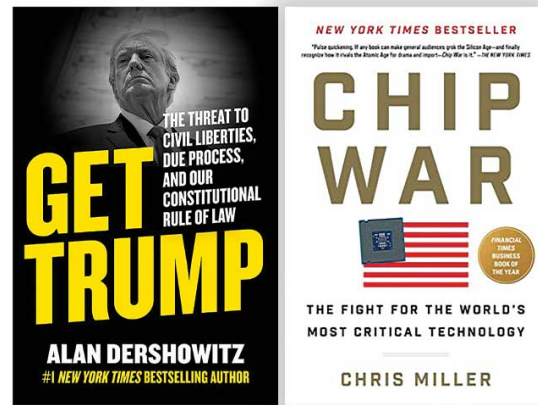




The Review

Dershowitz: Leftist Zealots Are Wrecking the Constitution

Get Trump: The Threat to Civil Liberties, Due Process, and Our Constitutional Rule of Law, by Alan Dershowitz, New York: Skyhorse Publishing, 2023, 168 pages, hardcover.



In his book about the Ahab-like campaign to destroy former President Donald Trump even if it means destroying the U.S. Constitution, former Harvard law professor Alan Dershowitz uses “zealots” nine times and “zealotry” twice. So *Get Trump: The Threat to Civil Liberties, Due Process, and Our Constitutional Rule of Law* is a book about zealots. Leftist zealots. Zealots who wallow in Democrat Dershowitz’s corner of the political barnyard.

In 168 pages and five chapters, Dershowitz describes the utter madness that Trump has inspired. So determined are his haters that they’re willing to do anything, whether it’s suspending the law, civil liberties, or even common sense, to get him. Dershowitz and anyone else who demands that the rule of law prevail are fair game. Long-standing allies and friends have attacked and abandoned him. Trump haters have banned him from speaking. The real nutters have been nasty to his *wife*.

Dershowitz is truly worried that Trump Derangement Syndrome has so gripped the Democratic Party and American Left that American law might never be the same. And he’s crystal clear that the very real threat he sees to American civil liberties is coming from his side: leftists and liberal Democrats who, when it comes to POTUS 45, have lost their marbles.

Twisting the Law

Dershowitz explains that “lifelong civil libertarians and liberals who have been suspicious of prosecutors, the FBI, and congressional investigatory committees have suddenly become their most ardent supporters,” while those who defend Trump’s constitutional rights are now the enemy and “sought to be silenced.”

Of course, the Trump haters aren’t hypocrites for suddenly deciding that the rule of law can be pitched away to get Trump. “Trump is different,” and therefore a “different standard” must be applied to bring him down. “That claim has been made throughout history by zealots determined to thwart what they regard as dangerous,” he writes:

Perhaps the most extreme example of the dangerous phenomenon is the effort of Professor Laurence Tribe, my former colleague at Harvard Law School, to persuade Attorney General Merrick Garland to prosecute Trump for attempting to murder former Vice President Mike Pence despite the absence of any plausible legal basis for such a prosecution.



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That sounds vaguely similar to the claims of the late Vincent Bugliosi, the prosecutor who convicted Charles Manson and his followers of the Tate-LaBianca murders in 1969, about George W. Bush. Bush, Bugliosi argued, “murdered” 4,000 Americans in Iraq because he started the war there under “false pretenses.”

Anyway, so determined is the Get Trump campaign that the FBI seized the cellphones of Trump’s lawyers.

That’s “especially troubling since it implicates the Sixth Amendment right to effective assistance of counsel,” Dershowitz explains. Lawyers would be “understandably afraid of becoming the subjects of criminal or bar investigation if they dare to defend Trump.” They are afraid to be “Dershowitized” — i.e., ruthlessly attacked, as Dershowitz was for defending Trump during his first impeachment trial.

