



the weekly  
**Standard**

JULY 18, 2016

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# **UNDAUNTED**

**Clarence Thomas then and now**

**BY ADAM J. WHITE**

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## It's a Family Tradition

There has been much slackjawed amazement about the FBI's decision to recommend that Hillary Clinton not be charged over her cavalier treatment of classified material on her private email server while secretary of state. FBI director James Comey, both in his initial statement and in a congressional hearing, has systematically dismantled her excuses and lies to the point of intimating that lesser mortals in similar circumstances would likely have been charged, and yet somehow what Hillary Clinton did doesn't amount to criminal intent. ABC News even has footage of Hillary Clinton at a dinner party in 2000 saying, "As much as I've been investigated and all of that, you know, why would I—I don't even want—why would I ever want to do email?" If that's not evidence of knowingly setting up an email server in violation of State Department rules to avoid scrutiny—to say nothing of how her actions led Comey to conclude that foreign governments likely hacked her email account—we don't know what would be.

But set aside the actual substance of the investigation for a moment. Let's look at the political circumstances surrounding it. One would think the Obama administration would be invested in making sure that the FBI investigation at least ap-

peared free from political pressure. However, whether from arrogance, incompetence, or both, the Obama administration and the Clintons made no visible attempt to act honorably.

Let's recap what happened here. There was always a conflict of interest involved in the Obama administration investigating Hillary Clinton, but that was dramatically heightened when Obama came out and endorsed Clinton on June 9. Despite this, there was no clamor in the press or otherwise about why this may have been improper, with the administration still overseeing an FBI investigation into her. Incredibly, calls for a special prosecutor—and if ever there were a situation that might call for one, this is it—were summarily ignored. Then on June 27, Comey's boss, Attorney General Loretta Lynch, randomly met at the Phoenix airport with Bill Clinton. On July 1, at the Aspen Ideas Festival—a confab designed to connect the super wealthy with liberal politicians, which could not be a worse setting if you're an ordinary American who thinks the system is rigged—Lynch calmly announced she would accept the recommendation of the FBI director. Over the following weekend, CNN reported sources saying the FBI would decline to recommend charges against Hillary Clinton. Then "Dem-

ocrats close to Mrs. Clinton" floated the idea of keeping Loretta Lynch on as AG in her administration. On July 5, Comey held his press conference saying the FBI won't, in fact, recommend prosecuting her. Comey's announcement came just hours before Obama officially began campaigning with Hillary Clinton. On July 7, it emerged that while the FBI did interview Hillary Clinton for three-and-a-half hours as part of their investigation, the interview was not recorded and Hillary Clinton was not put under oath.

Comey assured Congress that lying to the FBI could still be criminal under these circumstances, but the treatment of Clinton seems quite exceptional. In the Bush administration, Scooter Libby was sentenced to prison ostensibly for lying to investigators, even though his supposed untruths could easily have been interpreted as mixing-up details. Then again, Libby had to face a zealous special prosecutor.

What's most galling in the end is not that Hillary Clinton got away with her *l'état-c'est-moi* contempt for the laws that apply to the little people—that's a family tradition we've become sadly accustomed to. It's the administration's brazen indifference to even pretending that the outcome of the investigation wasn't foreordained. ♦

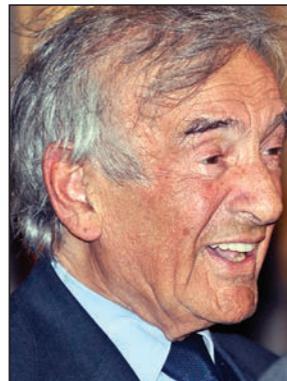
### Elie Wiesel, 1928-2016

THE SCRAPBOOK was on vacation when Elie Wiesel passed away, and we would be remiss if we failed to say something. Wiesel died at the age of 87, and as a Holocaust survivor, he knew more than anyone that he had been blessed with a full life. Indeed, his life will continue to reverberate.

When THE SCRAPBOOK mentioned Wiesel had died, it was our high-

school-age niece, living in Denver 70 years later in circumstances as far removed from the reality of the Holocaust as can be imagined, who took the news hard. She'd read Wiesel's slim but profoundly weighty memoir *Night* twice.

For millions of postwar Americans,



Wiesel's book is their primary introduction and connection to the Holocaust. As literary endeavors go, few have surpassed the economy and grace of *Night*. Even now we recall the page where Wiesel arrives at Auschwitz—with a profound sense of loss, not just for Wiesel personally,

but for the millions he spoke for who didn't survive:

An SS came toward us wielding a club. He commanded:

"Men to the left! Women to the right!"

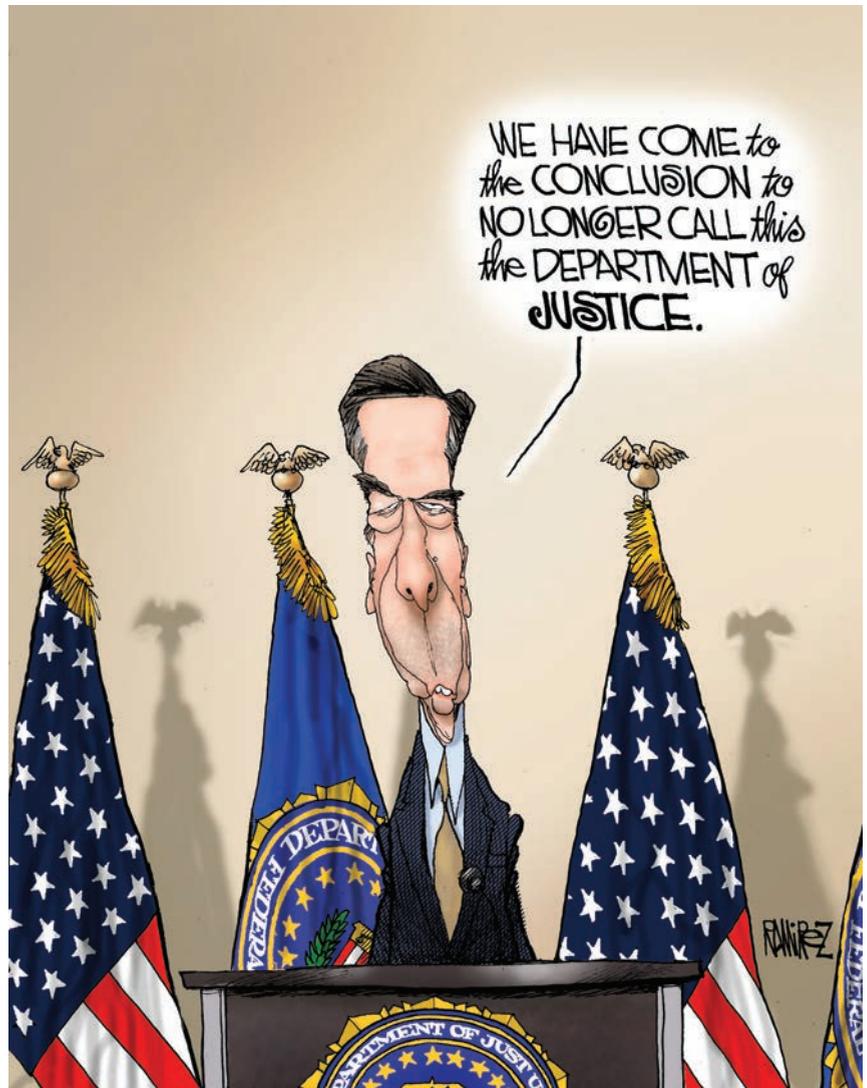
Eight words spoken quietly, indifferently, without emotion. Eight simple, short words. Yet that was the moment when I left my mother. There was no time to think, and I already felt my father's hand press against mine: we were alone. In a fraction of a second I could see my mother, my sisters, move to the right. Tzipora was holding Mother's hand. I saw them walking farther and farther away; Mother was stroking my sister's blond hair, as if to protect her. And I walked on with my father, with the men. I didn't know that this was the moment in time and the place where I was leaving my mother and Tzipora forever.

When Wiesel, quite miraculously, made it through the war alive, it ultimately transformed him into such a towering figure that he seemed incapable of speaking a word that was morally indifferent. And for most of his life, he was recognized as such. Wiesel was one of a precious few Nobel Peace Prize recipients in recent decades who was actually deserving of the honor.

However, it's also the case, dispiritingly, that the uncompromising Wiesel lived long enough to see himself become an object of hatred once again. In recent years, Wiesel began speaking out about state infringement on religious freedom and denouncing the boycott, divestment, and sanction (BDS) movement against Israel for what it is—an overt manifestation of antisemitism. These stands made Wiesel a target of much ire in the progressive fever swamps.

After he died, no less than Max Blumenthal, the son of longtime Hillary Clinton consigliere Sidney Blumenthal, said several vile things about Wiesel—including that "He did more harm than good and should not be honored." Clinton, having previously praised Max Blumenthal's work, was forced to disavow Blumenthal's statements as "hateful."

*Plus ça change . . .* ♦



## A Theft Too Far

China has a well-known problem with cyber-theft and with taking five-finger discounts on other peoples' intellectual property. Their new fighter jet is our new fighter jet, the design and technical details of which they stole. Their new predator drone is our predator drone, which they stole. Their new reconnaissance drone is our new reconnaissance drone, which they stole. Their new helicopter drone is our new helicopter drone, which they stole.

Their "Assault Carbine" is our M-4. Their Dongfeng EQ2050 "Brave Soldier" is our Humvee. Their Hong-

jian-12 "Red Arrow" is our Javelin antitank missile. Et cetera, et cetera. THE SCRAPBOOK could fill this entire issue listing products Red China has ripped off.

Now, though, Beijing has finally gone too far. Last week, THE SCRAPBOOK was reading an article on the website of the Australian Broadcasting Company about China's gearing-up for a military confrontation in the South China Sea. The piece included a Reuters photo of a Chinese coast guard cutter, on whose side we were stunned to see was painted a red-orange, white-and-blue racing stripe—just like the ones every U.S. Coast Guard ship, plane, and



Chinese coast guard vessel: look familiar?

helicopter has sported since the '60s, when legendary industrial designer Raymond Loewy created the motif to spruce up the Coast Guard, at JFK's request.

They've stolen our racing stripes. How shameless!

We predict this will go down in history as the straw that broke the camel's back. ♦

## Corrections

Owing to an editing error, in "Jesus' Wife? The final debunking" (July 4, 2016), we mistakenly reported of the writer Ariel Sabar, "By this time, he was already in possession of copies [Karen] King had given him . . . of her email correspondence with Fritz (along with the purported provenance documents), whose name

and other identifying information she had redacted in order to protect Fritz's anonymity."

In fact, King never showed or gave Sabar the purported provenance documents. Nor did he see or have such documents "by this time," i.e., in November 2012. Images of some purported provenance documents were given to him in early 2016 by Walter Fritz, during the course of Sabar's reporting for his *Atlantic* piece.

In our June 27 issue, two images accompanying the feature on Glacier National Park

indeed were photographs of peaks at a Glacier National Park—or rather, at Parque Nacional Los Glaciares in Argentina. We regret the errors. ♦

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## The Sly Pornographer

At a local library sale, I not long ago picked up for fifty cents a clean copy of *The Olympia Reader*, an anthology from the Paris publishing house that in its day printed the best high-class pornography then going. Olympia Press published the Marquis de Sade, John Cleland, Pauline Réage, Frank Harris, Henry Miller, Genet, William Burroughs, and, perhaps most famously, the first edition of Vladimir Nabokov's *Lolita*. *The Olympia Reader* was a bestseller when first published in 1965.

The book has been sitting on my shelf for several months now without my opening it. Pornography, even at a putatively high literary level, is not my cup of absinthe. This wasn't always so. I remember as a college student a slight frisson when a friend brought back from Paris two plain-green-covered copies of Henry Miller's *Tropic of Cancer* and *Tropic of Capricorn*. I slogged through all of Miller's boring disquisitions on Indian philosophy and other intellectual sludge to get to his slightly comic bonking bits. Fifty years later all I remember from those books is a scene in which the Millerish narrator is making love standing up with a woman in a Parisian hallway, and Miller writes (best I can recall): "Her purse dropped. A coin rolled out. I made a mental note to pick it up later."

I would like to be able to report that my own boredom with pornography is representative of a decline of interest in pornography generally. The other day, though, I read that one of the uses of the Kindle, the iPad, and other reading machines is that they allow people to read pornography without having to display books with lurid covers. Books that might quietly die in print out of embarrassment thus sometimes live on as ebooks.

I'm not sure what is the proper age to have a settled view on sex. My view

is that it is an awfully nice, sometimes a really quite grand (mostly) indoor sport played with someone you love. Besides, sex is essentially a comic activity—all sex, that is, except one's own. Without underestimating the power of sex, then, one ought not to go all Freudian-nutty and begin thinking it is the motive force behind all significant human conduct.

A generation of novelists—John Updike, William Styron, Norman



Mailer, Philip Roth—who thought it was such a force is, in my opinion, doomed to lose future generations of readers for putting sex at the center of their fiction. For these writers sex was the central drama, the bedroom the main scene of action, elaborately fancy fornication often its denouement. Hard to read these novelists these days, when sex is no longer viewed as so dramatic an event as it once was, without laughing, usually in all the wrong places.

The poet Kenneth Patchen titled one of his novels *Memoirs of a Shy Pornographer*, a book I have never read but a title I have always liked. As

a writer of short stories whose characters sometimes wander off into bedrooms, I have come to think of myself as The Sly Pornographer. Inevitably, I close the bedroom door on these characters, for I cannot imagine myself writing up a sex scene, with all its mechanics, without giggling.

In a story of mine called "The Count and the Princess," one of my characters, the Count, "retired to bed, there, as was distinctly not his custom, to dream of making passionate love to Sheila Skolnik." Wouldn't you know, one day this same Mrs. Skolnik shows up at his apartment and events conspire so that "they embraced and she took him by the hand into the bedroom, where they did things together that the Count hadn't even dared to dream." Was it Greyhound that once ran a commercial with the tagline "Leave the driving to us"? As a sly pornographer, I leave the porno to my readers, or at least to their imaginations.

In another story of mine, "Bartlestein's First Fling," the middle-aged owner of a firm that manufactures sinks, tubs, and faucets has sex with a young employee one evening on the floor of his office, but thinks less about the actual sex than that "he is a grandfather." He also remembers that "he has had back trouble of late, and hopes he will not throw something out of whack before this session on his office floor is over." When it is over—without any detailed description provided by the author—he recalls that "the Polish cleaning women . . . come on at nine." He notes that he is still garbed in T-shirt and black socks—the latter "executive length," as the saleswoman at Marshall Field's described them to him. The Sly Pornographer, in other words, has struck again.

If anyone would like to acquire my copy of *The Olympia Reader*, it's yours for 75 cents, plus shipping and handling. Forgive me, but I'd like to show a small profit on the deal.

JOSEPH EPSTEIN

# Neither of the Above

Exactly twelve score years ago, “our fathers brought forth on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.” More precisely: On July 2, 1776, the members of the Continental Congress agreed to declare independence. On July 4, they officially adopted the Declaration of Independence. On the morning of July 5, the Continental Congress dispatched printed copies of the Declaration to state assemblies and to the commanders of the Continental troops.

Two hundred and forty years later, on the morning of July 5, 2016, in the powerful, prosperous, and free nation that has grown up partly as a result of loyalty to the principles of that Declaration, the director of the Federal Bureau of Investigation, to quote the *Washington Post*, issued a “searing rebuke” of what he called Secretary of State Hillary Clinton’s “extremely careless” email practices. He “laid bare a litany of facts that amounted to a stern admonishment of her judgment, management and stewardship of state secrets.” Furthermore, the *Post* continued, FBI director James Comey “systematically obliterated many of the key defenses Clinton and her advisers have offered to reassure the public in the 15 months since the discovery that she used a private email system.”

Later that day, Donald Trump, the presumptive nominee of the other major political party, lavished praise on Saddam Hussein, a dictator who murdered hundreds of thousands of his own people, invaded neighboring countries, harbored and funded terrorists, and fought two wars against the country, the United States of America, that had sought, consistent with the principles of the Declaration, to constrain his aggression and limit his savagery. Trump had of course previously blamed President George W. Bush for lying us into war with Saddam and had condemned American soldiers who fought in Iraq as thieves.

The Declaration instructs us to hold to the truth and to seek to secure liberty. But we now have a presumptive Democratic nominee who is extremely careless with the truth. And we have a presumptive Republican nominee who is extremely careless with the cause of liberty.

