



# Hack Haven

## The Stephen Glass affair shakes the *New Republic*.

**W**hat did the *New Republic* know, and when did it know it? The venerable (est. 1914) magazine of commentary and opinion says it had no idea one of its writers was making things up until an alert reader proved it, but that's an excuse and not an explanation. The fact that the *New Republic* did not catch up to Stephen Glass until it did means either (a) that its editors had not read his articles, or (b) they had read them, but saw nothing wrong with them, or (c) they knew very well there was something wrong, but decided that was irrelevant. The *New Republic* itself suggests (b) as the only possibility, but a more likely explanation for what happened is some combination of (a) and (c). Beware when an opinion magazine falls in love with its own voice and high moral-ity, and forgets about truth in reporting.

The article that finally did in Glass, "Hack Heaven," appeared in the May 18 issue, although some of his readers, at least, were suspicious of him long before that. In "Holy Trinity" (January 27, 1997), for example, he wrote about an 80-year-old widow who worshipped at the shrine of Paul Tsongas. In "Peddling Poppy" (June 9, 1997) he discovered The First Church of George Herbert Walker Christ. Its members observed Kosher dietary laws, and though they divided over pork rinds, they all eschewed broccoli. In "Plotters" (February 23, 1998) Glass wrote about the Commission to Restore the Presidency to Greatness. It was made up of middle-aged white guys, and Glass said he had attended one of its meetings. It had a

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"Vice President for Vince Foster's Death Affairs," and a Senior Deputy who insisted Bill Clinton was really a woman; he thought she was Hillary's lesbian lover.

And so on. Glass's forty-one articles were always well written and often entertaining, but usually decorated with red flags. You had to notice one of them sooner or later. For this long-time reader and frequent admirer of the *New Republic*, that happened first with a single sentence in "Spring Breakdown" (March 31, 1997): "Her lipstick has rubbed off on her wine glass, leaving only the cherry outline." It was a small detail perfectly observed, and it made for a very nice sentence, although it was unlikely Glass had ever observed it. Ergo he was writing fiction. In the wake of the Glass debacle the *New Republic* would say its fact-checking system had broken down, but that was a lame excuse. Many supposed facts defy checking, and must be submitted instead to a smell test. The lipstick, wine glass, and cherry outline, for example, would not have passed it. They were too perfect to be true. When a writer's observations and other embroideries consistently fail a smell test—as Glass's would have failed time and again, if some adult at the *New Republic* had bothered to run the test—it means the writer must be watched. Goodness knows what he might do next.

So back now to "Hack Heaven," the article in which everything finally unraveled. The 25-year-old Glass often wrote about young masters of the universe, and "Hack Heaven" purported to be about a teenage computer whiz who had broken into the database of a software company called Jukt Micronics. Then he supposedly posted the salaries of all its employ-

ees, along with pictures of naked women on its website. Desperate Jukt executive Glass wrote, then tried to hire him or buy him off. The kinky lead began as follow

Ian Restil, a 15-year-old computer hacker who looks like an even more adolescent version of Bill Gates, is throwing a tantrum "I want more money. I want a Miata. I want a trip to Disney World. I want X-man comic (book) number one. I want a lifetime subscription to Playboy, and throw in Pen house. Show me the money! Show me the money!" Over and over again, the boy, who is wearing a frayed Cal Ripken Jr. T-shirt is shouting his demands.

Many readers probably stopped reading right there. (Who cares what the bra wants, and what's a Miata?) But Adar Penenberg, an editor at the online *Forbes Digital Tool*, kept going, and as he did he grew suspicious. Then, when he tried to verify the article, he found that nothing it was real—not Ian Restil, not Jukt, nothing at all, in fact, right down to the if's, and's, but's, and howevers. He also found that Glass had worked hard at his lying. To support his bogus article, he had created a fake website for Jukt and a phony voice mail on his brother's cell phone.

Penenberg told the *New Republic* about his findings, and, according to the *Washington Post*, Charles Lane, the editor of the *New Republic*, then undertook his own investigation. Shortly afterwards he fired Glass. "Asked if the magazine should have detected problems in Glass's work earlier," the *Post* reported, "Lane said: 'It's perfectly fair question. I expect to be asked that repeatedly; I've asked it of myself.'"

