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Should *you* read the Bible? You probably haven't. A century ago, most well-educated Americans knew the Bible deeply. Today, biblical illiteracy is practically universal among nonreligious people. My mother and my brother, professors of literature and the best-read people I've ever met, have not done much more than skim Genesis and Exodus. Even among the faithful, Bible reading is erratic. The Catholic Church, for example, includes only a teeny fraction of the Old Testament in its official readings. Jews study the first five books of the Bible pretty well but shortchange the rest of it. Orthodox Jews generally spend more time on the Talmud and other commentary than on the Bible itself. Of the major Jewish and Christian groups, only evangelical Protestants read the whole Bible obsessively.

*Slate V: You read that in the Bible?*

Maybe it doesn't make sense for most of us to read the whole Bible. After all, there are so many difficult, repellent, confusing, and boring passages. Why not skip them and cherry-pick the best bits? After spending a year with the good book, I've become a full-on Bible thumper. Everyone should read it—all of it! In fact, the less you believe, the more you should read. Let me explain why, in part by telling how reading the whole Bible has changed me.

When I was **reading Judges one day**, I came to a complicated digression about a civil war between two groups of Israelites, the Gileadites and the Ephraimites. According to the story, the Gileadites hold the Jordan River, and whenever anyone comes to cross, the guards ask them to say the password, *shibboleth*. The Ephraimites, for some unexplained reason, can't pronounce the *sh* in *shibboleth* and say "*sibboleth*" instead. When an Ephraimite fails the speech exam, the Gileadites "would seize him and slay him." I've read the word *shibboleth* a hundred times, written it a few, and probably even said it myself, but I had never understood it until then. It was a tiny but thrilling moment when my world came alive, when a word that had just been a word suddenly meant something to me.

And something like that happened to me five, 10, 50 times a day when I was Bible-reading. You can't get through a chapter of the Bible, even in the most obscure book, without encountering a phrase, a name, a character, or an idea that has come down to us 3,000 years later. The Bible is the first source of everything from the smallest plot twists (the dummy David's wife places in the bed to fool assassins) to the most fundamental ideas about morality (the Levitical prohibition of homosexuality that still shapes our politics, for example) to our grandest notions of law and justice. It was a joyful shock to me when I opened the *Book* sparked by the *Slate* project. You can **buy Good Book here**. The following is adapted from the book.
of Amos and read the words that crowned Martin Luther King's "I Have a Dream" speech.

Just as an exercise, I thought for a few minutes about the cultural markers in Daniel, a late, short, and not hugely important book. What footprints has it left on our world? First, Daniel is thrown in the "lions' den" and King Belshazzar sees "the writing on the wall." These are two metaphors we can't live without. The "fiery furnace" that Daniel's friends are tossed into is the inspiration for the Fiery Furnaces, a band I listen to. The king rolls a stone in front of the lions' den, sealing in a holy man who won't stay sealed—foreshadowing the stone rolled in front of the tomb of Jesus. Daniel inspired the novel The Book of Daniel and the TV show The Book of Daniel. It's even a touchstone for one of my favorite good-bad movies, A Knight's Tale. That movie's villain belittles hero Heath Ledger by declaring, "You have been weighed, you have been measured, and you have been found wanting"—which is what the writing on the wall told Belshazzar.

While reading the Bible, I often felt as if I had finally lifted a veil from my eyes. I learned that I hadn't known the true nature of God's conflict with Job, which is the ur-text of all subsequent discussions of obedience and faith. I realized I was ignorant of the story of Ruth. I was unaware of the radical theology of Ecclesiastes, the source of so many of our ideas about the good life. I didn't know who Jezebel was, or why we loathe her, or why she is the painted lady, or even that she was married to Ahab.

Not to sound like a theocratic crank, but I'm actually shocked that students aren't compelled to read huge chunks of the Bible in high school and college, the way they must read Shakespeare or the Constitution or Mark Twain.

That's my intellectual defense of Bible reading. Now a more personal one. As a lax, non-Hebrew-speaking Jew, I spent my first 35 years roboting through religious rituals and incomprehensible prayers, honoring inexplicable holidays. None of it meant anything to me. Now it does. Reading the Bible has joined me to Jewish life in a way I never thought possible. I trace this to when I read about Jacob blessing his grandsons Ephraim and Manasseh at the end of Genesis. I suddenly realized: Oh, that's why I'm supposed to lay my hand on my son's head at Shabbat dinner and bless him in the names of Ephraim and Manasseh. That shock of recognition has been followed by many more—when I came across the words of the Shema, the most important Jewish prayer, in Deuteronomy, when I read about the celebration of Passover in the book of Ezra, when I read in Psalms the lyrics of Christian hymns I love to sing.

You notice that I haven't said anything about belief. I began the Bible as a hopeful, but indifferent, agnostic. I wished for a God, but I didn't really care. I leave the Bible as a hopeless and angry agnostic. I'm brokenhearted about God.

After reading about the genocides, the plagues, the murders, the mass enslavements, the ruthless vengeance for minor sins (or none at all), and all that smiting—every bit of it directly performed, authorized, or approved by God—I can only conclude that the God of the Hebrew Bible, if He existed, was awful, cruel, and capricious. He gives us moments of beauty—such sublime beauty and grace!—but taken as a whole, He is no God I want to obey and no God I can love.

When I complain to religious friends about how much He dismays me, I usually get one of two responses. Christians say: Well, yes, but this is all setup for the New Testament. Reading only the Old Testament is like leaving halfway through the movie. I'm missing all the redemption. If I want to find the grace and forgiveness and wonder, I have to read and believe in the story of Jesus Christ, which explains and redeems all. But that doesn't work for me. I'm a Jew. I don't, and can't, believe that Christ died for my sins. And even if he did, I still don't think that would wash away God's crimes in the Old Testament.

The second response tends to come from Jews, who razz me for missing the chief lesson of the Hebrew Bible, which is that we can't hope to understand the ways of God. If He seems cruel or petty, that's because we can't fathom His plan for us. But I'm not buying that, either. If God made me, He made me rational and quizzical. He has given me the tools to think about Him. So I must submit Him to rational and moral inquiry. And He fails that examination. Why would anyone want to be ruled by a God who's so unmerciful, unjust, unforgiving, and unloving?

Unfortunately, this line of reasoning seems to leave me with several unappealing options: 1) believing in no god; 2) believing in the awful, vindictive God of the Bible; or 3) believing in some vague "creator" who is not remotely attached to the events of the Bible, who didn't really do any of the deeds ascribed to Him in the book and thus can't be held responsible for them.

The Bible has brought me no closer to God, if that means either believing in a deity acting in the world or experiencing the transcendent. But perhaps I'm closer to God in the sense that the Bible has put me on high alert. I came to the Bible hoping to be inspired and awed. I have been, sometimes. But mostly I've ended up in a yearlong argument with God. Why would He kill the innocent Egyptian children? And why would He delight in it? What wrong did we do Him that He should send the flood? Which of His Ten Commandments do we actually need? Yet the argument itself represents a kind of belief, because it commits me to engage with God.

As I read the book, I realized that the Bible's greatest heroes—or, at least, my greatest heroes—are not those who are most faithful, but those who are most contentious and doubtful: Moses.
negotiating with God at the burning bush, Gideon demanding divine proof before going to war. Job questioning God’s own justice, Abraham demanding that God be merciful to the innocent of Sodom. They challenge God for his capriciousness, and demand justice, order, and morality, even when God refuses to provide them. Reading the Bible has given me a chance to start an argument with God about the most important questions there are, an argument that can last a lifetime.

books
What Do Humans Owe Animals?
The many dangers of anthropomorphism.
By Emily Yoffe
Monday, March 2, 2009, at 6:45 AM ET

What remains of my education is now just bits of brain flotsam, random assertions and observations that were, at one time at least, thought to be true. One of those "facts" was that animals do not have emotions. To think they did was to engage in the error of anthropomorphism, a grave delusion that marked the human who gave in to it as an unscientific sentimentalist.

Animals, I was taught, could best be understood as machines covered with fur or scales or feathers, their actions dictated by instinct. I do remember thinking, as I dutifully took notes, that the experts who had arrived at these conclusions must never have had a pet. Our cat–and-dog household always seemed to be a cauldron of multispecies melodrama, the animals daily demonstrating what clearly looked like affection, anger, jealousy, joy.

So thoroughly has the idea of animals as unfeeling automatons been discredited that Temple Grandin in Animals Make Us Human and Meg Daley Olmert in Made for Each Other, two books that explore the human-animal bond, dismiss this notion in a few clauses. Though my teachers were wrong about animals having no emotions, both books are reminders that they were right that anthropomorphism can lead to all sorts of problems for human and animal alike.

Grandin, whose new book is co-authored with Catherine Johnson, has dedicated her career to improving the lives of animals by insisting that they are neither mere sources of meat nor humans in a different form. She has done so from a distinctive vantage: As an autistic person, she draws on her hard-won insights into her own atypical emotional responses to try to understand how animals experience the world. She emphasizes the importance of transcending our emotional assumptions so that we can perhaps see things from an animal’s perspective.

Olmert, a documentary film producer, sets out to turn anthropomorphism on its head: Animals, she claims, have helped improve our emotional lives. She argues that the evolution of modern humans was propelled in no small part by our ancient interactions with animals and the emotional bonds that formed in the process. Her warm and furry scenario, though, opens the door to the sentimentality I was once warned against.

Grandin is a realist who does not shy away from acknowledging how exploitative human dominion over animals often is. As a carnivore who works for the meat industry, she confronts the most, well, brute fact about our bond: We eat them. She takes clear-eyed aim at two misguided, anthropocentric responses to this fact. On the one hand, she is disgusted by the endemic, often horrifying abuse of our farm animals. She documents how our hunger has led to the breeding of grotesques and mutants: animals whose bodies we have so distorted they can no longer support their weight or reproduce, who engage in behaviors such as self-mutilation because of the misery of their short lives.

But she also criticizes the animal advocates who have done so much to enable her mission. She laments that people are becoming increasingly "abstractified," and argues that, in this, animals have something to teach us. Where the typical human brain is a machine built to generalize, autistic people and animals live in a much more concrete world. Animal rights activists, she worries, can be so caught up in their grand principles and legal briefs that they miss the real-world consequences of their absolutism. She cites the abolition of horse slaughterhouses in this country. An admirable cause, it became a case study of unintended consequences. Broken-down horses are now shipped to Mexico, where they are worked to death or brutally killed by a knife plunged into the back of the neck. Grandin believes the goal of preventing animal death at all costs will often result in a worse animal life. Her desire is a decent life followed by a painless, swift end.

Improving those lives, Grandin argues, starts by understanding the emotional needs and drives of each species and requires us to rethink our relationship with both our pets and our livestock. To Grandin a cosseted cat or dog can be a victim. Left alone all day, their job of making us happy begins. She laments the end of the free-roaming pets of her youth: In exchange for days of stalking and sniffing, the risk of a shorter life expectancy is well worth it, in her view. She accepts that our food animals are bred for quick economic turnaround but believes the profit motive does not trump human morality: We as a species are obligated to the world—we and then we come home and their job of making us happy begins. She laments the end of the free-roaming pets of her youth: In exchange for days of stalking and sniffing, the risk of a shorter life expectancy is well worth it, in her view. 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gotten from them. She is the romantic to Grandin’s realist and focuses on our emotional similarities with animals where Grandin calls attention to the distinctions. The transformation of humans from frightened prey to hunters and finally to farmers, Olmert argues, was owed in large part to the flow of oxytocin, the mammalian hormone that facilitates feelings of love, devotion, and connection. Drawing on interesting research on the social role played by the hormone, she makes the case that our interactions with animals boosted its levels in us—and in them.

Her scenario is often highly speculative, based as it is back in that transitional, lost time when humans breeched the barriers between us and the species we domesticated. Olmert invokes a new, controversial theory about the human-wolf bond that Grandin, too, briefly cites in an earlier book of hers, *Animals in Translation*. An array of biologists, archeologists, and anthropologists propose that one reason we are so different from other primates is that we learned much of our kinship and hunting behavior from wolves, whose transformation into dogs began a great deal earlier than has generally been supposed—some 135,000 years ago, they say, rather than a mere 14,000. Olmert describes a cozy co-evolution, in which humans became so close to ever more domesticated wolves that we suckled wolf pups (try blocking those photos, Facebook!). The release of human and wolf oxytocin during our intimate encounters made each species gentler and more nurturing toward the other.

Olmert also credits the wolf-dog that guarded human enclaves with making us smarter as a species. Finally, she hypothesizes, we could stop being permanently sleep-deprived, twitching in fear all night; thanks to long and deep sleep, our brain function improved. Other oxytocin-enabled feats of cross-species bonding followed, with the taming of the horse for travel and for accompanying us into battle and then the domestication of other animals for farming.

Olmert falls in love with her theorizing, as Grandin warns us humans are prone to do, and like all romantics, she mourns a lost, golden age, which for her features constant, intimate human-animal partnership. In her idyll, we have dogs at our sides, helping us hunt mammoths who may be running for their lives, but at least are running free. Where Grandin has devoted her career to thinking about what animals have lost in the journey from the wild to civilization, Olmert closes her account by lamenting the toll that journey has taken on humans. She speculates that we gobble mood-altering drugs because we are suffering from deprivation of the oxytocin fix animals provided. Today, the untamed beasts are kept at bay, the livestock is hidden away, and to satisfy our longing to connect with other species all we have left are our pets.

But they can provide the wholesome therapy we need, Olmert promises. She ennobles animals as caregivers whose “love” doesn’t come with all the messy complications inherent in human relationships. Olmert un skeptically invokes studies that say that pets help us live longer and better, that pets are more soothing companions than humans, and even that most pet owners care more for their pets than for any human loved one. “Animals make us better people,” she writes. But to replace the scientific fallacy that animals have no emotions with the pathetic fallacy that they have human emotions does the kind of disservice to animals that Grandin warns against. Seeing animals’ highest function as serving our needs surely doesn’t make us better people or them happier animals.

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**change-o-meter**

**Good Conversation**

The administration talks about talking to Iran.

By Chris Wilson

Thursday, March 5, 2009, at 5:49 PM ET

*The Change-O-Meter is also a widget. You can add it to your blog, Web site, or profile with just a few clicks. (Shortcut for Facebook [here](#).) Each time we publish a new column, the widget will automatically update to reflect the latest score.*

Wall Street-Obama relations are looking sour, while Earth-asteroid relations are getting uncomfortably close, and official Iran-U.S. relations could recommence. All these relationships add up to a 40 on the Change-o-Meter.

According to *Business Week*, Wall Street has turned on the Obama administration. The magazine reports that many investors are disappointed with the administration’s performance or had inflated expectations for what the government could do to quickly mitigate the credit crisis. While the ‘Meter realizes that the administration faces a mountainous financial disaster, some of the investors’ complaints—particularly over Treasury Secretary Timothy Geithner’s poor salesmanship of a major rescue effort in February—seem valid. The ‘Meter withholds judgment on this developing story but reserves the right to add or subtract points as Obama and the market work through some issues in their relationship.

At a meeting of NATO foreign ministers in Brussels, Belgium, Secretary of State Hillary Clinton [proposed a conference on Afghanistan](#) at the end of March that would probably include Iran among the invitees. No word yet on whether Iran will come to the meeting, which will be convened by the United Nations, but the ‘Meter awards 10 points for a move toward a constructive dialogue with Iran, plus another five for Sen. John Kerry’s suggestion that sanctions on Syria be eased as part of an effort to engage the country in the Mideast peace process. And, hell, while it’s feeling friendly, the ‘Meter gives another 10 for NATO’s resumption of normal relations with Russia, a move the
United States urged. That's a total of 25 points for seeds of a functional foreign policy, with more to come if the wheels keep turning.

Back home, several readers alert the 'Meter to Obama's temporary reversal of an 11th-hour Bush administration rule that exempted federal agencies from certain Endangered Species Act provisions. In the name of the Kauai cave amphipod and the pig-footed bandicoot, the Change-o-Meter awards 15 points.

There's a lot to cover, so we want to hear your thoughts on what the Change-o-Meter should be taking into account. No detail is too small or wonky. E-mail may be quoted by name unless the writer stipulates otherwise.

change-o-meter

Zen Man
As the economy tumbles, Obama fights panic, urges long view.
By Karen Shih
Wednesday, March 4, 2009, at 4:11 PM ET

The Change-o-Meter is now a widget. You can add it to your blog, Web site, or profile with just a few clicks. (Shortcut for Facebook here.) Each time we publish a new column, the widget will automatically update to reflect the latest score.

Troubled homeowners get details about the Obama team's foreclosure prevention plan, bringing a little sunshine to the doom and gloom of the current economy. The president is projecting calmness to soothe American fears, but rising political tension in Afghanistan could bring Obama headaches in the months to come. Obama earns 30 points on the Change-o-Meter today.

Struggling homeowners can start modifying their loans today, according to a detailed guide the Treasury Department released this morning. The two-part plan, which the administration announced two weeks ago, has already caused the stock market to jump after hitting successive record lows the past couple of days. But some say the plan doesn't go far enough to reduce loan balances, particularly those that far exceed the home's actual value; merely adjusting interest rates may not solve the problem. In addition, many in the worst housing markets, such as those in California and Florida, won't be eligible for the two programs. The 'Meter will give 15 points for bringing good news to some homeowners but is withholding further points until it sees how many others are left out of the deal.

Meanwhile, Obama issued an executive order to change the way contracts are awarded to private sector companies—a reversal from a Bush administration policy—which the administration hopes will save up to $40 billion per year. The new policy particularly targets no-bid contracts. While the 'Meter is often skeptical of governing by executive orders, this one could have teeth if it works. And it has John McCain's endorsement. The 'Meter awards 15 points for a promising policy.

New political tensions in Afghanistan, following a recent car bombing outside a major U.S. military base, could mean trouble for the Obama team, which is counting on stabilizing that country. President Hamid Karzai's plan to move elections up by several months was rebuffed by the country's election commission, which means Afghanistan could be without a leader for several months between the expiration of Karzai's term in May and the elections in August. The 'Meter is monitoring the situation closely, as the coming months will be trying for everyone with a stake in the country.

Lastly, amid the turmoil of plunging stocks and decreasing retail sales, Obama is trying to leverage his high popularity to personally rally the market. Urging Americans not to pay too much attention to the fluctuation of the stock market, he advocates taking a long-term view to help get through the difficult times. Call the 'Meter myopic, but it's holding onto its points on this one, too.

There's a lot to cover, so we want to hear your thoughts on what the Change-o-Meter should be taking into account. No detail is too small or wonky. E-mail may be quoted by name unless the writer stipulates otherwise.

change-o-meter

Murmurs in Moscow
A secret note from Obama to Russia's president could kindle better relations.
By Emily Lowe
Tuesday, March 3, 2009, at 2:55 PM ET

The Change-o-Meter is now a widget. You can add it to your blog, Web site, or profile with just a few clicks. (Shortcut for Facebook here.) Each time we publish a new column, the widget will automatically update to reflect the latest score.

Obama's been caught passing notes to Russia during class, but he still gets an A in foreign diplomacy. The new administration is busy pointing fingers at the old one's shady dealings, and while Obama is able to toughen the snowstorm game face by mere suggestion, he still can't seem to get away from tax trouble in the nomination process. It all adds up to a score of 30 on the Change-o-Meter.

Senior administration officials have revealed that Obama sent a secret letter to Russian President Dmitry Medvedev in February...
that offered a trade of sorts: The United States will put the
brakes on development of a missile shield in Eastern Europe in
exchange for Russian cooperation in diffusing the threat of an
Iranian nuclear program. In response, Medvedev suggested he
was open to a discussion and used warm, fuzzy words like
"positive" and "partnership" to describe the future relationship
between the two nations. Obama's proposition is a significant
shift from previous attitudes about Russia, and murmurs in
Moscow suggest Obama's extended palm is a welcome change
from Bush's clenched fist. The 'Meter slides up 25 points for
burying old assumptions and engaging with a nation whose
power and prominence is steadily growing.

Here at home, the new administration is busy putting dirt under a
microscope. The Justice Department released previously unseen
counterterrorism memos from the Bush administration and
condemned many of the opinions presented therein (like John
Yoo's suggestion that the First and Fourth Amendments are
optional in wartime). Meanwhile, government lawyers
announced yesterday that the CIA destroyed almost 100 video
recordings of the harsh interrogations of al-Qaeda suspects in
2005. No heads will roll as a result, and it's certainly easy to air
the other guys' dirty laundry. But the 'Meter still awards 15
points for contributing to the record of the Bush administration's
legal mischief.

Finally, it turns out Obama's pick for U.S. trade representative,
former Dallas Mayor Ron Kirk, neglected to pay about $10,000
in income taxes over the past three years. The 'Meter has run out
of things to say about Obama nominees unable to fill out their
tax forms correctly, so we're just shaking our heads and docking
10 points.

There's a lot to cover, so we want to hear your thoughts on what
the Change-o-Meter should be taking into account. No detail is
too small or wonky. E-mail may be quoted by name unless the
writer stipulates otherwise.

change-o-meter
Let Spending Dogs Lie
Obama chooses not to fight earmarks from last year's tardy spending bill.
By Molly Redden
Monday, March 2, 2009, at 3:18 PM ET

The Change-o-Meter is now a widget. You can add it to your
copy. Web site, or profile with just a few clicks. (Shortcut for
Facebook here.) Each time we publish a new column, the widget
will automatically update to reflect the latest score.

President Obama is spending political capital like it's still the
days of easy credit as he eyes health care reform and builds
consensus on a plan for Iraq. The 'Meter is not such a fan of
Obama's willful inattention to a host of 2008 earmarks, but he
recoups most of his losses by returning the Israeli-Palestinian
issue to a prominent place among his foreign policy priorities.
Today, Obama scores 35 on the Change-o-Meter.

Obama scored major points on Friday's Change-o-
Meter for both the Iraq plan itself and the plaudits
he received from Republican lawmakers for his
decision to draw down the war by 2010. Over the
weekend, both Secretary of Defense Robert Gates
and Chairman of the Joint Chiefs of Staff Adm.
Mike Mullen endorsed Obama's timetable. While no
one was expecting either of them to split with his
commander in chief, the tone suggests a genuine
consensus between the White House and the
Pentagon. Both men praised Obama's willingness
to consider the advice of military commanders,
with Gates describing his boss as "more analytical"
than George W. Bush. Obama notches 20 points on
the Change-O-Meter for that show of solidarity.

Meanwhile, K Street is bracing for Obama's
universal-health-care plan. The administration
won't announce specifics until Thursday, but the
lobbyists for hospitals, drug companies, and
insurance companies are already angsty over the
prospect of their industries taking a financial hit.
That opposition, plus the generally miserable state
of the economy, is not going to make this battle
any easier. But as Politico notes, introducing the
plan now is a shrewd political gambit, for which he
receives 20 points. On that note, Gov. Kathleen
Sebelius of Kansas, a renowned bipartisan
negotiator, is a terrific choice for secretary of HHS.
But Obama already got points for that.

Not all spending is created equal, however. The
$410 billion in spending bills before the Senate is a
good example of the sort of earmarks run amok
that Obama railed against on the trail. The bills,
which fund programs for the year that began in
October, contain nearly 9,000 earmarks, the New
York Times reports. Republicans eager to make
noise about Democrats' spending are crying foul—
and not unfairly—saying that Obama promised to
check pork while he was on the stump. The Obama
administration volunteered a rather lousy excuse—
that since the bill is part of the current fiscal year,
which began before Obama took office, it's best to
let spending dogs lie and move on to the budget
and crises at hand. But in financial hard times,
there's no reason not to leap at the chance to
retroactively save a little dough. And a promise is a promise. The 'Meter deducts 15 points.

Finally, Secretary of State Hillary Clinton appeared in Egypt today to reiterate the United States' support for an independent Palestinian state. Policy-wise, her remarks didn't differ much from the rhetoric of the Bush administration, which pursued unsuccessful policies of supporting the Palestinian Authority while excluding Hamas from any political negotiations. But Clinton's presence has been taken as a sign that U.S. efforts on behalf of Palestinians won't stagnate as they did in the Bush years. For returning policy focus toward this important issue, Obama gets 10 more on the 'Meter.

There's a lot to cover, so we want to hear your thoughts on what the Change-o-Meter should be taking into account. No detail is too small or wonky. E-mail may be quoted by name unless the writer stipulates otherwise.

chatterbox
The Time-Space Theory
Is a rational al-Qaida merely biding its time?
By Timothy Noah
Thursday, March 5, 2009, at 4:37 PM ET

This is the last essay in a series of eight exploring why the United States suffered no follow-up terror attacks after 9/11. To read the series introduction, click here.

The RAND Corp. is headquartered in a blindingly white temple of reason a few blocks from the Pacific Ocean in Santa Monica, Calif. It was here—or rather, next door, in the boxy international-style offices it inhabited for half a century before moving four years ago into a new $100 million structure—that America's Cold War nuclear strategy of "mutual assured destruction" was dreamed up. Also, the Internet. Created by the Air Force in 1948, the nonprofit RAND would "invent a whole new language in [its] quest for rationality," Slate's Fred Kaplan wrote in his 1983 book The Wizards of Armageddon.

RAND is the cradle of rational-choice theory, a rigorously utilitarian mode of thought that applications to virtually every field of social science. Under rational-choice theory, belief systems, historical circumstances, cultural influences, and other nonrational filigree must be removed from consideration in calculating the dynamics of human behavior. There exists only the rational and orderly pursuit of self-interest. It is the religion that governs RAND. "You can leave your backpack in my office," RAND senior economist Darius Lakdawalla told me as we headed for a conference room. "There's no theft at RAND." I asked whether "externalities" were permitted anywhere inside the building. He chuckled politely.

Lakdawalla and RAND economist Claude Berrebi are co-authors of "How Does Terrorism Risk Vary Across Space and Time?" a 2007 paper. (To download a copy, click here and pay $30. To download an earlier draft of the same paper free of charge, click here.) An underlying assumption of Berrebi and Lakdawalla's analysis is that—contrary to arguments put forward by game theorist Thomas C. Schelling; Max Abrams of Stanford's Center for International Security and Cooperation; and Marc Sageman, a forensic psychiatrist and former CIA case officer—terrorists pursue concrete goals in a rational way. On the small-bore tactical level, Berrebi says, terrorists are very rational. It's entirely possible, Lakdawalla explains, to pursue an irrational goal in a rational manner. Berrebi cites terrorists' tendency to use suicide bombers only when no other alternatives are available. In general, terrorists prefer poorly protected targets to well-protected ones. "When stuff becomes harder to hit," Lakdawalla says, "terrorist groups, like anyone else, tend to look for easier opportunities." Don't worry about getting killed at the airport, where security measures have proliferated. Worry about getting killed at the shopping mall, where your only protection is a bored security guard.

When Schelling, Abrams, and Sageman argue that terrorists are irrational, what they mean is that terror groups seldom realize their big-picture strategic goals. But Berrebi says you can't pronounce terrorists irrational until you know what they really want. "We don't know what are the real goals of each organization," he says. Any given terror organization is likely to have many competing and perhaps even contradictory goals. Given these groups' inherently secret nature, outsiders aren't likely to learn which of these goals is given priority.

One goal inherent in the 9/11 attacks was to do harm to the United States. In "The Terrorists-Are-Dumb Theory" and "The Melting-Pot Theory," we reviewed the considerable harm that the furious U.S. response to 9/11 caused al-Qaida. But that response harmed the United States, too. Nearly 5,000 U.S. troops have died in Iraq and Afghanistan, and more than 15,000 have come home wounded. More than 90,000 Iraqi civilians have been killed and perhaps as many as 10,000 Afghan civilians; in Afghanistan, where fighting has intensified, more than 2,000 civilians died just in the past year. "In Muslim nations, the wars in Afghanistan and particularly Iraq have driven negative ratings [of the United States] nearly off the charts," the Pew Global Attitudes Project reported in December. Gallup polls conducted between 2006 and 2008 found approval ratings for the U.S. government at 15 percent in the Middle East, 23 percent in Europe, and 34 percent in Asia. To be sure, civilian casualties have harmed al-Qaida's standing, too, as I noted in...
“The Terrorists-Are-Dumb Theory.” But to whatever extent al-Qaeda hoped to reduce the United States’ standing in the world, and especially in the Middle East: Mission accomplished. The Pew survey found most countries anticipated an improvement under President Obama, who already has ordered that Guantanamo be shuttered and that the Bush administration’s creative interpretations of the Geneva Convention be revoked. But with the Obama administration escalating troop levels in Afghanistan and a growing sense that U.S. forces will remain in Iraq for years to come, the United States won’t be loved by the Muslim world anytime soon.

Rational-choice theory is most at home with economics, and here the costs are more straightforward. In March 2008, the Nobel Prize-winning economist Joseph Stiglitz, and Linda Bilmes of Harvard’s Kennedy School of Government, put the Iraq war’s cost at $3 trillion. In October 2008, the Congressional Research Service calculated, more conservatively, an additional $107 billion for the Afghanistan war and another $28 billion for enhanced homeland security since 9/11. According to CRS, for every soldier the United States deploys in Iraq or Afghanistan, the taxpayer spends $390,000. Let me put that another way. Sending a single soldier to Iraq or Afghanistan costs the United States nearly as much as the estimated $500,000 it cost al-Qaeda to conduct the entire 9/11 operation. Not a bad return on Bin Laden’s investment, Berrebi says. President Bush left office with a budget deficit of nearly $500 billion, and that’s before most of the deficit spending that most economists think will be required to avoid another Great Depression even begins. “We are facing the recession starting from a worsened standpoint,” Berrebi says. Al-Qaeda may not be the only reason, but it certainly helped.

Berrebi and Lakdawalla’s “How Does Terrorism Risk Vary Across Space and Time?” focuses on Israel’s experience, but it can be applied to the question of why al-Qaeda hasn’t attacked the United States since 9/11. The “space” referred to in the title is the particular site chosen for a terrorist attack. Proximity to the terrorist headquarters and easy access to an international border are, Berrebi and Lakdawalla write, hugely important in deciding whether to carry out a terrorist attack. “When distance to a terrorist home base doubles,” they calculate, “the frequency of attacks falls by around 30 percent.” Areas near international borders “are more than twice as likely to be hit” as areas far from international borders. Following this logic, Israel is a veritable paradise for Islamist terrorists. It’s located right in the Middle East, and, east to west, it’s only 85 miles wide. The United States, by contrast, is a jihadi’s worst nightmare; halfway across the world and 3,000 miles wide. The two countries’ comparative experience with terrorism reflects these realities.

The “time” referred to in the title is the interval between attacks, and it’s a lot less comforting to people who live in the United States. To simplify things as we spoke in a RAND conference room, Berrebi drew a rudimentary graph on a whiteboard. The vertical axis represented the risk of attack in a regional capital. The horizontal axis represented the passage of time. It looked like this:

The risk of attack increases sharply before an attack occurs (duh), then falls, then levels off and eventually starts to rise again. I mentioned to Berrebi and Lakdawalla that my girlfriend had travelled to New Delhi a couple of weeks after the Mumbai terror attack and that I’d worried about her. Guess I shouldn’t have worried! Berrebi shook his head and tapped on the line just to the right of the first peak. The risk immediately after an attack, he said, is still very high, because it takes the authorities some time to figure out what’s happening and to beef up security—and because the terrorists’ planned mission may not be completed. Gradually, security measures are put in place. Then gradually, these security measures slacken, creating new opportunities for attack. In Jerusalem, Berrebi and Lakdawalla found that after a terror attack the risk of a follow-up attack begins to increase after only two incident-free months. “This suggests,” they conclude, “that long periods of quiet actually indicate elevated risk for sensitive areas.” Berrebi and Lakdawalla are restating the familiar war-movie cliché in which two soldiers stand guard over a peaceful nighttime landscape. “It’s quiet,” says one. “Yeah,” says the other. “Too quiet.” Then the enemy emits a battle cry and the fighting begins.

In Jerusalem, it’s two months from peak to trough. In the United States, it’s X months, where X has an unknown value greater than 89. If the United States suffers another major terror attack, Berrebi and Lakdawalla will be able to calculate the value of X. They think they’ll probably get that second data point. They just don’t know when.

chatterbox

The Electoral-Cycles Theory

Does al-Qaeda systematically attack immediately before or after a change in leaders?

By Timothy Noah

Wednesday, March 4, 2009, at 11:00 AM ET

This is the seventh essay in a series of eight exploring why the United States suffered no follow-up terror attacks after 9/11. To read the series introduction, click here.

President Bush liked to say that al-Qaeda hated America because it was a democracy. That’s true in the limited sense that Osama Bin Laden shows little interest in emulating that form of government. But if al-Qaeda’s purpose in attacking the United States is to provoke a massive domestic uprising to force a
United States retreat from the Muslim world, as some believe (see "The Burden-of-Success Theory"), then Bin Laden ought to love that America is a democracy. Democracies, after all, are much more sensitive to shifts in public opinion than dictatorships. Indeed, elections may provide an especially handy occasion for al-Qaida to terrorize the public into effecting a radical change in government policy. Does al-Qaida time its actions accordingly?

Daniel Benjamin, former director for counterterrorism on the National Security Council in the Clinton White House (reportedly set to take the counterterrorism portfolio in the Obama State Department); Richard Clarke, the NSC's former national coordinator for security and counterterrorism in the Clinton and then the Bush White House; and Bruce Riedel, a former CIA officer, all believe that it does. Writing in Slate two weeks before the presidential election, Benjamin argued that elections are "seam moments, the points of inflection in history, and the terrorists want to demonstrate that they are central players in determining outcomes." Consider:

- Less than one month before the 2000 presidential election, al-Qaida carried out a suicide bombing of the USS Cole, then docked in the Yemeni port of Aden.
- Three days before Spain's March 2004 parliamentary elections, a local al-Qaida affiliate carried out train bombings in Madrid, creating a last-minute surge for the Socialist Party. The new government withdrew Spanish troops from Iraq.
- Four days before 2004's U.S. presidential election, a videotape surfaced of Bin Laden telling Americans, "[O]ur motivations are still there for what happened to be repeated." Democrat John Kerry has said he believes it cost him the election.
- Three months before 2006's U.S. midterm congressional elections, British authorities shut down a planned coordinated attack by al-Qaida on jumbo jets flying to the United States. This conspiracy, which prompted the "liquids and gels" ban, was in a late stage. The GOP lost control of the House and Senate.
- At the end of 2007, Pakistani extremists believed to be working with al-Qaida assassinated Benazir Bhutto, who had recently returned from exile to seek a third term as prime minister. Her husband became president as a result.

Did al-Qaida achieve its desired results? To believe that, you'd have to believe that al-Qaida preferred more dovish government in Spain but more hawkish government in the United States (except in Congress, which it preferred to be more dovish) and that for some reason it preferred Asif Ali Zardari to his wife. That wouldn't make much sense. It's possible al-Qaida harbored incorrect notions about how these various events would play out. Al-Qaida is typically credited with preferring hawkish foes to dovish ones because that throws the "clash of civilizations" into greater relief, but who really knows? Does al-Qaida favor certain candidates or parties? Benjamin concedes there's little evidence to support that notion. "If al-Qaeda attacks occur when they are most convenient for the attackers," argues Benjamin H. Friedman, a terrorism expert at the Cato Institute, they will be randomly distributed throughout the year, meaning that a certain [proportion], which will head toward one-twelfth as years go by, will fall in the month before elections. Citing a few attacks that occurred around election time is evidence of nothing.

Another difficulty is that the big one, 9/11, occurred nearly one year after a major U.S. election. The 1993 bombing of the World Trade Center, which bore links to al-Qaida, occurred three months after a major U.S. election. Al-Qaida's 1998 embassy bombings in Tanzania and Kenya occurred nearly two years after a presidential election and three months before a midterm congressional election in which the biggest issue was the fallout from President Clinton's affair with a White House intern. Election-cycle theorists finesse most of this by arguing that the danger period lasts through the first year of a new presidency. That's because a chief executive still learning the ropes is likelier to blunder either in defending against an attack or responding to it. Both proved particularly true of President Bush.

Might President Obama be similarly vulnerable? His secretary of state thought so during the primary campaign. "I don't think it was by accident that Al-Qaeda decided to test [Britain's] new prime minister," candidate Hillary Clinton said in January 2008, referring to an al-Qaida-linked car bombing at Glasgow airport mere days after Gordon Brown moved into 10 Downing Street. "They watch our elections as closely as we do." During the general campaign, Vice President Biden made a similar point. "Mark my words," he said. "It will not be six months before the world tests Barack Obama." Biden didn't say the test would come from Osama Bin Laden, but that's certainly possible. I give this theory the penultimate bead because if Biden is right, then we have entered a period of maximum danger.

Next: "The Time-Space Theory," in which we'll examine whether al-Qaida has been biding its time in a manner predicted by rational-choice theory.
chatterbox

Good Riddance, Yucca Mountain

Obama pulls the plug on the nuclear industry's last best hope.

By Timothy Noah

Tuesday, March 3, 2009, at 7:49 PM ET

We've seen a lot of hyperbole lately about the significance of a presidency that's all of six weeks old. I hesitate to add to it. But the following statement happens to be the literal truth.

The ramifications of the 2008 presidential election will be felt for 1 million years.

One million years is a long time. A million years ago, Homo erectus (who looked like this, not this) was getting ready to invent the hand axe and discover fire. Yet 1 million years is the length of time that the Bush administration was preparing to guarantee (apparently to our successor hominin species) the safe storage of spent nuclear fuel rods inside Nevada's Yucca Mountain, in a waste facility whose approval had been making its way through three branches of government for a comparatively brief 32 years. The goal was to start dumping this high-level nuclear waste inside Yucca Mountain in 2020. Here is how the Bush Department of Energy forecast the year 1,002,020 A.D. in a safety report issued this past June when it submitted an application for Yucca Mountain's approval to the Nuclear Regulatory Commission:

Imagining the initial quantity of radioactivity emplaced in the repository as 1,500 marbles, natural radioactive decay would leave 270 marbles after 1,000 years and only 90 marbles after 10,000 years. By 100,000 years, there would be only eight marbles left. Finally, after 1 million years, just one marble out of the original 1,500 would remain ... about 99.93 percent of the radioactivity originally placed in the repository would have decayed.

This constituted remarkable long-term planning for an administration that refused to provide 10-year budget projections. It was imposed from without. Originally, Yucca Mountain required "only" a 10,000-year safety guarantee, but in 2004 a federal court insisted on a million-year standard, citing concerns in a 1995 study by the National Academy of Sciences that the nuclear waste would take much longer than 10,000 years to reach maximum exposure levels. The NAS had said a reasonably accurate assessment could be made of the site's geology over the next million years. (After that, not so much!) The Environmental Protection Agency duly issued its first-ever million-year regulation, setting a maximum legal limit for release of radioactive materials at 15 millirem per year for the first 10,000 years and 100 millirem for the next 990,000.

Nevadans of the 10,021st century would have to figure out themselves what to do about the 0.07 percent remnant left in that last marble.

The entire discussion was, of course, outlandishly hubristic. It was made necessary by the outlandishly severe and long-lasting environmental dangers posed by nuclear waste. Six decades after the dawn of the nuclear era, the only plausible answer to the question "What do we do with this stuff?" is "Don't create any more of it." That, in effect, is what President Obama is saying in fulfilling his campaign promise to shut down Yucca Mountain. The program, Obama's new budget states, "will be scaled back to those costs necessary to answer inquiries from the Nuclear Regulatory Commission while the administration devises a new strategy toward nuclear waste disposal." That's bureaucratese for "Yucca Mountain is dead."

Had John McCain been elected, Yucca Mountain would be headed toward final NRC approval, possibly before the next presidential election (though Senate Majority Leader Harry Reid of Nevada, a longtime opponent, would be trying very hard to prevent that). During the campaign, McCain favored opening Yucca Mountain for business even while telling an interviewer that he would never permit transport of nuclear waste through his home state of Arizona en route to Nevada (with which Arizona shares a border). The Obama campaign made gleeful use of the clip. McCain's worry about the transport of high-level nuclear waste is well-founded; routinely hauling this stuff by truck or rail poses serious risk of a catastrophic accident.

The nuclear industry has long argued, correctly, that the current practice of storing spent fuel rods on-site in water-filled vaults and, after those fill up, transferring them to steel-reinforced dry concrete casks is impractical. Though the industry is loath to point out safety concerns, it has repeatedly noted that storage space is running out. In 1977, President Jimmy Carter effectively ended the reprocessing of spent nuclear fuel in civilian plants, and it's doubtful that will be reversed during an era of homeland security. (In truth, the end product of reprocessing, plutonium, would be fantastically difficult for terrorists to steal safely, but reprocessing creates environmental headaches of its own.) What should nuclear power plants do? "Our position," says Kevin Kamps, a radioactive-waste expert at the environmental group Beyond Nuclear, "is that we should not be creating this material to begin with." Since 2006, environmental groups have recommended limiting the density of existing water-filled vaults and hardening the dry casks. The Obama administration will likely end up doing something along these lines.

Global warming has caused some policy experts to call for a revival of nuclear power, whose expansion halted after the Three Mile Island accident in 1979. Currently there are 20 applications for new reactors under active consideration at the NRC. As recently as 2007, there were none. Nuclear plants are indeed vastly preferable to coal-fired plants from the standpoint of...
carbon dioxide emissions. But you can't just take into account the waste that power plants don't create. In shuttering Yucca Mountain, Obama makes it extremely likely that nuclear power in the United States will continue its long, slow, and extremely welcome death. For the next couple of decades, anyway. That's as far out as I'm willing to predict anything.

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**chatterbox**

**The He-Kept-Us-Safe Theory**

Did Bush administration policies prevent 9/11 from happening again?

By Timothy Noah

Tuesday, March 3, 2009, at 10:49 AM ET

*This is the sixth essay in a series of eight exploring why the United States suffered no follow-up terror attacks after 9/11. To read the series introduction, click here.*

In his Jan. 15 farewell address, President George W. Bush said that after 9/11, "most Americans were able to return to life much as it had been before 9/11. But I never did." He continued:

> Every morning, I received a briefing on the threats to our nation. I vowed to do everything in my power to keep us safe. … [T]here can be little debate about the results. America has gone more than seven years without another terrorist attack on our soil. This is a tribute to those who toil night and day to keep us safe—law enforcement officers, intelligence analysts, homeland security and diplomatic personnel, and the men and women of the United States Armed Forces.

A White House fact sheet specifies six terror plots "prevented in the United States" on Bush's watch:

- an attempt to bomb fuel tanks at JFK airport,
- a plot to blow up airliners bound for the East Coast,
- a plan to destroy the tallest skyscraper in Los Angeles,
- a plot by six al-Qaeda-inspired individuals to kill soldiers at Fort Dix Army Base in New Jersey,
- a plan to attack a Chicago-area shopping mall using grenades,
- a plot to attack the Sears Tower in Chicago.

The Bush administration deserves at least some credit in each of these instances, but a few qualifications are in order. The most serious terror plot listed was the scheme to blow up airliners headed for the East Coast. That conspiracy, halted in its advanced stages, is why you aren't allowed to carry liquids and gels onto a plane. As noted in "The Melting-Pot Theory," it originated in the United Kingdom, which took the lead in the investigation. (The undercover agent who infiltrated the terror group was British.) We also learned in "The Melting-Pot Theory" that the plan to bring down the Sears Tower was termed by the Federal Bureau of Investigation's deputy director "more aspirational than operational" and that the prosecution ended in a mistrial.

The JFK plot was unrelated to al-Qa'ida and so technically infeasible that the New York Times, the airport's hometown newspaper, buried the story on Page A37. The attack on the Library Tower in Los Angeles was planned in October 2001 by 9/11's architect, Khalid Sheikh Mohammed, who recruited volunteers from South Asia to fly a commercial jetliner into the building. But Michael Scheuer, a veteran al-Qa'ida expert who was working at the Central Intelligence Agency in 2002, when the arrests were made, told the Voice of America that he never heard about them, and a U.S. government official told the Los Angeles Times that the plot never approached the operational stage. Moreover, as the story of United Flight 93 demonstrated, the tactic of flying passenger planes into buildings—which depended on passengers not conceiving of that possibility—didn't remain viable even through the morning of 9/11 ("Let's roll").

The Fort Dix plot was inspired by, but not directed by, al-Qa'ida. The five Muslim conspirators from New Jersey, convicted on conspiracy charges in December, watched jihadi videos. They were then foolish enough not only to make one of their own but to bring the tape to Circuit City for transfer to DVD. A teenage clerk tipped off the FBI, which infiltrated the group, sold them automatic weapons, and busted them. The attempted grenade attack on the CherryVale Mall in suburban Chicago was similarly inspired but not directed by al-Qa'ida. In this instance, the conspirators numbered only two, one of whom was an FBI informant. The other guy was arrested when an undercover FBI agent accepted his offer to trade two stereo speakers for four grenades and a gun. He is now serving a life sentence.

From a broader policy viewpoint, the Bush administration's most significant accomplishment, terrorism experts tend to agree, was the 2001 defeat of Afghanistan's Taliban regime and the destruction of Bin Laden's training camps. As noted in "The Terrorists-Are-Dumb Theory" and "The Melting Pot Theory," two-thirds of al-Qa'ida's leadership was captured or killed. Journalist Lawrence Wright estimates that nearly 80 percent of al-Qa'ida's Afghanistann-based membership was killed in the U.S. invasion, and intelligence estimates suggest al-Qa'ida's current membership may be as low as 200 or 300.

A 2007 National Intelligence Estimate stated that Bin Laden had "protected or regenerated key elements of its Homeland attack capability" by establishing a safe haven in Pakistan's tribal borderlands and through the appointment of operational lieutenants. On Feb. 25, Dennis C. Blair, the Obama
administration's new director of national intelligence, told Congress that al-Qaeda's leaders use this safe haven "as a base from which they can avoid capture, produce propaganda, communicate with operational cells abroad, and provide training and indoctrination to new terrorist operatives." But the Bush administration and Pakistan government responded to al-Qaeda's improving capability by stepping up attacks on the tribal borderlands, and these continue under President Obama.

According to unnamed Pakistani intelligence officials recently quoted in the New York Times, U.S. pilotless drone attacks are reducing the likelihood of an al-Qaeda attack against the United States but increasing the likelihood that al-Qaeda and the Taliban will destabilize Pakistan (see "The Near-Enemy Theory"), because the drones are killing many civilians along with the terrorists. The Bush administration struggled to keep these two considerations in balance. So will the Obama team.

Georgetown's Bruce Hoffman credits the National Counterterrorism Center, created in 2004, with breaking down much of the interagency resistance to sharing intelligence that proved fatal on 9/11. (See "The Terrorists-Are-Dumb Theory.") New procedures to screen commercial airline passengers and consolidate terrorist watch lists surely helped. Even the much-mocked Transportation Security Administration (nicknamed "Thousands Standing Around" in security-conscious Israel) has probably improved security, not because its methods are foolproof but because even a small increase in the risk of detection can make a big difference in a would-be terrorist's mental calculus. It's less clear that the doubling of border-patrol agents has had much effect, if only because policing U.S. borders remains a near-impossible task.

One Bush effort whose success is extremely difficult to gauge is the Treasury Department's tracking of terrorist funds. About $262 million in Taliban assets were blocked and then turned over to the new Afghan government after the U.S. invasion, and the Treasury's report on terrorist assets for 2007 (the most recent year for which data are available) lists $11 million in blocked al-Qaeda assets (up from $8 million the previous year). According to the Central Intelligence Agency, before 9/11, al-Qaeda had an annual budget of $30 million. Virtually none of this came from Osama Bin Laden's personal fortune, which was seized by the Saudis in 1994. As much as two-thirds of the al-Qaeda budget may have been funneled directly to the Taliban as protection money. Richard Clarke, former White House counterterrorism chief, told Robert Windrem and Garrett Haake of MSNBC that the $30 million figure was "totally made up." Nobody even pretends to know how much money al-Qaeda has now; most of it is probably in cash. The $11 million frozen by the U.S. government may be only a fraction of the amount that enthusiastic donors, exuberant about 9/11, kicked in after the attacks. On the other hand, getting cash-filled satchels to al-Qaeda's top officers would surely have posed a steep challenge immediately after 9/11 and remains more difficult than it was before 9/11. On yet another hand, the 9/11 attacks cost only $500,000. Terrorism is a low-overhead business.

The departing Bush administration's claim that deposing Saddam Hussein helped prevent acts of terror in the United States has virtually no adherents, except to the extent that it drew some jihadis into Iraq. (See "The Flypaper Theory.") The Iraq war reduced U.S. standing in the Muslim world, especially when evidence surfaced that U.S. military officials had tortured and humiliated prisoners at the Abu Ghraib prison. The Bush White House fact sheet mentions not at all the Guantanamo internments and the Central Intelligence Agency's torture of terror suspects. That was probably a wise choice. But Vice President Dick Cheney defended these practices in exit interviews as he was leaving the White House, citing specifically the "wealth of information" provided by Khalid Sheikh Mohammed, who was reportedly water-boarded. "There was a period of time there, three or four years ago," Cheney said, "when about half of everything we knew about al Qaeda came from that one source." Capturing Sheikh Mohammed surely helped make America safe, but, as Slate's Dahlia Lithwick noted at the time, almost no one believes torture produces good information, and the number of people who believe it is legal "corresponds almost perfectly to the number of people who could be prosecuted for war crimes because it is not."

The noncontroversial parts of Bush's antiterrorism policies will continue under President Obama. The controversial parts probably won't. That troubles Cheney, who in February told Politico, "When we get people who are more concerned about reading the rights to an Al Qaeda terrorist than they are with protecting the United States against people who are absolutely committed to do anything they can to kill Americans, then I worry." If Cheney is right, then we're in greater danger under the Obama administration than we were under the Bush administration. If Cheney is wrong, then U.S. torture policies never provided much safety in the first place and may have made things worse by inflaming our enemies. Indeed, a recent two-part Washington Post piece suggested that abuse suffered by a Guantanamo detainee named Abdallah Saleh al-Ajmi transformed him from a relatively harmless Taliban foot soldier into a dedicated suicide bomber who, after his release, killed 13 Iraqi soldiers and wounded 42 others.

Either way, the government's ability to prevent another 9/11, while certainly greater than it was eight years ago, is surely incomplete. As with the Flypaper Theory, the He-Kept-Us Safe Theory offers cold comfort, because even if you accept every word of it as historically true, there are too many current and future contingencies that it can't address.

Next: "The Electoral-Cycles Theory," in which we'll consider whether al-Qaeda times its attacks to occur before or after big national elections.
The Flypaper Theory

Why kill Americans in the United States when you can kill them in Iraq?

By Timothy Noah

Monday, March 2, 2009, at 11:17 AM ET

This is the fifth essay in a series of eight exploring why the United States suffered no follow-up terror attacks after 9/11. To read the series introduction, click here.

The 9/11 attacks led to a U.S. invasion of Afghanistan, whose Taliban regime was sheltering al-Qaida. That made sense. Then it led to a U.S. invasion of Iraq. That made no sense. The Bush administration claimed that Iraq's Saddam Hussein had close ties to al-Qaida. This was based on:

a) allegations made by an American Enterprise Institute scholar named Laurie Mylroie, later discredited;

b) an al-Qaida captive's confession under threat of torture to Egyptian authorities, later retracted;

c) a false report from Czech intelligence about a Prague meeting between the lead 9/11 hijacker, Mohamed Atta, and an Iraqi intelligence agent;

d) Defense Secretary Donald Rumsfeld's zany complaint at a Sept. 12, 2001, White House meeting that "there aren't any good targets in Afghanistan, and there are lots of good targets in Iraq";

and

e) certain Oedipal preoccupations of President George W. Bush.

The purported terror link flatly contradicted the findings of intelligence agencies, and this became widely known to the public before the shooting started in Iraq. For the Bush administration, the absence of credible evidence linking Iraq and al-Qaida was deeply frustrating, especially after the other chief justification for the war—the presence of biological, chemical, and possibly nuclear weapons in Iraq—was disproved.

Then something wonderful happened. The al-Qaida link became true. After the U.S. invasion, Iraq was suddenly teeming with terrorists loyal to al-Qaida. Granted, this was terrible news for the nascent government in Iraq and for the American military, both of which came under violent attack as they tried to impose order. But it allowed President Bush to say, in effect: See? I told you the war in Iraq was part of the war on terror! Thus was born the Flypaper Theory.

The Flypaper Theory states that al-Qaida isn't attacking the United States because it's too busy attacking Americans in Iraq. Although sometimes mistaken for a strategy, this is, in fact, an after-the-fact justification. (If the Bush White House had expected al-Qaida to swarm into Iraq, it wouldn't have predicted prior to the invasion that American troops would be greeted "as liberators, not conquerors.") Lt. Gen. Ricardo Sanchez, then the top U.S. military commander in Iraq, may have been the first person to articulate the Flypaper Theory in a July 2003 interview with CNN's Wolf Blitzer:

This is what I would call a terrorist magnet, where America, being present here in Iraq, creates a target of opportunity, if you will. But this is exactly where we want to fight them. We want to fight them here. We prepared for them, and this will prevent the American people from having to go through their attacks back in the United States [italics mine].

President Bush rephrased this in a June 2005 speech to the nation:

Iraq is the latest battlefield in this war. Many terrorists who kill innocent men, women and children on the streets of Baghdad are followers of the same murderous ideology that took the lives of our citizens in New York and Washington and Pennsylvania. There is only one course of action against them: to defeat them abroad before they attack us at home [italics mine].

Responsible discussion of the Flypaper Theory requires a few caveats. For one thing, not all—or even most—of the insurgents battling U.S. troops in Iraq have been foreigners; in 2005, the Washington Post estimated foreigners represented 4 percent to 10 percent. Even al-Qaida in Iraq, the group to whom the Flypaper Theory seems most to apply, consists largely of Iraqis, and it's more a franchise of al-Qaida than a subsidiary. Another caveat is that the Central Intelligence Agency concluded as far back as 2005 that for Islamist extremists, Iraq was at least as much of a training ground as it was a flytrap. The number of anti-Western jihadis created by the Iraq war probably exceeds the number of anti-Western jihadis killed in the Iraq war.

For our purposes, though, the most significant caveat is that the Flypaper Theory has become at best a historical explanation, not
a guide to current reality. There's considerably less fighting in
Iraq today, and al-Qa'ida in Iraq has been on the ropes at least
since 2007. The group's founder, Abu Musab al-Zarqawi, was
killed in a June 2006 airstrike, and in May, his successor, Abu
Ayub al-Masri, suffered the humiliation of seeing the U.S.
government bounty on his head be reduced from $5 million to
$100,000. Iraq is no longer the jihadi diversion that it used to be
and probably never was the jihadi diversion it was cracked up to
be.

That's good news for Iraq but not such good news for Americans
who worry about a follow-up to the 9/11 attack. To whatever
extent al-Qa'ida and its affiliates were distracted by the war in
Iraq, they aren't distracted now. What happened to all those
trained jihadists? Are they redirecting their efforts to plot against
the United States? We don't know. The Flypaper Theory earns
its place in the worry spectrum not because of what it explains
but because of the many imponderables it can't explain.

Next: "The He-Kept-Us-Safe Theory," in which we'll evaluate the
efficacy of government anti-terror efforts in the years since 9/11.

chatterbox
The Burden-of-Success Theory
How on earth do you improve on 9/11?
By Timothy Noah
Saturday, February 28, 2009, at 8:35 AM ET

This is the fourth essay in a series of eight exploring why the
United States suffered no follow-up terror attacks after 9/11. To
read the series introduction, click here.

Ralph Ellison published his first novel, Invisible Man, in 1952. It
won the National Book Award. The New York Times said Ellison
had "mastered his art." In 1963, Ellison announced he would
soon publish a second novel. The literary world held its breath.
The book was delayed, Invisible Man, meanwhile, became
recognized as perhaps the single greatest American novel of the
postwar period. The years passed. "YOUR SILENCE
PREVENTING WORK," Ellison telegraphed his future wife.
In 1994 Ellison died, his second novel nowhere near completion.

Is Osama Bin Laden the Ralph Ellison of terrorism?

According to this theory, the 9/11 attacks were so stunning a
success that they left al-Qa'ida's leadership struggling to conceive
and carry out an even more fearsome and destructive plan
against the United States. In his 2006 book The One Percent
Doctrine, journalist Ron Suskind attributes to the U.S.
intelligence community the suspicion that "Al Qaeda wouldn't
want to act unless it could top the World Trade Center and the
Pentagon with something even more devastating, creating an
upward arc of rising and terrible expectation as to what, then,
would follow." In a 2008 follow-up, The Way of the World,
Suskind quotes Saad al-Faqih, a Saudi dissident believed by the
U.S. Treasury to have ties to al-Qa'ida going back to the mid-
1990s, predicting an attack "bigger than 9/11." The purpose of
such escalation would be to incite a domestic uprising that
would force the United States to retreat from the Muslim world
and thereby "collapse the world order." The U.S. response to
9/11 in both Afghanistan and Iraq strongly suggests that
precisely the opposite would happen, but never mind. "Terrorists
compulsively drink deep from the well of their own propaganda," Bruce Hoffman, a terrorism expert at
Georgetown's School of Foreign Service, wrote last year. "The
movement doubtless continues to pin its hopes and faith on some
new, spectacular terrorist attack that will catapult al-Qa'ida back
into prominence."

An attack on this scale would very probably require a chemical,
biological, or nuclear weapon. Al-Qa'ida is known to have
pursued all three.

In 2001, the Wall Street Journal discovered a password-
protected file titled "Yogurt" in a computer previously used by
Ayman al-Zawahiri. "Yogurt" turned out to be the code name for
a chemical and biological weapons project that al-Qa'ida had
begun in 1999. "The destructive power of these weapons," al-
Zawahiri had written excitedly (and inaccurately) in a memo, "is
no less than that of nuclear weapons." Al-Zawahiri was
particularly interested in developing an anthrax-based weapon
and hired a microbiologist named Abdur Rauf to obtain the
necessary spores and equipment. It's unclear precisely how far
Rauf got. Al-Zawahiri also hired an Egyptian who went by the
nom de guerre Abu Khabab to develop chemical weapons. This
project developed to the point at which Khabab was able to test
nerve gas on dogs and rabbits. (Today, Rauf is at large but under
surveillance in Pakistan, which refuses to turn him over to the
United States. Khabab was killed in July by an air strike from a
CIA drone in the remote tribal region on the Pakistan-
Afghanistan border where al-Qa'ida's top leaders relocated after
the U.S. invasion of Afghanistan.)

There's scattered evidence these efforts are continuing. In July, a
Pakistani neuroscientist named Aafia Siddiqui with suspected
ties to al-Qa'ida was arrested in Afghanistan and extradited to
New York on charges that she'd sought to kill U.S. troops. She is
currently awaiting trial. When arrested, Siddiqui reportedly was
found to possess documents about chemical, biological, and
radiological weapons ("dirty bombs"). In late January, an al-
Qa'ida affiliate in Algeria reportedly notified al-Qa'ida's
leadership that it closed a facility to develop chemical or
biological weapons after a fatal accident. The speculation was
that the terrorists were trying to weaponize bubonic plague,
though there is ample reason to be skeptical about that.
Al-Qaida has been seeking to acquire nuclear weapons since the early 1990s, when Osama Bin Laden got scammed to the tune of $1.5 million while trying to buy weapons-grade uranium. One month before 9/11, Bin Laden and al-Zawahiri met with Sultan Bashiruddin Mahmood, a key architect of Pakistan's nuclear program, known to possess nutty end-of-days beliefs about nukes and Islam. (Mahmood insisted, implausibly, that his sole purpose was to solicit funds for a polytechnic university he wished to establish in Kabul but that Bin Laden kept pestering him about building al-Qaida a nuclear bomb, which he refused to do. He's been under Pakistani surveillance ever since.) At the meeting, Bin Laden told Mahmood that he'd acquired nuclear material from Uzbekistan but that it wasn't of sufficient grade to make a nuclear weapon. News of this meeting helped fuel a flurry of panic at the Central Intelligence Agency in October 2001 over a report, later proved untrue, that al-Qaida had acquired a 10-megaton bomb stolen from Russia's nuclear arsenal. Al-Zawahiri has since boasted that al-Qaida possesses nuclear weapons, but that's highly doubtful. Pakistan's recent release from house arrest of nuclear scientist A.Q. Khan, who sold nuclear secrets to North Korea, Iran, and Libya, probably increased the risk of nuclear proliferation, but it's hard to know by how much.

Graham Allison, a Harvard political scientist of some renown, wrote in his 2004 book Nuclear Terrorism that "a nuclear terrorist attack on America in the decade ahead is more likely than not." When the paperback came out, he wrote in an afterward that "the likelihood, indeed inevitability, of a nuclear terrorist attack absent a major departure for current policy and practice" had increased over the previous year. In "World At Risk," a report about proliferation and terrorism released in December 2008, Allison and his fellow members of a congressional blue-ribbon panel pushed the deadline back to 2013, broadened the location to "somewhere in the world," and broadened the weapons category to include biological and chemical agents. Such predictions cause other terrorism experts to roll their eyes. John Mueller, a political scientist at Ohio State who believes the terrorism threat is overstated, tweeted Allison for predicting as far back as 1995 that "acts of nuclear terrorism against American targets before this decade [i.e., the 1990s] is out."

In fact, the likelihood of nuclear terrorism isn't that great. Mueller points out that Russian "suitcase bombs," which figure prominently in discussions about "loose nukes," were all built before 1991 and ceased being operable after three years. Enriched uranium is extremely difficult to acquire; over the past decade, Mueller argues, there were only 10 known thefts. The material stolen weighed a combined 16 pounds, which was nowhere near the amount needed to build a bomb. Once the uranium is acquired, building the weapon is simple in theory (anti-nuclear activist Howard Morland published a famous 1979 article about this in the Progressive) but quite difficult in practice, which is why entire countries have had to work decades to acquire the bomb, only sometimes meeting with success. (Plutonium, another fissile material, is sufficiently dangerous and difficult to transport that nonproliferation experts seldom discuss it.)

Gathering material for a biological weapon may be somewhat easier, but actually fashioning that weapon would be harder, as witnessed by the fact that such weapons have scarcely even been deployed, even by nations. On the rare occasions when they have been, they've failed to live up to their billing as weapons of mass destruction. "Perhaps the greatest disincentive to using biological weapons," John Parachini of the RAND Corporation testified before Congress in 2001, "is that terrorists can inflict (and have inflicted) many more fatalities and casualties with conventional explosives than with unconventional weapons."

The same argument applies to chemical weapons. In theory, journalist Gregg Easterbrook has noted (citing a congressional report), under perfect conditions, one ton of sarin could kill up to 8,000 people. But it's "reasonably unlikely" that a terrorist group could acquire that much sarin, and perfect conditions mean no wind and no sun. Even light winds would reduce casualties to 800. You'd be better off detonating a conventional bomb in a city square.

On the other hand: Before 9/11 no self-respecting structural engineer would have predicted that you could reduce the World Trade Center towers and their inhabitants to dust by crashing two planes into them. The threat of an attack even more destructive than 9/11 is what risk analysts call "low-probability, high-risk." The likelihood is remote; the consequences would be devastating. Which probably makes the prospect as tempting to 9/11's murderous creators as finishing the Great American Second Novel was to Ralph Ellison.

Next: "The Flypaper Theory," in which we'll examine whether al-Qaida is (or was) too busy killing Americans in Iraq to kill them in the United States.
happens off-screen for male Cylons. The character Cavil resurrects on-screen in the episode "The Ties That Bind."

In the March 2 "Explainer," an intended reference to the city of Charleston, S.C., was rendered as Charleston, Va. The error was introduced during editing.

In the Feb. 27 "Chatterbox," Timothy Noah neglected to mention, in describing terrorist Eric Rudolph’s bombings of two abortion clinics and a gay nightclub, that a security guard was killed at one of the abortion clinics.

In Part 3 of the "Crimea Scene Investigation" "Dispatches," posted Feb. 25, Joshua Kucera originally misstated the construction date of the Khan’s Palace of Bakhchisaray. The palace was built in the 16th century. He also stated that Refat Chubarov serves in the Ukrainian parliament. Chubarov is no longer a member of the Ukrainian parliament.

