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100K
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SPECIAL INVESTIGATION BY
LEE FANG

MARCH 10/17, 2014
THENATION.COM
Hunger Games?

I am a huge fan of the Olympics. I love the different events and the competition among nations and athletes. A big part of my love of the Games was because I thought of them as so much cleaner than US professional sports. Your February 10 issue on Sochi pretty much shattered that illusion—especially Andrew Jennings’s article on the IOC and Samantha Retrosi’s “The Cruelty of the Olympics.” I still watch, but… a bit of the magic is gone. I’ll not complain, though. It was a great eye-opening issue, and I’m better off if I have fewer illusions.

Aaron Bennett
somewhere in cyberspace

It’s true. The magic of the Olympics is gone. It’s like Disneyland now; we’ve all seen the man behind the curtain. It’s all constructed. We have been robbed of the mystique and awe and watery-eyed welling-up of emotion it once produced in us. I’m saddened by that, but worse is that our athletes—our kids—are saddened.

Ygg Drasil

Thanks for Samantha Retrosi’s article. It really resonates with me. I was in Nagano in 1998 [in the giant slalom—ed.]. I’ll never forget being told by an Olympic PR specialist that crying’s not a bad idea if you win a medal. I realized I was an actor on a stage. People look hurt when I say the Olympics are a glorified TV show designed to command top advertising dollars, and that the athletes are the “puppet extras”—like I’m a big old wet blanket.

Betsy Shaw

Snowden: Necessity Defense

Chase Madar, in “Amnesty for Snowden!” [Feb. 10], causes me to wonder whether Edward Snowden could raise the “necessity defense,” should he return and be tried on federal charges in open court.

The elements of the necessity defense vary among the several federal circuits, and it has never been definitively ruled on by the Supreme Court. It turns on some variant of the same four basic elements: (1) Did the defendant choose the lesser of two evils; (2) did he act to prevent an imminent harm; (3) did he reasonably believe the action would avert the harm; and (4) did he have no legal alternative to violating the law?

A case for Snowden can be made on each of these elements. First, Snowden reasonably believed that the NSA’s dragnet violation of our Fourth Amendment right to be secure in our persons, papers, houses and effects far outweighs any security advantage the NSA might expect to gain by its dragnet approach to warrantless search and seizure of our personal data and communications.

Second, the NSA’s violation of our basic constitutional right to be secure in our persons, papers, houses and effects—i.e., our privacy—was not only “imminent,” it was manifest, ongoing and expanding.

Third, the efficacy of Snowden’s action is clear: it has already compelled the president to publicly state that the NSA’s predations on our constitutional right to privacy will at least be reduced if not eliminated, and the political fallout continues.

(continued on page 26)
Block That Merger!

The proposed merger of Comcast and Time Warner Cable into a telecommunications behemoth is the media equivalent of “too big to fail” banking. If the largest cable provider in the United States is allowed to merge with the second-largest, people living in major cities, suburbs and small towns across the country will find themselves even more tightly locked into a dysfunctional relationship with a monopolistic corporation focused on maximizing profits rather than serving local citizens. At the same time, the new cable giant will own national news, entertainment, sports and Spanish-language networks. With its dominance of communications in population centers, its networks and its defining role in digital communications (as a prime provider of Internet service), a single corporation will be in an unprecedented position to dictate the development and character of media content for decades to come.

That’s too much power for any one company in a country founded on the premise that a free press must be diverse and competitive in order to provide citizens with the information they need to govern themselves. Media reform groups like Free Press have joined groups representing artists and creators like the Future of Music Coalition, as well as watchdogs like Public Knowledge, Consumers Union and Common Cause, to echo the concerns of former Federal Communications Commission head Michael Copps. “The proposed deal runs roughshod over competition and consumer choice and is an affront to the public interest,” argues Copps. The arrangement is so bad, he adds, that it should be considered “dead on arrival” when it’s presented to regulators.

Unfortunately, warns Susan Crawford, who served as President Obama’s special assistant for science, technology and innovation policy, Comcast is working to “create an air of inevitability about the deal.” It won’t be hard. Telecom corporations have developed sophisticated lobbying operations in Washington; they know how to work the back rooms and the spin cycles of the media system they seek to dominate.

To maintain competition and shape a digital future that realizes the promise of the Internet as a democratizing and enlightening force, this deal must be blocked. Is that possible? Yes. As Free Press president Craig Aaron reminds us, “Stopping this kind of deal is exactly why we have anti-trust laws.” Anti-trust arguments have worked before; indeed, as Aaron notes, “after a year of sustained organizing, we convinced the Department of Justice and the FCC to stop AT&T from gobbling up T-Mobile.” In the case of the Comcast–Time Warner deal, the Justice Department, the FCC and the Federal Trade Commission all have roles to play, and Minnesota Senator Al Franken has asked those agencies “to act quickly and decisively to ensure that consumers are not exposed to increased cable prices and decreased quality of service as a result of this transaction.”

Franken has become one of the best-regarded voices in Congress on communications policy, but his letter won’t be enough. Scrutiny must be aggressive and intense. The chair of the Senate antitrust subcommittee, Minnesota Democrat Amy Klobuchar, has announced plans to “scrutinize the details of this merger.” That’s the right signal. Now it must be amplified. Every member of Congress must hear demands from constituents to oppose this deal. So, too, must federal regulators and Attorney General Eric Holder. This merger can be stopped. But it will require outrage and a sustained outcry from Americans who know that the only way to halt an affront to the public interest is with an overwhelming assertion of the public interest.
Woody, Dylan & Doubt

A society hot for punishment abandons a sacred right.

n November 1992, Vanity Fair published an article about the bitter breakup of Mia Farrow and Woody Allen that concluded: “A gripping courtroom drama may be in the making, one that would undoubtedly give tabloid TV its highest ratings ever. Or things could be settled overnight. Left unresolved, however, is the healing process.” The timbre of that conclusion, a combination of hoped-for salaciousness and therapeutic cliché, is typical of its author, Maureen Orth, a journalist breathless for the lurid detail, who years later would relay as fact any story of priestly perversion an accuser or his personal injury lawyer fed her.

Trampling on an accused priest’s due process rights doesn’t matter to a lot of people, even civil libertarians. Ordinarily, an overgrown gossip column with pretensions wouldn’t matter either, except that this one, “Mia’s Story,” was angled to popularize a claim of child sexual abuse against Allen; and now, twenty-two years later, its gossip, innuendo and selective quotations have been presented as the evidence-never-entered in the criminal-trial-that-never-was by writers, bloggers and Twitterers hungry to play the role of stand-in for the prosecution.

I will not play stand-in for the defense, because there is no defendant. What there is, amid the shards of human experience on display, is a confrontation with malleable memory, with love and cruelty, with suffering as spectacle and our own feeble attachment to something without which any of us would sink in an era hot for punishment: the benefit of the doubt.

For those just tuning in: in January, as Woody Allen was being honored for lifetime achievement by the Golden Globes, his reputed son, Ronan Farrow, took to Twitter to call him a child molester. Ronan’s sister Dylan then wrote an open letter telling her mother’s odes to Frank Sinatra, exploited his New York Times platforms to broadcast the letter. He called it news. Dylan, now 28, had spoken with Orth a few months earlier, but her disclosures in Vanity Fair were eclipsed by her mother’s ode to Frank Sinatra, and suggestion that Ronan, now a mini-star soon to debut on MSNBC, might be Sinatra’s son. A friend told People that being thus “overshadowed,” on top of the Globes tribute, spurred Dylan forward. The Times, shameless as any tabloid but without the rough honesty, must have seen green. Then its editors gave Allen the chance to argue his innocence—something that, were this a real trial, would require no proofs.

To a society jacked on the politics of personal indictment and the pastime of instant opinion, this modern Grand Guignol has been like catnip to Fluffy. Websites have run interactive features saying “Do You Think Woody Allen Is Guilty? [Yes] [No] Vote,” and hordes of people, knowing little, mistaking more and presuming much, have weighed in, mostly to damn Allen. The techno age meets the eleventh century, when verdicts were determined by which side mustered the most supporters to court. MSNBC’s producers must be giddy.

And yet outside the clattering sound machine, Dylan’s and Woody’s statements read as testaments of the aggrieved. It is possible that they both are.

The original allegation arose as Farrow and Allen, who had always lived separately but shared legal parenthood of three children, were in the midst of dissolving their affairs. Days before they were to sign a custody agreement, Allen is said to have molested Dylan in an attic of Farrow’s country house, on August 4, 1992. A week later, he sued for custody of all three children, a bold or naive act for one under suspicion of a heinous crime. Allen made vehement denials and was never charged. The only legal forum for the airing of accusations would be the custody trial. Allen lost. The court’s opinion—he hadn’t been much of a father, and the judge was not convinced by investigators’ conclusions that Dylan had not been abused—now pops up online as proof of Allen’s criminality. Records of the 1993 trial are sealed, but sworn testimony reported contemporaneously (see a timeline at TheNation.com) provides as much muck as light.

The truth is, we don’t know the truth. And there is nothing high-minded or radical or feminist in pretending that we do. There are, however, principles.

History matters. Moral panic was in the air-conditioning system of the culture when this family drama began. The Courage to Heal: A Guide for Women Survivors of Child Sexual Abuse (1988) had inspired therapists, self-help groups, valid and crackpot theories, accusations, trials and family ruptures. Incest, as feminist psychologist Janice Haaken observed, became the name for the many problems of women that “had no name,” in Betty Friedan’s 1963 phrase, and still don’t have names enough. Recognizing this does not diminish the reality of child abuse, sexual or otherwise; it is simply a social (continued on page 8)
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Whodunit? Liberals!

From celebrity deaths to the crisis of the middle class, it’s all their fault.

Whenever death or scandal visits a famous actor or director, conservatives find a way to blame liberalism. Did addiction kill Philip Seymour Hoffman? Not according to National Review’s Ben Shapiro. He blamed what he called “libertinism,” explaining that “the Hollywood demand is for more self-abasement, less spirituality, less principle, less [sic] standards.” He then added: “[W]ithout a sound moral structure around those in Hollywood who have every financial and talent advantage, the path to destruction is far too easy.”

The comment recalled nothing so much as Newt Gingrich’s 1992 observation that “Woody Allen had non-incest with his non-daughter because they were a non-family. It’s a weird situation, and it fits the Democratic Party platform perfectly.” The connection? “The left-wing Democrats will represent the party of total hedonism, total exhibitionism, total bizarre, total weirdness, and the total right to cripple innocent people in the name of letting hooligans loose,” explained the madman who briefly led the rest of the Republican candidates for the party’s 2012 presidential nomination.

According to conservative politicians and pundits, Americans are always just one “aha” moment away from wising up. When the Affordable Care Act website did not initially work as planned, Charles Krauthammer—recently America’s number-one bestselling nonfiction author—promised that it would likely “discredit Obama’s new liberalism for years to come.” So much for that: the site is up and working fine now. So what’s the latest threat? Well, it may be Hollywood. It may be Woody Allen. Or it may be the Congressional Budget Office’s prediction that the promise of health insurance for all will allow people to leave jobs to which they had previously been “chained” by the need to plan for illness and injury. One might think that conservatives would have a hard time objecting to mothers and fathers having the opportunity to devote themselves to their families and to other private pursuits. That is, after all, a pretty good definition of personal freedom. Alas, not so much. As Representative Tom Cole told This Week: “Anything that discourages work—and that’s essentially what the CBO found, that this discourages some people from working—is not a good thing at a time when the economy’s still struggling.” Representative Trey Gowdy added, “What the liberals and the Democrats want you to believe is, ‘Well, but you’ll have time to write poetry.’ Well, that’s great until you try and buy your grandkid a birthday present or you try and pay the heating bill.”

This is the way the game has always been played, to be sure. And we have never experienced a shortage of right-wing intellectuals ready to join in the fun and explain why—from a historical, psychological, sociological or whatever perspective—once you start believing in progressive taxation, the next thing you know, you’re addicted to heroin and sleeping with your girlfriend’s daughter.

The latest entry in this category is Fred Siegel’s new book, The Revolt Against the Masses: How Liberalism Undermined the Middle Class. Siegel is a former leftist who has been moving steadily rightward over the years, landing finally at the Manhattan Institute, where he edited its flagship publication, City Journal. Even so, he was a respected expert on urban matters, especially concerning New York City, and had hitherto been considered one of the few neocons with whom liberal intellectuals could productively engage. (This would probably be a good time to mention that he reviewed my history of postwar American liberalism, The Cause: The Fight for American Liberalism From Franklin Roosevelt to Barack Obama, quite favorably, though he did not appreciate my views on today’s Republican Party.) The thesis of his book, unsupportable in my view, is that American liberalism grew not out of the Progressive movement but instead from its rejection by artists, intellectuals and other Greenwich Village types. This assertion allows him to associate contemporary liberalism with the excesses of the various anti-bourgeois radical movements of the 1960s—a familiar gesture by neocon propagandists from (in declining order of seriousness) Irving Kristol through Jonah Goldberg. Liberals, Siegel insists, “shared so much of the New Left’s disdain for middle-class morality.” Rather amazingly, he appears
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to believe that “[John Kenneth] Galbraith’s influence among liberals derived from his snobbish wit, as when he constructed straw men whom he could mock as captives of ‘the conventional wisdom.’” The fact that Galbraith was brilliant and charming, in addition to having been largely correct about economic and foreign policy—most especially Vietnam—does not even enter into his thinking.

