

"Jim Crow lies six feet under" may be true on the surface, but the reality is that "Whites Only" in sections of the country has been replaced by "Diversity Only" throughout the country. And what a monotonous entity "diversity" is: a super flux that, like Clinton's cabinet and post-modern art, generates constant sameness.

The real effect of having government in the business of determining intentions and the boundaries of free association has been to apply the exclusionary abuses of Jim Crow laws across the board. When Mr. Murchison writes that "Dallas's busi-

ness community, not the federal courts, ended segregation," he provides a model of the way these things should go. Instead, we can see the real face of "liberalism" at work in the decrees of the therapeutic state. When we attempt to address cultural problems with political solutions, the state becomes the highest authority in every aspect of life. Thanks to the Department of Education, our colleges now function as an arm of the big business/big government oligarchy, where, in Mussolini's words, "only the state can know which liberties are to be

left to the individual and which are too important to be entrusted to anything but the state." Mr. Murchison exhorts the leaders of the NAACP to "get a life." A good place for them to start would be to help eradicate this new caste system. What does "fairness" mean when everyone must be placed in a racial/ethnic/gender/sexual orientation caste before we can even look at any other qualities he may have?

—Tom Sheeley
Flagstaff, Arizona

CULTURAL REVOLUTIONS

THE CONFEDERATE FLAG has become a heated topic this election year. As George W. Bush and John McCain battled in South Carolina for the Republican presidential nomination, the New York Young Republican Club invited Richard Lowry, the editor of *National Review*, to discuss the Republican Party's prospects for November.

In the question-and-answer session that followed, Mr. Robert Hornak, the club's president, asked Mr. Lowry why the Republican Party did not condemn the Confederate Battle Flag. Alleging the flag was a symbol of treason, sedition, and slavery, Mr. Hornak maintained that, by not condemning it, the GOP alienates black voters, ensuring that they vote Democratic. Mr. Lowry agreed, adding that Republicans don't condemn the Confederate flag because they want the "redneck" vote.

In attacking the flag, both gentlemen unintentionally aid their political opponents. For a more compelling case can be made against the "Stars and Stripes" as a symbol of slavery, treason, and sedition than against the Confederate Battle Flag.

There was no legal right under British law for a colony to secede from the British Empire. The actions of the American revolutionaries, therefore, were treasonous and seditious; their flag was a symbol of treason and sedition.

The Stars and Stripes also symbolizes a country established as a slaveholding republic. When the Declaration of Independence was signed, the institution of slavery was legally sanctioned in all 13 colonies. There were twice as many slaves in New York as in Georgia. One of the grievances in the Declaration of Independence was London's policy of freeing slaves—euphemistically phrased as

"excit[ing] domestic insurrection." In 1783, when the British army withdrew from an independent United States, at least 18,000 slaves freed by the Crown joined the British exodus.

The Stars and Stripes remained a symbol of sedition after the country achieved independence. Six years later, the first republic under the Articles of Confederation and Perpetual Union was overthrown by the Constitutional Convention.

The United States recognized the right of secession even after 1789. The right of secession from the second republic was explicitly reserved by the states of Virginia, New York, and Rhode Island in their documents ratifying the Constitution.

It was the Stars and Stripes, not the Confederate Battle Flag, that became the symbol of sedition in 1861. Lincoln overthrew the second republic established by the U.S. Constitution when he launched his war against the South. As the U.S. Supreme Court ruled in the "Prize Cases" (December 1862): "[Congress] cannot declare war against a State or any number of States by virtue of any clause in the Constitution . . . [The President] has no power to initiate or declare war against a foreign nation or a domestic State . . ."

The Stars and Stripes became a symbol of total war against the innocent: Food and medicine were contraband; women, children, the sick, and the elderly became legitimate targets. The Emancipation Proclamation was a call not for liberty, but for a race war. As Lincoln stated: "I have a right to take any measure which may best subdue the enemy; nor do I urge objections of a moral nature, in view of possible consequences of insur-

rection and massacre at the South."

