

**MANUEL ANTONIO NORIEGA**, Panama's crater-faced ex-dictator, may or may not wind up in a gringo calaboose for the rest of his life. After the first blush of the US victory over Gen. Noriega's Panamanian Defense Force began to wear a bit gray, legal authorities in the United States suddenly realized they might not have much of a case against the *caudillo* after all. Nevertheless, the general's trial could set a precedent for the globalization of US law enforcement and ultimately endanger American national sovereignty as well as the rights and security of American citizens against other countries' policemen.

Last summer there surfaced in the nation's press reports word of a secret Justice Department memorandum that argued the case for the legality of US law enforcement agencies fetching home fugitives, even if they've gone to ground on foreign shores. "Fugitives" means not only American criminals who have fled abroad but also foreign nationals who aren't American citizens and who didn't commit their offenses on US territory. Like, for example, a money launderer in Luxembourg who violates US tax and reporting statutes. Or like Gen. Noriega and his colleagues in the multinational corporations that constitute the Latin American drug cartel.

The memorandum remains secret to this day, but Justice Department spokesman David Runkel confirmed to the press that the ruling acknowledges the President's authority to order the FBI to seize fugitives abroad without the consent of the government sheltering the crooks. President Bush denied knowing anything about the memorandum, and Secretary of State James Baker and all the munchkins of Foggy Bottom began to back away from what Justice was proposing.

Mr. Baker said that the Justice proposal "did not take into consideration, as I understand it, international law nor the President's constitutional responsibility to conduct the foreign policy of the United States." In other words, America's cookie-pusher-in-chief

doesn't want the legal hounds down at Justice barking at him and his fellow munchkins about how to take care of the world. That's understandable, at least from State's perspective. But the Department's legal adviser Abraham Sofaer had already expressed some more salient objections to Justice's newfound powers.

Testifying in 1985 before a Senate subcommittee, Mr. Sofaer noted that "seizure by US agents of terrorist suspects abroad might constitute a serious breach of the territorial sovereignty of a foreign state and could violate local kidnapping laws." Further, he warned, "How would we feel if some foreign nation . . . came over here and seized some terrorist suspect . . . because we refused . . . to extradite that individual?"

A memorandum of the State Department's Office of Legal Policy, written with regard to the possible seizure of fugitive Robert Vesco (supposedly in Cuba), reached conclusions directly opposed to those of last summer's Justice paper. "US agents," State's memo argued, "have no law enforcement authority in another nation unless it is the product of that nation's consent," and arrests by American lawmen on foreign soil without the government's permission are "regarded as an impermissible invasion of the territorial integrity of another state."

But whatever the legal flaws of the Justice Department position and whatever back-dancing State and the White House may have performed last summer, by December the Justice concept of globe-trotting G-men had become one of the main arguments Mr. Bush was deploying to justify the expedition against Gen. Noriega. The Panama shooting party was not complete until the general was dragged back to the United States like a conquered barbarian king marching in a Roman triumph. So far we don't know whether, like Julius Caesar's foe, Gallic king Vercingetorix, he will be strangled in a cellar when his captors have no more use for him.

But what we can predict, as lawyer

Sofaer suggested in 1985, is that once the United States publicly asserts the right to dispatch policemen into foreign countries without the permission of their governments, those countries can just as easily send their own cops here. If American religious groups smuggle Bibles into Cuba, for instance, why can't Mr. Castro send agents into the United States, without permission from Washington or the states, to round up the American culprits who insult the majesty of *Cuba libre's* own laws? There's no reason, and there's nothing Washington could do to stop them short of physically throwing them out if it can catch them.

