the weekly
Standard

THE RISE OF THE BALDWIN REPUBLICANS
ANDREW FERGUSON

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NEWT MELTS

by Major Garrett

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Books & Arts

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The Democrats' Partial-birth Polling

The pro-choice movement hasn't exactly been honest and forthcoming during the partial-birth-abortion debate. Now we come upon a planning document behind the distortion campaign. On September 17, 1996, Democratic pollster Celinda Lake distributed a memo to her "clients and friends" on how to talk about partial-birth.

"*DO talk about the life and health of the mothers*," she writes in the memo. "*DON'T talk about the health and condition of the fetus*. Voters believe that this procedure, no matter what we call it, kills an infant. We cannot get around this basic belief." (Yes, it's hard to get around a "basic belief" that's true.) She also advises, "*DO talk about this procedure as medically necessary*. This communicates to voters that having this procedure is not a 'choice.' . . . These abortions happen only in the most tragic and dire of health circumstances, and only when it is medically necessary." This, of course, as everyone now acknowledges, is untrue, but Lake adds, "DON'T argue about how often this procedure is used. The absolute number of times this procedure is used is irrelevant. Voters believe that even one time is too many." And finally she concludes, "DON'T argue about the procedure. The 'partial birth' procedure IS gruesome. There is no way to make it pleasant to voters, or even only distasteful." Lake goes on to note that "a range of research we have done this fall" shows that "most Americans . . . are comfortable with many types of regulation, including substantial restrictions on abortion after the first trimester."

Thus a Democratic pollster lays out the extraordinary vulnerability of President Clinton's position on abortion far more forcefully than the Republican presidential ticket ever did.

The New New New New Al Gore

Meet the new, new Gore, same as the old, new Gore. With the exception of the Incredible Hulk's Dr. Bruce Banner, no one undergoes more startling metamorphoses than the vice president. And every one is the same as every other! His transformation from bloodless bore to barrel of monkeys—heralded once again last week after his appearance at the Gridiron Dinner—has been noted repeatedly over half a decade.

His old self has provoked comparisons to every variety of wood (from balsa to elm) and inspired confounding mixed metaphors (the *New York Times* once reported old Gore was as "leaden on the hustings as a wintry sky"). But after getting his one-liners punched up by DNC jokewriter Mark Katz, the brain behind master raconteurs like Diane Sawyer and Barbra Streisand, the 400-plus Nexis mentions of the "new Al Gore" seem to indicate near unanimity on his transformation.

Gannett was one of the early spotters of a "new Al Gore" in '92, after seeing him shimmy like a seal at the Democratic convention with his more coordinated wife. Brookings's Stephen Hess thought he spotted a "somewhat new Al Gore" after his '93 NAFTA debate, while the *Arizona Republic* noticed "a different Al Gore showing up in Phoenix" in '94. His alma mater *Nashville Banner* even encouraged us to "Meet the new Al Gore" as late as '96, as his "comedic timing" seemed to be "impressing a lot of people."

And indeed it has, as he has had ample opportunity to perfect it, considering he repeats himself more than Mel Tillis singing "Louie, Louie" in an echo chamber. Perhaps you've heard him pull this zinger from his narrow quiver of quips: "Al Gore is so boring, his Secret Service code name is 'Al Gore.'" He mopped up the floor with that one at the Gridiron Dinner in March '94, as he did again on Patriot's Day in Fall River, Mass., in April '95, and again at the American Society of Newspaper Editors dinner in April '96, and at the Council of the Americas Conference in May '96, and at the Hospitality Investment Conference in June '96, and at least twice at the Democratic National Convention last August.

Now we know why he's such a fan of recycling.

Senators Against the First Amendment

Last Tuesday's Senate action on campaign-finance legislation has been widely reported as a stinging defeat for bipartisan "reform." Not so fast. The bill in question, which failed by 29 votes, was Senate Joint Resolution 18, a constitutional amendment to repeal the nation's 200-year-old guarantee of unrestricted political speech, a k a the First Amendment.

The campaign "reform" movement is now split on tactics. One camp, "the pretenders," still insists that the movement's desire to limit advocacy is perfectly consistent with the Bill of Rights. The other, the "broad-daylight" camp, blithely admits the truth: that those limitations flatly violate the Constitution.

So it was that S. J. Res. 18 was advanced, in broad daylight, to abridge the First Amendment. You need 67 votes

Scrapbook

to pass such a thing. "Reform" forces could only muster 38. Among those 38 were 34 of the Senate's 45 Democrats. And four of the Senate's 55 Republicans voted with them: Thad Cochran of Mississippi, Jim Jeffords of Vermont, Bill Roth of Delaware, and Arlen Specter of Pennsylvania.

Here's what's truly depressing. Nine of the 61 senators voting against S. J. Res. 18 and in favor of the First Amendment are actually "pretenders." They're co-sponsors of the still-pending Bipartisan Campaign Reform Act of 1997, otherwise known as S. 25 or McCain-Feingold. This is the same, thoroughly unconstitutional legislation that S. J. Res. 18 was supposed to make possible. Seven of these nine fakers are Democrats. Two—Arizona's John McCain and Tennessee's Fred Thompson—are Republicans.

So, properly tabulated, last Tuesday's vote means this: More than 90 percent of Senate Democrats are on record endorsing an evisceration of the First Amendment. (Only Dale Bumpers, Ted Kennedy, Jay Rockefeller, and Bob Torricelli have yet to make their intentions clear.) Six Republicans are with them. In all, there are 47 members of the Senate, almost half, who cannot be depended on to uphold a bedrock American liberty.

The Empire Strikes Back

Ross H. Munro is co-author with Richard Bernstein of *The Coming Conflict with China*, a widely and respectfully reviewed book on America's inadequate response to the Beijing regime's expansionist plans in Asia. And he has just lost his day job. Munro was director of the Asia program at Philadelphia's Foreign Policy Research Institute. He's not talking about the circumstances surrounding his abrupt departure from FPRI. But other people knowledgeable about what happened say that's only because Munro's severance package requires his silence. And those people also report that Munro was sacked because FPRI was pressured by what his book calls "the new China lobby." Former secretary of state Alexander Haig, a trustee of FPRI, makes a living advising U.S. corporations that have business interests in China. He hated the book, we're told. And next thing anyone knows, Munro is suddenly fired.

Extra! Extra!

Every month, it seems, another Cold War controversy is closed—in the anti-Communists' favor—and not everyone is happy about it. On March 16, both the *New York Times* and the *Washington Post* carried stories about Julius Rosenberg's Soviet handler, the octogenarian Alexander Feklisov, who had finally spoken about the case at length. Yes, Rosenberg had been a spy, "a true revolutionary who was willing to sacrifice himself for his beliefs." He had provided valuable information to the Soviet Union but had not been an important atomic spy, unlike Klaus Fuchs, "who told us everything about Los Alamos."

The *Post*'s headline was apt: "Julius Rosenberg Spied, Russian Says." The *Times*'s headline was more interesting: "K.G.B. Agent Plays Down Atomic Role of Rosenbergs." Well, yes, but that's rather like running the headline, on Aug. 9, 1974, "Nixon No Longer in Danger of Impeachment."

Help Wanted

Contributing editor Charles Krauthammer seeks a research assistant. Send resumé to: Justin Higgins, 1225 19th St., NW, Suite 620, Washington, DC 20036.

Casual

Accessorize, Accessorize

I understood why Christopher Darden lost the O.J. trial when I saw him on the cover of *Pen World* magazine. There he was caressing an Omas *Bibliothèque Nationale* fountain pen. As one of the editors of *Pen World* noted inside, the person who owns an OBN pen tends to be passionate and classy, but is this really the sort of penthusiast who could outwit O.J.'s legal Dream Team? Wouldn't it have been better to have someone with enough brute drive to own Montblanc's Peter the Great pen made of dark green resin with gold-plated overlay and powered by an 888 piston-filling delivery system?

I confess that my own pen-judging criteria revolve around which ones are best to chew, but I was reading *Pen World* magazine as part of my plan to become a global media mogul. The insight upon which I am going to build my fortune is that there are plenty of market opportunities in the world of accessiporn journalism. Accessiporn magazines are those that focus on a single fashion accessory, and combine drooling enthusiasm for the item with lush, bare-everything photo spreads of said product. I believe I can become the Bob Guccione of accessiporn.

There already is an accessiporn Hugh Hefner. His name is Marvin R. Shanken, the editor and publisher of *Cigar Aficionado*, which I'm sure you've seen recently. *Cigar Aficionado* is the perfect accessiporn magazine. It describes a product that you have to destroy in order to use. Therefore you have to keep buying more, which is good for advertisers. Second, it appeals to men in their '50s and '60s. These are people in their prime earning years who have plenty of money, which they are happy to spend on sensual products they can enjoy without having to worry about throwing their backs out. And most important, it appeals to obnoxious jerks.

It's worth expanding on this last point. Men in the male-menopause years like to be jerks. If you'll notice, any obnoxious middle-aged white male who writes a book has it become an instant bestseller (Lee Iaccoca, Bobby Knight, Alan Dershowitz, etc.). Similarly, any loudmouth jerk of the same age who runs for office immediately captures a large jerk constituency (Ross Perot, Jean-Marie Le Pen in France, Umberto Bossi in Italy, etc.). That's because middle-aged men have worked hard for a bunch of years, they've achieved a certain measure of success, and they feel they've earned the right to be selfish and obnoxious. They like reading about and voting for insufferable jerks like them.

One of the most pleasant aspects of jerkdom is being able to conspicuously demonstrate your own smug self-satisfaction. *Cigar Aficionado* features a page called the Photo Gallery. Men send in pictures of themselves in which they are seen posing with a fat stogie in their mouth. They are usually standing next to their power boat or their Mercedes, and they are wearing the sort of self-satisfied smile that makes normal people want to rip the cigar from their mouth and treat them to a Cuban enema.

Another pleasing aspect of accessiporn jerkdom is that it allows you to savor your own bogus knowledgeability of specious distinctions. So if you are a reader of *International Wristwatch* magazine you can opine at great length on the relative merits of the Epos Rectangular Classic Jump Hour watch (which has sapphire crystals and a skeleton back) versus the Daniel Roth Sport Chronograph (which has an exhibition back and a screw-down drown). And you can effortlessly look down on your listeners if they are the sort of philistine who does not appreciate the difference between, say, a $6,000 watch and an $8,000 watch.

Now the only thing standing between me and great riches is that I haven't yet settled on the consumer products that I will build my string of magazines around. To review: The product I choose has to be destroyed in the act of using it, it has to be produced in large quantities, it has to make specious claims to supposed connoisseurs, and, finally, it has to appeal to middle-aged male jerks.

The simplest thing would be simply to put out a magazine called *Trophy Wife Aficionado*, but that's too offensive even for me. I think it's better to appeal to the male love of gizmos, so my first idea is a magazine called *Remote Control Quarterly*, which would feature lascivious photo spreads of $12,000 television remote controls, with essays describing their merits. Then I'm thinking of branching out into the hardware line with *Cultivated Taper*, a magazine that would review the full range of masking-tape options. And then, finally, I might complete my empire with *Pluckings: A Magazine for Tweezer Enthusiasts*.

Venture capitalists, call now.

David Brooks

And the Newt Goes On

Andrew Ferguson's "The Collected Works of Newt Gingrich" (March 17) confirms what I have long suspected and feared: The titular leader of the conservative movement is hopelessly loopy.

What Gingrich, Kemp, and others have forgotten is that the essence of conservatism is constitutionalism, and the essence of the U.S. Constitution is simplicity. Gingrich's "vision document" is full of reaching and grasping. The Constitution is a profoundly simple and negative document, concerned more with what government should not be allowed to do than with what it should do.

We don't need a president to raise our children; we don't need a speaker of the House to teach us "the rules of civilization." What we need is for the executive, legislative, and judicial branches of government to return to their constitutionally prescribed spheres of operation.

James Fleugel
Peachtree City, GA

Andrew Ferguson's comments about Newt's various writings and statements express a degree of surprise that Newt would say and write such off-the-wall things. Actually, there is no cause for surprise. Newt leads us to the painful recognition of the problem with revolutionary figures: They are rarely the right people to govern after the revolution.

Newt has done yeoman work for a good cause. It is time for him to make room for other politicians who can create the changes the Republican revolution promised. It would not be shameful for him to do this; instead it would be noble. He can even frame the act of stepping down as a recognition that his mission has been accomplished and that now it is time for others to carry on.

Sidney Brounstein
Redlands, CA

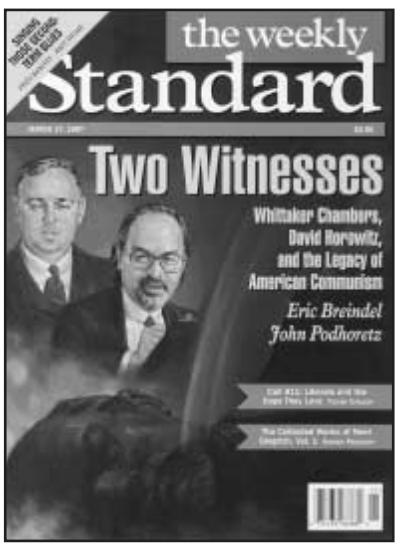
Andrew Ferguson's report on Newt Gingrich's manic musing was enormously funny. It is always worthwhile to take self-important politicians down a peg or two. But we should not forget that Newt Gingrich's strategies were instrumental in bringing us our 1994 victories. Before he became non-speaker of the House this year, Newt was unsurpassed in his ability to articulate a positive conservative vision for America. If crazed lists and sketches are what it takes, I say, keep listing and sketching, Newt!

David A. Stoll
New York, NY

The Pizza Connection

If Tucker Carlson has a legitimate argument with the new turn of community policing in America ("Bad Cop," March 17), why did he pollute it with intellectually dishonest reporting?

He brought up the infamous *60 Minutes* episode in which New Haven's former police chief Nicholas Pastore gave a "well-known thug" 10 dollars. He missed the point. It would have been a problem if the thug gave Pastore the money. The police have a long history of supplying street-level people with food or small amounts of cash in return for valuable information. Not all your best informants are what we'd call upstanding citizens.



Second, Carlson's most idiotic factual error was reporting that Pastore "took a double-murder suspect . . . out for a pizza dinner." The suspect was in for questioning. Pastore was questioning him. The guy hadn't eaten for 36 hours. Pastore hadn't eaten, either. He ordered a plain cheese pizza. (They're good in New Haven.) Pastore gave the guy a slice, in the interrogation room. The guy confessed to the murder. This is somehow bad police work?

Carlson is right that community policing has taken a very liberal turn from George Kelling's original prescription in the *Atlantic Monthly*. Even though I disagree with Carlson's general take on community policing, I think there is room for legitimate debate about its development from the original idea. Maybe Carlson's take is right. But inventing a bizarre version of New Haven in the '90s based on conversations with a handful of people who already share his outlook doesn't come close to proving it.

Paul Bass
New Haven, CT

Tucker Carlson responds: ***I wrote that Chief Pastore took a double-murder suspect out for pizza. Paul Bass says Chief Pastore bought pizza for a double-murder suspect. It's not clear where the "idiotic factual error" is.***

Improving Crime Control

In "Defuse the Youth Time Bomb" (March 10), John J. DiIulio, Jr. endorses former New York City police commissioner Bratton's banal observation that "prevention has simply got to be a big part of the long-term anti-crime equation" and further champions the prescription of the Manhattan Institute's Center for Civic Innovation of "three promising community-based prevention strategies—monitoring, mentoring, and ministering." This sounds like something out of the *New York Times* op-ed pages.

