the weekly Standard

THE TRUTH ABOUT SWEDEN
PAULINA NEUDING

MARCH 13, 2017 • $5.99

# The Power of the Presidential Pen

## The benefits and pitfalls of executive orders

BY ADAM J. WHITE

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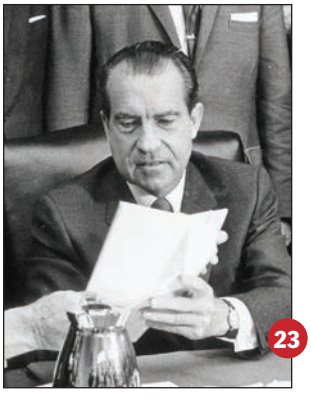
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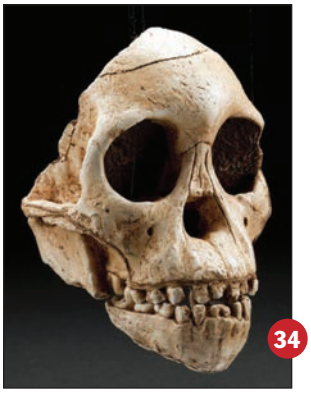
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COVER: RON SACHS / GETTY

# Pedestrian Cross-ing

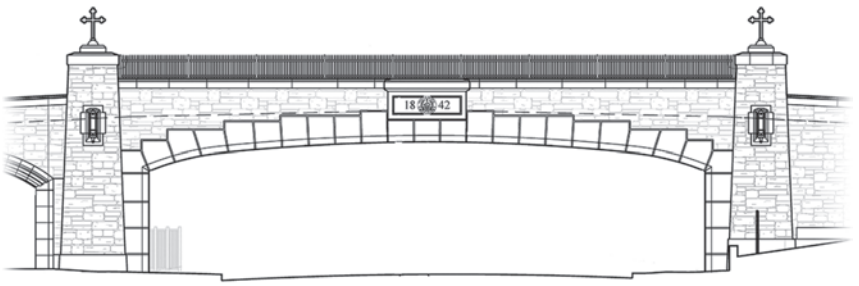
Villanova University in Radnor Township, Pennsylvania, is a Roman Catholic institution. Not that there's anything wrong with that! But for some residents of Radnor, Villanova is kind of overdoing this whole Catholic thing.

Recently the university announced it would build a pedestrian bridge over a state road to connect the north side of campus with the south. Which is fine. Then the university unveiled a drawing of the proposed bridge. At each end stone pillars were topped with crosses.

Crosses! Right there in the open! Where the children might see them!

The bridge will be on school property and maintained by the university. Nevertheless, many in the community immediately raised vocal opposition to the crosses, as surely as if Radnor were a town of vampires.

The local League of Women Voters rushed to the ramparts. "While we recognize the importance of Villanova to our community and the notoriety it brings to Radnor," the group's president told Susan Snyder of phillynews.com, "are there less ostentatious ways to reflect a Catholic institution?" The LWV president even spoke at a township commission meeting to express opposition to the offending crosses.



One local resident, Sara Pilling, was even more emphatic. "I think they are overstepping their sense of ecumenism to shove these crosses in our faces," she told Snyder.

The real news here is that Sara Pilling must be 30 feet tall. That's how high above the roadway the crosses will be—a pretty remote shoving distance for most drivers. We assume she owns a convertible.

Happily, township commissioners voted last week to approve the bridge as proposed. Villanova will not be denied these small accoutrements of its Catholic identity. And the members of the Radnor League of Women Voters—every one of them a strong advocate of diversity, we'll guess—will just have to avert their eyes. ♦

## This Week in Trumpoplexy

Say this about the Trump presidency: It befuddles Democrats, who are racing to adjust their political positions to appease their angry constituents' anti-Trump mood. Their latest contortion on immigration is leaving some in the party of resistance sounding like Rush Limbaugh.

A *Politico* report suggests Trump may have so alienated congressional Democrats that they won't support anything he proposes—not even an immigration overhaul that would allow some illegal immigrants to remain in the country legally. Trump expressed openness to such a large-scale reform and the Democratic response was swift: *Politico* quoted Rep. Luis Gutiérrez, Sen. Chuck Schumer, and immigration activist groups expressing deep skepticism that a deal could come together.

Let that sink in. Democrats' anti-Trump reflexes have become so reflexive that they prefer a significant segment of their base to face mass deportations rather than risk handing the president a political victory. The about-face on immigration comes in the same week that some Democrats were visibly unenthusiastic about creating jobs or defeating ISIS—all because those efforts were endorsed by the Donald. They have come to behave, at hearing the name Trump, like Hunter Thompson's dog at the word "Nixon."


Who knows where this bout of oppositional defiant disorder might strike next? Look for Schumer, Pelosi, & Co. to boycott the White House Easter Egg Roll, or perhaps to urge that the presidentially pardoned Thanksgiving turkey this year get the ax. ♦

## Fizzy Math

What's the sound a bottle of soda makes when opened? If you're the government in Berkeley or Philadelphia, it's not *ssfzzzt* but *ching*. These two towns—bedrocks of meddlesome nanny-state liberalism—now collect steep taxes on soft drinks and other sweetened beverages. The Philly soda-tariff took effect just this year. The early returns there suggest a financial pleasure for the city: The levy raised some

ABOVE, COURTESY OF VILLANOVA UNIVERSITY; BELOW, RHODODENDRITES

$5.7 million in its first month, according to the mayor's office.

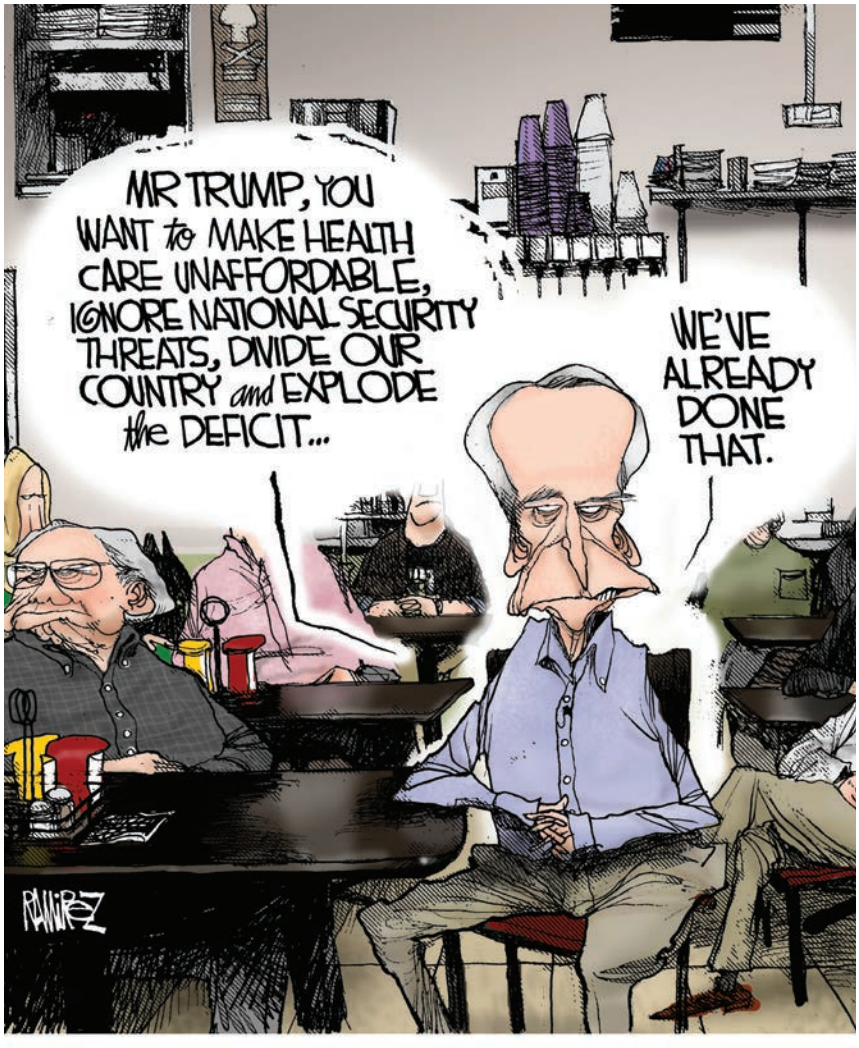
But don't count on the carbonated goose staying in the egg-laying business. According to the *Philadelphia Inquirer*, supermarkets and distributors have reported a 30 to 50 percent drop in beverage sales. Another estimate, from local blog *Billy Penn*, was that soft drink consumption dropped by 40 percent in January. That may be good for the fight against avoirdupois in the City of Brotherly Love, but it means lean times for pop producers—Pepsi has announced it will be cutting up to 100 jobs in Philadelphia.


COURTESY OF JONES SODA

The issue has more of a local flavor in Seattle. Already presiding over a municipal minimum wage heading for $15 an hour, the city's mayor is hoping to fetch $16 million with a soda tax of his own. The Scrapbook couldn't help but notice an irony: Hipster-friendly Seattle is home to the Jones Soda Co., whose Americana labeling and offerings such as Bacon and "Fufu Berry" make it a candidate for official sponsor of the modish millennial.

Jones, which makes its drinks with foodie-friendly cane sugar, announced it opposed the "misguided" tax. "[E]ducation around proper nutritional guidelines is the best way to combat the obesity epidemic," the company said in a statement. "Soda, like fast food, chocolate, and many common snacks, should only be consumed in moderation."

It's downright sad to hear a brand defined by a yawping, counterculture exuberance brought so low as to have to issue bloodless corporate-speak about "proper nutritional guidelines." But what good is it to be cool when the food police and their humorless deputies are on the prowl? To paraphrase Pastor Niemöller: First they came for the Coca-Cola Company . . . ♦




The DEMOCRATIC RESPONSE to TRUMP'S SPEECH

## Fish Story

SeaWorld is drowning—in red ink. "As they reported continued declines in revenue and attendance," the *Orlando Sentinel* writes, "SeaWorld Entertainment executives vowed to push for improved financial performance through a combination of new attractions, cost cuts and pricing strategies."

SeaWorld cut its workforce by 320 people last year, and still posted a $12.5 million loss. Which isn't to say that SeaWorld lacks for strategies to turn things around. They want to make themselves a discount alternative to their rather more lavishly endowed competitors: "The customer we're going . . . after is more value-conscious than some of Disney and Universal's customers," said CEO Joel Manby. The company is also retrofitting their aging roller-coasters with new-fangled (really, just newishly fangled) virtual reality glasses.

Count The Scrapbook skeptical: SeaWorld is welcome to try goggling up its rides, but the reality (virtual or otherwise) is that anyone who wants such a virtual experience can get it at home with one of a variety

*A whale of a business-killer*

of smartphone 3-D attachments. What you can't get at home (unless you have a rather larger swimming pool than most residences can brag) is the sight of a five-ton orca leaping out of the water.

The Shamu shows were the essential part of the SeaWorld franchise. But the writing has been on the wall ever since the maudlin kids' movie *Free Willy* transformed killer whales from fearsome predators to cuddly victims in captivity. The contentious 2013 documentary *Blackfish* furthered the cruelty-to-marine-mammals theme and SeaWorld was sunk.

The aquarium amusement park succumbed to the sustained pressure of animal rights groups such as PETA and WDC (Whale and Dolphin Conservation Society) and announced last year it is phasing out its orca extravaganzas. Even though not all the SeaWorld parks have ended the live shows outright, could it be that a drag on sales has already begun, as the public comes to believe there's no more killer whale action to be seen?

It must have seemed like a good idea at SeaWorld Parks and Entertainment to finally make the controversy go away, just as it must have seemed like a good idea over at the Ringling Bros. and Barnum & Bailey Circus headquarters to ixnay, last year, the long-protested elephant element of its show. But take away the franchise-defining part of a business and you can't expect the business to thrive. If no one has pointed it out to SeaWorld, The Scrapbook will: The Barnum folks just announced they're folding up their tents. ♦

## Pride of Place—Sort of

The craft beer market continues to surge, and this being America, that means a burgeoning market for litigation. Among the lawsuits that have been brewing is a case filed last month accusing Walmart of peddling as "craft" beer the product of an industrial-scale brewer. Now comes another class-action writ, one accusing the Kona Brewing Co. of selling ostensibly Hawaiian-made beer—brews with names such as "Longboard Island Lager" and "Big Wave Golden Ale"—that are actually suds produced and bottled on the mainland.

If so, Kona joins a prestigious list of prominent beers that are not from where they appear. If you have a taste for Japanese beer, you've probably noticed that your can of Sapporo is made in Canada. For the U.S. market that icon of British beer, Bass Ale, is made in New Hampshire. Guinness is setting up a brewery in Maryland.

Of course, anyone who has lived in Hawaii knows that the real Hawaiian beer is a brand called Primo. As a youth, we're not too proud to admit, The Scrapbook learned the essential island craft of making hats by crocheting together sections of Primo cans.


The Primo brewery long ago was shuttered—a victim of the brand being sold from one holding company to another. But now Primo is available again, part of the large stable of orphan brands owned by the Pabst group. Could it, at last, be real Hawaiian beer? Well, the Primo website doesn't exactly say where the stuff is brewed, but if you want more info, you're welcome to contact the Primo Brewing & Malting Company at their P.O. box—in San Antonio, Texas. ♦

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BPA WORLDWIDE

SHAMU, CURIMEDIA; BELOW, ETSY

# Mnemonic Possession

Up on the third floor, in a bookcase against the south wall—the second shelf from the bottom, maybe two-thirds of the way along—there's an aging copy of *The Art of Memory*, written by the British historian Frances Yates back in the 1960s.

At least I think the book is upstairs. I haven't looked for it in ages. But I know I shelved it, once upon a time, alongside Jonathan Spence's *The Memory Palace of Matteo Ricci* and a few other books about the tricks of organizing information in the mind. None of those tricks ever worked well for me, I should say. Memory, in all its strange neurology and psychology, has always interested me, but only in abstraction. I've been fascinated by memory books in the way I enjoy reading about baseball players without being able to play baseball.

Anyway, as I remember, my copy of Yates's *Art of Memory* is an oversized paperback, off-white with a drawing of something like a phrenologist's dummy on the cover. I wish I could recall the contents of the book better, but picturing the book's cover does at least help bring back some of what's inside. Now that I think about it, I remember that *The Art of Memory* traces the idea of systematic memory from ancient Greece to the Enlightenment, with Leibniz and Giordano Bruno playing major roles. And maybe that's enough. If I need more, I can actually go upstairs to pull down the book. Browse in it a little. Get back up to speed.

Real memory masters, the people who practice the techniques that memory books chronicle, recall a lot more. Many of them use what Yates and Spence have taught us to call a "memory palace": a well-known place, such as a building or a neighborhood, through which the rememberers walk in their minds when they have something they want to retain in memory. Along the way, they place in specific locations a mnemonic for each piece of information. And then they need only return, strolling back through the mental landscape, to recall what they've memorized.

But who needs a memory palace when we have books? Plato once ironically mourned the invention of writing, claiming that it allowed people to stop memorizing. And that's the point: Books hold information, like rooms in a house, and a library is a vast mansion of those rooms. Beyond this obvious truth, however, lies something more: something mnemonic in the physical books themselves. To know the location of the actual book is to know where the room is—and something about what's inside it.

BIGSTOCK

This is the secret that all book-review editors, biblio-centered scholars, and heavy readers know: Books on their shelves and in piles serve as de facto memory aids. Where early modern figures from Giordano Bruno to Matteo Ricci built memory palaces in their minds, book collectors build them in reality. It's something besides, something outside, the knowledge contained in the books. The actual objects become reminders, mental tabs for ordering material, and a physical representation of the facts in memory. To recall a book is to recall information, and to think of the cover, its placement on the shelves, is to retrieve a little of the contents of memory.

I've always been a shelver. An organizer. I want my books chronological when I can, and alphabetical when I must. Children's books in one set of bookcases, mysteries in another. The Middle Ages before the Renaissance, the Founding Fathers before the Victorians. The shelving and reshelving keeps them organized in the house they constantly threaten to take over. Even more, however, it keeps them organized in the mind. Each book is a reminder, in the midst of other reminders. Each spine whispers something of the information within the book, and places that information in the context of its neighbors.