About a month before Mr. Bush's muscle-flexing in Panama, liberal Democratic Congressman Don Edwards raised this point to Assistant Attorney General William P. Barr, author of the secret departmental memorandum. "How can we expect other nations to respect our laws if we don't respect theirs?" Mr. Edwards asked. Mr. Barr's rather flaccid response was to say, "I reject any notion of moral equivalency between the United States and outlaw countries." Maybe so, but the point is (a) "outlaw countries" (whatever they are) don't reject such equivalency, and (b) under the Justice Department doctrine, not only pariah states like Cuba but also any foreign government—that of France, Great Britain, Canada, Mexico—has just as much right to play Dick Tracy within our borders as we do within theirs. The legal, diplomatic, and political implications for the safety of law-abiding US citizens, who may or may not feel like obeying foreign laws to which they have never consented, are frightening.

One practical test of the effective sovereignty of a government is its ability to enforce law within its own territory. If the United States claims the power to enforce its laws in other countries' territories, it comes dangerously close to asserting sovereignty over them. The old-fashioned word for that is "imperialism," but today's empires are marching under the label of

“globalism,” whether economic, political, or cultural.

The globalization of law enforcement that the Justice Department has rationalized and that the Bush administration has at least implicitly adopted by putting Gen. Noriega in the dock is simply the most recent instance of the continuing globalist effort to transcend national sovereignty and identity and diminish the very concept of nationality. When nationality and its institutions have been sufficiently worn away, Americans may find that playing global policeman affords them far less security than just minding their own business.

—Samuel Francis

**PEGGY BUCKEY'S ACQUITTAL** and the acquittal of her son Raymond Buckey on 52 counts of child molestation brought an end to a highly publicized and exhausting criminal trial. Less noticed, perhaps, were postmortems on the case by jury members, who described the excesses and strange ironies of a governmental crusade “to save our children.”

The saga began in August 1983, when the mother of a child at the McMartin Preschool in Manhattan Beach, California, called police claiming that her two-year-old son had been sexually molested by Mr. Buckey. Over the next eight months, prosecutors and allied social workers interviewed 400 children, eventually listing 41 as victims. Children told stories that ranged from watching a rabbit being sacrificed on a church altar to being molested in a car-wash bathroom. The Buckeys were jailed, without bail, in March 1984, and the trial began in April 1987, ending only this January.

The “crusade” atmosphere surrounding the trial reflected mounting public attention to child abuse. This surge in interest began in the early 1960’s, when physicians first coined the phrase, “battered child syndrome.” Popular magazines such as *Life*, *Good Housekeeping*, and *The Saturday Evening Post* soon began thumping the drums about “Parents Who Beat Children.” In quick succession, all 50 states adopted “reporting laws” that required physicians, teachers, and social workers to report suspected child abuse cases.

In the effort to protect children, these laws also circumscribed a variety

of ancient legal protections. They commonly denied physician-patient and husband-wife privileges under the rules of evidence, and gave immunity from civil or criminal liability to those reporting suspected abusers. More ominously, these laws carried a presumption of parental guilt (often involving the seizure of children) until parents could establish their innocence.

Propaganda campaigns by the federal government, state child-protection agencies, and interested professional associations (e.g., National Association of Social Workers) stressed that “all children are at risk.” Television docudramas gave particular attention to the crimes of natural parents in traditional families. Reports of abuse mushroomed, climbing to well over one million each year. Some media estimates stated that six million children are abused annually.

Prosecutors quickly discovered that political reputations could be made by jailing suspected child abusers. Therapists found a lucrative new field (\$1,000 a day and up) and noted that, under sufficient pressure, children would tell all kinds of stories about their parents. Social workers introduced anatomically correct dolls, to help children break through their inhibitions and “role-play.” At other times, children were told that if they revealed the “truth” about their parents, the families might be reunited.

Lost in the self-serving hysteria over the crimes of traditional families were certain truths about child abuse. Honest research showed that stepchildren and the offspring of “female-headed families” were the children truly at risk. Indeed, an article in *The Journal of Ethology and Sociobiology* concluded that “preschoolers living with one natural [parent] and one stepparent were 40 times more likely to become child abuse cases than were like-aged children living with two natural parents.” Another study showed a remarkably high correlation between maternal employment and child homicide.

