in holiday-shortened weeks.) More than one reader suggested that enforcing immigration laws is one job Americans are clearly unwilling to do. Another, noting [David Beckham's latest career move](#), suggested playing soccer in Los Angeles.

We received anecdotal confirmation of the trends we cited. A Los Angeles-based hiring manager in the software business reported that he had plenty of high-paying technical jobs. "Every single candidate is either an Indian national or a recent Russian immigrant," he said. "There are no longer any American candidates for these jobs."

Thanks to our readers, we've also discovered some more jobs Americans apparently don't find attractive. A social worker for an agency in the San Jose, Calif., area that provides services to children and adults with mental retardation, autism, and cerebral palsy, reported that the region's group homes and intermediate-care facilities "are staffed almost exclusively by Filipinos." The same holds for many "special education teachers and school aides, nurses working with those with delays or the elderly, respite workers, day program staff." These jobs, like many of the other jobs Americans won't do, require a high degree of skill and dedication—and yet they don't pay particularly well.

Transportation is another area in which demographics, the desire to hold down costs, and rising demand are combining to create a "shortage." Two readers pointed me to a [2005 report](#) released by the [American Trucking Association](#) and economic consulting firm [Global Insight](#), which concludes that Americans'

unwillingness to work as long-haul truckers could have dire consequences for the U.S. economy. As the [press release](#) notes, in 2005 the United States had a shortage of 20,000 truck drivers. Given economic growth and the graying of today's drivers, the industry will need 539,000 new drivers over the next decade. The study notes that if U.S. companies want to continue to enjoy cheap, reliable truck-based shipping, the industry will have to recruit more women and minorities, boost wages so that trucking pays more than construction, and address quality-of-life issues.

But that sort of thinking—raise wages to attract domestic workers into your field—is so last century. In today's flat world, employers can choose from a global labor pool, apparently even for driving big rigs down I-95. Meet [Gagan Global](#), which trains Indian drivers in India to drive American trucks in America.

How do you say "10-4, good buddy" in Hindi?

moneybox Free Beer!

... And other perks CEOs get when they lose their jobs.

By Michelle Leder

Monday, January 15, 2007, at 11:25 AM ET

Anyone who's ever been fired—or "resigned for 'personal reasons,'" as they say in the boardroom—knows that it's rarely a reason to celebrate. Most of us—and let's just say I have firsthand knowledge—are handed a box and allowed to collect our personal items as a security guard hovers nearby.

But some top executives are treated a bit more gently, even when their mistakes have cost shareholders hundreds of millions of dollars. We've all heard about the cash that cashiered executives get to keep. Over the past few weeks, there's been no shortage of stories about the \$200 million-plus departure packages for failed CEOs Hank McKinnell of Pfizer and Bob Nardelli of Home Depot. The hefty paychecks must go a long way toward easing the pain of being shown the door, but top executives also seek other consolation. Departing executives help themselves to all kinds of swag, though the only evidence of it is usually buried deep in SEC filings.

When Sharper Image CEO Richard Thalheimer "departed" the company in late September, he took the 7-foot-tall [Superman statue](#) that used to stand in his office. In his separation [agreement](#), filed on Dec. 29, Thalheimer agreed to pay half-price for the \$5,000 Man of Steel statue and for a \$15,000 statue of *Star Wars*' robot C-3PO—though few would argue that his leadership at the San Francisco-based retailer was superheroic. (Same-store sales were down sharply for much of last year, the stock declined by more than 40 percent in 2004 and 2005, and

the company plans to [restate](#) earnings for the past three years because of questions about backdated options.) Despite this, Thalheimer will still be eligible for a 50 percent discount on all Sharper Image merchandise for the rest of his life. That's in addition to \$5.7 million in severance and retirement pay.

Thalheimer isn't the only executive to ask for—and receive—office effects. In late July, Jacuzzi Brands CEO David Clarke stipulated in his [retirement agreement](#) that he would be able to take his "photographs of his personally owned sailboats" when he left at the end of August.

A month earlier, Mannatech's former chief legal officer Bettina Simon requested her office furniture—a desk, executive chair, and two side chairs—as part of her [separation agreement](#). Office equipment—laptop computers, cell phones, and BlackBerries—are more common requests. Cars are popular, too, like the 2007 GMC Yukon that outgoing South Financial Group executive John DuBose recently asked for as part of his departure deal from the South Carolina-based bank. Former Varian Semiconductor executive John Aldeborgh requested a Porsche SUV when he left the company at the end of September. The two SUVs, which are respectively priced at \$39,000 and \$111,000, give new meaning to the phrase "getaway car." Some swag seems downright pedestrian, like the lifetime discount that former Kohl's executive Arlene Meier will receive now that she's retired from the Wisconsin-based retailer.

Perhaps my favorite farewell perk—certainly one that many execs will covet for themselves—is provided to retiring Anheuser Busch Chairman August Busch III: "draught beer services and packaged products to your residence." There's no better way to while away retirement (or forced unemployment) than sucking down a cold, frosty one from your backyard keg.

movies

It's a Hard-Knock Life

The queasy morality of Russian adoption in *The Italian*.

By Dana Stevens

Friday, January 19, 2007, at 6:25 AM ET

The [short list](#) for Oscar nominations for best foreign film came out Wednesday, and the Russian submission to the category, Andrei Kravchuk's *The Italian*, wasn't on it. That's a shame, not necessarily because *The Italian* should win the prize—of the semifinalists I've seen so far, I'm rooting for *Pan's Labyrinth*—but because its mere presence on the list might have convinced more audiences to see this small, affecting curiosity. *The Italian* is an aesthetic gem, but a moral muddle. It marshals considerable filmmaking and acting prowess in service of a

message that—if I understood it correctly—practitioners of international adoption may find bluntly offensive.

Vanya Solntsev (Kolya Spirodonov), the "Italian" of the film's title, isn't Italian at all. A 6-year-old blond boy in a provincial orphanage near Leningrad, he's given that name by his fellow inmates—there's nothing else to call the residents of this squalid institution—when a wealthy Italian couple offers to adopt him and take him to their country. During the two months it takes to process the papers that will send Vanya to his new life, the boy witnesses a tragic scene: The biological mother of a child who's been adopted arrives at the orphanage, drunk and miserable, searching for her son. When she's taunted by the headmaster and sent away in the snow, Vanya resolves to run away and find his own mother.

The second act of the film, in which Vanya teaches himself to read for the sole purpose of raiding the files for his mother's address, explores the underworld of the orphanage: an alternate economy fueled by theft, prostitution, and protection money that's run by a teenage boss named Kolyan (Denis Moiseenko). The rest of the children (played by the real-life residents of an institution called the Lesogorsky children's home) struggle to find their place in the hierarchy—like gangsters in training. The kid-run mafia is a seedy universe that explicitly parallels the adoption racket going on upstairs, where children are showcased and sold to the highest bidder by Madam (Mariya Kuznetsova), a stout Cruella de Ville in cheap leopard-print rayon.

But it's here that the movie's moral intent gets muddled. Even if we grant that Madam and her fellow adoption brokers are driven entirely by greed, with no regard for the children they help to place, are we to include Vanya's prospective parents in the same category of villainy? The Italian couple, whom we meet only briefly as the film opens, seem nice enough, but there's something vaguely sinister in the way they're filmed as they repeatedly hug this boy they've just met and confer with the broker in murmured tones. Later, when the sad-faced headmaster (played wonderfully by veteran actor Yuri Itskov) tells Vanya that the boy will someday thank him for forcing him to go to Italy, the viewer (at least this one) wants to say, hell yeah. *Viva l'Italia!* But by this movie's own logic, we can believe in the absolute purity of Vanya's quest only by believing in the absolute malice of his pursuers.

A heartbreaking piece about Ukrainian adoptions in last week's *New York Times* [confirms](#) that *The Italian* is at least partly accurate in its portrait of the international adoption market. An awkward "auditioning" process dangles potential adoptees before parents only to snatch them away, while the bureaucratic wheels are greased by a system of gifts and bribes. But as compromised as the adoption process may be, orphaned children and child-seeking couples, not to mention at least some of their professional go-betweens, share the same goal: to establish a new family. Vanya's near-delusional journey to locate his birth

mother is certainly moving (all the more so when you learn it's based in part on a true story). But shouldn't we be allowed to appreciate the complex motives of those who, however venal, are trying to place him with a loving family? There's a fairy-tale force in the pure badness of this film's baddies, but (unlike, say, *Pan's Labyrinth*) *The Italian* isn't a fairy tale: It's a stark post-Communist fable with a clear debt to Italian neorealism. By turning Vanya's story into a black-and-white allegory of innocence pursued by evil, the film doesn't do real-life Vanyas any favors.

number 1

The Purloined Sirloin

Why is meat the most shoplifted item in America?

By Brendan I. Koerner

Friday, January 19, 2007, at 6:28 AM ET

Every supermarket detective—or "loss-prevention specialist," as many prefer to be called—has an offbeat meatlifting story to share. There's the one about the lady who seemingly defied the laws of physics by stuffing an entire HoneyBaked Ham in her purse, the man discovered with a trove of filet mignons in his Jockey shorts, or the meth addict who explained that his dealer, exhibiting an atypical benevolent streak, had agreed to accept prime rib in lieu of cash.

Yet most shoppers who use the [five-finger discount](#) in the meat aisle are neither so brazen nor so desperate. Carts brimming with groceries, they'll stealthily slide a single tenderloin or T-bone into a coat pocket, then hit the checkout line alongside their nonlarcenous peers. In this way, millions of pounds of beef, pork, and veal disappear from supermarket shelves each year. Meatlifting is a grave problem for food retailers: According to the [Food Marketing Institute](#), meat was the most shoplifted item in America's grocery stores in 2005. (It barely edged out analgesics and was a few percentage points ahead of razor blades and baby formula.)

Meat's dubious triumph is due in part to a law enforcement crackdown on methamphetamine use. Meat used to be the shoplifting runner-up to health-and-beauty-care items, a category that includes cough medicines containing pseudoephedrine, a key ingredient in home-cooked meth. In 2003, for example, a quarter of shoplifted products were HBCs, while meat took second place at 16 percent. But states began passing laws that require stores to move medicines containing pseudoephedrine behind secure counters. That was enough to cut the pinching of HBCs, which fell by 11 percent between 2003 and 2005.

Supermarkets would love to do something similar with meat, reviving the compulsory interaction between shopper and

butcher as in days of yore, but such an anti-meatlifting strategy wouldn't play well to the masses. Today's harried consumers want to zip through their food-shopping chores as quickly as possible—hence the proliferation of self-checkout lines and, more ominous for the [Krogers](#) and [Piggly Wigglys](#) of the world, online grocers. Shoppers would doubtless blanch at abandoning the self-service meat refrigerator in favor of once again taking a number and waiting for the attention of a white-coated butcher.

One compromise would be to place high-end meats behind a counter while keeping the ground beef and chicken thighs out in the aisle. Loss-prevention specialists note that a large number of meatlifting incidents, if not the majority, involve the pilfering of meats associated with luxury dining: rib-eyes, filet mignons, or lamb chops, among other treats. Stores have had particular problems with cuts bearing the [Certified Angus Beef](#) brand, which are often displayed near ostensibly less succulent offerings. With only enough money to purchase an ordinary chuck-eye roast, many otherwise ethical shoppers make a snap decision to lift the Angus instead. Store detectives speculate that these meatlifters feel entitled to have steak instead of hamburger on occasion, as a reward for their hard work; swiping an expensive bottle of dish soap doesn't provide the same sense of satisfaction. Though men and women shoplift in equal numbers, such aspirational meatlifters are most likely to be gainfully employed women between 35 and 54, according to a 2005 University of Florida study; men prefer to lift Tylenol or batteries, often for resale and often to support a drug or alcohol habit.

Though the behind-the-counter approach for Angus beef would certainly reduce meatlifting, it would also cut down on impulse purchases. And the happy reality is that for every shopper who decides to risk jail for a rib-eye, several more simply decide to splurge and shell out the extra few bucks for a choicer steak.

Wary about squelching impulse buys, supermarkets are instead looking for a technological deterrent to meatlifting. [Mettler Toledo](#) and [Hobart](#), two of the nation's leading suppliers of meat-preparation equipment, have developed [security-tag applicators](#) that conceal the tag beneath the price label; walk out of the store with a purloined sirloin and an alarm will sound. To counteract more-sophisticated meatlifters who know enough to remove a steak's price label before attempting to flee, some stores are embedding security tags in the pads that soak up meat juice; try to remove the tag and you're liable to get bloody drippings all over your clothes.

Yet electronic solutions are too pricey for many smaller stores. And too often, staffers simply ignore the security alarms, especially if the suspected meatlifter is exiting with bags full of groceries; they just assume that a tag wasn't deactivated at checkout.

So, more innovation is required in the battle against meatlifting. Meat-sniffing dogs pop to mind, though some shoppers might object to having a Doberman nosing around their crotches in search of stolen steaks. But you know what they say about civil liberties in a time of crisis.

poem

"Death's Doorman"

By Daniel Bosch

Tuesday, January 16, 2007, at 6:31 AM ET

Click to listen to Daniel Bosch read this poem.

Would this be ambience, or atmosphere?
Fear.
I hadn't expected such an emptiness!
An empty nest.
Do you open up *before* or *after* a good pandering?
During.
Book, Web site, infomercial. Edginess must be catching.
Ka-ching!
So let me be the first to congratulate—
Too late.
What is it people seek in your utterances?
Other answers.
You knew Mozart. Before he decomposed—
He composed.
And Freud was your plumber. Conscious or unconscious?
Kein Anschluss.
But have you ever crossed over? You know, necrophilia?
Ophelia.
Celebrities! They run to sarcasm.
Our chasm.
How do you do it? I'm already way off course.
Of course.
Is that really *his* door? How does he like his irony?
Runny.
I still sneeze when I hear a twenty-one-gun salute.
Salud!
What would you do if *you* came to a precipice?
Piss.
What can I say to my grandkids that's not uncool?
Uncle.
Have you any plans for your obsolescence?
Lessons.
And not a single kind word for posterity?
Austerity.
Well, you know what they say about the calendar.
Endure.
How will I know when I reach you?
I eat you.

So you, too, yearn for closure?

Oh, sure.

politics

Picking Scooter's Peers

The slog gets long.

By John Dickerson

Thursday, January 18, 2007, at 7:36 PM ET

From: John Dickerson

Subject: Opening Day at Scooter Libby's Trial

Updated Wednesday, January 17, 2007, at 7:56 PM ET

Scooter Libby's perjury and obstruction-of-justice case started today, but it was Dick Cheney and Tim Russert who were really on trial. Both men will be witnesses in the trial that stems from a federal investigation into Bush aides' leak of the identity of undercover CIA officer Valerie Plame in 2003. Cheney, who was on *Fox News Sunday* this week attesting to Libby's honesty, will testify in support of his former chief of staff. Whereas Russert will testify for the prosecution, which will attempt to prove that the newsman's recollections are more accurate than Libby's about when and how Libby disclosed Plame's identity.

During jury selection, the judge and defense counsel tried to ferret out whether the vice president's unpopularity would cause those weighing the case to discount his testimony or whether the star power of the *Meet the Press* host might lead jurors to believe anything he said. (Prosecutors, who benefit from these preconceptions, were not so worked up about probing them.)

Given these lines of inquiry, it became pretty clear who was going to get out of jury duty. Pay attention to the world around you, and it was pretty likely you were going to get bounced. Libby's defense team honed in on anyone who might have developed views about the case beforehand, who might not like the war in Iraq, or who have any sympathy for the media figures who will be witnesses or figures in the case. Twenty-four members of the media ([including me](#)) were among the 80 figures listed by the judge as playing a role in the case. (Jurors who knew anyone on the list were asked to explain their relationship to see if it might damage their impartiality).

So, for instance, when a young financial analyst admitted he watched *Meet the Press*, it was pretty clear he was going to make it home for lunch. When he interrupted the defense counsel to stand up for the accuracy of bloggers, he might as well have been taunting them. "Some of them are pretty good,"

he said, to the cheers of [bloggers who are—for the first time—formally a part of the press corps covering the case](#). (This will be a continuing theme of this trial, as those covering it wait to hear for their names, their [book titles](#), or the names of their blog or news organization mentioned in court. When the fledgling *Washington Examiner* was mentioned by a juror who reads it on the subway commute, its correspondent gave—and got—huzzahs.)

An African-American woman found the quickest self-ejection response short of yelling *fire*. She indicated in her answers to the 38-item jury questionnaire that she could not be impartial. The judge called her in to ask why. "I am completely without objectivity," she said of her feelings for the Bush administration. "There is probably nothing they could say or do that would make me feel positively about them." A window in the ceiling opened, and she was levitated out of the chair.

The first shock of the case is that the know-it-alls are in the *minority*. Despite saturation media coverage, frantic blogging, and the personal crusade of Joe Wilson, who at times seemed to be going door-to-door to scare up sympathy for himself, there are still balanced humans roaming the streets who live their lives unscathed by news about the leak. These strange beings admitted to knowing nothing about the particulars of the case or this whole big thing about whether the Bush administration fabricated evidence about weapons of mass destruction to go to war.

"I'm a sports-section guy," said the first potential juror, a little embarrassed. There was a somewhat grim moment for the Medill School of Journalism when one of its graduates said that while she studied the case in school—including in an ethics class—she didn't remember much about it. Out of school and working for a health-care association, she'd really forgotten about the case. "I read Medicare documents all day and don't do a lot else," she said, justifying herself.

At times the day's exchanges sounded like an undergraduate college seminar. There were questions about the influence of the media, whether opinions live in the subconscious, and the nature of memory. The stability of human memory is central to Libby's defense. Fitzgerald claims Libby lied during the federal investigation, but Libby says he was so busy fighting the war on terror he just couldn't keep up with whom he talked to and when. "Have you ever had an instance where you thought you remembered something that turned out not to be the case?" Libby's lawyers asked several potential jurors. They all agreed they had. "I thought I put the car keys in my coat, and I find them in the freezer," said one woman.

Lawyers worked hard to press the jurors, but not too hard—they might, after all, have to appeal to them should they graduate to the jury box. Prosecutor Patrick Fitzgerald may have won himself a friend for life when he asked a middle-aged woman if

her children were young. "Oh, aren't you sweet," she said as if he'd served up a winning pickup line. She said her kids were college-age.

It was hard to get a real feel for the judge or defense and prosecuting lawyers, because the press had to watch the action from a far remove. We will be let in for the main trial, but we watched jury selection on a flat screen in a windowless room with walls laminated in the fake wood popular in recreation rooms across America in the 1970s.

Justice is blind and therefore does not decorate well.

We looked like the most boring patrons of the most boring sports bar in the world, deciphering the action on the screen that had been separated into quarters representing the four camera views in the courtroom. The judge was in the upper left, the witness in the upper right, the podium where defense or prosecution lawyers spoke took up the lower-left quadrant, and in the remaining space we saw the entire courtroom from such a distance that we could have been watching an Akron City Council meeting and not known the difference.

From: John Dickerson
Subject: Six Degrees of Scooter Libby

Posted Wednesday, January 17, 2007, at 7:56 PM ET

You'd think it would be hard to find a pool of jurors untainted by any connection to Scooter Libby. First, his name is Scooter, and as one juror pointed out today during the second day of voir dire, "you don't forget a name like Scooter." Second, everyone in Washington knows everyone, even if their name is John Smith. If you don't know a person directly, your new baby sitter once took care of her kids, or your mechanic says he works on his car, too, or your cousin is the security guard at her building. So, it was surprising that the first dozen potential jurors quizzed in the Scooter Libby trial were somehow completely unconnected to Libby and even more amazing that none had even a remote relationship to any of the 80 names the judge said would be mentioned during the trial. No one had run-ins with famous Watergate reporter Bob Woodward, to whom Plame's name was leaked. No one had sat on a bar stool next to Tim Russert to watch a Buffalo Bills game or genuflected with him in church. Next time someone says "It's a small world," I'm going to put them straight.

But then came Juror No. 1869. Where other jurors said they didn't read the newspaper, this middle-aged man said he read it cover to cover every day. He not only knew journalists, he had been one for much of his professional career. In fact, Bob

Woodward had been his editor at the *Washington Post*. He also knew *Post* reporter Walter Pincus, another name on the list. Oh, and Tim Russert? They used to be neighbors. His son played basketball with Tim's son in the alley between their houses. He had gone to grade school with Maureen Dowd. (Apparently *this is the guy* everyone in Washington knows.)

For the next hour, lawyers for both the prosecution and defense turned the man around in their hands like a Rubik's Cube. Unbidden, he offered a view about memory that was straight from the Libby team's playbook. "Memory is a funny thing," he said. "I've been wrong and other people have been wrong. I'm skeptical about everything until I see it backed up." Would he be predisposed to believing testimony from Bob Woodward above all others? "Let's face it—he's written two books about Iraq," said the man. "One contradicted the other in some ways. He was obviously wrong in some ways. I think he's capable of being human and wrong." Lawyers for both sides pressed and pressed on his impartiality until he turned into an evangelist for the profession: "One thing about being a newspaper reporter all those years, one thing that has always been important to me, was getting it right, checking all the facts. ... One thing that [Woodward] drilled into all of us is that don't take anyone's word until you get the facts." To not judge the case fairly would "go against everything he taught us. I would find it shameful."

Attaboy, No. 1869. Libby's defense team relies on a far different view of the press and its sense of duty. They're hoping to convince jurors that the press is sloppy and that several of the members involved in the case who will contradict Libby's version of events have agendas and threadbare memories.

Jury selection was temporarily interrupted when a woman who had made it past the first day's questioning on Tuesday asked to speak to the judge. A cleaning lady who works in the Watergate complex, she explained that her employer would not pay her if she participated in the trial. "I wouldn't mind serving at all. It's just I have to look at my finances," said the young African-American woman. The judge called her employer, confirmed her story, and let her go. Tuesday, Libby's lawyers tried to challenge her inclusion because under questioning she seemed to suggest that since the defendant was indicted, he was already guilty. But as she walked out of the courtroom, she looked at Libby and whispered "good luck."

Libby's lawyers continued to press potential jurors about their views on the controversy over weapons of mass destruction in Iraq and their opinions of the Bush administration. Most people said they either hadn't paid enough attention or didn't know enough to make a call. The bulk of them showed such equanimity and fair-mindedness about weighing all the facts and Libby's presumption of innocence that it made you want to sing a hymn for the judicial system. There were a couple who said they could not put aside their negative feelings about the Bush

administration and were dismissed, but Day 2 saw the first Bush defender, a woman whose husband is serving in Iraq.

After watching today's procession, it occurred to me that people inside the Beltway (a precondition for service) are far more normal than they get credit for. Not all are politically obsessed wonks. Based on their answers, it appears that no one in Washington watches *Meet the Press*. One woman in her 30s called herself "a master of pop culture but nothing that has to do with current events that have to do with responsible adult things." When asked if he read the newspapers, an older African-American man said, "No sir; I only read the Bible." Another woman buys them only for the Sudoku puzzles. One woman had been a hotel maid for 30 years, another had played guitar in a bar and a man had driven a cab for a year and a half in New York. This is what *Survivor* would be like if the contestants didn't have to be good-looking.

The questioning about jobs and family run-ins with the law opened interesting little windows into their lives. One woman was dating a felon, while one man was being treated with methadone (he was excused). The lawyers tried to stitch little bonds with the jurors they'll potentially have to appeal to. Twice it went horribly wrong for Libby's men. When talking about faulty memories, Ted Wells said to a middle-aged woman that he bet it was the husband who was always wrong, presumably bonding over the idea that women always find their husbands pigheaded. No, she said, that wasn't the case. Libby's other lawyer asked a middle-aged man: "Did your wife ever say, 'I told you that?'" He took on an annoying voice, presumably bonding over the idea that women are hectoring shrews. The gentleman replied: "I don't have one of those."

A retired teacher from North Carolina was the star of the day. He'd moved to Washington to receive treatment for a debilitating illness. (I know more about him, but the judge says we're not supposed to make jurors identifiable.) Jurors get quite chatty under questioning, and this man explained that he finds it hard to watch television because his grandchildren regularly interrupt. His told us about his wife. "I call her the bionic woman," he said before listing the many surgeries she'd endured recently. "She has a lot of bad joints but a pure gold heart." Asked about the president, he became Gen. [Shinseki](#): "I don't always agree with his Iraq policy. If it were me making the decision I would have gone in with 500,000 troops to make sure we had all bases covered."

What was his opinion of Dick Cheney? "I'm not sure of his health as serving vice president with his heart, and I'm not sure I would like to go bird-hunting with him, either." Nearly everyone in the courtroom laughed. Libby put his head in his hand and smiled. Patrick Fitzgerald, a Joe Friday type, did not smile. His staff kept straight faces, too. Before the man left the witness stand he showed the judge pictures of his grandchildren.

From: John Dickerson
Subject: The Slog Gets Long

Posted Thursday, January 18, 2007, at 7:36 PM ET

Jury selection in the Scooter Libby trial was supposed to end today, Thursday, but the process is taking forever. Today, jurors were being tossed out like bad fruit. Nine of the first 10 to come forward were thrown out. By the end of the day, the failure rate was more than 60 percent. One castaway was a felon. One woman said she would distrust any politician. And several said they just didn't like the Bush administration *at all*. "I just can't trust anything anyone from the Bush administration says," said one.

The judge asked another: "Do you have any idea about Mr. Libby's guilt or innocence?" "Guilty," said the prospective juror, as if she were already the foreman and the trial was over.

"You can see the clerk down the hall," said the judge.

A *Washington Post* reporter (yes, [another one](#)) said she would find it impossible to keep from talking about the case with her boyfriend, with whom she lives. "I don't talk to my wife," muttered the judge, continuing the trial's leitmotif of telling us more about the main character's spousal relations. "I'm a journalist," she said in her defense. "I'm a gossip; it's what we do." In the end, it wasn't her profession but her views about Dick Cheney that bounced her. "I don't trust him, and anyone associated with him would have to jump over a hurdle for me to think they are at all telling the truth."

Although at one point it seemed as if the dismissals were coming so fast they should have put the jurors onto a conveyor belt, the bulk of the delay came from the witnesses who showed some juror potential and thus spent extended periods of time in the witness box while lawyers questioned them.

Much of the day's philosophical jockeying between the lawyers focused on the Iraq war. Attorneys for Scooter Libby have grilled potential jurors on their political views. They want to expose anyone with a hint of anti-war or anti-administration sentiment who might not be able to give their man a fair shake.

Prosecutor Fitzgerald, on the other hand, through his questions, tried to show that even those jurors who thought the war was a mistake or those who thought intelligence had been mishandled could nevertheless evaluate the testimony fairly. Or, as one potential juror, an art curator, put it with a theatrical swirl of her hand: "One must suspend one's conclusions." The elderly woman with leonine white hair made it through the questioning.

Charlie Rose's bookers should start working *right now* on getting her on the show after the trial is over.

Fitzgerald spent more than 15 minutes Thursday morning arguing privately with U.S. District Judge Reggie Walton over whether to dismiss one potential juror. A management consultant, she, like other jurors, seemed to want to serve, but was also struggling to be totally honest. "My personal feeling is the Iraq war was a tremendous, terrible mistake. It's quite a horrendous thing," she said. "Whether any one person or the administration is responsible for that is quite a complex question." She felt she could be fair but also confessed that her feelings about the administration could spill over into the trial. She too was dismissed.

At times, watching this questioning feels as though you're looking in on a doctor's exam. The first set of questions starts out general enough—what do you do, have you heard about the case—but you know that by the end of this process, the patient will have been thoroughly worked over.

Before lunch, an African-American woman who worked in an unclassified post at the CIA spent a long time up on the examining table. Before she came to court, she discussed her jury service with the general counsel at the CIA, as all employees must do. The agency lawyer told her that the case was about Libby's outing of covert agent Valerie Plame. That's not what the case is about. The case is about whether Libby lied during the investigation into Plame's outing. Libby's lawyers worried that as a 19-year CIA employee, she might be biased against anyone seen to have harmed a co-worker.

The judge explained to her what the case was really about, and she said she understood, but then Libby's lawyer Ted Wells started asking questions again. He flipped her. "If she wasn't covert, then it wouldn't be an issue," she said. "If she didn't work for the CIA, we wouldn't be here." That was all that was needed. After the marathon questioning session, she was excused.

This questioning picks up again Monday. (The judge had previous commitments for tomorrow.) Opening arguments are now scheduled for Tuesday, but let's not get our hopes up. Ted Wells, who is doing most of the questioning for Libby, is methodical and patient. Though he has to go through the same litany of questions, he does it thoroughly with each juror. His counterpart, Patrick Fitzgerald, who has less to worry about, often just asks a few questions and stops. Wells continues to press. He's like a politician who never gets bored of giving the same stump speech, a tenacity that eventually caused his straight-laced opponent Fitzgerald to offer a little quip. After a brief recess, Wells and the defense team hadn't returned. Fitzgerald looked at the judge and then the empty defense table: "This may go faster, Judge."

press box

New Wave

The case for killing the FCC and selling off spectrum.

By Jack Shafer

Wednesday, January 17, 2007, at 6:42 PM ET

Suppose Congress had established in the early 19th century a Federal Publications Commission to regulate the newspaper, magazine, and newsletter businesses. The supporters of the FPC would have argued that such regulation was necessary because paper-pulp-grade timber is a scarce resource, and this scarcity made it incumbent upon the government to determine not only who could enter the publications business but where. Hence, the FPC would issue publication licenses to the "best" applicants and deny the rest.

Whenever an aspiring publisher pointed out that timber wasn't scarce, that huge groves of trees in Canada and the western territories made it plentiful, and that he wanted to start a new publication based on this abundance, an FPC commissioner would talk him down. He'd explain that just because somebody had discovered additional timber didn't mean that the scarcity problem was over, it only meant that timber was relatively less scarce than before. He'd go on to say that the FPC needed to study how best to exploit this new timber before issuing new licenses.

Based on the notion of scarcity, the FPC would have evolved a power to prohibit licensees from using their paper for anything but publishing the kind of print product the FPC had authorized—no using that licensed paper to print party invitations or menus or handbills or facial tissue, the FPC would mandate.

And so on.

The absurd regulatory agency that I imagine here is only slightly more absurd than the Federal Communications Commission, which has exercised even greater control over the radio spectrum. Until the mid-1980s, broadcasters had to obey the "fairness doctrine," which required them to air opposing views whenever they aired a viewpoint on a controversial issue. Rather than tempt an FCC inquiry, most broadcasters simply avoided airing *any* controversial views.

Aside from bottling up debate, what the FCC really excelled at was postponing the creation of new technologies. It stalled the emergence of such feasible technologies as FM radio, pay TV, cell phones, satellite radio, and satellite TV, just to name a few. As Declan McCullagh [wrote](#) in 2004, if the FCC had been in

charge of the Web, we'd still be waiting for its standards engineers to approve of the first Web browser.