Instead of acknowledging that the latest Senate bill is on the right track and lacks only a more comprehensive treatment of the subject, DiIulio proceeds from the premise that teenagers who have been exposed to crime and sociopathic behavior all their lives can, with the aid of some nurturing outsiders, be diverted from indulgence in crime. This is the stuff of Hollywood since films like *Knock on Any Door* or even the earlier *Dead End Kids*. That approach has failed. What we must do is come to grips with the nature of the beast and deal with it forcefully, relentlessly, and compassionately, in an institutional setting—in short, crime pre-

vention by way of incarceration and deterrence in a setting conducive to attitude improvement.

Specifically, we would make a quantum improvement in our crime-control efforts by creating a rational prison system with sufficient capacity to hold all of the bad guys and keep them there for an appropriate length of time.

A rational system implies a national prison and sentencing process, i.e., one established by federal law and administered by federal employees. Such a system need not, however, be federally funded. Since the states would retain responsibility for the overwhelming percentage of prosecutions under the state criminal statutes, they would also retain funding responsibility on some appropriate basis for the operation and maintenance of the system.

The second prong of a rational system is reform of the sentencing process along the lines of the Federal Sentencing Guidelines. While this is not a perfect reform, it is a significant improvement over the every-judge-for-himself practice that preceded it and that still prevails in the state systems.

WILLIAM P. RUDLAND
WESTLAKE, OH

WHO—WHAT—IS A JEW?

Ah, to be a religious fundamentalist! It must be so easy not to have to think about the future. Since God ordained everything, let Him worry about preserving his people. Elliott Abrams's view of Judaism ("Jews without Judaism," March 17) requires no hard work, risk-taking, or even thinking about how to preserve the Jewish future. After all, God promised Jacob that the Jewish people would survive. So why bother to interfere with His efforts?

For those of us, on the other hand, who believe there is no guarantee of Jewish survival, it is essential that we try to propose a Judaism that is as eclectic, diverse, and vibrant as possible. That entails risks. But a risky future is preferable to a certain demise.

In my book, I analyze the causes of growing Jewish assimilation. I agree with Abrams that a return to religion would be the best guarantee of Jewish survival. But I recognize that many of the most productive Jews in history have not been religious and I try to propose additional ways of being Jewish. As to whether a person can be a Jew if he is not religious, I accept what Eli Wiesel has said: "A Jew is someone who ties, who links his or her destiny to the Jewish people. Period. That is a Jew. I do not enter religious affairs. Whether a Jew observes religion or not, that is for God to say, not for me."

Like most religious fundamentalists, Abrams does not have much of a sense of humor. He doesn't like my Jewish jokes. Let the reader decide.

ALAN M. DERSHOWITZ
CAMBRIDGE, MA

For someone who claims to have received a Jewish education and upbringing, Alan Dershowitz shows an inordinate lack of knowledge regarding the basic concepts of Judaism. Judaism teaches that the Torah was given by God, who knows past, present, and future, thereby making it as relevant and binding today as the day it ever was. Without God, there is no Judaism.

His comparison of the Orthodox (of whom I am one) to the Amish is ludicrous, as the Orthodox have kept up with the technological revolution step for step. The devotion to family and children of the Orthodox, combined with the intermarriage rate of secular Jews, has kept Jews from becoming "few in number."

Elliott Abrams is right: Dershowitz should look inward, upward, and outward for a solution to "The Vanishing American Jew."

MICHAEL HALPERN
BROOKLYN, NY

the weekly Standard

Junkie Science

The Fourth Conference on Retroviruses and Opportunistic Infections was held the last week of January in Washington. An annual event, it is the probably the world's most important scientific meeting of AIDS specialists. At one of this year's sessions, Dr. Steffanie Strathdee, a Canadian epidemiologist, presented preliminary data from a major study of high-risk behavior underway in Vancouver. Since May 1996, the Vancouver Injection Drug Use Study has periodically blood-tested, interviewed, and counseled roughly 900 intravenous cocaine and heroin users.

After only seven months, nearly 10 percent of initially HIV-negative participants in the program had experienced "seroconversion": They had become infected with the virus. Overall, the Vancouver research subjects injected themselves an average of 4.5 times each day. Forty percent of those who knew they were HIV-positive nevertheless reported having lent contaminated needles to other drug users in the preceding six months. Fully 60 percent of the test group, including those still clear of the virus, reported having borrowed someone else's used needle in the preceding six months.

All this, despite the fact that 95 percent of the drug users under study in Vancouver routinely received sterile hypodermic syringes, free of charge, from a well-financed public "needle-exchange" program. That program is mammoth: The government of British Columbia distributed 2.3 million clean needles in 1996. "We always thought we were lucky" to have "a great needle-exchange program," one of Dr. Strathdee's colleagues has ruefully acknowledged. "We had a problem, but now we have a bigger problem."

Down here in the Lower Forty-eight, meanwhile, the assumption is increasingly widespread that needle-exchange programs like Vancouver's are a practical necessity. AIDS activists are virtually unanimous—and many frontline public-health officials and professional medical associations appear to agree—that restrictive state laws and a federal-funding ban on clean-needle initiatives are killing people. These proponents have won a receptive media audience.

The *New York Times* editorial page, for example, has for several years been evangelizing regularly on behalf of needle-exchange programs, which now number more than 100 around the country. According to the *Times*, the Clinton administration's position on such programs—Health and Human Services secretary Donna Shalala approves their adoption by state and local agencies but declines to allow federal money to be spent on them—represents a shameful failure of "courage." Crude public arguments about "politics and morality" must give way to science, the *Times* pronounces. The available evidence is "unequivocal" and "highly persuasive" that supplying clean needles to addicts deters HIV infection without encouraging drug use.

We'll set politics and morality aside for a moment. The available evidence most commonly cited by needle-exchange advocates—the *Times* has yet to take note of Vancouver's depressing results—turns out to be, if you actually read it, highly equivocal and therefore unpersuasive. To date, the most comprehensive treatment of sterile needles as a tool against HIV transmission is a two-year investigation organized by the National Academy of Sciences in 1993. The NAS study, published in 1995, explicitly "does not recommend" a national needle-exchange program. It does recommend caution, further research, and targeted federal funding for local "communities that desire such programs," since they sometimes "can be effective in preventing the spread of HIV" and "do not increase the use of illegal drugs."

But NAS reached even this last, rather temporizing conclusion by making "multiple assessments" of a "logical network of evidence" in which it "may be possible" to discern a "plausibility" that needle-exchange programs are "implicated" in a positive "change process." In English, this means the academy employed criteria it admits "would be classified as relatively weak" when measured against "traditional" scientific standards. All the previously published research on which NAS based its assessment of needle-exchange programs had, in the NAS panel's judgment, obvious "methodological limitations": inadequate sample populations, high drop-out rates, "improper" study controls, and "problematic" or "incomplete" data and analysis.

In particular, the academy decided that the two most widely heralded federal clean-needle studies actually prove very little. A 1993 General Accounting Office report indicating that needle exchanges "do not increase injection drug use" was, in NAS's jargon-drenched appraisal, "not fully characterized." GAO, it

seems, had excluded from its final review any needle program in which drug use *did* increase or remained level. Another 1993 report, commissioned from the University of California by the federal Centers for Disease Control, speaks for itself: Then-contemporary data "do not . . . provide clear evidence that needle-exchange programs decrease HIV infection rates."

In addition to cloudy behavioral and epidemiological data, all manner of practical and logical problems surround clean-needle programs. Even if one were prepared to stipulate their immediate utility, there would remain the question whether they need large-scale public funding. Sterile needles are cheap; they cost 50 cents or less apiece, a minuscule amount of money to addicts who quite commonly spend hundreds of dollars a day to maintain their habits. And it is not clear such needles are otherwise unavailable to addicts who want them. Forty-one states do not even require a prescription for needle purchases in pharmacies. Forty-five states still criminalize possession of syringes for use in the consumption of illegal drugs, but those laws are rarely enforced—and then only against drug *dealers*, not users.

Then there is the matter of public order and safety. Experience suggests that the insertion into American inner-city neighborhoods of millions more hypodermic needles would result in some large number of them being discarded on sidewalks where children run and play. And experience also suggests that expanded needle-exchange programs might well become magnets for drug use, even if they did not increase rates of addiction. Drug-related crime in the Downtown Eastside section of Vancouver, where that city's clean-needle initiative is headquartered, is epidemic. "It's been getting progressively worse" since the program began in 1989, according to one Vancouver police detective. "Our problem is, that area is known nationwide as a place to come for drugs."

It could certainly happen here. No one can tell for sure. The "long-term effects of these programs on the level of illicit drug use in communities are not yet known," concedes the National Academy of Sciences. Some imperfect research suggests that needle-exchange programs work. Some imperfect research suggests they don't. But "sooner or later," the NAS referees insist, "there comes a time for decision on the basis of evidence in hand." So the academy makes its call, favoring the "plausibility" that further needle initiatives might reduce HIV transmission against the real possibility that they will fail—and make things worse.

Finally we are back to politics and morality. The practical question needle-exchange programs involve is essentially and only a political one: whether to legalize and fund them, or not. And in the absence of conclusive practical evidence one way or the other, it is a question that can be answered only with reference to morality.

Two competing moralities are at issue here. There is that oddly newish upper-middle-class libertarianism which has it that adults bent on self-destruction should be allowed—and helped—to achieve their goal in "safe," timely, and effective fashion. It is now respectable for people to argue that cancer and glaucoma patients should have access to "medical" marijuana cigarettes, though no one has yet proved that smoking pot is ever necessary or good for you. Worse, some of the nation's leading lawyers and "ethicists," joined by two federal appellate courts, have lately concluded that truly "moral" American laws must permit doctors to euthanize their terminal or chronically incapacitated patients when asked to do so.

Against this view stands the simpler, old-fashioned morality that so frustrates AIDS activists and the *New York Times*: Government should not, in principle, play facilitator to any life-denying impulse. In this particular case, government should not make itself a technician of cocaine and heroin addiction. Especially when there is nothing but glorified guesswork with which to justify the move.

The Clinton administration, for whatever reasons, is right to deny federal funding to needle-exchange programs. Congress should support the president. And work to ensure that he does not change his mind.

—David Tell, for the Editors

Clinton Outwits Himself

by Fred Barnes

President Clinton has flummoxed the Republicans again. Believing Clinton was ready to deal in good faith this year on spending and taxes, GOP congressional leaders made a magnanimous display of bipartisanship: They agreed to use Clinton's budget as the working document from which a compromise would be fashioned. The president appeared grateful. Then within weeks, the White House accused Republicans of failing to produce a budget of their own. Clinton encouraged Senate majority leader Trent Lott, in their frequent chats, to

propose a commission to cut the consumer price index (CPI) as a catalyst for a budget deal. But when House liberals, led by Richard Gephardt, complained, Clinton sheepishly backed away from the commission. He abandoned principle to protect his base. In response to Clinton's retreat, House speaker Newt Gingrich proposed to drop tax cuts, a top priority for most congressional Republicans, from the budget talks. Gingrich abandoned principle and divided his base.

As a performance artist, Clinton is dazzling to watch. He uses Republicans as a foil. He's the Roadrunner, they're Wile E. Coyote. But to what end is the president performing? He desperately wants to adjust the CPI, agree on a balanced budget, and move toward fixing Social Security and Medicare. In a conservative era, that's the best a moderate-to-liberal Democrat can hope for as a historic achievement. Yet he won't take the tiniest step to make this happen. The CPI commission would only have been a commission, after all. Clinton would have been free to reject its findings, arguing, say, that the Bureau of Labor Statistics is better equipped to calculate the CPI.

So why won't Clinton lead? It's one thing to seek what you can't get, as Gingrich did in 1995 and 1996. But Clinton won't seek what he can get (and wants). Dick Morris, still in regular contact with the White House, says the president's "herding instinct" makes him extraordinarily timid. He feels "vulnerable" because he's under attack by the media and Republicans on the fund-raising scandal. His instinct is "to get with other Democratic cattle and feel the warmth of their bodies," Morris says. Rather than anger Gephardt on the CPI, Clinton angered Lott. Morris believes this was the wrong move. "He zigged when he should have zagged." Instead, Morris advises, Clinton should shed his Democratic allies, step to the political middle, and boldly deal on the budget. That would make him "irreplaceable," says Morris. Of course, Morris has always thought a real budget deal with Republicans is the best thing for Clinton, politically and otherwise.

Maybe Clinton has in mind a two-step approach to the budget, sticking with Democrats during the scandal furor and reaching a deal with Republicans later. GOP pollster Frank Luntz, for one, thinks this makes sense from Clinton's standpoint. If he leads now and locks up a budget deal, the biggest domestic issue will be off the media agenda. That will leave only the scan-

dals as the big story in Washington. So it may be to Clinton's advantage to drag out the budget process as long as possible. And it may be even better for him if he can turn the budget fight into a constitutional struggle, with the threat of another government shutdown looming. The press would lap it up.

I have a different explanation. It doesn't matter that Clinton won't have to face the voters again. It doesn't matter that his ambition, as he's made clear in discussions with Morris and others, is to register historic accomplishments in his second term. And it doesn't matter that Clinton has tossed out most of his liberal aides and filled the top White House jobs with New Democrats. At his core, Clinton remains a tactical politician. He doesn't do long-term strategy.

His handling of every issue depends on how much pressure he gets and where it comes from. He's a politician of the moment. Even before the fund-raising scandal metastasized, he planned (or at least hoped) to back into a CPI agreement and budget deal. Step forward and lead toward those? That would be suicidal, aides said. When the slightest pressure came along—from Gephardt on the CPI—he was thrown off his plan. And last week, Clinton suggested a new formulation for a budget consensus: "I want a balanced-budget plan that can win the support of majorities in both parties in both houses of Congress." This means Clinton isn't ready to embrace a serious budget favored by a center-right coalition in Congress (all Republicans, a few Democrats). He wants more than a handful of liberal Democrats on board. This could happen, but only if the "balanced budget" were a phony one.

No doubt the White House enjoys watching congressional Republicans in agony. Clinton's tactical skill is especially effective in manipulating Gingrich, who once confessed he "melts" around the president. For now anyway, Gingrich's political instincts seem to have left him. He had House GOP whip Tom DeLay try out the idea of seeking a budget with no tax cuts. He'd get tax relief later. (Sure.) Practically no Republicans liked the idea—not Lott, not House majority leader Dick Armey, not chairman Bill Archer of the House Ways and Means Committee, not John Kasich of the House Budget Committee, not Bill Paxon, who chairs House Republican leadership meetings. Kasich, once a Gingrich acolyte, insists a Republican party "that doesn't favor tax cuts is a Republican party in danger of losing its soul." The trial balloon having been shot down, Gingrich called for a budget without tax cuts anyway. And Clinton leapt on the proposal "as a new and hopeful" sign and convened a meeting at the White House.

