

ie brats would be a personal disaster.

This is particularly true for many American Presidents, as recent publishing events make poignantly obvious. If Americans held to Euripides' maxim that the sins of the fathers are made flesh in the writhings of the children, the American presidency could not be the revered institution that it is, but rather a source of embarrassment comparable to America's curious epicurism toward Wonderbread. Since the family of FDR, at least, first families have abounded with embarrassments, and they keep getting worse (authoress Patti Davis, indeed!). However, no presidential candidate who kept the kids incognito would ever wholly win the public trust. It is a mystery.

Americans insist on seeing their would-be Caesars surrounded by the kids and the little lady no matter how artless or grasping they might be. During campaigns the kids are placed under the professional care of political

consultants, who unerringly transform them into presentable human beings. No presidential pup in my memory has been a perfect ass until after father's election. Then come the luridities: books best left unwritten, business deals of the utmost indelicacy, statements fit for an idiot. The thought occurs, perhaps in off years presidential political consultants might make excellent family counselors.

Perhaps the reason that we do not judge Presidents by the children they sire is that of all the presidential children to pass through the White House in recent years the finest have been the children of Richard Nixon. Did Tricia or Julie appear on late night television in her underwear? Did either try to franchise the family name? Did the Secret Service ever have to protect *us* from *them*? Neither of the Nixon girls ever tried to promote herself by airing petty disagreements with the

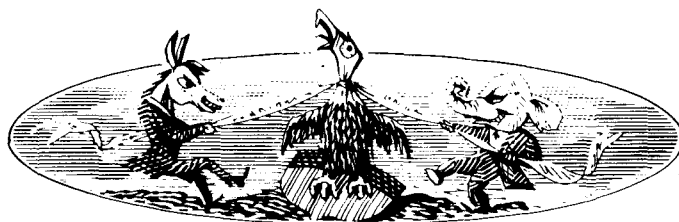
family or by writing trashy books. (Authoress Davis will not even divulge her presidential ballot. She is a "militant vegetarian," which means, presumably, she throws food.) Actually neither of the Nixon children has ever betrayed a base or stupid motive, though both endured the most excruciating times. Richard Nixon's character has been exposed to more scalpel work than any other American in history, yet those who mark him down as a knave have to account for the exemplary behavior of his children. As Churchill wrote of Asquith, his children are his best memorials.

Actually the preeminent reason that we do not judge adults by their children is that adults have little influence on them. American children are raised in schools that presume to teach them everything from nutrition to sexual pathology, on Little League playing fields, on dance floors. Aristotle taught that children should be kept away from all that is base and violent. How is the

thing possible today? There is prime time television, and there are those gruesome shopping malls to which youths abandon themselves. Neither a President nor any other parent has much influence on his children unless he is a most unusual sort.

American children grow up on their own unless they take teachers seriously, which is unlikely. Often the family is merely an assembling point for individuals with the same last names. Family traditions and values are not passed on so parents cannot be held responsible for the values of their young. What is unfortunate is that parents still have to live with their children, though they might be developing stupendously offensive habits and ideas. Perhaps it is time to allow parents to divorce their children when they become incompatible or in other ways unwholesome. Had some of our Presidents been free to file for divorce from their kids, the presidency might be even more revered. □

C A P I T O L I D E A S



CONTRA INVESTMENT

by Tom Bethell

A couple of months ago, M. Stanton Evans made the very good point that President Reagan has shown himself to be the political equivalent of a hoarder. He accumulates political capital by the bagful, but he is reluctant to spend it. Then came the issue of aid to the Contras fighting the Nicaraguan Communists, and at that point we learned something about the President's Miser-in-Chief.

"The central players in last week's [White House] discussion were Messrs. [Patrick] Buchanan and [Richard] Wirthlin," Robert Merry wrote in the *Wall Street Journal* on March 5. "Mr. Wirthlin, a longtime Reagan associate whose polling company Decision Making Information surveys public opinion for the President, argued that Mr. Reagan would simply squander political capital if he mounted a high profile offensive on the issue. Such an offensive, Mr. Wirthlin feared, could set the President up for a big political defeat."

Tom Bethell is The American Spectator's Washington correspondent.