Although today's FCC is nowhere near as controlling as earlier FCCs, it still treats the radio spectrum like a scarce resource that its bureaucrats must manage for the "public good," even though the government's scarcity argument has been a joke for half a century or longer. The almost uniformly accepted modern view is that information-carrying capacity of the airwaves isn't static, that capacity is a function of technology and design architecture that inventors and entrepreneurs throw at spectrum. To paraphrase this forward-thinking 1994 paper ([PDF](#)), the old ideas about spectrum capacity are out, and new ones about spectrum efficiency are in.

Almost everywhere you look, spectrum does more work (or is capable of doing more work) than ever before. For instance, digital TV compresses more programming in less spectrum than its analog cousin. As the processing chips behind digital broadcasting grow more powerful, spectrum efficiency will rise. Ever-more efficient fiber-optic cables have poached long-distance telephone traffic from microwave towers, and this has freed up spectrum in the microwave spectrum for new use by cell phone companies.

Other examples of spectrum efficiency: Low-power broadcasts of all sorts allow the reuse of spectrum, as everyone who uses a Wi-Fi router at work or home or listens to a low-power FM radio station knows. New technologies that share spectrum without interfering with existing licensed users exist (see this short piece about [Northpoint Technology](#)). In this [bit of advocacy](#), an industry group gee-whizzes about the spectrum efficiencies promised by cognitive radios, smart antennas, ultrawide-band devices, mesh networks, WiMax, software-defined radios, and other real-world technology. The spectrum-bounty possibilities are so colossal that some members of the "media reform" movement even subscribe to them. The [Prometheus Radio Project](#), best known for promoting low-power FM radio, accepts one estimate that spectrum capacity may increase 100,000-fold in coming years.

If the spectrum cow can give that much milk, why do we need regulators to ration the airwaves as parsimoniously as they do? Former FCC Chief Economist Thomas W. Hazlett accuses ([PDF](#)) the FCC of overprotecting existing spectrum users at the expense of aspiring new users. The commission generally delays making decisions about new spectrum allocations, and these delays cost the new entrants money. Hazlett eloquently catalogs the rope-a-doping offenses committed against spectrum aspirants by the FCC and the existing airwave industries in this paper ([PDF](#)).

A classic example of FCC overprotection was the subject of my [column](#) yesterday: The FCC issued rules in 2000 that limited the number of potential lower-power FM stations to 2,300 when,

according to Hazlett's calculations ([PDF](#)), the dial could accommodate 98,000 under the existing interference rules. (Congress overruled the FCC and passed a law that essentially limited the number of LPFM stations to about 1,300 and locked them out of the top 50 urban markets.)

Technology alone can't bring the spectrum feast to entrepreneurs and consumers. More capitalism—not less—charts the path to abundance. Hazlett and others, going back to economist [Ronald H. Coase](#) in 1959, have advocated the establishment of spectrum *property rights* and would leave it to the market to reallocate the airwaves to the highest bidders. Such a price system would tend to encourage the further expansion of spectrum capacity.

Owners would be allowed to repurpose the spectrum they owned—using, say, AM radio frequencies to carry pictures—as long as they didn't interfere with the spectrum of others. Companies in control of spectrum would even be free to subdivide their frequencies and rent it out to customers by the minute for the broadcast and reception of data.

If that last example sounds too weird for words, think of it this way: You rent a chunk of subdivided spectrum every time you make or take a cell phone call.

The best sustained argument for the abolishment of the FCC can be found in Peter Huber's *Law and Disorder in Cyberspace*, which can be picked up for a song on [Amazon](#). The piece you just read draws heavily from Huber, so I'm a little embarrassed I don't actually quote him anywhere. For the abolishment of Jack Shafer, send e-mail detailing your request to the Shafer regulators at slate.pressbox@gmail.com. They'll get back to you in a couple of years. (E-mail may be quoted by name unless the writer stipulates otherwise. Permanent disclosure: *Slate* is owned by the Washington Post Co.)

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press box

What the "Media Reformers" Get Right

Well, 50 percent right.

By Jack Shafer

Tuesday, January 16, 2007, at 6:43 PM ET

The words "media reform" deserve to be quarantined inside quotation marks—at least on first reference—for the same

reason "campaign-finance reform," "tort reform," and "Social Security reform" do.

Reform connotes improvement—"altering for the better ... some faulty state of things," as the *Oxford English Dictionary* puts it—even when the "reforms" won't necessarily improve anything. Everybody who utters the R word is engaging in verbal sleight of hand. For instance, when Sen. John McCain promotes "campaign-finance reform," he's really pushing political censorship. When the *Wall Street Journal* editorial page demands "tort reform," they're merely advocating new legislative limits on the use of the courts. When the Cato Institute publishes its millionth monograph about "Social Security reform," everybody appreciates that what they're talking about is the repeal of Social Security. Let reformistas use the R word without sanction, and you've all but ceded the argument to them. (See this 2003 "[Press Box](#)" tirade against the R word.)

The R word has been very good to the media reformistas. They've built themselves a full-fledged movement around the word, convening a third [national convention](#) over the weekend to excoriate corporate control of the media.

What is media reform? In their book *Our Media, Not Theirs*, movement leaders Robert W. McChesney and John Nichols advocate antitrust proceedings against large media companies and call for regulatory limits on ownership across all media. They want every TV station to produce a mandatory hour of commercial-free news each day, with the news budget determined as a percentage of the station's revenues. Stations would be barred from selling ads to political candidates. Alternatively, stations that sell ads to candidates would be forced to give free, equal time to other candidates.

While I disagree with most of their diagnosis and prescription, the reformistas' determined efforts to create a new tier of low-power FM radio stations deserve some commendation: The government should allocate broadcast spectrum more aggressively than it has.

Eric Klinenberg devotes a chapter to their struggle for low-power FM in his new book, *Fighting for Air: The Battle to Control America's Media*. The reformistas convinced the Federal Communications Commission to approve regulations in early 2000 that would create new low-power FM stations. Both National Public Radio and the National Association of Broadcasters protested. NPR's president idiotically [insisted](#) the new stations would interfere with subfrequencies that broadcast to special radio reading services for the blind. In a demagogic turn, the NAB produced for Capitol Hill consumption a bogus audio demonstration of what the interference would sound like, Klinenberg writes. The demo made the radio interference sound like one station broadcasting over the other, a claim that the FCC easily refuted in a [fact sheet](#).

The existing broadcasters didn't really fear the irate blind or low-power stations interfering with their stations. What they feared was new competition for listeners, and they were eager to legislate as many of the new stations out of existence as possible. The NAB and NPR lobbied Congress for a law more restrictive than the FCC regulations and, by the end of 2000, won.

The proponents of low-power radio have made a huge deal out of the congressional rewrite of the FCC regs, but according to analysis by scholars [Thomas W. Hazlett and Bruno E. Viani](#), it wasn't much of a rewrite: The FCC would have allowed about 2,300 new stations, while the law passed by Congress limits the number to about 1,300. If a low-power FM scandal exists, it's that the FCC was overly restrictive in writing its rules: Hazlett and Viani calculate that FM could accommodate upward of 98,000 new low-power stations without interference. (Their projection excluded the top four U.S. markets, although they note that there is room for low-power stations there, too.) In other words, Congress and the FCC agreed more than they disagreed about how many new stations to allow.

According to Hazlett and Viani, by mid-2004, only 290 low-power FM stations existed, and of these, "about two-thirds were outside the 269 radio markets which overwhelmingly account for industry sales." About 700 licenses have been approved so far, reports the [Prometheus Radio Project](#).

The number of stations might be higher had Congress not essentially frozen the low-power stations out of the top 50 urban markets, as Klinenberg writes. Hazlett and Viani blame other restrictions, but these restrictions were completely in synch with the media reformers' agenda: The stations were required to be nonprofit, noncommercial, and ownership of multiple stations was prohibited.

A totalitarian state would have gotten a similarly low number of new entries if its ministry of communications decided to "reform" its newspaper-licensing practices along the same lines: No new papers in the biggest cities; no high-circulation papers; no profit-taking; and no owning more than one.

I know this will cause the reformistas' heads to explode, but I've got to write it: What's preventing low-power FM from flourishing as a genuine alternative to big media is not too much capitalism, but too little. I'll return to this "not too much, but too little" telecommunications theme in a future column.

Addendum, Jan. 18: For more of my capitalist prescription for the airwaves, see this "[Press Box](#)" sequel.

My head: Slightly caffeinated. Yours? Send e-mail to slate.pressbox@gmail.com. (E-mail may be quoted by name unless the writer stipulates otherwise. Permanent disclosure: *Slate* is owned by the Washington Post Co.)

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recycled Memo to Maliki

How to hang someone without embarrassing your country.

By Daniel Engber

Tuesday, January 16, 2007, at 11:51 AM ET

Iraqis [bungled the execution](#) of Saddam Hussein's half-brother Barzan Ibrahim al-Tikriti yesterday, decapitating him in the process. Apparently, they used a rope that was too long for a man of his weight. In an "Explainer" article published last year, and reproduced below, Daniel Engber described how hangmen can use "drop tables" to calculate the length of rope needed for a clean kill.

Download the MP3 audio version of this story [here](#), or sign up for The Explainer's free daily podcast on [iTunes](#).

Saddam Hussein will be executed in February, unless he can convince an appeals court to overturn the sentence handed down on Sunday. According to Iraqi law, the death penalty consists of "[hanging the condemned person by the neck until he is dead](#)." How do they hang people these days?

The same way they hanged criminals 100 years ago. The trick to a successful hanging is to have the victim drop an appropriate distance through a trapdoor before the rope goes taut against his neck. If he drops too far, he'll have picked up so much speed that the noose might decapitate him. If he doesn't drop far enough, he could remain conscious as he slowly strangles to death. But if you get the "drop" just right, the knot of the noose will snap against his neck—and either kill him or knock him unconscious.

The last [major innovation in hanging](#) occurred toward the end of the 19th century, when executioners first developed a systematic way to calculate the drop. Once these "[drop tables](#)" were published, a hangman knew that he'd need 7 feet for a slight, 120-pound criminal, but only about 4 feet for a 200-pounder.

In the United States, only [Washington](#) and [New Hampshire](#) still perform hangings. These jurisdictions follow now-defunct U.S. Army regulations for the punishment. The military rules demand 30 feet of hemp rope that has been [boiled, stretched, and dried](#). The bottom of the rope should be greased or waxed to make sure that the knot of the [noose](#) doesn't get snagged, and the whole

system should be tested with a sandbag dummy before the actual hanging takes place.

The Army even has its own drop table. According to its guidelines, the last man to hang in America—220-pound Billy Bailey—would have required 5 feet of loose rope. On a windy night in 1996, the [Delaware](#) guards removed Bailey's dentures, placed a black hood over his head, and then dropped the noose around his neck. (The hood prevents the prisoner from shifting position at the last second, as the lever for the trapdoor is pulled.) The knot of the noose was placed against his left ear, in the traditional manner deemed most likely to break the neck. The warden pulled a lever, and [Bailey dropped through the trapdoor](#). He was declared dead a few minutes later. (The Delaware gallows were dismantled in 2003.)

The Army drop table turned out to be inadequate for Mitchell Rupe, a Washington inmate who was supposed to hang in 1994. On death row, Rupe refused all exercise and ate junk food nonstop. By the time of his execution he'd reached 409 pounds, well above the table's maximum listed weight. According to Army regulations, anyone heavier than 220 pounds would get a 5-foot drop. The Washington authorities made an exception and cut Rupe's planned drop to 3.5 feet. Rupe appealed his case, and a federal judge ruled that the risk of decapitation was still too high. Rupe died in a prison hospital this past February.

[Hanging works a bit differently in other countries](#). In Japan, the gallows come equipped with three trapdoor switches, only one of which is actually connected. Three guards participate in the execution, but no one knows which one is actually responsible. In Iran, hangings are conducted by [hoisting criminals slowly from the ground](#) with a mobile crane connected to a nylon noose. Iranian hangings can take half an hour to complete.

Got a question about today's news? [Ask the Explainer](#).

shopping

Guiding Light

Which book light outshines the others?

By Tom Bartlett

Wednesday, January 17, 2007, at 4:33 PM ET

The sort of people who use book lights—book lighters, if you will—are not to be trusted. The device itself, remember, is intended for surreptitious reading. If these people have nothing to hide, why do they sneak off to a dark corner with their tiny, battery-operated lights? Why do they continue to read after their spouses have gone to sleep? What, exactly, are these book lighters planning?

I'm not sure, but I'm pretty sure it's something.

It is with these suspicions in mind that I set out to discover which of these seemingly benign gadgets is best (and by "best" I mean "most threatening to our democracy"). It wasn't easy. Night after night, I sequestered myself in a darkened room with a stack of books and a bag of triple-A batteries. I tried them on books of varying sizes, from slim paperbacks to weighty hardcover tomes. I read until my eyes grew tired or my brain was full, whichever came first. I carried the book lights with me on airplanes. I waited until my wife was asleep, and then I quietly switched them on. Yes, it made me feel dirty. But one must become one with the book lighters in order to truly understand them.

Methodology

Shine On (10 possible points): Light quality is important. Some lights are too bright, or uneven, or unpleasant. Points were awarded for a gentle, even light; points were docked for lights that are too harsh, too dim, or don't illuminate the entire page.

Portability (10 possible points): If it doesn't slip easily into my backpack, or seems like it would break if jostled, then I'm not interested.

The Sleeping-Spouse Factor (10 possible points): Stray light that might awaken a significant other, thereby leading to interpersonal strife, will not be tolerated. The light should shine on the page, nowhere else.

Design/Ease of Use (10 possible points): The buttons should be convenient, the batteries easy to replace, and it should generally be nonannoying to operate. Bonus points if it looks cool.

Here are the results, from dim to bright:

[Small Gooseneck Reading Light](#), \$1.95

When you pay \$2 for a book light—or anything, for that matter—you don't expect much. By that standard, this book light is a huge success because it delivers very, very little.

For starters, the light is harsh, uneven, and fails to fully illuminate the page. The neck is wobbly and irritating. The on-off switch is strangely sharp, causing pain each time you use it. And it broke after an hour or so.

If you really can't afford a better book light, let me suggest a candle. Or a match. Or a jar full of lightning bugs. Anything but this awful, awful book light.

Shine On: 2
Portability: 3
Sleeping Spouse: 5
Design/Ease of Use: 2
Total: 12 (out of 40 possible points)

Ultra Optix, \$9.99

Similar in style to our worst book light but considerably less crappy. The Ultra Optix casts a pleasant, even light, and the clip fastens securely to the book. It's easily adjustable, too, and works well no matter the size of the book.

Here comes the big "but." When you grab the base, which you must do in order to attach it to the book, the battery cover will slide off. This happened nearly every time. In other words, when you use this product as it is intended to be used, it will fall apart in your hands. As a bonus, sometimes the batteries fall out too, and then you're forced to fumble around in the dark. And believe me, no good ever came from darkened fumbling.

To make sure I wasn't crazy, I asked my wife to give it a try. The battery cover fell off for her as well, thereby proving that, at least in this one respect, I am not crazy.

Shine On: 8
Portability: 6
Sleeping Spouse: 8
Design/Ease of Use: 2
Total: 24

I-Sight Over-Ear Book Light, \$24.95

As a rule, I prefer my ears to remain unadorned and free of unnecessary encumbrances, so I was biased against the over-the-ear book light. But you know what? It's less terrible than I thought. Because it's on your ear, not your book, you don't have to adjust the book light when you turn pages. And naturally, because it is attached to your ear, the light shines wherever you are looking. This could be useful if you were, say, reading several different books in the dark. (Though, if you really do need to read several books at once, allow me to suggest a well-lighted room.)

One drawback is that, because it is so small, there is room for only one battery, meaning that it will die more quickly than most other book lights (which usually use three or four batteries to produce a similar amount of light). It also fails the sleeping-spouse test; it's too easy to accidentally shine the light somewhere other than the book. Finally, wearing a book light on your ear may seem too dorky, even for those like me who are already fairly dorky.

Shine On: 6
Portability: 9
Sleeping Spouse: 4
Design/Ease of Use: 7
Total: 26

Zelco "Itty Bitty" Book Light, \$35

I was prepared to give the "Itty Bitty" high marks. It's everything you want in a book light. The light is even; the design is elegant. It also folds down and slips into its own case, making it easy to carry in a pocket or purse. It stays securely attached to the book. The adjustable neck works well. Sounds great, right?

Here's the thing. The clip that holds the light to the cover of the book peeks up slightly. This matters because the clip is made of shiny metal and that shiny metal reflects light. So light shines back in your face. At first, I thought I could adjust the clip or reposition the book so this would be less annoying. Nope. Still annoying.

You could, I guess, put some masking tape over part of the clip so light won't reflect. But do you really want to invest \$35 in a book light that you have to modify in order to comfortably use? Let me answer that for you: No, you do not.

Shine On: 8
Portability: 9
Sleeping Spouse: 9
Design/Ease of Use: 3
Total: 29

LightWedge, \$19.95

The advertising material for the LightWedge encourages you to "imagine the perfect book light." It is a fairly ingenious product. Turn it on and the glass panel lights up. The idea is that because only the panel is illuminated there will be no stray light. I tried it out on a recent plane trip, and indeed, the lawyer snoring next to me was not roused. My wife also continued to slumber undisturbed.

The LightWedge comes in two sizes—one for hardcovers and one for paperbacks. I tested the paperback version, and while it works fine on small paperbacks, it is less than satisfactory on larger paperbacks or hardcovers. You have to continually shift the panel so that it illuminates the portion of the page you're perusing.

In addition, if you press the glass flat against the page, it creates little wavy shadows. So for optimal performance, you have to remember to tilt the wedge up slightly. It does look cool, and it doubles as a decent bookmark. But better book lights exist, and not just in my imagination.

Shine On: 6
Portability: 8
Sleeping Spouse: 10
Design/Ease of Use: 6
Total: 30

Beam & Read, \$19.95

There is nothing hip about the Beam & Read. It's black and blocky, and it hangs around your neck. The photos on the packaging show it being used by old people, and it seems very much like a senior citizen gadget.

But it also happens to be remarkably useful, blessedly simple, and once you have one, you won't want to give it up. Seriously. I love this thing.

Because it hangs around your neck, you don't have to worry about clipping it onto the book or mess with it when you turn pages. You can also lay it flat on a table and use it as a kind of mini-lamp. I've also found myself using the Beam & Read for nonliterary purposes, such as descending into our poorly lit basement, or ascending into our equally poorly lit attic. It would be especially handy in a power outage.

My only beef, and the only thing that keeps it from being the overall winner, is that it's a little too bright for using next to a slumbering companion. But on the whole, I'm inordinately fond of the Beam & Read and plan to buy several more as gifts. How's that for a testimonial?

Shine On: 9
Portability: 8
Sleeping Spouse: 6
Design/Ease of Use: 10
Total: 33

Zelco "Itty Bitty" Slim Book Light, \$29.95

While I have special place in my heart for the Beam & Read, our overall winner is a better book light qua book light.

It doesn't clip onto the book; instead, it fits snugly over the spine. Some of the other book lights leave behind little indentations on your pages. This may not be a big deal for that thriller you're going to toss anyway, but it matters for that first edition of *The Great Gatsby* you bought at auction.

And while it's larger than most of the other book lights, it's less troublesome to use because the body remains flush against the spine of the book. The flexible neck can be pushed down into the body, making it easily transportable and tough to break. And it feels sturdier than the others. Perhaps most importantly, it puts light exactly where you want it, and nowhere you don't.

By the way, the box promises that the LED bulbs will last for 100,000 hours, which works out to more than a decade. I'm going to have to trust them on that.

Shine On: 9
Portability: 9
Sleeping Spouse: 9
Design/Ease of Use: 10
Total: 37

sports nut
Rorygate

The NHL's All-Star voting disaster: a *Slate* investigation.

By Daniel Engber

Thursday, January 18, 2007, at 6:55 PM ET

Finally, something seemed to be going right for the National Hockey League. Despite [flagging attendance and abysmal television ratings](#), the league was headed into next week's midseason break on a wave of positive publicity. For the first time in, well, maybe forever, people seemed excited about the league's [annual All-Star Game](#).

The big story of this year's contest began with a single fan—22-year-old Steve Schmid of upstate New York. Schmid decided that it would be neat to see a hard-working journeyman get voted into the All-Star Game. He chose the Vancouver Canucks' Rory Fitzpatrick, an unremarkable player without much talent or flashy stats—in hockey terms, a [grinder](#). The "[Vote for Rory](#)" movement took off soon after All-Star voting began in late November. [Media outlets](#) picked up the story a few weeks later, when the Vancouver players [took their morning skate](#) in "Vote for Rory" T-shirts. Rory supporters started posting clever [campaign ads](#) on YouTube, and by early December he'd been written about in *USA Today*, the *New York Times*, and *Sports Illustrated*.

Rory Fitzpatrick has exactly one assist this season and only nine goals scored after a decade in the league. He missed a month of play this year with a broken ankle, and his name was nowhere to be found among the league-sanctioned superstars on the official ballot. But on the strength of Schmid's campaign, Rory soon moved up to fifth in the voting among defensemen.

The press played up [Rory-mania](#) as a [grass-roots movement](#) to change the league. But a bunch of league stalwarts lashed out at the campaign. On the CBC's *Hockey Night*, Don Cherry called the whole thing a joke: "[Rory, if you're watching, they're not laughing with you, they're laughing at you.](#)" On the Fox News-style [Hockeycentral Panel](#), one commentator described Rory-voters as a bunch of "[computer geeks.](#)" Wayne Gretzky suggested that the league [intervene](#) to save the All-Star Game. ESPN's Barry Melrose made an ominous warning about how the league would respond: "If this works, enjoy it," he said, "'cause I gotta think they'll have a trick up their sleeve so it'll never happen again."

It turned out the old-school hockey guys may have been onto something. A bunch of "computer geeks" were, in fact, driving the "Vote for Rory" campaign. And the NHL did have a trick up its sleeve to undermine the popular vote.

The YouTube videos and the "Vote for Rory" signs that started popping up at NHL arenas attest to the genuine support hockey fans gave Rory Fitzpatrick. But the campaign really took off because his supporters appeared to have figured out how to cheat the system.

The NHL's All-Star voting this year was carried out exclusively via unlimited online balloting. Anyone could vote for any player as many times as they wanted, so long as they took the time to fill out the entire ballot. By the end of the third week of voting, a young Vancouver computer programmer named Brad Touesnard had released the "[Rory Vote-O-Matic](#)"—a plug-in for the Firefox browser that allowed fans to fill out the ballot automatically. Thousands of times per hour. The campaign's initial organizers, who hung their shingle at [VoteForRory.com](#), disavowed the use of voting bots. Still, the Vote-O-Matic seemed to have an impact. Over the next two weeks, Rory registered an astonishing 285,000 write-in votes; he surged into second place in the voting on Dec. 19—good enough to ensure a starting spot on the All-Star team.

How did the Rory Vote-O-Matic work? According to Touesnard, online security at NHL.com was pathetic. The league tried to counter automated scripts by making voters decipher words embedded in distorted images—a system known as [CAPTCHA](#).

But the NHL used only 51 different picture files and each one had a predictable name, like "1.gif." All the Rory hackers had to do was create a table that linked up each file name with the appropriate pass phrase. Touesnard coded up the Vote-O-Matic in just a few hours.

It would have been easy for the league to implement a better system. A script that generated filenames on the fly for each distorted image would have flummoxed the Vote-O-Matic. Instead, the NHL programmers tried to patch their system with quick fixes. Touesnard says they first put in a time delay to the voting, and then they added more pass phrases and renamed the picture files. The league stepped up its efforts in the final two weeks—by the time the voting was over, Rory hackers had discovered about 12,000 security files on the league server. But nothing stopped them for long; according to the comments on the Vote-O-Matic Web site, the plug-in worked until the very end.

The press had fallen in love with the Rory campaign, and no one seemed to notice when the *Globe and Mail* broke the [Vote-O-Matic story on Dec. 20](#). Now the league's inability to stop the Vote-o-Matic (and other automated scripts) placed it in an awkward position. In public, the Bettman crew signed on with the Rory campaign. "It's good that a lot of people are having fun with it," announced a league spokesman. "[This story underscores the respect we have for our fans' passion.](#)" But something else seemed to be going on behind the scenes. The next round of voting results were a bit surprising. Despite all the news coverage—and all the efforts of the Vote-O-Matic—Fitzpatrick's vote totals had fallen off a cliff. After receiving 285,000 votes the two previous weeks, he got just 58,000 in the week ending on Dec. 26 and dropped to third place in the standings. Had the Vote for Rory campaign run out of steam? Or did the NHL brass decide it was time to take matters into their own hands?

I believe the evidence suggests the NHL cooked the books. Since the league counted only ballots that were entirely filled in, there should have been an equal number of votes cast for hockey's two conferences. But for the week after Christmas, players in the Eastern Conference received 6

percent more votes than those in Fitzpatrick's Western Conference. Among defensemen, the results were even more skewed: The guys in the West—Rory among them—got 16 percent fewer votes overall. (These discrepancies were about three times bigger than any that had come before.) As [bloggers](#) were quick to [point out](#), the numbers were exactly what you'd expect to see if the league had manually dumped 100,000 Rory votes. Nothing has been proved, but I'm hard-pressed to come up with another reasonable explanation.

If the league did toss out votes, it could have done so with a lot more subtlety. For example, it might have eliminated the votes of every player who was listed on each of the Rory ballots. That would have reduced the totals by equal numbers in both conferences, making the subterfuge undetectable. But the vote count released by the NHL suggests a more ham-fisted approach. The Rory fans were furious.

League apologists might point out that automated voting was [against the rules](#), and Rory didn't deserve to win anyway. But why should we assume that the Vote-O-Matic was the only voting hack out there? [A sudden](#), extremely suspicious spike in votes for players from the San Jose Sharks seems to have propelled undeserving forward Jonathan Cheechoo* [into the starting lineup](#). (He's currently [ranked 37th](#) in his conference for scoring.) Rory's teammate Roberto Luongo, who almost certainly [benefited from the Vote-O-Matic](#), will also be an All-Star starter. Given how the voting system was set up, I'd bet that many more players were the beneficiaries of large-scale fraud.

This sort of thing is nothing new. Fans have been [stuffing All-Star ballot boxes](#) and [electing ne'er-do-wells](#) for as long as they've been asked to vote. In 1957, the commissioner of baseball had to step in when Cincinnati Reds fans managed to elect [most of the team's starting lineup](#) at the expense of players like Willie Mays and Hank Aaron. The introduction of online voting made cheating [even easier](#): A Boston computer programmer famously [hacked the MLB.com system](#) to push Nomar Garciaparra ahead of Derek Jeter in 1999. And the hockey fans in San Jose—i.e., the ones who live in Silicon Valley—have been notorious for gaming online voting [in years past](#). Even the fan poll for this year's Hobey Baker award—that's hockey's version of the Heisman Trophy—[had to be reset](#) as a result of automated scripts. (The NHL probably should have

learned a lesson from its bush-league counterpart and reset the voting when they realized there was a problem.)

In spite of everything that's happened, sportswriters have proclaimed the defunct Rory campaign "[good for the league](#)." After all, voting for the game was up [740 percent](#) compared to the 2004 contest. (Never mind where all those votes came from.) Some have even gone so far as to suggest the whole thing was [orchestrated](#) by the league's viral marketers, who have been pushing a fan-centered brand under the slogan "[My NHL](#)." But it's hard to imagine how anything positive could come from such a parade of scandalous incompetence.

It's been almost two years since a [lockout](#) almost ruined the sport. Now the league has baited, misled, and rejected its fans. The NHL has hit a new low. It's turned the All-Star Game—an event that's supposed to be about giving people what they want—into a repudiation of the game's most loyal supporters.

***Correction, Jan. 19:** This piece mistakenly identified San Jose forward Jonathan Cheechoo as Joseph Cheechoo. ([Return](#) to the corrected sentence.)*

sports nut

The NFL Playoffs

I'm the only Bears fan who doesn't want to go to Soldier Field.

By Brendan I. Koerner, Josh Levin, Justin Peters, and Seth Stevenson

Thursday, January 18, 2007, at 6:15 PM ET

From: Josh Levin

To: Brendan I. Koerner, Justin Peters, and Seth Stevenson

Subject: The Saints Are Who We Thought They Were!

Posted Wednesday, January 17, 2007, at 6:35 AM ET

Brendan, Justin, and Seth:

If the Saints had lost last weekend, I probably would've left this dialogue to wither and die. But after Saturday night's thrilling, mortifying, life-affirming [27-24 win over the Eagles](#), I've got the energy to chat all week. So, welcome to the second edition of *State's* Wednesday Morning Football in America! Chris Suellentrop, our resident Chiefs fan and the man who has [served dozens of Tropical Blizzards to Marty Schottenheimer](#), has

abandoned us to "go on vacation." In Chris' absence, we've cobbled together a complete set of championship-caliber fans. Joining me (Geaux Saints!) and Seth (Mr. Patriot) will be Bears lover Justin Peters and Brendan I. (Love the Colts) Koerner. Welcome, gents, and beware of the dreaded [horse-collar tackle](#).

I'll start by stating the obvious: The divisional round was outstanding. Three of the four games twisted and turned until the final seconds. Even the Colts-Ravens contest, a showcase for [boffo soccer-style kicking](#) and not much else, became a fascinating psychological and strategic battle. But now for the sad news. Though they emerged victorious, our teams all looked fallible. The Saints defense gave up two long scores. The Colts couldn't score a touchdown. The Bears looked shaky on both sides of the ball. And the Patriots shot themselves in the foot repeatedly, only to have San Diego shoot itself in the head, shoulders, knees, and toes (and [eyes and ears and mouth and nose](#)).

Despite my fondness for you, Seth, I'm really annoyed that the Chargers blew it. For most of Sunday's game, they were a joy to watch—the unquestioned best team in the NFL. The San Diego cornerbacks and pass rushers harried Tom Brady into his worst-ever playoff performance (three interceptions, 24 incompletions), and Chargers running back LaDainian Tomlinson proved he's twice as fast and twice as strong as any other football player alive. And then came the [fumbled punt](#), the [Troy Brown strip](#), and some horrendous last-minute clock management that cost the Chargers a legitimate shot at a tying field goal. Cue New England's [celebratory end-of-game dance routine](#). (Seth, I eagerly await your review of the Pats' sassy rendition of Shawne Merriman's "Lights Out" dance. Does Ellis Hobbs get points off for not stripping down to a [trapezius-baring tank top](#)?)

San Diego's late-game goatery irks me not because the Chargers deserved to win (they didn't), but because it unnecessarily prolongs the Patriots' dynasty. Why are this year's Patriots unnecessary? Because we've already learned everything we need to know about the major players. There's little disagreement among the sports fan cognoscenti that Bill Belichick is a genius and Tom Brady is a great clutch quarterback. That Belichick and [personnel man Scott Pioli](#) have the Pats winning again with a load of new players is something I can appreciate intellectually, but it's nothing I care to look at. Especially compared to basketball dynasties, great football teams produce diminishing aesthetic returns. I never got sick of Magic's Lakers or Jordan's Bulls. If I never get to see Tom Brady throw a football again, however, I wouldn't be too broken up about it.

