

Southern

THIRD QUARTER 2001

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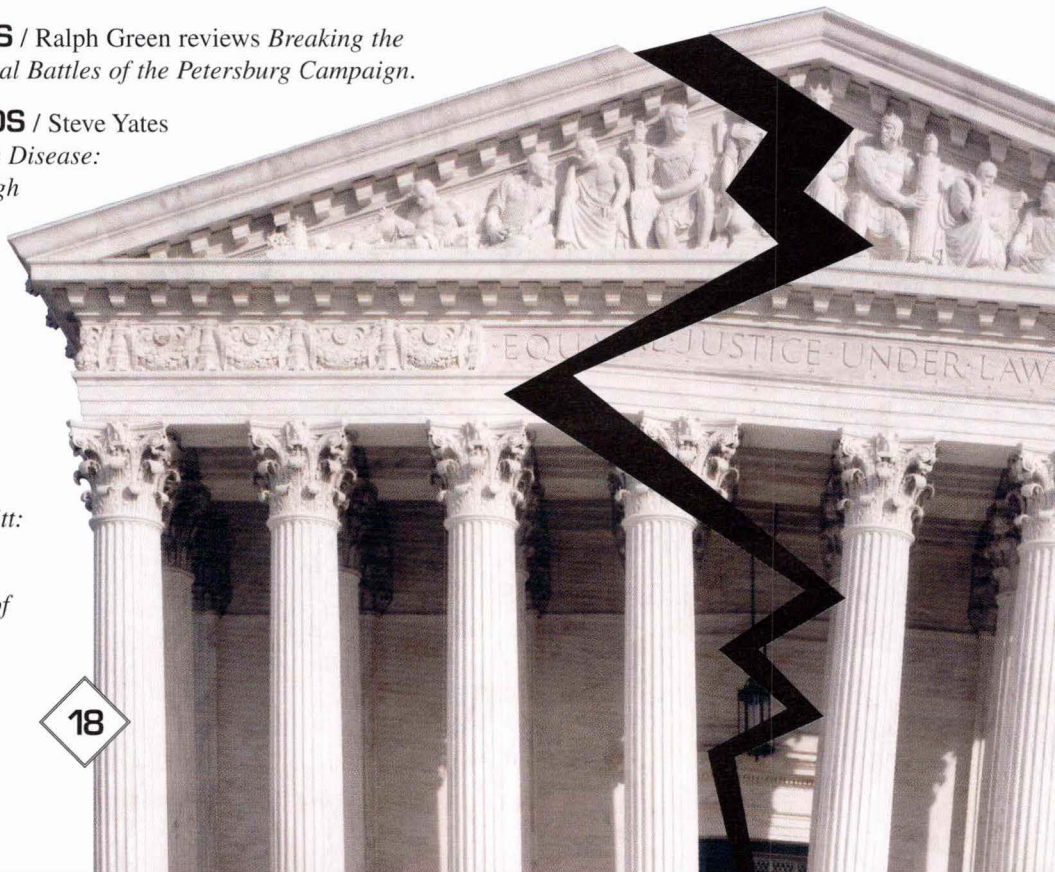
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Southern PARTISAN

"If there were a Southern magazine, intelligently conducted and aimed specifically, under the doctrine of provincialism, at renewing a certain sort of sectional consciousness and drawing separate groups of Southern thought together, something might be done to save the South..."

—Donald Davidson to Allen Tate
May 1927

"No periodical can well succeed in the South, which does not include the *political* constituent...The mind of the South is active chiefly in the direction of politics...The only reading people in the South are those to whom politics is the bread of life."

—William Gilmore Simms
Southern Quarterly Review, April 1853

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EDITOR'S LETTER

D

ear Reader,

As promised, this issue contains the second installment in our examination of the American political system: the federal judiciary.

Bill Watkins provides an insightful examination of the power of the federal courts and the historical developments that made them the omnipotent and arbitrary oracles of truth. Bill takes an especially careful look at how the judiciary was intended to safeguard the principle of states' rights, and how they now do the exact opposite.

On a related topic, Michael Peroutka discusses the idea of judicial restraint—or the lack thereof—and the impact it may have on American society.

Since we may have an unusually large number of lawyers reading this issue, please let me make the following disclaimer: We make no warranty, either expressed or implied, as to the usefulness of this product or the fitness of purpose. Material contained in this magazine may be alarming to liberals and statist, and *Southern Partisan* assumes no liability for any adverse health effects which may occur.

We received quite a lot of mail regarding last issue's piece "Sitting Amidst the Ruins" by Thomas Woods; the article touched a nerve. In fact, the response has been so positive that we will create single issue reprints at a nominal price if you're interested in extras.

Next Issue

We are hard at work on our next issue and expect it to be out by the first of October. This issue will feature Dr. Clyde Wilson's excellent essay "The Yankee Problem in American History."

We'll also present a report on the Tennessee Tax Revolt of 2001. Probably the biggest domestic political movement to hit any Southern state in the modern era.

Tell your friends.

Incoming Mail

Look for a letter from *Southern Partisan* in your mail box soon. The recent controversies in which the magazine has been embroiled have presented us with an excellent opportunity to expand the scope of the magazine. You should receive shortly a letter from us laying out our plans for the future. I think you'll be pleased.

About our writers

I'd like to draw your attention to a book written by one of our long-serving contributors. A few years back Devereaux Cannon wrote what I consider to be the definitive work on Confederate ensigns: *The Flags of the Confederacy: An Illustrated History*.

Well-written and copiously illustrated, Devereaux's book gives clear examples of the great diversity of Confederate flags along with understandable explanations. Next time some self-absorbed academic or overworked reporter gets all wound around the axle over Stars and Bars and Naval Jacks, it usually only requires a quick perusal of Devereaux's book to straighten them out. (I once had a reporter for a national newspaper who could not discern between a Battleflag and a British Union jack without the aid of Devereaux's book!)

This is an excellent reference work and ought to be on every Confederate's shelf.



★ **FALLOUT SHELTER**

Gentlemen:

Don't wring your hands so over the "negative" Ashcroft fallout, as your contributors have always known the possible consequences of associating with *Southern Partisan*. Just continue to inform your readers as you have so well done over the years.

*William D. Lanning, Jr.
Santa Rosa Beach, Florida*

★ **PUBLICITY VALUE**

Gentlemen:

The series of articles in the 2001 1 Qtr. issue concerning the attacks made on the publication were informative and well stated. I first heard of *Southern Partisan* during news coverage of the Ashcroft hearings, and was prompted to take out a subscription largely because of my complete dislike and disgust for the hatemongers who were attacking you. Your detractors appear to be your advertisement.

*Jack E. Staples
King George, Virginia*

★ **THANKS TED**

Gentlemen:

Thanks to the ridiculous inquisition of Ashcroft, I was introduced to your splendid periodical.

This is to thank you especially for the eye-opening "Sitting Amidst the Ruins" article (2001, 2 Qtr.). Even with college degrees, I felt a fool for being so ignorant of the great scheme of things as depicted here. At least it fell on fertile ground. Since retiring, I have plunged into the quagmire of politics with vigor (and loathing to liberals).

All of your articles are great and I'm proud to be a Southerner (Tennessee). God bless all your blessed contributors. I shall reread and treasure these magnificent words.

*Mary Levi
Morristown, Tennessee*

We would like to thank Ted Kennedy and his Judiciary Committee colleagues for all of our new subscribers.

—Ed.

★ **REPUBLICAN JEERS**

Gentlemen:

As a lesson to you to always be careful what you ask for, I'm responding to your invitation to submit comments on *Southern*

Partisan to you. As a long-time subscriber, I'm never disappointed in your magazine, and especially enjoyed Professor Woods' article "Sitting Amidst the Ruins." My only reservation concerned your commentary on the Jeffords switcheroo (Partisan View), wherein I thought I detected a whiff of Republican cheerleading on your part.

I've voted Republican myself about 95% of the time, but recognize them for the weaseling cowards most are. Fearless, noble, pure, and needing Southern voters (when they are out of office), they usually regard us as an embarrassment and an impediment to the good will of the *New York Times* once the election is decided in their favor.

But if I have unjustly maligned you, I do apologize, and beg that you continue to love our Southland above any political party.

*Sallie Green
Rocky Comfort, Missouri*

★ **CATHOLIC CHEERS**

Your Second Quarter 2001 issue solidifies *Southern Partisan's* reputation as a serious journal of Southern letters. Professor Thomas Woods' article on the lasting wounds inflicted by the Enlightenment was the highlight of the issue. As a participating Catholic I also read with interest H. Arthur Scott Trask's review of the recent biography of Orestes Brownson, and Robert Hilldrup's finely worded thoughts on the growing cooperation between Catholics and Protestant evangelicals in defense of traditional values. Keep up the excellent work!

*John Paul Trouche
Mount Pleasant, South Carolina*

★ **HUNLEY'S PORT**

Gentlemen:

It has been more than a year since Mayor Riley of Charleston made his march to Columbia in opposition to the Confederate battle flag. During this march he reported receiving a written death threat and read the same on the steps of the Capitol.

It has always been my assumption that a death threat against a public official was a felony, yet, to this day I have not heard of any investigative action, much less an arrest. According to the mayor, the threat was hand written and even stated what county it came from. It seems to me that even a novice could track this person down with leads like that,

yet, no one has been identified or at least none made public.

Since no responsible agency has addressed the subject, what choice do we have but believe that the matter was never real in the first place, but merely a hoax on the part of the mayor to embellish his position. There is no greater coward than a person who will not honor his heritage and then publicly demonstrate against his own forebears.

If the actions of Mayor Riley do not qualify him for the periodic Scalawag Award then I cannot imagine what would. His actions are textbook Reconstruction antics. His anti-Confederate approach alone eliminates his city as the final resting place for the Hunley. The honor due the crew of the Hunley should not be disgraced by placing the ship inside the city limits of Charleston. North Charleston, or Mt. Pleasant, anywhere but Charleston.

*Wayne R. Tallent
North Charleston, South Carolina*

★ **TITULAR TROUBLES**

Gentlemen:

I enjoy reading your magazine. One question—why single out Walter Williams' wonderful columns under the heading "Minority View"? Walter Williams is an insightful economist and thoughtful man whose columns and opinions always reflect the ideas and values of your readership and your other editors. Just because he is black seems to be a very poor reason to call his column "Minority View"! By the way, I plan on nominating him for President in 2004 at the next Libertarian Party convention.

*Brandon Michael Brod
Santa Barbara, California*

We appreciate your sentiments, but Dr. Williams chose the title, not us. —Ed.

★ **DELIGHTFUL PROCESS**

Gentlemen:

I am proud to have met Msrs. Quinn and Hamel years ago. I want to encourage you. You are holding to a fine thread that is fair but not ambiguous, virtuous but not preachy: which runs freely between party ideologies and monotheistic religions. You cleave to the natural laws while vaunting the Supernatural. You proceed from the ground while seeking truth in both body and soul.

And you delight in the process—in a word, you are *Southern*. I say, Press on!

David Drexel
Southern Pines, North Carolina

★ OFF COURSE?

Gentlemen:

After reading James McClellan's review (2001, 1 Qtr.), I have ordered *When in the Course of Human Events*. Dr. McClellan comments, "Nowhere in the Constitution is it either stated or implied that the Supreme Court is either the sole or the final interpreter of the Constitution." What part of the words "one" and "all cases" does he find hard to understand?

The root of the problem is that many people in both the South and the North sought to make use of the State, and we have paid a severe price for it.

Jack Dennon
Warrenton, Oregon

★ PELHAM POINTS

Gentlemen:

I read with interest Mr. James Nestor's letter on Pelham (2001, 1 Qtr.), and would like to offer some thoughts.

While I was doing my Master's thesis on Pelham at Penn State University, I was very lucky to speak with several members of the Pelham family, especially Mrs. J.H. Graves, who allowed me to see the Pelham family Bible which lists Pelham's birth on 7 September 1838 at Cane Creek, three miles south of the little town of Alexandria.

The idea that he was engaged to the Shackleford girl is one of the continuing myths. All the Pelhams agreed that he was engaged to Sarah (Sallie) Dandridge, as do the Dandridges. Sallie did not marry until ten years after Pelham's death. Bessie Shackleford married, of all things, a Yankee officer a short time after Pelham's death.

In an Army of gallant men, he was the Gallant Pelham. The Cavalry Division of the Army of Northern Virginia missed him.

Kenneth P. Stuart
Greencastle, Pennsylvania

★ PELHAM POINTS II

Gentlemen:

Regarding the letter of correction, "Pelham's Passing," two issues back (First Quarter 2001, Special Double Issue), I offer

the following (I hope) correct information: Pelham was mortally wounded at the Battle of Kelly's Ford on March 17, 1863, but did not actually pass from this vale of soul-making until approximately 1:00 A.M. on March 18.

Gen. Robert E. Lee did indeed refer to Pelham as the "Gallant Pelham" in his battle report issued after Fredericksburg in December of 1862. J.E.B. Stuart had earlier referred to him in the same manner, but Lee made it stick.

Thomas H. Hubert
St. Louis, Missouri

★ RAMIREZ REBUKED

Gentlemen:

I'm a new subscriber who has noticed Mike Ramirez comics in each of the last two editions of *Southern Partisan*.

Recognizing that Ramirez was on the hostile side of the Confederate flag issue, and that he used his influence to denigrate the flag's supporters in such a malicious way, and at a critical time, I was extremely disappointed to find his work in your publication.

Please assure me that you were unaware of his past transgression, or that he has somehow atoned for his treachery. As a faithful partisan, I expect an explanation.

Karl Hundley
Cincinnati, Ohio

We get, as part of a subscription, a series of Editorial cartoons by different artists, from which we select the best ones for each issue. We will look into the Ramirez matter. —Ed.

★ LACTOSE INTOLERANT

Gentlemen:

When James Jeffords left the Republican Party to become independent, Liberals told us he had principles. Well, you be the judge of Jeffords' principles. The truth is, it's about Jeffords being beholden to the dairy industry.

The price of milk in New England is set by the "Northeast Dairy Compact." This group sets an artificially high price for milk which is a tax on the poor.

Jeffords is in bed with the "dairy compact" group. When he heard the rumor that President Bush wanted competition in the dairy industry, he bolted the party. Now he is in position to protect the "dairy compact group."

Barney Roskopp
Cincinnati, Ohio ☼

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Monkeying Around With History

BY CHRISTOPHER M. SULLIVAN

Here's a money saving tip: Don't go to see *Planet of the Apes*. The movie is little more than an icing of spectacular effects surrounding a cake of stale leftist clichés.

The movie is set in the distant future, on a planet where a United States Air Force spaceship has crash-landed. The humans, separated from the technology upon which they had become dependent, are now forced to live a scattered primitive existence, always at the mercy of the super-smart simians who once were their experimental cargo.

An interesting enough plot, but it becomes a vehicle for the typical Hollywood political slogans and not much else. There were, however, two significant ideas which crept (unnoticed?) into the script, and which might be considered conservative.

Both messages come in a scene in which the protagonist, an evil and tyrannical chimpanzee known as General Thade, visits his father's deathbed for some last-minute advice. The father, played by Charlton Heston, passes along two important lessons.

First, the father points out that the apes have not always ruled the planet. He shows his son one of the ray-guns the humans used to have, and points out that the only reason the monkeys can dominate the humans is by brute force. If the humans ever discover that guns exist, the monkeys will certainly lose their edge. This subliminal plug for the NRA is about as good as it gets in this movie.

This brings up the second point. The father reveals to the son that the monkeys were, in fact, not the original species on this particular planet; once humans ruled apes. This secret, Gen. Thade is told, must be kept inviolate lest the humans get it into their heads that they can do something other than sprint half-naked through the underbrush.

According to the movie, when the humans crash landed on the planet ages before, they lost all their technological support, and found it difficult to sustain themselves. Conversely, the experimental mon-

keys which had been in their care thrived and, because they were super-smart, soon advanced into a full-fledged civilization.

At some point, the humans lost not only their technology but also their history. While they were struggling to make a living out of an unfamiliar and hostile environment, they failed to tell the next generation about their history.

The catastrophic result was that they had no sense of place. They lacked any form of civilization. No government; no distinct culture; no agriculture or industry; no means of organizing a common defense against the more powerful apes.

These lessons can be easily drawn to our own circumstances. First, keep your guns. Even against an angry mob, a well-armed man has the hope of defending himself, his family, and his country. The only people who want to see an honest man disarmed are those who hope to gain by his subsequent weakness. This may be the second amendment, but it is the first rule of civilization.

Second, don't forget your history. It may seem trivial to bother with learning all those endless dates and stories about heroes long since past, especially when more pressing concerns of daily life are constantly demanding one's attention.

But consider the consequences. If you don't know who your people are, you will soon forget the things which make a people civilized. The result of this cultural amnesia will be the loss of the culture, ideas, and heritage which defines a civilization.

Just like guns, the only people who want to wipe away history are those who scheme to prosper by its absence.

There was one curious thing about *Planet of the Apes*: the ending. I can't begin to explain the way it works, but if you saw the original, you remember that Charlton Heston discovers the ruins of the Statue of Liberty and realizes that he is on planet Earth overrun by apes. Complicated enough, eh?

Well, in the latest version, the spaceman leaves the descendants of his former col-

leagues and travels through space, back (or forward, I'm not sure which) in time to Earth, only to discover that the apes have taken over there too. He realizes this when he lands in Washington, DC, walks up to the Lincoln Memorial and finds the statue of old Abe replaced by the despotic General Thade. Which, I guess, means that tyrants are honored in every repressive culture.

In this context, certainly, the image of "Ape Lincoln" gives the South a more human appeal. At any rate, two important points emerge: Keep your guns handy and never forget who your people are.

Speaking of Forgetting History

"Few, if any, institutions or individuals from the period before Emancipation remained untainted by slavery." This quote is remarkable not because of its content but because of the speaker: Yale University.

Yale's fit of historical honesty, however, is not motivated by a sudden new respect for the complexities of American history. It is, rather, their attempt to water down recent revelations about the university's connections with the African slave trade.

It seems that Yale decided to celebrate its 300 year anniversary by highlighting what it calls its "long history of activism in the face of slavery." But, as these sorts of retrospections often do, researchers have brought to light another, more prevalent, relationship between Yale and slavery. It seems that the university was built off the wealth of New England sea captains whose fortunes were made from the lucrative export/import business of enslaved Africans.

An article entitled "Yale, Slavery, and Abolition" published by the Amistad Committee, calls for Yale to acknowledge how it has benefited from the profits of slavery and points out that most of Yale's prestigious colleges are named for those slavers or defenders of slavery.

Yale and her fellow New Englanders, like the domineering monkeys of *Planet of the Apes*, would very much like to keep history in a tidy little box where no one will be able to see it. After all, if you are forced by fact to a knowledge that your own "sins" are as great as others, it makes it a little hard to be self-righteous. Also, if people are actually allowed to make a clear and balanced study of history they might come to the wrong conclusion. ☹

Who Let the Dogs In?

Anyone with lingering doubts that the NAACP has degenerated into nothing more than an extortion racket should read board chairman Julian Bond's speech to the group's annual meeting in New Orleans. A while back the NAACP was in disarray and nearing bankruptcy, when they seized on the Confederate flag issue.

Attacking Confederate symbols proved a lucrative way to get attention and raise money while not offending the northern liberals who make up the most profitable portion of their fund-raising list.

At the New Orleans meeting Mr. Bond made sure to stir up more hatred towards the South by attacking George Bush. Bush has "appeased the wretched appetites of the extreme right wing, and he picked Cabinet officials whose devotion to the Confederacy is nearly canine in its uncritical affection," Bond said.

Get the Lead Out

With South Carolina and Georgia appearing to go so far and no farther, and with Mississippi standing firm, the Confederate issue seems to be playing out in the national press for a while. This has left the NAACP wondering where the next batch of donations will be coming from.

No doubt seeing the fabulous success of the trial lawyers who have earned upwards of \$6,000 an hour suing tobacco companies and car makers, the nation's oldest civil rights organization has announced a new target: lead-based paint.

"For us it's a civil rights issue because you ought to have every reasonable expectation that as an American, you have the right to grow up in an environmentally safe situation, where you're not put at risk," NAACP president Kwesi Mfume said.

The organization may find this the most successful venture yet. Politicians are surpassed only by CEOs in the race to cough up hush money.

The non-discriminatory nature of paint seems not to bother Mr. Mfume any more than does the non-discriminatory nature of flags.

McCain Again and Again

It's hard to imagine that John McCain could ever have garnered the respect, much less the votes, of Southern conservatives.

As we go to press, he has just published an op-ed piece in *USA Today*—co-authored by Dick Gephardt—proclaiming that in the 2000 election, favored minorities were disproportionately disenfranchised, that the system is desperately in need of fixing.

Here is a direct quote:

The 2000 election vividly displayed the cracks in the foundation of our election process. Antiquated voting machines, nullified ballots and access barriers were national problems, but the disenfranchisement of African-Americans, language minorities, the disabled and the elderly was disproportionately high.

This is an embarrassment to our democracy. How can we credibly send election monitors abroad if we don't have a credible election process worth modeling? How can we credibly encourage our youth to vote if they believe their votes will not be counted?

There are several things wrong with this passage. In the first place, who was disenfranchised? There is no persuasive evidence that any such thing occurred. The Democrats have grinned and howled about Florida; but in the end, they could only prove that people from several of these groups may have disproportionately voted for more than one presidential candidate. You can't devise a system that eliminates errors based on stupidity or blamable confusion.

As for sending election monitors abroad, there is a simple solution to that "embarrassment:" Don't send them. Quit meddling in the politics of other nations. Who cares if elections are stolen in Lower Slobovia? We need to rid ourselves of the notion that the world is perfectable—and that we are the ones to perfect it.

Meanwhile, John McCain is rapidly becoming the Mr. Fix-It of American society—proposing legislation to repair every crack in every road in every town in America. Indeed, his view of government differs little from the view of those who held him prisoner for over five years in Vietnam. He seems determined to out-Kennedy Teddy and out-Clinton Hillary.

Rumors abound that he will switch parties and run as a Democrat, seek the Reform Party's nomination, or challenge President Bush for the GOP nomination in 2004. Clearly, he is up to something. Maybe he does want to run for president; or maybe he

merely believes that it's pay-back time for the party and nation that rejected him in 2000.

Whatever his motives, he has replaced Al Gore as the biggest flake in the Wheaties box.

Update

You may recall that, during the presidential campaign, the NAACP denounced then-governor George Bush because of two plaques commemorating the Confederacy.

One featured a Confederate battle flag and a quote by Robert E. Lee: "I rely upon Texas Regiments in all tight places, and fear I have to call upon them too often. They have fought grandly, nobly."

The other plaque featured the Great Seal of the Confederacy and reminded visitors that the Supreme Court building was "Dedicated to Texans who served in the Confederacy."