In the Feb. 24 "War Stories," Fred Kaplan erroneously stated that only two F-117s flew into Iraq on the first night of the 1991 Gulf War; the F-117 was used heavily throughout the 30-day air attacks. (Two F-117s were used the first night of the Panama invasion, a year earlier.) He also mistakenly said that Serbian air-defense crews shot down an F-117 in Bosnia while the plane was flying in daylight, when it could be spotted by the human eye. The shoot-down occurred in Kosovo and at night. Finally, he erroneously stated that Gen. Norton Schwartz is the first chief in the Air Force’s 62-year history who has never been a fighter pilot; up until the mid-’60s, several were bombardiers. He is, however, the first who’s never been a combat pilot. (He rose through special-ops flying cargo-transport planes.)

In the Dec. 31, 2008, "Explainer," quasars were generically referred to as objects. The mistake was introduced at the copy-editing stage.

In an Oct. 29, 2007, "Politics," John Dickerson misidentified an Iowa government teacher as Ted Bowman. His name is Tod.

If you believe you have found an inaccuracy in a Slate story, please send an e-mail to corrections@slate.com, and we will investigate. General comments should be posted in "The Fray," our reader discussion forum.

With Amazon.com’s recent announcement of profits of $645 million on revenues of $19.17 billion last year, the company isn’t just surviving the recession—it’s pounding its rivals into the dust. So it’s cakes and ale all around for charitable beneficiaries of the Seattle giant’s largesse, right?

Sure—if they’re buying.

While Amazon.com is famously cheap in its prices, it’s also become infamously cheap to the community it lives in. The tacit silence over Amazon’s stinginess was first broken in a 2007 complaint on a Publishers Weekly blog by a rival Seattle bricks-and-mortar bookseller. When Paul Constant, books editor at the Seattle alt-weekly the Stranger, followed up on the post last year, he hit a stone wall: "[Amazon.com] has refused to return repeated e-mails and calls from The Stranger about the company’s seemingly nonexistent contributions to the Seattle arts scene," he wrote at the time. "Internet searches for any sign of philanthropy on behalf of the company prove fruitless."

Wait … no corporate giving at all? None?

Amazon.com’s own account hardly inspires confidence. True, their Giving page cites employee efforts, and the Bezos family maintains its own comparatively modest foundation. The company has also allowed other people’s donation money—and page views—to course through its site. But the only listed donations by Amazon.com itself are a single Nonprofit Innovation Award that has not been given since 2005, and the delivery after “recent flooding in Southeast Kansas, [of] more than 10 pallets of household goods … to local Red Cross shelters in Coffeyville, Kansas.” What they don’t note is that "recent" is July 2007—and, as Amazon.com is the largest employer in Coffeyville, that their own employees may have been among those benefiting from the goods.

Recent Amazon.com SEC filings and annual reports make no mention of grants, charitable donations, local arts support, or any other civic-minded efforts by the online giant. By contrast, their rival Barnes & Noble actually notes community relations in its annual reports and maintains a Sponsors and Charitable Donations page complete with application instructions. For that matter, most multibillion-dollar corporations pay at least some lip service to doing good—especially when the company itself is doing great.

Puzzled, I e-mailed Patty Smith, Amazon.com’s director of corporate communications. Yes, she said, she’d like to hear Slate’s questions. But when asked specifically about the extent of Amazon.com’s charitable contributions—indeed, for any comment at all on a corporate policy regarding philanthropy—the company’s response was silence. Repeated calls and e-mails have since gone unreturned.
Two perfectly reasonable explanations come to mind for this. The first is that Amazon.com is exceedingly discreet—that it changes into superhero tights in a phone booth, then rockets off to provide clean water to poor villages, dole out blankets to shivering orphans, and phone in whopping anonymous grants during Car Talk pledge drives.

The other is that there are lemonade stands that donate more to charity than Amazon.com does.

But should this matter to consumers?

That question animates the recent but largely unnoticed book Creative Capitalism: A Conversation With Bill Gates, Warren Buffett, and Other Economic Leaders, overseen by Slate's founding editor, Michael Kinsley. Beginning with Bill Gates' 2008 Davos speech by calling for "creative capitalism"—a loosely defined "hybrid engine" of corporate do-gooderism and entrepreneurial know-how—Kinsley calls on an all-star panel of economists and capitalists to respond.

If Gates expected his fellow captains of industry to sit in a circle and sing "Kumbaya," it's certainly not what he got. What's remarkable about Creative Capitalism is that the best arguments belong to the tightwads—to those who believe, as Warren Buffett bluntly tells Gates in one conversation, "Basically, I don't feel I've got the right to give away the shareholder's money." By the time Richard Posner comes aboard, the question's not whether corporations should be finding new ways of being charitable—it's whether they should engage in any charity.

The problem, contributor and Yale economist John Roemer notes in his tart essay "Just Tax the Rich," is not that corporations don't care enough—it's that we don't. "Repairing the present injustice should not be left to charity (or corporate philanthropy)," he writes, "but instead should be a state mandate."

Yet the most bare-knuckled takedown comes from where you'd least expect it: beardy Berkeley prof and former Secretary of Labor Robert Reich. Corporate charity, Reich charges, is window dressing with a negligible effect on social problems—and it's actually pernicious. "The message that companies are moral beings with social responsibilities diverts public attention from the task of establishing laws and rules in the first place," Reich writes. "Meanwhile, increasingly, the real democratic process is being left to companies and their lobbyists." He's not speaking in hypotheticals, either; Larry Summers, Obama's new chief of the National Economic Council, joins in to point out that the problem behind Fannie Mae and Freddie Mac was that "the illusion that the companies were doing virtuous work made it impossible to build a serious case for regulation."

This is old-school skepticism—Adam Smith voiced the same concern in 1776—though its modern proponents draw on Milton Friedman, who maintained in his seminal 1962 volume Capitalism and Freedom that "there is one and only one social responsibility of business—to use its resources and engage in activities designed to increase its profits so long as it plays within the rules of the game."

Coldblooded, perhaps, but fair enough: Amazon.com and its shareholders can claim a philosophical purity of purpose and not spend a penny on charity so long they play by the rules. There's just one problem: Amazon.com doesn't much like the rules.

Amazon.com has spent a decade opposing the enforcement of online taxes so that its noncollection of sales tax creates a powerful pricing incentive over bricks-and-mortar competitors. Why buy a MacBook Air in Boston, after all, when online you'll save nearly 90 bucks in Massachusetts sales tax? But there have long been warnings that consumers just might get ruinously addicted to the tax-free ride Amazon and others appeared to be giving them—and that states might just get, well, ruined.

I say the ride appeared tax-free: In fact, there is tax due on some online sales. Amazon and other online retailers have benefited from the lack of an enforcement mechanism. States have started taking notice, and when New York state recently attempted to fix this situation, Amazon.com took them to court—and got shellacked. The company, Manhattan Supreme Court Justice Eileen Branstein ruled last month, did "not come close" to showing that the state was wrong to demand that these taxes be collected. With millions in desperately needed uncollections revenue from online retailers at stake for the state, Amazon.com hasn't said yet whether it will appeal.

But in the meantime, while states watch their programs for the poor go broke, the uncharitable online giant is quite happy for them to eat cake—for just $28.95 plus $9.95 shipping.

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culturebox

What if Woody Allen Had Directed Watchmen?

How other directors might have filmed the comics classic.

By Dan Kois and Ashley Quigg

Thursday, March 5, 2009, at 1:41 PM ET

Plenty of Watchmen fans—and critics—have complained about Zack Snyder, "the visionary director of 300," being enlisted to direct the movie version of the most acclaimed comic book of all time, Watchmen. But it could've been worse! Imagine if Watchmen had been directed by Judd Apatow, or Sofia Coppola,
or Woody Allen. Actually, you don't have to imagine those dire scenarios: We've imagined them for you.

Click here for a slide show of stills from alternate-reality Watchmen films.

culturebox
Watchmen Failed
The revolution it was supposed to inspire—comics about ordinary people—never happened.
By Grady Hendrix
Thursday, March 5, 2009, at 6:34 AM ET

Every time a new superhero blockbuster comes out, it's as if a comic-book shop has exploded, showering chunks of itself across the country: bat-logo on a billboard here, Superman on the subway there, Spider-Man in the supermarket checkout line. The campaign for the latest superhero movie, Watchmen, is a bit of a buzzkill, however, because alongside the gorgeously angst-laden posters of people sulking in the rain, we have to listen to endless defensive lectures on the "importance" and "influence" of this comic book. It was the only comic book included in Time magazine's list of 100 best English-language novels! People have written respectfully about it in the Wall Street Journal and the New York Times. It's a masterpiece!

It's also a failure.

Maybe that's too harsh, but if a work of art can be judged by its influence, then Watchmen failed completely. The first issue of the 12-issue miniseries debuted in 1986. What originally excited everyone were its innovations in design: a vertical, instead of horizontal, logo (to take advantage of the new racking system in comic-book shops), covers that never featured the characters (a big no-no at the time), letters pages and messages from the editor replaced by pages of fabricated text from imaginary books and articles mentioned in the comic. Fans and industry professionals knew it was something special, and it sold well, despite being priced at $1.50 instead of the regular 75 cents, but it wasn't until Watchmen was collected as a trade paperback in 1987 and labeled a "graphic novel" that it crossed over into the mainstream. Along with 1986's Batman: The Dark Knight Returns, Watchmen spawned an avalanche of "Bang! Pow! Zap! Comics Aren't for Kids Anymore!" press coverage. But artistically, Watchmen came and went, and the promised revolution in comic-book storytelling never happened. The comic was written by Alan Moore and drawn by Dave Gibbons, and became to comic books what The Sopranos is to TV: an intellectual fig leaf concealing the vast wasteland of Two and a Half Men reruns.

But Watchmen's failure wasn't that it failed to influence other comics but that the book's most meaningless and shallow aspects were mistakenly hailed as its virtues and then widely imitated. Much praised for its "realistic" take on superheroes, Watchmen made the point that superheroes, realistic or otherwise, were beside the point. Its costumed do-gooders are retired, impotent, or insane, and they generally do more harm than good. Their adversaries are virtually nonexistent, and when we do see them, they look more like Vegas magicians than world-class threats. (SPOILER ALERT!) When the villain's master plan is finally revealed, the heroes are helpless to prevent it from coming to fruition, and millions die.

With this surprising development, the comic reframed itself: Watchmen isn't about crimefighters coming out of retirement and taking up their rightful mantles, but about how they never should have existed in the first place. The nuclear war they're trying to prevent is almost entirely their fault in the first place, and the arms race that preceded it was accelerated by their mere existence. In Moore and Gibbon's alternate world, the only solution to the Cold War is a holocaust. In our superhero-free universe, the Cold War ended peacefully at the hands of regular, strengthless humans, no superheroes required.

In a recent interview, Alan Moore said, "The thing that I most regretted about Watchmen: That something that I saw as a very exciting celebratory thing seemed to become a kind of hair shirt one that the super-hero had to wear forever after. … [T]hey've all got to be miserable and doomed. That was never what me and Dave intended." While the blame can't entirely be laid at the feet of Watchmen, its novelty helped bring about the avalanche of grim-'n'-gritty comic books that followed in its wake. DC comics, the home of Watchmen, would go on to have Batgirl crippled and sexually humiliated by the Joker in Alan Moore's The Killing Joke (a comic that the author himself regrets having written), and DC later staged an event called "A Death in the Family" where the fate of Batman's ward, Robin, was placed in the hands of readers who could call a 900 number to vote on the Boy Wonder's fate. Predictably, they voted for him to be beaten half to death with a crowbar and then blown up.

The year Watchmen came out, DC had already discovered the sales boost that came with knocking off superheroes, having killed dozens of them in their best-selling Crisis on Infinite Earths miniseries. The publisher would, over the years, kill Supergirl, Superman, the Flash, Green Lantern, a handful of Robins, and, most recently, Batman. Watchmen helped kick off a decadent death spiral that would see adolescent violence peddled as adult content full of rape, murder, and corpse-burning.
While the *Watchmen* movie uses the comic book as an excuse to get another superhero property on-screen, what makes the comic a classic are the normal people. *Watchmen* is a so-so superhero murder mystery until in Issue No. 3 it takes on a resonant third dimension when characters who would normally be relegated to walk-on roles in the background take center stage: a news vendor, a kid reading comic books for free at his newstand, Rorschach's therapist and his wife, a gay cabdriver and her activist girlfriend.

A fourth dimension is opened up when a comic book about pirates being read by the freeloading kid at the newsstand becomes part of the narrative, amplifying and commenting on the action. Visual details linger from scene to scene, linking disparate locations and characters; conversations started by one character are finished by another; and every detail, every image, every sentence seems to contain the entire DNA of the story. There is no center because it's all center. The lurid violence of the superhero plotline is overshadowed by truly heroic acts of forgiveness, selflessness, and the facing of hard truths by characters who would normally barely merit a glance in an issue of *Batman*. Needless to say, most of these characters and techniques are missing from the finished film, which views *Watchmen* from only the superhero fan point of view, which is the least rewarding approach.

It is *Watchmen*'s formal invention, its de-centering of the narrative, the way that Moore and Gibbons use the trappings of a superhero story to smuggle in a series of sketches about ordinary people, that is its great achievement. After *Watchmen*, Alan Moore attempted the most ambitious comic book of his career, *Big Numbers*. A miniseries in roughly the same format as *Watchmen*, it would completely avoid superheroes (whom Moore describes as "a bit morally simplistic") and instead focus on the residents of a small British town thrown into disarray when an American shopping center opens in its midst.

Production problems resulted in the cancellation of *Big Numbers* after only three issues, but it's a clear indication that even at the time he was finishing *Watchmen*, Moore was less and less concerned with superheroes and more and more concerned with average folks. The achievement of *Watchmen* is that it showed comics could do something exciting and complex that wasn't tied up in the concerns of the superpowered set. But it's a testament to the power superheroes have over our imaginations that the costumes ultimately overshadowed everything else and will be front-and-center this Friday.

Grim economic times produce indelible images. The Great Depression calls to mind grainy news photos of bank runs and soup kitchens, and the harrowing portraits taken by Walker Evans. The downturn of the 1970s evokes images of yacht-size cars idling in line at the gas station. But what does the current economic crisis look like?

There have been a few old-fashioned bank runs, with lines snaking outside IndyMac and Washington Mutual branches. The image of Bernie Madoff walking near his Upper East Side apartment, a possibly sheepish but maybe just bemused look on his face, has the feel of a lasting symbol. Yet in many ways this economic crisis, despite its deepening severity, has been less visible than previous ones. You can't take a photograph of a collateralized debt obligation.

You also can't take a picture of the unemployed if they never leave the house. In a recent *Boston Globe* essay on what a 21st-century depression might look like, Drake Bennett observed that "instead of dusty farm families, the icon of a modern-day depression might be something as subtle as the flickering glow of millions of televisions glimpsed through living room windows, as the nation's unemployed sit at home filling their days with the cheapest form of distraction available."

Perhaps the stimulus plan will provide funding for a 21st-century Walker Evans. In the meantime, *Slate* is turning to you. We want to know what the recession looks like to our readers—and we want to tap into your creativity and resourcefulness to capture this perilous moment. Readers are invited to submit photos to the Flickr group we've created for this project, which you can visit here. (Further instructions below; don't worry, it's easy!) Periodically, we will choose a selection of striking photographs from the Flickr group and publish them in a slide show on *Slate*.

The success of this project will depend on the imagination of its participants. We welcome photos of closed stores and vacant homes; they're clearly part of this story. But we would like to encourage our readers to find surprising ways of recording this recession. Take a shot of the contents of the box you brought home with you when you were laid off. Take a shot of the handwritten sign at your local coffee shop apologizing for the price hike on two eggs, any style. Rather than shooting the empty storefront, take a portrait of the local druggist who just closed up shop. NPR recently reported on the brisk business mechanics are doing these days as drivers are holding on to their old cars longer—document the silver linings as well as the ominous clouds.

For readers who haven't used Flickr before, not to worry—it's a piece of cake. It's also free. Click here to register for the site. Once you've signed up for an account, you can upload your photos, join the *Slate* "Shoot the Recession" group, and submit photos.

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culturebox

**Shoot the Recession**

*Slate* wants to see your photographs of the economic crisis.

Tuesday, March 3, 2009, at 6:53 AM ET
If you’re a public radio addict like me, you know the despair of waking up on a winter morning, turning on the radio, and hearing not the reassuring tones of Renee Montagne and Steve Inskeep but instead the jarring sound of your local host begging for money. At least twice a year, stations across the land withhold Nina, Cokie, and Sylvia and devote precious drive-time minutes to fundraising. It’s maddening, in part because it reminds us how hopelessly hooked we are. Even after days of interrupted news shows and hundreds of requests for contributions, we still can’t bring ourselves to shift our allegiance up or down the dial.

Pledge drive is last-nerve-frayingly exasperating—but it’s also sheer genius. One recent weekend, I fast-forwarded through the actual programming and listened only to the sales patter, focusing on the winter fundraising campaigns of WAMU in the nation’s capital and WNYC here in New York. What I found was a band of ace pitchmen who know their audience better than we know ourselves.

Herewith, a list of public radio’s 10 most effective fundraising strategies.

1. The perfect gift

Over the years, the good people at public radio have discovered that there are a few choice items that listeners just cannot resist: subscriptions to The New Yorker; new releases from Bob Dylan, Bruce Springsteen, or singers of jazz standards; and commuter mugs. But perhaps no item is more fetishized on air promos than the eco-tote. These logo bags appeal to members’ green consciousness and to their homespun sense of style. (WAMU’s lovingly detailed description of its tote’s dimensions—”10 inches deep!”—is oddly titillating.) The bags also smugly announce to the world that the bearer isn’t a freeloader: “While you’re carrying that shopping bag throughout the market, everyone will see the WNYC logo and know that you supported …”

Click on the player below to hear two odes to totes.

2. The guilt trip

In all the U.S. cities where I’ve lived, no mainstream media outlet has come close to the local public radio station when it comes to reporting on the lives of the urban poor. WNYC deserves $60 from everyone in New York City with an annual income over $40,000 purely on the basis of its amazing "Radio Rookies" project, in which radio pros train inner-city kids "to use words and sounds to tell true stories." So who can blame the stations for stressing this kind of coverage at pledge time? No matter how many minutes of each hour are pre-empted by pitching, WNYC always finds room for stories from the outer boroughs. On the first day of this year’s winter drive, a piece about ACORN working to protect low-income Queens residents from eviction was followed by a plea for support. In other words: Hey, liberal, are you sure you’d rather spend your money on a new iPhone case?

3. We’re here for you—now be there for us

Radio is the loneliest medium, the one we most often experience in solitude. Public radio pitchmen cleverly exploit this by convincing listeners that this solo activity can be a form of community service. For all the talk of membership and community, you’d think sending a check to your public radio station was a social event on a par with buying a round of drinks at the local pub. A WAMU pitchwoman promised that “there is no wall between our audience and our content. … We’re in this community; we’re going down this path together.”

Click on the player below to hear This American Life’s Ira Glass describe listening to public radio as a quest for connection.

4. Your bill is past due

The New York Jets would never let fans into the big game for free and then request donations as they leave the stadium. Public radio gives away its product and then asks listeners to pay once they’re hooked, like the mythical schoolyard drug slinger. The strategy here is to remind listeners how much they rely on public radio (rely is probably the most oft-repeated word during these campaigns) and to ask them to put a price on their dependence. Most stations play it straight—”Think about how much you use WAMU and how you would quantify that in terms of your budget if you received a bill only a couple of times a year.” Sometimes, however, this tactic can feel overbearing—and off-putting. When a host throws out a virtual bill (“WNYC pays over $5 million a year for NPR News and the BBC”), I want to send it back unpaid—I didn’t order $5 million worth of news and information.

Click on the player below to hear WNYC’s Soterios Johnson deliver an on-air invoice.
5. Flattery

As a wag once wrote, "More people are flattered into virtue than bullied out of vice." Without ever mentioning their cousins in commercial broadcasting, public radio fundraisers butter up their listeners by suggesting that writing a check makes them far more sophisticated than the sheep who suffer through the other guys' ads: "Do more than just listen—become an active participant with your public radio station through a contribution to help support the programs." Fundraisers never underestimate the value of a compliment: "A commitment to lifelong learning and a commitment to intellectual curiosity are just two of the shared values that we have in common with our entire radio community here at WAMU." That's right, public radio is for smart people—and really smart people donate.

6. Only you can save journalism

In December 2008, NPR cut 7 percent of its workforce and canceled two shows (including Day to Day). Still, member stations have used the malaise in the rest of the industry to their advantage. The 2009 winter fundraising drives featured more reflections on the sad state of for-profit journalism than ever before. WNYC's news chief reminded listeners that "we're in an environment where a lot of outlets are cutting back their coverage, cutting back on their reporters," while WNYC is launching new shows and new initiatives. Radio Lab's Jad Abumrad stressed public radio's "civil" tone—"the reason you come to public radio and to WNYC is because you want the news put to you directly ... but you don't want it all sexed up with hype and with sensationalism." Another WNYC spot made a subtle political appeal: "Newspapers, radio stations, TV channels—they may be reporting the news, but they're also trying to turn a profit. That's harder than ever right now. There's so much pressure to cut corners, reduce news-gathering, and make the share-holders happy. At WNYC, we don't have share-holders. We have listeners." Don't trust the capitalist press, comrades! Now give us some money.

Click on the player below to hear three pitches that invoke the sad fate of journalism.

7. You're not just helping us—you're helping your fellow listener

Public radio fundraisers are masters of the moment, able to turn any trend to their advantage, even a dire economic crisis. This year, it's impossible to ignore the frugal tenor of the times—so WNYC's Jad Abumrad made an explicit call for still-solvent listeners to contribute on behalf of their less fortunate brethren: "A lot of WNYC members and listeners have lost their jobs, lost their businesses. So, let me just sort of put a message out to the people who, you know [raps on table], have not lost their jobs, and to say, consider making an additional pledge, an extra $20, an extra $30 to help cover those people who right now are listening, relying on public radio, but they can't—they're not in a situation where they can make that pledge just now, and they'll get there next time."

Click on the player below to hear Jad Abumrad talk his way around the recession.

8. Niche marketing

The best of public radio's weekend shows have distinct personalities: the discursive storytelling of This American Life, the self-deprecating bickering of Car Talk, and the cozy in-jokes of A Prairie Home Companion. All these shows produce special pledge editions, pitching in their signature styles. Ira Glass clearly missed his calling in sales; he is a master of the "ask." He appeals to his people in their native tongue, sarcasm, calling on them to show their love for the show rather than the station it happens to be playing on: "There is one sure way that you can send a signal to this radio station that you like this program, and that you want them to continue running this program, and that is to call right now. ... Not later, not in an hour, during that other show that comes after us."

This American Life has another approach to fundraising, one that only a secret policeman could love. They ask listeners to "turn in your friends and loved ones who consistently listen to This American Life and other public radio shows, but never pledge." Ira Glass then calls up some of these delinquents and shames them on-air. As someone who grew up with scary ads for the BBC's TV-license detector vans, I find these spots thoroughly creepy, though I'll concede that they're memorable and almost certainly effective.

Listen to Megan, Paul, and Kathleen get caught in the act of not donating; for a transcript of the Megan call, click here. Click on the player below to hear Ira Glass speak fluent sarcasm.

9. The match game

There's no math section on the public-radio-host aptitude test. I know this because every time a station announces a "2-for-1 match" in progress—that is, some beneficent superdonor has agreed to double each regular member's contribution during a set time period—they feel compelled to do the sums. Badly. "That means if you donate $60 before noon, it's worth $120 to WNYC. If you donate $75, it's worth $140, I mean ..." These matches engender skepticism in public radio haters, who believe the challenges are bogus—the superdonors are going to give a set sum come what may—and suspicion in even the most loyal listener. Matches do generate a sense of urgency, but the tactic can also be counterproductive since some listeners may delay their pledge until a match is in effect, by which point second thoughts set in.
10. Stop me before I pitch again

The last day of a campaign is the best time to listen, and not just because it's almost over. The staffers are so slap-happy, they start to mangle the phone number they've repeated thousands of times, and the unintentional comedy that results can be highly entertaining. At the tail end of a weeklong pledge drive, station staff members are at their loopiest. (The backroom staffers, who only appear on-air during pledge drives, seem to get particularly punch-drunk in the final days.) Yet smart stations turn even this cabin fever to their advantage—public radio listeners are sensitive people, the thinking surely goes, perhaps they'll take pity on these poor souls and call in a pledge to spare them further embarrassment.

Click on the player below to hear a WAMU staffer's rambling but brilliant final-day anecdote.

Personally, I prefer to donate on my own schedule, rather than succumb to the nagging of a pledge drive. In other words, I'm an easy target for yet another arrow in the public radio quiver: Give early and shorten the fund drive. I'm also, however, a sucker for the right gift. This year I couldn't resist the umbrella. It's "lightweight, yet sturdy"! It has a "molded hand grip"! But most important, it's got that WNYC logo, so everyone knows I've done my part to help pay for the kind of quality, in-depth reporting New Yorkers have come to rely on from their public radio station. Shows like The Takeaway and—Oh God, I really am brainwashed.

Does your local station have a particularly effective fundraising tactic? Tell us about it in the Fray.

sidebar

Return to article

This is Ira Glass of This American Life, and we asked you to turn in your friends, your family, your loved ones—basically any long-time listener who you think should be pledging but hasn't. And you did.

[Phone rings]

Woman's voice: Hello?

Ira Glass: Hi, is this Megan?

M: Yes, this is Megan.

IG: Hey, Megan, it's Ira Glass, and I'm calling because I got an e-mail from your friend Elizabeth Dayton.

M: Yes.

IG: She wrote me and said, "My best friend Megan is an exemplary human being in every respect except for this: She is a non-pledger."

M: [Laughs] She turned me in?

IG: She turned you in. "She has been a student for the past two years," your friend writes, "but has just landed a new job with a comfortable salary, a salary I would like to note that is considerably greater than mine. I share her frugality, but it is time for her to come to the other side."

M: Oh, Elizabeth, Elizabeth. She's a wise friend, and I will agree that I should pay my dues.

IG: So, why haven't you pledged?

M: Well, at times I've just thought that the money could be better spent elsewhere.

IG: [Music starts in the background] Like what?

M: Perhaps buying extra fruit that's on sale. Or part of my money that I could have contributed was being spent for happy hour after a very harsh week at school—not that I'm helping myself out here.

IG: No, you are not.

[Phone conversation fades out]

IG: Happy hour? Can I just say that if each of you who were listening right now would just call and pledge and don't bother with, like, the dollar a day amount. If each of you would call and pledge the amount that it cost to buy a round of drinks for your friends, ladies and gentlemen, we could end the pledge drive right now. Maybe forever. It would be the biggest deluge of money we'd ever seen if every person would give us $15, public radio would just be set for years.

[Back to the phone call]

M: I would agree that it would be [incomprehensible] right now.

IG: Friends, is this you? Have you been listening for years and never donated? I don't think you should make us come after you. Don't be like Megan.
M: Huge amounts of shame washing over me right now. It is excruciating, and my face is a little flushed right now.

IG: Do the thing you know you’ve been meaning to do.

M: Save yourself.

IG: Yes, save yourself.

M: Just go ahead and pledge.

IG: And here’s how you pledge.

day to day
Office Insanity
Monday, March 2, 2009, at 3:44 PM ET

Monday, March 2, 2009

Explainer: Coping With Stressed-Out Co-Workers
The economy and workplace tension are enough to drive anyone nuts. Juliet Lapidos wrote a how-to piece on what to do if your co-workers actually seem to be going crazy. Steve Proffitt reads it. Listen to the segment.

Dear Prudence Video: Bed Buy Blowback

Dear Prudence,
Four months ago my mother, who is in her 60s, told me that if I promised to keep a secret from my siblings, she would tell me something. Curiosity got the better of me, and I agreed. She said a medical scan showed several small tumors in her lungs. She opted not to have a biopsy done, even though that is what the doctor recommended. She had a second scan a few months later, and two of the tumors had grown. She refuses to let the doctors determine if they are cancerous and says she would not treat them if they were. Within the last year, she has lost several family members to unsuccessfully treated cancer. I am torn between keeping my promise to her (and her right to determine her own treatment) and a responsibility to my siblings. Maybe they could convince her to seek treatment. I think Mom's decision is foolish and fatal, but I wouldn't want other people making medical decisions for me while I was of sound mind. Should I man up and carry this knowledge alone?

—Not a Doctor

Dear Not,

Your mother obviously needed someone to confide in, but I'm
afraid even though you've made a promise to her, this is the kind of secret that places such a grave burden on the bearer that you're entitled to breach her confidentiality. Leaving aside the medical issues for a moment, think of the painful, untenable situation this puts you in with your siblings. Eventually your mother's illness will be revealed, and when it inevitably comes out that you've known all along about her decision to forgo treatment, it will cause a terrible rupture over your mother's favoritism and how that meant your siblings were unable to try to reverse her decision. Your mother's choice is obviously tearing you up, but you would be more at peace with it if you didn't feel part of a conspiracy to prevent the people who care most from convincing her to reconsider. Sit your mother down and tell her your love and concern for her make it impossible to keep her secret any longer. Say the rest of the kids are entitled at the very least to know what she is going through. Explain that together all of you can explore with the doctors a treatment plan that your mother will find acceptable. If it is lung cancer, you must act now—part of the cruelty of this illness is its swiftness.

—Prudie

Dear Prudence,

My son is engaged to a wonderful girl, and I am very happy about their pending nuptials. The problem is the size of the wedding. They expect to have around 300 people at their wedding—only about 50 from our side. Her family is not financially comfortable and neither are my son and his fiancee. Her parents expect my ex-husband and me to contribute to this wedding. My son asked if I would be willing to pick up the bar tab for the wedding. I would love to give the children a generous gift of money, but if I pay that bar bill, which will be in the thousands (and which I don't want to pay), I will not be able to give them anything. My ex and I paid for our children to go to college so they would be debt-free. My son's fiancee is still paying off her student loans. So far, my son has been railroaded by her family and wants to please his bride, but I think it's insane to go into debt for a wedding. What can I say and do?

—Wedding Debt

Dear Prudie,

It sounds as if your son and his fiancee are looking for an adjustable-rate marriage. I know they've been busy with the catering menu and all, but it's just this kind of attitude of "It doesn't matter if I can't afford it; I want it" that has helped cause the economic catastrophe that they might want to note is occurring around them. This young couple already has nothing, so better to keep it that way than start their married life with something: a pile of credit card debt and some leftover cocktail napkins in their color. You are free to tell your son you cannot pay a bar bill for what is a folly that will put horrible stress on this new stage of his life, and you hope he and his fiancee decide to radically scale back their plans. But only he can tell his beloved that, as unfair as it is, the Obama administration has yet to propose a bailout for subprime wedding planning.

—Prudie

Dear Prudie,

When I was in college, my parents divorced after 25 years of unhappy matrimony. Two years later, my mother was remarried—to her first cousin. I was mostly horrified but also very confused because the marriage is in conflict with the values that I thought I shared with my mother. However, after several years, my mother is happier and healthier than I have ever seen her. While I don't like the situation, I do accept it. Now I've fallen in love. My boyfriend is amazing and somebody I hope to share my future with. Eventually my boyfriend will have to meet my family, who mostly live several states away. My mother's marriage remains a hot topic at family gatherings, so I know I need to tell him before he meets them. Is there any way to share this family secret without scaring him away?

—No Idea How To Start This Conversation

Dear No Idea,

I don't understand why the DNA similarities between your mother and her spouse are even worth a conversation, let alone why you continue to feel that something Gothic and unspeakable has taken place. It's true a majority of states either bar or restrict the practice, but this editorial points out that "neither the scientific nor social assumptions that informed [the laws] are any longer defensible." My colleague William Saletan noted that about 20 percent of the world's marriages are between cousins. (Two of its happier practitioners were Charles Darwin and his wife, Emma.) Yes, statistics show there is a small increase in birth defects among the children of cousin marriage, but clearly no offspring are springing from your mother's union. Saletan's concern about keeping marriage in the family is that when such a marriage fails, you're all still stuck getting together at Thanksgiving. But in this case, consanguinity has resulted in sanguinity. What you need to do is let go of your ridiculous feeling of shame over this. When you mention it to your boyfriend, do so in passing, to convey the triviality of the fact that your mother and stepfather are kissing cousins.

—Prudie

Photograph of Prudie by Teresa Castracane.

dialogues

Making Sense of the Credit Debacle

Failure to connect the dots.

By Jesse Eisinger, Daniel Gross, Duff McDonald, Barry
Ordinarily, the stories of financial epochs are relatively simple affairs—the buyout craze and Michael Milken in the 1980s, the dot-com boom of the 1990s, and Enron. And for the authors who tackled the subjects, it was relatively easy to locate the key individuals and the geographical center, to organize a narrative and describe the fallout. These episodes had clear beginnings, middles, and ends. But chronicling the period we’ve been through—a global bubble in housing, housing-related credit, risk-taking, and commodities—is much more challenging. Instead of one big story, there are a half-dozen interlocking stories: Bear Stearns and subprime, AIG and credit-default swaps, Madoff and Stanford, sovereign wealth funds and London’s rise, hedge funds and private equity firms, commercial banks and investment banks, central bankers and the Securities and Exchange Commission, the credit-rating agencies and homebuilders. It’s a sprawling, contentious drama that continues to unfold in real time and whose true consequences may not be apparent for years.

Writing a book, as I’ve just done, is one way to try to wrap your mind around a big, gruesome problem. (Dumb Money: How Our Greatest Financial Minds Bankrupted the Nation) has just been published as an e-book, available on the Kindle or Sony Reader, or an Audible. Readers interested in seeing a PDF of the first chapter or learning about a paper version should send an e-mail to: dumbmoney@email.com.) But writing this brief book raised as many questions as it answered. The fact that this crisis moves so rapidly into new areas and phases requires continual assessment and reassessment. So I’ve invited several other writers who have lived through, reported on, and written smartly on the boom to work through some of these unanswered questions that remain during the bust. They are: Barry Ritholtz, a money manager, proprietor of The Big Picture blog, and author of the forthcoming Bailout Nation; Jesse Eisinger, columnist at Portfolio; Gillian Tett, an assistant editor at the Financial Times and author of the forthcoming book on how financial innovation went so wrong: Fools Gold: How the Bold Dream of a Small Tribe at J.P. Morgan Was Corrupted by Wall Street Greed and Unleashed a Catastrophe; and Duff McDonald, a contributing editor at New York and Portfolio who is completing a biography of Jamie Dimon of JPMorgan Chase.

One of the large questions I’m still wrestling with might seem more appropriate for Philosophy 101 than for an advanced course in financial disasters. And that’s the conflict between human agency and structural forces. If you watch the testimony, listen to the excuses and halfhearted apologies, there’s a sense from all involved that the financial and economic forces unleashed over these last eight years were so unpredictable, capricious, and powerful that mere humans—even titans of Wall Street—were powerless to resist. It was a force majeure (Donald Trump), a “perfect storm” (Robert Rubin), a “once-in-a-century credit tsunami” (Alan Greenspan). Of course, that’s bollocks. There was nothing predetermined or predestined about the failure of Lehman Bros., the implosion of AIG, or the subprime housing debacle. History unfolded over the last seven years as it has always has, in a contingent matter. At every point, the future outcome was in doubt. And so my first question is something of a counterfactual one. What were the moments in which an individual (or individuals), or an institution (or institutions), or a policymaker taking discrete and definable actions might have averted some of the problems we’re now facing?

Barry, why don't you start us off?
to a form of payola and the misaligned compensation system on Wall Street that pays people for short-term gains despite ongoing long-term risks. There's a lot more, but I cannot forget the misguided deification of markets—a false belief system that led to a radical deregulatory philosophy that ignored the abdication of lending standards ("Innovative," said Greenspan) among the subprime lenders.

From: Gillian Tett
To: Jesse Eisinger, Daniel Gross, Duff McDonald, and Barry Ritholtz
Subject: Bear Stearns' Failure as an Opportunity
Posted Monday, March 2, 2009, at 12:25 PM ET

I have been pondering this question. The story of the banking disasters that have unfolded over the last two years is essentially a tale of terrible chain reactions and a slow-motion collapse of faith. First faith in credit ratings collapsed (in the summer of 2007), then in shadow banks, then in real banks. The next logical step is that we will see faith in governments collapse, too, but let's pray we don't get to that stage. Even without that, the problem right now is that nobody has any idea what anything is worth anymore, what they can trust, or what the next twist in this saga is. We are in a world of unknown unknowns, to paraphrase Rumsfeld's infamous quip, at least in the minds of many investors.

We have got here because time and time again the policymaking world and banking community have ducked away from addressing the issues and trying to establish real values. Remember Ben Bernanke saying that the subprime losses would be no more than $100 billion (May 2007)? All those Wall Street bankers saying that the problem was contained (fall 2007)? The repeated efforts that were made to prevent true price discovery for all those collateralized debt obligations? If assets are not traded and none of the flashy models work, then no one has any idea what anything is worth. Credit is not just about numbers but about human psychology. In a vacuum, faith crumbles.

So, alongside all the other really obvious "what ifs" that I am sure that others will point out in relation to Lehman Bros., et al, here is a less obvious one: If bankers had pressed ahead with their threat to conduct a public auction of the CDOs sitting on the books of the Bear Stearns hedge funds back in the summer of 2007 (remember that?), things might not have been so bad today. The huge irony sitting inside 21st-century finance is that while bankers presented their innovations (such as CDOs) as a step to create better markets, they hated the idea of letting these trade in a way that would create true market "prices." If they had been forced to engage in price discovery earlier, though, it would have been clear to everyone the degree to which the models had malfunctioned, and the banks would have been forced to write down their books at an earlier stage. It might have even prompted some coordinated action by the governments and banks at an earlier stage, before the problems truly spiraled out of control and investors lost faith in anything and everything that governments and bankers ever said.

From: Duff McDonald
To: Jesse Eisinger, Daniel Gross, Barry Ritholtz, and Gillian Tett
Subject: Dimon in the Rough
Posted Monday, March 2, 2009, at 2:24 PM ET

I think what I'll say will likely echo most of Gillian's sentiments. In researching my book on Jamie Dimon, CEO of JPMorgan Chase, I've been confronted by the question of just how this one bank came to avoid many of the pitfalls that its competitors fell into. Where collateralized debt obligations are concerned, the chiefs of investment banking at JPM (Bill Winters and Steve Black) seemed to figure out, long before the competition, that the risk-reward trade-off of underwriting CDOs with the likelihood that you might end up holding a portion on your own books was not worth the risk. Why the others did not figure this out is simple: The fees were too easy, and they were too lazy to realize those fees weren't worth the risk. Did JPMorgan dodge the total bullet? Of course not. They've been hung out to dry on their leveraged loan exposure and are about to suffer the effects of being a bank in a down economy—bad mortgages, bad car loans, bad credit cards. But that's the business of being a bank. Dimon would tell you that himself.

From: Jesse Eisinger
To: Daniel Gross, Duff McDonald, Barry Ritholtz, and Gillian Tett
Subject: Let's Have a Hanging Party
Posted Monday, March 2, 2009, at 3:55 PM ET

Just because there was a Big Lie doesn't mean there weren't a lot of little liars. I'm coming down on the side—which is out of favor and much dismissed—that would argue there was massive fraud in the U.S. economy. And I mean that it wasn't just intellectual fraud and it wasn't simply a matter of people wanting to believe something that was too good to be true. There was much of that, to be sure, but there was much criminality as well.

The problem is that if you chalk the credit crisis up to human nature—if you say that everyone was guilty of self-deception and therefore no one is guilty—then you resign yourself to thinking such crises are inevitable, that boom-and-bust cycles must happen. You throw up your hands. You absolve people...
who shouldn't be absolved. It's a failure of imagination about what our society can be. Booms and busts might be with us, but the fallout doesn't always have to be devastating. These crises don't have to be this widespread. We can envision a society where the incentives aren't skewed so much in the direction of making great wealth, which pushes people to take great risks and lie to avoid the consequences.

Barry is right that there was a series of bad decisions made at each step that weren't fraudulent that led to the great credit bubble. But these decisions weren't accidental. There were two kinds of governmental failure in the past several decades: One was active financial deregulation; the other was the purposeful malignant neglect of government's regulatory role in overseeing the markets. Regulators were defanged.

I'll mention just two examples. The first is when Alan Greenspan, the chairman of the Fed, blocked Fed Gov. Ed Gramlich's efforts to have the chief banking regulatory arm of the country take a more active role in subprime lending. The second is the SEC's decision, which Obama's new chairman, Mary Schapiro, is repealing, to require enforcement lawyers to get the OK from commissioners before moving on cases: This was an intentional roadblock to securities enforcement erected by ideologues and cronies in the Bush administration. After all, the first SEC chairman appointed by Bush was Harvey Pitt, a lawyer who had a long career defending companies from accusations by the SEC.

I bring up Pitt's name because I attended an interesting panel last week hosted by—plug alert—Portfolio on Bernie Madoff and the financial scandal. Pitt sat on the panel with Jim Chanos, the noted short-seller, and Elie Wiesel, a Madoff victim. Chanos said that an under-covered aspect of this meltdown has been "criminality in executive suites," charging that big banks and Wall Street firms had been lying about the state of their books while raising money in the capital markets. He pointed out that Lehman's hole on its balance sheet was roughly $150 billion, while raising money in the capital markets. He pointed out that Lehman's management fees and at their lowest when using values for other circumstances. Those might be justifiable in certain occasions, but he suspected that the marks were probably at their highest when the firms were calculating their management fees and at their lowest when using values for other purposes. "There will be criminal cases. They will be difficult, but they will be made and they have to be done."

We had a decades-long gutting of the enforcement capabilities of government and an elevation of the religious faith that markets would correct mistakes magically and therefore could police themselves. There are several areas in which this took place, where people conducted themselves by habitually misleading their customers, beholden to irreconcilable conflicts of interest:

**Predatory lending**

Columbia Journalism Review's Dean Starkman and Ryan Chittum have made the point over and over again that much subprime lending was simply fraudulent. People who should have qualified for prime loans were given more expensive subprime ones instead, because it was more lucrative for the mortgage brokers, lenders, and Wall Street firms.

**Accounting and balance sheet fraud**

I believe it's clear now that Lehman's top management systematically and purposefully overstated the value of its assets in the weeks and months leading up to its demise. The SEC should have roped off Lehman as a crime scene the weekend it went under. Dick Fuld is being investigated. He should be. How culpable were the accountants?

**Credit Rating Agencies**

E-mails have surfaced that show people at the ratings agencies had serious misgivings about their systematic overrating of the toxic structured finance paper that spread throughout the system, causing more than $1 trillion in losses in the global financial system. Credit-rating agencies were paid by Wall Street firms, which designed this paper. I don't feel they have been adequately examined for their culpability in this debacle, though there are ongoing investigations.

So, start stringing people up, I say. Or at least, sending down the indictments.

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**From:** Gillian Tett  
**To:** Jesse Eisinger, Daniel Gross, Duff McDonald, and Barry Ritholtz  
**Subject:** Kinder, Gentler Justice  
**Posted Tuesday, March 3, 2009, at 6:59 AM ET**

Jesse, I am not sure using the word *criminal* is helpful, since it is apt to create the idea that the problems can be pinned on a small minority while letting off the majority scot-free, and it also detracts from the systemic problems. If we ignore those then I think we are doomed to repeat the pattern to a much greater degree than if we try to look at the systemic problems and the lessons to be learned. Did sticking the Enron executives in jail stop the same games from occurring again? No, it simply made great entertainment. Perhaps the sight of the humiliation was a deterrent for some. It certainly made the auditors paranoid about letting groups such as AIG use flattering numbers for their supersenior stuff this time round, but everyone was so busy.
chasing the "criminals" that they forgot to push as hard to reform the entire off-balance-sheet game.

Don't get me wrong: I am appalled by the collapse of ethics and disgusted by what many financiers have done. They should be criticized heavily. But I am worried that if America now stages a set of endless public trials, that will distract us all from the real reforms that are needed while producing little additional deterrent to what has already been created. I reckon the best "punishment" is to force senior executives at the banks that produced the biggest losses to spend time doing community service in a subprime-affected area and make big financial donations to be channeled into those areas. That at least would help them do something they rarely did: think about what lay at the end of the financial chain they created.

From: Jesse Eisinger
To: Daniel Gross, Duff McDonald, Barry Ritholtz, and Gillian Tett
Subject: Let's Not Be Soft on Crime
Posted Tuesday, March 3, 2009, at 11:36 AM ET

Thanks for your response, Gillian. You have articulated exactly the view with which I disagree. "Heavy criticism," eh? Poor Dick Fuld! I don't know how he would hold up under the strain of some really sincere and constructive condemnation.

First off, let me try to respond to your idea that sticking Enron executives in jail did nothing to prevent the same games at other companies. I disagree entirely. I think high-profile prosecution deters white-collar crime. White-collar criminals have a much larger stake in society and are therefore tractable. They see ex-Tyco CEO Dennis Kozlowski rotting away in Sing Sing, and they don't want to be like him.

What's more, I think Sarbanes-Oxley, while slightly flawed in parts, did its job. Here's an anecdote, which Dan can vouch for. A hedge-fund manager told us, when we were sitting in a roundtable discussion about "Ethics and Capitalism" (don't laugh) at the Chautauqua Institute, that he had wound up his accounting-fraud group within his fund because corporate books were so clean the team wasn't ferreting enough bad stocks out.

Some data appear to back this up. Mark Cheffers at Audit Analytics, an accounting research firm, sent me his group's recent report about annual restatements. In 2008, restatements at U.S. corporations fell to 869 from 1,235 in 2007. The 1,235 figure from 2007 was itself a 31 percent decrease from 2006. He wrote: "The downward trend appears to be attributable to the improved reliability of internal controls over financial reporting (ICFRs) implemented in response to the Sarbanes Oxley Act of 2002." (He concedes that it may have to do with lax accounting enforcement at the SEC, so we'll have to keep an eye on it.)

Yes, we need big structural regulatory reforms, as I have written. We need better capital-adequacy requirements and limits on leverage. We need to regulate the derivatives markets and hedge funds. We need to bring back muscular antitrust restrictions and probably enact some form of Glass-Steagall again. Paul Volcker's Group of 30 report is a good place to start.

But I don't think you can separate the issue of criminality or jettison the idea that executives conducted themselves illegally. In fact, I think reform cannot happen if we let everyone off with some heavy criticism.

I don't think criminal trials will "distract us all from the real reforms." On the contrary, I believe they would help create the political will to carry through with true reform. Without it, we will get a show of remorse from the bankers and window-dressing instead of overhaul.

From: Duff McDonald
To: Jesse Eisinger, Daniel Gross, Barry Ritholtz, and Gillian Tett
Subject: Shocking Lack of Accountability
Posted Tuesday, March 3, 2009, at 2:09 PM ET

I am going to have to agree with Jesse that part of the issue driving this collapse was the complete lack of fear of ramifications on the part of those bending the rules to suit their personal goals. I remember 11 years ago, when I wrote a story for Money magazine about simple broker fraud, being shocked by the realization that even the most egregious violations of trust—churning someone's account into oblivion, for example—more often than not resulted in a nonadmission of guilt and a three-month suspension from the markets. We still have much the same situation today despite high-profile imprisonments of Dennis Kozlowski, Jeff Skilling, and Conrad Black. And it means that people are still willing to break the rules with relative impunity. I do think you're wrong, Gillian. The white-collar class in this country does not relish the idea of spending time in the slammer. Send a few lower-level types to prison—Bear Stearns' Ralph Cioffi, for example, if he's found guilty of fraud—and you're going to do a lot more than merely shame one person.

Accountability, too, is something that's been in short supply. How it is that none of the boards of directors of these failed firms has been found personally liable—isn't that the whole idea behind fiduciary responsibility in the first place?—is amazing to me. They either turned a blind eye or didn't bother policing that which they were supposed to, and we've allowed to let them...
merely resign? I wrote about Conrad Black’s fall for Vanity Fair a few years back, and I thought it particularly telling that high-profile names like Henry Kissinger and Marie-Jose Kravis were allowed to simply "resign" from the board when the shit really hit the fan. They were asleep at the switch and let a rogue CEO literally steal from shareholders. After taking several years of ridiculous payments for their troubles, they’d just decided they’d had enough? I’m not sure this kind of lack of oversight merits imprisonment, but it could surely result in disgorgement of those directors’ fees, at the very least, if not a higher level of personal liability.

As for the rating agencies, what I find sad about that is that they were ultimately the patsies of the investment bankers they worked for. And for what? Those analysts don’t make Wall Street salaries per se—they’re closer to the level of government salaries, if I have my details right. It’s like that unfortunate category of business journalists who have a knee-jerk reaction to defending business interests in any particular conflict. Why? Because they believe in the system itself and feel any individual threats to its reputation put the whole thing at risk? The financial world took this free-market force field that so many people helped put around it and damn near blew itself to smithereens. And they did it with no small dose of help from the likes of the Wall Street Journal’s editorial page.

I do think we should, though, have some sympathy for the majority of those working at the SEC and the like. Putting aside the case of the roadblocks put in place by the last administration, I have found most people I’ve interacted with at the SEC over the years to be truly decent people trying to do a tough job against crazy odds. It is amazing, though, how people like Harvey Pitt find their way in and out of these revolving doors. The man represented Ivan Boesky, for God’s sake. While I agree with the idea that everyone deserves a hearing (actually, I don’t, but let’s pretend I do), I find it hard to believe that we don’t have less conflicted people around who might do a good job running the agency.

Greenspan, what can I say? He got away with proffering up his ridiculous economic mumbo-jumbo in front of the American people for his nearly 20-year tenure because the money we were all making made us want to believe he was actually a true wise man. It’s clear in retrospect—ask Bill Fleckenstein if you want the details—that he was not only unwise but reckless in the extreme. What baffles me is that the man won’t actually just go quietly off into the wilderness at this point. He thinks somebody is still listening. I wonder who that might be.

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From: Gillian Tett  
To: Jesse Eisinger, Barry Ritholtz, Duff McDonald, and Daniel Gross  
Subject: Thoughts From Moscow on Show Trials  

Well, having arrived in Moscow (where the weather is cold and gray and the mood feels similar), I can now pen a response. You might have decuded from my last, hastily written message that I am in the camp that wants to "go soft" on the bankers. That is absolutely not the case. On the contrary, one of the reasons I worry about the excessive focus on show trials, etc., is that I think it will actually end up letting most bankers off too lightly. By all means, where there are clear-cut cases of criminality, prosecute. In the cases of Madoff or Stanford, such prosecutions are clearly going to happen. Perhaps in relation to some of those who were in charge of the banks or hedge funds, similar cases will emerge. But I would hazard a guess that much (if not most) of the most pernicious behavior that created the credit madness was behavior enacted inside the law. Why? Because many financiers have spent the last few years pouring huge amounts of effort into regulatory and legal arbitrage and using innovation to constantly go to the limit of the law while behaving in stupid and utterly unethical ways. Indeed, one might suggest that legal arbitrage of some form or other has been a central driver for innovation.

So, if you just focus on the strict "Did you breach the letter of the law?" argument, you may end up missing much of the worst behavior. You may also encourage more of the same legal arbitrage in the future, i.e., financiers will end up dancing around the rules in whatever ways they can, and damn the wider consequences or the ethics, as long as they meet the letter of the law. The Enron trials might have made white-collar executives very nervous about breaching laws and horrified by the thought they might end up in prison if they did so. But while making people stick to the letter of the law, did they make them adhere to the spirit? Did the trials prompt financiers to stop and think about the wisdom of off-balance sheet vehicles that might be technically legal but conceal activity from investors or regulators? Did they stop bankers from creating products to conceal leverage levels? Did it stop bankers or anyone else from trying to book profits upfront? As far as I can see, the answer is "no."

So, Jesse, et al, chuck me some ideas about how you deal with this. I offer that not in a combative way but more because I am searching for answers, like many others. I agree that merely saying "tut tut" is too weak, but I would feel sick to the stomach if we end up with a situation in 10 years time where a half-dozen colorful financiers have been at the center of show trials that made them look terrible and left everyone else feeling they were basically OK because they were not in those show trials. Before I became a journalist, I used to be a social anthropologist. I learned that ritual sacrifice often serves the "function" of enabling a society to feel a sense of atonement or release. If we end up with that occurring via show trials on Fox or CNBC or wherever else, that will miss the point this time (even if it also
produces fabulously colorful copy for all of us journalists!

Gillian

From: Daniel Gross
To: Jesse Eisinger, Duff McDonald, Barry Ritholtz, and Gillian Tett
Subject: Splitting the Judicial Difference
Posted Tuesday, March 3, 2009, at 5:26 PM ET

On the corruption/criminal issue, I come down somewhere between Gillian on the one hand and Duff and Jesse on the other, perhaps tilting a little toward Gillian’s point of view. This might be a little too Talmudic or Jesuitical (pick your preferred sectarian mode of thinking about complex issues). But it strikes me that there are several different forms of corruption that have been on display that cry out for different types of responses.

There’s the corruption of the thoroughly-legal-yet-thoroughly-destructive business model: i.e., the fact that the simple structure of the business at hand is absurdly corrupt and yet largely legal. Think Wall Street investment research in the 1990s: the rating agencies getting paid by the investment banks to rate structured financial products or advisory firms getting paid by companies selling themselves to private equity firms to issue “fairness opinions.” (Wasn’t it funny how the price agreed to was always fair?) This type of corruption cries out for systemic reform/action rather than individual trials, along the lines of what Eliot Spitzer did—hammering out settlements with the big players in investment research, making them pay, and forcing them to change their ways. It may even require legislation a la Sarbanes-Oxley.

There’s the corruption of laziness, incompetence, and stupidity—the abysmal performance of board members that Duff refers to, poor management by CEOs, Greenspan’s excellent adventure, or what Barry has referred to as “nonfeasance” by regulators. This is a really pernicious form of corruption, and in the Bush administration, it was endemic: People who had no real intention of regulating aggressively were routinely appointed to regulatory posts. Chuck Prince was woefully out of his league as CEO of Citigroup, and the board members failed to recognize that. Ditto for the sages at Lehman, the executives at AIG who oversaw the people running AIG Financial Products, the whole Fannie/Freddie complex (executives, board members, regulators), and the whole debt-underwriting complex. There are a variety of motivations at work here, although fees were the biggest single motivator. But what percentage of these activities were actual crimes? The executives who signed off on underwriting all the debt Sam Zell and Tribune Co. sold to pull off that absurd failed deal—did they commit crimes? Almost assuredly not. All the horrific numbers surrounding the company, its industry, and its prospects were fully disclosed. How about all the fund managers and asset managers who snapped up pieces of that deal? Again, almost assuredly not.

With these first two types of corruption, public trials don’t seem to be useful. The bad actors feel the pain through regulatory action that, in many cases, puts them out of business as well as through market action that destroys their wealth and reputation and even their industries.

Then there’s the corruption of not complying with regulations, of stealing, of lying to the public, of providing a certain set of numbers or data to the public while discussing a different set of numbers in private, or selling public office for private gain, or simply refusing to do your expressed fiduciary duty. And for these people—a broad stretch of the folks responsible for this mess that may include but is not limited to mortgage brokers, Ponzi-scheme operators, funds of funds that put cash in the hands of Madoff without conducting due diligence, hedge-fund managers who blew up clients’ cash while taking their own funds out, certain executives at investment banks who told the public things were fine when in fact they knew things weren’t, and financial executives who made misrepresentations to their own superiors—I say, bring on the show trials.

From: Barry Ritholtz
To: Jesse Eisinger, Daniel Gross, Duff McDonald, and Gillian Tett
Subject: Can We Talk About the Media Now?
Posted Wednesday, March 4, 2009, at 7:00 AM ET

Duff is raising many interesting issues, but I think we can move the focus from what is theoretically wrong to the actual screw-ups: Who did what, was it illegal, and how did they get away from it for so long?

In many instances, there was this gradual creeping expansion of both actions and beliefs based upon what has become a discredited ideology. The incremental changes were less violations of explicit laws than a pushing of the envelope into a gray area legally but a bright line philosophically.

Forget churn and burn, let’s get more current and consider the ramifications of what took place in the ratings agencies. The three big firms were unique entities with a special regulatory function. They had morphed from a group that was paid by bond investors to objectively rate fixed income products. That somehow morphed into a “pay-for-play” partnership with the big banks. The payola relationship turned their old business model upside-down.

But keep in mind these highly lucrative newfangled ratings firms
were only possible if you had 1) a Fed chairman encouraging all manner of innovation (a euphemism at best) and 2) an SEC that was not only underfunded and understaffed but that willfully decided not to monitor closely or enforce regulatory rules governing the agencies.

It wasn’t a perfect storm—it was a series of very specific decisions made at the highest levels of government that had enormous ramifications. The column I wrote in *Barron’s* last year details a full decade of these bad decisions.

As for accountability, that process has only just begun. You got the sense it started with the voters, who would have elected anyone who ran against W's policies. There was so much unfocused anger against what happened that was the second wave of public demand for accountability, the first being investors voting with their feet.

The next wave is going to be the criminal investigation, indictments, and jail terms. I would not be surprised if one of the ratings agencies gets either Arthur Andersen’d (i.e., indicted out of business) or radically revamped via government mandate. We have already seen that take place with the five big investment banks, which have effectively been wiped away.

As to Greenspan, Floyd Norris had a *New York Times* column this week that noted for all its haplessness under Greenie, the Fed has been rewarded with more, not less power. And, amazingly, they have escaped blame for much of what has happened. (That will change in about 60 days when *Bailout Nation* hits the bookstores.) I pinged Floyd about it, and we ended up discussing how much culpability the press has in the debacle. To be honest, I am not sure. Even though I am a media junkie, I never take what I read as gospel and am always surprised when people do.

That is the next major conversation worth having: How culpable is the financial press for what happened? Did they do a good or a bad job? We have a conference coming up in June, and I am really thinking about making that a major panel discussion.

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From: Gillian Tett
To: Jesse Eisinger, Daniel Gross, Duff McDonald, and Barry Ritholtz
Subject: The Press and "Social Silence"
Posted Wednesday, March 4, 2009, at 11:34 AM ET

I do think the financial press has contributed to the current crisis. The media, collectively, should hang its head in shame. Yes, some of us spotted some elements of what was going on: At the *FT*, for example, my little team started wading through alphabet soup back in 2005, warning of the dangers of collateralized debt obligations/credit default swaps, etc. But we could have done much better in terms of pointing out the scale of problems and dangers. And many other mainstream media outlets totally ignored the story! That is not a good track record. In fact, to go back to my anthropology again, it is a classic area of "social silence" that served to keep elites in power, as an academic such as Pierre Bourdieu might say.

Journalists were not exclusively responsible for that social silence—the bankers and regulators did not want to talk, and the bankers often made it very hard to get information. I know: When my team started writing about this stuff, we had a huge challenge to get data and we were constantly criticized in 2005 and 2006 by senior bankers for our "unnecessarily negative" stance on the credit world. The financiers who were benefiting from the lack of scrutiny did not exactly invite questions.

Notwithstanding all that, I could have and should have rung alarm bells more loudly. So could have and should have the rest of the media. A situation in which most business journalists missed the biggest story for decades is not a good situation. I feel strongly that journalists need to recognize that collectively, or we too will lack credibility.

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From: Duff McDonald
To: Jesse Eisinger, Daniel Gross, Barry Ritholtz, and Gillian Tett
Subject: Journalists Weren't the Problem
Posted Wednesday, March 4, 2009, at 2:38 PM ET

You know, speaking as a writer of business media, I am somewhat tired of the notion that we should have been writing in one voice against very specific things about which it was very difficult to know the intricate details. How were we to know the true extent of AIG’s credit-default swap exposure? The company’s 2005 10-K, for example, has two mentions of credit-default swaps, and they’re not exactly illuminating. Who was going to tell the curious reporter what the total possible downside was? I wish anybody the best of luck in prying that kind of information out of any public company that is not required to report it in detail. What’s more, every time something like this (e.g., dot-com bust, the collapse of Long-Term Capital Management, the credit debacle) has happened, there have been plenty of instances in which people did write penetrating and challenging stories on the potential problems of the day. Take Jesse, for God’s sake. Everyone knows that the man is actually incapable of an article consisting only of praise—he’s been *Portfolio*’s chief alarm-raiser since Day 1.

Let’s turn things around as well. Speaking as a reader of business media, I can personally testify to being familiar (i.e.,
informed by my peers) about a number of issues before the collapse.

- First, we all knew there was a housing bubble. As with all bubbles, it was a game of chicken, but it's not like people were not adequately warned. I bought a house in 2005, at what appears in retrospect to have been the top of the bubble. But I did it fully knowing that was a distinct possibility.

- Second, we all knew of dangerously rising leverage at a number of investment banks (although I had no idea what was going on at Citigroup; we were focused on other issues over there). Maybe Gillian is right in that we should have focused more on the scale of the phenomenon. But it's not like it hadn't been covered whatsoever.

- Third, we have known for years that the rating agencies were conflicted. This is not news, as journalists have covered it ad nauseam.

- Fourth, we all knew that there were a number of constituencies (e.g., hedge funds, prop desks, etc.) that had dangerously skewed incentives influencing their behavior. The entire business-media community had been trying to get at the much-rumored juicy story of how Goldman Sachs had consistently outperformed in the past decade, but to no avail. It wasn't for lack of trying, though. (It's well-known in the journalism community that seeking the Goldman "gotcha" story is a fool's errand, in no small part because of the fear Goldman strikes in anyone who does or might possibly do business with them. But we continue to try.)

- Fifth, we knew from Michael Lewis in Liar’s Poker, published more than 20 years ago, that there was an inherent problem with securitization of mortgages, given the separation of loan maker and loan.

- Sixth, there are genuine bears who have had ample opportunity, via journalists giving them air time, to voice their concerns: Bill Fleckenstein, James Grant, Jim Chanos, Jeremy Grantham, and Peter Schiff, to name a few. These guys have been everywhere.

Seventh, people have long been writing about the danger that lurked in a haphazardly managed Citigroup. While much of the criticism was about a lack of growth, you certainly must remember the stories that talked about it being an accident waiting to happen. And it was. I wrote about Citigroup CEO Chuck Prince in the summer of 2007, and I didn't mention structured investment vehicles. But I feel no responsibility whatsoever for not knowing it was holding an implicit time bomb off its balance sheet. We don't have subpoena power, do we?

So it grates on me that even though all of the above made their way into the business press, it's suggested that the same people writing those stories should be somehow collectively criticized for the fact that they were ignored and/or we or other people failed to connect all the dots in the end. An individual journalist has only so much bandwidth. And there were a number of real success stories—e.g., Google, Apple, and, yes, Jamie Dimon—that merited their coverage as well, and which therefore quite rightly competed for space in our pages. Yes, there is always room for improvement. But in my list of people who should hang their head in shame, journalists are nowhere near the top.

From: Jesse Eisinger
To: Daniel Gross, Duff McDonald, Barry Ritholtz, and Gillian Tett
Subject: Failure To Connect the Dots
Posted Wednesday, March 4, 2009, at 4:52 PM ET

Thanks (I think) to Duff for noticing I am incapable of unadulterated positiveness. It's a psychological defect that suited me well in the last several years. I have to say that I was influenced, in an unadulteratedly positive fashion, by Gillian's indispensible reporting over the years.

I want to quickly reiterate and expand on few points on the criminality vs. stupidity and recklessness debate. And then I'll make a short comment on the media. Bankers and Wall Streeters continue to be extremely powerful political actors. Contrast the Obama administration's federal budget with its financial bailout strategy.

The federal budget it proposed was one of the boldest political acts of my lifetime. It proposes to raise taxes (one of the great third rails of American politics) on the most powerful class in American society. It introduces a form of cap-and-trade. It begins to remedy our national health care disgrace. It wipes away myriad corporate tax dodges. It cut agribusiness subsidies. I could go on and on. Moreover, the administration is doing it while also eschewing the financial numbers games of the Bush administration. It was risky, honest, and full of hard decisions. The change from the Bush administration is head-spinning.
But then we come to the Obama administration's financial bailout strategy. Or, rather, we don't. Because what is the strategy? Here there is nothing bold, nothing risky. The administration isn't making any tough decisions; it's incremental and it protects all constituencies. Even Citigroup's shareholders still have some equity to call their own.

Why the contrast? With the budget, there are plenty of disinterested economists who have thought long and hard about what's wrong with federal outlays. But there are few experts outside of Wall Street who can talk Wall Street. The Obama administration and Treasury Secretary Tim Geithner are still inundated with advice from Wall Street. And Wall Street advice serves Wall Street.

