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CHRISTOPHER NADON

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The Dutch Give Up on Trumpism

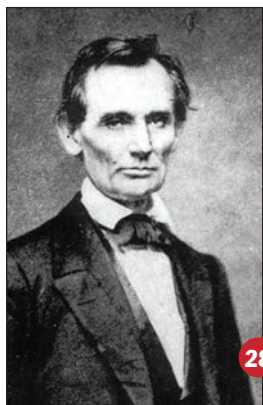
BY CHRISTOPHER
CALDWELL

Pro-Erdogan protesters outside
the Turkish consulate
in Rotterdam, March 11

WEEKLYSTANDARD.COM

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Thwarting the Grievance-Industrial Complex

Who doesn't like a story with a happy ending? In *THE WEEKLY STANDARD* last week, in "Berkeley Goes Offline," Andrew Ferguson told the sad tale of disability-rights activists who had filed a complaint against the University of California, Berkeley, claiming that the thousands of hours of classroom lectures the university posted online (available to the general public, free) violated the Americans with Disabilities Act. Apparently the material hadn't been formatted to make all of it accessible for the deaf and the visually impaired. The Obama Justice Department agreed. It had threatened to sue UC Berkeley unless elaborate and expensive changes were made to the web videos. The school determined it couldn't afford to make them. Rather than face a



lawsuit from the feds, administrators decided to pull down all the online courses, beginning on the Ides of March. Et tu, Berkeley?

It seemed a tragedy without win-

ners. That was before we saw this headline on a press release from the online platform LBRY. (It's pronounced "Library"—don't get us started.) "20,000 Worldclass University Lectures Made Illegal, So We Irrevocably Mirrored Them." It turns out that Berkeley originally published the lectures under a Creative Commons license, meaning they can be distributed free if properly credited to the university. After reading "Berkeley Goes Offline," the fine folks at LBRY seized the opportunity to copy all the material before March 15—more than four terabytes worth. It will soon be available to anyone with access to the Internet. Details can be found at LBRY's website, lbry.io.

From lose-lose to win-win. So turn that frown upside down! We have so few reasons to do that these days. ♦

Well, No, But I Did Fly Over It Once

Princeton economics professor emeritus and Nobel laureate Angus Deaton has been running around making an extraordinary claim: "Being really poor in America is in some ways worse than being really poor in India or Africa," he recently told the National Association for Business Economics. Asked about those comments in an interview with the *Atlantic*, Deaton doubled down: "If you had to choose between living in a poor village in India and living in the Mississippi Delta or in a suburb of Milwaukee in a trailer park, I'm not sure who would have the better life."

This claim was qualified—Deaton is referring to those who live in extreme poverty. But *THE SCRAPBOOK* did once spend two months following around economists from the U.S.

Agency for International Development in the slums of Asia, and we can say with near-scientific certitude that Deaton's claim is so idiotic it could only have been uttered by a Nobel Prize winner.



When it's pointed out that America has a generous welfare state where Bangladesh does not, Deaton waves the point away, saying, "A lot of these programs have been turned into block grants," he said, making it "very hard

for people to get them." This, though as of last year, 45 million people—one in seven Americans—were receiving food stamps.

But statistics aside, if Deaton is going to denounce as dismal the existence of rural Americans, one may ask what he actually knows about life on the Mississippi. To her credit, the *Atlantic's* Annie Lowrey asked him just that: "Have you spent a lot of time in Kentucky or West Virginia or rural Nebraska?" Deaton's reply is priceless: "No, but I spent five weeks every summer in Montana. And that's been an eye-opener." Yes, nothing introduces you to the desperate lives of impoverished Americans like high-

season fly-fishing in Big Sky Country.

"You get these people who are really quite poor, in many cases, who are very right-wing," Deaton says of the unfortunates he has met in Montana. As an example of these impoverished,

BOY ABOVE AND FLY-FISHER BELOW, BIGSTOCK; VILLAGER, BALARAM MAHALDER; DEATON, HOLGER MOTZKAU

rural, anti-government types, he tells the *Atlantic* of the angry Montanan he knows who chafes at having to get permission from the feds to protect his livestock from predators: “That wolf is eating my cow and I need to get a bureaucrat on the line before I’m allowed to shoot it! And that’s my year’s income!” Deaton recalls the poor, hardscrabble fellow saying.

Interestingly, Deaton has told of this wolf-hating right-winger before. In a 2012 article for the Royal Economic Society newsletter, he recounted the same story but with a little more detail: The man with a cow in harm’s way was his friend who “raises Black Angus cattle on a ranch in Montana.” This is the guy Deaton now puts forward as an example of his contact with “people who are really quite poor,” a rancher who raises luxury cattle in one of the most beautiful landscapes on earth. If you have any doubts about the general affluence of such ranchers, check out the Montana Angus Association website. Let’s put it this way: The Joads they ain’t.

And if you’re still confused about how Donald Trump got elected, the patronizing ignorance of Ivy League professors about life between the coasts offers a clue. ♦

The St. Augustine Prize

Barnard College in New York City isn’t a religious school—unless you count the usual genuflections at the altars of diversity, feminism, environmentalism, and the like. Nonetheless, THE SCRAPBOOK is proud to bestow upon Barnard—with all due fanfare—the first-ever WEEKLY STANDARD St. Augustine Award for Virtue Postponed.

Early this month, Barnard’s board of trustees succumbed to student and faculty demands that the school divest from its \$286 million endowment “fossil fuel companies that deny climate science or otherwise seek to thwart efforts to mitigate the impact of climate change.”



RIBBON, BIGSTOCK



Just not quite yet.

The board’s task force on divestment had as one of its key findings: “A decision to divest must be balanced with the need to protect and grow the endowment.” The school’s chief operating officer, Robert Goldberg, told trustees before the vote that it would take time to sort through the details, because however much Barnard may want to sell those soiled energy stocks, “we don’t want to sell at a discount.”

Which is a shame, because if Barnard had

just been willing to make its move a little quicker, it could have invested in celebrated Oakland-based solar energy company Sungevity. Alas, the green-tech darling just filed for bankruptcy. But goodness knows there are plenty of sustainable-energy plays that can be made by our friends, the savvy and moral investors of Barnard College. Yes, such as putting money into the environmentally friendly saltwater battery startup Aquion. They’ve raised some \$190 million from investors such as Bill Gates and—what’s that? Oh. THE SCRAPBOOK regrets to announce that Aquion has also filed for bankruptcy.

So maybe the college is right to

take its time with all that purity jazz. Which brings us back to St. Augustine. Eventually reformed and canonized for his piety, Augustine revealed in his *Confessions* that as a bawdy young man he would pray, “Grant me chastity and self-control, but please not yet.” Congratulations, Barnard! ♦

Trumpoplectic Tees

Newspapers aren’t just throwing Trumpoplectic fits, they’re monetizing them. The *Washington Post*, the *Chicago Tribune*, and the *Los Angeles Times* have all rolled out clothing lines tweaking the new president. The most comic is found at the *Post* website, which features a T-shirt in rock-concert black emblazoned with the paper’s infamously maudlin and self-aggrandizing new slogan: “*Democracy Dies in Darkness.*” What makes it comedy gold is the disconnect between the dismal message of doom and the decidedly nongloomy—chipper, even—presentation.

To sell the shirt, the *Post* has employed a hunky and handsomely hirsute young model. Mr. Beefcake hooks a thumb in the pocket of his jeans before posing, facing first one



Hey, check out my pecs—and my sanctimony. ♦

way then another; ultimately he turns back to look the camera straight in the eye and flashes a Clooney-white smile—because nothing says “Democracy Dies in Darkness” like a bright toothpaste grin.

The *L.A. Times* offers for sale a couple of different, but equally self-celebratory, graphic tees. One takes the Trumpy title for the press—“Enemy of the People”—and prints it in newspaper gothic. The designer has crossed out “Enemy” as if with a Sharpie, and scribbled in “Defender.” And if that weren’t a bold and brave enough statement, there is a coda at the bottom declaring that the *Times* is not just the Defender of the People, but also of “a free press.”

Or, if anti-xenophobia is your thing, you can buy a tank-top sticking it to Trump in a dozen foreign tongues. The *L.A. Times* website offers this “quick overview” of the shirt: “Celebrate our country’s freedom of the press with this flowy women’s tank featuring the phrase ‘We will not shut up.’ in multiple languages. Racerback with ruched detail.” Unfortunately, the *Times* has exposed itself to accusations of Anglo-centrism by placing the English-language text above all the others. Not cool.

The *New York Times* website offers a selection of “Truth Buttons.” Who’s to object to the button reading “Truth. It’s more important now than ever”? But as for “Truth. The alternative is a lie,” that’s simply not true (check your Heidegger).

The *Chicago Tribune* is more restrained—though perhaps problematically so. The text “Speaking truth to power since 1847” is in such small white letters across the chest of the women’s tank-top it has for sale that anyone wishing to read what it says will have to stare uncomfortably. Count on being slapped with a sexual harassment lawsuit, or just plain slapped. ♦

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There's a Waiter in My Soup

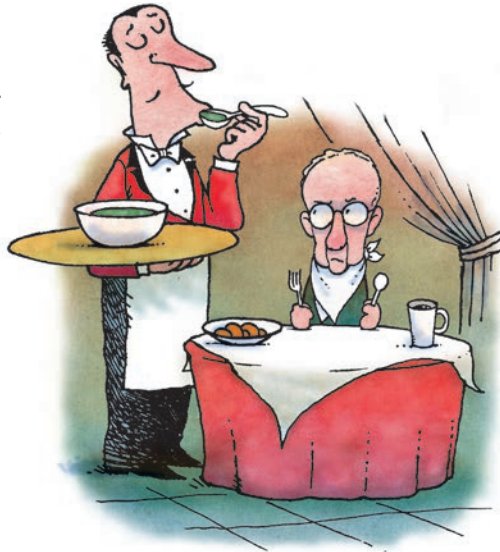
Last evening, at a neighborhood restaurant, I had a splendid meal, and not the least splendid thing about it was our waiter. He efficiently answered questions about the menu. He refilled our wine glasses at precisely the right moment. He paced delivery of courses—drinks, salad, entree, coffee—at the perfect length. He was cordial without lapsing into familiarity. Middle-aged, knowledgeable about the dishes on offer, reserved, he never came to the table to ask if everything was all right, having already made sure it was. At the meal's end he set down the check and quietly disappeared. When he picked it up, he thanked us for coming to the restaurant. Perfecto, the entire performance, and much appreciated by all of us at the table.

Mastery of any job is always impressive, but mastery of the job of waiter in our time is less and less in evidence. More and more waiters and waitresses—"servers," in the politically correct term—are young people just passing through until something better turns up. When you summon a waiter to your table in New York, the joke is, you call out "Actor." In Los Angeles, when a young person tells you he or she is an actor, you ask, "At what restaurant?"

The effect of this shift in the people who are waiters today is to democratize the job, for better or worse. I would say worse. Under this new dispensation waiters assume they are your equals. How many times have I heard a young waitress respond to the ordering of a certain dish by saying, "Oh, that's my favorite!" Or, after one has ordered, adding, "You ordered very intelligently." All one can do when this arises is set one's tongue firmly in the side of one's cheek, and say, "Thank

you." What one really wants to say, of course: "What do I care if I've ordered your favorite dish?" and "How would you know what an intelligent order is? You're a waiter, kid."

These young waiters and waitresses are also likely to address the people they serve as "guys," as in "Everything all right here, guys?" I suspect "guys" came into vogue owing to the worry that addressing customers as "ladies" and "gentlemen" somehow feels politically shaky,



if not incorrect. I suppose heavy-breathing academic feminists would not in the least like to be addressed by waiters as "ladies." Yet to call many formidable women of a certain age "guys" seems quite nuts.

Then there is the waiter's or waitress's announcement of his or her first name, "I'm Trish [or Tyler] and I'll be your server." I always want to answer, "I'll try to forget that, Trish." These same waiters have an unconscious skill at unfailingly interrupting serious conversation at crucial points to ask, as often as four or five times through the course

of a meal, if everything is all right.

My first memorable encounter with waiters was with Jewish waiters, refugees from Hitler, during and in the years after World War II. These men combined resignation with impatience, and never abstained from tart replies. I remember as a kid of 6 or 7, at a west-side Chicago Romanian restaurant called Joe Stein's, asking our waiter if he had any soda pop and, if so, in what flavors. "Ve got pop," he said, "ve got red and ve got brown." Jewish waiter jokes became a staple of comedians. The punchlines eliminate the need for the full jokes: "Vich one of you gentlemen vanted the clean glass?" "You vanted the chicken soup, you should've ordered the borscht." "How do ve prepare our chicken? Virst ve tell him he's going to die."

The generation of these Jewish waiters, many of whom put conversational pepper in the food served in big-city delis, is long gone. A Chicago deli I sometimes go to called The Bagel has a gay waiter who, minus the accent, has adapted the brusque manner of the old Jewish waiters. If one hesitates too long in deciding on one's order, he is likely to say, in flutey voice, "Hel-lo." I once asked him why he never told me I ordered intelligently. "Because," he replied without hesitation, "you don't." In appreciation, I always overtip him.

Democracy has no real place in dining out. Your waiter might be more worldly than you, a superior person in every way, but he remains, while on the job, your waiter. Which doesn't mean he has to take guff, but he ought to respect a certain distance in the transaction between you. He's working, after all, for tips. One useful tip might be to make plain, before he comes on the job, that he would do better to knock off the first names, the comments on your ordering, the "guys" bit, the interruptions, and the rest of it, and just, thank you very much, bring the food.

JOSEPH EPSTEIN

A Fight Worth Having

One day in late spring in the early days of the George W. Bush administration, FDA inspectors visited the headquarters of Sargento cheese in Plymouth, Wisconsin—a routine visit as part of the federal government’s efforts to ensure the safety of the food we eat. The inspectors took samples of cheese to test for bacteria. Sargento conducted tests on cheese from the same lot. A week later, the results from both sets of tests were in—the cheese was bacteria-free. Sargento, having gotten the all-clear from the government, shipped the cheese to stores across the country.

Two months later, however, the FDA called back. There had been a mistake. A subsequent test had found traces of listeria—bacteria that can be fatal if ingested by people with immunodeficiencies. Sargento retested their samples. The Wisconsin Department of Agriculture conducted an independent test. The FDA retested, too. The results of the testing confirmed the earlier tests—the cheese was bacteria-free and fine to eat.

But the FDA has a “zero tolerance” policy on listeria and formally recommended that Sargento recall the cheese. Sargento pushed back on the decision, pointing out that multiple tests—internal and governmental, taken before and after the test that found listeria—had found the cheese bacteria-free. The FDA then made the kind of demand that only the government can make: Either you issue a “voluntary” recall or we will order you to do it.

Faced with such a “choice”—Sargento recalled 108,000 pounds of cheese. Word spread quickly. According to an internal study conducted by the company, the recall was reported on 269 local television and radio stations and in more than 200 newspapers. It made the CNN Headline News half-hour loop, triggering a flood of calls from panicked customers so overwhelming that Sargento had to set up a separate call center to handle the volume.

One month after the government forced Sargento to issue a “voluntary” recall, FDA regional director Gary Pierce wrote to Sargento CEO Lou Gentine with an update. The anomalous test was an anomaly for a reason: It was wrong. The test that found listeria was “incorrect,”

Pierce explained, noting that the FDA regretted “the difficulties this has caused your company.” The agency quietly removed the recall notice from its website. The FDA’s mistake did not make local TV and radio newsbreaks. It was not featured on the CNN Headline News loop. The cheese had been destroyed. Sargento was left to calculate its losses. The FDA refused to respond to repeated media inquiries about the error.

The kicker: When it was all over, Sargento officials *praised* the regulators who had just cost them millions in lost profits and future business. “Although there was a lab error in this particular unusual case, we continue to be supportive of FDA’s important role to ensure the wholesomeness of the food supply,” Gentine said in a statement. A company spokesman echoed those sentiments. “It’s a big job they have, and they don’t make this kind of mistake very often.”



“Thank you, sir, may I have another?”

Why would a company defend regulators whose mistake caused them so much hardship and whose intimidating tactics cost them millions? “We are regulated by the FDA,” the spokesman said. “Everything we do.”

It’s an attitude that conjures images of the memorable scene from *Animal House* in which fraternity pledge Kevin Bacon answers each swat to his behind with a call for more punishment. “Thank you, sir, may I have another?”

