

"All the News  
That's Fit to Print"

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MONDAY, JUNE 27, 2011

New England

Today, mostly sun-  
High 79. Tonight, p-  
comfortable. Low 6-  
sunny to partly cloud-  
High 82. Weather ma-

## SEVERAL STATES FORBID ABORTION AFTER 20 WEEKS

### QUESTION OF FETAL PAIN

New Laws Upend Basic  
Tenet of Current  
Rules: Viability

By ERIK ECKHOLM

Dozens of new restrictions passed by states this year have chipped away at the right to abortion by requiring women to view ultrasounds, imposing waiting periods or cutting funds for clinics. But a new kind of law has gone beyond such restrictions, striking at the foundation of the abortion rules set out by the Supreme Court over the last four decades.

These laws, passed in six states in little more than a year, ban abortions at the 20th week after conception, based on the theory that the fetus can feel pain at that point — a notion disputed by mainstream medical organizations in the United States and Britain. Opponents of abortion say they expect that discussion of fetal pain — even in the face of scientific criticism — will alter public perception of abortion, and they have made support for the new laws a litmus test for Republicans seeking the presidency.

"The purpose of this type of bill is to focus on the humanity of the unborn child," said Mary Spaulding Balch, director of state legislation for the National Right to Life Committee. "Fetal pain is something that people who are in the middle on the abortion issue can relate to."

Since Nebraska passed the first 20-week limit last year, Idaho, Indiana, Kansas, Oklahoma and, this month, Alabama have followed. A similar law has advanced in the Iowa legislature, and anti-abortion campaigners have vowed to promote such laws

Continued on Page A10

## Behind Veneer, Doubt on Future Of Natural Gas

By IAN URBINA

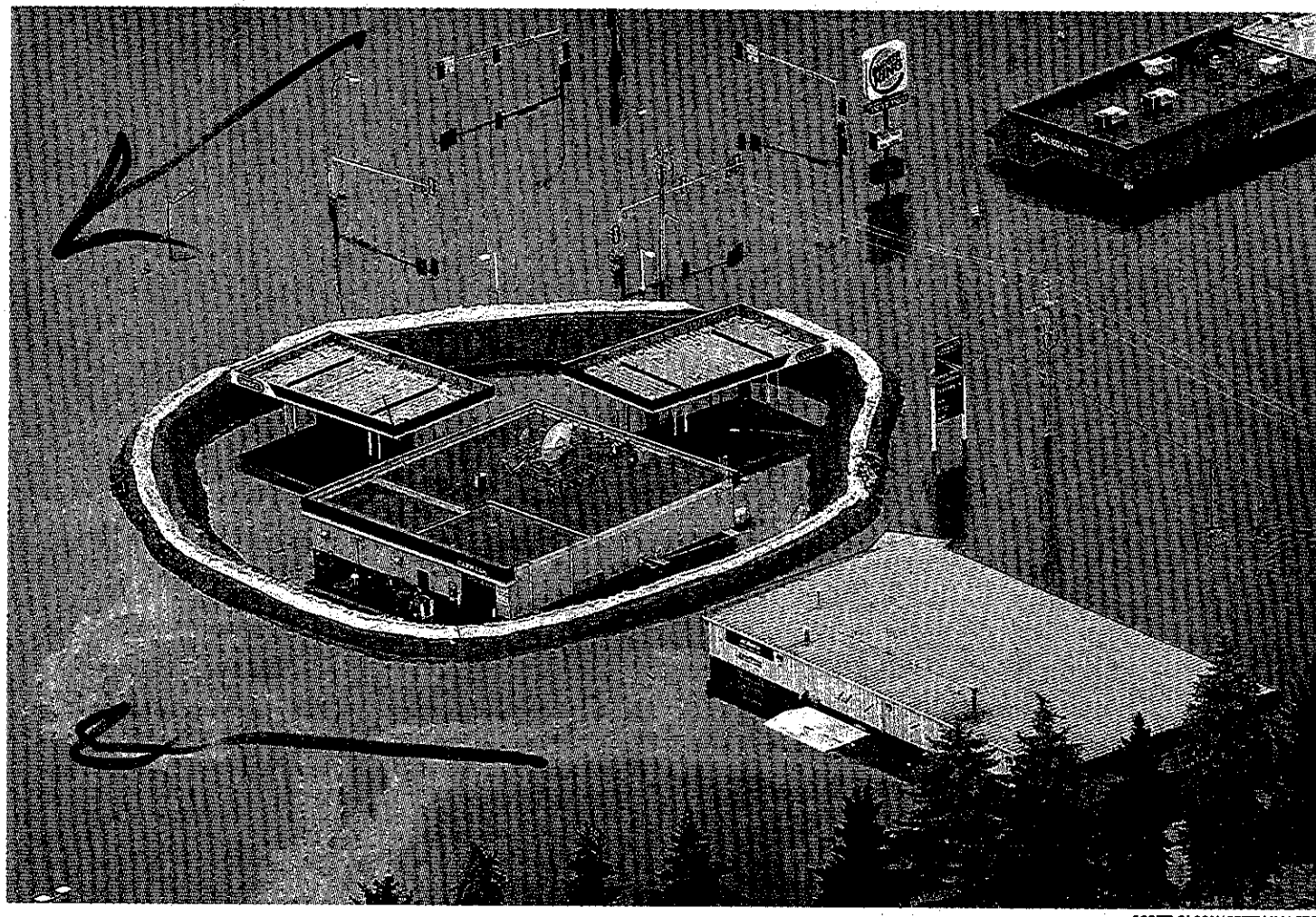
Energy companies have worked hard to promote the idea that natural gas is the fossil fuel of tomorrow, and they have found reliable allies among policy makers in Washington.