In addition to the tortured historical reasoning, the timing of Siegel’s argument is not so hot. It comes as the ex-Republican governor of Florida, Charlie Crist, is hawking his book, The Party’s Over: How the Extreme Right Hijacked the GOP and I Became a Democrat. On Morning Joe recently, Crist, relying on the description offered by his friend Jeb Bush, explained that he felt compelled to leave his former party because of its “anti-women, anti-immigrant, anti-minority, anti-gay couples, anti-environment, anti-education” orientation. (He might also have mentioned anti-reality.)

Meanwhile, according to Gallup, though “Americans continue to be more likely to identify as conservatives (38%) than as liberals (23%),” the “conservative advantage is down to 15 percentage points as liberal identification edged up to its highest level since Gal- lup began regularly measuring ideology in the current format in 1992.” This is actually amazing, given the never-ending efforts to vilify the word over the past forty years, together with the refusal of virtually every ambitious national progressive politician to claim it. Even so, reality notwithstanding, it’s a habit that no conservative appears able to quit. One might even term it an “addiction”...

(continued from page 4)

fact. In 1990, when the McMartin Satanic ritual abuse case finally ended in acquittals in Los Angeles, dozens of women and men were in jail elsewhere for fictional abuse. In 1992, the False Memory Syndrome Foundation was established to support families falsely accused and to study the ways memory may be manufactured and then overwhelm a person. The Pulitzer Prize for fiction that year went to Jane Smiley’s A Thousand Acres, which pivots on memories of father-daughter incest.

We don’t know if Mia Farrow was influenced by any of this. We do know that when she told a therapist that Woody Allen was “satanic and evil” shortly before Dylan made her allegation, the time was rife with sexual fears about children; and often, as shown in Debbie Nathan and Michael Snedeker’s extraordinary 1995 book Satan’s Silence, “what came from the mouths of babes were juvenile renderings of grownups’ anxieties.”

Memory matters, and isn’t a tape recorder. It is, as Elizabeth Loftus described in a TED talk last year, “more like a Wikipedia page—you can go in there and change it, but so can other people.” Loftus, a renowned psychologist and memory researcher, has conducted numerous, striking experiments that have implanted false memories in subjects, who later recall them with the same conviction, detail and emotion as people with real memories. In the daycare cases, children encouraged to confabulate suffered grievously for their “memories.” False memories don’t just disappear with age.

We know Dylan Farrow’s memories are real to her, and harrowing. Beyond that, nothing. It’s possible, Loftus says, that “the seeds of suggestion were planted before August 4, and then wa- tered afterward,” when her mother questioned her lengthily and investigators compelled her to repeat and repeat.

Love matters, and isn’t simple. Soon-Yi Previn is Mia Farrow and André Previn’s daughter. It was unloving for Soon-Yi to take up with her mother’s boyfriend when she was in college in late 1991. It was unloving for Woody to take up with his children’s sister—and selfish not to foresee the bomb it would drop in the family while he was still part of it, albeit unconventionally. In honesty, though, anyone who has known love’s madness must pity all three in this triangle.

People behave badly; they all did. It was unloving for Mia to invite the other children into her pain; to rage against Soon-Yi and Woody openly from January 1992, as her estranged son Moses describes; to make the family an emotional armed camp. It was unloving—perversive, actually—to infantilize Soon-Yi, the eternal child at 20, to speak of incest and hang a sign saying “child molester” on a door of the room where Woody slept at the country house when visiting in July 1992 to celebrate Dylan’s birthday.

We don’t know how this rage affected Dylan; surely, we must pity the child. How does a child who sees her mother’s agony, who wants to please her, love her? Children matter. Orth et al. insist Allen was being treated for “inappropriately intense” behavior with Dylan. A child psychologist was talking to both parents, and her relevant quote about Allen’s behavior is, in full, “I did not see it as sexual, but I saw it as inappropriately intense because it excluded everybody else.” Playing favorites among children is not good. Attaching the whiff of sex to it is worse.

There is a creepiness to the way so many who write about this case luxuriate in suffering, hang on every insinuation, wring from it the dirtiest conclusion. This too is the legacy of moral panic: in the guise of defending the child, children had to be sexualized. They could not be looked at naked, photographed in the bathtub, kissed all over, without raising alarms. Adults could be arrested for that, and were, with the result that every child’s body, no longer innocent in delight, became a potential crime scene.

We don’t know if it was sinister that Allen let Dylan suck his thumb, or read to her in bed in his undershorts, or kneel in front of her as she watched TV. We know how his actions were interpreted by others who believed or had heard for months that he was a sicko for loving Soon-Yi.

Doubt matters. Something horrible happened to Dylan, but there are many ways to horrible. A prosecutor who drops a case but convicts by press release is not a hero. Doubt is not the refuge of monsters. It is the enshrined right of all, who tempt fate believing they shall never need the benefit of it.

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The challenge to African-Americans is not just discriminatory, but existential.

There is a moment in the film 12 Years a Slave when Solomon Northup understands the depth of the trouble he is in. Lying shackled in a pen after having been drugged, kidnapped and sold to slave traders, he wakes up to protest to his captors that he is a free man. They demand to see his free papers. Just a few days earlier, he had thought carrying such papers unnecessary, even in a slave state. “I thought at the time, I must confess, that the papers were scarcely worth the cost of obtaining them,” he wrote in his memoir. “The apprehension of danger to my personal safety never having suggested itself to me in the remotest manner.” Only after he finds himself without them does he discover their—and therefore his—true worth. For in the absence of that proof, his value as a human being plummets to zero, and he is destined to live as chattel for more than a decade, until he can prove otherwise.

More than 150 years later, the status of free black men—and women in a different way, but to a parallel extent—is still precarious. Their very existence remains a threat, and in the absence of free papers authenticating the validity of their presence in a given place and time, their lives are virtually worthless.

This was illustrated most recently with the trial of Michael Dunn in Jacksonville, Florida. Dunn killed Jordan Davis, 17, when he shot at a car full of unarmed black youths because he thought they were playing rap (or, as he termed it, “thug music”) too loud and wouldn’t turn it down. None of the kids were armed, but Dunn claims he felt threatened anyway. Then he went to his hotel with his fiancée, had a rum and Coke, and ordered a pizza. Dunn was convicted on three counts of attempted murder regarding the youths who survived, but the jury was deadlocked over the killing of Davis, saying it could not agree on whether Dunn had acted in self-defense. But Dunn’s actions were no one-off. The examples of similar high-profile cases are endless and enraging.

In Barboursville, West Virginia, in January, Rodney Black shot Garrick Hopkins and his brother Carl (both of whom were African-American) dead after he saw them inspecting a shed on land they’d just bought next door. Black thought they were trespassing on his property, so he shot first and then called 911. In Philadelphia a few weeks earlier, Darrin Manning, 16, had to have surgery on his testicle after being stopped and searched by police on his way to a basketball game. In Dearborn Heights, Michigan, on November 2, Renisha McBride, 19, was shot dead after knocking on a stranger’s door, also seeking help following a car crash. The homeowner reported an attempted burglary to the police, who came and promptly shot Ferrell dead. The fate of the assailants in these cases currently lies with the courts—but few African-Americans have any illusion that this is where justice resides. George Zimmerman felt threatened by a boy almost half his age. When Trayvon Martin couldn’t produce papers proving that he wasn’t a “punk,” Zimmerman felt justified in killing him. The judicial system backed him up.

The verdicts matter. Zimmerman’s acquittal lent imperial imprimatur to the understanding that it is open season on young black men; Dunn’s mistrial on the key charge of murder did nothing to discredit that. But these tales go beyond the legal arena: they reflect a violent, racist culture in which the black body, particularly when it is young and male, is considered fair game. One can list only so many isolated incidents before it becomes impossible to deny a pattern.

When it comes to “stand your ground” laws, it appears there is no ground that free black men are entitled to that cannot be violated by a skittish, trigger-happy white male. Add this freelance stop-and-shoot to the white male. It appears there is no ground that free black men are entitled to that cannot be violated by a skittish, trigger-happy white male. Add this freelance stop-and-shoot to the official stop-and-frisk, and you have a large portion of the nation living in a state of terror rooted in policy, practice and culture. It is depressingly emblematic of how little black people feel their lives are valued—partly when it is young and male, is considered fair game. One can list only so many isolated incidents before it becomes impossible to deny a pattern.

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According to a 2013 report by the Malcolm X Grassroots Movement, a black person is killed by po
This is not just about jail time. This is about whether white fear legally means more than Black life. #DunnTrial

@ProfessorCrunk, Brittney Cooper, professor at Rutgers and co-founder of the Crunk Feminist Collective blog

lice, security guards or vigilantes every twenty-eight hours. Add to that the fact that one in ten young black men is behind bars and one in two has been arrested, and America starts to look more and more like a huge penal colony, even as the challenge to the black community shifts from the discriminatory to the existential.

This is not just a problem for black people any more than the NSA's intrusions are just a problem for Muslims. In a world where some need papers to prove their freedom, nobody is truly free. "As citizens, we must prevent wrong-doing," argued Hannah Arendt. "Because the world in which we all live, wrong-doer, wrong-sufferer, and spectator, is at stake."

In an interview I conducted with Angela Davis several years ago, she said, "Freedom is much more than just the abolition of slavery.... We are still confronted by the failure of the affirmative side of abolition all these years later." Does that not leave black politics entrenched in a paradigm set almost 150 years ago, I asked her? "The problem is that we [as a country] haven't moved on," she said. "Certainly, it's important to recognize the victories that have been won. Racism is not exactly the same now as it was then. But there were issues that were never addressed and now present themselves in different manifestations today. You only move on if you resolve these issues."

Black people have been enslaved in America far longer than they have been free. Historically, even their nominal full rights of citizenship are very recent. Tragically, it is taking a significant proportion of the white population—and the state—a long time to catch up with this reality.
The shadow lobbying complex

On paper, influence peddling has declined. In reality, it has gone underground.

by LEE FANG

It was 4 o’clock in the afternoon, and I found myself hanging around the House-side entrance to the Capitol building, hoping to interview lawmakers during the protracted government shutdown in October. The members had been called by the Republican leadership to open just one slice of the government without authorizing funds for the Affordable Care Act, a partial solution that had rallied Democrats in opposition. As dusk settled in, I lingered to interview the representatives as they walked in and out of what everyone considered at this point to be a scene of political theater.

While I waited, a small crowd gathered, composed of men and women in business attire, creating something...
Official 2013 spending on lobbying: $3.2 billion. The real total: an estimated $9 billion, including unregistered lobbying.

Trade Associations
Groups that represent major industries spend millions per year on lobbying.

Biotechnology Industry Organization
represents seed giant Monsanto and has spent millions to defeat GMO-labeling legislation nationwide.
CEO: former representative James C. Greenwood. Salary: $1.48 million in 2010

Motion Picture Association of America
pushes for legislation favorable to Hollywood, such as the failed 2012 SOPA-PIPA bills.
CEO: former senator Chris Dodd. Salary: $3.3 million in 2012

Financial Services Roundtable
lobbies on behalf of 100 of the largest financial services companies; worked to kill and then limit the impact of Dodd-Frank.
CEO: former Minnesota governor Tim Pawlenty. Salary: $1.8 million in 2013

Astroturf/Policy Advocacy
Companies enlist groups that appear to be independent to push for policy changes.

Edelman hasn’t registered as a lobbying firm since 2006. Clients include the American Petroleum Institute, which paid $52 million for websites and online advertising to promote the Keystone XL pipeline, tax breaks for the oil industry, and expanded access for drilling on public lands.

Bonner & Associates
has clients that include the American Coalition for Clean Coal Electricity (ACCCE), which paid $28 million on lobbying, only $2.2 million of which was reported as such.

In-House/Corporate PR
Companies frequently press their Washington agendas through in-house public affairs departments.

Deborah Lee James earned $1 million at SAIC, a major defense contractor, before being named secretary of the Air Force in 2013.

Catherine Ann Novelli earned $7.5 million at Apple before becoming under secretary of state for economic growth, energy and the environment in 2013.
of a receiving line where they could exchange pleasantries with members of Congress as the latter made their way from their offices across Independence Avenue to cast a perfunctory vote. The city, with hundreds of thousands of federal workers sent home from the job, was far from dead. On Capitol Hill, the real financial engine of Washington, the selling of access and policy hummed along at full speed, and I was in the midst of it.

Many of the people assembled around me, I noticed, were former lawmakers and their associates. Former Senate majority leader Tom Daschle was there, along with officials from his firm DLA Piper, to escort a group of international attorneys into a meeting with lawmakers. Men who said they were with Alston & Bird, another law firm heavily involved in lobbying, convened a few feet away. A cluster of businessmen with the credit-rating firm Experian prepped their own series of meetings with congressional staff.

Behind me, I heard the distinctive croak of Zach Wamp, a former congressman who was busy talking up his new job to current members of Congress. He boasted that he is now working for Palantir, the controversial intelligence contractor. “I’m kind of overseeing their operations up here,” Wamp said when I asked what he does for Palantir. He ended the conversation abruptly when questioned about the scandals associated with the firm, which include allegations of spying on activists and other privacy violations.