Fortunately Buchanan won that in-house debate and we had two very interesting weeks of political fireworks in Washington—perhaps in retrospect a key episode in Reagan's presidency. On March 20 the House of Representatives voted down the aid package 222-210. The next day the *Washington Post's* editorial began: "The House vote on aid to the Nicaragua contras is a bitter disappointment to President Reagan but not necessarily a conclusive defeat." Wirthlin, please note.

The question that occurs to me is: How can someone as politically astute as Reagan have hired someone as politically obtuse as Wirthlin? By forcing Congress to take sides on an issue defined (by Buchanan) as "whose side are you on," and as "standing with Ronald Reagan and the resistance, or Daniel Ortega and the Communists," the White House has marvelously clarified the political landscape and possibly exposed the Democratic party to danger down the road. The actual tally of yeas and nays was far less im-

portant than the framing of the issue.

Reagan did not squander political capital. Nor did he "spend" it. For once he invested it, and the political dividends should appear in due course—perhaps in 1988. Only by *not* fighting on the issue—Wirthlin's worthless advice—would political capital have been frittered away. Like boxers, politicians who duck fights soon lose the stomach for any fight. The Wirthless Strategy—favored by many of the people Reagan likes to have around him—is for Reagan to press his case only when there is a consensus behind it. That way Reagan could "win" every battle. The only catch is that every battle would be fought on terms acceptable to the liberals. Thus the Wirthless Strategy would advance the liberal agenda in the guise of preserving the President's political capital. (That has, admittedly, pretty much been the Republican strategy since the New Deal.)

Pollsters should be barred from the White House by constitutional amendment. It is fantastic to imagine that

there is any such thing as "public opinion" on such an issue as aid to rebel forces fighting or perhaps hiding in the jungle 2,000 miles away from the U.S. border. Doesn't Wirthlin know that most people have to go to work every day and don't have the luxury of worrying about such distant events? The whole idea of representative democracy is that the people elect a President to do such worrying for them, and to take action if necessary. Then, four years later, they can vote themselves a new President if they don't like what the old one has done, or failed to do. A President who keeps a pollster anywhere near the Oval Office plainly imagines that the direction of leadership can be reversed. A pollstered President is a weather vane, not a leader.

"Public opinion" on an issue as remote from everyday lives as contra aid can only be created by leadership. I do not mean that the issue is unimportant. It could indeed be momentous in the long run. But the obvious truth is that most Americans don't know very much about who is

doing what in Nicaragua, and they will quite reasonably tend to oppose such foreign involvement *if the President himself doesn't consider the issue important enough to make a big fuss about*. And this has been the great defect of Reagan's policy in Central America—until March, 1986. A White House pollster who counsels a prudently low presidential profile on an issue that is itself low pro-

file preemptively dissipates the very "public opinion" that he pretends to measure. And a President who shelters behind such a cautious array of pollsters and counselors reduces his own role from that of leader to accountant. Leadership is a supply-side activity which *shapes* demand. Pollsters are demand-siders, evidently under the impression that the President should be a follower. Appropriately

enough, Wirthlin is a Keynesian.

The actual lobbying pressure in the halls of Congress before the vote disclosed the reality of public sentiment on the issue of contra aid. The reality was (and is): an intensely motivated, passionate dense-pack of sit-in prone leftists, "peace" groups, socialists-by-other-names, educators, women's

groups, church groups, uprooted nuns and deracinated clergy roaming the corridors with their flocks behind them.

"They have got a lobbying organization against us that would make your head spin," Mac Carey, the press aide to Congressman Jim Courter of New Jersey, told me on the day before the vote. "You can see why the people in marginal districts get scared." Courter's office was bombarded with such groups, even though he has never wavered in his support for the aid package. "There's been a lot of groups," Courter himself told me. "Some offices got 700 phone calls in the two days following the President's speech." I gather that most of these calls were against the President's position.

"There has been no comparable grassroots effort on our side," Courter added.

Congressional researcher Frank Gregorsky, who has spent a lot of time tracking the voting records of the one hundred or so left-wing Democrats who routinely vote against all such anti-Communist measures, also suggested to me a week before the vote that the unequal lobbying pressure on Congress was important to bear in mind in considering the motives of congressmen.

