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Rise of the (Catholic) Resistance

**JONATHAN V. LAST
MARY EBERSTADT**

Cardinal Donald Wuerl, the archbishop of Washington

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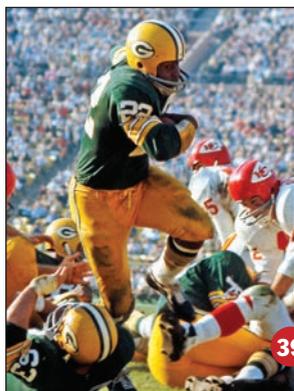


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He Was Honest, Eventually

Last week, Barack Obama finally did what Democratic activists had been desperately hoping he would do—he reproached his successor ahead of the midterm election. It was a long, discursive oration, as Obama’s orations usually are, and it contained lots of impromptu gibes and derisive harrumphs that made the 44th president sound less like a retired statesman than a candidate vying for office.

Amidst all the verbiage, though, even those of us perverse enough to listen to the whole speech might have missed a key moment: the bit where Obama admitted—finally—that he favors nationalizing the health-care industry. “So Democrats aren’t just running on good old ideas like a higher minimum wage,” said the man who gave us the Affordable Care Act; “they’re running on good new ideas like Medicare-for-all, giving workers seats on corporate boards, reversing the most egregious corporate tax cuts to make sure students graduate debt-free.”

We’ll leave readers to decide if these items are “good old ideas” or

“good new ideas” or just bad ideas; and in any case we haven’t the slightest clue what the connection is between “egregious corporate tax cuts” and the high costs of higher education. But we can’t let Obama’s endorsement of “Medicare-for-all”



pass without comment. The phrase was made famous by Bernie Sanders, and it signifies the full-on nationalization of the health-care industry so that everybody can enjoy the benefits of America’s most expensive and worst-run health-care program. It also signifies a plan that’s not remotely

affordable for a nation with the budgetary obligations of the United States—\$32 trillion over 10 years.

But hold on. We seem to remember that in 2009 Obama specifically disavowed any intention of nationalizing the health-care industry. “What are not legitimate concerns are those being put forward claiming a public option is somehow a Trojan horse for a single-payer system,” Obama said to the American Medical Association soon after taking office. “I’ll be honest. There are countries where a single-payer system works pretty well. But I believe—and I’ve taken some flak from members of my own party for this belief—that it’s important for our reform efforts to build on our traditions here in the United States. So when you hear the naysayers claim that I’m trying to bring about government-run health care, know this: They’re not telling the truth.”

That’s a tortured quotation, so allow us to summarize what the president meant nearly a decade ago: If you like private-sector health care, you can keep it. ♦

The Gipper and the Pictures

In our latter years THE SCRAPBOOK has become rather a sucker for books about Ronald Reagan. We own a couple of shelves of them and admit to enjoying even the mediocre ones, so highly do we esteem the modern era’s greatest president.

One of these volumes, published earlier this year by Simon & Schuster, gave us particular delight: Mark Weinberg’s *Movie Nights with the Reagans: A Memoir*. Weinberg was a deputy press secretary in the Reagan White House, and it fell to him to represent the press office in the president’s entourage when Reagan traveled to Camp David on weekends. There, at precisely 8:00 P.M. in



the Aspen Lodge screening room, the president and the first lady would welcome guests—his personal aide, his physician, a military aide, a Secret Service agent, Marine One’s pilot, and so on—and watch the week’s selection. Afterward the group would assemble and discuss the movie,

special attention being given to whatever the president might say.

Weinberg saw hundreds of films with the Reagans this way. In the book he recalls 17 of them, including *Ghostbusters*, *The Untouchables*, *Chariots of Fire*, *9 to 5*, and *Top Gun*. He recalls what the president said about each one and suggests ways in which each may have shaped his thoughts about the challenges facing his administration.

Among the book’s best chapters is the one about what is, in our view, Steven Spielberg’s best film: *E.T. the Extra-Terrestrial*. That screening happened at the White House, not at Camp David, and Spielberg himself was there. So were Neil Armstrong and the newly confirmed Sandra Day O’Connor, as well as other guests and their children.

TOP: GARY LOCKE. BOTTOM: JOHN KOEAL FOUNDATION / HULTON ARCHIVE / GETTY

After the movie ended, the president stood up and thanked Spielberg, then said: “And there are a number of people in this room who know that everything on that screen is absolutely true.” That led a number of hacks in the press and elsewhere to speculate that Reagan believed in aliens, but Weinberg gets at the truth when he writes that *E.T.* was “fundamentally Reaganesque in tone and approach. Its wholesome depiction of Middle America, its impish sense of humor, and its subtle placement of the protagonist in opposition to the government aligned with his identity.”

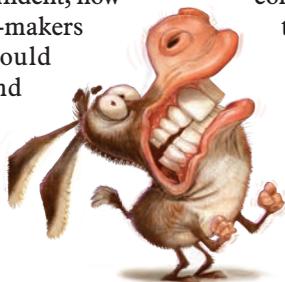
Weinberg’s memoir captures Reagan at his best—witty, kind, keenly intelligent. It also reminds us of the great man’s robust capacity to see the world not just through politics and policies but also, perhaps especially, through the imagination. ♦

Shut Up, She Explained

The spectacle of protesters jumping out of their chairs at regular intervals to shout incoherent slogans during the Brett Kavanaugh hearings did not lend itself to the view that those who oppose the judge’s confirmation are especially clearheaded in their beliefs. Their antics, if we may speak plainly, made them look like idiots. The fact that they were encouraged and abetted in their behavior by Democratic senators—the very officeholders who regularly (and often rightly) castigate Donald Trump for his uncivil and unbecoming conduct—leads us almost to despair.

Even so, we were confident that the great majority of Americans beheld the protests with disgust. Most of our countrymen, we feel sure, still believe that the reasoned expression of complex views by accomplished public servants deserves something better than the tantrums of ignoramuses.

We were equally confident, however, that the opinion-makers of progressivism would find a way to defend and praise these tantrums as some kind of public good.



BOTTOM: GARY LOCKE



THE HANDMAID’S TALE

And so it was. Consider, for instance, a column in the *Washington Post* by Monica Hesse headlined “‘Civility’ vs. ‘hysteria’ at the Kavanaugh hearings.” As a piece of sophistry it’s average: It takes her 800 words to make the point that incivility is okay when it’s about something really important. It’s really important, in Hesse’s view, if it “relates to central questions in our democracy”—meaning, we’re led to conclude, that the more important a question is, the more we should shout at each other:

There’s nothing particularly civil about taking away people’s rights to bodily autonomy, and there’s nothing

particularly hysterical about wanting to keep them. There’s also nothing particularly hysterical in pointing out that real people will be impacted by laws. Thousands of women had illegal abortions before *Roe v. Wade*; hundreds of them died. We should weigh that. Really weigh it, whether we are pro- or antiabortion, because nobody wants women to die.

That’s true; no one wants women to die. But another thing we should weigh, really weigh, is that this year alone around 600,000 pregnancies will end in abortion—that is, death—in the United States. About half of those aborted would otherwise grow up to be women. ♦

Nota Bene

Antiquarian-minded visitors to Georgetown may have heard of the Halcyon House, a mansion on Prospect Street. The majestic Federal-style structure was built in the 1780s by Benjamin Stoddert, the first secretary of the Navy, and dramatically expanded in the 1900s by Albert Clemens, the nephew of Samuel Clemens (aka Mark Twain).

Jennifer Porter-Lupu, an archaeology doctoral candidate at Northwestern University, recently delivered a lecture on the Halcyon House to the Georgetown Neighborhood Library. We were a little nervous when we read that Porter-Lupu's research was made possible by grants from the Sexualities Project at Northwestern, but all our skepticism of the modern university didn't prepare us for the content of this talk. "Her take on the Halcyon House is that it may have been a queer community space," according to a local news report. "Porter-Lupu found evidence in trash buried in the backyard that she says suggests Clemens dressed as a woman. Female lingerie items such as garters, stockings and metal clips from corsets were among the objects found in the dig."

Some in the audience politely suggested that the presence of discarded ladies' undergarments doesn't mean the house's male owner wore them. Still, the lesson is clear: Be sure to clean up the backyard when you move houses, or who knows what some academic will be saying about you a century hence. ♦



And here we've found what we think are the remains of the last moderate Democrat, from sometime in the early 21st century. ♦

Hate Crime and Punishment

THE SCRAPBOOK has never been to South Yorkshire, England, but we are eager to go. The place is evidently so free of crime that the police have nothing to do but make sure people aren't jerks to each other. The South Yorkshire Police recently advised residents on the subject of "hate crimes": "In addition to reporting hate crime, please report non-crime hate incidents, which can include things like offensive or insulting comments, online, in person or in writing. Hate will not be tolerated in South Yorkshire. Report it and put a stop to it."

Wowers. Imagine the New York Police Department, say, asking New Yorkers to report "offensive or insulting comments" made "in person." Case backlogs would explode.

Of course, the whole concept of "hate crime"—crimes given special status owing to the motivations rather than the actions of their perpetrators—produces endless varieties of this kind of nonsense. In the outlook of anti-"hate" campaigners, it's worse to strike an old lady because she belongs to some ethnic or other minority than for the purpose of stealing her purse or for no reason at all. But why?

What struck us most about the police department's announcement was an accompanying promotional graphic: "No-one," it says, "should have to live with fear, anxiety or consequences of being 'different.'" What can it mean to say that no one "should have to" live with fear and anxiety? Presumably, we should all walk around in a state of puerile bliss. But surely few things are going to ramp up fear and anxiety more than an invitation from the police for neighbors to inform on each other for offensive comments. ♦



Time to tell the cops!

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This Will See Me Out

The other day at my neighborhood shoe store I bought a new pair of house-slippers. My old slippers gave out, the bottom of one of them having detached itself from the main body, causing me in the early mornings to flap my way round our apartment. I bought the same kind of slipper I had before, blue, wool-felt, clog-like, made by Haflinger, a German outfit. C. Wright Mills, a once-famous American sociologist, years ago gave a lecture in which he attacked the East and the West, all religions, the family, children, dogs, and much else. In the question session after the lecture, a student asked him if he believed in anything. “I do,” said Mills, “German motors.” I guess I must believe in German slippers.

When I arrived home, unpacked, and tried on my new slippers, I heard myself mutter, “These should see me out,” meaning I’m unlikely to need another pair during my lifetime. I must have picked up the phrase from an old English movie. In my mind’s eye I see an older actor, trying on an overcoat, adjusting his shoulders to feel the snugness of the fit, examining briefly the length of the sleeves, and announcing, “This should see me out.” By “out,” of course, he meant until death.

When one gets to a certain age—at 81, I am there—the future becomes decidedly more finite, and one tends to view one’s needs in a much different, drastically less expansive way. I have an 11-year-old car—a black S-type Jaguar with fewer than 50,000 miles on it—that has given me no trouble, is not overly advanced technologically, is in every way comfortable, and has, as the newer Jaguars do

not, the silvery figure of a jaguar on its hood above its roundish grill. The car is taking on the feel, if not quite the look, of Inspector Morse’s 1960 red Jaguar, which I always thought was the true star of that English television show. Every time I get into my 2007 Jaguar, I say to myself, gently patting the false wood on the front dash, “I’m counting on you to see me out.”

Here is a partial list of See Me Out items in my possession: Three blue



blazers. Four Latin and three French dictionaries. One pair of tennis shoes (for a man who doesn’t play tennis). Five copies of H. W. Fowler’s *Modern English Usage*. Six pairs (in various shades) of gray trousers. Seventeen wine glasses. Thirty-seven shirts, long and short sleeved. Fifty-six neckties. One tuxedo. All these, I do believe, should see me out.

Not, please understand, that I am in any hurry to leave. I like it here, on earth, like it exceedingly. But a man of a certain age, an *alter kocker*, if you will (and why wouldn’t you?), has to think about what he no longer needs. With advanced age, I find envy, like any interest in movies about people under 40, has departed, and with it covetousness. Villas in Tuscany, Rolls-Royces, French mistresses, who

needs them? Not this dude, surely.

If all this is true, and I assure you it is, why do I find myself fairly frequently strolling into resale, consignment, thrift shops, and used bookstores? In one such store the other day I found, for \$5, a small white, polished clay Roman charioteer behind two rearing horses. For \$10 I recently brought home a large poster of a slightly menacing elephant advertising guided tours of the Serengeti. In a clothing consignment shop near my apartment I discovered, in a perfect fit, an unsullied tan suede jacket for \$24. A trip to a nearby used-bookshop yielded a copy of Lesley Chamberlain’s *Nietzsche in Turin* and Barry Strauss’s *The Battle of Salamis*, the two for under \$10.

Now what is a man who finds himself regularly muttering about this or that item “seeing him out” doing buying tchotchkes, wall decorations, clothes, and yet more books? Is it that I cannot resist a bargain, which, when come upon, still brings a pleasing frisson? I prefer to think it is instead evidence that I am far from ready, without aid of stage direc-

tions, to exit at left. My friend Edward Shils, at my age, would occasionally buy a bowl or a new kitchen utensil. “Doing so,” he told me, “gives me a sense of futurity.” Santayana wrote that no matter what one’s age, one should live as if one expected to live another 10 years. I don’t know at what age Santayana wrote that, but he himself lived to 88.

My new German slippers may well see me out, though I’m counting on the exact departure time being still a good way off. When that time does come, I hope that I, like the man presented with his hat by a butler in many an English movie, may be alert enough to say, “Thanks just the same, but I’ll see myself out.”

JOSEPH EPSTEIN

Trying Is Half the Battle

The Senate Judiciary Committee will vote on Supreme Court nominee Brett Kavanaugh on September 20. The nomination will almost certainly pass out of committee on a party-line vote, then head to the full Senate, whereupon Kavanaugh will become the newest member of the High Court. Democrats are railing that Republicans rushed the nomination, but the entire process has taken about as long as the confirmations of Neil Gorsuch, Elena Kagan, and Sonia Sotomayor: between 9 and 13 weeks.

Charles Grassley, chairman of the Judiciary Committee, deserves enormous credit for keeping the Kavanaugh nomination moving despite the opposition's disingenuous howls that they hadn't seen enough of the nominee's paper trail. Grassley, as Fred Barnes explained in our September 3 issue, bombarded his fellow Republicans on the committee with background material to counter Democratic objections and letters from prominent legal authorities in support of the nominee. The 84-year-old Iowan put in 18-hour workdays making documents available, fielding requests from reporters and Senate Democrats, and prepping Republicans for the attacks. It has paid off—the Democratic complaints look and sound like what they are: attempts to delay the vote past the November elections.

The other key to success has been majority leader Mitch McConnell. In Donald Trump's first two years as president, the Senate has confirmed 26 circuit court judges—more than for any other president in his first two years. Trump's two Supreme Court picks have sailed to confirmation despite threats and wailing from the minority. McConnell has achieved this level of success by keeping his caucus unified and by calling for votes at the most advantageous times.

The ruthless efficiency with which the Senate GOP is filling the judiciary, however, contrasts sharply with the party's failure to do much of anything else on the Hill. Republicans control both houses of Congress, and the president will sign just about anything they send him—yet they send him almost nothing. Apart from passing the House speaker's tax-reform legislation while cramming some extra provisions into the bill (notably the elimination of the individual health-insurance mandate), Republicans have accomplished little in the 115th Congress. The repeal

and/or overhaul of the Affordable Care Act, on which most congressional Republicans campaigned for years, never happened. And despite the growing prospect of a Democratic takeover after the November elections, they appear uninterested in trying anything else.

Why?

One answer has to do with McConnell's excessive caution. The majority leader is more interested in increasing his caucus's numbers and fortifying its majority than in achieving policy aims. His super-PAC, the Senate Leadership Fund, inserts itself into primary races across the nation, backing those McConnell perceives to be electable against their Republican opponents. Inside the Senate, he takes few risks.

On Obamacare, McConnell had a slim majority with which to pass a repeal or a repeal-and-replace bill but for months wouldn't allow votes on those bills; he did little to forge consensus around any one option. When a limited repeal bill failed, he concluded the effort was too risky and simply gave up.

Another explanation, put forward by Yuval Levin in *Commentary* earlier this summer, holds that while individual members of Congress crave personal notoriety, they have little desire to achieve policy ends or to consolidate political power. "Simply put," Levin wrote,

many members of Congress have come to see themselves as players in a larger political ecosystem the point of which is not legislating or governing but rather engaging in a kind of performative outrage for a partisan audience. Their incentives are rooted in that understanding of our politics and so are not about legislating. They remain intensely ambitious, but their ambition is for a prominent role in the theater of our national politics. And they view the institution of Congress as a particularly effective platform for themselves.

Levin's words appeared before the Kavanaugh hearings, which lends a special credibility to his interpretation.

Whatever the reason for congressional Republicans' do-nothing behavior, they now find themselves in the difficult position of running for reelection on the basis of only two accomplishments—the confirmation of judges, with which GOP House members had nothing to do, and the passage of



Judge Brett Kavanaugh testifies during the second day of his hearings.

a tax bill. All the other big victories—the rollback of regulations, withdrawal from the Iran nuclear deal and Paris climate accord, the U.S. embassy’s move to Jerusalem—were initiatives of the executive branch.

Rank-and-file Republicans, whether they are fans of the president or skeptical of him, are desperate for demonstrable accomplishments—if not an overhaul of Obamacare, at least piecemeal reforms to the health-care system; nonmilitary budget cuts of almost any description; the elimination of the Consumer Financial Protection Bureau; and on. The aggressive work of Mitch McConnell and Charles Grassley in the confirmation of conservative judges shows that it can be done.

Thanks to Democrats’ changes to long-observed rules governing judicial nominations, confirming judges may be easier than passing substantive bills. Legislative victories are messier, and in an era of rancor and polarization they occasion fierce antagonism from activists and much of the media. But the problems to be solved are many and serious, and time is short. ♦

The Democratic Crack-up

From a New York podium on August 15, Andrew Cuomo took what he no doubt thought was a clever shot at Donald Trump: “We’re not going to make America great again,” he intoned; “it was never that great.” The governor’s deeply stupid remark came from his need to sound leftier than his primary challenger, the actress Cynthia Nixon. That was a tall order, even for Cuomo. Nixon had promised to double New York’s spending in the first year. The state budget, she believes, is “as much a moral document as a fiscal statement.” Yet the fact that Cuomo felt he needed to flirt with soft anti-Americanism in order to earn credibility with his party suggests that something has gone badly wrong.

Something has.

Consider Keith Ellison, the number two at the Democratic National Committee. Ellison, a six-term member of the House of Representatives, has proven himself unfit for office time and again but nonetheless recently won the Democratic primary for attorney general of Minnesota. He has a long history of hobnobbing with arch-racist Louis Farrakhan. He defends and praises cop-killers and terrorists. He’s entangled in allegations of sexual harassment and domestic abuse. The man campaigning to be Minnesota’s chief law enforcement officer was recently seen in a T-shirt bearing the words “Yo No Creo En Fronteras”—*I Don’t*

Believe in Borders—but it’s hard to see how this minor disgrace can hurt such a successful charlatan.

Alexandria Ocasio-Cortez, a proponent of democratic socialism who defeated 10-term incumbent Joe Crowley in New York’s 14th District primary in June, will almost certainly take a seat in Congress in January. Her unlikely primary victory and youth (she’s 28) have made her a celebrity on the left and in the media. But she is a constant source of rhetorical and ideological folly. She associates herself with the progressive cause of abolishing the Immigration and Customs Enforcement agency (#AbolishICE); believes college education, health care, and housing are “rights”; and has a special talent for claiming obviously wrong things—“Unemployment is low because everyone has two jobs,” “One of the biggest problems that we have is 200 million Americans make less than \$20,000 a year,” and so on.

Just as appalling are the Democrats’ most talked about presidential contenders. New Jersey senator Cory Booker shamed himself during Brett Kavanaugh’s confirmation hearings when he claimed to have deliberately broken Senate rules in releasing confidential documents. He called the stunt his “*I am Spartacus* moment” when in fact the documents had been cleared for release already. Booker simply doesn’t care whether what he’s saying at one moment matches what he’s said at another: In 2016, for instance, he remarked that he was “blessed and honored” to work with then-Senate colleague Jeff Sessions. Less than a year later, Booker testified against Sessions in the latter’s confirmation hearings for attorney general because the Alabama senator had a “decades-long record” of “deny[ing] citizens voting rights” and “fail[ing] to defend the civil rights of women, minorities, and LGBT Americans.”

California senator Kamala Harris, another party leader with an eye on 2020, similarly made herself odious during the Kavanaugh hearings by badgering the nominee with unbelievably tendentious lines of questioning. Her accusation that Kavanaugh deliberately confused “abortion-inducing drugs” with birth control because he intends to “go after birth control” has been debunked by the *Washington Post* and even *Politifact*. These refutations didn’t stop Hillary Clinton from repeating Harris’s claims on Twitter.

Massachusetts senator Elizabeth Warren, widely assumed to be running for president, believes companies with revenues (not profits, *revenues*) of more than \$1 billion should be “chartered” by the federal government and forced, among other things, to let employees elect 40 percent of their boards. We won’t burden readers with an explanation of Warren’s flawed premises. It’s sufficient to point out that one of the Democratic party’s best-known presidential hopefuls actively promotes a kind of Fabian socialism. She is the heir, in that sense, to Bernie Sanders, but unlike Sanders she’s a Democrat in good standing, not an independent.

This magazine has over the last three years lamented the unlovely state of the Republican party, led as it now by a man who shares few of the GOP’s traditional ideals and

is unfit by temperament and character for the presidency. But the Democrats aren't in any better shape. The origins of the party's disorder lie further back than 2016, but Trump's victory drove Democrats into a state of delirium. The president's awfulness has somehow given them license to indulge their most radical and reckless impulses. On September 11, Jimmy Carter, of all people, warned the faithful about the sudden veer toward a "very liberal program." "Independents," he noted, "need to know they can invest their vote in the Democratic party."

It's less than two months to the midterm election. In a saner world, the Democrats would be presenting themselves as the safe alternative, the party of reasonableness and middle-class values. Instead they are the party of scoundrels and know-nothing ideologues who believe loathing Donald Trump is enough to gain the favor of voters. Cuomo had it half right, anyway: Today's Democrats aren't going to make America great. ♦

Competitors and Adversaries

To no one's surprise, Russia is the main suspect in the mysterious attacks on U.S. diplomatic personnel in Cuba. Since 2016, 26 people at our embassy in Havana have experienced sudden and severe cognitive difficulties, and intelligence officials believe it's due to attacks engineered by agents of the Russian government. The source is thought to be pulses of microwaves or some similar electromagnetic weapon. A related attack affected one U.S. worker in China. Russian involvement fits with what we know about the quiet malignity of the country's foreign intelligence activities—notably its use of radiation poisoning to murder Alexander Litvinenko in 2006 in London and its (mercifully) unsuccessful use of nerve agents against Sergei and Yulia Skripal in Salisbury, England, in 2018.

