

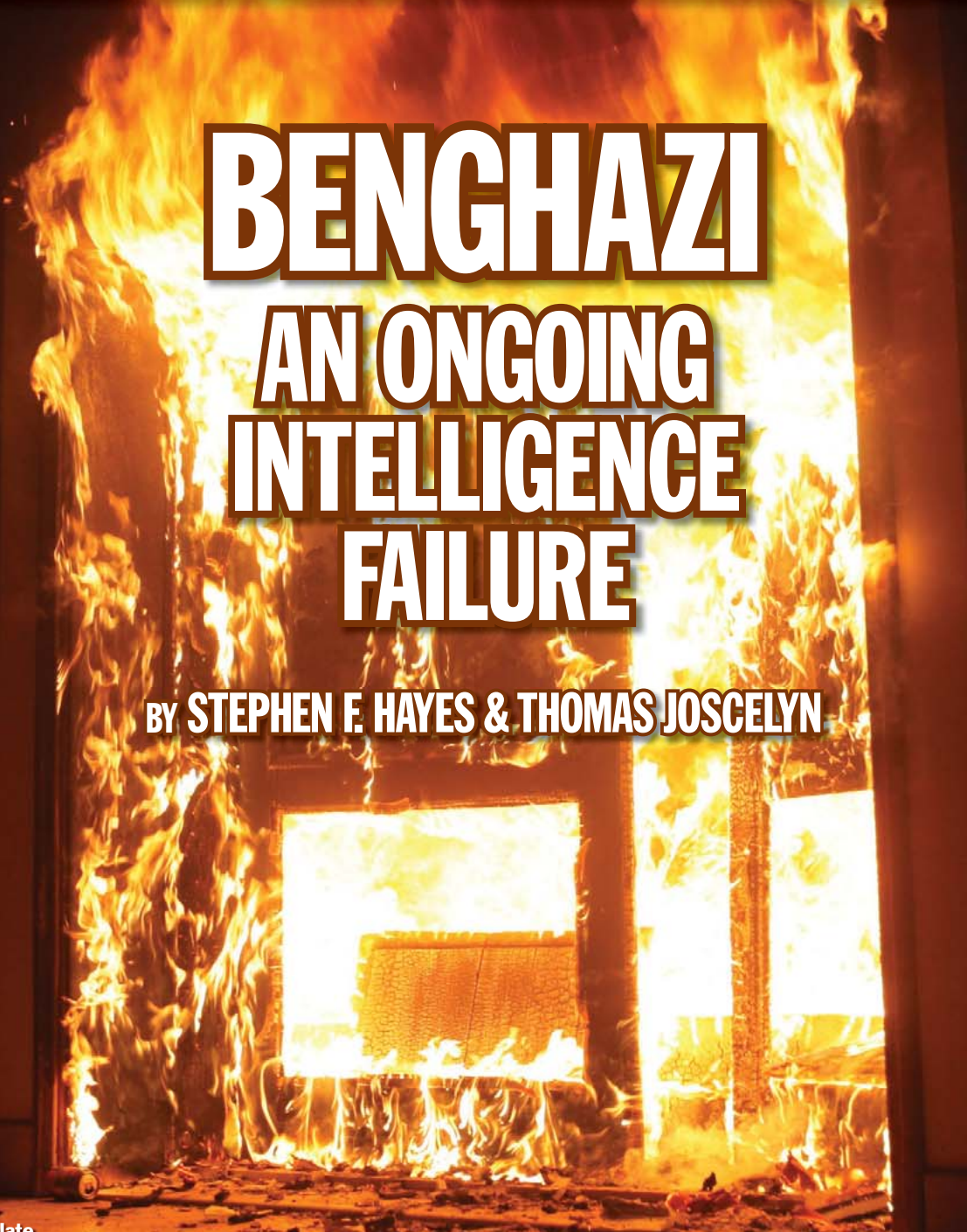
**OBAMA AND  
IMMIGRATION**  
TERRY EASTLAND • PETER SIERRY

the weekly

# Standard

DECEMBER 15, 2014

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# **BENGHAZI**

## **AN ONGOING INTELLIGENCE FAILURE**

**BY STEPHEN F. HAYES & THOMAS JOSCELYN**

The U.S. consulate  
in Benghazi burns,  
September 11, 2012

WEEKLYSTANDARD.COM

# Contents

December 15, 2014 • Volume 20, Number 14



- 2 The Scrapbook *Menendez vs. the White House, Churchill on the Hill, & more*
- 5 Casual *Christopher Caldwell's Bosphorus blues*
- 7 Editorial  
*No Justification* **BY TERRY EASTLAND**

## Articles

- 9 Obama Negative **BY ANDREW FERGUSON**  
*That's just who he is*
- 10 On a Roll **BY FRED BARNES**  
*Suddenly, things look up for the GOP*
- 12 Sermons for the King **BY JOSEPH BOTTUM**  
*Green in exchange for green*
- 13 Beyond the Barricades **BY DENNIS P. HALPIN**  
*Xi lowers the boom on Hong Kong*
- 15 Kevorkian's Vision **BY WESLEY J. SMITH**  
*He's looking alarmingly prophetic*

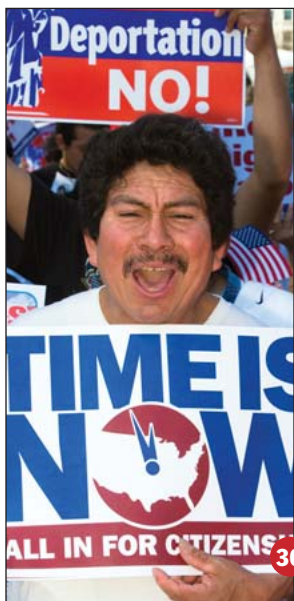


## Features

- 17 The Benghazi Report **BY STEPHEN F. HAYES & THOMAS JOSCELYN**  
*An ongoing intelligence failure*
- 30 What Do Illegal Immigrants Want? **BY PETER SKERRY**  
*Time to bring the immigration debate out of 'the shadows'*

## Books & Arts

- 34 Stormin' Norman **BY WILLIAM H. PRITCHARD**  
*The writer as celebrity, and vice versa*
- 37 Here the Word **BY EDWARD SHORT**  
*The English sermon as theology and social history*
- 39 Into the Valley **BY ANDRE VAN LOON**  
*The stories behind the legend of the charge of the Light Brigade*
- 40 Mistress of Murder **BY JON L. BREEN**  
*P.D. James, 1920-2014*
- 41 Schiele's Faces **BY DANIEL ROSS GOODMAN**  
*Portraits by the artist of the inner self*
- 43 Wrestlers and Brothers **BY JOHN PODHORETZ**  
*A weird, tragic, compelling tale tainted by politics*
- 44 Parody *As the world turns*



## Menendez vs. the White House

It's heartening these days to see an outbreak of bipartisan seriousness, given how rare those instances have become. Herewith some excerpts from a statement delivered by Bob Menendez, the Democratic chairman of the Senate Foreign Relations Committee, at the committee's December 3 hearing on "Dismantling Iran's Nuclear Weapons Program," which THE SCRAPBOOK enthusiastically cosigns:

"While I believe the Administration's diplomatic efforts to terminate Iran's illicit nuclear program should be commended, I am concerned that Iran has not demonstrated a sincere interest in reaching agreement and has used these talks to chip away at our positions, beginning with the concessions on enrichment in the Joint Plan of Action.

"Given continued Iranian intransigence in the talks, the failure to conclude a final deal by November 24th falls squarely on Iran. Yet, for over one year, we remain trapped in the same fruitless, cyclical narrative which has us conceding our positions—transforming the Arak reactor rather than dismantling it; converting Fordow for some alternate use, rather than closing it; and disconnecting centrifuges, rather than destroying them. And—perhaps more significantly—Iran isn't budging on full access to questionable sites and the duration of the agreement.

"I understand that the P5+1 mem-

bers want to put a year on the breakout clock, but I am not convinced a year is enough if we leave the majority of Iran's nuclear infrastructure in place and give up the only leverage we have by providing sanctions relief. The one-year alarm will give us time to respond, but our only option at that point will be a military option. In my view, to suggest that we can quickly or easily rebuild the sanctions regime or replicate the economic pressure currently facing Iran is a false narrative.

"For me, this equation is simple—Iran must make up its mind about what is more important: its nuclear weapons program or the welfare of its people. Clearly, for the last year Iran has not felt a need to make that decision.

"Right now we are playing right into the Iranian narrative, so while they have maximized their demands at the negotiating table, we have minimized ours, with no consequences. This is a worst-case scenario, is extremely dangerous for global nonproliferation imperatives and for regional stability, and could leave Iran as a nuclear threshold state.

"At the end of the day, if no deal is reached by March 24, Congressional action to authorize prospective sanctions may provide the leverage we need to prevent Iran from becoming a nuclear weapons state.

"Iran's nuclear weapons ambi-

tions—and its continued obfuscation at the negotiating table—have raised alarms throughout the Middle East and the international community. The risk of a nuclear arms race in the region is not hypothetical. We are seeing the repercussions of permitting Iran to retain an enrichment program resonate in the region—and in our 1-2-3 negotiations with other countries who are asking why they need to accept a no-enrichment standard when Iran will be allowed to enrich.

"For me, the time has come to ask whether repeated negotiation extensions coupled with sanctions relief will ever result in a comprehensive deal. Iran benefits from successive rounds of unfreezing of assets abroad, and has not felt the need to make any real concessions beyond the requirements of the interim agreement.

"The assumption seems to be that another extension will result in a good deal—and all we need to do is continue negotiating—put more time on the nuclear breakout clock. My own perspective is more time won't make a difference. Tehran's desire for a nuclear program has not changed—and it won't change. Iran is only negotiating because it wants economic relief and is betting that more time on the clock benefits its position.

"Bottom line: I continue to believe we have the leverage in this negotiation—and we should use it." ♦

## The Incredible Shrinking SecDef

Once upon a time, secretary of defense was something of a prestigious title. But if recent news is any indication, in the twilight of the Obama administration the gig is about as desirable as "chicken sexer" or "sewer inspector." First, there is the ongoing fallout from former senator Chuck Hagel's ouster from the

job. Last week we learned that Hagel decided to resign a week earlier than the White House wanted him to out of spite. To Hagel's credit, it appears that part of the friction between him and the White House stemmed from his discomfort with their plans to release more prisoners from Guantánamo. It's also worth noting that the White House's foreign policy and military failures are legion and long predate Hagel's tenure.

Other reports about Hagel have been less flattering, to put it mildly. Longtime military reporter Thomas Ricks noted that there were a lot of people in the Defense Department happy to see Hagel go because of his apparent incompetence and indifference. According to Ricks, he didn't exactly measure up to the standards set by his two immediate predecessors at the Pentagon. "The 4-5 page briefing papers that Gates devoured,

or the two-page memos that satisfied Panetta's intellectual cravings, were replaced by Hagel's preferred briefing material: an index card with 25 words on it. Policy papers were still drafted, but Hagel's inner circle repeatedly made it clear they would never be read," Ricks reported. In fact, Hagel nearly caused international incidents because he was so unresponsive and ill-prepared for interactions with foreign officials.

It would be nice to have more clarity on what exactly happened, but based on what we know about the Obama White House and Hagel's general acumen, *THE SCRAPBOOK* is assuming there's plenty of blame to go around on both sides. In fact, the White House's behavior toward their nominee to replace Hagel suggests this new relationship is almost doomed before it ever really begins.

Former deputy secretary of defense Ashton Carter has been tapped to replace Hagel. Carter wasn't exactly a high-profile choice—the headlines *THE SCRAPBOOK* reads about him home in on the piquant details that he's a theoretical physics Ph.D. who once advocated unilaterally attacking North Korea's nuclear weapons program, which probably doesn't endear him to the Obama administration. As such, the White House took the extraordinary step of preparing him for the nomination process while letting it be known that they might also give him the hook. "Even on Tuesday, as the final touches were [being put] on the White House plans to announce Carter, still another administration official said the White House was going back one more time to see if there were other possible higher profile candidates," wrote CNN reporter Barbara Starr last week.

Frankly, we wouldn't blame Carter if he were to withdraw his name from contention after such reprehensible treatment. If he does stick it out, we hope he rises to the challenges presented by a difficult job. We live in perilous times, regardless of how furiously the White House downplays the threats that are rap-



idly proliferating. Unfortunately, as long as the Obama administration is in charge, we're lucky to have anyone in the job, competent or not. ♦

## Churchill on the Hill

Many Brits are known to enjoy a pint a day. Winston Churchill certainly did—though his daily ration was a pint of champagne, not ale. So it was fitting that the wartime prime minister was toasted last week in Washington with clinking glasses of bubbly. House speaker John Boehner invited a small group—of which *THE SCRAPBOOK* was happily part—to cel-

brate two birthdays: that of the great man himself, and that of the bust in the Capitol that honors him. One was the 140th, the other just the first.

Fred Barnes chronicled in these pages a year ago how the bronze bust came to be. President Obama, redecorating when he moved into the White House in 2009, famously removed a bust of Churchill from the Oval Office and sent it to the British embassy. When Boehner became speaker in 2011, he passed a resolution that "an appropriate statue or bust of Sir Winston Churchill" be placed in the Capitol. The Churchill Centre at George Washington University donated the bust, sculpted by the late Oscar

Nemon, last year. “Since then, we’ve confronted more grave challenges to our peoples. We’ve been fortunate to rely on our special relationship and, of course, Churchill’s wisdom,” Boehner said in the Freedom Foyer, the alcove where the bust sits, before raising his glass: “So here’s to Winston Churchill, the best friend America ever had.”

British ambassador Sir Peter Westmacott and Churchill Centre executive director Lee Pollock also toasted the only man ever given an honorary American passport. The ambassador spoke eloquently of the two nations’ shared tradition of freedom that goes back to the Magna Carta (which celebrates its 800th birthday next year). The group then retired to the speaker’s rooms



for a reception—with more champagne, of course. Some stepped out onto the balcony to smoke the Romeo y Julieta cigars named after the man

who helped save Western civilization and always enjoyed its fruits. After everyone shared their favorite Churchill anecdotes—including the apocryphal ones—the talk turned to other tributes. The USS *Winston S. Churchill* is the

only American naval vessel that also flies a foreign ensign. A few attendees immediately had the thought that a second such destroyer would be another great salute to freedom and friendship. Rumor has it a campaign is now in the works for a USS *Margaret H. Thatcher*. We think the USS *Maggie* has a rather nice ring to it. ♦

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## Strait Man

Towards midnight one night last week I walked miles down the pitch-black European shore of the Bosphorus, the 15-mile channel that splits Istanbul and Turkey in half. To any watcher of TV news, that will sound nuts. Fifteen million people have converged on Istanbul in recent decades, cramming into just-thrown-up tenements and dirty slums. The demographics are skewed towards the young, the unscrupulous, and the criminal. Turkish youths do not figure prominently among America's biggest admirers. In November some of them were captured on film trying to pull plastic bags over the heads of sailors on shore leave from the destroyer USS *Ross*. Others are rushing to join the Muslim extremists of ISIS just across the border.

Doesn't scare me. The Bosphorus is among the loveliest places on earth, but this time of year it is among the safest, too. All kinds of fish migrate between the Black Sea and the Sea of Marmara in the fall—delicious mackerel, tender bass, and the superbly fryable smelt-sized mullet called *barbunya*. Bundled up against the cold, spaced out every five or six feet along the entirety of the shoreline, all the men of Istanbul are standing with their casting rods and their tackle boxes and maybe a bucket with the evening's dinner swimming around in it. They crack jokes, drink hot tea out of thermoses, and snack on the cartwheel-shaped sesame bagels called *simit*.

Not that those who see Turkey as a menacing place are wrong. I used to write a lot about political Islam and the AK party of Recep Erdogan, the current president. That took me into the boondocks. At a low point in the Iraq war, a war that Turkey did not support nohow, an Istanbul friend

suggested I get to know the “real Turkey” by visiting his grandmother's village. It was deep in the countryside, an hour or so outside of the ancient Silk Road city of Kayseri. The politically correct would call Kayseri a “crossroads of civilizations.” Another way to look at it would be as lying in the gap between civilizations, where mutually distrustful shysters cross paths on their way to rip other people off. Uncharitable visitors might call it a dump.



A car was to take me out of Kayseri in the morning, but when it arrived the driver (dark-haired, fiery-eyed, young) and the translator (gray, querulous) were arguing. I don't mean arguing about soccer. I mean arguing in a spittle-flying, finger-pointing, dashboard-pounding way that portended a fight.

We made it a few blocks. The driver jammed on the brakes. The translator screamed at him for 30 seconds before jumping from the car. “This driver?” he said to me. “Asshole! He get for you other translator.” He slammed the door and I never saw him again. The driver and I went to a local tourist information agency. My new translator got in the car. “Good day,” he said to me. He and the driver fell into an animated conversation in Turkish.

About 312 people lived in the vil-

lage. The mayor had agreed to meet me. We sat in his office—him, me, and about two dozen of his top aides. Before I could begin thanking him for having me, he began to give me a lecture, his voice quivering and rising. I picked up half-words here and there.

“Çok yok ekmek Bush! Bushli Bushleri Rumsfeld-li! İranli Irakli Saddamli! Evet? Beşlar meşlar peşlar Erdoğan-da, Project for a New American Century-da!”

I looked to the translator for help.

“Him have for to be for have,” he said. “*Bouche*.”

“Could you repeat that?” I said.

“After war is was time into the him there very after,” he replied. “*Bouche*.”

When we were done, the translator tried to say something else. Either the mayor was inviting me to lunch or I was about to star in an Internet torture video. The mayor and his aides and I went to a cliffside park outside of town. They roasted me a lamb. It was wonderful.

On the way back into town, we picked up my driver's brother Özgür. He was visiting from Germany, where he'd emigrated. He explained in German what the mayor had said to me, and insisted I come to dinner. Turkish women were the best, he explained. I would understand once I saw his wife's *manti*—which was, I was relieved to discover, a kind of pasta. His housing project was in the middle of an eerie, empty, windy steppe on the outskirts of Kayseri—the sort of place where, one assumes, the usual sounds across the centuries have been the war whoops of lusty Huns and the crackle of villages put to the torch. Özgür's brother and father and about a dozen uncles were there. The women, all of them in headscarves, were in the kitchen, emerging only to bring along bits of dinner, which we sat and ate. It was a bit awkward. People were staring at me heavily-browed and wide-nostriled until Özgür's father looked at me and broke the ice. “*Bouche* . . .,” he began.

CHRISTOPHER CALDWELL

# No Justification

With his aggressive executive action on immigration, President Obama has struck a constitutional nerve in the body politic. The first lawsuit challenging the president's action was filed last week by a coalition of 18 states led by Texas. Oklahoma is about to file, and other states may do so as well.

As for the two houses of Congress, House Judiciary Committee chairman Robert Goodlatte told THE WEEKLY STANDARD that the House "should litigate the issue." Probably a majority of his colleagues agree. Goodlatte expects that soon after the new Congress is sworn in, the House will authorize the filing of a complaint that the new Republican Senate will then vote to join.

A sense of urgency is evident on the part of the lawyers involved in this challenge to the president. Goodlatte wants Congress to ask for expedited review of its case, and already the legal arguments against the president are starting to take shape.

The fundamental complaint is that the president has violated the Constitution, in particular the separation of powers. The Constitution vests Congress, not the president, with "all legislative powers herein granted." And under law duly passed by Congress (and signed by the president), anyone entering the country illegally is a deportable alien who "shall upon the order of the Attorney General be removed."

The Constitution also provides that the president "shall take care that the laws are faithfully executed"—the so-called take care clause. Faithful execution of the deportation law, as Obama's critics see it, should continue to require, as a rule, the removal of every illegal alien. But the president instead is implementing a policy prioritizing the removal of certain categories of aliens over others. The policy provides "deferred action"—a temporary reprieve from deportation—for undocumented parents of children who are citizens or lawful permanent residents. Up to five million illegal aliens are in this group.