"The potential for natural gas is enormous," President Obama said in a speech this year, having cited it as an issue on which Democrats and Republicans can agree.

The Department of Energy boasts in news releases about helping jump-start the boom in drilling by financing some research that made it possible to tap the gas trapped in shale formations deep underground.

In its annual forecasting reports, the United States Energy Information Administration, a division of the Energy Department, has steadily increased its estimates of domestic supplies of natural gas, and investors and the oil and gas industry have repeated them widely to make their case about a prosperous future.

But not everyone in the Energy Information Administration agrees. In scores of internal



SCOTT OLSON/GETTY IMAGES

## A River Crests, and a North Dakota City Is Swamped

The Souris River broke a century-old record, covering a quarter of Minot, N.D.. Thousands have been forced from their homes and the city, whose fortunes have been buoyed in recent years, may have taken a heavy economic blow. Page A9.

## Beyond New York, Gay Marriage Faces Hurdles

By NICHOLAS CONFESSORE

ALBANY — After a string of defeats in recent years from California to Maine, the movement to legalize same-sex marriage is hoping its unexpected victory in New York will revive efforts to legalize gay weddings around the nation.

But the movement's success here could prove difficult to replicate. Twenty-nine states have constitutional bans on same-sex marriage, while 12 others have laws against it. And many of those states where support for same-sex marriage is high have already acted on the issue.

Officials at several gay-rights organizations said they would seek to move quickly in Maryland, where legislation to legalize same-sex marriage was shelved in February by Democratic leaders concerned that it lacked the support to pass.

Advocates also said they hoped to resuscitate a marriage bill that died in the Rhode Island legislature this year.

Gay-rights groups are likely to seek ballot initiatives next year

### Albany Victory Offers a Model, but Politics Vary State to State

to overturn bans on same-sex marriage in Maine, where the Legislature approved a same-sex marriage law in 2009 that voters almost immediately turned back, and in Oregon.

Advocates hope, in the longer term, to win the legalization of same-sex marriage in Delaware and New Jersey, two states where Democrats control the legislatures, as well as in Pennsylvania.

"The fundamental issue here is American public opinion," said Fred Sainz, a spokesman for the Human Rights Campaign, a national gay-rights organization. "The outcome in New York will be tremendously impactful in shaping the rest of the debate."

The vote on Friday in New York, home of the nation's economic and cultural capital, carries enormous symbolic impor-

tance for the same-sex-marriage movement, particularly after its defeat, with Proposition 8, three years ago in California.

New York is now the sixth and largest state in the country where gay couples will be able to wed legally; when the state's law goes into effect in late July, twice as many Americans will live in jurisdictions where same-sex marriage is permitted.

But beyond symbolism, gay-rights advocates said that New York had provided them with a new political model.

"They've shown a way to actually get a bill through a Legislature," said Richard S. Madaleno Jr., a Democratic state senator in Maryland and sponsor of the marriage bill that was shelved. "And I think we're going to use some of the same lessons, the same tactics, in Maryland over the next six months."

