

**BYE-BYE, OFFICE
CHRISTMAS PARTY**
MATT LABASH

the weekly

Standard

DECEMBER 18, 2017

\$5.99



**YOU'RE
FIRED!**

**What happens
if Trump
sacks Mueller?**

BY STUART TAYLOR JR.

Contents

December 18, 2017 • Volume 23, Number 15



2 The Scrapbook *The regressive New York Times, kitchen politics, & more*

6 Casual *Victorino Matus's piano cheese*

8 Editorials *Finish the Investigation • The Moore Rot*

Articles

12 The War on Christmas . . . Parties, That Is **BY MATT LABASH**
No sauce for the goose or the gander

14 The Phony Case Against Tax Cuts **BY TONY MECIA**
No, the middle class isn't being fleeced

16 A Capital Idea **BY ELLIOTT ABRAMS**
Trump is right on Jerusalem

18 Brian Ross, Suspended **BY PHILIP TERZIAN**
A long history of getting it wrong

19 Tax Reform Targets Obamacare **BY JOHN MCCORMACK**
After all, the Court said the mandate is a tax



Features

22 You're Fired! **BY STUART TAYLOR JR.**
What happens if Trump sacks Mueller?

26 Much Ado About Nothing **BY MAX HOLLAND**
Almost a third of Americans believe there was a conspiracy to kill JFK—they're wrong



Books & Arts

36 The God of the Snooker Table **BY JOSEPH BOTTUM**
The game's greatest player and the anguished dream of perfection

42 The Oldman Churchill **BY JOHN PODHORETZ**
A metaphor for Britain's stiffening spine

43 In Us We Trust? **BY DANIEL SAREWITZ**
Institutions are indispensable, even as trust in them declines

44 Kiddie Con Man **BY STEFAN BECK**
'The Great Brain' at 50

46 Meme Girls **BY GRANT WISHARD**
Tina Fey's clique flick prepares for Broadway

48 Parody *A wave of 'retirements'*



SFC9394

Churn, Baby, Churn

We might as well go ahead and admit it: There are moments when it seems as though THE SCRAPBOOK and the *New York Times* inhabit different universes. This happens with increasing frequency—and not just when we confront those blast-furnace editorials or the rank opinionizing in its news columns. The other day we got the feeling reading the *Times*'s (usually wonderful) food section.

An item appeared there under the headline “An Old-fashioned Route to Butter.” Our admittedly modern route to butter takes us to the local grocery store, where a spectacular exfoliation of options beckons from the dairy case: salted or unsalted, cultured or grass-fed, foreign or domestic, fake or real, in tubs, sticks, or (horrifyingly) a squeezable pouch.

The route the *Times* takes to butter,

on the other hand, travels through time. The item advised readers to buy a hand-powered churn and make their own butter. We were disoriented from the first sentence. “Yes, you can make butter in a food processor ...” You can? The thought had never occurred to us. But now that it has, it sounds super messy.



Wrong, says the *Times*: Churning your own butter by hand “has much more aesthetic appeal.” Really? The churn pictured in the article has no aesthetic appeal; it looks like a Rube Goldberg-style hand crank attached to a mason jar. “Using two quarts of heavy cream,” continues the *Times*, “one can make more than a pound of golden butter, along with a bonus: several cups of buttermilk.”

THE SCRAPBOOK has led a long life; we’ve been around the block a few times. And never, ever, have we en-

countered a human being who would consider a single cup of buttermilk, much less several, a “bonus.” Other words come to mind: yucky, revolting, and vomitous are the top three.

“Imagine a weekend morning,” the *Times* continues cheerfully, “with the family making butter, buttermilk and then the pancakes.” Of course, by then it will be time for lunch, not to mention the inevitable bickering over who will be forced to clean the churn.

The *Times* is a “progressive” paper, but its lifestyle advice is often retrograde. For centuries, churning butter ranked with milking cows and mucking out barns as an odious domestic chore—a chore, moreover, performed by women. The demise of the churn was a landmark in the liberation of our sisters and daughters and mothers from lives of drudgery. What’s next—telling them to run down to the creek and clean the long johns by beating them on rocks?

And conservatives are supposed to be the ones who want to turn back the clock. ♦

What They Were Thinking

...LORNE, YOU KNOW I CAN DO IT—JUST GIMME A CHANCE....LOOK, I DID IT FOR YEARS! I STILL HAVE THE TOUCH....WHAT?! THAT'S NOT WHAT I MEANT—YOU KNOW THAT'S NOT....NO, I WOULDN'T! OF COURSE NOT!...BUT YOUR DAUGHTER DOESN'T EVEN WORK THERE! DOES SHE?...LORNE, C'MON—I'M IN A REAL SQUEEZE HERE....OH, YEAH, VERY FUNNY, LORNE....LORNE? LORNE?



President Not Present

THE SCRAPBOOK has been impressed, during the past several months, by some things President Trump has *not* done.

First, he interrupted a modern presidential tradition by not inviting this year’s American Nobel Prize recipients to a glittering White House reception. Not unexpectedly, Trump’s detractors put this down to philistinism, or disgust for chemistry, or perhaps a (well-grounded) fear that one or two of the laureates might use the occasion to complain about Neil Gorsuch or offer an impassioned plea for the Consumer Financial Protection Bureau. Either way, the whole business of a president granting an audience to distinguished citizens—or more typically, winners of the National Hockey League championship—smacks of the kind of monarchical court that the

OWEN FRANKEN / CORBIS / GETTY

presidency was never intended to be.

Along those lines, we've been equally gratified that Trump has not only kept his distance from the sets of *The View* and *The Late Show with Stephen Colbert* but has irritated all the right people locally by refraining from attending such self-important Beltway rituals as the White House Correspondents' Association dinner and, last week, the Kennedy Center Honors.



The Kennedy Center, sans Trump

The Honors are a particular SCRAPBOOK *bête noire*: Intended in 1978 to recognize illustrious names from the world of the performing arts (early recipients included Aaron Copland, George Balanchine, Arthur Rubinstein, Tennessee Williams, and the like), they have steadily evolved into another show-biz awards show, complete with red carpet, which happens to take place in Washington. With the possible exception of choreographer Carmen de Lavallade, this year's recipients—LL Cool J, Norman Lear, Gloria Estefan, Lionel Richie—were entirely typical.

With luck, this particular presidential trend will continue. We look forward to the president finding some polite excuse to avoid the self-congratulatory orgy that is the Gridiron Club dinner and, especially, the annual White House reception and photo op for the Super Bowl winners. Indeed, given the hard feelings that exist between the NFL and the president, Trump would be especially wise to take a knee for that one. ♦

On Thin Ice

It's long been publicly understood that the International Olympic Committee is a den of jobbery and payoffs. Which only raises the question, just how corrupt does an Olym-

AUDE



ROY MOORE
OUR MORAL COMPASS

RAWRZ

pic team have to be to get the IOC to sit in judgment of them?

The IOC recently took the unprecedentedly severe step of banning Russia from the 2018 Winter Olympics being held in South Korea. This in response to revelations the country engaged in a systematic doping program ahead of the Russia-hosted Sochi Olympics in 2014. "The country's government officials are forbidden to attend, its flag will not be displayed at the opening ceremony and its anthem will not sound," notes the *New York Times*. Some Russian athletes who demonstrate they are clean will be allowed to ski and skate in Pyeongchang, but they will com-

pete in neutral uniforms and any medals will not be recorded as won on behalf of Russia.

The Russian response to all this is rather predictable. "The decision comes amid a backdrop of unrelenting Russophobia fueled by Western elites who are furious Russia has thwarted their plans for regime change in Syria and is generally getting in the way of US hegemonic aspirations and the neocon/globalist agenda." That according to RT. Do note that RT is currently fighting the U.S. government's recent designation of the broadcaster as a foreign-controlled entity, not an independent media outlet. With such nuanced reporting, we don't

know how anyone ever got the idea they were Russian propagandists.

But setting aside the fact the Russians clearly deserve this punishment, we have to admit that the larger issue is one of don't hate the player, hate the game. What major sports body isn't full of cheaters and corruption? Two years ago, international soccer honcho Sepp Blatter and other FIFA authorities were brought up on racketeering, wire fraud, and money-laundering charges by U.S. authorities. Domestically, hardly a week goes by in which we're not talking about player conduct or corporate backstabbing in the NFL. In 2007, an NBA referee was caught in a gambling scandal. MLB has kept its



Ah, 2014—when corruption still worked

nose (relatively) clean in recent years, but everyone remembers all those home runs in the '90s now tainted with dreaded asterisks and the related congressional hearings about steroid use in 2005. And college athletics? The list of scandals is too depressing to contemplate.

Still, the fact the IOC apparently turned down the usual suitcase of cash and, for once, threw the book at Russia is a development remarkable enough that it might portend a sea change. Could it be that there is a Weinstein effect that extends beyond sexual harassment? That maybe, at least for a little while, everyone will stop looking the other way when they know about wrongdoing behind closed doors? ♦

Kitchen Politics

American progressives, we often have occasion to reflect, don't seem altogether happy. The reasons for their unhappiness are many—they live in a center-right country that often refuses to heed their counsel—but surely the chief reason for their grief is this: that in the progressive mindset, everything is political. Consider, for instance, the coverage of cultural and otherwise nonpolitical subjects in the *Los Angeles Times*, the *New York Times*, or the *Washington Post*. You can hardly read about a pop album or the discovery of an ancient manuscript or a new method for making coffee without also learning how these things relate to Donald Trump or the GOP tax bill or American foreign policy.

These reflections occurred to us this week when we happened upon a feature story in the *New York Times* titled "Meatless and Motivated." The subhead: "Black Americans are going vegan in growing numbers, driven by issues of health, politics and more."



Don't spoil the meal.

The story introduces us to Aph Ko, 28, a vegan cook. "The black vegan movement," says Ko, "is one of the most diverse, decolonial, complex and creative movements." (Decolonial?) The *Times* continues: "Vegan cooking and eating are having a renaissance among black Americans, driven in part by movements like Black Lives Matter, documentaries like 'What the Health,' and a growing cadre of people who connect personal health, animal welfare and social justice with the fight for racial equality."

We don't begrudge anybody choosing the vegan diet and accompanying lifestyle; indeed, we ourselves are tending more in a leafy-green direction in our latter years. But speaking only for ourselves, when we enter our kitchen to try a recipe, the last thing we want to think about is any sort of political ideology or fight for justice. Quiche and conservatism, clam chowder and classical liberalism—each of these things is wonderful in its place, but please don't make us combine them. ♦

the weekly Standard

www.weeklystandard.com

Stephen F. Hayes, *Editor in Chief*
 Richard Starr, *Editor*
 Fred Barnes, Robert Messenger, *Executive Editors*
 Eric Felten, *Managing Editor*
 Christopher Caldwell, Andrew Ferguson, Lee Smith, Philip Terzian, *Senior Editors*
 Peter J. Boyer, *National Correspondent*
 Jonathan V. Last, *Digital Editor*
 Barton Swaim, *Opinion Editor*
 Adam Keiper, *Books & Arts Editor*
 Kelly Jane Torrance, *Deputy Managing Editor*
 Mark Hemingway, Matt Labash, John McCormack, Tony Mecia, Michael Warren, *Senior Writers*
 David Byler, Jenna Liffits, Alice B. Lloyd, *Staff Writers*
 Rachael Larimore, *Online Managing Editor*
 Hannah Yoeast, *Social Media Editor*
 Ethan Epstein, *Associate Editor*
 Chris Deaton, Jim Swift, *Deputy Online Editors*
 Priscilla M. Jensen, *Assistant Editor*
 Andrew Egger, *Reporter*
 Holmes Lybrand, *Fact Checker*
 Adam Rubenstein, Grant Wishard, *Editorial Assistants*
 Philip Chalk, *Design Director*
 Barbara Kyttle, *Design Assistant*
 Contributing Editors
 Claudia Anderson, Max Boot, Joseph Bottum, Tucker Carlson, Matthew Continetti, Jay Cost, Terry Eastland, Noemie Emery, Joseph Epstein, David Frum, David Gelernter, Reuel Marc Gerecht, Michael Goldfarb, Daniel Halper, Mary Katharine Ham, Brit Hume, Thomas Joscelyn, Frederick W. Kagan, Charles Krauthammer, Yuval Levin, Tod Lindberg, Micah Mattix, Victorino Matus, P.J. O'Rourke, John Podhoretz, Irwin M. Stelzer
 William Kristol, *Editor at Large*

MediaDC

Ryan McKibben, *Chairman*
 Stephen R. Sparks, *President & Chief Operating Officer*
 Jennifer Yingling, *Audience Development Officer*
 Kathy Schaffhauser, *Chief Financial Officer*
 David Lindsey, *Chief Digital Officer*
 Alex Rosenwald, *Director, Public Relations & Branding*
 Mark Walters, *Chief Revenue Officer*
 Nicholas H.B. Swezey, *Vice President, Advertising*
 T. Barry Davis, *Senior Director, Advertising*
 Jason Roberts, *Digital Director, Advertising*
 Paul Plawin, *National Account Director*
 Andrew Kaumeier, *Advertising Operations Manager*
 Brooke McIngvale, *Manager, Marketing Services*
 Advertising inquiries: 202-293-4900
 Subscriptions: 1-800-274-7293

The Weekly Standard (ISSN 1083-3013), a division of Clarity Media Group, is published weekly (except the first week in January, third week in April, first week in July, and third week in August) at 1152 15th St., NW, Suite 200, Washington, DC 20005. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-274-7293. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-386-597-4378 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, \$5.99. Back issues, \$5.99 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1152 15th Street, NW, Suite 200, Washington, DC 20005-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1152 15th St., NW, Suite 200, Washington, DC 20005. Copyright 2017, Clarity Media Group. All rights reserved. No material in The Weekly Standard may be reprinted without permission of the copyright owner. The Weekly Standard is a registered trademark of Clarity Media Group.



Sonata with Cheese, Please

There's a song I've started to play on the piano. It's called "Money," a fairly straightforward arrangement by Burt Bacharach. The only problem is Liza Minnelli's eyes. They keep staring back at me from the opposite page.

"Money" is from the 1981 movie *Arthur*. My sister purchased the movie songbook years ago. It's chock-full of Bacharach's bittersweet melodies, chords with a hint of sadness. But it also has pictures from the film: shots of Dudley Moore as lovable drunk Arthur Bach, John Gielgud as his butler Hobson, and Liza Minnelli, Arthur's love interest Linda Marolla, with her bulging eyeballs. Even as I read the notes on the right page, I feel Minnelli's penetrating gaze on the left.

And yet I continue to play because, at the end of the day, I'm a sucker for cheesy tunes. On a recent visit to my parents' house, I went through a stack of sheet music my sister and I acquired from our piano lesson days. It's considerable, in terms of cheesiness: the theme songs to *Cheers*, *Chariots of Fire*, and *Hill Street Blues*, music from *Annie*, "Joanna" by Kool & the Gang, "Memory" from (shudder) *Cats*, just to name a few.

Like my older sister, I started lessons around age 5 and continued for another six years. Our teacher, Joe Clouser, was a retired band instructor. It must have pained him to teach my sister how to play Madonna's "Holiday." Not that he ever said a bad word. In fact, Joe was about the kindest teacher any kid could hope for. He'd nudge you along the way, and you were expected to do your lessons and drills throughout the week. He had his pupils perform a yearly recital

for elderly patients at a rehabilitation clinic—patients I'm pretty sure were hearing impaired. But there was no *Whiplash* sort of terror. (On the other hand, my onetime violin instructor Nadia Koutzen was a genuine taskmaster. Her father, Boris Koutzen, played violin in the NBC Symphony Orchestra under Toscanini. I quit after three months.)



Play! Go on! We're watching!

Over the years, Joe would bequeath to us music sheets from his personal stash, none of which could be considered cheesy. In fact, the most prized of these is an Amsco Music compendium of Bach, Beethoven, and Brahms that I own to this day. Its pages are now yellowed and tattered. The copyright date is 1935, and the cover price is \$1, but "West of Rockies \$1.25." Vladimir Horowitz could have used this book for a performance, based on these full arrangements, riddled with flats and sharps.

Ten years ago, I vowed to master Beethoven's *Sonate Pathétique*, all three movements, found in the thick of this compendium. I was about halfway there before getting derailed by having children. In the interim I reverted to some truly cheesy num-

bers, including "Don't Stop Believin'" by Journey (a big hit at parties and weddings) and "Sweet Caroline." For some reason I became fixated on John Lennon's "Love." But in order to get the chord changes right, I needed to listen to the song on YouTube. This meant seeing a video of Lennon and Yoko Ono. At some point they are naked between the sheets. It really wasn't worth it.

In any event, now that the kids are older, I decided to return to *Sonate Pathétique*. Some of the pages are completely torn off. One of the trickiest sections is just after the intro, marked *Allegro di molto e con brio*. The left hand hammers a C octave at a furious pace—at which point I am reminded of another song that requires the left hand to go back and forth, on a D octave: "My Life" by Billy Joel. Next thing I know, I'm playing bits of "My Life" followed by "Scenes From an Italian Restaurant." (The *Billy Joel Complete* collection belongs to my wife, so I blame her.)

The penchant for cheese is an affliction, really. But every so often it can be helpful. I once worked a gig playing piano for a yacht club on the Jersey shore. It paid well, but I did have to come up with two hours' worth of music. At some point I had exhausted all the classical tunes I knew. Luckily none of the ladies playing bridge noticed when I began a gentle rendition of "Home Sweet Home" by metal band Mötley Crüe.

I continue to make progress on the Beethoven. But then I'll pop in a CD of Vladimir Horowitz playing the *Sonate Pathétique* and realize how many light years I am behind the legendary pianist in terms of speed, fluidity, and grace. Pathetic, you might say. But I bet Horowitz never had to deal with playing a song while enduring the unnerving stare of Liza Minnelli.

VICTORINO MATUS

Finish the Investigation

In May, when deputy attorney general Rod Rosenstein appointed former FBI director Robert Mueller to investigate “any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump,” we welcomed the news. So did the president. “As I have stated many times,” he said in a press release, “a thorough investigation will confirm what we already know—there was no collusion between my campaign and any foreign entity.”

There was no reason to think attorney general Jeff Sessions was a Russian stooge and little evidence that Trump himself had actively colluded with the Putin government as he ran for the presidency, we reasoned, “but many others in Trump’s coterie of advisers have had significant dealings with Russia, relationships likely to be at the center of Mueller’s probe.” Since then, Mueller’s office has indicted former Trump campaign chairman Paul Manafort on charges of money laundering and failing to disclose his work

as an agent for the then pro-Russian government of Ukraine, and Trump’s former national security adviser Michael Flynn has pleaded guilty to lying to investigators about his conversations with Russian ambassador Sergey Kislyak—conversations that included a request that Moscow not escalate in response to Obama-imposed sanctions on Russia for meddling in the 2016 election.

We’re inclined to be grateful that Manafort and Flynn, with their close alignments with Russian interests, are no longer in positions of influence. Mueller has done valuable work.

Even so, and despite Mueller’s well-deserved reputation for probity and professionalism, we were troubled by the December 2 revelation that one of Mueller’s top deputies, Peter Strzok, had been taken off the investigation for sending anti-Trump text messages to an FBI attorney, Lisa Page, with whom he was having an extramarital affair. We don’t know what the texts said, but they were sufficiently ill-advised to prompt Mueller to transfer him from the special counsel’s office to the FBI’s human resources department.

Nor does it inspire confidence that another member of the Mueller team, Andrew Weissmann, sent an email to Sally Yates, the Obama-appointed acting attorney general, praising her refusal to defend Trump’s travel ban. “I am

so proud,” wrote Weissmann on January 30. “And in awe. Thank you so much.”