After these memorials had become a subject of embarrassment to candidate Bush, they were surreptitiously removed, despite the fact that the people of Texas voted to designate the building a memorial to Confederate veterans.

The replacement plaques were more politically correct. One said: "Because this building was built with monies from the Confederate Pension Fund, it was, at that time, designated as a memorial to the Texans who served in the Confederacy." This sentence is surprisingly equivocal and obtuse—and ugly prose as well.

The second play proclaimed the following: "The Courts of Texas are entrusted with providing equal justice and the law to all persons regardless of race, color or creed."

But that's not the end of the story. According to James A. Cooley of the *Lone Star Report*, recently the Texas Division of the SCV took the state to court, arguing that removal of the original plaques was in violation of a 1954 constitutional amendment, which, in part, stated that "The first major structure erected from the State Building Fund shall be known and designated as a memorial to the Texans who served in the Armed Forces of the Confederate States of America."

And the law implementing the approved amendment specifically stated that the new Supreme Court Building "shall be known and properly designated by the State Building Commission as a memorial to the

Texans who served in the Armed Services of the Confederate States of America, and a suitable plaque, or other proper means of designation, shall be integrated into the construction of the building to effectuate this memorial purpose.”

Question: Can state officials, too often motivated by transient political concerns, arbitrarily remove plaques established by voters and legislators?

That’s the question the court must decide—and the answer seems obvious.

Sink the Hunley

George Freeman, a former NAACP leader in South Carolina, is protesting because the town of Mount Pleasant has offered to help pay for a museum to house the Confederate submarine, *Hunley*, which was recently raised from the bottom of the sea, still holding the remains of Confederate seamen.

In typical language, Freeman said, “The Confederacy committed some of the same atrocities as did the Nazis. But the Confederacy was never punished for its crimes against humanity.”

Freeman went on to proclaim that those atrocities are an ongoing crime, “Today I am still a victim of the Confederacy. Because of the Confederacy and centuries of enslavement, I don’t have a language, a family name or a homeland.”

For a man without a language, he sure shoots off his mouth a lot, don’t he?

Excitable Boy

Females who ride the Dallas Area Rapid Transit (DART) have been accosted by a neatly dressed white man in his 30s or 40s, who follows young women off the train or bus, grabs them and—bites and licks their arms.

The bites are somewhere between a chew and a nibble—and only once, in a burst of ardor, has he broken the skin of a victim. Thus far, there have been 13 bitings and lickings reported to the police.

As of this writing, the police have a suspect in custody but won’t give out details. However, one officer said ominously, “...sometimes these things escalate. Kissing today, biting tomorrow, then maybe something far more devious and dangerous.”

Who knows? Maybe that’s how Hannibal Lector got his start.

Big Surprise

The Headline: “Black leaders refuse to pledge allegiance to the flag.”

The first sentence: “Some black politicians and civil rights activists refuse to pledge allegiance to the U.S. flag, calling it a symbol of slavery and racial oppression.”

Big surprise.

This is not the first time such sentiments have surfaced. *Southern Partisan* reported awhile back that the students at North Carolina A&T had demanded that the American flag no longer fly over their campus. (They also demanded that the national anthem be dropped and that the Administration get rid of white students and teachers.)

Such demands are perfectly predictable—and perfectly logical—given the widespread acceptance of arguments calling for the banning of the Confederate flag. Note the similarities.

- Both flags were designed at a time when slavery was “the law of the land.”
- Both flags flew over a nation that practiced legalized slavery.
- The first President of the United States, like the first President of the Confederacy, was a slave owner.
- Large numbers of blacks believe that both flags are symbols of slavery and racism—and are highly offended by them.
- Indeed, the same argument can be made for abandoning the American flag that was made for striking the Confederate flag—flying Old Glory hurts too many people’s feelings.

The *Times* quotes several high-profile blacks to illustrate this point. State Representative Henri Brooks of Memphis, Tennessee, has said, “This flag represents the former colonies that enslaved our ancestors.... And when this flag was designed, they didn’t have [black people] in mind.... It’s not one nation under God and it’s not liberty and justice for all.” (Brooks is a woman.)

Black columnist Julianne Malveaux defended Brooks, saying, “With liberty for whom? And what is justice? For whom?” Malveaux said the pledge of allegiance is “nothing but a lie, just a lie.” Civil rights activist Lawrence Guyot said that Brooks made “quite a compelling argument” against the pledge, though he didn’t necessarily buy it.

We predict the attacks on the American

flag and on other earlier American symbols will escalate over the months and years to come. Having already defeated the Confederacy, black activists, swollen with pride, will increasingly turn their rhetorical guns on the United States of America.

The Homosexual Tambourine Player

Up until now, the Bush boys have crawfished on the social issues because they are more interested in economic policy and are contemptuous of the pro-family movement that elected them.

George Bush *père* and George Bush *fils* have paid lip service to “family values,” but both have played serious footsie with Log Cabin Republicans and other homosexual groups. *Père* was the first president to invite representatives of gay rights organizations to the White House; and, from the beginning, *fils* has openly stocked his administration with militant homosexuals. Keep gay rights activists off your back, the theory went, and you could push through tax cuts to stimulate growth in the economy and abolish welfare as we know it.

All that has changed. Dubya’s only original legislative contribution thus far has been his proposal to fund “faith-based organizations” and let them take care of the starving and homeless. Now, the gay rights movement is threatening to scuttle the proposal unless the Salvation Army permits homosexuals to become majors and colonels.

So an economic initiative has butted its head against the gay rights movement, and you can bet that one of two things will happen: Either the faith-based initiative will be defeated or Salvation Army personnel of both sexes will be wearing pearl earrings and pink uniforms next year.

Segregation Forever

In an era when the South is being pilloried more than at any time since the 1850s, a new study helps to put contemporary Southern society into perspective. Specifically, Gary Orfield and Nora Gordon of Harvard University examined school segregation nationwide and came to conclusions that must have disturbed New-England sensibilities: “the South remains the only region of the country where whites typically attend schools with significant numbers of blacks.”

Question: Which of the 50 states has the most segregated schools?

Answer: New York, with the fewest blacks and Hispanics attending predominantly white schools.

Less than 33 percent of black students in racist, neo-Confederate Dixie attend what Orfield and Gordon call "intensely segregated schools." Compare that figure with 50.9 percent of black students in the Northeast and 45.5 percent in the Midwest.

In New York, a mere 13.8 percent of black students attend predominantly white schools. In Alabama, 31.4 percent of black students attend predominantly white schools.

So why doesn't the NAACP go after the New York state flag and leave the Georgia and Mississippi flags alone? This question is even more pertinent when you remember that the most recent Gallup Poll on race relations found that the South was the only region in the nation where a majority of blacks believed they were treated equally.

As we well know—and have known for generations—Southern blacks and whites are more likely than Northerners to live next door to each other and to exhibit mutual respect and affection. You can't really quantify such relationships, but Gallup and these Harvard scholars have certainly shed light on them.

A cautionary note: Don't expect this latest study to make the slightest difference in the way Northerners or black activists treat our region or its history. Don't expect even the slightest acknowledgement of complexity. For them, it's nothing less than full-scale warfare.

Without A Clue

Media liberals, in trying to refute one of their most effective critics, keep digging themselves a bigger hole, the Media Research Center's Brent Baker writes.

"In a C-SPAN appearance on Friday morning," writes Baker, "former CBS News correspondent Bernard Goldberg disclosed that since his 1996 op-ed taking CBS to task

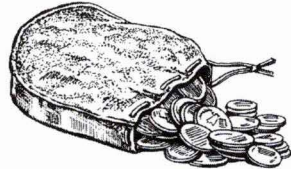
for liberal bias, Dan Rather has never spoken to him, and neither has reporter Eric Engberg, whose story Goldberg had critiqued, and who at the time 'said something I can't repeat on this channel or any other.'"

"Two weeks earlier on C-SPAN," continues Baker, "Time-Warner magazine's Editor in Chief Norman Pearlstine denigrated as 'ridiculous' and 'absurd' Goldberg's contention that anyone who considers the *New York Times*' editorial page to be 'middle of the road... doesn't have a clue,' since 'the *Times* is a newspaper that's taken the liberal side of every important social issue of our time.' Pearlstine maintained: 'The *New York Times* is middle of the road. There is no active, aggressive, important publication of the left in America.'"

"Not counting *Time* magazine, I guess," the Media Research Center's Mr. Baker commented.

"As Goldberg reacted: 'I rest my case, your honor. If the *New York Times* isn't a liberal editorial page, I'm totally confused.'" ❖

Scalawag Award Out of Commission



So many scalawags, so little time. You see them everywhere, but particularly in positions of public trust. They are presidents, governors, congressmen, state legislators, and mayors. You even find them serving on city commissions.

Recently in Florida, the Orlando Utilities Commission—wagging its finger and looking down its imperial nose—told Randy Jones, an employee of a private company, that if he wanted to do business at the OUC, he would have to remove his license plate, cover it, or park his truck across the street. (We won't waste space describing what was on that license plate.)

Instead of complying, Jones fought back: "I was appalled. My son gave [the license plate] to me for a Father's Day present. I'm proud of it."

He said he was prepared to hire a

lawyer and defend his First Amendment rights. A number of other people were likewise appalled and said so. At that point, officials of the OUC seemed to back off:

Over the past few days, it has become clear that many of our employees, customers and others have strong feelings regarding our interpretation of our policy and have expressed concern that perhaps we have gone "too far" to protect our employees. . . . [W]e will broaden our interpretation of displays of personal expression of speech on OUC property as long as they are not patently offensive, on OUC equipment or create a harassing or hostile work environment, or are inconsistent with our diversity policy.

So have Commission members really changed their mind? Making sense out of this ugly bureaucratic language requires a Ph.D. in Doublespeak. Roughly translated, it means "Randy Jones, beware!" The statement—full of the catch phrases of the age—could just as well have been written

by Kweisi Mfume or the National Gay and Lesbian Task Force.

How can these commissioners utter such pretentious nonsense with a straight face? How can they presume to evaluate anyone's "personal expression of speech"? Or decree what is or isn't "patently offensive"? Or establish a "diversity policy?"

Imagine trying to live under an edict so arrogantly conceived and so deceitfully worded! Next week, Randy Jones could be driven from the marketplace on the basis of this language, as applied by a fussy little band of tyrants, full of the milk of human malice. We don't know how many members of the Commission are Southerners and how many came down from the cultural North to teach us how to behave. We don't want to confuse carpetbaggers with scalawags. So this month we will give our Scalawag Award to those Orlando Utilities Commission members (if any) who are Southern-born and therefore should know better. The rest we exonerate on grounds of diminished capacity. ❖



Eudora Welty sits outside the Davis elementary school, in Jackson, Mississippi, February 24, 1998. (AP Photo)

Eudora Welty

1909-2001

Eudora Welty, who died in July at the age of 92, was an unlikely celebrity. She neither looked like one nor acted like one. Yet she is among the most honored writers in our nation's history.

Born in Jackson, Mississippi in 1909, she lived and worked in her childhood home for the rest of her life—right across the street from the elementary school she attended. For the most part, her characters, including the tacky and disagreeable ones, were quintessentially Southern—so recognizable in our part of the country that Southerners would often come up to her with anguish in their eyes and say, “How did you find out about my family?”

For short stories and novels that dealt mostly with ordinary people in small Mississippi towns, she received the Pulitzer Prize; four O’Henry Awards, given for the year’s best short story; the National Book Foundation Medal; the William Dean Howells Medal, given every five years by the American Academy of Arts and Letters; the Gold Medal for the Novel, awarded by the National Institute of Arts and Letters; the

PEN/Malamud Award; the National Book Award for Literature; the American Book Award for Paperback Fiction; the Modern Language Association’s Commonwealth Award for Distinguished Service in Literature; the Lillian Smith Award; the Bobst Award in Arts and Letters; the Rea Award for the Short Story; the Peggy V. Helmerich Distinguished Author Award; the Phi Beta Kappa Association Award; and the French Legion of Honor. Incredible as it may seem, these are just some of the awards she won.

Despite such recognition, she remained a quiet, genteel Southern woman who was active in her community and generous with her time.

I met her in 1963, when she came to Converse College to participate in the Southern Literary Festival, which I had helped to organize. My wife and I met her at the Spartanburg depot around 10 p.m. When she got off the train, I thought for an instant she was one of my great aunts, whom she resembled, right down to the slightly humped back that ran in our family on my father’s side.

We took her to her hotel room, which we had stocked with a fifth of Jack Daniels, and she asked us to stay and have a drink with her. We talked about everything but lit-

erature; after a while, we left so that she could get some sleep, but not before I asked her if she would read one of her short stories for my English class the next day. She graciously agreed, and I chose “Why I Live at the P.O.,” one of the funniest and best stories in the English language.

Flannery O’Connor, Andrew Lytle, and Cleanth Brooks were also there, and the following night, Miss Welty delivered a talk called “Place in Fiction,” which defined the importance of setting in a narrative, and also shed light on why she wrote about the communities and people she best knew. The other participants felt they had been outclassed.

Her obituaries have made much of her 1963 story *Where Is the Voice Coming From*, which is told through the eyes of a man who murders a civil rights leader—an exact parallel to the killing of Medgar Evers. When I was talking to Miss Welty at lunch, she told me she had received lots of mail from admirers nationwide, congratulating her for doing something “new”—i.e., something “political.” She shook her head and said, “You know, I don’t think that story is any different from my other stories.” By that, I assumed she meant she had created a character out of her own experience, placed him in a provocative situation, and tried to make his thoughts and actions ring as true as she could. If the character was unsympathetic, then so were many of the characters in her other works of fiction. Did she hate what had happened to Medgar Evers and despise the unknown killer she depicted? Yes. Was she writing propaganda, as some of her misguided admirers believed? No.

We talked at some length during the two-day event and she was consistently forthcoming. But she was no doormat. A brash young English teacher pushed his way into the conversation and announced that he had written an explication of one of her short stories and wanted her to read it. She fixed him with the iciest stare I’ve ever seen—except for a few my wife has given me—and said, “I NEVER read critical articles on my work.”

I saw her twice more, once in the 1970s at another Southern Literary Festival in Alabama, once in 1986 when I was having lunch in a Jackson restaurant. I didn’t presume on our short acquaintance to reintroduce myself, though I’m sure she would

have been courteous, since she had a kind and friendly nature.

I don't know how long people will continue to read her works. Probably forever, though I don't see how non-Southerners could possibly understand them fully or enjoy them as much as her own people, even when she shows us in an unfavorable light.

At 92, I'm sure she was ready to go. Since she never married, her hospital bed wasn't surrounded by children, grandchildren, and great-grandchildren. But in death, she had more mourners than the matriarch of the largest family in Mississippi—and her short stories and novels are more numerous and celebrated than the descendants of queens.

If you have never read Eudora Welty, here is a suggested list of works with particular appeal to Southerners:

Short stories: "Why I Live at the P.O.," "The Wide Net," "The Death of a Traveling Salesman," "Powerhouse," and "Petrified Man," all included in her *Collected Short Stories*.

Novels: *The Ponder Heart*, *The Optimist's Daughter*, *Losing Battles*, and *Delta Wedding*.

She published two volumes of criticism: *The Eye of the Story* (1978) and *A Writer's Eye* (1994).

She also published a best-selling autobiography, modestly entitled *One Writer's Beginnings*, and several books of photographs, many of which she took in the 1930s and 1940s.

—Tom Landess

Chet Atkins 1924-2001

Country music lost perhaps its greatest and most durable musician in June when Chet Atkins died after a lengthy bout with cancer. He was 77.

Atkins had made more records than any other solo instrumentalist in the history of the industry. Growing up in a musical family, he started out playing the fiddle, as well as the guitar. But after listening to Merle Travis on the radio, he changed his picking style and soon gained recognition as one of the best vocal accompanists in



Chet Atkins plays during an interview at his office on June 23, 1998 in Nashville, Tennessee. (AP Photo)

the business. Few people know that he provided backup on some of the biggest hit records of Hank Williams, Faron Young, the Louvin Brothers, Webb Pierce, the Carlises, Kitty Wells, the Everly Brothers, and Elvis Presley.

Meanwhile, he was building his own career as a soloist, writing songs, and producing records as well as making them. Eventually he would become country music's premier star and one of the most powerful behind-the-scenes figures in the industry. Called "the world's greatest guitar player," he said with characteristic modesty, "That damn 'world's greatest guitar player' is a misnomer. I think I'm one of the *best-known* guitar players in the world, I'll admit to that. But there are so many people now who play the style I play and can play their own, and there are so many people who can play better jazz."

Yet he performed at the Newport Jazz Festival and won 14 Emmys. He was also one of the funniest men in show business, and could break up any audience, country or otherwise, with his dead-pan delivery.

Atkins provided his own best eulogy when he said: "Years from now, after I'm gone, someone will listen to what I've done and know I was here. They may not know or care who I was, but they'll hear my guitars speaking for me."

Harold Ray Presley 1948-2001

Harold Ray Presley, 53, was Elvis Presley's first cousin once removed, but that wasn't his sole claim to fame. He was also the highly respected sheriff of Lee County, Mississippi having served since his election in 1993.

Recently, the sheriff and his men set up a roadblock in an attempt to apprehend Billy Ray Stone, 53, a fugitive who was holding a woman hostage after abducting her the night before. When Stone encountered the roadblock, he threw the woman—nude and bound with tape—out of the car and fled.

The sheriff and deputy finally cornered Stone in a shed near a house. When Stone showed himself, brandishing a gun, Presley shoved the deputy and took several shots to the body. Though fatally wounded, he returned fire, killing Stone, 53, a man he had known since school days.

According to Highway Patrol Spokesman Warren Strain, Presley "almost certainly saved the deputy from injury or death."

We called our man in Tupelo about the story, and he told us: "Sheriff Presley was a good family man and a pillar of his church. We'll miss him." ☆

CSA TODAY



ALABAMA

BellSouth, one of the more politically correct corporations, has committed the ultimate act of political incorrectness: The cover of their publication, the Yellow Pages of the *Greater Mobile Telephone Directory*, includes a picture of the Southern Market/Old City Hall buildings; and guess which flag is flying across the street from the buildings, a great big smile on its face!

BellSouth spokesperson Gigi Armbricht expressed surprise, "What do you know? No one caught it."

Everyone is wondering just how long it's going to take for the company to recall all 344,000 copies.

Ben George, Jr., leader of a group called Friends of the Flag, thinks BellSouth will handle the matter differently.

"Next year," he said, "I wouldn't be surprised if there isn't something on the cover about Martin Luther King."



ARKANSAS

Attorney General Mark Pryor, and Secretary of State Sharon Priest, both Democrats, are in trouble with their own party after devising a redistricting plan that pits two Democratic Congressmen against each other—Rep. Jerry Taylor and Rep. Booker Clemons. Taylor is white and Clemons is black, and the new district is heavily black.

Needless to say, Taylor is none too pleased.

"My fight is not with Booker Clemons," he said. "My fight is with Mark Pryor and Sharon Priest and their staff. Anybody that knows Jefferson County politics knows I don't have a chance against Booker Clemons in a 67 percent black district."

Southern Democrats have increasingly pandered to minority voters while carving up congressional districts. When Jerry Taylor looks up in the sky, does he see buzzards circling above him or just chickens coming home to roost?



FLORIDA

Floridians are about to vote on an amendment to their constitution that, no joke, would ban the caging of pregnant pigs. In order to put this amendment on the 2002 ballot, supporters would have to collect more than 500,000 signa-

tures. Thus far, they have in excess of 50,000.

Two animal rights groups—the Humane Society of the United States and the Animal Rights Foundation of Florida—are behind this measure, the first of its kind in the country.

Opponents are arguing that, if adopted, the amendment would encourage sows to become promiscuous.

Also, in Pensacola, two members of the City Council who voted to remove the Confederate flag from city property last year were defeated for reelection. Councilman Owen Eubanks, who voted in favor of the flag, won his race.



GEORGIA

Officials of Georgia's Family Meddling Division finally admitted they had no case against the Rev. Arthur Allen, Jr.—accused of the heinous crime of spanking disobedient children.

You undoubtedly saw the terrified black kids—49 in all—dragged kicking and screaming from the House of Prayer Church by grim-lipped bureaucrats bent on saving them from their parents and religion. Eventually, 34 of the youngsters were allowed to return to their families—on condition that their parents agree never to spank them again. The parents of 15 refused this deal, and their kids continue to be cradled in the cold arms of the state.

Meanwhile, a new study reveals that spanking is a good way to discipline children after all—though legions of social workers, caught up in the mystique of the Sixties, maintain otherwise.

A good solution to the problems posed by this case: Drag all Georgia social workers out of their offices, kicking and screaming, and let the Rev. Arthur Allen, Jr. beat the hell out of them with a wooden paddle.

The North American Vexillological Association, an organization interested in flag design, ranked Georgia's new flag the worst in North America.



KENTUCKY

Jane Hammond, a 69-year-old retired librarian, was fishing in her 17-foot johnboat near Spottsville Dam when she got a bite. Fortunately, the boat was tied to the dock because the tug on the other end of the line was a 68-pound catfish—and, according to

Mrs. Hammond, she was using her “worst old rod. It’s the one that’s hardest to do anything with.”

Time stood still while she reeled frantically, then paid out line. Though she didn’t weigh much more than 68 pounds herself, she eventually wrestled the fish into the boat. It took her three weeks for the bruises and soreness to go away.

When asked how she had the strength and stamina to do such a thing, she gave credit to God and her late husband, Jack.

“They must have helped me,” she said. “Otherwise, I don’t think I could have done it.”



LOUISIANA

The Confederate Museum in New Orleans is under siege. The battle lines have been drawn and, for a change, heritage defenders have a chance of winning.

Memorial Hall, where the museum is housed, was originally a meeting place for Confederate veterans. Later it became a repository for war relics. Now, the New Orleans Foundation, also in the museum business, says it has bought the building.

Spokesmen for the Confederate museum say they have squatter’s rights to the building and will fight any attempt to evict them.

“We’re not going anywhere, and it’s going to get bloody,” said the Confederate’s lawyer. “Let’s put it this way. Lawsuits will be filed. It will take seven justices of the Supreme Court and a damned big moving van to make us move.”

He went on to point out: “They consider us politically incorrect because of the flags we have. When South Carolina went through its debate, everyone said that stuff belonged in a museum. Well, here’s the museum.”



MARYLAND

The Carroll County Republican Central Committee held its Second Annual Firearms Raffle on the 4th of July. About 2,000 tickets were sold at \$5 apiece, and around 30 people showed up.

Last year, protesters appeared. This year they didn’t, possibly because everybody there was a hardliner on Second Amendment rights.