Such major errors are relatively rare. But the authoritarian conduct of federal government agencies and those who represent them is all too common. The federal agents who threaten to shut down family farms if they find that a migrant worker has provided his employer with fake documents. Officials at the Consumer Product Safety Commission who protect Americans from products far less dangerous than their sofas and their bathtubs. The EPA regulators who have sought to regulate ditches as wetlands. The IRS agents who target political opponents of the administration in power. Career employees at the Department of Education whose expansive interpretation of Title IX leads to restrictions of free speech on campuses across the country. FDA administrators blocking approval of life-saving drugs for

fear of bad drugs making it to market. And on and on and on it goes.

Over the past century, these unelected agents of the state have accumulated incalculable unchecked power. They're unaccountable to voters, intimidating to those they regulate, and often dismissive of legislators who theoretically oversee their work.

This is the administrative state.

When Donald Trump says he wants to dismantle it, conservatives should stand and applaud. So should liberals and independents and anyone who believes that the federal government should be accountable to those whose consent gives it legitimacy.

In 2015, the federal government produced 237 volumes of regulatory code filling nearly 200,000 pages. Federal regulations cost the U.S. economy more than \$1 trillion a year, according to some estimates. These numbers have grown inexorably under Republican and Democratic presidents. Trump says he wants to stop that growth—maybe even reverse it. And according to a report from Zeke Miller at *Time* magazine, his White House counsel, Don McGahn, has put together a team of lawyers with vast experience in and around the federal bureaucracy to lead the fight.

“Article I is the Congress, Article II is the President. Article III are the courts. And then there's this administrative state, combining all three,” McGahn told *Time*. “They make the law, they enforce the law, and then they decide who violates the law, destroying the constitutional separation of powers that was designed to protect individual liberty.”

This is exactly right.

According to *Time*, McGahn and his team plan to take advantage of a 2012 Supreme Court ruling that gives individuals more power to challenge the rulings of federal agencies. “Too often agencies impose penalties without basic due process,” McGahn told *Time*. “Before imposing a penalty or negative ruling, those accused should get an opportunity to be heard. It is fundamentally unfair to do otherwise.”

There are reasons to be skeptical that Trump can defeat the administrative state—or even succeed in taming it. Power acquired over a century will not be given up easily. And there are now vast bureaucracies and thriving Washington law practices that exist solely to guard the administrative state from the voters whose lives are affected—directly or indirectly—by its decisions.

But even if Trump's attempt to take on the administrative state fails, it's worth the effort. Simply by announcing the fight, Trump is telling businesses and individuals bullied by federal bureaucracies that they have a powerful ally if they decide to fight back. And it's worth fighting.

The war is not over. Nothing is over until we decide it is. Was it over when the Germans bombed Pearl Harbor? Hell no!

Let's do it.

—Stephen F. Hayes

Steal the March

Conservatives are generally interested in conserving. Defenders of liberal democracy are busy defending. Guardians of the postwar liberal world order spend their time guarding. As they all should.

Indeed, as they all should now more than ever. Against a mindless progressivism on the left and a reckless populism on the right, conserving, defending, and guarding are worthwhile, even noble, enterprises.

But of course, they're not enough. The founder of modern American conservatism, William F. Buckley Jr., famously announced in the mission statement of *National Review*: “It stands athwart history, yelling Stop, at a time when no one is inclined to do so, or to have much patience with those who so urge it.”

But in the same statement, Buckley makes clear that any serious political effort can't merely be about yelling Stop. It can't mostly be about playing defense. And so, a few paragraphs later, Buckley exuberantly goes on the offensive, claiming the mantle of freshness, embracing the novelty of his enterprise:

We have nothing to offer but the best that is in us. That, a thousand Liberals who read this sentiment will say with relief, is clearly not enough! It isn't enough. But it is at this point that we steal the march. For we offer, besides ourselves, a position that has not grown old under the weight of a gigantic, parasitic bureaucracy, a position untempered by the doctoral dissertations of a generation of Ph.D.'s in social architecture, unattenuated by a thousand vulgar promises to a thousand different pressure groups, uncorroded by a cynical contempt for human freedom. And that, ladies and gentlemen, leaves us just about the hottest thing in town.

Buckley was proud to yell Stop. But he was also proud to be championing “a position that has not grown old,” indeed is “the hottest thing in town.” Buckley understood that all politically serious conservatism is in a sense neoconservatism, that conservatives need to steal the march, not simply man the barricades.

Before Buckley there was Edmund Burke. Burke is widely considered the patron saint of modern conservatism. Burke was a great defender of what deserved defense. But he was also a great reformer. As he wrote in his *Reflections on the Revolution in France*, “A state without the means of some change is without the means of its conservation. Without such means it might even risk the loss of the constitution which it wished the most religiously to preserve.”

Everyone has the sense today, in 2017, that liberal democracies need to change in order to preserve what is most worth preserving. We live in a new moment. At home, the

forces of technology and globalization have changed the economic landscape. The various cultural revolutions of the last half-century have changed the social landscape. Changes in policy, demography, and economy have altered the political landscape. Abroad, it's a quarter-century since the collapse of the Soviet Union. History, once allegedly ended, has restarted with a vengeance. New thinking is surely needed to deal with threats quite new.

Has either conservatism or liberalism met the challenge of these new conditions? No. Why did almost half the participants in the 2016 Republican primaries vote for an authoritarian populist demagogue? Why did almost half the voters on the Democratic side cast their ballots for an unreconstructed socialist demagogue? Demagogues gain traction when movements stagnate. Demagoguery becomes plausible when stability becomes immobility. Demagogues appeal when the sober becomes soporific.

So Bernie Sanders and Donald Trump were wake-up calls. And have we awoken? Not yet. Reacting to the prospect and reality of a Trump presidency has taken a lot of time and effort. It will continue to do so. But there is politics beyond Trump; a nation and a world beyond Trump.

And the Republican health care bill, after all, can't be blamed on Trump. It pre-exists him. Yet it shows little in the way of fresh thought. To take one example: Republicans are in favor of repealing Obamacare. The passage of Obamacare involved levying about a dozen new taxes on the American

people to pay for the new benefits and structures. Republicans have been committed to repealing that tax burden.

But how does the GOP bill do this? It repeals exactly those taxes that Obamacare levied or increased. It takes no account of the fact that years have passed, that circumstances have changed, and that the taxes that should now be repealed or reduced need not be an exact mirror image of those that were increased years ago. The failure to adopt a Burkean attitude toward their task means that Republicans—after a seven-year stretch in which investors have done well and capital has prospered, after an election in which their nominee prevailed by promising to help Main Street rather than Wall Street—have in their first major piece of legislation advanced a tax proposal that mostly benefits the wealthy investors of Wall Street.

It's not Trump's fault that the Republican party is trapped in this kind of zombie conservatism. Indeed, it may precisely be Trump, unconstrained by previous allegiances, who will have the wit and the sense to rebel against this case study in dubious economics married to disastrous politics.

But whatever Trump does, whatever the fate of this particular piece of legislation, we can surely find our way through to positions that have not grown old. New means are required to attain conservative ends. Now is the moment to steal the march on the progressives and the populists, to say nothing of the dictators and the fanatics.

—William Kristol

Four Decades of Court Battles and Counting

THOMAS J. DONOHUE

PRESIDENT AND CEO
U.S. CHAMBER OF COMMERCE

This month the U.S. Chamber Litigation Center marks 40 years of fighting for American business in the judicial system. Throughout its history, the center has earned a reputation as one of the business community's most valuable lines of defense by challenging harmful regulations at the federal and state levels, filing amicus briefs to represent our views in important cases, helping advocates prepare for court arguments, and working to promote public understanding of key decisions and legal principles.

The center's origin can be traced back to August 1971 when the U.S. Chamber of Commerce received a memo from attorney Lewis Powell—just two months before he became a justice of the U.S. Supreme Court. Powell wrote, "American business and the enterprise system

have been affected as much by the courts as by the executive and legislative branches of government" and suggested that the Chamber "undertake the role of spokesman for American business" in the courts.

The Chamber heeded Powell's advice by establishing the Litigation Center in March 1977. In its first full year, it filed 13 amicus briefs and had 3 regulatory lawsuits pending. Over the next 40 years, as threats against business have grown, so has the center's size and scope. In 2016 alone, it filed 173 amicus briefs and had 21 regulatory lawsuits pending.

Among its actions last year were bold moves on labor and employment issues, including challenging the Department of Labor's overtime rule. It continued pushing back against an overly aggressive plaintiffs' bar, which forces companies to spend billions of dollars every year fighting and settling frivolous lawsuits. It was a leading challenger of Labor's

so called fiduciary rule and filed legal challenges against two major Obama-era energy and environment regulations: the Clean Power Plan and the Waters of the U.S. rule.

Through its 40 years of action-packed history, the Litigation Center has proven Powell right—the judicial system is one of the most important instruments for change in our country. The center has helped rein in government overreach and guard individual businesses and entire industries against bad regulations. It has defended the rights of all businesses and associations to participate in the political process and have a voice in the debate. No matter what business faces in Washington in the near term or long term, the Litigation Center will continue to play a driving role in the Chamber's mission to protect American business and advance free enterprise.



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Can This Relationship Survive?

Trump and Ryan need each other.

BY FRED BARNES

For decades, a favorite pastime of the Washington press corps has been to find “daylight” between the president and the vice president—a difference of opinion, a dislike, a secret irritation. But not any more.

The media’s obsession now is “daylight” between President Donald Trump and House speaker Paul Ryan. The media are not alone. Trump allies who detest Ryan are even more eager to find differences. Personal ones could explode the relationship between the speaker and the president, and a blowup is what they desire.

Is this petty? Sure, but political alliances have been shattered over small conflicts. And some Trump supporters want him to dump Ryan and his plan to repeal and replace Obamacare. This would be a mistake on Trump’s part—and would delight the media and Democrats. Yet the Trump-Ryan tie is fragile.

There’s an overriding factor that draws them together: Trump and Ryan need each other. The process of liquidating Obamacare is difficult. To prevent a Democratic filibuster in the Senate, Republicans are forced to use “reconciliation,” which allows them, with 51 votes, to get rid of spending and taxes in Obamacare but leaves its regulations and broad framework in place. Reconciliation also requires a specific “Byrd rule” to

be met. It’s a necessary tool but hardly an efficient one.

Ryan’s strength is that he has a plan. No one else does. Other Republicans have ideas: generally bad ones. Senator Lindsey Graham would let Obamacare collapse on its own. But this would



cause millions to lose their health insurance and rates to rise. Republicans would be blamed. Senator Tom Cotton wants to put off a vote for months. That’s not likely to ease passage of repeal and replace. And it would be viewed as a setback for Trump, Ryan, and the GOP agenda. At the least, it would be a temporary retreat.

Though Ryan has promised to make small changes, there’s not much he can do to mollify critics of his plan. Conservatives in the House Freedom Caucus would speed up the reform of

Medicaid, but that would drive away moderates. Moderates would increase the tax credits that subsidize health insurance for the poor. That would upset conservatives.

To get the bill through the House, Trump’s full-throated support is indispensable. And he is already helping. He has met with Freedom Caucus members and moderates. He’s made phone calls. He sounded queasy about the whole process last week in an interview with Tucker Carlson on Fox News. But he’s still on board.

Meanwhile, the anti-Ryan clique that operates on the fringe of Trump’s orbit hasn’t let up. Its appeal is to Trump’s ego, insinuating that Ryan is an evil genius who has tricked him into backing a bill that would keep Obamacare alive.

“I think Paul Ryan’s selling him a bill of goods that he didn’t explain to the president,” Republican senator Rand Paul told CNN. Eric Bolling of Fox News wrote that the “establishment GOP [has] pulled a fast one on President Trump.”

Rush Limbaugh said on his radio show that congressional leaders have insisted the bill must be passed as soon as possible and dispatched to the president. That’s true, but Trump himself has also been urging Congress to act quickly.

Laura Ingraham, the talk-radio host and a friend of Trump, said on Fox News that the Ryan bill is a “trap.” She said she’d like “to spend an hour talking” to Trump about it. “I think this is a trap set for Trump and it’s going to be bad” if he seeks reelection in 2020.

Breitbart, the relentlessly anti-Ryan website, has chimed in. It released, with maximum hype, an audio from last October just after the raunchy *Access Hollywood* tape had rocked the Trump campaign. The audio features Ryan. “On a never-before-released . . . call with House Republican members,” Ryan told his colleagues: “I am

Fred Barnes is executive editor of THE WEEKLY STANDARD.

GARY LOCKE

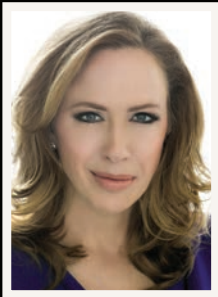
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not going to defend Donald Trump—not now, not in the future.”

Ryan’s comments were widely reported at the time, but the audio was new. “Now Ryan,” Breitbart’s Matthew Boyle wrote, “has pushed President Donald Trump to believe his health care legislation . . . would repeal and replace Obamacare when it does not repeal Obamacare.”

Perhaps the blast from the past could chill the Trump-Ryan relationship, but there’s no evidence it has. Ryan gets along with Trump and has worked closely with White House staffers. But presidential counselor Steve Bannon, the former head of Breitbart, is not regarded as an ally of Ryan. Bannon, by the way, has hired ex-Breitbart writer Julia Hahn as an assistant at the White House. She accused Ryan last year of favoring Hillary Clinton over Trump in the election.

The fusillade from the Trump right wasn’t the only hit on the Ryan plan. The Congressional Budget Office offered its assessment, and the media did their best to make it appear far worse. CBO is notorious for shoddy reports. It predicted Obamacare would sign up 23 million people. It peaked at 12 million.

If the Ryan plan is enacted, there would be 14 million fewer Americans with health insurance in 2018. The media either said 14 million would “lose” their insurance, thanks to Ryan, or reported the drop in the number of insured without explaining why.

Republicans panicked. They settled down only after learning the 14 million were mostly those who, once the individual mandate is gone, would choose not to buy health insurance. In other words: consumer choice. Others were counted as uninsured if they would be eligible for the expanded Medicaid that would be abolished under the Ryan plan.

Absent the discovery of embarrassing “daylight” between Trump and Ryan, it stands to reason the president will stick with Ryan. There’s a simple reason: Trump wants to redeem his promise to jettison Obamacare and the Ryan plan is the only way. ♦

Obamacare Doings and Undoings

The perils of narrow majorities.

BY JAY COST



With nary a Republican in sight: Obama signs the ACA into law, March 23, 2010.

As the Republican alternative to Obamacare winds its tortuous way through Congress, the parallels with the big mistake President Barack Obama and congressional Democrats made eight years ago are unmistakable. Such large changes to society should only be done with a broad coalition, otherwise they risk being undermined by our very system of government.

The grand bargain at the heart of America’s constitutional system is *consensus yields power*. After years of unfair treatment at the hands of King George III and Parliament, the young republic was understandably hesitant to centralize governing authority. It was only due to the many crises of the 1780s—unmanageable public debt, interstate rivalries, foreign interference,

and civil unrest—that Americans decided to empower a national government. But there was a catch: Our government would be capable of doing many great things, but only when a broad segment of society agreed on the actions. By widely separating powers, the Framers effectively created a diverse array of *veto points* where social groups that felt their rights were about to be infringed could organize to stop the government in its tracks.

We have come a long way from this original vision. In many respects, power has become far more centralized in recent decades. But the centralizing tendency has been countered in other ways. For instance, the federal government regularly uses intermediaries to accomplish its purposes. Take Medicaid—a partnership between the federal government and the states, which gives the latter a role in deciding how public benefits will be distributed.

Jay Cost is a senior writer at THE WEEKLY STANDARD.

Medicare, for its part, provides no direct benefits to citizens, instead relying on doctors and hospitals to voluntarily agree to the terms the government has set. There is also the filibuster—the rule in the Senate that empowers a minority of 41 members to prevent a final vote on all manner of legislation. This is not a legislative instrument the Framers created, but it is consistent with the idea that any new policy needs broad-based support.

Interestingly, President Barack Obama—who lectured on constitutional law at the University of Chicago—failed to appreciate this as he pushed the Affordable Care Act (ACA) through Congress in 2009 and 2010. Though the policy was extremely divisive, he and his congressional allies rammed it through anyway. Their insistence on reorganizing the American health care system without a broad coalition created a number of negative side effects.

When the voters of Massachusetts elected Scott Brown in 2010, they empowered Senate Republicans to filibuster the conference report that reconciled the House version of Obamacare to the Senate version. In response, House Democrats decided to approve the Senate bill as it stood. Unfortunately, that piece of legislation had a number of poorly written sections. For instance, the main point litigated all the way to the Supreme Court in *King v. Burwell* was that the Senate bill seemed to provide public subsidies only for states that set up their own exchanges. The Court did the Obama administration a favor by effectively looking the other way on what was, at best, a sloppily worded provision. This is the sort of error that could have been rectified in a conference between the House and Senate. But because the Democrats did not have a sufficiently broad consensus at that point, they could not finish the process properly.

