the weekly Standard

MAY 4, 1998

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JUDGE NOONAN'S FIRST AMENDMENT
RICHARD JOHN NEUHAUS

LOOK OUT BELOW!

BILL CLINTON'S FATE...
William Kristol

...AND LIBERALISM'S
Noemie Emery

the weekly Standard

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Cover by Sean Delonas

Books & Arts

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Where's the Outrage?

Believe it or not, the Clinton administration has finally managed to work up some outrage over international arms-dealing last week.

This is an administration, recall, that has shown it is not about to let China's nuclear and chemical-weapons chicanery interfere with the president's glorious June summit in Beijing. A couple of interesting things emerged over the last month on this score. First, China was caught trying to give Iran chemicals for producing highly enriched uranium, in direct contravention of promises Beijing made to Clinton at the last summit. Then it was revealed that the administration has been extremely lax, to say the least, about allowing American companies to provide China with sensitive information to improve the guidance systems of its ICBMs, perhaps in violation of the law. So while China arms the mullahs and improves its intercontinental-missile capability—with a technological assist from American companies run by big Democratic-party donors—where is the administration?

Well, it's about to crack down—but not on China. The *New York Times* relayed the news last week: The administration has discovered that thousands of American pistols and rifles sold to European buyers may have ended up in Yugoslavia, Algeria, and Turkey. Egad! The State Department "is on the verge of revoking all outstanding licenses for firearms exports to British companies." That will show them.

Administration officials are calling their discovery (which surely has nothing to do with domestic gun-control politics) the "European Union loophole."

The Scrapbook thinks it knows a way for American exporters to survive the threatened shut-off of small-arms sales to Europe. The companies now selling pistols to England should: a) increase the caliber of the weapons they are shipping by a few orders of magnitude; b) start selling to adversaries and not allies; and c) get up-to-date on their pledges to the DNC. Then maybe the president will stop his State Department from hassling them.

Gandhi in the Garden

Who says Gandhi is dead? His spirit keeps popping up in the unlikeliest places—most recently in the pages of Smith and Hawken, the high-toned gardening catalogue for yuppies who want to pretend they enjoy getting their hands dirty. This spring, Smith and Hawken is offering an electronic mosquito catcher called Insectivoro. At $130, it's a steal. And of course this bug catcher has, so to speak, a catch. "A powerful fan," says the catalogue, "sucks [the bugs] into a filter drawer, where they desiccate over time—or they may be released back outside at the end of the day." Catch the bugs and *release them*? This is a bug-catcher as designed by the U.N.—and if it catches on, watch for an outbreak of malaria in Scarsdale.

Up in Smoke

One of the lessons House Speaker Newt Gingrich claims to have learned the hard way is that in a policy fight with President Clinton, the press will always side with Clinton. He got more proof last week. When the president jumped on Gingrich for declaring that teen smoking "has nothing to do with Joe Camel," reporters gleefully piled on. Not one questioned Clinton's assertion that "teen smoking has everything to do with Joe Camel."

They should have. The idea that the cartoon camel depicted in ads has lured kids into smoking is pure myth. Even the notion that 90 percent of kids recognize Joe Camel is a wild extrapolation.

It's based on interviews in 1991 with 23 preschoolers in Atlanta who suggested they were almost as aware of Joe Camel as they were of Mickey Mouse—a finding that couldn't be replicated in other studies. Ever since, anti-tobacco zealots have insisted there's empirical evidence of Joe Camel's evil influence. The Federal Trade Commission tried, but has been unable to prove that Joe Camel ever caused a single teenager to begin smoking or continue smoking.

Meanwhile, the *New York Times* reported on its front page last week that part of the reason for the

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recent increase in smoking by black teenagers has been that cigarettes are thought to prolong the marijuana high. Of course, the *Times* finds "experts" to say that "advertising has been the main factor" in increased smoking. (These experts don't manage to explain, however, why marijuana use among teenagers has also gone up in recent years, unless President "I didn't inhale" Clinton himself is taken as an advertisement.)

In any case, drug legalizers on the left are now painted into a corner. How to decriminalize marijuana now that it has been exposed, on the front page of the *New York Times*, no less, as a "gateway" drug to the real evil—cigarette smoking.

Gasp.

Low Fidelity

One of the primary arguments for gay marriage is that it will curb promiscuity and promote fidelity. That may depend on whether you define fidelity by the dictionary or with Clintonian creativity. A publication called the *Harvard Gay & Lesbian Review* was glowingly reviewed in the April 18 *New York Times*. To underscore the journal's importance, the article quoted the editor, Richard Schneider Jr., as pointing out that debates that take place among gays often presage similar discussions by the "mainstream."

One of those debates is over fidelity to one's spouse. "We know in the gay world that it is possible for two people to be completely in love, completely dedicated to each other but not sexually faithful," said Schneider. "I think that's an issue that the straight world is just beginning to explore as a possibility." The Scrapbook cannot confirm rumors that Schneider was auditioning for a spot on the White House communications team.

Stop the Inanity

The Scrapbook promises it will stop picking on the *New York Times* if the editors there will only promise to ratchet down their level of inanity. Last week brought a classic instance—even for the Gray Lady—of finding the cloud behind the silver lining. The headline read: "Drop in Crime Leaves Trauma Centers With Patient Shortage." And the cute little illustration that came with the story was labeled "Too Many Centers, Not Enough Trauma."

Yes, it was a sob story about how the amazing drop in New York City's violent-crime rate—down to levels not seen since the early 1960s—is actually bad news. It spells disaster for the elite doctors and nurses who treat victims of shootings, stabbings, and other violence.

"With too few patients, trauma surgeons who must execute complex, life-saving maneuvers at high speed are unable to keep their skills honed," the report warned. The paper discovered that the number of gunshot-wound victims fell 50 percent from 1993 to 1996. One doctor described how he had been forced "to use more cadavers to educate medical students."

Ah, the good old days, when New York's finest doctors could hone their skills on warm bodies.

Casual

What Price U Thant?

It's embarrassing for one working in an office full of writers with the true reporter's knack for getting interviews with the newsworthy and the notorious, but all the famous people I know I know vicariously.

I've never met any movie stars, though I've seen their movies. I've never met any well-known athletes, though I've seen them play. I have a cousin who, according to family legend, briefly dated Courtney Love while recording with a band called "Faith No More," but I haven't seen him in years. I've never met any famous authors, though I've read some of their books.

I wouldn't mind this—or maybe I would, but at least I wouldn't complain of the unfairness of my unfamiliarity with the famous—except that I seem to be constantly meeting those who've just met them. People and ideas are the only things much worth talking about: "The two most enjoyable activities of mankind," said someone, probably French or maybe from Vienna at its most decadent, "are gossip and metaphysics." But my gossip, like my metaphysics, is awfully thin—the names I have to drop, like the ideas, far too often someone else's coin.

Last week I had another secondhand brush with fame, eating with a Polish Dominican who'd had dinner two nights before with John Paul II. Usually it's hard to tell just how much dropping a name is worth. Does it count for anything to have stood in an elevator with three members of the cast of *Moose Murders*, the most notorious musical flop in Broadway history? How valuable is Bart Starr? What price U Thant? I know someone who spent a day with Karl von Hapsburg, but it somewhat lessens the value of the name-drop to have to explain that Prince Karl is the man who would be emperor of Austria-Hungary if only the last eighty years of history could be undone.

In any boasting contest, however, there are a few names that beat all others. "I simply must stop dropping names," goes the old British music-hall joke, "as the Queen was saying to me just the other day." President Clinton is at a discount lately, but Lauren Bacall is worth betting on, Michael Jordan is good for raising the stakes, and being able to mention having breakfast with April's centerfold is usually enough to take the pot.

But the pope is the one unbeatable hand. I was at a discussion on natural law a few years ago when the question came up of what Supreme Court justice Antonin Scalia thought. "Oh, Nino, Nino," began one of the scholars, "I had lunch with him just last Wednesday and asked him what he thought he possibly meant by that speech on natural law." And in the sudden silence that descended on the table, the voice of a Catholic writer piped up, "You know, that's an amazing coincidence. I was having lunch with the pope that same day, and he wanted to know what Scalia meant, too."

Compared with such professional gamesmanship, my play is purely amateur. I tried mentioning to one of The Weekly Standard's editors that I'd had dinner with someone who'd had dinner with the pope, but she didn't seem impressed. The truth is that vicarious naming just isn't worth much, and I have little else to spend.

The actress Jill St. John once came to my hometown, but it wasn't until years later—when I saw on the VCR her underclothed performance in the James Bond film *Diamonds Are Forever*—that I understood why all 10,251 people in Pierre, South Dakota, elbowed me aside in the rush to meet her.

In high school I had a friend whose father had been the back-up punter for a last-place team in the early days of the American Football League, and sometimes he'd drive us to school, listening to the radio news the whole way. The only thing I ever heard him say was, "Damned Republicans," but he said it at least twice each morning, sometimes when the newscaster was reading the high-school football scores.

There have got to be more valuable stories for me to tell. I knew someone in graduate school who collected, for conversation while dining out, the gruesome deaths of famous intellectuals: the Catholic mystic Thomas Merton electrocuted in Bangkok when he reached from the shower for a towel and grabbed an electric fan; the postmodern literary critic Roland Barthes run down by a laundry truck in Paris; the sixteenth-century Francis Bacon shivering to death on a damp mattress when he refused to be put up in a dry but inferior bedroom after having spent the afternoon slaughtering chickens and stuffing them with snow to see how well they'd keep.

I'm thinking of taking it up as the highest form of name dropping. If the subjects are long enough dead, all name-droppers are reduced to secondhand naming. And if the subjects are philosophers—well, if they're philosophers, what could be better? Gossip and metaphysics, all at the same time.

J. Bottum

Correspondence

Butt Out

Thank you for the most articulate, well-presented article I have read regarding the proposed tobacco legislation (James K. Glassman, "A Deal That Deserves to Die," April 20). As Glassman notes, any decent American would support an initiative to help deter teen smoking. Yet I soon realized that the legislation that would result from Sen. John McCain's committee did much more than try to stop tobacco companies from marketing to teens. Granted, teen smoking is a societal ill that must be addressed through behavioral changes. But to suggest that Washington could do anything but worsen the situation is simply a prehistoric attitude. In this day and age of Stephen Covey books and self-directed 401(k) plans, are we as a society ready to support a bill that would regulate whether a legal industry could use color in the packaging of its products?

Despite this dark day for liberty, I maintain a confidence in America and her people to dispose of proposals that, despite noble intentions, severely limit our ability to govern our own lives. I only wish my fellow Republicans could articulate this point as well as Glassman has.

Michael F. Avis
Boston, MA

There is a simple way to control teenage smoking: mandate that tobacco products may be purchased only in tobacco stores that are licensed, and that can sell *only* tobacco products. If a tobacco store sold tobacco to underage smokers, it would lose its license to do business. Would that eliminate teenage smoking? No, but it could reduce it drastically. A business that derived 100 percent of its revenue from the sale of tobacco would be far less likely to risk losing its license to sell tobacco than a business that derived only a portion of its revenue from tobacco products.

But that's not the issue here. Raising taxes and increasing the power of the nanny state is the real agenda here.

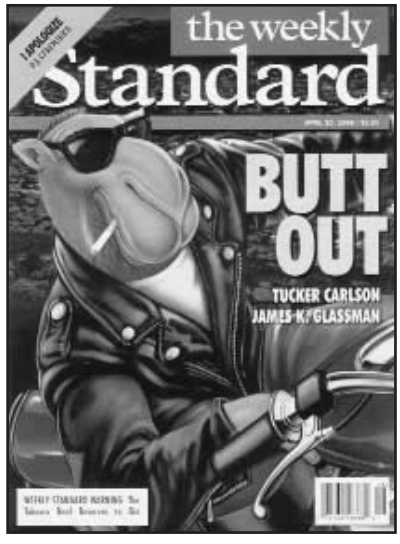
By the way, when did the Democrats retake Congress? I thought Republicans stood for cutting waste, taxes, and preventing government interference in our lives. Apparently, a lot of us were mistaken.

While I don't smoke cigarettes anymore, 45 million Americans do. If the Republican Congress raises their taxes and takes away their rights, maybe smokers will take away those Republican jobs!

Douglas M. Rofrano
Ridgefield, CT

A Narrower Title VII

As a conservative and as an attorney practicing employment law, I was somewhat troubled by "Droit de Seigneur" (April 13). Although I agree with The Weekly Standard's ultimate conclusion—that Judge Susan Webber Wright's dismissal of *Jones* v. *Clinton* could not be viewed as justifying obstruction of justice on the part of the Clinton administration—I am surprised by your magazine's disapproval of Wright's decision itself.