I returned to a computer later that day and pulled up the lobbyist-registration database to run the few names I had managed to write down. In theory, lobbyists are required to register under the Lobbying Disclosure Act (LDA) to give the public some idea about who is attempting to influence the laws and regulations that govern us. To my surprise, however, Wamp and most of the others were nowhere to be found. (Palantir’s corporate counsel, Matt Long, would not comment on what Wamp does for the company.)

Daschle, a “policy adviser” to a range of corporate interests and a close confidant of many top Democrats, has become one of the most famous unregistered lobbyists in the city. In fact, his escapades as a consigliere and go-between for business leaders and politicians, including President Obama, are so well known that among ethics watchdogs, the technicality in the law that allows lobbyists to evade registration has become known as the “Daschle Loophole.”

**Officially, Shrinking—Unofficially, Exploding**

*N March 10/17, 2014*

Documents show that many of America’s largest corporations have spent much more on lobbying than they’ve officially disclosed.

While the official figure puts the annual spending on lobbying at $3.2 billion in 2013, Thurber estimates that the industry brings in more than $9 billion a year. Other experts have made similar estimates, but no one is sure how large the industry has become. Lee Drutman, a lobbying expert at the Sunlight Foundation, says that at least twice as much is spent on lobbying as is officially reported.

Trade association documents, bankruptcy filings and reports from political consulting firms reviewed by *The Nation* show that many of America’s largest corporations have spent much more on lobbying than they’ve officially disclosed. In some cases, the quarterly registration system, used by the public and journalists, shows only one-tenth of the amount that firms spend to win favorable treatment by the federal government.

This explosion in spending on lobbying activities may not be visible in the lobbyist-registration system, but it is evident in Washington. The growth of the influence industry has created a new generation of millionaires while reshaping the region in its wake. The District of Columbia skyline, once dominated by monuments, is now dotted with cranes building some $5.5 billion in new development. The 14th Street and H Street corridors, formerly gritty sections of the city, are lined with more than forty new bars and restaurants. Census figures show that four of the five wealthiest counties in the country are now DC suburbs. In one of those counties—Fairfax—high-end carmakers Tesla and Aston Martin have opened new operations to keep up with demand.

The new captains of the influence-peddling industry lobby openly and with no interest in registration, reaping huge financial rewards. Tim Pawlenty, in his first two months as head of a lobbying association for financial companies that include Barclays and Wells Fargo, made more than double his annual $120,000 salary as governor of Minnesota. The self-described...
“Sam’s Club Republican” earns over $1.8 million a year working largely on banking regulations. He is not a registered lobbyist.

Chris Dodd, the former Democratic presidential candidate who pledged not to become a lobbyist once he retired from the Senate in 2010, made $3.3 million in his second year as chief of the movie industry lobby. (Dodd’s salary increased as he led the Motion Picture Association of America through a failed effort to pass an intellectual-property bill called the Stop Online Piracy Act, better known as SOPA.) Technically, however, Dodd hasn’t broken his pledge: though he seeks to win policy victories for his Hollywood-based members, he is not registered as a lobbyist.

Rather than using the L-word to describe what they do, many lobbyists prefer the more banal rubric of “government relations” or “government affairs.” Reflecting this trend, the American League of Lobbyists—a professional association for the industry—changed its name in November to the Association of Government Relations Professionals. And while lobbyists must report their payments from clients, those ducking the system quietly bring in the biggest paydays.

Apple’s former vice president of “worldwide government affairs,” Catherine Novelli, earned over $7.5 million last year while helping the company deal with congressional inquiries about its alleged tax-dodging strategies, without registering as a lobbyist. Deborah Lee James, until recently the vice president for government affairs at SAIC, a major defense contractor, earned nearly $1 million in 2013 despite also being unregistered.

Luxury magazines such as The Washingtonian and Washington Life are filled with the latest displays of affluence by the district’s nonlobbying lobbyists. BP’s head of public affairs—another euphemism for influence peddling popular among unregistered lobbyists—recently spent $1.7 million for a six-bedroom house in the tony neighborhood of Spring Valley. Earlier this year, an executive from the Albright Stonebridge Group, a government-relations firm that influences policy on behalf of corporate interests without being registered under the LDA, shelled out $4.2 million for a home in Georgetown.

Commercial real estate tells a similar story. A report by the real estate firm Cassidy Turley forecast “strong gains” for downtown office leases to the lobbying and corporate government-relations industries. In the weeks before fast-food workers earning less than $8 an hour began a wave of walkout strikes across the country in December, the National Restaurant Association, a lobbying group for eateries like McDonald’s and Burger King dedicated to blocking efforts to raise the minimum wage, moved into a swanky new office space on L Street to accommodate its 20 percent growth in staff operations. But even though the National Restaurant Association’s staff and spending have grown, the organization reported its lowest lobbying figures since 2007 on its latest forms.

Notably, despite what the registration forms say, Wall Street doesn’t seem to think that the lobbying business is drying up. The profits from the influence industry have aroused the interest of deep-pocketed investors. As a result, the boutique firms and partnerships that made up America’s lobbying industry for the last two centuries are giving way to multibillion-dollar conglomerates.

The London-based WPP Group has been on a buying spree and now owns prominent lobbying and political-communication businesses like the Glover Park Group, Burson-Marsteller, Hill & Knowlton, Dewey Square Group, Public Strategies Inc., Prime Policy Group, and Quinn Gillespie & Associates. The company’s global earnings surged to $15.6 billion in 2012, thanks in part to the expansion of “lobbying and funding of lobbying” in America, according to a speech by WPP chief executive Martin Sorrell.

Qorvis Communications, an international lobbying firm based in Washington, was recently purchased by the Paris-based Publicis Groupe, which is in talks to merge with the Omnicom Group, another conglomerate that owns many government-affairs firms. Fleishman-Hillard, one of the dozens of Beltway public relations firms that work to influence policy without registering under the LDA, is an Omnicom Group company.

And why not keep buying? A November report from McKinsey & Company estimated that the “business value at stake from government and regulatory intervention” is about 30 percent of earnings for companies in most sectors. Simply put, government policies can mean the difference of billions of dollars for major companies, and spending on politics offers a superb payoff. A study from the University of Kansas found that companies lobbying for a tax holiday received a 22,000 percent return on the money they spent to influence the legislation.

“Money-Maddened Men Behind the Mask”

Step into the house clerk’s post in the basement of the Longworth House Office Building, and you’ll find a room with a television tuned to CNN, one or two staffers idling by their computers, and another feeding documents into a printer-scanner. On the other side of Capitol Hill is the office of the secretary of the Senate, a similarly small room filled with mostly idle staffers.

When Congress created the current lobbyist-registration system, they “handed over the responsibility for administering the law to these two offices,” says Timothy LaPira, an assistant professor at James Madison University who has written several papers...
The offices are largely clerical in nature. After lobbyists submit their registration, deregistration and quarterly statements, staffers are charged with making sure these statements show up in the database. “They have zero authority to actually investigate the person who fails to register to lobby,” says LaPira. “They only look into cases where disclosures have already arrived in their offices and they suspect error.”

Enforcement authority ultimately lies with the United States Attorney’s Office for Washington, DC. In an interview, Keith Morgan, the deputy chief of that office, acknowledged that the Justice Department has largely pursued cases in which a registered lobbyist has failed to update a quarterly statement or fallen delinquent, and the House clerk or secretary of the Senate has caught the error. Though there have been investigations, Morgan’s office has never prosecuted anyone for failing to register or for deregistering while continuing to lobby. “We have no ability to know if somebody doesn’t register unless some insider or a competitor comes and says, ‘We have reason to believe that this individual or this group is lobbying,’” Morgan says. To the best of his knowledge, even though Congress added criminal penalties for failing to disclose lobbying activities, there has not been one single case of criminal enforcement of the law.

Morgan’s office has limited capacity for pursuing violations of the law. There are four attorneys at the Justice Department charged with overseeing compliance with federal lobbying law, but their workload also includes healthcare and housing fraud, false claims and other kinds of cases. The only full-time employee for lobbying law is a paralegal who helps with the data entry on disclosures. “Quite frankly, there may be some instances where people who are lobbying should register,” Morgan says, adding that there have been “shifts in the lobbying industry to try to evade” registration.

LaPira confirms the situation: “The Department of Justice does not have the time, or resources, or political will, to really pursue any of these cases.” As a result, the American people are increasingly left in the dark about who’s calling the shots in their government.

Finding a suitable way to enforce lobbying law has been a problem for decades, going back to the first registration system. While lobbying under false pretenses—using a front group or paying a professional to peddle influence on your behalf—was routinely banned by state law for much of the nineteenth century, this started to change in 1890, when Massachusetts (followed by other states) professionalized the role of lobbyists by instituting registration systems and other guidelines. Regulation on the federal level didn’t arrive until after a wave of congressional inquiries in the early twentieth century.

The first lobbyist-registration system was drafted by Senator Hugo Black of Alabama, a pugnacious New Deal Democrat who later became a Supreme Court justice. Black’s probes as head of the Special Committee to Investigate Lobbying Activities, which existed from 1935 through 1938, revealed a wide array of shady practices, from paying off newspaper editors for positive publicity to the creation of fake citizens’ organizations to generate phony grassroots petitions to Congress.

The most famous lobbying investigation of the New Deal was sparked by an incident involving Representative Denis Driscoll of Pennsylvania. Driscoll received 816 telegrams from a small town in his district, all opposed to legislation that would break up the utility trust companies. At the time, the utility market was highly concentrated in the hands of just a few wealthy businessmen. Thirteen holding companies accounted for 75 percent of the privately owned electric utility industry by 1932, a government report found, and the owners were hiking rates without fear of competition. President Franklin Roosevelt and his team favored a bill that would regulate and kill off the big holding companies. Then–House Speaker Sam Rayburn, reflecting on the ensuing legislative battle, called the trust companies “the most powerful lobby ever organized against any bill which ever came up in Congress.”

Driscoll attempted to track down some of the constituents responsible for the telegrams, to no avail; they didn’t seem to exist. Then Black took charge of the matter and began issuing blanket subpoenas to lobbyists, utility executives and even Western Union, the company that delivered the telegrams. The results were astounding. The utility companies had paid for over 250,000 telegrams to lawmakers, from names often taken at random from the local directories. The American Liberty League and other pressure groups like the Farmers’ Independence Council—all self-styled grassroots organizations that had appeared in those years to oppose New Deal reforms—were found to be largely financed by a small group of wealthy families, including the du Ponts (who provided a third of the money) and members of the Morgan, Mellon and Rockefeller clans.

“There is no constitutional right on the part of any sordid and powerful group to present its views behind a mask concealing the identity of the group,” thundered Black, who began his political career as a prosecutor. He was particularly concerned about the use of front groups and deceptive tactics to conceal the identity of the true paymasters, whom he referred to as the “money-maddened men behind the mask.”

In 1935, in the weeks before Roosevelt signed the trustbusting bill to break up the electric utility monopoly, Black—who had written a provision in it requiring utility-industry lobbyists to register and disclose their
activities—called for a more comprehensive system for the entire federal government. “Contrary to tradition, against the public morals and hostile to good government, the lobby has reached such a position of power that it threatens government itself,” he warned.

Black's legislation easily passed the Senate, but a reconciled version of the bill failed the following year in the House, where it was shot down by a three-to-one margin. Both houses were decisively under Democratic control, but lobbyists held more sway in the lower chamber, and Democrats there were far more reluctant to pursue aggressive investigations against industry titans. As a result, even though a registration system for foreign lobbyists was created in 1938 after several scandals involving Nazi Germany’s use of agents to spread propaganda in the United States, it wasn’t until 1946 that a wide-ranging lobbyist-registration act, based on Black’s proposed legislation from a decade earlier, was finally enacted.

However, the law—which applied only to those seeking to influence Congress, not the executive branch—provided such a vague definition of lobbying that it was challenged in the Supreme Court in 1954. The Court voted to narrow the law so that it would apply only to those seeking direct communication with lawmakers. The Court also interpreted the law narrowly, so that only those organizations hired “principally” to influence legislation would have to register. And the lack of a clear enforcement mechanism—a problem that persists to this day—meant that few bothered to comply even with these narrowed requirements. Although the Watergate scandal sparked renewed interest in disclosure by lobbyists, it was not until the mid-’90s that Congress updated the system.

The impetus for reform came from a 1991 study by the General Accounting Office that revealed how porous the 1946 act had become. The study found that 10,000 lobbyists listed in an industry guidebook had failed to register. Of those who had, as many as 94 percent failed to complete their registration forms as required by law.

These days, the system is regulated largely through the Lobbying Disclosure Act of 1995, which was signed by President Bill Clinton and revised substantially in 2007 to add new rules concerning lobbyist gifts in the wake of the Jack Abramoff scandal.

As he worked to become president, Barack Obama campaigned vigorously on a call to clamp down on the power of lobbyists. “We are up against the belief that it’s all right for lobbyists to dominate our government—that they are just part of the system in Washington,” he said in a speech in South Carolina. “But we know that the undue influence of lobbyists is part of the problem, and this election is our chance to say that we’re not going to let them stand in our way anymore.”

