

AFTER #MeToo

JANE FONDA, BRYCE COVERT, KATHA POLLITT, COLLIER MEYERSON, RAINA LIPSITZ

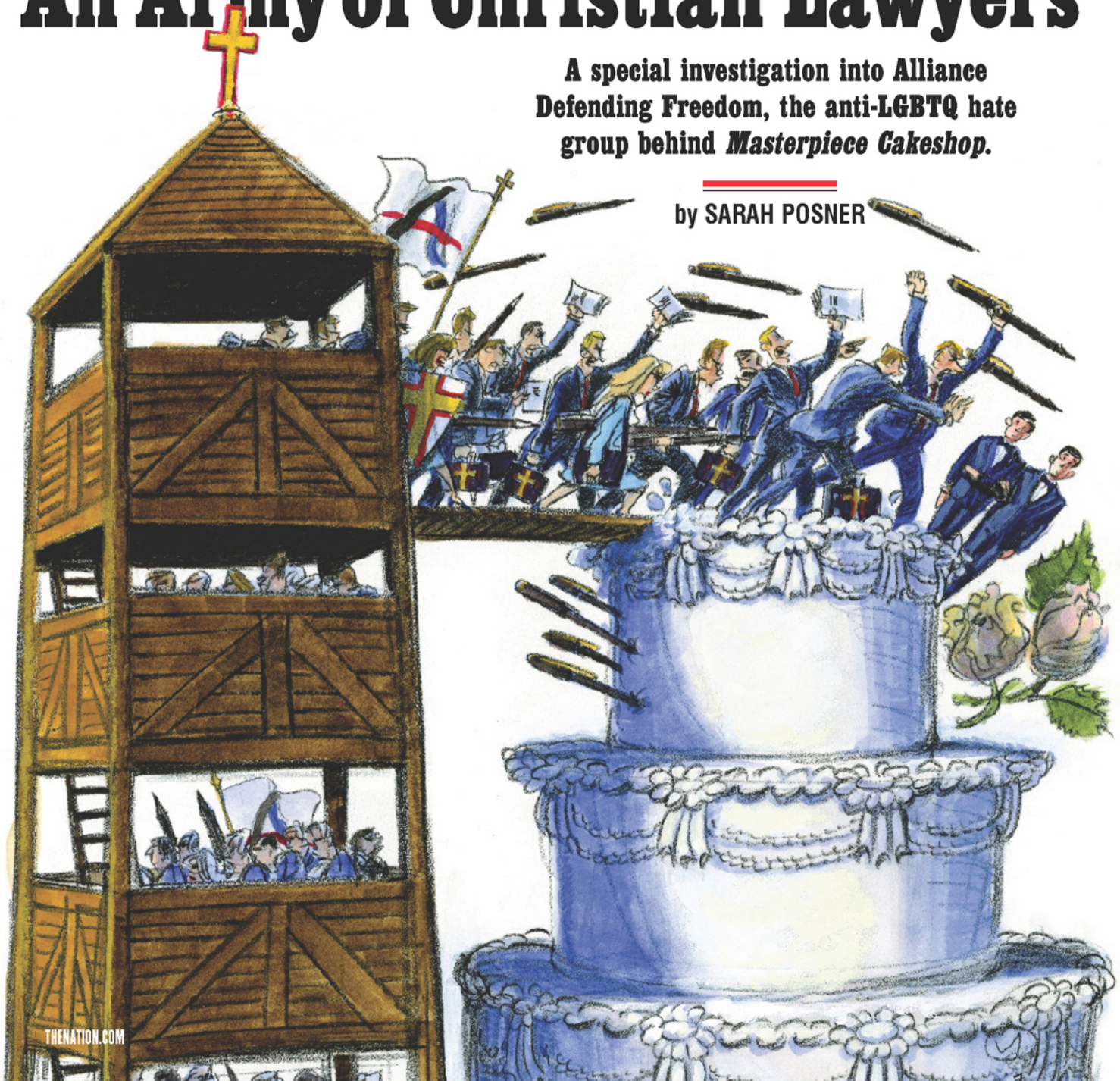
THE Nation.

JANUARY 1/8, 2018

An Army of Christian Lawyers

A special investigation into Alliance
Defending Freedom, the anti-LGBTQ hate
group behind *Masterpiece Cakeshop*.

by SARAH POSNER

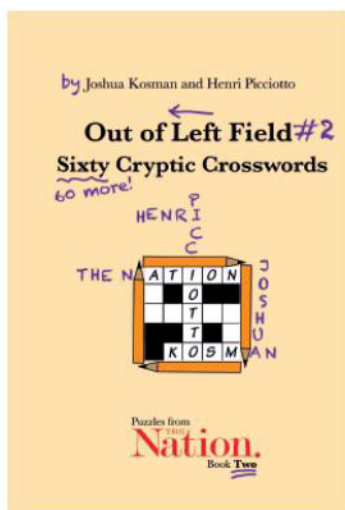
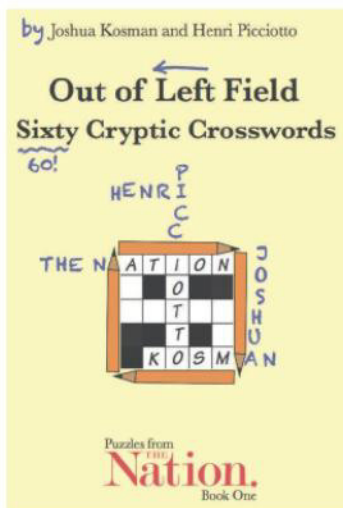


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What Happened—and What Didn't

When I read Elizabeth Drew's uncritical endorsement of Hillary Clinton's claim, in her new book *What Happened*, that Bernie Sanders's support was "grudging all the way" throughout the general election ["If Only..." Nov. 13], I remembered the afternoon of October 4, 2016, when I sat in the upper reaches of the University of Minnesota's biggest auditorium and heard Sanders give an impassioned speech. He urged his youthful audience not just to vote but "to do everything you can to make sure that Hillary Clinton is the next president." Later that day, Sanders did the same at the university's Duluth campus. For her part, Clinton never campaigned in the state after getting the nomination and just barely won here. Minnesota might have been another Wisconsin if Sanders hadn't invigorated younger voters who were notoriously cool to Clinton. She should have thanked him rather than trashed him.

GREG GAUT
MINNEAPOLIS

I take issue with the scathing review of *What Happened* by Elizabeth Drew. I am an avid follower of Hillary Clinton and have admired her work as a public servant for 30-plus years. She had to contend with misogyny as well as a barrage of abuse and accusations when Republicans realized she would be the toughest candidate to beat. I accept most of the analysis in her book. I'm 80 years old, and I probably won't ever see a woman president—and that upsets me! Stop the autopsy of what she did wrong: Clinton won 3 million more votes than Donald Trump.

STEPHANIE BONNIVIER
WATERFORD, MICH.

There was something in this review that I found troubling, but I could not put my finger on it. I'm reading

Clinton's book now, and although I'm reacting to it more positively than Drew, it wasn't the difference of opinion. Then it came to me: When Al Gore lost in 2000, we didn't require him to produce a confessional, even though many people found him stiff and artificial. When Jimmy Carter lost in 1980, no one sat in continuing judgment of the fact that he misread the public mood and brought a harsh tone to his governance. But Clinton is somehow different, and if her words don't send the right message of insight, guilt, and acceptance, we judge her as we always have.

Elizabeth Drew is calm and reasoned (she has always been nothing but). I just continue to be amazed that we feel the need to sit in judgment of Hillary Clinton.

DAN FISHBEIN
ARVADA, COLO.

The Postmortem Continues...

The "Autopsy" report at the center of William Greider's "What Killed the Democratic Party?" [Nov. 20/27] seems to leave out a significant piece of the puzzle, which was clearly summarized in Richard Kreitner's article, "Conventional Wisdom," in the same issue. Discussing the progress made by the balanced-budget obsessives, Kreitner points to groups like ALEC, the "corporate-financed behemoth that pushes conservative legislation through state legislatures," and the State Policy Network, "a collection of 64 think tanks." Where is the Democratic or progressive equivalent to these? Conservatives laid out their strategy in the 1970s, spurred by the Powell memo, and have steadfastly followed that script. It seems that Democrats have always primarily focused on the next election and have not built a similarly long-term strategic effort.

JEFF BAKER
ASHEVILLE, N.C.

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Trump's Capital Mistake

Every dark cloud has a silver lining. The torrent of complex problems that Donald Trump has unleashed by his recognition of Jerusalem as Israel's capital will plague US policy and Middle East peacemaking for many years. You cannot unrecognize a capital once you have recognized it. Whatever

caveats he may offer, Trump has effectively accepted Israel's annexation of vast swaths of the occupied West Bank into Greater Jerusalem and its declaration of this entire zone as the country's "eternal undivided capital." He has denied Palestinians any national or political rights there, and he has nailed the US flag to a position that antagonizes virtually every Palestinian, Arab, and Muslim, as well as the overwhelming majority of peoples and governments around the world.

But in plunging the Middle East into what may be a prolonged crisis, and saddling future generations of American policy-makers with the burden of dealing with the mess he's made, Trump may have inadvertently cleared the air. He may have smashed a rotten status quo, locked into place by years of US "peace processing," that has served only to entrench and legitimize Israel's military occupation and colonization of Palestinian land, crippling the possibility of a just, lasting peace.

After Trump, how can the United States—"Israel's attorney," in the words of veteran State Department official Aaron David Miller—even pretend to act as mediator? There can be, and should be, no going back to the old formula, whereby the United States colluded privately with Israel and the two powers thereafter imposed their will on Palestinians. That was never the way to achieve peace; it served only to oblige the weaker party to bow to the will of the stronger, exacerbating the conflict. If this changes, it is indeed a silver lining to what promises to be a debacle for US diplomacy and the stability of the Middle East.

If, moreover, Trump's action drives a stake through the heart of the truly dreadful "peace" plan that presidential son-in-law Jared Kushner is peddling, that would be an entirely good thing. The Kushner plan has been rumored to involve a noncontiguous

Palestinian "state" in a fraction of the West Bank and Gaza—without a capital in Jerusalem, without real sovereignty, without control over its own borders or security, and without any right of return for refugees. Calling this travesty a Bantustan would almost be an insult to apartheid South Africa. No Palestinian leader can accept anything like this and retain a shred of self-respect or the support of his or her own people.

Another silver lining is that those Arab monarchs and dictators who have been busily cozying up to Israel in the hopes of securing an ally against their bogeyman, Iran, have now been forced to run for cover. There will now be the usual meaningless unanimity from the Arab states and the Arab League in support of the Palestinians, but this masks an important reality: In a part of the world dominated by so many absolute monarchies and jackboot dictatorships, the rulers have once again been obliged to pay attention to the views of the ruled.

So, in spite of himself, by delivering a blow to international law, multiple UN decisions, and 70 years of US policy going back to the partition resolution of November 1947, Trump may have unwittingly shown us a better path to dealing with the question of Palestine than any that has been on offer for a long time. It is time to abandon the idea that Israel's most fervently partisan supporter and supplier of money and arms can be a mediator. The United States is not neutral; it is fully on the side of Israel. This is despite the fact that polls consistently show that a majority of Americans want the United States to be evenhanded in its dealings with Israelis and Palestinians, and that nearly half of all Americans, and a majority of Democrats, would support sanctions or stronger action against Israel over the construction of settlements.

Instead of letting the United States monopolize the negotiations, a truly impartial international go-



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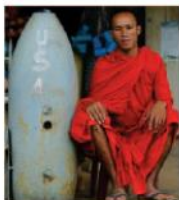
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DC BY THE NUMBERS


In November, the Pentagon announced that it would reverse a 2008 policy prohibiting the use of cluster bombs, which release deadly submunitions that scatter indiscriminately across a target area.

119

Number of countries that have signed the Convention on Cluster Munitions, a global ban on the weapons' use; the United States is not among them

270M

Approximate number of submunitions dropped by the US on Laos during the Vietnam War; about 80 million remain unexploded

20,000

Estimated number of civilians killed or maimed by unexploded ordnance since the end of the Vietnam War

44

Civilians killed the last time the US used cluster bombs, in a 2009 cruise-missile strike in Yemen

—Gunnar Olsen

between is needed. It is time to get away from the Oslo straitjacket—which was designed by the Israeli government to confine and control the Palestinians, and to allow Israel to colonize and occupy their land to its heart's content—and to return to bedrock principles of justice and equality for both peoples. An entirely new basis for negotiations must be grounded in *all* of the United Nations' resolutions, including UN Resolution 181, which entitled the Palestinians to a state much larger than just the West Bank and Gaza, or the scraps that the Kushner plan envisages; and UN General Assembly Resolution 194, which promised the Palestinian refugees expelled during the creation of Israel a right of return and compensation.

Trump certainly had no such aim, but perhaps this latest outrage may help lead the Palestinians and Arabs out of the wilderness where they have wandered for too long. Perhaps it will encourage Europeans and other international actors to overcome the resistance of the United States and begin engaging, fairly and forthrightly, with the Middle East. For Trump has shown that peace in Palestine is far too serious a matter to be left to the antics of the sinister lot of Keystone Cops currently in charge in Washington.

RASHID KHALIDI

Why LA Burns

Thanks to climate deniers, it's going to get a lot hotter.

Blasted by 80-mile-an-hour winds that turned palm trees into giant torches, the blazes that ravaged Southern California beginning December 4 were the worst that veteran local firefighters could recall. "This is kind of the new normal," California Governor Jerry Brown told reporters. Severe drought driven by global warming had left vegetation tinder-dry—with more drought projected in the years ahead. "We're experiencing what it's going to look like on a very regular basis," Brown added.

In one of those ironies so glaringly obvious that Fate seems to be commanding that humans pay attention, one of the properties scorched belongs to Rupert Murdoch. As the founder of Fox News, a lavish donor to Republican politicians, and a close confidant of climate denier in chief Donald Trump, Murdoch has done more to spread public confusion and political gridlock about global warming than arguably anyone else alive. So when local TV reported that smoke was rising from Murdoch's \$28.8 million mansion in the Bel-Air hills, social media exploded with gleeful mockery.

One of the merriest jabs resurrected a tweet of Murdoch's from February 27, 2015—an aerial photo of polar ice that the mogul captioned, "Just flying over N Atlantic 300 miles of ice. Global warming!" Plainly relishing the irony, Anthony Oliveira told Murdoch, "Your house is on fire." Countless like-minded tweeters joined the fun, many inevitably invoking that magnifi-

cent German word *Schadenfreude*—happiness at another's misfortune. Then irony struck again: Murdoch's mansion didn't burn down after all, thanks to local firefighters—unionized public employees who "graciously ignor[ed] Rupert's Wall Street Journal editorials reflexively reviling public employees and unions," journalist Harold Meyerson tweeted.

Most maddening is that even the relentless onslaught of weather disasters in 2017—not only these fires but the wine-country blazes in Northern California in October, as well as Hurricanes Harvey, Irma, and Maria and the torrential rains that displaced 16 million children in South Asia last summer—will not prompt Murdoch, Trump, and the other lords of climate darkness to reconsider the suicidal course they are imposing on the rest of us. On December 2, Senate Republicans passed a tax bill that—along with shoveling hundreds of billions of dollars to corporations and the super-rich while depriving an estimated 13 million Americans of affordable health insurance—aims to increase the oil, gas, and coal development that accelerates the climate crisis.

A capitalist, it is said, will sell you the noose on Tuesday that you will hang him with on Friday. But in the case of climate change, that noose drapes around the neck of everyone on Earth. Which is what makes the GOP position on climate change so morally abhorrent. If Murdoch, Trump, and the rest want to sentence themselves to a future of hellish misery, by all means, proceed. But when their pocketing of Big Oil's dollars and their resulting denial of basic science drags the rest of humanity toward that same doom, then no circle in hell is low enough for them.

It is too often forgotten amid the ceaseless assault of daily Trump outrages, but the climate crisis is a five-alarm emergency that cannot wait. Every day, every instant, that we do not reverse course makes the accumulating impacts harsher. Lunatics are speeding us toward a cliff of no return. For the sake of our children and all we hold dear, the rest of us must wrestle the steering

wheel from them and jam on the brakes. How that is to be done is a larger question—one that people of goodwill and great heart are tackling in various ways all over the world. But let there be no doubt about the realities we face. Former New York City mayor Michael Bloomberg has insisted that Trump's withdrawal from the Paris climate accord is no big deal because cities, states, and activists will keep pushing. Yes, they will—but it is dangerously wishful thinking to suggest that what the government of the

world's largest economy does is of marginal importance.

The terrible truth is that we are running out of time faster all the time, and this will remain true as long as Trump and his cronies remain in power. Which is yet another reason why this manifestly unfit president needs to be impeached as soon as possible and Republicans routed in the 2018 elections and beyond. None of this will be easy. But if we treasure life, these are the fires that must burn next time, starting now.

MARK HERTSGAARD

We are running out of time faster all the time when it comes to climate change.

COMMENT

Asking for a Friend



Liza Featherstone

After a Fashion

Dear Liza,

*How should a feminist mom deal with an 11-year-old daughter who wants to dress as if beaded to an audition for an early scene in *Pretty Woman*?*

—Worried Mom

Dear Worried,

I feel quite sympathetic to everyone involved. It is a delight to dress in a slutty manner at all ages, but your daughter is still a little young. She likely wants to do this partly because she has fun fantasies about grown-up life. Many of us remember this. Susie Bright, feminist “sexpert” and co-author, with her daughter, of *Mother/Daughter Sex Advice*, recalls being eager to be alone in the house so she could raid her mom’s closet and try on her heels, loving the idea of “having everyone be entranced by me, being alluring.” Bright urges you to affirm your daughter’s pleasure in her appearance. Tell her how great she looks. And pick your battles; if you’re on the fence about an outfit, err on the side of permissiveness. Yet it’s also important, for her safety and her sense of realism about the world, to set limits. Tell her she can’t get her Julia Roberts on at school or on public transit, for example, but explain why. Bright recommends, “Not everyone is mature enough to handle your dressing that way, unfortunately,” or “Some people are stupid, and will think that when you dress that way they can touch you. Because some people are sexist.”

