

# Commentary

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## Contentions

### Into the Breach (again) with Mark Levin

[Peter Wehner](#) 03.21.2011 - 3:22 PM

Mark Levin has offered a [long rebuttal](#) to [my post](#) about about the Bush record. Herewith, my counterpoints:

1. Mark says, “[W]hen Pete says that Bush never supported amnesty, he’s incorrect. Bush supported massive amnesty, but was loath to admit it, and he did so without learning from Reagan’s experience.” That statement is false. “Amnesty” means, by definition, to exempt from penalty. The [Bush position](#) was that illegal immigrants who have roots in our country and want to stay should have to pay a meaningful penalty for breaking the law, including (a) paying a fine, (b) making good on back taxes, (c) learning English and (d) working in a job for a number of years. People who met those conditions would be able to apply for citizenship — but approval would not be automatic. In addition, they would have to wait in line behind those who played by the rules and followed the law.

Now one may believe the penalties Bush recommended should have been more punitive. But Mark’s assertion that Bush’s position constitutes amnesty, no matter how often he repeats it, is incorrect. President Reagan, on the other hand, provided illegal immigrants with blanket amnesty and defended the idea in principle in his 1984 [debate with](#) Walter Mondale.

2. On the Supreme Court, my point remains un-refuted: Bush appointed two originalists, John Roberts and Samuel Alito, while Reagan appointed one, Antonin Scalia, and two individuals (Sandra Day O’Connor and Anthony Kennedy) who tend to embrace the “living Constitution” theory. Harriet Miers may or may not have turned out to be a reliable conservative vote, but it’s a moot point. The acid test, in terms of legacy and Supreme Court cases, are the appointments themselves, not the ones that weren’t made. When it came to the failure to overturn *Roe v. Wade*, for example, what mattered were the votes cast by Justices Kennedy and O’Connor, not the ones that could have been cast by someone else. Mark believes Reagan should be immune from criticism for those whom he placed on the high court while Bush should be blamed for those he did not. In any event, Roberts and Alito are exceptional justices, as Mark admits. As for the other points Levin makes about Reagan’s contributions to the courts and originalism, I fully agree: they are worthy of high praise.

3. On taxes: again, my original point remains un-contradicted. Reagan made historic tax cuts for which

he deserves enormous credit. Beyond that, he introduced (with the encouragement of Jack Kemp) a new theory of economics, supply side, which was a huge intellectual breakthrough and a great economic success. I simply pointed out that Reagan also raised taxes many times during his administration, including what then the largest tax increase in American history. Bush's tax cuts were not nearly as large as Reagan's were, but they were substantial. And Bush, unlike Reagan, never raised taxes. Because of the size, reach, and scope of the 1981 tax cuts, Reagan's record is unrivaled. But Bush's record on taxes is, from a conservative perspective, unvarnished and outstanding.

4. On spending: there's a bit of an irony in Mark citing the Cato Institute, which eviscerated Reagan on spending when he was president — accusing him (absurdly) of being a big-government sellout. In any event, as I said before, Reagan gets the nod over Bush on spending. But for a fair-minded account of Bush's spending record, I would strongly urge people to read [this analysis](#) by Keith Hennessy. Among the relevant findings:

- \* Average federal spending was a smaller share of the economy during the George W. Bush administration than during each of the Clinton, George H.W. Bush, and Reagan administrations.
- \* The same is true for taxes. Average federal taxes were a smaller share of the economy under our 43rd President than under our 40th, 41st, or 42nd.
- \* Of the four, President Clinton's deficits were smallest, almost entirely because his revenues were highest. President George W. Bush had the second-smallest deficits of the four.

5. On Libya, Mark's recounting of events is a bit mangled and misleading. As Elliott Abrams [explains here](#), Muammar Gaddafi — fearful in the immediate aftermath of Saddam Hussein's regime being overthrown — raised a white flag of sorts, agreeing (a) to abandon terrorism and (b) relinquish his programs for developing missiles and weapons of mass destruction. The Bush administration ensured that Gaddafi upheld his end of the deal. In addition, Libya began making payments (totaling \$1.5 billion) to the families of those killed on Pan Am 103. As for claims from Libyans related to airstrikes from 1986, no U.S. taxpayer funds were sent, though \$300 million in compensation from other sources were.

6. On Israel, Mark writes, "Pete gratuitously asserts that Bush was Israel's best presidential friend. I have no idea what he means, since he does not explain himself." I'm delighted to elaborate. I actually wrote that Bush was "perhaps" the greatest friend Israel ever had as president, with Truman in mind. To that end, here's the view of Thomas Neumann, executive director of the Jewish Institute for National Security Affairs, which is widely shared: "This [the Bush administration] is the best administration for Israel since Harry Truman [who first recognized an independent Israel]."

Former Israel Prime Minister Ariel Sharon spoke about "a special closeness" with Bush. "Sharon was describing what his American supporters call the closest relationship in decades, perhaps ever, between a U.S. president and an Israeli government," according to [this account](#). Elihu Ben-Onn, a former Israeli general, put it this way: "Many Israelis look at Bush as one of the best friends we've ever had in terms of understanding our problems and his attitudes towards Israel." [This article](#) provides details on why Bush was so beloved in Israel.