Or consider the Independent Payment Advisory Board, the agency tasked with finding savings in the Medicare program. It was to be a key cost-saving provision of the ACA, but IPAB has precisely *zero* members. The reason? IPAB's 15-member board

is to be nominated by the president and confirmed by the Senate, which requires a degree of consensus on how to manage Medicare costs. No such consensus exists.

Additionally, the ACA assumed a wide-ranging federal-state partnership. The states would be tasked with setting up online health exchanges, and would receive money for expanding their Medicaid rolls. But many states balked at the terms of this deal. So the federal government had to build an online portal for most of the nation, which as we all remember crashed in spectacular fashion.

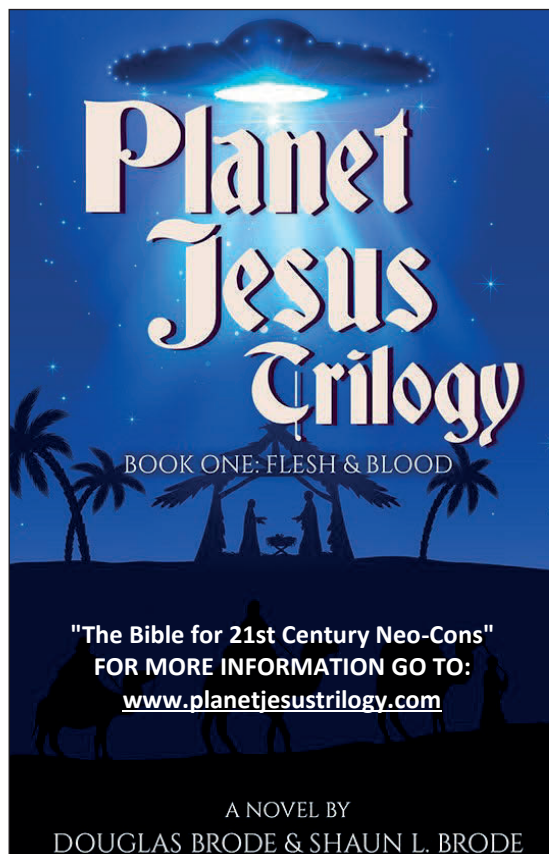
These are the sorts of problems that arise when one faction of society decides to force big changes on their fellow Americans. Our system of government is *designed* to resist such impositions, which helps explain why the ACA has fallen far short of the heady promises Obama made eight years ago.

Unfortunately, Republicans are on track to “fix” Obamacare in a similarly one-sided manner. As problematic as

Obamacare is, there is no broad consensus on how to fix it, or even that it should be fixed. Republicans have majorities in both chambers of Congress, but they are relatively narrow, especially in the Senate. The GOP is eight votes short of stopping a Democratic filibuster, which means that for all intents and purposes, there is no way to get a full repeal-and-replace bill to President Donald Trump's desk.

As a workaround to this, congressional Republicans are planning to use a process known as “budget reconciliation,” which eliminates the 60-vote Senate threshold on matters of taxes and spending. This was originally intended to make it easier for the Senate to reduce the deficit, but Congress has become increasingly bold in its use of what was once a small loophole, and the GOP is pushing the boundaries further than ever.

This is a major reason why the House bill retains so much of Obamacare's original structure. Under the Senate's rules for reconciliation,



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provisions that do not relate to spending and taxes are subject to a 60-vote threshold. So, much of the Affordable Care Act has to stay.

House speaker Paul Ryan promises that reconciliation is just the first part of a three-prong process, with the second being administrative actions by the Department of Health and Human Services to alter the implementation of Obamacare, and the third being a traditional piece of legislation to implement certain reforms, like allowing interstate competition among insurers. But it beggars belief that this final piece of the puzzle will ever come into place. If Republicans cannot meet the 60-vote Senate threshold for the relatively modest changes in their reconciliation bill, there is no reason to think they can pass a broader reform package.

So, what is to be done? The answer is: probably nothing, or at least nothing very good. The Republicans lack sufficiently broad majorities to implement a comprehensive and sensible alternative to Obamacare. Whether they can manage to get this half-a-loaf passed is in doubt, but even the best-case scenario is a final piece of legislation that mostly tinkers at the margins. There is simply no consensus to do anything more than that.

In retrospect, Republicans erred years ago, by refusing to speak plainly to voters about what they can and cannot do. Obamacare could probably have been knocked out via reconciliation *before* its main benefits started to be delivered in 2013. This means that the election of 2012 was the referendum on the bill. As they often do, the voters returned a split decision—reelecting Obama and House Republicans. After that, Republicans could have explained that a full replacement would henceforth require more than a simple majority, but they instead made sweeping promises that they could not possibly hope to deliver on.

As a consequence, their health care alternative is a tangle of half measures that satisfies nobody, one that doubles down on Obama's original error of passing a major law with a narrow majority. ♦

Five Paths for the EU

None of them promising.

BY DOMINIC GREEN

‘I don’t know where democracy will end,’ said the Habsburg statesman Klemens von Metternich, “but it can’t end in a quiet old age.” Metternich was an architect of a postwar European order—the Concert of Europe, assembled after the defeat of Napoleon. In his old age, he witnessed its disintegration after the democratic revolutions of 1848. In the 1850s, Turkey, once the strategic anchor of the southern front, became a liability, aggressive and unreliable. Russia sent troops into the borderlands of Central Europe. There was even war in the Crimea.

In the breakdown of modern Europe’s postwar order, the democracies get louder even as the voters get older. The two phenomena are related. For decades, Europe’s leaders told their voters to trust the euro and mass immigration. The euro would create an economy of scale, like that of the U.S. dollar. Mass immigration would soften the effect of demographic decline on the tax base that funded hospitals, social housing, schools, and welfare systems. Now, voters in Europe’s cities discover that their hospitals and social housing are crowded with immigrants. Their schools are the stage of cultural conflict between the relaxed morals of postwar Europe and the rather more stringent demands of Islamism. And welfare budgets have to be cut because the eurozone remains a sluggish giant.

Now, as in 1848, that Spring of Nations when the harvest was poor, successive waves of nationalism challenge Europe’s leaders. The politicians, as concerned with staying upright as with setting a course, ride the waves. In London, Theresa May’s government

squeezes between Scylla and Charybdis, avoiding shipwreck on the rocks of law and legislative process.

In late January, Britain’s Supreme Court ruled that May’s government must give MPs a vote in Parliament on the act that would formally begin Britain’s withdrawal from the EU, invoking Article 50 of the Treaty on European Union. The government, whether from cunning that Metternich might have envied or mere aimlessness, drafted a bill of two clauses and 137 words. The Remainers, whose hopes of reversing the Brexit referendum in court had also been dashed with the January decision, hoped that the House of Lords would force May towards a “soft Brexit,” whereby Britain stays in the EU’s single market, by inserting amendments into the bill.

But their lordships are not what they were in Metternich’s day. Even the splendidly named Lord Pannick, who had represented the Remainers at the Supreme Court, advised his fellow peers to accept the will of the people’s elected representatives in the Commons, who had already passed the bill. The peers did pass two amendments, but the Commons voted them down, and the Lords finally assented to the original bill. On Thursday, the queen’s signature, in a flash of constitutional magic of which Metternich would have approved, turned the bill into an Act of Parliament. May is on course to honor her promise to notify Brussels by the end of March.

On the day before the queen signed the Article 50 bill, the voters of Holland made their marks on their ballot papers. The Dutch are usually the kind of electorate that Metternich might have tolerated—moderate, consensual, and averse to change. Not these days. Only in the week preceding the election did

Dominic Green, a fellow of the Royal Historical Society, is a frequent contributor.

Prime Minister Mark Rutte's Freedom and Democracy party deflect Geert Wilders's anti-immigrant and anti-EU Party for Freedom in the polls—and only then because Rutte's statements were almost as hostile to Turkey as Wilders's. A row erupted just days before the vote when Turkey announced it was sending its foreign minister to speak at a rally in Rotterdam in support of a referendum on constitutional changes that would expand the power of President Recep Tayyip Erdogan. Rutte declared Turkey wouldn't be allowed to chase the votes of Holland's Turkish citizens—possibly escalating tensions in the process—on Dutch soil.

Rutte's party won, with a fifth of the 150 seats in the House of Representatives. The office of Jean-Claude Juncker, president of the EU commission, was quick to congratulate Rutte on his "clear victory." Yet the clarity of the victory is debatable. Rutte did not do as well as he did in the 2012 election, and Wilders did better. And now, Rutte, as in 2010 and 2012, must form a coalition. He has promised not to admit Wilders into it, or to repeat the arrangement of 2010-12, when Wilders supported Rutte from outside a minority government. Without Wilders, Rutte will have to form a four-party coalition, Holland's first since the 1970s. The negotiations to assemble this coalition will be complex, and may fail. In the meantime, the direction of Dutch democracy is unclear. So are Holland's economic policies and its role in the EU.

At present, the parliamentary influence of Europe's populists is limited by two factors. Firstly, although the number of voters willing to prioritize nativist policies is large and growing, it is generally not large enough to produce absolute majorities, especially in parliamentary systems designed to create multi-party consensus. Secondly, the mainstream parties work to exclude the insurgents. This is what happened in Sweden after the Sweden Democrats took 13 percent of the seats in the Riksdag, and it is what Mark Rutte will try to engineer now in Holland.

This does not deprive the populists of indirect parliamentary influence. The populists have gained votes because nativism and anti-immigrant sentiment are becoming mainstream views. In a February poll by the London think tank Chatham House, an average of 55 percent of citizens in 10 EU states wanted a halt to immigration from mainly Muslim countries. The populists, their profiles amplified by the mob parliament of digital media, are setting the domestic political agendas.



Klemens von Metternich

The mainstream parties, if they are to ride the currents of disaffection into power, are tacking towards the populists. In France, François Fillon's advocacy of national identity and Catholic social values overlaps with the policies of Marine Le Pen. In Germany, Angela Merkel, facing the Alternative for Germany in this year's elections, considers whether to ban the burka. In Holland, Rutte pulled ahead of Wilders by banning Turkey's foreign minister from the country. In Britain, Conservative Europhiles voted for the Article 50 bill.

"The most fundamental problem of politics," Henry Kissinger wrote of Metternich in *A World Restored* (1957), "is not the control of wickedness, but the limitation of righteousness." For years, the EU leadership in Brussels insisted that there could be no deviation from "convergence" into a single

European state. Like Metternich when he said that "democracy is a falsehood," those EU leaders antagonized the nationalism they sought to suppress.

In early March, however, the first sign emerged that the EU's leaders are beginning to understand that democracy and nationalism threaten not just the speed of convergence, but also the future of the union and the euro. On March 1, Juncker gave the European parliament a white paper examining five "pathways" to the union's future.

"The future of Europe must not be held hostage by electoral cycles, party politics, or short-term successes utilized for domestic political purposes," said the would-be Metternich of Brussels. "Brexit, as regrettable and painful as it may be, must not be allowed to stop the European Union on its march to the future. We will go on. We must go on."

Juncker's position after the Brexit vote resembles that of Metternich in 1830, after France's July Revolution. "My whole life's work is destroyed," Metternich said, then strove to mitigate the damage. The Concert of Europe was able to crank out the old tunes for another two decades.

Two of Juncker's five paths would save his life's work, by looping around democracy and ending in full and final convergence. The other three, though, amount to its destruction: an EU that reverts to being a single market, a "two-speed" Europe with a converging core and a nationalist periphery, and an EU that acts "quicker and more decisively" where possible—which is to say, more slowly and less intrusively.

The direction of European democracy remains as unclear as it was for Metternich, but the EU's path is approaching a fork in the road. The future of the EU is no longer in the hands of Juncker and the Brussels elite. It will be shaped by democracy and nationalism—how the mainstream parties adapt to the challenge of the populists, and whether Brussels responds to resistance from the national parliaments in the rigid style of Metternich. ♦

Overseeing What's Overheard

The coming battle over surveillance.

BY JENNA LIFHITS

As mystery continues to swirl around the February resignation of General Mike Flynn, President Trump's first national security adviser, an already-contentious government program that monitors terrorists and helps disrupt their plots is in trouble.

How Flynn's conversations with the Russian ambassador were intercepted is not yet known. But some Republican lawmakers have pointed to potential abuse of the 1978 Foreign Intelligence Surveillance Act (FISA). Chairman of the House Intelligence Committee Devin Nunes, whose committee is investigating Russian election interference, suggested in February that Obama holdovers were behind the leaks that precipitated Flynn's resignation.

Nunes's committee wants to know how the general's calls were obtained and who made the decision to expose his name, which typically would have been redacted, in the transcripts of the calls. "I have been very clear about my concern about . . . the incidental collection on General Flynn, how that was put into a product, how it was unmasked, how it was leaked to the public," Nunes told reporters in March. "Several crimes have been committed here."

That controversy and others have spooked surveillance-weary Republicans ahead of the expiration of FISA Section 702, a program many officials and experts say is critical to U.S. counterterrorism efforts.

"There's always been concern

about civil liberties," Nunes told *THE WEEKLY STANDARD*. "At this point I just think there's going to be a lot of concern until we can do our investigation and make sure there were no abuses of FISA . . . or anything else."

Other triggers for surveillance concerns include the president's allegation that the Obama administration



And just how 'incidental' is it?

"tapped" him before the election. Kentucky senator Rand Paul, who has long pushed to curb surveillance, said Trump was probably not the target of direct surveillance. But, he said, the president's allegation revives the issue of potential abuses that civil liberties advocates have warned about for years.

"I doubt that Trump was a target directly of any kind of eavesdropping, but I am not saying it didn't happen. I think there's a very good chance it does," Paul said on *Face the Nation*. "The FISA court, through Section 702, wiretaps foreigners and then listens to Americans."

"They are not targeting Americans," he said. "They are targeting foreigners. But they are doing it purposefully to get to Americans."

Perhaps so, but Paul Rosenzweig,

the founder of a homeland security consulting firm and a former Department of Homeland Security official, says there is no proof of Paul's latter allegation. "Deliberately targeting Americans through a subterfuge, that is, by targeting foreign targets in order to collect purposefully against an American, is already illegal and, in fact, a crime," Rosenzweig said. "There is, as far as I'm aware, virtually no evidence in any of the investigations . . . that have become public of any instances in which anybody has done that on purpose."

FISA Section 702, enacted in 2008 and renewed in 2012, lapses this December. The program allows for foreign intelligence collection under a set of strict conditions: The target must be a non-U.S. person, located overseas, and likely to communicate foreign intelligence information.

Top Republican lawmakers, including Nunes and his Senate counterpart Richard Burr, chairman of the Intelligence Committee, support 702 reauthorization. But a number of other Republicans are worried about the potential abuses noted by Paul.

For critics of 702, the main concerns involve "incidental collection"—when a foreign target under surveillance communicates with a non-targeted U.S. person,

whose conversations or texts or emails are thereby collected. The Privacy and Civil Liberties Oversight Board (PCLOB), an independent executive agency, conducted an in-depth 2014 review that illuminated many previously obscure features of 702. The board noted that incidental collection has allowed law enforcement agencies to track domestic terror plots through foreign links.

"And indeed, where the program has directly led to the discovery and disruption of terrorist plots, it has sometimes done so by helping to discover previously unknown operatives in the United States through their communications with terrorism suspects located abroad," the report reads.

Intelligence collection under 702 is a multi-step process with oversight

Jenna Liphits is a reporter at *THE WEEKLY STANDARD*.

from all three branches of government. As a prerequisite for collection, the attorney general and director of national intelligence make yearly certifications identifying topics for intelligence collection, such as “the acquisition of weapons of mass destruction,” per the PCLOB. The FISA court—consisting of 11 federal judges appointed by the chief justice of the Supreme Court—reviews the certifications as well as targeting and minimization procedures.

Targeting procedures ensure that the individual subject to collection is a non-U.S. person outside the United States who will communicate or receive the sort of intelligence covered in the certifications. Though lawmakers raise alarms about so-called reverse targeting, which is targeting a foreign person with the intent of collecting information on a U.S. person, rigorous oversight makes reverse targeting difficult to execute, according to April Doss, a former NSA lawyer. “It would be very hard for somebody to task a foreign selector for the purpose of collecting U.S. communications without it getting caught,” Doss said.

There are “multiple steps of review at the time of making the targeting decision, and it requires approval by more than one person,” she said. “It also goes through after-the-fact scrutiny by the Department of Justice and the office of the director of national intelligence.”