James Leter, 69, of Westminster, won first prize and was given the choice of a Beretta 9 mm pistol or a Beretta 12-gauge semi-automatic shotgun. He chose the pistol.

Most of the attendants were senior citizens, and one—Ed Seipp—remembered the old days, when guns were part of everyday life in rural Maryland. We must admit his reminiscence was a little troubling:

“My dad had them and when he cleaned them, he’d show us kids how to do it safely. That was back in the days you didn’t even take the bullets out when you cleaned.”



MISSISSIPPI

Officials of the Andrew Jackson Council of the Boy Scouts of America, representing 22 Mississippi counties, have removed a uniform patch containing the state flag.

“We just decided it was time for a change,” said Larry Smith, the council’s assistant executive director. But another official admitted the action was taken after blacks complained.

If this capitulation to pressure groups continues, Mississippi scouts will soon be camping out with homosexual scoutmasters.



MISSOURI

According to WorldNetDaily.com, Chad and Terri Sigafus are suing the *St. Louis Post-Dispatch*, yet another politically correct opinion mill, for defamation. It seems that the newspaper, in an exposé of a movement called Christian Identity (a “hate group” that adheres to “a whites-only, gay-bashing, Jew-hating doctrine”), accused the Sigafuses of being members.

It seems the Sigafuses sang at Gospel Gathering, a religious conference in Branson, where “Identity leaders” also appeared. The Sigafuses say it was a gig—nothing more. They deny any connection with the Identity crowd and charge that *Post-Dispatch* reporters Carolyn Tuft and Joe Holleman didn’t even bother to question them, but prejudged them guilty by association—calling them “an Identity musical group” and labeling their children’s record company as “one of 17 affiliate Christian Identity Churches.” The Sigafuses have recorded such gay-bashing, Jew-baiting numbers as “This Old Man” and “I’m a Little Teapot.”

Apparently they were doing quite well until the *Post-Dispatch* invaded their world. Now they claim they have been forced to shut down their record company and move

their residence. Their musical career destroyed, Chad now installs alarm systems.

So what will happen to the Sigafus lawsuit? Probably nothing. The *St. Louis Post-Dispatch* has called in its high-paid lawyers to face down the Sigafuses, who—as anyone can tell—are arch-enemies of the First Amendment.

In a related story, the Mayor of St. Louis has ordered that both the Mississippi and Georgia state flags be taken down from around City Hall, where—along with 48 other flags—they have flown since 1971. The usual rationale—both contain the Confederate flag, a “divisive symbol.”



NORTH CAROLINA

For nine months, the Asheville School, a private institution, banned the display of the Confederate flag on the campus. The reason: two students had flown battle flags in their dormitory. In taking this action, school authorities undoubtedly believed they had headed off trouble by successfully removing a hated symbol from public display.

How wrong they were.

They hadn’t reckoned on H.K. Edgerton.

Edgerton had once been head of the local NAACP. However, when the flag controversy first arose, he said displaying the banner was no big deal, that it was certainly not an affirmation of racism or an endorsement of slavery. To no one’s surprise, he was fired. Since then, he has been a tireless crusader for the freedom to display Confederate symbols.

Edgerton responded to the Asheville School ban by hoisting an eight-foot-by-five-foot battle flag on a huge helium balloon near the campus. Ironically, his launching site was in the nearby Asheville Slave Cemetery.

School administrators fumed over the display, but could do nothing about it. As the campus got used to the sight of the flag, the two students, emboldened by Edgerton’s initiative, began flying their flags again in the dormitory. This time, officials said nothing, probably because they figured if they did, Edgerton would do something even more visible in response.

What would happen if, every time the authorities removed a Confederate flag, private citizens put up a bigger one in its

place—or two for every one taken down?
Why don't we find out?



OKLAHOMA

Congressman Steve Largent of Oklahoma's 1st Congressional District has resigned from Congress, effective November 29. Largent—who once held the NFL record for pass receptions—is running for governor and wants to devote his full time to the race.

He has been studiously ignored by the national media since he came to Congress—because he is good-looking, articulate, and conservative on both economic and social issues. During his seven years of service, he has also been maddeningly independent and a thorn in the side of the more “moderate leadership.”

If he wins the gubernatorial race in Oklahoma, he will be hard to ignore in 2004—particularly when the time comes for the GOP to pick a national ticket.



SOUTH CAROLINA

South Carolinians are laughing over the latest gaffe by Governor Jim Hodges.

In an effort to avoid a deficit, Hodges called for state agencies, including the university system, to accept a 15% reduction in their budgets. At this point, the President of the University of South Carolina came bounding on-stage, declaiming that he would have to cut academic programs and raise tuition if such a policy went into effect.

Of course, this was sheer demagoguery. A few years ago, a lion escaped from a touring circus and made its way to the University's Columbia campus, where it has survived ever since by eating a dean a week. Thus far, no one has missed these deans. The University could easily reduce its budget by cutting out several dozen administrative positions and non-academic boondoggles—and, in the process, starve out the lion.

However, Hodges was intimidated by this academic posturing and found a nest egg he could raid and give to the university system—the Barnwell Cleanup Fund, a reserve used to police a nuclear waste site. The Governor asked that the General Assembly assign \$28.5 million of that Fund to higher education—which the GOP-controlled legislature promptly did.

When this decision drew fire, Hodges

asked that the \$28.5 million be returned to the Barnwell Cleanup Fund. The legislature—which alone has the authority to appropriate funds—refused the Governor's request. His spokesman, Morton Brilliant, announced that the failure to give back the money would “keep tuition sky high.”

Now let's see if we can follow this logic: First, the Governor asks for the money to avoid a tuition hike. Then he asks that the money be returned to *avoid* high tuition costs. So how can extra money given to the state's universities *cause* tuitions to remain high?

Some folks are saying Hodges should get a new spokesman. Others are merely suggesting that the current spokesman should change his name.



TENNESSEE

By proclamation of Mayor Charles T. Womack, the city of Cookeville, Tennessee observed July 21st as “Pvt. Louis Napoleon Nelson Day ... in honor of this great man and Confederate soldier.” Private Nelson fought in the 7th Tennessee Cavalry as a free man of color at the battles of Shiloh, Lookout Mountain, Brice's Crossroads and Vicksburg among others.

Private Nelson's grandson, Nelson W. Winbush, educator, lifetime member of the SCV and ardent defender of Confederate History, addressed crowds at the local Veterans' Memorial Building and at the Drama Center. Though many choose to forget the tens of thousands of African-Americans who were loyal to their native land, the citizens of Cookeville will not. Mr. Winbush was interviewed in the Second Quarter issue of 1997.



TEXAS

It all began when Ryan Oleichi, an 11-year-old boy, came to Labay Middle School, just outside of Houston, wearing a shirt with a small Confederate patch on it. He was promptly suspended for three days by an assistant principal, who said Ryan's punishment was greater than regulations prescribed because “he is a racist.” In fact, Ryan was forced to apologize to all black students in the school and to admit his “racism.” He denies any such animosities and says he was merely affirming his Southern heritage.

From that day forward, Ryan was verbally harassed at school and even physically assaulted. Then, on April 26, these attacks escalated.

Ryan checked out a book about Robert E. Lee for a class report. The book's cover had a Confederate flag on it. A black student and a Hispanic student threatened Ryan with physical violence and roughed him up.

Then, after school, the two confronted him just outside school grounds. The black student knocked him to the ground, and the Hispanic student kicked him repeatedly in the head until Ryan became unconscious.

He was hospitalized for three days, then spent additional time at home recuperating. Later, the Hispanic student who kicked him was quoted as saying he was “not satisfied and won't be until Ryan is dead.”

Apparently authorities feel the same way. The school has done nothing to discipline Ryan's attackers, and the local D.A. has refused to file charges.

As a consequence, Ryan's mother is now home-schooling him.

This story is just one more illustration of the venomous and violent feelings the politically correct crowd has stirred up among minorities and self-righteous whites. How many more Southerners will have to be beaten and killed before the national conscience is pricked? Our guess—an infinite number.



VIRGINIA

The skirmish is over in the town of West Point, and—for a change—our side won.

The conflict began at Sunny Slope Cemetery when Tory Atkins of the United Daughters of the Confederacy placed battle flags on 34 graves of Confederate soldiers.

The West Point town manager, Anthony Romanello, ordered her to remove the flags because, as he said later, he didn't want anyone offended.

Deeply offended by his ban, protesters poured in from all over the state, whereupon the town attorney, Andrea G. Erard, ruled that “the town may not single out the Confederate flag for prohibition.” As soon as the decision was rendered, Tory Atkins returned to the cemetery and replanted the flags.

They should be waving yet. If so, it is because our people cared enough to come to West Point and make their feelings known.



WAR BETWEEN THE STATES TRIVIA

"In the introduction to *A Treasury of Civil War Tales*, I wrote, 'This volume does not begin to exhaust the rich lode of Civil War material available.' The same is true of the present volume. Hopefully, though, *Civil War Trivia* will prove to be an enjoyable challenge to every student of this most unusual of wars, the ramifications of which continue to our own time."

—Webb Garrison in the introduction to *Civil War Trivia*

NUMBERS TELL THE STORY

- At Fredericksburg, Virginia, in December 1862, with what did Maj. John Pelham, C.S.A., reply to twenty-four pieces of field artillery?
- What Confederate group performed a famed reconnaissance mission, riding 100 miles around 100,000 U.S. troops with the loss of only one man?
- While no more than an estimated 800 men served under John Singleton Mosby at a time, how many men in blue did he successfully immobilize?
- During skirmishing in Kentucky, what C.S.A. commander rode into the lines of the Twenty-seventh Indiana at twilight, ordered a cease fire, then rode away unrecognized?
- Near what city did about 16,000 Confederates keep 55,000 Federals at bay in October 1862?
- How many blockade runners commanded by Confederate naval officers were captured during the war?
- What was the U.S.A./C.S.A. casualty ratio at Port Hudson, Louisiana, May 27, 1863?
- During 1861–65, with more than 955,000 immigrants arriving, what was the approximate division to the North and South?
- At Haines Bluff on the Mississippi River, what novel "torpedoes" were used by Confederate defenders?
- What creative ruse did Nathan Bedford Forrest employ to cause U.S. colonel Abel Streight to surrender at Lawrence, Alabama, on May 3, 1863?

ANSWERS

- | | | | |
|---|---|-------------|------------------------|
| 1. Filled with powder. | 2. None. | 3. 30,000. | 4. The Bishop-general. |
| 2. Imaginary units, Forrest kept moving one section of artillery in circles, so Streight thought he was surrounded. | 3. Approximately 8:1; U.S.A.: 2,000; C.S.A.: 265. | 4. 1862. | 5. Napoleon. |
| 3. 800. | 4. 16,000. | 5. 1,200. | 6. 16,000. |
| 4. 16,000. | 5. 55,000. | 6. 955,000. | 7. 955,000. |
| 5. 16,000. | 6. 55,000. | 7. 955,000. | 8. 955,000. |
| 6. 16,000. | 7. 55,000. | 8. 955,000. | 9. 955,000. |
| 7. 955,000. | 8. 955,000. | 9. 955,000. | 10. 955,000. |

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SOUTHERN SAMPLER

BY WILLIAM FREEHOFF

ON THE EMANCIPATION PROCLAMATION

The document was widely ridiculed in Europe as an example of military-political opportunism cloaked in moral righteousness.

Paul Gottfried

ON PUBLIC EDUCATION

To inculcate upon all the children ... the malignant and lying creed of radicalism ... this gospel of hate and murder and these utter falsifications of history and fact and constitutional law....

The Rev. R.L. Dabney

ON MASS RULE

The government of the uncontrolled numerical majority, is but the absolute and despotic form of popular governments....

John C. Calhoun

ON FORCED LIBERTY

Liberty forced on a people unfit for it is a curse bringing anarchy.

Russell Kirk

ON A BRITISH VIEW

I mourn for the stake which was lost at Richmond more deeply than I rejoice over that which was saved at Waterloo.

Lord Acton

ON STATE SOVEREIGNTY

In delegating a portion of their powers to be exercised by the federal government, the states retained, individually and respectively, the exclusive and sole right over their own domestic institutions and police, and are alone responsible for them.

The United States Senate, 1837

The Federal Judiciary:

Friend or Foe of States' Rights?

BY WILLIAM J. WATKINS, JR.

Throughout American history, the power of the federal judiciary has been a matter of much debate and agitation. Writing to Thomas Ritchie in 1820, Thomas Jefferson described the federal judiciary as a “subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric.” Jefferson believed that the Supreme Court under John Marshall was bent on stripping the states of their reserved powers and driving the states “into consolidation.” Today, academics accuse the Court of just the opposite. Under the prevailing view, the Court is engaging in judicial activism in an effort to protect the rights of the states. Law reviews are replete with articles attacking the Court’s recent decisions pruning back Congress’s power to regulate interstate commerce (e.g., *United States v. Lopez*) and the Court’s rediscovery of the doctrine of sovereign immunity (e.g., *Seminole Tribe of Florida v. Florida*) which prohibits a sovereign state from being haled into court without its consent.

Though Jefferson’s view and the modern view appear to be at odds, they have a common thread: belief that the doctrine of judicial review, the power of a court to strike down the act of a legislature as unconstitutional, should be limited in certain instances. Jefferson believed in a tripartite theory of government, where each branch of the federal government possesses the power to interpret the Constitution and “to decide for itself what is the meaning of the Constitution in the cases submitted to its action.” He scoffed at the notion that the Supreme Court was the final arbiter of the Constitution, and instead pointed to the people of the several states assembled in convention as the document’s ultimate interpreters.

Modern theorists contend that Congress should be the ultimate judge of its own powers and that the Court should limit its review to state laws that infringe on the powers delegated to the federal government. In the words of New York University’s Professor Larry Kramer: “Active judicial intervention to protect the states from Congress is consistent with neither original understanding nor with more than two centuries of practice.” Of course, the majority of the Supreme Court agrees with neither view and contends that the Court is the final judge of the boundaries of both state and federal power.

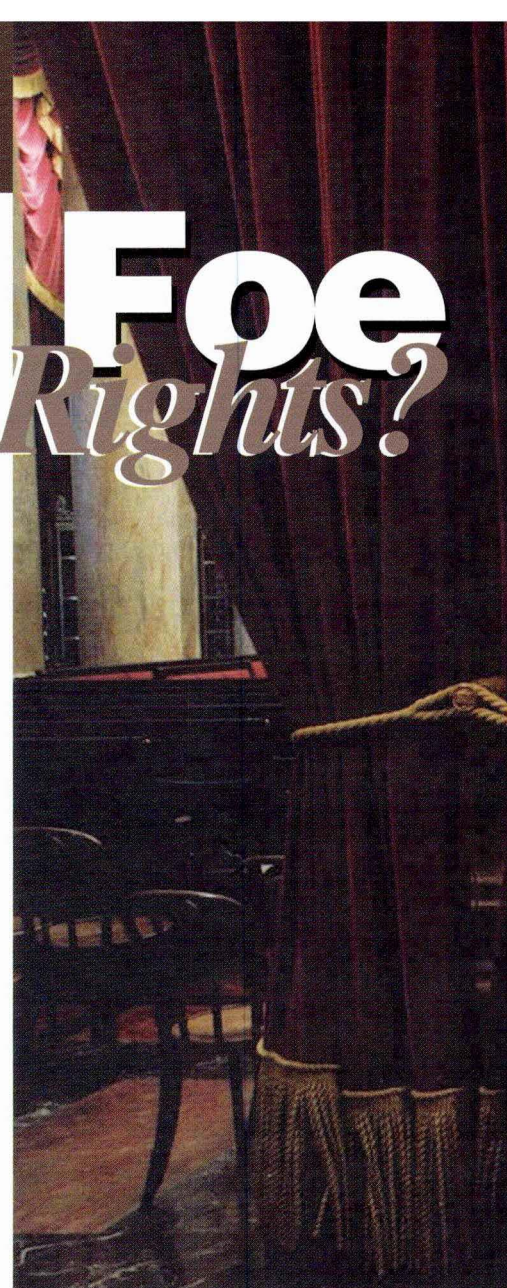
The question of who is right and who is wrong about judicial review and the scope thereof is not an easy one to answer. But, as with any question of this nature, the text of the Constitution coupled with the original intent of the Framers and ratifiers must be our starting point. In this essay, I will examine whether the Framers intended the Court to exercise the powers of judicial review, and if so, the scope of the power. In weighing the relevant evidence, I will first examine the material tending to show that the Framers did foresee a broad role for the Court, and then examine the contrary evidence. Finally, I will touch on the Court’s recent federalism decisions and discuss the implications of the Court’s jurisprudence on the federal system.

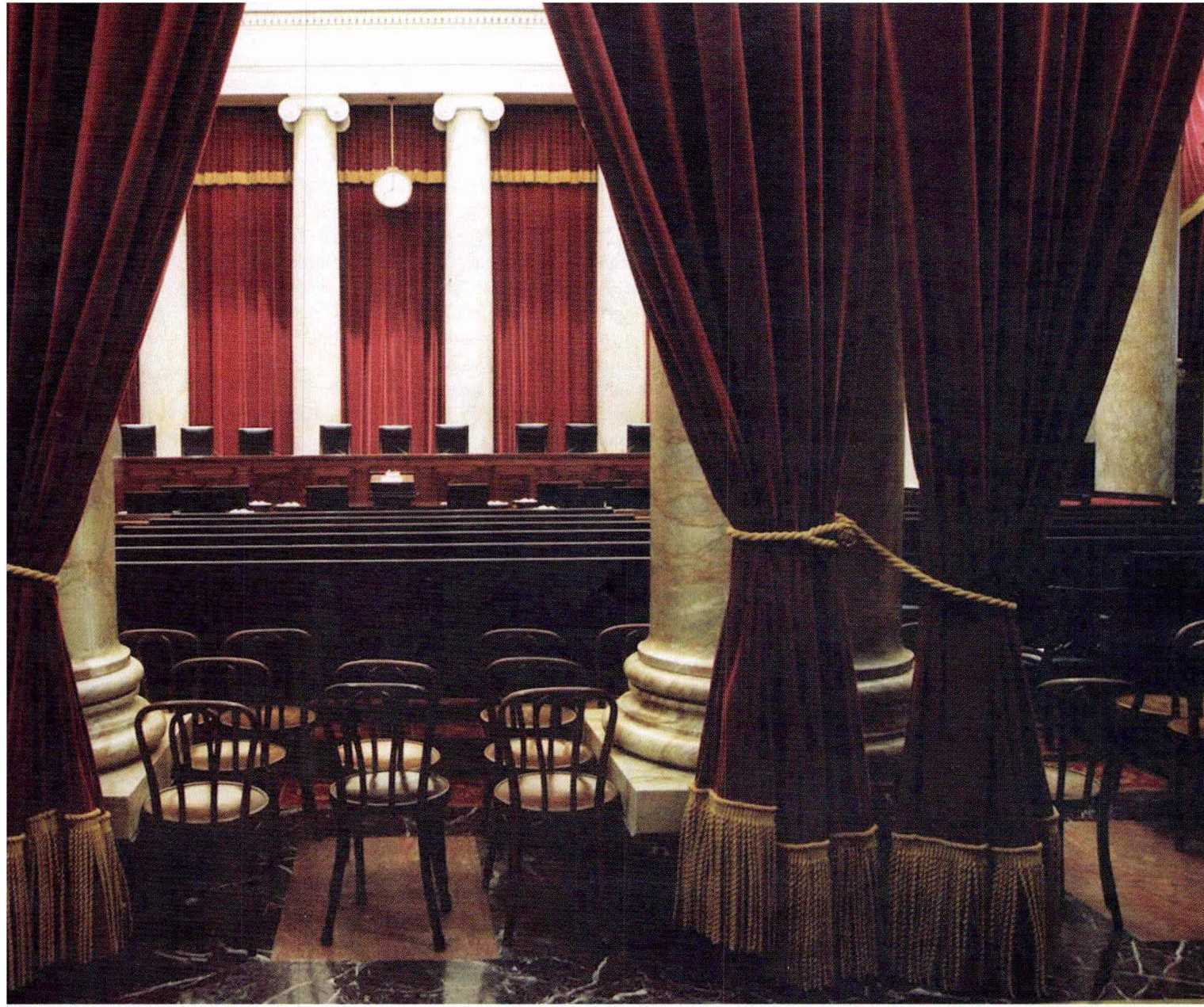
The Evidence for Judicial Review

Nationalists attending the Philadelphia Convention, fearful of state encroachments on the powers of the proposed government, suggested that a national body have a negative over all state laws. In seconding such a motion made by Charles Pinckney of South Carolina, James Madison declared that “an

indefinite power to negative legislative acts of the states [w]as absolutely necessary to a perfect system.” Jefferson, on the other hand, cautioned Madison against such a power. Writing from his post in Paris, Jefferson thought that a negative over state laws would be the equivalent “to mend[ing] a small hole by covering the whole garment.” Jefferson advised that “an appeal from the state judicatures to a federal court, in all cases where the act of Confederation controuled the question [would] be as effectual a remedy, and exactly commensurate to the defect.”

Anticipating that many would fear encroachment from the national judiciary on the state courts, Jefferson suggested that Congress be given the power “to watch and restrain [the federal courts].” Members of the Philadelphia Convention shared





Jefferson's dislike of a congressional negative over state laws. Hugh Williamson of North Carolina predicted that the negative would be used to "restrain the States from regulating their internal police." Elbridge Gerry of Massachusetts objected to such a power on the ground that Congress could use the negative to "enslave the States." Against such resistance, Madison's beloved negative soon died.

Though the idea of national veto gained few friends, Madison's notes from the Convention reveal that many delegates were aware of the doctrine of judicial review and spoke favorably of it. For example, Elbridge Gerry observed that "[i]n some States the Judges had actually set aside laws as being against the Constitution" and that this had been done "with general approbation." Madison remarked that "[a] law vio-

lating a constitution established by the people themselves, would be considered by the Judges as null & void." Writing on the judiciary in *The Federalist*, Madison plainly stated that "in controversies relating to the boundary between the two jurisdictions [i.e., the federal and state governments], the tribunal which is ultimately to decide, is to be established under the General Government."

In the state conventions, there is also evidence of the acceptance of judicial review as a device for policing the boundary between state and federal power. George Nicholas of Virginia, for example, averred that the federal judiciary will "determine the extent of legislative powers." Charles Pinckney observed that it would be the duty of the federal judiciary "not only to decide all national questions which should arise within the Union, but to control and keep

the state judicials within their proper limits." In the Pennsylvania ratifying convention, James Wilson explained the power of the judiciary as follows: "If a law should be made inconsistent with [the Constitution], the judges, as a consequence of their independence, and the particular powers of government being defined, will declare such law to be null and void; for the power of the Constitution predominates."