Obama has justified his policy in law enforcement terms as an effort to make better use of the limited resources available to the Department of Homeland Security for enforcing the immigration laws; in humanitarian terms as an effort to help families of aliens stay intact; and in political terms as something he had to do because Congress failed to enact his approach to immigration reform. But for Goodlatte and others in Congress, and for a large number of state attorneys general, Obama's action constitutes nothing less than a usurpation of congressional power.

Of course, the president's lawyers see it differently. Obama sought advice from the Justice Department's Office of Legal Counsel, the elite unit of lawyers who provide nonpartisan (but executive-branch sympathetic) counsel to the president and the agencies. And in its 33-page memorandum, OLC says the president's action does not raise a constitutional issue and is justified as a proper exercise of "prosecutorial discretion."

That concept, says OLC, is "rooted in the President's constitutional duty to take care that the Laws be faithfully executed." Prosecutorial discretion is most commonly used in the context of criminal law enforcement, in decisions to charge (or not) particular individuals with a crime. The administration is using it in the immigration context to designate for deferred action a large class of undocumented aliens. Thus, individuals who meet the criteria for inclusion in the class, including having the necessary family relationship, are presumed not to be removable, with the threat of deportation lifted for at least three years, during which time these aliens may receive certain benefits, among them work permits.

OLC concedes that "a general policy of non-enforcement that forecloses the exercise of case-by-case discretion poses 'special risks' that the agency has exceeded the bounds of its enforcement discretion." Indeed, such a policy might even amount to a rewriting of the immigration laws or an abdication of the administration's "statutory responsibilities with respect to non-priority aliens."

But, OLC says, the president's policy doesn't prohibit case-by-case discretion; indeed, there are no "removable aliens whose removal may not be pursued under any circumstance." Thus, discretion not to grant deferred action to an undocumented alien otherwise qualified for the temporary reprieve but who committed a serious crime—such discretion is not "entirely" eliminated.

What, though, would it mean for discretion to be "entirely" eliminated? In 2012 Obama established by executive action DACA, the Deferred Action for Childhood Arrivals program. Under DACA, the government has exercised prosecutorial discretion by deferring action against individuals who immigrated to the United States as children and are currently in the country illegally—a class of between 876,000 and 1.7 million. The percentage of those granted a temporary reprieve has ranged between 99.5 and 99.8.

The new policy is modeled after DACA, and Obama's

critics don't think the percentage of grants will be much different. They see the administration's approach to enforcement as mere "rubber-stamping," in which discretion is effectively eliminated. Says Goodlatte, "You can't take prosecutorial discretion and apply it to five million people without having the exception swallow the rule."

As for the presence of states in the litigation, that will focus attention on federalism. Texas attorney general Greg Abbott said that the states will wind up having to face "the real consequences" of the new policy, as the millions granted deferred action and allowed to stay in the United States must be schooled and given health care and other benefits. And the states are obligated to pay those bills.

Scott Pruitt, the Oklahoma attorney general, finds of potential relevance the supremacy clause, which establishes the Constitution, federal statutes, and treaties as "the supreme law of the land," requiring state judges to follow federal law in cases when it conflicts with state law. Pruitt said that the clause "contemplates action by Congress" as the action that is supreme and thus may preempt state law. The clause does not contemplate as supreme an executive action of the kind Obama has engaged in, he adds. The reason is that action by Congress is made in accordance with a constitutional process that ensures the representation of the people. That is not the case with the action by the president. Says Pruitt: "There should be no preemption [of

state law] without representation." The Supreme Court has held, however, that "federal regulations have no less preemptive effect than federal statutes."

The states in the Texas coalition are contending that the deferred action policy violates the take care clause and are asking the courts to stop it. Congress is likely to argue that the policy violates the structure of separated powers in which the legislative powers are assigned to the bicameral legislature.

Those are constitutional arguments hoping for a judicial remedy. They may or may not succeed. And if they don't, the reason is likely to have less to do with the merits of the arguments than with the reluctance of judges to decide questions they believe the Constitution has left for the political process to resolve, with the elective branches using the tools available to them, such as, in the case of Congress, the power of the purse.

Soon enough we'll start to see how the courts regard the legal challenge to Obama's executive action—and also how the candidates for president see it. After all, the litigation is likely to persist through 2015 and into the election year, and the cases filed and about to be filed raise questions worthy of debate by those aspiring to the presidency—questions of congressional and presidential power, of the contours of American constitutionalism.

—Terry Eastland

## Better Regulations Can Promote Jobs and Good Government

**By Thomas J. Donohue**  
President and CEO  
U.S. Chamber of Commerce

Last month the voters said that their government is not working properly and must be reformed. One of the best government reform efforts would be to modernize our regulatory system.

When the business community complains about regulations, many people believe that it's just trying to cut corners. But businesses do recognize the need for regulations to ensure workplace safety and protect public health. What they don't like is a regulatory system that is increasingly opaque and driven by political agendas, lacks basic accountability, often employs flawed data and questionable science, ignores congressional intent, and too often prevents citizens from effectively weighing in on proposed rules.

With a \$2 trillion price tag in compliance costs, an increasing number of huge and complex rules, and a permitting process that makes it virtually impossible to build anything,

Americans deserve to know whether they are getting their money's worth and what impact rules have on jobs, small businesses, and our economic and personal freedoms.

The U.S. Chamber of Commerce advocates for regulatory reform that adheres to four commonsense, bipartisan principles. The first is accountability. Congress needs to exercise rigorous oversight of the federal agencies. This includes insisting on an up-or-down vote on the largest and most costly regulations and more carefully crafting legislation so that congressional intent is perfectly clear and regulators' discretion in writing rules is limited.

The second principle is transparency. Nothing would ensure greater transparency than eliminating sue and settle agreements, where advocacy groups sue the Environmental Protection Agency or another federal agency. With little to no pushback, the agency agrees to a settlement and a court signs off. As a result, the key decisions about how and when to issue new regulations are made in secret, entirely outside of the normal rulemaking process.

The third principle is to allow meaningful participation by stakeholders and citizens. Agencies should be required to inform the public of pending regulatory decisions on high-impact rules early in the process, share their data and economic models, and allow adequate time for comments.

The fourth principle is simple: When it comes to the permitting process, let's be safe but swift. Today, major energy, infrastructure, and other projects cannot be built or even granted a permit because of a broken environmental review process. With commonsense reforms, we don't need to choose between speed and safety. We can have both and we need both.

It's time to restore accountability, transparency, public participation, and efficiency to our regulatory system and our government. This will remain a top priority for the Chamber in 2015.



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# Obama Negativa

That's just who he is.

BY ANDREW FERGUSON

Perhaps you too have been wondering why it is that President Obama is always, always telling us who we are as Americans and who we are not. Obviously, why he does this is a complicated question. And I guess “always” is an exaggeration. Frequently, though—he does it very frequently.

To pull one little item from the Google hopper: He was asked earlier this year about football players and the concussions they always (frequently) seem to be getting. There are few subjects the president won't comment on.

“We have to change a culture that says you suck it up,” the president said. At the same time, he went on, football will continue to be, even after we stop sucking it up, “fundamental to who we are as Americans.” Boola boola.

The little clump of words about who we are as Americans pops out of the president's mouth so often it's easy to miss it, even when he says it twice on the same occasion, a few sentences apart, as he sometimes does. It's not necessarily annoying. Often when he tells us who we are the phrase has a nice, friendly lilt to it, as though the president were giving us a pat on the back. You hear him at the 9/11 museum saying, “Nothing can ever break us. Nothing can change who we are as Americans,” and you think, Thanks, Obama!

Unfortunately, Americans might also get confused about who we are, assuming we're paying attention to our president. It's easy to lose track.

*Andrew Ferguson is a senior editor at THE WEEKLY STANDARD.*

“That's who the American people are—determined, and not to be messed with,” the president said again last summer. So, number one, we're bad ass. This is probably related to our being football fundamentalists. But make no mistake: We have a gentler side. All the Christmas parties, Seders, and Muslim religious ceremonies the



president hosts at the White House “are an affirmation of who we are as Americans.” So, number two, we're religious, without overdoing it.

“Values,” he said on another occasion last year, “make us who we are as Americans.” He decided not to get too specific about which values make us, so we may conclude simply that, unlike other people, we are people with values. That's number three. “National monuments,” he said a few years ago, “tell the story of who we are as Americans.” Number four: We're monumental. The Bowe Bergdahl affair, from last summer, does the same thing that national monuments do. It shows that “an ironclad commitment to bring our prisoners of war home” is what

“makes us who we are as Americans.”

“We shape our destiny . . . that's who we are.” So, number five, we are destiny shapers who always go get our prisoners of war, even if we have to let loose a bunch of Taliban first. Remember the underwear bomber? He proved that “we will be guided by our hopes, our unity, and our deeply held values. That's who we are as Americans.” So we're hopeful, united, and festooned with those values, unspecified. Extending unemployment benefits past 99 weeks is “who we are as Americans.” We're big spenders when it comes to public funds. Income inequality “challenges the very essence of who we are as a people.” We can all make lots of money, as Americans, but not too much.

Sometimes the president teams up with his wife, who uses the word clump when she's talking about her national exercise and diet programs. She has talked about “the many cultures and faith traditions that make us who we are as Americans.” When they set about to decorate the White House for Christmas, Mrs. Obama said last year, “We tried to tell a story about who we are as Americans.”

I could go on and on with many more examples, but you'd hate me.

The phrase, you'll notice, carries a vaguely therapeutic air. Our language everywhere shows the smudgy hand of the therapist, the life coach, the counselor, the facilitator. People nowadays say they “reach out” to people that they just used to talk to, and “share” things when they just used to say things, and talk of themselves, of their feelings and impressions and habits, without ceasing. It is the mission of the therapists and life coaches to enable you to find yourself, “to discover who you really are as a person,” to decant the authentic *you*. I suppose it was inevitable that the seductive language of therapy would migrate into the language of politics.

And who we truly are is often obscured, in national life as in

GARY LOCKE

personal life, beneath layers of self-deception, pretense, and misunderstanding. The politician and his codependent audience, like therapist and patient, have penetrated America's true self and returned to deliver the news to everyone else. This makes it a perfect trope for a certain kind of rhetoric, in which unexceptional, even banal, sentiments ("hope," "change") are cast as moral insights that transcend the "false choice" that befuddles a politician's opponents.

"Who we are" serves other purposes. It allows the president's followers to absorb the jingoism of less sophisticated people—all those vulgar crowds chanting USA! USA!—and refine it into the moral vanity they more highly prize. (Self-flattery is who they are.) Democrats have been bedeviled for decades by the canard that they are somehow less patriotic than conservatives. "Who we are" allows them to turn the tables, so long as who we are is Democrats. If, for example, you think that 99 weeks of unemployment insurance payments is about all we can afford, then you're not just wrong, you're un-American. You're not who we are. It's superpatriotism for the passive-aggressive. If we still had a House Committee on Un-American Activities we could rename it the House Committee on Activities of People Who Are Not Who We Are as Americans.

Indeed, *not who we are* is as important to the president as who we are. Lately he has been using his word clump in a negative formulation. When Ebola briefly became the crisis of the decade a while ago, the president stood tall. "I put those on notice who think that we should hide from these problems," he said. (It's not clear who those people were—I'd need to see some direct quotes.) But the president made it clear who we were not: "That's not who we are." And people who oppose large subsidies for windmills and solar energy—maybe they think they're Americans. No: "That's not us. That's not who we are." Same goes for all those people who want to "eliminate health insurance for millions of Americans who are poor and elderly or disabled" just so they can give tax cuts

to rich people—though again, I'd like to see a show of hands from the people who want to do this. Anyway: that's who we are . . . *not*.

Theologians used to speak of the *Via Negativa*—a philosophical method that tries to define God by ticking off all the things he isn't, in a process of elimination. It turns out that even the president's positive affirmations of

"who we are" are essentially negative. The president and his supporters have embarked on their own *via negativa*, defining true Americans by eliminating, rhetorically, the ones who disagree with him. It's an odd mission for a man who as a candidate told us there was no blue America or red America, only the United States of America. But that's not who he is as a president. ♦

## On a Roll

Suddenly, things look up for the GOP.

BY FRED BARNES

Republicans have lost the last two presidential elections, but not much else over the past six years. They've captured the House and Senate. They now hold 31 governorships and 69 of the 99 state legislative chambers. What this means is pretty simple: There's an emerging Republican majority.

The GOP still has significant emerging to do before reaching majority status. It may never get there. The rise this year may be Republicans' peak for now. They may have achieved nothing more than what University of Virginia professor Larry Sabato calls "the emerging outline of possible GOP victory in 2016."

At the very least, a Republican must win the White House in 2016 while maintaining control of Congress. Republicans need to attract more votes from minorities, particularly Hispanics. They must continue to improve their appeal to women. Most of all, Republicans must avoid self-inflicted wounds such as prompting another government shutdown or nominating a poor presidential candidate.

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That's a lot to pull off. But Republicans have advantages they lacked in the presidential years of 2008 and 2012. One is the eight-year itch. That's the tendency of voters to change parties in the White House after a two-term presidency. The only exception in the last seven instances of such a presidency was the election of George H. W. Bush in 1988 after Reagan's two terms.

And President Obama is likely to make things worse for the Democratic candidate in 2016. He is not only unpopular but also appears committed to an unpopular agenda. Every poll shows Americans want compromise

in Washington. Obama's preference is for confrontation.

Then there's the ideological direction of the Democratic party. It's tilting left. All the energy and passion is on the left. The party is being McGovernized. Moderates have about as much influence as liberals do in the Republican party. The Democratic agenda—bigger government, higher taxes, increased spending, and cultural nihilism—isn't a winning combination for 2016.

Midterm elections are not predictive of presidential outcomes. We know that from recent history: After winning in a landslide in the 2010



midterm, Republicans lost the presidential race two years later. Still, the 2014 election offers some clues about political trends. For instance, it suggests the Obama coalition is not the same as the Democratic coalition.

Obama was a great presidential candidate. He maximized the Democratic vote. But when he wasn't on the ballot in 2010 and 2014, Democrats lost badly. Their turnout machine didn't work as effectively without him on the ticket. So the Democratic coalition will probably be less broad in 2016.

Democrats think they have a number of current issues on their side. But issues that poll well don't always cause voters to back candidates of the party associated with those issues. Raising the minimum wage is a good example. It's clearly a Democratic issue. In November, voters in Arkansas, Nebraska, South Dakota, and Alaska backed increases in the minimum wage. At the same time, they elected Republicans to the Senate—and by large margins except in Alaska.

Among the major Democratic issues today are global warming, same-sex marriage, abortion, and voter ID. Global warming is so far down the list of issues that voters care about, it has dropped out of sight. The fight over gay marriage is over. Democrats benefited in two election cycles from blaming Republicans for a "war on women" involving abortion and contraception. That issue died in 2014. Opposing voter ID laws may galvanize African Americans and the party base, but that's it. Besides, there's no evidence such laws prevent voting.

Immigration is different. It divides the country. It's a problem for Republicans, who need 40 percent or more of Hispanic voters to win the presidency. It is one of the few issues that actually may help Democrats. Even so, Republicans fared better with Hispanic voters in 2014 than in 2012. In Texas, Republican Greg Abbott got 44 percent of the Hispanic vote in winning the governor's race.

The Hispanic vote is growing, but it's voters over 65 who are increasing the fastest as a share of the electorate. According to one estimate, seniors will

be 30 percent of voters in 2030, Hispanics only 15 percent. And older voters tend to be more conservative, thus inclined to vote for Republicans.

The youngest voters, 18 to 29, are beginning to slip away from Democrats, too. Exit polls showed House Democrats had "half the advantage" with voters under 30 this year than they did in 2006. "The party's grip on the young may be loosening," wrote Mark Bauerlein in the *New York Times*.

Virginia governor Terry McAuliffe said Democrats ought to have touted aggressively the economy in the 2014 campaign. He should know better. Employment has improved, especially if you're happy with a part-time job. But the recovery from the 2008-2009 recession is the slowest in many decades as average middle-class income stagnates and the exodus of Americans from the job market continues.

Assuming Obama sticks to his unimaginative Keynesian policies, it's doubtful the economy will be any better in 2016. And a mediocre or worse economy won't boost Democratic candidates, quite the contrary.

Finally, it's worth looking at the Democratic presidential candidates. They're old. Hillary Clinton will be 69 in 2016, Vermont senator Bernie Sanders a ripe old 75, and Jim Webb, the former Virginia senator, 70. Outgoing governor Martin O'Malley of Maryland will be a mere 53, but the main feature of his governorship—tax hike after tax hike—was repudiated in this year's election. True, younger candidates may jump in.

The Republican presidential race, in contrast, is brimming with potential candidates in their 40s or early 50s. A partial list includes Bobby Jindal, Paul Ryan, Marco Rubio, Chris Christie, Rand Paul, Scott Walker, and Ted Cruz. Who's likely to be a more exciting candidate in 2016, Hillary Clinton or Marco Rubio?

Favorable trends guarantee nothing in politics. But if they didn't exist, Republicans wouldn't have emerged in 2014. Should they continue in 2016, Republicans will emerge again. And in the not too distant future, they'll be the majority party. ♦

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# Sermons for the King

Green in exchange for green.

BY JOSEPH BOTTUM

Speaking truth to power is easy—**S**or easier, anyway, than speaking truth to money. We might resist a sovereign who commands us to preach his favored doctrines. But a sovereign who slips us a little cash on the side, just for a sermon or two on something we maybe don't really disagree with all that much? Harder. Much, much harder. It was true back in 1717, for example, when Benjamin Hoadly preached a famous Anglican sermon in front of a receptive King George I—a sermon that called for church government to be taken away from the bishops and given directly to the king.

And it isn't a surprise now in 2014, when Maryland's Prince George's County, just outside Washington, D.C., began issuing tax rebates to local churches. As it happens, those tax rebates do require a little something from the churches—a nod to the king, as it were. All the churches need to do to get the rebate is perform a little environmentalist ministry, according to a well-reported story in the *Washington Post* on November 16. All they need to do is preach a little green.

Maryland has been on a tax spree over the past eight years, as the state government looked desperately for funds with which to support its social programs. An enormous majority of the state's voters belong to the Democratic party; President Obama carried Maryland by 25 percentage points in 2012, and Democrats have held the governor's mansion 41 out of

the past 45 years. But the piling up of new taxes proved too much even for Maryland, and voters in the very blue state shocked pollsters this fall by electing Republican Larry Hogan their new governor.

The most unpopular of Maryland's recent tax increases was what unhappy locals dubbed "the rain tax" and the



*An Environmental Stewardship Action Group member at Maryland Presbyterian Church in Towson shows off a rain barrel.*

state called its "stormwater remediation fee," imposed on all property owners whose runoff drained into the Chesapeake Bay. The cost of the environmentalist measure is spread evenly across business properties, private houses, and buildings owned by nonprofits—including churches. And there's the problem.

Forestville New Redeemer Baptist Church, for example, had its rain tax assessed at \$744 a year by Prince George's County, and the church just couldn't afford it. But we needn't worry. If, with the county's help, the church installs rain barrels, plants some trees, and replaces its parking lot tarmac with permeable material, the tax will be reduced to "virtually nothing," according to the

church's pastor, Nathaniel Thomas.

Or maybe, in fact, we do need to worry, for the church also has to do for the county just a little bit more—just the little bit more that proves its heart is in the right place. The church must also run a "green ministry," promoting the environmentalist changes to its property. And Pastor Thomas must preach, just now and again, "environmentally focused sermons" to "educate" his congregation.