We don't know the full truth yet, but if Moscow was behind this attack, the regime has carried out something an earlier age would have considered an act of war—a vile and unprovoked act of aggression against American diplomats. And so the question arises again: Is Russia our enemy?

The American left and much of this country's news media have cherished a newfound hatred for Russia since the 2016 election ("The 1980s are now calling to ask for their foreign policy back," quipped Barack Obama in 2012 when

Mitt Romney suggested Russia was America's chief foe), but we assume that skepticism will melt back into naïveté when someone other than Trump is president.

Republicans meanwhile are traveling in the other direction, thanks largely to Trump's hopeless ambivalence on Russian intentions. On the one hand, the president fawns over Vladimir Putin at every opportunity, to the point of congratulating the Russian dictator on a bogus election victory and publicly taking his word over that of U.S. intelligence officials on the matter of election meddling in 2016. On the other, the Trump administration has imposed punishing sanctions on Putin-aligned oligarchs and companies and is selling lethal defensive weaponry to Ukraine, which is resisting Russia-backed insurgents in its eastern territory.

Trump's contradictions are now manifesting themselves in the Republican party, which once offered salvific clarity on the subject of the Soviet empire's aims. In a Gallup poll published in July, 40 percent of Republicans said Russia is either an ally or friendly toward the United States. That's up from 22 percent in 2014. (Democrats changed little in that same period: 28 percent said Russia was a friend four years ago; 25 percent say so now.)

The trouble with this kind of shift in opinion is that some elected officials will chase it, and a posse of Republican lawmakers spent their July 4 holiday in Moscow in an effort to discuss "improving relations" with the Russian regime. The trip was led by Alabama senator Richard Shelby and included Steve Daines of Montana, John Hoeven of North Dakota, Kay Granger of Texas, John Thune of South Dakota, John Kennedy of Louisiana, and Jerry Moran of Kansas. "We could have a better relationship between the U.S. and Russia, because there's some common

interests around the world that we could hopefully work together on," Shelby told Russian foreign minister Sergey Lavrov. "We are competitors, but we don't necessarily need to be adversaries."

There's nothing wrong with squishy rhetoric in the service of U.S. interests, but it's easy to suspect that Trump's confusion and the left's sudden Russophobia have tempted weaker-minded Republicans into a gullible optimism about

Moscow's intentions. The United States and Russia are still adversaries—not because we choose bellicosity but because Putin's government invades neighboring states, murders its opponents with impunity on foreign soil, undermines the elections in Western democracies, perpetrates cyberwarfare against America and its allies, and supports malign governments around the world with both money and expertise.

Republicans should be fully aware that Putin's aim is to undermine America's interests and diminish its influence wherever possible. What's needed from them, as from the White House, is clarity of expression. Diplomatic balderdash aside, there's no reason to call an enemy a competitor. ♦



Just a competitor?

ERIC FELTEN

Steele and the State Department: There's no such thing as a free memo

When Christopher Steele was hired to compile his “dossier” on Donald Trump in 2016, he already had an extensive history of presenting private intelligence analysis to U.S. policymakers. The former British spy had for years been funneling reports on Russia and Ukraine to senior State Department Russia analysts. Materials recently turned over to Congress show that while Steele was giving memos to State he also maintained close ties to the billionaire Russian industrialist Oleg V. Deripaska. Some congressional investigators are thus concerned that his memos may have been a channel of Russian disinformation.

Here's how Steele got his work distributed in the halls of Foggy Bottom, according to those who opened the door for him. During “the Ukraine crisis in 2014 and '15, Chris Steele had a number of commercial clients who were asking him for reports on what was going on in Russia, what was going on in Ukraine, what was going on between them,” former assistant secretary of state for European and Eurasian affairs Victoria Nuland told CBS's *Face the Nation* in February. “Chris had a friend at the State Department, and he offered us that reporting free, so that we could also benefit from it.”

That friend was Jonathan M. Winer, then State's special envoy for Libya and now a scholar at the Middle East Institute. Winer and Steele had been pals since 2009, back when each was in the private international affairs consulting trade. Winer, who had left the State Department in 1999, returned there in 2013. Soon after that, Steele approached Winer with a pitch: “He asked me whether the State Department would like copies of new infor-

mation as he developed it,” Winer wrote in the *Washington Post* in February. Winer took some of Steele's Russia memos to Nuland. “She told me they were useful and asked me to continue to send them,” Winer wrote. “Over the next two years, I shared more than 100 of Steele's reports with the Russia experts at the State Department,



Asked about Steele's memos, the official said, 'We were not aware of his specific sources but assumed that many of them were close to Putin and were peddling information that was useful to the Kremlin.'

who continued to find them useful.”

No one seems to have asked who paid Steele to produce the materials. The memos may have been free for the State Department, but someone was paying Steele to produce them. And as we've since learned—the Clinton campaign and the Democratic National Committee's funding of the Trump dossier being Exhibit A—Steele, like many in the international fraternity of consultants, had no qualms about writing intel in the interest of clients. Would it matter if the person doing the paying for Russia-policy memos was a top Russian oligarch?

The Department of Justice recently provided Congress with materials, including emails and handwritten notes, involving onetime associate deputy attorney general Bruce Ohr and Steele. The former British spy regularly asked his friend Ohr for favors

and information valuable to Deripaska (whom the *New York Times* describes as “so close to the Russian president that he has been called ‘Putin's oligarch’”).

How close was Steele to Deripaska? “Congress has documents showing Steele making numerous requests to Bruce Ohr on Deripaska's behalf,” says one congressional source. “It's hard to believe Steele was doing that for Deripaska just because he likes the guy.”

Steele had done business with the oligarch's organization going back to the early days of his private practice. After he retired from MI6, the *New York Times* reports, Steele “opened a business intelligence firm, and had tracked Russian organized crime and business interests for private clients, including one of Mr. Deripaska's lawyers.”

When asked by THE WEEKLY STANDARD about Deripaska and the Steele-produced memos Winer shared with State, Winer had his attorney respond: “Mr. Winer did not provide information to anyone at the State Department at any time that was funded by, or related in any way to, Mr. Deripaska. Any statement to the contrary is false.”

Without access to the books of Steele's company, Orbis Business Intelligence, it's impossible to know who exactly was paying for his many memos. But the notion that Steele's information was not “related in any way” to Deripaska is another matter.

Deripaska was such a frequent topic of discussion between Steele and the Justice Department's Bruce Ohr that the two referred to him as “OD” or “OVD.” And often those discussions suggest Steele was doing his best to grease the skids for the oligarch who, because he was under U.S. sanctions for his role as a Putin crony, had a perennial problem getting visas to enter the United States. On February 8, 2016, Steele wrote to Ohr: “our old friend OD apparently has been

granted another *official* visa to come to the US later this month.” Steele went on, “As far as I’m concerned, this is good news all round.” Steele seems to have been on the lookout for any information affecting Deripaska’s visit, and suggests it isn’t the first time he has adopted that role: “As before,” he wrote to Ohr, “it would be helpful if you could monitor it and let me know if any complications arise.”

The communications between Steele and Ohr show that Steele not only produced memos about Deripaska and issues important to the businessman, he did his best to spread those memos around official Washington. Typical is an email Steele sent Ohr February 21, 2016, titled “Re: OVD—Visit To The US.” Steele wrote he had been in touch with “Paul H and Adam W.” That would be Paul Hauser—a London-based lawyer who describes himself as “legal counsel for Mr. Deripaska and for various of the businesses associated with him”—and Adam Waldman, then Deripaska’s registered

Washington lawyer/lobbyist. Steele told Ohr he was “circulating some recent sensitive Orbis reporting” that purportedly showed Deripaska wasn’t a “tool” of the Kremlin, simply under pressure from the Russian regime to toe the line.

Steele had remarkable access to Deripaska. When the FBI tried (and failed) to “turn” the oligarch into a confidential source in 2015, it was Steele who “helped set up a meeting between the Russian and American officials,” according to the *New York Times*. And when congressional committees were looking to interview Steele in 2017, the dossier author turned to Deripaska’s Washington lawyer, Waldman, to attempt back-channel negotiations.

Even in the thick of compiling the Trump dossier, Steele found time to look out for Deripaska’s interests. In the middle of October 2016, the president of Ukraine issued sanctions against more than 100 Russian companies, including Deripaska’s aluminum giant, Rusal. Within a day, Steele

emailed Ohr that he had information about “the unfolding Government of Ukraine-RUSAL dispute” that “Paul H” had asked him to pass along to Ohr. “Naturally he [Hauser] wants to protect the client’s interests and reputation,” Steele wrote.

Steele’s extensive interactions with Deripaska and Deripaska’s lawyers make it unlikely that the succession of memos on Russia and Ukraine he offered to Winer and the State Department were not “related in any way” to Deripaska. Ukraine was a pressing issue for Deripaska and the crisis there was the main topic Steele was analyzing.

Does the fact that those memos were distributed at State for years mean U.S. policy might have been warped by Russian disinformation, as some on Capitol Hill fear? No, says a senior State Department official who was serving at the time—because the Russia hands weren’t naive. Asked about the Russia and Ukraine memos Steele provided to State, the official

Chamber to Congress: Pass Opioid Bill

THOMAS J. DONOHUE

PRESIDENT AND CEO
U.S. CHAMBER OF COMMERCE

Opioid addiction is destroying hundreds of thousands of lives, devastating communities across the nation, and depriving America of workers when it needs them the most. The personal costs are devastating. The economic toll is staggering. It’s time for a multifaceted response to this crisis.

That’s why the U.S. Chamber of Commerce is urging Congress to complete action on the Opioid Crisis Response Act of 2018. Among other important provisions, this bipartisan legislative package includes the Synthetics Trafficking and Overdose Prevention (STOP) Act, which requires the U.S. Postal Service to crack down on illicit Fentanyl shipments. The package also facilitates the disposal of controlled substances of hospice patients, secures funding to help states fight drug addiction, advances research of non-opioid pain therapies, and

supports community-led private-public partnerships to combat addiction.

The business community has a direct stake in the fight against opioid addiction, which accounted for 20% of the decline in men’s workforce participation between 1999 and 2015. In addition, business owners are just as sensitive to the pain and suffering of our friends and neighbors as everyone else. We can’t stand by as drug addiction claims some 72,000 lives a year.

The Chamber is committed to marshalling the business response and promoting greater collaboration between the public and private sectors. Earlier this year, we brought together leaders from government, civic groups, and businesses to collaborate on finding solutions to this crisis. We also participated in National Prescription Drug Take Back Day by encouraging our members and employees to safely dispose of expired, unused, and unwanted prescription drugs.

Through a partnership with the Prescription Drug Safety Network, the

U.S. Chamber Foundation is providing free digital prevention education courses to high school students in West Virginia, Ohio, and Pennsylvania. The course teaches the basics of prescription drug safety, as well as the science behind addiction, refusal skills, how to identify the warning signs of misuse and abuse, and how to help a friend or peer in need.

Many businesses are offering help and treatment—instead of an automatic pink slip—to employees struggling with addiction and hiring those in recovery to help them rebuild their lives.

So we’re encouraging Congress to continue to act in a bipartisan fashion and get this package of bipartisan legislation to the president’s desk as soon as possible. There’s no time to delay as opioids are claiming more lives every day, communities are being undermined, and the health of our nation and its citizens are at risk.



Learn more at
uschamber.com/abovethefold.

tells THE WEEKLY STANDARD, “We were not aware of his specific sources but assumed that many of them were close to Putin and were peddling information that was useful to the Kremlin.”

The official says the Putinesque spin of the memos led them to take Steele’s analysis with more than a grain of salt: “There was a huge discount factor for that reason.”

This was the reputation Steele had at the upper reaches of State: Among the people who saw his work most frequently and who had the most expertise in Russian issues, the onetime MI6 officer was seen as “peddling information that was useful to the Kremlin.”

Which brings us back to Victoria

Nuland. The taint that Steele’s work carried at State may explain why she ran as far and as fast as she could from Jonathan Winer when he showed up with a condensed version of Steele’s Trump dossier in September 2016. In an interview with *Politico* last February, Nuland says her reaction to the summary of Steele’s Trump-Russia allegations was that it was “not the business of the State Department.” Give the thing to the FBI, she said, which may have been the good-government response—and may also have been sensible hand-washing by one of the few people who were in a position to know what Steele’s Russia reporting was worth. ♦

COMMENT ♦ CHARLES J. SYKES

Woke emotionalism is not a substitute for sober policy debate

For some reason, I find myself thinking a lot about Paul Wellstone’s funeral lately. A popular and outspoken liberal Democrat, the Minnesota senator died tragically in a plane crash just weeks before the 2002 election. Not surprisingly, emotions ran high, culminating in a nationally televised funeral that morphed into a raucous political pep rally.

Some of the speeches took on a harsh partisan tone, and the crowd booed Trent Lott, then the Senate Republican leader, when he entered the arena at the University of Minnesota for the service. Afterward, some of the organizers apologized for the tone of the event, but the damage had been done. Democrats assumed that former vice president Walter Mondale would be able to ride the tide of emotion and hold Wellstone’s seat, but Mondale wound up losing to Republican Norm Coleman (who would, in turn, lose to comedian Al Franken six years later).

Many observers blamed the backlash against the funeral spectacle at least in part for Mondale’s defeat.

Which brings us to the latest iteration of over-the-top political theatric-



This is the problem with asymmetrical ethics: If your opponent lies and distorts as a business model, it becomes more difficult to hold yourself to a higher standard.

ality—last week’s hearings on the nomination of Brett Kavanaugh to the Supreme Court.

Democrats are understandably concerned about the nomination, but the histrionics of senators Cory Booker, Kamala Harris, and even a few who are not running for president suggest Democrats have a deeper

problem: Demagoguery is a helluva drug and some Democrats apparently cannot help themselves when it comes to overreaching, even when it undermines their case.

That may not be decisive in the upcoming midterms, but it poses a longer-term problem for the party, especially in 2020. And it seems awfully familiar to those of us who watched what happened to Republicans and conservatives over the last decade.

Given the shifting standards of judicial politics, the overwrought tone of the Kavanaugh hearings was perhaps inevitable; there are plausible reasons why Democrats might be leery of Kavanaugh’s constitutional conservatism. But any serious discussion of judicial philosophy was effectively drowned out by Booker’s histrionic and thoroughly bogus “I am Spartacus” moment and by Harris’s attempts to demonize Kavanaugh with misleading soundbites and insinuations that she failed to substantiate.

In particular, Harris’s suggestion that Kavanaugh was confusing birth control with “abortion-inducing drugs” drew pointed rebukes from the fact-checkers at the *Washington Post*, who awarded her four Pinocchios. Even the often tendentious *Politifact* rated her charges “false.”

But not to be outdone, other Democrats on the committee have taken to suggesting that Kavanaugh perjured himself during the hearings. This brought a mild rebuke from Ben Wittes, the editor of *Lawfare*.

Wittes, a political centrist who often aligns with the Democrats, wrote on Twitter, “One of the reasons to oppose him is not that he’s some kind of terrible person. He’s a thoroughly decent and honorable person.” Wittes pushed back on allegations that Kavanaugh was a liar. “He’s not. Full stop,” he tweeted. “There’s no need to demonize one’s opponents. And there’s no need to gin up a ‘perjury’ issue here.”

And with that, Wittes’s Twitter feed was set on fire, as progressives swarmed to denounce him. Within days, the mild-mannered Wittes

announced that he was swearing off Twitter, at least for the time being.

L'affaire Wittes illustrates again how the frame of acceptable rhetoric has shifted toward the extremes. Emotional overstatement has no patience for anything short of the most hysterical denunciations. As Nebraska's Ben Sasse noted, Kavanaugh "has been accused of hating women, hating children, hating clean air, wanting dirty water." It is not enough to disagree with his jurisprudence on executive power, he must be "declared an existential threat to the nation."

This reflects the incentive structure of Trump-era politics, which rewards bombast over substance or nuance.

All of this is familiar to those of us who watched this same scenario play out on the right. *Politico* noted the obvious parallels in a piece headlined "Harris and Booker borrow Trump's tactics in Supreme Court fracas":

It hardly mattered for their primary audience that Kamala Harris offered no firm evidence to support one of her sharpest lines of questioning, or that Booker's "Spartacus" uprising amounted to a demand for documents that had already been authorized for release.

One thing Democrats are learning from President Donald Trump: Floating an incendiary charge, with little to no factual basis, can draw the spotlight and force the opposition to prove a negative.

This is, of course, the problem with asymmetrical ethics: If your opponent lies and distorts as a business model, it becomes more difficult to hold yourself to a higher standard. On the right, attempts to hold the line on telling the truth have been denounced as signs of weakness and "cuckservativism." If your opponent is an existential threat, then you must be prepared to believe any vile thing about him, no matter how implausible. This opened a door to all manner of mendacity, as well as to trafficking in conspiracy theories. And so we got Trumpism, with all of its appendages.

Much of the progressive movement is adamant in denying that there are any parallels on their side of the

aisle, even as the evidence mounts that they are mirroring the tactics of their opponents. To suggest any sort of "false moral equivalency" or "what-aboutism" is an arch-heresy on the left, and there is massive pushback against any suggestion that the left has any need or responsibility to police its own borders or clean up its messes.

To be sure, there are responsible voices who were troubled by the eagerness of some liberals to latch onto the bizarre conspiracy theory that a young lawyer named Zina Bash (with both Mexican and Jewish heritage) was flashing white power signs

during the hearings. But those who object to the falsehoods of Harris or Booker run the risk of being considered insufficiently woke.

This raises several questions: Will it be like this if the Democrats take control of Congress? Will they realize that woke emotionalism is not a substitute for sober, substantive politics? Will they discredit their legitimate investigations with illegitimate allegations? Will they embrace Trump's own ethos in their efforts to overthrow him? Will they overreach and propel Republicans to a 2020 victory? Can they even help themselves? ♦

COMMENT ♦ PHILIP TERZIAN

The rise of the 'senior officials' and the decline of the presidency

To paraphrase a onetime assistant to an earlier president, I sleep each night a little better, a little more confidently, knowing that "a senior official in the Trump administration" is in the White House—assuming, of course, that the senior official exists or works in the White House.

He tells us that he and his like-minded colleagues within the Trump administration's "quiet resistance" have the country's best interests at heart, which is reassuring when you gaze at the picture he paints in the op-ed pages of the *New York Times* of President Trump's "amorality" and "impetuous, adversarial, petty and ineffective" leadership style. So we have reason to be thankful for Senior Official's selflessness, along with the everyday acts of statesmanship he and the other "adults in the room" commit on our behalf in the Trump administration.

Or do we? As I have said before, I would be the first to acknowledge that Trump's behavior and temperament are unprecedented in the modern presidency and they, along with his ubiquitous presence on Twitter, probably do him more harm than good. But just because I say this with a certain confi-

dence based on experience doesn't necessarily make it true. Nor am I the first individual to regard the personal conduct of a president in office as less than desirable—or, in the judgment of the "quiet resistance," potentially harmful to the country.

The essential difference here is that I am a private citizen expressing an opinion while Senior Official is a political appointee (I am guessing) who knows better than the elected president what's good for America and can do something about it and does it. Yet it may come as a surprise to learn that, in fact, Donald Trump stands in a long line of presidents whose perceived mental or physical deficiencies were regarded as political liabilities, even incipient dangers.

In the early years of the last century, for example, the British ambassador Cecil Spring Rice was a lifelong friend and admirer of the erratic and impulsive Theodore Roosevelt but liked to remind visitors to Washington that "you must always remember that the president is about 6." So dolorous was the mood in the post-1929 White House of Herbert Hoover that Secretary of State Henry Stimson complained to his diary that

“it was like sitting in a bath of ink to sit in his room.”

Woodrow Wilson spent the last year and a half of his presidency in a state of invalidism after a stroke, and the final year of Franklin Roosevelt’s tenure during the Second World War was a slow and steady decline unto death.

Depression, nervous exhaustion, even psychosis have all been variously diagnosed in the White House, from Calvin Coolidge’s deep melancholy after his younger son’s tragic death to the “paranoid” behavior of Lyndon Johnson and Richard Nixon late in their presidencies. Older commanders in chief such as Dwight Eisenhower, Ronald Reagan, and George H. W. Bush were each regarded as mentally diminished by physical infirmity and age, and in the pages of *Bush on the Couch* (2004) a well-publicized professor of psychiatry at George Washington University declared George W. Bush delusional, unstable, mad for power, and, above all, cognitively impaired by alcoholism.

In nearly all of these cases there were varying numbers of people who, like Senior Official, saw things clearly in their own minds and felt constrained to take action, either to protect their patrons from exposure and inquiry—Wilson’s wife and physician took control of the White House in the president’s name while FDR’s resident doctor issued cheery bulletins—or, in more recent times, to ensure domestic tranquility while keeping a watchful eye on behalf of the 25th Amendment.

It may well be, of course, that Senior Official’s motives are as disinterested as he claims they are, and that the better angels of Trump’s nature are encouraged while his demons are thwarted. But I am not wholly persuaded that Trump’s successes in office—which are numerous and not trivial—are thanks to Senior Official and his sober friends and not the wild-and-crazy Trump himself.

Which brings us to Topic B in political Washington this past week: Bob Woodward’s new bestseller *Fear*, an exhaustive account of the “harrowing” life in Trump’s White House and (in its publicists’ words) the “explosive debates and the decision-making in the Oval Office, the Situation Room, Air Force One and the White House residence.”

As is always the case with this particular chronicler, trust in the authenticity of *Fear*’s content has much to do with the reader’s attitude toward



Whether one trusts *Fear*’s content has much to do with one’s faith in Woodward and his formula of second-hand dialogue, voluminous memory, disguised sources, hearsay, and telepathy.

its subject and, not least, faith in Bob Woodward and his formula of second-hand dialogue, voluminous memory, disguised sources, hearsay, and telepathy.

I have no way of judging such things in this particular instance; but I do know that Woodward is a creature of the nation’s capital and, as such, predictably preoccupied with the customs and processes of the presidency at the expense of substance. Accordingly, the “harrow-

ing” quality of *Fear* is not so much where the Trump presidency is taking us as how we are getting there: the president’s volatile temperament and limited attention span, his casual approach to decision-making, his reliance on visceral instinct at the expense of administrative custom and Senior Officials.

Once again, I am not entirely convinced that this is a bad thing. One of the striking aspects of the postwar presidency is the extent to which it has become deeply bureaucratized, the product of a mechanical staff system that subsists on ever-wider consultation, memoranda in triplicate, strict chains of command, and limited options. The West Wing, like the State Department across town, is a giant mulching machine for ideas.