Discussing school attire, consider extending Bright’s “some people are sexist” argument to the idea that, because girls are not always viewed as smart, and because some people are weird about sex, dressing like a super-sexy girl in some situations can lead the jackasses of the world to think you’re not intelligent. When you and I, Worried, were growing up in the ’70s and ’80s, girls were told to present in ways that commanded seriousness. One of my high-school teachers (not the best messenger, since her own attire resembled a burlap bag) used to admonish girls in short dresses, “This is a school, not a beach!” That sounds harsh, but she was right: Girls seeking respect (sadly) have to learn that not everywhere is the right venue for our hottest outfits.

Still, don’t let patriarchy stop your daughter from enjoying and expressing her own aesthetic and sexuality. Make clear that there are spaces in which she can dress exactly as she pleases, no matter how you feel about the getup. Girls want to wear slutty clothing at least in part to impress other girls. Bright suggests letting her have parties at your place, at which everyone is

allowed to dress in whatever manner they prefer. Or if you’re giving her a ride to a friend’s house for a movie night, propose that this might be a good time for a wild ensemble, since she isn’t walking down the street alone or trying to impress anyone with her scientific hypotheses.

Dear Liza,

A few months ago, I began attending services at a progressive Protestant church. What I found was a welcoming, positive, and politically engaged spiritual community, which has been so helpful to me in these difficult times.

Here’s my problem: There’s one guy at my church whom I can’t stand. I find him rude and a bit creepy. But he seems to want to develop a friendship (or a relationship) with me. He always sits next to me during services, and he frequently asks me if I want to hang out. I usually make up excuses to get out of it, but sometimes I feel guilty and agree to do something, and then I end up hating every minute of it. This guy has pretty reactionary politics, and he’s so socially clueless that we can’t even go to a coffee shop without him, say, accidentally insulting the barista. What’s more, because he is socially clueless, he is completely unable to take any kind of hint.

I didn’t grow up attending religious services of any kind, so I have no precedent for how to deal with an aggravating person in this context. If someone creeps me out in the secular world, I usually give the person the cold shoulder. But shunning someone because I find them unpleasant doesn’t seem very Christian. Plus, I’m a convert, so it seems especially bad to turn my back on a member of a congregation that has welcomed me. My question is this: Do I have to keep hanging out with this guy? What would Jesus do?

—Confused Convert

Questions?
Ask Liza at
TheNation
.com/article/
asking-for-a-
friend.

(continued on page 8)



PUBLIC EDUCATION

Class-Based Lessons

The GOP tax bill would take a huge bite out of public-school budgets by eliminating the state and local tax (SALT) deduction. The prospect has sent states scrambling to offset the projected increase in federal taxes paid by their constituents. States are responsible for over 90 percent of elementary- and secondary-school funding, and according to the National Education Association, they could lose \$370 billion in revenue over the next 10 years. That could put an estimated 370,000 educator jobs at risk.

But gutting the SALT deduction isn't the only threat to public schools that could end up in the final version of the Republican tax bill. Currently, the tax-exempt funds known as 529 plans can only be used to pay for college, but the proposed Senate bill would also allow parents to pay for their children's K-12 private-school tuition with these accounts. Since the average fees for private elementary school have increased to nearly \$23,000 a year, this provision overwhelmingly benefits wealthy families. And by making it easier to send children to private schools, the bill only further discourages public-school enrollment.

Instructors aren't spared, either. Public-school teachers spend an average of nearly \$600 on school supplies annually, but the tax bill would remove the \$250 deduction they can claim for those expenses. In the words of one teacher who spends part of her paycheck on classroom materials: "No need to keep those receipts anymore—teachers and kids, you're on your own."

—Glyn Peterson



Eric Alterman



No More Nice Nazis

When one side is fascist, there's no need to show "both sides" of the story.

It's déjà vu all over again. Every column I write in the Trump era somehow needs to begin with some version of the question "Can this really be happening?" It's only the "this" that keeps changing. One minute, it's collusion with Putin to undermine the integrity of our election; the next, it's being cool with child molestation; after that, it's taxing grad students to pay for private jets. It's hard to tell if we're living in a science-fiction movie or a nightmare reality show.

Even so, I thought we were at least done with coddling Nazis. And yet there is the already infamous *New York Times* profile of one Tony Hovater, which seeks to illustrate the point that Nazis are people, too. They eat boneless wings, wear T-shirts, register for wedding gifts, and—get this—appreciate "mid-90s, Jewish, New York, observational" humor. Isn't that adorable?

They also like Hitler, who, it turns out, was a guy "who really believed in his cause," and "really believed he was fighting for his people and doing what he thought was right." Sure, he killed a few million Jews, Roma, and homosexuals, among others, but you gotta give him that. Significantly, this appears to be a historical tic of the *Times*. Back in 1922, the paper assured readers that "several reliable, well-informed sources confirmed the idea that Hitler's anti-Semitism was not so genuine or violent as it sounded." In 1939, the year Germany occupied what was left of Czechoslovakia before eventually invading Poland and beginning the conflagration that was World War II, the *Times* broke the story that the nation's head Nazi enjoyed "oatmeal porridge and prunes or wholemeal rye bread and honey" for breakfast.

The Twitterverse trashed the *Times*'s Hovater story, followed by the blogosphere. I could not find a single defense of it, save the extremely wishy-washy ones published by the article's author and editor and a couple of right-wingers. (If you want to read excellent critiques of the article itself, I strongly recommend the Twitter feed of someone called "Mangy Jay.") Most of the weaknesses of the piece—and there were many—can be subsumed under the heading of "category error." Just as was the case with the prune-loving Führer who did not wish to invade Poland on an empty

stomach, it is clear that what is important about Nazis is not their personalities; it is their ideology and their ability to put it to work killing people. The *Times* showed no interest in Hovater's actual beliefs. It reported, for instance, that he is a proud member of the Traditionalist Worker Party. Might it have been worthwhile to ask whether he shares the view, expressed by Matthew Parrott of the group's Traditionalist Youth Network in 2016, that "When critical thinkers are shown what to look for, they become anti-semites in due time despite themselves, as Jewish subversion of the West is too

pervasive and consistently hostile and destructive to remain objective about for long"? Was Hovater influenced by the racial history of the place in which he was born and raised? A woman who identifies herself on Twitter as "Holla Black Identity Extremist Girl" says that she too was raised in Huber Heights, Ohio, and that her grandparents—the first black family to move there—were welcomed by burning Ku

Klux Klan crosses and, later, the murder of her uncle. (Ohio ranks third in the United States in the category "hate crimes.") How did Hovater feel about the murder of Heather Heyer at the Charlottesville rally he attended? We know he likes Trump, but does he think key people in the Donald Trump/Steve Bannon universe share his ideology? Who and why?

I could go on, but there is no question that the profile proved a massive misfire. And the reason for this is the same reason that the *Times*—for all its crucial investigative reporting—is simply not up to the job of explaining what the hell is going on in our country. Like virtually every other mainstream media organization, it is treating an extraordinary situation—one in which our democracy and possibly our survival as a nation are consistently threatened—as just another day at the races. Someone on Twitter observed that, as eager as the *Times* was to humanize this Nazi, it was just as happy to point



The media have been unable to communicate the degree to which our institutions are threatened by this Nazi-friendly administration.

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The problem is a frightful under-reaction from people who have spent too much time doing journalism from a "both sides do it" perspective.

out that Michael Brown, the black youth who was shot dead by police in Ferguson, Missouri, in 2014, "was no angel." The *Times* was tougher on a black victim of police murder than it was on a Nazi not because the paper is "racist." Rather, it's because the *Times* is addicted to showing "both sides" of any controversy, no matter how egregious and awful one of those sides may be.

That the *Times*, the networks, and other mainstream media outlets have been unable to communicate the degree to which our institutions are threatened by this Nazi-friendly administration is part of the reason that Trump and company can get away with what they do—aided by their own media cheerleaders at *Breitbart*, the Rupert Murdoch empire, and elsewhere. Where did the Nazi-admiring Trump adviser Sebastian Gorka go after

he was forced out of the administration? To Fox News and the Heritage Foundation. Where did Trump go to get the racist (doctored) videos of alleged Muslim violence against Christians that he recently retweeted? From the deputy leader of a fascist political party in Britain.

Times executive editor Dean Baquet blithely dismisses criticism of the paper's Nazi profile as "the most ridiculous overreaction" from people "who have never actually done much journalism." Even as the *Times* genuflects to right-wing attacks, this condescension is typical of the paper's treatment of criticism from its left. Baquet has the problem exactly wrong: The problem is a frightful under-reaction from people who have spent too much time doing journalism from a mindless "both sides do it" perspective to recognize the evil staring them in the face. ■

(continued from page 5)

Dear Confused,

Channeling Jesus' opinion is above my pay grade, so I called up Elizabeth Bruenig, a *Washington Post* writer with a degree in Christian theology. She thinks Jesus would tear this guy a new one: "Jesus would rebuke this guy. Balls to the wall. He would dress him down." She also points out that your church acquaintance doesn't treat people well and has reactionary views that probably contradict Christian teachings. "Jesus is not about bourgeois manners," she says. "He calls his disciples stupid. He's a very tough customer." However, you may feel awkward being as rude as Jesus and might not want to do exactly as he would. Yet you don't have enough in common with this man—or like him enough—to form a genuine friendship, and, as Bruenig wisely says, "friendship can't be faked."

Christian teachings, she adds, point to a middle ground between shunning this guy and accepting all his unwanted attentions. Ostracizing him would be cruel, and at odds with the kind of community you value and are also seeking in this church. Do continue to be friendly and sociable when you find yourselves in the same place. There isn't much harm in letting him sit by you in church.

But Bruenig stresses that you shouldn't let your convert status intimidate you. You're fully Christian; you belong in this church and this community; and you shouldn't let anyone make it uncomfortable for you. "She is allowed to stand up for herself," Bruenig emphasizes. If his attentions get more annoying—shading into overly persistent courting or harassment—don't hesitate to go full Jesus and tell him off. ■

COMIX NATION

MATT BORS



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MEDIA

“Fake News” Goes Global

In December 2016, President-elect Donald Trump first tweeted the words “fake news,” denouncing media reports that he would stay on as an executive producer of *The Celebrity Apprentice*. Over the next year, Trump would post the phrase more than 150 times, but “fake news” is not limited to the president’s Twitter feed. Autocrats or state media in at least 15 countries have adopted the expression to undercut their own critics. Here are some of the most dangerous invocations of “fake news” around the world:

Libya

After CNN accounts of the Libyan slave trade prompted global outrage and an official investigation by the country’s authorities, a Libyan news outlet challenged CNN’s credibility—seemingly citing Trump’s social-media tirades.

Myanmar

In response to the international condemnation surrounding Myanmar’s brutal treatment of the Rohingya ethnic group, an official in the state-security ministry declared, “There is no such thing as Rohingya. It is fake news.”

Syria

As journalists and international organizations continue to publish reports of chemical-weapons use and mass killings in state prisons, Syria’s autocratic ruler, Bashar al-Assad, rebuffed such claims, explaining that “we live in a fake-news era.”

—Elizabeth Adetiba



Patricia J. Williams



Parental Advisory

Roy Moore may have asked permission to date teens—whose consent was it to give?

In an eyebrow-raising interview with Fox News host Sean Hannity, the soon-to-be-defeated Alabama senatorial candidate Roy Moore—accused of molesting a 14-year-old when he was in his 30s, and of pursuing and harassing at least eight other teenagers while a district attorney—stated that he couldn’t remember dating teenagers at all... but that if he had, he would certainly have asked their parents first.

The allegations were greeted with a collective ho hum by many Alabamians. “It was different back then,” some have shrugged, as though that made it more acceptable. But this is patently not true: Let us not forget that in the 1950s, America and the world condemned Jerry Lee Lewis, then 22 and divorced twice, when he married his 13-year-old cousin. It was wrong then, and it is just as wrong today.

And so one must be concerned that there is a larger problem here than merely Roy Moore. Indeed, in one astonishing interview on MSNBC, Moore’s attorney, Trenton Garmon, appealed to some sort of broad, even global, social consensus, stating that “Culturally speaking, there are differences.... In other countries, there’s arrangements through parents for what we would refer to as consensual marriages.”

The sad truth is that the United States tolerates a surprisingly high rate of child marriage for an industrialized nation. Although the age of consent to marry is pretty uniformly 18 across most of the country, many states allow exceptions, such as in instances of pregnancy or parental consent. As a result, within the past 15 years, at least 207,000 children have gotten married in the United States. Of that number, 87 percent were girls, and only 14 percent were married to other minors. More than 1,000 of those children were 14 or under, including three 10-year-olds.

Committing a crime like statutory rape against a minor is, in the jurisprudence of most modern nations, a violation of public safety and community health. In denying children the capacity to consent, we collectively recognize the particular vulnerability of the very young. Their cognitive systems are not at the same level as adults’, and their executive function is not fully developed. We don’t let them sign contracts and are more forgiving of their follies.

We do this, or ought to, as a matter of human

rights. The Declaration of the Rights of the Child, which mandates the protection of children against all forms of exploitation, was endorsed by the United Nations in 1959 and adopted as an international convention in 1989. Madeleine Albright, then our UN ambassador, signed it in 1995, but Congress never ratified the convention. The reason should be very familiar to Southerners like Moore: states’ rights, as well as a purported interference with parental rights over children.

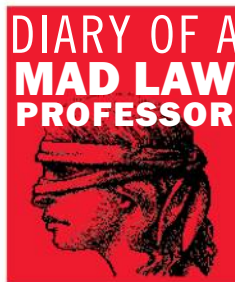
The latter is no doubt why Moore’s first line of defense was that, if parents had given him “permission,” there couldn’t be a problem. This way of thinking is not unique. During a debate about requiring children to be vaccinated before entering public schools, Kentucky Senator Rand Paul asserted: “The state doesn’t own your children. Parents own the children, and it is an issue of freedom.”

One way of understanding parental “ownership” is that it privatizes a public or constitutional problem.

Resolving matters that infringe upon the autonomy of another person, even one’s child, by private mechanisms vests a disproportionate, even whimsical amount of control in parents.

That tension, between the public interest in protecting children and the freedom of parents to raise their families as they see fit, is often tested in both law and politics—for example, the “consent” given by some parents allowing their children to be paddled by schoolteachers; or withholding consent for a blood transfusion on religious grounds, risking a child’s health; or whatever interest is supposedly served when a parent grants permission for a 10-year-old girl to marry a 31-year-old man, as happened in Tennessee in 2001.

It’s a miscarriage of justice when parents are allowed to compromise the well-being of their children. And yet it is perhaps not surprising that such marriages of very young girls to older men are more likely to occur within contexts of economic distress.



Congress never ratified the Declaration of the Rights of the Child. Why? States’ rights and parental rights.

Says Dr. Nicholas Syrett, author of *American Child Bride: A History of Minors and Marriage in the United States*, “This is a rural phenomenon, and it is a phenomenon of poverty.”

In this sense, it is akin in structure to the nondisclosure agreements that have protected men, like Bill O'Reilly and Harvey Weinstein, who harass or rape their employees: a private contract used as a shield against the collective or public sanction of criminal law. But one shouldn't be able to buy one's way out of such public arrangements. Contract law must never be a cover for licentiousness. Such corruption essentially buys and sells—traffics, in other words—the larger obligations of civic regard and human dignity.

The day before the election, I thought of what Doug Jones—the next senator of Alabama—said: “Men who hurt little girls should go to jail and not the United States Senate.” It was a double-edged allusion to the fact that Jones was also the prosecutor who successfully convicted two

Klan members of bombing the Birmingham church where four little black girls were killed in 1963.

In the end, I was reminded once again of a story that continually haunts me. In his book *Race*, the great Studs Terkel interviewed a white woman named June. As a child, she had been sexually assaulted repeatedly by her father and an uncle; June told her mother several times but was never believed. One day, she was with her family in a department store when her grandmother saw a black man going about his own business on the other side of the aisles. June's grandmother and mother gathered the child close, worried that this man would accost her in a state of rapacious desire. June said that was when she realized something quite crazy was going on: Her family had projected all of their fears onto that dark and distant stranger, yet they couldn't grasp that she was being molested right beneath their noses, in the supposed sanctity of home. ■

“Men who hurt little girls should go to jail and not the United States Senate,” said Moore's Democratic opponent, Doug Jones.

SNAPSHOT / PHIL NIJHUIS

Justice at Last

A woman writes a note in “Prijedor 92,” a traveling memorial outside the UN's Yugoslav war-crimes tribunal in The Hague, Netherlands, on November 22. One week later, the tribunal confirmed the sentences of six former Bosnian Croat officials.

Calvin Trillin
Deadline Poet

BOASTING LIMITATIONS

There's something Trump won't brag about?
Well, yes, as other gropers fall,
We've never heard him boast he has
The most accusers of them all.