Around 30 churches in the county have applied to join the rain-tax rebate program, which will save some of them (especially the ones with large parking lots) thousands of dollars a year. The *Washington Post* story was secularist in its framing, which is to say that the reporting was done in a kind of wonder that *churches*, of all things, are getting these rebate deals—thereby setting the county up for possible wall-of-separation and viewpoint-discrimination lawsuits from secular nonprofits and even for-profit businesses.

But precisely what religious Americans should worry about is that *churches*, of all things, are getting these deals. The nation's houses of worship are an "untapped resource" for making people "do what is right," a spokesman for the Environmental Protection Agency told the *Post*. And when government officials start telling churches to preach "what is right," we've crossed into a new and very un-American world of sermons for the king's pleasure.

A world, for that matter, of sermons for the king's money. By all reports, Adam Ortiz is a good guy. Environmental director for Prince George's County, he's a tall, wide-eyed man with a lopsided smile and a goofy Van Dyke beard framing his mouth. He doesn't look like someone who wants to wreck the republic and establish the kind of well-controlled state churches for which even King George I of Great Britain hungered in vain. Ortiz simply believes in environmentalism so deeply that he doesn't understand the possibility that churches shouldn't be bribed to preach about what he thinks they

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must also believe is right. Protecting the Chesapeake from pollutants carried in by runoff is important, sure. That's why Maryland imposed the rain tax. But more important is getting people's minds straight. And who better than the churches for that?

America's congregations are fairly good at resisting direct threats. This past October, for example, lawyers working for the mayor of Houston, Annise Parker, issued subpoenas demanding the text of church sermons preached on "sexuality and gender identity" in opposition to the city's new gay-rights ordinance. The speed with which Parker fled from the resulting national outcry was almost comic. She still thinks she was right to threaten the local churches, but, well, "I don't want to have a national debate on freedom of religion," she admitted as she ordered the subpoenas rescinded. She just wanted the local Houston churches to get their minds straight, and the national attention thwarted that well-intended plan of intimidation.

But if they've been good at resisting the king's order, America's congregations have proved less good at resisting the king's coin. For a church like Forestville New Redeemer Baptist, \$744 a year is serious money—money needed for food programs and missionary work and replacements for the fraying hymnals. Money needed for this winter's heating bill, for that matter. "Once Uncle Sam finds a way to take your money," Pastor Thomas told the *Post*, "he doesn't stop." So why not take the deal that the smiling Adam Ortiz is offering? It's not as though the churches are opposed to environmentalism, after all. Stewardship of God's creation is a principle written right there in the Bible.

What's also written in the Bible is the command to render unto God that which is God's. Nothing should make pastors more suspicious of preaching on a particular topic than money offered for sermons on that topic. No church in America ought to take that bribe.

Maybe even more to the point, no government official ought to offer it. ♦

# Beyond the Barricades

## Xi lowers the boom on Hong Kong.

BY DENNIS P. HALPIN

With the Asia-Pacific Economic Cooperation (APEC) summit in Beijing safely over and regional leaders departed, China's new strongman Xi Jinping decided to lower the boom on Hong Kong. Police there began clearing the barricades last week from the city's main thoroughfare with the stu-



A policeman crosses a barricade, December 1.

dents in apparent retreat. Hong Kong's chief executive, Leung Chun-ying, widely perceived as Beijing's puppet, was quoted by Reuters as promising "resolute action" and warning students not to return to occupation sites. The students' Occupy Central movement arose this summer after Beijing's rubber-stamp National People's Congress Standing Committee announced a pre-screening of candidates for the 2017

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Hong Kong chief executive election. This was a blatant interference in the "one country, two systems" formula that promised Hong Kong a degree of local autonomy after the Chinese takeover in 1997.

On December 1, Voice of America reported that "hundreds of Hong Kong pro-democracy protesters clashed with police," but "hundreds of riot police armed with pepper spray and batons pushed back, injuring several protesters. . . . Scores of volunteer medics attended to numerous injured, some who lay unconscious and others with blood streaming from head gashes. Police said at least 40 arrests were made." One could almost hear the strains from *Les Misérables*: *Will you join in our crusade? Who will be strong and stand with me? / Somewhere beyond the barricade, is there a world you long to see?*

So what happens for Hong Kong when tomorrow comes? What of the pledges in the Sino-British Joint Declaration of 1984 and the constitutional guarantees contained in the Basic Law that the Hong Kong Special Administrative Region would continue "to enjoy a high degree of autonomy except for foreign and defence affairs. It shall be allowed to have executive, legislative and independent judicial power"? Beijing gave its response when, according to a BBC report, the Chinese embassy informed a group of British MPs seeking to conduct an inquiry into the situation in the former crown colony that they would be denied entry into Hong Kong.

A major Beijing propaganda theme in attempting to deny the democratic aspirations of the people of Hong Kong is that outside agitators, chiefly

from the United Kingdom and the United States, are behind the wave of unrest. China's government mouthpiece, the *Global Times*, editorialized earlier this fall that "the more [extremists] count on support from Washington and London, the more absolutely they will fail." President Obama was put on the defensive on Hong Kong by his Chinese hosts at the APEC summit. In a joint press conference with Xi Jinping, Obama declared, according to Hong Kong's *South China Morning Post*, "On the issue of Hong Kong, I was unequivocal in saying to President Xi that the United States has no involvement in fostering the protest that took place there."

Xi responded with a stern warning that "Hong Kong affairs are exclusively China's internal affair, and foreign countries should not interfere in those affairs in any form or fashion." Still, as Assistant Secretary of State for East Asian and Pacific Affairs Daniel Russel pointed out in congressional testimony on December 3, the United States continues to have extensive commercial interests in Hong Kong, with more than 1,400 American companies investing there and with Hong Kong alone still representing the ninth-largest market for U.S. exports. But these economic ties alone cannot resolve political questions.

The political uncertainty hanging over Hong Kong is, of course, nothing new. In December 2004, while en route to the city, veteran congressman Henry Hyde succinctly summarized its ongoing dilemma. "The danger," he observed, "is that Hong Kong will end up being just another Chinese city." Hyde expanded on his concerns in a speech there. He observed: "Whether or not the people of Hong Kong and the government in Beijing wish or even recognize it, the unique status and relative freedom of this former crown colony have made it the preeminent testing ground of the possibilities of China's political evolution, the most difficult and important test being whether greater freedom and democracy can be made compatible with the regime's insistence on order and stability."

Erosion of Hong Kong's freedoms under the "one country, two systems" formula was already well underway by the time of Hyde's speech. One area of almost immediate decline was press freedom. In May 2002, while on his way to appear at a congressional hearing on North Korea, veteran journalist Jasper Becker was unceremoniously fired as the Beijing bureau chief of Hong Kong's premier English-language daily, the *South China Morning Post*. In Becker's account, as reported in the *Washington Post*, a process of self-censorship was being used to curb Hong Kong's once-free-wheeling press. The editorial policy of Becker's former paper was determined to be secondary to the mainland Chinese investments of the newspaper's owner. Not only was Becker let go, but one of its editors, Willy Lam, an expert on mainland China, was shown the door as well. Lam was replaced by an editor from Beijing's official mouthpiece, *China Daily*.

Almost simultaneously, the *New York Times* reported on April 16, 2002, that prominent Chinese prison labor critic and U.S. citizen Harry Wu had been denied entry into Hong Kong—raising serious doubts over the purported independence of Hong Kong immigration procedures as guaranteed under the "one country, two systems" formula. These had been affirmed in the Hong Kong Policy Act passed by Congress in 1992—an act recognizing Hong Kong as a separate customs and trade area with resulting special considerations, considerations the new Congress may wish to review in light of recent events. Hong Kong immigration has subsequently denied entry for political reasons to Tiananmen Square activist Wuer Kaixi, Falun Gong practitioners from New Zealand and Taiwan, and leaders of Taiwan's Sunflower movement.

The resulting bumpy ride in Hong Kong does not fit well with Chinese president Xi Jinping's self-proclaimed vision of the "China Dream." Nor does it provide a clear path for Beijing's ultimate goal of reuniting the so-called renegade province of Taiwan with the mainland, following

in the footsteps of the former British crown colony. According to the *Los Angeles Times*, Xi had pointed this fall to Hong Kong's "one country, two systems" as the model for ending the political separation of Taiwan. The *Times* went on to quote Taiwan's Mainland Affairs Council as pointing out "that more than 70 percent of Taiwanese people" consider Xi's suggestion "unfit" for consideration.

Taiwan's president, Ma Ying-jeou, cut to the crux of the situation by pointing out in a November 1 interview with the *New York Times*, "If mainland China can practice democracy in Hong Kong or if mainland China itself can become more democratic, then we can shorten the psychological distance between people from two sides of the Taiwan Strait." Ma, the *Times* noted, "risked antagonizing Beijing . . . by voicing support for protesters in Hong Kong and for greater democracy in mainland China."

The current crisis exposes Beijing's ongoing dilemma: how to achieve a balance between protecting a unique status for Hong Kong and maintaining overall control? As Hong Kong's economy has become progressively less important to the mainland, Beijing's pledge to Margaret Thatcher in 1984 that Hong Kong would be able to maintain its capitalist system and unique way of life for 50 years after reversion—until 2047—may seem of less importance to Communist party leaders. And preventing cultural and political "pollution" from penetrating across the frontier from Hong Kong into mainland China may become paramount to regime stability.

As a result, Xi Jinping, modeling himself after former leader Deng Xiaoping, seems to have decided that he also can brook no rebelliousness from pesky students. Xi, in fact, appears to have won the latest round, as three of the protest leaders, with a pro-government crowd jeering, turned themselves in on December 3 at a local police station for taking part in "unauthorized assembly." Hyde's fear that Hong Kong will become "just another Chinese city" is looking sadly prophetic. ♦

# Kevorkian's Vision

He's looking alarmingly prophetic.

BY WESLEY J. SMITH

Assisted suicide exploded into the news again two months ago after Brittany Maynard, dying of brain cancer, announced she would take a lethal prescription as permitted under Oregon law. Maynard became an international celebrity, lauded as “courageous” in a cover story in *People* and featured in the world's top media outlets.

The last time the media swarmed so feverishly in favor of assisted suicide was when they touted Jack Kevorkian's defiant assisted suicide campaign in the 1990s. As they later would with Maynard, the media substituted intense emotionalism for reporting and analysis, focusing almost exclusively on the suffering of those who wanted to die rather than the radical societal changes Kevorkian hoped his death campaign would bring about.

Kevorkian is dead, but the policies he advocated are becoming reality—one bit here, another bit there—throughout much of the West. For example, Kevorkian insisted that access to assisted suicide should not be restricted to the terminally ill. He put his poison where his mouth was, too: About 70 percent of those who flew to Michigan to end their lives with Kevorkian's assistance weren't terminally ill. Five weren't even sick, according to their autopsies, including his second known assisted suicide—Marjorie Wantz—a mentally ill woman who complained of chronic pain.

As advocated by Kevorkian, euthanasia or assisted suicide laws and

pending legislative proposals outside of the United States do not limit doctor-facilitated death to the terminally ill. Euthanasia is legal in the Netherlands, Belgium, Luxembourg, and Quebec, none of which limit it to terminal illness. Ditto Switzerland, where suicide clinics dispatch the



Jack Kevorkian, 1997

dying and nondying alike. The same goes for Scotland's pending legislation to legalize assisted suicide.

It is true that the three states that have formally legalized assisted suicide—Oregon, Washington, and Vermont—restrict it to the terminally ill. But that seems more a political expedient than a principled approach. Indeed, there have been several legalization proposals here that would have been far more expansive. For example, New Hampshire's 2014 bill, HB 1325, claimed to limit legalized assisted suicide to the dying, but used Jonathan Gruber-type obfuscation to hide its true intent in the definition of terminal illness:

“Terminal condition” means an incurable and irreversible condition, for the end stage for which there is no known

treatment which will alter its course to death, and which, in the opinion of the attending physician and consulting physician competent in that disease category, will result in premature death. [emphasis added]

That definition is broad enough to drive a hearse through, potentially encompassing conditions such as progressive multiple sclerosis, Parkinson's disease, diabetes, and asymptomatic HIV infection. Indeed, as the disability rights activist Stephen Drake of Not Dead Yet wrote blasting the bill, “My [disabled] partner would fit that definition. Many people I work with also fit the definition. None of them are dying.”

Kevorkian also believed that assisted suicide was a human right that should be allowed to anyone wanting to die. Thus, in his 1991 book, *Prescription Medicide: The Goodness of a Planned Death*, Kevorkian wrote in favor of what he called “optional assisted suicide”:

This is for individuals, sometimes in good physical and mental health, who choose to be killed. . . . The compelling factors may be physical (the end stage of incurable disease, crippling deformity, or severe trauma), mental (intense anxiety or psychic torture inflicted by self or others) or doxastic (religious or philosophical tenets or inflexible personal convictions).

“Optional” assisted suicides and euthanasia killings take place legally now. In the Netherlands, psychiatrists euthanize about 50 mentally ill patients a year, and doctors euthanize their elderly patients because they are “tired of life.” The KNMG—the Dutch Medical Association—wrote an ethics opinion arguing that “suffering” justifying euthanasia in the elderly could include money woes and loneliness.

In Belgium, a transsexual was euthanized legally because he was distraught by a botched sex change surgery. A psychiatric patient, taken advantage of sexually by her psychiatrist, was euthanized by his replacement because she was so distressed over the victimization. Elderly couples who don't want to be widowed have

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received joint euthanasia killings—to public applause.

Switzerland has embraced Kevorkianism. People fly from around the world to patronize suicide clinics there. In addition to assisting the terminally ill and disabled to die, Swiss clinics have, as in Belgium, engaged in joint assisted suicides of elderly couples and helped people to die who were suffering existential crises. Just two examples: This year a healthy elderly Italian woman made a one-way trip to Switzerland because she was distraught over her lost looks, soon followed by an elderly British woman who believed her death would help the environment.

The list of Kevorkian proposals being implemented or proposed as a means of “death with dignity” could go on and on:

■ Kevorkian wrote in the journal *Medicine and Law* (1986) that laymen should be permitted to assist suicides. Today, Scotland’s pending assisted suicide legislation proposes the creation of a new profession—the “licensed

suicide facilitator”—who would be permitted to assist suicides of those found medically eligible by a doctor.

■ Kevorkian argued that euthanasia should be available to babies and children. In the Netherlands, terminally ill and seriously disabled infants are euthanized under what is known as the Groningen Protocol, while Belgium recently legalized assisted suicide for children with no age restrictions.

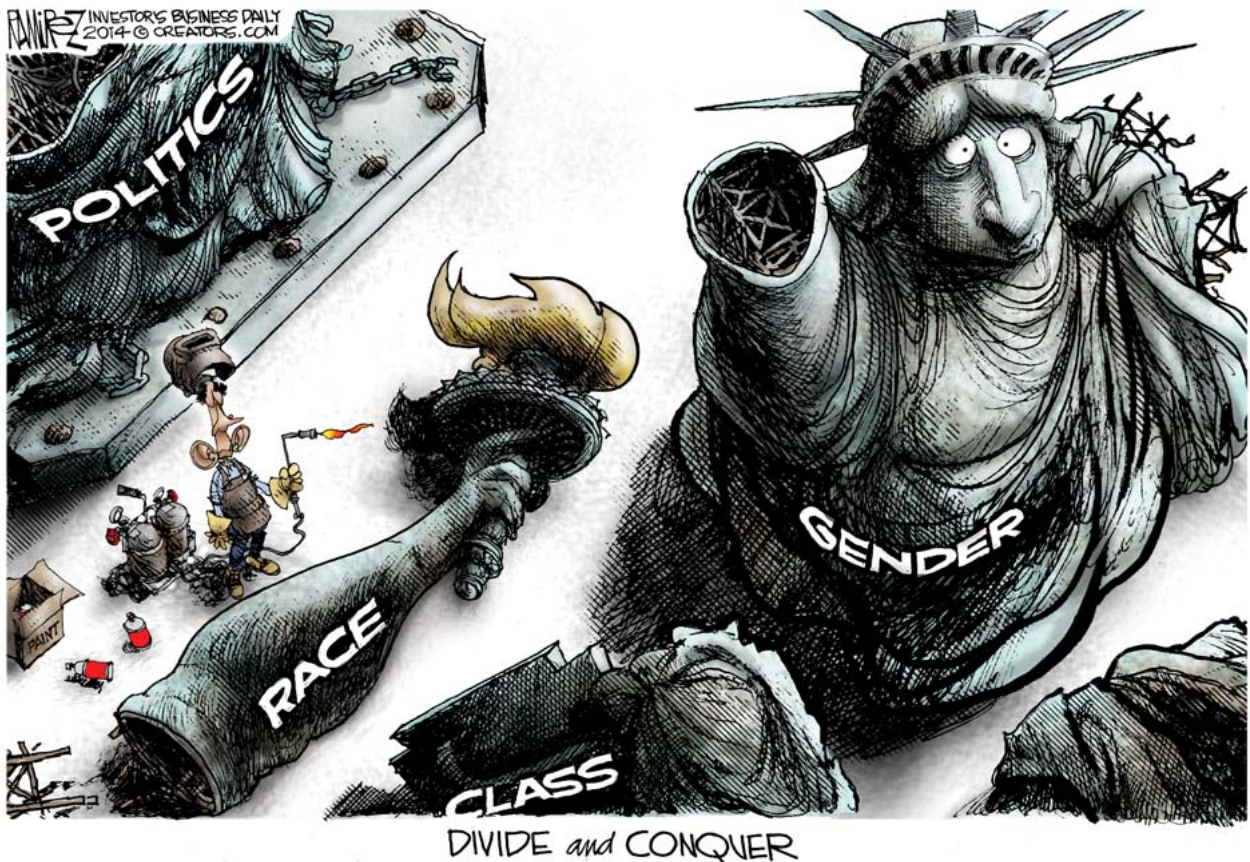
■ Kevorkian believed that the bodies of those being euthanized should be used for society’s benefit. He even removed the kidneys of ex-policeman Joseph Tushkowski—a quadriplegic he assisted in suicide—offering them at a press conference, “First come, first served.” Belgium now couples euthanasia with organ harvesting. Doctors there have even held seminars urging that patients with neuromuscular disabilities should be considered prime candidates because they have “good organs.” The Netherlands is now drawing up regulations to do likewise.

■ Kevorkian proposed setting up

regional death centers to make the “service” more accessible. In the Netherlands, doctors make euthanasia house calls while mobile euthanasia clinics travel to nursing homes and elsewhere, to facilitate suicides in cases where personal doctors refuse euthanasia requests.

■ Kevorkian believed that euthanasia and assisted suicide should be between a patient and doctor, with no state “guidelines.” Vermont’s new assisted suicide law currently has guidelines requiring doctors to report their assisted deaths (similar to the law in Oregon). But the guidelines sunset in three years, after which assisted suicide will be essentially unregulated in that state.

Kevorkian was convinced that he was leading us into the future. Some were shocked by his ideas. Many smirked, blithely assuming it could never happen. But it has happened and is happening. Listen carefully and you may hear Kevorkian, whispering from the Great Beyond: “I told you so.” ♦



# The Benghazi Report

*An ongoing intelligence failure*

BY STEPHEN F. HAYES  
& THOMAS JOSCELYN

After a long day on November 13, 2013, Speaker of the House John Boehner walked down the marble hallways of the Longworth House Office Building to the personal office of Representative Devin Nunes for a drink, a cigarette, and maybe a brief reprieve.

But Boehner's visit was not a social call. He was there to see three CIA officers who had fought in Benghazi, Libya. Their identities were unknown to all but a small group of U.S. government officials with high-level security clearances, and the details of their harrowing stories were unknown to virtually everyone who was not a colleague or relative.

And the fact that the meeting was taking place at all was unknown to the man who, under different circumstances, might have been expected to host it. Mike Rogers, the chairman of the House Intelligence Committee, was not invited.