Aside from containing the name of a famous defendant in the case caption, the decision in *Jones* v. *Clinton* is utterly unexceptional. That is because, despite the media's hysterical condemnation of all lewd conduct as "sexual harassment," the law is actually quite narrow. Title VII of the Civil Rights Act of 1964 does not prohibit sexual harassment per se; rather, it prohibits discrimination against any individual with respect to "compensation, terms, conditions, or privileges of employment" because of such individual's sex. In interpreting this language, the courts have repeatedly rejected feminist arguments that all sexually explicit conduct in the workplace is discriminatory. Indeed, just this year, in the Supreme Court's most recent pronouncement on the issue, Justice Antonin Scalia took pains to emphasize that Title VII is not "a general civility code" that proscribes all indecent behavior. To the contrary, Scalia reiterated the court's view that Title VII prohibits only conduct that is so objectively offensive that it actually "alter[s] the conditions of a victim's employment."

Because conduct that does not adversely impact the victim's employment does not violate federal law, courts commonly dismiss complaints where the alleged misconduct is neither sufficiently "severe" (i.e., violent) nor sufficiently "pervasive" (i.e., frequent and repetitive) to create an abusive working environment for members of one sex. Complaints (like Jones's) premised on one episode of lewd and indecent behavior that results in no tangible job detriment are almost always dismissed summarily without a trial.

Thus the decision in *Jones* v. *Clinton* was not, as you describe, a "one time only" special application of the law for President Clinton. To the contrary, in dismissing Jones's case, Wright followed the contours of the statute and clearly established precedent.

Rather than condemn the decision, conservatives—especially strict constructionists—should applaud it. Wright not only refused to bend to the political pressure to let the case proceed to trial, she refused to adopt a feminist interpretation of Title VII that is far outside the mainstream of sexual-harassment jurisprudence. For this, conservatives should be thankful.

Jennifer Cabranes Braceras
Boston, MA

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the weekly Standard

Spins and Needles

Last week, President Clinton was presented a choice whether to authorize federal spending on distribution of injection equipment to heroin and cocaine addicts. He chose correctly. He did not know he was choosing correctly. He made his choice for the wrong reasons. The manner in which he made his choice makes more likely the possibility that he will decide the same question incorrectly in the future. None of what happened last week was personally the president's fault. And it should not be allowed to happen again.

In 1989, Congress imposed a temporary, conditional ban on federal funding of local AIDS-prevention projects that distribute sterile hypodermic needles and syringes to intravenous drug users. The ban was to be lifted at the discretion of the secretary of health and human services, provided the secretary could certify two things about needle-exchange programs, or "NEPs": first, that they were an effective epidemiological control on the human immunodeficiency virus; and second, that they did not "encourage" the use of illegal drugs. Early last year, Clinton HHS chief Donna Shalala certified that these NEPs are effective. Early last week, she certified that they are safe. "Extensive research," she announced, now indicates that the provision of free, clean "works" to addicts does nothing to undercut the nation's anti-drug efforts. Nevertheless, Shalala did not lift the needle-funding ban.

She had wanted and expected to lift the ban, it appears. As late as 9 a.m. on April 20, only hours before her scheduled press conference, Shalala was still preparing to say that the administration was concerned only with "science, science, science"—and that "the evidence is airtight" that federally supported needle distribution is a good idea. AIDS activists, for whom the virtues of needle exchange are a matter of gospel, had been alerted that welcome news was imminent. And various demonstration-program options were already being refined.

But at the last minute, White House chief of staff Erskine Bowles rang Shalala on the phone and told her no. President Clinton, it seems, had changed his mind the previous evening. Science, science, science notwithstanding, the president had concluded that it might not go over too well with the public were the federal government to start plunging taxpayer dollars into the arms of junkies nationwide. So Shalala abruptly canceled the multi-camera media event she had planned. Instead, she invited a handful of print reporters to hear a hastily constructed, incoherent account of how and why the administration had decided to withhold federal money from what the government's own health experts had unanimously deemed a risk-free, "life saving intervention."

On display during this episode, in cartoonishly exaggerated form, were two bedrock elements of the Clintonesque style: chaotic, all-nighter policy "analysis" and an ability simultaneously to announce and defy some set of deeply held principles. The explanatory spin was necessarily thick and dizzying, and the White House quite predictably got hammered for it. Newspaper editorials were unusually nasty. And organizations and individuals who would ordinarily have been delighted to receive even a purely rhetorical administration endorsement of NEPs were nastier still. Actress Elizabeth Taylor, on behalf of the American Foundation for AIDS Research, complained that "our colleagues in Washington have chosen to play politics with human lives." Even the chairman of the White House AIDS advisory panel called the president's final decision "immoral."

It is no doubt the case that the Clinton political advisers who engineered this eleventh-hour reversal wouldn't know the specialized research literature on clean needles if it bit them on the ankle. In that sense, we suppose, the president is merely getting what he deserves. But we can't help feeling a tad sorry for him, just the same. Because he has been sandbagged here—by his own senior health appointees at HHS. These people *do* know the specialized research literature on clean needles. And it does not say what they say it says. Donna Shalala and Co.—eager to appease their AIDS constituency, and unconcerned that they might embarrass the president in the process—are spinning, too.

No, they're just plain lying.

Last year's determination by Shalala that NEPs "can" arrest the transmission of AIDS infection among addicts who would otherwise share contaminated needles was already a stretch, as we reported on these pages at the time. She based her preliminary

approval of the idea largely on a 1995 National Academy of Sciences survey of then-current needle-program data. But those data, as the final NAS report itself made explicitly clear, were highly ambiguous and methodologically imperfect. Every study available for review by the academy—and by Shalala in 1997—depended entirely for its conclusions on self-reports of HIV status by addicts, some of whom may have been infected without realizing it. No such study could reliably predict relative rates of infection for NEP participants and non-participants, because the blood samples necessary to make such a reliable prediction did not exist.

So the question now is: What exactly has HHS obtained these past twelve months by way of "conclusive scientific evidence" that drug addicts are less likely to contract AIDS if they are given sterile needles—and more likely to get sober? Standing beside Donna Shalala last week, Harold Varmus, director of the National Institutes of Health, cited two "recent findings." One was his own agency's policy statement on "Interventions to Prevent HIV Risk Behaviors." That statement is, indeed, a vehement broadside in behalf of needle distribution. But it was prepared in February 1997, *before* last year's HHS needle announcement, and deals with no new data whatsoever. Varmus also favorably mentioned an October 1997 study of needle-exchange enrollees in Baltimore. The Baltimore study, in fact, detected no relative decrease in HIV infection rates among its subjects. And it, too, relied on addict self-reports.

In other words, there still hasn't been a single credible research project that tracks the lab-tested HIV exposures of drug addicts in needle programs and then reveals anything useful about whether the programs do much good.

We take that back. There have been two such projects. And neither is reassuring.

In the July 1997 issue of the journal *AIDS*, Canadian researchers reported results from an 18-month study of intravenous drug users in Vancouver. That city has the largest needle-exchange program in the Western Hemisphere—and for most of last year had the highest HIV infection rate in the industrialized world. Of 257 Vancouver addicts who initially tested negative for HIV, 24 had been exposed to the virus within six months, despite the fact that 23 of them reported regularly obtaining sterile equipment from the NEP. Sharing of contaminated needles remains a "normative" behavior among addicts, this study's authors concluded. Wide distribution of clean needles does not change this "alarming" fact.

An article published in the December 1997 *American Journal of Epidemiology* contains some even more alarming facts from Montreal. Roughly 1,600 of that city's intravenous drug users were tracked for an average period of nearly two years. Most important, the blood results of Montreal NEP participants were directly compared, with elaborate statistical controls, against the blood results of addicts who did *not* take advantage of local needle-exchange services. NEP enrollees were more than twice as likely as nonenrollees to become infected with HIV. Clean-needle distribution has "possibly deleterious effects on HIV transmission," this study's researchers reluctantly decided. "We believe that caution is warranted before accepting NEPs as uniformly beneficial in any setting."

This is what the United States Department of Health and Human Services characterizes—deliberately and dishonestly—as "conclusive scientific evidence" in favor of federal clean-needle spending. And HHS would have had its way last week, ironically enough, but for the political cowardice of a blissfully unaware White House. Next time around, we may not be so lucky. Bill Clinton's poll-obsessed fecklessness is too feeble a barrier with which to protect the country from such an apparently dreadful idea. Congress ought to act preemptively. Lift the temporary, conditional ban on federal needle spending. Replace it with a permanent, unconditional one.

—David Tell, for the Editors

A New Tack for Term Limits

by Fred Barnes

Here's the theory: Get enough members of Congress voluntarily to limit themselves to six years in the House or twelve in the Senate, and you will produce a long-overdue revolution in Washington. A conservative revolution, that is. The new members won't be careerists, won't be inclined to cool their heels and wait until they've got seniority to try to get something done, and won't defer to the Washington establishment or the press.

Instead, they'll be like the folks already in Congress who've limited their terms: Republicans Joe Scarborough of Florida, Steve Largent of Oklahoma,

and Lindsey Graham of South Carolina. They'll be right-wing bombthrowers bent on slashing government and cutting taxes. The question is how to stack Congress with these people. The answer is to force incumbents and challengers to impose limits on themselves and either abide by them or alienate voters and lose elections. The next major test of this strategy comes in the Republican primary in Pennsylvania on May 19 involving Bill Goodling, chairman of the House Education Committee, and his challenger, Charles Gerow, a self-limiter.

The drive for self-limits is actually a fallback position. For years, term-limiters lobbied for a constitutional amendment to restrict congressional terms. But it didn't pass, and supporters of term limits have concluded it never will. "We have learned the hard way that the lifers of both parties speak sweetly and do nothing," says Eric O'Keefe, president of Americans for Limited Terms. "A Congress of career legislators will never—repeat, never—approve an amendment that would usher in a Congress of citizen-legislators." For them, the opportunities for "wielding power, bending others to your will, and enriching yourself and your pet interests are wider than ever before." Also, the courts were not sympathetic, even barring voters from using statewide referendums to require their members of Congress to vote for term limits.

A year ago, O'Keefe wrote a memo to term-limits activists urging them to abandon the pursuit of legislation. He followed up with a full-blown treatise that explained why getting candidates to self-limit would suffice. "Our goal is not a term-limits amendment to the Constitution, but a representative Congress," he wrote. "To get there, we must throw the political class out of its base in the central institution of the central government—the Congress. . . . The fundamental question of national politics in modern America is, should we have self-government by citizens, or rule by career politicians?"

The first step in the new strategy was to change the pledge that candidates are urged to sign. In 1992 and 1994, they were asked to commit themselves to vote for a term-limits amendment. In 1996, they were urged to do so again, plus to promise to limit themselves to three terms in the House or two in the Senate. For 1998, the pledge consists solely of a vow to self-limit. It "offers voters the opportunity to head off the process where ambitious politicians pose as ordinary citizens long enough to get entrenched in office, and then spend a career promoting the political class," O'Keefe says. Both his group and U.S. Term Limits adopted the new strategy.

The next step was to pick races in which to apply the strategy. As luck would have it, a special election was scheduled for the congressional district in Santa Barbara, Calif., last March. The Republican candidate, Tom Bordonaro, declined to sign the pledge, but Lois Capps, the Democratic candidate and widow of former representative Walter Capps, signed it. Term-limiters spent $300,000 for TV ads and direct mail backing her and attacking him. She won. And even if term limits was not solely responsible for her victory, the issue played a big role. It also was instrumental in the Republican primary in Illinois in March for the seat being vacated by Rep. Harris Fawell. Conservative Peter Roskam refused to self-limit and lost to moderate Judy Biggert, who signed the pledge.

For conservatives, the downside in both races was that their favorites lost. But conservative candidates may have learned a lesson: Refusing to self-limit is risky. "Voters have found a way to express their anti-politician, anti-big-government frustration with term limits," says Howie Rich of U.S. Term Limits. "The truth is, it's the only way." Term limits *are* popular. Since 1990, 41 of 49 statewide referendums on term limits have passed. Roughly three-fourths of voters want limits on congressional terms.

AFTER LOSSES IN CALIFORNIA AND ILLINOIS, CONSERVATIVES MAY HAVE LEARNED A LESSON: REFUSING TO LIMIT THEIR OWN TERMS IS RISKY.

For now, the term-limits movement is focusing on competitive congressional races. O'Keefe insists enough self-limited House members will be elected this fall to form a term-limits caucus in the House next year. It could be pivotal in curbing congressional pay, pensions, and committee budgets. The biggest boost to term limits would be a primary victory for Gerow, a lawyer and social conservative, over Goodling, 70, in the district around York. Though Americans for Limited Terms plans as expensive an effort as in the California contest, Gerow is still a long-shot. He got 45 percent against Goodling in 1996, but Goodling has wisely gotten more conservative since then. First elected in 1974, Goodling says he's willing to sign the self-limit pledge, but the term-limiters won't have him. They're mad because he said he'd vote for a term-limits amendment, then didn't, and declared his 1994 race his last. Obviously it wasn't. But maybe the May 19 primary will turn out to be. If so, self-imposed term limits will have arrived.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

Doling Out Dissidents

by Jonathan Mirsky

The arrival of Chinese dissident Wang Dan in Detroit last week marked the end of a phase in the sordid collusion between Beijing and Western capitals on human rights. With the exit from China of the last big-name political prisoner linked to the Tiananmen Square demonstrations, the diplomats have run out of chips for the game in which the West pretends to demand liberalization and China pretends to deliver it.