We don’t begrudge Weissmann his view of the travel ban or of Yates’s actions. The fact that a longtime Justice Department attorney might disapprove of a controversial Trump administration policy proposal is hardly surprising. But it was careless of an experienced attorney to put such gratuitous opinions about the president in writing.

Add to that the very real concerns about the double standards on display in the FBI’s investigation of Hillary Clinton’s email, and even reasonable observers will begin to wonder about the impartiality of justice at the highest levels of our government.

And then there are the less reasonable observers, who have already chosen to interpret Strzok’s texts and Weissmann’s email as evidence Mueller is leading a witch-hunt. Fox News’s Sean Hannity called Mueller “a disgrace to the American justice system” and described the revelations as evidence of just how “corrupt, abusively

biased, and political [Mueller] and his team of so-called investigators really are.” “Mueller has been using the FBI as a political weapon,” inveighed Fox News legal analyst Gregg Jarrett on Hannity’s show and added: “The FBI has become America’s secret police. Secret surveillance, wiretapping, intimidation, harassment, and threats. It’s like the old KGB that comes for you in the dark of night, banging through your door.” The host nodded along: “This is not hyperbole you’re using here.”

Of course it’s hyperbole. The vast majority of FBI officials are hardworking, patriotic, and focused on truth and justice. That there are partisans scattered among them does not make the nation’s premier law enforcement agency anything like the state security apparatus of the Soviet Union.

In May, we called Robert Mueller “a man of integrity” and we’ve seen nothing to alter that judgment. From his time as a Marine platoon commander in Vietnam through his years as a federal prosecutor and U.S. attorney and finally his tenure as FBI director from 2001-2013, he has been a model of distinguished public service. There is no reason to call for his resignation. His job wasn’t to find collusion but to investigate it and present a comprehensive report to the acting attorney general. It remains an important job.

But time presses, and the questions surrounding the investigation’s credibility are not trivial. Make haste, counselor, make haste. ♦



Robert Mueller on Capitol Hill, June 2017

The Moore Rot

On December 5, the Republican National Committee formalized its support for Roy Moore by sending \$170,000 to aid his campaign in the race's final week. The decision came days after President Donald Trump announced his endorsement of Moore. The money is a pittance in the world of modern campaign finance. But the RNC's decision to back Moore—after having withdrawn its money and manpower from the race three weeks before—is the sign of a political party rotting from the center out. No evidence had emerged in those three weeks to suggest withholding support was anything other than a morally sound decision. Moore is the same deeply flawed man now that he was then. But the race is close, and the president has weighed in. The RNC's calculation, such as it is, could not be more clear. *The candidate may be a predator, but he's our predator: Vote Republican!*

To review: Roy Moore has been accused of pursuing teenage girls for sexual relationships while in his 30s. We find the allegations highly credible. The original *Washington Post* story detailing the accusations featured four women who say Moore approached them. The most disturbing of those accusations came from Leigh Corfman. She related the details of her story consistently to the *Post* on six different occasions. Corfman was 14 years old when Moore, then 32, brought her to his house. According to that original story, Moore “took off her shirt and pants and removed his clothes. He touched her over her bra and underpants, she says, and guided her hand to touch him over his underwear. . . . Two of Corfman's childhood friends say she told them at the time that she was seeing an older man, and one says Corfman identified the man as Moore.” Corfman's mother says her daughter told her about the incident 15 years later.

Importantly, the *Post* provided readers with a detailed explanation of how the story came together:

Neither Corfman nor any of the other women sought out the *Post*. While reporting a story in Alabama about supporters of Moore's Senate campaign, a *Post* reporter heard that Moore allegedly had sought relationships with teenage girls. Over the ensuing three weeks, two *Post* reporters contacted and interviewed the four women. All were initially reluctant to speak publicly but chose to do so after multiple interviews, saying they thought it was important for people to know about their interactions with Moore. The women say they don't know one another.

Moore's team has flailed wildly since the stories first appeared. They've pushed unfounded conspiracy theories about the journalists who reported the accusations, and they've targeted Moore's victims, with the campaign chair-

man telling THE WEEKLY STANDARD's John McCormack last month that Corfman was a “problem child.” One after another, their defenses have fallen apart.

In an interview with Sean Hannity, Moore was asked if he recalled “dating girls that young at the time” and said evasively, “not generally, no.” He told Hannity that he didn't “dat[e] any girl without the permission of her mother.” Moore told Hannity he remembered two of his accusers, Gloria Deason and Debbie Wesson Gibson, but didn't recall dating them. “I knew her as a friend,” Moore said of Gibson, leaving open the possibility that they dated. “If we did go on dates then we did. But I do not remember that.”

A few weeks later, Moore shifted to a categorical denial: “I do not know any of these women, did not date any of these women, and have not engaged in any sexual misconduct with anyone,” he said.

We have weighed the evidence, and we believe these women. So do many leading Republicans. That makes their quiet acquiescence in the RNC's decision to support Roy Moore all the more disappointing.

There are, thankfully, some exceptions. “I think he should have dropped out. I think he should,” House speaker Paul Ryan said. “Just because the polling has changed doesn't change my opinion on that, so I stand by what I said before.” Retiring Arizona senator Jeff Flake dramatized his disgust by sending a \$100 check to Moore's opponent, Doug Jones, with “Country Over Party” written in the memo. Nebraska senator Ben Sasse tweeted: “This is a bad decision and very sad day. I believe the women—and RNC previously did too. What's changed? Or is the party just indifferent? This sends a terrible message to victims: ‘It's not that the party won't believe you if you come forward. It might. But just doesn't care.’ A political party must be about more than expediency. To have any future, a party must have some fundamental convictions and commitments. If the political committee that I'm a part of (the NRSC) decides to contribute here, I will no longer be a donor to or fund-raiser for it.” On December 7, Colorado senator Cory Gardner, the head of that committee—the National Republican Senatorial Committee—made clear that Sasse needn't worry. “Roy Moore will never have the support of the senatorial committee. We will never endorse him. We won't support him,” Gardner told THE WEEKLY STANDARD's Jenna Lifhits. “I won't let that happen. Nothing will change.”

Gardner understood that he was defying Donald Trump. He doesn't care. “We've taken a different position. I think our position is right.”

His position is right. And many of his reticent colleagues agree with him. They should say so.

It's not always easy to speak out for what's right. But the moments when it's most difficult to take a stand are also the moments when it's most important to do so. And it's not going to get any easier if Judge Roy Moore becomes Senator Roy Moore. ♦

The War on Christmas . . . Parties, That Is

No sauce for the goose or the gander.

BY MATT LABASH

As we celebrate this Christmas season (or this “holiday,” for Christ-haters), I don’t wish to be a killjoy to the world. But reflecting on the year gone by, it’s hard not to notice that we have lost a few of our favorite things: Tom Petty, political moderation, our dignity.

And yet, as we’ve hunkered down throughout 2017 to weather every storm from Hurricane Harvey (the tropical cyclone that nearly destroyed Houston) to Hurricane Harvey (the film producer/sex-criminal who has all but destroyed famous men), there seems to be another death that has barely registered—that of the open-bar office Christmas party.

It is a time-honored tradition, and in *Dilbert*-ified America most cubicle monkeys know the drill: Don your smart-yet-festive sweater vest. Show up to your company’s voluntary holiday gathering, where absences are informally noted by supervisors who will passive-aggressively punish the missing come January. Pretend you enjoy socializing with colleagues that you wouldn’t invite over to your house on a dare. All while drinking until your liver cries uncle, or until Jones from purchasing miraculously transforms into a sparkling conversationalist.

But the already-ailing patient might have died on the table last week, when news broke that Vox Media, after an internal sexual-harassment scandal that saw editorial director Lockhart Steele get fired, announced

of their holiday party in a staff memo: “At the request of many of you, we will ramp up the food and cut down on the drinks.” According to accuser Eden Rohatensky’s *Medium* post, after an apparent drinking bout, the man eventually revealed as Steele caressed



Fun then . . .

her hand and kissed the back of her neck in an Uber.

Vox Media, in case you don’t read the Internet, is, as they put it with characteristic modesty, “a prestigious modern media company . . . [that is] shaping the future of journalism and entertainment.”

The parent company’s myriad media outlets—or “brands,” as modern media companies now insist on calling themselves—include everything from tech-news site the *Verge* to foodie site *Eater* to the flagship itself, *Vox*. In just three years, *Vox* has become destination reading in a crowded mediascape for anyone in need of having the world explained to them by 24-year-olds armed with charts. (Typical and actual *Vox* headline: “The real reason you should be

afraid on Halloween, in one chart.”)

The *Vox* holiday party would still go off at Freehold, the kind of trendy Williamsburg bar (or “gastropub,” as they now say in Brooklyn) where they serve hopelessly hip vittles like harissa buffalo cauliflower while giving their brunch cocktails cloying names like Puttin’ on the Spritz. But *Vox* management went on to say that even though they recognize “that alcohol isn’t always the reason for unprofessional behavior, creating an environment that encourages overconsumption certainly contributes to it.” Consequently, “each attendee will receive two drink tickets with which they can get alcoholic drinks if they choose. After that only non-alcoholic drinks will be available.” The memo, which was leaked to *HuffPost*, was signed, “Sincerely, The Experiential Team.”

Two drink tickets, and then you’re cut off, relegated to juice boxes or Diet Coke? Two drink tickets are a school fundraiser or a church auction or maybe a Mennonite wedding. They are not a “party.” You could feel a cold shudder throughout the journalism world. We are writers, for the love of Ezra, or at least “content producers,” in the parlance of modern media companies. As Tom McGuane put it, drinking is the writer’s black lung disease. It comes with the turf. If professional journalists can’t handle their liquor, who can?

Twitter was aghast at the memo. (Though in fairness to *Vox*, Twitter is always aghast.) While *Vox* was roundly ridiculed for turning into Carrie Nation, uptight millennial edition, perhaps nobody captured the sentiments better than the person who tweeted: “Vox Media, whose publications think cartoon girls on a shirt are sexist, boobs on video game characters are evil, and are all around champions of feminism, have a two drink limit at their holiday party because they don’t trust themselves to not rape each other.”

It’s hard to argue with the

Matt Labash is a senior writer at THE WEEKLY STANDARD.

sentiment, and not just because it was probably composed by a Russian Twitter bot. Some, of course, are troubled by the ripple effects of the Harvey Weinstein-inspired #MeToo campaign, in which one high-profile sexual predator after another is being revealed. The thinking being “If Mark Halperin is consigned to Shame Siberia, how will we ever get to read *Game Change 3: The Election You Were Already Sick of, Brought to You Two Years Later?*”

But even being deprived of such a timeless work of art, I’m all for it. Why not treat criminals like criminals? The problem, however, is that the rest of us are being criminalized for being male while drinking or female (women, too, are offered a measly two drink tickets). We are now all being infantilized, as though we need chaperones or drink limits to ensure sex crimes are not being committed. Men and women have been drinking in each other’s company, mostly without incident, since the discovery that grape and grain aren’t just for eating. After all, Jim Beam didn’t grope a 14-year-old girl, that’s what Roy Moore (allegedly) did. Nor did Jose Cuervo prance around with an open kimono in front of young assistants. Charlie Rose took that walk all by his lonesome.

If you think I’m inflating the significance of Vox’s holiday-party policy, what you might not realize is that the #MeToo scandal is revealing us as something worse than a nation of monsters. It is showing us to be a nation of lawyers. When global outplacement consultancy Challenger, Gray & Christmas did a survey of 150 human resources representatives across the country this fall, they found that only 48.7 percent of employers would serve alcohol at their holiday parties this year, down from 62 percent last year. One of Challenger’s vice presidents warned that “employers are currently very wary of creating an environment where inappropriate contact between employees could occur.”

Lawyers themselves are already

ahead of the curve, advising employers on how to pull out all the stops to avoid liability. Surveying law-blogs and other legal-eagle counsel, I found lawyers instructing employers

- to refrain from hanging mistletoe;
- to step in if they see anyone grinding on the dance floor;
- to issue tickets, if they must serve alcohol, with employee names, while making staffers show an ID card so that nondrinkers don’t give tickets to heavy drinkers;
- to tell bartenders to water down the drinks; and
- to avoid serving salty food, which makes people drink more.

One *National Law Review* piece, all by itself, advised workplaces



Fun now

- to skip decorating with Santa to avoid overt “Christmas” party associations;
- to make sure that if you have a holiday party at the boss’s house, his home is ADA compliant for workers with known disabilities;
- to avoid serving peanut brittle in case an employee has a food allergy;
- to not talk shop in case it triggers an employee to file for overtime; and, of course,
- to “nix the alcohol altogether” as it is a “veritable Pandora’s box of potential issues.”

Another consultant told the *Human Resources Report* that after an office Christmas party, “employers should investigate rumors of inappropriate behavior, as well as formal harassment complaints.” Which is fine, if

inappropriate behavior was overtly committed. Otherwise, this sounds less like a holiday celebration and more like a night out with the Stasi. It’s enough to put one in mind of the uptight human resources rep, played by Kate McKinnon, in last year’s *Office Christmas Party*, who during a holiday blowout commandeered the DJ’s mike to warn employees: “And remember that tonight, the decisions you make will have consequences that will haunt you for the rest of your professional lives. And um . . . have fun!”

We, of course, hear a lot about the downsides of alcohol, so no need to repeat them here. It’s impolite to speak ill of old friends. But what is less often considered are the upsides. The

medical literature shows that steady moderate drinking can reduce your risk of cardiovascular disease, of ischemic strokes, and of developing diabetes. A UC San Diego study recently found that even heavy drinkers are twice as likely as nondrinkers to live to 85 without dementia. They might not remember what they did last night but have a better chance of remembering anything at all when they’re octogenarians.

A recent University of Pittsburgh study, published in the journal of the Association for Psychological Science, found that moderate alcohol intake consumed in social settings “can enhance positive emotions and social bonding and relieve negative emotions among those drinking.” And “moderate” drinking is more than some might guess. The Centers for Disease Control and Prevention consider “binge drinking” five or more drinks for a man consumed in about two hours. Meaning Vox Media might be able to part with four drink tickets, without even needing to consult their attorneys.

Drinking can also be good for employee morale at holiday office parties. And not just for George Jean Nathan’s reason: “I drink to make other people interesting.” The average holiday bonus, for those who

get them, according to a survey of employers by Accounting Principals, is \$1,797. But if you don't get a Christmas bonus, consider that a pour of top-shelf liquor at a bar in an affluent zip code can easily run 20 bucks with tip. Knock just 20 of those back at the office holiday party, and you're already about a quarter of the way there.

Even though I personally enjoy drinking until I can't feel my legs, let alone anyone else's, my own holiday office party hijinks would require no lawyering. About the most out-of-control I've ever gotten was back when my wife was an elementary-school teacher. After I'd taken a few too many trips to the Jesus-Juice bar (our Lord and Savior being the original open barkeep, having turned water into wine), she found me sprawled on my back on her boss's living-room floor, two of her first-grade teacher colleagues turning my legs like a helicopter rotor so I could "breakdance." Having worn my uncomfortable Christmas shoes, dancing while standing upright was out of the question.

That aside, office holiday parties have been pretty tame affairs in my experience—adults acting like adults, without HR supervision. In two decades plus of such parties, I have never seen anyone groped, molested, or impregnated (though admittedly, I've left early a few times). I like to think it's not because my trusted colleagues are nondrinkers. Quite the opposite. Many of them spend the other 11 months of the year "in training," drinking at home alone, mindful of the maxim often misattributed to Ben Franklin that "by failing to prepare, you are preparing to fail."

If *Voxers* are worried that with an open bar, their holiday party turns into a playpen for drunken creeps, their problem might be less with the drinking and more with the creeps. Still, if I worked at Vox Media, I'd guard those two drink tickets with my life. They're the only hope of getting through a night masterminded by party-planners who call themselves "The Experiential Team." ♦

The Phony Case Against Tax Cuts

No, the middle class isn't being fleeced.

BY TONY MECIA



Claire McCaskill and other Democrats foretell a worker's apocalypse, November 28.

There are plenty of understandable objections to the tax bill sailing through Congress. Some people think it will increase the deficit. Others cry foul that it is being rushed through without sufficient deliberation. And there are those who like big government and frankly oppose the idea of letting people and, most especially, companies keep more of the money they earn.

There are rejoinders based on facts to all of these points, and such debates should play a central role through the 2018 midterm elections.

But one shopworn theme should be banished from the discussion because it is as false as it is dishonest: the notion that the Republican bill punishes the middle class to aid the wealthy.

Tony Mecia is a senior writer at THE WEEKLY STANDARD.

Class envy in these populist times presumably polls well. But in the case of the bills that the House and Senate actually passed, any statement that the poor and middle class will see their taxes rise is incorrect. And the proposition that the burden of taxes will shift away from the rich is laughable. Although the information is readily available, estimates of the tax bill's effects on U.S. income groups have mostly been ignored in media coverage. When the data are used, they are often cherry-picked to create familiar impressions.

As the 2017 bill moves into reconciliation, it is worth recalling how it meets tax reform's several objectives. To boost the economy, the bill lowers corporate taxes from 35 percent to an internationally competitive rate of 20 percent—and offers incentives for business investments. To

BILL CLARK / CO ROLL CALL / GETTY

Who Wins? Who Loses?

How your taxes will change if the Senate's reform becomes law (for calendar year 2019):

INCOME	PERCENTAGE OF RETURNS				
	Tax Decrease		Tax Change Less Than \$100	Tax Increase	
	Greater Than \$500	\$100 to \$500		\$100 to \$500	Greater Than \$500
Less than \$10,000	.06%	3.4%	95.8%	0.1%	0.2%
\$10,000 to \$20,000	4.3%	34.2%	58.4%	0.4%	2.7%
\$20,000 to \$30,000	11.3%	34.3%	49.1%	0.9%	4.4%
\$30,000 to \$40,000	25.8%	34.5%	33.8%	1.5%	4.3%
\$40,000 to \$50,000	48.2%	23.5%	20.5%	2.6%	5.1%
\$50,000 to \$75,000	65.7%	14.6%	10.3%	3.1%	6.4%
\$75,000 to \$100,000	73.6%	9.7%	4.5%	3.8%	8.5%
\$100,000 to \$200,000	79.5%	4.2%	1.9%	3.4%	10.9%
\$200,000 to \$500,000	83.4%	2.4%	1.1%	2.2%	10.8%
\$500,000 to \$1,000,000	91.1%	0.4%	0.0%	0.3%	8.2%
\$1,000,000 and over	80.2%	0.2%	0.2%	0.2%	19.2%
Total, all taxpayers	44.3%	17.4%	30.2%	2.1%	6.0%

SOURCE: Joint Committee on Taxation

simplify the tax code, it eliminates or limits many deductions. To return money to taxpayers, it reduces individual rates. There is much else in the details, but these are the key features. The House and Senate are working to harmonize the two bills' differences, pass a compromise version, and have it on the president's desk by the end of December.

To make the bill conform to Senate budgetary rules, Republicans have had to make some of the changes temporary. The corporate tax cut is permanent, but many of the provisions that lower individual taxes will expire over 10 years. That's because economists say making corporate cuts permanent provides the certainty that stimulates investment, which in turn boosts the economy. And Republicans are betting that future Congresses would not allow individual taxes to rise when the cuts expire—much as President Obama and a Democratic Congress extended the Bush tax cuts in 2010. It is a budgeting gimmick, yes. But both parties have successfully used such ruses in the past.

Contrary to public perception, the bill will cut taxes for the majority of Americans at every income level. According to data from Congress's Joint Committee on Taxation (JCT), overall in 2019 under the Senate bill, 62 percent of taxpayers would see a tax cut of \$100 or more, 30 percent would have their taxes change less than \$100, and 8 percent would pay more than \$100 more. A separate analysis by the left-leaning Tax Policy Center predicts that just 9 percent of taxpayers will see a tax increase in 2019.