Rogers was sick of Benghazi. Some of his Republican colleagues had spun themselves into a frenzy of conspiracy theorizing, publicly making wild claims that had no basis in fact or hinting at dark conspiracies that had the president of the United States willfully and eagerly arming its enemies. Representative Darrell Issa, chairman of the House Oversight and Reform Committee, long the Republican face of Benghazi investigations, accused Secretary of State Hillary Clinton of giving a "stand-down" order to Defense Secretary Leon Panetta. Representative Louie Gohmert claimed that Senator John McCain deserved some of the blame for Benghazi because McCain, like Barack Obama, had supported opposition forces in Libya. Normally

responsible Republicans pretended that Hillary Clinton's famous "what difference at this point does it make" line was not so much a tone-deaf question about *how* the attacks happened, which deserved the criticism it earned, but a declaration of indifference *that* the attacks happened, which was absurd. Rogers complained about these excesses regularly to his staff and colleagues.

This frustration, however, wasn't the reason Boehner and Nunes cut him out of the meeting with CIA officers. They shared his frustration, as it happened.

Their concern was deeper. Rogers had long been reluctant to commit more time and resources to investigating Benghazi. At a meeting of intelligence committee Republicans in early 2013, just four months after the attacks, Rogers laid out his priorities for the new Congress. Not only was Benghazi not on that list, according to three sources in the meeting, he declared to the members that the issue was in the past and that they wouldn't be devoting significant time and resources to investigating it. Whatever failures there had been in Benghazi, he explained, they had little to do with the intelligence community, and his intelligence committee would therefore have little to do with investigating them.

In the months that followed, more troubling details about the Benghazi story emerged in the media. Among the most damaging: Internal emails made clear that top Obama administration officials had misled the country about the administration's role in the flawed "Benghazi talking points" that Susan Rice had used in her Sunday television appearances following the attacks, and that former acting CIA director Michael Morell had misled Congress about the same. Other reports made clear that intelligence officials on the ground in Benghazi had reported almost immediately that the assault was a terrorist attack involving jihadists with links to al Qaeda—information that was removed from the materials used to prepare administration officials



*A fighter gestures outside the burning U.S. mission in Benghazi, September 11, 2012*

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for Defense of Democracies.*

for their public discussion of the attacks. A top White House adviser wrote an email suggesting that the administration affix blame for the attacks on a YouTube video.

The revelations even roused the establishment media from their Benghazi torpor and generated extraordinarily hostile questioning of White House press secretary Jay Carney by reporters who had trusted his claims of administration noninvolvement.

None of this convinced Rogers to make Benghazi a priority—a fact that frustrated many of the committee’s members. Boehner received a steady stream of visits and phone calls from House members who complained that Rogers wasn’t doing his job. In all, seven members of the intelligence committee took their concerns directly to the speaker or his top aides. Boehner’s presence at the secret meeting in Nunes’s office demonstrated that he shared those concerns long before he decided to impanel a select committee to conduct a comprehensive investigation of the Benghazi attacks. And what happened to the CIA officers as they attempted to share their story with congressional oversight committees suggests that those concerns were well founded.

**A**s lawmakers headed home for Thanksgiving two weeks ago, the House Permanent Select Committee on Intelligence released a report concluding that there were no intelligence failures related to the September 11, 2012, attacks in Benghazi and otherwise bolstering claims by the administration and its defenders that the controversy surrounding the attacks and their aftermath was rooted more in the imaginations of critics than in reality.

For many of those who had been following the story closely, the report was bizarre and troubling. Key events were left out. Important figures were never mentioned. Well-known controversies were elided. Congressional testimony on controversial issues was mischaracterized. The authoritative tone of the conclusions was undermined by the notable gaps in evidence presented to support them.

“If this was a high school paper, I would give it an F,” says John Tiegen, a former CIA officer who fought on the ground that night in Benghazi and lived through many of the events the report purports to describe. “There are so many mistakes it’s hard to know where to begin. How can an official government report get so many things wrong?”

It’s a good question. Representative Tom Rooney, a Florida Republican who serves on the committee that produced the report, disputes the premise.

“I don’t think this is the official government report. It’s Mike Rogers’s report,” says Rooney. “The members of his own committee don’t even agree with it.”

Indeed, several committee members we reached distanced themselves from the report released in their name,

some on background, others on the record. “I probably would have written it differently,” says Representative Mac Thornberry, a Republican from Texas who will assume the chairmanship of the House Armed Services Committee in the new Congress. “And it’s important to remember that this is a narrow look at just one part of the Benghazi story. All of the talk that this report answers this, that, and the other? It doesn’t. That’s the reason that Boehner appointed the select committee.”

Representative Peter King, a Republican from New York, signed an “additional views” statement but was unhappy with the report itself. “It was nowhere near the report I would have written,” King told us. “I agreed with some of the key findings—that the State Department was told about threats, that the intelligence community determined almost immediately that it was a terrorist attack. And I thought to reject it altogether wouldn’t have been smart; better to get some of that out there. But the best interpretation is that it was an attempt to be bipartisan. And that’s the best interpretation.”

Committee members say the staff ignored their objections. Rooney says he was angry when he first read a draft of the report, raised several substantive concerns, and sought to have his questions answered. “I actually sat down with the attorney for the committee and went over the language they were using in the report versus my understanding of what actually happened,” said Rooney, a former prosecutor. “I said: ‘I don’t agree with this finding, I don’t agree with this finding, I don’t agree with this finding.’ He was like: ‘Okay, we’ll take that into consideration.’”

If committee leadership did, in fact, take his objections into consideration it’s not evident from the report. Rooney says the report reads today just as it did before he complained.

Representative Joe Heck, a Republican from Nevada, says that while he believes the 15 “findings” in the main report are “valid,” the report should have been stronger. Heck, a brigadier general in the Army Reserve who was given a seat on the intelligence committee as a freshman in 2011, singled out the section on the Benghazi talking points as particularly weak. “The report was not as hard-hitting as it should have been,” he says.

Representative Mike Pompeo, Republican from Kansas, backs the conclusions of the report but says it is necessarily incomplete. “The facts that are contained in there—I have not heard anybody dispute the facts.” But Pompeo noted that he also serves on the Benghazi Select Committee, which is in the early stages of its investigation, and added: “There are still lots of documents to be made available, many witnesses yet to speak with outside the land of the intelligence community.”

The strongest support for the report came from Mike

Conaway, Republican from Texas, who praised Rogers's investigation as thorough and said: "I think the report is reflective of the facts we found."

Not surprisingly, Rogers strongly disagrees with his critics. The committee provided a long list of its Benghazi-related activities and noted that Rogers has been critical of the Obama administration on Benghazi. Asked why Rogers told committee Republicans in early 2013 that there was no need to investigate further, Susan Phalen, a spokesman for the committee, did not dispute that her boss made the comments but argued instead that the committee held 56 "oversight events related to Benghazi" in 2013.

Although the House Intelligence Committee report claims to be the definitive statement of the House of Representatives on matters of Benghazi and intelligence, interviews over the past week make clear that it's not even the consensus position of Republicans on the committee.

It's not hard to see why. Although it adds to our overall understanding of Benghazi, even a cursory read reveals sloppy errors of fact and numerous internal contradictions. For instance, on one page, the report has a top intelligence officer sending an email from Benghazi on September 15, before a crucial White

House meeting on the Benghazi talking points. A few pages later, the report has the same email sent on September 16 and arriving the day after that White House meeting. Elsewhere, the report informs readers that the first CIA assessment of the Benghazi attacks, an Executive Update published internally on September 12, reported that "the presence of armed assailants from the incident's outset suggests this was an intentional assault and not the escalation of a peaceful protest." One paragraph later, however, the report tells us that Morell, the agency's point man on Benghazi, testified that the first word there was no protest came on September 14. And later still we are told that the intelligence community didn't have confirmation that there was no protest until surveillance video was recovered on September 18—a full week after the attacks.

Those are minor errors, however, compared with the major omissions and mischaracterizations that mar the report. In a section on the controversy over the inaccurate talking points, for example, the committee inexplicably relies on Morell as its key fact witness and arbiter of truth. But nowhere in the body of the report is there even a hint that Morell misled Congress repeatedly about his involvement in those talking points for eight months after the

attacks. The report also attempts to clear the CIA of allegations that the agency made personnel sign special non-disclosure agreements related to their work in Benghazi. To do so, the authors ignore public, on-the-record claims of the attorney for those officials directly contradicting that conclusion. Mark Zaid, a veteran national security lawyer representing five CIA officers who served in Benghazi, told *THE WEEKLY STANDARD* last year that his clients were presented with nondisclosure agreements that were "legally unnecessary" and intended to send a message. "There is no doubt that the NDAs would not have been presented to them had it not been for Benghazi," Zaid said at the time. "That is their impression and my analysis based on 20 years' experience." Curiously, the report seeks to exculpate a Libyan militia that provided security to the U.S. mission in Benghazi. But doing so

requires the authors to omit key evidence that the group was compromised, including video evidence acquired since the attacks of a leader of that militia fighting alongside Ansar al Sharia—the al Qaeda-linked group that took part in the assault on the U.S. facilities.

The report begins by asserting that it is a "comprehensive" look at Benghazi resulting from an intensive investigation of nearly two years. Neither claim is true.

Instead, the report is a reflection of a dysfunctional committee and the reluctant, ad hoc approach to Benghazi of its leadership and top staff.

**K**ris Paronto remembers joking with John Boehner about his tan.

It was mid-November, but the former CIA officer asked the speaker if he'd been doing a lot of golfing. Boehner laughed and responded with a joke about golfing less than President Obama.

It was nearly 9:00 P.M., and the Longworth building was mostly empty. Paronto was joined in Representative Nunes's office by two others who had fought in Benghazi—Mark Geist and "Jack," the pseudonym for a former Navy SEAL who doesn't want his name made public—as well as Zaid, their lawyer. The men sipped port from Portugal, the country of Nunes's ancestors, and red wine from the Alpha Omega winery in his home state of California.

The 45-minute meeting with the speaker was mostly taken up with small talk—about family, Congress, the military. There were two exceptions. The first came when Boehner asked about persistent rumors that the CIA was involved in weapons transfers from Libya to Syria. Paronto



*Chairman Mike Rogers*

reported that he had never seen any evidence to support those claims. He made clear that he couldn't rule it out, but could speak with certainty only about what he'd seen and done—and that didn't involve moving arms. Boehner, who was intensely interested in Benghazi but not inclined to chase conspiracies, seemed satisfied. The second serious moment came near the end of the meeting, when Boehner told the men that he fully supported Nunes and his efforts to have them testify before the House Intelligence Committee.

Nunes, who will succeed Rogers as chairman in the new Congress, had spoken with some of the CIA officers before, including a six-hour session in his office on the occasion of their first meeting. The stories these men told affirmed the Obama administration's version in some respects and contradicted it in many others. Before their appearance, the full committee had heard from only one CIA officer who was on the ground in Benghazi. There was no way to conduct a serious investigation without hearing from these eyewitnesses and others like them, yet the committee never contacted them.

In the late summer of 2013, after the men had made clear to Nunes their willingness to testify, Rogers exchanged several letters with Zaid, who represented not just Paronto, Geist, and "Jack" but also two others who had been on the ground in Benghazi, John Tiegen and "D.B. Benton," another pseudonym. The men had begun collaborating on a book, *13 Hours*, which would be published in September 2014. Written by Boston University journalism professor Mitchell Zuckoff, it offers a detailed and decidedly nonpolitical account of what happened in Benghazi. Each of the men fought throughout the night to repel the attacks, some of them sustaining major injuries. Geist nearly had his arm blown off by a mortar as he fired on attackers from the roof of a building at the CIA annex early on September 12. Tiegen arrived moments later to find Geist trying to hold his tattered arm in place and both Tyrone Woods and Glen Doherty dead.

Zaid wrote Rogers that his clients were eager to share their story with the committee, and he made several routine requests in preparation, according to the correspondence, obtained by THE WEEKLY STANDARD. "On behalf of my clients and the memories of their fallen colleagues, thank you for your interest in this event," Zaid wrote, later noting that his clients "are looking forward to providing assistance to the Committee's investigation."

He asked the committee to permit him to sit in on the hearing and upgrade his security clearances accordingly,

and he requested that the committee subpoena his clients to give them some cover for their testimony. Zaid asked that the transcripts of the testimony not be made public until after September 1, 2014, when their book was due to be published. Zaid also requested that his clients receive the usual reimbursement for any reasonable travel and lodging expenses.

Zaid received a response from Rogers dated September 26, 2013. It opened with a threat to subpoena his clients if they refused to testify voluntarily—something they'd already agreed to do if the committee met their perfunctory requests. "We had hoped your clients would voluntarily assist the Committee's investigation of the September 11, 2012, attacks against U.S. interests in Benghazi, Libya. If, however, your clients are not willing to participate voluntarily, we will issue subpoenas to require their attendance before and testimony to the Subcommittee on Oversight and Investigations."

The threat struck Zaid as odd. He had made clear that his clients were testifying voluntarily, and he'd asked for the subpoenas.

The letter also noted that the closed hearing would allow for questioning from "any member of the full committee, as well as certain committee staff," an unremarkable passage that would soon take on added significance.

But it was another line that angered Zaid and his clients. "The Committee will not reimburse witnesses for travel expenses."

Asked about the committee's initial refusal to cover the expenses of the witnesses, spokesman Susan Phalen told THE WEEKLY STANDARD: "At no time did the committee refuse to cover the costs of travel and lodging for the witnesses."

In a response dated September 26, 2013, Zaid not only expressed his displeasure at the refusal to cover routine expenses, but also noted the committee's "sudden interest" in Benghazi and scolded the panel for not seeking their testimony earlier. "I am, however, quite disappointed that the Committee has refused to reimburse my clients, who are now private citizens residing far outside of the Washington, D.C., area, for their out-of-pocket travel and lodging costs. Of course, had your Committee sought their testimony while they remained in the employ of the U.S. Government, this would have been a nonissue. Indeed, my clients always expected to hear from Congressional investigators, but no inquiries ever came to their attention."

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**Rep. Tom Rooney, a Florida Republican and former prosecutor who serves on the committee that produced the report, says, 'I don't think this is the official government report. It's Mike Rogers's report. The members of his own committee don't even agree with it.'**

Zaid says lawyers for the committee told him that they would not reimburse his clients for expenses unless he agreed to drop his request for subpoenas. Issuing subpoenas, they told him, was an administrative hassle and they were unnecessary because his clients were volunteering to testify. Zaid agreed and dropped the request for subpoenas.

Phalen says House rules “do not allow the Committee to pay per diem to witnesses who are compelled to appear.” When staff explained this to Zaid, she says, he agreed to drop his request.

Zaid doesn’t remember it that way. “As far as I recall, I was never told that subpoenaed witnesses could not be provided per diem expenses. If I had been, there is no issue to discuss nor any dispute. The arrangement as negotiated was a quid pro quo agreement that our request for a subpoena would be withdrawn in exchange for the reimbursement of expenses.”

The parties agreed that Tiegen would testify alongside the CIA team leader, still employed by the government, on November 13, 2013, and Paronto, Geist, and “Jack” would testify the following day.

The first day of testimony was unremarkable. The second was not.

The hearings with Paronto, Geist, and “Jack” started well enough, with members of the committee from both parties, including Rogers, thanking the men for their heroism. The questioning from members of the committee, particularly the Democrats, was challenging but usually respectful. But the tone changed dramatically when the members were called away to the House floor for a vote and staff took over, according to six sources familiar with the testimony.

The top lawyer for Democrats on the committee, Michael Bahar, went first. He wanted to know about the debate between these CIA officers, who had wanted to move quickly from the CIA annex to the diplomatic compound, which was under attack, and the CIA’s chief of base in Benghazi, who had ordered them to wait while he telephoned for additional support from local security forces. The CIA officers had grown increasingly impatient as they listened to the desperate pleas of State Department personnel under attack at the compound less than two miles away.

Finally, the CIA officers decided they had waited long enough. Their primary obligation was to those under attack, they reasoned, so they jumped into their vehicles and departed for the compound.

The committee declined to release full transcripts of the hearings involving the CIA officers, so the exchanges below are based on the recollections of six individuals familiar with the testimony.

Bahar asked Paronto which branch of the military he had served in before his work with the CIA.

When Paronto responded that he’d been an Army

Ranger, Bahar asked about the rules for defying orders in the Army. He asked Paronto if he routinely disregarded his superiors during his time as a Ranger.

Paronto was furious, but Bahar continued with a line of questioning that implied Paronto and his colleagues might be guilty of insubordination.

“He was trying to pin [Paronto] down on—‘So you disobeyed an order,’” recalls Geist, who was seated next to Paronto. “It was uncalled for.”

The accusatory tone of the questions did not end when Republican staff took over. Two top GOP staffers began to grill the witnesses about whether they had met with any members of Congress before their appearance before the committee.

The witnesses mentioned their meetings with Devin Nunes, an admission that generated additional inquiries and an implication that Nunes might have been guilty of witness tampering. The questioning continued.

Q: Anyone else?

A: The speaker.

Q: What speaker?

A: The speaker of the House. John Boehner.

The words filled the room until they were replaced by an anxious, apprehensive silence.

“Yeah, that ended the questioning pretty quickly,” says Paronto.

Was it somehow inappropriate for Boehner and Nunes to have spoken to the CIA officers about their experiences? Susan Phalen, the spokesman for the committee, seemed to chastise Nunes but not Boehner. “It was not inappropriate for any witness to have contacted or met with a member of Congress before their testimony before the committee. It is inappropriate for a member of a committee conducting an investigation into an event to discuss evidence or testimony with a witness prior to that witness’s appearance before the committee.”

To date, the committee has heard from fewer than a third of the U.S. government officials who were on the ground in Benghazi on September 11, 2012. If the committee has subpoenaed any of them, as Rogers threatened to do to the authors of *13 Hours*, it has not resulted in any additional witness testimony.

**L**ate in the afternoon of November 26, 2014, one of the CIA officers, John Tiegen, postponed the beginning of his Thanksgiving holiday for what we had agreed would be a brief interview.

Tiegen is soft-spoken and a man of few words. Testifying before the committee, he answered the questions he was asked and volunteered little else. In an hourlong special about *13 Hours* with Bret Baier of Fox News, Tiegen sat for a joint interview with Paronto and Geist. Again, he said little,

but he produced the interview's most memorable moment when Baier asked him about having to watch as the bodies of his two dead colleagues were dumped from the roof of a two-story building so that they could be returned to the United States. Tiegen tried to answer but couldn't speak.

When we interviewed him last month, we started with the obvious question: "What did you think of the report from the House Intelligence Committee?"

He told us, in great detail, and after a nearly page-by-page deconstruction of the report that lasted almost 90 minutes, the interview ended. Tiegen pointed out dozens of things that he said were mistakes or mischaracterizations. Some of them, he acknowledged, were inconsequential and had little impact on the narrative other than to diminish its overall credibility.

At one point, the report describes a member of the diplomatic security service taking fire as he entered a window of the diplomatic compound early in the attack. "If he was taking fire there, he's dead," says Tiegen. The window is so located that it cannot be seen from a distance. "That window is in a place where it's impossible to take fire unless the shooter is within about 10 feet. He'd be dead."

But some of the problems in the report were more significant and, to Tiegen, deeply personal. The report attempts to settle the much-debated question whether anyone on the ground that night was given an order to "stand down"—to abort an attempted rescue before it began. The report resolves the debate, as it does virtually every disputed point, in favor of the intelligence community leadership.

"Although some security officers voiced a greater urgency to depart for the [diplomatic compound], no officer at CIA was ever told to stand down," the report concludes.

This is categorically false, says Tiegen. "I was told to stand down. [The chief of base] was looking directly into my eyes when he said it. He used those words."

Why wasn't this in the report? Good question. Tiegen doesn't remember whether he was asked directly about the alleged stand-down order when he testified, but he insists he would have been clear about it if he had been. Others familiar with his testimony tell us that, while there was a discussion of the delay before Tiegen and his team left the CIA annex to attempt a rescue at the diplomatic compound, no one asked Tiegen directly if he had been told to stand down.