In this game, pioneered years ago by the Soviet Union, the celebrated prisoner is fattened up for a few days by his captors, then released—"for medical reasons" only—and bundled onto a plane. Thus does the regime relieve itself of a potential dissident leader as well as an irritant in its relations with the West. Western statesmen, meanwhile, claim the release demonstrates that "quiet diplomacy," not "confrontation," brings progress in human rights.

This, of course, is cant, on a par with British prime minister Tony Blair's recent praise for the visiting Chinese premier, Zhu Rongji: A spokesman for Downing Street said Blair had found Zhu "fascinating," "practical," and "witty"—a "fellow modernizer." What is so shameful about such exchanges is that all the participants know what is really going on. Blair and his fellow heads of state know perfectly well that Zhu, when mayor of Shanghai in 1989, met mass demonstrations with relative restraint—then ordered imprisonments and executions little noticed in the West. All the parties know, too, that the Communist system has kept China backward and oppressed.

China's vaunted economic reforms have changed the landscape and widened the gap between rich and poor. At least 100 million farmers wander the country seeking work, producing offspring outside the one-child regulations and contributing to rising crime. Peasants who still have work regularly riot against local officials who rip them off. Many of the 70 million workers in state factories, which are either bankrupt or failing, receive no, or partial, pay. Because sackings would spark social disaster, however, hundreds of industries, many of them utterly useless, have been declared "key" and therefore exempt from the brutal hand of "the market." The major banks, ridden with cronyism, are insolvent, and 35 percent of their loans are said to be unsecured. Chinese tell pollsters the most pressing national problem is official corruption.

China, in short, far from being an economic bulwark against the widening Asian crisis, as some in London claimed during Zhu's visit, is a core component of that crisis. And the crisis extends well beyond economics. In the regions that are Chinese only by Beijing's fiat, Muslims and Buddhists seethe. In Xinjiang, Muslims murder Chinese occupiers, while the Buddhists heed the Dalai Lama's injunction to remain non-violent. Christian believers are harried unless they belong to one of the party's tame "Patriotic Churches." President Clinton's recent delegation comprising a rabbi, a priest, and an evangelical pastor disgraced themselves by skating right past the religious realities in China and Tibet.

Tens or hundreds of thousands of political prisoners, meanwhile, suffer in the Laogai, the Chinese gulag, and other detention facilities, undergoing "reform through labor." More people are executed without a nod at judicial formalities in China, according to Amnesty International, than in all the rest of the world combined. Legal proceedings are pro forma—"verdict first, trial second," as the Chinese say. The occasional release of a well-known prisoner in no way deters the arrest of others not famous.

This is an incomplete *tour d'horizon* of the scene over which Zhu Rongji presides. Although they know this, Western leaders have acceded to Beijing's insistence that China's leaders are uniquely averse to public criticism and that what achieves results is discreet, private mention of problems "behind the screen."

Recently, Wei Jingsheng, the famous political prisoner expelled in November 1997, asked British foreign secretary Robin Cook for an example of a human-rights victory arising from a private chat. Cook couldn't give one. He had previously cited Wei's own release as the prime example, but Wei rejected this, observing that a deal—his release in exchange for President Jiang Zemin's White House welcome last year, say, or Wang Dan's release in exchange for lenient treatment of China by the U.N. Commission on Human Rights—is merely a deal, not a sign of reform.

British and U.S. officials also cite as evidence of progress Beijing's agreement to abide by various U.N. conventions, the admission of a European team to a Beijing prison (where inmates lived in individual cells featuring fish tanks), and the upcoming visit to China of Mary Robinson, U.N. commissioner for human rights. How many such "steps" will it take before the international community is willing to raise meaningful systemic issues such as freedom of the press and association, repression of minorities and religious groups, the absence of free trade unions, and the vast number of executions (from which stems the barbarous practice of selling human organs to wealthy buyers, including some in the United States)?

For that matter, are the Chinese ever actually put on notice, even privately? In fact, what goes on in the famous exchanges "behind the screen" is shameful.

According to experienced diplomats, here is how it works: The principals discuss. Near the end of their encounter, the senior Western negotiator states that a junior official will hand to his Chinese opposite number a list of human-rights concerns and that this will be deemed "part of the meeting." Afterwards the Western leader holds a press conference, where he emphasizes how forcefully he raised human rights with the Chinese.

Wei told me that during his brief release from prison in 1993 (which failed to persuade the International Olympic Committee to award China the 2000 Olympics) a security official said to him privately, "Wei, you are wasting your time hurling yourself against the rock of human rights. Some of us want to help you. But your friends from Western countries, when they come to Beijing, leave this to their junior secretaries. It's not serious. We laugh at them."

When the West gets serious, though, the Chinese don't laugh. They didn't laugh when sanctions were placed on them after Tiananmen; they released prisoners. When two U.S. carrier groups sailed near Taiwan in the spring of 1996, they stopped firing missiles into the straits and halted their invasion drills. And when Chinese swimmers, caught repeatedly taking drugs, were either disqualified or deprived of their medals at international meets, they stopped participating or began competing drug-free.

Pressure works. So why the Western pussy-footing? Trade has been a factor. But investment in China has become increasingly unappetizing for foreigners; Britain does more business with the Czech Republic than with China. And trade may no longer be the reason for the pussy-footing. When Wei Jingsheng visited Western capitals in March, foreign ministers assured him that China had to be handled very gently because it could disintegrate in a welter of rural and urban violence directed at an unresponsive government. They hoped that by persuading Beijing to accept Western training for judges, lawyers, and jailers (training jailers is a Swedish specialty), the West could avert a blowup and create a kinder, gentler China. Wei maintains the opposite. The end of international pressure, he said in Copenhagen, "may lead a large number of Chinese to believe the only way of bringing about change inside China is through violent measures." China needs Western business, he says. If Western sanctions were selectively imposed, "the Chinese government would have almost no choice but to make concessions."

The system itself, then, remains the essential issue. Of the top leaders in Beijing, only Zhu Rongji has personally suffered from it. He was sentenced to reeducation through labor in 1957, then purged again in the Cultural Revolution and not wholly rehabilitated until 1979. Asked recently about those wasted years, Zhu replied, "That experience was profoundly educational. It was, however, also very unpleasant. I don't want to discuss the matter now."

So we come to the final irony: China's prime minister knows the system inside out. He knows that millions suffered as he did and that many still do. Yet not only can he not bear to speak of the brutality of the regime he heads—tragically, he and his colleagues have persuaded their international interlocutors to keep silent too.

***Jonathan Mirsky is the former East Asia editor of the London* Times.**

Our Six-Party System

by Hugh Hewitt

Each of our major political parties is really three smaller parties stacked in a pyramid. The chart below is a handy reference guide. The critical challenge for each party's elite is to attend to its base. These days, the base of the Republican pyramid is cracked.

This base is what I call the Party of Faith, the legions of Americans who believe in "the laws of Nature and of Nature's God." The fact that they practice religion is what defines them. Overwhelmingly Christian, they go to church, read Scripture, and organize their social lives around interactions with other believers. Faith in God and the attempt to obey His will is at the center of their lives.

The Party of Faith has its own subculture. Its most prominent political leaders are Dr. James Dobson of Focus on the Family and Gary Bauer of the Family Research Council, but there are numerous others, too, including Pat Robertson, Chuck Colson, and, increasingly, the dozen or so pastors of the new mega-churches, like Southern California's Chuck Smith, Greg Laurie, and Rick Warren. When and if these leaders serve notice on the GOP's elite that the Republican party no longer represents them, the threat will be real. If the base's support for the GOP collapses, the Republicans' ability to contend with the Democratic party will be gone overnight.

The main reason for this is that the Democrats' base—the Party of Race—is solid. In fact, this group is more united and committed to political action than at any time in the past 20 years. The two race-related initiatives that dominated California's election cycle in 1994 and 1996—Proposition 187, aimed at controlling illegal immigration, and Proposition 209, eliminating race- and gender-based preferences—have mobilized the Party of Race as nothing has since the civil-rights movement of the early 1960s. Indeed, the ill-conceived Prop. 187 has all but guaranteed a new generation of solidly Democratic Latino activists.

But there's another reason the Democrats would easily prevail if the GOP were separated from its base: In the middle tier of the party pyramids, the Democrats again have the advantage.

The Party of Wealth has traditionally made its home in the GOP. From mutual-fund managers and some big-business types to small entrepreneurs and anti-tax activists, these folks believe in the bottom line. "If GDP increases, all is well," is their credo. They write checks to campaign coffers, and they vacation out of state. Net worth is the key to their hearts and minds.

There have been substantial defections from this group to the Democrats in recent years, especially from the higher income brackets, where laissez-faire lifestyle politics holds sway. Unfamiliar with the redistributionist zealotry of the old Left (or so rich they don't much care what slice the government takes), these newly wealthy technocrats tend to discount the importance of politics. Their discomfort with the Party of Faith propels them into the arms of their natural enemies.

The irony, of course, is that the Democratic party's middle tier, the Party of Government, would love nothing more than to empty the pockets of its counterparts in the GOP. The Party of Government comprises the labor unions, especially the newly dominant public-employee unions like teachers; the environmentalists, both nonprofit and bureaucratic; the consumer advocates; and all others who need government to keep them employed and powerful. This is the most rapidly growing sector of American politics today, as the administrative state continues to expand, especially at the local level. This sector demands new tax revenues, without which it cannot grow.

Just below the national leadership of both parties are two further groupings—the Party of Patriotism and the Party of License. Both carry influence disproportionate to their numbers.

The patriots are nationalists, or American exceptionalists, and include professional foreign-policy wonks, the remnants of the anti-Communists, and nearly every member of the armed forces. They are secular defenders of the American ideal, and Reagan was their embodiment. As Thomas Ricks points out in *Making the Corps*, the military is increasingly Republican even though its own unique culture breeds contempt for the wealthy and it remains at arm's length from the Party of Faith.

Across the divide is the Party of License—the academic Left, the feminist cadre, and the gay community. They are everything the patriotic party is not, and they will never cross over.

REPUBLICANS

THE PARTY OF PATRIOTISM

Issues	Military readiness, national greatness
Leadership	Assorted Reaganites
Media	*Commentary*
Heroes	James Webb, John McCain

THE PARTY OF WEALTH

Issues	Taxes, trade
Leadership	Chamber of Commerce
Media	*Wall Street Journal*, *Forbes*, *Fortune*
Heroes	Warren Buffet

THE PARTY OF FAITH

Issues	Abortion, religious freedom, cultural chaos, education, violence, drugs, corrupt entertainment
Leadership	Family Research Council, Christian Coalition
Media	*World*, *Christianity Today*, *First Things*, talk radio
Heroes	Billy Graham, James Dobson, John Paul II

DEMOCRATS

THE PARTY OF LICENSE

Issues	Abortion, gay rights,
Leadership	NOW, NARAL, ACLU
Media	Hollywood
Heroes	Betty Friedan, Tom Hayden, Ralph Nader

THE PARTY OF GOVERNMENT

Issues	Federal spending, unions
Leadership	NEA, AFL-CIO, Sierra Club
Media	*New York Times*
Heroes	Al Gore, Richard Gephardt

THE PARTY OF RACE

Issues	Affirmative action
Leadership	Congressional Black Caucus, NAACP, Mexican American Legal Defense and Education Fund
Media	Narrow-focus radio, newspapers, and magazines
Heroes	Jesse Jackson, Maxine Waters

The elites of both parties thus see below them groupings whose defining qualities will not shift over the next few election cycles, but whose interest in politics will wax and wane. Because political energy now resides in the components of the Democratic pyramid, the near term looks rosy for Al Gore. And given the disgust of the Party of Faith with Republican leadership, the prospects for Democratic gains in 1998 and 2000 are high.

Since 1980 the GOP leadership has held captive the Party of Faith with a threat: Imagine if the Democrats won everything. For a long while, this worked. But a sea change has occurred. The leadership of the people for whom God matters most is now asking, How could things get worse? The culture is completely eroticized, drug-drenched, and crude. Religious practice is marginalized. And kids routinely kill other kids. The country, in the eyes of the faithful, may be irretrievably diseased.

So James Dobson served up a warning in March, much as Jesse Jackson did back in 1987. The Party of Faith will not be lectured to any longer on the need for tolerance and compromise. It will bolt if it has to in order to demonstrate what it means to be the party's base. Gary Bauer may launch an explicitly faith-based protest campaign that could lead to an independent candidacy for president in 2000.

Speaker Newt Gingrich, Senate majority leader Trent Lott, and a half-dozen presidential candidates need to stop trying to persuade the Party of Faith to pipe down for the good of the country. Rather, Republican leaders need to defend that group's interests and proclaim its legitimacy over and over again. California's Republican candidate for governor, attorney general Dan Lungren, has begun this process.