Minimization procedures govern the collection, retention, and use of communications. These include special protections for U.S. persons. The National Security Agency, for example, often redacts the identity of U.S. persons when it shares information outside the agency. According to Doss, “The minimization procedures do allow reporting that includes a U.S. person’s name in some circumstances, specifically where the identity of the person is necessary to understand or assess the intelligence.”

The care normally taken to mask U.S. person information makes the Flynn case all the more troubling, a surveillance expert told *TWS*.

“Information about Americans collected under foreign intelligence surveillance authorities is considered the most sensitive type of information that you can collect, and for obvious reasons,” said Adam Klein, a senior fellow at the Center for a New American Security. “It’s not collected under a criminal warrant, the purpose is to surveil foreigners, and we treat the U.S. person information that gets collected almost like it’s kryptonite.”

Minimization procedures, especially those that oversee retention and use of information, are another area where Republican concern is growing. Texas congressman Ted Poe, a member of the House Judiciary Committee, has objected to the procedures governing the use of a U.S. person’s information, acquired via 702 and discovered in an agency database, as evidence for an unrelated crime. He said he would not vote to reauthorize the 702 program unless it requires that a traditional warrant be obtained before such information can be used.

“We don’t want the government taking information on a bad guy and then going through it and finding information on Americans,” he said. “Use the constitutional process and don’t use the FISA legislation as a subterfuge for searching Americans.”

The Flynn leaks heightened his concern. “If there were abuses on that case, there can be abuses on any American citizen,” he said. “All these leaks that are coming from whatever source have just made me more passionate about protecting the right of privacy of Americans,” Poe added.

The ability to query data for certain terms, such as U.S.-person identifiers, varies by agency, and is limited with respect to purposes for the query, April Doss said. Only specially trained agents can view raw 702 data. “Queries have to be for the purpose of finding foreign intelligence information,” Doss said. “If there’s a communication between a foreign target and a U.S. person that is completely irrelevant to anything, it’s unlikely the analyst is ever going to see that communication.” Moreover, “there always has to be a foreign

intelligence purpose for running the query. Queries are audited. There’s logs that show who ran what queries.”

FBI access to 702 data has given civil liberties advocates the most pause, because the agency conducts law enforcement investigations unrelated to national security. Specially trained FBI agents can query FBI databases, at least one of which contains a subset of 702-acquired information, “to find and extract” both “foreign intelligence information” and “evidence of a crime,” according to the PCLOB.

Agents routinely conduct queries as part of an investigation. The FBI told the PCLOB that it is “extremely unlikely” that a crime-related search would turn up 702 data. And such queries are relatively nonintrusive, according to Paul Rosenzweig. “In general, querying existing government databases of information that’s already been collected is one of the least intrusive things that we could do,” he said.

Rosenzweig cautions against dividing foreign intelligence information and non-national-security criminal information. “That’s re-creating the same type of artificial walls between intelligence collection and criminality that were identified by the 9/11 Commission as part and parcel of some of the reasons behind our failure to connect the dots in 9/11,” he said.

Other Judiciary Committee members also said they took issue with features of 702. “It needs to be reauthorized but with major reforms,” Idaho congressman Raúl Labrador, who voted for 2012 reauthorization, told *TWS*. “We’re going to go through a robust committee process. We have plenty of Republicans that want the 702 program to be reformed.”

“The Flynn leaks actually just confirmed the issues that I’ve had with the program, that you can use the program to attack your political opponents,” he said.

California congressman Darrell Issa, who voted for reauthorization in 2012, said he has doubts about current minimization procedures and government access to information collected via 702. “In its current form, I don’t believe we

have enough protections, nor have we had enough transparency,” Issa told me. “I’m currently not supportive of reauthorizing 702 based on what I’ve been allowed to see so far.”

The possibility of reverse targeting in Flynn’s case contributes to unease over 702, Issa said. “It’s playing into the American people’s concerns that either it was a 702 reverse intercept or it could have been pursuant to some other warrant, but we don’t know,” he said.

Experts and intelligence officials under both Republican and Democratic administrations have described FISA Section 702 as critical for counterterrorism. The program, they say, grants the government flexibility to discover previously unknown terrorist operatives, better understand how terrorist networks operate, and disrupt their plots at home and abroad. More than a quarter of the NSA’s international terrorism reports “include information based in whole or in part on Section 702 collection,” the PCLOB reported.

Still, lawmakers have long pressed for a broad estimate of how many Americans have had their communications captured via incidental collection. That figure is hard to obtain, in part because the collected communications do not explicitly list nationality.

“Nobody knows precisely what the volume of incidental collection is,” said Klein of the Center for a New American Security. “When you have an email, you see the email addresses, you don’t necessarily know what the nationality of the people communicating is.”

Klein and other experts have called for continued efforts at greater transparency about the volume of incidental collection, as well as greater detail about the FBI’s queries for U.S.-person identifiers.

“To the extent that you want to reform the program, you want to do it in a way that doesn’t damage its value for counterterrorism and other intelligence purposes,” Klein said. “The focus should be on transparency and stronger accountability, stronger oversight, rather than taking away tools that the intelligence community needs to keep us safe.” ♦

Why Not an Auction?

A modest immigration proposal.

BY IRWIN M. STELZER

At some point, our border will be secure, resistance to deporting felons will collapse, and we will have accepted the fact that Dreamers will be allowed to stay in this country, probably on a path to citizenship. That’s the easy part.

It is easier to decide who we don’t want here than who we do. Here’s a start on a coherent federal immigration policy, one that satisfies the security and economic interests of our nation, but allows for the introduction of humanitarian principles consistent with our values. It is based on a two-step rule.

Rule 1: Set a limit on total immigration. Say, 50,000 per year. Arbitrary? Sure, but it can be reviewed annually, perhaps adjusted in response to changing labor-market conditions—down in periods of rising unemployment, up if tight labor market conditions threaten an inflation upsurge. Such a limit is necessary because things have changed since the days when we welcomed virtually unlimited numbers of Jews, Italians, Irish, and other groups that constituted the huddled masses knocking on our door. There was no welfare state in those days, so people who came were clearly in search of opportunity, willing to take risks and work hard for a better life. That alone skewed the incoming pool in favor of those who would eventually enrich the lives of their hosts. What’s more, the idea of multiculturalism had not taken hold: All pressures were to assimilate, to rise out of the ghetto into broader society by, among other things, learning English and adopting the ways of the New World, preserving only those aspects of the old that did

not contradict the mores of the new.

Rule 2: Adopt a system that has the effect of enriching our citizens by filling that annual quota with immigrants who are likely to increase the well-being of the existing citizenry, relying heavily on the market to determine just who those immigrants are.

At the moment, countries that try to restrict the inflow to the most productive applicants rely on bureaucrats to decide which skills are most needed, and assign points to applicants possessed of those skills. If recollection serves, in Australia social workers received more points than economists, a system that is clearly flawed, at least in the view of this practitioner of the dismal science.

But there are a couple of more serious flaws. Issuing permits without charge is an invitation to corruption. Those rich enough to pay a bribe, but not rich enough to be eligible for the special treatment we accord the very rich, will dangle cash before the eyes of bureaucrats who know they are under-paid. Or permits will be used to undermine existing wage scales and employment opportunities for Americans, as a new academic study shows the high-tech H1-B visa program has done. Or they will be used as an incentive to encourage employers to open their wallets when the time for campaign contributions rolls around.

The second flaw is that bureaucrats have no way of knowing which applicants for visas will most enrich our citizens. They cannot react as quickly to the changing demand for labor as can a market-based system of visa issuance, and they have a natural tendency to believe that what a country needs is more people like themselves, or whichever sort of worker a noisy constituent claims is in short supply. I recall once suggesting to a Department

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of Labor economist in charge of projecting the market for various skills that in addition to tweaking his models he wander around several neighborhoods and look at the help-wanted signs in store windows. He thought that a ludicrous idea.

The Canadian system, which requires bureaucrats to assign points to prospective immigrants, the system that President Trump unthinkingly holds up as a model, just doesn't work, as the pro-immigration *New York Times* recently pointed out. "The formula has changed over the years, with points for training and job categories rising or falling as officials' ideas on job readiness changed. . . .

Head scratching." Worse, one province decides it needs long-distance truck drivers, another food and beverage processors. There is no sensible way to balance regional interests to produce a permit allocation that is in the national interest. "I teach this stuff and I find it confusing. It's inherently confusing, plus it keeps changing," Professor Audrey Macklin, director of the University of Toronto's Center for Criminology and Socio-legal Studies, told the *New York Times*.

There is a better way to decide which immigrants are most likely to raise our per-capita GDP, increasing the wealth of our native-born workers. It has long been a topic of discussion among economists and, enriched or encumbered (you decide) by a few of my own variants, goes something like this. Auction off available permits to import workers, divided into two classes: permanent residents, with a right to work—a green card but no assured path to citizenship—and temporary permits. Employers will reflect in their bids their appraisal of what each worker will add to their output and profits in the long run. Almost by definition, the winning bidders will be bringing in workers who will be adding to the income of the nation, benefiting existing residents.

Employers will be allowed to use any visas they have won by drawing

from a pool of "extreme vetted" applicants for entry, which covers the national security question just about as well as it can be covered. And if the firm does not have a health care plan, the employer would be required to provide insurance coverage, so that the immigrant could not impose costs on society, and so that immigrant workers would not be used to derogate the quality of the social net provided native-born workers.

There is an important ancillary benefit of this scheme. By raising the cost of hiring an immigrant, downward pressure on domestic wages would be alleviated, and the relative attractive-



Four migrants discovered in an automobile trunk crossing from Mexico at Edinburg, Texas, August 24, 2015

ness of training a native-born worker would be increased. We do need apprenticeship and other programs to train and retrain our work force, and have learned that most government programs are at the very best marginally useful. Providing an incentive to private-sector employers to take on this role can only result in more effective programs.

In the case of the temporary (e.g., seasonal) permits, the employer would post a bond, refundable upon proof that the worker had left the country when his/her visa had expired. Over time, employers would learn which workers were most efficient and might raise the bids for permits for those workers every year. We would soon learn whether agribusinesses are correct when they say that Americans simply won't take these sorts of jobs, their alternative being to spend hard cash on temporary visas.

The proceeds of the bidding would go to communities and groups impacted by the new immigrants, with an emphasis on the unskilled Americans who, according to Harvard economist George Borjas, have suffered as much as a 6 percent wage cut from the present system, and will undoubtedly suffer from the new one. Though not as much as under the proposed system, since the employer will have to pay not only the U.S. minimum wage, but the visa fee, making it less likely that he can save significant money by bringing in foreign workers.

What about our values? Is the ability of an employer to pay for a visa for a prospective employee all that should matter? As a son of an immigrant—the phrase we immigration policymakers like to use to demonstrate our sympathy for the sort of immigrants our fathers and mothers were—I would rely on a refugee/asylum policy rather than an immigration policy to meet humanitarian needs of people who cannot be helped by cash and other aid to stay where they are. Tales abound of small towns across the country, abandoned by manufacturing and

then by retail and service establishments, losing population, that have been revived by immigrants. There are other communities that do not want to bear the social costs of immigration—more crowded schools, learning slowed by language problems, pressures on hospital emergency rooms. So instead of having the federal government sneak immigrants into states with governors who do not welcome these newcomers, let cities and states that choose to do so ask the federal government to send the immigrants to them as part of programs to revive communities suffering from population shrinkage.

No need to mutter or shout. I can hear "The devil is in the details" hurled at me as you read this. I would prefer the original expression: God is in the details. But either way, details do matter. If anyone can devise a detail-free immigration policy, I would gladly withdraw this suggestion. ♦

The Dutch Give Up on Trumpism

And leave Erdogan for another day

BY CHRISTOPHER CALDWELL

The pronouncement that “democracies don’t go to war with one another” has been a standby of chipper talk-show personalities for most of this century. We might want to reconsider it in light of the way Dutch and Turkish authorities were brought to the brink of an armed confrontation by little more than the overlap of their election seasons.

Since he founded the Justice and Development party in 2001, the onetime Islamist mayor of Istanbul Recep Tayyip Erdogan has done more to revive his country’s standing in the world than any leader this side of Vladimir Putin. Now Erdogan is president. He has Islamized Turkey’s laws steadily, tightened its links to Iran and the Arab world, and refused U.S. military requests (including for logistical help during the Iraq war), all while remaining under the umbrella of NATO military protection and pursuing negotiations to enter the European Union. The only people who seem to be chafing at Erdogan’s rule are his fellow Turks. In the summer of 2016, military officers staged a coup against him. He rallied his loyal followers and put it down.

Erdogan is ensuring it won’t happen again. He has arrested tens of thousands of people and jailed more journalists than any leader in the world. He has also

proposed a referendum to alter the Turkish constitution. Till now, a good part of the president’s time was spent opening orphanages and smashing champagne bottles on the bows of destroyers. Erdogan wants to eliminate the prime minister’s position, consolidating power in his person and making it possible for him to rule until the year 2029. His supporters call it an Americanized system. His foes call it an *Ermächtigungsgesetz*. The vote is scheduled for April 16.

And the road to its passage, oddly, runs through Europe. Turkish migrants have been pouring into the

continent for half a century now, and about 3 million of them retain Turkish citizenship, including many who have acquired a European passport as well. Of the 396,000 Turks living in the Netherlands, 300,000 can also call themselves Dutch. Like Boston Irishmen, they have the sentimental extremism of the exile. They give Erdogan about 70 percent support in national elections, and he will need their votes, the more so since the Turkish national economy is in a tailspin. That is how Erdogan got the idea

of sending foreign minister Mevlüt Cavusoglu to hold a campaign rally in Rotterdam on March 11.

Trouble was, that was only four days before the Netherlands’ own national elections, in which the biggest campaign theme till then had been various problems, military and demographic, emanating from Turkey and the rest of the Muslim world. It is through Turkey that Syrian and other Muslim migrants have made their way to Europe over the past two years. In the autumn of 2015



A Dutch riot policeman tries to get his dog to let go of a man after riots broke out at the Turkish consulate in Rotterdam, March 12.

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PETER DEJONG / AP

they were coming at the rate of 10,000 a day. Turkey has successfully demanded billions in euros to stop the flow.

Long before the refugee crisis, Erdogan had acquired a mastery at probing European weaknesses and shaking down European leaders. In 2008, he told Turkish migrants in Cologne that the expectation they would assimilate into European culture was a “crime against humanity.” In 2013, he used a state visit to the Netherlands to protest that a Turkish boy named Yunus had been given in adoption to a lesbian couple in The Hague. In 2014, one of Erdogan’s ministers called Dutch immigration policy “xenophobic, Islamophobic, and racist.” A lot of Islamic proselytizing in Europe is carried out by Turkish religious authorities. In January, German prosecutors opened an investigation of imams working for the agency Ditib who, they allege, reported back to Turkish intelligence on the activities of Gülenist Turkish Muslims, whom Erdogan suspects of having fomented the 2016 coup plot against him.

That made Cavusoglu’s appearance potentially explosive. The anti-immigrant populist Geert Wilders, who heads the most Islam-focused party in Europe, had been leading the polls for much of the campaign. He would have a field day with a Turkish rally, were it held. The Dutch prime minister, Mark Rutte, whose coalition paired his own businessmen’s Freedom and Democracy party (VVD) and the formerly working-class Labor party (PvdA), is mild-mannered. Among European center-right leaders, he is quite possibly the most important piano virtuoso and confirmed bachelor since Margaret Thatcher’s Tory predecessor Edward Heath. You could even call Rutte prissy and proper. But it would have been electoral suicide to let himself look like the doormat for an Islamist demagogue. So he posted on Facebook: “In our opinion, Dutch public space is not the right place for other countries’ political campaigns.”

Erdogan would not take this polite “no” for an answer. When Rutte’s government suggested, as a compromise, that Cavusoglu meet discreetly with a few dozen supporters inside the Turkish embassy, Cavusoglu urged “heavy sanctions” on the Netherlands. Rutte withdrew landing permission for Cavusoglu’s official plane. The Turkish government then sent Erdogan’s family minister Fatma Kaya in a four-ton armored car traveling from Germany to address the mobs. She was halted by Dutch authorities—backed up by more than 20 police, according to the daily *NRC Handelsblad*, for fear her own detail was heavily armed—and escorted back into Germany as an “undesirable alien.”

But Erdogan was only getting started. He called the Netherlands a “banana republic,” “fascists,” “latter-day Nazis.” Hitler’s name came up. He blamed the Dutch

for the massacre of 8,000 Bosnians during a U.N. mission in Yugoslavia a quarter-century ago, declared the Dutch ambassador persona non grata, and hinted that he would drop out of the migration deal that is keeping the hungry hordes from marching into southeastern Europe. He threatened to drag the Netherlands before the European Court of Human Rights. He did so in a way that seemed more and more unhinged.