For a few years now, nearly all the new pulp and genre fiction I read has been in ebooks. And ebooks seem to offer no such mechanism for memory. Or, at least, I remember them less well than I do the older sci-fi, mysteries, and Napoleonic sea stories overflowing the bedroom shelves.

Perhaps younger readers are developing their own techniques, not bound by the old bookish ways. Or perhaps they just have better memories. Certainly the people who build the real memory palaces of the mind can travel lighter. *Omnia mea mecum porto*, as the old philosopher said: *All that is mine I carry with me*. But having built my own memory palace out of shelves and shelves of real books, I can carry memory with me only if I have a few hundred book boxes and a moving van.

**Joseph Bottum**

the weekly Standard

# The Courage Deficit


BRITT SPENCER

The math isn't complicated. If the federal government doesn't reform entitlements soon, the country will face a debt crisis. There is no disputing this. It's inevitable. The only unknown is timing. And the stubborn determination of some leaders in both political parties to ignore runaway entitlement growth—the most urgent domestic challenge facing the United States—means the crisis will come sooner rather than later.

According to the Congressional Budget Office, in 2008 federal debt was 39 percent of the U.S. gross domestic product (GDP). In the summer of 2016, it was 75 percent of GDP. Without changes, it's projected to be 86 percent of GDP in 2026, and 20 years after that, in 2046, it will be 141 percent of GDP—an all-time high. That is a disastrous trajectory with potentially devastating consequences. In the anodyne jargon of the CBO: "The prospect of such a large debt poses substantial risks for the nation and presents policymakers with significant challenges."

The Heritage Foundation frames the issue in a slightly more colorful way:

> Social Security, Medicare, and Medicaid are so large and growing that they are on track to overwhelm the federal budget. These major entitlement programs, together with interest on the debt, are driving 85 percent of the projected growth in government spending over the next decade. The Affordable Care Act, or Obamacare, further adds to the problem, increasing entitlement spending by nearly $2 trillion in just 10 years. The long-term unfunded obligations in the nation's major entitlement programs loom like an even darker cloud over the U.S. economy. Demographic and economic factors will combine to drive spending in Medicare, Medicaid (including Obamacare), and Social Security to unsustainable heights. The major entitlements and interest on the debt are on track to devour all tax revenues in fewer than 20 years.

Twenty years. We will be there before a child born this week can legally have his first beer. Without changes, every penny of taxes collected by the federal government will fund entitlements, the drivers of our debt, and the interest on the debt driven by entitlements. No money for national defense. Not a cent for safeguarding our nuclear stockpile or energy research. Nothing for infrastructure, welfare for the truly needy, unemployment for those displaced in the changing economy.

External factors could slow slightly the spinning of the debt clock numbers (strong economic growth) or speed it up (higher interest rates). But there is nothing at all under serious consideration in Republican-run Washington to reverse them.

President Donald Trump mentioned debt only once in his speech to a joint session of Congress last week—and then only to blame Barack Obama for failing to take the challenge seriously. While Trump has suggested that he favors some cuts in discretionary domestic programs and insignificant line-items like foreign aid (roughly 1 percent of the federal budget), he has consistently opposed reforms to the entitlement programs at the heart of the problem, once predicting that even proposing reforms would be "political suicide."

Trump's view reflected the conventional wisdom. It is wrong.

In an act of political courage exceedingly rare in today's Washington, Paul Ryan decided to challenge those assumptions and proposed making entitlement reform a central component of official Republican budgets. He set up small-group tutorials to educate House Republicans about the gravity of the situation and persuade them to embrace reforms to Medicare and Medicaid, changes that would not affect current beneficiaries but would make the programs sustainable over the long-term. Ryan prevailed, despite initial opposition from his own party—the campaign commit-

tees, cautious moderates, Senate Republicans with eyes on winning a majority, and even some misinformed Tea Partiers who came to Washington believing balanced budgets could come from eliminating earmarks. Since 2011, budget proposals coming out of the House of Representatives have included major reforms to Medicare and Medicaid, so most Republicans are on record in favor of entitlement reforms that Trump still opposes.

But with Trump giving them cover, some House and Senate Republicans want to retreat. Their reasoning: Why take a vote that Democrats can use against them if the president is on the record opposing bold reforms? The glimmer of good news is that House Budget chairman Diane Black intends to include entitlement reform in this year's budget, according to sources familiar with her thinking. Democrats, whose interest in entitlement reform begins and ends with politics, will surely howl. But including the reforms would be an important statement that Republicans understand the magnitude of the challenge.

The Trump White House, however, seems determined to put it off. Former congressman Mick Mulvaney, the South Carolina debt hawk who is now director of the Office of Management and Budget in the Trump administration, shrugged off questions about entitlement reform, telling ABC News: "Those are bigger discussions for another day."

This is exactly backwards. Because they're so big, these are discussions we need to have now. "Things are just going to get worse," says Michael Tanner, a senior fellow at the Cato Institute and author of *Going for Broke: Deficits, Debt, and the Entitlement Crisis*. Avoiding the problem now will not only crowd out other spending, says Tanner, but "it'll mean anything we do in the future is going to be more drastic and more painful."

He's right, of course.

Paul Ryan doesn't see the gulf between congressional Republicans and Trump that seems clear to us. Ryan said last week that he believes Trump will support some entitlement reform, despite the president's many promises to protect the current system. "[In] all my conversations with the president, he says, 'I don't want to change Medicare benefits for people in or near retirement,' and we agree with that," Ryan said.

We suspect this is better seen as evidence of Ryan's undying optimism than a real possibility of entitlement reform under President Trump. But if the president truly wants to fix Washington and address the expanding debt, as he often claims, he can turn to Ryan for solutions.

As the president said in his address to Congress: "The time for small thinking is over."

*—Stephen F. Hayes*

# Critical but Not Serious

Near the end of World War I, there was an alleged (almost surely apocryphal) exchange of telegrams between German and Austrian officers whose units were fighting side by side, in difficult circumstances, against the Allies. The German cabled: "Our situation is serious, but not critical." The Austrian responded: "Our situation is critical, but not serious."

"Critical but not serious." For all we know, the phrase could well be unfair as applied to the Austro-Hungarian past. It seems all too apt with respect to the American present.

The 2016 election was critical but not serious. The state of our universities has for a long time been critical but not serious. The condition of the media is increasingly critical but not serious.

In politics, the left isn't serious. It's in meltdown—but as resistant as ever to serious reflection on why. It's been in the driver's seat for so long, culturally and institutionally, and it so enjoyed its eight years of control of the White House that it can't now come to serious grips with its critical situation. After all, if you've got a lot of faith in History, and if the arc of History now bends toward Trump—what's a progressive to do?

Meanwhile, the right isn't, to say the least, in good shape. Indeed the Trump White House virtually embodies that late Austro-Hungarian Empire condition of critical-but-not-seriousness.

So as Thomas Donnelly and Gary Schmitt demonstrate in this issue, while President Trump makes a point of how critical our defense needs are, his administration's response of a small budget increase isn't serious. As Mark Hemingway points out, the challenge of repealing and replacing Obamacare is critical—but it's unclear that the administration is going to be serious in marshaling support for a viable and also thorough replacement. And as Stephen Hayes observes, though Donald Trump campaigned in high critical dudgeon against the debt, he rules out any serious entitlement reform.

Perhaps we shouldn't expect too much of an inexperienced Trump administration. But is Congress doing much better? Not noticeably.

Fairly early in our history, American politicians devised a mechanism for overcoming some of the features of our constitutional and federal system that made serious policy-making difficult. That mechanism is called the political party.

We've quoted Edmund Burke's definition of a political party before: It's "a body of men united, for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed."

For those committed to constitutional government as opposed to administrative control, to self-government as opposed to the nanny state, to free markets as opposed to centralized power, and to strength and leadership abroad as opposed to weakness and retreat, the Republican party has been the organization (more or less) seriously advancing these principles.

Is it still? It's true that Donald Trump, no adherent to traditional Republicanism, managed to effect a hostile takeover of the party at the presidential level in 2016. President Trump is a problem for Republicans seeking to be serious; a problem sufficient, perhaps, to prevent much that is serious from being achieved in the next four years. It's certainly true that Republican officials on Capitol Hill have a tricky political path to navigate.

But difficult situations don't absolve elected officials of the responsibility to stop bad things from happening, to do their best to carry forward what has been best about Republicanism, to make a serious case for Republican principles and policies, and to lay the groundwork for a Republican—and a republican—future.

The French have a phrase: "*un homme sérieux*." The spirit of our age is hostile to serious men. That spirit is a strange combination of cynicism and hysteria, of irony and bombast. It would be soberly inspiring if some in the Republican party would stand up against that spirit and show themselves to be the *hommes sérieux* of our time.

*—William Kristol*

# Trump's Fake Defense Buildup

As Donald Trump tries to transform himself from reality TV star and King of Twitter into something more substantive and presidential, his principal argument is that he's fulfilling his campaign promises. For several weeks now, the White House has been boasting that he is "already achieving results for the American people."

But as achievements will increasingly be measured by legislative action instead of executive order, the degree of difficulty rises. And based upon the paltry proposal advanced by the Office of Management and Budget, Trump is already planning to renege on one of his principal campaign promises: to rebuild the U.S. military.

During the fall campaign, Trump did outline an ambitious set of goals for the armed forces: expand the size of the active-duty Army from a planned 460,000 to 540,000, the Navy from just over 270 to 350 warships, the Marine Corps from 24 to 36 battalions, and the Air Force to 1,200 fighter aircraft. And since the election, he has spoken repeatedly about the need to modernize the aging U.S. nuclear triad of bombers, ballistic missile submarines, and land-based intercontinental ballistic missiles. Speaking to the recent Conservative Political Action Conference, the president vowed "one of the greatest military buildups in history." And addressing a joint session of Congress—in the most statesmanlike performance of his political career—he declared he was "sending the Congress a budget that rebuilds the military, eliminates the defense sequester, and calls for one of the largest increases in national defense spending in American history."

*Retired aircraft at the 'Boneyard' (Davis-Monthan Air Force Base)*

If only. The OMB defense budget target for 2018 is from the Land of Alternative Facts. At $603 billion, it's just 3 percent above the level anticipated in President Obama's final budget, well below the $640 billion recommended jointly by the chairmen of the House and Senate Armed Services committees, Rep. Mac Thornberry and Sen. John McCain, and about $60 billion below the top-line recommended by the bipartisan National Defense Panel in 2014. In fact, the added monies proposed by the Trump White House will not even suffice to meet the nearly $60 billion hole in the readiness and maintenance accounts facing the services right now.

The White House has also been conducting a disinformation campaign in concert with the OMB announcement, claiming that the administration's proposal represents a 10-percent, $54 billion increase. But that is to measure the Trump budget by the spending limits set by the 2011 Budget Control Act, not by enacted budgets or Pentagon plans, let alone military necessity.

Indeed, it would appear that the architect of Trump's supposed rebuilding plan is neither Defense Secretary James Mattis nor the Joint Chiefs of Staff, but OMB director Mick Mulvaney. Until plucked from the House of

Representatives to run the budget agency, Mulvaney was among the hardest of hardcore budget hawks, a man who believes that the supplemental appropriations needed to sustain military operations in wartime are little more than a "slush fund." Moreover, Mulvaney was only able to add monies to defense that he could take out of domestic and international programs.

The good news is that Trump's first budget is dead before arrival on Capitol Hill—there is thus an opportunity for Congress to fill the vacuum Mulvaney has created. In particular, this is an opportunity for McCain and Thornberry to maximize the leverage that comes from narrow Republican majorities. If they are tough and clever, it should be easy to peel off a respectable number of Democrats, no matter how strongly their party is committed to "resistance." McCain greeted the OMB defense number with disdain: "With a world on fire, America cannot secure peace through strength with just 3 percent more than President Obama's budget," he said, adding, "We can and must do better." Thornberry said much the same.

It is striking that in a speech meant to convey the issues and problems confronting the nation, the president had nothing to say about the threats posed by the likes of North Korea, Iran, Russia, and China. If the country were dealing only with ISIS, perhaps the Trump "build-up" would be enough, but of course that isn't the case at all.

Trump intended his speech to Congress to be aspirational, encouraging the country to "think big" in seeking solutions to our problems. But in tackling a problem he has long emphasized—the "lost generation" of American military power—the president has allowed his ambition to be focused through the narrow eyes of his budget director. The accountant has trumped the developer; the golf resort has been scaled back to putt-putt dimensions.

*—Thomas Donnelly & Gary Schmitt*

# The Right Way to Repeal

After years of campaigning on the need to repeal and replace Obamacare, Republicans in Congress are in disarray about what to do now that voters have empowered them to do just that. In his address to Congress on February 28, President Donald Trump helpfully exercised some leadership by letting Republicans know what kind of replacement plan he prefers. "We should help Americans purchase their own coverage through the use of tax credits and expanded health savings accounts," Trump said, "but it must be the plan they want, not the plan forced on them by the government."

Trump's remarks were a shot across the bow for any congressional Republicans looking to preserve the fundamentals of Obamacare. And there are some: A few days before Trump's speech, a draft of a House Republican repeal bill was leaked to *Politico*. The bill abandoned the long-favored GOP proposal to use tax credits to allow individuals to purchase their own health insurance and instead preserved Obamacare's mechanisms for doling out direct subsidies to insurers.

Those mechanisms are deliberately deceptive. Under Obamacare, payments are made straight from the Treasury to private insurers, who then discount the cost of coverage to individuals based on the subsidies those individuals qualify for under Obamacare regulations. At no point in this process are any Americans' taxes offset or reduced. Nor do these insurance subsidies come close to meeting the Government Accountability Office's formal definition of a "tax credit."

And yet these direct federal outlays to insurance companies are labeled "tax credits" under Obamacare. It's a dishonest piece of fiscal legerdemain that allowed the Obama administration to take off the books roughly $100 billion in federal spending over the next decade and call it a "tax cut."

Now it seems that some in the House GOP find it politically advantageous to tell the same lie. See page 79 of the leaked GOP pseudo-repeal bill: "The program for making payments described in subsection (a) shall, to the greatest extent practicable, use the methods and procedures used to administer the programs created under sections 1411 and 1412 of the Patient Protection and Affordable Care Act." Which is legislatese for continuing to disguise direct payments to insurance companies as "tax credits."

As Weekly Standard contributor Jeffrey Anderson has pointed out, if this dishonest accounting becomes accepted bipartisan practice, there's hardly a single unfunded entitlement liability that can't be magically relabeled a "tax cut."

Giving out actual tax credits to purchase insurance is not without political peril. It will require a difficult transition period. But tax credits are the right approach for a number of reasons: They will break the link between employment and insurance, which causes a number of economic distortions; they will create an actual consumer market in health care, which will save money and encourage needed competition and innovation in the insurance industry; and tax credits empower private citizens—as opposed to federal bureaucrats and actuarial mandarins—to make the informed decisions about their health that only they can.

The good news is that some in the GOP see right through this legislative lie about what defines a tax credit. Senator Tom Cotton expertly articulated the difference between Obamacare's insurance subsidies and true tax credits at a recent town hall and he seems determined to get this issue right. But as for those Republicans looking for ways to avoid actually repealing and replacing Obamacare, they need to be told, loud and clear: Don't even think about it.

*—Mark Hemingway*

*Calling—unsuccessfully—for bipartisanship, February 28, 2017*

# A Tale of Two Speeches

## Very different tone—both all Trump.

**BY FRED BARNES**

President Trump can go both ways. On February 24, he delivered a wild-and-woolly speech brimming with populist anger to the Conservative Political Action Conference. Four days later, he addressed a joint session of Congress in statesmanlike fashion and called for national unity and bipartisanship.