Lungren, a practicing Catholic, is firmly pro-life, pro-faith, and pro-church. It's a powerful message, especially when combined with the promises Republican candidates must make to the Party of Wealth concerning taxes. Oklahoma governor Frank Keating is another politician who has managed to energize all the groupings within the Republican party. So it can be done. The question is whether anyone in Washington has sufficient credibility with the Party of Faith to give it assurances that won't be dismissed as posturing.

Hugh Hewitt is the author of* The Embarrassed Believer, *to be published by Word in May.

Clinton's Fate

By William Kristol

President Clinton is doomed.

I know, I know. His approval rating is sky-high. The American people don't want to hear about his sex life. Ken Starr has a tin ear for politics. Republicans in Congress are afraid of taking Clinton on.

All more or less true. But all, ultimately, more or less irrelevant. A year from now, Clinton will be gone. Or at least he'll be thoroughly disgraced, hanging on, hoping that impeachment is just too daunting a task for Congress to tackle in the last two years of his term.

Wishful thinking? Sure. A lot of thinking is. But if the wish here is father to the thought, it's a wish, I believe, grounded in reality. Indeed, the assertion that Clinton's cover-up will fail is based on the assumption that reality does matter; that, on an issue of this magnitude, truth does trump spin; that our public life has not been entirely taken over by the blowers of smoke and the manipulators of mirrors; that facts are, after all, stubborn things.

For the following facts are, it seems to me, plain—and will become, over the next few months, even more evidently and irrefutably so:

President Clinton accepted sexual favors in the Oval Office from a 21-year-old intern.

President Clinton lied about it under oath, and to the American people.

President Clinton urged others to lie about it under oath and to obstruct justice.

And President Clinton has supervised an effort to conceal all of this from view—to stonewall, to deceive, and to threaten and intimidate potential truth-tellers.

But he won't get away with it. Here's how justice will be done and the truth will out.

While Republicans have lost their nerve, and the American people are a bit confused, Kenneth Starr is doing his duty. Once Inspector Clouseau, the pitiful bumbler from the Pink Panther movies, Starr has become Inspector Javert, the fierce law-enforcer of Hugo's *Les Misérables*. And it's worth recalling that, despite his (presumably) low approval ratings, Inspector Javert never gave up and did, after a fashion, get his man. Starr is not giving up. That's the meaning of his recent announcement that he will forgo the deanships he was to fill at Pepperdine University and stick with an investigation whose end, he said, is "not in sight."

The end may not be in sight, but Starr's course is pretty clear. He will move on three fronts at once. He will litigate Clinton's ludicrous claims to executive privilege and Secret Service privilege, and he will ultimately win. The Secret Service testimony in particular will be helpful to his case of perjury and subornation of perjury against Clinton. But Starr won't wait on this litigation to press ahead on two other fronts: reporting what he has discovered to Congress, and indicting a few key figures who have not told the truth. The trial or trials that follow will uncover yet more information, allowing for an even fuller detailing of Clinton's impeachable offenses.

This means that, in the next couple of months, we should see a criminal indictment of Monica Lewinsky (and perhaps others, like Bruce Lindsey) for perjury and subornation of perjury. This indictment will be a "speaking indictment"—a document that thoroughly lays out the charges against Lewinsky (and possibly others), along with the evidence on which those charges are based. Clinton may well be named an unindicted co-conspirator in such a document. But even if he is not, the public will get for the first time a clear and comprehensive narrative of the case, an account that ties together and places in context all the suggestive snippets we've seen so far—the talking points, the meetings, the gifts, the job offers—in a way that makes clear how systematic and purposeful the president's efforts to obstruct justice have been.

This "speaking indictment" could be accompanied by a simultaneous report from Starr to Congress, in fulfillment of his duty under Section 595c of the Independent Counsel Act to refer "sufficient and credible evidence" of possible impeachable offenses by the president to Congress. Whether or not Starr formally submits a report to Congress at this stage, he will make clear that he expects more evidence to come from the forthcoming trial or trials (and from testimony after Clinton's privilege claims have been overcome). Starr will therefore suggest that the House hold off on any immediate impeachment hearings, pending the development of further evidence—while putting Congress and the country on notice that he believes the possibility of impeachment needs to be taken seriously.

William Kristol is editor and publisher of The Weekly Standard.

After indictments come this summer, things could move fairly quickly. Federal law requires a trial within 70 days of an indictment. Even with various delaying motions, a trial within several months is likely. In addition, Starr may bring the case, not in D.C., but in Virginia, where a grand jury has also been impaneled and where the most striking attempt to suborn perjury may well have taken place—on January 13 at the Ritz-Carlton Hotel in Pentagon City, when Linda Tripp was wired. Virginia has a speedier docket for federal trials than Washington. So we should have, before the end of the year, an open trial in federal court of a conspiracy to obstruct justice, in which Bill Clinton plays a central role—or a situation in which Monica Lewinsky has turned state's evidence and helped Starr compile a comprehensive, and damning, report to Congress.

Clinton will be sorely tempted to use an indictment of Lewinsky as an excuse to claim that Starr is out of control and to fire him. For Clinton will know better than anyone else how vulnerable he really is. Therefore, the smearing of Starr and his colleagues will undoubtedly intensify over the next months. But Clinton probably won't risk firing Starr before November 1998; and even if he does, the relevant panel of federal judges will presumably appoint one of Starr's deputies to succeed him. The better alternative for Clinton might be to encourage the use of all possible means to delay a trial until after Election Day 1998 and then pardon Lewinsky, et al.—explaining to the nation that this was his only recourse in the face of an out-of-control prosecutor. But whether we have criminal convictions, a pardon, or simply a complete report to Congress by Starr, it's pretty clear that by the end of this year the American people will have a more certain, more confident understanding of the president's offenses. And the ball will be in the court of what presumably will still be a Republican-controlled House of Representatives.

Will the hapless Republicans drop the ball? It's less likely than it would seem today. For one thing, months of publicity will lower Clinton's poll numbers. More important, the key issue in this fall's elections will be Clinton and his conduct. And Republicans—despite themselves, despite their timidity—will have to make this case: Keep us in control of the House to ensure that Clinton can be held accountable; giving Democrats a majority would mean giving Clinton a free pass. Whom do you trust more to conduct a fair inquiry into a matter of grave national importance: Judiciary chairman Henry Hyde or ranking Democrat John Conyers? Republicans will keep control of the House. And the very arguments that help them do so will make it harder for them to shirk their duty once the 106th Congress convenes in January 1999.

Is it foolish to hope for a few serious speeches from Republicans in Congress pointing out the gravity, and explaining the meaning, of Clinton's behavior—his subordination of government to his personal interests?

Meanwhile, we may see a little activity even in the current session of Congress. Would it be too much for Congress to hold oversight hearings into aspects of Clinton's abuse of his position—for example, on the propriety of invoking executive privilege without informing Congress or the nation? Couldn't Republicans at least begin to defend Starr and the integrity of the legal process? Is it entirely foolish to hope for a few serious speeches pointing out the gravity, and explaining the meaning, of Clinton's behavior—his subordination of all the instrumentalities and purposes of government to his personal and legal interests? Newt Gingrich boasted recently that "we haven't done anything except to prepare to receive a potential report from Judge Starr." But a Republican Congress should do more than this. And surely it will do more than this before the end of this session.

In any case, in late January 1999, the GOP will have to respond to Clinton's State of the Union address. The response will be delivered not by Trent Lott, as it was this year, but by someone like Henry Hyde. And unlike Lott's response, in which the Senate majority leader refused even to mention the scandals—thereby legitimizing the Clinton line that the scandals are not a matter of real import, but rather a distraction from "the people's business"—next year's response will insist that Congress faces no more important business than that of holding the president to account. And then the impeachment hearings will begin.

Will it be too late? What about the argument that there will be no point undertaking such a task in the

last two years of Clinton's term? Two years is a long time to tolerate a president whose occupation of the office weakens and debases it. And two years might seem like a particularly long time to Democrats, as they view the prospect that Clinton and his sleaziness will define their party in the run-up to 2000.

What of the public? So far, the American people have chosen to avert their gaze, not wanting to confront the implications of the sordid goings-on in Clinton's White House. But the trials and reports and hearings will change all that. And when they are forced to face the facts; when it becomes respectable to be indignant about lying and stonewalling, and, yes, about sexual outrageousness; when people notice that the president has no acceptable explanation of what happened and hasn't even bothered to attempt one, then the American people will desert Clinton. Indeed, they will turn on him. They will realize that the president's shameless lying has been an attempt to corrupt the entire country by making it complicit, by acquiescence, in his own corruption.

Right now, the attitude of the American people seems to be that of the president's own press secretary. When asked whether he wanted to know the truth, Mike McCurry answered, "God, no. No, I really don't want to know. I don't know whether that's escapism . . ." McCurry explains his own brand of escapism candidly: "Knowing the truth means that you have to tell the truth." And for the American people, knowing the truth will mean having to judge on the basis of the truth. The action that follows from judging—forcing the president from office, or at least holding him in public disgrace—is unpleasant, and therefore the American people up until now have preferred ignorance. But ignorance will soon become hard to sustain.

Once the truth breaks through, all the easy talk about our new non-judgmental sophistication in sexual matters, about how "we're becoming France" (Tom Rosenstiel, director of the Project for Excellence in Journalism), and about how Americans are entering "a new age of maturity" (Gary Hart, who has an interest in such things), will be revealed as nonsense. Neither French nor Hollywood mores have taken over the country, and we are not about to have the morality of the casting couch take over the Oval Office. Americans' "wobbly moralism," in the words of Andrew Ferguson, will at last find its legs and reassert itself. Exploitative and adulterous sex; lying; obstruction of justice—Americans will reject them all, and the president who embodies them. That is Clinton's fate.

The epitaph to Clinton's presidency was provided by his wife during their famous *60 Minutes* appearance on January 26, 1992, the one that helped save the Clinton candidacy: "Part of what I believe with all my heart is that the voters are tired of people who lie to them." Hillary Clinton spoke the truth. She didn't realize she was being prophetic. ♦

The Fall of the Party of Conscience

By Noemie Emery

Here is Rep. Sheila Jackson Lee, Democrat of Texas, being interviewed by Brit Hume of *Fox News Sunday* on March 22:

> *Jackson Lee*: You can be assured that Kathleen Willey and others are being heard. And in fact it is tragic that her husband committed suicide. He committed suicide on the very day she left to go see the president. Many of us wonder whether or not it would have been better for her to stay at home and call the president.
>
> *Hume*: Wait, wait, wait. Are you suggesting that Kathleen Willey, because she went to Washington to talk to the president about a job, is somehow responsible for her husband's suicide?
>
> *Jackson Lee*: No one knows the facts, Brit, not at all. No one absolutely knows the facts. What we're suggesting is that many things could have happened differently.

Noemie Emery, a writer living in Alexandria, Va., has written frequently on the Clinton scandals and their consequences.

So here we have Jackson Lee—a feminist; a black feminist; no doubt in her own mind a friend of the helpless—insinuating that a woman who was groped by the president in the Oval Office somehow brought it on herself. She had it coming. And not only that, she was nowhere to be found when her husband was committing suicide.

These were not the only strange notions to emerge from the Friends of Compassion at the end of March. Gloria Steinem, in a career-ending piece on the *New York Times* op-ed page, gave Clinton a pass on sexual harassment, and winked at perjury, as well: "What if President Clinton lied under oath? . . . There seems to be sympathy for keeping private sexual history private. Perhaps we have a responsibility to make it OK for politicians to tell the truth." On *Equal Time*, Eleanor Clift had an answer for Dick Morris's claim that, in 1992, the Clinton team used federal campaign funds to blackmail the governor's old girlfriends into silence: "Opposition research," she explained—opposition research!—is a common campaign expense.

American liberalism had come down to three basic causes: entitlements without responsibility; affirmative action based on race and gender quotas; and absolute abortion on demand.

Such liberals are the salt of the earth, as they would be only too happy to tell you—fearless defenders of the law and of the needy, heirs to generations of principled protesters, people for whom no party, platform, or candidate has ever been quite pure enough. So what are these people doing defending the fort for this least pure of presidents, serial breaker of the laws, and of so many other people's lives? They are living out the final stages of their own terminal decadence, which in many ways preceded Clinton's presidency but is now tied to his fortunes. If the tactics Clinton has habitually used to gain and hold on to power—slander, character assassination, blackmail, dissimulation, and obstruction of justice—tell us most of what we have to know about this president, the eagerness of the protest Left to join him in those tactics tells us all we need to know about the current state of the Party of Conscience. Clinton may serve out his term, but, whenever he goes, he will leave behind one certain legacy: the destruction of the decades-old claim of the leading wing of the Democratic party to some sort of moral transcendence. The liberals' reign as the Party of Conscience, begun years ago with the Progressive movement, will be over for good.