This is a fairly long-winded way of saying that we need to diminish Wall Street's influence on the political stage. To do that, we cannot shy away from prosecuting fraudulent activity. Just to take one example: It's clear to me that Lehman was materially misleading about the state of its balance sheet, repeatedly and publicly, in the days and weeks leading up to its demise. That's being investigated. If the top executives are indeed found to have misled the public, they should face criminal charges.

We need to rip that weak spine out of the rotting corpse of our regulatory bodies, show it to them, a la Mortal Kombat, and then transplant a new, real spine into them. The SEC has been culturally inclined to allow bad actors to pay fines, often nominal ones, and reach settlements where they neither admit nor deny guilt. That has to end!

After their spinal surgery, they will need to go after big-wig wrongdoers and take them to trial. If we let the view that sees this as one giant bubble in which everyone acted more or less with equal irrationality triumph, all will be lost. What I mean is that we jeopardize the chance for genuine structural change. Wall Street won't always be this weak politically. (Even at its weakest point, it's still extraordinarily influential, as I point out above.) If the public is allowed to see public trials in which top Wall Street executives are proved to have broken laws, they will be more eager, not less so, for sweeping financial regulatory reform.

I have suggested we adopt a Netherlands/Australian style Twin Peaks model, with a systemic risk regulator and a conduct-of-business regulator. I agree with Barry that the Federal Reserve has done a disastrous job in this cycle, especially of banking regulation. I think it should be stripped of its regulatory power and left to concentrate on monetary policy. It's hard enough as it is. I'm deeply gloomy about the prospects structural change as of now. I fear we are going to get some incrementalism, as we have with the financial bailout.

Onto the media. I have discussed this at length with my colleagues. I go back and forth on it. Did we fail or did we have no chance? I'm quoted in this good piece by Dean Starkman in Mother Jones.

My nickel version: Great job on the housing bubble, but nobody listened; awful job on the credit bubble, but it would have been extremely difficult to accomplish it with specific stories. Commentators could do it. Reporters have a much higher bar for a story, and I'm not sure they could have crossed it until, say, early 2007.

As someone who wrote many warnings before the world imploded, I will say that to a great extent, it was an intellectual failure. Mine was a failure of imagination. I wrote repeatedly about dangers in the financial system, about the mortgage bubble, the excessive leverage, the conflicts at the ratings agencies, the dangers of derivatives and the precariousness of the financial system's business models. But I never put it all together intellectually. I couldn't see that the financial world would be this fragile, even though I warned of that very thing. I guess I just thought everyone was too smart.

dispatches
"If We Could, We'd Be Building Like Crazy"
Why Jewish settlers in the West Bank are looking forward to Benjamin Netanyahu's premiership.
By Linda Gradstein
Wednesday, March 4, 2009, at 7:05 AM ET

HAYOVEL, West Bank—Elianna Passentin says she moved from her native California to this settlement deep in the heart of the West Bank because she wanted to raise her six children in a place tied to Jewish history.

"Looking out our windows, we see Tel Shilo, which was the capital of the Israelite kingdom for 359 years and the site of the Tabernacle," she says. "In our garden we found dozens of pottery shards from the time of the Bible. Our children learn [the] Bible at home and then they see the Bible out their window."

The outpost currently consists of 16 permanent houses and 20 mobile homes. It was built more than 10 years ago to mark the 50th anniversary of the founding of the state of Israel. Passentin and others here say Hayovel is a neighborhood of nearby Eli, a large Jewish settlement with 640 families. But Eli is almost a mile away, and to much of the international community, this is
Passentin and other Jewish settlers in the West Bank hope that the premiership of Benjamin Netanyahu will mean an expansion of Jewish settlement in the West Bank.

Ten of the incoming Knesset members live in the West Bank, and one faction, the National Union, says it will join Netanyahu's government only if it agrees to expand settlements and legalize dozens of outposts like Hayovel.

Netanyahu has repeatedly said that he would prefer a unity government with the centrist Kadima and the center-left Labor Party, but both of these parties seem headed to opposition. That means Netanyahu needs the National Union if he wants to have a stable coalition of 65 seats in the 120-seat parliament.

Settlement expansion has been one of the most controversial issues in Israeli-Palestinian negotiations. Today there are an estimated 300,000 Jewish settlers in more than 140 settlements in the West Bank, not including East Jerusalem. Palestinian officials say the settlements make any kind of viable independent Palestinian state impossible.

Settlers say that under outgoing Israeli Prime Minister Ehud Olmert of Kadima, it was almost impossible to expand settlements. Aliza Herbst, the spokeswoman for the Yesha Council, an umbrella organization for the settlers, says Olmert had to personally approve any expansion, "even adding a porch." She says there are hundreds of families that would like to move to settlements in the West Bank but have been unable to find homes. Many of these are young couples who grew up in settlements, married, and now want to build their own homes. This is what settlers call "natural growth."

Israeli officials have long maintained that a settlement freeze does not cover natural growth. But the 2003 U.S.-backed road map to peace calls for a total settlement freeze, and as far as U.S. officials are concerned, that means no natural growth.

Journalist Gershon Gorenberg, who has written a history of the settlement movement called The Accidental Empire, says the population of settlements continued to grow by 5 percent under Olmert. Even today, settlers receive a series of economic benefits from the Israeli government, including subsidized mortgages. These benefits are likely to increase under a Netanyahu government.

Settlement spokeswoman Herbst says Netanyahu will have to walk a fine line between expanding settlements and trying not to anger the Obama administration. President Obama has said he supports negotiations leading to an independent Palestinian state in the West Bank and Gaza Strip. "I'm not out to make an enemy of America, and Netanyahu will have to be careful," she said. "At the same time, I do expect building on some projects that were frozen to resume."

Settlers listened carefully to President Obama's speech to Congress last week. Israel was barely mentioned, they said, and it is clear that the new president's priorities are the economy, Iraq, and Afghanistan.

Back in Hayovel, Elianna Passentin says that until Netanyahu was elected, she worried that she might have to leave her home. Now she is less worried.

"When I think about being uprooted, I have real physical pain," she said. "I would never harm a Jewish soldier, but it won't be easy to get me out of here."

There are about 20 families waiting just to live in Hayovel, she says. "If we could, we'd be building like crazy."

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**A Spoonful of Vino**

Why are Americans obsessed with wine being good for you?

By Mike Steinberger

Thursday, March 5, 2009, at 6:01 PM ET

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60 Minutes recently ran a segment about the health benefits of red wine, specifically the apparently wondrous powers of resveratrol, a polyphenol that is found in the skin of grapes and is thought to prevent illness and promote longevity. This wasn't the first time 60 Minutes has trumpeted the virtues of red wine; in 1991, it called attention to the so-called French Paradox, which posited that the low rate of heart disease in France, despite a national diet gloriously abundant in rich foods, was due to the country's prodigious consumption of red wine. That report not only prompted an outbreak of oenophilia in the United States; it fanned an obsessive interest in the nutritional and therapeutic properties of wine. This seems to be a particularly American fixation, and it raises an intriguing question: Why are we—Americans—so anxious to find justifications for drinking wine beyond the fact that it tastes good and we like it?

Obviously, scientists aren't investigating wine's physiological impact because they are shills for the wine industry and want to encourage Americans to imbibe; the research is being pursued and the results disseminated because it appears that there really is a link between red wine and well-being. (For their part, vintners are not allowed to publicize these findings; federal and state laws prohibit advertising that touts the health benefits of alcoholic beverages.) It is now widely recognized that moderate

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Part of it is that we are a nation infatuated with quick-fix diets and painless remedies; the idea that sitting on a couch nursing a syrah could actually be making us thinner and fitter is irresistible. We are also a culture that fears growing old, and the possibility that a glass of red wine could be a fountain of youth is likewise a tantalizing prospect. I suspect the preoccupation with wine's health impact is a reflection, too, of our Puritan heritage and the conflicted attitude that Americans have always had about wine. Although we are consuming it in record quantities, wine is still seen as something effete and vaguely foreign. That's why the wine vs. beer dichotomy continues to be invoked every election season as a way of distinguishing urban elites from other Americans, and it is why candidates favored by those elites are invariably tarred as chardonnay-swilling swells.

At the risk of tarring myself as one such specimen, I think we should just light up and enjoy wine for the immediate gratification. It is great that science is uncovering so many possible ancillary benefits to merlot and pinot noir, and I hope that resveratrol is indeed the cure-all that mankind has been hoping for. But if and when a proven resveratrol tablet hits the market, I won't be liquidating my cellar, nor do I intend to load up on any of the resveratrol-enhanced wines that are apparently coming our way (unless, of course, they happen to be seriously good). Likewise, if it turns out the mice have been screwing with these miracles side effects, there will still be a bottle on my dinner table every night. Wine is a habit that requires no rationale other than the pursuit of enjoyment.

The French, despite being the inspiration for so much of this research, have never much cared about wine's medicinal qualities; for them, a glass of vin rouge is simply a mealtime ritual. (Though, sadly, that is changing.) Jancis Robinson, Britain's leading wine writer, tells me that her compatriots give little thought to the health aspects of wine; they just like to drink (and are certainly very accomplished in that pursuit). In his excellent book A Hedonist in the Cellar, Jay McInerney notes, "In Europe, where wine has been a part of daily life for thousands of years, American oenophiles are sometimes viewed as monomaniacs—zealous and somewhat narrow-minded converts to a generous and pantheistic faith." He goes on to say that "American wine lovers need to broaden their vision and relax: to see wine as just another aspect of the well-lived life."

L'chaim.

explainer
Do Psychologists Still Use Rorschach Tests?
Plus: Are the inkblots on Rorschach's mask in Watchmen the real deal?
Watchmen, the blockbuster film adaptation of a beloved graphic novel, opens Friday. The movie's vigilante hero, Rorschach, spends much of his screen time hidden behind an ink-splattered mask. We're all familiar with Rorschach inkblots, but do psychologists still use them?

Yes, though there is some debate over how useful the tests can be. Many psychologists use Rorschach inkblots to gauge personality and measure emotional stability. They're often used as character evidence in civil court proceedings and parole hearings and as a way of diagnosing mental illness in a clinical setting. According to the Society for Personality Assessment, the Rorschach inkblot test is second in popularity only to the Minnesota Multiphasic Personality Inventory among professionals in the field.

The inkblot test was invented in 1921 by a Swiss psychiatrist and psychoanalyst named Hermann Rorschach. He'd been a longtime fan of Klecksography, a Swiss parlor game based on the creation and interpretation of inkblots, and he noticed that his patients sometimes saw unusual meanings in the images. Soon he'd worked out a standard diagnostic procedure using 10 image-cards, by which he could interpret aspects of someone's personality. Plate V, for example, was almost always interpreted by healthy subjects as a bat or a moth; schizophrenics were either unable to answer or saw moving people in the shape. (The name of the test was misleading from the very start. The "inkblots" Rorschach used were actually his own drawings, not random images created by dropping ink on a piece of paper and folding it in half.)

Rorschach died from a burst appendix shortly after publishing his findings. In subsequent years, clinicians modified Rorschach's testing methods but continued to use his original set of cards. To ensure the images would be identical, the cards were all printed on the same press Rorschach first used in Switzerland, using a secret template. To this day, the American Psychological Association's standard of ethics discourages members from distributing the official inkblots, but the images are easy enough to find on the Internet.

The test is conducted in two parts. First, the psychologist asks the patient for a gut response to each card. Then the psychologist gives the cards to the patient and asks him to explain his initial interpretations. In its original version, the patient would then be given a somewhat freewheeling analysis on the basis of his responses. Later, psychologists worried that the test was too subjective, and during the 1960s an American psychologist named John E. Exner used extensive clinical testing to create what was thought to be a major improvement on Rorschach's scoring system.

There's been some controversy over the reliability of Exner's Comprehensive System. Some critics have argued that the results of his version of the Rorschach test don't match up well with other personality tests and that they may overestimate the prevalence of psychiatric disorders like schizophrenia and depression. The test has also been criticized because the images (and the responses you should give) are readily available on the Internet, and so many variables can affect its outcome.

Bonus Explainer: Are the inkblots on Rorschach's mask in the movie genuine Rorschach inkblots? No. Artists designed the cinematic mask on the basis of the one drawn in the original comic book. (The inkblots in Watchmen appear to be more ornate than Hermann Rorschach's originals. "In the first place, the forms must be relatively simple," the psychiatrist wrote many years ago. "Complicated pictures make the computations of the factors of the experiment too difficult.") There may also be a legal reason for the departure: The official Rorschach images are still under copyright in some countries.

Got a question about today's news? Ask the Explainer.

Explainer thanks Gregory T. Eells of Cornell University and Anthony Sciara of Rorschach Training Programs.

Party's Over
How does the Coast Guard decide when to call off a search-and-rescue mission?
By Christopher Beam
Wednesday, March 4, 2009, at 6:58 PM ET

The U.S. Coast Guard called off its search Wednesday for three missing men, including two NFL players, whose boat capsized off the coast of Florida on Saturday. How does the Coast Guard decide when to give up a search?

When there's no chance that the missing person is still alive. If someone vanishes at sea, the Coast Guard appoints a mission coordinator to run the search and rescue. In addition to organizing planes, helicopters, and boats, he has to keep tabs on the missing person's statistical odds of survival. If days pass and the person is still lost—and the search team has looked everywhere—it's his job to call it off. (They never officially give up until they find a body—they just downgrade the case's status to "Active Search Suspended, Pending Further Developments.")

To determine someone's odds of survival, the Coast Guard uses software developed by the Canadian Defense Department called the Cold Exposure Survivability Model. Plug in various...
facors—water temperature, air temperature, the person's height and weight, garments worn, time of disappearance, access to flotation devices—and the program tells you how long the person is likely to stay alive. In general, someone floating in 50 degree water can only survive four hours (PDF). In 65 degree water, which was the temperature off the Florida coast this week, it takes the average person as many as seven hours to lose consciousness. If the water temperature is above 70 degrees, he could survive for days—that is, if he doesn't die of thirst or exposure first. (The CESM can also calculate the odds of survival if someone is lost on land in cold weather.)

Mission coordinators must also evaluate the thoroughness of a search before instructing would-be rescuers to give up. To maximize the probability of success, the Coast Guard uses complex search methods to cover as much area as possible—for example, planes might zigzag across a rectangular area or cut V-shapes over a circular area. To search underwater, a diver will often trace a spiral around a single buoy; or if there's more than one diver, they trace concentric circles. In general, the wider the sweep and the more times the pilots and divers cover the area, the higher the chance of detection. (If you want to get deep into the math, click here.)

Once the coordinator decides to give up, the team usually waits another day before the official suspension, since they like to notify the next of kin a day in advance.

Got a question about today's news? Ask the Explainer.

Explainer thanks Jack Frost of the U.S. Coast Guard.
explaner

Were There Sex Shops in the Time of George Washington?
No, but there were plenty of brothels.
By Brian Palmer
Monday, March 2, 2009, at 6:25 PM ET

The opening of a sex shop in the historic district of Alexandria, Va., has generated outrage among local residents, who claim such a business sullies an area once frequented by the Founding Fathers. Were there sex shops in George Washington's day?

No. There is little record of sex toys, let alone a sex toy industry, from America's Colonial era. To the extent that Colonials used sex props, they would have made them on their own. (In one of the few references to sex and inanimate objects from the time, a 17th-century New York court described a prostitute flamboyantly measuring her clients' penises using a broomstick.) Nevertheless, there were plenty of brothels in the Colonial era, especially in port cities like Alexandria.

American prostitution was rare and clandestine and practiced mostly on a casual basis through the mid-18th century. Occasionally, tavern owners were prosecuted for operating "disorderly houses," but such cases were rare, and the penalty was a small fine or a few lashes—a slap on the wrist by Colonial standards. In the early 1700s, Boston minister Cotton Mather attempted to form a group to oppose brothels but met widespread public indifference due to the relative invisibility of the problem in America.

Sex workers multiplied dramatically by the mid-1700s. American cities began to grow along with maritime trade. That brought increasing numbers of sailors, and brothels opened to suit them. When George Washington was a young man, brothels could be found in port cities like New York; Philadelphia; Charleston, S.C.; and Newport, R.I.* In 1753, Bostonian Hannah Dilley pled guilty to permitting men "to resort to her husband's house, and carnally to lie with whores." (Dilley was sentenced to stand on a stool "at least five feet in height" outside the courthouse, holding a sign describing her offense.) Prostitution was ubiquitous in Philadelphia's "Hell Town," the prototype for the red light districts that would spread across America in the next century. Benjamin Franklin himself admitted to hiring his share of strumpets, as he called them. While we do not know whether Alexandria had its own bawdy house when Washington passed through, it was a growing port city with a large transient population.

Colonial-era brothels did not hang out shingles or post flyers, but a would-be patron could learn about their services in a tavern or from his shipmates. Despite Mather's early efforts, there was no systematic attempt to close the urban brothels. Men were almost never prosecuted for soliciting a prostitute, and the prostitutes themselves were only occasionally brought before a judge. When government officials did order a raid, the police didn't always cooperate. Many police officers protected the brothels in exchange for money, food, or other payments. Working-class neighbors, irritated by official inaction, would periodically riot and burn down a brothel.

George Washington encountered commercial sex in another setting, as general of the Continental Army. During the Revolutionary War, packs of women known as "camp followers" assisted the troops with wound care, cooking, laundry, and other services, sometimes including prostitution. Soldiers also slipped out of camp and visited New York's brothels, which they called the "Holy Ground." Venereal disease became so common that the army began deducting pay from afflicted soldiers as punishment.

Got a question about today's news? Ask the Explainer.

Explaner thanks John D'Emilio of the University of Illinois at Chicago.

Correction, March 3, 2009: Because of an editing error, the original version identified Charleston as being in Virginia. (Return to the corrected sentence.)

fighting words

Don't Say a Word
A U.N. resolution seeks to criminalize opinions that differ with the Islamic faith.
By Christopher Hitchens
Monday, March 2, 2009, at 2:07 PM ET

The Muslim religion makes unusually large claims for itself. All religions do this, of course, in that they claim to know and to be able to interpret the wishes of a supreme being. But Islam affirms itself as the last and final revelation of God's word, the consummation of all the mere glimpses of the truth vouchsafed to all the foregoing faiths, available by way of the unimprovable, immaculate text of "the recitation," or Quran.

If there sometimes seems to be something implicitly absolutist or even totalitarian in such a claim, it may result not from a fundamentalist reading of the holy book but from the religion itself. And it is the so-called mainstream Muslims, grouped in the Organization of the Islamic Conference, who are now demanding through the agency of the United Nations that Islam
not only be allowed to make absolutist claims but that it also be officially shielded from any criticism of itself.

Though it is written tongue-in-cheek in the language of human rights and of opposition to discrimination, the nonbinding U.N. Resolution 62/154, on "Combating defamation of religions," actually seeks to extend protection not to humans but to opinions and to ideas, granting only the latter immunity from being "offended." The preamble is jam-packed with hypocrisies that are hardly even laughable, as in this delicious paragraph, stating that the U.N. General Assembly:

Underlining the importance of increasing contacts at all levels in order to deepen dialogue and reinforce understanding among different cultures, religions, beliefs and civilizations, and welcoming in this regard the Declaration and Programme of Action adopted by the Ministerial Meeting on Human Rights and Cultural Diversity of the Movement of Non-Aligned Countries, held in Tehran on 3 and 4 September 2007.

Yes, I think we can see where we are going with that. (And I truly wish I had been able to attend that gathering and report more directly on its rich and varied and culturally diverse flavors, but I couldn't get a visa.) The stipulations that follow this turgid preamble are even more tendentious and become more so as the resolution unfolds. For example, Paragraph 5 "expresses its deep concern that Islam is frequently and wrongly associated with human rights violations and terrorism," while Paragraph 6 "[n]otes with deep concern the intensification of the campaign of defamation of religions and the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001."

You see how the trick is pulled? In the same weeks that this resolution comes up for its annual renewal at the United Nations, its chief sponsor-government (Pakistan) makes an agreement with the local Taliban to close girls' schools in the Swat Valley region (a mere 100 miles or so from the capital in Islamabad) and subject the inhabitants to Sharia law. This capitulation comes in direct response to a campaign of horrific violence and intimidation, including public beheadings. Yet the religion of those who carry out this campaign is not to be mentioned, lest it "associate" the faith with human rights violations or terrorism. In Paragraph 6, an obvious attempt is being made to confuse ethnicity with confessional allegiance. Indeed this insinuation (incidentally dismissing the faith-based criminality of 9/11 as merely "tragic") is in fact essential to the entire scheme. If religion and race can be run together, then the condemnations that racism axiomatically attracts can be surreptitiously extended to religion, too. This is clumsy, but it works: The useless and meaningless term Islamophobia, now widely used as a bludgeon of moral blackmail, is testimony to its success.

Just to be clear, a phobia is an irrational and unconquerable fear or dislike. However, some of us can explain with relative calm and lucidity why we think "faith" is the most overrated of the virtues. (Don't be calling us "phobic" unless you want us to start whining that we have been "offended."). And this whole picture would be very much less muddled and confused if the state of Pakistan, say, did not make the absurd and many-times discredited assertion that religion can be the basis of a nationality. It is such crude amalgamations— is a Saudi or Pakistani being "profiled" because of his religion or his ethnicity?—that are responsible for any overlap between religion and race. It might also help if the Muslim hadith did not prescribe the death penalty for anyone trying to abandon Islam— one could then be surer who was a sincere believer and who was not, or (as with the veil or the chador in the case of female adherents) who was a volunteer and who was being coerced by her family.

Rather than attempt to put its own house in order or to confront such other grave questions as the mass murder of Shiite Muslims by Sunni Muslims (and vice versa), or the desecration of Muslim holy sites by Muslim gangsters, or the discrimination against Ahmadi Muslims by other Muslims, the U.N. resolution seeks to extend the whole area of denial from its existing homeland in the Islamic world into the heartland of post-Enlightenment democracy where it is still individuals who have rights, not religions. See where the language of Paragraph 10 of the resolution is taking us. Having briefly offered lip service to the rights of free expression, it goes on to say that "the exercise of these rights carries with it special duties and responsibilities and may therefore be subject to limitations as are provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and respect for religions and beliefs." The thought buried in this awful, wooden prose is as ugly as the language in which it is expressed: Watch what you say, because our declared intention is to criminalize opinions that differ with the one true faith. Let nobody say that they have not been warned.

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**food**

**Too Many Kiddie Cooks Spoil the Broth**

Why the child foodie movement has got to go.

By Regina Schrambling

Wednesday, March 4, 2009, at 7:02 AM ET

For the last few years, the most burning question in the food world has been: Is there any phenomenon more annoying than Rachael Ray? And, finally, we have the answer: Absolutely.
Call it "a little child shall lead you." First there was the 12-year-old "restaurant critic," David Fishman in New York City, whose "review" of a neighborhood salumeria somehow snared him huge coverage in his hometown paper and then a long appearance on the CBS morning show, replete with warnings that his power had local chefs quaking in their clogs. Next a 5-year-old, Julian Kreusser, was touted for his cooking show on public access television in Portland, Ore., with the Times of London warning that he might get a cookbook deal at an age when most kids need In the Night Kitchen read to them. Now the New York Times Magazine has pledged one-quarter of its monthly food real estate to the kitchen exploits of a 4-year-old, Dexter Wells, who just happens to be the firstborn of the newspaper's food editor, Pete Wells.

If all this kinder-worship was intended to get children more interested in restaurants and cooking, it would have McDonald's CEO quaking. But it appears these features are meant to appeal to adults, since not many little kids peruse the Sunday magazine for recipes or control the remote. And that is absurd: Children are typically not equipped to deal with the real dangers that exist in the kitchen, their palates are undeveloped, and their ability to communicate nuanced ideas is limited. The chance that a child is going to come up with food to rival Cook's Illustrated or Ina Garten is about as likely as a 17-year-old perfecting the next great malbec-syrah blend.

Presenting children as inspiration is troublesome not least because kitchens are not nurseries. Check out the Wrestler-worthy scars on real chefs' bodies, and you can see why. Reading Pete Wells' most recent piece, on overseeing his son at the stove, had me conjuring the horrific tale of late Republican strategist Lee Atwater's toddler brother, burned to death when a pot full of boiling oil spilled over on him. Watching the Oregon whiz kid cram clementines into a food processor reminded me of how Philadelphia chef Georges Perrier famously lost several digit-tips with the same tool, and he had decades more experience with its blades.

And then there is the problem of what children produce. The "Yummy Yummy Citrus Boys" Julian Kreusser allegedly invented, demonstrated over 18 very long minutes, look to be perfectly ordinary cookies (the ratio of butter to flour seems stingy to this old baker), though I couldn't sit through the cooking lesson again to get the recipe. So I opted instead to try his widely distributed recipe for zucchini chocolate-chip bread, which yielded everything I dreaded. It was gooey, due to a cup of molasses, a cup of sugar, and chocolate chips, and it was as subtly flavored as an all-day sucker. (I had to guess the pan size, and I knew enough to let the thing bake 60 minutes, not the 30 "he" prescribed.) Fortunately, the New York Times spares us from the recipe for the perfectly dreadful-sounding vegetable pies Dexter Wells decides to make, but we do hear about his insistence on grinding coffee beans just so for a morning brew he won't even be able to drink. While the tangerine sherbet he inspired his dad to develop wasn't bad, the gelatin and the excessive labor of zestimg and juicing the tangerines guarantee I will never bother with it again.

No matter how precocious the kid, it's difficult for him to truly educate and enlighten adults. Nature might trump nurture here. While children do have taste buds that adults do not—inside their cheeks and on their palates rather than only on the tongue—studies at the Monell Chemical Senses Center in Philadelphia have found that children are always worse than adults at flavor identification simply because they are less experienced eaters. According to food psychologist and scientist Dr. Marcia Pelchat, even if children like something, they cannot qualify how good it is because they lack the necessary math skills to do so. Studies at the center have also determined that children favor sweet to savory more than adults (this may be an evolutionary issue—children need more energy because they are active and growing, and sweet foods generally have more calories), and they tend to reject vegetables (possibly because they're unfamiliar, partly because of their individual genetic makeup) and, often, meat.

I can hear all the parents insisting, "My child is different. He eats what I do." Sure, there are ways to help influence a child's tolerance or penchant for sophisticated flavors—dining out, helping in the kitchen, being exposed to strong flavors (spicy food, for example) via amniotic fluid or breast milk. But Pelchat says, "Even those kids eat like children."

This is partially because children rank texture above taste. Sliminess, according to Pelchat, is a total turnoff (at least in our culture; it's all in what kids are used to). They also do not develop a taste for salt until they are about 5 months old, but from then on they like higher levels of salt than adults do.

Finally, consider what impact memory has on your food. People lose their sense of smell as they age, so our bodies compensate for that loss by allowing memory to help us know what we're eating. What's one thing 5-year-olds are lacking? Remembrances of madeleines past. Or even of cheeseburgers or tacos past.

I'm not saying children cannot be skewed by food snobs who hang out on Chowhound. Dr. Perri Klass, a professor of pediatrics and journalism at New York University, recalls the 4-year-old friend her daughter once brought home for a sleepover who rejected what she was serving for dinner and demanded noodles with pesto. Taken aback, Klass offered to run to the corner store, and the friend informed her contemptuously: "You don't buy pesto. You make pesto."

Even those of us who make pesto can't please children, though. I will never forget the first time I brought some carefully crafted tidbits involving goat cheese and roasted peppers to a party where a toddler was indulgently allowed to grab one with a grubby hand only to spit it out on the carpet.
But this is not just me yelling at kids to get off my lawn—I’m willing to set aside the annoying narcissism of parents who believe they have spawned a cross between Ferran Adria and Brillat-Savarin. On a larger scale, the trend emphasizes the worst of the food frenzy today: the celebration of celebrity and novelty over authenticity and seriousness. Julia Child was 50 years old before she flipped her first omelet on television. She got that gig only after studying at the Cordon Bleu and then devoting 10 years to perfecting *Mastering the Art of French Cooking* with two collaborators. Today chefs barely out of high school are competing on reality cooking shows, and the bar keeps being lowered, with Internet exposure for every little Thomas Keller. The movement devalues the very subject it pretends to celebrate. As Pelchat put it: “Kids would be excellent culinary guides. For food for other kids.”

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**foreigners**

**Love Thy Neighbor**

The European Union could splinter unless members take responsibility for their own problems.

By Anne Applebaum

Monday, March 2, 2009, at 7:58 PM ET

"Growing Economic Crisis Threatens the Idea of One Europe," "Members Sharply Split Over Economic Action," "Europe's Family Squabbles." Reading the headlines in recent days, one would be tempted to conclude that the European Union, which has so long promulgated an earnest ideology of ever-closer, ever-greater European economic cooperation, is in trouble—and one would be right. One might also conclude, reading the stories themselves, that the biggest obstacle facing united Europe is the economic crisis in the eastern half of the continent, where the weaker ex-Communist economies are dragging down their richer Western neighbors. But one would be wrong.

In fact, it is impossible to understand what is happening in the somewhat surreal world of European political economy at the moment without first tossing out every stereotype, every cliché, and every assumption that has ever been made about Europe’s political geography: East, West, North, South—none of it helps make sense of what is going on. Look harder: The first and sharpest economic crisis on the continent was not in the East but in Iceland, far to the west. The deepest recession is not in the traditionally slow South but in Ireland, part of the recently dynamic North.

Look harder still: While the bankrupt government of Latvia, a new member of Europe, has been besieged by angry demonstrators, far more violent demonstrations have engulfed the government of Greece, a much older member of the union, which is also a member of the common European currency.

While the Hungarians have, it is true, requested, and been denied, an extraordinary $240 billion loan, a single British bank—the Royal Bank of Scotland—has requested, and will receive, a far more extraordinary $425 billion bailout from the British government.

For that matter, the bad debts accumulated by British financial institutions alone far exceed, by many tens of billions, the governmental debt of the Poles and the Czechs, two countries that have had no domestic banking failures to speak of. (Czech banks are net lenders to their mostly foreign owners.) Which leads me to an interesting question: Who proved, in the end, to be the most responsible capitalists? The London bankers who spent the 1990s dispensing expensive privatization advice in Warsaw and Prague—or the newly elected, shabbily dressed politicians who paid them for it?

In fact, what this crisis has revealed is not an old fault line between East and West (let alone a “new Iron Curtain,” as the petulant and ineffectual Hungarian prime minister put it) but an even older and more obvious truth: Most people prefer to blame their problems on somebody else, even when those problems are clearly self-inflicted. Thus, the French president has been hinting that his country’s weak industrial output is somehow the fault of the Czechs because they build cheaper Renaults; the Hungarians are angry that their richer neighbors won’t rescue them from years of irresponsible public spending; British workers demonstrate against the foreign workers who mostly do jobs they long refused. There is something similar going on in the United States—people who shouldn’t have taken loans are furious at the people who shouldn’t have offered them—but in Europe, these passions inevitably have national overtones as well.

Which means, of course, that they could indeed break the European Union, though not along an East-West axis. For years—decades, really—a deep hypocrisy has permeated European institutions: While European leaders used the language of international cooperation in public, they funneled money to pet national causes—French farmers, Spanish highways—behind the scenes. While they spoke of giving Europe a greater international role, they refused to create truly European foreign or energy policies, preferring instead to issue regulations and jockey for advantage. Now that there is a crisis, they can’t break those habits. Some thus want to use “Europe” to create illegal protectionist havens, others treat “Europe” as a lender of last resort, and still others prefer to shout loudly that their problems started in “Europe” and not at home.

What the European Union should do now is very minimal. European leaders should, above all, enforce the rules of trade and competition. They should stop pretending that their neighbors are responsible for the unemployment rate. They should remind their citizens that neighbors buy their products and subsidize their banks. They can’t bail out everybody: National
governments are still responsible for keeping their debts under control and their finances strong. But they can behave as if their rhetoric—phrases like single market and free trade zone—actually signifies something real.

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gabfest

The Rush Limbaugh Is a Big Fat Idiot

Gabfest

Listen to Slate's review of the week in politics.

By Emily Bazelon, John Dickerson, and David Plotz

Thursday, March 5, 2009, at 11:20 AM ET

Listen to the Gabfest for March 5 by clicking the arrow on the audio player below:

You can also download the program here, or you can subscribe to the weekly Gabfest podcast feed in iTunes by clicking here.

Get your 14-day free trial of Gabfest sponsor Audible.com, which includes a credit for one free audiobook, here. This week's suggestions for an Audible book come from a listener named Jennifer who loves narrators. The first recommendation is Appetite for Life: The Biography of Julia Child, narrated by Nadia May and written by Noel Riley Fitch. The second narrator is David Case, good on biographies of P.G. Woodhouse and Winston Churchill.

Emily Bazelon, John Dickerson, and David Plotz talk politics. This week: President Barack Obama's approval ratings, Rush Limbaugh as Republican leader, and newly released Justice Department memos.

Public opinion polls released this week show that President Obama is receiving the highest ratings yet, even as support for his policies is more mixed.

Controversy surrounds Rush Limbaugh. Michael Steele, head of the Republican National Committee, called Limbaugh an "entertainer" and said that what the radio host does is "incendiary" and ugly. Steele added that he is the de facto leader of the Republican Party, "not Rush." Limbaugh fired back, saying he would not want to be in charge of the party, given the "sad-sack state that it's in."

David talks about President Obama taking in a basketball game between the Chicago Bulls and the Washington Wizards. He says this shows how brilliant Obama can be at handling the public portion of being president. Obama even did some trash-talking and got in a little trouble for drinking a beer.

The trio discusses recently released Justice Department memos that former President George W. Bush used as the basis for many of his more controversial actions as president. At least some of the memos were released in response to a lawsuit filed against former Justice Department official John Yoo.

David chatters about the newfound recognition for Taiwanese performance artist Tehching Hsieh. A book about his work is coming soon from the M.I.T. Press, and there are two showings of his work under way in New York.

Emily talks about the Supreme Court. The court heard arguments in a case from West Virginia, where a state Supreme Court justice is accused of bias. The court also ruled that patients can sue drug companies for not providing adequate safety warnings, even if the drug in question has received approval from the Food and Drug Administration.

John chatters about a report that outlines the effect of the economic crisis on the nonprofit sector. The report indicates that nonprofits employ as much as 11 percent of the population—more than the auto industry.

The e-mail address for the Political Gabfest is gabfest@slate.com. (E-mail may be quoted by name unless the writer stipulates otherwise.)

Posted on March 5 by Dale Willman at 11:23 a.m.

Feb. 27, 2009

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Get your 14-day free trial of Gabfest sponsor Audible.com, which includes a credit for one free audiobook, here. This week's suggestion for an Audible book comes from listener David Englander. It's A Short History of Nearly Everything, by Bill Bryson. David also recommends Slate writer Daniel Gross' new book, Dumb Money: How Our Greatest Financial Minds Bankrupted the Nation.

Emily Bazelon, John Dickerson, and David Plotz talk politics. This week: President Obama releases his top-line budget, the first family chooses a dog breed, and the Supreme Court rules on free speech.
President Obama gave his first address to Congress this week, and by most accounts, including John’s, it was a success.

John talks about an animation that does a great job of explaining the current economic mess.

David bemoans the huge deficit that was announced this week. The three also discuss a column by Slate contributor Daniel Gross about whether Citibank should be nationalized.

The Obamas have selected a dog, or at least a breed. They want to find a Portuguese water dog to join the first family.

The Supreme Court ruled this week on a free speech issue involving an attempt by Summum, a religious group, to place a monument in a public park.

David chatters about his new book, out next Tuesday: Good Book. The book stemmed from a Slate series called "Blogging the Bible."

Emily talks about a new study on early reading. Researchers from Columbia University’s Teacher's College looked at the effect of the tidiness of your household on the reading skills of your children. Emily says their findings are somewhat surprising.

John chatters about the changing policy on photographing caskets returning from the fighting in Iraq. Defense Secretary Robert Gates said this week that he will allow the caskets to be photographed as long as family members agree to it.

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Posted on Feb. 27 by Dale Willman at 11:11 a.m.

Feb. 20, 2009

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Get your 14-day free trial of Gabfest sponsor Audible.com, which includes a credit for one free audiobook, here. This week's suggestion comes from David. It's David Grann’s The Lost City of Z, which will be released soon.

Emily Bazelon, John Dickerson, and David Plotz talk politics. This week: President Obama announces his home-foreclosure plan, Eric Holder talks about race, and the Uighurs get their day in court.

President Barack Obama presented his $75 billion housing-rescue plan. With thousands of Americans losing their homes each week, the group debates whether the plan will help ease the crisis. Some people are angry that the Obama plan would help some homeowners who should never have received a mortgage in the first place. Bailing them out of a bad debt creates moral hazard—rash behavior by people sheltered from the negative effects of their actions. Another challenge is keeping people out of financial difficulty once their home loans have been modified. According to the comptroller of the currency, more than half of the loans modified by 14 of the nation's largest banks last year were delinquent again after just six months.

Without fanfare, President Obama quietly announced that he is sending 17,000 additional troops to Afghanistan. The announcement came as Pakistan revealed a deal with Taliban leaders in the Swat Valley. Under the deal, a form of Sharia law will be enforced there.

U.S. Attorney General Eric Holder sparked a controversy this week when he called Americans "cowards" when it comes to race. Holder said Americans should have more conversations about race relations. Emily says those discussions should be expanded to include class as well.

Attorneys for 17 Chinese Uighurs have lost another round in their effort to have the men released from Guantanamo Bay.

David chatters about Slate contributor Christopher Hitchens, who was beaten up in Lebanon this week after defacing a poster put up by a neo-Nazi group.

Emily talks about A-Rod, otherwise known as Alex Rodriguez, who apologized this week for having used steroids in the past. At least some observers said the apology was not a sincere one.

John chatters about www.recovery.gov, a Web site promoted by President Obama as an effort to bring transparency to government efforts to aid the ailing economy. John says the site is rather lame, but he hopes it will improve as the recovery program begins to take effect.

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Posted on Feb. 20 by Dale Willman at 12:26 p.m.

Feb. 13, 2009
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Get your 14-day free trial of Gabfest sponsor Audible.com, which includes a credit for one free audiobook, [here](#). This week’s suggestion for an Audible book comes from John. It’s the *Lincoln-Douglas Debates*, narrated by David Strathairn and Richard Dreyfuss.

Emily Bazelon, John Dickerson, and David Plotz talk politics. This week: The stimulus package passes, President Barack Obama holds his first news conference, and the State Secrets Act lives on.

Here are links to some of the articles and other items mentioned in the show:

The group discussed whether more accidents occur on Friday the 13th. Back in 1998, Atul Gawande wrote a story for Slate looking at studies on this phenomenon.

The stimulus bill heads for a final vote in both houses of Congress after more than 24 hours of bargaining. David says it’s a messy bill. Lefties find the package too small, while at least some right-wing conservatives think there should be no stimulus package at all. Emily says Obama won this round, but it was not a great victory.

John says the debate over the stimulus package was not very transparent, despite Obama’s promise of open government. Obama has managed to galvanize Republicans, who had felt deflated by the November elections.

Obama held the first news conference of his presidency this week. John says the president had hoped to convey a sense of urgency about the economy, but his wonkish and sometimes long-winded answers diluted the effect.

Lawyers for the administration this week urged a federal court to throw out a lawsuit that accused an American contractor of helping the CIA to fly terror suspects overseas to be tortured. The lawyers took the same position argued by the Bush administration last year: that national security would be jeopardized if the case went forward. Emily says such blanket arguments are sometimes used to disguise government malfeasance rather than to protect government secrets.

David chatters about a photo gallery in Slate by Camilo Jose Vergara that presents pictures of a statue of Abraham Lincoln that has been on display for more than 80 years. The pictures show how art can live on as part of a wider community.

Emily talks about a new book, *Equal: Women Reshape American Law*. She says the first third of the book discusses Supreme Court Justice Ruth Bader Ginsburg’s career as a young litigator. Ginsburg was determined to make the courts think about discrimination against women. Ginsburg is currently recovering from surgery for pancreatic cancer.

John chatters about reading a New York Times story and realizing that blowing one’s nose isn’t as simple as it seems. According to the story, when you have a cold, it’s better either not to blow your nose at all or to blow it gently, one nostril at a time. John also talks about a Web photo essay that, he says, brings home just how the current economic situation has ruined lives and turned whole communities upside-down.

The e-mail address for the Political Gabfest is gabfest@slate.com. (E-mail may be quoted by name unless the writer stipulates otherwise.)

Posted on Feb. 13 by Dale Willman at 11:24 a.m.

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**green room**

**Barking Up the Wrong Tree**

Why "green jobs" may not save the economy or the environment.

By Michael A. Levi

Wednesday, March 4, 2009, at 4:09 PM ET

"Climate change. What's the solution? A green jobs revolution." So chanted thousands of protesters who braved the frigid cold Monday in Washington to demand aggressive government action on alternative energy. They have reason to be optimistic. The recently passed economic stimulus bill promises to create thousands of green jobs. Vice President Biden’s new Middle Class Task Force devoted its first meeting, last Friday in Philadelphia, to praising their virtues. President Obama contends that his policies will deliver 5 million green jobs in the next two decades.

Indeed, for a nation facing dire economic and energy challenges, green jobs seem to be an ideal solution. But just because "green" and "jobs" are both in demand doesn't mean that policies focused on creating "green jobs" make sense. In fact, a close look at the economics of "green jobs" suggests that if we try to find a lasting solution to these challenges with a single set of policies, we might fail to deliver on both fronts.
The fundamental problem is that there’s no solid evidence that green policies—even those aimed explicitly at creating jobs—will actually lower the long-term unemployment rate. Most of the research on how these sorts of programs might build up the workforce simply tallies the payrolls, current or projected, of companies in renewable energy and other sectors. (Analyses typically include not only jobs installing solar panels or engineering algae for biofuels but also secondary activities like making widgets for use in windmills.) This approach is a natural winner: Green policies inevitably generate jobs in green industries, so the studies inevitably deliver good news. But skeptics argue that simple windmill-counting ignores an important fact: Every unit of energy generated from alternative sources displaces a similar amount generated by traditional means, so forgoing those other energy sources means giving up whatever jobs they were providing. This doesn’t mean that greening the economy will have no net impact on jobs, but it muddies the math considerably.

Hence another level of sophistication from the green jobs community, which now points out that a dollar spent on renewable energy or higher energy efficiency will generate more U.S. jobs than a dollar spent on traditional power. That’s probably true, since many green jobs are labor-intensive and clean energy is more likely to be generated at home rather than to be imported. But this misses a critical point, too: The dollar spent on green sources also generates less energy. (Renewables will be more expensive than traditional power for the foreseeable future.) Part of the gap can be closed by energy conservation, but other money will need to be diverted from elsewhere in the economy to make up for the remaining energy shortfall. The result is a loss of jobs somewhere else.

Indeed, most comprehensive economic models that look at the long-term effects of aggressive climate policies consistently forecast a small net decrease in national job growth. (The models predict robust growth under all scenarios, but the positive effect is diminished slightly if green policies are pursued.) These studies are far from perfect, but they suggest that the burden of proof lies with those promising a major expansion in jobs.

Advocates and analysts have tried to counter these models with an appeal to history. Last October, for example, a Berkeley economist published a widely reported study claiming that the state’s energy efficiency policies had “created nearly 1.5 million jobs from 1977 to 2007” in areas like the service sector and retail “while eliminating fewer than 25,000” in the electric power industry. But the empirical study had the same flaw as its theoretical counterparts: It assumed that consumer spending on products like efficient washing machines and home insulation hadn’t diverted demand from other parts of the economy. That diversion is likely to have led to diffuse but real job losses somewhere else.

That’s not to say that good energy-efficiency policies aren’t net job creators—there’s actually a strong argument that they are. Many efficiency measures (like adding home insulation or using better lights) more than pay off their initial costs in energy savings, and those savings can be reinvested in the economy to create more jobs. But we can’t count on improvements in efficiency to address all of our energy and climate challenges. Many of the other steps we’ll need to take—like moving away from traditional coal technology and electrifying the transportation system—will bear real costs.

For many environmental advocates, of course, these discussions are of secondary importance: what matters most is that green jobs will help the planet. They’d be wise to be careful there, too. Indeed, the most successful green jobs program to date is one that no environmentalist wants to brag about: the conversion to corn-based ethanol. A recent United Nations report estimated that the heavily subsidized U.S. ethanol industry provides employment for 154,000 Americans, about five times as many as the wind power industry and nearly 10 times as many as the solar industry.

To be certain, there are times when opportunities to solve our energy and employment problems converge. The current recession and recent economic stimulus provided one such case—with capital and labor sitting idle, government can push green efforts without needing to worry so much about distorting the rest of the economy. That means that many of the green investments in the stimulus package will create jobs in the short term and hence accelerate a return to full employment and economic growth. But even that logic has limits. Most serious energy programs take a long time to implement; in its zeal to spend stimulus money on the green sector, Congress directed a significant amount of its limited resources to long-term efforts that won’t maximize job creation when it’s needed most.

None of this is to say that we shouldn’t hope for a future replete with green jobs. Our economy is hurting, and our energy policy is broken. We need a broad-based economic policy that focuses on job creation and an ambitious energy policy that protects the planet and makes us more secure. But if we try to build both efforts around a single goal of creating green jobs, we may fail to deliver over the long term on either front. If we succeed independently on each, though, the green jobs will come.
When Green Is Another Word for Cheap

Hotels' linen-reuse programs get me fuming. Which eco-marketing gimmicks do you find most annoying?

By Jill Hunter Pellettieri

Tuesday, March 3, 2009, at 4:54 PM ET

When my sisters and I were girls, we loved exploring the hotels my family stayed at on vacation. On arriving, we would race off to ride up and down in the elevator, thumb through the tacky bric-a-brac at the gift shop, and check out the pool, inhaling the sticky, chlorinated air. In the room, we'd fight over free postcards in the desk drawer, play with the phone in the bathroom, and salivate at the prospect of ordering room service and getting those miniature bottles of jam delivered to our door. This was a world that suspended the realities of life at home, and we reveled in every aspect of it.

My taste for luxury has evolved somewhat—I'm not nearly as taken with the M&Ms in the mini bar—but on entering a hotel room, I still immediately review the room-service menu, bask in the prospect of fresh, silky sheets, and inspect the bathroom to ensure I have fluffy, clean towels for every possible need. Then I spy one of those little placards, nestled among the tiny soaps or hanging from the towel rack, asking me to reuse my linens: "Save Our Planet … Every day millions of gallons of water are used to wash towels that have only been used once … Please decide for yourself." And, like that, my hotel buzz fizzles.

I'll admit that I sometimes choose not to participate in this program and request fresh towels and sheets every day. Before you write in scolding me for being a wasteful person, let me qualify that by saying it's not the program, in theory, I'm against. I'm all for saving the environment. But I don't want to be guilt-tripped into going green. It's the two-facedness of it that gets me—save our planet! Conserve our resources! It's up to you, hotel guest. Forsake that washcloth (or two!), or those crisp sheets that are your right when you pay for the room, and to what end—so the hotel can save money on laundry? How many natural resources are wasted printing all of these little signs? Here's an idea: Instead of printing out a placard for every room in the hotel, wash my towel.

It turns out there's an entire business-to-business industry devoted to the packaging and sales of these party-pooping cards. If you visit the Web sites for any of the companies that sell these notices to hotels, you'll find the message is more financial than environmental: "Being green goes directly to your bottom line." Marriott, a hospitality company that's demonstrated a real commitment to environmentalism, says it "saves an average of 11 per cent to 17 per cent on hot water and sewer costs at each hotel," through the linen-reuse program. Of course, going green doesn't always have to be purely altruistic—it's great when there's an additional upside. But these cost-saving initiatives put an onus of self-sacrifice on guests under the guise of environmentalism. In the service industry, it's the business that should take responsibility for being environmentally sound, not the customers. There are a number of ways hotels can do this: installing water-saving toilets and showers, replacing light bulbs with CFLs, using solar energy, eliminating Styrofoam coffee cups, substituting room key cards made of plastic with those made of recycled paper.

If hotels really can't do without these opt-in laundry schemes, at least they could be transparent about their motives and reward the guests for their sacrifice. "Reusing your towel not only saves our precious natural resources; it also helps us save money. By participating in our linen-reuse program, we'll knock $10 off your room stay per night." Now, that's a program I can believe in.

The linen-reuse programs have been around for years. As the recession worsens, we're likely to see a lot more businesses shaving pennies by shaming their customers into "going green." Have you been frustrated by one of these eco-not-so-friendly schemes? Slate wants to know. Tell us about your green-business pet peeves by filling in the form below. Entries may be quoted unless you stipulate otherwise.

How are companies taking advantage of you in the name of Mother Earth?

Your Name

Your Email Address

Subject*

Message*

*Required field. E-mail addresses will remain private.
The other morning I looked at my BlackBerry and saw an e-mail from my mother. At last! I thought. I've missed her so much. Then I caught myself. The e-mail couldn't be from my mother. My mother died a month ago.

The e-mail was from a publicist with the same first name: Barbara. The name was all that had showed up on the screen.

My mother died of metastatic colorectal cancer sometime before 3 p.m. on Christmas Day. I can't say the exact time, because none of us thought to look at a clock for some time after she stopped breathing. She was in a hospital bed in the living room of my parents' house (now my father's house) in Connecticut with my father, my two younger brothers, and me. She had been unconscious for five days. She opened her eyes only when we moved her, which caused her extreme pain, and so we began to move her less and less, despite cautions from the hospice nurses about bedsores.

For several weeks before her death, my mother had been experiencing some confusion due to ammonia building up in her brain as her liver began to fail. And yet, irrationally, I am confident my mother knew what day it was when she died. I believe she knew we were around her. And I believe she chose to die when she did. Christmas was her favorite day of the year; she loved the morning ritual of walking the dogs, making coffee as we all waited impatiently for her to be ready, then slowly opening presents, drawing the gift-giving out for hours. This year, she couldn't walk the dogs or make coffee, but her bed was in the room where our tree was, and as we opened presents that morning, she made a madrigal of quiet sounds, as if to indicate that she was with us.

Since my mother's death, I have been in grief. I walk down the street; I answer my phone; I brush my hair; I manage, at times, to look like a normal person, but I don't feel normal. I am not surprised to find that it is a lonely life: After all, the person who brought me into the world is gone. But it is more than that. I feel not just that I am but that the world around me is deeply unprepared to deal with grief. Nearly every day I get e-mails from people who write: "I hope you're doing well." It's a kind sentiment, and yet sometimes it angers me. I am not OK. Nor do I find much relief in the well-meant refrain that at least my mother is "no longer suffering." Mainly, I feel one thing: My mother is dead, and I want her back. I really want her back—sometimes so intensely that I don't even want to heal. At least, not yet.

Nothing about the past losses I have experienced prepared me for the loss of my mother. Even knowing that she would die did not prepare me in the least. A mother, after all, is your entry into the world. She is the shell in which you divide and become a life. Waking up in a world without her is like waking up in a world without sky: unimaginable. What makes it worse is that my mother was young: 55. The loss I feel stems partly from feeling robbed of 20 more years with her I'd always imagined having.

I say this knowing it sounds melodramatic. This is part of the complexity of grief: A piece of you recognizes it is an extreme state, an altered state, yet a large part of you is entirely subject to its demands. I am aware that I am one of the lucky ones. I am an adult. My mother had a good life. We had insurance that allowed us to treat her cancer and to keep her as comfortable as possible before she died. And in the past year, I got to know my mother as never before. I went with her to the hospital and bought her lunch while she had chemotherapy, searching for juices that wouldn't sting the sores in her mouth. We went to a spiritual doctor who made her sing and passed crystals over her body. We shopped for new clothes together, standing frankly in our underwear in the changing room after years of being shyly polite with our bodies. I crawled into bed with her and stroked her hair when she cried in frustration that she couldn't go to work. I grew to love my mother in ways I never had. Some of the new intimacy came from finding myself in a caretaking role where, before, I had been the one taken care of. But much of it came from being forced into openness by our sense that time was passing. Every time we had a cup of coffee together (when she was well enough to drink coffee), I thought, against my will: This could be the last time I have coffee with my mother.
Grief is common, as Hamlet's mother Gertrude brusquely reminds him. We know it exists in our midst. But I am suddenly aware of how difficult it is for us to confront it. And to the degree that we do want to confront it, we do so in the form of self-help: We want to heal our grief. We want to achieve an emotional recovery. We want our grief to be teleological, and we've assigned it five tidy stages: denial, anger, bargaining, depression, and acceptance. Yet as we've come to frame grief as a psychological process, we've also made it more private. Many Americans don't mourn in public anymore—we don't wear black, we don't beat our chests and wail. We may—I have done it—weep and rail privately, in the middle of the night. But we don't have the rituals of public mourning around which the individual experience of grief were once constellated.

And in the weeks since my mother died, I have felt acutely the lack of these rituals. I was not prepared for how hard I would find it to re-enter the slipstream of contemporary life, our world of constant connectivity and immediacy, so ill-suited to reflection. I envy my Jewish friends the ritual of saying kaddish—a ritual that seems perfectly conceived, with its built-in support group and its ceremonious designation of time each day devoted to remembering the lost person. So I began wondering: What does it mean to grieve in a culture that—for many of us, at least—has few ceremonies for observing it? What is it actually like to grieve? In a series of pieces over the next few weeks, I'll delve into these questions and also look at the literature of grieving, from memoirs to medical texts. I'll be doing so from an intellectual perspective, but also from a personal one: I want to write about grief from the inside out. I will be writing about my grief, of course, and I don't pretend that it is universal. But I hope these pieces will reflect something about the paradox of loss, with its monumental sublimity and microscopic intimacy.

If you have a story or thought about grieving you'd like to share, please e-mail me at morourkexx@gmail.com.

From: Meghan O'Rourke
Subject: Finding a Metaphor for Your Loss
Posted Tuesday, February 24, 2009, at 7:11 AM ET

I am the indoctrinated child of two lapsed Irish Catholics. Which is to say: I am not religious. And until my mother grew ill, I might not have described myself as deeply spiritual. I used to find it infuriating when people offered up the—to me—empty consolation that whatever happened, she "will always be there with you."

But when my mother died, I found that I did not believe that she was gone. She took one slow, rattling breath; then, 30 seconds later, another; then she opened her eyes and looked at us, and took a last. As she exhaled, her face settled into repose. Her body grew utterly still, and yet she seemed present. I felt she had simply been transferred into another substance; what substance, where it might be located, I wasn't quite sure.

I went outside onto my parents' porch without putting my coat on. The limp winter sun sparkled off the frozen snow on the lawn. "Please take good care of my mother," I said to the air. I addressed the fir tree she loved and the wind moving in it. "Please keep her safe for me."

This is what a friend of mine—let's call her Rose—calls "finding a metaphor." I was visiting her a few weeks ago in California; we stayed up late, drinking lemon-ginger tea and talking about the difficulty of grieving, its odd jags of ecstasy and pain. Her father died several years ago, and it was easy to speak with her: She was in what more than one acquaintance who's lost a parent has now referred to as "the club." It's not a club any of us wished to join, but I, for one, am glad it exists. It makes mourning less lonely. I told Rose how I envied my Jewish friends the reassuring ritual of saying kaddish. She talked about the hodgepodge of traditions she had embraced in the midst of her grief. And then she asked me, "Have you found a metaphor?"

"A metaphor?"

"Have you found your metaphor for where your mother is?"

I knew immediately what Rose meant. I had. It was the sky—the wind. (The cynic in me cringes on rereading this. But, in fact, it's how I feel.) When I got home to Brooklyn, I asked one of my mother's friends whether she had a metaphor for where my mother was. She hesitantly answered: "The water. The ocean."

The idea that my mother might be somewhere rather than nowhere is one that's hard for the skeptical empiricist in me to swallow. When my grandfather died last September, he seemed to me merely—gone. On a safari in South Africa a few weeks later, I saw two female lions kill a zebra. The zebra struggled for three or four long minutes; as soon as he stopped, his body seemed to be only fleshy. (When I got home the next week, I found out that my mother had learned that same day that her cancer had returned. It spooked me.)

But I never felt my mother leave the world.

At times I simply feel she's just on a long trip—and am jolted to realize it's one she's not coming back from. I'm reminded of an untitled poem I love by Franz Wright, a contemporary American poet, which has new meaning. It reads, in full:
I basked in you;
I loved you, helplessly, with a boundless
tongue-tied love.
And death doesn't prevent me from loving you.
Besides,
in my opinion you aren't dead.
(I know dead people, and you are not dead.)

Sometimes I recite this to myself as I walk around.

At lunch yesterday, as velvety snow coated the narrow Brooklyn
street, I attempted to talk about this haunted feeling with a friend
whose son died a few years ago. She told me that she, too, feels
that her son is with her. They have conversations. She's an
intellectually exacting person, and she told me that she had
sometimes wondered about how to conceptualize her—well, let's
call it a persistent intuition. A psychiatrist reframed it for her: He
reminded her that the sensation isn't merely an empty notion.
The people we most love do become a physical part of us,
ingrained in our synapses, in the pathways where memories are
created.

That's a kind of comfort. But I confess I felt a sudden resistance
of the therapist's view. The truth is, I need to experience my
mother's presence in the world around me and not just in my
head. Every now and then, I see a tree shift in the wind and its
bend has, to my eye, a distinctly maternal cast. For me, my
metaphor is—as all good metaphors ought to be—a persuasive
transformation. In these moments, I do not say to myself that my
mother is like the wind; I think she is the wind. I feel her: there,
and there. One sad day, I actually sat up in shock when I felt my
mother come shake me out of a pervasive fearfulness that was
making it hard for me to read or get on subways. Whether it was
the ghostly flicker of my synapses, or an actual ghostly flicker of
her spirit, I don't know. I'd be lying if I said I wasn't hoping it
was the latter.

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From: Meghan O'Rourke
Subject: "Normal" vs. "Complicated" Grief
Posted Thursday, March 5, 2009, at 11:24 AM ET

A death from a long illness is very different from a sudden
death. It gives you time to say goodbye and time to adjust to the
idea that the beloved will not be with you anymore. Some
researchers have found that it is "easier" to experience a death if
you know for at least six months that your loved one is
terminally ill. But this fact is like orders of infinity: there in
theory, hard to detect in practice. On my birthday, a month after
my mother passed away, a friend mused out loud that my mom's
death was surely easier to bear because I knew it was coming. I
almost bit her head off: Easier to bear compared to what—the
time she died of a heart attack? Instead, I bit my tongue.

What studies actually say is that I'll begin to "accept" my
mother's death more quickly than I would have in the case of a
sudden loss—possibly because I experienced what researchers
call "anticipatory grief" while she was still alive. In the
meantime, it sucks as much as any other death. You still feel like
you're pacing in the chilly dark outside a house with lit-up
windows, wishing you could go inside. You feel clueless about
the rules of shelter and solace in this new environment you've
been exiled to.

And that is why one afternoon, about three weeks after my
mother died, I Googled "grief."

I was having a bad day. It was 2 p.m., and I was supposed to be
doing something. Instead, I was sitting on my bed (which I had
actually made, in compensation for everything else undone)
wondering: Was it normal to feel everything was pointless?
Would I always feel this way? I wanted to know more. I wanted
to get a picture of this strange experience from the outside,
instead of the melted inside. So I Googled—feeling a little like
Lindsay in Freaks and Geeks, in the episode where she smokes a
joint, gets way too high, and digs out an encyclopedia to learn
more about "marijuana." Only information can prevent her from
feeling that she's floating away.

The clinical literature on grief is extensive. Much of it reinforces
what even the newish mourner has already begun to realize:
Grief isn't rational; it isn't linear; it is experienced in waves. Joan
Didion talks about this in The Year of Magical Thinking, her
remarkable memoir about losing he
r husband while her daughter
was ill: "[V]irtually everyone who has ever experienced grief
mentions this phenomenon of waves," she writes. She quotes a
1944 description by Michael Lindemann, then chief of
psychiatry at Massachusetts General Hospital. He defines grief
as:

sensations of somatic distress occurring in
waves lasting from twenty minutes to an hour
at a time, a feeling of tightness in the throat,
choking with shortness of breath, need for
sighing, and an empty feeling in the abdomen,
lack of muscular power, and an intensive
subjective distress described as tension or
mental pain.

Intensive subjective distress. Yes, exactly: That was the
objective description I was looking for. The experience is, as
Lindemann notes, brutally physiological: It literally takes your
breath away. This is also what makes grief so hard to
communicate to anyone who hasn't experienced it.
One thing I learned is that researchers believe there are two kinds of grief: "normal grief" and "complicated grief" (which is also called "prolonged grief"). Normal grief is a term for the feeling most bereaved people experience, which peaks within the first six months and then begins to dissipate. ("Complicated grief" does not—and evidence suggests that many parents who lose children are experiencing something more like complicated grief.) Calling grief "normal" makes it sound mundane, but, as one researcher underscored to me, its symptoms are extreme. They include insomnia or other sleep disorders, difficulty breathing, auditory or visual hallucinations, appetite problems, and dryness of mouth.

I have had all of these symptoms, including one (quite banal) hallucination at dinner with a friend. (I saw a waitress bring him ice cream. I could even see the flecks in the ice cream. But there was no ice cream.) In addition to these symptoms, I have one more: I can't spell. Like my mother before me, I have always been a good speller. Now I have to rely on dictionaries to ascertain whether tranquility has one L or two. My Googling helped explain this new trouble with orthography: Some studies have suggested that mourning takes a toll on cognitive function. And I am still in a stage of fairly profound grief. I can say this with confidence because I have affirmation from a tool called "The Texas Revised Inventory of Grief"—one of the tests psychiatrists use to measure psychological distress among the bereaved. Designed for use after time has gone by, this test suggested that, yes, I was very, very sad. (To its list of statements like "I still get upset when I think about the person who died," I answered, "Completely True"—the most extreme answer on a scale of one to five, with five being "Completely False.")

Mainly, I realized, I wanted to know if there was any empirical evidence supporting the infamous "five stages of grief." Mention that you had a death in the family, and a stranger will perk up his ears and start chattering about the five stages. But I was not feeling the stages. Not the way I was supposed to. The notion was popularized by Elisabeth Kübler-Ross in her famous 1969 study On Death and Dying. At the time, Kübler-Ross felt—accurately—that there was a problem with how the medical establishment dealt with death. During the 1960s, American doctors often concealed from patients the fact that they were terminally ill, and many died without knowing how sick they were. Kübler-Ross asked several theology students to help her interview patients in hospitals and then reported on what she discovered.

By writing openly about how the dying felt, Kübler-Ross helped demystify the experience of death and made the case that the dying deserved to know—in fact, often wanted to know—that they were terminal. She also exposed the anger and avoidance that patients, family members, and doctors often felt in the face of death. And she posited that, according to what she had seen, for both the dying and their families, grieving took the form of five emotional stages: denial, anger, bargaining, depression, and acceptance.

Of course, like so many other ideas popularized in the 1970s, the five stages turned out to be more complex than initially thought. There is little empirical evidence suggesting that we actually experience capital-letter Denial, Anger, Bargaining, Depression, and Acceptance in simple sequence. In On Grief and Grieving, published years later, Kübler-Ross insists she never meant to suggest the stages were sequential. But if you read On Death and Dying—as I just did—you'll find that this is slightly disingenuous. In it, she does imply, for example, that anger must be experienced before bargaining. (I tried, then, to tackle On Grief and Grieving but threw it across the room in a fit of frustration at its feel-good emphasis on "healing.") Researchers at Yale recently conducted an extensive study of bereavement and found that Kübler-Ross' stages were more like states. While people did experience those emotions, the dominant feeling they experienced after a death was yearning or pining.