7. Mark says this about the withdrawal of American forces from Beirut after the 1983 bombing of the Marine barracks: “the problem Reagan faced was not one of omission or passivity or priorities. It was not so clear who was responsible at the time, or who or how to effectively strike.... I would also caution Pete that although bin Laden mentioned [Beirut], let me suggest that bin Laden didn’t need that act of terrorism or any other excuse to motivate him to unleashed the 9/11 attacks on our country...”

That’s actually not quite right. Robert C. McFarlane, President Reagan’s national security adviser at the time, was awakened by the duty officer at the White House situation room, who reported that Marine barracks in Lebanon had been attacked by Iranian-trained Hezbollah terrorists. As McFarlane [has written](#), “Once American intelligence confirmed who was responsible and where the attack had been planned, President Reagan approved a joint French-American air assault on the camp — only to have the mission aborted just before launching.

In retaliation for the attacks, France (which suffered far fewer casualties than America) [launched an airstrike](#) in the Beqaa Valley against Islamic Revolutionary Guards positions. The United States sat it out.

There’s more. Islamic Jihad phoned in new threats against the Multinational Force (MNF) pledging that “the earth would tremble” unless the MNF withdrew by New Year’s Day 1984. In response, Marines were moved offshore. On February 7, 1984, Reagan ordered the Marines to begin withdrawing. Their withdrawal was completed later that month, four months after the barracks bombing and several months before the rest of the multinational force was withdrawn.

As for bin Laden: I didn’t argue that the American withdrawal from Beirut increased his hatred for America; what I argued is that it led him to believe we were a “paper tiger” that would crumble if later attacked. And McFarlane, in summing up the lessons of our withdrawal from Beirut, wrote, “One could draw several conclusions from this episode. To me the most telling was the one reached by Middle Eastern terrorists, that the United States had neither the will nor the means to respond effectively to a terrorist attack.” It was, Reagan’s national security adviser admitted, “one of the most tragic and costly policy defeats in the brief modern history of American counterterrorism operations.”

Here, now, are a few summary thoughts on our exchanges:

Mark claims I am “unimpressed by Reagan’s conservatism but evocative of Bush’s.” That claim is slightly bizarre, given that I wrote in my original post, “I wouldn’t dispute for a moment that in the totality of his acts, Reagan was the most influential conservative ever to serve as president. He also ranks as among the greatest presidents in our history.”

My point in engaging Mark in the first place was to challenge his claim that “Bush’s record, at best, is marginally conservative, and depending on the issue, worse.” This assertion, echoed in his second response, is belied by the facts. The best way to illustrate this, I think, isn’t to judge Bush against an abstract standard of fidelity to conservatism but to compare Bush’s record on a range of issue to the great champion of conservatism, Ronald Reagan, who, like every president, had to govern in less than ideal conditions, with cross-cutting pressures, often having to make difficult decisions based on lots of uncertainties.

I never said Bush's record as a conservative exceeds Reagan's. I said, and the weight of the evidence shows, that it stacks up pretty well, and certainly much better than Levin believes. As for another charge by Mark: I have no interest in rewriting the Bush administration's record. I myself have criticized it on occasion (most especially our Phase IV strategy in Iraq). I am simply trying to rescue it from sometimes false, sometimes sloppy, and sometimes misleading attacks.

Mark, with whom I have a cordial relationship, is a very good lawyer. In this case, though, he has erred in two respects. His piece reads like a lawyer's brief against Bush and for Reagan. That's fine in a courtroom; I'm not sure it works nearly as well when assessing the full historical record.

On Bush, Mark has been a relentless critic, admitting successes only sparingly and reluctantly. The tip-off here may be that nowhere does he credit Bush for the surge, a remarkable demonstration of presidential leadership; for keeping America safe in the aftermath of 9/11, when almost everyone thought another attack would occur; or for Bush's fierce and vigilant prosecution against militant Islam. Even some of Bush's liberal critics credit him with these.

Mark is a ferocious critic of amnesty, but when it came to Reagan, the one president who actually (and proudly) signed a blanket amnesty bill, Mark spins it in the best light possible. On Anthony Kennedy, "there was no indication of his later activism." On Sandra Day O'Connor, the defense is that Barry Goldwater recommended her and that she was an affirmative action appointment (Mark is usually not inclined to defend such things). And I have already shown how Mark's portrayal of what happened after the Beirut bombing was highly selective.

Notice the pattern? President Reagan's mistakes, which were blessedly few, are always explained away. Had any other political figure committed anything like these transgressions from conservative orthodoxy, regardless of extenuating circumstances, Mark would have ripped the hide off of him and repeated those failings like an incantation. The effect of this would be to create a false, cartoon-like impression instead of a balanced, historically accurate one — rather like what Mark does with Bush, come to think of it.

Mark is a fiercely loyal defender of Reagan, which is admirable. Yet in this case what he's doing is actually something of a disservice to Reagan. Ronald Reagan was a human being, not a demigod. The fact that he was merely human and achieved such excellence makes him even more impressive. And to portray my original critique as an assault on Reagan, to react as if I had thrown a brick through the stain-glass window of a cathedral, strikes me as silly. To rightly learn the lessons of history, we must see our leaders clearly — their strengths and their weaknesses, their successes and failures. That is as true of the presidency of Ronald Reagan as it is of the presidency of George W. Bush.

Mark concludes by saying he's eager for third parties to read our debates and judge for themselves whose perspective and account of things is more accurate and intellectually honest. On that he and I are in full agreement.

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