The Democratic party appears to be just fine with their truth-challenged nominee. Much of the Republican party, by contrast and to its credit, is willing to rebel against its liberty-scorning presumptive standard-bearer. Hundreds of delegates to the Republican convention have organized to seek to force a true and free ballot

of the delegates, with the hope of saving the party from Trump. This impressive grass-roots effort is something of a David-versus-Goliath fight.

David may prevail, as he did three millennia ago. But if he does not, there will remain just enough time for an independent nominee to get on the vast majority of state ballots and provide a responsible third choice to the American people. An *Economist/YouGov* poll conducted over July 2-4 found 30 percent of the American public saying that in the fall they’ll mostly be voting for Hillary Clinton and 25 percent saying they’ll mostly be voting for Donald Trump. No less than 40 percent said they’ll mostly be voting against Clinton or Trump (evenly divided between 20 percent mostly against Clinton and 20 percent mostly against Trump). In other words, there is an anti-Clinton, anti-Trump plurality in the country. An independent candidate could presumably win those votes.

Either a delegate revolt or an independent candidacy is feasible. Either would be in the spirit of the Declaration, which speaks of certain individuals as being “unfit to be the ruler of a free people.” Either would be in the spirit of the Federalist Papers, whose authors did not anticipate party government, and so did not anticipate party conventions or independent candidates running against party nominees, but who did claim, in *Federalist* 68, that

Talents for low intrigue, and the little arts of popularity, may alone suffice to elevate a man to the first honors in a single State; but it will require other talents, and a different kind of merit, to establish him in the esteem and confidence of the whole Union, or of so considerable a portion of it as would be necessary to make him a successful candidate for the distinguished office of President of the United States.

Insisting on a president who rises above Hillary Clinton’s talent for low intrigue and Donald Trump’s little arts of popularity would be in the spirit of the Founders. Can Republican delegates rally successfully to nominate such an individual? Will such an individual step forward as an independent alternative to Clinton and Trump?

Fireworks celebrating the Declaration and musicals commemorating the Constitution are nice. But it is up to us not merely to celebrate the Founders but to be dedicated to carrying forward the unfinished work for which they laid so noble a foundation.

Are we up to it?

—William Kristol

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# Hillary Skates

Last week, the FBI made its recommendation to the Justice Department not to prosecute Hillary Clinton for her handling of classified information while secretary of state. Attorney General Loretta Lynch quickly accepted it, announcing that she was officially closing the case with no charges filed.

In theory, of course, Lynch could have rejected the bureau's recommendation. The FBI investigates alleged criminality and recommends to department prosecutors how they might proceed in a given case. The prosecutors aren't bound by the bureau's recommendations. But here, with FBI director James Comey saying that *no* reasonable prosecutor could bring a case against Clinton, it was hard to imagine that a Justice Department under Loretta Lynch would disagree with Comey and seek an indictment.

We are left, then, with the jury of the American people, or at least those who plan to vote on Election Day. They have the power to deny Clinton what she so long has wanted: the presidency. The email fiasco shows—as if more evidence were needed—why voters should refuse her the land's highest office.

We say that notwithstanding our conviction that as a general matter law enforcement officials should not criticize conduct on the part of those they investigate but find no basis for bringing charges against, as Comey did.

The FBI assumed its investigative role after it was discovered that Clinton had used a personal email server during her tenure as secretary of state. Whether classified information was transmitted on that personal system became the focus. As Comey explained in his statement, "Our investigation looked at whether there is evidence classified information was improperly stored or transmitted on that personal system, in violation of a federal statute making it a felony to mishandle classified information either intentionally or in a grossly negligent way, or a second statute making it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities."

While Comey could not recommend prosecution on the basis of those two statutes, his statement, wrote Chris Cillizza of the *Washington Post*, was "a wholesale rebuke of the story Clinton and her campaign team have been telling. . . . She *did* send and receive classified emails. The setup *did* leave her—and the classified information on the server—subject to a possible foreign hack."

Comey said there were classified chains that "involved Secretary Clinton both sending emails about those matters and receiving emails from others about the same matters." And that there "is evidence to support a conclusion that any reasonable person in Secretary Clinton's position, or in the

position of those government employees with whom she was corresponding about these matters, should have known that an unclassified system was no place for that conversation."

Comey maintained, "None of these emails should have been on any kind of unclassified system, but their presence is especially concerning because all of these emails were housed on unclassified personal servers not even supported by full-time security staff, like those found at Departments and Agencies of the U.S. Government—or even with a commercial service like Gmail."

The bureau found no direct evidence that "hostile actors gained access to Secretary Clinton's personal email account" but concluded that it was possible. "We do assess that hostile actors gained access to the private commercial email accounts of people with whom Secretary Clinton was in regular contact from her personal account," Comey said, and her use of a personal email domain was "known by a large number of people and readily apparent." He noted that Clinton "used her personal email extensively while outside the United States, including sending and receiving work-related emails in the territory of sophisticated adversaries."

A *Wall Street Journal*-NBC News poll last month found that 69 percent of registered voters regard Clinton's "truthfulness as a serious enough issue to be a concern." With media organizations reporting the classic contrast between what she said and what law enforcement found, the issue of truthfulness may become more of a concern for more voters in the campaign ahead. Just three days before Comey read his statement, Clinton declared, "Let me repeat what I have repeated for many months now. I never received nor sent any material that was marked classified." That's not true.

If elected in November, Clinton would take an oath of office obligating her to faithfully execute the office of president of the United States and to preserve, protect, and defend the United States. Her handling of classified information puts in doubt how faithful she would be to that oath.

Specifically, as president, she would be obligated under Article II Section 3 of the Constitution to "take Care that the Laws be faithfully executed." That would include the laws under which the bureau investigated Clinton. Keep the words of that take-care clause in mind as you read Comey's description of the bureau's essential conclusion: "Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information."

Did Comey choose the word "careless" with the take-care clause in mind? Probably not—but interesting if he did.

Not criminal but careless, and extremely so. This is the Hillary Clinton the FBI sees. Should she be the person charged with taking care that the laws are faithfully executed?

Another question for Election Day.

—Terry Eastland

# What's the Deal with Iran?

A bad year for a bad agreement.

BY MICHAEL MAKOVSKY



Soon we'll all have nukes! Rouhani meets with Putin, November 23, 2015.

July 14 marks a year since President Barack Obama announced an unsigned agreement with Iran on its nuclear program, the Joint Comprehensive Plan of Action (JCPOA), perhaps the most important diplomatic event in recent memory. A majority of Congress and Americans opposed it; Obama considers it his crowning foreign policy achievement. Given these starkly different views, and the high stakes for our national security, it is worth asking, after one year, what has the JCPOA accomplished?

President Obama claimed last year that, as a result of the JCPOA, “every pathway to a nuclear weapon is cut off” for Iran. The Islamic Republic has reduced its stockpile of low-enriched uranium by 97 percent, shipped out its spent fuel, cut by half

its operating centrifuges, and junked the Arak plutonium reactor core. Together, these actions have extended from a couple months to perhaps one year the time it will take Iran to break out to nuclear weapons capability.

However, these are relatively temporary benefits. In seven years, Iran can begin R&D and production of advanced centrifuges that are 25 times faster than existing ones. And within 14 years, all meaningful restrictions on Iran’s nuclear program fall away, freeing it to pursue a robust nuclear weapons capability, legally and legitimately. The JCPOA doesn’t cut off Iran’s pathway to nuclear weapons, but paves it.

Despite Obama’s promises that the JCPOA would bring full transparency, we know less about Iran’s nuclear program than before. Iran has been allowed to self-inspect suspicious facilities, while reports on known facilities from the International Atomic Energy Agency (IAEA)

remain woefully short on critical details, including how much uranium Iran is producing and stockpiling and how many centrifuges it is operating. Indeed, IAEA reports now provide less information than before by which to judge Iran’s nuclear program.

An even more important result of the Joint Comprehensive Plan of Action is the effective legalization of Iran’s ballistic missile program. Contrary to Secretary of State John Kerry’s assurances to Congress last year, the prior ban on ballistic missile development has been replaced by the pusillanimous plea, in U.N. Security Council Resolution 2231, which incorporated the JCPOA, that “called upon” Iran to refrain from such activity—and in an annex on page 99, no less. The United States’ most important objective regarding Iran should have been to ensure it could not launch nuclear weapons at the American homeland or our allies. Yet now Iran is legally testing ballistic missiles that, within a decade, could deliver such weapons here.

Another key dynamic of the JCPOA is Tehran’s redoubled radicalism. President Obama argued that the JCPOA offered Iran the “opportunity” to follow “a different path, one of tolerance and peaceful resolution of conflict.” Supporters of the deal argued it would aid moderates such as Iranian president Hassan Rouhani. Ben Rhodes, Obama’s key foreign policy strategist, has since acknowledged that this was a manufactured narrative used to sell the deal.

Indeed, Rouhani and his colleagues continue to demonstrate just how hardline they all are. Rouhani last week bragged that the JCPOA “was the cheapest way to achieve Iran’s goals and interests,” including “liberating Palestine.” Supreme Leader Ali Khamenei addressed Iran’s ambition to establish “a unified anti-U.S. and anti-Zionist front.” And Ayatollah Ahmad Jannati—who has declared, “We are an anti-American regime. America is our enemy, and we are the enemies of America”—was recently elected chairman of Iran’s Assembly of Experts, which

*Michael Makovsky, a former Pentagon official in the George W. Bush administration, is president and CEO of the Jewish Institute for National Security Affairs.*

selects the next supreme leader.

This regime has been strengthened financially, though perhaps not as much as critics feared. Reports differ, but it appears Iran has thus far repatriated roughly \$30 billion. This represents about 7 percent of the country's GDP and 20 times what Tehran gives its military/terrorist proxy, Hezbollah. This windfall has enabled Iran to increase its defense budget and its mischief-making abroad.

The JCPOA has demolished American credibility perhaps even quicker than expected. By agreeing to the JCPOA, the United States abandoned its longstanding Israeli and Arab allies, sending a clear signal of timidity, fecklessness, and unreliability reverberating worldwide to friends and foes alike.

Tehran has been emboldened to assert and insert itself more aggressively abroad. It is more active and aggressive in Iraq, Syria, Lebanon, and Yemen than ever before, arming the Bashar al-Assad regime, Hezbollah, Hamas, Houthi rebels, and Iraqi Shiite militias. Iran has become more brazen in seeking to subvert American allies—stoking unrest in Bahrain and developing a presence on Syria's border with Israel. Qassem Suleimani, head of Iran's terrorist Quds Force, with the blood of hundreds of U.S. soldiers on his hands, has become a regional rock star, publicly traveling to Russia, Syria, Iraq, and elsewhere. Iran has also provoked the United States directly. It fired rockets that endangered a U.S. aircraft carrier. It test-fired ballistic missiles. And Iran even illegally detained ten U.S. sailors, forcing them to kneel at gunpoint, and then publicized the photos.

The Obama administration's response to all these provocations has been to do virtually nothing, except in the case of the abducted U.S. sailors, when Kerry fantastically championed their subsequent release as evidence of improved bilateral relations resulting from the JCPOA. Any remaining American credibility vanished.

Other countries have noticed. Russian president Vladimir Putin threw

his military might behind the Assad regime, reversing four decades of American success in keeping Russia out of the region. He also sold Iran advanced S-300 air defense systems, which had once been seen as a red line—until Obama last year said he was surprised they hadn't been sold already. Reflecting this new reality, Israeli prime minister Benjamin Netanyahu, perhaps the most pro-American leader in the world, has met with Putin in Moscow four times in the last year.

There has been one very positive if unintended consequence: The Sunni Arabs have felt compelled to collaborate more closely with Israel and with one another. They are now alone together and share a strong need to constrain Iran and its proxies, as well as ISIS and the Muslim Brotherhood. Saudi Arabia will now honor the Egypt-Israel peace treaty regarding Red Sea islands, prominent former Saudi officials have publicly appeared with Israelis, and the United Arab Emirates has permitted an Israeli diplomatic office in Abu Dhabi.

It is critical to begin undoing the JCPOA's disastrous consequences. Pressing for new sanctions on Iran, however welcome, won't suffice; there is little international support for such sanctions, and Iran is less vulnerable economically. Instead, expanding U.S. and allied antiballistic-missile

defenses throughout the region, and threatening to use them to shoot down any Iranian-launched missiles, even if only test-fired ones, could exert significant leverage. If credibly delivered by the next U.S. president, it could help halt Iran's ballistic missile program and begin to reestablish U.S. credibility among allies and enemies. The next president could also pressure the International Atomic Energy Agency to deliver on its promise of a fully transparent verification regime, even threatening to cut off IAEA funding, if that's what it takes.

The United States must move beyond Obama's embrace of Iran and his belief that Iran should "share the neighborhood." Instead, we must challenge and oppose Iran and its allies in the region and constrain its capabilities and influence.

We should adhere to the JCPOA, which is not legally binding, only as long as it serves our interests. We should commit that under no circumstances will Iran develop its ballistic missile and advanced nuclear R&D programs. At some point we're going to have to confront, whether diplomatically or otherwise, a more robust Iran and ensure that its nuclear program is ended. It could get very messy and very dangerous. And we will be able to thank President Obama and his crowning foreign policy achievement for putting us in that position. ♦



# Moving the Needle on Trade

An issue where Trump has already made a difference. BY FRED BARNES

Donald Trump's campaign for the Republican presidential nomination is based on two issues: immigration and trade. And there's a significant difference between the two. On immigration, Trump capitalized on existing opposition to illegal immigrants. But on trade, he not only created a wave of anger over trade treaties, he gave birth to an antitrade majority.

It's a remarkable achievement for a first-time presidential candidate with skimpy knowledge of issues who is often hardpressed to discuss details. Yet he has managed to turn public opinion against free trade, especially among Republicans. For roughly a half-century, unfettered trade has been one of the GOP's cherished positions. But no more.

Trump has been harping on the downside of trade since he announced his candidacy in June 2015. In the first televised debate among Republican presidential candidates in Cleveland last August, he said political correctness was a "big problem." That led him to raise the trade issue.

"We don't win anymore," Trump said. "We lose to China. We lose to Mexico both in trade and at the border. We lose to everybody." Since then, he's repeated this theme in every debate and made it a major element of his stump speech.

Polls reflect the Trump-inspired change. Pew Research found that

support for free trade fell dramatically in 2016 among Republicans, dropping from 53 percent in 2015 to 39 percent this year. "Criticism of trade deals in general is particularly strong among Republican and Republican-leaning supporters" of Trump, Pew's Bruce Stokes said.

The antitrade sentiment is not limited to Republicans. In a Bloomberg



Proto-Trumpians: Arizona student protest, 2004

poll in March, 65 percent of adults said American trade policy "should have more restrictions on imported foreign goods to protect American jobs." Asked if the North American Free Trade Agreement (NAFTA) ratified in 1993 "has been good or bad for the U.S. economy," 29 percent said good. Forty-four percent said bad.

Not to belabor the point, but only 27 percent in a CNBC poll in March said free trade has "helped the economy," while 43 percent said it has hurt. "We're in a clear era where people are more likely to think that trade hurts and a lot of that probably can be attributed to the likes of Donald Trump and Bernie Sanders," said pollster Jay Campbell.

Trump, however, has had a greater

influence on the public's view of trade than Sanders has. It's a bigger issue to Trump, an indispensable part of his political profile. He dwells on it far more than Sanders does. And trade is more critical to his success as a candidate than it was to Sanders's surprisingly strong challenge to Hillary Clinton.

More than any of his GOP rivals, Trump recognized the power of the trade issue. He read Rick Santorum's book *Blue Collar Conservatives* a year before he entered the race. "We need to examine our trade policies," Santorum wrote. "We have to look at the effect of free trade on the average person. . . . Are existing trade laws fair and properly enforced?" Trump concluded they aren't.

When he met with Santorum in September 2014, Trump had begun to hone his attack on the trade policies of Republican and Democrat administrations. He told Santorum that China and Mexico were taking advantage of America. "They're killing us."

Trump's trade agenda was put in coherent form in his speech on June 28 in Monessen, Pennsylvania. It was called "Declaring America's Economic Independence." The speech, delivered from a text, was impressively argued and spiked with details. He didn't ad lib or digress, as he routinely does in speeches at rallies.

Within days, he had a famous convert, Newt Gingrich, a longstanding advocate of free trade and critic of protectionism. "I basically agree with Trump's speech on trade," Gingrich told *Politico*. Gingrich is a leading candidate to be Trump's vice presidential running mate.