Tiegen expressed bemused frustration at the sentence summarizing the evidence supporting the conclusion that there was no stand-down order. According to the report, "the evidence from eyewitness testimony, ISR [drone] video footage, and closed-circuit television recordings provides no support for the allegation that there was any stand-down order."

"The drones and building surveillance cameras don't

have audio. How could they possibly provide evidence one way or the other?" Tiegen asked.

And the report gets the eyewitness testimony wrong, he says, when it claims that "one officer felt that the 21-minute delay was too long" but dismisses his concerns because, the authors write, his testimony on the timeline is "internally inconsistent" and contradicted by others.

It's simply not the case that only one officer felt that the delay was too long. Again, the committee did not release the transcripts of the hearings featuring the CIA officers, so we don't know exactly how they testified. But if they said then what they're saying now, at least four of them believed the delay was too long. "One officer?" says Tiegen. "I felt it was too long. Jack and DB did, too." Paronto says that while he did not hear the words "stand down," that's what they were told to do. He remembers testifying that Ambassador Chris Stevens and Sean Smith would likely still be alive if his team had been allowed to leave earlier.

Paronto and Geist are frustrated by the report, too.

"I try to take the high road on it," says Geist. "But it's ironic that Mike Rogers shook my hand and said: 'Thanks for coming in, I found you guys very credible.' If we were so credible, why did he write a report that ignored so much of what we said?"

"I would like to sit down with Rogers and go over the report line by line and have him defend what's in there. He couldn't do it."

On May 20, 2013, four of the CIA officers who had fought to repel the attacks on U.S. facilities in Benghazi arrived at the grounds of CIA headquarters in Langley, Virginia. Tiegen, Paronto, Geist, and "Jack" had returned to Washington to honor two of the men who had fought and died in those attacks, Glen Doherty and Tyrone Woods.

Shortly before the service began, an agency representative approached the four and asked them for a moment of their time. They were led away from the public gathering space near the CIA museum through one office, then through another, until they finally arrived at a back room far removed from the quiet murmurings that preceded the ceremony.

When the door shut behind them, a CIA official handed each man a small packet of papers and with very little explanation asked them, one by one, to review and sign the documents. As the men began to read the papers they'd been handed it did not take long for them to understand what was happening. The documents were nondisclosure agreements, and several of the CIA officers quickly concluded that they were meant to send a message.

Geist, who was moving to a new job at the agency, says he had always assumed he'd have to sign another NDA

and didn't think much of the request. His colleagues had another view.

"That was a bunch of bulls—," says Paronto. "We were pissed. We didn't have anyone outside the agency there with us—no lawyers, no one. That's just not right."

The men quickly signed the papers, in part because they were already covered by existing NDAs and in part, they say, so that they wouldn't be late for the ceremony. After the memorial service, the men stopped for drinks and remembered their fallen comrades in a less formal way. Paronto says it didn't take long for the NDAs to come up.

"I remember Jack sitting there—he looks at us and says: 'That was pretty f—d up, wasn't it?'"

Two months later, on August 1, 2013, CNN aired an hourlong special on Benghazi that reported, among other things, that the CIA "is going to great lengths to make sure whatever it was doing remains a secret." Among those efforts, according to CNN, the CIA was asking Benghazi survivors to sign additional nondisclosure agreements. There was no mention of the memorial service.

Two days after the CNN investigation aired, we obtained a letter that the new CIA director, John Brennan, had sent to all CIA-affiliated personnel who were on the ground in Benghazi during the attacks. The letter was dated May 30, 2013, some eight months after the attacks.

We were given the letter as part of an obvious attempt to push back on the CNN special. The letter, as we reported on August 3, 2013, "conveyed a message the CIA leadership was willing to support and facilitate communications between the CIA employees involved in the Benghazi attacks and congressional oversight committees."

Our coverage initially made no mention of the NDAs at the memorial service for Woods and Doherty because our sources had never mentioned them.

As we continued to follow the Benghazi saga, the story changed repeatedly.

First, the claim was that there had been no effort whatsoever to keep anyone from talking, that no one was asked to sign an additional nondisclosure agreement, and that anyone suggesting otherwise was lying. When presented with evidence that some CIA officers involved in Benghazi were asked to sign additional NDAs, the story changed.

*Okay, maybe some officers were asked to sign additional NDAs, but those NDAs were standard operating procedure. When presented with claims that some of the NDAs were legally*

*unnecessary, the story changed again. Okay, it's possible some of the NDAs were redundant, but they had nothing to do with Benghazi. But when presented with evidence that some Benghazi officers were asked to sign NDAs at the memorial service honoring CIA officers killed in Benghazi, the story changed once more. Okay, but the NDAs didn't actually mention Benghazi, and they were necessary in order to process payments for the officers to attend the memorial service.*

That is apparently the final position of the CIA, as reflected in the House Intelligence Committee report. The report acknowledges that the memorial service might have contributed to the "perception" that the NDAs were related to Benghazi and acknowledges that three of the CIA officers testified that they found the request "odd." But the

report nonetheless concludes that the requests, however "ill-timed," were in no way "improper."

Paronto says he told the committee he didn't feel "pressure" to sign the NDA and didn't find it intimidating. "F—no, you don't intimidate me," he says. But he says the committee is playing semantic games. "It was very odd, since I hadn't signed one in six years and then had to sign two in a few months. And when I say 'odd' I mean of

course we were under 'pressure' to sign."

Zaid told us: "The request, indeed demand, by CIA to have its security team members execute new NDAs was entirely out of the norm. The documents were legally unnecessary as the team was already bound by prior NDAs and any reasonable interpretation was that it was intended as an explicit reminder not to speak, if not implicit threat. I am dumbfounded that the committee is not troubled by that fact." Zaid adds, "I told committee members and staff that based on 20 years of experience with the CIA there was no reason they had to sign the agreements." Zaid's claim is not in the report.

**O**n November 15, 2012, Michael Morell testified for several hours before the House Intelligence Committee. Morell had been elevated to acting CIA director after the resignation of David Petraeus six days earlier and was eager to keep the job. Despite repeated questions about who had changed the talking points prepared for members of the committee, Morell never acknowledged any involvement. The talking points became controversial after Susan Rice relied on them during her appearances on the Sunday morning talk shows five days after the Benghazi attacks. Rice's presentation



Acting CIA Director Michael Morell

to the public was inaccurate in virtually every key detail.

Representative Peter King told reporters afterwards that none of the senior U.S. intelligence officials who appeared before the committee that day had admitted editing the talking points.

A Reuters report described the testimony. “When U.S. intelligence officials testified behind closed doors two weeks ago, they were asked point blank whether they had altered the talking points on which U.N. Ambassador Susan Rice based her comments about the Benghazi attacks that have turned into a political firestorm. . . . Director of National Intelligence James Clapper, acting CIA Director Michael Morell and National Counterterrorism Center Director Matthew Olsen each said no, according to two congressional sources who spoke on condition of anonymity.”

A partial transcript released last month along with the House Intelligence Committee report suggests that the questions weren’t quite that direct. But what is indisputable—both in contemporaneous accounts and the transcript—is that even as lawmakers sought to understand who changed the talking points, Morell did nothing to help them.

“I’m not sure he misled us as opposed to not being as forthcoming as he could have been,” says Representative Heck.

A similar scenario unfolded before a hearing of the Senate Intelligence Committee the same day, where much of the session also focused on how the talking points were changed. Again, no top U.S. intelligence official, including Morell, acknowledged any role in making the changes that turned a largely accurate, forward-leaning summary of the Benghazi attacks into a vague, inaccurate, and misleading account of the attacks.

For eight months—from October 2012 through May 2013—questions about who changed the talking points were at the center of the Benghazi controversy. In private meetings with lawmakers, both at CIA headquarters and on Capitol Hill, Morell stated directly that he had nothing to do with the changes.

One such meeting took place at 10:00 A.M. on November 27, when Morell accompanied Rice, rumored to be Obama’s top choice to serve as the next secretary of state, to an appointment with John McCain, Lindsey Graham, and Kelly Ayotte. The senators hadn’t been expecting Morell. Rice had been the subject of considerable public criticism for her misleading comments on the talk shows.

According to Graham, Rice told the senators that she’d brought Morell to address the talking points, which she had relied on for her appearances. “She said: ‘He will help you understand what was going on with the talking points,’” Graham told *THE WEEKLY STANDARD*.

That was the first question of the meeting: Who

changed the talking points? Morell told the senators something they had not heard before. “He told us that the FBI made the changes because they were the ones on the ground talking to people and they didn’t want to jeopardize their investigation,” Graham recalled.

The claim wasn’t true. Graham called FBI leadership to share Morell’s accusation with them. “They went apesh—,” he recalls, and denied, without qualification, that they had made the changes. Graham reported this to the CIA, and hours later, a representative from the agency called the senators to indicate that Morell had “misspoken” and that the CIA had made the changes.

To state the obvious: It’s not misspeaking to deny responsibility for something you’ve done and blame someone else. It’s lying.

This was Morell’s Oreo moment. *Who finished the cookies?* he was asked. And Morell, with black smudges across his face and crumbs hanging from his lips, said: *Somebody else.*

For months, and despite repeated questions, lawmakers remained in the dark about how the talking points had been edited. The Obama administration refused to provide documents related to the talking points that Congress was demanding.

The administration’s intransigence softened when the White House indicated that President Obama wanted to appoint John Brennan the next CIA director, and Republicans threatened to block the nomination unless they were given access to the documents they’d been seeking. The administration made available more than 100 pages of emails on a “read-only” basis—meaning House and Senate intelligence members and staffers could examine them in a secure facility but could not make copies or otherwise take possession of them.

Those emails confirmed what many lawmakers had long suspected: Despite his unwillingness to acknowledge his role in testimony and despite his repeated denials, Mike Morell played a major role in changing the talking points.

None of the facts above are in serious question. Indeed, when the White House released the emails, Morell conducted the background briefings for reporters on behalf of the administration. He told them that he had taken it upon himself to edit the talking points and assured reporters that it was merely coincidental that his changes tracked closely with complaints from top officials at the State Department and the White House.

A report by Republicans on the Senate Intelligence Committee accused Morell of misleading Congress. His dishonesty was so cavalier that several senators, including two of the top-ranking Republicans on the committee, ranking member Saxby Chambliss and incoming chairman Richard Burr, took the unusual step of going on the record to accuse Morell of rank deception.

“I went back and reviewed some of his testimony the other day and he’s gotten himself in a real box,” Chambliss said last spring. “It’s really strange. I’ve always thought Mike was a straight-up guy, gave us good briefings—factual, straightforward. I mean, this has really been strange the last few weeks—all this now being uncovered.”

Burr said he went down the line, asking all of the top intelligence officials at the hearing who had changed the word “attacks” to “demonstrations.” Morell denied making the change. “I think that Mike answered what he felt he was asked,” says Burr. “But there was clearly enough that he knew that he could have shortcut this process.”

Graham was more blunt. “He knew when he met with us that it wasn’t the FBI who had changed the talking points. He lied.”

Remarkably, the House Intelligence Committee report mentions none of this. Readers learning about the “talking points” controversy from the body of the report alone would have no idea that Morell had been caught misleading Congress—passively, by failing to acknowledge his role when asked about it, and actively, by blaming others for revisions he had made himself.

The report concludes only: “Deputy CIA Director Michael Morell made significant changes to the talking points.”

Not only does the committee report fail to include the history of Morell’s untruthfulness, it rather inexplicably treats Morell as a reliable fact witness on the very subject about which he’d been caught lying. Indeed, much of the section of the report that deals with the talking points assumes the veracity of a thoroughly discredited witness.

Morell is now an adviser at Beacon Global Strategies, a consultancy run by, among others, Philippe Reines, a top adviser to Hillary Clinton, and Michael Allen, who served until August 2013 as the staff director for Mike Rogers on the House Intelligence Committee.

**T**he House Intelligence Committee report concludes that there “was no intelligence failure prior to the attacks.” The claim itself is not persuasive, and the report, in its efforts to substantiate it, makes clear that something close to the opposite is true: The intelligence failure on Benghazi continues to this day.

By any reasonable standard, there were intelligence failures leading up to the night of September 11, 2012. And these failures made possible the terrorists’ success. The U.S. intelligence community did not detect the assaults on the U.S. mission and annex beforehand. If it had, four Americans would likely be alive today.

Why do the authors of the House Intelligence Committee report deny the intelligence failures? They write: “In the months prior, the [intelligence community] provided

intelligence about previous attacks and the increased threat environment in Benghazi, but the [intelligence community] did not have specific, tactical warning of the September 11 attacks.”

The committee’s reasoning is specious. By this standard, the only way the intelligence bureaucracy can fail is by ignoring or otherwise mishandling intelligence in its possession that indicates a pending attack. But the failure to generate a “specific, tactical warning” before an attack is an intelligence failure. The lack of forewarning indicates significant blind spots about our enemies’ intentions. The general warnings issued before September 11, 2012, did not stop the terrorists from executing their specific designs. The intelligence community plainly failed to stop a terrorist attack in Benghazi.

It is worth noting that the House Intelligence Committee’s formulation could equally apply to the far more devastating September 11, 2001, terrorist attacks. Beforehand, the intelligence community “provided intelligence about previous attacks and the increased threat environment,” but did not offer a “specific, tactical warning” of the hijackings. Yet, no one can seriously claim that there weren’t intelligence failures leading up to 9/11.

The report’s conclusion becomes even more problematic in light of the facts recognized in the body of the report. Remarkably, the intelligence failure is ongoing. The intelligence community still can’t answer basic questions about what transpired.

“To this day,” the report reads, “significant intelligence gaps regarding the identities, affiliations and motivations of the attackers remain.” The report points to a September 23, 2012, intelligence assessment authored by the CIA and the National Counterterrorism Center that noted the “fragmentary and contradictory reporting about who organized the attack” and said it is “unclear if any group or person exercised overall command and control and if the extremist group leaders directed their members to participate in the attacks or the attackers did so on their own.” There is no indication in the report that these key issues—including the identification of a possible ringleader—have been resolved.

According to the report, the intelligence community still isn’t sure how much planning the terrorists did. The report notes: “The sophistication of the attacks does not necessarily imply lengthy pre-planning.” Of course, considerable “pre-planning” is possible. The intelligence community doesn’t know; it is guessing.

The “intelligence assessments continue to evolve to this day,” reads another sentence in the report, “and the investigations into the motivations of the individual attackers are still ongoing.” While it is noteworthy that the House Intelligence Committee claims the intelligence community still

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doesn't know what motivated all the attackers, the question of inspiration is something of a red herring. Several al Qaeda groups took part in the attack; al Qaeda's motivations for attacking U.S. interests were first set forth plainly almost two decades ago.

In conjunction with the report, the House Intelligence Committee released partially redacted transcripts of its hearings with some U.S. intelligence officials. Reading through the transcripts, one quickly sees that at least some of the "significant intelligence gaps" still plaguing the Benghazi investigation are rooted in the lack of human intelligence. Without sources inside the organizations responsible, or the ability to interrogate individual attackers, the intelligence community cannot piece together anything close to a complete picture.

During a hearing on November 15, 2012, Director of National Intelligence James Clapper lamented the fact that the intelligence community had not yet been able to interrogate any Benghazi attackers. "It would be very useful actually to have the opportunity to interrogate some of the participants, in terms of what we don't know," Clapper said. "We don't know who commanded this or who controlled it. There are still a lot of things we don[t] know."

Matthew Olsen of the National Counterterrorism Center elaborated on Clapper's point, saying, "We don't know the motivations of the attackers. We don't know exactly—we don't know command and control. We know some of the individuals, we don't know all of the individuals. And we don't know exactly how much pre-planning there was."

The situation has not improved much since Clapper and Olsen testified. The report notes that the intelligence community has produced six assessments identifying the attackers. The "most recent of those six assessments" identifies "85 individuals who had some level of participation in the attacks and an additional 4 known extremists who are affiliated with the suspected attackers."

Only 1 of these 89 individuals is in U.S. custody—a Libyan known as Abu Khattala. It is likely that the United States has participated, in some capacity, in the interrogations of the few other Benghazi suspects who have been held by foreign governments. But most of the attackers have never had to answer to any authority.

The Obama administration has been lax in its efforts to kill or capture the dozens of terrorists who assaulted the U.S. mission and annex. (Several Republican members of the House Intelligence Committee, including Chairman Rogers, make this point in their "additional views" appended to the report.) The administration has also failed to stop some of the Benghazi attackers who were held abroad from being set free by allied governments. This is a failure of American leadership, first and foremost, but it

has undoubtedly contributed to the intelligence community's "gaps."

The more we learn about the one Benghazi suspect in U.S. custody, the bigger the intelligence failures before the attack appear to be—and the report's insistence that there weren't any becomes even more inexplicable.

In October, the Justice Department released a "superceding indictment" in Khattala's case. The materials released by the House Intelligence Committee make it clear that the CIA was using the Benghazi annex to track extremists, including al Qaeda operatives, in eastern Libya. But according to the indictment, the jihadists were also hunting the CIA. This spy-vs.-terrorist, terrorist-vs.-spy part of the story—which the indictment cites as a main reason for the attacks—is entirely missing from the House Intelligence Committee's supposedly comprehensive investigation.

At some point, according to the indictment, Khattala learned that there was an "American facility in Benghazi posing as a diplomatic post," and "he believed the facility was actually being used to collect intelligence." Khattala "viewed U.S. intelligence actions in Benghazi as illegal," and "he was therefore going to do something about this facility." Khattala wanted to oust the United States from Benghazi "through the use of force and the threat of force." The indictment includes another reason for the attack that has received little attention: Khattala and his fellow jihadists wanted to "plunder property from the Mission and Annex." Shortly before midnight, Khattala "entered the Mission compound and supervised the plunder of material from the Mission's Office, including documents, maps and computers containing sensitive information about the location of the [CIA's] Annex." Khattala then absconded to an Ansar al Sharia camp, where he is believed to have taken inventory of the stolen materials. Not long after, the CIA's annex came under fire.

Several parts of the indictment stand out, especially when contrasted with the committee's report. The indictment makes it clear that Khattala learned of the CIA's covert footprint, meaning the agency failed to keep its presence secret. This failure in tradecraft was not mentioned by the committee, but it is an intelligence failure. That Khattala and his fellow jihadists wanted to "plunder" materials from the U.S. mission and annex adds to the evidence of "pre-planning," which the committee also failed to note. And the indictment makes clear that Khattala obtained "sensitive information," raising the possibility that some of America's secrets (beyond the location of the CIA's annex) were compromised. The report makes no mention of Khattala's role in stealing the materials, although it is possible that it is included in one of the few lines redacted in the section dealing with Khattala.

The allegations contained in the indictment further

undermine the notion that the House Intelligence Committee has conducted a thorough investigation. The indictment has been a matter of public record since October, but the committee did not even bother to incorporate it into its own report.

At its core, the Benghazi story is a simple one. Multiple terrorist organizations belonging to al Qaeda's international network attacked State Department and CIA facilities on the eleventh anniversary of the 9/11 attacks. But President Obama and his top advisers blamed the violence on an anti-Islam Internet video.

The House Intelligence Committee's report confirms that from the very hours after the attack the intelligence community had evidence indicating that al Qaeda was "likely," "probably," or "possibl[y]" involved. An unidentified CIA officer who spoke during one of the committee's hearings explained that the agency "first indicated that Ansar al-Sharia and al-Qa'ida members, [and] AQI [al Qaeda in Iraq] members were linked to the attack in a wire that was available to this committee on the 12th." Olsen, the former counterterrorism director, testified that he talked about "AQIM [al Qaeda in the Islamic Maghreb] individuals" during a briefing on September 13. And, according to Morell, intelligence analysts concluded on September 13, "based on [signals intelligence, or intercepts], that extremists with ties to al-Qa'ida were involved in the attacks."