Though highly critical of the federal judiciary, even leading anti-federalists recognized the power of judicial review. The pseudonymous Brutus (probably Robert Yates of New York) complained that the proposed Constitution permitted the judiciary "to explain the constitution according to the reasoning and spirit of it." Brutus also recognized that the decisions of the Supreme Court would "have the force of

law; because there is no power provided in the constitution, that can correct their errors, or control their adjudications.” The end result of the Court’s power, Brutus predicted, would be the “entire subversion of the ... powers of the individual states.”

Assuming that the Framers and ratifiers intended the Court to exercise judicial review, there is no evidence in the above that the power was intended to cover state statutes but not federal statutes. While the negative originally proposed was to be used only against the states, discussions about the federal judiciary simply do not evince a similar intent. When explaining that the Court could invalidate laws, the speakers were clearly referring to national laws as well as state laws. On top of this, the first federal case tackling judicial review, *Marbury v. Madison*, struck down an act of Congress. While it is true that the Marshall Court relished opportunities to invalidate state laws, *Marbury* is clear and convincing evidence

that the early Court believed congressional statutes were fair game.

In response to these arguments, Kramer and his followers point out that the Framers intended the Senate to be the guardian of state sovereignty. Kramer is certainly correct that the Senate was to play an instrumental role in the federal system. Madison, for example, was unequivocal about the matter in *Federalist* No. 62: “the equal vote allowed each state [in the Senate], is at once recognition of the portion of sovereignty remaining in the individual states, and an instrument for preserving that residuary sovereignty.” No law could be passed, Madison continued, “without the concurrence first of a majority of the people [in the House of Representatives], and then a majority of the States [in the Senate].”

But, just because the Senate was intended to be a guardian of state sovereignty does not mean that the Framers created no other institutional safeguards. Under

Kramer’s theory, the president ought not veto legislation he deems an infringement on state sovereignty, despite the fact that the Framers intended that the president be appointed by electors chosen by the state legislatures. From this mode of election, it would seem to follow that the president was also intended to guard the states’ reserved powers. Hence, limiting the defense of state rights to the Senate, which today no longer represents state sovereignty, is unsound and not supported in the historical record.

The Case Against Judicial Review

Despite persuasive evidence in favor of the Supreme Court’s role as arbiter of the Constitution, there is weighty evidence on the other side. First, not all delegates in Philadelphia approved of such a role for the judiciary. In fact, some delegates had harsh words for judicial review. John

The Necessity of Restraint: Has Change in Worldview Changed the Court?

BY MICHAEL A. PEROUTKA

When asked what form of government was adopted by the Constitutional Convention in Philadelphia, Benjamin Franklin is reported to have replied, “a republic ... if you can keep it.” In determining what he might have meant by the second part of that phrase, it is helpful to examine the words of John Adams commenting upon the utility of the same document. Adams said, “This Constitution was intended for a moral and religious people, it is wholly inadequate for the governance of any other.”

If the institutions of government do not seem to be working properly; if the “Blessings of liberty” are not being preserved by this generation for the benefit of posterity, if the “Union” is becoming less rather than more “perfect,” if “justice” seems less “established,” if our “domestic” affairs are less “tranquil,” if our defense is less “provided for,” then perhaps we need to examine our situation in light of Adams’ prescription that we need to be a “moral and religious people.” What did he mean and how does his comment relate to the role of the judiciary? Do the courts need to reflect moral and religious values in carrying

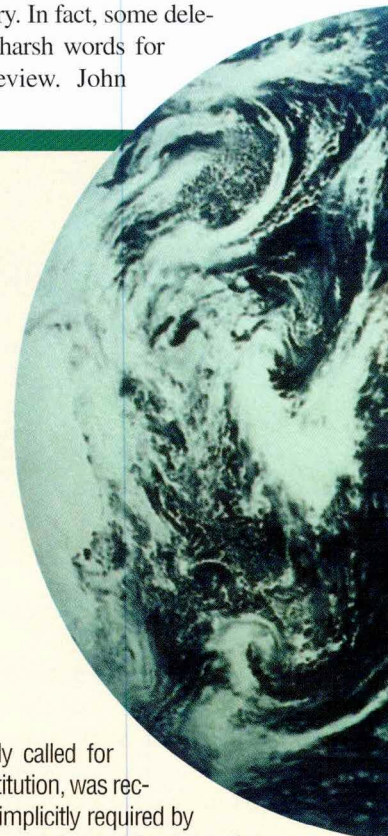
out their mission? If Ben Franklin were here today, would he congratulate us on our success in keeping the republic we inherited?

The men who adopted the Declaration of Independence and who drafted the Constitution shared a worldview primarily based on the doctrines of Christianity. This worldview acknowledged the fallen nature of man and his proclivity towards evil actions and usurpations. That is to say, if government’s powers were not limited and enumerated, those in power would tend to use their authority to aggrandize their own power and influence to the detriment of the people’s liberty. They recognized the need to establish an orderly system of government that would take into account the truth of Lord Acton’s famous admonition that “power corrupts; and absolute power corrupts absolutely.”

Since the Constitution itself claims to be the supreme law of the land, all branches of government—executive, legislative, and judicial—are subordinate to it. In cases where laws enacted by Congress or state legislatures have been inconsistent with the Constitution, we have traditionally looked to the judiciary, particularly the Supreme Court, for application of the Supremacy Clause. Judicial review, although

not explicitly called for in the Constitution, was recognized as implicitly required by the Supremacy clause. For example, Oliver Ellsworth of Connecticut, who later went on to become Chief Justice of the Supreme Court, declared on January 7, 1788, in a speech before the Connecticut state convention:

This Constitution defines the extent of the powers of the general government. If the Legislature should at any time overleap their limits; the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the constitution does not authorize, it is void, and the



Francis Mercer of Maryland “disapproved of the Doctrine that the Judges as expositors of the Constitution should have the authority to declare a law void.” In Mercer’s view, “laws ought to be well and cautiously made, and then to be uncontrollable.” John Dickinson of Delaware concurred that the doctrine of judicial review “ought not exist.” Such a power, he feared, would transform judges into “lawgiver[s].”

Second, the structure of the Constitution belies such an authoritative role for the judiciary. Under the Constitution the federal judiciary need consist only of a chief justice of the Supreme Court, which has original jurisdiction “[i]n all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a state shall be a Party.” In all other cases the Supreme Court has appellate jurisdiction subject to congressional regulation. In other words, the Constitution did

not require Congress to create lower federal courts (it would be constitutional for the federal judiciary to consist of one man, the chief justice of the Supreme Court. And by exercising its authority over the Court’s appellate jurisdiction, Congress could prohibit the Court from ruling on a number of issues.

Had Congress declined to create lower federal courts, the state courts would have served as the Union’s trial courts and Congress could have prohibited appeal from a state court to the United States Supreme Court. It is indeed strange that the Constitution would permit its “ultimate arbiter” to be rendered impotent by a mere act of the national legislature. Of course, one could also argue that this is consistent with Jefferson’s suggestion made from Paris that a federal court have the power, *subject to congressional regulation*, to police state decisions affecting the Union.

Third, the conception of judicial review

at the time of the Framing was far different from our own. In a survey of judicial review in colonial and state court cases before 1803, Fordham’s William Michael Treanor has concluded that these courts struck down legislative acts only when they “involve[d] the right to jury trial or some judicial matter.” From this, Treanor reasons that a state or colonial legislature “was free to make its own determinations about constitutionality, so long as its decisions did not affect the provinces of the judiciary or of juries.” Indeed, even in *Marbury v. Madison*, the bedrock case of American judicial review, the Court struck down a statute dealing with its jurisdiction. Nevertheless, the language of the opinion can certainly be broadly construed: “It is emphatically the province and duty of the judicial department to say what the law is.”

Of course, many scholars reject any argument that the power of judicial review was ever so limited in Anglo-American



judicial power, the national judges, who to secure their impartiality are to be made independent, will declare it to be void. On the other hand, if the states go beyond their limits, if they make a law that is a usurpation upon the general government, the law is void, and upright and independent judges will declare it to be so.

It is interesting that Ellsworth rests the success of judicial review on the necessity for judges to be “upright.” This word is laden with the overtones of worldview. Where do we find the standards for uprightness? Where is “upright” defined? Although I am confident

that the vast majority of those gathering to hear his address that cold January day in Connecticut understood what he meant, I am much less sure today that our culture could agree on what “upright” means to us.

The worldview in America has been gradually shifting away from the Christian worldview of the founders. Even men who profess to be Christians often espouse policies that are antithetical to those that would be recognizable to the founders. This shift away from a Biblical worldview has had its effect upon the Supreme Court’s view of its role and authority. By the 1930s, this shift was so pronounced that Chief Justice Charles Evans Hughes, a practicing Baptist, was comfortable in characterizing the Supreme Court as a “continuous constitutional convention.”

The willingness of the people of America and of the co-equal branches of government to accept the concept of judicial law-making has given the court wide latitude to make decisions that have far reaching effects on American society. Justice William Brennan, who served on the court from 1956 to 1990, stated in a 1995 speech that Supreme Court justices “are the last word on the meaning of the Constitution.” Perhaps one of the most blatant examples of the disappearance of self-restraint on the part of the Supreme Court was in 1958, in the case of *Cooper v. Aaron*, when it claimed that its interpretations were as much a part of

the Supreme Law of the Land as the specific statements of the Constitution, treaties, and laws passed by Congress.

The decisions of the Supreme Court since that time have shown little inclination to adopt any form of self-restraint. Neither the President nor the Congress has shown much inclination to restrain the Court. The Court has clearly, and erroneously, claimed that its rulings are supreme, equal to the Constitution. All this has occurred contemporaneously with a cultural drift away from the Biblical underpinnings that Adams and Franklin declared to be necessary for the preservation of republican constitutional government.

If constitutional government is to be preserved, then it is up to the citizens to understand the Constitution and to seriously participate in the civic life of the country, electing representatives who evidence that they are cognizant of, and committed to, its underlying Biblical principles. The Constitution is not a sacred document. But it was based on one. Americans need to understand and apply the doctrines of the one to peaceably enjoy the “Blessings” that the other was meant to preserve. ☪

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legal history. In support of this proposition, they point to an English case from 1610, *Dr. Bonham's Case*. In this case, Sir Edward Coke struck down a portion of a statute, and explained that "when an Act of Parliament is against common right and reason, or repugnant, or impossible to be performed, the common law will controul it, and adjudge such Act to be void."

Though *Dr. Bonham's Case* does seem to indicate that a broad power of judicial review arose early in our history, one must be careful. *Dr. Bonham's Case* was decided when the king was the ultimate sovereign of England. With the Glorious Revolution in 1688 this changed. Under the Revolution Settlement, the law could be altered only through enactment of a statute by Parliament with consent of the king. In other words, Parliamentary supremacy was established which in turn gave rise to the English doctrine of Parliamentary sovereignty.

Viewing *Dr. Bonham's Case* in this light explains why English jurists backed away from judicial review in the years after the Glorious Revolution. In his famed *Commentaries*, Blackstone recognized the effect of the Glorious Revolution on Coke's statement of judicial review: "if the parliament will positively enact anything to be done which is unreasonable, I know of no power ... to control it." If the judges were empowered to overturn an act of Parliament, he continued, this would "set the judicial

power above that of the legislature, which would be subversive of all government." Writing over one hundred years later, A.V. Dicey reaffirmed the affect of Parliamentary sovereignty on judicial review when he averred that Parliament has the right "to make or unmake any law whatever, and, further, that no person or body is recognised by the law of England as having the right to override or set aside the legislation of Parliament." Accordingly, one must be cautious when tracing judicial review back to *Dr. Bonham's Case* and the days of royal absolutism.

Finally, the doctrine of judicial review is inconsistent with the Framers' intent that the national government consist of three co-equal branches. In the words of Madison, the Congress, the executive, and the judiciary are "perfectly co-ordinate by the terms of their common commission." The Supreme Court as ultimate arbiter would certainly make it the supreme department rather than a co-equal department. Writing on this subject, John Taylor of Caroline thought it ridiculous "that though three apples are of the same weight, ... one may be made heavier than the others, by calling it a supreme apple."

The Court Today

Unfortunately, it is not clear what role the Framers and ratifiers intended the Court to play. The advocates and enemies of judi-

cial review both can make excellent arguments. Moreover, the reality of the current situation is that the Court does exercise the power of judicial review and had been exercising this power since 1803. Hence, the practical questions are whether the Court's present federalism jurisprudence is tenable and whether additional safeguards of state power are needed.

The answer to the first question is a guarded yes. The Court has been moving in the right direction. For example, in the *Lopez* case, Congress claimed that the power to regulate interstate commerce authorized it to ban the possession of firearms near school premises. In defending the Gun-Free School Zones Act, the United States argued that possession of guns in school zones could affect the functioning of the national economy, hamper the education of students, and thus result in an unproductive workforce. Fortunately, the Court rejected the government's argument, fearing that such a line of reasoning would permit Congress to "regulate any activity that it found was related to the economic productivity of individual citizens," including areas of

St. George Tucker:

BY CLYDE WILSON

St. George Tucker was the favorite judge of Thomas Jefferson, his fellow student under George Wythe at the College of William and Mary law school, and James Madison, who appointed him U.S. Judge for the District of Virginia. More importantly, Tucker's first American edition of the classic English legal treatise, Blackstone's *Commentaries*, was the premier reference book for American lawyers and judges before the War for Southern Independence.

Tucker's influence, of which his *View of the Constitution of the United States* is a part, cannot be over-estimated. His understanding of American constitutions and laws governed

the thinking of the South for several generations and was not limited to the South.

Tucker was born in 1752 in Bermuda. As a youth he went to Virginia. Historians often say that Chief Justice John Marshall got his preference for centralized power from bad experiences with a weak government while fighting in the Revolutionary War. This is doubtful, since Tucker fought valiantly in the war and came to opposite conclusions. Along with Revolutionary soldiers John Taylor of Caroline and Nathaniel Macon, Tucker became a staunch defender of state sovereignty.

When he married the wealthy widow, Frances Bland Randolph, in 1778, among other things he acquired a five-year old step-



Coleman Collection, Swern Library, College of William and Mary

traditional state concern such as divorce and marriage. The Court employed the substantial effects test in reaching its result. In essence, the Court asked whether the activity in question has such a substantial effect on interstate commerce that Congress should be permitted to regulate it. Though reaching the right result in *Lopez*, this test leaves Congress with much power. Concurring in *Lopez*, Justice Clarence Thomas criticized the majority's reasoning as giving Congress a general "police power" over all aspects of American life."


Justice Thomas is correct about the substantial effects test. This mode of analysis is hardly a restraint on congressional power. If the Court is serious about returning our federal system to its original purity, it should turn to St. George Tucker, the American Blackstone, for guidance. As Tucker explained in his *View of the Constitution*, "every grant of jurisdiction to the [national government] ... is to be considered as special, inasmuch as it derogates from the antecedent rights and jurisdiction of the state making the concession, and therefore ought to

be construed strictly." "Otherwise," Tucker feared, "the gradual and sometimes imperceptible usurpations of power [of Congress], will end in the total disregard of all [the Constitution's] intended limitations." In other words, the national government is the special agent of the people of the several states and the state governments are the general agents. Hence, it naturally follows that the powers of the former being limited to specific purposes should be subject to heightened scrutiny, while the powers of the latter should be subject to a much more deferential standard of review. Under this test, the Gun-Free School Zones Act of *Lopez* fails, as do the expansive New Deal and Warren Court precedents that *Lopez* leaves intact.

As for the second question, the answer is a resounding yes. Though the Court can be useful in defending the states' reserved powers, it is ill-suited to serve as the primary mechanism to check national encroachments. Before the Court can rule on an issue, a suit must first be brought, the parties alleging to have been wronged must have standing, there must be an actual case or controversy, and the issue must be ripe for decision. The judicial process moves slowly, with many years passing between the enactment of a statute and Supreme Court review. To make matters worse, the Court does not have to review anything and it decides which cases it wants to hear.

Furthermore, should the justices be unsolicitous of state sovereignty, there is little the states or the people can do. In Jefferson's words, justices disposed to aggrandize the national government can treat the Constitution as "a mere thing of wax ... which they may twist and shape into any form they please." Once appointed by the president and confirmed by the Senate, a justice of the Supreme Court holds his office during "good behavior," which typically means for life. At present, the Court's decisions can be overturned only by constitutional amendment.

With the Court acting as the final arbiter of the Constitution, it appears that the Court, rather than the people of the several states, is the ultimate sovereign in our system of government. John Taylor of Caroline foresaw this result in 1807 when he wrote that "the judicial power has been made independent of the sovereignty," and recommended that the Constitution be amended "by making the judges removable by the joint vote of the two houses [of Congress] with the assent of the president." Whether the Framers intended such a result or the Court's power evolved to its present level is immaterial. Either way, the problem exists and requires correction. Otherwise, we will have reverted back to the English view of sovereignty whereby ultimate sovereignty resides in an artificial body rather than with the people.



America's Blackstone

son who became John Randolph of Roanoke. Lawyer, planter, law professor, writer, federal and Virginia judge, Tucker died in 1827. As judge he never wavered from the state rights principles he had expressed as professor. Tucker established a virtual dynasty of state rights talent. His sons, grandsons, and great-grandsons were writers, law professors, judges, and congressmen from Virginia right up to 1932. Tucker's view of the Constitution was simple, clear, and undoubtedly correct. American constitutions were not evolved by law and judicial interpretation like the British constitution—they were created by the people at a known period and their language was plain and easy to understand. The people are the sovereign

and their constitutions delegated certain powers to their governments—those powers and no more. In regard to the U.S. Constitution this meant that the people of the several states, who had given their free consent, were the final judges of the government and its powers. This democratic principle is what Southerners always contended for, in the Virginia and Kentucky resolutions of 1798–1799, Nullification, and secession. There was a necessary right of judicial review, contended Tucker, but the state courts, agents of the sovereign people, had more right to interpret the meaning of the people's Constitution than did the U.S. Supreme Court, which had only secondary powers delegated to it by the people. ☛

Structure of the Federal Courts

State lines are not the only legal borders within the United States. The Federal Judiciary redrew our legal boundaries and divided the states into 94 districts. Those 94 districts are grouped into 12 larger regions, which in turn answer to the nine mysterious arbiters in black robes who meet in Washington City. There are three levels in the Federal Judiciary: 94 Trial Courts, 12 Appellate Courts, and the Supreme Court.

Trial Courts hear nearly all categories of Federal cases, including both civil and criminal matters. Most states are divided into two or three Trial Court districts. There is at least one for each state, and one for the District of Columbia, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands. There are also other Federal courts that hear special cases, such as the US Court of International Trade, US Court of Federal Claims, Military Courts (Trial and Appellate), Court of Veterans Appeals, US Tax Court, and various Federal administrative agencies and boards. A verdict from any one of these entities can overturn state law and may be used to establish Federal case law.

Federal Appellate Courts review, and may hear, appeals from the Trial Courts located within their regions. The Supreme Court reviews appeals from the Appellate Courts, but is not limited to Appellate Court appeals. The Supreme Court can reach down and pull out cases from any level of the Federal Judiciary and the State's courts. The result is an endless bureaucracy of case law more involved in the everyday lives of Americans than our Legislative branch. ✪

—Tim Manning, Jr.

While Taylor's suggested amendment would be an improvement, more needs to be done. For instance, the states should be permitted to propose constitutional amendments. Currently, two-thirds of both houses of Congress may propose amendments to the states, or two-thirds of the states may petition Congress for a constitutional convention. Either way, an amendment does not become part of the Constitution unless ratified by three-fourths of the state legislatures or conventions.

The convention-method of amendment has never been used, largely due to fears of

from Congress and the Court.

Another possible solution would be to permit the states or people of the several states to elect a Constitutional Commission that would replace the Court as the final arbiter of the Constitution. The Commission would not act as council of revision of federal laws, but rather would pass on the constitutionality of national acts only upon the petition of, say, one-fifth of the state legislatures. The Commission's jurisdiction would be defined broadly to permit review of the acts or measures of the legislative, executive, and judicial branches of the national government. For example, the Commission could overturn court decisions, executive orders, statutes, and regulations. (For a draft of an amendment creating the Constitutional Commission, see my essay in the *Independent Review*, Winter 1999.) Accordingly, the Commission would restrain not only the Supreme Court, but the other two branches of the national government as well.

In conclusion, judicial review can be a vehicle for the protection of states' rights. The Supreme Court's Commerce Clause and sovereign immunity cases reflect a growing concern with proper balance of power between the state and federal governments. If using the correct framework of analysis, the Court can be instrumental in curbing the congressional drive for power.

However, there is only so much baggage that one vehicle can carry. Considering the disarray and imbalance existing today in our federal system, the Court is a very poor vehicle for returning the Constitution to its original purity. And even if the Court could carry the necessary baggage,

the fact that it is unaccountable to the ultimate sovereigns, the people of the several states, should trouble all who believe in a republican form of government. "A jurisdiction limited by its own will," wrote John Taylor of Caroline, "is an unlimited jurisdiction." Today the Court is just that. And no matter how much the Court deserves our approbations for its recent decisions, its claim to be above the people is only worthy of scorn and its powers should be curtailed. ✪



The doors of the Supreme Court. Photo by Franz Jantzen.

a runaway convention. Madison originally suggested that the Constitution permit two-thirds of the state legislatures to petition Congress for amendments. Unfortunately, Gouverneur Morris scuttled this idea and substituted the never used and dangerous convention-method that we now have. Revising the Constitution along the lines of Madison's original proposal to permit the states to propose amendments would make it easier for the states to defend their reserved powers against encroachments

SMOKE NEVER CLEARS

A Turning Tide

BY RALPH GREEN

A REVIEW OF

Breaking the Back of the Rebellion: The Final Battles of the Petersburg Campaign, by A. Wilson Greene. Savas Publishing Company, 2000. 384 pages. \$34.95.

Another name for this book would probably be more palatable to those many Southerners who have never considered secession to be a rebellion. However, the author shows no bias in his treatment of the last critical phase of the war.

Petersburg, Virginia was the heart of a critical transportation network. Turnpikes, other roads, and five railroads converged on the city allowing Confederate supplies to flow to the Army of Northern Virginia. Control of Petersburg meant control of Richmond, seat of the Confederate government. Capture of Petersburg by the Federals would ensure the fall of Richmond. Therefore in 1864, U.S. Grant had made Petersburg a prime target for his Union armies. However, for over nine months Robert E. Lee's veterans had held the Federals back. Wilson Greene has produced an outstanding account of the final stage of the Petersburg Campaign, specifically March 25 through April 2, 1865. During this short time span, a series of engagements took place that forced the surrender first of Richmond and then the Army of Northern Virginia. This period has been somewhat neglected by most historians who have rushed through the fall of Petersburg to concentrate on Lee's surrender at Appomattox Court House a week later.