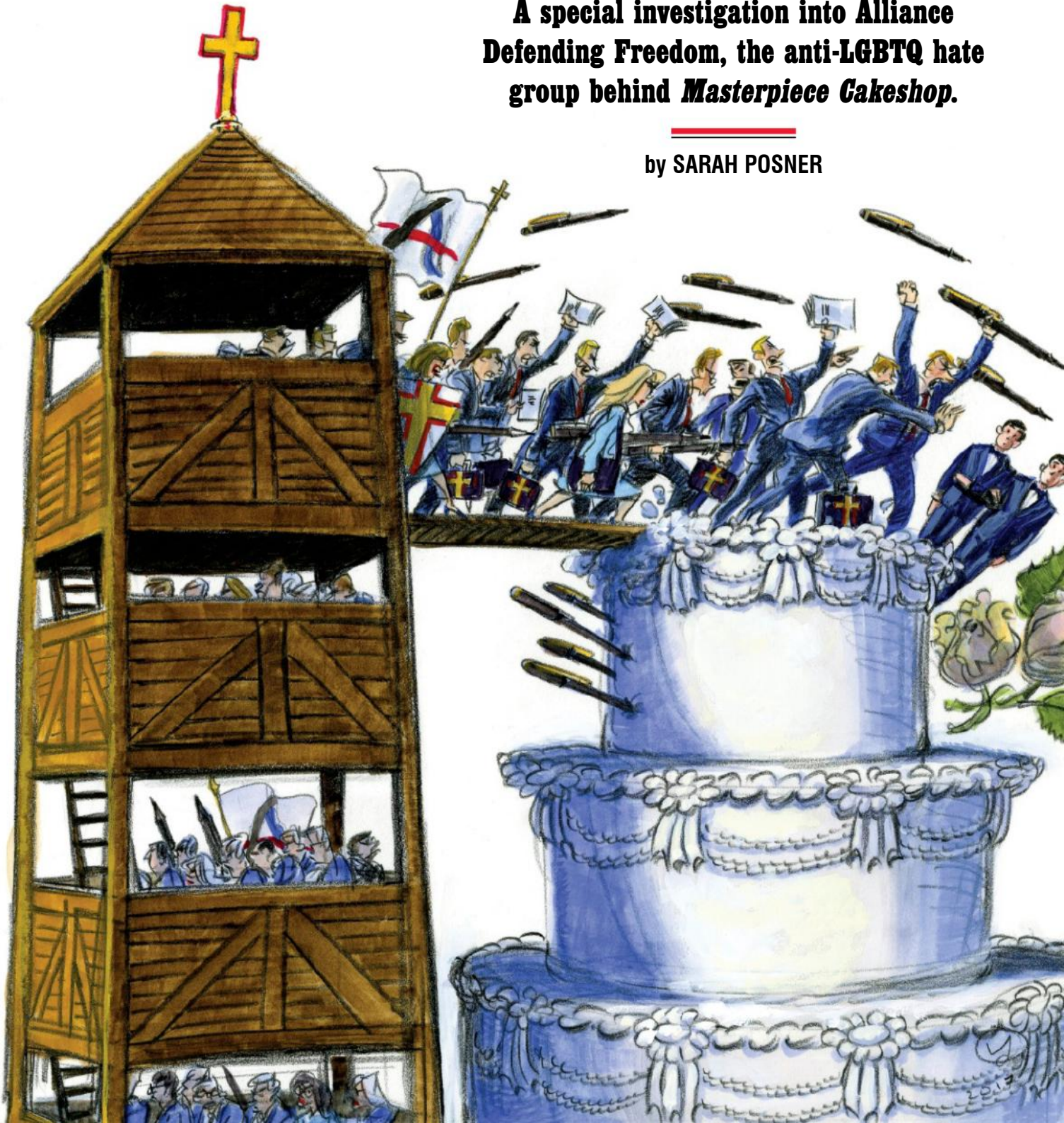


The Nation.

An Army of Christia

**A special investigation into Alliance
Defending Freedom, the anti-LGBTQ hate
group behind *Masterpiece Cakeshop*.**

by SARAH POSNER



n Lawyers

ON A SUNNY MORNING IN SEPTEMBER, REPRESENTATIVE VICKY Hartzler, a Missouri Republican, held a press conference with four of her congressional colleagues to announce their support for Jack Phillips, a Colorado baker. The conservative Christian and “cake artist” had been found in violation of Colorado’s anti-discrimination law when he refused to bake a wedding cake for a same-sex couple. Phillips is now the plaintiff in one of the most closely watched cases on the Supreme Court’s docket this term, *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*; the Court heard oral arguments in the case on December 5.

Hartzler had spent a good part of her summer pressing for a ban on transgender people in the military because she believes they constitute a “domestic threat.” She was one of 86 Republican lawmakers who had just signed on to an amicus brief supporting Phillips’s novel claim that baking and decorating a wedding cake is constitutionally protected artistic expression. Phillips has also argued that he should not be required to deploy his creative talents on behalf of a same-sex couple because doing so would violate his religious beliefs. “A government that tells you what you must say and what you must do, and punishes you if you don’t, is frightening,” Hartzler said. “That kind of state power should scare all of us.”

Nearby, Phillips stood quietly with his attorney, Kristen Waggoner of Alliance Defending Freedom (ADF), which has mushroomed over the past few years into a Christian-right powerhouse. Founded 24 years ago because, as its longtime president Alan Sears once put it, “the homosexual agenda threatens religious freedom,” ADF now rivals some of the nation’s top private law firms in Supreme Court activity. It has trained thousands of lawyers, many of whom have gone on to government service at the federal, state, and local levels. The organization has helped shape “religious freedom” legislation; provides grants to other Christian-right organizations; and presses school districts to adopt its model policies on issues like transgender facility access. ADF now exerts far more influence than other legal organizations that litigate religious-freedom cases, such as the American Center for Law and Justice, the Becket Fund for Religious Liberty, and Liberty Counsel. With the courts ruling in favor of marriage equality over the past decade, ADF has positioned itself at the very center of the efforts to curtail LGBTQ rights under the guise of religious freedom.

The preparation of the congressional amicus brief was led by Ted Cruz, the Texas senator and former GOP presidential contender; Senator Mike Lee, a Utah Republican once rumored to be under consideration by President Trump for a Supreme Court seat; and Representative Mike Johnson, a freshman Republican from Louisiana and a rising conservative star. Johnson is one of dozens of former ADF attorneys around the country who were trained in the organization’s “Christ-centered” legal principles and now serve in government, including the judiciary. As an ADF staff attorney, he led many of its

legal fights against marriage equality.

The involvement of Cruz, Lee, Johnson, and other congressional leaders is just one mark of ADF’s remarkable ascent. The organization, which once aspired to be merely a Christian antidote to the secular ACLU, has fast become a training ground for future legislators, judges, prosecutors, attorneys general, and other government lawyers—including, notably, in the Trump administration. Attorney General Jeff Sessions consulted with ADF when drafting Department of Justice guidance on religious-freedom issues. At the state level, at least 18 ADF-affiliated lawyers now work in the offices of 10 attorneys general, all of them appointed or elected in the past five years. And in just one year, Trump has nominated at least four federal judges with ties to ADF: Amy Coney Barrett, recently confirmed to the Seventh Circuit; Kyle Duncan, nominated to the Fifth Circuit; and Jeff Mateer and Michael Joseph Juneau, both nominated to district courts.

Noel Francisco, Trump’s solicitor general, also has ties to ADF. In two separate press releases regarding an establishment-clause case that Francisco helped ADF litigate in 2016, the group identified him as one of its ideologically aligned “allied attorneys.” Following the publication of this article online, ADF denied that Francisco was ever an allied attorney and changed the language on its website that had identified him as one.

During oral arguments in *Masterpiece Cakeshop*, Francisco argued on behalf of the United States in support of ADF’s position, an intervention that raises potential ethics issues. Francisco’s relationship to ADF is not something that he has made fully public. He did not mention the organization by name in the detailed questionnaire submitted to the Senate Judiciary Committee in advance of his May confirmation hearing. On a list of speaking engagements, Francisco did note his participation on a 2015 panel on law-firm recruiting for the Blackstone Legal Fellowship, ADF’s summer law-student program, but he neglected to name ADF specifically as the parent organization.

Kathleen Clark, a professor at Washington University Law School and an expert on government ethics, suggests that “if [Francisco] had a particularly close relationship” with ADF, “a question would arise as to whether he could provide independent professional judgment to his new client,” the federal government—in other words, whether he could be impartial in a case being argued by ADF. The Department of Justice declined to comment on whether Francisco’s participation in the case had undergone an ethics review.

At the press conference, Johnson enthused about the potential impact of Phillips’s case, calling it “seismic.” Before quickly departing for a vote on the House floor, he explained that he and his colleagues were only seeking “a very careful balance” in the wake of *Obergefell v. Hodges*, the Supreme Court’s landmark 2015 decision enshrining marriage equality. “We have to figure out how everyone can coexist,” Johnson said. “An essential component of that is allowing everyone to live out their deepest convictions.”

At the core of *Masterpiece Cakeshop* is a radically revisionist idea: that laws protecting the civil rights of historically marginalized groups can violate the free-speech and

ADF has “taken an extreme position” and made it “a viable theory at the Supreme Court.”

—Greg Lipper,
a First Amendment attorney

Sarah Posner is an investigative journalist. This article was reported in partnership with the Investigative Fund at the Nation Institute. Additional research by Eli Clifton, Queen Arsem-O'Malley, Evan Malmgren, and Jake Bittle.

religious rights of the people who refuse to serve them. Many Court observers expected ADF's novel free-speech claim—that the application of Colorado's public-accommodations law amounted to “compelled speech” from Phillips, whose cakes were not a commercial product but “artistic expression”—to take center stage. But after the Court's liberal wing pressed ADF's Waggoner to specify the range of wedding vendors she would define as “artists,” the arguments took a dramatic turn.

When Colorado's solicitor general, Frederick Yarger, stood to defend his state's civil-rights law, Justice Anthony Kennedy surprised him with a question about a statement made by a Colorado civil-rights commissioner, Diann Rice, in 2014. According to a transcript of that hearing, Rice had stated: “Freedom of religion, and religion, has been used to justify all kinds of discrimination throughout history, whether it be slavery, whether it be the [H]olocaust, whether it be—I mean, we—we can list hundreds of situations where freedom of religion has been used to justify discrimination. And to me it is one of the most despicable pieces of rhetoric that people can use to—to use their religion to hurt others.”

To Kennedy, the quote appeared to prove a specious claim at the core of ADF's mission: that the advance of LGBTQ rights is based on hostility to religion. In that single moment, the hearing shifted from a debate about whether a master chef could be considered an artist to a condemnation of the entire civil-rights process in Colorado. “It's a deliberative process,” Chief Justice John Roberts chimed in, “and the idea is, well, the one biased judge might have influenced the views of the other.”

An ADF victory in *Masterpiece Cakeshop*, which will be decided sometime in June, could not only create new precedent; it could also erode advances in LGBTQ rights, ushering in enduring consequences for LGBTQ people and other protected classes. “We know the possible hurtful effects from the endless examples of how same-sex couples and LGBT individuals have been refused service or turned away in the cases that we've litigated,” said Jenny Pizer, law and policy director at Lambda Legal, a national LGBTQ-rights organization.

Pizer said that discrimination occurs in a multitude of public accommodations, including medical, legal, lodging, retail, even access to schools. In its *Masterpiece Cakeshop* amicus brief, Lambda documented more than 1,000 incidents of LGBTQ people being refused service. According to the brief, these incidents expose “an ugly truth: with disturbing frequency, LGBT people are confronted by ‘we don't serve your kind’ refusals and other unequal treatment in a wide range of public accommodations contexts.” Those refusals, Lambda argued, “wrongfully diminish lives that should have equal dignity under our laws and in our public spheres.”

If the Supreme Court were to accept ADF's religious-infringement claim, Pizer said, “the vulnerability to arbitrary rejection” experienced by LGBTQ people would be



The Supreme Court will decide if religious people have a First Amendment right to discriminate against same-sex couples like Charlie Craig and David Mullins (above).

“We believe all forms of sexual immorality... including homosexual behavior... are sinful and offensive to God.”

—From ADF's 11-point statement of faith



Kristen Waggoner of ADF argued *Masterpiece Cakeshop* before the Court.

present at “any moment during the day when we go through our daily lives—we work, we have to buy food, we have to live somewhere, we have to be able to access medical care, we have to be able to ride transportation services.” And if the Court were to accept ADF's free-speech claim, Pizer continued, any vendor could simply claim that his or her work is “part of my living my faith, and my faith says I must not make this for you because if I make this for you, I am accepting you, and there's something about you to which I object on religious grounds.” A ruling supporting either argument would leave “such an enormous hole in the civil-rights laws, there's really nothing left.”

ADF's dubious accomplishment, according to Greg Lipper, a First Amendment attorney, has been to “take an extreme position” and mainstream it so thoroughly that it has become “a viable theory at the Supreme Court.”

A Christian “Legal Army”

THE *MASTERPIECE CAKESHOP* CASE, WITH ITS Colorado plaintiff, brings ADF full circle. The organization was founded in 1993 by a group of Christian-right heavyweights—including Alan Sears, its first president; James Dobson; and evangelist D. James Kennedy—in the midst of a conservative panic over a gay-rights movement that was just beginning to score some legal victories. Colorado, home to Dobson's Focus on the Family and its sprawling campus, was ground zero for the backlash. Voters there had just passed Amendment 2, a ballot referendum that amended the state constitution to block state or local officials from recognizing gay men, lesbians, or bisexuals as a protected class. Such protections—known in conservative circles as “SOGI laws,” short for “sexual orientation and gender identity”—remain a prime ADF target. Nineteen states and the District of Columbia have passed laws protecting LGBTQ people in public accommodations; two more states prohibit discrimination based on sexual orientation. The statute that Phillips was found to have violated when he refused to serve a same-sex couple at his business was one such law.

After Colorado voters approved Amendment 2 in November 1992, gay-rights activists mobilized to protest the law and challenge it in court, ultimately prevailing in 1996 in *Romer v. Evans*, in which the Supreme Court ruled that Amendment 2 violated the US Constitution's equal-protection clause.

For Sears, Dobson, and ADF's other co-founders, these battles represented an existential threat to conservative Christians. The campaign to oppose Amendment 2, Sears wrote in his 2003 book, *The Homosexual Agenda: Exposing the Principal Threat to Religious Freedom Today*, was proof that “radical homosexual activists and their allies are looking for any opportunity to attack and silence any church that takes a biblical stand with regard to homosexual behavior.” The persecution that churches

faced due to the “wrath of angry homosexual activists,” he argued, “is a snapshot of what will happen to the church in America.” Sears’s book, along with his 2005 *The ACLU vs. America*, has long been on the reading list for the Blackstone Legal Fellowship.

Over the past 24 years, ADF has experienced remarkable growth, today receiving contributions of more than \$50 million a year—up from \$14 million in 2002—and boasting 58 staff attorneys based in its headquarters in Arizona and in offices in Washington, DC, and elsewhere. It also has an international presence, including opposing LGBTQ equality in courts in the European Union and advising anti-LGBTQ parliamentarians in Romania.

ADF’s funding comes from individual donations, which by law are kept secret, as well as from charitable foundations, which by law must be disclosed on the donors’ tax returns. But much of ADF’s foundation funding—\$77.6 million between 2008 and 2015, more than a quarter of its total donations during this period—comes through the National Christian Charitable Foundation, a conservative donor-advised fund that allows contributors to shield their identities from public view.

One of the most prominent of ADF’s known donors is the family of Betsy DeVos, Trump’s secretary of education. The Edgar and Elsa Prince Foundation, which in its tax filings lists DeVos as vice president, has donated more than \$1 million to ADF since 2002. When questioned at her confirmation hearings about the foundation, DeVos denied having any role in determining its grants, calling the listing of her name as an officer a “clerical error.” Another ADF donor is the family foundation of Representative Greg Gianforte, the Montana Republican who was elected despite having assaulted a reporter on the eve of the vote.

With this swelling war chest, ADF has been able to assemble what Sears has called a “legal army.” Its ranks include more than 3,000 allied attorneys who litigate ADF cases pro bono, as well as 1,800 graduates of the Blackstone Legal Fellowship. Through these networks, ADF has exerted its influence throughout the conservative legal world, across law firms, state and federal governments, and the judiciary. ADF states that its allied attorneys have so far donated more than 1 million hours of pro bono work, worth hundreds of millions of dollars. Trenton Garmon, the attorney representing Alabama Senate candidate Roy Moore, is among the allied attorneys who have been inducted into ADF’s “Honor Corps” for donating more than 450 pro bono hours to the organization.

Before *The Nation* published this article online, a page on ADF’s website noted that to become an “allied attorney,” as Francisco was previously identified, one must agree with an 11-point statement of faith, which includes a commitment to believing in the divinity of Jesus Christ, that God designed marriage for one man and one woman, and that homosexual behavior is “sinful and offensive to God.” Following publication, ADF claimed that allied attorneys do not have to affirm that statement of faith, saying that it was for employees only; ADF then deleted that link.

ADF’s Blackstone Legal Fellowship trains law students on how to apply the organization’s principles to the public realm, offering “the highest level training in Christian

An Army of Christian Lawyers

Today, ADF receives over \$50 million a year in donations and employs 58 staff attorneys around the country.

worldview and constitutional law to help break the stranglehold the ACLU and its allies have on our nation’s law schools and judicial system.” Fellows become integrated into the conservative legal ecosystem through seminars and talks by senior staffers from Focus on the Family, the Family Research Council, and other influential organizations. They have also been addressed by two attorneys that Trump has since nominated to federal judgeships: Amy Coney Barrett, of the Seventh Circuit, and Kyle Duncan, an ADF-allied attorney who has also received grant money from the organization, now awaiting confirmation to the Fifth Circuit. (Citing his pending hearing, Duncan declined to comment for this article, referring all questions to the Department of Justice, which did not respond to an interview request.) Blackstone Fellows are also placed in internships with prestigious law firms and think tanks.

Although they have since been removed from ADF’s website, testimonials from Blackstone Fellows available as recently as 2014 hint at an ideology firmly opposed to secular government and law. One fellow praised the program for its focus on hewing to the “orthodoxy of our Christendom in order to win back the rule of law.” Another said it “unveiled the scale of the attack against truth, and through awesome presenters, also gave the battle plan and weapons necessary to fight back.” One fellow spoke of being encouraged that “Christ’s Truth will never fail or be defeated. It is these attitudes and practices that I will use in recovering the rule of law in America.”

As ADF has built up its cadre of conservative Christian attorneys, it has also sought to shield them from the legal profession’s own prohibitions against bias. ADF campaigned against the implementation of a model rule added last year by the American Bar Association to prohibit discrimination based on, among other things, sexual orientation and gender identity, claiming that it would “censor” attorneys’ speech. This year, ADF provided a grant to the Foundation for Moral Law, the conservative legal-advocacy nonprofit founded by Moore, to study the issue and produce a report.

Religious Freedom—for Christians Only

THIS BURGEONING “LEGAL ARMY” HAS HELPED ADF advance its foundational narrative: that conservative Christians, in particular, face persecution in the United States. It was the Becket Fund for Religious Liberty that represented the arts-

Jack Phillips claims that having to make a wedding cake for a same-sex couple would violate his rights to free speech and freedom of religion.





Allied attorneys attending an ADF conference.

and-crafts chain Hobby Lobby in its successful lawsuit seeking a religious exemption to the Affordable Care Act's requirement to provide a contraception-coverage benefit. And it was the American Center for Law and Justice that won a major case in 2009 regarding the display of the Ten Commandments on public property. But no organization has played a more pivotal role than ADF in shaping and testing "religious freedom" as the Christian right's latest legal strategy in the culture wars. And while the Federalist Society has positioned itself as the right's screening agency for the federal judiciary, no other conservative Christian legal organization has propelled so many attorneys into state and federal government, where they are now in positions to oversee the restructuring of civil-rights and First Amendment law in ADF's mold.