Rather than suddenly reversing his position, Gingrich had been thinking for months about Trump's trade views and why they appeal to working-class voters. He had helped President Clinton win congressional approval of NAFTA in 1993. Today, he told *Politico* in an email, "we are in a different era."

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He said NAFTA was the result of “14 years of effort and was central to North American progress.” However, 23 years “after that vote it is clear that a lot of our trade efforts are destructive. When the director of national intelligence staff reports that China stole \$360 billion in intellectual property [in 2015], twice our total sales to China, there is something profoundly wrong.”

Trump targeted China in his Monessen speech. He outlined seven steps he “would pursue right away to bring back our jobs,” three of them aimed at China. If elected, he would order his Treasury secretary to declare China a currency manipulator. He would instruct his trade representative to prosecute trade cases against China. And “if China does not stop its illegal activities, including its theft of American trade secrets,” he vowed to invoke “every lawful presidential power to remedy trade disputes,” including tariffs.

He also denounced globalization for “moving our jobs, our wealth, and our factories to Mexico and overseas. . . . This wave of globalization has wiped out our middle class. . . . This is not some natural disaster. It is [a] politician-made disaster . . . the consequence of a leadership class that worships globalism over Americanism.”

He singled out the Clintons for blame, first over NAFTA, which Bill Clinton signed and Hillary Clinton supported, then “China’s disastrous entry into the World Trade Organization” that both Clintons backed.

He said Hillary Clinton, with “her campaign of fear, will try to spread the lie that [his program] will start a trade war. She has it completely backwards.” Rather, she “unleashed a trade war against the American worker when she supported one terrible trade after another,” Trump said.

On trade, Trump has spawned an explosive issue and used it to get to the left of Clinton. That’s unfamiliar territory for any Republican, all the more so for a political neophyte like Trump. It’s time to be careful, though. Tariffs actually can lead to trade wars, and worse. ♦

# The Post-Brexit Transition

America has an important part to play.

BY IRWIN M. STELZER

President Obama thinks Britain made a mistake by voting to leave the European Union. So does Secretary of State John Kerry. So do most on the left of American politics. Most on the right see Britain’s so-called Independence Day as a sen-

the culture of the United Kingdom. German chancellor Angela Merkel has welcomed over a million Syrian and other immigrants to the EU, and many will want to move on from Germany and other EU countries to Britain once they have the necessary papers. Should Turkey become a member, its largely Muslim population would benefit from the “free movement of persons” privilege that comes with EU membership, and many would set their sights on Britain, where the jobs and welfare benefits are. British voters decided that they have no desire to endure the problems France is having with a largely unassimilable population, and that Germany has begun to experience as Muslim cultural attitudes towards women affect the freedom of movement of German women within their own towns.

In deciding which side has the better of the argument, consider the attitude of the spurned members of the EU. Not for them Henry Kissinger’s advice: “The EU should not treat Britain as an escapee from a prison but as a potential compatriot. . . . Britain and Europe together must . . . return . . . to their historical role as shapers of international order.”

Instead of a constructive new relationship between the EU and the U.K., though, we see the appalling spectacle of Jean-Claude Juncker, the European Commission president, hoping Britain’s departure will enable him to push through his favorite project, a European Army to react “more credibly [than NATO] to the threat to peace in a member state.” Juncker, whose appointment as EC president Britain’s prime minister David Cameron opposed, insists that the Brexit vote



Now to win the aftermath

sible democratic decision to shed the protectionist and regulatory constraints on growth that membership in the EU entails (witness the long period of slow growth and double-digit unemployment in many EU member states).

They see, as well, a long-needed move to regain control of Britain’s borders and stem the tide of immigration that, unchecked, threatens to engulf

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means continental ties with Britain must be cut, the sooner the better.

While every sane observer agrees that Remain, the campaigners who wanted Britain to stay in the EU, would have won if only the EU had given it even temporary relief from its “free movement of persons” holy-of-holies, Juncker says the inability of Britain to control its borders had nothing to do with the referendum outcome. He blames decades of British leaders telling “citizens that something is wrong with the EU, that the EU is too technocratic, too bureaucratic.” So all of those new buildings going up in Brussels are to house the amazing, dynamic new digital-era businesses for which the EU is so famous? Name one. You can’t. Which is why the European Commission is so eager to harass our FANG—Facebook, Amazon, Netflix, Google—a group threatening incumbent European businesses, who respond by seeking shelter in the hearing rooms of the eurocracy rather than in the R&D units of their own firms.

Meanwhile France, for the first time in over 70 years, is willing to stand up to the Germans, whose chancellor wants Britain to be given time to sort out its political problems before negotiations on exit terms begin. President François Hollande is demanding a series of protectionist measures to shield France’s clapped-out, double-digit-unemployment economy from the competition of British financial services industries. He and the European Central Bank want to centralize control of European financial businesses under a single supervisor and end the right of London-based banks to do much of the business they now do on the continent. In effect, he seeks a cartel to lock Britain out of the EU and, of course, the EU out of access to the world’s largest and most efficient capital market. If you believe that the cartel will not turn its attentions to its U.S. competitors soon, I have a tunnel under the channel to sell to you.

France wants to cripple both American and British businesses by

banning the use of English, the only language spoken by a majority of adult residents of the EU. French takes second place as one of the three working languages in the European parliament, German third. The official line is that all 24 languages spoken in the member states are official languages, which makes a total of more than 500 possible combinations since each language must be translated into 23 others. That would be an expensive proposition given the volume of regulations pouring out of Brussels, so not all documents are translated into all languages for working purposes. France apparently hopes that by barring the use of English, it can capture the leadership of Europe, since in most cases only it will understand what is really going on in the eurocracy: Only a small percentage of EU adults are capable of holding a conversation in French. Just how French executives will do business around the world without using English is a mystery. And good luck in banning the languages of the new

## Defending Free Speech Rights

By **Thomas J. Donohue**

President and CEO  
U.S. Chamber of Commerce

Over the Fourth of July holiday, Americans gathered to celebrate the freedoms that make the United States the envy of the world. But in our current political environment, it’s not enough to celebrate our freedoms—we must also protect them. Fundamental liberties, including free speech, free association, and due process, are coming under attack from the left and the right. The business community must increasingly defend its right to speak out and participate in the political and policy realms.

We are not afraid of a vigorous debate on issues like trade, energy, the financial system, regulatory reform, and capitalism. We think we can win because we have the better arguments. Perhaps that’s why our opponents are trying to silence the voice of business through intimidation

and overregulation.

For example, the Securities and Exchange Commission (SEC) has been asked by anti-business groups to make a rule that would compel public companies to disclose their spending on independent political speech. Sen. Elizabeth Warren and a handful of her colleagues are ramping up the pressure, blocking the confirmation of candidates for SEC commissioner because they will not pledge to support such a rule. It’s the worst kept secret in Washington that such measures are designed to identify donors and drive them right out of the public square.

Some are even willing to tear up the Constitution as we know it, and as the Founding Fathers wrote it, in order to silence business. Both candidates for president have been critical of *Citizens United*, the case in which the Supreme Court ruled that the government cannot deprive groups of their freedom to speak independently for or against candidates

running for public office. One even said that the First Amendment should be rewritten if that’s what it takes to reverse the decision!

Unfortunately, there are enough examples like these to fill a book. *Wall Street Journal* columnist Kimberley Strassel has catalogued the many efforts to suppress business and citizen engagement in the public debate and the political process in her new book *The Intimidation Game*. It’s an important and troubling expose that ought to concern Americans of all political stripes and prompt each of us to proactively defend the right of anyone to voice an opinion—even those we disagree with.

Business will lead the fight against efforts to trample free speech. It’s not just our rights and interests that are at stake—it’s our nation’s character and values.



**U.S. CHAMBER OF COMMERCE**  
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immigrants, who have little intention of assimilating.

The antipathy to Britain by France and the eurocracy is now shouted rather than whispered. The Juncker-Hollande axis of regulators and protectionists will leave the EU just where Margaret Thatcher found Britain: trade unions running wild, unemployment high, economic growth nil, taxes so high that entrepreneurship and risk-taking are discouraged, regulations pouring off the presses. Brexit may be something of a gamble, but the odds on Britain succeeding in the globalized economy of the 21st century without the drag of the EU are a lot better than the odds of making its way in that competitive world while tied to the Franco-German vision of the shape of the European Union.

So best for both Leavers and Remainers to shrug off the transition costs, which Washington should take such steps as it can to mitigate. It would be entirely consistent with Obama's "lead from behind" policy to follow Australia, India, and South Korea in offering to negotiate a trade deal with Britain, as Paul Ryan is urging us to do with "our indispensable ally" to "show our solidarity" and assure a "smooth relationship" post-Brexit. And it certainly would be in the interests of the American banks that have been such longtime supporters of Hillary Clinton to advise the EU that any restrictions on the access of our London-based banks to the EU market would be reciprocally imposed on the access of European banks to our market.

Britain retains advantages that most countries envy. It has the English language. It sits in a time zone that gives it access to world trade on a 24-hour-a-day basis. It has the rule of law, assuring investors that their gains will not be Putinized and handed over to cronies of the state or subjected to crushing taxes. It has a world-class services industry that outcompetes even America in trading, design, music, and insurance. London, its traffic and costs notwithstanding, remains attractive to the talented young, offering cultural riches and educational opportunities

not available in any other city. It has close ties with America, where many politicians and policymakers have repudiated outgoing President Obama's threat to place Britain at the back of the trade-pact queue if it leaves the EU. And its network of foreign embassies is staffed by professionals skilled at representing its interests around the world, especially in the United States, where I have watched it, close-up, in action for decades with awe and admiration.

Most important from our point of view, as historian Andrew Roberts has pointed out, Britain has been at the head of the queue when we needed an ally to put boots on the ground alongside our troops, reaffirming "the special relationship." That relationship is grounded in "a common language and in a comparable system of political values reinforced by fighting together in common wars," as Kissinger puts it.

A United Kingdom unencumbered by EU membership will also stand with us as we resist the rising tide of protectionism. Obama and Kerry have graciously agreed to respect the democratic result of the British referendum. More than passive respect is required. It is in our interest to reaffirm the special relationship by working out a mutually advantageous trade relationship with Britain. Sooner rather than later, so that it knows we have its back as it enters into divorce negotiations with the EU, many of its members determined to teach Britain a lesson in order to discourage other potential leavers.

Kissinger believes that "American leadership in reinvigorating the contemporary order is imperative." That is a scary thought, given that the administration is in a continuing search for methods of shedding the burden of such leadership. ♦

## Under Control, for Now

No, there isn't a new crime wave.

BY ELI LEHRER

**I**s crime spiraling out of control in America? Are we letting too many dangerous people out of prison and jail? Is the nation retreating from the policies that lowered crime and restored public safety in the 1990s and 2000s?

Many Americans seem to think so. Last October, 70 percent of those asked told Gallup pollsters that crime is on the increase. Presumptive Republican presidential nominee Donald Trump regularly claims in his well-covered appearances that "crime is rising." Surges in violence in cities like Chicago have landed on newspaper front pages across the country.

*Eli Lehrer is president of the R Street Institute.*

But there's almost no evidence of either a significant rise in crime or a fundamental change in the largely effective anticrime policies—better policing tactics and increased incarceration—that were adopted starting in the 1980s. Recent efforts at criminal-justice reform, ranging from the Sentencing Reform and Corrections Act pending in Congress to changes in local police practices, couldn't have plausibly affected national crime rates. On the whole, there's little reason to panic about rising crime or to think that modest reforms under consideration will do harm.

The numbers tell the story. The aggregate rates of the nine crimes the FBI tracks nationally continued

to drop during the first six months of 2015, the most recent period for which data are available. Violent crime, which is dominated by the rate of aggravated assaults, rose slightly, as did murder rates. But more common and numerous crimes like thefts and burglary continued long-term declines.

There's also a dearth of evidence that people are underreporting crime. The 2014 National Criminal Victimization survey, a massive poll of the American population that captures unreported crimes, shows a similar decline in property crime and a decrease in violence. None of the nation's 10 largest cities—not even Chicago—has more overall crime than it did in the late 1980s or early 1990s.

We aren't letting lots of criminals out on the streets, either. While sentencing policies have been tweaked in recent years by the federal government and more than 20 states, the aggregate impact remains minimal. The total number of people in prison and jail peaked at slightly more than 2.31 million in 2008 and fell to 2.21 million at the end of 2014, a decline of about 4 percent. Data from a few big states show modest drops in 2015. It's implausible to think that continued minor reforms are suddenly going to cause crime to skyrocket.

What explains the chasm between perception and reality? First, people have always overestimated crime when pollsters ask. Even before the recent spate of stories and political attention, Americans nearly always reported that they think crime is rising. Perhaps because of the media adage "if it bleeds it leads," public perception simply doesn't reflect reality. And a genuine explosion of opioid use in rural America, as well as a continued methamphetamine crisis, appears to be contributing to rising crime rates in some parts of the

country where crime was not an issue before. This may be more noticeable than continued decreases in still somewhat dangerous large cities.

It's true that Chicago and a few other cities *are* seeing a real trend toward "de-policing" that *is* driving up crime in those locales. Officers in such cities continue to answer 911 calls but, because of political dictates, racial tensions, and fear of censure, largely have retreated from the highly

gang members, agreeing to look the other way at minor offenses like public drinking and underage tobacco use. "Broken windows" or "quality of life" tactics involve cracking down on other minor offenses, like public urination and graffiti. These are just some methods among many. When I did research in the Chicago Police Department in the early 2000s, much of the department's strategy involved lots of casual conversations intended

to build relationships with law-abiding citizens, while letting gangsters know the police were watching, rather than trying to make lots of arrests. Chicago also made heavy use of "saturation teams" that created a sense of police omnipresence in the most crime-ridden neighborhoods.

Chicago is almost alone in having abandoned its directed-patrols strategy entirely. Even there, the problem is more a matter of toxic racial and police politics than actual orders from the top. Despite some well-publicized changes in tactics, crime has continued to decline

significantly in New York City, where overall rates are just 20 percent of what they were in 1990.

It's quite possible that wrongheaded prison reform could land lots of genuine troublemakers on the streets or that urban politics could send other cities down the same ill-considered path as Chicago. It's also possible that opioid use in rural America could spiral out of control and spill into bigger cities. But to date, sentencing reforms have been too timid to be plausible as an explanation for changes in crime rates. Police tactics haven't changed significantly in most places, and most crime statistics continue to move in the right direction in most of the country. On balance, the United States continues to stay the course that conservative policymakers set in the 1980s and 1990s—crime, for the most part, continues to decline. ♦



'De-policing' us, please: Chicago protest, November 27, 2015.

effective "directed patrol" strategies that helped bring down crime in the 1990s. One local website, DNA Chicago, reports that police-stop contacts are down almost 80 percent over the past year. These directed patrols, also called "cops on dots," involve sending police officers to known crime hotspots. Nearly all large police departments have used them since the late 1990s. A 2000 Urban Institute study concluded they were probably the single most important change in police procedure contributing to the decline in crime.

The tactics used can range from hard-nosed policies insisting officers "stop and frisk" anyone who looks suspicious to more neighborhood-oriented efforts. Officers sometimes encourage "positive loitering" on street corners by members of the community looking to chase out

# Justice Thomas, Undaunted

*After 25 years on the Court, his voice is more important than ever*

BY ADAM J. WHITE

What if the left threw a high-tech lynching and no one came? It happened this spring, although you probably didn't notice. On April 16, HBO aired *Confirmation*, a documentary version of Justice Clarence Thomas's 1991 Senate confirmation hearings—more specifically, of Anita Hill's sexual harassment accusations against her former boss and mentor. It flopped.

At first glance, *Confirmation* seemed a strange choice to receive the full HBO treatment. The film attempted to turn a 1994 book, Jane Mayer and Jill Abramson's *Strange Justice*, into a major 2016 television event. As the book's title suggests, Mayer and Abramson set out to construct a compelling anti-Thomas case out of themes that had failed to convince the Senate and the American public in 1991. Even the *New York Times*'s book reviewer, Christopher Lehmann-Haupt, noted skeptically upon its release that *Strange Justice* took “a fragile hypothesis and then built a monumental case out of it.”