On March 25, Lee struck at Fort Stedman, a Federal stronghold east of Petersburg. He hoped that this attack would draw Grant's troops away from the southwest of Petersburg, allowing Lee the opportunity to join up with Joe Johnston's troops from North Carolina. The ploy resulted in disaster for the Southerners. It not only failed to draw Grant's troops from elsewhere, but it ended as a devastating defeat for the attackers, resulting in the capture of many of the sorely needed Confederates.

One of Grant's favorite generals, Phil Sheridan, arrived on March 26, adding 10,000 troopers to Grant's already numerical-

ly superior forces. Lee, with 57,000 men, faced Grant who commanded over twice that number. Grant assigned Sheridan the role of sweeping southwest around Lee, hoping to cut Lee's supply and communication lines. Fitzhugh Lee, with his undermanned cavalry divisions, had the overwhelming task of holding back Sheridan. On March 27, Federals began a march across the James and Appomattox rivers. Over the next three days the Federals and Confederates fought bitterly, with the Confederates finally unable to contain the blueclads. The Federals narrowed the access routes to and from Petersburg until only the west was open to the Army of Northern Virginia.

On April 1, Grant ordered a general assault on Confederate lines. April 2 became the day of decision. At 4 AM the Federal VI Corps, under Horatio G. Wright, began a drive that broke through the Confederate lines and drove further south, eventually forcing Robert E. Lee from his headquarters. Troops from the Richmond area were rushed to reinforce the hard-pressed Confederates. Confederate General Cadmus Wilcox—who occupied Forts Gregg and Whitworth with barely 1,000 men—was charged with holding the Federals back to allow time for a rendezvous with Joe Johnston. From the parapet of Fort Gregg, Wilcox told his men, "Men, the salvation of Lee's army is in your keeping." From his men came an impossible promise: "Tell General Lee that Fort Gregg will never be surrendered." The attacking Federals were slaughtered in large numbers but finally made their way into the fort. With no reinforcements available, the Confederates were at last overcome after deadly hand-to-hand combat.

Even though the Confederates fought desperately, and on occasion gained back some of their lost positions, the tide of battle was with the Federals. The combat on April 2 resulted in the greatest combined losses of any 12-hour period of the war. The breakthrough on April 2 gave Lee no choice. He had to withdraw from Petersburg and Richmond. He made plans to evacuate Petersburg and Richmond and to reassemble his troops at Amelia Court House, west of Petersburg. From there he intended to move southeast and combine his army with that of Joe Johnston. Lee's instructions to his troops

included provision for the last ones out of Petersburg to destroy the bridges connecting the city with Chesterfield County to prevent immediate pursuit by the Federals. When the Federals entered Petersburg on April 3, one Southerner wrote, "O, how sad I felt to think so noble a little city should soon be in Yankee hands." On the other hand, the occupying Federals were elated. Federal officers maintained good order and only minor looting took place. Grant entered the city and was soon joined by Abraham Lincoln. Six days later Robert E. Lee surrendered and the collapse of the Confederacy quickly followed.

Will Greene provides solid background information for understanding the actions and the importance of such actions. He provides biographical information on many of the people whose exploits were important but who may have remained relatively unknown. Greene makes effective use of the words of participants to give a detailed and vivid portrayal of this eventful period. These personal sketches are both entertaining and enlightening. Some are humorous, others reflected grim fatalism, such as that of a North Carolinian who wrote home, "You need not send my clothes, nor flour, nor anything else to me, my dearest, we will either be killed or captured..." Surprisingly, there is some evidence that conditions among the Southern troops were not as harsh in early 1865 as usually thought, such as the comment, "I am in good health as I ever was in my life and am having a pretty good time."

As with most spheres of the war, many more Northern survivors wrote their versions of events than Southerners. With Union-participant sources outnumbering Southern ones by twenty to one, Greene is to be complimented for his ability to find the Confederate personal accounts. He has overcome a relative paucity of such Confederate documentation to produce a comparatively unbiased account. There are many excellent maps to help the reader follow the action and a wealth of footnotes to supplement the text. The extensive bibliography shows that Greene's sources ranged from 19th century material through the latest available research. This is an excellent account of a critical period. One aspect of this book will be considered a plus by some, a negative by others: it has more detail than anyone can possibly absorb. ☺

Ideological Placebos

BY STEVEN YATES

A REVIEW OF

A Cure Worse Than the Disease: Fighting Discrimination Through Government Control, by M. Lester O'Shea. Hallberg Publishing Corporation, 2000. 266 pages. \$24.95.

This is the hardest-hitting attack on government antidiscrimination law and policy since Richard Epstein's *Forbidden Grounds: The Case Against Employment Discrimination Laws* (1992), and it has the advantage of being much more accessible. Economist and former investment banker M. Lester O'Shea

argues forcefully and fearlessly that the phenomenon such laws were written to fight—massive systemic oppression of blacks, women, and other groups—does not really exist and does not make sense in a market-driven economy.

It is true that people are sometimes treated unfairly, and for many reasons. This is unfortunate. But O'Shea asks whether it is the federal government's job to combat every such instance. Can it do so without making matters many times worse? O'Shea looks at the various groups which have been allegedly victimized by American society and offers a resounding *No*.

Many people, of course, believe otherwise, and would consider O'Shea's book an exercise in self-deception at best—and at worst, openly racist, noting his use of the term *Negro* instead of *African-American*. The source of this opinion is the meteoric rise, during the past 50 years or so, of a belief system that divides America into oppressor and oppressed groups. O'Shea calls this "oppression ideology." Rooted in classical Marxism, it holds that the American socio-economic system is unfair because it does not result in perfect, across-the-board equality between groups.

"Oppression ideology," the product of an extremely alienated class of intellectuals,

functions as a surrogate religious faith. Its adherents are unaffected by reason and are willing to declare all evidence that contradicts their basic assumptions as tainted. They respond to criticism by attacking the critics *ad hominem*—by calling them racists.

According to the egalitarianism built into oppressor ideology, all cultures and groups should be economically equal. Absence of equality indicates oppression of some form, even if there is no visible evidence for it. Some remedy is called for. Deniers of oppression ideology are portrayed not as wrong but *evil*.

Much of the charge that blacks are behind whites because of racism stems

from this oppression ideology. O'Shea makes the argument that in the final analysis, it doesn't make sense. Why would the entire population of whites hate blacks so much that they would refuse them jobs or refuse to hire them for jobs or otherwise work with them if they were qualified? In a market-driven economic system, you hire or work with the best people you can find, regardless of color. Bottom-line business considerations call for this, and the business owner who hires a less-qualified white over a more-qualified black because of racism irrationally harms his own business. This leads O'Shea to suspect that the racism of which whites are accused by oppression-zealots is, by and large, fiction.

While, of course, there have been individual incidents where whites have treated blacks unfairly or unreasonably, history does not support the idea of systemic oppression, once one jettisons the egalitarian premise of the oppression worldview. If anything, the American system has been as fair as any system can be. Whites came to recognize the basic injustice of slavery, for example, and got rid of it.

Oppression ideology, it should be dawning on us by now, has actually wreaked havoc in the black community as well as undermined relations between the races. It

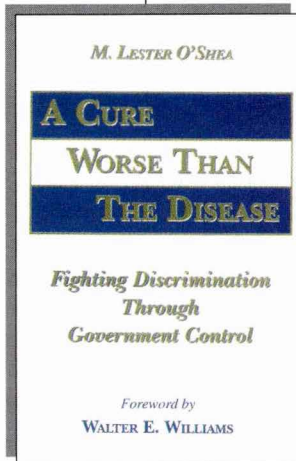
tells blacks over and over again that whites are racists who hate and repress them. O'Shea presents some statistics indicating that since the beginning of the civil rights movement and the entitlements era, black achievement on the whole has actually slipped. Their own leaders tell them they should not adopt the values of the larger culture. To their peers, black youth who study and do well in school are "acting white." More than one black teenager has been beaten up for this.

All this is unsurprising, taken in larger cultural context of the effects of oppression ideology generally. Perhaps the worst effect is on the black family. Once as stable as the white family, the black family is now in shambles. More black children are born out of wedlock than in wedlock. The "music" they hear speaks of drugs, violence (especially against black women and white police) and sex. Is it any wonder that many blacks and their communities are in trouble?

It started with the Civil Rights Act of 1964, when the federal government began to buy into oppression ideology, led by liberals in Congress, and set about to rectify what was increasingly seen as pervasive discrimination through top-down government control. The Civil Rights Act is modestly worded, but in the hands of federal bureaucrats it became a license to oversee admissions policies of universities and then hiring practices generally. It also became a bonanza for lawyers. The capacity of organizations to find the best qualified people was literally swallowed up by the need to fill job openings in such a way as to create politically acceptable ratios and avoid potentially business-destroying lawsuits.

Oppression ideology grew stronger as the legal system moved away from responding to specific, provable acts of discrimination toward full-scale predetermined racial alignment. By the early 1970s, calls for ratios were written into Supreme Court decisions, the official jargon being "disparate impact" (*Griggs v. Duke Power*, 1972). Law schools began such practices as race-norming—so that black applicants competed only against other blacks, with a certain number of seats automatically reserved for them.

A Cure Worse Than the Disease applies similar analysis to the other groups that have been brought under the oppression-ideology



umbrella: women, the elderly, the handicapped and homosexuals. The case of women is often seen as on a par with that of blacks, as the linkage in the phrase *women and minorities* suggests. Considering women, O'Shea observes first that at one time, women who had to work outside the home were considered unfortunate. Radical feminism reversed this, serving up a gender fantasy world in which men and women are interchangeable. There are obvious physical differences between men and women—men tend to be taller, have more upper-body strength, are naturally more assertive, and cannot get pregnant.

The influence of oppression ideology has affected police forces and firefighters units (which, significantly, used to be firemen) to the extent that all must prove to federal bureaucrats that they have made "good faith" efforts to hire a politically acceptable number of women. They end up lowering physical requirements for admission to these formerly all-male preserves simply because women are not as physically strong as men. The same thing has happened in military academies such as West Point.

The elderly are also classed as a victim group, courtesy of an extension of anti-discrimination law (the Age Discrimination in Employment Act of 1967). The elderly, however, are among the most well-off of all Americans. This plus the existence of powerful senior-citizens' groups such as the AARP militates against classifying the elderly as an oppressed group. Surely, argues O'Shea, employers are acting rationally when they consider the length of time of service that might be expected from someone they are hiring and would prefer hiring someone in his 30s to someone in his 60s. They might consider other factors as well, including whether a person who has grown up around computers, for example, might not be more suitable for a job requiring the routine use of application software than someone to whom computers were totally unfamiliar until very recently. Or whether some kind of in-house mandatory retirement is justifiable to make room for the next generation, simply because it is again common sense to realize that past a certain age, many people's cognitive abilities begin to decline.

The disabled come under the oppression umbrella with the signing in 1991 of

the Americans With Disabilities Act. This Act required employers to make "reasonable accommodations" for the disabled, even if it meant hiring two people to do the same work that could be done by one person. Businesses were required to spend tens of thousands of dollars installing ramps and other special equipment, even if these were used only once or twice per year.

The ADA called up a new wave of litigation. Some of the lawsuits cost employers six and seven figures. The number of ADA-related lawsuits has climbed every year. In its first year, over 9,000 lawsuits were filed. In 1994, that number almost reached 19,000. Perhaps two to four out of hundreds of suits are based on legitimate complaints. Nevertheless, many employers (unless they are huge, wealthy corporations) cannot begin to afford the legal fees involved in defending themselves against such lawsuits and will settle. "Legalized extortion," describes one lawyer specializing in defending employers from bogus disability lawsuits. Meanwhile, according to one study, employment of the disabled actually *fell* during this period by three percent.

The egalitarian jargon expanded to levels that would have been considered ludicrous even in 1964, employing such terms as *physically challenged*—as if pretending that the abled and disabled are inherently physically equal apart from the "injustice" of their disability. Finally, the idea of "disability" quickly expanded to include mental problems, and even occasionally, addiction to illegal drugs. The problems the ADA has created are not limited to the workplace, observes O'Shea. Fully 13 percent of public school children are now classified as "disabled" in one sense or another; many who need discipline are seen as suffering from "attention deficit disorder."

With homosexuals, the situation is worse. Unlike other groups considered here, homosexuality is behavioral in the sense that if the inclination is not acted upon, no one even knows about it. This is the case whether we use the term *preference* that implies that homosexuality is chosen behavior or *orientation* which implies it isn't.

One need not act on an impulse resulting from an orientation. Some physicians argue that a small percentage of the population has a greater susceptibility to alco-

holism; it doesn't follow from that they must drink or, if they do, that alcoholics should be considered a government-designated oppressed group.

With the bringing of homosexuals under the oppression umbrella, a host of problems arise. Homosexuals who have been fired for disappointing work performance have turned around and sued for discrimination even if the employer had no idea of the fired person's homosexuality. Moreover, if a person claims he is homosexual and tries to take advantage of preferential policies, how is the employer to prove that he isn't? Spy on him to find out who he sleeps with?

In sum, the American system is actually endangered by the oppression worldview. It treats our various endeavors—business enterprises, education, the military, and so on—as arenas for social transformation based on an illusion of perfect equality. The purpose of creating jobs, however, is not to fulfill a dream of perfect fairness, it is to get work done. For this, it is necessary to find the most qualified applicants. An employer, who knows his situation and his needs, is in the best position to do this; but he cannot act on his knowledge—or get rid of employees who haven't worked out—if he has to fill quotas or is paralyzed by the fear of lawsuits.

O'Shea's strategy is to declare the oppression worldview to be absurd. I fear it will take more than this to get rid of it. It is so sufficiently entrenched in every institution that it is very difficult to fight; the oppression—zealots now have enormous resources at their disposal. If *A Cure Worse Than the Disease* falls short anywhere, it is that O'Shea doesn't offer much in the way of suggestions of where we go from here. What can we do to begin rolling back oppression zealotry? Answers vary, ranging from continuing to file reverse-discrimination lawsuits to actual separation from the Washington regime that has fallen hook, line and sinker for the oppression worldview. O'Shea would almost certainly not endorse this last idea. But the point is, we either roll back the oppression worldview or the remaining vestiges of our economic and political freedoms will be stripped away in the near future by increasing amounts of government control.

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A Simple Correspondence

BY KIRK WOOD

A REVIEW OF

This Cruel War: The Civil War Letters of Grant and Malinda Taylor. Edited by Ann K. Blomquist and Robert A. Taylor. Mercer University Press, 1999. 348 pages. \$32.95

Within the last five years or so, a plethora of letters and diaries on the Southern side of the Civil War have been issued forth from university presses and even trade publishing houses (as reviews in the *Journal of Southern History* and offerings by the *History Book Club* make clear). Combined with other studies by Marshall DeRosa (*The Confederate Constitution*), George C. Rable (*The Confederate Republic*), Felicity Allen (*Jefferson Davis, Unconquerable Heart*),

and James McPherson (*Battle Cry of Freedom* and *For Cause & Comrades: Why Men Fought in the Civil War*), the Lost Cause as a defense of the Republic and the principles of 1776 and 1787 has at last been reaffirmed, albeit in piece-meal fashion.

This Cruel War presents yet another Southern perspective, that of a non-slave-owning Confederate soldier and his wife. Familiar as the subject matter is, e.g., the privations of war on the military front and at home, the experiences of the Taylors serve to individualize the awful impact of 1861–1865 on the lives of plain folk and the unimaginable suffering they each endured along with thousands more. War is indeed hell for combatants and non-combatants alike.

Aptly entitled as it is, the volume (to this reviewer) is also and much more a great love story between a husband and wife and a celebration of marriage and family, notwithstanding postmodern gender studies to the contrary (and what they accomplished after 1865 is equally remarkable). Religion, another theme that is slighted nowadays, is revealed here as a source of strength that was central to the lives of the Taylors and their family.

Having read and edited WBTS letters, and knowing the difficulties involved in transcribing faded and torn pages and writing done doubly on the same piece of paper (literally, writing over writing), the editors are to be commended for their hard work and the sore eyes they must have endured. They have done well, as has Mercer University Press, in producing a handsome piece of work (with appropriate illustrations and useful maps). There are a few difficulties of a substantive nature, however.

As much as the editors (and the publisher?) want to emphasize the lack of Confederate patriotism in general and on Taylor's part in particular, he yet served until the end of the war. That he did so just to obtain a furlough just does not ring true here. Similarly, the attention given to his non-slave-owning status ignores a letter urging his wife to "get a negro if you can." Also, there's the missive of January 11, 1865 bitterly opposing the enlistment of black Confederates.

Taylor's morale, moreover, ebbed and flowed over time, as did that of Confederate forces in general. Reluctant secessionist that he may have been (and

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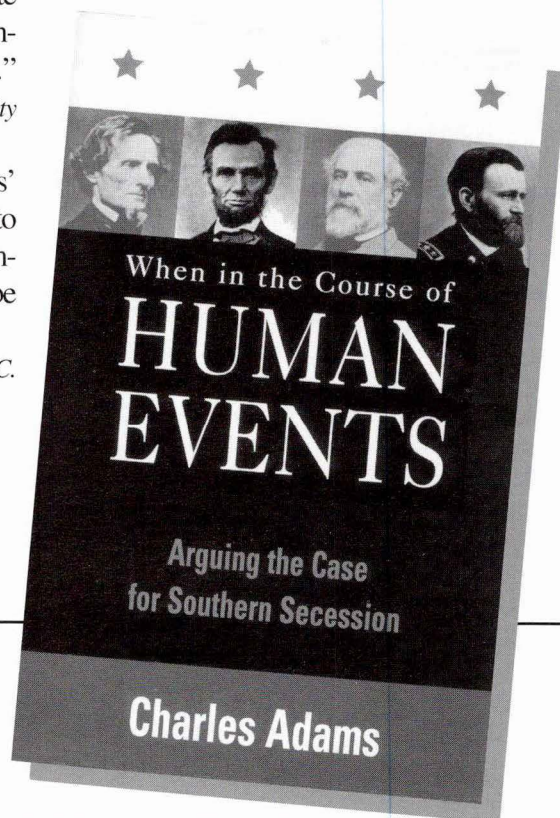
Clyde N. Wilson, University of S.C.

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there are no letters before 1862 one way or the other), his own words provide a clue as to additional motivation beyond the defense of slavery and the origins of the War Between The States. To Taylor, it was really a War of Northern Aggression brought on by the "vandal horde" from the North (which is a term found in other Southern letters and diaries) who were the disrupters of peace. As for Taylor's racism, his views were not Southern but American and national (as Michael Morrison reminds us in *Slavery and the American West*).

The editors' neo-abolitionist bias against the South for causing the Civil War, it appears, conflicts with their veneration of two individuals whose own testimony hints at another conclusion. There was more to the South and the WBTS than slavery, as recent historiography is beginning to understand.

Kirk Wood lives in Montgomery, Alabama and is a professor of history at Alabama State University.

Babbitt's Baptism

BY RICHARD GAMBLE

A REVIEW OF

The Critical Legacy of Irving Babbitt: An Appreciation, by George A. Panichas. ISI Books, 1999. 235 pages. \$24.95.

Irving Babbitt has always troubled Southern conservatives, and for good reason. Babbitt (1865–1933), a distinguished professor of French literature at Harvard University in the early part of the twentieth century, led the critical movement known as the New Humanism. In towering works such as *Literature and the American College* (1908), *Rousseau and Romanticism* (1919), and *Democracy and Leadership* (1924), Babbitt exposed the

deadly tendencies of his age that continue to bear such corrupt fruit in ours: a domestic and foreign policy based on sentimental humanitarianism, the spiritual corrosion of scientific naturalism run amok, the loss of standards of critical judgment, and leadership by mere numbers through the momentary impulses of majoritarian democracy. But Babbitt's unmistakable Puritanism, puzzling admiration for Abraham Lincoln, and discounting of the Christian doctrine of divine grace have cost him his place among the allies of Southern traditionalism.

Indeed, any literary critic whose detractors include Edmund Wilson, H.L. Mencken, Arthur O. Lovejoy, T.S. Eliot, Allen Tate, and Marion Montgomery must be handled with care and discernment. But any thinker whose admirers include Paul Elmer More, Russell Kirk, Claes Ryn, and George Panichas deserves a respectful hearing at least. George Panichas's *The Critical Legacy of Irving Babbitt* should help Babbitt earn that hearing. At the very least, this collection of essays and reviews ought to remind conservatives of every stripe why Russell Kirk ranked Babbitt among the twentieth century's foremost contributors to the making of the conservative mind.

Panichas rescues Babbitt from his most glib critics and demonstrates once again the power and range of Babbitt's mind. Babbitt's courage and insight shine through clearly in these essays. He was a constitutionalist troubled by concentrations of power and the disintegration of the separation of powers, an anti-imperialist who contributed some of the most incisive and original analyses into the causes and consequences of the First World War, a foe of simple-minded devotion to the god Democracy and its "gospel of service," and a skeptic about the blessings of industrial capitalism and the exaggerated promises of material progress.

In response, he defended modesty at home and abroad, the slower movements of the permanent will and the deliberative process, and man's capacity to restrain passion, appetite, and impulse for the sake of civilization.

Above all, Babbitt

feared the certain consequences of modern man's restlessness his nervous impatience, love of novelty and change, infatuation with all things transient, momentary, superficial, and titillating, and Romantic striving for the sake of striving. Panichas's cogent essays draw out all of these themes and more in Babbitt's writings. They demonstrate why Babbitt remains one of the foremost diagnosticians of the diseased modern temperament. Even where Babbitt's austere insistence on the primacy of individual will and self-discipline in overcoming the "expansive" tendencies of the age seems forbidding, his analysis of the fatal flaw in modernity's first principles is brilliant and devastating. Thanks in large part to Babbitt's work, Woodrow Wilson, Herbert Croly, and John Dewey can never be underestimated as agents of political, cultural, moral, and spiritual destruction. Babbitt gives us eyes to see and ears to hear.

Panichas's comparative essays on Babbitt and Simone Weil and Babbitt and Richard Weaver are perhaps the most stimulating and original in the collection and suggest rich possibilities for further similar studies. Babbitt needs to be understood not only in the context of his own time (in relation to Wilson, Croly, Dewey, and the social gospel clergy) but also in the context of the great dissenting tradition in the twentieth century, including its European and Southern manifestations.

Babbitt's ideas come into even sharper focus in light of this broader search for roots and order that defended objective truth and reality, rejected reductionistic Enlightenment rationalism and dehumanizing materialism, acknowledged the presence of evil in the human heart, and called for a return to standards and discernment. In addition to Weil and Weaver, Babbitt's insights could be fruitfully compared with C.S. Lewis's defense of the natural law tradition (the "Tao") in *The Abolition of Man* and with Alexander Solzhenitsyn's call in his Harvard Commencement Address for Western Civilization to acknowledge limits and to return to a life of liberty under law.