To understand the heights from which these progressives have fallen, we must recall how high they once stood. Liberals once had a good name, and, by and large, they deserved it. They stood for the exalted, the fair, and the noble. They stood for individual rights as the prime political value; for the assimilation of immigrants into one single and singular nation; for the expansion of civil rights to non-white Americans, [illegible]issolving the subtler biases against Catholics [illegible]. "Fellow immigrants!" said FDR cheerfully [illegible] audience, which detested him for it. Earlier, his cousin Theodore had invited blacks to the White House, named Jews to the Supreme Court, and criticized "hyphenated Americans," who remained too tightly bound to their ancestral identities.

Liberals also created the safety net, which gave Americans a hedge against the unforeseen effects of external disasters, and they afforded opportunity to all those willing to seize it. Liberals were generous and tried hard to be just. They believed in one standard of law for all citizens and sought to maintain a civilized level of discourse. Anti-Communist liberals might have hated the Soviet system, but they also hated false accusations, guilt by association, and the blacklist. Liberals also believed in American exceptionalism, having great faith in the ethical sense of the country. Above all, they revered the American presidency as the great moral core of the nation, and the White House as its shrine.

Until modern times and Bill Clinton. As Michael Kelly wrote in the *Washington Post* last October (when campaign-finance violations were the worst we had), the Party of Conscience "answered conservatism's realism with liberal moralism, and it gave liberalism for a long time a great strength, the assumption of moral superiority. Clinton's legacy is to create a political system where this strength will no longer exist."

Clinton may be delivering the *coup de grâce* to liberalism's moral credibility, but his blow would not be so decisive had liberals not already weakened themselves. The old moral tenets that had sustained progressives from Theodore Roosevelt to Robert F. Kennedy were demoted, demeaned, and reversed. Assimilation gave

way to multiculturalism, and the extreme ethnic consciousness that TR despised. Individualism was declared retrograde, replaced by group consciousness. Equal rights became double standards. Voting rights became the "right" to be represented by a person of one's own color. The aim of extending sports to women became the demand for absurd numerical parity with men's sports. The crusade to open jobs to women in occupations where sex differences meant nothing became the requirement to place women in jobs where those differences mattered greatly, at tremendous risk to the public safety. The reluctant willingness of most Americans to permit limited access to early abortions became a demand for procedures indistinguishable from infanticide. The safety net became an entitlement, strung to relieve people of the consequences of their own choices and actions.

By the time of Clinton, American liberalism had come down to three basic causes: entitlements without responsibility; affirmative action based on race and gender quotas; and absolute abortion on demand (with the first cause sacrificed, in time of crisis, to the necessity of sparing the other two). But these three, as a group, were not popular with great numbers of Americans, who tended to see them as immoral, and counter to the traditional liberal principles of equal rights, personal responsibility, and respect for all life. These policies, particularly in 1972 and 1984, bombed with the public—which led to the corruption of means.

In the old days, liberals had no qualms about taking their case to the public, and no trouble winning on the merits. In the new days—McGovern and after—they tended to shun public disclosure, relying on secrets and lies. After the Voting Rights Act of 1965, the Left could win only outside the public arena, through unelected bureaucrats and the courts. *Roe* v. *Wade*, which took the abortion issue out of the realm of democratic contention, was the quintessential liberal victory. Neither were busing, quotas, and set-asides put to a vote when they were instituted.

Liberals also learned to lie about issues that make voters uneasy. When liberals say they want abortion to be "safe, legal, and rare," what they mean is easy, legal, and commonplace. They also claim to be against quotas, when quotas are exactly what they desire. Cornered, they resort to bruiser tactics, pioneered by the Red-baiting Right. Terrified of losing their judicial firewall on their signature issues, they waged a dirty war against Robert Bork and Clarence Thomas, permanently sullying our political discourse and raising character assassination to new levels. These tactics became habitual with them—sure marks of people with nothing to offer. They compared opponents of quotas to assassins and denounced budget-cutters as Nazis. Joe McCarthy never did worse.

Having slid down so far, cause-driven liberals were ripe for Clinton when the GOP captured Congress in 1994, inducing wholesale panic in their ranks. More than ever, they needed their wall of executive orders, for what else could protect them from the wrath of the mob (also known as public opinion)? What else could keep a Roberta Achtenberg at HUD, where she helped advance the compassion agenda by unconstitutionally threatening homeowners who objected to living among drug addicts and criminals? Keep a Norma Cantu at the Education Department, where she urged university presidents to go ahead and break the laws? Who but Bill Clinton would veto—twice—the banning of partial-birth abortion, against the wishes of more than two-thirds of the country? Appoint people to further the unisex Army? Pledge to "mend, not end" quota-based affirmative action, when he, and they, knew that he would defend it unreservedly?

And with all of these neat things, who could gag on minutiae? Like turning the Lincoln Bedroom into a Motel 6 for high-rollers, and the Map Room into a Starbucks for fat cats, including foreign ones. Like the 900 raw FBI files on Republicans in the hands of political hacks. Like running a blackmail-and-bribery operation for the purpose of dousing old flames. What happened when this feminist president was accused of seducing an intern, and assaulting a job-seeker, in his office? Scarcely a peep from the feminist movement, which had once gone into spasms over naughty words. What happened when a big-time Democratic donor and fund-raiser shook down destitute American Indians for their fuel and food money, and then tried to get a cushy contract for his friends? Not a peep from the Party of Conscience, dedicated to saving the non-white and the indigent from the predations of the rich, haughty, and white.

One of the best things about old-fashioned liberals was their appeal to our higher natures, their call to exceed expectations. But Clinton can survive only by defining dignity down, by eroding the standards of grandeur we have for his office. And liberals are only too glad to go along. In place of the uplifting words of Martin Luther King, today's liberals have given us a new mantra: "Everybody does it," or "Grow up," or, "So what?" Everyone cheats, then lies about cheating. Silly old us, to think a president ought to be honest. Everyone also takes money, and then lies about it—which Clinton was forced to do by the system.

So, step by step, keeping pace with Bill Clinton, the Party of Conscience descends into the gutter. Gloria Steinem winks at groping and perjury. Eleanor

Clift gives a thumbs-up to blackmail. And so on, ad nauseam. These progressives, picking up for Clinton, believe in double standards, for themselves and for their political enemies. This is the textbook idea of corruption. This is what corruption *is*. The progressive wing of the Democratic party and the civil-rights movement are the most corrupt forces in American politics. And that is a very sad thing.

In *The Children*, his long book on the sit-ins that started the civil-rights movement, David Halberstam describes the travails of the eight bright young people who set out to integrate the lunchrooms of Nashville and ended by changing the country. They endured beatings, brutalities, and very great danger. They were young and intense and brave. Of these, John Lewis, who would become a Democratic congressman from Georgia, was the purest, and most courageous. He was shoved from a car in the backwoods at night and left to be murdered. Twice, he was beaten into unconsciousness. He often expected to die.

Steinem, et al., may belong with Bill Clinton; Sheila Jackson Lee may be a mere gasbag; but Lewis is a modern American hero, a person of great moral seriousness. Here he is, though, with the others, deep in the Clinton sinkhole. There he was, in 1995, comparing people who differed with him over taxes to Gestapo-like killers. There he was again at the 1998 State of the Union address, days after Clinton's most fetid scandal broke, happily encouraging, embracing, and hailing his chief. Why is *he* picking up after Clinton? The rise and decay of a once-noble movement can be seen in the life of this man. ♦

Clinton, Blair, and Vichy: A Sorry Performance

By Christopher Caldwell

This spring, apologizing became the hottest fad among heads of state since televised town meetings. President Clinton didn't quite apologize for slavery while in Uganda last month, but he did say that "we were wrong" to hold slaves. Britain's Tony Blair has begged pardon not only for the Bloody Sunday killings in Northern Ireland in 1972, but also for the Irish potato famine. Opinion has been sharply divided on whether such apologies are a necessary step toward healing a social rift or a load of self-serving rhetoric. The evidence from France is that it's a bit of both. That country's focus has been the years 1940-44, when the puppet government of Marshal Philippe Pétain behaved half like an occupied territory of Nazi Germany and half like its overzealous ally.

April saw the end of the longest trial in French history. Conservative politician Maurice Papon, 87, was head of the Paris police in the 1950s and 1960s and a cabinet minister in the 1970s. It was not for these portfolios that he was tried, however. Between 1942 and 1944 he was a Vichy-appointed administrator in occupied Bordeaux. His signature is on documents authorizing the deportation of 1,560 Bordeaux Jews to Drancy, near Paris, from which most were shipped to Auschwitz to die. All told, 75,000 French Jews were killed in the camps. Papon was put on trial for "crimes against humanity," the category of genocide-related offenses established at the Nuremberg trials.

In a pedagogical sense, the trial was quite an achievement. Most people agreed that Papon was the consummate careerist, representative of the bureaucratic age in which he prospered. There was much to admire about him—his toughness, his mental agility—and he did help the French resistance at certain junctures. While it was established that he had knowledge of the deportations, it was not established that he knew of the Final Solution.

Yet there was a twistedness about Papon's careerism that was exposed by the string of incredible lies he told on the stand. He denied any active participation in the deportations, fobbing that off on either the functionary directly above him (the prefect, who had all the authority) or the one directly below him (the director of the office of Jewish affairs, who knew all the details). As the trial began, Papon claimed he

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had stayed in his post in order to rescue more Jews—although he was fuzzy on the particulars. He said he had received a machine gun from the Israeli government in thanks for his aid to the fledgling state after the 1948 war. It turned out to be a merchandising sample distributed to foreign ministries by an Israeli company. His worst lie came when he tried to say why, in August 1942, he had participated in hunting down and deporting hundreds of Jewish children who were then safely in hiding in Bordeaux, the Germans having lost track of them. The children's parents, Papon explained, had sent for their kids. That was too much for the presiding judge, who broke in: "Please, Mr. Papon . . . these parents couldn't send for anything! They were *dead*!"

It's important to learn this—not just the historical facts, but also the self-deceptions the French have relied on over the years to avoid facing them. Still, that leaves the question of punishment, and here the prosecution ran into trouble. Papon's lawyer, Jean-Marc Varaut, unlike the lawyers who have defended other accused criminals-against-humanity in France, was neither a grinning anti-Semite nor a showman who sought to turn the proceedings into a travesty. An expert on the Nuremberg trials, he showed that Papon—unlike earlier defendants Klaus Barbie (1987) and Paul Touvier (1993)—was neither a Nazi ideologue nor a torturer and that to try him under the crimes-against-humanity statute risked trivializing it.


Maurice Papon
Chas Fagan

The prosecution was laboring under that very tension. Three of the four major attorneys argued for the maximum penalty—life imprisonment. Said lawyer Michel Zaoui: "The crime against humanity, the supreme crime, cannot be punished except with the maximum penalty. Any lesser punishment would have effects even more catastrophic than an acquittal." The fourth, Arno Klarsfeld (son of the Nazi hunter Serge Klarsfeld), argued for an intermediate penalty that would see Papon convicted of "complicity" in crimes against humanity. Klarsfeld's view triumphed. Papon was sentenced to ten years and a 4.6 million franc ($750,000) fine, pending appeal. Paradoxically, Klarsfeld's demands for moderation in punishment made his theory of justice the more radical. For if Papon lives to finish his sentence, he will have "paid his debt to society" at the price of two-and-a-half days and $480.77 per victim. Zaoui had a point, and it was Varaut's as well: The trial had, de facto, created the category of *minor* crimes against humanity.

Confusion about punishment was also evident in the left-leaning weekly *L'Événement du jeudi.* The magazine invoked Robert Brasillach, the anti-Semitic writer of the 1930s and 1940s: "It is only right," *L'Événement* wrote, "that, thanks to this trial, we should relive a time when, in the long-civilized country of France, a Robert Brasillach could write, in all his anti-Jewish rage, 'And above all, don't forget the children.'" But if we were *really* reliving that time, we wouldn't forget that Brasillach was *hanged* after the war. Had Papon been tried in Brasillach's time, he would possibly have met a harsher fate. But had Brasillach been tried in our time, he would certainly have met a softer one.

Klarsfeld apparently did not believe the traffic of public opinion would bear the maximum sentence—even for a man implicated in 1,500 deaths. And there is reason to worry about what the public thinks it is getting out of such trials. The philosopher Alain Finkielkraut supports them in the abstract, but warns that they can be an exercise in political correctness, giving an unearned moral uplift to a generation that fantasizes about how nobly it would have conducted itself had it lived through Vichy.

This danger grows as the events recede. Papon was disingenuous in trying to shift responsibility onto his superiors—but where *were* his superiors? Said Papon of his wartime boss: "Sabatier was still alive in the early eighties"—that is, after Papon had been implicated. "Why didn't you talk to him?"