Yet, two decades later, HBO—and many of Thomas's critics—seemed to think they had a hit on their hands. *Strange Justice* was adapted for the screen by Susannah Grant, who received an Oscar nomination for her *Erin Brockovich* script. True to Mayer and Abramson's approach, *Confirmation* presented Hill as a courageous truth-teller, a task assisted by the choice of actress to play Hill: Kerry Washington, of ABC's *Scandal*, one of television's trendiest and most attractive stars.

HBO screened the movie at a party on Paramount's lot, where everyone could revel in the moment. “The film is a

lot about courage and being up against forces that feel more powerful than you,” Washington told *Women's Wear Daily*. Senator Barbara Boxer agreed wholeheartedly: “I think the overwhelming power of the film is just how much courage it took [Hill] to stick with it,” she told *Variety*. “The taunting, the way she was treated by my colleagues in the Senate.”

The real guest of honor on the Paramount lot was Hill herself, who later appeared on NBC's *Today* to stress the importance of HBO's upcoming broadcast. “It's important for us, I think, to relive the story and continue to learn the lessons from it,” she told Savannah Guthrie, who beamed while lobbing softball questions.

Yet those who hoped to reignite the political turmoil of

1991 would be sorely disappointed. For all of the promotion, relatively few people bothered to tune in to *Confirmation*. It drew a live audience of 940,000 viewers—far fewer, noted *Deadline Hollywood*, than HBO's dramatization of Lyndon Baines Johnson a few weeks later (1.11 million viewers), and fewer still than HBO's profile of singer Bessie Smith a year earlier (1.34 million). Indeed, on April 16, the

premiere of *Confirmation* barely outdrew TNT's rerun of *Back to the Future* a few hours earlier (830,000).

*Confirmation* was intended to make a powerful statement, and it did—just not the statement that its creators intended to make. The fact that HBO and others dedicated so much time, effort, and money to *Confirmation* served as a stark reminder of the disdain that Clarence Thomas has faced in certain circles ever since President Bush nominated him to the Supreme Court on July 1, 1991. A tidal wave of contempt overtook his nomination, degrading the confirmation process into what Thomas famously denounced as “a circus . . . a national disgrace . . . a high-tech lynching for uppity blacks who in any way deign to think for themselves, to do for themselves, to have different ideas.”

The 25th anniversary of that nomination offers us the



Left, HBO's Kerry Washington; right, Anita Hill, 1991

Adam J. White is a research fellow at the Hoover Institution.

chance to think once again, in Kerry Washington's words, "about courage and being up against forces that feel more powerful than you." It is an apt description of Clarence Thomas's service on the Court. Undaunted by the abuse directed towards him by a small but relentless army of opponents, Justice Thomas succeeded alongside the late Justice Antonin Scalia in fostering tectonic changes in modern American constitutionalism. And with Justice Scalia now gone, Justice Thomas's voice on the Court is more important than ever.

### MOB MENTALITY

From the moment that nominee Clarence Thomas appeared likely to be confirmed by the Senate, he has been the subject of truly disturbing attacks, privately and publicly. Juan Williams first exposed this in the midst of the confirmation process, in a *Washington Post* essay, "Open Season on Clarence Thomas." Thomas, he wrote, was being hunted by Democratic staffers on the Senate Judiciary Committee, who approached Williams because he had covered Thomas for the *Post* in the early 1980s:

The phone calls came throughout September. Did Clarence Thomas ever take money from the South African government? Was he under orders from the Reagan White House when he criticized civil rights leaders? Did he beat his first wife? Did I know anything about expense account charges he filed for out-of-town speeches? Did he say that women don't want equal pay for equal work? And finally, one exasperated voice said: "Have you got anything on your tapes we can use to stop Thomas."

In short, Thomas had been "conveniently transformed into a monster about whom it is fair to say anything, to whom it is fair to do anything." And it didn't end when the Senate rejected Hill's allegations and confirmed Thomas; at that point, Capitol Hill staffers' private questions were replaced with liberal journalists' public statements.

From the outset of Thomas's service on the Court, many on the left attempted to paint him as nothing more than Scalia's lackey. "Thomas has come on as Scalia's puppet," wrote Mary McGrory, Williams's colleague at the *Post*. *Newsweek* quoted an ACLU lawyer's complaint that "Thomas and Scalia are one person with two votes," before suggesting that Thomas was really controlled by one of his own clerks, a former Scalia clerk who "exerts considerable influence over the rookie justice."

In *Strange Justice*, Mayer and Abramson added to the list of Thomas's alleged intellectual masters, pointing to his

earlier stint on the U.S. Court of Appeals for the D.C. Circuit, where "Thomas developed an unusually close friendship with—some would say reliance on—his fellow jurist Laurence Silberman." These critics found it easy to believe that Clarence Thomas, former chairman of the Equal Employment Opportunity Commission and D.C. Circuit judge, was either too dumb or too compliant to think for himself on the bench.

From the beginning, such insults were unlikely to persuade anyone not already disposed to believe the worst that Justice Thomas was a puppet of his conservative, white colleagues. But it is impossible to take them seriously now, thanks to CBS reporter Jan Crawford. In her 2007 book *Supreme Conflict*, Crawford reports that Thomas charted an independent course from the very beginning; indeed, in

some cases Thomas successfully influenced Scalia, beginning with the third case that he heard on the Court. In a criminal rights case that all nine justices were inclined to decide in favor of an inmate, Thomas was the first to change his mind, and soon his draft dissenting opinion persuaded Scalia and Chief Justice William Rehnquist to change their votes and join him; Justice Anthony Kennedy would eventually change his vote, too.

And not for the last time: Scalia

would change his mind to side with Thomas "on several other occasions," Crawford recounts. "But these maneuvers were unknown to outsiders and Court watchers. Instead, journalists insultingly cast Thomas as Scalia's apprentice."

Of course, liberal journalists have called him far worse than an "apprentice." In 1994, *USA Today* columnist Julianne Malveaux told PBS audiences, "I hope his wife feeds him lots of eggs and butter and he dies early like many black men do, of heart disease. . . . He is an absolutely reprehensible person."

Indeed, for all of the anger that some liberal journalists direct toward Thomas, they love to paint *him* as an angry man. In a glowing 1994 review of *Strange Justice*, NPR Supreme Court correspondent Nina Totenberg called Thomas "an often brooding, angry and contrary man." Reviewing Thomas's own memoir for the *New Republic* in 2007, Jeffrey Rosen described Thomas as "a sputtering victimology-monger, constantly fulminating against his enemies and rehearsing every slight." Reviewing the same memoir for *Harper's*, Scott Horton called Thomas "a smoldering, angry, revenge-seeking man."

Of course, Thomas himself is the first to admit the anger he felt as a student amid the racism he faced, as described

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**His critics found it easy to believe that Clarence Thomas, former chairman of the Equal Employment Opportunity Commission and D.C. Circuit judge, was either too dumb or too compliant to think for himself on the bench.**

by Diane Brady in *Fraternity*, her biography of Thomas and his friends at Holy Cross. Or, for that matter, in the heat of the Senate confirmation nightmare, as one might expect. He describes this at length in his memoir, *My Grandfather's Son*. But on the Court, Thomas is widely known as a gregarious friend and colleague—"one with a booming laugh and welcoming word for everyone who works at the marble palace," writes Robert Barnes, the *Washington Post's* well-regarded Supreme Court correspondent, "from the chief justice to the janitor." Even NPR's Totenberg concedes that "within the walls of the Supreme Court, he's the most well-liked justice," as she noted in a 2011 broadcast. "He knows the janitors, cafeteria workers, everyone. He knows their names, the names of their family members, where they're in school, and he is viewed by the law clerks of all the justices as the most accessible of the court's members." Nevertheless, Rosen, Horton, and others persist in painting a much darker image.

Perhaps the strangest criticism pertains to his quiet approach to oral arguments. The Court these days is known as a "hot bench," where justices pepper counsel with questions so aggressively that the lawyers rarely get to answer one question fully before being interrupted by the next. Thomas sees this as a woeful development: "There's no reason to add to the volume," he told high-school students in a televised chat in 2000. "I also believe strongly, unless I want an answer, I don't ask things. I don't ask for entertainment, I don't ask to give people a hard time. I have some very active colleagues who like to ask questions. Usually, if you wait long enough, someone will ask your question." Indeed, from time to time, his neighbor on the bench, Justice Stephen Breyer, would take a question quietly posed to him by Thomas and pose it to counsel himself, as Thomas described laughingly to a Harvard audience in 2013. "Every so often . . . I'll say, 'What about this, Steve?' and he'll pop up and ask a question; [and I'll say] 'it was just something I'm throwing out.'"

Yet some of Thomas's critics see less honorable undertones to this quiet approach. According to the *New Yorker's* Jeffrey Toobin, the silent Thomas "strokes his chin. His eyelids look heavy. Every schoolteacher knows this look. It's called 'not paying attention.'" Refusing to accept Thomas's reasons for not asking questions at oral argument, Toobin curtly complains that "Thomas is simply not doing his job," a "petulance" that "is demeaning [to] the Court," treating the lawyers and his fellow justices "with disrespect." For

this reason, Toobin urged, the public should lose "any confidence it might have in Clarence Thomas."

Another of Thomas's reliable critics, the *New York Times's* Linda Greenhouse, mocks his quiet approach as "a weirdly compelling example of performance art," evidencing both laziness (or, as she put it, lack of "effort") and "his obvious disdain" for the Court's proceedings.

This is the style of criticism that Justice Thomas has quietly endured for a quarter-century. To the Greenhouses, Toobins, Rosens, Hortons, and McGrorys of the world, Clarence Thomas is a puppet, or angry, or silent, or lazy, or disdainful, or all of the above. As the *Post's* Barnes observed in 2013, "Those who opposed his confirmation dislike him still, and use anything unusual about him to raise old questions about his qualifications."

But to those less interested in demeaning Justice Thomas, and more willing to take him seriously as a judge and thinker, his quarter-century on the bench reflects immense contributions to American constitutionalism.

### THOMAS'S VOICE

**M**s. Eisenstein, one question." Ilana Eisenstein, a lawyer in the solicitor general's office, had just exhausted the barrage of questions posed to her by the Supreme Court's justices. With things seemingly wrapped up, she said, "If there are no further questions . . ." And no doubt to Eisenstein's surprise, on February 29, 2016, Justice Thomas

finally asked a question at oral argument.

It was his first in over a decade. (The very act drew "gasps" from the audience, according to various news reports.) Thomas went on to ask many more questions that day, pressing Eisenstein on the intersection of criminal punishment and the Second Amendment.

But the substance of Thomas's questions seemed less significant than events overshadowing the Court that day. Justice Scalia had passed away two weeks earlier. Thomas was scheduled to eulogize his friend and colleague the next day at a memorial service in downtown Washington. Thomas would, at least for that day, fill the silence left by the man he affectionately called "Brother Nino." With Scalia departed, Thomas was unquestionably the nation's leading voice of conservative constitutionalism.

Throughout the years that they collaborated on the Supreme Court, Justice Thomas was no less vigorous an exponent of the "originalist" or "textualist" methodology



Chief Justice William Rehnquist, left, leaves the Supreme Court with Thomas, right, after Thomas was sworn in, November 1, 1991.

that Scalia had helped introduce to the public just a few years earlier. “When interpreting the Constitution and statutes, judges should seek the original understanding of the provision’s text,” Thomas explained in a 2001 speech, “if the meaning of that text is not readily apparent.” And as he further explained in that speech, he takes this approach in the interest of judicial restraint and impartiality:

First, by tethering their analysis to the understanding of those who drafted and ratified the text, modern judges are prevented from substituting their own preferences for the Constitution.

Second, it places the authority for creating the legal rules in the hands of the people and their representatives, rather than in the hands of the judiciary. The Constitution means what the delegates of the Philadelphia Convention and of the state ratifying conventions understood it to mean, not what we judges think it should mean.

Third, this approach recognizes the basic principle of a written Constitution. “We the people” adopted a written Constitution precisely because it has a fixed meaning, a meaning that does not change.

Thomas has employed that approach in a number of judicial opinions, famous among constitutional lawyers, that attempt to re-anchor the Court’s decisions in the Constitution’s originally understood meaning. In *U.S. v. Lopez* (1995), for example, Justice Thomas joined the Court’s majority opinion in striking down a federal gun-possession statute for exceeding the limits of the Constitution’s Commerce Clause. But Thomas also penned a separate concurring opinion, “to observe that our case law has drifted far from the original understanding of the Commerce Clause. In a future case, we ought to temper our Commerce Clause jurisprudence in a manner that both makes sense of our more recent case law and is more faithful to the original understanding of that Clause.”

Nor has he hesitated when this approach leads him to conclusions that his fellow conservatives—even Scalia—stop short of. In *McDonald v. City of Chicago* (2010), Thomas joined the Court’s majority in holding that the right to keep and bear arms limits states no less than the federal government, but he wrote separately to denounce the route by which the Court reached that conclusion. The Second Amendment’s terms apply explicitly only to the federal government, but the Court’s conservative majority applied (or “incorporated”) that right against the states by the “substantive due process” doctrine, a longstanding body of precedent providing for the recognition of unenumerated constitutional rights. Thomas’s separate opinion rejected the notion of substantive due process as insufficiently anchored in constitutional text: “I cannot accept a theory of constitutional interpretation that rests on such tenuous footing,” he wrote, regardless of “the volume of precedents that have been built upon the substantive due process

framework.” Instead, he urged, “the right to keep and bear arms is a privilege of American citizenship that applies to the States through the Fourteenth Amendment’s Privileges or Immunities Clause.”

Thomas’s iconoclastic approach has never been more pronounced than in recent years, as he issued a series of opinions calling for the dismantling of the body of precedent undergirding the modern administrative state. For example, in *Department of Transportation v. Association of American Railroads* (2015), a challenge to Amtrak’s regulatory powers, Thomas wrote at length to denounce the notion that Congress can ever lawfully “delegate” legislative power to agencies, and he defined that prohibition forcefully, concluding that agencies may never lawfully “create generally applicable rules of private conduct”; such power may only be exercised by Congress, “through the constitutionally prescribed legislative process.” Thomas’s approach would eviscerate modern administrative agencies.

Two months later, in *Michigan v. EPA*, Thomas wrote separately to denounce “*Chevron* deference”—the doctrine by which courts regularly (perhaps too regularly) defer to administrative agencies’ reasonable interpretations of ambiguous statutes, instead of the judges themselves interpreting such statutes. In Thomas’s view, that doctrine “raises serious separation-of-powers questions,” because it causes judges to abandon their constitutional duty “to exercise [their] independent judgment in interpreting and expounding upon the laws.” Here, too, Thomas’s approach would utterly reform the modern relationship among agencies, courts, and Congress.

In fact, Thomas has been writing a lot—far more than his colleagues, despite his reputation as a “silent” justice. In the Court’s just-concluded term, Thomas wrote 39 opinions, more than double the next most active writer (Alito, with 19). The prior year, he wrote 37 opinions, nearly tripling the output of his colleague and friend, Justice Ruth Bader Ginsburg. In these opinions and others, Thomas often wrote alone. But in his basic jurisprudential approach, he will forever be paired, rightly, with “Brother Nino.”

## THE NATURAL JUSTICE

For all of their similarities, however, Thomas and Scalia differed profoundly on fundamental ideas undergirding their common approach. Unlike Scalia, Thomas rooted his originalism much more explicitly in the natural law principles of the Declaration of Independence. This difference has been explored thoughtfully in books by Ralph Rossum and Scott Gerber. But Thomas himself has stressed these themes throughout his career—indeed, long predating his arrival on the Supreme Court, in a series of speeches and articles that attracted the attention of his Reagan administration colleagues.

In a 1987 article for the *Howard Law Journal*, titled “Toward a ‘Plain Reading’ of the Constitution—The Declaration of Independence in Constitutional Interpretation,” Thomas urged readers to recognize “the link between the Constitution and the Declaration of Independence” and to further understand that the Civil War amendments—including the Fourteenth Amendment—are “extensions of the founding principles of equality and liberty.” In 1989, in the *Harvard Journal of Law & Public Policy*, Thomas once again rooted the Fourteenth Amendment in the Declaration’s natural law principles, writing, “The best defense of limited government, of the separation of powers, and of the judicial restraint that flows from the commitment to limited government, is the higher law political philosophy of the Founding Fathers.” To conservatives worried that “higher law” echoed the liberal Warren Court’s aggressive recognition of rights not prescribed in the Constitution, Thomas attempted to reassure them: “Rather than being a justification of the worst type of judicial activism, higher law is the only alternative to the willfulness of both run-amok majorities and run-amok judges.”