**B**ut the answer to the question, of course, was yes; the magazine should have detected the problems, and fired Glass some twenty or thirty

7 articles earlier. As a journalistic organization, however, the *New Republic* had suffered an institutional collapse. Good people may have been coming and going, but liberal dilettantism had taken over. What mattered was not what Glass said, but how he said it; also, journalists have more important things to do than to assemble dreary facts. Their world view is what counts, and a show of sangfroid helps. On the day the *Post* broke the story about the *New Republic's* disgrace, there was a revealing exchange between Andrew Sullivan and Katha Pollitt. Sullivan, a former editor of the *New Republic*, is now a senior editor. Pollitt is a columnist for the *Nation*. They were posting chatty notes to one another in the online *Slate's* "The breakfast Table."

Sullivan went first that day, with a note just before noon. Word about the Glass scandal was all over Washington by then, but Sullivan was concerned with "Seinfeld." He thought it a "brilliant exposition of how friendship really works and enriches our lives, and how it's possible to be happy, fulfilled, attractive and single." He wanted to know if Pollitt agreed, or whether her "anti-bourgeois knees go twitch at its self-absorption."

Pollitt replied forty-three minutes later. She thought "Seinfeld" fascinating. It proved there was "no popular tide of social conservatism — family values, back-to-basics, rural-nostalgia, recycle-your-virginity, all that." Then she went on to the lay's "interesting news," particularly the piece in the *New York Times* about child marriages in India. When she eventually got around to Glass it was only to recall him as "a very amusing writer." She still smiled, Pollitt wrote, when she remembered "his piece about Fed Ex and UPS — had to think that maybe it isn't true that women all over America have erotic fantasies about their UPS man, and that UPS uniforms are not one of the most popular costumes at costume parties!"

When Sullivan got back to Pollitt almost four hours later he told her he agreed about "the atrocities in India," that he had contributed money to a group called Equality Now, and that "the religious right is very uncomfortable defending women's equality for obvious reasons." Then he also got around to Glass.

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Sullivan said he was "in a state of shock." When Glass was his assistant he was "the sweetest, brightest guy imaginable." This is "one of those moments," Sullivan wrote, "when you question everything, especially about the value of journalism." Sullivan said he was going "through one of those Kubler Ross passages, as is everyone else at TNR," but then he concluded with something cheery: "By the way, I can't imagine he made up the stuff about straight women/gay men having fantasies about UPS men. I have a friend in New York who used to send himself packages twice a day just to catch a sight of those brown shorts."

And then Pollitt, 2 hours 29 minutes later: "Well, Andrew — can it be? Two hearts that beat as one? I too contribute to Equality Now!" Then Pollitt talked about this and that, and then she got on to Glass: "The thing is, even if Stephen Glass made it all up (except about the UPS men, as you say, mine is also very cute, and a real union man too!) he's still a terrific writer." Pollitt concluded: "I wish young Stephen all the best."

So none of it really mattered, and no one was really to blame. Liberal dilettantism also means never having to say you're sorry. Sullivan, who had hired Glass in the first place, questioned not himself but the "value of journalism," while Pollitt wished the young serial liar all the best, presumably because he was a good writer. The young serial liar, however, had discredited the 84-year-old magazine even more thoroughly than had the old lefties who once used its pages to defend Stalin's show trials. The old lefties had principles, even if twisted, but Glass appears to have had none. On the other hand, God forbid,

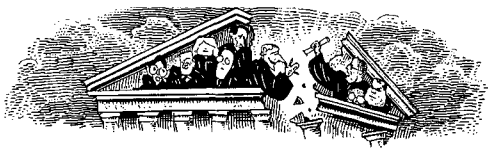
he seems to have been giving the *New Republic* exactly what it wanted.

Consider "Spring Breakdown," Glass's fantasy about the Conservative Political Action Conference at the Omni Shoreham in Washington. The *New Republic* people probably howled when they read it. Glass was some reporter. He is actually in the room when eight young conservatives, "in a haze of beer and pot, and in between rantings about feminists, gays and political correctness," think up a repulsive plan. Three of them will drive to a local bar, and "choose the ugliest and loneliest woman they can find," and one of them will lure her back to the hotel room. Then he will undress her, and after he does five of the young conservatives will spring out from underneath the beds, and shout and take her picture.

It all goes like clockwork. The three go to a bar, and soon spot their victim. ("Her lipstick has rubbed off on her wine glass, leaving only a cherry outline.") Shortly afterwards she is in the hotel room, and half an hour later she begins screaming. Then: "The door flies open, and she runs out. Tears, black from the mascara, stream down her face. She is holding her shoes and gripping her blouse to her chest." Meanwhile, "inside the room, Charlie gives Seth a high-five," and Seth "promises to get the photo developed and duplicated in the morning."

