

The cover of the Weekly Standard magazine features a photograph of Kim Jong-un and a North Korean official. Kim Jong-un is in the foreground, wearing glasses and a dark blue Mao suit, looking towards the right with a serious expression. The official, wearing a military-style cap with a red star and a dark uniform, is pointing his right index finger towards the right. They are standing outdoors, with a stone structure and green foliage in the background. The magazine title 'the weekly Standard' is at the top, with 'the weekly' in a dark blue box and 'Standard' in large white letters with a black outline. A red banner at the top right contains the date and price. The main headline 'CAN HE BE STOPPED?' is in large white letters. Below it are three lines of text in white, and the website 'WEEKLYSTANDARD.COM' is at the bottom right.

the weekly
Standard

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CAN HE BE STOPPED?

PETER J. BOYER on the state of America's missile defense program

ERIC EDELMAN & ROBERT JOSEPH on the sorry history
of our North Korea policy

THE EDITORS in praise of Trump's sanctions

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Poverty and the Pyrite State

THE SCRAPBOOK visited Los Angeles for the first time around 20 years ago, and it was a delightful experience in most every way. One oddity stood out, though: the sheer number of homeless people. We don't mention this to denigrate the needy, but the experience of being approached on nearly every corner by people asking for money—some of them, truth be told, not appearing all that hard-up—is not easily forgotten.

We observed the same phenomenon on subsequent visits to San Francisco and San Diego and concluded that the state's perfect-year-round climate is probably not unrelated to the phenomenon. Speaking only for ourselves, if we were suddenly without shelter some January, we'd rather



be in San Bernardino than Buffalo.

But the weather surely can't account for the fact that, as we learned from a recent report by the Census Bureau, California has the highest poverty rate in the nation: A full 20 percent of Californians live below the federal poverty line.

Readers may wish to quarrel with the definition of "poverty" in

this ranking, and the state's high number of undocumented workers suggests that illegal immigration is likely a contributing factor. Still, it strikes us as remarkable that the nation's most progressive, left-leaning state also has more people in poverty, per capita, than any other state. California's taxes are among the nation's highest—the state consistently ranks among the least friendly to business—and it spends over a third of its total budget on welfare-related programs, ranking fifth in the country as of 2013 (the Census Bureau's latest data).

If we didn't know any better, we'd start to think that maybe, just maybe, the progressive welfare state doesn't actually work. ♦

The Plame Game

On September 22, ex-CIA agent Valerie Plame tweeted out a link to an Internet article written by another notorious ex-CIA agent, Philip Giraldi. The article was headlined "America's Jews Are Driving America's Wars." The article appeared on the *Unz Review* website, a dumping ground for anti-Semitic nonsense. Among the article's odious assertions: Jews discussing foreign policy on television should be identified as such, "kind-of-like a warning label on a bottle of rat poison."

It wasn't the first time Plame has retweeted an anti-Semitic rant from the *Unz Review*, but this time people noticed. Plame publicly apologized and resigned from the board of the Ploughshares Fund (an organization notable for its efforts to help sell the Obama administration's Iran deal).

It's been 14 years since Plame was outed as a CIA agent after her hus-



band, Ambassador Joseph Wilson, wrote a *New York Times* op-ed disputing the intelligence the Bush administration relied on in deciding what to do about Saddam Hussein. Plame and Wilson were instantly embraced as the heroic opposition to the Iraq war. They were featured in countless glossy-magazine spreads. Two movies were made about their brave ordeal. They've

been dining out on the controversy ever since.

And yet, for all that, the real takeaway from the imbroglio was one relevant to the present moment: It demonstrated, in the conviction of Scooter Libby (who was innocent of outing Plame), how special counsels run amok.

Now might finally be the time to admit that, whatever one thinks of the Iraq war, embracing Plame and Wilson as courageous truth-tellers was a mistake from the get-go. Theirs has been a highly politicized agen-

da all along. Just last month Plame launched a fundraising effort to buy a controlling share of Twitter stock, so she could kick President Trump off the platform. In the meantime, we suggest that Plame lead by example and get off Twitter herself. ♦

Brighton, Rocked

With all the drama of medieval jousting, or a good old-fashioned tractor pull, liberal champions collided last week in separate contests: Buddhism vs. the environment and animal rights vs. art.

These are conflicts, for socially conscious justice warriors, as fraught as Batman vs. Superman is for Comic-Con nerds: Who are you supposed to root for?

Two British Buddhists, in an effort to keep lobsters out of the boiling pot, got themselves into hot water. As part of ceremony meant to produce "good karma," they released hundreds of lobsters and crabs into the ocean at the seaside town of Brighton. But, alas, they were *American* crustaceans, nonnative species said to pose a threat

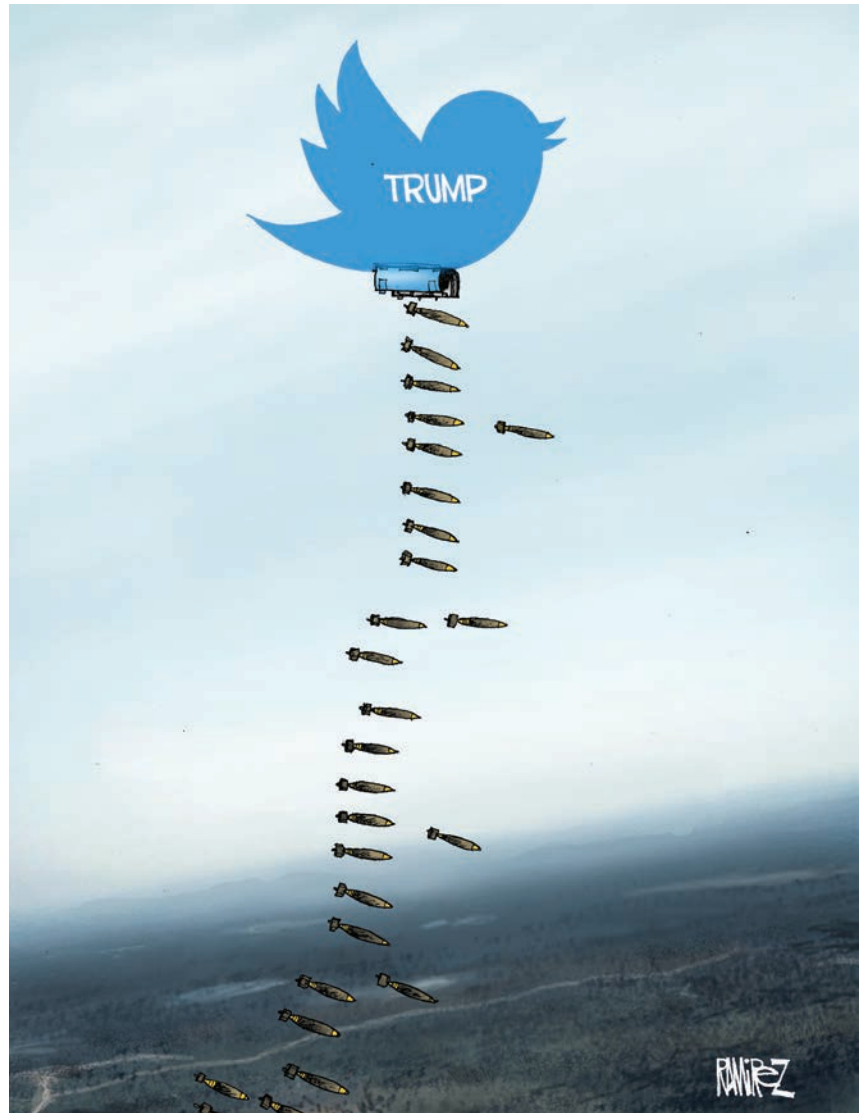
FIGURES AT TOP AND BOTTOM: BIGSTOCK; PLAME: LARRY D. MOORE

to the local ecosystem. (In Brexit Britain, it seems, even the eco-warriors are anti-immigrant.) According to the *Guardian*, a court fined the Buddhists some £15,000 to recoup costs borne by the government in its efforts to recapture the shellfish: To incentivize local fishermen, the crown put a bounty on their exoskeletal heads. Of the 361 lobsters released, 40 some are still at large and may—horrors!—be breeding. Ever willing to do its part, THE SCRAPBOOK stands at the ready with drawn butter.

On this side of the pond, the conflict involved modern art. The Guggenheim Museum has decided to remove three works from an upcoming exhibit, works that activists claimed promote animal cruelty. The works are certainly weird and perhaps unsettling—including a short video of dogs running at each other on treadmills, ready to fight, but unable to reach each other, and a large cage full of amphibians, reptiles, and insects that eat each other over time (as critters are wont to do). The outrage has been spectacular. Hundreds of thousands committed to insect-welfare have signed petitions; animal-rights activists swamped the museum with stern letters of disapproval; some in the bunny-and-duck crowd have threatened to give curators a right thrashing.



The flabbergasted (and clearly feeble) Guggenheim backed down. “Although these works have been exhibited in museums in Asia, Europe, and the United States,” the museum



said in a statement, expressing regret “that explicit and repeated threats of violence have made our decision necessary.”

It isn’t just Nature that’s red in tooth and claw. ♦

Foreign Intrigue

At long last, THE SCRAPBOOK has developed proof of foreign meddling in our democracy. Justice Department documents lay the plot bare: a secret deal between a foreign power and two former administration officials at the highest echelons of the U.S. government.

The officials, THE SCRAPBOOK has

learned, are to receive \$25,000 from the foreign power, plus a retainer of \$25,000 a month. In exchange for that cash, the operatives schemed with the U.S. media to shape favorable coverage. Targets include journalists at publications such as the *Financial Times*, the *Economist*, the *New York Times*, the *Wall Street Journal*, Bloomberg, and *Business Insider*, as well as “top-tier television and radio” such as CNN, Fox, and NPR; Sunday morning talk shows; and “news programs such as Charlie Rose.”

Justice Department documents also reveal the plot to plant favorable coverage with newspaper editorial pages and blogs, which “have tremendous

LOBSTER AND FRAME, BIGSTOCK

sway with policymakers.” The officials confessed that they “use these pages regularly to influence legislation, regulation and public opinion.”

THE SCRAPBOOK reels at the enormity of it all.

The two sometime government officials renting their names and their connections are Anita Dunn, a former communications director for President Obama, and Stephen Krupin, once a senior Obama speechwriter. They now work for SKDKnickerbocker, a political consulting firm. Their client is—*gasp!*—the government of Ontario, Canada, which is seeking to raise its Washington profile on trade issues. Lobbyists working for foreign governments must register with the Justice Department, and the details of the arrangements are public records.

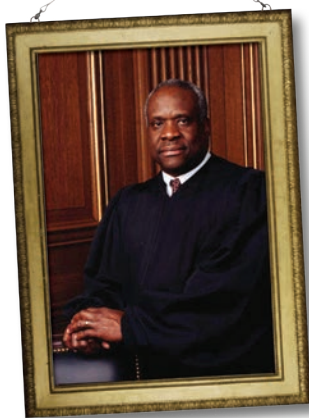
You didn’t think we were talking about something else, now, did you?

There’s nothing inherently criminal about representing foreign powers. In fact, it’s common in Washington: The Justice Department says there were 1,799 “foreign agents” representing 527 international clients as of the end of September. That’s a lot of foreign meddling—all of it (well, at least most of it) legal. ◆

Redoubling Thomas

Justice Clarence Thomas isn’t known for being particularly chatty on the bench, preferring to listen to arguments at the Court rather than engaging in the noisy sparring that some of the supremes seem to think passes for being judicious. Thomas doesn’t go out of his way to draw attention to himself. And so perhaps it was just an oversight that when it opened a year ago, the Smithsonian’s new National Museum of African American History and Culture seemed to forget all about Thomas.

Last year Adam White lamented in these pages, “it’s a shame to see the new museum marred by its own



decision to expunge from its historical narrative one of the most important African-American statesmen of our time.”

But THE SCRAPBOOK is in a generous mood and prefers not to think ill of the nice people at the Smithsonian. We would hate to think that Thomas was being shunned because he is a conservative or because he famously overcame a vicious and toxic campaign of calumny mounted by the left.

Whatever the reason for its initial decision, the Smithsonian has finally corrected its oversight by including a label for Thomas along with the one for Thurgood Marshall in its “Supreme Court” exhibit. We now look forward to when the museum undertakes a thorough and fair-minded analysis of the justice’s thoughtful and influential opinions. ◆

Et Tu, Brute?



Don’t miss the newest episode in the Internet video series *Conversations with Bill Kristol*. THE WEEKLY STANDARD’s editor at large talks with University of Virginia professor Paul Cantor about Shakespeare’s Rome. How do politics contend with philosophy? Can a republic survive becoming an empire? Find out at ConversationswithBillKristol.org. ◆

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Confessions of a Total Poseur

A few years ago, some friends of mine, weekend musicians, started jamming together and formed a cover band called the Porch Lights. To be honest, their big world tour is a bit slow in developing. Conquering the globe one backyard at a time, they haven't quite made it outside of our neighborhood, but in every other respect they really do rock.

And I confess that I enjoy few things more than when their lead singer Jess—a soccer mom with two kids who lives around the corner—calls me on stage to help with the vocals. I can hardly describe the reality-bending change that comes upon me at these moments. You would think I was being pulled from the shower and thrust onto the stage of a late-night talk show, so Americans in their living rooms can finally learn what they have been missing.

I greedily assault the microphone with my overemphatic voice. Singing as much with my eyes and my body, I am full of intensity but pretend to hesitate just a little, only to be urged onward by conviction and the primal need to let it all out. Whether it's "Dead Flowers" by the Rolling Stones or "Superman" by R.E.M., the story takes over and these songs of decadence and obsession become fatal truths that must be told. By me. Right now. Because I really am superman.

Meanwhile, the nice people watching me, red Solo cups in hand, are visibly unsettled. Suburban dads and PTA moms laugh nervously, with their kids dancing beside them, a certain quizzical expression on their faces that says, "Whoa, didn't see this coming." Usually, I am one of the quieter guys, a one-on-one conversationalist

more than any kind of big raconteur. But here I am, without warning, a full-blown exhibitionist. On the way home, I get the feeling that my daughter is waiting for an apology.

As a singer I have almost no training, though one time, at a summer theater camp, I did take lessons. In a recurring exercise, the teacher assigned other students to one of your



body parts. One kid would take your right arm and slowly move it to and fro, another would handle the other arm, and another would gently swivel your head from side to side. Then you would begin singing whatever warmed-over show tune you had been working on. The goal was to distract you from your own body and thus release the breath and power locked in your diaphragm and vocal chords by self-consciousness and nerves. With three or four of my classmates playing puppeteer with my appendages, I never felt more silly, but my voice did sound pretty good.

Sometimes I think of going for lessons now, at this point in my life, to work on my technique. So when Jess calls me on stage I don't sound so much like a drunken wedding guest

who has wrestled the microphone away from the real singer. So I don't sound so much like those karaoke wannabes with their bad Madonna imitations. Yes, I judge the karaoke people harshly, despite my own creeping awareness that we are brothers and sisters in wannabeism, genuine fakes all of us—or something worse.

A few nights ago my wife, Cynthia, told me that the singer I most remind her of is William Shatner. I was, of course, devastated. Is it conceivable that after all we've been through, my wife doesn't actually love me?

Shatner is notorious for a series of spoken-word recordings he made, starting in the late '60s, in which he applied the hammy overacting he made famous on *Star Trek* to schmaltzy pop songs such as Elton John's "Rocket Man." These covers are hilarious, unintentional parodies. A video of Shatner performing "Rocket Man" in 1978 at the Science Fiction Film Awards is utterly cringe-inducing and therefore very popular online. Yet Shatner has, more recently, worked with various well-known artists to record some very good music. In 2004, with

Ben Folds and Joe Jackson, he made a cover of "Common People," a song by the English band Pulp. It is, by far, my favorite version of that song.

If Cynthia is right and I do sound like Captain Kirk, then my singing is an unintentional parody of an unintentional parody. So I probably need to find another singer to unintentionally emulate. Or I might even develop, though hard work and dedication, a style I could ultimately call my own. But this goes back to the reason I have not signed up for singing lessons: I cannot imagine finding more pleasure in singing than I already do. And if I did I would be so distracted by my singing career that I might never work an honest day again.

DAVID SKINNER

A Blockade by Any Other Name

Sanctions hurt everybody. That's the problem with imposing them on a reckless and brutal regime. Instead of pressuring the few in charge, you punish the people as a whole. Sometimes that's necessary, but it's never ideal.

In the case of North Korea, however, economic sanctions chiefly hurt the rulers. Virtually all proceeds from trade coming into the country are seized by Kim Jong-un's kleptocracy and distributed to the military, the leadership, and the bureaucrats who run the police state. And so the Trump administration was wholly in the right when on September 21 it unilaterally imposed the severest possible economic sanctions. If maintained rigorously, these could weaken the Kim regime and hasten its demise.

The administration says that's not the goal. We assume it is.

We wonder, in fact, if *sanctions* is even the right word for the administration's executive order. The multilateral, U.N.-brokered sanctions of the past have generally targeted specific industries—oil, textiles—or tried to stop the regime from advancing its nuclear program. Those are good and necessary measures, and they have had the effect of limiting North Korea's capacity to make war and slowing its development of missile technology. But multilateral sanctions are designed to pressure a targeted government into altering its behavior. Kim Jong-un will not be pressured to do anything; negotiation with his government is hopeless. Traditional multilateral sanctions have intrinsic weaknesses, too. In the case of North Korea we've had to depend on China upholding its obligations, which, of course, it hasn't done; and U.N. sanctions haven't stopped Venezuela and Iran from supplying North Korea with oil, refined petroleum, and perhaps even nuclear materials.

These latest sanctions are designed not to hurt Kim's regime but to break it. The administration's executive order gives the U.S. government the power to shut out North Korean banks from the international banking system. It can now freeze the assets of anyone—banks, companies, individuals—for doing any business at all with North Korea. And it can ban ships from U.S. ports if they've been to North Korea as of the date of the executive order. Rather than crippling the DPRK's capacity to do this or that,

these sanctions attack the country's very economy. Rather than sanctions, we might better call this a blockade.

It's a bold move by the administration, and we think a shrewd one. If sanctions are going to incapacitate the Kim regime and make it vulnerable to internal subversion, they'll have to hit hard—and these sanctions should hit very hard indeed.

Most of the companies and individuals likely to be affected are Chinese. The vast majority of North Korea's commerce—90 percent, at least—comes from China, which has long had an interest in supporting the Kim regime. If the DPRK collapses, Chinese leaders think, destitute refugees will flood across the border into their territory. Further, if the collapse of the Kim regime leads in time to reunification with South Korea, China will have a U.S. ally on its border—a disaster in the Chinese Communist mindset.

Whatever the reasons for China's paranoia, the fact that the Kims have remained in power as long as they have is almost certainly a direct consequence of Chinese support. Even tight multilateral sanc-

tions like the ones passed by the U.N. Security Council in August can only do so much damage if China looks the other way while its banks and manufacturers supply cash and goods to its tiny homicidal neighbor. If the Trump administration follows through on its promise to punish those banks and exporters, though, or even if China feels the threat is credible, we may see the situation change fast.

There's evidence that's happening already. On the day he announced the new sanctions, President Trump claimed that China's central bank had issued a directive to the country's banks to "immediately" (Trump's word) cut off business with North Korea. We have not been able to confirm that claim, but China has not denied it, and the Hong Kong-based *South China Morning Post* cites "four sources" saying that the country's banks have been ordered to cut financial ties with their North Korean customers.

If true, the status quo just ended.

The danger, of course, is that "Little Rocket Man," as President Trump has tauntingly dubbed him, will act in desperation and actually try to deploy a nuclear warhead against U.S. or allied targets. Certainly it's folly to hope that Kim will "denuclearize," as U.S. diplomats like to



Kim Jong-un

put it. He will not. And he may decide to go kinetic with the arsenal at his disposal. If so, America's missile-defense capability will be put to the test.

It's costing Kim extraordinary sums of cash to build nuclear weapons and missile systems and to conduct constant military exercises in a vain effort to feign parity with the U.S.-South Korean alliance. And cash is what Kim has less and less of. Not even forced labor can prop up a government if that government has no access to international markets.

King Jong-un is often said to be irrational. He may be. But his military elite and party functionaries are probably not irrational, and as Kim brings his country closer to economic ruin and nuclear annihilation, they may feel compelled to act. North Korean foreign minister Ri Yong-ho likened Trump's executive order to a "declaration of war," and we hope the administration thinks of it that way, too: not as a means to coerce the DPRK into more pointless negotiations but as an attempt to bring the Kim dynasty to a richly deserved termination.

What comes next may be a blessing to the world or a disaster. But continuing to appease a nuclear-armed psychopath could bring about something immeasurably worse.

—*The Editors*

Tax Reform, at Last

The last time Republicans advanced a serious plan to overhaul the tax code, Madonna had a No. 1 hit and *Back to the Future* had just been released on VHS. The new Republican tax plan harkens back to Ronald Reagan's 1986 reform package, promising a future of stronger growth with less economic puppeteering from Washington.