Although the organization pays lip service to supporting religious freedom for all people, a review of 146 of ADF's appellate and Supreme Court briefs shows that its attorneys are focused almost exclusively on the religious rights of Christians. ADF filed 23 lawsuits challenging Obamacare's contraception-coverage benefit, three of which reached the Supreme Court on the merits, including *Conestoga Wood*, which was consolidated with *Hobby Lobby*. ADF also took part in 22 cases advocating bans on same-sex marriage, including representing county clerks who objected to marriage equality in Virginia and Oklahoma.

Other cases involved the defense of prayer or evangelizing in public schools in New York, Michigan, and California, as well as the defense of Christian prayers during legislative sessions in Florida, Michigan, Indiana, California, and New York, including an important Supreme Court victory in 2014. ADF has also been an active litigant in the anti-choice movement, defending protesters outside abortion clinics in New Hampshire, Pennsylvania, and Massachusetts, including another Supreme Court victory in 2014. The organization has defended restrictions on abortion like Arizona's ban on the procedure after 20 weeks of pregnancy; an "informed consent" law in South Dakota; a late-term abortion ban in Nebraska; and Texas's HB2, which was struck down by the Supreme Court last year. Lately, ADF has also waded into the campus free-

Out of 146 appellate or Supreme Court briefs, ADF weighed in on cases involving non-Christian religious plaintiffs just five times.

speech wars, claiming, for example, that a student counselor at Eastern Michigan University had the right to refuse to counsel LGBTQ clients. The Supreme Court has just agreed to review another ADF case, this one challenging a California law that requires crisis pregnancy centers to inform patients about state programs offering free or low-cost access to abortion, contraception, and prenatal care.

An ADF spokeswoman said the organization "has an extensive record of representing and advocating for non-Christian parties," including cities, counties, school districts, veteran organizations, and student groups like the College Republicans and Students for Life.

Yet we found just five instances in which ADF's lawyers weighed in on appellate cases involving religious plaintiffs who were not Christian. In only two of them did ADF express support for the religious-minority plaintiff—once in a case in which a rabbinical organization challenged a public-health regulation on circumcision, and once in support of an Orthodox Jewish day school that claimed a local permitting process violated its religious rights. ADF also weighed in on two cases in support of Muslim prisoners who claimed their religious rights had been violated, but in neither did it address the particular facts of the case, making only arguments about what it considered to be a proper interpretation of the relevant statute and, in one case, how that interpretation would affect Christian organizations.

Most striking was ADF's amicus brief filed in the challenge to Trump's second Muslim ban. That brief effectively supported the ban by laying out a case for why the courts should not consider Trump's own anti-Muslim statements in determining whether the ban violated the US Constitution's establishment clause, criticizing the district court for inappropriately "combing through a government actor's tweets."

The overarching story highlighted in this substantial body of ADF briefs—most of which are available in public databases—is the organization's painstaking construction, case by case and argument by argument, of a legal narrative asserting that Christians are under threat of persecution from the advance of LGBTQ and reproductive rights, as well as from secular schools and universities, and that the law must allow Christians to disregard,

disobey, or even dismantle laws protecting those rights in order to protect their own rights to free speech and the free exercise of religion.

The “Christ-Centered” Lawyer

IF ONE LAW FIRM IN THE COUNTRY EMBODIES THE American establishment, it is arguably Jones Day. A powerhouse in Washington, and with thousands of lawyers around the world, including more than 40 former Supreme Court clerks, Jones Day has already funneled at least 14 attorneys into top posts or nominations in the Trump administration. Noel Francisco, for example, is a former partner there. In September, the firm opened up its expansive seventh-floor conference room, with its unobstructed view of the Capitol, to ADF for a briefing on the Supreme Court’s upcoming term.

ADF’s Kristen Waggoner made use of the occasion to rehearse the arguments she would soon present before the Court. She depicted Phillips, the Colorado baker, as a well-intentioned, pious artist whose rights are being trampled by a government that refuses to privilege the depth of his religious commitments. For Phillips, a cake is a means of artistic expression that carries “spiritual significance to him and to millions of others.” Waggoner insisted that Phillips had not discriminated against LGBTQ people, but rather that creating a cake for the wedding of Charlie Craig and David Mullins would have violated his religious convictions. The case, she said, isn’t “about the who, it’s about the what.”

Waggoner, who practiced law in Seattle for 17 years before joining ADF in 2013, is a graduate of the Regent University School of Law, founded by televangelist Pat Robertson to provide a “Christ-centered” legal education. In an interview with *The Nation*, Waggoner said that Regent offered her “unique” teaching and an opportunity to study “an originalist perspective on the Constitution” as well as “concepts like religious freedom.” Regent, she said, has produced many of ADF’s “best lawyers.”

While in private practice, Waggoner litigated a protracted case in which she represented a pharmacist who had refused, on religious grounds, to fill prescriptions for emergency contraceptives like Plan B. She has also long represented Barronelle Stutzman, a florist (or “floral artist”) in Richland, Washington, who was sued for violating the state’s antidiscrimination law when she refused to provide flowers for a gay customer’s wedding. ADF has asked the Supreme Court to review the case.

Waggoner worked alongside ADF on multiple cases, but she only joined its legal staff after she began to witness, in her words, “a government that is becoming far more coercive and less pluralistic.” In 2014, not long after she made that decision, she told a Southern Baptist Convention conference that nondiscrimination laws were actually being used “to silence Christians, to force them to not live out their convictions” and “instead to cower in silence.”

During the arguments in *Masterpiece Cakeshop*, Waggoner was peppered with

An Army of Christian Lawyers

Nondiscrimination laws are used “to silence Christians, to force them to not live out their convictions.”

—ADF’s Kristen Waggoner

questions from the Court’s liberal justices probing just how far-reaching her theory of the case was: What about hairstylists, jewelers, tailors, and makeup artists? After all, said Justice Elena Kagan, to rare laughter in the courtroom, the latter is “called an *artist*. It’s the makeup *artist*.”

Waggoner was also pressed on the Supreme Court’s 1968 decision in *Newman v. Piggie Park*, in which the owner of a South Carolina barbecue chain claimed that the Civil Rights Act of 1964 “contravene[d] the will of God” and infringed on his right to the free exercise of religion, because his beliefs “compel[led] him to oppose any integration of the races.” The Court rejected those claims as “patently frivolous.” Asked how that case affected hers, Waggoner maintained that race “is different” because the “objection would be based [on] who the person is, rather than what the message is.” In other words, Waggoner was asking the Court to apply a very different legal standard when evaluating discrimination claims based on sexual orientation as opposed to race. In a racial-discrimination case, she argued, the Court should look to whether the person was discriminated against because of who they are; but in cases involving sexual orientation, the Court should examine whether the defendant objected to their “message” rather than their identity.

An Abomination Before God

IN THE CONTEXT OF PHILLIPS’S CLAIM THAT HE OBJECTS to the wedding and not to the gay customers themselves, it is striking that more than a quarter of the 146 ADF appellate briefs we reviewed are arguments for restricting LGBTQ rights. Until very recently, ADF routinely trafficked in slurs against the LGBTQ community, consistently depicting LGBTQ people as promiscuous, uncommitted, and unfit to parent in dozens of its briefs opposing marriage equality.

In a 2006 case in Maryland, ADF maintained that “sexual fidelity is rare among homosexual men” and that “the average homosexual relationship is short.” In a 2009 case in West Virginia, arguing against a lesbian couple’s adoption of a baby they had fostered, ADF noted that the couple had insisted that the court be “forced to treat their home as just as good as any other.” But, ADF wrote, “this cannot be.” Although the organization had long opposed allowing same-sex couples to marry, in another parenting case, this one in Arkansas in 2010, it used the fact that the couple could not marry as an argument against allowing

ADF supporters at the annual “March for Life” anti-abortion rally in Washington, DC.



them to adopt. “It is logical to prevent children’s exposure to the illicit sexual conduct and revolving-door of adult sexual partners that often accompany cohabitation,” ADF argued.

Our review of ADF’s briefs also found that the organization repeatedly argued in court that sexual orientation is not a suspect class, and as such that laws denying LGBTQ rights should not be subject to strict scrutiny. That argument is based partly on ADF’s contention, common on the Christian right, that sexual orientation and gender identity, unlike race, are matters of choice.

In a 2012 case before the Montana Supreme Court, for example, Tim Fox—then counsel for an ADF-allied organization, the Montana Family Foundation, and now the state’s attorney general—filed a brief on behalf of ADF. In it, Fox argued that sexual orientation and gender identity should not be considered a suspect class like race because LGBTQ people are not marginalized by society and indeed possess significant political power, as evidenced by the “zealous political advocacy” that then-President Obama engaged in on their behalf. In a New Mexico case the following year, ADF argued that “citizens advocating to redefine marriage are among the most influential groups in modern politics; they have attained more legislative victories, political power, and popular favor in less time than virtually any other group in American history.”

Over the past 14 years, the Supreme Court has repeatedly rejected many of these arguments. In 2003, the Court struck down laws criminalizing sodomy in *Lawrence v. Texas*. In 2013, in *United States v. Windsor*, the Court struck down a key part of the Defense of Marriage Act, which restricted access to federal benefits. Two years later, it formalized marriage equality with its decision in *Obergefell*.

Since *Windsor*, seeing the handwriting on the wall, ADF has pivoted away from arguments that LGBTQ people aren’t worthy of marriage equality to arguments that marriage equality violates the rights of Christians. By making this argument in *Masterpiece Cakeshop*, ADF has brought its foundational fear—that the advance of rights for LGBTQ people turns Christians into their victims—to the Supreme Court. In *The Homosexual Agenda*, Sears opined that churches would be forced to abandon their faith; once it became clear that the law does not force churches to perform or condone same-sex marriages, ADF expanded its universe of victimized Christians.

Now the organization aggressively seeks to limit the scope of *Obergefell*, trying to restrict LGBTQ couples from equal access to public accommodations by framing bakers, florists, county clerks, and website designers as persecuted by the application of civil-rights laws. ADF’s brief in *Masterpiece Cakeshop*, for example, argues that the law “must respect Phillips’s freedom to part ways with the current majority view on marriage” and asserts that true freedom “does not crush those who hold unpopular views, pushing them from the public square.”

But back in 2004, when court clerks in California, with the blessing of San Francisco Mayor Gavin Newsom, began issuing marriage licenses to same-sex couples, ADF challenged that action directly to the California Supreme Court. The organization argued there was no legal justification whatsoever for the clerks to violate state law by

Homosexuality is a “false identity that is rooted in sexual or emotional brokenness.”

—Janet Boynes, an “ex-lesbian” activist, at a rally promoted by ADF

issuing such licenses. In its brief, ADF claimed that “the Clerk has ignored the law—an improper action regardless of motives or reasons.” The “real and only issue” in the case, the brief continued, was that “public officials must follow the laws—even laws with which they disagree.”

Apparently, in ADF’s view, only conservative Christians have the right to resist.

Increasingly wary of being called discriminatory in the wake of a decision last year by the Southern Poverty Law Center to label it a hate group, ADF has redoubled its efforts to portray its views as mainstream. ADF attorneys have adamantly rejected any comparison of the organization’s stance to that of segregationists. At the Jones Day briefing in September, Waggoner declared it “offensive” to compare opponents of same-sex marriage to “those who are engaged in racial bigotry.” The following month, ADF promoted and participated in a press conference in front of the US Supreme Court, featuring several African-American conservatives who championed the ADF line that race is an immutable characteristic but homosexuality is a choice.

However, speaker after speaker attacked homosexuality itself, using language that would have been right at home in ADF’s earlier briefs. The Rev. William Keen spoke of “some sins that are considered an abomination before God,” and Janet Boynes, an “ex-lesbian” activist, called homosexuality a “false identity that is rooted in sexual or emotional brokenness,” a “disorder,” and a “rebellion against God’s plan.”

ADF in Power—in DC and in the States

IN 2007, A SCANDAL ENGULFED THEN-SENATOR LARRY Craig, an Idaho Republican, after he was arrested for soliciting sex in a men’s public bathroom. ADF attorney Austin Nimocks responded by writing a column for the conservative website *Townhall*. “Those pushing the homosexual agenda, including their accomplices in the media, typically portray presentable and socially successful persons who have purportedly made a lifelong and stable commitment to another person of the same sex,” Nimocks wrote. But the Craig scandal, he continued, “is the true story of homosexual behavior. When the advocates of homosexual expression attempt to sell us the all-American pictures of lifelong, committed same-sex couples, who participate in intimate behavior only in their bedrooms, it is important to know that this is the exception—not the rule.”

At the time, Nimocks had been on staff at ADF for just four months. His eight-year career there—litigating on the front lines of ADF’s long battle against marriage equality; arguing cases defending same-sex-marriage bans before the Court of Appeals for the Fourth Circuit and the Wisconsin Supreme Court; testifying before legislative bodies against SOGI laws and arguing for religious exemptions—had just begun. He would go on to become one of the organization’s leading attorneys, as ADF’s director of legal advocacy for marriage and family.

Today, Nimocks is a top litigator in the office of the Texas attorney general, along with two other former ADF attorneys, David Hacker and Heather Hacker. There, Nimocks has played a leading role in two legal challenges to



Noel Francisco, Trump’s solicitor general, was listed until recently as an allied attorney.



Austin Nimocks, a top litigator in the Texas attorney general’s office, is a former ADF staffer.

Obama-era rules protecting transgender rights, in which the Texas AG's office led a consortium of attorneys general from other states. Each time, Nimocks's team won nationwide injunctions: one against a Department of Education guidance protecting transgender students' rights in public schools, and the other against an Affordable Care Act rule prohibiting discrimination against transgender people in health care. The education ruling represented a significant victory for ADF, which had been fighting both the Obama DOJ guidance and the school districts that adopted it, claiming that it "[put] the privacy and safety of children at risk."

Kenneth Upton, senior counsel in Lambda Legal's Dallas office, noted that Nimocks has become "a very powerful person in Texas." Upton has encountered him in litigation since Nimocks's days at ADF, and now again in his role in the Texas AG's Office of Special Litigation. Like other attorneys who have gone up against Nimocks, Upton described him as smart, personable, and courteous. Even so, Upton said, "his views are very extreme"; Nimocks seems to believe "that LGBT people either don't exist or shouldn't exist."

To Upton, Nimocks is "the poster child for what ADF has become. Everything he does is textbook what their mission would be and how they would hope to execute it." (Nimocks declined to comment for this article.)

And Nimocks is hardly alone. In the past five years, state attorneys general in Arizona, Georgia, Michigan, Missouri, Montana, Nevada, Ohio, Oklahoma, and Wisconsin have hired former ADF staff attorneys, allied attorneys, and Blackstone Fellows. Still others in recent years have brought on ADF attorneys to act as special counsel for the state in cases involving touchstone issues for social conservatives. The Nebraska attorney general, Doug Peterson, has spoken at an ADF conference and called its lawyers "some of the best at what they do." Attorneys general in Arizona and Oklahoma have brought on ADF staff and allied attorneys to assist in major litigation over abortion and LGBTQ rights. In Mississippi, the governor retained an ADF attorney to represent the state in defending a legal challenge to an anti-LGBTQ law that the organization had helped champion, after the state attorney general declined to defend it.

ADF and Blackstone alumni also serve in staff positions in Congress and as attorneys in the military, the Department of Justice, and other federal agencies. Others serve as state legislators, City Council members, district attorneys, and judges. Brian Hagedorn, a Blackstone Fellow who went on to serve as counsel to Wisconsin Governor Scott Walker, is now an appellate judge in the state.

Trump's election signaled the start of a new phase in ADF's political reach. So far, Trump has nominated three members of the organization's "legal army" of allied at-

ADF's "legal army" outside the group's headquarters in Scottsdale, Arizona.

As Trump began making appointments, ADF was everywhere.

An Army of Christian Lawyers



torneys to federal judgeships: Kyle Duncan; Jeff Mateer, currently with the Texas attorney general's office; and Michael Joseph Juneau, a Louisiana attorney. Mateer and Duncan "were both involved in many cases where ADF also played a role," an ADF spokesperson said. In addition, Steven Grasz, whom Trump nominated to serve on the US Court of Appeals for the Eighth Circuit despite Grasz's having been rated "not qualified" by the American Bar Association, serves on the board of the Nebraska Family Alliance, which has worked with ADF—including on a successful effort to defeat a bill introduced in the Nebraska Legislature this year that would have provided civil-rights protections to LGBTQ people. (The Department of Justice did not respond to interview requests for any of these nominees.)

During the presidential transition, Trump tapped Ken Klukowski, the senior legal editor for *Breitbart* and a vocal ADF supporter, to advise on constitutional issues. Klukowski has said that he attended ADF legal trainings, and he also wrote a rosy profile of the organization for *Breitbart* in 2012, in which he lauded its "massive and growing impact in courtrooms across America."

As Trump's nominations, appointments, and actions unfolded, ADF was everywhere. DeVos, whose family has long funded ADF, became the new secretary of education. Ben Carson, who had given at least one speech to an ADF gathering in 2014, came in as Trump's secretary of housing and urban development. Matthew Bowman, one of ADF's top litigators on abortion issues and an architect of its opposition to the contraception-coverage benefit under Obamacare, was named deputy general counsel at the Department of Health and Human Services. The department almost immediately made moves to repeal the requirement. (Bowman did not respond to a request for comment.)

ADF has enjoyed access to other Trump officials. In July, Attorney General Sessions gave a closed-door speech to the organization, promising that he would issue guidance ensuring that "religious Americans will be treated neither as an afterthought nor as a problem to be managed." When Sessions issued that guidance in October, ADF praised specific aspects of its language—"Americans do not give up their freedom of religion by

(continued on page 26)



WEEKDAYS

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LAWYER**
WITH MIKE PAPANTONIO

7:00PM ET



NEWS ED SCHULTZ

5:00PM ET



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WITH COMMISSIONER
BART CHILTON

4:00PM ET

A man in a dark pinstripe suit and a blue and white striped tie is sitting behind a modern, reflective news desk. He is looking directly at the camera with a serious expression. His hands are resting on the desk, with a pen in his right hand. The background is a dark studio with some equipment visible, including a light fixture and a camera. The overall lighting is dramatic, with the man and the desk being the primary focus.