Another example of Trump Deranged Zealotry was the search of his Mar-a-Lago estate for classified documents. Dershowitz explains that agents might well have seized private documents or those protected by attorney-client privilege. The Justice Department should have sought a subpoena for the documents to give Trump the chance to challenge it, and the raid was “needlessly confrontational.” But “for zealous Trump haters, anything done to Trump is justified.”

Still, the FBI and Justice Department must explain why “a different standard appears to have been applied to Democrats such as [Hillary] Clinton and [Sandy] Berger [Bill Clinton’s national security advisor] than to Republicans such as Trump and many of his associates.” Clinton and Berger mishandled and/or pilfered classified documents, too. But the gumshoes at the FBI didn’t maliciously raid their homes to harass and embarrass them with maximum publicity.

The FBI stormed into Trump’s Mar-a-Lago residence, though, for a reason: “to circumvent his Fifth Amendment rights.” If Trump had been subpoenaed, his lawyers could have claimed that the “very act of producing these documents” would incriminate him. Typically, to avoid that snag, the Justice Department offers what is called “production immunity,” which prohibits prosecutors from using the source’s production as evidence of guilt:

The Justice Department obviously did not want to give Trump production immunity, so it deliberately circumvented his Fifth Amendment rights by simply seizing [the documents] when he was a thousand miles away. Since it was not Trump or his lawyers who turned them over, Trump cannot claim his Fifth Amendment rights were violated. This is very clever, perhaps, but it is also highly questionable.

Other Targets, Legal Lynch Mob

Dershowitz also describes other targets of the Left’s anti-Trump rage:

Rudy Giuliani was suspended from practicing the law because of public statements that are protected by the First Amendment. “The rules under which Giuliani has been suspended are so vague that they cannot possibly satisfy the standards of due process.... Giuliani clearly is the victim of selective suspension based on the political content of his public speech, rather than on neutral principles.”

The National Rifle Association is a target of New York Attorney General Letitia James. Her “apparently selective investigation of the NRA is part of a larger problem of the weaponization of our justice system



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for partisan and ideological purposes.” James has not, Dershowitz believes, probed any leftist charities for their alleged wrongdoing.

Trump supporter and My Pillow tycoon Mike Lindell, Dershowitz believes, might have been the victim of an illegal FBI search of his phone and private records.

Dershowitz is particularly exercised about the Trump Derangement that has infected the American Civil Liberties Union because of the leftist, hate-Trump obsessions of its top officers.

When the ACLU “diversified” and decided that women, minorities, and homosexuals must be part of its board, “the representatives of these groups were expected to prioritize the parochial interests of the groups they represented over the more general interests of all Americans pertaining to free speech and due process.”

Thus has the ACLU abandoned those important causes and instead prioritized abortion, homosexual “marriage,” and racial issues, “a trend that began well before the election of President Donald Trump ... [but] came to a head when he took office”:

The ACLU is now rolling in money, but it is intellectually bankrupt in its defense of free speech and due process — especially when these core liberties conflict with its money-making progressive agenda. This is particularly true with respect to the attacks on free speech and due process on university campuses, which are rampant and largely ignored by the current ACLU.

Financial, Professional Ruin

A more chilling example of how quickly the officially hate-Trump legal profession has raced to the bottom goes back to the “politics of personal destruction,” as Bill “I-Did-Not-Have-Sex-With-That-Woman, Miss-Lewinsky” Clinton said. That goes back to why lawyers would fear representing Trump or any of his associates or family members. The “65 Project” is trying to financially and professionally ruin the 111 lawyers who filed the 65 briefs seeking to overturn the 2020 presidential election.

“The project is headed by zealous hard left democrats, though it includes several moderate Republicans and some well-intentioned lawyers”:

But their goals as described by their supporters are indecent to the core.

As one put it: “This is mostly important for the deterrent effect it can bring so you can kill the pool of legal talent going forward.” One of its leaders also said that its purpose was to “shame them and make them toxic in their communities and in their firms.” He acknowledged that “the little fish are probably more vulnerable to what we are doing ... threatening their livelihood ... [and] their reputations in their communities.”