Geert Wilders, center, poses for a photograph with a supporter while campaigning, March 11.

While Erdogan did not get the deference he sought, he did not meet significant resistance, either—and the deference may come yet. Rutte told Erdogan’s prime minister that, really, the two of them ought to settle their differences over a good meal. Former foreign minister Ben Bot accused Rutte of having been oversensitive to being taunted as a Nazi; using a priceless Dutch word, he scolded Rutte for not having “bagatellized,” or played down, the insult. The *NRC* newspaper was appalled that Dutch statesmen had “allowed themselves to be provoked by disreputable Turkish rhetoric”—provoked into not giving Turkey everything it wanted. None of the Netherlands’ EU neighbors rallied to the country’s side. The French even permitted Cavusoglu to speak in Metz. There was a pro forma EU declaration of solidarity, to which Erdogan replied: “We consider this shortsighted declaration of the EU worthless.”

For the last several elections, the Netherlands has had a candidate unwilling to take such insults lying down. Geert Wilders is a working-class populist who never went to college, a gifted politician from the southern province of Limburg. He left Rutte’s free market VVD party in 2004 to protest its support for, among other things, Turkish membership in the EU. Islam and the way

it spreads in Europe through immigration are his big worries. “We want to be the boss in our own country,” he says constantly. This means closing the border and (eventually) pulling out of the European Union. “We signed our sovereignty away,” Wilders told this magazine in 2014, “and I want it back.” Wilders calls Hungarian premier Viktor Orbán a “hero” for having built a border wall at the height of the 2015 migrant crisis. He constantly mentions that



Dutch prime minister Mark Rutte, right, campaigns in The Hague, March 14.

60 percent of the Netherlands’ prison inmates are of foreign background. Over Christmas, Wilders was convicted of incitement to discrimination for leading his supporters in a chant calling for fewer Moroccans in the country. Lately he has brought this show to Twitter. The newspaper *De Volkskrant* has noted the coarsening, Trumpian effect of scrunching populist messages into 140 characters. Thus one business leader is a “blockheaded elitist weirdo” and the radical imam Yusuf el-Qaradawi “sick in the head.”

Sometimes Dutch mainstream politicians have to put up with Wilders, sometimes not. His strength waxes and wanes. His party was in Rutte’s government until 2012. But in this election Wilders’s Freedom party (PVV) and Rutte’s VVD were vying for the top spot and the right to take a first crack at forming a government. In the campaign’s final days, they were each polling at around 25 seats, or a sixth of the 150-seat lower house. Rutte treated Wilders as a sworn enemy of democracy and said he would “never, ever, ever” enter into a coalition with him. Wilders was a *wegloper*, a loose cannon. Against calls for defending the national interest, restoring the national border, and protecting national pride, Rutte said things that sounded detached from reality, at least in the context of the past year’s populist triumphs. When Wilders accused him of having broken all his campaign promises, he said, “You need to do deals.”

Rutte, though, knew his electorate. His VVD took 33 seats against 20 for Wilders’s PVV. While this was a loss for Rutte and a gain for Wilders against 2012 results, it is a massive exceeding of expectations for Rutte and a comedown for Wilders. Rutte can now both form a government and keep his promise to freeze Wilders out. While there is in theory a way for him to rule with the help of small Christian parties, his most likely coalition would come from adding Christian Democrats and the limousine-liberal D66 to his current arrangement with the PvdA, the Labor party. He might even replace the PvdA with another party. Perhaps the emergent Green-Left, which tripled its representation from 4 to 14 seats under a youthful leader. Upshot: The government moves left and the opposition radicalizes.

The rise of Green-Left has been sudden. The venerable Labor party has died at the national level, falling from almost 40 seats to under 10, the largest loss in Dutch political history. It was the core of the Dutch political system from World War II until last week. Now it is just another splinter party: the country’s seventh-largest, in fact. The PvdA died locally in the 2014 municipal elections when it lost Amsterdam, Groningen, Utrecht, and The

Hague. This is the equivalent of the city governments of New York, Chicago, Boston, and Philadelphia throwing out the Democrats. Part of the reason for the PvdA’s failure is that it entered into one of those “grand coalitions” that have formed almost everywhere in the West, as the mainstream parties have stopped competing with each other and begun to collude against disgruntled voters. Its fate resembles that of the Liberal Democrats who joined David Cameron’s conservatives, of German Social Democrats who worked with Angela Merkel’s Christian Democrats, and, *mutatis mutandis*, of the Obama-era Republican establishment.

The younger generation no longer feels it needs a party that represents the industrial working classes. It needs a party that will stand for environmentalism, feminism, immigration, multiculturalism, and identity politics. That is Green-Left. Its 30-year-old leader Jesse Klaver has been compared to Justin Trudeau of Canada, partly because his voters find him dreamy. They call him “the Jessiah.” He is indeed an attractive fellow, a hunka hunka burnin’ Social Justice Warrior. Of course, much of this partisan crush involves not pulchritude but power—the prospect that its object will one day plot your destiny. Green-Left voters might find Klaver less fetching if he came to shovel their driveway or repair their thermostat.

A trained social worker and a career youth politician,

CARL COURT / GETTY

Klaver has been more tellingly compared to Barack Obama. His plan for running his country focuses on its flaws, not its greatness. He has a hard time distinguishing between his platform and his autobiography. He mentions his Dutch mother (from whom he gets his surname) as often as his Moroccan father. “The only thing that stands between you and your dreams is your fear of failing,” he said when he took over the party leadership. His platform is frankly utopian. Here is part of it: “There is an undercurrent in society that is gaining strength and longing for change . . . that wants decisions to be made on the basis of ideas and values, not economics . . . that won’t be told something can’t be done but believes that almost everything is possible.” This kind of talk about “values” really touches young people. It reassures them that they are not racists. It is a balm for the wounds Erdogan’s insults inflame.

This election is a harsh blow to Donald Trump, or at least to what White House strategist Steve Bannon has called the “global Tea Party movement.” Wilders was riding high in the polls on the day Donald Trump got inaugurated. After that, he lost half his voters. The best explanation might be in the title of a column by the veteran French journalist Pierre Haski: “Has Trump’s Incompetence Killed Europe’s Populism?” It is a curious question. Haski’s premise is wrong *factually*. Trump’s political position is exactly the same as it was two weeks before he got elected. The country remains split roughly 50-50, but Trump’s supporters, who control all the levers of formal government power, are happy with him. He has been thwarted by an activist judiciary, which may provoke a showdown at some point. And he has been condemned by a daily press that opposes him 100 percent. This does not make him incompetent.

However, Haski is right *politically*. Foreigners cannot build their understanding of U.S. politics on hunches and conversations around the water cooler, and they don’t tend to surf Breitbart. When Dutch voters, Dutch politicians, and Dutch journalists examine whether Donald Trump is succeeding or failing, what they are examining is the *Washington Post* and the *New York Times*. And this is true even of those Dutch voters who feel themselves in tune with populism. In the narrow band of American media that they access, they see

unanimous disapproval of the West’s first experiment with populist rule.

Rutte’s anti-populist campaign was masterful. He got the Dutch public to ignore certain real political issues and stand up to imaginary ones. He convinced the 20 percent who backed him that they could confront the bellicose Turk the way Wilders wanted, without risking the “chaos” of Brexit or Trump, or an end to the Turkish refu-



Green-Left leader Jesse Klaver—aka ‘the Jessiah’—with supporters on March 14

gee agreement, and without acting in a way that would make people call them Nazis or Islamophobes. They could have it all.

The most important thing was the refugee deal that Erdogan was threatening to pull out of. In exchange for just a few billion euros, Turkey blocks the hordes who are ready to stream into Europe by the millions at a moment’s notice. Isn’t that a sensible division of labor? Turkey’s army has 510,000 men in it. It is roughly the size of Europe’s three largest armies—France (222,000), Germany (186,000), and Britain (169,000)—combined. And it has been annealed in battles both domestic and foreign. The Turks have lately been in northern Syria, clearing out positions held by Kurdish militias, the common enemy of Turkey and ISIS. Let *them* tell Syrians they have to stay in Aleppo. Because if Turkey abandoned the deal, then the European Union would have to either find a way to bottle up the flow of migrants itself or submit to it.

Migration pressure from North Africa and the Middle East is a military problem. This aspect of the problem can remain latent for a long time, but not forever. European politicians like the refugee deal because it spreads the illusion among European citizens that a complacent, comfortable, consumerist decline is possible. That may be what Erdogan likes about it, too. ♦

Self-Restraint in the Executive

The unwritten check on presidential power

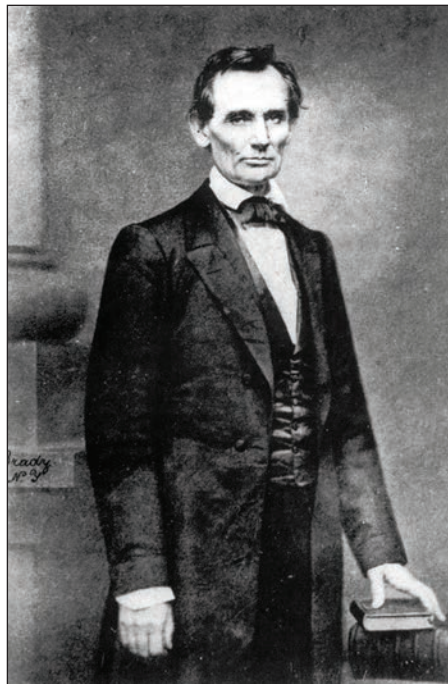
By CHRISTOPHER NADON

According to the popular-again Alexander Hamilton, “Energy in the executive is a leading character in the definition of good government.” In light of this requirement and the failure of the Articles of Confederation to meet it, the authors of our Constitution took careful measures to create a powerful executive. After witnessing the expansion of executive rule, in both foreign and domestic affairs, over the past two administrations, we might well wonder whether the Founders went too far or created enough of the checks and balances they thought made our executive consistent with “the genius of republican government.” Or perhaps our experience confirms that however useful they may be, institutional restraints can never fully obviate the need for certain human virtues. No president before or after has pushed the limits of executive action to the extent Abraham Lincoln did. His understanding of the constitutionality of the Emancipation Proclamation and its compatibility with republican principles of government illuminates the need for self-restraint in the executive as a supplement to the institutional separation of powers.

Lincoln loved republican government and he hated slavery. These passions combined to bring him out of political retirement when the Kansas-Nebraska Act repealed the Missouri Compromise and left an opening for

slavery to spread further into the territories. The act did not itself explicitly favor slavery. But Lincoln thought that its “*declared* indifference” masked a “covert *real* zeal for the spread of slavery” that “I cannot but hate.”

I hate it because of the monstrous injustice of slavery itself, I hate it because it deprives our republican example of its just influence in the world—enables the enemies of free institutions, with plausibility, to taunt us as hypocrites—causes the real friends of freedom to doubt our sincerity, and especially because it forces so many really good men amongst ourselves into an open war with the very fundamental principles of civil liberty—criticizing the Declaration of Independence, and insisting that there is no right principle of action but *self-interest*.



Lincoln photographed in 1860 by Mathew Brady

Lincoln thought that prohibiting slavery’s extension into the territories was the minimum necessary for anyone to hold a reasonable hope that the institution was on its way to “ultimate extinction.” The maximum, of course, was emancipation and enfranchisement. But among the obstacles to achieving these goals stood the free institutions so admired by Lincoln. Duly ratified constitutional provisions need to be honored if free government is to endure. Thus Lincoln bit his lip, accepted limitations on federal

interference with slavery in the states, and argued for compliance with the fugitive slave laws as a necessary evil.

Free elections, though necessary for free government, can see the triumph of prejudices and interests inimical to the rights of others. To end slavery in America without violating constitutional rights and republican principles would seem then to require the consent of the masters. Lincoln was always sober in the face of this condition. As

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late as 1858, he could imagine himself in the role of the English abolitionists Wilberforce and Sharpe, initiating a political movement that would “contribute an humble mite to that glorious consummation which my own poor eyes may not last to see.”

As a young man, Lincoln chafed at his father’s hiring him out while keeping his wages. Later, he defended equality by connecting it to the labor necessary to feed ourselves, arguing in one of his debates with Stephen Douglas that

there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man.

Here Lincoln transforms the biblical curse of labor into the Lockean right to free labor, enjoyed by all men equally and grounded in their equal right to self-preservation, a right that even the South sometimes acknowledged—for instance, when the Maryland supreme court overturned a slave’s conviction for the murder of an overseer whose savage cruelty had given him reasonable cause to fear for his life. Public opinion in the 1850s, influenced by economic motives and reassured by the progressive authority of supposedly up-to-date natural science, made rhetorical concessions like Lincoln’s “perhaps not” necessary. After all, a U.S. senator from Indiana could even maintain that the self-evident truth of human equality in the Declaration was in fact “a self-evident lie.”

In a private note to himself, Lincoln would also defend the acknowledgment of human equality more pragmatically as the best fence against oppression.

If A can prove, however conclusively, that he may, of right, enslave B—why may not B snatch the same argument, and prove equally, that he may enslave A? You say A is white, and B is black. It is *color*, then;—the lighter, having the right to enslave the darker? Take care. By this rule, you are to be slave to the first man you meet, with a fairer skin

than your own. You do not mean *color* exactly?—You mean the whites are *intellectually* the superiors of the blacks, and, therefore have the right to enslave them? Take care again. By this rule, you are to be slave to the first man you meet, with an intellect superior to your own.

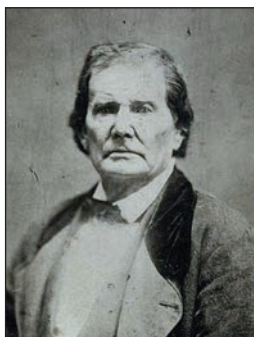
Although he is sometimes excoriated as the American founder of the centralized, bureaucratic national state, we can see that Lincoln had something of a libertarian streak:

“The legitimate object of government, is to do for a community of people, whatever they need to have done, but cannot do, at all, or cannot, so well do, for themselves—in their separate, and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere.” To be free, individuals must be largely self-sufficient. Paternalism, not just the kind that exploits, but even, or especially, well-meaning and efficient paternalism, is the enemy of such independence. Thus a perennial problem for democratic statesmen is how to govern or help others without engendering dependence.

Lincoln faced this problem on a small scale in his own family life. With his election to the House of Representatives in 1847 came requests from his relatives for money. When his elderly father said he needed \$20 to prevent his land from being sold to satisfy a judgment against him, Lincoln, despite being skeptical of the claim, sent the money “very cheerfully.” But in the same letter he refused his stepbrother’s request for \$80, a sum for which John Johnston said he “would almost swop my place in heaven.” Lincoln had already sent smaller sums that were always to have been the last. This time he gave instead a lecture on the causes of Johnston’s poverty that also implicated his own earlier acts of benevolence.

You are not *lazy*, and still you are an *idler*. I doubt whether, since I saw you, you have done a good whole day’s work in any one day. You do not very much dislike to work, and still you do not work much merely because it does not seem to you that you could get much for it. This habit of uselessly wasting time is the whole difficulty; it is vastly important to you, and still more so to your children, that you should break the habit. It is more important to them, because they have longer to live, and can keep out of an idle habit before they are in it, easier than they can get out after they are in.

As a young man, Lincoln chafed at his father’s hiring him out while keeping his wages. Later, he defended equality by connecting it to the labor necessary to feed ourselves, arguing that ‘in the right to eat the bread, without leave of anybody else, which his own hand earns, [the negro] is my equal and the equal of Judge Douglas, and the equal of every living man.’



Lincoln’s father, Thomas

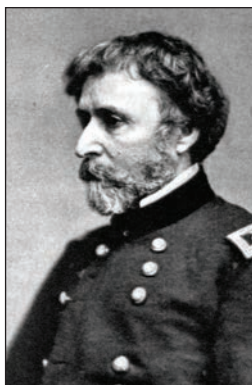
Lincoln followed his blunt diagnosis with a novel proposal to encourage Johnston's independence.

You are now in need of some money; and what I propose is, that you shall go to work, "tooth and nail," for somebody who will give you money for it . . . and, to secure you a fair reward for your labor, I now promise you, that for every dollar you will, between this and the first of May, get for your own labor, either in money or as your own indebtedness, I will then give you one other dollar. By this, if you hire yourself at ten dollars a month, from me you will get ten more, making twenty dollars a month for your work. . . . Now, if you will do this, you will be soon out of debt, and, what is better, you will have a habit that will keep you from getting in debt again. But, if I should now clear you out of debt, next year you would be just as deep in as ever. . . . You have always been kind to me, and I do not mean to be unkind to you. On the contrary, if you will but follow my advice, you will find it worth more than eighty times eighty dollars to you.