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After #MeToo

The movement roiled Hollywood first, then the worlds of media and politics. How can this remarkable moment of accountability endure—and how can it empower all women, wherever they earn a living?



BEYOND HOLLYWOOD

BY JANE FONDA

WOMEN IN EVERY SECTOR OF THE ENTERTAINMENT industry are working to transform Hollywood in the wake of the Weinstein revelations. The determination is palpable: We will not stop until laws and policies are put in place that guarantee a safe work environment and equality in the industry.

Women are finally being heard only because most of the brave actresses coming forward to blow the whistle on Weinstein have been white and famous. But it was African-American women who pioneered the fight against sexual harassment, engaging in landmark legal battles as early as 1975. Anita Hill endured humiliation while bringing sexual harassment to light in 1991. In 2007, Tarana Burke, a black activist, started the first “Me Too” campaign against sexual assault. Too often, these women were not heard.

In order to root out the problem today, we must understand that working-class women, women of color, trans women, and disabled women constantly experience harassment, assault, and rape—and they’re more likely to be fired if they speak up. I am sickened when I hear male friends call what’s happening a “witch hunt.” Don’t they realize that this movement needs to be far larger, not smaller?

Today, we are seeking solutions that benefit *all* women. Achieving equal pay for equal work and ensuring that women hold equal decision-making power in all industries will go far in ridding this country of the scourge of sexual abuse. I can think of one critical way to do this: 14 million people work in the restaurant industry, and the vast majority of its tipped workers are women. It is among the country’s fastest-growing industries and the single largest source of sexual harassment in the workplace. These workers aren’t paid the full minimum wage and therefore must put up with abuse because they rely on tips. Many are single mothers supporting families. They must please the customer at all costs, and often are encouraged to wear tight, revealing clothes.

It doesn’t have to be this way. Seven states eliminated the two-tiered wage decades ago; with waitresses earning the full minimum wage, sexual abuse was cut in half! This is an important lesson: When power and salaries are equal, women are less vulnerable and men are forced to behave.

As we engage this fight, we cannot overstate the deep psychological cost of sexual abuse. I work with adolescents around issues of sexuality, and I have seen how sexual abuse can have a lifelong impact on a woman—destroying her ability to trust and her sense of agency over her body, filling her with shame even though she was the victim. Seeing how rife our workplaces are with such abuse is nauseating.

Now is the time to move from #MeToo to #NeverAgain. It will take time. It will require women to have each other’s backs across the lines of race, class, ability, religion, and sexual orientation. But if sexual harassment is about power, the solution is too. And with every act of solidarity, our power grows.



Jane Fonda is an actor, activist, and writer.

We must seek solutions that will benefit all women. Equal pay will go far in ending sexual harassment.

Bryce Covert is a contributor at The Nation and a contributing op-ed writer at The New York Times.



RETHINKING THE WORKPLACE

BY BRYCE COVERT

SOMETHING IS DIFFERENT. AFTER DECADES OF knowing what sexual harassment looks like and the toll it takes on women, the country seems ready to snap out of the collective fantasy that it’s really not a problem. Politicians have lost seats, projects have been canceled, idols have fallen from grace.

But for this moment to become more than a flicker in time, more needs to happen than for a few famous men to lose their jobs. Sexual harassment is virtually everywhere a woman turns in the economy. Forty percent say they’ve experienced unwanted sexual attention or coercion at work. It infects industries across the board: white-collar professions such as finance and technology as well as minimum-wage work in restaurants and hotels.

To harness the energy of this moment and ensure that it leads to something lasting, change can’t just happen one man at a time, years after the abuse has occurred. Employers need to completely transform the way they handle sexual harassment when it first rears its ugly head.

Before the #MeToo moment, very few victims of sexual harassment did much of anything about their abuse. That’s in large part because they feared they wouldn’t be believed or, perhaps worse, would face repercussions themselves. Indeed, most employers’ instincts are either to sweep things under the rug or to take it out on the person reporting the harassment. One study found that three-quarters of the people who spoke up about harassment faced retaliation; other studies found that those reporting it commonly experience indifference or trivialization of the event. Companies’ motivating fear has been of litigation or bad PR, not of the toll that harassment actually takes on people.

Employers may think that it’s better for the bottom line to protect an abuser who’s an influential leader or rainmaker. But even if he’s a superstar, businesses lose by protecting the harasser. Women who are harassed are far more likely to withdraw at work or to leave altogether. Their misery often spreads to other employees, who are negatively affected by the unhealthy environment. These costs outweigh any benefits accrued by keeping an abuser on the payroll. A study measuring workers’ output found that it costs more to replace employees who leave because of a toxic co-worker than it does to get rid of him. Even if he’s in the top 1 percent of the most productive people at a firm, the price in lost output from holding on to a toxic employee is twice that of cutting him loose.

Workplaces where women are generally well supported—not just protected from discrimination, but also paid fairly and given an equal shot at leadership—do better financially than those that fall short in this regard. If moral offense doesn’t move employers to reform how they react to sexual harassment, then the raw numbers should.

To change women's experiences at work, company leadership must take allegations of harassment and abuse seriously when they are first made. Human-resources departments in particular need to be retooled, empowered, and better equipped so that their mandate is not just to protect an employer from legal action, but to avert the negative consequences that all employees suffer from inaction. A union, of course, can serve as a truly independent entity that advocates for employees' needs.

Women should be given the benefit of the doubt, not retaliated against, and swift and strong action has to be taken against anyone who is harassing his co-workers. Only then will more women feel that they can come forward. Eventually, abusive employees will find themselves in a world where they can't count on their actions being tolerated or ignored. That will finally prevent harassment from starting in the first place.

WAITING FOR THE BACKLASH

BY KATHA POLLITT

IS #MeToo THE FEMINIST STORMING OF THE Women's Bastille? The start of something huge that will just roll on and on and transform our workplaces and our lives? Historically, feminist waves have been followed by backlash, or they've petered out as attention drifted or the lift got too heavy or the opposing forces too powerful. (Something like that happened with the French Revolution, too.) But could this time be different?

I keep waiting for #MeToo to blow up in our faces. Someone will lie. Or someone will tell a mostly true story that doesn't quite hold up on the details. Or the story will be entirely true, but the teller will be made to look untrustworthy. Someone will set a trap, like Jaime Phillips, undercover operative for James O'Keefe's Project Veritas, who falsely presented herself to *The Washington Post* as a former teen victim of Senate candidate Roy Moore. She was caught out—she wasn't very good at her job, and the *Post* reporters were terrific at theirs—but there must be a ton of right-wing organizations working on similar rat-fucks. Every day I go to sleep amazed that none of this has happened yet, even as one powerful, famous, highly paid, long-protected man after another has been sent packing. I mean, Matt Lauer. *Garrison Keillor*: I'm not used to women being believed.

Do I worry about consequences? Of course. It could redound against women at work—I'm sure there are plenty of men who suddenly think Mike Pence's refusal to dine alone with women other than his wife makes a lot of sense. It could turn into a sex panic if "inappropriate behavior" comes to encompass noncoercive conduct: infidelity, or co-workers fooling around at the office Christmas party, or the occasional edgy joke that falls flat. It could drive Republicans even crazier: Only 9 percent of Trump voters say they believe the multiple accusations against Moore, because they really want to vote for him and it's hard to admit they'd vote for an accused molester of underage and teen girls. How long can they



Katha Pollitt is a columnist at *The Nation* and the author of *Pro: Reclaiming Abortion Rights*.

Employers may think that it's better for the bottom line to protect an abuser. But even if he's a superstar, businesses lose by protecting a harasser.



Collier Meyerson is a contributing writer at *The Nation* and a *Knobler Fellow* at the *Nation Institute*.

keep up the pretense that they care about family values and chastity and Jesus? It must already be quite a mental strain. Conservatives are surely filled with joy that the majority of outed harassers have been Democrats, but it's hard to find Dems who maintain that the accusers of Harvey Weinstein or Leon Wieseltier or even Al Franken are lying. Lest we forget, that is what White House press secretary Sarah Huckabee Sanders says about the women—all of them—who have accused President Trump of molesting them.

It's tempting to say: Away with all these men! We will replace you—with women. Sometimes, indeed, I've thought that the only way women will advance is through a great clearing-out of sexist men (and their female enablers). That leaves open some big questions about due process and fairness and also proportionality. Do we really want to say that a photo-op grope or a salacious remark around the watercooler is the same as being masturbated on, or even raped? "Zero tolerance" sounds radical and righteous, but what it can mean in practice is that Mike Cernovich, the far-right rape apologist who brought us Pizzagate, can get MSNBC to fire leftist commentator Sam Seder by digging up an eight-year-old tweet. (After much protest, MSNBC reinstated Seder.)

I have no solutions other than the obvious ones—unions, fairer procedures, raising boys differently, a new culture in which bullying is unacceptable, lots more women in power. We need to think about restricting nondisclosure/non-disparagement agreements, which enforce silence on victims and allow harassers to carry merrily on. Meanwhile, it's hard to feel too sorry for the serious harassers like Matt Lauer who have lost their careers. The big story is the women who never got to have theirs.

AFTER THE RECKONING

BY COLLIER MEYERSON

AS THE WAVE OF SEXUAL-HARASSMENT REVELATIONS rolls on, the most pressing question becomes: What do we do with the men who have done wrong? Do we purge them from our society, limiting indefinitely their job opportunities, supervisory power, and public esteem? Should there be a scale based on the severity of the offense? Or would a different approach altogether, something less puritanical and more rehabilitative, be preferable?

We can—and should—do both. In some situations, casting the offending man aside and paving the way for women to take power is the answer. But to end the culture in which sexual harassment is met with impunity, accountability for men who have already done wrong is not enough. Men will continue to find a way to harm women if they are not taught from an early age to do otherwise. "There is sex education for boys," wrote Stephen Marche in *The New York Times*, "but once you leave school the traditional demands on masculinity return: show no vulnerability, solve your own problems. Men deal with their nature alone, and apart."

In the fight against the religious right for compre-

hensive, evidence-based sex education, we should include education on the meaning of masculinity and manhood in our vision, and should encourage families to have conversations on that subject early and often. “I’m not asking for male consciousness-raising groups,” Marche wrote; “let’s start with a basic understanding that masculinity is a subject worth thinking about.” But, actually, consciousness-raising is a great idea. Scott Morgensen, a gender-studies professor at Queen’s University in Ontario, told me that he came to feminism by empathizing with his mother, who raised him and his brother alone. “There must be countless examples in men’s life experiences that give them a window into the daily struggle—social and psychic—that women endure in a sexist society,” he said. “It’s in that spirit...that I invite all of the men who are confused or resistant or unsure or feel defensive or threatened to take time to listen deeply and feel, to the extent that it’s possible, the messages that the women around them are telling them.”

Michael Kimmel, executive director of the Center for the Study of Men and Masculinities, believes that men need to do a lot more talking to one another. Part of the problem, he says, is that even those who aren’t sexual assaulters can be complicit in and enable such behavior. Kimmel cites Donald Trump’s infamous “grab ’em by the pussy” remark: “Imagine that [*Access Hollywood* co-anchor] Billy Bush and all those other guys said, ‘Donald, that is disgusting, not to mention illegal.’ Would he still boast so much about his behavior if they said that?”

“The place where it has to start is in the behavior of other men,” Kimmel concludes. “We have to say, ‘It’s not OK with us.’”

We are not nearly finished with this period of reckoning, in which men—some whom we expected, others whom we were shocked by, and yet others whom we love—fall, one after another, like a domino game getting messy. But it’s also time to think about what will happen after this particular deluge of firings, dropped projects, and cancellations finally subsides, and how we can prevent another generation of women from facing pervasive harassment in the workplace. We need to do more than cast out the “bad apples,” because as we’ve learned in the last month, it isn’t just a few men—it’s an entire orchard.

CAPITAL VS. WOMEN

BY RAINA LIPSITZ

FROM SLAVES TO SEAMSTRESSES, MILL WORKERS to mine workers, actresses to lawyers, working women have been sexually harassed and assaulted on the job for as long as they have labored. The decimation of organized labor and the rise of the gig economy have stripped many American women of worker protections and made them more vulnerable to workplace sexual abuse. Socialist feminists and union members were early leaders in the fight to end sexual harassment, because they understood it as something that the economically powerful did to the economically vulnerable.

This vulnerability extends far beyond the workplace.



Raina Lipsitz has written about gender, politics, and pop culture for a variety of publications, including Al Jazeera America, Jewish Currents, and the online editions of The Atlantic, Cosmopolitan, and Glamour.

Casting out the “bad apples” is not enough. Men will continue to harm women unless they are taught from an early age not to.

In a country like ours, where 56 percent of people have less than \$1,000 in their checking and savings accounts combined, and where women are 35 percent more likely than men to live in poverty, it’s difficult to decouple gender inequality from economic precarity. Comedian Tiffany Haddish recently revealed to *Late Show* host Stephen Colbert that she was homeless early in her career. According to Haddish, fellow comedian Kevin Hart asked why she was sleeping in her car when she could just live with a man. Haddish’s delivery made the punch line—“Look, I sleep with people to heal them, not for roofs over my head!”—sound funny, not grim. But it’s hard

to ignore the implication that many women enter into personal and professional relationships with men out of necessity—indeed, they are expected to. How many American women stay in bad jobs or bad relationships, or tolerate predatory colleagues and abusive bosses, because they (or their children) need health care or food or shelter?

If widespread inequality breeds abuse, we know one popular solution that won’t work: more female CEOs. Women in power often discard or abuse vulnerable women just as men do. Yvette Vega, the longtime executive producer for disgraced talk-show host Charlie Rose, failed to protect the young women who worked for him, even after one of them complained of Rose’s behavior. When Michael Oreskes, NPR’s former senior vice president for news, was Washington bureau chief for *The New York Times*, his then-deputy, Jill Abramson—who later became the paper’s executive editor—witnessed him harassing a young female aide and did nothing. Among the few female CEOs we do have, a number of them have terrible track records. Supposed feminist CEO Miki Agrawal (formerly of Thinx, a start-up that makes menstruation-proof underwear) has been accused of sexual harassment by a former employee. Sophia Amoruso, former CEO of Nasty Gal and author of *#GIRLBOSS*, was sued for firing employees seeking maternity leave.

The cure for sexual harassment lies in building a society in which women never have to depend on one man, or one job, for survival. There’s a reason that sleazy “pickup artist” tactics playing on women’s insecurities are likelier to fail in democratic-socialist countries like Denmark, where women have social supports—including ready access to abortion, health care, and child care—that allow them to live independently of men, whether those men are bad partners or bad bosses.

Of course, male socialists can be pigs, too (see Dominique Strauss-Kahn, former head of the International Monetary Fund and a once-likely Socialist candidate for the French presidency, who was arrested in 2011 for sexually assaulting a hotel maid). But men in socialist societies have fewer mechanisms of coercion and control at their disposal. Judith Levine wrote in a *Boston Review* article that men like Harvey Weinstein and the late Roger Ailes, who headed up massively wealthy corporations, “are embodiments of capital, using its power not just against some women, but against all women and all workers.” The power of capital has grown with rising inequality; it’s time to flatten both. ■

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(continued from page 19)

participating in the marketplace, partaking of the public square, or interacting with government"; "free exercise of religion includes the right to act or abstain from action in accordance with one's religious beliefs"—an indication that core ADF arguments had been enshrined in official US policy.

In September, the Department of Justice filed an amicus brief in *Masterpiece Cakeshop* that legal observers described as unprecedented. In a move that First Amendment attorney Greg Lipper called "quite irregular," Sessions's DOJ argued for the restriction of a state civil-rights law—possibly telegraphing an intention to restrict federal civil-rights laws as well. Lipper sees the intervention as a sign of "how influential ADF's view of things is, even at the highest level of the Justice Department."

Masterpiece Cakeshop isn't the only ADF case that the department has gotten involved in since Sessions became attorney general. It has moved to intervene in a case in which ADF is representing a college student who claims that his rights of free speech and free exercise of religion were violated when Georgia Gwinnett College asked him to stop preaching outside of the school's designated free-speech zones. Citing two landmark ADF cases, the Department of Justice urged the court not to dismiss the case, arguing that it was in the government's interest to "lend its voice" because the student's "First Amendment claims are intertwined with allegations of disparate treatment based on religion."

Casey Mattox, the director of ADF's Center for Academic Freedom, said in an interview that the organization has been in communication with the Department of Justice about this and other cases. Mattox refused to identify the DOJ officials with whom ADF had communicated but said, "We've provided information to people in the administration; people in the administration asked for information about our cases." In response to a query, a DOJ official would say only that it was common in "any possible civil-rights violation" for the department to use "preexisting relationships with outside organizations to determine if there is a predicate for an investigation."

When Waggoner argued *Masterpiece Cakeshop*, she had support from the highest levels of the federal government. Francisco, Trump's solicitor general, appeared before the Court to claim that civil-rights laws could not be construed to require vendors to participate in "expressive events" they found objectionable. "When you force that African-American sculptor to sculpt that cross for a Klan service," Francisco said, "you are transforming his message." Such a ruling, he went on, "could force, for example, a gay opera singer to perform at the Westboro Baptist Church just because that opera singer would be willing to perform at the National Cathedral." What Francisco failed to acknowledge is that neither sculptors nor singers are retail establishments open to the public, as bakeries are, making the latter subject to public-accommodations law. A bakery, Francisco insisted, could legally put a sign in its window stating that it would not make a custom cake for a same-sex wedding.

With *Masterpiece Cakeshop*, ADF has asked the Court to carve out a special exception to civil-rights law for someone with conservative Christian beliefs about sexuality. Yet in another case seven years ago, in which several families charged that their public school's use of a church for graduation ceremonies violated the Constitution's establishment clause, ADF filed an amicus brief that made a very different argument. At the time, the organization casually dismissed the possible religious objections of Jewish and Muslim students, whose faiths may have prohibitions against entering a church. The state, ADF argued, "cannot possibly organize its affairs to comport with the subjective views of all potentially religious groups." ■

Books & the Arts.



THE CANDLE OF MEMORY

A new history of the Ukrainian famine illustrates the perils of using the past in the service of today's politics

by SOPHIE PINKHAM

In central Kiev, on a grassy hill high above the Dnieper River, stands a nearly 100-foot-tall white tower topped with a stylized flame. This is the “Candle of Memory,” erected to commemorate the millions of victims of what Ukrainians call the Holodomor, or “death by hunger,” the famine caused by Soviet collectivization and repression in 1932–33. The memorial opened in 2008, following a 2006 parliamentary vote to recognize the Holodomor as an act of genocide against the Ukrainian people.