A larger work is needed that compares, and to some degree synthesizes, the fairly consistent call for a recovery of limits in a world that falsely defines liberty as freedom from both internal and external

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restraint. Even Panichas's essays on Weil and Weaver could be extended. In particular, Weaver's indictment of the mentality of total war and his warnings about atomic warfare are close to Babbitt's own observations and predictions. Both Weaver and Babbitt point to total war as horrifying testimony to the disordered state of our souls.

Panichas's essays are engaging and serious explorations of Babbitt's legacy. Regrettably, however, the presentation of his work is marred by serious misquotations and typographical errors. The quotation from *Democracy and Leadership* on pages 74–75 is rendered unintelligible by the omission of a dozen words from the middle of the sentence. Here and there, moreover, plural nouns in the original have become singular and there are misplaced quotation marks.

On a minor note, despite efforts to synthesize these previously published essays into a coherent whole, the book is weakened by the distracting repetition of content, stylistic quirks, and favorite catch phrases. Panichas also has an unfortunate penchant for needlessly complex language ("refrequentation of sapiential literature").

Nevertheless, *The Critical Legacy of Irving Babbitt* brings together nearly twenty years of careful reflection on Babbitt as a scholar, social critic, and man of letters. Panichas has provided an honest estimation of Babbitt as teacher and critic. His essays are judicious, illuminating, provocative, and fair in handling weighty objections to the quality of Babbitt's thought, style, and temperament. Babbitt emerges as an unflinching enemy of Progressivism, imperialism, Wilsonianism, mass democracy, Rousseauist humanitarianism, Baconian naturalism, and sham spirituality.

In many ways, Babbitt worked consciously within the great tradition of Burke, John Adams, and the Founders. He shared their fear of power, their suspicion of the "lovers of humanity," their impatience with flights of utopian speculation, and their insistence on constitutional limits paired with a self-disciplined citizenry.

The paradox of Babbitt's regard for Lincoln in light of these principles remains unresolved, however. The very criteria according to which Thomas Jefferson, Teddy Roosevelt, and Woodrow Wilson failed Babbitt's test of leadership ought to

have led Babbitt inexorably to condemn Lincoln as well. Babbitt chastised Jefferson for his alleged Rousseauist populism, deplored Wilson for his humanitarian "gospel of service," and ridiculed Roosevelt for his juvenile "imperialistic personality." And yet, in Lincoln, Babbitt found "an element of judicial control." If he had probed more deeply, he would have had to reckon with Lincoln's elevation of the Declaration of Independence to divine status, his universalizing of America's redemptive mission, his shameless sophistry, his imperialistic imposition of majoritarian democracy as the only basis of political legitimacy, and his utter disregard for constitutional boundaries.

But to be fair, Babbitt labored as a literary critic and not as a historian or political theorist. Despite his blind spots, Babbitt's political, constitutional, moral, and social thought deserve a wider appreciation, even among Southern conservatives, and Panichas's essays help secure that legacy. ♣

Richard Gamble is a professor of history at Palm Beach Atlantic College.

BOOK NOTES

Calhoun's Correspondence

The Papers of John C. Calhoun, 1848–1849, vol. 26, eds. Clyde N. Wilson and Shirley Bright Cook. University of South Carolina Press, 2001. \$59.95.

The Calhoun Papers project began in 1951. It has published nearly every known letter written by and to John C. Calhoun, as well as a few other pertinent letters and articles written about Calhoun during his time. The final volume of correspondence, number 27, will go to press next year.

We have been fortunate to have a dedicated Confederate and perhaps the world's wisest and most knowledgeable American historian as the senior editor for the last few decades. Clyde Wilson's introductory essays to the volumes are the best biographical articles ever written about Calhoun. They summarize that period of Calhoun's life and explain the significance of the events in terms that are readily comprehensible, unlike almost all other academic writings.

Calhoun wrote the greatest political treatise ever written on liberty and the proper role of government. It was not published until after his death. This volume ends about eight months before Calhoun's death. By this time, he had enough of his ideas worked out that he discussed them openly with his friends and family. Had the South remained independent, historians would probably look to these letters to understand what the Southern Founding Fathers meant when they declared independence from the United States.

Calhoun spent the last twenty years of his life trying to unify the South against the North, who he believed used politics only as "a mere question of power." As one Southerner wrote, Calhoun was "still the great champion of the separation of Government from Wealth." Calhoun opposed the tariff which he saw as the North's systematic theft of the fruits of Southern labor. He saw the two-party sys-

tem as the unification of commerce, or big business, with the government. He knew the South could not survive in those conditions, and he became the single greatest unifying figure among Southern leaders.

Also in this volume are more letters than usual involving Calhoun's personal life. A journalist wrote an account of visiting Calhoun's home, and Calhoun's children corresponded frequently with him. The stories they tell give us a much more human perspective of a man who is rarely thought of that way.

This volume is an excellent addition to any library. Corruption was at an all-time high and Calhoun was left with more to fight than ever before. Anyone with the entire collection has a relatively unexplored treasure. Those who would like to have just a few of the volumes with the most adamantly Southern portions of Calhoun's writings will want the Nullification volume and this one. ♣

—Tim Manning, Jr.

Country Comes To Town

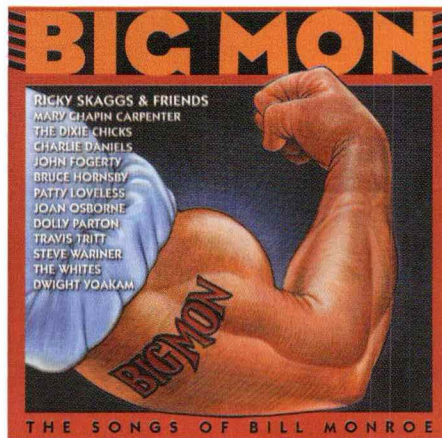
BY REDBONE T. WALKER

The Blue Ridge Mountains have always been a haven for things considered unacceptable in more urbane settings. Coon hunters, moonshiners, fugitives, draft dodgers, and generally anybody who didn't want to be disturbed have found ample room in the hollers, dismals, and forested ridges of the Appalachians.

The mountains have proved to be a hard place to make a living or to make an arrest, as the FBI has learned in their quest to capture alleged mad-bomber Eric Rudolph (assuming he's not busing tables in Tijuana by now).

But lately, as most urbanites are trying to get away from it all, they are gradually discovering the beauty and bounty of the Southern highlands: much to the dismay of anybody who loves the region. Not least of these discoveries is a form of music which has prospered in the leafy glens, unmolested by the world of commercial music. Alas, no more.

The brightly lit world of contemporary country music has discovered the



rich, untapped vein of American culture known as traditional music—classic country, country blues, old-time country, mountain music, hillbilly music, gospel, pre-Bluegrass, or what-have-you.

The first big cut into the mountains came when the highly-successful Coen brothers released a movie called *O Brother Where Art Thou?* Although unusually funny for Hollywood, the movie—a farce set in the Depression-era South and loosely based on Homer's *Odyssey*—got mixed reviews, but the biggest impact was from the soundtrack.

It turns out that Joel and Ethan Coen are big fans of old-timey country music (read traditional Southern music), and their movie became a platform for the musical performances, which ranged from an overture of an authentic chain-gang chant recorded by Alan Lomax to the happy-go-lucky hobo ballad “Big Rock Candy Mountain.”

The music was terrific, and the title song, “Man of Constant Sorrow,” became a big seller (for the genre) with a popular video on Country Music Television, and even

reached No. 1 on *Billboard's* Country Music Chart. All of a sudden, traditional music was suddenly profitable, if still not presentable.

While the question, “Is that the banjo-picker's Porsche parked out there?” may not be quite the norm yet, many Americans (Southerners especially) re-discovered the good old-time singing and, more importantly, realized that maybe there was more to a performance than flashing lights and a thumping bass.

Mainline commercial radio stations have refused to play this kind of music despite its popularity, but these old-time songs are getting a boost from the cutting-edge technology of the Internet. Musicians and their marketers are making heavy use of chat rooms and web site downloads to spread the word about this newly discovered, old music.

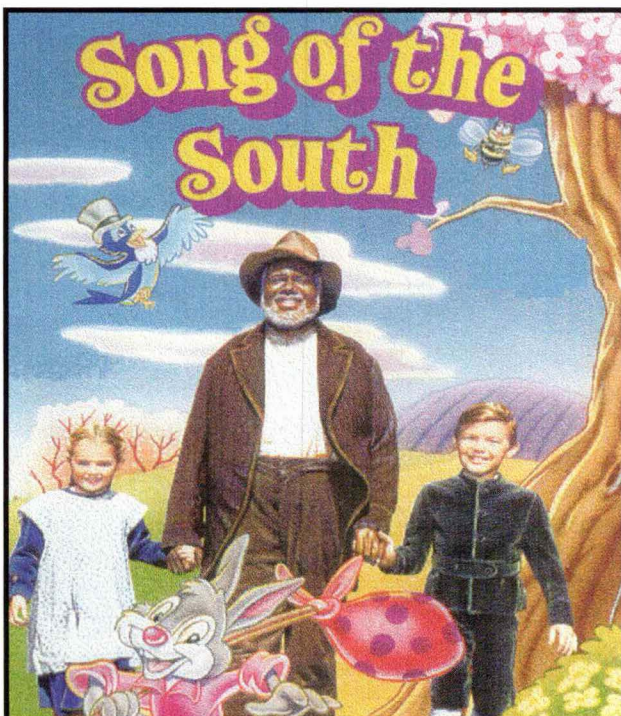
The success of *O Brother* has not spawned imitators as much as it has encouraged the cohort of performers who have been influenced by this music.

A series of concerts based on the soundtrack, and including most of the original performers, has been well received. One of these concerts, staged at the old Ryman Auditorium in May of 2000, was filmed for a theatrical release called *Down From the Mountain*. The movie is already showing in Nashville and New York by whose patronage the beauties of these songs will be admired but unappreciated. While the movie may never play in your town, the soundtrack is already available.

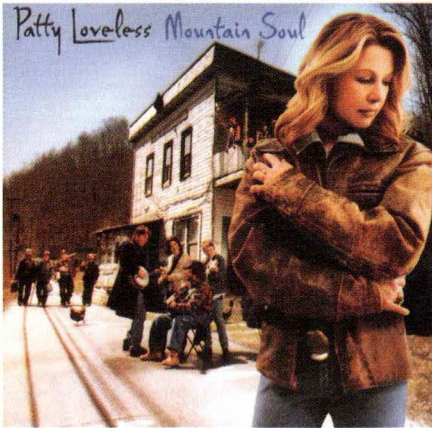
The Last Bluegrass Boy

After the death of Bluegrass-begetter Bill Monroe, his most famous protégé, Ricky Skaggs, produced an all-star tribute to the mandolin master. The album, called *Big Mon*, includes a diverse cast ranging from Charlie Daniels to John Fogerty—all singing Bill Monroe classics.

The album, masterfully coordinated by Skaggs, is a fitting tribute to Monroe's equally diverse style and the depth of his impact on American music; in 1987 he was inducted into the Rock and Roll Hall of Fame. While Monroe was an upright, Bible-believing Kentucky gentleman, the far-reaching music styles represented by



www.bannedfilms.com



the performers on this album speak volumes about how Mr. Monroe's work proved timeless.

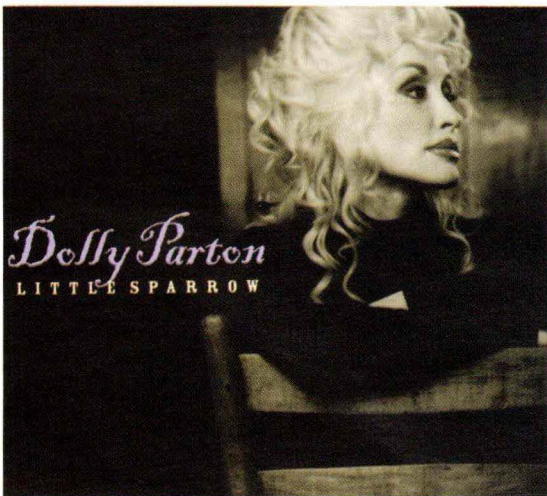
More Loveless

"When are you going to make an album of just 'this' music?"

That is the question Patty Loveless's fans kept asking. "This" music is the traditional mountain music which sprang from Mrs. Loveless's childhood in the hard, high, hills around Harlan, Kentucky, and which has been a constant vein in even her most popular songs as a commercial Country Music Star.

Mrs. Loveless has been including instrumental sections in her concerts as a tribute to her father for years. These tributes have sparked the interest among her fans about the roots that lie deep beneath the electrified melodies of her contemporary work.

With the release of *Mountain Soul*, Miss Loveless—and her husband Emory Gordy, Jr.—have produced a collection of traditional songs true to her roots, which



are as deep as a coal mine and as clear as a winter mountain morning. The songs, which include hillbilly standards such as "Sorrowful Angels" and traditional favorites like Ralph Stanley's "Daniel Prayed," make a powerful contemporary connection that belies the notion of traditional as historic.

The music is traditional in the sense that it is built on a foundation of generations of musicians; it loses the chance to be called historic because it retains a strong contemporary relevance. In a world where new is a synonym for improved, it is a joy to listen to music written, arranged, and performed in a way that pays tribute to the quality of history without wasting Miss Loveless's notable talents on a reproduction of somebody else's sound.

The album owes a little to legendary Bluegrass *père* Bill Monroe as many of the songs include his former associates such as "Tater" Tate and a strong contribution by Ricky Skaggs.

In a world where musical talent is often measured by the tensions of a young girl's abdominal muscles, it is refreshing to hear music performed for its own sake and its own beauty.

Mountain Soul makes the case that, somewhere out there, folks will seek out the culture of their people.

Dolly Does Music

"All I have to do is open my mouth and a song like *Little Sparrow* or any number of these songs on this album will come out of me. If I'm just standing around, just singing, or in the kitchen singing, I'm far more apt to sing a song like that than to sing some classic song, pop or rock or even country for that matter. I just remember all those things. It's embedded in my soul."

So Dolly Parton described her recent foray away from commercial country music.

Having become a household name through a life on the stage, a significant investment in the Dollywood theme park in Sevierville, Tennessee, and an unmistakable profile, Miss Parton has the luxury of turning

her attention away from commercial success and back to the kind of music that makes her feel at home.

Through a series of albums released over the last few years, she has warbled the songs and Smoky Mountain melodies of her youth.

Her recent release, *Little Sparrow*, follows closely the 1999 release of *The Grass is Blue*. Both are a joy to the ears of anybody who likes the kind of music played in a building with no electrical outlets.

Little Sparrow includes some unusual pieces for a country album, such as a rendition of Cole Porter's "I Get A Kick Out Of You." But what's really surprising is that some of these tunes which sound like solid gold classics are actually newly minted by Miss Parton just for this album.

Like Miss Loveless, Miss Parton has dedicated this album to her late father, which is appropriate because *Little Sparrow* is a celebration of the heritage for which Dolly has unashamedly deep affection. ☆

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PARTISAN OUTDOORS

BY JIM MCCAFFERTY

Howling Again

"The howling of the wolf," reminisced one early Mississippi Delta planter, "was the lullaby of my infant slumbers."

The wild, weird rhapsodies that lulled that pioneer gentleman to sleep, no doubt, were the songs of the red wolf, the native wolf of the southeastern states. While the gray, or timber, wolf is far better known, the red wolf (*canis rufus*), the biologists used to tell us, was the common wild canid in southern woodlands from the hardwoods along the Ohio River, to the grassy savannahs of the Gulf, and from the palmettos of South Carolina to the pine thickets of east Texas. (Some experts are now saying that the red wolf is actually the native *eastern* wolf and ranges into eastern Canada.)

His name notwithstanding, the red wolf came in a variety of colors, ranging from near blonde to coal black, with just about every combination and variation in between. Averaging 40 to 80 pounds, *rufus* was mid-way between the gray wolf and their smaller cousin, the coyote, in size. He differed from the timber wolf in social habits, too, preferring smaller, looser-knit hunting groups to the highly structured packs of the bigger wolf. That hunting style dictated smaller prey, such as rabbits, mice, and rats, rather than the large game preferred by gray wolves.

Always a shy creature, the red wolf posed no threat to humans. The historical record is all but devoid of attacks by *rufus* on humans.

Man, on the other hand, posed quite a threat to the red wolf. The first Southern set-

tlers brought a folktale-bred fear of wolves with them. As early as 1791, naturalist William Bartram, while traveling through the South, recorded in his journal that the wolves "assemble in companies in the night time, howl and bark together, especially on winter nights, which is terrifying to the wandering bewildered traveler."

The fact that *rufus* was not above pinching the occasional shoat or calf from a pioneer farmstead did not help dispel the settlers' idea of wolf as enemy. Consequently, *rufus*, in most parts of his range, was early outlawed: counties paid bounties for wolf scalps, and farmers shot, trapped, or poisoned the canids at every opportunity.

This persecution of the red wolf persisted throughout the 1800s and the early 1900s. Simultaneously, the great southern forests were being converted to agriculture, and game was becoming scarce. That combination of circumstances greatly diminished the red wolf's range and numbers. By World War I, over most of the South, the howl of *rufus* was but an ephemeral memory.

At the same time, the red wolf began to face a threat from another quarter. Even as *rufus*'s range was shrinking, the crafty, cunning coyote was expanding his territory, from west Texas into Louisiana, and even east of the Mississippi. While the red wolf seemed unable to co-exist in proximity with humans, the coyote seemed to thrive near people.

How could the coyote, running roughly half the size of a red wolf, pose a threat to *rufus*? Well, it couldn't without the wolf's cooperation. Apparently, as wolf numbers declined, red wolves began interbreeding coyotes. Some wildlife management authorities believe that by the early 1960s, coyote-wolf hybrids had replaced red wolves in most areas.

Down along the coast counties and parishes of eastern Texas and Western Louisiana, though, U.S. Fish and Wildlife scientists discovered what they believed to be an isolated population of a couple of hundred or so "genetically pure" red wolves. [I put "genetically pure" in quotes because there are some biologists who have suggested there has never been a true, pure-bred red wolf; that red wolves were always a hybrid strain of canid that developed from gray wolves cross-breeding with coyotes. The orthodox belief, though, seems to favor the

red wolf as a true species.] This coast environment, though ideal for alligators and armadillos, was marginal for wolves. Hookworms, heartworms, and other parasites shortened the lives of mature wolves and caused a high mortality rate among cubs.

In 1973, in an effort to save the remaining specimens, the U.S. Fish and Wildlife Service formed the "Red Wolf Recovery Team." Its purpose? To save and rehabilitate the remaining *rufus* population. The team paid professional trappers to catch as many pure red wolves as could be identified. The trapping continued for a half a dozen years or so, until no more genetically pure animals were being located. The last pure red wolf left in the wild, the U. S. Fish and Wildlife folk speculate, probably died around 1981.

By that time, the recovery team had a population of 40 animals in zoos around the country. Great pains were taken to keep these captive animals as wild and free of human contact as possible. (I saw one such specimen in the Audubon Zoo in New Orleans back in the mid-90s. The creature was as man-shy as any coyote I've ever seen in the wild.)

The zoo population was selectively bred, and as the captive population increased, the recovery team began planning pilot projects for reintroducing the red wolves to the wild. Reintroduction would prove almost as difficult as the trapping of the last wild red wolves.

The reintroduction site would require enough area to allow the wolves to roam, while keeping contact between wolf and man (and, especially, man's pets and livestock) to a minimum. Most importantly, the area would have to be totally free of coyotes. The team selected the 170,000 acre Alligator River National Wildlife Refuge, located on a peninsula in Dare County, North Carolina, for the first reintroduction of *rufus* in 1987. Coincidentally, the refuge was only a few miles west of Sir Walter Raleigh's Roanoke Colony, which vanished without a trace almost exactly four hundred years before. A pair of wolves was also released on Horn Island, part of the Gulf Islands National Seashore of the coast of Mississippi. The Horn Island wolves were later recaptured.

Today, there are free-ranging red

wolves living at Alligator River and on islands off the coasts of South Carolina and Florida.

What the future holds for *canis rufus* is anybody's guess. But, it would be nice to think that at least in some parts of Dixie, the red wolf will continue to howl for years to come.



Musings

BY TED ROBERTS

Barefoot in the Park

Somebody, maybe Mark Twain, told a parable about two young brothers who loved to play in the woods around their house. In their games the clearings became the buffalo prairies of the West and the trees, on windy days, were galleons that sailed the seven seas. On quiet days the trees became the ramparts of castles that the boys manned against their invisible foes.

There was one flaw in this fairyland—real snakes lived in the woods along with the imaginary buffaloes, galleons and castles.

So the mother of the two adventurers urged them to wear shoes—even better, boots. “Snakes bite,” lectured Mama. And one of the boys nodded violently and started strapping on his boots. But the other meditated that plush, velvety cool grass sure feels good on bare soles; and wading through the sandy-bottom creek between the buffalo prairies is better than bubble gum. I’ll take my chances, he thought.

Well, that’s where the story ends. We never know how the gamble turns out, but we assume that the booted brother never was snake bit and the barefoot boy always enjoyed the cool green on his feet.

The story says more about life than the whole Philosophy section in your public

library. Some of us wear boots. Some wear shoes. Some of us go barefoot.

My good friend, Herb, goes barefoot. He’s a biker, but uses the helmet his wife gave him to decorate the mantelpiece. He even leaves his car keys overnight in the car—which boldly squats in the driveway, daring any car thieves who happen to work the neighborhood. “So far,” says the barefoot boy, “I’ve gotten away with it for 6,352 mornings.” He keeps score.

I tell him about the snakes—so to speak. The risk. He tells me how convenient it is not to conduct a safari every morning searching for his shy, elusive keychain. Herb says it’s bad enough he’s gotta shave, wash up, find his briefcase and wallet. Then he must remember to kiss wife Hilda goodbye.

He also remembers a nice, steaming cup of black coffee every morning for breakfast. Alongside, in the saucer, he’s accustomed to a chocolate-covered doughnut the same shade as the coffee. That way, the doughnut shreds floating in the coffee don’t look too unappetizing. But imagine his surprise one morning when Hilda, his lover, nurse, and dietician, substituted Niacin Fortified Bran Fibre Biscuits for his matching doughnut. “As Regular as the Rising Sun,” says the box.

Herb, who usually whispers his marital complaints to the cat, yelled so violently that the self-same animal took a suicide plunge off the kitchen counter into her shallow bowl of non-fat, non-nutritional, skim milk. It sits next to her meal of cat food, enriched with urinary tract supplements.