Dwight Eisenhower, who reorganized the White House staff in the 1950s with an eye to military efficiency, is partly to blame for this, like most reforms, Ike’s vision of accountability and coherence has been transformed into a spectacle of administrative obesity and policy inertia. Presidents with creative instincts—Franklin Roosevelt was never happier than when playing one subordinate off another or unexpectedly switching gears—are now effectively bound by White House protocol and deftly maneuvered by Senior Officials into inaction. Or, in their view, stability.

In that sense, it seems an open question—at least a topic ripe for discussion—whether democracy is best served by a crockery-breaking president or a self-protective bureaucracy with friends in high places. ♦

Worth Repeating from **WeeklyStandard.com**:

Competitive races are demographically scattered across the map. Some competitive House districts are largely white, some aren’t. Some are well-educated, and others aren’t. Obviously not every type of district is competitive. I don’t know of any majority-black districts that are up for grabs, and most rural Appalachian districts are looking uncompetitive.

—David Byler, ‘Can Any One Demographic Group Predict the House Elections?’

A Well-Aimed Blow

John Bolton is right about the International Criminal Court. **BY JEREMY RABKIN**

The Trump administration is often accused of swinging wildly—and sometimes with reason. But the speech delivered by national security adviser John Bolton on September 10 was very well aimed. It was a sustained warning to the officials of the International Criminal Court (ICC), delivered at Washington's Mayflower Hotel, the same venue (as Bolton noted) where candidate Donald Trump gave his first major foreign policy speech in the spring of 2016.

If Trump is sometimes suspected of mouthing positions crafted by others, no one can doubt that Bolton had carefully considered the argument of his speech. Bolton helped organize the response of the George W. Bush administration to the ICC in its first term, when the new president “unsigned” the initial (though highly qualified) endorsement of the ICC treaty by President Bill Clinton.

The item in Bolton's current speech that gathered the most attention was the threat to take legal action against ICC officials involved in prosecuting Americans or nationals of American allies such as Israel (which he mentioned by name). The United States, he said, may “ban [ICC] judges and prosecutors from entering” the country, “sanction their funds in the U.S. financial system,” and even “prosecute them in the U.S. criminal system.” And these sanctions extend to “any company or state that assists an ICC investigation of Americans.”

Some critics warned that such action would undermine respect for the rule of law around the

world—since it threatens targeting actual *judges*! That is missing the point. As a nonparty to the ICC treaty, the United States has never agreed to submit its nationals to the court. Still less has the United States agreed that third-party states can extradite



John Bolton, September 10

Americans to this court in The Hague.

It is one thing for national courts to prosecute Americans for offenses committed on their territory. We might bargain with the state involved in such a case and might well impose diplomatic sanctions if we thought the prosecution improper. It is something quite different for a court claiming to speak for humanity at large to try Americans without—as we see it—any serious legal ground for such action. The Trump administration is currently imposing sanctions on Turkey and Iran in part to protest what we regard as contrived charges against captive Americans. We have in the past tried to prosecute terrorists for kidnapping Americans. Why are the officials of the ICC entitled to a special privileged status? To say that Bolton's blast against the ICC undermines “respect for the rule of law” implies

that any official of any corrupt or tyrannical regime who is locally designated a “judge” must have a claim on our respect. That is not respect for law but for the mystique of the robe.

One of Bolton's points was that the ICC is not a legitimate tribunal in American eyes because it is not anchored in a larger constitutional scheme, in which prosecution policy answers in some way to a separate executive—in the last resort by the availability of a pardon for egregious convictions. There is nothing of this sort with the ICC. If the prosecutor decides not to pursue a case, judges can order that it be reconsidered—as an ICC panel did when the prosecutor declined to pursue a case against the Israel Defense Forces for attacking a blockade-running ship in the Mediterranean. Under the terms of the ICC charter, not even the U.N. Security Council can order the court to terminate a politically questionable prosecution. It is a machine on autopilot, grounded on the fantastical supposition that a hodgepodge of international officials would never abuse their powers if designated “judges” and “prosecutors.”

A more sophisticated criticism of the speech was that it was premature, as the *Washington Post* complained in an editorial. But that is also implausible. The ICC prosecutor announced last fall that she would seek to pursue an investigation of alleged abuses by American troops in Afghanistan (though not so alleged by the government of Afghanistan). When the court was established, advocates insisted it was aimed at the most monstrous abuses by the most lawless states, so it was very unlikely to target a Western state with reliable rule of law.

Now the ICC is signaling that it's ready to go there after all. It restrained itself from doing so in its early years (it started operations in 2002). Perhaps ICC officials then calculated it was better to hold off, in hopes of wooing American support or at least acquiescence. As the court now signals that it wants to take on the United States, why wait for the details to warn that we reject its authority altogether?

Jeremy Rabkin is professor of law at Scalia Law School, George Mason University.

His most recent book is *Striking Power: How Cyber, Robots, and Space Weapons Change the Rules for War* (with John Yoo).

WIN MCNAMEE / GETTY

The argument that U.S. opposition to the ICC will embolden murderous tyrants is, as Bolton pointed out, rather hard to reconcile with the court's actual record—a mere eight convictions in over 15 years, none of them a major figure, none from outside Africa. As Bolton said: “The idea that faraway bureaucrats could strike fear into the hearts of the likes of Saddam Hussein, Hitler, Stalin, and Qaddafi is preposterous, even cruel.”

To say we undermine respect for Geneva Convention standards incorporated into the ICC Statute (regarding war crimes and “crimes against humanity”) is akin to saying we risk undermining respect for human rights by withdrawing from the U.N. Human Rights Council, a diplomatic pignep that year after year has generated more condemnations of Israel than of any other state and often more than all other states combined. International institutions tend to reflect the priorities of member states, and standing up for human rights is not a priority for most U.N. member states.

Bolton's charge that it's “cruel” to consign victims to the ICC is the most telling. It is a retreat from any kind of serious global policy. Neither the United States nor any other country can ensure that murderous governments restrain their worst tendencies. Sometimes, though, there may be no alternative to force, especially when the challenge is thwarting international aggression.

But the ICC was established on the premise that all states may need backup from international authority. It makes no distinctions between democracies and tyrannies, rule of law states and murderous police states. The undeniable fact, however, is that it is precisely democratic and lawful states that are most vulnerable to the political sting of ICC accusations.

Some critics have said Bolton's speech will make it harder for the ICC to pursue indictments against Taliban atrocities in Afghanistan. But the Taliban will ignore such indictments, while Western states may be deterred from helping to fight the Taliban there by exposure to legal liability. Qaddafi

did not surrender when indicted by the ICC, but Britain's attorney general kept assuring Parliament that all British airstrikes in the course of the 2011 intervention in Libya were carefully assessed for compliance with ICC standards. In consequence, the fighting went on for six months, wrecking any prospect for a peaceful transition of power.

Making the ICC the final judge of Western war measures is no contribution to any policy goal in facing rogue states. But all of our NATO allies have joined the ICC. So does Bolton's hard line complicate our relations with

Originally, ICC advocates insisted it was aimed at the most monstrous abuses by the most lawless states. As the court now signals that it wants to take on the United States, why wait for the details to warn that we reject its authority altogether?

potential partners in future military actions? After all, the ICC now has jurisdiction over the crime of “aggression,” defined in vague but wide-ranging terms. Perhaps it is all to the good to be candid with our partners.

President Trump has repeatedly complained that most NATO states shirk the costs of military preparedness. That's a serious problem. But surely it is worse when our partners, lacking the resources to provide military assistance, still want to participate in legal second-guessing of what fighters have done. The European idea seems to be that Americans will do the fighting and Europeans assist with the judging. Meanwhile, Angela Merkel boasts that the security of Israel is a fundamental principle of German foreign policy (*staatsraison*), but there is no sign that her government will lift a finger to resist ICC prosecution of Israeli soldiers for what officials in the safety of The Hague regard as excessive force in responding to missile attacks.

The important thing, as Kant says, is to prove one's good intentions by making no exceptions—which means, in practice, no serious judgments about circumstances and ground-level realities. Bolton's warning was to the point: States that take the side of the ICC can't be reliable partners.

Finally, there's the complaint that Bolton was engaging in Trump-style bluster when he threatened individualized actions against ICC officials. The U.S. Code does not authorize the U.S. government to take such actions, says John Bellinger (former legal adviser to the State Department). I would not take his word for it, especially in a short, next-day blog post.

But if more legal authority is required, the Trump administration should ask Congress to provide it. In 2002, both Hillary Clinton and John Kerry voted in favor of the American Service-Members Protection Act—authorizing use of force to rescue Americans detained by the ICC. How many members of Congress would take sides against our armed forces to show their higher loyalty to the court in The Hague? Let's find out.

There may be some members of Congress who think the International Criminal Court has a necessary role to play. Some critics complain that the Obama administration failed to do justice in its extended investigations of U.S. interrogation practices in Iraq and Afghanistan. They may think resorting to The Hague is the only way to assure ultimate justice. I doubt there are many people in Congress who think this way. It will be useful for voters to know their names.

John Bolton has focused the issue squarely. I don't think his protest will be ignored, even in Europe. ♦



A Gruesome Plan

Keep the ‘dead donor rule.’

BY WESLEY J. SMITH

The Hippocratic Oath is dead. “Do no harm” medicine is fast becoming extinct. Contemporary health care is increasingly under the sway of a utilitarian bioethics that makes the elimination of suffering the prime directive—to the detriment of traditional standards of medical morality that deem all human life equally worthy of care and protection.

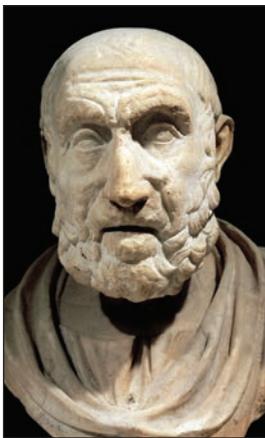
The prestigious *New England Journal of Medicine* has been among the instigators of this shift. As early as 2005, the journal published (without significant criticism) the so-called Groningen Protocol—a bureaucratic checklist from the Netherlands that instructs Dutch doctors which terminally ill or seriously disabled babies they can lethally inject. In 2010, *NEJM* published advocacy in favor of an invidious health-care rationing measure known as the QALY (“quality-adjusted life year”), adoption of which has the effect of limiting care to the disabled and disadvantaged whose lives are bureaucratically rated as lower in quality than the lives of others.

In its September 6, 2018, edition though, *NEJM* has outdone itself. With Belgium and the Netherlands already allowing the conjoining of organ donation and euthanasia, and with Canada debating whether to follow them off that moral cliff, the

Wesley J. Smith is a senior fellow at the Discovery Institute’s Center on Human Exceptionalism and a consultant to the Patients Rights Council.

journal has published a radical proposal that would demolish the ethical foundation of transplant medicine—the “dead donor rule.”

The rule requires that donors be declared dead before vital organs are procured and that the surgical transplant procedure not be the cause of the donor’s death. In their *NEJM* piece “Voluntary Euthanasia—Implications for Organ Donation,” Dr. Ian M. Ball and bioethicists Robert Sibbald and Robert D. Truog urge that those rules be loosened in countries where euthanasia is legal:



Hippocrates

Although some patients may want to be sure that organ procurement won’t begin before they are declared dead, others may want not only a rapid, peaceful, and painless death, but also the option of donating as many organs as possible and in the best condition possible. Following the dead donor rule could interfere with the ability of these patients to achieve their goals. In such cases, it may be ethically preferable to procure the patient’s organs in the same way that organs are procured from brain-dead patients (with the use of general anesthesia to ensure the patient’s comfort).

In other words, rather than wait for the patient’s heart to stop after lethal injection—as currently is done in the Netherlands and Belgium—the patient could be anesthetized and his organs procured while he is still alive.

Bear in mind that legal euthanasia in Belgium and the Netherlands is not limited to the terminally ill. In Canada, the euthanasia patient’s death need only be “foreseeable,” whatever

that means, and even that vague limitation is under court attack. And bear in mind, too, that patients requesting euthanasia usually do not receive any suicide counseling services before they are killed.

Conjoining euthanasia with organ donation would thus send the insidious message to vulnerable people that their deaths have greater social value than their lives. For the particularly vulnerable, that could be the point that tips their decisions. Moreover, following the path the authors urge would transform a life-saving medical sector into one that also ends lives, imposing on transplant specialists the dual role of both healer and killer.

The *NEJM* was once one of the most powerful institutional opponents of medical utilitarianism. In 1949, it published a famous and powerful argument against allowing such values into the practice of medicine. Writing after the revelation of the depraved practices of the Nazi regime’s doctors, who engaged in infanticide, the killing of disabled adults, and many other infamies in the name of science, Leo Alexander, a psychiatrist and medical adviser to the office of chief counsel at the Nuremberg war crimes trials, warned that the utilitarian infection that destroyed German medical ethics could spread:

Whatever proportions these crimes finally assumed, it became evident to all who investigated them that they had started from small beginnings. The beginnings at first were merely a subtle shift in emphasis in the basic attitude of the physicians. It started with the acceptance of the attitude, basic in the euthanasia movement, that there is such a thing as life not worthy to be lived.

All it took for doctors to be led astray, Alexander warned in “Medical Science Under Dictatorship,” was utilitarian calculation, “the infinitely small wedged-in lever from which this entire trend of mind received its impetus”:

Physicians have become dangerously close to being mere technicians of rehabilitation. . . . In an increasingly utilitarian society these patients

[with chronic or terminal diseases] are being looked down upon with increasing definiteness as unwanted ballast. A certain amount of rather open contempt for the people who cannot be rehabilitated with present knowledge has developed. . . . At this point Americans should remember that the enormity of a euthanasia movement is present in their own midst.

Would today's *NEJM* publish Alexander's powerful anti-utilitarian

advocacy? How could it? By running articles openly supportive of infanticide, health-care rationing by "quality" of life, and now of conjoining euthanasia and organ harvesting, the *NEJM* has become the very wedge against which Alexander so powerfully inveighed.

Perhaps it is time for a name change. I suggest that the *New Euthanasia Journal of Medicine* more accurately identifies the values it embraces. ♦

Idlib and Beyond

The vultures are circling in Syria.

BY THOMAS DONNELLY

Over the past several weeks, the war in Syria has crept back into the headlines, even competing with the drama and comedy of the Brett Kavanaugh hearings. The focus of attention is a potential humanitarian crisis and the prospect that the Assad regime might again use chemical weapons. Even President Donald Trump interrupted his normal Twitter flow to warn the Syrians, Russians, and Iranians not to "recklessly attack Idlib Province"—the last large pocket of Syrian resistance—lest "hundreds of thousands" of people be killed. "Don't let that happen!" urged Trump.

The coalition backing Bashar al-Assad may be ruthless, but it isn't reckless. Over the seven years of the Syrian conflict, it's stuck to its guns, closely synchronized its diplomatic and military efforts, and, as the tide of the fighting has turned in its favor, adhered to a coherent campaign plan to reestablish control of the major population centers in the country. That campaign has largely centered on Syrian Highway 5, the major north-south line of communication in the east, connecting Aleppo

in the north through Damascus to the southern border. The last link in this chain, still not reclaimed by Assad, runs through Idlib, which is also the last part of the U.N. "de-escalation zone"—a fiction that has considerably eased the Syrian government's task.

The larger question is whether the conquest of Idlib would mark simply the end of the Syrian war and the survival of the Assad dynasty or whether it would signal the creation of a modern *Iranzamin*—loosely, "Greater Iran"—a sphere of influence reaching from the Caucasus and Central Asia to the Mediterranean, and what that might mean for the regional balance of power. The Idlib campaign also raises questions about past and present prospects for American interests and allies.

That the Assad regime survives at all is something of a wonder, after seven years of bloody war arising from relatively small and peaceful protests in January 2011. The process of survival, however, has cost Assad much of his autonomy, mortgaged to Russia and, especially, Iran. Indeed, what is emerging from Baghdad to Damascus is a kind of "Larger Lebanon," where Tehran-backed Shia militias, created in the image of Hezbollah, hold the keys to the kingdoms.

To be sure, Syria and Iraq—where

the intra-Shia struggle is just hitting high gear—are imperfect proxies for Iran, just as Hezbollah has been. And like the Lebanese original, which occasionally surprises even itself by lurching into open war against Israel, it seems quite likely that the rump regimes in Damascus and Baghdad will from time to time contravene Iranian direction in pursuit of their immediate interests. Yet from an Iranian perspective, these are not bugs but features of a model that has permitted Tehran to exert influence well beyond what might be feasible were its "revolutionary" posture to appear too Persian, too overtly imperial. And this "soft-power" approach has yielded hard-power benefits. Both Hezbollah fighters and, in recent years, Shia fighters from Iraq have served in Syria; these militia members have taken on some of the qualities of mercenaries, if not professionals.

The creation of Larger Lebanon already has had profound geopolitical effects in the Levant and the Gulf. It is making life even more miserable for Turkish strongman Recep Tayyip Erdogan, constraining his neo-Ottoman dreams. Erdogan, not surprisingly, is sharing his pain with Europe, warning that the Idlib offensive will generate a new wave of refugees that he will be unable to control. There is some truth in this, although Erdogan's current unhappiness may have more to do with the lack of respect shown him by Moscow and Tehran, and the collapsing Turkish lira, than sympathy for his "Syrian brothers," as he calls them in his tweets. At the recent summit in Tehran with Vladimir Putin and Iranian leader Hassan Rouhani, Erdogan was very much the junior partner among the self-described "guarantor states" of the situation in Syria. Turkey may have a seat at this table, but Iran and Russia are in control of the menu. The Lebanonization of Syria and Iraq poses a strategic challenge to which Erdogan—who has been burning his bridges with Europe and the United States—has little response.

While the Turks have moved tanks to their border with Syria, the Russians

Thomas Donnelly is director of the Marilyn Ware Center for Security Studies at the American Enterprise Institute.

have resumed and ratcheted up the intensity of airstrikes against southern Idlib. This repeats the pattern of the Syrian reconquest: initial Russian longer-range strikes to soften up opposition strongholds followed by Assad regime terror-bombing and then, cautiously, a mix of Syrian troops, Iranian Quds Force operatives and Shia militias, and a sprinkling of Russian forward observers and contract fighters. Because Idlib is the last redoubt of the opposition, it has received an influx of perhaps as many as a million refugees from other parts of western and southern Syria, and is defended by some 60,000 or more well-armed militia members of its own, including a number of hardcore jihadist units. The bombing effort is likely to be a patient one, perhaps punctuated by U.N.-moderated ceasefires that allow the attackers to regroup and the resistance to slip through the desert to the east or over the mountains to the north. The regime and its allies are more than willing to destroy Idlib to save it, but they are also sensitive to their own manpower limits.

It is also likely that Russia will remain an important player for the coming years, even as Iran tries to consolidate a Larger Lebanon. Not only do Russian aircraft, air defenses, and long-range artillery provide important tactical elements to the coalition, but its role in deterring American intervention would remain critical—even past the point at which Iran achieves a nuclear capability. Putin's bold if small 2015 investment in Syria has thus far returned giant strategic profit, and Russia is now the sole broker for all interested parties, able to bargain with the United States, Saudi Arabia, and even Israel, as well as Iran and Assad. Experience probably has given Russian intelligence the best outside appreciation of the strengths and weaknesses of Iran's

militias and special assets, including covert operatives. After three years of steady but manageable effort, Russia shows no signs of exhaustion or overstretch and now enjoys a reputation for standing by its allies that resonates across the region.

This is precisely what the United States most lacks. The Trump administration, it must be said, has at least stopped the hemorrhaging of American strategic credit. This is surprising, considering the president's oft-expressed desire to complete the withdrawals begun by his predecessor.



Wreckage from an airstrike by pro-Assad forces near Idlib Province, September 8, 2018

It also may not survive the inevitable departures of Defense secretary James Mattis and White House chief of staff John Kelly, whose Marine careers were defined by the wars of the Middle East. Whether Secretary of State Mike Pompeo could carry the load alone seems doubtful, and who can predict how a setback in this fall's midterms—not to mention the denouement of the Mueller probe and the impeachment proceedings that might follow it—will further unhinge the president?

There is, however, the shadow of a Middle East strategy flickering on the White House walls. Recent news reports indicate that the administration intends to retain a residual U.S. force of several thousand in western Iraq, nominally to ensure the continued suppression of ISIS or its third-generation spawn. There are plans

for staying in Afghanistan as well. These forces, along with the continued U.S. Navy patrolling of the Gulf and the Arabian Sea, do not themselves make for a policy of containing Iran, let alone a strategy of rollback; the military presence is necessary but hardly sufficient.

More telling is the administration's patience with Saudi Arabia, including its tolerance of the very ugly Saudi war in Yemen. The larger strategic prize—and perhaps a light at the end of the current very dark and long tunnel—is the success of Crown Prince Mohammed bin Salman's project of reform in Riyadh. That may be a long shot, but such is the degeneration of American influence in the Arab world since the retreat from Iraq. Indeed, the United States now finds itself in a position similar to where it was in the late 1940s, when Presidents Roosevelt and Truman lashed America's Middle East hopes to the masts of Saudi Arabia and Israel.

Stepping back into the public square the other week, Barack Obama rightly described Trumpism as not the cause but the effect of the divisiveness and demagoguery besetting American political life over the past decade. He would know. And what is true domestically is true internationally, too. Even more so: "Iraq Derangement Syndrome" has been more virulent and long-lived than hatred of our last or our current president, and it certainly will not be cured by a change of administration.

The dismemberment of Idlib will create not only a humanitarian disaster but a strategic one for the United States, its interests, and its allies, in Europe and well as the Middle East proper. Donald Trump is right to scream, "Don't let that happen!" But until he, or we, are prepared to do something beyond appealing to the tender heart of Vladimir Putin, it's going to happen. And happen again. ♦

AMER ALHAMWE / AFP / GETTY

An Equal Opportunity Offender

Mencken mirrors our own complexities.

BY D. G. HART

Every year, two organizations bearing the name of H. L. Mencken meet to hear speakers and enjoy the camaraderie that comes with belonging to a niche institution. I am president of the Mencken Society, which was formed in the 1970s by people who had known the Sage of Baltimore and hoped to keep his writings, ideas, and spirit alive. Our annual meeting combines business and speakers, along with a re-creation of the Saturday Night Club (with whom Mencken assembled to play classical music, eat, and drink; we just eat and drink). The Society also has a website that features Mencken's work and supports a journal as a forum for scholarly study of the writer.

If we are ever in the public eye, it is because we are sometimes confused with the Mencken Club, which takes its inspiration from its namesake's attacks on "the egalitarian creed, democratic crusades, and welfare statism with which American democracy was already identified during his lifetime." The group's explicit questioning of mainstream politics could qualify the Mencken Club for membership in the Intellectual Dark Web.