This inequality of pressure is of considerable interest, yet I don't think anyone has really tried to analyze it. First of all, let us not mince words. We are talking about a group of people—a small minority, to be sure, compared with the whole population—who yearn and ache for the Communist ideal and who, at the level of practical organization, far outnumber those who actively oppose Communism. It could be put this way: There are today far more activists who believe in and are willing to work for faraway Communism than there are active opponents of it.

Indigenous Communist sympathizers who have been lobbying and phoning Congress are true believers. They have a faith, a "vision" (as it is always said) of a "new society": one day there will be an entirely new order that will displace the day-to-day reality that they mostly find intolerable. What keeps them going is the hope of changing it. Sure, the Soviet Union didn't work out, Cuba didn't work out, China didn't work out, Vietnam, Mozambique, Angola didn't work out, but now there is once again a vision of a new society, this time in Nicaragua. New Managua Man. Well, that is a most tremendously important prospect, you see. Something to hope for. But, there is this Ronald Reagan who is determined to kill the Messiah in the crib. For your true-believing leftist, Reagan really is worse than King

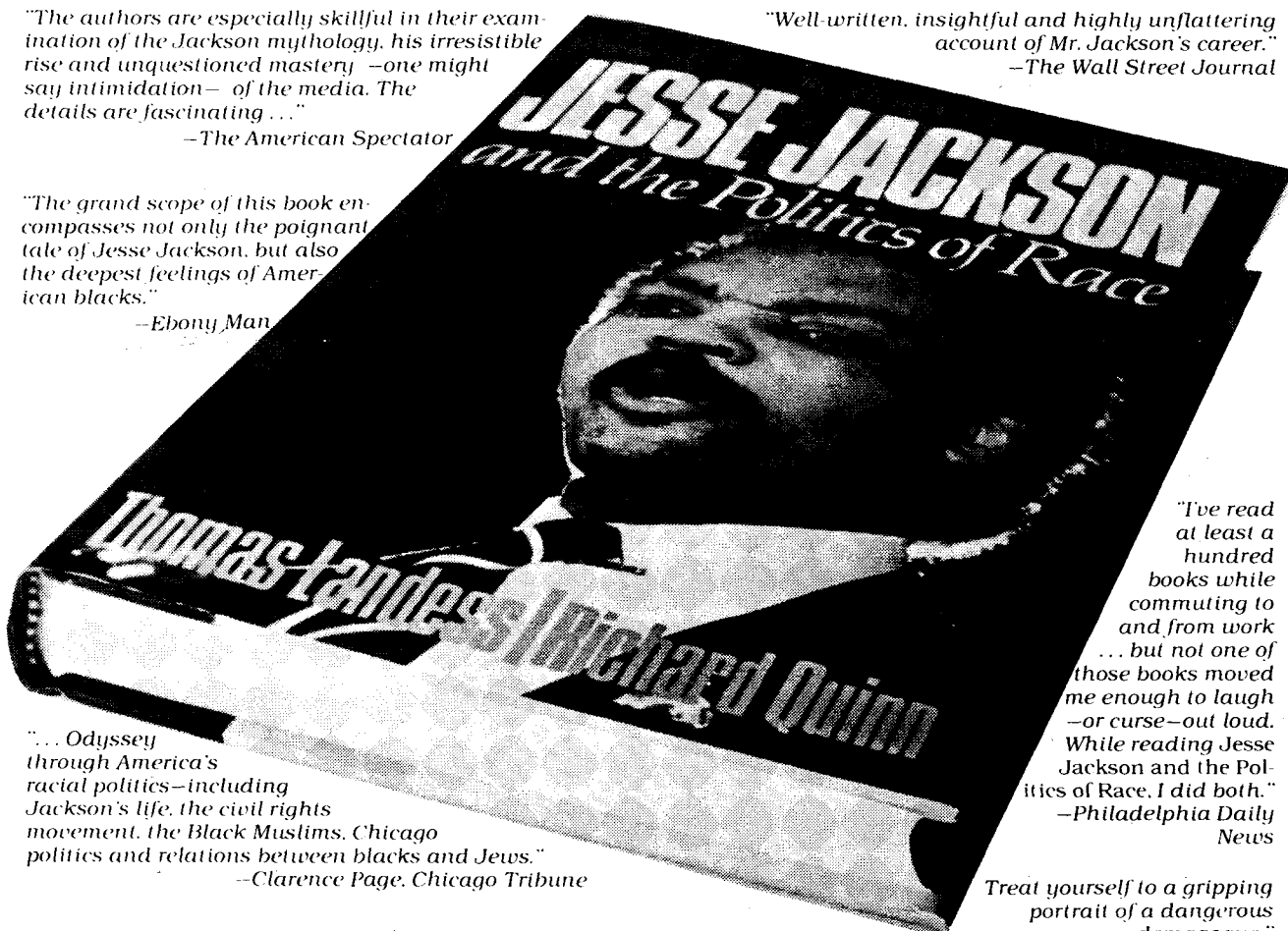
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Herod. And so he must be stopped at all cost.