Obama’s only significant act to curb the influence of lobbyists is now seen as a failure. In fact, in many ways, he only made the problem worse.

In his first month in office, Obama signed an executive order stating that registered lobbyists would not be welcome in his administration. The administration quickly backpedaled, however, issuing a number of exemptions in the following years. But the larger effect was that many lobbyists simply decertified, removing themselves from the lobbying-disclosure system and thereby pushing the influence-peddling profession more into the shadows. As Robert Gibbs, then Obama’s press secretary, explained glibly to Time magazine, when asked about reports of an Obama nominee engaging in lobbying activity: “If you’re not registered to lobby, you can’t be a lobbyist.” The clear implication was that the executive order would be narrowly enforced, and only against those who were registered under the LDA.

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at least 20 percent of his time during a three-month period making “lobbying contacts.” If a lobbyist can argue that just one of these descriptions doesn’t apply to him, he is not required to register.

Lobbyists, moreover, are considered lobbyists only if they advocate on behalf of a certain position on legislation; if they’re simply gathering intelligence, they’re not considered lobbyists under the law.

Many unregistered lobbyists have argued that since they spend less than 20 percent, or one full day per week, engaged in contacting lawmakers, they should not have to register. Others have found equally creative justifications for not complying with the law. Newt Gingrich, during the last presidential campaign, memorably declared that he did not have to register as a lobbyist for the Federal Home Loan Mortgage Corporation, which paid him about $1.7 million, because he worked for Freddie Mac as a “historian.” Gingrich also developed a healthcare institute that offered draft legislation, meetings with lawmakers and other benefits to its member corporations, including AstraZeneca and WellPoint. This institute, which even brought on Daschle for some events, did not register any of its advocacy as lobbying.

Gingrich’s “historian” claim was widely mocked. And ethics watchdogs, including Public Citizen’s Craig Holman, regard Daschle’s failure to disclose as a clear “flouting” of the law. But their behavior has become the norm.

Shining a Light on Shadow Lobbying

LAST SUMMER, IN THE WAKE OF THE DISASTROUS collapse of the Rana Plaza factory in Bangladesh, which killed more than 1,100 people, a team from Daschle’s law firm, DLA Piper—including retired senator George Mitchell and Charlie Scheeler, a former Senate aide—unveiled a plan to allow American retailers to skirt responsibility for future garment-factory disasters. While international advocates and some retailers with business in Bangladesh put forward a plan to create legally binding requirements for safety reforms, the Mitchell plan allows firms to pay only small upfront fees for upgrades, with no future commitments. Scheeler met with legislative aides in the Cannon House Office Building to generate support for the alternative agreement, which labor activists panned because it would not hold retail companies accountable for factory fires and other hazards.

Like Daschle, Scheeler and Mitchell are not registered lobbyists, so the officials they engaged and the wider public were not necessarily aware that their firm represents Gap, one of the largest retailers identified with the Rana Plaza collapse, and one of the firms that would have been impacted by the labor agreement.

Such examples of unregistered influence peddling, common as the practice is, are actually hard to come by given that the work is done, by and large, behind closed doors. One way that such information does sometimes come to light is through bankruptcy proceedings—as occurred when one company was forced to reveal all of its creditors in May 2012.

LightSquared, a startup that hoped to compete with AT&T and Verizon in the cellphone business, retained a staggering seventeen different lobbying firms as it pressed the Federal Communications Commission for an exemption that would allow it to use GPS signals to run a nationwide broadband cellphone service. After failing to obtain a favorable ruling from the FCC, LightSquared began lobbying the Defense Department for a “spectrum swap” to use airwaves allocated to the military. As all avenues began to close, the company declared bankruptcy.

Though LightSquared had disclosed a large number of registered lobbyists—including seven former members of Congress—the company’s bankruptcy proceedings revealed an even greater influence game.

One of LightSquared’s creditors was the Chertoff Group, a consulting firm run by Michael Chertoff, the former homeland security secretary. LightSquared also owed money to Portico Policy Advisors, a company founded by Jim Doyle, a former Clinton administration aide who now advises companies on a “range of policy, regulatory and communications issues,” according to his website. Doyle is the co-founder of Business Forward, a trade association that routinely organizes meetings with White House officials and business leaders. Neither the Chertoff Group nor Portico Policy Advisors is registered as a lobbying firm.

LightSquared’s influence team extended even to Stanley McChrystal, the former commander in charge of military operations in Afghanistan. After McChrystal retired following a Rolling Stone story that exposed his dim view of senior administration officials, he founded the McChrystal Group, an Alexandria, Virginia–based consulting firm. In January 2012, as LightSquared desperately sought to acquire spectrum, representatives from McChrystal’s firm contacted the Defense Department’s mid-Atlantic area frequency coordinator to discuss the deal. The McChrystal Group was interested in the spectrum reserved for test aircraft and weapons systems on behalf of LightSquared, according to an account reported by GPS World, a trade publication.

The McChrystal Group, which is not registered as a lobbying firm, initially denied ever contacting the Defense Department for the spectrum deal. “We purposefully have not been doing those types of things, and lobbying is among those practices better left to other people, and has never been part of our business plan or focus,” said Duncan Boothby, a senior aide to McChrystal and his consulting firm. Boothby said the firm’s work on behalf of LightSquared related only to...
an “initial assessment,” to “come in and present to them what services we could provide, where we saw their strategic problems.” LightSquared bankruptcy documents show $70,000 in payments to the McChrystal Group.

Days after our initial interview, Boothby called to say that the McChrystal Group did indeed contact the Defense Department, yet stressed that it had merely sought to collect information rather than advocate a certain position—a key difference that would excuse the company from registering as a lobbying firm.

“Outside” Lobbying: Outside the Law

One of the biggest problems with lobbying registration is that the LDA was never intended to cover so-called “outside lobbying.” Like previous iterations of the law, the current system does nothing to regulate the fake grassroots groups that enraged Senator Black, or the surrogate think tanks and public relations gimmicks used to corral popular support for special-interest legislative campaigns. Many lobbying businesses offer a full range of capabilities that fall well outside the LDA’s definition of lobbying.

Take, for example, the pressure brought to bear by banks against a provision of the Dodd-Frank law that capped the amount they could charge retailers for credit card transactions. A group of banks affected by the swipe-fee reform financed an organization called the Electronic Payments Coalition to persuade Congress to roll back the cap. In 2011, the year the group came close to achieving its goal in the Senate, the Electronic Payments Coalition officially reported spending exactly $1 million on federal lobbying.

In reality, the bank-financed group spent about $17 million to influence lawmakers that year, according to tax forms filed with the IRS months after its legislative effort failed. The unreported $16 million in advocacy expenses covered policy advisers, a public relations company in DC and at least one telemarketing firm. One lobbyist helping to lead the campaign, a former Democratic congressional staffer named Jeffrey Tasse, was paid $882,406, though the Electronic Payment Coalition disclosed only $400,000 in the registration forms filed with officials.

The banks aren’t alone. Virtually every significant corporate interest group spends millions of dollars every year on policy advocacy that isn’t disclosed as lobbying. Raytheon, Northrop Grumman, Honeywell, Lockheed Martin, GE Aviation and other large defense contractors, for example, pooled their money through a trade group, the Aerospace Industries Association (AIA), to hire a number of outside consultants to push back against sequestration cuts in the defense budget.

Since 2011, the defense contractors have paid a political consulting firm called the Law Media Group to help undo military budget cuts. “I invite you to make your voice heard as part of this industry effort through your own contacts with your member of Congress, your senators and President Obama,” wrote Wesley Bush, chief executive of Northrop Grumman, in a letter calling on subcontractors to visit a website called Second to None, a project of the AIA that the Law Media Group was promoting.

The Law Media Group never registered as a lobbying firm, though the defense firms paid it at least $1,277,466 for the in-
fluence campaign. “While we’re no longer working with AIA, we did press/communications work on the initial rollout of AIA’s ‘Second to None’ campaign, but not any kind of lobbying or Hill outreach,” the Law Media Group’s Tony Park said in an e-mail explaining why his firm never disclosed its activities under the lobbyist-registration system.

Other examples abound. News Corporation, CBS, Gannett Broadcasting and other media companies, through a trade group, disclosed only $100,000 in lobbying payments to a firm called Mercury Public Affairs in 2012. In fact, according to documents obtained by The Nation, the amount paid by the broadcasters to Mercury, which contacted lawmakers on spectrum and tax issues, was closer to $510,000. Similarly, a group of fracking companies that year retained the lobbying firm Glover Park Group for $2.9 million. But the contract with Glover Park was never disclosed.

Mercury Public Affairs and the Glover Park Group did not respond to requests for comment.

Edelman, a public relations firm that helps businesses develop grassroots support for their legislative and regulatory policies in Washington, has also racked up lucrative contracts. According to documents obtained by The Nation, the firm was retained by the grocery industry (for $741,625), the oil refinery industry (for $638,494), a group of mining companies (for $1,371,044), the electric utility industry (for $683,183), the National Association of Manufacturers (for $1,080,87), and the American Petroleum Institute, an oil and gas industry lobby (for $51,917,692). On behalf of API, Edelman managed multiple websites and online advertising efforts asking officials to support tax deductions for the oil industry and expand access for drilling on public lands.

Despite this seemingly obvious lobbying activity, Edelman has not registered as a lobbying firm since 2006. The so-called “grassroots advocacy” that the firm specializes in falls outside the statutory definition in the Lobbying Disclosure Act.

Even those who claim to engage only in public relations do participate, in some cases, in direct meetings. One such example is Anita Dunn, the former White House communications director and current informal adviser to the Obama administration. After leaving the administration in 2009, she joined SKDKnickerbocker, a “political consulting” firm, taking on corporate accounts to influence Obama initiatives. For a group of food-marketing companies, SKD worked to curb Michelle Obama’s obesity initiative; on behalf of a for-profit college, SKD worked to weaken Education Department regulations designed to rein in the industry’s abuses; and it is currently working on behalf of TransCanada to get the Keystone XL pipeline approved.

“I work with some corporations, because the fact of the matter is, we’re in a democracy, and people have a right to be heard.” Dunn says, defending her work. SKD has never registered as a lobbying firm. The New York Times reported that, despite SKD’s claims that it engages only in public relations, the firm has contacted Obama administration officials on behalf of its clients.

The Obama administration’s greatest defeat, many argue, was the president’s failure to pass a comprehensive law addressing climate change during his first two years in office, when the Democrats had control of both houses of Congress. Coal and coal-powered utility companies, fearing a loss in profits resulting from the bill, financed a group called the American Coalition for Clean Coal Electricity (ACCCE, pronounced “Ace”) to influence the debate.

After a critical vote in the House of Representatives in 2009, in which the climate bill just barely passed, a Democratic lawmaker from Virginia discovered that many of the letters he had received from supposed constituents asking him to oppose the bill had been forged. The letters appeared to come from local chapters of the American Association of University Women, the NAACP and other organizations—but in fact they were written by Bonner & Associates, a political consulting firm and subcontractor for ACCCE. At least two other Democratic lawmakers, Kathy Dahlkemper and Chris Carney, both from Pennsylvania, received forged letters as well.

ACCCE did disclose $2.2 million in lobbying spending as the House took up President Obama’s climate bill in 2009. Tax forms filed with the IRS, however, show that the group in fact spent $28,353,630 in advocacy that year. The work with Bonner & Associates never had to be disclosed as lobbying.

Unlike Hugo Black with his multiyear investigation in the 1930s, which triggered the first federal lobbying reforms, Democratic legislators in recent years have done little to confront the problem. Black issued subpoenas and had his staff travel the country to interview those involved and understand the depths of the industry’s deception. But in 2009, House Democrats held only a single hearing and then largely dismissed the issue, with little consequence to those involved. One ACCCE representative claimed under oath that his group did not oppose the climate bill—a claim easily refutable through a simple Google search. The corporate executives who financed the group were not compelled to testify, and there were no legal penalties for those involved in the fake letter campaign. With industry organizations and their affiliates spreading confusion about the bill and the science underpinning anthropogenic climate change, the legislation later collapsed and died in the Senate, dooming prospects for reform.
On February 1, 1960, four black students at North Carolina A&T kicked off the decade’s civil rights movement by trying to eat at a segregated Woolworth’s lunch counter in downtown Greensboro. Two months later, young activists founded the Student Nonviolent Coordinating Committee (SNCC) at Shaw University in Raleigh, which would transform the South through sit-ins, Freedom Rides and voter registration drives.

So it was fitting that when North Carolina’s Moral Monday movement held a massive “Moral March” in Raleigh on February 8, it began at Shaw University, exactly fifty-four years after North Carolina’s trailblazing role in the civil rights movement. Tens of thousands of activists from thirty-two states—representing all different backgrounds, races and causes—marched from Shaw to the State Capitol, protesting the right-wing policies of the government (sample sign: Welcome to North Carolina. Turn Your Watch Back 50 Years!) and rallying for economic fairness, equal justice, labor rights, voting rights, universal healthcare and public education.