Dershowitz vows to defend any lawyer whom this legal lynch mob attacks.

Another prong of the Get Trump attack is a “recent petition, signed by hundreds of Harvard Law School students and alumni, [that] raises the specter of the new McCarthyism coming to the law school at which I taught for half a century.” Dershowitz explains about the blacklisting project:



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The petition states that “Harvard Law School faces a choice of whether to welcome the architects and backers of the Trump administration’s worst abuses back into polite society.” It demands that Harvard not “hire or affiliate with” any of these sinners and threatens that “if it does so the school will be complicit if future attacks on our democracy are even more violent — and more successful.” The petition sees this ban as part of the educational and employment mission of the school: “it would also teach ambitious students of all ages that attempting to subvert the democratic process” will deny them access to the “revolving door to success and prestige.” This self-serving defense of censorship is intended to convey a crass economic threat: if you want to get a good job after law school, make sure that Harvard bans teachers and speakers who are trying to “rehabilitate their reputations and obscure the stain of their complicity in the Trump administration.”

That goes hand-in-hand, by the way, with the law students’ attack in 2018 on then-U.S. Supreme Court nominee Brett Kavanaugh after a crazy feminist professor falsely accused him of sexual assault. Just as the ACLU’s hate-Trump ideology had its beginnings in “diversity,” the hate-Trump ideology at Harvard Law germinated with its malicious attack on Kavanaugh.

Dershowitz claims that the Get Trump movement is “left-wing McCarthyism,” citing legal groups in the 1950s that tried to ruin lawyers who tried to “dismantle segregation” or defended communists.

Senator Joe McCarthy was right, of course. That aside, these myriad attacks aren’t just professional. They’re personal. Very personal. Dershowitz reprises an interview with *The Wall Street Journal’s* Gerry Baker. A nutter at their gym, he told Baker, insulted Mrs. Dershowitz: “I can’t be in the same room with Alan Dershowitz’s wife.”

Even one of the ubiquitous Kennedy brood, famous for its mulish devotion to daffy leftism, got after him:

I was seated next to Caroline Kennedy at a dinner party. And she said, “If I knew you had been invited, I wouldn’t have come.” Suggesting that she couldn’t be in the same room with me. This is the woman who’s the ambassador to Australia, has to negotiate with foreign leaders. She can’t be in the same room with somebody because he defended Donald Trump under the Constitution.

Tearing down the law and Constitution to get Trump, Dershowitz argues, will leave everyone open to such an attack, including the hate-Trump attackers who would tear down the law. “A dangerous weapon, like the 65 Project, unleashed by Democrats, will surely be used by Republicans at some future time,” he writes. *Everyone*, including leftists, will be unprotected from overzealous prosecutors.

Dershowitz quotes from Robert Bolt’s *A Man for All Seasons*:

William Roper: “So, now you give the Devil the benefit of law!”

Sir Thomas More: “Yes! What would you do? Cut a great road through the law to get after the Devil?”

William Roper: “Yes, I’d cut down every law in England to do that!”

Sir Thomas More: “Oh? And when the last law was down, and the Devil turned ’round on you, where



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would you hide, Roper, the laws all being flat? This country is planted thick with laws, from coast to coast, Man's laws, not God's! And if you cut them down, and you're just the man to do it, do you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake!"

Dershowitz's book is a timely warning about the fragility of the constitutional order that protects us from out-of-control government.

Now he need only recognize that the totalitarian urge that is driving the Get Trump movement is the natural end of the leftism he espouses. — *R. Cort Kirkwood*

Tiny Chips, Big Deal

Chip War: The Fight for the World's Most Critical Technology, by Chris Miller, New York: Scribner, 2022, 460 pages, hardcover.