These articles and arguments, which stood in stark contrast to the writings of Justice Scalia, Judge Robert Bork, and other first-generation originalists, caught the attention of the Reagan and Bush administrations. And, for that matter, of Senate Democrats, who peppered him with questions on the subject in the early days of his confirmation hearing—especially Judiciary committee chairman Joseph Biden, who made it the focus of his opening statement on the first day. But such discussions were soon swamped by the controversy for which the confirmation is now remembered.

### **CONFIRMATION BIAS**

From the moment Anita Hill made her sexual harassment allegations against Thomas, the controversy has been characterized as “he said, she said.” That is true in a sense: Anita Hill levied charges at him, without corroborating evidence, and Thomas denied them categorically. Even NPR’s Nina Totenberg, one of the two reporters who broke the story of Hill’s charges against Thomas, admitted as much in 1992: “Who told the truth?” she asked a Stanford audience. “I have a tentative opinion . . . but I don’t know and neither do you.”

In fact, it was less “he said, she said” than “they said, she said.” Not a single colleague of Hill’s came forward to support her allegations. In stark contrast, the very last

panel heard by the Senate Judiciary Committee featured eight women, seven of whom had worked with Thomas at the EEOC, the Department of Education, and in Senator John Danforth’s office. They were Patricia Johnson, director of labor relations at the EEOC; Pamela Talkin, Thomas’s former chief of staff at the EEOC; Janet Brown, former press secretary to Danforth; Linda Jackson, a research analyst at the EEOC; Nancy Altman, formerly of the Education Department; Anna Jenkins, a former secretary at the EEOC; and Lori Saxon, a former assistant for congressional relations at Education.

They were called to testify between midnight and 2:00 A.M. on October 14, causing Sen. Joe Biden, the chairman, to open the discussion by apologizing, “It is almost inappropriate to say welcome at this hour of the night, but I thank you all very much for your willingness to be here, and particularly for your willingness to be here at this late hour.”

Each was given three minutes to speak, and each of them forcefully rejected the charges. Johnson, herself the victim of sexual harassment at a previous job, offered the most powerful testimony:

I had occasion to meet with Chairman Thomas alone to discuss labor relations and strategies. He was always professional. As a labor attorney with approximately 15 years of experience, I have drafted policy statements concerning sexual harassment, I have trained managers concerning what constitutes harassment, how to deal with such allegations. . . . I do not believe these allegations that have been leveled against Judge Thomas. Moreover, based on my professional experience, as well as my personal experience, I do not believe that a woman who has been victimized by the outrageously lewd, vile, and vulgar behavior that has been described here would want to have, let alone maintain, any kind of relationship with a man that victimized her [as Hill did for years after Thomas left the Education Department, following him to EEOC].

The others reiterated these points over and over. Jackson, who worked with Thomas and Hill at EEOC, testified that Thomas introduced Hill “in terms any mentor would use, explaining that she was very bright and knowledgeable.” Jackson and Hill would meet for lunches, where Hill “referred to Clarence Thomas with admiration and never once mentioned anything was going wrong at work.” Hill “would generally look at him with a smile on her face and have the kind of positive demeanor that would suggest she respected and liked him as a person.” And Jackson shared Hill’s apparent esteem for Thomas: “I believe I know the

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basic nature of this man better than most people in this room. I believe, unequivocally, Clarence Thomas's denial of these allegations. This is a very honorable man who has the highest respect for women."

And so said the others. Saxon spent a year working with Thomas and Hill at Education as Thomas's confidential assistant, handling congressional relations and public affairs. "I never saw any harassment go on in the office," she testified. "He never made an inappropriate advance, uttered an off-color [remark], or used coarse language in my presence." And Brown, another victim of workplace sexual harassment, testified, "Other than my immediate family, the one person who is the most outraged, compassionate, caring, and sensitive to me was Clarence Thomas. He helped me work through the pain and talk through the options."

There had been still more pro-Thomas witnesses, on an earlier panel. Nancy Fitch, an African-American woman who worked for Thomas for seven years and knew him for nine (and who also knew Hill) testified, "As I told the FBI agent who interviewed me . . . I trust Judge Thomas completely, he has all of my support and caring earned by nine years of the most positive and affirmative interacting, not only with me, but with other staff and former staff, men and women, and I know he will get back his good name."

HBO's *Confirmation* quietly attempts to sidestep the dozen pro-Thomas witnesses. It ignores the testimony of Johnson and the final pro-Thomas witnesses, and breezes through other pro-Thomas witnesses in a montage lasting barely 45 seconds. (Much like Mayer and Abramson, who in *Strange Justice* refused to name or quote any but one of those women, summarily dismissing them as just "a group of former female employees who were eager to testify that the behavior Hill described did not fit the man they knew.")

Such problems pervade *Confirmation*, undermining any pretense the filmmakers had that their film was, as Kerry Washington put it, "not a propaganda movie." It is transparently propaganda. Stuart Taylor, a former writer for the *New York Times* and *National Journal* and now a fellow at the Brookings Institution, described this in painstaking detail in the *Wall Street Journal* the day after the film aired. "As a reporter who covered the at times stomach-churning hearings," he wrote, "I wondered how 'Confirmation' would handle a story that ultimately boiled down, as the saying goes, to one of he said-she said." His verdict was not kind: "Despite a surface appearance of fairness, 'Confirmation'

makes clear how it wants the hearings to be remembered: Ms. Hill told the whole truth and Mr. Thomas was thus a desperate, if compelling, liar. Her supporters were noble; his Republican backers were scheming character assassins."

Indeed, *Confirmation* never attempts to grapple seriously with the very points that undermined Hill's case from the start. Even setting aside the fact that Hill had no direct evidence to support her claims, her story raised more than enough questions about its plausibility, none of which *Confirmation* seriously pursues.

Take, for example, Hill's decision to follow Thomas from the Education Department to the EEOC long after his supposed harassment had begun. In the film, Hill says simply that she followed her alleged harasser to the new job because the harassment had ended, and "the work itself was interesting."

The hearings themselves made clear that her explanations seemed untenable in light of the vulgar words and deeds Hill had ascribed to Thomas—as Patricia Johnson, the aforementioned director of labor relations at the EEOC and herself a victim of sexual harassment, testified in the Judiciary Committee's final late-night panel.

Nor does the movie grapple seriously with Hill's persistence in maintaining contact with Thomas long after they parted professionally.

First, she denied that she had actually tried to call Thomas, saying instead that any calls would have been simply to return Thomas's own calls or calls to his secretary—who testified squarely to the contrary. Hill eventually conceded the calls, yet she struggled to explain why she would leave messages for Thomas such as (in his secretary's words) wanting "to congratulate you on marriage" or "just called to say hello. Sorry she didn't see you last week." Later, she conceded she had kept in touch with Thomas, but only because (as she later wrote in her own memoir) Thomas's alleged harassment "ended when I left his employ," and thereafter "[m]y telephone calls to him had each had a work-related purpose." At the very least, these are questions worth examining (as the testimony of Thomas's secretary and Johnson make clear), but the *Confirmation* team evidently felt otherwise.

Similarly, *Confirmation* attempts to gloss over Hill's inconsistent story to (and about) the FBI. In her initial meeting with FBI agents, she omitted many of the salacious details that later exploded in the Senate confirmation hearings. As Hill presented a much more scandalous story to the

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**The bias of what was said (or unsaid) in *Confirmation* is matched by the bias of what is shown. In stark contrast to Kerry Washington's Anita Hill and Jennifer Hudson's Angela Wright, Clarence Thomas is played by Wendell Pierce as a shifty, shaky, and shadowy man.**

Senate Judiciary Committee, senators Orrin Hatch, Chuck Grassley, and Arlen Specter had questions about why her story had changed so dramatically. “I did not tell the FBI all of the information,” Hill replied to Specter, because the “FBI agent made clear that if I were embarrassed about talking about something, that I could decline to discuss things that were too embarrassing, but that I could provide as much information as I felt comfortable with at that time.”

But her account was immediately disputed by both of the FBI agents who had interviewed her, Special Agents Jolene Smith Jameson and John B. Luton, who observed her Senate testimony and then filed statements detailing what they described as Hill’s untruthfulness. Recounting Hill’s characterization of their meeting, Special Agent Jameson stated, “In fact, SA Luton apologized for the sensitivity of the matter, but advised Professor Hill that she should be as specific as possible and give details. She was further advised if the questions were too embarrassing, SA Luton would leave the room and she could discuss the matter with SA Jameson.” The evolution of Hill’s story, from her initial statement to the committee, to her FBI interview, to her actual testimony before the committee, and her implausible rationalizations for why it evolved, raised major questions and would have attracted at least some scrutiny in a serious, evenhanded film—but not in *Confirmation*.

There are similar flaws throughout *Confirmation*, which have been catalogued on ConfirmationBiased.com, a website created to debunk any pretense that the film was anything other than a partisan hatchet job. But one final issue raised by the film deserves special scrutiny: its presentation of Angela Wright as a corroborating witness who would have decisively proved the anti-Thomas case, if only Biden had allowed her to testify. In the movie, Wright—played by Jennifer Hudson—is subpoenaed by the committee and travels to Washington ready to testify that Thomas had subjected her to similar harassment, only to be left waiting in her lawyer’s office, before Biden finally calls off her appearance.

But as Stuart Taylor explains in his *Wall Street Journal* op-ed, the film “avoids showing why it was clear to Mr. Biden by then that Ms. Wright had so little credibility that her testimony might have backfired,” especially when Thomas had fired her from the EEOC. A friend of both Wright and Thomas had told the FBI that Wright was “pissed that he had fired her.” The mutual friend further quoted Wright as saying, in the summer of 1991, that she wanted “to get him back.” Wright’s previous supervisor at the State Department gave the FBI similarly damning statements.

Why did Thomas fire Wright? He testified to this in his hearing: “I felt her performance was ineffective, and the office was ineffective. And the straw that broke the camel’s back was a report to me from one of the members of my staff that she referred to another male member of my staff as a faggot.”

“As a faggot?” Sen. Alan Simpson asked in reply.

“And that is inappropriate conduct, and that is a slur,” Thomas answered, “and I was not going to have it.”

Given this background and the statements provided to the FBI, it is unsurprising that Wright did not testify. But even on this point, *Confirmation* shows significant bias. The movie flatly asserts that Biden, despite Wright’s willingness to testify, unilaterally canceled her testimony when Senator Danforth allegedly threatened to release scurrilous, implausible affidavits about Hill’s conduct with her students. In fact, Wright and Biden jointly

signed a document to the contrary. “It is my preference that you testify before the Judiciary Committee,” Biden wrote. “But in light of the time constraints under which the committee is operating . . . I am prepared to accede to the mutual agreement of you and the members of the Committee, both Republican and Democrat, that the subpoena be vitiated.” Wright’s interview with

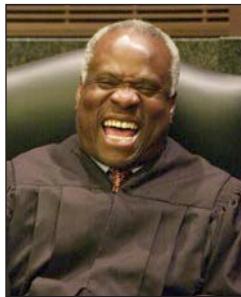
committee staff would be placed in the record instead.

Wright signed the bottom of Biden’s letter with her own reply. “I agree,” she stated; the admission of her statements into the record “represents my position and is completely satisfactory to me.”

Finally, the bias of what was said (or unsaid) in the film is matched by the bias of what is shown. In stark contrast to Kerry Washington’s Anita Hill and Jennifer Hudson’s Angela Wright, the film’s Clarence Thomas is played by Wendell Pierce as a shifty, shaky, and shadowy man. Literally: Throughout the film, Thomas lurks in shadows, in his study, in his bedroom, even in a well-lit kitchen. Pierce’s Thomas is incapable of reliably looking senators in the eye at key moments of his testimony. And where Thomas was at age 43 a remarkably young Supreme Court nominee, the Thomas of *Confirmation* is old and paunchy.

## STRANGE INJUSTICE

Stepping back from all of the questions that *Confirmation* refused to ask, there remains a more fundamental question: Why did HBO dedicate so much time, effort, and money to producing a tendentious reinterpretation of the quarter-century-old Thomas



HBO’s *Wendell Pierce* playing Thomas, left; at right, Thomas in 2001

hearings, based on a similarly tendentious 20-year-old book?

The most obvious explanation owes to the calendar. When the *Confirmation* project was green-lighted, it seemed perfectly timed to affect the 2016 presidential campaign—but not necessarily in the way you might assume. As the *Hollywood Reporter* observed, “At one point it looked as if *Confirmation* might premiere as Vice President Joe Biden was running for the White House, putting a spotlight on the then-Senator’s key role in the hearing.” Quite frankly, *Confirmation* depicts Joe Biden as a weasel, second only to Thomas in deserving contempt for his mistreatment of Hill, Wright, truth, and justice. It would have been a blow to Biden if he had challenged Hillary Clinton for the Democratic nomination.

But even after Biden announced his noncandidacy, *Confirmation* still was poised to play a political purpose, as the *Hollywood Reporter* further observed. “Even with Biden out of this year’s presidential race, *Confirmation* posits the influence Hill had in generating a backlash against the Old Boy’s Club of Washington, so it has some relevance against the current backdrop of Hillary Clinton’s run to become the first female commander-in-chief.”

The film itself seems to hint in this direction, in its closing moments. Amid a montage of news footage, ABC’s Hal Bruno tells Peter Jennings, “what happens now is we’ve got a political issue for the 1992 campaign.” Was this an intentional nod to the 2016 campaign?

Jill Abramson, coauthor of *Strange Justice*, is happy to draw that connection. In a long essay for the *Guardian* published the day before the film was released, she painted the Senate’s treatment of Hill as presaging a current political controversy: “Although those hearings were a generation ago, *Confirmation* brought to mind more recent congressional proceedings with a lone woman witness facing a mainly white, male set of inquisitors, and another striking outfit, this time dark purple. Hillary Clinton was the star of this show trial, the Benghazi hearings last fall.”

Don’t laugh; Abramson wasn’t kidding. “Both sets of hearings were billed as fact-finding exercises, but turned out to be poisonous displays of partisanship,” she wrote. “The Republican attack machine was turned, full force, on both witnesses.” Nonetheless, “With stoicism and poise, both Hill and Hillary withstood the onslaught to fight other, more important battles.” “Over the years,”

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*\*Perhaps fewer and fewer of them do, especially among the young. In 2013, Justice Thomas visited Harvard Law School, where he chatted with Dean Martha Minow—no conservative activist, to say the least. In the course of their friendly conversation, Thomas appeared to refer jokingly to his Senate confirmation hearings as “a really bad interview.” The entire room burst into laughter, including Dean Minow.*

she added, “the two women have become feminist icons.”

And, she concluded, “What *Confirmation* reminds us is that Washington D.C. has rarely been a place that respected women’s words, or their authority. Perhaps this is the year that finally changes.” She reiterated these themes in an interview with *Fortune*, adding that the film “remains studiously neutral of who was telling the truth.”

A final thought about neutrality and truth. At the very end of the film, as Hill offers some reflections, the credits offer a disclaimer: “This film is a fact-based dramatization. Some of the events and characters have been fictionalized or composited for dramatic purposes.” One is tempted to say that the original controversy surrounding Thomas’s confirmation was itself a “fact-based dramatization,” based on “fictionalized” events and “composited” characters.

The flaws that pervade *Confirmation* reflect the flaws that pervaded *Strange Justice*—and, indeed, the flaws that pervaded the original case against Thomas. To the extent that liberals even want to discuss the Thomas-Hill controversy anymore,\* Thomas’s most vocal critics, including Mayer and Abramson, remain uninterested in seriously considering the facts and questions raised in his defense.

Which makes Hill’s remarks, late in the film, particularly ironic. Of her own critics’ refusal to believe her, she complains, “They don’t want to hear it. They don’t care. They only want to win.” One doubts that the *Confirmation* team paused to consider whether the same might be said of themselves.

**A**s Kerry Washington observed at the movie’s release party, *Confirmation* tells a story “about courage and being up against forces that feel more powerful than you.” Justice Thomas exemplifies this. So did his predecessor, Justice Thurgood Marshall.

In the days after the Senate voted to confirm Thomas, he visited his new colleagues. These chats included a long talk with the legendary man whose seat he would be filling, the retiring Justice Marshall. “What was supposed to have been a brief courtesy call on Justice Marshall ballooned into a two-and-a-half-hour visit,” Thomas recalls in his memoir, *My Grandfather’s Son*, “and I loved every minute of it.”