Holodomor memorialization was a signature achievement of the ad-

ministration of then-President Viktor Yushchenko, who promised to move Ukraine away from Russian influence and toward Europe and the United States. Part of this project was the establishment of a specifically Ukrainian history, one that could help the country cast off the mantle of Russian and Soviet domination. The project presented certain political risks, however. Some nationalist-minded Ukrainians cast the Holodomor as a Russian—as opposed to a Soviet—act of genocide against the Ukrainian people, and have cited it as evidence of innate Russian villainy. The new centrality of the Holodomor in Ukraine's official historiography angered Russia as well as some members

Red Famine: Stalin's War on Ukraine

By Anne Applebaum
Doubleday. 464 pp. \$30

of Ukraine's sizable Russian-speaking minority, which is concentrated in the eastern part of the country and in Crimea. After one member of this community, Viktor Yanukovich, was elected president in 2010, he took some measures to reduce the prominence of the Holodomor in Ukraine's national memory. During the 2014 Maidan Revolution that deposed Yanukovich, and then in the ensuing war, competing historical narratives have taken center stage, with the Holodomor serving, on the Ukrainian side, as evidence of the

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recurring Russian urge to drive Ukraine and Ukrainians out of existence.

Commemoration can consolidate national feeling through celebration or mourning. It can remind a country of its gravest mistakes, or it can whitewash them. Evolving national historical narratives turn defeats into victories and villains into heroes, and vice versa. Anne Applebaum's *Red Famine: Stalin's War on Ukraine*, a new history of the famine, illustrates the perils of using the past in the service of today's politics. Drawing on archives opened after the fall of the Soviet Union, newly available oral histories, and recent scholarship, Applebaum provides an accessible, up-to-date account of this nightmarish but still relatively unknown episode of the 20th century. Her historical account is distorted, however, by her loathing of communism and by her eagerness to shape the complicated story of the famine into one more useful for the present: about a malevolent Russia and a heroic, martyred, unified Ukraine.

In 1928, Joseph Stalin's Soviet Union had a food problem. Because of policies that gave farmers little incentive to sell their grain, the state could no longer feed the urban population. Stalin became convinced that counterrevolutionary "kulaks"—a mostly imaginary class of fat-cat capitalist peasants—were hoarding grain. He ordered requisitions that angered the peasants and discouraged production, leading to further grain shortages, which in turn were followed by even more requisitions. Stalin had quickly made his own suspicions come true: Peasants began to hoard and hide grain—in protest and as a means of survival.

In response to this crisis, the Communist Party's Central Committee decided to collectivize agriculture in 1929. Collective farms were to function like state-owned agricultural factories, with peasant farmers transmogrified into workers. The fantasy was that scientific innovations would vastly improve productivity, providing bountiful food for the cities, with plenty left over to export in exchange for the hard currency needed for rapid industrialization.

Though some high-ranking members of the party (notably Nikolai Bukharin) opposed forced collectivization, Stalin chose to employ the most coercive and violent methods available to him. He began by having millions of "kulaks" deported to distant collective farms, depriving them of the ties to community that would aid them in a rebellion. Many peasants chose to destroy their crops and slaughter their livestock rather than turn

them over to the state; some of the more religious ones came to believe that the Soviet Antichrist was ringing in the end of the world. Others, more accurately, saw collectivization as a form of "second serfdom." Peasants lynched and murdered Soviet officials and volunteers in charge of collectivization.

The result of Stalin's policies was a man-made famine of terrifying scale. By the spring of 1932, peasants in the grain-growing districts of Ukraine, the northern Caucasus, the Volga region, and western Siberia were starving. Applebaum draws on oral testimonies and memoirs that offer a vivid look into the transformations wrought by famine. One Ukrainian survivor described his brother as "alive but completely swollen, his body shining as if it were made of glass." An activist from Russia remembered Ukrainian children looking "all alike: their heads like heavy kernels, their necks skinny as a stork's...the skin itself like yellow gauze stretched over their skeletons." Some parents abandoned or even killed their children, unable to bear watching them starve to death. There were instances of cannibalism, usually necrophagia. Though this horror was the result of Soviet policy, the police arrested those who succumbed to it. Applebaum quotes a Polish woman who wrote in her gulag memoir about being transferred to a prison island populated by "Ukrainian cannibals":

They described how their children died of hunger, and how they themselves, very close to starvation, cooked the corpses of their own children and ate them. This happened when they were in a state of shock caused by hunger. Later, when they came to understand what had happened, they lost their minds.

People died in the streets, and no one had the strength to bury them. Peasants were forbidden to enter the cities in search of food, and the areas most affected, including Ukraine, were closed off. Policemen and party activists searched village households and confiscated any remaining animals or food they saw, even crusts of bread. Harsh penalties—execution or 10 years' hard labor—were imposed for any kind of theft. By the end of 1932, less than six months after the new law had been passed, 4,500 people had been executed for violating it, and more than 100,000 had received 10-year sentences.

Party members, ordinary people, and cultural figures like the author Mikhail Sholokhov wrote to Stalin, describing the horrendous situation and imploring him to help. Moscow party boss Martemyan Ryutin released an

opposition platform denouncing the Soviet leader and aggressively criticizing coercive collectivization and the anti-kulak terror; he and his family were soon arrested and executed. Members of the Ukrainian Communist Party pleaded with Stalin to lower the quotas and provide food aid; some quit in protest. Many paid for these protests with their lives, and others committed suicide.

In May of 1933, the Soviet authorities finally approved substantial food aid, sent in workers to help bring in the harvest, stopped the arrests of peasants (in part because the prisons and camps were overflowing), and ended the policy of food confiscation. Grain quotas were reduced. But the damage done was almost unimaginable: Between 1931 and 1934, at least 5 million people starved to death across the Soviet Union.

The question of how to politically mobilize peasants, and how to understand them as a political group, was a vexed one for the revolutionaries of the Russian Empire. After the emancipation of the serfs in 1861, urban progressives had "gone to the people," hoping to rouse the peasants to revolution. These efforts were met by political repression from above, but also by a marked lack of enthusiasm among the peasants themselves, who were suspicious of these idealist interlopers. In the years leading up to 1917, a number of socialist parties worked to garner peasant support, most notably the Socialist Revolutionaries, who won the elections in November of that year.

But the Bolsheviks quashed the Socialist Revolutionary Party, along with any hope for socialist democracy. They were focused on the urban proletariat, the factory workers who had brought revolution to Petrograd. The Bolsheviks had a low opinion of the peasants, who fit uneasily into a Marxist framework and were widely considered to be backward: political deadweight, or worse. (Postrevolutionary land redistribution did, however, mean that there were almost no landless peasants by the time collectivization began.) This mistrust of the peasants was reinforced by multiple waves of peasant revolt, some of it organized with the help of the Socialist Revolutionaries, from 1918 on.

The peasant question overlapped with another contentious issue: that of the Soviet Union's "national minorities." By far the largest "national minority" was the Ukrainians—who also farmed one of the largest and most fertile areas in the USSR. This meant that a war on the peasants was, to a great extent, a war on Ukrainians. Nearly 4 million of those



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who died between 1930 and 1934 because of famine were Ukrainians, according to the most recent estimates; 3.5 million were from rural areas. This constituted about 13 percent of the population of the Ukrainian Soviet Socialist Republic. (It's important to note, however, that the peasants farming Ukrainian land were not always Ukrainian. Some were Russian, and Polish and German farmers in Ukraine were among the earliest targets of "dekulakization.") The one ethnic group with higher proportional losses were the Kazakhs; more than a third of Kazakhstan's population died during collectivization. The great majority of the victims were Kazakh nomadic herders, rather than the Russians who lived in the Kazakh Republic's cities.)

The Bolsheviks viewed nationalism and the very idea of the nation-state with distaste; once the workers of the world had united, the idea went, communism would spread across the globe, and there would be no need for nation-states. National feeling would be a thing of the past, along with the wars that capitalist states waged against one another for profit, using workers as their soldiers. That said, the Bolsheviks recognized that national feeling could be an important tool in mobilizing rebellion against capitalist imperialism, which was, in early Bolshevik thinking, even more loathsome than nationalism. The Bolsheviks also recognized that imperial Russia had viciously repressed many members of its empire's ethnic minorities; the equality of ethnicities and races (and of the sexes) was an important part of Bolshevik rhetoric.

When the Bolsheviks saw that many members of the ethnic minorities preferred national independence to internationalist revolution, they realized that they would have to find a way to present the revolution as a victory not only for the proletariat but for oppressed ethnic groups. Lenin was shocked by the unwillingness of many Ukrainians to join the Bolsheviks during the Civil War, and he grew even more alarmed when they formed multiple factions, of many political persuasions, to fight the Red Army and win Ukrainian independence. This contributed to a Bolshevik animus against Ukrainian nationalism, but also to the policy of "in-

digenization," which was intended to neutralize national demands by providing a degree of self-rule by whatever ethnic group formed the majority in a given region.

In Ukraine, that meant "Ukrainization": the standardization and use of Ukrainian in government and education (the language had long been suppressed by the czars, along with movements for Ukrainian independence) and the appointment of Ukrainians to important governmental and cultural roles. The Ukrainian Communist Party was filled with Ukrainian speakers who pushed for "national communism," which allowed a measure of self-determination and national identity within the framework of communist principles. There was a brief blossoming of Ukrainian culture, including a remarkable modernist movement. But around 1927—just before the onset of collectivization and then famine—Stalin, obsessed with a supposed counterrevolutionary conspiracy among Ukrainian nationalists, embarked on a campaign to annihilate the country's intelligentsia and the leaders of the Ukrainian Communist Party. Even the Ukrainian language was purged—of a too-foreign letter and of words planted by "terminological wreckers."

The Soviet authorities went to great lengths to conceal the famine, both internally (to the extent that this was possible, with starving peasants swarming the train stations and dying in city streets) and on the international stage. They were abetted by foreign correspondents who were well aware of the famine but knew that they would likely lose their privileges if they reported on it. The Soviet authorities destroyed records; when the 1937 census produced undesirable numbers, they executed the statisticians. International guests of the period, such as George Bernard Shaw, were easily hoodwinked and reported home that the rumors of famine were merely anti-Soviet propaganda.

The Ukrainian diaspora's subsequent efforts to publicize the famine, and to have it recognized as an act of genocide, were often met with skepticism, given the inaccessibility of Soviet archival evidence, the understandably partisan position of the diaspora, and the vicissitudes of Cold War politics. It was only in the 1980s that Ukrainian activists succeeded in bringing the famine

to international attention, with crucial help from the historian Robert Conquest's *The Harvest of Sorrow*, a landmark work written, like Applebaum's book, in cooperation with the Harvard Ukrainian Research Institute. In 1985, the US Congress established a commission to investigate the famine, in order to "provide the American public with a better understanding of the Soviet system by revealing the Soviet role" in it.

As its subtitle, *Stalin's War on Ukraine*, suggests, *Red Famine* depicts this gruesome historical episode as a calculated assault on the Ukrainian nation, rather than as a war on the peasantry or a war on multiple groups that Stalin perceived as threats (peasants, Ukrainian nationalists, Kazakh nomads, Cosacks). The devastation that Stalin visited upon Ukrainian bodies, culture, and land is undeniable, and Ukraine (along with Kazakhstan) clearly bore the brunt of his attacks. But viewing all of the period's events through a Ukrainian lens can be misleading, and at times Applebaum seems to impose her desired meaning on ambiguous evidence.

In Applebaum's account, the diverse political factions fighting against the Red Army in Ukraine during the Russian Civil War become a "Ukrainian rebellion.... the first and most damaging appearance of the anti-Soviet 'left.'" She describes the anti-Soviet violence of 1930 in Ukraine as "well organized and nationalist in character," though she presents little evidence that the peasants were fighting because of their nationalist commitments rather than because they were frightened and angry at the prospect of impoverishment and starvation.

Applebaum's eagerness to show that Ukrainian peasants and intellectuals formed a unified nationalist front puts her in the strange position of giving credence to Soviet secret-police reports that attributed all of the resistance to collectivization—including the desperate protests of Ukrainian Communists—to "counterrevolutionary nationalism," a typically Stalinist way of writing off the peasants' legitimate fury at being robbed and starved and the Ukrainian Communists' opposition to an appalling and destructive policy. Applebaum's desire to depict a purely Ukrainian event can lead her to baffling distinctions, such as when she asserts that the deportation of 2 million peasants between 1930 and 1933—which was obviously a part of collectivization but doesn't appear to have singled out Ukraine for punishment—"is separate from the story of collectivization and famine."

Red Famine is Applebaum's third book about the horrors of Stalinism. As in her



previous two, the Pulitzer Prize-winning *Gulag: A History and Iron Curtain: The Crushing of Eastern Europe, 1944–1956*, her project is polemical as well as historical. In the introduction to *Gulag*, Applebaum makes her political agenda clear: She wants the world to recognize that Stalinism—and, by extension, communism—was just as bad as Nazism. She voices justifiable indignation at the Western leftists who refused to believe the reports of Soviet repression, or who dismissed it as a necessary evil when it became too well-documented to deny. But she also expresses disgust at leftist sympathy for any part of communism at all, including “the advantages of East German health care or Polish peace initiatives.” For her, the worst part about American McCarthyism was the bad press it brought to the fight against communism, which she describes as a “threat to Western civilization.”

In *Red Famine*, Applebaum’s anticommunist zeal prompts her to make statements like: “[T]he methods used to collectivize the peasants destroyed the ethical structure of the countryside as well as the economic order. Old values—respect for property, for dignity, for human life—disappeared.” While it’s certainly true that, as the historian Lynne Viola puts it, “the party aimed at nothing less than the eradication of peasant culture and independence,” and that the death toll caused by collectivization vastly exceeded that of any single event under the czars, peasant life was hardly idyllic before the revolution: It was plagued by violence against the poor, against women and children, against ethnic minorities. It is also telling that Applebaum puts “respect for property” first on her list of the cherished “old values.” Describing the Bolsheviks before the 1917 revolution, she writes disdainfully that they were “unsuccessful by any standard. If they earned any money, it was by writing for illegal newspapers; they had been in and out of prison, they had complicated personal lives, they had no experience of government or management.” The Bolsheviks, in short, were losers: no homeownership, no 401(k)s, no MBAs.

Applebaum’s departure from the standards of academic history is most obvious in her frequent use of the concepts of “evil” and “morality.” In *Red Famine*, for example, she writes that the urban activists sent to enforce collectivization were “disappointed fanatics” whose “powerful belief” in the counterrevolutionary tendencies of the peasants “enabled them to do things that ‘bourgeois morality’ would have once described as evil.” While no work of history is completely impartial, such overt value judg-

ments hinder the reader from entering into the reasoning of the period under study.

This problem is particularly acute in her discussions of Soviet ideology, since Applebaum treats Marxism as a kind of mental illness rather than a political philosophy. She cannot or will not grasp that the Bolshevik rejection of nationalism was based in internationalism and was not simply a form of Russian chauvinism, writing:

Disdain for the very idea of a Ukrainian state had been an integral part of Bolshevik thinking even before the revolution. In large part this was simply because all of the leading Bolsheviks, among them Lenin, Stalin, Trotsky, Piatakov, Zinoviev, Kamenev and Bukharin, were men raised and educated in the Russian empire, and the Russian empire did not recognize such a thing as “Ukraine” in the province that they knew as “Southwest Russia.”

Applebaum never addresses the fact that Stalin was an ethnic Georgian who spoke Russian with a heavy accent throughout his life; or that the ethnically Jewish Trotsky grew up in southern Ukraine speaking a mix of Russian and Ukrainian; or that Zinoviev was Jewish and Kamenev half-Jewish. One can criticize these figures for many things, but none of them can be credibly depicted as hapless victims of Russian imperial brainwashing. Internationalism was a central part of early Bolshevik and Soviet thinking and a crucial element of Trotskyism.

In *Red Famine*, Russia plays the villain to Ukraine’s hero, and communism is set in opposition to nationalism. While she explicitly rejects ethnic nationalism or populist chauvinism, Applebaum has long advocated for a strain of nationalism that she characterizes as the patriotic love of one’s native country and its history and traditions, and that she views as a necessary prerequisite for a healthy democratic state. Despite her stated admiration for human rights, Applebaum displays little faith in the idea of universal values that transcend national boundaries, or of working on behalf of one’s fellow human beings rather than one’s compatriots.

In an article in the *New Republic* in May 2014, when Ukraine’s Maidan Revolution had been followed by a war between the Ukrainian government and Russian-backed separatists in the country’s eastern regions, Applebaum argued that nationalism offered Ukraine’s only hope of salvation. She blamed political apathy on the lack of “national iden-

tity” in post-Soviet Ukraine, a place where, for example, a half-Polish husband and his Russian-Jewish wife—two acquaintances who hosted Applebaum during a visit to Lviv—could look upon the removal of a statue of Lenin with a dismaying lack of enthusiasm. “Only people who feel some kind of allegiance to their society—people who celebrate their national language, literature, and history, people who sing national songs and repeat national legends—are going to work on that society’s behalf,” Applebaum claimed. Of war-torn eastern Ukraine, she wrote: It “is what a land without nationalism actually looks like”—though Russian nationalism played an important role in the conflict in the region. She also criticized eastern-Ukrainian noncombatants there—the often impoverished civilians who, over subsequent years, would see their homes destroyed, their neighbors killed in artillery attacks (some by their own government), their sick or elderly relatives dead due to a lack of medical care—for “watching the battle passively.” Applebaum called them people who “live where they do by accident...who have no attachment to any nation or any state at all.” And yet, even if they didn’t feel a special allegiance to the dysfunctional Ukrainian government, which has remained severely corrupt and oligarchic even after two popular revolutions, many of these “rootless” eastern Ukrainians were attached enough to their homes to refuse to leave, even when their lives were in danger.