Also lost was attention to the prevalence of child abuse in the burgeoning daycare industry. “Youth work” has always attracted the pedophiles, and daycare is surely no exception. Indeed, it offers the pedophilic minority up to ten hours a day, five days a week to exercise their charm and control. Even

in California, from 200 to 300 daycare centers are regularly under investigation, primarily for allegations of sexual abuse. However, most of these cases have been kept out of the newspapers, because political elites are pressing for a national daycare system.

The exception proving the rule was the McMartin case, where two trendy crusades (“the critical need for more daycare” and “get the child abusers”) collided.

In explaining their reasons for acquittal, the jurors who would talk agreed that the crimes had been committed. One said that the children involved had been molested “in some sense, by someone.” Another reported: “I believe in my heart” that the children were molested.

However, the jurors also expressed strong criticism of the techniques used by social workers to wring information out of the children. As one explained: “the interviewers asked leading questions in such a manner that we never got the children’s stories in their own words.” Others complained about the use of anatomically complete dolls, and cited the bizarre tales spun by children unable to separate facts from fantasy.

Predictably, the leading pundits have used the results of the McMartin case to call for the tighter regulation of daycare centers, greater state funding, and new restrictions on the legal rights of the accused (such as child testimony via remote television). As before, the disarray caused by prior state intervention is used to justify more government.

The proper response is to recognize that children are best protected from physical and sexual abuse in intact, traditional homes. If politicians are serious about preventing child abuse, they will do whatever they can to support such homes. Possibilities include substantial tax cuts targeted for families with children and toughened marriage laws that reverse that other legal disaster inherited from the 1960’s: no-fault divorce.

Child-protection laws, meanwhile, should be brought back in line with common law precepts: providing precise legal definitions of neglect and abuse; guaranteeing legal representation, rules-of-evidence, and due process in child-removal situations; recog-

nizing the protective environment of intact homes; and protecting children from abuse by government-paid therapists and social workers.

The state, in truth, always has an interest in disrupting and displacing the family. The "child abuse crisis" merely represents another splendid opportunity for this sort of mischief. If the farce of the McMartin trial can be seen as the logical consequence of statism run amok, some good may yet come from it.

—Allan Carlson

**THE ABORTION QUESTION** seems to have reached an unfortunate standoff. Just as the federal judiciary has seen fit to allow more scope for pro-life legislation, it would appear that public opinion, registered in the election returns (as interpreted), has turned against the pro-life position. If it is true that Americans are more pro-abortion now than they were before *Roe v. Wade*, then among other things this indicates how a corrupt government corrupts its people.

I have a modest proposal to help any governor or state legislator out of the ticklish position they are in as a result of having a controversial issue thrown back in their laps. I offer it freely. Were I governor of a sovereign state, I would do what I should have done all along. I would declare that *Roe v. Wade* was an illegal, unconstitutional, usurpative, and nonbinding decision. Therefore, the laws of my state in regard to abortion are still in force as written and

on the books of 1973. There is no need for new legislation, unless the people, through their representatives, choose.

The only problem with this is that some states—I do not know how many—have doubtless changed their laws since 1973 to conform to *Roe v. Wade*. This in itself shows how far we have fallen from any proper conceptions of democracy, constitutional government, and the high and sovereign lawmaking power. States, on this and other questions, tamely pass the laws they are told by unelected authorities to pass, which is not lawmaking at all and not constitutional government, but pretty similar to what happens in the Supreme Soviet.

My own opinion is that the public hesitancy before endorsement of an unequivocal pro-life position does not reflect an approval of or a preference for abortion as a moral position or social policy. What it reflects is a suspicion of government. The "pro-choice" position that no one has any business interfering with a woman's private decision in regard to her body is intellectually and morally nonsense. The community clearly has an interest in life, which is why we have laws against prostitution and murder and why we permit the government to conscript men to die for the country.

But, in my opinion, the people recognize that the state apparatus, especially the federal government, is not the community but is an alien, self-interested force. Therefore, they are quite reasonably suspicious of that authority thrusting itself into the most intimate private affairs. The main problem of our age is the overweening state, an even greater problem than the moral decay represented by "pro-choice."