Yearning is definitely what I feel. I keep thinking of a night, 13 years ago, when I took a late flight to Dublin, where I was going to live for six months. This would be the longest time I had ever been away from home. I woke up disoriented in my seat at 1 a.m. to see a spectacular display of the aurora borealis. I had never seen anything like it. The twisting lights in the sky seemed to evoke a presence, a living force. I felt a sudden, acute desire to turn around and go back—not just to my worried parents back in Brooklyn, but deep into my childhood, into my mother's arms holding me on those late nights when we would drive home from dinner at a neighbor's house in Maine, and she would sing a lullaby and tell me to put my head on her soft, warm shoulder. And I would sleep.

human nature
Crocktuplets
Hijacking the octuplets backlash to restrict IVF.
By William Saletan
Wednesday, March 4, 2009, at 7:31 AM ET

No more octuplets! That's the rallying cry for Georgia Senate Bill 169, which faces a committee hearing Thursday morning. The bill's lead sponsor, state senator Ralph Hudgens, says he believes in "less government," "more personal responsibility," and "greater individual freedoms." Supposedly, that's what galls him about Nadya Suleman, the now-infamous woman who had six kids and, through in vitro fertilization, just gave birth to eight more. "Nadya Suleman is going to cost the state of California millions of dollars over the years; the taxpayers are going to have to fund the 14 children she has," Hudgens told the Wall Street Journal. "I don't want that to happen in Georgia."
Georgia Right to Life, which helped Hudgens draft his bill, puts a gentler spin on it. The Suleman case shows that "the fertility industry needs governmental oversight," the group argued in a press release two weeks ago. Its president explained that S.B. 169 "is written to help reduce the attendant harm that could come to the mother and her children through the creation and implantation of more embryos than is medically recommended." The release was titled "Georgia Right to Life Introduces Legislation to Protect the Mother and Child."

So which rationale should we believe? The one about protecting taxpayers or the one about protecting women?

Neither. Never trust the press release. Always read the bill.

S.B. 169 does limit the number of embryos you can implant in an IVF patient to two or three, depending on whether the patient is younger or older than 40. But it also does several things that have nothing to do with saving tax money or protecting women from the risks of carrying multiple fetuses. It forbids the sale of eggs or sperm, bans therapeutic human cloning, and prohibits any stem-cell research involving the destruction of leftover embryos.

"This bill would limit the number of embryos transferred in any given cycle to the same number that are fertilized," says the Georgia Right to Life press release. But that's not what the bill says. Here's the actual text of the legislation:

In the interest of reducing the risk of complications for both the mother and the transferred in vitro human embryos, including the risk of preterm birth associated with higher-order multiple gestations, a person or entity performing in vitro fertilization shall limit the number of in vitro human embryos created in a single cycle to the number to be transferred in that cycle.

In other words, if you're 39, your doctor is forbidden to fertilize more than two of your eggs per treatment cycle. Take all the hormones you can stand, make all the eggs you want, but you get two shots at creating a viable embryo, and that's it.

How does this restriction "protect the mother" and "reduce the risk of complications" for her? It doesn't. If you wanted to protect the woman, you might limit the number of embryos that could be transferred to her womb, not the number that can be created in the dish. In fact, by limiting the number that can be created, you increase her risk of complications. The fewer eggs you fertilize, the lower your chances of producing an embryo healthy enough to be transferred and carried to term. That means a higher failure rate, which in turn means that women will have to undergo more treatment cycles, with the corresponding risks of ovarian hyperstimulation and advancing maternal age.

So why limit the number of embryos created per cycle? Because the bill's chief purpose isn't really to help women. It's to establish legal rights for embryos. That's why it bans cloning and embryo-destructive stem-cell research. And if the woman and her husband get into a legal battle over what to do with their embryos, guess which of them has the final say? Neither. According to the bill's text, "the judicial standard for resolving such disputes shall be the best interest of the in vitro human embryo."

From the standpoint of respecting embryos, this is all wonderful stuff. But it doesn't serve the health interests of women seeking IVF, and it certainly doesn't protect taxpayers. "A living in vitro human embryo is a biological human being who is not the property of any person or entity," the bill declares. "The fertility physician and the medical facility that employs the physician owe a high duty of care to the living in vitro human embryo." Guess who's going to foot the bill for that "high duty of care"? With half a million embryos already frozen and thousands more accumulating every year, a declaration of medical rights for embryos would be one of the biggest entitlement programs in history.

Oh, and if you like what Suleman did, you'll love S.B. 169. By requiring doctors to "limit the number of in vitro human embryos created in a single cycle to the number to be transferred," the bill logically requires them to transfer every embryo created. That's exactly what Suleman did. She loved her babies too much to leave any of them behind.

Enough with the opportunism about the octuplets. Respecting embryos is a noble idea. But it won't be safer for women, and it won't come cheap.

(Now playing at the Human Nature blog: 1. Obama, "conscience," and abortion. 2. The insanity of driving while breastfeeding. 3. Why am I having trouble selling rubbers?)

jurisprudence
State of the Union
Defining gay marriage for the feds.
By Kenji Yoshino
Wednesday, March 4, 2009, at 12:04 PM ET

On Tuesday, a gay rights organization filed a lawsuit in Boston whose import and importance are likely to be misunderstood. Filed on behalf of eight married same-sex couples and three people who survived their same-sex spouses, the complaint in
Gill v. Office of Personnel Management challenges a congressional statute that refuses to recognize same-sex marriages under federal law. Much of the media coverage will probably focus on the gay rights angle of the case. But Gill also raises the broader issue of how far the federal government can intrude on state sovereignty—in this case, how states define marriage. It is worth distinguishing between the two takes on the case, because the lens one chooses could easily determine the result.

In Massachusetts, same-sex couples have been able to marry since 2004, and more than 10,000 such couples have done so. In the eyes of the Bay State, these same-sex married couples are exactly the same as cross-sex married couples. In the eyes of the federal government, these same-sex couples are not married. The 1996 Defense of Marriage Act, signed into law by President Bill Clinton, defines the word marriage, for federal law, to mean "only a legal union between one man and one woman." It also defines the word spouse to refer "only to a person of the opposite sex who is a husband or a wife."

The consequences of this restrictive federal definition are far-reaching. A same-sex couple whose marriage is valid in Massachusetts cannot get spousal benefits under the federal Social Security program. If that couple consists of a citizen and a noncitizen, the citizen cannot sponsor the noncitizen spouse for citizenship. If that couple includes an employee of the federal government (the largest employer in the United States), the nonemployee spouse cannot receive family health insurance benefits, retirement benefits, or death benefits.

The best-known couple described in the case shows how the discrepancy works. Plaintiff Dean Hara is the widowed spouse of former U.S. Rep. Gerry E. Studds. After 13 years together as a couple, Studds and Hara married in Boston in 2004, when Massachusetts allowed them to do so. Two years later, Studds did not come home from his morning walk with their dog, because he had passed out from a blood clot in his lung. He died in the hospital. Massachusetts treated Hara as a surviving spouse, by, for instance, releasing Studds' remains to him. The federal government, in contrast, treated Hara as if he and Studds had never married. Hara was denied the lump-sum benefit to which the Social Security Act entitles surviving spouses and was denied the annuity he would have received as the spouse of a federal employee.

One could see Hara's glass as half-full of state benefits rather than half-empty of federal ones. After all, only Massachusetts and Connecticut currently permit same-sex couples to marry. But that would miss a fundamental dimension of this case.

The discrepancy between federal and state definitions of marriage affects not just individual rights but also state sovereignty. Before the DoMA, the definition of marriage rested almost exclusively with the states. U.S. Supreme Court decisions handed down before and after the DoMA shore up the understanding that state governments, not the federal government, should control the definition of marriage. In 1995, the Supreme Court decided the landmark case of United States v. Lopez, which limited congressional power more than it had been in almost 60 years. The Lopez court's concern was that Congress was unconstitutionally encroaching on traditional state domains, including family law. Indeed, it referred to family law (which it found to include "marriage, divorce, and child custody") no fewer than four times as an area where the federal government should fear to tread. In 2000, the court reiterated its view that "marriage" was one of the "areas of traditional state regulation."

Gill will likely find its way to the U.S. Supreme Court because, unlike existing challenges to state bans on same-sex marriage, it raises a claim under the federal Constitution. If the case makes it to the nation's high court, some conservative justices will be confronted with a seeming tension. These justices tend to favor moving power from the federal government to the state government, as in Lopez. At the same time, they hardly favor expanding the right to marry by, for instance, making same-sex marriage a constitutional right.

But this tension dissipates if we look at what Gill does and does not seek to accomplish. The suit argues only that if a marriage is recognized as valid in a state, the federal government should also recognize it. It does not seek to affect the marriage laws of any state. It does not seek to require that states that do not permit same-sex marriages recognize marriages performed in states that do. And it does not maintain that the federal government must permit same-sex couples to marry across the board.

Put differently, this lawsuit is not just about gay rights but about preserving the nation's federal structure. It takes aim at a failure of the federal government to defer to state definitions of marriage. Where no difference in definition exists between state and federal law, the suit asks for no federal adjustment. For instance, if a couple travels to Massachusetts or Connecticut to get married and then returns to their home state where that marriage is not recognized, the suit does not, as a general matter, maintain they should acquire federal protections.

One can argue over whether it's appropriate to keep the federal government out of marriage. But many of the justices on the court have already taken the position that family law is state law. If conservative jurists—on the Supreme Court or otherwise—care as much about states' rights as they claim to, this should be an easy case for them.

jurisprudence
Here We Go Again
Obama shouldn't get away with the same tricks in al-Marri that Bush got away with in Padilla.

By Emily Bazelon  
Tuesday, March 3, 2009, at 4:45 PM ET

In 2005, the government took a terrorism case it should have lost and made it go away. The Bush administration ducked Supreme Court review by transferring Jose Padilla out of military custody and bringing criminal charges against him in federal court. Now the Obama administration is using the same presto-chango tactic on the pending Supreme Court challenge of Ali Saleh Kahlah al-Marri.

Padilla was the U.S. citizen captured on American soil in 2002, thrown into a military brig, and held indefinitely without charges. Al-Marri is the legal resident captured on American soil in 2001, thrown into a brig, and also held indefinitely—until the Justice Department announced this week that it would charge him and move his case into the federal system. It's an understatement to say that the cases hit a constitutional nerve: They represent one of the Bush administration's most breathtaking expansions of executive power. That's saying something, as we're reminded by an amazing trove of newly released memos from the Justice Department's Office of Legal Counsel. In the name of national security, the memos make clear, Bush lawyers between 2001 and 2003 were ready to brush aside the Constitution's protections for free speech and against warrantless searches. They also had no use for Congress, which they told to butt out of all matters of interrogation, detention, and rendition—until the Supreme Court said otherwise.

Many aspects of the Bush administration's discredited policies are hard to hit back at through litigation. Plaintiffs run into the government's claims of state secrets and high-level immunity—arguments the Obama lawyers continue to make. Al-Marri's case, however, has already gotten to the high court, with argument slated for later this spring. There are solid legal grounds for the court to take al-Marri off its docket. But given the history of war-on-terror litigation of the last eight years, the better argument is for the justices to hear the case. It's past time for them to make clear that the power to pick someone up off the street and hold him indefinitely is a power that the executive branch does not have. Even if it's a nicer executive.

The government argues that al-Marri is moot. Since al-Marri is being charged and is not now designated as an enemy combatant—the status that leads to military detention without charges—there's no "live controversy," as the Constitution requires for a case to proceed in court. There's no injury, according to the Justice Department, that a court can redress. That's what makes a case moot, except if it's "capable of repetition but evading review." This means that the concerns at the center of the case could arise again, in a way that makes them hard for a court to address (usually because the facts on the ground are changing quickly).

Here, al-Marri does have a problem that could repeat itself. The government hasn't given up its power to turn him back into an enemy combatant in the future—much less repudiated its power to designate another suspect as such. The possibility that al-Marri will be back where he started, presumably if the criminal charges don't result in conviction, is very much alive.

In its brief calling on the Supreme Court to drop the case, the government calls its holding onto the enemy combatant card a "hypothetical contingency." It's also called having it both ways. The Justice Department gets to keep its weapon, so long as it stops pointing it at al-Marri's head for the time being. All due credit to the Obama administration for charging al-Marri and moving him into the federal civilian courts. Here's Human Rights Watch clapping, too. But the legal loose ends the government is trying to tuck out of sight are long and frayed.

Also dangling out there is the chance that al-Marri's former enemy combatant status could come back to bite him later, even if it's not formally re-invoked. In 2007, a Miami jury convicted Jose Padilla of conspiracy to maim, kill, or kidnap people abroad and of material support for terrorism. The conspiracy charges related to the plotting of attacks outside the United States, in Kosovo, Bosnia, and Chechnya. Padilla is being held in 24-hour solitary confinement at the supermax prison in Colorado where the Unabomber is. This is after years of military detention that eroded his sanity. Other people convicted of material support for terrorism aren't in supermax. Why is Padilla there? His placement papers from the Bureau of Prisons, which his lawyers have seen, say that Padilla had the "intent of carrying out acts of terrorism in the U.S." No jury ever made such a finding. The conditions of his imprisonment have everything to do with his former designation as an enemy combatant.

Because al-Marri could be converted back into an enemy combatant at the government's bidding, and because his former status could haunt him the way Padilla's has, this case isn't a slam-dunk for mootness after all. And if it's not, then whether the case stays before the Supreme Court comes down to prudential considerations, which means that the justices decide what's best. The government argues that the prudential grounds for dismissing al-Marri are strong. No one else is currently being detained as an enemy combatant on American soil, and the case raises exactly the kind of difficult and sensitive constitutional questions that the court should be cautious about addressing. This idea, that the court should address only hard constitutional questions when it must, is a bedrock doctrine that comes from a 1936 concurrence by Justice Louis Brandeis. It's the government's best argument. Don't muck around in the Constitution if you don't have to. Don't answer hard questions if you can avoid them. If it ain't broke, don't fix it.
But before you deny al-Marri his day before the Supreme Court, imagine what the court would do if the Bush administration, rather than its successor, were making these arguments for mootness and dismissal. We'd hope that the court would be suspicious, because the case would look like shades of Padilla—the government ducks Supreme Court review and continues merrily along its legally questionable way. The change of administration shouldn't force a different conclusion. Since 2001, the executive branch has been claiming that it has the power to indefinitely detain someone who was arrested on American soil while here legally, and put him away for as long as the president likes. That power is supposed to be based on the 2001 congressional Authorization for the Use of Military Force. In three go-rounds since 9/11, the Supreme Court has never set out clear parameters for the AUMF, read against the Constitution. We still don't know the boundaries of the power that statute gives the executive branch. New administration or no, it's time for the court—not the president—to tell us.

jurisprudence

The Better, Cheaper Mortgage Fix
How to renegotiate all those bad loans at no cost to the taxpayer.
By Eric Posner and Luigi Zingales
Monday, March 2, 2009, at 5:55 PM ET

Earlier this month, President Obama announced a homeowner-relief plan that would offer $75 billion in subsidies to homeowners who have trouble making mortgage payments. The problem with the president's plan is that it does little to address the principal source of the housing crisis—the fact that the bursting of the housing bubble has plunged millions of homeowners into negative equity. Their houses are worth less than their mortgages, or "underwater." What's still needed is an approach to mortgage forgiveness that will give homeowners the right to force mortgage holders to accept terms that both sides can live with. Executed correctly, this could resolve the crisis without costing the taxpayer any money. Really.

The key to understanding our plan is that houses are worth more if kept or sold by their owners than if they are foreclosed on. Bankers tell us that when they foreclose on a house, it typically loses a great deal of value, as much as 30 percent to 50 percent. And this is on top of the loss that the house has already suffered because of the general economic downturn. This means that if you bought a house for $300,000 and today you can sell it for $240,000 but instead lose it to foreclosure, the house will eventually go for only $120,000 to $168,000. The reasons are well-known: Foreclosure can be a time-consuming process, and empty houses are difficult to maintain. Sometimes, they are taken over by squatters and vandalized. And one badly maintained house can bring down the block, leading to more underwater homeowners, more mortgage defaults, and more foreclosures.

If foreclosure is so costly, why don't lenders avoid this cost through renegotiation? Renegotiations aren't happening because so many mortgages are securitized. In the old days, if you wanted to renegotiate your loan, you just called your bank. Now you have to deal with the loan servicer, who acts on behalf of the thousands of mortgage-security holders who have a right to a share of your payment. The loan servicer gains little and loses a lot if it attempts to renegotiate a loan. Securities holders don't trust servicers and threaten to sue them if they renegotiate loans; servicers usually don't lose much money if the mortgage defaults.

The solution to this problem is for the government to force renegotiations to occur. A simple plan could do this. The plan would give all homeowners who live in a ZIP code where house prices have dropped more than 20 percent the option to have their mortgage reduced to the current market value of the house. In exchange, these homeowners would yield to their lenders 50 percent of the future appreciation of the house. To avoid any gaming and future moral hazard, both the current and the future value of the house will be determined by multiplying the purchase price and the variation in the housing price index. So if you bought your house for $300,000, and the average house in your ZIP code has lost 20 percent of its value, then your new house is assumed to have a value of $240,000. If your mortgage was $280,000, now it is $240,000 (the new value of the house). You are no longer underwater.

For the homeowner, this is a very attractive proposition. Suppose he has a $300,000 mortgage on a house he bought for $350,000 but today is worth only $200,000. With the plan, he will receive a $100,000 reduction in his mortgage in exchange for giving up a portion of the future appreciation of the house should that happen. Using the tools of finance theory, we can calculate the value of the "option" that the homeowner gives to the bank. Assuming an 8 percent annual volatility in house prices and an 11-year tenure in the house, the option is worth $36,000. The homeowner loses $36,000 from the lost future appreciation but gains $100,000 in the reduction in mortgage debt: a good deal. The homeowner also has a good incentive to maintain his property. If the homeowner adds a bathroom, he reaps the full benefits of this addition when he sells the house. Although he must pay the bank 50 percent of the increase in the price of the average house in the ZIP code, he keeps any additional return if his own house appreciates more quickly than the average house because of the new bathroom.

For the lender, there is also money to be made. If he were to foreclose, he would get only $100,000 to $140,000, the market value of the house after it has declined 30 percent to 50 percent because of foreclosure. If the mandated renegotiation occurs, he gets $236,000 ($200,000 from the mortgage and $36,000 from
the option). This is an excellent deal, even if some homeowners default on the renegotiated mortgage.

Now here’s the bonus: This plan is very low-cost. It could be introduced as a prepackaged bankruptcy, requiring just a judicial stamp of approval. Congress is considering some similar plans that allow homeowners who enter Chapter 13 bankruptcy to reduce their mortgages to the market value of the house. But Chapter 13 cases are slow and expensive, and the country’s few hundred bankruptcy judges cannot handle millions of these full-blown proceedings. Our plan, by contrast, is quick and dirty: It strips away the irrelevant elements of Chapter 13 as well as relying on ZIP code-level housing price indexes to deal with appraisals. And whereas a Chapter 13 proceeding can be used to dispose of credit-card debt and other unsecured debt—which could throw these credit markets into turmoil—our plan is limited to mortgages. Borrowers with adjusted mortgages have a better ability to pay off their other debts.

With 62 percent of Americans asking for some kind of homeowner relief, government intervention is inevitable, as the Obama administration has recognized. Although many people think that one can help homeowners only by hurting creditors and hence driving up the long term cost of credit, our plan will help homeowners and reduce the long-term cost of mortgages. It does so by reducing an inefficiency in the mortgage market whose magnitude had been overlooked until the current financial crisis. And unlike other proposals, it would not cost the taxpayer a cent.

**sidebar**

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When banks originated the loans, they did not keep them on their books, as they did in the old days. Instead, they resold the loans to investment banks or other firms, which pooled those loans with others and converted them into securities. These securities are now owned by people and institutions all over the world. When you pay your mortgage, you make your payment to an intermediary called a loan servicer, which then passes on your payment to the security holders, each of whom receives a miniscule share of it.

**jurisprudence**

Lest Ye Be Judged

Does America need protection from its out-of-control judges?

February is shaping up to be a spectacularly bad month for the judging business. Last week saw Samuel Kent, a federal district judge in Texas, plead guilty to obstruction of justice charges in exchange for the state dropping numerous sex crime charges against him. Kent may go to prison for three years for groping his female subordinates, and there is talk in the Senate of his impeachment.

Then there’s Sharon Keller, presiding judge of the Texas Court of Criminal Appeals, just charged by her state’s Commission on Judicial Conduct with five counts of violating her duty and discrediting the court. Keller made national headlines two years back for ordering the courthouse closed as lawyers for a death-row inmate scrambled to file a last-minute appeal, based on developments that day at the U.S. Supreme Court. Their client, Michael Richard, was executed, despite the fact that the Supreme Court granted another prisoner a stay on the same grounds sought by Richard. Keller may face impeachment as well.

Or the New York family court judge, Dandrea Ruhlmann, who was publicly censured last week by the state’s Commission on Judicial Conduct for making her secretary baby-sit her children and type up her husband’s résumé. The judge says it was all just a big misunderstanding.

Who is watching over the judiciary? Why do we give our judges such extraordinary power over our lives and then leave them to police themselves, until and unless they break the law in hideous ways? This week the Supreme Court hears an important case about judging the judges. That they have to hear it in the first place is extraordinary: Brent Benjamin, chief justice of the West Virginia Supreme Court, refused to remove himself from a case despite the fact that one of the parties—the CEO of a coal mining company—had contributed $3 million of his own money to Benjamin’s judicial election campaign. (Benjamin later cast the deciding vote in a 3-2 decision in favor of the coal company.) The high court must now address itself to questions of whether and when the out-of-control campaign spending by parties or lawyers in states that elect judges creates an "appearance of bias" on the bench. The rules about when judges are biased (or merely “appear” biased) are in dire need of clarification. The decision to recuse in this case was left to Judge Benjamin alone.

But—like a stack of those Russian nesting dolls—most of the same justices deciding the West Virginia case have themselves faced questions at some point of self-interest, bias, or the appearance of improper influence. Just last week, the Washington Post’s editorial board groused about Chief Justice John Roberts’ role in a case now pending at the high court, to
which the pharmaceutical giant Wyeth is a party. Wyeth and Pfizer plan to merge, and it seems Roberts holds Pfizer stock. Will that affect his judgment in the case? Who can know? Each justice decides such recusal questions for himself without ever publicly announcing the rationale.

Except for Justice Antonin Scalia, who in 2004 penned a 21-page Dear John letter to the American people, explaining why he refused to remove himself from hearing a case in which Vice President Dick Cheney was a party, despite the fact that the two had just shared a most manly duck-hunting adventure. Enraged that he was being called out to publicly account for his decision to hunt waterfowl with a party to an appeal, Scalia shared numerous examples of great justices who palled around with great presidents and then concluded, "While the political branches can perhaps survive the constant baseless allegations of impropriety, this Court cannot. The people must have confidence in the integrity of the Justices, and that cannot exist in a system that assumes them to be corruptible by the slightest friendship or favor."

If justices ever answered such questions, one might well ask Scalia the follow-up: How can the people have confidence in the integrity of justices who answer to nobody?

But efforts to control the judiciary often run afoul of the ideal of judicial independence. Whenever the public attempts to tell judges or justices how to behave themselves, they run headlong into the argument that judges warrant special deference because what they do transcends politics and public opinion. Why should the justices care what we think of their stock portfolios? Isn't their job to be above caring what we think about anything?

That's why an attempt last week by a group of prominent academics and practitioners to manhandle the justices of the Supreme Court into line will likely prove futile. A group of 33 prominent legal thinkers sent a letter to Attorney General Eric Holder and ranking members of the Senate judiciary committee, proposing Supreme Court reforms that would bar justices from making their own calls about their retirement. (They would be demoted to "senior status" after 18-year terms, and the chief justice would serve as chief for only seven years.) Justices would lose the power to decide for themselves if they are too sick or ill to serve, as well as the authority to decide which cases the court would hear. Since the Constitution provides that the justices shall hold office "during good behavior," these attempts to cut short judicial careers and pump up judicial caseloads will likely go ignored, although it speaks volumes that America's great legal minds think the justices are old, infirm, and underemployed.

So while Americans of every stripe worry and bicker and advocate for greater control over the judiciary, whether it's in the family courts, state Supreme Courts, or at the highest court in the land, what the judges hear for the most part is the sound of crickets chirping. And perhaps this is right and proper. In the truly appalling cases, like Kent's sexual harassment charges, judges should be disciplined. But the larger problem is that jumbled in with America's legitimate grievances about their judges, there are also many vague and subjective gripes from litigants who just didn't get what they wanted. No litigant ever walks away happy from his case. That alone doesn't mean every judge is biased, self-interested, or on the take.

Judges are not gods. But before we criticize too much, we must be honest enough to admit that what looks like bias and corruption to us might just be a fallible human being doing her job at one end and a fallible litigant feeling ripped off at the other. If we create too many systems for micromanaging the judiciary, we are really saying that we trust their judgment only when they agree with us. We need to separate the real problems of policing judicial misconduct from the generalized grousing that if judges don't agree with us on everything it must be because they are old, elitist, corrupt, or out-of-touch. And in the end, to paraphrase Scalia, we must either trust in our judges to judge, or do away with this institution altogether.

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**lifehacking**

**Kill Your Computer**

The cloud wants to set you free.

By Michael Agger

Monday, March 2, 2009, at 6:46 AM ET

I spend all day in front of the computer, so I spend lots of time trying to get along with it. Does the computer like this application? Or does it make my machine feel bloated and slow? Should I finally learn some keyboard shortcuts or just stick with the mouse, even though my wrist is about to fall off? For years, I've been an on-and-off devotee of the Mac application **Quicksilver**. It presents itself as a powerful "program launcher"—allowing you to load Web sites, find phone numbers, and e-mail files with a few keystrokes—but it's really a philosophy. If you become adept at Quicksilver, you reach a state of **wei wu wei**—acting without doing. Here's how the site puts it: "Quicksilver becomes an extension of yourself; the process fades away leaving only results." *Ohm.*

This philosophy seems right to me—in my experience, the best computer is one that disappears when you are using it. Many of us who use computers all day don't really "like" computers. We just want the box to work—i.e., get out of our way so that we can get things done. Sometimes, with your computer, it's unclear...
who is serving whom. Watch as the user attends the computer during program installs, crash recoveries, and tedious system upgrades. Watch the user clean the hard disk and cure it of viruses. As with all troubled relationships, setting ground rules may help. I've found "al3x's Rules for Computing Happiness" very inspiring. A sample:

- Use as little software as possible.
- Use software that does one thing well.
- Do not use software that does many things poorly.
- Use a plain text editor that you know well. Not a word processor, a plain text editor.
- Do not use your text editor for tasks other than editing text.

The ideal of "making the computer go away" has been a career-long goal of Sam Schillace, who you might call the Lando Calrissian of Google. He watches over Google's Cloud City, its communication and collaboration apps such as Gmail, Google Docs, and Google Calendar. "Cloud computing" is a wispy concept; Gmail may be the easiest way to grasp it. Your mail is stored on Google's servers—otherwise known as the cloud—rather than on your hard drive. Thanks to that, you can access your messages from any Web browser, not just your own machine.

That sounds great, and it is, but many critics have pointed out the downsides. Last April in Slate, Paul Boutin argued that there are plenty of reasons to stay on the ground: the flakiness of network connections, the fact that cloud applications have fewer features than their desktop counterparts, the useful processing power of the desktop computer, and the healthy desire to unplug from the Internet on occasion. Since last year, major cloud apps like Gmail have added offline functionality, and browsers are getting much faster at running these apps. (Take the new Safari out for a drive.) Yet Boutin's objections still stand. Google Docs still awaits pagination, for example, and a wonky Internet connection can transform working in the cloud into an insane-making experience. Plus, many people just don't like the idea of their files and photos and stuff being stored in a murky Internet netherworld.

But those people will feel very differently about that netherworld when their hard drive crashes and their treasured family photos are safely floating in the cloud. (Which brings me to another rule of computing happiness: Hard drives are physical devices. They will break. Repeat: They will break. Try Mozy if you are lazy.) It's amazing how tough it is to sever the attachment to your physical computer. Schillace has a parlor trick that he plays with journalists: He offers to delete and reformat the hard drives on their machines and his own. (So far, no one has taken him up on this offer.) His message is, My computer, unlike yours, is just an appliance to access the cloud; I am free of it.

In Schillace's view, the computer goes away when you trust the cloud. "Work when you want to work," he says. "Don't worry where things are. Just go to a browser and do your work." Web or cloud apps are meant to be open, easy, light. Their lack of features is a virtue. Don't fuss with fonts; do your writing. When collaborating, don't worry about checking out the doc like a library book, just let everybody edit it at once and have the computer sort out the conflicts. Google's Web apps try not to dictate human etiquette. E-mail, IM, and sharing apps assist us in a new work model that pushes smaller, more frequent interactions. Schillace will rhapsodize about the cloud as a "superconductor for communication between people."

The danger for Schillace and his colleagues is that an application like Google Docs will become "Microsoft Word in a browser" and take 10 minutes to load. "You can get loved to death and try to incorporate too many suggestions," says Schillace. "That's an easy failure." With the pressure to be "better," to create a richer application, comes the difficulty of keeping things simple. Schillace realizes how "it's very easy to ruin Gmail," yet the Gmail team has kept the app lean by keeping it modular. You can opt in or out of features such as chat, tasks, and the surprisingly popular Old Snakey.

Schillace, who came to Google after co-creating one of the first Web-based collaborative word processors, Writely, is surprised at how quickly the whole cloud thing has taken off. Not just the sheer numbers of people trying out cloud apps, but the "OK, I get it" factor. The willingness to see that once you're inside a browser window, it doesn't matter whether you are on a Mac, a PC, or a mobile phone. The rising popularity of Netbooks can be taken as a sign that people see that "this cloud stuff actually works." Why drop $2,000 on a new laptop when most of what you need to do runs online? The so-called "casual gaming" market is also exploding. Yes, those little Flash games you play in your browser are expected by some analysts to be a billion-dollar industry in four years.

Of course, there's a lot to be worked out before we ascend into cloud heaven. Who is paying for all this stuff again? Is my data really secure? At the moment, deploying a mix of cloud and noncloud apps seems to be the sensible middle way. But there is something freeing and almost intoxicating about embracing the cloud mindset. What if I stopped lugging around 7,000 photos and just put the 200 best on Flickr? What if I just let Google figure out who my most important contacts are? Do I really need all my college papers on my hard drive? Computers can be very heavy and depressing. Send in the clouds.

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medical examiner

Sniffle While You Work

Why doctors go to work sick.

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In Marcus Welby, M.D., the early-'70s medical version of Leave It to Beaver, hospitals were depicted as sterile environments with shiny equipment and starched bed sheets. More recent medical dramas have gotten dirty: E.R., House, and Grey’s Anatomy are a lot more likely to feature episodes in which a patient is admitted with a broken leg and later gets infected by flesh-eating bacteria. While not all TV medicine reflects real life (it’s not that common to call a code black in order to extract a ticking time bomb from a patient’s abdomen), new studies are published every month on hospital-acquired infections. Not even celebs are immune. According to reports, Michael Jackson suffered serious infection after his most recent nose job.

This raises an important question: Why do people get infected while in the hospital? The first and most obvious answer is that hospitalized patients are sick and vulnerable because their immunity is compromised. But hospitals are also dirty places that can (and do) serve you up a side of microbes along with that lukewarm bouillon. Hospitals house hordes of people with infections together in close quarters, and bugs are bound to spread. While some of this can be prevented through infection control, doctors frequently don’t do a great job of washing their hands or their stethoscopes between patients. But there’s another reason, which no one who works in a hospital likes to talk about:

Doctors tend to show up to work sick.

Now, why would a doctor dare come to work with a contagious disease and examine my grandmother with germey hands?

Coming to work ill is part of the culture of medicine. A favorite saying on surgical wards is "We’re rounding with you, or we’re rounding on you"—if you’re missing work, you better be so sick that you’re admitted to the hospital. Sick doctors have been known to do rounds while dragging IV poles and receiving fluids for GI illness. Gross, but it happens. This culture of work-first/self-second may not be such a terrible thing: Patients want dedicated doctors who study hard and won’t sleep unless their patients are tucked in. But this hard-nosed culture can cause problems, especially when overtired doctors make mistakes because a cold has stuffed up that same hard nose.

In some hospitals, working while under the weather is basically policy. Some hospitals have been reported to fire workers who take too many sick days. Residents on a well-known hospital’s internal medicine service are allotted two sick days per year. Any more than that, and they work an extra week. When a poor doc wakes up coughing and achy on what would be her third sick day, there’s no real choice: She sucks it up and hobbles to work. One would hope that she would wash her hands more diligently that day, but there’s still a good chance some hapless patient will catch whatever she’s got. In all likelihood, the otherwise healthy M.D. will recover without a problem. But the newly infected patient, who was already sick, might not be so lucky.

Hospitals may promote this culture in part because of the limitations on hours that residents can work. Unfortunately, the guidelines can make already tight schedules even more packed. When people call in sick, sometimes a healthy but sleepy member of the team has to come back to work, or a disgruntled doc gets called in from a much-needed vacation. Either way, the sick doc at home—sniffling and coughing through The Price Is Right—feels bad because he just screwed over a colleague. The next time he comes down with something, he might try to tough it through his shift.

This culture of working sick isn't limited to doctors and hospitals. Other high-intensity professionals are loath to miss a day. But a banker showing up sick to the stock exchange is far less worrisome than a doctor coming to the hospital with the flu, which can kill a patient who has a compromised immune system. Some would argue that coming to work sick is better than the alternative. When doctors don't show up, their patients must be cared for by others who may not know important details of their medical history, possibly leading to medical errors. But the same arguments were made when rules came down forcing doctors in training to work fewer hours: Despite less continuity of care, patients didn't fare any worse.

In the end, it conjures images of Snow White and the Seven Dwarves: You might think you're getting Doc, but instead you get Sneezy, Sleepy, or even Dopey.

What's the solution? The first thing we can do is change the culture. Calling in sick should not be seen as wimping out. Unfortunately, cultures—even toxic ones—are incredibly stubborn. Another possibility is to alter the rules: Build greater redundancy into the system so that the two-day-only sick rule is not needed. A reduction in resident work hours should be coupled with an increase in the number of residents or other staff (such as physician extenders who can fill in). Also, an on-call backup person should be required on all services.

Another solution is to try to keep doctors healthy. Believe it or not, just 42 percent of health care workers got vaccinated during the 2005-06 flu season. Hospital staffers should be encouraged, if not compelled, to get their flu shots.

Even better, how about a little consumer-driven pressure? Demand that your hospital report the flu vaccination rates for its staff. Ask your doctor when was the last time he washed that dirty lab coat. Make her clean her stethoscope before she touches you with it. And the next time you see your doctor sniffling and coughing, tell him to take those superbugs home.
avoid paying higher taxes on the $70,000 that would be subject to increased taxation if Obama's proposal is signed into law."

It's hard to overstate how absurd these claims are. First, let's talk about the "massive increase in progressivity" that Gerson deplores. It consists largely (but not exclusively) of returning marginal tax rates to their levels of 2001, before Gerson and the epically incompetent Bush administration of which he was a part got their hands on the reins of power. Obama wants to let marginal rates for families with taxable income (not total income, but taxable income) of more than $250,000 revert from 33 percent to 36 percent, and to let the top rate—currently 35 percent on family income above $357,000—revert to 39 percent. (Here are the current tax tables.) There's also talk of capping—not eliminating, but capping—deductions on charitable giving and mortgage interest.

Obama's proposals don't mean the government would steal every penny you make above the $250,000 threshold, or that making more than $250,000 would somehow subject all of your income to higher taxes. Rather, you'd pay 36 cents to the government in income taxes on every dollar over the threshold, rather than 33 cents.

Second, this return to 2001's tax rates was actually part of the Bush tax plan. The Republicans who controlled the White House and the Republicans who controlled the Congress earlier this decade decreed that all the tax cuts they passed would sunset in 2010. They put in this sunset provision to hide the long-term fiscal costs of the cuts. The Bush team and congressional supporters had seven years to manage fiscal affairs in such a way that they would be able to extend the tax cuts in 2010. But they screwed it up. Instead of controlling spending and aligning tax revenues with outlays, the Bush administration and its congressional allies ramped up spending massively—on two wars, on a prescription drug benefit for Medicare, on earmarks, etc. Oh, and along the way, they so miserably mismanaged oversight of Wall Street and the financial sector that it required the passage of a hugely expensive bailout. Even before the passage of the TARP, the prospect of extending all the Bush tax cuts was a nonstarter. Once Bush signed the $700 billion bailout measure into law, extending tax cuts was really a nonstarter. The national debt nearly doubled during the Bush years. So if you want to blame someone for raising taxes back to where they were in 2001, don't blame Obama. Blame Bush, his feckless Office of Management and Budget directors, his economic advisers, and congressional appropriators like Trent Lott and Tom DeLay.

Third, we know from recent experience that marginal tax rates of 36 percent and 39 percent aren't wealth killers. I was around in the 1990s, when tax rates were at that level, and when capital gains and dividend taxes were significantly higher than they are today. And I seem to remember that we had a stock market...
boom, a broad rise in incomes (with the wealthy benefitting handily), and strong economic growth.

Fourth, we also know from recent experience that lower marginal rates on income taxes, and lower rates on capital gains and dividends, aren't necessarily wealth producers. The Bush years, which had lower marginal rates and capital gains taxes, were a fiasco. In fact, if you tally up the vast destruction of wealth in the late Bush years—caused by foolish hedge funds, investment banks, and other financial services companies, it seems like the wealthy have in fact been waging war on one another.

Finally, there has been a near total absence of discussion of what higher rates will mean in the real world. Say you're a CNBC anchor, or a Washington Post columnist with a seat at the Council on Foreign Relations, or a dentist, and you managed to cobble together $350,000 a year in income. You're doing quite well. If you subtract deductions for state and property taxes, mortgage interest and charitable deductions, and other deductions, the amount on which tax rates are calculated might total $300,000. What would happen if the marginal rate on the portion of your income above $250,000 were to rise from 33 percent to 36 percent? Under the old regime, you'd pay $16,500 in federal taxes on that amount. Under the new one, you'd pay $18,000. The difference is $1,500 per year, or $4.10 per day. Obviously, the numbers rise as you make more. But is $4.10 a day bleeding the rich, a war on the wealthy, a killer of innovation and enterprise? That dentist eager to slash her income from $320,000 to $250,000 would avoid the pain of paying an extra $2,100 in federal taxes. But she'd also deprive herself of an additional $70,000 in income!

Can she, or we, really be that stupid?

In October, Northern Trust, the Chicago-based bank announced it would take $1.5 billion in TARP funds. But now it's expressing annoyance that members of Congress are teed off about its sponsorship of a golf tournament. The bank, which is in good health, says it didn't seek the funds but agreed to participate because the government wanted all the major banks to take part. So is Northern Trust making maximum effort to pare expenses, conserve cash, or raise new capital so that it can return the TARP funds and avoid all this scrutiny? Not so much. Last Friday, CEO Frederick Waddell said the profitable bank wanted to repay funds "as quickly as prudently possible." Last month it declared its regular quarterly stock dividend of 28 cents per share, which costs about $62.5 million per quarter, or $250 million a year—enough to pay down one-sixth of the suddenly onerous obligation.

In this extensive video interview with Chrystia Freeland of the Financial Times, Bank of America CEO Ken Lewis said that taking an extra round of bailout funds to help digest the acquisition of Merrill Lynch had been a "tactical mistake." If he had it to do over again, Lewis said, he would have taken $10 billion less. This is rich on many levels. The market, in its wisdom, has decided that Bank of America is worth about $18.5 billion. Let's do a simple thought experiment. If Bank of America had received $10 billion less in cheap, taxpayer-provided capital to soak up losses at Merrill Lynch, would Bank of America's stock be a) higher, or b) lower? And the mistake of taking too much TARP capital would seem to be an easily reversible one—Bank of America could pay it back or at least return some fraction of the $45 billion it has received. But Bank of America hasn't done that, either. In the interview, Lewis said the bank would pay back the taxpayers "as soon as we think things are stabilized."

Back in February, Morgan Stanley CEO John Mack made similar noises about repaying the $10 billion in TARP funds it had received. "Our intent is to pay it off as soon as it is feasible," he said. Goldman Sachs CFO David Viniar echoed Mack. But neither Morgan nor Goldman appears to have made a significant move to free up cash to make a down payment. Both continue to pay out quarterly dividends.

The challenge is that banks have to pay back TARP funds either by generating cash or by issuing new preferred or common stock. And in this environment, issuing new stock is an expensive proposition. Last year, when Goldman sold preferred shares to Warren Buffett, it agreed to pay a huge 10 percent interest rate. And last fall, when Morgan Stanley raised about $9 billion from a Japanese bank, the preferred shares likewise carried a 10 percent dividend.

Of course, it's not impossible to pay back the TARP funds. Iberia Bank, which received $90 million in TARP funds last December, decided it didn't want to have the government looking over its shoulder any more than it already was. In late

moneybox

The World According to TARP
If banks don't like the scrutiny that comes with bailout funds, why don't they just return the money?
By Daniel Gross
Tuesday, March 3, 2009, at 4:58 PM ET

America's banking executives are having a tough time. First, they mess things up so badly that they require a humongous federal bailout. No sooner do they get the federal funds than they start complaining about how difficult it is to manage a bank when taxpayers are looking over their shoulders. The logical thing for an executive in such a situation to do would be to make the most strenuous efforts possible to return the bailout funds. Would it surprise you to learn that the bankers complaining most about the shackles that come along with bailout money don't seem to have much of a sense of urgency about doing so?
February, CEO Daryl G. Byrd announced that Iberia would pay back the funds with interest by the end of March. "Our board of directors has determined that continued participation in this program is no longer in the best interest of our company and its shareholders," Byrd said.

In other words, instead of simply complaining about the financial and cultural restrictions imposed on banks by the TARP, Iberia actually did something about it. It’s true that not all financial institutions asked for—or particularly needed—the bailout funds. But most did. Running a bank is a difficult job these days. But bank CEOs are well-compensated for their troubles. And part of the job is making tough choices about the appropriate use of capital and resources.

moneybox

The Bubble Next Time
Regulations that will stop us from acting crazy next time there’s an irrational boom.

By Daniel Gross
Saturday, February 28, 2009, at 7:42 AM ET

When financial historians look back at the last six months, they’ll be hard-pressed to explain precisely why our advanced financial system suffered such a catastrophic failure. So many of the developments—a $1.2 trillion subprime-mortgage market, a $62 trillion unregulated, nontransparent credit-default-swap market, $50 billion private-equity buyouts of cyclical companies, hedge funds going public—seem, on their face, to be irrational, silly nonstarters. And yet the players pulling off these deals were lionized as geniuses, as transformational business figures. They were the Smart Money. They turned out to be the Dumb Money. How did the crown jewel of American capitalism—our financial-services industry—transform into cubic zirconia? How did a nation shift seamlessly from the dot-com bubble into a more inclusive housing and credit bubble? And, most important, how can we stop it from happening again.

There’s plenty of blame to go around: poor regulation, eight years of a failed Republican economic philosophy, Wall Street-friendly Democrats who helped stymie reform, misguided bipartisan efforts to promote home ownership, Wall Street greed, corrupt CEOs, a botched rescue effort, painfully fallible central bankers. But while there was plenty of alleged criminal activity—ahem, Mr. Madoff—law-abiding, respectable citizens who were operating well within the confines of laws and regulations racked up the overwhelming majority of losses. Everybody—individuals, companies, institutions, and governments—got caught up in the stupidity.

Which is part of the problem. In the first decade of the 21st century we had a bubble, just as we did in the 1990s. The bubble was not just in housing. It was in debt, in speculation, in gambling. "At the center of this crisis was a bubble of risk-taking," said money manager Jeremy Grantham. And as was the case during the dot-com bubble, too many elements of our financial system and money culture were procyclical. Which is to say that built-in features of our economic operating system—government policy, private companies, the media, popular culture—functioned as accelerators rather than brakes. Once a hot money trend gets going, everybody wants in.

Government policies often play a role in kicking off bubbles. Congress commissioned the first telegraph line in the 1840s and made huge land grants to railroad builders. That was the case in the housing bubble, too. The cost of the mortgage interest deduction, which subsidized big loans (the more you borrowed, the more you could deduct) grew sharply as housing prices rose, from $55 billion in 2000 to $66 billion in 2003.

Fannie Mae and Freddie Mac similarly acted as amplifiers. Their loan limits were tied to average home prices. The more house prices rose, the more debt they would offer and insure. And the more they lent, the more prices rose. Between 2000 and 2004, the so-called conforming loan limit rose by nearly one third, from $252,700 to $333,700. (Lather. Rinse. Repeat.) The Federal Deposit Insurance Corporation stopped collecting insurance premiums when times were good, so long as its rainy-day fund amounted to 1.25 percent of insured deposits—no matter how much banks expanded their balance sheets. It’s as if companies stopped selling flood insurance after three years without a hurricane, and shore residents started building really expensive high-rises instead of cottages.

For a few years there, thanks to the pervasive extension of cheap credit by the Federal Reserve and by global investors, there were no hurricanes. After the tiny Utah-based Bank of Ephraim went under in June 2004, 952 days passed without a bank failure, breaking the 609-day record from the mid-1940s. The lack of failure gave bankers an enormous amount of self-confidence. The financial system reversed Shakespeare's admonition. Everybody a borrower or a lender wanted to be. Established banks carpet-bombed downtowns with outlets. The number of new banks formed rose from 91 in 2002 to 178 in 2006. Between 2004 and 2007, 630 banks were started. Banks extended home-related credit to anyone who asked for it. And as default rates on corporate debt plummeted, huge investment banks like Citigroup and Merrill Lynch extended hundreds of billions of dollars in credit to private-equity firms for leveraged buyouts.

On Wall Street—and in the culture at large—those who embraced the mentality of the bubble with the most fervor were richly rewarded. In the 1990s, the investment bankers who brought in hot technology IPOs were the new Big Swinging Dicks. In the Dumb Money decade, the more you borrowed to make bets on stocks and bonds, the more capital—social and financial—you acquired. Like real-estate brokers who realized
they could make more money flipping condos than collecting commissions, large investment banks decided they would rather be principals than mere agents. Executives who preached caution were ritually shunned.

During bubbles, the views of bulls are ratified, and so they get even bigger megaphones and more credibility. Meanwhile, the bears, doomsayers, and buzzkills who warned that the economy had too many eggs in one basket were marginalized. For much of the decade, David Lereah, chief economist at the National Association of Realtors, had the task of going on CNBC and crowing about rising home prices each month. In February 2005, Lereah published a book titled Are You Missing the Real Estate Boom? in which he argued that home values were now in the midst of a permanent boom, fueled by demographics and the changes in the marketing and financing of homes. Never mind the impressive recent increases. Homes now represented a "once-in-every-other-generation opportunity."

Consumers internalized Lereah’s message. During bubbles, we always conclude that Something Fundamental Has Changed, and that the recent party is a mere prelude to even greater revels. The main symptom is a compulsive tendency to extrapolate results of recent fat years endlessly into the future. Just as people who came of financial age in the 1990s believed that stocks moved in only one direction, those who matured financially in the early part of this decade believed that interest rates and housing prices each moved in only one direction (down, and up, respectively). You could overpay for that five-bedroom Toll Brothers McMansion in Totowa, N.J., secure in the knowledge that you could 1) sell it rapidly at a higher price, or 2) refinance your way out of trouble at the drop of a hat.

Wall Street’s aristocrats fell prey to the same blinkered pro cyclical thinking. Private-equity players borrowed to do ever bigger deals. Dumb Money had elevated stock slingers and merchants of debts into Wise Men, new archetypes of success. Stephen Schwarzman, cofounder of the Blackstone Group, wanted to be seen as un homme sérieux, in the image of W. Averell Harriman; he acquired the trappings of a Rockefeller Republican—including an apartment on Park Avenue once owned by John D. Rockefeller Jr.

In the dangerous late stages of the bubble, financial engineers came to believe that because they had made a lot of money flipping assets with cheap credit, they could apply their genius to industries in which they had little expertise. In 2003, the brilliant hedge fund manager Edward Lampert acquired Kmart out of bankruptcy and used it as a platform to buy Sears in 2005, creating a 3,800-store behemoth that occupied a dubious place in the retail firmament. In February 2007, Sam Zell, the Chicago-based real estate investor, sold Equity Office Properties, a collection of high-end office buildings, to the Blackstone Group in a deal valued at about $38 billion. Zell decided that good timing in flipping real estate made him an expert on the ailing newspaper industry, so he spent $8.2 billion to acquire the Tribune Co., which owned the Los Angeles Times, the Chicago Tribune, and the Chicago Cubs. Zell put down a mere 4 percent of the purchase price—$315 million—and borrowed much of the rest, loading up the company with nearly $13 billion in debt. Zell didn’t have many good ideas about how to revive ailing newspapers; the Tribune Co. filed for bankruptcy in December 2008.

Leverage was like an elaborate pulley system that allowed us all—from the humblest consumer to the most exalted private-equity baron—to hoist a mammoth weight. Then, in 2008, the rigging broke. The large weight plummeted, propelled by the twin forces of mass and gravity. And it turned that the Dumb Money forces were as procyclical during a bust as they were during a boom. Just as pervasive overconfidence inspired reckless lending, sudden pervasive lack of confidence inspired a hesitancy to lend. The system shifted, seemingly overnight, from a posture of trusting everyone to a posture of trusting nobody. A bubble breaks, former Federal Reserve chairman Alan Greenspan said, when it becomes clear that long-term expectations are patently unrealistic. "The result of this is a dramatic 180-degree switch that goes from exuberance to fear." We go from an environment where anybody will lend any amount of money to anybody (2006) to one in which nobody will lend any amount of money to anybody (2009).

The implosion of the dumb money economy—housing, insurance, real estate, the auto industry—has erased much of the economic progress of the decade. By the end of 2008, stocks had fallen back to where they were in 1997. The foreclosure epidemic took the home-ownership rate in the third quarter of 2008 back to its 2002 level. Stripped of their easy access to financing, the royalty of the Dumb Money era have been reduced to commoners.

What to do? More regulation is certainly in the offing. But Congress tends to regulate with hindsight. After a slew of accounting scandals, Congress in 2002 passed the Sarbanes-Oxley Act, which correctly forced CEOs to sign off on the accuracy of financial statements. Markets already have started doing much of the heavy lifting of retroactive regulations. Rules that prohibit houses being bought with no money down and no documentation mortgages? All the lenders who provided such loans are out of business.

It’s also impossible at some level to regulate speculation. Bubbles speak to something innate in the American psyche. They’re fun. They make a lot of people feel rich. If one business idea works, 500 other people will try it. Regardless of the regulatory regime in place, somebody is always willing to fund the eighth online pet store, the 7,567th hedge fund, the 137th condo tower in Miami, and the 52nd ethanol plant.
Since we can’t stop ourselves from pressing the pedal to the metal when we get excited by a hot new trend, perhaps we need some automatic brakes. In other words, we need to figure out ways to make our system and our money culture less procyclical. We need a sort of fiscal lithium, an agent that smothers out things. It might take away some of our personality and make us a little less fun to be around, but it will also make us less destructive and easier to live with.

For example, the inadequacy of banks’ capital levels—especially those of banks, like Citi, which grew too large to fail—is one of the main factors hindering a recovery. Of course, the best time to tell banks to boost their reserves is during a boom, when their balance sheets are expanding and they have easy access to capital, not during a bust, when they have effectively collapsed. To prevent a repeat, the FDIC might consider tying the level of deposit insurance premiums to a bank’s size, so that, for example, Citi, or any other institution whose failure would swamp the entire system, would pay at a higher rate than a small bank with six branches.

Or what if the asset-management industry, which profited so mightily during the boom and set the stage for the debacle, effectively insured itself against meltdowns? Dean Baker, co-director of the Washington-based Economic Policy Institute, is advocating a tiny tax on trades of stocks—say one quarter of one percent of the transaction’s value—and other assets. Doing so would discourage speculation for the sake of speculation, and, Baker notes, "a tax like that could easily raise $100 billion per year." We could use the funds raised from hedge funds and other manic traders to pay for the bailout.

University of Chicago economist Richard Thaler suggests that Fannie Mae and Freddie Mac, which play a larger-than-ever role in housing finance, could also become less procyclical. "One of the problems with the housing market was that as prices were going up, lending standards were going down," he says. Houses, like stocks, have price-to-earnings ratios. For homes, it’s the market price of a house divided by the amount of rent it can produce. What if Fannie and Freddie were to require higher down payments as the ratio of prices to rents rose and required lower down payment as they shrank. "It would have been harder to get a mortgage at the height of the bubble, and it would be relatively easier to get one now, particularly in areas where housing prices have fallen sharply," Thaler said.

Finally, we have to be a little more willing to be stupid during Dumb Money eras, to leave money on the table, to forgo the easy returns our friends and neighbors are making. Of course, that’s difficult. "When we see other people around us making money, flipping houses and tech stocks, we feel that we need to go into it as well," said Dan Ariely, author of Predictably Irrational. To minimize the regret, you join the bandwagon. "To avoid this, we have to recognize the patterns of bubbles. We have to learn not to conflate a few random occurrences with a streak that can be extended into the future.

The End of Dumb Money has been like a death—of dozens of institutions, thousands of careers, millions of dreams, and billions in value. As we grapple with the aftermath, we seem to be proceeding through the five stages of grief. First came denial, which was rampant throughout the system. Next came anger at the size and manner of the bailouts. Third, bargaining: Last fall, it was common to hear arguments that taxpayers might actually make money on the bailout. And around December, the fourth stage, depression, set in. It still lingers. I hope that is where it stops. For it would be a shame if we moved on quickly to the final stage, acceptance. There is nothing acceptable about what happened. This crisis was not a random, once-in-a-lifetime thing that fell out of the sky. It was a manmade product that turned out to be immensely toxic and damaging. And we’ll be paying for the cleanup for a long time. We can and should get angry. We should also get smarter.

A version of this article also appears in this week’s issue of Newsweek.

movies
Swatchmen
Watchmen is colorful and cheap.
By Dana Stevens
Thursday, March 5, 2009, at 4:45 PM ET

Watchmen (Warner Bros.), Zack Snyder’s long-awaited adaptation of the seminal 1986 graphic novel written by Alan Moore and drawn by Dave Gibbons, shows an acolyte’s respect for the sacred text on which it’s based. The film is slavishly true to the letter of the book, with a few exceptions: Moore’s use of nested narratives—interpolated text from imaginary books and newspapers, comics being read within comics—has been streamlined into a single master story line. But the book’s spirit—its paranoia, its dark humor, and above all its bleak anti-triumphalism—has been squelched in the transition to a big-budget action epic. Watchmen fans wondering whether their graphic novel has been ruined will be thrilled to see its key scenes reproduced with storyboardlike fidelity, but those who’ve never read it will be unlikely to understand what the big deal was in the first place.

What was the big deal? In his analysis of the singular place Watchmen occupies in the comic-book canon, Grady Hendrix points to two elements that set the series apart. First, there was the multimedia, Chinese-box format. But, more importantly, Watchmen was morally ambiguous to a then-unprecedented
Watchmen the film kicks off with a bravura credit sequence that uses tableaux vivants colored like faded vintage comics to illustrate the decline of the Minutemen, a gang of self-made 1940s “superheroes” who lost their moral compass and wound up drunk, dead, or institutionalized. As the movie proper begins, we find ourselves in 1985, but not the one you remember: In this dystopian alternate reality, Richard Nixon is serving his fifth term, thanks to his superhero-aided victory in Vietnam, while the nation slips toward a WWIII-style nuclear confrontation with a far-from-fading USSR. Meanwhile, superheroic exploits have been banned by an act of Congress, and the Minutemen’s next-generation successors, a motley gang calling themselves the Watchmen, have been driven into early retirement. When one of the few surviving Minutemen, the gleefully amoral Comedian (Jeffrey Dean Morgan), is thrown out a high-rise window, his old buddy Rorschach (Jackie Earle Haley) vows to investigate. In the process, he visits the remaining Watchmen—still with me? Ready for a rundown?

Dr. Manhattan (an almost entirely digitized creation voiced by Billy Crudup) is a once-ordinary scientist who, after one of those Hulk-style lab accidents (safety first, people!), has mutated into a glowing blue giant who can see the future. Dr. Manhattan’s superhuman knowledge of time and space (he’s the only Watchman with quantifiable powers) has rendered him almost entirely indifferent to human affairs: “A live body and a dead body contain the same number of particles,” he notes on learning of his comrade’s death. This Spock-like detachment is understandably maddening to Dr. M.’s longtime girlfriend, Laurie Jupiter, aka the Silk Spectre II (Malin Akerman). While old Bluey tends to his abstruse experiments, Laurie reignites a friendship with Dan Dreiberg (Patrick Wilson), once the fearsome Nite Owl II, now a paunchy introvert who spends his days tinkering with his homemade hovercraft. There’s also Ozymandias (Matthew Goode), the world’s smartest man, whose only superpower at first seems to be the gift of boring audiences into a state of near-catatonia but who emerges into importance late in the story.

The psychological sophistication of Moore’s novel survives in a few story lines here, especially during Dr. Manhattan’s periodic jaunts to Mars. (It’s the only place he can be alone and think, a kind of spa retreat in the sky.) And though Malin Akerman is a bit stiff as the Silk Spectre II, she has some wonderful scenes in which she and Sally Jupiter (Carla Gugino), her alcoholic ex-superhero mother, explore the seldom-charted terrain of female Oedipal anxiety. Did Laurie really want to follow in her mother’s latex-clad footsteps, or was she shanghaied into superherodom by the force of Sally’s personality? The sharpest dialogue is lifted straight from the book, an action comic in which, get this, even the women have complex back stories and meaningful motivations.

Zack Snyder’s last film, the vile 300, should be locked in a cargo container and buried at a toxic dump site. Perhaps because of its brainier source material, Watchmen is nowhere near as violent, but the action scenes unfold with a similarly sadistic delectation. Whenever a fight begins (and there’s one about every 15 minutes in this 160-minute movie), brace yourself for an abundance of narratively pointless bone-crunching, finger-twisting, limb-sawing, and skull-hacking. These extreme sports are often filmed in Matrix-style slow motion, a technique that tends to grind the story to a halt. Like the money shots in porn movies, Snyder’s action scenes are an end in themselves—gratifying if you like that sort of thing, gross if you don’t.

Snyder also makes the common superhero-movie mistake of assuming that masks, badass accouterments that they are (and Rorschach’s cloth one with shape-shifting inkblot patterns is pretty cool), are more interesting to look at than human faces. When Jackie Earle Haley doffs his mask midway through the movie, the sweaty, shifty, ratlike face beneath is a hundred times more frightening and fascinating than any inkblot could be. But damned if he doesn’t clap the mask back on again shortly thereafter, thereby muffling one of the film’s few gripping performances.

The other one—Billy Crudup’s—also risks being smothered by the digital animation that renders his face near-unrecognizable and his body (with dangling azure wang on full view) completely so. But the actor’s delicate, almost adolescent voice is always distinguishable beneath Dr. Manhattan’s gargantuan physiognomy. Crudup conveys the sadness of a man whose human desires and memories have been made all but inaccessible by the crushing weight of technology. Sadly, Watchmen plays as if Zack Snyder performed a similar lab experiment on Alan Moore’s wonderfully human-size story.

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my goodness

Bridge to Somewhere
I could get an MBA, or I could keep working at nonprofits. Which is better?
By Patty Stonesifer and Sandy Stonesifer
Wednesday, March 4, 2009, at 6:56 AM ET

Do you have a real-life do-gooding dilemma? Please send it to ask.my.goodness@gmail.com and Patty and Sandy will try to answer it.

Dear Patty and Sandy,
I'm a fairly recent grad from an expensive liberal arts college where I enjoyed four years of life in a bubble. Armed with my diploma, I leaped headlong into the world of management consulting. After about two years of selling high-priced advice to executives, I began to grow restless and fearful that I would fall prey to the steeply sloping compensation curve. I again shifted gears to something I knew nothing about, talking my way into a support role in an international development organization. After witnessing inefficiency, questionable efficacy, and cloudy intentions, I am marginally disillusioned and find myself wondering where my talents might be best utilized.

Should I should pursue an MBA and reintegrate myself into the world of startups, return on investment, and innovation? How should I balance the allure of the private sector and its mystique as a more rewarding, fast-paced career with the seemingly greater possibility to be a true agent of positive and innovative change in the nonprofit and public sectors?

Eric

**Sandy:**

Well, Eric, you've come to the right do-gooding mom for this question—she has career advice in abundance (check out a recent interview about her own for-profit-to-nonprofit transition), so I am going to leave the tough stuff to her and stick to a few quick points.

First, please don't base this whole decision on your experience with one nonprofit. There are good and bad organizations in every sector. Take the time to assess what type of work and work environment you want (it sounds like a fast-paced, highly efficient workplace is important to you) and find an organization that fits, whether it's nonprofit, for-profit, or "not-only-for-profit."

Second, as someone who used to be absolutely sure she would never be interested in an MBA program, let me be the first to say that MBA programs aren't just for for-profit folks anymore. Check out the Aspen Institute's biennial guide to socially responsible MBA programs. It sounds like the highly transferable skills that come with an MBA might be right for you, but don't plan for it to limit your future to the world of startups. And since when are startups and innovation the domain of the private sector, anyway? Start reading Stanford University's Social Innovation Review or the Skoll Foundation's Social Edge blog to learn more about the ways innovation and entrepreneurship are being harnessed to enact social change.

I'm surprised to hear a millennial so easily accept the traditional dichotomy between the nonprofit and for-profit worlds. Why not try to shake things up a bit? You may have to do more research and write more cover letters than you would if you were filtering your job search by sector—but isn't it worth it to find the very best fit?

Patty:

Eric, I was a "bridger" (a label I first learned from Bridgestar, and it fits my story perfectly) who moved from 20 years in the for-profit technology sector to a not-for-profit career in the foundation sector (12 and counting). As a result I get lots of questions like yours. Most start with something like: "I have been doing this for-profit job, and now I want to do something good/give something back, so I would like to apply my skills to the nonprofit world. What should I do?"

It's nice, even admirable, but it's not the right way to think about your next steps. Let me start by discussing two pervasive myths about the for-profit/not-for-profit equation that I frequently encounter when talking to for-profit leaders thinking about making this change:

**Mythic No. 1:** Not-for-profit missions are inherently more "good for the world" than for-profit; thus choosing to work in a values-based or mission-based job means choosing to work in a not-for-profit.

Mythic No. 2: People who work in the for-profit sector are more talented than their peers in not-for-profit organizations.

Neither of these is true. It's not the tax status that determines the impact of the organization on the needs of the world.

It is the mission and the quality of the organization and its leadership and how effective the organization is at achieving their objectives. Jim Collins, in the best (little) book I have ever read about the social sector, reminds us that most organizations, for-profit and not-for-profit, are simply not great organizations. But you should find one that is!

Can a fair-trade for-profit coffee company do as much to generate gainful employment in Rwanda as a not-for-profit microcredit organization? Absolutely. Which is better, a biotech company looking for a new class of antibiotic or a field health organization reaching those least served? It depends.

Yes, stakeholders in a for-profit company have motives that might affect the way the mission is pursued. But self-interest plays into all organizations' choices. You need to look deeply into the mission and the approach to serving the mission to determine where you might be able to use your values, passion, and skills to do the most good.

As a frequent nonprofit employer of "bridgers." I expected bridging candidates to demonstrate a sustained commitment to pursuing their values—not a newfound passion. If the candidate didn't show a long-term commitment to his or her values (using their money, time, or voice in pursuit of those values) before they showed up looking to "bridge" to a leadership role that would allow them to exercise those values, they were at a real
disadvantage over those who had already demonstrated their commitment.

I encourage Eric and others struggling to make a values-based career change to start this exploration by exploring four key questions:

Values match: What do I care deeply about?

Skill match: With my education, skills, experience, and financial resources, what can I offer to the organizations addressing those issues?

Life match: What key conditions do I need to be successful (geography, pay, work environment)?

Organization match: What organizations are making real progress in an area that aligns with my values, meet my basic criteria above, and have an unmet need that I can potentially serve?

Then you can either go back to school in a program that will help you build the skills needed to make that ideal match; offer to work on a volunteer basis where you can build the experience and understanding that will make you a better match for the right job and right organization; or get out into the marketplace with your criteria in hand.

Do you have a real-life do-gooding dilemma? Please send it to ask.my.goodness@gmail.com and Patty and Sandy will try to answer it. In our ongoing effort to do better ourselves, we're donating 25 percent of the proceeds from this column to ONE.org—an organization committed to raising public awareness about the issues of global poverty, hunger, and disease and the efforts to fight such problems in the world's poorest countries.

other magazines

The Enemy of My Enemy

Newsweek on why Obama should embrace the Islamists.