The North Carolina NAACP estimated that upward of 80,000 people attended; the police said they’d granted a permit for up to 30,000. Either way, it was the largest civil rights rally in the South since the legendary Selma-to-Montgomery march in support of the Voting Rights Act in 1965.

The weekly Moral Monday protests at the North Carolina Statehouse transformed state politics in 2013, capturing the hearts and minds of progressive activists across the nation. “This Moral March inaugurates a fresh year of grassroots empowerment, voter education, litigation and nonviolent direct action,” said the Rev. William Barber II, president of the North Carolina NAACP and leader of the Moral Monday movement, in his keynote speech. If the February 8 rally was any indication, the movement will be bigger and broader in 2014. “If you thought we fought hard in 2013,” Barber wrote in January, “you ain’t seen nothing yet.”

Since taking over the Legislature in 2010 and the governor’s mansion in 2012—controlling state government for the first time since 1896—North Carolina Republicans have transformed a state long regarded as one of the most progressive in the South into Alabama virtually overnight. They eliminated the state earned-income tax credit for 900,000 people; refused Medicaid coverage for 500,000; ended federal unemployment benefits for 170,000; cut $200 million to public education; slashed taxes for the top 5 percent while raising taxes on the bottom 80 percent; passed one of the country’s most draconian anti-choice laws; and enacted the country’s harshest voting restrictions, which mandate strict voter ID, cut early voting, eliminate same-day registration and ax public financing of judicial races, among other things.

Last April 29, after the new voting restrictions were introduced, Barber and sixteen other ministers and civil rights veterans were arrested inside the State Legislature for trespassing and failure to disperse. Barber called it a peaceful “pray-in.” The next week, thirty more people were arrested. The numbers grew quickly. By the end of July, when the Legislature adjourned for the year, thirteen protests had been held at the General Assembly and nearly 1,000 people had been arrested, most for the first time in their lives.

Barber took the show on the road when the Legislature left town, holding twenty-five rallies across the state, in progressive strongholds like Asheville and in heavily Republican mountain and river towns. It was tough to find a week when there wasn’t a Moral Monday event going on.

Though it lost practically every policy fight with the GOP, the Moral Monday movement accumu-
lated a number of victories in 2013. It mobilized more than 50,000 opponents of the GOP’s policies, including some Republicans, turning outrage into action. It changed the political conversation in the state, moving it away from Democrat versus Republican and toward right versus wrong, using real people’s stories rather than statistics, and highlighting those hurt by the policies instead of the politicians. When protesters denounced the new voting restrictions, for example, a featured speaker was 92-year-old Rosanell Eaton, who had to ride a mule-drawn wagon to the county courthouse and recite the preamble to the Constitution in 1939 just to register to vote. A clip of Eaton chanting “Fed up, fired up!” outside the General Assembly quickly went viral. Over the summer, polls showed that the Moral Monday protesters were twice as popular as the GOP legislature. “It was the rare protest movement that actually had popular support,” says Tom Jensen, director of the Raleigh-based Public Policy Polling.

The movement’s most important accomplishment has been to build a multi-issue, multiracial, statewide progressive coalition, one that North Carolina—or the South, for that matter—has never seen. “In a Southern state, an African-American is leading a multiracial movement that I believe represents the majority of the people of the state,” says Penda Hair, co-director of the Advancement Project, a national civil rights group that is advising the North Carolina NAACP. “It’s a huge breakthrough in terms of racial barriers in the South.”

On August 4, nine days after the Legislature adjourned, Barber traveled to a Moral Monday event four hours west of Raleigh in Mitchell County, deep in the Blue Ridge Mountains on the Tennessee border, which voted 75 percent for Mitt Romney and is 97 percent white. In 1923, after a black man allegedly raped a white woman, every black person in Mitchell County was put on a train and not allowed to return. Despite the county’s history and Republicanism, every week Moral Monday activists had been rallying at the Food Lion parking lot and riding buses to Raleigh to join the protests. Barber spoke to the faithful at the packed Trinity Episcopal Church in the tiny town of Spruce Pine. “It is something to behold for the president of the NAACP to be here in Mitchell County,” he said to cheers. (The next day, a Moral Monday rally in Asheville drew 10,000.)

Western North Carolina, which is heavily white, is the home of five new NAACP chapters—including places like Mitchell County, where no one ever dreamed of starting one before. “We saw the NAACP as the most organized and most aggressive group taking action against the Legislature,” said Joy Boothe, a local Moral Monday leader in the mountain town of Burnsville, who helped start the Yancee/Mitchell County NAACP. It now has 126 dues-paying members, nearly all of them white. In fact, the five new chapters are the first majority-white NAACP affiliates in the state.

The Moral Monday movement, though modeled after the 1960s civil rights movement, is more iconoclastic: it’s a majority-white social movement led by a black preacher who belongs to a predominantly white denomination (the Protestant Disciples of Christ). It’s the type of coalition through which the NAACP can be reborn in Appalachia. “We’re all colored people now,” Barber likes to joke.

In 2014, the Moral Monday movement will be active in the streets, in the courtroom and at the ballot box. It will be focused not just on changing minds, but on changing outcomes. Protests will continue across the state—the most recent one was in Fayetteville on February 17—and will return to Raleigh when the Legislature resumes work in May. NAACP lawyers are taking part in challenges to the state’s voting restrictions, along with the Justice Department and other civil rights groups; the NAACP is also considering lawsuits against Governor Pat McCrory’s education cuts and his refusal to expand Medicaid.

The biggest question for the movement will be the impact it has at the polls. The momentum created by the protests last summer for Democratic candidates has been erased by the rocky rollout of Obamacare, says pollster Jensen. Over the summer, Democratic candidates enjoyed a nine-point advantage over Republicans; now it’s even. And because the Republicans ruthlessly gerrymandered state legislative districts following the 2010 elections, Democrats need to win the statewide vote by fourteen points in order to take back the Legislature. “The big things the Moral Monday movement can do is help increase turnout and interest in the midterm elections from people who usually drop off,” Jensen notes, “and then just generally keep in the news the things that the Republican Legislature has done over the past few years that are so unpopular.”

Moral Monday organizers plan to target forty swing counties for voter registration and mobilization and will deploy fifty young organizers in the field for twelve weeks this year in what they’re calling Moral Freedom Summer 2014. (They’re also planning to field sixty full-time organizers across the South for a much longer period.) “What we don’t know is what happens in an off-year election with this kind of intensity, because we’ve never seen it before,” Barber says. Yet he’s quick to stress that electoral politics will not define the movement. Moral Monday is most frequently compared to Occupy Wall Street and the 2011 Wisconsin protests, though neither one really captures what’s happening in North Carolina. Moral Monday is far more diverse, disciplined, broad-based and leadership-driven than Occupy was; nor is it focused on a single issue, like the protests in Wisconsin, which centered around labor rights and were closely connected to the state Democratic Party. Moral Monday inhabits a place on the spectrum somewhere between Occupy and Wis-
Wisconsin—not disconnected from electoral politics but not defined by it, either, which gives it a better chance at longevity. “Most folks understand this cannot just be about 2014,” Barber says. “This is about a fundamental change in consciousness, and building a new type of movement and electorate that will have long-lasting consequences…. When Dr. King went to Selma, he didn’t change who was elected. He changed the climate in which elected officials had to operate in.”

On December 9, Moral Monday organizers held a strategy session in Raleigh for more than 100 activists from over a dozen states, from Mississippi to Massachusetts, who wanted to replicate the movement in their own backyard. “Everybody in the South has been paying attention to Moral Mondays and eyeing it as a Southern strategy,” said attendee Tim Franzen, a program director for the American Friends Service Committee in Atlanta, who was a leader with the local Occupy movement. “It was really inspiring for me to see the NAACP leading this civil disobedience movement. In my mind, as a young activist, I had categorized the NAACP as an organization with a great history, but not something that is going to lead a cutting-edge, really popping and impactful movement that is going to challenge power in big way.”

On January 13, Barber came to Atlanta for the launch of Moral Monday Georgia. Five hundred people gathered on a rainy afternoon at the State Capitol, placing religious symbols on the steps to represent the people who would die because GOP Governor Nathan Deal has refused to cover 600,000 Georgians under Medicaid. Two weeks later, ten activists, including State Senator Vincent Fort from Atlanta, were arrested after staging a sit-in at Deal’s office. They became known as the “Medicaid Ten.” On February 10, twenty-three more activists—from veteran pastors like the Rev. Timothy McDonald III of the African American Ministers Leadership Council to students at Morehouse College—were arrested after holding another sit-in protesting the state’s “stand your ground” law. Future demonstrations are planned on issues like public education, labor rights and women’s rights.

A day after the first Georgia protest, South Carolina launched its own weekly demonstration, called Truthful Tuesday, when 1,000 rallied at the Statehouse in Columbia for Medicaid expansion, public education and voting rights. “There’s a sense of enthusiasm,” said Brett Bursey, executive director of the South Carolina Progressive Network. “The opportunity is pushing people to move beyond the traditional hurdles that impede us.”

The Alabama NAACP has started Truth and Justice Tuesdays, and the Florida NAACP will launch the newest Moral Monday spin-off in March. Meanwhile, Arizona is holding its own Moral March on March 29.

It won’t be easy to replicate what’s happening in North Carolina. There’s no Reverend Barber in other Southern states, and far less progressive capacity than in North Carolina. Organic, indigenous political movements cannot be built overnight. The seeds of the Moral Monday movement were planted back in 2006, after Barber became president of the state NAACP. “It took North Carolina seven to eight years to build this,” says Franzen. “And that’s what it’s going to take in Georgia and other states. It’s up to us to build something that doesn’t exist right now.”

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Where Snowden could be charged with “treason” as well as simply statutory charges for disclosing classified material, the fourth question answers itself. There clearly was no legal alternative for him to publicly raise the issue of the NSA’s unconstitutional spying on us except by violating the law.

So, would he be acquitted if he were to be allowed to present the necessity defense to a jury? Opinion polls on this point are encouraging. But all the government would need would be twelve jurors who don’t agree with the polls. If I represented Snowden, I would remind the jury of Benjamin Franklin’s admonition: “They who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.”

That wisdom appears to be lost on far too many of our fellow Americans. If something President Obama should take to heart as the basis for granting amnesty to Snowden, in addition to issuing an executive order to prohibit the NSA from conducting any more warrantless searches of our private electronic records and communications. Richard K. Latimer

ATTORNEY AT LAW
FALMOUTH, MASS.

I found Barry Schwabsky’s “Permission to Fail” [Feb. 10] illuminating and particularly germane to the moment. As a largely self-taught artist, I’ve been giving myself “assignments” for many years, so I understand the value of this approach to art making. There is always a possibility that the outcomes of one’s artistic exercises will be failures, although if the artist is truly in touch with him- or herself, the question regarding who or what determines “failure” (or “success”) is bound to arise.

Suppose we can no longer rely on the standards of the art world (or the art market), due perhaps to the fragmentation Schwabsky mentions. How then does the artist determine the value or efficacy of his or her work? Is critical appraisal of one’s own work in light of the work of one’s contemporaries the key? Appraisal certainly requires some self-assurance, which in turn, paradoxically, involves the understanding that one’s ignorance (in any matter) is always greater than one’s knowledge.

PAUL FORTE
WAKEFIELD, R.I.

Schwabsky Replies

Very good questions—meaning very hard to answer. But probably it helps not to be too quick to try to “determine the value or efficacy” of one’s work. It’s usually pretty indeterminate, unfortunately. Paul Forte’s contemporaries are not going to be unanimous one way or another. But he can try to earn the respect of those he respects, and let the others think what they will.

BARRY SCHWABSKY
NEW YORK CITY

‘Czars & Samovars’ Redux

The letter from Steve Oren in Chicago [Feb. 10] makes me recollect a slightly different placement of lyrics that results in a somewhat larger chorus:

And all that seems far,
And all that seems distant,
It seems so familiar,
I can’t get it out of my mind.

Whee-e-e-n… (chorus): I was shootin’ with Rasputin,
Ate farina with carina
Blinzes with the princes and the czar.

We were sharing tea and berrin’,
Ate banana with Smetana,
Borsch and worsht around the samovar!

Ahah!

JACK BERGER
MAWHAH, N.J.
Cameras never did sit easily in Parliament. Only recently, almost twenty-five years after electricians wired the House of Commons for television, a proposal to shoot House members from more flattering angles was struck down. The eight cameras that Margaret Thatcher fought to keep out of Parliament—and whose introduction converged with her final months in power—will remain fixed from a great, feature-distorting height. Still intact as well is a provision from a 1989 broadcasting agreement stipulating that “no extracts from parliamentary proceedings may be used in comedy shows or other light entertainment such as political satire.” In setting down their terms, the Select Committee on Broadcasting determined that wack angles and bad lighting are one thing, feeding Britain’s raging satire complex quite another.