In the end, Clinton's tactical brilliance is a hindrance. It may keep him alive politically, but he's merely running in place. He's close to alienating his one indispensable ally in budget talks, Lott. The Senate leader made a single formal proposal, a tame one at that, and Clinton strained his relationship with Lott by rejecting it. Most of the telephone calls now are initiated not by Lott but by Clinton or his chief of staff, Erskine Bowles. Lott has concluded the White House professes to want a balanced budget but won't do anything to get one. He's ready to stop talking to Clinton and negotiate instead with Democratic moderates in Congress.

In the House, Republicans are too divided to engage in meaningful budget talks with the White House. Mike McCurry, Clinton's press secretary, concedes it's harder to get a budget deal "with a party divided than a party united." Yet the president keeps taking the easy path of outwitting, irritating, and dividing Republicans. This won't get him what he wants most.

Executive editor Fred Barnes hosts "What's the Story?," a syndicated radio show on the media.

Ernest Green, Donor

by Byron York

It was enough to leave a *Washington Post* reader baffled. On March 16, the paper ran a front-page story featuring an interview with Wang Jun, the notorious Chinese arms dealer who sipped coffee at the White House during the Clinton reelection campaign. In a conversation with *Post* reporter Steven Mufson, Wang answered one of the most intriguing questions of the campaign-finance scandal: How did he come to be invited to the White House? Wang said he was asked by Lehman Brothers, the investment bank, and its Washington managing partner Ernest Green, a longtime friend of President Clinton. The day after the coffee, according to the *Post* and other accounts, Green gave $50,000 to the Democratic National Committee. That led many observers—including some investigators in Congress—to suspect the money might actually have been a laundered contribution from Wang, given in return for access to the president.

In the *Post* interview, Wang suggested otherwise.

He told the paper that he wasn't terribly interested in going to the White House—it was his hosts who had set up the visit. "I couldn't say no," Wang said. And once there, he didn't find the company very interesting. "There wasn't much to talk about. Just a brief handshake with Clinton." Now, if that was the case, why would Wang have wanted to slip the president $50,000, using Green as cover? It didn't make sense, and based on the new information from Wang, the *Post* suggested that the affair was less a case of a Chinese arms dealer's trying to influence the American election than of Green's trying to use his connections to swing a deal with a top Chinese executive.

Then, just two days later, the *Post* ran another Wang Jun story: Wang's finance company, the China International Trust and Investment Corporation (CITIC), released a statement to "clarify that Lehman Brothers had nothing to do with arranging the meeting with Mr. Clinton . . ." Instead, CITIC said, it was Yah Lin "Charlie" Trie, the ambitious Little Rock restaurateur and would-be international financier, who asked that Wang be invited to the coffee. Ernest Green's name—and the $50,000 contribution—did not appear anywhere in the story.

The two accounts were confusing, to say the least. Which was it? The answer may lie with Green, whose story could change current perceptions about the Wang episode and its role in the Clinton campaign-finance scandal.

Green is widely known as a civil-rights pioneer. He was one of the "Little Rock Nine," the first students to desegregate Central High School in the 1950s. (A few years ago, the Disney Channel even made a movie about his experience, *The Ernest Green Story*.) He held a top job in the Labor Department during the Carter administration and spent several years in the diversity-consulting business before joining Lehman Brothers in the late 1980s. He has been a major fund-raiser for the Democratic party—so big that his name was on the list of the party's top 10 supporters in a recently released memo from then-DNC fund-raising chief Terry McAuliffe to the White House.

According to his lawyer, in late 1995, Green—like many other investment bankers—was looking to make business deals in Asia. Green met Wang in the fall of that year during a business trip to Hong Kong (Green's fellow Arkansan Charlie Trie was also at the event where the two were introduced). After returning

home, Green wrote Wang a letter: "I . . . feel there are many business opportunities we may pursue." (This Nov. 6, 1995, letter is now in the hands of congressional investigators.) "If your schedule will allow, I would like to extend an invitation to you to visit the USA during the month of December. . . . Please let me know at your earliest convenience if this will be possible."

Wang did not visit in December. Then on January 6, 1996, Charlie Trie wrote his own letter to Wang, saying, "I . . . feel there are many business opportunities for us to pursue together," and inviting him to visit during January—"I would like you to meet with Lehman Brother's [sic] Managing Director, Mr. Ernest Green and my other business contacts . . ." Wang finally decided to travel to the United States, and when he applied for a visa, he included the two letters with his paperwork. The State Department granted the visa and Wang hit American shores on February 1.

There is reason to believe that it was Green's letter that made the difference. In response to questions from congressional investigators, the State Department said that Trie's letter "had no bearing on the issuance of Mr. Wang's visa"; it declined to say the same of Green's letter. Says a congressional investigator following the case, "The State Department response eliminates Charlie Trie as the person who brought Wang Jun into the country. They say the letter Trie wrote had nothing to do with [the visa], but they didn't knock down Ernie Green."

Sources close to Green don't deny that Green played a role in bringing Wang to the United States. But the question remains, Who got Wang into the White House?

Congressional investigators believe the first *Post* story. "Wang Jun, perhaps not familiar with Western media, lets fly with a far-ranging interview," says a congressional investigator. In the interview, Wang stated clearly that Green played a part in arranging the White House-coffee invitation. Then, the investigator speculates, Chinese officials realized that the interview might be damaging to Lehman Brothers and Green, who could be important to business ventures. "There's panic," the investigator continues, "and then the catch-up article in the *Post* to pin it on Charlie Trie."

But Green's lawyer denies that Green played a role in bringing Wang to the White House coffee (which Green did not attend). At this point, it seems impossible to reconcile Wang's initial account—the one believed by congressional investigators—and Green's position. The key piece of evidence could be the $50,000 contribution. Knowing its origin may be crucial to understanding Green's role in the Wang Jun affair.

Some congressional investigators strongly believe that the donation was Chinese money laundered through Green. But as of now they have no hard evidence to support that belief. All they have is (1) the fact that Green helped Wang come to this country; (2) the fact that Wang went to the White House to visit Green's friend Bill Clinton; and (3) the fact that the contribution coincided with the visit.

But those bits of evidence don't necessarily add up to money laundering. A source close to Green calls it "connecting dots without information." This, according to the source, is Green's account of what happened:

In November 1995, at a Washington, D.C., fundraiser, Green made a commitment to make a large contribution to the party. He planned to actually deliver the money in early 1996, when he got his end-of-year bonus from Lehman Brothers. He received the bonus—which was well into six figures—on January 31. He deposited the Lehman Brothers check in the bank, and it cleared on February 6. That morning, as planned, Green's wife Phyllis, using the couple's joint account, wrote the $50,000 check to the DNC. Green hand-delivered the check to a party official with whom he had scheduled a breakfast. The source says Green did not know that Wang planned to attend the coffee, which was to be held at 4:45 in the afternoon. The source says that Green and Wang held a business meeting in Lehman Brothers offices earlier in the day and that it was then that Green learned Wang would be going to the White House.

Neither Green nor his wife had ever made such a large contribution (his status as a top 10 party supporter came from his fund-raising efforts, not his contributions). But the source says Green wanted to play an even larger role in the Democratic party than he had in previous years, and that he believed the contribution would be part of that role.

On the main issue, the source is direct: "It was [the Greens'] money. Simple. There was no reimbursement. It was something they wanted to do"—besides which, the source says, Green has documents to support his version of events.

Even if Green's account checks out, there is plenty of room for skepticism. Just what was Green's relationship with Charlie Trie? Did Green know of any other contacts between Wang Jun and the White House? Did Green really think he had to become a big contributor to get ahead in the DNC, given his status in the party?

The answers could give us a better understanding of the Wang Jun episode. This could be a case of a legitimate contribution. Or—like so many other contributions to the Democratic party—it may not.

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School Choice Wars

by Craig Gilbert

Milwaukee

THE FUTURE OF THE NATION'S chief experiment in private-school vouchers is about to be decided in a sleepy spring election where the great mass of voters will simply tune out and stay home. Welcome to the saga of school choice in Milwaukee—and the funkier side of federalism in the '90s.

Wisconsin goes to the polls April 1 to fill a seat on its highest court and pick its chief education bureaucrat. These are not contests that top the 10 o'clock news. But they've become urgent matters to partisans in the choice wars.

Wisconsin's school choice program was the first of its kind in the country. Since 1990, taxpayer supported tuitions have been strictly confined to fewer than 2,000 poor Milwaukee schoolchildren attending nonsectarian schools.

Two years ago, the program was dramatically redefined to allow 15,000 kids to participate and to include religious schools, provoking a constitutional challenge that has prevented the expansion from taking effect. The Wisconsin Supreme Court has already deadlocked in one choice ruling, returning the case to a trial judge who struck the program down. At some point, possibly this year, the court will get it back.

But before it does, next week's race between a conservative sitting justice and a liberal lawyer will decide the balance of power on the seven-member panel. A pro-voucher court could open the door to an unprecedented and hugely controversial education experiment. An anti-voucher court could shelve religious-school vouchers until the Milwaukee case (or choice cases in Vermont or Ohio) reaches the U.S. Supreme Court.

In this era of state-based "laboratories" of reform, the track that vouchers have taken in Wisconsin is one example of how the process can play out. In the past few years, the school-choice frontier has shifted from one decision-making venue to another: from politics

and lawmaking (the plan was launched by the governor and passed by the legislature), to the courts (where nonsectarian-private-school vouchers passed muster but religious-school vouchers haven't), to the most peculiar venue of all: judicial elections. While they will have growing importance in the choice wars, these are elections in which almost nobody votes.

Elected judges have at least two things in common with elected education officials: They can have a big impact on people's lives, and they're anonymous.

Next week's election will be held two days after Easter. Less than a quarter of the electorate is expected to participate. One reason is that spring campaigns are covered lightly in the media. A bigger reason is the faceless quality of the offices being contested.

The education race pits incumbent state superintendent of schools John Benson against the conservative schoolteacher he defeated four years ago, Linda Cross. Benson opposes vouchers, Cross supports them, but the issue is largely beyond their control.

Of greater consequence is the court race, between incumbent justice and former GOP lawmaker Jon Wilcox and labor and civil rights attorney Walt Kelly.

The stealth quality of nonpartisan spring elections usually favors the incumbent: No Supreme Court justice has lost here in 30 years. But low turnouts also boost the influence of interest groups, and in these contests the battle lines couldn't be clearer. In each race, one candidate is backed by the teachers' union, the other by business groups. Advantage teachers' union: It is huge, sophisticated, and organized.

Wilcox's position on religious-school vouchers is straightforward. In the court's earlier 3-3 ruling, he determined that the voucher plan did not violate the state or federal constitution.

The state's rules of judicial conduct have kept Kelly from stating how he'd rule on choice. But it is widely assumed he's opposed. He has criticized the way Wilcox voted on the issue, and he is a past board member of the ACLU, one of the groups that challenged the law. The teachers' union that is backing him is also fighting vouchers. In its endorsement, the union declared, "We must have a justice who supports the constitutional separation of church and state and who recognizes the dangers in sending tax dollars to religious schools."

All the interested parties know where the two contestants are on vouchers and what's at stake in the election. Whether most voters know is another question.

"Most people who vote on April 1 will have no idea where either of them stands on school choice," says Kelly's campaign adviser, Bill Christofferson. "Even if they did, it wouldn't matter. Everything I've seen suggests it's a [public-opinion] wash."

Michael Joyce, whose Milwaukee-based Bradley Foundation has long put vouchers at the top of its political agenda, sees things differently. "A decade ago, in a similar race, it would not have been a fault-line issue,'" he says. "What's interesting is that school choice is a really big issue [now]."

But if judicial campaigns are going to be a new battleground in the choice wars, that may not bode well for the choice side. It's not yet clear that the issue of vouchers can mobilize large numbers of voters. It is clear that the most powerful force against vouchers—the teachers' unions—can play a huge role in low-profile, low-turnout elections.

As one choice supporter laments about the politics of choice, "The intensity in favor of vouchers is nowhere near the intensity against."

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The Council of Trent

by Matthew Rees

When Trent Lott became Senate majority leader last year, he at once began striking deals with Democrats in Congress and the White House. He had an inner circle of one: himself. That's changed. Now Lott meets with a small group of Senate Republicans—he calls it the Council of Trent—with whom he discusses ways to advance the GOP agenda. Six senators attend the meetings: Spence Abraham of Michigan, Paul Coverdell of Georgia, Slade Gorton of Washington, Kay Bailey Hutchison of Texas, Connie Mack of Florida, and Rick Santorum of Pennsylvania.

Council of Trent meetings are informal, irregular, and often hastily called. Their purpose, says Coverdell, is to "bring order to [Lott's] thinking." Hutchison says the majority leader "likes to be able to bounce things off people." At his request, the group convenes around a circular table in Lott's inner sanctum in the Capitol. The meetings cover both tactics and policy, and Lott usually works from a piece of paper listing four action items. He does little talking but ensures that no single matter occupies too

much time. Thirty minutes is the longest the meetings ever last.

The council has discussed every major subject tackled by the Senate in the nine months Lott has been majority leader, but a few stand out. It was the council, for example, that last September recommended Lott agree to the Clinton administration's demand for $6.5 billion in additional spending in order to get a budget agreement. Some believed Lott was giving away the store, but the logic was that getting a deal would allow Republicans to go back to their districts and campaign. Politically, it was the right decision: Republicans gained two Senate seats.

This year, the council has discussed high-profile concerns like the balanced-budget amendment and an independent counsel, as well as less celebrated issues like product liability and the chemical-weapons treaty. Its influence is clear: In order to unite Republicans feuding over Sen. Fred Thompson's investigation of campaign financing, council members urged Lott to propose a resolution calling on Janet Reno to appoint an independent counsel. Last week, the Senate approved such a resolution. Prior to that, the group successfully urged Lott not to allow modifications to the budget amendment in order to get the one vote needed for its passage. But on other matters related to the Thompson investigation, Lott convened a separate advisory group that included Mitch McConnell, Don Nickles, and Gorton.

Members of the council are notable for having relatively low profiles nationally, claiming little seniority, and being less than uniformly conservative. Lott looks to many other people for help, including top aides Dave Hoppe and Alison Carroll, but these six, like any politician's inner circle, have a special place. Also notable is who's not included. While Coverdell, Gorton, and Mack hold elected leadership positions, other members of the leadership—Nickles, McConnell, Larry Craig—are not council members. Neither are committee chairmen. Bruised egos would seem inevitable, though no Senate Republican is known to have expressed displeasure. That's a testament to Lott, who gives all his colleagues a sense of being team members much more than Bob Dole ever did.

Yet if there's one member of the GOP hierarchy outside of Lott's orbit, it's Nickles. Ever since Lott moved into the leadership after the 1992 election, they've been rivals, and Lott's defeat of the more senior Alan Simpson for the whip's job two years later intensified the jostling. Nickles politely declined to challenge Lott for majority leader last year, but the two have yet to bond. Unlike many of Lott's close friends in the Senate, Nickles has no House tenure under his belt. One Senate Republican aide diplomatically characterizes the Lott-Nickles relationship as "one of respect and convenience."