In addition, many ex-slaves were forced to work on plantations loyal to Lincoln. They could suffer a loss of pay or rations for acts of laziness, disobedience, or insolence. They were often required to obtain a pass if they wished to leave the plantation. And they were subject to provost marshals employed to ensure the "freed" slaves displayed "faithful service, respectful deportment, correct discipline and perfect subordination."

Northern whites should not dismiss the idea that the Stars and Stripes could be banned. The American flag was temporarily removed from two schoolrooms—one in California, the other in Michigan—in response to the demand of Third World militants who claimed that the flag was a symbol of "racism" and "oppression." As Third World immigration transforms the United States from a European-American majority nation into a European-American minority nation, the demand to ban the Stars and Stripes will only grow.

If the Stars and Stripes is banned, Northern whites will have no one to blame but themselves. For in attacking the Confederate Battle Flag, they have provided the very arguments that most effectively undermine the legitimacy of our national flag.

—Joseph E. Fallon

BILL CLINTON, many conservatives believe, is a smooth political operator. Shifty, unprincipled, and generally odious he may be, they say, but Clinton is a "consummate politician" and a master salesman.

Mr. Clinton's performance in Moscow during the first weekend in June did

not confirm this view. He did not sell the National Missile Defense (NMD) initiative to President Vladimir Putin. The following day, addressing the Russian parliament—the first ranking Western leader to do so—he misjudged his audience badly.

Assuming his audience's ignorance of his own legal problems, Mr. Clinton said that "a strong state should use its strength to reinforce the rule of law, protect the powerless against the powerful, [and] defend democratic freedoms. . . . The answer to law without order is not order without law." He warned the Duma against amassing power "for its own sake" and defended America's deeply unpopular plan for a missile defense shield. He then proceeded to lecture Russian lawmakers on the initiatives they needed to take in order to become America's full-fledged partner, from tax reforms and uniform legal codes to the environment. He said that Russia's journey to full and democratic membership of the global economy would be "one of the most important I witness in my lifetime," but he made it clear that such membership can happen only on his own terms. Political commentator Aleksandr Sadchikov noted that "the standard collection of U.S. ideological stereotypes was trotted out—globalization, respect for minority rights, joint security, environment. The president's monotonous delivery and the nature of the translation made you feel you were watching an unlicensed video."

The speech was supposed to be the climax of a three-day visit which had been hobbled from the start by Russia's refusal to defer to U.S. demands to update the Anti-Ballistic Missile (ABM) treaty of 1972 to allow for the NMD. Apparently hoping to sway the deputies where he failed with President Putin, Mr. Clinton spoke of the treaty in some detail, arguing that America sought only technical changes that "people of goodwill" should be able to accept. But he spoke as if the deputies did not know that he had effectively rejected Mr. Putin's compromise suggestion for a joint anti-missile shield. In a radio program the day before, Clinton had told a caller that the Russian proposal for a joint system to shoot down "rogue" missiles was impractical and that he would go ahead with the NMD regardless of Russia's refusal to play along. Even for the Duma's most pro-Western members, that amounted to a snub. It disclosed the Clinton administration's current "negotiating strategy" on NMD:

It threatens to abrogate the ABM treaty unless the Russians agree to amend it as desired by Washington. But it is naive, or else deliberately provocative, to expect Putin to perform an act of submission that is contrary to his country's interests and that would make him look weak in the early days of his presidency.

The worst of the speech was yet to come, as Mr. Clinton attempted to equate NATO's bombing of Serbia with Russia's involvement in Chechnya: "I know you disagreed with what I did in Kosovo. You know I disagreed with what you did in Chechnya." Presenting this parallel to the Duma was tantamount to preaching the merits of free abortion on demand to a Southern Baptist audience. Even Mr. Clinton's most sentimental flourishes, among them a supposedly rousing finale about his seven visits to Russia, had a hollow ring. "All my life I have wanted the people of my country and the people of your country to be friends and allies, to lead the world away from war towards the dreams of children," he said as he wrapped up his speech. But the deputies who bothered to turn up—there were many empty seats—calmly read the newspapers or stared at their watches.