Across Europe and around the world, stark economic inequality and the capture of political and legal systems by the ultra-rich have fed popular anger and resentment. In Ukraine, as elsewhere, this anger can be misdirected—often intentionally, by self-serving politicians—into a populist nationalism that encourages hatred and exclusion rather than economic and political reform. Instead of asking why power has been concentrated in the hands of a corrupt elite, nationalists put the blame for social problems on migrants, minorities, and foreign influence. Relatively small groups of extreme nationalists can help stymie political reform. In opposition movements, they can imperil nonviolent protesters. Over the years since the Maidan Revolution, it has come to light that right-wing nationalists not only physically attacked unarmed leftists at the protests, but helped to initiate the turn to violence that led to the deaths of some 100 protesters at Maidan Square. Since the revolution, right-wing nationalists have been able to take important positions in government, manipulate policy and the judicial process, push forward a blockade that

helped cause a humanitarian crisis in eastern Ukraine, and harass minorities with impunity. Having witnessed a torchlight march of hundreds of balaclava-clad nationalists from the Azov Battalion in Kiev last year—their insignia was a modified Wolfsangel that, they claimed, represented the initials of the phrase “national idea”—I am not convinced that more nationalism is what Ukraine needs.

By far the weakest section of *Red Famine* is its epilogue, in which Applebaum discusses the famine’s impact on contemporary Ukraine. She asserts that

even three generations later, many of contemporary Ukraine’s political problems, including widespread distrust of the state, weak national institutions and a corrupt political class, can be traced directly back to the loss of that first, post-revolutionary, patriotic elite.... [T]he state became a thing to be feared, not admired; politicians and bureaucrats were never

again seen as benign public servants. The political passivity in Ukraine, the tolerance of corruption, and the general wariness of state institutions, even democratic ones—all of these contemporary Ukrainian political pathologies date back to 1933.

But when had Ukrainians—or anyone in the Russian Empire or the Soviet Union—become accustomed to “benign public servants”? The Russian Empire was corrupt, authoritarian, and often brutal; so was the early Soviet Union. The “political pathologies” that Applebaum lists are endemic to virtually all of the post-Soviet states and common in dysfunctional states around the world—to call them direct consequences of the famine (horrific and destructive though it was) is ludicrous.

Applebaum believes that the Soviet destruction of Ukrainian national identity has caused Ukrainians to have “mixed and confused loyalties,” which “can translate

into cynicism and apathy.” She argues that “[t]hose who do not care much or know much about their nation are not likely to work to make it a better place.” But “mixed loyalties”—which could also be called, less pejoratively, “multifaceted identities”—aren’t inherently bad; in fact, they are part of what has made Ukrainian culture so rich and, arguably, what has kept the country relatively open and democratic despite acute corruption and oligarchy. Nationalism in Russia, on the other hand, has fed bigotry and neo-imperial sentiments that seek to restore Russia to its great-power status at the expense of its neighbors. In Hungary and Poland, right-wing nationalism has promoted anti-Semitism, sexism, xenophobia, and authoritarian tendencies. In the United Kingdom, nationalism contributed to Brexit; in France, it has played a central role in the rise of the Le Pen family and the National Front. The problem isn’t a lack of national identity in Europe and the West today but the perverse insistence, in a globalized age, that citizenship should be rooted in a single ethnic, linguistic, and cultural identity.

Today, we are witnessing the painful demise of strains of liberal cosmopolitanism that simultaneously tolerated socioeconomic inequality and celebrated cultural difference. We shouldn’t give up on the ideal of multicultural societies that protect mixed loyalties while promoting economic equality. Most countries are already multicultural and multilingual societies, and likely to stay that way.

It’s a good thing that in contemporary Ukraine, a Russian-speaking Jew or a Crimean Tatar can identify strongly with Ukrainian independence, and that Hungarian, Romanian, Slovak, Romani, and Ukrainian dialects can coexist in Carpathian villages. Single-minded loyalty to Ukrainian nationalism and Ukrainian folk culture should not be a requirement for responsible citizens of a modern European country.

An open, democratic society should aim to improve the lives of all its citizens without asking them to kneel before the flag, and the historian’s goal shouldn’t be the enshrinement of national enmities. Anne Applebaum’s new book provides an accessible account of a historical tragedy that needs to be studied, understood, and remembered. But by attempting to reduce a complex story to a simpler one about Russian chauvinists and Ukrainian victims, about evil communism versus noble nationalism, *Red Famine* promotes the kind of narrative that is helping to tear Europe—and not only Europe—apart. ■

Lincoln, Midnight

Never have I seen such majestic shins. He is pensive, frock coat unbuttoned, larger than once planned, and if he were to stand his head would nearly scrape the ceiling. What if that is Robert E. Lee’s face, sculpted into the waves of hair? No telling of the Union without the telling of the Confederacy. No stranger a feat than infusing Alabama marble with paraffin, to better let the sky’s light in. The sculptor took these hands from a May, 1860 cast, before he had signed any proclamations or called 75,000 volunteers to an army. In May 1860, he was only a Republican nominee. Leonard Volk came to Illinois, and as he prepared the plaster he asked Abraham Lincoln for two gestures: one hand a fist, and in the other, something to be held loosely. In the statue this postures openness, conciliation. In reality, Lincoln was holding a broom handle he’d fetched from the tool shed.

SANDRA BEASLEY



THE SECOND KLAN

Linda Gordon's new book captures how white supremacy has long been part of our political mainstream

by KEVIN M. KRUSE

For many Americans, the recent movement of white supremacy from the margins into the mainstream has been a staggering development. Under the guise of countering a “political correctness” run amok, topics that were long considered taboo have lately been broached publicly and proudly. Fringe organizations dedicated to white supremacy have mobilized with surprising strength, while the politics of racism have been revived and rationalized at the highest levels of power.

For white supremacists, Donald Trump's victory last fall was both revelatory and revolutionary. “Trump has unquestionably brought people to our ideas,” enthused Richard Spencer, the white-nationalist leader who coined the term “alt-right.” Emboldened by the Trump administration—which, until recently, included alt-right allies like Stephen

Bannon—white supremacists stepped out of the shadows and into the spotlight. “It's been an awakening,” Spencer raved at a celebratory rally after Trump's election. “This is what a successful movement looks like.”

That movement, of course, led to the events in Charlottesville, Virginia, where white supremacists gathered for a “Unite the Right” rally this past August. According to former Ku Klux Klan leader David Duke, the protesters went there “to fulfill the promises of Donald Trump” and “take our country back.” To the shock of onlookers, clean-cut young men marched through the streets of the college town in a torchlight parade, their faces contorted in anger as they shouted “Blood and Soil!”—the old Nazi slogan rendered in German as “*Blut und Boden*!” The following day, the demonstrations turned deadly when a 20-year-old alt-right supporter drove his car into a crowd of peaceful counterprotesters, killing one.

With any other American president, the obvious response would have been a quick and clear condemnation of the white su-

The Second Coming of the KKK

The Ku Klux Klan and the American Political Tradition

By Linda Gordon

Liveright. 288 pp. \$27.95

premacists. But Trump, as he often reminds us, is like no other president. His initial comments parceled out blame to the “many sides” involved in the confrontation and were so lightly drawn that the neo-Nazi website *The Daily Stormer* saw his words as a sign of support. To make matters worse, Trump then insisted that “some very fine people” had participated in the white-supremacist protest. Naturally, alt-right leaders were flattered. “Really proud of him,” said Spencer.

To many Americans, the warm relationship between the White House and white supremacists appears to be a new and shocking development. But as Linda Gordon reminds us in *The Second Coming of the KKK*, white-supremacist politics have entered our political mainstream before. The “second Klan” of the 1910s and '20s—unlike the

Kevin M. Kruse is a professor of history at Princeton University. His most recent work is *One Nation Under God: How Corporate America Invented Christian America*.

vigilante group that preceded it in the Reconstruction era or the racist terrorists who targeted the civil-rights movement in the 1950s and '60s—operated largely in the open and with broad support from white society in general and white politicians in particular. Moving beyond the regional and racial boundaries of the South, this version of the Klan spread across the country, targeting a broader range of enemies: Asians and Latinos alongside African Americans, as well as large swaths of religious minorities like Catholics, Jews, and Mormons. At its peak, the second Klan claimed to have between 4 and 6 million members nationwide, although Gordon makes a persuasive case that this was “certainly an exaggeration.”

A slim volume that largely synthesizes the already substantial literature on its subject, *The Second Coming of the KKK* nevertheless offers readers something new: The book is written, quite self-consciously, for this moment. Unlike other historians who strive for an ever-elusive objectivity, Gordon is refreshingly blunt about who she is and why she wrote it. “In my discussion of the Ku Klux Klan I am not neutral, and like all historians, I cannot and do not wish to discard my values in interpreting the past,” she notes in her introduction. “The fact that I am one of those the Klan detested—a Jew, an intellectual, a leftist, a feminist, a lover of diversity—no doubt...informs this book.”

But Gordon is also an accomplished American historian, and despite her lack of sympathy for the Ku Klux Klan, her approach to the group is a model of historical empathy. Unlike a previous generation of liberal and leftist scholars who dismissed far-right movements like the Klan as the result of “irrational paranoia,” Gordon takes her topic quite seriously, and comes away with serious lessons. Viewing the world from the vantage point of the ordinary men and women who joined the order, she concludes that the politics of white supremacy seemed quite reasonable to them. “The Klan’s drive to maintain the supremacy of white Protestants was a perfectly rational expression of what many of its members conceived as their interest,” she asserts. “So were its strategies for achieving that goal. Even the Klan’s appeal to fear was a rational means to build mass support.”

The Klan seemed reasonable, Gordon argues, because it found a way to make itself appear respectable. Unlike the secretive vigilantes who made up the versions that came before and after it, the second Klan distinguished itself by operating largely

in the open. “However much they exaggerated or lied,” Gordon notes, its leaders “passed as honorable citizens, and that was the key to the Klan’s success. It was not secret because it did not need to be. It remained legal and reputable.”

Indeed, the chief success of *The Second Coming of the KKK* is the way in which Gordon makes clear that the organization was not an outlier, but perfectly in tune with its time. The late 1910s had been one of the most chaotic and crisis-ridden periods in American history. In the wake of the First World War, Americans suffered through a host of problems: soaring inflation, widespread unemployment, a deadly influenza epidemic, a “bloody summer” of race riots, massive labor strikes, revolutionary bomb plots, and a deeply repressive Red Scare. As the 1920s dawned, many people rallied to Warren G. Harding, who promised that he would return the country to a calmer state of “normalcy.”

For large numbers of white Americans, nothing seemed quite as “normal” as the Ku Klux Klan. Its presence was taken as a given, and its influence in politics and society was pervasive. Notably, in Muncie, Indiana—the “Middletown” that sociologists Robert Staughton Lynd and Helen Merrell Lynd studied as the embodiment of 1920s America—the mayor was a loyal Klansman, as were the president of the local school board and the secretary of the YMCA.

From the beginning, the Klan presented itself as a fraternal club—its name, after all, came from *kuklos*, the Greek word for “circle”—and it proved itself perfectly pitched for a decade dominated by them. One ad styled the Klan as a “Standard Fraternal Order,” while a recruiter in Wisconsin described it as “a high, close, social, patriotic, benevolent association” that had “a perfected lodge system.” With its arcane rituals and oaths, the Knights of the Ku Klux Klan seemed little different from the Knights of Pythias or the Knights of the Maccabees. Indeed, the Klan’s racial and religious hatreds made it more like these groups than not, as most fraternal orders of the era barred blacks, Catholics, and Jews.

In this way, the second Klan followed the path blazed by established fraternal clubs more than it followed the footsteps of the original hooded order. “The new Ku Klux Klan,” Sinclair Lewis observed in his 1927 classic *Elmer Gantry*, was simply “an organization of the fathers, younger brothers and employees of the men who had succeeded and become Rotarians.” As Gordon notes, when Klan recruiters set out to organize a new town, they routinely sought out local Masons

in hopes of enlisting them first and thereby setting an example for other “good citizens” to follow. And most did: In one Michigan county, nearly three-quarters of the local Klansmen belonged to other fraternal orders, including the Masons and the Odd Fellows.

In keeping with this fraternal identity, the second Klan promoted itself as a civic-minded organization. Fittingly, Gordon begins her book with detailed descriptions of the massive carnivals convened by the Klan. On July 4, 1923, for instance, a crowd estimated at between 50,000 and 200,000 attended a Klan picnic in Kokomo, Indiana. The “Klonvocation” boasted six tons of beef, 55,000 buns, 2,500 pies, and 5,000 cases of soda. Children had their own play center, while adults could take their pick of entertainments, including a boys’ singing quartet, a “talkie” film, circus performers, a six-round boxing match, and a daredevil who performed aerial acrobatics on the wing of a circling plane.

As a sign of its “all-American nature,” the Klan put together its own baseball teams. To drum up publicity and boost recruitment, KKK squads were more than fine playing games against teams of racial and religious minorities. In Wichita, Kansas, the Klan played against a local “crack colored team.” In Youngstown, Ohio, Klansmen played against the Knights of Columbus; in Los Angeles, another squad staged a three-game charity series against a team from B’nai B’rith. “Newspaper coverage typically treated the Klan teams like all others,” Gordon observes, “with no particular attention to Klan politics.”

But just as the Knights of Columbus and B’nai B’rith served as the public face of Catholic and Jewish communities, so too did the Ku Klux Klan represent nativist Protestants who sought to keep those religious communities under control. A Klan-allied minister in Maine aptly described the order as “the rising of a Protestant people to take back what is their own.” Other clergymen concurred; indeed, an estimated 40,000 ministers joined the organization, Gordon notes, turning their congregations into “Klan sanctuaries and recruiting camps.” Again, this was all done openly, with robed Klansmen offering public testimonials and financial contributions to friendly churches, often in the middle of Sunday services.

If the Klan’s close relationship with the institutions of Protestant Christianity helped to cement its claim to mainstream American culture, so too did its ties with capitalism. Though it claimed to serve as the champion of ordinary working- and middle-class whites against

the “elites,” the Klan rarely if ever targeted individual businessmen or the growing power of corporations. Instead, in keeping with Calvin Coolidge’s famous maxim that “the chief business of America is business,” the organization strove to present itself as a business-friendly enterprise. By 1922, for example, the local “klavern” in Madison, Wisconsin, advertised itself as “the Loyal Businessmen’s Society.”

The Klan also proved to be a rather successful capitalist enterprise itself: It not only opposed communists, socialists, and other “un-American” radicals; it also turned a tidy profit. Founded in 1915, the second Klan went largely unnoticed until its leader effectively turned the organization over to public-relations professionals. With a contract that guaranteed “an astonishing 80 percent of any revenue brought in from new recruits,” the Southern Publicity Association had ample incentive to help the Klan spread across the country. Klan recruiters, known as “kleagles,” worked on commission, keeping \$4 of each \$10 new initiation fee for themselves and kicking the remainder up the ladder. The entire enterprise was, Gordon notes, one more pyramid scheme in an era already teeming with them.

The initiation fees were only the start. Klansmen paid annual dues to their local klavern, plus a yearly tax to the national headquarters. Members had to purchase a “Kloran,” the handbook of Klan codes and rituals, as well as robes and hoods from the organization. “Not coincidentally,” Gordon notes, “the costumes were designed so that wives could not hand-sew them. The headgear and Klan insignia had to be just so, which made the members want the real, manufactured object.” There was plenty more that members could purchase, ranging from a “Kluxer’s Knifty Knife” to a “zircon-studded Fiery Cross” brooch for their wives. Klan officials had plenty of profitable side projects, too: a recording company that sold phonograph records and player-piano rolls of Klan tunes, a real-estate endeavor, and even a for-profit life-insurance company. By one recent estimate, which Gordon warns may be overblown, the second Klan at its peak took in more than \$25 million annually (approximately \$342 million today).

To promote their profits, Klan leaders fed their members a steady diet of fake-news stories that would keep them outraged and engaged. The organization “needed a sense of danger to thrive,” Gordon notes. “Klanspeople had to visualize themselves as soldiers defending against threats, and in so

doing created belief in those threats.”

Klan propaganda portrayed a white Protestant America under siege from sinister forces at home and abroad. Members learned, for example, that Catholic priests were funneling “a steady stream of gold” to fund the Vatican’s plan for “world supremacy,” all the while corrupting the nation from within. Apocryphal accounts from “escaped nuns” claimed that convents were secretly harems where nuns served as sex slaves for the priests. An initiation rite for the Knights of Columbus supposedly required Catholic laymen to “wage relentless war, secretly and openly, against all heretics, Protestants and Masons.”

Jews were just as guilty, the Klan insisted. They too ran “white-slave dens,” but their pernicious influence struck deep at the heart of American culture, with “Jew Hollywood” and the media corrupting the minds and morals of God-fearing Americans. On top of all this, Klan reports warned ominously, “fourteen million people of the colored race” were busy “organizing” as well.

Convinced of the threats confronting “real America,” Klan members believed that they were the true victims and thus were justified in fighting back with a vigorous “defense.” Like its earlier incarnation, the second Klan regularly engaged in brutal acts of vigilante violence, lynching, whipping, and tar-and-feathering individuals whom it found guilty of a host of evils. But more often, and more ominously, the 1920s Klan acted not beyond the law but with its blessing. In Portland, Oregon, for instance, the local police department allegedly included 150 Klansmen in its ranks. Moreover, the mayor authorized the creation of a 100-man vigilante squad: Its members, chosen on the Klan’s advice, were given badges, guns, and the power to make arrests.

In all likelihood, only a small number of Klansmen engaged in vigilante violence. In the judgment of a contemporary cited by Gordon, “probably nine-tenths of them... do nothing but repeat the ritual, pass pious resolutions, and go home.” Of course, the second Klan didn’t rely on violence as much as its predecessor, simply because it didn’t need to resort to physical coercion to get its way. The Klan could exhibit a much greater level of control through its oversize role in local, state, and national politics.

In Oregon, for instance, the Klan helped elect the Democratic governor, then pushed through a law that effectively wiped out Catholic schools by requiring parents to send all children between the ages of 8 and 16 to public ones. (In 1925, the Supreme Court declared

the law unconstitutional.) In Texas, the Klan toppled a four-term US senator, dominated the state legislature, and controlled the cities of Dallas, Fort Worth, El Paso, and Wichita Falls. In Oklahoma, when the governor called all adult male citizens of the state into military service and declared martial law in an attempt to stop the organization, the Klan-controlled legislature retaliated by impeaching and removing him from office.