So what is it that Lott sees in Council of Trent members that distinguishes them from their colleagues? Consider the following:

Connie Mack: Mack is Lott's closest friend and confidant in the Senate. They're almost the same age, and both were elected to the upper body in 1988 after serving together in the House, where, along with Jack Kemp, Newt Gingrich, and Vin Weber, they were members of a small group of activist conservatives known as The Amigos. As conference chairman, Mack occupies the number-three position in the Senate GOP leadership, and Lott has given him responsibility for communications and message development. Lott also put Mack in charge of a well-received Senate Republican retreat held at the Library of Congress in early January. On policy matters, look for Mack, an ardent supply-sider, to provide economic counsel. How much does Lott trust him? Mack occasionally asks Lott for advice, only to be told, "You're the conference chairman, you decide."

Paul Coverdell: Lott sometimes refers to Coverdell as "Mikey"—like the kid in the Life cereal commercial—because of his willingness to tackle difficult issues like education, health care, and the balanced-budget amendment. For his hustle and hard work, Coverdell has been rewarded by his colleagues with the number-four position in the leadership, conference secretary, though he came to the Senate only in 1992. There's just one other person in recent memory who's had such a speedy ascent: Lott.

Having spent 14 years as minority leader in the state senate of Georgia and two years as the state Republican chairman, Coverdell is one of Lott's trusted lieutenants on strategy and tactics. (When Lott brashly challenged Alan Simpson for the whip's job in 1994, Coverdell seconded the nomination.) He's described as uniquely talented at "connecting the dots," that is, linking disparate thoughts and proposals into a coherent package. In this respect, he's also seen as a consummate team player, someone who can be forceful but who—unlike many of his colleagues—is also willing to submerge his ego in order to get things done. Lott's selection of Coverdell to lead the balanced-budget-amendment working group reflected this. Even though many Republicans felt the amendment was their own particular issue, they were willing to defer to the friendly, mild-mannered Georgian. Coverdell's top aide, Kyle McSlarrow, is also a trusted emissary to Lott, having previously served as his deputy chief of staff.

Slade Gorton: In addition to his council membership, Gorton is one of two senators who attend Lott's Senate leadership meetings without holding leadership positions (Judd Gregg is the other). Like Lott, he

was elected to the Senate in 1988 (Gorton had lost a Senate reelection bid in 1986), and both joined the commerce and armed services committees. "We hit it off almost instantly," says Gorton. Though Gorton is more liberal on some social issues, Lott places great faith in his tactical skills—his feel for when to bring a bill to the floor, when to file cloture, whether to allow amendments, and so on. "I have a lot of confidence in [Gorton] and his advice," Lott recently told *Congressional Quarterly*. "He is one of the best lawyers we have in the Senate." Product-liability reform and judicial nominations are two areas where Lott has asked Gorton to lead Senate GOP efforts, and the 69-year-old former state attorney general appreciates the attention, noting, "I don't ever remember being asked for my opinion" in the pre-Lott era.

Spence Abraham: He was Bob Dole's favorite freshman senator, but that hasn't prevented Abraham from being elevated to Lott's kitchen cabinet. Lott made clear his affinity last year by asking Abraham to second his nomination for majority leader. He values Abraham's advice on the intersection of policy and politics. The cherubic 44-year-old graduate of Harvard Law has a wonkish background: He was a founder of the Federalist Society, a conservative legal network, and is now a fervent tax-cutter and supporter of legal immigration. But Abraham has also devoted much of his adult life to being a Republican operative. He spent seven years as state Republican chairman in Michigan, did a stint as deputy chief of staff to Vice President Dan Quayle, and then ran the House GOP campaign committee. Lott recently asked Abraham to join a task force on campaign finance reform and will seek his counsel on potentially contentious issues like the family tax credit and juvenile justice.

Rick Santorum: Just a few months after being elected to the Senate in 1994, Santorum teamed up with Mack in an attempt to strip Mark Hatfield of his appropriations-committee chairmanship. Hatfield's offense? Voting against the balanced-budget amendment, which lost by one vote. It took a certain chutzpah for Santorum, then 36 years old, to strike against Hatfield, who had been in the Senate 28 years. But it was reminiscent of Lott's gutsy challenge to Simpson a few months earlier. Hatfield managed to keep his committee chairmanship, but Lott supported Santorum's move, and the two have worked closely ever since. Unlike colleagues who dismiss the young Santorum as an upstart, Lott appreciates his energy, particularly on social issues like partial-birth abortion (Lott selected him to lead last year's effort to override the president's veto). Lott also appreciates Santorum for winning as a conservative in a state that usually elects moderate Republicans like Arlen Specter and the late John Heinz. Asked what Lott wants from him in the way of advice, Santorum replies: "Honesty."

Kay Bailey Hutchison: There are two reasons Hutchison is a member of Lott's inner circle. As the most conservative woman in the Senate, she can provide useful cover for some of the more controversial initiatives Republicans may want to pursue. She's also the most persistent of all the Senate Republicans. Some colleagues see this as nagging, but Lott recognizes that when she's with him on an issue he can trust her to lobby waverers fiercely. That's why she was also a member of his whip team before he became majority leader. Lott is not as personally close to Hutchison as he is to another female Senate Republican, Olympia Snowe (for two years, Lott had an office across the hall from Snowe's in the Russell Building, and he used to barge in asking, "Where's Olympia?"), but on substance he will turn to Hutchison, as Republicans tackle pet issues of hers related to the military and regulatory reform.

In the end, the Council of Trent matters because, after 24 years as an elected official in Washington, Lott is passionate about few issues. Though his instincts are conservative, last year's experience underscored his deep desire to keep the legislative machinery moving, even if this means occasionally sacrificing principle. His allies note that the circumstances are different this year and that Lott doesn't feel any obligation to make overtures in search of a deal. Indeed, he's said to be increasingly reliant on advice from those who are whispering in his ear. That's important because, just as the 16th-century Council of Trent sought no compromise with the Protestant reformers, neither the current Council of Trent nor any other Republican voice is advising Lott to strike a preemptive agreement with the Clinton administration. In other words, expect a stiff posture from Lott in the year ahead.

How long it will endure is anyone's guess: Lott is still relatively untested, and there's no telling how much influence the council will have a year from now. Indeed, he's still discovering the powers available to him and doesn't discount the likelihood of unilateral action. He recently finished reading a book about Senate majority leaders entitled *First Among Equals* and excitedly asked a colleague whether he had read it. No, said the Republican, who's also a member of the council. Lott then asked, "Do you know what it says Senate leaders can do?" and without waiting for an answer, he supplied it himself: "Just about any damn thing they want."

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Newt  Melts

By Major Garrett

At the behest of Newt Gingrich, John Boehner asked a startling question at his regular Thursday Group meeting with key Republican constituency groups on March 13. How, the House Republican Conference chairman wanted to know, would the members of the group react if the House delayed consideration of tax cuts until a deal to balance the budget had been struck with President Clinton?

Boehner was floating this trial balloon in front of the Republican party's strongest grassroots supporters—those who toiled tirelessly to build and sustain support for the Contract With America. The Thursday Group includes, among others, the Christian Coalition, the Chamber of Commerce, the National Federation of Independent Businesses, and the National Association of Home Builders. These groups had cleaved to the GOP during the darkest days of the public outcry against the two government shutdowns and were instrumental in providing crucial political support for dozens of vulnerable freshmen in 1996.

After hearing Boehner out, the good soldiers present said they would endorse the move, but only if two vital conditions were met. First, the Republican leadership had to make sure all other House Republicans understood the strategy and were given the tools to explain it back home. Second, there had to be a tax-cut bill in the works and a date certain for its consideration in the House.

Didn't happen.

Instead, Gingrich casually informed a gaggle of reporters on Monday, March 17, of the stunning GOP retreat on tax cuts. It was the hottest budget news in Washington since the two government shutdowns. The Washington media happily declared the unconditional Republican surrender on the issue that has united and galvanized the party since 1980—cutting taxes to balance the budget.

The Gingrich announcement infuriated conservatives who have always held that cutting taxes is essential to shrinking the size of government *as a means of getting to a balanced budget*. "It is troubling to me for us to move away from lowering the tax burden of working Americans," says Rep. David Dreier, a California Republican. "It's capitulating. It's a hell of a mistake. Clinton has $100 billion of tax cuts in his budget. Why let him be the tax cutter?"

The move on taxes followed two lesser acts of political perfidy conservatives have yet to comprehend fully. First came Gingrich's outreach to Jesse Jackson at the State of the Union. Then came his huddle with Alec Baldwin and the likelihood of continued funding of the National Endowment for the Arts (despite a supposedly ironclad written agreement Gingrich negotiated between moderate and conservative factions in 1995 to abolish all NEA funding in fiscal year 1998).

But fury was not the only reaction Gingrich elicited among House Republicans, particularly conservatives. Where once there was awe and gratitude, there is now disdain and disgust. Palpably, one can feel the mood overtake the House Republican conference that the time has come for a change at the top.

A good number of seasoned House Republicans saw within the speaker's offhand repudiation of the party's philosophical essence the beginning of the end of his reign. "He is a transitional figure," says one House Republican who has long supported Gingrich and has participated in numerous leadership strategy sessions. "He was a crucial figure in the party's rise to a congressional majority, but his time has passed."

William J. Bennett, a stalwart supporter of Gingrich lately driven to distraction by the speaker's attempts to win the favor of his enemies, began checking with Republicans on their support for Gingrich after his reversal on taxes. Several prominent House Republicans told Bennett there was no move afoot to oust Gingrich, but there was no reason to think such a movement could not materialize at a moment's notice.

Bennett will not call for Gingrich's ouster, but he remains bedeviled by the speaker's recent inability to lead. "Where is he? Who is he? Who is he speaking for?" Bennett asks. "Part of the job of the speaker is to embody the philosophy of the party."

If the matter were only when and how to make tax

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cuts, Gingrich's problems would not so threaten his command of the House. But it isn't. The speaker's refusal to build a strategy, find appropriate language to explain Republican ideas, or even take the time to heed the advice of his party's loyalists on taxes, arts funding, and affirmative action has convinced an increasing number of Republicans that his days are (and should be) numbered.

"To use one of Newt's military analogies, to be a good general you have to manage multiple fronts at the same time," says a senior House Republican aide. "Right now, he's managing the supply line but not the front line." Indeed, by the end of last week he was unable even to marshal enough *Republican* support to pass a resolution funding the Burton committee's investigation of President Clinton.

A plausible case *can* be made for delaying tax cuts until a budget deal is reached. While it would have been difficult, the House leadership could have sold most members on the following approach:

First, announce with a flourish that the Republican party would *temporarily* suspend its demand for tax cuts in order to achieve a balanced budget with Clinton on terms that ensure the solvency of Medicare, maintain the integrity of welfare reform, and rid the nation of government waste (like the NEA, the Legal Services Corporation, and Americorps).

Second, set a date certain for House and Senate consideration of a budget resolution that meets balance in the year 2002 and does not delay nine-tenths of the cuts until 2001 and 2002, as Clinton's budget does.

Third, invite conservative Democrats in both chambers to join with Republicans to make the budget resolution bipartisan, forcing Clinton to chose between a congressional budget and his own.

Finally, put a Republican tax-cut bill on the legislative calendar, one that emphasizes the party's two top goals: capital gains and the family tax credit. The size of both might have to be smaller than originally proposed, but passing such legislation nevertheless would keep the faith on tax cuts. This would also force an important debate about tax cuts and the economy: Republicans could argue that *all* families and investors need tax relief, not just the upper-middle-class families destined to receive Clinton's tax credits to send their kids to college.

That strategy is politically defensible and fiscally responsible. It would change the terms of debate and force Clinton and liberal Democrats to demonstrate the "will" to balance the budget they always speak about when they vote down the balanced-budget amendment.

The problem, more and more Republicans were conceding privately last week, is that Gingrich did not take the time to build political support for this strategy. What's more, since surviving his near-death experience on the ethics front, neither Gingrich nor anyone around him has formed a coherent strategy for a political movement of any kind.

The problem Gingrich has created is that members of his own leadership have been forced to reject any delay of tax cuts (House majority leader Dick Armey did so two days after Gingrich's casual remark). Another key figure in the Republican leadership, Rep. Bill Paxon, complains that "this was not a helpful chain of events. Everyone was caught off guard."

Why I Oppose Newt

by Pete King

Who is the most powerful liberal in American politics? He has prevented the Republican majority in Congress from addressing affirmative action and race-based quotas. He has forced congressional Republicans to shelve their drive to defund the National Endowment for the Arts. He has stood firm against tax cuts.

He is a confidant of Jesse Jackson's. He is a pal to Alec Baldwin. He is a cheerleader for bipartisan cooperation at any cost and a pious opponent of the unspeakable horrors of harsh partisan rhetoric.

He came to power amid triumphant cries of "Revolution!" Now his motto seems to be, "If you can't beat 'em, join 'em." Newt Gingrich, a Rockefeller Republican in his youth, is backsliding across the political spectrum to his roots—and perhaps beyond. What happened?

Coming out of 1996 with a public-approval rating a few points shy of the Ebola virus, Newt Gingrich had become a clear liability to the Republican party. The problem was not, and never has been, one of ethics. Nearly four score highly dubious ethics charges were thrown at Gingrich, and all but one dismissed. The media, of course, treated this like the Lindbergh kidnapping.

Still, a politically robust Gingrich could never have been so victimized. I never felt the ethics complaints against Gingrich amounted to much at all. I skipped the moralizing and hand-wringing over what to do about Newt—an over-dramatic exercise a number of my col-

Without a legislative strategy, many Republicans will be forced to adopt an every-man-for-himself strategy—and by publicly redoubling their commitment to tax cuts, they will dig Gingrich and Co. into an even deeper hole.

"It's already begun to happen," Paxon says; he did it himself during an interview with a Buffalo talk-radio station last week. While singing the praises of tax cuts does no harm at home, by definition it disconnects members from the leadership, undermining their ability to collect votes later on when inevitable compromises have to be reached on a balanced-budget package. Flexibility is crucial in any budget negotiation, and no one doubts that in the aftermath of Gingrich's announcement, positions will harden.

After only a few days, a speaker who had been faulted for shortchanging the party's principles was being privately assailed for failing a basic test of strategic leadership. What is left when faith is lost in the speaker's ideology and tactics? "A lot of worry and not much enthusiasm," says one top Republican. Members have been overheard openly discussing Gingrich's coming downfall on the House floor.

Two ouster scenarios appear plausible at the moment. The first is that the leadership would hold off any precipitous move against Gingrich so that Armey or DeLay could line up enough support to make their candidacies inevitable. Others thought to be eyeing the speakership are Paxon and John Kasich of Ohio, the budget committee chairman.

Another scenario is that backbench conservatives could announce a challenge to Gingrich as leader of the Republican conference, possibly even requesting a new vote for speaker on the House floor. An ambitious young legislator could stage such an assault as a means of forcing more senior Republicans to step to the fore and seek the speakership.

Armey and DeLay have already gone out of their way to make peace with moderate Republicans by emphasizing (in Armey's case) the need to tone down rhetoric and appear more receptive to opposing ideas. DeLay was the first publicly to float the idea of delaying tax cuts in an interview with the *Washington Times*, a move that suggested he was trying to reach out to moderates as well.

As in any battle of political importance, weapons of all kinds are being marshaled. Friends of Paxon have taken note of a transcript of Armey's first press conference with reporters at the dawn of the 105th Congress. Some combustible comments could haunt his bid for the speakership.