It's not a perfect plan. It is less ambitious than various overhauls that conservative candidates have floated in presidential campaigns. But after years of abysmally low economic growth thanks to Obama's tax-and-regulate measures, the Republican outline is a bold change.

But can they can pull it off?

On paper, tax reform should be a gimme for a party that gives consistent lip service to tax cutting and controls both houses of Congress and the White House. It is, moreover, desperately needed. Over the years, both parties have been complicit in adding tax incentives to make the masses behave the way Washington wants. Thanks to the generosity of Congress, companies with expensive lawyers can get tax benefits to produce tuna in American Samoa, mine coal on

Indian reservations, or renovate Boston's Fenway Park. But the tax code is for taxing, and it should do so equitably.

As the "Repeal and Replace" fiascos in both houses of Congress showed, it's much harder to agree on reform than it is to oppose a broken system. As with Obamacare, Republicans can't count on any support from Democrats, who've steadily lurched leftward since the last tax reform go-round. The 1986 reform—which included big cuts in corporate and individual tax rates and closed loopholes—passed the Democratic House by a voice vote and the Republican Senate 97-3.

The new GOP plan has three main components: dramatic cuts in business taxes, individual rate cuts aimed at the middle class, and tax simplification. There's a lot to like, even if the first two are extremely precarious given the Republicans' slim Senate majority and fractiousness. The Democrats are eager to stop anything they can deride as "tax cuts for the rich."

Cutting the corporate tax rate—at 35 percent, ours is among the highest in the world—would drive economic growth immediately. The GOP plan would lower that rate to 20 percent, and small businesses paying the "pass-through" rate would be taxed at a rate no higher than 25 percent. Changes in how businesses depreciate equipment should also spur investment.

There's plenty of political cover, too. The GOP plan can credibly be sold as "middle-class tax relief." It nearly doubles the standard deduction, increases child tax credits, and makes those credits available to more taxpayers. There's an option for congressional committees to keep the individual tax figure for millionaires at the existing high rate of 39.6 percent. The popular deductions for charitable giving and mortgage interest are preserved.

The plan also honors the long-term conservative goals of simplifying taxes and making them fairer. Eliminated are all but the most politically delicate deductions and credits. The change to the standard deduction would make itemization less important for more people. The plan goes a long way toward getting Congress out of the business of using the tax code to induce allegedly desirable behavior. It would further eliminate the estate tax and the alternative minimum tax—although these two provisions look more like bargaining chips to be negotiated away to placate deficit hawks.

Democrats will feign outrage at all of this. Fine. Let them defend one of the highest corporate rates in the world. Let them explain why the top 50 percent of U.S. households should pay 97.3 percent of all personal income taxes. If in the process Republicans can agree to simplify the code and eliminate more of its credits and deductions, they will have achieved something. They'll have to work fast, though: The longer this reform sits in committee, the more time lobbyists will have to persuade wobbly members to reinsert special interests' favorite provisions.

This is a worthy plan. If the party of free enterprise and low taxes can't pass it, it's not clear what they're there for.

—*The Editors*

An Education in Civility

Excerpts from the keynote address by Justice Neil M. Gorsuch at a luncheon celebrating the 50th anniversary of the Fund for American Studies, Washington, D.C., September 28

As Justice Kennedy likes to point out, the word *civics* springs from the Latin word that was also the same root for *civility*. And both *civics* and *civility* are essential elements of civilization. Just consider the First Amendment’s guarantee of free speech, free press, free assembly. Those rights ensure that Americans can say pretty much anything they want, for more or less any reason they want, more or less any time they want. It’s a wonderful thing. But with every right comes a correlative responsibility, a duty. And to be worthy of our First Amendment freedoms, we have to all adopt certain civil habits that enable others to enjoy them as well. When it comes to the First Amendment, that means tolerating those who don’t agree with us or those whose ideas upset us. . . .

Hamilton sought to remind us of all this, about the duties of the First Amendment, in the very first of the Federalist Papers. There he wrote that even “wise and good” people disagree on “questions of [the] first magnitude”—and that fact, he said, should “furnish a lesson in moderation” to us all. In a government by and for the people, we have to remember that those with whom we disagree even vehemently still have the best interests of the country at heart. We have to remember that democracy depends on our ability to reason and work with those who hold very different views than our own. We have to learn not only to tolerate different points of view, but to cherish the din of democracy. . . .

It’s no exaggeration to say, I think, that to preserve our civil liberties we have to constantly work on being civil with one another. Tocqueville, that great observer of American society, understood this connection exactly. He wrote that the manners of Americans are “the real cause that renders that people . . . able to support a democratic government.” In a very real way, self-governance turns on our ability to try to treat—to *try* at least to treat—others as our equals, as persons, with the courtesy and respect each person deserves, even when we disagree. Our capacity . . . for civility is in this way no less than a sign of our commitment to equality and in turn democratic self-government.

While we’re talking about the founding and civility, it might not hurt to recall a little bit about the education of

George Washington. He deliberately cultivated habits of civility at a young age, habits that later helped him become so effective at leading our new nation. As a teenager, we’re told, he had copied by hand the 110 *Rules of Civility and Decent Behavior in Company and Conversation* published by the Jesuits in 1595. Many of these rules remain absolutely as true as ever. Take Rule 86: “In disputes, be not so desirous to overcome as not to give liberty to each one to deliver his opinion.” Some are pretty downright funny, too. Take Rule 12: “Bedew no man’s face with your spittle, by approaching him too near when you speak.” In other words, as my teenagers would say, “Say it. Don’t spray it.” . . .

Without realizing it, though, perhaps, the Jesuits who wrote them and the young man who copied them were outlining and absorbing a system of courtesy appropriate to equals and near-equals. When the company for whom decent behavior was to be performed expanded to the whole nation, Washington was ready. Civility is essential for the treatment of people as equals in civilization. In no small measure, the character of our nation, which left such a deep impression on Tocqueville, was shaped by the character of Washington. He was ready. Our next generation must be, too. . . .

We should never lose sight that we live in the longest-standing republic in the world. We live with remarkable success in a richly diverse nation, committed to the enjoyment of the blessings of liberty by the rule of law for all persons. Americans have risen resiliently to challenges throughout our history, from our unlikely success in revolution to defending our republic in the War of 1812, from the preservation of the union in the Civil War to the efforts of our civil rights movement to realize the Declaration’s promise of equal treatment for all persons. It is no wonder that so many people around the world rightly consider our republic a wonder of the world.

Now sometimes the cynic in all of us gets the upper hand. Sometimes it’s hard to see the way forward for all the challenges that block the way so clearly before us. But when you find yourself in doubt, I encourage you to remember an old story from G. K. Chesterton. Chesterton noted that an ordinary man when asked on the spur of the moment to explain why he preferred civilization to savagery would likely look around wildly at object after object and would only be able to explain vaguely: “Why, there is that bookcase, and the coals in the coal-scuttle, and pianos, and civilization needs its policemen.” But Chesterton reminded us that there’s sometimes wisdom in the stuttering reply, for really the virtues of civilization are too numerous to count—almost so obvious as to be too obvious to see. If asked to select, it’s hard to know where to begin.

And so it is with our constitutional order today. We may not notice it every day, but what the Constitution calls our “blessings of liberty” are everywhere about us. They are what allow over 300 million Americans to go about their daily lives under rule of law.

—The Honorable Neil M. Gorsuch

Make America Gipper Again

Trump's turn at tax reform.

BY FRED BARNES

If the president's tax plan is enacted, it will go down in history as the Trump Tax Cut of 2017. And it should, for both the tax reductions and the strategy for enacting them reflect his personal intervention and desires.

Trump considers himself an expert on taxes (especially on avoiding them). He also has a phobia about being linked to tax cuts for high earners, including himself. He fears Democrats will accuse him of seeking to enrich himself and the wealthiest of upper-class Americans. And that his tax initiative will fail.

This obsession has shaped the framework of his tax proposal. The top rate on individual income would dip from 39.5 percent to 35 percent, a far smaller reduction than in President Reagan's two tax measures in the 1980s. And Trump would cut the corporate tax rate from 35 percent to 20 percent. This is the rate often associated with wage gains. When it goes down, workers benefit.

Just days before his tax plan was unveiled last week, the president was privately talking up a 15 percent corporate rate, which he advocated in last year's campaign. And weeks ago he had considered the idea of Steve Bannon, his now-departed aide, to raise the top income tax rate to 44 percent. That would have sparked a Republican rebellion on Capitol Hill. So Trump took a pass.

Republican advisers told him Democrats would attack him as pro-rich no matter what he proposed. But Trump has a strategy in mind: He's been daydreaming about a

compromise with Democrats. Once that notion fades, as it surely will, he has a fallback position: secure the votes of three moderate Democratic senators facing tough reelections in 2018—Joe Donnelly of Indiana, Heidi Heitkamp of North Dakota, and Joe Manchin of West Virginia.



If two or three endorse his bill, Trump would dub it bipartisan, which is a badge of popularity for the moment. Even if they shun it, Trump could claim credit for trying oh-so-hard to win them over, then go ahead and exploit the current popularity of bipartisanship anyway. Congressional Republicans would be relieved. They have never wanted a compromise in the first place.

Trump is personally wooing the three, having taken Donnelly and Heitkamp on board Air Force One

when he traveled to their states to tout tax reform. In Indianapolis last week, he said, "if Donnelly doesn't approve it . . . we will campaign against him like you wouldn't believe." Trump was smiling as he spoke.

In his speech, Trump invoked President John F. Kennedy for the first time as a model of a tax-cutting Democratic president. Kennedy "championed tax cuts that surged the economy." He quoted JFK as saying, "The right kind of tax cut at the right time" is the best way "to spur our economy forward." And "this is the right time," Trump added.

His overall pitch—an appeal to an unhappy middle class—is not a novel one. But he added unexpected touches. He didn't call for cutting the tax rate on capital gains or dividends, hardy perennials of GOP tax legislation. Nor did he rule out calling for a hike in the individual rate—possibly to 37 percent or 38 percent—when the House takes up the bill shortly. Bannon would approve.

In his basic argument, Trump insists the middle class will be the beneficiary of practically everything in the bill, including reforms of the tax code. "By eliminating tax breaks and loopholes, we will insure that the benefits are focused on the middle class . . . not the highest-income earners," he said in Indianapolis.

Special interests and the well-connected "can call me all they want," he said. "It's not going to help. I'm doing the right thing, and it's not good for me [financially]. Believe me." And simplifying the tax code will make filing on a postcard easy, he said. "H&R Block will not be supporting Donald Trump, I can tell you."

For what it's worth, Trump is off to a good start on tax reform. He's already played a bigger role than he did on health care. The question is whether he will be a political asset or a liability in getting the bill passed.

What's required is what he's never exhibited in the past: discipline, focus, reliability, coolness under fire, and political dexterity. These traits should sound familiar. They belonged to Reagan. And they were in play

GARY LOCKE

Fred Barnes is an executive editor at THE WEEKLY STANDARD.

when he led the fight for sweeping tax cuts in 1981.

Reagan had a bigger task than Trump does today. He had to explain supply-side economics and why tax rates should be whittled down from the top. Even his allies were leery. Senate majority leader Howard Baker called the Reagan cuts “a riverboat gamble.” The elder George Bush described Reaganomics as “voodoo economics.” Though he changed his mind when Reagan made him vice president, I think he meant it the first time.

In a televised speech from the Oval Office on July 27, 1981, Reagan explained it all brilliantly. He used two charts. He didn’t shy away from details. He was in total command of the material and the political circumstances. A few days later, bipartisan tax cuts passed.

Trump’s task is smaller than Reagan’s in that he, politicians, and the public are up to speed on how tax cuts can, if skillfully implemented, generate private investment, economic growth, and job creation. (The media still don’t have a clue.) But Reagan had a tailwind. Trump doesn’t. He needs to create one.

Trump is capable of doing this, but not if he takes a week off to trade insults with the NFL or contradicts the details of his own proposal. He can’t afford to refer to it as “mean tax reform.” His speech last week was close to flawless and was reminiscent of Reagan’s great address to the nation.

Reagan urged voters to tell Washington of their support for his tax cuts. “Tell them you believe this is an unequalled opportunity to help return America to prosperity and make government again the servant of the people,” he said. And they did.

Trump’s windup was blunt but effective. “Call your congressmen,” he said. “Call your senators. . . . Let them know you’re waiting. Tell them today is the day for decision. . . . If you demand it, the politicians will listen. They will answer, and they will act.”

Reagan won the day with a single speech. Trump may need a speech a day on lower taxes and jobs. If he rises to the occasion, so will Congress. ♦

Moore Unmoored

Alabama Republicans out-Trump the president.

BY JOHN McCORMACK

The victory of Roy Moore, a populist and religious fundamentalist, in the Alabama Senate primary last week can be seen in two different ways: continuity with the recent past of GOP politics and a radical break from it.



Roy Moore

On one hand, the seat left vacant by the Senate’s only true Trumpist, Attorney General Jeff Sessions, will be filled by another Trumpist. When Moore, as is very likely, wins the December 12 special election, the Trumpist caucus of one will rise again in the Senate. And Moore’s campaign against Luther Strange, the former Alabama attorney general appointed to fill Sessions’s seat and backed to the hilt by Senate majority leader Mitch McConnell, is best viewed as yet another battle in the nearly decade-long intra-party skirmishing that has pitted populists and

John McCormack is a senior writer at THE WEEKLY STANDARD.

movement conservatives against the GOP establishment. The same conservative-populist backlash that put conservative stars Mike Lee, Marco Rubio, Pat Toomey, and Ted Cruz in the Senate also produced crankier nominees for statewide office like Sharron Angle, Christine O’Donnell, Todd Akin, and Carl Paladino.

Like the populist-versus-establishment races from 2010 to 2016, the outcome in Alabama in 2017 depended significantly on issues unique to the state and the particular candidates in the race. Moore is a hero to many religious conservatives in Alabama for having been suspended from the state supreme court twice: once for defying a federal court order to remove a monument depicting the Ten Commandments and again for flouting the U.S. Supreme Court’s same-sex marriage ruling.

The establishment candidate Luther Strange was endorsed by Trump, but his greatest weakness was that he had been appointed by disgraced governor Robert Bentley, who resigned amid a sex-and-campaign-finance scandal that made Bentley the most unpopular governor within his own party in the entire country. Questions of whether a corrupt bargain had been struck between former attorney general Strange and Bentley hung over the race.

But for all of the similarities to the populist-establishment contests of recent years, Moore’s victory also draws a stark contrast with the past. Jeff Sessions was a sober-minded ideological Trumpist, while Moore is more of a temperamental Trumpist, akin to the aforementioned populist cranks O’Donnell, Akin, and Angle. The big difference is that those candidates, prone to making extreme, outlandish, or conspiratorial statements,

SCOTT OLSEN / GETTY

all lost their races; Moore will almost certainly win in a state Trump carried by 28 points. And some of Moore's comments and beliefs are far more extreme than those of previous failed populist candidates.

The Constitution declares that "no religious test shall ever be required as a qualification to any office or public trust under the United States." Moore wrote a column at the conspiracy-minded *WorldNetDaily* website after Keith Ellison of Minnesota in 2006 became the first Muslim elected to Congress: "MUSLIM ELLISON SHOULD NOT SIT IN CONGRESS."

Moore's argument went as follows: Some Muslims have argued that their religious law should be imposed on all people by the state; Ellison is a Muslim; Ellison therefore can't be trusted to uphold the Constitution. "Congress has the authority and should act to prohibit Ellison from taking the congressional oath today!" Moore concluded.

This kind of rank religious bigotry

goes well beyond Trump's campaign pledge to enact a temporary ban on foreign Muslims traveling to the United States. Republicans were rightly outraged when Senate Democrats recently flirted with a religious test for a Catholic judicial nominee. "The dogma lives loudly within you, and that's of concern," California senator Dianne Feinstein told judicial nominee Amy Coney Barrett at a hearing. The GOP will now likely have its own senator who supports an unconstitutional religious test for office.

Republicans running for office next year and in 2020, when Sessions's original term expires, will likely be hounded by the press to react to Moore's extreme comments, just as candidates were in 2012 following Todd Akin's unscientific speculation that women couldn't get pregnant from "legitimate rape."

In 2015, Moore, who has consistently argued that homosexual conduct should be illegal, was asked by an interviewer: "Some people who interpret the Bible strictly say that

[sodomy] should be punished by death. Do you agree with that?"

"Well, I don't, you know, I don't—I'm not here to outline any punishments for sodomy," Moore demurred. "I can't help what some people say, what some people do."

Democrats have a glimmer of hope that they might use Moore's extreme statements to pull off a shocking upset in Alabama, as Republicans did in Massachusetts in 2010, when Scott Brown won Ted Kennedy's seat in what amounted to a referendum on Obamacare. Moore won his last election to the state supreme court in 2012 with only 51.8 percent of the vote, running 9 points behind Mitt Romney's performance in the state. But Democrats seem to have squandered what little opportunity they had by nominating a staunch liberal, Doug Jones, who supports taxpayer-funding of abortion and told NBC's Chuck Todd on September 27 that he opposes any limits whatsoever on late-term abortion.

So what does Moore's primary

Clock Is Ticking for DACA Solution

THOMAS J. DONOHUE
PRESIDENT AND CEO
U.S. CHAMBER OF COMMERCE

Congress faces a jam-packed legislative schedule this fall, and President Trump recently added a major item to the to-do list when he rescinded the Deferred Action for Childhood Arrivals (DACA) program. Congress has only a couple months to come up with a permanent solution for the young immigrants known as Dreamers, who once again find themselves in legal limbo. It needs to act quickly to protect these young people and preserve their contributions to our economy and our society.

Approximately 800,000 individuals have had their legal status thrown into doubt by the elimination of DACA. They were brought to the U.S. illegally as children through no fault of their own and have since lived here and become active members of our society. Since President Obama established DACA

in 2012, many of these young people have enrolled in the program in good faith, gaining the legal ability to attend school and work.

As a result, they have become even further integrated into our communities and our economy. According to some estimates, approximately 700,000 are employed in the U.S., performing a wide variety of jobs. If the DACA program is allowed to end, eventually none of these individuals will be legally allowed to remain—let alone work—in America. This outcome would be contrary to fundamental American principles and the best interests of our country.

The U.S. Chamber of Commerce is pleased to see strong expressions of support within Congress and the Trump administration for providing permanent relief to DACA recipients. Both parties in Congress have offered ideas that would protect Dreamers from deportation and put them on a track toward lawful permanent

residency and eventually citizenship. Now it's up to our leaders to unite behind a single legislative solution.

The clock is ticking as another deadline is fast approaching. This Thursday, October 5, is the last day that DACA recipients are eligible to apply for an extension of their legal status. There are about 150,000 immigrants eligible to reapply for a renewable two-year work permit. For these and all other Dreamers, a permanent solution is desperately needed.

DACA recipients are our friends, neighbors, and co-workers. The Chamber urges Congress to work quickly through the details of a legislative solution that treats these individuals with dignity and fairness. The Chamber stands ready to work with our leaders to ensure that the legislation is consistent with our nation's values and the best interests of our economy.



Learn more at
uschamber.com/abovethefold.

victory and likely ascent to the Senate mean for the future of the Republican party? There does seem to be a theme of action and reaction in the GOP civil war. The widespread success of conservative-populist candidates in 2010 was driven by backlash to the 2008 bank bailout, Obamacare, and the presidency of Barack Obama. Establishment Republican candidates generally succeeded in 2012 and 2014 primaries, partly in reaction against populist candidates who lost general elections and Tea Party-driven politics in Congress, including the 2013 government shutdown. In 2016, even as Donald Trump rode a wave of media attention and populist sentiment to a plurality of the vote in the GOP presidential contest, Trumpist candidates were crushed in primaries by Paul Ryan, Marco Rubio, and John McCain.

While Moore's victory by itself is hardly clear-cut evidence that the party will take a more Trumpian turn in 2018, there are suggestive signs that it may. In Arizona, Trumpist candidate Kelli Ward, who lost her 2016 race against John McCain, leads Jeff Flake by a wide margin in the polls. In Virginia, Trumpist Corey Stewart, whose biggest issue is protecting Confederate monuments, lost to establishment Republican Ed Gillespie in the gubernatorial primary by just 1.2 percent. Stewart is now running for the GOP Senate nomination. In Tennessee, incumbent Bob Corker's retirement raises the prospects of Trumpist success.

Establishment Republicans and mainstream conservatives in Congress no longer have the luxury of running against Barack Obama or Hillary Clinton. Congressional GOP failures may well fuel populist sentiment, as will simple partisan loyalty to President Trump. And the Trump presidency may also scare off the type of moderate, conservative, and more-educated voters that mainstream conservatives need to defeat Trumpist candidates.

A populist fire has been smoldering on the right for some time now. Republicans will either learn to tend it properly or watch the party they once knew burn to the ground. ♦

Overruled

Campus kangaroo courts get a schooling in fairness. **BY KC JOHNSON & STUART TAYLOR JR.**

Education Secretary Betsy DeVos on September 22 formally rescinded the Obama administration's commands that universities use unfair rules in sexual-misconduct investigations—rules that had the effect of finding more

decrees and the final adoption of new, carefully considered regulations.