It has been said that to attain greatness, one should think no little thoughts. That aphorism may need some reframing, since one of the world's most minuscule products appears to be running much of the globe — and the smaller it gets, the more powerful it is.

We're talking about the microchip (also "chip" or "integrated circuit" or "semiconductor"), which is a small piece of semiconducting material, usually silicon, that (these days) can have millions or billions of microscopic transistors carved into it. The affiliated technology is needed for automobiles and smartphones, for computers and the stock market, for children's toys as well as devastating missiles with nuclear payloads — you name it.

Just six decades ago, a cutting-edge chip could hold but four transistors; now, about 11.8 billion can be fitted on an iPhone processor chip. The Taiwan Semiconductor Manufacturing Company (TSMC) was recently carving (in its most advanced fabricating facility) "microscopic mazes of tiny transistors, etching shapes smaller than half the size of a coronavirus." The chip industry in 2021 produced more transistors, writes Chris Miller, "than the combined quantity of all goods produced by all other companies, in all other industries, in all human history. Nothing else comes close."

Most of the GDP on the planet is produced with devices that rely on semiconductors, a product that didn't exist 75 years ago. That is, as the author puts it, "an extraordinary ascent."

The volume under review, a comprehensive and valuable resource, covers history from prior to the chip's invention in the 1950s, through a time when U.S. leadership seemed lost, through another period the author labels "America Resurgent." Offshoring and supply chains throughout Asia also get a thorough examination.

Factoids abound. This includes, as you might imagine, the genesis of the name *chip*. Jack Kilby, the co-inventor of the integrated circuit and a Nobel Prize winner, we are told, "called his invention an 'integrated circuit,' but it became known colloquially as a 'chip' because each integrated circuit was made from a piece of silicon 'chipped' off a circular silicon wafer."

Just look at where the chips have fallen.



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Exponential Progress

The author's history training is evident throughout; his research also leans on interviews with more than 100 semiconductor experts from industry, academia, and government. Chris Miller is assistant professor of international history at the Fletcher School of Law and Diplomacy at Tufts University. He also serves as a visiting fellow at the American Enterprise Institute and as Eurasia director at the Foreign Policy Research Institute. Miller, who has penned three other books, also writes for *The New York Times*, *The Wall Street Journal*, and *Foreign Policy*, among other outlets. He is widely conversant, but, even better, his prose is perceptive and clear.

Along the way, in *Chip War: The Fight for the World's Most Critical Technology*, we meet a cast of colorful characters, pick up a bit of related economics, are treated with well-organized historical vignettes, and get a somewhat streamlined strategic tour. The volume was named Business Book of the Year by the *Financial Times*, as well as Best Book of the Year by London's *Economist*.

A mini-glossary of terms is a positive touch, as are the eight pages of photographs. Those photos depict many of the important figures of the industry and a few of the examples dealt with in the text. We get a gander at the massive state-of-the-art 1945 computer built for the U.S. Army, ENIAC, which had 18,000 vacuum tubes. It reportedly had one tube malfunction every two days, halting the machine — and then requiring a hunt for a replacement. Elsewhere, *Chip War* relates how the computer that eventually took Apollo 11 to the moon weighed but 70 pounds and occupied one cubic foot of space, “a thousand times less than the University of Pennsylvania ENIAC computer that had calculated artillery calculations during World War II.”

(It can be astounding to see the speed of developments in this general field: Consider the Minuteman missile program contract that transformed Texas Instruments' chip business. It needed thousands of integrated circuits — whereas the Apollo 11 spacecraft needed tens of thousands more. Last year, when this reviewer visited a nonoperative Minuteman facility in South Dakota, and sat by a mock “Ground Zero” setup with a key that could have launched a nuclear missile, I was struck with the relatively primitive appearance of the original “panel, launch verification.”)