By Marc Tracy

Tuesday, March 3, 2009, at 5:54 PM ET

Newsweek, March 9

Fareed Zakaria advocates temporary U.S. alliances with admittedly reprehensible Islamists in the name of fighting violent, expansionist jihadism, under the theory that "[t]he veil is not the same as the suicide belt." We partnered with Islamist Sunni militias to defeat al-Qaida in Iraq. Our next unsavory allies, says Zakaria, should be the "reconcilable" Taliban members who are not aligned with al-Qaida or Mullah Omar's posse. ... An article examines nascent tensions between President Obama, always looking to bring Republicans onboard, and House Speaker Nancy Pelosi, who pursues more ideologically pure victories and whose partisan hardball repels the GOP. ... An article analyzes New York Mayor Michael Bloomberg's counterintuitive response to midtown Manhattan's gridlock: He's closing Broadway to cars from Herald Square to Times Square. The idea, endorsed by traffic scientists, is that making it harder to drive will decrease the number of drivers.

Weekly Standard, March 9

A feature worries that domestic job losses may lead to protectionist policies, such as the stimulus's "Buy American" provision, which will in turn provoke retaliation from trading partners. "Obama is not the out-and-out protectionist he promised to be when wooing the Democratic left," but neither is he gung-ho in the other direction. The author insists upon free trade's superiority while acknowledging the political obstacles: "Until we find some way of sharing the winners' gains with the losers, support for free trade will continue to atrophy." ... In a guest editorial—actually a short excerpt from Democracy in America that the editors repurposed as "Barack Obama's America"—19th century French journalist Alexis de Tocqueville displays more of the prescience that made him so renowned, warning of the creeping "despotism" in Obamaland. Our new system of governance "is absolute, detailed, regular, far-seeing, and mild." Presumably not in a good way.

New Republic, March 18

The cover story looks at Treasury Secretary Timothy Geithner's hesitant financial bailout plan and wonders what happened to the Geithner who once bragged about using "overwhelming" force to yank Asia out of its late-'90s financial crisis. Though the administration knows a second round of spending is necessary, it hasn't asked for it, because it also knows Obama would have to "stand up at town-hall meetings in Schenectady to defend its disbursements." ... A profile of Pakistan Prime Minister Asif Ali Zardari draws a rough, if incomplete, redemption narrative: The corrupt widower of Benazir Bhutto has now, after eight years in prison and his beloved wife's assassination, "surprise[ed] everyone with his maturity, restraint, and leadership." Then again, the man who awkwardly flirted with Sarah Palin last September would be a long shot to successfully govern a country far less troubled than Pakistan.

New York, March 9

A long profile of Citibank CEO Vikram Pandit charts how the financial crisis scuttled the former Indiana University finance professor's best-laid plans. Pandit's Waterloo was his failure to nab commercial bank Wachovia before Wells Fargo swooped in with a higher bid, which essentially guaranteed an imminent
series of sell-offs. Pandit now clings to his job while the federal government effectively owns 40 percent of the megabank. ... An entertaining article sets the stage for John Wray's new novel, Lowboy. The book, which is about "a teenage paranoid schizophrenic at large in the subway system," may turn out to be the "long-deserved breakout from a phenomenally versatile writer who wanted to try something a little easier to swallow" than his previous two novels. Or, for that matter, than the one he's working on now, which Wray calls "One Hundred Years of Solitude meets Lucky Jim."

The New Yorker, March 9
A retrospective look at David Foster Wallace, who killed himself last September, also looks forward to The Pale King, his incomplete final novel, which will be published next year. (The magazine has an excerpt.) "Wallace, at least, never felt that he had hit his target," which was, in his words, to convey "what it is to be a fucking human being." The Pale King is about several IRS employees in Illinois and the redemptive power of boredom: "Their job is tedious, but dullness, The Pale King suggests, ultimately sets them free." ... An article views Robert Allen Stanford, the Antigua-based financier now under investigation for massive civil-securities fraud, through the lens of his extensive sponsorship of cricket throughout the West Indies. He has focused on promoting Twenty20, a modified version of traditional Test cricket played as "if baseball had been compressed to three innings, with every player encouraged to just swing for the fences."

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poem
"Addicts"
By Carol Muske-Dukes
Tuesday, March 3, 2009, at 6:50 AM ET

Click the arrow on the audio player to hear Carol Muske-Dukes read this poem. You can also download the recording or subscribe to Slate's Poetry Podcast on iTunes.

Monsters, all of them. The ones who gave one life, the ones who take life

Back. The big bloodbath: Family
Romance and hot woe: the Mom

Who shoots up, the Dad who flashes—
Sex fiends, hand-cranked snakes-in-

The-grass, uncles, aunts, boys & girls,
Gay & straight, rocketing up and down

The twelve steps to confront the big
Mocked sad-as-shit Self, mirrored

In the Times by the Depts. of War & Good Works: breathing life

Back into those we need to kill
To restore Peace. There will be

Heaven-sent ideologies: every
Religion tweaked and sold like crystal

Meth. In the heart, in the vein—
What passes for Populism is

Set forth by the guy on the internet
Who wants to be eaten alive. Buddy,

We all want to be eaten alive, isn't
That finally It? You, me, a bottle of

Chateau Y'quem (1945), some techno-
Lute, Catullus' words piped in, just to

Keep us honest: and then, the Donner
Party all over again, but by choice this time.

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politics
The Latest Chicago Pol
Mike Quigley isn't quite Rahm Emanuel, but he's not Rod Blagojevich, either.
By Edward McClelland
Wednesday, March 4, 2009, at 3:58 PM ET

CHICAGO—The first time I met Mike Quigley, who won Tuesday's Democratic primary to replace Rahm Emanuel in the U.S. House of Representatives, he was feuding with his local sheriff.

Quigley was one of 17 members of the Cook County Board of Commissioners, representing a liberal lakefront district full of gays and young professionals. The sheriff was an old Irish machine pol from an ethnic ward. Quigley was peeved at the sheriff for tolerating deputies who strip-searched female prisoners, an abuse that cost the county $6.8 million in lawsuits.
“Sheriff’s mad at me because I’m telling the world he’s a sexist, racist, homophobic bad guy,” Quigley barked. “He’s created an atmosphere of excessive force, that might makes right.”

Quigley is a short, pugnacious guy with a blocky mug who likes to brag that he’s taken 300 stitches from playing ice hockey. (At 50, he still plays in a pickup league.) In a decade on the county board—not to be confused with the 50-member City Council, home to that world-famous character, the “Chicago alderman”—he’s built an image as a pesky reformer who rages against the Chicago machine.

That’s not entirely true. Quigley got his start as the protégé of a city alderman who helped lead the white resistance against Mayor Harold Washington. But, smarting with shame from the impeachment of Gov. Rod Blagojevich and the appointment of Sen. Roland Burris, Chicago voters were looking for a Chicago politician who didn’t remind them too much of a Chicago politician. Quigley fits the bill.

"After all the recent embarrassments, this was the first chance that the voters had to voice their desire for change and they spoke loud and clear," Quigley told the Chicago Tribune. "They came through for me, and now I have to come through for them."

In a 12-candidate field, Quigley won with 22 percent of the vote. His most serious rivals were a pair of state legislators who had more money and more endorsements from labor and ward bosses. But sitting on the county board was a huge advantage for Quigley because it gave him a chance to pick a fight with the most hated man in Chicago politics: Cook County Board President Todd Stroger.

Stroger is the son of the last board president, John Stroger, so he represents the nepotism that Chicagoans claim to be weary of but always end up voting for. And last year, Stroger pushed through a one-cent increase that raised Chicago’s sales tax to 10.25 percent, the highest of any big city in the nation. Quigley voted against it.

When Stroger first took office in 2007, Quigley tried to support him, even voting for his first budget. But getting along with the powerful is not Quigley’s style. After exactly a month, the alliance disintegrated in a public shouting match over a plan to transfer $13 million from the Forest Preserve District to the county’s general fund. “From here we part,” Quigley declared melodramatically.

Stroger accused Quigley of trying to “stab me in the back,” which is an endorsement in most parts of Chicago. Quigley’s campaign ad didn’t target his opponents. It asked, "Who’s been taking on Todd Stroger?"

An anti-authoritarian reformer may seem like a strange choice for the 5th District, which has had a lineage of slick operators: Its last three Democratic representatives were Dan Rostenkowski, Blagojevich, and Emanuel. But the northwest side of Chicago has changed since the days of Rosty and Blago. It’s been colonized by young professionals who crowd into lakefront apartments during their post-collegiate party years then migrate up the district’s main El line in search of quieter neighborhoods and more spacious condos. They are independent voters who don't need the favors a ward office dispenses. Quigley is one of them: He grew up in the suburbs, moved to the city as a young man, and, as a politician, became a staunch supporter of gays, women, and the environment.

Each of Quigley’s main opponents tried to reanimate an element of the old 5th District coalition. State Rep. John Fritchey had the most ward organizations (including one run by his wife’s uncle). State Rep. Sara Feigenholtz was backed by the Service Employees International Union. Dr. Victor Forys created huge excitement among the Polish population, which has never completely forgiven the lakefront liberals for voting out Rostenkowski. But even though the Polish-language hotline rang off the hook at the Board of Elections, Forys got only 12 percent, evidence of his community’s dwindling influence.

(Labor lawyer and author Tom Geoghegan had a passionate fan club of liberal journalists, including Joe Conason of Salon, Thomas Frank of the Wall Street Journal, and Slate’s own Mickey Kaus. None of them live in the 5th District, which may explain why Geoghegan pulled an anemic 6 percent. Chicagoans will vote for a reformer, but they won’t vote for a goo-goo.)

On April 7, Quigley will flick away his Republican opponent, anti-immigrant activist Rosanna Pulido. After that, he can stay in Congress as long as he wants. The 5th is as Democratic as any white-majority district in the nation, and a primary challenge is unlikely. Quigley had no serious policy differences with his rivals, who were mostly staunch advocates of expanding access to health care and of President Obama’s stimulus package.

But once he gets to Washington, Quigley is going to be the most junior member of the House. He’s going to have to keep his voice down. For at least a month.

**This Time I Really Mean It**
Obama lets Congress have one last pork supper.

By John Dickerson
Tuesday, March 3, 2009, at 10:47 PM ET
Fat Tuesday was a week ago, but President Obama is letting Congress extend the holiday. He said in his address to Congress last week that hard times would require sacrifice from everyone and that he was going to insist on rigorous budget discipline. This week, however, he's granting an exception for a $410 billion *pork-filled spending bill*, which he's going to sign with little opposition.

Peter Orszag, the director of the Office of Management and Budget, was asked about the spending on ABC's *This Week*. "This is last year's business," he said. "We want to just move on." Obama can't veto the bill, say aides, because it's already gone through congressional committees and it would just be too hard to undo that work. Imagine if your diet worked this way: *Before you start on your 28-day purge, you may consume the remaining food in your pantry.*

In another universe—say, the one Obama inhabited rhetorically last week—the pork contained in the bill might have been eliminated and turned into "savings." Obama's budget writers have done backends to create savings, and cutting these earmarks would have been a way to take the high ground and resort to fewer *gimmicks*. And Obama, who has repeatedly called on us all to *do hard things*, might have taken on this hard task as a way of leading by example. Or, having run on changing Washington, the president might have decided to make changes to a bill that represents a lot of what he ran against. Or, he might listen to allies like Democratic Sen. Evan Bayh, who asked him to veto the bill.

Of course in that universe we'd also get Fridays off, books would be *published on merit*, and the *stock market* would rise if we asked nicely. The reason Obama isn't going to veto the spending bill is that, despite his popularity, he is not a magician, as Chief of Staff Rahm Emanuel *described so colorfully* in discussing the stimulus bill with *The New Yorker*'s Ryan Lizza. Undoing the bill's many pet projects would create a bloodbath, angering both Republicans and Democrats over what is, relative to his other requests, a small amount of savings ($16 billion if you remove the earmarks from the bill). Obama's efforts to prop up the *deteriorating economy* and transform energy and health care policy will require a lot of political capital; he'd be crazy to squander it this early. So despite what Obama aides say, this supine posture is not about the past but about the future.

It would be great if Obama or his aides would say that out loud. Then they would be treating us all like adults, as Obama promised to. But that would also create political headaches: It's hard for a president who uses the language of moral absolutes to embrace relativity. Also, as a political matter, the public trusts the president to get it out of this fix, and according to polls, it doesn't trust his critics—so he's not likely to pay a penalty for not vetoing this spending bill.

In a just-released *Wall Street Journal/NBC News* poll, Obama's approval rating is at an all-time high. People were asked whom they trust to lead the country out of the recession, and only 20 percent said Republicans (48 percent said Democrats). More than half of all adults say that Republicans in Congress have opposed Obama's proposals more to gain political advantage, and they blame the GOP for the partisanship in Washington.

With numbers that low, one might imagine the White House helping book Republicans on the cable talk shows. At the moment, Republican criticism is something Obama wants (which explains why his spokesman is only too *happy to talk about* Rush Limbaugh's latest reiteration that he hopes Obama's economic plans fail).

What may return to haunt Obama about this passivity is that Congress may take the wrong lesson from it. The dynamics that keep Obama from matching his rhetoric on budget discipline won't disappear with the omnibus spending bill. Congressional leaders now know the president is willing to take the public relations hit and allow spending he says he doesn't agree with in order to save his political capital for the next big request.

After all, Obama will always have these larger priorities. And members of Congress will always be able to ask for their pet projects in return for supporting them. As if on cue, on Tuesday, Democratic House Majority Leader Steny Hoyer *asserted the House's earmark prerogatives*. Save those party hats for next year.

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**Politics**

**Rush to Pardon**

Conservative talk-radio hosts have Limbaugh's back.

*By Christopher Beam*

*Tuesday, March 3, 2009, at 6:24 PM ET*

When Robert Gibbs *singled out* Rush Limbaugh for criticism at a press briefing Monday, he was being unfair—not to Limbaugh but to the hundreds of right-wing talk-radio hosts who ride the airwaves every morning. After all, they want Obama to fail, too. They just don't have the same PR.

They also choose their words a little more carefully. "I say on my show, 'I hope he fails in a number of initiatives,' " says Lars Larson, a talk-radio host based in Portland, Ore. "But I don't want him to fail as president. Redistribution of income, socialized medicine—I want him to fail on those things … whereas Rush wants Obama to fail, period."

Nationally syndicated host Mark Levin is also careful to separate the man and his policies. "I want my country to succeed," he
Rush is more than that: "He's very much an educator. He informs people," Steve Gill, a host based in Nashville, pushes the education parallel: "Think back to who were your best teachers—they were informative and accurate and in most cases entertaining. Just because you're entertaining in delivery of information, that doesn't undercut the credibility of what you're saying."

Most of the hosts I spoke with dismissed the Steele-Limbaugh showdown as Democratic hype. But some see it as a legitimate indicator of intra-party strife. "Rush speaks for himself but he also articulates the views of millions of conservatives," Phil Valentine, a radio host and author of The Conservative's Handbook, wrote in an e-mail. "This is the problem. Republicans and conservatives are no longer synonymous. Republicans better get back to their conservative roots if they expect to win elections."

But isn't Limbaugh putting Republicans in a tough spot, one in which they must either distance themselves and risk alienating conservatives or embrace him and risk alienating moderates? "No," says Larson. "I think a good politician should be able to say, 'Yes, I agree with Rush' or 'No, I don't.' ... Only if you're unsure of your own positions" should it be a problem. "Ronald Reagan was never unsure of his own positions," he adds.

I ask whether the Democrats have their own Rush Limbaugh. "Al Franken was trying and couldn't compete," says Larson. Hennen says it's obvious: NPR, ABC, CBS, NBC, the New York Times, and the Washington Post. "They are the Rush of the left," he says.

Plus, Gill argues, Limbaugh doesn't have half the influence of the "drive-by" media. "When you've got Rahm Emanuel calling George Stephanopoulos and telling him the spin of the day ... to me, that's a bigger issue than a media guy influencing what people think," he says. "You've never had Rush Limbaugh calling the White House and saying, 'Here's what you guys should say.'"

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**Politics**

**Renewable Power to the People**

Risking arrest with the global warming protesters.

By Christopher Beam

Monday, March 2, 2009, at 10:28 PM ET

"How many people here have been arrested?" asks Tom Wetterer, general counsel for Greenpeace. Ten hands go up in the crowd of 40, gathered at the United Methodist Church on Capitol Hill. One guy has been to jail more than a dozen times for protesting a nuclear power plant in New Hampshire. Another has a friend who had been charged with conspiracy to aid terrorism. Wetterer proceeds to outline what to do if you're lucky enough to get arrested during Monday's protest at the Capitol Power Plant in Washington.

The immediate goal of the protest, organized by a coalition of 40 or so environmental groups called Capitol Climate Action, is narrow: to block the four entrances to the coal plant that provides energy to the U.S. Capitol building. (It's a coordinated attack: Today the coat-and-tie set is also lobbying members of Congress about climate issues.) The broader goal is to raise awareness about climate change and maybe even nudge it into the exclusive group of issues that merit large-scale organized protest—the Iraq/WTO/civil rights club.

But for many protesters, the goal is simpler: to get arrested. It's not an official goal, of course. "Arrests are never the goal of civil disobedience," says Joshua Kahn Russell, an organizer for CCA. "They're an unfortunate byproduct." Behind closed doors, the story is slightly different. "We hope they'll actually do arrests, but it's not necessary," says one of the organizers at a pre-protest training seminar.

But they are clearly excited about the prospect. "Reporters asked me if I want to get arrested," says the author and poet Wendell

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Berry at the rally in front of the coal plant. "The answer, briefly, is no. But I am willing to get arrested." Actress Daryl Hannah has shown up to block the power plant gates, too. She tells me she is planning on taking the train back to California the next day—"if I'm not in jail." Robert F. Kennedy Jr. even offers up his next of kin to the police. "My two children, Kyra and John … came here to be arrested with the rest of you," he tells everyone.

To that end, the organizers have created an easy-to-use color-coded system. Four groups—red, blue, green, and yellow—would march around the Capitol power plant, with groups peeling off to block each of the power plant's four gates. The red group is at highest risk for arrest; yellow is the lowest. Everyone else is free to kick back and watch the speeches and musical acts.

"I don't want to get arrested," says Alex Thorp, an American University student I find shivering in front of the plant's main gate. "But it's necessary to get the message across." Thorp met earlier in the day with his congressman, Rep. Kenny Marchant of Texas, but to no avail. Marchant didn't even invite the five students into his office; he came out into the hall. The meeting lasted five minutes.

Now Thorp stands in the freezing cold, still wearing his pinstripe suit, gripping a bamboo sign and looking as if he wished the cops would just arrest him already so he could warm up.

Next to him, Susan Brown, 76, of Waltham, Mass., is also preparing to do time. "That's the point of the effort—saying we're willing to risk arrest," she tells me. During the civil rights movement, her kids were babies, so she couldn't march. "This is my first chance to put my foot on the line."

We're told that the plant workers' shift ends at 3 p.m., which means someone will have to enter or exit through the gates. So get ready for some action. "No coal, no oil! We don't want our world to boil!" But 3 p.m. comes and goes, and still no confrontation. The police are supposed to be accommodating, but this?

"Maybe they anticipated this," one of the designated "legal observers" observes. It seems possible, seeing as the organizers alerted the police to the protest two months in advance. Since then, there have been negotiations about the route, the performances—even the number of people who will get arrested.

Right now, word on the street is the police will arrest 75 people—the product of a bizarre and counterintuitive haggling process. The organizers had been pushing for 100 arrests, I'm told. The more arrests, the more attention they get. But the police didn't want to go above 25. Eventually they settled on 75. But now, with 3 p.m. receding, it's unclear if anyone is going to the slammer.

The protesters decide to step it up a notch. "If you want to get arrested, please go over to the gate now and sit down," says a girl wearing a green helmet and wielding a green folder. "Those who don't want to be arrested, please come over this way." The two groups separate. The jail-seekers link arms and stretch out across the fence. ("I don't like linking arms," says one activist, Dave Slesinger. "The power of nonviolent resistance comes not from our muscle, but from our hearts.") The chants escalate. "Clean coal is a dirty lie!/ Renewable is doable!" The police don't seem to mind.

Around 5 p.m., the red group is called off its gate. The green group soon follows suit. As the sun sets, an organizer takes the mic and tells everyone to go home. "We are leaving. It's been a beautiful, beautiful day," she tells the crowd. "We had a victory today." Brown, the septuagenarian, plotzes. "It's over? That's it?"

A small cluster is forming in front of the main gate. "This is bullshit!" A tall guy who came down from Yale Divinity School for the protest is venting. "The whole point of civil disobedience is you force authorities to act. We forced nothing today." His friend from Harvard Divinity School agrees this was a fail by CCA: "Gandhi is on your home page." (He's right.) "No one is going to tell you you have to leave," says a young woman. But it becomes clear that's what everyone is doing.

"I understand there's going to be a diversity of opinion for what success is," says Johanna DeGraffenreid, one of the organizers. "But we discussed what our objectives were, and none of them were getting arrested as a primary goal."

In the meantime, says Kahn Russell, they managed to have a national conversation about climate justice, sway Nancy Pelosi and Harry Reid to write a letter calling to convert the plant to natural gas, and throw the plant off its normal schedule for a day. Plus, he says, "at the end of the day, everybody wants to have a peaceful demonstration."

politics

Leave Grover Alone
The conservative tax hawk among the believers.
By Christopher Beam
Sunday, March 1, 2009, at 2:44 PM ET

Grover Norquist always starts with a metaphor. Or two or three, if necessary. "Guys, there are two teams in American politics," he tells the group of young conservatives at the annual Conservative Political Action Conference. "Our team, the Reagan Republicans," and "our friends on the left." He then describes President Obama's role in passing the stimulus bill in mixiological terms: "If this is a martini, Obama would be the
vermouth." Now the package is being divvied up like "after the bank robbery in the movie: One for you, one for you, one for you."

To spend a day with Norquist, as I did Friday, is to be impressed by his range of metaphors but also to see their limits. Norquist still has a way with words; he hasn't lost anything off his fastball. But the ideas his metaphors are designed to advertise have never been more out of fashion. It's as if he's trying to sell beeper to a nation of iPhones.

"He could be going from some medieval metaphor to ancient Romans to some Greek god of something to a fairy tale to sports to whatever," explains his communications director, John Kartch. His staff has been keeping a mental list. "The sword of Damocles, he likes that one a lot," says Kartch. (You know, like the Kansas state carbon tax hanging over the heads of businessmen.) There's the comparison of Democrats seeking tax hikes to "a high school kid on prom night. They only want one thing, but they just ask the question 20 different ways. Our job is to answer, No, no, no, no, no, no. Not No, no, no, no, yes." And his most famous one: He wants to shrink government so it's small enough that he could "drag it into the bathroom and drown it in the bathtub."

Other favorite subjects for analogies include the works of Chekhov, the Spanish-American War, and Shakespeare's Henry V. They don't always work, like the time he compared Polish Communist leader Wojciech Jaruzelski to Norwegian Nazi sympathizer Vidkun Quisling. "People don't know who Quisling is," Norquist tells me. Sometimes, the analogies get him in trouble. He once compared the logic behind the estate tax—that it's OK to punish a small percentage of the population—to justifications of the Holocaust. On NPR: "People say, Are you really comparing the death tax to the Holocaust? Nooo." He says this to me like a teacher whose patience is wearing thin. "Then why'd you use that analogy? So you'd understand the concept, you idiot." Norquist joked fun at this habitat at last year's Funniest Celebrity in Washington contest, with this zinger: "What about that Harriet Miers? A modern day William Hull." Silence. "General William Hull? War of 1812? Surrendered Detroit? Court martialed? Big cluster? OK."

Vivid imagery is important in any sell. But it's especially important if you spend all day, every day, for two decades, talking about tax cuts. Norquist has pursued this goal with relentless single-mindedness. During boom times, during recessions, no matter what the ailment, the cure is the same: less government. (The title of his new book sums it up: Leave Us Alone.) As head of Americans for Tax Reform, a group he helped create in 1985 at the behest of Ronald Reagan, he has asked politicians on both sides of the aisle to sign a pledge not to raise taxes. If you sign it, he'll leave you alone. If you don't … well, good luck.

He has been described, in ascending order of hyperbole, as a "right-wing master strategist," "right-wing strategist par excellence," "master of the conservative domain," "bearded conservative guru," "conservative sultan," "Republican eminence," "GOP mastermind," "omnipresent conservative power-broker," "V.I. Lenin of the right," "patron saint of tax cuts," "dark wizard of the modern anti-government movement," "longtime Rasputin of the right," "leading bouncer at the conservative club," and "Capo di Capi of the lobbyist army of the right."

But the ground is shifting. With the ascendancy of Obama and Democrats in Congress, Norquist's all-tax-cuts-all-the-time philosophy has never been further from the mainstream. (Obama's approval ratings remain high even after a bailout for banks and auto companies, a massive stimulus bill, and the unveiling of an expensive new budget.) In the face of economic crisis, the notion that government should just step aside strikes many Americans as outlandish. And with all the calls for "fresh ideas" in the Republican Party, the constant harping on tax cuts seems, well, quaint.

Not to Norquist. To him, supply-side economics has never been more relevant. "The left has been arguing this since forever," he says. "When I was in college, [John Kenneth Galbraith] would come and give a lecture every year to Harvard students about how we were just about to enter the Great Depression again. Because he never had as much fun as he had during the Great Depression."

The way Norquist sees it, the credit crisis isn't a result of too little government regulation—it resulted from too much. The Community Reinvestment Act, the federal backing of Fannie and Freddie, the union work rules at General Motors—these factors, not deregulation, drove the economy into the toilet. The only solution now is to step aside. "That's the only way to do it," he says. "We could have started fixing it last year … by allowing all the Wall Street companies that were in trouble to go bankrupt. We should have let General Motors go bankrupt. The whole point of bankruptcy is to say, 'If there isn't anything there, admit there's nothing there and then rebuild.'"

Norquist also rejects the idea that the 2008 election was a repudiation of fiscal conservatism. "Quite the opposite, he says: Democrats won because they co-opted the issue. "The other team ran an election trying to hide who they are," he tells the CPAC crowd. Obama promised tax cuts for everyone who makes under $250,000, and then imposed a cigarette tax. "About 25 percent of Americans smoke cigarettes, and the only American who smokes cigarettes who earns more than $250,000 a year is Barack Obama."

As for Americans for Tax Reform, Norquist's group, times have never been better. After Obama won, the number of attendees at its famous Wednesday meetings went from about 120 a week to
140, spiking at 180 the week of CPAC. "We've got more direct-mail contributors," Norquist says. "It gets us more time on TV and radio." In the end, Obama is good for ATR, even if he's not good for the country. "It's like crime waves are good for private security guard companies," he says.

But still, something feels out of sync this year about the endless tax-slashing quest. RNC Chairman Michael Steele is calling for "fresh ideas" to relaunch the party. What's fresh about tax-cut fundamentalism? Norquist puts the "fresh ideas" people into two groups: Those who want to move the party to the left and those who want attention. "The only way to get attention is to come up with something completely new, which in life, usually means something completely stupid. There's a reason why scientists and inventors are known as crazy people: Because most of them are, and then every thousandth guy invents something really good. But most of the time they're lunatics. The guys who say, 'That won't work' — he breaks into a whisper — 'they're almost always right.'"

The point, he says, is to find "new formulations" for old principles. "The parents' rights movement is new formulation. Concealed carry is new formulation. School choice. … There are new and different ways to frame the concept of liberty."

That's where his penchant for metaphor comes in handy. The stimulus package in particular has unlocked the creative juices. "If Barack Obama and Harry Reid and Nancy Pelosi took three buckets of water out of a lake, ran to the other side of the lake, and poured those three buckets into the lake ... do you really believe there's more water in the lake?" he likes to ask. "That's their spending plan: Take money out of the productive economy, walk around, and hand it to the politically connected—800 billion times." I ask when he started using that one. "It was actually a phrasing I used to explain Keynesian economics to Zulus in KwaZulu 10 years ago."

Literary coinage, however, is only one part of Norquist's job. The rest consists of meeting with politicians, lobbyists, activists, and organizing anti-tax and transparency campaigns in the states. CPAC, therefore, is like a giant business meeting, and traveling its halls is like one long West Wing tracking shot, with greetings, compliments, and bits of information flying back and forth. "Hey, handsome!" "Hey hey hey!" "How are you?" "Winning on all fronts, and yourself?" "How are things going in Fargo?" "Who's your guy on the ground in Alaska?" "What's Duane focused on now?" He stops to discuss minutiae of various state campaigns as if they are fresh on his mind. Norquist's demeanor—calm, earnest, affable—gives the impression that success is more about sustained focus over long periods of time than flashes of inspiration.

Most of his courtiers he knows. "Hello, fellow godfather," says Ann Coulter in the hotel lobby. At first this sounds like some weird code language. Turns out they actually share a godchild.

The rest are randos stopping to express admiration. One asks him to sign his miniature Declaration of Independence. Does he ever get any crazies coming up to him? "Everybody's a little bit crazy," he says. I wonder whether this is my cue to run. (Norquist's humor is relentlessly deadpan. Once, in 2006, Al Gore presented his now-famous global-warming slide show at a Wednesday meeting. One slide showed America shrinking as sea levels rise. After the coasts vanished, all that was left was the center third of the country. "So how does this affect redistricting?" Norquist asked.)

Late afternoon, Norquist heads down to the Exhibit Hall for a few radio appearances. All local right-wing talk—San Antonio, Miami, North Dakota. ("The Limbaugh of the Prairie," one calls himself.) After a couple hours, I make a suggestion. "I think we should go shoot a gun," I say. His face lights up. "Oh, good!"

We mosey over to the NRA booth, where they have a giant hunting simulation set up. The game is called "Varmint Town." Norquist picks up the orange shotgun and presses it against his shoulder. Little prairie dogs scurry across the screen. Norquist's first two shots miss, but the third is dead on. A prairie dog goes down in a bloody heap. Another, sniped, spins out of control and rolls down a mound. A third does a running face plant. Norquist racks up six in a row for bonus points. His final score: 57,000. Respectable for an NRA board member. I ask him whether he ever played Duck Hunt. No, he says. "I missed out on cocaine and Nintendo both."

As we're leaving, he approaches the NRA rep. "Has the NRA done this at CPAC before?" Nope, she says, first time. Apparently more than 1,700 attendees signed up for the NRA mailing list after playing the game. Something about it just lures people in. "This is wonderful," Norquist marvels. "This is the funnest thing." It's as he said before: new formulations for old principles. He just moved to a new HQ, and the game gives him an idea. "Tell Jane to set this up in the new office," he says.

press box

Jeffrey Gettleman's World of War
In praise of the New York Times' man in East Africa.
By Jack Shafer
Wednesday, March 4, 2009, at 6:25 PM ET

I visit Africa at least two or three times a month these days with Jeffrey Gettleman, the New York Times' East Africa bureau chief.

Last month, he took me to Mombasa, Kenya, where we greeted the Fania—the Ukrainian freighter toting tanks and other heavy
weapons nabbed by Somali pirates—as it crawled into port. In another piece, we surveyed the town of Faradje, Congo, abandoned by both the Congolese National Army and U.N. peacekeepers to the murder Lord's Resistance Army. Gettleman and his fearless stringers in Somalia have educated me about the difficulties of nation-building on the bedrock of chaos, and just this week, he gave me a compact tour of Kenya's insurmountable problems: impending starvation, governmental corruption, and ethnic bloodshed.

He mostly covers ugly news—massacres, deprivation, rape, riots, suicide bombings, mutilations—the sort of topics that make your breakfast congeal and then reflux. In the hands of a lesser writer, this would be a ghoul's beat, the newspaper equivalent to an installment in the Friday the 13th series. But the Gettleman method is to play it straight and direct, easy on the cynicism, and without a hint of any world weariness. Reading the transcription of his interview with Sugule Ali, spokesman for the pirates who commandeered the Fania, reveals an outstanding police reporter at work. In some ways, it rivals the actual story Gettleman ended up writing.

Last summer he reported on the killing of Tanzanian albinos, whose body parts are harvested because they're believed to possess magical powers. He uses language so simple it could be hard-covered and sold as parable:

The men sawed off Vumilia's legs above the knee and ran away with the stumps. …

Yusuph Malogo, who lives nearby, fears he may be next. He is also an albino and works by himself on a rice farm. He now carries a loud, silver whistle to blow for help. "I'm on the run," he said. …

One patient, Nasolo Kambi, sat on his bed, recovering from a recent round of chemotherapy for skin cancer. His arms were splattered with dark brown splotches, like ink stains on white paper.

As a reporter, Gettleman can't editorialize or finger the worry beads, which makes him the paper's anti-Kristof. Instead of reducing Africa's conflicts to hellzapoppin' horror show or composing uplifting choruses that put smiles on the faces of the suffering, Gettleman dons the big pants of the reliable narrator and puts the dead into deadpan.

As a Times correspondent, Gettleman has covered Afghanistan, Yemen, and Egypt. In the spring of 2004, he and photographer Lynsey Addario were taken hostage by insurgents in Fallujah for several hours. He credits their safe release to 1) hiding his passport in her pants, where he correctly surmised their abductors wouldn't look and 2) pretending to be Greek.

"I felt that life was cheap, and I wasn't exempt," Gettleman told an audience of his kidnapping in October 2004. "I was expecting to be shot immediately, and I wasn't scared; I had gone beyond that point, and I had lost all control. I was just hoping it wouldn't hurt."

My enthusiasm for Gettleman's work should take nothing away from other excellent Times reporters in Africa, such as Lydia Polgreen, Celia W. Dugger, and Barry Bearak, or other reporters laboring in harm's way. I just have a weakness for reporters who have a knack for mining exotica without getting all exotic about it. In "Mai Mai Fighters Third Piece in Congo's Violent Puzzle" from November, Gettleman describes a militia leader's stinky magic potion of mashed-up leaves and water that gives him the power to fight. Gettleman writes, "With their guns, leaf headdresses and special potions that many fighters believe make bullets bounce off them, they are a surreal—but still deadly—dimension to Congo's civil wars."

Not every Gettleman story answers the question of how bad Africa can get. In today's Times (March 4), he covers some good news bubbling out of eastern Congo. Last November, he reported about how the rebel war had forced wildlife ranger Jean-Marie Serundori and his fellow rangers to flee a mountain gorilla reserve. The reserve is "one of the most contested, blood-soaked pieces of turf in one of the most contested, blood-soaked corners of Africa," Gettleman wrote. (See his video report.)

Now the rangers can monitor the apes again because the Congolese and Rwandan armies worked together to rout the rebels. In typically understated fashion, Gettleman writes, "The two former enemy armies fought side by side without massacring each other."

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Is there a German word for unintentionally insulting Person A by praising Person B? I'm sure there is, and I'm sure I'm going to hear all about it. Send German vocabulary builders to slate.pressbox@gmail.com. (E-mail may be quoted by name in "The Fray," Slate's readers' forum; in a future article; or elsewhere unless the writer stipulates otherwise. Permanent disclosure: Slate is owned by the Washington Post Co.)

Track my errors: This hand-built RSS feed will ring every time Slate runs a "Press Box" correction. For e-mail notification of errors in this specific column, type the word Gettleman in the subject head of an e-mail message, and send it to slate.pressbox@gmail.com.
After months of production studio drama, the film adaptation of Watchmen will finally hit theaters on Friday. Director Zack Snyder (whose last blockbuster was 2007's 300) has retained the basic story line from the original comic book—a vigilante named Rorschach sets out to investigate the murder of a fellow superhero. In 2005, Tom Shone reviewed Watchmen the comic book in honor of the 20th anniversary edition. His article is reprinted below.

Alan Moore's Watchmen, originally published in 1986, was the comic-book series that supposedly revolutionized the industry, defrocked the superhero, and invented the graphic novel at a stroke. Yet reading Watchmen today is a distinctly underwhelming experience. Its fans would say that is appropriate: The world's first anti-heroic comic book is supposed to be, well, anti-heroic. The mode is pyrrhic, deflationary, its tone deadpan, spent. Either way, like a math savant at a party, the book seems to shrink from the hullabaloo surrounding its approaching 20th anniversary. A new edition, retitled Absolute Watchmen and published this month by DC, has drawn critical superlatives and comparisons with Pulp Fiction and Sgt. Pepper's Lonely Hearts Club Band. In truth, it's more like the White Album, a fractious, blistered masterwork. This is not a comic book that wants you to go "Wow." It is a comic book that wants to let the air out of your tires.

Released the same year as Frank Miller's The Dark Knight Returns—which turned the Batman mythos on its head and emptied it into the gutter—Moore's book does the same for an entire alternate universe of superheroes. Outlawed since 1977, they now sit around in dark basements drinking beer, contemplating their middle-aged spread, and reminiscing about the good old days—just like Mr. Incredible. One, Ozymandias, has set up a lucrative franchise selling posters, diet books, and toy soldiers based on himself. Only one still paces the city: Rorschach, a psychotic vigilante attempting to wash the vermin from the streets, a la Travis Bickle. When one of his colleagues, the Comedian, is thrown from his penthouse-suite window, Rorschach decides that "someone is gunning for masks" and tries to corral his old teammates together for one last hurrah. Such is the inverted central conceit of the book, in which superheroes are far too busy defending themselves from the world to contemplate saving it.

And what a wicked world it is! Both Spider-Man and the Fantastic Four glancingly confronted the political turmoil of the times—drugs, racism, Vietnam—but Watchmen was the first comic book to allow the disenchantment to take root, albeit a decade too late. Watchmen was set in the '80s but evinces a distinct nostalgia for the anti-American sentiment of the '70s, when Moore was growing up in England: He loved the United States for its comics, hated it for its politics, and out of that was born the world of Watchmen, a world where Nixon is in his sixth term as president, nuclear apocalypse is looming, and the superheroes are trying to shake off accusations about their involvement in everything from Vietnam to Iran-Contra. "Yes we were kinky, yes we were Nazis, all those things people say," admits one, Nite Owl, in his autobiography Under the Hood, chunks of which are excerpted at length along with disquisitions on the arms race, criminal psychology, and quotations from Nietzsche and Bob Dylan. What on earth was Moore trying to get us to do? Read?

The suspicion lingers that Watchmen was more a triumph of writing than draftsmanship. The graphics were by Dave Gibbons, one of many artists who made their name on Judge Dredd, although he always felt a bit like the fill-in guy, lacking the ravaged punk impudence of Mike McMahon or the ebullient absurdity of Brian Bolland. Gibbons' style was neat, tidy, and jawed, which lent his work for Watchmen a flicker of irony, although it was unclear whether the hokey costumes he came up with for Moore's superheroes were deliberately hokey or just the kind of stuff he came up with anyway. In which case, the joke was on him and the irony was all Moore's. A typical comic script is 32 pages; for Watchmen, Moore's ran to 150 pages, heavy with voice-over narration and speech balloons. Gibbons found himself cramping his graphics into a neat box-arrangement of nine frames per page, and the result was a minimalist, Philip Glass-y, metronomic tone. Watchmen also took comic-book chronology to new levels of complexity. It features an elaborate flashback structure and a fascination for slo-mo simultaneity that wouldn't have embarrassed your average Modernist—when they coined the term "graphic novel" nobody mentioned that the novel in question was Ulysses—although how well this technique melded with the more straightforward dynamism of traditional comic-book panels is open to question.

Watchmen's whodunit plot was not allowed to kick into gear until late in the day and climaxes with Ozymandias spouting Postmodern art theory in his snowbound eyrie ("phosphor-dot swirls juxtopose; meanings coalesce from semiotic chaos before reverting to incoherence"). Even that old windbag the Silver Surfer might have hung his head in shame. The book's action highlight, on the other hand, comes when Nite Owl finally shakes off his midlife crisis, dons his costume, and heads out on the town for one last night of kicking criminal butt. One gets the feeling that Moore wanted to make us feel guilty for enjoying this—to take in the episode as one would a guilty pleasure."See
apathy! Everybody escapin' into comic books and TV! Makes me sick,” shouts a news vendor, peddling comics while the streets around him run red with blood.

Whether you take this self-reflexivity as evidence of a newfound sophistication on behalf of the comic book, or as self-hatred tricked out as superiority—that old adolescent standby—is up to you. *Watchmen* was unquestionably a landmark work, a masterpiece, even. Before Moore came along, comic books were not generally in the habit of quoting Nietzsche, or scrambling their time schemes, or berating their heroes for their crypto-fascist politics, or their readers for reading them. It was Moore's slightly self-negating triumph to have allowed it to do so. But did the comic book have to "grow up"? The last time I looked, the only ones reading *Ulysses* and quoting Nietzsche were teenagers. No adult has time for aesthetic "difficulty" or "self-consciousness." Life is too short. Frankly, we'd much rather be watching *The Incredibles*.

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**Jose Rijo Unplugged**

_Hanging out with the ousted Washington Nationals exec in the Dominican Republic._

By Bryan Curtis

Monday, March 2, 2009, at 1:32 PM ET

_The kid who was driving the scooter took his eyes off the heavily potholed road and said, "Bryan, how do you say in your language—muerto?" I was perched on the seat behind him, my hands clutching at his ribs as we weaved between cars, blew through traffic lights, and kicked up dust from the dirt road. I had been thinking* muerto a lot over the last 10 minutes, but how did this guy know that?_

I was riding with a *motoconcho*, one of the brigade of helmetless scooter drivers who provide a kind of unlicensed limousine service in the Dominican Republic. Since few Dominicans own cars, hitching a ride with a *motoconcho*, which typically costs a few pesos, is both a necessity and something of an art form. Men, women, and preteen schoolchildren in their blue-and-khaki uniforms line up along the side of the roads, waiting for a scooter to buzz by. You could be in Santo Domingo sprawl or deep in the countryside. If you wait long enough, you will see a *motoconcho*. My team had come (by car) from Santo Domingo to the city of San Cristóbal in search of a baseball academy called Loma del Sueño—the Mountain of Dreams. San Cristóbal is one of the Dominican Republic's most fertile baseball towns, and as we cruised the sandy main drag, we saw the visage of Raúl Mondesi, the former major league slugger, on a billboard endorsing one of the candidates in the country's May 2008 presidential elections. Our directions ended in the center of town, so we pulled up next to a *motoconcho* who was relaxing under a shade tree. Oye! The *motoconcho* seemed to know the way to Loma del Sueño, but he kept the directions vague: "Derecho" was all he would say—straight ahead. He was angling to show us the way himself, for a small fee. So in an attempt to get my money's worth, I exited the car and cautiously assembled myself on the back of the scooter. My translator, Alberto Pozo, who would trail the *motoconcho* in our car, told me that if I felt uncomfortable, I should attempt to exit the bike in a graceful fashion.

Riding with the *motoconcho* is not unlike taking a turn on those mechanical bulls they have at high-end country-western bars. You must lean into the turns and lift your derriere off the seat about a half-second in advance of every pothole. We finally found a smooth road near an old cemetery. "Muerto," the driver repeated, grinning and pointing at the tombstones. I smiled weakly. We took a left, and we found ourselves under a canopy of lush foliage. Then we were going uphill. The scooter shuddered during the climb, and the *motoconcho* kept up a long, half-decipherable patter about the high price of gas and the poor condition of the bike. (New York taxi drivers have never done a better job setting up a tip.) Then the road flattened out, we sped across a bridge, and on the top of the mountain, with all the majesty of a hard-to-reach Buddhist monastery, was Loma del Sueño. The Mountain of Dreams.

If the *Phillies*’ academy was a summer-camp-style barracks, then Loma del Sueño looked like a tourist resort. As we passed through the gated entrance, we could see that baseball diamonds had been carved directly onto the mountaintop. The fields were back-dropped on all sides by a valley of bright green trees that stretched into the horizon. To venture a metaphor I have never seen on the sports page, it was a bit like playing baseball on Machu Picchu. Loma del Sueño is the brainchild of José Rijo, who won the Most Valuable Player award in the 1990 World Series and also happens to be *Juan Marichal’s* former son-in-law. As he suffered through a string of arm injuries that would ultimately end his playing career in 2002, Rijo decided to return to his native country and create a piece of the baseball infrastructure. Rijo's brother had suggested the mountaintop. The ball fields, housing complex, and executive offices now serve as baseball academies for the Washington Nationals, San Diego Padres, and Detroit Tigers. A playoff game between the Nationals' academy and the visiting Los Angeles Angels had already gotten under way by the time we arrived, and we found
Rijo, a rotund, serene presence, relaxing in the shade of an umbrella on the first-base line, a cigar sticking out of his mouth.

Loma del Sueño was very much a local affair. A crowd of maybe 100 had made its way up the mountain, probably via motoconcho or on foot, and was chattering excitedly along the chain-link fences that surrounded the main field. There was a spontaneous energy you rarely experience amid all the canned stadium rock at a major league ballpark. Here, one twentiesomething fan made his way through the crowd with a snake draped over his shoulders. Small boys of assorted sizes, some lovingly attended to and others blissfully free of parental supervision, scampered around. Two young women came dressed and accessorized as if for a night at one of San Cristóbal's finer discothèques. A banged-up 10-gallon water cooler was hauled out to make sure everyone stayed hydrated under the 88-degree sun. When the hometown Nationals took the field, they were serenaded by a three-piece pep band—complete with horn section—that had set up shop near Rijo. The Nationals team broke out in a spasmodic dance and then ran to their positions.

The young players headquartered at Loma del Sueño were experiencing the kind of luxury accommodations normally available only to turistas. They lived in a five-story pink stucco palace, which Rijo, who was concentrating on the game, dispatched us to in his golf cart. The student players' rooms were not unlike those you'd find at any Dominican beach hotel, with wrought-iron headboards and coordinating dressers. Each had a private balcony that overlooked the valley below. "Some kids are very poor here," Rijo told me later. "They don't know how to handle themselves. They do so much damage to the air conditioners, the TVs." An assistant took us up to peek into Rijo's own penthouse apartment, which he had called Suite 27, after his uniform number. It was decorated with African and aboriginal art, flat-screen TVs, embroidered silk pillows, white linen sofas, and top-shelf liquor like Grey Goose vodka and Johnnie Walker Gold whiskey. I could imagine that in the mind of a young, ambitious southpaw, it was a dreamlike vision of the spoils of baseball success.

When we returned to the ball field, Rijo got us chairs and ordered his staff to bring pitchers of passion-fruit juice with ice, along with platters of crackers, cheese cubes, and cantaloupe. He was still engrossed in the game, but he took a moment to make a few remarks over the din of the band. "They've got the Field of Dreams, I've got the Mountain of Dreams," Rijo said. "If you build it, they will come."

Rijo lives at Loma del Sueño pretty much full-time. He pitches batting practice and helps maintain the fields. He preaches about discipline, bringing in police officers to warn the players about the crime and drugs they're sure to encounter in the United States. "The other day, they announced a hurricane," he said. "I told the kids to go home. They said, 'No, no. If we stay here, we know we're going to eat for sure.' So I told them to stay here."

Rijo also pointed out something I hadn't thought much about: The academies are such a booming industry in the Dominican Republic that they produce a number of jobs for locals. "This town is so poor, it needs so much help, I figured this was the best way for me to give back something," Rijo said. Loma del Sueño requires a small army of scouts and groundskeepers and cooks and motoconchos and maids, who enter the ballplayers' rooms with the weariness of a mother entering her 16-year-old son's. It is one thing to think about Major League Baseball sending its agents to the Third World to pluck out young shortstops and leave everyone else to fend for themselves. It's another to think of Dominican baseball, at its core, as a local industry.

That is what surprised me most about our tour of Dominican baseball, this forceful assertion of Dominican-ness. Whereas once the baseball industry may have had the whiff of neocolonialism, it seems to have assumed a homegrown air. A Dominican buscón brings the young ballplayer to the attention of the academy. A major league team pays a signing bonus to the player's family (with the buscón taking his cut). During his three years at the academy, the player trains with Dominican coaches, is tended to by a Dominican staff, and, in the case of Loma del Sueño, is mentored by a Dominican baseball star who has already made the journey to the big leagues. An academy director like Rijo is ultimately working at the pleasure of the American baseball clubs, of course. But it's Dominicans who run the place, rather than American outsiders—there's no reason for the teams to do much more than sign the checks.

As we got up to leave, Rijo turned to me. "Do you smoke cigars?" he asked. "Well, I have a cigar bar in Santo Domingo. I'll be there from 8 until midnight tonight. You should come by."

From: Bryan Curtis
Subject: Jose Rijo Unplugged
Posted Monday, March 2, 2009, at 1:32 PM ET

When Jose Rijo, Dominican baseball eminence and MVP of the 1990 World Series, invited me to join him at his cigar bar in Santo Domingo, I quickly agreed. Here was a chance to witness a retired baseball player living in the afterglow of his career and also to pretend, as best I could, that I belonged at the table.

First, we had a farewell dinner with Alberto Pozo, our fixer. Alberto had promised us a final meal of authentic Dominican
food—*comida típica*—which we had been eating, between sandwiches and Pollos Victoria fried chicken, for most of the trip. Alberto decided on El Conuco, a touristy joint with an extensive buffet and live dancing. We sat at a table close to speakers blaring *bachata* music, and as the house dancers clapped and twirled in front of us, I picked at a bowl of *sancocho*, a stew made with seven meats. That conversation was all but impossible wasn’t as awkward as it might have been. After dozens of hours in the car with Alberto—and a few with his 6-year-old daughter, Paula—to call him a “fixer” would do him little justice. He was a friend and fount of boundless optimism—his answer to my entreaties for more bureaucrats or baseball players was always “No problem.” Alberto has an entrepreneur’s zeal, and if anyone can make “baseball tourism” into a Dominican industry, it is he.

Rijo’s cigar bar was a few blocks down the road, tucked into one of the giant, neon-lit casinos that line the Malecón on Santo Domingo’s waterfront. We rolled up around 9 and spotted the pitcher wearing a lime-green shirt and sitting at an outdoor table with about half a dozen friends. When Rijo saw us approaching, he made a few sharp movements with his hands, and we suddenly found ourselves propelled into seats. Spanish-language torch songs were wafting through the windows of Rijo’s white Lexus SC430 convertible, which was neatly parked next to the table. Slowly, as I acclimated myself to the surroundings, something else became apparent: The great Rijo and his friends were not merely listening to Spanish torch songs, they were *singing* them, in unison—a sing-along that, after pausing a few seconds for our arrival and drink orders, resumed in its full-throated glory. It was the kind of karaoke performance you do not normally encounter on Old Timers’ Day.

The lead singer was a Rijo confidant, Ramón Antonio Otero, a pudgy, middle-aged man who later told me, “My name is artist.” As he tackling songs like “Que Se Mueran de Enviada” and “Esclavo y Amo,” Otero sung in an exaggerated mock-opera style: chest pushed out, palms fluttering against pectorals, lower jaw tucked into his clavicle. A few times, I saw Rijo push buttons on his cell phone and hold it up for Otero to sing into the receiver. When I finally asked Rijo whom he was calling, he said it was his wife’s answering machine—he was leaving her a serenade.

The scene was fitting, because as a pitcher Rijo had always been something of an exotic. The San Cristóbal native made his major league debut at 18, in 1984, and by 26 he was on pace to become a Dominican legend on the order of Juan Marichal and Osvaldo Virgil. “I became a king,” as Rijo once put it. Injuries cost him a chance to be a transcendent pitcher—he endured five surgeries on his right elbow alone—and he dropped out of the game in 1995. But after a grueling rehabilitation, he was able to claw his way back into the majors, and in 2002, nearly seven years after he’d started his last game, he pitched the Reds past the Cubs. In retirement, Rijo has become rounder and more kinglike, with courtiers inside and outside the game.

Between songs, Rijo introduced the gallery that had arranged itself around him. It was a group of regulars that had come to enjoy Rijo’s halo of celebrity, snifters of Jameson, and top-quality cigars. One gray-suited gentleman who stopped by to pay his respects was, someone leaned in to whisper, “in the government.” A tall, comically good-looking man in a tight pink polo shirt turned out to be the engineer who designed and was supervising construction of the D.R.’s first subway system, the earthworks for which we had seen earlier in the trip. Linen jackets were held rakishly over shoulders, and every other minute a joke would be made at somebody’s expense, bringing the table’s ever-simmering laughter to a burst. A couple of young women had taken over a table a few yards away and were making expectant eyes at our group, but this was plainly a boys’ night out—an evening of bawdy jokes and gleeful showmanship. I could understand only half of what was said—most of the performance was *en español*—but it was one of those rare occasions in adult life where you find yourself giggling along like a confused toddler and yet feel no shame. The sole allowance for feminine delicacy was the smaller, vanilla-flavored cigar one member of the entourage deemed appropriate for my companion Megan Hustad; she was duly chastised every time she allowed it to go out.

Alas, thanks to a new anti-crime ordinance, the bars in Santo Domingo shut down at midnight, so a few members peeled off and the rest made motions to take the party inside the casino. Just then, Otero turned to us and said, “Now, I sing for you in English. My English is not good.”

“But it is good!” Rijo interjected.

Attempting to prove his friend right, Otero gamely started in on “My Way.” Rijo joined him for the chorus and softly shook a pair of maracas. It was at this point that I entered a state of delirious happiness I have rarely experienced since childhood. I was in the company of a pitcher whose baseball cards I had collected, whom I had once watched win two World Series games on television. He was handing me drinks. And cigars. He was performing a song. With maracas. It was a rather grandiose end to our baseball tour, a symbol, I guess, of the extravagant lifestyle that awaits in the major leagues. For the triumphant final verse—”For what is a man, what has he got? If not himself, then he has naught”—Rijo sung harmony, and he and Otero finished the song on their feet. There was a light smattering of applause, a few cat calls.

At one point, Rijo excused himself to take a phone call from Jim Bowden, the general manager of the Washington Nationals, who wanted to talk with Rijo about Dominican prospects. "Bowden told me, ’I need you here,’ " Rijo told me later, shaking his head. "I said, ’I’m having too good a time!’ "

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"One Dollar for Every West Virginian"

The crazy judicial-corruption case that the Supreme Court should hear.

By Amanda Frost
Monday, March 2, 2009, at 12:10 PM ET

On Tuesday, the Supreme Court will hear oral arguments for the West Virginia judicial-corruption case Caperton v. Massey to decide whether judges must recuse themselves in cases involving campaign contributors. Last fall, Amanda Frost wrote about the conflict-of-interest problem with electing judges, particularly those who must fundraise themselves. The article is reprinted below.

Thirty-nine states in this country elect some or all of their judges. Predictably, judges receive their largest campaign contributions from the lawyers, corporations, and groups that regularly appear before them. All these dollars create the appearance, and sometimes the reality, that justice is for sale. One familiar response is that states should switch to appointing their judges. But states are not about to scrap judicial elections, nor should they necessarily. The problem is not that judges are elected; it is that states insist on treating elected judges as if they are immune to the conflicts of interest that come with running for public office.

West Virginia is a prime example. The state elects its judges, yet provides no public financings for elections, and leaves it up to each judge whether to recuse him- or herself, or bow out of hearing a case. This is a recipe for trouble, as became clear when West Virginia Supreme Court Justice Brent Benjamin refused to step aside in the case of Caperton v. Massey, a $50 million appeal in which the principal contributor to his campaign had a stake. Now the U.S. Supreme Court has been asked to decide whether Justice Benjamin’s involvement violates the constitutional right to a fair hearing before an impartial decision maker—the petition to hear the case is on the court’s calendar today. The court should take this opportunity to state the obvious: States that elect their judges must regulate the ways in which they campaign and the cases on which they sit.

The facts of Caperton v. Massey are startling, to put it mildly. In 1998, Hugh Caperton filed a lawsuit against Massey Coal in state court in West Virginia over a business deal gone sour. The jury sided with Caperton, and Massey Coal was ordered to pay $50 million in damages. Massey Coal appealed the verdict at the same time that the campaign for seats on the West Virginia Supreme Court was heating up. Don Blankenship, the CEO of Massey Coal, donated $3 million to support Brent Benjamin’s bid for election to the high court (“one dollar for every West Virginian,” Blankenship boasted—and it’s more like $1.66).

Blankenship’s contribution amounted to 60 percent of the total spent in Benjamin’s bid for election. And it paid off when Benjamin won a seat on the court.

Caperton’s lawyers filed a motion asking Justice Benjamin to recuse himself. But Justice Benjamin refused, explaining that there was “no reasonable basis” for doubting his impartiality. He then cast the decisive vote to reverse the $50 million verdict against Massey Coal, transforming Blankenship’s $3 million from a generous contribution to a very wise investment.

To many legal observers, Caperton v. Massey is the poster child for scrapping judicial elections. The American Bar Association has recommended that states select judges through political appointments rather than popular elections, and many legal experts agree that elections and judging are incompatible. But there are some good reasons to elect state court judges, starting with the fact that state court judges (unlike federal judges) are actually charged with making state law. State courts are “common law courts,” meaning that the judges in those courts can shape the rules that govern disputes over contracts, torts, and property, at least when state legislatures have not passed legislation in those areas. As with any other lawmaking body, it makes sense to ensure that the state judiciary is accountable to the people subject to those laws. In any case, the many states that have elected their judges for centuries are not about to abandon that method because the ABA tells them to.

But acknowledging that judicial elections are here to stay does not mean we have to accept spectacularly dysfunctional electoral systems like the one on display in West Virginia. If a state plans to embrace judicial elections, it should shield judges from having to collect campaign donations from the very groups that appear before them. Otherwise, they’ll be beholden to the parties that come before them. That’s even worse than the effect of lobbying on legislators.

The benefits of electing judges must be accompanied by restrictions on the manner in which those elections take place, and the cases on which the judges can sit. Two states have adopted public financing for judicial elections, and a move toward public financing is being considered in half a dozen more. Public financing hangs onto the rewards of electing judges but ensures that judges do not take the bench owing favors to those who supported them. The downside, of course, is that taxpayers have to ante up. But those are tax dollars well spent. State governments are willing to shell out lots of public financing to entice corporations to relocate to their state, and a healthy judicial system is attractive to any business.

Admittedly, public funding for other offices has not always succeeded at the federal level. Candidates for president and for Congress have proven adept at finding loopholes in the laws, and some have opted out altogether. But there are good reasons to think campaign finance reform will be more effective at limiting
abuses in state judicial campaigns. The key to making public financing work is to enact it along with rules that bar judges from sitting in cases that involve their erstwhile or would-be campaign contributors. States need to disqualify elected judges from hearing cases involving anyone who spends money to get them elected. Once judges are barred from sitting on such cases, people like Don Blankenship will have no incentive to funnel money their way. Without big spenders to bankroll their campaigns, public financing will look pretty good to judges, as will the smaller contributions that are still permitted under such a system. Together, public funding and strict disqualification rules can prevent debacles like the one West Virginia put on display.

And even if they don’t go the public financing route, states should put an end to the current practice that leaves it up to an elected judge to decide whether he or she can be fair. At a minimum, judges should be automatically disqualified from hearing cases involving large contributors. Even when the conflict is less clear, the decision about recusal should be made by the judge’s colleagues, or a specially convened body of judges from elsewhere, not the judge in question herself. The Supreme Court should hear Caperton v. Massey and say as much. And even if they don’t go the public financing route, states should put an end to the current practice that leaves it up to an elected judge to decide whether he or she can be fair. At a minimum, judges should be automatically disqualified from hearing cases involving large contributors. Even when the conflict is less clear, the decision about recusal should be made by the judge’s colleagues, or a specially convened body of judges from elsewhere, not the judge in question herself. The Supreme Court should hear Caperton v. Massey and say as much. And even if they don’t go the public financing route, states should put an end to the current practice that leaves it up to an elected judge to decide whether he or she can be fair. At a minimum, judges should be automatically disqualified from hearing cases involving large contributors. Even when the conflict is less clear, the decision about recusal should be made by the judge’s colleagues, or a specially convened body of judges from elsewhere, not the judge in question herself. The Supreme Court should hear Caperton v. Massey and say as much.

In 2002, a West Virginia jury determined that the A.T. Massey Coal Co. had fraudulently forced competitor Hugh Caperton into bankruptcy. Massey's CEO, Don Blankenship, promptly appealed, having warned Caperton: “We spend a million dollars a month on lawyers, and we'll tie you up for years.” West Virginia has only one appellate court—its Supreme Court. Concerned about his odds on appeal, Blankenship spent $3 million of his own money to take out sitting Justice Warren McGraw by backing his opponent in a 2004 judicial election.

Blankenship's $3 million represented 60 percent of the total funding of a 527 group called (what else?) "And for the Sake of the Kids.” The group ran creepy election ads accusing McGraw of (what else?) setting a pedophile loose in the schools. McGraw lost his seat on the state high court to an unknown lawyer called Brent Benjamin. And in a Disney-like rotation of the circle of life, the newly elected Chief Justice Benjamin then voted 3-2 to reverse the verdict against Massey. Asked to recuse himself from hearing the case, Benjamin refused. Twice.

Who says you can't get good help anymore?

The Supreme Court is in a tough spot in Caperton v. A.T. Massey. The legal claim here is that Americans have a due-process right to a judicial system untainted by the appearance or likelihood of bias. And appearances alone are sometimes
enough. Indeed, the facts here are so completely grotesque, they cause the usually mild-mannered John Paul Stevens to proclaim: "We have never confronted a case as extreme as this before. This fits the standard that Potter Stewart articulated when he said, 'I know it when I see it.'"

But the extravagant weaselliness of Chief Justice Benjamin sits uneasily beside an almost complete absence of law that might curb it. The advocates struggle to scrape together a handful of precedents, along with bits of the Constitution's due-process clause, in what rapidly starts to look like a constitutional comb-over.

Justice Sandra Day O'Connor, who has been preoccupied since her retirement with judicial integrity, is in the court today to stare down anyone who doesn't think the public decline in respect for the judiciary is a major problem. Polls show that the public believes money influences judges. The public are no dopes.

The clash of two titans of the Supreme Court bar—former Solicitor General Theodore Olson and seasoned lawyer Andrew Frey—is a long blur of interruptions, evasions, and ellipses. As Olson, representing Caperton, attempts to wax lyrical about the "constitutional right to a fair tribunal," Justice Antonin Scalia cuts him off to ask when the court has ever promised anything like that.

Olson says that an ordinary person may begin to doubt the neutrality of a judge if, oh, say, "that judge has just been put on the bench during the pendency of the trial of the case by his opponent's contribution of $3 million …" Scalia says Olson has it all wrong. When people contribute millions of their own dollars to judicial-election campaigns, it's because "they want me to be a good judge … and I'm showing my gratitude by being a good judge." That's the only expectation they have.

Scalia says the recusal rules apply only to judges who have either a financial stake in the case or personal antipathy toward a party. That's because there is no limiting principle to a rule that requires recusal for any appearance or likelihood of bias. "I was appointed to the bench by Ronald Reagan," he says. "Should I have been any less grateful to Ronald Reagan than—than the judge here was grateful to the person who spent a lot of money in his election?" Scalia is not a big fan of allowing others to act as his conscience. He's got the conscience market cornered.

Justice Anthony Kennedy asks nervously what Olson's standard for bias will be. The high bidders today include the probability/possibility/appearance/likelihood/risk of bias—i.e., a great pile of subjective litigant goo. Kennedy observes that the proposed "unacceptable risk of bias" standard "doesn't give sufficient guidance to the courts to implement this rule." And Justice David Souter wonders whether the courts shouldn't stand back and let the states find their own political fixes to the problems of financing judicial elections.

Olson replies that "the political process to which you refer is spiraling out of control." He describes a "financial arms race in judicial elections" in the 39 states that elect judges. This claim is borne out by data from the Brennan Center showing that in 2000, candidates for state supreme court seats raised $45.6 million—60 percent more than the $28.2 million they raised two years earlier. Olson concludes his argument by reminding the court that "in the Magna Carta, the king promised: 'To no one will we sell justice.' " If the court fails to rein in this judicial arms-race thing, there will soon be a "Judges" tab at Amazon.com.

If Olson is undone for the lack of a limiting principle, Frey is hard-pressed to explain away Justice Benjamin's deaf-dumb-and-blindness in keeping himself in this case. Justice Stevens immediately lights into Frey because the facts of this case are so dreadful. Frey points out that Justice Benjamin didn't know Blankenship, didn't benefit financially from his election contributions, and couldn't have controlled Blankenship's actions. Chief Justice Benjamin, if anything, is a victim of this hateful $3 million campaign gift.

Justice Souter points out that the standard of "appearance of impropriety" is codified in the judicial ethical canons, and Kennedy observes that he sort of likes appearance of impropriety as a standard, because it is neutral and objective. Frey replies that it is not the job of the Constitution's Due Process Clause to protect "the reputation of the judicial system." This prompts Stevens to retort: "You don't think the community's confidence in the way judges behave is an important part of due process?"

Frey says no.