DeVos and her team have good reason for this two-stage approach to reforming enforcement of Title IX, the federal law prohibiting sex discrimination in higher education.

She has vowed not to emulate the process used by the Obama administration in its now-notorious decrees of 2011 and 2014, when it issued dozens of pages of detailed "guidance" on Title IX compliance without prior notice and without giving the public a chance to comment.

The Obama decrees flouted basic principles of sound policymaking and, in the view of many experts, violated the notice-and-comment provisions of the Administrative Procedure Act of 1946. Catherine Lhamon, Obama's second head

of the Education Department's Office for Civil Rights, recently derided those provisions as "essentially a popular vote."

The Education Department's announcement on September 22 was presaged two weeks earlier in a major address by DeVos at George Mason University's law school, where she expressed grave concern about the unfairness of the Obama decrees and of many campus sex tribunals and declared that "no student should be forced to sue their way to due process." Around 180 accused students have sued their schools since the Obama administration's April 2011 "Dear Colleague" letter.

The DeVos criticisms echoed those of distinguished civil libertarians, law professors, and journalists. They have deplored the now-revoked Obama requirements that schools, among



Betsy DeVos announcing the new policies, September 7

students guilty of sexual assault. And she appears also to be preparing for far more forceful due-process protections down the road.

Those follow-on regulations could require schools to presume that accused students are innocent unless proven guilty, to allow rigorous cross-examination of accusers, and perhaps also to grant the accused the unqualified right to appeal adverse decisions, and more.

Meanwhile, the modest improvements that DeVos included in the "interim guidance" of September 22 let universities know how to comply with the Education Department's requirements during the time between the end of the Obama

KC Johnson and Stuart Taylor Jr. are coauthors of The Campus Rape Frenzy: The Attack on Due Process at America's Universities (Encounter Books, 2017).

other measures, use a very low burden of proof (“preponderance of the evidence”) for branding an accused student a rapist; all but abolish meaningful cross-examination of accusers; and subject accused students to a form of double jeopardy by allowing accusers to appeal not-guilty findings.

These requirements dramatically increased the chances of finding an innocent student guilty, as scholarly research by John Villasenor has confirmed. As a group of Penn Law School professors stated, the Obama-era guidance placed “improper pressure upon universities to adopt procedures that do not afford fundamental fairness.” And as 28 Harvard law professors asserted, this led too many schools to establish procedures that “lack the most basic elements of fairness and due process, are overwhelmingly stacked against the accused, and are in no way required by Title IX law or regulation.”

The “Dear Colleague” letter rescinding the 2011 and 2014 guidance quoted each of these passages,

emphasizing the importance of due process in a way that would have been inconceivable during the Obama years.

The frenzied reactions of many Democratic politicians and campus activists to DeVos’s carefully reasoned, balanced speech and to the September 22 guidance show how difficult it will be to replace today’s systematic discrimination against accused students with disciplinary systems that will be fair to accusers and accused alike.

The Education Department announcement included an apt quotation from one of the nearly 70 state and federal court decisions upholding (often on preliminary motions) lawsuits filed by accused students. The opinion, by Judge F. Dennis Saylor, assailed a decision by Brandeis University in which a student had been found guilty of “sexual violence” for such offenses as awakening his sleeping boyfriend with kisses.

In an understated indictment of the unfairness at the core of the

Obama approach, Judge Saylor wrote: “Whether someone is a ‘victim’ is a conclusion to be reached at the end of a fair process, not an assumption to be made at the beginning. . . . Put simply, a fair determination of the facts requires a fair process, not tilted to favor a particular outcome.”

The interim guidance, which will remain in place until the Education Department conducts its notice-and-comment process and issues new regulations, points universities toward procedures designed to pursue the truth rather than presume the guilt of the accused.

Thus, for example, the interim guidance allows a college to depart from the Obama-required “preponderance” standard and to use instead the more rigorous “clear and convincing” standard of proof, if that is the standard that the school uses in non-sex disciplinary cases.

The interim guidance also gives colleges the option of allowing meaningful cross-examination, which the

IN THE LAST CENTURY, IRON AND STEEL MADE NATIONS STRONG.



Supreme Court has described as “the greatest legal engine ever invented for the discovery of truth,” and of giving accused students the right to appeal without subjecting them to appeals by accusers of not-guilty findings.

But it seems likely that few colleges or universities will respond to the interim guidance by creating fairer procedures. University of California president Janet Napolitano, for example, who had castigated the Obama decrees in a 2015 article, has changed her tune since DeVos started championing due process. Napolitano claimed that DeVos was too focused on “outlier” cases of unfairness and vowed that the UC system would retain its current procedures—which one state judge compared to a “kangaroo” court—no matter what the Education Department does.

Accusers’ rights organizations roundly condemned DeVos’s move and doubtless would join their many faculty supporters in aggressively attacking any college president who

chooses fairness to both accusers and accused over presuming male guilt.

If most schools, as we expect, reject the Education Department’s invitation to abandon their current one-sided policies, what will Betsy DeVos do?

We hope and believe that she and her team will issue strong new regulations specifying procedures that schools *must* use to qualify as fair, including those sketched above.

During the months before new regulations can be adopted, probably the greatest impact of the interim rules will be felt by university lawyers, who can no longer argue in court—as they have done with some success—that any unfairness in their procedures was mandated by the Education Department. That dog won’t hunt any more.

The interim guidelines still leave much to be desired. For instance, the Education Department continues to allow schools to use a deeply problematic, Obama-blessed system in which a single person serves as lead

investigator, prosecutor, judge, and jury.

But we hope to see such flaws fixed in the final regulations. And if they are not, the courts might have the last word. In a major decision issued September 25, a three-judge panel for the Sixth Circuit Court of Appeals, including judges nominated by presidents of both parties, ruled against the University of Cincinnati because it failed to give an accused student any chance to cross-examine his accuser.

The Sixth Circuit concluded that in “he said/she said” cases that turn on the credibility of the two parties, a university’s “failure to provide any form of confrontation of the accuser made the proceeding . . . fundamentally unfair.” This was an implicit rebuke to the Obama policy and makes it more likely that DeVos will not merely permit but also require cross-examination rights for accused students.

For the most part, DeVos continues to move in the right direction, against overwhelming odds, to create a fairer system for all students. ♦

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Getting Riled Up Over the Knee Jerk

Trump's Kaepernick caper.

BY JAY COST

Last week, President Donald Trump picked a fight with the NFL, arguing that players like Colin Kaepernick who take a knee during the national anthem should be fired. As he has done so many times before, the president kicked up a hornet's nest of controversy. Maybe the commotion will work to his short-term political advantage. But whether it does or not, he has once again demonstrated how trivial our politics has become.

In his *Vanity of Human Wishes*, the first-century satirist Juvenal lamented that the citizens of Rome, who used to “grant power, high office, the legions, everything,” had become obsessed with just two things, “bread and circuses.” The people, he argued, had forsaken the duties of citizenship and cared only for spectacle. So it goes in early-21st-century America, with the president himself serving as circus master.

The Trump agenda was thought by many to be about putting average people back in charge of the government. That was the clarion call the president made in his stark inaugural address in January. “Every decision on trade, on taxes, on immigration, on foreign affairs,” he intoned from the steps of the Capitol, “will be made to benefit American workers and American families.”

But so far, he has accomplished

precious little in these realms. Obamacare repeal stalled hopelessly in Congress. While tax reform appears to be on track, ambitions for a thoroughgoing reform have been scaled



Trump's targets: A demonstrator greets fans outside Lambeau Field in Green Bay, Wisconsin, September 28.

back to something resembling a typical Republican tax cut, focused on corporations and the wealthy. Trump has failed to get funding for his vaunted border wall. Meanwhile, his administration has been beset by staff turnovers and political scandal. All in all, his tenure seems to be that of a fairly typical, if more than typically incompetent, Republican.

And it has seemed of late that the core Trump electorate is growing a little restless. Steve Bannon, the former head of his populist brain trust, had barely left the White House when he unleashed the Breitbart forces on the opposite side of Trump in the Alabama Senate GOP run-off. Bannon backed Roy Moore against Trump's (and

Senate majority leader Mitch McConnell's) pick, Luther Strange. Sarah Palin, another major Trump supporter, also backed Moore. And so, for that matter, did Alabama's primary voters. Moore cruised to an easy victory over Strange in the primary.

These sorts of reverses, of course, will not do much for Trump's image as a fantastic dealmaker who is working on behalf of the people. So little wonder that he injected himself into the NFL's melodrama over the national anthem. Never mind that the president's constitutional duties have nothing to do with opining on sports. It was a way for him to signal

his commitment to the values shared by his frustrated voters—without having to deliver any policy achievement of substance.

This kind of cheap showmanship has been Trump's stock in trade since he declared his candidacy back in 2015. Recall that he really took off during the primaries when, in response to the San Bernardino shooting, he first called for an outright Muslim ban. Taken as a policy proposal, this was the height of irresponsibility: How could we hope to prosecute the global war on terror if we alienate Muslim allies? But Trump never

meant it as an actual policy. It was a marketing gimmick—intended to reframe the political debate around Trump himself, with the calculation (correct, as it turned out) that Republican primary voters would find it deeply appealing on a gut level.

Even his campaign pledge to build a border wall was a publicity stunt. As he told the *New York Times* in January 2016, when he saw his audiences' interest flagging, “I just say, ‘We will build the wall!’ and they go nuts.” Talk to actual border-security experts who are committed to keeping illegal immigration to a minimum, and they'll tell you that money is better spent on other resources, especially more agents. But Trump understood

Jay Cost is a contributing editor to THE WEEKLY STANDARD.

that a killer line like “big beautiful wall” is what actually plays in Poughkeepsie. And, not coincidentally, Trump won 61 percent of the Poughkeepsie vote during the GOP primary.

This is what Trump has always had a preternatural talent for—not business per se, and certainly not government, but marketing, himself specifically. Given the manifest disappointments of his administration, it was time for Trump to remind his core voters why they fell in love with him. He knows this demographic like the back of his hand. Predominantly male, white, and older, his voters overlap to a remarkable degree with the NFL’s core audience. They’re offended by protests during the national anthem. Doubly so when the protesters are wealthy athletes who make more money playing a single game than they’ll see in a decade. Meanwhile, the NFL is taking a hands-off approach—caught between the (mostly) African-American players who deeply sympathize with Kaepernick’s cause and the (mostly) white fans who think he is ungrateful. It was a perfect opportunity for Trump, the consummate self-promoter, to transform it into a debate about himself.

And if the cultural elites are outraged—all the better! It helps him reinforce the notion that he stands for the average Joe, and they do not. Trump cleverly cast Jeb Bush in that role during the primaries, and he is just as happy for NFL commissioner Roger Goodell to play the part now.

It seems almost quaint to point out that *nothing of substance* will come of this controversy. No citizen will be made better or worse off because of it. The government will not be reformed. The nation will not be made safer. There will be no great national conversation on race, policing, crime, celebrity, or anything of the sort. It’s all a show, intended to arouse the passions of the mob. For Trump, against Trump—it does not matter, so long as the people are riled up. The actual problems our nation faces will have to wait while the citizens enjoy their bread and circuses, served up by their president for his own ends. ♦

The Kurds Get Under Way

The allure and risks of independence.

BY DAVID DEVOSS

Kurds in northern Iraq control their own land, maintain their own military, and share a common culture and language. They also have an overwhelming desire to separate from Iraq and become an independent state. But can a de facto nation become a real country if it isn’t recognized by the diplomatic community and offered a seat in the U.N.?

That’s the question confronting Kurdish Regional Government president Masoud Barzani this week in the wake of a non-binding referendum in which the region’s 4.5 million eligible voters authorized KRG leaders to initiate a process that might lead to independence. Turnout was over 70 percent, and more than 90 percent voted yes.

The exercise of direct democracy did not please Sunni and Shia neighbors in Turkey and Iran. Tehran called the vote “illegal,” banned all flights to and from Kurdish airports, then threatened to seal its border and start damming rivers. President Recep Tayyip Erdogan also threatened to close Turkey’s border and plug the pipeline carrying oil from Kurdistan to the Mediterranean port of Ceyhan. Baghdad denounced the entire exercise and announced it would be sending tanks into Turkey for a joint military exercise along the Kurdish border.

Erdogan’s bluster is not taken seriously in the Kurdish capital of Erbil since Turkish developers have billions invested in the region, and Ankara earns money off every barrel of crude transiting Anatolia. Tehran poses a more serious threat since Shia

militias, called Popular Mobilization Units, and the Quds Force, which functions as Iran’s Foreign Legion, roam Iraq with impunity.

“We expected Iran to be hostile but hoped Turkey would take a more nuanced view,” admits Bayan Sami Abdul Rahman, director of the Kurdistan Regional Government Liaison Office in Washington. “We did not declare independence; we declared a referendum that empowers the government to negotiate an amicable split with Baghdad.”

The fiercest critic of Kurdistan’s possible secession may be the U.S. State Department, whose diplomats are schooled from their first day at the George P. Shultz National Foreign Affairs Training Center to believe little good can happen when a nation-state splits up. “Back in the early 1960s when African nations began gaining independence, the Organization of African Unity in Addis Ababa faced the question of whether to eliminate the old colonial boundaries and create new frontiers using tribal, linguistic, and economic data,” says Charles Hill, a former high-ranking official at State who now is diplomat in residence and international studies lecturer at Yale University. “The OAU decided not to redraw any lines. Unfortunately, six years ago, they decided to break up Sudan following a referendum and it’s been hell to pay ever since.”

Independence referendums aren’t that unusual. A 1999 plebiscite sponsored by the U.N. enabled East Timor to leave Indonesia. In 2014, Scotland voted to remain in the U.K., which two years later decided to exit the European Union. The dissolution of Czechoslovakia in 1993 that created

David DeVoss spent five years in Iraq working for USAID.

the independent nations of Slovakia and the Czech Republic did not prompt turmoil in Europe.

Proponents of a unified Iraq argue that Kurdistan is different, since a

of the Yazidi people. Over the past three years more than 1,800 Peshmerga have died in Iraq's war on ISIS. (Peshmerga, by the way, translates as "those who face death.")

city where Iraq's oil was discovered in the 1920s. Kirkuk's oil fields are far less productive than those around the southern port city of Basrah, but Kirkuk is symbolically important to

Arabs and Kurds alike.

Historically, Kirkuk was home to Assyrians, Kurds, and Turkmen, but in an attempt to secure its oil for Baghdad, Saddam Hussein began forcibly removing Kurds in 1991 and giving their homes to Arabs. By 2003, when U.S. troops arrived, 500,000 Kurds had left, and the city had a majority Arab population.

According to Iraq's constitution, Kurds are entitled to 17 percent of Iraq's oil revenues after "national accounts" like military spending are paid for. In practice, however, other expenses resulting from cost-plus contracts signed with oil companies working in the south reduce the KRG's cut to

13 percent. This reduced allotment, which often never arrives, combined with the expense of fighting ISIS and caring for displaced refugees, has left the KRG so short of money that government employees routinely miss paychecks. Most Baghdad-based diplomats believe the KRG is moving toward independence because it no longer has confidence in Baghdad's Shia politicians.

Despite Kurdish contributions to the war and Erbil's openly expressed admiration for America, Washington remains a strong supporter of Baghdad and still dreams of Iraq becoming an Islamic Finland, separating Sunni and Shia in the Middle East. Siding with the Kurds risks having Iraq and Iran—both of which have petroleum reserves equal to two-thirds of Saudi Arabia's—aligning themselves into a theocratic petrostate.

For former deputy national security adviser James Jeffrey, who served as U.S. ambassador to both Turkey and Iraq, the logic of America's foreign policy is unassailable. "Gratitude is subjective," he says. "The Kurds are an asset, but a unified Iraq is a bigger asset." ♦

AHMED DEEB / AFP / GETTY



Iraqi Kurds wait to check their identities before voting in Erbil, September 25.

sovereign Kurdish state with a population of 6 million that is excised from Iraq will affect the aspirations of the 22.5 million Kurds residing in Turkey, Syria, and Iran. Politicians in Erbil concede that independence could be destabilizing if it is not pursued in a respectful, methodical way. But they vehemently reject Washington's assertions that any movement toward an independent Kurdistan will detract from the war against ISIS and foreclose any support Kurds might have received in future negotiations with Baghdad.

Were it not for the Kurdish Peshmerga fighters, Iraq might be a terrorist state today. When ISIS invaded in 2014, Iraq's army discarded its uniforms, abandoned its weaponry, and fled south to Baghdad, allowing Mosul, Ramadi, Fallujah, and the entire Sunni Triangle to be incorporated into the Islamic State. Kurdish soldiers stopped the ISIS advance 17 miles outside Erbil then evicted terrorists from the suburbs of Kirkuk. When the mountain town of Sinjar fell to ISIS, Kurdish fighters from Syria pushed them out, halting the genocidal elimination

Since 2014, the territory under Kurdish control has increased 40 percent, to include most of Kirkuk Province and part of the Nineveh Plain north of Mosul. Some of the land is used to shelter 1.8 million Iraqis displaced by the Islamic State. Many are Sunni Arabs fearful of returning to Anbar, Saladin, and Diyala provinces because of rampaging militias controlled by Iran and its Baghdad allies.

The situation is even worse for Christians, whose numbers have declined from 1.4 million at the time of the U.S. invasion in 2003 to 250,000 today. Ethnically cleansed from Baghdad and pushed out of Nineveh by ISIS militants, many today live in the Erbil neighborhood of Ainkawa where the Chaldean archbishop is located. They, too, would like to return to Christian villages north of Mosul where until recently Aramaic was the primary language. The odds of that happening are slight since Iranian militias are busily turning the remaining buildings still standing into mosques.

The main impediment to a peaceful resolution of Kurdistan's future is the fate of Kirkuk, the province and

Now More Than Ever

The state of America's missile-defense program

BY PETER J. BOYER

As Kim Jong-un's cavalcade of menace has proceeded across the 2017 calendar, revealing a North Korean arsenal that now includes a hydrogen bomb and missiles capable of reaching New York City and Washington, D.C., America's strategic posture has been old and familiar (if now more colorfully put)—deterrence (“fire and fury”), sanctions, entreaties to China, and even the prospect of a diplomatic sit-down with the renegade regime.

Missing, or, at least, relegated to the margins, is any clear articulation of the role of American missile defense. “I don't hear enough about it, and this baffles me,” says Jon Kyl, the former Arizona senator who is now a Washington think-tanker and a member of the congressionally mandated Commission on Defense Strategy. “It seems so obvious that the first thing you have to do with North Korea is shore up your ability to ensure that they can't damage us or our allies. Once you've done that, then you've got a lot more flexibility to do whatever you're going to do—whether it's with more sanctions or whatever.”

Kyl, a freshman congressman during Ronald Reagan's presidency and then a three-term senator, has long been one of Washington's most forceful advocates of missile defense. Given today's existential threat posed by North Korea, Kyl can't understand why missile defense isn't central to every defense policy conversation. “I think part of the answer is that people really do think that somehow or other we've got this covered,” he says. “And, you know, we don't.”

That is a jarring assertion from one of Washington's top

defense thinkers. Thirty-four years after Reagan undertook to build a shield to protect the United States from enemy missiles, with North Korea now routinely sailing them over Japan, it is reasonable to ask what exactly the American missile-defense system is capable of doing. Can our missile defenses block a nuclear warhead aimed at the United States? Can it protect Japan and South Korea or the American territory of Guam? Could it have shot down any of the 15 (so far) test missiles that North Korea has launched this year?



Anti-U.S. poster released on August 17

SCUDS, THAAD, AND AEGIS

America's missile-defense program is not really one single system but four. One component is the Patriot missile, descendant of the SCUD-hunting rockets deployed, with mixed success, in the 1991 Gulf war. The newer, far more effective Patriot, called the PAC-3, is a low-altitude weapon deployed in South Korea and in several other ally nations. The ground-based Terminal High-Altitude Area Defense system, or THAAD, and the sea-based Aegis defense system are both considered dependable weapons against short- and medium-range missiles. Experts believe they can reliably, if not infallibly, protect South Korea, Japan, and Guam against a North Korean attack. Neither system has scored a kill against

one of Kim's test missiles, and they are not likely to be tried in such a manner, mostly because they are oriented toward protecting populations, and the North Korean test missiles have been shot into the sea. As Loren Thompson, a defense analyst at the Lexington Institute, puts it, “We deploy our defenses to protect the U.S. and its allies, not fish.”

The final piece of the missile-defense program, and the only one aimed at protecting the American homeland, is the Ground-Based Midcourse Defense system, an array of 30 interceptors situated in Alaska and California (to be increased to 44 by the end of this year), which are

Peter J. Boyer is national correspondent at THE WEEKLY STANDARD.

designed to take out enemy missiles as they cruise in space toward the United States. The system is complex, and the ground-based interceptors have a mixed record. The newest interceptor had a successful test in May, a so-called “bullet-to-bullet” kill of an ICBM-class missile. This was a remarkable achievement, but it was also the system’s only such intercept of an intercontinental ballistic-class missile.