According to the transcript, Armey greets the reporters by saying, "It's great to be black—I mean, back." Later, when Armey attempts to recall a passage from the Bible to make a larger political point, he offhandedly observes that the assembled reporters are probably all fans of "the Old Testament." Combined with Armey's infamous reference to Rep. Barney Frank as "Barney Fag," these comments could dampen support among Republicans looking for a speaker whose wisecracks won't get them or the party into hot water.

"One of the great advantages of the Contract With America," says one prominent Republican, "is it made us look like we knew what the hell we were doing. Now, we don't." That's for sure. ♦

leagues played out for the press. I ultimately voted against the ethics committee report recommending a draconian $300,000 fine because I thought it unjust, but I do think he should be replaced as speaker because he is killing us. Gingrich's over-exposure in the media, his "I'm on a mission from God to save American culture" rhetoric, and his turning the government shutdown into a fit of personal pique over seating on Air Force One all worked together to make him the Man You Love To Hate in the professional-wrestling ring of American politics.

Now he is running hard toward the center. This is sure to garner praise on the editorial pages of the *New York Times*, the *Washington Post,* and *Newsday*. If he works hard at it, Newt will receive the ultimate backhanded compliment doled out to Republicans by editorial writers everywhere: "He's grown in office." Frank Rich might even salute Gingrich's newfound respect for the NEA and its critical mission of funding transvestite performance artists.

As roadkill on the highway of American politics, Newt Gingrich cannot sell the Republican agenda. So instead of replacing Newt, the Republican leadership has replaced the agenda. Gone is the Contract With America. In its place is an amorphous "agenda for a governing majority"—13 suggestions carefully crafted to upset no one and accomplish not much of anything.

As a consequence, congressional Republicans are adrift. We are in danger of losing our identity as a party. As Bob Dole put it recently, "Don't they know they won? Only I lost."

Pete King is a Republican congressman from Long Island.

Starstruck Republicans

The National Endowment for the Arts Finds Some New Friends

By Andrew Ferguson

Alec Baldwin gets paid millions of dollars to be photographed having sex with his wife, Kim Basinger; he is, after all, a movie star, an artist who works in film. (See, for example, their movie *The Getaway.*) But he is also a man of substance, of strongly held political convictions, as the ever-alert Media Research Center has documented.

"I believe that the people who run the Republican Party in this country are really rotten, nasty, horrible human beings," Baldwin told *US* magazine last month. Newt Gingrich, he went on, is "evil." And so when Alec Baldwin came to Washington earlier this month, is it any wonder that he should have been received warmly by . . . Newt Gingrich?

It should be no wonder at all. Republicans may indeed be really rotten, nasty, horrible human beings, but they seem intent this Easter season on loving those who revile them, and one sure way to show it is to preserve the National Endowment for the Arts, which they had previously vowed to eliminate. This is the federal agency on whose behalf Alec Baldwin came to Washington to lobby. He wants Republicans to give it more money, and they don't want to let him down.

March 11 was Arts Advocacy Day in Washington. More than 400 people from 43 states, according to the press release, came to town to persuade congressmen that federal lucre should continue to flow from the NEA to their various museums, dance troupes, film schools, crafts fairs, and macramé classes. Among the artists lobbying with Baldwin were Marlo "That Girl" Thomas, Blair "Days and Nights of Molly Dodd" Brown, Brenda "Mrs. Robert Klein" Boozer, and Richard Masur. ("An actor," an arts spokesman said. "You'd recognize him if you saw him. Maybe.") On the fateful morning, Baldwin and his colleagues descended on the office of Republican congressman Mark Foley of Florida, and when they mentioned they would like to see Gingrich, Foley called the speaker directly. He told them to come right over.

Participants were no more than vague about the content of the 15-minute parley. "It was a very substantive meeting," said one of the arts people. "We talked hard numbers, in terms of what arts funding does for communities." Gingrich, according to participants, thanked the lobbyists for starting a "genuine dialogue" and invited them back in April to continue it at greater length—over dinner, he suggested. "He seemed more receptive to keeping the channels of dialogue open than he has been vocal about in the past," said a participant. Foley particularly was impressed with Baldwin's group. "I think they are forceful advocates," he told the *Washington Post*. "They come with a celebrity resume." In 1995, it should be noted, Foley helped organize long-forgotten House task forces on eliminating the departments of commerce, education, and energy. He declined to be interviewed for this story, but his spokesman said of his time with Baldwin, "Mark was kind of a star for a day. And he got a *lot* of press."

The high spirits continued throughout the week. NEA chairman Jane Alexander appeared before the House Appropriations Subcommittee on the Interior to plead for more money. She seemed very pleased with her reception. The agency got $99.5 million last year, down from $168 million in 1994, and in his budget President Clinton has asked for a 35 percent increase this year. There's a hitch: a statement, issued by the GOP House leadership in 1995 and signed by majority leader Dick Armey, announcing that the NEA "shall cease to exist in two years."

It's not much of a hitch, as it turns out. With Chairman Alexander before them, the subcommittee wanted none of this unpleasantness. "House Panel Praises Endowment for the Arts," headlined the *New York Times* the next day. "GOP Effort to Kill Arts Endowment Loses Momentum in House," said the *Washington Post*. Supporters of the arts endowment agreed that keeping the agency at its current level of funding is now a "worst-case scenario." Congressman Ralph Regula, the subcommittee's chairman, said that the agency's future funding was still wide open. Other congressmen praised Alexander extravagantly during the hearing. Rep. Zach Wamp, a staunch conservative

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from Tennessee who said he still wants to eliminate the NEA, nevertheless worried aloud, and incongruously, that the government wasn't doing enough to support the arts.

To all of which Alexander responded: "Wow."

Watchers of the Republican Revolution—those terrified by it and those who cheered it on—will second her sentiments. For after two years, arguments for and against eliminating the arts endowment remain essentially unchanged. "It's art patronage for an elite group," Newt Gingrich said, with characteristic vividness, in 1995, "and it is funding for avant-garde people who are explicitly not accepted by most of the taxpayers who are coerced into paying for it."

This seems still to be the case. Rep. Pete Hoekstra, who as chairman of an education subcommittee oversees the agency, has continued to collect evidence of its derelictions, even as many of his colleagues fold on the issue. The NEA, he's discovered, has continued to fund sexually explicit films and books. And coming into contact with one of these can still be a jarring experience for the taxpayer. Open up the frontispiece of *Mexico Trilogy* by D.N. Steufloten, for example, which is published by something called FC2 in (of all places) Normal, Illinois, and you will find the logo of the NEA: the art world's *Good Housekeeping* seal. Turn the page and you will find: "Once to see what a pretty Spanish boy would take from her, she inserted twenty-four large rubies into his rectum. His smile grew wider with each gem. At the twenty-fourth his face suddenly paled. Blood poured from between his pomegranate buttocks. . . . " Another day, another taxpayer's dollar.

Hoekstra has braved much ridicule for drawing attention to such NEA-funded works, most notably from the *New York Times* columnist Frank Rich. And it's true that whoever brings up the issues of obscenity and indecency will appear, in the eyes of the artistically hip, a hopeless prig at best and a hayseed at worst—someone unfit even to watch Alec Baldwin having sex with his wife. "FC2 is an extremely prestigious publisher of fiction," NEA spokesman Cherie Simon said. "Anybody who knows anything about this can't believe they're being criticized." As for another NEA-backed film, *Watermelon Woman*, which contains sexually explicit scenes, Simon says, "Yes, we funded it. We're proud we funded it. It got a rave review in the *New York Times*. You should read it."

Worried that the indecency issue might be losing its potency, Hoekstra and his staff make their argument against the NEA on other fronts as well. They point out that even as the NEA's funding has declined, total spending on the arts—state, local, and private—has risen. Like all threatened bureaucracies, the NEA invokes vivid pictures of calamity—shuttered museums, cobwebbed concert halls, schoolchildren with the hollow-eyed, spectral look of the art-deprived—should its funding cease. In fact, Hoekstra points out, NEA funding accounts for roughly 1 percent of all arts spending in the United States. Attendance for arts events is up; employment in the arts is up; and artists as a class are making more money than ever before. What's more, NEA funding is oddly dispersed, with one fifth of its direct grants going to rich organizations like the Metropolitan Opera, and one third being spread around six of the country's largest cities. The argument that arts funding is a redistribution of wealth from the poor upwards still holds.

> DESPITE THE HOUSE LEADERSHIP'S PLEDGE TO ELIMINATE ARTS FUNDING, DICK ARMEY STRESSES THAT THEY DON'T HAVE THE 218 VOTES THEY NEED TO DO THE JOB.

And perhaps the most subtle argument against the NEA—that the government is imposing on the private art world a kind of federally sponsored orthodoxy—is conceded even by the NEA. "If you've got an NEA grant, you can leverage it," says the agency spokesman, Cherie Simon. "It's an imprimatur. So you can go to, say, Coke for more support, and they'll know you're good. Otherwise, they don't know who you are or whether you're any good." As a consequence, artists have an enormous advantage in the money chase if they court the favor of government.

"No other entity does this," said Alexander. "If the endowment didn't exist, you would have to invent it."

Most likely, she needn't worry. Despite the House leadership's pledge to eliminate the agency, Armey stresses that opponents don't have the 218 votes they need to do the job. In fact, support for the agency, following Arts Advocacy Day, may have risen to 300 votes, according to some vote-counters. March 11 capped a new sophistication in the arts lobby. "It wasn't just artists up there, like in the early '90s, talking about controversial art and the cutting edge and Mapplethorpe," says one arts lobbyist. "We got smart. We had businessmen up there, teachers, people from back home who give money to their congressmen. It finally dawned on us, Do you know how many rich Republicans sit on arts boards around this country? We've got

them on our side, and that makes a very big difference."

Several congressmen report hearing from campaign contributors—"supporters," as they're euphemistically called—upset that their local arts outlet might feel the pinch if the NEA dies. "They come up to you after a dinner," says one Republican, "and say, 'What's up? You know my wife's very active on the board of the'—fill in the blank, chamber-music group, whatever—'and this NEA thing is really important to us.'"

Even old allies in the anti-NEA cause have vanished. I called Rep. Dana Rohrabacher, a veteran of the wars of the early 1990s, when battle was joined against such NEA-backed celebrities as "performance artists" Annie Sprinkle and the Hershey-smeared Karen Finley, and Robert Mapplethorpe, who was dead. Rohrabacher has no comment. "Dana feels very strongly that you have to focus on three issues, four at most, and the NEA is no longer one of them," his spokesman said. "He's fought that fight. He's focusing the debate elsewhere. He's moved on." ♦

Gore's Green Guys

The Games People Play at the EPA

By Irwin M. Stelzer

Remember "reinventing government"? This was the task Bill Clinton assigned to Al Gore when they took the White House in 1993—and which Gore deemed so vital that he publicized his findings by appearing on the David Letterman show. Among the hidebound government bureaucracies Gore was supposed to "reinvent" through his so-called National Performance Review was the Environmental Protection Agency—his favorite government office and so important to him that he brought Carol Browner up from Florida to run it.

Gore assigned the EPA the task of "reinvent[ing] its approach to management" so that it could achieve "increased accountability" and "decentralization" that would "bolster the role of the private sector by creating competitive government." And with these instructions from its man in the White House, the EPA swung into action in inadvertently hilarious fashion: It assigned 450 full-time employees to the chore of reinventing itself. Nineteen "Process and Policy Teams" were gathered, whose purpose it was to write "in-depth reports on specific topic areas" under the guidance of a 20-person Senior Leadership Council. This august panel, composed of the agency's "top political and career executives," was created to advise EPA chief Browner on "National Performance Review planning and implementation."

Bill Clinton may have declared an end to the era of big government, but his pronouncement fell on deaf ears at the Environmental Protection Agency. Indeed, the EPA has been growing more aggressive and more intrusive, after keeping a low profile during the president's small-is-beautiful election campaign. Just as the EPA took a brilliantly bureaucratized approach to trimming bureaucracy, it is now using conservative "get-tough-on-crime" ideas to expand its reach.

Browner and her deputy, Steven Herman, cite as a primary accomplishment their determination to enforce environmental laws more strictly. As assistant administrator for enforcement and compliance, Herman is in charge of seeing to it that the nation's environmental regulations are not violated. And since his appointment in 1993, he has overseen an increase in the EPA's staff of compliance agents from 110 to 173 (he wants 200). According to *Corporate Counsel* magazine, Herman has "broken records for both criminal and civil enforcement action."

This is a clever tack for Browner and Herman to take because it has thrown the EPA's conservative critics on the defensive. Laws are laws, after all, and who can complain about their strict enforcement? It ill behooves conservatives who loudly complain about the lax enforcement of law in other areas (drugs, for example) suddenly to turn into clones of the American Civil Liberties Union when it comes to those accused

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of violating environmental rules.

But conservatives are right to complain, because in this case "stricter enforcement" is actually code language for "the rewriting of laws." If some police chief decided to expand stop-and-frisk operations in the hope of discouraging blacks from shopping in posh areas, you wouldn't have to be a card-carrying member of the ACLU to understand that this effort constituted something a bit more than "stricter" law enforcement.

So, too, with the EPA's "get stricter" policy, especially in the area of air quality. In truth, Browner and Herman are trying to change the law without having to bother with the elected congressmen who have been given the constitutional authority to do that sort of thing. In addition, they are trying to change federal regulations without having to bother with the rulemaking process that every other agency must go through.

Herman's critics claim that he is using his position to alter federal rules on air pollution wholesale in a most clever way—by acting as though he is altering nothing. All Herman wants to do is adjust the way the EPA measures air quality because, he says, such an adjustment will make it easier for the agency to figure out who polluters are. And that, in turn, will allow him and the EPA to get tougher with polluters.

IN TRUTH, CAROL BROWNER AND HER DEPUTY ARE TRYING TO CHANGE THE LAW WITHOUT HAVING TO BOTHER WITH THE CONGRESSMEN ELECTED TO DO THAT SORT OF THING.

In his new plan, the EPA can consider "all credible evidence" in determining which businesses are in compliance with air-quality regulations, and which are illegal polluters. That sounds like a mere routine adjustment of procedures, and the very fact that it's difficult to explain why it is instead an important substantive change shows the kind of power a bureaucrat like Herman can wield.

So, to explain: The way the government deals with air pollution is by declaring that there are certain levels of pollution in the air that are acceptable, and certain higher levels that are unacceptable. Those levels are arrived at on the assumption that firms can meet them—be "in compliance," in enviro-jargon—by passing periodic on-site tests, of a given duration, measuring what is coming out of their stacks. The standards were not designed to be met on a continuous basis.

Herman wants to change this. Under his "all credible evidence" proposal, businesses will have to be in compliance continuously, 365 days a year, rather than periodically. Again, this sounds reasonable. But not to hear the EPA's critics tell it. The effect, says William Lewis, a Morgan, Lewis & Bockius attorney who represents several industrial companies, "is to change every substantive standard governing air quality." And Gerald Hapka, a lawyer at E.I. Du Pont de Nemours, complains that Herman's new "credible-evidence" rule is not merely stricter enforcement but "back-door legislation."

Why? According to an unnamed former EPA official quoted in *Corporate Counsel*, the Herman rule means "standards may be 50 percent more stringent, even though technically they're the same." The best way to explain this is by analogy to a diet. Say you are on a diet on which you must average no more than 1,500 calories a day. The word "average" is key here, because it gives you some flexibility. If you ate 1,800 calories' worth of food on a Wednesday, you could eat 1,200 calories on Thursday and maintain compliance with your diet's standards.