Paternalism is the constant temptation of the helpful. Charity, if it is to respect democratic equality, requires us to treat our brothers as brothers and not as children. Fathers in need of succor can sometimes be treated as sons, for in doing so, as in Lincoln's case, we do not reduce them to a position of dependence but rather consider ourselves to be repaying a long overdue debt. Equality is preserved on both sides of the transaction.

A similar dynamic governed Lincoln's actions when as president he dealt with emancipation. Lincoln thought that the Constitution gave no power to the federal government to abolish slavery in the states. Even where it did have that power, for example, in the District of Columbia, he thought the government should as a matter of principle exercise it only with the consent of a majority of its inhabitants. Granting that the limitation on federal power was merely implied by the text of the Constitution, in his first inaugural, Lincoln offered wary Southern Unionists his support for making such a provision "express and irrevocable" by means of an amendment. Thus when Major General John Frémont, head of the military's Department of the West, imposed martial law in Missouri and publicly declared the slaves of those in rebellion to be "free men," Lincoln requested that he, "as of your own motion, modify that paragraph" to conform to the Confiscation Act passed by Congress. When Frémont refused, Lincoln

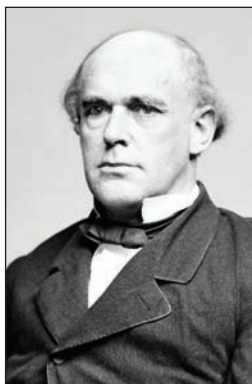
"very cheerfully" modified it himself and arranged for the major general to be dismissed two months later on well-documented grounds of incompetence. Lincoln rescinded this first federal effort at emancipation in part on political grounds. He thought Frémont's policy would almost certainly "ruin our . . . fair prospect for Kentucky," and "to lose Kentucky is nearly the same as to lose the whole game." But he also thought the Constitution forbade it, and with good reason. As he explained in a sharp letter to his friend and fellow Republican, Senator Orville Browning of Illinois,



John Frémont



Orville Browning



Salmon Chase

You speak of it [Frémont's policy] as being the only means of *saving* the government. On the contrary it is itself the surrender of the government. Can it be pretended that it is any longer the government of the U.S.—any government of Constitution and laws—wherein a General, or a President, may make permanent rules of property by proclamation? I do not say Congress might not with propriety pass a law, on the point, just such as General Frémont proclaimed. I do not say that I might not, as a member of Congress, vote for it. What I object to, is, that I as President, shall expressly or impliedly exercise the permanent legislative functions of the government.

This principled restriction he thought more important than any political considerations. Yet within a year of writing this letter, Lincoln would issue on his authority as president and commander in chief of the Army and Navy his own Emancipation Proclamation. How are we to square Lincoln's principles with his deeds?

Lincoln justified his own eventual making permanent rules of property by proclamation on the grounds of a military necessity he thought did not exist in August 1861 but did in the summer of 1862. One of the causes of that necessity was the continued inability or reluctance of people in the border states to exercise their constitutional right to act

in the nation's best interest by enacting policies of gradual emancipation through their state legislatures. Demographics in Delaware had given Lincoln hope that it might become the first state since New Jersey in 1804 to begin a process of voluntary emancipation within its borders of its own accord. Only 3 percent of families there owned slaves. These totaled but 1,800 out of a state population of 112,000, so their emancipation would increase the free blacks in Delaware by a small number, from 20,000

to 21,800. Lincoln and the federal government could not force this act. But nothing prevented the president from persuading Congress to allocate federal money to compensate slaveowners so as to make it easier and hence more likely for them to do the right thing, much as he had once proposed in the case of his stepbrother. “If I can get this plan started in Delaware I have no fear but that all the other border-states will accept it.”

Lincoln was disappointed. In July 1862, just 10 days before he would read a draft of the eventual Emancipation Proclamation to his cabinet, he warned the representatives from the border states, “If the war continue long, as it must, if the object be no sooner attained, the institution in your states will be extinguished by mere friction and abrasion—by the mere incidents of the war. . . . How much better for you, as seller, and the nation as buyer, to sell out, and buy out, that without which the war could never have been, than to sink both the thing to be sold, and the price of it, in cutting one another’s throats.” They replied two days later that slavery within a state is a right “no one is authorized to question” and reminded Lincoln to “confine yourself to your constitutional authority.” Little did they consider that their refusal to act might well change the scope of just what he understood his legal authority covered.

When Lincoln finally issued the Emancipation Proclamation, he did so as an exercise of the war powers of the president “in time of actual armed rebellion . . . as a fit and necessary war measure for suppressing said rebellion.” He also “sincerely believed [it] to be an act of justice.” But had Lincoln authorized it simply because he thought it the right thing to do, it would not have been, in his view, the right thing to do. For this would have been to impose his will and judgment on his fellow citizens, to have ruled rather than represented them: a violation of republican equality. Yet when compelled, not by his own volition, but by an external “military necessity” imposed on him by others, Lincoln remained a public servant acting in fulfillment of his duty. Of course, such a position is complicated by the fact that the president who submits to and is governed by necessity is also the one who judges whether or not the

necessity actually exists. But not just anything goes, as Lincoln had to explain to his stridently abolitionist secretary of the treasury, Salmon Chase.

In the summer of 1863, Chase wished Lincoln to apply the proclamation to those parts of Virginia and Louisiana that had been exempted because they were already under Union control when it had been issued in January. Lincoln replied,

If I take the step must I not do so without the argument of military necessity, and so, without any argument, except the one that I think the measure politically expedient, and morally right? Would I not thus give up all footing upon constitution or law? Would I not thus be in the boundless field of absolutism?

Lincoln had to explain to Salmon Chase that the Emancipation Proclamation could not be applied to those parts of Virginia and Louisiana that had been exempted because they were under Union control when it had been issued: ‘If I take the step must I not do so without the argument of military necessity, and so, without any argument, except the one that I think the measure politically expedient, and morally right? Would I not thus give up all footing upon constitution or law?’

Lincoln’s sensitivity to this difficulty restrained the partisan impulse to boast, as we sometimes hear today, “I’ve got a pen and I’ve got a phone,” or “I just took an action to change the law.” Instead, he did his best to minimize and even hide the extent of his rule. In the cabinet meeting of September 22, 1862, Lincoln surprised both its pious and less-than-orthodox members by informing them “I made the promise to myself, and (hesitating a little) to my Maker,” that if the rebel army was driven out of Maryland after Antietam, he would issue the proclamation. Gideon Welles, secretary of the Navy, recorded in his diary, “It might be thought strange, [Lincoln] said, that he had in this way submitted the disposal of matters when the way was not clear to his mind what he should do. God had decided this question in favor of the slaves.” And when in the spring of 1864, he made a written record at the request of the

governor of Kentucky of an account he had given in person of his shifting views on the “indispensable necessity” of emancipation, Lincoln again sought to diminish the part he played.

I add a word which was not in the verbal conversation. In telling this tale I attempt no compliment to my own sagacity. I claim not to have controlled events, but confess plainly that events have controlled me. Now, at the end of three years struggle the nation’s condition is not what either party, or any man devised, or expected. God alone can claim it.

No president has a stronger case to have been the indispensable man for the moment. Yet Lincoln was careful to avoid the claim that “I am your best hope” or “I alone can fix it.” Instead, he stressed that our nation’s free institutions developed human talents to such an extent that many regiments of the Army had members who “possess full practical knowledge of all the arts, sciences, professions, and whatever else, whether useful or elegant, is known in the world; and there is scarcely one, from which there could not be selected, a President, a cabinet, a congress, and perhaps a court, abundantly competent to administer the government itself.” In a speech to the 166th Ohio Regiment in August 1864, standing before them as commander in chief but not a patriarchal protector demanding their absolute obedience, he offered this beautiful portrait of himself and his place in American history: “I happen temporarily to occupy this big White House. I am a living witness that any one of your children may look to come here as my father’s child has.” Such is the delicacy of Lincoln’s generous, self-effacing, and democratic nobility.

Lincoln recognized the limits of the Emancipation Proclamation to ensure his “oft-expressed personal wish that all men, everywhere, could be free.” He knew that freedom is not a good that can be given by one man to another. Lincoln gave much thought to and prepared for this future difficulty. The preliminary Emancipation Proclamation, published in September 1862, made no mention of enlisting freed slaves. The final Emancipation Proclamation informed the nation that they would “be received into the armed services,” a decision by no means popular and one that gave strength to the Northern Democratic opposition that eventually rallied behind General George McClellan and almost cost Lincoln the election in 1864. But the president believed that military service would give ammunition to the freedmen in what he foresaw as their inevitable struggle to achieve political equality after the war.

In August 1863, Lincoln was invited to attend a meeting of “unconditional Union men” in Springfield,

Illinois. The demands of office kept him in Washington. He knew, moreover, that the reunion with his former constituents at that time would likely not have been a happy one. But he did address the rally via a letter transmitted through his friend James Conkling, whom he instructed, “Read it very slowly.” After a general defense of his refusal to compromise with the South, Lincoln came to the point of disagreement:

Lincoln recognized the limits of the Emancipation Proclamation and that freedom is not a good that can be given by one man to another. He gave much thought to and prepared for this future difficulty. The final Emancipation Proclamation informed the nation that freed slaves would ‘be received into the armed services,’ a decision by no means popular. But the president believed that military service would give ammunition to the freedmen in what he foresaw as their inevitable struggle to achieve political equality after the war.

But, to be plain, you are dissatisfied with me about the negro. Quite likely there is a difference of opinion between you and myself upon that subject. I certainly wish that all men could be free, while I suppose you do not. . . . You dislike the emancipation proclamation; and, perhaps would have it retracted.

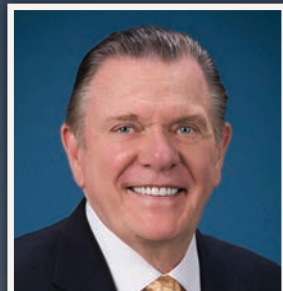
Lincoln continued with his standard defense of the proclamation’s constitutionality and immediate military expedience. But he added an important, if extra-constitutional, consideration, one that looked beyond the present difficulties. Adopting a hypothetical and retrospective view, Lincoln took his audience out of the current moment that gripped them with partisan interests, passions, and fears. He speculated that should the Union triumph,

It will have then have been proved that, among free men, there can be no successful appeal from the ballot to the bullet; and that they who take such appeal are sure to lose their case, and pay the cost. And then, there will be some black men who can remember that, with silent tongue, and clenched teeth, and steady eye, and well-poised bayonet, they have helped mankind on to this great consummation; while, I fear, there will be some white ones, unable to forget that, with malignant heart, and deceitful speech, they strove to hinder it.

All men are equally endowed with certain inalienable rights. But not all men act equally with their own two hands to secure them. A greater debt and respect is owed to those who do—and to those statesmen who know how to encourage them without usurping their independence. ♦

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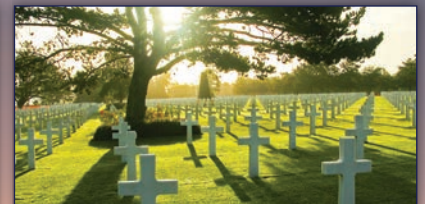
ANDREW ROBERTS is a British historian and author who has written or edited 19 books, including: *The Storm of War: A New History of the Second World War* and *Masters and Commanders: How Roosevelt, Churchill, Marshall and Alanbrooke Won the War in the West*.



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Musical interlude during the Harvard strike (1969)

Land of Disbelief

A distinguished jurist's formative decade. BY TERRY EASTLAND

J Harvie Wilkinson III is a lawyer whom President Reagan appointed to the United States Court of Appeals for the Fourth Circuit. As a judge who writes for his court, Wilkinson is, of course, a legal writer; but here he has written for a general audience. His topic is the 1960s, a decade he knows well, having lived through all of it as a teenager and young adult. The judge is now 72.

Obviously, it's hard to write about the 1960s without discussing the civil rights revolution or the Vietnam war, and Wilkinson briefly treats them both. He credits the "rebels" of the '60s with getting two things right: "They

Terry Eastland is a contributing editor to THE WEEKLY STANDARD.

All Falling Faiths
Reflections on the Promise and Failure of the 1960s
 by J. Harvie Wilkinson III
 Encounter, 208 pp., \$23.99

saw the civil rights revolution as long overdue and the Vietnam War as a tragic mistake." But Wilkinson sees those big headline stories in a larger context of change. Often drawing on his own experiences, he emerges as a sharp critic of the sixties and its enduring influence.

Life draws meaning from something "more than me," he writes, "from the family that nourishes us, the school that educates us, the con-

ventions that guide us, the laws that govern us, the patriotism that inspires us, . . . and the faith that sustains us." But these forces were weakened in the 1960s, "and the individuals depending on them were in the end wounded too." America became less a nation of "rooted institutions" and "more a place of rootless individuals."

The "decline of education" contributed to this development. Wilkinson was at Yale during 1963-67, when the "politicization of a great college took place. We [undergraduates] were given license to place law, science, humanities, and the arts at the service of politics and ideology." What happened at Yale took place on other campuses—indeed, to such an extent that Wilkinson regards the field of higher education today as

THE LIFE PICTURE COLLECTION / GETTY IMAGES

more politicized than any other. He is doubtless correct.

As for law, it was not a good decade either. Wilkinson, who entered the University of Virginia Law School in 1967, says that “the end justifies the means” is the very opposite of what the law is to be. Yet “in the Sixties the end became the means, thus undermining the rule of law.” Apparently the rules existed to be broken.

In other ways, the country became rootless. Wilkinson writes about the city he grew up in, Richmond, which he describes as “a stodgy place where social conventions kept sexual disruptions to a minimum.” Repressive, the judge calls it. Yet stodgy Richmond also understood the meaning that “social support” imparted to personal relationships and the value that “longevity” imparted to commitment. The sixties questioned those insights, to the effect that in Wilkinson’s case,

I learned to hold back. There was always the thought that every personal relationship was provisional. Always the hope for someone better. Always the search for some new wave of sexual elation, free, disdainful, forever loath to commit.

At his expense, Wilkinson tells the story of his girlfriend “Anne,” who wished in vain for her boyfriend to commit. “Don’t you know your real love, Jay?” she asked. She said it was not her but him—indeed, his own “wanderings. I’m no more than today’s material. You’ll work me dry. You’ll see me as I am, before your mind embroidered me. I’ll stand before you plain, imperfect Anne and watch you walk away.”

And so she did. Writing about his home and rearing, Wilkinson allows that “segregation was the shameful part of my childhood, but it was thankfully not all of it.” A string of simple words—“duty, honor, country, character, courage, trust and truth”—became our “rocks.” There was no ambiguity in those words, only strong belief in them. Yet the sixties broke up those rocks, which came to be seen as “laughably simplistic or at least less a credo for our more fast-paced and relativistic time.” Wilkinson writes that “I

lost my home in the 1960s,” and thinks many of his generation did, too.

Wilkinson served in the Army, only to discover that “the spirit of patriotic sacrifice and universal service is not what it once was.” Moreover, “Vietnam made common bonding during foreign conflict immeasurably more difficult to achieve—witness the dissolution of our fleeting shock-induced camaraderie in the aftermath” of 9/11. Nor was religion the force it once had been, when America was seen as “God’s land.” God “would have taken a beating had the sixties never come along,” says Wilkinson. “It’s just that the decade gave Him another rude push. . . . Its insistent presentism . . . left little time for awe or contemplation of where we might have come from or where we all shall go.”

Wilkinson says that what was good about the sixties came “at so heavy a cost that it became impossible to discern what tradition, institution, or belief the disillusioned did not want to desecrate.” Anything could be taken

down, it seemed; yet, as he points out, “you can’t build a nation on nihilism: it takes vision and values to do that.” And those values now have “altered meanings.” The sixties left “no star to steer by.” Effectively stolen, he explains, the values “were not the property of any race or party or philosophy or creed. They reside rather at the heart of human nature and at the core of nationhood as well. Without them we today lack personal or national identity.”

Whether America can recover them is the question raised by *All Falling Faiths*. Here Wilkinson has little to say. Yet he is certain of one thing, and rightly so: Recovery will not take place if America remains “the Sixties’ land of disbelief.”

J. Harvie Wilkinson has written an elegant, deeply felt essay/memoir about America in the 1960s. “We came close to losing our wonderful country,” he says, “and that must never happen again.” That it *could* happen again is the thought that haunts our politics. ♦



Pilate Error

Roman prefect meets Christian messiah.