The conventional wisdom in Washington is that Trump is politically bipolar. He shows very different sides of his political thinking depending on which adviser influences him. Adviser Steve Bannon's unfettered populism shaped the CPAC speech and even a bit of the talk to Congress. His daughter Ivanka and her husband Jared Kushner, the moderate couple, had a bigger role in his milder words to the joint session.

But something gets left out here: Trump himself. It's as if he's a president with no mind of his own and few serious ideas. He's putty in the hands of his advisers. This has been said of earlier presidents—Gerald Ford, Ronald Reagan, and George W. Bush, for instance.

The notion of presidents as brainless vessels is a hardy perennial of the press. But it's rarely true. And it's especially not true in Trump's case. What the media and much of the political community have yet to recognize is that Trump shares many of the traits of a conventional politician. A loud, overbearing, and crass one, yes, but still one who calculates his moves in the way politicians do.

It may be a heterodox idea, but Trump actually has strong ideas of his own. They involve more than the quality of his speeches as performance art. If Trump is a genius for having scoped out a path to the White House that no one else saw, it makes sense that he'd have substantive ideas as well. And he does. We know the list. It starts with immigration, trade, and terrorism.

But why would he prolong his fight with the press corps, calling them "very cunning" and "very dishonest" in his CPAC speech? Why would he refer to "bloodsucker consultants"? Why would he say everyone on welfare should get a job? Because he was talking to his enthusiastic fans, and that's what they love to hear. He was delivering the goods. Acting presidential wasn't required that day.

It was for Trump's first address to the House and Senate. It was necessary. If you'd been around Washington long enough, you'd have thought his speech was pretty ordinary. It was stately, ceremonial, and patriotic, as such nationally televised speeches by a president always are.

Trump didn't rant, but that shouldn't have been a surprise. It wasn't the first time he'd switched to a high-toned speech. He did it last October when it was necessary. After the leak of the raunchy *Access Hollywood* tape threatened to doom his campaign, he dropped his rambunctious speeches and turned serious. He talked about issues and used a teleprompter. He wasn't flippant or nasty.

His appearance before Congress required dignity, even some pomposity. Trump complied. "Each American generation passes the torch of truth, liberty, and justice in an unbroken chain all the way down to the present," he said. "That torch is now in our hands. And we will use it to light up the world."

But he couldn't resist some jujitsu with the Democrats. They have promised total resistance to everything and everybody he puts before them. They wanted to sit on their hands for

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*Fred Barnes is executive editor of* The Weekly Standard.

Trump's entire hour-long speech. He wouldn't let them. He endorsed things Democrats like, forcing them to stand up to show their approval.

"I will be asking Congress to approve legislation that produces a $1 trillion investment in infrastructure of the United States . . . creating millions of new jobs," he said, echoing what Hillary Clinton had advocated. Republicans are leery.

There was more. "My administration wants to work with members of both parties to make childcare accessible and affordable, to help ensure new parents that they have paid family leave, to invest in women's health, and to promote clean air and clear water," the president said. This is Democratic language. So is forcing employers to give workers paid time off when a baby is born.

Trump cleverly focused on another chink in the Democrats' anti-Trump armor. A Rasmussen poll found that 63 percent of Americans want Democrats to work with the Trump administration. And Trump put himself firmly on the side of the majority.

He singled out immigration and Obamacare as issues on which Republicans and Democrats should come together. Democrats must have winced at this. Though the parties are far apart on immigration, Trump said "real and positive" reform is possible.

As for Obamacare, Trump said it is "collapsing and . . . I am calling on all Democrats and Republicans in the Congress to work with us to save Americans from this imploding Obamacare disaster." He said this moments after asking Congress "to repeal and replace Obamacare."

The president has put Democrats in a box. If he is serious about bipartisanship, they will be hard put to refuse to negotiate. Stiffing him would only enhance Trump's position as a president who wants to deal.

A final point. Trump isn't a bipolar president because that would mean the two sides are opposites, like giddy and depressed. That's not so with Trump. I think the two sides—populist and conventional—complement each other. So far. ♦

# The Adult in the Room

## Gary Cohn's value added in the West Wing.

**BY MICHAEL WARREN**

Gary Cohn isn't the oldest of President Donald Trump's senior White House aides, or the most experienced, at least when it comes to government. Indeed, unlike Mike Pence, Reince Priebus, and Kellyanne Conway, Cohn has no experience in politics to speak of. He's not even a Republican!

Trump calls Cohn, right, 'a genius' at a meeting with small business owners, January 30, 2017.

CHIP SOMODEVILLA / GETTY

Yet as director of the National Economic Council, the 56-year-old Cohn has emerged as the adult in the room, a sage presence in a West Wing that's perceived as new and untested. Colleagues in the White House describe the president's top economic adviser as pragmatic and solutions-focused—"a doer, not a talker."

"He's not somebody who feels the need to fill the empty air with his own voice," says one senior White House adviser. "So his words seem to matter more. He speaks with authority and experience, and when he offers [it], his advice and counsel are taken very seriously."

Cohn has found himself with a seat at the table for some of the administration's biggest policy debates. He's a regular in meetings about repealing and replacing Obamacare, working particularly with Conway and others on the communications staff about how to sell Trump's forthcoming health care proposal. Cohn has also become a familiar voice and presence on Capitol Hill, speaking and meeting with congressional leaders regularly. Cohn and House speaker Paul Ryan have met a handful of times in person and have talked on the phone about tax reform and financial regulatory reform.

There are some limits to Cohn's policy influence. He's among the minority of Trump advisers arguing against a border-adjusted tax, which has the support of Steve Bannon, Priebus, Ryan, and others. Cohn is also expected to be a countervailing voice against the more protectionist and "tough on China" forces within the White House, like senior adviser Stephen Miller and National Trade Council chairman Peter Navarro.

But Cohn has also shown an ability to navigate the internal politics in the administration. Despite reports last December that Trump was preparing to tap conservative economist and TV commentator Larry Kudlow as chairman of the White House Council of Economic Advisers, Kudlow never got the nod—thanks in large part, say people close to Kudlow,

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to Cohn's opposition. Cohn is also uniquely positioned to have influence with Trump because of his closeness to Jared Kushner, the president's son-in-law and another senior adviser. White House sources dismiss the idea that Cohn has designs on a much bigger role—perhaps even chief of staff.

"Gary and President Trump maintain an open and ongoing dialogue on the many important economic policy priorities for this administration," said a White House spokesman. Cohn ignored requests to be interviewed for this article, and several White House aides declined to speak on the record about him.

Born and raised in the Cleveland area, Cohn claims working-class roots by way of Jewish grandparents who immigrated from Poland. A 2011 *Bloomberg Businessweek* profile describes Cohn as the "son of an electrician-turned-real estate developer." Cohn attended high school in suburban Cleveland before enrolling at American University in Washington. (He would later serve on the university's board.) With a degree but no real direction, Cohn returned to Cleveland in 1982, where he got a job with the home products division of United States Steel.

On a business trip to New York just a few months after graduating, Cohn visited a commodities exchange at the World Trade Center on a whim. He milled around outside the trading floor for hours, waiting to find the right person to ask about a job. As he began to leave, he overheard a trader saying he was heading to the airport. Cohn asked the trader if they could share a cab to LaGuardia. The trader agreed.

"I said, here's my shot. I've got 45 minutes, in traffic on a Friday afternoon, to convince this guy that I'm hirable and need a job," Cohn told the 2009 American University business school graduating class. Cohn told his fellow passenger he knew about options trading, and the trader asked him to interview for a job the next Monday. When Cohn got home, he says, he purchased Lawrence G. McMillan's book on options investing and taught himself enough over the weekend to get the job.

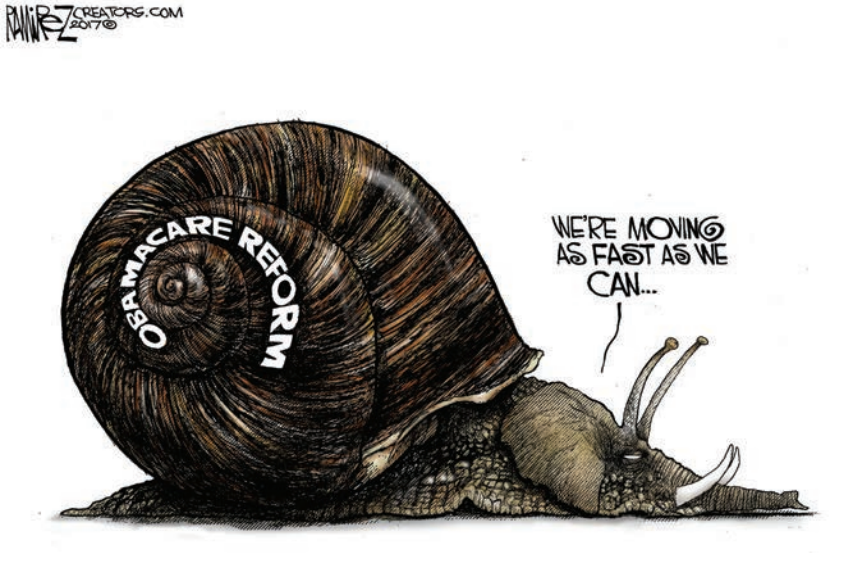
He was recruited by Goldman Sachs for its commodities trading shop in 1990 (the same year Steve Bannon left the company), where he worked with future Goldman CEO Lloyd Blankfein. It was during these trading-floor days that the 6-foot-3 Cohn earned a reputation as an aggressive and competitive trader, a representative of a new kind of investment banker. Some of his colleagues even gave Cohn a nickname: the Thug. A Goldman Sachs employee who worked closely with Cohn during the last decade says that's an outdated description of a "tough trader" who became a hardworking but thoughtful executive and a "normal person."

Cohn took over as president and chief operating officer in 2006, just two years before the financial crash. Goldman was perceived as one of the chief villains of the crash after profiting from the collapse of the subprime mortgage market. The company needed a public face to counter its negative image, and Cohn began to make frequent TV appearances. He also got to know Kushner, the young New York real-estate developer who married Ivanka Trump in 2009.

Cohn was publicly quiet about the election before November, though one associate at Goldman recalls him saying, "Don't count Donald Trump out." On CNBC just a week after the election, Cohn called the result "not that shocking" and said he was "cautiously optimistic" about what the Trump administration could do to bring stability to markets. Not long after, Kushner introduced Cohn to his father-in-law at Trump Tower, and by mid-December, Cohn had accepted the position at the NEC.

Many traditional economic conservatives in Washington are skeptical of Cohn, noting that he is a registered Democrat and unfamiliar with the conservative movement. When asked about his politics, senior White House staff members say Cohn probably leans liberal, though they add he's not particularly ideological. Cohn has also surrounded himself with some conservative staff on the NEC, including Jeremy Katz, a veteran of the George W. Bush White House's economic policy team, and Shahira Knight, a former Republican tax policy aide on Capitol Hill.

But Cohn likely isn't at the White House for his political views, or even for his policy recommendations. As his Goldman Sachs associate says, "He's a take-charge guy, but in a crisis moment, he's also the calmest one in the room." For an administration that's bound to face a lot of crises—as indeed it already has—Cohn may be a real asset. ♦



# Pioneering Press Critic

## Spiro Agnew was ahead of his time.

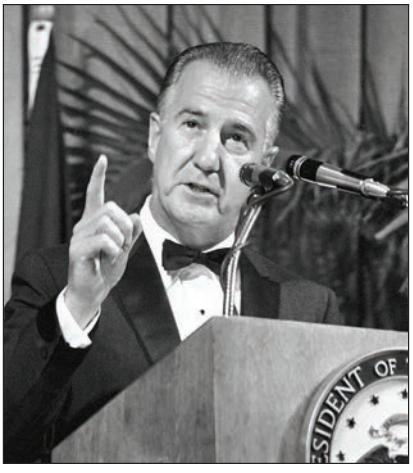
**BY PHILIP TERZIAN**

If there's a president of the United States who likes the press, he has not yet been elected. Of course, in modern times, there have been presidents who charmed certain columnists and correspondents (John F. Kennedy) or liked to banter with the White House press corps (Franklin D. Roosevelt). But that's not the same as appreciating journalists for what they do or admiring the publications that employ them. Even JFK ostentatiously canceled the White House subscription to the *New York Herald Tribune*, and once during World War II, FDR told a press conference that he yearned to present an Iron Cross to John O'Donnell of the *New York Daily News*.

In that sense, Donald Trump more closely resembles his predecessors than not. The principal difference is that whereas most presidents take quiet action against journalists—berating bureau chiefs, complaining to publishers, excluding outlets from access—while protesting their devotion to a free press, Trump in his Trumpian way eliminates the hypocrisy. He says out loud what many, perhaps most, Americans think of the "mainstream" media. And the media respond in kind.

What makes Trump's apostasy interesting, however, is that he has taken up the cudgel laid down by a figure dismissed from politics long ago and now largely forgotten to posterity: Spiro Agnew (1918-1996), Richard Nixon's first vice president.

If Agnew is remembered today, it is for quitting his office after pleading no-contest to charges that as a county official, governor, and vice president, he had taken payments from Maryland contractors. Agnew's resignation



*Agnew in 1969*

was a sensation at the time (1973) but quickly subsumed by the gathering Watergate scandal. Still, in his truncated vice presidency, he delivered a recurring critique of the media that resonated deeply with the public—he was, for a time, more popular with the Republican "base" than Nixon himself—and his attacks were seen, not without reason, as a genuine threat to the power of the press.

Yet the revelation that the messenger was flawed does not distract from the truth of the message; and while Agnew is himself forgotten, his complaint that the mainstream media suffer from left-wing bias took root, and is now largely regarded as self-evident.

It all began, as such things often do, almost inadvertently. At a Republican gathering in Des Moines, in November 1969, Agnew took the occasion to note that after a recent televised presidential address on the Vietnam war, the networks furnished what he called "instant analysis" from Nixon's political adversaries, notably Averell Harriman, who had been the Johnson administration's representative at the Paris peace talks. Agnew's question was fundamental: Who and what, exactly, do the media represent? The mandarins of the press tend to think alike on the issues, he said. They routinely reinforce one another's views, and certainly live and work in close proximity to one another—what we would now call a "bubble." Does a free press reflect the interests of readers, or the interests of a free press?

"The views of this fraternity do *not* represent the views of America," Agnew declared of those "who live and work in the geographical and intellectual confines of Washington, D.C., or New York City."

> Both communities bask in their own provincialism, their own parochialism. We can deduce that these men thus read the same newspapers, and draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints.

What is most intriguing about Agnew's observation, from the perspective of 2017, is that it is not only obvious even to most journalists today but, as a daily perusal of the *New York Times* or *Washington Post* would reveal, largely unchanged. Indeed, the reaction to Agnew in 1969 was hardly different from the mainstream consensus on Trump. Noting that Agnew had pointedly referred to federal broadcasting licenses and public ownership of the airwaves, Walter Cronkite, the CBS news reader, perceived "an implied threat to freedom of speech in this country," and one network president (NBC) guessed that Agnew sought an unfree press "subservient to whatever political group was in authority at the time." And those were the more restrained observations: Reading the 1969 clips we find the familiar allusions to press practices in Hitler's Germany, and the darkening

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clouds of government censorship and official repression.

But of course, things have changed over time—and for the better. The political media that Agnew confronted a generation ago was a narrower, more incestuous and exclusive, community than now: The rise of the Internet and decline of the newspaper industry have not quite leveled the playing field, but have certainly broadened it. And Agnew's complaints did yield one practical dividend: The networks continued their "instant analysis" after presidential speeches but sought to provide some semblance of ideological balance. The "official" party responses to joint addresses and State of the Union speeches are a direct consequence of Agnew's critique.

Spiro Agnew was a flawed messenger and livened his discourse with alliterative phrases ("nattering nabobs of negativism") clearly designed to needle and provoke. But in hindsight, the overreaction to his arguments, made a half-century ago, largely validates them. And the same might be said about Donald Trump. ♦

# An Opportunity for Environmentalists

## If they have the wit to seize it.

**BY IRWIN M. STELZER**

Donald Trump might turn out to be a blessing in disguise for the environmental movement. As Winston Churchill replied when his wife suggested his party's loss might turn out to be just such a blessing in disguise, "At the moment it seems quite effectively disguised."