It's the kind of no guaranteed to rouse the Sleeping Hamlet in Kennedy, who all but splutters: "But our whole system is designed to ensure confidence in our judgments. … Litigants have an entitlement to that under the Due Process Clause." Come to think of it, this is Justice Kennedy's dream case. There's a huge problem. (Judicial elections are undermining judicial integrity.) There is virtually no precedent or statutory guidance. Someone will have to make some shit up. The court appears split 4-4. And it's all about appearances. Start the presses! The "sweet mystery of judicial integrity" passage practically writes itself!

Frey sums up his theory of the case with this question: "Judges are clothed with a presumption of impartiality. … Ask yourselves if you were in Justice Benjamin's situation, do you really think you would be incapable of rendering an impartial decision in a case involving Massey? Because if the answer to that is no … then there's no justification for saying that Justice Benjamin would." In his rebuttal, Olson turns that analysis on its head. "Instead of the question that my opponent asks, 'Would you be fair?' … ask if this was going to be the judge in your
case, would it be a fair tribunal if the judge in your case was selected with a $3 million subsidy by your opponent?"

Now, this is the legal equivalent of saying, "So enough about my bias. What do you think of my bias?" But as theoretical questions go, it has the intended effect. No judge in the world believes herself to be biased. But no judge in the world wants a Justice Brent Benjamin sitting anywhere near her case, either. Ultimately, the high court is going to have to decide whether Caperton is about us or them. Or, more precisely, whether they want to continue to believe in their own irrefutable divinity or create some structures to shore up our belief in their divinity. In the long run, and especially with high-priced judicial elections, it looks as if the credibility of the judiciary requires the latter. But that would mean judges giving up the authority to decide for themselves when they cannot be fair. Which would, in turn, give a whole new, fascinating meaning to the words "judicial humility."

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**technology**

**Read Me a Story, Mr. Roboto**

Why computer voices still don't sound human.
By Farhad Manjoo

Tuesday, March 3, 2009, at 3:40 PM ET

When Amazon's new Kindle debuted a month ago, Jeff Bezos proudly showed off a killer new feature—a robotic voice that can read back any passage from any book, like an automatic audiobook. The company sees the feature as a way for busy readers to catch up on books while driving or making dinner; the publishing industry saw it as lost opportunity for revenue. The Authors Guild argued that if an e-book could be turned into an audiobook, authors should get an extra fee from each sale. On Friday, Amazon relented, agreeing to let publishers turn off the text-to-speech feature on any e-books published on the Kindle.

There's an interesting legal tussle over whether Amazon's audiobook function really creates a new right that authors might charge for. But anyone who's listened to the Kindle read a book might regard that discussion as wholly beside the point. The Kindle has a pretty awful voice. Imagine Gilbert Gottfried laid up with a tuberculin cough. No, that would still be more pleasant than listening to the Kindle, which sounds like a dyslexic robot who spent his formative years in Eastern Europe.

This wasn't a surprise. Modern text-to-speech systems are incredibly complex, and they're improving rapidly. But reading a book with anything near the expressiveness of an actual human voice is an enormously difficult computational task—the pinnacle of speech synthesis research. At the moment, text-to-speech programs are found in much simpler applications—customer-service phone lines and GPS navigators, for example. In these situations, you hear the computer's voice in short bursts, so it's easy to forgive its odd intonations and suspicious speech rhythms. But when listening to long passages, you can't help but compare the computer's voice with a human's—and the computer shrinks in the comparison.

Over the last week, I tried the Kindle's text-to-speech feature on a variety of books, newspapers, and magazines. Not once could I stand listening for more than about a minute. The Kindle pauses at unusual moments in the text, it mis-emphasizes parts of sentences, it can't adjust its intonation when reading quotations, and it has a hell of a time pronouncing proper nouns. To get what I mean, listen to this clip of the Kindle orating a passage from the easiest-to-read book I could think of, Dan Brown's The Da Vinci Code.

Here's the text if you want to follow along:

"I told you already," the curator stammered, kneeling defenseless on the floor of the gallery. "I have no idea what you are talking about!"

"You are lying." The man stared at him, perfectly immobile except for the glint in his ghostly eyes. "You and your brethren possess something that is not yours."

Notice how the Kindle pronounces "mountainous silhouette"—it jams the words together: mountainsilwet. Iron becomes i-ron, curator is guraytor, and idea is i-dee-ay. And when the curator tells the albino that he's got no i-dee-ay what the guy's talking about, he's supposed to be yelling—after all, a pistol has been drawn. But as voiced by the Kindle, the exchange reads more like a pleasant disagreement over correct change.

Why is Amazon's text-to-speech system so bad? Because human speech is extremely varied, too complex and subtle for computers to understand and replicate. Researchers can get computers to read words as they appear on the page, but because
machines don't understand what they're reading, they can't infuse the speech with necessary emotion and emphasis.

Consider this simple exchange:

I'm going to ace this test.
Yeah, right.

A human reader would understand that the second sentence is meant sarcastically. So would a duplicitous machine like HAL 9000. But today's computers wouldn't get it; a robot would think the guy really was going to ace that test. Andy Aaron, a text-to-speech researcher at IBM's Watson Research Center in New York, gave me another scenario. Imagine that we learn near the end of a book that something that an obscure character said in Chapter 1 had come true. "How is a computer going to understand that—to know that it's got to pause there for dramatic effect?" Aaron asks. "I'm not saying it's impossible," he adds, "but I would say it's very far off to have an automatic system read a book as well as a professional actor. It's not on the horizon. I would say it's many, many years off—there are many hurdles between now and then."

Still, text-to-speech machines have come a long way since the 1970s, when they were first invented. The earliest systems, known as "formant synthesizers," reproduced speech by mimicking the varying resonances of a human voice. (The process is similar to how synths can ape a variety of musical instruments.) In 1978, Texas Instruments released the Speak & Spell, the first mainstream product to rely on this method of synthesis. The machine's voice was distorted and mechanical-sounding, but you could make it out; when it said a word, you could usually recognize it well enough to spell it. (Play along with a demo of Speak & Spell here.)

In 1982, Mark Barton and Joseph Katz, two software engineers, used formant synthesis to produce the first commercial program that could make your computer talk. That program, called Software Automatic Mouth, ran on Apple, Atari, and Commodore machines. Apple liked the program so much that it asked Barton and Katz to help build a text-to-speech system into the company's new Macintosh computer. "For the first time ever, I'd like to let Macintosh speak for itself," Steve Jobs crowed at the Mac's unveiling in 1984. And then, to gasps in the crowd, the computer began to talk.

As computers got more powerful, speech researchers found a different way to make machines talk. Rather than having computers synthesize human speech, you could record real people saying a lot of things and then use computers to splice together different parts of the recording to make new words and sentences. This method is known as concatenative speech synthesis, and it's now the dominant format for computerized speech. Under ideal circumstances, it can yield voices that sound eerily human. Consider this clip of IBM's concatenative text-to-speech system, Naxpress, reading a few lines from the Declaration of Independence.

If you listen closely, you can hear a few unusual pronunciations and a slightly unnatural rhythm—the two syllables of the word equal sound like they were spoken by different speakers, and there's a sing-songy lilt to the clause "that among these are life." But that's if you listen closely; if you weren't on guard for a computer's voice, you might mistake the speaker for human.

To produce such a system, Aaron and his colleagues begin by recruiting professional voice actors to record a huge database of human speech. This is a difficult job. Actors are asked to read about 10,000 lines, which takes around two weeks. Because their words will be spliced together from different recording sessions, they've got to keep their voices consistent over the two-week session. What's more, many of the lines they're asked to read are nonsense—researchers pick the sentences not for their meaning but in order to get the actors to use many different phonemes, the basic linguistic units of sound. (There are about 40 phonemes in the English language; the word dollar, for example, contains four phonemes—D, AA, L, and ER.) During an interview, IBM's Andy Aaron read out some of the lines that actors are asked to read:

Says the cheeky thug. 
There's a wood-burning stove. 
Few love working at KGO now. 
Did Michelangelo zap you?

When the actors are done, Aaron's software analyzes the recordings and chops up the words into different phonemes. Now the system can begin to convert text to speech: When it's called on to read a new line, it determines which phonemes are in the sentence and then searches its database for the best representations of those sounds. The system then splices the patchwork of sounds into a smooth sentence.

The main disadvantage of concatenative text-to-speech machines is that they require a great deal of storage space for their phoneme databases. This is fine for customer-service phone lines, which can run off huge computers in a server farm, but mobile systems—like GPS navigators—don't have as much onboard memory. Those systems usually ship with a shrunked database of sound, one that has fewer phoneme recordings. This degrades the quality of the speech; it's why the Kindle or your GPS doesn't sound as human as that computer reading the Declaration of Independence.

Aaron says the next great area of interest for text-to-speech researchers is emotion. IBM has made some rudimentary progress in this field. Recently, Aaron asked his voice actors to read some lines in one of several different intonations—cheerful, dejected, with emphasis, and as if they were asking a question. This gives the system a database of expressive speech. If you
wanted a computer to say something cheerfully—say, "Good news, I've found an aisle seat for you on that flight!"—programmers can wrap the sentence in <goodnews> tags, and the system will know to search for cheerful phonemes.

To see how this might work, listen to IBM's system saying the phrase "These cookies are delicious" in a flat voice.

Now here's the IBM system saying the same thing in a happy voice.

The hard part is for programmers to know when they should tell the computer to use which expression. The computer, of course, can't decide for itself whether a line should be upbeat. That's the fundamental problem with the Kindle's audiobook function. One day its voice might resemble a human's. But we're still a long way from a computer being able to understand that when an albino points a pistol at you, you're supposed to scream.

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**television**

**Fallon Upward**

The new *Late Night With Jimmy Fallon* is a mutant multimedia experience.

By Troy Patterson

Tuesday, March 3, 2009, at 11:43 AM ET

David Letterman seemed crankier than usual Monday night on the *Late Show* (CBS). He resembled in his crankiness a sour Tom Daschle, the important difference between the two being their eyeglasses. (Whereas one's are conservatively stylish, the other's are suitable only for a Danish architect in midlife crisis.) Letterman, despite being but a mere 61, looked as drained as if he'd been working his gig for centuries.

His opening segment seemed wearier yet—almost entirely snowstorm jokes, two of them about the height, or lack thereof, of Michael Bloomberg, another one incoherent. (It was so cold out there that Amy Winehouse's beehive tried to mate with Donald Trump's combover?) As is his wont, Letterman punctuated this lame monologue with acknowledgments of its lameness, but these had no bite. Not even guest Katie Couric could perk up Dave. When she bubbled about the fun she has doing a Web-exclusive version of her newscast, he replied by grousing about Internet tie-ins. His only moments of pleasure came in preparing the audience for U2, which is booked for a five-night stand—a counterpunch in the first round of a new fight on the late shift.

If you are sufficiently mindful of television to have made it to this paragraph, then you know perfectly well that Conan O'Brien will soon take over *The Tonight Show* and that NBC has given the time slot he, and Letterman before him, inhabited to *Late Night With Jimmy Fallon* (weeknights at 12:35 a.m. ET). Though Fallon—famous for a tenure on *Saturday Night Live*, infamous for a film career that never achieved liftoff—launched the new show yesterday, he's had something of a soft opening on the Internet, fooling around with video shorts on his Web site. In last Friday's, executive producer Lorne Michaels aimed to quiet Fallon's anxiety about the debut episode: "The worst that can happen is it's very, very bad." The way things turned out, it was no worse than rather bad, and Fallon, if he can quit squirming long enough, should take a modest bow.

My, does he squirm. Fallon's physical presentations of nervousness lent the show its only consistency. After taking the stage and receiving his vigorous applause Dick Cavettishly—"A smart man would leave now"—he wriggled and swayed and shifted his weight from one quaking leg to the other throughout the middling monologue. He settled down for a number called "Slow Jammin' the News" where he and his house band, the Roots, gave the stimulus package the quiet-storm treatment: "Now bring me that little piece of legislation/ Put it on my docket." Fallon delivered a faultless wink somewhere in there. Most at ease coasting on his pretty-boy charisma—which itself depends on his jumpy energy—he seems less a comedian than a charming goofball who sometimes manages to be funny. Fallon's sexy/silly thing—a dialectic, if you want to go there—got projected onto a game-show bit identified as "Lick It for 10," wherein he handed Hamiltons to audience members willing to run their wet tongues across, for instance, a lawnmower.

The first guest was Robert De Niro, playing "Robert De Niro" dutifully, doing nothing to dispel the feeling that his motive for appearing here was to repay Lorne a favor. The second guest was Justin Timberlake, whose best moment lay in reworking Michael McDonald's "I Keep Forgettin' (Every Time You're Near)" to pay tribute to one of Fallon's sponsors. The product hawked was Bud Light Lime, which I fear I will have to drink someday at a party when it's the only thing left in the fridge. Musical guest Van Morrison was in a hopeful mood. Nothing of moving—"A beautiful, doing nothing to dispel the feeling that his motive for appearing here was to repay Lorne a favor. The second guest was Justin Timberlake, whose best moment lay in reworking Michael McDonald's "I Keep Forgettin' (Every Time You're Near)" to pay tribute to one of Fallon's sponsors. The product hawked was Bud Light Lime, which I fear I will have to drink someday at a party when it's the only thing left in the fridge. Musical guest Van Morrison was in a hopeful mood. Nothing happened is it's very, very bad." The way things turned out, it was no worse than rather bad, and Fallon, if he can quit squirming long enough, should take a modest bow.

Evidence suggests that *Late Night With Jimmy Fallon* is not a normal talk show—or even an abnormal talk show in the self-ironic tradition Letterman pioneered—but a mutant multimedia experience, part chatfest and part reality show. It is an R&D attempt to reinvent the format for the way we live now (as perceived by a network generally agreed to have no idea what it is doing but—anything's possible—may even be on to something). This involves hyperactive interactivity and abundant oversharing. While some of the Web videos are strictly farcical, that on-camera pep talk of Michaels' stands as a jarringly earnest affair highlighting Fallon's vulnerability. Another—I can't bear to know if this was a product placement—captures Fallon going in for laser-eye surgery; the dull first half discovers new levels of moving-image banality, the graphic second half outdoes Un
Also free Facebook income, with an initial payback of $243 per Twittering for a specified period of time, regardless of the first proposed the following how to fix it. Can the needed loans. That Milton Friedman then refined and tried to effectuate it. If we are going to improve American intellectual capital, we need to fix how Americans pay for higher education. For too long we have asked students entering college and graduate school to choose one of two unappetizing options: pay astronomical tuition bills upfront or amass enormous debt that demands fixed, sky-high monthly payments the moment they graduate and enter the work force. These options serve as barriers to educational opportunity, since many cannot afford upfront tuition payments or qualify for the needed loans. That also distorts career choices, since for most the obligation to repay loans immediately has reduced the ability to choose socially desirable jobs such as teaching, forcing the pursuit of the highest-paying job regardless of personal or social utility.

Yet there may be a "third way" that eliminates the educational financing problem. Milton Friedman first proposed the following idea, and James Tobin then refined and tried to effectuate it. If two Nobel laureates of decidedly differing worldviews agree, it must be worth at least a quick look. It is, moreover, successful and commonplace in Europe and Australia.

Marketed under the decidedly unappealing name of "income-contingent loans"—how about we call them "smart loans" instead?—the concept is simple: Instead of paying upfront or taking loans with repayment schedules unrelated to income, students would accept an obligation to pay a fixed percentage of their income for a specified period of time, regardless of the income level achieved. Suppose a university charged $40,000 a year in annual tuition. A standard 20-year loan in the amount of $160,000 (40,000 times four) would produce an immediate postgraduate debt obligation of $1,228.50 per month, or $14,742 per year, not sustainable at a salary of $25,000 or anything close to it. Under a smart loan program, the student could pay about 11 percent of his income, with an initial payback of $243 per month, or $2,916 per year, which is feasible at a job paying $25,000. If, after five years, the student's salary jumped to $100,000, payments would jump accordingly and move up over time as income increases. After 20 years, assuming ordinary income increase, the loan would be paid off.

Yes, this model raises all sorts of complex subsidy issues: Do we let lower-income earners stop repaying after 20 years even if they haven't repaid in full? Should higher-income earners subsidize lower earners by paying for the full 20 years even if they have repaid their individual debts in full? Should we set a minimum-income threshold, below which no repayment is required? Should we set an annual cap on repayments for exceptionally high earners? Should we make the percentage paid progressive, so as income increases a slightly higher percentage is paid each year?

For those who question the administrative complexities of smart loans, the answer is easy: The IRS can serve as the collection agency, making enforcement almost universal and driving costs down to a negligible level.

Why should we be especially interested in this idea now? Despite all the money for K-12 education in the stimulus package, we are woefully underfunding higher and postgraduate education, and few areas are more important to retooling our economy. And things are only getting worse: College endowments have fallen precipitously, making aid harder to fund. Family savings have taken a huge hit, limiting the capacity to pay upfront and obtain loans. And investments in higher ed have fallen because of state budget crises.

Conservatives like Friedman support the "income contingent" model because they acknowledge that education is a social good that receives inadequate investment. Because it is hard to collateralize an education, unlike a piece of machinery, the market has a hard time funneling as much capital to education as
Akhil, Eric, Kenji, and Dahlia—

Thanks for joining me in this discussion on *The Great Decision*, my new book (written with David McKean).

Nicolas Cage fans know from the movie *National Treasure* that the sacraments of our national identity are carefully preserved at the National Archives, on Pennsylvania Avenue midway between the White House and the Capitol. Long lines of visitors wait to glimpse the Declaration of Independence, the Constitution, the Bill of Rights … and the Supreme Court’s opinion in *Marbury v. Madison*.

Famous as it is to lawyers, many Americans have only a dim memory from high school of the decision, which first established that the Supreme Court can strike down an act of Congress as unconstitutional. As we consider the nation’s commitment to the rule of law with the onset of a new presidential administration, it is a particularly apt time to look at the saga and meaning of *Marbury*.

The case arose from a bitter political dispute. In February 1801, John Adams had lost his bid for re-election, the first such ouster of an American president. In his last days and hours as president, Adams feverishly packed the federal courts and the new capital, Washington, D.C., with loyal Federalists and "midnight" appointments, an act that deeply irked the new president, Thomas Jefferson. Soon after his inauguration, Jefferson found a pile of letters sitting on a table at the State Department. Jefferson rifled through the envelopes and realized that they contained last-minute commissions for federal posts that mistakenly had not been sent. He immediately forbade their delivery. One of the intercepted letters was a justice-of-the-peace commission for William Marbury, an ambitious Federalist striver.

And so the case began, with nobody suspecting that a landmark was in the works. Marbury sued James Madison, Jefferson's secretary of state, demanding the delivery of his commission. On Feb. 24, 1803, the Supreme Court, in a unanimous opinion by Chief Justice John Marshall, blasted Jefferson and Madison for breaking the law. But the court also found that the federal law giving individuals like Marbury the right to bring suits (to seek "mandamus," in legalese) directly to the Supreme Court violated the Constitution. Subject to but a few exceptions, the Supreme Court, the opinion decreed, hears appeals from other courts, not original lawsuits.

It was the first time the Supreme Court had struck down an act of Congress as unconstitutional. The opinion signaled no less than the emergence of the American rule of law. In some of its most famous words, the *Marbury* court pronounced, "It is emphatically the province and duty of the judicial department"—the courts—"to say what the law is."

The decision established this enormously consequential authority for the Supreme Court, which some Jeffersonians bitterly opposed.

*Marbury* is the bedrock of our constitutional law. The Supreme Court has invoked it in moments of national crisis and constitutional greatness—for example, in enforcing *Brown v. Board of Education* against defiance in Little Rock, Ark., or in ordering President Nixon to turn over his tapes. Justice Sandra Day O'Connor has correctly observed that, in light of *Marbury*, we all have rights that no president and no Congress—no political majority—can take away. Justice John Paul Stevens told David and me that he finds *Marbury* a continuing inspiration and cites it whenever he can. Nations around the world look to *Marbury* as they build institutions that will protect the rule of law.

This is *Marbury* on a pedestal. Our book argues that it richly deserves that lofty perch. But, as I'm sure you all know, many academics love to castigate *Marbury*. Some say its role is exaggerated. Others say the decision was simply a manipulative power grab by John Marshall. Still others say, no, it was abject capitulation—that Marshall invented the unconstitutionality of...
the statute to avoid a confrontation with Jefferson, which the Supreme Court surely would have lost.

Akhil, Eric, Dahlia, Kenji, what do you think? Does Marbury warrant its iconic role, as our book maintains? Or do the revisionists and detractors have the better of the argument?

And, in considering that question, what do we make of the case's messy, human context? To take just a few examples: Marshall, the new chief justice, and Jefferson, the new president, were cousins—and they hated each other. Marshall was deeply involved in the underlying facts of the case. He was one of Adams' closest advisers on midnight appointments while simultaneously serving as chief justice and secretary of state, and he was personally responsible for the delivery of the commissions, including the bungle of Marbury's. The Supreme Court heard arguments from only one side in the case because Jefferson's attorney general refused to dignify the proceedings by giving any arguments on behalf of Madison.

To my mind, none of this detracts from Marbury's greatness. In fact, for me, these complexities only add to Marbury's impressive accomplishment because the monument for the ages emerged from this muddled milieu. Do you agree?

I look forward to your thoughts and comments.

Best,
Cliff

From: Eric Posner
To: Akhil Reed Amar, Dahlia Lithwick, Cliff Sloan, and Kenji Yoshino
Subject: The Madeira-Swilling Great Decider
Posted Tuesday, March 3, 2009, at 2:12 PM ET

Hi all,

Cliff puts Marbury on a pedestal but observes that the opinion has its academic detractors. My one parochial complaint about this lively and enjoyable book is that the natterings of my tribe are confined to a single footnote (!) on Page 179. This footnote reports that academics have quibbled over the legal craft of Justice Marshall's opinion, and I suppose that is true if quibbling means exclaiming, "Hey, he doesn't give any reasons!"

In fact, although Cliff marvels at the reasoning of the opinion, he doesn't really defend it. Instead, he points to what he sees as the good consequences of the opinion for the ages. He claims that Marbury established judicial independence—the principle that politicians can't tell judges how to decide cases. But Marbury established judicial review of federal statutes, not the broader concept of an independent third branch. A country can have judges who do not take orders from politicians without also giving those judges the power to strike down statutes. This is indeed the case in many countries in Europe and elsewhere, where civil liberties are just as robust as they are in the United States.

And that is why I wonder about Cliff's argument that Marbury gave courts the power to protect our freedoms. The relationship between judicial review and freedom is at best complex. Following its rather narrow disapproval of a jurisdictional statute in Marbury, the Supreme Court did not actually strike down another federal statute until 1857. Yet during that half-century, freedom expanded enormously with the extension of the voting franchise. And in the 1857 case, Dred Scott, the justices struck down a statute that would have limited the spread of slavery. Later, the court struck down New Deal legislation that attempted to address an economic crisis that immobilized millions. After World War II, the court did strike down statutes that, based on a modern view, infringed on freedoms. But most of these statutes (such as those enforcing segregation and barring abortion) came from the states, and the court's power to strike down state legislation was not at issue in Marbury. How all of this nets out for Marbury, then, is obscure.

Indeed, Cliff doesn't seem all that interested in proving that Marbury has had all the good consequences he attributes to it. The casual references to debates about whether judicial review advances freedom or interferes with democratic self-government occur in a last chapter, which forgets that Marbury had rather limited scope (about which there remains some dispute among academics) and converts it into a symbol of all that is good about the American judiciary.

In fact, the heart of the book lies not with Marbury but with the dust and grime of Washington, D.C., at the dawn of the 19th century and the vivid personalities who inhabited it. Or, really, one personality in particular: Justice Marshall. The title of the book may be the Great Decision; its subject, gazing out at us from the cover, is the Great Decider.

Justice Marshall is an irresistible American personality. Convivial, Madeira-swilling, brave (a soldier during the Revolution), tough, pragmatic, loyal (to George Washington, whose biography he wrote), honest (distinguishing himself in a bribery scandal), and shrewd, Marshall cuts a far more appealing figure than his antagonist, the feline Jefferson, who comes across in this telling as conniving and pusillanimous. In 1803, Jefferson was president and his party controlled Congress. He had all the power and all the advantages. Marshall belonged to a party and held a philosophy that had been thrashed in the recent election. With his allies in retreat and at odds with one another, Marshall stood alone. He had nothing but an office in a derided institution "that was little more than a laughingstock, with no dignity or
stature," quoting from Page 151. He risked impeachment from the court and knew it. Despite all these disadvantages, Marshall, the plucky Karate Kid-like underdog, wrote an opinion that would strengthen his Supreme Court, rally his political allies, provoke Jefferson to helpless rage, and establish an important, albeit controversial, political principle that, for better or worse, would survive for centuries.

Even today, Cliff reports, Supreme Court justices clutch Marbury like a teddy bear during moments of peril. But it is unlikely that they actually read it. The opinion is not a brilliant text that repays study or sheds light on American political institutions; it contains routine legal reasoning, a series of unsupported assertions, and one memorable line. The justices draw inspiration not from the case but from the man who decided it. The book celebrates a specific virtue that Cliff assigns to Marshall—the virtue of political courage.

And yet the book cannot idolize Marshall too explicitly. We are a nation of laws, not of men, aren’t we? On the last page, the book reports the intermarriage of the families of Marbury, Marshall, and Jefferson, taking this to symbolize the unifying role of the case for American political culture (rather than the clannishness of American elites). This awkward peroration, with its weird mingling of texts and personalities, and its unconvincing gesture at transcendence, betrays anxiety, I think. Do we owe our freedoms to our institutions or to the fortuitous interventions of great men, who may not appear again when we need them most?

Best,

Eric

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From: Dahlia Lithwick
To: Akhil Reed Amar, Eric Posner, Cliff Sloan, and Kenji Yoshino
Subject: Returning the Interest to Conflicts of Interest
Posted Wednesday, March 4, 2009, at 3:55 PM ET

Dear Akhil, Cliff, Eric, and Kenji,

Thanks for including me in this esteemed crowd. Unlike the rest of you, I don’t read and reread Marbury the way I read the nutritional content on cereal boxes, and I had to actually go back and give it another look in order to get up to speed. On this point, I have to agree with Eric. I’d give it about a C+.

Like Eric, I was probably far too absorbed by the color and gossip of Cliff’s book, the “dust and grime of Washington” that never makes it into the case books. (John Marshall could jump 6 feet high! When he ran for a seat in Congress, Marshall stood at the polling place with a jug of whiskey!) Both Cliff and Eric point out that Marbury was pulled, howling, from a rat’s nest of personal and private agendas, back-stabbings and loyalties that force you to question the purity of the entire enterprise. Cliff, you suggest that all the roiling politics beneath it make Marbury an even more impressive constitutional monument. Eric, you think the book lionizes Marshall at the expense of the law itself. But it’s hard for me, reading this, to know where Marshall ends and Marbury begins. Marshall took an institution that had been seen as laughable and strengthened it in many ways. He had the justices live together and wear robes. He saw that the judiciary needed to be seen as different, independent, strong, and he used everything at his disposal, including Marbury, to get it there. It’s hard to untangle Marshall the man from Marbury, in that the decision seems somehow the culmination of the man.

I was struck by the discussion on Page 170, of Marshall’s failure to recuse himself from hearing Marbury even though he removed himself from Stuart v. Laird because of his earlier involvement in that case. Given that the Supreme Court just heard argument in a case about recusal and conflicts of interest, I’m particularly struck by Eric’s dust and grime, and how much we can learn about secret agendas and conflicts of interest from looking back at the story of Marbury. Maybe the hope of a perfectly pure and open judicial mind is simply unattainable? Maybe there is always a quid pro quo, be it money, fame, payback, or connections.

And, like Eric, I am slightly skeptical that the marriage of Marbury’s and Marshall’s descendants in 1857 signifies that Marbury has somehow unified Americans under the quilt of judicial review. It seems to me that a good many Americans remain skeptical of Marbury’s core proposition, and that Jefferson’s complaint that the decision tuned the judiciary into “a despotic branch” is the same cry we heard at the various Justice Sundays a few years back.

Looking forward to your thoughts.

Dahlia

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From: Akhil Reed Amar
To: Dahlia Lithwick, Eric Posner, Cliff Sloan, and Kenji Yoshino
Subject: Objection! Marbury Is No Great Decision.
Posted Thursday, March 5, 2009, at 11:14 AM ET

The Great Decision is, as Eric notes, "lively and enjoyable." It paints vivid portraits of fascinating historical characters as they played a high-stakes game on a grand stage. It brims with authorial enthusiasm, energy, and earnestness. It is peppered
with fun facts. (Many readers will be tickled to learn that the first occupant of the building we call the White House was not George Washington, John Adams, or Thomas Jefferson, but ... John Marshall!) It is accessible to a general audience. It may well kindle a love of law and history in young hearts. A good book gets general readers to think.

But The Great Decision does not offer up big new ideas or freshly discovered facts that cause me to change my basic point of view about courts and the Constitution. A great book forces even experts to rethink.

Like Eric, I was disappointed by the failure of The Great Decision to pay close attention to serious academic scholarship about Marbury and about constitutional law more generally. For example, on the book’s second page, the authors ask, “Why is Marbury considered the greatest decision in American law?”

Objection! Assuming facts not in evidence! Considered by whom? Many top scholars do not see Marbury this way. If the word decision here means “constitutional decision,” surely Lincoln’s constitutional decisions to resist unilateral secession and later to issue the Emancipation Proclamation were far more significant. (Indeed, by this test, Marbury probably wasn’t even the most important constitutional decision of 1803, as compared with Jefferson’s Louisiana Purchase.) If “decision” means judicial decision, along what dimensions is Marbury greatest? Legal craftsmanship? Highly doubtful even if we consider only opinions by Marshall himself. (I teach my students McCulloch v. Maryland before Marbury precisely because I think McCulloch is a better exemplar of legal craft.) Political adroitness? Perhaps, but here too there are many contenders, and the authors sing odes to “the rule of law,” not pure political savvy. Actual effects? Also doubtful. The basic theory of judicial review was robust long before Marbury, and the actual practice of judicial review was paltry long after Marbury.

Indeed, many leading scholars would challenge the book’s basic description of Marbury’s holding and meaning. The book repeatedly speaks as if judicial review is a power unique to the Supreme Court. It is not. It is a power shared by all courts in America (unlike the modern European model in which one court sits de jure as a constitutional court). Time and again, the book says that the Supreme Court is a “branch” of government. It is not. The federal judiciary as a whole is the branch, and not one word in Marbury is unique to the Supreme Court as distinct from other federal courts. (Much of Marbury’s language applies even to state courts.) These seemingly hyper-technical points about court vs. branch are key when, for example, we consider whether Congress may ever shift jurisdiction over constitutional cases from the Supreme Court to other federal courts. Indeed, early Congresses declined to provide for general Supreme Court review of lower federal courts in criminal cases even if those cases pivoted on constitutional issues—a fact the book leaves out of its otherwise nice discussion of the infamous 1798 Sedition Act.

The book repeatedly suggests that Marbury asserted that the judiciary was the Constitution’s “final arbiter” and “ultimate authority.” Actually, the Marbury of 1803 did not quite say that. According to many recent scholars, the Marbury of 1803 was rather more modest, asserting that courts would play a role in interpreting the Constitution alongside the roles played by other branches. The challenge, then, is to explain more clearly how the case later came to stand for a much broader judicial (and Supreme Court) role than originally asserted.
To vouch for this is no proof, so let me give a familiar example of *Marbury*’s rhetorical accomplishment, which is alluded to on Page 162, but not developed. As many constitutional scholars have posited, Marshall fabricates the conflict between the congressional statute at issue and Article 3 of the Constitution. The ostensible conflict is that the Judiciary Act gives the Supreme Court the power to issue a writ of mandamus (an order to a governmental official to carry out a nondiscretionary duty) while serving as a trial court, while the Constitution permits it to do so only while serving as an appellate court.

*The Great Decision* faithfully describes Marshall’s framing of the issue but does not really give the lay reader the tools to challenge the chief justice’s characterization of the case. In fact, the Congressional Act can be fairly read to permit the court to issue writs of mandamus only after jurisdiction has been properly established, a reading under which the conflict between the statute and the Constitution disappears.

By failing to articulate just how easily the statute and the Constitution could be harmonized, Cliff and his co-author, David, deprive the reader of a full sense of Marshall’s extraordinary persuasive powers. Through his rhetorical skill, Marshall makes the collision of the Judiciary Act and the Constitution as inexorable as Thomas Hardy makes the collision of the *Titanic* and the iceberg in his celebrated poem "The Convergence of the Twain." As Hardy puts it: "And as the smart ship grew/ In stature, grace, and hue/ In shadowy silent distance grew the Iceberg too." So framed, the collision and its consequence are inevitable.

Hence I would qualify Akhil’s comment that Marshall showed greater legal craftsmanship in *McCulloch* than in *Marbury*. *McCulloch* is incontestably better reasoned than *Marbury*, but it is also a dive with a lower difficulty rating. *Marbury* is impressive precisely because it requires more contortions on the way to its low-splash conclusion. Moreover, my example above is only one of the ways in which Marshall had to use his silver tongue to make the unlikely plausible. At the end of his opinion, for instance, he jumbles together stronger arguments for constitutional supremacy with weaker arguments for judicial review to make these arguments seem like a package deal that the nation must take or leave.

I will not belabor this analysis here, lest I sound like an academic bore. Indeed, Cliff and David may have been obeying the same instinct in omitting close textual analysis in a book intended for lay readers. But if that was the case, Cliff, (was it?) I think you made the wrong call, for at least two reasons. First, your ability to make legal analysis accessible is on display in every chapter of this book. If you had wished to do so, you could have made *Marbury*’s text as unforgettable as you made its context. Second, by eschewing a critical reading of the opinion, you keep readers from a full understanding of Marshall’s rhetorical genius. In doing so, you obscure a part of what made "the great decision" so great.

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From: Cliff Sloan
To: Akhil Reed Amar, Dahlia Lithwick, Eric Posner, and Kenji Yoshino
Subject: *Marbury*: It Wakes You Up

Posted Thursday, March 5, 2009, at 4:31 PM ET

Akhil, Dahlia, Eric, and Kenji—

Thank you for your extraordinarily thoughtful and interesting comments.

Immersing ourselves in *Marbury v. Madison*, David McKean and I were struck by the gap between the public appreciation of *Marbury*—which includes a range of Supreme Court justices—and the widespread academic contempt for the decision. (Kenji, your admiration of *Marbury*, at least for its "rhetorical" achievement, is as welcome as it is unusual.) We think that the public and the justices have much the better of the argument.

In many ways, David and I set out to put *Marbury* in its original context—a drama followed closely by the popular newspapers of the day and vigorously discussed in taverns and parlors throughout the nation, rather than the subject of academic conferences with participants vying for the best line of attack. Eric, you object that we devote only a very brief discussion to the academic assaults on *Marbury*. Precisely. The wide-ranging academic denunciations of *Marbury* are frequently contradictory, and, quite frankly, we do not think they are the best way to approach or understand the case. *Marbury v. Madison* does not belong just to lawyers, law students, and law professors. It is a powerful, riveting story of politics, history, and our national identity, rife with implications for today’s issues and debates.

We do outline the major schools of criticism. Many of the comments on *Marbury* that have been raised in the discussion in these pages fall comfortably in one or another of those established lines of attack—for example, that *Marbury*'s role is exaggerated (one of your suggestions, Eric); that the decision reflects manipulation by John Marshall (a frequent comment in the posts); that subsequent generations have twisted *Marbury* to mean something different than it meant at the time (one of your submissions, Akhil); and that Marshall’s craftsmanship was mediocre (your C+ grade for the decision, Dahlia). Kenji, you raise an entirely different point—that many, including us, actually fail to give *Marbury* sufficient credit for its craftsmanship. You are right that David and I were determined to keep the book accessible for the general reader, and perhaps
And now to the disputable, but, to my mind, persuasive next point. Even though there are other possible legal models (such as the European examples which you mention, Eric), the American rule of law (of which Marbury and the principle for which it stands are a lynchpin) has been and remains, for all of its occasional imperfections and difficulties and for all of our vehement disagreements about particular issues and cases, the most protective of liberties and rights in the world. That is why, as professor A.E. Dick Howard testified to Congress, nations around the world look to Marbury as an inspiration when they are crafting institutions to safeguard the rule of law.

The gap between the public view and the academic view of Marbury is perhaps most clearly shown in Akhil's comment about our statement early in the book that Marbury is "considered the greatest decision in American law." Objection, says Akhil—considered by whom? Certainly not by the academy. Well, as we said in the book, the National Archives displays Marbury to throngs of visitors as "one of the cornerstones of the American constitutional system" right after its display of the Declaration of Independence, the Constitution, and the Bill of Rights. Later in the book, we also explain that no less than former Chief Justice William Rehnquist, Justice Sandra Day O'Connor, and Justice John Paul Stevens are among those who also have hailed the greatness of Marbury.

For some of you, that perspective may not be as notable as the academic criticisms of Marbury. But, in our view, the achievement of Marbury, as the first case in which the Supreme Court strikes down an act of Congress as unconstitutional, warrants the place that the public and the justices have given it—as a "great decision" that has served us exceedingly well.

Let me close with a story that, for me, illustrates the continuing power and force of Marbury. When I clerked for Judge J. Skelly Wright on the United States Court of Appeals for the District of Columbia Circuit, we had a case in which a federal agency seemed to be ignoring the D.C. Circuit’s view of the law. One of my co-clerks wrote a draft opinion for the judge’s review, which began with the famous words of Marbury—"It is emphatically the province and duty of the judicial department to say what the law is." Judge Wright came into our clerks’ room, flipping the draft in his hands, and said, "You know, when you see Marbury v. Madison first thing in the morning, it really wakes you up."

That’s what Marbury does for us as a people. It wakes us up to the rule of law, and to the importance of that fundamental principle.

Thanks again for your close attention to The Great Decision.

Best, Cliff

the chat room
Biblically Speaking
David Plotz discusses Good Book, his chronicle of reading every single word of the Bible.
Wednesday, March 4, 2009, at 6:30 PM ET

David Plotz was online at Washingtonpost.com to chat with readers about his new book, Good Book, about his year spent reading the Bible and blogging about it. An unedited transcript of chat follows.

David Plotz: This is David Plotz. I'm looking forward to talking to you about the Bible and my new book: Good Book: The Bizarre, Hilarious, Disturbing, Marvelous, and Inspiring Things I Learned When I Read Every Single Word of the Bible.

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Vancouver, Canada: You found it remarkable that well-educated people are often ignorant of the Bible. Should students in public high school be required to study the Bible? If so, should they also study the Quran, Talmud, vedas, etc. to the same degree?

David Plotz: I do think students in public school (and private) should be required to study the Bible. I recognize that it raises hideously complicated church/state issues, and I recognize that the Supreme Court has already said, essentially, that it can’t be taught. But as a matter of pure education, it’s shocking that we are not compelled to learn the book, which is the source of our language, our common stories, our political structure, our conflicts.

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Prescott, Ariz.: While you were reading the Bible as literature, as a cultural touchstone, how did you feel about it as a moral guide?

David Plotz: I wasn't reading it as literature. I was reading it as literature, and as history, and as a moral guide, and as
anthropology and law and culture. I do think that one problem with how we think about the Bible is that people tend to jam it into narrower categories, when in fact it is many things all at once.

But to answer your real question: It was very confusing as a moral guide. The inspiring parts of the Bible—Leviticus Chapter 19, for example—are astounding, far better than anything I expected. And the shocking parts are far more shocking. God is erratic, sometimes vindictive, sometimes merciful. The people I was taught were heroes—Jacob or Moses or David—were ambivalent figures, or worse. (Jacob is a con artist, effectively.) But that messiness was joyful, and challenging. I loved having a Bible that I could argue with.

Richmond, Va.: Why not continue to the New Testament? If you're reading the Bible for literary value, there's certainly plenty of metaphor and idiom there. I, too, am an unobservant and agnostic Jew-by-birth, but I would definitely include the New Testament in a cover-to-cover reading of the Bible.

David Plotz: This is by far the most common question I get, and I sympathize with it. I was giving the Bible a very irreverent, very personal reading. As a Jew, I felt I could do that with my Bible, the Hebrew Bible (the Old Testament, more or less). I did not feel I could do it with the New Testament, because I couldn't treat the life of Jesus fairly. I think that Christian readers would have a right to expect a New Testament reading from someone who belonged to the group, not from some outsider chucking spitballs. But maybe I should have kept going: My Christian friends tell me that reading the OT but not the NT is like leaving the play at intermission.

Maryland: After someone reads the Slate article, do they have any reason to buy your book instead of just buying a Bible? What does your book have that a Bible doesn't?

David Plotz: You can leave my book in the bathroom, and not feel guilty about it!

My book is by no means a substitute for the Bible. It's an effort to bring a new, curious, irreverent perspective to a book that has been made inaccessible and difficult by clergy and academics. If there is anything I hope Good Book does, it is to show readers the exuberant, fascinating messiness of the Bible, and encourage them to read it themselves.

Irondale, Ala.: I love the Bible blog! It's sort of a cliche to say that the Old Testament god is "not a loving god," but I had no idea just what a vain, capricious, bloodthirsty, and rather muddled deity is depicted in these stories. I just finished reading "Miss Lea's Bible Stories" to my daughter — it's sort of a "Blogging the Bible" for young children (and raises some of the same questions you raise).

I wonder if you have noticed any differences in the reactions of your Jewish readers and your Christian readers.

David Plotz: Great question. I seem to have three categories of readers. The first is nonbelievers who are glad that I am reading the Bible so they don't have to bother. The second group, which is quite large, is very Biblically literate Jews. And the third, which is also very large, is Christians, most of them evangelical. The evangelical readers and the Jewish readers have generally been very encouraging, because they appreciate someone taking the book they love so seriously, and actually reading it and grappling with it. The Christians think I am making a mistake by not trying the New Testament and meeting Jesus. The Jews tend to think I am making a mistake by reading without support from educated people. After all, there is 2,000 years of scholarship about the book, they say, so it's perverse of me to ignore it.

Arlington, Va.: Even as a Religion major, I got away with reading very little of the Bible, and with remembering even less.

Many high schools do permit the reading of at least parts of the Bible in literature courses. Which one book of the Bible would you choose as required reading? And how do you recommend reading? Starting with "In the beginning" and working your way forward, or maybe with a different book? Did you find yourself reading each book of the Bible more than once, or returning to previous books in order to better understand the book you were concentrating on at the moment?

David Plotz: Which one book would I require? Great question. I suppose Genesis has to top the list. But I might require the Book of Ruth, because it is so incredibly beautiful. And First and Second Samuel, because the story of King David is rich, powerful, and provocative.

If you're reading on your own, I think you should read it straight through, starting from In the Beginning. It will bog down in the middle (I'm talking to you, Jeremiah! And you, to, Micah!) but it makes more sense that reading in any other order.
New York, N.Y.: Did you consult any sources outside the bible itself while reading it such as James Kugel's recently published How To Read the Bible?

David Plotz: I consulted no sources while I was reading it. That was intentional. I want to be a completely empty vessel, an average Job. I wanted it to encounter the book as rawly and directly as possible, even if that meant misunderstanding context and making mistakes.

I read Kugel's book after I finished, and was dazzled by it. It's a fascinating dissection of the Bible: A very observant Jew who is also a Bible scholar, Kugel demolishes, chapter by chapter, the idea that the Bible is historically true (No exodus from Egypt, no conquest of the Promised Land, God is an offshoot of Baal, etc). And at the end he explains why this did not damage his faith. It's weird and enthralling.

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Abishag, Va.: What were some of your favorite Biblical names?

David Plotz: Dear Abishag,

That is one of my favorite Bible characters! The gorgeous virgin who sleeps with old King David but can't arouse him. A great name! I like Habakkuk a lot. Bathsheba is a wonderful name. Noa, which is what I named my daughter, is lovely.

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Belfast, Maine: Isn't it time for a new bible? One without silly creation myths, inaccurate history, outdated morality? One that could be shared by the entire human race?

David Plotz: Good luck with that! You can give it a try. The difficulty you will face is that these stories and morality exert a very powerful hold on many of us, and not for bad reasons.

Perhaps the most remarkable thing I found about the Bible was how flexible it is. Here we have a book written 3,000 years ago, with bizarre stories, peculiar laws, erratic deity, and yet we are able—through argument, selective reading, and desire—to find a powerful framework of laws and moral reasoning that have built a very successful society. So this Bible, for all its oddities and flaws, serves us beautifully after all these years.

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Ballston, Va.: Great reflection today, David. Congratulations on reading through the Bible, and on all you've learned.

Can I push a little on the subject of Christianity? You dismissed the New Testament, saying it wouldn't, or couldn't, excuse the capriciousness of certain acts of God in the Hebrew Bible. But you don't really grapple with the person of Jesus, or the way his disciples lives were transformed by him. His disciples were, of course, Jewish.

Did you give Jesus short shrift?

David Plotz: I do give Jesus short shrift, because I wrote about the Hebrew Bible but not the New Testament. That's a fair beef.

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Washington, D.C.: Wow, I find your assertion that everyone should read the Bible as smacking of so much relativism, I can't believe it. I have read the beginning of the Bible and I found it so silly and laughable that I stopped. I'd really rather the chatters and your readers get caught up on history, science, literature, etc. instead of a book of fables. Would you also push for the teaching of satanic texts? I'm so tired of people acting so high and mighty about their religious preferences. Write an article on the truly important texts that people have never read (Plato, Aristotle, Copernicus, da Vinci, etc.) and I'll take you seriously.

David Plotz: This seems to me a peculiar criticism. You live in a society that is shaped in every possible way by the Bible. The language you use, the laws you obey (and disobey), the founding principles of your nation, the disputes about abortion, homosexuality, adultery—these and so much else in your world are rooted in the Bible. You don't have to read it for its truth value. You should read it to understand how your world got that way it is, the way you would read the constitution or Shakespeare.

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Tucson, Ariz.: Martin Luther was one of the first theologians to suggest that people read AND interpret the Bible for themselves. What do you think is the major reason most people haven't read the bible. I read It by Stephen King, but I haven't read the Bible.

David Plotz: Several reasons. 1. Clergy have mostly discouraged us from reading the Bible, insisting that we should only do it under their tutelage.

2. The Bible is forbidding when you start to read it. The language is odd. The stories start and stop herkily-jerkily. The characters behave in inexplicable ways. It takes a little bit of time to get into the rhythm of the book. I found reading the first 15 chapters of Genesis very very difficult. Once I got past there, I loved reading, and found it very easy. When you get used to the Bible, it becomes thrilling to read (like any great book—I just had exactly the same experience with the Odyssey).
Falls Church, Va.: What did you think about the column in "On Faith" a few days (weeks?) ago about how a lay person shouldn't read sacred texts without the assistance of his or her official religious person (rabbi, priest, pastor, what have you)?

Also, what is the tone of your book? Informational, conversational, sarcastic, sincere?

David Plotz: Second question first: The tone of Good Book is irreverent curiosity. The book is funny (or it's supposed to be), but it also tries to grapple with the Bible's most fundamental questions.

I really enjoyed the On Faith discussion. Not surprisingly, the clergy involved generally discouraged the idea of reading without guidance. I get where they are coming from, but I think that's a narrow view. Look, either a sacred text stands or it falls. If it takes a professional with a graduate degree to explain the book to you, or to tell you that it doesn't mean what it appears to mean, then perhaps the sacred text isn't cutting it. I know I would have learned a huge amount had I read the Bible with my rabbi. But I also would have missed a huge amount, and I would have been guided down the narrow paths where the rabbi led me, not the paths that I chose for myself.

Portland, Ore.: If I were crazy enough to try it, which two or three versions or edits of the Bible are most readable/comprehensible?

David Plotz: Not so crazy!

The King James, though the most famous, is not great for a modern reader.

If I were doing it, I would read Robert Alter's translation of the first five books of the Bible. He ends there. If Jewish, I would read the Jewish Publication Society translation, which is marvelous. If Christian, I would read the New Revised Standard Version, which is also great. All of these use the King James as a kind of foundation, but are written in more accessible language.

Traverse City, Mich.: Are there any novels you want to re-read for a different perspective after having undergone your Bible project?

David Plotz: Fascinating question.

I do think the Book of Ruth is very much like a Jane Austen novel, so I will think about that next time I read Austen. There are some 19th and early 20th century American novels that might be worth a second read—Scarlet Letter, The Damnation of Theron Ware.

Oh, and Moby Dick. I never knew who Ahab was when I read Moby Dick in college. Now that I know, I expect the book will make a lot more sense.

Bloomington, Ind.: How do the assumptions you bring to your reading of the Biblical text differ from those of a practicing Jewish or Christian believer? How important are those different assumptions to the conclusions you come to?

Another way of asking this question: Presumably you see yourself addressing religious believers with your book. What do you want these believing readers to come away with? What's the payoff for them?

David Plotz: The payoff for religious readers is this: It's always wonderful to learn something new about something you love, whether it's a person or a place or a book. Good Book, I hope, will remind religious readers of the exuberance and joy and excitement of the Bible. When you have spent too much time with something, you may lose sight of what's marvelous about it. I hope the curious eagerness of Good Book is a tonic for those religious readers.

David Plotz: Thank you for a great discussion!

the dismal science
Testing Testing

Employment tests may be racially biased—but what if they're less biased than human beings?

By Ray Fisman
Tuesday, March 3, 2009, at 7:02 AM ET

The few companies taking on new hires these days may consider themselves lucky—they're not yet bankrupt, and they have their pick among the legions of newly unemployed and overqualified. But even these fortunate few are showing greater care with whom they take on—no one wants to be saddled with dead weight on the payroll in the midst of economic calamity. Rather than relying solely on interviewers to do the hiring, companies can choose from among a range of simple and easily
administered tests to screen prospective employees for everything from arithmetic skills to personality traits like conscientiousness and extroversion. These tests do help managers pick better workers—it's useful to have cashiers with basic math skills and sales clerks with outgoing personalities. However, they also leave employers vulnerable to discrimination lawsuits under the Equal Employment Opportunities Act, since minorities often perform poorly on the tests.

But a recent study published in the Quarterly Journal of Economics, by economists David Autor of MIT and David Scarborough of Black Hills State University, questions whether these oft-vilified tests are necessarily bad for minorities at all. (Scarborough also works for Kronos, a company that sells job testing products.) They argue that the tests—while perhaps biased—may nevertheless serve as a check on the judgment and prejudices of all-too-human interviewers. In fact, the authors find that when a large retailer started using a job screening test in 1999, the fraction of blacks and Hispanics hired didn't change, while the quality of hires of all races increased as a result of testing.

How do employment tests—on seemingly objective criteria like math or organization skills—discriminate against minorities in the first place? In part, it's the effect of genuine racial disparities in the quality of job applicants. On average, minorities have less education, attend lower-quality schools, and as a result end up with lower math and language abilities. Since these are the skills emphasized in pencil-and-paper testing, minority candidates may get screened out of jobs for which they would otherwise be effective employees (think, for example, of screening for mail courier positions based on a math exam). Also, people who write the tests are typically well-off white males who may unconsciously introduce cultural biases through their choice of vocabulary or social situations in the questions they devise.

Of course, the human beings who make hiring decisions may well be biased themselves. Symphony orchestras were dominated by men before the advent of blind auditions, and a résumé from someone named Lakisha—a common African-American name—is less likely to elicit a callback than one from Emily. Autor and Scarborough's insight is that adding a test—even a racially biased one—will only aggravate the problem of discrimination if it is more biased than the average HR person. A test that favors white applicants may even reduce discrimination if its bias is less extreme than human prejudice.

To see how the interplay between human prejudice and testing bias plays out in the real workplace, the authors examined the impact of a job test rollout by a large nationwide retail chain. (The company's identity is kept confidential by the authors.) Starting in June 1999, the company's stores began installing electronic Kronos-Unicru kiosks, where job applicants entered demographic information and took a short personality test (Agree or disagree: "You can be rude when you need to be").

"You hold back from talking a lot in a group"). The results were instantly tabulated, color-coded as red (rude); yellow (possibly shy); or green (outgoing and friendly); and sent to the store manager. By June 2000, all of the company's 1,363 stores had kiosks in place. So in the year the kiosks were installed, some applicants were assessed solely on the basis of a manager's interview while others got both human and test-based evaluation, simply due to random chance of where the kiosks were installed first.

The tests did a better job of screening out ill-mannered introverts than the interview alone—candidates hired with the help of test feedback lasted 10 percent longer than those without. Minorities did underperform whites on the test—nearly a third more black candidates and nearly 20 percent more Hispanics were red-coded relative to whites. But if the test was more biased than store managers charged with picking employees, fewer minorities should have been hired as a result of the new kiosks. As it happened, the fraction of each race hired was unchanged—10 percent of white applicants, and 7 percent each of blacks and Hispanics were hired. (Additionally, the increase in job tenure was the same 10 percent for all races who took the test. If the test had made the hiring process more biased, then the tenure gains should have been lower for white recruits, as managers picked "too many" whites from the pool of tested applicants.)

It's also not clear that the test or store managers were biased at all—white hires lasted a third longer than black employees and also longer than Hispanics, so the hiring rate of whites (and their higher test scores) may well have been the result of better job qualifications.

The results of the study don't let test-makers off the hook—they still need to strive to create questions that give applicants of comparable ability equal footing. But we also shouldn't "shoot the messenger" if a test reveals uncomfortable disparities among races. Tests are used for many high-stakes decisions in America—the SAT for college admission, the Armed Forces Qualifying Test for the military, Police Entrance Exams. The fact that minorities perform poorly on these tests shouldn't be shoved under the rug—as assessing the extent of racial inequality is the first step to understanding andremedying the underlying problems.

Autor and Scarborough's findings also imply that lawsuits targeting job testing programs might be misguided. Employers may respond by avoiding any test where minorities underperform whites. But while this could protect them from charges of discrimination, it's not clear that it will improve the situation of minority applicants, who might be victimized by more subtle, less traceable ways of avoiding minority hires. It could be that we're best off accepting an imperfect tool for picking employees in what may be an even more flawed and prejudiced world.
Now that spring is right around the corner, my mind has turned to thoughts of love—and all the waste that love produces. Condoms are surely clogging landfills around the country, but my partner insists that the birth control pill is turning all our fish into hermaphrodites. What form of birth control is kindest to the planet?

The Green Lantern heartily approves of sex as an eco-friendly activity. Besides the puffs of CO₂ emitted by mood-setting candles and the electricity used to play that Sade CD, sex ends up being a pretty low-impact way to kill a few hours. (Plus, it can keep your heating bill down.) At the same time, population growth taxes our environmental resources, so doing your part to prevent unwanted offspring is itself a green endeavor. If you’re concerned about how your birth control is affecting the environment, though, there are ways to mitigate that impact.

The two leading forms of nonpermanent birth control in the United States are the oral contraceptive pill and the male condom. Each takes its toll on our environment.

While it's true that most of us have never come across a stray Ortho-Tri-Cyclen package on the beach or a city sidewalk, that doesn't mean the contents of the pill won't find their way into the environment just the same. The hormones in these products—either progestin or a combination of progestin and estrogen—are known as endocrine disruptors, and women who take the pill end up passing some of them through their urine. If they make it through the wastewater systems, the hormones can flush into rivers and streams. The bulk of the research done on the environmental impacts of contraceptives has focused on estrogen, which has been linked to the feminization of male fish living downstream from municipal sewage treatment plants. We can't place all the blame for this problem on the pill, though: Women excrete several kinds of estrogen—both natural varieties and the synthetic kind that comes in some versions of the pill. (Natural estrogens are more prevalent in our waterways, though the synthetic sticks around a little longer.) So simply cutting out contraceptives won't solve the problem of intersex fish: What's really needed is better sewage treatment.

If you're concerned about your estrogenic contributions, though, switch to a progestin-only contraceptive, which you can take in pill form or—if you want to take things a step further and cut down on packaging waste—as a one-time shot or implant that lasts three months to three years. However, you'd still be taking a bit of an ecological gamble—the effects of progestin on aquatic wildlife haven't been studied much, and we don't know how much of it regularly appears in our waterways. (Endocrine disruptors can have effects at extremely low concentrations, and it's only in the past decade or so that toxicologists have had the technology to detect these trace amounts.)

What about condoms, the baby-prevention method favored by 18 percent of American women? Most condoms sold in the United States are made of biodegradable latex. However, they also contain preservatives and hardening agents to make sure the rubber can withstand a fair amount of friction. Those additives also make it harder for the condoms to break down in the landfill. Lambskin condoms are biodegradable, but chemical additives may inhibit the process. Naturalamb, the only widely available animal-based brand in the United States, does lubricate the lamb intestines they import from New Zealand, so it's unclear just how easily its product breaks down. Natural condoms, however, are still likely to be a greener choice than latex condoms, and are equally as effective at preventing pregnancy. (Polyurethane condoms, which make up about 3 percent to 4 percent of U.S. sales, won't break down at all.)

In the end, though, how much waste do discarded condoms actually represent? In 2008, 437 million rubbers were sold in the United States. An official NYC condom weighs 0.1 ounces in the wrapper, so the total mass of used-condom garbage should be around 2.75 million pounds, or 1,365 tons. (Condom wrappers are typically made of plastic or some kind of treated foil.)

Given that the condoms represent only about 0.001 percent of the 152 million tons of trash American households produce annually—and that we still need a lot of research into the precise effects that pharmaceuticals are having on our water supply—condoms seem to be the greener choice. This is especially true when you factor in all the packaging that typically comes with American pharmaceuticals—the plastic dispensers, the printed instruction leaflets, and so on.

You could choose to create a little less condom waste by choosing thinner varieties and buying in bulk to cut down on packaging. (Though if your condoms expire and you end up throwing them out, you'll negate your good work.) You can also try lambskin condoms—though be warned, they don't protect against STDs the way latex condoms do. Whatever you choose, always remember to wrap your used prophylactics in tissue paper and toss them in the garbage. Not only can flushing a condom clog up your plumbing; it'll increase the chance of your condoms ending up on a beach or in the ocean.

Though they're not necessarily better for the environment, there are vegan condoms on the market (made without the animal
protein traditionally used in latex processing) and at least one fair-trade brand. Most of the world's condoms are sourced and manufactured in Southeast Asia, but keep your eyes on the American company Yulex—it's cultivating a native rubber-producing shrub it hopes will eventually be used to make condoms, which means that someday you should be able to minimize that factory-to-market journey.

What about other, less popular options? You've probably already realized that a reusable barrier like a cervical cap or a diaphragm will be greener than a condom. Yet both of these barrier methods have a somewhat higher failure rate with perfect use than regular condoms, so the eco-trade-off may not be entirely worth it, especially since an unwanted baby will be a massive carbon emitter. (Diaphragms are slightly more effective than condoms with typical use, however.) Then there are periodic abstinence plans—like the rhythm method—which are, in principle, the greenest kinds of birth control short of complete abstinence, as they require little more than a pencil and paper. But these methods can be difficult to pull off correctly—they have a 25.3 percent failure rate with typical usage.

Luckily, there is one clear champ in this contest. Among the nonpermanent forms of contraception, the one that is least wasteful and most effective—that is to say, the greenest—is the copper intrauterine device. The copper IUD is hormone-free; made from a small amount of a cheap, plentiful metal; and can last up to 10 years. It's also 99 percent effective in typical use, as compared with 82.6 percent for condoms and 91.3 percent for the pill. Nevertheless, less than 2 percent of contraception-using women in the United States use copper IUDs.

All this being said, the Green Lantern has a single piece of advice when it comes to contraception: Use it. No matter what type you choose, it's guaranteed to have less of an impact on the environment than the unwitting creation of a fossil-fuel burning, diaper-wearing copy of yourself. (For that matter, if you're absolutely sure you don't want children, you might opt for a permanent method of birth control like tubal ligation or vasectomy.) So if you're more likely to remember a once-monthly, estrogen-based option like the NuvaRing than you are to keep a condom in your wallet, by all means, choose the hormones.

Is there an environmental quandary that's been keeping you up at night? Send it to ask.the.lantern@gmail.com, and check this space every Tuesday.

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By Jacob Leibenluft

Saturday, February 28, 2009, at 7:44 AM ET

This one is a little gross, but I have lots of pets at home, and most of my weekly waste is composed of dog and cat poop. What's the best way to dispose of all that so that I don't end up hurting the environment?

The Lantern has never been trusted to care for any pet larger than a hamster—rest in peace, Fonzie!—so he'll admit that this question falls a little outside his comfort zone. But your question raises an important point: To own a dog or cat can significantly increase the ecological footprint of your household. The Lantern hopes to cover other aspects of domestic animal husbandry in the future, but today let's focus one of the most important ways you can manage your pet's "pawprint": responsible waste disposal.

Whether you have a dog or a cat, you'll have two problems to deal with: How do you collect your animal's poop, and what do you do with it once you have it in hand? Most dog owners have been conditioned to clean up after their pets when they walk on public streets and sidewalks. But it's just as important to dispose properly of dog waste in your own backyard. Pet waste contains bacteria that can contaminate local waterways if it washes from your lawn into storm drains. In large enough quantities, this pollution can remove oxygen from streams and rivers and contribute to algal blooms, threatening marine life.

What should a dog owner do to prevent this from happening? Experts recommend one of several options. First, you can dump the waste down the toilet, since most sewage-treatment systems can filter out the harmful bacteria. You can also bury the waste in your yard at least 12 inches deep and then cover it with soil. Or you can create a special composter for your dog waste—see these instructions from the U.S. Department of Agriculture; just make sure it's far away from any fruits and vegetables you might be growing.

To move dog poop around, it's best to reuse old plastic shopping bags. If you've made the better move of eliminating polypropylene bags from your diet already, then try to find boxes or bags that are made from bio matter.

For cat owners, things get more complicated. Cats that get infected with a parasite called Toxoplasma gondii can shed that organism's oocysts in their waste. (Most cats with toxoplasmosis won't show any symptoms, so you might not know if your cat has the disease.) According to research conducted in California, Toxoplasma appears to have contributed to an uptick in the deaths of wild sea otters in the past few years. (The parasite can be toxic to humans, too, but as long as you wash your hands after dealing with cat poop, you probably aren't at risk.) And
conventional sewage treatment doesn't appear to be effective in filtering out the nasty bugs.

Skeptics have pointed out that cats haven't definitively been identified as the culprit. They note that only 1 percent of cat feces samples in one recent study carried Toxoplasma, that indoor cats are especially unlikely to catch the parasite, and that many infected otters may actually be dying of other causes. It's also not clear how much Toxoplasma affects other kinds of marine life. But pending further research, the Lantern thinks that if your cat ever wanders outside the house, precaution merits keeping its poop out of the toilet and out of your yard.

You're better off using kitty litter instead—but be careful about which kind you use. Most is made of bentonite clay or its cousin, fuller's earth; both materials are extracted through surface mining, an environmentally taxing process. According to the U.S. Geological Survey, about a quarter of all bentonite mined in the United States and over half of all fuller's earth—nearly 2.5 million metric tons a year between the two—is used as an absorbent for pet waste. Mining companies claim they can regrow any vegetation removed during the extraction process, but the scope of reclamation projects for Wyoming bentonite suggests that the effects of strip mining can be significant. Meanwhile, because the litter is nonbiodegradable, there's no place for it to go but the landfill.

A better option would be litters that come from recycled newspapers, wheat, corn cobs or reclaimed sawdust, assuming you don't want to go about making your own. These litters—along with the cat waste—can be composted, as long as you use the right precautions, and they provide a good use of recycled material. If you use liners for your litter box, you can find ones made from biodegradable plastic. (Some owners complain about their cats' reactions to green litters, so try them on a small scale first and see what happens.)

Is there an environmental quandary that's been keeping you up at night? Send it to ask.the.lantern@gmail.com, and check this space every Tuesday.

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**the spectator**

**Not the Usual Suspects**

Three detective novels that restore pleasure to reading.

By Ron Rosenbaum

Monday, March 2, 2009, at 1:55 PM ET

Maybe it has something to do with my recent crusade against *The Reader*. (I'm taking credit—undue I'm sure—for stopping it from winning best picture; Kate Winslet, I know, was unstoppable.) But I've been thinking about reading a lot these days, perhaps because, for the first time in a long time, I've found myself reading three contemporary novels with enormous pleasure.

Until these three novels—instances of the "genre novels" oft relegated to a secondary place in the canon—rescued me, I thought I'd have to give up on contemporary literary fiction, even at its best. Enough with buying books raved over by the literati only to find I can't get past the first 10 pages without throwing them against the wall. (The books, not the literati.)