Mr. Madaleno, in a telephone interview on Saturday, said Maryland gay-rights advocates had failed to mount the kind of vigorous, multimillion-dollar grass-roots campaign that their allies in New York ran this

Continued on Page A14

## Stealth Survey To Test Access To Physicians

By ROBERT PEAR

WASHINGTON — Alarmed by a shortage of primary care doctors, Obama administration officials are recruiting a team of "mystery shoppers" to pose as patients, call doctors' offices and request appointments to see how difficult it is for people to get care when they need it.

The administration says the survey will address a "critical public policy problem": the increasing shortage of primary care doctors, including specialists in internal medicine and family practice. It will also try to discover whether doctors are accepting patients with private insurance while turning away those in government health programs that pay lower reimbursement rates.

Federal officials predict that more than 30 million Americans will gain coverage under the health care law passed last year. "These newly insured Americans will need to seek out new primary care physicians, further exacerbating the already growing problem" of a shortage of physicians in the United States, the

Continued on Page A3

## ACROSS EUROPE IRKING DRIVERS IS URBAN

### CITIES DISCOURAGING

Closed Streets  
in Parking  
Transit Ha-

By ELISABETH RO

ZURICH — While cities are synchronizing lights to improve traffic flow, offering apps to help find parking, many European cities are doing the opposite: closing streets to cars. The methods vary, but the mission is clear — to use expensive and unreliable modes of transit to ward more environmentally friendly modes of transport.

Cities from Vienna to London and Stockholm are closing vast swaths of streets to cars. Barcelona and Paris have eroded by parking spaces. London and Stockholm have congestion charges in the heart of the city. Over the past two years, German cities have national networks of "mental zones" where low carbon dioxide emissions may enter.

Likeminded cities are building new shopping malls and strict the allowable parking spaces. On-street parking is vanishing. In recent years, even former car capitals like Munich have evolved into "paradises," said Lee Sander, senior research engineer at Ford University who works in sustainable transportation.

"In the United States, there has been much more effort to adapt cities to modern life," said Peter Dinkov, head of the Energy and Environment Group at the European Commission. "There has been more movement in cities more livable for people to get cities relatively free."

To that end, the municipal Planning Department in Zurich has been working in recent years to close streets to cars. Closely spaced parking spaces have been added on town, causing delays for commuters. Pedestrians can't cross once a traffic light flows across intersections have been closed. Operators in the city are expanding tram systems and traffic lights in their favor, forcing cars to approach, forcing cars to stop.

Around Lovenplatz, Zurich's busiest square

Continued on Pa



## Militants, Some With Links To Qaeda, Advance in Yemen

By ROBERT F. WORTH

ADEN, Yemen — The ancient port city of Aden is now virtually surrounded by roving gangs of Islamist militia fighters — some linked to Al Qaeda — who have captured at least two towns, stormed prisons and looted banks and military depots in southern Yemen.

Yet the Yemeni government, still busy fighting unarmed pro-

Saleh, intended it all to be a warning. Asked whether he could soon attack or overthrow the strategic port of 800,000, Gen. Muhammad Somli — the one commander has made any serious attempt to fight them — said, "I'm anything out." The government is neighboring Abyan province, where Saleh al-Zawari, who

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 into two types.  
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 d Newt Gingrich,  
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 on Friday. "If the  
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 od."  
 Mr. Hastert, now  
 a scheduled 15-  
 open for hours to  
 leagues into  
 Medicare pre-  
 g program in  
 one chance to

don't think I would  
 squeezed the process in the  
 same way."  
 Ms. Pelosi insisted she  
 hadn't "squeezed" anything  
 — just advanced the goals of  
 her caucus in a way Clay  
 would have approved.  
 "We established a great pil-  
 lar of life, liberty and pursuit  
 of happiness for the American  
 people, honoring the vows of  
 our founders," she said. "To  
 make health care a right, not a  
 privilege."  
 "To the extent that you can  
 have as much bipartisanship  
 as possible, that's what you  
 would strive for," explained  
 Ms. Pelosi, who now leads the  
 Democratic minority. But "we  
 didn't come here to make  
 nice-nice with each other."