While I've lost interest in the Patriots, I'm still strangely tickled about the been-there-done-that Patriots-Colts AFC championship game—aka Brady vs. Manning XLI. Even with his look-at-me school of play-calling and his seeming desire to become the [Ron Popeil](#) of the NFL, there's still a place in my heart for Peyton

Manning. Watching the usually infallible Manning try to figure out Bill Belichick's defenses has been like watching a really smart toddler try to put together a 1,000-piece jigsaw puzzle. He didn't get it done the first time around, or the second time, or the eighth time, but I have a feeling this time will be the charm.

After their close call against the Eagles, I'm feeling just as confident that the Saints will make it to the Super Bowl. That is, kind of sort of a little bit confident. Of the four teams still alive, I think New Orleans is the only one that's played up to its real abilities. The Patriots and Colts can and will move the ball better than they did last week, and the Bears defense won't be as much of a sieve against the run. But the Saints did all the same stuff they usually do. The offense, led by Drew Brees, Reggie Bush, Deuce McAllister, and Marques Colston, moved the ball consistently via the run and the pass. The defense played well nine out of every 10 plays but got burned for a 75-yard touchdown pass and a 62-yard touchdown run. The Saints played so closely to type, in fact, that Eagles coach Andy Reid should've yelled, "The Saints [are who we thought they were!](#)" in his postgame press conference.

Assuming that my guys keep on keeping on, the NFC championship game will come down to the Rex Factor. Last week, [I guessed](#) that Chicago QB Rex Grossman would lead the Bears to a 28-24 victory despite throwing eight interceptions. Well, the Bears won 27-24, and—despite often looking perplexed about where he was and why a football was in his hands—Grossman turned the ball over just twice. This week, Grossman will be full of confidence thanks to his playoff victory. He will also be throwing against a Saints defense that [forced only 19 turnovers all year](#). (The Bears, by comparison, have forced 43.)

My prediction: Grossman loses his helmet before the game and is unable to play. Saints win, 31-20. Mr. Peters, proud citizen of Illinois and loyal member of the Ursine Nation, how does that score sound to you?

From: Justin Peters

To: Brendan I. Koerner, Josh Levin, and Seth Stevenson

Subject: My Recurring Nightmare About the Bears Quarterbacks

Posted Wednesday, January 17, 2007, at 11:32 AM ET

Josh, you obviously don't have much experience in QB fatalism, because Rex Grossman losing his helmet is nothing compared to the worst-case scenarios I've dreamed up. Throughout the football season I've had this recurring nightmare: All three Bears quarterbacks are car-pooling to the Super Bowl when their car gets blindsided by an [Old Style](#) truck. Cut to the stadium, where Coach Lovie Smith is on the PA asking if there's anybody in the

crowd who can play quarterback. Ten men stand up, all of them various stiffs who've taken snaps for the Bears over the last 10 years—[Henry Burris](#), [Moses Moreno](#), [Jonathan Quinn](#). Half of them tear their ACLs while rising from their seats, but the other five make their way down to the field. As they put on their helmets, I wake up sweating and screaming, "Craig Krenzel! Craig Krenzel!" over and over and over.

Yes, Ursine Nation is a sad and lonely place, and its citizens are prone to depressive flights of fancy. Can you blame us, though? The Bears have had 16 different starting quarterbacks since 1996. They've suffered through tightfisted ownership, incompetent management, and three coaches who aren't Mike Ditka. And until Sunday, they hadn't won a meaningful playoff game in about 15 years. So, while I'm thrilled that [the Bears beat the Seahawks](#) on Sunday, I still can't help hearing that Old Style truck revving its engine just around the corner. One overtime victory doesn't erase 15 years of suck—especially not an overtime victory that was as ugly as that one.

I'll ask you guys this: How much faith can you have in a team that consistently plays just well enough to win? Sure, Grossman minimized his turnovers, and kicker Robbie Gould came through in the clutch. But the Bears run defense gave up more than 100 yards to a crippled-looking Shaun Alexander, and the offensive line struggled to contain Seattle's undersized front four. Moreover, Lovie Smith made several bizarre judgment calls (that inexplicable timeout that gave the Seahawks a chance to win with two seconds left in regulation almost made me vomit) that have me questioning if he can handle the playoff pressure.

If all that doesn't prove my pessimist bona fides, you should also know that I'm convinced Devin Hester isn't the [Deion-esque](#) game breaker who everyone else in the world seems to think he is. During last week's game, the smarmy, unctuous Joe Buck referred to Hester—who's returned an NFL-record [six kicks for touchdowns](#) this season—as the Bears "home-run hitter." That's true, if you're comparing Hester to [Rob Deer](#). Sure, he's scored a lot of touchdowns, but the rest of time, he's fumbling the ball or running right into the kickoff team. The kick returner's main responsibility is to give his team good field position to begin each drive. Hester's all icing and little cake. Although the icing *is* pretty sweet.

In spite of all these terrible thoughts dancing in my head, there are still a few things in which I can take heart. First, there's the Bears defense, which is unequivocally the best unit remaining in the playoffs. Lance Briggs and Brian Urlacher might be the best linebacking tandem ever (these are fighting words, but I'm prepared to defend them), and [Tank Johnson](#) seems none the worse for wear from his sundry run-ins with the law.

Secondly, if you believe [Rob Weintraub's theory](#) that centers are the key to playoff success, then the Bears are in good hands. Chicago's Olin Kreutz is the consensus best center in the league.

He's also the longest-tenured Bear and a complete badass—last year he [broke a teammate's jaw](#) after an outing at an FBI shooting range. The dude is intense. (I actually played against Saints center Jeff Faine at a football camp in 1998. He was sort of slow, and I remember him eating a lot of pizza in the dorms. Too much cheese will kill your endurance. Advantage: Bears.)

Finally, and most surprisingly, there's Rex Grossman, whom I've decided to trust. Call it Stockholm syndrome, but I like Grossman more than any quarterback the Bears have had since Erik Kramer. (That's a sad sentence, now that I think about it.) Grossman pulled through in the clutch last week, and I really think that he's poised to do it again. Besides, I sort of have to think that, because who else do we have? Brian Griese? [Kyle Neckbeard](#)?

I confess that I didn't pay all that much attention to the other games last week (I was too nervous beforehand and too drunk afterward). I was sorry to see the Eagles go, though, because the Saints are the one team I don't want to be playing right now. I actually think the Bears defense matches up well with the Saints offense, but the Saints are going to have everyone in the world pulling for them. For a non-Chicagoan, rooting for the Bears on Sunday will be like rooting for the Grinch on Christmas. I just hope the Bears can muster up enough animus to come out strong against America's team. Maybe Lovie Smith's pregame speech should reference the great Chicago fire.

As for the AFC, I'm rooting for the Colts. Like Josh, I'm sick of the Patriots—but I'm also sick of hearing about how Peyton Manning can't perform in the playoffs. I want Manning to run up the score on the Patriots ... and then I want him to lose his helmet right before the Super Bowl. Seeing that the Bears QBs are probably going to end up as roadkill, that seems only fair.

From: Seth Stevenson

To: Brendan I. Koerner, Josh Levin, and Justin Peters

Subject: The Patriots' Dance Moves Reviewed

Posted Wednesday, January 17, 2007, at 3:59 PM ET

Josh, I think your Saints are in good shape. They played balanced, well-coached (save for that ill-advised pitch to Reggie Bush at the end) football against an extremely solid Eagles squad. And I think they're facing a slightly weaker foe in the Bears this weekend.

Meanwhile, Justin, I'm far from sold on Rex Grossman. He makes poor reads and dumb decisions. The main thing he's got going for him is the deep ball—the long heave downfield that requires no thought, is a classic equalizer for mediocre

quarterbacks, and, unfortunately for Josh, is a key weakness of the Saints defense. The New Orleans cornerbacks are slow and torchable. (They yielded a 75-yard touchdown bomb to the Eagles last week.) And the Bears' [Bernard Berrian](#) is just the sort of speed-demon wideout who tends to make them look bad. Still, if the Saints can keep a lid on these big plays, I think they'll win.

As for last week's Patriots game: Whew. The Chargers were terrifying. They were way more athletic than the Pats, played like crazed banshees, and were quite clearly the better team—except when it mattered.

Josh, I disagree with your theory that the Pats played awful and the Chargers played awful-er. Yes, Tom Brady threw an ugly interception to Drayton Florence off his back foot. But it was the result of the Chargers defense (led by [monstrous Pro Bowl nose tackle Jamal Williams](#)) getting a fierce push into the pocket. And yes, the Pats couldn't get the ball out of their own end for most of the first half. But this was a product of the Chargers D and terrific punt coverage, which pinned the Pats all day. Let's give some credit to San Diego for making the Patriots look so feeble.

As for the Chargers' mistakes: The dumb personal-foul penalties could have been avoided. But the fulcrum of the game—that fumble on the interception return—was less a Chargers boner than [a tremendous play by Troy Brown](#). We all say after the fact that San Diego's Marlon McCree should have knocked the ball down. But when do you *ever* see that on a pass that hits the dback in his chest in the middle of the field? It would be more physically awkward to bat it down than just to catch it. Ninety-nine times out of 100, McCree makes that interception, is tackled immediately, and struts to the bench a triumphant hero. This time, Troy Brown (OK, I admit he's my favorite football player of all time) refused to let things unfold that way.

It's a tired cliché, but the Pats made enormous plays every time they had to. With just 1:58 left in the first half, they were down 14-3 and got the ball on their own 28-yard line. They'd done nothing on offense all day. Brady seemed out of sorts. Yet if they didn't score here, I felt (and the friends I was with agreed) that the game was over. So, what did they do with their backs to the wall? They drove 72 yards for a touchdown, with Brady going 5 of 7 for 55 yards.

Was this luck? Patriots mystique? The curse of Marty Schottenheimer? No. The Pats' coaching staff switched to a three-wideout set on that drive. They hadn't planned to use this formation, but it was a smart adjustment and proved more effective against the Chargers' tactics. The Pats also used all three timeouts in their battle against the clock. They hadn't wasted any prior to this (and hadn't challenged any dubious-looking calls by the officials ...). Brady, as usual, remained calm and effective, despite the magnitude of the situation.

The point here is that the Chargers didn't lose this game. The Patriots won it. Those were two excellent teams making life very hard for each other. That's why neither one looked like a worldbeater.

But let's get to what's clearly [the most important story of the weekend](#): isolated Patriots performing a spasmodic dance at midfield after the game had ended. Was this classless, as LaDainian Tomlinson has argued?

I've tried to equate this situation with moments from my own life. Would I rather have my squash partner run his mouth all game ("Nice backhand volley, chump! Not in my house!") and then transform into a gentleman afterward, shaking hands and offering kind words, no matter the outcome? Or would I rather he was tightlipped in the moments leading up to the match and then burst forth with a gush of taunts upon defeating me (perhaps dropping his racket, whooping, and then break-dancing across the smoothly sanded wood floor of the squash court)? Both scenarios are difficult to imagine, as my squash partners are political consultants and securities lawyers. But it does seem somehow crasser to taunt after the game is over, instead of during the action. The heat of the battle is gone, and now you're just kicking a man when he's down.

Also, I don't love the fact that the Pats are becoming known for sarcastic renditions of their opponents' signature celebrations. There was the [Eagle flapping](#) to mock Terrell Owens in Super Bowl XXXIX, and now the snide "Lights Out" dance to mock the Chargers' Shawne Merriman. I'd prefer that the Pats come up with their own, original taunting dances. As it is, they seem keen on policing all individual expression. They even come out as a team before games, instead of getting announced one by one. They're like the [Cylons](#) of the NFL. But I still love 'em.

How about you, Brendan? You loving these Pats?

From: Brendan I. Koerner
To: Josh Levin, Justin Peters, and Seth Stevenson
Subject: A Prayer for My Beloved Colts
Posted Wednesday, January 17, 2007, at 6:24 PM ET

Seth,

"Love" isn't quite the word I'd use to describe my attitude toward the Patriots, the team that has caused me more *agita* over the past several years than the IRS, my wind-chime-loving neighbor, and Jimbo's Hamburger Palace combined. Like Peyton Manning, I'm still prone to waking up in a cold sweat at 3 a.m., in the mistaken belief that former Patriots cornerback Ty Law's cleat is

planted on my chest. So, you can understand how cathartic it was to see my beloved Colts [pummeled](#) the Law-employing Chiefs in the wild-card round. That's one New England-related boogeyman down, at least. Now for the complete Patriots exorcism, to be conducted on the RCA Dome's FieldTurf this Sunday.

Despite my antipathy toward the Lords of Foxborough, I don't really see what the big deal was about the Patriots imitating Merriman's spasmodic sack dance. Certainly there are nicer ways to celebrate—whatever happened to the group prayer on the 50-yard line?—but I can understand why it's difficult to quickly downshift from violent methead into genteel sportsman. *Sports Illustrated's* Peter King made a [good call](#) about why Merriman bears some of the blame; when the quasi-mohawked Chargers linebacker appeared on the CBS halftime show during the Jets-Pats wild-card game, Merriman predicted the Jets would pull off the upset even though they were already losing by a touchdown. (He also bizarrely lauded the Jets D for holding the Pats to 17 points through two quarters.) Note to Merriman: There's a reason professional athletes resort to clichés in situations like these. Next time, go bland and you're less likely to enrage your opponent. May I suggest the following: "They're both good teams. It's going to be an exciting second half."

The celebration I'm far more interested in, of course, is the revival by Colts defensive end Robert Mathis of [Gilbert Brown's](#) legendary undertaker move. He saved it for the penultimate play of the Ravens-Colts tilt, after he sacked Steve McNair, forcing (and recovering!) a nail-in-the-coffin fumble. Then Mathis got down on one knee and started miming the act of digging a grave, a bravura performance that can mean only one thing: The Colts' defense has finally regained its 2005 swagger. Remember that? When DE Dwight Freeney made the cover of *Sports Illustrated*, with a tagline lauding the Colts' D as one of the league's best? Of course you don't, because the only thing anyone recalls about last season is [Ben Roethlisberger tackling Nick Harper](#) in the divisional playoffs. I still think about what might have been if only Harper's wife hadn't [stabbed him](#) with a steak knife the previous night.

This year, of course, all the chatter has been about the Colts' softness against the run. But I liked what I saw in last week's win over the Ravens: middle linebacker Rob Morris running sideline to sideline in pursuit of the dink-and-dunk pass, Freeney fighting through double-teams, and, above all, a textbook lesson on [Cover 2](#) execution. The Colts' pint-sized defensive backs did a stellar job of squaring up against the short reception, then putting a hurt on the receiver (except for gargantuan Ravens TE Todd Heap, to whom 5-foot-8 Colts CB Jason David is no more injurious than a gnat). As for the deep ball, McNair's arm just didn't seem to have the necessary oomph, but I also like what I saw from rookie safety Antoine Bethea. Safety help is critical in the Cover 2, and Bethea's a definite ballhawk.

Less encouraging was the Colts' play on the other side of the ball, where they settled for five field goals and nary a touchdown. It's tough to be happy about Manning's sub-40 quarterback rating and his two picks—heck, if Ray Lewis hadn't tipped two misfired Manning throws, the Man of 1,000 Commercials would have registered a disastrous four-interception game. Manning tried to explain this all away in his postgame CBS interview, saying that things had pretty much gone according to plan against a tough Ravens D. I'll buy that to some extent, and I've certainly got to admire the way Manning audibles his way out of trouble; no one's better at setting up an impromptu three-yard dumpoff when he knows a blitz is coming. But I still keep thinking about that overthrow of a wide-open Aaron Moorehead; had Manning finessed that pass just a smidgeon more, it's the game's only touchdown. If he can't hit those opportunities against the Patriots, it's going to be yet another long spring and summer.

I guess I should say something about Adam Vinatieri's brilliance, but I've promised myself to refrain from praising the pride of [Yankton, S.D.](#), until he updates his [Web site](#). Seriously, Adam, show some loyalty and throw a Colts photo up there on the front page, won't you? Though if you nail a game-winner against your former comrades this Sunday, I'll think about letting it slide.

As for the NFC matchup, I've been wracking my brain trying to come up with a reason the Saints shouldn't win. The best I can do is guess that the frigid weather will turn their young receiving corps' hands to stone, thereby negating the brilliance of Drew Brees. But come to think of it, there's a simple enough remedy for that: Just bang Deuce McAllister between the tackles 25 times, and swing it out to Reggie Bush once in a while. With DT Tommie Harris on injured reserve, I just don't see the Bears winning a frigid slugfest. Bet that makes you happy, Josh, though I should warn you—I also predicted that the Colts would hang three touchdowns on the Ravens. Good thing I don't gamble.

From: Josh Levin
To: Brendan I. Koerner, Justin Peters, and Seth Stevenson
Subject: Why I Take the Saints Personally

Posted Thursday, January 18, 2007, at 11:42 AM ET

Seth and Brendan, I appreciate your kind words about the Saints' chances this weekend. You are great Americans. As Brendan alluded to, a bunch of nonbelievers are predicting the frigid January weather will be New Orleans' undoing. "The Bears are playing at home, in the cold and in their elements," [writes](#) ESPN's John Clayton, in an essay explaining why Chicago will win the NFC championship game. Well, I'm not buying it.

To the best of my knowledge, Bears scouts do not mush across the [49th parallel](#) via dog sled in search of burly, snowbound men in shoulder pads. Devin Hester is from Florida. Cedric Benson is from West Texas. Lance Briggs is a Californian. You're telling me those guys are "in their elements" when an Arctic air mass plunges into Soldier Field? The Saints' Reggie Bush might slip on the frosty turf. And so might Chicago's Bernard Berrian. Advantage: nobody. Everyone, on both sidelines, will be cold. Everyone except [Tank Johnson](#). If Jack Frost nips at Tank's nose, Jack Frost is going to get hurt.

My fixation on the Chicago weather report is a good sign that I'm thinking about the Saints too much. I've clocked a dangerous number of hours on Saints message boards this week, and I've been devouring the copious national news stories about my team. Just today, I read the [Sports Illustrated cover story](#) on Drew Brees, a strangely detailed Len Pasquarelli article about [the Saints' nondescript right tackle](#), a [New York Times piece](#) on Reggie Bush and Deuce McAllister, and an infuriating *Times* story on [the team's supposedly pitiful balance sheet](#). I could go on about this last item for days, but let me just say that Tom Benson bought the team for \$70 million. It is now worth \$738 million. Benson also receives an annual bribe—I mean, subsidy—from the state government to keep the team in Louisiana, a 10-year, \$186.5 million deal that predates Katrina. If, as the *NYT* suggests, it's "unlikely the Saints would ever earn enough in New Orleans to satisfy the Benson family," then I know a great place where they could move the team: up Tom Benson's wrinkled old caboose. Rents are very reasonable there, I hear.

My problem is not that I'm thinking about the Saints too much. It's that I've started to take the Saints really personally. I've loved the Saints for as long as I can remember. As a kid, I watched every game, cherished my autographed photo of [Dalton Hilliard](#), and wiled away one long season by writing a rhapsodic, Saints-inspired short story. My feelings about the Saints weren't at all unusual—just the typical boyhood passion for the hometown team. After Katrina, though, I realized that the Saints will always be a fundamental part of my New Orleans. In October 2005, when my relatives were [still displaced in Houston](#), news reports started circulating that the Saints [would never play at home again](#). Even with the city in shambles and my family in limbo, I think it took the Saints' impending departure to convince me the city I grew up in was gone.

Of course, the Saints didn't leave, Tom Benson be damned. And this year, after [40 years of futility](#), they started winning. It's foolish to think the team's success will somehow "revitalize" New Orleans. The Saints can't build affordable housing, and they can't fight crime. But there's no question that watching one of the city's most prominent, most beloved institutions slough off its historical incompetence—and even flirt with greatness—has been a cathartic experience for New Orleans and the New Orleans diaspora. A telling detail from this week's *SI* story:

Drew Brees says that people in the city don't ask for autographs—they stop him and say, "Thank you."

The town's rapport with Brees is one of many signs that, like me, New Orleanians see the Saints players as comrades-in-arms. Rooting for professional athletes requires a certain suspension of disbelief—a fantasy that some millionaire out-of-towner cares as much about the name on the front of his jersey as you do. When our favorite team wins a championship, we endow a bunch of athletes we don't know with the virtues that we'd like to attribute to ourselves—intelligence, toughness, dedication. (Brendan, I'm sure, believes he [shares a talent for celebratory dancing](#) with the Colts' Robert Mathis.) What's different about these Saints—my Saints—is that it doesn't require much suspension of disbelief to think [the players care about New Orleans](#), or that they have something in common with the people who cheer them on from the upper deck.

There are probably a bunch of guys on the Saints roster who see New Orleans as nothing more than the place they earn their paycheck. But there's also [Deuce McAllister](#). Last week against the Eagles, the Gulf Coast native [carried the Saints to victory](#), dragging the whole Philly defense into the end zone for a crucial touchdown and smashing through the line for the first down that sealed the game. And, a few days before Saturday night's playoff game, he [took an ESPN reporter](#) on a lengthy tour of the city's most devastated neighborhoods, telling him to "[j]ust get that word out."

Seth, the '06 Saints remind me of [your beloved 2004 Red Sox](#), the team who vanquished the Yankees, won the World Series, and unburdened New Englanders of a century's worth of self-doubt and self-loathing. Two years ago, when Boston desperately needed its team to succeed, a Red Sox fan posted a plea on the Web site [Sons of Sam Horn](#) called "[Win it For](#)." That first message grew into a list of more than 1,000 tributes to Sox players, friends, and beloved relatives who deserved the gift of a World Series title—a written testament to what a sports team can mean to a city and a group of fans.

This week, someone at the message board SaintsReport.com started a "[Win it For](#)" thread about our team. The best post so far, written by someone with the handle MSSaintfan, is [an incredibly moving autobiography of fandom](#). (You have to scroll down a bit to read it.) "Win it for the forty-five year old, who saw his hometown of Biloxi destroyed again, along with New Orleans, by yet another hurricane, and watched his Saints live a vagabond existence, not knowing if he would ever see them at home again," he writes near the end. "Win it for the forty-six year old that has been there all 39 years. Win it for the forty-six year old that has laughed and cried and cheered and wept. Win it for the forty-six year old that always believed, even when everything looked bleak."

In spite of that outpouring of love and devotion, I bet you guys still want your teams to win. Heartless bastards. So, what's your mantra this year, Seth? How about, "Win it for Bill Belichick, because three Super Bowl rings aren't nearly as good as four."

From: Seth Stevenson

To: Brendan I. Koerner, Josh Levin, and Justin Peters

Subject: I Am an Evil Patriots Fan

Posted Thursday, January 18, 2007, at 3:07 PM ET

Great. Now I'm rooting against the fragile hopes and dreams of a wounded city. I thought I was just watching football.

I understand where you're coming from, Josh. The 2004 Red Sox victory was a soul-stirring, citizenry-unifying touchstone. A fourth Patriots Super Bowl in six years would just be sort of nice.

There's some irony in the fact that Patriots fans—most of whom are also Red Sox fans—now find themselves playing the role traditionally accorded to *Yankees* fans. Everyone's sick of our team. No one wants them to win. Sports columnists are writing things [like this](#): "If the New England Patriots defeat the Indianapolis Colts in the AFC championship game on Sunday, it will unleash a wave of boredom and annoyance that could reach biblical proportions."

I've already made my case for [why Pats fans deserve a little slack](#). (Before this run of excellence, the Patriots were one of a very few teams that could rival the Saints for futility.) But I think there's also a case to be made for the value of juggernaut sports dynasties.

When a different team wins every year (as has happened in baseball of late), the ingredients for victory can begin to feel random. It's too easy. Your team just [gets hot at the right moment](#), and boom, you win.

When the same team (or the same person, like Roger Federer or Tiger Woods) wins year after year, then you know it's something special. You know you're watching greatness. And that's important to me as a sports fan. I don't want to watch a bunch of mediocrities slugging it out. I want to feel I'm watching the game played at its highest level.

Also, when Goliath finally does hit the mat, you know the new champ has earned his crown. The Diamondbacks beating the Yankees in 2001—in their final at-bat, facing Mariano Rivera, after the Yankees had won four of the previous five championships? That was drama. We could all feel how

improbable and thrilling a win that was. The Yankees seemed invincible. At last, someone slayed the dragon.

Now that I'm on the other side, and you all despise my team, it's not as much fun. Likewise, I find it difficult to work up much hatred for the Colts. We've crushed their fans' hearts so many times. Now I'm supposed to be rooting for their misery yet again? How much is enough? I know the ecstasy of at last overcoming a bitter foe (thank you, Dave Roberts and the rest of the 2004 ALCS Red Sox squad), and as a kindhearted human being I'd really love to share that fulfilling joy with a Colts fan like Brendan.

Oh, who am I kidding? [Spotlight goes red. Flames rise up behind me. Evil violins begin to shriek and wail.] How dare those pathetic Colts fans believe this is their year? (Are they smoking stuff out of [Michael Vick's water bottle](#)?) Because it's *never* their year! Never never never!! I want to crush them again and again! I want Peyton Manning to throw nine interceptions! I want Dwight Freeney to spin so hard that he corkscrews through the RCA Dome turf as Laurence Maroney sprints by! I want Ty Law to be a special evil guest on the Patriots' sideline, pointing at his head while staring creepily at Manning! Bwa ha ha ha ha ha!!

Sorry, Brendan. But that felt good. Now that I've got it off my chest, let's talk about the game.

Wednesday, I rewatched the Pats-Colts game from earlier this season (played back when the Pats were 6-1 and the Colts were 7-0). The Colts won 27-20 and were in control for much of the contest. I managed to find good and bad news for both sides.

Most evident as a Pats fan was the fact that Peyton Manning diced up the New England secondary in that game. But recall that strong safety Rodney Harrison got injured and went out early in the first half, which left the Pats disorganized and scrambling. (The same thing happened against the Panthers in Super Bowl XXXVIII, leading to a slew of big passes for QB Jake Delhomme late in the game.) Harrison likely won't play this week either, but at least the Pats are prepared for that going in.

The Pats' running backs were bullying the Colts around (every team was running on the Colts at that point in the year). But the Patriots abandoned the ground game at odd times. One early, methodical drive ended when Tom Brady seemingly grew bored and took a deep shot downfield, resulting in an interception. I realize that a punishing run game can open up the play-action strike for big yardage, but the risk of a turnover hardly seems necessary when you're ripping off 8-yard carries at will. (And the Pats were doing this without TE Daniel Graham or G Stephen Neal—both key run-blockers who were out that game but are now healthy.)

I see two central questions leading up to this weekend's matchup. 1) Is Indy's recently improved run defense for real? 2) Can the Pats' shaky and depleted secondary hold Manning at bay?

I think it's quite possible the Colts' defensive rebirth is genuine. Yes, oft-injured SS Bob Sanders is back, and he has a knack for torpedoing opposing running backs. But there's more to it than that. Sometimes a unit just jells, and begins to play with confidence and fire. I've seen this happen repeatedly with Patriots defenses, which can suddenly click come playoff time. I still think the Pats will be able to move the ball on the ground (something they couldn't do at all against the Chargers), but I don't think the Colts are the historically putrid pushovers they were earlier this year.

As for the Pats' d-backs? This could get ugly. Asante Samuel might hold his own against Indy's Marvin Harrison. But on the other side of the field, Reggie Wayne will have his way with Ellis Hobbs, a young Pats cornerback with a lot of confidence but not a lot of skillz. (Philip Rivers, the Chargers quarterback, called him "[the sorriest corner in the league](#).")

I admit I'm chest-tighteningly nervous about this game. All I ask is that it not come down to a field goal at the end. Or rather, not come down to Adam Vinatieri nailing one down Broadway, or rookie Pats kicker Stephen Gostkowski shanking one wide right.

Whaddaya think, Brendan? Is this your year? [Flames rise, violins shriek.]

From: Brendan I. Koerner

To: Josh Levin, Justin Peters, and Seth Stevenson

Subject: Why the Colts Will Finally Beat the Patriots

Posted Thursday, January 18, 2007, at 5:00 PM ET

You read my mind regarding the Patriots' secondary, Seth. Agreed that Asante Samuel has a good shot at containing Marvin Harrison, who's apparently [suffering](#) from a gimpy wrist (on top of his lifelong inability to crack a smile). I could even see Ellis Hobbs limiting Reggie Wayne to, say, four or five receptions for under 100 yards; you can be sure that Belichick is scheming to get Hobbs some safety help on Wayne. But when the Colts line up in their four- and five-receiver sets, watch out. The over-the-middle skills of Dallas Clark have already been well documented, but I've also got high hopes for backup wideout Aaron Moorehead and third-string tight end Bryan Fletcher. Peyton Manning trusts both despite their relatively low positions on the Colts depth chart, and the 6-foot-5 Fletcher in particular will pose matchup problems for the Pats nickelbacks.

It was not polite of you to bring up Laurence Maroney's unadulterated awesomeness, however. You might recall that [Bill Polian](#) had an enormous man crush on Maroney prior to last year's draft. But then the Patriots picked nine spots ahead of the Colts, and they bogarted the University of Minnesota stud for their own nefarious purposes. So, Polian had to settle for LSU running back Joseph Addai, who's fast around the tackles but perhaps a little butterfingers. Given Tony Dungy's penchant for going conservative in the playoffs, I'm guessing that the sure-handed Dominic Rhodes gets the bulk of the Colts' carries on Sunday, as he did in the fourth quarter against the Ravens.

Not a bad decision, necessarily, but I dread Dungy's penchant for playing scared in the postseason. Few people caught this, but last year against the Steelers, Dungy called for a punt late in the third quarter with the Colts down by 18. I could understand the call if it was a fourth-and-long, but the Colts were facing a fourth and 2. Manning almost had a coronary upon realizing that his coach was basically waving the white flag, and he refused to pull the offense off the field. Dungy relented, and Manning and the offense stayed on the field. Net result: a first down, and almost a miraculous victory. (I'll reiterate what I [said yesterday](#): Mrs. Nick Harper, did you really have to stab your hubby the night before the biggest game of his life? Couldn't you have waited to unleash your inner [Brutus](#) until mid-February?)

Given the Pats' suspect secondary, especially if SS Rodney Harrison can't play (and he's currently listed as "doubtful"), this Sunday's definitely not the time for Dungy's [patented playoff conservatism](#). I mean, could the circumstances be any better for a vulgar display of air power? Yeah, yeah, I know, you have to establish the run in order to make the play-action work. But Tony, my man, come on—live a little. Unless you're up by more than a touchdown in the fourth quarter, in which case you should feel free to run Rhodes up the gut to your heart's content.