Take the example of the late David Foster Wallace. There is no one on the planet who could be a more devoted admirer of his nonfiction, precisely because of the pleasure of his voice and the pleasure of watching his insanely brilliant mind at work. Everything from the well-known cruise ship tour de force (which I used to make the first mandatory assignment when I taught writing at Columbia, NYU, and the University of Chicago) to the more arcane book on the mathematics of infinity. Even though I suspect the despair of staring into infinity's infinitely deepening mysteries may have contributed to his final personal despair. He took it too much to heart. But that's what I loved about his work, his nonfiction, anyway.

But then there's his fiction: the infinitely (to me) disappointing *Infinite Jest*, which (ironically indeed) is about a work that gives too much pleasure. It's a book whose repertoire of derivative, post-Pynchon, oh-so-tiring tricks made me furious. They diminished DFW. They made it seem that the less talented among the literati had convinced him that fiction was a higher form than the transcendental reinvention of nonfiction he was engaged in, convinced him that he should channel his far-superior talents into an exhausting performance in an exhausted form (the postmodern novel) that was an all-too-sterile strain at profundity that—despite its title—contained not one laugh. This, in contrast to the effortless inimitable joyful comedy of his nonfiction, which surpassed in pleasure (and profundity) many of his contemporaries' novels.

Remember pleasure? The pleasure of reading? Believe me, this is not one of those pleas for "old-fashioned" novels with conventional plots and "characters you can identify with." I hate characters I can identify with. I read to escape myself; I'm tired of my identity.

And this is no plea for novels that aren't "difficult." Pleasure doesn't equate with easiness. The pleasures of Shakespeare, I've argued, are sometimes there on the surface, but always only partially; they always subsist as well on a deeper, more difficult, unfathomable level. Reaching it requires reading and rereading the entire body of work, the whole giving an almost unbearable thrill to the part.

Perhaps more to the point, my two favorite novels of the past half-century are two of the most experimental: Nabokov's *Pole*...
Fire and Pynchon's The Crying of Lot 49. These books aren't good because of their experimental form. They're good because the illusion of difficulty is just that; they are treasures of pure pleasure once you ignore the surface strangeness.

And if we're talking the esthetics of ease, difficulty, and pleasure (and we are), we can't forget Laurence Sterne's Tristram Shandy, which I've often argued renders all of postmodern fiction's desperately frantic antics and self-conscious self-consciousness shamefully or ignorantly derivative, even plagiarized, utterly repetitive and unnecessary, because unlike Shandy, that's all they have to offer.

In part because the voice of Shandy's premodern unreliable narrator is also an irresistible source of pleasure, not a humorless postmodern bore. In 1759 Sterne anticipated and transcended every possible postmodern formal gambit, making them all seem sadly second-rate to anyone who's read T.S. Indeed it drives me crazy that it's somehow regarded as a mark of philistinism, a lower order of artistic virtuosity, to offer pleasure when the true philistinism is the abandonment of the source of literature's primal power for sterile word games.

So pleasure doesn't have to mean book-clubbability to me. It just has to mean that nothing you're doing (alone, anyway) can possibly be as important as getting it done with and getting back to the pages that have you spellbound, rapt, wrapped in their serpentine coils and squeezing you in a way that's pleasurable but somehow threatening as well; Pleasure in literature is not without an aura of danger, like "La Belle Dame Sans Merci," leaving you, when done with you, "alone and palely loitering."

It's all about being put under a seductive spell, an erotics of reading, the pure lust pleasurable books arouse that is like nothing else except perhaps impure lust.

For instance, I can barely stand to continue writing this column because it's taking me away from finishing The Silver Swan, the second novel by "Benjamin Black" (a pseudonym for Irish novelist John Banville) about a Dublin pathologist in the frowsty, drowsy '50s that I swear surpasses Joyce's Dubliners and, aside from certain mad genius patches, Ulysses, too. (Admit it, Stephen Dedalus wore out his welcome in Portrait with his jejune maunderings and appeals only to intellectual adolescents of all ages and is nothing but a bore in Ulysses.)

Before The Silver Swan ensorcelled me, there was Philip Kerr's A Quiet Flame, about a Berlin homicide detective among Argentina's neo-Nazis in the 1950s. A book I liked so much—too much—that I lost the ability to separate reality from fiction and made a dreadful mistake when I sought to blog about it (more about that later). And before that, there was Year of the Dog, the second novel by Henry Chang about a detective in New York's Chinatown, particularly a tiny, seedy, infinitely complex chunk of it a few blocks below Houston Street. I'll defer to Richard Price, one of the few contemporary novelists worthy of such deferment, who describes the "uniquely urban melancholy" Chang conjures up, giving us a Chinatown with "a loving specificity ... that has rarely if ever been encountered in fiction before."

What these books have in common, of course, is that they are formally genre novels, literally detective stories (you'll recall, I know, that Pale Fire is a kind of murder mystery, too), yet they surpass both in artistry and pleasure every highly praised sophomoric attempt at literary fiction I've thrown against the wall in the past few years.

When did pleasure (and mystery) take back seat to the empty innovation that plagues us now? I actually think that one can find a precise dividing line (not the only one but a serviceable one) in the gulf between John Barth's brilliant, hilarious, grand, mock-epic, contrarian 1960 novel of America's founding, The Sot-Weed Factor (please read it if you haven't yet, and I will forever be in your debt), and Barth's 1967 follow-up: a massive postmodern mistake of an academic novel called Giles Goat Boy, many hundreds of pages beating one stale joke to death. (The university is like the universe, a conceit that only an academic could take pleasure in.)

I actually almost flunked out of college because of the pleasure I took in The Sot-Weed Factor. I was failing a freshman physics course—"physics for poets," they called it at Yale—that was hard to flunk, and yet when I had my last chance to eke out a passing grade through special tutoring and, uh, study, I just couldn't stop reading The Sot-Weed Factor to save my soul (and me from a term at summer school). I failed the course but changed my life. I realized that self-destructive pleasure is the best there is. It makes you realize there are no limits to your love and what you'd sacrifice for it.

Or if you want another dividing line—and this will cause howls of anger and anguish—how about the one between Pynchon's first two novels, V and The Crying of Lot 49, and Gravity's Rainbow, which reads like an accumulation of transcendently brilliant riffs that seem designed to give pleasure more to the author than the reader.


Please: It began to disappear in the days when everyone was writing second-rate imitations of Raymond Carver or—as Tom Wolfe memorably put it—novels by Iowa Writers' Workshop fellows who move to a corn belt state exurb and have five conversations with a plumber named Lud and think they've had...
an epiphany about the American soul that makes for the weak- 
tea post- Carver "mall-fiction" we had to suffer through for so 
long, the fiction in which depression was the true, most deeply 
felt literary emotion.

And, by the way, I'm not holding up Tom Wolfe as a model 
novelist, either, or defending his screeds. Don't try to saddle me 
with that rap. (God, the misapprehensions you have to fight your 
way through to get to making a point on this subject.) In fact the 
very difference between Wolfe's amazing, still-vital nonfiction 
(don't argue with me until you can prove you've read The 
Electric Kool-Aid Acid Test) and his lackluster novels further 
proves the point.

Which was: I can't take contemporary fiction seriously, and, 
what's worse, I can't even finish it. I can't remember the last time 
I enjoyed reading a contemporary nongenre novel, and I've even 
exhausted my favorite genre, the espionage thriller: How many 
times can you reread A Coffin for Dimitrios, the inspiration for 
the works of Alan Furst, without seeing how cruelly second 
Furst is?

It was really Philip Kerr who rescued the detective novel for me 
some years ago with his amazing "Berlin Noir" trilogy—about a 
homicide detective in the incipient homicidal hell of Berlin in 
the early '30s—and the two recent add-ons: The One From the 
Other, whose astonishing mashup of moral ambiguity and 
Chandler-esque pleasures I've written about, and now the 
forthcoming fifth one, A Quiet Flame, which is just so utterly 
unexpectedly spellbinding I want to put a gun to Kerr's head and 
force him to stop writing any other kind of book. (He's got a line 
of literary fiction himself.)

It also almost made me want to put a gun to my own head 
because of the terrible mistake I made reading the galleys of A 
Quiet Flame, which—notice how I'm going to (entirely unfairly) 
blame Kerr—had me so spellbound I lost track of the distinction 
between the historically real sinister "Directive 11" promulgated 
by Argentine anti-Semites before World War II—a ruling that 
refused Jews sanctuary in the country—and an even more 
sinister but (probably) fictional "Directive 12," which Kerr's 
detective Bernie Gunther discovers to his horror in Nazi-fugitive 
infested postwar Peronist Argentina—a South American 
concentration camp somewhere in the remote outback.

After posting about Kerr's "Directive 12" as though it were real, 
I had to apologize to him and my blog readers because Kerr was 
so damned skillful—and because the directive he imagines is not 
at all beyond contemplation. It was almost unfair of him to write 
so well.

But while I was finishing the utterly disorienting but uniquely 
pleasurable Kerr book, Henry Chang's Year of the Dog arrived in 
the mail from Soho Crime, and I found The Silver Swan just out 
in paperback at Barnes & Noble—in each case the second novel 
in what are so far just two in a series. And suddenly my life 
became an orgy of reading pleasure as I switched between three 
compellingly seductive and pleasurably sinister works.

Chang owned a world I'd lived a few blocks from for years but 
had known really nothing about, and he makes the subtle 
distinctions among its inhabitants utterly riveting. He paints, in 
miniature, a harsh world of neon and shadows but doesn't slight 
the Big Questions. But the Banville/Black Swan may be the best 

You may know Banville for the work he does under his own 
name, which has won him the Booker Prize (for The Sea). I've 
always admired his Anthony Blunt-based fiction, such as The 
Untouchable. The Silver Swan opens with the apparent suicide of 
the proprietress of a Dublin beauty parlor called the Silver 
Swan, and the investigation of her death by Banville's troubled 
thrillerist (known only as Mr.—no first name—Quirke). 
Following Quirke's inquiries and the interlinked lives of the 
victim and her troubled relationships was like falling into a 
dizzying whirlpool with no bottom. I kept asking myself, "What? 
What kind of novel is this? What is happening to them (the 
characters)? What is happening to me? OK, did I hear you say 
you want to play the game of "it's a cross between"? It's a cross 
between Wilkie Collins at his most sinisterly sinuous (The 
Woman in White, for instance) and Edith Wharton's most 
erotically inflamed sublimations (The Custom of the Country, for 
one).

You'll see what I mean when you read it. Nothing is what it 
seems, and yet the solid furniture of the world, the flash and 
filigree of human feeling, is rendered with astonishing precision.

I don't know if I want to tell you anything more than this: Don't 
disappoint me and pass these three books up. Go on, get them all 
at once. The world is collapsing around us. You deserve the 
pleasure. I have prepared for you a three-course feast. I could 
have kept them to myself.

But I'll close with a word about Banville/Black. What is it about 
The Silver Swan? In part it's what makes all great detective 

novels cosmic inquiries: The real mystery is the mystery of 
human nature. The unsolved crime is not the death under 
investigation but why we die in the first place—the mystery of 
mortality—and since we do, the question of how we make such a 
homicidal hash of living, with the exceptions of a few flashes of 
stoic nobility most often found in the detective, however 

I also never tire of the questions these novels ask about human 
nature, how many secrets we hide from one another, how hard it 
is to figure other people out, how hard it is to figure ourselves 
out. The traditional simple-minded detective story, your Agatha 

Christie mystery, is about the puzzle of plot and exists at the 
level of parlor tricks. But Banville, Kerr, and Chang take genre
fiction to a deeper level, focusing on the mysteries of the human mind that a murder brings to light in those with some connection to the deceased. Mysteries, quirks, that might otherwise lie buried, but that subtly define who we are.

And to bring it back home, to the failings of the postmodern project, here's Banville, in an amazing quote from an LA Weekly interview, being way too modest but revealingly so about the difference between his detective novels and his "serious" ones, a difference he discovered when he happened upon the detective novels of Simenon:

I was really blown away by this extraordinary writer. I had never known this kind of thing was possible, to create such work in that kind of simple—well, apparently simple—direct style. ... Looking back, I think it was very much a transition. It was a way of breaking free from the books I had been writing for the last 20 years, these first-person narratives of obsessed, half-demented men going on and on and on and on.

I had to break out of that. And I see now in retrospect that Christine Falls [his first "Benjamin Black" novel] was part of that process. Because it's a completely different process than writing as John Banville. It's completely action-driven, and it's dialogue-driven, and it's character-driven. Which none of my Banville books are.

And, he could have added, it's immensely pleasurable and far more profound than the typical postmodern effort he describes so (unfairly) self-deprecatingly well: "these first person narratives of obsessed, half-demented men going on and on and on and on and on."

Yes! That's what I've been trying to get at. Where's the pleasure in "on and on and on and on." It's on-anism, you might say, pleasuring only the writer, not the reader. Thank you, Mr. Banville, for The Silver Swan. Thank you, Mr. Kerr and Mr. Chang. Get their books, and you'll thank me.

today's papers
When Giant Companies Fall
By Daniel Politi
Friday, March 6, 2009, at 6:26 AM ET

The Washington Post and New York Times lead with the continuing pains in the stock markets. The WP has a two-story lead, one looking at the general dismal state of the economy and another that examines how some of the country's largest companies have plunged in value, which is also the focus of the NYT's lead. The White House has been trying to sound optimistic on the economy this week, but it doesn't seem to be working. Markets around the world were down yesterday, and the Dow Jones industrial average plunged another 4 percent. The Dow has now fallen 25 percent this year, compared with 33 percent for the whole of 2008. More bad news is expected today, as the Labor Department will release February's unemployment numbers, which will almost certainly mark an increase from the 7.6 percent jobless level in January.

USA Today leads with a look at how more than half of the foreclosures last year were in 35 counties. More than 1.5 million foreclosures took place in these 35 counties that are spread out across 12 states, suggesting that the ongoing crisis "may have begun with collapsing home loans in only a few corners of the country," notes the paper. The Wall Street Journal leads its world-wide newswire with the White House Forum on Health Reform, where President Obama vowed to make a major push to overhaul the nation's health care system this year. The president insisted he is open to compromise on the issue but emphasized that the focus should be on bringing down health care costs. The Los Angeles Times leads with the California Supreme Court making it pretty clear that it won't overturn Proposition 8, the measure that took away the right of gay men and lesbians to marry in the state. But the court is likely to rule that marriages performed before Proposition 8 was approved will remain valid. Even advocates of gay marriage, who hoped the court would rule that the measure amounted to an impermissible constitutional revision, seemed to acknowledge that they will be defeated.

The huge companies that were once considered safe investments and the foundation of the American economy are suffering, and their decline has come at a break-neck speed. "Blue-chip companies," notes the NYT, "are akin to penny stocks." It's gotten so bad that the New York Stock Exchange has suspended its rule that all listed companies must have a minimum share price of $1. The comparisons are incredible. You can now buy a share of General Motors stock for less than a gallon of gas and a share of Citigroup—worth $55.12 less than two years ago—for about half of what you'd pay to use an ATM. "The route highlighted the apathy and pessimism that have seeped into all corners of the market as the global economic downturn deepens," declares the NYT.

today's business press
GM's Nuclear Option: Bankruptcy
By Bernhard Warner and Matthew Yeomans
Friday, March 6, 2009, at 6:19 AM ET

The huge companies that were once considered safe investments and the foundation of the American economy are suffering, and their decline has come at a break-neck speed. "Blue-chip companies," notes the NYT, "are akin to penny stocks." It's gotten so bad that the New York Stock Exchange has suspended its rule that all listed companies must have a minimum share price of $1. The comparisons are incredible. You can now buy a share of General Motors stock for less than a gallon of gas and a share of Citigroup—worth $55.12 less than two years ago—for about half of what you'd pay to use an ATM. "The route highlighted the apathy and pessimism that have seeped into all corners of the market as the global economic downturn deepens," declares the NYT.
The WP points out that the main reasons that people once saw these large companies as safe have actually sped up their demise. These companies had become reliant on providing their own financing to customers and are highly exposed to global markets. This diversification was once seen as a good way to minimize risk, but they're now suffering through the effects of a global downturn.

There are growing concerns that the economy still has a long way to fall before it stabilizes, mainly due to the continuing job losses. "Ninety-nine percent of the people I talk to are pessimistic," an analyst tells the NYT. "Everyone is sitting back and waiting for one more big implosion." There was a tiny bit of good news from retailers, which reported slightly better numbers in February than in January, but that was largely thanks to Wal-Mart's 5.1 percent increase in sales, its best performance in nine months. In a front-page piece, the WSJ says there is cautious optimism among some retailers that their losses are beginning to stabilize. No one is ready to declare that things have turned around, but "it seems that we are starting to see less negative trends," as one retail analyst put it. The WP isn't as optimistic and says that some analysts believe there might be "an even sharper contraction this quarter."

The WSJ goes high with word that top executives at General Motors are beginning to become more open to the idea of going through government-financed bankruptcy reorganization. Of course, the company still hopes to avoid that fate, but it seems executives are not as concerned as they once were that bankruptcy would immediately mark a death sentence for the auto giant. In news that everyone covers, GM's auditor declared yesterday that there is "substantial doubt" the company can survive without more federal help. The WSJ says that after conducting lots of research, GM's executives now seem to believe that they could successfully re-emerge from what is known as a prepackaged bankruptcy, a normally quick affair because all the parties agree to concessions in advance. "We'd have 60 days of havoc and chaos, but the view is ... we would be able to manage it," said the paper's source.

The WP fronts a look at how the government will try to thaw the frozen consumer-credit markets by joining forces with hedge funds and private-equity firms, the very same organizations "that most benefited from the bonanza preceding the collapse." These outfits would be offered the chance to buy up highly rated securities that finance consumer lending. The government could lend nearly $1 trillion to investors and calls this strategy a "public-private partnership," and the private part of the equation seems to be more than willing to participate. And why wouldn't they? After all, they get to keep the profits and would be responsible for only a fraction of any losses. This strategy could be used as a model for future efforts to rescue the credit markets, but "there is vigorous debate ... over how the program should evolve and at what speed." Warning: Don't confuse this with a separate program that would seek to clear toxic assets from banks' balance sheets. That program, which the WSJ outlined a few days ago, will be announced in a couple of weeks and is expected to follow a similar structure.

Justice Ruth Bader Ginsburg tells USA Today that she isn't going anywhere anytime soon and expects to be on the Supreme Court for several more years. Ginsburg, who will be 76 in a few days, underwent surgery for pancreatic cancer last month. But she seems to be "in fine form" and has now resumed her usual schedule.

In a story that will surely send a chill down the spine of any experienced journalist worried about layoffs (i.e., pretty much all of them), the LAT takes a look at Lois Draegin, a former editor at TV Guide who used to earn a six-figure salary but is now an unpaid intern at wowOwow.com. Draegin is using the opportunity to learn Web skills from her 24-year-old mentor.

The NYT's Paul Krugman declares that the plan to create a market for toxic assets "isn't going to fly." The latest version of the plan would increase the price of these assets, but that's simply because "it would offer a heads-you-win, tails-we-lose proposition." Even so, it won't actually revive the nation's financial system. It seems administration officials "still aren't willing to face the facts." The White House is reluctant to admit the extent of the problem "because it's very hard to rescue an essentially insolvent bank without, at least temporarily, taking it over," writes Krugman. "And temporary nationalization is still, apparently, considered unthinkable."

In the LAT's op-ed page, Joe Queenan notes that every time the stock markets have plunged during the crisis, financial advisers have said that people shouldn't panic and warned against selling. "The best buying opportunity in years is now 14 months old," writes Queenan, who says he started panicking when the Dow was at 9,500. "I realize that I have come late to the panic mode, but as my father always said: No matter how bad you have been burned, it is never too late to try dousing yourself with water." And even as stocks keep getting lower, the advice that this is now a once-in-a-lifetime opportunity to buy cheap stocks persists. "There is a time for hysteria, and a time when cooler heads should prevail," Queenan writes. "This is the time for hysteria."

today's papers
Too Many Czars in the Kitchen?
By Daniel Politi
Thursday, March 5, 2009, at 6:29 AM ET

USA Today leads with a look at how the $410 billion omnibus spending bill contains $227 million for pet projects requested by
lawmakers who aren't even in Congress anymore. The New York Times and Washington Post lead with the Obama administration announcing the details of its program to rescue millions of struggling homeowners. The White House said it hopes the two-part plan will help as many as one in nine homeowners. The program received favorable reviews from several large lenders, but others insist it won't do enough to end the ongoing foreclosure crisis.

The Los Angeles Times leads with growing concern among lawmakers and interest groups that President Obama is naming too many policy czars, who could undermine congressional authority and concentrate too much power in the White House. The Wall Street Journal leads its world-wide newswire, and the LAT off-leads, with the Supreme Court declaring that drug makers can still be sued in state court by injured patients even if federal regulators approved the product. The 6-3 ruling could affect many other industries besides prescription drugs and marked a major blow to businesses that have long argued federal rules should protect them from lawsuits at the state level. In 2006, the Bush administration, which often sided with businesses on this issue, reversed a Food and Drug Administration policy and declared that federal approval of a drug "preempts" lawsuits at the state level.

The budget that will keep the government running through September has faced lots of criticism for containing more than $7 billion in earmarks. USAT points out that the bill even includes 459 projects that were requested solely by former lawmakers, including seven projects worth $1.2 million for Rick Renzi, a former Republican congressman who is facing corruption charges. Former Sen. Larry Craig of Idaho, who was arrested in 2007, is also getting $1 million for his pet projects. The White House has called the bill "last year's business" and says the president will be cracking down on the practice in the future.

The NYT says the program detailed by the White House yesterday is "the most ambitious effort since the 1930s to help troubled homeowners." As was already known, the program has two main components. The main one is a $75 billion program that could help as many as 4 million people avoid foreclosure by offering financial incentives to lenders in order to modify mortgages so that monthly payments don't make up more than 31 percent of a borrower's income. Homeowners can qualify as long as they live in the property and their loan isn't higher than $729,750 for a single-family home. Several large banks said they would participate, but the NYT points out that their "eagerness" will almost certainly be affected by the fate of a bill currently making its way through Congress that would give bankruptcy judges the power to modify troubled mortgages.

The second part of the program will help homeowners with little or no home equity refinance mortgages held or owned by Freddie Mac or Fannie Mae. Homeowners of any income can qualify to get lower rates, but they cannot owe more than 105 percent of the current value of their home. The government expects as many as 5 million homeowners to benefit. While the focus has always been on owner-occupied homes, Fannie Mae and Freddie Mac said they would refinance some second homes as well. Although the administration said that homeowners could begin to apply for the program right away, the WP points out lenders were overwhelmed with calls yesterday, and many said it could take several weeks to set everything up.

The Treasury Department also announced that it will issue a new plan in the coming weeks to help borrowers with second mortgages, which were often used as "piggy back" loans. Although few details were released, it seems the administration will try to convince the holders of these second mortgages to forgive those debts. The WSJ specifies that around half of delinquent subprime borrowers have second mortgages, and that has often prevented them from modifying their loans.

The program doesn't require lenders to reduce the principal of what homeowners owe, which is one of the main reasons why some remain skeptical. In the NYT's op-ed page, John Geanakoplos and Susan Konik warn that we'll soon be faced with an "avalanche of foreclosures," and the White House plan "wastes taxpayer money and won't fix the problem." The best thing to do would be to reduce the principal "far enough so that each homeowner will have equity in his house and thus an incentive to pay and not default again down the line." This would help not only homeowners but also bondholders who would get more out of it than if the property went into foreclosure. Throwing money at mortgage servicers to encourage them to reduce interest payments is simply "a bad use of scarce federal dollars."

The idea of a policy czar isn't new, but the LAT says no president "has embraced the concept … to the extent that Obama has." So far he has appointed these "super aides" to direct policy from inside the White House on a number of issues, including health care, the economy, and energy, and more are expected. Presidential scholars say that these czars often get frustrated because they have no clear authority. Because their focus frequently overlaps with several agencies, they can end up clashing with officials throughout the administration. Some lawmakers have also said they're worried these advisers aren't subject to congressional oversight. "They rarely testify before congressional committees and often shield the information and decision-making process behind the assertion of executive privilege," Sen. Robert Byrd of West Virginia wrote in a letter to Obama last week.

The LAT and WP front the International Criminal Court issuing an arrest warrant for Sudanese President Omar Hassan al-Bashir on charges that he played an "essential role" in committing atrocities in Darfur. The court charged Bashir on seven counts of war crimes and crimes against humanity. The Sudanese
government reacted quickly to the news and expelled at least 10 foreign aid groups that the WP says "handle 60 percent of humanitarian assistance in Darfur." Many are concerned that the court's actions could spark renewed violence and result in more suffering in Darfur.

In the WP's op-ed page, Merrill McPeak and Kurt Bassuener argue that it's time for the Obama administration to step up and work with allies to establish a no-fly zone in Darfur. "Bashir has strung the international community along in a way that the late Serbian leader Slobodan Milosevic would have envied," they write. Although some have opposed the move to establish a no-fly zone, it's the best way to "get enough leverage with Khartoum to negotiate the entry of a stronger U.N. ground force," and "reducing Bashir's options" could also make diplomacy more effective.

In a front-page dispatch from China, the NYT's Edward Wong writes about how the Chinese government is so worried about violence once again breaking out in the country's Tibetan regions that it has ordered "the largest troop deployment since the Sichuan earthquake last spring." Wong "got a rare look" at the deployment when he was recently driven through some of these areas "while being detained by the police for 20 hours" without explanation. The Tibetan regions have now become "militarized zones," where soldiers are seemingly everywhere, and a curfew has been imposed in Lhasa, the Tibetan capital. The Chinese government insists that there are no real problems in Tibet, but the extent of the deployments shows how it "remains one of the most sensitive political and security issues for China, though one that remains invisible in the developed cities along the country's east coast."

The NYT's front page and the WP's Style section both take a look at how Obama's hair is going greyer a mere six weeks after arriving in the White House. It's a little strange act of coordination considering they both acknowledge this isn't really a new thing. Obama talked about going greyer during the campaign when there was even some speculation he might be dyeing it to look more distinguished. Both papers get assurances from Zariff, Obama's barber of 16 years, that the president's hair "is 100 percent natural." Well, that's a relief.

All the optimistic talk in the world couldn't stop more grim statistics from coming down the pipeline. USA Today leads with news that automakers had a horrible February. Many thought it couldn't get any worse than January, but last month sales were down 41.4 percent. If the rate expands throughout the whole year it would translate into a mere 9.1 million new sales, the worst number since 1981. The Wall Street Journal's world-wide newsbox leads with a new poll that shows Americans are overwhelmingly supportive of President Obama and his agenda. Although 70 percent are very dissatisfied with the economy, Obama still enjoys a 60 percent approval rating and around two-thirds of Americans say they feel "hopeful" about his presidency. Most surprising is that 41 percent of Americans say the country is headed in the right direction, a huge increase from the 26 percent who said the same thing in mid-January. The Los Angeles Times leads with local elections. Los Angeles Mayor Antonio Villaraigosa was re-elected and will serve a second four-year term.

The NYT says the move to quickly send envoys to Syria suggests the Obama administration sees the country as a potential "key" to "tackle three interlocking challenges in the Middle East: the nuclear threat posed by Iran; long-simmering tensions between Israel and Syria; and the grinding conflict between Israelis and Palestinians." The WSJ emphasizes that improving relations with Syria is part of the effort to isolate Iran. Improving relations with Syria could pressure Iran to accept direct talks with the United States and might push Arab states to negotiate with Israel. White House officials also hope that it could help reduce the number of weapons that flow into regional hotspots, including Iraq. Clinton announced the move during a visit to Jerusalem, where Iran was one of the main topics of discussion with Israeli leaders.

The hopeful talk on the economy came from multiple officials yesterday. Even Obama got into it and "made his first direct attempt to boost equity prices," as the WSJ puts it. After weeks of talking about the poor state of the economy he inherited, Obama abruptly shifted yesterday and noted that we might be at a point where "buying stocks is a potentially good deal if you've got a long-term perspective on it." Obama also told Americans to not read too much into the stock market, which he compared to a political tracking poll. "You know, it bobs up and down day to day," he said. "And if you spend all your time worrying about that, then you're probably going to get the long-term strategy
the worst first two months of the year in its 113-year history," explained one company executive. The Dow has now fallen almost 20 percent in January and February, and the index hit its lowest level in more than a decade. The DJIA first time the index closed below 7,000 is "off the charts good," explained one company executive. The Dow Jones industrial average plunged 4.2 percent to 6,763, marking the first time the index closed below 7,000 since April 1997. The Dow has now fallen almost 20 percent in January and February, "the worst first two months of the year in its 113-year history," points out the LAT. The worldwide sell-off began in Asia and hit...
Europe particularly hard. Britain's main stock index lost more than 5 percent and Italy's plunged 6 percent. The dollar continued to rise, "as investors concluded that, for all the problems in the U.S. economy, it looks better than the rest of the world," notes the Post.

USA Today gives big front-page play to the stock markets but devotes its lead spot to increasing evidence that flu viruses are growing more resistant to the drug Tamiflu. In an analysis of Tamiflu resistance, researchers found that about 12 percent of the people infected with one of the three most common flu strains had caught a resistant virus. This year, Tamiflu resistance in that strain has reached almost 100 percent.

There wasn't one single reason for the worldwide decline in the markets. Sure, there may have been a spate of fresh bad economic news, but analysts said the sell-off had more to do with a "deepening, sense of gloom among investors," as the WSJ puts it. No one expects the pain to be over any time soon, and investors are just throwing up their hands and getting out of the stock market. For now, at least, it seems no one is betting on a market bottom just yet. "Stocks are in free fall. Investors are in panic mode," USAT succinctly summarizes. "It's a bloodbath, pure and simple," one expert said.

Coming on the same day as American International Group reported a $61.7 billion quarterly loss, and the government announced yet another plan to bail out the insurance giant, there is growing skepticism about whether the Obama administration's numerous attempts to save the economy through bailouts and stimulus would have any effect. "We've reached the point of disgust with Washington," an equity strategist tells the LAT. "Every day there's a new plan, and every day there's a new bailout. I think bailout fatigue is gripping the market."

A lack of confidence in government action is hardly limited to the United States. There was once hope that governments around the world would come up with a unified strategy to deal with the global recession, but "the European Union summit this weekend provided an indication that few countries were willing to risk their own taxpayers' money to help others," notes the NYT. Everyone speculates that yesterday's declines may have been partly triggered by famed investor Warren Buffett, who said last weekend that "the economy will be in shambles, throughout 2009, and, for that matter, probably well beyond."

The NYT off-leads word that Russian President Dmitri Medvedev isn't a very good pen pal. President Obama sent him a secret letter three weeks ago that suggested the United States would be willing to drop its plans to set up the missile defense system in Eastern Europe if the Russian government helps efforts to stop Iran from developing long-range weapons. "It's almost saying to them, put up or shut up," said a senior administration official. "It's not that the Russians get to say, 'We'll try and therefore you have to suspend.' It says the threat has to go away." Medvedev has not responded, but apparently Russia's foreign minister will bring up the issue with Secretary of State Hillary Clinton when they meet Friday.

The WSJ and WP front, while everyone else covers, news that the CIA destroyed 92 videotapes depicting the harsh interrogation techniques that were used on two al-Qaida suspects. Although we already knew that videotapes had been destroyed, it was the first time that the number of tapes was revealed. The WP hears word that the ongoing investigation into why the tapes were destroyed is unlikely to result in any charges against CIA employees. The Senate intelligence committee is getting ready to broaden the investigation into the videotapes to take a look at the entire CIA interrogation program.

News of the videotapes wasn't the only dirty laundry from the Bush years that the Obama administration made public yesterday. The LAT and NYT front the Justice Department posting newly declassified legal opinions and memos that were issued after the Sept. 11 attacks and formed the basis for the Bush administration's claims of broad presidential powers. The WP points out that the number of "major legal errors" made by the Bush administration's lawyers "was far greater than previously known." In one memo that everyone highlights, administration lawyers said the president could order the military to deploy domestically and arrest terrorism suspects. The memo also claimed that the military could ignore free-speech protections. Unsurprisingly, many of the opinions were written by John Yoo, the former Justice official who is most famous for writing another memo that many have interpreted as an authorization to torture. Many of the memos had already been repudiated by the Justice Department but officials said it was important to release them for the sake of transparency.

The WP off-leads a look at how the Obama administration will have to hire tens of thousands of new federal employees if it hopes to fulfill the goals that were outlined in its budget last week, particularly considering that the president has vowed to cut back on private contractors. Exactly how many workers will have to be added to the federal payroll is still unknown and will likely remain that way until the full budget is released in April, but estimates range from 100,000 to 250,000. That would reverse a long-standing trend that had every president since Ronald Reagan limiting the size of the federal workforce. "If the outside estimates are realized, Obama could spur a government hiring spree on a scale unseen since President Lyndon B. Johnson's Great Society agenda in the 1960s," notes the Post.

The NYT points out that lawmakers and executives are beginning to "quietly acknowledge" that Fannie Mae and Freddie Mac are unlikely to return to private investors. Now that there's lots of talk about possibly nationalizing some large banks, there are fears that the experience with the mortgage giants demonstrates "that a takeover so hobbles a company's finances and decision making that independence may be nearly impossible," notes the
The WSJ hears word that the Obama administration is considering setting up several investment funds to purchase the toxic assets that are currently clogging banks' balance sheets. The White House had already announced it plans to spend somewhere between $500 billion and $1 trillion to buy these assets with what it called private-public partnerships but gave few details. Now it seems the administration is considering establishing these funds that would be run by private investment managers with a combination of private and public capital. The private investment managers would make all the decisions on what to buy and how much to pay, which would help the government avoid having to make these politically sensitive determinations. A key question has always been how to price assets for which there is no market, but some officials believe that setting up multiple funds might go a long way toward solving that problem.

While Americans turn away from SUVs, they're increasingly popular in Iraq, reports USA Today. The Hummer appears to be the car of choice among young Iraqis; government officials seem to prefer GMC Yukons; and families usually go for the Jeep Grand Cherokee.

AIG is widely expected to report that it lost somewhere in the neighborhood of $60 billion in the fourth quarter of 2008, the biggest quarterly loss in corporate history. Faced with a loss of that magnitude, credit-rating agencies probably would have downgraded AIG, which would have forced the insurance giant to default on its debt. AIG is not expected to access the $30 billion right away, but credit-rating agencies said they wouldn't downgrade the company if it had access to the government cash. AIG now has access to $70 billion from the Troubled Asset Relief Program, making it by far the biggest beneficiary of federal largesse. And no one expects the fourth time to be the charm. Federal officials are largely expected to continue working with AIG to help the company get rid of some of its assets.

In addition to the extra money, AIG would essentially be allowed to stop paying dividends to the government, and the interest rate on all remaining debt would be cut to help the company reduce its losses. Also, instead of paying back $38 billion to the Federal Reserve, AIG will convert that debt into equity stakes in two of the company's units that sell life insurance abroad and are doing relatively well. In an effort to reduce its debt further, AIG will package $5 billion to $10 billion of its domestic life-insurance business into new securities that would be given to the government, which could either hold them or sell them to investors.

If you're still confused about what AIG did and why federal officials are doing everything possible to avoid its collapse, the NYT's Joe Nocera did an impressive job of breaking it all down into an easy-to-understand narrative in a piece published Saturday.

German Chancellor Angela Merkel led the opposition to Hungary's call for a large bailout of the European Union's
newest members, which have been particularly hard-hit by the crisis. "Saying that the situation is the same for all Central and Eastern European states, I don't see that," Merkel said. Hungary's prime minister had asked for a package worth up to $241 billion and warned that without it there could soon be a "new Iron Curtain" that would once again divide East from West. Several Eastern European leaders also want it to be easier to adopt the euro, but members of the old order aren't too keen on the idea. Leaders left the Brussels summit without any concrete decisions and several Western officials insist the Eastern countries that are in deep trouble should look for help from the likes of the International Monetary Fund. "The European Union will now have to prove whether it is just a fair-weather union or has a real joint political destiny," a German journalist tells the NYT.

In a front-page dispatch from Ukraine, the NYT all but declares that a country "once considered a worldwide symbol of an emerging, free-market democracy that had cast off authoritarianism" is ready to explode. The country's economy has been steadily collapsing, there are rumors of a government default, and violent protests seem inevitable. World leaders are worried that an economic catastrophe in the country of 46 million people would be felt across Europe and might destroy a delicate balance of power if neighboring Russia tries to insert itself into Ukraine's affairs. "A small country like Latvia or Iceland is one thing," explains the NYT, "but a collapse in Ukraine could wreck what little investor confidence is left in Eastern Europe."

Just because President Obama refused to receive money from political-action committees during his campaign doesn't mean that they weren't active. USAT reports that PACs spent a record $416 million on the election, and 175 members of Congress received at least half their campaign contributions from such groups. Ethics watchdogs say these contributions could end up shaping Obama's proposals, particularly as lawmakers discuss them in Congress.

In the NYT's op-ed page, David E. RePass writes that if Democratic senators really want to help Obama get his agenda through Congress, they should get rid of "one of the greatest threats facing effective governance—the phantom filibuster." Although most think that going through with a filibuster involves taking the floor and speaking nonstop for hours, the truth is quite different. Now, the mere threat of a filibuster is treated like the real thing. This means that the minority essentially has veto power, which is "clearly unconstitutional." In order to end this practice, all Senate Majority Leader Harry Reid would have to do would be to challenge Republicans actually to go through with their threats. Once they're faced "with the daunting prospect of having to mount a real filibuster to demonstrate their opposition," he writes, "Republicans may become much more willing to compromise."

today's papers
Sebelius Tapped as HHS Secretary
By Justin Peters
Sunday, March 1, 2009, at 4:35 AM ET

The Washington Post leads with news that Kathleen Sebelius, the Democratic governor of Kansas, will be nominated as secretary of health and human services. The New York Times leads with a story about how Barack Obama's election has rekindled hope that the United States will soon take a major leadership role in global efforts to combat climate change. The Los Angeles Times leads with a report on financial improprieties in the California governor's office; its top national story is a news feature on a veteran undercover CIA operative currently being tried for war crimes committed during the Balkan wars.

Noting that her nomination comes days before a crucial White House summit on health reform, the Post blandly outlines Sebelius' résumé and her gubernatorial experience with health care issues. The NYT analyzes the political implications of the pick, noting the governor's bipartisan credentials and devoting much space to her pro-choice background, which, for some reason, the paper seems to think may end up derailing her confirmation. The article cites the specter of looming Catholic opposition to Sebelius' nomination but neglects to mention that the Senate's Catholic bloc is by no means ideologically consistent on abortion issues.

Hopes are high that after eight years of indifference and obstructionism on global-warming matters, the United States will change its course and help forge a global climate treaty that would replace the Kyoto Protocol, the flawed 1997 pact rendered ineffective by America's refusal to sign. "The lesson of Kyoto is that if the U.S. isn't taking it seriously there is no reason for anyone else to," said one activist. The Post goes deep inside with a story on how the U.S. House has effectively abandoned its plans to reduce its greenhouse-gas emissions to zero (in part by purchasing "carbon offsets"): The House purchased carbon offsets during its last session but has no plans to do so this year.

Former CIA operative Jovica Stanisic, intelligence chief to Slobodan Milosevic during the 1990s, was thought by some to have formulated Milosevic's ethnic-cleansing policies; on trial for his role in the Balkan genocide, Stanisic has called the CIA as his main character witness. The CIA has responded with a document maintaining "that this allegedly evil person did a whole lot of good." If that doesn't work, rumor has it that Stanisic plans to blame the whole thing on a mysterious one-armed man.
In Thomas Friedman's Los Angeles Times worst economic situation since 1982 from previous estimates, LAT celebrity architect Frank Gehry, who celebrates with a story maintaining that Obama's first birthday today. Architecture critic Christopher pre on the New York Times business section reports on investment guru Warren Buffett's annual letter to shareholders of his company, Berkshire Hathaway. Buffett accepted blame for the company's decline this year but reserved harsh criticism for the impenetrable mathematical formulas so fashionable in business before the economic downturn. Investors are too easily seduced, Buffett said, by "a nerdy-sounding priesthood, using esoteric terms such as beta, gamma, sigma and the like. Our advice: Beware of geeks bearing formulas."

The LAT profiles celebrity architect Frank Gehry, who celebrates his 80th birthday today. Architecture critic Christopher Hawthorne, in a surprisingly tough-minded piece, notes that Gehry's asymmetrical, insinuative buildings have been derided as "vehicles for self-aggrandizement forced on unwilling communities." and explores how the architect plans to cope with the recession. (Answer: Lots of corrugated tin.)

You got that? In Thomas Friedman’s New York Times column today about the Obama State Department’s policies, he explains that special adviser Dennis Ross is actually "Super Sub-Secretary of State for Amassing Global Leverage on the Incomprehensibly Byzantine Iranian Government So That It Will Terminate Its Nuclear Weapons Program." No word yet on whether the sage of Bethesda thinks Ross's title should be acronymized on his business cards.

today’s papers
It's a Numbers Game, and Nobody's Winning
By Lydia DePillis
Saturday, February 28, 2009, at 5:12 AM ET

The New York Times and Wall Street Journal lead with the latest numbers from the Commerce Department—which douse any hopes one might have harbored for a near-term recovery—and their implications for a stimulus plan that relies on much rosier projections. The Los Angeles Times leads with the local angle on the fiasco: California's unemployment rate topped 10 percent in January, well over the national average of 7.6 percent.

The Washington Post leads (and ends) with President Barack Obama’s announcement that the U.S. withdrawal from Iraq has a date: August 2010, with one-third of current troop levels to remain in place through 2011. Although faster than what the generals had planned pre-election, it’s a more cautious timeline than Obama had laid out on the campaign trail; the paper contrasts his strategy of "risk management" and "mitigation" with what it called "breathtakingly bold" action on the economic stimulus. Still, aside from some disappointment on the left, the plan—which got no cover treatment from the NYT—drew broad acceptance, with Republicans pointing toward the surge as what may allow for a successful withdrawal of troops. According to the Post, they will be missed.

On a day when the economy got a lot worse very quickly, the Commerce Department backtracked from previous estimates, revising its numbers for the end of 2008: The U.S. actually lost 6.2 percent annual-rate GDP in the fourth quarter rather than 3.8 percent. The first two months of the year were bad as well; the unemployment rate jumped 0.4 percent in January, and 600,000 people filed for unemployment insurance each week in February. Those figures, plus more bad results on trade and foreign economies, which the Journal says "truly fell apart," add up to the worst economic situation since 1982—which the administration couldn’t even find a way to sugarcoat. "The first quarter is going to be bad," Council of Economic Advisers chair Christina Romer admitted yesterday.

The NYT highlights the widening gap between an increasingly dismal economic picture and the ambition of the administration’s
stimulus package, which assumed the economy would undergo a 3.2 percent growth spurt in 2010. Independent analysts' projections for next year's unemployment rate run as high as 12 percent—much higher than the Fed's estimate of 8.8 percent.

Parsing the latest tax proposals, the NYT figures that the super-rich would be hardest hit, with those earning middle incomes faring better than they may have feared. In fact, in another article, the paper calls Obama's budget a Great Society program for the middle class, mirroring the Post's terminology: the plan has a "boldness...that is breathtaking." The Post, though, takes a more skeptical view—what is this middle class exactly, and will a soak-the-rich strategy be able to finance benefits for a group of people so broadly defined? The LAT works both sides, pitting the "class warfare" and "overdue correction" interpretations of the budget against each other in a relentless they-think-this-and-others-think-that framework.

The WSJ details the third and ostensibly final bailout agreement for Citigroup, of which the public will now own 36 percent, in a relationship between the government and current corporate management—CEO Vikram Pandit is allowed to stay—that the paper characterizes as "awkward." The NYT presents an even more dour impression of the deal, saying that it still failed to remove the toxic assets at the heart of Citi's problems. The market agreed, sending the bank's share price down to $1.50.

The day's cognitive dissonance comes from an A1 Post piece on how administration officials have been rather chatty about race issues in recent weeks while the State Department threatens to withdraw from an international convention on racism unless items in a draft conference document condemning the Israeli occupation of Palestine and endorsing slavery reparations are removed.

The NYT fronts requiem for two beloved figures: Gotham's legendary district attorney Robert Morgenthau, scourge of white collar and sex criminals alike, who is calling it quits after 35 years on the job; and Denver's Rocky Mountain News, which had been for sale and folded yesterday after failing to attract a buyer. The Times also drew up the death certificate for advertising-dependent network TV stations, which are cutting back on their expensive marquees shows to put out reality and talk schlock that brings in viewers for less.

In the latest rollback of Bush-era regulation, Obama rescinded a rule that briefly allowed health care providers to withhold care they found objectionable. The move raised cries of outrage from a religious right already miffed over the progressive agenda outlined in the administration's $3.6 trillion budget—and losing a lion, in the form of Focus on the Family's James Dobson, who is resigning after 32 years in charge of the organization. Meanwhile, movement conservatives retreat to regroup, trying out phrases to carry them back to power: "European socialism"? The "Bush-Obama big spending program"? Whatever works!

The NYT reminds us that Obama is taking a risk proposing carbon regulation, which—in TP's phrase of the day—is nothing but a "coal state stickup," according to one energy executive.

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**tv club**

**Friday Night Lights, Season 3**

Week 7: Was that scene between Lyla and Street maudlin or touching?
By Emily Bazelon, Meghan O'Rourke, David Plotz, and Hanna Rosin

Monday, March 2, 2009, at 2:55 PM ET

From: Hanna Rosin
To: Emily Bazelon and Meghan O'Rourke
Subject: Week 1: Mass Amnesia Strikes Dillon, Texas

Posted Saturday, January 17, 2009, at 7:01 AM ET

As anyone who has talked or e-mailed with me in the last couple of months knows, my obsession with Friday Night Lights has become sort of embarrassing. My husband, David, and I came to the show late, by way of Netflix, but were hooked after Episode 1. We started watching two, three, four in one sitting. It began to seem to me as if these characters were alive and moving around in my world.

David was happy with the football. I was into the drama. I worried about Smash, the sometimes-unstable star running back. I dreamed about Tyra, who was being stalked. When I talked to my own daughter, I flipped my hair back, just as Coach's wife, Tami Taylor, does and paused before delivering nuggets of wisdom. Once or twice, I even called David "Coach."

I was all set to watch Season 3 in real time when I heard, to my horror, that it might not get made. But then NBC cut a weird cost-sharing kind of deal with DirecTV, and the Dillon Panthers are back in business. The episodes have already aired on satellite, but I don't have a dish. So I'm just now settling in for the new season.

But did I miss something? The field lights are on again in Dillon, Texas, but the whole town seems to be suffering from a massive bout of... amnesia. The previous season ended abruptly, after seven episodes got swallowed by the writer's strike. For Season 3, the writers just wipe the slate clean and start again. Murder? What murder? Landry is back to being the high-school sidekick, and we can just forget that whole unfortunate body-dragged-out-of-the-river detour. Tyra got a perm and is running for school president. Lyla Garrity's preacher boyfriend, rival to Tim Riggins, has disappeared.
Over the last season, the show was struggling for an identity. It veered from *The ABC Afterschool Special* to *CSI* and then finally found its footing in the last couple of episodes, especially the one where Peter Berg—who directed the movie adaptation of Buzz Bissinger’s book *Friday Night Lights* and adapted it for TV—walked on as Tami Taylor’s hyper ex-boyfriend. In Season 3, the show is trying on yet another identity. Mrs. Taylor has suddenly turned into Principal Taylor. With her tight suits and her fabulous hair, she is Dillon’s own Michelle Rhee, holding meetings, discussing education policy, and generally working too hard. Meanwhile, Coach keeps up the domestic front, making breakfast for Julie with one hand while feeding baby Grace with the other.

This strikes me as a little too close to home, and not in a way I appreciate. The beauty of *Friday Night Lights* is that it managed to make us care about the tiny town of Dillon. It drew us in with football but then sunk us into town life. The show took lots of stock types not usually made for prime time—a car dealer, an arrogant black kid, an ex-star in a wheelchair, a grandma with dementia, a soldier, lots of evangelical Christians—and brought them to life. It was neither sentimental nor mocking, which is a hard thing to pull off.

Now I feel as if I’m looking in a mirror. Tami is a mom juggling work and kids and not doing such a good job. Coach is trying his best at home but screwing up the only town folk we see in the first episode are Tim’s brother and Tyra’s sister, drunkenly falling all over each other in a bar—the sorriest, white-trashiest bar you can imagine. Our heart is with Tyra, who, just like the children of the show’s upscale fans, is trying to go to college. The final, inspirational scene of the episode takes place in a racquetball court. At least Smash has the good sense to note that it’s the whitest sport in America.

That said, *Friday Night Lights* would have to do a lot to lose my loyalty. Just the fact that there was a high-drama plotline centered on the Jumbotron is enough to keep me happy. It’s one of the show’s great gifts, humor in unexpected places. Like when Tim’s brother, looking half drunk as always, tells him Lyla will never respect him because he’s a “rebound from Jesus.” I’ll give this season a chance.

**Click here to read the next entry.**

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Hey there, Hanna and Meghan,

While we’re complaining, isn’t this the third year that some of these characters—Tim, Lyla, Tyra—have been seniors? The producers seemed to be dealing with this small lapse in planning by bringing on the soft lighting and lipstick. Tim looks ever more like Matt Dillon in *The Outsiders* (not to sound like that thirtysomething mom who was shagging him in the first season).

But I’m letting these objections go. I fell for this opener once Coach and Mrs. Coach had one of those moments that make their marriage a flawed gem.

You’re right, Hanna, that the Taylors seem more like a typical two-career family as we watch Eric tending the baby while Tami comes home at 9:45 at night, tired from her new job as principal. Also, her sermon about how broke the school is descended into liberal pablum (real though it surely could be). But it’s all a setup for a sequence that makes this show a not-idealized, and thus actually useful, marriage primer. He tries to sweet-talk her. She says, with tired affection, “Honey, you’re just trying to get laid.” Then she realizes that he’s signed off on a bad English teacher for their daughter Julie and starts hollering at both of them. Oh, how I do love Tami for losing her temper, snarling at her teenager, and yelling loudly enough to wake her baby. And I love the writers for bringing it back around with a follow-up scene in which Mrs. Coach tells her husband she’s sorry, and he says, “I could never be mad at my wife. It’s that damn principal.” Way to compartmentalize.

Much as I appreciate Tami, I’m puzzled by a weird gap in her life: She doesn’t have girlfriends. I know that her sister showed up last season, but that doesn’t really explain the absence of female friends. In fact, it’s a pattern on the show: Julie’s friend Lois is more a prop than a character, Lyla never hangs out with other girls, and although Tyra occasionally acts like a big sister to Julie, she doesn’t seem to have a close girlfriend, either. Does this seem as strange to you as it does to me? In Lyla’s case, I can see it—she often acts like the kind of girl other girls love to hate (and I look forward to dissecting why that’s so). But Tami is the kind of largehearted person whom other women would want to befriend. The lack of female friendships on the show has become like a missing tooth for me, especially when you consider the vivid and interesting male friendships (Matt and Landry, Tim and Jason, even Coach and Buddy Garrity). It’s revealing in its absence: No matter how good the show’s writers are at portraying women—and they are—they’re leaving out a key part of our lives.

A question for both of you: What do you think of the surly version of Matt Saracen? I’m starting to feel about him as I felt at the end of the fifth Harry Potter book: past ready for the nice boy I thought I knew to come back.

Emily
For me, the genius of Friday Night Lights is the way it captures the texture of everyday life by completely aestheticizing it. The handheld camera, the quick jump-cuts, the moody Explosions in the Sky soundtrack laid over tracking shots of the flat, arid West Texas landscape all add up to a feeling no other TV show gives me. And very few movies, for that matter. Then there’s the fact that FNL, more than any other show on network TV, tries hard to be about a real place and real people in America. This is no Hollywood stage set; it’s not a generic American city or suburb; the characters aren’t dealing with their problems against a backdrop of wealth, security, and Marc Jacobs ads. Most are struggling to get by, and at any moment the floor might drop out from under them. In this sense, the show is about a community, not about individuals. Football is an expression of that community.

That’s why, Emily, I don’t find surly Matt Saracen annoying: I find him heartbreaking. After all, his surliness stems from predicaments that he has no control over: a father in Iraq (how many TV shows bring that up?) and an ailing grandmother he doesn’t want to relegate to a nursing home. Like many Americans, he finds himself acting as a caretaker way too young. And because he’s not wealthy, when his personal life gets complicated—like when his romance with his grandmother’s sexy at-home nurse, Carlotta, goes belly up—he loses it. (OK, I thought that story line was kinda lame; but I was moved by the anger that followed.) But your point about the lack of female friendships on the show is a great one. It’s particularly true of Tami. (We do get to see a reasonable amount of Julie and Tyra together, I feel.) Like Julie, I had a principal for a mother, and one thing I always liked was watching all her friendships at the school develop and evolve.

It’s also true, Hanna, that the first episode of this season hammers home its themes—Tami’s an overworked principal with a funding problem; Lyla and Riggins are gonna have trouble taking their romance public; and star freshman quarterback J.D. is a threat to good old Matt Saracen. But for now I didn’t mind, because there were plenty of moments of fine dialogue, which keep the show feeling alive. Like the scene in which the amiable, manipulative Buddy hands Tami a check and says in his twangy drawl, “Ah’ve got two words for you: Jumbo … Tron!” (Tami, of course, has just been trying to meet a budget so tight that even chalk is at issue.) Later, at a party, Buddy greets Tami in front of some of the Dillon Panther boosters—who are oohing and aahing over an architectural rendering of the JumboTron—by exclaiming, “Tami Taylor is the brain child behind all this!” Ah, Buddy. You gotta love him. He’s almost a caricature—but not.

What keeps a lot of these characters from being caricatures, despite plenty of conventional TV plot points, is that ultimately the show portrays them in the round. Coach Taylor, who has a way with young men that can seem too good to be true, is also often angry and frustrated; caring and sensitive, Lyla is also sometimes an entitled priss; Tim is a fuckup with a heart of gold (at least, at times); and the raw and exposed Julie can be a whiny brat. In this sense, ultimately, I think the story FNL is trying to tell is fundamentally responsible, unlike so many stories on TV. When the characters make mistakes, they suffer real consequences. Think of Smash losing his football scholarship. I sometimes think the weakest feature of our entertainment culture is a kind of sentimentality about pain, if that makes sense—an avoidance of the messiness of life that manifests itself in tidy morals and overdramatized melodramas.

But what could make FNL better? I’m hoping for more football and atmosphere and fewer overwrought plotlines. Will the J.D./Matt Saracen face-off help this story, do you think? And, finally: Can the writers of the show figure out how to dramatize games without making them seem totally fake? It feels like so often in the last five minutes of an episode we cut to a game—though—a-final-minutes-and-oh-my-God-everyone-is-biting-their-nails …

Meghan

Hanna, Emily,

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The inside of Tim Riggins’ house, for example, is a place that should never be shown on television. It’s a total mess, and not in an artsy Urban Outfitter’s catalogue kind of way. There’s that bent-up picture of a bikini beer girl by the television and yesterday’s dishes and napkins on every surface and nothing in the refrigerator except beer. This is a very depressing state of affairs for a high school kid if you stop to think about it. But whenever we’re in there, the camera jerks around from couch to stool to kitchen, in perfect harmony with the chaos around it. So it all feels comfortable and we experience it just the way Riggins would—at another day in a moody life.

I think part of the reason Peter Berg doesn’t see these characters from such a distance is that he seems deeply sympathetic to their outlook on life, particularly their ideas about the traditional roles of men and women. The men are always being put through tests of their own manhood and decency. The boys have Coach, but hardly any of them has an actual father, so they are pushed into manhood on their own. Almost all of them have to be head of a household before their time, with interesting results. Matt is decent but can’t fill the shoes. Riggins is noble but erratic. Smash is dutiful but explosive.

Emily, that insight you had about Tami is so interesting, and it made me see the whole show differently. At first I thought Peter Berg must love women, because they drive all the action and make all the good decisions. Then, after what you said, I realized that for the most part, the women exist only to support the men. They are wives or girlfriends or mothers but don’t have many independent relationships outside their own families. Judd Apatow’s women are a little like this, too. It’s a male-centric view, and helps explain why a Hollywood director would be so in tune with the mores of a small conservative town.

It’s also why this season could get interesting. As the principal, Tami is stretching the show in all kinds of ways. Buddy has shed his vulnerability and is back to being the town bully. Coach is stuck in the middle. All kinds of potential for drama.

And then what exactly happens when it’s time for him to go to college? No good answer. As, indeed, there wouldn’t be.

One of the luxuries of adolescence is that you don’t have to assume responsibility for the people in your family. Matt knows what it means to take this on. In the first season, he let Julie see him pretend to be his grandfather so he could sing his grandmother to sleep. Now when she asks whether emancipation means that he gets to “vote and drink and smoke,” he brings her down to earth: “No, it means I get to take care of old people.”

This is one of the moments that, for me, capture the strength of this show: In Dillon, kids with hard lives and kids with easier ones get a good look at each other, which doesn’t happen all that much in our nation’s class-segregated high schools. Lyla, Tim, and Tyra had one of those across-the-class-divide moments in this episode, when Lyla tried to get Tim to help himself with his college prospects at a fancy dinner and failed. Tim then came home and sat down in boxers to TV and a beer with Tyra while his brother and her sister snuck in a quickie (off-camera in the bedroom).

I was glad to see that the writers are back to making Tyra and Tim and their weary, beer-sense of their own limitations the center of our sympathy. Maybe Tyra will make it out of Dillon, but not by acting like the Zeta girls in The House Bunny. And it seems entirely in keeping with Tim’s fragile nature that Buddy Garrity could destroy his confidence with a few slashing sentences. Speaking of, one of the honest and realistic assumptions of this show is that when teenagers date, they have sex. So I gave Buddy points when he warned his daughter away from Tim in a speech that ended with “Lyla, are you using protection?”

But enough about character development. Let’s talk about some football. I entirely agree, Meghan, that FNL generally gives us too little gridiron, not too much. But in this episode, there is a lovely sequence on the field. Coach Taylor is testing Smash before a college tryout, and the former Panther star is cutting and weaving just like old times—until Tim levels him. We hear the crack and thud of the hit, and, for a moment, Smash lies heavy and still on the ground. In this show, when a player goes down, the dots connect to the paralyzing hit that put Jason Street in a wheelchair. But Smash gets up, his rehabilitated knee sound, and it’s a moment of blessed relief, because now we can go on rooting for him to regain his chance to … play in college and turn pro? To write the sentence is to remember how long the odds are for such an outcome and to rue the role that the dangled dream of professional sports ends up playing for a lot of kids.

Given Jason’s broken spine, you can’t accuse Friday Night Lights of pretending otherwise. But what do we think about the way its best characters revel in the game and make us love it, too? I ask myself the same question when I watch football with my sons knowing that I’d never let them play it. In the nonfiction book on

From: Emily Bazelon
To: Meghan O’Rourke and Hanna Rosin
Subject: Week 2: Would You Let Your Kids Play for Coach Taylor?
Posted Saturday, January 24, 2009, at 7:04 AM ET

Meghan, thank you for reminding me of all the good reasons why Matt Saracen is a heartbreaking nice boy rather than a feel-good one. And now Episode 2 reminds us as well. Matt’s grandmother doesn’t want to take her medication, and the only way he can make her is to become an emancipated minor so that he can be her legal guardian, instead of the other way around.
which the show is based, author Buzz Bissinger writes of a player who wasn't examined thoroughly after a groin injury: "He lost the testicle but he did make All-State." There are also kids who play through broken arms, broken ankles, and broken hands and who pop painkillers or Valium. Across the country, high-school football is also associated with a frightening rate of concussions. Would you let Coach Taylor anywhere near your boys?

Indeed, Emily. It's a hallelujah moment when we're back to Tim, Tyra, Matt, the lovable, evil Buddy, and all the other things I treasure about FNL. This episode made me very hopeful about the rest of the season. I especially liked the Smash subplot and how it ties together what happens on the field with what happens off. Smash, who graduated but lost his college scholarship, is having a hard time remembering how to be Smash. Without the Dillon Panthers, he's just a kid in an Alamo Freeze hat who goes home every night to his mom. And that just about summarizes the driving theme of the show. On the field, class, race, and all the soul-draining realities of life in a small Texas town get benched. But off the field, you can have clear eyes and a full heart and still lose.

Despite their best efforts, Matt, Tyra, and Tim just can't seem to transcend. Instead of gender differences, what's emerging strongly this season is, as Emily points out, class differences. All the couples in the show are divided along class lines, setting up lots of potential for good drama. There's Tyra and Landry, Lyla and Tim, and possibly Julie and Matt again. Emily, you pointed out that great moment in the car where Julie and Matt have such different ideas about what the future holds. Buddy gives us another such moment, when he lectures Lyla about dating Tim: "Tim Riggins going to college is like me teaching yoga classes." (I'm having trouble getting that image out of my mind, of Buddy Garrity teaching yoga classes. Buddy in downward facing dog. Buddy ohm-ing. Buddy saying "namaste" to his ex-wife in a spirit of love and peace.)

Then, of course, there's the absolutely awful moment when Tim orders squab, rare, at the dinner with the new freshman quarterback J.D.'s posh Texas socialite family. This was reminiscent of one of my favorite scenes in The Wire, when Bunny Colvin takes Namond and the other kids out to a fancy restaurant, after which they feel ever more alienated from their better selves.

I have high hopes for J.D. in this regard. He turns the Dillon Panthers formula on its head. His father is hellbent on mucking up the field with privilege and influence. He's a serious test for Coach and for Matt. Can't wait to see what happens.

One question, though: Does it seem right to you that Tim Riggins would use the word schmooze? Seemed out of place to me. (Ditto their conversations about Google.) It's not that I think he's "retarded," as he puts it. It's just that until now, the show has been intentionally claustrophobic, locking us in the town, never letting us see what's on Tim's TV (unlike, say, Tony Soprano, whose TV is always facing us). So we've been led to believe that Dillon reception doesn't pick up the CW or VH1 or any other channel that might infect teenage lingo.
"You're such a good boy."

"If I am, it's only because you raised me."

The scene is very well-played—we haven't talked much about the show's acting yet, it suddenly occurs to me—replete with pauses and tears and a final hug between the two. But the emotion derives from a move in the script that occurs again and again in this series: A man is having a difficult time when his mother, his grandmother, or his wife describes how much it means to her that he is taking care of her, or accomplishing brilliant things on the field, or just plain persevering. Smash has had moments like this with his mom. Coach has moments like this with Tami. And here Matt is reminded of his duty—to take care of his grandma, even though he's 17—when she speaks about his masculine prowess, first as a tough little boy throwing a ball "bigger than you were" and now as a tough teenager trying to navigate another task much bigger than he is.

*Friday Night Lights* has gotten more sentimental over the years, I think, not less, and it has also embraced its women characters more than ever. (I'm not sure I think they really play second fiddle to the men, Hanna—though they once did.) The show is about relationships now; its investigation of male honor has made a quarter-turn to focus largely on male honor as it pertains to women. (Even wayward Tim Riggins has been domesticated.)

In this regard, the show is far more incantatory than realistic (to borrow Susan Sontag's labels for the two main types of art). That is, it trades on magic and ritual more than on gritty realism, even while it often pretends to be grittily realistic. And so while it does talk about class, unlike many network TV shows, and while it does portray a place that's geographically specific, as I mentioned in my last entry, it's also offering up a highly stylized story that is intended, I think, to serve as an emotional catharsis for men, while winning women over by showing that men really do have feelings, and it's going to translate them into a grammar we can begin to understand.

I like this episode, but it strikes me that we've come a long way from season one, when there was a bit more edge on things. (Remember how it almost seemed that Riggins was racist?)

And we're definitely a long way from Buzz Bissinger's book *Friday Night Lights*, on which the series and the movie are based. That book—so far, at least; I'm only 150 pages in—has plenty of sentimentality about the power of athletic glory to alleviate the mundanity of life off the field. But it also stresses the meanness and nastiness that fuels the talent of so many of the actual Panthers Bissinger met. Not to mention the racism that pervaded the town. On this show, we rarely see that meanness; Riggins used to embody it, but now he's a pussycat, trying on blazers to keep Lyla happy. On the field, it's the team's pure-hearted sportsmanship that makes it so lovable, not any player's manly violence. After all, their locker-room mantra is "Clear eyes, full hearts can't lose." And in Matt Saracen they had a scrappy quarterback underdog who really wanted to be an artist. Even J.D. is small and—can't you see it in those wide eyes?—supersensitive.