Both organizations lay claim to Mencken's writing—his irreverent, iconoclastic, and side-splitting essays and columns about the foibles of everything American, from relations between the sexes to the follies of urban politics. The Club is edgy, though, in ways that the Society is not, thanks to the degree to which it also identifies with Mencken's cussedness.

D. G. Hart, the Novakovic Fellow at the Foreign Policy Research Institute, teaches history at Hillsdale College.

At the subdued Mencken Society, we are content to hear people speak about Mencken; the Club prefers to echo the Baltimorean's contrarian tone. That difference highlights the problem of Mencken for a time when tweets and videos use provocation to go viral and campus administrators try to protect students from hurtful ideas.

The Mencken Club has been in the news lately thanks to the White House's termination of speechwriter Darren Beattie. His offense was speaking at the Mencken Club in 2016 alongside the alt-right journalist Peter Brimelow. Richard Spencer, one of the chief leaders of the alt-right, has also spoken at the Mencken Club. Beattie denies having anything to do with Brimelow's or Spencer's extreme views. His 2016 talk was on "The Intelligentsia and the Right," and he stands by his remarks, which contained in his estimation "nothing objectionable." His mere presence at the Mencken Club was deemed guilt by association, though.

Beattie's career aside, this incident is another dent in the fender of Mencken's reputation. Commentators on the firing were all too happy to associate Mencken with the alt-right, white nationalists, and racists. The problem for those of us who want to protect what is left of his stature is that Mencken gained his standing precisely by shocking the gatekeepers of good taste. That was by no means all Mencken did, of course. His corpus runs to roughly 50 books—and even these do not include all his columns, articles, and literary criticism. His six volumes of *Prejudices*—many of his best essays from the 1910s and '20s about American life—have been

republished in the Library of America series, a just canonization. In the 1930s, as the country suffered through high unemployment, food lines, and bank foreclosures, Mencken's contrarianism did not seem nearly as witty and his reputation faded. Thanks to Harold Ross's encouragement at the *New Yorker*, Mencken got a second wind writing articles about his Baltimore boyhood. These led to his popular 1940s memoirs, the so-called "Days Trilogy" (*Happy Days*, *Newspaper Days*, *Heathen Days*).

A severe stroke kept Mencken from reading and writing for the last eight years of his life (he died in 1956), which left the fortunes of his reputation to the publishing industry. Had he written poetry or fiction (he tried at both and failed), the professors might have kept him alive. But journalism rarely qualifies as literature or history. His contemporaries knew Mencken to be disagreeable and at times offensive. Walter Lippmann, who rivaled Mencken as one of the nation's leading columnists, acknowledged that when the "Holy Terror from Baltimore" calls you "a swine, and an imbecile," he "increases your will to live." But they also recognized his gifts. Joseph Wood Krutch, another gifted midcentury literary critic, wrote that Mencken was the best prose writer in 20th-century America, someone who employed a "vocabulary and a rhythm" that in anyone else's hands would have been "vulgarity."

One of the charms of Mencken's outlook was that no subject was safe, not even himself—his memoirs were successful partly because of their self-deprecation. He began *Happy Days* by observing that the "science of infant feeding," when he was born in 1880, "was as rudimentary as bacteriology or social justice, but there can be no doubt that I got plenty of calories . . . even an overdose." For evidence, Mencken referred to a photograph of himself as a baby that "the milk companies" could well have used in the Sunday papers to whoop up "zeal for their cows." Ever a hearty eater and drinker, Mencken noted that if "cannibalism had not been abolished in Maryland . . . I'd

have butchered beautifully.” Such self-deprecation was not enough to keep an audience after Mencken died. According to Terry Teachout, the author of a superb 2002 biography, between 1956 and 1990, Mencken “seemed little more than a nostalgic relic . . . no more to be taken seriously than Calvin Coolidge.”

What was left of Mencken’s stature in the worlds of journalism and letters took a precipitous dive in 1989 with the publication of his diaries. Fred Hobson, who wrote another excellent biography of Mencken, noted the diaries returned “to center-stage the sharp-tongued commentator of the 1920s” and gave the hook to the “1940s chronicler of childhood.” Owing to hostile remarks about Jews and African-Americans (for starters), Mencken went before the court of public opinion on charges of anti-Semitism and racism. Witnesses varied. Garry Wills in the *New Republic* called Mencken an “ugly American.” For the defense, Joseph Epstein countered in *Commentary* that Mencken was “no anti-Semite.” The verdict came, in a foretaste of the contemporary felling of Confederate monuments, when the National Press Club removed Mencken’s name from its library.

Jonathan Yardley, longtime book reviewer at the *Washington Post*, wondered why anyone who had ever read a writer who compiled six volumes of *Prejudices* was shocked or surprised by adverse opinions in his private writing. No one had been safe in Mencken’s gaze. He was an equal-opportunity offender. His column about Warren Harding’s inaugural address is a good example:

[Harding] writes the worst English I have ever encountered. It reminds me of a string of wet sponges; it reminds me of tattered washing on the line; it reminds me of stale bean-soup, of college yells, of dogs barking idiotically through endless nights. It is so bad that a sort of grandeur creeps into it.

Whether the Mencken Club is a white supremacist organization or not, its invocation of the writer owes much to the reception of his diaries. Paul Gottfried, the Jewish-American political philosopher who first gathered the Mencken Club (and who coined the term “alt-right”) hardly qualifies as an anti-Semite. He explained his choice of Mencken in 2008 in the context of a feud among conservatives; his hope was to form a right that was an alternative to neo-conservatives and libertarians. The Mencken Club is less about restoring



H. L. Mencken, circa 1932

Mencken’s reputation than reviving his assault on all establishments.

For those of us who belong to the other group, the Mencken Society, the trick is to downplay the writer’s prejudices to attract members and readers. After all, Mencken issued still-relevant opinions about a whole range of human activities—from how to cook soft-shell crabs to the merits of various German composers. In reporting on a presidential campaign, he might mix with local farmers and write of their hospitality that they served “sound country wine, as thick and rich as minestrone.” On the next stop he could worry that “on some great and glorious day the plain folks of the land will reach their heart’s desire at last, and the White House will

be adorned by a downright moron.” Throughout his writing, wit and insight ran alongside vitriol and scorn.

This mélange leaves Mencken an acquired taste. John Rossi, a La Salle University history professor, recently predicted in the *American Conservative* that even though Mencken “was a brilliant stylist and changed American journalism much in the way that Hemingway transformed American fiction,” his reputation would never recover from a “raw cynicism” that is “no longer acceptable.” Such aversion to Mencken even makes sense to Kevin Williamson, a journalist whose quick wit and clever words were themselves punished by a quick exit at the *Atlantic*. In a piece at *National Review* on the politics of hate, Williamson conceded that although Mencken and Twain could be charming and “uproariously” funny, “at the bottom of each man’s deep well of humor was a brackish and sour reserve of hatred.”

Perhaps the best way to account both for Mencken’s outlook and the way Americans remember him is to follow Joseph Epstein’s advice. He acknowledged Mencken’s comic affect; he “lifts the spirit” and is one of the few modern writers to make readers “laugh aloud.” But comedy was not the point, Epstein argued. It was a means for reckoning with human existence. Mencken’s humor, he wrote, always possessed a “tragic sense of life,” and the writer had the capacity to “look into the pit of existence without flinching or whining,” even to the point where skepticism produced “a certain humility.”

“It’s complicated” is a favorite explanation these days for everything from health care to intersectionality. The decline in Mencken’s reputation suggests that if Americans admit life’s complexity, they have little room for writers who mirror our own complications—or hold them up strenuously before our eyes. ♦

EDWARD STEICHEN / CONDE NAST / GETTY

The Adjective ‘Late’

A guide for the perplexed.

BY STEPHEN MILLER

If you read any progressive highbrow magazine these days, you will come across the terms “late capitalism” and “late modernity.” An article in the *Atlantic* (May 2017) is entitled “Why the Phrase ‘Late Capitalism’ Is Suddenly Everywhere.” A reviewer in the *Times Literary Supplement* (July 10) refers to “a troubled late modernity.” What does the adjective *late* mean when it modifies these nouns?

“Late” is an adjective with many meanings. The *Oxford English Dictionary* lists 12. We say “the late . . .,” meaning that the person is deceased. (A novel by J.P. Marquand is entitled *The Late George Apley*.) We speak of a late model car, meaning it’s not very old. We speak of “late Beethoven” when talking about the works he composed towards the end of his life. A musician (or painter or writer) need not be dead in order to speak of his late phase. A writer in the *Times Literary Supplement* says that the novelist Ian McEwan’s recent work may be “a distinctive late phase.” McEwan is 70.

The following *OED* definition best approximates what late means when it modifies capitalism: “Occurring or taking place towards the end of a particular event, process, etc.” “Late capitalism” seems to mean that capitalism is nearing its demise. Which of course is nonsense. Market economies—to use a less emotive term than capitalism—are churning along, doing well in countries where there is freedom, the rule of law, and a low level of corruption.

The author of the *Atlantic* article on late capitalism, Annie Lowrey, would disagree with this assessment. In her view there are many signs that capitalism is in its final stage. She speaks

Stephen Miller is the author of *Walking New York: Reflections of American Writers from Walt Whitman to Teju Cole*.

of “the indignities and absurdities of our contemporary economy” and the “tragicomic inanity . . . of contemporary capitalism.”

The author’s overheated rhetoric makes it clear that “late capitalism” is a polemical term, not a descriptive one. Those who use the phrase are usually enemies of capitalism—early, middle, or late. Defining late capitalism, the *OED* sounds uncharacteristically strident: “characterized by the dominance of multinational corporations, globalization, and consumerism, and as having permeated all areas of social and cultural life.”

Reader—have all the areas of your social and cultural life been “permeated” by late capitalism?

The term “late capitalism” first appeared in Germany around the turn of the 20th century (*Spätkapitalismus*), but it was made famous by the post-war German philosopher Theodor Adorno. In a speech on late capitalism in 1968, Adorno made a stunningly stupid remark: “The [capitalist] economic process continues to perpetuate domination over human beings.”

In this country, “late capitalism” has been the signature phrase of Fredric Jameson, a Duke University professor and author of *Postmodernism, or the Cultural Logic of Late Capitalism* (1991). The book is written in impenetrable academic jargon, but we get his drift: Late capitalism is capitalism at its cruelest, but the cruelty is so subtle that people don’t know how much they are being manipulated.

If late capitalism is so bad, why do people try to emigrate to places where capitalism is flourishing? I doubt that anyone is trying to sneak into North Korea or Russia or Venezuela. The *World Happiness Report* lists

the top 10 countries for happiness. They are Finland, Norway, Denmark, Iceland, Switzerland, the Netherlands, Canada, New Zealand, Sweden, and Australia—all countries with strong market economies.

The notion—common on the left and the right—that Sweden is a socialist country is wrong. The World Economic Forum ranks Sweden as Europe’s leading country for innovation. In 2016, *Inc.* magazine reported that “in recent years . . . Stockholm has made massive strides in terms of economic growth. Small businesses have become prolific creators of jobs. The city has raised its standards for fostering new talent and implemented new regulatory systems to drive entrepreneurship.” The economic historian Deirdre McCloskey notes that the Swedish government refused to bail out Saab Motors when it went bankrupt. “Nor did the Swedes object when the Chinese bought both bankrupt Saab and solvent Volvo.”

“Late capitalism,” I would argue, is a meaningless phrase. What about “late modernity”? It is not a polemical term like “late capitalism,” but what does it mean? Most observers say early modernity began around 1600. When did late modernity begin and what are its defining characteristics?

Late modernity is often contrasted with postmodernity. Some observers say we live in a postmodern age; others say we live in a late modern age. In a paper entitled “Late Modernity/Postmodernity,” a professor of political science equates late capitalism with late modernity: “Postmodernity is commonly perceived as a stage of late modernity or late capitalism that follows modernity, whereas postmodernism is understood as a theoretical trend that attempts to unsettle a number of key concepts associated with the Enlightenment.” Got it?

To make matters even more confusing, sometimes “modernity” is modified by “high” or even by “liquid.” But I have no time to explain what “liquid modernity” means. I’m late, I’m late for a very important date. ♦



The Rise of the (Catholic) Resistance

Pope Francis, Cardinal Wuerl, Theodore McCarrick, and the crisis of a church divided

BY JONATHAN V. LAST

Consider what we know, and what has been alleged, about Pope Francis, Cardinal Donald Wuerl, and disgraced former Cardinal Theodore McCarrick.

For several decades, Father, Bishop, Archbishop, and eventually Cardinal McCarrick preyed sexually on the priests and seminarians serving under his authority. There are credible allegations he abused boys as young as 11. To the extent that this behavior was a secret within the American church, it was very badly kept. Between 2005 and 2007, three dioceses in New Jersey paid out large cash settlements to keep allegations of abuse by McCarrick quiet. As Bishop Steven Lopes told *First Things*, “I was a seminarian when Theodore McCarrick was named archbishop of Newark. And he would visit the seminary often, and we all knew.”

McCarrick ended his career as cardinal of the Washington, D.C., archdiocese and was succeeded by Archbishop Donald Wuerl, who arrived having just served as bishop of Pittsburgh. Wuerl’s former diocese has been in the news recently after the release of a grand jury report by the Pennsylvania attorney general’s office outlining decades of abuse by priests in the state.

As Wuerl arrived in Washington in 2006, McCarrick retired to the Redemptoris Mater seminary and was later ejected and sent to the Institute of the Incarnate Word

seminary, both of which lay within Wuerl’s jurisdiction. In or about 2009, Pope Benedict XVI placed McCarrick under some sort of sanction. (The exact nature of the sanction is still unknown, but it seems to have been something like house arrest. It is also unclear when, exactly, Benedict first learned about McCarrick or how much time passed before he acted.) Yet somehow Wuerl insists that he knew nothing about *any* of this until June 2018, when the McCarrick firestorm exploded into public view.

Wuerl’s defense is that he is not an evil man who looked the other way about the behavior of a known sexual predator, but merely an incompetent dolt. And Wuerl seems to think that being guilty of gross incompetence should entitle him to keep his job. A responsible leader of good character would have walked away in disgrace the moment he learned of these scandals. Wuerl’s first public comment on the McCarrick story was to say, “I don’t think this is some massive, massive crisis.” On literally *the same day* that the Pennsylvania grand jury report was released, Wuerl’s diocese launched a barrage of defensive propaganda in the

form of a new website, “The Wuerl Record.” It was quickly taken down when it became clear that it was hurting the cardinal’s reputation rather than helping it. Then Wuerl called for “a season of healing” with special masses in his archdiocese. The best that can be said of Wuerl is that his crisis PR handling has bolstered the incompetence defense.

It was only after a month of trying to cling to his job that Wuerl said he plans to fly to Rome to discuss his future with Pope Francis. Francis has yet to say or do anything about Wuerl despite the fact that, as do all cardinals



McCarrick, left, with his successor as archbishop of Washington, Donald Wuerl, in May 2006

Jonathan V. Last is digital editor of THE WEEKLY STANDARD.

over the age of 75, Wuerl had a letter of resignation on file with the Vatican. Francis could have disposed of him in an afternoon without having to do anything more complicated than accept a pre-existing letter.

Those are the facts we know. None of them are in dispute.

Then there are the allegations: On August 25, 2018, Archbishop Carlo Maria Viganò published a letter in which he claimed that he had been party to several attempts to make the Vatican aware of McCarrick's abuses over the years; that he had personally discussed them with Wuerl; and that Pope Francis—knowing full well all of the above—rescinded the house-arrest order of his predecessor, made McCarrick his “trusted counselor,” and, at McCarrick's behest, began elevating certain bishops—such as Blase Cupich and Joseph William Tobin—to positions of power in the American church.

If true, this would mean that we have one cardinal who was a sanctioned sexual predator, (at least) one cardinal who turned a blind eye to this man's crimes as they were happening within his jurisdiction, and a pope who didn't just look the other way but took affirmative steps to help both the criminal and his enabler.

And if all of *that* is true, well, then what? The potential answers to this question aren't very nice. They include: schism, the destruction of the papacy, and a long war for the soul of the Catholic church. Because the story of Theodore McCarrick isn't just a story about sexual abuse. It's about institutions and power.

The abuse itself is terrible, of course. We should say that out loud, because while the details are unspeakable they must be spoken of. Without the release of the Pennsylvania grand jury report, we would know much less about the evil inside the church. (It is also instructive to note that authorities within the church opposed the release of this report.) But individual priest-abusers aren't catastrophic to the church in any structural way. Predators will always be among us. It is a human pathology from which not even priests are immune. But the remedy for predation is straightforward: Whenever and wherever such men are discovered, they should be rooted out and punished.

The *institutional* damage is done not by the abusers but by the structures that cover for them, excuse them, and advance them. Viewed in that way, the damage done to the Catholic church by Cardinal Wuerl—and every other bishop who knew about McCarrick and stayed silent—is several orders of magnitude greater than that done by McCarrick himself.

By way of analogy, consider the dirty cop. About once a week we see evidence of police officers behaving in ways that range from the imprudent to the illegal. It has no doubt been this way since Hammurabi deputized the

first lawman. But while individuals might be harmed by rogue cops, the *system* of law enforcement isn't jeopardized by police misbehavior. The damage to the system comes when the other mechanisms of law enforcement protect, rather than prosecute, bad cops. If that happens often enough, citizens can eventually decide that the system is broken and take to the ballot box to reform it. The laity have no such recourse with the church.

The Catholic church is unlike any other earthly institution. It is strictly hierarchical, with its ultimate power derived from the son of God. The head of the church—the successor of Peter—is elected to a lifetime appointment



Pope Francis gives Theodore McCarrick a hug following a service in Washington, D.C., in September 2015.

by his peers, and his authority over them is total. He can allow them to carry on sexual affairs in broad daylight, as Francis did with Father Krzysztof Charamsa, a priest who worked for years in the Vatican curia while living openly with his gay lover. Or he can drive them from the church, as Francis did with Father Charamsa after the priest made his situation public in the Italian media in 2015. He can make either of these choices—or any choice in between—for any reason he likes. Or none at all. Such is the supreme power of the vicar of Christ.

Yet the pope's immediate subordinates—the cardinals and bishops—function like feudal lords in their own right. The bishop can preach in contravention of the teachings of the church, as Cardinal Walter Kasper does on the subject of marriage and infidelity. He can forbid the offering of both species of the Eucharist, as Bishop Michael Burbidge does in Northern Virginia. He can punish and reward priests under his care either because of merit or caprice—because the deacons and priests all swear a vow of obedience to the bishop (or cardinal) himself.

All of which is the long way of saying that there is no mechanism for a man such as Donald Wuerl to be dealt

with by his peers. The bishop of Madison can fulminate against Wuerl all he wants to, as Bishop Robert Morlino did in late August. His fellow bishops have no power over him. The only man Wuerl is accountable to is the pope. And the structure of the church has no remedy when a pope is foolish or wicked.

In the weeks after the Viganò letter was published, Francis preached a homily in which he declared, “with people lacking good will, with people who only seek scandal, who seek only division, who seek only destruction” the best response is “silence” and “prayer.” If this sounds like Francis believes the real villains in this mess are Archbishop Viganò and people who want to know what the bishops knew, and when they knew it, well, yes.

In another homily on September 11, Francis went further, saying that not only was Viganò the real villain, but *the bishops* were the real victims: They were being persecuted by the devil: “In these times, it seems like the Great Accuser has been unchained and is attacking bishops,” Francis preached. And Satan “tries to uncover the sins, so they are visible in order to scandalize the people.” (The Father of Lies—as he is referred to in the Bible—has not traditionally been regarded as the *revealer* of sins in Catholic thought, but this pope has never been known for having a supple mind.) Francis then offered counsel for his poor, suffering brother bishops: “The Great Accuser, as he himself says to God in the first chapter of the Book of Job, ‘roams the earth looking for someone to accuse.’ A bishop’s strength against the Great Accuser is prayer.”

Other parts of the church hierarchy also seem to view themselves as victims. In late August, *Washington Post* columnist Elizabeth Bruenig decided to try to get to the bottom of the Viganò story by asking McCarrick himself. She went to the church-owned property where the former cardinal now resides and knocked on the door. Whatever representative of the church—God’s vessel for Truth and Light—lives there declined to answer. Instead, he called the *Post* to complain about her.

So what is to be done if the vicar of Christ is a fool who sides with bishops who enabled or hid abusers? Or is a wicked man who sides with the actual abusers themselves? That’s an excellent question and we’ll get to it.

The more immediate question is: *Why* would he do that? And the answer is simple: power.

The pontificate of Francis can, perhaps, best be understood as a political project. His election at the conclave in 2013 was—unbeknownst to the world at the time—the result of a campaign planned out in advance by four radical cardinals who saw then-cardinal Jorge Mario Bergoglio as the perfect vehicle for the revolution they wanted to launch within the church. (The story of how Cardinals

Cormac Murphy-O’Connor, Walter Kasper, Godfried Danneels, and Karl Lehmann formed “Team Bergoglio” is detailed in Austen Ivereigh’s worshipful biography of Francis, and even though the cardinals subsequently denied the account, their protestations are supremely unconvincing.) As the Catholic News Agency reported at the time, this politicking wasn’t simply a matter of bad taste: The apostolic constitution, *Universi Dominici gregis*, expressly prohibits cardinals from forming pacts, agreements, promises, or commitments of any kind. Oh well.

During his time on Peter’s throne, Francis has worked to dismantle many orthodox positions in an attempt to radically reorient the church toward—by total coincidence—the long-held preferences of those four radical cardinals. For instance: He has criticized Catholics for being “obsessed” with abortion, gay marriage, and contraception. He has derided Catholic women for having too many children and behaving “like rabbits.” He sent a papal blessing to the lesbian author of the Italian version of *Heather Has Two Mommies*—a tract for children extolling the virtues of same-sex parenting.

All of this is in addition to his bizarre insistence that “never has the use of violence brought peace in its wake” and that the benefits of free-market growth have “never been confirmed by the facts.” (In case people didn’t get the message, Francis posed for pictures with a crucifix made of a hammer and a sickle.) Yet as bad as free market capitalism is, the pope insists “the most serious of the evils that afflict the world these days are youth unemployment and the loneliness of the old.” Which is a . . . curious view of our fallen world.

The most outré of the pope’s initiatives, however, have been his efforts to dismantle the restrictions on admittance of divorced and remarried Catholics to communion. For this, Francis convened a synod, attempted to ram through a change to Catholic teaching, and, when that failed, proclaimed via an apostolic exhortation that priests were free to use their discretion on the matter.

To non-Catholics, this may not sound like a big deal, but it is: Communion for the divorced and remarried is the first theological step to doing away with the concept of adultery. If such a change is accomplished, the Catholic church would eventually be forced to change *all* of its teachings on marriage, sexuality, and the family: Divorce, pre-, and extra-marital sex would all then be sanctioned by the church.