The global edition of Comedy Central’s The Daily Show, a compilation of the week’s best material, airs in the United Kingdom (and elsewhere, including Yemen) prefaced with a disclaimer: “The show you are about to watch is a news parody. Its stories are not fact checked. Its reporters are not journalists. And its opinions are not fully thought through.” In the summer of 2011, one episode of the global edition didn’t air in Britain, it was later revealed, because it featured Question Time footage of Prime Minister David Cameron engaging members of Parliament in the kind of rude, rugby-style display that is familiar to Brits (and Canadians) but, as Jon Stewart’s spellbound response confirmed, astonishing to Americans. “England is awesome!” he exclaimed, after showing a clip of Cameron laying quick-tongued waste to his inflamed, less witty opponents. England, where politicians speak plainly to one another and the country’s leader is not only willing to exchange barbs with the opposition—in person, in public and in real time—but also cuts short a trip to Africa for the privilege. Stewart ended the bit by suggesting that Washington, constipated by imperial guile, took six weeks off to direct his first feature film. In the interview, Oliver described life in London performing stand-up, taking the odd writing gig and watching The Daily Show with a complicated envy. Oliver felt Stewart had attained “a high standard of satire and political comedy on television”—too high, perhaps, to flourish in postmillennial London, where the age of Monty Python, Yes Minister and Spitting Image had passed.

In an essay last year for the London Review of Books, novelist Jonathan Coe elaborated on this predicament. Britain’s closest Daily Show counterparts include Mock the Week (where Oliver has appeared regularly; his new HBO series, Last Week Tonight With John Oliver, debuts in April) and the longer-running Have I Got News for You. On the latter show, comics and public figures engage in a loosely moderated panel, a format whose subversive potential, Coe suggests, has been neutralized by decades of overuse. Where satiric
revues like The Last Laugh and Beyond the Fringe and the BBC news parody That Was the Week That Was triggered a highly exportable “satire boom” in the early 1960s, the descendants of “anti-establishment comedy” now produce laughter, wrote Coe, that is a “substitute for thought rather than its conduit.” Over time, what was urgent and radical became chummy and safe, a way for politicians and audiences to get comfortable with their predicaments, with how bad things can get. This is a charge increasingly leveled at The Daily Show and its offspring, The Colbert Report, though one heard few complaints above the giggles in 2006, when it was with some regret that Oliver put his London belongings in storage, where they remain, and lit out across the Atlantic.

Oliver’s defection is in line with a long and fluid tradition of cultural exchange. Since their expulsion in 1783, again and again the British have returned to America. Despite a Constitution conceived and written against the example of Mother England—no monarchy, no aristocracy, just a set of blazing ideas—the United States ripples with British DNA. The countries’ respective relationships to satire offer a case in point: the origins of political journalism in Britain are intimately bound up with satire; freedom of the press is essential to American identity. Before they were novelists, Defoe and Dickens were political journalists, the former when political journalism and particularly political satire carried a prison term or worse. Mark Twain too was a journalist, as well as a riverboat captain and a prospector. A journalist was just one more thing an American could be. An American like Twain might also be a satirist, but there were fewer of them; the calling seemed less urgent. At some point, though, by some witchy inversion, some cross-cultural pollination, if we are to believe John Oliver, Britain lost the patent on effective political satire, and currently it is America—specifically Jon Stewart, Oliver says—who “has the baton.”

With its debut in 2005—the year before Oliver fled to the other Chelsea—The Thick of It, a British series created by Armando Iannucci, set British political satire on a new path. More than politics, The Thick of It is a show about what it’s like to work for the government, which makes it a very political show indeed. The stage is Britain’s Ministry of Social Affairs, here imagined as a futile office-scape haunted by the prime minister’s black-tongued henchman, Malcolm Tucker (Peter Capaldi), a spin master who appears to subsist on his underlings’ stress pheromones. Inspired by Yes Minister, which, according to Iannucci, “felt like a documentary to a lot of people,” The Thick of It recalls the everyday annihilations and documentary styling of The Office. The show’s unapologetic depiction of its venal milieu also makes the case that British satire has evolved past the familiar jabs and quick-dissolve ironies of news parody.

The show’s first episode established a wobbly vérité style—what a 2012 New Yorker profile of Iannucci called “scrubbed naturalism”—inextricable from its subject matter. One minister is out and another, Hugh Abbott (Chris Langham), abruptly in. Abbott’s first task as minister turns out to be his only one: maintaining face, at all costs, vis-à-vis the press. “I’m not quite sure what level of reality I’m supposed to be operating on,” Abbott mutters, responding to Malcolm’s plan to eliminate, both from the record and from real life, a public relations gaffe. Malcolm clarifies in his customary, disgusted Highland style: “I tell [the press] that you said it, they believe that you said it—they don’t really believe you said it; they know that you never said it—but it’s in their interest to say that you said it, because if they don’t say that you said it, they’re not going to get what you say tomorrow or the next day, when I decide to tell them what it is you’re saying.”

The world of The Thick of It is hapless, the people in it filled with contempt—for each other, for the press, for the voting public, for themselves, trapped in pointless times. On this level of reality, in other words, satire looks a lot like public life. When Dickens turned from political journalism to politically informed fiction, he developed a social realist aesthetic that suited the stories and ideas of his time. In a post-empire, late-capitalist show like The Thick of It, social realism is the domain of satire—and the realer it is, the more satiric the effect. The players’ ceaseless rococo swearing intensifies the sense of a political theater profaned, soiled, in the ideological red. (Every now and then, watching The Thick of It, I’d recall its BBC origins and think: England really is awesome.) The swearing is also pretty funny, a basic amusement in a show that otherwise replaces laughs with clenched discomfiture. There is nothing agreeable about Iannucci’s satire, nothing inviting or cathartic. Ragged and liquidating its origins, The Thick of It attempts to mirror British politics, incorporating into its last season the election of a coalition government. In the world of Veep, there are no Republicans or Democrats, only political creatures behaving politically. That its relatively light comedy aims not just to entertain but resonate with

The debut of Veep, Iannucci’s attempt to translate his brand of political satire for an American audience, was the occasion of his New Yorker profile. Less of an ensemble piece than The Thick of It, Veep gives its titular star, Julia Louis-Dreyfus, the opportunity to explore the darker humors of the screwball queen she has perfected over the better part of two decades on network television. The show is set in the office of Vice President Selina Meyer, where maintaining the illusion of power requires most of Selina and her staff’s energy. The episodic plots find a policy or public relations endeavor generating small and then progressively greater embarrassments, each one pointing to Selina’s inability—whether through lack of skill or influence, but mostly influence—to get things done. As in The Thick of It, the country’s leader is a shadow presence, much referenced, often pejoratively (I doubt he would answer to “spineless, flip-floppy fuck-bag”), but never seen.

Veep, like The Thick of It, seeks a gut resonance with reality. The earlier show was successful, Iannucci has said, because “this representation somehow does connect with what goes on.” The Veep team (whose executive producers include journalist and DC native Frank Rich) stresses the research that went into the show’s re-creation of government offices—inside knowledge gained through tours and consultancies. The furniture, the floor plan, the lingo—“body man” this and “pencil-fucked” that—are meant to evoke in the viewer a sense of the real thing. On a commentary track of the Veep season-one DVD, a producer describes the importance of ensuring that the show’s characters live in a highly credible world. The one-to-one production design is meant to de-glamorize Washington, to cleanse the imagination of an audience fattened for years on The West Wing and other tales of Camelot.

Especially in its first season, Veep feels a little lost in this quest for verisimilitude. The consultant-approved curses land at awkward angles; Iannucci’s signature tone struggles for traction. Though it may get the layout right, Veep relies on the gag of vice president as political neuter—an old Washington joke that has gotten few laughs in recent years. Accurate or not, the concept is deep, the show’s stakes elusive. The Thick of It attempts to mirror British politics, incorporating into its last season the election of a coalition government. In the world of Veep, there are no Republicans or Democrats, only political creatures behaving politically. That its relatively light comedy aims not just to entertain but resonate with
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The Washington politics suffers from London’s postmodern malaise, a similar existential gridlock, its whims are more dangerous because they are, like the massive Gandolfini, more potent. The Americans get what they want, even when what they want is more than the rest of world can bear. The Washington of *In the Loop*, caught in Iannucci’s surrealistic looking glass, hints at why American audiences may not be ready for such an unforgiving reflection.

Two more cable shows that have raised a curtain on American politics and its failures of power, *The Newsroom* and *Political Animals*, reveal familiar figures in postures of nostalgia and repentance. A third, the network hit *Scandal*, turns politics into pure escapism. Creator Shonda Rhimes based *Scandal’s* Olivia Pope (Kerry Washington) on former George H.W. Bush aide and current “crisis management” CEO (as well as *Scandal* executive producer) Judy Smith; from that humble seed of reality grew a flowering orchard of crazy. In an episode from the second season, a Pope staffer makes explicit the show’s allusive claim on the scandalous, fabulous truth about American politics: “There’s a whole other layer of DC, you know, where real politics happen, where decisions are made, not about democracy or a flag—about power. This is about things that go bump in the night, stuff regular Americans never hear about. This is the real deal.”

Seems dubious, but it’s notable that, unlike most recent political series, Rhimes’ goonzo crime procedural serves up a fleshly president in “Fitz” (Tony Goldwyn), a tragic milquetoast leading a Republican administration. With each new scandal’s contain ment, and across the unifying story line of Fitz’s rigged ascent to the presidency, Rhimes returns to the show’s exploration of power and how the president doesn’t really have any. This is true both in his marriage—to Mellie (Bellamy Young), a common schemer and future leader of men. Yet *The Newsroom* remains to you?” asks the fraudulently elected, phlan dering, occasionally homicidal president. Well, the viewer might think, you kind of did. *Scandal*, whose most devoted fans live-tweet the show’s every nutty twist, provides in itself a balm for its political blasphemies: how scary to think that even the president is powerless; let’s all watch a soap opera instead.

Aaron Sorkin, the creator of *The West Wing* and now *The Newsroom*, would rather we learn some lessons—about American exceptionality and its slippery balance of pros and cons, and the best days of both politics and journalism. In Sorkin’s fantasy, a cable news anchor might shape the country’s moral landscape, offering viewers not just top headlines but truth triumphant over sensation. Will McAvoy (Jeff Daniels) is such an anchor, and *The Newsroom* follows his transformation from “the biggest ratings whore in the business” into an advocate for a nation suffering from media and political poisoning. That transformation begins with a humbling: Will laments failing his viewers, equating his apolo gies to you?*" asks the fraudulently elected, phlan dering, occasionally homicidal president. Well, the viewer might think, you kind of did. *Scandal*, whose most devoted fans live-tweet the show’s every nutty twist, provides in itself a balm for its political blasphemies: how scary to think that even the president is powerless; let’s all watch a soap opera instead.

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Sorkin’s is a fictional world organized under actual datelines, in which the country is led by our actual president, Barack Obama. Now and then, fake stories are mixed in with the real, should reality fail to provide a ready vehicle for Sorkin’s rhetoric. The first season of *The Newsroom* was not well received: its apologies dripped with presumption; its depiction of sacramental journalism asked too much and too little of viewers. The show’s second season began to investi gate the fallibilities of cable journalism and eased up on the notion of Will McAvoy, leader of men. Yet *The Newsroom* remains gravely aspirational, and in this it suffers by comparison to *The West Wing* (1999–2006),
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7-night Eastern Caribbean Cruise aboard Holland America’s MS Eurodam
Sorkin’s similarly high-minded apology for the Clinton presidency, not least because it’s hard to fathom a paean to institutional power beguiling the American imagination the way The West Wing once did. According to Armando Iannucci, even the White House remains caught up in the latter show’s blend of truth and theater. During a research expedition to Washington, Iannucci delighted when Reggie Love, a former special assistant to President Obama, described the Roosevelt Room as the place where West Wing characters Josh and C.J. might meet: “I’m thinking, ‘Why couldn’t you say this is where President Obama sat with Hillary Clinton?’” This is the size of the predicament, and yet one years for something beyond the vapid sting of such an anecdote. One years, perhaps, for a show about someone like Love, not a persuasive caricature but a human being, subject to genuine confusion about what level of reality he’s supposed to be operating on.

The Thick of It enacts the idea that the lines separating political theater from the real world have dissolved and the leading characters can no longer find their marks, in House of Cards all is theater, and tragedy reigns. The original BBC production, adapted from a novel by Michael Dobbs, a former chief of staff to Margaret Thatcher, premiered the week Thatcher resigned in the fall of 1990. “Nothing lasts forever,” Tory chief whip Francis Urquhart (Ian Richardson) coos in the first episode, clutching a framed photo of the prime minister and addressing the camera in one of his character’s habitual Shakespearean asides. “Even the longest, the most glittering reign must come to an end someday.” According to Dobbs, John Major and his staff paused from campaigning each week to watch the show.

The American adaptation of House of Cards, whose second season premiered on Valentine’s Day, was the first venture by Netflix into production. Like Showtime’s Political Animals, in which Sigourney Weaver plays a goodly, embattled secretary of state clearly modeled on Hillary Clinton, this House of Cards exposes a mutually parasitic bond between politics and the media. In her pantsuits and flag pin, doing bad to do good, Weaver is a figure of reluctant sympathy, an iron maiden in need of forgiveness. House of Cards makes no apologies for Frank Underwood (Kevin Spacey, who might as well have an “F” tattooed on one heavy eyelid and a “U” on the other), a languishing majority whip in a centrist Democratic government. Just as Francis’s wrath is unleashed when the new prime minister ignores his recommendations and appoints someone else as secretary of state. In thirteen episodes spun out from the BBC’s four (with echoes of subsequent seasons), Frank colludes with his deceptively creamy wife Claire (Robin Wright), a shady adviser (Michael Kelly) and a young reporter named Zoe (Kate Mara) to wreak havoc and thereby acquire power, which is its own end.