I love *FN L*, but sometimes I wonder: Is the show becoming simply too sentimental about its characters?

Meghan

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**From: Emily Bazelon**

**To: Hanna Rosin and Meghan O'Rourke**

**Subject: Week 2: Where in Tarnation Is Jason Street?**

**Posted Monday, January 26, 2009, at 6:06 PM ET**

You're right, Meghan, to call *FN L* on its spreading dollop of sentimentality. Doesn't this often happen with TV shows in later seasons? I'm thinking of *The Wire* (at least Season 5), and probably *The Sopranos*, too. You can see why the writers would be pulled in this direction. The friction of the initial plot line has been played out. As the writers—and the audience—get to know the characters better, do we inevitably want them to become better people? Even if that comes at the price of narrative tension and edge?

The best way out of the mush pit, I suppose, is to introduce new characters, who in turn introduce new friction. That's what J.D. is all about this season. If you're right that there's a puppy dog lurking behind his wide eyes, then the show is in trouble. On the other hand, if he's merely a two-dimensional touchdown-throwing automaton, that's going to be awfully pat—the Matt vs. J.D. contest will be good, humble working-class vs. evil, proud, and rich. I hope we get something more interesting than that.

In the meantime, a complaint from me that I see a reader in "the Fray" [shares](mailto:fray@washingtonpost.com): Why does this show keep flunking TV Drama 101 by tossing characters without explanation? First Waverly, Smash's bipolar girlfriend, disappears. Now Jason Street, whom we last saw begging an appealing waitress to have his baby after a one-night stand, is AWOL. What gives? Will Jason show up later this season, child in hand?

One more thing for this week: Another Frayster who says he (I think he) wrote for the show in the first season reports that Tami initially did have a girlfriend, played by Maggie Wheeler. But she got cut. More [here](http://fray.washingtonpost.com). And more from us next week.
I'm glad that you pulled out that comment from the "Fray," Emily. I've wondered the same thing about why the show so baldly ditches characters. Another one to add to the list: Landry's nerd-cool girlfriend. Whatever happened to her? Meanwhile, we know from entertainment news that the actors who play Street (Scott Porter) and Smash (played by Gaius Charles Williams) are going to leave the show, but I presume the writers will stage their exits with more grace.

At last, though, the season is swinging into gear. There's conflict. Tami and Eric's strong bond is fraying under the pressure of balancing work and home. He: "You know who I miss? The coach's wife." She: "You know who I'd like to meet? The principal's husband." There's love. How sweet are Matt Saracen and Julie? Somehow their romance got more real this time around. I find her much less annoying and more credible in her big-eyed, pouting awkwardness. E.g., that moment where she timidly says "We don't have to talk about football… or not." There's football. Again with the game being decided in a close call in the last 20 seconds?

Plus, Tami finally has a friend. Or does she? At the butcher counter of the supermarket, she's befriended by Katie McCoy, J.D.'s mother, wife of Joe—the man I love to hate. (I think I'd watch this season just for the catharsis of watching Coach Taylor stick it to Joe. Kyle Chandler is brilliant in these scenes—check out the way the small muscles around his eyes and mouth move.) It's not clear whether Katie is working Tami just as Joe has been trying to work Eric, plying him with scotch and cigars to no avail. Eric takes the cynical view; he thinks Tami's being "played." Tami protests. Hanna, Emily, I wonder what you two think—is this a friendship in the bud, or a cynical play for power?

In either case, what's interesting to me is that it does seem more plausible for Tami and Katie to develop a friendship than for Joe and Eric to. As unalike as they are, Tami and Katie have something to offer each other. The women may be divided by class, but they connect subtly and intuitively, it seems, over understanding just how the other has to negotiate delicately around her husband to get what she wants for herself and her kids. As different as these marriages are, this, at least, seems alike. Even Tami, who has so much authority with Eric, has to push back in all sorts of ways. Take their argument about the football team's barbecue. It reminded me how new Tami's life as a working mom is: She complains to Eric about the team coming into the house and "messing up my floors" and "clogging up my toilet." That my is so telling. The long shadow of domesticated female identity falls over it. … Or am I reading too much into it?

Finally, I was struck by how many scenes in this episode take place between two people. The party scene, the football game, and the fabulous, cringe-inducing scene when Lyla laughs at Mindy for using Finding Nemo as a bridal vow are exceptions, of course. But otherwise the show takes place in dyads, as if homing in on relationships rather than community as a whole. I wonder if this will extend through the show.

Curious to hear your thoughts.

Meghan

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Yes, Meghan, Tami is being played by Katie McCoy. In part because she wants to be. I found their pairing off all too recognizable: They have that spark two women get when they see something in each other that they want and don't have. Their friendship, or maybe it will prove an infatuation, is a trying-on of identity. So, yes, Katie is using Tami to entrench her son's status on the team and to show off her wealth. And Tami refuses to notice, because it suits her purposes not to. A party at Katie's house means no clogged toilets at Tami's (and, oh yes, that my rang in my ears, too). I particularly loved the moment when Tami enters Katie's glittering, ostentatious house and her new friend and hostess puts an arm around her waist and they sail off together into the living room in their evening dresses, husbands trailing after them. It captured exactly how women are made girlish by mutual crushes.

Tami's falling for Katie would be harmless enough if it weren't clashing with her husband's interests. It's that willingness to clash that's new, isn't it? And captured so well by that great exchange you quoted. The Taylors haven't just become a two-career couple. They're a couple with jobs that are at loggerheads.

The Tami-Katie spark was connected, for me, with the Lyla-Mindy debacle, in part because both of these dyads cut across class, a theme we've been discussing. Tami and Katie are flirtingly using each other; Lyla and Mindy miss each other completely, in a way that causes real pain. How could Lyla have laughed at those poor, sweet Finding Nemo wedding vows? I mean, really. Then again, Lyla is completely out of her element, sitting there with two sisters and a mother who present a fiercely united front, at least to other people. Maybe she was nervous and
broke his diapers, is he just trying to make them feel small and stupid? Or is he also distancing himself from his parents and their pushy football worship? I couldn't quite decide how to read him in that moment.

And now a few questions, for you and for our readers. What happened at the end of that football game? Did Matt really fumble, or did he get a bad call—after all, it looked to me like he was in the end zone with control of the ball before he was hit. And was the pounding Matt took during the game just the show's latest realist depiction of the perils of football, or were we supposed to suspect that J.D.'s father had somehow induced the other team to take out QB 1? (I'm probably being paranoid, but the camera work had a sinister element to it.) Last thing: When J.D. catches Matt and Julie making fun of his trophies and comes back with that too-perfect zinger about how his parents also bronzed his diapers, is he just trying to make them feel small and stupid? Or is he also distancing himself from his parents and their pushy football worship? I couldn't quite decide how to read him in that moment.

I don't know what will triumph in the end: money or love. Emily, I couldn't tell either whether J.D. was pissed or chagrined or ironic in that last scene, so I can't tell if he's our villain or just a victim of his overbearing father. I'll bet on one thing though: Things do not end well for Billy Riggins.

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From: Meghan O'Rourke
To: Emily Bazelon and Hanna Rosin
Subject: Week 3: Helicopter Parenting
Posted Monday, February 2, 2009, at 4:05 PM ET

Hanna, Emily,

I thought J.D. was trying to make a joke that didn't come off. It's my guess, too, that we're not supposed to be able to read his reaction, because he's not sure himself. He's angry, but he also sees the ridiculousness of his parents' shrine to him. One thing we haven't discussed: With the McCoys comes the FNL's first depiction of that modern affliction known as helicopter parenting. I suppose, to be accurate, that Joe is actually a more specific type: a form of stage parent, the obsessed parent coach. This introduces a new theme for FNL, right? Until now, overinvolvement wasn't a problem for any of the parents on the show. In fact, the parenting problems all had to do with moms and dads who were notably absent (in the case of Matt and Tim, say). Tami and Eric are attentive parents. So is Smash's mom. But you couldn't call them helicopter parents, that breed of nervously hovering perfectionists who busily cram their children's schedules with activities and lessons. In this case, that finicky sense of entitlement projected by Joe is associated, we're meant to feel, with his wealth, to get back to what you brought up, Hanna, about money and love. I'm curious to know how far the sports parenting issues will go. Is J.D. going to crack up? Or is Joe creating a sports equivalent of Mozart with all his proud pushing? I suspect the first, mainly because Joe is portrayed as such a jerk. (This dilemma might be more interesting if the writers had let Joe be a more complex figure—but maybe the whole point is these types are caricatures, almost.)

Meghan
This opening comment is aimed more at the producers of *Friday Night Lights* than at both of you: Tami is a stabilizing force in this crazy world, and there is only so much of her fumbling and humiliation I can take. This episode ruminates on the ancient male art of mentoring, and particularly being a "molder of men," as Tami puts it to her husband. Tami tries to access this secret world with disastrous results. She knows that Buddy Garrity just played golf with the superintendent of schools, who is making the final decision on what to do with the JumboTron money. So on the advice of the wily Katie McCoy, she finds out where the superintendent has breakfast and pays a visit. "Wear your hair down," Katie tells her. "Wear it down."

Tami shows up in a fetching sunset-colored tank with her fabulous hair down. The superintendent is friendly enough but not overly so, and Tami pushes her luck. She scooched into his booth and immediately starts hammering him about having all the "information" and being "understaffed" and drill, drill, drill. This is not the giggly seduction scene Katie was hinting at. The whole exchange goes south quickly, and a few scenes later, the new JumboTron is announced. My husband and I had a very Venus/Mars moment over this scene. David says the superintendent was against her from the start. I say he was just friendly enough that she could have turned him if she'd played it exactly right. But I can’t be annoyed at her, because playing it right—Katie McCoy's way—would have meant smiling coyly and batting her eyelashes in a very un-Tami fashion.

David, meanwhile, choked up at a scene that played out exactly the opposite way. Eric brings Smash to a big Texas university for a walk-on, but then the coach there says he doesn’t have time to see him that day. Eric plays it perfectly. He finds just the right words to win over the coach and just the right words to send Smash soaring onto the field. David was so moved by the speech aimed at Smash that he watched it two more times.

In a show that so highly values male honor, being a "molder of men" is a serious compliment. Actual fatherhood in this show is secondary to the art of shaping a fine young man. We get a glimpse into the fragile nature of male bonding when Eric asks J.D. to say something about himself, and J.D. comes up with résumé boilerplate—"I set goals and I achieve them"—making it hard for Eric to connect.

It's a delicate process, and also one that traditionally excludes women. When, last season, Julie tried to make her young smarmy English teacher into a mentor, Tami almost accused him of statutory rape. You are right, Meghan, that the women are quickly domesticating the men on this show. But that dynamic is not buying them any more freedom. As principal, Tami can’t find her bearings. She still seems herself only in that moment when she’s in the bar with Eric, telling him he’s a molder of men and how sexy she finds that. To which he responds: "I'll tell you what. I'll have to ruminate on that a bit longer, because you find it so damned sexy."

I want more for Tami, but in that moment I can’t help but feel that some kind of order is restored.

A question for both of you: Are you buying Matt Saracen's mom as a character? She seems so improbable to me.

I'm on Mars with David: I think the superintendent was dead set against Tami, too. The battle over the JumboTron is a fight she shouldn’t have picked—not as a new principal who clearly has no political capital, because it’s a fight she couldn’t win. There’s a practical reason for this that in my mind blurs her moral claim here: The donors gave earmarked funds, whatever Tami's technical authority to ignore their wishes. And there's also, of course, the larger metaphorical meaning of the JumboTron: Dillon is about football first. In *Friday Night Lights the book*, this primacy makes itself similarly felt. The real school that's a model for Dillon High spends more on medical supplies for football players than on teaching supplies for English teachers. And the head of the English department makes two-thirds the salary of the football coach, who also gets the free use of a new car.

Hopeless as Tami’s plea is, Katie coaxes her to try by instructing that "nobody likes an angry woman." It's Tami's anger that's making her fumble and bumble. That's hard for us to watch, I think, because it brings up a lot of baggage about women in authority being seen as bitches. Tami remembers Katie's words and tells the superintendent, "I'm not angry," but her voice is full of righteous indignation, so he can't hear her.

Before my inner feminist erupted, however, I reminded myself that Tami was to blame, too, for playing the politics wrong. She blew her honeymoon on a lost cause. (Here's hoping Obama doesn't make the same rookie mistake.) That's why it rings false.
when Eric tells her that she was right, unconvincingly contradicting himself from a couple of episodes ago.

I don't share your despair, though, because Tami is already bouncing back. She used the JumboTron announcement to do what she should have done from the get go: co-opt Buddy Garrity into raising the kind of money she needs by making him host a silent auction for the school at his car dealership. You can't beat Dillon's football fat cats if you're Tami. You have to join them.

Meanwhile, even as Eric is being valorized in this episode—that lingering shot of the "Coach Eric Taylor" sign on his door was for anyone who missed the theme—he doesn't entirely live up to his billing. Yes, he gets big points for getting Smash to college. (Since I am still caught up in the glory of last Sunday's Super Bowl—how about that game!—I'm feeling kindlier toward the idea of Smash playing college ball, though I reserve the right to come to my senses and start worrying about his brain getting battered.) But what is Eric thinking by dividing quarterback duties between Matt and J.D., and running a different offense for each? It's baby-splitting, and it bodes badly. I'm betting against the Panthers in the next game. Related point of ongoing frustration: The writers seem to have settled back into portraying J.D. as robotic and empty-headed, the boy with Xbox between his ears.

Matt, by too-obvious contrast, is ever the thoughtful, winsome struggler. You're right, Hanna, that his mother is a disappointment. I was happy to meet Shelby because she's played by one of my favorite actresses from Deadwood. But I don't believe in her character, either. Where's the sordid underbelly—the lack of caring, or mental illness, or selfishness that would help us understand why she left her child? Knowing that Matt's dad is a jerk only makes her act of abandonment less explicable. And so I'm waiting for the bitter reality check: I was ready for Shelby to start to disappoint by not showing up as promised to take Matt's grandmother to the doctor. But there she was, right on time. I don't buy the pat self-redemption, and I hope the show goes deeper and darker.

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Does the mere mention of football turn viewers away? Is the show trying to be all things to all people—and failing in the process? Or has NBC just flubbed it by scheduling it on Friday nights? I have another theory, but there's absolutely no evidence for it. Sometimes I think FNL hasn't reached a huge audience because it doesn't appeal to the ironic hipster sensibility that turns shows like Summer Heights High or Flight of the Conchords into word-of-mouth hits—it's too earnest to ignite that YouTube viral transmission. Anyway, I'm curious to know what you (and our readers) think, because in general it seems to me that good TV has a way of making itself known and getting watched.

Back to our regularly scheduled programming: Yes, Hanna, I find Matt's mom too good to be true. And the writers seem to know it, because they are hardly even trying to give her interesting lines. She's like a relentless optimist's idea of a deadbeat mom. And, Emily, I agree with you about Tami: She flubbed the JumboTron wars by choosing to wage the wrong skirmish in the larger battle. Those were earmarked funds. She's got to figure out a way to guilt the boosters into giving her money; she can't just demand it.

Meanwhile, I find myself in agreement with Mindy for once: That Cash sure is a fine lookin' cowboy. In this episode, Tyra's a kind of parallel to Tami: Both are struggling and making some bad decisions. In Tyra's case, it's ditching geeky sweetheart Landry—who clearly adores her—after his dental surgery in order to make out with Cash, a bad boy with big blue eyes and a love-me attitude. Cash doesn't wear his heart on his Western shirt sleeve as Landry does; he wears his charm, whirling into town with the rodeo and impressing the audience with his staying power in the prestigious bronc event. (Rodeo neophytes: Check out the wonderful chapter about it in Gretel Ehrlich's The Solace of Open Spaces, a stunning meditation on the West.)

Tyra falls hard for Cash's routine. "Billy never mentioned that Mindy's little sister turned into a goddess," he whispers to her at the bar. Cash is an archetype, but the writers sketch him well, refusing to let him seem too obviously dangerous. Even I fell victim to his spell, wondering fruitlessly whether—this time!—the bad boy might be tamed. If we need a warning that he won't, I think, it comes in the barbecue scene at Tyra's house. Billy

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From: Meghan O'Rourke  
To: Emily Bazelon and Hanna Rosin  
Subject: Week 4: Can a Boy Who Doesn't Eat Chicken-Fried Steak Really Be QB1?  
Posted Monday, February 9, 2009, at 12:28 PM ET

After reading your entries, Hanna and Emily, I am left with a big, unanswered question many others have asked before: Why is this show not more popular? It's smart and sharp. Yet it's also extremely watchable. (In contrast, say, to The Wire, another critical darling that never quite made it to the big time. That show required a lot more of the viewer than Friday Night Lights does.) Over the past two seasons in particular, FNL has made an effort to reach out to both male and female viewers: It may address male honor and epitomize modern male sentimentality, as you and I have both mentioned, Hanna. But it also offers up a buffet of romantic conflict that ought to sate the appetite of the most stereotypically girly viewer. A good chunk of the show is about teenage amour, bad cafeteria food, and cute boys, for God's sake! Just see the Tyra-Cash-Landry love triangle this week.

Tyra falls hard for Cash's routine. "Billy never mentioned that Mindy's little sister turned into a goddess," he whispers to her at the bar. Cash is an archetype, but the writers sketch him well, refusing to let him seem too obviously dangerous. Even I fell victim to his spell, wondering fruitlessly whether—this time!—the bad boy might be tamed. If we need a warning that he won't, I think, it comes in the barbecue scene at Tyra's house. Billy
Riggins—an old friend of Cash’s—is recalling what a good baseball player Cash was in high school. Cash laughs it off, turns to Tyra, and, with a devil-may-care drawl, says, "Baseball's too slow and boring ... right now I like to ride broncs in the rodeo. Yee-haw!" Like any good come-on line, the charge is all in the delivery, and it works on Tyra. But (just like Tami) she's misreading the politics of the situation—in this case, the sexual politics. Right?

Meanwhile, Emily, I don't think I agree that Taylor's embracing the spread offense is a form of baby-splitting. It seems pragmatic, if perhaps a little softhearted. But how can Eric not be soothed about Matt? He is so winsome, and he's worked his ass off. The other thing is that J.D. is such a wuss, still. Part of being a quarterback, on this show, is being a leader—and how can J.D. be a leader when he's still a follower? He's not even rebellious enough to eat fried food, for Christ's sake. ("My dad won't let me," he says.) How's being Daddy's Little Boy going to inspire his teammates? J.D. may have the skills but is going to have to get some gumption before he takes this team as far as it can go.

Though, yeah, it'll probably go wrong. For the sake of drama, at least.

Curious to hear your thoughts ...

Meghan

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From: Hanna Rosin
To: Emily Bazelon and Meghan O'Rourke
Subject: Week 4: I'll Take the Brooding Drunk Over the Sweet-Talking Pill-Popper
Posted Monday, February 9, 2009, at 5:56 PM ET

Meghan, I agree with your wild-card theory. I've always thought the show doesn't touch a nerve because it's too straightforwardly sentimental. Or, at least, it's a strange hybrid of sentimental and sophisticated. The themes are not so different from middlebrow dreck like, say, *Touched by an Angel*—honor, heart, the power of inspiration, staying optimistic in the face of bad odds. The show is hardly ever knowing. Hannah Montana is also a TV teenager, but she would be an alien dropped into this version of America. And when the show goes dark, it's on Oprah's themes—missing fathers, serious illness, divorce. Yet, there is something about the show that transmits "art" and makes it inaccessible. It's not tidy, for example, either in its camerawork or the way it closes its themes. It insists on complicating its heroes and villains, as we've discussed, which is why we like it.

I demurely disagree about Cash, however. He's an archetype, but one that *Brokeback Mountain* has ruined for me forever. To me, Cash just screams male stripper—the name alone conjures up visions of dollars tucked in briefs. I did not fail to notice that the episode pretty much ditched Tim Riggins, as if there were only room for one male hottie at a time. And I'll take the brooding drunk over the sweet-talking pill-popper any day.

On an unrelated note, anyone notice how much actual cash is floating around Dillon? Lets start a running list of the items the good citizens of a real Dillon could probably never afford. I'll start:

1. Lyla's wardrobe
2. Julie's wardrobe
3. Tami's fabulous hair
4. The McCoy house, located in Dillon's fashionable McMansion district
5. Landry's 15" Mac laptop (with wifi hookup)
6. Landry's electric guitar and amp

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From: Meghan O'Rourke
To: Emily Bazelon and Hanna Rosin
Subject: Week 4: Dillon's McMansion District Located!
Posted Tuesday, February 10, 2009, at 10:30 AM ET

Hanna,

Well, if I had to choose between Tim Riggins and Cash, I'd go for the brooding drunk, too. In any case, your *Brokeback Mountain* reference has shamed me out of my crush. I always fall too easily for the glib talkers.

Meanwhile, though, it looks like Dillon's real-life counterpart does have a McMansion district. Welcome to the McCoy home. It even has a hobby room for his trophies.

Meghan

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From: Emily Bazelon
To: Hanna Rosin and Meghan O'Rourke
Subject: Week 5: It's Official—Matt Saracen Has Broken My Heart
Posted Saturday, February 14, 2009, at 6:51 AM ET

Smart mail from a reader named Josh about FNL's popularity, or
lack thereof: He points out that the show got not a single ad spot during the Super Bowl, when NBC had a captive audience of many millions of football fans. If you're right, Meghan and Hanna, that on-screen complexity and the taking of hard lumps explain why FNL hasn't found a mass audience, then the character who is most to blame is Matt Saracen. Watching him in this last episode nearly broke my heart. The QB baby-splitting went poorly, as threatened. Dillon won the game, but barely, and when Matt walks off the field and the world around him goes silent, as if he were underwater, we know that he's done.

Coach Taylor drives to Matt's house (plenty of peeling paint here, to contrast with the McCoy mansion) on the painful errand of demoting him. Coach doesn't say much, and nothing at all of comfort: For all the ways this show adores Eric, he regularly comes up short on words and compassion at crucial moments. (Another bitter, not-for-everyone layer of complexity.) Matt doesn't say much, either. He just looks stricken. When his grandma and Shelby ask Matt whether he's OK, he tells them yes. Then we watch him stand by the door outside, 17, alone, lonely, and cut up inside. It's a scene that makes me want to wall off my own smaller boys from adolescence.

As I muttered curses at Coach Taylor, my husband reminded me that players don't have a right to their spots. J.D. has the magic arm. Matt just has heart and a work ethic. State championship or not, he's been revealed as the kid who only made QB 1 because of Jason Street's accident. Matt sees it this way himself: He tells Shelby as much in a later scene. What kills me about this narrative is that it's too harsh. Matt has been a smart, clutch quarterback. And yet his self-doubt is inevitable. By stripping Matt of his leadership role in the middle of his senior year, Coach has called into question the whole arc of Matt's rise. (Even as Coach knows as well as we do that this is a kid who's got no one to help see him through the disappointment.) Ann, I love your points about Eric and Tami over on XX Factor, but I get why, because this episode treats them as goofballs: Riggins, Landry, and Herc sit around trying to figure out how to make the slacker riffing. They don't just want money; they need money. And it's not all that clear that they can get it. The scene at the bank when Street and Herc sit around trying to figure out how to make some bucks quick. I love the scene in which Jason is trying to think of something simple that everyone needs. ("A sharp pencil," Herc says unhelpfully.)

I liked how the writers intertwined Matt's disappointment with the reappearance of Jason Street. Street is suffering from a disappointment, too, reminding us that even great quarterbacks go on to suffer. Street, of course, was paralyzed from the waist down in an accident that the first season revolved around; now he's had another accident: He got a girl pregnant in a one night—splitting the slacker riffing. They host? And what about Matt, whom I mostly picture as a gentle father throwing a football to his own boys?

I agree, Emily: This episode is pretty unsentimental. In fact, it's probably the best of the season so far. Partly that's because it begins with football rather than ending with it, loosening up what had come to seem like a predictable structure. One key result is that the episode can follow out plot points having to do with the team: In this case, it follows Matt's sense of failure and disappointment and Coach Taylor's need to address the fact that, as the game announcer put it, J.D. McCoy has turned out to be "the real deal.” I'm always happiest when the show has more football and less necking on it.

I think it's rise.

The question now is whether Matt has lost his job for good or whether there's a cinematic comeback in his future. The realistic plot line would be for J.D. to succeed at QB 1—or succeed well enough to keep the job. That would make Matt's story that much more painful but also pretty singular. I am trying to think of a sports icon from movie or TV who falls and stays fallen so that the drama isn't about redemption on the field but the quotidian small moments of going on with life. The Wrestler might be such a movie, though I doubt a grown up Matt Saracen will have much in common with Randy "The Ram" Robinson. At least I hope not. A parlor game: Who are these FNL teenagers going to be when they grow up, if the show's ratings were ever to let them? Does Tim stop drinking long enough to open his own construction company? (He's got Buddy's sales line down, anyway.) Does Lyla leave Dillon for college and become a radio host? And what about Matt, whom I mostly picture as a gentle father throwing a football to his own boys?

If I'm being sentimental—and I realize I'm so absorbed by Matt's troubles that I've ignored Julie's tattoo and the four stooges' house-buying—the show this time isn't. After Eric's visit, we see Matt and Landry pulling up to school in the morning, just as they did when they were sophomore losers in the beginning of the first season. Matt looks out his window and sees J.D. Landry looks out and sees Tyra with Cash. They're back where they started two years ago.

From: Meghan O'Rourke
To: Emily Bazelon and Hanna Rosin
Subject: Week 5: Jason Street Is Back—and He Needs To Make Some Money, Quick

Posted Monday, February 16, 2009, at 7:05 AM ET

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because they don't have the cash they promised they have—is brutal. Street uses the word *dumbass* to describe Billy and Tim, but that's putting it gently. You see how people with good intentions easily cross to the wrong side of the law.

Meanwhile, Matt's mom is driving me crazy, but I guess the poor guy needs something good in his life. She's eerily thoughtful just as Tami starts to flip out and become oddly uptight—coming down hard on Tyra in ways that alienate her and flipping out at her daughter, Julie, for getting a tattoo on her ankle. The writing here is excellent: I flashed back to when I got a second ear piercing without telling my mom and she flipped out. I think she said exactly what Tami did: that I'd ruined and disfigured my body. Twenty years later, I can see the scene from both mom and daughter's perspective: to Julie, who's desperately seeking autonomy, her mom's nervousness looks square and hypocritical—from her perspective, it's just a tattoo and "it doesn't mean anything." But for Tami, Julie's mini-rebellion seems as if it's part of a larger slide to ... she doesn't know what, and that's precisely what's terrifying. She has to assume it does mean something. Or does she? This was a moment when I wished we could see Tami with a friend, because you kind of think the friend might give Tami a hug and say, "Your daughter's going to be OK." Because Julie is: She isn't giving off all the other signs of unhappiness that would seem to trigger real concern. She just wants to feel that she's got some control over her own life—even if she doesn't fully.

Hanna, that's such a good point about the power of random and fleeting moments to wreak havoc on this show. I think that's a theme common to many of the best HBO dramas as well. Maybe it's a life truth that a TV show is not suited to the power of the random and to the frayed threads that make up so much of lived experience.

But I don't really buy your idea that on *FNL* the central conflict between good and evil is also between heart vs. money. That seems too simple. J.D. isn't a potentially brilliant quarterback because he's rich. Yes, his parents paid for extra coaching, but mostly, J.D. has God-given talent. Smash's similar talent comes with working-class roots, and it looks like he's on his way to success, and we're meant to celebrate that. Money is a source of corruption—Tim and Billy's copper wire theft—but it's also the

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**From:** Hanna Rosin  
**To:** Emily Bazelon and Meghan O'Rourke  
**Subject:** Week 5: As Dark as the Bloodiest *Sopranos* Episode  
**Posted Monday, February 16, 2009, at 10:28 AM ET**

I also loved this episode, but boy, was it dark. I continue to marvel at how subtly the show ties what's happening on the field to what's happening off it. Emily, I too was struck by how Eric, for maybe the first time, consistently came up short in this episode. Usually he can pull out just the right words to smooth over a painful situation. But with Matt, as you point out, it's not working. He tries to comfort Matt, but first Mom interrupts, then Grandma interrupts. Later, in the locker room, Matt himself makes it clear he isn't having it. "Good talk, coach," he says sardonically.

In fact, the "good talk" in this episode is the one Riggins keeps delivering in a cynical salesman mode. Like a character from a George Saunders story, Riggins spews some weird sales line he picked up from Buddy, about how when the rats leave a sinking market, "the true visionaries come in." Riggins seems surprised to hear the words coming out of his mouth and even more surprised that they work. "I'm a true visionary!" Billy says and then hands over the money for the house that the Four Stooges want to flip. And, of course, we all know, although they don't, that this will lead to disaster. The boys just fight over the money and the house, and the mother of Street's child is horrified, not comforted. Plus, they'll never sell that house. It's as if when Eric chose money and success (J.D.) over heart (Matt), the consequences of that decision rippled all over town.

The whole episode had a very Paul Auster feel. One fleeting thing—an unearmed pile of money, a one-night stand, a tattoo, a suddenly paralyzed teammate—can change your entire life. Accident and coincidence are more powerful than any God-driven holistic narrative. My favorite moment is when they cut from the meth dealer shooting at the Riggins truck straight to Jason babbling to his new little boy. There is no happy script. Life can be a little random and scary, and it can all turn on a dime. This is why those ominous radio announcers—"If they lose this one, they can kiss this season goodbye"—really get under your skin. One missed pass by one 17-year-old should never mean so much, but in Dillon, it does.

The episode almost felt as dark to me as the bloodiest *Sopranos* episode. Except for the *Touched by a Mom* subtheme we've all complained about. Thank God for Herc, who's man enough to handle anything. I love when he calls everyone "ladies." Also: "Babies love vaginas. It's like looking at a postcard." Who writes those great lines?

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**From:** Emily Bazelon  
**To:** Hanna Rosin and Meghan O'Rourke  
**Subject:** Week 5: A Coach's Theory of Coaches' Wives  
**Posted Monday, February 16, 2009, at 1:50 PM ET**

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vehicle for redemption—Jason's attempt to channel those ill-gotten gains into his house-buying scheme. If he fails, I don't think it will be because the show treats money as inherently corrupt. It'll be because money is painfully out of reach. And money vs. heart leaves out other deep currents on FNL—like athletic prowess and also the religious belief represented by all those pregame prayer circles.

A couple of observations from readers before I sign off. My friend Ruben Castaneda points out that for all its subtle treatment of black-white race relations, FNL has had only a few, not wholly developed, Hispanic characters. That's especially too bad for a show about Texas. From reader Greg Mays, one more thought about why Tami has no girlfriends. He writes, "As the husband of a coach's wife, I have a theory: It's tough to have any real friends in the school-student-circle as the coach's wife because you have to be watchful of their intentions to influence your husband. … Also, if my wife is representative, there is a population of coaches' wives who are coaches' wives because they are more likely to have male friends than female." I'm not sure that last part describes Tami, but I could imagine it does other Mrs. Coaches.

And hey, Meghan, I have the same double pierce story, from seventh grade. My parents drew a straight line: earring to mohawk to drugs to jail. They didn't come to their senses as quickly as Tami, either.

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From: Hanna Rosin
To: Emily Bazelon and Meghan O'Rourke
Subject: Week 6: The Best Awkward TV Teenage Kiss I've Ever Seen
Posted Saturday, February 21, 2009, at 7:18 AM ET

FNL has always operated on the opposite principle of most teenage shows. It's about teenagers, but it isn't actually written for them, which might explain why it's not more popular, as fellow fan and writer Ruth Samuelson pointed out to me. Take the role of parents, for example. In most American shows about teenagers, the parents are not really relevant. They might leave a ham sandwich on the table or some milk in the fridge, but basically, their role is to let the kids wallow in their own histrionics. But in FNL, the parents drive all the action. When they are absent, they are really absent, as in gone off to war, or deadbeat, turning their kids into old souls who have to endure alone.

Finally, in Episode 6, we get a break from all that. This one is all about teenagers letting go, which results in some fine OC-style interludes. Riggins cruises around town in a Dazed and Confused mode, showing J.D. all the hot spots in Dillon where he can get laid. J.D. gets drunk, and Julie and Matt go to the lake—all the way to the lake, if you know what I mean. "This is the first Saturday I can wake up not having to think about everything I did wrong," he says. Then, after some splashing and rolling around, Julie gets home after the newspaper boy has already made his rounds and sneaks in the door. We're bracing for Tami to march out of her bedroom screaming and yelling and waving a jilbab in her daughter's face, but nothing like that happens. Tami does not even stir in her bed, for all we know. The tattoo caused an uproar, but the virginity left in peace.

Let's just linger here some more since Emily, you particularly have worried so much about Matt Saracen. Matty shows up at Julie's house in Landry's car. He and Julie share the best awkward TV teenage kiss I've ever seen, followed by a most convincing stretch of post-coital bliss, which carries through to Sunday morning church. And Matt's improbable mother is nowhere to be seen. For one dreamy weekend, being orphaned and benched has its benefits.

The ur-parent of the show, meanwhile, goes off the deep end. First, J.D.'s dad whisks his son out of the locker room after a victory to go celebrate with mom at Applebee's instead of letting him celebrate with the team. Then, after J.D. gets drunk, his dad forces him to apologize to Coach Taylor in church for disappointing the coach and the team. He is proving himself to be the stage parent from hell and making the option of having no dad at all look better and better.

The show has always been thoughtful on the subject of parenting, contrasting the coach's tight family with the lost orphans of Dillon. The addition of the McCos complicates things, since they make concerned parents look like nightmares. And here, we get the final twist, where the Dillon orphans get to shine.

Actually, the final twist comes with the very sweet scene where Jason Street sings "Hole in My Bucket" over the phone to his son, who is at that very moment driving away from him. This is imperfect, patch-it-together parenting (like the song says). And it's not really working, but it might someday. (Pay attention, Bristol Palin.)

So, speaking of imperfect, is that kid Cash's son or not?

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From: Emily Bazelon
To: Hanna Rosin and Meghan O'Rourke
Subject: Week 6: A Defense of the Most Overbearing Dad Ever
Posted Monday, February 23, 2009, at 7:03 AM ET

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Yes, the kids took over the show this week, and what did we get? Sex, drugs, and rock 'n' roll.

**Sex.** I also loved the Julie and Matt kiss and actually the whole thing: the unceremonious, post-hotdogs roll by the campfire and the blissful aftermath. For one thing, Matt deserves a weekend of sweetness. For another, I'm happy to see teenage sex as neither airbrushed and eroticized nor an emotional crack-up. Sometimes, 16- and 17- year-olds just lovingly sleep together. Maybe Tami didn't wake up and freak out because she doesn't have to. Though she did pick up on the shy, pleased Sunday-morning glances that Julie and Matt exchanged in church, which signaled to me what you suggested, too: Dream weekends don't last.

**Drugs.** Can I stick up for J.D.'s dad for a minute without sending myself to Dillon detention? He is indeed the smarmy, overbearing stage dad, so caricatured I can barely watch him. But if Tim Riggins wanted to take my ninth-grader out to get drunk and who knows what else, I might cart him home, too. It's all well and good for Coach Taylor to encourage Riggins to mentor J.D. To loosen this kid up, Eric is willing to keep quiet about J.D.'s naked mile sprint and whatever hijinks Riggins comes up with, it seems. I'm not sure I can blame Annoying Applebee's McCoy for resisting. If acceptance on the football team means getting shitfaced at age 14, then maybe that's a reason unto itself that a freshman shouldn't be quarterback. Best part of the J.D. party scene, however: Lyla as Tim's long-suffering sidekick, shouldering J.D.'s weight so she can help drag him out of harm's way.

**Rock 'n' roll:** Landry and his band light up the garage. Or rather, they fail to light it up, in spite of their acned-splendor, until Devin, the cute freshman, comes along. She's got the guitar skills, the green cardigan, the sneakers, and the pink lip gloss. And she's got Landry's number. She tells him all his songs are about the same thing, the same girl. It's time to get over that scene you've already mentioned. I loved the cuts to Herc and Billy and Tim while Jason cooed. It reminded me of a point Meghan made a few weeks ago about *FNL*'s distinctive brand of male sentimentality. There's Jason, putting himself on the line for his kid even as that child moves farther from him, mile after mile. Jason is the show's tragedy. Can he also somehow pull off its redemption? Or would that be unworthy of this show?

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**From:** Hanna Rosin
**To:** Emily Bazelon and Meghan O'Rourke
**Subject:** Week 6: I Would Rather Raise a Kid Like Riggins Than One Like J.D.
**Posted Monday, February 23, 2009, at 1:02 PM ET**

This is an argument we have in my household all the time and which will come to full boil when our children are teenagers. I would rather raise a kid like Riggins than one like J.D. In my book, parental oppression is a crime, not quite on order with negligence—but still. (My mother calls me like five times a day, just to give you the source.) As I was relishing the awkward teenage sex scene between Matt and Julie, which we've discussed, David (my husband) was having a very overprotective paternal reaction: His view is that Matt slept with Julie to get back at Coach. Coach took away what mattered most to Matt, so Matt got his revenge by doing the same. I think this is crazy dad talk—teens in love don't need any extra motive to have sex, especially not on a sunny day by the lake—but it gives you a window into our differences.

As for Devin, what an excellent point. I hadn't quite noticed that Devin had become Tami in miniature, dispensing wise looks from behind her hipster glasses. Like any city girl, I have a soft spot for these cute misfit girls with a heart of gold (we just watched *Nick and Norah's Infinite Playlist* last night—Norah is one, too). But I do have one complaint. Every few episodes, the show introduces a character who looks like she strolled straight out of a walk-up in Park Slope, Brooklyn (the Riggins' old neighbor, Landry's last girlfriend). I know, I know, Texas is cooler than I think. But can't we aim for a little authenticity?

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**From:** Emily Bazelon
**To:** Hanna Rosin and Meghan O'Rourke
**Subject:** Week 6: Sad, Lonely Tim Riggins
**Posted Monday, February 23, 2009, at 3:12 PM ET**

But, Hanna, you're defending Riggins' leading of J.D. down the drinking path by talking about Matt and Julie sleeping together.
With the emphasis on together, because it all looked completely mutual to me. (If David really thinks otherwise, then I hear you about your upcoming battles; maybe my husband didn't have that crazy dad moment because we don't have girls.) But my main point is that sex and drugs are different. For teenagers as well as for adults. I mean, I love Riggins, and I'd pick him over J.D., too. But then I'd work on his six-pack habit, which looks like a symptom of loneliness and depression most of the time. Whereas Matt and Julie—that looks like a good thing in need only of the intervention of a condom.

One more point: Last week, I wrote about a reader's frustration with the show's lack of Hispanic characters. Reader Sean Mabey points out another lapse: "During the first season, Smash's friends were exclusively black and he was at odds (to put it nicely) with Riggins. Fast forward two years, and you don't see Smash in the company of another black guy for the entire third season and who's in the car with him on the way to A&M? Riggins." Hmm.

You're right to distinguish between Julie and Matt's roll in the hay and Riggins' drinking. But let's forget about his bad habit for a moment and concentrate on what he was trying to accomplish that night with J.D. The way J.D. and his dad are operating, J.D. is a menace to the team. His dad is in it only for his son and does not want him to be contaminated by the rest of them. This is ugly, mercenary behavior and the worst of football. It's the opposite of what Coach Taylor wants for the team. So Riggins was subverting Mr. McCoy's influence in the only way he knows how. And there's precedent in Riggins' humanitarian party missions—remember the time he saved Julie from that skeazy guy at a party? Once again, Riggins is sacrificing himself for someone else's sake and getting no credit.

As for Smash and Riggins—you are absolutely right. This is more proof of the point Meghan has made. Riggins used to have a dangerous, almost racist edge. Now he's gone soft, as have all the boys on the show. Matty kicking those boxes is the most male aggression we've gotten this season.

I have tons to say about this rich and textured episode—how could you not be moved by Landry baring his soul to Tami after Devin tells him his kiss just proved to her she's a lesbian? ("I seem to have some kind of repellent," he stutters.) Or by the Four Stooges' ongoing adventures—and misadventures—in house flipping?

But first I want to pose a question one of my friends asked about J.D.: Is FNL setting him up to be a future Todd Marinovich? Marinovich, as football fans will remember, was a vaunted quarterback who was micromanaged by his dad from birth. Like Joe McCoy, Marv Marinovich scheduled his son's every minute and meal. "I had a captive audience. … I told him when to eat, what to eat, when to go to bed, when to get up, when to work out, how to work out," Marv told Sports Illustrated. Here's a passage from an earlier SI piece about Todd:

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From: Hanna Rosin
To: Emily Bazelon and Meghan O'Rourke
Subject: Week 6: All the Boys on This Show Have Gone Soft
Posted Monday, February 23, 2009, at 4:09 PM ET

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From: David Plotz
To: Emily Bazelon, Meghan O'Rourke, and Hanna Rosin
He has never eaten a Big Mac or an Oreo or a Ding Dong. When he went to birthday parties as a kid, he would take his own cake and ice cream to avoid sugar and refined white flour. He would eat homemade catsup, prepared with honey. He did consume beef but not the kind injected with hormones. He ate only unprocessed dairy products. He teetherd on frozen kidney. When Todd was one month old, Marv was already working on his son's physical conditioning. He stretched his hamstrings. Pushups were next. Marv invented a game in which Todd would try to lift a medicine ball onto a kitchen counter. Marv also put him on a balance beam. Both activities grew easier when Todd learned to walk. There was a football in Todd's crib from day one. "Not a real NFL ball," says Marv. "That would be sick; it was a stuffed ball."

Perhaps unsurprisingly, Marinovich started to fall apart when he got to college—and out of reach of his father. His performance was inconsistent. Eventually he was arrested for cocaine possession. He left USC for the NFL but didn't make good there, either. He ended up in all sorts of legal trouble. In one detail that strikes me as particularly sad, he was arrested for suspected possession of drug paraphernalia, after trying to make his escape on a kid's bike, and told the police that his occupation was "anarchist."

And who wouldn't be one, if your dad had been flexing your hamstrings in the cradle? (Being called five times a day suddenly may not look so bad, Hanna.) Is this where we're supposed to think J.D. is headed?

Because, certainly, he's being squashed under his father's thumb—or fist. If Joe began to lose it in the last episode—and I can't agree, Emily, that hauling his son out the way he did is good parenting: kids fuck up, especially kids under as much pressure as J.D.—then he really lost it in this episode. Early on, Joe pulls J.D. off the practice field to yell at him, causing Coach Taylor to intercede and ask him to leave J.D. alone. And then during that week's game, Joe gets worked up as J.D. throws incompletes and at halftime flips out at his son. Taylor intercedes again, telling Joe, "You yelling at him is not going to help. ... Give him some breathing room." Then Taylor tries to perk J.D. up with some well-meaning exposition about how his own dad used to expect a lot from him on the field. It doesn't work. J.D. has Stockholm syndrome. He looks blankly at Taylor and says: "My dad—he just wants me to do my best. He just wants me to succeed is all."

This is another way football can hurt—not through concussions but through repercussions: the repercussions that come when a parent can't see how his ambitions are warping his child's own sense of adventure and risk. I feel for J.D. And I feel for Taylor, who hasn't figured how to handle this situation—and whose professional life may be threatened if he speaks honestly. Joe has the power of money and influence behind him.

Meanwhile, I wanted to talk about Buddy and his brood; their aborted road trip was perfectly pitched. Buddy is annoying in all the recognizable ways an affectionate but clueless dad can be ("You look like a hippie!" he says to Tabitha in the airport), and the kids are annoying in all the ways that clueless kids can be, whining and kvetching at all moments. And: Street is heading to New York; Riggins is applying to college—what do you make of all this change in Dillon?

(P.S.: I totally cried when Riggins was watching Coach Taylor and Billy describe his toughness and fortitude. Talk about male sentimentality.)

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From: Hanna Rosin
To: Emily Bazelon and Meghan O'Rourke
Subject: Week 7: "She Uses V-a-a-a-a-seline ..."
Posted Monday, March 2, 2009, at 6:43 AM ET

Teethed on frozen kidney? Wow, that is stunning, and it makes my hair stand on end. In my friend Margaret Talbot's great story about prodigy athletes, she concludes it's mostly cold corporate sponsors piling on the pressure. And one imagines the old Soviet Olympic mill (and now the Chinese one) would eat kids alive. But there's a particular pathos when it's the parents doing the pushing. The stories about those young Chinese gymnasts who didn't make the cut were heartbreaking. But at least they had parents to go home to. In J.D.'s case, the parental love is entirely contingent on his performance, or at least he perceives it that way. "He's not mad at me?" J.D. anxiously asks his mother, because her smiling face is no comfort if he can't answer that question.

One reader suggested that Riggins may be jealous of J.D.'s relationship with his dad. And there may be a hint of that in his disdain. But it's hard for me to imagine. In answer to my husband's question of last week: Yes, I would absolutely rather raise a son like Riggins than one like J.D. It's just too painful to watch that empty performance machine of a boy, one who's afraid of his own shadow. And as Meghan points out, those boys with no center spin out of control eventually. David, remember who else in our life used to endlessly ask a version of that question: "Are you mad at me?" (Answer: Stephen Glass.)

So, yes, football can destroy men. But this episode also ran in the opposite direction, reminding us of the many ways in which
football can make heroes of losers. Fullback Jamarcus never told his parents he plays football, because he knows they won't let him. Then he gets into trouble at school and, in speaking to his parents, Tami lets it slip. Until this point Tami has been telling Coach to butt out, this is the principal's prerogative. But finally she realizes how her husband can impose the discipline better in this case. She explains to Jamarcus' parents how she's seen her husband "empower" and "inspire" boys through football. And also how her husband will make Jamarcus "regret the day" he ever set another kid's hair on fire or misbehaved in school. The parents had been thinking of football as a frivolous distraction, and Tami successfully reframes it as Jamarcus' salvation.

Then there's the moving scene with Riggins that you mentioned, Meghan. Riggins' life, which always seems so chaotic, turns into one of those Olympic athlete fables on screen. Billy is so articulate in praising his brother, and Coach uses that word I love hearing him say—"fortitude." We are reminded that football can make these boys into their best selves. In Riggins' case, it's his ticket out, but not in a cress way. He's using it reluctantly, so he won't get burned the way Smash did. Football even works magic on those bratty Garrity kids, who finally get into the game and stop torturing Buddy.

As for everyone leaving Dillon: They make it seem so far away and impossible. Street is going to New York? Why not stop in Austin first, just to acclimate? And then Landry, who's going to that mythical college where all the hottest co-eds fall for nerds. It's so dreamy, it just perpetuates the sense that life after the Dillon Panthers is a fantasy.

Except for Devin. Boy, do I love that girl. "She uses V-a-a-a-a-seline." That’s a great song she steals, and it's nice to hear a girl sing it. And I love the way she delivers those platitudes—"Tomorrow's a brand new day"— in that flat nasal voice of hers. I'd follow her out of Dillon.

Well, you have together so thoroughly thumped J.D.'s dad that there's not much left for me to lay into. He is written to be indefensible, and you're right that there are real sports dads who spin completely out of control and damage their kids. (They don't restrict themselves to sons who play football, either: In women's tennis, there's the unforgettable father of Jennifer Capriati.) Nobody sympathizes with these people because they are parental wrecking balls.

I will say, though, that I think child prodigies pose a real dilemma for families, one that I'm glad to be spared. When kids have outsize, amazing talent, parents can nurture it and deprive them of being normal, or they can shrug it off and leave their children's potential untapped. Mr. McCoy is clearly mixing up nurture with self-deluded suffocation. Still, I read J.D.'s line about how his dad just wants him to do his best a little differently than you did, Meghan. On some level, J.D. is right—his father does want him to succeed. It's just that he wants it in a way that's utterly self-serving. I wish the character had some hint of subtlety so we could do more than just whack him. And J.D. still just seems like a blank.

Meagan, I'm glad you brought up Buddy and that sad little divorced-dad road trip. Here's a dad who over three seasons has gone from buffoon to repentant loser to make-amends struggler. The moment in which he lashes out at his kids and then flees weeping down the road should melt the heart of even a bitterly divorced mom, I would think.

But I had mixed feelings about the scene between Buddy and Lyla that follows. It was written to be touching. She says, "Dad, you've still got me," and he tells her that means a lot. But what's up with how Lyla is all blush and no bite this season? She nobly stands by her father while her siblings refuse to forgive his previous sins. And then at the end of this episode, there's that close-up, wide-eyed scene between her and Jason, in which she selflessly tells him how great he'll do as a sports agent in New York as their knees touch and they sway together in the night.

I was taken with that shot for what it says about the capacity of post-breakup friendship. In fact, one by one, I went for each of these scenes of stalwart, good-girl Lyla. But rolled together, they made me miss her sharp, smart, and smug side. I wonder, too, about turning this strong and flawed female character into the beloved helpmate of every man in her life. When was the last time we heard about Lyla's college plans? Is the turn her role has taken part of the rose-colored softening Meghan has legitimately complained of—FNL maybe anticipating its own sunset by rubbing out its own streak? I dunno. But I sure am grateful for Devin and her not-melodic Vaseline lyrics. (Though I have a reality-check quibble like the one you raised, Hanna: Would a 14-year-old in small-town Texas really come out as a lesbian without missing a garage-band beat?)
Emily, you're totally right that Joe McCoy wants "the best" for his boy in a ham-fisted way. Check. The problem is that he is convinced he knows best—and we all know what happens when father knows best: Children rebel.

Meanwhile, Lyla. I haven't until now minded Lyla's good-girl shhtick—in part because she and Tim have had their flare-ups. She seems to be in one of those calm phases teenagers do sometimes go through. She's got a boyfriend. She's waiting to find out about college. (Or is she in? I can't remember. I guess that's a bad sign.) She does seem to have no real female friends—which reminds me of the apt point you made about the relative friendlessness of her adult counterpart, Tami. And it reminds me, too, of how much sharper the bite of this show was early on: Remember when all the girls in school were mean to Lyla because she was sleeping with Riggins after Street's injury? But when you think about it, back then, Lyla was striving even harder to be a helpmeet. She was saccharine in her desire for things to be "all right" after Street's injury; I think back to all those heartbreaking scenes in the hospital where she was coaxing him to be chipper about the future, and his surly face showed us that he knew the future she imagined would never come.

But that's exactly why the scene between her and Street, sitting together in the twilight, touched me. It did have that post-breakup sense of loss—the loss that accompanies getting used to things, accommodation, and plain old growing up. Just a few short years ago, they couldn't even look at each other: Street was so mad at her, and Lyla was so disappointed that her fantasy of their life together had fallen apart.

It would be kind of funny if now she ditched Riggins to sleep with J.D. Somehow, I doubt that's going to happen.

And, yes, Emily, I did wonder if Devin would feel comfortable coming out to Landry. Then again, she referred to it as her "secret." So I assume it was Landry's goofy, sincere openness that made her feel safe.

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Updated Monday, March 2, 2009, at 2:55 PM ET

Friendster is at once a thriving success and a robot-ruled ghost planet.

By David Roth

Thursday, March 5, 2009, at 6:35 AM ET

Charlena, Yetta, Wan, Aracely, LaNtRah, and Larue all say, "Hey." So does Joe—a woman, judging by the photograph showing her in a teal bikini and cowboy hat. Hey is the subject heading that each of these lovely ladies chose for the messages they sent me via Friendster, a social-networking site that I haven't visited with any regularity since 2006. While the subject headings were the same, the messages themselves were different. Aracely, Larue, and Yetta invited me to a second online location to—yikes—check out their nude photos. Charlena, Joe, and Wan had found dating sites they thought would be perfect for me. LaNtRah, for her part, was alerting me to a work-from-home opportunity in which, "for just 5USDOLLAR," I could "get back more than hundreds for just 1months."

If it sounds like I'm bragging about all my hot online dalliances, I'm not. It's easy enough to tell that my weirdly forward, grammar-challenged e-harem does not contain any real people. Skylar and Patricia have the same photo atop their profiles, and said photo is actually of model/actress Jaime King. Furthermore, the information in both Melody's and Taylor's profiles is about someone who goes by Angelina and whose gallery of friends includes a girl who lists her name as "Extreme Ass." The occupations listed on the profiles—Skylar is a "sexton," Cheyanne a "turner"—also seem kind of suspicious. And humans—whether they're named Patricia or Extreme Ass, whether they work as sextons or turners—don't ordinarily end messages, as Aracely did, by typing "Im not a robot LOL."

The real giveaway that all these messages were fake was that they arrived via Friendster in the first place. As MySpace users know well, Friendster is hardly the only social network beset with spam-bots. It's just that on Friendster, the robots often seem to be the only ones talking.

Friendster's heyday came just a few years ago. The social-networking site was founded in 2002 by a former Netscape engineer named Jonathan Abrams, and it quickly attracted millions of users. The concept of social networking had existed long before, but Friendster arrived at the right time and was, for a while, a lively scene. It didn't do anything Facebook doesn't currently do better—namely, provide a classy-looking venue through which users could stay in touch with friends, ogle other people's friends, and kill time making lists of random stuff. But the fact that it did those things at all was exciting and new back then.

Google offered $30 million for Friendster in 2003; venture capitalists assured Abrams that the company could soon be worth far more, and he demurred. Friendster might well have delivered on that promise, but the site quickly buckled under the weight of its new users and the squabbling Silicon Valley heavyweights on its board. Overwhelmed servers made the site painfully slow to load, potential innovations never quite got implemented, and Friendster was in eclipse by 2004. In an irony Charlena and Yetta would no doubt appreciate, this slide coincided with the emergence of an autocratic streak that found
its fullest expression in Friendster’s quest to find and destroy “fakesters,” which management defined as anyone whose profile featured, say, a jokey name or a picture of the profile holder’s cat. Everyone moved to the less-upright MySpace, then the ubiquitous Facebook. By 2006, the company was being eulogized in the New York Times. Spammy, forgotten, robot-ruled, and dusty, Friendster was thought of, if it was thought of at all, in the past tense.

Former users returning after a long absence will find friends’ profiles resting in a circa-2006 state. My old roommate, who has earned a master’s degree, worked at a newspaper in Minneapolis, gotten married, and moved to the South Pacific with his wife since he ceased to be my roommate, is still sleeping right next-door, per Friendster. Other friends have deactivated their profiles and disappeared from the site entirely. The Americans joining Friendster now don’t seem like a cross-section of any particular demographic—a recent purusal found a 63-year-old dad-type, alongside a mustachioed 41-year-old Canadian (“Interested In: Relationship with Women”), whose profile in turn abuts that of a woman whose foxy picture and flirty, sparsely filled-in profile strongly suggest that she’s a Charlena. Another Friendster newbie has the plaintive quote “Where Is Everybody??!!” atop her profile.

American Friendster users are out there, but the only ones still avidly using Friendster seem—from my hours of admittedly unscientific browsing—to be Asian-Americans in California or gay men, for whom the site has become a popular dating network. Venture outside those groups, and clicking around Friendster feels like roaming an abandoned space station.

But as seen in those weird transmissions to my inbox, Friendster does still exist. Despite the fact that Friendster trails Facebook, MySpace, and numerous other social-networking sites in the American market, the company continues to raise venture capital at an impressive clip, including a $20 million infusion last summer. Why are people still dumping cash into what looks like a social-networking graveyard? Because real human beings—plenty of them, actually—still log on to Friendster. It’s just that now they’re all logging on from Asia.

According to comScore, Friendster had roughly 30 million unique visitors in December 2008. More than 28 million of those visitors came from Asia. Friendster’s internal tracking suggests that the comScore tally—which doesn’t include visits from Internet cafes—actually understates the site’s traffic. If so, that would make Friendster roughly as popular in Asia as Facebook and MySpace combined. And Friendster’s users spend more time on the site, on average, than users of any other social-networking site.

Friendster has embraced its new identity as one of Asia’s preferred online hangouts. The company is currently ramping up its operations in Singapore and the Philippines, a country where 90 percent of the Internet-enabled population has a Friendster page. David Jones, the company’s vice president of marketing, posits that the site’s strength in the Bay Area’s Asian-American community during the good old days led to its rise across the Pacific. Social-networking blogger Danah Boyd advances the two-pronged theory that Asian users were more accustomed to and tolerant of a slow Internet experience and that Abrams—who became a despised figure during the fakester fiasco—"did not seem like as big of a dick" in Asia. Whatever the cause, Friendster’s Asian dominance probably became self-fulfilling at some point: If you’re in the Philippines and doing your social networking on Facebook, you’re probably awfully lonesome.

For an American ex-user, though, Friendster is the lonesome place. I like to imagine the site as a series of concentric constellations. The innermost space enfolds Friendster’s quiet multitudes: a galaxy of ex-users whose junked profiles still float around the network, several sad years out of date. The next, larger ring contains the site’s noisy, surging millions: the newly plugged-in users in Asia who, writing in Tagalog or Indonesian or Malay (or, most often, English), are obeying the apparently universal human impulse to create colorful, flirty online profiles for themselves. Further out, in the coldest and most distantly notional regions of the Internet, is my e-harem of robotic spam-slatterns. More than 100,000 users still join Friendster daily, which Jones, the Friendster VP, claims makes it harder to detect and delete the Charlenas. As long as real people keep coming, the robots will, too. Friendster wouldn’t be the weirdly vital relic that it is—wouldn’t be, period—without them both.

Correction, March 5, 2009: This piece originally misspelled the first name of model/actress Jaime King. (Return to the corrected sentence.)

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Chauvinist Pigs in Space
Why Battlestar Galactica is not so frakking feminist after all.
By Juliet Lapidos
Thursday, March 5, 2009, at 1:22 PM ET

The best fighter pilot in the 1970s television series Battlestar Galactica is a cigar-smoking womanizer. The best fighter pilot in the current television series Battlestar Galactica is a cigar-smoking woman. This sex change, according to the actor who played the original character, Starck, is proof of an insidious feminist agenda: “There was a time—I know I was there—when men were men, women were women,” Dirk Benedict wrote in the May 2004 issue of the magazine Dreamwatch. "But 40 years of feminism have taken their toll. The war against masculinity has been won." Is Benedict right? Is Battlestar—now in its final season—the televised culmination of the feminist movement?
The conventional wisdom on *Battlestar* is that the show takes a strong stand against misogyny. Last April, *Elle* called *Battlestar* "the most feminist show on TV." In January, *Wired* ran a lengthy blog post praising *Battlestar* for conjuring "a gender-blind universe." And in *Cylons in America*, a scholarly collection of essays about *Battlestar*, one writer argues that in "this new world, the clear-cut boundaries between women and men have become murky—women have more power and command more respect than they used to, the men seemingly less."

Granted, *Battlestar*’s women are a far cry from the leg-exposed *lady officers* of *Star Trek* or the bust-exposed *Deanna Troi* from *Star Trek: The Next Generation*. There is a female president, Laura Roslin; numerous women in the military, including Adm. Helena Cain and the aforementioned Starbuck; as well as female *freedom fighters*. Men and women spar, sometimes physically—not in a domestic-abuse sort of way, but as two equals releasing aggression—and they share the burden of childrearing. The Cylons, a race of humanoid robots, revere female "*hybrids*" who function something like high priestesses. Yet beneath these attention-grabbing markers of gender parity, there’s plenty to make a feminist squirm.

Perhaps because science fiction has historically appealed to men who don't leave home much, the genre has often used alien mores and alien technology to rationalize pornographic depictions of near-naked women. (Think Jabba the Hutt forcing Princess Leia to wear that *ridiculous gold bikini* in *Return of the Jedi.*) *Battlestar* is no exception. When Cylons die, their memories download into an identical-looking body on a resurrection ship. This process, almost *without exception*, happens off-screen for the male Cylons, but when a fembot dies she flies through a vaguely fallopian-looking tube then wakes up nude in a vat of goo.* Overtly, these are birth scenes. But they are hypersexualized—*with* lingering thigh and crotch moans. On realizing that a Peeping Tom robot has been observing the whole process, she gets a creepily post-coital look on her face.

The most retrograde character is Cally, an air-maintenance specialist on the flight deck. For years, she's harbored a girlish crush on her boss, Chief Tyrol, to no avail, until, at last, a breakthrough happens thanks to a broken jaw: Cally wakes Tyrol up from a nightmare and in a fit of angry confusion, he beats her to a pulp. Remorseful, he visits her in the hospital, and shortly thereafter, they marry. This sends the implicit message that the way to a man’s heart is through his fist—a heartily un-feminist concept—but the strange circumstances surrounding Cally’s marriage are less offensive than her death scene. On realizing that Tyrol is a Cylon, Cally tries to kill herself along with her child. Then another Cylon comes along, saves the baby, and tosses Cally out of an airlock. Presumably the writing staff is trying to grapple with postpartum depression—Tyrol doesn’t help enough with the baby, pushing Cally over the edge. Yet they do so in a melodramatic, and ultimately nonsensical, fashion. Here we have a society that permits divorce and seems to have plentiful free day care, and yet an otherwise functioning member of that society acts like a Victorian hysteric. The take-away is not that Cally has been driven to desperation by a sexist social order but that she can’t contain her feminine irrationality.

Cally’s death is an example of a worrisome trend: The main female characters are *all dying*, dead, or not human. Ellen, Sharon, D’Anna, and Tory Foster—all strong female characters, have all turned out to be Cylons, and Starbuck was recently revealed as a half-Cylon hybrid. Adm. Cain, for a time the highest ranking officer in the military, was assassinated; Cally was murdered; Dee, Capt. Lee Adama’s neglected wife, committed suicide; and Starbuck’s rival, Capt. Louanne Katraine, pretty much did, too—she sacrificed herself while guiding civilian ships through a dangerous star cluster. The president, perhaps the most-talked-about example of *Battlestar*’s great female leads, is dying of breast cancer. In isolation, none of these cases has much significance. But taken together they suggest a troubling, if unintentional message: Women—the human ones, anyway—just can't hack it when the going gets rough.

By contrast, the male characters on the show not only have a better chance of survival; they’re also more likely to improve their quality of life through friendship. Adm. Adama and Col. Saul Tigh have an intensely loyal, decadeslong relationship; so committed to each other about something besides men—a very low feminist bar. But the Adama-Tigh bromance has no female equivalent, and more often than not, the women bicker among themselves, forming unhealthy rivalries rather than supportive partnerships.

Even more insidious than the lack of female friendships are the casual threats of rape made throughout the series. In Season 2, a "Cylon interrogator" attempts to violate Sharon, a Cylon pilot and the only East Asian on the show, but her husband Helo intervenes in the nick of time. In this season’s "The Oath," Helo fights with a mutineer—"Frak you," he says (that’s *Battlestar*'s four-letter-word variant), and the mutineer responds, "Sorry, I'm saving myself for your … wife." He means it. Rape is a trope on the show: Starbuck finds herself in a bizarre insemination farm on the Cylon-occupied planet Caprica, and Adm. Cain orders some cronies to rape and torture a Cylon in "Razor." Naturally the show doesn’t *condone* rape, but it’s discomfitting that the writers drop sexual violence into the script so often without comment. If nothing else, this pervasive threat—directed only at women—negates the idea that *Battlestar* conjures a gender-blind universe.
My hunch is that the gender inequities on Battlestar are unintentional; the writers don't sit around inventing new, technologically advanced ways to denigrate women. Yet because the writing staff lives on Planet Earth in 2009, not on Capricia in the distant future, chauvinism creeps onto the show. There is something toxic in those vats of resurrecting goo, and even aggressive fighter pilots are not immune to it. So Dirk Benedict can rest assured: Men are still men, and women are still women.

**Correction, March 5, 2008:** This article originally stated that the resurrection process happens off-screen for the male Cylons, without exception. Actually, Cavil, a male Cylon, resurrects in the episode "The Ties That Bind." (Return to the corrected sentence.)

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In the episode "The Ties That Bind" Cavil resurrects. And in a fantasy sequence, the human character Gaius Baltar imagines that he's resurrected. But there are far, far more scenes that depict a female Cylon in the resurrection bath.

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The only exception I can think of is Margaret "Racetrack" Edmondson, a rather loathsome figure who's almost killed several times and then takes part in a mutiny against Adama—perhaps the show's most beloved character. And she's hardly central to the plot.