As outrageous as it will doubtless seem to our global democrats to say so, the American constitutional system was primarily a creation of Protestant Christianity. Neither the liberal minority nor the Catholic minority can govern on this question. The only viable solution to the abortion issue will be a return to tradition. That means, first of all, state rights. Secondly, that means that public policy will generally come down to a position which says: abortion is a moral evil that shall not be allowed except under extraordinary circum-

stances—rape, incest, to save the life of the mother.

I realize that this position is not morally perfect and will not satisfy my pro-life friends. But I do not know of any law that is morally perfect. The purpose of law is to govern the daily affairs of men in as close an approximation of a moral order as we can manage in a flawed world.

—Clyde Wilson

**THE DEPT. OF EDUCATION**, in its seemingly endless quest to discover new ways for students and teachers to waste their time, has approved a high-school course on the holocaust. Centered around a 400-page textbook called "Facing History and Ourselves," the course is a semester-long exercise in intellectual and psychological nose-picking, an extended submersion into irrationalism and a tool deliberately designed to inculcate guilt in the callow minds of the young.

Written by Margot Stern Strom and William S. Parsons of the Facing History and Ourselves Foundation in Brookline, Massachusetts, the textbook explores both the Nazi destruction of the European Jews and the Turkish massacres of Armenians in World War I. But the textbook, accompanied by outside readings and audio-visual aids, is not just another history lesson. It seems to downplay the acquisition of historical knowledge and understanding and deliberately cultivates both ideological and psychological responses in its students. That it is successful in doing so emerges clearly from comments of students who have had the misfortune to endure the course so far.

Among the things to do and learn in the course are to "discuss why the study of genocide is avoided in classrooms and textbooks." One suggested question the teacher should ask the class is, "How would you respond to parents who want to shield their children from the Holocaust?" One student had this to say about the total onslaught of the course: "This history is grim and it can build up inside and make you feel ugly and hopeless. At times I did."

After watching a film by the late Jacob Bronowski on science and knowledge, another student commented, "I think I understand now. There is

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no certainty. . . . we can't be sure about anything." Another film, about a German soldier who refused to shoot innocent Yugoslavs during the war, elicited this response from a student: "The film asks the question: 'How far should we go in defense of our morals?' I don't know if we can or should go all the way all the time. What good are one's morals if one is dead?"

Given the textbook's approach, it's not surprising that wallowing in the course for several months leads teenage high-school students to start questioning the value of morality and the certainty of knowledge itself. Throughout "Facing History and Ourselves" there is a hammerjack refrain that the holocaust was a logical outcome of Christianity, middle-class morality, and Western civilization.

"It is easier to dwell," the textbook assures the students, "on Denmark as a nation which saved its Jewish citizens than it is to learn about the roles of the Catholic church, the American president, and the collaboration in many occupied nations." In one reading selection, entitled "A Christian Response to Contemporary Antisemitism in Christianity," Tom F. Driver of Union Theological Seminary notes that "a body of liberal Christian educators" refused to go on record against the Rev. Bailey Smith's vapid remark a few years ago that "God does not hear the prayer of a Jew." Apparently you just can't count on Christians to resist hatred and mass murder.

Commenting on the rise of the Nazis, the textbook says that "without strong democratic leadership and the cooperation and support of the major institutions such as the Church, . . . the organized and individual resistance to hate was small and ineffectual. . . . And as the state promoted its racist ideas by allying racism with cleanliness, honesty, family, and hard work, familiar virtues of the church and middle class, the masses chose to follow."

It's understandable that by the end of the course, some students have experienced something akin to spiritual rape. "I feel," commented one, "as though something I have had all my life has been taken away from me, something that can never be totally restored. I almost feel so awful without it, perhaps it's a form of innocence, a removal of my protective blinders. We

all in our struggling humanity have to clutch to our eyeballs to keep out the cold light of despair. Looking at things as they really are is a form of growing up."