But consider: He has appointed Scott Pruitt to run the Environmental Protection Agency. That agency has become too sprawling, too bloated, too eager to expand its reach, too much in thrall to the extreme elements of the environmental movement to function effectively. It proved unable to provide Flint, Michigan, with safe drinking water and has become a major polluter of the rivers of Colorado. It has alienated its friends by refusing to provide the data on which it bases its decisions. Pruitt's clean-out of its clogged arteries should help restore it to effectiveness in performing the environmental protection duties Congress has set for it.

Rushing to judgment in Washington, D.C., January 18, 2017

NEWSCOM

More important, Trump is about to shatter environmentalists' illusions that they have actually accomplished something to slow what they perceive to be a dangerous heating of the globe. The Paris Agreement, signed by some 200 nations, has led environmental activist groups around the world to claim victory over the emissions they so fear. But in private conversation many concede that any victory was extremely limited, and some even declare Paris a defeat, with the possible exception of the quality of the fare laid on by their French hosts. China and India signed on with undoubted sighs of relief at getting off easily while avoiding a public relations disaster, and continued their massive programs of constructing coal-fired generating stations. Germany was a self-congratulatory signatory, but continues to burn perhaps the dirtiest coal in the world to make up for the base-load generation lost by phasing out its nuclear plants, for which the sun and the wind are no substitute. The French chortled about the success of their superior diplomacy, while the goal of reducing emissions was made more difficult to attain because their badly constructed, often off-line, over-budget nuclear plants continue to give that emissionless source of energy a black eye. Canada expressed satisfaction with the results but even greater joy later when President Trump's approval of the Keystone pipeline allowed its green-hued prime minister to look forward to expanding production of perhaps the dirtiest oil on and under the earth.

Meanwhile, developing countries signed on for the promise of $100 billion annually in wealth to be transferred to them by the world's richer countries (a goal sought by them long before anyone had ever heard of global warming). Anyone who thinks most of these signatories are prepared to trade economic development now for a cooler planet a century or so from now should pay a visit to New Delhi or Beijing and try to persuade leaders responsible for providing electricity and jobs for millions of people to stop building coal-fired plants.

Most important are the two basic reasons for gloom among smart greens who were hoping Paris would relieve the threat of an overheated globe. First, even if all the countries keep to their pledges, the aggregate pledges are "by no means enough" to prevent

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further dangerous warming according to the U.N. officials charged with monitoring this sort of thing. Second, there is no enforcement mechanism and no one to name and shame those nations that do not keep their word now that John Kerry is off to Yale to share with another generation of students his knowledge of how to conduct negotiations. Only those participants in the Paris conference who wear rose-colored glasses will feel like Rick, assuring his departing Ilsa that they will always have Paris.

Trump's mooted withdrawal from the Paris Agreement—if nothing else, he recognizes a bad deal when he sees one—should persuade environmentalists to begin exploring a few roads not taken in favor of resuming their careen down the regulatory highway. The need to recognize the new reality—Donald Trump is the president of the United States (say it a few times and it might not hurt as much)—will become even clearer when Pruitt sets in motion the process of interring the Clean Power Plan, which environmentalists have been counting on to force states to seek EPA approval for plans to reduce emissions, and which undergirds the Paris accord, making it irrelevant even if he should decide not to pull out.

Environmentalists are not the only ones who will have to come to grips with a new reality. Things are not going all that well for two groups that doubt the problem is that great, or that draconian and costly regulation is the cure. Some, whom a generally hysterical mainstream media and environmental true believers insist on antagonizing by likening them to Holocaust "deniers," believe the entire issue is a hoax, designed as a cover for the expansion of government into still more sectors of the economy. Our president may or may not be among them. But he is also not the most reliable of champions, "a man of his most recent word," to borrow from William F. Buckley Jr.'s description of Lyndon Johnson. His daughter-adviser, we know, is far greener than her father, and if his new position on family leave is any indication, she can be quite persuasive. So even he may move from denial to mere skepticism at the propitious moment, which could come at any time. Those who believe the climate is not changing might do well to use the possibility that it is as an excuse to reach a goal that has always eluded conservatives. Here is an opportunity to transfer the tax burden from work to consumption, from payroll taxes to, dare I say it, a carbon tax. Without conceding for one minute that there is any threat to the environment.

The second group, the skeptics, neither believers nor scoffers, are driven to their position in part by the overheated rhetoric of the true believers, and in part by an unwillingness to ignore much scientific, if inconclusive evidence. This group includes many conservative Republicans who deem it wise to sit on the sidelines of the debate rather than risk antagonizing their more vocal constituents. The chance that such mugwumpishness is a successful electoral strategy seems to be diminishing. Polls suggest about two out of every three Americans worry a "great deal" or a "fair amount" about climate change, the highest reading in almost a decade. Blame some of this on unbalanced reporting by the media, but it is nevertheless a reality.

Until Trump came to power, Democrats had an answer: more regulation. And Republicans had an answer: disbelief or at most a call for continued research. Now, both parties have a problem. With Trump in the White House and Republicans controlling both the House and the Senate, Democrats can no longer promise more regulation. So the Democrats can either curse their lot, which offers solace only to those who prefer whining to winning, or end their war on fossil fuels. That war is one reason working-class voters—men (mostly) who dig and load and ship coal, or depend on oil drilling for jobs, and for whom abundant supplies of natural gas are necessary if the price of heating their homes is to remain affordable—rejected the candidacy of Hillary Clinton, for whom none of these things was even on the radar. Or the Democrats can trade their beloved regulations for a revenue-neutral carbon tax. Absent that, their cupboard is bare of goodies to offer their green constituents in return for campaign contributions and votes.

As for Republicans, they can choose to ignore the majority of voters in order to please their coal-state constituents, or take cover offered by two new developments. The first is the public position taken by Republican notables such as James Baker, Hank Paulson, and George Shultz, and well-regarded conservative economists such as Gregory Mankiw and Martin Feldstein. Yes, these establishment types are out of fashion in some circles, but they still matter in others. They are proposing that all Obama climate initiatives

be eliminated in favor of a carbon tax. The it's-all-a-hoax crowd can swallow hard and choose to go along, defending that move by noting that it is part of a no-more-regulations package and will increase the pay packets of working Americans.

The second new development is a rising belief in the feasibility of border taxes. Paul Ryan and his House followers want to impose them in order to make free trade fairer, and are confident they comply with World Trade Organization rules. Proponents of a carbon tax argue that a similar border tax on the pollution content of imports from countries that don't follow our lead will protect American firms from competition by foreign polluters. But there is a very important distinction between the two taxes. The Ryan tax is designed to raise revenue to fund a major reduction in the corporate tax rate. The carbon tax should be revenue-neutral, all proceeds to be reflected immediately in workers' paychecks, and therefore will not be exposed to the skimming that the tax collector favors. Indeed, any carbon tax plan will have to incorporate a virtually instantaneous offsetting tax cut in order to be credible, and might need to be tilted a bit to favor Joe the Plumber and his gas-guzzling pickup truck at the expense of the limos of the Hollywood and Mar-a-Lago sets.

So environmentalists have a golden and perhaps-once-in-a-lifetime opportunity to shed their illusion that command-and-control regulations can solve what they see as a problem that rivals ISIS as a threat, and to take the path so far not taken. For others, those who very much doubt or reject the output of green models, there is a similar once-in-a-lifetime opportunity to shift the burden of taxes away from work and onto consumption, perhaps cutting into pollutants along the way. Even if they doubt that the earth is warming, they cannot doubt that easing the tax burden on work by lowering employees' payroll taxes will both encourage some who have dropped out of the work force to return and stimulate growth. ♦

# Are We Up to the Job?

## Look inward, citizens.

**BY JAY COST**

Civic dissatisfaction is a widespread, bipartisan phenomenon these days. Polls regularly find that a large percentage of Americans think the country is headed in the wrong direction, and confidence in public institutions remains anemic.

*Behold the American voter.*

A Gallup survey last year found that a paltry 9 percent of Americans had a "great deal" or "quite a lot" of confidence in Congress, compared with 55 percent who had "only a little" or "none." The presidency fared better, but was hardly a standout—36 percent expressed much confidence in it and the same number had little or none. Even the Supreme Court, which has carefully cultivated an above-the-fray reputation, only drew 36 percent of Americans saying they had strong faith in it.

These numbers confirm the general lack of confidence that people have in their leaders. It is not a healthy quality in what is supposed to be a republic—in which all authority derives from the people and is delegated only temporarily to the occupants of these institutions.

*Jay Cost is a senior writer at* THE WEEKLY STANDARD.

But what about the flip side: How much faith should we have in the American people?

This question is rarely asked in our public discourse. Politicians, always looking ahead to their next electoral contest, never dare to doubt the virtue and wisdom of the American people. They know all, see all, understand all—and thank you very much for your vote! Still, it is hard to deny that Americans are not doing a good job discharging their civic duties.

Take, for instance, the latest NBC News/*Wall Street Journal* poll, which asked Americans what they think of Neil Gorsuch serving as a Supreme Court justice: 32 percent supported the idea, 20 percent opposed it, *and 47 percent had no opinion*. Considering the power of the Supreme Court in determining public policy, as well as the rarity of a vacancy, this is a mind-boggling number of people who do not seem to care.

Another example: Professor Charles Franklin of the University of Wisconsin has recently tracked a noticeable change in views of Obamacare. At the beginning of 2016, support hovered around 40 percent. Now it is up to 48 percent, while disapproval has sunk to 43 percent. These are the best numbers the law has ever seen—and they come right as it is falling to pieces. Premiums are rising, insurers are dropping out of the program. But the people as a whole seem blissfully ignorant of these and other problems.

This is hardly a new phenomenon. In 2012, the National Exit Poll found that 51 percent of voters thought "government should do less," while 43 percent thought it should

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"do more." And yet President Barack Obama won reelection comfortably. The reason: Nearly a quarter of those who thought government should do less voted for him. How disengaged must one be to think the government is too big, and Obama is the right person to fix that problem? Even further back, in 1960, the "Michigan School" of public opinion research published *The American Voter*, which found an electorate ignorant of the issues and generally disengaged from the process.

It may run contrary to the spirit of the age—in which nobody is to judge anybody and we are all to celebrate our unique, irreducible wonderfulness—but it still needs to be said: Americans have become bad citizens.

If this were an absolute monarchy, citizenship would be easy. The king would say jump, and all we would have to do is ask how high. But this is a republic, where we are tasked with ruling ourselves. Citizenship, in this sort of system, is the exercise of our *personal governing authority*. This is why the Constitution guarantees the right to vote, the right to petition our elected officials, the right to speak freely, to argue and debate with each other, and ultimately the right to think for ourselves. These are the essential ingredients of citizenship, of our own personal slice of sovereignty.

This means that republican government is hard. It takes extra work. James Madison wrote in *Federalist* 55 that "republican government presupposes the existence" of civic virtue "in a higher degree than any other form." Without it, "nothing less than the chains of despotism can restrain [people] from destroying and devouring one another."

It is dubious that we are living up to that ideal, or even matching the efforts of past generations. It is difficult to gauge, as public opinion polling is a relatively recent invention, but looking through old newspapers, political speeches, and petitions from past eras, one gets the distinct impression that policy debates were more detailed and people had greater fluency in the norms of republican government.

**Even the poorest among us have access to amenities that, just a century ago, the wealthiest of the wealthy could not possibly enjoy. And yet we have let our civic duties go unattended.**

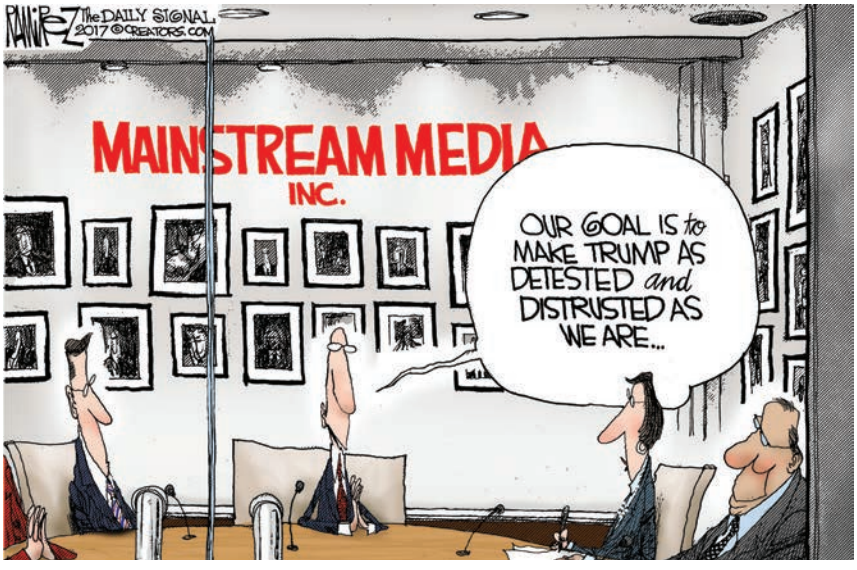
Civic engagement was most certainly greater in the past. Voter turnout in the 1896 presidential election, for instance, was around 80 percent and in some states, like Ohio, topped 90 percent. The combatants in that election—William Jennings Bryan and William McKinley—were locked in a heated dispute over how to regulate the currency, which spiked public interest. Many voters today probably do not have the faintest idea *that* the currency is regulated, let alone how it is regulated, let alone how it should be regulated.

Considering our modern conveniences, we really have no excuse for our collective indolence. It is easier to acquire information now than at any point in human history. Work is substantially less burdensome, giving us a quantum of free time that was utterly unimaginable in prior eras. Even the poorest among us have access to amenities that, just a century ago, the wealthiest of the wealthy could not possibly enjoy. And yet we have let our civic duties go unattended.

Is it any wonder that the elites in Washington, D.C., govern for their own interest? They receive no clear direction from the voters back home. We are too busy watching *Flip or Flop*, playing video games, or uploading pictures to our Instagram accounts. As Woody Allen once said, 80 percent of life is showing up, and a shocking number of Americans are simply not showing up to engage in the debates of our republic. It's no surprise they are unhappy with the results.

And that is especially true of Congress. The Framers explicitly designed that institution to serve as a mirror of public opinion, which Madison wrote "is the real sovereign in every free" government. If today's public opinion is a self-contradictory tangle of ill-considered views from a disengaged citizenry, little wonder that Congress would reflect a distorted picture of that right back at us. Little wonder as well that we would hate what we see.

The Founding Fathers bequeathed us a republic, which as Lincoln said is a government "of the people, by the people, for the people." All the institutions they built some 225 years ago are still in place, ready to be put to use. We the people are just not prepared to make the most of them. But we could—if we did the hard work of being good citizens. ♦



# The Power of the Presidential Pen

*The benefits and pitfalls of executive orders*

**By Adam J. White**

In 2007 and 2008 Senator Barack Obama campaigned against the Bush administration's use of executive power. But for the next eight years President Obama wielded unilateral power energetically: through his administrative agencies and from his own office—via his "pen" and "phone," as he famously put it.

But the pen and the phone weren't Obama's to keep; they stay in the Oval Office, at the Resolute Desk—where one now finds President Donald Trump, pen and phone happily in hand.

Even as legislative debates are just beginning in earnest, the new president already has issued a flurry of executive orders. He started with EO 13765, "Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal," and followed with orders on such matters as executive-branch ethics (EO 13770), human trafficking (EO 13773), "high priority infrastructure projects" (EO 13766), and various regulatory-reform orders requiring agencies to review or mitigate the burdens they place on American people and businesses (EO 13771 and 13777). And, of course, there were executive orders on "border security and immigration enforcement improvements" and "protecting the nation from foreign terrorist entry into the United States," EO 13767 and 13769, which you may have heard about.

*Trump signs an executive order to support black colleges and universities, February 28, 2017.*

AUDE GUERRUCCI / GETTY

Presidents Obama and Trump are hardly unique in their use of executive orders, as the Congressional Research Service explains in its brief history of the subject. "Despite the amorphous nature of the authority to issue executive orders, presidential memoranda, and proclamations, these instruments have been employed by every President since the inception of the Republic," the CRS writes, citing President Washington's June 8, 1789, order to his cabinet departments, directing them to give him a "clear account" of their departmental affairs.