And so would—crucially—homosexuality and same-sex marriage. Now maybe you like these things and maybe you don’t. Some Christian denominations embrace them. But the Catholic church has never sanctioned any of them and the entire revolutionary project of changing the church’s teaching on family and sexuality necessarily begins with communion for the divorced and remarried.

This project and the pope's apostolic exhortation were serious enough that several cardinals sent the Holy Father a formal document, known as a *dubia*, asking if he truly intended to change Catholic teaching in a heretical manner, or if he had just made an honest mistake. Francis simply ignored them.

Which is his way. In his only conversation with reporters about the Viganò testimony, Francis declined to address the charge that he had known about McCarrick. Viganò's letter, Francis said, "speaks for itself." When it wasn't clear what the Holy Father meant by this—Was Viganò's account true? Was Viganò a mountebank?—Francis continued, saying, "It's an act of trust. I won't say a word about it."

The pope's favorite American cardinal is Blase Cupich, who heads the archdiocese of Chicago and has been the most persistent cheerleader for the Francis project in America. He has said quite a few words. Asked about the Viganò letter by a reporter, Cupich said it was a "rabbit hole" and "[T]he pope has a bigger agenda. . . . he's got to get on with other things" such as "talking about the environment and protecting migrants."

This was not a gaffe. A few days later, Cupich met with a group of seminarians who very much wanted to talk about the priest-abuse problem, the Holy Father, and this dark night of the church. Cupich told the group, "I feel very much at peace at this moment. I am sleeping okay." Then came this, per the account in the *Chicago Sun-Times*:

The source said Cupich also told the group that, while the church's "agenda" certainly involves protecting kids from harm, "we have a bigger agenda than to be distracted by all of this," including helping the homeless and sick.

Which brings us, finally, to the question of what this "agenda" actually is.

It is difficult to disentangle the hundreds of cases of abuse in the church from the subject of homosexuality. No one wants to say, or even to insinuate, that homosexuality and abusiveness are one and the same, or that all, or most, or even a large proportion of gay men are abusers. Those statements are objectively false.

At the same time, the math is pitiless: According to our best data, a mammoth CDC study done in 2013, 1.6 percent of Americans identify as gay. Yet 80 percent of the abuse cases involve priests abusing other males. You can include all the caveats you like—maybe there's selection

bias, maybe the percentage of homosexuals in the priesthood is many times higher than 1.6 percent, maybe not all male-on-male abuse is perpetrated by men who would identify as gay. But the correlation is still high enough that it is impossible to ignore.

And despite the fact that everyone wants to insist that abuse by priests has nothing to do with homosexuality, it's strange that the people who most want to open the church sacramentally to homosexuality are the ones strenuously ignoring the abuse. Priests such as Cardinal Cupich are certainly *acting* like they think there's a linkage and that if the church were to crack down on abuse and the bishops who enabled it, it would somehow endanger their project.

And it's not confined to the United States. In Chile, too, Catholic bishops have presided over a sickening culture of abuse and coverup. Confronted with charges of abuse, Francis stood by the Chilean bishop Juan Barros Madrid, saying of the allegations, "The day someone brings me proof against Bishop Barros, then I will talk. But there is not one single piece of evidence. It is all slander. Is that clear?" This, despite the fact that Francis had been warned about Barros and there was a mountain of evidence against him.

Barros was on Team Francis, which is what counted most.

In July, a group of 50 seminarians in Honduras presented Cardinal Óscar Rodríguez Maradiaga with a letter and corroborating evidence alleging a ring of homosexual abuse at the country's largest seminary. Maradiaga's response, per the reporting of Edward Pentin, was to accuse the seminarians of being "gossipers." You can think of Maradiaga as the Donald Wuerl of Tegucigalpa. He is also one of Francis's closest advisers.

Whether or not it's coincidence, the American bishops in the most jeopardy now—McCarrick, Wuerl, Cupich, Tobin—are also the ones closest to Francis and most supportive of his desire to revolutionize the church.

There was a general sense among Catholics following the pontificate of John Paul II that the church had been jolted by an influx of orthodox young priests. In time, the thinking went, these men would climb and, eventually, they would stock the positions of power throughout the church. Thus the church would remain, at least for the medium-term, an orthodox institution.

But the election of Francis changed all of that. Even though the radical elements within the church were a small and aging minority, the progressives realized that the only



Archbishop of Chicago Blase Cupich

person who *really* matters is the pope. That's why they organized to get Francis elected. Since then they have understood that if Francis and his faction can find just a few score of like-minded priests to elevate, they can ensure that the current pope's successor will share his ideological preferences.

The College of Cardinals is supposed to have 120 voting members; currently there are 124 members eligible to participate in the next conclave. That's more than the cap should allow. Why? Because 75 of them—including Cupich and Tobin—have been appointed by Francis. Unlike his predecessor, Francis understands power. And because there are so few high-level progressives in the church, Francis understands that losing any of these men could endanger his succession, which could endanger his larger project. His confederates, in turn, understand that losing Francis himself at this moment could sink it entirely.

The chances of the church's losing Francis, however, are slim. You cannot impeach a pope. And barring an unexpected return to our Heavenly Father, Francis will remain pope for the foreseeable future. Which leaves four possible pathways, none of which is attractive.

Some conservative Catholics, such as Princeton's Robert P. George, have suggested that Francis ought to resign—especially if the Viganò letter is corroborated. This is an attractive idea and would align with the cause of justice. Anyone in the church hierarchy who knew, or should have known, about specific abusers in their midst should, at the least, be removed from any position of responsibility. They simply cannot be trusted. If you were to extend this view all the way to the bishop of Rome, there is a certain cleanliness to its logic—a sense that maybe the church could make a clean break and begin to make things right anew.

But it might be a cure worse than the disease.

In the last 600 years, only one pope has abdicated: Benedict XVI, the man who immediately preceded Francis. Two abdications in a millennium are an aberration. But two abdications in a row would have the practical effect of breaking the modern papacy. From here forward, all popes would be expected to resign their office rather than die in harness.

This expectation of resignation would, in turn, create incentives for the pope's theological adversaries to fight and wound him, in the not-unreasonable hope that if they could make him unpopular, he could be shuffled out of the palace and they could try their luck with a new pontiff. Before you know it, you'd have polling data and opposition research and the papacy would become an expressly political office. No Catholic should yearn for this outcome.

The second option is capitulation. Catholics could shrug and give up. They could let Cardinal Wuerl live his best life and then slink off to a graceful retirement; they could make peace with Cardinal Cupich's view that the church exists, first and foremost, to deal with global

warming, or the minimum wage, or whatever else is trending on *Vox.com*. They could toe the dirt and accept sacramental same-sex marriages, even if it destroys the theology of the body. After all, times change. Religions change. And if you *really* trust in the Lord, then no change could come to His church without its being the will of the Father.

The third option is schism. There has been loose talk about schism since the early days of Francis's pontificate. The conversation became less whimsical at the time of the synod and the *dubia*. It will become deadly serious if Viganò's accusations are corroborated and Francis shelters in place. Even so, it remains one of those low-probability, extinction-level events that every Catholic should pray does not come to pass.

The fourth option is resistance. We are only at the current moment because the forces that conspired to elevate Francis refused, for decades, to leave the church, even though their desires were at odds with its teachings.

Despite the fact that the Catholic church rejected their preferences as false, the South American liberation theologians, the German cardinals who wanted to redefine marriage, and the American progressives who never met a social justice cause they didn't like all hung on. Eventually they organized. And after a generation of orthodox papacy, during which time most American Catholics forgot that there even *was* a radical side of the faith, they worked together to elect Francis. Organization works, if you're willing to play the long game and play for keeps.

So Catholics could starve bishops such as Wuerl, Cupich, and Tobin of funds. Not a dime for any church in any diocese headed by a bishop who refuses to root out abusers and their enablers.

The bishops who do care about these things could start organizing for the next conclave now, identifying potential candidates and laying the groundwork for the election of the next pope.

Then, when the pendulum eventually swings back—be it next year or 40 years from now—orthodox Catholics could take from these years a very sobering lesson about power. And with neither malice nor mercy drive men such as Cupich, Tobin, and Wuerl into the sea and purge the church of anyone who believes that climate change is a more pressing matter than the abuse of Catholics by the clergy.

None of these pathways is attractive; each leads to a church that is at best impoverished and at worst crippled.

Then again, the church survived Caligula, the bubonic plague, the Third Reich, the *Gather* hymnal, and the autoharp. It will survive McCarrick, Wuerl, and Francis, too.

But crucibles are rarely pleasant experiences for those inside them and a great many souls may be lost in the transition.

Those men will have much to answer for. ♦



St. Peter's
Basilica,
Rome

The Elephant in the Sacristy, Revisited

Catholic scandals past and present

BY MARY EBERSTADT

Sixteen years ago, at the height of the 2002 clergy sex scandals in the Catholic church and on the eve of a meeting of bishops in Dallas, THE WEEKLY STANDARD published an essay of mine called “The Elephant in the Sacristy.” It included an in-depth look at some of the most notorious clergy abuse cases of the time. Back then, like today, the plain facts of the scandals were submerged in what we now call *whataboutism*. According to these evasive maneuvers,

Mary Eberstadt is a senior research fellow at the Faith and Reason Institute. This essay is adapted from a speech delivered at a September 8 conference cosponsored by the Thomistic Institute and First Things at the Dominican House of Studies in Washington.

the wrongdoing was supposedly explained by reference to clericalism, celibacy, sexual immaturity, and other attributes invoked to avoid the obvious. I examined and dismissed those analyses, offered up an alternative, and made several recommendations for cleaning up the Catholic church of the future. The scandals, I wrote, were:

a cluster of facts too enormous to ignore, though many labor mightily to avert their eyes. Call it the elephant in the sacristy. One fact is that the offender was himself molested as a child or adolescent. Another is that some seminaries seem to have had more future molesters among their students than others. A third fact is that this crisis involving minors—this ongoing institutionalized horror—is almost entirely about man-boy sex.

Like most people, I could hardly bear to read what needed to be read about the cases. As well, anyone back

SPENCER PLATT / GETTY

then who described the facts in unadorned English was guaranteed vituperation, and got it. But I wrote it anyway because of the conviction that “the most important mission facing the bishops and, indeed, all other Catholics . . . is the responsibility of doing everything in one’s power to prevent this current history, meaning the rape and abuse of innocents by Catholic priests, from ever being repeated.”

That was then. Here we are now.

Seen one way, this moment looks like a catastrophically familiar place, with more clergy sex scandals revealed not only in the United States but around the world. Viewed more widely, though, we are in a far better place than we were 16 years ago.

First, same-sex marriage has triumphed, and ironic though this outcome may be for the Catholic faithful, that victory has removed one of the chief obstacles to truth-telling about the scandals. Yesterday’s secular advocates for same-sex marriage shouted down anyone who suggested that homosexuality had something to do with the abuse, because they feared the connection would harm their political cause. Having prevailed, their attentiveness to the church is now much diminished. Accordingly, and very much unlike yesterday, today the fact that the scandals revolve for the most part around homosexual coercion by older men of younger men and boys is widely acknowledged, even in the secular press.

Second, the Catholic laity, at least in the United States, is in a dramatically different frame of mind following the revelations about former cardinal Theodore McCarrick. In 2002, the laity’s main reaction to the scandals was handwringing and protestations of shock. Within the sadder but wiser laity of 2018, action is being demanded of religious leaders, from individual parishes to St. Peter’s Square. The pewsitters of yesterday asked the clergy to fight for them by cleaning up the church. Today, they are fighting for a holier church themselves.

Third, the same information tsunami swamping the world with pornography and cat videos is also working an unexpected miracle for the church: It has made the scandals inescapable and undeniable. The Internet has empowered the laity to connect factual dots and share information. It’s been suggested by Cardinal Blase Cupich of Chicago that for the sake of the church’s broader mission, Catholics should not go down the “rabbit hole” of accusations. To the contrary. Every rabbit hole needs inspection in order to see what’s hiding in it. We need tools, workers, and light.

The first area of improvement concerns the language we use in speaking about the scandals. If we’re going to clean up the church, we must first sharpen the vocabulary that we use to chip away the dirt.

What’s more obvious now than 16 years ago, for example, is that anyone who cares about accuracy should use the word *gay* with the greatest caution, if at all. There may be instances when *gay* is unavoidable as an adjective, a necessary shorthand. But as a noun, it is a word that Christians qua Christians should avoid.

Why? The label is spiritually vague and antagonizes people unnecessarily. The phrase “gays in the priesthood,” for example, fails to distinguish between those who remain

celibate and those who do not. It also inadvertently gives rise to the incorrect accusation, “You’re saying all gays are pedophiles!” which no one is claiming. In the interest of removing unnecessary red flags wherever possible, we shouldn’t use it.

The word *gay* and related terms like *LGBTQ* should be avoided for a deeper reason. They are insufficiently respectful of the human beings who are described in this way. Such identifiers sell humanity short by suggesting that sexual desire amounts to the

most important fact about an individual. However well-intentioned (or not), these terms advance a reductionist view of men and women incommensurate with the reality that we are infinitely rich and complicated beings, created in the image of God.

It is bad enough when the wider culture, interested in exploiting carnal desires for commercial or prurient reasons, objectifies human beings in this way. When religious authorities do the same, the damage is worse. I’m reminded of Fr. Arne Panula, a prominent Washington, D.C., priest of manifest goodness and wisdom who died last year. In one of our last conversations, he mentioned meeting a friend-of-a-friend in Italy. This friend felt compelled to tell him, “Fr. Arne, I’m gay.” To which the priest replied, “No, you’re not. You’re a child of God.” Fr. Arne was making the point that the most important fact about this man was not his erotic leanings.

Another word that continues to cloud rather than illuminate is *homophobe*, and its related variants, *homophobia* and *homophobic*. Inside parts of the church, and ubiquitously outside it, *homophobe* has become an automatic smear deployed for partisan purposes. We see this clearly by observing that related teachings of the church

In 2002, the laity’s main reaction to the scandals was hand-wringing and protestations of shock. Within the sadder but wiser laity of 2018, action is being demanded of religious leaders, from individual parishes to St. Peter’s Square.

are not similarly made into epithets. Do people speak of *contracept-ophobes*, to criticize church teaching against contraception? Do they decry *klepto-phobes* or *forni-phobes*?

The fact that those other words aren't in circulation shows that *homophobe* is meant to shame, intimidate, and sideline apologists for the magisterium. *Homophobe*, like *gay*, has become a political term, not a spiritual one. It's an epithet, not an argument.

Words are never a matter of indifference. As Aleksandr Solzhenitsyn insisted, we aren't obliged to participate or even to acquiesce in false accounts of reality. If we can't speak clearly and plainly, we can't think clearly and plainly. And if we can't think clearly and plainly, we will never be able to reduce the damage being done in the house of God by the pachyderm trying to wreck it from within.

Some critics might object that people should call themselves whatever they like; what's the harm in using this noun or that one? But as Daniel Mattson argued in *Why I Don't Call Myself Gay*, *identities* and *proclivities* are different, and efforts to prove that sexuality belongs in the former category are problematic. Taken to its logical conclusion, labeling ourselves whatever we like can be subversive of reality itself. We have to start calling things by their proper names, beginning with refusing to participate in the dominant ideology of secularism, which celebrates what the catechism calls sin and reduces the human person to evanescent erotic desires in defiance of Christian teaching.

A further aspect of the scandals both past and present also concerns language. Just as unthinking use of phrases imported from secular postmodernism has obfuscated rather than clarified reality within the church, so has the resort to the language of therapy.

Today's throwback invocations of the supposedly scientific distinctions between *pedophile* and *ephebophile* are empirically problematic. Such categorization may indeed be useful for some purposes—like designing criminal sentences. But as descriptions of what the clergy scandals have actually been about, they misrepresent reality. These priests are abusers, and often polymorphous abusers at that.

Consider the notorious case explored at length in the opening of Jason Berry's groundbreaking book, *Lead Us Not into Temptation* (1992). Berry documented the offenses

of Fr. Gilbert Gauthe of Louisiana, who was sentenced to 20 years in prison for the rape and sexual abuse of more than three dozen boys ranging in age from 7 to 15. Other prominent offenders, such as Fr. Paul Shanley of Massachusetts, whose indiscriminate predation was documented in detail by Maureen Orth for *Vanity Fair*, also abused young children and teenagers. As I noted 16 years ago, Shanley was “no textbook pedophile or ephebophile, but rather a sexually active gay man with a taste for children and adolescents too.”

In addition to sharpening language, the Catholic left



Survivors and members of Ending Clergy Abuse call for the sanctioning of bishops implicated in child sexual abuse and cover-ups, in Geneva, June 7.

now needs to learn a lesson that was learned by the Catholic right during the last round of scandals. Truth-telling isn't, or shouldn't be, a partisan game. Reluctance to acknowledge whistleblowers has been an impediment to understanding and thwarting the scandals for many years. This was true in 2002. It remains true in the mirror-opposite way today.

Sixteen years ago, tradition-minded Catholics lagged behind their more progressive brethren in grasping the lethality of the scandals exposed in 2001 and 2002. Many of the faithful were disinclined to believe the terrible revelations and so wrote them off as a partisan plot aimed at harming the church. Today, by contrast, it is impossible for people acting in good faith to see the scandals for anything but what they are: evidence that parts of the church have become safe spaces for abusers and their apologists.

Another reason for the failure of some to speak out is the result of *whataboutism*. Whenever tradition-minded Catholics pointed out the homosexual nature of the majority of the priest scandals, their progressive counterparts

would counter, “What about your defense of super-predator and Legion of Christ founder Marcial Maciel?” The disgraced priest was regarded as one of the best fundraisers for the church.

Like McCarrick, Maciel was undoubtedly given a pass by some because of his financial acumen, including within the Vatican. This compromised legacy offers Catholics a warning going forward: Know where the money is coming from when it comes your way; know who’s dispensing it; and know that accepting it in ignorance can be a great liability and cause of further scandal.

Finally, most sources of the original reporting on the scandals decades ago were outside traditionalist circles, and so (wrongly, in my view) those traditionalists discounted them—until the resignation of Boston’s Cardinal Bernard Law made the scandals into front-page news impossible to avoid.

They should have been acknowledged in full before that, because the investigations were revealing the truth. Important work was being done in the *National Catholic Reporter*; in Jason Berry’s groundbreaking research; in the work of the *Boston Globe*’s reporting team (later made famous in the movie *Spotlight*); and elsewhere on what’s sometimes called the Catholic left. The evil being revealed was also grasped in full by the late priest Andrew Greeley, another *bête noire* of traditionalists; he repeatedly drew attention to the scandals, which he called “perhaps the most serious crisis Catholicism has faced since the Reformation.”

The essential elements of priestly abuse were also called out by these same observers. “Blatantly active homosexual priests are appointed, transferred and promoted. Lavender rectories and seminaries are tolerated. National networks of active homosexual priests (many of them church administrators) are tolerated,” Greeley wrote in 1989. The next year he urged the archdiocese of Chicago to “clean out the pedophiles, break up the active gay cliques, tighten up the seminary and restore the good name of the priesthood.”

A similar evasion of reality is afoot today—but in ideological reverse. Rod Dreher’s exhaustive exposures in the pages of the *American Conservative* are a gift to the church that keeps on giving; he deserves a Pulitzer. Yet his investigations are insufficiently attended to by Catholics and others who stop reading at the word *conservative*. The same goes for the investigative labors of Catholic News Agency and other sources outside liberal circles that are consistently delivering new information about the scandals.

Today the moral coin is flipped: It is the antagonists of tradition-leaning Catholics who are trying to look the other way and carry on against overwhelming evidence that there’s nothing to see here.

They’ve also put new slurs into circulation. Some of

the people uncovering the truth have been disparaged as *haters*, for example, including by Fr. Antonio Spadaro, who is presumed by many to speak for the pope. *Haters*, like *homophobe*, is an epithet imported from the antinomian secular political culture. Its suggestion that some people are beyond redemption is profoundly un-Christian. It should never be used by anyone in religious authority.

Another slur is even worse than *haters*. Many agonized Catholics desiring only to know whether allegations are true are now accused of participating in religious treason—of planning a “putsch” within the church, as Michael Sean Winters has put it in the *National Catholic Reporter*. Or consider some characterizations of the testimony of Archbishop Carlo Maria Viganò, former nuncio to the United States and author of a historically unprecedented and detailed 11-page letter released last month, accusing the pope and others of covering up abuse. Theologian Massimo Faggioli has called the work a “coup operation.” Fr. James Martin has tweeted similarly of a “coordinated attack” intended to “delegitimize” the pope.

This list could go on and on. Such martial language is designed to marginalize and malign anyone interested in the veracity of Viganò’s claims. It also sends the terrible signal that some churchmen and theologians underestimate the sufferings caused by unchecked abusers hiding behind Roman collars. The increasingly hysterical insistence that all will be well if only everyone leaves the pope alone underestimates the intelligence of the laity. Anyone who has read Viganò’s letter knows that the testimonial isn’t some anonymous comment tossed into cyberspace but a series of intricate assertions about who knew what and when—all of which can be verified or not in the long run. That bishops and others in authority have testified to the credibility of its author makes the document even harder to discredit, let alone ignore.

Partisan attempts to deflect attention from both the Viganò report and the scandals are jeopardizing the integrity of the church. In the absence of answers to the charges of coverup, who could blame mothers and fathers newly fearful for their children for withdrawing from the pews? So far as the laity is concerned, and contra what curia-firsters seem to understand, there is nothing Rome needs to do more than address these scandals.

What can be done?

First, clerical leaders around the world who do believe in a hereafter must avoid further scandalizing the remaining faithful. They must grasp that just as the scandals themselves have become an engine of secularization, so too has the refusal to address them.

In the past two months alone, additions to what the faithful now know have included but not been limited to:

the revelations and ongoing accusations about McCarrick; the Pennsylvania attorney general's report; the announcement of new investigations by New York, New Jersey, and a lengthening list of other states; and the ongoing revelations of seminarian abuse by religious superiors in various countries. To that ledger could be added the recent departure amid sex-abuse accusations of an auxiliary bishop in Chile, who served under one cardinal living in Rome, and the recent news of more than 3,600 victims of abuse by clergy over many decades in the Catholic church in Germany.

Second, as many have noted since the news about McCarrick first broke, the church needs more spotlights, not fewer. Toward that end, investigators might do something that has not yet been done. They might consider as possible sources of information the offenders, jailed and otherwise, who might now want to clear their consciences by sharing what they know about these groups of abusers.

For as the Pennsylvania report and other sources confirm, the problem is not only one of individuals, but of networks. Those who have been caught and punished presumably know them well. That fact has yet to be exploited in full by anyone, either in the church or outside it. Both law enforcement and journalists might benefit from connecting dots that perpetrators can provide them. Of course, such testimonies call forth caution in the determination of their truth. But they could be as useful to the church of the future as other examples of "turned" evidence are to law enforcement.