"But awareness is just the beginning!" chirps the textbook, leaping in its final chapter to discuss such contemporary issues as the creationist-evolutionist controversy, the Moral Majority, and nuclear war. Looking at things as they really are is indeed part of growing up, but "Facing History and Ourselves" wraps reality in such a miasma of moral doubt and confusion that the adolescent minds submerged in this course will never catch a clear glimpse of historical truth and moral responsibility.

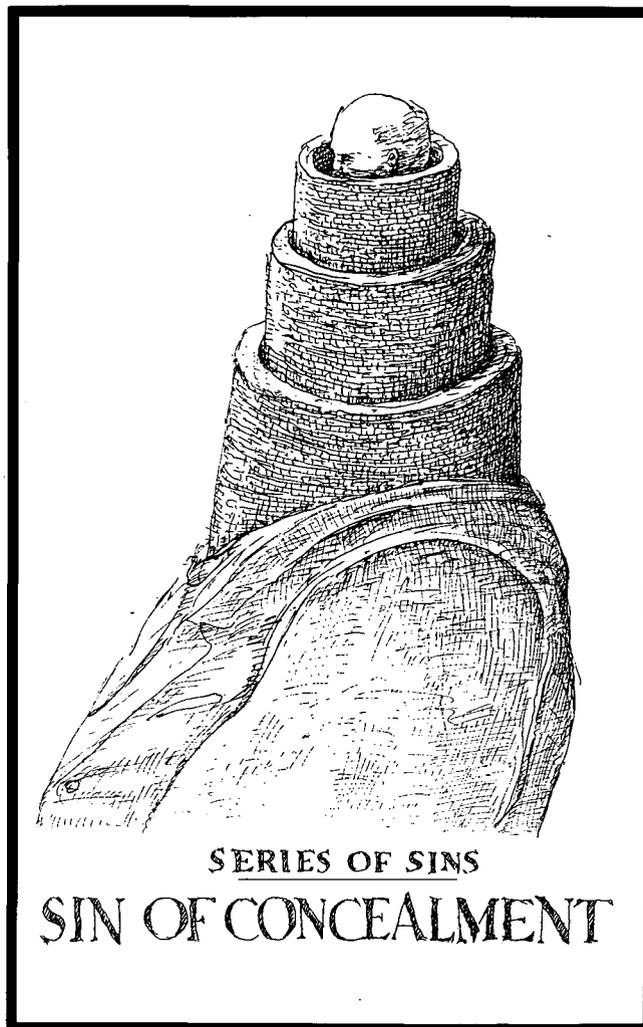
—Samuel Francis

**A FRIEND OF MINE** sat recently on the planning committee for a large

regional scholarly organization's annual convention. It is not the kind of convention I attend, because I usually cannot afford it and I found out long ago that nothing of intellectual substance ever happens at such meetings. I prefer small specialized groups where there is a chance of learning something.

The planning committee received a proposal for a paper on "Robert E. Lee's Humor." It was not a profound or significant subject, but was mildly intriguing and presented by a scholar who is of substantial reputation and known to be a good Democrat in his politics.

A black scholar on the committee flew into a rage and delivered a tirade, some of the high points of which were: to have a discussion of General Lee's humor would be equivalent to a discussion of Hitler's humor; the purpose of scholarly organizations is to study his-



Janusz Kapusta

torical and cultural questions in a way that advances the agenda of minority groups, his own especially; he would resign and boycott the organization if the idea were accepted. With only a few dissenters the committee immediately turned down the proposal.

This trivial incident provokes a number of reflections. Whatever happened to the pursuit of truth? to academic freedom? to scholarly courtesy and tolerance? Another reflection: anyone (of any color) who cannot tell the difference between General Lee

and Hitler is not fit to teach young people (of any color). Another: what distinction, if any, can be drawn between the angry scholar's position and blackmail, or cultural terrorism?