BY HELEN ANDREWS

Dante puts Pontius Pilate in the outermost circle of Hell, among the indolent—scant punishment, you might think, for the man who executed Jesus Christ. By letting Pilate off easy, Dante was situating himself firmly on one side of a centuries-old debate: Who was more responsible for killing Christ, the Roman government or the Sanhedrin? It should be obvious, then, why any author trying to write a sympathetic biography of Pilate needs to tread carefully. Every particle of guilt taken off Pilate inevitably winds up added in the scales against the Jews.

Helen Andrews is a writer in Washington.

Pontius Pilate
Deciphering a Memory
by Aldo Schiavone
translated by Jeremy Carden
Liveright, 240 pp., \$24.95

The Italian classicist Aldo Schiavone does his best to avoid this fraught dilemma by confining himself to the facts that we know about Pilate the historical figure. And we do know a great deal about him, compared with other figures mentioned in the Gospels. His name was added to the creed—not at the Council of Nicaea but at Constantinople, 50 years later—precisely in order to emphasize



'Christ before Pilate' by Mihály Munkácsy (1881)

that the crucifixion was a matter not of legend but of historical fact. Tacitus, Josephus, and Philo all mention him by name, and in 1961 archaeologists uncovered a fragmentary stone inscription in Caesarea reading in part, unmistakably: [PO]NTIUS PILATUS / [PRAEF]ECTUS IUDA[EAE].

He would have been about 40 when he arrived in Judaea in 26 A.D., after a career that probably included a military command, as was typical for one of the equestrian order. He held office there for 10 years—an unusually long time, suggesting that the emperor Tiberius was pleased with his service. What happened to Pilate after he was recalled to Rome is not known, but Schiavone concludes that he must have been dead or retired by the year 40, given the contemptuous way Philo and Herod Agrippa write of him in their letters to Caligula. If Pilate had been in any position to fight back at the time, men so “extremely sensitive to shifting balances” at the imperial court “would have been much more guarded.”

In addition to the things we know about Pilate, there are the things we know that just ain't so. He never washed his hands while proclaiming “I am innocent of this man's blood,” according to Schiavone, who calls this fabrication “the zero point in the genealogy of Christian anti-Semitism.” Handwashing was a specifically Jewish gesture, foreign to Roman culture; and in any case, Pilate would hardly

have wanted to emphasize his powerlessness before his own subjects—especially with six years of ruling them left to go. The incident appears only in the gospel of Matthew, the same gospel that features such embellishments as Pilate's wife warning him not to have anything to do with Jesus because she had seen him the previous night in a dream. Wives rarely accompanied prefects on their postings, so it is unlikely that she was even in Jerusalem.

More controversially, Schiavone argues that there was never any crowd baying for the prisoner's execution. The shouts of “Crucify him!” came not from a multitude but from the same small delegation that had escorted Jesus to the palace. This is a claim with theological implications, since Christian political theorists have long rested their case against democracy on the fickleness of the crowd that cheered Jesus into the city one day and called for his death the next.

Schiavone gives three reasons for doubting that version. First, there was no square big enough for an assembly outside the Praetorium, only a small courtyard. Second, the gospel he considers most reliable (John) assigns the cry to “the chief priests and the guards”—with no mention of the crowd described in Matthew, whose embroidery of the Passion tale has already been noted. Third, the temple guard had arrested Jesus in the middle of the night in order to avoid

popular outcry in his favor. Why, just a few hours later, would the high priests reverse themselves and mobilize a crowd?

Roman law is Schiavone's specialty, so he is able to demonstrate that the procedure that led to Jesus' execution could in no sense be described as a trial. The interrogation, the presentation of witnesses, and the final judgment conform to no legal framework we know of, Roman or Judaic. This means that Pilate's decision was a political act, which is to say that it could have gone either way.

Schiavone mentions two precedents that would have been on Pilate's mind, both known to us from Josephus. In the first, from the very beginning of his tenure, Pilate backed down and removed offensive imperial banners from Jerusalem after civil disobedience threatened to corner him into ordering a massacre. In the second, he commanded Roman soldiers to use lethal force to put down a riot over misuse of temple funds. Together, the two stories reveal a politician skilled in navigating Jewish public opinion—sometimes giving way to it and, at other times, standing firm.

In the case of Jesus, Pilate's preference would have been to let the prisoner go. This explains his ploy with Barabbas, and also his most famous line. “What is truth?” is a question that bears multiple interpretations. Nietzsche read it as “the noble scorn of a Roman before whom an impudent misuse of the word ‘truth’ was carried on.” But Schiavone makes a convincing case that Pilate was genuinely baffled and amazed by his curious prisoner. He had been led by the Sanhedrin to expect a political rabble-rouser, but Jesus did not fit that type at all. The long interrogation shows Pilate testing the limits of his pagan imagination, and his questions indicate his dawning realization that Jesus represents something beyond his comprehension.

Which, if anything, makes Pilate's guilt the greater. He knew that Jesus was something more than an inconvenient agitator who had threatened the local elite, and he crucified him anyway. ♦

This Is the Place

One family's stake, from slavery to freedom.

BY JAMES M. BANNER JR.

At the core of the origin story of African-American history—in fact, of all people of African descent in the Western hemisphere—is migration.

The greatest, most dangerous, most destructive, and most formative of these treks was their original transplantation into enforced slavery out of Africa to the New World. But that was only the start. If they survived the dreaded middle passage across the ocean, the newly enslaved people faced additional uprootings once they arrived at their new locations. And because their situation in the United States was comparatively better than that of slaves in the Caribbean—who were worked to death in the more dangerous disease environment there, and thus never suffered additional transportation to other lands—many American slaves made repeated moves during their longer lives.

The first of these was likely to be their forced sale before the Civil War from the soil-depleted upper South into the newly opened cotton lands of the old southwest—into Alabama, Mississippi, Louisiana, and adjacent territories. The second was more recent: the voluntary migration of free African Americans from South to North in the 20th century. The stories of the losses sustained in such moves are the basis of countless works of American history and literature. But it is not the story of this startling new work.

Instead, Duke historian Sydney Nathans has exhumed the history of

James M. Banner Jr., a historian in Washington, is writing a study of revisionist history.

A Mind to Stay
*White Plantation,
Black Homeland*
by Sydney Nathans
Harvard, 344 pp., \$29.95



Alice Hargress (1982)

a single black family in Hale County, Alabama, that managed to remain where it was—a history that, in the author's word, is a kind of “counterpoint” to the ancient story of exodus and return. They stayed put by good fortune, pluck, shrewdness, and steely determination. And they did so during slave times and after emancipation, always facing efforts to get them off their land, when cotton crops failed and their acres could fetch little during the Depression; when they encountered local prejudice and the racism of federal programs; when the Ku Klux Klan roamed Hale County and violence faced them in the 1960s; and into our own time. A story of 200 years of American history, it's a down-to-earth epic told in simple terms.

It begins in the 1820s on the North Carolina piedmont plantation of Duncan Cameron, where the Hargress fam-

ily members (named Hargis until they changed their surname) first served as slaves. By 1840, their plantation's soils depleted by overfarming, Cameron and his son Paul decided to purchase land in the Alabama Black Belt and have a go at cotton farming. Without a say in the matter, in 1844, some of the Hargresses were forcibly taken to the new holding and put to work developing it. When the new plantation proved a failure, the Cameron family held onto it but distributed some Hargress family members to another holding on Mississippi bottomlands and sent others back to North Carolina. But a few were left in Alabama. In 1867, finally free, Paul Hargress, something of the family's leader and a treasured worker to the Camerons, moved back to Alabama to rejoin his brother. That's when the Hargresses got a mind to stay put. This is the story about how and why they're still there.

Part of it concerns how the Hargresses came to own their former master's land, as unpropitious for yielding good crops as it was. Not finding other willing purchasers, Paul Cameron sold his plantation in parcels to his former slaves by advancing them credit. Some of them now being owners of farms of as much as 240 acres, they managed to meet the terms of their five-year loans by marketing their meager crops, working at trades, laboring for others and sometimes in the mines, pooling funds with other families to buy more land or secure their own, and saving what they could. By 1875, they had what Nathans calls “their foothold in freedom.”

The author makes clear that unlike Paul Cameron, Paul Hargress and his kin and friends didn't intend to make a fortune; they simply wanted to fulfill their independence as small farmers. Fearing the loss of their land, rarely did they borrow directly against it; instead, they got caught up in the entangling lien system—pledging parts of their crops in return for the seeds and other stuffs they needed—but somehow never having to surrender their acreage. Sometimes they rented parts

of their land to others; women as well as men worked the soil. Some of the families succeeded in creating full-fledged plantations, with mills, workshops, and hired labor.

Of course, when they tried to go beyond mere ownership and sustenance to exert political influence, until the 1960s they were thwarted at every turn. Ballot boxes disappeared, and the KKK rode out. Deference was expected and, sometimes, required of them. And nothing was made easier by the Depression. Federal programs rarely made it through the segregated culture of the Jim Crow South to help people like the Hargresses, nor could the patronage of some whites be counted on.

If Nathans goes a bit too far in attributing their holding-on simply to grit—luck has to come into the picture somewhere—he is surely correct in linking their success in doing so to their understanding that ownership undergirded their independence and to their fierce, enduring, family bonds. Farming was their way of life, and they were determined to keep it so. As Depression gave way to war and then postwar prosperity, and family members scattered about the country—even then, that commitment endured. Alice Hargress wanted to make sure that her kin “will always have somewhere to stay.”

One hangs onto the story to see whether the Hargresses hang on. And they almost don’t—not even when they take a hand in the civil rights movement and gain some new protections for themselves. Family members and friends did succeed in reaping some anti-poverty funds to set up a rural cooperative. Some others almost slipped off the edge into landless poverty, as so many who had gone North did, and lost their land. But not Alice Hargress: When she died in 2014, just shy of her hundredth birthday, her family remained where some of them had landed in slavery almost two centuries before.

Nathans conveys this tale in a fashion much at odds with the usual sweeping telling of much African-American history, especially when (as in this case) he relates in the first person his efforts to track down his characters’

pasts. His own part in recovering this history, a quest he inaugurated almost 40 years ago, helps bring it alive. While aware of the now-vast literature of American history, he doesn’t wade into it, invoke esoteric interpretive theory, pick arguments with other historians, or barnacle his account with weighty references to others’ works. His account is built almost entirely on documentary records—some buried deeply, never before used, in out-of-the-way places, as well as on interviews with family members whose trust, then friendship, he won. Almost in defiance of much academic writing, his sentences are short and denatured, his style spare. Rarely do adornments interrupt the flow of declarative, factual sentences.

It’s as if the author is trying, by every means possible, to say: There’s another oft-missed story here, one that has to be told in a fresh way. At times, one wishes for more grace, more variety. But Nathans’s manner is entirely fitting for the history of a family whose members, one modest step after another—sometimes intentional, sometimes not—worked day by day to hold onto the land on which they had ended up.

What are we to make of this story, save for the tale of people with a mind to stay in place? We know that millions of African Americans have remained in the South—in the land of their original enslavement, their emancipation, and now their slow acceptance. Some never left after emancipation; others have recently returned from their days up north. But historians haven’t captured much of this history. Nathans’s is only part of it. Yet it unrolls a wide canvas yet to be painted: on the history of landowning and agriculture, of Alabama Black Belt culture, of the bonds of blood, of the tangled loyalties among some whites and blacks, of honor as well as racism and deceit.

It’s as much a family saga as *Downton Abbey*. It’s a Southern tale much richer than *Gone With the Wind*. It’s a particular American story that forms the weave of the nation’s larger history, one that could easily be the basis of a long novel. It’s a revealing, sobering, yet inspiring glimpse into a part of American history little known and little seen—light-touch scholarship of the best sort. ♦



Feeling Your Pain

Empathy’s unintended consequences.

BY MICHAEL M. ROSEN

‘W hen you choose to broaden your ambit of concern and empathize with the plight of others,” then-senator Barack Obama told a standing-room-only crowd in 2006 at Xavier University’s commencement, “whether they are close friends or distant strangers—it becomes harder not to act, harder not to help.” Empathy has become, in many precincts of 21st-century Amer-

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Against Empathy
The Case for Rational Compassion
by Paul Bloom
Ecco, 304 pp., \$26.99

ica, both the preferred tool for moral reasoning and a paramount value in its own right. But in this well-reasoned tract, Paul Bloom punctures empathy’s seeming invulnerability by outlining its serious flaws, arguing instead for the use of compassionate but rational judgment in reaching ethical decisions.

Bloom, a professor of psychology at Yale, begins by defining empathy, with most contemporary psychologists and philosophers, as “the act of feeling what you believe other people feel—experiencing what they experience.” He also explores the nature of empathy, including its roots in the human brain—specifically, the cingulate cortex and anterior insula. Because empathic reactions to the experiences of others trigger the same gray matter as if you yourself underwent that experience, claiming “‘I feel your pain’ isn’t just a gooey metaphor: it can be made neurologically literal.”

Physical or not, chief among the many faults Bloom finds with empathy, each of which he analyzes in depth, are that it’s biased, shortsighted, innumerate, and corrosive of personal relationships.

Of course, Bloom is no hardhearted Scrooge. He recognizes the benefits of empathy, but likens it to “sugary soda, tempting and delicious and bad for us.” Empathy, Bloom finds, operates through the salience principle: When suffering becomes starkly apparent, empathy supercharges our ethical response. (Picture the dirty, emaciated face of a young child whom you could feed for a year, as the advertisements suggest, “for the price of a cup of coffee.”) But this bias toward those tragedies staring us in the face does us no favors; the published literature, as a whole, reveals only a negligible relationship between empathy and good behavior.

Conversely, not all those who suffer from an empathy deficit are immoral, or prone to evildoing. Indeed, research shows that while psychopaths generally lack empathy, they also “suffer from a blunting of just about all of the emotions” that inhibit antisocial behavior. Perhaps most important, empathy “causes us to overrate present costs and underrate future costs,” Bloom writes, such that we might favor saving the life of one specific child right now over the lives of many unknown children in the future. In one prominent example, the \$100,000 spent temporarily transforming San Francisco into Gotham City for the benefit of

the “Batkid”—a 5-year-old suffering from leukemia—could have provided antimosquito bed nets sufficient to save dozens of children from malaria.

In a thought-provoking chapter on the politics of empathy, Bloom persuasively undermines the conven-

A bias toward those tragedies staring us in the face does us no favors; the published literature, as a whole, reveals only a negligible relationship between empathy and good behavior.



Paul Bloom delivers a TED Talk (2014).

tional wisdom that liberals are more empathic than conservatives, showing how politicians and judges on the right evince their own form of empathy—including for victims of violent crime and terrorism, for inner-city children trapped in failing public schools, and for small businesses strangled by taxes and regulation.

So if empathy leads us astray, what, then, should guide our moral judg-

ments? Bloom suggests, first, a blend of compassion and understanding—in other words, an *appreciation* of what others experience, if not an immersion therein. And while, etymologically speaking, *compassion* (“suffering with”) is more or less the Latin cognate of the Greek word *empathy* (“feeling in”), the former connotes a certain analytical distance that the latter elides. Citing sources ranging from psychoanalytic research to Buddhist philosophy, Bloom elucidates how compassion and understanding, properly applied, offer the benefits of empathy without its drawbacks.

The most important faculty we should bring to bear on moral judgment, however, is that which makes us distinctly human: cold, hard reason. “We can do better” than empathy-based decision-making, Bloom insists, by deploying our critical rational faculties in the service of (among other things) a recognition that “a stranger’s life matters as much as the life of our child.” And while reasoned judgment is often impaired, admits of numerous plausible conclusions, and requires hard work, it’s worth it. Here, Bloom usefully enlists Adam Smith, who writes in *The Theory of Moral Sentiments*:

It is not the soft power of humanity . . . that is thus capable of counteracting the strongest impulses of self-love. . . . It is reason, principle, conscience, the inhabitant of the breast, the man within, the great judge and arbiter of our conduct.

Reason may be stubborn and unlovely, but it’s the surest guide we have to effective ethical decision-making. Perhaps, then, we can attribute our moral failings not to a shortage of empathy but to the concept itself: It’s neither necessary nor sufficient to effect constructive change. To return where we started, for example, no one doubts President Obama felt the pain of the hundreds of thousands of Syrian children who perished in the genocide enacted on his watch. But he didn’t act and he didn’t help, although his supporters nevertheless felt like he—and they—cared about the plight of those children.

Sugary, tempting, delicious—and bad indeed. ♦

Startupworld

Tech savvy is not the same as wisdom.

BY DANIEL GELERNTER

Not long ago I visited a friend who'd moved to Silicon Valley to work in the startup industry. He had undergone a baffling change: The formerly sports-jacketed East Coaster had become a gluten-free, paleo-dieting, T-shirt-wearing Burning Man.