President Washington's legal authority to issue that particular order is not hard to identify: Article II, Section 2 of the Constitution provides that the president "may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices." On other matters, a president's power to issue executive orders may lie in his constitutional powers regarding foreign affairs or management of the executive branch, or it may lie in Congress's statutory grants of power to the president and executive branch.

President Trump's early and energetic use of executive orders is understandable, at least to the extent that he is focused upon repealing and replacing the executive orders of his predecessor, and more broadly on reining in the administrative machinery that flourished and expanded under President Obama's stewardship.

In their use of executive orders, presidents reliably confirm the Framers' expectation that the executive, like the other two branches of federal government, would tend to push the limits of its authority. As James Madison said in *Federalist* 51, each branch of government, including the president, "should have a will of its own." And when Madison added that "ambition must be made to counteract ambition," he meant not only that the other branches should counteract the ambitious president, but also that the ambitious president should counteract Congress and the courts.

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And this is not entirely a bad thing, as Alexander Hamilton observed in *Federalist* 70, on the subject of "energy in the executive." We often think of his argument in terms of national security or foreign affairs, but he stressed the importance of the executive's energy at home, too:

> Energy in the Executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws . . . [and] to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy.

In short, energetic presidential action can and must be a useful means to honorable ends. But presidential power also has real costs. And for both the costs and the benefits, we must take care to look beyond the obvious ones.

By "obvious," I mean that we can set aside for now the president's rightful power to refuse to enforce unconstitutional statutes, a nonenforcement power that vindicates several constitutional provisions: the supremacy clause's guarantee that the Constitution supersedes contrary statutes; the president's constitutional oath to "faithfully execute the Office of President" and to "preserve, protect, and defend the Constitution"; and his constitutional duty to "take Care that the Laws be faithfully executed."

*President Nixon signs an executive order backed by unions, October 29, 1969.*

Meanwhile, at the opposite end of the spectrum, we can also set aside for now a president's misuse of executive orders to violate otherwise lawful statutory or constitutional limits on his powers, or to categorically refuse to enforce perfectly constitutional statutes that the president simply dislikes on political or policy grounds. This would be unconstitutional and illegitimate, a violation of the Constitution's aforementioned provisions regarding the president's faithful execution of his office and the laws, at least in the absence of national emergency or other extenuating circumstances.

But what about executive orders and presidential actions that fall between those two extremes? That is the real challenge for all of us, especially at this particular moment. As with so much about the new administration, the task especially for conservatives is to think pragmatically and realistically about the benefits and drawbacks of the modern use of executive orders. Let's begin with the benefits.

First, a president can use executive action to repeal or reform his predecessor's own uses of executive action. If a previous president used executive power to direct agencies, then the new president can use the same executive power to undo those directives. The pen and phone giveth; the pen and phone taketh away.

On this point, keep in mind: A new president can use executive orders to undo other executive orders, but he can't use them to undo *regulations* that a previous administration promulgated through the administrative agencies. If an agency promulgated regulations through the Administrative Procedure Act's "notice-and-comment" process for rulemaking, then the new administration will ultimately need to use the same notice-and-comment process to repeal or reform those regulations.

But a president can use executive orders to start and shape this process, and that is a second benefit of executive orders. A president can order agencies to review old regulations, and even to kick-start a new regulatory process to reform or repeal old regulations. And to the extent that a statute gives an agency discretion to craft policy, the president can order the agency to exercise that discretion in his own preferred way.

On this point, as with the last, we must be very precise: A president cannot order agencies to ignore the limits or considerations that Congress has written into lawful statutes. But to the extent that Congress has left agencies with genuine discretion, the president himself can limit and direct that discretion—and the agencies, in turn, are free in the rulemaking process to ignore comments submitted by critics of the president's lawful policy.

The D.C. Circuit recognized this just a few years ago, in a case called *Sherley* v. *Sebelius* (2012). Affirming the Obama administration's controversial policy on funding scientific research on embryonic stem cells, the court stressed that Obama's executive orders freed his agencies from their usual obligation to respond meaningfully to substantive comments criticizing the new stem-cell research policy. Had the agencies implementing his policy—the Department of Health and Human Services and the National Institutes of Health (NIH)—come up with this policy on their own, the Administrative Procedure Act would have required the agencies to grapple seriously with such criticism; but because the president himself

ordered this policy, and because that policy did not exceed the discretion Congress had given to the agencies, those agencies could ignore criticism of the president's policy.

"NIH may not simply disregard an Executive Order," the D.C. Circuit explained. "To the contrary, as an agency under the direction of the executive branch, it must implement the President's policy directives to the extent permitted by law. . . . Bound as it is to carry out the President's directives, NIH thus reasonably limited the scope of its Guidelines to implement the Executive Order." The court cited *Federalist* 72, where Hamilton expands upon his energy-in-the-executive theme by arguing that the cabinet departments "ought to be considered as the assistants or deputies of the chief magistrate, and on this account, they ought to derive their offices from his appointment, at least from his nomination, and ought to be subject to his superintendence." Hamilton once again urged this in service of good government: "This view of the subject will at once suggest to us the intimate connection between the duration of the executive magistrate in office and the stability of the system of administration."

The third benefit of executive orders relates to the first two. Just as executive orders allow a president to undo his predecessor's orders, and to channel his agencies' lawful discretion in his preferred ways, his use of executive orders also promotes transparency and political accountability. If the president strongly believes in a new policy, and if he intends to drive his agencies to execute that policy, then we should welcome his doing this *publicly*, through executive orders, instead of behind the scenes. By signing executive orders, the president is directly politically accountable for his policy. He can't blame his agency heads for what is really his own doing.

Those are some benefits of executive orders. What about the dangers? First, there is a danger that the president and his supporters—including his supporters in Congress—will confuse executive orders with actual accomplishments. Signing an executive order is the beginning of a process, not just the end of one. True, the signing of an executive order, like the signing of legislation, changes the legal or practical context in which real action can occur; and to that end, the president's supporters should welcome his signatures. But beyond that initial table-setting, an executive "order" is just that: The president is ordering *others* to accomplish a great deal. Now begins the hard work of actual governance. When presidential adviser Stephen Miller said, just weeks after

the inauguration, that "we have a president who has done more in three weeks than most presidents have done in an entire administration," one worries that he has lost sight of this distinction between words and deeds.

The second danger, related to the first, is that executive orders lack "buy in" from the administrative bureaucracy. Executive orders tell agencies to do things that the agencies might not otherwise do—indeed, that is the whole point of executive orders, at least at our present political moment. For all of our complaints about the administrative bureaucracy, we ultimately need the bureaucrats to carry out the policies of Congress and the president. But executive orders begin that process on a fundamentally adversarial basis. As Trump and every other business executive knows, to actually achieve the execution of these new policies will require the president and the agency heads to persuade the bureaucracy to do the work—to neither obstruct nor slow-walk the process. This is a real danger: *Politico*, the *New York Times*, *Greenwire*, and others have already reported on bureaucratic "resistance" to President Trump's agenda and even to the cabinet appointees to whom they are supposed to answer.

The third danger of executive orders is that they risk undermining judicial confidence in the rules, orders, and other regulatory actions that ultimately come out of the agencies. Modern administrative law is marked by the tension between two characteristics of administrative agencies: their political accountability and their technocratic expertise. Executive orders promote political accountability, but they risk undermining the courts' belief in the agencies' expertise. And thus executive orders can spur courts to micromanage agencies' good-faith efforts to reform the administrative state. This is precisely what the D.C. Circuit attempted to do in the Nixon and Reagan years, until the Supreme Court intervened. We are already seeing signs of this in the Ninth Circuit's strident and hasty analysis of the president's visitor and refugee order.

**If the president and his supporters are seduced by the seemingly friction-free ease of signing executive orders, they may become less interested in doing the hard, slow work of engaging the legislative process. That was ultimately the story of the Obama administration; it might become the story of the Trump administration.**

*Obama creates the White House Initiative on Educational Excellence for African Americans, July 26, 2012.*

Finally, executive orders divert the president's energy from the hard work of legislation. Congress has an opportunity to successfully legislate serious reforms: repealing and replacing Obamacare, reforming the Dodd-Frank financial laws, and modernizing the many other statutes that empower our modern administrative state. The president has an important role in the legislative process, and not just in terms of the roles given to him by the Constitution. As Gerard Alexander and Yuval Levin warned three months ago in these pages ("Apathy in the Executive," December 12), the dispersed factions of Congress rely upon the president to focus their own energies: "An active and engaged White House is uniquely positioned to set priorities and organize this process to the extent possible." But "if no one plays an organizing role, policy entrepreneurs and activists could easily dissipate their energies on the continuing scramble to get proposals on a disorganized and ever-evolving agenda."

That is the risk of channeling too much presidential energy into executive orders. If the president and his supporters are seduced by the seemingly friction-free ease of signing executive orders, they may become less interested in doing the hard, slow work of engaging the legislative process. That was ultimately the story of the Obama administration; it might become the story of the Trump administration.

In the end, if the costs of executive orders outweigh their benefits, such concerns should be directed not to the White House, but to Congress. Again, the Framers expected each branch to push the limits of its own power. The Madisonian answer is to make ambition counteract ambition. To the extent that a president uses executive orders too much, or for the wrong reasons, it falls to Congress to reassert its own power, as the Constitution's first branch. As Justice Robert Jackson warned in 1952, when the Supreme Court struck down President Truman's executive order nationalizing the nation's steel mills, "only Congress itself can prevent power from slipping through its fingers." ♦

# The Truth About Sweden

*As Saul Bellow said, 'A great deal of intelligence can be invested in ignorance when the need for illusion is deep'*

**By Paulina Neuding**

*Stockholm*

"I often use Sweden as a deterring example."

The words are not those of Donald Trump, but Anders Fogh Rasmussen. In an interview with Swedish public television in January, the former NATO secretary general and Danish prime minister described Sweden's immigration policy as a failure and a warning to other countries. But it was President Trump's unclear and slightly confused reference to Sweden during his February 18 rally in Florida that has turned attention to the Scandinavian country of 10 million and the details of its migrant experience. Sweden has accepted more refugees per capita in recent years than any other country in Europe. "Sweden, who would believe this? Sweden. They took in large numbers. They're having problems like they never thought possible," Trump said. Since then, Swedes have seen facts about their country, and many exaggerations and misconceptions, used as arguments in an American domestic debate.

But there are, in fact, good reasons for Americans to care about Sweden's problems. First, because Sweden's failure to integrate its immigrants, in line with Rasmussen's observation, carries lessons for other countries; second, because Swedish news reporting and public discourse on immigration and integration are restricted by taboos. Swedish journalists and public figures who have been outspoken about the problems—and transgressed what the Swedes call the "opinion corridor"—have risked being labeled xenophobes or racists.

This peculiarity of Swedish public discourse has often allowed politicians and public authorities to deny the problems caused by the country's migration and integration policies, without being seriously challenged. The Swedish foreign ministry, for instance, launched a PR campaign in response to the debate following Donald Trump's remarks about the country. It tweeted last week, as part of the campaign:

> Does Sweden actually have 'No - Go Zones'? No, we don't. You think that Swedish police have lost control? The 'no-go zones' are in fact 'go-go zones'. #FactCheck

But no-go zones cannot simply be dismissed as a myth. Gordon Grattidge, chairman of a Swedish ambulance trade union, explained to me that no-go zones are a reality for paramedics in Sweden. There are areas where first responders can't enter without police escort. Grattidge's assessment is that ambulances are forced to retreat from such areas on a weekly basis.

*Firemen extinguish a burning car on the third straight night of riots by immigrant youths around Stockholm, May 21, 2013.*

FREDRIK SANDBERG / SCANIPX SWEDEN / AP

Yet the government's use of taxpayer money to deny the existence of no-go zones has not been met with protests from Swedish journalists.

How, then, should we understand the connection between crime and immigration in Sweden? Former Swedish prime minister Carl Bildt had the facts right when he tweeted in response to Trump: "Last year there were app 50% more murders only in Orlando/Orange in Florida, where Trump spoke the other day, than in all of Sweden. Bad." That comparison, while correct, misses the point. Of course Sweden has not turned into Orlando or, for that matter, Chicago. But in a short time—maybe as short as two decades—Sweden has gone from a nation rightly considered a model of social cohesion, equality, low crime, and political stability to a society with growing enclaves of social unrest.

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In 1990, Sweden had three so-called "areas of social exclusion," characterized by socioeconomic problems—and high numbers of immigrants. According to Swedish economist Tino Sanandaji, the number of such areas had risen to 186 by 2012. Swedish police authorities have identified 53 with persistently high crime rates. Here, police officers risk assaults, while ambulance drivers and firefighters often have to wait for police escort before answering calls from people in distress. It's no surprise they're often described as no-go zones.

Crime in these areas is not just new in scope, but also in kind. Systematic attacks on paramedics and firefighters were an unknown phenomenon in Sweden only a generation ago. The same goes for extensive use of guns and hand grenades in a country where most homicides historically followed from stabbings, blunt force trauma, and unarmed violence. Today, Sweden is extreme with respect to violence from guns and explosives, compared with the country's Scandinavian neighbors: In Stockholm, the capital, 189 victims suffered gunshot injuries during the period 2010-2015. During the same period in Copenhagen, the capital of Denmark, only 30 people fell victim to such crimes.


*Forensic officers investigate the site of a grenade explosion that killed an 8-year-old boy in an apartment block in southern Sweden, August 22, 2016.*

Most hand grenades in Sweden come from the former Yugoslavia, where one can buy them for one or two euros or get them free when buying other weapons. They're easy to smuggle, since they're small and difficult to detect. In Sweden, they're plentiful and cheap—available for less than $150 in Malmö, according to the newspaper *Sydsvenska Dagbladet*. In the first six months of 2015 alone, 30 explosions took place in Malmö, Sweden's third-largest city. More bombings and explosions have been reported in the city than in any other in Scandinavia. Malmö links Sweden to the rest of Europe: It lies in southern Sweden, a short train or car ride across the bridge to Copenhagen. It has a high proportion of immigrants—in 2015, 43 percent of Malmö's population consisted of first- or second-generation immigrants, compared with 22 percent in Sweden overall.

An additional change in the Swedish crime landscape is the fact that gang shootings and explosions increasingly take place during the daylight, in public, as well as in residential areas. Here is a recent example: On February 27, a Malmö resident suffered injuries in the leg after a hand grenade detonated outside a house in a residential area. Earlier on the same day, a sharp hand grenade was found outside a police station in the Stockholm suburb Kista. Police investigated a connection between the grenade and the riots in neighboring Rinkeby the week before. Violence was sparked there when police arrested a 17-year-old criminal on the run from a juvenile home. Police were eventually forced to shoot and spent three hours retreating from the area after losing control over the situation. Rioters looted, torched cars, and threw rocks; a newspaper photographer was beaten by at least 15 men.

In a report to the government last week, the Swedish Police Authority stated that the use of hand grenades in Sweden is without parallel in the world among countries not at war. In 2015, the police handled 45 cases involving hand grenades. In 2016, the number grew to 52. Hand grenades, according to the report, are used in attacks against business facilities and homes "without regard for whether there are people there or not."

On several occasions, foreign journalists reporting from Swedish areas of social exclusion have been driven out by violent youths. When the Norwegian public TV network NRK tried to report from a housing project area in Stockholm, its team was forced to leave the neighborhood under duress. Australian *60 Minutes* visited Rinkeby in March this year, only to have its camera crew attacked by rock throwers. "We've all been assaulted and insulted," the reporter declared on air.

Journalists have also documented how religious minorities are being persecuted in immigrant neighborhoods. When Swedish public television accompanied a Somali woman who has converted to Christianity to Rinkeby—the scene of last month's riots—she was immediately threatened because of her conversion and forced to run. A similar case occurred in Malmö, when a TV reporter entered the area of Rosengård wearing a yarmulke. Text messages circulated among residents that a Jew had entered the neighborhood, and he was forced out of Rosengård in a collective effort. Residents threw eggs at him from windows.