The point is that Communist sympathizers should be juxtaposed not to anti-Communists, but to everyday folk who already have a religion. Anti-Communists in a non-Communist country are quite rare. Howard Phillips is one example, Arnold Beichman is another. They spend their energies resisting a threat that the vast majority of people do not perceive as having anything to do with their daily lives. So the inequality of pressure on Congress can be expressed in this way. One highly motivated group roams the halls of Congress. It is opposed by a group of anti-Communist activists so small that they could probably all fit inside one congressman's office. Meanwhile, the great majority of Americans go to work and on Sundays a good many of them go to church. They are on the whole fairly contented, and they neither feel the need for a "new society" nor do they worry very much about those in their midst who do feel such a need. They certainly have no comprehension of the zeal and intensity of such people. It's amazing, incidentally, that the left complains, as it often does, about the political "apathy" of the population-at-large. Apathy is its ally.

It will be interesting to see what happens next. If Pat Buchanan's warning proves correct and the Communist plague spreads north from Nicaragua, then of course the anti-Communist ranks will grow. At the same time, however, if the various Christian denominations in the U.S. continue to manifest the surprising weakness and loss of nerve of the past two decades, then the pro-Communist ranks will also certainly grow. For Communism is really nothing more than the aggregate of Christian heresies. And if both these things do come to pass, then the ideological wars of the coming decade could make the so-called McCarthy Era look like a love-in.

Whatever happens I do hope that certain conservative writers, who have imagined with an excess of optimism that the gross economic inefficiencies of socialism will destroy its appeal, have by now changed their minds. We are dealing with the displaced religious faith of people who have no interest whatsoever in GNP, and who in fact pride themselves on their disdain for the "consumer society." They will not be at all dismayed to learn that there will be no Cuisinarts in the New Society of their dreams. To them that would be a promise, not a threat.

For the moment, however, the Buchanan strategy on contra aid has strengthened the conservative position.

If Soviet or Eastern bloc support for the Nicaraguan Communists increases, Republicans will be well placed to say "I told you so." Of course a good many Democrats will remain unembarrassed by any such development, and one hundred or so will no doubt continue to vote against any military aid for the contras. About sixty Democratic congressmen have shown an unmistakable pattern of sympathy for totalitarian,

pro-Soviet regimes in a variety of votes and may be expected to continue voting in this pattern. They ridicule the totalitarian/authoritarian distinction, but they make it themselves by excusing the former and attacking the latter.

Finally, Michael Kinsley said in the *New Republic* that to impute sympathies without inquiring into motives is the essence of McCarthyism. The liberals do this when they conclude that

a "pattern of discrimination" by an employer implies racism and requires an affirmative-action remedy—whether or not the employer thinks of himself as a racist. Is affirmative action McCarthyite? I thought McCarthyism was the imputation of "guilt by association," as for example, in charging the contras with allegiance to Somoza because a few old Somoza hands may be in their midst. □

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Jeremy Rabkin

CONSTITUTIONAL ROULETTE

Original intent is not the issue.

The great debate over the Constitution seems to be fizzling. It was off to a promising start last summer when Justices Brennan and Stevens delivered bristling defenses to the broadside attacks of Attorney General Meese. But it would be hard to say that either side has scored a decisive blow since then. Rather, as is so often the case in contemporary political discussion, the liberals seem to be losing the debate over the Constitution, but the conservatives seem incapable of winning it.