This summer, Lieutenant General Samuel Greaves, head of the Missile Defense Agency, said, “We believe that the currently deployed ballistic missile defense system can meet today’s threat.” Defense Secretary James Mattis, testifying before Congress in June, said that the current system is good enough to “buy us some time.”

Our missile-defense system is hardly an impenetrable shield, and it is not nearly as robust as it could have become by now. When Reagan announced his Strategic Defense Initiative (SDI) to the nation in a televised speech in 1983, he said that achieving a viable anti-ballistic missile system would be a “formidable technical task” and warned that “[t]here will be failures and setbacks” along with the breakthroughs. The science of missile defense has, indeed, been hard, but the politics have been even harder.

Liberal opposition to missile defense is nearly as old as the concept. The reigning strategic doctrine of the Cold War was Mutual Assured Destruction, or MAD—the notion that stability was purchased by each side’s knowledge that a nuclear strike would be met by devastating retaliation, with annihilation the result for both sides. By this reasoning, a missile-defense system was inherently provocative, because it would undermine the other side’s confidence in its ability to retaliate, thus encouraging a preemptive first strike. Even so, ballistic missile-defense systems were proposed in the 1950s and 1960s and fiercely disputed along sharply ideological lines. This politicization was partly because one of the early, and most forceful, advocates of missile defense was Edward Teller, the father of the hydrogen bomb, who’d come to believe that it was far preferable to “shoot at enemy missiles than to suffer attack and then have to shoot at people in return.” Years earlier, Teller had testified against J. Robert Oppenheimer, the physicist and Manhattan Project principal accused of Communist sympathies. For many on the left, support for something Teller advocated amounted to an endorsement of McCarthyism.

Teller contributed to the development of an early missile-defense system called Safeguard, which envisioned interceptors dispersed across the country, able to destroy enemy missiles with a small nuclear explosion in space. When President Nixon announced in 1969 his intention to deploy Safeguard, he was fiercely opposed by congressional liberals, led by Massachusetts senator Edward M. Kennedy. It won authorization in the Senate by a single vote—the tie-breaker cast by Vice President Spiro Agnew.

Nixon later said that he’d pushed the anti-ballistic missile system because the Soviets had one, and at the least, it could serve as a bargaining chip in arms negotiations. That deal came with the 1972 Anti-Ballistic Missile Treaty and a follow-on amendment, which effectively enshrined MAD as inviolable writ, allowing each side one anti-missile site, limited to 100 interceptors. The Soviets already had a site near Moscow, and the United States located Safeguard in Langdon, North Dakota. It became fully operational in the autumn of 1975. But politics intervened. Nixon had been chased out of office by Watergate, and a scandal-weary electorate had stacked Congress with hyper-partisan Democrats. Forty-eight days after it became operational, the \$5.7 billion Safeguard system was shut down by Congress. The Soviets, meanwhile, kept their missile-defense system near Moscow; its successor continues to be maintained by Russia today.

STAR WARS IS BORN

So things stood until that summer day in 1979 when Ronald Reagan visited Cheyenne Mountain in Colorado Springs, then the home of the North American Aerospace Defense Command (NORAD). The facility was an early-warning tracking installation buried under 2,000 feet of granite, with a command center several stories high. As Reagan would tell the story, he stood in the center, with its vast walls of monitors and sensors overlaid by a huge map of the United States, and heard how we could track a Soviet missile from the launchpad, watch its trajectory through space, and then see it reenter the atmosphere en route to its target on American soil.

“What can you do to stop it?” Reagan asked NORAD’s commander, General James Hill.

“Nothing,” Hill replied.

That paradox animated Reagan’s vision for the Strategic Defense Initiative, which he sold to the public as a matter of common sense and moral imperative. “Wouldn’t it be better to save lives than to avenge them?” he asked in his 1983 speech. “Are we not capable of demonstrating our peaceful intentions by applying all our abilities and our ingenuity to achieving a truly lasting stability?”

Reagan’s program was savagely attacked by his political opponents, including Ted Kennedy, who dubbed it a “reckless Star Wars scheme”—a cue that the press eagerly took.

As Reagan had said it would, the SDI program had its failures as well as successes—not least being its role in hastening the demise of the Soviet Union. There were remarkable technical advances, including an imaginative system of thousands of small, autonomous space-based interceptors designed to detect and destroy enemy missiles on their own, thus avoiding the risk of being rendered useless if cut off from command and control. The system, named Brilliant Pebbles, was relatively cheap and carried huge strategic

implications. It became the centerpiece of the SDI program, and by 1992 it had passed through its first six tests. One of its innovators, Greg Canavan, guessed that Brilliant Pebbles was two years away from deployment when, as he later put it, “the scaffolding just dropped out.”

Bill Clinton had campaigned against SDI in his run for the presidency, and soon after his inauguration, his Defense secretary, Les Aspin, declared the administration’s determination to “take the stars out of Star Wars,” which it unhesitatingly did. SDI was killed in Clinton’s first 100 days.

From that moment until this, the fortunes of missile defense have directly reflected the political cycle, waxing when Republicans are in ascent, waning when Democrats hold sway.

KIM’S CALLING CARD

Republicans made missile defense part of their Contract with America in the nationalized 1994 midterm elections that made Newt Gingrich speaker of the House, and the next year, Congress passed legislation mandating a national anti-missile system. Clinton vetoed it.

Then, in August 1998, North Korea, led at the time by Kim Jong-il, the current dictator’s father, launched a Taepodong-1 missile. It was the regime’s first ballistic missile, a wakeup call to the world, and Congress again passed a missile-defense mandate. By then, Clinton was on trial in the Senate on impeachment charges, and he signed the legislation, mandating a national missile-defense system but delaying deployment until his successor took office.

As it happened, George W. Bush had, during his campaign, articulated what was to become American policy for the next eight years. “America must build effective missile defenses based on the best available options at the earliest possible date,” he’d said. “Our missile defense must be designed to protect all 50 states and our friends and allies and deployed forces overseas from missile attacks by rogue nations or accidental launches.” Bush’s Pentagon pursued a global, multilayered system, testing an array of land-, sea-, air-, and space-based weapons. Among the systems funded was an Airborne Laser, designed to take out an enemy missile in its very earliest moments after launch. Such a “boost-phase” weapon is the holy grail of missile-defense scientists because at that early stage, an enemy rocket is a fat, slow target positioned over enemy territory. In 2004, Bush began deploying the Ground-Based Midcourse Defense (GMD) system in Alaska and California, which is now the homeland’s only defense against missiles, and negotiated deals with the Czech Republic and Poland to install

interceptors meant to protect Europe from Iranian missiles.

Then came another turn of the political wheel. Barack Obama began to dismantle the Bush missile-defense system almost as soon as he took office. He canceled the Airborne Laser and other “boost-phase” systems, reduced the number of interceptors in the homeland defense system, and cut the overall missile-defense budget significantly. In a nod to Russia, with whom Obama wished to “reset” relations, he canceled the systems planned for Poland and the Czech Republic, promising that they’d be replaced by “stronger, smarter, and swifter defense.” Obama’s “stronger, smarter” system—which would have fielded an interceptor, the SM-3 IIB, to which Russia particularly objected—never materialized. In 2013, two years after Obama’d said it would be deployed, the program was canceled.

By then, there was new mischief from North Korea, now being led by Kim Jong-un, that obliged Obama to re-think his reluctance on missile defense, just as it had with Clinton. The latest Kim had not only successfully debuted a three-stage

rocket and conducted new tests with nuclear technology, he’d gone on a rhetorical gambol that established his standing as a uniquely weird and dangerous figure—unilaterally renouncing the 1953 armistice that ended the Korean War and proclaiming North Korea’s right to a preemptive nuclear strike. Obama decided to increase the number of interceptors protecting the homeland from 30 to 44—which had been the Bush plan before Obama whittled it down.

“In the Obama years, some extraordinary damage was done,” Kyl notes. “Efforts to build out the GMD system and also to create some really new innovative and much more powerful systems with our Aegis, and Patriot, and THAAD were all doused by the Obama administration.”

BIPARTISAN ACTION

Dan Sullivan was a second-year pre-med student at Harvard when he cast his first presidential vote, for Ronald Reagan in 1984. A *Crimson* poll at the time showed that the Republican incumbent only drew 27 percent support from the student body, and Sullivan and his friends used to joke that they personally knew every student who’d voted for the Gipper. Sullivan, who’d attended a military prep school, admired Reagan’s common-sense style and, especially, his buildup of the hollowed-out post-Vietnam military. Reagan’s Strategic Defense Initiative, by then commonly known as “Star Wars,” just made sense to young Dan Sullivan.



Kim Jong-un watches a ballistic missile test launch, September 16.

Over the course of the next 33 years, Sullivan graduated from Harvard, received degrees from Georgetown, enlisted in the Marines (doing four tours of active duty), married, moved to Alaska, had three kids, and got into elective politics. And when he came to Washington as Alaska's junior senator in 2015, he found that the debate over missile defense hadn't really changed much since his undergraduate days.

"You know, the critics, they all say, 'Oh, this is too expensive, it's not fully tested, let's just use the mutual assured destruction doctrine with Kim Jong-un as he gets these nukes, the way we've done it with Russia and China,'" he tells me.

Indeed, Susan Rice, Obama's national security adviser, argued in August, "History shows that we can, if we must, tolerate nuclear weapons in North Korea—the same way we tolerated the far greater threat of thousands of Soviet nuclear weapons during the Cold War."

But Sullivan believes one factor should change the politics of missile defense—the unknowable mind of Kim Jong-un. "Mutual assured destruction assumes a rational actor at the other end of the red button," he says. "And I don't think, given his activities, that's a risk we want to take—to assume that he's a rational actor."

More than a year ago, Sullivan began to solicit the counsel of key defense figures on how to reinvigorate the missile-defense program. Advice from such experts as General John Hyten, commander of U.S. Strategic Command, and Vice Admiral James Syring, then the director of the Missile Defense Agency, provided Sullivan with the substance he needed for a missile-defense bill.

The Alaska senator recruited allies from both parties for his effort, and his Advancing America's Missile Defense Act had more than two-dozen cosponsors, several of them Democrats. The legislation proposed the addition of another 28 interceptors to the 44 that will be in place by the end of the year, a quickened pace for anti-missile testing, and, most important, would open the door to a space-based sensor system that could integrate the various ground- and sea-based systems into one.

The essence of Sullivan's bill became a key element of the Senate's National Defense Authorization Act, the annual congressional exercise in directing defense programs, which passed earlier this month. A similar measure passed the House, and the two bills will soon be in conference.

It isn't exactly Star Wars or Missile Shield, but Sullivan's effort is seen by missile-defense advocates as an important start. "I'm hopeful that this signals a recognition that we've got to turn the scientists loose," says Kyl, "and get back to innovating. We need new improvements to these weapons that can make them very effective against

an Iranian or North Korean threat and create, at least, the potential for dealing with an even more robust threat."

TRUMP JUMPS IN

One of the Democratic cosponsors of Sullivan's legislation was Gary Peters, a liberal from Michigan. "The United States faces an evolving number of security threats—from North Korea's provocative missile tests designed to inflame global tensions to Iran's ballistic missile tests in defiance of a U.N. Security Council resolution," Peters said in May. "It is critical that America take proactive steps to bolster our missile-defense systems so we are prepared in the event of a missile attack directed at our homeland."

It was the sort of thing that not so long ago only a Republican would have uttered. And Republicans have left space open for Democrats on the issue of missile defense. Not only had stalwarts like Kyl retired, but for the first time in a generation, the election of a Republican president didn't necessarily mean a commitment to a robust missile-defense system.

The issue had scarcely been mentioned during the 2016 campaign, although a page that went up on the White House website on Inauguration Day called for a more robust system, and Defense secretary James Mattis ordered a Pentagon review of missile defense in the spring—to be completed by the end of the year. The Trump budget cut missile-defense spending by \$300 million, and the White House mildly criticized the Sullivan proposal, urging Congress to wait for the Pentagon's review before making any decisions.

But Trump himself, who'd not seemed particularly interested in, or even aware of, his administration's missile-defense policy, awakened to the issue this summer. Speaking to reporters at his Bedminster, N.J., golf club two weeks after North Korea's second ICBM test, Trump said, "We are going to be increasing our budget by many billions of dollars because of North Korea and other reasons having to do with the anti-missile."

"As you know, we reduced it by 5 percent, but I've decided I don't want that," Trump continued. "We are going to be increasing the anti-missiles by a substantial amount of billions of dollars."

If it wasn't Reagan's 1983 speech, Trump was nonetheless on board with missile defense. Sullivan says he believes a consensus is building and that this time, it may survive the next political cycle.

"Look, people are hearing about this in town halls, not just in Alaska and Hawaii, but in places like Seattle," he says. "If you ask the average American should we be spending billions more to make sure we have an insurance policy that your city is protected, I think the answer from almost everybody is yes." ♦

Cheney Was Right

The sorry history of our North Korea policy

BY ERIC EDELMAN & ROBERT JOSEPH

Since Donald Trump took office, the growth of North Korea's nuclear arsenal and the increasing capability and diversity of its ballistic missile force have made that country the most urgent threat to U.S. national security. Observers as diverse as Mark Bowden in the *Atlantic*, Michael Auslin of the Hoover Institution, and former White House chief strategist Steve Bannon agree that all military options available to the president are bad. How exactly did we get to this point? What policy decisions led to an emerging intercontinental ballistic missile capability and a nuclear arsenal that could rival that of the U.K. by the middle of the next decade? How did we end up with a North Korean leader seemingly more willing to run enormous risks than his father or grandfather? The answer demonstrates once again the venerable adage that “the road to hell is paved with good intentions.” One of the few national figures who consistently raised alarms about U.S. policy towards North Korea was former vice president Dick Cheney, and he has proven prescient. The United States now faces the real prospect of a war that Secretary of Defense James Mattis says would be “catastrophic.” This story should be studied carefully before it repeats itself—say, in Iran.

Kim Il-sung manifested an interest in obtaining nuclear weapons almost as soon as he founded the North Korean ruling dynasty, in the early 1950s. His Soviet patrons were not prepared to oblige but did help to build a nuclear research reactor in Yongbyon that could provide a source of plutonium. His unrequited urge for nuclear weapons led Kim to approach Mao Zedong after the successful Chinese nuclear test in 1964, but he was again turned down. Ultimately Moscow, wanting to keep the number of nuclear-weapon states low, persuaded Pyongyang to sign the Nuclear Nonproliferation Treaty in 1985. But North Korea procrastinated about signing the mandatory safeguards agreement to give

the International Atomic Energy Agency access to the Yongbyon reactor and other nuclear facilities while quickly initiating a clandestine program to reprocess fissile material for its nuclear arsenal. The loss of its superpower patron after the collapse of the Soviet Union made nuclear weapons a matter of some urgency for the Kim dynasty. Thus began a pattern of serial prevarication and the use of “arms-control” negotiations as a cover for covert activity.

One pretext the North used to avoid concluding a safeguards agreement was the presence of U.S. theater nuclear weapons in South Korea. As the Cold War wound down, President George H.W. Bush working with his Secretary of Defense Dick Cheney announced his Presidential Nuclear Initiative to withdraw all sea- and land-based tactical nuclear weapons from their locations, including those forward-deployed to the Republic of Korea. Soviet president Mikhail Gorbachev in the waning months of his tenure agreed to do likewise. This prompted South Korean president Roh Tae-woo to renounce any intention to produce, possess,

store, or use nuclear weapons on ROK territory. Stripped of any remaining rationale for denying the IAEA access to its facilities, North Korea agreed in December 1991 to a Joint Declaration calling for the denuclearization of the Korean peninsula. The two sides agreed not to “test, manufacture, produce, receive, possess, store, deploy or use nuclear weapons” or “possess nuclear reprocessing and uranium enrichment facilities.” They agreed in principle to an inspections regime to verify the joint declaration. The North signed an IAEA safeguards agreement in January 1992 and provided its first statement to the agency a few months later.

The IAEA quickly realized that there were discrepancies in the documentation Pyongyang provided. The agency sought clarifications on the amount of plutonium North Korea had secretly reprocessed and, as officials became more suspicious about the country's claims, asked for special inspections. The North refused and threatened to withdraw from the NPT. Fearful of the impact a withdrawal might have on the treaty, Bill Clinton's administration began almost two years of intensive crisis diplomacy that culminated in the Agreed Framework.

The effort to find a negotiated solution to North Korea's



Dick Cheney in 2007

Eric Edelman was undersecretary of defense for policy from 2005 to 2009; Robert Joseph was undersecretary of state for arms control and international security from 2005 to 2007.

violations of its NPT obligations was undoubtedly well intentioned and predicated on a notion that has underpinned the attempts of subsequent administrations to cope with the Kim dynasty's dishonesty and frequent provocations: that any coercive action might precipitate a renewed war on the peninsula and carried such high risks of civilian casualties that it was simply unacceptable.

The Agreed Framework called for North Korea to freeze and eventually eliminate its nuclear facilities and institute a special-inspections regime for the IAEA to verify compliance. The North agreed not to pursue a nuclear-weapons capability. In return, the United States would establish a multinational consortium (KEDO) to provide the North with two allegedly "proliferation-resistant" light-water reactors. The North would receive shipments of heavy fuel oil to provide energy while the light-water reactors were being constructed. The agreement also called for the United States to provide assurances that it would neither threaten nor use nuclear weapons against the North and for the parties to move toward full normalization of relations. As normalization proceeded, the two sides would address other matters of concern to the United States, such as North Korea's ballistic missile development program and its tendency to treat missiles as the equivalent of a cash crop for export.

Cheney, no longer secretary of defense but considering a run for president, identified North Korea as "the most perilous immediate threat" to national security in a series of speeches he gave in 1994. He opposed the Agreed Framework because it rewarded North Korea for deception and violating its NPT obligations. Appeasement of the North seemed likely to incentivize additional bad behavior. That admonition turned out to be prophetic.

When George W. Bush was elected, the Clinton administration was feverishly concluding efforts to flesh out the "promise" of the Agreed Framework while working on an agreement on ballistic missile technology proliferation and a possible historic visit to Pyongyang by the outgoing president. Clinton wisely thought better of going to North Korea during a presidential transition, and the Bush administration turned to its review of its predecessor's handiwork. Negotiations on ballistic missiles were discarded after Secretary of State Colin Powell pronounced that following through with the Clinton approach would have amounted to "one of the worst pickpocket deals in history." Cheney's longstanding skepticism about the Agreed Framework helped persuade President Bush to take a tough line from the outset, and he repeatedly referred to the agreement as a "mistake." Nevertheless, primarily for alliance-management purposes, the administration took the initial position that it would honor the Agreed Framework as long as North Korea continued to abide by it.

Many of the career officials who had worked on the Clinton Agreed Framework were committed to engagement and resisted a tougher, more coercive approach, leading to bureaucratic infighting the first two years of the Bush administration. Cheney and the so-called "hardliners" wanted to mobilize North Korea's neighbors (particularly Russia and China, who many believed shared an interest in preventing the nuclearization of the peninsula and its consequences), address the North's ballistic missile proliferation and extensive conventional firepower arrayed within range of Seoul, and highlight its massive human rights violations.

The fate of the Agreed Framework was sealed when Cheney's skepticism about North Korean compliance was vindicated by intelligence suggesting Pyongyang had been cheating all along. Even as the ink was drying on the Agreed Framework, the Kim regime had launched a large-scale, clandestine effort, aided by the notorious A. Q. Khan ring in Pakistan, to create a uranium-enrichment capability, giving it another pathway to nuclear weapons. When U.S. negotiator Assistant Secretary of State James Kelly confronted him, his North Korean interlocutor admitted the existence of such a program. Any doubts about whether Kelly had accurately understood the envoy were conclusively eliminated when Stanford University nuclear scientist Sig Hecker, a committed supporter of the Agreed Framework, traveled to North Korea in 2009 and was allowed to visit a fully functioning, industrial-scale uranium-enrichment facility.

With Cheney's encouragement, staffers in his office and at the National Security Council developed a strategy of "tailored containment" that sought to pressure North Korea, which withdrew from the NPT in 2003, with a variety of tools including intensified economic sanctions and enhanced international interdiction capabilities under the Proliferation Security Initiative. The point was to change the regime's calculus by demonstrating that nuclear weapons were not a guarantor of regime survival but a threat to it. If that proved impossible, these stringent measures might still, over time, provoke a change in the regime's composition that could lead to a negotiated denuclearization.