Social unrest has brought threats and violence close to previously peaceful public community institutions such as libraries and swim centers. A survey I conducted myself

BJORN LARSSON ROSVALL / TT NEWS AGENCY / AP

revealed that several public libraries in Sweden have had to close down temporarily, change their opening hours, engage security guards, or equip their staff with personal assault alarms, as a consequence of harassment by groups of youths.

In December, I visited two libraries in the town of Västerås. Both had been forced to change their opening hours. One librarian told me that gangs of young criminals had taken over her library, and that she was always tense and often frightened at work. The staff were equipped with assault alarms.

Many hospitals and emergency rooms have new security routines: At Sahlgrenska hospital in Gothenburg, security was tightened after gunshots were fired close to the emergency room entrance in 2012. In an interview with a manager at Sahlgrenska in 2015, I was told: "Security has been increased, both because of threats and violence against the staff, and because of the increasing amount of shootings in recent years."

Similarly, a spokesperson for the ER in Malmö explained: "Since 2013, it's mandatory for all staff at the ER to carry personal assault alarms. That year there was unrest here in town with shootings, and we had problems with large groups of relatives who caused unrest at the ER." At one time a mob of some hundred people tried to break into the ER following a shooting—a dramatically new phenomenon in Sweden.

As far as sex crime, it is obviously preposterous to call Sweden a "rape capital." Yet evidence suggests that immigration has had an impact on sexual violence in Sweden.

The latest report on crime among immigrants from the Swedish National Council for Crime Prevention (BRÅ) was published in 2005. The report, which covers the years 1997-2001, shows that immigrants from the Middle East and Africa were heavily overrepresented among suspects of violent crime, particularly for sexual offenses. Another study of gang rapes in Sweden in the 1990s indicated that a majority of group rapes in Sweden were committed by first- and second-generation immigrants.

There are, unfortunately, no more recent studies. Data are still being collected but are not compiled and made publicly available. The Swedish justice minister, Morgan Johansson, explained in an interview recently that there is no need to publish any new reports, because the facts are well-known from earlier studies.

But if the overrepresentation has not changed since the 2005 survey, the influx of the overrepresented demographic could offer an explanation for the recent rise in the proportion of women who report that they have been victims of sex crimes: Between 2012 and 2015, self-reported sex crimes doubled from 1.4 to 3 percent of the female population—an "alarming" increase, according to the Swedish National Council for Crime Prevention. Whether this is caused by increased immigration from the Middle East and Africa we don't know, since the government refuses to release the data.

At the same time, Sweden has experienced a new phenomenon with group abuse of women and children in public swimming pools and at music festivals. Police noted in a report last spring:

> The suspects of crimes carried out by a large group of offenders, in public, were mostly people with foreign citizenship. Regarding crimes reported in public swimming pools, the alleged perpetrators were mainly asylum seeking boys. . . . In 80 percent of the complaints from swimming pools alleged perpetrators were of claimed or established foreign origin. Most of them did not have a Swedish social security number, and reports indicated that they belonged to groups of asylum seeking boys.

**Police noted in a report last spring: 'The suspects of crimes carried out by a large group of offenders, in public, were mostly people with foreign citizenship. Regarding crimes reported in public swimming pools, the alleged perpetrators were mainly asylum seeking boys.'**

Finally, another radically new phenomenon in modern Swedish history is oppression of women in the general public sphere with reference to religion or "honor." As far back as 2010, a local newspaper reported that women were not visible on the main square in Rinkeby. Authorities tried to solve the problem by placing three pink benches on the square, designated for women. The benches were eventually removed, since they, too, were taken over by men. Female writers for the local newspaper tried to sit down and have coffee at a Rinkeby coffeehouse, but were verbally abused by male patrons.

The situation has not improved since then. Nalin Pekgul, a Social Democratic Swedish-Kurdish former MP and well-known feminist, explained in an interview February 27: "Everyone must understand that it is not acceptable that men and women do not sit together in cafés in 2017." She went on: "For women in Sweden to win their freedom it is crucial what politicians say and do, and what journalists cast light on. The debate must continue."

She is right. It is also the reason why international media should continue to report—and uncover the facts—from Sweden. ♦


*'Wacky Week' at Stanford (2016)*

# Assault on Justice

## *The federally mandated madness on campus.* BY ALICE B. LLOYD

For nearly six years now, a federal mandate has manhandled American colleges. The Department of Education's 2011 guidance on campus sexual misconduct reinterpreted a gender parity law—Title IX of the Higher Education Act—to police colleges' responses to reported sexual assaults. In so doing, the Obama administration's edict kicked off a procedural regime that actually undermined gender parity: The procedures overwhelmingly favor a (typically female) complainant's testimony and leave a (usually male) respondent in the lurch.

*Alice B. Lloyd is a web producer at* The Weekly Standard.

**The Campus Rape Panic**
*The Attack on Due Process at America's Universities*
by KC Johnson and Stuart Taylor
Encounter, 370 pp., $27.99

Stuart Taylor and KC Johnson trace the ideological and political roots of this harmful policy shift to a cultural interest in reparations to the second sex. In 2012, Taylor coauthored *Mismatch*, an influential analysis of the harmful consequences of affirmative action policies, which too often complicate the inequality they're meant to correct. Terry Eastland, in reference to the deepened inequity *Mismatch* revealed, wrote in these pages that "the problem . . . is a system of preferences that perversely hurts the students it's intended to help." The same could be said now of Title IX guidance.

That 2011 "Dear Colleague" letter from the Department of Education's Office for Civil Rights (OCR), which established the new campus practice, was issued the day President Obama would announce his reelection bid. This commitment to tearing down "campus rape culture" did invigorate the socially progressive base. But it would also perpetrate, in reverse, the same inequities 1972's Title IX intended to outlaw. According to Johnson and Taylor, the guiding philosophy and legal precedent for the letter drew from the radical idea that

RAMIN TALAIE / GETTY IMAGES

*all sex is essentially rape*. The feminist lawyer Catharine MacKinnon had helped establish the crucial precedent that sexual harassment amounts to gender discrimination: "Politically, I call it rape whenever a woman has sex and feels violated." Now in her dotage, MacKinnon sees her ideas enshrined in federal mandate. She also praises the work of young lawyers and activists who teach college-age women to "Know Your IX."

Case studies—some of them proven hoaxes: false allegations against the Duke lacrosse team; the University of Virginia gang rape story *Rolling Stone* reluctantly retracted; Columbia's Mattress Girl, whose story unraveled under investigation by journalist Cathy Young—endlessly prove that the federally ordained adjudication guidelines are equally unfriendly to facts and the rule of law. And many campuses' loose and ever-looser definitions of what constitutes sexual misconduct—any intimate physical contact absent affirmative consent—cements a purely subjective framework:

> [T]he federal government, joined by virtually all colleges and universities, has mounted a systematic attack on bedrock American principles including the presumption of innocence, access to exculpatory evidence, the right to cross-examine one's accuser, and due process.

And yet, it's not so difficult to see how those who pushed the pendulum too far in favor of (alleged) victims—friends of Catharine MacKinnon, guidance writers at the Office for Civil Rights—became convinced they had the right idea. The OCR stipulated a minimal "preponderance of evidence" standard to determine an accused student's guilt: He need only be a hair's breadth more likely guilty than innocent to face expulsion. Presuming his guilt naturally fits the premised context of a battle against the "rape culture," an enemy in the eye of the beholder.

Not long ago, I asked a Dartmouth classmate if he was sold on the "rape culture" idea and whether he agreed that by pledging a fraternity he had been complicit in the objectification of women. I have to assume that he, aware of my skepticism, answered honestly—in the affirmative. His frat brothers, he said, regaled one another with stories, possibly exaggerated, describing nothing short of what the Missouri congressman Todd Akin once called "legitimate rape." Is this casual testimony proof of a prevailing culture-sickness? To my friend, a self-professed feminist then as now, these stories didn't seem so bad at the time (the pre-"Dear Colleague" letter years) because *college is college* and *these things happen*. It's only in looking back, he explained, that he worries over what went on and whether he could have prevented any of it.

I heard the same concern from a former Title IX administrator at a conference I attended last year. She worries about the unfairness she was forced to dole out to accused students. A law school dean from one of the universities singled out as a hotbed of OCR overcorrection, she applauded the on-message affirmative-consent movement, from the White House on down, for instigating a cultural shift—what she termed *reeducation*. But she also confessed to ambivalence about a reform regime that had forced her to sacrifice just sentencing, suggesting that young women who initiate disingenuous sexual-assault complaints are swept up in a culture of sexual shame. Some initiate claims to protect their sexual innocence.

The sexual revolution of the 1960s and '70s was supposed to have freed us from the behavioral codes today's students ask their administrators to wield with such punishing force. That same ex-Title IX administrator—who, according to Johnson and Taylor, would have been made to serve "as not only detective and prosecutor but also judge and jury"—ventured that schools might give administrators the flexibility to invite nuanced testimony when a case involves feelings more than it offers in physical facts.

One accused student—one of many with scarily similar stories—was kicked out of school and barred from rematriculating after unadvisedly sleeping with two girls who happened to be good friends:

> Months later, they jointly filed reports with the university, claiming that, because of their alcohol intake, their sex with Adams had been nonconsensual. . . . A university official told him he did not need a lawyer, while a single investigator-adjudicator oversaw his fate. Less than two weeks prior to the investigator-adjudicator's decision came a highly publicized filing of Title IX complaints against the school in unrelated cases, as well as protests attacking the Title IX administrator—the same person who would decide Adams' fate—as being soft on sexual assault.

Before he could bring himself to tell his parents what had happened, the student "was expelled, even though by then he had all the credits required for a degree. Adams' parents learned of his dire situation from a phone call when he was hospitalized as suicidal after the decision against him."

One wonders, uncomfortably, whether the real victims here are the unfairly accused who never see their charges and can't cross-examine their accusers or bring witnesses to support their innocence. But there are also campus rape victims whose credibility is undermined by the criticism of a corrupt process: "By creating a growing contingent of wrongfully punished students—almost all of them male—the anti-due process policies decreed since 2011 by the federal government are already harming the intended beneficiaries: sexual assault victims."

Another victim of the regime is the very sort of social progress that informed Title IX's original intent: a feminism that acknowledged women's agency and supported our promotion to equal actors. As readers of *The Campus Rape Panic* will find, the current Title IX regime victimizes jurisprudence premised on the presumption of innocence and the authority of factual evidence, against which a new regime made to satisfy current progressive ideology stands at odds. The system built to enact the extralegal (and culturally cathartic) guidance holds instead that we're victims until proven liars. And a liar, absent due process, is impossible to unmask. ♦

B&A

# Hardy the Londoner

*The laureate of Wessex had a cosmopolitan side.*

BY WILLIAM H. PRITCHARD

Thomas Hardy died in 1928 and immediately precipitated a most tangled crisis, namely, how and where to inter him. Hardy's will specified that he wished to be buried in Stinsford churchyard in his native Dorset; but influential London literary friends pushed for a public ceremony and burial in the Poet's Corner in Westminster Abbey. The tug of war between members of the Hardy family and the metropolitan literary world was resolved in a bizarre way: Hardy's heart was removed and buried at Stinsford; the body was cremated and suitably celebrated at the abbey. This medieval butchery, as Edmund Gosse called it—at one point the heart reposed overnight in a biscuit tin, for want of anything more appropriate—is the symbolic representation of the division in Hardy's life that Mark Ford explores in this notable book.

Ford is a poet and critic who recently published a large anthology of writings about London. The "Half a Londoner" subtitle here marks the division between the man who spent his youth and most of his later age in Wessex—Hardy's name for the rural patch of England where so many of his novels and poems are rooted—and the urban metropolis where much of his formative life as a writer was spent. Ford justly terms his book "the first comprehensive account of Hardy as a 'London man,'" and his claim is richly documented by the variety of ways, in life and letters, where the great city matched the country in enabling the writer's astonishing career.

*William H. Pritchard is the author, most recently, of* Writing to Live: Commentaries on Literature and Music.

**Thomas Hardy**
*Half a Londoner*
by Mark Ford
Harvard, 336 pp., $27.95

Hardy came to live in London in 1862 when he was 21 and, two weeks after his arrival, began to work with the architect Arthur Blomfield, whose practice specialized in church repair. During the next five years of working with Blomfield, Hardy carried on an extraordinary regime of self-education in literature and the fine arts. In the biography of him published after his death—under his wife Florence's name but written, except for the final pages, by Hardy himself—he describes his frequenting of the National Gallery:

> His interest in painting led him to devote for many months, on every day that the National Gallery was open, 20 minutes after lunch to an inspection of the masters hung there, confining his attention to a single master on each visit, and forbidding his eyes to stray to any other.

He recommended this habit of aesthetic education, rather than what could be derived from guidebooks. Back in Dorset, it had been his habit to read the *Iliad* and *Aeneid* before heading off to work with a local architect. In London, he upped the ante dangerously when, for a prolonged period, "he had been accustomed to shut himself up in his rooms in Westbourne Park Villas every evening from six to twelve, reading incessantly, instead of getting out for air after the day's confinement."

Meanwhile, Hardy was writing poems and sending them off to be rejected by the magazines. A number of them would subsequently form a substantial part of the volume that signaled the conclusion to his career as a novelist. *Wessex Poems*, published in 1898 and illustrated with 32 of his own drawings, began the 30-year stretch until his death during which he would publish seven further volumes to make a total of 948 poems. This achievement, coming after 14 novels and numerous short stories, stands as one unsurpassed by any other writer in English, past or to come. Ford is extremely resourceful in his selection of Hardy poems that bear close relation to his experience as an uprooted man in his twenties, attempting to come to terms with what one poem refers to as "the crass clanging town." It was London, Ford declares, that "drove Hardy in on himself for long stretches," even as it encouraged him in the "dramatic and personative" poems that Hardy said characterized his first volume.

A poignant instance of the "personative" effects Hardy was striving for occurs in a poem dated July 4, 1872, but published only decades later. Its first section describes the evening sun casting its rays on the busy commerce of Oxford Street; in its second, a Hardy-like figure confronts it:

> *Also he [the sun] dazzles the pupils of*
> *one who walks west,*
> *A city-clerk, with eyesight not of the best.*
> *Who sees no escape to the very verge of*
> *his days*
> *From the rut of Oxford Street into open*
> *ways;*
> *And he goes along with head and eyes*
> *flagging forlorn,*
> *Empty of interest in things, and wonder-*
> *ing why he was born.*

In fact, by the time he wrote "Coming Up Oxford Street: Evening," Hardy's career as a novelist was fully launched with his just-published second book, *Under the Greenwood Tree*. The novel came to the attention of Virginia Woolf's father, Leslie Stephen, one of the chief men of letters of the 19th-century's later years. Stephen arranged for the publisher Smith, Elder to publish Hardy's next novel, *Far from the Madding Crowd*, the book that would make his reputation and remains today one of his best. It

appeared in installments in Stephen's *Cornhill Magazine* and it was Stephen who (Ford writes) initiated Hardy into the mysteries of "the fine line between the acceptable and the offensive that mid-Victorian upholders of morality policed so vigorously."