“Forward—that is the battle cry,” Frank tells us. “Leave ideology to the armchair generals, does me no good.” Frank persuades the president that a new education bill is a nice, benign choice to usher in the administration. It’s also a nice, benign choice for House of Cards, in keeping with a modus operandi that favors Frank’s crab-cake rhetoric over relevant or even plausible plotlines. Nor is character at a premium: a viewer might not mind Frank’s lack of a moral center; his lack of an immoral center presents a more significant problem. House of Cards occasionally isolates its players, especially its leading couple, presenting their private moments for our inspection. It’s a soap-opera move perfected by The Sopranos, in which scenes often open or close with a character’s face expressing something—ambivalence, fear, anger—that only we can see. But it’s in these moments, separated from their “characters,” that Frank and Claire seem most like ciphers, their private faces suggesting a deeper opacity.

In House of Cards, politics and media are not in bed but up against a wall, for brief but frequent, violent interludes. Like Frank, Zoe appears to care only about keeping the ball in the air: copy flowing out and traffic flowing in. Zoe works for a paper called The Washington Herald, which means that despite the presence of real-life broadcasters (including George Stephanopoulos and Soledad O’Brien), we have entered bizarro DC. Sallow tones and gargoyle close-ups give the BBC production’s claustrophobic atmosphere a sleazy wit that is compressed in its antithero’s tagline: “You might very well think that; I couldn’t possibly comment.” The more polished Washington version—a noir with a gold and pewter sheen—oozes sleaze but shows little wit. Frank might speak to the viewer, but he never wins.

In this, House of Cards owes as much to The Thick of It as it does to its British original. In The Thick of It, self-interest is strictly micro and trumps ideology without even the appearance of a struggle. There is no bigger picture or larger story that these peons might seek to shape. By 2012, the complicated utility of leaks and counter-leaks holding the kingdom together has itself become the story, with leak-master Malcolm (“I’m as busy as a two-tweeted hooker”) Tucker at the center of a parliamentary inquiry. The inquiry and its machinations take up much of the fourth season; both culminate in Malcolm’s testimony. Ever quotable, in this instance Malcolm turns stentorian, and for the first time the show articulates something like a moral perspective on the nihilism it depicts:

The whole planet’s leaking!... The exchange of private information—that is what drives our economy. But you come after me because you can’t arrest a land mass, can you? You can’t cuff a country... You [the parliamentary committee] don’t like your species, and you know what? Neither do I. But how dare you come and lay this at my door. How dare you blame me for this, which is the result of a political class which has given up on morality, and simply pursues popularity at all costs. I am you and you are me.

In a season-two episode of The Newsroom, Olivia Munn’s finance reporter salutes Disney (which owns ABC, home of Scandal), calling entertainment “one of the few American industries still making a product people wanna buy.” A show like House of Cards, sprung from the loins of 33 million Netflix subscribers, promotes a new industry standard—the bland impetus of data-driven programming. Account data suggesting Netflix users were digging on director David Fincher, Kevin Spacey and the BBC House of Cards persuaded executives to combine the three elements in a remake. Where the original made a motif of rats scuttling through London’s finest gutters, the American version returns several times to the homeless on Washington’s doorsteps.

“Nobody can hear you,” Frank tells one such wretch. “Nobody cares about you. Nothing will come of this.” We are meant to shiver at this, the suggestion of a cold, comfortless world. We are meant to recognize the noir sensibility of House of Cards as a darker shade of realism. But this world absorbs too much light and reflects too little to illuminate its subject or the viewer. If the show provides no relief from FU’s nihilism, it is evidence that our entertainment preferences are well accounted for. At a moment of peak ideology and political, cultural and economic division, House of Cards emphasizes beyond its showy cynicism a rare point of agreement: this thing is busted, but we all like watching television. To watch the first season in a weekend, as I did, is not to feel moved or unsettled but a little seduced, a little ashamed. It seemed
important, to the many who did the same, that if the show wasn’t particularly good, it wasn’t bad, and there was a lot of it. For a few more viewing hours, the world proved not so comfortable after all.

Political entertainment appears, for the moment, to be a seller’s market. User polling helped select another Washington series, Alpha House, from Doonesbury creator Garry Trudeau, as Amazon’s first original production. There is perhaps good reason why a new class of television shows depicting Washington as an extension of show business—treating “reality” as a dramatic prop, useful insofar as it leverages the idea that there is no reality, no truth but show truth—have connected with American audiences. The buyer is bound to the con they re-stage, over and over, from different angles. The buyer, like a naïve senator or a desperate vice president, also wants to believe in the possibility of making history. History, after all, asserts a shared reality at last, its solace equal to or maybe even greater than that of a nation tweeting along together in real time.

It is no coincidence that actual political systems are faring less well. Even their infrastructure is failing: the Capitol dome is about to undergo a two-year renovation; Britain needs a billion pounds to patch up Westminster Palace. To that end, last year a parliamentary committee voted to allow “appropriate commercial filming” within Westminster, including the House of Commons. Upset ensued, but it appears Hollywood and others will soon file through the palace at a starting rate of £10,000 per day, acquiring for their political fables the increasingly exotic stamp of something real.

The ministers needn’t fret too much. The House’s image, if not its domain, has long been compromised. By comparison, the queen and her errant Windsors still gleam, a national reservoir that has helped the British avoid American-style political dynasties and worship of their elected heads of government. One sovereign is quite enough. Parliamentary systems elect parties, not individuals; parliamentary power is more fluid, its vagaries more readily depicted for what they are. True, cameras are rarely found in British courtrooms, and House footage is not for fun—measures oppressive to the American sensibility, which prefers “reality,” not realism, as the basis for satire and much entertainment. Yet what boundaries remain continue to make good neighbors of politics and culture in Britain, where a show as transgressive as The Thick of It gets over because it agrees to call itself make-believe.

Whistler’s Battles

by BARRY SCHWABSKY

As formalism drilled into American culture at West Point? Neither Edgar Allan Poe nor James McNeill Whistler were notable successes there. The young writer was dismissed in 1831 for gross neglect of duty and disobedience of orders, and twenty-three years later, the future artist was declared deficient in studies and conduct and likewise shown the door. Yet it’s hard to read Poe’s “Philosophy of Composition”—the essay in which he claims to lay out the process of ratiocination by which he composed “The Raven”—without wondering what effect an education in engineering and military tactics might have had on his distinctly calculated approach to the construction of a poem. And to hear Whistler tell it, his paintings—vague and nebulous though they might appear—were coolly designed assemblages of line, form and color: “The picture is throughout a problem I attempt to solve.”

The analytical fabrication of an evocation of mist: this is but one of the paradoxes so characteristic of Whistler. Having been born in Lowell, Massachusetts, and having lived most of the few years of his time in his home country in New England, Whistler tried and failed to paint a picture after Poe’s “Anabel Lee.” He nonetheless liked to think of himself as a Southerner and to call Baltimore his hometown—the latter chosen, he acknowledged, because of its connection to Poe, another lapsed New Englander. Ferociously ambitious beneath his pose of indolence, a shameless publicity hound who believed that none but other painters were qualified to judge his art, Whistler was the most contradictory of men. Long before Muhammad Ali declared his ability to “float like a butterfly, sting like a bee,” Whistler had adopted a stylized lepidopteran as his monogram, often adding a barbed tail as a notice of the aggression beneath the charm.

If anything betrays Whistler’s military background, it is his conception of the artist’s life as a series of frequent engagements with the enemy—hostile critics, backward-looking institutions, uncomprehending patrons, philistines in general. He liked to imagine that in his battles with them he practiced the “scientific and West Point kind of fighting,” but it must often have seemed that it was a losing cause. His weakness was his knack of turning friends into foes. Perhaps it’s his embattled stance that’s made him an apt subject for his latest biographer, Daniel E. Sutherland—not a specialist in art but a historian of nineteenth-century America with a particular interest in the Civil War, whose most recent book before Whistler was A Savage Conflict: The Decisive Role of Guerrillas in the American Civil War (2009). All the better for a painter who thought that “there is nothing like a good fight! It clears the air—and the only thing is not to have any half measures—for that gives a chance to the enemy who think you are showing signs of timidity, and so gather courage themselves for a general rush against you.”

Whistler

A Life for Art’s Sake.

By Daniel E. Sutherland.

Yale. 440 pp. $40.
George Whistler's wife, Anna, that "your son who would fulfill the father's artistic inclinations to be an engineer," but it would be "too much of his weakness for a witty comeback) to chastise his American colleague: "Whistler, you behave as though you have no talent." For William Merritt Chase, one of the many artist friends he eventually fell out with, there might well have been "two distinct Whistlers," but only one was genuine: "Whistler the tireless, slavish worker, ceaselessly putting, endlessly striving to add to art." Even with his "real self" hidden, though, it's easy to see why Whistler has long been catnip to biographers. His life was unusual almost from the beginning—at least from the age of 9, when he moved with his family from Springfield, Massachusetts, to St. Petersburg, Russia. The year was 1843, and his father—one of the country's leading civil engineers and a former West Pointer himself—had been hired by Czar Nicholas I to head the construction of a rail line to Moscow. George Whistler was remembered by a West Point classmate as "too much of an artist to be an engineer," but it would be his son who would fulfill the father's artistic vocation. It was in St. Petersburg that the boy began studying art, privately at first and then, in 1845, at the Imperial Academy of Fine Arts. Unfortunately, Sutherland does not have much to say about what he learned there, but his talent was recognized early; a Scottish painter who had been commissioned to paint a portrait of the czar advised George Whistler's wife, Anna, that "your little boy has uncommon genius, but do not urge him beyond his inclination." No worries: the inclination was there, despite the mother's assurance that her son's talent "had been only cultivated as an amusement."

It was Anna Whistler, of course, whose portrait would eventually become one of the most renowned works of American art. Here, too, is something about which I wish Sutherland had been more curious—even, if necessary, speculative. Anna was a woman of deep and unshakable piety, exactly the kind of person you'd expect to exert a suffocating influence on a child with her son's artistic and, eventually, bohemian inclinations and seeming immunity to religious feeling. When they were young artists in Paris, one of Whistler's friends, hearing him mention his mother, exclaimed, "Your mother? Who would have thought of you having a mother, Jimmy?" She did, soon enough, destroy some of her son's drawings that she'd come across: "They may have been Artistic, but they disgusted me," she said. Even after Anna followed her son to London, she remained stalwart, going so far as to press her religious tracts on Jimmy's friend Algernon Charles Swinburne in the hope, Sutherland says, of saving that most decadent poet's soul. Yet far from wanting to get out from under his mother's thumb, Whistler remained devoted to her all her life and was devastated by her death as he would be, later, only by that of his beloved wife, Trixie.

Yet something of Anna's austerity—embodied in the blunt geometrical structure of the portrait in which he immortalized her—remained an unspeakable essence of Whistler's art. Denys Sutton, in a fifty-year-old monograph that still remains probably the best general overview of the artist's work, wrote of "the difficulties facing him when trying to paint the nude," and shrewdly noted that "a sort of innate puritanism made him reluctant to come to grips" with this theme. Whistler's life may have been a challenge to his mother's sense of propriety—living and fathering children with his favorite models (first Joanna Hiffernan, then Maud Franklin) before his marriage—but his paintings tended to etherealize his passions to the point of respectability: compare Whistler's paintings of Hiffernan with the lavishly sensual depictions of her that Gustave Courbet painted when the three of them spent time together in Trouville, on the Norman coast, in 1865. As Sutherland points out, Whistler was better able to handle the nude "with pen, pencil, crayon, and chalk" than oil paint—as though he was more comfortable with the female body as idea than as substance.

Despite George Whistler's (possibly repressed) artistic inclinations, his relations with his son seem to have been more formal than Anna's. But the elder Whistler's death in 1849—when he was only 48 years old—knocked the boy off-balance. So too, perhaps, did the resultant return to New England, which must have seemed pretty dull after the pomp of the court in St. Petersburg. If West Point wasn't quite the right place for him, neither was Whistler's subsequent employment drawing maps for the US Coast and Geodetic Survey in Washington, DC. By 1855, he'd made his way to Paris, where he quickly saw that the liveliest art was that of Courbet and his followers. He bonded together with two of these young realists, Henri Fantin-Latour and Alphonse Legros, as a self-proclaimed Société des Trois.

Whistler seemed to be making his way in Paris, yet in 1859 he crossed the Channel and set himself up in London. In retrospect, this move can look like a big mistake. As far as painting goes, Paris really was the "capital of the nineteenth century," in Walter Benjamin's phrase, and London a provincial backwater by comparison. One of London's attractions, though, was that Whistler's sister Debo lived there, married to an English physician who was also a successful artist, renowned for his etchings—so he had a reliable support structure. But even on a broader level, the superiority of Paris would not have been so clear at the time. Intellectually, England was in ferment; as Sutherland points out, 1859 was the year such works as Darwin's Origin of Species, FitzGerald's Rubáiyát of Omar Khayyám and Mill's On Liberty were published—not to mention one of the most popular books of the century, Samuel Smiles's Self-Help. And a new phalanx of patrons was being minted by the Industrial Revolution, men who, as Sutherland says, "were often more willing than the old ones to invest in 'modern' art. Coming themselves from the middle classes, they did not hesitate to associate socially with artists, even bohemians."