Seth, you also asked about the Colts' run defense, a topic of endless fascination for those of us who live and die by the Horseshoe. More telling than the D-line's stellar stats the past few games might have been the broad smile on defensive tackle [Booger McFarland](#)'s face, flashed at the end of the Ravens game as he and Dungy recounted their glory years in Tampa. Cory Simon was supposed to be the run stuffer who'd get us to a Super Bowl, but a mysterious "non-football illness" (rumored to stem from a near-suicidal fondness for [jalapeño poppers](#)) landed Simon on IR. And with DT Larry Tripplett lost to free agency in the offseason, the interior defensive line turned gelatinous. Even McFarland couldn't fix the problem at first, but he finally seems to be adjusting nicely to life sandwiched between Robert Mathis and Raheem Brock. If McFarland keeps his motor running, and run-support maven Cato June can fight through some post-concussion cobwebs, I like our chances for keeping Maroney and Corey Dillon under, say, 125 yards combined.

Josh, you make a convincing case for why I should root for the Saints—Lord knows the citizens of New Orleans deserve some good news. I'll admit that the Colts aren't the most lovable franchise around, a personality that stems in part from their [utilitarian home stadium](#), and in part because the team is essentially devoid of larger-than-life characters aside from Manning and his "[laser rocket arm](#)." Harrison, as noted above, is sort of the anti-[Chad Johnson](#)—after a circus touchdown grab, number 88 looks as excited as if he'd just completed his 1040EZ form. Dwight Freeney and Reggie Wayne, meanwhile, strike me as football nerds, the kinds of guys who'll talk your ear off about the nuances of the trips formation or the swim move, but are otherwise no more engaging than [Alistair Darling](#).

If you need a story line to pull for the Colts, the best we have is that Manning is trying to avoid Dan Marino's ringless fate. If that doesn't cut it for you, how about this: the redemption of [Art Schlichter](#). Everyone who dismisses Ryan Leaf as the worst-ever first-round pick must have forgotten about poor Art. He was the fourth pick in the 1982 draft, two years before the Baltimore Colts packed up the [Mayflower trucks](#) and snuck off to Indiana. Schlichter's career was cut short by his gambling addiction, and he's spent years going in and out of prisons on various fraud charges. Now [he's out](#) and, by all accounts, walking the straight and narrow. Maybe having the Colts win it all would somehow seal Schlichter's recovery. I imagine him at the victory parade in downtown Indianapolis, hugging Colts owner Jim Irsay while the crowd chants, "We love you, Art! We love you, Art!"

Of course, I also dream about flying out to Indy this weekend and scoring seats on the 50-yard line, but that sure ain't going to happen. Too bad, as there's a Mexican restaurant near the RCA Dome that serves a first-rate bowl of menudo. Alas, I'm going to be stuck in front of my 17-inch TV at home, eating roast chicken and killing a sixer of [Presidente](#). How about you, Justin—any yen to make the Soldier Field pilgrimage this Sunday?

From: Justin Peters
To: Brendan I. Koerner, Josh Levin, and Seth Stevenson
Subject: I'm the Only Bears Fan Who Doesn't Want To Go to Soldier Field
Posted Thursday, January 18, 2007, at 6:13 PM ET

Brendan, almost every single person I know in Chicago is trying to get tickets for Sunday's game against the Saints. "I gotta be there," they say. "I gotta be part of that atmosphere." To which I reply, "If you're so eager to throw your money away, just give it to me." It's my contention that actually going to the game—any game—is among the most overrated experiences in sports.

I admit my perspective might be somewhat skewed—my seven years as an itinerant beer vendor have left me with a casual

disdain for stadium patrons and a deep dislike of steep stadium stairs. But let's say, Mr. Koerner, that you actually followed through on your initial impulse and flew out to Hoosier country. Even if the weather cooperates, you'd be surrounded by thousands of sweaty, excitable strangers who would likely step on your foot or compel you to do the wave. A ticket would cost hundreds of dollars, and that's only if you're lucky enough to get it direct from the stadium. If you've still got any money left, and you're thirsty, hope you enjoy your \$7 Miller Lite. What's more, odds are good that you'd have a view that's worse than what you'd get on that 17-inch beauty in your kitchen. Plus, there's always a chance of the Goodyear Blimp going Hindenburg and setting the RCA Dome on fire. (This is my scenario. I get to imagine what I want.)

When the reality of the experience is laid out, going to the game actually sounds like some sort of horrible, Guantanamo-esque punishment. So, why do it? For some ill-defined concept of "atmosphere"? Because you want to be a "part of the game"? Sure, back when tickets cost 15 or 20 bucks, it was worth it for those intangibles. But nowadays? If you stay home, you can enjoy HDTV, better beer at cheaper prices, and, assuming you have at least one friend, a sense of camaraderie that's far more intimate than what you'll find at the game itself. If you miss the cold, you can open a window. Plus, homebound sports fans get to enjoy the announcing talents of Joe Buck! OK, so maybe there are *some* benefits to going to the game.

I know I sound like a crotchety old man, and I don't want to belabor the point. But at this point in the playoffs, I'm not there for the party; I'm there for the game. Bears football—especially played at this level—isn't a social event for me. It's a deep and often painful obsession, and T-shirt cannons, kiss cams, and fat guys with painted chests just distract from the drama that's playing out on the field.

I know I was down on my team yesterday, but after seeing the lack of respect they're getting from you guys, I've gotta defend my Bears. Let's start with the most controversial man in Chicago—[Studs Terkel](#). (He's simply too old to be starting at fullback.) Moving on to Rex Grossman, I'm not quite sure why everyone's so down on him. Is it the turnovers? The bad reads? The way he's forced plays all season? The fact that he was thinking about his New Year's plans on Rush Street and ended up playing as badly as any NFL quarterback has ever played in that end-of-season Packers game?

Look, I don't expect anyone to love Grossman, and [to argue that he's a Pro Bowl QB](#), as one overeager Chicago sportswriter did a few weeks back, suggests an alarming break with reality. But, even allowing for two or three bonehead plays this Sunday, he's good enough to keep the Bears in the game, and that's all they need from him. Nobody's calling Grossman a Tom Brady, but I think he can be a Drew Bledsoe—a serviceable-to-good QB with occasional flashes of brilliance who will toss the odd long ball,

make enough short reads to keep the chains moving, and spend the rest of the game handing it off to the backs. Not buying Bledsoe? OK, how about Gus Frerotte?

Let's go back to the Bears running backs, whom I've dubbed the "Chicago Bulls" (trademark pending, T-shirt riches assured). They're both gutsy, powerful, and unfairly overlooked. [Thomas Jones](#) can battle Brian Westbrook for the title of most underrated back in the league. Jones rushed for 1,210 yards this season and 1,335 last year. He's physically huge and a great inside-the-tackles runner. Cedric Benson, the No. 4 overall pick in the 2005 draft, has shown in the last few games that, if the Bears deign to give him the ball, he has the sort of elusiveness and field awareness that remind me of an in-his-prime Eddie George.

On numbers alone, Jones and Benson match up well with Deuce McAllister and Reggie Bush. That doesn't stop me from being extremely worried about the Bears' ability to contain New Orleans' more famous runners. Even when Tommie Harris was healthy, the Bears consistently gave up big rushing days to big-time backs; last week's 108-yard performance from Seattle's [Gimpy McHalfspeed](#) didn't inspire much confidence in the defense's ability to shut down the run. The Bears need to own the line of scrimmage in order to keep this game close.

Everybody's been talking story lines today, and I fully admit that the Bears can't compare to the storybook season of The Team That Healed a Broken City. But when you cut out the dramaturgy, you're left with football: 22 men, four quarters, two pretty evenly matched teams. Story lines are great for color commentators, but I'm much more interested in the game itself. I'm pretty sure that, come Sunday, we're going to be watching two good ones. *Please come*, Sunday, because I can't concentrate on anything else. Josh, you feeling the anxiety?

summary judgment

Healing Songs

The critical buzz on a musical episode of *Scrubs*.

By Doree Shafir

Thursday, January 18, 2007, at 1:03 PM ET

Scrubs (NBC, 9 p.m. ET). A patient on *Scrubs* has a condition that causes her to imagine that everyone is singing, and as such, tonight's episode is staged as a musical. Critics are (perhaps surprisingly) indulgent, even effusive, about both the conceit and the music, which was written in collaboration with two of the creators of Broadway musical *Avenue Q*. The *Boston Globe* calls the episode "extraordinary" and admires the songs, noting that with "influences ranging from *Les Miserables* and *Grease* to Gilbert & Sullivan, [they] fit effortlessly into the wacky

[environment](#) of *Scrubs*." "[T]he [cleverness of the songs](#), which mock patient paranoia, the process of diagnosis and doctors' apparent fascination with all things scatological make up for the ineptness of vocal talent," muses the *New York Times*. And the *Chicago Tribune* notes approvingly, "It's all quite silly and done with a [lot of zest](#)."

Golden Globes. The postgame analysis of Monday night's awards is coming fast and furious. In the *New York Times*, David Carr notes that the ceremony managed to please almost everyone: "Remember that preschool graduation at which everyone got an award for something and parents left feeling validated that their pride and joy was in some way special? Monday night felt a bit like that." The *San Diego Union-Tribune* reminds readers that the Globes have no impact on Oscar nominations, which have already been submitted—but argues that we should still care about the Globes, because they "still manage to spotlight some works that could get [lost in the shuffle](#) come Oscar time." But *Hollywood Reporter* columnist Martin Grove believes in reading the tea leaves, prognosticating, "What's been a [wide open Oscar race](#) to this point remains so, it seems to me and to those I spoke to off the record Monday night, because the Globes wins were spread around so broadly."

Exit A, Anthony Swofford (Scribner). The former Marine's first novel, a military romance set in the United States and Japan, has left critics like William T. Vollmann cold. In the *New York Times Book Review*, Vollmann states bluntly that the book lacks the qualities that won Swofford's Gulf War memoir, *Jarhead*, wide acclaim: "[I]t doesn't convey life vividly or believably. [It analyzes nothing](#). ... Swofford's ability to create character is vastly inferior to his capacity to describe reality as he himself experienced it." The *Los Angeles Times* is more forgiving, lauding Swofford for his "[great eye for detail](#)" and cultural kitsch, which imbues *Exit A* with a lot of incidental humor despite its weightier themes." The *San Francisco Chronicle* praises the book, remarking that Swofford "tramps deep into Updike's terrain with his torturous descriptions of [his protagonist's] slowly eroding marriage, proving that this Iowa Writers' Workshop graduate can easily hold his own with the [giants of American letters](#)." ([Buy Exit A](#).)

Alternadad, Neal Pollack (Pantheon). The caustically funny author of *Never Mind the Pollacks* has written a memoir of his first few years as a "hipster" father, and the *New York Times'* Elissa Schappell notes wryly that "what concerns Pollack most is that his son be happy, dig music and [be cool](#)." The *Los Angeles Times* argues that Pollack, himself a poster child of a generation that had "an unusually elongated adolescence," can't help but raise a kid "for whom pop culture is a religion and [cynicism an involuntary reflex](#)." And *Texas Monthly* observes, "Even the most cynical hipsters are terminally charmed by their own

offspring, which explains how the birth of Neal Pollack's first child, Elijah, sparked the satirist's transformation ... into America's [postmodern Erma Bombeck](#)." ([Buy Alternadad](#).)

House of Meetings, Martin Amis (Knopf). The narrator of Amis' latest novel is a Soviet defector who returns to Russia from the United States for one last visit before he dies—unearthing some unsavory memories of World War II and his time in the gulag along the way. In the *New York Times Book Review*, Liesl Schillinger observes, "Through his singularly unlikable narrator, Amis attempts to impart to readers (as he has done before) his revulsion at the depredations of Soviet Communism and, latterly, post-Soviet history ... along with his [bleak idea of the Russian God](#)." The *Boston Globe* is skeptical about the project, chiding, "Amis has taken on [more than he can handle](#)—more, realistically speaking, than any non-Russian writer could handle." But the *Washington Post* commends Amis for a book it calls "[vivid and even scary](#)," more than some mere noble acknowledgment of mass suffering, a suffering that Western intellectuals so often excused." ([Buy House of Meetings](#).)

Alpha Dog (Universal). Critics are alternately disgusted and intrigued by this film based on the true story of Jesse James Hollywood—a California 20-year-old who allegedly kidnapped and killed the teenage half-brother of someone who owed him drug money. Hollywood's case has yet to go to trial, and his lawyer [tried to stop](#) the release of the film. "The kids are not all right," muses Manohla Dargis in the *New York Times*. "Which is, like, you know, the point ... [M]aybe it's just fun to watch a lot of attractive, talented young actors shimmy across the screen while embodying the [collective parental nightmare](#)." Director Nick Cassavetes "throws in everything he can recycle to grab a core-demo viewer—[slutty teens making out](#), blaring rock music, guns, split screens," notes *Entertainment Weekly's* Lisa Schwarzbaum. Whatever their thoughts on the film, most critics laud Justin Timberlake in the role of the Hollywood character's best friend. The *Village Voice* remarks, "*Alpha Dog's* worth a look for the performance of Justin Timberlake, the [moral center](#) of a movie sorely in need of some conscience." ([Buy tickets to Alpha Dog](#).)

24 ([Fox](#), Sundays at 8 p.m. ET). The blockbuster series returns for a sixth season, kicking off Sunday and Monday with a two-night premiere that finds Kiefer Sutherland's Special Agent Jack Bauer back in the United States after 20 months in a Chinese prison. The *Boston Globe* calls the show a "by-any-means-necessary, Bush-era fantasia that celebrates [American persistence](#) while turning that persistence into a rabbit chase. Jack may bag a terrorist mastermind, but he or she is always fronting for another mastermind, and so on ad infinitum." In the *Chicago Tribune*, Maureen Ryan reflects that *24's* "secret weapon ... is in the fact that the show [isn't just an action thriller](#):"

There are many other layers to get lost in." And the *New York Times'* Alessandra Stanley writes that "the first four episodes suggest that this season could be [one of the best](#) thus far."

Sacred Games, Vikram Chandra (HarperCollins). Chandra's second novel—about cops and gangsters in [Mumbai](#)—is 916 pages long, leading NPR to call it "[Dickensian](#) in scope." In *The New Yorker*, Pankaj Mishra observes, "More ardently than most recent chroniclers of India's most hectic metropolis, Chandra embraces the [vitality as well as the vulgarity](#) of the millions chasing the 'big dream of Bombay.'" The *Los Angeles Times* is likewise enthralled by the book, lauding the "crash course it offers in 21st century Indian society and especially the [life of Mumbai](#)." While *Sacred Games'* genre-bending blend of high literary style and a dime-novel plot might turn some readers off, the *New York Times Book Review* nonetheless concludes, "[I]n the post-9/11 era, madmen intent on blowing up all or even a small part of the world don't seem quite as unrealistic as they once did. If you keep that in mind, you may find *Sacred Games* as [hard to put down](#) as it is to pick up." ([Buy Sacred Games](#).)

supreme court dispatches

Texas Side-Step

Have the Supreme Court's opinions become suggestions in Texas?

By Dahlia Lithwick

Wednesday, January 17, 2007, at 6:58 PM ET

Remember Tom Parker? He's the Alabama Supreme Court justice who last year urged his brethren—[in an op-ed](#), no less—to ignore Supreme Court death-penalty precedent (with "precedents" spit out between ironic quotation marks) on the theory that "state supreme court judges should not follow obviously wrong decisions simply because they are 'precedents.'" He urged his colleagues to disregard the Supreme Court's ruling in [Roper v. Simmons](#) because it was, in his opinion, "the unconstitutional opinion of five liberal justices on the U.S. Supreme Court."

Well, the Texas Court of Criminal Appeals—that state's highest court—has figured out a better way to thwart a clear directive from the U.S. Supreme Court. When the Texas court was instructed, in a 2004 decision about the constitutionality of its jury instructions, to reconsider its approach to its death-penalty cases, the Texas court didn't go the Parker route of name-calling and fomenting revolution. Instead, it just politely thanked the Supremes for their interesting insights, [then effectively switched the standard of review and ignored them](#). You might think the current justices would be hopping mad about that. But the lesson to be learned in *Smith v. Texas* is that when a lower court wants

to appeal a higher court's decision, it need only wait around for a change in personnel.

LaRoyce Smith is not a nice guy, and his guilt is not disputed. In 1991, a jury convicted him of brutally murdering a woman with whom he once worked at a Dallas Taco Bell in the course of an attempted robbery. At his trial, Smith's lawyer introduced mitigating evidence that might have dissuaded the jury from imposing the death penalty. That mitigating evidence included the defendant's age (19), his IQ score of 78, a learning disability, and a family background of violence and drug addiction. But the Texas capital sentencing statute in place at the time made it all but impossible for the jurors to fully consider this mitigating evidence, because jurors were told to respond to two "special issues"—whether the killing was deliberate and whether the killer would be dangerous in the future. If the jurors answered those questions with a "yes," Smith was to die.

So, what were the jurors to do with all that mitigating evidence? They were given a so-called nullification instruction providing that if they found the mitigating evidence outweighed these other issues, they should, in effect, lie and answer one of the special issues with a "no," even if the special issues had been proved. In 2001 in *Penry v. Johnson*, the Supreme Court (or *Penry II*) would find that practice unconstitutional. Smith was sentenced to death.

Smith's first appeal was denied by the Texas Court of Criminal Appeals in 2004, but the U.S. Supreme Court, in an [unsigned per curiam](#) opinion, gave them a good spanking: "[T]he state court ... erroneously relied on a test we never countenanced and now have unequivocally rejected," they wrote, adding that, as in *Penry II*, "the jury was essentially instructed to return a false answer to a special issue in order to avoid a death sentence." Have another look, said the high court, and the Texas court, upon having another look, said, "No thanks." Or, as Justice Ruth Bader Ginsburg puts it this morning, the Texas court told the Supremes, "Thanks, that was very interesting advice but ..."

At this point, a better journalist than I would be able to walk you through the swamp of federal post-conviction habeas-corpus review in a hundred words: leading you around the swamp of "direct" versus "collateral" review; ducking under the vines of "procedural" and "structural" error; all while shielding you from the relentless "caw, caw" of the vicious, swooping "standards of review." But I cannot. Suffice it to say that Texas' CCA found a procedural way around the Supreme Court command in *Smith I*, its 2004 ruling, and that only one judge on that court [dissented, writing](#), "Our judicial power does not include the power to ... ignore orders from the Supreme Court. ... Reversed means reversed."

[Two professors](#) from the University of Texas' Capital Punishment Clinic are representing Smith at [oral argument today](#), and one—Jordan Steiker—rises to defend Smith's honor

by defending that of the court: "In your summary reversal, this court held petitioner's mitigating evidence could not be given adequate consideration under the Texas special issues or nullification instructions. On remand, the CCA found the error harmless by concluding the opposite."

Justice Antonin Scalia, who, along with Justice Clarence Thomas, dissented from *Smith I*, promptly disputes Steiker's use of the word "contradict," even though I don't believe that was Steiker's word in the first place. "They are saying the jury did take it into account, but the error was harmless." Scalia keeps using the word "fuzzy" to describe the nullification instruction, perhaps because "illogical" or "untruthful" are too loaded.

Justice Anthony Kennedy, who always worries about social niceties of this sort, inquires whether the court must defer to the state court's harmless-error analysis.

Then Steiker and Scalia begin to tussle over whether Smith properly raised his objections to the jury instruction back in the trial court, with Steiker insisting he did and Scalia dismissing the objection as too generalized. Steiker responds that trial counsel's hands were tied: "Everyone at trial understood that the special issues on the verdict form were unalterable."

Then Steiker is whisked by Roberts, Scalia, and Alito into upside-down world, wherein they insist that the defendant should have specifically objected to a sentencing system that even the judge deemed immutable unless changed by the legislature. Chief Justice John Roberts goes so far as to urge that just because an objection to the scheme at the time would have been "futile," it would not necessarily have been "burdensome." Smith's error was in picking the wrong as-yet-undetermined constitutional long shot. Thus shoring up the cardinal rule of American capital jurisprudence: Only the unlucky shall die.

Roberts defends the CCA's decision to pull out its new "egregious error" analysis only *after* the high court slapped it down in *Smith I* with a hat-tip to his old buddy minimalism: The Texas court didn't get to the harmless-error question the first time because it was practicing laudable "judicial restraint."

Texas Solicitor Ted Cruz goes even further than the chief justice in his presentation, characterizing the CCA as not only restrained but also breathtakingly generous toward Smith. He contends that even though the defendant should have been procedurally barred from raising his objection, the Texas court generously agreed to hear it anyhow, only to reject it. Or, as Justice John Paul Stevens puts it, "The failure to object does not constitute a procedural bar, but we're going to rely on the failure to object to justify a higher standard of review?" Cute.

Cruz goes one better. Smith's trial attorney didn't raise the futile argument a second time at trial because he was being "strategic."

Kennedy says the judge properly refused to give the nullification instruction because it wouldn't work. Cruz disagrees. The judge wasn't asked to give the nullification instruction because Smith's lawyer knew the mitigating evidence was insufficient. Ginsburg can't quite believe this. "We are dealing in this case with someone who has been abused as a child and has a mental disorder!" Cruz disagrees, stating that "over 90 percent" of the mitigating evidence was that Smith was "a big lovable teddy bear and went to church and was sweet and kind."

Justice David Souter, in turn, is affronted by Cruz's 90 percent characterization. "There were hundreds of pages of records from school that indicated there was something seriously wrong with this guy." But Cruz disagrees and then goes on to take issue with Ginsburg's claim that Smith was abused. "There is no abuse in this case ... no allegation of abuse whatsoever."

Gene Schaerr represents California and a raft of other states that want to be free to invent their own procedural rules without the court big-footing around. But Stephen Breyer goes after him, as he did Cruz, on the proposition that states can lose on a federal constitutional error, then turn around and discover some kooky state procedural hat trick to defeat the federal claim. Breyer pokes fun at the new Texas standard of "absolutely egregious harm," redubbing it "not totally wonderful harm."

And with Roberts and Justice Samuel Alito making it plain where they stand on this issue (see [Lyle Denniston's](#) report on today's second argument in a similar case from the 5th Circuit for John Roberts' opinion of mitigating evidence), the case may come down—yet again—to Kennedy. Kennedy voted with the majority in *Smith I*, and he worries aloud at the close of the case whether there is "no federal interest in ensuring that there is a full and fair implementation of a federal right."

In its opinion in *Smith I*, the Supreme Court wrote, quite unequivocally, that a jury "might well have considered petitioner's IQ scores and history of participation in special education classes as a reason to impose a sentence more lenient than death." Texas' highest court invented a way to find that it would have made no difference and claims to have been both restrained and generous in doing so. The Supreme Court now stands poised to allow any similarly restrained and generous court to similarly ignore the supreme law of the land, by retreating to state-law smoke and mirrors.

It turns out the only thing better than the steady creep of the new Supreme Court minimalism is the sweeping promise of Supreme Court obsolescence.

television

Watching the Golden Globes

The "Glam Cam" leaves us cold.

By Troy Patterson

Tuesday, January 16, 2007, at 5:00 PM ET

We decided to have a friend over for dinner to watch *The 64th Annual Golden Globe Awards* (NBC), so I was picking up the place while the *Countdown to the Red Carpet* (E!) rolled out its chipper reporters, glistening presenters, and an endless stream of style and beauty experts who have dedicated their lives to the care and feeding of our celebrities. They kept the meat parade moving with the utmost competence, bringing supporting players and rising stars into the frame, warming 'em up, extracting a sound bite, and shuttling them back down the assembly line.

Soon it was 6 p.m., and E!'s Ryan Seacrest had materialized to host the actual *Live From the Red Carpet* thing. Perhaps it is simply that one's routine experience of celebrity culture these days is rancid with cattiness and tabloid freakery, but there was a refreshing niceness and heartening normalcy to the occasion. E! did, however, introduce its "Glam Cam"—a camera mounted on a vertical dolly, or something, and decorated with a tiara. Rising from floor level, it eyeballed actresses from toe to top, a cold and creepy ogle. We met the winner of E!'s "Red Carpet Challenge." This was Brigitte, an administrative assistant from Palo Alto, Calif., a pleasant lady with a Jennifer Hudson kind of build. Asked what had spurred her interest in the contest, Brigitte responded as if brainwashed, or at least media-trained: "Fifteen minutes of fame! Who wouldn't want it?"

I was fussing with the mashed potatoes for the shepherd's pie when our guest showed up and, from the kitchen, I caught fractional glimpses of acceptance speeches that renewed my faith in Hollywood: Hudson thanked her director and her Maker in that order. Meryl Streep's grand and gracious thank-you embraced everyone from the casual moviegoer to Lorraine Nicholson, a daughter of Jack's, who, as this year's Miss Golden Globes, served as a nymphlike usherette and inspired one of those rare glimpses we get of Nicholson looking paternal. Bill Nighy spoke truth to power: "I used to think that prizes were damaging and divisive, until I got one, and now they seem sort of meaningful and important." And Alec Baldwin said several hilarious things upon getting his Globe for *30 Rock*. These included, "I'm glad this isn't too heavy 'cause I just had hernia surgery Dec. 21," and, "Jeff Zucker, wherever you are: It's a great pleasure to be working for Jeff at NBC."

Cameron Diaz introduced a montage of clips from Martin Scorsese's *The Departed*. Her big, red mouth slipped around rather much. She lingered on the words *taxi* and *driver* with unseemly lubricity. "Is she drunk?" I wondered aloud. "Wasted," ventured the guest. Warren Beatty, receiving the Cecil B.

DeMille Award for lifetime achievement, promised to make another movie. After watching Scorsese pick up his trophy for directing *The Departed*, I decided that the movie should be a chamber piece starring Beatty as Nixon and Scorsese as Kissinger, set in the summer of '73. I steamed the greens, opened the Cahors.

Reese Witherspoon strode out in severe bangs and a canary-yellow strapless number, and the guest said, "She's so hot!" A few seconds later, having gotten a second, third, and fourth look, the guest had taken a more nuanced view: "She's disgusting!" Our conclusion was that the coif and the dress combined to skanky effect—a misstep so surprising from Nashville-bred Reese, famed as she is for her ladylike style. Onward: a viciously suave Sacha Baron Cohen; a depressingly vague Forest Whitaker; Philip Seymour Hoffman wearing a bushy mustache and a neon-blue tie, resembling a walrus dressed as a vice cop from Miami.

Gov. Arnold Schwarzenegger, recently hobbled in a skiing accident, came forth on crutches to present the climactic prize for motion picture, drama. It went to *Babel*, whose director, Alejandro González Iñárritu, talked a lot of rot, I presume, while the group in my living room burpily reached consensus that his *Amores Perros* and *21 Grams* are big empty drags, and that we would continue striving to avoid *Babel* for as long as possible. The decommissioned Terminator—plainly dismayed to be hauling out an expired catchphrase—then called it a night: "On behalf of the Golden Globes: Don't forget. Next year, *we'll be back*. Thank you very much." *I'll be here all term! Everybody get home safe!*

I flipped back to E!, where things were curdling steadily. Giuliana DePandi, host of the channel's postgame show, interviewed the winners on a set done up to look like a lounge, complete with a bartender pouring product placements into martini glasses. She induced actors to sign a poster. ("I've always wondered what your autograph would look like, Mr. Baldwin! It's as handsome as your hair!") She encouraged her interviewees to place their trophies on a rotating platter on a side table. Helen Mirren had won two Globes, of course, and everything went wrong when DePandi went to retrieve the statuettes from that turntable. The audio: "Oh, my God! Oh, my God! Oh, my God! I just dropped Helen Mirren's Golden Globe! Oh, my God! Oh, my God! Oh, my God! Oh, my God! Oh, my God! Oh, my God! Oh, my God! I'm so sorry! This is the worst moment of my career. I'm so sorry, Helen! ... Stan, I didn't break it, right? OK, good. ... Sorry, Helen! We'll have a drink and forget about it, OK?"

the big idea

To Flee or Not To Flee

How Republicans handle a failing president.

By Jacob Weisberg

Wednesday, January 17, 2007, at 4:03 PM ET

Congressional Democrats seldom agonize before ditching presidents of their own party. In 1967, they fled Lyndon B. Johnson right and left—the right over civil rights, the left over Vietnam. A decade later, they shoved Jimmy Carter's legislative agenda back in his face. Bill Clinton faced constant rebellion from his own side.

Republicans are made of firmer stuff. They value loyalty, hierarchy, and deference over independence and private conscience. When the GOP controls the White House, the party's congressional wing readily accepts its subordinate position. For an example of widespread GOP abandonment of a president of their own party, you have to go back to Watergate, when, as now, Republican legislators faced a tricky calculation about how to handle an embattled, isolated, and failing president.

For the legislators of today, this problem is largely framed in terms of Bush's proposal to send 21,500 additional troops to Iraq. In the next few weeks, the House and the Senate will take up resolutions opposing the "surge." Though these measures will be nonbinding, they will amount to a no-confidence test for the Bush presidency. Losing his own party's support on the war would be an unprecedented repudiation, marking the end of Bush's ability to govern or lead. If you are a House or Senate Republican, how do you decide whether to join the dissidents or stick with Bush?

Should you happen to be a moderate, from the Northeast, or facing a tough re-election campaign in 2008, the imperative is clear: Abandon ship! As even his bitter-enders acknowledge, Bush's Iraq policy just cost the GOP control of Congress. And the 2008 election, when 22 of the 34 open Senate seats will belong to Republicans, could make 2006 look like a picnic. Those already reaching for life vests include such vulnerable purple-state incumbents as Norm Coleman of Minnesota, Gordon Smith of Oregon, and Susan Collins of Maine. Of this group, Smith has broken with Bush most decisively, calling the war in Iraq "absurd" and possibly "criminal." Saying stuff like this may save your ass in Portland. But you can forget about calling Josh Bolten for favors.

If you're a Republican running for president rather than for re-election, the decision about backing Bush is different. It's about the views of conservative primary voters, not swing voters in a general election. This explains why the three candidates who face the most conservative skepticism—Sen. John McCain of Arizona, former New York Mayor Rudolph Giuliani, and former

Massachusetts Gov. Mitt Romney—have all opted to endorse the surge idea. For [McCain](#), it may be a matter of simple consistency. Given his hawkish views to date, it would be preposterous for him to turn against the Iraq war now. But the value of support from the Bush-controlled party establishment isn't lost on McCain, either. Romney, who is [attempting to be the favorite Mormon son of the party's Christian evangelical base](#), wants even less daylight between himself and those on Karl Rove's speed dial. [Giuliani](#), for his part, realizes that a Republican moderate cannot also be a Republican maverick. His support for the surge says to the conservative gatekeepers that while he's not exactly one of them, he is emphatically not what they most dislike—a preening press hound looking to strike a noble pose. All three may also calculate that even if their position looks terribly wrong in retrospect, they will have plenty of conservative company.

