

**SHRINKS AND
PRESIDENTS**
PHILIP TERZIAN

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A TRAGEDY OF ERRORS

ANDREW STUTTAFORD
on the Tories' bungling Brexit



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The Stick Does the Trick

Susan Collins, the Republican senator from Maine, has always had about her the air of the schoolmarm. It didn't surprise us that she was the person who at last discovered the secret to dealing with United States senators: treat them like kindergartners. During the government shutdown last weekend, Collins gathered a group of her colleagues to try to find a compromise agreement that would end the impasse. Thrilled, the press decided to call the group "centrist," presumably because nearly all of them favor amnesty for illegal immigrants.

One problem immediately presented itself to Sen. Collins: Even centrist U.S. senators have a hard time shutting up. Ever demure, Sen. Collins didn't put it that way, of course. She described the group as a "large number of loquacious people." Her solution to all that loquacity was to produce something called a talking stick, a



colorful beaded rod that a fellow senator had once given her. Any centrist who wanted to speak had to get hold of the stick and then relinquish it when another centrist wanted to speak. In such fashion did the centrists reach a compromise that appealed to both Charles Schumer and Mitch McConnell. The government reopened.

Sen. Collins's stick originated with the Maasai in Africa, where it was used to bring order to unruly tribal councils. But it is best known in North America for its use in

elementary schools. For decades, teachers who have faced "a large number of loquacious people" under the age of 10 have produced the stick as a lesson in speaking only when asked and listening when not speaking. It is altogether fitting, and about time, that our elected representatives learn these lessons as well.

We don't mean to suggest that the United States Senate has become infantilized—only that in the Senate, infantilization seems to get the job done. If we're lucky, the talking stick will be just the beginning. We look forward to the day when the Senate parliamentarian requires senators to enjoy nap time, snack time, and play time, and to use a sippy cup to swig their bourbon, and to keep their hands to themselves when they get all comfy in their jammies for filibuster time. Thanks to Sen. Collins, it could be a new era on Capitol Hill. ♦

Wait, There Was a Shutdown?

That government shutdown, by the way, which stretched from midnight on the night of Friday, January 19, to sometime in the late afternoon of Monday, January 22, was more talked about than real. Some federal agencies took the day off, and here in Washington the traffic on Monday morning was easier to negotiate. There were a few other consequences. "Staff at the Securities and Exchange Commission had to cancel a trip to a beachfront conference in San Diego," according to the *Wall Street Journal*. A few agency websites "flashed warnings that information wasn't up-to-date." And "a range of everyday government

operations, from workplace safety inspections to Internal Revenue Service audits, didn't take place."

That's it? Well—pretty much.

There were no doubt a few other hiccups, but the nation mostly failed to notice that lots of federal workers had a three-day weekend. We would like to suggest that perhaps the federal government should take every Monday off, but then (a) a lot of customers at post offices and various other federal agencies have long since concluded that this was already the case, and (b) far be it from us to suggest that bureaucrats should draw paychecks without reporting for duty. It does prompt this question, though. If it really takes around \$4 trillion to keep the federal government running every year—that's



Um, no, they don't.

almost \$11 billion a day—and the whole thing can stop running for a long weekend almost without anybody noticing, might the great hulking apparatus of federal bureaucracy contain some superfluous items? As a younger colleague of ours asked, why are there nonessential government personnel? ♦

Some of These Are Not Like the Others

The online headline in the *New York Times* was pretty shocking: "School Shooting in Kentucky Was Nation's 11th of Year. It Was Jan. 23."

School shootings are a gravely serious matter, so it surprised us to learn that there have already been 11 in 2018. The shooting in question took place in Benton, but the *Times* story began with a survey of some of the others: "On Tuesday, it was a high school in small-town Kentucky. On Monday, a school

TOP: CHILDREN; BIGSTOCK; COLLINS: MARK WILSON / GETTY; BELOW: FREDERIC J. BROWN / AFP / GETTY

cafeteria outside Dallas and a charter school parking lot in New Orleans. And before that, a school bus in Iowa, a college campus in Southern California, a high school in Seattle. Gunfire ringing out in American schools used to be rare, and shocking. Now it seems to happen all the time.”

The print headline was only slightly less sensational: “School Gunfire Every Other Day.”

Golly.

We hadn’t heard about all these shootings, and since the *Times* online editors helpfully supplied hyperlinks to the stories from Iowa, Southern California, and Seattle, we checked them out. From Iowa: “Police in north-central Iowa say no children were hurt when a window of their moving school bus was shot out.” The window shattered, according to the local newspaper, “after being hit by a shot from a pellet gun.” From Southern California: “Shots were reported on the Cal State San Bernardino campus on Wednesday night, canceling classes, forcing students and staff to shelter in place and prompting a search by law enforcement for potential evidence. No injuries were reported.” And from Seattle: “A bullet was fired into New Start High School Thursday, but no one was injured, the King County Sheriff’s Office said. The ‘round entered office window and lodged in a three-ring binder,’ the sheriff’s office tweeted.”

We don’t want to minimize the danger of gunfire, but there were no arrests made in any of the linked stories. Nor were there any injuries, unless you count the three-ring binder. The story from the *San Bernardino Sun* doesn’t make it completely clear that there even were any shots fired. As for the pellet gun and the broken school bus window, “police say they know who is responsible for the shooting and believe it was an isolated incident.” That must be a great relief to area residents.

America has come a long way since 1952, when E.B. White in *Charlotte’s Web* could tell us that Avery Arable grabbed a doughnut and a gun on the



TRADE WAR

way out the door to catch the school bus. Nowadays the bus would be surrounded by a SWAT team and young Avery hauled off to juvenile court.

In another sense, though, we wonder if 2018 is really so different from a half-century or a century ago. We suspect that if the mischief wrought by a pellet-gun-wielding rascal could count as a “school shooting” back then—and if major newspapers had desperately scoured the nation’s news reports in search of anything resembling a campus gunfight—we’d find that ours is a much more peaceful time than we often suppose. More angst-ridden, but more peaceful. ♦



A Parking Spot of One’s Own

We’ve all seen parking places designated for the handicapped and for expectant mothers, but leave it to China to take that trend to a new and controversial level.

It seems that a handful of new parking spaces at gas stations in Zhejiang province have been marked for female drivers only. The spaces are 10 and a half feet wide (one and a half times the usual width) and are marked with a large black stiletto heel logo on a pink background.

The Australian Broadcasting Corp. reports that “the purpose of the spaces has been hotly debated on

BUTTON: BIGSTOCK

Chinese social media site Sina Weibo, with many netizens saying they reinforce the stereotype that women are bad drivers while others say it is a considerate design.” The new spaces “join a growing number of extra-large designated women parking spots being unveiled around the country.”



Have at it, ladies.

South Korea, the network reports, also has women-only parking spaces, “outlined in pink and marked with a pink skirt-wearing figure.” (The question of where to park one’s automobile is presumably not an issue in neighboring North Korea.)

Of course, women have it rough in China. The country has 34 million more males than females because of a longstanding preference for boys when the government cruelly limited couples to one child. Maybe the new parking spaces are a respite from an overabundance of aggressive male drivers. ♦

Remember: Fan Is Short for Fanatic

The Philadelphia Eagles are headed to the Super Bowl, and while the region is rejoicing, the city’s tourism board is no doubt cringing at antics of the legendary local fans, which are best summed up by the recent headline in the *New York Daily News*: “Another Eagles fan arrested for punching police horse.”

Other treats included online video—from multiple angles—of a rather large and conceivably not fully sober Eagles fan chasing after a sub-way and running full speed into a pillar before bouncing off the side of the moving train back on to the platform. The subsequent media interviews with this superfan have been pure Philly. “I was a 10-pound baby born in India. I moved to the states at a very young age, about a year and

a half. And I grew up to be an Eagles fan,” Jigar Desai told *Deadspin*. “It doesn’t make any sense, right?” We’d counter that it makes more sense than Desai realizes.

You can’t blame city officials for not doing their best to cope with the Eagles victory over the Vikings in the NFC championship. They went so far as to smear lamp posts with Crisco to keep overexuberant revelers from climbing them. Philly fans took this as a challenge and chanted “F— that grease!” as they succeeded in climbing them anyway. News reports played up the fact that there were only six arrests after the championship, but come on. Anyone watching video of the celebrations could see that downtown Philly looked like a *Mad Max* movie, only with more delis and cheesesteaks. What else would you expect from a team that once boasted of a jail in the stadium?

But before we tut-tut, we must note that Eagles fans embody a ferocious aspect of the American spirit that, on some level, deserves appreciation. In 1975 and 1976, the Red Army hockey team came to America to play exhibition games against NHL teams. The Soviets had a powerhouse of a team, and they rolled to one demoralizing victory after another, in the midst of the Cold War. Then they came to Philadelphia. Egged on by unbelievably rowdy fans, the Flyers played so physically—goon hockey at its finest—that the Soviet coach pulled his team off the ice for 15 minutes to protest the violence. The Flyers destroyed the Red Army 4-1, the only NHL team to beat them on that exhibition trip.



Alleged Philly police-horse assailants Andrew Tornetta, left, and Taylor Hendricks

The Flyers’ future hall-of-famer Bobby Clarke would later say he “really hated those bastards.” Whoever wins the Super Bowl, THE SCRAPBOOK would just like to say, God bless Philly fans, and God bless America. ♦

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Playing Defense

The Centers for Disease Control alarmed the public in early January when it announced that the topic of its next monthly public health briefing would be preparing for nuclear war. But the agency soon changed the subject to something it deemed more urgent: this season's flu outbreak.

As a worrywart who flirts with hypochondria—I may catch a cold if I get any closer to it—I sweat many health warnings but ultimately towel off and get on with life. Not now, though. Not when the government in effect says, “If you think an atomic detonation on your porch is a scary thought, get a load of *this*.”

I'd prefer not to get even a microbe of it. The severity of this year's worst flu strain and a map showing its prevalence in every state have brought out my most precautionary behaviors. Or, in a word, “overkill.”

Have you ever used a Clorox wipe for a handkerchief? Neither have I. But I've been considering it recently, as I disinfect every doorknob, lock, light switch, handle, faucet, remote control, phone, and keyboard in the house, every two days. The smell of fear now comes in “fresh scent” and “citrus blend.”

Adequate hydration, the simplest blessing we take for granted in this bountiful country, is an essential component of good health. But in times like these, my commitment is so zealous I often forget that I emptied my glass just minutes before. Refill, refill, refill—so many ounces of fluid every day that I'm afraid the EPA may soon be regulating my bladder as a “navigable water of the United States.”

Outside it's a no-man's land, where the virus wanders undeterred by disinfectants. It'll attach itself

to a pole in the middle of a subway car and taunt you when all the seats are taken. Resourcefulness comes in handy. Long ago I began to practice “surfing” on the train, not grabbing anything for stability. It's a goofy look. But it freed both my hands to hold and flip the pages of the book I was reading. And this time of year it has undeniable health benefits, too—right up to the moment when the conductor yanks the brake and



I clang into the pole and wind up clasping it to steady myself. The Purell won't make the bruise go away.

But the train is the least of it. Ever notice that there are children . . . everywhere? They say children are “our future,” but until then they're an armada of vessels armed with dangerous germs. Did the USS *Seven-Year-Old* just brush the hand he was using to wipe his nose across the trash can lid I'm about to open to deposit my coffee cup? Like a shy tortoise, I retract my balled fist inside the wrist of my jacket and nudge the receptacle with the fabric.

Now, for the rest of the day, the sleeve above the forearm will be off-limits. But my hands should be, anyway. Despite my paranoia, I don't succeed in keeping them under 24-hour surveillance—who knows what escalator railing they held when I wasn't paying attention? And that coffee cup in the trash can the germ-vessel brushed with his grimy hand? It was obtained at a café, paid for with a card inserted into a device on which there were numbered buttons dozens of other patrons had pressed. My hands will just have to live life inside my pockets. And no scratching that itch on my nose.

Trying to ignore an itch you can't scratch is no way to go through life. For that matter, it's no way to go through a first date, when you're trying to make eye contact while your face is twitching itself into a Picassohead. At some point you have to excuse yourself to the restroom, where you can wash your hands—and, only after flinging them to get some of the water off, scratch that itch. It's the only window of time available. You don't turn off the faucet and *then* scratch. You don't push down on the paper-towel lever and do it then. It is, as they say in baseball, a “bang-bang play.” And then you return to the table, aware that you're insane and hopeful she hasn't already figured that out.

All of this amounts to risk mitigation, and its efficacy is far from proven. I spent my birthday six years ago partying with a norovirus, and I spent St. Patrick's Day weekend the year before that bedridden and achy—the work of pathogens, not beverages. But it wasn't the flu. It'd be comforting if the trend were predictive, but of course that's not how it works. So I walk back inside my house, toss my wallet and keys into the basket, Dial the bathroom sink to 10, grab a water, check the stock of Clorox wipes, and take a seat on the couch. I sniffle.

CHRIS DEATON

Night Falls on Venezuela

The once-great nation of Venezuela hardly looks like a state anymore, far less a great one. This week government forces finally caught up with Oscar Pérez—the former action-movie star and police officer who led a ragtag band of pro-democracy protesters. He and six of his confederates were killed in an apartment outside Caracas on January 15. The news shocked Venezuelans and discouraged the country's democratic friends in both hemispheres. Pérez had used his Instagram account and a helicopter bearing pro-democracy banners to urge Venezuelans to retake their government. Venezuelans cheered his exploits but mostly didn't heed his call to action.

It's a metaphor for Venezuela's opposition. The spirit is willing but the flesh is weak.

Nicolás Maduro, the protégé and heir of Hugo Chávez, has accomplished the remarkable feat of making Venezuela more unlivable than it was under his predecessor. Vast numbers of its working-aged citizens are unemployed, inflation may soon reach 13,000 percent, starvation is rampant, and hospitals have neither medicine nor equipment to treat the diseased and dying. Across the country, bands of starving looters are apt to attack anyone or anything that looks like it might have food or money.

In the 18 years of its existence, the “Bolivarian” government of Venezuela has destroyed the country's economy and crushed its people's voices. Perhaps only a fifth of the country supports Maduro, but he and his Stalinist supporters face little opposition. These Chavistas, defenders of the Chávez-Maduro movement known as “Chavismo,” control the courts, the central bank, the state oil company, and what passes for a legislative body—a constituent assembly newly created by Maduro and packed with his loyalists. Mayors and other officials are either unblinkingly loyal or replaced. Vocal critics are hounded into silence, imprisoned, or murdered.

Venezuela stands as the greatest contemporary reminder of a lesson often forgotten in liberal democracies: that socialism ruins whatever it touches and requires a police state to protect its powerbrokers. Many young progressives think they see socialism in Europe, but what they see are welfare states financed by market economies. The Chavistas' “socialism” is the real thing: The state owns and runs everything. Chavismo would have collapsed long ago if it weren't for the intermittent influxes of oil money that strengthen the regime sufficiently to buy off the opposition and brutalize any dissidents.

The regime holds elections, but not for the purpose of

discerning the people's will. It holds elections in order to give the well-meaning naifs of the U.N. and other transnational bodies the impression that Venezuela is still a democracy—a democracy in the throes of an authoritarian fever, perhaps, but still a democracy. It's a calculated lie. The Chavistas manipulate the country's election system for their own purposes. Stuffing the ballot box is commonplace. Voters in areas where support for the opposition is strongest are told their voting stations are 15 or 20 miles away.

The Maduro government is what Raúl Gallegos, contemporary Venezuela's most insightful chronicler, calls a “deniable dictatorship.” Like many another totalitarian regime, it wants the benefits of being thought of as a democracy—prestige, alliances with powerful and wealthy nations, foreign investment—but also wants total control of the apparatus of the state. The Chavistas do not view the two as incompatible. The one is simply a means to the other—a simple but highly effective form of duplicity best described by Leszek Kolakowski, the great historian of Marxism, in his 1978 essay “Genocide and Ideology.”

One difference between Nazism and Stalinism is neither negligible nor secondary: in contrast to Nazism, Stalinism was all façade. It exploited—quite successfully—all the ideological instruments of the socialist, humanist, internationalist, universalist tradition. It never preached conquest, only liberation from oppression; it never extolled the state as a value in itself, only stressed the necessity of reinforcing the state as an indispensable lever to destroy the enemies of freedom; and it promised, in conformity with Marxist doctrine, the abolition of the state in the perfect world of communism. It preached equality, democracy, self-determination for all nations, brotherhood and peace.

So, much Western policymaking is premised on the mistaken belief that the Chavistas actually want to abide by democratic norms and would bring about democratic reforms if only they could. Hence the recent suggestion from regional and European foreign policy mavens that the United States should offer to lift economic sanctions *if* the country restores the democratically elected national assembly (the one Maduro dismissed last summer) or *if* the government formulates a new nonpartisan electoral council. The Maduro government might consider making these or similar changes, but only to buy time until the next power-grab.

What is to be done?

In 2017, President Trump signed an executive order barring U.S. banks from financing new Venezuelan debt,

and the United States, Canada, Mexico, and the E.U. have sanctioned an assortment of government officials accused of human-rights abuses. These are defensible policies, but they may do nothing to loosen Maduro's hold. The country is already a nightmare and the opposition, such as it is, fractured and lethargic. As long as he can finance his police state with oil revenues, Maduro will stay in power.

A few high-level politicians—Florida senator Bill Nelson, Argentina's president Mauricio Macri—have proposed an outright embargo on U.S. imports of Venezuelan oil. That would destroy what's left of Venezuela's economy and very likely hasten Maduro's fall. But it would wreak some havoc on the U.S. economy, too. Louisiana and Texas are home to Venezuela-connected refineries; the U.S. government would in effect be shutting down domestic companies and raising the price of gas in order to topple a foreign dictator.

In August, President Trump spoke mysteriously of a "military option" to stop the Maduro regime and restore

democracy. But if the administration isn't even talking about sanctioning Venezuela's oil exports, it certainly isn't considering regime change. Venezuela has a capable army; the risks of a military intervention would be far greater than those of overthrowing, say, Manuel Noriega in 1989.

The reality is that the Chavistas must be deprived of their oil. Otherwise Maduro stays, and Venezuela's nightmare continues. If the Trump administration wants to rid the Americas of their most odious regime, it will have to embargo Venezuelan oil. Announce the decision six months in advance: Maduro and his cronies step down peacefully or the U.S. deprives them of their only real source of money. In the meantime, strengthen the opposition with clandestine funding and overt encouragement.