As Justice Marshall recounted tales of his heroic career as a civil-rights lawyer, the upcoming Justice Thomas told him, “I would have been shoulder to shoulder with you back then—if I’d had the courage.” “I did in my time what I had to do,” Marshall told him. “You have to do in your time what you have to do.”

“Those words have stayed with me,” Thomas wrote. They surely have, as we all have seen throughout his quarter-century on the Court. And they surely will continue to do so for as long as Justice Thomas serves, in the face of hostility that even today refuses to relent. ♦



# The Bluest Blue



## *Crater Lake National Park, a volcanic jewel*

BY GEOFFREY NORMAN

Coming into the park from any direction, you pass through vast, old-growth forests. At the lower altitudes, the trees will be mostly Ponderosa pine, transitioning to lodgepole and then to mountain hemlock and red fir as you climb to higher altitudes. These stands of imposingly large trees are impressive enough to make the drive into the interior of Oregon worth the trip. There are very few places in the lower 48 where the forests look like this—where you feel the sense of being in a dark and solemn cathedral of nature. And this is not even the main attraction.

If you come into the park through the north entrance (as I did), you will begin climbing and there will be pull-outs where you can stop and take a photograph of a distant mountain that is solitary, snow-covered, and plainly volcanic: perfect for transmission by text or Instagram.

You will begin to notice, as you make your way higher

and deeper into the park, that the trees are less imposing and that the stands of them are more irregular and less dense, suggesting, now, a garden in need of some fertilizer.

And then, the landscape on either side of the highway becomes a kind of vast, rust-colored barren with only the occasional stunted tree growing out in the open and those on the margins plainly struggling. Not for water, certainly, you think. There are patches of snow on the ground at this altitude, even in July, and deeper, more continuous areas of white on the slopes above.

The trees struggle because they have taken root in a pumice field—the legacy of a great volcanic explosion that occurred some 7,700 years ago, changing the landscape and leaving behind a unique and striking natural wonder and legacy. That would be Crater Lake.

You reach the pullout leading to the rim of the lake a couple of miles after you first come on the barrens. You can't see anything of interest from where you park. But there are people lined up along a barrier and many of them are, inevitably, holding smartphones and cameras away from their bodies and taking pictures.

Even if you know what they are admiring and

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*Geoffrey Norman, a writer in Vermont, is a frequent contributor to THE WEEKLY STANDARD.*

GEORGE ROSE / GETTY



*Crater Lake, the seventh-deepest lake in the world*

photographing, you are unprepared for your own first look. Impossible that you could be. No words or images could prepare you. It is like your first look at the Grand Canyon, that way. “Stunning” is probably the best word and seems woefully insufficient.

There is, to begin with, the sheer size of the lake: 20.6 square miles of water up here in the high country, where the only other water you have seen is a trickle of snow melt, running across the asphalt. The proportions alone are breathtaking. The lake is nearly 2,000 feet deep, making it the seventh deepest in the world. And while you can’t see this, you can sense that it is very, very deep.

And then there is the color. It is a blue that is beyond blue. A shade of blue that admits nothing else from the spectrum. The purest blue, easily, that I have ever seen.

The first settlers to see it were prospectors in search of gold, and one of them noted that it was the bluest lake he had ever seen. One of his companions named it, unimaginatively, “Deep Blue Lake.” A member of a later group of prospectors published an article in which he named it, simply, “Blue Lake.”

The lake was, of course, known to the native Americans of the region long before those prospectors stumbled upon it. Some had, in fact, witnessed its magnificent and terrifying birth. The creation of the lake was, according to their legend, the climax of a war between rival spirits and their mountains. The struggle culminated in the terrible explosion of Mount Mazama that forced one of the rivals deep into the earth under the resulting crater, which then filled with beautiful blue water to conceal the terrible scar and reestablish tranquility.

The empirical, geological account has the top of Mt. Mazama blowing up under huge pressure and then collapsing into a void left by a now-empty magma chamber. The lake then filled, slowly, with accumulated snow melt. There is no other water source feeding the lake. It is kept full by a cycle of precipitation, runoff, and evaporation. Hence the stunning clarity of the lake.

Exploration of the lake—and ambiguity about its name—continued until 1869, when a party that included a newspaper editor got a canvas boat down the side of the caldera and conducted some primitive exploration. The

GEORGE ROSE / GETTY



newspaperman, Jim Sutton, wrote an article in which he used the name “Crater Lake.”

It stuck. And then there was another newspaper article that led to the designation and preservation of Crater Lake National Park.

William Gladstone Steel first became aware of Crater Lake when, in 1870, as a boy in Ohio, he read about it in a newspaper used to wrap the sandwich he carried to school for lunch. This was the beginning of a lifelong passion to which he devoted both money and time. All that he could spare.

Steel finally saw the lake of his dreams and imagination in 1885. Seventeen years later, his efforts on its behalf came to fruition, when President Theodore Roosevelt signed legislation establishing Crater Lake as the nation’s sixth national park. The only one in Oregon, then and now.

The lake remains seductively dazzling for all who have come after Steel. From that first pullout, it is possible to drive its entire circumference, which is well worth doing if you have the time. Each pull-out seems to open another vista but always the background, the overarching theme, is that consistently dazzling blue surface.

You can make your way down to the water, and many do. Once there, you can swim, but you won’t be doing it for very long. The water is as intensely cold as it is blue. You can also fish. There were no fish in the lake until a stocking program introduced several species of which only two remain: rainbow trout and kokanee salmon. You do not need a license, but you may not use natural bait of any kind. Nor can you clean your fish on the shore and discard the offal in the water. (It’s hard to imagine anyone wanting to; hard to imagine anyone wanting to do anything that might compromise the nearly palpable purity of the lake.)

Once you have gone around the circumference of the lake and have gone down into the caldera either to fish or to swim, there is still some more to do. There is a lodge and restaurant on a high point overlooking the lake. From there, you can take the exceedingly winding road down,



*Above, flowers at Annie Creek;  
below, a deer grazes.*



stopping along the way at a visitors’ center where you will meet some rangers who are, in my experience, among the friendliest and most knowledgeable in the entire park system. Which is saying something.

I talked to one of them about the geology of the area. He explained how trees were slowly taking root and establishing themselves on the margins of the great pumice barrens I had driven by on my way into the park. “It takes time,” he said. “That rock is 300 feet deep in some places. And very porous. So it doesn’t hold water and there isn’t much organic material. So things have to die and decay so that soil builds up and the trees can get established and rooted. But in another seven thousand years or so, it will all be different and you wouldn’t recognize this place.”

I said I would take his word for it.

We talked about the great, old-growth conifers, and he helped me with the identifications. When I asked about a good place for a day hike where I might get a look at some wildlife and blooming alpine flowers, he unfolded one of the giveaway maps and marked a spot called Annie Creek with his pen.

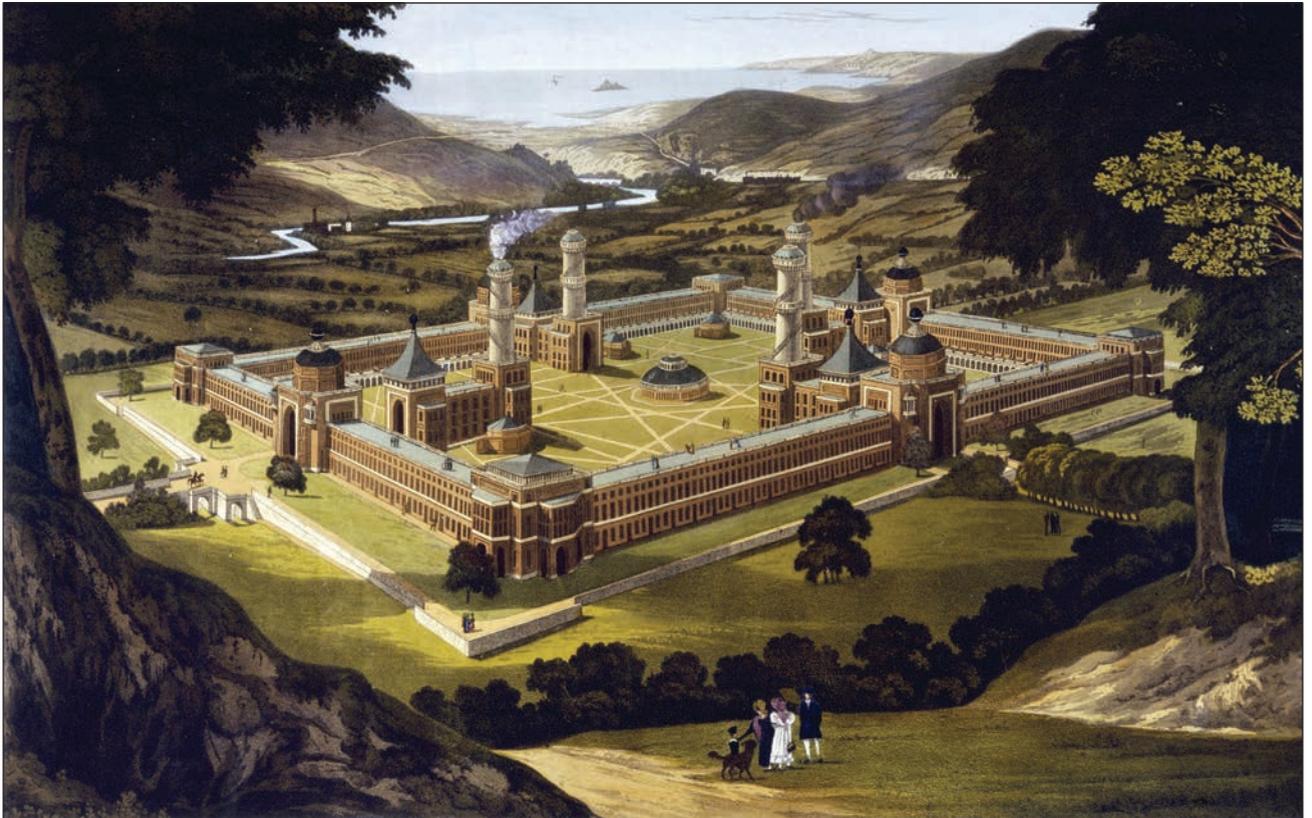
“I can’t promise anything when it comes to animals. But you’ll see flowers. It is a very nice walk.”

Indeed, it is. It took me a little less than two hours, but then I was dawdling. Trying to stretch out my time in this place. I stood in one spot for maybe 20 minutes while I watched a young mule deer graze, upwind from me and oblivious to my presence.

There are other trails in the park—90 miles’ worth—and more in the several national forests that surround it.

You can camp overnight in the backcountry with the proper permits. But the place to be if you are inside the park at night is on the rim of the lake where there is no light pollution and where the still surface reflects some of the countless stars that show clean and precise in the heavens.

It all seems transcendently peaceful and quiet for a place where just a few thousand years ago, rival spirits waged war and tore apart the very fabric of the world. ♦



*New Harmony, Indiana, Robert Owen's experimental community, as conceived by F. Bate (1838)*

# Heavens on Earth

*The creation of perfection, American-style.* BY EDWARD SHORT

In 1908, H.L. Mencken was approached by an editor and author named Robert Rives La Monte, who was keen on persuading the 28-year-old Mencken to join him in an epistolary debate about the benefits of socialism: La Monte would argue for and Mencken could argue against. Despite his misgivings, Mencken agreed, and shortly thereafter, the now-largely-forgotten *Men versus the Man* (1910) appeared. The first letter from La Monte was suitably provocative: “If you wish to see better manners, more worthy fiction, higher art, and nobler drama, as I know you

*Edward Short is the author, most recently, of Adventures in the Book Pages: Essays and Reviews.*

**Paradise Now**  
*The Story of American Utopianism*  
 by Chris Jennings  
 Random House, 512 pp., \$28

do, your only course is to become a Socialist comrade, and give us your aid in hastening the advent of the Social Revolution.” Mencken’s response was categorical: “Your ideal picture of the best possible world seems to me a fair picture of the worst possible world”—and so the book proceeded. Looking back on this venture, Mencken concluded that, although *Men versus the Man* proved a commercial and critical failure, it forced him to sort out what he might have called his *Weltanschauung*, which was far from utopian.

My basic point of view . . . went back to my early teens, and has never changed in any essential during the half century since. Under the influence of my father . . . I emerged into sentience with an almost instinctive distrust of all schemes of revolution and reform. They were, to me, only signs and symptoms of a fundamental hallucination, to wit, the hallucination that human nature could be changed by passing statutes and preaching gospels—that natural law could be repealed by taking thought.

In *Paradise Now*, Chris Jennings revisits five utopian groups—the Shakers, the Owenites, the Fourierists, the Icarians, and the Perfectionists—to show that, if there was one thing that all of these socialist groups had in common, it was a passionate belief not only that

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natural law could be repealed but that its repeal would benefit mankind.

Utopianism has a curious history. Although the word utopia (from the Greek meaning “nowhere”) was coined by Sir Thomas More in his 1516 satire of the same name, in which the great humanist took Europe to task for its lack of Christian *caritas*. But the father of the utopianism to which most 19th-century utopians subscribed was Henri de Saint-Simon (1760-1825), who fought in the American Revolution, made a pile speculating in confiscated property, went bankrupt during the Directory, and wrote several highly influential books touting his vision of a technocratic socialism. For Saint-Simon, the Industrial Revolution required a more scientific social order, and enlightened industrialists would supply it. If not all utopians shared his fanciful respect for the good-heartedness of captains of industry, they did share his conviction, as Jennings notes, that the “golden age of mankind is not behind, but before us.”

They also shared Saint-Simon’s conviction that human nature is perfectible. In his magisterial history of the Russian Revolution, *A People’s Tragedy* (1996), Orlando Figes quotes a passage from Leon Trotsky, which nicely sums up this quintessentially utopian conviction.

What is man? He is by no means a finished or harmonious being. No, he is still a highly awkward creature. Man, as animal, has not evolved by plan but spontaneously, and has accumulated many contradictions. The question of how to educate and regulate, how to improve and complete the physical and spiritual construction of man, is a colossal problem which can only be conceived on the basis of Socialism. We can construct a railway across the Sahara, we can build the Eiffel Tower and talk directly with New York, but we surely cannot improve man. No, we can! To produce a new, “improved version” of man—that is the future task of Communism.

Here, in a nutshell, is the utopian belief in social engineering that animates all of Jennings’s utopians. And with convictions like these, it was not surprising that American utopians, like their European and Russian counterparts, sought to accomplish their greater

communal good by redefining the family—convinced, as Jennings writes, “that the narrow, superseding loyalties engendered by marriage and the biological family were anathema to progress.”

Charles Fourier (1772-1837), for example, one of whose claims to fame was his belief that we should increase the gaiety of nations by draining the sea of salt to make lemonade, regarded marriage as “nothing more than a prison built to enslave women and lock both of its captives into lives of deceit, intellectual malaise, and sexual nullity.” Then, again, John Humphrey Noyes (1811-86), one of the millenarian Perfectionists who settled in Oneida, New York, based his contempt for marriage on the Bible, citing the Gospel of St. Matthew, “For in the resurrection they neither marry, nor are given in marriage.” Jennings has fun with this otherwise serious idiocy:

Noyes had begun to wonder whether there might be a reciprocal relationship between the coming of God’s kingdom and the abolition of marriage. If free love was going to define life in the millennium, maybe free love would help trigger the millennium.

Another Frenchman, Étienne Cabet (1788-1856), whose novel *Voyage en Icarie* (1840) won utopian devotees in Texas, Illinois, Iowa, Missouri, and California, claimed to be in favor of marriage and the family, but it is difficult to see how either could flourish in an earthly paradise where communal conformity was so strictly enforced. Indeed, as Theodore Zeldin points out, Cabet’s ideal state was one in which everyone would wear the same clothes. Why? Because “bizarre and tasteless designs” would be outlawed.

This utopian edict would certainly have met with the approval of the honorary American P.G. Wodehouse, who went out of his way in his collection of essays *Louder and Funnier* (1932) to console those traveling on ocean liners with ill-clad fellow passengers: “When you see a fat man in a yachting cap, horn-rimmed spectacles, plus fours, and black and white buckskin shoes,” he wrote, “I maintain that there is convincing evidence of premeditation and that the matter should

be firmly dealt with by the proper authorities.” Cabet and the Icarians would have agreed. Certainly, if any of our contemporary utopians could find a way to outlaw the “bizarre and tasteless” dress of passengers on airplanes, they would do the utopian cause immeasurable good.