Clinton's visit displayed the limits of salesmanship. Back home, he may fool most of the people at least some of the time, but he cannot sell a bad product abroad. The Russians know that he is in a hurry: To get the first 100 NMD missile interceptors up and running in 2005 as planned, construction would have to commence in early 2001. But this cannot be done unless the world's first strategic-arms agreement, the ABM Treaty, is amended by November of this year. NMD is in clear violation of that treaty, and if Russia refuses to agree to the amendment, Moscow must be notified six months in advance that the United States is about to abrogate its terms. For his part, Clinton does not want to end his presidency with the "legacy" of unilaterally scrapping arms-control treaties. He may be the first U.S. president in a quarter-century to leave office without signing a major arms-reduction treaty.

Before Clinton's Moscow trip, there was some speculation about a "grand bargain" in which the United States would trade off deeper cuts in nuclear arsenals sought by Russia in exchange for Moscow's acquiescence to NMD. But the Clinton administration has painted itself into a corner, and Putin knows it.

The Russian president may give in eventually, but he will require a much juicier plum in return.

Those long rows of empty seats in the Duma aptly reflected the vacuity of Clinton's Moscow performance. But the Russian tradition of creating mirages to conceal inconvenient reality swiftly kicked in. The prominent and reliable Moscow daily *Izvestiya* noted that many deputies snubbed Mr. Clinton, whereupon "internal affairs ministry officers and security people filled their empty seats in the chamber." According to the paper, about a third of those present in the Duma—and the most enthusiastic clappers at that—were state employees brought from their posts at a short notice.

—Srdja Trifkovic

THE SUPREME COURT attracts the most attention when it does something new, or does something so old that it seems new. For example, the Court's decision last May declaring that Congress had no authority to enact the Violence Against Women Act under the guise of regulating interstate commerce received plenty of media attention. And since 1995, the Court has begun tentatively to enforce the constitutional limitations on the powers granted to Congress, something it had ignored since 1937.

But some of the Supreme Court's most important work is performed when it *refuses* to do something new, declining to create an "innovative" exception to constitutional rights. Thus, the most important Bill of Rights decision of the 1999-2000 term came when the Court refused to invent a loophole that would have nearly destroyed the Fourth Amendment, which prohibits unreasonable searches and seizures.

In *Florida v. J.L.*, an anonymous telephone tipster had claimed that a young black male, wearing a plaid shirt and standing at a certain bus stop, was carrying a gun. Some police officers went to the bus stop and saw three young black males, one with a plaid shirt. They frisked him and found a gun.

Under current Fourth Amendment doctrine, the search was unconstitutional. The 15-year-old had not been doing anything illegal or suspicious, or anything which would make a police officer concerned about public safety. The tipster was anonymous, and had offered nothing beyond an accusation, so there was no way to evaluate his credibility or

the basis of his knowledge.

Following current case law, the Florida court suppressed evidence of the gun, since the gun had been illegally seized. The Florida attorney general appealed the case, which eventually reached the U.S. Supreme Court. There, the attorney general argued that there should be a “firearms exception” to the Fourth Amendment. Because guns are so dangerous, the attorney general reasoned, searches for them should not have to meet ordinary Fourth Amendment standards.

Writing for a unanimous Supreme Court, Justice Ruth Bader Ginsburg disagreed, noting how easy it would be to harass citizens if anonymous tips about guns could, by themselves, serve as the basis for a search.