But the story reeks, and does not pass a smell test. Glass could not have been outside the room looking at the woman, and inside the room listening to the young men at the same time. They were imaginative creations, like the UPS man in shorts. Indeed very little in the story held up if you read it carefully, although it seemed the *New Republic* did not care. Even if Glass had made up the facts, he apparently had captured the essence. "This is the face of young conservatism in 1997," he wrote, "dejected, depressed, drunk, and dumb." "The repellent scene" in the hotel room, "was only a little beyond the norm of the conference."

Perhaps that was it all along. The liberal dilettantes wanted to have their worldview confirmed, and at the same time be amused. ❁



# Rule by Unaccountability

Critics of the independent counsel don't go far enough.

In the mid-1980's, conservatives denounced the institution of the special prosecutor—or independent counsel, as it is now called—as a constitutional perversion. But since a succession of Reagan administration officials had recently been set upon by special prosecutors, liberals dismissed these constitutional arguments as partisan special pleading. When a test case reached the Supreme Court in 1987, Justice Antonin Scalia voiced the constitutional objections to this institution. But the majority of the Court held otherwise—and it was a majority of 8 to 1.

Now quite a few men of the left say that, come to think of it, Scalia had a point. This spring, Anthony Lewis saluted Scalia's prescience in the *New York Times*. Prof. Cass Sunstein of the University of Chicago Law School wrote to the same effect in the *American Prospect*. So did Jeffrey Toobin, formerly on the staff of Independent Counsel Lawrence Walsh, in the *New Yorker*. Echoing Scalia's dissent in *Morrison v. Olson*, these new critics call the independent counsel a constitutional monstrosity because he has no accountability to the president or to any elected official, an effectively unlimited budget, no competing responsibilities, and every incentive to pursue his case with obsessive zeal.

I don't know about Justice Scalia, but having published such a criticism of my own in these pages in 1986, I can't say that recent liberal endorsements of this argument give me much satisfaction.

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Current opponents of the independent counsel ignore the whole array of other extra-constitutional innovations that delegate basic policy decisions to unaccountable figures.

The gravamen of the case against the independent counsel is that he is wielding the powers of the attorney general without the political accountability of that office. One might call the independent counsel a sort of "private attorney general." Yet the private attorney general is a pervasive feature of liberal governance; the very term appears in over 300 cases decided by federal district courts in the past year alone—and not as a term of abuse. Most often, plaintiffs are eager to be recognized as a "private attorney general" because federal law now accords all sorts of special privileges to litigants who can claim this title.

For instance, under the False Claims Act of 1986, whistle blowers who learn about fraud by government contractors or grant recipients may file charges against them, and if they win a conviction, may keep a portion of the fines that would otherwise go to the federal treasury. The theory is that such claimants act on behalf of the United States and therefore need not show personal harm or injury from the wrongs that they bring to light. Many of the claims are brought by disgruntled or recently terminated employees with a personal score (if no legal case) to settle. Many are also brought by sheer bounty-hunters, who try to make a case out of technical mistakes in reports to the government.

Most Americans would be apoplectic if the IRS allowed private bounty-

hunters to search for flaws in individual tax filings and sue the delinquent tax payers "on behalf of the government." But that is, in effect, what defense contractors and grant recipients at universities are now subject to. The Justice Department (which answers ultimately to the president and congressmen or oversight committees) need not endorse these private prosecutions. Yet typically after the Justice Department reviews the claims and declines to act on its own, the claims go forward.

Other plaintiffs who claim the status of "private attorney general" are seeking remuneration for bringing a successful lawsuit on a constitutional or civil rights issue. Critics of the independent counsel complain that he can focus on one or other investigative obsession and keep billing the government for his costs. What, then, should we say about the village atheist—or local ACLU lawyer—who obsesses over the Christmas tree on city property or the closing benediction at the graduation ceremony at the local high school? He can carry on endlessly, and so-called fee-shifting statutes give him not only the resources but the incentive to do so. In 1988, federal appeals judge Richard Posner protested the way in which fee-shifting turns even "a simple case into two or even more cases—the case on the merits, the case for fees, the case for fees on appeal, the case for fees providing fees, and so on *ad infinitum* or at least *ad nauseam*."

More recently, a federal judge in Illinois, ruling on a case against the Bishop of Chicago, protested the system that provides "little or no incentive for lawyers to resolve a case before rushing to the courthouse" since with fee-shifting, "the sooner the meter begins to run the better."