The evidence of al Qaeda's role in the Benghazi attacks has since only grown stronger.

Despite this, President Obama and his closest advisers have consistently defined al Qaeda down. And Benghazi is a perfect example of this pattern of behavior. The president's erroneous descriptions of the Benghazi attackers continued long after September 2012.

In a speech at the National Defense University on May 23, 2013, Obama described the Benghazi attackers as an example of the "localized threats" we face. They were "local operatives," who may operate in "loose affiliation with regional networks," Obama said. But there was no hint from Obama that many of the attackers belong to al Qaeda's international terrorist network.

The House Intelligence Committee report confirms that members of Al Qaeda in the Islamic Maghreb (AQIM), Al Qaeda in the Arabian Peninsula (AQAP), Al Qaeda in Iraq (AQI), the Muhammad Jamal Network (MJN), Ansar al

Sharia, and the Abu Abaydah Ibn Jarah Battalion (UJB) all participated in the assault. There is nothing "local" about these groups, nor are they loosely affiliated. Collectively, these organizations had a presence that stretched from North and West Africa through the heart of Arabia and the Levant into Iraq.

AQIM and AQAP are regional branches of al Qaeda. Their leaders have sworn personal *bayats* (oaths of allegiance) to Ayman al Zawahiri, the head of al Qaeda, and they remain loyal to him to this day. The head of AQAP, Nasir al Wuhayshi, is a protégé of Osama bin Laden. Zawahiri named Wuhayshi al Qaeda's global general manager in the summer of 2013.

At the time of the Benghazi attack, AQI (also known as the Islamic State of Iraq) was a formal branch of al Qaeda as well. AQI has since split in two, with the bulk of the organization evolving into the Islamic State, an al Qaeda offshoot that controls large portions of Iraq and Syria. The remainder of what was once AQI is now known as Jabhat al-Nusra, which is al Qaeda's branch in the Levant and openly subordinate to Zawahiri.

The MJN was named for its founder, Muhammad Jamal, an Egyptian who was first trained by al Qaeda in the late 1980s and swore *bayat* to Zawahiri

years ago. When Jamal was captured in late 2012, Egyptian authorities discovered his correspondence with Zawahiri. Jamal wrote of his operations in Libya, Egypt, and elsewhere. During one House Intelligence Committee hearing, Director of National Intelligence Clapper described the MJN as "an al Qaeda in Egypt upstart." Jamal was seeking to build his own branch of al Qaeda, under Zawahiri's leadership, when some of his men helped launch the attacks on the U.S. mission and annex in Benghazi.

Ansar al Sharia (AAS) is based in eastern Libya, but has well-established ties to al Qaeda terrorists throughout the region. In mid-November, the U.N. added AAS to its al Qaeda sanctions list, noting that AQIM supports AAS's suicide operations. The leader of AAS in Derna, another Libyan city known as a hotbed of extremism, is a former Guantánamo detainee named Sufyan Ben Qumu. According to leaked files prepared at Guantánamo, U.S. military and intelligence officials found that Ben Qumu was an al Qaeda operative. Information found on a laptop owned by the al Qaeda terrorist responsible for financing the 9/11 attacks noted that Ben Qumu was receiving a monthly stipend from al Qaeda. The House Intelligence Committee



From left: Mark Geist, Kris Paronto, and John Tiegen on Fox News, September 5, 2014

report concludes that Ben Qumu “probably played some role in the [Benghazi] attacks, even though reliable intelligence indicates that Qumu was not in Benghazi on the night of the attacks.” The Abu Abaydah Ibn Jarah Battalion (UJB) was led by the aforementioned Abu Khattala, who merged the group with AAS in 2011.

Another Benghazi suspect briefly mentioned in the House report is Faraj al Chalabi, who was known to be an al Qaeda operative as early as the 1990s. The report does not note that Chalabi is believed to have served as a bodyguard for Osama bin Laden. According to U.S. intelligence officials we contacted, Chalabi is also suspected of taking materials from the U.S. compound in Benghazi to Pakistan, where he met with al Qaeda’s senior leadership.

Even a cursory examination of the parties responsible shows just how misleading President Obama’s descriptions of the attackers have been.

Oddly, the report says that Qaddafi loyalists were also among the Benghazi attackers. The only support for this assertion is an article containing a spurious claim by a Libyan official immediately after the attack. No other evidence is introduced to support the involvement of Qaddafi loyalists, who were, of course, fighting against the al Qaeda coalition that carried out the Benghazi assaults.

**T**he name Wissam Bin Hamid is also missing from the House Intelligence Committee report. This is noteworthy because multiple published accounts have explored his role in the security failures surrounding the attacks. In August 2012, a Defense Department analysis included a discussion of Bin Hamid’s ties to al Qaeda’s network in Libya. Bin Hamid is a veteran of the jihad in Iraq, where he likely fought on behalf of al Qaeda or an allied group. But Bin Hamid’s suspicious past did not stop him from meeting with State Department officials just two days before the Benghazi attacks to discuss security. A declassified State Department cable identifies Bin Hamid as a leading member of the Libyan Shield, a militia that both the U.S. and Libyan governments relied on for security.

After the attacks in Benghazi, Bin Hamid spoke openly with reporters, granting interviews to the *New York Times* and *Washington Post*, among others. Bin Hamid acknowledges his presence at the U.S. mission shortly after the attacks started. He claims, improbably, that he merely watched the attacks as they unfolded, standing alongside Abu Khattala, the one person in U.S. custody for his role in the attacks. The House Intelligence Committee report notes: “Ample intelligence reporting from multiple reporting indicates Khattala’s role in the attacks,” but it does not connect him to Bin Hamid.

The report also notes that a security team from Tripoli, comprising five Americans from the CIA and two

from the U.S. military, made their way to Benghazi. They originally intended to “locate and rescue Ambassador Stevens.” The House Intelligence Committee reports that the Tripoli team, while “holding” at the Benghazi airport, “was approached by about 30 militiamen from different groups offering assistance,” but it was “not entirely clear . . . which groups were present, which were trustworthy, and which posed a threat.” According to the *New York Times*, Bin Hamid was one of the militiamen who met the Tripoli team at the Benghazi airport.

In all, the Tripoli team was delayed for approximately three and a half hours at the Benghazi airport. The circumstances surrounding the delay are not made clear in the House report.

“After much review, [the House Intelligence Committee] uncovered no evidence that the Libyan Shield militia played a role in the final attack [on the CIA’s annex] or tipped off the attackers of the Tripoli Team’s presence,” the report concludes. It cites some evidence that members of the Libyan Shield were helpful during the attack. But it does not account for Bin Hamid, a known Libyan Shield leader. The report does not address Bin Hamid’s presence at the U.S. mission shortly after the first attack began, or his association with Abu Khattala. Nor does the report address claims that Bin Hamid met up with the Tripoli team at the Benghazi airport, where the Americans were delayed for an inordinate amount of time.

Today, Bin Hamid openly fights alongside Ansar al Sharia, one of the al Qaeda groups responsible for the Benghazi attacks. Ansar al Sharia advertises Bin Hamid’s leadership role in videos and pictures disseminated on its official Twitter feed.

The absence of bin Hamid, the exclusion of the Khattala indictment, the whitewashing of intelligence failures, the spinning of NDAs, the reliance on discredited witnesses, and the mistreatment of credible ones—these are just some of the problems with the House Intelligence Committee’s report on Benghazi.

The report seeks to bring an end to the committee’s work on Benghazi, but it’s clear that in this, too, it fails. A spokesman for Devin Nunes says the incoming chairman “is looking forward to cooperating with Representative Gowdy’s select committee, which will be the definitive report on the events surrounding the deaths of four Americans in Benghazi.”

Defenders of the Obama administration have suggested that the intelligence committee’s report makes the work of the select committee unnecessary, but a senior Republican leadership aide, reached on the day the intelligence committee’s report was released, made the opposite argument.

He said: “Rogers proved today why we needed a special committee.” ♦

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# What Do Illegal Immigrants Want?

*Time to bring the immigration debate out of ‘the shadows’*

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BY PETER SKERRY

**T**he predictable furor over President Obama’s executive order offering relief to approximately 5 million undocumented immigrants has obscured the fact that his initiative is much bolder in form than in content. Obama has gone to extraordinary lengths to offer less than what immigrant advocates have for years been insisting is an absolute necessity: full citizenship.

If Obama’s initiative should prove to be the first step on “the path to citizenship” for these undocumented, it is a hobbled and halting one, and the path long and tortuous. It is difficult to believe that this or any Congress now on the horizon will be willing to affirm Obama’s initiative. Neither is it likely, though perhaps less easy to predict, that Congress will risk the political consequences of rescinding it.

It is even more difficult to imagine a president in the foreseeable future unilaterally granting this population any more than Obama has, apart from perhaps extending the order’s three-year limit. Similarly, the odds are against any future chief executive—especially a Republican—terminating Obama’s program. So rather than direct these 5 million individuals down a path to citizenship, Obama has almost certainly consigned them to legal limbo.

Not surprisingly, immigrant advocates have already started pushing back and demanding more. What is surprising is that the undocumented do not seem to share the same sense of urgency. On the contrary, most seem willing to settle for much less than full citizenship—in particular, for legal status that allows them to live here without fear of deportation and to travel back and forth to their country of origin to visit family, which Obama’s order will allow them to do. In other words, the undocumented are not as concerned with attaining citizenship as their advocates have long and strenuously argued.

There is abundant evidence to support this assertion.

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First, there are ethnographic studies of undocumented immigrants from Ireland, Guatemala, and Mexico, revealing their intentions to return home and their consequent indifference to, or at least ambivalence about, any permanent tie with the United States.

Second, there are the results of the amnesty granted to nearly 2.7 million illegal immigrants by the Immigration Reform and Control Act (IRCA) of 1986. According to data published by the Department of Homeland Security, as of 2009 (nearly a quarter-century after the IRCA amnesty program began), barely 41 percent had exercised the option to become U.S. citizens. The other three-fifths remain legal permanent residents.

A recent study from the Pew Hispanic Center reinforces this point by scrutinizing naturalization rates for *legal* immigrants from Mexico and Central America. Drawing on Current Population Survey data, Pew reports that, as of 2011, only 36 percent of the 5.4 million *legal* immigrants from Mexico eligible to become U.S. citizens had taken that step. The naturalization rate for legal immigrants from Central America was somewhat higher—44 percent. By contrast, the rate for all legal immigrants, regardless of country of origin, was much higher—61 percent.

Drawing an inference from these data about legal immigrants and the implications for the controversy over illegal immigrants (of whom about three-fifths come from Mexico), Pew offers this understated but striking conclusion: “The Center’s analysis of current naturalization rates among Mexican legal immigrants suggests that creating a pathway to citizenship for immigrants in the country illegally does not mean all would pursue that option.”

There are several factors to consider in explaining these numbers, not the least of which is the proximity of the immigrants’ country of origin to the United States. Also relevant is the evidence from numerous studies highlighting that illegal immigrants, especially from Mexico and Central America, typically arrive here as “target earners” who have specific earnings goals and do not intend to settle here permanently. To meet their goals, they maximize income by working long hours and minimize expenses

by living in Spartan, often substandard conditions.

Granted, such migrants put down roots. Their goals shift, and target earners typically end up remaining, though the notion of one day returning “home” often lingers for many years. Activist lawyer Jennifer Gordon, who sought unsuccessfully to organize a union of undocumented Central American day laborers in suburban Long Island, has aptly characterized such individuals as “settlers in fact but sojourners in attitude.” No wonder that securing U.S. citizenship is not a priority for many such immigrants.

Why are such insights into the motivations of the undocumented so little understood and appreciated, especially after years of debate over getting them on the path to citizenship? In great part, because the undocumented have been politically inert, and the telling of their story has been left primarily to surrogates.

To be sure, illegal immigrants have on occasion been quite assertive. In early 2006, thousands of them in cities across the nation demonstrated against the draconian provisions of a bill sponsored by Rep. Jim Sensenbrenner (R-Wisconsin). After this extraordinary episode, however, they resumed their customary posture. Yet from this episode we learn that the political inertness of the undocumented is not simply due to their legal status. It also reflects their limited English proficiency, their lack of familiarity with our complicated political system, their preoccupation with working to support their families—and, of course, their conditional attachment to the United States.

The vacuum created by their political inertness has been filled by various palliatives that have encouraged the rest of us to believe we know what illegal immigrants want. Among the more insidious have been Hispanic-majority electoral districts (including 30 such congressional districts) that typically include large numbers of undocumented individuals, whose numbers count for purposes of drawing district lines but who are nevertheless ineligible to vote. Our contemporary version of what the British have referred to as “rotten boroughs,” these afford those elected from them not only the advantages of smaller, more easily managed electorates, but also the opportunity to “represent” the views of “constituents” to whom they are not actually accountable.

Another such palliative has been initiated by activist unions such as the Service Employees International Union (SEIU), which have pressured the labor movement into embracing more liberal immigration policies, including relief for the undocumented. Such unions have also led drives to reach out and organize the undocumented. Yet after years of such initiatives, including “workers’ centers” intended to provide services to any immigrants who walk in the door, it is unclear how many undocumented workers have actually become dues-paying union members.

Again, Jennifer Gordon’s unsuccessful organizing drive

comes to mind. Here is the stern advice she reports receiving from a veteran organizer:

There are just too many workers, most of whom are incredibly transient, and too few jobs, and the whole scene is so fluid and uncontrollable. The employers are too small and too varied to make organizing them practical. . . . Give it up and go find an organizing campaign where you have a prayer of success.

While organizing day laborers is especially daunting, undocumented workers in more conventional settings—such as meat-packing plants—pose their own challenges. Organizing workers is never easy, particularly in contemporary America. So why invest the resources of an embattled labor movement in such a forlorn cause? The answer, I believe, has as much or more to do with garnering support for unions from liberal allies than with actually signing up the undocumented as new members. As a Democratic campaign consultant put it to me: “The unions are really talking out of both sides of their mouths on this one.”

Yet the point here is not to expose the duplicity of unions. It is to highlight the various and subtle ways by which Americans have been persuaded that however much the undocumented are “in the shadows,” we nonetheless know what they want and where their interests lie.

**A**mong the liberal allies pursued by the labor movement are the many public interest advocacy groups that have made representation of the unrepresented into an art form. The basic model is straightforward and by now familiar: A political entrepreneur seeks to fill the void left by diffuse, unorganized interests or by marginalized populations by building up a committed and professional headquarters staff, typically based in Washington, which knows how to raise money from third parties—whether concerned citizens, wealthy donors, or activist foundations—and to garner enough media attention to keep the organization’s agenda in the public eye. Pioneered in the early 1970s by outfits like Common Cause and honed to precision by environmentalists, this organizational model has been relied on heavily by immigrant advocates faced with the challenges I have been describing.

Relatively unconstrained by the pressing needs of actual members, but heavily reliant on demonstrating effectiveness to donors (either by driving policy changes or at least getting media attention), such advocacy accounts for some of the stridency of contemporary politics. In any event, the moral hazard here is clear: The voices and interests of the unrepresented who are the *raison d’être* of the organization get crowded out by the priorities of the political elites who are most invested in the enterprise.

This scenario is not news to anyone familiar with policy-making in Washington. Yet the specific context in

which immigration policy does—and does not—get made is especially fraught. Negotiations over arcane details of complicated policies take place amidst the swirl of emotions inevitably aroused by decisions about “who gets to become an American.” Anyone questioning the credibility of participants from the usual policy networks can expect to be accused of obstructing an already turbulent process. In other words, no one has the *cojones* to ask the 35-year-old Latino lawyer sitting across the table how he or she knows what undocumented immigrants want.

A striking exception to the political inertness of the undocumented has been the dramatic appearance on the political stage of the DREAMers, individuals who arrived here illegally as children and whose acronym derives from the Development, Relief, and Education for Alien Minors Act. The DREAM Act has repeatedly failed to get through Congress, but its essential elements—temporary relief from the threat of deportation and work authorization—were included in the Deferred Action for Childhood Arrivals (DACA) program announced by President Obama in June 2012. And in his most recent executive action, Obama broadened DACA’s eligibility criteria to cover still more individuals who arrived here as children.

The DREAMers have struck a chord because they have done precisely what their parents either could not or would not do: openly declare a desire to be full participants in American society and politics. Raised here, these young people have an intuitive, if not necessarily formal, understanding of the American political system and assume that theirs are the rights of citizens. Indeed, many of them mistakenly believed that they were citizens, typically discovering otherwise when they were graduating from high school and then realized that their illegal status was a serious obstacle to pursuing higher education.

Unlike their parents, the DREAMers do not display any ambivalence about remaining in America. Neither do they harbor any lingering dreams of returning home one day. They *are* home. And they demand recognition of that fact loudly and clearly in unaccented English. No wonder they have made an impact on policymakers, who are moved not simply because these young people have been penalized for the deeds of their parents but also because they conduct themselves as Americans claiming their due.

Yet despite such critical differences with their parents and other illegal immigrants who have arrived here as adults, the DREAMers are now regarded as prototypical of the undocumented generally—an undifferentiated group all of whom are assumed to seek full and formal membership in American society, including citizenship.

This, of course, is a gratifying narrative that flatters our self-image as a “nation of immigrants.” As *New York Times* columnist Nicholas Kristof recently put it: “What most

defines the 11 million undocumented in America is not illegality but undaunted courage and ambition for a better life. What separates their families from most of ours is simply the passage of time—and the lottery of birth.”

This view of illegal immigration is not all wrong. But neither should it be taken at face value. For while today’s undocumented may display courage and ambition, their goal is typically not to put down roots in America. To be fair, this was also true of many immigrants in the past, especially the millions who arrived here as “birds of passage” in the period leading up to World War I. Italians and other migrants from Eastern and Southern Europe typically arrived here not necessarily intending to stay. Many did, of course, but others, taking advantage of relatively cheap steamship fares unavailable to earlier migrants, did eventually return home.

Far less prone to the gauzy narrative of undocumented immigrants seeking a better life in America is the hard-nosed view of businessmen. Preoccupied with making payrolls and turning profits, they have been less inclined than the rest of us to romanticize immigrant motives. Yet their clarity of vision is limited by a tendency to see immigrants narrowly as workers, and to downplay or simply ignore the social and fiscal strains they—and inevitably their families—impose on communities.

Because of this narrow perspective, most businessmen do not factor into their calculations the burdens of the political claims made by advocates on behalf of illegal immigrants. Then, too, the technical virtuosity of economists (who tend to dominate this policy debate) not only adds lustre to the parochial perspective of businessmen, but also helps nervous political elites keep the debate focused on labor market outcomes and away from more volatile discussions about other challenges posed by illegal immigration.

The narrowness of the business perspective reaches its logical culmination in recurrent proposals for an expanded and streamlined temporary (or guest) worker program. Such an approach might appear to acknowledge precisely what I have been emphasizing, namely that most illegal immigrants do not intend to put down roots in America. Yet as I have also emphasized, “temporary” workers routinely end up staying more or less permanently. In light of these well-known patterns, proposals for temporary worker programs ought to embarrass even Jonathan Gruber.

As they consider their substantive response to President Obama’s recent initiative, Republicans need to ponder how they have arrived at this point. Not for the first time, they will have to reflect on the shortsightedness of their natural allies in the business sector. More counterintuitively, the GOP will also need to think about how it has allowed immigrant advocates to define this problem in a way that admits of no solution. ♦



Norman Mailer on 'Apostrophes' (Paris, 1980)

# Stormin' Norman

*The writer as celebrity, and vice versa.* BY WILLIAM H. PRITCHARD

**N**orman Mailer entered Harvard in the fall of 1939, just as World War II began. His famous novel about part of that war, *The Naked and the Dead*, was published in 1948, and at age 25, like Lord Byron, he awoke to find himself famous. Sixty years later, looking back on the book's immense success—it topped the *New York Times Book Review's* bestseller list for 11 consecutive weeks and remained on that list for 62 more—he commented on the experience of

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**Norman Mailer**  
*A Double Life*  
by J. Michael Lennon  
Simon & Schuster, 960 pp., \$20 (paperback)

**Selected Letters of Norman Mailer**  
edited by J. Michael Lennon  
Random House, 896 pp., \$40

sudden fame: "I knew I'd be a celebrity when I came back to America [he and his wife were living in Paris] and I felt very funny towards it, totally unpre-

pared. . . . I've always seen myself as an observer. And now I knew, realized, that I was going to be an actor on the American stage, so to speak."