Whistler would sour on London eventually. Maybe it started with the attack on him by England's most prominent critic, John Ruskin, in 1878. In response to Whistler's Nocturne in Black and Gold: The Falling Rocket (1875), the old man thundered, "I have seen, and heard, much of Cockney impudence before now; but never expected to hear a coxcomb ask two hundred guineas for flinging a pot of paint in the public's face." Thus began one of art history's most notorious court cases: Whistler sued Ruskin for libel, turning the courtroom into a debating chamber on the aesthetics and economics of art. The
jury found in favor of Whistler but awarded him only a farthing in damages; with no compensation, the legal fees were ruinous. But Ruskin was hardly laughing: imagine that the condemnation of one of England’s most influential critics was worth only a farthing! It was, he grumbled, a “triumph of ‘the Clever’ over ‘the Right.’”

At the height of modernism, though Whistler’s own paintings had gone out of fashion in the meantime—too “soft” and poetic, undoubtedly—it would have seemed obvious that his insistence on art’s autonomy had bested Ruskin’s moralism, just as Whistler’s avowal of its intellectual character was more to the point than the writer’s belief that the value of a work could be tied to the quantity of work put into it. The price of a work, he told Ruskin’s attorney, had nothing to do with how many hours he’d spent in front of a canvas: “I ask it for knowledge I have gained in the work of a lifetime.” Today’s conceptual artists could only agree, just as they would have to applaud Whistler’s instruction to one of his dealers that his works “are not merely canvases, but are intended to indicate…something of my theory in art.” On the other hand, the moralistic view of art that Ruskin upheld has returned with a vengeance; and once again, as Whistler would lament, “the people have acquired the habit of looking…not at a picture, but through it, at some human fact, that shall, or shall not, from a social point of view, better their mental, or moral state.”

Maybe Whistler should have known that morality could never be definitively divorced from art, because he always aimed at a total art of living—an art not just of the individual painting, but of the entire designed environment. And an art of living must always involve, at least implicitly, a set of judgments about how to live—an ethic as well as an aesthetic of daily life. One of the many critics with whom Whistler quarreled observed that although

oblivious to the interests of the working-man…he is—notwithstanding—perhaps the greatest socialist of them all, through having inaugurated in his exquisiteness of colour and ordered harmony, a simplicity—with the use of distemper, matting and muslin—that suggests an art democracy in which he himself professes no belief.

Whistler’s homes, and the rooms he designed for other people, must have been as essential art as his paintings and prints. Unfortunately, they no longer exist, except for the famous Peacock Room of 1876, now at the Freer Gallery in Washington. This, too, led to one of the artist’s clamorous fallings-out and another lawsuit. His patron, Frederick Leyland, had never asked for such an elaborate project, and he balked at paying what Whistler thought he’d earned by the time the job was over. But it might not have been the most radical of the artist’s environments, and it gives a misleading idea of his domestic aesthetic because it is sumptuous where the others were simple.

A biographer is not a critic, but maybe the biographer of an artist should be one. The brilliance of some of Whistler’s work—perhaps even more in his prints than in his paintings—and the radicality of his ideas makes it inevitable to wonder why his accomplishment seems so much smaller than that of his great French contemporaries. Sutherland doesn’t speculate about the reasons for this. These days it’s hard to remember that Whistler’s Symphony in White, No. 1: The White Girl caused a bigger uproar at the Salon des Refusés of 1863 than Manet’s Déjeuner sur l’herbe, or that Monet was more influenced by Whistler than vice-versa. The delicacy of Whistler’s perceptions and his willingness to sacrifice everything for the sake of harmony make for an art less bracing than that of Degas or Pissarro. And yet how much life there is in his little Thames riverscapes. Perhaps we need another major exhibition—there hasn’t been one for twenty years—to re-evaluate him.

Would Whistler have respected any evaluation? In what we would now call his exhibition catalogs, he wanted no one’s encomium,
Big MoMA’s House
by MICHAEL SORKIN

The problem on 53rd Street is not just encroachment but a lack of respect for defiance and difference, qualities that modern art has historically affirmed but which at MoMA have been weakened by institutionalization. MoMA and its architects do try to argue for a restoration of some idea of edginess by claiming that a new generation of curators is aboard and ready to experiment. The case for demolition is couched in terms of facilitation rather than constraint, but many perceive that the removal of the irritant—the sand grain that might have produced a pearl—in favor of the noncommittal (the installation of a retractable glass wall, an “Art Bay” and a “Gray Box”) is an assault on the specificity of art itself. These new spaces represent avant-gardism at its most deracinated, and the idea of filling the ghosted outline of the razed and, in Diller’s word, “obdurate” little building with these rigorously vague spaces seems a gesture of melancholy resignation.

As several people pointed out at Ethical Culture, DS+R has done a mettlesome, exacting job of proving a false premise. Once its client established that efficient circulation was the sine qua non of the expansion, the Folk Art Museum could only be perceived as an impediment rather than an asset. It isn’t that the building couldn’t have been saved but that there was, finally, no will to save it, no love. That would have required some imaginative delight in the stimulations of archaeology and exception, an interruption in the smooth horizontality of MoMA’s vision of flow. DS+R has canny and skilled designers, and many of the intermediate renderings they presented showed fine strategies for incorporating the Folk Art building into the larger ensemble, filled with hints of a suggestive and productive merger. It was sad to see them forging on with attempts to thoroughly assimilate the found object into a set of routines that were simply anathema to it, finally deciding to obliterate

but instead some choice excerpts from all of the scathing reviews he’d received. “That is the real Whistler Album if you like! and moreover the only text I could tolerate—for I will not have myself presented by any one—or excused—or explained.” Nor did he want his life written. But while Whistler himself might have disagreed, his art is more than just caviar for fellow artists, and the story with which Sutherland begins his book is a healthy reminder of why. The historian recalls that his fascination with Whistler began with a school trip to the Detroit Institute of Arts when he was 12. “There he was, a self-portrait, right next to his most notorious painting, Nocturne in Black and Gold: The Falling Rocket. The memory of that encounter has stayed with me, and now, with the passing of nearly another fifty-five years, it is my reason for telling his story.” Today, as everyone knows, the Detroit Institute of Arts is under threat; there’s been talk of selling off the museum’s collection in order to pay off the city’s debt. At the moment, it appears that the museum can be saved, but its fate is not yet clear. This much is sure: if a great public collection can be dispersed back into the private market, life-changing encounters like Sutherland’s will no longer be possible. His book is not only a biography of one of America’s first important artists, but an implicit reminder that art history must never be privatized.

We’ve made our decision,” announced Běth Diller, of Diller, Scofidio and Renfro (DS+R), defended their recently announced plans for the museum’s expansion. These have sparked controversy because they include razing the neighboring, now-empty American Folk Art Museum building, designed by Tod Williams and Billie Ţiesen, and purchased by MoMA in 2011. The vitriol from the local critical and architectural community has been raucous, ad hominem. The crowd at Ethical Culture wanted blood, to see DS+R taken down a peg, shamed. Why? To be sure, the quirky little neighborhood, homes to absentee oligarchs and built with the kind of artful detail so desirable for a row of buildings.

The Folk Art Museum is perceived as a barricade, a point of resistance, not simply to a rampaging goliath that has progressively made us feel less special as a public as we negotiate its airport-concourse crowds and Broadway prices, but to what is happening to the city more broadly. It’s worth recalling that the three floors of the museum’s primary expansion are to be housed in the base of a ridiculously tall midblock tower for the hyper-rich. Clearly, the little building is seen as a last barricade against not only the foregone outrage directly next door, but also its acromegalic kith rising throughout the neighborhood, homes to absentee oligarchs swooning over their Damien Hirsts and Jeff Koonses and other pieces of asset art. There’s plenty of disquiet in the culture about the role the museum plays in all this, as validator and cultural arbiter, and now it’s spilling out.

In the mix, too, are feelings about the brutalization about to be visited on that dear old friend, the New York Public Library, which

special memories are of college breaks during the 1960s, trying to pick up Bennington girls among the Matisses. (I was rebuffed.) Generations of visitors from the city and the world have been schooled in the cultures of modernity by its galleries, its cafes, its bookshop, its screening rooms, its sculpture garden. The sense—especially since the misbegotten shopping-mall-style expansions of César Pelli and Yoshio Taniguchi in 1984 and 2004, respectively—is that the museum has sold out to a homogenizing commercialism, a feeling inflamed by this latest enlargement of its “campus,” a weird and preening misnomer for a row of buildings.

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it as though, having inexorably designed their way into a box, they genuinely had no choice.

Although DS+R and Williams and Tsien are generational contemporaries, steeped in modern art and experienced designers of spaces for it, they represent divergent streams in architectural modernism. DS+R is an apt choice for MoMA because it is a direct legatee of the Bauhaus tradition, with its aura of functionalist architecture, craft and performance. Williams and Tsien, on the other hand, are more clearly linked to a branch that includes Frank Lloyd Wright, Louis Kahn, Carlo Scarpa, and, perhaps especially, Paul Rudolph—known for his brilliantly unyielding interiors—and other exponents of a thicker sense of materiality and of a specific style of complex orthogonality. Although their work is not demonstratively eccentric, their predilection for density and traditional construction contrasts with DS+R’s penchant for transparency and ornamental technology.

At the evening session, Lowry, in response to a question about how he could trash a building when he’d never do the same to a painting, distinguished the character of architecture on the basis of its functionality, taking the issue of the Folk Art Museum’s future out of the realm of “preservation” and placing it in the more tenuous category of “adaptive re-use.” Could it be made into a good gallery, hallway, cafe, something other than it was designed for? Which means, of course, that the more precise the original design intentions, the more likely the demolition.

The question, clearly and honestly articulated by Diller, concerned how much of the building could be modified or removed before some essential singularity was snuffed. Her account reminded me of “The Birth-Mark,” the story by Nathaniel Hawthorne. Gazing on his beloved, a scientist becomes obsessed by a birthmark he feels is her only flaw and wonders if it can be removed. She responds that the mark “has been so often called a charm that I was simple enough to imagine it might be so,” but submits to her husband’s desire. You know the rest: he concocts many formulas and finally discovers a work of art, full stop. It’s a lovely little treasure next door.

Investigating the seam between art and architecture has long been the stuff of DS+R’s practice. Its breakthrough work was the great “blur” on Lake Neuchâtel—a building formed from mist, not simply a fantastic installation but one that strongly identified architecture with the immaterial and the performative. DS+R’s professional quest, in many ways, has been to retain that project’s qualities of ineffability in more orthodox and concrete circumstances. The High Line (designed with James Corner) has been terrific because the project—an adaptive re-use long gestating in the minds of many—enjoyed such a singular and congenial armature, focused such widespread desire, and because its additions to the old viaduct were a canny combination of lapidary minimalism and fecund and ever-transforming plantings. Likewise, its renovations to Lincoln Center were inscribed on a strong but deficient template, becoming part of an enriched palimpsest that they cured of much of its inefficiency, imperial stodginess and inconsistent detail.

DS+R also has a long history of exploring the political in its architecture and critique. In particular, it has worked in exhibitions, installations, texts, and buildings to raise questions about surveillance and privacy, mass culture and tourism, the body and its prosthetic extensions, and the distorting seductions of vision. In MoMA’s claims for the importance of its expansion, politics is invoked as a key motive, but in a deeply diffuse and elusive way. The obsession with “access” merges too easily with the project’s overriding emphasis on circulation: art will be brought nearer to “the street,” and people will be able to see it from the sidewalk. The cloistered garden will be periodically opened to the public. This will be facilitated by flip-up glass that will vamp the fantasy of the “museum without walls.”

Alas, this is a wan substitute for the genuinely political, which depends not on the generosity of private interests but on the creation and reinforcement of a genuine public realm, based on real public participation in the decisions that affect it. This dual dilemma was surely on the minds of those at Ethical Culture, and the disappointment at being invited to participate after the fact was galling. Likewise, the question of preservation, and the fraught discourse of precisely what was to be preserved, was too easily dismissed—by belittling it, for example, as “facadism.” Indeed, for many of those in attendance, the argument for saving the Folk Art building is that it is a work of art, full stop. It’s a good enough argument, but so is the idea that certain buildings—via their presentness, familiarity or eccentricity—are crucial parts of the city’s fundamental physiognomy, a quality difficult to codify through the normal routines of artistic or historical judgment.

But these values are central to the city’s sense of memory, respect, even compas- sion, and they must be fought out in a court without laws. Whatever the specific architectural merits of the Folk Art Museum, it is clear that its function on 53rd Street is, in part, as a last bulwark of a midtown in which the midblocks were reserves of row houses, elaborately expressed and in happy contrast to the larger towers on the avenues. By demolishing the Folk Art Museum and snuffing out its exceptionality, MoMA abets a money-mad engine in which nobody bats an eye at an eighty-story tower in the middle of the block but can’t find a way to save the lovely little treasure next door.
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