In a 1968 case, *Terry v. Ohio*, the Supreme Court created a large Fourth Amendment loophole by allowing police officers to stop and search people who seemed to be acting in a suspicious manner. Although *Terry* was premised on the need for officer safety, in case the suspicious person were a criminal who might use a gun against the officer, the case became the foundation for dozens of new Fourth Amendment exceptions, usually in situations having little to do with police safety. Had the Florida attorney general prevailed in *Florida v. J.L.*, the case would have established the foundation for many more exceptions to the Fourth Amendment.

Although *J.L.* involved a search of a pedestrian, there would have been immediate pressure to apply the “firearms exception” to searches of automobiles, businesses, and homes. All over the country, prosecutors would have argued that Fourth Amendment protection should also be suspended when officers suspect that people possess other dangerous things, such as knives, brass knuckles,

or drugs.

Since ordinary Fourth Amendment restrictions would not apply, mere assertions (rather than probable cause or reasonable suspicion) would have become the basis for searches, leaving everyone in jeopardy of being searched at whim.

The Supreme Court’s swift and unanimous ruling may signal its unwillingness to let political hysteria over guns be used to weaken the Bill of Rights. If so, today’s Court is wiser than the Court of the 1920’s (when fear of communism was allowed to trump the First Amendment) or the 1980’s (when the “drug war” was allowed to degenerate into a war on the Constitution).

Not since World War I has there been a Democratic President so aggressively hostile to the Bill of Rights, so it was not surprising that Clinton’s solicitor general filed an amicus brief in favor of the “firearms exception.”

What was surprising, however, was the broad collection of amici who wrote in support of the Fourth Amendment. The American Civil Liberties Union and the National Association of Criminal Defense Lawyers supplied amicus briefs, as they often do in Fourth Amendment cases. But so did the Rutherford Institute, which focuses mainly on freedom of religion. The National Rifle Association joined with the Independence Institute, in a brief I co-authored, to point out that the carrying of firearms is common and legal in most of the United States, and not inherently suspicious. Even the Southern Poverty Law Center, which has spent much of the past decade raising direct-mail revenue from credulous donors panicked about “militia terrorism,” contributed an amicus brief.

Grover Norquist, head of Americans for Tax Reform, has observed the growth of a coalition in which disparate groups come together to uphold the principle

that government should leave people alone. Homeschoolers, gun owners, and hemp activists are realizing that protecting the lifestyles of people they don’t like is the best way to ensure protection for their own lifestyle. *Florida v. J.L.* was a great victory for the Bill of Rights. As groups such as *J.L.*’s very diverse amici come to understand their common interest in protecting every single liberty set forth in the Bill of Rights, there will be more victories for the Constitution.

—Dave Kopel

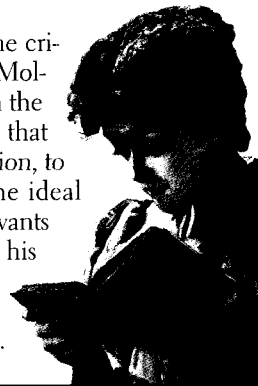
THE CHECHEN BOYEVIKI (“warriors”) are widening the war with Russia, dashing any hopes the Kremlin had of containing the conflict. On May 10, a group of 30 to 40 *boyeviki* practically wiped out an Internal Troops (MVD) convoy (killing 22 of 26 men) in the neighboring Ingush republic, embarrassing Moscow and sparking a war of words between the Russian military and Ingush President Ruslan Aushev, each blaming the other for the incident. Aushev claimed that the surprise attack was yet another indicator of the Russian military’s incompetence, since it came just a few kilometers from the Chechen border and the convoy did not take even elementary security precautions. The military fired back by questioning Aushev’s loyalty (the Ingush and Chechens are related peoples), inadvertently pointing out what most Russians already know: The Caucasian, mostly Muslim, republics sympathize with the Chechens and want Moscow to talk peace with Chechen President Aslan Maskhadov.