Whether a professedly but inconsistently nationalist U.S. administration has the will to face down this neighborhood tormentor is anybody's guess. If it does, the oppressed around the world will watch and learn. ♦

Trump Sticks It to U.S. Consumers

On January 22, President Trump announced the imposition of a 30 percent tariff on imported solar panels and a 20 percent tariff on imported washing machines. The Trade Act of 1974 allows the president to impose duties when an imported product becomes "substantial cause of serious injury" to the corresponding domestic industry. And there was U.S. trade representative Robert Lighthizer arguing that "increased foreign imports of washers and solar cells and modules are a substantial cause of serious injury to domestic manufacturers."

Another word for "substantial cause of serious injury" is "competition." It's true that foreign countries subsidize their industries deliberately in order to undercut their foreign counterparts, just as we do for some domestic industries. But government aid hurts companies in the long run, discouraging them from adapting and innovating.

The Trump administration would prefer that the media interpret the move as a response to China's unfair trade practices. The president singled out China for criticism many times during the 2016 campaign, and both he and Lighthizer referred to China in their respective statements on the tariffs. The media did their part, too, with numerous stories about the solar tariffs being a possible precursor to a trade war with China.

But these measures aren't aimed primarily at China. In 2011, China was far and away the top exporter of solar cell and module components to the United States. In 2017, it had dropped to No. 4—behind Malaysia, South Korea, and Vietnam. That was the result of countervailing and anti-dumping duties imposed on the industry in 2013. In other words: We already took action against China; now we're mainly punishing our friends. As for the new duties on washing

machines, the South Korean companies LG and Samsung make the great majority of washing machines imported into the United States. This is hardly the most politic way to treat our chief ally in what's surely the globe's most dangerous diplomatic hot spot—the Korean peninsula.

The president no doubt believes that measures like this will (a) force foreign manufacturers to move some of their production lines to the United States in an effort to get around the tariffs, and (b) give American companies enough breathing room to hire more workers. Both of these may happen. Whirlpool already announced it would add 200 jobs at one of its Ohio factories. But we can expect China, South Korea, Singapore, and others to respond with protectionist policies of their own. Tariffs may temporarily help a company located in a politically important place—they may create a few photo-ops at ribbon-cutting ceremonies—but they'll eventually hurt other U.S. companies in ways no one can expect.

Some free-market conservatives shrugged off the tariffs on solar panels. The green-energy industry, after all, is already the recipient of a dizzying array of state and federal tax favors and handouts; a 30 percent tariff serves it right. We sympathize, but such protection will only encourage policymakers to push for more and stronger favors to counterbalance the tariffs. Indeed, green-energy advocacy groups are already using the tariffs (which, remember, protect domestic solar-panel manufacturers) as an argument for yet more protections. Expect these tariffs to serve as an excuse to expand green-energy tax credits.

As for the solar-panel and appliance companies, they'll simply pass along the cost to the consumers—who always end up paying for it when politicians play the hero. ♦

STEPHEN F. HAYES

Wait for the Facts

Many Republicans and Trump-supporting commentators have embarrassed themselves in recent weeks with their wild-eyed and absurd conspiracy theories about the “deep state.” While the insurrectionist language from some of them might please the InfoWars corner of the conservative movement, it’s deeply irresponsible.

Fox Business anchor Lou Dobbs called FBI officials “agents of treason.” Commenting on FBI director Christopher Wray, a Republican and a Trump appointee, he cried: “Lock him out of his office, confiscate all documents, records, computers, phones, keys, and begin investigation!” He told his 1.6 million Twitter followers that the top Department of Justice and FBI officials are “every bit as dangerous as our enemies” and announced that “it may be time to declare war outright on the deep state.”

The cause of such hysteria was a fragment of a message between two text-happy, anti-Trump FBI officials, investigator Peter Strzok and lawyer Lisa Page, his colleague and mistress. The message was sent the day after Donald Trump’s election and included a reference to a “secret society.” For days, these two words were all the public knew about the text. Yet elected officials sprinted to the cameras to hype their hypotheses about a republic-shaking FBI conspiracy.

Florida representative Matt Gaetz, a freshman Republican who has quickly learned to exploit the outrage-equals-airtime formula of cable news, made himself the face of the GOP’s deep-state theorizing, appearing again and again to sound the alarm about the

president’s domestic enemies. “These are the elements of a palace coup that was underway to disrupt President Trump both before and after his election,” he said.

Wisconsin senator Ron Johnson, whose Homeland Security Committee first obtained the text, suggested more information was coming about the



Republicans are embracing wild conspiracy theories. It’s obscuring serious questions about the government’s handling of the investigations into both Clinton and Trump.

elaborate scheme. “Corruption of the highest levels of the FBI,” he reported. “The ‘secret society’—we have an informant talking about a group that was holding secret meetings off-site.”

The speculation about government malfeasance took off. Ann Coulter suggested FBI incompetence led to the 9/11 attacks. Rush Limbaugh wondered if the bad intelligence on Iraq’s WMDs might have been an intelligence community plot to embarrass George W. Bush.

Then the full contents of the text were reported. It reads like an inside joke, not the details of a coup. “Are you even going to give out your calendars?” wrote Page, reportedly referring to Russia-themed gag gifts. “Seems kind of depressing. Maybe it should just be the first meeting of the secret society.”

When CNN’s Manu Raju later asked

Johnson whether the “secret society” references were made in jest, the senator admitted: “It’s a real possibility.”

So, then, never mind.

Republican politicians and the conservative media are increasingly embracing wild conspiracy theories. This is both unwise and counterproductive. And in this case, it’s obscuring serious questions about the government’s handling of the investigations into both Hillary Clinton and Donald Trump.

Thus far we’ve seen only a fraction of the text messages between Page and Strzok. But what we’ve seen should bother anyone interested in the rule of law. There’s disturbing evidence that senior FBI officials may have allowed their deep disdain for Trump to influence the manner in which they carried out their public service. Strzok worked on the FBI’s investigation of Clinton’s email server and, later, on the Robert Mueller investigation of Russian influence in the 2016 election. Several of their exchanges appear to suggest Strzok’s willingness to use his position for political ends.

The politicization of the Clinton investigation appears to have started early. According to a January 25 letter from Iowa senator Chuck Grassley to the FBI director, Page and Strzok agreed that it’d be wise to go easy on Clinton, given the possibility she’d win the 2016 election. “One more thing: she might be our next president,” Page texted Strzok on February 25, 2016. “The last thing you need us going in there loaded for bear. You think she’s going to remember or care that it was more DOJ than FBI?” Strzok: “Agreed. I called Bill and relayed what we discussed. He agrees.” (The call was likely to FBI head of counterintelligence Bill Priestap.)

A text from Strzok to Page in August 2016 reads: “I want to believe

the path you threw out for consideration in Andy's office—that there's no way he gets elected—but I'm afraid we can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40."

In a message from May 2017, as Strzok was apparently considering whether to join the Mueller team, he refers to "a sense of unfinished business" that was "unleashed" by the Clinton investigation. "Now I need to fix it and finish it."

Other messages provide additional information about the manner in which FBI director James Comey and Attorney General Loretta Lynch handled the Clinton investigation. One text suggests that Lynch already knew the outcome of the investigation when she publicly announced on July 1, 2016, that she would follow the guidance of "career people, who are independent." Strzok wrote that the timing of Lynch's announcement "looks like hell." Page responded sarcastically, writing that Lynch's decision was "a real profile in courage since she knows no charges will be brought." Comey did not announce his decision not to pursue Clinton until July 5, 2016.

One of the driving forces of the Republican conspiracy-mongering was that five months of the texts between Strzok and Page had not been preserved by the FBI due to what DoJ described as a technical error. But, on January 25, Michael Horowitz, the Justice Department's inspector general, announced that these had been recovered. They may well contain additional information relevant to the handling of both the Clinton and Trump investigations.

But first we are sure to hear of more conspiracies as part of the effort to undermine the FBI and Mueller's investigation. The Republicans who eagerly propagate these theories are no doubt doing so in order to protect Donald Trump. They're going to do what they do. Conservative media personalities who build audiences on indignation will do the same.

Ignore them. And wait for the facts. ♦

COMMENT ♦ WILLIAM KRISTOL

The GOP through the looking-glass

Back when Donald Trump was merely a small dark cloud on the horizon of American politics, many of us were already worried about the state of American conservatism. Five years ago, I suggested in these pages that Eric Hoffer's famous observation of decades ago applied to the conservative movement. To paraphrase, every great cause begins as a movement, becomes a business, and eventually degenerates into a racket.

But that problem can be addressed by rejuvenation, reformation, and renewal. And it seemed it was being addressed during President Obama's second term, and that it might come to fruition in a reformist Republican presidential candidate in 2016.

It was not to be. And now, one year into the Trump presidency, we face a crisis of conservatism more serious than a normal cyclical downturn from which movements can and do recover. To update Hoffer's formulation: Every great cause begins with ideas, hardens into an ideology, and eventually degenerates into conspiracy theories.

In 1980, Daniel Patrick Moynihan, the Democratic senator, noted, "Of a sudden, the GOP has become a party of ideas." It's not mere nostalgia to recall the Reagan years as a reasonably idea-rich environment on the right, and it's not unfair to see some decline into rigidity in the two sets of Bush years. That was unfortunate but not really alarming.

But the current state of discourse on the right and among elected Republicans on Capitol Hill sounds as if they've been taking instruction from the queen in Lewis Carroll's *Through the Looking-Glass*. After Alice insists that "one *can't* believe

impossible things," the queen tells her, "I daresay you haven't had much practice. . . . Why, sometimes I've believed as many as six impossible things before breakfast."

If only we were living in a wonderland where elected officials' fantasies



To update Hoffer's formulation: Every great cause begins with ideas, hardens into an ideology, and eventually degenerates into conspiracy theories.

were simply another form of entertainment! But a well-functioning constitutional republic requires keeping a firm grip on reality. Today's willingness to believe in "secret societies" and conspiracies—not mistakes or biases or incompetence—at the FBI is reminiscent of Sen. Joseph McCarthy. Today's rhetoric about the "deep state" would warm the heart of Robert Welch and his John Birch Society.

Confronting the demagogues and demonizers of his own day, Abraham Lincoln wrote to his friend Joshua Speed in 1855, "I am not a Know Nothing. That is certain. How could I be?" But too many others found themselves able to be. "Our progress in degeneracy," Lincoln lamented, "appears to me to be pretty rapid."

Our own progress in degeneracy appears to me to be pretty rapid. And if you believe that America has benefited from a healthy conservatism and a strong Republican party, and would benefit still—you have to worry that their degeneracy makes far more likely America's degeneracy. ♦

The Chilean model lives

Santiago, Chile
The word “Chilezuela”—that’s Chile+Venezuela—was more an accusation than a slogan, the gist being that the left-wing candidate for president of Chile would model the country along the policy lines of Venezuela, the socialist hellhole.

It worked. The leftist Alejandro Guillier lost badly to Sebastián Piñera, a billionaire and former president whose first term (2010-2014) had not gone well. Elected just before Christmas, Piñera has not caused conservative hearts to flutter in anticipation of a bold new term that begins in March. But Piñera kept the left out of the presidency. And that was enough for the time being.

There’s a bigger picture. The rags-to-riches Chile story lives on as a model of what a poor country can achieve if it spurns socialism and adopts free markets and democracy. Peru is now copying Chile. More may follow.

But obstacles remain. Capitalism is not taught in Latin American schools and not much in colleges either. Even with Fidel Castro gone, Cuba exports communism as aggressively as it once did sugar. It’s left to private organizations and American groups like the Fund for American Studies (TFAS) to teach the joys of free enterprise. And there’s always corruption to deal with. Plus, socialists often make good candidates—Guillier was an exception—and are clever at getting elected.

In Chile, socialist Michelle Bachelet is leaving the presidency because of a one-term limit. When she spoke to American business executives at the U.S. Chamber of Commerce in 2014, she said Chile has an efficient tax system but complained that it was deficient in income redistribution. The audience applauded.

She and other socialists have an

ally in Pope Francis, who spent three days in Chile in mid-January. He is said to have moved up his schedule to visit while Bachelet was still in office. The pope has yet to return to Argentina, thus avoiding Mauricio Macri, his homeland’s center-right president.

Bachelet pushed hard to elect Guillier, a more radical version of



Capitalism is not taught in Latin American schools. Even with Fidel gone, Cuba exports communism as aggressively as it once did sugar.

herself. But he wasn’t helped by the endorsement of Venezuelan president Nicolás Maduro and the shadow of his Stalinist regime.

Piñera, 68, was a colorless candidate in the first round of voting, emphasizing his unexciting personality. He got a meager 36 percent of the vote. With “Chilezuela” as the theme of the runoff, turnout surged and he defeated Guillier, 54-45 percent.

Chile was once a Third World country headed downhill economically after Salvador Allende was elected president in 1970. He won only a third of the vote but was bent on creating a Marxist state. In 1973, the military led by General Augusto Pinochet staged a coup. Allende and several thousand of his followers were killed.

Pinochet was an unusual dictator. When he took over, Chile had one of the highest rates of poverty in South America. It was a basket case. Now it has the continent’s strongest economy. Without Pinochet’s having heeded the advice of economist Milton Friedman, imposed capitalism, and hired a

team of free market economists, many trained at the University of Chicago, the rise to First World status wouldn’t have happened.

One of the economists was José Piñera, brother of the new president and Harvard-educated. He created a stable, fully-funded pension program that has become a monument to the success of private markets. But leftist politicians have increased their pressure to change the system, says Darío Paya, a former Chilean ambassador to the Organization of American States.

Change is the last thing the retirement plan needs. Piñera released a study in January that found “72 percent of the capital accumulated in the personal retirement account of the average Chilean worker, after 36 years in the private pension system, comes from the return on the investments done with their contributions.” That’s a long way of saying the plan is a dazzling success.

The left, still in love with socialism despite its latest bloody failure in Venezuela, screams about inequality but it’s declining as the middle class grows. I was struck especially during a week in Chile by a new poll that shows people here happy, satisfied, and optimistic about the future.

“When you think about it, Chileans are the happiest people in the world,” University of the Andes pollster Ricardo González said. On top of that, the poll discovered a “correlation between life satisfaction and GDP growth.”

Yet there’s a disconnect between how people here feel about capitalism—as a concept anyway—and the economic success they are experiencing. Pinochet is partly to blame, I suspect. He’s a hard man to credit, given his bloody takeover. He made himself president, leaving office in 1990 after losing an election. He died in 2006.

Lecturing students at a TFAS program at the University of the Andes, a professor noted repeatedly that he heartedly disliked Pinochet. After each of these declarations, he touched on an economic success for which the general was at least partly responsible. Dictators make poor heroes. ♦

When psychiatrists try to diagnose a president, *they're* usually the crazy ones

In the winter of 1949, the first secretary of defense, James V. Forrestal, announced his impending retirement from office.

The announcement was abrupt but not entirely unexpected. Columnist Drew Pearson had revealed that the 1948 Republican presidential candidate, Thomas E. Dewey, had met privately with Forrestal and had asked him to stay on if Dewey won the election. This was a serious annoyance to the winner of the election (and Forrestal's boss), Harry Truman. And Truman's principal campaign fundraiser, a Washington lawyer named Louis Johnson, was champing at the bit to succeed Forrestal at the Pentagon.

Once Pearson's story had been published, Forrestal's days in the Truman administration were numbered. But there was another reason as well. In 1940, Forrestal had been one of the dollar-a-year Wall Streeters recruited for the coming war effort by Franklin Roosevelt, and his rise had been prodigious. He had been a White House assistant and undersecretary of the Navy, and when Navy secretary Frank Knox died suddenly in 1944, Forrestal succeeded him. In 1947, when the armed forces were unified in a new Department of Defense, Forrestal became its first chief.

He had always been a tense, driven man—and now in his late fifties, ending a historic decade of burdensome service, was showing signs of what used to be called nervous exhaustion. So alarming, indeed, were his behavior and appearance that almost immediately after stepping down, he was flown

to a friend's estate in Florida for rest and recuperation. The change of scenery, however, seemed only to deepen his symptoms, and Forrestal was quietly transported to the National Naval



There have always been social scientists who like to demonstrate that conservatism is a kind of social pathology and that conservatives are, by definition, pathological.

Medical Center outside Washington for psychiatric treatment.

Two months after his retirement, Forrestal jumped to his death from the high-rise tower of the naval hospital.

I mention the case of James Forrestal not to suggest that there are any parallels with President Trump, whose stability and mental health are a source of constant speculation in the media, but to point out that the character and personalities of political leaders have been a subject of concern and inquiry for a very long time. In his pioneering study of Forrestal, the late historian Arnold Rogow declared that his subject's tragic case “underscores the observation that we need to know much more about the tensions and frustrations of high office. . . . When the survival of civilization may depend upon sanity in high places, the question is especially urgent.” And that was in 1963.

There are two problems in endeavor-

ing to answer that urgent question, however. To begin with, presidents are human beings and, as such, respond to the exigencies of the presidency as humans would. By modern clinical standards, Abraham Lincoln probably suffered from depression, as did James Madison, Calvin Coolidge, and others. The towering egotism—as well as the narcissism and mammoth intensity—that propels men into the White House can easily be mistaken for a host of pathologies. And in some instances, it may well be true: It should hardly be surprising that the poisonous character of partisan politics—the fishbowl, the derision, the aspersions, the pettiness—drives some presidents, perhaps all of them, a little crazy.

But that's the other problem: Too often, the diagnosis is not scientific but political. Or to put it in colloquial terms, if there is an occupant of the White House who has not, at one time or another, been accused of lunacy, of having taken leave of his senses, or of suffering from some malevolent disease of the mind, I am unaware of it.

In our time, this has been true, in particular, of Republican presidents—and especially since publication of the notorious September-October 1964 issue of *Fact*, a short-lived investigative journal of the era. That was the occasion when *Fact*'s editor-publisher, a sometime pornographer-journalist named Ralph Ginzburg, polled several thousand American psychiatrists and found 1,189 of them willing to declare publicly that the GOP presidential candidate that year, Sen. Barry Goldwater, was “psychologically unfit to be president.”

Ginzburg's stunt is unlikely to have had much effect on the outcome of the 1964 race, but it did prompt the American Psychiatric Association to amend its principles of medical ethics to declare that while psychiatrists may speak generally to the press about psychiatric matters with reference to figures in the news, it is unethical for members to offer professional opinions about people they have never treated. Moreover, it's equally unethical “for a psychiatrist

to offer a professional opinion unless he or she has conducted an examination and has been granted proper authorization for such a statement.”

The so-called Goldwater Rule, adopted after the senator successfully sued Ginzburg for libel, is medical common sense, and most physicians would readily subscribe to it. Yet it is useful to peruse the dozens of written statements reprinted in *Fact*. Many consist of long-distance diagnoses—“To me the outstanding sign of Goldwater’s instability is his radiation of diffuse but continuous hostility,” and “Goldwater’s mental instability stems from the fact that his father was a Jew while his mother was Protestant”—but most tell us more about the writers than about Goldwater.

