

The Current Panic

We need to recover distinctions, when it comes to sexual misconduct.

by Conrad Black



The practice of instant, fierce, and quickly passing controversy seemed to come upon this country, not altogether coincidentally, with the rise of Donald Trump. The Billy Bush tape was clearly timed and aimed to destroy his candidacy, and in the two days between its release and the second presidential debate, Reince Priebus, then party chairman, virtually checked out, Speaker Paul Ryan disinvited Trump from a joint event in Wisconsin, and vice-presidential nominee Mike Pence went silent. Numerous senators and congressmen renounced their support for his candidacy, including current senators Crapo, Fischer, Gardner, McCain, Portman, and Thune. But Trump held an extended press conference with three women who claimed to have been sexually assaulted by Bill Clinton, and another whose alleged rapist was acquitted by the legal talents of counselor Hillary Clinton. Trump apologized for what he had said eleven years before. And he emphasized that a tasteless and inappropriate comment that he regretted was much less offensive than actual physical assaults on women as were alleged against Bill Clinton. He counter-attacked both

Clinton, held his own in the debate, and the Republican Party creaked back, jittery but supporting the nominee. It was an immense controversy but it had nothing to do with being president; it didn't work as a knock-out punch and passed quickly.

Once he was installed in office, there were the apparent crises of the presidency, all based on the theory that Trump was self-evidently illegitimate; he had to be, because he attacked all factions of both parties and the entire political system apart from the Constitution. There thus began the crowded sequence of destabilizing protests, each stirring the anti-Trump media to new paroxysms of moral fury designed to prevent the new president from governing. There were the "pussycats," protesting misogyny (a sentiment Trump has never expressed, though he has been fairly raunchy at times). Teeming masses of actresses and other feminists marched impotently in nearly 200 locations in the world – supported, from Perth, Australia, by Bruce Springsteen – proclaiming "the Resistance." There was nothing to protest or resist, and the rage evaporated.

The temporary block on travel to the United States from six countries led to hasty judge-shopping on the flaky West Coast bench to find a few federal judges who would purport to deny the president his statutory right and duty to control the borders. The argument was that it was a religious ban, and that even Yemenis and Iranians somehow had the right not to be discriminated against at their point of origin if they chose to come to the U.S. Democratic Senate leader Chuck Schumer purported to be weeping, in unison with the Statue of Liberty. There were demonstrations in many places and terrible slowdowns at airports, rioting in several places, including at the Berkeley campus, with extensive vandalism. The president did not take the bait and ignore the silly local judicial rulings, but instead imposed the controls at point of entry and then rejigged his order to include a number of non-Islamic

countries, including Chad, North Korea, and Venezuela. The issue has gone away.

There was unfounded alarm that the president had not reaffirmed Article Five of the NATO treaty (an attack upon one is an attack upon all). In August came the Charlottesville riot, where Mayor Signer and Governor McAuliffe, pillars of the Resistance, ensured that the police would not thoroughly separate the two factions, and what began as a disagreement about whether to remove a statue of General Robert E. Lee became a confrontation between Nazis and Klansmen on one hand, against, on the other, Antifa and the militants of Black Lives Matter (who had killed eight policemen and wounded twelve in Dallas and Baton Rouge in July 2016). In condemning both sides, and saying there had been some good people among those who wished to retain Lee's statue, the president was ferociously panned in the anti-Trump media for implicit racism, another unfounded charge. There was a brief frenzy of tearing down and removing Civil War statues in the South, ludicrous ceremonies of young adults kicking and spitting on felled effigies of Confederate soldiers, and so forth, and then, like a fever, this, too, passed. There have been many other such brief crazes.

Obviously, issues of the sexual harassment of women, especially juveniles and particularly if any aggressive physical contact is involved, are a subject that will not, and should not, suddenly vanish. But aspects of the current controversy are nonsense. The latest outburst of these episodes began with the arraignment of Hollywood producer Harvey Weinstein by the *New York Times* and *The New Yorker*. Their research appeared to be thorough and the film community was not surprised by the accusations, but there has been no due process whatever as Weinstein has been torn down, disgraced, and stigmatized. (His initial defense, that he has always supported the Left politically, revealed its hypocrisy and confirmed that the Clinton defense of attacking "bimbos"

from trailer parks has magnified the harassment problem.)

Then came Roy Moore, with, like the Billy Bush tape with Donald Trump, every indication of a political hit job by the *Washington Post*. (The Bush tape was from NBC but released by the *Post*.) The *Post* brought forward a very plausible account of a tactile exploration, with no removal of clothes, by Moore 38 years ago, of a then 14-year old girl. Moore vehemently denies it. Leigh Corfman, the wronged woman, confirms that the *Post* sought her out, asked her to make her recollections of the incident public, and met her condition that others come forward also. The *Post* managed to recruit a number of other women who made somewhat similar claims though without the underage aspect, and Gloria Allred, the inevitable champion of all female plaintiffs against male misbehavior, subsequently brought forward another accuser. This isn't proof; it was 38 years ago; and there have been no credible complaints about Moore since.

Minnesota liberal Democrat Al Franken has been accused of harassment of a radio personality and former model (an imposed kiss and a photograph of him appearing to touch her breasts while she was asleep on an airplane), in 2006. I wouldn't vote for either Moore or Franken, for diametrically different reasons, but I don't think on evidence adduced to date that either has disqualified himself from serving in the U.S. Senate (although I have always believed that Franken stole his original election from Norm Coleman). When it comes to seekers for public office, I do not accept the Mitt Romney distinction between notional probabilities concerning conflicting versions of events and proof beyond doubt for a crime (a standard that is not observed in the U.S criminal-justice system in any case, because of the corruption of the plea-bargain system). Nor can I join in Peggy Noonan's celebration of the end of the "He said-she said" era. If we get into a regime of denunciation based on subjective probabilities, any man can be forced out of public life by millions of women.

In these two cases, even if the accused men did what has been alleged, if that is all they did of this kind of activity, they are not morally disqualified. If Moore has been an upright, sexually unoffending man for 38 years (during which time he has often been an election candidate), his alleged conduct with Ms. Corfman, though outrageous, was not an assault and is not really relevant now; and his denial is not completely incredible. Franken has not admitted the allegations against him, but has apologized, and the photo is not out of character: It is absurd and not amusing, but what is claimed should not force him out of the Senate. (Nor can the instant dismissal of Charlie Rose by CBS and PBS be justified. His recollections are different from those of the complainants and no one seems to be claiming an assault.)

Women should not be afraid to complain if they have been genuinely subjected to harassment.

It is good that women should not be afraid to complain if they have been genuinely subjected to harassment (an offense that will require much more careful definition), so that men know that improprieties will, at the least, lead to severe embarrassment (as Moore and Franken are going through). But men (and women) have a right to be tasteless, stupid, and offensive without having their careers abruptly terminated with no deliberation or mercy. Moore can stay as a candidate (and the idea of excluding him from the Senate if he is elected is bunk), and Franken can remain. And I would always be happy to see Charlie Rose again, personally or on television, regardless of whether he disported himself before individual female staff au naturel, as Mark Steyn said last week, "like Big Bird." Official Democratic flimflam about the venerable Representative Conyers is the first sign that this craze is passing; stealing a kiss might be disgusting in some cases, but it isn't rape, and America's sex life can't be run by the Red Queen.

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