Finally, changes in church law might also help to rebuild the sacristy. As canon lawyer J.D. Flynn writes, "the most likely long-term outcome of this summer of scandal is a universalized protocol for handling allegations of clerical sexual misconduct or abuse involving adults." I am not a canon lawyer. But I would submit, based on what was known 16 years ago, as well as on the revelations since, that another area of canon law may be relevant to the church of the future as well.

Canon 1025.2 says that a man is only to be ordained if, in the judgment of his religious superior, he will be useful for the ministry of the Church.

Nothing is less useful to the ministry than preying on the young. Individual cases and secular studies have shown that childhood sexual abuse increases the risk of becoming

an abuser. Whether that causal connection rises to the level of a "perpetual impediment" to ordination, to use the language of Canon 1040, is for lawyers to decide. For the rest of us, it is enough to know that if seminaries had screened for a history of childhood sexual abuse, the ledger of the past several decades might have been radically different.

The Catholic laity is far from blameless in this hour. The scandals might have been reduced long ago if the laity's rejection of church teaching on birth control hadn't led to collusion of mutual misuse. Many priests winked



Protesters hold quilts bearing the portraits of abused children outside the Roman Catholic cathedral in Los Angeles, February 1, 2013—one day after the release of personnel files of priests accused of sexual misconduct.

at the laity's breaking the law against contraception and many laity tacitly returned the favor by not worrying overmuch about their priest and some of his friends.

But in this grave moment for the church, the laity knows more than it did 16 years ago. Back then I wrote, "If humility is now required of Catholics, so too is backbone. If it takes shutting down certain seminaries to protect boys of the present and future, close them now. If vocations to the priesthood should be so far reduced by stringent screening for abuse victims that American Catholics have to travel 50 miles to Mass, let them drive." Today, a laity forged in this latest round of scandal knows all too well that there are worse things for the church than a priest shortage. And thanks again to the Internet, the same laity is scrutinizing the hierarchy as never before.

Good things will come of the evil confronted today. Judging by the signs of newfound courage and questioning, they already are. The ultimate legacy of 2018, whether we live to see it in this world or not, will be a holier and more transparent church. ♦

Swedish Message

The anti-immigration nationalists come up short

BY CHRISTOPHER CALDWELL

Malmö, Sweden

By the time anti-immigration firebrand Jimmie Åkesson arrived for a rally in Malmö on the eve of this month's elections, his party, the Sweden Democrats, had been striking fear into the hearts of international newspaper readers for a year. To anyone standing in the main square, it was hard to see why. Malmö, with 300,000 residents, is Sweden's third-largest city and, thanks to a 20-year-old bridge that crosses the sound to Copenhagen, its most international. After decades of unbroken mass migration, culminating in a record intake of refugees from the Muslim world in 2015, it is also the least ethnically Swedish. In Scania, as that part of southern Sweden is called, the transformation has gone poorly, bringing more welfare payments and lots more crime. The Sweden Democrats are the number-one party in most districts there. Yet the thousand or so people who showed up to hear Åkesson did not look hopping mad. They looked like a relatively civil lunch-hour crowd in any multicultural American metropolis.

That soon changed. As Åkesson, a bespectacled 39-year-old with a pleasing baritone, began to speak, small groups of people amid the crowd raised rainbow flags, banners with "Refugees Welcome" on them, and signs hand-scrawled with obscenities. Police patiently steered them to the back of the crowd, the area designated for protesters. This went on for the 45 minutes Åkesson held the stage. As it did, the front of the crowd got older, quieter, and more ethnically Swedish and those in the back got younger, browner, more numerous, and more voluble—a recapitulation of Scandinavia's recent history. By the time Åkesson was done talking, the square was pulsating, full of loud chants ("Refugees have no choice!" "No racists on our streets!") and pumped fists, and it was not the Sweden Democrats who were doing the chanting and pumping.

Åkesson urged deporting those migrants who commit sex crimes and imitating the American practice of jailing arraigned criminals pending trial, but mostly he complained that, when he came to Malmö, people wouldn't

let him speak. When he was done, his supporters and entourage appeared eager not to tarry any longer than the seven vans full of police did.

Åkesson is soft-spoken, nonintellectual, and "real"—in the sense that he has run-of-the-mill problems that have won him as much sympathy as contempt. He suffered from an online gambling addiction and took six months' leave after the 2014 election to recover from what he called "burnout." Despite all the messages of foreboding, Åkesson did not look that day like someone who was about to turn Sweden's constitutional system upside-down.

And indeed, come election day, he did not. The Sweden Democrats finished a weaker-than-predicted third. Their hopes of forcing on Sweden a new way of addressing the immigrant problem seem for now to have gone by the board. Whether that is Sweden's curse or blessing is unclear.

More than any other Western land, Sweden has allowed immigration to escape its control. Its experience started with labor migration from Yugoslavia in the 1960s, but that was mostly temporary. The country always had a crusading humanitarian side, admitting Jews from Poland after 1968, when the government there took an anti-Semitic turn, and Chilean leftists after Pinochet's coup against Salvador Allende in 1973. That was a matter of a couple thousand people a year. But after the anti-American Olof Palme took over the Social Democratic party in the late 1960s, Sweden lost the habit of saying no. It accepted Somalis and Bosnians in the 1990s and Iraqis and Afghans in the new century, along with any family members who cared to join them. After the turn of the century, a steady 110,000 people were coming year-in, year-out. This was an increase of well over 1 percent a year. Over time such a migration will change a country at its core.

In 2015, when refugees from the war in Syria and more opportunistic migrants from around the Muslim world began marching overland to Europe, the Scandinavian countries were especially open-hearted. Denmark received 21,000 asylum applications, Norway 31,000, Finland 32,000. Sweden took in 162,000. Now Sweden is in a situation that no modern country in the West has ever found itself in. If the United States considered itself overburdened at 13 or 14 percent foreign-born, so desperately overburdened that

Christopher Caldwell is a national correspondent at THE WEEKLY STANDARD.

it would turn to Donald Trump for leadership, how can we expect tiny Sweden, a rustic monoculture until the day before yesterday, to behave, now that it has a foreign-born population of almost 19 percent?

This is a question that not even the Sweden Democrats have faced squarely. In much of Europe there is talk about how, if migration isn't slowed down, this or that country will lose its traditional culture. In Sweden, it is too late to do anything about that. Sweden's Muslim population is now 8.1 percent. According to the Pew Research Center, Sweden will be 30 percent Muslim by 2050 if refugee flows continue and 21 percent Muslim in the unlikely event that they stop altogether. Already, the part of Sweden's population that is of foreign origin is 31.7 percent, and more than 30 percent of its babies are born to foreign mothers.

It has been a conspicuously unsuccessful immigration. Unskilled labor from what used to be called the Third World is a poor match with the Swedish economy, which revolves around collaborative brainwork. After eight years, most migrants are still not in a job. After 15 years, only 60 percent are. Generous welfare means they do not seek jobs as household helpers or landscape gardeners, the way migrants to less egalitarian societies do. They often live, out of sight and out of mind, in the housing projects that the Swedish government built in the 1960s. A large crime problem has been one consequence. Gangs have proliferated, including the ones that two weeks before the elections set fire to cars across the country. Shootings have doubled since 1997, and hand grenades have become a signature weapon of Swedish gang warfare, with a hundred incidents between 2014 and 2016. There is terrorism, too: A rejected asylum seeker with ISIS connections drove a stolen beer truck down Stockholm's pedestrian Drottninggatan in April 2017, mowing down shoppers and killing five. Rapes have become common in and around the suburban projects. Muslims account for half the anti-Semitic incidents in Sweden, according to the *Svenska Dagbladet* columnist Paulina Neuding. (The radical right accounts for another 5 percent and the radical left for 25.)

Westerners, it is now clear, lost sight of something important during the long heyday of ethnically homogeneous nation states. They are learning belatedly how much public order and safety depends on the knowability, the legibility, of a society's various subcommunities. If a society is relatively homogeneous, this legibility can be

maintained with practically zero intrusion into citizens' private lives. But once a society grows more diverse, the state must become hands-on—appearing inquisitorial and intrusive to those who remember the old days and granting a privileged level of privacy to those whose customs remain too “exotic” to decipher.

The roots of these problems are in Sweden's consensus politics and go back decades. But for the past few years it has looked likely Swedes would lay the blame on Social Democratic prime minister Stefan Löfven for his especial recklessness and punish him at the ballot box the next chance they got. In late August 2015, Angela Merkel invited hundreds of thousands of Syrian refugees to settle in Germany. “*Wir schaffen das,*” she said. “We can manage it.” Days later, on September 6, Löfven tried to offer moral support: “In my Europe, we don't build walls,” he said. “We help each other out.”

The next weeks were a shock for Sweden. Migrants are very well-informed about what awaits them where. Many of those who had seemed to be converging on Germany after Merkel's invitation arrived there *and walked right on through*. They boarded boats to the Danish island of Falster. They walked through Denmark, too, while Danes lined the road to watch and help them. They were heading for

Sweden. Löfven blamed other countries in the European Union for their unwillingness to take their share of the migrants he had invited. But he quickly reversed course and instituted passport checks at Sweden's borders for the first time in decades. New arrivals have recently fallen to 1,500 a month.

The Social Democrats have been the country's number-one party since World War I, and Sweden's top income tax rate of 60 percent sounds like a socialist anachronism in this era of lean, mean states. But Sweden also remains one of the most innovative and entrepreneurial countries on earth: Ikea, Absolut, ABBA, Spotify and a lot of the 21st century's best crime fiction were conceived here; this city-sized country once even built its own fighter jets. For much of the past quarter-century Sweden has been ruled by a shifting free-market coalition, now called “the Alliance,” which undertook an ambitious program of opening charter schools, closing post offices, and privatizing pharmacies.

For people frustrated with Löfven's recklessness on migration, the problem was not that it was impossible to dislodge him but that it was pointless. Libertarian-conservative policies on borders differed little



Jimmie Åkesson, Sweden Democrats leader

from those of the Social Democrats. In December 2014, to prevent the Sweden Democrats from acting as a king-maker between the two evenly matched blocs, Löfven's "left" cut a deal with the four-party coalition of the "right" that whichever bloc had the most votes would be allowed to pass its budget. This smacked of collusion. When the migration crisis broke, the Sweden Democrats were the only party that Löfven did not invite to help work out an emergency response. This led a lot of Swedes to assume, quite naturally, that the Sweden Democrats must be doing something right. Working- and middle-class Swedes began to abandon their old parties—exit polls this month showed 18 percent of the Sweden Democrats' vote came from the Moderates and 19 percent from the Social Democrats.

Who are the Sweden Democrats? They describe themselves as the country's "only opposition party." Löfven and others who oppose them prefer to stress the party's "roots in Nazism." This is a bit unfair. The party, which dates from the 1980s, was indeed founded by members of the extreme right. But it had moderated considerably by the time Åkesson joined it in the mid-1990s and moderated even further by the time he and three friends from Lund University took over its leadership in 2005. Under a "zero tolerance" policy, Åkesson has purged extremists. At this point, it is hard to say whether establishment politicians are freezing out the party because of its past or raising its past because they seek pretexts for freezing out the party.

Swedish conformism is a mighty, mighty force. The late sociologist Åke Daun used to say that Swedes "like being like each other." That Swedes are so alert to, and influenced by, their neighbors' feelings is perhaps a legacy of Lutheranism, or of living at a latitude where, in the winter, it is dark round the clock and dangerously cold all the time. Swedes themselves are fascinated by this conformism, and find much in it to be proud of—it can be easier, for instance, to be a free-thinking individual if you're in the bosom of a loving community. But it is also true that Swedes can turn politically like a school of fish or a swarm of bees. That is how you can have one party at the top for more than a century.

And over the last half-century, Swedish conformism has been enhanced, if that is the word, by enforcement techniques drawn from American civil-rights law. What looked in the 20th century like consensus can now look like coercion, or censorship, or political correctness—particularly on matters of immigration. A policeman in Örebro was investigated for "inciting racial hatred" after listing the national origin of violent criminals in a tweet. In Denmark one reads articles about the problems of violent crime among specific communities—Somali and Palestinian—that one would never see in the Swedish papers. The Sweden Democrats

are often attacked as intolerant for wishing to ban the niqab—the black covering for women with only a slit for the eyes, common in the heavily Muslim housing development Rosengård in Malmö. But the niqab is already banned in Denmark, not to mention in Algerian schools. There is a Swedish neologism—the verb *brunstämpla*—that describes the casting of dissident opinion as fascist.

Nowhere is groupthink more prevalent than among journalists. In a country with a nine-party system, 41 percent of journalists vote for the tiny Green party. Over the summer, the Stockholm press corps seemed sure that the hot summer, doubtless brought on by global warming, and the forest fires that raged in its wake would guarantee a huge election result for the Greens. Instead, the party's vote plummeted—it barely reached the 4 percent threshold, below which it would have fallen out of the Riksdag (Sweden's parliament) altogether.

The determination of what is the proper subject matter for politics rests with the right-minded. *How do we have to change Sweden to make it possible for immigrants to integrate into it?* is deemed a legitimate question. *Why should we change Sweden in the first place?* is not. It is not surprising that a rather broad conservative counterculture, producing high-quality journalism and social science, has arisen in Sweden in recent years: The sites *kvartal.se*, edited by the journalist Paulina Neuding, and *ledarsidorna.se*, by the renegade Social Democrat foreign-policy thinker Johan Westerholm, are two of its high points.

The most extraordinary attempt to rattle the familiar debate over immigration came from a young economic researcher, Tino Sanandaji. An immigrant himself, born in Iran to Kurdish parents, Sanandaji sought in 2016 to make a cost-benefit analysis of migration to Sweden. The title of his book, *Mass Challenge*, was a bit of a gag—it referred to Swedes' tendency to cast any negative outcome not as a "problem" but as a "challenge."

Mass Challenge is a rich book, with a set of original heuristics that can be applied to the study of migration anywhere and a fine-grained focus on certain Swedish communities, like Södertälje and Botkyrka, in which Swedish Swedes now make up a minority, and Malmö, where they are getting close. Sanandaji found Sweden accepted four times as many migrants as the average European country. The population of Swedes of Swedish origin (a figure that includes those who have one foreign parent) is stable at 7.7 million, Sanandaji found, but the country as a whole, now with a population of over 10 million, is growing at a rate as fast as Bangladesh.

On political correctness, the book can be genuinely funny. Sanandaji cited the way the country's paper of record, *Dagens Nyheter*, covered riots in the Stockholm suburbs: "Södermalm 1719, Old Town 1848, Kungsträdgården 1987

and Husby 2013. . . . Rock-throwing is timeless and the riots in Husby are far from the first in Stockholm’s history.”

Sanandaji’s statistics are reliable—weighing statistics is what he does for a living—but not alarmist. They certainly understate the immigration-related disruptions to Swedish life because they do not include the numbers from 2015. Sanandaji showed that arguments about the “enrichment” of migration tended to employ certain tricks—using total GDP instead of per capita GDP to pass off population growth as economic growth, for instance. Every serious study shows that migration to Sweden since the 1980s has imposed a net cost, economically and socially, and Sanandaji even measured it: about 760,000 SEK (\$85,000) per migrant. The book has everything—except a respectable Swedish publisher. Although Sanandaji was armed with a doctorate in public policy from the University of Chicago and is the brother of a prominent Swedish consultant and author, no one would put his book out. He decided to self-publish. It rose to the top of bestseller lists and sold out in six days.

So the stage was set for the election of 2018 to be a referendum on Swedish migration policy. There seemed to be only two propositions on the ballot:

- (1) Our migration policy has been a mistake and ought to be changed.
- (2) Our migration policy has been a mistake, but what the heck.

The Sweden Democrats were not the only force representing option 1. All the parties paid lip service to it, including the Social Democrats, even though they are half-way through the process, familiar in all Western countries, of converting themselves from a party of workingmen’s protections to a party of minority rights. They got 80 percent of the vote in Herrgården and other heavily Muslim neighborhoods in Malmö and put out campaign materials in Arabic that the Moderate party called defamatory.

But two, possibly three, of the four conservative Alliance parties actually believe in a hard line on immigration and crime, just as the Sweden Democrats do. And if the Sweden Democrats got a high enough score to make an anti-multicultural government possible, then these establishment conservative parties would be forced into choosing between their standing with the bien-pensants of Stockholm and their standing with voters. This, in turn, would drive the country towards a new conformism of retarding multiculturalism rather than promoting it, and

transform Sweden into a different kind of political society. The stakes were enormous.

In the end, the Sweden Democrats got 17.6 percent of the vote, their best-ever showing, and journalists sent to cover the story wrote the story they were sent to write—that this had been an “earthquake” in Swedish politics. But it was no such thing. It was an earthquake narrowly avoided. This, the first election since 2015, was the most propitious moment for a populist victory, and it did not happen. The populists lost.

To win, the Sweden Democrats would have needed enough votes—somewhere between 20 and 30 percent, which was the tally Åkesson predicted on election morning—to force the country’s establishment to the negotiating table. Because when the election season was getting underway, Åkesson was selling himself to the public not as one who hoped to join the establishment but as one who would,

given a chance, destroy it. His first infomercial was directed not just at the Social Democrats but at the Moderates as well:

People have been murdered and will continue to be murdered as a result of your policies, and you will continue to cover up and lie. The conflict in Sweden is not about who is right or left, rich or poor, man or woman. The conflict is between those who are destroying the country and those who are working to save it—the conflict is between you and us.



Refugees roll cigarettes in a temporary house for asylum seekers in Klädesholmen, February 2016.

Now, armed with his insufficient mandate, Åkesson has called for dialogue about regime building with Ulf Kristersson of the country’s establishment Moderate party. Kristersson must have thought: Are you putting me on?

None of this changes the essential predicament in which Sweden finds itself. Ethnic relations are worsening. The delegation of 63 Sweden Democrats in the Riksdag is going to make rising crime and the deteriorating economic position of the Swedish working class harder to ignore, just as the Alternative for Germany has done in the Reichstag in Berlin. Whichever governing coalition comes to power, the establishment’s room for maneuver is going to be narrow. But in the win-some, lose-some battle between European political establishments and European popular insurgencies, Sweden’s election represents the biggest establishment victory since Emmanuel Macron won the presidency of France in the early summer of 2017. It had been feared that Swedes harbored a secret extremism that they would not share with pollsters and that a terrible surprise awaited on election day. In the end, the election was decided not by something Swedes didn’t dare to admit but by something they didn’t dare to face. ♦



President Donald Trump and Vice President Mike Pence with four men who would be out of the administration within its first seven months: chief of staff Reince Priebus, chief strategist Steve Bannon, press secretary Sean Spicer, and national security adviser Michael Flynn

Fear and Quoting

in Trump's White House. BY MICHAEL WARREN

Want to understand how President Donald Trump and his White House operate? Consider what happened on July 26, 2017. Early that morning, chief of staff Reince Priebus, chief strategist Steve Bannon, and a number of administration lawyers called the president at the White House residence. Prompted by a promise the president made during the campaign, the Department of Defense and other relevant agencies had begun studying how to pull back on an Obama-era decision that allowed transgender individuals to serve openly in the United States military. There were many practical,

Michael Warren is a senior writer at THE WEEKLY STANDARD.

Fear
Trump in the White House
by Bob Woodward
Simon & Schuster, 420 pp., \$30

legal, and political considerations to take into account, and while officials from the pertinent agencies had studied the question and debated its implications, there was not yet agreement about the best way to move forward.

Priebus was calling to alert Trump that the Pentagon had arrived at four options, which ranged from keeping the Obama status quo to banning transgender servicemembers, and told the president his team would walk him through each option in more detail once he arrived in the Oval Office.

“I’ll be down at 10,” Trump said. “Why don’t you guys come and see me then? We’ll figure it out.”

It’s not clear whether Trump was lying when he told his aides he’d discuss the issue with them later, changed his mind shortly thereafter, or simply forgot that he had promised to continue the conversation. But between 8:55 and 9:08 A.M., the president announced the policy change—in a series of tweets: “After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow ... [t]ransgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming ... victory and cannot be burdened with the tremendous medical costs and

DREW ANGERER / GETTY

disruption that transgender in the military would entail. Thank you.”

Later that day, according to veteran Washington journalist Bob Woodward in his new book on the Trump White House, the president asked Priebus what he thought of the tweets.

“I think it would’ve been better if we had a decision memo, looped Mattis in,” Priebus responded. That was putting it gently. The tweets apparently infuriated a vacationing James Mattis, the defense secretary, and frustrated the rest of the Pentagon bureaucracy, some members of which told a clamoring press that Trump’s announcement was “new guidance.” There was no warning, no preparation, no media strategy. Trump had made his decision. His message to the rest of the administration trying to pick up the pieces? You’ll figure it out.

Woodward has perhaps a hundred examples of Trump’s, well, *unusual* approach to management. My personal favorite occurred during the post-election transition, when, in a Trump Tower meeting with Goldman Sachs executive Gary Cohn, Trump was so wowed he complained out loud that he should have hired Cohn to be the Treasury secretary. Trump’s unannounced pick for that job, Steven Mnuchin, was sitting right there. Before Cohn had left the building, Woodward writes, the news of Mnuchin’s selection for Treasury was being reported on TV. Mnuchin, apparently worried that the president might act on his remark and actually retract the promised nomination, decided to box him in by leaking it to the press. “Mnuchin just put that out,” Jared Kushner told Cohn.

Trump actively despises formal processes and looks for ways to circumvent them. He regularly misleads—whether consciously or not is unclear—his staff and advisers about his intentions. He focuses on how others, particularly the news media, react to him rather than on how his words and actions might affect the people who work for him and are trying to implement his agenda.

The impression Woodward has taken from his interviews with aides, staffers, and others around the president is that he is either very stupid or a

compulsive liar—or perhaps both. The book’s title, *Fear*, is explained in the epigraph, a quotation from Trump in a March 2016 interview with Woodward: “Real power is—I don’t even want to use the word—fear.” A better title for the book, unpublishable though it is, might have been *F—ing Liar*. That’s the sentiment Woodward attributes to Trump lawyer John Dowd, who in the final pages struggles to convince Trump that he cannot submit to questioning by special counsel Robert

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Mueller. The book ends with Woodward quoting Dowd, having resigned from Trump’s legal team, expressing what he could not say directly to the president: “You’re a f—ing liar.”

Dowd and others named as figures contributing to the book’s unflattering portrayal of Trump have been suggesting that Woodward himself is a f—ing liar since the first excerpts of *Fear* appeared in the press a week before the book’s official publication. Individual events, quotations, and moments Woodward reports are “completely false” (says Trump lawyer Jay Sekulow), “exactly the opposite” of true (says current chief of staff John Kelly), “fabricated stories” (says press secretary Sarah Huckabee Sanders), and “the product of someone’s rich imagination” (says defense secretary Mattis).