As you can tell, Herb’s house is in turmoil over the gods of the 90s: health and personal safety. What an era for H.L. Mencken (who’d die laughing) and P.T. Barnum (who’d die rich). And Chicken Little (who’d be our prophet and king).

Herb reads a lot of black headlines about global warming.

“I knew something was up when I noticed that my heat bill went *down* this past February.” I explained to my carefree friend that more data is required than just one heat bill.

“You might need five or six scattered through the Fall and Winter months,” I warned, displaying my knowledge of the scientific method.

Some scientists agree. They argue that

even ten years of data says little about a “trend” on a planet that’s *literally* “older than dirt.”

I remember the old brick in the toilet trick. We learned about it in the seventies, when there was a three year arid spell; a mere blink of Mama Nature’s eyes. Rainmakers franchised their act. Indian medicine men were leading aerobic rain-dance classes for depressed farmers. It was easier to get a glass of sparkling champagne than fresh water in a New York restaurant. Reservoirs in the northeast U.S. were showing their bottoms of rusty bed springs, Mafia skeletons and slick truck tires.

That’s when the brick in the toilet tank became popular. I learned about it at a cocktail party, while I was talking to a neighbor who had consumed just enough gin to remain standing, but too much to talk. A good listener, I thought. A perfect conversational partner for me.

So, as he dozed on his feet, I told him that a house down the street, like mine, had just sold for some significant fraction of a million dollars. This was in the days when a man’s castle was his mint.

“Well, that’s cute,” said my swaying pal, “but I’ve got a brick in my toilet tank.”

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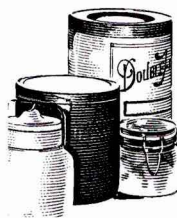
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(Why was I wasting my data on a drunk with a brick obsession?) And he went on to say that if fifty million Americans did the same, we'd save an immense number of gallons of water.

The brick mania spread like wildfire as a cocktail party topic. There was talk of the size of the brick. And its density. (If it were over-porous, well, what's the point?) Then there was the "why not two" school. Double the savings. And if it worked in the toilet—how 'bout a "bathe with a brick" campaign. Even the washing machine was susceptible to the brick concept.

We mortals continued to talk about it until a puckish Mother Nature, who sneers at our puny extrapolations, deluged us with three years of incredibly lavish rainfall. Cocktail party talk shifted to lifeboats and levee construction.

And so it goes. There's drought, flooding, asbestos, red meat, nuclear energy, ozone depletion, charcoaled hot dogs (my favorite), tobacco, and booze. They'll all do you in. But so will fear and trembling. Try barefoot once in a while.



SOUTHERN COOKING

BY SALLIE JEAN

Southern Cravings

Our family just returned from a wonderful two-week holiday visiting family. We enjoyed horseback riding, the beach, outdoor family games, aunts and uncles as child minders, and not having to cook or clean too much. Given that I am three months pregnant, all this added up to much needed rest. It also, of course, gave me a terrific opportunity to sample family recipes. Here are some that I can heartily recommend.

Shreveport Smoked Salmon Roulade

A wonderful party appetizer that, though a bit time consuming, displays beautifully and can be made the day ahead is Shreveport Smoked Salmon Roulade. First, preheat your oven to 375. Lightly oil an 11 x 17 jellyroll pan. Line the bottom with parchment or wax paper and liberally oil this as well. Set aside.

The next step is to prepare a spinach cake. Puree one 10 oz. package of thawed and squeezed dry frozen spinach, 1/2 cup chopped parsley, 1/3 cup flour, 1/4 cup sour cream, and a large dash of Tabasco in a food processor. Season with salt and pepper. Add two large egg yolks and use the pulse speed to mix. Transfer to a bowl and set aside. In a large mixing bowl, beat 6 large egg whites until stiff, but not dry. With a rubber spatula, fold 1/3 of the beaten whites into the spinach puree. Then fold the spinach mix into the remaining egg whites until gently blended. Spread into the prepared pan and bake 8 to 10 minutes or until the top springs back when lightly touched. Let cool in pan for 5 minutes then invert onto a clean kitchen towel and cover with a second towel.

To prepare the filling, use your food processor to puree 6 oz. cream cheese and 3/4 cup cottage cheese until smooth.

Uncover the cake and sprinkle with 1Tbs. fresh squeezed lemon juice. Leaving a little border to accommodate the filling, spread half the cheese mixture on the spinach cake and distribute 8 oz. best quality smoked salmon fillet evenly over the top. Spread remaining cheese mixture over the salmon. Sprinkle with 1/4 cup diced fresh chives and 3 Tbs. drained and rinsed capers (or 2 Tbs. horseradish).

Starting at the long edge, gently roll the cake as you would a jellyroll, using the towel to lift and assist in the rolling. Wrap the roulade in plastic wrap and refrigerate at least 4 hours before serving. To serve, cut the roulade into 24 slices with a serrated knife.

Two wonderful salads that can accompany any grilled fish or meat are *Bama Broccoli Slaw* and *Leslie Blair's Pear Salad*.

Bama Broccoli Slaw

To make the slaw, combine 1 package broccoli slaw mix, 1 bunch green onions, finely diced, and 2 packages *uncooked* Oriental flavor Ramen soup noodles, broken into small pieces. Mix together 1/2 cup sugar, 1/3 cup apple cider vinegar and 1/4 cup vegetable oil and 2 packets of seasoning from the Ramen noodles. Pour over the slaw mix and toss to coat well. Refrigerate until ready to serve. Just before serving, toss in 3/4 cup chopped cashews and a generous amount of roasted and salted sunflower seeds.

Leslie Blair's Pear Salad

First prepare the dressing by combining one can of pears, syrup and all (the pears should be cut into chunks), with 1 Tbs. honey mustard (you can make your own by mixing mustard with honey to desired sweetness), 1 Tbs. cider vinegar, and 1 Tbs. sesame or olive oil; mix well. In a large bowl, toss a combination of cleaned and torn spinach and lettuce leaves with 1/2 cup chopped red onion, 1 cup chopped walnuts and the dressing. Sprinkle with a generous amount of crumbled feta cheese and serve.

Shrimp à la Louis

This simple and light main dish begins by sautéing 1 pound gulf shrimp with 1/2 cup chopped green onions, 1/2 cup chopped celery, 1/2 cup chopped green pepper (or a different color) in 2 Tbs. olive

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oil. Add 2 Tbs. white wine and 2 Tbs. Dijon-type mustard, a dash of garlic salt and a sprinkling of parsley flakes. Cook 2 to 3 minutes and serve over steamed white rice.

Fresh Cherry-Pineapple Cobbler

And now for dessert (we were on vacation remember!). Preheat oven to 400. Toss together approximately 2 1/2 to 3 lbs. fresh, pitted cherries, 1 can (20 oz.) well drained pineapple chunks, 1 cup sugar, and 3 Tbs. cornstarch. Pour into a lightly greased 13 x 9 inch glass baking dish and bake 25 minutes or until filling is hot and begins to bubble at the edges. Meanwhile, in a large bowl, stir together 2 1/2 cups flour, 1/2 cup sugar, 2 tsp. baking powder, 1/2 tsp. baking soda and 1/2 tsp salt. Cut in 1/2 cup chilled butter until mixture resembles coarse meal. Stir together 3/4 cup milk and 3/4 cup heavy whipping cream or half and half. Slowly pour the milk mixture into the dry mixture, tossing with a fork until the dough forms a ball. When the filling has reached bubbling stage, drop the dough by heaping tablespoons over the hot filling to cover. Sprinkle with 2 to 3 Tbs. sugar. Reduce oven temperature to 375 and bake until topping is golden brown and a toothpick or knife inserted in center comes out clean, about 35 to 40 minutes. Serve with vanilla ice cream.

Carnival Cones

Another ice cream treat (*sans* pickles, I promise) is to serve your favorite frozen confection in. Heat your oven to 400. In a medium size bowl, beat 2/3 cup sugar and 3 egg whites with an electric mixer for 30 seconds. Mix in 1 cup flour until mixture is smooth. Add 1/2 tsp. vanilla extract and 1/3 cup melted butter. For each cone, scoop 2 1/2 Tbs. (use your measuring spoons!) batter onto a non-stick baking sheet, spreading the batter into a thin 6-inch circle. Bake 7 to 8 minutes or until golden brown; do NOT overcook. Remove baking sheet from oven and working quickly, form the cookie into a cone, pinching the tip to seal it tightly. Allow the cone to cool, seam side down. If a cookie is difficult to shape, return it to the oven very briefly to soften it.

As you travel between folks and friends this summer, taking time off to enjoy each other's company, be sure to

trade recipes along with other news. Family recipes are an important tradition to keep handing down and eating up through the generations.



DEVOUTLY SPEAKING

BY ROBERT HILLDRUP

Faith Based Folly

Let us be up front about it: if the Bush Administration wants to create a new mess, all it needs to do is to get into law a whole new program to channel good works (and tax dollars) to and through the nation's churches and other religious organizations.

If you don't think this is trouble, I give you four words: the Rev. Jesse Jackson. Jackson's nefarious, and, let us be blunt about it, racist, political schemes have been financed by many sources, including direct and indirect tax dollars.

And how much acceptance would there be if one of the various White Supremacist "churches" from Idaho, Arkansas and other places suddenly decided that a few tax dollars would be a big help in their social outreach?

Face it: when Thomas Jefferson, Edmund Pendleton and other Colonial Virginia leaders drafted the Virginia Statute of Religious Freedom, they laid a sound foundation for not only religious freedom in the U.S. Constitution but for the government to stick to legitimate governmental business. Subsidizing religion is not such a business.

I know, I know. Government is already doing it. I am a United Methodist (though certainly not very proud of it,) and I cannot think of a single grand old Methodist college, from Duke to Randolph-Macon, that hasn't sold its soul for some type of governmental aid and embraced all the false gods of affirmative action, homosexual rights and women's lib, to name just a few. Even the

Baptists are guilty. Baylor is a good example; the University of Richmond another.

The problem with government and religion goes back before Christ. Theocracy and government were interchangeable in much of Jewish religious life 3,000 years ago just as they are in parts of Israel today; just as they are in the minds of all the crazy Mid-East Muslims who want to kill everyone who doesn't do things their way.

Anything, and I repeat, anything, no matter how well intentioned, that increases governmental meddling in religious life and practice beyond the protection of constitutionally guaranteed liberties is too dangerous to be adopted.

We must never forget that religious practice is frequently based on prejudice and that, up to a point, this is the price paid for a free land. But that price should not be subsidized. The Jews are free to proclaim that, "Well, after all, we don't want to hurt anyone's feelings, but the truth is that we are God's Chosen People." That doesn't bother me, as a beneficiary of the Jewish heritage, but I can see how it can set some people's teeth on edge. Government doesn't need to be involved in that.

The concept of separating government from overt, narrow religious control has been a long time developing. The argument can be made (and is, by many Anglicans) that the Roman Catholic Church lost its primacy in England not because of Henry VIII's wenching in and out of wedlock, but because of continuing secular, social and governmental meddling by Rome.

Charity and compassion are cardinal virtues of most religious faiths. Habitat for Humanity (of which, incidentally, I am deeply and profoundly suspicious) nevertheless does build decent housing where there is none. The Salvation Army has a long, non-sense history of doing great works of Christian charity for those who are in need.

This is the proper role of religion in society: to sacrifice from its own resources and to show, by its deeds as well as its prayers, the strength of its faith and the purity of its purpose.

Religion is playing with the devil when it starts to call on government to do its own job. And in a fixed game, the devil always wins. It's too high a price to pay. ♣

MINORITY VIEW

Congressional Shalt Nots

Johann Wolfgang von Goethe said, “No one is as hopelessly enslaved as the person who thinks he’s free.” That captures the essence of *Tethered Citizens*:



BY WALTER WILLIAMS

Time to Repeal the Welfare State, written by Sheldon Richman, a senior fellow at the Fairfax, Virginia, based Future of Freedom Foundation (fff.org).

We just celebrated the 225th anniversary of our Declaration of Independence. We listened to speeches about the liberties bequeathed by our Founders. But according to Sheldon’s convincing, compellingly marshaled evidence, we’re not as free as we think. Yes, we can think of ourselves as free, but only relative to the rest of the world. In terms of the Founders’ vision of freedom, we’re little more than serfs.

You say: “What do you mean, Williams? I’m free!” Richman would ask you: Are you in charge of the amount of money you set aside for retirement and at what age you’ll retire? No, the government mandates that you join its retirement program. If you insist on being left alone and don’t obey, you’ll go to jail or otherwise suffer at the hands of government. What’s more, when government changes Social Security rules, unlike a private retirement plan, you can’t sue for breach of contract.

Richman asks: Is it you who decides when your child will go to school and for how many weeks and study what? No, it’s government that not only makes these decisions, it also attacks and undermines values taught at home. What if you think your child is capable of having a job at age 12, as I was? No dice. The government determines the age at which one can work, and for how long and at what pay.

Suppose you want to save money. Your money and privacy is subject to a web of regulatory offices, including the U.S.

Treasury, the Federal Reserve System and the Securities and Exchange Commission. If you make deposits or withdrawals of \$5,000 or more, your bank must report it to the government. If you attempt to stop government’s prying eyes by making deposits and withdrawals just below the reporting threshold, you face fines and imprisonment for “structuring.”

You own land, but you don’t control it. You might have purchased land as an investment, only to find that when you retire and are ready to build or sell it, you can’t. It might have been designated a wetland (swamp) by environmental authorities or declared a habitat for an endangered bird, rat or insect, whose rights the government deems more important than yours.

Alexis de Tocqueville’s “Democracy in America” has a chapter titled, “What Sort of Despotism Democratic Nations Have to Fear.” He said citizens of modern democracies faced a despotism of a different character, which “would be more widespread and milder; it would degrade men rather than torment them.” De Tocqueville went on to say, “I do not expect for their leaders to be tyrants, but rather schoolmasters.” He adds, “It only tries to keep them in perpetual childhood.” It does so by providing security and necessities, assuming responsibility for their concerns, managing their work, and more, “It gladly works for their happiness but wants to be the sole agent and judge of it.”

Democracy gives an aura of legitimacy to acts that would otherwise be deemed tyranny. That is precisely why the Framers gave us a Constitution that sought to protect us against the abuses of majorities. That’s

what our Bill of Rights is all about, those congressional shalt-nots. It’s just too bad that Congress, acting on the will of the majority, have abrogated those protections. *Tethered Citizens* is an excellent, informative and easily read 150-page book that would have been much shorter had Richman chosen to list our remaining liberties.

Racial Double Standards

A measure of accommodation is accorded children because they are not adults and thus not to be held to the same accountability standards. But should that same accommodation be accorded to a race of people?

In the March 2001 edition of *The American Enterprise* magazine, there’s an article titled “The Soft Bigotry of Double Standards.” Author Jonah Goldberg’s first observation is: “Here’s one thing we learned from the post-election Florida folderol: Black ‘leaders’ can say anything, and the mainstream press will take it seriously.”

Jesse Jackson said, “This is a replay of Selma all over again.” He yelled that “Holocaust survivors have been disenfranchised.” Jackson spoke of the “blood of blacks and Jews.” Not one mainstream news media outfit challenged Jackson to substantiate his claims either at the time of the Florida recount or since. In the midst of the Florida folderol, despite Jackson’s ranting, *New York Times* correspondent Lynette Holloway wrote, “Mr. Jackson has been careful not to be inflammatory.”

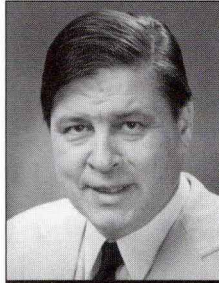
Goldberg says that not one of Jackson’s allegations—about blocked polling places, “targeted” blacks and Jews, harassed immigrants—was ever brought before an actual judge. Why? Because they’re all lies. Ask yourself whether it is in any way conceivable that a prominent white conservative could invent lies about blacks and stir up white anger without a major investigation and attack launched by the mainstream press?

Some years ago, Al Sharpton tried to frame innocent men for a non-existent crime (the Tawana Brawley affair), ruining the lives of the accused. Goldberg says that, despite this, Sharpton is “treated like Gandhi with a Jerri-curl by many reporters (Williams Continued On Page 41)

THE SOBRAN VIEW

Defenders of the Faith

Newsweek recently ran a cover story on the controversy over stem-cell research. Did I say story? It was really a propaganda screed, one of its authors



BY JOSEPH SOBRAN

being Eleanor Clift, whom you may remember as Bill Clinton's adoring Olive Oyl. Its theme was that scientific research shouldn't be inhibited by religious fanatics (namely, Christians).

The cover featured a color photo of a cluster of human stem cells, hugely magnified. The point was obviously that these things don't look like what we think of as a human being, so what's the harm of killing them?

Mind you, *Newsweek* doesn't always make use of audio-visual aids in discussing embryonic and fetal human life. In its coverage of late-term abortion, it has never used a color picture of a dismembered human fetus in the ninth month to shape public opinion.

By the ninth month, those little things do look pretty human, after all, and such a picture might, from *Newsweek's* point of view, backfire. You don't have to be a religious fanatic to recoil from seeing a baby torn to pieces.

Scientists in Virginia are already creating human embryos for the sake of "harvesting" their stem cells. The embryos themselves, having served their purpose, are destroyed.

It's all very mundane, routine lab work. There are no demented men with hunch-backed assistants and lightning flashing overhead. Nobody involved seems to have any qualms about toying with human life. Who says it's human, anyway? Only religious fanatics.

Should all this proceed with the blessing—and subsidies—of the government? Why not? Having redefined human life some time ago, the U.S. Supreme Court has

recently been emboldened to take the sacrilegious step of redefining golf itself.

What puzzles me is why journalism should be so reflexively on the side of the government. During the Watergate era, we heard about the "watchdog press," the "adversary press," the press as the "fourth branch of government." That old skepticism about government, largely illusory then, hardly survives today even as a pose. Today the press seems to see itself as government's partner, assisting and promoting the expansion of the state. The only politicians it treats with skepticism, verging at times on open hostility, are those who try to put the brakes on government.

You might think that after a century of tyranny, total war, genocide, and mass murder, not to mention organized robbery through taxation, inflation, debauched currencies, and redistribution, all of which have generated moral corruption and social decay—well, a little skepticism toward the modern state itself is long overdue. But the news media still persist in the faith that government is the natural instrument for the betterment of the human condition. If you believe that, you can believe that a tiger can be taught to pull a plow.

In the good old days, the state was limited in its ambitions, if only because its techniques were still primitive. But today's sophisticated, organized, computerized, atom-splitting state knows a few tricks its crude ancestors had no inkling of. It also enjoys the propaganda services of nominal independent journalists.

Producing no wealth itself, the state punishes productive people and encourages

dependency on itself. The parasite state wants parasite citizens. It increases the tax burden of producers and the benefits of its own dependents.

In order to do this, it has to invert common morality. It legalizes what were formerly crimes and criminalizes what were formerly freedoms. It has to convince its subjects that when the state commits a wrong—killing or robbing, say—it's not really wrong. It's somehow authorized. We are shocked by a "terrorist" bombing that kills dozens. We accept it as legitimate when our government bombs whole cities.

All this requires, as I say, the constant propaganda support of the "free" press. The press doesn't have to lie very often; it merely has to ignore the obvious, and pretend that the abnormal is normal. It keeps us "informed" by reporting on Washington sex scandals instead of the steady erosion of constitutional government. It alarms us about trifles, while soothing us about enormities.

Faith in the state couldn't survive without the partnership of state and press. You'd think a free press would favor a free society and the morality that supports it. For some reason, the opposite is true.

What Lies Ahead?

The churches' turn is coming.

Last year the U.S. Supreme Court ruled that New Jersey couldn't force the Boy Scouts to accept homosexual scoutmasters. The Court held that the Scouts were entitled to set their own standards for members and leaders. Still, the American Civil Liberties Union and other like-minded groups persist in trying to force the Scouts to accept homosexuals, in the name of "civil rights."

A few weeks ago the Court ruled that the Professional Golfers' Association must allow competitors to use golf carts. The majority held that walking around a golf course is not an essential part of competitive golf. Many great golfers (and the PGA itself) disagreed, but the Court decided that it could claim the authority to define golf.

This ruling was directly at odds with the Court's position on the Boy Scouts. It raises an interesting question.

Suppose a feminist group sues the
(*Sobran Continued On Page 41*)

MAINSTREET

America as Mission Field

DENVER—It's mission time in America.

This will come as a great surprise to the many who have written off Christianity as in any way a vital or useful force in the

processes of civilization.

The element of surprise will cross the countenances of many in Christian vocations—bishops, ministers, professors of theology, etc.—who have essentially given up on the “relevance” of their calling.

Not the Anglican archbishop of Southeast Asia. Not the Anglican archbishop of Rwanda. Not the four new Anglican bishops they consecrated here last Sunday for mission to the United States of America.

Oh, dear! It's come to that: America as a mission field, in need of conversion.

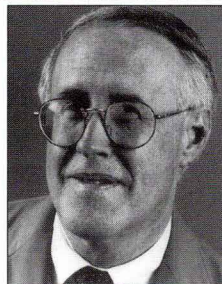
Well, sir, that's globalism for you. It's NAFTA and the UN and free trade and immigration and all the modern hallmarks you can think of, including secularism and indifference to the basic sense of a human destiny.

The world comes knocking on America's door, not just for jobs, but for souls.

Souls? That old stuff? The same. The Christian West, having given over its proprietary claim to defend and expand Christianity, is the new mission field for Africa and Asia.

The Denver consecrations—done within the framework of an upstart Anglican enterprise, the Anglican mission in America—answer the felt need of American Episcopalians to stand once again for biblical truth.

Biblical truth isn't exactly the most popular commodity on the religious market. That's across the board—Presbyterians, Lutherans, Methodists, Episcopalians, Roman Catholics. (Trying to explain the diversity of conviction on this point among Southern Baptists would require an essay longer than the latest Stephen King novel.)



BY WILLIAM MURCHISON

Modern culture dissolves old notions of truth. It sometimes seems everything is true. No, make that: everything evolves. Yesterday's truth equals today's outmoded piece of garbage.

American jurisprudence is one field of action. We have “evolving” standards, it is said—as on the death penalty. Nothing abides. All changes.

Well, fie on that, say judicial “strict constructionists”—and also the kinds of Christian missionaries who don't see the divinity of Jesus assuming a new form every year or so.

America-as-mission-field is not the concept that truth needs restoring; rather, the concept that truth is unchanging—that's what needs restoration.

The Anglican mission in America's mission—outside the official Episcopal structures which most AMIA members have fled—is, in one sense, the restoration of the vision of America's founders: God at the top, his creatures (loved as they are) in the condition of humility and obedience.

It will be some trick. We don't think like that anymore. We gave it up. Jesus, Buddha, the druids, the swamis—all pretty much the same. All worthy of honor in our pluralistic world.