Critics frequently suggest that the debate over North Korean policy during the Bush administration was between those who favored negotiation and those who didn't—and that the opponents had no real alternative to engagement. This is a convenient fiction used to justify the ongoing process of serial concessions. The issue was not the question of negotiations but on what terms negotiations would take place. Cheney throughout the six-party talks tried to toughen the U.S. position to keep those charged with carrying out the diplomatic effort from succumbing to the inevitable temptation of making the process of negotiation more important than the outcome. Specifically, he was insistent

that the only acceptable objective was comprehensive, verifiable, irreversible denuclearization. Where proliferation is involved, you cannot allow countries of concern to be a little bit pregnant. They cannot be permitted to possess those key elements of the nuclear fuel cycle that permit breakout. The notion that complete denuclearization was unrealizable, on the other hand, was contradicted by the experience of South Africa, Libya, and the former Soviet states of Ukraine, Belarus, and Kazakhstan, among others.

Armed with new sanctions, like those the Treasury Department imposed on Banco Delta Asia, a Macao-based bank through which illicit gains from the North's counterfeiting, drug trafficking, and other criminal activities flowed into the Kim family coffers, U.S. negotiators in September 2005 won North Korea's agreement to the objective of "abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Nonproliferation of Nuclear Weapons and to IAEA safeguards." It was, as six-party talks negotiator Chris Hill acknowledged at the time, a commitment that "all elements of the DPRK's past and present nuclear programs—plutonium and uranium—and all nuclear weapons will be comprehensively declared and completely, verifiably and irreversibly eliminated and will not be reconstituted in the future."

Almost immediately, however, a contingent led by Hill himself began contending that to keep the negotiations moving forward, the United States would have to make more concessions to North Korean concerns, particularly about the funds frozen by the Banco Delta Asia sanctions. This was precisely what Cheney had been worried about—that the United States would make concession after concession and turn a blind eye to North Korean misdeeds, the most dramatic instances of which were an October 2006 nuclear test and the spring 2007 discovery that the country was building a Yongbyon-like reactor in the Syrian desert with no apparent connection to the Syrian electricity grid.

Although Cheney pushed, for example, for the United States to destroy the reactor, the administration ignored the transgressions to facilitate the ongoing negotiations. The BDA funds were returned to Pyongyang, and North Korea was taken off the list of state sponsors of terrorism and relieved of the burden of being subject to the Trading with the Enemy Act. These steps were part of an "action for action" program negotiated by Hill, who argued that they would lead to the full declaration of the North's nuclear program. But that was not what the United States received. Instead it got an incomplete declaration that ignored the uranium-enrichment program (even as the records themselves revealed traces of enriched uranium) and failed to mention the transfer of a nuclear reactor to Syria. Cheney objected, "increasingly concerned that the six-party talks were now a convenient way for the North Koreans to hide

what they were really doing, and we were not only complicit, but were in fact rewarding them for it by offering benefits and concessions in exchange for missed deadlines and false declaration." He added that he "feared we were headed for a train wreck."

When Barack Obama took office, Hill expressed his satisfaction that Cheney and his allies were no longer sitting at the table in the Deputies or Principals Committee meetings. But his glee was short-lived because Cheney's warnings were again borne out. Even before Obama took the oath of office, the North announced it had weaponized all the plutonium it had harvested from Yongbyon. In April, Pyongyang tested a three-stage ballistic missile. Ten days later, it expelled the U.S. and IAEA monitors from the Yongbyon plant, and in May it conducted a second nuclear test. The agreement Hill negotiated had totally collapsed. Perhaps chastened by this experience, the Obama administration determined that arms-control diplomacy with North Korea should be put on the back burner. After the death of Kim Jong-il and the transfer of power to Kim Jong-un, the development of the North Korean arsenal continued apace.

What are the lessons of this depressing story?

Cheney and other opponents of "engagement" were skeptical of North Korea's adherence to the agreements it had signed; their suspicion was merited. They also suspected that failure to apply pressure on the Kim regime would lead to a serial retreat that ultimately would result in North Korea as a nuclear power—which is, unfortunately, where we find ourselves today.

They worried that the further the North got down the nuclear road, the more aggressive Pyongyang would become and the harder it would be to address security on the Korean peninsula. The opponents of appeasement thought that a more comprehensive approach taking into account conventional weapons and human rights issues as well as nuclear and missile issues would enable greater progress, as it had with the Soviet Union in the final years of the Cold War.

Cheney and the skeptics concluded that only severe economic pressure on the North's economy, clearly its Achilles heel, might lead to Pyongyang rethinking the utility of possessing nuclear weapons as a strategy for regime survival and unification of the peninsula by force. They also believed, correctly, that prematurely lifting economic pressures would lead to more, not less, intransigence and set back negotiations even further, since multilateral pressures once relieved are very difficult to reimpose.

As the Trump administration considers the future of the Iran nuclear agreement negotiated by its predecessors, it would do well to ponder the lessons of the North Korean experience and remember whose views were vindicated by events and whose weren't. ♦

The Germans Turn Right

Merkel's immigration hangover

BY CHRISTOPHER CALDWELL

Berlin

Angela Merkel's time as "leader of the West," to use the honorific the *New York Times* and CNN bestowed on her, lasted about eight months—roughly from the swearing-in of Donald J. Trump in January until people began throwing tomatoes at her during a September campaign rally in Heidelberg. "Traitor to the people!" the signs said. "*Hau ab!*" the attendees shouted, an instruction too obscene to translate. By election day, so loud was the whistling that outdoor rallies were moved indoors.

Merkel was campaigning for a fourth term as Germany's chancellor, something only Konrad Adenauer and Helmut Kohl had won since the war. On September 24, she got it, too, but at a steep price for her and for Germany. It was the worst performance for her Christian Democrats (CDU) since 1949. They got less than a third of the vote and lost ground in all 16 of the country's states—this for a party that used to dominate the right of German politics and was capable of winning absolute majorities. The old party of the left, the Social Democrats (SPD), did worse, barely scraping 20 percent. Coming in third with 13 percent of the vote was the brand-new Alternative for Germany (AfD), an anti-immigration party that will send 93 members to the 709-seat Bundestag, the parliament in Berlin. The AfD brings a shudder to those who think of Merkel as the leader of the West. In a way, it is her creation.

France's National Front, the UK Independence party, the Republican party in the Trump era . . . Germany used not to have groups like those. The rawness of the country's memory of Nazism gave it an aversion to the style of politics now called populist. But something has destroyed the German party system. Possibly it is globalization or the mere passage of time. More likely it is Merkel's invitation in the

late summer of 2015 to refugees fleeing the war in Syria—an invitation she saw fit to extend without consulting parliament. Germany got over a million immigrants in the months that followed, virtually all of them Muslims, the vast majority young men, and most of them from places other than Syria. At the time Merkel appealed to the common decency of Germans: "If we have to apologize for showing a friendly face," she said, "then this is not my country."

Perhaps it is not. "Nazis," said Merkel's foreign minister, the Social Democrat Sigmar Gabriel, "are going to speak in the Reichstag for the first time in 70 years."

That is an oversimplification. The AfD was founded in 2013 by a group of policymakers and economists concerned Germany would need to bail out Greece and other failing European economies in the wake of the financial crisis. It was a single-issue party, and that year it fell just short of the 5 percent required to get seats. In 2015, as the first reports emerged of migrants moving north across the Mediterranean, the party spokeswoman Frauke Petry had a brainstorm. Her backers, much more worried about Islamization than inflation, helped her oust the nerdy leader Bernd Lucke. The party now had a different profile. Petry was ebullient, eloquent, Anglophone, and East German, and beloved by the rank



Frauke Petry, September 25

and file. Her party added to its core of concerned businessmen new groups of cultural conservatives and nationalists, not to mention extremists of all varieties.

Refugees began pouring into the country months later. On New Year's Eve 2015-16, groups of North African immigrants isolated, surrounded, and groped hundreds of women on the square in front of Cologne's cathedral. The details were not known to the public until weeks later, thanks to the obstinacy of local police in covering it up and of politicians in minimizing it. Soon the AfD was racking up seats in state parliaments, and lots of them—getting a quarter of the vote in the eastern region of Sachsen-Anhalt and even 15 percent in yuppie Baden-Württemberg. (In this fall's national election, the AfD

Christopher Caldwell is a senior editor at THE WEEKLY STANDARD.

IMAGES: SEAN GALLUP / GETTY

was the number-one party in Saxony, taking a third of the vote in Petry's Saxon stronghold.)

Much of the media discussion faulted Merkel for one policy misstep or another. The migrants ought to have been better vetted. More should have been done to make the passage across the Mediterranean less hazardous for migrants, to create job opportunities in the Middle East, to explain the chancellor's position. That is nonsense. The fears motivating Germans are matters of demography. Africa is going to add 493 million people between 2015 and 2030, according to U.N. statistics. *Add*, not have. There are few jobs for them. Many will head north.

The economist Thilo Sarrazin, an old-school Social Democrat, published a book in 2010 called *The Abolition of Germany* that became the country's biggest nonfiction success since World War II. One of his bolder claims was that within three generations, Germany would have an ethnically non-German majority. Last year he published a sequel, *Wishful Thinking*, in which he admitted that the process was moving much faster than that. The migrants Merkel accepted in 2015 include about a million young men. That may not sound like a lot, but it is about 15 percent of the German men of their age. And the bureaucratic process of bringing their families from Syria and Afghanistan is already under way. Certain neighborhoods in Berlin—Wedding, stretches of the old East Berlin avenue Sonnenallee—have lately become heavily Middle Eastern.

It is common to snicker that voters for the AfD must not know what they are doing, since the party had its best scores in the parts of the former East Germany where immigration is lowest. Only 27 of the AfD's 93 members come from the East. But a lot of the economically stagnant rural zones there will indeed be changed by migrants, because they have become spontaneously generated assisted-living communities. Houses are empty and kids are gone. They are tempting places to lodge the newcomers, and Germany lacks the demographic resources—the young volunteers—to teach them German and otherwise assimilate them.

The AfD is like the Republican party in the Trump era: It would be wrong to dismiss it as just a radical party, but there are radicals in it. A lot of the AfD's voters are among the "losers of globalization"—22 percent are unemployed. But where Trump does best among seniors, older

Germans still get the generous retirement benefits conferred in the 20th-century heyday of the welfare state. They give their votes to the SPD and CDU, and AfD support skews younger than Trump's, with its core in the 35-44 age bracket. (It is striking how unflattered AfD members are by the suggestion their movement might have something in common with Trump. One intellectual close to the party described Trump as having a *Pegidagesicht*, a face that reminded him of angry, anti-immigrant marchers in eastern Germany.)

The AfD's leaders have found it as difficult as Republicans to appeal to a party that is both radical and not-radical. The best account of the new AfD Bundestag delegation comes from Markus Wehner, a journalist for the *Frankfurter Allgemeine Zeitung*. They are overwhelmingly men, with an unusually high number of engineers and scientists among them. Some are aides to older members. There is the Berlin traditionalist Beatrix von Storch, who is not only a duchess but related by marriage to Karl Marx; the gun-rights advocate Enrico Komning; the Italian-born philosopher Marc Jongen, a onetime student of Peter Sloterdijk; the talk-show host Leif-Erik Holm; the prosecutor and former CDU



The AfD's Alexander Gauland and Alice Weidel, September 26

Bundestag member Martin Hohmann, excluded from that party a decade ago for remarks deemed anti-Semitic. The variety is striking.

Last winter, Frauke Petry, hoping to become her party's lead candidate in this fall's elections, had a second brainstorm. She thought the AfD was ready to form coalitions with other parties, and to govern. To that end, she called for expelling Björn Höcke, head of the AfD in Thuringia, for a speech in which he had called the Holocaust Memorial in the middle of Berlin a "monument of shame." She argued, probably rightly, that Höcke was making a sinister double entendre. But Petry's resolution failed, for two reasons. First, most in the party do not yet *want* to make deals with the establishment parties, and such deals would not be offered even if they did. Second, while Höcke is at the AfD's most mischievous rhetorical extreme, almost all the party's members are vulnerable in one way or another to being shamed out of politics—including Petry herself, who has argued that Germans should once again be able to use the adjective *völkisch*, tainted by its use by the Nazis.

Once Petry lost her bid to be the top candidate, her days were numbered. (She announced after the election that she would sit independently of the party once the Bundestag convened.) Without her, the party had lost its most obvious chance at a candidate who could make it look like something other than a party of grumpy old men. But it was not at a loss for long. In April it picked *two* lead candidates, a common practice in Germany. One was Alice Weidel, a 38-year-old international business consultant living in Switzerland in a romantic relationship with a woman. The beautiful Weidel was given to storming out of interviews, setting off on right-wing tirades (complaining in a 2013 email leaked just before the elections that Germany is being “flooded with Arabs, Sinti-Roma and other people of foreign culture”), and wearing outfits that would let her blend in at a Catholic boys’ school of the 1970s (blue blazers, khakis, blue Oxford shirts, and horn-rimmed glasses). In the days after the election, Weidel said at a press conference that the questions she was most often asked by journalists were variants on the theme of: What’s a nice lesbian like you doing with people like this?

The other lead candidate was 76-year-old Alexander Gauland, a founder of the AfD, long a familiar figure in German politics. Gauland was a CDU intellectual who so often said outrageous-sounding things to convey that his party was going to hell in a handbasket that he finally fell out of it. The great novelist Martin Walser even wrote a roman à clef (*Finks Krieg*, 1996) in which Gauland played a starring role. Gauland warned his fellow AfD members after the election to be careful of “sound bites that could be used to paint the party as right-wing.” But like Petry, like all of them, he had already done a good deal of that himself. He told reporters that most Germans would not want to have the African-descended, Berlin-raised soccer star Jérôme Boateng as a neighbor—a misunderstanding, Gauland says, that arose from assuming his interviewers meant “Boateng” as a hypothetical foreign-sounding name. He also suggested that Merkel’s top immigration adviser, Aydan Özoguz, be “disposed of” in Turkey, after she made the multiculturalist assertion that there was, “aside from the German language, simply no such thing as German culture.” Picking on Özoguz showed the same inspiration as Donald Trump’s picking on Colin Kaepernick. Like Trump, Gauland has a gift for sensing when some media favorite has gone out on a limb where 90 percent of the country disagree with him.

Merkel transformed her party to make it indistinguishable from its left-wing rivals, the Social Democrats and the Greens. She could compete for their voters, confident no one would challenge her from the right.

Perhaps you could call Gauland a German Pat Buchanan. In conversation in his office in Potsdam, he sounds less like a radical than like a conservative in a country that has forgotten what conservatism is. He wrote a book on the history of the word “conservative.” His preoccupation is a specifically German puzzle: how to cultivate a Burkean conservatism in a country where the institutions through which Burke understood conservatism had been destroyed by Hitler.

This is a puzzle that Merkel has badly complicated. There was an extraordinary stability to the West German party system for a half-century after the Nazis. It was based in part on a superstition that there is a readily identifiable “left” and “right” in politics and that, in the wake of the Second World War, parties to the “right” of the Christian Democrats are extremist and taboo. What Merkel did was therefore logical. She transformed her party to make it indistinguishable from its left-wing rivals, the Social Democrats and the Greens. She could compete for their voters, confident no one would challenge her from the right. In 2010 she ended military conscription. In the wake of Japan’s Fukushima disaster in 2011, she announced an end to atomic energy. In 2014

she backed a minimum wage. In 2015 she opened the borders to migrants. Last spring she brought gay marriage to a vote and secured its passage, while professing, like Barack Obama until 2012, to disapprove of it. In the 2017 campaign’s one televised debate, which lasted an hour and a half, Social Democrat Martin Schulz could find nothing of importance to disagree with her on. He ran his campaign under the slogan “More Social Justice.” But after 12 years of Merkel, there wasn’t much social justice left unprovided.

Merkel’s strategy wound up discrediting the entirety of the political system. It weakened the Christian Social Union (CSU), the Bavarian Catholic “sister party” to Merkel’s own. Now it appeared to be little more than a wing of Merkel’s operation, dedicated to misleading people whose interests Merkel disregarded. The CSU got drubbed in this election. Almost a quarter of its voters fled. The Left party, which called itself an alternative to capitalism, had only a so-so election. It appeared to stand for nothing more than busing young toughs to harass the few hundred old ladies who gather in Berlin for the annual March for Life. All these parties together constituted what the AfD called a “political cartel.”

The migration crisis turned Merkel's behavior into something more than a political-science question. As Berthold Kohler of the *Frankfurter Allgemeine Zeitung* put it, "The fundamental trust of many middle-class Germans was shaken."

Some Americans will recognize in the uprising against Merkel an element of their boiling fury towards Barack Obama at the end of his presidency. The AfD's advertising campaign capitalized on that. It was the brainchild of Thor Kunkel, a Petry friend and madcap author educated in San Francisco. Kunkel enlisted Austin, Texas-based Harris Media, which has run ad campaigns for Ted Cruz, Mitch McConnell, and Likud. Kunkel's own literary taste runs to Thomas Pynchon, and his *Endstufe*, or *Final Stage*, is a historical novel about a little-known pornographic film studio that operated under the Nazis.

In 2013 Merkel had campaigned under the slogan "*Ihr kennt mich*" ("You know me"), and now she was traveling around the country saying the invitation to migrants "must not be repeated," as if someone else had done it. Some in the AfD went so far as to call her criminal. Her invitation to immigrants required ignoring the EU's Dublin agreements on refugees. Weidel announced after the elections that she hoped to investigate Merkel for "all the breaches of the law that lady has committed." For better or for worse, Merkel was not the person the press presented her as. She was not "steady." She was not a mother figure. She was impulsive, unpredictable, dangerous. "The Oath-Breaker" was the headline on one of Kunkel's online ads.

The AfD's distrust of the press is absolute. Today, the party's activists complain, the press does little more than collude in Merkel's project of shaming those who disagree with her. Merkel's justice minister, the Social Democrat Heiko Maas, worked assiduously to limit negative comments about the wave of migrants, both on newspaper comment pages and on social media. So worried was the government about his unpopularity that 250 policemen accompanied him when he went to Dresden to give a talk in July.

Trust in all institutions in Germany has plummeted—and with it trust in the "European values" that Merkel invoked two summers ago. Earlier this year, two posthumous books by the historian Rolf Peter Sieferle

were published by small presses, and one—a collection of notes called *Finis Germania*—made it to the top of the bestseller list. Many of its entries questioned Germany's culture of Holocaust memory. Now, Germans have broken the taboo against voting for conservative parties. But one should hesitate before assuming that Germany is traveling back down the road to fascism. The sociologist Gunnar Heinsohn points out that, even if it wished to, Germany would not have the demographic resources for it. At the point in the 20th century when Western countries began wreaking havoc, the United States, Canada, and Europe accounted worldwide for 44 percent of fighting-age men (15-29 years old). Today they account for 11 percent.

Heinsohn is not saying fascism cannot arise. But he makes a convincing case that Germany will not be the place where it happens.

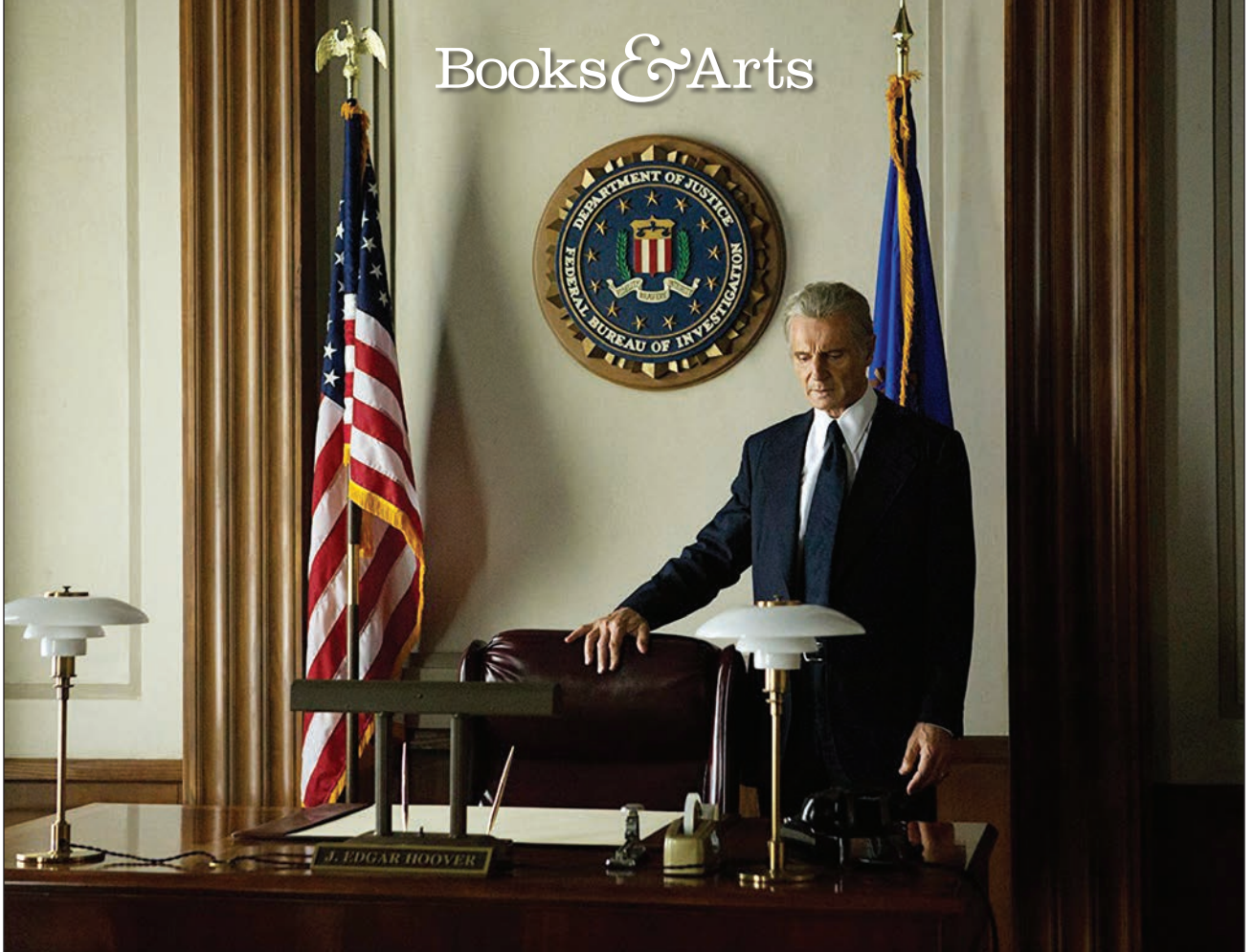
Keeping the AfD marginalized nonetheless remains important to the other parties. Merkel is negotiating to set up a coalition between her Christian Democrats and two mutually hostile parties, the Greens and the capitalistic Free Democrats. The Social Democrats, with whom she has governed in two of her three terms, would be a much more logical pairing with her CDU, as there are literally no major issues on which they disagree with Merkel. But there is a problem. The largest opposition party in the Bundestag gets certain perks: chairmanship of the budget committee, for one thing. A lead role in speaking against the government's legislative projects, which guarantees it daily television time, for another. Over the summer, the Bundestag preemptively passed a law to keep the 77-year-old AfD legislator Wilhelm von Gottberg from becoming the "*Alterspräsident*"—a title given to the oldest member of the Bundestag, entitling him to certain gestures of intergenerational respect. Under the new rules the honor will henceforth go to the member who has been longest in politics.