Unfortunately, this is only a trivial example of a kind of thing that happens every day everywhere in America. We will soon be in the position that our colleagues in Eastern Europe are busily emancipating themselves from. In Communist countries there is an official line that everyone adheres to. It is well understood that nobody really

believes the Marxist-Leninist line except a few dull-witted and self-interested party hacks, but everyone must pay obeisance to it. All real discussion is carried on in code (at least until recently), so as not to arouse the ire of the ruling powers. A political or economic analysis of current conditions is presented in the guise of a study of ancient history, for instance, or by the use of double-meaning terminology. We are not very far from that situation now.

—Clyde Wilson

## Principalities & Powers

by Samuel Francis

It is hardly an accident that the decomposition of the American nation and its culture is paralleled by the decomposition of the American middle class. In the 19th century, nationality and the middle classes were born together as Siamese twins, and their enemies understood their linkage and tried their best to strangle them in their common cradle. They failed, and the twins grew up as inseparable companions. It therefore makes sense that they remain united in death as they were in life.

In American as in European history, the middle class was the creator and carrier of nationalism, so much so that a cliché common among historians and sociologists holds that in the United States the middle class includes everyone. Of course it doesn't, and didn't; but the epoch that historian John Lukacs calls the "Bourgeois Interlude" —from 1895 to 1955—remains even today the normative period of American history, the era that bred the culture and character that most people, Europeans as well as Americans themselves, still think of as typically American, against which we still measure our achievements and failures.

But as Professor Lukacs notes, "middle class" and "bourgeois" are not the same thing. The former refers to a merely economic category that happens to enjoy a material income between that of the poor and that of the wealthy. A middle class is as logically necessary to social existence as the obverse of a coin is to its reverse. But the "existence of

the bourgeoisie," writes Professor Lukacs, "has been a particular phenomenon, a historical reality." The principal characteristics of the bourgeoisie were not economic but cultural and psychic—"the sense of personal authenticity and liberty, the desire for privacy, the cult of the family, permanence of residence, the durability of possessions, the sense of security, and the urbanity of the standards of civilized life." These standards derived from or were associated with the bourgeois attribute of "interiority," a preoccupation with the self manifested in literature and the arts through the novel, the portrait, the keeping of diaries, and the publication of letters, and appearing socially and politically in the creeds of individualism and the self-determination of nations.

The dates Professor Lukacs gives for the Bourgeois Interlude identify the era's cultural personality, but the hegemony of the bourgeoisie in culture followed its economic and political triumph in the American Civil War by about thirty years, just as its demise in the mid-1950's followed by about twenty-five years its political and economic overthrow in the Depression and New Deal. In the pre-bourgeois period of American history, during what might be called the "First Republic," neither nationalism nor the bourgeois psyche prevailed, and a decentralized constitutional and social order prevented the consolidation of power by either the bourgeois capitalism of the Northeast or the aristocratic capitalism of Southern plantation masters.

The "Second Republic," the politi-

cal expression of the Bourgeois Interlude, emerged from the Civil War and made the United States a singular noun and a real nation-state, just like Napoleon III's France or Bismarck's Germany. Bourgeois economic, political, and cultural dominance meant that the new elite no longer had to be content with patching up its own psychic interior. Now it could redecorate the souls of Southerners, Indians, Latin Americans, Filipinos, European dynasts, and anyone else whose spiritual architecture failed to meet bourgeois standards. The technology, industry, urbanization, and mass educational and communications institutions that the new bourgeois elite set up enabled it to start straightening out regional and social bumps in the road of progress within the United States and to make preparations for turning the rest of the world into a bourgeois parking lot.

In the process, the bourgeois elite generated its own destruction. Its corporations, banks, universities and pubescent bureaucracies gave birth to a new class of technocrats who had little use for bourgeois beliefs and institutions. In the economy, the "separation of ownership and control" removed bourgeois property-holders from the direction of their own firms and empowered professional managers in their places. In the state, democratization served to disperse sovereignty among the newly enfranchised and politically active masses, with the result that the "people" received the name of power, but the experts who managed the state held its substance. Culturally, the new intelligentsia that crept out of bourgeois universities and