Norma Mason, M.D., of Chicago, for example, revealed that “in my practice I have had . . . at least 10 ‘ham’ radio operators. The unique characteristic of all these people was an inability to communicate face to face with their fellow men without discomfort.” Meanwhile, Paul J. Fink, M.D., of Philadelphia averred that Goldwater “appeals to all of the delinquent tendencies

in the citizens of the United States: bigotry, hatred, doing away with the income tax, etc.” In many instances, the very same symptoms that armchair analysts find in Trump—hatred, personal cruelty, delusional thinking, as well as character traits shared with Hitler and Joseph McCarthy—were also detected by Goldwater’s critics decades ago. Most revealing of all, the most common observation was that Goldwater’s right-wing political opinions were prima facie evidence of insanity and unfitness.

Which is precisely the point. There have always been social scientists who like to demonstrate that conservatism is, itself, a kind of social pathology

and that people who identify as conservatives are, by definition, pathological. In this instance, the particular achievement of President Trump is that his (admittedly unconventional) behavior seems to have persuaded certain conservatives to adopt this doctrine as well. But it’s a minority opinion, at best, and those men and

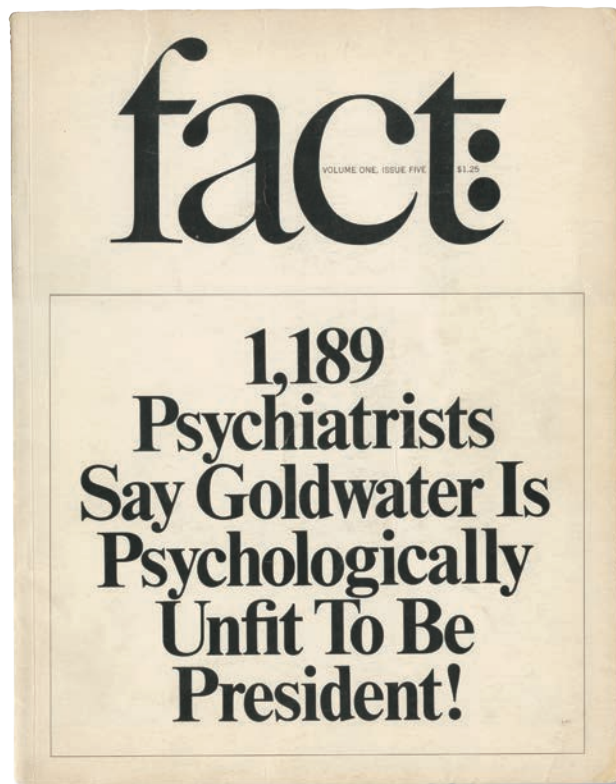
explains his chronic irritability and a rigid, “inflexible world view.”

As if to prove conclusively that there’s nothing new under the sun, last fall a Macmillan imprint published a collection of 27 essays, edited by a clinical professor of psychiatry at Yale, on Trump’s psychological unfitness for office. The editor, Bandy X. Lee, M.D., believes that Trump needs to be removed from office under provisions of the 25th Amendment, and most of the contributors share her opinion. But the arguments are largely the old one made a half-century ago against Barry Goldwater—Trump believes [fill in the blank] so he *must* be crazy—and essays by journalist Gail Sheehy and the left-wing linguist/foreign-policy guru Noam Chomsky do little to enhance the volume’s credentials.

In a curious way, Dr. Lee and her colleagues have adapted the old Soviet notion of mental health for American purposes. In the 1970s and ’80s, political dissidents in Russia were routinely incarcerated in mental institutions on the theory that anyone who chose deliberately to defy the

regime and suffer the consequences must be insane. In America at the time, this was regarded by psychiatrists as a shocking abuse of professional standards; but politics makes strange bedfellows.

Of course, none of this is meant to argue for Donald Trump’s stability or even his fitness for office. But partisan politics in scientific disguise seldom succeeds as politics and insults science. For that matter, James Forrestal’s life and death remind us that the human mind is capacious and variable. And if Abraham Lincoln was clinically depressed, what does a clean bill of mental health mean to history? ♦



The magazine that led to the so-called Goldwater Rule

women of science willing to defy the Goldwater Rule tend to approach crank status.

Eli S. Chesen, M.D., for example, is much admired among some of Richard Nixon’s scholarly detractors for his 1973 volume, *President Nixon’s Psychiatric Profile: A Psychodynamic-Genetic Interpretation*, and the George Washington University psychiatrist Justin A. Frank, M.D., gave comfort to critics of the Bush administration with his *Bush on the Couch: Inside the Mind of the President* (2004)—helpfully updated three years later—which theorized that George W. Bush is a megalomaniac and sadist, whose status as what laymen call a “dry drunk”

Turkish Army tanks and soldiers lined up at the Syrian border, January 21



When Allies Attack

Trump and Turkey.

BY MICHAEL WARREN

The Trump administration did not condemn Turkey last week after the country's military began attacking Kurdish forces in northwestern Syria. White House press secretary Sarah Huckabee Sanders exemplified the administration's response: "We hear and take seriously Turkey's legitimate security concerns," she said on January 22, two days after the Turks began an air and ground assault on the city of Afrin.

On January 24, President Trump spoke with Turkish president Recep Tayyip Erdogan and, according to a readout of the call provided by the White House, "relayed concerns" about the Afrin incursion and "urged Turkey to deescalate, limit its military actions, and avoid civilian casualties and increases to displaced persons and refugees." Trump also told Erdogan "to exercise caution and to avoid any

actions that might risk conflict between Turkish and American forces."

The "legitimate security concerns" of Turkey refer to the ethnic Kurds in the country who are seeking an independent state. The Kurdish People's Protection Unit (YPG) militia force in Afrin is linked by Ankara to Turkey's Kurdistan Worker's party, or PKK, with which it has been in open conflict for decades. There's no public evidence, however, that the YPG in Afrin launched any attack across the border before Turkey's January 20 invasion.

So what prompted the aggression? The Turks blame a U.S. military proposal to train and arm a mostly Kurdish patrol force along Syria's long border with Turkey. A spokesman for the American-led coalition fighting ISIS in eastern Syria confirmed Turkish media reports of plans for such a force. "The Coalition is working jointly with the Syrian Democratic Forces to establish and train the new Syrian Border Security Force," Col. Thomas

F. Veale told the *Defense Post* on January 13. "The base of the new force is essentially a realignment of approximately 15,000 members of the Syrian Democratic Forces to a new mission in the Border Security Force as their actions against ISIS draw to a close."

But the Trump administration denies the plan ever rose past the level of a tactical discussion by military commanders. "There was never such a plan that had any policy approval," a senior administration official said last week. "In fact, it wasn't even considered here, in D.C., at the policy level. There may have been some blue-sky type thinking by the military planners at a tactical level based on the mission parameters that they had. But that was never put forward as a policy option."

In fact, the official continued, "if there's a proximate cause outside of Turkey for the launch of that operation, it is Russia," citing a statement from Erdogan that he had an "agreement" with Russia related to the move on the Kurds in Afrin. The Russian defense forces near Afrin were moved away from the city shortly before Turkey's incursion.

"You will note that there has been no engagement of Turkish aircraft by Syrian regime air defenses," the official went on. "So we think the implication there is that the agreement that Russia made with Turkey was to guarantee that the Syrian regime air defenses would not prevent Turkish aircraft from flying missions over Afrin. So the conditions under which the operation kicked off, including large-scale air operations—that's the result of Russia's greenlighting the operation for Turkey."

There are also internal concerns that explain Turkey's decision to invade, says Eric Edelman, the U.S. ambassador to Turkey from 2003 to 2005. "All of this is driven by Turkey's domestic political situation and Erdogan's upcoming presidential campaign in 2019, about which he is extremely nervous," says Edelman. "He's worried about his reelection. Stirring up external enemies is a time-honored tradition for people like him."

About the Kurdish forces in Afrin, the administration has had little

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ULENT KILIC / AFP / GETTY

to say except that they have “never been advised by the United States, equipped by the United States, trained by the United States, and have never had any U.S. forces embedded with them,” said the senior Trump administration official. He emphasized that the U.S. military draws a distinction between these two groups of Kurds: those fighting ISIS alongside the U.S. in the east and those opposed to the Assad regime in the west.

“No one outside the White House situation room is going to believe that,” thinks Michael Rubin of the American Enterprise Institute. Rubin, an expert on the region, says the distinction between the two groups of Kurds is one without difference. “We really don’t have enough people inside Syria to accomplish anything if we don’t utilize the Kurds,” he notes. “The Kurds are our infrastructure there. They are the most effective and organized force against the Islamic State and other militants.”

Edelman says it’s implausible the Kurds themselves would draw such a fine line, and he fears the perception that the United States is leaving them high and dry in Afrin damages our position of influence in the region. “We’ve sold them out in the past. People in this part of the world have long memories. They’ve potentially got other folks they can make a deal with,” he says.

So what explains the administration’s hair-splitting over the Afrin incursion as Erdogan tilts further away from the United States and toward Vladimir Putin? The Islamist, anti-American Erdogan, whom Rubin calls a “paranoid dictator,” is an increasingly duplicitous ally, but an ally all the same. Turkey is a NATO member, remember. One view within the White House is that, for now, the alliance is bigger and more important than Turkey’s current president. Turkey skeptics like Rubin see it otherwise. “Thinking that by appeasing this sort of behavior we’re going to somehow win Turkey back, that’s insane,” says Rubin.

“Winning Turkey back” is the key phrase. Back from whom? Vladimir Putin, who has found another ally in

Syria’s Assad regime, increasing Russia’s sphere of influence in the Middle East as the United States’ recedes. The Russian resort town of Sochi is hosting a Putin-led summit on Syria’s future at the end of January. Turkey is among the participants along with Iran (of whom Assad’s Syria is effectively a client state).

It’s the hope of the administration that the United States can continue to offer something to Turkey. Secretary of State Rex Tillerson, speaking at

the Hoover Institution on January 17, noted the threat of terrorism to Turkey from both a resurgent al Qaeda and the Kurdish PKK in the country’s south-eastern corner. “We must have Turkey’s close cooperation in achieving a new future for Syria that ensures security for Syria’s neighbors,” said Tillerson in an appeal to mutual benefits.

At the moment, however, Erdogan isn’t buying. Less than 72 hours after Tillerson’s speech, Turkish planes were shelling Kurds in Afrin. ♦

Net Loss

Germany rediscovers censorship.

BY CHRISTOPHER CALDWELL

The German justice ministry estimates that incidents of “hate speech” have tripled over the past three years, roughly since Chancellor Angela Merkel, without consulting her people or their representatives, granted leave to a-million-and-a-half Syrian refugees and other Muslim migrants to settle in Germany. There have been protest marches in the east. The first avowedly nationalist party since the Second World War, the Alternative for Germany (AfD), took 13 percent of the vote in last September’s elections. And for months thereafter, fury over whether to admit the families of the new migrants poisoned attempts to form a new government.

It is not in the nature of governments to blame themselves when publics sour. Merkel moved to put a lid on things last spring. On the same afternoon that gay marriage became law, legislators also passed, with little debate, a *Netzwerkdurchsetzungsgesetz*, or Internet enforcement law.

Let’s call it the Net Law. It mandates that Facebook, Twitter, and other social networks remove offensive posts from their platforms within

24 hours of a complaint, under penalty of stiff fines, which can rise, should the offense be repeated, to \$60 million. Internet companies obediently staffed up. Facebook hired more than a thousand employees to work in its “deletion centers” in Berlin and Essen. The problem is, the ways in which a post can offend fall under 21 different vague categories, and one man’s despicable slur is another man’s courageous protest. Since it took effect on New Year’s Day, the Net Law has come to look less like a program for fighting bigotry than a censorship law in disguise.

On New Year’s Eve, AfD legislator Beatrix von Storch noticed that the Cologne police department had started issuing public announcements in Arabic. “What the hell is wrong with this country?” she tweeted. Her account was promptly locked. The humor magazine *Titanic* decided to make fun of her, writing a parody of her tweet that used the word *Barbarenhorden* (barbarian hordes). Their account was locked, too. A seven-year-old tweet posted by the godfather of the Net Law, Social Democratic justice minister Heiko Maas, calling author and social thinker Thilo Sarrazin an “idiot,” was extinguished from the web. Bloggers speculated over whether it had been deleted

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by Maas himself to avoid charges of hypocrisy . . . or simply caught in the gearworks of some algorithm-driven deleting software.

Maas has a weakness for orotund pronouncements. His claim that the law served to “protect freedom of expression” struck the wisecracking legislator Thomas Ney of the Pirate party as the best euphemism he’d heard since the East German government gave up calling the Berlin Wall the “Anti-Fascist Protection Wall.”

If no one inside Germany seemed to sympathize with the law, no one outside of Germany even understood it. The U.N. special representative for freedom of opinion, David Kaye, warned the government last year that the task of regulating speech cannot be delegated to private organizations. The E.U. commissioner for consumer affairs, Vera Jourova, told an interviewer at *Der Spiegel* in January that certain of its aspects reminded her of the Communist Czechoslovakia in which she had grown up. “Is that why you’re so uneasy about this question of hate speech on the Internet?” the interviewer asked. “Are you afraid that it might offer increasingly autocratic regimes, like those in Poland or Hungary, a powerful instrument of censorship?” Only in Germany! That Jourova might be more worried about actual censorship in Germany than hypothetical censorship in Poland seems not even to have crossed the *Spiegel* interviewer’s mind.

Germany’s cultural traditions have often interacted with its speech laws in ways that have further narrowed the leeway for free speech. Diana Lee of the Yale Media Freedom and Information Access Clinic has given an authoritative account of how that is happening once again today. German law punishes not just defamation but also insults. Truth is no defense if the insult shows a “lack of respect for the victim.” (That is why Maas’s tweet about Sarrazin was potentially offensive.) And there are other problems. While it was envisioned that individual social media users would file complaints over hate speech, non-governmental

organizations can do so as well. And NGOs, in Germany as elsewhere, are often driven by political agendas.

Merkel and her justice minister have been complacent and utopian. They have failed to understand that social networks like Facebook and Twitter can no longer be analogized to, say, a letters-to-the-editor column. They are not a new face in the old-media market, they *are* the media market, in which all of the old-media concerns are seeking a niche. The government believes it is not banning anything, but that is wrong. It has outsourced the task to the media platforms, but it has given them every incentive to delete first and ask questions later. Working under a 24-hour deadline to vet millions of



‘Ministry of censorship’: protest at the Ministry of Justice

posts, the companies face no penalties if they are too aggressive in curtailing speech but fines big enough to destroy their entire business in Germany if they are not aggressive enough. That is a ratchet towards censorship.

Does this outcome reflect a government blunder or a government wish? Throughout the migrant crisis, Merkel’s government meddled. It worked with newspaper editors to suppress some of the more heated online comments critical of migrants. In December 2015 Merkel’s team hooked up with social media executives to warn them that sites were to edit their content based on German law rather than company policy. In 2016, the comedian Jan Böhmermann recited a scatological poem about Turkish leader Recep Tayyip Erdogan—who, in exchange for billions of euros in aid money, was singlehandedly damming the flow of millions more refugees through Turkey. The Turkish government demanded that Böhmermann be prosecuted, and

at the time the ancient German laws against *lèse-majesté* were still on the books. Merkel announced she would prosecute Böhmermann, though the laws would soon be eliminated. (The case was dropped six months later.)

It is worth remembering why Beatrix von Storch was so incensed over the Cologne police department’s Arabic-language tweets last New Year’s Eve. On the same night two years before, there had been a wave of sexual assaults on the square in front of the Cologne cathedral, carried out by groups of immigrant men. A thousand criminal complaints were filed. Merkel’s migrant admissions were running high at the time, and these incidents were covered up or minimized by the police. This New Year’s Eve, Cologne police filed the charges of incitement against von Storch that led to the closing of her Twitter account. You don’t have to admire the AfD to find this dynamic troubling: The forces of order succeeded in silencing someone calling the forces of order to account.

Heiko Maas has been given to boast, when describing the virtues of the Net Law: “Freedom of expression ends where criminal law begins.” But this says exactly nothing. The principle is true everywhere: from Germany in its darkest days to Britain in its sunniest. In determining whether the Net Law is a censorship law, the important question is *where* between freedom of expression and criminal law the barrier lies. The evidence is not encouraging.

Both the parties of government, responsible for the most controversial decision taken by a German government since the Second World War, favor the Net Law. All the parties of opposition oppose it: not just the AfD but also the Free Democrats, the Left party, and the Greens. The last two of these have a considerably more distinguished record of fighting for minority rights, and opposing the stigmatization of Muslims, than either Merkel’s Christian Democrats or Maas’s Social Democrats. The government is not fighting hate—it is stifling debate. ♦

VIA TWITTER

Endangered Species

Will Democrats purge all their pro-lifers?

BY JOHN McCORMACK

In the spring of 2017, the Democratic party kicked off a debate about whether pro-life Democratic candidates should be tolerated anywhere in the country. The controversy began in the middle of middle America: Bernie Sanders and Democratic National Committee chairman Tom Perez attended a “unity tour” rally for Omaha mayoral candidate Heath Mello, who had backed a ban on late-term abortion in the Nebraska legislature.

NARAL Pro-Choice America president Ilyse Hogue condemned Perez and Sanders in a tweet for sending the message: “shame women; we’ll support u anyway.” Perez backed down, saying every Democrat should support a right to abortion and that position “is not negotiable and should not change city by city or state by state.” Mello did an about-face, saying that his pro-life views were personal and he “would never do anything to restrict access to reproductive health care.”

But Bernie Sanders held his ground. “You just can’t exclude people who disagree with us on one issue,” the Vermont socialist said in an interview. Democratic congressional leaders Chuck Schumer and Nancy Pelosi sided with Sanders—with Pelosi going so far as to blame the party’s hardline stance on abortion for Hillary Clinton’s 2016 loss.

“That’s why Donald Trump is president of the United States—the evangelicals and the Catholics, anti-marriage equality, anti-choice. That’s how he got to be president,” Pelosi told the *Washington Post*. “Everything was trumped, literally and figuratively by that.”

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Despite the efforts of congressional Democratic leaders to send the message in 2017 that there’s room in the party for pro-lifers, some progressives hope to send the opposite message in 2018. In Illinois’s March 20 primary, activists are trying to purge incumbent congressman Dan Lipinski, one of the rare pro-life Democrats remaining in Congress.