**A Chance to Cooperate**

As speaker, Ms. Pelosi not-  
 ed, she cooperated with Re-  
 publicans on some goals, like  
 banning smoking in the Cap-  
 itol.  
 "They produce tobacco  
 here in Kentucky," Mr. Boeh-  
 ner, a smoker, cautioned in  
 jest.  
 If only the debt limit fight  
 were so easy. Even Clay,  
 known as "the Great Compro-  
 miser," might struggle to rec-  
 oncile the views of the Tea  
 Party and Mr. Obama.

The Treasury says Con-  
 gress must raise the debt limit  
 by Aug. 2 to avoid default. Mr.  
 Boehner wouldn't guarantee  
 it, playing down warnings of  
 financial havoc.

"Nobody in the world be-  
 lieves we're going to default  
 on our debt," he said.

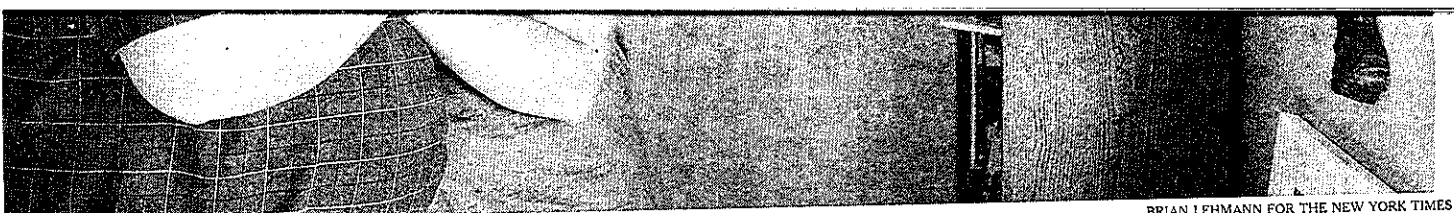
Appearing under the aus-  
 pices of the Henry Clay Cen-  
 ter for Statesmanship, he  
 called this "the moment" for  
 Republicans and Democrats  
 in tandem to shore up the gov-  
 ernment's finances.

"One party would never  
 deal with this problem — way  
 too much political risk," he  
 said. "But we have an oppor-  
 tunity, because we've got di-  
 vided government, to stand  
 together and solve the prob-  
 lem."

Yet all members consider a  
 vote to raise the debt limit  
 "one of the worst votes" they  
 can cast, Ms. Pelosi acknowl-  
 edged. With a hard-to-coral  
 class of 87 first-term Republi-  
 cans, she added, the current  
 speaker "has all of my sympa-  
 thy."

"Do I get any votes?" ven-  
 tured Mr. Boehner (he got 81  
 Democratic votes to help  
 avoid a government shutdown  
 in April).

"My advice is, good luck,"  
 Mr. Hastert said.



BRIAN LEHMANN FOR THE NEW YORK TIMES

Danielle and Robb Deaver ran up against Nebraska's new law when a problem arose in the 22nd week of Ms. Deaver's pregnancy.

**New Laws in 6 States Ban Abortions After 20 Weeks**

*From Page A1*

in more states next year.  
 The laws directly conflict with  
 the key threshold set by the Su-  
 preme Court: that abortion can-  
 not be banned until the fetus be-  
 comes viable. Viability, the ability  
 to survive outside the womb, usu-  
 ally occurs at the 24th week of  
 pregnancy or later, and is de-  
 termined in individual cases by a  
 doctor, said Elizabeth Nash, a  
 policy analyst in Washington  
 with the Guttmacher Institute, a  
 research group.

The laws have entered into Re-  
 publican presidential politics.  
 Support for fetal pain legislation  
 is one item in a pledge that anti-  
 abortion groups are asking po-  
 tential candidates to endorse.  
 Five have signed, but Mitt Rom-  
 ney and Herman Cain have been  
 criticized for refusing to take part  
 in the pledge, which also asks  
 leaders to make opposition to  
 abortion a test for all appoint-  
 ments and to end taxpayer fund-  
 ing of abortion and Planned Par-  
 enthood.

"These 20-week laws are abso-  
 lutely unconstitutional," said  
 Nancy Northrup, president of the  
 Center for Reproductive Rights, a  
 legal group. No one has yet chal-  
 lenged the laws in court, in part  
 because they are so new that few  
 potential plaintiffs have emerged.  
 But advocates for abortion rights  
 are also proceeding warily, fear-  
 ful that a weak case could end up  
 in the Supreme Court and upend  
 the legal structure established by  
 Roe v. Wade in 1973 and subse-  
 quent decisions, with fetal viabil-  
 ity as the all-important dividing  
 line between access to abortion  
 and stringent limits.