Back to the book's photographs. Contrasting the early computers depicted, a picture shows one of the currently most advanced lithography machines built for ASML of the Netherlands, which go for more than \$100 million each. There's also a shot of advanced chips with tiny, three-dimensional transistors, each smaller than a coronavirus, measuring “a handful of nanometers (billionths of a meter) wide.” A line map highlights what East Asia produces: 90 percent of all memory chips; 75 percent of all processor (logic) chips; and 80 percent of all silicon wafers.

Naturally, “Moore's Law,” dating to 1965, makes several appearances. The well-known prediction (the name itself was coined by Caltech Professor Carver Mead) refers to the expectation that the computing power on each chip would double every couple of years. This celebrated exponential rate of progress is not really a “law,” but, as the author points out, it has continued in that fashion for more than half a century. Here's some context:

In 1970, the second company [Gordon] Moore founded, Intel, unveiled a memory chip that could remember 1,024 pieces of information (“bits”). It cost around \$20, roughly two cents per bit. Today, \$20 can buy a thumb drive than can remember well over a billion bits.



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That's a relative bargain, even with Bidenflation. Speaking of which, I was interested to see how the author handled such matters as the (relatively recently) passed CHIPS Act, which uses tax money to supposedly spur U.S. domestic production of semiconductors and impose additional export controls directed at Communist China. However, the publisher told us that we'll have to wait for that: Such a discussion is expected to appear in an updated paperback edition set for next year.

Pending updates notwithstanding, there's plenty to digest about where the industry now stands, following the complicated interplay of geopolitical, economic, and technological forces. We find, in the author's words, that the United States still has "a stranglehold on the silicon chips that gave Silicon Valley its name, though its position has weakened dangerously." On the other side of the shrinking world, China is spending more to import chips than it spends on oil. Meanwhile, one missile strike hitting the most advanced chip fabrication facility on Taiwan would likely cause billions of dollars of damage if all the resultant delays were included.

"Call Forth the Assault," Declares Xi

Presidential stances (such as those voiced by Joe Biden and Donald Trump) are covered in appropriate areas, though not generally in a polemical fashion — a welcome change from most left-slanted commentary in academe these days. This is not to say that Miller ignores relevant comments and actions — such as that of China's President Xi Jinping before the World Economic Forum in Davos, Switzerland, in 2017, shortly before Trump's inauguration. (Miller does contrast the remarks of the two).

Among making his points, the author shows his teeth a bit, saying:

Xi's speech was the sort of claptrap that global leaders were supposed to say when addressing business tycoons. The media fawned over his supposed defense of economic openness and globalization against populist shocks like Trump and Brexit. "Xi sounding rather more presidential than US president-elect," tweeted talking-head Ian Bremmer. "Xi Jinping Delivers a Robust Defence of Globalization," reported the lead headline in the *Financial Times*. "World Leaders Find Hope for Globalization in Davos Amid Populist Revolt," the *Washington Post* declared. "The international community is looking to China," explained Klaus Schwab, the chair of the World Economic Forum.

Yet the dictator's message was decidedly different just months earlier when directed at Chinese Communist Party and tech leaders, as Miller explains in a chapter entitled "Call Forth the Assault." That's a phrase used by Xi amid his exhortations to the homeland's political elite, demanding, for example: "We must assault the fortifications of core technology research and development."

The problem that China has is not only in "chip fabrication," explains the author. "In nearly every step of the process of producing semiconductors, China is staggeringly dependent on foreign technology, almost all of which is controlled by China's geopolitical rivals — Taiwan, Japan, South Korea, or the United States."

Whereas Chairman Mao famously put Chinese scientists on farms, current Chinese leaders work them in their specialized fields. Yet the leadership has identified their nation's "reliance on foreign chipmakers as a critical vulnerability. They've set out a plan to rework the world's chip industry by



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buying foreign chipmakers, stealing their technology, and providing billions of dollars of subsidies to Chinese chip firms,” recounts *Chip War*.