A full 80 percent of households making \$50,000 to \$75,000 would receive a tax cut, according to JCT data, as would a similar percentage at all income levels above \$75,000. While still far more likely to have their taxes cut than raised, those below \$50,000 in income are more likely to see no change to their taxes than wealthier groups. They simply pay less in taxes to begin with and so are less affected by changes in the tax code.

The reality that large majorities of Americans at all income levels would pay less in taxes under the GOP plan

has not discouraged Senate Democrats from making loud claims that the middle class is under assault. Joe Donnelly (D-Ind.) called the bill a "partisan tax hike on Indiana's middle class." Claire McCaskill (D-Mo.) claimed the bill is "not helping teachers and police officers and construction workers." Chris Van Hollen (D-Md.) darkly intoned that the vote "robbed millions of middle class Americans to give giant tax cuts to corporations" and, the senator added in a nativist flourish, to "many foreign stockholders."

It is true that not everybody receives a cut. One of the goals has been to simplify the tax code, and people who claim a lot of deductions on their returns could face bigger tax bills. You probably haven't heard that the group most likely to pay higher taxes is millionaires—about 19 percent of them would be looking at a tax hike in 2019.

In some cases, opponents are drawing on the analysis of what happens a decade from now when the reduction in individual tax rates expires. This would result in tax increases for

income groups under \$75,000 in 2027. While trumpeting that effect might sound reasonable, the odds of a future Congress allowing taxes to rise on the middle class are long. Republicans are already on the record promising to make those cuts permanent in future years. But Democrats are still criticizing the bill for letting the tax cuts on the middle class expire: “And 10 years from now, millions and millions of middle-class Americans will be paying more in taxes,” lamented Senator Bernie Sanders (I-Vt.).

If Republicans were trying to design a tax bill to transfer the federal tax burden from the rich to the middle class, they failed. Under current law, taxpayers with incomes of \$200,000 or more are on track to pay 49.6 percent of federal taxes in 2019, according to JCT data. Under the GOP tax bill, the figure remains the same: exactly 49.6 percent. In 2021, it rises to 49.9 percent. It then ticks down slightly, as temporary cuts expire, and bottoms out at 49.5 percent in 2027—which, again, assumes future Congresses don’t act to maintain the individual rate reductions in the next decade. That those numbers are so similar suggests that the tax cuts are proportional to income. The rich receive the most benefits, as critics say, but it’s because they pay the most in taxes. The average multimillionaire would still pay \$318,000 in federal taxes for every \$1 million in income in 2027, according to JCT data.

All the misinformation seems to be leaving voters skeptical. In a Quinnipiac poll released in early December, voters disapproved of the tax plan 53 percent to 29. By a nearly two to one margin, they further said the plan favors the wealthy at the expense of the middle class. Interestingly, 41 percent said they expected their taxes to increase under the plan—even though nonpartisan estimates from the government and outside groups place the correct figure at 8 or 9 percent.

Congressional Republicans are poised to pass a tax reform that will help the economy and cut taxes for the majority of Americans. It’s time they got the message out. ♦

A Capital Idea

Trump is right on Jerusalem.

BY ELLIOTT ABRAMS

President Trump on December 6 ended all hope of Middle East peace, recklessly encouraged terrorism, and ruined U.S. relations with all Arab countries.

Or so one would think reading the reactions to his decision to recognize Jerusalem as the capital of Israel. The foreign minister of Sweden called the decision “catastrophic.” Not to be outdone, the veteran Palestinian negotia-

tor Saeb Erekat said moving the U.S. embassy to Jerusalem would lead to “chaos, lawlessness, and extremism.” That wasn’t enough, so Erekat added, “President Trump just destroyed any possibility of a two-state [solution]” and “President Trump tonight made the biggest mistake of his life.”

exactly eat those votes, but they could sure chew on the edges. Here was Nancy Pelosi: “Jerusalem is the eternal capital of the Jewish homeland. But in the absence of a negotiated settlement between Israel and the Palestinians, moving the U.S. embassy to Jerusalem now may needlessly spark mass protests, fuel tensions, and make it more difficult to reach a durable peace.” In other words, I used to be for it but now Donald Trump is for it so I’m not.

In the American Jewish community there was extremely widespread support—but the head of the Reform movement, Rabbi Rick Jacobs, cemented the view that it is a branch of the Democratic party by saying, “while we share the president’s belief that the U.S. Embassy should, at the right time, be moved from Tel Aviv to Jerusalem, we cannot support his decision to begin preparing that move now, absent a comprehensive plan for a peace process.” The “right time” for him is apparently just after the arrival of the Messiah.

Why all the hyperbole? After all, it’s a simple fact that Jerusalem is the capital of Israel and has been ever since its War of Independence ended in 1949. When an American president or secretary of state goes to see the Israeli prime minister or speak to the Knesset, that’s where he or she goes. In 2016 Barack Obama went to the Mount Herzl cemetery in Jerusalem to deliver a eulogy for Shimon Peres. The White House released the transcript under the heading “Remarks by President Obama at Memorial Service for Former Israeli President Shimon Peres, Mount Herzl, Jerusalem, Israel.” Nine hours



They’ll have to get used to it.

The move that produced this hyperbole was announcing that Jerusalem is the capital of Israel and the United States would eventually build an embassy there. This was done in accordance with the Jerusalem Embassy Act of 1995, which Congress passed with huge bipartisan majorities. This week, Democrats couldn’t

Elliott Abrams is a senior fellow for Middle Eastern studies at the Council on Foreign Relations.

AHMAD GHAFABLI / AFP / GETTY

later, it released a corrected version with Israel crossed out, like this: "Jerusalem, ~~Israel~~." This ludicrous action raised a question: In what country did Obama and his White House think Peres was being buried?

This absurd incident helps explain why Trump took his action. It was a victory for common sense and as well for history. After nearly 70 years, it was long past time for the United States to acknowledge what is obvious: Like every country, Israel has a capital, and it is unacceptable that Israel be the only country on earth that is refused the right to choose that capital. Refusing to acknowledge Jerusalem as Israel's capital is part of the campaign, as old as Israel itself, to deny the Jewish state legitimacy.

So what explains the ridiculous overreaction? For someone like Pelosi, there's a simple rule: Never give Donald Trump credit for anything, period. For the Europeans, hatred of Trump combines with longstanding anti-Israel bias, especially in the foreign ministries. The many phony statements of regret and copious crocodile tears about possibly forthcoming violence broadcast the clear hope that there would be plenty of rioting, just to prove Trump wrong. For Arab regimes, fearful of public sentiment that is always pro-Palestinian and often propelled by simple Jew-hatred, the path of least resistance and greatest safety was to denounce Trump's move.

There will be violence if Arab rulers want violence, and very little if they want to stop it. The Palestinian Authority itself is the main exhibit here. It should be held responsible for violence in Jerusalem and the West Bank because its overreaction and its deliberate mischaracterizations of what Trump has done will fuel violence. When the PA closes schools, as it did the day following Trump's remarks, so students can be free to riot, it is encouraging violence. We have seen this play before, initially under Yasser Arafat and as recently as July, when two Israeli policemen near the Temple Mount were shot

and killed and Israel installed metal detectors to prevent weapons from being brought there. The Palestinians might have said, "well, there are metal detectors all over Mecca, and for the same reason, to stop terror, so what's the big deal?" Instead the ruling Fatah party called for "days of rage" and got them.

What is the proper American response? To bow to threats of violence or to do what President Trump did and move forward? After all, when threats of violence and acts of violence are seen to change U.S. policy, there will be more of them. If, instead, they achieve nothing, there will be fewer of them.

Though Trump clearly wants to move forward toward peace, I am very skeptical about the chances. The PLO has not really been ready for serious negotiations for a decade, if indeed it ever has been, even in those apparently golden years under Clinton, Bush, and Obama when the United States had not yet said Jerusalem is Israel's capital. Palestinian president Mahmoud Abbas will now, I bet, cancel the meeting with Vice President Mike Pence that is scheduled during Pence's forthcoming visit to Israel. The cancellation of that meeting is not a crisis. The lack of peace talks is not a crisis (or if it is, Obama's eight years were years of endless Israeli-Palestinian crises, take your pick). Negotiations will recommence when the Palestinians decide it is in their interest to sit down at the table, whether the United States is building an embassy in Jerusalem or not.

There is one additional reaction to Trump's move that's worth considering, even if it is silent and invisible. It is the reaction of leaders all around the world who will now take Trump's promises more seriously. Everyone knew that he couldn't possibly mean to move the American embassy to Jerusalem, that this was just another campaign promise, but it turns out he did mean it. So when next he makes a pledge or promise or threat, don't you think Xi or Putin or Khamenei will think twice before dismissing it? Seems logical. ♦

International Anti-terror **THRILLER!**



**"...formidable
villains,
plentiful
action
and
suspense."**

- Kirkus Reviews

A vicious attack at a Jewish day school horrifies L.A. The Joint Terrorism Task Force once again turns to veteran agent Lara Edmond and her Israeli-Mossad partner Uri Levin...

**Amazon.com
Kindle.com
BN.com and
www.JackWinnick.com**

Brian Ross, Suspended

A long history of getting it wrong.

BY PHILIP TERZIAN



ABC's Brian Ross earns himself a four-week vacation.

On inauguration eve 1991, in Rhode Island, the departing governor, Edward DiPrete, had a morsel of news for the incoming governor, Bruce Sundlun.

A case of embezzlement at a mobbed-up bank in Providence had led to the collapse of the dubious private agency that insured the state's credit unions. So the next morning, after taking the oath of office, Sundlun was obliged to close the affected credit unions (and a handful of banks) since state law requires financial institutions to have insurance. Overnight, some 300,000 people—in a state with a population of 1 million—lost access to their money. And while most of the affected banks ultimately reopened, some did not, wiping out depositors.

Needless to say, this was a big deal

Philip Terzian is a senior editor at THE WEEKLY STANDARD.

in Rhode Island—big enough, indeed, that it attracted the attention of the *New York Times*, the *Wall Street Journal*, and other national publications—and produced a protracted crisis of confidence in a state with a long history of public corruption. At the time, I was editorial page editor of the *Providence Journal*, the largest newspaper in the vicinity, and among other things, took a parochial interest in outside coverage of the ongoing story.

One evening, having been told that NBC was about to broadcast a story about the banking crisis, I tuned in to the *NBC Nightly News* and was greeted with the image of correspondent Brian Ross, standing somewhere in Providence with the statehouse dome in the background, delivering a (comparatively brief but on-the-scene) report. As I recounted shortly thereafter to a producer at NBC News in New York, in two or three minutes,

Ross had managed to get every single fact and statistic about the banking crisis—including who was to blame and who was not—wrong.

I had called NBC not because of any defensive feelings about Rhode Island but as a matter of professional courtesy. I suspected that Ross, in the parlance of broadcast journalism, had parachuted into Providence for the day and read a story thrown together by some underpaid staffer in Manhattan. The next time NBC News evinced any interest in the story, I suggested, I'd be happy to furnish some background information or put NBC in touch with the resident experts.

The producer, to her credit, was polite. But since the angry demonstrations and citizen sob stories had largely abated, she didn't think a follow-up report was likely to happen. Neither did I.

I was reminded of this last week when Brian Ross was suspended for four weeks without pay by his current employer, ABC News, for (falsely) reporting that Gen. Michael Flynn was prepared to testify that Donald Trump had instructed Flynn to contact the Russians during the 2016 campaign. The president, in his characteristic way, did not hesitate to comment about the fiasco on Twitter—"More Networks and 'papers' should do the same with their Fake News!" he exclaimed—but the episode revealed that my experience with ABC's chief investigative reporter was scarcely unique.

George W. Bush's onetime press secretary Ari Fleischer also took to Twitter to recollect that Ross had once (falsely) reported, in defiance of White House entreaties, that Saddam Hussein was behind the series of post-9/11 anthrax attacks in America. Others recalled that, in 2012, Ross had (falsely) accused a Tea Party activist in Colorado—one Jim Holmes—of being the gunman in that year's mass shooting in an Aurora movie theater. (The actual gunman was a different James Holmes.) In 2006, Ross (falsely) reported that then-House speaker Dennis Hastert was under FBI investigation for bribery. And the list goes on.

Under such circumstances, the

VIA YOUTUBE

tendency of news organizations is to express a kind of ritual regret and then circle the professional wagons. In that respect, on this occasion, the *New York Times* did not disappoint. The centerpiece of its story about Ross's suspension was an extended quotation from the director of the Center for Journalism Ethics at the University of Wisconsin, who lamented that "this error plays right into the hands of people who callously try to say that news media all just lie." Ross's "error," the director told the *Times* reporter, "would give fresh ammunition to . . . conservatives who have attacked the credibility of news organizations, especially those that have reported negatively on the [Trump] administration."

Meanwhile, over at ABC News, its president, James Goldston, announced that henceforth Ross would no longer be covering stories related to Trump and, for good measure, gave his colleagues a well-earned tongue-lashing: "I don't think ever in my career have I felt more rage and disappointment and frustration. . . . We cannot afford to get it wrong," he declared.

I have no doubt that Goldston's anger is sincere, and that Ross's four-week suspension will put a dent in his 401(k). But the truth is that, in this instance as in innumerable others, "people who callously try to say that news media all just lie" have a valid, if exaggerated, point. Moreover, James Goldston notwithstanding, news organizations like ABC News *can* afford to get it wrong and will continue to do so when Brian Ross returns from purdah.

My experience with Ross occurred a quarter-century ago, and despite the Emmys and Peabody Awards and the bronze medallion of the Society of Professional Journalists (Sigma Delta Chi), he seems to have established a pattern of chronic, even compulsive, malpractice. And yet he has proceeded from strength to strength at ABC while academic guardians of "journalism ethics" warn against "callous," but valid, suspicions.

In that sense, Ross's penitence is revealed for what it is: a tactical withdrawal before resuming business as usual. ♦

Tax Reform Targets Obamacare

After all, the Court said the mandate is a tax.

BY JOHN McCORMACK

One day in October, Arkansas senator Tom Cotton approached Mitch McConnell on the Senate floor to pitch the majority leader an idea: In the tax reform bill, Republicans should repeal Obamacare's individual mandate, the tax penalty most Americans lacking federally approved health insurance must pay. "I'll just say he was hesitant after two bites at the apple went down on health care reform," Cotton said in a December 6 interview with *THE WEEKLY STANDARD*.

Indeed, after several GOP health care bills had failed over the past year—from "repeal and replace" to "repeal and delay" to "skinny repeal" to "Graham-Cassidy"—many of Cotton's GOP colleagues felt the same way: "They all believed that 'you can't do health care on the tax bill,' and 'you can't make the tax bill harder to pass.'"

"My immediate standard response was: It doesn't make the tax bill harder to pass," says Cotton, "it makes the tax bill easier to pass." When the Senate voted on tax reform in the wee hours of December 2, that analysis was proven right: The bill included repeal of the individual mandate, and it passed, 51-49, with the vote of every Republican but Bob Corker of Tennessee.

Why now, after so much failure, are Republicans on the cusp of repealing a significant part of Obamacare? Repeal of the individual mandate was, after all, the centerpiece of the modest eight-page bill (known as "skinny repeal") that Republican

senators John McCain of Arizona, Lisa Murkowski of Alaska, and Susan Collins of Maine killed at the end of July. Yet all three senators voted for the tax reform bill that would kill the individual mandate.

There were some important differences between the "skinny repeal" health care bill and the tax bill. When senators voted on the "skinny repeal" bill, they did so with the explicit understanding that it wasn't supposed to be a final product—that they were just moving the process forward so the House and Senate conference could negotiate some bill that would be put up for final passage in Congress. Also, the process was different: The "skinny repeal" had been made public just hours before senators voted on it, while the idea of repealing the individual mandate had been discussed and debated for weeks.

"As a matter of principle, I've always supported individual liberty and believe the federal government should not penalize Americans who cannot afford to purchase expensive health insurance," John McCain said in a November 30 statement. "By repealing the individual mandate, this bill would eliminate an onerous tax that especially harms those from low-income brackets. In my home state of Arizona, 80 percent of people who currently pay the individual mandate penalty earn less than \$50,000 per year."

"Every day at our daily lunches I was pushing it very hard," says Cotton, who, along with Pat Toomey of Pennsylvania, reintroduced a bill targeting the mandate in October. The measure got a boost after Cotton discussed it with President Trump the

John McCormack is a senior writer at THE WEEKLY STANDARD.

last Sunday in October. The president “said that he loved it and wanted to do it,” says Cotton. “It was really that week around Halloween that it kind of caught fire inside of the conference.” By the first week of November, Mitch McConnell was pushing for repeal of the mandate.

The biggest reason why mandate repeal survived in the Senate’s tax bill is that it allowed Republicans to pass a bigger tax cut. Republicans had passed a budget resolution that allowed their tax cut to increase the deficit by no more than \$1.5 trillion over 10 years, according to the Congressional Budget Office (CBO). And the CBO estimates that over 10 years, repeal of the individual mandate will save the government over \$300 billion because millions of Americans will not participate in federally subsidized health insurance if the government doesn’t fine them. The theoretical savings achieved by repealing the mandate allowed the Senate to create a bigger child tax credit and keep more tax breaks than the House bill did. The rules under which the tax bill was considered also prohibit any increase to the deficit beyond 10 years, so repealing the mandate, which would save money for years to come, allowed Senate Republicans to make more of their cuts permanent.

Of course, conservatives and Republicans have long argued that the CBO has overestimated the power of the mandate to force people to buy health insurance. “The downside of that for Republicans is that they’re not likely to have the cost savings CBO is promising them as a result of getting rid of the mandate,” says Yuval Levin of the Ethics and Public Policy Center. “On the upside, you’re not likely to have the [health insurance] coverage losses that CBO projects either.”

The CBO estimated in November that without the mandate 13 million fewer people would be covered by health insurance in 10 years. According to the CBO, 5 million people who qualify for Medicaid, which is free to them, would no longer sign up for it if they were not threatened by the IRS

with a fine. Another 2 million, according to the CBO, would lose or drop their employment-based coverage, and another 5 million in the individual market would go without insurance.

“It’s fake money, but the mandate is where CBO keeps its fake money,

The theoretical savings achieved by repealing the mandate allowed the Senate to create a bigger child tax credit and keep more tax breaks than the House bill did. The rules under which the tax bill was considered prohibit any increase to the deficit beyond 10 years, so repealing the mandate, which would save money for years to come, allowed Senate Republicans to make more of their cuts permanent.



McConnell cracks a tax-reform smile.

and [lawmakers] needed the fake money to make the math work on the tax bill,” says Levin. Some Republicans have argued that because tax reform will spur economic growth, the bill won’t add to the deficit, but no analysis has found that. One of the rosier studies that took economic growth into account found the bill would still increase the deficit by \$500 billion over 10 years.

What the likely repeal of the

mandate means for the future of health care in the United States is a matter of debate. At the very least it will provide a tax cut to the six million Americans who would otherwise be paying the fine, which in 2017 equals \$695 or 2.5 percent of household income, whichever is greater. Many of those paying the fine do so because they can’t afford Obamacare’s high premiums or deductibles, so mandate repeal will provide relief to many working-class and middle-class families.

With fewer young, healthy people buying health insurance, that could increase premiums. “The risk it runs is that it could destabilize some of the state individual markets, and it could leave fewer people with coverage than otherwise would have it,” says Levin. “But the mandate hasn’t been very effective, and so its removal isn’t likely to be enormous and dramatic in its effects.” Levin notes that the Congressional Budget Office’s analysis is starting to reflect this reality: “CBO now says that [elimination of the mandate] would increase premiums by 10 percent. Three months ago they said 20 percent.”