Now imagine a diet that sounds the same but is defined differently: a diet on which you can never exceed 1,500 calories on any day. Indeed, imagine that you would be thrown in jail if you consumed 1,501 calories. The only way to comply with this rule is to consume far fewer than 1,500 calories a day on average because you could not offset your under-consumption with a bit of an overrun on other days—and because you would be so afraid of going over that you would be almost pathological about staying under.

Thus the notion that businesses forced to comply with the "all credible evidence" rule would be compelled to cut back drastically on their emissions throughout the year. This is in one sense "stricter enforcement," but more realistically it is a tightening of standards, something the EPA would have difficulty getting past Congress just now.

This is a brilliant bureaucratic ploy. Conservatives have long complained about the ways in which regulations are taking the place of laws; now Herman and Browner have a new innovation according to which the definitions of regulations themselves are taking the place of regulations.

As a result of Gore's "reinventing government" efforts, the EPA promised to "strengthen ties with its constituents, state and local governments." On Feb-

ruary 14, after three months of meetings with state environmental agencies, the EPA issued a draft of a proposal to turn more authority over to the states, which it dubbed "a natural laboratory for testing new ideas."

This new devotion to federalism lasted all of 11 days. The states wanted to conduct experiments that would get more bang for every environmental buck. They wanted to test cost-effective approaches, which was supposed to be the point of this exercise in delegated responsibility. In response, the EPA demanded that the states spend any savings stemming from their more efficient attainment of federal environmental standards only in ways approved by the EPA. "The Federal Government will allow states to implement environmental programs in the most efficient possible manner only if states show EPA how cost savings will be spent," the Environmental Council of the States responded angrily. "We agree to be held accountable for results but refuse to agree to this intrusion into the operation of our agencies." On February 25, in what the *New York Times* called "an embarrassing about-face," EPA deputy administrator Frederic J. Hansen withdrew the plan. Not a word of protest has been heard from Al Gore or the 450 EPA employees who devoted full-time to reinventing the EPA.

Federalism now rests in peace—along with any notion that EPA regulations should be cost-effective. The president may think it is important for American industry to remain cost-competitive in world markets, but if he does, word hasn't filtered down to the EPA. In November, the EPA proposed new national air-quality standards for soot and smog. (The scientists call them "particulate matter" and "ground-level ozone.")

Soot comes from sources such as large power plants and incinerators, smog from car exhausts and smoke-stack emissions. There is no disputing the fact that America's air is much cleaner than it was 10 years ago: Concentrations of sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, smog, and soot have all fallen. And there can be no doubt that the EPA and its environmentalist supporters deserve considerable credit for this achievement. But no responsible person can question this fact as well: Further improvements in air quality can now come only at much higher cost. As Supreme Court justice Stephen Breyer points out in his brilliant *Breaking the Vicious Circle: Toward Effective Risk Regulation*, this "tunnel vision" or "hunt for the last 10 percent" is "a classic administrative disease . . . that . . . carries single-minded pursuit of a single goal too far, to the point where it brings more harm than good."

The proposed regulations on soot and smog touched off a traditional minuet. Browner announced that "current standards do not adequately protect public health." She would, wouldn't she? Businessmen and city officials claimed that compliance with the new standards would be ruinously expensive; one study showed that the city of Chicago faces compliance costs of between $2.5 and $7 billion. They would, wouldn't they?

The minuet requires the EPA's regulators to speak only of improvements in public health, and industry representatives to complain only of the excessive cost of compliance. But in theory, the partners in this dance ought to come together in something called "cost-benefits analysis." According to this type of analysis, the costs of proposed regulations are compared with the benefits, like reduced mortality rates and medical expenses. The greener environmentalists oppose this exercise on philosophical grounds; they claim it is impossible to put a price tag on human life or environmental amenities. Indeed, the Clean Air Act specifically prohibits the EPA from taking economic costs into account in setting air-quality standards.

But the Clean Air Act does not prevent the administration from appraising the scientific validity and economic consequences of the proposed regulations. Indeed, that is a task specifically assigned to the Office of Management and Budget. And OMB did do such a study on the new soot and smog regulations, concluding that they reflect "a lack of adequate research on fine [air] particles."

Let's talk about fine particles. Thirty fine particles can fit in the width of a human hair. According to the EPA, fine particles cause asthma and other diseases, and some 20,000 deaths each year. The Office of Management and Budget isn't sure about that, and it is right to be skeptical: The EPA's numbers are based on so-called correlation studies, which don't rule out the possibility that these health effects instead flow from other causes. (The phrase "correlation does not equal causation" may be the least known and the most important truism of our time.)

Did these doubts prompt the president to ask the EPA to have what our British friends call a "rethink"? Certainly not. Instead, the EPA complained to the White House, and the offending language was dropped from the Office of Management and Budget report on the regulations. That, in turn, prompted House Commerce Committee chairman Tom Bliley to complain that such gamesmanship "defeats the point" of regulatory oversight.

Although, as we have seen, the Clean Air Act prohibits the agency from taking economic costs into consideration in setting health standards, an executive order did require the agency to offer an estimate of costs and benefits along with its proposal. And the EPA's report on particles is a sunny one: It estimates the benefits of "partial attainment" at between $59 and $119 billion, and the costs at a mere $6 billion. Sounds like a terrific buy, but it's akin to a comparison of apples and oranges.

The EPA calculates its benefits by including $4.8 million per death avoided, a generous estimate (though that is considered by some ghoulish to say). But when it comes to costs, the EPA includes only the costs of controls that now exist—and it admits that those controls are not adequate to achieve the new standards. For example, in the case of California, existing controls represent only 15 percent of the costs that would be incurred in meeting the new soot standards. An honest calculation of the costs would have to include the development and installation of controls that have not yet been invented, and that would certainly exceed a mere $6 billion.

The economics of the smog standards are even worse. The EPA's own numbers show that the costs will most likely far exceed the benefits—"a startling evaluation of the efficiency of the proposed ozone standard," in the opinion of the reliable, nonpartisan environmental think tank Resources for the Future.

Which is why the EPA has chosen to link the issue of standards for soot with standards for smog. The EPA wants to focus public attention on death rates associated with soot, says Resources for the Future, so as to "diminish attention to the troubling economic questions about the ozone standard." "For some cities," the think tank's report continues, "meeting even the present ozone standard may actually be impossible."

This kind of obfuscation should offer a juicy target for Republican congressmen concerned about regulatory excess. And yet they seem paralyzed by fear that a potent environmental lobby will return them to the private sector in 1998 if they raise a fuss. Indeed, many in the Republican congressional majority are reluctant to use even the important power they voted themselves in the heady days after the 1994 elections. Congress is now allowed to push the EPA to defend both its science and its economics. But it hesitates.

Congress apparently fears the existence of some great groundswell of public support for tighter environmental regulations, or at least an aversion to politicians who try to stop the onward rush of new environmental regulations. Those fears are unfounded for two reasons. First, past clean-air regulations have affected mostly big businesses—those with large factories and plants. Complaints about the high cost of compliance from monopoly electric utilities are likely to be viewed with some skepticism. Besides, the costs of compliance are hidden from sight in the electric bill. But the next round of tightening will affect smaller sources, such as cars and power boats. When voters are told to use their cars less, or forced to buy electric vehicles, or told no more barbecues in the summer, their attitude towards these rules might change.

> WHEN VOTERS ARE TOLD TO BUY ELECTRIC VEHICLES, OR TOLD NO MORE BARBECUES, THEIR ATTITUDE TOWARDS THE EPA MAY CHANGE.

More to the point, and contrary to conventional wisdom, American voters have never put stringent environmental protection at the top of their wish list. In an American Enterprise Institute survey study called "Attitudes Toward The Environment," Karlyn Keene Bowman and Everett Carll Ladd point out that 62 percent of Americans already believe we are above average in our efforts to protect the environment compared with other nations. (This is not chauvinism at work: Only 30 percent of Americans give us similar high marks in effectively fighting drug abuse and crime.)

Republicans who are disinclined to rubber-stamp the EPA's latest proposals can also take heart from exit polls conducted by the *Los Angeles Times* after last year's presidential and congressional elections. Only 5 percent of all voters listed the environment among the two issues most important to them in deciding how to vote. Even in California, a supposed hotbed of environmental activism, only 7 percent thought the environment one of the two most important issues, ranking it well below moral and ethical values (41 percent) and a half-dozen other matters.

It is an exercise in timidity, and foolish timidity at that, to extend peace-at-any-price Trent-Lottism to environmental questions. Republicans have the tools for a sensible inquiry into the costs and benefits of the proposed new regulations, and the means for opening an important national debate. They should. Otherwise, Al Gore and the Environmental Protection Agency may reinvent the way America does business without anybody in Washington making a peep. ♦

Persecution, Day by Day

A Survivor's History of the Prelude to the Holocaust

By Molly Magid Hoagland

Historians who lived through the Holocaust don't often write memoirs, preferring to examine the past with more academic detachment. Saul Friedländer, however, openly ponders the connection—and the "unsettling dissonance"—between personal memory and the still-inadequate historical accounts of the Holocaust. Born in Prague in 1932, Friedländer suffered greatly at the hands of the Nazis. His memoir *When Memory Comes* recounts how his Jewish parents saved his life and lost their own. Desperately fleeing the Germans, they placed their little son in a French Catholic seminary, where he lived out the war under a false identity. His parents attempted to escape to Switzerland but were turned back at the Swiss-French border, and ultimately murdered in concentration camps. Friedländer's description of the moment of final separation from his mother and father, which took place in the sterility of a hospital room, is unforgettable:

> My parents had put me in a safe place, but here I was . . . unable to bear being separated. Could I be dragged away from them a second time? I clung to the bars of the bed. How did my parents ever find the courage to make me loosen my hold, without bursting into sobs in front of me?
>
> It has all been swept away by catastrophe, and the passage of time. What my father and mother felt at that moment disappeared with them; what I felt has been lost forever . . .

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This rare sensibility also graces the first volume of Friedländer's history *Nazi Germany and the Jews*, which covers the period 1933-39. Friedländer has wrestled the ever-more-vast literature on the Holocaust into a forceful, coherent account, choosing the best elements from current approaches while delicately, even tactfully, discarding the rest. So it is with his adaptation of the German "everyday history" (*Alltagsgeschichte*) method. Those who have written the history of the Third Reich by using the day-to-day experience of average Germans have rightly been criticized for obscuring the forest of a genocidal regime behind the innocuous trees of daily banalities. Friedländer, however, relates the stories of Germany's *Jewish* citizens, who every day faced disenfranchisement, vilification, and impending mortal peril.

Saul Friedländer
Nazi Germany and the Jews
Vol. I: The Years of Persecution, 1933-1939
HarperCollins, 436 pp., $30

By placing the victims at the center of the story, Friedländer offers a damningly minute examination of Nazi ideology as actually implemented by the regime's bureaucracies after 1933. Nazi measures against the Jews sought to disentangle and then erase centuries of Jewish participation in German life. This process began with the thoroughgoing "de-Judaization" of German culture. Even the Handel oratorio *Judas Maccabeus* was retitled *The Field Marshal: A War Drama*, and new words were composed for three Mozart operas because both their Italian and German librettists had had "Jewish blood."

With the Nuremberg Laws of 1935 began the tortured examinations of ancestry, the fractional designations of "*Mischlinge*" of the first or second "degrees." Ironically, even SS-men had to submit to these laws by proving their own and their wives' impeccable "Aryan" lineage. In 1936 Himmler dreamed aloud for the SS: "Until October 1 of this year, the goal [for the family tree] is set at 1850; by next April 1, it will be set at 1750, until we achieve . . . for the whole SS . . . the goal of 1650." (In the end, they had to settle for 1800.) Shortly before the war, when Jews were compelled into forced labor, one Nazi bureaucrat protested to the Reich labor minister: "The assignment of Jews to work on the *Reichsautobahnen* . . . cannot in my opinion be in accord with the prestige given to [them] as Roads of the Führer"—i.e., Jews were unworthy to perform slave labor on the *Autobahn*.

Prompted by his interest in the relationship between memory and history, Friedländer has spent some time at play in the fields of postmodernism—and has managed to distill a useful approach from its linguistic "representations" and "shifting subjectivities." In *Nazi Germany and the Jews* the narrative moves from the organizational to the individual, "to juxtapose entirely different levels of reality . . . with the aim of creating a sense of estrangement." Friedländer intends this estrangement to evoke "the perception of the hapless victims

. . . of a world altogether grotesque and chilling under the veneer of an even more chilling normality." Thus he recounts simultaneously the evolution of anti-Jewish policies and—through occasional vignettes—their impact. He presents the various responses and debates within German Jewish organizations, Orthodox to Zionist, none of which could predict or conceive what was in store.

He also examines the silence of the German churches, institutions, and intellectuals in the face of Jewish suffering; burgeoning anti-Semitism throughout Europe; and the limited actions of the outside world such as the 1938 Evian conference on Jewish refugees. These varying perspectives are not as innovative a technique as Friedländer implies—but they certainly capture well the excruciating events as they unfolded, and portray the period 1933-39 in all its complexity rather than as a simple prelude to war and genocide.

Friedländer demonstrates that anti-Jewish policies fulfilled the direct intentions of Hitler, rejecting the (amazing) view of certain eminent historians—mostly in Germany—that such measures evolved haphazardly out of the "chaotic" structure of Nazi bureaucracy. This "functionalist" school sees a "twisted road to Auschwitz," and claims that "competing bureaucratic fiefdoms" vied to please their erratic and opportunistic Führer by improvising the Jewish persecutions his rhetoric had promised. Friedländer shows instead that obsessional, murderous anti-Semitism—albeit tempered at times by "bureaucratic constraints . . . the influence of German opinion at large and even . . . foreign opinion"—was the real driving force of the Third Reich.

As Friedländer takes a thoughtful part in historians' debates on the Holocaust, so he addresses himself to Daniel Goldhagen's thesis that "ordinary Germans" were not only "willing executioners" of the Jews, but also that their anti-Semitism was no less genocidal than that of Hitler and his cohorts. No one should pass over Friedländer's superb book on the grounds of having already read Goldhagen—although a full comparison of the two historians' views cannot be made, of course, until Friedländer's volume on the war and the Holocaust appears.

Kent Lemon

Saul Friedländer

While Goldhagen contends that all Germans thirsted to "eliminate" the Jews, Friedländer holds that such radical anti-Semitism was more or less confined to Nazi party members. According to him, the German public did not initiate actions against the Jews but did greet them with approval:

> The German population, the great majority of which espoused traditional anti-Semitism . . . did not demand anti-Jewish measures, nor did it clamor for their most extreme implementation. Among most "ordinary Germans" there was acquiescence regarding the segregation and dismissal from civil and public service of the Jews . . . and there was some glee in witnessing their degradation. But outside party ranks, there was no massive popular agitation to expel them from Germany or to unleash violence against them.

Many Germans maintained economic ties to Jews (buying from Jewish-owned stores, for example) after the regime had dictated they be severed. This was not out of love, certainly, but neither could it have occurred if all people had seen Jews as repulsive and demonic, as Nazi ideologues did.