In taking up these utopians and their movements, Jennings argues that, without utopian convictions of some sort, our political life would stagnate. Indeed, he takes particular issue with Tony Judt for arguing that the charge of sensible political philosophers should be “not to imagine better worlds but rather to think how to prevent worse ones.” For Jennings, this is tantamount to “finding the least bad version of the status quo—the assumption being that what we have is well enough and well enough ought to be left alone.” Instead, Jennings urges his readers to join his 19th-century utopians in reimagining America in order to create a better America. For those who might demur, Jennings has his answer ready, arguing that the utopians have much to teach us:

Some of the things that the nineteenth-century utopians got right, decades in advance of their fellow citizens—the equality of women, the importance of public education in a democratic society, the need for a social safety net, the edifying vitality of a diverse society, the hazards of unchecked markets—show the social dividends of contemplating idealized futures with a relatively soft commitment to the present state of affairs.

Not all readers will find such pleading persuasive. Mencken, in his unreconstructed way, regarded progressive reform as “only a conspiracy of prehensile charlatans to mulct taxpayers.” Even Thoreau was dubious, telling Emerson of Brook Farm, the Fourierist experiment in communal living about which Hawthorne wrote in *Blithedale Romance* (1852), “I’d rather keep bachelor’s hall in hell than go to board in heaven.”

Readers interested in the pathologies of socialism, however, will benefit from Jennings’s lively account of the yearnings of his utopian subjects. Needless to say, such yearnings are

still with us, though Jennings often writes as though they were absent in our ardently progressive age. After all, we are inundated by advocates of what the utopians liked to regard as the “science of society,” which would “not just be descriptive,” as Jennings accurately points out, “telling us when and why people act the way they do,” but would also “allow us to change how people act, to fix every social problem.”

Whether such a “science of society” is as benign as Jennings would have us believe is another matter. Since so much of the utopianism discussed here originated in Europe, readers would be wise to look at Michael Burleigh’s superb study, *Earthly Powers: The Clash of Religion and Politics in Europe from the French Revolution to the Great War* (2005), which puts this complicated and consequential history in some context. The best critic of American utopianism, however, remains a high-toned old Christian woman from East Hampton named Catherine Beecher (1800-1878), sister of Harriet Beecher Stowe. Jennings might have given his readers a more critical account of his utopians and their schemes if he had quoted something that this shrewd educator said about the Welsh utopian Robert Owen (1771-1858) and his New Harmony community in Indiana, which failed two years after it was founded in 1825—though it still garners wistful praise from our own would-be utopians.

To collect together a company of persons of all varieties of age, taste, habits, and preconceived opinions, and teach them that there is no God, no future state, no retributions after death, no revealed standard of right and wrong, and no free agency; that the laws that secure private property are a nuisance, that religion is a curse, that marriage is a vexatious restraint, that the family state is needless and unwise, and then to expect such a community to dwell together in harmony, and practice upon the rules of benevolence, what can be conceived more childish or improbable, by any person who has seen the world or known any thing of human nature! And yet such is the plan and expectation of the leaders of practical Atheism. ♦



# Barbecue Wars

*It's the old-fashioned versus the newfangled.*

BY TERRY EASTLAND

**B**arbecue is a Southern food, and a special one. The food writer Jeffrey Steingarten says it is “simply the most delectable of all traditional American food.” It originated in the 18th century in eastern North Carolina with whole-hog barbecue, in which the entire pig is cooked. While that tradition persists, barbecue has diversified in recent decades. Parts of a hog, its shoulders in particular, have become a meat for barbecue, as have non-pork meats, such as beef, mutton, and even fish. Meanwhile, outside the South, Kansas City has warmed to barbecue, creating its own distinctive style. What Southern barbecue has in common (at least in *Barbecue*) is not the state in which it is cooked, nor the particular meat that is cooked, but *how* the meat is cooked: “For a long time at a low temperature with heat and smoke from burning wood or wood coals.”

John Shelton Reed, who taught sociology at the University of North Carolina, is a barbecue authority and the author of a previous title on the subject, which I reviewed in these pages (“Pigs Without Blankets,” December 8, 2008). Reed is worried about barbecue’s future. Lately, he writes, barbecue has begun to appear on the menus of tony restaurants whose “chefs just can’t resist adding cheffy touches” such as “blueberries in sauces, ground coffee in rubs, that sort of thing.” Holding back, a little, on what he really thinks, Reed says that there is “nothing intrinsically wrong with this, and much of it tastes pretty good.” Yet such innovations could undermine “local barbecue traditions.”

*Terry Eastland is an executive editor at THE WEEKLY STANDARD.*

## Barbecue

by John Shelton Reed  
North Carolina, 128 pp., \$20

Reed is the conservative here in an argument between the keepers of tradition and the pioneers of self-expression. This is an argument playing out in many contexts, even (you may now have learned) barbecue. Reed wants to preserve local barbecue traditions against the fancy-food chefs of national ambition. And toward that end, in *Barbecue*, he has translated those traditions “for home production.” Which means that he has written an actual cookbook, reckoning that its recipes will teach home cooks how to cook Southern barbecue, local traditions thus maintained.

Most of the recipes call for indirect heat, in which the fire is not directly below the meat, as it still is in whole-hog cooking, but “off to the side.” It is made with commercial lump charcoal or briquettes out of the bag, and a few soaked wood chunks (oak or hickory) can be added to generate more smoke.

The recipes assume that home cooks will have, or obtain, the necessary tools for cooking barbecue: a cooker; two thermometers (one to measure the temperature in the cooker and the other the internal temperature of the animal); a starter chimney for the charcoal (“you’ll wonder why you ever fooled with lighter fluid”); gloves (because trying “to handle big chunks of meat with tongs or a fork is just stupid”); a small mop or squirt bottle, for basting; plenty of heavy-duty aluminum foil; and a wire brush/scrapper tool, for cleaning up.

Perhaps the best decision Reed made here was to include recipes for



*Midway BBQ, Buffalo, South Carolina*

everything that traditionally has gone into cooking barbecue, meaning the rubs and mops; presenting it, meaning the sauces; and been eaten alongside, or after, it—meaning the side stews and dishes, the slaws and breads, and the desserts. Thirty-six of the 52 recipes in *Barbecue* are for those items, which Reed calls barbecue’s “usual accessories.” And this is the tradition they teach: that Southern barbecue is not just the meat, though that is the central attraction.

Among the recipes that stand out is one for Pan-Southern Pork Shoulder. Pork shoulder is a hard meat to mess up and an easy one in which to excel. It is

the most forgiving of barbecue meats. It’s self-basting, it develops a wonderfully smoky “bark,” and it’s hard to overcook. It’s a good place for beginners to start and not a bad place to stop, which is probably why it’s found chopped, pulled or sliced on barbecue plates and sandwiches almost everywhere in the South.

I would also recommend the recipe titled *Texas Monthly* Brisket. *Texas Monthly* has a barbecue editor, and Reed uses the editor’s simple recipe,

which calls for a “10-12 pound well-marbled brisket with the fat cap still intact” and cooks at the rate of a pound an hour. “Don’t mess with the meat,” says Reed. “You don’t need to turn, flip, poke, prod, or even look at it.”

Among the recipes for sides, the one for Virginia-Carolina “Yes We Can” Brunswick Stew is worth a try. It’s not clear why this recipe got the long name it did. Not that it matters: To make the stew you need chicken and beef or pork, corn, butter beans or limas, tomatoes, and onions. And you can use canned foods: “Combine the ingredients in a stockpot and bring to a boil,” writes Reed.

The recipes for Cold Slaughter and Creamy Coleslaw are more interesting. The first dates back, at least, to the 19th century, when there was no refrigeration. It does not use mayonnaise. The second recipe does use mayonnaise—although, as Reed cautions, it includes onions, the taste of which “gets stronger as the slaw ages.” Among other promising side-dish recipes is one for a potato salad of central Texas origins and one for boiled potatoes of eastern North Carolina origins. The latter calls for Texas Pete sauce,

which is a North Carolina creation!

As for the bread recipes, there is one for hush puppies that has proved terrific on the occasions I have been to one of the Stamey’s restaurants in the North Carolina Piedmont. Stamey’s began using the recipe in the 1950s. Before then, writes Reed, “these little deep-fried doughballs had rarely been found apart from fried fish.” Now it is a Southern barbecue tradition.

A barbecue tray or plate may be all anyone wants for a lunch or dinner. But for those seeking “sweet relief,” as Reed puts it, the recipe for Dori’s Peach Cobbler looks to be the best of the traditional desserts discussed here. Dori Sanders is a South Carolina peach farmer and her cobbler, writes Reed, is “a ‘magic’ cobbler, because it creates its own top crust. . . . This is best served warm, with vanilla ice cream, but it’s good cold, too.”

As for something to drink, Reed has just one recipe—and yes, it’s for sweet tea: “It can go with anything, and in barbecue places run by Baptists—often the best—it usually does. It’s especially a counterpoint to vinegar-based sauces, producing a fine old sweet-and-sour yin yang.” ♦

TIM KIMZEY / SPARTANBURG HERALD-JOURNAL / AP

# ‘I Know What I Know’

*Edna St. Vincent Millay’s voice is heard again.*

BY CHLOE HONUM

Beautifully designed and thoughtfully edited, this is both a celebration of Edna St. Vincent Millay’s writing and a gust of fresh wind in the continuing movement to secure her place in American literature. Millay (1892-1950) authored 10 books of poetry in her lifetime and was hailed as one of the most important voices of the Jazz Age. Editor Timothy F. Jackson selects poems from across the breadth of her career, along with previously unpublished material. The result is a rich and diverse array of Millay’s work, presented with annotations that offer illuminating literary and historical context.

In her captivating introduction, Holly Peppe, Millay’s literary executor, recalls her days as a graduate student and emerging Millay scholar. Devoted to learning all she could about her subject, she reached out to the poet’s younger sister Norma, who was then 89 and living in her sister’s home at Steepletop, a 700-acre farm in Austerlitz, New York. The two formed a unique and lively relationship rooted in a shared reverence for Millay’s writing. Norma was cautious of critics who, despite (or perhaps because of) Millay’s enormous popularity with readers during her lifetime, as well as her winning the Pulitzer Prize in poetry in 1923, had all but shut her sister’s work out of the academy. Thus, Norma gave Peppe a condition: “You must memorize every sonnet you want to talk about with me and recite it before we begin a discussion.” Peppe was up

*Chloe Honum is the author of The Tulip-Flame.*

**Selected Poems  
of Edna St. Vincent Millay**  
*An Annotated Edition*  
edited by Timothy F. Jackson  
Yale, 344 pp., \$35



*Edna St. Vincent Millay (1914)*

to the task, and her friendship with Norma led to her spending weeks at a time at Steepletop, where she became closely acquainted with the place where Millay lived and wrote for a quarter-century.

Peppe describes her experiences at Steepletop with enticing detail and dialogue, climaxing in her following Norma’s request one afternoon that she try on Millay’s evening gowns, hunting clothes, and pajamas in order to check their condition. While these experiences were thrillingly intimate, Peppe came away from them with the realization that her scholarly approach to Millay’s work had not been “atten-

tive enough to the shifts between poet and persona. . . . I abandoned the notion that [Millay’s] poems were like pages torn from her diary.”

The introduction moves on to provide a useful overview of Millay’s personal story, writing career, reputation, critical and popular reception, and feminist legacy. Peppe’s seriousness and intelligence about Millay’s work echo throughout the book, which seems fueled in part by the urge to disprove the critics who dismissed—and in some cases attacked—Millay as too “traditional” or “unintellectual” to compete with modernist giants such as T.S. Eliot and Ezra Pound. Peppe concludes, “Perhaps the still vibrant ‘lovely light’ I see approaching from the distance is recognition for Millay’s role in American literature and culture, making its way forward at last.”

This volume, then, is indeed “a lovely light,” as it will surely reinvigorate Millay fans and energize new readers. The annotations are spare but compelling, providing many fresh lenses through which to study and appreciate the poetry. Emphasis is given to Millay’s later works, and her versatility is highlighted by the inclusion of poems that take on a wide variety of subjects and forms, from ballads to sonnets to sharp-edged free verse.

Millay’s legacy as a feminist can be felt throughout her poetry. One comes to know a speaker standing on the edge of great cultural change, singing fiercely about taboo subjects, such as the fleeting nature of sexual passion, from a female perspective. Millay’s *carpe diem* approach to life glimmers in many of her poems, though never more directly than in her famous quatrain “First Fig.” Here is the poem in its entirety:

*My candle burns at both ends;  
It will not last the night;  
But ah, my foes, and oh, my friends—  
It gives a lovely light!*

In the context of *Selected Poems*, the third line takes on greater meaning, as Millay is a poet who seems keenly aware of the diversity of her readers’,

and critics', opinions, and speaks boldly to both "foes" and "friends." Often, the speaker demonstrates a defiant and empowering commitment to her view of things. Consider, for example, the final lines of the elegiac "Dirge Without Music."

*Down, down, down into the darkness of  
the grave  
Gently they go, the beautiful, the tender,  
the kind;  
Quietly they go, the intelligent, the witty,  
the brave.  
I know. But I do not approve. And I am  
not resigned.*

From her early writing onward, Millay's talent for using imagery and tone to upend rigid gender expectations is evident. In "Spring," for example, she uses a tone of icy contempt that eviscerates what traditional gender roles might lead one to expect from a young woman observing the season of blooming. The poem begins:

*To what purpose, April, do you return  
again?  
Beauty is not enough.  
You can no longer quiet me with the  
redness  
Of little leaves opening stickily.  
I know what I know.*

And ends:

*Not only under ground are the brains  
of men  
Eaten by maggots.  
Life in itself  
Is nothing,  
An empty cup, a flight of uncarpeted  
stairs.  
It is not enough that yearly, down  
this hill,  
April  
Comes like an idiot, babbling and strew-  
ing flowers.*

An annotation provides the noteworthy fact that "Millay's poem appeared in *The Chapbook* (London) in July 1920, two years before T.S. Eliot's *The Waste Land*, with its similarly dismissive tone toward spring." Another annotation points to the poem's allusion to the famous *Macbeth* passage that claims life "is a tale / Told by an idiot, full of sound and fury, / Signifying nothing." In "Spring," one can



*On the air (1945)*

also see Millay's continuous influence on the landscape of American poetry. One hears a seed of John Berryman's declaration that "Life, friends, is boring." Among contemporary poets, Louise Glück's poetry perhaps most strongly carries the Millayan principle of "I know what I know." In her poem "Mock Orange," for example, Glück begins: "It is not the moon, I tell you. / It is these flowers / lighting the yard." The simple "I tell you" is resonant of Millay's tone in "Spring," as it insists on the legitimacy of the speaker's female perspective, no matter how unexpected or haunting.

Some of the weaker moments in Millay's poetry occur when depictions of intense emotion cross into melodrama. In "When the tree-sparrows with no sound," the speaker wakes from a dream of a lost loved one: "Yet clawed with desperate nails at the sliding dream, / screaming not to lose, since I cannot forget you. / I felt the hot tears come." Millay's most compelling poems delve into more nuanced emotional territory and invite deeper surprise and restraint into the language. In her self-portrait poem "E. St. V. M.," for example, the lines have an eerie, startling power:

*A large mouth,  
Lascivious,  
Asceticized by blasphemies.  
A long throat,  
Which will someday  
Be strangled.*

The final sections in this collection contain previously unpublished and uncollected poems, selections from *Letters*, and a previously unpublished letter. In a previously unpublished "Essay on Faith," Millay puts forth her artistic and spiritual belief in the power of perception. The essay contains many gems, including "The majesty of fear brings everything to life" and "Believe all that is necessary to your happiness." The letters section, though thin, provides glimpses of Millay's vibrant personality, her extraordinary work ethic, and fierce protectiveness over her craft.

Reading from cover to cover, one feels immersed not only in Edna St. Vincent Millay's intoxicating voice but also in the connections and influences of her world. With its ample size and exquisite design, the *Selected Poems* might also be employed as a coffee-table book, allowing readers to keep close at hand the work of one of the most important and continuously relevant voices in American poetry. ♦

# Sue the Bastards

*More than one way to fight the war on terror.*

BY DAVID ADESNIK



*Slobodan Milosevic on trial in The Hague (2001)*

In 1996, Hamas gunmen shot to death David Boim, a 17-year-old American citizen waiting for a bus in the West Bank. At the behest of Boim's parents, attorney Nathan Lewin filed suit against charitable organizations in the United States who solicited funds for Hamas. The unorthodox decision to seek damages from Hamas's financial backers led defense attorneys to demand that the court sanction Lewin and his co-counsel for bringing a frivolous suit. But the final result, affirmed by a federal appeals court in 2008, was a groundbreaking \$156 million judgment against Hamas's backers. Boim's parents were only able to collect a fraction of the damages, but their suit helped to shut down the Hamas financial network in the United States, in part by spurring the Justice Department to take the threat seriously.