Tax reform is of course not a done deal yet: The Senate and House need to agree on a final package. But it appears very likely to include repeal of the mandate. Maine’s Susan Collins has pushed for other legislation to prop up health care insurance markets, but she hasn’t made it a precondition to vote for final passage of the tax measure. With the opposition of Tennessee’s Bob Corker, Republicans have one vote to spare and still get tax reform through. That means a loss in the December 12 special election in Alabama by itself wouldn’t be fatal to tax reform.

“It’s essential to making the budgetary picture work, and it’s extremely popular,” Cotton says of repealing the mandate. “Those two things combined, I’m pretty confident we’re once and for all going to take the beating heart out of Obamacare.” That may overstate the importance of the mandate to Obamacare, but repealing it is no small thing either. ♦

AARON R. BERNSTEIN / BLOOMBERG / GETTY



Robert Mueller after meeting with members of the Senate Judiciary Committee, June 21, 2017

BY STUART TAYLOR JR.

As special counsel Robert Mueller and the FBI circle ever closer to the Oval Office, Washington is convulsed by speculation that the president may take drastic action to cut short the investigation. Donald Trump has escalated his Twitter attacks on the FBI and the Justice Department, and there is a growing effort among Trump supporters to paint the investigation as hopelessly compromised.

The December 1 guilty plea of former national security adviser Michael Flynn will have only intensified Trump's fears that the special counsel is focused on his family. Trump's lawyers continue to claim that the president has nothing to fear from Mueller, but on December 3, Christopher Ruddy went on ABC's *This Week* and said, "Robert Mueller poses an existential threat to the Trump presidency." Ruddy heads the conservative media outlet Newsmax and is a close Trump confidant. Back in June, just after visiting the White House, he claimed on the *PBS NewsHour* that the president was "weighing" firing Mueller. Trump and his aides never explicitly disputed the claim, and proxies like Newt Gingrich and Rush Limbaugh called for Mueller's firing at the same time.

Stuart Taylor Jr., a Washington, D.C.-based writer and lawyer, is the coauthor, with KC Johnson, of The Campus Rape Frenzy: The Attack on Due Process at America's Universities.

Flynn admitted lying to the FBI—a federal crime—about his phone conversations last December 29 with Russian ambassador Sergey Kislyak. He falsely denied that he had talked to Kislyak about Russia's refraining from responding to the sanctions being imposed by the Obama administration and about help with delaying or defeating a pending U.N. Security Council resolution about Israel's settlements program. In his plea agreement, Flynn promised to cooperate fully with the special counsel.

Signs that Jared Kushner may be next in Mueller's sights include reports that he was involved in telling Flynn what to say to Kislyak about the sanctions and was the "very senior member of the Presidential Transition Team" who, according to the court papers, "directed Flynn to contact officials from foreign governments, including Russia, to learn where each government stood on the resolution and to influence those governments to delay the vote or defeat the resolution." Mueller's investigators interviewed Kushner last month about Flynn's contacts with the Russian government and a December 2016 Kushner-Flynn-Kislyak meeting.

Trump can certainly pardon Kushner if it came to it—and Don Jr.—but experts disagree on whether a president can constitutionally pardon himself. A self-pardon would provoke a bigger backlash and louder clamor for impeachment than any effort to fire Mueller. Trump seems unlikely to go the self-pardon route before the waning days of his administration. It is groundwork for firing Mueller that many think is being laid.

ALEX WONG / GETTY

Since May, Trump has repeatedly trashed the criminal investigation into his campaign's suspected collusion with Russia as a "witch hunt," a "made-up story," and a "hoax." In recent days, conservative media outlets and politicians and various Trump allies have also begun asserting that Mueller and the FBI are biased against Trump and that they, along with the Justice Department, have dodged subpoenas by congressional Republicans that would have turned up such discrediting documents as anti-Trump texts from a top FBI investigator on the Mueller probe, Peter Strzok. (Adding to the conspiracy theories is that Strzok was previously one of the top figures in the FBI investigation of Hillary Clinton's email server.) Mueller removed Strzok from his team last summer to avoid accusations of partisan bias. But the suspicions among Trump supporters are growing. In its lead editorial on December 5, the *Wall Street Journal* claimed that the special counsel "is too conflicted to investigate the FBI and should step down in favor of someone more credible." The same day, Fox News's Sean Hannity, one of the most vehement critics in the media of Trump's perceived enemies, called Mueller "a disgrace to the American justice system" and said his team was "corrupt, abusively biased, and political."

Flynn's plea bargain and cooperation with Mueller suggest the possibility that the special counsel is developing allegations of criminality—such as complicity in Flynn's alleged lies to the FBI—against figures at or near the highest levels of the Trump transition.

Trump fired Flynn as his national security adviser on February 13. The purported reason was Flynn's false statement to Vice President Mike Pence that he had not discussed the sanctions with Kislyak in December. But Flynn's "resignation" did not come until after the *Washington Post* had reported his discussion with Kislyak and not until 17 days after acting attorney general Sally Yates had warned White House counsel Don McGahn—who in turn told Trump—that Flynn had lied to Pence and was vulnerable to blackmail by Russia. Trump's personal lawyer, John Dowd, has admitted that the president knew by late January that Flynn's account of the Kislyak interview to the FBI had probably been false.

On February 14, Trump had an Oval Office meeting with FBI director James Comey. According to Comey's sworn testimony (which Trump has contradicted), the president said to him: "I hope you can see your way to letting this go, to letting Flynn go. He is a good guy."

Trump fired Comey in May and later told Russian officials in an Oval Office meeting that this had relieved "great pressure" from the Russia investigation. On December 3, Trump touched off renewed accusations of obstruction of justice when he tweeted that he had fired Flynn because "he lied . . . to the FBI" as well as to Pence. This amounted

to an admission that Trump knew Flynn had lied to the FBI *before* the president's alleged request to Comey about "letting Flynn go" and before Trump said in a February 16 news conference: "I don't think [Flynn] did anything wrong." Bizarrely, defense lawyer Dowd later claimed that he had drafted the self-damaging tweet for Trump.

If Trump comes to feel threatened enough to try to fire Mueller and weather the backlash, he will find it much trickier as a legal matter than it was to fire Comey.

Comey served at Trump's pleasure. But Mueller was appointed by acting attorney general Rod Rosenstein under a 1999 Justice Department regulation that limits the president's power to remove him. (Attorney general Jeff Sessions has recused himself from the Russia investigation.) The regulation provides that a special counsel can be removed only by the attorney general—not the president—and only "for misconduct, dereliction of duty, incapacity, conflict of interest, or for other good cause, including violation of Departmental policies."

Mueller is also protected by a much older general principle—reaffirmed by the Supreme Court in 2010—that when Congress has empowered a department head, such as the attorney general, to appoint his own subordinates, "it is ordinarily the department head, rather than the President, who enjoys the power of removal." The president clearly could order Rosenstein to fire Mueller and could claim that the special counsel has a conflict of interest because of his longstanding, close professional relationship with Comey. But Rosenstein knew about that relationship and saw no conflict when he appointed Mueller. And he has assured Congress that absent "good cause," he would refuse a Trump order to fire Mueller.

Such a refusal would end with Rosenstein resigning or being fired by the president. In that event, under the order of succession provided by Congress, associate attorney general Rachel Brand would become acting attorney general. It's quite possible that Brand, an experienced Washington hand, would also refuse to fire Mueller. Trump could then proceed on down the Justice Department chain of command in the hope of finding someone willing to violate the regulation and fire Mueller—and, in the process, to do grave damage to his or her own professional reputation. This embarrassing charade would amplify calls for Trump's impeachment.

Trump's other option, perhaps better suited to his self-image, would be to tell Mueller personally, "You're fired."

But that, too, would be contrary both to the 1999 regulation and to the principle that only department heads can fire their own subordinates. Trump might avoid the first problem (but not the second), noted Neal Katyal in an op-ed for the *Washington Post*, if he ordered the

special-counsel regulations repealed and then fired Mueller himself. (Katy headed the Justice Department working group that wrote the 1999 regulation.)

Putting aside the resulting outcry and impeachment efforts in Congress, would that be the end of the criminal investigation? Legal experts have offered differing opinions.

Marty Lederman, a Georgetown law professor who held a high-level position in the Justice Department's Office of Legal Counsel under President Obama, stressed on the *Just Security* blog that "the President himself cannot remove Mueller." He cited both the principle that only department heads may remove their own appointees and the 1999 regulation, dismissing as weak the argument that the Constitution empowers the president to abrogate the regulation and then fire Mueller.

There's a Watergate parallel here, with the famous firing of special prosecutor Archibald Cox—the "Saturday Night Massacre" of October 20, 1973.

Lederman suggested that the reason "why Richard Nixon did not try to personally remove Archibald Cox" was that the president knew he lacked the power to do so.

Instead, Nixon ordered attorney general Elliot Richardson to fire Cox; Richardson refused and resigned; this made deputy attorney general William Ruckelshaus the acting attorney general; he, too, refused and resigned; and finally solicitor general Robert Bork, the next in the line of succession as acting attorney general—who unlike Richardson and Ruckelshaus had not promised Congress that he would protect the special prosecutor—fired Cox. Bork then appointed Leon Jaworski to replace him.

Josh Blackman of the South Texas College of Law argued on the *Lawfare* blog that, contrary to Lederman, Trump has the constitutional authority to "revoke the regulation itself and in so doing obliterate Mueller's whole office. . . . The protection against removal is ultimately a political one, not a regulatory or legal one."

Blackman argued that the detailed history showed that Richardson, Ruckelshaus, and Bork all assumed that Nixon had the constitutional power to fire Cox personally, despite the regulation then in force that Cox could be fired only by the attorney general and only for "extraordinary impropriety." That said, Blackman acknowledged that to the public at large, "the termination of Mueller would amount to an admission of guilt and obstruction of justice."

Jack Goldsmith, who headed the Office of Legal Counsel under President George W. Bush, wrote on *Lawfare* that there are "good constitutional arguments" both for and against the idea that Trump has the power to "blow through the regulation and fire Mueller himself."

Amidst the political firestorm, would Mueller take Trump to court to challenge the legality of the firing? The answer is unclear.

In any event, thought Goldsmith, if Trump did that, "I would predict massive resignations within the DOJ and White House. . . . Congress would rise up quickly to stop the President, and the pressure on the cabinet would be enormous as well. If I am naïve in thinking this, then we are indeed in trouble."

Amidst the political firestorm, would Mueller take Trump to court to challenge the legality of the firing? The answer is unclear. But he would be strongly urged by many colleagues and friends that it was his duty to the

rule of law to fight Trump in court—especially if Trump tried to fire Mueller's entire staff, leaving allegations of presidential criminality hanging over the nation with no resolution in sight.

Purely as a legal matter, a Mueller lawsuit would get little help from the 1999 regulation, which states that it "may not be relied upon to create any rights, substantive or procedural, enforceable [in court] by any person

or entity." In other words, the regulation is not judicially enforceable. Mueller might thus base any lawsuit mainly on the older principle that because an attorney general appointed Mueller, only an attorney general can remove him.

The high stakes of any Mueller-Trump lawsuit, together with the legal uncertainties debated by Lederman, Blackman, and Goldsmith, might well propel the case quite rapidly through the federal district and appeals courts and into the Supreme Court.

It could lead to a historic decision, reminiscent of *United States v. Nixon* in 1974 or *Clinton v. Jones* in 1997. The former ordered President Nixon, by an 8-0 vote, to turn his White House tapes over to Watergate special prosecutor Leon Jaworski and doomed his presidency. The latter, a unanimous decision in the Paula Jones sexual harassment lawsuit, rejected Clinton's claim that he could not be sued while he was president. It would indirectly force him to testify about what he did with Monica Lewinsky and lead, in turn, to his impeachment in 1998 for lying under oath and obstructing justice.

Fueling the detailed arguments in a Mueller-Trump battle would be a longstanding dispute pitting conservative scholars and jurists who believe the Constitution empowers the president to fire any federal prosecutor or other executive branch official at will against more liberal jurists who see restrictions on the firing power as essential to presidential accountability.

In a third historic win for champions of presidential accountability, the Court upheld in *Morrison v. Olson* the

1978 Ethics in Government Act provision sharply restricting presidential power to remove court-appointed “independent counsels.” (The 1988 decision was 7-1, with the late Antonin Scalia offering a passionate dissent.) But the 1978 provision lapsed in 1999, amid a bipartisan consensus that it had created incentives for overzealous prosecution. The 1999 Justice Department regulation under which Rosenstein appointed Mueller is less potent. But the regulation is not nothing. And the Court might reinvigorate, as a valuable check on presidential arbitrariness, the principle that a chief executive who cannot persuade his own political appointees to fire a subordinate may not go over their heads and do the firing himself.

How might the Court rule in a Mueller-Trump case?

It would not be surprising to see the four more liberal justices (Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor, and Elena Kagan) side against Trump. It’s also quite possible, if less likely, that all four of the more conservative justices (John Roberts, Clarence Thomas, Samuel Alito, and Neil Gorsuch) would side with Trump. That would leave Justice Anthony Kennedy in his accustomed role of casting the deciding vote. Not many Kennedy-watchers would bet on his siding with Trump.

But it’s also quite possible that the justices—especially

if they were closely divided on the question—might dust off the so-called “political question doctrine” to rule that the Court should leave the fate of the Mueller investigation, and its impact on the Trump presidency, to the political process. That would of course include the impeachment process, which would be well under way by the time any Trump effort to fire Mueller came before the Supreme Court.

Robert Mueller has surely long since begun drafting the confidential report that the 1999 regulation requires him to provide at the conclusion of his work to the acting attorney general. Political pressure will likely see it then shared with Congress and the public.

If it comes down to little more than ordering or encouraging Flynn to lie to the FBI, and gratefully welcoming Russian hacking and dissemination of dirt about Hillary, then the Mueller investigation will probably end with no blockbuster prosecutions and the calls for impeachment will fade.

If, on the other hand, the evidence revealed by Mueller and congressional investigators were ugly enough to turn even most Republicans against Trump, he might be on his way out, by impeachment and removal. Then it would be time to ponder the constitutionality of the self-pardon. ♦

CFPB Drama Underscores Need for Greater Accountability

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

A legal battle broke out over control of the Consumer Financial Protection Bureau (CFPB) late last month. Upon resigning, former Director Richard Cordray attempted to install his own successor, while President Trump named Mick Mulvaney acting director to oversee the agency until a permanent director is nominated and confirmed by the Senate. Confusion, chaos, and legal challenges ensued.

The D.C. District Court weighed in and was right to confirm the legitimacy of Director Mulvaney, though the litigation is ongoing. The Federal Vacancies Reform Act clearly states that the president has the power to install an interim director who has been Senate confirmed for another position. Even the CFPB’s own general counsel—who was hired by former Director Cordray—indicated she “advise[d] all Bureau personnel to act consistently with the

understanding that Director Mulvaney is the Acting Director of the CFPB.”

Although we were pleased with the initial legal outcome, this is not how good government is supposed to work. The drama has been a paralyzing distraction, preventing the Bureau from focusing on what really matters: consumer protection and economic growth. And it could have been prevented *if* the agency, created under Dodd-Frank, had been structured to maximize accountability, transparency, and certainty. But it wasn’t.

The Chamber has long argued that the CFPB’s structure does not allow for appropriate checks and balances. The succession battle makes it clear that this agency should be led by a bipartisan commission—not a single, all-powerful director who isn’t subject to congressional oversight or funding authority—consistent with other banking and consumer protection agencies.

Businesses need transparency and consistency from government to thrive, create jobs, and build innovative new

products and services. Until now, the CFPB has failed to provide it. For the past six years, the financial marketplace has been starved for clear rules of the road. Instead of delineating clear standards, the Bureau has played in the gray area of regulating through enforcement.

With new leadership set to take the reins of the CFPB, an important opportunity exists to strengthen the agency. It should embrace transparent, narrowly tailored rules based on robust economic analysis. It should promote consumer choice of financial products and services. And it should coordinate with other regulators to streamline processes and minimize burdens.

In the meantime, the U.S. Chamber of Commerce looks forward to working with acting Director Mulvaney to move beyond the chaos and help bring certainty, transparency, and accountability to the CFPB and its work.



Learn more at
[uschamber.com/abovethefold](https://www.uschamber.com/abovethefold).

Much Ado About Nothing

Almost a third of Americans believe there was a wider conspiracy to kill Jack Kennedy. They're wrong.

BY MAX HOLLAND

On October 26, the National Archives was supposed to release the last of its remaining records on the 1963 assassination of President John F. Kennedy. The date was chiseled in a 1992 statute. Around 88 percent of the records had already been made public, but there were still 3,200 documents that had never been available and nearly 35,000 more that had only been released in redacted form.

As the date neared, Representative Walter B. Jones (R-N.C.) declared, "It's time to let people know the truth." Jones believes (like a majority of Americans, according to polls) that accused assassin Lee Harvey Oswald had confederates and that important facts about that "awful afternoon" are still hidden away. Martha Wagner Murphy, chief of the special access and Freedom of Information Act staff at the National Archives, repeatedly cautioned that the documents would add only incremental information to what was already evident. But few in the general public and fewer still in the "research community," as Kennedy-assassination conspiracy theorists prefer to be known, were willing to believe her. After five decades, occasions for challenging the official verdict are few and far between. The community knew the disclosures could gin up interest, and the excitement reached all the way to the White House.

Donald Trump created much of the drama by tweeting his inclination to align with those calling for full disclosure: No more postponements, no more deletions, damn the Deep State, he seemed to be saying on October 21. At the eleventh hour he deferred to the U.S. intelligence agencies and gave them an extra six months to make their cases for continuing to redact or withhold a tiny portion of the record. But documents were to be released as fast as they could be processed.

Murphy has been proven right; the pages released in five document dumps so far this year (there was a release on July 24 that attracted no fanfare) haven't told us anything

of moment we didn't already know. The pseudo-drama surrounding the October date has only served to illustrate what H.L. Mencken once called "the virulence of the national appetite for bogus revelation."

Press reports propagated the misperception that these "classified Kennedy assassination files" had never seen the light of day. That was a half-truth. The records had been pried out of federal agencies more than two decades ago and closely parsed by the Assassination Records Review Board (ARRB), an entity created by the John F. Kennedy Assassination Records Collection Act of 1992. The statute was Congress's response to widespread public dismay over a closing line in Oliver Stone's 1991 film, *JFK*, which noted that many federal documents pertaining to the assassination were sealed until 2029. The legislative remedy provided that all the records from the federal government's investigations be gathered in one place and opened up once and for all. It's important to stress the plural—*investigations*. Everyone knows about the Warren Commission's 1964 report, but it was preceded by the FBI's December 1963 report and followed by probes undertaken by the 1968 Clark Panel, named after then-attorney general Ramsey Clark; the 1975 Rockefeller Commission; the 1975-76 Senate Church Committee; and the 1978-79 House Select Committee on Assassinations. And those are only the *major* investigations.

The language in the 1992 act stated that all records concerning the assassination would "carry a presumption of immediate disclosure" unless the originating agency could make a compelling argument for continued secrecy. This simple-sounding directive turned out to be more complicated in practice.

The National Archives started fulfilling its responsibilities right away. It already housed the Warren Commission documents, and it soon developed a computerized finding aid to facilitate research. Executive branch agencies began to identify, review, and transfer to the archives all pertinent records in their custody. The CIA was the first to comply, transferring 50 boxes of documents—most generated after November 22, 1963—on Lee Harvey Oswald, constituting his so-called "personality" or "201" file. The FBI, which had

Max Holland is the author of The Kennedy Assassination Tapes (2004).

been the lead agency in investigating the assassination, soon followed suit with the case files of what had been an unprecedented probe in terms of manpower, scale, and scope.