“There are only three left,” Kristen Day of Democrats for Life says of the pro-life Democratic caucus in the House, whose membership is comprised of Lipinski, Collin Peterson of Minnesota, and Henry Cuellar of Texas. “The



Nearing extinction

push for party purity on this issue is not going to help build a majority.”

Lipinski says his opponents want to create a “Tea Party of the left” and tells *THE WEEKLY STANDARD*: “It’s ironic that we’re arguably in the worst position we’ve been in in terms of the number of elected officials across the country since Herbert Hoover. And there are those who want to narrow the tent.”

“When it comes to issues such as abortion, there is bias against people who are pro-life,” he says.

“I can understand NARAL going in because that’s what they do,” says Kristen Day, but many of “the people attacking Dan Lipinski are not supposed to be abortion-only organizations.” Groups like Democracy for America, Progressive Change Campaign Committee, and MoveOn.org are backing Lipinski’s challenger Marie Newman. And so are New York senator Kirsten Gillibrand and Democratic members of the Illinois congressional delegation Luis Gutiérrez and Jan Schakowsky.

According to *Roll Call*, Lipinski

“has voted with his party 87 percent of the time he’s been in Congress, compared to 92 percent for the average House Democrat.” His NRA rating is 7 percent. Lipinski is arguably the last liberal pro-life Democrat in the House—he voted for Obamacare in 2009 when it included a measure prohibiting taxpayer-funding of abortion known as the Stupak amendment, but Lipinski was the only Democrat to switch his vote to “no” on final passage of Obamacare in 2010 because the Stupak amendment wasn’t included in the bill. (Peterson and Cuellar voted against Obamacare both times.)

Bart Stupak, the Democratic congressman sponsoring the measure, caved in exchange for a meaningless executive order, and the 2010 election wiped out a number of pro-life Democrats, even those who had consistently voted against Obamacare. Redistricting helped diminish their numbers even more in 2012.

Lipinski’s seat will almost certainly stay in Democratic hands no matter who wins the primary—Clinton won the district by 15 points in 2016; Obama carried it by 13 points in 2012. But Kristen Day asks: “If the Democratic party is really serious, why are they going after a safe seat? Why are they spending money?”

Picking up a single vote is unlikely to be decisive on any particular issue, but the groups going after Lipinski hope to send a message—dissent will not be tolerated—that may be more important than winning the seat. “Even if you don’t defeat an individual member, you maybe make them think twice about some of the ways they deviate from party orthodoxy,” says Kyle Kondik, who follows congressional races at the University of Virginia’s Center for Politics. “The primary challenge may have already had an impact on [Lipinski’s] behavior given that he didn’t go to the March for Life.”

Asked why he decided not to speak at the annual pro-life march, Lipinski told me he made the decision after President Trump decided to address the marchers via video from the Rose Garden. “When I found out [President Trump] was going to be addressing

the march, especially in light of the s—hole comment that had just come out, it really reinforced that I had no idea what the president may say. I didn't want to put myself in the position of being up on the stage, going and speaking after him when I had no idea of what he was going to say." Lipinski adds, "I didn't want to do anything to distract from the march or to take anything away from the pro-life movement in any way."

The Democratic party has moved so far left on the issue of abortion that what was once considered a moderately pro-choice position is now embraced only by self-described pro-life Democrats in Congress. When the partial-birth abortion ban passed the Senate 64-34 in 2003, it did so with the support of 17 Democrats, including supporters of *Roe v. Wade* like Pat Leahy, Joe Biden, and Tom Daschle. It passed the House with 218 Republican and 63 Democratic votes. When the House voted in 2017 to ban most abortions after the fifth month of pregnancy—when infants can feel pain and survive if born prematurely—it had the support of only three Democrats. And the bill has the support of just three Democrats in the Senate: Joe Manchin of West Virginia, Joe Donnelly of Indiana, and Bob Casey of Pennsylvania.

In 2016, the Democratic party platform explicitly called, for the first time, for the repeal of the Hyde amendment, which would open the door to unlimited taxpayer funding of abortion for Medicaid recipients. Groups like NARAL and Planned Parenthood are laying the groundwork to repeal the Hyde amendment—which has been on the books since 1977 and has decreased the number of abortions by hundreds of thousands over the years—the next time Democrats control Congress and the White House.

Despite increasing Democratic conformity on the issue, the Lipinski primary is still causing a rift in the party. When Congressman Kurt Schrader of Oregon, a member of the moderate and conservative Democrats' Blue Dog coalition, was asked about Kirsten Gillibrand's endorsement, he told

McClatchy: "It's bullshit. . . . She used to be a Blue Dog, and then miraculously turns around?" Gillibrand, the former moderate, appears likely to run for president as a staunch progressive.

It's unclear how much trouble Lipinski may be in. A former professor at the University of Tennessee and Notre Dame, Lipinski was first elected in 2004, having taken over the seat from his father Bill Lipinski, who represented a suburban Chicago district in Congress for two decades. The last time Dan Lipinski faced a primary challenge was 2012, and he walked away with 87 percent of the vote.

But that 2012 primary was not serious, and liberal activists and national organizations appear to be motivated this year. "I have a poll that was just in the field, I'm waiting to hear back any day now," Lipinski told me. "But I'm confident." His opponent, the little-known Marie Newman, released a poll that showed her trailing Lipinski 49 percent to

18 percent. But once respondents heard her liberal attacks on Lipinski, the race was a dead heat with both candidates polling in the 30s.

Illinois has an open primary, which means that pro-life Republicans could vote for Lipinski on March 20, but they may be more inclined to cast a protest vote against incumbent Republican governor Bruce Rauner, who signed a bill allowing Medicaid funding of elective abortions. Rauner led his GOP challenger Jeanne Ives 65 percent to 21 percent in a January We Ask America poll.

A low-turnout congressional primary with little public polling is the kind of race that can catch people by surprise. If Lipinski is in danger, says UVA's Kondik, "there's probably going to be no indicator that he's in trouble until there are results." But win or lose, it's safe to say that pro-life congressional Democrats are an endangered species and face the very real threat of extinction in the next decade. ♦

You've Got Blackmail

The fine line between shutting someone up legally—and illegally. BY ERIC FELTEN

The story of *The President and the Porn Actress* (our era's *The Prince and the Showgirl*) isn't going away. The tale of pseudonyms and secret payments made through here-today-gone-tomorrow Delaware corporations has proved to be far juicier than anything so tired as an allegation that Donald Trump was unfaithful to his wife a decade ago.

Things got rolling with the *Wall Street Journal's* January 13 story that Stephanie Clifford (stage name, Stormy Daniels) had received money shortly before the 2016 election. The deal was said to have been brokered by a Trump lawyer, to buy her silence about an

alleged sexual relationship with Trump in 2006. Now Common Cause has filed a pair of complaints with the Justice Department and the Federal Election Commission, arguing "that the payment of \$130,000 from Essential Consultants LLC to Ms. Stephanie Clifford was an unreported in-kind contribution to President Trump's 2016 presidential campaign committee."

Leaving aside the FEC rules, which will no doubt be litigated to a fare-thee-well, this seems to be a case of something sordid and tawdry, not illegal. But it does raise an interesting legal question: If paying someone with embarrassing information to keep quiet is fine, why is asking for such a payment a crime?

Blackmail is a notoriously tricky

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legal concept that in practice can turn on who makes the first move and how he or she makes it. In all of the coverage of the story, there has been nothing to suggest that Clifford or any surrogate ever approached Trump with demands.

“I would guess that Trump’s lawyers went to the porn star and asked to buy her silence. They obviously didn’t want her to write a book or article about her experiences. That’s not blackmail because there’s no threat; there’s only an offer,” says Rutgers law professor Stuart Green, who has written about blackmail law. “By contrast, if Stormy had come to Trump and said ‘I’m going public unless you pay me,’ that would be blackmail because that would involve a coercive threat. So it all depends on who moves first and whether you have a threat or an offer.”

Having a savvy lawyer is crucial to keeping on the right side of the law when fishing for an offer. But don’t think that just because one has a lawyer involved one can legally make coercive threats. In a 1969 case in Vermont, *State v. Harrington*, a divorce lawyer was convicted of blackmail for demanding cash from his client’s husband in exchange for not filing what he threatened would be an “embarrassing reputation-ruining divorce proceeding.” That may have just been bad lawyering, though. The lawyer included with his demand a photo he had taken after arranging for a working girl to seduce the husband. If the husband’s infidelity hadn’t been a set-up, and the lawyer had merely threatened to file for divorce, letting the husband figure out himself what that would mean for his reputation, then it probably wouldn’t have been blackmail but merely legal bargaining.

One of the things a lawyer can do is to represent a client who is selling his or her memoirs. A notorious madam might propose such a book and see who makes offers to buy it. If handled correctly, there would be no reason to think anything illegal had been done. In such a case, the buyer is acquiring

not only silence, but a copyright. Interestingly, the pre-election contract involving Stormy Daniels was titled “Confidential Settlement Agreement and Release: Assignment of Copyright and Non-Disparagement Agreement.”

That said, packaging coercive threats in the form of a book proposal is itself no protection against a blackmail rap. Ludovic Pignatelli was an immigrant who came to New York a century ago. He had a distant relative, Guido, also in the States, who fashioned himself Prince Pignatelli, a title to which Ludovic thought he had the right. And so in 1940 Ludovic threatened his relative that unless Guido stopped using the title and paid some damages, he was going to write an autobiography that would expose Guido as a “faker.” The court, in *United States v. Pignatelli*, called this blackmail and ruled one couldn’t use “defamation as a club.”

But the law makes a crucial distinction between making a threat and just getting the word out.

Before the non-disclosure agreement was signed, Stormy Daniels was talking to journalists about her dalliance with Trump. She even showed *Slate*’s Jacob Weisberg what appears to be a two-page side-agreement detailing the pseudonyms that were being used in the main contract. In one way that was awfully indiscreet—put too much of a story on the record and the interested party loses his incentive to make an offer. But in another way, it’s awfully clever—by getting the rumor mill going, the other party is apprised of his peril without anyone having to make any threats at all. “It’s a delicate dance to try to scare your target without undermining the secrecy of the information,” says Rutgers law professor Green.

The subtle masters of this dance never have to make threats, explicit or otherwise. Consider the way FBI director J. Edgar Hoover used to keep lawmakers in line. William Sullivan—until he got on the wrong side of

Hoover, the third-ranking official at the bureau—later described the Hoover method of friendly persuasion. “The moment he would get something on a senator” or someone in the senator’s family, according to Sullivan, “he’d send one of the errand boys up and advise the senator that ‘we’re in the course of an investigation, and we by chance happened to come up with this data on your daughter. But we wanted you to know this. We realize you’d want to know it.’ Well, Jesus,” Sullivan declared, “what does that tell the senator? From that time on, the senator’s right in his pocket.”

Blackmail law isn’t just a matter of fine lines between hard bargaining and criminal coercion: For many philosophers of law, such as Jeffrie G. Murphy, it’s a conundrum. If I have damaging true information about you, I have a perfect right to go to the media or otherwise publicize what I know. I can sell the information to anyone I like, even you, should you make an offer. But what I can’t do is threaten you with any of these things and make demands of you. Even though you might be perfectly happy—or at least happier than the alternative—to be given the opportunity to buy my silence. “The old saw has it that two wrongs cannot make a right,” legal philosopher Alan Wertheimer has written. “The paradox of blackmail is that two rights can make a wrong. How can that be?”

Many of those who have grappled with the paradox of blackmail have tried to solve it by pointing to harm done to a third party. For example, the blackmailer who has information about a wandering husband’s extramarital affairs, but whose silence is bought, might be said to have harmed the cad’s wife by withholding from her information she had a right to know. Or, as Wertheimer wrote, “it might be argued that the prohibition of blackmail is not meant to protect *individual* rights at all. After all, blackmail is a *crime*, and crimes are said to be wrongs against the *society*.” One such harm to society might be the injury to an electorate deprived of significant, true information about a candidate by someone who has taken a payoff



to keep that information secret—a scenario that gets us rather closer to the case at hand. The idea that cash for Stormy constitutes an illegal campaign contribution may be a stretch, but it does capture an intuition that the person shortchanged in the transaction was the voter.

Libertarian law and economics guru Richard Epstein is one of the scholars who has tangled—in a 1983 law review article “Blackmail Inc.”—with the tricky topic of when and how protected free speech turns into illegal coercive speech. He doesn’t think anyone has successfully solved the paradox of blackmail, but he does think that President Trump may now be uniquely protected from any future efforts at extortion: So “many people regard him as a sleaze,” Epstein says, “that he does not have a personal reputation that could be damaged by any revelations.”

Is blackmail rare? Scholars have argued that, by its very nature, the crime is systematically underreported: To the extent victims of shakedown pay up, the hush money succeeds in keeping things hush-hush (at least until the extortionists come back for another bite at the apple). Sociologist Mike Hepworth suggested in *Blackmail: Publicity and Secrecy in Everyday Life* that a better measure than crime statistics of how much reputation-menacing goes on is the frequency it is found in crime fiction, which is rife with blackmail. In a British crime novel of the ’30s, if there’s a poisoning, chances are it is to get rid of a blackmailer. And in the States, the hard-boiled shamus is often called in to deal with blackmail “angles,” as Philip Marlowe does in *The Big Sleep* (a novel that happens to involve pornographers shaking down their customers).

The hypermodern version of blackmail has involved hacking to obtain embarrassing communications, as when North Korea notoriously captured the emails of Sony Pictures and then demanded that the studio deep-six the film mocking Kim Jong-un it had been about to release.

However much blackmail actually goes on, we are perhaps a bit too sanguine about it. Once upon a time,

blackmail was considered “the foulest of crimes—far crueler than most murders because of its cold-blooded premeditation and repeated torture of the victim,” British barrister C. E. Bechhofer Roberts wrote, declaring it “incomparably more offensive to the public conscience than the vast majority of other offences which the law seeks to punish.”

But that was in an age when one’s personal reputation counted for more and was put more at risk by

disclosures of indiscretions. Ours, by contrast, is an age of commonplace nondisclosure agreements; as we have learned in recent weeks, the corporate practice of preemptively paying settlements to protect the reputations of misbehaving men is more widespread than imagined.

Who but the stupid or clumsy would resort to blackmail these days, when the lawyers can just get together, ever so nicely and legally, to arrange an agreement? ♦

A High-Stakes Game of Monopoly

Trump vs. Bezos.

BY IRWIN M. STELZER

In that wonderful movie *Patton*, George C. Scott’s title character imagines himself in a one-on-one tank battle with Field Marshal Erwin Rommel—the winner wins the war. Donald Trump, who hates the *Washington Post* and therefore its owner, Amazon.com founder Jeff Bezos, may have a similar vision of “his” Department of Justice taking on Bezos’s billions in a battle that would warn Bezos to have his newspaper begin printing “the truth” rather than “fake news.”

The president has taken to asking businessmen he invites to the White House whether Amazon is a monopoly. Presumably, if the answer is “yes,” he will unleash the dogs of war—in this case the Department of Justice—on the company, with free one-day delivery of an antitrust complaint. Never mind that such use of presidential power would take us a step down the road to becoming a banana republic. That would matter little to Trump,

whose view of what is fair in love and war is based solely on what wins.

Bezos would not be unprepared to counter with his best weapon, wealth of \$100 billion. That’s \$100,000,000,000. Besides his newspaper, he also has a Washington base to woo political support, and quite a base it is: a 27,000-square-foot former museum in the ecumenical Kalorama neighborhood that is now home to the Obamas and the Kushners. The mansion was purchased last year for \$23 million according to the *Washington Post*, which must be considered a reliable source in this matter, since *Post* fact-checkers would not want to make a mistake obvious to their proprietor. It will be remodeled to serve as a *pied-à-terre* for the Seattle-based Bezos family, and would also of course lend itself to entertaining politicians and others with an influence on antitrust policy.

So the weapons are at the ready and the battle lines drawn as Trump seeks ways to hit Bezos where it hurts—in his Amazon. The problem is, the answer to the president’s oft-put question, “Is Amazon a monopoly?” is “No,” at least not as that

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term is generally understood. About 10 percent of all retail business is done online, and best estimates are that Amazon accounts for about half of that, or 5 percent of all retail sales. That's a lot of sales, but hardly a monopolist's share. Moreover, Amazon's far larger retail rival Walmart has net revenue more than three times that of Amazon and just dropped "Stores" from its corporate name in recognition of its belated but serious and thus far successful thrust into online retailing.

That does not mean Justice's anti-trust division shouldn't take a look at Amazon's competitive tactics to determine whether some of them might, only might, be something more than the application of efficiency and data-mining nous. They should do so not because the president wants them to but because it needs doing in an age when more and more segments of the economy are coming under the control of a very few firms. If competitors are, as business jargon has it, "Amazonized" because they are less efficient than Bezos's firm, good for the economy. If they succumb to anti-competitive tactics deployed by a firm with far deeper pockets, not so beneficial for consumers.

Start with the fact that Amazon is a very different economic animal from its competitors. Jeff Bezos's control allows him to take short-term losses without fear of a shareholder uprising in order to eliminate competition and then return prices to profitable levels. He clearly has neither the need nor desire to satisfy the quarterly, short-run earnings demands beloved of Wall Street but derided by those who fear that short-termism is sapping market capitalism of the long-run investment and strategies it badly needs. But the line between such enlightened long-termism and predation is not always entirely clear. For Amazon has the means and the incentive to strangle competitors in the cradle.

Competition benefits consumers by enforcing rules that allow the race for their patronage to be won by the competitor that provides the best quality at the best prices. Consumers do not benefit if a seller with the most financial

power wins the game by cutting prices so low that a competitor who is or might become more efficient cannot even get to the starting line because potential investors know that it will be tripped up by such as Amazon at the first sign of success. To draw the line between tactics that produce winners based on efficiency and winners based on financial staying power is not easy. It requires trying to determine if a dominant firm is cutting prices with the intent of forcing out its rivals and eventually recouping those losses, either by raising prices or accumulating such a large market share that pressures for continuous innovation are relieved. Not easy, but doable.

One sign that we might be dealing with a firm intent on distorting competition by creating barriers to entry is the practice of pre-announcement. A newcomer appears and offers a better mousetrap. It shows signs of winning a place in the hearts and purses of consumers and being able to raise capital to enable it to become a competitor of the dominant incumbent, in one or more markets. So the dominant firm announces that it, too, is planning to enter that market, perhaps not tomorrow, but soon enough to persuade venture capitalists and other investors that they do not want to risk money on the newcomer.