The people who are most uneasy about the AfD would have done well to focus their minds in 2015. When they applauded Merkel for a grand unilateral gesture that would change the country forever, did it not occur to them that someone might arise to defend the country as it was? Merkel and her party saddled Germany with problems to which it had long been immune. Its citizens have now begun administering remedies to which it had long been immune, too.

◆



Angela Merkel meets the press, September 25.



Liam Neeson as the eponymous hero of Mark Felt: *The Man Who Brought Down the White House*

The ‘White Rat’

Mark Felt—Watergate’s ‘Deep Throat’—wasn’t interested in bringing down Nixon; he wanted the FBI’s top job. BY MAX HOLLAND

I used to have this annual argument at Christmas with my brother-in-law, a well-regarded film editor in Hollywood. I would arrive brimming with complaints about a movie like *Argo*, said to be “based on actual events” but with an entirely fictitious Keystone Kops-like airport chase scene. I would rail about the disservice to history and the misleading effects as an increasing number of Americans learn their history from Hollywood features. He would defend dramatic license. I’d respond by saying a driver’s license doesn’t give one the right to do anything one wants on the road. Round and round we’d go, until we reached his final redoubt: “It’s only a movie.”

Eventually I conceded that films “based on actual events” have the right to composite characters, to elide real-life

Max Holland’s Leak: Why Mark Felt Became Deep Throat is available in paperback.

figures, rearrange chronologies, invent fictitious subplots, and the like for the sake of entertainment. As the *Los Angeles Times* film critic Kenneth Turan once noted, historical films “are constitutionally incapable of being completely accurate.” The mere fact of turning a camera lens on a real event means its distortion. But I insisted a line is crossed whenever a film violates the historical essence of an event. History may be a never-ending argument, but one is not entitled to one’s own facts, and not all facts are equal.

I invented a matrix in which the upper left quadrant is reserved for films that simultaneously respect the gist of historical events and manage to be highly entertaining. It goes all the way back to *Call Northside 777*, the 1948 docudrama featuring Jimmy Stewart as a crusading reporter whose investigation frees a man wrongly convicted of murder. More recent examples include Ron Howard’s *Apollo 13*, about the ill-fated moon mission; Edward Zwick’s *Glory*, about a regiment of

black soldiers in the Civil War; and Michael Mann's portrait of the tobacco industry whistleblower Jeffrey Wigand, *The Insider*. In the lower left quadrant, you'll find films that while respectful of the past are disappointing as drama. I'm thinking here of movies like *42*, the syrupy Jackie Robinson biopic, and *Valkyrie*, which recounts the July Plot to assassinate Hitler.

The quadrants on the right side of the matrix are reserved for the pernicious films, distinct because they promote a big resounding lie. The bottom quadrant includes deservedly panned films like 1965's *The Battle of the Bulge*—which Dwight Eisenhower felt compelled to condemn for its historical inaccuracies—and Brian De Palma's account of Eliot Ness, *The Untouchables*. The top quadrant is dedicated to riveting features, ones made by filmmakers who are unfortunately at the top of their game. *Selma* would be an example for the way it falsely depicts Lyndon Johnson as an obstacle in the way of civil rights legislation. Oliver Stone's entertaining and noxious *JFK* occupies its own special pedestal here.

The matrix is subjective, of course. And many films sit on the line dividing the wooden but accurate film from the wooden but inaccurate one. *Thirteen Days*, a depiction of the Cuban missile crisis, faithfully renders John F. Kennedy's determination to avoid nuclear war while simultaneously perpetuating a big lie about Robert Kennedy being a dove from the start. *All the President's Men* is another problematic case. This 1976 paean to investigative journalism has many fabulist elements. It demonizes or skirts the government's role in uncovering Watergate (nobody is doing their job except the reporters at the *Washington Post*), and it greatly distorts what went on inside the *Post*. It is, nonetheless, a diverting drama: eminently watchable after 40 years. And it will be on the minds of everyone who goes to see Hollywood's latest stab at portraying Watergate: *Mark Felt: The Man Who Brought Down the White House*, written and directed by Peter Landesman.

Mark Felt was the No. 2 executive at the FBI during the Watergate investigation and a key source for the *Post*'s Bob Woodward and Carl Bernstein—the one they famously dubbed “Deep Throat.” I was working on a book about Felt in 2010 when I first began hearing the name Peter Landesman. I was interviewing FBI agents involved in the Watergate investigation or who knew Felt, and, invariably, no matter whom I contacted, Landesman had been there first. More than one interviewee said Landesman had asked the exact same questions that I was asking now. I could not help but be impressed and a little unnerved. Landesman had been a globe-trotting investigative reporter before changing careers to write and direct films. This was no screenwriter searching for a little color, but someone who knew how to report.

Landesman had been aided by the late Craig L. Dotlo, an influential figure in the Society of Former Special Agents of the FBI. The society's cooperation is not easy to come by because it carefully vets requests from authors and filmmakers, and it was doubly difficult in this case. After the 2005

Vanity Fair article in which Felt outed himself as Deep Throat appeared, his conduct became a matter of great controversy in the society, with the membership irrevocably split. Landesman went to great lengths to assure Dotlo that he wanted to tell the story of Watergate from the FBI's perspective in a way that would “let the viewer decide what the reason was for Felt's cooperation,” Dotlo told me. Persuaded by what Landesman called his “commitment to accuracy,” Dotlo vouched for him.

One of the most important FBI retirees Dotlo spoke to was Edward S. Miller, the assistant director in charge of the bureau's domestic intelligence division from 1971 to 1973. Miller had initially rebuffed the screenwriter, but Dotlo had a particular influence. As a young agent in the New York field office, Dotlo had been the moving force behind the 1978 establishment of a legal defense fund to aid bureau personnel—most prominently Miller himself—put in legal jeopardy because of the aggressive counterintelligence tactics they had used against the Weather Underground in the early 1970s. The other FBI executive tried and convicted in 1980 alongside Miller was Mark Felt.

My book, *Leak: Why Mark Felt Became Deep Throat*, came out in 2012 to coincide with the 40th anniversary of the Watergate break-in. It posited that the “war of the FBI succession” was the context for Felt's conduct and winning it provided his motive. As J. Edgar Hoover aged and refused to retire gracefully, a fight for the directorship had developed at the highest echelons of the bureau. The weapon of choice was the leak to the press. When Hoover died in May 1972, just seven weeks before the Watergate break-in, Felt, then the FBI's No. 3 executive, expected to succeed him. Instead, Nixon unexpectedly appointed Assistant Attorney General L. Patrick Gray as acting director. This surprise ascension exacerbated the bureau's instability. After one director for 48 years, the FBI would have four in the space of 14 months, amid intense infighting. Much of it was due to Felt. As William Ruckelshaus, who temporarily succeeded Gray as acting director in 1973, put it, “Felt was a guy obsessed with taking Hoover's place as FBI director. [By leaking], he was trying to feather his own nest and undercut his bosses at the FBI.”

A week after my book appeared, I received an email from Peter Landesman, expressing an interest in comparing notes on the subject of our mutual fascination. I was open to doing so. More, I was curious. No one else had engaged, as far as I knew, in any serious investigation of Deep Throat besides Landesman and myself. Following the 2005 *Vanity Fair* article and Bob Woodward's quickie book on Felt, *The Secret Man*, the subject of Deep Throat was regarded as exhausted.

What I found particularly intriguing was Landesman's opening remark. “[I] had a fascinating dinner w[ith] Woodward and Bernstein last year,” he wrote in his email. “I was amazed how little they know outside their own ‘narrative.’” This accorded with my view. One of the points in my book



Peter Landesman

was that the two *Post* reporters had exhibited a striking and convenient lack of curiosity about Felt. Woodward, lauded for his ability to plumb the innermost secrets of the White House, Supreme Court, Pentagon, and CIA, had turned a blind eye to the ferocious politics at the FBI. He even falsified the story of Felt's abrupt departure from the bureau in May 1973. Woodward maintained that Felt "retired" from the FBI, even after Ruckelshaus called the reporter expressly to tell him that Felt had resigned overnight rather than be the subject of an internal investigation for leaking.

As Landesman and I exchanged messages, clear differences emerged. "Though I don't discount Felt's desire to run the FBI," Landesman wrote, "I think his impulse to protect it as an institution" counted for more. The institutional explanation for Felt's behavior dated back to 1992, when James Mann, a former colleague of Woodward and Bernstein at the

what was Landesman suggesting: Felt leaked because he was henpecked and his daughter, a Stanford graduate, had turned into a hippie?

He reiterated the personal motive in a subsequent email:

While I completely agree with your assessment of Felt vis a vis Woodward and Bernstein, almost no one is addressing Felt's personal life or stakes. Having spent a great deal of time with his family, and him before he was completely lost to dementia, and people who worked with him in the FBI, I reject the notion that he was purely acting out of careerism. The truth is much more nuanced, and Felt is much more complex than that.

I didn't understand this message. Deep Throat fed the cub reporter a lot of false information. To me, this underscored that the relationship was all about the war of the FBI succession. The outstanding example here was when Felt explained to Woodward ostensibly why Nixon had nominated Gray to be the permanent FBI director in February 1973. This appointment "didn't make any sense" to Woodward; the confirmation hearings were bound to turn into an inquisition on the FBI's investigation of Watergate. Nixon's disenchantment with Gray over the issue of FBI leaks the previous fall, moreover, was no secret. Felt told Woodward that an angry Gray had marched into the White House and reminded Nixon that he had performed well in limiting the FBI's probe and that "all hell could break loose" if he weren't nominated. The suggestion that Gray had blackmailed Nixon was a lie. It was also emblematic of Felt's schemes to discredit his rivals for the directorship.

Besides raising motives I considered extraneous, Landesman emphasized the importance of talking to Felt's closest colleague, Ed Miller. According to Landesman, Miller would substantiate that there's "a good deal more to this story than career and ambition." When I had interviewed Miller in May 2011, I hadn't learned anything remarkable. He had, though, mentioned writing an unvarnished account of that tumultuous Watergate period at the bureau that included an explanation of why Felt had leaked. (The 2005 revelation that Felt was Deep Throat had come as absolutely no news to Miller.) I cajoled and pleaded with Miller to share his testament, as he would do with Woodward. But Miller wouldn't budge. Reading Landesman's email, I presumed he had seen it and found it persuasive.

In May 2012, despite our emerging differences, Landesman invited me to his home in the Hollywood Hills to compare notes. Our conversation ranged all over the place, and it became clear that he had cast his net far wider than the FBI, interviewing such people as CBS's Lesley Stahl, who, in addition to covering Watergate, had dated Woodward at the time. Landesman talked about how difficult it must have been for Woodward and Bernstein to have this "false history hanging over their heads" all these years. His Deep Throat script was "congruent" with my book, he asserted,



Former FBI officials Mark Felt and Edward S. Miller speak to reporters in late 1980 after a federal judge fined them \$5,000 and \$3,500 respectively upon their convictions for approving illegal break-ins in the early 1970s.

Post, wrote a long speculative essay about Deep Throat's identity for the *Atlantic Monthly*. The article didn't flatly claim Felt was Deep Throat, but placed the source squarely inside the FBI. Mann—who had worked on several early Watergate stories with Woodward before the pairing with Bernstein was cemented—posited that bureaucratic politics, rather than noble whistleblowing, offered the most likely explanation of Deep Throat's behavior. Woodward would himself adopt Mann's theory when he came to write his Felt book in 2005.

But Landesman also mentioned two wrinkles that I hadn't seriously considered. More important than Felt's longing for the directorship or desire to protect the bureau from Nixon, suggested Landesman, was "what was going on at home with his wife (who was nuts and a drunk) and [with] his daughter (who was a counterculture runaway)." I had briefly mentioned Audrey, Felt's wife, in my book. She was known for nursing her husband's ambition and anticipating the day he would ascend to the top of the FBI pyramid. She was also a manic-depressive who killed herself with Felt's revolver in 1984. But

except that it was going to add the personal angle that I had ignored, including Felt's rescue of his daughter, Joan, from a California commune in the early 1970s. He had arrived there, Landesman said, to find Joan sitting naked in a field nursing her newborn baby.

One finding of Landesman's that genuinely surprised me was his claim that Felt had leaked to Carl Bernstein, too. It has long been part of Watergate lore that Felt dealt only with Woodward. Indeed, the first time Bernstein ever met Deep Throat was in November 2008, when the reporters traveled to California to see the 95-year-old Felt, who died the next month. Landesman insisted that Felt was the anonymous "government lawyer" described in the 1974 book *All the President's Men* who telephoned Bernstein at the *Post* and tipped him off that a young lawyer named Donald Segretti had tried to hire another lawyer named Alex B. Shipley Jr. to engage in "dirty tricks" aimed at disrupting the Democratic primaries in 1972. Landesman was proud of this alleged discovery, which had come about only because of his dogged research. He triumphantly said he had shared it with Woodward and Bernstein.

This scoop, if true, constituted a substantial revision of history, not to mention my book. The 2006 reissue of Felt's 1979 autobiography—revised to put Deep Throat in the best possible light—had not claimed that Felt called Bernstein. In Woodward's archival notes from the famed October 9, 1972, meeting with Deep Throat in a Virginia parking garage, Felt specifically declines to talk about Segretti. If Landesman were right, Felt was simultaneously tipping off Bernstein anonymously and refusing to discuss the same subject with Woodward. Most importantly, what Felt purportedly told Bernstein was something the FBI did not even know at the time. After the *Post*'s story about Segretti was published on October 10, Pat Gray ordered an internal investigation because of all the references in the story to information from FBI reports. This internal probe found that while the bureau knew about Segretti, the FBI had had "no knowledge concerning Segretti's attempts to recruit" Shipley.

This was important. If my book did well enough, I could insert a correction in the paperback edition. I asked Landesman about his source for this finding, which contradicted *All the President's Men* and contemporaneous FBI documents. Landesman promptly put on his investigative-reporter hat. "I hate to pull this, because I hate when I get it, but I can't [divulge my source], not just yet," he wrote in an email. "One day I'll be able to tell you who and how, but I do know it was [Felt]. No disrespect. I see us as allies and compatriots pure and simple on this. Bear with me. . . . Though anecdotally, you can see how it makes total sense, correct? Who else would it have been, esp[ecially] given what you found out and wrote in your book."

Yet the more I thought about it, the more convinced I became that Felt calling Bernstein made no sense. I went back over all the primary and secondary evidence and conducted new interviews. Ultimately, I established to my satisfaction who called Bernstein after talking to Marietta Shipley, the wife of the now-deceased Alex Shipley. She told

me a lawyer friend of Alex's, who had been with him and Segretti in the Army's judge advocate general's corps, had been the person who called Bernstein. This friend was certainly *not* Mark Felt.

During our conversation, Landesman disclosed his involvement in the project was via Tom Hanks's production company, Playtone, which had purchased the film rights to Felt's story soon after the *Vanity Fair* article appeared. Felt was to be a vehicle for another heroic turn by Hanks, and Landesman made it seem like production was imminent. In June 2012, he wrote, "We gotta get this movie made. The same way [the movie of *All the President's Men*] solidified the false mythology, only a movie as big can correct it forever. I should know soon." Instead, in August of that year, Landesman got the go-ahead for another one of Playtone's based-on-actual-events film projects: *Parkland*, about the long weekend of the Kennedy assassination.

I heard infrequently from him after that. And when I did, he tended to emphasize the gap in our respective positions rather than any supposed congruence. Felt "was a complicated guy," Landesman wrote in November 2013, just as *Parkland* was coming out, "and his motives on this were complicated. To reduce it to careerism dishonors not just the man but the event. Too simply [sic]. Too reductionist. Too easy." Meanwhile, the Felt film appeared to be in limbo.

Delays are a common Hollywood malady, my brother-in-law assured me. But he also noted that Tom Hanks had sufficient clout to get any film into production promptly—that is, if he believed in the script. That there were snags was confirmed to me later in the year by two producers I met while working on a Hanks-produced documentary series on the sixties. They expressed doubt the film would ever be made, and if it were, they said, it wasn't going to star Tom Hanks. Meanwhile, Landesman had moved on to writing and directing yet another film "based on actual events": *Concussion*, about the NFL's brain-injury problem.

In May 2015, out of the blue, Landesman reported to me that the Felt film was finally in preparation. He had corralled Liam Neeson into portraying Felt, and Diane Lane was playing Audrey. Their star power proved crucial to piecing together the "indie financing" needed to get the film out of Hollywood purgatory (Hanks and Playtone were still involved, but only marginally). Landesman wrote, "I know we don't agree on all things Felt. . . . I would like to compare notes, making sure things are as right as they can be. I'll start by re-reading your book. And then I'll be in touch." This cordiality was in marked contrast to his tone the last time I had heard from him. In November 2013, Landesman had taken exception to my blunt rejection, in an email to him, of Felt's supposedly complex psychological and emotional realities. "How would you know," he responded. "You have no access to the people who actually knew him. You're just pulling that out [of] your ass."

Ed Miller had died in July 2013, and I was finally able to procure from his daughter a copy of the text that supposedly explained everything—though I never did learn if

Landesman had ever read this explanation. It turned out to be 25 inchoate pages, revealing only in the sense that it conspicuously avoided addressing the savage war of the FBI succession. I sent copies to Angelo Lano, the FBI's Watergate case agent; John J. McDermott, Lano's boss as the special agent in charge of the Washington field office; Daniel Armstrong, a special assistant to Pat Gray; and Earl J. Silbert, the attorney who prosecuted the five burglars caught red-handed at the Watergate and the two ringleaders of the break-in, E. Howard Hunt and G. Gordon Liddy. All four agreed Miller's testament was gibberish.

For good measure, I ran Landesman's rationalization of Felt's conduct by every FBI man I knew of from those days. When they didn't laugh, they scoffed. Felt was renowned for his cold, detached, and calculating demeanor. He was called the "White Rat" at the bureau—a nickname owing to his thick mane of carefully coiffed hair and his penchant for tattling on subordinates and rivals to Hoover. Nor had Miller's ramblings mentioned Audrey or Joan as contributing factors in Felt's decision to leak. Indeed, Miller's memoir could be read to suggest the opposite:

[Felt] clearly was [Audrey's] hero; but something happened. Although I don't think Watergate bothered her and I have absolutely no feeling that "Deep Throat" was ever discussed between them, Things didn't start to fall apart until and after the Felt-Miller trial in 1980 in Washington. . . . We were found guilty and even though President Reagan pardoned us Audrey was not herself. She confided in [Miller's wife] that Mark was no longer paying any attention to her and that he was spending virtually all his time in their guest room.

The Felt movie finally began filming in May 2016. Judging from the Hollywood trades, Landesman's view of his script was not modest. The movie will "change the accepted history of Watergate," he told *Deadline: Hollywood*. "Right or wrong, [Deep Throat] felt what he did was the last defense of the American ideal. . . . The story has the components of a suspenseful spy thriller, but there are huge reveals about his motivations." Landesman referred to a subplot involving daughter Joan as "Shakespearean."