In fact, Duma deputy Pavel Krashenikov—probably with the Kremlin’s blessing—had recently met with Maskhadov’s representative in Ingushetia, leading some pundits to conclude that both Maskhadov and President Vladimir Putin were ready to negotiate and that somebody, most likely the more belligerent Chechen “field commanders,” wanted to undercut peace talks. It is entirely possible, however, that hawks in the Russian military, warned by Russian intelligence for weeks of upcoming Chechen efforts to widen the war, deliberately kept their guard down, hoping for an attack.

Gennadi Troshev, Russia’s commander of ground forces in Chechnya, has more than once declared that any talks with the Chechens would be “treason.” Meanwhile, the military has been cashing in on its support for Putin during the

BOOK OF NEXT MONTH

Several important “conservative” writers have produced fine critiques of modern education, e.g., Albert Jay Nock, Thomas Molnar, and Russell Kirk, but few moderns on either side (with the exception of Rousseau) have offered a positive vision. For that reason, we are going *ad fontes* for our basic work on education, to Quintilian’s *Institutio Oratoria*, a work that describes the ideal preparation for an orator—that is, an educated man who wants to put his talents to public use. Quintilian’s great virtue is his lack of originality. For the most part, he gives the common sense of the ancient world, and if we are to restore common sense to ours, we may have to go back 2,000 years.



recent presidential election: A slew of officers from the entourage of Troshev and Caucasian Military District commander Kazantsev have secured appointments to elite units serving in the Moscow Military District (MMD). In short, Putin is now surrounded by Chechen generals who could play a pivotal role in deciding the fate of Yeltsin's successor if the Kremlin does something they don't like—such as opening peace negotiations with the Chechens. Putin's mentor, Boris Yeltsin, stripped the army of men and equipment, weakened the MMD, transferred resources to the MVD, and boosted the elite Airborne Forces as his unofficial presidential guard. (Yeltsin was not known as a political survivor for nothing.) But Putin has transferred command of MVD units in the Caucasus to an army general and has not kept up the flow of extra pay and generous perks to the Airborne Forces.

Meanwhile, army commanders are increasingly insubordinate, rumors are mounting of a Bin Laden-brokered Islamist offensive in both the Caucasus and Central Asia this summer, and the Russian media are reporting airstrikes against rebel positions inside Ingushetia. What will happen next is anybody's guess, but one thing is clear: Putin, propelled into the presidency by both the oligarchs and the military/security apparatus, is not entirely in control of the Kremlin.

—Denis Petrov

“FALSE CHRISTS shall arise,” wamed our Lord, “inasmuch that, if it were possible, they shall deceive the very elect.” Christians of any other era would apply this admonition to the Christ of CBS's *Jesus*, the April miniseries that captured a general endorsement from evangelicals and Catholics both here and abroad. On Italian television, the film received the highest ratings of any show this year. Here in the land of capitalism, the film has been accompanied by not one but *three* soundtracks, which include songs by both “secular” and “Christian” rock superstars, including Hootie & The Blowfish, D.C. Talk, and Leann Rimes.

Rimes has a breathy ballad dedicated to Jesus entitled, “I Need You”—no doubt an instant classic in churches with video monitors and “praise teams” who delight in Jesus-is-my-boyfriend choruses. But this should be of no surprise to anyone who has seen the miniseries.

The Lamb of God is played by Jeremy Sisto, formerly of the hit movie *Clueless*. Save for a few key moments, such as when he is crucified, he can't seem to wipe the smarmy grin off his face. He performs miracles in a “Dude—I told you so” manner. He struggles to fight off the advances of both Mary of Bethany (?) and Mary Magdalene (“Grace” of NBC's celebration of sodomy, *Will and Grace*). Still shots of Sisto have him staring, hip-cocked, effeminate but macho, with his hair blowing in the wind. God elected the Man of Sorrows; CBS would rather he be sexy.