Absent careful investigation of the facts it is impossible to know whether Amazon deployed just such a tactic when, for instance, it pre-announced its plan to offer a food-preparation and delivery service just as Blue Apron was preparing to tap capital markets last summer for funds to finance its expansion, with a very negative effect on Blue Apron's initial stock offering. Amazon might reasonably have feared that the tiny newcomer's success would interfere with whatever plans it has for developing the position in food retailing it obtained with its acquisition of Whole Foods. Or perhaps not. That's the sort of thing antitrust investigations aim to find out.

Add to that the fact that Amazon's

low share of the retail business—that 5 percent figure mentioned above—might well conceal a dominant share of particular market sectors, perhaps won more by muscle than by efficiency. We might not have reason to worry about Amazon's share of food sales. But (estimates vary with definitions and sources) one important source estimates the company accounts for 41 percent of new books purchased, 65 percent of all new online book units, and 67 percent of the ebook market. It has used its high market share to make (some) publishers and authors unhappy, which

might be good news for discount-hungry readers. Or might not, if it is creating a margin squeeze that will eventually shrivel any ability to pressure Amazon to maintain its large discounts. Again, there is only one way to find out—investigate.

And not only Amazon.

Google enriched the world by making a search of accumulated recorded knowledge easier and cheaper. But that does not mean it should be allowed to leverage its search-engine success into an unfair advantage over competitors in other businesses, if that is indeed what it is doing, as antitrust authorities in Europe say they have found to be the case. Facebook has connected billions of people eager to share information with one another. Good thing, I suppose. But that does not mean that closer examination of its more than 50 acquisitions might not have found some with the effect of reducing potential competition, of nipping competition in its incipiency, to use the jargon of the antitrust trade.

Antitrust enforcers have had a good long rest in recent years, as the Obama administration relied on direct regulation rather than competition to serve consumers' interests. Trump is now unwinding the regulatory state. That increases the weight we must put on competition to prevent mistreatment of consumers. A hard look at the competitive practices of and acquisitions by the Internet giants might be a good place to start. ♦



Well, is it a monopoly?

You Had One Job

Why can't Congress pass a budget?

BY JAY COST

It is remarkable that the January 20-22 government shutdown was greeted with a collective shrug from the public. Compared to Newt Gingrich's epic 1995-96 tussle with Bill Clinton and Ted Cruz's showdown with Barack Obama in October 2013, this one barely registered on the national radar.

From a certain small-government perspective, this is all well and good. The more people realize that a shutdown does not affect them, the less they will feel dependent upon the central government. But it's more worrisome if you view the centralization of power in the executive branch as eroding the constitutional principle of legislative supremacy. A Congress that cannot accomplish its basic tasks helps progressives in their drive to transfer authority to the executive branch, for the sake of saving policy from "politics." Why, after all, does a legislature that is manifestly *incompetent* deserve to reign supreme?

Many pundits believe that the problem with Congress is ideological polarization. Democrats are so far to the left and Republicans so far to the right that they cannot come to an agreement on even their most basic duties. No doubt the two sides are farther apart than they have been in a long time, but an ideological divide in the legislature is not, in itself, an impediment to Congress's accomplishing its business. Indeed, in *Federalist 10*, James Madison argued that a diverse legislature is precisely what will protect republican government from destroying itself.

Still, it is very rare for hundreds of

strongly opinionated people to spontaneously come to a consensus among themselves, absent some external mechanisms to guide debates, votes, and so on. Thus, good rules of order are needed to govern their behavior.

The way to think of the rules is not simply as allotted speaking times on the floor and decorum during debate.



The rules are much bigger than that. For instance, party organizations are not part of Congress itself. They are, rather, a set of rules that govern member behavior, with the expectation that they give coherence to the legislative will. So also are the congressional committees. They are, in effect, rules governing the division of legislative labor, instituted during the early days of the government to protect legislative independence in appropriating money.

Taken together, all of the rules and conventions serve as what political economists would call a "social choice mechanism." In other words, legislators enter Congress with individual preferences for all manner of policy. The rules of Congress aggregate those individual desires into a social choice for the whole legislature, which is then expressed as law.

This offers us a way to evaluate the rules of Congress—via the fruits of

legislative labor. If the laws it is producing are problematic in some way, we might think of reforming legislative rules.

It is pretty clear that something is awry in Congress. The first and most important function of the legislature is to spend the people's money on behalf of the general welfare. And Congress has become chronically incapable of doing this in an efficient or sensible manner. Appropriations are rolled into massive "continuing resolutions" that fund large swaths of the government in a single go. Ideally, Congress should deliberate funding bills by type of expenditure, weighing the merits of each in a timely fashion, instead of being forced to accept all or nothing in a single instant, usually right before the government would otherwise shut down.

The main culprit in this continuing misadventure is arguably the Senate. The House has demonstrated a greater ability to pass such legislation. The challenge is corraling the requisite number of votes in the upper chamber, which perhaps is due for an update to its rules.

Unlike those of the House, members of the Senate have historically enjoyed greater freedom to act individually on legislation. This created an atmosphere of collegiality and compromise, which served as a nice balance to the more partisan and rigidly organized House.

But it is doubtful that these rules are a good fit for the present ideological diversity in the upper chamber. Collegiality and openness work much better when lawmakers are more or less on the same page, or at least not so committed to some partisan outcome that they will undermine the workings of the entire body. Those conditions no longer appear to hold, and so the rules governing Senate collegiality and deference should change to reflect that. Two alterations may be particularly useful.

First, the filibuster for appropriations bills needs to be eliminated. Like committees and parties, the

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JOE RAEDLE / GETTY

filibuster is not mentioned in the Constitution. It is a creation of the Senate itself and can be a useful mechanism for republican government. By requiring a supermajority to end debate, it gives the legislative minority an opportunity to shape major policy changes. This is a good thing, considering that the country is clearly not committed to one side of the ideological spectrum or the other and that partisan majorities tend to be fleeting. The filibuster, in this way, reflects the pragmatism of the American people, forcing the two sides to compromise at least a little bit.

However, appropriations bills are an essential aspect of congressional governance and do not really amount to changes in policy but rather in funding levels. Ideally, it would be nice to retain minority leverage over appropriations, but that just seems impractical now—as the filibuster has been the tool by which minorities have upended the entire appropriating process to extract concessions on other issues from the majority. Eliminating the filibuster for appropriations, while retaining it for other measures, would be a way to maintain the rights of the minority while facilitating the Senate's ability to conduct core business.

Second, the party leadership should have greater ability to rebuke members who do not aid the collective goals of the party. There are too many senators on both sides of the aisle who preen for the sake of their higher ambitions. The leadership should have greater capacity to constrain this kind of egotism—for instance by making it easier to remove recalcitrant colleagues from plum committee spots. If members can be made to pay a price for their truculence, they will be less likely to derail essential business.

These are just two suggestions; others might be better. Either way, those who cherish the Constitution need to start putting serious intellectual effort into strengthening the resolve of Congress. A legislature that cannot even fund the government is a fat target for progressives looking to redistribute its power to the executive bureaucracy. ♦

The Challenge of Scale

Auschwitz and the struggle of remembrance.

BY DANIEL KRAUTHAMMER

January 27 is International Holocaust Remembrance Day—the anniversary of the liberation of Auschwitz in 1945.

I travelled to Auschwitz last year. It had long occupied an almost mythic place in my mind: the epicenter of an evil so unspeakable one can hardly believe it is a real physical place. It's as if you could visit one of the circle's of Dante's Hell by taking a flight and a few bus rides. There is a disconcerting normality to the site, whose front entrance features a ticket booth, turnstiles, and a concessions stand. Without the barbed-wire fence and guard towers, you might think it was an old army base or some kind of immense summer camp. It would be impossible to discern the nature of the horrors perpetrated there without being told by those who saw it with their own eyes. And that was exactly the point.

The Nazis' purpose at Auschwitz—as in the whole of the Final Solution—was not just to destroy an entire people, but to erase them from memory. There were to be no victory columns, no fanfare, no parades to celebrate the vanquishing of the hated Jewish race. History was not to record that they were conquered or enslaved or murdered. The Jews were simply to disappear. Perhaps the only thing more shocking than the scale of the Holocaust is how minimal are the remaining markers. It makes remembrance all the more difficult, and all the more vital.

I made my own visit on a pleasant summer day. Groups of tourists in shorts and sunhats strolled leisurely

about. Young children played on the train tracks, and families took pictures smiling next to cattle cars that had helped ferry a million people to their deaths. Observing the wooden bunks in one of the barracks, I heard a young girl tell her father “that doesn't look so bad—I could sleep on that.”

Of course, I wished the seriousness of the place were more apparent to the children—and even more so to their parents. But my reactions, too, were more muted than I had expected and wanted them to be. It was not easy to look at an empty bunk and imagine how it looked overcrowded with terrified prisoners, much less what it smelled like, sounded like, and felt like to be one of those poor souls, starving and brutalized. The barracks we saw, about the size of a small stable, officially held 744 prisoners. But what does 744 people look like? What does a crowd that big feel like crammed into a space that small? Human intuition quickly reaches its limits as numbers rise this high.

The problem of comprehending scale is endemic to Auschwitz. At first, the sheer size of the site has an emotional impact all its own. The primary subcamp stretches for 422 acres, dotted with the remains of brick prison barracks as far as the eye can see. But one soon realizes that the size of a site does not map directly to the scale of its crimes. The greatest center of death did not lie here, but in another area all its own—an extermination camp that feels much smaller, more secluded, and less remarkable than the vast concentration camp surrounding it.

The Nazis ran thousands of concentration camps and subcamps to imprison their enemies: members of

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various opposition groups, conquered nations, and minorities—chief among them, the Jews. The camps were meant to kill. Conditions at Auschwitz were so deadly (low caloric intake, lack of sanitation, extreme exhaustion, torture and physical degradation, summary execution) that life expectancy was measured in weeks. Many concentration camps had crematoria—the infamous “ovens” used to destroy the neverending loads of dead bodies. The camps were places of extreme misery and death, as close to hell on earth as one can find. Yet they were in theory designed for work: slave labor for Germany’s industrial war machine. There were motivations other than pure racial hatred for the monstrous evils committed there.

The extermination camps were different. The Nazis built only six, and for just one overriding purpose: the destruction of European Jewry. The vast majority of the 1.1 million Jews deported to Auschwitz never entered its concentration camp at all. They didn’t last the few weeks that most other prisoners did. They lasted less than an hour. When their trains arrived, these Jews (and it was only the Jews who were brought this way) were pulled from the lethally packed cars, stripped, and separated into men, women, and children. A few adults were pulled aside if they looked healthy or were known to have special skills. The rest were marched a few hundred yards down the line to the gas chambers. The largest held 2,000 people at a time. They were made to look like showers, but the pipes were filled not with water, but with a delousing pesticide called Zyklon B. Once released, the gas took only 20 minutes to kill everyone inside. It took half a day for the *Sonderkommandos* (Jewish prisoners forced to run the crematoria) to haul the bodies upstairs to the furnaces for burning.

Dead within an hour of arrival and, the same day, nothing but ash in the air. Some 960,000 Jews died at Auschwitz. That is more than the total combined number of American deaths in every war fought since 1865. If buried in 5-by-8-foot graves

(the average dimensions at Arlington National Cemetery), they would fill an area larger than New York’s Central Park. Their names would fill the panels of the Vietnam Veterans Memorial more than 16 times over.

But there are no mass graves at Auschwitz, no physical markers that convey the magnitude of what happened. All that a visitor can see are the ruins of a half-sunken gas chamber, which the Nazis blew up as they retreated before the Red Army. It is less than half the size of a regulation basketball court. There were six other such chambers at the camp—all together making up an area no larger



Burning corpses at Auschwitz, August 1944

than a high school gymnasium. One looks at their mangled ruins—some charred brick, a bit of twisted metal, an empty hole in the ground—and the mind reels. How could a million souls have disappeared into a space so small?

Human beings are simply not equipped to handle such a mismatch in scale. We need visceral guideposts and personal experiences to understand things emotionally. The Nazis exploited this truth to diabolical ends.

Before the construction of the extermination camps, their principal method of killing Jews had been the *Einsatzgruppen*—SS death squads that roamed the eastern front rounding up Jews, shooting them by the thousands, and piling them into mass graves in each town they visited.

But Heinrich Himmler, head of the SS, was advised that these methods of murder were too intimate and traumatizing for the executioners, who would be psychologically scarred and eventually rendered insane, neurotic,

or otherwise useless. Ridding Europe of its Jews this way would require too many men, too many bullets, and leave too much evidence behind.

The extermination camps were the answer: Their efficiency at scale was terrifying. Four of the six extermination camps had no attached concentration camps at all; they were pure factories of death. At Treblinka, 900,000 Jews were killed in 15 months of operation. It was run by 35 SS officers. That is a ratio of over 25,000 to 1.

Yet the unfathomable scale of these crimes did not seem to take a great toll on the men carrying them out. Interviews with guards after the war showed that most were not bloodthirsty maniacs or irreparably emotionally scarred. Rudolf Höss, the commandant of Auschwitz, wrote that he was “relieved” that the gas chambers would spare him the “bloodbath” of firing squads. In the memoir he wrote while awaiting execution after the war, he never expressed any guilt for his prime role in the greatest mass murder in human history, stating instead that his one great regret was that he “did not devote more time to [his] family.” His complete moral blindness is a frightening testament to the Third Reich’s achievements in the bureaucratization, mechanization, and dehumanization of genocide.

The Nazis designed and built Auschwitz and its sister camps not only to destroy the Jews of Europe, but to do so in a way that denied their very existence and the moral significance of their murder. The sad truth is that the Nazis came very close to achieving the first of these goals. Two-thirds of the continent’s Jews were murdered during the war, and in the lands the Nazis conquered, fewer than 1 million remain today from a prewar population of nearly 9 million. Such horror can never be undone. But the Nazis’ second aim—to erase their victims from the world’s memory—was thwarted. It was thwarted by those who survived, by those who bore witness, by those who uncovered, preserved, and presented the evidence. And so too it must continue to be thwarted by the vigilant efforts of every future generation. This is why we remember. ♦

A Tragedy of Errors

As the Tories bungle Brexit, a specter is haunting Britain

BY ANDREW STUTTAFORD

In July 2016, Theresa May won the Tory party leadership contest, and thus became the U.K.'s prime minister, for one simple reason. There was no one else. It was less than a month after the Brexit referendum had upended Britain's political order. The only thing her predecessor, David Cameron, was running for was the exit. Her sole credible rival, Boris Johnson, long the party's darling and the most prominent Conservative to campaign to leave the E.U.—May had been a tactically tepid “Remainer”—was the favorite for the job. But he was felled in a botched coup by his most important ally, Michael Gove, a Leaver with laughable dreams of 10 Downing Street himself.

And the lack of a credible alternative is why May is still at her post. In April 2017, she called a snap election intended to strengthen her hand in advance of Brexit negotiations that instead cost her the modest majority she had inherited from Cameron. The Conservatives can now govern only thanks to the support of Northern Ireland's Democratic Unionists. But Johnson remains tainted by the referendum's rancid aftermath and has not shone in his role as foreign minister. No other electorally plausible challenger has emerged.

“She's just not up to it,” one former Tory M.P. told me over Christmas—and he is far from alone in that thinking. To be burdened both by a second-rate leader and the complications of minority government would be hard going for the Conservatives at the best of times. These are anything but. Brexit is an immense economic, legal, and diplomatic task made infinitely more difficult by a political environment for which May must take the lion's share of the blame.

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By squandering the Tories' majority in an ill-planned and tin-eared election campaign, May not only turned the parliamentary arithmetic against her but also trashed the aura of authority that had come with her leadership victory just the year before. A lame duck who is allowed to limp on remains a lame duck. Most ominously of all, the Tories' poor performance made a mockery of the assumption that a Labour party led by the far-left Jeremy Corbyn

was unelectable and has only accelerated his takeover of Britain's main opposition party. In Britain, the opposition is rarely more than a recession or a fiasco away from government. With a bungled Brexit offering the prospect of both, betting against a Corbyn premiership would be unwise.

Brexit, the reversal of over 40 years of ever-deeper integration with the E.U., will be easy enough to bungle. Those four decades cannot be wished away.

The Gordian solution, simply quitting the E.U. and trading with the bloc under the rules set by the World Trade Organization, is not as straightforward as the hardest Brexiteers are wont to claim. Such an arrangement would not, said the director general of the WTO in November,

be “the end of the world,” and he should know. Nevertheless, its impact on the country's intricate connections with the global economy would come with consequences that no one should wish to see.

Besides, it's unlikely that such a stark break is what the majority of those who voted for Brexit wanted. The question posed by the referendum was deceptively simple: “Should the United Kingdom remain a member of the European Union or leave the European Union?” A vote to leave was a vote to leave, just that: It said nothing about the relationship that the country should maintain with



Brussels after Brexit. The polling on this topic is muddled, and plenty of politicians have their own self-serving interpretations of what the voters “really meant,” but in the end it has been left to May’s government to resolve what Britain should aim for.

A starting point might have been recognition of the extraordinary rancor that the referendum has left in its wake. The vote was close: 52 to 48. Many Remainers—the more upscale voting bloc, with a higher percentage of those Britons used to getting their way—believe that they were robbed. A referendum, they argue, was not the way to decide such a complex matter, and the case for Brexit was dishonestly made. A smarter government would have acknowledged the strength and persistence of Remain sentiment as it decided its next move.



Conservative politicians are lampooned in an anti-Brexit protest in Manchester, October 1, 2017.

That’s not what May did. To the extent that the Tories’ post-referendum strategy consisted of anything more than bickering amongst themselves (they are divided over the nature of the deal that should be cut with the E.U.), soundbites (“Brexit means Brexit”), and wishful thinking (claiming that countries were “queueing up” to do trade deals with Britain), they behaved as if 52 percent was a much larger slice of the pie than conventional arithmetic would suggest.

The most obvious solution was the “Norway option,” a shift to the status enjoyed by Norway, Iceland, and Liechtenstein, who are outside the E.U. but inside the “Single Market.” This is the plan that might have eased the anger of many Remainers. But May ruled it out, fearing trouble from her party’s hard Brexiters and, perhaps even more, that accepting “Norwegian” immigration rules risked alienating blue-collar voters—especially those she hoped would follow up on their support for Brexit by switching more permanently from Labour to the Tories.

Despite encouraging noises from Brussels, there were some decent arguments against pinning too much hope on the Norway option. Perhaps the most important stems from the conflict between the E.U.’s insistence on the free movement of workers and British unease over immigration. Theoretically, the Norway option offers a significant exception (essentially an “emergency brake”) to the right of residents to move between Single Market states, which is not available to E.U. members. A British announcement that it was prepared to take full advantage of that exception might have sold the Norway option back home—though equally might have sunk it in Brussels. May’s speedy rejection of the Norway option means that we will never know. As so often during Britain’s long European entanglement, it was hard to avoid the suspicion that its government did not know what it was doing.