But it wasn't until early 1994 that the ARRB got going. The law asked the president to pick at least four of the five board members from names forwarded by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association. The eventual nominees were U.S. district court judge John R. Tunheim; Henry F. Graff, professor emeritus of history at Columbia University; Kermit L. Hall, professor of history and law at Ohio State; William L. Joyce, associate university librarian for special collections at Princeton; and Anna K. Nelson, a distinguished historian at American University. (It then took another six months for them to get confirmed and to hire a staff of around 30 for the duration of the project.)

The ARRB's first task was to determine what constitutes an assassination record. The statute was deliberately vague on this point. Records from the federal investigations were a given (release of the Warren Commission's records had begun in 1965, and they were 98 percent available by 1992), along with the records generated internally by the Secret Service, FBI, and CIA, working in conjunction with (and sometimes in opposition to) these probes. Records from several presidential libraries were also obviously included. But how far afield should the ARRB go beyond that? Were Lyndon Johnson's tape-recorded telephone conversations, ostensibly closed until at least 2023, assassination records? What about the copious notes taken by William Manchester during interviews for his Kennedy-family-sanctioned book *The Death of a President* (1967)? These were under lock and key at the Kennedy Library. Or how about the district attorney's investigative files from the only criminal trial of an alleged conspirator, that of Clay Shaw in New Orleans in 1969? For that matter, were the KGB files on Lee Harvey Oswald's Soviet sojourn assassination records?

These were among the most pertinent records the ARRB could possibly gather, yet the board succeeded only half the time, even armed with subpoena power. The far-seeing director of the Johnson Library, Harry Middleton, persuaded Lady Bird Johnson to revoke her husband's will and release, first, the assassination-related tapes and eventually all the Johnson tapes. After some contentious wrangling with the Orleans Parish district attorney, the ARRB secured former D.A. Jim Garrison's investigative files and the transcripts from the grand jury that had handed down the Shaw indictment. But Manchester steadfastly refused to waive his deed of gift and Caroline Kennedy

would not even let the ARRB's staff review records from the Manchester interviews she controlled, those of Robert F. Kennedy and Jacqueline Kennedy. The Manchester documents remain sealed for 100 years. Finally, lacking support from the White House and State Department, the ARRB fared no better in retrieving copies of the files from the KGB's aggressive and comprehensive surveillance of Oswald between 1959 and 1962.



From film shot by Abraham Zapruder, November 22, 1963: Above, the presidential motorcade enters Dallas's Dealey Plaza; below, Kennedy reacts to being hit by the first bullet.



What genuinely changed the terms of engagement, however, was the ARRB's final definition of an assassination record, promulgated in the *Federal Register* in June 1995. The designation was all-encompassing, a direct result of the ARRB's having embraced the very broadest definition of "assassination-related" owing to pressure from the research community. This decision raised by an exponential number the volume of records various federal departments, agencies, and bureaus would be digging out. The JFK Assassination Records Collection at the National Archives thus became a vast repository of documents on

topics ranging from CIA operations in Mexico City during the Cold War to the functioning of congressional investigative committees. Dozens of dissertations are waiting to be written based on the records there.

Yet if one looks at the collection through a different lens—in terms of documents germane to an actual political murder—any criminal court would deem 99 percent of the collection inadmissible by virtue of being irrelevant or immaterial. The CIA-supported Bay of Pigs invasion of Cuba in 1961 is at best tangential to the Kennedy assassination, but the ARRB included thousands of pages about not only that episode, but also about every CIA attempt to destabilize Castro in the early '60s. *Assassination-related* and *directly pertinent to the assassination* are quite different things. The great bulk of the records vetted by the ARRB are best described as snapshots of how Washington was waging the Cold War before and after 12:30 P.M. on November 22, 1963.

During the ARRB's four years of operation (1994-98), it gathered records from all the obvious federal agencies and many that don't immediately come to mind when thinking about the killing of John Kennedy (the Department of Labor, for instance, or the Social Security Administration). Having identified and amassed these records, the ARRB then devoted its efforts to full disclosure. The most vexing issues arose, predictably, with respect to records from the intelligence agencies and the Secret Service.

The hush-hush National Security Agency—its initials were once said to stand for “No Such Agency”—turned out to be relatively relaxed about releasing the communications it had intercepted before and after the assassination, according to David Marwell, executive director of the ARRB for three of its four years of existence. The NSA had gone into overdrive after the Dallas shooting, rushing to decipher intercepts of telephone conversations, cable traffic, and radio communications from the highest levels of the Soviet and Cuban governments. Tasks that normally took months were completed in days. Particularly focused on Cuba, the NSA gathered a fair amount of primary information that showed the Cuban regime was not involved with the assassination, was caught quite by surprise, and was, more than anything, worried about being blamed because of Oswald's express support for Castro's 1959 revolution.

The number of NSA documents at issue was small—in the low hundreds—and what the agency wanted to conceal were the headers and footers, which indicated transmission

times, geographic locations, and even how the intercept was routed internally. These are clues to how the NSA goes about its business, and the ARRB generally went along with NSA requests to elide such information. But the substantive contents of NSA documents were rarely at issue.

The Secret Service was probably the most difficult agency, in that it actually tried to classify documents in an effort to keep some information secret. The service wanted to withhold the names of individuals listed on its “threat sheets” from 1963, which is how it used to keep track of persons believed to pose a danger to the president. Many, if not most, of these people had mental-health issues. The service went so far as to appeal to the White House to reverse the ARRB's decision to make the names and associated files available—which the 1992 statute permitted agencies to do if they disagreed with the vote taken by the five board members to release a document in full or even in redacted form. The service's argument was that releasing names so long after Kennedy's death served no public interest and could interfere with the quiet cooperation it still depends on from the mental-health community.

The CIA consented to the release of 3,172 documents, but had objections of one kind or another with respect to 14,079 more. These had to be vetted by the board and amounted to nearly half of the 29,000 documents that came up for a vote. The agency's approach was to send in wave after wave of officials to lobby the ARRB and explain why this or that redaction was necessary. Langley's objections centered on three areas: its relationships with other intelligence agencies and the information that had been gleaned through such liaisons; details about its presence in foreign countries or its domestic facilities; and the names of CIA officers and informants. In the end, the ARRB generally released the names of CIA employees, while details about domestic assets or informants were disclosed on a case-by-case basis. Meanwhile, the identities of foreign nationals who served as informants or assets were generally protected, although their codenames or “crypts” were not (and these, in turn, allowed the true identities of many confidential sources to be ferreted out by diligent researchers). Surveillance methods were disclosed if directly relevant to Oswald's peregrinations, but documents that disclosed the existence of active domestic CIA facilities were redacted. The records

If one looks at the JFK collection through a different lens—in terms of documents germane to an actual political murder—any criminal court would deem 99 percent of the collection inadmissible by virtue of being irrelevant or immaterial.

over which the CIA lobbied most vigorously—reflecting its work with foreign intelligence agencies—were almost entirely deferred by the board.

Board member William Joyce recalls that it took several months for the ARRB to hone its process for reviewing the documents and develop its own “common law” about what to disclose and what to protect. As time passed, not only did the board become more confident about what it was doing, but so did the agencies. “From their initial posture of ‘trust us,’” Joyce says, “they, too, evolved quite a bit in their attitude and cooperation with us.” Not all documents at issue were redacted or postponed until October 2017 either; in many cases earlier release deadlines were mutually agreed upon.

The FBI had an equal amount at stake—the possible exposure of the entire counterintelligence toolkit it deployed during the Cold War. A great obstacle to overcome was the use of confidential informants, the FBI’s lifeblood. After the assassination, the bureau had pulled out all the stops and milked anyone in its vast network who had the slightest chance of knowing anything. This included not only CIs in Dallas, but mob snitches in Chicago, where Jack Ruby hailed from; a member of the Soviet delegation to the U.N.; persons affiliated with the New York-based Fair Play for Cuba Committee (a cause Oswald championed); high-ranking members of the American Communist party; and countless others here and abroad. The FBI had fallen out of contact with most of these informants over the decades. It didn’t know where they lived, or even if they were still alive, and certainly didn’t want to expend the manpower to find out if belated exposure of their informant status might put them in danger.

Ultimately, as with the CIA, the bureau reached an accommodation with the ARRB that balanced the former’s interest with the latter’s statutory obligation. The FBI consented to ARRB processing of 21,509 documents, while 10,013 were subjected to a vote by the board. In general, the ARRB postponed naming human sources who were foreign nationals. Foreign government information was withheld unless it was deemed directly relevant. The FBI appealed to the White House because it disagreed with a few of the board’s decisions, chiefly regarding counterintelligence surveillance against foreign countries. Ultimately, information about such activities against Communist countries was generally released, while records concerning surveillance of non-Communist countries were postponed.

By the time the ARRB closed down in September 1998, its JFK assassination collection consisted of more than 319,000 discrete records totaling approximately five-million pages: Only 1 percent of the documents were

withheld in full. Although this category sounds alluring, the 3,200 withheld records include many designated “not believed relevant” to the assassination, having been simply swept up in the ARRB’s expansive definition. Over the next 19 years, as the National Archives took over from the ARRB, the JFK collection remained generally stable, adding only bits and pieces here and there.

All of these facts are readily learned from the ARRB’s final report—published in 1998 and available online—and



Above, Kennedy slumps toward his wife; below, the second bullet strikes.



in a September article in *Prologue*, the quarterly journal published by the National Archives. But little to none of the background and context made it into the overheated press coverage that preceded the October 26 release. And the single most important point was almost entirely overlooked. As Marwell repeatedly stressed to me during a recent interview, if at any time during its four years of operation, the board had run across information directly pertinent to the assassination—including any fact that challenged the official verdict—its release would have been approved instantly.

The ARRB was in the business of building an archive not fact-finding, and its final report does not explicitly endorse the Warren Commission's conclusions. But no document the board saw disproved that Oswald fired all three shots in Dealey Plaza or any of the other pillars of the Warren Report: that no more than two bullets struck Kennedy; that no bullet entered his body from a direction other than from behind; that there was no evidence of Oswald's involvement with a domestic or foreign conspiracy; that Oswald had never worked in any capacity for the FBI or CIA; and, finally, that neither agency had any pre-November 22 information that should have landed Oswald on the Secret Service's threat sheet. There was no "smoking gun" that genuinely contradicted the Warren Report, and had the AARB discovered one, its release would never have been postponed until 2017.

The whole premise of the October 26 coverage was preposterous, evincing a complete lack of understanding of how the ARRB functioned, how broadly "assassination-related" had been defined, and why a tiny fraction of the documents still remained at issue.

There was a logical inconsistency, too. If the federal government was capable of a crime as heinous as many conspiracy theorists claim, why would it ever release documents showing that it had lied starting with release of the Warren Report? Why not just destroy the incriminating records or, better yet, forge exculpatory documents? There had been plenty of time to go over the paper trail with care. The argument that the withheld records would finally expose a government cover-up revealed either a quaint belief that Washington would grudgingly admit to a new truth or naïveté bordering on stupidity.

‘**W**e live in a state of opinion trusteeship,’ Victor Navasky observed in 2010. “None of us have the time and few of us the ability to do our own research” on historically problematic cases such as the Sacco-Vanzetti affair, the Rosenberg espionage case, J. Robert Oppenheimer's security clearance, or the Kennedy assassination. As citizens, we depend on historians and investigative journalists to be our proxies and make sense of these complex events. Specialized knowledge is hard-won, and expertise on one subject rarely transferable to another. For the media, however, too often *any* historian will do as commentator on a controversy so long as he cooperates in ratcheting up the rhetoric and suggesting a story where none really exists.

When NPR's *Morning Edition* asked Robert Dallek, a biographer of both Kennedy and Johnson, to speculate on October 25 about the contents of the records to be released the next day, he suggested they “might demonstrate that the FBI and the CIA were somehow incompetent or had fallen short in their assessment of what someone like Oswald was doing and that maybe they fear embarrassment from the revelation of these documents. I think that would be closer to the truth of what we're going to see than any additional information about some conspiracy.”

Yet documents revealing incompetence or neglect were *precisely* the kind of records the ARRB would have released and never held back.

What Dallek hinted at was scarcely different from the conspiracy theorist and Trump confidant Roger Stone's suggestion that the records “must reflect badly on the CIA.” Again, the bulk of the redactions requested by the agency concerned intelligence-gathering mechanisms in Mexico City, a beehive of intelligence operations during the Cold War, and had nothing to do with foreknowledge of Oswald's intentions or capacities. Dallek's innuendo also ignored the fact that the State Department and CIA had impressed upon the ARRB that U.S. intelligence-

sharing arrangements with the Mexican government—as well as activities undertaken *without* local authorities' knowledge or permission—still had the potential to destabilize the ruling PRI, which had been in power in Mexico for more than 60 uninterrupted years.

For an anodyne observation, there was Michael Beschloss in a *New York Times* article published the morning of the release. He was quoted saying, “We just have to realize that there is never going to be an explanation of the Kennedy assassination that will satisfy everyone. That will never happen. At the same time, there are still mysteries on which these files might shed some light.”

Insofar as conspiracy theorists will never accept that Oswald acted alone, Beschloss, the author of numerous books about the postwar presidency, was correct. But he was neglecting his responsibility as a historian when he suggested that there are “still mysteries.” The *Times* article noted, “most people have never accepted the official version of events. A poll by Gallup in 2013, at the time of the 50th anniversary, found that 61 percent of Americans still believed that others besides Oswald were involved.”

There had been plenty of time to go over the paper trail with care. The argument that the withheld records would finally expose a government cover-up revealed either a quaint belief that Washington would grudgingly admit to a new truth or naïveté bordering on stupidity.

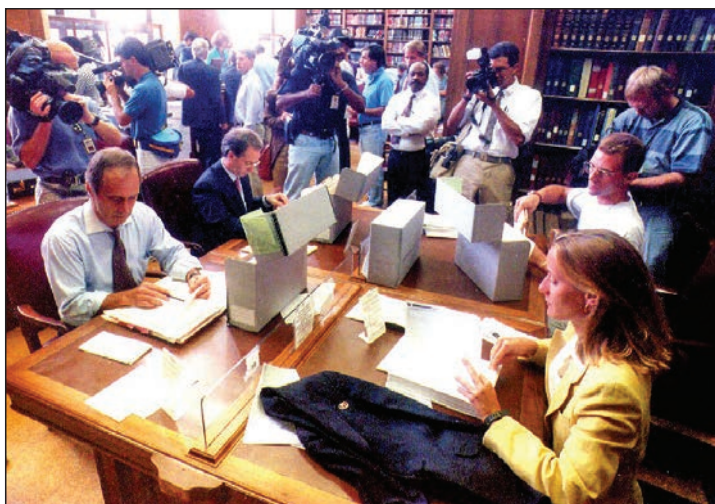
When leading historians pretend there are unexplained mysteries where there are none, it contributes to the public's confusion.

Journalists compounded the problem with articles that demonstrated a lamentable ignorance of the basics of the event. Fifty-four years after the Kennedy assassination and the *Washington Post* doesn't know if Oswald fired two or three shots. The newspaper also asserted on October 27—erroneously—that conspiracy theories have dogged the Warren Report because alleged “marching orders” given to the commission by Johnson effectively short-circuited the investigation. The *Wall Street Journal* alluded to the “CIA's failed pursuit of assassin Lee Harvey Oswald” in Mexico City just weeks before the assassination. Oswald was never a CIA target; to the degree he was captured on surveillance it was incidental, via the agency's routine monitoring of the Cuban and Soviet embassies there. The *New York Times*, for its part, described the Warren Report as “contested” and carried on as if that were synonymous with “false.” The paper of record resurrected two of the hoariest fictions of them all: the notion that Oswald did not have sufficient time to fire all three shots and that there was something “magic” about a fully jacketed bullet wounding both Kennedy and Texas governor John Connally. The *Times* seems to want readers to believe that there might have been a shot from the grassy knoll after all. These faults stemmed from the familiar news practice of false equivalence—the equal presentation of positions of unequal merit in order to project balance. Here it lent undeserved credence to conspiracists.

Similarly problematic is the media's hunt for instantaneous commentary and analysis. The National Archives JFK collection is vast and its provenance unusually complicated. Anyone who tried to satiate the press's demand for speedy answers did so at some peril.

Nothing illustrates this point better than the storm over a document that the National Archives accidentally designated as having been previously withheld in full. The press generally described this document as an FBI memorandum of conversation dated just two hours after Oswald had been killed by the self-appointed vigilante Jack Ruby on November 24, 1963. In the three-page “memcon,” FBI director J. Edgar Hoover is quoted as saying, “The thing I am concerned about . . . is having something issued so we can convince the public that Oswald is the real assassin.” No single document released on October 26 received more attention, and several media outlets even suggested this memcon was proof the government was only interested in pinning responsibility on Oswald rather than fully investigating the assassination.

There is no question that the memcon is significant. It represents the first communication from the FBI director to the president following Oswald's murder on national television and reveals Hoover's opposition to the notion of an independent commission that would sit in judgment of the FBI's investigation—something that was already being discussed within and without the government. Hoover's choice of words, which could be twisted into advocacy for a directed verdict, mean something quite different once one takes into account something mentioned elsewhere in the document: that the FBI laboratory had already matched the bullets that struck Kennedy with Oswald's rifle to the exclusion of all others. The memcon, moreover, isn't an



Researchers and reporters review newly released Kennedy-assassination documents at the National Archives, August 23, 1993.

FBI document but one generated in the White House. It was written by Walter Jenkins, one of LBJ's top aides, as he talked to Hoover (Johnson being unavailable). Jenkins was renowned for his ability at shorthand, which accounts for the complete sentences and the memcon's thoroughness.

I quoted from this document in my 2004 book, *The Kennedy Assassination Tapes*. The Jenkins memcon had been released in redacted form as far back as 1978, when the House Assassinations Committee was conducting its probe. The once-sensitive portions (fully restored by the ARRB and released in July 1998) referred to the interception of a phone call from Oswald to the Cuban embassy in Mexico City; to a letter Oswald sent to the Soviet embassy in Washington, which the FBI had intercepted, read, and resealed; and to the issue of whether Oswald wittingly or unwittingly also sent a letter to a KGB officer in charge of covert activities.

If news is defined as what we don't know, the memcon was not news in 2017. But none of the talking heads

~~SECRET~~

might stop the Chief of Police and his staff from doing so damned much talking on television. They did not really have a case against Oswald until we gave them our information. We traced the weapon, we identified the handwriting, we identified the fingerprints on the brown bag. U

We were able to identify the bullets as coming from that gun. All the Dallas Police had was three witnesses who tentatively identified him as the man who shot the policeman and boarded a bus to go home shortly after the President was killed. He got on a bus to go home to get a shirt and the bus conductor tentatively identified him as the man who boarded the bus. U

Oswald had been saying he wanted John Abt as his lawyer and Abt, with only that kind of evidence, could have turned the case around, I'm afraid. All the talking down there might have required a change of venue on the basis that Oswald could not have gotten a fair trial in Dallas. If they keep on talking, perhaps the same will be true of Baby. U

Chief of Police Curry I understand cannot control Capt. Fritz of the Homicide Squad, who is giving much information to the press. Since we now think it involves the Criminal Code on a conspiracy charge under Section 241, we want them to shut up. Furthermore, I have ordered the evidence be secured by the Police Department. We sent most of the evidence back to them. We still have the bullets that were fired and will keep them. U

The thing I am concerned about, and so is Mr. Katzenbach, is having something issued so we can convince the public that Oswald is the real assassin. Mr. Katzenbach thinks that the President might appoint a Presidential Commission of three outstanding citizens to make a determination. I countered with a suggestion that we make an investigative report to the Attorney General with pictures, laboratory work, etc. Then the Attorney General can make the report to the President and the President can decide whether to make it public. I felt this was better because there are several aspects which would complicate our foreign relations. For instance, Oswald made a phone call to the Cuban Embassy in Mexico City which we intercepted. It was only about a visa, however. He also wrote a S
E
C
R
E
T

A page of the Jenkins memcon'

consulted during that frantic news cycle knew this. And the next day, the *New York Times* featured "Hoover's memo" as part of the new "treasure trove" open to investigators, and the *Washington Post* highlighted it in an October 28 article.