But this is the Jesus of American evangelicalism, not the invention of studio executives. Hollywood has simply answered the question, “Whom do men say that I am?” Evangelicals have made large profits for CBS on Sunday nights by devouring the fluffy gnosticism of *Touched by an Angel*. So it only made sense that a film about the life of Jesus, if endorsed by the right evangelical leaders, would be a formulaic success capable of blasting ABC's *Who Wants to Be a Millionaire?* and Fox's *Beverly Hills 90210* series finale out of the water.

It is easy to take shots at this film—the muddled Arianism, the altered details of the Gospels, the degenerate actors chosen to play Jesus, Mary, and Mary Magdalene. But American Christianity has become so market driven that it cannot see the glaring problems with this film; instead, it chooses to overlook them all, in the hope that, by being “all things to all men,” they might “win some.” Jeremy Sisto is simply every church's dream youth pastor. He shows us the playful side of the Judge of Heaven and Earth. He is, in the words of the Joan Osborne song, “just a slob like one of us.” But more than that, he gives pastors and priests a video to show to young people during youth hour. After all, catechisms and sermons are so *boring*.

All this points to a deeper problem associated with any “Jesus” movie: Salvation is “good news,” and that news comes to us in words—words preached, and words (sacramentally) under water, wine, and bread. That news is of Christ crucified for our sins and raised for our salvation—not the “Christ” who came to “teach us how to love” (in the words of Mr. Sisto).

But many evangelicals will overlook major theological and moral *faux pas* (as well as terrible acting and a wretched script) because they see a good “Jesus”

movie as a conversion tool—indeed, for some, the only effective conversion tool in our sensate age. Of course, the bait-and-switch technique usually stops with the bait, and converts to hip Christianity often quickly grow weary of this faddish, pseudo-religion. Serious Christians should challenge their ministers if they engage in these tactics, remembering that “he that entereth not by the door into the sheepfold, but climbeth up some other way, the same is a thief and a robber.”

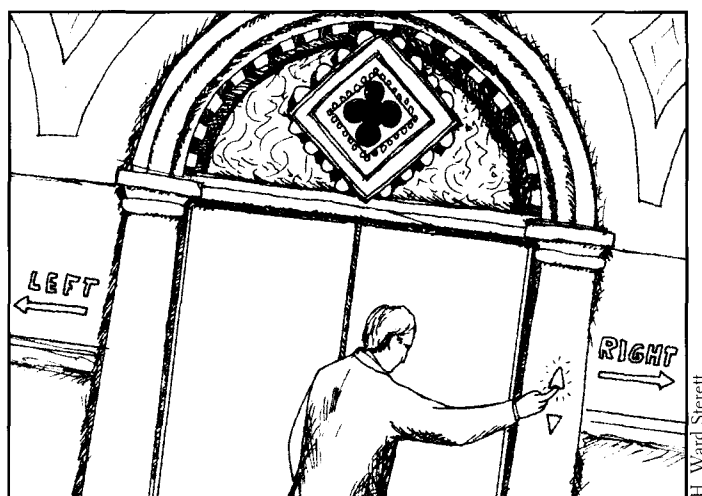
—Aaron D. Wolf

OBITER DICTA: The editorial staff of *Chronicles* is pleased to welcome our newest colleague, **Jeffrey Thomas Kuhn-**er, who joins us as assistant editor. Jeff, who hails from the Great White North (Montreal), has benefited greatly from the easing of immigration restrictions under NAFTA. A doctoral student in American History at Ohio University, Jeff is writing his dissertation on Robert A. Taft. (A portion of his research appeared in the June 1998 issue of *Chronicles*.) Jeff and his wife, **Grace**, live in Loves Park, Illinois, just over the border from Rockford. Any editorial errors in this issue are entirely his fault.

The poetry of **Constance Rowell Mastores** of Oakland, California, returns to our pages this month. Her poems have appeared in the *Lyric, Press, Blue Unicorn, Boulevard*, and *Artweek*, among others.