The denials were as predictable as Woodward’s “note to readers” at the

beginning of the book, in which he claims he conducted interviews on “deep background” with sources who were “firsthand participants and witnesses” to the events. From this he produces vivid scenes that include direct quotations from the participants, all rendered in his signature neutral, fly-on-the-wall narrative style. Woodward knows the state of mind of figures as they discuss interest rates or North Korean missile capabilities. One official “watched in admiration” as a colleague handled a confrontation with Trump deftly. The blocking and positioning of people in scenes is described with script-like detail. Ivanka is sitting on a couch, John Kelly standing behind a chair, Gary Cohn halfway through the door of the Oval Office. Chris Christie, during a low point of the 2016 campaign following the *Access Hollywood* tape, says something “with a note of finality”—whatever that means. Oh, and Christie, we learn, is wearing “sweatpants and a ball cap.” The dialogue flows smoothly. The drama builds perfectly.

Too smoothly, too perfectly? Perhaps. One problem with the Woodward approach is that he blurs the lines between what’s verifiably true and what is reconstructed from the recollections of his sources. Notes from a White House official taken just after a conversation are more reliable than an interview with that same official about the same conversation days or weeks later. The accuracy of a scene in the Oval Office is vastly improved if Woodward has four sources in the room instead of just one—especially if the four sources agree on the nature of the description. But readers are given no guidance on how solidly sourced each detail is.

Some of the interviewees benefit from *l’esprit de l’escalier*—they always have the perfectly crafted retort, while their opponents sound foolish or say nothing at all. One of the book’s most dramatic scenes comes six months into Trump’s presidency. The administration’s cabal of globalists—Mattis, Cohn, Rex Tillerson—spirited Trump away from the comforts of the West Wing and into the Tank, the impressive conference room in the Pentagon where the Joint Chiefs of Staff meet. The change

of setting might have allowed them to impress upon Trump the seriousness of addressing what was already emerging as the “Big Problem”: “The president did not understand the importance of allies overseas, the value of diplomacy or the relationship between the military, the economy and intelligence partnerships with foreign governments.” During the meeting, each of Trump’s advisers walked the president through the merits of the “rules-based, international democratic order”: alliances, NATO, free trade. With every pitch, Woodward lets you see Trump’s crossed arms get tighter, his brow get furrowed.

During the Tank meeting, the anti-globalist Steve Bannon was sitting in the back of the room. He serves as a kind of Greek chorus for Woodward’s account of the meeting, injecting his own disapproval and identifying how the whole effort is only hardening Trump’s views. Finally, some time during Treasury secretary Steve Mnuchin’s turn, Bannon-as-truth-telling-hero steps into the scene, supposedly after getting a subtle nod from Trump himself to get involved.

“Hang on for a second,” Bannon said to everyone as he stood up. “Let’s get real.”

He picked one of the most controversial international agreements that bound the United States to this global order. “The president wants to decertify the Iranian deal and you guys are slow-walking it. It’s a terrible deal. He wants to decertify so he can renegotiate.” Trump would not just tear it up, as he’d promised in the campaign.

“One of the things he wants to do is” impose sanctions on Iran, the chief strategist said. “Is one of your [f—ing] great allies up in the European Union” going to back the president? All this talk about how they are our partners. “Give me one that’s going to back the president on sanctions?”

Mnuchin attempted to answer on the importance of the allies.

“Give me one guy,” Bannon said. “One country. One company. Who’s going to back sanctions?”

Nobody answered.

What was the substance of Mnuchin’s attempt to answer? Did he have a sound argument? Woodward, clearly relying on

Bannon’s account, never lets us judge.

Woodward doesn’t come across as partial to one particular side of the many splits within Trump World. He lets not only Bannon but several others—Cohn, Dowd, staff secretary Rob Porter, Senator Lindsey Graham—have turns at driving his narrative. Unsurprisingly, several of his likely sources end up looking suspiciously like heroes—although some of what he describes isn’t as heroic as his subjects seem to think it is.

Cohn and Porter, allies on the issue of trade against the protectionists encouraging Trump’s pro-tariff instincts, regu-



Woodward visiting Trump Tower in January 2017

larly interfered in the president’s reckless trade actions. Woodward reports that Cohn stole bad trade declarations off the *Resolute* desk before Trump could sign them and that Porter put memos intended for Trump from his top trade adviser, Peter Navarro, into a file in his desk, never to be seen by the president. For the sake of saving the global trade order, American hegemony, and even Trump’s own political position, Cohn and Porter’s subterfuge is defensible and commendable. But is it honorable to lie to the president? Is it in keeping with your oath of office? Is it heroic to unload your story to a journalist?

But back to the question of whether all, some, or any of it is actually true. Even with the questionable writing style and obscured sourcing, the trouble with claiming Wood-

ward’s book is a “scam,” as President Trump has called it, is that its depiction of the commander in chief is consistent with much of what those of us who cover the White House and the president have seen and heard every day since he descended the escalator in Trump Tower in 2015. There is nothing new in the implied conclusions of the book: Trump is erratic, impetuous, ignorant of basic facts, unfocused, forgetful, mercurial, cruel to his subordinates, bored by details, self-absorbed, obsessed with TV. Sure, it’s possible that Woodward manipulated hours and hours of interviews and reporting to produce a book that would conform to and confirm this widely accepted characterization. But it’s also possible that the man we see at rallies, in televised interviews, and on Twitter is exactly who he is behind the scenes and that his aides and advisers are even more alarmed than the majority of Americans. This is the premise of *Fear*; readers either will accept it or they won’t.

As Woodward has defended the book against accusations that it is false or unfair, he has challenged the subjects of his book to refute specifics. The denials from current and former White House and administration officials have been broad and general, not narrow and focused. No administration officials have yet emerged to say they weren’t in a meeting that Woodward said they were. A few, like Mattis and Kelly, have denied making the insulting comments about Trump that the book attributes to them. Woodward says the two Marine generals are “not telling the truth.”

After reading *Fear*, I asked one former White House official who is mentioned in the book whether an incident in which he was depicted as being involved was described accurately. The official did not confirm or deny anything and instead requested to speak about it off the record. If Woodward’s account is inaccurate and the people he identifies care about their credibility, they ought to speak up. ◆

DREW ANGERER / GETTY



BCA

Super Bowl I: the Green Bay Packers and Kansas City Chiefs at L.A.'s Memorial Coliseum on January 15, 1967

How Football Became the American Game

As the season kicks off, a roundup of new and forthcoming books. BY MICHAEL NELSON

Many of the most headline-grabbing controversies in the history of football have been unrelated to the game itself. Take the fights in recent years over team names. At the college level, the NCAA in 2005 banned “hostile and abusive” names, even threatening the University of North Dakota and the state’s legislature that if they didn’t change from the Fighting Sioux to something else (eventually the Fighting Hawks), the university would be barred from hosting postseason competition. Only the handful of teams whose relevant tribes made clear they were unoffended—notably the Florida State Seminoles—were exempted. Other NCAA-

Michael Nelson, Fulmer professor of political science at Rhodes College, is the author of Resilient America: Electing Nixon in 1968, Channeling Dissent, and Dividing Government.

targeted schools saw the handwriting on the wall and emulated North Dakota, becoming the RedHawks, War Hawks, Crimson Hawks, or other birds of prey.

At the professional level, the most conspicuous fight over a team name has involved the Washington Redskins. It’s not my purpose here to settle the controversy—except to join the late Charles Krauthammer in asking those who defend the team’s name whether they could imagine themselves calling an actual Native American who is their own size or bigger a “redskin” to his face. Of more immediate interest is John Eisenberg’s account in his deeply researched, surprise-on-every-page, and altogether marvelous new book *The League* of how the name originated nearly nine decades ago.

In 1931 the National Football League was floundering. Twelve franchises had disbanded in the previous four years, and the four that partially

replaced them all failed too. The commissioner prevailed on his friend, Washington laundry owner George Preston Marshall, to found a team not in the nation’s then-sleepy capital but in Boston. In the prevailing practice of the day, Marshall’s new football club played in a major league baseball stadium—Braves Field—and adopted the baseball team’s name. When Marshall’s deal with the Braves eventually fell through and he moved his team to Fenway Park, he changed the team’s name while preserving the Indian theme and linking it to the new park’s major league franchise. Red Sox plus Braves divided by two somehow became Redskins.

The name remained when Washington boomed during the Great Depression and Marshall decided he at last could make money by moving the Redskins to his hometown. Once there, he doubled down on the Indian theme. A theatrical impresario, Marshall built halftime shows around a marching band whose theme song, “Hail to the Redskins,” featured lyrics like “Scalp ’um, swamp ’um, we will take ’um big score.” Things got even more extreme when Marshall, a fervent segregationist, decided to market the Redskins throughout the South as not just the southernmost team in the

FOCUS ON SPORT / GETTY

league but also as the last one to remain all white. For a time in the late 1950s and early 1960s, the line “Fight for old D.C.” in the fight song became “Fight for old Dixie.”

Marshall made money from his extensive network of Southern radio and television stations even as the Redskins, devoid of talented black players, became the league’s doormat. Only in 1961, when his hand was forced by Secretary of the Interior Stewart Udall, did Marshall grudgingly begin the process of integration. Observe the federal laws on nondiscriminatory hiring or forget about playing in the new, spacious, National Park Service-operated D.C. stadium, Udall told him.

Of even greater interest on the subject of football names is what they tell us about the origins of the sport. Ever wonder why the game we call soccer is what the rest of the world calls football (and what we call football most other countries have no interest in)? As Roger Tamte explains in his comprehensive (but not bogged-downishly detailed) *Walter Camp and the Creation of American Football*, the American game began emerging in the 1870s from the primordial soup in which soccer, rugby, and the earliest glimmerings of a new sport all swam. When Yale invited Harvard to play football in November 1875, for example, Yale was all set to play soccer and Harvard to play rugby, both of them English games. They settled on rugby but also began what turned out to be an extended, incremental process of “messing with it, changing it,” with Yale student Camp at the heart of every development.

Instead of beginning plays rugby-style with a forward movement, American football players soon began kicking the ball backward to a teammate. This “snapback,” eventually accomplished by hand rather than foot, later became known as the “snap.” “Fullbacks” who stood 15 yards behind the line of scrimmage and “halfbacks” who stood 10 yards back soon yielded primacy to “quarterbacks” who, standing just 5 yards behind the line, could more reliably receive the snap. Touchdowns, which previously had no value except to

give a team the right to kick a goal, were soon awarded points in and of themselves, fewer at first than field goals, but more in time. The extra point after a touchdown is the vestige of what used to be the game’s main scoring chance.

Most important, to keep teams from just sitting on the ball to the infinite boredom of spectators, Camp persuaded the representatives of the other Ivy League schools to require that they advance it at least 5 yards in three downs (later 10 yards in four downs). How to measure yards on the field? By marking lines so “it would look like a



Walter Camp, father of American football

gridiron,” Camp suggested. The down-and-distance rule, Tamte writes, turned the game into a “steady stream of compelling narratives”—a series of discrete plays, each designed and practiced in advance, creating the illusion that “watching a football game is like watching a military campaign.”

The innovations continued. In time, forward passes, previously banned, were allowed and the rounded, melon-sized ball was streamlined to make passing practical. Camp, who initiated most of the early changes in the game and codified them in annual rulebooks, was dubbed “the father of foot-ball in American colleges” by *Outing* magazine in 1886, even though he made his living as a rising executive with the New Haven Clock Company. But like others of his generation, Camp was slow to accept passing the ball as a legitimate

part of the game. Glenn “Pop” Warner, for example, argued that “basketball techniques” like passing had no part in what was properly the “rushing or kicking” contest he and Camp had grown used to. Early passes were not allowed to cross the line of scrimmage and, if incomplete, turned over possession of the ball to the other team.

For the most part, football was football as we know it by the time the NFL formed in 1921. (A major exception: Players were not required to wear helmets until 1939 in the college game and 1943 in the pro league; some of them instead tried to protect themselves by sculpting massive man buns.) What’s especially revealing about team names in the early professional game is the extent to which they reflected what Eisenberg describes as its highly local, “industrial town origins.” Providence had its “Steam Roller,” Pittsburgh its “Majestic Radios,” and Decatur, Illinois, its “Staleys” (after the A.E. Staley Manufacturing Company, a starch maker). Even in the contemporary era of Raiders, Chargers, and Jets, remnants of the league’s early days survive in the Green Bay Packers (packers of meat, that is) and the Pittsburgh Steelers.

In the 1930s and for a quarter-century thereafter, when a core group of committed owners began to coalesce, the NFL—“paid football,” as it was derisively known—was not only secondary to college football, but also to baseball, horse racing, and boxing. As Eisenberg shows, over time the pro game was able to climb out of this hole because those owners—the Redskins’ Marshall, the Steelers’ Art Rooney, the Chicago Bears’ George Halas, the New York Giants’ Tim Mara, and the Philadelphia Eagles’ Bert Bell (who borrowed his team’s name from the emblem of FDR’s National Recovery Administration) embraced a strategy grounded in a subtle blend of competition and cooperation.

The owners fostered competition by continuing to modify their version of football after the colleges, content with their popular success, stopped innovating. Football had become dull, these owners realized. In 1934, for example, the losing team failed to score a single

KEYSTONE-FRANCE / GAMMA-KEystone / GETTY

point in more than half the games. Usually at Marshall's initiative, the NFL removed most restrictions on passing, moved the hash marks closer to the middle of the field so that the offense had more room to maneuver, and split the league into two divisions whose seasons culminated in a championship game.

Then, even as college football continued to forbid players from being freely sent in and out of the game, the NFL decided to allow unlimited substitutions. The result was the creation of separate offensive and defensive units whose players were less exhausted and more skilled at playing on one side of the ball or the other. "We're in show business," said Marshall, who was as innovative a marketer as he was intransigent on race. "And when the show becomes boring, you put a more interesting one in its place. That's why I want to change the rules."

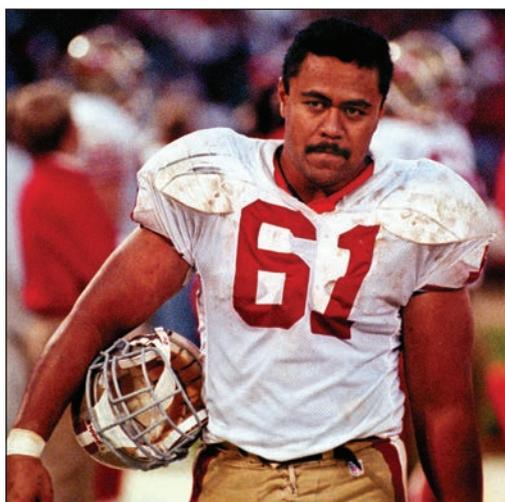
Just as important as the innovations that made pro football more competitive with the college game was the cooperation among the owners that made this competition possible. Ending the open market in player signings that allowed wealthier teams to dominate year in and year out, in 1936 they followed later-commissioner Bell's advice and instituted an annual draft in which the worst teams would have first crack at the best college players. To their credit, Halas and Mara, who owned the deep-pocketed Bears and Giants respectively, realized that although their clubs would suffer in the standings from the draft, the league—and thus their franchises—would endure only if teams were well-matched.

The best evidence that Bell and the owners were right came when a rival league, the All-America Football Conference, formed in 1946. It soon collapsed because one of the new franchises, the Cleveland Browns, was so dominant that fans outside Cleveland didn't think their teams were worth seeing and fans in Cleveland, taking success for granted, didn't buy tickets either.

The NFL absorbed the Browns, San Francisco 49ers, and Baltimore Colts and let the rest of the AAFC die. It also

absorbed the lessons of Paul Brown's success as co-owner and coach of the team that was his namesake. As told by Jonathan Knight in his breezily adoring *Paul Brown's Ghost*, Brown's innovations—studying opponents' game film, dividing the team into specialized units with their own assistant coaches, and using substitutions to send in play—turned coaches into field generals and the game into "an exercise in precision." Brown would later coach and co-own the American Football League's Cincinnati Bengals. He shepherded that team into the NFL as well.

The NFL also elevated itself by



49ers center Jesse Sapolu, four-time Super Bowl champion 'whom many Samoans venerated,' according to Rob Ruck

embracing radio and television, continuing to play during World War II after many colleges suspended their programs, and expanding west to California. The last move had the beneficial side effect of opening the league to black players when the commissioners who ran the Los Angeles Memorial Coliseum told the Rams in 1946 that they could play there only if they integrated. "There were only so many good players, and when you eliminated half of them, it was tough," said Redskins halfback Jim Podoley in 1960, one year before his own team finally became integrated in response to similar pressure from its new landlord.

The 1960s were the decade in which African Americans became a major force in pro football—opening the

door, eventually, for American Samoans, whose bittersweet saga of contributing the largest "number of athletes per capita" of any ethnic group in recent years while suffering disproportionately from their island culture's physically reckless, all-in-for-the-team approach to the game is told in Rob Ruck's *Tropic of Football*.

Ruck engagingly traces the cultural roots of Samoans' distinctive suitability for football to *fa'a samoa*—the way of Samoa—which combines intense group loyalty with a zest for fighting. Until recently that meant villages trading blows with other villages. But under American colonial influence, the ethic was transposed to school football teams playing other schools, eventually yielding a harvest of hard-hitting, intensely team-oriented NFL stars like Junior Seau and Troy Polamalu. As recently has become plain, however, all too often the consequence of playing the game *fa'a samoa*-style is brain damage culminating in misery and even suicide, as in 43-year-old Seau's tragic case.

The sixties were also the decade in which "pro football became America's game," as Jesse Berrett points out in *Pigskin Nation*, his cultural-studies-based (but non-scary) study of football and politics from 1966 to 1974.

"Baseball is what we were," columnist Mary McGrory observed in 1975; "football is what we have become."

At a time when violence seemed everywhere out of control, with riots and assassinations at home and a frustrating war abroad, football thrived by being "violent but not sadistic," in Berrett's phrase—"precise and bruising" in *Life* magazine's equally pithy description. Conservatives loved football's raw masculinity and "meritocratic traditionalism." Richard Nixon, for example, was a true fan who also saw that publicly embracing the game was a way to connect with previously Democratic Southern whites and blue-collar Northerners. But even Nixon's liberal opponents, Hubert H. Humphrey and George McGovern, realized that their

best endorsers were football players who were “at once celebrities and regular Joes.” It fell to novelist Don DeLillo to get the game’s resonance with the spirit of the age exactly right. Football is “not just order but civilization,” he wrote in *End Zone*: the leashing of humankind’s aggressive nature by rules, referees, organization, and self-discipline.

Merging with the 11-year-old upstart American Football League in 1970 also helped the pro game. The AFL didn’t make the same mistake as the AAFC: It not only drafted college players to keep the league competitively balanced but also distributed revenue from its national television contract to all teams. The new league added Southern franchises, put players’ names on their jerseys, and allowed two-point conversions, all of which were innovations the NFL adopted after the two leagues merged. The cherry on top, as Dave Anderson chronicles in his newly back-in-print reporting classic *Countdown to Super Bowl*, was the 1969 championship game in which the AFL’s underdog New York Jets defeated the NFL’s previously dominant Baltimore Colts.

Racial integration came late to the NFL but in a torrent when it did. Rising at an accelerated pace after the merger with the AFL, the percentage of African American players in the league eventually reached its current level of about 70 percent. As it happened, full integration’s late arrival overlapped with the rise of major product endorsement deals for celebrity athletes—Hertz for running back O.J. Simpson and Coke for Mean Joe Greene in football, Nike for Tiger Woods in golf and Michael Jordan in basketball, and so on. The result, Howard Bryant argues in his all-too-discursive but often on-the-mark book *The Heritage*, was that black stars became reluctant to embrace controversial civil rights causes that would jeopardize their appeal to white consumers.

Earlier black stars like Jackie Robinson, Muhammad Ali, and Cleveland Browns running back Jim Brown (subject of a fine, albeit leftish, new biography by Dave Zirin) tended to speak out on racial issues. This practice declined as lucrative endorsements became

more common, a trend that to some degree has been reversed by athletes’ responses to the recent police shootings of black men and boys in Ferguson, Missouri, and elsewhere—not to mention Nike’s decision to feature the protesting former 49ers quarterback Colin Kaepernick in its latest “Just Do It” advertising campaign.

Newly outspoken players had no idea what an uproar reviving “the Heritage” would trigger. As Bryant points out, the 9/11 attacks on the World Trade Center not only made the soldiers who fight overseas wars objects of veneration at

*Say what you will
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Bending the knee to
Trump, as the owners
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football games, it did the same for first responders at home, especially police officers. For a player to kneel or raise a fist as the national anthem is sung was seen by many fans—especially white fans—as slurring the flag the soldiers fought under. To aim the protest at the police was to insult officers in what had become their ceremonial backyard.

When Kaepernick sat during the anthem before the first two exhibition games in 2016, hardly anyone noticed. Only about a dozen other players emulated him that year, and then just occasionally. It took the president of the United States to light the match that ignited the firestorm. “Wouldn’t you love to see one of these NFL owners, when somebody disrespects the flag, to say, ‘Get that son of a bitch off the field right now. Out! He’s fired,’” Donald Trump told an Alabama crowd in September 2017.

Most commentators picked up on Trump’s attacks on the players; few noticed that the direct object of his ire was “these NFL owners” who, rejecting

Trump as a suitor again and again since the early 1980s, had long disdained his efforts to become one of them. In 1983, Trump bought a franchise in the new United States Football League and soon organized an anti-monopoly lawsuit against the NFL in hopes of forcing the league to let him in. When the lawsuit earned the USFL only one dollar (actually \$3.76 when triple damages and interest were added), the league folded. As Mark Leibovich recounts in his windy, overly personal, but often insightful new book *Big Game*, Trump then made unsuccessful runs at the New England Patriots in 1994 and the Buffalo Bills in 2014. Spurned yet again by the owners as a “scumbag huckster,” “a clown and a con man,” Trump hit back as a candidate and as president. His attacks on the owners for not cracking down hard enough on the protesting players touched “a throbbing nerve on the right, making the NFL an improbable symbol of permissive leadership and political correctness,” Leibovich writes. “Football has become soft,” Trump sniffed.

To be sure, today’s team owners and NFL commissioner Roger Goodell, together the focus of Leibovich’s book, have responded to these and other new challenges with none of the adroitness or public spiritedness that Eisenberg discovered in the founding generation. Say what you will about the merits of the on-field protests; taking a knee in that setting takes guts. Bending the knee to Trump, as the owners have done, takes none. Nor, for that matter, does cringing when the players bark back, as the owners also have done.

