

Standards for nominees. Almost everyone can agree that a Supreme Court nominee should be a person of excellent character. In the Thomas hearings, the issue of character was muddled at the outset when Arlen Specter said that the judgment on him should be based on his "character," not his "record," which, Specter said, was fuzzy because the nominee had retracted some of his earlier views. Also, many of his writings and speeches did not represent his true beliefs because they had been designed to garner support from conservatives. Specter found nothing wrong with this kind of campaigning. Saying things one does not believe to win votes may be the norm in politics, but it ought to be a disqualification for serving on the Supreme Court. There are enough good people with solid convictions available to make it unnecessary to accept someone who shaves the truth in the service of ambition.

As to the nominee's record and philosophy, the American Bar Association calls for a commitment to "equal justice," the words carved in stone on the Supreme Court building. Of course, the question of whether a nominee should be urged to state his or her views on particular Supreme Court precedents is a tricky one. The pitfalls of seeking advance commitments from a nominee on specific issues in a highly charged political climate are obvious. But certain past decisions (for example, *Brown v. Board of Education* on the meaning of equal protection of the law and *Roe v. Wade* on the meaning of privacy and liberty) are so closely linked to broad constitutional principles crucial to protecting rights and liberties that hearing a nominee's views on them seems essential to assessing a commitment to equal justice. To state such views would not compromise a nominee's ability to adjudicate the many issues of interpretation and remedy that arise in particular cases.

The problem is eased, of course, when the nominee has articulated a philosophy that provides a guide to his or her decision making. In that case, even if the nominee has withheld comment on particular precedents, the committee can form a judgment. If in the future the Senate is unwilling to require nominees to have a demonstrated commitment to equal justice and a coherent judicial philosophy, the confirmation process is a sham.

Standards for senators. If the term "McCarthyism" is defined as the abuse of government authority by a public official calculated to cause harm to the reputation and career of a citizen, then it certainly was on display in the Thomas hearings. Recall the allegedly devastating list of charges against Anita Hill that Alan Simpson claimed to have but never produced. Or Specter's repeated accusations of perjury against Hill, based solely on a seeming inconsistency in her testimony on a peripheral point. Specter's defense—that he was merely doing a lawyer's job assigned him by the committee—doesn't wash. According to the A.B.A.'s Canons of Professional Ethics, lawyers are obliged to treat "adverse witnesses" with "fairness and due consideration." When citizens petition their government for a redress of grievances, they are entitled to proper consideration. Senators who abuse them should be brought to account before the Senate, as McCarthy was.

Standards for Presidents. If President Bush had consulted any group of eminent lawyers and scholars—conservative or

liberal—he would have learned that Thomas could not make a list of the top 500 candidates. But Bush was more interested in scoring political points and playing the race card. And so he set in motion a process that brought all three branches of government into disrepute. No institutional fixes can improve the confirmation process if there is no sound judgment and generosity of spirit at the top.

JFK: The Myth

"He's hot, he's sexy—and he's dead." That memorable *Rolling Stone* headline referred to Jim Morrison, but it might well have been John F. Kennedy, the other subject of a major Oliver Stone release. Both men were American icons of the same generation, and in translating important aspects of their respective iconographies to the screen Stone was playing with fire. Though P.C. snobs may sneer at the fuss made over a couple of long-dead white men, the one a drug-enhanced, sex-crazed, promising but unfulfilled rock star; the other a drug-enhanced, sex-crazed, promising but unfulfilled politician, nevertheless the cults around the fallen idols are larger than life or death, fervently followed and vigorously, indeed viciously, defended.

Stone got off relatively easy with *The Doors*, an often rapturous movie that, unfortunately, not too many people went to see. (He told me last summer that he is especially angry at blacks, who apparently stayed away in droves for what Stone said were "racist" reasons.) *JFK* is a different matter. Even before it opened in mid-December it was a political event of phenomenal proportions: the story of the season between the Anita Hill-Clarence Thomas hearings and the end of the Soviet Union. Future conspiracy theorists will surely note that Mario Cuomo defied all expectations and announced his decision *not* to run for the presidency *on the very day that JFK opened nationwide!*

Notwithstanding the particular assassination theory Stone propounds, and his rather adoring assessment of Kennedy's foreign policy, the furious arguments and attacks engendered by the movie have very little to do with the material of history but rather abound in the stuff of myth. For virtually every American alive and conscious of a social reality in November 1963, the assassination forms the central political myth of the public world. The myth is in the matrix of the national experience, etched by television and consecrated by ritual, and no amount of political science will demystify the memory of murder.

Those dogged researchers who have dared over the years to deconstruct the myth have made hardly a dent in the national consciousness. Most have been labeled assassination maniacs, nuts and kooks, and their works have remained on the margins of legitimacy (and some really *are* nuts). Others (like myself, and more recently in these pages, my friend Alexander Cockburn) who have tried to debunk the part of the myth that insists that Kennedy was about to withdraw troops from Vietnam, achieve détente with Khrushchev and bestow peace on the world, have similarly made little headway with

history. When the Prince of Peace is martyred, no one wants to hear that he was not a prince nor particularly pacific.