From that time until his death in 2007, Mailer's career both as observer and actor—manifested in the 40 or so books he would write—gave us, in the words of Warner Berthoff, "a uniquely substantial record of what it had meant to be alive" in that long era.

Although Mailer has been capably biographed before and was the subject of a large oral history by Peter Manso, J. Michael Lennon's 960-page account of him won't be improved upon. Not satisfied with producing this herculean

JEAN-CLAUDE FRANCOLIN / GETTY IMAGES

biography, Lennon has followed it with a comparably thick selection of Mailer's letters. Lennon knew Mailer for decades, talked extensively with him, and recorded what he heard. Unlike many biographers, Lennon feels the need to say something in judgment, however brief, of every one of Mailer's books. To do this, while keeping the "life" narrative moving along, is a feat he performs with care and without pomposity.

Lennon is especially attentive to Mailer's undergraduate life, where he compiled a lopsided academic record, with a major in engineering sciences and six courses in creative writing. As a sophomore, he read D.H. Lawrence's *Lady Chatterley's Lover* and what works of Henry Miller he could lay his hands on; both Lawrence and Miller would be central figures for the writer Mailer became. He wrote stories, published a novella (*A Calculus at Heaven*), and wrote a long unpublished one, *A Transit to Narcissus*, about a "lunatic asylum" in Mat-tapan, where he briefly worked. In an often-quoted anecdote, we find him, a few days after Pearl Harbor, debating with himself whether the war novel he was to write would be best set in Europe or the Pacific. Deciding that he didn't know enough European history, he chose a scene that few knew much about: the Philippine terrain of *The Naked and the Dead*.

Some of Lennon's most fascinating pages are about Mailer's service as an infantryman in the war and, after the war's end, as a cook in Japan. Lennon points out how the urban Mailer, child of Brooklyn and Harvard, nevertheless wrote, in more than one of his books, landscape descriptions that "crackle and pulse with energy," ranking with the best of postwar American writers. Diana Trilling, one of Mailer's earliest supportive critics, noted that the most dramatic moments in *The Naked and the Dead* "are precipitated by intensities in nature."

Such intensities, however, were absent from the two novels that followed his bestseller. In the mid-1950s, Mailer, stung by the failure of his second novel, *Barbary Shore* (1951), and the

mixed reception of his third, *The Deer Park* (1955), dreamed up the first of his impossible projects, that of writing eight interlocking novels that would explore topics such as pleasure, crime, communism, and homosexuality, ending with mysticism. The sequence would emanate from the mind of a character, Sam Slovoda, the protagonist of Mailer's lively story "The Man Who Studied Yoga."

What eventually ensued was not a novel at all but the first and best of Mailer's miscellaneous books of non-fiction, *Advertisements for Myself* (1959), a work that more or less coincided



with his stabbing of his second wife, Adele Morales. In her own book about the event, Morales testifies that Mailer said to her, as she was being wheeled into the operating room, "I love you and I had to save you from cancer"—which is perhaps enough, and too much, to prove the madness that he succumbed to. His public explanation, scarcely a better one, was that "a decade's anger" was responsible.

It was about this time that I began to read Norman Mailer with excitement, his dreadful off-the-page behavior notwithstanding. The polemics of *Advertisements*, conducted (in Lennon's words) in an "obscene, prickly, but conversational" tone, enlivened his

no-holds-barred reviewing of contemporary fictionists, as it did the braggadocio, heavily tinged with comedy, of his story "The Time of Her Time." As a mild-mannered English professor who spent his own time admiring, among others, the words of Henry James and Robert Frost, I found this impossible person more than good company.

I followed Mailer avidly through the 1960s, what may be called his great decade: through the collections of prose that succeeded *Advertisements* (*The Presidential Papers*, 1963; *Cannibals and Christians*, 1966); the surprisingly assaultive, not exactly well-made novels (*An American Dream*, 1965; *Why Are We in Vietnam?* 1967); and his memorable accounts of the political conventions of 1968 (*Miami and the Siege of Chicago*). His burgeoning confidence that he could take on any subject produced a book about the moon landing (*Of a Fire on the Moon*, 1970) and one about women's liberation (*The Prisoner of Sex*, 1971). The insistently combative figure who graced these books was well-described by Richard Poirier in his still-important critical study of 1972:

He is quite unable to imagine anything except in oppositions, unable even to imagine one side of the opposition without proposing that it has yet another opposition within itself.

The metaphor of war, which Poirier explores as a key item in Mailer's work, was perfectly in tune with the announcement Mailer had made in *Advertisements* that he was "imprisoned with a perception which will settle for nothing less than making a revolution in the consciousness of our time." Heady stuff, especially for one, like myself, not at all inclined toward revolution of any sort.

As the positive force of Mailer's journalism added up, with reports on everything from prizefights to Marilyn Monroe, one began to think of him less as a novelist who wrote books with a beginning, middle, and end than as a performer, with himself invariably at the center of things, entertaining ideas to see how long they interested him and his readers.

The novels he would write in the decades after *Why Are We in Vietnam?* was published—*Ancient Evenings* (1983), *Tough Guys Don't Dance* (1984), *Harlot's Ghost* (1991), and *The Castle in the Forest* (2007)—all fail, except for *Harlot*, to emerge as books we want to reread (and rereading *Harlot*, all 1,300 pages of it, is not to be undertaken lightly).

Lennon thinks that *The Executioner's Song* (1979) may be his greatest book. Yet as the single one in which Mailer as a character withholds himself in favor of Gary Gilmore, there is a daunting lack of the comic energy that animates his best fiction, from “The Time of Her Time” to the best parts of *Harlot*. In December 2005, near the end of his life, Mailer read aloud some pages from *An American Dream* and declared, “I’ll never write that well again.” Of course, he had only a brief time to live, but the statement is borne out by most of the fiction he produced after the 1950s.

Looking back over the decades since Mailer announced he would settle for nothing less than making a revolution “in the consciousness of our time,” we might ask just what “our time” was and when it ended. Ben Jonson famously wrote about Shakespeare, “He was not for an age but for all time.” How much of what we most admire in Mailer’s writing was “for an age,” that age being the 1960s and ’70s? Considering his contemporary novelists—Saul Bellow, John Updike, Philip Roth—my judgment is that certain of their works will last for a long time, if not for all time. I would be uncertain about claiming any novel of Mailer’s to fit that category, although I would claim it for *Armies of the Night* (1968).

What Mailer did that his contemporaries did not do was meet head-on every sort of public, social, and political phenomenon in order to “war” on them. To an extent, he shares this combative posture with Gore Vidal, another writer who will live less as a novelist than as an all-purpose gadfly. It was Vidal who told us on television that he would never turn down the opportunity to have sex or to appear

on television. Mailer might have said the same thing; perhaps he did.

One of his books that has dropped out of sight is *The Prisoner of Sex*, in which he responded to the assault on him in Kate Millett’s *Sexual Politics* (1969), another book very much of its time. In *Prisoner*, Mailer indulged in homemade philosophy about embryos, eggs, sperm, and the womb that turned off many readers, and not just female ones. But the book has fine oppositional things in it: Mailer’s jostling with what and how Millett quoted, and particularly (if one doesn’t have time for Henry Miller) his chapter on D.H. Lawrence, in which he circles back to the writer he read as a Harvard sophomore and who, he told a correspondent in 1985, changed his life. Lennon calls Mailer’s chapter on Lawrence “arguably his most incisive piece of literary criticism,” a judgment that has its weight. Lennon also quotes the sentence in which Mailer says Lawrence was “possessed of a mind which did not believe that any man on earth had a mind more important than his own.”

That sentence is, of course, about Mailer as well, but it could also be about, say, John Milton. Yet what Milton and Lawrence both lacked, burdened by their uncompromising Protestant genius, was the comic sense present in Mailer’s work, lighting up his best books and essays with extravagant performances.

The performances are there, abundantly, in his letters as well, only a tiny portion of which makes up this outsize selection. Mailer wrote some 45,000 letters, and this selection amounts to less than 2 percent of the whole. For comparative epistolary output from other 20th-century writers, Lennon notes that Willa Cather wrote 2,700, Elizabeth Bishop a few thousand, Hemingway 10,000. When Lennon began work on the project in 2002, he figured it would take a few years; he was soon overwhelmed. By way of accounting for such an extraordinary output, Gay Talese observes that no writer of Mailer’s generation was more accessible: He wrote, by a rough

count, to 4,000 individuals, and his typical letter is long rather than short. If letters piled up while he was at work on a book (which was always), then he would answer them in gusts of whirlwind energy. It’s safe to guess that most of those who wrote to Mailer got back at least as much as they put out. Lennon’s notes are full and helpful.

It’s no criticism of the editor to say that if one has read the biography first, there are fewer surprises here than might be expected. At times I wondered just how many letters one might care to read from Mailer to Lillian Hellman and Diana Trilling about their celebrated (and rather boring) feud. Lennon’s account in the biography serves perfectly well to fill us in on the spat, and on Mailer’s awkward attempts to be a pal to both women. The volume also seems heavy, perhaps too heavy, on letters to Mailer’s chums such as Mickey Knox and Buzz Farbar, and to his longtime intellectual friend Jean Malaquis. And there are too many letters to the convict-murderer Jack Abbott, in whom Mailer invested a great deal of energy and time, to no good end.

Since it’s doubtful that many readers will sit down and read through all the correspondence, they can pick and choose a bit. Not to be missed, however, are the wonderful letters he wrote to his parents and to his first wife, Beatrice Silverman, about his wartime experience in the Philippines. There is a freshness and human sympathy in these letters that he couldn’t recapture as he went on to do battle with life after the Army. There is also a subtle, indeed poetic, account of other novelists. To Diana Trilling, recipient of many of his best letters, he insists that writers become great because of, not despite, their infirmities: “Faulkner’s long breath, Hemingway’s command of the short sentence, Proust’s cocoon.” He explains:

Faulkner writes his long sentences because he never really touches what he is about to say, and so keeps chasing it; Hemingway writes short because he strangles in a dependent clause; Proust spins his wrappings because a fog gets slapped if he says what he thinks.

But he assures her that he is not becoming the Westbrook Pegler of world letters. Except for John Updike, there was no better novelist-critic of his predecessors and contemporaries in the fiction game than Norman Mailer.

He once confided to a correspondent, “You know, I never had a mon-

strous ego.” If we’re tempted to respond “Really?” then the variety of other lives with whom he engages in these letters—William F. Buckley and Monica Lewinsky, Clint Eastwood and Jacqueline Kennedy—suggests that he became a major writer by putting his infirmities on display, irrepressibly so. ♦



# Here the Word

*The English sermon as theology and social history.* BY EDWARD SHORT



*'Listening to the sermon in a Church of England church' by T.H. Jones*

In William Makepeace Thackeray’s *Vanity Fair* (1848), Pitt Crawley, Becky Sharp’s first employer, “an old, stumpy, short, vulgar, and very dirty man, in old clothes and shabby old gaiters, who smokes a horrid pipe, and cooks his own horrid supper in a saucepan,” is given a characteristic by his creator that nicely rounds out his unusual character: The baronet has a taste not only

*Edward Short is the author, most recently, of Newman and His Family.*

## The Oxford Handbook of the British Sermon 1689-1901

edited by Keith A. Francis and William Gibson  
Oxford, 688 pp., \$175

for family prayers, but for sermons.

“We will resume yesterday’s discourse, young ladies,” he informs his female household, “and you shall each read a page by turns; so that Miss a—

Miss Short may have an opportunity of hearing you”—at which the poor girls begin to spell out “a long dismal sermon delivered at Bethesda Chapel, Liverpool, on behalf of the mission for the Chickasaw Indians. Was it not a charming evening?”

By and large, with few exceptions, 20th-century historians tended to follow Thackeray in regarding sermons as little more than fodder for satire. Sir Robert Ensor might have conceded that, in the Victorian triumph of religion, “the pulpit dominated,” but he does not say how or why. Theodore Hoppen is no more illuminating, simply saying, “Middle-class Victorians loved sermons, the longer the better.” The otherwise fair-minded historian G.M. Young considered the mere hearing of sermons deleterious: After noting how “a young man brought up in a careful home might have heard . . . a thousand sermons,” Young points out that “the form of preachers was canvassed like the form of public entertainers, and the circulation of some Victorian sermons is a thing to fill a modern writer with despair.”

Here was proof of the insatiable appetite of the public for sermons of all kinds. Still, for Young,

If we consider the effect, beginning in childhood, of all the preachers on all the congregations, of men loud or unctuous, authoritative or persuasive, speaking out of a body of acknowledged truth to the respectful audience below them, we shall see why the homiletic cadence, more briefly Cant, is so persistent in Victorian oratory and literature. It sufficed to persuade the lower middle classes that Tupper was a poet and the upper middle classes that Emerson was a philosopher.

To say that a literary genre as supple and capacious as the sermon could only produce a taste for mountebanks like Martin Tupper and Ralph Waldo Emerson was typical of the 20th century’s unwillingness to meet the sermon on its own varied ground. In omitting to pay any attention to the sermons of the most influential homilists of the 19th century, Young was giving a misleading impression of

the sermons of the Victorian age, as none of that era's best preachers, for all their doctrinal differences, went in for anything that could be justly characterized as cant.

To appreciate afresh the wide-ranging field commanded by the sermon at a time when religion was still genuinely respected in the public sphere, even by agnostics and atheists, one needs only to recall the great preachers themselves: John Tulloch, the voice of liberal orthodoxy within the Church of Scotland; Henry Liddon, the heir of Pusey and learned Tractarianism; John Caird, the author of that most Victorian of sermons, "Religion in Common Life," which he delivered before Queen Victoria at Balmoral in 1857. There was also Thomas Chalmers, first moderator of the Free Church; William Connor Magee, the great advocate for the benefits of the Church of Ireland, on an isle where Presbyterians and Roman Catholics were perpetually at each other's throats; and Robert William Dale, the passionate evangelical whose sermons on St. Paul and the Trinity redefined what it meant to be evangelical long before Mark Noll began remonstrating with his coreligionists for neglecting the intellectual aspects of faith.

Sermon writers were much more than mere pulpit entertainers: They could set the course for decades of theological inquiry. In the 18th century, Joseph Butler's pivotal sermon "The Ignorance of Man" (1719) prefigured a theology of devout skepticism to which generations of Anglicans would subscribe, from John Keble and Samuel Wilberforce to Dean Inge and Rowan Williams. Indeed, the great preachers made sermons bestsellers for serious readers right up to the end of the 19th century and beyond. It is high time that historians of religion paid such work the justice it deserves.

Well, that justice is splendidly paid by this *Oxford Handbook of the British Sermon*, a fascinating, well-researched, well-produced volume that is not only a skillful mapping-out of the great influence the sermon enjoyed in a dazzling array of contexts, but a triumph of balanced and imaginative

synthesis. The editors have assembled a model collection of essays to which all students of English history, religion, criticism, and fiction will be deeply indebted.

In order to give readers some sense of the impressive scope of this context, the editors have included essays on parish preaching in the Georgian and Victorian eras; sermons of 18th-century evangelicals and of British Catholics; preaching in the churches of Scotland, Ireland, and Wales; preaching bearing on Parliament and the court; the anti-Jacobite sermon; sermons in the age of the American and French revolutions; funeral sermons; preaching and the empire; 18th-century mission sermons; preaching and the Gothic Revival; and the sermon and the Victorian novel.

At 688 pages, this volume is neither an unwieldy rag-bag nor a chronological forced march. The editors clearly drew up their thematic patchwork carefully, and the quilt is admirably cohesive. Another winning aspect of the volume is its freedom from the usual academic sins: Not all of the essays are riveting, but it is remarkable how few of them descend into jargon or offer oblations to the gods of political correctness.

Instead, we have Kirstie Blair, in a piece about poet-preachers, quoting the young F.D. Maurice reminding his auditors that "it is not the black garment, nor the precise and empty phrase, which makes men ministers of God: but the communion with that Spirit of God, which was, in all its fullness, upon those mighty poets, Isaiah and Ezekiel; which unrolled its vision over the rocks of Patmos, and is, in larger or smaller measure, the teacher of every bard." We have Jeffrey Chamberlain quoting from an 18th-century book dissuading young men from going into the priesthood because of the great bother involved in composing sermons: "For here he may by weekly Labour, by plodding, and torturing and racking his Brains, squeeze out something (whether coherent or incoherent, it is no Matter) which with much ado . . . may be

lick'd into the Model of a Thing commonly called a 'Sermon.'"

We also have G.M. Ditchfield pointing out how the sermon supplies a reliable key to the age's true interest in religion.

A concentrated academic focus upon sermon literature will naturally promote the conclusion that religious values still dominated public life. Other types of focus will point to an increasingly secularized society. But the widespread interest in evangelicalism, anti-slavery, and eschatology in the early nineteenth century—all relying on sermons as means of propagating their views—suggest that the birth, or at least the advance, of secularization has been exaggerated.

Melissa Wilkinson makes some good points about the sermons written by Cardinal Manning and other Catholics throughout the 19th century. "One of the major differences in emphasis in these sermons," she writes, "is that the confrontation was no longer simply Catholic versus Protestant but Catholic and Protestant, still with their disagreements, against atheism." Unbelief continues to accelerate in our own time, of course—though politeness constrains us from following Manning in characterizing atheism as a "lower abasement of the intellect than was ever reached by the heathen world."

John Wolfe then has some interesting things to say about the funeral sermon. In 1883, one homilist asked his mourners: "Who could afford to miss the prayers, the counsel, the consolation of the dying, which are never so effectual as when they are breathed in pain, and never so wise and gentle as when they are spoken by one half over the border, almost in sight of the Far Land?" And as late as 1898, a preacher remarked, about William Gladstone's long-lingering end, that the eyes of the nation should be cast towards Hawarden Castle, "where the old warrior was vanquishing death by submitting to it"—a trope, one feels, that would have given the shudders to Gladstone's friend Lord Tennyson.

In any case, it is passages like these that make this an altogether delightful volume. Pitt Crawley would approve. ♦

# Into the Valley

*The stories behind the legend of the charge of the Light Brigade.* BY ANDRE VAN LOON



*'The relief of the Light Brigade' by Richard Caton Woodville*

**W**hen we received the order, not a man could seem to believe it. However, on we went, and during that ride what each man felt no one can tell. I cannot tell you my own thoughts. Not a word or a whisper. On—on we went! Oh! Every man's features fixed, his teeth clenched, and as rigid as death, still it was on—on! At about 300 yards I got my hit, but it did not floor me. Clash! And oh God! What a scene! I will not attempt to tell you, as I know it is not to your taste, what we did; but we were Englishmen, and that is enough.

Thus wrote Private Thomas Dudley of the 17th Lancers to his parents after the famous charge of the Light Brigade. Dudley was a lucky survivor of the Battle of Balaklava, one of the major engagements of the Crimean War (1853-56). Executing, or allegedly misconstruing, a direct order to engage the enemy, the Light Brigade mounted

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## Letters from the Light Brigade

*The British Cavalry in the Crimean War*  
by Anthony Dawson  
Pen and Sword, 224 pp., \$50

an assault into a valley defended on three sides by Russian infantry, cavalry, and artillery.