Even genuine expertise didn't necessarily afford protection against wince-inducing mistakes. Few experts will forgo an opportunity to be quoted in the *New York Times* or *Washington Post* even when discretion might be in order—I myself ventured to say the hype over the document release was overblown in the same *Times* article that quoted Beschloss. When the *Washington Post* contacted Peter Kornbluh, an analyst at the nonprofit National Security Archive and coauthor of a 2014 book on secret U.S. diplomacy with Castro's regime, he agreed

to supply reactions to the documents for the October 28 *Post* story. He singled out the "never-before-seen" Hoover memcon as an example of over-classification. "What is the secrecy around that document really about?" he asked, referring to a document released in full 19 years ago. But Kornbluh also pointed the *Post* reporter to a 31-page memo written by White House counsel Philip Buchen in 1975, which described assassination plotting in general and listed financial rewards that had been contemplated for anyone eliminating Castro and friends.

"The price list appears to be new," Kornbluh told the *Post*—except that nothing about "Operation BOUNTY," as it was dubbed in 1962, is unknown. The plan was first disclosed in the 1975 Church Committee report and described in detail in documents the ARRB released in 1994. A January 1962 memo about Operation BOUNTY, complete with the price list, was published in a 1999 book about the CIA's psychological warfare against Cuba. Nonetheless, Kornbluh told the *Washington Post* that because it included a price list, Buchen's memo "is one of the most comprehensive summaries of real and proposed assassination operations against Castro that I have ever read, and I have read all of them."

The 1975 Church report, with more than 120 printed pages devoted to plots against Castro, is far more detailed than Buchen's memo.

Of all the elements that went into the spectacle, perhaps the most predictable was the role played by proxy authors with a vested interest in stirring the pot, aided and abetted by a press that treats them with far more respect than they deserve thanks to their ability to generate column inches. This is an old problem that has dogged the official verdict on the Kennedy assassination since the mid-1960s; it might be labeled Lane-Epstein syndrome after the first authors to so benefit, Mark Lane and Edward Jay Epstein.

Lane was a struggling 36-year-old lawyer in November 1963 when he appointed himself the Emile Zola of a modern-day Dreyfus case: the “railroading” of a Dallas Marxist for the killing of the president. After just a few days of investigation, Lane penned his “J’accuse!,” which eventually found a home in the *National Guardian*, a leftist weekly run secretly by U.S. Communist party members. The *Guardian* claimed to be independent of Communist orthodoxy and was revered by fellow travelers.

That one issue of the *Guardian* turned out to be a sensation, and Lane never looked back. His 1966 book, *Rush to Judgment*, was a runaway bestseller, and the following year he threw in his lot with New Orleans district attorney Jim Garrison, a silver-tongued demagogue. Perhaps the most-telling indicator of Lane’s audacious mendacity in denigrating the Warren Report was that the KGB chose to funnel money to Lane’s “Citizens’ Committee of Inquiry.” The goals of the KGB and Lane dovetailed nicely.

In contrast to Lane, Edward Jay Epstein was the model of the nonideological critic of the Warren Commission. As a 30-year-old graduate student in political science at Cornell University, he decided to write his master’s thesis on the functioning of the commission. Staff members and five of the seven commissioners cooperated. My first exposure to Epstein’s methodology occurred when I asked one of those staffers, Alfred Goldberg, about something that was sourced to him in Epstein’s 1966 book, *Inquest: The Warren Commission and the Establishment of Truth*—another bestseller. He told me that Epstein had taken no notes during their interview, and he didn’t seem to have a tape recorder up his sleeve. Goldberg was thus surprised to find that he was cited or quoted 15 times in the book; on 13 of those occasions, Goldberg said with some vehemence, he did not know the information attributed to him.

Epstein’s argument was that the commission had fashioned a verdict regardless of the facts, with the overriding purpose of pacifying the American people. This thesis appealed enormously to the American intelligentsia, which could not bring itself to believe that a left-winger had assassinated a liberal president.

But Epstein had it backwards. There was, of course, a political tinge to the Warren Report—a federal commission could hardly be without one. But in this instance it was entirely benign, though perhaps ill-advised, and was only applied retroactively, after the evaluation of all the facts. Primarily owing to its chairman, Chief Justice of the United States Earl Warren, the commission sought to take the political out of what was a political murder. Warren feared that if the public perceived Oswald as a Communist under Russian or Cuban control, rather than just a self-styled one, there would be another round of hysteria akin to the worst of the McCarthy era.

Contemporary equivalents to Lane and Epstein exist, exemplified by Jefferson Morley and Philip Shenon, both of whom are prolific, all too available, and trade on their establishment credentials to a credulous press.

Morley, a former reporter and editor at the *New Republic* and the *Washington Post*, has adopted Lane’s practice of repeating a falsehood until it acquires the veneer of truth. Morley operates a website, JFKfacts.org, and is the conspiracy theorist par excellence. His *idée fixe* is that Oswald was not only the target of aggressive CIA surveillance before the assassination, but was used for covert purposes that implicate the agency in the assassination—if not as an accomplice before the fact then as “legally culpable” for the “wrongful death of JFK.” It is also no small tribute to Morley that just as Lane (together with Jim Garrison) was able to posit a vast conspiracy involving a shadow government in cahoots with the military-industrial complex, Morley has succeeded in injecting his “Deep State culpability” theory into the *New York Times*, *Washington Post*, *Newsweek*, *Politico*, and the *Daily Beast*, either by writing for them directly or being relied upon as an expert. Russia, under Putin, continues to recycle the KGB canard that “American special services” participated in a political conspiracy directed against Kennedy. Morley makes for a useful ally.

Philip Shenon, by contrast, presents himself as having no ideological axe to grind. A former *New York Times* reporter, he has donned Epstein’s mantle as the reasonable and respectable critic of the official verdict on the Kennedy assassination. And, like Epstein before him, he was able to win the cooperation of several Warren Commission staffers for a book, *A Cruel and Shocking Act* (2013). At last, they must have thought, an experienced reporter who would tell their story accurately. They were wrong. When the late Richard Mosk, one of the staffers who cooperated, upbraided the former *Times*-man for his irresponsible claims, Shenon’s response was, “I gotta make a living.”

Shenon focuses on Oswald’s six-day visit to Mexico City seven weeks before the assassination. “All roads lead to Mexico City,” he averred recently. Shenon asserts that the notoriously prudish and socially awkward Oswald abruptly turned into a social butterfly on the leftist party circuit, attending a twist party in the company of Sylvia Duran, a Mexican national who worked at the Cuban embassy. Oswald had met her while trying to obtain a visa, and on the basis of no solid evidence whatsoever, Shenon says they had an affair. Cuban intelligence officers Oswald met at the party, Shenon goes on, subsequently recruited—or, at a minimum, inspired—Oswald to kill Kennedy. This theory appeals to everyone still hoping to find a larger meaning in the assassination: Castro via Oswald killed Kennedy because Kennedy was trying to kill Castro. Shenon is free

to engage in such flights of fancy largely because Havana has never opened its archives on Oswald, leaving a void. But we have learned enough to know that the only secret power center Oswald ever worked for was the one “in the privacy of his own mind,” as Norman Mailer, an early conspiracist, reluctantly concluded.

Shenon was ubiquitous during this autumn’s release spectacle and coauthored one prominent preview article for *Politico*. His partner for the piece was the political pundit and University of Virginia professor Larry J. Sabato. The author of *The Kennedy Half-Century* (2013), Sabato told the *Dallas Morning News* before the October 26 release, “My guess is if there ever were telltale documents, they were destroyed long ago.” If the documents are opened and don’t prove a conspiracy, the records must have been destroyed!

The gap between Sabato’s knowledge of the Kennedy assassination and his willingness to discuss it in public is perhaps the widest of anyone who is accepted by the media as an expert. He couldn’t wait to use his Twitter account to highlight his discoveries of “obscure clues and shiny objects” in the National Archives releases, which he likened to “an unassembled million-piece puzzle.” One of his first observations, as reported in the *Times* on October 27, was, “What I’ve learned so far is you can’t understand the Kennedy assassination or the Kennedy presidency or Oswald unless you understand the ’50s and early ’60s.”

Sabato noted one document he deemed particularly exciting. Sent to the NSA after the assassination, the Air Force message referred to an alleged plot to kill Kennedy and one of his sisters and recommended that NSA intercepts “be researched to determine a possible connection between cited CRITIC and the slaying of President Kennedy.” The *Washington Post*, which was hanging on every Sabato tweet, reported that the professor “believes the potential assassin was code-named CRITIC.” What Sabato didn’t know is that beginning in 1958, “CRITIC” was a term used to designate intelligence *messages* of high precedence that required urgent handling in Washington, ideally within 10 minutes of receipt.

Shenon and Sabato’s article in *Politico* warned the records release was likely to “help fuel a new generation of conspiracy theorists.” Thank you, but no. The current crop will do nicely.

David Marwell, the former executive director of the ARRB, says he found press coverage of the records release “quite depressing.” The combination of media hype and phony revelations made it seem as if the board’s work had been in vain. Years of good-faith effort and millions of dollars had been expended to create the collection; the goal was not just preservation and transparency, but closure.

I have been writing about the Kennedy assassination for almost 25 years, in publications ranging from the *New York Times* to obscure peer-reviewed technical periodicals (the *Journal of the Association for Crime Scene Reconstruction*). My first major article argued that the assassination and subsequent investigations could not be understood without placing them in the context of the Cold War—a novel argument in 1993. I have written about the pernicious effects of Moscow’s *dezinformatsiya* on American perceptions of the assassination, including the successful placement of a Soviet-era lie in Oliver Stone’s Hollywood blockbuster. Most recently, I harshly criticized the Warren Commission and the House Select Committee for their fundamental misreading of the Zapruder film, which contributed greatly to the undoing of the government’s official explanation. I recite this list to suggest that I am not among those who believe there is nothing important or interesting to say anymore about Lee Harvey Oswald’s murder of John F. Kennedy. I am an assassination buff just as surely as the most devoted conspiracy theorist and have my own vested interest in continued public fascination.

I wasn’t surprised by the hoopla surrounding the October release or the feeble understanding of what the ARRB was all about and why a small number of documents had been deferred for release. Yet as Jack Schlossberg observed in *Time*—and presumably he has more than a passing interest in the assassination of his grandfather—the files contain “no particularly revealing or transformative insights: A newsworthy story without much newsworthy information.”

Still, I would argue that something is different about this latest installment in the long-running assassination saga. To research and write about the Kennedy assassination is to go through the looking-glass, to a world where words mean whatever the filmmaker or author uttering them decides they mean. It is downright nauseating to sit through a presentation by Oliver Stone at a research conference. But it used to be that I could compartmentalize the madness, keep it in its corner. When I left the event where Stone spoke or got up from my desk after a day of writing about the assassination, I could count on reentering a world where sanity prevailed.

Now, given a president who cites the *National Enquirer* to suggest that a U.S. senator’s father was involved with Kennedy’s murderer; leans on advice from someone like Roger Stone, who believes Lyndon Johnson orchestrated the assassination; and accepts the word of Vladimir Putin, who insinuates that the CIA killed Kennedy, there is no safe space.

The old saw that good information eventually crowds out bad doesn’t seem to work anymore. Reality is optional everywhere. ♦

The God of the Snooker Table

The game's greatest player and the anguished dream of perfection.

BY JOSEPH BOTTUM

A beautiful simplicity seems to unfold when Ronnie O'Sullivan constructs a century break, potting 100 points' worth of balls on a single visit to a snooker table. No one ever described snooker as an easy game, but when O'Sullivan begins to flow, he makes each moment look natural. Obvious, almost. Self-evident. To watch him line up a shot is often to think that you—or I, any of us—could pot that particular ball. And while we're watching the struck ball settle in the pocket, the cue ball has magically drifted to a spot where the next shot possesses the same easy clarity. The same self-evidence. And so with the next, and the next, and the next, until he's finished putting away the 36 balls that make up a completed frame of snooker.

"The Rocket," they call him for the speed with which he plays, and he is, more than anything else, an artist at the game. Michelangelo once said that sculptors should discern the shape that wants to be freed from a block of marble, and Ronnie O'Sullivan practices a kindred art, perceiving in some not fully conscious way the simplicity that wants to be revealed on a snooker table.

That artistry may be what keeps O'Sullivan the crowd favorite everywhere he plays. At age 42—getting on in years for a successful professional snooker player—he is still by a huge margin the most popular figure in the sport from London to Shanghai. He's lost nine tournaments for every tournament he's won, but bookies nonetheless make him the favorite in nearly every match, if only to lay off the sentimental bets that invariably follow him.

His artistry may also be the problem with Ronnie O'Sullivan's game. By almost any measure, the Rocket has had a successful career. His 30 career tournament victories over his 26 years of professional play tie him for second-most since the modern recordkeeping system was established in the 1970s. He stands as the all-time leader in prize money, having won in competition some £9 million (plus many millions more from exhibition matches, endorsements, and celebrity appearance fees).

Joseph Bottum, a contributing editor to THE WEEKLY STANDARD, is professor of cyber-ethics and director of the Classics Institute at Dakota State University.

And yet, to watch him play—to watch, for example, his seven-match trek to the English Open championship this October—is to wonder why he hasn't been even more successful. For anyone else, his snooker career would seem a triumph, making him one of the all-time greats. But the Rocket wasn't supposed to be *one* of the greats. Since his debut as a professional at age 16 in 1992—for that matter, since he first started appearing on the covers of snooker magazines as the game's child prodigy at 10 or 12—O'Sullivan has demonstrated his transcendental ability, the best snooker has ever known. He's also demonstrated his petulance, his quirky charm, his odd-ball humor, and his deep unhappiness: a morbid depression at each failure to play consistently at the impossible level of perfect snooker. It's one of the many peculiarities of Ronnie O'Sullivan that he could have found all this success and still seem something of an underachiever. Something of a disappointment. Something of a failure.

Added to his play is the drama of his public presence, ginned up in equal measure by O'Sullivan himself and a British press that grasps at any storyline about the only snooker player whose name the entire nation knows. He sprained his ankle on a long-distance run just before the English Open, and he spent his first match limping around the table while wearing comfortable blue sneakers with the black vest and bow tie that snooker tradition demands. He easily won the best-of-seven match 4-1, but the British reporting was all about his rule-breaking shoes.

In the end, the shoe controversy was settled sensibly enough, with the tournament authorities giving O'Sullivan medical leave to wear soft shoes in his remaining matches, as long as they were black. But soap opera refuses to travel far from the Rocket. At the end of his third match, a middle-aged woman came down from the stands and began trotting around the table, telling O'Sullivan that she was "just going for a jog." Snooker referees enforce silence during shots, decorum during matches, with a ferocity that golf officials, tennis umpires, and Amtrak conductors on the quiet car can only envy. But the invasion of the players' area seemed to have them at a loss. So O'Sullivan calmly stepped up, potted the pink ball that assured him the match. And then—worried, he said, that the officials "were going to rugby-tackle her"—he handed the jogging



BEN STANSALL / AFP / GETTY

**Ronnie O'Sullivan at work
in London, January 22, 2017**

spectator his cue so she could take on the final ball remaining. (She missed. Twice.)

In the following days, he struggled to set aside his most successful contemporary, John Higgins, then romped through the remaining rounds, defeating Kyren Wilson 9-2 in the best-of-17 final, with 4 century breaks along the way. But every O'Sullivan match has to have a little melodrama for the tabloids to report. He showed up for the final at Barnsley Metrodome arena on October 22 without his cue. Only a friend's 40-minute dash back to the hotel saved O'Sullivan from having to forfeit the opening frames.

What championship tennis players arrive at a tournament final without their rackets? Golfers without their clubs? Boxers without gloves? O'Sullivan's career is littered with dozens of strange episodes—some small, like the forgotten cue, and some large, like his storming out of the arena after his (victorious) first round of the 2016 world championship. Enraged that he hadn't played as well as he wanted, he skipped the mandatory media interview, let his close friend, the artist Damien Hirst, watch him smash up his dressing room, and then fled to London to spend five days in the hospital getting treatment for depression and exhaustion. (He returned in time for the tournament's second round the next week, which he lost, marking one of his earliest exits in years.)

Ronnie O'Sullivan would probably have been a happier man—and have won at rates that better reflect his talent—if only he could have brought himself to play the game as others do. With 13 perfect frames in his career (scoring all 147 possible points) and over 900 century breaks (the most 100-point turns anyone has achieved) he has considerable great play to be satisfied about.

But snooker was not designed for much precision. Small flaws and minute miscuings add up across the expanses of green baize, and the Rocket cannot stand it. In truth, Ronnie O'Sullivan has never played much snooker. What he plays is some mad game against the imperfection of the world and his own demons. The battle only happens to take place on a snooker table. Having won 74 percent of his matches over his career, O'Sullivan has the highest winning percentage of any longtime tournament player, but it feels to him mostly a record of frustration: How could he lose more than a quarter of his matches? The greatest snooker talent who ever lived, snooker's sole genius, plays to create the perfect simplicity of a work of art.

It's a mug's game.

Tabletop cue-and-ball games originated in the 15th century among French and English aristocrats, essentially as lawn games moved indoors for the winter (hence the traditional green color of the cloth). At the beginning, the thick

end of the stick was used to whack the balls, like a miniature version of croquet. Pockets, once they started to appear, were akin to ponds or bunkers in golf: things to be avoided while the balls smashed around the table.

By the 18th century, the pockets had become goals rather than hazards, with the narrow end of the cue used to poke the cue ball. A range of new games developed, culminating in the modern forms of billiards and pool. Snooker, too, although it was a deliberately invented variety, created in the 1870s by British Army officers stationed in India. *Snooker* was army slang for a new and useless cadet, and in the officers' mess the term came to be applied to the game: first as a position with the target ball blocked from a direct shot (leaving a player snookered) and then as a name for the game itself.

The officers brought snooker back to Great Britain, and the game had a brief vogue among the upper middle classes and the posh gentlemen's clubs. But soon enough it drifted down to working-class pubs and what became snooker halls, where it picked up the vague aura of seediness and criminality it kept for decades. (No one was surprised, for instance, to learn that the Kray brothers, England's most infamous 1950s gangsters, had

started out managing snooker clubs.)

Still, in the late 1920s, the game found its chance. Billiards, snooker's main rival in Britain, was falling in popularity, mostly because of the tedious stalemates at the highest level of play, while American pool had never caught on. Perceiving the opening, some skillful players (notably Joe Davis, who won every "world championship" from 1927 to 1946) tried to bring respectability to a professional version of the sport. They mandated vests and bowties for snooker players and dressed the referees in dinner jackets, giving the game the working-class formality of emcees in 1920s music halls—an aesthetic to which snooker still adheres.

As far as the rules go, snooker thrives on the kind of British complexity that makes cricket so indecipherable. (*Hard to play, hard to watch, and hard to explain to Americans*, as the old line runs.) A frame of snooker starts with 21 balls on the table, plus a cue ball. Fifteen red balls, worth one point each, are arranged in a triangle. Six different balls are then set in marked positions around the table. Called "the colors"—yellow, green, brown, blue, pink, and black—these balls rise in value from two to seven points. The game requires using the white cue ball to knock any red ball into one of the table's six pockets, followed by knocking in any colored ball. Each time one of the colored balls is potted, the referee returns it to its place on the table. After all the red balls are gone, the colors must then be potted in order from yellow to black.