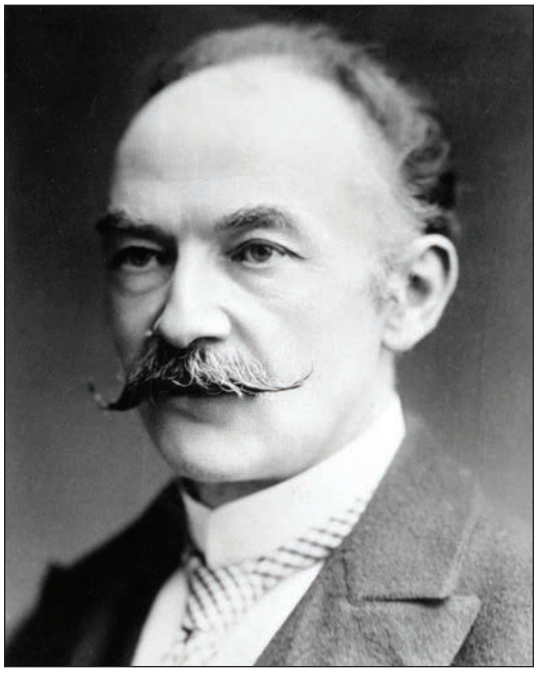
Despite the huge popular success of *Far from the Madding Crowd*, some critics were unconvinced—notably Henry James, who declared that everything human in the book was "factitious and insubstantial." "The only things we believe in are the sheep and the dogs," added James, twisting the knife. Another influential London reviewer found its "dose of sensation" a "bastard substitute" for true art. Ford brings up these negative responses to explain why, in his next novel, Hardy turned away from a bucolic setting to dramatize a provincial heroine who invents herself in high society by "deploying every artifice at her command." The result was *The Hand of Ethelberta*, a novel that, for good reason, only the confirmed reader of Hardy is likely to pick up. Along with *The Well-Beloved*, published in 1897 after he had turned his attention to poetry, they are (as Ford calls them) "experimental," but to this reader at least they feel like fanciful improvisations that add little to Hardy's achievement.

As Hardy became an ever more popular novelist, he mingled with an extraordinary number of people: writers such as James, Robert Browning, and Alfred Lord Tennyson, plus a number of younger women whom he found strongly interesting. As Ford writes, the erotic and the literary began to collide, and as his wife carried out her domestic routines at Hardy's Dorset home—her piety "curdling into evangelism," as Ford neatly puts it—Hardy succeeded in escaping on a number of occasions to the city for social recreation. The younger married woman in whom he invested much of his affection, Florence Henniker, withdrew from anything beyond friendship, and one of Hardy's most heartfelt poems sadly registered that fact. "A Broken Appointment" begins: *You did not come, / And marching Time drew on, and wore me numb*. Later he laments, *You love not me, / And love alone can lend you loyalty*.

Ford is adept at finding passages in the fiction and the biography that show Hardy as a writer about the city to be compared with Joseph Conrad, James Joyce, Virginia Woolf, or T.S. Eliot. His "stylization of the urban," as in *The Well-Beloved*, produced dreamlike fantasies like Robert Louis Stevenson's *Dr. Jekyll and Mr. Hyde* and Oscar Wilde's *Picture of Dorian Gray*. Here is an entry dated 1888:

> Footsteps, cabs &c. are continually passing our lodgings. And every echo, pit-pat, and rumble that makes up the general noise has behind it a motive, a prepossession, a hope, a fear, a fixed thought forward; perhaps more—a joy, a sorrow, a love, a revenge. London appears not to *see itself.* Each individual is conscious of *himself*, but nobody conscious of themselves collectively except perhaps some poor gaper who stares round with a half-idiotic aspect.

What is most valuable about Ford's study is the number of poems he selects to illustrate the London narrative. In the critical rediscovery and reappraisal, during the later part of the 20th century, Hardy's poems about his recently dead first wife, Emma, have taken up the bulk of attention: From *Poems of 1912-1913*, works such as "The Going," "After a Journey," "The Voice," and "At Castle Boterel" have received much appreciation. But the surprising thing about rereading Hardy's poems is how many of them in previous readings, one somehow neglected. Even though I have taught and written about Hardy for decades, I was moved by Ford's encouragement to take up ones read before, but overlooked. Some, though not all, are poems Hardy wrote as a young man in the city but didn't publish till later on.



*Thomas Hardy (ca. 1915)*

A list of those I suspect other readers are unfamiliar with would include "Postponement," "The Musing Maiden," "The Woman I Met," "The Change," "In the British Museum," "In a Whispering Gallery," and "In St. Paul's a While Ago." One of the most poignant is "In the Seventies," from which I quote the opening and final stanzas that portray a young man with an as-yet-unrealized vision:

*In the seventies I was bearing in my breast,*
*Penned tight,*
*Certain starry thoughts that threw a magic light*
*On the worktimes and the soundless hours of rest*
*In the seventies; aye, I bore them in my breast*
*Penned tight.*

The final stanza is a fervent testimony to the vision:

*In the seventies nought could darken or destroy it,*
*Locked in me,*
*Though as delicate as lamp-worm's lucency;*
*Neither mist nor murk could weaken or alloy it,*
*In the seventies!—could not darken or destroy it,*
*Locked in me.* ♦

B&A

# Remains of the Day

*How modern anthropology put flesh on bones.*

BY WRAY HERBERT

Tucked away somewhere in my dusty science writer's memorabilia is a postcard I received in the early 1980s. On the front side is a picture of "Lucy"—hundreds of fossilized bones arrayed as the skeleton of a small primitive human ancestor. Lucy's remains were unearthed in Ethiopia's Afar region in the 1970s, and the postcard is signed by Donald Johanson, one of the anthropologists who discovered our famous forebear.

I don't recall the content of the note, and the details don't really matter. I was covering the human origins beat back then, and the scribbled note was no doubt related to something I had written about these fossilized remains. What's interesting is the postcard itself, and the fact that some dusty old bones, whatever their scientific merit, were far more than mere bones. They were "Lucy," a petite female who once wandered the Ethiopian plains. Within just a few years of her discovery, Lucy had achieved iconic status. She was a personality—indeed, a celebrity worthy of her own glam shot on a glossy picture postcard.

And not only a postcard, as it turns out. As Lydia Pyne describes in this engaging book, Lucy has also lent her name and cachet to all sorts of museum swag, not to mention coffee shops, a rock band, a fruit-juice bar, a typing school, and a political magazine. She is by far our most famous ancestor, and her 3.2-million-year-old bones are familiar not only to anthropologists and science journalists but to anyone with a passing interest in where we humans came from.

*Wray Herbert is the author, most recently, of* On Second Thought: Outsmarting Your Mind's Hard-Wired Habits.

**Seven Skeletons**
*The Evolution of the World's Most Famous Human Fossils*
by Lydia Pyne
Viking, 288 pp., $28

*'Lucy' (1974)*

Pyne is less interested in the details of paleoanthropology—though she knows the field well—than she is in various fossils' modern stories and their larger cultural significance. How and why did certain old bones (she writes about seven fossils here) achieve status as archetypes and icons and folk heroes, while others are mere fragments of skulls and femurs, stored away in museum vaults? Much of *Seven Skeletons* is an attempt to answer this basic question about cultural status: what it is, and how it is attained.

There are different forms of status in the realm of human origins, Pyne argues. In Lucy's case, for example, fame comes at least in part from the bones' discovery story—that is, the modern narrative about the scientists who dug her up and gave her a name and personality. The most prominent of these scientists is Johanson—dapper, smooth-talking, master publicist, and elegant writer of popular books. His accessibility clearly played a role in Lucy's celebrated career. But Johanson was not digging alone at Locality 162 of the Hadar site on the November 1974 morning that Lucy emerged from the rubble. As Lucy's story goes, Johanson and graduate student Tom Gray were working this location, tediously sifting through the earth without any luck. But just as the two were about to give up and walk away, Johanson spotted a bit of arm bone in the dirt, which he immediately recognized as a hominid fossil. Then he spotted a hand bone, a few inches away, and then more and more early human fragments.

Fairly quickly, the two fossil hunters began to realize that they were unearthing a significant find, an almost complete skeleton of an ancient ancestor. As Johanson recalls, they started jumping around, screaming and hugging, despite the 110-degree Ethiopian sun.

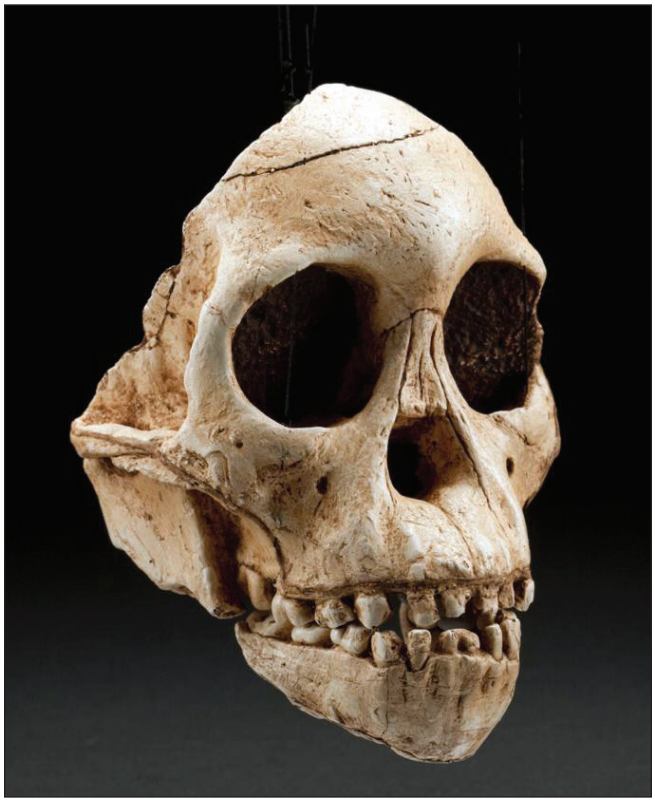
This discovery narrative comes mostly from Johanson's first-person recounting, and it continues into the wee hours of the next morning. Back at camp, Johanson, Gray, and their colleagues were so excited that they could not think of sleep, so they talked on and on into the night. As they did, they blasted a tape of the Beatles' *Sgt. Pepper's Lonely Hearts Club Band* album into the Ethiopian night, over and over, and at some point, Lucy got her nickname from "Lucy in the Sky With Diamonds."

It's a great story. It's been told again and again, and has achieved mythic dimensions, along with the catchy nickname. Of course, Lucy—her technical name is AL 288-1 for the site location—is also famous for her scientific significance. Years of close analysis by many scientists around the world have assigned her to a previously unknown hominid species, *Australopithecus afarensis*, a small-brained

COURTESY OF THE SMITHSONIAN INSTITUTION NATIONAL MUSEUM OF NATURAL HISTORY

biped. But that's not why millions of museum visitors stand in long lines to catch a glimpse of the iconic skeleton, and to buy some Lucy memorabilia. We do that because Lucy is a rock star.

The Taung Child has a similarly engaging discovery narrative, told and retold in the annals of paleoanthropology. Raymond Dart, an anatomist working in Johannesburg in the 1920s, had made an arrangement with the manager of the fossil-rich Buxton Limeworks to ship him whatever fossils were unearthed during mining. One of these crates arrived on an October afternoon in 1924, the very day, as it happens, that Dart and his wife were hosting a wedding and reception. Dart himself was the best man but, as the story goes, he immediately started rummaging through the contents of the crate, dressed in full Edwardian wedding attire. He was hoping for evidence of nonhuman primates from the quarry, but after just a few minutes of digging around, he spied a small fossilized brain that he knew was from a human ancestor. Shocked and enthralled, he forgot momentarily about the waiting wedding party and had to be dragged by the groomsmen to the ceremony—and a perturbed groom.



*The Taung Child (1924)*

COURTESY OF THE SMITHSONIAN INSTITUTION NATIONAL MUSEUM OF NATURAL HISTORY

This tale may be apocryphal, Pyne allows. There are other, much less romantic, variations; but this is the one that took hold. Whatever the circumstances, Dart had discovered evidence of a juvenile "ape-like" ancestor, a small-brained hominid who walked upright. He named it *Australopithecus africanus*—southern ape of Africa and, possibly, the long-sought "missing link" between ape and human. Most important scientifically, the fossil provided the first clear evidence that Africa was the true "cradle of mankind" as Darwin put it.

That was revolutionary thinking in the 1920s. Paleoanthropology's interests lay elsewhere, mostly in Southeast Asia and Europe, anywhere but Africa. So it's no surprise that Dart's fossil find and interpretation were met with skepticism by the leading thinkers in the field. Colleagues dismissed the notion of a small-brained, bipedal ancestor: It simply did not "fit" with what "ought to be." It didn't help that Dart himself was something of a rogue scientist, flamboyant in style and unconventional in his analysis and writing.

As with Lucy, the scientist is as important to this tale as the bones themselves. Dart answered his critics by making casts of the Taung Child available to museums and universities and lecturing widely on the subject. Many different audiences around the world viewed the Taung Child, and the public—not just scientists—adored the child and its story. Both the fossil and Dart came to be seen as underdogs, folk heroes battling the odds and the establishment. And winning: More than twenty years after the controversial discovery in a crate of rubble, an adult of the same species was found, vindicating Raymond Dart and validating the credentials of the Taung Child. Early critics ate crow, and the early African fossil was finally accepted into the pantheon.

There is more to the Taung Child's celebrity, however. As the fossilized skull achieved epic status, complete with an epic poem, our earliest ancestors came to be seen in the public consciousness as warlike, savage, aggressive. Poems and museum dioramas dramatized the idea of a hairy, club-wielding ancestor battling for existence in a hostile, primitive world. This depiction would eventually catch the imagination of artists and storytellers, including the director Stanley Kubrick, who, perhaps more than any other, immortalized the heroic warrior of our past in his *2001: A Space Odyssey*.

All of Pyne's stories deal, in one manner or another, with the fluid relationship between science and culture, in particular the science of human origins and modern notions of fame and celebrity. She emphasizes again and again that the most celebrated fossils—the ones she has chosen to write about here—are not necessarily the most important scientifically. Indeed, Pyne devotes an entire chapter to the so-called Piltdown Man, a fossilized human ancestor "discovered" in southern England in 1912 by a lawyer and amateur fossil hunter named Charles Dawson. Piltdown Man was taken quite seriously for four decades—and even given a scientific name, *Eoanthropus dawsoni*—until it was exposed as a fraud, bits of pieces of human skull, orangutan bones, and chimpanzee teeth masquerading as a prehistorical ancestor.

The perpetrator of the Piltdown hoax remains a mystery, and not because detectives haven't tried to figure out whodunit. Arthur Conan

Doyle was once a suspect, along with others, but the forgery remains a cold case. And a compelling romance and cultural addiction of sorts. In 2012, to mark the centenary of the fossil's discovery, a team of scientists, calling themselves "Piltdowners," met in London to crack the case. They arrived with all sorts of new analytic tools to examine the evidence once again—but alas, no perp was fingered. The scientific case may be closed, but the elusive and clever criminal celebrity lives on. ♦

B&A

# Joy in the Mourning

*One man's prescription for a post-Christian culture.*

BY ANDREW T. WALKER

**The Benedict Option**
*A Strategy for Christians in a Post-Christian Nation*
by Rod Dreher
Sentinel, 272 pp., $25

According to Rod Dreher, Western culture is irretrievably lost. No amount of politicking or resistance-as-usual can turn back the tide of intellectual currents that began with the death of metaphysical realism in the 14th century, the idea that "the essence of a thing is built into its existence by God, and its ultimate meaning is guaranteed by this connection to the transcendent order. This implies that Creation is comprehensible because it is rationally ordered by God and a revelation of Him." In short, the sacramental world ordered by God was dethroned. And it has all been downhill from there.

Where it was once understood that God ordered the world, a pernicious individualism displaced this view of the cosmos, making man's will the manufacturer of reality. This results in what Dreher calls "fragmentation"—the shattering of universals and common culture. The humanist turn, which resulted in many advances such as scientific progress, also splintered humankind's understanding of authority and knowledge. This gave birth to the social order we now have, and the one Dreher believes is diametrically opposed to orthodox Christianity: moral therapeutic deism, untrammeled belief in the inherent goodness and progress of man, and, most pressing today, the sexual revolution.

To complicate matters, Dreher also offers an indictment of the Western church's false sense of security—a security that has bred a lethargic church accustomed to social privilege and now immune to the intellectual resources Christianity possesses to resist cultural decadence. Hollowed-out religion simply will not last. And as he recounts his plan for resistance, Dreher describes the contours of his proposal:

> The idea is that serious Christian conservatives could no longer live business-as-usual lives in America, that we have to develop creative, communal solutions to help us hold on to our faith and our values in a world growing ever more hostile to them. We would have to choose to make a decisive leap into a truly countercultural way of living Christianity, or we would doom our children and our children's children to assimilation.