Friedländer also rejects Goldhagen's category of "eliminationist" anti-Semitism, proposing instead a "redemptive" anti-Semitism that emphasizes not only its murderousness but also the "idealistic" appeal of Nazi ideology—which envisioned a Germany purified, reborn, and redeemed through liberation from the Jews. Friedländer devotes a chapter to non-German anti-Semitism as well, with a focus on Poland and France, which gives an important comparative context missing from so many accounts, including Goldhagen's.

All across Europe, Friedländer argues, "the upsurge of anti-Jewish passion . . . prepared the ground for active collaboration by some, and passive acquiescence by many more, in the sealing of the fate of European Jewry only three or four years hence."

In contrast to the boastful and mercilessly repetitive prose of Goldhagen (and the stiff jargon of so many historians), Friedländer's clear and measured writing should be celebrated. While Goldhagen may be credited with returning moral outrage to Holocaust history-writing, Friedländer brings to the subject the dignity, complexity, and restraint it requires.

He never shrinks from the truth that there is something unknowable at the core of the Nazi genocide.

Out of the massive planning and execution of the Holocaust, Friedländer believes, "the only concrete history that can be retrieved remains that carried by personal stories . . . individual fates." In fact, this work would have been enriched by many more of these stories. Here Friedländer is perhaps *too* restrained; he mistrusts language as a means of conveying the ineffable. At the end of his memoir, he wonders, "Have I succeeded in setting down even so much as a tiny part of what I wanted to express?" For "of this heartbreak," he says, "there remains only a vignette in my memory."

In fact, Friedländer is one of the rare writers to have found an appropriate way to write about the Holocaust. As his memoir succeeded, so does this book succeed in linking these individual fates to the broad sweep of a terrible history. One would only ask from *Nazi Germany and the Jews* a more extensive portrait of German Jewry in its last years, and more scenes from individual lives—that is, more of what it already has. ♦

Confederacy of Thugs

Russia on the Mexican Model

By Jonas Bernstein

David Remnick
Resurrection
The Struggle for a New Russia
Random House, 398 pp., $25.95

It is now clear that the collapse of communism did not necessarily mean the emergence of democratic capitalism everywhere. The likelihood of a happy ending, it appears, depended on the duration and intensity of a given nation's totalitarian rule, as well as its level of development prior to the advent of Marxism-Leninism. So while Estonia and the Czech Republic steadily merge into the European mainstream, Albanians fire looted Kalashnikovs into the air in defiance of their country's gangster regime.

In the sequel to his authoritative *Lenin's Tomb*, David Remnick of the *New Yorker* attempts to locate post-Soviet Russia on this continuum. That's a tall order: Now in its sixth year of "transition," Russia remains a moving target. Remnick is ultimately unwilling to violate the etiquette of mainstream Russia-watching, and ends the book on an up-note. But it is not a convincing performance. Remnick himself appears to believe that post-Soviet Russia has evolved more on the Albanian model than on the Czech.

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The book's strengths are a tribute to Remnick's writing and reporting. His description of the October 1993 uprising led by then-Vice President Alexander Rutskoi reminds us what a close call it was, with Yeltsin and his loyalists having to badger the army into putting down the mutiny. Remnick also realizes that the bombardment of the Russian White House that followed was the last moment democrats could feel certain Boris Yeltsin was in their corner. "The price of October," Remnick writes, "was a sustained period of reaction, a political struggle in which the Yeltsin government could not hope to claim any easy moral superiority." Since October 1993, Yeltsin has ruled much more like the provincial party boss he started out as than the democrat he supposedly evolved into.

Nowhere was this reversion to form more apparent than in Yeltsin's Mexican-style rigging of the 1996 presidential campaign. (No one should charge that Yeltsin rigged the actual *vote*.) According to Remnick, Yeltsin almost took the advice of Aleksandr Korzhakov, to dissolve the Communist-dominated parliament and cancel the elections. Korzhakov, often described as Yeltsin's chief "bodyguard," was actually the head of the presidential security service. He was indeed almost inseparable from the president, but is better thought of as the head of a 10,000-20,000 man palace guard that had become virtually his personal instrument. A presidential adviser later told Remnick that Yeltsin would not have handed over power to the Communists, had they won the vote.

It is good the elections were carried out, and that their outcome was the lesser of two evils: Yeltsin's opponent Gennady Zyuganov espoused a bizarre mix of nationalism, anti-Semitism, communism, and the occult. But those who arranged Zyuganov's defeat were hardly motivated by a commitment to let freedom ring. A group of powerful bankers, greatly enriched by their links to Yeltsin's privatization architect Anatoly Chubais, had come into conflict with Yeltsin's bodyguard Korzhakov and the shadowy financial structures close to him. Had Yeltsin cancelled the vote, he would have required some sort of state of emergency as a pretext, and that would have strengthened Korzhakov's hand. This would have placed the banking group's financial interests—and even their lives—in danger from Korzhakov's security service. A Communist victory at the polls would have placed the bankers in similar jeopardy. Thus, their only

option was to supplant Korzhakov by giving the Yeltsin campaign astronomical sums and putting television—which they largely own—at the Kremlin's disposal. The ouster of Korzhakov and his cronies, which took place in between the two rounds of voting last summer, was clear evidence of the tycoons' clout.

Remnick rightly calls Russia's robber barons "oligarchs," and devotes a chapter to one of them—Vladimir Gusinsky, head of MOST-Bank and its media empire. But he neither explains how this oligarchy emerged nor adequately describes the new order's defining characteristic: the symbiosis between corrupt financial-industrial groups and the state.

What is missing is a discussion of privatization—a process reflexively praised in the West and which has been supported by tens of millions in USAID money. Remnick gives only one sentence to how the government, at Chubais's direction, turned over some of the world's most valuable assets—state oil companies, metals factories, etc.—to a handful of powerful banks, at knockdown prices, under the guise of "competitive auctions" in late 1995.

Several of the major tenders were won by two banks authorized by the state to organize them. An investigation by the Russian government itself showed that, prior to the auctions, the "winning" banks had been given money from the national budget in an amount equal to what the banks would hand back to the state to "purchase" the shares.

Remnick could have found *someone*—perhaps economist Grigory Yavlinsky, head of the largest parliamentary bloc of anti-Yeltsin democrats—to present a systematic critique of the new order. The author, however, cites him only a couple of times. Aleksandr Lebed could have done the same, perhaps somewhat less articulately. Lebed, the most popular figure in Russian politics today, gets next to no attention from Remnick, while Mikhail Gorbachev, a non-entity in today's Russia, is treated extensively. We have a whole chapter devoted to Alexander Solzhenitsyn's life in Vermont but nothing on his disturbing analysis of the new status quo, published in *Le Monde* last November. (In it, Solzhenitsyn argued that Russia is ruled by an oligarchy of ex-Communist apparatchiks and New Russians who "amassed instant fortunes through banditry." "The merger of criminal capital and state power," he wrote, has completely blocked the possibility of a free market.)

COULDN'T REMNICK FIND ANYONE TO GIVE A SYSTEMATIC CRITIQUE OF THE NEW ORDER?

Remnick's analysis of ultra-nationalist Vladimir Zhirinovsky's startling 1993 parliamentary showing does belong in the book. But the most important aspect of Zhirinovsky's rise is missing from Remnick's analysis. Zhirinovsky's parliamentary faction became the most reliable source of votes for Kremlin initiatives—reportedly in exchange for piles of money. A 1995 Interior Ministry report found that the list of legislative candidates from Zhirinovsky's party included dozens of wealthy former or wanted felons who reportedly bought safe seats from the party in order to receive parliamentary immunity from prosecution. That the new Hitler should turn out to be nothing more than a great actor-businessman is a very Russian twist: Several years ago, ex-finance minister Boris Fedorov referred to Zhirinovsky as the guy the government trots out when it wants IMF money.

Remnick makes too much of the idea that the loss of empire and super-power status creates the preconditions for a Weimar scenario. "The threat of fascism is rooted in national humiliation and economic uncertainty: a nation of prosperous merchants, farmers, and computer programmers—a middle class—is not likely to vote a fascist into the Kremlin," he writes.

Among the Russians I know, those who have lost status since the collapse of the old system do not seem fodder for fascists. Only a few have spoken of national humiliation. What they do talk about, along with the struggle to feed their families, is the unchecked power of the mafia and corrupt *chinovniki*—bureaucrats—who enrich themselves at the citizenry's expense. They associate these things, quite correctly, with their economic plight.

While it is hard to imagine Russians marching behind someone promising to restore national greatness—most are understandably allergic to political myths—they are likely to gravitate toward an untainted politician who promises law and order, an end to corruption, and a level economic playing field, even by undemocratic means. That would seem to mean Lebed, or someone like him.

In the epilogue to *Resurrection*, Remnick writes that Russia today "is at once adrift, unpredictable and corrupt," but adds: "I see no reason that Russia cannot make a break with its absolutist past much in the way that Germany and Japan did after the war." Remnick is wrong. The reason is that Russia—unlike Germany and Japan, which started from scratch—inherited a bureaucratic Leviathan, which, as former premier Yegor Gaidar wrote several years ago, was severed from its ideological moorings and is now devoted exclusively to self-enrichment and self-perpetuation. It remains unreformed, and loots with abandon, even as the media watch. ♦

Isaac in Manhattan

The Artful Complexity of Fernanda Eberstadt

By John R. Dunlap

In the sixth chapter of Genesis, the opening four verses record a strange legend according to which the sons of the gods, in the early days of man's existence on earth, came down from heaven to couple with the daughters of men. The resulting offspring were the Nephilim, a race of giants. This fragment of a pagan myth, illustrating to Hebrew sensibilities an unspeakable depravity, occurs in the Bible as a prologue to the story of the Flood. Fed up with the wickedness of man, God smote the earth with a great deluge, preserving among men only the good Noah and his family as starter-seed for a new stock.

Fernanda Eberstadt
When the Sons of Heaven Meet the Daughters of the Earth
Knopf, 448 pp., $25

In Fernanda Eberstadt's third novel, an improbable hero is inspired by the Genesis reading to paint a series of lush, Titian-like tableaux depicting what happens when the sons of heaven meet the daughters of the earth. The setting is New York City between 1989 and 1991. Young Isaac Hooker, in this sequel to Eberstadt's second novel, *Isaac and His Devils*, has come to New York from Gilboa, his New Hampshire hometown.

As always, the precocious Isaac is at loose ends, a genius to whom "every subject in the world was a brightly colored cluster bomb, every memory had a fizzing fuse on it waiting to blow up in your face." The memories—intermittently lifted by Eberstadt from her previous novel—are of a bruising small-town adolescence bedeviled by poor eyesight, partial deafness, clumsy physical bulkiness, a disdainful mother, a frustrated father, and the father's sudden death after Isaac dropped out of Harvard and moved in with Agnes, his high school math teacher.

Isaac has left Agnes for New York on the supposition that the city to which everyone comes will equip him "to execute his life's work, whatever it might be." Three years of odd jobs and scraggly lodgings—punctuated by several frightening months of life on the streets—drain away his vague ambitions to be a writer. In a painting class at a homeless shelter, Isaac stumbles on an unplumbed talent. Doggedly he is applying himself to drawing and painting when a chance encounter with Casey, a former Harvard chum, lands him a job with Casey's employer, the Aurora Foundation for the Arts.

In the meantime, we have already met Alfred and Dolly Gebler. Dolly, heiress to a Chicago pharmaceutical fortune, is the bankroll and the brains behind Aurora. Alfred, her agreeably dissolute husband of twenty years, is the director. Their marriage is a kind of symbiosis between Dolly's dutiful austerity and Alfred's party-animal restlessness. Every day the Geblers go to work at Aurora's headquarters on Manhattan's Lower East Side—forty thousand square feet of metal and glass tile rising above the tenements: "all light, with one perfect glass staircase running up it, offices upstairs, and a garage next door."

Isaac, tramp-like after three years of personal neglect, falls in with the Gebler enterprise just when he is starting to pull out of his funk. By day he works in the crystalline palace of Aurora as a showroom handyman; by night, in his dumpy Hell's Kitchen apartment above a Turkish nightclub, he works with his paints and charcoal. He paints what he knows: his childhood bedroom, his father, the New Hampshire woods, the stories he grew up with, random biblical imagery.

Dolly at first is taken aback when she views Isaac's artwork. Her taste is minimalist—"pitilessly new wave," according to the ironic Alfred: cubes and angles and abstract rationality. Isaac's dream-pictures seem "willfully reactionary," turning their back on modernity and "plunging deep into some dark primeval forest." Yet Dolly falls in love with Isaac's art and, trusting her own eye to spot genius as well as trend, draws Isaac under her patroness wing.

Eberstadt takes us into the high-rolling dazzle of the New York art world with uncanny perceptiveness: "Manhattan at the fizzle-end of the twentieth century."

In the Geblers' universe of board meetings and benefits, exhibitions and black-tie galas, casual infidelities and prodigious posturings, marital discord and sullen children, the unnerving thing about Isaac is that he's religious. On a lark, though unchurched, he will light a candle in a Franciscan chapel and pray to St. Jude.

When Dolly asks him if he finds consolation in his anachronous faith, Isaac demurs: "Only a spiritual imbecile thinks it's consolation. It's a goad . . . torment, mostly, because the doubts are so unremitting, so unmanning." For his series of paintings on the sons of heaven and the daughters of the earth, Isaac's ambition is to "show how revelation impinged on ordinary life, to cast light on those little rents in the veil of the everyday through which we escape into, catch

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glimpses of the Other World. Of God."

By coincidence, Isaac's grandiloquent rumination is a fair statement of Fernanda Eberstadt's undertaking. The glimpses come between the lines time and again on the pages of this extraordinary novel—in Isaac's nagging conscience, for example, or in Dolly's brusque affection, or in Alfred's surprise at feeling envious of a friend who has returned to the practice of his Jewish faith.

There is also the sheer intricacy of relations among the characters. At one point, as he is drawn into the Gebler family, it occurs to Isaac that Dolly and Alfred's "seemingly incongruous union" is in fact well conceived. It shows in the couple's three "graceful gawky children, with bits of each parent folded into them and sticking out at unexpected angles." Dolly's unyielding earnestness comes through in their daughter Johnny, but "egg-whipped and luminized by Alfred's optimism, his appetite, his chatterbox goofiness."

This is a novel to savor and to mull over, crackling with intelligence and brilliant imagery: good-humored, buoyant, deeply unsettling. ♦

B&A

CLASSICAL GAS

How Sexual Radicals Misinterpret the Greeks

By Daniel N. Robinson

In Plato's *Republic*, Socrates offers a "convenient fiction" that might be passed off on a credulous citizenry as a pretext for supplying the city with guardians. The fiction is drawn from Hesiod, who wrote that the successive races of humanity are peopled by "men of gold, men of silver, men of brass and men of iron." Socrates needs the fiction because he plans on *breeding* his guardians, like hunting dogs. His point is that unless one has the right material (gold as opposed to iron), no degree of training or exhortation will succeed.

In a worrisome way, the classical world itself has been reforged into other "convenient fictions" by scholars committed to changing the modern world. The Afrocentric tract *Black Athena* comes to mind, as does the *Romer* case—a Colorado lawsuit arising out of a 1992 gay-rights ballot initiative. *Romer* pitted Chicago classicist Martha Nussbaum against Oxford philosopher John Finnis and Princeton political philosopher Robert George on the issue of homosexuality in ancient Greece.