There are two conservative presidential hopefuls, Sam Brownback of Kansas and Chuck Hagel of Nebraska, who have come out against Bush's surge. Their political calculus is more complicated still. Both Brownback and Hagel are second-tier candidates with limited national visibility. Their presidential opportunity arises only if those in the first tier falter. Thus, they need to differentiate themselves as strongly as possible. Brownback is positioning himself as the right wing's surge skeptic in case Romney's hawkishness proves untenable. Hagel, who has long been cast in the vexed role of understudy to the Senate's leading maverick, is clearly sick of walking in McCain's shadow. Should the demand arise for an independent-minded conservative without McCain's super-surge baggage, he's your man. And if not, well, he doesn't have much chance anyhow. This is not to discount the sincerity of Hagel's opposition to the war. When he says the president's new plan "represents the most dangerous foreign policy blunder in this country since Vietnam," he speaks as a wounded, decorated veteran—just as McCain does when he supports Bush. Like all capable politicians, these men are adept at coming to genuinely believe what works best for them politically.

Many congressional Republicans who are not running for president probably share Hagel's anti-war views, but fear the wrath of the party's disciplinarians if they speak out. An object lesson was recently provided by Jeff Flake, an Arizona congressman who lost a coveted judiciary committee seat as punishment for siding with the Democrats on a reform vote against "earmarks." Johnny-come-lately doubters also face the problem of explaining why they're changing their minds after supporting Bush's war for the past four years. For most of them, the safest course is to sound skeptical without crossing Bush directly, while hoping that [Democrats become uncowed and miscalculate](#) by trying to cut off funding to the troops. Virginia's John Warner, the senior Republican on the Senate Armed Services Committee who has been calling for more time to consider the president's plan, is the master of this sort of fog and fudge. His latest apprentice is David Vitter, the junior senator

from Louisiana. "I'm open to the president's plan, but I need to learn a whole lot more of the details," Vitter said recently. By the time he masters the details, Bush will have started another war.

Finally, there are those who face a simple hackish imperative. Senate Minority Leader [Mitch McConnell](#) of Kentucky last week called Bush's surge speech "courageous and correct." House Minority Leader [John Boehner](#) of Ohio says the plan offers "our best shot at victory in Iraq." It doesn't much matter if they really think so. If your job is to keep order on a sinking ship, you can't very well run for the lifeboats yourself.

We saw these types during Watergate as well—Bush's father, then chairman of the Republican National Committee, was one of them. The greatest was the comically loyal [Earl Landgrebe](#), a now forgotten Indiana congressman. "Don't confuse me with the facts," Landgrebe said the day before Nixon resigned. "I'm going to stick with my President even if he and I have to be taken out of this building and shot." That remains the default Republican position. It's going to be sorely tested in the months ahead.

the browser

The Camera Phone

The gadget that perverts, vigilantes, and celebrity stalkers can all agree on.

By Michael Agger

Wednesday, January 17, 2007, at 6:21 PM ET

Ten years ago, Philippe Kahn was walking around a hospital with a cell phone and a digital camera. His dadly mission: to share pictures of his newborn baby girl. With an assist from Radio Shack, he linked the two devices together and e-mailed photos to family and friends around the world. The day marked a twin birth of sorts: the cell phone camera and daughter Sophie.

Kahn regards his invention with paternal pride: "I built it to document the birth of my daughter. For us, it has always been a positive thing." So he was taken aback recently when, with the Saddam-hanging video circling the globe, an interviewer compared him to the inventor of the Kalashnikov. First there was [Prince Harry's Nazi costume](#), then the [shaming of Kate Moss](#), then the [Michael Richards racist explosion](#), but, for some, Saddam's hanging marks the low point for Kahn's creation. A camera on a phone has only aided the perverted, the nosy, the violent, and the bored.

That's not exactly fair, but it's not exactly wrong, either. As Kahn told *Wired* in 2000: "With this kind of device, you're going to see the best and the worst of things." The best would include photo caller-ID, [amateur sports highlights](#), and the quick citizen

snaps taken in the wake of the London bombings. Yet, despite the fun and occasional worthiness, the cell phone camera has launched a thousand jackasses. One representative example: Sportscaster Sean Salisbury was suspended by ESPN last month, [reportedly](#) for showing female co-workers cell phone photos of his "equipment."

When video technology was added to phones (with little fanfare), the madness went up a notch. English youths devised a pleasant game called "happy slapping," which involves assaulting random strangers while your mates record the whole thing. The happy slapping craze spread throughout Europe last year, leading to outraged op-eds and calls to ban cell phones from schools. While the phenomenon is marked by more than a touch of media hysteria, you can certainly find [disturbing videos](#) on YouTube. (The French, naturally, replied with "[Streetkissing](#).") There have also been news reports of graphic videos showing beatings and accidents, such as an unfortunate boy in Birmingham, United Kingdom, who [impaled himself on his bicycle](#). Teenagers have employed cell phone cameras for old-fashioned humiliation, too: The parking lot fight is now captured on video and shared. To be an adult is to be grateful to have escaped the digital hazing of high school.

In glorious retrospect, it seems like a terrifically bad idea to give the world a spy camera that looks and functions like a cell phone. Peeping Toms quickly realized the potential for upskirt pics and shower-room souvenirs. Chicago tried to block cell phones from gyms, and a California legislator has proposed a law requiring the cell phone to make a shutter snapping sound or flash a light when a picture is taken. We have trained ourselves to be wary when a cell phone is pointed at us, but the device's relative inconspicuousness still creates problems. In Saudi Arabia, women have been taking pictures of other women unveiled at weddings and e-mailing them to matchmakers, a practice that has caused uproar in a culture in which any sort of image can be cause for loss of honor.

The cell phone camera, constant companion, has also been championed as an anti-crime device. There have been several Rodney King moments, with bystanders pulling out their cameras to record sketchy police activity. One woman took a shot of a flasher on a New York subway, a photo that ended up on the cover of the *New York Post* the next day. There is also a mini-boom in sites to catch people who [park like idiots](#), [stare too long](#), and [mistreat your kids](#). Think of this as the positive side of living in 1984.

The more difficult question, the one that lurks outside the media glare, is how the cell phone camera is altering our private lives. In the perceptive book [Kodak and the Lens of Nostalgia](#), Nancy Martha West writes how Kodak, with the introduction of the personal camera, taught Americans to both conceive of their lives in terms of fondly remembered events and to edit out

unpleasant memories. In Victorian America, for example, arranging to take a photo of a dead relative was not uncommon—a part of the grieving process. Under the reign of Kodak and its advertising, we became family historians of happiness. Now that digital cameras have taken over, the old photo album is giving way to the [personal Flickr page](#), bringing with it a different set of assumptions of what to present (a whole lot more photos, for starters) and whom to share it with.

The ubiquity of the cell phone camera means that every moment in our lives is photographable. One consequence of this is an altered perception of the gravity of our day-to-day routines. We are now more aware of ourselves as observers of "history." When a van catches fire in front of our house, we and our neighbors are now out on the lawn recording. We e-mail this to our friends, who testify to the enormity of the event, and then we all await the next sensation. This impulse can be positive, but it also fuels the increasingly destructive American habit of oversharing. The snapshot speaks with a small voice: *I'm alive and I saw this*. The cell phone camera picture or video is a shout from the rooftop: *Check out this crazy thing that happened to me*.

Picture sharing has also made us more aggressive in situations in which we feel insecure, such as in the presence of celebrities. Susan Sontag described the essentially hostile nature of taking pictures as a form of "soft" murder. In the age of cell phones, this scalp-hunting sensibility is achieving full flower. Let's say you're in Asbury Park and you see Bruce Springsteen with his kids. The old impulse would have been to ask the Boss if you could take your picture with him. The new impulse is to snap the shot with a cell phone camera and sell it to a site like [Scoopit](#). No wonder famous people don't want to hang out with us.

So, before we move on to the next racist comedian or cocaine-snorting supermodel, let's put the Saddam video in context. It is a weird echo of the Zapruder film, another piece of amateur footage that caught the death of a leader. The differences are stark, of course. Zapruder captured Kennedy while standing openly in the Dallas sunlight. The official who videoed Saddam did so furtively, pointing his camera to the ground at times. But they both testify to the power of first-person witnessing, and how a digital copy of that witnessing can upend neat narratives and certainties. We'll see the best of things, we'll see the worst of things, we'll see everything.

The Browser would like to thank the excellent Web site [picturephoning.com](#).

the has-been Surge or Merge

Is George Bush the next Guy Mollet?

By Bruce Reed

Wednesday, January 17, 2007, at 4:10 PM ET

Wednesday, Jan. 17, 2007

Vive La Synergie: Just when we thought the Bush White House had run out of options in Iraq, the BBC uncovered secret documents on perhaps the boldest Hail Mary by an embattled leader in the 20th century. Fifty years ago, with his country in the midst of losing a civil war in the Middle East, French Prime Minister Guy Mollet proposed a [breathtaking blockbuster merger with Britain](#). Just as remarkably, the British almost said yes. The BBC says Prime Minister Anthony Eden was cool to an outright merger, but "surprisingly enthusiastic" about Mollet's fallback proposal to let France join the British Commonwealth.

These days, with the entire world trapped in ancient hatreds, the near merger of two historic foes is strangely heartening. If it took France only 150 years to forgive Admiral Lord Nelson, and England was willing to bury the hatchet nine centuries after the Norman Conquest, peace in the Middle East may be a mere millennium or two around the corner.

But the merger plot is also a reminder that desperate leaders resort to desperate measures. Mollet made the offer in the midst of mishandling the war in Algeria, which would drive him out of office nine months later. Eden had troubles of his own, with the Suez crisis that would cause his government to fall even sooner.

Given his abysmal standing in the polls and in the world, perhaps we should worry that President Bush will be forced on bended knee to make a similar offer. Forget the surge – what if Bush wants to merge?

We already know that [Bush harbors a secret desire for America to be the next France](#). Could Bush be deliberately forcing us into the very type of national embarrassment in the Middle East that has prompted merger offers in the past? Like Ricky Bobby in *Tallegda Nights*, who loses his NASCAR crown to a gay Formula One racecar driver from France, could Bush subconsciously be steering us into the wall on purpose as the only way to escape the haunting sense that "[if you ain't first, you're last](#)"?

Like the cake and the Bible in Iran-Contra, the pieces start to fit together at last. Merger kingpin Henry Paulson's baffling decision to leave one of the largest deal-making firms on earth to come to Washington, where there are no deals in sight. The until-now-unexplained fit Bush threw when reporter David Gregory might have uncovered any merger talks [had he been allowed to keep speaking French to Jacques Chirac](#). And of course, Bush's sudden and otherwise inexplicable interest in Albert Camus, history's most famous French Algerian.

Before, no one could understand why Bush would read an author often credited with the un-Bushlike words, "Don't walk behind me, I may not lead. Don't walk in front of me, I may not follow. [Just walk beside me and be my friend.](#)" Behind the guise of poster-ready pacifism, Camus's real meaning is now clear: that's how a merger proposal sounds in French.

Bush defenders will be quick to point out that in today's flat world, companies merge all the time. Why can't countries do the same? Nations could achieve enormous savings by streamlining their combined overhead, and no longer having to maintain two bureaucracies, two armies, and two Olympic teams.

A merger with France would be the kind of doomed masterstroke that has been Bush's trademark. While France and the United Kingdom are themselves products of ancient political mergers, modern political pressures run the other way. The Soviet Union broke apart. Iraq may do the same. Even the UK, which was forced to spin us off long ago, is losing its grip on Northern Ireland and Scotland.

M&A experts at State and Treasury can no doubt draw up the prospectus of what U.S. and France would bring in common to a merger: the revolutionary backgrounds, the fervent cultural chauvinism, the head-butt diplomacy. Vive la synergie!

But if Bush is desperate to merge, let me suggest a different target: Canada. The benefits to us are obvious: massive natural resources, low health care costs, a safe haven from global warming. Merging with Canada would be like merging with Britain and France at the same time – and Quebec offers the taste of France without all the fat. Bush could finance the whole deal with the border control savings from the first year alone.

For a president at 30% approval, a U.S.-Canada merger (under the new name "AmeriCan") can only help. Conservatives will be thrilled to learn that Tom Tancredo was wrong – Bush's merger isn't with Mexico. Liberals will admire Canada's stance on same-sex marriage. Best of all, every American will welcome the hope that comes with any merger: the 50-50 chance that your chief executive will be the one to go. ... **4:05 P.M.** ([link](#))

Thursday, Jan. 11, 2007

In Search of the Holy Grail: It's a shame that American politics doesn't have splashy trade shows like [MacWorld and the Consumer Electronics Show](#) going on this week in San Francisco and Las Vegas. Of course, that would require new products – and President Bush's speech last night showed nothing new in the pipeline anytime soon.

In contrast to the high-tech future gazing of MacWorld, politics has the feel of Tomorrowland at Disney World – displaying different visions of how the future looked in America's past. Republicans long for the '80s, Democrats miss the '90s, and both parties endlessly relitigate the '60s. The Bush administration has sought to recreate the decade nobody else wanted, the '70s, when being unpopular was the only thing presidents were good at.

White House aides had hinted that as a sign of his bold new course, Bush might break with the clichéd Oval Office address by delivering his speech from [the Map Room](#), where FDR plotted America to victory in World War II. Instead, Bush's "New Way Forward" was down the hall in [the Library](#), which appropriately enough once served as the White House laundry.

The bookshelves behind Bush looked like a fake Nightline backdrop. But Bush was eager to show his resolve in the battle that consumed him throughout 2006 – to read more books than Karl Rove. Besides, the Library is the entrance to the [men's room](#), and like the Map Room, gave the White House the picture it deserved: a president stuck in his own basement.

Earlier in the week, another Republican looked backward to roll out a completely different way forward. Arnold Schwarzenegger made headlines for two decisive breaks with conservative orthodoxy. On Monday, he proposed a pay-or-play plan for near universal health care that echoes Bill Clinton's 1992 campaign proposal. On Tuesday, he channeled Al Gore and Tony Blair as he pledged to cut the state's auto emissions of greenhouse gases by 10 percent and require refineries to reduce the carbon content in fuels.

Last year, Schwarzenegger was accused of political expediency for becoming a centrist after seeing the voters trounce his agenda in the 2005 election. This year, he looks more like an action hero. Unlike Bush, Schwarzenegger seems to understand that stubbornness and irrelevance are a sign of weakness, and that leaders are stronger for being what the California governor calls "[post-partisan](#)."

State of the State addresses usually invoke a few pioneers and the occasional Founder. The governor from Hollywood drew more of a big-screen historical parallel. "We are the modern equivalent of the ancient city-states of Athens and Sparta," Schwarzenegger said. "California has [the ideas of Athens and the power of Sparta](#)." Compare that to Bush, who has the prospects of 4th century Rome.

After their tragic encounters with national government, Republicans might be wise to go back to the city-state model. Bush seems to view every decision as a choice between the bold path and the smart one. Josh Levin explained last week why a tiny school like Boise State could surprise the football world and end up the only undefeated college team in America – [when you're outnumbered, you have to be bold and smart](#).

Imagine, for example, if Athens were in charge of our national security policy. Athens didn't have the horses to go off and conquer the ancient world on its own. Instead, it managed to create the Athenian Empire by forging one of history's first great alliances, the Delian League, which served Athens' interests by getting other city-states to act in their own.

Likewise, when the combined forces of Athens and Sparta were mired in a seemingly endless war in the Middle East, the Greeks didn't pretend they could end the siege of Troy using the same battle plan and a few more troops. They won the way BSU did – with a really good trick play. The Trojan Horse – now there was a so-called surge worth the gamble.

Alas, bold-and-smart is not in the Bush playbook. Last night, the president admitted that his whole Iraq strategy came from Monty Python: he sent in the [Trojan Rabbit](#) and only later realized he forgot the men. ... **5:30 P.M.** ([link](#))

Wednesday, Jan. 10, 2007

Word Surge: Despite voters' best efforts in November, the Bush administration didn't get the memo about finding common ground. The gulf between the president and everyone else couldn't be wider: For the Democratic Congress, success means passing the Hundred Hours' Agenda; for a Republican White House, the spread to beat is the Hundred Years' War.

At times, Democrats and Republicans sound like Americans and Brits—two peoples divided by a common language. To be sure, it has never been clear just [what dialect George Bush is speaking](#)—but whatever it is, Democrats are determined to speak something else.

The first great battle of the word wars broke out this week between *surge* and *escalation*. So far, the semantic skirmish mirrors the real war it is trying to affect: Nobody's winning.

Frederick Kagan of the American Enterprise Institute, a leading architect of the *surge*, helped put the word on the map in the [Weekly Standard](#) in late November. A week earlier, Kagan and Bill Kristol had called for a "[heavier footprint](#)" in Iraq, in a piece that made no mention of *surge*. In Kagan's second piece, the *footprints* were gone. Instead, he mentioned *surge* a dozen times—twice in quotation marks, 10 times without.

By the end of December, however, Kagan and retired general Jack Keane worried that the word *surge* was spinning out of control. In a *Washington Post* op-ed called "[The Right Type of 'Surge.'](#)" they wrote:

"Reports on the Bush administration's efforts to craft a new strategy in Iraq often use the term 'surge' but rarely define it. Estimates of the troops to be added in Baghdad range from fewer than 10,000 to more than 30,000. Some 'surges' would last a few months, others a few years. We need to cut through the confusion."

In their *Post* op-ed, Kagan and Keane put quotation marks around *surge* five times and omitted them 10 times.

Counterinsurgency theory dictates 2 troops for every 100 residents. Judging from the *Post* and the *Standard*, surgency theory must dictate two quotation marks for every three to five uses of *surge*.

As [John Dickerson](#) points out, Democrats can't agree on how to stop Bush's surge. But the party is united in a rearguard action to rename it. In recent weeks, Democrats from [across the spectrum](#) have gone after the term to say that the Bush plan isn't a *surge* at all—it's an *escalation*. They argue that *surge* has a more positive connotation than *escalation* and leaves the misleading impression that troop levels will rise only temporarily.

If the word *surge* were so compelling, we wouldn't all spend good money, no questions asked, on surge protectors to prevent it, and you wouldn't have to go all the way to Norway to find the green caffeine drink Surge that Coca-Cola discontinued everywhere else. But on the vagueness charge, Democrats have a point: Even Keane and Kagan fear that *surge* can mean many different things to different people.

Still, if the best alternative Democrats can come up with is *escalation*, we have to wonder whether the urge to purge *surge*—like the surge itself—is really worth it.

If *surge* is too vague, the word *escalation* is too clinical. It's the mother of all euphemisms, often used during Vietnam as code to avoid saying "more troops."

Consider [this Joint Chiefs of Staff memo from January 1964](#), urging the Pentagon to stop fighting the Viet Cong with one hand tied behind our back: "A reversal of attitude and the adoption of a more aggressive program would enhance greatly our ability to control the degree to which escalation will occur." In that memo, using *escalation* instead of a simpler phrase like "more fighting" made it easier to ignore the (now-all-too-familiar) inconsistency of what was being said—that if our side were allowed to fight harder, we'd be able to keep the fighting from getting out of hand.

Some opponents of the war obviously welcome the Vietnam imagery: Last week, Cindy Sheehan and others interrupted a Democratic press conference with chants of "Deescalate!" But to

the average American, *escalation* remains as numbing and bureaucratic a word today as it was in the 1960s. The fog of war has Latin roots and too many syllables.

Democrats' rechristening effort—again, like the Bush plan itself—would seem to be too little, too late. *Time* dedicated its first Friday cover to "[The Surge](#)"—a higher profile than *escalation* can hope for, no matter how often Democrats repeat it. So far, the main result of the Democratic counteroffensive has been to make newspapers put *surge* in quotation marks—except, of course, when proponents of the idea beat them to it.

Some critics have started calling it the "so-called surge." Unfortunately, if *surge* is misleading, "so-called surge" is even more so—leaving the unintended impression that perhaps Bush won't be increasing troops at all. (Then again, as Fred Kaplan has warned, that may be an entirely accurate description of Bush's plan: [more troops than we can mobilize and fewer than we'd need to win](#).) Richard Cohen managed to cram everything into [a single sentence](#): "A so-called surge is a-coming, an escalation all decked out with an Orwellian-sounding name."

Meanwhile, watchdogs on both the left and right have started counting the use of *surge* and *escalation* to determine whether news organizations are biased for Bush or against him. At Tuesday's White House press briefing, one beleaguered reporter asked Tony Snow about the "[troop increase/surge/escalation](#)."

Ironically, the man sometimes credited with popularizing the term *escalation* is one of the most ambitious euphemists in history: Herman Kahn, whose 1965 book, *On Escalation: Metaphors and Scenarios*, included an "escalation ladder" of the [44 steps to mutually assured destruction](#). Kahn was a military theorist at RAND, and an inspiration for the character of Dr. Strangelove. Louis Menand of *The New Yorker* called him "[the heavyweight of the Megadeath Intellectuals](#)."

Menand writes that although Kahn was a staunch supporter of escalation in Vietnam, he was especially proud of coining the term *Vietnamization*, which gave the Nixon administration what the Bush lexicon apparently lacks—a face-saving euphemism for throwing in the towel. To Kahn's ear, *Vietnamization* was better than *de-Americanization*, although today both sound like two steps high on the escalation ladder toward mutually assured linguistic destruction.

A few years ago, in the depths of Democratic despair, Berkeley professor George Lakoff convinced many Democrats that word control was the only way to snap the country out of some Rove-induced hypnosis. Our side has spent countless hours pontificating about "frames" and "memes" ever since.

The pounding Republicans took in the midterm elections shows that the American people are a lot smarter than Lakoff thinks. A

recent CNN poll that described the Bush option as simply "[send more troops](#)" got the answer Democrats want: only 11 percent support. That suggests the winning strategy in the word war is, get out now! The way to doom Bush's plan to send more troops to Iraq is to call it exactly that. ... **12:29 P.M.** ([link](#))

Friday, Jan. 5, 2007

[Why the Long Face?](#): The best talking points are the ones that go without saying. Since November, Democrats haven't had any trouble convincing the political world that the midterm elections were a resounding vote for "a new direction for America." Today, Republican congresswoman Heather Wilson of New Mexico even borrowed Democrats' slogan for her speech on "A New Course for Iraq."

But the Bush administration has never been good at asking directions, or taking them. So for the moment, the most visible new direction in Washington can be found in the expressions on congressional faces: one side of the aisle has remembered how to smile, while the other side has its turn to do the frowning.

When Nancy Pelosi rose to the speaker's podium after 12 years in the minority, she might well have kissed the ground, if it weren't covered with children. Meanwhile, press accounts portrayed a range of House Republican emotions: "[visibly glum](#)," "[noticeably glum](#)," "[glum](#)," and "[glumly](#)."

You can't blame Republicans for the long face, because the minority can be a miserable life, especially in the House. Yesterday, the Democrats with the biggest spring in their step were the 80+ members who were around back when Democrats lost the majority. In their first week in the wilderness, House Republicans have already figured out that the winner-take-all nature of House rules means that the principal role of the minority is to [complain about being in the minority](#).

House Republican leader John Boehner gamely acknowledged that turning the gavel over to the first woman Speaker was an historic occasion that transcends party. But if the new division of power in Washington feels familiar, there's a reason: A Republican president with a Democratic House is the modern historical norm. We've had that combination for 20 of the past 38 years since 1969. All the other combinations – Democratic president and Republican House, Democratic president and Democratic House, Republican president and Republican House -- have been the case for only 6 years apiece.

Indeed, the danger for both parties may be the sheer familiarity of the current arrangement. In the early 1970s, Republicans were so resigned to the inevitability of winning only the White House

that the late Gerald Ford happily gave up his lifelong dream of being Speaker to settle for replacing Spiro Agnew as VP. In the 1980s, Democrats grew so accustomed to winning the House and losing the White House that we had trouble adjusting to the new landscape after we won both.

At the moment, Republicans seem more at risk of falling back into that rut than Democrats. The current Democratic glee masks a bitter determination to recapture the presidency, because the Bush years have demonstrated how powerless we are without it. By contrast, for all the glum faces in the House Republican caucus, rank-and-file Republicans have such a bad taste in their mouths from their years in control of Congress that it's hard to see them going all out to win it back. In 2008, beleaguered Republicans may well make the same choice Ford made in 1974, and so many Senators in both parties are making this time around: White House or bust. ... **2:59 P.M.** ([link](#))

Monday, Jan. 1, 2007

[Modesty Is the Best Policy](#): For all its trappings, the presidency is a humbling experience. No job on earth comes with greater power or more frequent reminders of that power's limits.

Yet while the White House may be ever so humbling, not all its occupants are so humble. The generous outpouring of affection for the late Gerald Ford is a tribute to a genuinely modest man who rose to the highest office but wasn't afraid to [acknowledge his stumbles](#).

That humility, more than anything else, was Ford's contribution to the nation's recovery from Watergate. As the unelected successor to a failed president who had overreached in every realm, Ford had the good sense not to presume a mandate nor pretend he was the people's choice.

The Bush administration, another accidental and accident-prone presidency, could have used a measure of Ford's humility. Dick Cheney and Don Rumsfeld may have made their names as Ford's right-hand men, but Bush didn't hire them for their modesty. Far from modeling themselves after their old boss, Cheney and Rumsfeld chose to go the other way—spending the Bush years feasting madly on the executive power they felt deprived of in their younger days in the hamstrung Ford White House.

In the eyes of history, Cheney and Rumsfeld have been badly humbled, but there is no sign they see humility as the cure. At Saturday's memorial service, Cheney suggested that what united America after Nixon's imperial overreach was not Ford's restraint, but Ford's own act of executive excess—the Nixon pardon. "It was this man, Gerald R. Ford, who led our republic

safely through a crisis that could have turned to catastrophe," Cheney said. "Gerald Ford was almost alone in understanding that there can be no healing without pardon."

It's one thing, now that both men are dead, for revisionists to conclude that a disgraced Nixon suffered enough for his crimes and Ford suffered enough for the pardon. But as [Tim Noah](#) and [Christopher Hitchens](#) have pointed out, the Nixon pardon did little to heal the nation; it didn't even heal Nixon. If it helped heal the country at all, it did so in the opposite of how Cheney described: Nixon's sudden resignation meant Americans wouldn't have him to kick around anymore, but the pardon gave voters the chance to unite in meting out their punishment at the polls.

The Nixon pardon was out of line for an unelected president, and Ford was deservedly unelected for it. But the nation healed anyway, and Ford's unassuming manner was a welcome tonic after the Nixon era. Ford's greatest achievement was simply not being the kind of president Nixon had been.

George W. Bush now finds himself in much the same position that Ford inherited when he took office in 1974—preparing to serve out the unexpired two-year term of an extraordinarily unpopular president. The only difference is that Bush himself is the extraordinarily unpopular president.

As Bush decides how to spend those two years, Ford's legacy offers two distinct, opposing choices: flagrantly ignore the will of the country (as Ford did by pardoning Nixon) or make modest attempts to heal it (as Ford did by not governing like Nixon).

Bush and Cheney would no doubt prefer to ignore the country's wishes, and regard the Republican defeat in 2006 as sufficient punishment for their mistakes. But that's the same undemocratic route that got Bush into trouble in the first place.

The better path is Ford's more appealing legacy: his refreshing awareness that Americans put up with him only because he was better than the last guy. Bush's goal for his presidency is now exactly the same as Ford's: to prove he's not as bad as Nixon.

"In 1974, America didn't need a philosopher-king," Dennis Hastert said Saturday. "We needed a rock." In 2007, our expectations are equally modest. After six years of George Bush, we'd settle for anyone who isn't a philosopher-rock.

Americans admired the 38th president's candor when he called himself "a Ford, not a Lincoln." It may be too late, but that may be the 43rd president's last best hope as well: "a Bush, not a Nixon." ... **1:22 P.M.** ([link](#))

Friday, Dec. 22, 2006

[George Has Two Fathers:](#) Like Bill Murray in "Groundhog Day," George W. Bush seems doomed to wake up every morning in the same Maureen Dowd column about [a father's shadow he can darken but not escape](#). Bush 43 owes much to Bush 41 – his name, his VP and half his Cabinet, his fateful obsessions with Iraq, taxes, and the Republican base. And for his father's troubles, the current president has been singularly ungrateful. The elder Bush handed his son the keys to the car, and the Daddy Party has been paying for it ever since.

Bush the younger watched his father lose the presidency over a brief moment of responsibility, and vowed to avenge the family name by never governing responsibly again. Bush 43 seems to view Bush 41's administration as a zero-sum game: He is willing to add one old Bush hand (like Robert Gates), so long as he can dismiss another (like James Baker). He has dealt with the Iraq Study Group report the way stubborn sons usually deal with parental advice – once they hear something is supposed to be good for them, they'll never do it.

Less has been made of Bush the younger's rebellion against another father figure, his silver-haired predecessor, Bill Clinton. Although the same age as Bush 43, Clinton has a temperament more like his new friend and fellow elder statesman, Bush 41.

While the younger Bush would never admit it, he owes much to Clinton 42 as well. As governor, Bush stole his campaign slogan – "Opportunity and Responsibility" – from Clinton's campaign speeches. In 2000, Bush ran for president as a different kind of Republican, stealing a page from Clinton's '92 New Democrat playbook. No father in history has left behind a bigger inheritance than Clinton: a \$5 trillion surplus with no strings attached.

Of course, Bush rebelled against Clinton in just as self-defeating a fashion as against his own father. Within a year of taking office, he squandered the entire surplus. In every possible way, he styled his presidency to be the opposite of Clinton's, even when it meant failing where Clinton had done well.

As Mark Halperin and John Harris point out in their book, [The Way to Win](#), Bush's whole approach to politics is the opposite of Clinton's. Clintonism stresses common ground, evidence, and results. By contrast, Bushism eschews common ground in favor of sharp partisan and ideological differences. This year, Bush proved that when winning elections becomes the only result you value, it's bound to elude you as well.

Bush is a famously stubborn man, and never more so than in his insistence on throwing over the conservative achievements of his predecessors. Clinton kept the elder Bush's pay-as-you-go rules to ensure that government didn't try to do what it couldn't pay

for; Bush ditched pay-go so he could spend and give away money with abandon. Clinton renewed confidence in government that had been waning since the '60s. Bush shattered confidence in government by reviving the double-barreled spending of the '60s.

In perhaps the most telling rejection of Clintonism, Bush dismantled the COPS program, which had helped communities put more police on the beat and helped cut violent crime by a third nationwide. Not having enough troops turned out to be a losing strategy here at home, too. This week, the FBI announced [the sharpest increase in violent crime since 1991](#).

Under Clinton, the nation's police forces produced the longest sustained drop in crime on record. Now many cities are becoming murder capitals again. In 2006, robbery went up 9.7% -- the fastest rise in at least the past quarter century.

A Justice Department spokesman said the administration will wait for an ongoing study to determine why crime is going up. But the International Association of Chiefs of Police and other leading crime experts pointed out the obvious: Just as more cops on the beat led to less crime, fewer cops on the beat is leading to more crime.

In fact, the current crime wave represents a convergence of Bush failures. The *Post* notes that an influx of residents displaced by Hurricane Katrina helped produce a 28% surge in the crime rate in Houston. With many police officers serving extended tours with the National Guard and Reserves in Iraq, [the war has further depleted the thin blue line here at home](#).