Burning Man, for the uninitiated, is an annual week-long gathering in the Nevada desert attended by thousands—around 70,000, at last count. There are no hard and fast rules, but among the 10 guiding principles are “radical inclusion,” “radical self-expression,” and, of course, “gifting.” That last principle means you should always do your best to give something to everyone you meet, even if the only thing you have on hand is an interpretive dance performed from your bicycle. This admirably nonmaterialistic lifestyle obviously presupposes that you don't have a family at home waiting for your next paycheck.

To a cynical New Yorker—or possibly to anyone beyond San Francisco's cultural blast-radius—Burning Man appears to be a gaggle of grownups imitating their children in a giant box of dirt.

Attendees can reject civilization (Western, Eastern, whatever) as a whole and try to build something new and better from scratch. Religion is important, but only in the form of

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Valley of the Gods

A Silicon Valley Story

by Alexandra Wolfe

Simon & Schuster, 272 pp., \$27



Burning Man festival, Gerlach, Nevada (2007)

yoga and other self-exploratory immediacy-driven experiences. And youth is emphasized, above all and forever. If we're too old to be kids, we can at least act like them. And while Alexandra Wolfe does not put it in so many words, we could call it a new paganism.

Curiously, this lifestyle comes not from San Francisco but from Silicon Valley. Which is where you'll find the greatest concentration of young tech-star million/billionaires, as well as the slightly older investors who would like to remain as young as the young entrepreneurs in whom they invest. The mode of living that Wolfe describes may be a natural product of an engi-

neer-designed society: the search for optimization and elegance in machines applied to humans, who (according to Silicon Valley) are also machines. Valleyites may optimize their diets by nixing refined carbohydrates, or optimize their relationships by ditching traditional marriage and polyamorizing instead. They think they're hacking life, just as they've hacked software and hacked business.

This is the odd atmosphere into which today's aspiring entrepreneurs tumble like water-sliders at an amusement park. The Valley is their Mecca, and they come from all over the world to start companies that will mine asteroids,

eliminate death, or remind you to go shopping. Some entrepreneurs go to the Valley right out of college. Some go there *instead* of college; that was the idea of investor-entrepreneur Peter Thiel. His fellowship, launched in 2010, offers a few of the most imaginative aspirants \$100,000 each to forgo a four-year degree and get an early start in startups. They move out West, often room together in large, jointly rented houses, and blend work and life seamlessly in an unending, value-building iterative loop.

Some don't make it, but some do—and end up with tens or hundreds of millions of dollars. Some go back to college with a reawakened

interest in traditional Western cultural mores.

Peter Thiel is careful to point out that he doesn't recommend skipping college to everyone. But he maintains that certain people will learn more from four years of experience than they will from four years of college. He's right about that. He's also right when he draws attention to the abysmal decline in quality of American higher education: Universities are graduating more students than ever before—but with more debt, more arrogance, less knowledge, and a gaping chasm between what they are trained to do and what an employer

would actually pay them to do. A recent essay on the rise of the college-educated barista was careful to point out that only liberal arts majors struggle en masse to find good jobs. But the percentage of liberal arts majors is growing and the hard sciences are, famously, in decline.

And a college education should not be—at least has not always been—a prerequisite for every job worth having. Until recently, aspiring reporters didn't invariably need a degree in journalism; they could get experience writing for a newspaper and work their way up. Ditto for aspiring teachers and the now-ubiquitous degrees in education.

So it makes sense that if you want to be an entrepreneur, you might skip campus and go directly to entrepreneurship. Even failure, the typical outcome, will be a better teacher than current classroom offerings. And while universities pull out their gray hairs over this anti-academic barbarism, it is a useful exercise in reminding them of the distinction between having a degree and having an education. (A charming Doris Day/Clark Gable film called *Teacher's Pet* discussed all this in 1958, when the academic crisis was still nascent.)

It's easy to see why entrepreneurs wanted to go to Silicon Valley, but what accounts for their odd behavior once they got there? Since originality can't be taught or learned, many of the young hopefuls who went West were reduced to imitating the only characteristic of the successful that they *could* imitate—their weirdness. "But they found out the hard way," writes Wolfe, "that being on an all-butter diet didn't make you a billionaire." At the end of the day, these Valley fever victims may return to eating bread and cereal like the rest of us. They may even stop trying to improve humans and take the time to ask what it means to be human.

It is a good question to answer before we extend our lives indefinitely, put the Internet in our brains, or download our memories to a backup disk. The Valleyites may not have given it much thought. But they're young. And they're only human. ♦

BCA

Darker Horizon

One Dutch master's imaginary landscape.

BY JAMES GARDNER



'Mountainous Landscape with a Distant View' (ca. 1620-25)

New York

It always warms the heart when the Metropolitan Museum of Art mounts an exhibition so retrograde to the currents of popular taste that it almost seems like an act of defiance. In the museum world there is a phrase—"making the mummies dance"—that refers to an institution's willingness to do just about anything to get live bodies through the doors, into the galleries, and over to the merchandise. This was the term that Thomas Hoving, director of the Met in the 1960s-70s, applied to his garish King Tut exhibition, the first museum blockbuster of the modern age and surely the first to disturb the hushed and hallowed galleries of the Met.

Since the days of Hoving, however, the Met has been a beacon of high seriousness among the cultural institutions of America. And yet a recent article in the *New York Times* addressed a perceived decline in standards, as well as certain questionable decisions made by

**The Mysterious Landscapes
of Hercules Segers**
Metropolitan Museum of Art
through May 21

the museum's board, such as overinvesting in modern and contemporary art.

Although the effects of their decisions may take time to appear, to date I have seen little evidence in the galleries. This past fall, for instance, the Met displayed nearly a hundred paintings by Valentin de Boulogne, a Baroque master almost certainly unknown to most visitors. On reaching the galleries, they found room after room of somber, truculent masterpieces, sometimes five versions of the same painting—each subtly different from its neighbors—arrayed across a wall. It was a great exhibition of a great artist, but it was not an easy show to love. It demanded the highest degree of concentration from viewers intrepid enough to see it through to the end.

Now another exhibition has opened: "The Mysterious Landscapes of Hercules Segers," a Dutch contemporary

James Gardner's latest book is Buenos Aires: The Biography of a City.

of Valentin de Boulogne, but even less known and even more darksome. And although Segers was a gifted painter, as is evident in the six paintings in the present show, it is made up mostly of diminutive etchings (often several states of the same work) that demand, but also repay, the closest attention.

Hercules Segers (ca. 1590-ca. 1638) was relatively little known in his own day and all but forgotten thereafter, before being rediscovered toward the end of the 19th century, by the art historian and curator Wilhelm von Bode. But Segers was not entirely unknown, and no less a master than Rembrandt (16 years his junior) owned eight of his landscape paintings and paid Segers the supreme compliment of imitating him in his own work. Indeed, for centuries, many of Segers's paintings were wrongly attributed to Rembrandt.

Mostly, however, Segers was an etcher, but one of the most fearless in the history of art. He saw in this medium vast avenues of innovation scarcely dreamed of by his contemporaries. Most of them were content to reproduce an etching—unchanged and in black and white—for as long as its metal plate would hold out. But Segers re-created his etchings as he went, coating each new impression in a different wash of pale blue, sepia, or absinthial green that oddly recalls the colored film stock that certain directors favored during the silent era. Nor did Segers scruple to add or efface lines on the finished plate, or even to cut the plate down as the feeling took him.

Among the etchings and paintings on view here are a few still-lives and genre scenes. But Segers was overwhelmingly interested in landscapes, perhaps the defining artistic genre of Holland's Golden Age, the 17th century. No Western nation, not even the fledgling American republic with its Hudson River School, was more devoted to this art form. But how different are the landscapes of Hercules Segers from those of his contempo-

raries—or, for that matter, the Hudson River School. In 17th-century Holland, painters revered reality in its most tangible hardness. Most Dutch painters refused to admit into their landscapes even the remotest tremor of sentiment or reverie, unlike their French and Italian contemporaries. The atmosphere of their works was often cloudy or damp, for such was the nature of the Netherlands; but rarely, if ever, did the artist's mood intrude upon the facts on the ground.



'Ruins of the Abbey of Rijnsburg' (ca. 1625-30)

In Segers, however, we see the artist's soul projected outward onto the observable world, onto the hills and meadows of his native land. Instead of the flatness that his compatriots painted, he dreamed up, as needed, rivers and mountains that he probably had never seen in real life. Under his brush and burin, the plains of Holland become lunar landscapes. Ruins like the ravaged Abbey of Rijnsburg are transformed into a menacing spiritual trap, a Bluebeard's castle of the mind. As in a fever dream, the observable world shifts without warning from the etherous indeterminacy of his *Distant View of a Road with Mossy Branches* to the near-blinding clarity of *Ruins of Brederode Castle from the Southwest*, wherein every brick is accounted for with a neurotic insistence that recalls the work of outsider artists.

If any Dutch precedent exists for the landscapes of Hercules Segers, it is the stylized late-16th-century works of Mannerists like Roeland Savery and Gillis van Coninxloo,

under whom he studied. But there is a crucial difference: Those painters, influenced by Brueghel and the Italians, strictly adhered to a standardized formula for landscape painting that was shared by many in their generation. The distortions of Segers, by contrast, are entirely his own, the products of his inability (or refusal) to conform to the standards of his time. It is for this reason that he seems so strikingly to foreshadow, both in spirit and form, the Symbolists of the 1890s and the Surrealists of the 1920s.

Beyond those eccentricities, it should be said that Segers was, in terms of pure artistic competence, a master in an age of masters. As a landscape painter, quite aside from his etchings, he was the equal of almost any painter of his age. His vast panoramas, with a reduced tonalist palette that approaches monochrome in places, are skillfully conceived and composed, and often perfectly executed.

With the reader's indulgence, I would like to take this opportunity to make a point about Rembrandt that may seem slightly out of place in an article devoted to Hercules Segers. We all know, for we have all been told, that Rembrandt was a great painter. But let the following observation serve as a testament to just how good he really was. He was not primarily a landscape painter, having painted only about 30 of them in his entire career, not counting drawings and etchings. And yet, in a culture which (as we have seen) was besotted with landscape painting, a culture that produced some of the finest masters of the genre who ever lived, Rembrandt, with those 30 paintings, was the greatest of them all. If you have any doubt, only look at *The Mill* in the National Gallery in Washington. Even Segers could not equal the power or strangeness of the younger master's landscapes. And yet it is also true that Rembrandt could never have painted them as he did without the inspiring example Segers had set for him. ♦

COURTESY OF THE METROPOLITAN MUSEUM OF ART

Lost Weekend

From Eddie Murphy bit to macabre comedy of manners. BY JOHN PODHORETZ

The title of the new horror film *Get Out* alludes to a brilliant Eddie Murphy stand-up bit that is never mentioned in the movie—but a routine the African-American comedian Jordan Peele, who wrote and directed the movie, surely knows by heart. “I was watching movies like *Poltergeist* and *Amityville Horror*,” Murphy said on *Saturday Night Live* in 1982. “Why don’t the people just get the hell out of the house? You can’t make a horror movie with black people in it cause the movie’d stop.”

Then Murphy enacted a scene. A man has just moved into his new house and says to his wife, “Wow, baby, this is beautiful. We got a chandelier hanging up here, kids outside playing, it’s a beautiful neighborhood, I really love—this is beaut—”

Then Murphy’s voice changed to the disembodied voice from *The Amityville Horror* and growled: “Get out!” After which, Murphy straightened up, said, “Too bad we can’t stay,” and ran off.

Jordan Peele, best known as part of the two-man team responsible for the peerless Comedy Central series *Key and Peele*, set himself the challenge of solving the Eddie Murphy problem: How do you get a black guy to stay in a house from which he should certainly be fleeing long enough to get him into real trouble?

The answer: Have a young African-American photographer named Chris Washington (Daniel Kaluuya) driven to the house for the weekend

John Podhoretz, editor of Commentary, is THE WEEKLY STANDARD’s movie critic.

Get Out
Directed by Jordan Peele



Daniel Kaluuya

by his gorgeous and loving white girlfriend Rose (Allison Williams), who is introducing him to her impeccably liberal parents (Bradley Whitford and Catherine Keener). She has neglected to tell them that he is black, and he finds their all-too-rapid acceptance of him creepy rather than warm. Leaving will poison his relations with them and probably end his relationship with her—and anyway, isn’t it the lot of men like Chris to suffer through discomfiting social experiences with either overly friendly or weirdly hostile white people?

Chris’s weekend keeps getting stranger as the white people around him seem to be playacting, while the black people who work at the house have a robotic quality that vanishes every now and then under stress when their eyes suddenly brim with unnerving tears. Rose’s mother, a hypno-

therapist, puts Chris under to get him to quit smoking but mostly asks disturbing questions about the death of Chris’s mother.

A gang of senior citizens shows up for the annual garden party once thrown by Rose’s late grandparents—and the guests variously ask Chris to show them his golf swing, feel his muscles, and ask Rose if it’s true what they say about black men. The African-American husband of one of the guests, who is at least 30 years younger than she, is startled by a flash from Chris’s camera and suddenly sets upon Chris, screaming at him to get out.

The movie *Get Out* most resembles is *Rosemary’s Baby*, in which an unsure young woman finds herself living in an apartment building around a bunch of odd and false old people who take a wildly inappropriate interest in her burgeoning pregnancy. Peele, whose debut as a writer-director this is, learned a great deal about how to locate the bone-chilling shadows in otherwise perfectly normal settings from Roman Polanski’s superb 1968 adaptation of Ira Levin’s terse novel. We share Rosemary’s growing paranoia but don’t get what it is that she’s right to be afraid of until the big reveal in the last 10 minutes. The same is true in *Get Out*, which features a series of unguessable twists in its final half-hour.

The British actor Daniel Kaluuya’s quietly spectacular performance as Chris is a worthy successor to Mia Farrow’s classic turn in *Rosemary’s Baby*. But I don’t want to sell Peele’s accomplishment here short: *Get Out* is not only a killer thriller but an exquisite and macabre comedy of manners, and it’s original as all . . . get-out. It’s also on its way to grossing \$200 million at the box office off a \$4.5 million budget, which will make it one of the most successful movies in American history.

What Eddie Murphy didn’t understand was that if you can just figure out how to get the black guy to stay in the scary house, you can beat *Poltergeist* and *The Amityville Horror* at their own game. ♦

"The National Confectioners Association is doing a lot of business with President Trump's company. . . . At the same time, the organization, representing candy titans Hershey, Mars and Jelly Belly, among other companies, is optimistic about scoring big, early policy wins from the Trump administration. Among the industry's priorities: a long-sought rollback of government sugar subsidies that candy firms say drive up the costs of making their products."

—Washington Post, March 8, 2017

PARODY

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Secret Trump meetings with Wonka exposed

WAS TESTIMONY SUGAR-COATED?

Deal-sweeteners at center of scandal

BY **KAREN SKIBB**

After an exhaustive investigation, The Washington Post has uncovered evidence that top officials in the Trump administration such as Attorney General Jeff Sessions conducted numerous meetings with deputies of candy baron and international celebrity Willy Wonka.

The revelations come after President Donald Trump bucked the Republican mainstream by expressing admiration for the reclusive and mercurial Wonka. "I love candy," Candidate Trump said repeatedly from the stump during the campaign. "And no one makes better candy than Wonka. Ever had a Gobstopper? They literally last forever. Terrific. I'm eating one right now."

President Trump and members of his team have for months denied any contact with Wonka or other representatives of Big Candy, after charges Wonka tried to tip the election in Trump's favor. Such charges included allegations from anonymous intelligence



BEN CHRISTIAN

A December photo allegedly shows then-attorney general nominee Jeff Sessions awaiting licorice lobbyists in an Alexandria candy shop.

sources that Wonka attempted to distract young, pro-Hillary voters by launching one of his notorious Golden Ticket contests on Election Day.

The issue was also a major point of contention between Senate Democrats and Attorney General Sessions during his confirmation hearings, with Sessions repeatedly denying that he had met with Arthur Slugworth, a shadowy figure who has served for decades as Wonka's executive vice president of Corporate Security and Nougat. Despite Sessions's insistence, a bombshell video obtained by the Post showed him and Mr. Slugworth downing a bottle of Fizzy

Lifting Drinks and floating to the roof of Quicken Loans Arena during the Republican National Convention's roll call.

Yesterday, Sessions was forced to backtrack, saying he had met Mr. Slugworth, but that the campaign was never discussed. "I was a senator at the time," Sessions insisted in a statement released to the press. "My meeting with the Wonka Corp. representative was no different than dozens of meetings I have with other figures from the corporate world, like Ernest J. Keebler or Mayor McCheese

SEE MRS. BUTTERWORTH, A6

the weekly
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MARCH 27, 2017