The film is focused on the eventful year from Hoover's death to Felt's departure from the bureau in June 1973, amid grateful applause from assembled employees. It is the story of how Felt had to betray the FBI—by leaking, which was otherwise against his character, training, and ethical code—to save the FBI. This is where the war of the FBI succession is folded into the plot, except that the facts are so distorted that the truth is unrecognizable. Felt's lust for the directorship is depicted in a single scene, immediately following Hoover's death, when he gingerly and respectfully tries on the director's chair for size. We are supposed to believe Felt will serve honorably if only he is asked, but he is double-crossed by Richard Nixon. Neeson's Felt promises his fidelity to Gray so long as Gray's first loyalty is to the bureau. In truth, Felt acted like a sycophant in front of Gray and disparaged him at every opportunity behind his back. Landesman can make

such distortions believable because Liam Neeson is an imposing presence on the screen, the personification of gravitas and high-mindedness—think Gregory Peck in the '50s and '60s. Neeson carries *Mark Felt*.

Felt's rivals for the directorship are the villains in the film: William C. Sullivan and Gray—with Nixon, of course, lurking in the background. Sullivan had been Hoover's heir apparent until he became impatient and was fired for insolence and insubordination in October 1971. In the film, Sullivan represents the bad old FBI under Hoover, a serial violator of Americans' constitutional rights on the flimsiest of pretexts. In a conspicuous piece of miscasting, Sullivan—a tightly wound, bantamweight Irishman—is portrayed as a sloth-footed, menacing hoodlum by Tom Sizemore.

Neeson's Felt is hellbent on preventing Sullivan's vengeful return. While this was indubitably true—Felt leaked to damage *both* his perceived rivals for the directorship, Sullivan and Gray—the line the film takes, that Sullivan was tainted by his association with the FBI's abuses while Felt was a closeted proponent of civil liberties, is risible. Sullivan's excesses are traceable to his responsibilities for the bureau's domestic-intelligence gathering and internal security. He sought and oversaw aggressive measures—including wiretaps, infiltration, and even sabotage—to disrupt radical groups ranging from the KKK to the Weather Underground.

When Felt rose to a position of responsibility at the FBI, he too advocated vigorous countermeasures. He sanctioned illegal break-ins during the same period he was leaking to Woodward. The film doesn't pretend otherwise, except that Landesman's Felt orders the gloves-off approach with only the greatest reluctance, whereas his Sullivan delights in building a police state. There is good reason to believe, moreover, that Felt reinstated the program of illegal break-ins—called black-bag jobs—to curry Nixon's favor, hoping they would result in the capture of one or more of the Weather Underground terrorists who were proving maddeningly elusive and so garner him the directorship. In any event, what Sullivan had in common with Felt was far more telling than any alleged differences over bureau counterintelligence techniques. They shared, recalls Jack McDermott, a "hungry, needy drive to replace Hoover."

The even greater disservice is the film's depiction of L. Patrick Gray. If there was one official who most definitely was *not* one of the president's men, it was Gray. Named acting director the month before the June 1972 break-in, Gray was between the proverbial rock and hard place. If he did not keep the Watergate probe under control and out of the press, he was going to incur Nixon's wrath and lose any hope of securing the nomination to be permanent director after the November election. Yet if he failed to let the investigation run its full course or was seen to have interfered with it in any way, Gray would stand no chance of being confirmed by what was sure to be a Democrat-controlled Senate. As CIA director Richard Helms later observed, almost in sympathy, "Can you imagine the predicament of a new FBI director coming into office and having this thing break over his head?"

Gray's solution was to try to have it both ways. He

largely absented himself from direct management of the investigation, leaving it to the professionals at the bureau—including his deputy, Mark Felt. Simultaneously, the acting director opened a private channel to White House counsel John Dean and kept him informed about the FBI's progress—never realizing that Dean's real function was desk officer for the cover-up.

In Landesman's film, Gray is a Nixon hatchet man who poses an even greater existential danger to the FBI than Sullivan. "Crazy Billy" (as Sullivan was known) would merely return the bureau to the bad old days; Gray would compromise its very integrity. Gray orders the Watergate investigation shut down after 48 hours—a plot point based on a false story Felt leaked to the press in June 1972. Missing from the film is any indication that Gray *alone* warned Nixon about the attempt to obstruct justice in the first few weeks after the break-in—what would eventually become the first article in the House Judiciary Committee's bill of impeachment against the president.

Dean (with full knowledge of the president and his chief of staff) was trying to invoke CIA privileges to block a particularly embarrassing aspect of the FBI's Watergate investigation: the laundering of questionable campaign contributions through a Mexican lawyer to the president's reelection committee, whereby they reached the bank account of one of the five Watergate burglars. In an exchange that would become famous, Gray and Nixon talked on July 6, 1972, about this aborted effort to deflect the FBI investigation. "People on your staff," Gray warned the president, "are using the CIA and FBI" in an attempt to impede the investigation. After a perceptible pause, Nixon replied, "Pat, you just continue to conduct your aggressive and thorough investigation." The actor Marton Csokas bears an uncanny resemblance to Gray. But thanks to Landesman's script, a naïve, hapless man in a difficult position is portrayed as a simple thug in the employ of the federal government.

Landesman is no Oliver Stone retailing paranoid history. But there are several touches in *Mark Felt* reminiscent of *JFK*. Like the earlier film's Mr. X (played by Donald Sutherland), there is a mysterious, menacing CIA-figure (played by Eddie Marsan) who tries, in a brief appearance, to wrap up all the loose ends. Like Stone, Landesman purveys the concept of an unaccountable Deep State. "Presidents come and go," Marsan intones. "The CIA stays. The FBI stays." And like Stone's *JFK*, Landesman's film ends with a claim that is the opposite of the truth: Mark Felt's "legacy is incalculable as one of the most important whistleblowers in American history."

Mark Felt is chock full of lesser falsehoods, misrepresentations, and elisions of fact. Neeson's Felt arrives at the scene of the Watergate break-in as his personal presence is urgently required by investigators; never happened. Landesman has Woodward telling Felt that his newsroom sobriquet is Deep

Throat; pure invention. Landesman leaves out that Gray's confirmation testimony before the Senate led to backslapping in the *Post* newsroom. The words of Nixon's ostensible hatchet man justified the *Post*'s singular devotion to the story, and as the paper's executive editor, Ben Bradlee, put it, single-handedly "rescued the free press." Most egregiously, Landesman includes his phony scoop about Felt leaking to Bernstein, in what amounts to a transparent attempt to give Felt whistleblower cred. One salutary element is that Landesman rightly makes much more of Felt's relationship with *Time*'s Sandy Smith, a reporter who had many Watergate scoops thanks to his long-standing ties to the FBI, than he does of the encounters with Woodward. Indeed, Woodward's screen time is so meager it may come as a shock to Watergate buffs, given that Woodward invented Deep Throat.

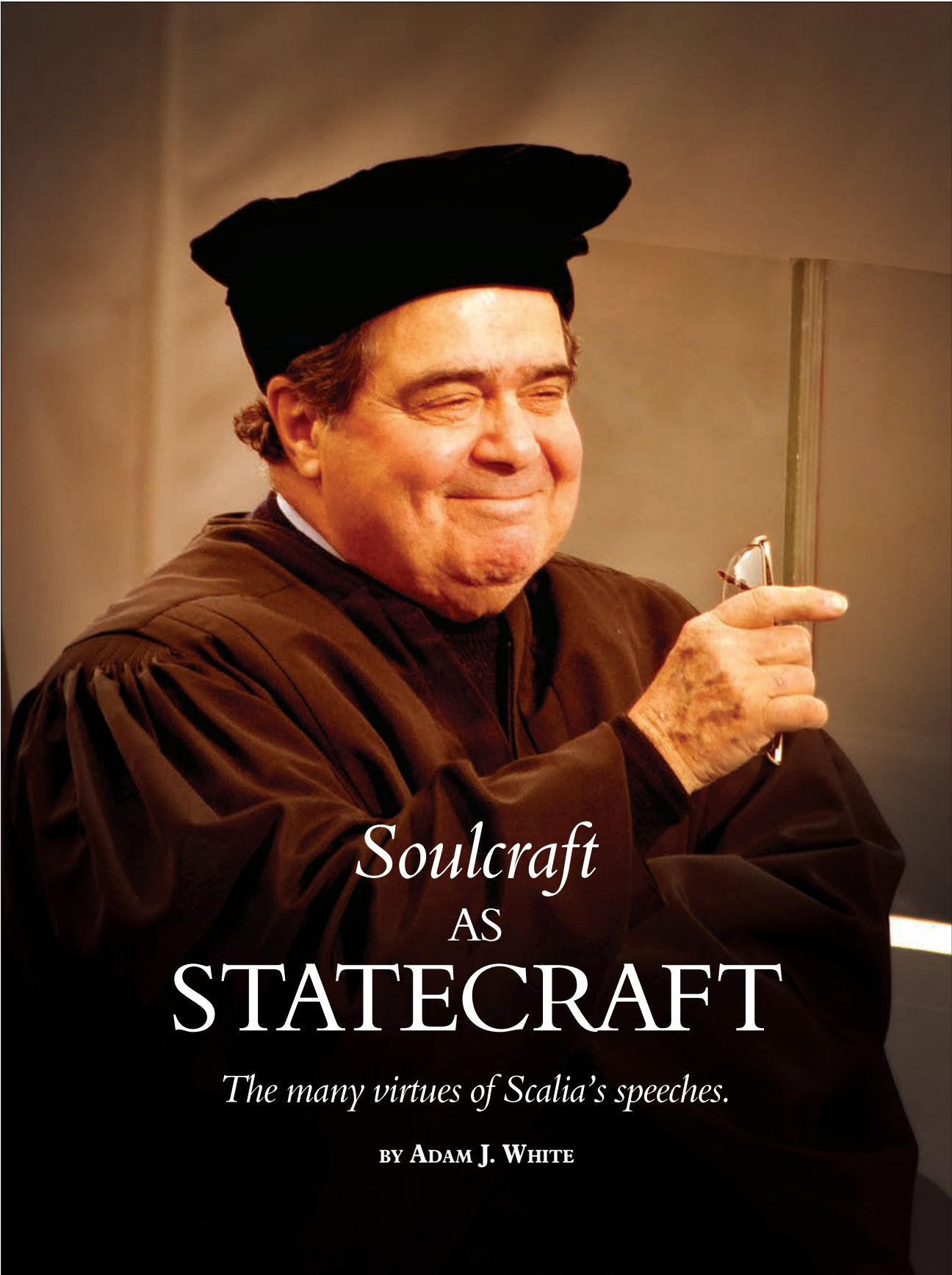
Mark Felt is fated to be juxtaposed with *All the President's Men*, and it will suffer by the comparison. Alan J. Pakula made



Liam Neeson as Mark Felt and Julian Morris as Bob Woodward reenact the pair's secret meetings in an Arlington, Virginia, parking garage.

exceptional use of Washington's architecture and symbolism in his account of the Watergate investigation. *Mark Felt* was not filmed on location, and the absence of Washington's monumentalism is telling. There is a mismatch between the weightiness of the subject and the locale, as if the war over the FBI succession and the Watergate scandal had both taken place in Sacramento. Watching Landesman's rendering of the iconic garage rendezvous between Felt and Woodward, one yearns for a cameo by Robert Redford, perhaps as the attendant, or even better, Hal Holbrook as an anonymous patron departing in his car. Even a bow to the beloved but apocryphal "follow the money" line is missing, and there is nothing memorable to take its place.

That scene also serves as a pointed reminder of what *All the President's Men* is and what *Mark Felt* isn't. Every sentient American already knew how the story turned out in 1976 when Pakula's film premiered. But *All the President's Men* was a crackling, gripping movie. *Mark Felt* is a plodding, unsubtle melodrama, guilty of the only cardinal sin in Hollywood: tedium. It is beyond rescue, even by Liam Neeson's pensive looks. ♦



Soulcraft
AS
STATECRAFT

The many virtues of Scalia's speeches.

BY ADAM J. WHITE

CATHERINE FITTS / COLLECTION OF THE SUPREME COURT OF THE UNITED STATES

‘When I was in law teaching,” recalled Antonin Scalia in a speech just days before his 1986 nomination to the Supreme Court, “I was fond of doing what is called ‘teaching against the class’—that is, taking positions that the students were almost certain to disagree with, in order to generate some discussion, if not productive thought.” He admitted to doing something similar when addressing public audiences: “It is neither any fun nor any use preaching to the choir.”

In decades of public speeches at home and abroad, Scalia educated, challenged, and entertained countless audiences. Now anyone who wants to benefit from the late justice’s wit and wisdom can do so with *Scalia Speaks*, a collection of speeches edited by Christopher J. Scalia and Edward Whelan (that is, the justice’s youngest son and his former clerk). The book offers Scalia’s reflections on a vast array of subjects.

Lawyers and law students may gravitate toward the speeches on legal subjects, some of which Scalia previously touched upon in *A Matter of Interpretation* (1997) and *Reading Law* (2012)—and of course in his hundreds of judicial opinions and law review articles. But as son Christopher observes in his touching and eloquent introduction, Scalia’s speeches framed the constitutional doctrines even more crisply: “He spoke to legal organizations, of course, and those speeches include some of the sharpest and most concise articulations of his legal philosophy. . . . But my father didn’t speak only to lawyers. And even when his subject was the law, his language was tailored to lay audiences in a way that his court opinions, as readable as they are, simply could not be.”

That style allowed Justice Scalia to begin with first principles and build

Adam J. White is a research fellow at the Hoover Institution and director of the Center for the Study of the Administrative State at George Mason University’s Antonin Scalia Law School.

Scalia Speaks

*Reflections on Law, Faith,
and Life Well Lived*
edited by Christopher J. Scalia
and Edward Whelan
Crown Forum, 420 pp., \$30

a case for the fundamental constitutional concepts to which he had devoted his career. For example, in a 1991 speech on the nature of the U.S. Constitution, Scalia argues that its most important feature is not the Bill of Rights, but rather its structure: “A bill of rights has value only if the other part of the constitution—the part that really ‘constitutes’ the organs of government—establishes a structure that is likely to preserve, against the ineradicable human lust for power, the liberties that the bill of rights expresses.”

As for how judges should interpret the Constitution’s terms, Scalia’s explanation of originalism makes the historical case that judges formerly interpreted the document in accordance with its original meaning, until the post-World War II era, when they unabashedly began to make new constitutional law unmoored from actual constitutional text. (True, there had always been judges willing to “bend a text to their wishes,” Scalia concedes, “but in earlier times they at least had the decency to lie about it, to pretend that they were saying what the unchanging Constitution required.”)

One speech in the book is of special historical importance: a June 14, 1986, address to a Justice Department conference organized by Attorney General Edwin Meese. Two days after that speech, Scalia would meet privately with President Ronald Reagan to interview for a Supreme Court seat that (unbeknownst to the public) was about to be opened by the retirement of Chief Justice Warren Burger. The interview evidently went well: Reagan offered the job to Scalia on the spot and announced it the next day.

But the June 14 speech was more than an audition before the Justice Department. It offered an argument in favor of fundamentally refocusing origi-

nalism, to deemphasize the “intent” of individual Founders and to emphasize instead the objective *meaning* of constitutional terms as they would have been best understood by the American people at the time that the particular constitutional provision became law. As the editors observe, the latter approach “soon became the dominant school of originalism—thanks in large part to Scalia’s indefatigable advocacy and to the powerful example of his opinions as a justice.”

Throughout his career, Scalia stressed that judges’ proper role in our constitutional system is crucial but limited: Courts should interpret the meaning of laws but the vast bulk of governance should be left to the people’s elected representatives. “The American republic is a democracy,” Scalia says in a 2012 address, “and the background rule of democracy is that the majority rules.”

And in the long run, the people will decide not just what legislation they want, but also what kind of constitution they want. “No part of the Constitution—neither its structural portions nor the individual guarantees [of rights]—can be preserved for the people by the Supreme Court alone,” Scalia warns in a 1991 speech. “A Supreme Court fiercely dedicated to preserving that document cannot exist in the midst of a society that does not understand it.” The Court can take a countermajoritarian stand against momentary excesses, but in the long run the effects of a changing society will inevitably be felt in the Court. “In the last analysis, in other words, the court cannot save the society from itself—because in the last analysis the court is no more than the society itself. . . . The Constitution will endure, in other words, only to the extent that it endures in your understanding and affection.”

For that very reason, the biggest contribution of *Scalia Speaks* to our American constitutionalism may prove to be not Scalia’s explanation of constitutional law, for which he is already famous, but the repeated examples of Scalia exhorting audiences to understand the crucial role that education—

Good Writer's Disease?

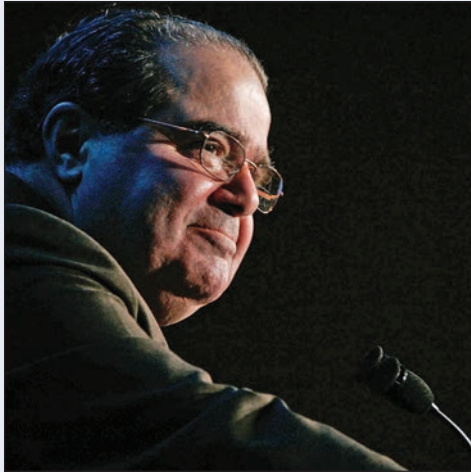
BY BARTON SWAIM

I'm not sure I've ever enjoyed reading a collection of speeches. This may be due to the fact that most or maybe all I've read are political, and political speeches, even those authored by literate and capable politicians, lose their significance almost immediately. But perhaps the more important reason speeches don't work as published products is that their authors typically aren't writers. Writers don't give many speeches, for one thing, and for another their writings are the things people care about, not their public addresses. With only a few exceptions, collections of speeches are for statesmen or agitators or celebrities or maybe tycoons—not for writers.

Scalia Speaks, by contrast, somehow works. That it does so is partly the result of a circumstantial oddity Christopher Scalia mentions in his introduction: His father, the late justice Antonin Scalia, was a terrific writer, as even his adversaries readily concede. But his writing is mostly bound up in Supreme Court opinions. I've read some of his decisions and dissents, and feel they are probably masterpieces of the genre, but I'm not a lawyer, and anyhow most court opinions aren't

written for general readers but for lawyers and judges and journalists.

In this collection we have, in essence, the great man's essays. He delivered scores of speeches over the course of his career, and as a conscientious orator he



wrote out the script of what he wanted to say (though in delivery, his son explains, he felt free to depart from his own text). Here are addresses on Christianity, on American society, on political principle, on the lives of friends and heroes, on law and the Constitution, and much else. In one wonderful talk on the arts, for instance—he was a

great fan of opera and twice appeared, together with Justice Ruth Bader Ginsburg, as an extra in Strauss's *Ariadne auf Naxos*—Scalia contended that they only thrive in the context of law. Not court decisions on First Amendment protections, but statutory law—contract law especially, but also even rationally debated laws on obscenity. “The First Amendment says what it says,” he argues, “not what we lovers of the arts would like it to say. And frankly, I find it impossible to stretch ‘the freedom of speech and of the press’ beyond those symbols (including even symbolic actions) that convey thought as opposed to aesthetic, or for that matter erotic, emotion.”

These addresses are beautifully constructed in their rhetorical expression and logical development, as satisfying to read as they must have been to hear. There's a warm lucidity about Scalia's writing that nicely complements the oral form: He's always clear but treats his readers as people, not reasoning machines; his aim is to express his argument as cleanly and efficiently as he can, but he's happy to stop and ensure you're following the logic. And happy to crack a joke, too. Scalia's wit

especially civic and moral education—must play in sustaining republican government.

One 2014 speech is dedicated entirely to this point. Focusing on “a subject that [George] Washington would have approved of”—namely, “the education of the citizenry to render it capable of democratic self-governance”—Scalia argued that “the Founders were as interested in teaching virtue as in teaching civics.” And they saw this as necessarily including the teaching of religious values—not to convert all Americans to Christi-

anity, but rather to inculcate the virtues required to sustain republican government. Scalia quotes Benjamin Rush: Without moral education, “there can be no virtue, and without virtue, there can be no liberty, and liberty is the object and life of all republican governments.” As Scalia further notes, John Adams agreed, as did Tocqueville later. So did Washington, whose farewell address stressed that “of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports.”

Scalia returns to this theme over and over; it becomes the book's most prominent refrain. His 1999 talk on college education quotes Washington's farewell address again. His 2011 speech at Xavier High School in New York City, his alma mater, celebrates West Point as the American institution that “took most seriously . . . the task of moral formation.” In a 1994 address, he pauses to reflect that, “not long ago, all colleges, even nondenominational ones, used to consider [moral formation] their task.” Speaking at his son Paul's high school graduating class in

ALEX WONG / GETTY

is legendary, but I was unprepared to laugh as much as I did. One example of many, on the absence of “soccer moms” in the Brooklyn of his youth: “There were no soccer moms because there was no soccer,” he writes. “Americans overwhelmingly preferred baseball, a game in which a lot of players stand around while not much happens, to soccer, a game in which people run back and forth furiously while not much happens.” There are people who write jokes for a living who’d consider that their best work.