The more the son rebels, the more prodigal he becomes. Bush 41 and Clinton 42 look better than ever, while Bush 43 never looked worse. Bush is not the sort to [learn from his mistakes](#). But by now, he ought to realize that resisting his elders is yet another rebellion he's not winning. ... **12:14 P.M.** ([link](#))

Saturday, Dec. 16, 2006

Dangerous Liaisons: If you're tired of buying presents for the people you work with, be glad you're not Homeland Security Secretary Michael Chertoff. This holiday, he has to find white-
elephant gifts for 180,000 employees.

From the beginning, the Bush administration has never wavered in its message about the true meaning of homeland security: keep shopping. So it's fitting that Chertoff chose the holiday rush to deliver [his own State of the Union's security speech](#).

From Katrina to the Dubai Ports World fiasco, Chertoff has endured a rocky tenure at DHS. You have to feel for a guy who gave up a lifetime appointment as a federal appeals court judge for a four-year stint as America's least successful management consultant. On Thursday, he talked about "total asset visibility" and "metrics of progress." If only America's borders could be as impenetrable as our speeches.

Last year, Chertoff promised a [major reorganization](#) of the [sprawling department](#). Judging from Thursday's speech, sprawl is winning. Chertoff outlined a five-part mission:

#1: Look out for "dangerous people."

#2: Look out for "dangerous things."

#3: Resist an attack if we fail to stop dangerous people with dangerous things.

#4: Respond to disaster if we fail to prevent an attack by dangerous people with dangerous things.

#5: "Unify the department into a seamless whole, one in which people are both parts of proud components with real legacies, but also working together to build a visionary new 21st century government organization." In other words, look out for dangerous departments who are supposed to protect us from dangerous people with dangerous things.

Chertoff lavished praise on most of his agency. But like Cinderella's cruel stepmother, he berated his [unhappy stepchild, FEMA](#). "We have to make sure that FEMA does not become so enmeshed in its own bureaucratic processes sometimes that they lose sight of the need to have simple common sense," Chertoff said. "We've embarked on a very ambitious program of retooling FEMA to make it a 21st century response organization."

Chertoff has it backwards: FEMA's whole problem is that it was swallowed up by the bureaucratic processes of a 21st century response organization. Back in the late 20th century, when FEMA was independent and capable, director James Lee Witt could call the White House about an impending disaster and speak directly with the president. After FEMA was swallowed by the DHS whale, director Michael Brown's calls to the White House might as well have been forwarded to a call center in India. Or as Chertoff would say, "a 21st century response organization."

The trouble with DHS is that its primary mission is now responding to its own size. Something is wrong when the need to "unify the department into a seamless whole" is as urgent as the

need to "protect Americans against dangerous people." If Osama bin Laden runs out of caves in Afghanistan, he might try hiding in a cubicle at DHS.

The sheer size of the department suggests that our survival strategy is modeled on the way the penguin masses endure winter storms in Antarctica – huddle together by the thousands, then move those at the outer edges to the middle when they've been exposed for too long.

Chertoff touted 20 new "intelligence fusion centers," which for a mere \$380 million will bring us "embedded DHS analysts in state and local offices and also state and local analysts at DHS, improving the flow of two-way information and fusing our intelligence - not only horizontally across the government, but vertically at all levels, as well." We have embedded the enemy, and it is us.

On the same day Chertoff spoke of his dream of a seamless whole, the Government Accounting Office released a survey of the 1,800 agricultural specialists who became DHS employees as part of the merger with Customs. Earlier this year, the GAO issued a report on the ag specialists entitled, "Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease."

In this week's report, the agricultural experts complained more about the domestic pests they're embedded with at DHS. The GAO asked the specialists what was going well. Their second most frequent response was, "[Nothing is going well.](#)"

DHS has succeeded in streamlining one mission: handing out contracts. A tab on the front page of the DHS website declares, "[Open for Business.](#)" Presumably, that message is meant for prospective contractors, not terrorists, but the jury is still out. Chertoff's speech was overshadowed by this week's decision to [ditch a costly system to track the departure of foreigners at U.S. borders](#). Since 2004, the program has recorded 61 million foreigners entering the country, and only 4 million people leaving. That means DHS spent \$1.7 billion to lose track of 57 million foreigners in two years. In the Bush administration, these are called metrics of progress.

Sadly, all his organizational jargon makes Michael Chertoff sound more and more like [Michael Scott](#) with a really big branch of "The Office." At least the Scranton branch of Dunder-Mifflin doesn't pretend to be a seamless whole. When it comes to shaking things up at DHS, Michael Scott's management philosophy might make him the better choice as Secretary:

"I'm friends with everybody in this office. We're all best friends. I love everybody here. But sometimes your best friends start coming into work late and start having

dentist appointments that aren't dentist appointments, and that is when it's nice to let them know that you could beat them up." ... 12:02 P.M. ([link](#))

Thursday, Dec. 7, 2006

[Snowflakes on Falling Leaders:](#) Donald Rumsfeld's last memo enjoyed quite a run, from lead story in Sunday's *New York Times* and *Washington Post* to [Slate Hot Document](#) to welcome [harbinger](#) of a [leaky new era](#). Amid all that attention, one aspect went overlooked: After half a century in the nation's service, Donald Rumsfeld still can't write a memo to save his political life.

Rumsfeld is not alone—for a variety of reasons, most Cabinet memos aren't very good. Cabinet secretaries are busy people, so their memos are often written by committee. A Cabinet member's world revolves around his or her agency; a memo is an attempt to make the president feel the same way. As a result, Cabinet memos are almost always too long. No president could read 20-page memos from two dozen Cabinet members, but the Cabinet churns them out anyway—and the White House staff secretary dutifully boils each down to a one-graph summary.

Two other flaws plague the Cabinet memo genre. First, White House advisers usually have a better idea what the president needs to learn from a memo, because they spend more time with him—and hear back from him whenever their efforts don't measure up. Cabinet members often have to guess what the president knows or thinks and, unless they really screw up, rarely hear an honest appraisal of what he thinks of their work.

Second, White House advisers can afford to be candid. Their advice is privileged, they can't be hauled before Congress to testify about it, and internal presidential memos rarely leak unless the White House does so on purpose. A presidential memo from a Cabinet member is privileged, but an agency's internal memos are less protected. At a more basic level, the White House hates Cabinet memos because they are usually unsolicited and always a risk to leak. That's a deadly combination, and not unrelated: the less the White House wants a memo in the first place, the greater the chance they'll see it on the front page.

Aside from the leak, Rumsfeld avoided some of these problems. His memo is short, and written in his own pull-up-your-socks tone of voice. But it's still a lousy memo, and a telling one. If, as the Duke of Wellington once said, the battle of Waterloo was won on the playing fields of Eton, the war in Iraq may have been lost on the memo pads of the Pentagon.

Consider [another famous "leaked" Rumsfeld memo](#), which made headlines in October 2003. That memo didn't exactly sneak out the secretary's door; as *USA Today* reported, [Rumsfeld sent it to top defense officials and handed it to congressmen](#). In the span of 13 paragraphs, the memo asked 16 often-unrelated questions, including this impenetrable gem: "Have we fashioned the right mix of rewards, amnesty, protection and confidence in the US?" I don't begin to understand the question, but I'm pretty sure the answer is "no."

"Memos have one purpose in life," according to the [award-winning Online Writing Lab at Purdue University](#), "Memos solve problems."

As a former White House chief of staff, Rumsfeld should know that most basic of rules. Presidents don't read memos for pleasure; for that, they have Albert Camus. A memo reaches the president only when the stakes are high, the choices are difficult, and all other means of resolution have failed.

That makes Iraq a good topic for writing the president. But the Rumsfeld memo doesn't do the one thing a presidential memo is supposed to do—help the Decider decide. Instead, Rumsfeld's "recommendations" are more confusing than the Iraq debate itself.

The *Post* called it an "unusually expansive memo," but national security adviser Stephen Hadley's term—"laundry list"—seems more on point. Rumsfeld offers 15 "Above the Line" options, and six "less attractive" ones. He says many of the above-the-line options "could and, in a number of cases, should be done in combination with others"—but he doesn't say which ones, or why. He doesn't make a case for the above-the-line options, or against those below the line.

Not only does the memo fail to give the president any clearer idea what to do in Iraq, it doesn't give a clear idea what the secretary of defense thinks. Rumsfeld's memo is a blue-ribbon commission report gone bad—the septuagenarian without the executive summary.

In contrasting Rumsfeld's memo with "the lawyerly memo" from Hadley, the [Times](#) says:

At the Pentagon, Mr. Rumsfeld has been famous for his "snowflakes"—memos that drift down to the bureaucracy from on high and that are used to ask questions, stimulate debate and shape policy.

Fortunately, his successor appears to understand that secretary of defense is [not a snow job](#). If you can't help the Decider decide, a blizzard of memos only leads to drift. ... **1:55 P.M.** ([link](#))

Friday, Dec. 1, 2006

Belly of the Beast: Last year, the big rage was *sudoku*. These days, the most popular Japanese craze in Republican circles is [seppuku](#)—the "belly-cutting" ritualistic suicide better known as [hari-kiri](#).

Republicans have been practicing all week long. On Iraq, James Baker has generously offered to hold the sword; all President Bush has to do is fall on it. Bill Frist changed his mind about doctor-assisted suicide, pulling the plug on his presidential bid rather than pretend a miracle would revive his chances. Yesterday, it was RNC Chairman Ken Mehlman's turn, in [a speech to GOP governors about how Republicans had offed themselves in the midterm elections](#).

Mehlman is a master of apologies. Last year, he told the NAACP [how sorry he was](#) for Republicans' divisive, racist Southern strategy of the last three decades: "Some Republicans gave up on winning the African American vote, looking the other way or trying to benefit politically from racial polarization. I am here today as the Republican chairman to tell you we were wrong." In yesterday's speech, he was so busy atoning for Republican losses, he forgot to apologize for the [divisive, racist Southern ad](#) that helped Republican Bob Corker hold the Senate seat in Tennessee.

As Bush's former campaign manager, Mehlman was careful to honor his role as presidential apologist. He praised the Republican ground game for winning 13 of the 22 closest races, even though the dismal performance of the president and Congress deserve most of the credit for making what should have been cakewalks so close.

Mehlman also repeated the White House line that they'd beaten the historical spread: "Since the 1860s, the party of the incumbent President has lost an average of 45 House seats and five Senate seats during the second midterm." Don't despair, Mr. President: Ulysses S. Grant lost 96 seats in his sixth year, but he still got to be buried in Grant's Tomb.

But after running through the customary excuses, Mehlman made a damning admission: "If 2006 taught us anything, it is that a good ground game alone cannot be depended upon to push us over the top. We need to remember ... all of us ... that it is good policy that makes good politics." From a longtime disciple of Bush and Rove, that is the ultimate denunciation of the Bush administration and Rovism: Bush and the Republicans lost because their policies didn't work.

Mehlman claimed that Democrats, not Republicans, are supposed to be the ones who think government is the answer to every problem: "We Republicans don't believe that ... but sometimes, over the last few years, we've behaved as if we do. What does that lead to? It leads to defeat, and it leads to temptation, and it leads to a government that is bigger and more intrusive than any of us would like."

The saddest part of Mehlman's speech, in fact, was his struggle to name a single Bush accomplishment worthy of Republicans' own mythical tradition. Reagan, he says, made Republicans "the party that would change government, not sustain it." Gingrich offered "a detailed list of congressional and governmental reforms that took power away from the smoke-filled rooms and returned it to the people."

And what has Bush done to make Republicans the party of reform? Mehlman's answer:

"President George W. Bush reorganized our entire security system, creating the Department of Homeland Security."

No wonder Republicans feel like [killing themselves](#). The only hope their own chairman can give them that they're not the party of government is that Bush created the largest, costliest new federal bureaucracy in American history.

When the GOP's cheerleader thinks a bloated bureaucratic nightmare with 170,000 employees is a shining example of "limited government" and "our Party at its best," even Republicans seem to be saying [sayonara to conservatism](#). Stick a sword in it—it's done. ... **1:48 P.M.** ([link](#))

Tuesday, Nov. 28, 2006

Traitor to His Class: As they survey [the ruins of the conservative movement](#), Republicans ponder what might have been, if only Bush hadn't blundered so often and Congress plundered so much. A study in today's *New York Times* provides shocking evidence of the latest conservative betrayal. According to the latest available IRS data, [the richest Americans have fared worse under Bush than any other income group](#).

If the Republican revolution promised anything, it was that after years of oppression and neglect, rich people would finally have the chance to get ahead. But the *Times* reports that life is tough on Easy Street:

"Incomes after 2000 fell the most among those at the top of the income ladder. The

top one-tenth of 1 percent, about 130,500 taxpayers, reported their average income fell almost 17 percent, to just under \$4.9 million each in 2004."

Even Bush's harshest critics would have to concede that the president has done everything in his power to help the rich. He cut tax rates for the upper brackets. He cut the capital gains rate from 20 percent to 15 percent. He gutted the estate tax and virtually eliminated the tax on dividends.

From 2001 to 2004, Bush gave the rich a new tax cut every single year. Yet as the *Times* points out, even with all those trillion-dollar tax cuts, the richest Americans saw their after-tax incomes plunge by 12.1 percent.

In his 2004 campaign, John Edwards called Bush's economic theory "[the most radical and dangerous economic theory to hit our shores since socialism a century ago](#)." It's now clear that for the very rich, even socialism might have been a better deal.

This is shattering news for Democrats and Republicans alike. What is the point of supply-side conservatism if it can't even make the rich richer? For that matter, where is the joy in railing against it? Supply-side economics never made any sense to begin with, but now its logic isn't worth the napkin it was written on. Trickle-down theory turned out to be no trickle, just down.

President Bush is famous for setting big goals and failing to meet them. Now we know he can't meet the easiest of goals, either. The rich have been getting richer for centuries. Moreover, in contrast to its other pursuits, the Bush administration's efforts to help the rich were a model of persistence and consistency. No pesky resistance tried to stop them; no clumsy Rumsfeld botched the execution. They did their best, yet still they failed.

In response, the rich are voting with their feet—or perhaps their footmen. In 2004, Bush carried voters with incomes above \$200,000 by 63 percent to 35 percent. This year, the Republican margin shrunk 20 points, to 53 percent to 45 percent. That was the sharpest Democratic gain of any income category. More and more rich people are coming around to Bill Clinton's view that "if you want to live like a Republican, you have to vote like a Democrat."

While the very rich keep seeing their incomes go down, the cost of being rich keeps going up. The PNC Christmas Price Index, which tracks the price of everything from 12 drummers drumming to a partridge in a pear tree, reported this week that [the cost of the 12 days of Christmas has jumped to an all-time high of \\$18,920](#). PNC says that a tight labor market means wages for piping pipers and other skilled workers are up, while the burst in the housing bubble "has dampened demand for luxury goods, such as gold rings."

Ronald Reagan used to say that in the 1960s, Democrats fought a war on poverty, and poverty won. In this decade, Republicans fought a war on rich people's poverty, and poverty won again.

Once upon a time, the United States was the world leader in making people rich. Not anymore. The annual World Wealth Report keeps track of High Net Worth Individuals (HNWIs), otherwise known as millionaires. According to the 2006 report, South Korea, India, and Russia are producing new millionaires three times faster than we are. Last year, the United States even fell behind Canada.

By examining "how much it costs HNWIs to live extremely well," the World Wealth Report shows just how hard it can be to [keep up with the Gateses](#):

"HNWIs around the world have two things in common: a deep concern about preserving their wealth and an abiding desire to ensure growth of their wealth for the benefit of future generations and benefactors. ... The 'admission and maintenance charges' to a life of privilege cannot be overlooked when discussing impacts to HNWI wealth."

While the gap has shrunk in the past two years, the report says that in 2003, the inflation rate for luxury goods was 5.5 percent higher than the Consumer Price Index. The report monitors an annual basket of luxury goods—including "5-star hotels, spa visits, and boarding school tuitions." As a percentage of wealth, rich Americans pay 60 percent more to live like Paris Hilton than Asian-Pacific millionaires do.

As they look toward 2008, that gives Republicans a new mantra: Stop the class warfare! Let Democrats whine about the middle-class squeeze. The upper-class squeeze—now that's an issue that Bill Frist and Mitt Romney can run on. ... **4:33 P.M.** ([link](#))

Thursday, Nov. 23, 2006

Crystal Ball: Move over, [Mort Kondracke](#). You heard it here first: [as predicted](#), Flyer and Fryer held on to defeat Plymouth and Rock, 27 percent to 22 percent, [in this year's White House turkey naming contest](#). Corn and Copia, the other food item on voters' menu, finished third with 21 percent, ahead of deserving founder Ben and Franklin at 18 percent. Washington and Lincoln ended up first in war, first in peace, and last in the turkey standings, with 12 percent.

In what may be an early glimpse of a kinder, gentler Bush, the president dispensed with his annual neck-and-neck joke. He has given up pretending the election was close. Instead, Bush joked that it was probably better to be called Flyer than Fryer. He said the turkeys' owners "did a fine job raising these birds," then petted Fryer's neck and called it "a fine-looking bird."

Bush also revealed that although Barney had enjoyed chasing Flyer around the Rose Garden, his favorite toy is a soccer ball. That makes the president an honorary soccer dad, too late to win back any suburban swing voters.

Bates Motel: Flyer and Fryer have flown off to greener, Barney-free pastures in Disneyland. They don't know how lucky they are. With no help from Washington, some states are finding their own ways to reduce the turkey retiree burden. The *Montgomery Advertiser* reports on Alabama's solution: [coyotes](#).

Every November, Bill Bates, a leading Republican who runs the largest turkey farm in the state, brings the best bird from his flock of 20,000+ to Montgomery for the governor to pardon. Bates, who has been doing this since segregationist days, doesn't need an online naming contest. He gives his best bird the same name every year: Clyde.

While a pardon may be the dream of every turkey worth his salt, the *Advertiser's* account suggests it's not easy being Clyde. The paper reports that many of Bates's prized turkeys "ate so much and got so fat that they had a hard time even waddling around the farm." Others apparently "have been known to drown during storms when they lift their beaks to the open sky."

But the pardon of Clyde '05 proved to be the cruelest hoax of all. After being honored by the governor, Clyde '05 went on display at a farmers' market in Montgomery. PETA complained about his shabby treatment, so Bates brought him back to the farm. A few months ago, a coyote got into his pen and had an early Thanksgiving dinner. "Poor Clyde never had a chance," Bates told the paper. "There wasn't much left but feathers and bones."

Since then, Bates has installed a new security system—barbed wire. But if more coyotes had time to read blogs, they might have left Clyde alone and followed [this hot tip from Huffington Post: Tofurky](#). Made with "organic, non-genetically engineered soybeans," Tofurky has been "[America's Leading Turkey Alternative Since 1995](#)."

The 2007 "Gobble the Vote" naming contest is 364 days away, but we already have a frontrunner: Tofurky and Clyde. You heard it here first. ... **1:27 A.M.** ([link](#))

the highbrow

A Pessimist in Flower

The love songs of Thomas Hardy.

By Meghan O'Rourke

Thursday, January 18, 2007, at 12:16 PM ET

In 1912, when he was 72, Thomas Hardy began to write a series of love poems about his wife, Emma. The poems were unlikely for several reasons. First, for years he and Emma had been estranged, and she had retreated to sleep alone in the attic, where she wrote letters to friends about his unkindness. By this point, Hardy was a literary celebrity, and had maintained flirtations with more than one woman. His reputation was based largely on his fiction; his controversial later novels, among them *Tess of the d'Urbervilles* and *Jude the Obscure*, had cemented his stature as a portraitist of country life and thwarted small-town aspirations. Second, Hardy was famous for his indictment of marriage—a bishop publicly burned his copy of *Jude*, and a Victorian newspaper, shocked by it, labeled it "Jude the Obscene." What no one, including Hardy himself, would have guessed was that Emma would prove to be, as Claire Tomalin claims in her brisk new biography of the author, "his best inspiration." That fall, Emma suddenly fell ill, and she died before Hardy got a chance to say goodbye to her. In the months after her death, numerous poems in her memory poured out of him—love lyrics of acute regret in which one of his recurrent themes was distilled in its most distinctive form. That theme could be said to be our failure to perceive the shadowy outlines of our own experience; life, in Hardy's view, was nothing but a strangely prisms window onto the peculiar workings of time.

In many ways, Hardy must have seemed, when he published these poems, to be a relic. At a time when Ezra Pound, T.S. Eliot, and other Modernists were breaking open the conventions available to poets, Hardy deployed traditional English ballad forms and archaic, sometimes awkward, inversions. He saw celebrating the "old ways" of England as one of his missions. Yet the best of the poems about Emma fit no category, and his traditionalism obscures a kind of radical modernity, an outlook that pierced through Victorian pieties to see the bedrock truth of an actual marriage. This may be why Virginia Woolf, alive to what made his work fresh, said that *Satires of Circumstance*, the 1914 collection in which the poems about Emma appeared, was "the most remarkable book to appear in my lifetime." He followed no Modernist doctrine, yet could be said to be more forward-looking than many of those who did.

The son of a mason, Hardy was an enterprising social climber at a time when a rigid class hierarchy was still in place. And he attained the success he sought—a trajectory, unlike beleaguered Jude's, that might well seem the embodiment of an optimistic faith in social justice. In 1870, he met Emma Gifford on an architectural business trip to Cornwall. Taken with her wildness and her fresh, rosy skin, he courted her despite the objections of

her family—she was of a higher class than he—and they married in 1874. He had spent years writing at night and working for an architect by day, and it paid off when his novel *Desperate Remedies* was accepted by a publishing house. (His first novel, an attack on the upper classes, was rejected for its radical politics; thereafter, many of his novels were written and revised to fit the demands of the marketplace.) For a period, the marriage was a happy one. But over the years, Hardy's world expanded while Emma's shrank, and she lost the looks that had caught his eye. Soon he was conducting dalliances with well-born women; refining his satirical take on the hypocrisies of Victorianism; and further exploring atheism. All this alienated Emma, who was more religious than he; by some accounts, she grew "half-cracked" and "defensive." When she moved to the attic late in the marriage, she was embittered and irrevocably distanced from Hardy.

What is so remarkable about the Emma poems? In the 80 or so he wrote before he died—many of which are gathered in "Poems of 1912-13" from *Satires of Circumstance*—the profound paradoxes of Hardy's work are evident. As Michael Millgate, his most painstaking biographer, has pointed out in *Thomas Hardy: A Biography Revisited*, Hardy was profoundly nostalgic for the customs of preindustrial England and yet deeply skeptical about the pillars of Victorian morality and religion. The remorse expressed in his poems about Emma is double-edged and hard-headed, capturing the games time plays on us by holding us captive to impossible desires. (No wonder Proust liked his work.) Hardy does not exactly chastise himself for his indifference to Emma. Instead, he invokes his longing for the period when the couple met in North Cornwall, for when "our day was fair." What Hardy misses is not his *wife*, per se, but the woman she once was, and the promise she briefly embodied ("You were she who abode/ By those red-veined rocks far West .../ While life unrolled us its very best.")

The poem is sentimental, to be sure, but it is sentiment of a brutally realistic sort: The poem briskly discards such longing to note, "Well, well! All's past amend./ Unchangeable. It must go./ I seem but a dead man held on end/ To sink down soon ... O you could not know/ That such swift fleeing/ ... would undo me so!" Unlike the Modernists, Hardy places little value on individual experience; the speaker's loss is rendered as an immense foreground only to be dismissed with the matter-of-factness that earned Hardy the label "pessimist" (but that he might himself have merely called "realist"). In his view, bleakness is not fatalism, but an accurate portrayal of the mechanics of life. That he insists so while appearing to inhabit forgotten emotions all over again is the more extraordinary—and one of the reasons these poems, with their condensed bursts of insight, are the equal of his best novels.

At the time of their writing, he was in love with a younger woman who eventually became his wife. Yet the poems for Emma resonate with the poet's forlorn desire to sift through the

ember of memories, as if to light them once more, only to find his hands stained with ashes. This, he seems to say, is the material of our lives: a regret more powerful than the experience itself. Among the best are "The Voice," "Your Last Drive," "The Walk," "After a Journey," and "A Dream or No." Here is "The Voice," in full:

Woman much missed, how you call to me, call to me,
Saying that now you are not as you were
When you had changed from the one who was all to me,
But as at first, when our day was fair.

Can it be you that I hear? Let me view you, then,
Standing as when I drew near to the town
Where you would wait for me: yes, as I knew you then,
Even to the original air-blue gown!

Or is it only the breeze, in its listlessness
Travelling across the wet mead to me here,
You being ever dissolved to wan wistlessness,
Heard no more again far or near?

Thus I; faltering forward,
Leaves around me falling,
Wind oozing thin through the thorn from norward,
And the woman calling.

The poem offers an extraordinary example of how poetic meter can subtly shape our perception of time. The rhyme scheme acts out a powerful sense that the crux of the matter was long past. Hardy does this by using a regular meter with multisyllabic rhymes ("call to me" and "all to me") in which the most important stress falls not on the *last* word (as is more typical) but on the second-to-last iamb ("call" or "all"). This creates a kind of dying fall, a slacking off from the height of the emotion—mimicking the arc of the relationship itself. Then there is the abrupt, even ugly change in the final stanza, in which the speaker, "faltering forward," is prevented from reaching his destination by "wind oozing thin through the thorn." The loss here has no antidote. The ghostly woman goes on "calling" in an endless, bleak present, a portent of what Hardy would have called "nescience"—that is, the unknowing that comes with death.

Over the years, critics have spent a lot of time trying to explain how Hardy wasn't a Victorian, yet wasn't a Modernist either, claiming that English poetry has truly followed his path (extended through Philip Larkin), or arguing that it has firmly left him behind. In doing so, they echo Hardy's own sense that he was a peculiar outsider, a childhood daydreamer forced to make a place for himself in a puzzlingly conventional society. But they miss his essence. As he wrote in his earliest extant poem, composed around 1857, about flowers by his grandmother's house, "Red roses, lilacs .../Are there in plenty, and such hardy flowers/ As flourish best untrained." It's

impossible not to hear "hardy" as a self-reference, evocative of the poet's own early intuition that he would thrive as one "untrained" by convention, kept, perhaps profitably, from the halls of Oxbridge, and likewise unlucky (or just awfully honest) in love.

the undercover economist

Urinalysis

What potty training reveals about excessive executive salaries.

By Tim Harford

Saturday, January 13, 2007, at 6:52 AM ET

This column deals graphically with two distasteful subjects: excessive executive pay, and poop. You have been warned.

Let me start with poop. The elder Miss Harford demonstrated yesterday that she is very capable of controlling her bodily functions. She peed on the floor five times in quick succession in an attempt to divert her mother from feeding the younger Miss Harford.

Fine. She has the capacity to use the potty, so all that is now required is the right incentive. Chocolate coins turn out to be the sort of currency a 2-year-old understands. Successful use of the potty earns a chocolate coin. It works, and is money well spent.

Yet two days into the contract, problems are emerging. What is "successful use of the potty"? This morning, my nose alerted me to a borderline case: an enormous turd on the sitting room floor, and a tiny rabbit-dropping in the potty. At this early stage, we chose to accentuate (and reward) the positive. In a month's time, I will be less impressed, but can we really move the goal posts then?

Even straightforward incentives can be manipulated. The great pole-vaulter Sergei Bubka repeatedly broke the world record by a centimeter and earned a cash bonus every time. I have visions of a near future in which Miss Harford empties her bladder one drop at a time in order to scoop bagfuls of chocolate coins.

As we are discovering, apparently black-and-white matters of performance can quickly become shades of gray. It is much more tempting to resort to discretion: If we're happy with Miss Harford's potty performance, chocolate coins will be forthcoming.

This sounds a bit like your boss's vague promise of a salary review sometime the year after next. Employees know that bosses are lying weasels and wisely ignore such empty gestures. Daughters know that parents are lying weasels too, and that is

why we must keep our incentive payments as unambiguous as possible.

Employers want to offer incentives for good behavior, just as parents do. But how to combine the oh-so-important discretion with the credibility needed to make the promises persuasive?

One possibility is to rely on relative performance. The boss can announce that the best three performers in the office will receive a \$1,000 bonus at the end of the year. There is no weaseling out of such a promise, and there is no incentive to give the bonus to bad workers instead of good ones, but the boss retains the flexibility to decide what a good performance actually means.

This sort of payment structure is called a "tournament," and it was described by the economists [Sherwin Rosen](#) and [Ed Lazear](#) (now chairman of the president's Council of Economic Advisers) in a famous article. Tournaments not only combine credibility with flexibility, they also protect workers from risks outside their control: In a down year, everyone might do poorly, but the people who did least poorly will still be rewarded.

Unfortunately, as Lazear and Rosen were well aware, tournaments also have unwelcome features. They discourage cooperation: One study of Australian companies discovered that workers facing tournament-style pay structures were less likely to call in sick, but also less likely to share tools with each other.

Still, tournament theory explains a lot about office politics and the inequities of working life. The CEO's pay, it turns out, is not designed to motivate him but to motivate potential successors. Think of it as a sort of "lifetime achievement" award for somebody whose productive contribution is long over.

Since we did not have twins, I will not be able to put tournament theory into practice at home. Perhaps the idea is a little potty anyway.

the zeitgeist checklist

Zeitgeist Checklist, Escalation/Surge Edition

What Washington is talking about this week.

By Michael Grunwald

Saturday, January 13, 2007, at 6:51 AM ET

Mahdi Blah

Iraq. As Sunni insurgents and the Shiite Mahdi Army step up their attacks in Baghdad, President Bush [announces](#) his plan to send 21,500 more troops to provide security. It's not clear who will enjoy this security, but it won't be those 21,500 troops. Lexicographers debate whether to call this a *surge* or an *escalation*, but ultimately agree on *catastrophe*. Bush also warns Americans not to expect a traditional victory in Iraq, with U.S. generals accepting an unconditional surrender on a battleship. Thanks for the warning, Mr. President, but we weren't really expecting that.

The Symbolic Congress

Democrats. Instead of trying to use their new power to try to stop the surge, congressional Democrats intend to express their strong [opposition](#) to the plan through a series of symbolic votes, to remind Americans that this is George W. Bush's war. Because most of us were laboring under the impression that this was Millard Fillmore's war. Some critics believe that after their election victories, Democrats must do more than stand on the sidelines and whine about Bush. Then again, that's all they did for the past six years, and Americans seemed to approve in November.

Surgin' General

Pentagon. The new U.S. commander in Iraq will be [Lt. Gen. David Petraeus](#), a widely respected military thinker renowned for his honesty, realism, and expertise in fighting counterinsurgencies. Bush insists that the choice is an aberration, and will not disrupt his ongoing efforts to surround himself with incompetent yes men.

Bomb Deal

Somalia. U.S. warplanes [drop](#) bombs and fire missiles onto several towns and villages in southern Somalia. Bush explains that the airstrikes were unavoidable once the CIA confirmed the existence of weapons of mass destruction in northern Liechtenstein.