"We will file a legal challenge  
 when the circumstances and tim-  
 ing are right," Ms. Northrup said.

Ms. Balch and other advocates  
 say they relish a test of the laws  
 in the Supreme Court, where  
 they believe a narrow victory  
 might be possible, changing the  
 terms of the abortion debate for  
 good.

Only 1.5 percent of the 1.21 mil-  
 lion abortions each year, or about  
 18,000, occur later than 20 weeks  
 after conception, and many of  
 these involve medical emergen-  
 cies, said Ms. Nash of the Gutt-

macher Institute.

Still, the new laws also place  
 stricter, and what some say are  
 unconstitutional, limits on med-  
 ical exceptions as well.

They permit abortions after 20  
 weeks only to avert the death or  
 "serious physical impairment of  
 a major bodily function" of the  
 mother, or to avoid the death of  
 the fetus. There are no excep-  
 tions for rape or incest, none for  
 less dire medical threats or men-

**Citing fetal pain, a powerful notion despite a lack of scientific support.**

tal health.

Nor, under the laws, is an abor-  
 tion allowed after 20 weeks when  
 a fetus is discovered to be cata-  
 strophically impaired but still liv-  
 ing, as is sometimes discovered  
 by routine ultrasounds in mid-  
 pregnancy.

Last fall, Danielle and Robb  
 Deaver of Grand Island, Neb.,  
 found that their state's new law  
 intruded in a wrenching personal  
 decision. Ms. Deaver, 35, a reg-  
 istered nurse, was pregnant with a  
 daughter in a wanted pregnancy,  
 she said. She and her husband  
 were devastated when her water  
 broke at 22 weeks and her amni-  
 otic fluid did not rebuild.

Her doctors said that the lung  
 and limb development of the fe-  
 tus had stopped, that it had a re-  
 mote chance of being born alive  
 or able to breathe, and that she  
 faced a chance of serious infec-  
 tion.

In what might have been a rou-  
 tine if painful choice in the past,  
 Ms. Deaver and her husband de-  
 cided to seek induced labor rather  
 than wait for the fetus to die or  
 emerge. But inducing labor, if it is  
 not to save the life of the fetus, is  
 legally defined as abortion, and  
 doctors and hospital lawyers con-  
 cluded that the procedure would  
 be illegal under Nebraska's new  
 law.

After 10 days of frustration and

anguish, Ms. Deaver went into la-  
 bor naturally; the baby died with-  
 in 15 minutes and Ms. Deaver had  
 to be treated with intravenous  
 antibiotics for an infection that  
 developed.

Ms. Deaver said she got angry  
 only after the grief had settled.  
 "This should have been a private  
 decision, made between me, my  
 husband and my doctor," she said  
 in a telephone interview.

Based on current knowledge,  
 medical organizations generally  
 reject the notion that a fetus can  
 feel pain before 24 weeks. "The  
 suggestion that a fetus at 20  
 weeks can feel pain is inconsis-  
 tent with the biological evi-  
 dence," said Dr. David A. Grimes,  
 a prominent researcher and a  
 professor of obstetrics and gyne-  
 cology at the University of North  
 Carolina School of Medicine. "To  
 suggest that pain can be per-  
 ceived without a cerebral cortex  
 is also inconsistent with the defi-  
 nition of pain."

In one recent review, in March  
 2010, the Royal College of Obste-  
 tricians and Gynecologists in  
 Britain said of the brain develop-  
 ment of fetuses: "Connections  
 from the periphery to the cortex  
 are not intact before 24 weeks of  
 gestation and, as most neurosci-  
 entists believe that the cortex is  
 necessary for pain perception, it  
 can be concluded that the fetus  
 cannot experience pain in any  
 sense prior to this gestation."

Observations of physical re-  
 coiling and hormonal responses  
 of younger fetuses to needle  
 touches are reflexive and do not  
 indicate "pain awareness," the  
 report said.

On a Web site summarizing  
 their case, abortion opponents  
 counter with recent studies by a  
 handful of scientists claiming  
 that a functioning cortex is not  
 necessary for the experience of  
 pain. They charge that the Amer-  
 ican and British obstetrical col-  
 leges are biased, dominated by  
 abortion supporters.