May’s failure to reach out to at least some of the 48 percent cost her party dearly in last year’s election. The Conservatives were hit hard by the defections of aggrieved Remainers in the affluent south, defections that lost them more seats than the number they gained due to increased support from Leave voters elsewhere. There’s been no recent British election more necessary not to get wrong. Instead, the Conservatives have set the stage for a drama in which their weak parliamentary position could easily combine with a bad Brexit deal and the growing strength of the hard-left Labour opposition to create a historic catastrophe.

There are many paths to disaster, but the central concern must revolve around the lack of a Conservative majority. May can insist on little in London and less in Brussels. And time is not on her side. When she filed notice under Article 50 of the Treaty of Lisbon on March 29 last year, formally beginning the U.K.’s exit from the E.U., she did so without any clear notion of the type of Brexit she either wanted or could realistically expect to negotiate. Nonetheless, she started the clock running. She should have waited until she was ready: If the U.K. has not finalized the terms of its divorce from Brussels and (not the same thing) agreed on the basis of at least an interim relationship with its ex by March 29, 2019, it will crash chaotically out of the E.U. The economic and political damage would take years to clean up.

That said, in December, Brussels and London agreed that they had made “sufficient progress” on a divorce settlement to turn the discussion to their relationship after Brexit. They reached this milestone by coming to agreement on the rights of E.U. citizens in the U.K. (and, up to a point, vice versa) as well as a basis for calculating how much the U.K. must pay (probably around \$55 billion) to satisfy its existing obligations to the E.U. They have also

OLI SCARFF / AFP / GETTY

found sufficiently vague and sufficiently optimistic wording to keep alive the fantasy (made more fanciful still by the rejection of the Norway option) that the whole of the U.K. can quit both the Single Market and the E.U.'s customs union without the necessity of reintroducing a hard border between Northern Ireland (part of the U.K.) and the Irish Republic (an E.U. member). Such a border would not only be economically disruptive in its own right but also cut through the blurring of divisions on the Emerald Isle that British and Irish membership in the E.U. had made possible and, as such, could represent a threat to the hard-won peace enjoyed since the 1998 Good Friday Agreement. More prosaically, it could trigger an Irish veto of a deal on the U.K.'s future relationship with the E.U., which will have to be approved by all the member countries.

Yet this is to assume there will be something to veto: But there is no chance of the U.K.'s both agreeing on and implementing its post-Brexit relationship with the E.U. by the 2019 deadline. At this point even the simpler Norway option couldn't be adopted in time. As a result, the E.U. and U.K. are discussing a "transition period" during which Britain will be a de facto member of the E.U. without having any say in how it is run. It will be a rule-taker, not a rule-maker, which will infuriate harder-line Brexiteers, and not only them. May will have to watch her M.Ps carefully.

Quite when the basis of this transition agreement will be settled is unclear (the U.K. is hoping by the end of March)—as is what is required before it can enter into legal force. What does seem to be agreed is that it will last about two years. To think this will be time enough—trade deals are complex beasts, and this one has to be agreed on by 28 countries—is optimistic. It is just as likely that all the transition will achieve is to push the cliff's edge two years into the future.

If Britain fails to close a mutually satisfactory deal by this new deadline, it's uncertain whether it will be permitted to linger on in that humiliating transitional status while it renews its efforts to work something out. Britain's increasingly uncomfortable position (and an approaching general election) might well mean that it is forced to accept the alternative identified by the E.U.'s chief negotiator last year, some variation of the bloc's free-trade deal with Canada, the Comprehensive Economic and Trade Agreement (CETA)—a deal, incidentally, that took seven years to negotiate.

A "Canadian" solution would still have to be squared with the Irish border conundrum and would raise tricky legal and political issues arising out of the "most favored nation" status that various countries, including Canada, enjoy as a result of their E.U. trade deals if the U.K. tries for a sweetened deal. And it will: CETA's benefits include eliminating some 98 percent of tariffs, knocking down barriers on bidding for public contracts, and easing rules on temporary transfers of workers, but it doesn't have much impact on non-tariff barriers to traded goods, nor will it liberalize the trade in services, two areas of particular British concern.

The precise form an improvement might take remains elusive. More than 18 months after the referendum Brit-

ons know what May doesn't want (Norway or Canada) but are left to guess at the nature of the "bespoke and comprehensive" deal she is looking to wrest from Brussels. Nervous about divisions within her party and unwilling to explain to the British public how hard a hard Brexit could be, May has been long on platitudes (a "deep and special relationship," our "strongest friend and partner") and short on precision.

Within her cabinet, the key division is between those, such as finance minister Philip Hammond, who want a deal effectively based on maintaining close regulatory alignment with the E.U. and those, such as Johnson, looking for a broad agreement that

nevertheless gives the U.K. freedom to diverge from the E.U.'s regulatory structure. David Davis, the underwhelming "Brexit minister," has recently edged closer to the Hammond camp. He has previously called for "Canada plus plus plus," and an "overarching" deal. If that remains his goal, fairly close regulatory alignment will be part of it.

Where all these approaches overlap is in the desire to include services in any deal and to make trade with the E.U. as "frictionless" as possible. The latter ambition recognizes that potential barriers to trade can extend far beyond tariffs. They can, for example, include regulatory roadblocks and literal ones too: That long line at customs can wreak havoc.

As for the former, it's not hard to understand: Services account for some 80 percent of Britain's GDP and made up 38 percent of its exports to the E.U. in 2016. The U.K. reported a \$19 billion trade surplus in services with the E.U. the same year. It's worth noting, because they will be a major presence on any British wish list presented to Brussels, that financial services, even narrowly defined, make

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up roughly 8 percent of the country's economy, and that's before the boost they give to other businesses, such as law, accounting, real estate, and, naturally, restaurants. Measured by the trade surplus it generates, finance is the U.K.'s most successful services export.

London clearly accepts that any agreement will involve trade-offs (less alignment means less access and so on). That's realistic enough, but the British government's insistence that a favorable special deal is within the U.K.'s reach is not.

The E.U. sells many more goods to Britain than it imports: a surplus of \$133 billion in 2016. This ought to offer an incentive to strike a more attractive deal with the U.K. (the sixth-largest economy in the world, after all) than Brussels is suggesting, including sufficiently generous provision for services. But to many members of the E.U., Britain's negotiating stance looks like an attempt to have its cake and to eat it. Seen through continental eyes, infamously perfidious Albion is trying to grab privileged access to the Single Market without meeting the obligations that go with it, including, of course, the rules governing who can settle on the skeptic isle.

For the E.U. to accept such a regime would be regarded as a wasted commercial opportunity (especially the chance to take business from the much envied, much resented City of London). But the political hit would be worse, and in the trudge to "ever-closer union," politics trumps economics. The notion that "the four freedoms"—the free movement of goods, capital, services, and labor—underpinning the Single Market are indivisible is, to Brussels, an essential element in the building of a united Europe. Its leadership won't want to set a precedent by handing the Brits a deal that might encourage other malcontents to head for the exit ramp.

Those who ask why this should count for so much to Britain—many countries trade quite happily with the E.U. without being part of the Single Market—need to remember that the E.U. is the U.K.'s closest neighbor and largest customer (in 2016 it accounted for 43 percent of U.K. exports). If Britain leaves the Single Market, its access to it will, by definition, deteriorate. That's a very different

trading challenge from the one faced by a country like, say, the United States, which has long since learned to make do with an imperfect trading relationship with the E.U. The suspension in 2017 of negotiations on a possible U.S.-E.U. free-trade deal, the Transatlantic Trade and Investment Partnership, may have been a setback for free trade, but it didn't make life any more difficult for American companies.

By contrast, Brexit will change Britain's economic relationship with the E.U. for the worse (and this, whatever hard Brexiteers might believe, will not be compensated for by expanded trade elsewhere any time soon). This is not just a matter of British companies risking a decline in their business in Europe. Over the decades, the U.K. has successfully exploited its comparatively deregulated economy to be a useful conduit for international companies wanting frictionless—that word again—expansion into the E.U. and a valued host to a valuable part of increasingly integrated European supply chains. Much of this business is well enough established to survive even a somewhat unsatisfactory Brexit deal, but it will struggle to grow.

All of this is good news for Labour. The weaker the economy, the greater the chance that Jeremy Corbyn

can win a general election—the next is set for 2022, if the Tories can hang on that long. And the greater the chance that Corbyn will win, the less confident business will become, weakening the economy still further in a vicious circle that, with every turn, brings an extremist closer to 10 Downing Street. Labour is already polling slightly ahead of the Conservatives. The economy is slowing (GDP growth is forecast to decline to 1.4 percent in 2018, after approximately 1.6 percent last year), in part, I suspect, due to worries over Brexit, worries that the current confusion is doing nothing to alleviate. The Tories' approach to Brexit is giving the entirely accurate impression of a party that is both divided and incompetent. Meanwhile, Remainers remain enraged, and the closer the end of the transition period comes to 2022, the fresher that rage will be. The hard left is licking its chops.

If Labour does prevail, there will be little that is

Tory Brexit problems are good news for Labour. The weaker the economy, the greater the chance that Jeremy Corbyn can win a general election—and the next is set for 2022.



THOMAS FLUHARTY

moderate about the way it governs. Scarcely two years since Corbyn unexpectedly became its leader, the party has been transformed. An eccentric fanatic, he may not be the brightest, but he and his coterie have shown a sharp grasp of how to make the most of the opportunity he was so carelessly given. What mattered, they realized, was to take control of the Labour party, long the principal alternative to the Conservatives, and wait for the election victory that will come its way when voters want the Tories out—as one day they are bound to. Much of the party’s organization, including its commanding heights, has been taken over by the hard left. There has not so much been a long march through the institution as a blitzkrieg. The large number of new members who joined the party either to vote for Corbyn or to rally behind him have stood by their man, and Labour moderates in Parliament (still quite a large group) have largely been reduced to unhappy acquiescence.

Whatever he said in 2016, Corbyn, the leader of a party that supported Remain, has always favored withdrawal from the E.U. His halfheartedness during the referendum campaign, in one of the many ironies of that vote, almost certainly put Leave over the top. To Corbyn, the E.U. is an obstacle to socialism, and these days he is barely bothering to conceal what he really thinks (unlike an overwhelming

majority of Labour party members, he opposes remaining in the Single Market). Despite his party’s commitment to “respecting” the referendum result, Labour has—through mood music, creative ambiguity, and the occasional tantalizing hint—managed to retain much of its appeal to Remainers. It is the Tories who are tarred with Brexit.

Many Conservatives who defected last year to punish their party for Brexit may be worried enough about the possibility of a Corbyn victory to come home the next time round, but that’s unlikely to be enough to save the day. In particular, under-45s have turned on a Tory party they see as old-fashioned (to many of them Brexit is an exercise in ill-judged, and probably racist, nostalgia), out-of-touch, and uncaring. Throw in wage stagnation, a housing market that makes it prohibitively expensive to buy, and an absence of historical memory of where the hard left, including Jeremy Corbyn, were trying to take Britain in the late 1970s, and it’s hard to see them changing their minds by 2022. That’s something of which business is also well aware, with the result that the vicious circle will make yet another turn.

Under the circumstances, if the Tories continue to handle Brexit in the way they are now doing, Britain will be Corbyn’s for the taking. Whether he would give it back is an interesting question. ♦

Reminder From Davos: Trade Moves on Without Us

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

World leaders gathered last week in Davos, Switzerland, for the annual World Economic Forum, where evidence of the realities and opportunities of our global economy were on full display. President Trump attended the forum and heard from many leaders eager to do business with America. While they expressed hope that America will strengthen its trade ties, they also made it clear that key pacts would move forward even without our involvement.

One major announcement came from Canadian Prime Minister Justin Trudeau, who revealed that the 11 nations involved in the Trans-Pacific Partnership (TPP) negotiations had reached a deal without the U.S. After the Trump administration formally withdrew from the TPP last year, the future of the pact seemed in

doubt—until now. The willingness of the other 11 nations to continue without us underscores a basic truth: World trade is moving forward. The question is simply whether we will share in its benefits.

At the U.S. Chamber of Commerce, we know that 95% of potential customers for our businesses live outside of the U.S. It’s through engaging in trade talks—not turning away from them—that we maximize the potential and minimize the downsides of globalization. It’s how we set the terms of trade.

As we have learned before, if America is not leading on trade, it is falling behind. The TPP announcement in Davos was a powerful reminder of this, but it is not the only reminder. Last year the European Union inked major trade pacts with nations such as Japan and Canada that included powerful provisions aimed at increasing their competitiveness in industries critical to the American

economy. If our leaders don’t catch up with similar agreements, our economy may soon fall behind.

This highlights the importance of modernizing the North American Free Trade Agreement (NAFTA) and addressing implementation concerns relating to the U.S.-Korea Free Trade Agreement (KORUS). Success on these fronts would be a boost to millions of American businesses of every size and sector that export to these crucial markets. But if these talks fail, other nations will surge ahead to fill the gap we leave behind, leading to probable job loss in America.

Our nation cannot afford to ignore the fundamental reality of our interconnected world. The Chamber will continue to advocate for free, fair, and reciprocal trade in the months ahead, especially regarding NAFTA. And we will continue to remind our leaders of the stakes.



Learn more at
uschamber.com/abovethefold.



A birthday celebration for Hitler in April 1935 at Deutsches Haus in Los Angeles

Nazis in Tinseltown

Spies, sympathizers—and the watchful Jewish operatives who thwarted their plans. BY LESLIE EPSTEIN

In the late 1930s, or perhaps it was as late as 1940, my father and uncle, the screenwriters Philip and Julius Epstein, sought to join the American armed forces. The Army turned them away; it apparently considered their anti-fascism premature. That, at any rate, is family lore, and I have every reason to believe it. At that point, in the view of much of the government and the country at large, to be against Hitler was to be for Stalin; to be against fascism was to be

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Hollywood's Spies
The Undercover Surveillance of Nazis in Los Angeles
by Laura B. Rosenzweig
NYU, 320 pp., \$29.95

Hitler in Los Angeles
How Jews Foiled Nazi Plots Against Hollywood and America
by Steven J. Ross
Bloomsbury, 432 pp., \$30

for communism—by far the greater evil, if indeed Nazism and its ideals were considered evil at all. Add to this equation a third element, the Jews, for in much of the popular imagination

the distinction between being an anti-fascist, a Communist, and a Jew did not exist. Even the horrors of World War II did not change public opinion; in one 1945 survey, two-thirds of respondents agreed with the proposition “Jews have too much power and influence in this country.”

At no time was American isolationism, anti-Semitism, and xenophobia more pronounced than in the decade of the '30s, and in no place was such nativism more fervid than in the country's West—and above all in Los Angeles. By the third decade of the 20th century, the inner migration to the city by white, Protestant, dispossessed workers and farmers was all but complete.

JEWISH FEDERATION OF GREATER LOS ANGELES, VIA NYU PRESS

The Grapes of Wrath to the contrary, the mindset of these migrants—suspicious of the foreigner and the Jew, reactionary in domestic politics, isolationist toward the world—was reflected in the power structure of the city they had helped to build. It could be seen in the manufacturers and merchants, the police chiefs and sheriffs and attorneys general, the nearby military installations, and pre-eminently in the Chandler family's *Los Angeles Times*. (Perhaps I might say here that my uncle Julie once wrote a letter to that paper defending the notoriously exclusionary country clubs of the town from the charge that they were anti-Semitic. "Why, recently both the Jonathan Club and the California Club have asked me to become a member. The Jonathan Club invited me to join the California Club, and the California Club invited me to join the Jonathan Club.")

Little wonder, then, that when the German government began to mount propaganda campaigns throughout the area and to build networks of espionage and sabotage in preparation for "der Tag" when they would "blow the entire Jew Deal sky-high," few in the City of Angels were prepared to stop them—and more than a few shared their goals.

What of Hollywood, that city within a city, where Jews made up both the power structure and much of the citizenry? Many of the artists in the town's only industry were sufficiently appalled by fascism in Germany to fight back, most effectively in the Hollywood Anti-Nazi League; there, progressives and conservatives (John Ford, Bruce Cabot, Dick Powell, Herman J. Mankiewicz) united "to fight Nazism and Nazi agents in this country." The less creative workers, those in the private security forces and

members of the guilds, often felt differently. Both the chief and assistant chief of police at Warner Bros. were Ku Klux Klan members and Nazi sympathizers. Joe Breen, who made sure that every Hollywood film met the Motion Picture Production Code, thought that

market, made them *judenrein*, and fired their German offices' Jewish employees. Some of them—Paramount, for instance, and 20th Century-Fox—hung on until after the fall of France.

In the main, the stance taken by the Jews who ran the motion-picture industry did not differ from that of Jewish leadership throughout the United States. Out of a combination of greed, denial, and the not-irrational supposition that active opposition to Hitlerism would be seen by Gentile America as solely a Jewish cause, the rabbis and mainline organizations took their largely barren actions behind the scenes. Thus the moguls quietly contributed to groups fighting Nazi influence in their industry and beyond, while at the same time doing what they could to dissuade their stars from being too public in their political activities.

A good example of Hollywood's disposition can be found in *Mr. Skeffington*, the only film from the beginning to the end of the war that dared to mention the words "Jewish" or "Jew." In that picture, Job Skeffington (Claude Rains) tells his daughter that things would be better for her if she went to live with her mother because they are going to be divorced. When she asks why, he says it is because "I'm Jewish; your mother is not." Before the film

was released, the Office of War Information fired off a memo complaining, "This portrayal on the screen of prejudice against the representative of an American minority group is extremely ill-advised." And when the movie actually opened, all hell broke out at the American Jewish Committee and the Anti-Defamation League.

Here is a joke told in the ghettos of Europe: Two Jews are brought before a



The 1936 German Day party in Hindenburg Park near Los Angeles. Above, bystanders help erect a giant swastika. Below, picnickers chat beside Nazi banners. The photos were taken by Neil Ness, an LAJCC operative who surveilled Nazi activity.



the Jews who ran the studios were, "probably, the scum of the earth."