Defense Lawyer Sold Separately

Technology. Apple chief executive Steve Jobs [wows](#) the tech world with the new iPhone, a combination wireless phone, Web browser, digital music player, StairMaster, curling iron, and Fry-o-Lator. Jobs says the fully equipped phone won't be ready until June, but some of the options could be backdated.

Spend It Like Beckham

Sports. British footballer David Beckham is [coming to America](#), after signing a five-year, \$250 million contract to run Home Depot. Ha! We joke. He's getting all that money to play for the Los Angeles Galaxy, a team nobody has heard of in Los Angeles, or anywhere else in the galaxy. Beckham's brand of football is different from "American football," because players can't catch the ball or tackle their opponents. In the United States, that's known as "Redskins football."

Feeling Hot Hot Hot

Climate. Scientists report that 2006 was the [hottest year on record](#), and the Bush administration finally admits that manmade global warming is contributing to the problem. Some analysts believe that the president may even consider supporting some modest bipartisan actions to address climate change, although these analysts also believe that Rosie O'Donnell and Donald Trump may decide to iron out their differences over a romantic weekend in Oahu. Meanwhile, congressional Democrats announce plans to express their strong opposition to the heat through a series of symbolic votes.

Rebutton That Shirt, Dennis Kucinich!

2008. Sen. Christopher Dodd, D-Conn., [announces](#) his presidential candidacy by calling Don Imus, a venue befitting his long-shot candidacy. Next week, Sen. John Kerry, D-Mass., plans to enter the race by telling the guy behind the counter at his local Arby's. But the big campaign news is all the media attention that Sen. Barack Obama, D-Ill., gets after he's photographed [shirtless](#). The Zeitgeist sincerely hopes that New Mexico Gov. Bill Richardson didn't read that last sentence.

Kerry Could Use Some Help, Too

Sports That Americans Like. Cal Ripken and Tony Gwynn are [elected](#) to baseball's Hall of Fame, but suspected steroid user Mark McGwire is shunned for stonewalling a congressional inquiry by refusing to talk about the past. Secretary of State Condoleezza Rice immediately hires McGwire as a consultant.

It Wasn't the Knicks?

Homeland Security. Urbanites scramble for indoor cover after a [foul odor](#) wafts through New York City. They calm down after extensive monitoring rules out a chemical or biological attack, and ultimately identifies the odor as New York City.

today's blogs

The Bush Party Line

By Caren Crockett

Thursday, January 18, 2007, at 4:44 PM ET

Lawyers, bloggers, and lawyer-bloggers are trying to suss out the meaning of the Bush administration's decision to allow a Foreign Intelligence Surveillance Act court to monitor the National Security Agency's wiretapping program. Bloggers of all stripes are crowing about the irony over speculation that Fidel Castro is a victim of Cuba's socialized health-care system, and they're giving some time to the Doomsday Clock.

The Bush party line: The Bush administration says it's going to [stop spying on Americans](#) without first getting a warrant. Or bloggers at least *think* that's what Attorney General Alberto Gonzales said in his [letter](#) to senior members of the Senate Judiciary Committee.

New York City First Amendment lawyer Glenn Greenwald [isn't feeling the love](#) at **Unclaimed Territory**. "There is nothing to celebrate here. We shouldn't be grateful when the administration agrees to abide by the law. ... [T]he President's claimed willingness to abide by FISA from now on does not even slightly obviate the need for a full-scale investigation into the last five years of illegal eavesdropping activities."

Right-wing blogger Dafydd ab Hugh at **Big Lizards** [sees](#) the whole thing as a victory for the administration, claiming "it was

the FISA court that accepted the Bush rationale. ... Bear in mind that the original NSA al-Qaeda intercept program was launched by executive order; should the FISA court fail to live up to its agreement to allow the administration a free hand to intercept terrorist communications... well, I'm sure President Bush can find a copy of his original order and just sign it again."

Kevin Drum at *Washington Monthly's Political Animal* [isn't buying](#) any of it. "First, I just have to ask: does anybody really believe that the Bush administration has been studiously beavering away on this for two years, and it's just a coincidence that they finally made this concession a mere few days after Democrats took control of Congress? Any takers on that?"

But at **Power Line**, John H. Hinderaker, a conservative blogger and attorney, [reckons](#) nothing much has changed, despite the news. "[T]he administration seems to have found a solution that allows the Terrorist Surveillance Program to continue in all but name, while defusing the criticisms of the program—which were, in my opinion, almost entirely unjustified."

[Read](#) more about the NSA agreement.

Dictator malpractice: Bloggers of all stripes are gleeful at speculation that Cuban leader Fidel Castro is on his deathbed as a result of [his own decision](#) to not get a colostomy and to poor medical care from the socialized system El Jefe has so often praised.

Conservative blogger McGehee at **Yippee-Ki-Yay!** [blames](#) the patient, too. "[Y]ou would assume Fidel Castro had the care of the finest doctors and surgeons on the island. And still their skills and resources weren't up to the job. Some might blame the U.S.-imposed embargo for the lack of resources, but we are in fact the only nation in the world that observes that embargo. ... Fidel Castro isn't dying of American foreign policy. He's dying of Cuban domestic policies that he engineered."

At the centrist blog **Winds of Change**, Michael Fumento, who suffered from the ailment Castro allegedly has, [points out](#) that the dictator's decision "virtually guarantees continued infection. ... For his troubles, he ended up with one anyway."

Liberal Doug Mataconis at **The Liberty Papers** [tries to be charitable](#) but doesn't come close. "[D]octors make mistakes even in the United States, but there is some delicious irony in the idea that Fidel may be dying because of the incompetence created by his own system."

[Read](#) more about Castro's health.

Antiaging cream won't help: The *Bulletin of the Atomic Scientists* [took two minutes off](#) the world's lifespan, moving the Doomsday Clock to 11:55 and, for the first time, adding global

warming to the list of reasons why we're all going to buy the farm.

Conservative Culture says it's all just [politics](#): "Just when the Dems take charge you see the clock just tick away." But WarCriminalGeorge at the liberal **Daily Kos** [turns up the heat](#) on the White House and the unwillingness to embrace science on climate change. "The demonic Bush and Co. have avoided all scientific expertise in this area. The past six years of Bush and Co. public policy is now seen in even greater catastrophic detail."

Joe Citizen at **RightPundits** [has no patience](#) for the keepers of the Doomsday Clock. "Instead of using their wisdom to help preserve man's ability to survive on our ever changing planet, he Doomsday timekeepers sit behind the monitors of their number crunching super computers, eating granola, and hoping to find some gloomy news to pass along to us nonintellectual types."

Matt Stansberry, a tech journalist at **SearchDataCenter**, cheerfully [asks](#), "[A]re we too far gone? Maybe it's time to run up the energy bill, bust out an umbrella drink and bring on the global warming."

[Read](#) more about the Doomsday Clock.

today's blogs

Barack O-blah-ma

By Michael Weiss

Wednesday, January 17, 2007, at 5:38 PM ET

Liberal bloggers are surprisingly indifferent to Barack Obama's almost-certain presidential run. They also see civil war all over the latest car bomb that ripped through a Shiite university in Baghdad, and await Netflix's new streaming-video feature.

Barack O-blah-ma: Sen. Barack Obama, who made an electric national debut at the [2004 Democratic National Convention](#), has announced, to no one's surprise, that he'll [create](#) an exploratory committee for a White House bid next year. Yet plenty of lefties aren't so sure the junior senator has graduated to political long-pants just yet.

At catchall blog **locussolus**, Paul Goyette [writes](#): "[R]egardless of what his own ambitions or experience say to political handlers, it's the political opportunities—and in particular whether he has something powerful to offer—that should govern his decision."

John in DC, a lefty at **AMERICABlog**, has some [fraternal advice](#) for the contender's boosters: "Teach your boss to use the word 'I.' Obama was on CNN last week, talking about Bush's Iraq escalation plan, and he kept talking about (and I paraphrase) how 'our office was considering that' or how 'my staff is looking at that' or how 'we are certainly thinking about that.' It's no your office, it's not your staff, and it's not we. It's you. It's I."

Liberal **Shakespeare's Sister** is [lukewarm](#) on Obama but doesn't think his inexperience automatically disqualifies him: "[C]uriously, it always seems to be the folks who have the least faith in the decency and integrity of our federal government (and the people who run it) who also argue that longevity of service is a prerequisite for the presidency—which is, ultimately, counterintuitive. If Congress is a cesspool of crookedness, then the best presidents would be the ones who rise above it earlier rather than later."

Lefty John Bohrer at **The Huffington Post** [investigates](#) the dual meaning of *presidential race* for a black candidate: "[D]on't be surprised when, in the next few weeks, you see the media touting polls of African American voters and using them to rate Obama's meteoric rise. Or fall. ... As Dayton Duncan once said about the media and polls, 'They create it, pay for it, and then report on it.'"

[Read](#) more about Obama's semi-official White House aspirations. On *Slate*, John Dickerson and Andy Bowers [parse](#) the video announcement, and Juliet Eilperin [wonders](#) if Obama's speaking voice will suffer should he quit smoking.

Civil War U.: A devastating series of attacks—two car bombs and one suicide bombing—[killed](#) 70 people and injured more than 100 at Mustansiriya University in Baghdad today, just days after the [botched executions](#) of Saddam's Sunni Baathist associates. Bloggers see the Shiite school as the latest target in an ever-widening sectarian conflict in Iraq that threatens to become, if it hasn't already, a civil war.

Iraqi Mojo, a Baghdad native who grew up in the United States, [thinks](#) the university should have concealed the school's Shiite credentials: "I'm surprised the university allowed photos of Sadr on the walls. They should take those photos down, if they can. Maybe that is the problem—perhaps the university feels the pressure from the Mahdi army, which should not be the case."

Michael Toler at Arab-focused **Al-Musharaka Blog** [notes](#) that "[i]t is not the first time that universities have come under attack, further stoking concerns about the fate of intellectuals, scholars and students in the country. In November, for example, the Scholars at Risk Network issued a statement calling for action after an assault on the Iraqi Ministry of Higher Education and Scientific Research, Scholarships and Cultural Relations Directorate, an institute responsible for granting scholarships to Iraqi academics seeking to undertake research abroad."

Mideast analyst Juan Cole at **Informed Comment** [blames](#) Bush's "zero-sum" policy of handing Iraq over to the Shiites for this latest massacre. Additionally, "[t]he female university students are among Iraq's few hopes for the future. Iraqi women were once 75% literate, but US/UN sanctions and the poor economy of the 1990s drove down the percentage to only 25%. So women well-educated enough to get to university are a small minority in Iraq. Fewer and fewer families feel comfortable letting their girls go out under these circumstances."

[Read](#) more about the Mustansiriya University bombings.

Watch (our stock) now: Financially embattled company Netflix is going to [offer](#) streaming video-on-demand for its PC clients. With "Watch Now," you get 18 hours of free monitor-based movie time and can choose from about 1,000 titles—television and film.

B. Greenway at **Home Theater Blog** [says](#): "Devices like AppleTV, the PS3 and DVR's would obviously offer quicker (and less expensive) entry points into the internet connected living room than a proprietary Netflix 'box', but ... [i]f Netflix and Microsoft were to enter into a partnership to deliver Netflix "rentals" to Xbox 360 owners the ramifications could be huge."

Hacking Netflix's blogger was [invited](#) to the company headquarters to get a sneak peak at "Watch Now." He was disappointed that the service isn't yet Mac-compatible: "I bugged [Netflix founder] Reed Hastings about it during the demo (I use a MacBook), and he said they eventually want to be platform agnostic. ... The selection is still a bit weak, but there were some surprises. There are about 9 movies from my queue available (out of 435)." (A video demo of the feature is available [here](#).)

[Read](#) more about Watch Now.

today's blogs Double-Header

By Christopher Beam

Tuesday, January 16, 2007, at 5:40 PM ET

Bloggers shake their heads at the latest botched hanging in Iraq. They also consider the rise in unmarried women and close-read excerpts from O.J. Simpson's "confessional."

Double-header: Two men convicted alongside Saddam Hussein—his half-brother Barzan Ibrahim al-Tikriti and former intelligence chief Awad Hamed al-Bandar—were [hanged](#) early Monday morning. An execution video shown to journalists revealed that Ibrahim was decapitated during the process.

Bloggers shake their still-attached heads at the executioners' incompetence.

At **The Moderate Voice**, Joe Gandelman [squirms](#) over the botched job: "It's almost irrelevant that he was slated to be executed and that this was an accident. The way it turned out will be used against the government—and more tensions within Iraq are likely."

Ed Morrissey at the conservative **Captain's Quarters** [encourages](#) those disgusted by the procedure to "remember the brutal methods these men used to oppress and murder Iraqis by the thousands, and the real fear that a coup d'etat by Ba'athist remnants could return them to their former positions. These are not common criminals but bloodthirsty tyrants whose deaths are required for Iraqis to have confidence in their departure from power."

Criminal defense attorney Jeralyn Merritt at **TalkLeft** [notes](#) that Ibrahim was suffering from cancer: "Life in prison plus cancer wasn't enough of a punishment?" But conservative Gaius at **Blue Crab Boulevard** [tires](#) of the "crocodile tears."

Over at **Gun Toting Liberal**, Matthew O'Keefe [retches](#) at the lurid descriptions in some accounts of the unintentional beheading: "[T]he paper or the news services just could have said that they both were hanged 'til dead. Justice was served and it serves no purpose to gloat on the outcome other than feed the insurgents in Iraq."

Liberal BooMan at **Booman Tribune** [argues](#) it's not the fact of the beheading but the symbolism that matters: "Who needs an attached head when you're dead? The main effect of a beheading is on the living. It's inspires terror."

After promising "no jokes about wanting to get a head in Iraq," lefty **skippy the bush kangaroo** [drops](#) this gem: "[T]he execution of Saddam's brother went so badly, the noose accidentally severed his head. Actually, it was Saddam's half-brother, at least he was after the hanging."

[Read](#) more about the botched hanging. In **Slate**, Daniel Engber [explained](#) how to conduct a hanging.

Are men necessary? The *New York Times* [reports](#) that 51 percent of American women now live without a spouse—making the number of unmarried women greater than married for the first time.

Conservative political science professor Steven Taylor at **PoliBlog** [picks apart](#) the statistic and concludes that this might not qualify as "Big News™": "Now, that there was a major shift in the utter centrality of marriage in shaping the lives and

choices of women is undeniable—but it took place some decades back."

Egalia at liberal feminist blog **Tennessee Guerilla Women** [considers](#) the rise in unmarried women a failure of the Bush administration's effort "to drag women and men into holy wedlock via faith-based marriage programs ... in spite of the fact that U.S. Welfare policy is constructed around the idea that the only fate worse than being single and female is death."

At conservative **Pajamas Media**, PJM in Seattle [critiques](#) the *Times* piece point by point and dissects the census-piece formula: "After the 'experts' chime in, some handy exemplars of the trend are interviewed to buttress the conclusions. All subjects interviewed must reveal that they are happier now than they were then. [Note: No men were interviewed or harmed in the making of this article.]"

Sugar at D.C.-based **Sugar N Spice** [blames](#) the rise in unmarried women on the willingness of women to spoil their men: "We have GOT to join together and decide that we are not going to make it so easy for them to 'score!' I mean seriously, what is their motivation to get married if they can always find a woman who will cook them meals, wash their clothes and furnish them with a 'happy ending' every chance she gets ... without even so much as a *mention* about eventually getting married?"

[Read](#) more about the new unmarried majority.

O.J.'s story: Reporter Mark Miller, who covered the O.J. Simpson trial for *Newsweek*, [got his hands](#) on a key chapter from Simpson's spiked book, *If I Did It*. In the book, Simpson writes that "something went horribly wrong, and I know what happened, but I can't tell you exactly how."

L.A. gossip sheet **Defamer**, which notes that the "hypothetical confession sounds a lot like an actual confession," [has an idea](#): "Perhaps, then, the book might have been more accurately titled, *Look—I Did It, But I Can't Tell Exactly How My Harmlessly Showing Up To My Ex-Wife's House To Scare The Shit Out Of Her With A Knife Led To A Double Murder*."

Meanwhile, Simpson's lawyer [announced](#) the former football pro wants to write a book about living with his wife, Nicole. New York rumor-monger **Jossip** [thinks](#) it knows why: "Because with this version, Ron Goldman's family is certain to put its stamp of approval on O.J.'s manuscript. It's time to get paid, y'all."

[Read](#) more about *Newsweek's* O.J. scoop. **Slate's** Tim Noah interviews the book's ghostwriter [here](#).

today's papers Space Invader

By Daniel Politi

Friday, January 19, 2007, at 5:20 AM ET

The [New York Times](#) and [Los Angeles Times](#) lead with news that China shot down one of its satellites with a ground-based [missile](#) last week. The move demonstrated China's ability to target objects in space and sparked concern and condemnation from several countries that have satellite programs. [USA Today](#) leads with word from the Justice Department that it is working on a plan to [add the DNA](#) from federal detainees to an FBI database. The plan could target "tens of thousands of immigration violators, captives in the war on terrorism and others accused but not convicted of federal offenses," says the paper.

The [Washington Post](#) leads, and most other papers front, the Senate passing broad ethics legislation that seeks to diminish the influence lobbyists have on Capitol Hill. The move, which supporters claim is the most important [ethics reform](#) since Watergate, would forbid lobbyists from buying gifts and meals, as well as pay for trips (naturally, with some exceptions). The [Wall Street Journal](#) tops its worldwide newsbox with testimony before the House budget panel that shows the Pentagon thinks the 2007 cost for the Iraq war will be approximately \$8.4 billion a month.

For its test, China targeted an aging weather satellite that was a little more than 500 miles above Earth, which means the country could now [theoretically](#) target U.S. spy satellites. Arms-control experts are concerned that China's test could spark a new space-arms race. "This is the first real escalation in the weaponization of space that we've seen in 20 years," said one expert. Only the United States and the Soviet Union had previously conducted tests of anti-satellite weapons, but the last one took place in the mid '80s.

One of the reasons the tests ended was due to the [debris](#) they created, which could damage other satellites or even spacecraft. China's test created a large "debris cloud" of as many as 300,000 pieces, which some experts say could take around 25 years to clear. The [NYT](#) notes that some experts say China's move could be an attempt to [pressure](#) the United States to agree on a treaty to ban space weapons. The United States has resisted calls from China and Russia to ban these weapons, claiming it needs to have the freedom to operate in space. Everyone credits [Aviation Week and Space Technology](#) for breaking the story.

A Justice Department spokesman said details of the plan to collect DNA evidence will be released soon. While proponents of the plan contend that taking DNA from detainees could help solve crimes, others are concerned about privacy issues and say the meaning of "federal detainee" is too broad.

The ethics legislation would also mandate that lawmakers must attach their names to any earmarks, and they would have to pay charter rates on corporate jets. In addition, former lawmakers would have to wait two years after leaving office before they could lobby, and most spouses of senators would not be allowed to lobby (except if they were lobbying for at least a year before their husband or wife was elected).

The [LAT](#) goes high with those who aren't such big fans of the ethics bill. Some say ethics reform that doesn't tackle the issue of [campaign contributions](#) can't really be effective. But the truth is, even usually skeptical watchdog groups have, for the most part, praised the legislation.

The [WP](#) gives the most detail of the behind-the-scenes action, which could have some interesting repercussions. The ethics bill almost didn't go to vote yesterday because Republicans threatened to [filibuster](#) it if an amendment that would give the president a sort of line-item veto authority wasn't included. But Sen. Robert Byrd of West Virginia single-handedly blocked these efforts. In the end, Senate Majority Leader Harry Reid reached a compromise and said Republicans could add their desired provision to the minimum-wage bill next week if they have the votes.

Also on Capitol Hill, House members voted to repeal tax breaks and subsidies to oil companies that total approximately \$14 billion. And with that, Democrats managed to complete their "100 hours" agenda, and they even had some [time to spare](#). Now it seems like they'll use the extra time for a little intraparty scuffle. The [Post](#) notes some Democrats have criticized House Speaker Nancy Pelosi's decision to create a new [Select Committee on Energy Independence and Global Warming](#). There are concerns among several legislators that Pelosi is attempting to decrease the influence of the Energy and Commerce Committee, which is chaired by Rep. John D. Dingell, who is from Michigan and frequently answers to the interests of auto manufacturers.

Meanwhile, everyone notes senators pressed Attorney General Alberto Gonzales for [details](#) on the way the secret court will oversee the administration's eavesdropping program. They didn't get much. It is still unclear whether the court will approve eavesdropping for each case or if it got blanket approval for the whole program. The [Post](#) talks to four anonymous sources who say it appears to be a [combination](#) of the two that includes giving out individual warrants but also granting authority to eavesdrop on "more broadly defined groups of people."

In a particularly sharp Page One analysis, the [NYT](#) says the change in the eavesdropping program is [another example](#) of the way the Bush administration "often seeks to change the terms of the debate just as a claim of executive authority is about to be tested in the courts or in Congress."

The *NYT* fronts a look at recent signs that seem to show Iranian President Mahmoud Ahmadinejad is under increased pressure to stop getting so involved in his country's [nuclear program](#). Two newspapers in Iran, including one owned by Ayatollah Ali Khamenei, the country's supreme leader, said the president should stay out of the country's nuclear efforts. It seems to be a sign the supreme leader is getting tired of the president's frequent outbursts against the West and might be trying to diminish his power.

Everybody fronts the death of Art Buchwald, a Pulitzer Prize-winning humorist who wrote columns for [more than 50 years](#) and published more than 30 books. He was 81 and died of kidney failure. At one point, his columns appeared in more than 500 newspapers. Although Buchwald's life had no shortage of remarkable periods, everyone notes he regained fame in his last year of life. In February, he checked himself into a [hospice](#) because doctors told him he had only a few weeks to live. But to everyone's surprise, he didn't die. He checked himself out and continued to write his column, where he frequently discussed death and dying. He also used the opportunity to write his last book, *Too Soon to Say Goodbye*. By all accounts, Buchwald kept his sense of humor throughout the ordeal. "I just don't want to die the same day Castro dies," Buchwald is reported to have told friends. The *NYT* posts its first [video obituary](#) online, which is worth a look, even if it's just to watch the beginning, when the humorist utters the words, "Hi, I'm Art Buchwald and I just died."

today's papers Not So Secret

By Daniel Politi

Thursday, January 18, 2007, at 6:12 AM ET

The *New York Times*, *Los Angeles Times*, and *USA Today* lead, and the *Wall Street Journal* tops its worldwide newsbox, with news that the Bush administration will give a [secret court jurisdiction](#) over a National Security Agency program that eavesdrops on international telephone calls of Americans who are suspected of having terrorist ties. In a letter to congressional leaders, Attorney General Alberto Gonzales announced the surprising move and declared that from now on the secret court that administers the Foreign Intelligence Surveillance Act will be [overseeing](#) the wiretapping. The move comes after the White House has spent more than a year insisting the program is legal and essential to fighting terrorism.

The *Washington Post* leads with, and the *LAT* fronts, Prime Minister Nouri al-Maliki declaring that if the United States were to [speed up](#) the process of equipping and arming Iraqi security forces, U.S. troops wouldn't be needed as much, and some could

go home within three to six months. It also seems Maliki has taken a page out of the Bush administration playbook and said that criticism of his administration from the president and Secretary of State Condoleezza Rice "give[s] morale boosts for the terrorists and push them toward making an extra effort and making them believe they have defeated the American administration."

All the papers remind readers that the warrantless eavesdropping program was first revealed by the *NYT* in [December 2005](#). But in his [letter](#), Gonzales assures lawmakers the administration's review of the program started in the spring of 2005, "well before the first press account disclosing the existence of the Terrorist Surveillance Program." So what took so long? Apparently there was a lot of discussion.

Others are skeptical and point out that the move comes at a time when the program was under increased [scrutiny](#) from recently empowered Democrats and federal courts. Oh yes, and Gonzales is scheduled to appear before the Senate judiciary committee [today](#). But regardless of the change, Gonzalez, along with other administration officials, insists they were not breaking the law when they carried out the warrantless spying. Of course, others disagree and say Congress should still investigate the program.

But wait, what does this announcement mean? How will the secret court oversee the program? Short answer: [No one seems to know](#). Administration officials aren't telling and the papers have different people telling them different things. It is unclear whether the administration found a friendly judge who gave a blanket approval to the program or whether it will have to seek individual approval each time it wants to eavesdrop. The *LAT* quotes [Rep. Jane Harman](#), formerly the ranking Democrat on the House intelligence committee, who said, "the bottom line here is they will have to get individualized warrants if they want to listen to the communications of Americans in America." Meanwhile, the *NYT* talks to Republican [Rep. Heather A. Wilson](#) of New Mexico, who says that as far as she knows the administration "convinced a single judge in a secret session ... to issue a court order to cover the president's terrorism surveillance program."

Now, this seems like a basic issue that should be known. Why isn't anyone talking? After all, Gonzales will be asked the questions tomorrow, right? TP's take on the matter: The administration wanted all of today's papers to have headlines like "Court Will Oversee Wiretap Program" (*WP*) and "U.S. Ceases Warrantless Spy Operation" (*LAT*). Those are the main messages that will stick with the public, and then when more details come out as lawmakers seek answers, they won't be on Page One.

Side note: When Harman talked about how the courts would have to issue separate warrants for each case, she [emphasized](#) she wasn't "talking about people who are not Americans or U.S. persons." She refused to elaborate, citing that the information is

classified, but the *LAT* wisely points out that it seems to imply the government could continue its warrantless eavesdropping if it were targeting someone who is not considered a "U.S. person."

In a prescient editorial, *USAT* points out that [regardless](#) of these changes the government can still get information about Americans without a court order using National Security Letters (*Slate's* Dahlia Lithwick and Julia Turner examined what they called "[National Insecurity-Complex Letters](#)" in 2005). On Sunday, the *NYT* [revealed](#) the CIA is using these letters along with the FBI to get information about American citizens. "Unlike the warrantless wiretapping program, these letters don't violate any laws, though perhaps they should," says *USAT*.

Also mentioned in the top spot of the *WSJ's* news box is word from the Department of Homeland Security that it will review the terror watch list for travelers and would probably cut it in half. In addition, an appeals process will be put in place so people can appeal their inclusion on the list.

In his chat with reporters, Maliki emphasized his government will go after anyone who is causing violence in Iraq, including Shiite militias. The Iraqi prime minister also said that in recent days 400 members of the Mahdi Army, the militia led by Muqtada Sadr, had been arrested, and the *NYT* fronts the announcement. The *Post* is alone in reporting that a Sadr spokesman [denied](#) the arrests had taken place. But the *NYT* gets further [details](#) from a senior government official who said in total 420 were arrested in 56 operations, which began in October. The paper also talks to some American officers who said at least six senior militia leaders had been captured in recent weeks and, contrary to what they say usually takes place, they weren't impulsively released.

More interesting, though, is the *NYT's* claim that "changes have been felt on the street" as there seems to have been a decrease in Shiite [militia activity](#) in recent weeks. No one is sure exactly why it's happening or why militia leaders aren't striking back after the crackdowns.

The *Post* fronts, and everyone else mentions, news that three senators (two Democrats and a Republican) introduced a [symbolic resolution](#) opposing Bush's plan to increase the number of troops in Iraq. Sen. Hillary Clinton, meanwhile, said she would support the resolution, but said [tougher measures](#) were needed and vowed to introduce legislation to put a cap on U.S. troops.

She wasn't the only one, as lawmakers from the House and the Senate, particularly [potential presidential candidates](#), criticized Bush's plans and several talked about introducing legislation about Iraq. For example, Sen. Christopher Dodd of Connecticut proposed a bill that would require Bush to seek congressional authorization for any increase in troop levels, which is similar to legislation introduced by Sen. Edward Kennedy. "Lawmakers

were introducing Iraqi legislation at a mad pace yesterday ... by the end of the day, they had issued more bills than Pepco," writes the *Post's* [Dana Milbank](#).

It's now 11:55 p.m. ... The *WP* reports the Bulletin of the Atomic Scientists' [Doomsday Clock](#) moved [two minutes closer](#) to midnight yesterday. The nuclear ambitions of North Korea and Iran are two of the issues that caused the clock to move closer to doomsday.

He should wear a disguise next time. ... Two weeks ago, the *Post's* Reliable Source column reported in its regular "sightings" feature that Israeli Vice Premier Shimon Peres went to eat at Teatro Goldoni after Gerald Ford's funeral. Seems pretty innocuous, but it turns out that Peres was [scheduled to meet](#) with a group of Israeli reporters but canceled at the last minute saying he had to get back to Israel for the funeral of Jerusalem's former mayor.

today's papers More and More

By Daniel Politi

Wednesday, January 17, 2007, at 5:16 AM ET

Violence in Iraq leads most of the papers today, but they mostly choose to focus on slightly different angles. The *New York Times* leads with a new U.N. report that says [34,452 Iraqi civilians](#) were violently killed last year. That's about 94 deaths a day, half of which occurred in Baghdad. The paper emphasizes the toll is probably higher because the December count doesn't include data from several provinces and some deaths are never reported. The *Washington Post* goes high with the U.N. report in its lead story but emphasizes the [two bombs](#) that were detonated yesterday outside a largely Shiite university in Baghdad, which killed at least 60 people (most of the other papers say 70). The *Wall Street Journal* tops its worldwide newsbox with a combination of yesterday's violence and the U.N. report. According to the paper, the death toll across Iraq on Tuesday was "near 150."

USAT mentions all the violence in Iraq in its lead story, but focuses on President Bush criticizing the way in which the [execution](#) of Saddam Hussein was carried out. The president said the execution looked like "kind of a revenge killing" and said this shows how the Iraqi government "still has some maturation to do." The *Los Angeles Times* leads with [Sen. Barack Obama](#) announcing he has formed a presidential exploratory committee, thus ending the seemingly never-ending speculation about whether he would actually run. He is scheduled to make a formal announcement on Feb. 10.

An Iraqi government spokesman quickly said the number listed in the report is too high, but the U.N. emphasized it used official figures to compile its final tally. The *NYT* says the spokesman [insisted](#) the government doesn't have a way to compile death statistics, although the *WP* [reminds](#) its readers that in early January, the ministries of defense, health, and the interior said there had been 12,357 violent deaths in 2006. For some reason the *Post* doesn't mention that [a few weeks ago](#) it got some numbers from the Iraqi Health Ministry that put the death toll at 22,950. The U.N. report also cites some Interior Ministry numbers that say 12,000 Iraqi security forces have been killed since 2003. To its credit, the *NYT* prominently posts a link to the full [U.N. report](#).

The university bombings weren't the only cause of violent deaths in Baghdad, and the *LAT* says at least 69 more Iraqis were [killed](#) yesterday. The *Post* mentions that in early December an insurgent group [warned](#) students and professors they should cancel classes because there were plans in place to rid universities of Shiite militias. At the time, Prime Minister Nouri al-Maliki insisted students keep attending classes. Interestingly, the *LAT* notes there is a [large presence](#) of militia members who are loyal to Shiite cleric Muqtada Sadr at the university. They apparently enforce dress codes, carry out rallies, and sometimes ask for identification cards. Some Sunni students have complained they are frequently targeted and that's why many have stopped attending the university.