It's a reasonable question, with chilling implications. One is that Papon is a somewhat arbitrary victim, and that however salutary his trial may have been for moral instruction, it set a dangerous precedent for individual rights. Another is that, if Papon is guilty, then the French not just of fifty but of *five* years ago covered up crimes against humanity. As in fact they did. The late François Mitterrand, president from 1981 to 1995, refused to acknowledge French responsi-

bility for any of the Jews lost during the war, saying, "I won't make excuses in the name of France." Mitterrand meant that the *real* France—republican France—existed alongside the Fascist one and that the former could not be expected to apologize for the latter. There's an irony here. This myth of two Frances originated with de Gaulle, Mitterrand's arch-rival, who led the resistance from London. De Gaulle's claim of *la France éternelle*, unsullied by fascism, can be defended—but not easily. And not by Mitterrand, who helped his friend René Bousquet—the Vichy chief of police, and a far bigger fish than Papon—avoid trial until Bousquet's murder in 1992.

That explains the importance of current (Gaullist) president Jacques Chirac's 1995 speech to commemorate 12,884 Jews of Paris, including 4,051 children, rounded up in dawn raids on July 16, 1942, and incarcerated in the city's Vélodrome d'Hiver, before being shipped east to their deaths. At a ceremony on the occasion of the fifty-third anniversary of the raids, Chirac said:

> These dark hours soil our history forever, and are an injury to our past and our traditions. The criminal folly of the occupier was seconded by the French, by the French state . . . France, the nation of light and human rights, carried out the irreparable. Betraying its word, it delivered its dependents to their executioners.

Note that this is not an apology. How could it be? The people who could accept it have all been murdered. The people who *owe* the apology have died too, largely unpunished. What Chirac did instead is something more mature: He took responsibility, even if it meant explicitly repudiating the Gaullist myth on which his party was founded. This speech is crucial to understanding the moral climate of France today. Without it, the Papon trial could be seen as an idle act of recreational vengeance on the part of a younger generation that knows little of Vichy—merely kicking the older generation as it descends into the grave.

Coming to terms with a shameful national past is traumatic, perilous, and difficult. It always means a good deal of arbitrary justice, as is visible not only in the Papon trial but also in the efforts of Eastern European countries to put their moral houses in order after communism. In the Czech Republic, the name given to the purging process is "lustration," the dictionary definition of which is "purification by means of propitiatory sacrifice." The justice that results will be neither comprehensive nor wholly "just." But such propitiation is the only way to proceed with a moral accounting for regimes in which, as Vaclav Havel has written, the line between collaborators and resisters runs less often between factions than through individual hearts.

But despite the risk of arbitrariness, there are responsible ways of working through the dilemma and irresponsible ones. Lately, Chirac and the French have taken a responsible course, at real risk to Chirac's political fortunes and the country's self-regard. This course involves an accountability that sets it apart from the off-the-cuff apologies of Clinton and Blair.

For ancient offenses, taking responsibility is all one can do. Clinton's near-apology for slavery didn't go even this far: It was hedged on the advice of lawyers who warned that any explicit apology could lead to a finding for reparations under international law. Blair's apology for the Irish famine did take responsibility, but it came so late that there were neither wronged relatives to make whole nor villains to punish.

Apologies for more recent offenses must be accompanied by repentance, or at the very least a Papon-style accounting. In this respect, Clinton's gestures in Africa were disgraceful—particularly his apology for not having intervened in the Rwandan massacres of 1994. It was meant to salve America's conscience rather than to compensate the Rwandans for our "sins." There are still plenty of ways to make amends—paying massive "reparations," for instance. And yet, although our Rwandan policy of four years ago was wholly of the president's making, he didn't see fit even to bring up the subject of restitution. Tony Blair's apology for Bloody Sunday is similarly idle: If he thinks the 1972 Bloody Sunday incident was a crime, then he ought to put either the squadron leader or the prime minister at the time (Edward Heath) on trial.

One is left with the impression of repentance on the cheap, of politicians appeasing constituencies or consolidating power. Writing during World War II on the dangers of "national repentance," C.S. Lewis attacked young Christian intellectuals keen to blame Britain for the war. "By a dangerous figure of speech, [the penitent] calls the government not 'they' but 'we.' And since, as penitents, we are not encouraged to be charitable to our own sins, nor to give ourselves the benefit of any doubt, a government which is called 'we' is *ipso facto* placed beyond the sphere of charity or even of justice." Champions of "national repentance" always criticize the sins of their fathers, like militarism and imperialism. Why, Lewis asked, do they never criticize their own sins, like self-righteousness and contempt for non-intellectuals?

Until they do, Lewis wrote, "I must think their candour . . . a rather inexpensive virtue." ♦

Governing God

A Judge's Reflections on Religious Freedom

By Richard John Neuhaus

Since his appointment to the Ninth Circuit Court of Appeals in 1986, John Noonan has provided ample evidence that he is one of the most distinguished minds in our federal judiciary. Earlier, as a law professor at Berkeley and the author of major studies on the connections between religion and law, he demonstrated that he is, above all, a historian of ideas. That demonstration continues with his most recent work, *The Lustre of Our Country*, which is a personal summing up of Noonan's reflections on what he believes to be America's most innovative and audacious contribution to world history—the free exercise of religion.

The book's title comes from Noonan's hero, James Madison, for whom "the whole burden of freedom was carried by the formula of free exercise." The First Amendment's commitment to the free exercise of religion, Madison wrote, "promised a lustre to our country." That commitment is expressed in merely sixteen words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

But the interpretation of those words, more than any other aspect of contemporary jurisprudence, has cut to the heart of our understanding of the American experiment. Although his tone is generally irenic, Noonan leaves no doubt that the courts—and the Supreme Court in particular—have made a hash of the Religion Clause under the rubric of "church-state law."

An egregious error entrenched itself in the 1950s when the courts began speaking not of the Religion Clause but of two Religion Clauses—the no-establishment clause and the free-exercise clause. Predictably, the error has been compounded again and again as the "two clauses" have been pitted against each other, almost always to the detriment of free exercise. But as Noonan notes, we are dealing with two prepositional phrases of one clause. "The first phrase assumed that establishments of religion existed as they did in fact exist in several of the states; the amendment restrained the power of Congress to affect them. The second phrase was absolute in its denial of federal legislative power to inhibit religious exercise." Over time, state establishments disappeared and the First Amendment was "incorporated" to apply also to the states, but always it should have been evident that there is one Religion Clause, devoted to the *end* of the free exercise of religion. No establishment is a stipulated *means* to serve that end. The jurisprudence of the last half century, however, has tended to turn the means into the end, repeatedly declaring that any connection, no matter how benign, between government and religion is a forbidden "establishment." The result is a court-imposed governmental indifference to religion that results in *de facto* governmental hostility to religion.

John T. Noonan Jr.
The Lustre of Our Country
The American Experience of Religious Freedom
University of California Press, 421 pp., $35

In regulating the activities of government, Noonan notes, the courts frequently pretend that they are not themselves part of government. But in fact, they are that part of the government that assumes that "the courts themselves are sacred." "Performing these tasks that they have determined to be allotted them by the First Amendment, the courts unself-consciously place themselves above any church or creed." And this is precisely what Madison was determined to avoid by declaring that citizens had a "prior obligation" and "natural right" to acknowledge a sovereignty higher than the sovereignty of the state. The genius of his innovation was to insist that, with respect to the exercise of that obligation and right, the government has no legitimate "cognizance."

The Founders were keenly aware that the free exercise of religion was qualitatively different from religious tolerance. "Tolerance," writes Noonan, "is a policy, an acceptance of religious difference because it's more trouble than it's worth to eliminate it, a prudential stance of wise statesmen. It is something else to inscribe in fundamental law an ideal of freedom for the human activity most potentially subversive of the existing order."

The free exercise of religion is most potentially subversive because it proclaims a sovereignty that "stands against the sovereignty of the state." Writes Noonan, "Each indi-

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vidual's religion 'wholly exempt' from social control? No qualifications whatever on the right and duty to pay homage to God as one sees fit? Surely, in the heat of battle, Madison exaggerates! No, his theological premises compel these radical conclusions."

The last point touches on a matter central to Noonan's argument, namely, that the free exercise of religion is, in the main, a religious achievement. This is explicitly proposed against the received wisdom that religious freedom—usually construed as tolerance—is the achievement of the secular Enlightenment *against* religion. In carrying this point, Noonan the historian is on impressive display.

The Lustre of Our Country is oddly contrived. It begins with an engaging autobiographical sketch of the Catholic author coming of age under the shadow of Puritan Boston. Noonan then examines the limits and contradictions embodied in the Puritan idea of religious freedom, to which he contrasts Madison's "original insight." A chapter is devoted to a fictional letter "discovered" by Noonan, written by Tocqueville's younger sister, who argues that her brother was right to view religion as "the foremost institution" of American democracy, but wrong in claiming that the "separation of church and state" is, in fact, the American reality. Employing various literary techniques, sometimes eccentric but always fascinating, Noonan retells key cases in which the Supreme Court has tied itself into knots by regulating religion, with the result that it ends up in ludicrous efforts to adjudicate the sincerity and truth of religious claims—exactly the claims that Madison declared to be none of the government's business.

On the "subversive" dimension of free exercise, Noonan recalls four "crusades"—the abolition of slavery, the war against Mormon polygamy, the prohibition of alcohol, and the civil-rights movement under the leadership of Martin Luther King Jr. Curiously, he does not include a fifth crusade, that against the abortion license of *Roe* v. *Wade*, on which he has written elsewhere with great persuasive effect. In all this, Noonan leaves no doubt that the free exercise of religion is an idea potentially dangerous to the state. Yet Madison and most of the other Founders believed that the entire constitutional order, this *novus ordo seclorum*, was contingent upon taking that risk. Noonan worries that we Americans, with the courts in the lead, may now have lost our nerve for it. Implicit in that loss of nerve, he suggests, is an acceptance of Durkheim's view that religion is essentially a function of society, something to be used and tolerated to the extent that it serves "the sacred society."

Kevin Chadwick

Nonetheless, Noonan is by no means ready to give up. For all the missteps along the way, the American commitment to the free exercise of religion is still, he insists, a "success." Against what he views as the false humility of many Americans, he urges a forthright acknowledgment that religious freedom is this country's foremost contribution to the world's understanding of just government. In advancing that claim, he devotes chapters to four contrasting case studies: the French Revolution's affirmation and betrayal of the American idea of religious freedom; the American imposition of the idea on a defeated Japan; Russia's current and deeply flawed efforts to incorporate the idea; and the American influence in the Second Vatican Council's teaching on religious liberty.

The Lustre of Our Country is erudite and instructive, frequently whimsical and typically wise. Yet I expect that other readers will share my frustration with aspects of its argument. At times, Noonan seems to conflate freedom of religion with freedom of conscience. There are similarities, to be sure, there are also big differences. Freedom of conscience is easily reduced to radical individualism, ending up with what Noonan rightly deplores as the courts' common depiction of religion as a private aberration, to be tolerated insofar as it does not interfere with government purposes. This conflation also invites the subsuming of religious freedom into constitutional guarantees of freedom of speech and other provisions that ignore religion's necessarily subversive witness to a higher sovereignty. Noonan is apparently unhappy with the Supreme Court's recent striking down of the Religious Freedom Restoration Act—a decision

that many viewed as tantamount to a repeal of the Religion Clause—but he offers no suggestion of other legislative remedies for judicial hostility to religion, a matter of some importance, as Congress is now working on another effort to produce such legislation.

Throughout the book, the reader is provoked to speculate about the assumptions underlying Noonan's judicial philosophy. He is clearly a "textualist," and also an "originalist," in his devotion to the radical intention of those responsible for the First Amendment. Yet at other times he seems to want judges to act as philosopher kings. His epilogue proposes "Ten Commandments" for people who deal with religious freedom, including the admonition that "you shall know that no person, man or woman, historian or law professor or constitutional commentator or judge, is neutral in this matter." Fair enough. Noonan is right to insist that, where religion is concerned, imagination and empathy are required. "Can a judge be a pilgrim?" he asks. He answers in the affirmative. But as a judge, he should strive to read the law, to be objective, and, yes, to be neutral. Safety from judicial usurpation rests not so much in having judges who are better philosophers as in having judges who recognize that, as Madison would say, there are questions beyond their "cognizance."

Both suggestive and problematic is Noonan's persistent drawing of parallels between judicial interpretation and John Henry Newman's theory of "the development of doctrine." In this connection, he offers an extended treatment of the development of Catholic teaching on religious freedom at Vatican Council II. Clearly, Noonan has no use for the exponents of a "living Constitution," who declare, in effect, that the Constitution is dead because it means whatever the courts say it means. Just as clearly, there are parallels between what judges do and what church councils do. Both are involved in trying to comprehend a "sacred text" as it relates to current problems and understandings.

A crucial difference, however, and a difference one wishes Judge Noonan addressed more directly, is that church councils—at least in the Catholic understanding of things—are promised the guidance of the Holy Spirit.

But let me not leave the wrong impression. The questions and arguments provoked by *The Lustre of Our Country* testify to its great achievement. Judge Noonan understands, as very few judges and constitutional scholars do, the founding genius of the American experiment. He understands those sixteen words in the First Amendment—and persuasively explains why they continue to be this country's most innovative, audacious, and promising contribution to the world's understanding of the right ordering of political society. ♦

B&A

WHAT HATH GOTH WROUGHT?