"It seems to me that the other  
 side is afraid of challenging this  
 in the courts," Ms. Balch, of the  
 National Right to Life Committee,  
 said of the 20-week limits. "But  
 we're going to get this, whether  
 in court or passing it state by  
 state."

Caitlin Borgmann, a law pro-  
 fessor at City University of New  
 York School of Law and an advo-  
 cate for abortion rights, said that  
 it was frustrating to see "clearly  
 unconstitutional" laws on the  
 books in several states, so far  
 without challenge.

But she defended the decision  
 of legal groups to proceed cau-  
 tiously, saying that "it's better to  
 wait for a good opportunity than  
 to act too quickly," with a chance  
 of a disastrous loss.

"It has to be a very careful bal-  
 ancing," she said.

**Party to Come Up With Debt-Cutting Proposals**

E ZERNIKE  
 a Party movement  
 arge for cutting the  
 its supporters have  
 d to explain how,  
 ould do so.  
 are out to change  
 a Tea Party debt  
 hat plans to hold  
 the summer, in the  
 ering recommenda-  
 akers by January.  
 ission is being or-  
 FreedomWorks, the  
 vocacy group that  
 a Party movement  
 bilize for the mid-  
 is last fall. And its  
 tions are likely to  
 the goals of that  
 in turn tend to re-  
 f libertarian organ-  
 the Cato Institute.  
 rks has worked  
 ironmental regula-  
 increased privatiza-  
 care.)  
 e, like with the first  
 Tea Party movement,  
 way we will ever re-  
 bt and balance the  
 America beats Wash-  
 Tea Party activists  
 is process, take over  
 bate and engage the  
 eople in the hard  
 king tough choices,"  
 Kibbe, president of  
 rks.  
 p held training for

about 150 activists from 30 states  
 at its headquarters in Washing-  
 ton over the weekend, with ses-  
 sions dedicated to educating  
 them about the budget proposals  
 by Senator Rand Paul of Ken-  
 tucky and Representative Paul D.  
 Ryan of Wisconsin, both Republi-  
 cans with a strong embrace of  
 libertarian economic principles.

The activists, along with  
 FreedomWorks staff members,  
 came up with parameters for  
 their budget proposals, declaring  
 that they would have to balance  
 the federal budget within 10  
 years, cut federal spending to 18  
 percent of gross domestic prod-

uct, reduce the national debt to  
 no more than 66 percent of the  
 G.D.P., assume that revenue ac-  
 counts for no more than 19 per-  
 cent of the G.D.P., and reduce fed-  
 eral spending by at least \$300 bil-  
 lion in the first year and at least  
 \$9 trillion over 10 years.

All this is a tall order. For ex-  
 ample, the debt now consumes  
 nearly 100 percent of the gross  
 domestic product. And with its  
 limits on revenue, and the politics  
 behind it, it is unlikely that the  
 Tea Party commission will allow  
 anything that looks like a tax in-  
 crease.

The Tea Party commission, to

be formally announced Monday,  
 is intended as a rebuke to the Na-  
 tional Commission on Fiscal Re-  
 sponsibility and Reform that  
 President Obama named, which  
 delivered its recommendations  
 last year to generally negative re-  
 views from both parties unwilling  
 to make the sacrifices it called  
 for. But it is modeled after it, in  
 one way: it, too, will have 18  
 members (though this one is un-  
 likely to be bipartisan, as the  
 president's was).

The members will be chosen  
 from 18 swing states and will hold  
 hearings in those states over the  
 summer, Mr. Kibbe said.

It will also have a strong  
 crowd-sourcing component,  
 much like the Contract from  
 America, which Tea Party activ-  
 ists created, wiki-style, as a kind  
 of manifesto for the midterms.  
 Those ideas have had some influ-  
 ence: the rules that House Re-  
 publicans passed after the Tea  
 Party victories in the midterms  
 included a requirement, lifted  
 from the contract, that all new  
 legislation had to cite the specific  
 provision of the Constitution that  
 authorized it. The commission  
 will solicit ideas and have people  
 vote on them at a Web site.

It aims to have proposals  
 ready by January, when the pres-  
 idential campaign will draw even  
 more attention to economic pro-  
 posals.



STEPHEN CROWLEY/THE NEW YORK TIMES

Senator Rand Paul of Kentucky, left, and Matt Kibbe, the presi-  
 dent of FreedomWorks, at a meeting in Washington in January.

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