While the *NYT* illustrates the bombings with a Page One picture that shows mangled cars, the *Post* decided to go more graphic and emotional by fronting a picture of a woman waiting to be treated at a hospital.

Everybody notes the U.S. military announced that four more American servicemembers were [killed](#) on Monday.

In its cover story, *USAT* asks whether Obama has [enough experience](#) to become president, which the paper headlines as "The Big Question About Barack Obama." But as all the papers point out, Obama made clear yesterday in a Web [video](#) that he is planning to pitch his inexperience as an asset. "I am struck by how hungry we all are for a different kind of politics," Obama said.

The *WSJ* says Obama "will test just how eager voters are ... to further shake up Washington." The *LAT* notes Obama's [announcement](#) officially marks the beginning of "a high-stakes competition" for money and staff, particularly with Sen. Hillary Clinton, who still hasn't announced she will run. *USAT* goes inside with a story about campaign [money](#), saying the competition to gain the backing of the party's most influential donors has grown more intense now that Obama is in the race. Yesterday, Obama became the sixth Democrat to announce he will be running for president.

In what has become sort of a habit for some of the papers, the *NYT* reports on what happened in the [Senate floor](#) between Obama and Clinton after the announcement. Answer: nothing, as usual. The paper describes how the two senators were, at one point, "barely a foot apart, but carried on conversations as though the other was not there."

The *WP* notes on Page One that at least half a dozen members of Congress have spouses who are [registered lobbyists](#) and most lawmakers aren't really interesting in ending the practice, which, at the very least, creates a perceived conflict of interest. Sen. David Vitter, R-La., has proposed banning spouses of senators from lobbying in the chamber, but it doesn't look like it'll go anywhere.

The *NYT* fronts the results of an Interior Department [investigation](#) revealing a top official was told almost three years ago of a legal slip-up that allowed drilling companies to get around paying billions of dollars in taxes for oil and gas they pumped from public waters. The report says the mistake could have been fixed more easily if officials had acted quickly. These latest revelations contradict what the official told a House hearing last year when she claimed the first time she heard about the mishap was in January 2006.

Without mentioning Iran by name, eight Arab countries [warned against](#) foreign interference in Iraq, the *WP* and *LAT* report. The predominantly Sunni countries issued the statement during a meeting with Secretary of State Condoleezza Rice

Charles D. "Cully" Stimson, deputy assistant secretary of defense for detainee affairs, writes a [letter](#) to the *Post* today in which he apologizes for criticizing the U.S. law firms that are representing prisoners in Guantanamo. On Thursday, Stimson [suggested](#) that corporate clients should question being represented by law firms that are working to defend suspected terrorists. But today he writes that "those comments do not reflect my core belief" and added: "I believe firmly that a foundational principle of our legal system is that the system works best when both sides are represented by competent legal counsel."

today's papers They Did It Again

By Daniel Politi

Tuesday, January 16, 2007, at 5:06 AM ET

The *New York Times* leads with news that the head of Saddam Hussein's half-brother was [severed](#) from his body during yesterday's early morning execution. Although Iraqi government officials insist the decapitation was accidental, it sparked

protests among Sunni loyalists who said it was a deliberate act of revenge by Prime Minister Nouri al-Maliki's government. The *Washington Post* leads with word that during the State of the Union address next week President Bush will say having a [balanced federal budget](#) is one of his priorities. The *Wall Street Journal* tops its worldwide newsbox with the way in which Secretary of State Condoleezza Rice and Defense Secretary Robert Gates "hit the road" to convince world leaders that success in Iraq is the best way to contain Iran's growing influence in the region.

USA Today leads with a look at how [gasoline prices](#) are declining, a trend that is likely to continue in the coming months. At the same time though, the paper makes clear the cost at the pump will not fall as sharply as oil prices. Gas prices are down 4 percent so far this year, while the cost of a barrel of oil has decreased more than 13 percent. The *Los Angeles Times* leads with California state officials and farmers announcing that record cold temperatures had [devastating](#) effects on crops. Oranges seem to be the most affected, but a variety of other fruits and vegetables were also destroyed. The full extent of the damage is not yet known, but officials say it will be greater than in 1998 when cold temperatures destroyed \$700 million worth of produce.

By all accounts it seems the Iraqi government took extra measures yesterday to prevent a repeat of the sectarian taunts that met Saddam Hussein before his execution. A video shown to a small group of journalists seems to back the government's assertion that there were no outbursts from those who witnessed these hangings. But the fact that officials waited almost [13 hours](#) to show the video seems to suggest they were trying to figure out how to deal with the decapitation. The *LAT* says the video that was shown to Iraqi journalists did not have the [entire execution](#) and some have expressed doubts of what actually took place. The *NYT*, on the other hand, says, "The video showed his head being snapped off as the rope went taut."

The *WP* also [fronts](#) the story, and the rest of the papers reffer it, but the *NYT* has by far the best account of the hangings. Iraqi officials say the decapitation happened because they made a mistake when they [calculated](#) how high the drop had to be in order to snap the prisoner's neck. The *NYT* notes that at least one United States Army manual reveals that Iraqis used too much rope. As usual, several countries and organizations around the world, including, as the *Post* for some reason finds it necessary to [point out](#), the Moroccan Human Rights Association, criticized the hangings.

During the midterm campaign, Democrats constantly called Bush fiscally irresponsible, and now it looks like the president wants to put the pressure on Congress to come up with a solution. At the same time, though, it seems unlikely the president would be willing to compromise any of his programs or tax cuts in order to meet the goal. Regardless, it's a significant

change in the administration's long-argued stance that deficits don't matter.

The *LAT* fronts a look at how the Iraqi government is making efforts to improve its [relationship with Iran](#), even while the United States is doing exactly the opposite. The U.S. military is still holding the five Iraqis it detained last week, and Army Gen. George W. Casey said several of those in custody worked for Iran's intelligence services and were "working with Iraqis to destabilize Iraq and target coalition forces." Meanwhile, Iraq's foreign minister told the *Times* his government is planning on increasing the number of Iranian consulates inside the country. Notably, the paper waits until near the end of the story to report that, according to the foreign minister, the U.S. military has not shared any of the proof that the Iraqis were spies, and Iraqi officials did not participate in the interrogations.

Meanwhile, the *NYT* and *WSJ* note Defense Secretary Robert Gates [criticized](#) Iran in a meeting with reporters at NATO headquarters in Brussels before flying to Afghanistan. Gates accused Iran of "acting in a very negative way" in the Middle East and emphasized the United States is planning to be in the region "for a long time."

Everyone notes Secretary of State Condoleezza Rice announced that the leaders of Israel and the Palestinian Authority agreed to meet with her for [three-way](#) "informal, broad discussions" next month to try to restart the peace process. "It's been at least six years since they talked about these issues," Rice said in Egypt after she met with the country's president.

The *NYT* goes inside with the announcement but publishes a good Page One analysis that looks at how Rice conveniently [ignored](#) Egypt's internal problems during her visit, which include charges of corruption and torture, to name a few. Rice basically thanked Egypt for its cooperation in the region making it clear that, for the United States, "stability, not democracy" is the priority. Of course, it is hardly news that the U.S. government develops alliances with countries that have poor records of democracy and human rights ([Azerbaijan](#), to name one). But it's a facet of the story that is frequently ignored by the papers, and a reminder once in a while is always handy to put things in perspective.

The *Post* fronts the story of the third official inmate at Guantanamo to illustrate the plight of some who have been held at the [naval station for five years](#) despite the lack of evidence against them. The story of Gholam Ruhani is particularly compelling because all evidence seems to point at him having simply been at the wrong place at the wrong time, but he is still being held indefinitely.

Everybody notes Republican Sen. Wayne Allard of Colorado announced he will not seek [re-election](#) in 2008. This is bound to complicate Republican prospects to gain back control of the

Senate, particularly since Democrats recently won several races in Colorado.

The *NYT* mentions the *El Pais* newspaper from Spain is reporting that [Fidel Castro](#) is in "very serious" condition and is being fed intervenously after going through a number of serious surgeries.

All the papers publish the results of yesterday's Golden Globes ("If the Oscars are the senior prom, the Golden Globes are a Spring Break kegger," says the *Post's* [William Booth](#)) where *Babel* won the award for best dramatic movie. *Dreamgirls* got three awards, and took the prize for best musical or comedy. Martin Scorsese won best director, and in what the *NYT* [calls](#) "a rather remarkable feat" Helen Mirren "won best actress awards for playing two Queen Elizabeths."

today's papers Don't Need Nobody

By Daniel Politi

Monday, January 15, 2007, at 5:40 AM ET

The [New York Times](#) leads with word that American and Iraqi officials have "spent days" trying to put together a [strategy](#) to carry out President Bush's new plan for Iraq, and, so far, there is a range of problems "that some fear could hobble the effort before it begins." The [Washington Post](#) and [Los Angeles Times](#) lead with President Bush declaring he has the authority to increase the troop levels in Iraq, [regardless](#) of what Congress does or says. "I fully understand they could try to stop me from doing it. But I've made my decision. And we're going forward," Bush said in an interview broadcast yesterday on CBS' *60 Minutes*.

[USA Today](#) leads with the U.S. military reporting a large increase of [police recruits](#) in Anbar province, a hotbed of Sunni insurgent activity. In the last two weeks, more than 1,000 Iraqis have applied for police jobs in Ramadi, and 800 joined last month. This is a huge increase from just a few months ago. Military leaders say the key to this increase is the growing support of local tribal leaders.

There is little time to come up with a strategy, so American officials are trying to work quickly but they are facing resistance from Iraqis on a number of key points. One of the most important issues administration officials are facing with the new plan is whether the Iraqi government truly has the desire to crack down on Shiite militias. The feeling that the Iraqis might not be so committed to the cause was exacerbated when Prime Minister Nouri al-Maliki appointed a virtual unknown to the important position of operational commander of the Baghdad operation.

"We are implementing a strategy to embolden a government that is actually part of the problem," an American military official tells the paper. Both armies are supposed to work together, but there are questions of whether the American forces would be willing to share power with Iraqi troops. The plan also calls for the National Police to play a large part, but some say they have been "dragging their feet" on establishing their role in the overall operation.

Money to send more troops over to Iraq shouldn't be a problem, according to national security adviser Stephen J. Hadley, who told ABC that the 2007 budget should be able to [cover their needs](#). On another Sunday talk show, Vice President Cheney recognized congressional power over the budget but insisted anything Congress does won't influence the administration's policy because "you cannot run a war by committee."

The *WP* quotes the vice president saying he has "yet to hear a coherent policy out of the Democratic side" regarding any [alternative](#) to the increase in troops. The *WP* for some reason decides to leave that statement hanging with no dissenting word from Democrats. The *LAT*, on the other hand, does point out that Sen. Barack Obama talked about an alternative plan, which is [similar to what was proposed](#) by the Iraq Study Group. Some might say the plan is unrealistic or unoriginal, but isn't it, at the very least, worth a mention?

USAT and *LAT* reefer, and the rest go inside with, early morning reports that two of Saddam Hussein's codefendants were [hanged](#). The *LAT* emphasizes the conflicting reports of whether the execution of Hussein's half-brother and the former head of Iraq's Revolutionary Court actually took place, but everyone gets some sort of confirmation. The *NYT* mentions that over the weekend an American official said the two men wouldn't be [handed over](#) to Iraqi authorities until they were presented with a plan to make sure there wouldn't be a repetition of the controversial events that took place when Hussein was hanged.

The *NYT* gets its hands on a document that details the plans to more than double the number of U.S.-led [reconstruction](#) teams in Iraq to 22, along with almost 400 specialists. Critics of the plan question whether it would be helpful to increase the specialists by such large numbers, especially when it has been difficult to come up with people willing to work in Iraq. In addition, those that do get to Iraq often find it almost impossible to work directly with Iraqis due to security concerns. As could be expected, this plan also brings some high costs that are likely to raise some questions, such as the approximately \$2 million destined for office furnishings.

The *WP* fronts word that a little-noticed provision in a congressional spending bill could subject [civilians](#) working alongside U.S. troops in Iraq and Afghanistan to military courts-martial. The move was designed to close a loophole, which has led many to complain that civilians in a war zone are above the

law, but it is also likely to raise constitutional questions. Some complain that the new provision could be interpreted so as to include other noncontractors, such as embedded journalists.

The *NYT* and *WP* go inside with the way that the Sunday talk shows gave further evidence of the [split](#) among Democratic congressional leaders on how they should respond to Bush's new plan for Iraq. Sen. Carl M. Levin of Michigan said he wants to pass the nonbinding resolution, but opposes cutting off funding for the war. Meanwhile, Rep. John P. Murtha of Pennsylvania said he would try to prevent the last two U.S. brigades from going to Iraq in April and May.

USAT goes inside with a look at how Bush's Iraq plan makes things a little [complicated](#) for Republicans who want to run for president. While most of the American public opposes the president's plan, 67 percent of Republicans say they favor sending more troops to Iraq.

The *WP* mentions the Iraqi government called on the United States to [release](#) the five Iranians the U.S. military is accusing of supporting violence against its troops. The *NYT* publishes an analysis piece that says the raids illustrate how a [new front](#) has opened in Iraq against Iran. Although administration officials insist they only want to go after those who are causing instability in Iraq, all signs point toward it being part of a larger policy to prevent Iran from becoming a strong regional power.

The *Post* off-leads word that doctors are planning the first [uterus transplant](#) in the United States. Some say the procedure hasn't gone through enough testing, while others question whether it's ethical to put a patient through such a dangerous elective operation. At the end of the article there is some discussion about whether this could theoretically open the road to men being able to get pregnant.

The *Post* reports that a recent survey revealed 81 percent of college students had at least a [general idea](#) of what Rev. Martin Luther King Jr. was talking about in his "I Have a Dream" speech. Most of the other 19 percent thought he wanted to abolish slavery.

According to an unofficial count kept by the White House correspondent for CBS, President Bush has now spent 365 full or partial days at [Camp David](#), reports the *Post's* Al Kamen. As of Jan. 1, the president had also spent 405 full or partial days at his ranch in Crawford.

today's papers Pentagon Fishing

By Andrew Rice
Sunday, January 14, 2007, at 4:58 AM ET

The *New York Times* leads with another one of its periodic spycraft scoops: Military intelligence agencies and the C.I.A. have been monitoring the domestic financial activities of certain United States citizens, infringing on turf traditionally occupied by the F.B.I. The *Washington Post* and *Los Angeles Times* lead with progress reports on the first days of Democratic rule over Congress.

[The intelligence gathering](#), according to the agencies that conduct it, is meant to help discover potential spies and other security threats by giving them information about targeted individuals' sources of income. When their suspicions are raised, the agencies issue so-called "national security letters" to banks and other financial institutions. Unlike the F.B.I., the agencies have no power to compel the banks to turn the information over, but they're seldom refused. The military seems to be much more involved in it than the C.I.A. The strongest voices of criticism—and the sources for the story?—seem to be at the F.B.I., which thinks the spooks are going on fishing expeditions. "The more this is done, and the more poorly it's done, the more pushback there is for the F.B.I." when it goes to banks to conduct its own investigations, an anonymous "official" tells the paper.

The paper notes that the disclosure is significant, because it marks a breach of the traditional strictures on domestic operations by spy agencies. Congress has rejected several attempts by the agencies to gain the power to compel banks to give them such information. It's not clear *whom* the agencies are investigating. The military claims it's mostly keeping tabs on servicemen and private contractors, though others say the surveillance is broader, especially when it comes to the Pentagon, which has made the use of such letters "standard practice."

After the *NYT* posted the story on its website yesterday, the *WP* [scrambled to follow](#), putting its story on page A12.

The *LAT* and the *WP* come at the Congress story from opposite sides of the aisle. The *LAT's* story, about the [Democrats' increasing boldness](#) when it comes to opposing the war in Iraq, is the more compelling of the two. The piece says mainstream Democrats are starting to "[embrace] positions once primarily held by the party's most liberal fringe," openly talking of such things as cutting off funding for the war. The *WP's* piece says there is ["splintering" in the Republican ranks](#), citing as evidence a series of votes in which the Democrats drew serious GOP support last week. House Minority Whip Roy Blunt, quoted in the last paragraph of the story, seems to have a valid point, however: The bills happened to concern "issues that poll at 80, 90 percent"—perhaps not the best measure of a mutiny.

The *NYT*, in its own reefered story on the same subject, says that President Bush invited Republican congressional leaders [to Camp David](#) to brainstorm political strategy. Its off-lead is an analysis of how Bush's unpopular call for a increase in troops levels in Iraq is [shaking the 2008 presidential race](#), particularly John McCain and Hillary Clinton's prospective campaigns. On Friday, Clinton, who is struggling to overcome her vote for the war, became perhaps the only refugee fleeing *to* Iraq, flying to Baghdad and missing a very antiwar day in the Senate.

Inside, the *LAT* catches advance [details of a "60 Minutes" interview](#) with Bush that will air tomorrow night, in which he says the war was justified because Saddam Hussein "was a significant source of instability" that needed to be removed, adding: "Iraqi people owe the American people a huge debt of gratitude." For their stability?

The *WP* strips a piece by [Imperial Life in the Emerald City](#) author Rajiv Chandrasekaran across the top of its front page. Chandrasekaran notes that some of those [internal dissenters](#) who were forced out of the occupation administration during Paul Bremer's tenure are now returning to position of authority. The question is whether it's too late for them to reverse the consequences of the policies they wisely opposed.

On the *NYT*'s op-ed page, an army captain writes about an issue that this TP'er hasn't seen covered before—the (according to him) huge number of ["ghost" soldiers](#) in Iraq, names that exist on the army payroll solely so Iraqi officers can pocket their paychecks.

The *WP* and the *LAT* both front pieces on the [amazing story of two kidnapped boys](#) who were returned to their parents Friday night after being found alive in the home of a Missouri pizza parlor manager. One of the two had been missing for more than four years. The *LAT*'s story has more details about [the conditions of the older boy's captivity](#)—unsuspecting neighbors thought the kidnapper was jerk, but it seems like the boy was free to go outside, and he even apparently had a girlfriend.

Inside, Condoleezza Rice tells the *WP* that [nobody should get their hopes too high](#) for her upcoming attempt to broker peace between the Israelis and Palestinians. The *LAT* fronts a piece on [a Fatah leader](#) who might be useful in helping Mahmoud Abbas fight Hamas—if he weren't already on the run from the Israelis, who have him on a "wanted terrorists" list.

The *NYT* fronts an interesting feature on [logging in the Amazonian rainforest](#). Brazilian President Luiz Inácio Lula da Silva, a leftist elected with the support of environmentalists, is now proposing that some untouched sectors of the Amazon be opened to logging, in the hopes that legitimizing the business will make it possible to police. Skeptics point out that the forest is huge, and the Forest Service is tiny.

American super-celebrities are once again [going to Japan](#) to make commercials on the sly, the *WP* reports.

The *WP*'s Sunday Magazine has a piece on people who think that the government is trying to [control their minds](#).

Calling Captain Ahab... That frigging Shamu column is back at No. 1 on the *NYT*'s ["Most Emailed" list](#). Please, for the sake of all humanity, don't click on [this link](#).

today's papers Duke Out

By Conor Clarke

Saturday, January 13, 2007, at 6:09 AM ET

The *Washington Post* leads with [another day](#) of Capitol Hill hearings, in which Defense Secretary Robert Gates and Joint Chiefs of Staff Chairman Peter Pace took more questions on President Bush's plans for Iraq. The *New York Times* leads with Condoleezza Rice's [acknowledgement](#) that Bush authorized raids against Iranians in Iraq. The *Los Angeles Times*, meanwhile, gives its top spot to [the spat](#) over the Iraqi prime minister's pick for the No. 1 military job in Baghdad, and the *Wall Street Journal*'s [weekend edition](#) leads with a update on the [brutal decline](#) of executive perks. Everyone gives front-page placement to prosecutor Michael Nifong's [request to step aside](#) in the Duke lacrosse team's controversial sexual assault case.

The *Post* lead [plays stenographer](#) at yesterday's Senate Armed Services Committee hearings, in which Secretary Gates offered details on Bush's plans for Iraq and said that the potential success or failure of the big Baghdad surge would be evident in a few months. Gates was quick to emphasize that if it *is* successful, we can begin drawing down troop levels—perhaps by the end of the year. Pace, meanwhile, assured the senators that the United States has no immediate plans to invade Iran, a notion also dismissed by Press Secretary Tony Snow, who called it "urban legend."

But the *Times*, which likewise mentions the hearings in its lead, has [the bigger Iran news](#). The paper's interview with Rice—which most of the other dailies tip their hats to—is vague on details but says the secretary of state confirmed that the [recent raids on Iranians](#) were "authorized under an order President Bush decided to issue several months ago to undertake a broad military offensive against Iranian operatives in the country." And the paper is quick to put Rice's comments, which by themselves are not necessarily surprising, in the context of a broader shift: Administration officials now call Iran America's biggest Mideast threat; Bush "decisively rejected" the Iraq Study Group's

suggestion that he reach out to Tehran; and an additional aircraft carrier was recently deployed off Iran's coast.

According to the *LAT*, Iraqi Prime Minister Nouri al-Maliki has [given the top military position in Baghdad](#) to a "virtually unknown Iraqi officer chosen over the objections of top U.S. and Iraqi military commanders." The appointment, which was also made without consulting other Iraqi factions, is significant because it is Maliki's "first public move after President Bush's announcement that he is sending more troops to Iraq." It's also significant because, as this morning's *Post* [reminds us](#), many of the soldiers in Iraq's army are outright supporters of the Mahdi Army, the massive militia that the United States blames for much of the violence in Baghdad.

The *Journal* lead makes for nice, leisurely weekend reading. In response to growing public anger over executive compensation packages, companies are now trimming back many of the perquisites once thought essential to a decent corporate lifestyle, such as being able to zip around in a company jet and have someone else pay your country club dues.

Everyone [notes](#) that the district attorney prosecuting three members of the Duke lacrosse team for sexual assault has now asked the state attorney general to take over the case, or appoint a special prosecutor. The D.A. in question, the much-criticized Michael Nifong, cited conflict of interest in making the request, since he faces [ethics charges](#) from the state bar for his wacky behavior in the case. [According](#) to the *Times*, defense lawyers were "jubilant" at the announcement, "openly predicting that no prosecutor in the state would continue with a case that hangs almost entirely on the shifting accounts of the alleged victim." The consensus seems to be that for Nifong, who has made an art of destroying his own career, this is just too little, too late.

Nifong doesn't seem to have talked to any of the papers, but his attorney assured the Associated Press that the D.A. [isn't wussing out in the face of criticism](#): "He still believes in the case. He just believes his continued presence would hurt [the accuser]." Yeah, sure. The recusal announcement follows hot on the heels of yesterday's [news](#) that the accuser contradicted herself in an interview with Nifong just last month—claiming that only two men attacked her, not three.

The *Post* fronts a [fifth-anniversary update](#) on No Child Left Behind, and takes a look at how the law has affected teacher quality. The paper finds that it hasn't: The law's mandate that all teachers be "highly qualified" is vague enough to make a strict constructionist blush, and states have taken more than a few liberties with it.

Everyone mentions that the House of Representatives [passed a bill](#) requiring that the secretary of Health and Human Services—as opposed to private insurers—negotiate prescription drug prices for Medicare beneficiaries. The new law, which passed by

a vote of 255 to 170 but faces an uncertain fate in the Senate, would overturn part of a Republican-supported 2003 law that left price-setting up to competing (if government-subsidized) private plans. Dems think the new plan will save cash; Republicans are skeptical. And President Bush has no doubts in his mind: The administration says he will veto the bill if it lands on his desk.

And the public? The *Washington Post* finds [something close to schizophrenia](#): While polls "found that the overwhelming majority of seniors were satisfied with their drug plans," there is, we learn later in the story, "considerable pressure" for lawmakers to act, because "85 percent of adults surveyed ... favor allowing the government to negotiate drug prices."

It's time to celebrate at the *Times*: A federal judge [dismissed](#) a defamation suit filed against the paper by a former government scientist, who was suing over several Nicholas Kristof columns that linked him to the 2001 anthrax attacks.

The *NYT* also has a front-page piece [explaining](#) that the recent conflict in Somalia—where American-supported Ethiopian troops battled Islamists and U.S. special forces exercised small, tactical strikes—are "a blueprint that Pentagon strategists say they hope to use more frequently in counterterrorism missions around the globe." You can call it the [Nixon Doctrine](#).

Them's fightin' words

A second story in the *Times* has [a somewhat different angle](#) on the Rice interview: The quarrel between the secretary of state and Sen. Barbara Boxer, who supposedly took a shot at Rice's lack of children during Thursday's Senate hearings. Sayeth Rice to the *NYT*: "I thought it was O.K. to be single. I thought it was O.K. to not have children, and I thought you could still make good decisions on behalf of the country if you were single and didn't have children." Is Rice's umbrage understandable? Here is Boxer's original comment: "Who pays the price [in Iraq]? I'm not going to pay a personal price. My kids are too old and my grandchild is too young. You're not going to pay a particular price, as I understand it, with an immediate family. So who pays the price? The American military and their families. And I just want to bring us back to that fact."

We report, you decide.

war stories

Waking Up to Reality

Condi makes nice in the Middle East.

By Fred Kaplan

Tuesday, January 16, 2007, at 7:34 PM ET

Condoleezza Rice is awakening from a dream.

She snapped to in Cairo, one of the stops on her whirlwind tour through the Middle East. Back in February 2005, Rice canceled a trip to Egypt to protest President Hosni Mubarak's arrest of opposition candidate Ayman Nour. In June of that year, she finally did go to Cairo, but mainly to deliver a [speech](#) at the American University demanding that Mubarak grant his people liberty. "We are all concerned for the future of Egypt's reforms when peaceful supporters of democracy—men and women—are not free from violence," she declared. "The day must come when the rule of law replaces emergency decrees—and when the independent judiciary replaces arbitrary justice."

During this week's trip, according to Michael Slackman in today's [New York Times](#), Secretary Rice was much more demure. "I especially want to thank President Mubarak for receiving me and for spending so much time with me to talk about the issues of common interest here in the Middle East," she said at a press conference. "Obviously the relationship with Egypt is an important strategic relationship—one that we value greatly."

As Slackman graphically points out, Egypt's record on democracy and human rights hasn't improved since Rice's jeremiad a mere 19 months ago. What has changed? It's become bracingly clear—to Mubarak, to the would-be reformers across the Middle East, even to Secretary Rice—that America no longer possesses the power or credibility to change the situation. And, at least Rice seems finally to realize, to continue pounding the moral point, simply for the sake of sounding noble and feeling good, would only diminish our standing further and possibly worsen the prospects for Egyptian reform.

The overriding reality at the moment, alas, is that—for cooperation on Iraq, Iran, Lebanon, Israel, and Palestine; for the whole panoply of Middle Eastern issues—the United States needs Egypt more than Egypt needs the United States.

In her 2005 speech, Rice famously said, "For 60 years, my country ... pursued stability at the expense of democracy in this region ... and we achieved neither. Now, we are taking a different course. We are supporting the democratic aspirations of all people." But *now*, less than two years later, the region teeters on the edge of the abyss like at no time in recent history, and Rice suddenly sees there's value in stability after all.

In so doing, Rice is but returning to her roots. Way back, during the 2000 presidential campaign, when she was candidate George W. Bush's chief foreign-policy adviser, Rice wrote an article titled "Promoting the National Interest" for [Foreign Affairs](#) magazine. In it, she called for a renewed focus in national-security policy on "power politics, great powers, and power balances." She noted, "To be sure, there is nothing wrong with

doing something to benefit all humanity, but that is, in a sense, a second order effect." She continued:

American values are universal ... [and] the triumph of these values is most assuredly easier when the international balance of power favors those who believe in them. But sometimes that favorable balance of power takes time to achieve. ... And in the meantime, it is simply not possible to ignore and isolate other powerful states that do not share those values.

The phrasing is cold, even icy, a vestige perhaps from Rice's days in the White House of Bush's father, where she worked as deputy to National Security Adviser Brent Scowcroft, the man she once called her most vital mentor, who believed—even more than his own mentor, Henry Kissinger—that moral factors had no place in foreign policy.

But the gist of Rice's article was also in line with the views of an earlier mentor, the late Josef Korbel, her first professor of international relations at the University of Denver, where Rice earned her Ph.D. (He was also the father of Madeleine Albright). A Czech émigré who escaped the Nazi occupation, Korbel thought America should support those struggling for freedom in the world. However, he emphasized (in several lectures on file at the university's archival library) that, as long as we lived in a world of nation-states and ideological division, "we cannot afford, nor do we dare, to think of abandoning a diplomacy of balance of power." To do otherwise, he said, would be to indulge in "dreams."

Korbel's prize student, Condi Rice, has been locked in a dream the past two years—the dream of her latest mentor, George W. Bush, who declared in January 2005, in his [Second Inaugural Address](#), that, since freedom is God's gift to humanity, the main goal of American foreign policy will be to unshackle that gift, to spread freedom and abolish tyranny "in all the world."

It was the following month that Rice canceled her trip to Egypt, and five months later that she delivered her speech at American University. Read in the light of all the disastrous developments since, it's a relic of stunning innocence. Here are some excerpts:

The day is coming when the promises of a fully free and democratic world, once thought impossible, will ... seem inevitable. ... There are those who say that democracy leads to chaos, or conflict, or terror. In fact, the opposite is true. ... Ladies and Gentlemen: Across the Middle East today, millions of citizens are voicing their aspirations for liberty and for democracy ... [and] demanding freedom for themselves and democracy for

their countries. To these courageous men and women, I say today: All free nations will stand with you as you secure the blessings of your own liberty.

She can almost be forgiven for sounding like the Western capitalist equivalent of a Trotskyist. The winter of 2004-05 was a heady time: the Rose Revolution in ex-Soviet Georgia, the Orange Revolution in Ukraine, the Cedar Revolution in Lebanon, the free elections in Iraq. Freedom seemed "on the march," as President Bush exclaimed.

But by the spring or summer, the march had sputtered to a crawl, then dissolved into a spat. Popular elections without democratic institutions merely reflected—then hardened—social and ethnic divisions. New democratic governments, without the political legitimacy or economic support to mend those divisions, dwindled into anarchy or fell back on authoritarianism.

To a [student of history](#), as Rice surely is, none of this should have been surprising. A student of history turned maker of policy should have taken steps to prop up the hopeful developments instead of merely touting them as the inexorable dialectics of History. Democracy is worth supporting and promoting; to do so is a vital element of a democratic nation's foreign policy. But a policy, even one designed to change the world, must start out with the world as it is.

Hosni Mubarak is hardly an admirable figure, but it's not hard to see why he viewed Rice's 2005 Cairo speech as not only an affront but a delusion. Now, two years later, when the prospects for democracy seem so less bright—and after some democratic elections have produced results so grim—it's not hard to see why Rice herself has taken refuge in the old, albeit uninspiring, verities.

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