Marilyn Manson's Highway to Hell

By J. Bottum

There are two gifts that God in His infinite mercy rightly refuses to bestow upon the same person. The first is an ability to paint oneself many colors and prance across a stage screeching songs in praise of violence, hatred, and pain. The second is a sense of humor.

Emerging from the mean streets of Ft. Lauderdale, "Marilyn Manson"—or Brian Warner, as he was known back when he hunted Easter eggs at his parents' country club—has recently conquered prepubescent rock music, the latest in a line of shock-rockers that reaches back to Alice Cooper, Iggy Pop, and Ozzie Osbourne.

HarperCollins

Marilyn Manson
The Long Hard Road Out of Hell
HarperCollins, 269 pp., $24

A traditionalist, Manson adheres to his genre's stern customs: the cross-dressing, the Nazi paraphernalia, the satanism, and the desperate desire to stage a show obscene enough to provoke arrest. Though sometimes declared a uniquely 1990s performer, Manson seems in fact to have found most of his show at the garage sale of discarded rock acts of the 1970s: the face-paint of Kiss, the homosexual posing of Queen, the violence of the Sex Pistols, the musicianship of Donny Osmond, and the lyrical profundity of the Captain and Tenille—Manson's over-produced slow songs sounding like nothing so much as the sad tail-end of the three-day bender Muskrat Suzy spent in Tijuana after the divorce from Muskrat Sam.

But by adding a few new features—slashing himself with bits of glass, wearing iris-warping contact lenses, and parading with naked women on dog-leashes—Manson has managed to obtain, from the likes of Pat Robertson and William Bennett, the denunciations he reprints as recommendations on the backs of such albums as *Antichrist Superstar* and on his book, *The Long Hard Road Out of Hell*, currently number thirteen on the *New York Times* bestseller list.

While his roadies hawk T-shirts reading "Kill Your Parents," Manson stages elaborate concerts promoting "goth"—a pastiche of anything that ever struck thrill-seekers as shiveringly dark and spooky: animal sacrifice, eye makeup, black Masses, sudden bursts of baby talk, self-mutilation, fascism, and dank cellars.

It's evil, no doubt, but it's also astonishingly silly. Unlike, say, Frank Zappa with his self-mocking obscenities or Lou Reed with his deliberate attempts at avant-garde decadence in the 1960s, Marilyn Manson appears not to know what a historical jumble he makes of things. He's got all the elements of camp, except the campiness. Stripped even of the sickest irony and humor, Manson actually seems to mean it—which makes one wonder who his fans could possibly be.

It was in a Washington bookstore that I first saw an answer. She was pink and not pretty, a little spotty and a little pear-shaped, pudgy and half-sexed the way thirteen-year-old girls sometimes are, dressed in pink cotton hot-pants much too old for her and pink plastic sandals much too young.

While her father browsed among the car-repair manuals, she tugged at his shirt, winding her legs together in the complicated spiral only teenagers can manage and whining for *The Long Hard Road Out of Hell* because all the other kids had copies and Marilyn Manson is so goth. And when her father finally snapped that she could buy whatever the Hell it was if she would just leave him alone, she skitted off happily in the flat-footed, stop-and-start canter of the momentarily unself-conscious adolescent.

I too picked up a copy of the purported autobiography, and found myself unable to forget that pink girl while I read through the shock-rocker's boastful grotesqueries. There's little in the 250-page book about making music, but there are plenty of scenes of constant and glorified drug use, scenes of mocking micturition, scenes of violent and derisive sex, scenes of jubilant abortion. I see no escape: That child will be corrupted, and her father is a negligent fool.

And yet, the corruption in the book is not just the destruction of innocence. It's also the confirmation of immaturity, which is something worse: an odd and wicked permanent adolescence, the sealing-in-forever of the mental state of a thirteen-year-old child. Manson's culture-war critics denounce him as a satanic seducer,

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the drug-lord destroyer of religion. They're not exactly wrong, but they miss the breathtaking naiveté of it all, hilariously mocked in a recurring *Saturday Night Live* send-up of goth. And it is this naiveté that is both so unconsciously comic in Marilyn Manson and so damning.

Probably not one in a hundred children reading Manson's book will try to wear the goth leather, crosses, and chains. Probably not one in a thousand will try to live it. But who can escape the thought that the pop star, makeup and ludicrous costuming aside, is also modeling a way of life that is both insidious and alluring, the mind and desires of an adolescent in the body of an adult? As I took the book downstairs and threw it in the trash, I thought about Manson—his autobiography in the hands of that girl from the bookstore, pink and silly, liable to gallop off in any direction, as awkward and unformed as a colt. God, I pray there is a Hell. ♦

A Boy's Own Story

Nick Hornby Writes a Winner

By John Podhoretz

In one respect at least, Britain is still the land of Shakespeare, Fielding, and Dickens: It still regularly produces novelists and playwrights who manage to be both crowd-pleasing and ambitious and who rise to heights of fame in a way no serious American author has since Norman Mailer became an all-purpose celebrity in the late 1960s. Martin Amis, who has flailed about in pursuit of greatness for twenty-five years, receives the kind of media attention in London only movie stars receive in America. And decades after Edward Albee became the last American playwright to achieve name recognition outside the world of theater, a young dramatist like Martin McDonagh, author of *The Beauty Queen of Leenane*, can still become the toast of London with a single well-received play.

The man of the moment in England is the forty-year-old Nick Hornby, whom the *Daily Telegraph* four weeks ago dubbed "the most successful British writer of his generation." He has managed this feat in six years' time. Hornby's first book, *Fever Pitch*, made a sensation in 1992. An account of his life as a soccer fan, *Fever Pitch* not only sold an almost unthinkable seven-hundred-thousand copies (the equivalent of two and a half million here); it singlehandedly gave a sport associated with drunken hooligans and mob violence new respectability. According to English journalist Jane Cornwall, Hornby "ennobled the game to the point where fashion-conscious unlikely lads—ravers, aesthetes, boffins, pop stars, women—began jostling for a place on the terraces."

Nick Hornby
About A Boy
Riverhead, 320 pp., $22.95

The release of his first novel, *High Fidelity*, in 1995 solidified Hornby's standing. The novel sold nearly as well as *Fever Pitch*, received ecstatic reviews, and was (unlike *Fever Pitch*) published to great acclaim in the United States. Now, just having Hornby's name on another writer's book jacket is considered magical: His endorsement of Helen Fielding's *Bridget Jones' Diary* launched that comic novel into the stratosphere. Even his sarcastic put-downs are considered useful. Of a novel published the first week of January 1997, Hornby wrote: "I can confidently say that this is the best book I've read this year." As Alain de Botton put it in the *Sunday Telegraph*, "the joke was lost when it appeared on the paperback edition" published later.

British and American publishers have now simultaneously brought out Hornby's second novel, *About a Boy*—following a bidding war for movie rights won by Robert De Niro's production company for $3 million. In the United States, the only novelists who achieve this level of commercial success are the likes of John Grisham and Tom Clancy—and Hornby has as much in common with these genre writers as J. D. Salinger has with Margaret Mitchell.

Hornby is a comic novelist, for a start, and an uncommonly gentle one at that. His novels are in the tradition of musty, much-loved English authors like William Cooper, who turned out books in the 1950s in which the characters loaf around the bed-sit, eating mash without the bangers and worrying whether they'll have enough ration slips to buy fags before Michaelmas. Like Cooper, Hornby will be forgotten forty years from now, his novels unreadable and dated.

But right now, in 1998, Nick Hornby is a godsend, because he manages to write books that are thoroughly entertaining even as they offer illuminating insights into "the way we live now." This is a genuine accomplishment at a time when readers have learned to expect either entertainment or illumination from a novel, but rarely both at once.

High Fidelity, Hornby's first novel, is the story of a London record-shop owner who begins to question his purpose in life when his live-in girlfriend leaves him. "If I lived in Bosnia," Rob says, "then not having a

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girlfriend wouldn't seem like the most important thing in the world." But Rob has turned thirty-five, his shop is failing, and he is no farther along than when he was in his twenties and content spending his days indulging in what David Denby once called "lowbrow scholasticism"—making lists of the top-five songs about this, or the top-five movies about that, and feeling smug and superior when somebody else's list fails to meet Rob's exacting standards.

The glory of *High Fidelity* is its prose, which is beautifully crafted while seeming utterly artless. Hornby is marvelously aphoristic: "It's brilliant, being depressed; you can behave as badly as you like." On teenage heartbreak: "Unhappiness really meant something back then; now it's just a drag, like having a cold or no money." On the danger posed to society by sad songs: "People worry about kids who play with guns, and teenagers watching violent videos; we are scared that some sort of culture of violence will take them over. Nobody worries about kids listening to thousands—literally thousands—of songs about broken hearts and rejection and pain and misery and loss."

High Fidelity is the story of a pop-culture enthusiast's discovery that there is a world beyond songs and movies and the instant gratification they provide. Without marriage, children, or a future, Rob learns, "I've got no ballast, nothing to weigh me down, and if I don't hang on, I'll just float away." It eventually occurs to Rob he's still a boy: "Men don't work in quiet, deserted streets in Holloway; they work in the City or the West End, or in factories, or down mines, or in stations or airports or offices. They work in places where other people work, and they have to fight to get there, and perhaps as a consequence they do not get the feeling that real life is going on elsewhere."

Hornby's *About a Boy* is that rare thing—a second novel that is better, richer, and more rounded than its author's successful debut. *About a Boy* features a character very similar to Rob: Will Lightman, another floating single man in his mid-thirties. Hornby introduces Will to us as he takes a quiz in a men's magazine and earns an astounding score. "How cool was Will Lightman? . . . He was, according to the questionnaire, subzero! He was dry ice! He was Frosty the Snowman! He would die of hypothermia!"

Intelligent, amusing, and clever, Will has done absolutely nothing with his life and isn't all that bothered about it. He lives on an income provided by royalties from his late father's one hit song, "Santa's Super Sleigh," and spends his days reading, watching TV, driving around London, and smoking pot. When he finds himself compelled to deal with a suicidal woman, the experience angers him: "People like Fiona . . . ruined it for everyone. It wasn't easy, floating on the surface of everything; it took skill and nerve, and when people told you that they were thinking of taking their own life, you could feel yourself being dragged under with them."

Fiona is the single mother of another boy—but unlike Will, he's an actual boy, a twelve-year-old named Marcus. Marcus is the true protagonist of *About a Boy*, Hornby's finest creation and the truest evidence of his growth as a novelist. Humorless, literal-minded, wounded, and brave, Marcus must cope with a mother plunged into terminal depression and a distant father who seeks his son out only after "having this big think about his life" once he'd broken his collarbone.

His mother has relocated Marcus from Cambridge to London, where he is friendless and alone. "There were no rules here," Marcus reflects, "and he was old enough to know that when you went to a place, or a time, with no rules, then things were bound to be more complicated." Because his mother has forbidden him television and insists he listen only to music she likes—Joni Mitchell and Bob Marley—Marcus is unworldly and ignorant of the common culture in a way that isolates him from others his age. He becomes the target of school bullies and teachers even as his mother begins to disintegrate emotionally.

But he is utterly bereft of self-pity; Marcus accepts his heartbreaking fate as one of life's victims until the Sunday he returns home from a picnic and finds his mother "lying in a pool of sick" after an overdose. It was at this picnic that Marcus and Will met for the first time, and it's the collision of these two characters that gives *About a Boy* its remarkable resonance.

Will is a present-day version of the indolent aristocrats who populate the novels of P. G. Wodehouse, and his plotline is as farcical as any Jeeves or Blandings Castle story. After meeting a gorgeous woman in a bar who turns out to be the divorced mother of a small child, he figures he has found a goldmine and decides to pose as a single father at a support group. "His career as a serial nice guy had begun," Hornby writes.

At the support group (where he has to keep reminding himself that his mythical two-year-old son is named Ned and not Ted), Will meets a friend of Fiona's, and he gradually becomes enmeshed in Marcus's life. Will tries desperately to remain a farcical character (later in the book he tries to fob Marcus off as his kid to seduce yet another woman), but Marcus drags him kicking and screaming into the real world. Fiona lives, and the single-minded Marcus begins imposing himself on Will, first because he wants to marry Will off to his mother and then just out of need—for a friend, for a father, for a childish adult whose life has prepared him to teach an adult-like child to be a boy.

Will tries to hide from Marcus, to drive him away, but the boy breaks down his resistance. Will eventually

realizes that he might not be "able to tell Marcus how to grow up, or how to cope with a suicidal mother, or anything like that, but he could certainly tell him that Kurt Cobain didn't play for Manchester United, and for a twelve-year-old boy attending a comprehensive school at the end of 1993, that was maybe the most important information of all."

At the beginning of the novel, Will believes that "you had to live in your own bubble." By the end, he feels "like a chick whose egg had been cracked open, and he was outside in the world shivering and unsteady on his feet . . . without so much as a Paul Smith suit or a pair of Ray-Bans to protect him."