“The Membership” aka “the Thirty-two” is a considerably older, stodgier, and more entitled group than the founders (80, Leibovich notes, is “‘middle-aged’ by Membership standards”). Unlike their predecessors, the Thirty-two feel little loyalty to their home cities. Stan Kroenke, named after St. Louis Cardinals icon Stan Musial, didn’t hesitate to leave behind generations of devoted fans and move his hometown team to Los Angeles. Nor did Mark Davis blink before leaving passionate Raider enthusiasts in Oakland after Las Vegas flashed “a

near-billion-dollar stadium deal ... like a high roller dangling a C-note at a strip club.”

Owners also are prone to making retro remarks to players, like “You guys are cattle and we’re the ranchers” and “We can’t have the inmates running the asylum.” With so much money at stake, Thomas George shows in *Blitzed* (an example of a worthy article pumped up to book length), rookie quarterbacks are often drafted higher than they should be and shoved into starting assignments prematurely, lest jersey sales and local ratings flag.

Even Tom Brady—*Tom Brady!*—was hung out to dry by New England Patriots owner Robert Kraft when he decided to appeal his suspension for allegedly deflating the footballs used during the first half of the 2015 AFC championship game. Describing the goosebumps he felt when he was accepted as a member of the Thirty-two, Kraft declared, “we won’t appeal” because “I don’t want to continue the rhetoric.” “What the f—?” Brady exclaimed to NFL Players Association executive director DeMaurice Smith, according to Casey Sherman and Dave Wedge in their generally persuasive pro-Brady book *12*.

Generally persuasive because although at the end of the supposedly deflated-ball first half the Patriots led the Indianapolis Colts 17-7, they outscored them 28-0 in the second half with undisputedly pumped-up balls.

The public-relations problems the NFL created for itself with its awkward handling of the players’ protests and deflategate are as nothing compared with the long-term threats to the viability of the game from chronic traumatic encephalopathy (CTE) and changes in the broader culture.

Starting on September 28, 2002—the day when the autopsied brain of a dead ex-NFL player was first found to bear evidence of CTE—a massive amount of scientific research began

to accumulate suggesting that not just severe concussions but also the cumulative effects of many routine hits can damage the brain in ways that may later bring on CTE, ALS, Alzheimer’s, Parkinson’s, dementia, severe cognitive impairment, and other diseases.

After scientific research and especially bad publicity forced its hand, the NFL finally began taking head injuries seriously as a medical problem with implications both for how the game is played—helmet-to-helmet



New England Patriots Tom Brady and Aaron Hernandez; Hernandez’s lethal violence and suicide may have been linked to brain damage he endured playing football.

tackles were banned, and then in time for the current season all helmet-first tackles were; kickoffs were moved forward to the 35-yard line; and players were forbidden to make a running start before the ball is kicked. How injured players are handled has changed, too: “Shake it off” was out; “no-go” for games and practices without an okay from an independent neurologist was in.

To be sure, there’s a lot that we still don’t know about football and the brain. Are there contributing factors—genetics? steroid use?—that explain why some former players suffer severe brain damage in later life while most do not? Did it “impact Aaron [Hernandez]’s behavior” when the former Patriots tight end, afflicted

with CTE in his mid-20s, murdered a man in 2015 and then killed himself in prison two years later? “To suggest it didn’t would be ridiculous,” argues Hernandez’s lawyer Jose Baez in his troubling book *Unnecessary Roughness*.

Looking forward, are there ages at which, because the braincase is still hardening and necks are still thickening, playing organized tackle football should be forbidden? Would additional rules changes, like banning the three-point stance for linemen that places their heads directly in the path of collisions, make the game measurably safer?

The brain-damage issue aside, marked as it is by the NFL’s long concealment of important information from its own front-line, in-the-arena employees, it’s worth remembering that professional football players are just that, *professionals*: grown men who choose to embrace a violent career in hopes of receiving massive compensation. As Nate Jackson, an ex-player who lasted six seasons in the NFL (about twice the average), wrote in a typically lyrical passage from *Slow Getting Up: A Story of NFL Survival from the Bottom of the Pile*, professional players are “pulled toward the mayhem. ... [T]he smell of grass and sweat: sacra-

ments for bloodshed.” Still, he added, when the money is gone, “there is no incentive to continue. There’s a reason why you don’t see grown men at the park in full pads playing football.” It’s the same reason more and more parents are steering their kids into different sports. Even ex-NFL stars Troy Aikman, Brett Favre, and Terry Bradshaw have said that knowing what they now know they’d want their sons to stay away from the game, at least for a while.

Evidence of life-ruining injuries aside, why do football and other sports wax and wane in popularity? Michael Mandelbaum, in his deeply thoughtful 2005 book *The Meaning of Sports*, argued that during most of the 20th century baseball was America’s leading sport because it served as a pleasant reminder

of an agrarian past for city dwellers who often were just a generation or two away from the farm. Football, according to Mandelbaum, was the right game for the mid- and late-century urban industrial nation. As with modern life in general, and in sharp contrast to baseball, football is “played by the clock” and in disregard of weather. It was, he wrote, “the sport of the machine age because football teams are like machines, with specialized moving parts that must function simultaneously.”

Not football but basketball, with its free-flowing, networked action, may soon come to dominate the age we live in, Mandelbaum argued. Today he might add that although basketball is intensely physical, it’s seldom debilitating—basketball players bang hard, but it’s shoulder-to-shoulder and elbow-to-chest, not head-to-head. NBA owners in particular have avoided confronting players about pregame protests, knowing that it takes two to rumble and in the absence of fight-club-style publicity, the media, the public, the players—and the president of the United States—are less likely to turn up the volume. A 2013 ESPN survey found that basketball has already surpassed football (and everything else) as kids’ favorite sport to play, and the NBA generates far more action on Twitter than any other professional league. Grownup spectators still rank football first, but as of a January Gallup poll, just 37 percent do so now, down from 43 percent as recently as 2007. NBA ratings are up and NFL ratings down, fewer boys are playing football in youth leagues, and so on.

Still: Football’s reign has not yet ended. Between them the current generation of NFL owners possess 20 of the world’s 50 most valuable sports franchises, according to *Forbes*. But after the real work of building the league was done by Rooney, Halas, Mara, Marshall, and Bell and carried on by Bell’s successor as commissioner, Pete Rozelle—the names we’ll remember long after the Kroenkes and Davises pass from the scene—how could the Membership not thrive? As offensive lineman Eric Winston notes, “Hey, even the worst bartender at spring break does pretty well.” ♦

BCA

The Kafka Papers

It took an international legal battle to settle the fate of the author’s manuscripts. BY CHRISTOPH IRMSCHER

When, at the end of Franz Kafka’s great novel *The Trial*, the judgment rendered by a remote court for a crime that has never been disclosed is carried out, when Josef K. feels the knife entering his chest, the final thought that flashes through his mind has the precision and clarity that eludes us in life: “Like a dog!” he said; it seemed as though the shame was to outlive him.” There is nothing so clear-cut and distinct about the thoughts of the protagonists of Benjamin Balint’s tale, which is, in the most general sense, about who has a right, legal or moral or both, to the papers that Kafka left behind when, in 1924, aged only 40, he succumbed to tuberculosis.

Balint’s story is a complex one, due in no small degree to the fact that Kafka hadn’t really wanted to leave anything behind. In a note he kept in his desk, the Jewish-Czech-German writer asked his closest friend, Max Brod, to burn his manuscripts, an order Brod ignored. Lest anyone think that refusal a betrayal of their friendship, Brod later suggested that Kafka should and would have known that he could never do such a thing. Were it not for Brod, Kafka would not have ascended to his hallowed status as one of the most important European modernists; without him, we would not have the great novels (*The Trial*, *The Castle*, and *Amerika*), the letters, the diaries, and many of the stories. Literary history abounds with such well-intentioned acts of defiance. Lavinia Norcross Dickinson, for example,

Christoph Irmischer, provost professor of English at Indiana University, is the author, most recently, of Max Eastman: A Life.

Kafka’s Last Trial
The Case of a Literary Legacy
by Benjamin Balint
W.W. Norton, 279 pp., \$26.95

dutifully burned her sister’s correspondence but spared the poems; had she been any more loyal, no one would know the name Emily Dickinson today. Brod does have a point: If you want to make sure, do the job yourself. A lesson heeded by Henry James, who made a bonfire in his Lamb House backyard and threw in the letters he wanted to keep from posterity.

Kafka’s Last Trial, Balint’s engaging new book, is full of such examples of second-guessing, full of people and institutions appearing to know how Kafka would have preferred to view himself or where, had he not wanted them destroyed, he would have liked his manuscripts to be—in the German Literature Archive, the main national collection of papers by German writers; in the National Library of Israel; or in the hands of the woman Brod had chosen to take care of them: Esther Hoffe, his former secretary. Kafka himself envisioned something like this situation in the haunting last story he wrote, “Josefine the Singer, or the Mouse Folk,” about a fragile, vulnerable mouse singer intent on perfecting her extraordinary art. The mouse folk, her devoted followers, virtually imprisoned, fear that when she leaves all music will stop or disappear. As the story goes on, the less-than-sympathetic narrator begins to insinuate that Josefine perhaps isn’t all that talented, that her singing might be a series of squeaks rather than the rapturous coloraturas that the mouse people think they hear. At the end of the story,

Josefine disappears, losing herself, with some relief, the reader imagines, in the “countless throng” of ordinary mice.

There is reason to suspect that Kafka, in that finicky mouse artist, had given us his self-portrait, that his wish not to have his papers preserved was due to his horror at the thought of seeing his unfinished work made widely available. But the option to disappear among his people—Josefine’s exit route—was not given to him even after death. The legal and moral motives people have given for laying claim to his literary remains are, taken on their own terms, perfectly understandable. The state of Israel, concerned about shoring up its own cultural legacy, wants to keep inside the country major cultural assets connected with the history of Judaism. The German Literature Archive in Marbach, which had already acquired the original manuscript of *The Trial* from Esther Hoffer and would like to own more, sees Kafka as an integral part of German literary history. Finally, Eva Hoffer, Esther’s surviving daughter and heir, sees the papers (and her right to decide whom to sell them to) as an integral part of her own financial survival.

There is the additional question of whether Germany, forever compromised by the Holocaust, should be allowed to have a place at the bidding table at all. While Kafka was an unreliable Zionist at best, he experienced his share of virulent anti-Semitism. In an unforgettable anecdote, shared with his sister Elli, he recounts sitting on a bench in Berlin’s botanical garden admiring a lovely, long-legged girl only to realize, belatedly, that the word she had called out to him was an insult: “*Jude*” (Jew). Elli and Kafka’s other two sisters perished in the death camps.

Benjamin Balint spent hours interviewing people, sitting through endless sessions in high-ceilinged Israeli courts, and going for walks through the streets of Tel Aviv with Eva Hoffer. He also did a fair amount of reading, particularly of the works of the prolific Brod, Kafka’s most faithful faithless friend. But he keeps him-

self largely out of the story, appearing mostly as a capable reporter and patient interlocutor, summarizing the opinions of others (“in this view”) rather than disclosing his own. His narrative proceeds in spurts, with necessary information often withheld until long after it was needed, a structural principle that I found at first disconcerting but then came to accept as a rather fitting equivalent for the convoluted nature of his material.



Franz Kafka (1883-1924)

And though Balint agrees with the canard of Brod’s lack of greatness, he ironically makes him the subject of the book’s most memorable, beautifully conceived vignettes: Brod fleeing Prague on the last train out, carrying a tattered suitcase with Kafka manuscripts; Brod in a permanent state of displacement in Israel, hampered by his lack of fluency in Hebrew; Brod, aged 84, dying in a Tel Aviv hospital, liberated from his wrist restraints by the ever-present Esther Hoffer. Brod’s desperate grandeur and his attempts to make sense of a world that no longer needs the likes of him are touching. Gershom Scholem once lamented the curious twist of fate by which Kafka’s reputation had become intertwined with such a mediocrity. But while it is generally accepted that no one would recognize Brod’s name today were it

not for Kafka, I wonder if the opposite might be true also: that Brod’s entanglement with Kafka’s estate has prevented us from considering such an interesting figure (who was, incidentally, a composer as well as writer) on his own merits.

Some plot elements of Balint’s tale evoke that archetypal story of literary possessiveness, Henry James’s *The Aspern Papers* (1888). Eva Hoffer’s righteous indignation at the intrusions of the Israeli state into her affairs does remind us of the fury of Miss Bordereau, erstwhile lover of the poet Jeffrey Aspern, and her piercing scream, at the end of the novella, when she finds the narrator attempting to break into her shrine of manuscripts: “Ah, you publishing scoundrel!” But Balint’s story has little of the simmering eroticism of James’s work—and it certainly never matches the magic of Kafka’s fictions. His characters don’t come as shockingly alive as Kafka’s figures do, whose every feature, from the tattered clothes they wear to the perspiration that gathers on their foreheads, invades and then permanently inhabits the reader’s consciousness. This is not Balint’s fault. All in all, the battle over Kafka’s literary remains, fought by mostly reasonable people with mostly reasonable claims, is insistently mundane, never turning into the parable of our darkest fears Kafka would have made of it.

And unlike Kafka’s novels, *Kafka’s Last Trial* has a happy ending of sorts. On August 7, 2016, Israel’s high court ruled that Kafka’s papers, along with Brod’s own estate, belonged in the National Library of Israel. Hoffer, at best a flawed guardian of Kafka’s manuscripts, felt disenfranchised, even “raped,” by the judges, but I was impressed by the care and literary acumen that some of them displayed in their written opinions. The National Library has promised to digitize Kafka’s manuscripts. Yet what might be the archival scholar’s dream-come-true would, arguably, have been Kafka-Josefine’s worst nightmare: the imperfections of his work laid bare, for everyone to see, a mere mouse-click (pun intended) away. ♦

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The Ol' College Heist

Why four young men risked prison to steal rare books from a Kentucky university library. BY GRANT WISHARD

You probably missed *American Animals* in June when it hit theaters—starting in just four of them, in a limited run in New York and Los Angeles.

But thanks to Amazon's streaming service, the indie has a chance to reach the audience it deserves.

The film tells the true story of four male college students who, in December 2004, stole rare books worth millions of dollars from the library at Transylvania University in Lexington, Kentucky. On a visit to the library, the promising young art student Spencer Reinhard is struck by the beauty of a book displayed prominently in the special-collections room: John James Audubon's *The Birds of America*. It is one of the most valuable books in the world; copies have sold for \$8-12 million. Spencer casually mentions this to his impulsive childhood friend Warren Lipka, and while accounts differ as to which of the two guys is the Danny Ocean of this heist, they are soon working on a plan to steal the Audubon and other books.

They stake out the library, draw escape routes, and arrange covert meetings in New York and Amsterdam with people who might help them fence the stolen goods. Spencer and Warren bring aboard two other accomplices—students Eric Borsuk, the strategic brains of the operation, and Chas Allen, the getaway driver. While taking classes and studying for exams, the four start researching thefts—relying on Google and movies like *The Thomas Crown Affair*—and formulate a plan involving a gray minivan, elaborate old-man disguises, and a Taser.

Grant Wishard is a writer in Northern Virginia.

American Animals
Directed by Bart Layton



The robbers in their old-man disguises

The Taser is needed to overcome the greatest obstacle, logistically and morally, in their path: the librarian in charge of the rare books, Betty Jean "B.J." Gooch (played by Ann Dowd). Three of the conspirators refuse to have anything to do with "neutralizing" or "eliminating" her—the men use vague and unspecific words to avoid confronting the truth of the violent act their whole enterprise depends on—so Warren promises to handle Gooch alone.

The "hows" of the heist—and what goes wrong to land the men in prison—make for entertaining and suspenseful viewing, but they take a back seat to the "whys." Why would a talented art student, a star soccer player, a smart accounting major, and a kid who had bought his first rental property at 16 want to put their comfortable lives at risk? Critics have largely concluded that the movie is about upper-class privilege. Parents and teachers shielded the boys from life's consequences, told them they were special, and next thing you know, little Johnny's in lockup.

This isn't quite wrong, but it is too simplistic. The movie is also a rumination on memory and purpose. In a master stroke, writer-director Bart Layton includes the real Spencer, Warren, Eric, and Chas in the film—so the four men comment on the story as it unfolds and interact surreally with the actors portraying them (respectively Barry Keoghan, Evan Peters, Jared Abrahamson, and Blake Jenner), as when an older, wiser real-life Spencer watches sadly as young "Spencer" drives past, unstoppable, to his ruin. The drama-documentary hybrid also lets Layton explore the ways memories have smudged over the last decade.

As to the big "why" question, after seven years in prison, all of the real-life thieves have had plenty of time to put words to their angst, but none of them seems able to explain his motivations well. All express remorse—especially for the terror and harm they inflicted on B.J. the librarian—but they can't quite explain why they did what they did. Money doesn't seem to have been the chief motivator; it is scarcely mentioned and never dreamed about.

Spencer comes closest to articulating what drove him. "Growing up, I had a desire for some kind of life-altering experience," the real-life Spencer explains. The character Spencer makes a similar point early in the film, asking Warren whether he shares the feeling of "waiting for something to happen but you don't know what it is? But it's that thing that could make your life special?" Spencer had read about famous artists—including Audubon—who had to overcome great suffering for their work and he felt like they somehow understood more about life than he did.

For college-age Spencer, and perhaps the other three young men, with lives of moderate bourgeois success and frustration mapped out for them, the heist offered a forbidden opportunity for true greatness. *American Animals* is about the longing for such undefinable yet life-defining existential transformations—and the costs they can exact, both on others and on one's own soul.

◆ THE ORCHARD / MOVIEPASS



Evil in the Dock

Retelling for a new generation the story of Eichmann's capture and trial. BY JOHN PODHORETZ

For those who know about the astoundingly nervy mission in which Israeli agents in Argentina secretly apprehended the fugitive war criminal Adolf Eichmann and whisked him off to Jerusalem to be tried as the architect of the “Final Solution,” the new film *Operation Finale* may seem unnecessarily didactic. The movie stops here and there and forces the actors to provide wooden exposition about the historical details it portrays. It is unfortunate that screenwriter Matthew Orton and director Chris Weitz were unable to find a more graceful or supple way to handle these matters.

But then it occurred to me: How many people today actually *do* know about the Eichmann case? His seizure took place 58 years ago, his trial 57 years ago, his execution 56 years ago, and the publication of Hannah Arendt's *Eichmann in Jerusalem* 55 years ago. The never-ending controversy over Arendt's repugnant treatment of the case is likely responsible for the fact anyone knows anything at all about Eichmann today.

Three generations have come to life since he was apprehended. More than three-quarters of Americans were not yet born when Israeli prime minister David Ben-Gurion announced to a shocked world that Eichmann had been removed to Jerusalem to face trial for his crimes—the first time in history, as Orton has Ben-Gurion say in *Operation Finale*, that the Jews secured



Ben Kingsley as Adolf Eichmann on trial in Jerusalem

the power to judge their executioner.

It is a great and twisty story that begins with a happenstance: A blind Jew living incognito in Argentina (played by, of all people, the 1970s miniseries king Peter Strauss) figures out that his daughter's new beau is Eichmann's son. The news is transmitted to Jerusalem, and the legendary spy chief Isser Harel (played by Lior Raz, creator and star of the popular Israeli Netflix show *Fauda*) begins designing the mission to capture Eichmann. (In fact, it took several years for the mission to get underway, but the compression of time here makes sense for dramatic purposes.)

The movie focuses on the intelligence officer Peter Malkin—the Israeli who approached Eichmann as he walked home down Garibaldi Street in Buenos Aires on May 11, 1961, said

“*Un momentito, señor,*” and subdued him until colleagues drove up and stuffed him in a car. Once they got Eichmann to the safe house where they had to stash him for 10 days while they prepared to spirit him from the country, Malkin unexpectedly became the key to getting Eichmann to talk about his crimes and cooperate at a crucial moment. His terrific 1991 book *Eichmann in My Hands*, written with Harry Stein, is the key source material for the movie; in the book, he portrays himself as a far jauntier and more amused person than the solemn and haunted fellow Oscar Isaac limns in *Operation Finale*.

But Isaac's Malkin isn't really a character; he's a stand-in for Israel and post-Holocaust Jewry. He is haunted by the memory of his sister Fruma and her children, slaughtered in a mass grave in a Polish forest, and is unable to form meaningful human attachments as a result. By bringing Eichmann to justice, he finds a measure of peace and is able to move on with his life.

If the movie has a flaw apart from its earnestness, it is that Ben Kingsley's Eichmann is such a compelling character you kind of miss him when he's not on the screen. In part this is

due to the fact that Kingsley is one of the greatest actors alive. But it is also due to the decision made by Orton and Weitz to offer an implicit criticism of Arendt's horrific “banality of evil” thesis. Their Eichmann is satanic in his incomprehensible mysteriousness—a subtly devious manipulator of his interrogators who maintains a chilling power even in his hopeless state. The movie's indelible moment comes when Malkin feeds a blindfolded Eichmann for the first time and watches him bite and chew with terrifyingly regimented precision.

I took my daughters, 14 and 11, to see *Operation Finale*. Now they know something crucial about their people and our history they did not know before—about a moment in time when a victimized people transcended their victimization. For that alone, I am deeply thankful this movie was made. ♦

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

THE NEW YORK TIMES **OP-ED** WEDNESDAY

ANONYMOUS

Resistance Shmesistance

The author is senior Trump administration official.

Okay. So, folks, I know some liar wrote all that stuff last week, terrible stuff, about our president, who, let me tell you folks, is really a great president. Really great. The best probably. But come on. You didn't believe it, did you? Really, people, there's no resistance, let me tell you. NO RESISTANCE. Never was a resistance. Seriously, folks. Not even a small, tiny resistance. Zero resistance. Zilch resistance, okay? Okay.

I mean, come on, people! This is just the FAKE NEWS media and the WITCH HUNT! So unfair! These people, believe me, these people say so many UNFAIR and UNTRUE things about Trump. The most unfair things about him, I'm telling you. Sad.

So really, folks, forget the liars. There are some wacky liars out there, with some wacky lies about Trump, believe me. It's just so unfair, the lying. Not good. I tell you, I'd like to just shut them down, am I right? Would be nice to look into shutting them down, I don't know. But this is America, so I guess that's not allowed. Anyway, folks, Trump is winning, the economy is beautiful, I mean truly, really beautiful, believe me. America is winning, and it's driving them CRAZY. The media, the Dems, all of them. Liar Bob Woodward. Pocahontas. Crooked. All of them.

They've lost it, folks. That's the truth, just lost it. Look at what they're saying! Can you believe the stuff these people are saying now? I mean, people trying to derail Trump from inside the White House? Stealing papers off of his desk? I mean, come on! Have you ever tried to take something from Trump? Impossible! HUGE HANDS!

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