The *Boim* case represented a turning

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## Lawfare

*Law as a Weapon of War*  
by Orde F. Kittrie  
Oxford, 504 pp., \$29.95

point in the effort of both private citizens and the federal government to use the law as a means of punishing terrorists and their sponsors. One of Lewin's fellow attorneys in *Boim* soon brought suit against Iran for sponsoring the 1983 bombing of the barracks in Beirut that killed 241 Marines. The lead plaintiff, the sister of a fallen Marine, told reporters: "We don't want to be victims of terror anymore. We want to be soldiers in the war on terrorism; the courtroom is our battlefield."

The story of *Boim* and its progeny plays a critical role in this insightful and comprehensive new book. Orde Kittrie is a professor of law who spent more than a decade as a State Department attorney. Kittrie is not just a chronicler of lawfare, however, he is also a practitioner.

In 2008 he noticed that Iran relied heavily on foreign firms to import gasoline, since it lacked the capacity to refine much of its plentiful crude oil. He then discovered that Reliance Industries, a major supplier of Iranian gasoline, had received \$900 million in loan guarantees from the Export-Import Bank. This led multiple senators and congressmen to contact the Ex-Im Bank and demand a review of the loan guarantees. The day after the congressmen released their letter, Reliance shares lost 5 percent of their value. Soon, the company stopped sending gasoline to Iran.

An important purpose of *Lawfare* is to change how Washington thinks about it. First used in the 1970s, the term entered into widespread circulation in 2001 as the result of an influential article by an Air Force colonel named Charles Dunlap. Dunlap expressed frustration at the ways in which adversaries manipulate American respect for the laws of war, especially those that protect civilians: "For the Taliban to survive it is not necessary for them to build conventional air defenses," he wrote. "Rather, just by operating amidst civilians, they enjoy a legal sanctuary . . . that is as secure as any fortress bristling with anti-aircraft guns." Where Dunlap mainly saw a restraint on American power, Kittrie sees an opportunity. The United States is a legal superpower—Kittrie may be the only author who celebrates the surfeit of lawyers in Washington—and if the United States can cast aside the mindset that condemns lawfare as dishonorable and manipulative, it can turn the weapon against its adversaries. Best of all, this weapon often costs far less to employ than the actual implementations of war.

While critics who share Dunlap's concerns may be won over by demonstrations of how the United States can exploit lawfare, Kittrie's adversarial approach is unlikely to sit well with those scholars and scholar-practitioners who dominate American discussions about international law. These lawyers instinctively approach international law as a set of constraints with which the United States ought to comply, like a dutiful citizen of the international community. In the words of Yale's

AFP / GETTY

Harold Koh, the State Department's top lawyer during 2009-13, the department's lawyers' "key role is to promote the rule of law" and resist the idea that "obeying the law should be done only when convenient." Kittrie counters that his approach to lawfare represents an extension to foreign policy of the belief that every client deserves a lawyer who will fight as hard as possible for the client's interests within the parameters allowed by law. American legal culture tends to celebrate the criminal defender who gets his client off, or the corporate attorney whose procedural acumen protects his client from lawsuits. Why doesn't the federal government deserve the same tenacious advocacy, especially when its adversaries include terrorists and hostile dictatorships?

Kittrie also makes the point that, regardless of whether the United States adopts this instrumental approach to lawfare, our adversaries have already done so. While American scholars in recent years have only begun to publish significant works about lawfare, the Chinese People's Liberation Army has published three volumes on *falü zhan*, or legal warfare, since 2004. In 1996, the same year that David Boim was gunned down, China's president Jiang Zemin told a group of Chinese international law experts that "we must be adept at using international law as a weapon." Indeed, in 2003, China's Communist party and Central Military Commission approved legal warfare, alongside media warfare and psychological warfare, as one of three principal nonviolent means of waging war. Beijing's attorney-warriors have launched an ongoing campaign to shape maritime law, aviation law, space law, and cyber law to their country's advantage.

*Lawfare* deserves a prominent place on bookshelves at the State Department and the Pentagon, as well as ministries of defense and foreign affairs across the globe. I suspect that it is already being read with great interest in places like Tehran and Beijing, which is all the more reason that American lawmakers and policymakers should absorb and apply its lessons as swiftly as possible. ♦



# Knowledge Industry

*The lowdown on higher learning in America.*

BY EDWIN M. YODER JR.

In mid-October 1956 I became a visitor to the Middle Ages: I matriculated at Oxford. Robed in gown and white tie (mysteriously called "sub-fusc"), I stood with other freshmen before the celebrated classicist Sir Maurice Bowra, who intoned ritual sentences of Anglo-Latin (no broad "A"s) and we responded.

Some days before my ceremonial appearance before Sir Maurice, I had another introduction to Oxford civility. I had seated myself on my first morning in the dining hall, under the floor-length portrait of Queen Elizabeth I, the college's titular patron. I asked for water. "But sir," protested a white-jacketed scout (servant), "you cawnt wash in here." Had I stumbled into the role of a transatlantic visigoth? No. There was a twinkle in his eye, as he deliberately misunderstood southern-American words. Soon a glass of water appeared, ceremoniously borne high on a silver salver. This amenity continued throughout my tenure. A decade later, with no further study and 10 years of "good behavior," I gained an M.A. hood that made me a voting member of the university and a flimsy certificate authorizing me to profess an astonishing range of subjects for which my qualifications were distinctly limited. Even divinity!

I begin with these antique civilities because mid-1950s Oxford, while it suffered the lingering deprivations of wartime austerity, compensated with ceremonies lovingly retained from medieval times, assuredly pre-Columbian. Teaching was individual and tutorial. My essays would be heard as I sat, stuffed with instant learning, before

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**Wisdom's Workshop**  
*The Rise of the Modern University*  
by James Axtell  
Princeton, 416 pp., \$35

an erudite gentleman who, for the fun of it, accepted me as an intellectual peer. After two years (for the holder of an American degree) and 10 relentless hours of written examinations all at once, one gained an honors B.A., the prime English degree. The DPhil—cousin of the American Ph.D.—was then deemed a Teutonic affectation.

Is it any wonder, given my antique academic prejudices, that I approach James Axtell's book with a jaundiced eye? The author, a professor emeritus at William & Mary, seems to know all there is to know about American higher education—at least in its statistical and quantifiable aspects. (Somehow he missed the real allusion in *Hamlet*: "to the manner [not manor] born.") His book begins with a lengthy exposition of Western learning in 12th-century Paris and Oxford. This Cook's Tour of early universities occupies almost a third of *Wisdom's Workshop*, although it leads—by way of an excursion into the German influence that took some 9,000 young Americans to German universities in its transitional 19th century—to the modern "multiversity," as Clark Kerr of Berkeley notably called it 40 years ago. Today, we have what Axtell calls, without embarrassment, a "knowledge industry" that is, allegedly, the envy of the wide world. The quantitative term is significant. But his title is a bit misleading. Wisdom tends to be individual and subjective, and is only rarely the "product" of multiversities.

Though he leads the cheering,



Kirkland Hall, Vanderbilt

Axtell is duly severe about some distractions from the academic “enterprise” (another term suggestive of commodification): corruption by big-time commercialized sports. One of his examples, with which this reviewer happens to be well acquainted, suggests the limited relevance of his scores of footnotes. A Midwestern college functionary has blogged in the *Chronicle of Higher Education* that my alma mater (the University of North Carolina at Chapel Hill) should be de-credentialed for its social promotion of semiliterate football and basketball players. Without extenuating the offense, I must note that Axtell and the cited blogger ignore the context: The disgraceful bogus courses flowed from typical academic sentimentality—an “African Studies” program that fulfills high-minded ideas of racial improvement, the sole source of the phony (classless

and examless) courses. Which tends to explain why the NCAA has been slow to pinpoint and punish the offense.

This reservation noted, no one seeking a newsy update of American higher education can ignore this book. The title, attributed to a 13th-century pope, begs an embarrassing question, however: “Wisdom” is subjective and individual, and often incommunicable; and Axtell’s title wistfully echoes the long-lost world of classical learning—the era of the trivium and quadrivium. The middle name of American higher education today isn’t wisdom but money: the pursuit of alumni, foundation, and federal “research” dollars. The cup-rattling and hat-passing are as beneficial, but as perilous, to academic integrity as the “bear hug” of Oxford and Cambridge by Henry VIII in Tudor times. Federal funding is the heroin of super-academe.

Axtell does not neglect these questionable trends—indeed, he seems at times to celebrate them and his book deals more with the husks of higher education than the kernels. Most of us, even those experienced in the world of universities, can know only a few institutions intimately enough to evaluate the level of learning they offer: a question of cultures. Ultimately, the test of universities and colleges is how well they furnish the brains and sensibilities of those they teach. Undergraduate instruction in traditional arts and sciences, once the mainstay, lately seems of marginal relevance in a survey of this sort. And it hardly helps that the commodification of learning is ratified by public officials—even President Obama (Columbia, Harvard)—who associate college degrees with levels of income. No wonder that many notable undergraduate teaching institutions are treated cursorily or ignored.

The prime symptom of distortion is Axtell’s term “research universities.” The adjective is ultimately as hard to quantify as “wisdom.” Aside from medicine and technology, whose byproducts aren’t invariably of high social value, genuine discoveries are rare. (Axtell reminds us slyly that Harvard, in the Second World War, was the birthplace of napalm.) In the humanities, meanwhile, originality worthy of the puffy adjective is even rarer. The field of history may be an exception, since it isn’t “new knowledge” but old knowledge, reviewed and reprocessed, that is usually notable; but in any case, few “research” breakthroughs match such distinguished examples as Milman Parry’s discoveries regarding the structure and origin of Homeric poetry or Michael Ventris’s decipherment of the archaic Greek of Linear B. And both “researchers” were, in fact, independent amateurs!

In sum, *Wisdom’s Workshop* is readable and worthy, especially for those denied my own exceptional good luck to have studied before the onset of commodification and inflation. But a cautionary sprinkle of salt is to be recommended for Axtell’s celebratory diet, since not all of wisdom’s workshops are wise. ♦

COLLEGIATE IMAGES / GETTY

# Sincere Flattery

*If the story seems familiar, there's a reason.*

BY JOHN PODHORETZ

**C**entral Intelligence, the only nonanimated and non-genre hit of the summer, is far from the worst movie I've ever seen. Among other things, it has a startlingly effective low-key performance by Kevin Hart, who for the first time in his film career doesn't spend two hours chomping on the scenery and jumping up and down like a human pogo stick. But it's one of those pictures that's a comedy only because it isn't a drama. Which is to say, it doesn't have a lot of jokes and it doesn't really have any funny lines. It just has Hart and Dwayne "The Rock" Johnson acting silly as they go through the paces of a plot about two high-school acquaintances meeting 20 years later.

Hart's character was the big man on campus but has ended up a disappointed accountant. Johnson's character was a grotesquely obese tormented kid who has spent the subsequent decades working out six hours a day and become a superhero CIA agent. Johnson has never ceased idolizing Hart for an act of kindness toward him, and is more than a little crazy, and Hart finds himself caught in Johnson's undertow as a spy plot unfolds on the night before their twentieth high-school reunion.

If this sounds familiar, then you are very blessed—because it means you are aware of the existence of one of the funniest movies ever made. *Central Intelligence* is an uncredited remake of *The In-Laws*, which starred Alan Arkin and Peter Falk and was released in 1979. It offers an example of how to mine a great movie while taking no

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## Central Intelligence

Directed by Rawson Marshall Thurber



*The Rock, Kevin Hart*

inspiration from the signal qualities that actually made it great. As devised by the screenwriter Andrew Bergman, the plot of *The In-Laws*—an ordinary guy finds himself inadvertently caught up in a gigantic conspiracy—is not much more than a clever update of the Alfred Hitchcock films *The Man Who Knew Too Much* and *North by Northwest*. It's a decent plot, and it's well organized, but it's what Bergman hangs off this clothesline that makes *The In-Laws* sidesplittingly, screamingly funny no matter how many times you watch it (and I've lost count over the past 37 years).

When Arkin and Falk meet for the first time on the eve of their children's marriage, Arkin discovers that Falk is nuts. There is an identical scene in *Central Intelligence* set at a bar in which Hart discovers that Johnson is nuts. But that's because Johnson acts nuts and looks nuts. In *The In-Laws*, Falk simply begins telling stories about his travels in a placid raconteur's voice. He tells Arkin about having been "in the bush"

and having seen tsetse flies the size of eagles carry away native babies in their beaks. He says the government can do nothing about the flies because there's "enormous red tape in the bush" and the flies are protected by the provisions of the Guacamole Act of 1917. He says he had photos but he lost them when he took his jacket to be Martinized.

That's how you make a great movie of any sort. You take a plot and break it into scenes and you color those scenes with memorable detail. A great comedy doesn't just have its characters act silly; it has the silliness emerge from the comic characters like lava from a volcano, and then shows the ordinary characters scrambling to save themselves from the flow.

There are so many great bits in *The In-Laws* that it's hard to isolate any one of them. The point is that they are bits, memorable pieces of individual comic business that fit within the whole. The most famous is probably Falk counseling Arkin on how to run across a runway in a Central American country when he's being shot at: "Serpentine, Sheldon, serpentine!" At which command Arkin runs back to his starting point and commences weaving his way across the runway again.

Every scene is taken to its own logical extension and beyond—as when Arkin is forced to evade cops by driving into the nearest garage. It turns out to be a car-painting business and he emerges with his BMW covered in red and yellow flames.

*Central Intelligence* has the skeleton but not the flesh, and apparently the skeleton is good enough to earn \$100 million or more at the box office. There was an actual remake of *The In-Laws* a dozen years ago with Michael Douglas and Albert Brooks that was unwatchably awful; but at least in that case Bergman got paid when his work was desecrated. Since his name appears nowhere in the credits for *Central Intelligence*—the screenplay is by director Rawson Marshall Thurber, Ike Barinholtz, and David Stassen—I think Bergman has a very plausible plagiarism claim on his hands here. ♦

**"As EU government chiefs took the historic step of meeting without one of the bloc's members for the first time, they lamented the British decision to part ways, then began to lay plans for a new union minus its second-largest economy."**

**—Bloomberg, June 29, 2016**

**PARODY**

JULY 11, 2016

ONE DOLLAR CHEAP

# EU REVOKES U.K. PRIVILEGES

## *Access to Fitness Center Limited to NordicTrack*

By PENELOPE WITHERSPOON

BRUSSELS — British diplomats in the European Union's capital were the first to feel the impact of the Brexit vote. Yesterday morning, when Ivan Rogers, the U.K.'s permanent representative to the EU, showed up for breakfast inside the Berlaymont building, the maître d' turned him away, pointing to a sign that read "Members Only." (In pencil, someone had scribbled, "FYI, Brit members: Sod off!") Rogers was particularly upset since Sunday brunch at the dining room is normally English-themed. "All week long," he lamented, "I'd been dreaming of toad in the hole and spotted dick."

Likewise, Rogers's deputy, Shan Morgan, was banned from the EU athletic club. Morgan was actually in the pool when security officials escorted him off the premises. When Morgan asked where he could dry off and change, one official suggested the train station more than two miles away. Before exiting, the deputy permanent representative stopped by the club lounge, popularly known as the Monnet Pit. "It was humiliating," said Morgan. "Italian, German, and French diplomats who I thought were my friends turned their backs to me and just snickered." (One French official was overheard saying, "And I stepped on the ping pong ball! I just squashed it to



EDWARD

U.K. diplomat Robert Crawley searches a Brussels dumpster, where he was told to look for day-old lemon scones following the U.K. Brexit vote.

bits! It was ghastly.") But thanks to the intervention of Swedish and Danish representatives, Rogers and Morgan will be allowed access to one NordicTrack device in the gym.

Worst of all, the British prime minister's special bathroom privileges have been revoked. "Yes, it's true," confirmed EU spokesperson Alex Winterstein. "The

Jacques Delors Comfort Station is a rather luxurious toilet for world leaders—but the British prime minister will no longer have access to it." According to Winterstein, "Since Britain has rejected the free movement of labor, capital, services, and goods, we reject their free movement of

*Continued on Page A6*