It's easy to see why Hollywood went wild for *About a Boy*: It sounds like *Kramer vs. Kramer* meets *Three Men and a Baby*. The movie will be hideous, sentimental, and meretricious. The joy of *About a Boy* is that it is a *book*—a novel that may remind people why they fell in love with novels in the first place. ♦

Keeping the Books

How Publishing Will Survive Despite Mega-Mergers and Mammoth Bookstores

By Pia Nordlinger

Just last year, the book industry in America was bracing for its demise. Bookstores were returning unsold copies in shockingly high numbers. Sales of "trade books" (the commercial titles that are normally the most secure portion of a publisher's catalogue) seemed to be dropping precipitously.

Every week brought news of some disastrous investment: Little, Brown's $3 million for Paula Barbieri's readerless memoir of O. J. Simpson; HarperCollins's $4 million for a Jay Leno book that had four-hundred-thousand copies returned to the publisher. Huge, lost advances were matched by major shake-ups on editorial staffs, notably the departure of the Free Press's publisher, Michael Jacobs, and editor, Adam Bellow. The *Chicago Tribune* ran a fear-filled series on the death of publishing, and C-SPAN's *Booknotes* aired a heated discussion of impending literary doom.

Last year's storms, however, were momentarily forgotten when, on March 23 of this year, the German media conglomerate Bertelsmann AG announced plans to buy Random House, the largest publisher in America. Bertelsmann, the world's third-largest media conglomerate, will merge its current American business, Bantam Doubleday Dell, into Random House—creating the largest English-language publisher ever.

Critics of the merger—committed to the notion that the larger a house, the less good literature it publishes—assume that the new Random House will abandon culturally important books in favor of blockbusters and celebrity bestsellers. In the *New York Times*, for example, Mark Crispin Miller's post-merger op-ed mourned the abysmal state of American publishing: "A literary culture that features only 'big books' is a poor one, esthetically and intellectually. And that is what we have, now that the corporate houses and the bookstore chains throw all their weight behind whatever seemed hot yesterday, without a thought to tomorrow."

Miller and his ilk are right that a big-book culture is a poor one—but they're wrong that we have anything resembling a big-book culture. There are seven enormous houses controlled by major media conglomerates: Random House/Bantam Doubleday Dell, now owned by Bertelsmann; Simon & Schuster, owned by Viacom; HarperCollins, owned by News Corporation; Penguin Putnam, owned by Pearson; Warner/Little, Brown, owned by Time-Warner; Farrar, Straus & Giroux/St. Martins, owned by Holtzbrinck; and Avon/Morrow, owned by Hearst. According to figures in *Subtext*, a newsletter for publishing-industry analysts, these seven publishers account for 87 percent of trade books sold—about 22 percent of the total U.S. book sales that are estimated now to be $21 billion a year.

But limiting one's view to these conglomerates excludes the endless number of independent and university presses that have already made great successes and great profits by publishing what bigger houses won't.

There is no industry-wide definition of an independent publisher. Houghton Mifflin and W. W. Norton are often considered independents, though they operate as small conglomerates. (Houghton Mifflin, for example, reported $88 million in sales in 1997.) A truer entrepreneurial spirit is probably to be found in such mid-sized presses as Grove/Atlantic, which brings in $12 to $14 million on around a hundred books a year. One step down are such publishers as Ecco Press, making single-digit millions while publishing in the neighborhood of fifty titles. And then there are innumerable small presses, like the new conservative press, Spence Publishing, producing fewer than ten titles a year.

The recent Bertelsmann/Random House merger has spurred speculation that even more good books will be missed by the conglomerate publishers and fall to independents. To the charge that publishers have

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dropped everything except big-name bestsellers, Alberto Vitale, chairman of Random House before the merger, replies, "Nonsense. Bestsellers are clearly important, but they constitute a very small part of our business." But it's certainly true that independent presses have received some help from changes at the top of the publishing heap. Chip Fleischer, an owner of the independent Steerforth Press whose sales have doubled in the last year, is straightforward: "We have been getting more editorial opportunities because big houses have moved their front list toward the mass market."

In fact, however, the independents have been gaining ground for several years—for reasons that may have little to do with media conglomeration. The Small Press Center, a New York-based non-profit group for independent presses, estimates that there are today about thirty thousand independent publishers. The list of "ISBN" numbers assigned to publishers has grown every year since 1979. Publishers Group West, the largest distributor for independent presses, has watched sales increase to $100 million in 1997 from $14 million just over a decade ago.

Curt Matthews, president of the Independent Publishers Group that distributes 313 independent publishers, sees in all this a massive change in publishing. "The New York model doesn't work anymore," he says. "That model is based on establishing bestsellers, books that had better sell hundreds of thousands of copies. But the marketplace has changed." Success lies in regional publishers and niche marketing targeted to small audiences. "This is the best time to be an independent press," Matthews declares. And regional success does not preclude national success. In 1994, Health Communications's *Chicken Soup for the Soul* hit the *New York Times* bestseller list and spawned endless sequels. Grove/Atlantic's *Cold Mountain* by Charles Fraizer recently spent twenty-eight weeks on the bestseller list and won the National Book Award.

So too, in recent years, university presses have filled the niches by steadily increasing their production of "general-interest" books. Oxford University Press was among the first to aim outside the academy, but the practice is now common. New York University Press, which publishes fewer than two hundred books a year, has increased its trade books from fifteen in Winter 1995 to twenty-six in Winter 1998. Johns Hopkins University Press has enlarged trade production from nineteen books to forty over the last ten years. In 1997, the University of California Press published an art-show catalogue that sold twenty-five thousand copies—spectacular sales for an academic press that publishes only 260 books a year.

WITH MILES OF SHELVES TO FILL, THE BIG CHAINS BY NECESSITY WELCOME EVERY SIZE OF PUBLISHER.

This change has not come unbemoaned. In March 1997, in the *Nation*, the irrepressible Mark Crispin Miller derided academic houses for "giving in to market pressure, dumping recondite monographs in favor of trendier academic fare or, better yet, whatever sells at Borders."

The fact is, however, that university publishers have always responded to market pressures: Well into the twentieth century, general-market sales of biblical books funded the other scholarly tomes published by Oxford and Cambridge. In America, purchases by college libraries financed academic presses—until, in the 1970s and '80s, budget cuts and astronomical price increases for scholarly journals shattered that market. With their trade-books, the academic publishers are doing what they've always done, finding new ways to subsidize their real work of printing scholarly monographs.

Despite all this apparent health in the publishing industry, the belief in decline remains pervasive. The Bertelsmann merger gave Todd Gitlin—a professor of culture, journalism, and sociology at New York University—a chance to spell out the Orwellian consequences: "When authors can't make a decent living writing necessary books," he wrote in *Newsday*, "readers suffer. They may not know they are suffering, but they suffer." Andreas Brown, owner of Gotham Book Mart, similarly declares that books are in the wrong hands: "Bottom-line people are running the publishing houses. Now if you're dealing with shoes or toys or clothes, that's fine. But when you start playing around with literature and culture and thought, it's a much more serious problem."

It is the growth of the large chain bookstores that most incites the doomsayers, who see in them at least a parallel to the growth of the media conglomerates—if not a genuine conspiracy to destroy America by homogenizing culture and narrowing thought. There was a time, Colin Robinson of Verso Publishing explained to C-SPAN's viewers, when publishers sent salesmen out to independent bookstores. But that system has been "replaced with marketing executives of large publishing corporations going into the head offices of chains and selling their books to merchants there, and to merchandise managers. There are millions of decisions being replaced by a few thousand or maybe even hundreds."

Media-conglomerate publishers and chain bookstores are now the stuff of conspiracy theories—based on the widely held belief that chains receive special backroom deals from big publishers, who then feel secure that their books, trash or not, will sell. In order to learn the truth, the American Booksellers Association has filed suit against Barnes & Noble

and Borders, charging that these two largest chains engage in "a pattern and practice of soliciting, inducing, and receiving secret, discriminatory, and illegal terms from publishers and distributors." The suit may have some merit. In 1995, the ABA sued Penguin Books USA for offering special discounts, and Penguin settled last September for $25 million. In a similar case, settled in November 1996, Random House admitted no wrongdoing, but agreed to treat all its retailers equally in the future.

Still, if the chains are illegally benefiting from the major publishing houses, their arrangements do not appear to be adversely affecting independent and university publishers. "It used to be that if the *New York Times* reviewed a university-press book, only about a third of the country could get it," says Douglas Armato of Johns Hopkins University Press. "Now, books are getting out to places they never could have before."

With miles of shelves to fill, the chains by necessity welcome every level of publisher. In 1997, only 3 percent of Barnes & Noble's sales came from bestsellers and only 46 percent from the top ten publishing houses. Borders buys books by topic, not publisher, and Jody Kohn, director of publicity and promotion, defends the chain against the charge that non-bestsellers are pulled right away: "We'll keep a book on the shelves for six months to a year."

One complaint seems true: The growth of chains has put considerable pressure on small independent bookstores. But the world of bookselling consists of far more than omnipotent chains threatening plucky little independent book dealers. Discount stores and price clubs are new book hot spots, and the most notable development is the on-line bookstore. The clear leader in the field, Amazon.com, announced in January that net sales for fiscal 1997 were $147.8 million, up nearly by a factor of ten from the $15.7 million in 1996.

And even despite the increased competition on so many fronts, independents are not heading toward extinction. The stores that have survived have maintained sales by emphasizing their regional status with reading groups, newsletters, and forums. Many stores sell books through the Internet, and several well-known independents report sales to "notachain.com," an independent-only bestseller list that diverges significantly from the *New York Times* listings.

Such increasing diversity in the bookselling industry makes total domination by the chains implausible. Certainly they have started bookstore wars in certain communities, and some analysts believe the chains plan the old monopolistic trick: Expand fast, kill off competition, then raise prices sky high. Chances are, however, that with so many ways to acquire books, the chains will be lucky to survive themselves.

The Bertelsmann/Random House merger has proved to be a peg on which to hang all the fears that plague the gossip-driven book industry. Critics like Mark Crispin Miller warn that conglomerates "may be sharply limiting our freedom of expression." "The consequences for authors, for editors, and for American culture at large cannot be good," Todd Gitlin added.

But the fact is that there are more booksellers and more book publishers than ever before. Publishers have been growing through mergers for decades, and in that time independent and university publishers have been gaining strength, too. If the expanded Random House decreases opportunities at the top of the publishing pyramid, it will simply add to the competition and creativity at the base. A less ideological view than Miller's or Gitlin's would see the truth: The future of books in America looks good. Very good. ♦

Al Gore's tax returns show that he donated $353 to charity in 1997.
—News item

AL GORE SHRUGGED

by Ayn Rand

Al Gore stood alone, his strong granite-like face reflected in the bathroom mirror. "I brush my teeth the way I want to," he said to himself. "I set my own standards. I accept no one's models. I inherit nothing." He worked the brush furiously, masterfully in his mouth. The plaque was expunged, crushed, obliterated.

Suddenly there was a knock on the door. Al Gore's strong granite-like body strode across the room. He opened the door with a powerful manly gesture. Two Girl Scouts stood on the other side, clad in their pathetic uniforms, clutching lamely at a green shopping bag. "Would you like to buy some Girl Scout cookies, sir?" one of them pleaded. Would they never let him rest! Would the sick mediocre parasites of society never give him the room he needed to reinvent government the way it should be reinvented? Would they continue to hound him with their sick suffering, their putrid requests, their nauseating pleas for sympathy that interrupted his work?

"Your cookies are too expensive," Al Gore said firmly, his voice coming from a realm high above any insignificant level the Girl Scouts could ever hope to reach.

"But the proceeds go to charity," one of the ten-year-olds responded in weasel-like fashion.

Charity! So that was it. The doomed hypocritical ants of a revolting society were trying once again to suck his resources with their pleas of charity. Had he not already given $13.25 to the American Cancer Society, and $7.06 to the Society for Tibetan Monks? Had he not just the previous week left the remains of a ham sandwich, appraised at $3.76 by his accountant, at a homeless shelter? At this rate, he would be down to his last $10 million. He needed that money to fund his genius, to restore balance to the earth, to build a bridge to the 21st century. "You make me sick," Gore finally declared to the Girl Scouts. "I find you small, despicable, truly evil. I will give you nothing. I give to myself. You cannot touch me. You cannot reach me. You cannot understand me." Gore's eyes were cold, proud, granite-like.

One of the girls, Amanda, burst into tears and ran away. But the other, Tiffany, found herself strangely moved. After selling her cookies to all those small, compassionate parents, she had found a true hero. Not since the mint-cookie sale to Hillary Clinton had she come across someone so pure, granite-like, and removed from the parasitical world around her. "Let me hang about you worshipping you," Tiffany said.

"It is a matter of complete indifference to me whether you go or stay," responded Al Gore, welcoming her into his house. "I must now return to the mirror and comb over my bald spot. I comb like no one else before me. I labor with my comb. I comb for myself, for me alone." Tiffany saw that his hair was becoming hard, cold, and granite-like.