Our cover artist this month is **Vincent S. Chiaramonte** of Rockford, Illinois. A graduate of the American Academy of Art, Chiaramonte is an internationally recognized portrait artist whose subjects have included Mayor Richard M. Daley of Chicago. He holds signature memberships in the American Society of Portrait Artists, the Portrait Institute, and the Washington Society of Portrait Artists, among others. His artwork has recently been chosen to appear in *The Best of Pastels*, a book commemorating the Pastel Society of America's 25th anniversary.

Our interior art is provided by our art director, **H. Ward Sterett** of Roscoe, Illinois. Mr. Sterett received his B.F.A. from the University of Colorado and his M.F.A. from Northern Illinois University, and attended the L'Abri Fellowship, where he studied the effect of Christianity on art. He currently works as a sculptor, painter, and printmaker in Roscoe.



Hoisting the Donkey

by Thomas Fleming

In troubled times, we look for something to hold on to as the dangerous currents are sweeping us downstream to destruction. Some will have the clear sight (or unthinking prejudice) to grab on to some rooted feature of the landscape—the limb of an oak tree, the steeple of a church, the arm of a brother; while others make the mistake of reaching for something more recent and showy—an ornamental bush, a golden arch, or the hand of a political ally. For stupid people, which means most of us, it makes all the difference whether a man in distress turns to the Gospels or to a grief counselor.

Even in the smog of politics, we thrash the air, searching for something solid and enduring, but the great mistake—in politics, as in most of life—is to mistake the familiar for the permanent. The world of the 1950's is gone for good, and with it the postwar alignment of states and parties. Those who take their stand on the platform of the Republican Party will soon be looking through its holes into the great vortex that is sucking them in, and those who try to keep in step with some imagined “conservative” movement (in what direction should conservatives want to *move*, except backward?) will ride their slow freight all the way off the cliff.

I touched upon these matters almost a year ago when I gave a speech in an ex-convent across the Adda River from the village where Lucia Mondella and Renzo Tramaglino were supposed to get married some 360 years ago. Those dim-witted Lombard lovers had a grasp of the permanent: love, faith, hard work, courage. Then, as now, there were unscrupulous oppressors as well as cowardly and faithless priests and nuns, but even the cowards knew the truth, not only in the 17th century, when these fictional characters were undergoing the perils of thwarted love, famine, plague, and war, but also in the 19th century, when Alessandro Manzoni was writing *I Promessi Sposi*.

And there I was, not five miles from Manzoni's home, 150 years later, lecturing an Italian audience on the themes of empire and oppression, not of the Spanish and Austrian subjugation of Lombardia, but of America in the Philippines and in Kosovo, an argument I had been making, it seemed, all over the world—in London and Paris, in Chicago and Berkeley, in Sydney and Adelaide. “*La fine del secolo Americano*.”

When I gave my talk in the restored chapel, the one or two ex-Christian Democrats (Italy's Cold War “conservatives”) were incensed. The moderator of the panel, a former ambassador to the United States, was furious and afterward exploded at me, insisting that all the lies he had heard about Racak and ethnic cleansing were true, that the American government would never be guilty of unprovoked aggression. When I told him that he and his government were as much victims of American lies as the American sheep who bleated in unison with the CNN broadcasts, this calm and benevolent diplomat started screaming, “I suppose the holocaust never happened either,” and he stormed off waving papers in the air as if he were trying to flag down a taxi in the middle of an Italian garden.

Since most Italians are too realistic to be conservative, the talk was a great success. More than a few radicals came up to find out which section of left field I had come from, and they were not at all unhappy to learn that I came from the right. Those labels belonged to the past, they said, and in our subsequent conversation, the young leftists turned out to be more green than red, defenders of community and naive traditions, opposed to the expansion of government coercion in the name of rights.

In America, the smart money is buying puts on the current alignment of left and right, of performing mastodons and domesticated onagers. In Italy, where politics is a matter of jump-