In some states, the Klan’s control was nearly absolute. In Indiana, Grand Dragon David Stephenson essentially presided over the state’s political system, until he was brought down in a lurid scandal and sentenced to life in prison for second-degree murder. When the Republican governor, a longtime crony, refused to pardon him, Stephenson spilled all of his secrets, sending a congressman, the mayor of Indianapolis, and other officials to jail. (The governor escaped a bribery conviction only because the statute of limitations on the case had run out.)

Despite her subtitle’s reference to the “American political tradition,” Gordon spends relatively little time detailing these examples of the Klan’s role in formal politics. Discussion of the campaigns and candidates backed by the Klan comes quite late in the book, almost as an afterthought. One chapter provides a close study of the KKK presence in Oregon politics, but the rise and fall of the Klan’s massive machine in Indiana is covered quickly in a few pages of epilogue. Readers hoping for a thorough accounting of the Klan’s influence in American politics will need to look elsewhere.

That said, given the extensive literature that already exists on the second Klan’s role in state and local politics, it’s understandable that Gordon chose to focus on its less appreciated power as a social movement and cultural phenomenon. The organization shaped the nation’s political consciousness in ways that long outlived any individual election or even the second Klan itself. As Gordon notes, the Klan’s “redefinition of Americanness, and thereby of un-Americanism, would continue to influence the country’s political culture” into our own day.

This, then, is the stark reminder provided by Gordon’s book: No matter how much we may wish to believe that they are foreign to our system, the politics of racism and white resentment have been a perennial feature in our politics. The draw of white-supremacist organizations can’t be dismissed as irrational or irrelevant; their influence is ignored at our own peril. They are, as the Klan insisted a century ago, “100% American.” ■



VOICELESS DESIRE

The powerful women of 2017's end-of-year films

by **STUART KLAWANS**

Calendar dates aren't crucial in fairy tales—but, all the same, you will guess *The Shape of Water* takes place in the early 1960s by the news images of civil-rights activism that flicker momentarily across a black-and-white console TV tucked into an attic apartment. It's good to know approximately where the ground's located, even when a setting, like this garret, is up in the air—even when the mood flows between elegy and romance, the music coils and pivots in a chromatic waltz, and the deeply colored gloom is shot through with the glistening of a magical creature from the wild. Let the film's lonely top-floor neighbors change the channel at the sight of police dogs ripping into the dispossessed. Elisa, the heroine of *The Shape of Water*, and Giles, who narrates her story in voice-over, might try to exclude this struggle from their fairy tale, but brutal reality will seep in anyway.

Part *Cinderella* and part *Beauty and the Beast*, with a large admixture of *Creature From the Black Lagoon* and *Dr. Strangelove*, *The Shape of Water* might be summarized as the story of the love between a cleaning woman and a science experiment. She, Elisa, leaves the garret each evening to work the midnight shift at a military-research facility somewhere outside Baltimore: not a gleaming laboratory but a subterranean industrial site where curving, fluorescent-lit concrete tunnels are inset with clanking metal doors. He, nameless and

inhuman, resides behind the heaviest of those barriers, chained in a saltwater tank so investigators can study his intricate dual system of gills and lungs. His captors—principal among them a government agent who enjoys torturing the scaly creature with a cattle prod, which he calls (in an echo of the Birmingham police attacks) an “Alabama howdy-do”—fear and despise this “asset” but believe he might yield a technological advantage against the lurking Soviets. Elisa, whose interest in the Cold War is limited to the piss she mops up in the men's room, thinks the creature is fascinating and beautiful and keeps sneaking into the cavernous cell to communicate with him. He has a wordless repertoire of moans, roars, and burbles. She is mute but teaches him sign language, and soon discovers that the creature likes hard-boiled eggs and Benny Goodman.

It's no mystery where this relationship is going, given that you've already seen Elisa masturbating in her grimy bathtub on a routine schedule, while a timer keeps her alert to the progress of her daily hard-boiled egg. Clock time, uncooked sex, semi-nostalgic dilapidation in grandiose spaces, and uncanny beings: These are long-standing preoccupations of writer-director Guillermo del Toro, and will lead in this film toward predictable consequences. The real question is whether, on the way toward the climax of *The Shape of Water*, the Birmingham police dogs will retain their integrity as solid horrors within a fluid

fairy tale, or whether they'll dissolve into an excuse for mere whimsy, plus some knockout production design. I had my doubts.

The Shape of Water is neither one of del Toro's more darkly compelling fantasies, such as *The Devil's Backbone* or *Pan's Labyrinth*, nor a gleeful comic-book adventure like *Hellboy*. It operates in the slippery middle realm where filmmakers too often pretend to plumb the depths of myth, when all they've really done is toss off a miscellany of pop-culture references. You will understand my misgivings when I tell you that Elisa and Giles live above an old movie palace—hooray for Hollywood—and share a love for watching outdated soundstage musicals on TV. In this enthusiasm, they behave just as stereotypical outcasts are expected to do in films (especially Giles, a gay man in middle age), signaling the audience to extend an easy if condescending sympathy while enabling *The Shape of Water* to express approval of itself. Why, Elisa and Giles would just *adore* their own movie.

I won't argue with viewers who think del Toro has made it too easy to unite a whole roster of the abused and marginalized (including, in Elisa's case, someone who is literally silenced) by bringing them together around a captive freak of nature. Voiceless single women, gay men, African Americans, low-wage workers, liberal scientists in thrall to the national-security state, sequestered suburban housewives, and fans of obsolete forms of magazine illustration: *The Shape of Water* leaps to the defense of them all, like an issue of *The Nation* on acid. And yet it touches ground. Of all the big year-end releases, *The Shape of Water* is the one that most deeply moved me.

Its emotional power begins with Sally Hawkins's performance as Elisa and always returns to Hawkins, but every actor has at least one indelible moment that rings true, often with genuine pain. The prolific character actor Richard Jenkins has never been better than as Giles, daring to touch a young man with whom he's become infatuated and quietly suffering the smack-down. Octavia Spencer, playing Elisa's best friend at work, is supplied for the umpteenth time in her career with coveralls, a mop, and a white man who assumes he can belittle her—the difference here being the nakedness of his insult, and her palpable struggle to hold in the shock. In the role of a scientist called Bob—not to reveal anything more about this character, or the plot—Michael Stuhlbarg imbues seemingly limitless detail into every morally clear self-assertion and exasperated tactical retreat of a man who is being undercut on all sides. As for Michael Shannon as

the story's rigid, strutting villain, he has been asked before to use his hooded eyes, Caligari frame, and Frankenstein jaw to alarm audiences. Here, bringing the character's pride, ambition, and sanctimony to the surface, he gives the movie its true monster—in contrast to the creature, who is mimed by the indispensable Doug Jones under maybe 20 pounds of makeup and prostheses that he wears as easily as his own flesh.

But, Sally Hawkins. From the moment she blithely does a little tap dance to express Elisa's pleasure at an old movie she's watching, Hawkins's lightness draws you in. Her feelings, instantly legible, play through every loose joint and each homey, sympathetic crinkle of her face with a charmed vivacity that makes you want to know more. Waiflike without seeming simple or easily victimized, her Elisa has the grit of a woman who works a hard shift and is often tired, but also the reserves of spirit of someone whom life has not entirely tamed—which is why you might be delighted, but not surprised, at the way Hawkins approaches the glowing vertical cylinder that's part of the creature's prison tank. She steps toward it like a ballerina: her right hand lifted to shoulder height, her left foot extended and trailing, her body cheated toward the camera so you can share in Elisa's rapt expression.

All this is marvelous, but not as thrilling as the intensity Hawkins brings to the turning point of the movie, when Elisa insists to an unwilling Giles that they help the creature. Del Toro and his co-writer, Vanessa Taylor, have given Elisa a multipart tirade to fling at Giles, which Hawkins must deliver in subtitled sign language. And so, with fury added to her quickness, she more or less dances the speech. Her arms pound and slash; her chin drops like a gavel. Breathtakingly eloquent without speaking a syllable, she carries *The Shape of Water* back past the '30s and '40s musicals that Elisa loves, all the way to the silent era.

Whatever brutal realities may gather in the shadows, Hawkins earns them for the film, and does so in the best fairy-tale fashion: with playfulness and fervor. As for del Toro, he may have worked in his lighter mode this time but is still guilty of ravishment, and on an absurd scale. Why would he call this film *The Shape of Water*? Maybe because desire is life-sustaining, all-encompassing, buoyant, potentially suffocating (unless you learn to swim with it), and infinitely mutable. Others may think of desire in terms of flame, but del Toro has his own view of the subject—and the least you can say is it's gorgeous.

By chance, the season brings us two more movies about intensely driven women, both as compulsively talkative as del Toro's Elisa is silent, and both played by actresses who (unlike Hawkins) perform star turns designed to serve their own reputations as much as the story. Lesser pictures—but, in their own ways, *I, Tonya* and *Molly's Game* reward your attention.

Written by Steven Rogers, directed by Craig Gillespie, and starring a very convincingly athletic Margot Robbie, *I, Tonya* is the biopic you didn't know you wanted about figure skater and alleged goon Tonya Harding. It's a deeply ambivalent movie—or maybe a dishonest one—which makes fun of the provincial, barely-working-class America in which Harding grew up—and then condemns you, the viewer, for having laughed.

An example of the basic joke: At the first interrogation over the notorious kneecapping attack on fellow skater Nancy Kerrigan, Harding and her sometime husband, Jeff Gilllooly (Sebastian Stan), lie to the FBI, saying, "Well, we don't know anything." An FBI agent replies dryly, "That must make life difficult."

An example of the punch line: Robbie, as today's Harding, speaks directly to the movie audience about her plea bargain and banishment from competitive skating. "It was like being abused again—except by you. All of you." It's an effect, I suppose. A cheap one. Nevertheless, there's something in Harding's story to bring shame upon almost everyone, from the skating officials who shunned her for her poverty and rough manners to the journalists who used her as a meal ticket to the public who treated her as a laughingstock. *I, Tonya* gives a breezy tour of the life and troubles of Harding, both before and after "the incident," zooming and circling along the ice with her and cutting among competing, incompatible first-person narratives. Robbie is impressive, but Allison Janney steals the movie as Harding's endlessly bitter and bullying mother.

Molly's Game, another almost-true story, is the tale of a former competitive skier, Molly Bloom, who ran into a little trouble of her own with the law in 2014 for having run high-stakes, celebrity-heavy poker games in Los Angeles and New York. The first film to be directed as well as written by Aaron Sorkin, it has the advantage of his renowned geysers of dialogue (wonders of nature, you'd think, which miraculously spritz both hot and cold) and the disadvantage of his two-speed directorial gearbox. The characters and chatter either race headlong or else idle in neutral to give everyone a minute to breathe. You could set your watch by the alteration.

I don't know who's meant to be the star:

Jessica Chastain, or Jessica Chastain's cleavage. I understand the real Molly Bloom played up her looks, as well as her shrewdness with spreadsheets, odds, and client psychology, but maybe Sorkin shouldn't have gone overboard treating his audience as she did her customers. Fortunately, Chastain above the neck performs marvels of elocution with Sorkin's dialogue (while moderating the impression made below), and the mere mechanics of the poker trade are enough to keep you fascinated. A rock-solid Idris Elba plays Bloom's initially reluctant lawyer.

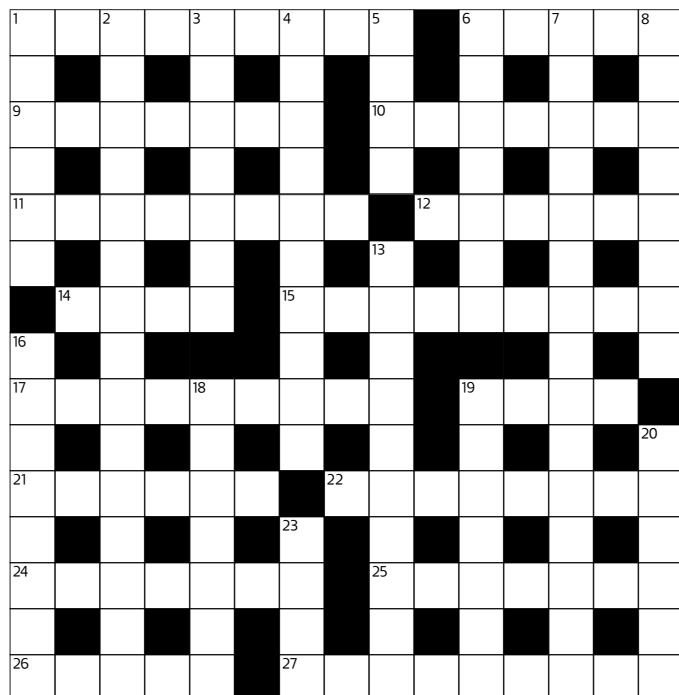
Back to the subject of women who are not heard: One night in 1944, a group of young white men in rural Alabama grabbed Recy Taylor on her way home from church, raped her, and insouciantly let her walk back to her father, husband, and young daughter. Centuries of experience told the abductors that they'd merely exercised their prerogative, and that Taylor would remain silent. Instead, she went to the sheriff. He briefly pretended to take an interest. The chief rape investigator sent by the NAACP, Rosa Parks, did more.

In *The Rape of Recy Taylor*, documentaryarian Nancy Buirski assembles a collage of interviews, texts, music, and archival images (including excerpts of race movies) to tell the story of Taylor and Parks in the immediate wake of the crime and during its very long aftermath. The result is a striking hybrid: at once impressionistic and argumentative, focused on individuals but also alert to the role, frequently unheralded, that women played in the civil-rights movement. Not to be missed.

Also not to be missed: Daniela Vega, as the title character in Sebastián Lelio's *A Fantastic Woman*. Playing Marina, a waitress, nightclub singer, and strongly self-possessed trans woman in Santiago, Chile, Vega is on-screen for all but the first few minutes, carrying the film almost single-handedly through its shifts between melodrama, social-problem picture, and delirium. Vega's feat is all the more remarkable given the trajectory of Marina's story: apparently straight down, after her deeply loved partner (Francisco Reyes) dies suddenly and his family sets out to strip her of everything, from her keepsakes to her dignity to perhaps her liberty. If not for Vega's vitality, and Lelio's unerring pace, the story might be unbearable. Instead, despite all the heartache, it plays as a study in the resilience that flows from a woman's fundamental decency. *A Fantastic Woman* was released only briefly in the United States to qualify for awards but should be back in theaters in the new year. Please look for it. ■

Puzzle No. 3451

JOSHUA KOSMAN AND HENRI PICCIOTTO



ACROSS

- 1 Merlot, fish, and escargot: extremely honorific treatment (3,6)
- 6 Elevate Rex (alt-right requirement) (5)
- 9 Heavy rainfall before long (after Monday) (7)
- 10 Historic steps in Georgia decision to imprison head of Teamsters (7)
- 11 Interpreter's mother eaten by fiery beast (8)
- 12 5 retreats in Buenos Aires and another South American capital (6)
- 14 Operator to talk back? Fine (4)
- 15 Laugh at tax collectors trimming back of president's coiffure (9)
- 17 Miscreant rode? (9)
- 19 Mötley Crüe's 1D (4)
- 21 In retrospect, felt tense grasping prickly plant (6)
- 22 Reduce speed, pulling in immediately at center of Aspen! (8)
- 24 Say, "To get old is ordinary" (7)

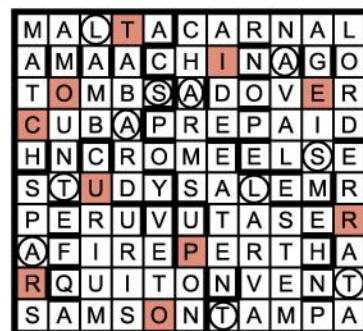
- 25 Heavenly body rejecting a drug (7)
- 26 Brilliant success when white powder and ecstasy make a comeback (5)
- 27 Covering that man at 1600 Pennsylvania Ave., for example (9)

DOWN

- 1 Medium in thin 19A (6)
- 2 Outmoded rule in D&D: "Engaged in mission, harm not a legendary archer" (4,3,4,4)
- 3 Expression of regret from a disheartened dude, packing shirt (7)
- 4 Writer that reshaped most of extended sports event (10)
- 5 How food might be ordered in African country (4)
- 6 Green vine tangled round you and me (7)
- 7 Victorian novelist and soldier sweeten tart, leaving last piece of pineapple until the end... (7,8)
- 8 ...subsequently penning enthusiastic review for poem (3,5)
- 13 Intend to return, entertaining tip from interesting old hags in island nation (10)
- 16 Note in opulent English ballet (4,4)
- 18 Fashionable man's arrogance and desire after losing face (7)
- 19 Pastoral worker spilled chowder (7)
- 20 In atlas, we described natives of Scandinavia (6)
- 23 14 beginners in yoga exercise at home (4)

SOLUTION TO PUZZLE NO. 3450

ACROSS 1 MAL(T) 5 CA(RNA)L
 10 CHI + N 11 TOM + BS 12 2 defs.
 13 alternate letters 14 P + REP + A + ID
 16 RO + M (rev.) 18 hidden 20 STUD + Y
 21 S + ALE 23 "purr" 27 anag. 29 AF + IRE
 30 PE(R)T 31 QUI[e]T 32 V + ENT (anag.)
 33 [h]SAMS + ON (rev.) 34 TAM + P
 DOWN 1 MAT(C)H 2 A + MOUNT
 3 [f]LAMB[e] 4 TA + BARD 5 CHAR + MS
 6 anag. 7 N + AVAL (rev.) 8 anag.
 9 [l]LORD (rev.) 15 CU + R(I)UM
 17 "Eton" 19 E(RAT)TA (rev.) 20 2 defs.
 22 hidden (&lit.) 24 U + RIS (rev.)
 25 VET + O 26 U(PO)N 28 STE[a]M



Theme answers: MALTA, CHINA, DOVER, CUBA, ROME, SALEM, PERU, PERTH, TAMPA.
 Circled letters: ATLAS AT LAST. Tinted squares, unjumbled: PUERTO RICO.



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Invest in the Domini Impact Equity Fund

Before investing, consider the Funds' investment objectives, risks, charges and expenses. Contact us for a prospectus containing this information. Read it carefully.

An investment in the Domini Impact Equity Fund is subject to market, sector concentration, foreign investing and style risks. You may lose money. DSIL Investment Services LLC, Distributor. 8/17