As for the moguls themselves, none save the suspect Walt Disney wished the new Germany well. What they did wish was to do business there and in the nations Hitler was rapidly gobbling up. With the honorable exception of Warner Bros., which closed its Berlin operation in 1934, most of the studios censored their films for the German

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, VIA NYU PRESS

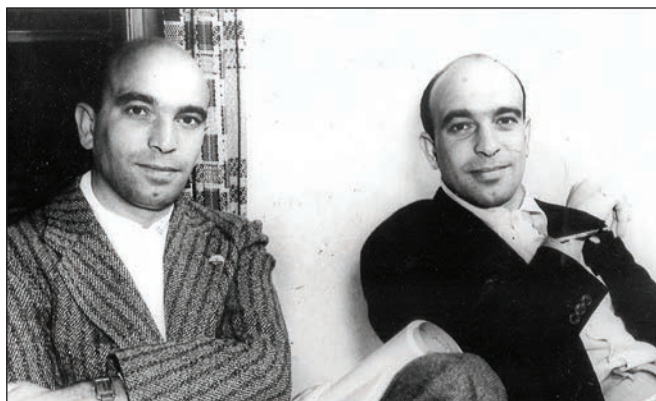
firing squad. A rather kindly Gestapo officer asks if they would like a blindfold. The first Jew thanks him and says yes they would. The second Jew jabs his friend with his elbow and says, "Shah! Don't make waves."

The best book on Hollywood's reaction to fascism is Thomas Doherty's *Hollywood and Hitler, 1933-1939*. The name Leon Lewis does not appear in it. Two new books—Laura Rosenzweig's *Hollywood's Spies* and Steven Ross's *Hitler in Los Angeles*—were written to correct that omission and in general to tell the story of how a small, unknown organization did more to disrupt Nazi plans to prepare America for eventual fascist domination than the FBI, congressional investigative committees, or any other governmental body.

That organization was the Los Angeles Jewish Community Committee (LAJCC). It was run, as anonymously as possible, by two men: Lewis, a modest, extremely private lawyer, and Joseph Roos, an Austrian-born journalist. As Jews, they could not risk going into the field (though both were eventually threatened and one of them, Roos, badly beaten); instead they hired a series of non-Jewish men and women to infiltrate the Friends of the New Germany, the German American Bund, the Silver Shirts, and as many as possible of the other like-minded groups working throughout Los Angeles. None of these spies was professional. At \$30 per week, none was going to get rich. But each had his motives for despising Hitler's Germany or for loving the idea of America, and all knew perfectly well that in winning the trust of those who wished to overthrow the government of their country they were risking their lives—and one of them, Julius Sicius, seems to have lost his in the cause.

Their tasks were to discover what they could, to sow dissension among the leaders and members of the groups

they had joined, and ultimately to make it impossible for those dreams of *der Tag* to come true. The first thing they discovered was that those dreams were not half-baked fantasies. Many of the pro-Nazi groups had formed cells that were following orders from Berlin. Their members met German ships that supplied them with propaganda matter and sometimes with personnel. These groups made plans to steal weapons from sympathetic guards at armories; arms were stored around the city in factories and private homes. Strategies



Julius Epstein (left) and Philip Epstein, the author's uncle and father

for sabotaging power plants and naval facilities were studied, revised, and kept in waiting.

Armed paramilitary groups like the Silver Shirts—an American fascist group modeled after the Brown-shirts, they sewed their own uniforms to prevent them from being touched by Jewish tailors—paraded in the Hollywood Hills. That same group also kept maps that showed where prominent Jews lived and had allies in the LAPD, including chief James E. Davis, who seemed to believe that all Jews were Communists.

Besides the Silver Shirts, other cells readied themselves to hang selected Jews—including Lewis and Roos, together with Eddie Cantor, Al Jolson, Louis B. Mayer, and B.P. Schulberg. In one fevered plot, two chemists began to treat needles with a poison that could be "shot into a Jew either by rubber band or by a blow gun." In another, uncannily prescient, the head of the American Nationalist party dreamed of forming

a fake company for fumigating houses and rat extermination. ... We can buy cyanide [and make] tanks with vents in the top for large hose connection[s]. ... When ready we can put the hoses to air vents ... and drop the cyanide into the acid solution. The mixture makes gas at a tremendous speed and forced with the blower will ... kill them instantly, thousands strangled to death at once. Women, children, Jews of all sorts ... exterminated like rats, that's the way to get rid of them.

There is no question that the network of LAJCC agents discovered a great deal. Nor is there any doubt that they spied so well that their targets, knowing information was being leaked to authorities, began to spy on themselves and so undermined each other's efforts. Yet a chasm remained between exposing the agents of Berlin and bringing them to justice. Lewis and his little army had to fight not only against the fifth column but against the entrenched network of their sympathizers and collaborators that

stretched all the way from studio cops up through government prosecutors at every level, Congress and the State Department, and parts of the cabinet. Indifference to the threat of fascism, combined with zeal to deal with the red menace, allowed all too many of the conspirators to escape.

Still, the LAJCC had victories small and large. As an example of the former, one of Lewis's men persuaded a Nazi agent on his way to Tokyo that a grove of trees on a golf course was a secret military installation; the photos of those oaks made it all the way to Japan. As for the latter, the Douglas Aircraft plant was almost certainly saved from sabotage by information passed on by an LAJCC operative. That no explosions rocked defense establishments anywhere on the West Coast, as they had in the East, was in large measure due to the spies' undercover work and intervention. Some of the pro-Nazi operatives exposed by the LAJCC's detective work fled or were deported, and Congress managed to pass the

Alien Registration Act, a tribute to the evidence that LAJCC had put before it.

Both *Hollywood's Spies* and *Hitler in Los Angeles* have a good story to tell. Alas, neither is written by a storyteller. Both authors are scholars—and it shows. The prose in both books is serviceable, though Laura Rosenzweig tends toward clichés (“hearts and minds,” “met his match,” “avoided the limelight,” “limits of the law”) and is not always well organized, while Steven Ross succumbs to the affliction of all too many scholars—having unearthed a fact, he can’t bear to part with it; we must take care not to get lost in the weeds of names, places, incidents, and dates. Still, the general reader should persevere. The story isn’t merely good, it’s important. These Jews did join the battle, and their story deserves not only to be told but to be celebrated.

In the hours before he allowed his six children to be poisoned and before he shot himself to death, Joseph Goebbels declared that the ideals of National Socialism—the emptiness of life and that man is a wolf to man—would return triumphant in 50 years. He was off by 20. In Poland, in Hungary and Turkey, and in movements through the rest of Europe—alas, even in Germany now—the tide that he predicted is rising. These two books remind us of the high-water mark in one American city and by extension in the country at large. We had a president then that saw the danger and willed the country to have the courage to fight it. And in Los Angeles a small group of men and women risked their lives to fight it, too. The president we have now winks, nods, and encourages those who march with torches and shout that the Jews will not replace them. Will the country find itself, and its own best ideals, so that it might fight once again?

One last note. When Julie and Phil were turned away from the Army, they returned to their jobs at Warner Bros. Three months after the bombs fell on Pearl Harbor, they started work on their screenplay of *Casablanca*. Two years later they wrote and produced *Mr. Skeffington*. They were no longer premature. It is never too early to resist. ♦



Lee Edwards interviewing President Ronald Reagan in the Oval Office in 1984

BCA

Conservative Witness

What Lee Edwards, the historian of conservatism, saw at the (Reagan) revolution. BY MATTHEW CONTINETTI

In October 1956, shortly after being honorably discharged from the Army at age 23, Lee Edwards found himself in Paris. There he fell into the rhythms of expatriate life, smoking Gauloises, frequenting cafés, and writing fiction. It was in French newspapers that he read of the Hungarian revolt against Soviet occupation.

At first the Hungarian independence movement seemed victorious. The Soviets retreated from Budapest. The rebel leader, Imre Nagy, withdrew Hungary from the Warsaw Pact and began the transition to democracy. “My dormant anticommunism came alive,”

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Just Right
A Life in Pursuit of Liberty
by Lee Edwards
ISI, 378 pp., \$29.95

Edwards writes in his memoir. “All that I had learned from my reporter-father, who had covered congressional hearings about communism, came flooding back.” The Hungarian revolution, he thought wonderingly, might be the beginning of the end of the Soviet Empire.

His hopes were dashed. The next month 17 Soviet tank divisions invaded Hungary, joined forces with the 5 divisions already there, and crushed the uprising. The Soviets murdered thousands of Hungarians and sent hundreds

IMAGES: COURTESY OF ISI

of thousands more into exile. Nagy was arrested and executed. The Soviet occupation continued for another 30-some years. Edwards was horrified both by the slaughter and by the reluctance of Western powers such as the United States to intervene. “I took an oath,” he writes. “I resolved that for the rest of my life, wherever I was, whatever I was, I would help those who resisted communism however I could.”

And so he has. Indeed, the reader of *Just Right* can’t help marveling at how closely the life of Lee Edwards has tracked the history of the conservative movement in which he’s participated as activist and scholar. The son of a correspondent for Colonel Robert R. McCormick’s *Chicago Tribune*, Edwards recalls the visits Richard Nixon and Joe McCarthy paid to his childhood home outside Washington, D.C. When he returned from his European sojourn, Edwards renewed his Catholic faith, got a job with a Republican senator from Maryland, and began contributing to *Human Events* and William F. Buckley Jr.’s *National Review*.

Attending the July 1960 Republican National Convention as the editor of a publication for the Young Republicans, Edwards watched as Congressman Walter Judd of Minnesota brought the crowd to its feet with an anti-Communist, anti-Soviet oration, and as Senator Barry Goldwater established himself as a national leader with the words, “Let’s grow up, conservatives!”

Edwards was among the 100 men and women who visited the Buckley family home in Sharon, Connecticut, in September of that year to form Young Americans for Freedom. He signed its charter and creed. “The ideas of the Sharon Statement,” he writes, “would serve as the philosophical base of modern American conservatism for the next three decades, until the fall of the Berlin Wall in 1989.”

It was primarily the idea of freedom that animated the young conservatives’ domestic policy of limited government and foreign policy of anticommunism.

“Foremost among the transcendent values is the individual’s use of his God-given free will,” says the Sharon Statement, which also holds that “liberty is indivisible” and that “political freedom cannot long exist without economic freedom.” And because “the forces of international communism” deny the existence of the author of freedom and seek to dominate the world, the statement reads, they “are, at present, the greatest single threat to these liberties.” Each of the three original factions of the conservative movement, then, had a



Lee Edwards (center) with 1964 GOP presidential candidate Barry Goldwater and running mate William E. Miller

reason to oppose communism. Classical liberals opposed its socialism. Traditionalists opposed its atheism. Anti-Communists opposed its totalitarianism.

However, before they could fight the Soviets, conservatives first had to take over the Republican party. Edwards helped them accomplish this task, too, through his work on Arizona senator Barry Goldwater’s 1964 campaign. The chapters on Goldwater are perhaps the most fascinating and heartfelt in this compelling and elegantly written book. The author of *The Conscience of a Conservative* (1960) comes across as a charming, self-deprecating, and thoughtful man of principle, who from the moment he stepped into the race understood that he was doomed.

Following the Kennedy assassination, Goldwater rightly suspected that Americans would not want three presidents within one year. He nonetheless

ran for the GOP nomination out of a sense of duty—both to his ideas and to his youthful and impassioned followers. His dogged and sometimes prickly adherence to principle, and his penchant for improvisation and irreverence, did not make him the slickest candidate on the trail. The press routinely misquoted or distorted his words. His reluctant opposition to the 1964 Civil Rights Act made it easy for critics to label him racist. In the general election he faced the wily protégé of FDR.

Goldwater’s acceptance speech at the Cow Palace in San Francisco announced the entry of the conservative intellectual movement into politics. “This party, with its every action, every word, every breath, and every heartbeat, has but a single resolve,” Goldwater said. “And that is freedom.” Later, he uttered the famous paraphrase of rhetoric attributed to Cicero: “I would remind you that extremism in the defense of liberty is no vice. And let me remind you also that moderation in the pursuit of justice is no virtue.”

Edwards, a campaign adviser, was both exhilarated and disappointed at what he heard.

“Watching from our communications center at the Mark Hopkins [hotel],” he writes, “I saw my hero, deeply tanned and silver-haired, ensure his defeat with his acceptance speech.” On Election Day, Johnson won by 23 points and took all but six states.

Yet Goldwater’s repudiation at the polls was not exactly the disaster it seemed. Conservatives found solace in the Americans who, despite everything, still cast ballots for AuH₂O. In the words of a popular bumper sticker, “27 million Americans can’t be wrong.”

The movement also discovered a new star: an actor and television host who had switched his party registration to Republican just a few years before. “The Reagan TV show has elicited the greatest response of any program to date,” Edwards wrote in his campaign diary after Ronald Reagan’s nationally televised “A Time for Choosing” speech in support of Goldwater aired one week

before the election. “Reagan is the man they wish Barry Goldwater was. Or perhaps I should say the man they wish he had been in this campaign.”

Less than a year after Goldwater’s defeat, Edwards and his wife found themselves interviewing Reagan for a profile in *Reader’s Digest*. “There was about him the aura of a star and a leader,” Edwards recalls. “At the end of the first day, back in our motel, I looked at Anne and she looked at me and we said at the same time, ‘He’s got it!’”

That and subsequent interviews became *Reagan: A Political Biography* (1967), published in the first year Reagan was governor of California. It remains the most successful of the more than two dozen books Edwards has authored over the years, in between raising a family, managing a public relations firm, organizing anti-Communist rallies, earning a doctorate from Catholic University, joining the Heritage Foundation as a distinguished fellow in conservative thought, teaching classes and writing curricula, and serving as chairman of the Victims of Communism Memorial Foundation.

President George W. Bush attended the dedication of the memorial, a sculpture of the Goddess of Democracy that sits on Capitol Hill. “Sharing the platform with the president of the United States that morning in June 2007 was the pinnacle of my life,” writes Edwards, “a life committed to freedom and opposed to every form of tyranny over the mind of man (to borrow from Thomas Jefferson).”

It is also a life that invites reflection. The victory of Donald Trump in 2016 unsettled political categories and reopened the question of what being a conservative means. As Edwards reminds us, “The conservative movement and the Republican Party are two *different* institutions—different in structure and in objective.” The party may be Trump’s, but what about the movement? Here Edwards is cautious and more than a little politic: “The implications of Trump’s success—his extraordinary takeover of the Republican Party and his dramatic general-election victory—for the future of conserv-

atism remain difficult to discern.”

Not so difficult to discern, however, is the attack on the idea of freedom from both left and right. Autocrats and strongmen are ascendant, America’s most pressing strategic threat is a Stalinist dictatorship armed with nuclear weapons, socialism is making a comeback among young people, blood and soil ethno-nationalism has returned to the West, and some on the right are criticizing the American founding itself. “Is tyranny winning and freedom losing?” Edwards asks. It is not an easy question to answer.

We should be grateful to Lee Edwards because he reminds us that conservatives, as they cope with the present, should never forget their past. Barry Goldwater and Ron-

ald Reagan were not only champions of freedom. They were men of character and good humor who belonged to a tradition, to an intellectual and political genealogy, that branched off in an uncountable number of directions after the USSR fell apart in 1991.

This memoir is worth reading for the anecdotes alone. Edwards tells the story of how, early in Reagan’s first term, he presented Reagan with a copy of the latest edition of his presidential biography. “As we stood there chatting and the photographer snapped away, I saw the president glancing down at the cover with its bold, black-on-yellow banner, ‘Complete Through the Assassination Attempt.’ Finally, the president looked up and, with that irresistible smile spreading across his face, said, ‘Well, Lee, I’m sorry I messed up your ending.’” ♦

BCA

Immortal Beloveds

In her new novel, Dara Horn takes the long view of longing. BY B.D. McCLAY

That death gives life meaning is a cliché, but it’s at least as plausible to say that it takes meaning away.

Like the old joke about not wanting to know the ending of the movie *Titanic* in advance, everyone’s life heads toward the same destination, regardless of the road taken to get there. “After hundreds of years,” reflects Rachel, the immortal heroine of *Eternal Life*, “these details that most people spent their lives exploring were only details. Every man was finally just a man, then bones, then dust.” So why do anything at all, if it’s all going to end the same way?

Eternal Life isn’t Dara Horn’s first brush with death. Big-hearted and erudite, her books have tried more than once before to depict what it means to be a finite creature with eternal ambi-

Eternal Life

by Dara Horn
W.W. Norton, 236 pp., \$25.95

tions. In her 2006 novel *The World to Come*, a story of art theft widens to include a whole family history and eventually the afterlife itself, where the dead and the yet-to-be-born observe the living. In *A Guide for the Perplexed* (2013), the programmer heroine builds Genizah, a kind of digital memory palace. In these works, different timelines interact, nothing is as linear as you might expect, the universe is full of twins and serendipitous forgeries and substitutions, and the world itself is not wholly real.

Her newest novel returns to some of these themes and devices, but this time, Rachel and Elazar, its principal characters, are obsessed with death precisely because *they* cannot die. They live their

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lives over and over, marrying mortals and having children, then watching their spouses and children age and die. When they've stuck around for too long, they set themselves on fire, rise up new from the ashes, and start again.

Horn gives full weight to the horror, but also the mundanity, of the situation. Rachel experiences her unending life largely through her children, in whom she can't help but notice repeating patterns and types. It's her children that got her into this situation, too. About 2,000 years ago, give or take, when she was the daughter of a scribe and he the son of the high priest, they met and began a secret affair. Because they could not marry, Rachel eventually married Zakkai, a man of her father's choosing—but she continued to see Elazar. The secret lovers eventually have a child, attributed to Zakkai. When the child falls dangerously ill, the high priest tells them that Rachel and Elazar can save his life, but only if they are willing to cut a deal: he lives but they can't die.

Not too long after this, Zakkai is tricked into treasonous action against the Roman government and executed. Rachel, suspecting Elazar's involvement, is unable to forgive him. And the child, being saved from only one death, eventually dies an old man. (Cutting any kind of deal with death is never the bargain it seems at the time.)

For reasons readily understandable to most mortals, this shared past both irrevocably links and divides Rachel and Elazar; they once shared a great love and a child, and now they share a condition and a secret. But they are also trapped in an emotional back-and-forth that might as well be scripted in advance, with professions of love on Elazar's part matched with distrust on Rachel's.

Unlike Rachel, Elazar suffers no great anguish over his own immortality. He mourns his mortal children, but he's not haunted by their deaths. While Rachel experiences her own life as shapeless, Elazar does not; Rachel is his reason for living and would be even if he could die. His love for Rachel will never dim, and he will follow her from lifetime to lifetime, only wanting to be with her for eternity. It's Rachel whose feelings

for Elazar are conflicted, who feels both love and anger, who tries to disappear into each new life, and who longs to die.

But in the 21st century, it's not going to be so easy for Rachel to disappear into a new life the next time. The world, as Elazar explains to her, is becoming more and more complicated; thanks to things like Social Security numbers and credit cards, emerging into the world as freshly born 18-year-olds won't be simple. And on top of this, Hannah, Rachel's granddaughter by her most recent marriage, announces that she's on a team of scientists trying



Eternal Life is Dara Horn's fifth novel.

to figure out how to help people live forever, a project that fills Rachel, initially, with horror.