Bruce S. Thornton
Eros
The Myth of Ancient Greek Sexuality
Basic (Westview), 336 pp., $28

Nussbaum's thesis, in support of the plaintiffs in *Romer*, was that the condemnation of homosexuality is of Christian origin; that the practice was widely accepted in the classical period; that the law did not punish it; and that, therefore, the modern state's hostility to it must be seen as a constitutionally suspect yielding to what are essentially religious scruples. The exchanges between Nussbaum, George, and Finnis reached a wide public. What the public was led to conclude, especially in light of Nussbaum's assertions of her own expertise as a classicist, is that homosexuality was not subject to general moral condemnation in ancient Greece, nor was it the object of the law's concern. Rather, the ancient world—less priggish than would be the moralistic and "up-tight" world of the Christian—accepted human nature as it found it, including that polymorphous aspect of it which is so vividly revealed in sexual practices.

The smoke has now cleared on the Nussbaum affair. But just in case the non-specialist is inclined to attach validity to Nussbaum's teachings in this area, Bruce Thornton's *Eros* is the thorough, decisive corrective. In this readable, scrupulously researched, and original treatise, he instructs the modern reader in the ancient Greek recognition that Eros is a powerful and destructive force against which there are no sure defenses, only the limited and fragile resources of culture itself.

The tension between *physis* (or nature) and *paideia* (or culture) cannot be relaxed or evaded. Nor is it lost in the thickets of the Freudian unconscious. The Hellene knew it to be part of daily struggle, ever present on the mind, broadcast in no uncertain terms by the dramatists, poets, and (even) philosophers. Diomedes, Homer tells us, overcome by *lyssa* (the "wolf's rage"), is so bold as to wound Aphrodite herself, but the ultimate revenge of the eros-goddess is "to have his wife take lovers and plot against him." In the *Hippolytus* of Euripides, the tragic hero, puffed by his own sexual asceticism and thus insulting to Aphrodite, must discover that Phaedra, his stepmother, is so drained by her sexual longing for him that her very life is ebbing. He cannot escape simply by whipping his horses, for through cooperation with Poseidon, Aphrodite has him flung from his carriage, his brains smashed against the rocks.

The safety net, if there is to be one, would constrain the power of sexuali-

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ty by locating it within institutions in which heterosexual sexuality and marriage are prized, and alternative forms of gratification condemned. Even in the fashionable practices of the pederast, the boy lover is not sexually used, but treated as an object of beauty by a person of standing. The promise is the promise of the teacher. The worst possible consequence of the relationship is one that finds the boy becoming a passive male prostitute (a *kinaidos*), that target of derision and contempt. Pederasty itself preserves the essentially reciprocal nature of marriage: "The heterosexual paradigm, then, is the key social order for controlling eros."

Thornton documents beyond dispute that sexual excess in any form, and especially in its homosexual form, was taken to be an "outrage," a mark of *shame*—not of "daring," as Nussbaum defined it. In the instance of the *kinaidos*, who permits anal penetration, there is "the abandonment of the soul to appetite . . . a loss of control that shamed the victim because he did not uphold his society's most important order—the control of the passions and appetites by the mind, and its social projections, law and custom."

Properly understood, then, the Christian ideal of marital love is less a reformation than an absorption of classical values, now refined and reinterpreted through the canonical teachings of the church. By rendering the claims of the flesh answerable to that civic life by which our humanity is preserved and realized, law and custom do not defeat Eros but tame the beast otherwise in its thrall. The women of Greece are not the passive, sequestered loom-spinners featured in the feminist literature of what Waugh chose to call our "alleged twentieth century." They are Medea, they are Amazons and Sirens, Theban women, goddess-like Helen. They embody utterly natural forces of extraordinary power that must be contained by the bonds of civilization; bonds all too easily broken, both by prisoner and guard.

Bruce Thornton gives us an accessible but still authoritative text; a page-turner, to be sure, punctuated with racy passages, graphic images, and selectively deployed profanities. It is somewhat distracting to find Camille Paglia, Homer, and Susan Smith all featured in a scholarly disquisition on classical themes. But then the theme here is that of Eros, and the characters chosen by Thornton effectively reveal its many-sided nature. It can lead us toward beauty, toward a passion for restraint, toward a respect born of proper fear and cognizance; or it can revel in our blind self-indulgence, awaiting the inevitable moment when our innocent outrages reduce us to madness. ♦

BCA

SPOUTING WALES

A Funny Woman in a Rough Country

By Marc Carnegie

In English literary circles, Alice Thomas Ellis is a kind of legend. She is the author of several gossipy popular novels and is by all accounts a bohemian's bohemian. She is also an unapologetic Catholic whose bluntness about her faith, and much else, is as bracing as a slap to the cheek. When the Archbishop of Liverpool died last year, she vilified his liberal tenure in a fiery article that cost her her column in a national Catholic weekly. And in early March she wrote an op-ed for a London newspaper entitled "Why I Do Not Want a Clone of My Dead Son."

Alice Thomas Ellis
A Welsh Childhood
photog. Patrick Sutherland
Moyer Bell, 186 pp., $34.95

In *A Welsh Childhood*, first published in England in 1990, and now available here with photographs by Patrick Sutherland, Ellis recounts with unusual poignancy growing up before World War II on the coast of North Wales. She etches sharp images of the characters she was raised among, like the schoolmaster who "had been gassed in the First World War and as a result he spat a bit as he spoke, and our exercise books came up in moisture bubbles when he stood beside us." And for an evocation of pastoral life, it is hard to top this:

> Lambing, sheep dipping and shearing, haymaking and the heaving up of turnips held no terrors for the delicately reared; and watching the man boiling the pig mash out of doors on an autumn evening was the sort of pleasure that you might remember on your deathbed. A fine cold, clear autumn evening is the sort of thing you might remember on your deathbed anyway, and combined with this was the illicit delight of being up past your bedtime, with night coming down over the mountains and yet being safe with the bonfire crackling and lighting up the low branches of the hazel trees and the men stirring the swill talking to each other. Then a run across the field back to the cottage fireside, tingling, as they say, with well-being. I never feel like that any more.

It is the graceful and simple last sentence that is Ellis's signature. At times she gives glimpses of a land so haunting that, as a long-ago tenant of her Welsh cottage inscribed on the door of the hayloft: "It does not matter who I am, for this must surely be

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a part of Heaven. Just stand here and really listen."

What makes *A Welsh Childhood* so moving is this wistfulness, this all-pervading sense of loss. There is sadness here, and sadness there, and even more sadness up ahead along the road. And yet, for an American reader, it is refreshing to read a memoirist whose encounters with tragedy do not send her into self-indulgent keening. Ellis's grandfather's suicide gets only a passing mention, and the fatal accident that claimed her 19-year-old son is treated matter-of-factly. Mentioning that she lost another child when she fell down a flight of stairs while pregnant, Ellis says only, "Medical science has made great strides, but we can't expect others to take the responsibility for our carelessness."

Ellis also displays some of the cheeky humor that has won her novels such a loyal audience. Recalling a boy who showered her with (unwanted) kisses and got her into trouble with the headmaster, she deadpans, "I have never recovered from the injustice of this and I hope Robert has had a rotten life." And she gives a delightful account of her eighth birthday, when she was shoehorned into a silky frock, and responded by plopping herself in a cowpat.

But what makes the greatest claim on her attention is the bleak splendor of Wales itself—the gray crags, stone graves, white fog, cold sea. Ellis "fell in love with the land as I believe people are supposed to fall in love with other people. I wanted to be one flesh with it." Patrick Sutherland's photographs catch something of its forbidding charm, which has proved an attraction for visitors since the Romans. The country has always been remarkably resistant to change, which suits Ellis fine.

Ellis wears a distaste for modern life on her sleeve, and is brutal in her appraisal of both the day-trippers who pour into North Wales and the tourism-planning types who will do anything to accommodate them. She also gleefully quotes earlier travelers, such as Samuel Johnson and Matthew Arnold, who lamented the inconvenience and the hazards of Welsh roads. During a discursion on the sheer, steep dangers of Wales's towering cliffs, she cheerily alludes to one hapless fellow who stepped over a wall to relieve himself: "He never came back, poor man." ♦

The Cecilia Bartoli Claque

Opera's Hottest Diva and Her Pathetic Fans

By Jay Nordlinger

An ocean of ink has been spilled about Cecilia Bartoli, the Italian mezzo-soprano, most of it nonsense: that she is the salvation of opera; that she is the heiress to Maria Callas and Marilyn Horne; that she is, even, a first-rate singer. Bartoli is indisputably the hottest commodity in classical music—in fact, one of the hottest ever. Her recordings sell in the millions, her face is plastered on countless magazine covers, and her recitals are treated as important cultural happenings. Rarely has so great a fuss been made over a performer who merits so little.

Kim Chernin
(with Renate Stendhal)
Cecilia Bartoli
The Passion of Song
HarperCollins, 232 pp., $25

Bartoli, now 30, began her steep ascent in the early 1990s with several well-marketed albums and a handful of ballyhooed operatic appearances in Salzburg, Milan, and Houston. Audiences swooned over her sparkling personality and her freewheeling way with Rossini and Mozart. Before long, *Time*, *60 Minutes*, and the rest came calling, and Bartoli was not merely a promising, though immature, mezzo but a full-blown phenomenon.

Cecilia Bartoli, by Kim Chernin (with Renate Stendhal), is an exceedingly strange book, which is saying something for a book about an opera singer. (One study of divas, by Ethan Mordden, is titled *Demented*.) Chernin lives in Berkeley, California, where she writes about "eros and memory," hunger, psychoanalysis, and "spirituality"; Stendhal is her partner and collaborator. Together, they have examined their obsession with poor Bartoli—Chernin's more than Stendhal's—and told the world about it. The book is so embarrassing that it is almost too painful to read.

Here is how it came about: Chernin and Stendhal trooped down to the Berkeley concert hall one day in 1991 to hear Bartoli in recital. Chernin fell desperately, unnervingly, insanely in love. "Imagine a sensuous, embodied angel," she writes, "standing quietly on a concert stage, reporting back to God about the mysterious joys and sorrows of human existence." She had discovered, in addition to an interesting, dark-voiced singer, a mission: "The voice has to be heard. It cannot be kept to oneself. Its mystery must be shared, communicated, revealed. As

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for me, I could certainly tell every music lover I ran into that a miracle had taken place on a rainy Sunday . . . I could repeat the name 'Cecilia Bartoli,' spread the word."

Chernin promptly formed a kind of Bartoli Support Group, which gathered at her home. There was Augusta, who, when moved, "found that she had no need for words and preferred to sit in silence"; there was Cathy, who "thought that crying was a barrier to deeper feeling [while] I argued that being swept up and swept away was in itself a form of knowledge"; there was Sophia, who "thought we should all spend the night and go on listening"; and, fatefully, there was Amy, who "suggested I write a book." Chernin did not require much coaxing and mused that "a book about the singer should be written in a pitch of high ecstasy." Cooler heads recommended "more circumspection," but "my enthusiasm for the singer, which seemed to call into question my powers of judgment and assessment, was, I felt, an appropriate medium for appreciating an artist whose outstanding gift was the power to inspire rapture."

Thus, Chernin induced HarperCollins to publish what others might blushingly confide in a private journal. She acknowledges that "diva worship has its dangers," but she seems not to recognize any of them. Chernin is part Shirley MacLaine, part would-be critic/musicologist, and part 14-year-old with a crush. In one paragraph, she confesses to musical ignorance—"I had to do this without a professional knowledge of music or a technical musical vocabulary"—and in the next, she declares that Bartoli possesses "perfect vocal technique," a laughable claim.

Tiresome, too, is Chernin's physical fixation on Bartoli: "She carried her ample bosom as a veritable cornucopia, the skin of her chest, neck, and arms, with its mother-of-pearl shimmer, an entirely adequate substitute for jewelry." A male operatic character, sung by a mezzo, must, in Bartoli, "make his way through this magnificent female with voluptuous breasts and shoulders," then, again, on the next page, it is "the womanly, voluptuous Cecilia," with "her dark eyes, abundant hair, low-cut gowns, full breasts, beautiful shoulders, perfect skin."

When Bartoli was a (normal-looking) teenager—performing in public for the first time—she was, according to Stendhal (who provides the "performance guide" at the back of the book), "awkward, gaunt, perhaps even anorexic," bearing "painfully little resemblance to the gorgeous, full-bodied singer the world has come to love." Still, one can only regret that, "as she matures physically," Bartoli "has begun to shy away from trouser roles" (such as the one mentioned above).

BARTOLI APPROACHES A SCORE AS JUSTICE BRENNAN APPROACHED THE CONSTITUTION—AS AN EMPTY VESSEL INTO WHICH TO POUR PERSONAL FEELINGS.

At times, Chernin is nervously maternal: "It was her health and stamina that concerned me. I had begun to worry that the world would exhaust Bartoli before she had a chance to give the world what was in her"; "I began to worry about those colds." And never will she brook unfavorable criticism of her idol: "If I, a fan, reading these reviews, am forced to wonder how she endures it . . . how can the singer herself feel?" Bartoli herself is far soberer, stating, "For myself, I say it is always possible to get better.")

Though this book is quite short, it is annoyingly repetitive, because there are only so many ways to say, "Cecilia Bartoli represents the summit of artistry and is an emissary from Heaven to waken slumbering humanity." Fan-dom, of course, has its place, and relations between performers and their admirers can be touching. (A woman once kept a cigar stub discarded by Franz Liszt on her person until the day she died.) And concerts without heroes would be unthinkably bleak. Yet Chernin has cheapened—and probably frightened—her subject through unreasoning, aggressive (and trumpeted) idolatry, which the true fan understands as inimical to genuine appreciation.

So why Bartoli? Why did the finger of celebrity and adulation emerge from the sky and point at her? She is pretty and charismatic, yes, but there are singers prettier and as charismatic. She has a competent coloratura technique, but there are much better. She is not without musicality, but she is frightfully undisciplined and libertine. At her worst, she approaches a score rather as Justice Brennan approached the Constitution—as an empty vessel into which to pour personal feelings and emotions and desires. She can take the most familiar of pieces and, with her talent for distortion, render them almost unrecognizable.

Yet she has the big, wide world at her feet. In the meantime, a Kentucky-born soprano named Faith Esham gives standard-setting performances in high-school auditoriums in New Hampshire; they are captured on videotape by a hand-held camera and circulated among musicians, who are slack-jawed. Patricia Spence, a matronly mezzo-soprano from Seattle, gives evidence of Marilyn-Horne-like-ness every time she opens her mouth; but *People* magazine and the television networks are indifferent. It is Bartoli who is anointed, and who reaps all that comes with anointment—including this foolish book. ♦

Vice President and Tipper Gore announced the engagement of their daughter Karenna to Andrew Newman Schiff.

—News item

Parody

Mr. and Mrs. Albert Gore
invite you to the wedding of
their daughter

Karenna Tipper
to
Mr. Andrew Yah Lin Schiff

on Monday, the 16th of June, 1997

Immediate Family admitted free
Reply Card enclosed (AmEx, MC, V, DC)
Reception to follow at Happy Luck Palace

Hsi Lai Buddhist Temple
17700 Ventura Parkway
Ventura, California