Stone neither deconstructs nor debunks. His method is to substitute another myth—consistent, compelling and just a little unconvincing—for the “official” one that seems to have been a comfort for so long but is so shot full of holes by now that it can barely float. Certainly he has every right to do what he does. John Ford’s *December Seventh*, recently remembered as the fiftieth anniversary of Pearl Harbor came around, also mixed documentary footage with reconstructions and simulations, inserted historical speculations as ironclad fact and gave heroic (or villainous) dimensions to ordinary people. It was a great film and brilliant propaganda, which is to say, what movies ought to be.

But reasonable columnists like Tom Wicker (who was in Dallas that day), cool commentators like Cokie Roberts (whose father, Hale Boggs, was a member of the Warren Commission) and what seems like the unanimous journalistic establishment are ready to burn every print of *JFK* if they could because of the damage a countermyth, an alternative paradigm, is thought to do to the national spirit and, I guess, the collective will. Monolithic myths—the manifest decency of America, the infallibility of the church, the existence of historical truth—are more fascistic than any transient leader. In that case, a little narrative pluralism can be truly subversive. Now, it may be hard for some to admit that Oliver Stone, with \$40 million per film at his disposal and virtually unlimited media access, can be a subversive force, but he has done a great service by recasting the idols in the heart of the temple.

ANDREW KOPKIND

(A review of *JFK* appears on page 62.)

Boris the Brief?

Forced out of office and deliberately humiliated, Mikhail Gorbachev nevertheless left the historical stage with the dignity of an actor who was aware of the crucial part he had played. In his final address to the Soviet people on Christmas Eve, he justified *perestroika* on the ground that when he took over, the Soviet people could not go on living as they had: “Everything had to be altered radically” both on the home front and in foreign policy. But he did not try to explain why he ultimately failed, why he ended up putting his divided country on the road to capitalism after setting out with the clear purpose of leading it, united, to some form of democratic socialism. If he intends to tackle this issue in the memoirs he now has the leisure to write, he may well draw a lesson from the farewell tributes paid to him by Bush, Thatcher and company. The Western leaders who hailed him when he surrendered had failed to help him economically when it really mattered, because they still mistrusted his conversion to capitalism.

With Boris Yeltsin, the sincerity of his conversion is not the issue. The question is whether he can deliver. There was never any doubt about his ruthless capacity to bulldoze his way to the top. This apparatchik turned born-again capitalist, the scourge of privilege converted to preacher of profit, was not

burdened by principles in his climb. In the last phase of his battle against Gorbachev, when Russia stripped away the remaining prerogatives and properties of the Soviet Union, leaving its president naked, Yeltsin played by his own rules—establish facts first and worry about legal justifications later.

The snag is that what is useful on the way to the top may be awkward once you get there. The breakup of the Soviet Union suited Yeltsin’s plan, but will Moscow now be able to bully Ukraine or Kazakhstan into line, notably to accept a unified military command? The real difficulty, however, is economic. It was one thing to put the blame for the economic disaster on Gorbachev and a central government allegedly not bold enough to follow the recommendations of the International Monetary Fund. It is quite another to apply those recommendations—which will mean a dramatic rise in prices, a drastic drop in living standards and a sharp increase in unemployment—with the scapegoat gone.

Contrary to current belief, it took years for Gorbachev to lose the bulk of his popularity at home. It may be a matter of months for his successor. Will he go down as Boris the Brief, swiftly swept aside by a wave of popular discontent? Or will he be known as Boris the Terrible because of the measures he could impose to break popular resistance? Judging by the steps he’s taken during this period of transition—the promise nearly to double the pay of Russian soldiers and the attempt to revive a mighty Ministry of the Interior—he may well try (unlike Gorbachev) to cling to power by hook and by crook.

Yet the question of Yeltsin’s ultimate fate aside, it has become increasingly clear that while the old regimes could be brought down throughout Eastern Europe with the help of a popular movement, capitalism cannot be introduced in that area by genuinely democratic means. As this idea is being confirmed, the hypocrisy of our establishments—so fond in the past of democracy and of movement from below, provided they occurred beyond the Elbe—will be revealed. And what if it was not freedom and the rule of law that were always at stake but profits and the forms of ownership? Could Orwell have imagined that the heir to Big Brother in that part of the world, though let us hope a provisional one, would be the International Monetary Fund?

DANIEL SINGER

Edward Sorel is taking two months off to recharge his batteries. Robert Grossman will ably fill the page.

★ CHARIOT OF EMBERS

*Buchanan says let's break away
From foreign states—the pack that trapped us.
We'll run in daylight, all alone
(Because the Japanese have lapped us).*

Calvin Trillin