Consider Xi’s Made in China 2025. It anticipates that Beijing will reduce its imported share of chip production from 85 percent in 2015 to just 30 percent in the year 2025. This is decidedly not an economic integration plan, as Miller notes. Economic plans affect national security concerns, and vice versa. As the author puts it: “The Soviet Union could match the U.S. missile-for-missile but not byte-for-byte.” (In one spot, Miller cites a popular Soviet joke in the 1980s about a Kremlin official proudly declaring: “Comrade, we have built the world’s biggest microprocessor!”) On the other hand, maintains the author, “China thinks it can do both.”

Is Taiwan Actually Protected by a “Silicon Shield”?

Beyond the United States and China, developments in Japan and South Korea, among others in Asia, have important parts in *Chip War*. Taiwan’s role is large.

The symbiotic relationship between the United States and Taiwan — especially the rise of TSMC, founded by Morris Chang (a former senior executive at Texas Instruments) — is emphasized in this technological history book. Miller is direct. He calls Chang the world’s most important chipmaker. In the early 1980s, TI passed over Chang for CEO. Given the opportunity, the government in Taipei invited him to develop the industry there and supported the effort handsomely.

The economics of chip manufacturing, writes Miller,

required relentless consolidation. Whichever company produced the most chips had a built-in advantage, improving its yield and spreading capital investments costs over more customers. TSMC’s business boomed during the 1990s and its manufacturing processes improved relentlessly. Morris Chang wanted to become the Gutenberg of the digital age. He ended up vastly more powerful. Hardly anyone realized it at the time, but Chang, TSMC, and Taiwan were on a path toward dominating the production of the world’s most advanced chips.

Meanwhile, there is the menace just across the Taiwan Strait, which has its own ambitions.

Regardless of whatever long-term goals Xi might be promoting — and whatever sanctions the United States might actually impose — the People’s Liberation Army undoubtedly thinks it can buy and steal what it might need in the shorter run. For its part, the Pentagon has counterplans, maintains the author,

after admitting that China’s military modernization has closed the gap between the two superpowers’ militaries, especially in the contested waters off China’s coast. Taiwan isn’t simply the source of the advanced chips that both countries’ militaries are betting on. It’s also the most likely future battlefield.

It might be reassuring for Taiwan’s President Tsai Ing-wen to believe that, as she has said, her country’s chip industry is a “‘silicon shield’ that allows Taiwan to protect itself and others from aggressive attempts by authoritarian regimes to disrupt global supply chains.” However, that could also



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just be whistling by the graveyard. And there's a lot to whistle at — since chips from Taiwan are estimated to provide a full 37 percent of the world's new computing power each year.

Pressure by China need not include outright attacks. What if increased threats led Taipei to give equal or preferential access to TSMC's fabrication centers to mainland China? That's a potential situation raised in *Chip War*. Such a scenario, says Miller, "would be disastrous for America's economic and geopolitical position. It would be even worse if a war knocked out TSMC's fabs. The world economy and the supply chains that crisscross Asia and the Taiwan Strait are predicated on this precarious peace."

Companies on both sides of the strait are implicitly "betting on peace," writes the author:

Trillions of dollars are invested in firms and facilities within easy missile shot of the Taiwan Strait, from Hong Kong to Hsinchu. The world's chip industry, as well as the assembly of all the electronic goods chips enable, depends more on the Taiwan Strait and the South China coast than on any other chunk of the world's territory except Silicon Valley.

There's no specific *deus ex machina* offered in the book, no uncomplicated answer for the potential disaster that could ensue. But Chris Miller is a historian who can ably look backward. He recalls that the risk of nuclear war, or a "standoff over an impoverished island," was also at play in the 1950s during a previous Taiwan Strait crisis. This time, as the author puts it, "the battleground would be the beating heart of the digital world. What's worse is that unlike in the 1950s, it's not clear the People's Liberation Army would eventually back down. This time, Beijing might wager that it could well win."

One trouble with the future is that it keeps getting closer and closer.

— *William P. Hoar*



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