*Theirs*, Tennyson wrote in his famous poem, *not to reason why / Theirs but to do and die / Into the valley of Death / Rode the six hundred.*

Much of the literature on the Light Brigade presents the top-brass view. Lord Raglan, commander of the British forces; the earl of Lucan, commander of the cavalry; and the earl of Cardigan, commander of the Light Brigade, are variously held responsible for the disastrous charge. Raglan, frustrated by the apparent inaction of the Light Brigade at Balaklava, sent a series of orders expressing his desire for action. Part of the problem, however,

was the ambiguity with which Raglan expressed himself: He gave geographical directions from his point of view, for example, which did not make much sense in the field.

No one seems to have asked any probing questions, however—perhaps because communication was slow and prone to failure. At any rate, the brigade quickly took action: up the wrong valley and after the wrong Russians, from Raglan's point of view. Within minutes, hundreds were either killed or injured.

Anthony Dawson is less interested in this long-running blame game than in giving us an insight into the experience of the relatively lower ranks. We are presented with hundreds of letters from privates, trumpeters, corporals, and sergeants. Dawson has admirably traced many previously unpublished or obscure accounts from a series of archives and 160-year-old newspapers. As the president of the British Commission for Military History, Major General Mungo Melvin (Ret.), notes in his foreword, the presentation of so many new perspectives is a valuable addition to Crimean War literature.

One of the delights of Dawson's volume is the directness with which many of the correspondents write. For example, Private Robert Chambers from the 11th Hussars takes us right into the horror of the valley, incidentally highlighting how wrong the charge felt from the outset:

We . . . were ordered, though [it was] *perfect madness*, to advance. . . . As soon as we neared the plain their terrific fire of artillery and musketry from the hills on each side opened on us, and a troop of guns ranged in front of us as we advanced. The plain was about two miles in length and two hundred yards wide, so you can form some idea how we were knocked over, and having no support from our own army of either infantry, cavalry or artillery, we charged immense masses of Russian cavalry and artillery and on our return up the plain to our main body, their cavalry had re-formed across the plain to intercept our passage, which, however, we broke through, when their batteries and infantry from the hills opened on us, horses and men falling every stride.

And on he goes, telling his mother that he remains miraculously unhurt and winding up his letter by estimating friendly and enemy casualties. He ends with a typical Victorian flourish: “May the Almighty, in His omnipotent understanding, terminate the cause in favour of the righteous.”

Although the Crimean War is often discussed in terms of human suffering—the thousands who died in action or from near-criminal medical neglect or from the Russian winter—many of the cavalymen included here are proud and patriotic. The war was the first experience of action and foreign travel for many; a sense of excitement is palpable. It can be easy nowadays to think of wars as contentious, difficult, and protracted; then as now, however, many of those on the front line see things differently. Here, most correspondents write with an unfussy, self-reliant tone. They want to be involved, and to win.

Although the charge of the Light Brigade is at the heart of Dawson’s book, he includes letters from the Heavy Brigade as well as ones that range over a number of years. We thus witness the cavalry as they sail past Gibraltar, as they invade the Crimea, engage the enemy, go through the awful winter, regroup, and ultimately win the siege of Sebastopol and the war.

This is not a book for those interested in Lord Palmerston, Napoleon III, or Czar Nicholas I. But the fascinating views from the lower ranks could have been enriched by being juxtaposed with French and Russian voices. A book mixing letters from different combatants would not only be intrinsically interesting but would provide a more rounded view. Imagine seeing the charge of the Light Brigade from the hillsides, for example. To the British, it was a “glorious failure.” Did the Russians think of it like that? Or were they impressed, frightened, perhaps astonished?

Although Dawson selects a range of interesting British letters, he is less accomplished at editing and at writing short introductory sections. Reading this book can be like going through a box of dusty letters and short notes someone has written on

the side. Some effort has been made to correct spelling mistakes—several correspondents erroneously refer to the “Scotch Grays,” for example—but it is by no means consistent or methodical. Perhaps Dawson could have simply left the letters as they were; their meaning is always plain.

As for his writing, Anthony Dawson is clearly well-informed but tends to lack concision. He seems a highly

knowledgeable enthusiast, someone who could talk intelligently for hours about the Crimean War, yet one wishes that he would make his points a bit more sharply. But most of *Letters from the Light Brigade* lets a series of mid-Victorian British cavalymen speak for themselves. These men knew exactly what they were doing—and carried on even when the dangers were blindingly obvious. ♦

BCA

# Mistress of Murder

*P.D. James, 1920-2014.*

BY JON L. BREEN

**T**he British novelist P.D. James, who died late last month at the age of 94, was one of the most significant crime fiction figures to emerge in the latter half of the 20th century. A late starter at 42 when her first novel *Cover Her Face* introduced Scotland Yard detective and published poet Adam Dalgliesh in 1962, she was still contributing major work 50 years later.

Created the Baroness James of Holland Park in 1991, she was a member of the House of Lords and a prominent public figure in Great Britain beyond her contribution to contemporary literature. As a former BBC governor, she used its own airwaves to challenge what she saw as excessive pay for BBC executives, noting that 37 of them made more money than the prime minister. As a member of the Church of England’s Liturgical Commission, she deplored updating the poetic language of the Book of Common Prayer, declaring, “Something is lost, surely, when ‘Let Not Your Heart Be Troubled’ is translated as ‘Do Not Be Worried and Upset.’”

The last novel published in her life-

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time, *Death Comes to Pemberley* (2011), was a departure for her, a splendid criminous sequel to Jane Austen’s *Pride and Prejudice*. She had done the unexpected before, with a true-crime book, *The Maul and the Pear Tree: The Ratcliffe Highway Murders* (1971), written with Thomas A. Critchley; with the creation of a female private eye in *An Unsuitable Job for a Woman* (1972); with her first bestseller, an unconventional mystery novel outside the Dalgliesh series, *Innocent Blood* (1980); with the minor science fiction classic *The Children of Men* (1992), depicting

HORST GALUSCHKA / PICTURE-ALLIANCE / DPA / AP IMAGES

a near-future in which humans have stopped giving birth; and with *Time to Be in Earnest: A Fragment of Autobiography* (1999). But most of her books featured Adam Dalgliesh, and, despite her advanced age, it is hard to believe that *The Private Patient* (2008), 14th in the series, would be the last of them. She told the BBC in 2013 that she was working on another detective story, so there is reason for hope.

Some pegged James as a mystery writer who “transcended the genre.” She did nothing of the kind. True, her novels grew longer and more richly detailed, her grappling with contemporary social issues increasingly ambitious. Yes, her characters were fully realized and never seemed like puppets in service of a puzzle. And there’s no denying that she brought to her work all the seriousness and thematic attention of any good novelist. But she never deserted the classical detective novel pattern as handed down by her predecessors from the interwar Golden Age of Detection.

To risk another loaded term, she even had a formula: Create an established but often threatened business or institution—a forensics lab, a publishing company, a school for nurses, an atomic research station, a psychiatric clinic, a home for the disabled, a barristers’ chambers, a theological college, a museum—and people it with a variety of characters; have a murder or two within the closed circle of possible suspects; reveal the solution with the explanation of clues clearly shared with the reader. Far from leaving genre behind, P.D. James demonstrated what high-quality work could be achieved within its strictures.

Her 2009 *Talking About Detective Fiction* makes a historical point that simultaneously celebrates the unique features of the detective story and questions the artificial barriers between genre and “real” literature. Jane Austen, by no definition a crime writer, anticipated the detective-story pattern decades before Edgar Allan Poe’s credited invention of the form. In Austen’s *Emma*, James writes,

The secret which is the mainspring

of the action is the unrecognized relationship between the limited number of characters . . . and Jane Austen deceives us with cleverly constructed clues (eight immediately come to mind)—some based on action, some on apparently innocuous conversations, some in her authorial voice. At the end, when all becomes plain and the characters are at last united with their right partners, we wonder how we could have been so deceived.

Indeed, something similar occurs in *Pride and Prejudice*, in which Elizabeth Bennet reviews the ways in which she had misread Darcy’s character and how matters could have been interpreted differently.

Like many British detective series (and practically no American ones), the Adam Dalgliesh novels were faithfully dramatized for television. Several of them were presented as a multipart series, as might be accorded the classics of Austen, Charles Dickens, or Anthony Trollope, but rarely detective stories. The Dalgliesh novels had the complexity of character and plot to stand up to long-form presentation, and the results may be the best series of detective-fiction adaptations in the annals of television. They stand alongside the novels themselves as the best possible memorial to one of the finest, and least replaceable, crime writers in recent memory. ♦

BCA

## Schiele’s Faces

*Portraits by the artist of the inner self.*

BY DANIEL ROSS GOODMAN

*New York*

In Hermann Hesse’s short story “The Painter,” a young artist experiences the pain of having his works shunned. Because his paintings are so unpopular, the artist becomes reclusive. He decides to stop depicting love, heroes, and celebrations in beautiful pictures that give pleasure to others. Instead, he begins painting discomfiting pictures that express his desire to “turn to nothing and sink, die, and be reborn.”

His friends become concerned with how quietly and strangely he begins speaking, how much more he is withdrawing into himself, and how much less interest he is taking in “what was lovely and important for other people.” People worry that he is going insane. But when they actually catch a glimpse of his new paintings, they discover a “spectacular genius, to be sure, an eccentric, but one who was blessed by

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**Egon Schiele**  
*Portraits*  
Neue Galerie  
Through January 19

God.” Critics pen enthusiastic reviews of his new style, and what they especially love are his incredible series of self-portraits: “We may place them,” they write, “alongside the masterpieces of psychological portrait art.”

Hesse’s dark fairy tale was most likely not written about the Austrian Expressionist Egon Schiele, but it just as well could have been. Schiele’s art can be disturbing to look at today—and it would have been all the more so for early-20th-century Viennese. Yet eventually—and mostly posthumously, for he died at 28—his paintings were appreciated for what they are: the work of a strange, idiosyncratic, eccentric genius.

Like the majority of the great painters who preceded him, Egon Schiele (1890-1918) began his artistic career by

painting traditional landscapes before moving on to paint the human figure. He attracted controversy for his sexually explicit paintings of young women and men, but even those perturbing works were not the paintings with which he would stake his legacy. His idiosyncratic painterly genius was not fully revealed until he began to explore his own tormented consciousness in a series of shocking self-portraits.

They are shocking not only for how they portray the human figure, but for how they portray the human psyche. Legend has it that Isaac Luria, the great 16th-century Kabbalist, could look into a person's face and see the sins upon the person's soul. In this regard, Schiele was the Kabbalist of 20th-century painters. To look into his portraits, he once said, is "to look inside." Schiele's self-portraits not only portray his anxious psyche, they allow us to peer inside Schiele's agonized spirit and give us a glimpse of his morbid soul.

Schiele was a disciple of Gustav Klimt, the Neue Galerie's patron artistic saint; but whereas Klimt's figures are idealized and almost unrealistically beautiful, Schiele's grotesque figures—despite some clear stylistic affinities with his mentor—could not be more different.

By the 19th century, painting oneself as one really looks—"warts and all"—was no longer a revolutionary development in Western art. Schiele's decidedly nonidealized self-portraits are unmistakably rooted in the tradition of Rembrandt and van Gogh. Even some of the Roman emperors, for a brief stretch of time after Augustus, preferred their busts to be sculpted in a nonhagiographic fashion. But whereas Rembrandt depicted his own physical flaws—deep wrinkles, tired eyes, sagging eyelids, all the thousand natural signs of age that many self-portraitists prior to Rembrandt sought to conceal—Schiele shocked (and still shocks) viewers in his unforgivingly unfavorable depiction of his own psyche.

Schiele's brilliant yet unsettling style of portraiture is the solo act of this exhibition. The Neue Galerie has billed it as the first exhibition in an American museum to focus exclusively on Schiele's portraits, and exclusive focus is precisely what is necessary to take in these difficult yet necessary images—over 100 in all, encompassing paintings, sketches, and sculpture. The show charts Schiele's development from young Viennese artist who arrived on the *fin de siècle* art scene with the verve of an arriviste to slightly older avant-



'Portrait of Dr. Erwin von Graff' (1910)

garde Austrian Expressionist who bristled at Victorian moralism and broke with painterly conventions.

The show also highlights Schiele's portraits of family members, fellow artists, patrons, and lovers. But it is in his self-portraits that Schiele's singular style of psychological art is most readily on display. His view of himself is of a person who is deeply, profoundly, irredeemably flawed: His hands are gnarled, his body is emaciated, his limbs are painfully contorted, his eyes are shriveled and withdrawing into the shadowy sockets of his crepuscular skull.

Even when Schiele paints an embracing couple, they are not the Platonic ideal of the embracing couple (à la Klimt), but as strained and

as tortured as Schiele's own psyche. Schiele's lovers exude nothing of the exquisite beauty of Klimt's and other 19th-century depictions of love. Nor do Schiele's lovers have anything in common with the naturalistic, full-bodied Renaissance and Impressionist depictions of lovers. Schiele's lovers are phantasmagoric, gaunt, ugly, and appear to be struggling, even suffering.

Schiele is no troubadour. He is not the artist of love; he is the artist of eros. He is not a conventional artist content with painting prettified portrayals of love. He subverts centuries, even millennia, of artistic traditions and paints the untidy, tumultuous, physiologically and psychologically raw reality of physical attraction. All artists paint nudes, but Schiele's nudes are denuded of any classical or normative notion of beauty, less physically nude than psychologically naked, the ugliness of their psyches bared for all to see. Schiele's nudes were notorious for their explicitness, but they are most radical in their pioneering technique: Instead of letting viewers steal illicit pleasure from unsuspecting individuals, his distorted nudes gaze out and onto the viewer, as if taunting their spectators.

Schiele's macabre style may be difficult, but it is endlessly compelling and important. It inspired a panoply of Expressionist epigones, from Otto Dix to George Grosz to Lucian Freud, and had a hand in the development of the "degenerate" movement of post-World War I Germany. Gazing into these haunting psychological self-depictions can be a chilling experience, and some of the portraits look too terrifying to be real: Schiele's portrait of the painter Max Oppenheimer (1910) looks like a premonition of F.W. Murnau's horror film *Nosferatu* (1922)—indeed, the German director may well have been influenced by the Austrian Expressionist painter. The real horror, however, is that if you look too closely, some of Schiele's portraits may closely resemble your soul. ♦

PRIVATE COLLECTION

# Wrestlers and Brothers

*A weird, tragic, compelling tale tainted by politics.*

BY JOHN PODHORETZ



Steve Carell, Channing Tatum

**F**oxcatcher is a slow, gripping, fact-based movie about a bizarre and lonely heir to the Du Pont fortune whose obsession with the sport of wrestling eventually led him to commit a pointless and vicious murder. What makes *Foxcatcher* compelling is that its story, its setting, and its characters are so odd, so singular, so unlike anything we've seen before.

In the first place, wrestling is a deeply weird activity; its homoerotic aspects are so inescapable that early scenes of the two Schultz brothers at the heart of the story, Dave (Mark Ruffalo) and Mark (Channing Tatum), training together seem basically incestuous. John du Pont (Steve Carell), who paid through the nose so he could host the sport's Olympic training facility at his family estate in Pennsylvania, was a profoundly strange person whose mother had to pay her chauffeur's son to be his childhood friend. Du Pont encourages Mark, an

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## Foxcatcher

Directed by Bennett Miller



emotionally isolated and inarticulate child-man living on scraps of money despite his two Olympic gold medals, to train at Foxcatcher Farms.

Mark comes to worship Du Pont. But for reasons that seem to have been left on the cutting-room floor—possibly something to do with the resentment of Du Pont's mother and some unfulfilled sexual urge on the older man's part—Du Pont shuts Mark down and begins to cultivate the more sociable and worldly Dave. This is a torment to Mark and a financial godsend to Dave. Eventually, it seems to drive Du Pont into madness.

The three actors are exemplary. Carell, who has already demonstrated his chops playing a man of questionable character in last year's *The Way Way Back*, is chilling in his depiction of the delusional Du Pont. Ruffalo offers a layered portrait of deep sweet-

ness mixed with sibling-rival guile. And Tatum, the leading male box-office sensation of the past couple of years and an expert comic actor like the other two, is absolutely heartbreaking.

Everything is set here for a downbeat but fascinating *Fargo*-like journey, and for the most part, that's what you get. But *Foxcatcher*'s director, Bennett Miller, and screenwriters Dan Fogelman and E. Max Frye are convinced they have an Important Cautionary Tale About American Greed and Inequality on their hands, and they weigh *Foxcatcher* down with unnecessary sociological portent. The film begins with Mark making a witless and dull patriotic speech for \$20 to a depressed group of schoolchildren, and it ends with someone fighting a bloody cage match in front of a crowd of yahoos chanting "U-S-A."

*Foxcatcher*'s oddball set of facts can't bear the weight. I suppose it means something that the villain here carries the name of Du Pont, but John's membership in a very large and wealthy American family tells us nothing about the bizzareries of his behavior. Clearly, the creative team here was tickled by the fact that Du Pont and Mark Schultz apparently shared anti-Communist politics—but those have little to do with the conduct of a dilettante ornithologist-cum-cokehead who was evidently thrilled by the sight of muscular young men slamming each other around a wrestling ring. And the film suggests it was corrupt of the Olympic wrestling establishment to allow Du Pont to sponsor the team—that it just shows rich people can buy anything.

That's a peculiar tack for this movie to take once you consider that *Foxcatcher*'s producer, Megan Ellison, is herself an heiress to the Oracle software billions that have made it possible for her to write checks in the tens of millions to bring movies like this one (and *Zero Dark Thirty* and *The Master*) to the screen in hopes of winning an Oscar, much as John du Pont hoped to be the motive cause of a gold medal.

The people *Foxcatcher* depicts, and the tale it tells, represent nothing but themselves. Miller and his writers should have left America out of it. ♦

**“Press Secretary Josh Earnest defended President Obama’s appointment of former soap opera producer Colleen Bell as the U.S. ambassador to Hungary.”**

**—Associated Press, December 2, 2014**

**PARODY**

So we were... right. So doesn't that make you happy?

JANUARY 19, 2015

ONE DOLLAR CHEAP

# AMBASSADOR TO HUNGARY REVEALED AS TWIN SISTER

*A Tawdry Tale of Sex, Lies, and Goulash*

By SALLY SPECTRA

BUDAPEST — Just as Colleen Bell, the U.S. ambassador to Hungary, was about to deliver her remarks to the National Assembly, she was suddenly interrupted by... Colleen Bell. The disrupter stood up and shouted, “Stop! She is not the ambassador—I am!” Gasps echoed through the halls of the ornate Hungarian Parliament Building.

“That lady is an imposter!” the woman continued. “She is my twin sister Ashley, who has spent years trying to push me out of the spotlight.” The supposedly real Colleen Bell claims to have been kidnapped last month by members of a Moldavian separatist movement. But one of the captors fell in love with her and set her free.

Meanwhile, the ambassador at the podium seemed to concede, offering the internationally recognized symbol of defeat—clapping slowly and sarcastically. “Well played, twin sister, well played,” she said. “But there’s just one thing. I’m pregnant—with your husband’s child.” The real Colleen Bell then fainted but regained consciousness after getting a whiff of paprika. She said it was impossible for Ashley to be pregnant since her husband had had a vasectomy. “Or did he?” the imposter replied. Ms. Bell then fainted a second time.



ABC / General Hospital

On the next episode of ‘Hungary Heart,’ Amb. Colleen Bell gives Dr. Hugh Johnson a piece of her mind—and her hand.

At the White House, Press Secretary Josh Earnest grimaced at the revelations. “The president was unaware Ms. Bell had a twin sister who had machinations to replace her,” he said. “This is like a soap opera. He was hoping this was all just a bad dream.” According to Earnest,

a special task force has been set up to deal with the scandal. “The investigation will be led by Vice President Biden, whether or not he decides to go through with the operation and become a

*Continued on Page A10*

the weekly  
**Standard**

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