At most, then, a frame of snooker requires knocking in 36 balls: 15 reds, alternating with 15 colors, followed by the



The Boy Wonder of Snooker in 1986



Seated at left, Ronnie O'Sullivan awaits his turn in London, January 22, 2006.

6 colors. Players continue a turn, called a break, until they miss, at which point their opponents get a chance. And all of this takes place on a table almost double the area of even the largest tournament-sized pool table, with pockets an inch tighter. Just to make things more difficult, the green baize covering a snooker table has a definite nap running in one direction, distinguishing the warp from the woof of the cloth. Many of the combinations allowed in pool are banned by the rules of snooker, which require the object ball, whether a red or the designated color, be the first ball struck by the cue ball. A foul results from accidentally potting a color other than the one the player named while lining up for the shot, which eliminates most bash-and-pray techniques.

All these rules are designed to lend snooker a superficial precision—and to casual spectators, cue-and-ball sports do look like wonderfully clean games: Euclidean in their angles and Newtonian in their motions. In the 17th century, deistic philosophers commonly used billiards as a metaphor for God's mechanistic management of the physical universe.

Unfortunately, snooker at the highest level becomes something non-Euclidean and even anti-Newtonian. Snooker tables are so big that a pot down the diagonal runs over 13 feet—an enormous distance to roll a five-and-a-half-ounce ball across napped cloth and expect it to hold its line. On those expanses, infinitesimal imperfections in the cloth and resin-cast balls, even dustings of chalk, have an influence. Balls wobble, failing to keep an even motion. Unpredictability adds up from tiny slippages of the chalked cue tip, angular momentum as the balls spin, and small compressions as they strike one another.

Players sometimes seek non-Euclidean lines with tricks of friction to swerve and reverse direction (putting “English” on the ball, in the old American expression). But always they play with a probabilistic physics. Professional snooker is

more like Niels Bohr's vision of the atom than Newton's picture of the solar system. The key to snooker is only partly—almost incidentally—the potting of reds and colors. The real game concerns where the cue ball goes after it has struck the target balls. Using top spin, side spin, or back spin to control the bounce of the cue ball off the target ball, calculating the reversal off the side cushions and the cannon (a billiards corruption of the French word *carom*) off other balls, the players aim for a probabilistic field, seeking to settle the cue ball somewhere within the area offering the greatest chance to line up the next shot.

And how do you play the game if you're someone who despises chaos theory and unpredictable cascade effects—someone congenitally incapable of a let's-just-see-what-happens attitude? How do you play the game if you're Ronnie O'Sullivan?

O'Sullivan owns a painting Damien Hirst made for him, an enormous tableau (12 feet by 6 feet, the size of a tournament snooker table) that shows the position of the balls as O'Sullivan began his first maximum break of 147 points, with ghostly gray images of the frame's later positions.

Snooker has had some famous moments in the years since the BBC began televising it, giving the game a national prominence—originally in 1969 with a program called *Pot Black*, designed to show off the BBC's new color broadcasting, and then in 1978 with the first coverage of the World Snooker Championship tournament. Cigarette companies became the broadcasts' enthusiastic supporters (followed by gambling companies, once the BBC banned tobacco advertisements, and snooker has had a problem with players' gambling in recent years). As the television and promotional money increased, so did the number of players converting from amateur to professional, and the

level of prizes rose from a few hundred pounds to tens of thousands.

Television showed a classic frame in 1982, for example, when Alex Higgins—the Hurricane, he was nicknamed: a slight and wildly self-destructive Irish player, the most popular figure of the time—snatched an improbable victory from another crowd favorite, Jimmy White, in the semifinals of the world championship. A second came in the 1985 championship final, when the largest British audience for a sporting event tuned in to watch Dennis Taylor in his oversized glasses defeat the most successful player of the 1980s, Steve Davis. After grueling through to a 17-17 tie, Taylor and Davis played a 35th and final frame that lasted 68 minutes, ending well after midnight with over 18 million viewers watching Taylor pot the final black ball to win the title.

And then there was the break Hirst memorialized for O'Sullivan—a first-round match at the 1997 championship in which the Rocket, 21 years old, scored a perfect 147 in a break that took him only 5 minutes and 20 seconds. A typical frame for professionals lasts around 20 minutes, with matches varying from as few as best-of-7 frames to as many as best-of-35—and tournaments requiring as many as 7 matches to get through to the final round. Like the walking in professional golf, the grinding through frames, day after day, makes endurance one of the abilities needed to win a snooker tournament.

That grinding seemed to irritate O'Sullivan even while he was young, and the speed of his 1997 perfect break remains unrivaled. A 147 score requires that the 7-point black ball be the only color potted after each red: no reaching for a nearby pink or blue to ease the tactical situation, no running up the table for a yellow, green, or brown. O'Sullivan's 5:20 time, averaging 8.8 seconds per shot, stands as one of those sports records never seriously challenged, akin to Wilt Chamberlain's 100-point basketball game and Joe DiMaggio's 56-game hitting streak in baseball.

And perhaps the most interesting element, as one watches video of the break, is that the young O'Sullivan never appears hurried. A handful of professional snooker players (notably Tony Drago, Hurricane Higgins, and the Whirlwind, Jimmy White) played the game fast, rapidly lining up the best available shots. But they always seemed to be rushing, pressing for speed, while O'Sullivan simply flows around the table, gliding to the next spot and even appearing to take his time. Each of his career's 13 perfect games is a master-class in break building, but that first 147 had a joyousness in its perfection—a happy promise of all the young genius would do. And then he lost the next round and failed to reach even the quarterfinals, growing frustrated and surrender-

ing a 12-13 match to a journeyman named Darren Morgan.

The highs and lows of that 1997 tournament are a perfect microcosm, a lasting figure, for much of O'Sullivan's odd career. Every sport has seen players of undoubted ability (think of, say, football's Ryan Leaf) who failed to click at the professional game. Every sport, for that matter, has seen any number of players who had runs of brilliance (think baseball's Denny McLain) but never quite put together an extended career. What's rarer are the athletes who have shown what, for any others, would have been greatness at a high level for a considerable period but nonetheless appear to leave their talent unfulfilled. Mike Tyson, certainly. Mickey Mantle, perhaps. Jim Brown. The wildly emotional early years of John McEnroe. Tiger Woods, maybe. Often enough, father-figure demons haunted them. Many of them drank, drugged themselves, and misbehaved, rebelling against the activity that had made them famous. All of them found less joy in the sport than we believe we would have, when we imagine ourselves with their stratospheric levels of talent.



Ronnie O'Sullivan taking his U.K. championship trophy to show his father in prison, November 1993

This is the class of which Ronnie O'Sullivan is the archetype. Born in 1975, he was both cosseted and abandoned as a child. His parents were working class with millionaire money, running a string of sex shops in London. It kept them too busy to care much for Ronnie and rich enough to hire constant help. The father, Ron Sr., cut a large figure, paying all his son's club fees as he developed into a young snooker phenomenon. Whenever Ron

came into the club to watch his son, one friend recounted, he paid for all: "No one put their hand in their pocket."

By the time he was 12, the ambidextrous boy was reportedly making several thousand pounds a year from exhibitions and junior tournaments, and he was already developing the charm and persona of working-class shyness that would endear him to fans. Asked how big he wanted to be in the sport, he told a television interviewer he wanted to be 5-foot-10—the perfect height, he thought, for a snooker player. The interviewer laughed and the audience fell in love with the wide-eyed little boy in a satin waistcoat and bowtie.

By the time he was ready to turn professional at 16, he seemed primed to explode on the snooker scene. Forced to play qualifying matches as a first-year player, he set the sport's record by winning 38 matches in a row and 74 of his 76 qualifiers. But then in 1992 his father was sent to jail for knifing to death in a pub brawl a driver for the gangster Charlie Kray. Emotionally, the world collapsed for the young player.

Ronnie won the U.K. championship the next year at age 17, the youngest champion of one of the Triple Crown tournaments, the three most prestigious events on the tour. Dozens

of reporters lined up to film him and shout questions as he brought the trophy to prison to show his father. Two years later, his mother, Maria, was sent to prison for tax evasion.

Through the first decade and a half of his career, he won enough tournaments to keep himself among the game's premier players, including the Masters in 1995 at age 19 and the world championship in 2001, completing his trio of Triple Crown victories. But his wins were rarer than they should have been as he wandered through the snooker scene lost in drink and fatherlessness. In 1996 he was suspended after he head-butted an official. He quarreled with the snooker association, gave shyly charming interviews that kept him in the public eye, and lost matches he should have won. In 2000, O'Sullivan checked himself into rehab after being stripped of a title for failing a drug test. In 2001, while winning the world championship, he called a suicide hotline and began dosing himself with antidepressants.

Snooker players usually start to lose their edge in their 30s. Stephen Hendry, for example, was the greatest player of the 1990s, the man whose 36 career victories in ranking tournaments place him ahead of O'Sullivan. He no longer had his old invincibility by the time he was in his mid-30s, and had essentially retired by 40. What weaken, most obviously, are the eyes: Snooker lives in the middle range between nearsightedness and farsightedness as the players lean over to bring the cue ball, an arm's-length from their faces, in focus with a target ball sometimes 10 feet away.

Throughout his late 20s and early 30s, O'Sullivan seemed a wild man. He grew his hair out. He shaved his head. He sat through another player's break with a towel over his face. He sired three children out of wedlock with two different women, neither of whom is his current companion, and he reportedly has rarely seen his eldest daughter.

In 2004, the six-time world champion Ray Reardon coached him on improving the weakest part of his game, setting up safety shots and snookers that leave opponents no good replies, and O'Sullivan won the 2004 world championship. It didn't settle him. He repeatedly threatened to retire, and he walked out of a match with Stephen Hendry down only 4-1, reportedly saying, "I've had enough of it, mate." It was always as though he wanted to play by himself, hating the presence of his opponents and being out of sync with the referees. In 2008, he threw away a match against Marco Fu by playing too fast and too sloppily—and then, obviously stoned, he made an obscene suggestion to a female reporter at the after-match press conference. And just because he was the unpredictable Ronnie O'Sullivan, he went on to win the world championship, his third, only a few weeks later.

A dry spell would soon follow, as age apparently caught up with O'Sullivan, who failed to win a tournament from late 2009 to early 2012. His top spin disappeared, his long pots went astray, and his safety shots rolled short. He found himself concentrating even more on his obsessive running, seeking in the loneliness of roadwork some escape from his anxieties. (His 2003 autobiography, *Ronnie*, tells of his parents' troubles, while his 2013 book, *Running*, speaks of his own demons.) Over his career, he's flirted with multiple

religions and even left the game for a while to try farming.

What eventually did seem to help were sessions with the sports psychiatrist Steve Peters, and suddenly, at age 36, he started claiming tournaments again. In 2012 and 2013 he won his fourth and fifth world championships. In 2014 he took his fifth Masters and his fifth U.K. championship. In 2016 and 2017 he added his sixth and seventh Masters titles—despite such well-reported adventures as deliberately refusing a perfect game, scoring 146 in protest over the low bonus offered for a 147.

Mark Selby has been the top-ranked player for the past few years, but Ronnie O'Sullivan, entering relatively few events, remains a serious threat at 42 years old—reviving his career yet again this season as he followed his English Open victory by reaching the finals of the Champion of Champions on November 12, winning the Shanghai Masters on November 18, and playing well in the U.K. championship through the first week of December.

The late surge of good play hasn't made him entirely happy or content. He claims to be much calmer these days, much more accepting of small failures. But after winning the English Open, he immediately began to squabble with tournament officials and refused to accept the trophy that went along with his victory. He publicly complained about "numpties" in subsequent matches, his word for minor players who, he thought, enter tournaments just so they can get their pictures taken with famous champions. He caused a scene by insisting on photographers being thrown out of a match in Shanghai, and he told an interviewer that he would happily skip the next Triple Crown tournament for the chance to appear on a British reality-television show.

What remains for him? Still able to win matches in his 40s, embarked on yet another successful run this season, O'Sullivan should reach in the next few years the mark of 1,000 century breaks he has said he wants. Six more ranking tournament victories would match Hendry's 36 wins (albeit over a much longer period than Hendry's 17 years). O'Sullivan's last 147 was in 2014, and he may add a few more perfect breaks before he stops playing. His career will go down in snooker history as ranking alongside the careers of Joe Davis, Ray Reardon, Steve Davis, Stephen Hendry, and perhaps Mark Selby.

It doesn't seem quite enough. The greatest sheer talent snooker has ever seen, the one true genius of the sport, he should have no one rank alongside him. To watch Ronnie O'Sullivan play snooker, in those moments when the Rocket flows and his break-building reveals the simple beauty in the game, is to wonder how he ever lost a match.

The answer is inextricable from the style with which he plays. The imperfections of the snooker table, like the imperfections of the world, will not be overcome forever. The demons of the human condition will not be held at bay for long. Ronnie O'Sullivan wanted to make a perfect art of snooker, and the problem isn't his choosing snooker. The problem is his sad need for perfection. His mad need for art. ♦

Gary Oldman as
Winston Churchill



The Oldman Churchill

A metaphor for Britain's stiffening spine.

BY JOHN PODHORETZ

Darkest Hour is a movie about the first three weeks of Winston Churchill's premiership in May 1940, and it is balderdash. In a razor-sharp *National Review* critique, Kyle Smith takes out after the movie for shrinking Churchill "down to a more manageable size" by portraying him as undergoing an emotional crisis due to the political maneuverings against him and the enormity of the challenge he faced as the Nazis bore down on Britain's army in France. Smith is right. Nothing in the historical record supports the idea that Churchill faltered internally in his determination to face down the Nazi menace and achieve victory against Hitler.

But screenwriter Anthony McCarten and director Joe Wright are up to something interesting here that only becomes fully clear at the end. Their use of Churchill, as essayed by Gary Oldman in one of the juiciest performances

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

Darkest Hour
Directed by Joe Wright



you will ever be privileged to watch, isn't biographical. It's metaphorical. The Churchill we see here may have the familiar jowly countenance, the indelible plummy accent, the singular wit, and the soulful romanticism of the one-of-a-kind original. But *Darkest Hour* isn't really about him at all, notwithstanding the fact that Oldman is onscreen nearly every moment and gives an old-fashioned, right-downstage-hogging-the-spotlight, hammy, glorious, barn-burner of a turn that makes you want to shout "bravo" and toss bouquets at the screen.

No, *Darkest Hour* is the story of how, after he at last ascended to the top of the greasy pole, Winston Churchill came to embody and represent the iron soul of Great Britain at its moment of utter existential peril. The movie's por-

trait of a journey taken by Churchill from uncertainty to resolve may be factitious, but if you take it as a portrait of the stiffening of Britain's spine, it speaks a truth.

Darkest Hour is taken pretty directly from John Lukacs's wonderful 1999 book *Five Days in London* (I sure hope Lukacs, still alive and kicking at 93, got some money out of it). As in the Lukacs book, the primary conflict isn't with Germany but with members of Churchill's own Tory party, led by the sniffy Lord Halifax (Stephen Dillane). The conflicts are both political and practical.

Politically, the old guard is suspicious and disdainful of Churchill, who had left the Tory party, rejoined it ("Anyone can rat, but it takes a certain ingenuity to re-rat," he had said), and by the 1930s was speaking powerfully against the Tory embrace of the appeasement of Hitler. Practically, Halifax and his allies are defeatist, viewing the German march through Western Europe as an unstoppable force and a separate peace with Hitler as the only hope for Britain's survival.

They want to maneuver Churchill into saying explicitly that he will not enter into negotiations with Germany so that they can call a vote of no confidence, kick him out of 10 Downing Street, and put in Halifax instead. Yes, this is a movie in which you know who the bad guys are because they want "peace talks." (I thought I'd died and gone to heaven.)

This is all taking place against the backdrop of the disastrous situation of the British Expeditionary Force in France, whose hundreds of thousands of men had been pushed back to the beach at Dunkirk (you may recall an earlier film this year on that topic). Efforts to fight until the end are likely to mean the wholesale capture and destruction of Britain's armed forces, which will not only knock Britain out of the war entirely but leave the Isles largely defenseless. But, as Churchill rages, "you cannot reason with a tiger when your head is in its mouth."

This is where the movie takes the turn for which Smith scolds it. Oldman's Churchill finds himself undone

JACK ENGLISH

by the burdens of power. Halifax's implacable hostility and the situation in France cause Churchill to lose his blustering self-confidence. He is on the verge of a nervous collapse. Infected by the doubts and pessimism of his war cabinet, unable to see a way out of the thicket, and haunted by the loss of 4,000 men in Calais whom he used as a diversion to keep the Germans from attacking Dunkirk, Churchill begins to entertain the necessity of trying to reason with the tiger.

His strength is only renewed by encounters with Britons both high and low. A previously unfriendly King George VI (Ben Mendelsohn, a superb actor like Oldman seemingly capable of playing anyone from any nation of any class) visits Churchill late at night

in his bedchamber after being forced to contemplate the royal family's evacuation from Britain, and promises the prime minister his support. George tells him to "go to the people" for inspiration. Churchill decides to descend into the London Underground and ask the common folk what they think—should they fight to the end? Man, woman, and child, they tell him yes.

Ridiculous though these scenes may be from a historical standpoint, they are charming and enlivening in the movie itself. More than that, they make it clear that what we are seeing in *Darkest Hour* is a portrait of Britain rising to meet its greatest challenge. Churchill becomes their voice, their heart, their spirit. This isn't a biopic. Like *Hamilton*, it's really a pageant. And a thrilling one. ♦

three stages. In the beginning, we had community-based "local" trust, then we progressed to the "institutional trust" of "an organized industrial society." Now we are moving beyond rules and hierarchies to a "distributed trust" made possible, above all, by Internet-based commerce that is "rewriting the rules of human relationships" and ushering in "the third, biggest trust revolution in the history of humankind."

How she arrives at this ranking is beyond my ken. But readers applying traditional standards of coherence and clarity to *Who Can You Trust?* will never get through it; the book is better approached as a spooky, TED-talkin' voyage into the zeitgeist of creative-class techno-optimism.

It all starts with the author's wedding in rural Massachusetts on September 14, 2008, the day that Lehman Brothers filed for bankruptcy. "A couple of friends who were senior executives at JP Morgan Chase and Goldman Sachs apologized for having to leave, summonsed [sic] to 'red alert' emergency meetings. It would be a race against the clock to avoid the blind panic that would surely happen when the markets opened." And so, her "wedding day, rich with tradition, also marked the downfall of something more profound: public trust in institutions." (Although not, one hopes, the institution of marriage.)

Early chapters follow a simple formula—first an illustrative anecdote, then "here's why it matters"—to demonstrate how Internet-based companies like Alibaba, BlaBlaCar, Airbnb, Uber, and TransferWise have enabled a huge expansion in the variety and scale of commerce. For example, Botsman starts one chapter with a story about how a nanny that her mother hired when Botsman was a child turned out to be a drug dealer, which leads nicely to an explanation of UrbanSitter, an online platform for vetting nannies via one's Facebook or LinkedIn network, thus presumably keeping creeps away from the kids. For Botsman, what all these companies have in common is their use of Internet platforms that facilitate "trust between strangers ...



In Us We Trust?

Institutions are indispensable, even as trust in them declines. BY DANIEL SAREWITZ

Polsters, pundits, and public intellectuals identify declining levels of trust in America's civic institutions as a threat to social and political order. Public opinion data bear out that trust has indeed waned in recent decades. The great majority of citizens in the early 1960s broadly viewed the nation's institutions as reliable and well-functioning; today most people view them with skepticism. Confidence in government, the legal system, the news media, the medical system, public schools, and banks has significantly declined, and today all these institutions are distrusted by a majority of Americans.

One important factor—albeit not

Daniel Sarewitz is a professor of science and society at Arizona State University's School for the Future of Innovation and Society and the co-director of the university's Consortium for Science, Policy, and Outcomes.