Scalia’s adversaries admitted that he was a gifted writer but often said so in a way that implied he wasn’t a fine legal mind. I’ve heard Justice Stephen Breyer do this more than once in public forums. Some people suffer from “good writer’s disease,” Breyer likes to say; the people who suffer from this disease (he means Scalia) happen upon a felicitous phrase and can’t help using it. The line gets a chuckle, but it’s meant to suggest that the force of Scalia’s writing derives from mere phrasemaking and that he wasn’t sufficiently discerning to see that his felicitous phrases didn’t amount to good arguments.

Wrong. Scalia had a talent for writing, for sure, but his writing hits you as hard as it does because he worked at it, relentlessly, always refining his language in order more efficiently and accurately to convey his thought. In

the book’s introduction, his son recalls once asking Scalia whether he found writing easy. “No,” was the reply. “It’s hard as hell.”

In a little address titled “Writing Well,” Scalia concludes by rejecting the idea that good writing requires only intellect. To write well, he says, primarily requires “the ability to place oneself in the shoes of one’s audience; to assume only what they assume; to anticipate what they anticipate; to explain what they need explained; to think what they must be thinking; to feel what they must be feeling.” That’s anguishing work, as any competent writer will tell you. But there is one connection between writing well and intellect, he says, and it’s this: “A careless, sloppy writer has a careless, sloppy mind.”

I suspect there’s another reason for Scalia’s ability to write so clearly and cogently, and it has to do with his conception of the law and the role of the judge. Justice Scalia believed the judge’s job is to interpret the law according to the meaning it had when it was written. That put him in the minority—partly owing to the contemporary fashion to treat the Constitution’s meaning as malleable, but partly also because Scalia’s originalism *necessarily* puts a judge at odds with the majority. He alludes to this point several times in these pages. “If we assume (as is surely correct),” he says in one lecture, “that a judge’s

personal predilections will usually be those of the *majority* (he was, after all, elected by the majority, or appointed by officials who were elected), his nonadherence to the law will more often *disadvantage* the minority members and the downtrodden.”

To put it differently: Judges are generally going to share the opinions of the powerful and influential people of their time; otherwise they couldn’t have gotten themselves appointed as judges. (Elsewhere he repeats the old joke: “A judge is a lawyer who knows the governor.”) But a good judge, a judge who only cares what the law actually says and refuses to channel the dominant opinions of his age (very likely his own opinions) into the decisions he issues in court, will often find himself in an adversarial relationship with the culture around him. And that’s the proper stance of a writer: an adversarial one. When the writer knows his reasoning won’t be accepted by most of the great and good members of the literate society of his time, he’s compelled to work at it a few more hours and fashion his words into something better than the complacent fluff of consensus.

It’s not a knack or a “disease,” Justice Breyer. It’s just hard as hell. ♦

Barton Swaim, the opinion editor of THE WEEKLY STANDARD, is the author of the memoir The Speechwriter: A Brief Education in Politics.

1988, he said that “freedom is a luxury that can be afforded only by the good society. When civic virtue diminishes, freedom will inevitably diminish as well.”

Scalia’s critics often accused him of letting religion dictate his judicial decisions. He rebutted that charge repeatedly throughout his time on the public stage, as exemplified by some of the speeches contained in *Scalia Speaks*. Still, the book reminds us how Scalia’s appreciation of the Constitution, and of the republican govern-

ment that it created, was rooted in his Christian faith. In a 1989 speech, he quotes St. Paul’s Letter to the Romans, to remind his audience that “the Christian bears a moral obligation toward the just state,” including the American state, the laws of which “have a moral claim to our obedience.” Two years later, he observes that “the wondrous durability of the Constitution is attributable to a whole series of irreplicable circumstances—incredibly lucky, if you will, or, as many of the Founders thought, providential.” His son Paul, a Catholic priest, recalled

this point at Scalia’s funeral mass: “God blessed Dad, as is well known, with a love for his country. He knew well what a close-run thing the founding of our nation was. And he saw in that founding, as did the Founders themselves, a blessing.”

The Founders’ project remains a close-run thing. The work of sustaining the republican government that they originally framed is aided immensely by Justice Scalia’s legacy, which now includes the speeches contained in this indispensable book. We find in that legacy, too, a blessing. ♦

Water and Light

The scenes and portraits of John Singer Sargent—and the puzzling influence of photography. BY DOMINIC GREEN

John Singer Sargent (1856-1925) painted watercolors throughout his European childhood. Like his family, the dependents of the peripatetic Dr. Fitzwilliam Sargent, watercolors were portable and picturesque. Sargent continued to paint watercolors in the 1870s as a student in Paris and in the 1880s and 1890s when his oil portraits, applying Old Master grandeur to the gloss of new money, defined the ages Gilded and Edwardian. But only after 1900, when Sargent renounced the clientele and commissions of the society portrait, did watercolors become the preferred medium of his late style.

Sargent's early watercolors shared the spare handling and tonal restraint of his Parisian oils of the 1870s. When in the 1880s his oil portraits acquired broken brushwork and a higher-keyed palette, his watercolors did too. They were private exercises or preparatory studies; after sending two watercolors of Venice to the Paris Salon of 1881, Sargent did not exhibit a watercolor until 1903. By then, however, his watercolors were no longer subordinate to his oils, and he was no longer subordinate to the studio.

Sargent: The Watercolours, now at the Dulwich Picture Gallery, London, is a glorious, light-filled memoir of the liberations that followed and how the last great portraitist of the 19th century became the first great watercolorist of the 20th. In Paris, Sargent had studied oil painting in the progressive *atelier* of Carolus-Duran, who taught painting *au premier coup*, applying strokes of paint "wet-on-wet." If Sargent painted

Dominic Green, a fellow of the Royal Historical Society, is a frequent contributor to THE WEEKLY STANDARD.

Sargent

The Watercolours
Dulwich Picture Gallery, London
through October 8

Sargent's Women

Four Lives Behind the Canvas
by Donna M. Lucey
W.W. Norton, 311 pp., \$29.95



Simplon Pass: Reading (ca. 1911)

in oil with the speed of a watercolorist, he layered his watercolors with the eye of an oil painter.

For *The Rialto Bridge, Venice* (ca. 1900-04), Sargent decides to turn his paper vertically, portrait-style, to emphasize the effects of light and movement. He sketches a few sweeps of pencil: the edges of the buildings in the background; the plunge of the bridge, less than half of which he will show us; and the body of a waterman who leans forward to push his *sandolo* barge under the bridge. Then Sargent dives in with the brush. In the left foreground, he notates the stone bridge in an ethereal shorthand of soft washes and shadows, pale green over mauve,

with white paper standing for unshaded stone. He washes the two narrow buildings that anchor the bridge to the Rialto in broad strokes of pale green and mauve too, but separates their colors carefully along the pencil guideline of their party wall.

Juggling brushes again—he liked to hold a handful, to save time—Sargent marks the balconies of the mauve building and the windowsills of the green building with grids of the whitest purple. Then he reunites his colors and composition by adding tiny vertical strips of deep purple to create the three-dimensional recesses of the balconies. Switching back to a thicker brush, he splashes deep purple into the window recesses of the pale green building.

Meanwhile, the boat surges into the shadows beneath the bridge. This instability seems to pull the whole composition down and under the bridge, buildings and all. The turquoise water seems to surge with the boat, because the boat's disturbance of the water splits the turquoise into overlapping refractions of blue, green, and white and reflects a diluted, jagged tincture of mauve into the sky. But just as the white of the bridge is the paper beneath the paint, so the white on the water is applied on top of the paint.

To finish, Sargent highlights the decorations on the balustrade of the bridge, the packages in the *sandolo*, the reflection of the bridge in the waves, and the waterman's shirt with thick smears of white gouache. Somehow, he describes the waterman's shirt and rotated upper torso in a single stroke, then tops the white shirt with a squirt of yellow like the juice of a passion fruit. In a further bravura, Sargent repeats a trick from his flamenco dancer in the 1882 oil *El Jaleo* (now in Boston's Isabella Stewart Gardner Museum) and turns the waterman's head so far round as to confound anatomical reason.

White beneath, white on top: pure light, containing a swirl of movement and color. Everything feels alive and spontaneous, as though fleeting hints have been fixed in solid form. As Henry James observed, for Sargent, perception was "already by itself a kind of execution." But the impression of immediacy

is just that: an impression, a tribute to the artist's skill.

In oils, Sargent achieved spontaneous effects not just with fast brushwork, but also through elaborate execution, scraping back much of each day's work and starting over the next. In Donna Lucey's new group biography *Sargent's Women*, Sargent is described as recalling the sitters again and again. In 1888, Isabella Stewart Gardner extended the sittings, and Sargent's labor, by an inability to keep still. He painted her face eight times, scraped it away eight times, and finally settled for the ninth version. Sargent worried at his portrait of 17-year-old Elsie Palmer for over a year before he exposed how her open face masked private depths. He probably worked on the portrait in Palmer's absence too; in 1884, he had returned *Madame X's* shoulder strap to her shoulder after her mother had complained about the implications of its having dropped onto her arm. Did some of Sargent's watercolors develop from another kind of extended process?

Sargent's Venetian watercolors convince because they look real. That is, they conform to expectations. The expectations of his contemporaries were not much different from our own; by 1900, the fixed perspective of the camera had been shaping visual expectations for decades—and, by reaction, shaping the development of painting. In one of Donna Lucey's many penetrating insights into the studiously private Sargent, we see him in a family scrapbook from 1890, "winking at the camera, his mouth half open, perhaps smiling," as he larks on a beach with his cousins. The box camera was portable, and a familiar companion.

The Venetian scenes, like most of Sargent's watercolors, are not traditional landscapes. They are cropped and asymmetric, like the bridge in *The Rialto Bridge* or the gorgeously glowing Dome of the Spirits in *Jerusalem* (ca. 1905-06). They are painted close-up and from below, and they focus on odd architectural details, like the bruised shadows and oxidized copper on the underside of *Spanish Fountain* (1912) or the green and yellow water-



The Rialto Bridge, Venice (ca. 1900-04)

line by the steps of *Palazzo Grimani* (1904). Often, the prow of a gondola intrudes from the bottom of the frame, as if directing the viewer's eye. In other words, the watercolors look real because they look like tourist memories and tourist photographs.

We know that a portable camera traveled with Sargent and the large, convivial group of family and friends that joined him on his *plein air* expeditions to the Alps, Italy, and the Levant. In the catalogue for *Sargent: The Watercolours*, guest curators Richard Ormond and Elaine Kilmurray supply snapshots from these trips, now held by

the Boston Museum of Fine Arts. And last year, researcher Ella Ravilious discovered more than 600 professionally taken tourist photographs in the Victoria and Albert Museum's archive. Sargent probably bought these photographs, Ormond and Kilmurray write, "in their place of origin."

It is difficult to paint in a bobbing gondola. It is possible, though, to sketch the lines of a painting. In *The Piazzetta, Venice* (ca. 1904), the pencil guidelines for the foreground gondola's prow are to the left of the final, painted prow. Did the boat move in the water at the time, or did Sargent

improve on his sketch afterwards? If so, did he refer to his photograph of the Libreria Vecchia, now in the Victoria and Albert?

Some of the watercolors are identical to photographs, but it is not clear which came first, especially when Sargent was painting still objects like buildings and people, rather than evanescent effects like sunlight on water. The monastery of *Mar Saba* (ca. 1905-06), perched on rocks of pink and orange not too far from Jerusalem, matches Sargent's tourist photograph, taken from the same vantage. Did the photograph help him to fill in the details as he painted? Or did he buy it so that he could rework or replace his painting? Or was it just a souvenir?

The languid, sunlit Dorothy Barnard and Rose-Marie Ormond in *Simplon Pass: Reading* (ca. 1911) match the identically posed but staid and shadowed Dorothy and Rose-Marie in a photograph now in the Boston MFA's archive. Another MFA photograph is called "Sargent painting the watercolor *Simplon Pass: Reading*." Was the photo made in sequence with the watercolor—and if so, which came first—or in parallel with it? Unfortunately, there is no photograph of the photographer in the act of photographing Sargent as he painted the painting whose final form conforms to, but might not post-date, a photograph.

David Hockney has argued convincingly that the optical effects of Western painting suggest the widespread use of *camera lucida*. The effects of Sargent's late watercolors evoke the monocular perspective, cropping, and heightened contrasts of photography. Real shadows are not as dense as those in *Spanish Fountain*. If Sargent was not using a photograph, he was thinking photographically, in the knowledge that his audience would be seeing photographically.

Nor was Sargent alone in using photographs. Contemporaries like Gustave Moreau, Anders Zorn, and Thomas Eakins were working from photographs too. In a photograph of Sargent's sisters on the Grand Canal, the gondolier leans forward and whisks them under the shadowy Rialto Bridge. The photograph is eerily similar to Sargent's *The Rialto Bridge, Venice*, from the same

period. But the image of reality is always eerie. A picture is a fixed impersonation of a moving object that we see but cannot feel.

None of this derogates from Sargent's achievement. Rather, it confirms its scale and nature, and the intelligence with which it was executed. In his years as a flatterer in oils, Sargent admitted to having used watercolors to "keep up my morale." Now, he applied his experience and ambition, and his oil techniques, to what had traditionally been considered a lesser medium, and which by 1900 was less likely to be associated with Turner or Delacroix than with lady amateurs like Sargent's sisters.

The watercolor tradition had slipped into a gentility from which it has still to recover. Even today, the best-known watercolorist is Charles, Prince of Wales, who sells his Highland scenes for charity. Sargent applied modern vision to a medium that had softened with the decay of Romanticism. His watercolors are images from a magic lantern—or, like another visual innovation from his lifetime, stills from a moving picture.

Sargent always was an artist of the *juste milieu*, for the "golden mean" was also the sweet spot between tradition and novelty. Impressionism inflected him enough for him to risk introducing it to London with *Carnation, Lily, Lily, Rose* (1886), but in small doses, with a sugaring of Aestheticism. Suspecting that the critical value of his oil portraits would depreciate with the decline of their subjects, he identified the potential of watercolor as his legacy. He made sure to distribute the watercolors in large tranches in collections on both sides of the Atlantic.

In 2013 and 2014, American audiences saw the watercolors that Sargent sold to the Brooklyn Museum and the Boston MFA. The Dulwich Picture Gallery's exhibition presents the British half of Sargent's legacy for the first time since his death. Now that Sargent's skill has been recognized, first in oil and then in water, it is time for scholars to decipher his method and answer the question asked by anyone confronted with a beauty at once strange and familiar: How did he do it? ♦

BCA

Chauvinist Racket

The not-so-historic clash of Billie Jean King and Bobby Riggs. BY JOHN PODHORETZ

The 1973 tennis match between the 29-year-old female champ Billie Jean King and the 55-year-old former champ Bobby Riggs was many things. It was one of the great "pseudo-events" of all time, fitting perfectly Daniel Boorstin's definition in his 1962 book *The Image* as "dramatic performances in which 'men in the news' simply act out more or less well their prepared script." The script, in this

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

Battle of the Sexes

Directed by Jonathan Dayton & Valerie Faris



case, was the Male Chauvinist Pig vs. the Women's Libber.

The match was a ludicrous and colorful distraction from the accelerating disaster in Vietnam and the accelerating collapse of a presidency. And it was a forerunner of the stupid culture wars of our day in which our national discussion is overtaken by

absurd sideshows (the War on Christmas! the silencing of Sandra Fluke!).

Yes, the event dubbed the “Battle of the Sexes” was many things. But a historically significant moment it was not—not for tennis, not for women, and not for homosexuals. Similarly, Billie Jean King herself was many things at the time—but adorable and demure and unsure of herself she was not. One of the most ferocious and competitive players who ever lived, she was driven and determined and not at all personable. And Bobby Riggs, too, was many things—an anything-for-attention reprobate who stumbled into a commercially brilliant idea by playing a cartoonish version of a woman-hating troglodyte—but *cute* he was not.

Alas, *Battle of the Sexes* presents us an adorable, demure, and unsure Billie Jean against a cute Bobby. It is set against the backdrop of King’s discovery and exploration of her lesbian feelings and her battle against the casual sexism of the powers-that-be in tennis and American culture more generally. Emma Stone turns Billie Jean into the second coming of her Oscar-winning Mia from *La La Land*; it’s a wonder this woman can get a ball over the net, given her half-heartedness, let alone win a tournament or set up a competing women’s tennis league to challenge the male-dominated U.S. Lawn Tennis Association. And Steve Carell’s Bobby is neither a proto-Trump nor a self-inflated caricature of the rear-guard American action against gender egalitarianism but rather a lovable con man with a gambling problem and a heart of gold.

Everything that might have made this movie more interesting is left on the sidelines. A genuine exploration of the very real risks King was taking experimenting with same-sex attraction as a married woman in 1973 would have been more compelling than the inadvertently comic imagery offered as she and her first girlfriend contemplate their desires—footage that unfortunately calls to mind television commercials of the era for Vidal Sassoon and Summer’s Eve.

Even worse, the movie dispenses entirely with the possibility that Riggs



Steve Carell as Bobby Riggs and Emma Stone as Billie Jean King in *Battle of the Sexes*

might have deliberately thrown the match in order to settle gambling debts with the mob, as Don Van Natta Jr. revealed in an explosive 2013 piece for ESPN. The movie doesn’t even show Riggs battling against the temptation. Far from it; *Battle of the Sexes* seems determined to quash the very idea by showing us a scene in which Riggs lays a \$15,000 bet on himself to win.

Why do this? Because screenwriter Simon Beaufoy and codirectors Jonathan Dayton and Valerie Faris are committed to the narrative that Billie Jean King’s victory meant something transcendent. They cannot allow her triumph to be mitigated in any way by even a hint that Riggs—who had slaughtered King’s rival Margaret Court in straight sets only months before he collapsed in the King match—might have dogged it for money.

Because *Battle of the Sexes* takes itself so seriously, it cannot even have that much fun with the cheesy and over-

the-top spectacle the match became. The only inspired flourish is the use of Howard Cosell’s classically ridiculous and knowing color commentary during the match (with a nice CGI job placing the actress Natalie Morales in direct proximity to the real Cosell).

King wins a cool \$100,000 but what do we see? Emma Stone going for consecutive Oscars by having a sobbing fit alone in a locker room. Carell getting an unearned sentimental final moment when Bobby makes up with his incomprehensible wife (Elisabeth Shue), whom we’ve seen be dismissive and contemptuous in one scene and lovingly thoughtful in the next. And then, at the last moment, we get an anachronistic speech from Billie Jean’s wise gay dress designer: “Someday we will be free to love whom we love.”

So *Battle of the Sexes* takes a fizzy comic moment appropriate for satire and turns it into an ABC Afterschool Special. What a waste of a juicy subject. What a bore. ♦



OFFICE OF THE PRESS SECRETARY

For Immediate Release

October 3, 2017

REMARKS BY PRESIDENT TRUMP BEFORE LEAVING FOR PUERTO RICO
Rose Garden, 10:17 A.M. EDT

THE PRESIDENT: Good morning. Or should I say *buenos dias*? There's been a lot of chatter in the fake media about the A+ effort we are putting into disaster relief, terrible disasters, so let me be clear: We are giving everything we got in Puerto Rico. I love Puerto Rico. It's an island. I don't know if you know that. But that means we can't get the necessary supplies, the food and water and all those things, by truck. We need to fly them in. Or take a boat, I guess. But my point is I am not preoccupied with anything else. Respect the flag, by the way.

They want to kneel. Why not kneel before me? Wouldn't that be something, folks? But they're absolutely ruining the game. The NFL needs to make a rule against that. They got rules against excessive celebrating, taunting, unsportsmanlike conduct. They need a rule against kneeling during the national anthem. And a rule against bringing beers into the men's room in stadiums. That's just gross. You know the guy who puts the plastic cup of Miller Lite on top of the urinal? That guy? Get that son of a bitch out of the men's room, he's fired!

Anyway, back to Puerto Rico. Lots of damage there. Tremendous mismanagement of finances, debt—billions and billions in debt. But I love Puerto Rico. So many great folks who are Puerto Rican. Freddie Prinze—talented actor from *Chico and the Man*. And Juan Epstein, from *Welcome Back, Kotter*. He was a Puerto Rican Jew, I think. Funny guy. And the music! Who doesn't love the music, right? Menudo, Ricky Martin. I met him, too, by the way. Handsome fella. Boy, that guy can have any woman he wants. And who can forget the movie *Carlito's Way*? Puerto Rican gangsters—believe me, those guys are real. I closed some amazing deals with guys like that in the Garment District. No questions asked!

And did I mention the parade? I used to see the Puerto Rican parade from my office in Trump Tower, it's true. It went right by me on 5th Avenue. I hear it gets pretty crazy but it's good, it's good. They like to grab life, and so do I. It'll be fantastic.

So now I'm off to Puerto Rico, but I'll be back in the United States later tonight. Thank you, everybody!

END • 10:22 A.M. EDT