Not as the archbishops from Asia and Africa conceive the matter.

A new age of Christian belief and commitment may be stirring in the cradle, threatening with its nighttime cries to disrupt the pluralistic peace.

No secular pacifiers—like money—are likely to quell the outcry. About which you may not have heard much yet.

That's “yet.” It's the 21st century. You never know what's next.

Which is why I went to Denver—to see a new thing. I did.

Oh, We Benighted Texans!

Reports from Europe have it that the “Toxic Texan,” aka “the cowboy” president of the United States, failed abysmally to pollute the world or touch off a Third World War while conversing with sophisticated European leaders last week.

Consequently, entire ranks of reporters, editorial cartoonists and TV commentators—American as well as European—are said to have keeled over from cardiac arrest.

This strikes me, on balance, as a gain for humanity. Forty or 50 fewer professional Texan-ophobes—why not? Forty or 50 more will quickly arise to take their places, the better to corral the rustic, uncouth, barbarous, shoot-first-ask-questions-later impulses of those who live in moral squalor south of the Red River.

Sigh! We've learned during the past three politically correct decades just to smile and take it. Texan-icity, like it or not, violates the canons of political correctness, violates them flagrantly and nose-thumbingly.

Texas politicians are assumed to embody these attitudes (or how else could they have gotten elected in the first place?). Take Bush, for instance, and now Gov. Rick Perry, who over the weekend really stirred up the editorial suites by vetoing—in accordance with sound principle—a bill to abolish the death penalty for the “mentally retarded.” To have signed such a bill, as have other governors, including Jeb Bush, for reasons of their own, would have been to carve out one more refuge from moral responsibility.

Moral responsibility we don't talk about much anymore. There seems always to be some artful explanation for the bad things some people do: For instance, Texas' own Johnny Paul Penry, who barged into the home of Pamela Carpenter Moseley, raping and stabbing her to death; who, due to childhood abuse and low mental wattage, is said not to deserve execution. It takes a

(Murchison Continued On Page 41)

SOUTHLINE

The Threat of the Federal Courts

Thomas Jefferson once said that federal courts represented the greatest threat to American liberty, and by golly, he was right. They have screwed up the country

something awful.

Take police departments. Most police departments had height and weight requirements. The purpose was to hire men who could handle belligerent drunks without having to resort to lethal force. Then came the feminists.

A sensible approach would have been to say that any woman who met the height and weight requirements could be a policeman. No, that's far too sensible. The courts ruled that height and weight "discrimination." Take 'em out.

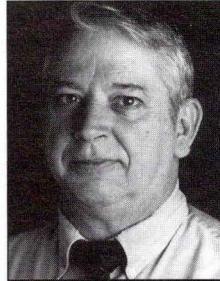
Now we have a lot of petite, smart and brave ladies in police departments. But, they still can't manhandle drunks or violent criminals. As a result, sometimes people get shot who ordinarily would have been whacked on the head and handcuffed.

Don't get your dander up, ladies, I'm all for women doing any work for which they are mentally and physically qualified—the operative word being "qualified."

Back in the '60s, some blockhead federal judge came up with the one-man, one-vote scheme for states. It was unconstitutional, but what the hey? Few people today pay any attention to the Constitution.

Before that, many states, following the example of the federal government, had legislatures in which one house was based on population and another with one senator from each county. The federal court said no, that every district had to have an equal number of voters.

The effect of this was a drastic shift of political power and influence away from the more traditional, conservative rural areas to the more liberal urban areas. Law-making



BY CHARLEY REESE

at the state level started downhill at that point, and it hasn't reached bottom yet.

More recently, in a Southern state where university entrance requirements were exactly equal for all applicants, some blockhead judges ruled that equal was unequal and constituted discrimination against blacks. The equal-is-unequal ploy is one of the favorites of these bonehead judges, who, in disregard of the law, really demand equal outcomes to suit their ideological biases.

This kind of affirmative action has done great damage, in my opinion. For those blacks of ability, it casts a shadow on anything they accomplish. For others, it sends them a clear message: You don't have to compete, we'll give you a reward anyway. I don't care what color you are, but the message that the world owes you a living and you don't have to do anything to earn it is a recipe for a failed life.

Another terrible blunder was, of course, legalizing abortion. Abortion is a moral and philosophical issue, not a legal branch issue. Under our system, the legislative branch decides moral and philosophical issues. Before the intervention of the Supreme Court, each state was free to decide the question on its own. Some states banned abortion; some states allowed it. That's the way our federal system is supposed to work.

On a flimsy and illegitimate claim of having discovered some hitherto unknown right of privacy, the Supreme Court imposed abortion on all 50 states. Millions of American children have been slaughtered

as a result. That remains one of the most morally corrupting decisions in American history. It sent a clear message: Life is no longer sacred. It can be taken for purely utilitarian reasons. That's evil.

Then there is the Supreme Court's discovery, after 173 years, that children in government schools couldn't say a prayer. That's despite the fact that there is nothing in the Constitution to support that. That's despite that fact that Congress has chaplains, the Armed Forces have chaplains and the Ten Commandments are sculpted on the Supreme Court building.

That stupid decision has, in turn, spawned a whole slew of equally stupid decisions and furthered the aim of secularizing American life. That's something the Founding Fathers never, ever contemplated. George Washington said that anyone who is an enemy of religion is an enemy of republican government.

You should be aware that a Supreme Court decision is not—I say again, not—the supreme law of the land. It is merely case law. Furthermore, the Supreme Court has no means of enforcing its own rulings, nor, for that matter, do federal courts. Enforcement is done by the executive branch.

Therefore, if the American people ever elect a man who has something in his pants besides car keys and credit cards, a president could simply refuse to enforce bad federal court decisions. Andy Jackson did it. When the Supreme Court ruled that the federal government couldn't move the Indians, "Old Hickory" said, "It's John Marshall's decision. Let him enforce it." Then he ordered the Army to move the Indians.

Our constitutional republic has been systematically dismantled, and the federal courts have done much of the demolition. As long as the American people remain as passive as sheep and as ignorant of their country's history as a stump, the process will continue.

People Need To Realize That The South Was Right

Most of the political problems in this country won't be settled until more folks realize that the South was right.

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Williams

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because he's the 'authentic voice' of a 'disenfranchised' constituency."

During the presidential campaign, the NAACP ran despicable ads suggesting that then-Gov. George Bush favored the racist murder of James Byrd Jr., a Texas black man. The ad ignored the fact that Byrd's murderers had been sentenced to death. Only Fox News questioned the propriety of NAACP ads.

Peter Jennings of ABC News, suggesting that maybe Gen. Colin Powell was a GOP Uncle Tom, asked, "Do you ever feel that maybe this is the professional wing of the party trying to use you?" For white liberals, and unfortunately too many blacks, black people such as Secretary of State Colin Powell and National Security Advisor Condoleezza Rice—two eminently qualified Bush appointees—not to mention senior Bush Supreme Court appointee Justice Clarence Thomas, aren't sufficiently black. What might really bother white liberals is that Bush hasn't followed the tradition of appointing blacks to "black jobs."

"Unfortunately," Goldberg says, "it's almost impossible to exaggerate the degree to which the media have adopted the left-wing propaganda that (a) being black means being left-wing and (b) opposing left-wing blacks is racist." Much more racially insulting is the media elite's demeaning attitude toward black people by their failure to hold them accountable to the standards to which they hold whites.

I don't believe white liberals are racists in the sense that Klansmen and neo-Nazis are, but their paternalistic vision, preconception and attitudes are far more debilitating to black Americans than today's Klansmen and neo-Nazis. Black people know Klansmen and neo-Nazis are enemies, but liberals masquerade as trustworthy friends whose counsel is to be believed.

Since many white liberals are driven by guilt about slavery and discrimination, I've written a certificate of amnesty and pardon (available under gifts at: www.gmu.edu/departments/economics). My hope is that if white liberals can stop feeling guilty, they might stop behaving as fools in their relationship with black people. ✪

Sobran

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Catholic Church for the right of women to be ordained as priests. The case goes to the Supreme Court. If the Court follows its logic in the Boy Scout precedent, it throws the suit out. But if it follows the logic of its PGA ruling, it orders the Catholic Church to ordain women.

For, the Court might argue, a male clergy isn't "essential" to Catholicism. Nothing in the Apostles' Creed or the other great creeds requires it. Many modern theologians agree that the male clergy is no more than a historically and culturally conditioned tradition, now outmoded. This can't justify "discrimination" against women.

The Church may argue that its religious freedom is being infringed; but the Court may reply that this is a "civil rights" issue, not a religious one. Catholics are free to retain their beliefs and to practice their religion, provided they recognize the equal rights of women. After all, even religion is bound by secular law; human sacrifice wouldn't be tolerated if it were practiced as part of a religious ceremony. It's the same with civil rights.

By the same token, and using similar logic, the Court could order churches not to discriminate against homosexuals.

Unthinkable? No it isn't. I just thought it. So many formerly unthinkable things have come to pass already, and we can expect many more. Who, in 1960, would have predicted that the Court would strike down the abortion laws of all 50 states? Who, even when that had come to pass, imagined that the federal government would subsidize the killing of human embryos for medical research? More recently, who supposed that homosexuals would demand the right to be scoutmasters?

Do you hear groups like the ACLU pledging that they will never try to force churches to act against their own moral principles? No, no more than you heard them pledging never to try to force the Scouts to accept homosexuals before they actually did it.

Does any aggressor tell you, at any step, that this is the last time he will seize his neighbor's territory? Of course not. He always wants you to assume that this time is the last time, while he hatches his plans for

the next time. But aggression follows its own unappeasable logic. Every gain mandates further gains. Don't bother asking him where he will stop; he may not know himself. But when opportunity arises, so will temptation.

Religion is the last stronghold of freedom. When the state forces the church to surrender, its victory will be complete. Of course it will insist that it respects "the separation of church and state"—as defined by the state, of course. We will be nominally and verbally free to worship—within state guidelines. We will still be able to call ourselves Catholics, Baptists, Jews—as long as our clergy meet state standards.

I don't mean that our enemies are already planning and plotting their future assaults (though I don't rule it out). But their record, their logic, and their fanaticism require us to assume that these assaults will inevitably come. Why not? There is no restraining principle that will prevent them when the time is ripe.

If the state can define golf and Scouting, why should it leave defining Catholicism and Judaism to priests and rabbis? This isn't a prophecy. It's a simple extrapolation from experience, and we'll have no right to be surprised when it comes to pass. ✪

Murchison

(Continued From Page 39)

certain IQ, so runs the theory, to distinguish right from wrong. Intellectual understanding trumps moral knowledge, and only the rednecked (to pursue the theory) could deny it.

Thus, one of our own state senators—author of the vetoed bill—fumes that Perry's philosophically correct (just not "politically correct") veto leaves us looking "blood-thirsty and callous." The senator will be further dismayed, I'm afraid, by a readers' poll on The Dallas Morning News' Web site, in which the veto wins strong support. Comments one reader: "If you're bright enough to squeeze the trigger, you're bright enough to face the penalty."

Remedies for this sort of thing? Two come to mind: 1) federally financed subscriptions to the *New York Times*, with
(Continued On Page 42)

Murchison

(Continued From Page 41)

mandatory testing on content, or 2) acceptance, in this odd age, of the civic value of horse sense.

The essence of what the politically correct refer to, patronizingly, as “Bubba-ness” is actually horse sense: a thing this nation needs even more than a good five-cent cigar. The politically correct are welcome to spin and market theories disconnected from reality; they are less welcome to demand that everyone else tug his forelock at the new wisdom from on high.

One test of political correctness is skepticism regarding, or outright opposition to, a strategic missile defense. Horse sense says, in response: Huh? Someone might fire missiles at you, and the government is supposed to renounce development of the technology to thwart such a possibility? That’s the politically correct, Bush-is-a-yahoo theory. Our president’s insistence on developing new technology to defend the nation of which he is chief mag-

istrate amounts to horse sense. Likewise the seemingly novel notion he advances about energy: viz., when you don’t have enough, you look for more. Oh, those “toxic Texans!”

We’ll have to get used to it, no doubt. Just us and our immediate past governor to uphold “backwardness” and “barbarism”—meaning common sense, patriotism, and some lingering sense of responsibility for personal actions. All we can do is our backwards best. But that’s pretty good so far, I’m guessing. ♣

Reese

(Continued From Page 40)

I know that goes against the political-correct edicts, but the fact is that on the subject of the constitutional republic, the Confederate leaders were right and the Northern Republicans were wrong.

Many people today even argue for the Confederate positions without realizing it.

For example, if you argue for strict construction of the Constitution, you are

arguing the Confederate position; when you oppose pork-barrel spending, you are arguing the Confederate position; when you argue for the Bill of Rights, you are arguing the Confederate position; and when you argue that the Constitution limits the power and jurisdiction of the federal government, you are arguing the Confederate position.

One of the things that gets lost when you adopt the politically correct oversimplification that the War Between the States was a Civil War all about slavery is a whole treasureload of American political history.

It was not a civil war. A civil war is when two or more factions contend for control of one government. At no time did the South intend to or attempt to overthrow the government of the United States. The Southern states simply withdrew from what they correctly viewed as a voluntary union and adopted their own constitution.

The United States government remained intact. There were fewer states, but everything else remained

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exactly as it was. You can be sure, with as much bitterness and hatred of the South that there was in the North, that the North would have tried Confederates for treason if there had been any grounds. There weren't and the South's worst enemy knew that.

Abraham Lincoln's invasion of the South was entirely without any constitutional authority. And it's as plain as an elephant at a tea party that Lincoln did not seek to preserve the union in order to end slavery. All you have to do is read his first inaugural address. What Lincoln didn't want to lose was the tax revenue generated by the South.

As Northern states gained a majority in both houses, they began to use the South as a cash cow. Here's how it worked. Most Southerners who exported cotton bartered the cotton in Europe for goods. When the protective tariffs were imposed, that meant Southerners had to pay them. To make matters worse, the North would then use the revenue for pork-barrel projects in their states. The South was faced with either paying high tariffs and receiving no benefits from the revenue or buying artificially high-priced Northern goods.

The South opposed pork-barrel spending. Its correct view was that because the federal government was merely the agent of all the states, whatever money it spent should be of equal benefit. The South's position on public lands was that they belonged to all the people, and the federal government had no authority to give them away to private interests.

The South also believed that whether a new state would authorize slavery or forbid it was a matter for the people in that territory to decide for themselves. The South never insisted that any new state require slavery, but it opposed the Northern position that any new state must be a free state.

Northerners had announced that they would not be bound by the Constitution. What you had was the rise of modern nationalism fighting the original republic founded by the American Revolution. So, regardless of where you were born, you might be a Southerner philosophically. ♣

SIDELIGHTS & LIGHTERSIDES

Compiled by Ralph Green

AN HONEST MAN

General E. P. Alexander was approached near Hagerstown by an elderly member of the Dunkard faith. Confederate Scouts had taken the man's only horse. The Dunkard told the general that without a horse his crop would be lost. He asked the general to trade him one of the hoofsore horses which the Confederates would be leaving behind anyway. Recognizing the man as a born gentleman and anxious that the war not grind the poor fellow into poverty, the general suggested that the man take two or three of the horses. The man said that the rule of his church was an eye for an eye, a tooth for a tooth, a horse for a horse, and he could not break the rule. The general told the Dunkard that the Lord had made all horses and knew a good horse was worth a dozen old scrubs. He finally prevailed upon the man to take two by calling one a gift. Late that night the Dunkard returned one horse. He tied the horse to a fence and rode off after saying "You made it look all right to me today when you were talking, but after I went to bed tonight I got to thinking it all over, and I don't think I could explain it to the church and I'd rather not try."

A TAD HUNGRY

Private George Watson enlisted in the W. P. Lane Rangers in April, 1861. In September, 1863, Watson had been on short rations for quite a spell. He vowed to his friends that if he ever got back to his father's house in Texas, he would "take a hundred biscuits and two large hams, call it three days rations, then go down on Goat Island and eat it all at one meal!"

TOO SLOW

Captain Rufus F. Dunn, of Co. F, 3rd Texas Dismounted Cavalry, was a gallant soldier, pleasant companion, and always a jokester. Dunn had his leg broken by grapeshot and was being cared for at Iuka, Mississippi. When a volunteer nurse asked him how he received his injury, he solemnly told her,

"Well, madam, I am captain of a company, and when we got into the battle the Yankees began shooting cannonballs at us, and to protect my men I got out in front of them and would catch the cannonballs as they came and throw them back at the Yankees; but when the battle grew real hot they came so fast I couldn't catch all of them, and one of them broke my leg."

MEN OF HONOR

The wording of a parole did not interest most men. However, two Texans captured at Iuka would not accept paroles describing them as officers in the "so-called Confederate States Army". Colonel H. P. Mabry of Hebert's Brigade and Captain lee of the Third Texas chose to go to an Illinois prison rather than sign a parole carrying the "so-called" reference.

ACTUALLY SOUTHERN

Among the best known music in the United States is that of a Southern hymn. William Steffe wrote "Say Brothers Will We Meet You Over On The Other Shore?" for an 1852 revival camp meeting in Charleston, South Carolina. A U. S. infantry regiment at Fort Warren in Massachusetts found the melody good for marching and fitted new words to it, starting with "John Brown's body lies a-moldering in the grave". While visiting Washington, Julia Ward Howe heard an army unit playing and singing their version. The next day she wrote new words and the Southern hymn became the bitter attack on the South, "Battle Hymn of the Republic".

A BETTER CHOICE

J. Q. Quattlebun was appointed major of the Fifth Texas. A non-Texan, he was deeply disliked by the Texans to whom he was equally hostile. After a very short time, he left the regiment, saying that if he had to associate with devils he would wait til he went to hell where he could select his own company. ♣

Remember McCain

You remember John McCain.

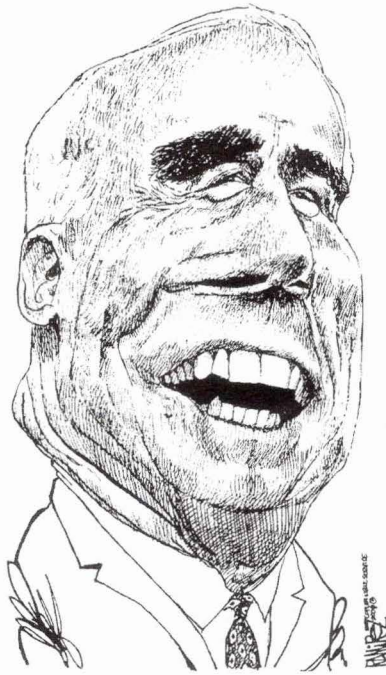
He's the guy responsible for the mountain of abuse the national media heaped on the *Southern Partisan* last year. Because former editor Richard Quinn was McCain's consultant during the South Carolina primary, the Bush organization sent out packets to the national media pointing out Quinn's connection with the magazine. They were able to excite some interest among the likes of the *New Republic* and Sam Donaldson because McCain, when asked to take a stand on whether the Confederate flag stood for heritage or hatred, McCain replied, "Personally, I see the flag as a symbol of heritage." That statement won him the votes of numerous South Carolinians and the admiration of numerous Yankees.

Having lost South Carolina—and with it the GOP nomination—McCain came back to the Palmetto State and stunned many who had voted for him by saying he had lied to the voters:

I feared that if I answered honestly, I could not win the South Carolina primary. So I chose to compromise my principles. I promised to tell the truth always about my intentions and beliefs. I fell short of that standard in South Carolina.... My ancestors fought for the Confederacy ... but I don't believe their service, however distinguished, needs to be commemorated in a way that offends, deeply hurts, people whose ancestors were once denied their freedom by my ancestors.

Heritage defenders were sickened by this truckling to political correctness. Many asked, "How could any man—even a politician—go back on his word, admit he lied to get votes, and expect to retain the respect of even the town drunk?"

Well, McCain has done it again, this time reversing himself on the issue of gun control. You will remember that during the spring of 2000, he said he was whole hog for the right to bear arms—the Saviour of the Second Amendment. Now he wants to impose new restrictions on gun owners—and, more particularly, gun collectors—by



"closing the gun show loophole."

Like the Confederate flag, control of gun shows is more of a symbolic gesture than a practical one. Gun shows are for collectors and aficionados rather than for street gangs. The Bloods don't come to the Holiday Inn to buy weapons. They get their guns off the street—in violation of statutes already on the books.

It's hard to gauge whether or not Senator McCain knows this—or cares. He's found a new problem to fix, and this time he doesn't even bother to explain himself. Once again, he is Little Goody Two Shoes, preaching to the television camera, cloaked in the sober garb of sanctimony.

During the campaign, did he lie to gun owners the way he did to flag supporters?

Or did he suddenly wake up in the middle of the night and cry out, "Guns kill people"?

Probably neither. Chances are it was a cold political decision. Gun control is favored by the national media, and McCain needs friendly reporters to mount a successful presidential campaign. After all, the press has been his biggest ally thus far, covering up his betrayals, soft-peddling his inconsistencies, air-brushing his personal life.

Besides, gun control has become increasingly popular, particularly among women. With confused old ladies of both sexes afraid of guns instead of criminals, small wonder that McCain would seize on this issue to reposition himself as a "moderate" and perhaps re-emerge as a viable presidential candidate on Ross Perot's Reform Party ticket.

In many ways, gun control is a defining issue for contemporary America. At the moment, the political debate is between those who believe in Original Sin and those who believe that all our problems can be solved by an all-knowing, all-caring central government.

Those who believe that people (and therefore governments) are flawed, tend to favor fewer laws—since they know bureaucratic meddling will just make things worse. Such people understand that, in a world of decreasing inhibitions and increasing violence, it's a mighty good idea to have a gun in the drawer of your bedside table—just in case the guy next door turns out to be Jeffrey Dahmer.

On the other hand, those who believe the world can be perfected want to pass new laws, appropriate more money, hire more bureaucrats, and meddle in more lives. The meddlers actually believe that if you pass enough gun-control measures, drive-by shootings will cease and no more black kids will die in the streets.

Statisticians have already demonstrated that more lives are saved by possessing guns than by getting rid of them. But gun opponents—the would-be fixers of all that is irreparably broken—don't care about the reality these statistics define. They live in a neighborhood inhabited exclusively by abstractions. There, the two-dimensional guy next door will learn that he can no longer buy a gun and will enroll in anger management class.

The Battle of Armageddon may well be fought over whether the people of the United States will be allowed to defend themselves against real criminals or be prevented from doing so on the lean prospect of perfecting human nature through legislation sponsored by John McCain.

Incidentally, McCain doesn't seem to fit into either of the above groups. Unlike them, he doesn't believe in anything. And if he did, how would we know it? We certainly couldn't trust what he said on the subject. ☹

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