Who Can You Trust?

How Technology Brought Us Together and Why It Might Drive Us Apart

by Rachel Botsman

PublicAffairs, 322 pp., \$27

always in straightforward ways—in the declining trust is technological change. The democratization of knowledge and information via the Internet and social media has destroyed institutional monopolies on truth and provided potent tools for destabilizing and competing with the authority of traditional experts. In *Who Can You Trust?*, Rachel Botsman discusses these technological forces in terms of irreversible social transformation. "Institutional trust, taken on faith, kept in the hands of a few and operating behind closed doors, wasn't designed for the digital age."

Botsman, firmly in the grip of a theory, divides human history into

a once unthinkable form of trust that has sprung up around the world.” It’s “the old village model of trust in one sense, except that the community is global in scale and some of its invisible reins are being pulled by Internet giants.” (Do not try to make sense of the metaphors.)

The scale, diversity, and novelty of Internet commerce is of course extraordinary, but the idea that it is best understood in terms of shifting patterns of trust is bizarre. What Botsman calls “distributed trust” is necessary for *any* commercial activity beyond barter. Innovations as diverse as notaries public, standardized weights and measures, paper currency, and railroads have each allowed an expansion of commerce among people who had never met one another. Indeed, to provide some relief from *Who Can You Trust?* I was simultaneously reading Francis Spufford’s new novel *Golden Hill*, the story of which hinges entirely on a problem of commerce and distributed trust. In the book’s opening pages, the hero arrives in New York in 1746 carrying a note for £1,000 that he cannot redeem because its validity is unverifiable. All manner of misadventure ensues. The plot device depends on a world of slow ships connecting distant lands; that particular problem of distributed trust was solved by the advent in the mid-19th century of the transatlantic telegraph.

Botsman’s book does not shrink from tales of misadventure. From the Uber driver who goes on a killing spree to the “darknet”—the Internet’s safe space for the drug trade—to huge bitcoin heists, Botsman gradually reveals that pretty much every clever way to bring people together online to make money and expand the distribution of goods and services also means creating opportunities to subvert or exploit that cleverness for the gain of individuals, companies, and governments. The scariest example she mentions is China’s Social Credit System, a government-run initiative that by 2020 is supposed to rate and rank every Chinese citizen in terms of a range of economic, social, personal, and presumably political criteria. The more

points you get for good behavior, the easier it will be to rent cars, take out loans, get faster Internet connectivity, find a job, travel abroad, and attract a similarly highly rated partner. As Botsman rightly puts it, this program represents “social control dressed up in some points-reward system.”

Still, Botsman bravely holds onto her theory. “I would not have written this book if I did not believe in the enormous potential of distributed trust to give people, even countries, the tools and power ... to help us find ways through the treacherous storm of distrust we are currently only just weathering.” In support of such exhausted metaphors the book is infested with gratuitous neologisms like “trust blocker,” “trust engineer,” “trust leap,” “trust scar,” and “trust stack,” all of which are compiled in a glossary. But in the end it all seems like a rearguard action; Botsman’s final words are a halfhearted and regretful plea that we “stop and think before we automatically click, swipe, share and accept. To ask the right questions and to seek the right information that helps us to decide: Is this person, information or thing worthy of my trust?”

Botsman’s idea that the trust necessary for a well-functioning society can

be created and maintained by online commercial exchange is at once frivolous and dangerous. It advances the techno-libertarian illusion that strong public institutions are not essential for civic order. But as the anthropologist Mary Douglas explained in her classic *How Institutions Think*, it’s the institutions themselves that create the very possibility of such order in the first place. Institutions stabilize ideas about the world that people can share and have confidence in. Douglas showed that trust that’s worthy of the name cannot emerge from “mutual convenience in multiple transactions” but must be built on a “sameness” of understanding that allows social cohesion and contributes to the belief that one’s actions will achieve one’s aims. *Who Can You Trust?* has everything backwards. In bemoaning the erosion of privacy and autonomy that accompanies the online world of “distributed trust,” Botsman declares: “The real questions about the future of trust are not technological or economic; they are ethical.” Yet where will such ethical questions be raised, debated, and adjudicated if not in the very institutions that she seems so willing to consign to obsolescence? ♦

BCA

Kiddie Con Man

The Great Brain at 50.

BY STEFAN BECK

Of the many things that a young fellow, barely knee-high to a grasshopper, might aspire to be when he grows up, one that doesn’t often come to mind is “grifter.” Yet in my early 20s, intoxicated by the demimonde allure of pulp novels by Jim Thompson and Charles Willeford, I was reminded of a time in early childhood

Stefan Beck is a writer living in Hudson, New York.

when it was not firefighter, police officer, or astronaut but dirty rotten swindler that felt like my true calling.

The bad influence in my case was Tom Fitzgerald, the antihero of one of the finest, most durable series of children’s novels ever written. John D. Fitzgerald’s *The Great Brain*, the first of seven books about the exploits and exploitations of a “junior-grade confidence man” in late-19th-century Utah, appeared 50 years ago, in 1967. It is junior-grade



Some of the exploits of Tom Fitzgerald, the Great Brain, in a recent edition

Twain, a vivid, delightful tribute to American childhood.

I resist saying “a lost American childhood.” This past summer I reread *The Great Brain Reforms* at a swimming hole in Philmont, New York: “We all went swimming naked, because nobody owned a bathing suit then.” I looked up at kids bobbing in the spray of the waterfall. They weren’t naked, but everything else about the scene—from the treacherous, algae-slick rocks to the emerald water to the boy plucking baby leeches from his legs—felt as though it had been summoned straight from the page.

Even so, today’s kids could stand a refresher course. With his “great brain and money-loving heart”—and his guileless kid brother, J.D., acting as narrator and foil—Tom Fitzgerald teaches us that the smarter you are, the more fun you have. He is a boy on whom nothing is lost. Every new situation, beginning with his father’s purchase of the first water closet in Adenville, Utah, affords an opportunity for edification, profit, entertainment, and, invariably, trouble.

Tom’s schemes may be loosely classified as helpful, helpful but self-interested, purely self-interested, or downright malicious. When he saves the kids lost in Skeleton Cave (shades of *Tom Sawyer*), he is using his brain for good. When he promises to turn a Greek immigrant boy into a “hundred per cent American kid”; to give the

Pygmalion treatment to an unhappy, motherless tomboy; or to foil a pair of confidence men selling bogus stock to Adenville’s citizens, he is after quid pro quo.

Tom’s contraband candy store in *The Great Brain at the Academy*—a book amusingly patterned on prison drama, right down to a key duplicated with a bar of soap—exists solely to empty his schoolmates’ pockets. The same goes for his stock-in-trade: persuading kids to make bets they can’t win and deals they’ll get screwed on. In the course of seven books, Tom manages to cheat the youth of Adenville out of a Sears Roebuck-catalogue’s worth of sports equipment, bowie knives, air rifles, and anything else a kid could desire. He certainly never has to do his own chores.

Wanna bet he can’t read minds? (It’s a trick!) Control minds? (It’s a trick!) Magnetize wood? (It’s a boomerang!) At times it is easier to believe, as Fitzgerald requires us to, that a child could solve a bank robbery or resolve a hostage crisis than that everyone in town would keep falling for Tom’s cons.

But Tom’s schemes are not all Norman Rockwellian boys-will-be-boys mischief. He is marked by an ugly competitiveness, a vengeful streak, and a carelessness about people’s well-being. In depicting these aspects of the Great Brain, Fitzgerald possesses an Augustinian sense of the darkness in a child’s

unformed nature. Tom humiliates his older brother on a fishing trip. He punishes a strict schoolmaster by framing him as an alcoholic to get him fired. He writes a letter to the pope in hopes of disgracing a teacher at his Jesuit academy. When his father, the editor of Adenville’s newspaper, refuses him a job, he publishes a rival paper containing sensational gossip:

LOCAL NEWS OF INTEREST

If Mrs. Haggerty will stop nagging her husband all the time, he will stop getting drunk. Sarah Pickens is going to die an old maid because she is too stuck up and choosy to marry a local man who loves her. . . . If the Widow Rankin spent as much money on her kids as she does on herself trying to catch a new husband, her kids wouldn’t look like ragamuffins. Mrs. Lee’s brother, Stanley, isn’t in the Army like she tells people. He is serving time in the State Penitentiary. . . .

EDITORIAL

Some parents don’t seem to realize that their kids are growing up and continue to treat them like little kids. When a boy gets to be eleven going on twelve, his parents should start treating him like a young man and not like a kid anymore.

This chafing at authority, this drive to outsmart adults and thus cut them down to size, is great fun to root for as a kid. It is also instructive to see it backfire from time to time, with adults getting the last wise word after all. Here, for instance, is “Papa” putting an end to Tom’s river-raft excursion business: “You and every boy in this town know that when it rains hard in the mountains there is a very good possibility of a flood in the river. . . . You knew the water was turning muddy, indicating the possibility of a flood. And yet you jeopardized the lives of six boys for thirty cents. And as a result, Jimmy Peterson and Howard Kay almost drowned.”

The world in which these books take place is one full of danger, and we see its young characters grow morally in part by learning to negotiate that danger. In *Me and My Little Brain*, the only book in which Tom doesn’t appear, J.D. is charged with the task of “curing” a traumatized boy whose parents have

been killed in a landslide. Drowning, disease, criminal predation, poverty, and other misfortunes are ever-present realities, in spite of the books' mostly rosy nostalgia. And today's readers may raise their eyebrows at how much fighting happens, and how casually, in these pages.

The Fitzgerald children, as part of one of the few Catholic or "Gentile" (non-Mormon) families in Adenville, are better fighters than most. "Most of our playmates were Mormon kids," J.D. relates, "but we taught them tolerance. ... There is nothing as tolerant and understanding as a kid you can whip." This is an interesting alternative to today's diversity teaching—that differences are more easily tolerated when they are first more dramatically acknowledged. (The fighting isn't ideal, of course, but the idea is worth considering.) The Great Brain series is a good way to teach kids about tolerance, diversity, and equality. The example of white Mormons, white Protestants, and white Catholics (plus a random Greek family) learning to get along abstracts these concepts to their essence.

Above all, the Great Brain series is a tribute to problem-solving and to living life with curiosity and rigor. It is refreshing, when so much literature for children and young adults seems to emanate from crudely adolescent power fantasies—sorcery, superpowers, sex appeal—to see good-ol' settin' and thinkin' win the day.

The Great Brain series was "a huge influence on my life," recalls Hal Johnson, the author of the young-adult books *Immortal Lycanthropes* and *Fearsome Creatures of the Lumberwoods*. "Plenty of children's books of the time had smart characters, but those characters just served to spout statistics and deliver exposition. Tom Fitzgerald, though, had to be smart for real, all cunning tricks and clever schemes. He *earns* his great brain." Sure does. When Tom's brain starts "working like sixty," things don't always go right, but they always go somewhere exciting. As the old saw has it, and the Great Brain would surely agree, only the boring get bored. ♦

BCA

Meme Girls

Tina Fey's clique flick prepares for Broadway.

BY GRANT WISHARD



The cast of Mean Girls in its pre-Broadway production at Washington's National Theatre

Back in 2013, in my last weeks as a high school senior, with plenty of free time on my hands, I wrote a survival guide for future students. This tome, full of wit and wisdom, remains unpublished, safely stored on a laptop buried somewhere in my closet. Which is just as well. I now realize Tina Fey had me beat by nearly a decade—ever since the release of *Mean Girls*, the movie she wrote satirizing high school cliques in all their, like, horribleness.

Based partly on a 2002 book by Rosalind Wiseman, *Mean Girls* was a hit in theaters in 2004, pulling in \$86 million at the domestic box office (on a relatively small budget of \$17 million). In the years since its release, it has become a cult classic. *Mean Girls* is famously quotable and perfectly suited for the quotes-and-

pics style of social media give-and-take. Perhaps you've never seen the movie, but as with the King James Bible you may be quoting it anyway (the formulation "Stop trying to make [X] happen! It's not going to happen" is probably the movie's best-known contribution to meme banter). The movie bridges pop-culture divisions; as a leader from one social-media company told the *Washington Post* in 2014, "whether it's *Hunger Games* or *Harry Potter* or *Les Mis*, those other fandoms attach themselves to *Mean Girls*. [They're] using the quotes, the gifs, the lines, and the content [from *Mean Girls*] to extend their [own] fandom."

Mean Girls was bound to take the next step. No, I'm not referring to *Mean Girls 2*, the low-carb made-for-TV movie released in 2011 that devotees politely ignore. The next step is the stage. Theater critics and true fans of the movie have been following rumors

Grant Wishard is an editorial assistant at THE WEEKLY STANDARD.

JOAN MARGUS

of a *Mean Girls* show since Tina Fey first hinted at the project a decade ago, and at last a musical adaptation is set to premiere on Broadway next March. Did I, hardly a true fan, take any satisfaction in seeing the show first, before millions of worshipers, during its just-completed short trial run at Washington's National Theatre? Yes, I absolutely did. And I saw it on a Wednesday. (I hear "on Wednesdays we wear pink"?)

If you've seen the movie, you already know the plot of the musical. Cady Heron (Erika Henningsen, in the role Lindsay Lohan originated in the movie) grew up in Africa, where she was homeschooled by her zoologist parents. The family moves back to the United States and enrolls Cady in high school, an experience that her parents ominously and correctly predict will "socialize" her. On her first day, Cady breaks all the rules of the jungle—she doesn't understand her teachers' arcane classroom policies and, what's worse, is clueless about the social dynamics among her fellow students—but she soon makes friends who explain to her how the school's cliques work. She sets out to destroy the queen of the bitches, Regina George (Taylor Louderman, in the movie's Rachel McAdams role). Drama ensues. There's a cute guy, and, well, you get the picture.

On the walk to the theater I noticed a singular pair of parachute pants in bright pink, the favorite color of Regina's clique. Along the way we were joined by highlighter-pink skirts, purses, and stilettos. Ticketholders were easy to spot, making interviews a breeze: females ages 15 to 30, schoolteachers, and gay men. (A prominent character—Damian, one of Cady's true friends—is memorably described in the movie as "too gay to function," and the actor playing the part in the musical, Grey Henson, is one of the show's highlights. He's playing an exaggerated, obnoxious gay stereotype, but with a wink to the audience. He's a satire unto himself and with brilliant subtlety lets us in on the joke.)

What I learned from some quick interviews on the sidewalk before the show is that for many of the theatergoers, *Mean Girls* wasn't just a movie they

enjoyed—it was a formative social experience. Several women I talked to said it had been their first PG-13 movie. One said she watched it with her friends, church youth group, and parents—a rare combination. Another called it "the sleepover movie," the DVD selected when girls couldn't agree on what to watch. And of course, *Mean Girls* helped many of them answer that all-important high school question: Who am I? As one interviewee told me, some days you might watch the movie and feel like Regina (a queen bee), other days you might feel like Karen (her duncey friend), still others you might feel like Cady (trying to figure it all out).

The performance itself was excellent, and even more fun after intermission when I joined the rest of the audience in drinking red wine. *Mean Girls* is hyperactive from the first bell and maintains its high energy throughout. Nearly every song is a big, loud dance number set in the school's quintessentially oppressive cafeteria, classroom, and locker room; there's also a house party. Scenes change instantly, often so quickly that the actors are making costume changes onstage. It's hectic and so much fun—just like high school could be, at its best.

The show does have some problems to work out before it bows on Broadway. Several of the songs are musically too similar (as Peter Marks noted in the *Washington Post*, they are "rock numbers that range from catchy to undistinguished and come one after another"). The few times *Mean Girls* does slow down, the results are moving: Gretchen and Mrs. George ("I'm a cool mom!") have been given their own sad songs, making their unlikable characters much more sympathetic. Regina, on the other hand, is twice as evil as in the movie—burning victims to the ground with the flick of her pink-painted nail. She enters the stage in a cloud of smoke, Vader-style, belting out her own song: "I'm Regina George, and I'm a massive deal."

Thanks to the superb acting and direction, and to the emotional power of the music and choreography, the stage show of *Mean Girls* is funnier,

more enjoyable, and better developed than the movie. This may seem somewhat strange, since the plot and the dialogue remain largely unchanged—which is no surprise, considering how much the fans love their favorite lines. Having rewatched the movie before attending the show, I was surprised at how often the musical was just a carbon copy. Even so, it wasn't enough for some fans. One theatergoer complained to me after the show about the casting of Gretchen: "She's not Asian in the movie—which, fine, whatever, I'm all for inclusion, but it, like, was weird." It's tough being a cult classic.

Judging from its built-in fan base and what I saw during the show's test run, *Mean Girls* has the makings of a Broadway smash. And maybe it was just the wine doing its work, but I left the theater warming to the idea that *Mean Girls* really has helped a lot of people through high school. Fans told me over and over that they loved the movie's "message" and what it meant to them. A male teacher from an all-girls school told me that *Mean Girls* provides a "common language," an "understood dialect," that "bridges a gap between generations." This seems right—the musical is well positioned to help bring the story into the era of social-media cyberbullying.

The only risk is in the fact that the production takes itself too seriously. The refrain of the concluding song is "just be kind and open-minded." Groan. The actor who plays Damian, a master of nuance, was unfortunately given the show's single worst line: "The moral of our story is ..." Really? *Mean Girls* isn't a classic because it hammers its moral teaching into its viewers' heads. *Mean Girls* is a classic and deserves to go to Broadway because its moral teaching is embedded in its hilarious mockery of the worst time in a young person's life. The only relief from all that angst is, as Cady says in the last scene of the movie, looking back on all the mistakes she's made, "All the drama from last year just wasn't important anymore." If I could amend my own high school survival guide, I'd delete the whole thing and steal that one line from Tina Fey. ♦

"I have made the decision to retire from my position as the Member of the United States House of Representatives from Michigan's Thirteenth Congressional District effective today."

—John Conyers Jr., December 5, 2017

PARODY



MD DC VA M2 V1

What Is Dead May Never Die

MONDAY, DECEMBER 11, 2017 • \$2

Matt Lauer announces retirement from television

'I WAS READY TO GO'

Former 'Today' host eagerly awaits replacement

BY AUDREY SO AND JUDGE SEHDEV

NEW YORK — Seen donning a trenchcoat, hat, and sunglasses, former NBC "Today" show host Matt Lauer told reporters he was going on a "long-overdue" vacation. "I can't tell you all how excited I am to finally go on this trip... alone," said Lauer, who did not disclose his destination but admitted he purchased a one-way ticket.

Lauer also took the time to announce he was retiring from television. "I want to be clear in light of the allegations that I had planned for some time to retire from doing news and television. The tens of millions of dollars, first-class travel, fancy door locks—it really gets to be a bit much when you reach the ripe old age of 59. Plus, there are so many young and talented reporters out



MAX GOLDBERG

Bidding farewell to fans, Matt Lauer autographs a cowboy hat.

there—I just couldn't wait to give one of them a shot at my job!"

Lauer insisted he meant to inform NBC executives of his retirement. "But the suits beat me to the punch and, well, anyway, now I am free," Lauer added, while packing six large suitcases into an SUV.

When asked about the door-lock button on his desk at NBC, Lauer maintained that it was strictly a time-saving gadget. "It's a pain having to get up and constantly lock and unlock the door." As for why he needed to lock his office door, the ex-talk-show host

said, "I didn't want anyone walking in on me when I was picking destinations for those 'Where in the world is Matt Lauer?' segments. I mean, those things were really kept top secret!"

In related news, Charlie Rose announced that he, too, was retiring from television. "I got so tired of dressing up in suits every day," said the former "CBS This Morning" anchor. "Frankly, I'd be happy to spend the rest of my life wearing nothing but a bath-

NEWSFLASH CONTINUED ON A6

the weekly
Standard

DECEMBER 18, 2017