

# McCarthyism Misapplied

by Conrad Black



It is a bit rich for my esteemed colleague Jonah Goldberg, one of the most persevering but civil of the Never Trumpers, to write, as he did [a few days ago](#), that the Trump emphasis on an FBI spy in his campaign was reminiscent of McCarthyism.

Senator Joseph R. McCarthy, on the floor of the Senate on June 14, 1951, devoted eight hours to accusing General George C. Marshall of delivering eastern Europe to Stalin, and China to Mao Tse-tung, in “a conspiracy so immense, as to dwarf any previous such venture in the history of man . . . deserving of the maledictions of all honest men.”

McCarthy accused Presidents Roosevelt, Truman, and Eisenhower of being Communists or Communist stooges. If Jonah Goldberg can't distinguish Trump from McCarthy, he won't recognize the real thing if it reappears.

Although President Trump offended even some of his supporters

by coining the word "Spygate," this unfolding scandal is a good deal more disconcerting than Watergate was. That was a forced entry into the Democratic-party offices that hurt no one, stole nothing, did no damage, and was partisan espionage. There followed revelations of unwholesome political activities by a Republican party and administration that were facing a great deal of media hostility, leaks, and mainly nonviolent guerrilla activism.

There has never been any convincing evidence that President Nixon himself was involved, but it is not so clear whether he had any hand in attempted obstructions of justice, which did occur. But the incident was so immensely publicized, and did move Nixon to resign his office to end the national crisis, that adding the suffix "-gate" to almost anything implies notorious wrongdoing.

This president's political and press opponents represented his upset victory as tainted by illegal and synchronized Russian interference in the 2016 election. Hillary Clinton in her book cited the pastiche of defamatory lies (the Steele Dossier), which she had herself commissioned and paid for and which has been almost entirely discredited, as evidence of Trump's betrayal of America, without mentioning to her readers that she had paid for the confection of the source, presumably imagining this act would not soon emerge.

The FBI, CIA, and NSA directors all briefed the new president about the dossier without identifying its origins. Yet FBI director James Comey asked for retention of his position, promising he didn't "lie, leak, or make weasel moves." As all the world knows, when Comey was fired, on the recommendation of the deputy attorney general (Rod Rosenstein), he illegally leaked a self-addressed memo alleging that Trump had interfered in the investigation of General Michael Flynn, (a claim that has been discredited), in order to incite the appointment of a special prosecutor in the Russian question. That investigation had been proceeding for nine months and has

continued for over a year since then under Robert Mueller.

The president's objections to the FBI's insertion of an informant in his campaign without telling him until 18 months later are reasonable. Not a shred of evidence of Trump collusion with the Russians has surfaced; there was no serious evidence of a crime prior to the appointment of Mr. Mueller, contrary to the generally agreed context of the legislation enabling appointment of special prosecutors.

It has been an investigation stuffed with rabidly partisan Democrats; and there is no indication that it has looked at Russian relations with the Democratic campaign. Mr. Mueller is increasingly hobbled by the emerging questions of its legitimacy – set up by Rosenstein in the absence of a crime after the agitation of Comey, whose dismissal Rosenstein had urged, although special counsels are not appointed to investigate counterintelligence matters.

A president cannot be indicted in office, so it cannot have had any other purpose but to find something that would justify the House of Representatives to vote impeachment and send the president to trial in the Senate. Mr. Rosenstein retroactively expanded the ambit of the investigation but refuses to tell congressional committees or the White House what the new scope is, and Mr. Mueller is threatening a subpoena, though it is not clear that the president would have to answer a subpoena in this unprecedented case, or that there would be serious consequences if he ignored it even if it was validated by high courts.

The president can order that the Justice Department release everything it has, at any time, and is regularly urged to do so. This is the corner Mr. Trump's opponents have backed themselves into, and former Director of National Intelligence James Clapper still states his conviction that the Russians threw the election to Mr. Trump – with, confessedly, no evidence (which has been the problem of the anti-Trump

argument from the beginning).

Mr. Mueller seems to be scruffing around a weak argument that there was obstruction of justice in uncoordinated comments about a meeting with a Russian lawyer and the president's son, son-in-law, and campaign manager at the Trump Tower two years ago. It hasn't been explained well, but the president hasn't obstructed anything.

However, there is extensive public evidence that Messrs. Clapper, Brennan (who recently tweeted that Mr. Trump could "not destroy America"), Comey, his former deputy Andrew McCabe, and Mrs. Clinton and her entourage all lied to Congress or to federal officials. The former attorney general and deputy attorney general (Loretta Lynch and Sally Yates), and Mr. Rosenstein himself, are among those implicated in misleading the Foreign Intelligence Surveillance Act court, and all are in the gray zone of potential indictability and conviction.

I agree that phrases such as "deep state," and "conspiracy" are being bandied about too loosely, but it is more obvious every week that senior officials of the former administration and the Clinton campaign are guilty of, to say the least, gross improprieties. Mr. Mueller will probably have to accept Rudolph Giuliani's conditions for questioning the president, and Mr. Mueller will not get anything damaging from Trump.

He can't stonewall Mr. Trump's counsel with any confidence that the Supreme Court and Congress will support him. Mr. Mueller will have to start winding it up soon, before the president invites the nation to be the jurors in November. In such a contest, the Trumpophobic mudslingers who occupy our television screens, such as Congressmen Adam Schiff and Brad Sherman, both California Democrats, will be ground to powder. (Even the ineffably tiresome Mark Warner, Democratic senator of Virginia who conjured the thousand Russian agents in Wisconsin, has been shut down.)

Donald Trump is no Joe McCarthy, Robert Mueller is an emperor with threadbare clothes, the investigative cupboard is almost empty, and Mr. Trump's enemies can hear the flames crackling in the straw. This preposterous farce justifies an orgy of jumbled metaphors; ring down the curtain, it is almost over.

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