The model Dreher holds up is Saint Benedict, the 6th-century father of Western monasticism, who renounced the secular life amidst the fall of Rome to devote himself to prayer and the disciplines necessary to survive the coming Dark Age. Making a pilgrimage to modern-day Norcia, Dreher visits contemporary Benedictines and investigates those practices that have sustained them throughout the centuries—and that the modern church might emulate. In monasticism, Dreher sees the seeds for resistance and rebirth—attentiveness to one's community through the disciplines of liturgy, prayer, community, work, asceticism, and stability. Only a church responsive to its own disciplined identity will survive the times. In short, for the church to have a chance at external witness, the church must first remedy itself internally.

Dreher looks fondly on the tactics of Cold War anti-Communists who, driven nearly underground, were forced to engage in "antipolitical" politics: "Every act that contradicts the official ideology," he writes, "is a denial of the system." Christians must "create and support 'parallel structures' in which the truth can be lived in community." He is also practical in offering practices that contradict the reigning zeitgeist—among them, attentiveness to the role of technology in children's lives and an emphasis on the importance of Christian education for Christian cultural renaissance.

Dreher's proposals have been criticized as an intellectually astute form of cultural retreat. But a careful reading puts this notion to rest. Dreher's manifesto is suffused with a forward-looking engagement with the world. Serving and preserving Western culture may, at times, require the church to stand against it, and even subvert it. "There is a hidden blessing in this crisis," he writes, "if we will open our eyes to it. Just as God used chastisement in the Old Testament to call His people back to Himself, so He may be delivering a like judgment onto a church and a people grown cold from selfishness, hedonism, and materialism."

American Christianity may worry over its declining cultural influence, but Dreher sees the potential for joy in the mourning of a lost cultural hegemony. In exile, finding one's identity means stripping off the fancy gloss and strengthening one's resolve. ♦

*Andrew T. Walker is director of policy studies at the Ethics and Religious Liberty Commission.*

B&A

# Picture Imperfect

*Politics blinds the eye of Simon Schama.*

BY EDWARD SHORT

*Simon Schama (2000)*

**The Face of Britain**
*The History of the Nation Through Its Portraits*
by Simon Schama
Oxford, 632 pp., $39.95

In 1970, in a review of Kenneth Clark's *Civilization*, John Russell, art critic of the *New York Times*, grandly prophesied that "the civilization that Clark describes is one which has had its day and will not be seen again." In acknowledging the learned brio with which Clark came to the defense of that beleaguered civilization, Russell was reminded of something the Swiss historian Jacob Burckhardt had said in the early 1840s: "If I am to perish, at least I wish it to be known what it is that I am perishing for—the old culture of Europe."

At the time Russell's review appeared, I remember my father asking two lively questions across the dining room table: If, as Russell predicted, Clark was "a well-bred passenger on a sinking ship," who would succeed him after he went to his watery grave? And more important, what would become of the sinking ship?

Clark's successor would be Simon Schama, the celebrity don whom no one could ever fault for being overly fond of "the old culture of Europe," the contributing editor of the *Financial Times* who never runs afoul of political correctness. As for the ship of civilization: It may be seriously listing, but it is still afloat. And one proof can be found in the fact that Schama himself is slotted to present a new multicultural series called *Civilizations*—with the classicist Mary Beard and the historian David Olusoga, an expert on (you guessed it) colonialism, slavery, and racism.

*The Face of Britain* and its accompanying film can be seen as fanfare for the more bolshie view of culture that will doubtless be center stage in Schama's upcoming television series. Nevertheless, the idea behind the book and film—to see what the portraits in London's National Portrait Gallery have to say about Britain's historical and cultural development—is a good one. By rights, with such rich material, Schama the historian should have produced an absorbing book.

Instead, he allows his left-wing prejudices to overrun the festivities at nearly every turn. For example, in a chapter on Graham Sutherland's infamous portrait of Winston Churchill—which Churchill's secretary destroyed in a bonfire in her back garden—Schama claims that the portrait was great art not for any aesthetic reasons (in Schama's world objective judgments about aesthetics are not possible) but because it pleased Labour members of Parliament: "[Aneurin] Bevan and Jennie Lee thought the portrait a masterpiece," he declares. It was only antediluvian Tories who hated it, not to mention Churchill and his wife Clementine and "the tabloids," which "competed in howls of execration and proposals for destruction."

That Churchill's doctor, Lord Moran, a sensible, cultivated, and discerning man, should have taken issue with the painting for misrepresenting his patient (whom he never lionized) is dismissed by Schama as philistinism. After all, as Schama asks, "Who was to say what the look, the aspect, of the 'real' Churchill was?" And if these arguments do not convince, Schama invokes the argument from authority, calling in two "great figures of British art"—Ben Nicholson and William Coldstream—both of whom "were . . . struck by its power." So that decides the matter: Capturing Churchill's wit and exuberance, his courage and bonhomie, might do for the representational portraiture of philistines; but for true art, we have to have denigration, even a little malice, especially when it comes to so dubious a creature as Britain's savior.

This might seem forgivable posturing from an historian who cannot let his readers forget that he is a man of the

THOMAS MONASTER / NY DAILY NEWS ARCHIVE / GETTY IMAGES

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

left, but it is when Schama attacks the National Portrait Gallery itself for "triumphal self-congratulation" that one begins to lose patience with him. Here, the disdain for the imperial British and all their achievements so de rigueur amongst left-wing historians becomes patent. For Schama, when the NPG opened its doors in 1859, it was not to celebrate the portraits of Britons who had animated the country's impressive history; it was to take Britons' minds off the threats of Chartism, the Sepoy Mutiny, and the Crimean War, an odd charge to level at the founders of the gallery—Thomas Carlyle, Lord Macaulay, and the 5th Earl Stanhope, none of whose motives were political. Yet for Schama, "there was nothing like imperial swagger as a bromide for discontent."

Nevertheless, it has to be said, and precisely because of his cynical view of his subjects, that Schama is excellent on James Gillray, the 18th-century caricaturist, whom he rightly recognizes had "a genius for turning polemics into an art form." While it might be true that Gillray churned out too many satirical prints of only middling effectiveness, Schama is right to argue that "when he was truly stirred—which, after the French Revolution went violent, was often—Gillray could dig deep and come up with mirthless jokes; ferocious unmaskings that were as potent and unforgiving as anything produced by Francisco Goya." His example nicely makes his point.

> *The Tree of Liberty must be planted immediately!* is, in its monstrous way, a portrait; the head dripping with blood instantly recognizable as belonging to the Whig Friend of the Revolution Charles James Fox, whose caterpillar eyebrows, plump jowls, and five o'clock shadow were a gift to the cartoonist. In Gillray's implacable nightmare, Fox has remained blind to the last, his eyes covered by the cap of liberty, the heads of his self-victimizing comrades in revolutionary enthusiasm heaped at the foot of the bloody Tree.

While Schama is incisive on the venomousness of party politics in George III's reign, he is unaccountably dismissive of Victoria, whom he sees simply as an unbalanced widow, who only left off mourning to dally with her Scottish servant John Brown. What makes this view so baffling is that it is included beside the splendid photograph of the queen taken in 1897 by Alexander Bassano, which cries out for more careful study, showing as it does the toughness and vulnerability of the woman whom Elizabeth Longford, her finest biographer, described as "incurably shy and superbly poised,

*Winston Churchill and his portrait by Graham Sutherland (1954)*

every ounce a bourgeoise and every inch a queen." Schama writes of the photographs of the queen in widowhood as death masks "plastered on the living matriarch, the face rigid with solemn resignation." Does the Bassano portrait offer no other counterbalancing insights? "She slept with the cast of Albert's hand on her pillow," Schama writes, "his shaving tackle neatly laid out for the morning. Life was a mausoleum." The queen's devotion to Albert notwithstanding, no one who reads her brilliant correspondence, or the impressions she left on others, would ever credit such a caricature.

If Simon Schama is impatient with Winston Churchill and Queen Victoria, which Britons engage him? He lavishes an inordinate amount of space on photographs of suffragettes, whom he dutifully praises for opposing the "trousered powerful." There is a great deal on Gwen John, though most of it focuses on her infatuation with the French sculptor Auguste Rodin. There are passages about what Schama sees as the imperial absurdities of William Shakespeare and David Garrick. There are some fascinating pages on portraits of fishermen and their fishwives, which the photographers Robert Adamson and David Octavius Hill took on the Firth of Forth in the 1840s.

Apropos our own age, Schama is undisturbed by the dehumanization that that has come from our increasing ignorance of the dignity of the human person. He is particularly fond of Tracey Emin's *Everyone I Ever Slept With*, and her *My Bed*, which he describes as the "stage-sets of her erotic playground." Some readers—your humble reviewer included—might recoil from such pathological displays, but Schama sees them as part of a brave new aesthetic: "Baring the soul has been replaced by baring everything else," he writes.

> If it was once thought the face in the mirror could deliver revelation about the essential person, the angle of vision has moved down to the site of history, usually sexual, visited on the body, and to the physical objects on which its wounded journeyings are marked, tattooed, scored and scarred.

Encountering this muddled sentence, the reader wonders what Kenneth Clark would have made of those who treat their bodies as though they were hustings on which to advertise their "wounded journeyings." In *The Nude* (1956), his greatest work, Clark observed how the "expression of reverie" in Rembrandt's *Bathsheba* (1654) "is so complex that we follow her thoughts far beyond the moment depicted: and yet these thoughts are indissolubly part of her body, which speaks to us in its language as truthfully as Chaucer or Burns."

Here, the reader is spared the incoherent modishness that too often distorts Simon Schama's view of history and art, and receives instead a glimpse into the true dignity of art. Given a choice between the old and the new Kenneth Clark, I'll stick with the old. ♦

BETTMANN ARCHIVE / GETTY IMAGES

B&A

# ‘Moonlight’ Sonata

*The all-too-familiar melody wins Best Picture.*

BY JOHN PODHORETZ

Well, of course *Moonlight* won the Academy Award. Who’s kidding whom in the year following the dreadful scandal known as #OscarsSoWhite? Sure, it looked like *La La Land* had it sewn up, so much so that no one batted an eye when it was mistakenly awarded Best Picture for two minutes at the jaw-dropping close of this year’s ceremony. But *La La Land* only got its chance to become the frontrunner because the movie everybody in Hollywood thought would be the unstoppable awards behemoth, a slave-revolt epic called *The Birth of a Nation* written by, directed, and starring the African-American actor Nate Parker, ran afoul of the news that Parker had once been tried and acquitted for raping a woman who later committed suicide.

Even as *La La Land* racked up early awards, it began to fall victim to the “hot take” school—that breed of pop-culture writers who wag their collective finger at any work that does not serve and promote the most up-to-date leftist shibboleths. After receiving universal praise upon its initial release for its aesthetic daring, *La La Land* later found itself under attack as a retrogressive representation of white privilege, especially offensive because its protagonist is a Caucasian committed to saving classical jazz. How dare he be so paternalistic? *How. Dare. He.*

Other notable nominees were deemed similarly bereft of the proper multiculturalism. *Manchester by the Sea* is about a New England fishing town, and you don’t get diversity credit these days for having supporting characters with Portuguese surnames, even if they are working class. *Hell or High Water*? Its hero, a Texas Ranger, spends the entire movie making Native-American jokes about his Native-American partner. *Hacksaw Ridge* was directed by Mel Gibson, so please. Even the crowd-pleasing *Hidden Figures*, the true story of three African-American women working in the space program in the early 1960s, was put through the wringer because it has a white director and features a scene in which a fictional white character destroys a segregated-bathrooms sign. This was deemed an offensive example of the so-called “white savior” trope.

*Trevante Rhodes as adult Chiron*

Set against them all was *Moonlight*. We’re talking about a movie about a downtrodden kid named Chiron whose mother is an addict and whose classmates chase him daily and later beat him senseless for being gay. He finds slight refuge in the company of two people—and even they do him terrible damage. One is a kind and fatherly man who takes Chiron under his wing but also runs the drug trade selling the boy’s mother the crack that is destroying her. The other is a classmate who shares the same gay urges he does but betrays him in order to hide his own same-sex inclinations from the abusive bullies who set upon Chiron.

This summarizes the first two-thirds of *Moonlight*, and it’s powerful, painful stuff. The cowriter and director, Barry Jenkins, working from an unproduced play by his collaborator Tarell Alvin McCraney, has a remarkable eye and delicate tone. The movie is unexpectedly beautiful even when its settings—in the hardscrabble Miami neighborhood of Liberty City—are anything but.

The movie falls apart in its last third, when we encounter Chiron fully grown. It’s one thing to center a movie around a child so battered by life that he is practically mute; it’s quite another to force us to contemplate that same sullen near-mute person as an adult. *Moonlight*’s dramatic flaw is that Chiron is a bore; we are made to feel sorry for him but we have no reason to like, admire, or care about him. Jenkins and McCraney have both said that the story derives, in part, from their own experiences with drug-addicted mothers; but their own life stories suggest they have sold their own characters short. They didn’t end up in Chiron’s condition. They ended up with Oscars in their hands. That’s a more interesting story than the one they tell here.

Still, they may have understood their ultimate audience’s needs by choosing to keep Chiron sullen, mute, and lost throughout. *Moonlight* is a story about a sad, abused, unloved, poor, black, gay person. The fact that when it is not depressing to watch it gets very, verrry slow is beside the point. *Moonlight* is so perfectly constructed to avoid being the subject of a *Slate* pitch that the only possible hot take on the movie would have to come from Richard Spencer.

So, yes, we should have known *Moonlight* would win—even when *La La Land* seemed to have won during those strange two minutes at the end of the broadcast. *Moonlight* has proved itself to be, literally, beyond criticism. Indeed, it scored 99 out of 100 on Metacritic, meaning that it did not receive a single negative review.

Hey, not even this piece is negative! It’s two-thirds positive! Even I know when to shut up. ♦

A24 / PLAN B ENTERTAINMENT

*John Podhoretz, editor of* Commentary, *is* The Weekly Standard*’s movie critic.*

***"Earlier in the day, some of the last remnants of the [Dakota Access pipeline] camp went up in flames when occupants set fire to makeshift wooden housing as part of a leaving ceremony. Authorities later said about 20 fires were set and two people—a 7-year-old boy and a 17-year-old girl—were taken to a Bismarck hospital to be treated for burns."***

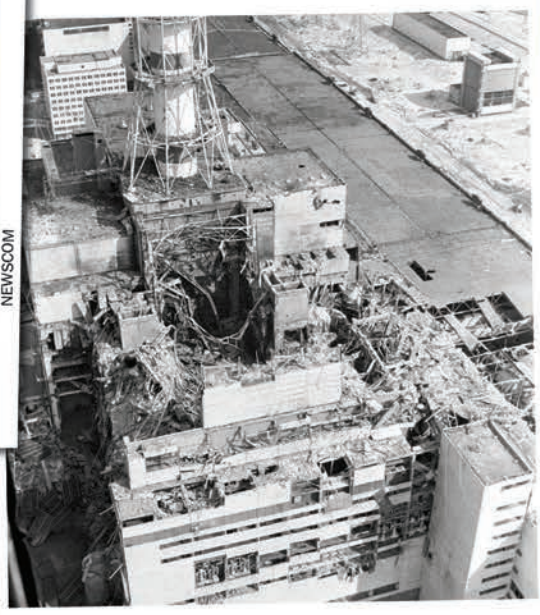
***—Associated Press, February 23, 2017***

KIRK MCKOY / LOS ANGELES TIMES / GETTY

L.A. residents took part in a legal-grievance ceremony following the acquittal of the police officers in the Rodney King beating, April 29, 1992. Neighborhood retail "fire sale" signs may have been misinterpreted.

NEWSCOM

Federal law enforcement officers hosted a "Moving Out Day" ceremony for members of the Branch Davidian religious community outside Waco, Texas, April 19, 1993.



NEWSCOM

Soviet officials held an impromptu closing ceremony for the Chernobyl nuclear power plant, April 1986.