The inconclusiveness of the debate, it seems to me, reflects the inadequacy of the terms in which it has been framed by the Attorney General's speeches. As a slogan, Mr. Meese's demand for a jurisprudence of "original intent" goes only so far. Should court decisions be faithful to the intent of the Constitution? Almost no one will defend the proposition that judges should be free to make up their standards as they go along—if that is the alternative to "original intent." A few orbiting law professors, it is true, have argued over the past decade that the actual language of the Constitution has no bearing at all on the judicial duty to serve justice—or social justice—in constitutional decisions. No doubt, that is the actual conviction of judges who take on the management of school districts or discover a right to abortion in the Constitution.

But that is not the argument offered by most defenders of judicial activism, nor even by Justices Brennan and Stevens in their responses to Attorney General Meese. Rather, defenders of the Court have protested that the intent of the Constitution's Framers is simply too uncertain to provide authoritative limits on judicial decision-making. But they are happy enough to join the Attorney General in rhetorical salutes to

the genius of the Founding Fathers and the enduring relevance of the Constitution they bequeathed us.

And here is where the Attorney General and many of his champions have been caught in their own catch phrases. In responding to the protests of Brennan and Stevens, Mr. Meese argued (in a speech reprinted in the winter *Policy Review*) that the intentions of the Framers were well documented in their writings and not, therefore, so difficult to pin down. This seems to make the whole debate turn on which side captures the better historians. But such appeals to historical research will either prove too much or prove scarcely anything at all.

It would not be difficult, for example, to show by this method that *Brown v. Board* was wrongly decided, rather than "restoring the original principle of the Constitution to constitutional law," as Mr. Meese has contended. In

holding racial segregation of public schools in violation of the Fourteenth Amendment, the Supreme Court was not, in fact, following the expressed intention of those who wrote that amendment. On the contrary, the sponsors of the Fourteenth Amendment in Congress explicitly denied that it would prohibit separate schools for blacks, and the same Congress that passed the Fourteenth Amendment actually proceeded to establish racially segregated public schools in the District of Columbia. It is still possible, I believe, to defend the result in *Brown* without abandoning judicial fidelity to the constitutional text. But one must at least abandon the simple-minded notion that the meaning of a constitutional provision can be determined by historical evidence about the specific intentions of its authors.

This should not, in fact, be a very troubling concession for the Attorney General, for all that it has been much abused in recent decades. In earlier

times, this would not even have been viewed as a concession. Thus it is true, as the Attorney General has noted, that we now have rather detailed records and minutes of the original debates at the Constitutional Convention of 1787. But it is more to the point to notice that James Madison, who kept the most detailed notes of the proceedings, kept them carefully concealed for some fifty years after the event. And no Supreme Court justice professed himself helpless to determine the meaning of constitutional provisions in the interim. On the contrary, the judges acted with remarkable self-confidence in construing the bare words of the text.

Chief Justice Marshall's decision in *Marbury v. Madison*, for example, is famous—and was at the outset rather controversial—for asserting the power of judges to pronounce acts of Congress invalid and nonbinding if they transgressed the terms of the Constitution. But Marshall inferred this power from the text and structure of the Constitution, without ever citing specific statements of the Framers on its behalf, and even the critics of Marshall's reasoning (like President Jefferson) did not try to refute it by invoking specific statements from the Framers on the other side. Nor did Marshall (or his critics, for that matter) pause over the awkward fact that the statute that was held to conflict with the Constitution in *Marbury* had actually been drafted and uniformly supported by members of the first Congress who previously participated, themselves, at the Constitutional Convention. Almost everyone seemed to take it for granted that the constitutional text must speak for itself and not be separately spoken for by its individual authors.

The same spirit characterized the Supreme Court's approach to the post-Civil War amendments in the latter part of the nineteenth century. The congressional debates over the Fourteenth and Fifteenth Amendments were published in complete detail at the



Jeremy Rabkin is assistant professor of government at Cornell University. His essays on "Constitutional Opinions" appear periodically in these pages.