But if Hannah can isolate the causes of aging and death, Rachel reasons, can't she also help people to die? And if Rachel can safely let Hannah in on her secret, might she be able to explain why it's good that people die?

This is a little too much for a fairly slender novel to juggle, and *Eternal Life* doesn't quite have the magic of Dara Horn's previous books. The mechanisms of its plot can be clunky, too much has to be elaborately explained, and in the end it reads more like an overlong short story than a complete novel. As an attempt to turn the drama of mortality inside out, it's ambitious, but not entirely successful. And the drama of Elazar's irresistible force to Rachel's immovable wall gets tiresome.

Despite these flaws, *Eternal Life* is frequently moving, especially in its early chapters as Rachel remembers her long life, the sorrows that cut deeply even after centuries. "What reasons," she wonders, "are there for being alive?"

It's not an easy question to answer, and most of the answers rest on the unspoken assumption that the question is why we stay alive in the face of death, not why we stay alive in the face of life. Sacrifice becomes "heavy labor cast into a void," the pursuit of joy causes you to wonder "why you had bothered." Then there's the love of God—that true infinitude that remains beyond her reach—but though Rachel has more reason than most to believe, that belief can't give her life meaning.

If *Eternal Life* falters, it's at least in part because Rachel's struggles can't be solved by death. If they could be, we wouldn't understand them.

When she tries to explain to Hannah that nothing can mean anything without death, it's hard to hear it as anything other than wishful thinking. It's not living forever that's Rachel's problem, after all—it's that *other* people die. It's having enough time to realize that the reasons for being alive aren't as obvious as you might think, that they will unravel if given enough time and enough other passing lives and loves and attachments.

What reasons are there for being alive? In a sense, Dara Horn's other novels do a better job of answering that question. Perhaps death isn't real, and neither is life as we know it; perhaps we are surrounded and sustained by eternity, and by love, and incorporated into a complex and beautiful story that we could never ourselves anticipate, playing roles we'll never really understand. Perhaps we can only feel that eternity when we know we'll have to leave the stage. But we don't, at least in Horn's books, leave the stage for nothing. We leave it for reality, for more life. At the risk of sounding circular, the meaning of life isn't, indeed can't be, death; it's life. ♦

A Glass of Alsace

The sights and sweets of Strasbourg.

BY SARA LODGE

Not everybody likes Alsatian wine. Good. That means more of it for me. The slim, green adolescent bottles with sloping shoulders and no hips are distinguished by pollen-yellow labels, often bearing medieval-style lettering. Something happens to grapes in this region of France that makes them taste exotic. Pinot Grigio in Italy is often forgettable. The same grape in Alsace can make wine that is as headily perfumed and waxy as a lily, vibrant with acidity that excites the palate without puckering the lips. Gewürztraminer smells of rose petals, nutmeg, and cardamom: a harem of flavors from the *Arabian Nights*. Muscat is the essence of grape, multiplied to the power of grape. These are mysterious wines, subtle as incense and candles in a church. They can take you to strange places. Alsace-induced dreams I have had include one in which I was drifting with cloud-swans in a fruit salad where the moon was an enormous lychee.

So few of these wines come to Britain or the United States that it is worth making a trip to Alsace simply to discover them. This is easier than you might think. A fast train will whisk you from Paris to Strasbourg in under two hours. And Strasbourg is one of those ancient cities that reward noodling: where the natural pace of walking around the narrow, cobbled streets and stopping in for a pastry or a glass of something restorative makes every day feel like Sunday. The place to stay is on the central island; the ring of the river

Ill makes it feel as if you are in a moated castle. There is something magical about crossing the numerous bridges, especially at night when they are dramatically lit: dusky purple or fiery red under the arches.

The stonework of the medieval tow-



The vineyards of Alsace

ers is picked out in white. Both by day and by night, Strasbourg Cathedral is astonishing. From a distance, you see only its hollowed-out, rocket-shaped spire, like that of a medieval Chrysler Building. Then you round a corner and—bang. There it is. A massive, jaw-dropping Gothic fantasy of pinnacles, flying buttresses, openwork arches, and stained glass. Think of scrimshaw work in whalebone, its obsessively whittled detail. Then magnify it to the size of a whale. I kept happening upon this building during the week I spent in Strasbourg, and each time I saw it I was taken aback.

There is much else to admire. Strasbourg is very near the border with Germany, so it is no surprise that many of the oldest buildings look Germanic; they consist of plaster and timber, crossed like bootlaces on the façades, whose wooden gables are also carved

with decorative figures. Elaborately wrought metal signs dangle invitingly from shopfronts: a pig, a golden goose, a bunch of grapes. These point to regional specialties: charcuterie, foie gras, wines, and eau de vie.

If James Bond had come from Strasbourg, his motto would have been “Diet another day.” Alsatian food is rich, rustic, and tasty. You can eat it in a fine-dining restaurant like Kammerzell near the cathedral, where the vaulted ceiling and walls of a glorious 15th-century building are painted with murals from 1904 of sailing ships and climbing vines. The windows are mullioned with panes the shape of the bottom of a wine bottle. Or you can eat it in a *Winstub*—a wine bar—like Fink’Stuebel, with a pumpkin on the bar and dried hops and herbs hanging from the rafters. But the food will be broadly similar. Ham knuckle with cabbage and potato salad flavored with horseradish. Pork and prunes. Choucroute. Chicken in a sauce of Riesling, cream, mushrooms, and tiny pickling onions. Onion tart served with a green salad flavored with walnut oil. Pastry is as essential to the cuisine here as pasta is to Italian food. It is filled with everything from veal to sausage, from cheese to cherries.

A visit to the *salon de thé* of Christian Meyer, the poshest pâtissier in Strasbourg, is enjoyably naughty. Here eclairs and kougelhopfs vie with confections made of raspberries, physalis, and chocolate in a huge glass case like a jeweler’s window. The chairs are purple velvet and lime green and there are surreal paintings of zebras escaping into human form; the waitresses wear latex tailcoats. It is the mad hatter’s tea party as redesigned by Christian Lacroix. In the downstairs shop there is a wonderful array of marzipan autumn fruits: acorns, conkers, toadstools, plums, and pears.

The sense of style here is inimitably French—no country is better at window dressing, at the boutique, the bijou or the bonbon. But the streets also feel German. Many of the buildings could be made out of gingerbread,

IMAGES: SARA LODGE

Sara Lodge is a senior lecturer in English at the University of St Andrews.

which is also a popular local product. I had wondered if the bitter history of this region of France, which was annexed by Germany in 1871 and again during the Nazi occupation, would mean that German culture was vilified. But most inhabitants speak both French and German. They seem relaxed, or at least phlegmatic, about belonging to a region that has more than one cultural identity.

This is particularly apparent, of course, as Strasbourg is one of the homes of the European parliament. I attended a plenary session to see its debates in action. The parliament building with its “hemicycle” meeting chamber is designed to create a sense of unity in diversity, but it could learn a thing or two from Strasbourg Cathedral in this regard. It is gray. You step into an outdoor atrium, like the center of a cored apple, with some 15 curved stories of offices around it and a small model globe in the middle. Like all such spaces these days, it is unfortunately full of unhappy-looking people having a cigarette. Penetrating the secure zone, you pass through a space where cheeseplants have been trained up cables to create a vertical jungle. Then you are in the working area, looking out on the Ill, rather as you look out at the East River from United Nations headquarters in New York.

There are 751 elected members of the European parliament. But at the session I viewed, only around 30 of them were present. It was a curious experience. The public gallery, in the glassed-in upper circle of a vast royal-blue and white amphitheater, contained some 200 people like me: tourists, teachers, schoolchildren. And below us were a handful of delegates, debating a motion on the Environmental Liability Directive. They discussed polluted air and groundwater, exploding nuclear reactors, and oil spills from freighters in the Aegean; all these problems cross national lines. Listening to the speakers, their words simultaneously translated into English through headphones, I was convinced by their arguments for strengthening European accords on protecting the environment. Yet creating meaningful legal instruments and



Strasbourg Cathedral, completed in 1439, was for two centuries the world's tallest building.

financial protocols that all 28 member states will respect is like trying to get 751 people to tap-dance in unison. Several of the MEPs present left during the proceedings, an ominous echo of Brexit and other recent talk of exits from the European Union itself.

When international relations depress you, the Route des Vins is the road to renewed optimism. It wanders through the wine-lands of Alsace, passing through vineyards striped and golden in the late autumn sunshine. The Vosges mountains form

a richly forested backdrop to the west, smoky blue with distance. There are ruined castles and picture-postcard villages, like Riquewihr, which is almost painfully quaint. Goldfish swim in ancient wells. Storks' nests surmount the roofs of buildings, sometimes supported by a kind of metal cakestand to encourage the birds' return in spring. Scarlet geraniums tumble from the window boxes of medieval timber houses, while the oldest churches seem to have sequins for roof-tiles, interlaced diamond patterns of gold and green.

One of the finest spots on the Route des Vins is Colmar, a large town that offers more varied pleasures than some of its smaller neighbors. There are street markets of antiques where you can pick up medals from the Franco-Prussian War, art nouveau desk lamps, 19th-century soup tureens, and sepia photographs of lost relations, some with walrus mustaches and spiked helmets of the kind seemingly designed to pop enemy airships. You could furnish a whole Wes Anderson movie with this quirky bric-a-brac.

Colmar also boasts two major art museums. One is a converted convent, the Unterlinden, which displays Matthias Grünewald's Isenheim altarpiece among other treasures of early art. I loved the stone cloisters of the convent and could have sat there quietly for hours. But the altarpiece is an unsettling experience, like the album cover for a 16th-century hard rock band. St. Anthony is tormented by demons with the heads of birds, Christ looks anorexic, and Mary is a glowing, tortured ghost.

I preferred the Bartholdi Museum. This is in a cozy 19th-century family house, with twisting wooden stairs and a living room with a piano. It displays some of the less-famous works by this French sculptor, some of which shed historical light on his most famous creation, the Statue of Liberty. Frédéric Auguste Bartholdi served as an officer in the Franco-Prussian War and was distraught by the French defeat and the annexation of Alsace. His powerful statue *The Curse of Alsace* depicts a grieving woman beside the dead body of her son, raising her finger to indict his killers. Another striking maquette is of the huge *Lion of Belfort*—a noble, maned beast who is recumbent but bristling, defying an unseen aggressor. It is not hard to see the anger and battered national pride in Bartholdi's work. His sculpture is shaped by the bitter experience of dispossession. Looking again at the Statue of Liberty—titled by Bartholdi *Liberty Enlightening the World*—I see echoes of the defiant mother-figure in it, combined with Christ wearing his crown of thorns, and the traditional figure of Justice pointing a sword at

heaven. This American icon reflects the war-torn legacy of Alsatian history.

Predictably, the best day of my holiday was spent with a glass in hand. I interviewed the winemaker Etienne Sipp, proprietor of Louis Sipp, a firm that has been making fine wine here since 1918. I wanted to understand why Alsatian wine tastes so distinctive: poles apart from its French neighbors Champagne and Burgundy, and different from its German cousins. To explain, Sipp took me to a point high on his Kirchberg vineyard. The view was panoramic. Only crickets and church bells in the valley below broke the silence. A hawk sat, unruffled, on a telegraph wire beside us. "The geology of this area is unique," he smiled, looking down over his patrimony with loving eyes. "It's like a piano keyboard: The rock and soil have so many different characters."

"Over there"—he gestured to the forested hills—"is the Osterberg. Granite and gneiss. Grapes grown there have a mineral character, with taut acidity. People compare the taste to that of a

lemon pressed against a stone. Here on the Kirchberg, there is chalk and sedimentary rock. It produces grapes that are mellower, more floral and fruity. With so many notes to strike, a good winemaker here can make a great wine even in a bad year."

Sipp explained that the local climate was also unique; a katabatic wind sweeps the valley, giving cool nights, and the angle of the sun on these slopes favors a gradual journey to ripeness in which fresh acidity, relatively high viscosity, and intense flavors are retained. Like many local proprietors Sipp grows organically, avoiding chemicals that harden the grapes' skin. Lastly, his grapes are handpicked and pressed incredibly gently and slowly, over 16 hours, to produce wine as delicate as perfume. Whatever he does, it works. Golden in the glass, his 2001 Osterberg Riesling is a masterpiece of harmony: crisp and honeyed, long and orchard-scented. When I am recalling the scenery of autumn in Alsace it will be better than a photograph. ♦

BCA

Post-Truth

Idealizing journalists by distorting the historical record.

BY JOHN PODHORETZ

The *Post* is about a little-known and relatively minor incident in the annals of newspapering—how the *Washington Post* made itself a player in the Pentagon Papers story, the biggest scoop of 1971, after it was beaten to the punch by the *New York Times*. And it merges that account with a female empowerment tale featuring the 55-year-old Katharine Graham as a shy and retiring victim of mansplaining back in 1971 who found her voice and her leadership skills standing up not only to Richard Nixon but to her own compa-

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

The Post

Directed by Steven Spielberg



ny's condescending board of directors.

The script (by Liz Hannah and Josh Singer) ignited a Hollywood feeding frenzy just after Labor Day 2016 because it seemed to be a harbinger of the 2016 election, with Donald Trump as Nixon and Hillary Clinton as Graham—a fable about how a woke lady brought down a great evil. Upon its release in December 2017, director Steven Spielberg had transmuted the pitch. "The level of urgency to make

the movie was because of the current climate of this administration, bombarding the press and labeling the truth as fake if it suited them,” Spielberg told the *Guardian*. “I deeply resented the hashtag ‘alternative facts,’ because I’m a believer in only one truth, which is the objective truth.”

Well, that’s a nice sentiment—only *The Post* is a story that features all kinds of alternative facts of its own. That’s fine as far as it goes. It’s a movie melodrama, after all, not a documentary. But it takes historical figures during a historical event and massages them to its own purposes.

Newspaper dramas invariably come down to a moment when someone must decide to push the button and run the presses with the controversial story that could make or destroy the paper. It’s great melodramatic shtick, but it’s nonsense. Even before the Internet made print deadlines all but meaningless, most major newspapers produced multiple editions and changed their front pages routinely from one to the next. Indeed, if newspapers are, as Katharine Graham’s husband Philip Graham once said, “the rough first draft of history,” the “early edition” was the rough first draft of that day’s newspaper. Editors and publishers might even halt a print run in the middle to “replate” a couple of pages, which is where we get the glorious phrase “stop the presses.” The point here is that there never was a time when a paper either ran the story or the story disappeared.

The Post offers a stripped-down narrative account of a complicated editorial decision involving the Pentagon Papers that takes this classic movie cliché to new levels of falsity. Nothing less than the future of the Republic, we are led to believe, is at stake at the climactic moment when the phone rings in the printing plant to direct the shop steward to hit the button and start those presses a-runnin’.

In fact, there was no such moment at the presses. We know this from Katharine Graham’s splendid autobiography, *Personal History*. During the weeks the movie shows us, court decisions were



Meryl Streep as Katharine Graham in *The Post*

The Post offers a stripped-down narrative account of a complicated editorial decision involving the Pentagon Papers that takes the ‘stop the presses’ movie cliché to new levels of falsity. Nothing less than the future of the Republic is supposedly at stake.

flying fast and furious about whether the *New York Times* and the *Post* could publish these leaked documents. The *Post* published some excerpts on June 18, 1971, and prepared to publish more the next day. On the night in question, the fact that the *Post*’s early edition for June 19 *already featured* a Pentagon Papers story allowed the paper’s lawyers to argue successfully that it should not be prohibited from publishing the story in its later editions. “Fritz was at the

court with the lawyers arguing that we had several thousand papers on the street and the plates on the presses,” Graham writes. “So, at 2:10 A.M., the court agreed with us that the injunction didn’t apply to that night’s paper, and we finished the press run.”

Now let’s discuss that Fritz. The chairman of the *Post*’s board of directors, he is the chief mansplainer to Graham and therefore serves as the movie’s villain. The movie’s Fritz complains that Graham is going to ruin the *Post*’s effort to become a publicly traded company and treats her as though she were a child—which, I assure you as someone who knew the extraordinarily formidable Graham slightly, is something only a demented lunatic would ever have done.

Graham’s portrait of Fritz—whose full name was Frederick Beebe and who died in 1973—makes it clear how slanderously the movie uses him.

Beebe had advised her not to publish the story for various reasons, and Graham writes that she was “extremely torn” due to his counsel. “But I also heard *how* he said it,” she continues. “He didn’t hammer at me, he didn’t stress the issues related to going public, and he didn’t say the obvious thing—that I would be risking the whole company on this decision. ... I felt that, despite his stated opinion, he had somehow left the door open for me to decide on a different course.” But the condescending Fritz in Spielberg’s movie does exactly what Graham says he did not do. That is a monumental injustice to a real person’s memory.

The Post, which has been nominated for Best Picture at this year’s Oscars, is a watchable if not entirely memorable piece of work. The waggish Andy Levy described it perfectly as “the most competent movie ever made.” And Streep’s performance as Graham is just uncannily brilliant and rightly earned her a Best Actress nomination. But given the fact that tens of millions of people will see it when all is said and done, *The Post* will become the accepted account of the events it shows. And it falsifies them. Is there a better definition of Fake News? ♦

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Porn Star Allegedly Paid Donald Trump Hush Money

Feared 'damage to reputation,' rejection by peers, fans

By **Rafferty Macon**
and **Dan Kalb**

A lawyer representing a longtime actress in the adult film industry paid President Donald Trump \$300,000 in 2012 in exchange for Trump's silence about their relationship, The Wall Street Journal has learned.

The attorney for Chandelier Swallows—star of "Sex Toy Story 3," "Missionary Impossible," and other films—used a shell company registered in the Cayman Islands to route the money to one of Trump's holding companies to avoid detection, say forensic accountants who were given access to financial records.

Swallows's lawyer, Vito "The Stick" Abbatini, said the actress "categorically denies" ever hav-

ing had a sexual relationship with Trump. "Hey, she performs on film for money," Abbatini said. "It's not like she's some kind of tramp."

A relationship with Trump could seriously damage Swallows's reputation in the porn industry, says David Robertson, an editor at Adult Video News. "Chandy has a great reputation in adult entertainment," Robertson said. "She's won all kinds of awards, from Female Performer of the Year to Most Outrageous Sex Act on a School Playground. Being tarred as one of Trump's partners would be a real setback. Nobody wants to work with someone like that."

On Wednesday, the Washington Post published excerpts from a 2013 interview in which Trump claims to have had sex with



Chandelier Swallows on the set of 2014's 'Schindler's Lust.'

Swallows on several occasions. "I was, like, really great," Trump said. "I mean, the best."

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