

Alternative views of American history were abundant. A group of men calling themselves Moroccan Moors claimed to be the Founding Fathers of America. A member of the group stated, "Our flag, the Moroccan flag, was cut down in 1776 by General George Washington on Six Chestnut Street in Philadelphia. . . . This is the Moroccan empire of the West. . . . We helped frame the Constitution of the United States. Thomas Jefferson was Moorish, Alexander Hamilton was Moorish."

Several marchers seemed to express anger regarding the historical prominence of the holocaust. One marcher observed, "Jews can say never forget the Holocaust, but we're supposed to forget the past. How come one holocaust is more important than another?" Another man added, "How could I possibly let six million deaths outweigh 400 million of my people who died coming here?"

The messages of the Million Man March are contradictory. One message was about unity, pride, and self-reliance. The other message was racial division and government dependence. Some participants virtually begged for government assistance. One man stated, "Please give us money and let us do something."

Did the news media report any of this division and controversy surrounding the march? Sadly, the national news media chose to ignore these significant issues. The Million Man March provided the latest example of how the mainstream media cannot be trusted to tell the public the whole story.

The media coverage of this event was far from unique. As a freelance journalist, I have worked for a variety of news outlets, including the major network news organizations and alternative news outlets such as National Empowerment Television. I have witnessed firsthand the media selectivity at event after event. From abortion rights marches, gay rights rallies, to environmental marches, the media filter the proceedings in favor of shallow feel-good coverage.

The mainstream press has lulled the left in Washington into expecting rubber-stamp press coverage of every event. Liberal elected officials and advocacy groups have always been able to look at the media as an extension of their public relation efforts. Conservatives view the media as adversarial, out to trip them up at every turn.

Any reporter who bucks this system

pays the price. In 1993, I became the first reporter in history to have my camera seized at the White House, solely because I was working for Rush Limbaugh. Last November, I was assigned to cover a Democratic fund-raiser at a hotel in Washington, D.C. Upon learning I was working with Mr. Limbaugh's television program, Democratic party officials had security officers escort me out of the hotel lobby. The *Washington Times* commented that, "Democratic senators and party officials reacted as if they had spotted Count Dracula" when I revealed I was working for Rush Limbaugh. Imagine the outcry if conservatives seized equipment and forcibly removed reporters they considered to be adversarial. What would the reaction have been if a Richard Nixon or a Newt Gingrich had treated a reporter in this manner?

As a result of this media selectivity and bias, there has been a rise of alternative news and information sources. Talk radio, led by Rush Limbaugh, has emerged as a powerful alternative to the established media. Other new and emerging information outlets include Paul Weyrich's National Empowerment Television and the coming Conservative Television Network. In addition, the explosion of the information superhighway has helped make the established media increasingly irrelevant. Let us hope these fledgling news and information sources force the mainstream media's coverage of events like the Million Man March into proper balance.

*Marc Morano, a reporter for Rush Limbaugh, The Television Show, writes from McLean, Virginia.*

## FOREIGN AFFAIRS

### Judging the Serbs

*by Dimitri Magganas*

On May 25, 1993, the U.N. Security Council unanimously adopted Resolution 827, which established the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of

the Former Yugoslavia since 1991. Of course, by ignoring the atrocities that occurred in the Balkans during 1941-1945 and by limiting its scope to events since 1991, the Tribunal will be decontextualizing the issues at stake in the current war. This is just one of several matters that call into question the credibility of the Tribunal.

In composition, it does not include even one member from an Eastern Orthodox country, despite the fact that this civil war is fought among the Catholic, Muslim, and Orthodox communities. According to U.N. document A/49/342S/1994/1007, which lists the 11 judges' countries of origin, four are Islamic, four are Roman Catholic, and three are from states with a secular legal tradition—none, in other words, is Orthodox Christian.

More alarming still is that the Commission of Experts, appointed to collect data for the Tribunal, is headed by an ardent Muslim, Mammoud Cherif Basiouni. No less disturbing, the database for the collection of war crimes is housed at the Roman Catholic De Paul University in Chicago. Moreover, the same U.N. document shows that (excluding the pledges of several Western countries) 93 percent of the financial contributions to the Tribunal have come from two Muslim countries, Malaysia and Pakistan.

Under such circumstances, the Serbs doubt that their case will be treated without prejudice. It is not puzzling that, to date, the Tribunal has not indicted Muslim or Croat perpetrators of crimes committed against Serbs, despite the fact that several nongovernmental Serbian organizations have submitted to the Commission of Experts, in Chicago and in the Hague, documented war crimes committed in Western Slavonia, Krajina, and Bosnia-Herzegovina by Croat, Muslim, and Mujahedin units. Will the atrocities committed by the forces of the governments of Croatia and Bosnia be conveniently blamed on the "unidentifiable" Mujahedins and soldiers of "international" brigades who came to help kill the Serb "aggressors"? Who will be charged for the war crimes of these "volunteers"? In this context, Serbs have reason to be skeptical and to question the ability of the Tribunal to render justice.

*Dimitri Magganas is president of the Byzantine-American Alliance in Pinole, California.*

## Flogging

by Sherman McCall

“Boys had been beaten since history began and it would be a bad day for the world if ever, inconceivably, boys should cease to be beaten.” So said C.S. Forester in *Lieutenant Hornblower*.

Clarence Davis, a black Democratic member of the Maryland House of Delegates, courageously proposed restoring judicial flogging in Maryland last year. Courts would give up to ten lashes with a rattan cane for minors at least 14 years old who commit theft or vandalism worth more than \$300. In the past, such a proposal would have met with derision. But in the wake of the caning case in Singapore, a conservative resurgence at the polls, and increasing frustration with crime at home, flogging's time may have come again.

Except for keeping incorrigibles off the street, ever longer prison sentences are costly and unlikely to provide additional deterrence. More important is the probability, immediacy, and type of punishment. Corporal punishment might serve admirably. Citizens modify behavior in fear of crime. Why wouldn't criminals modify theirs in fear of punishment? This seems logical, but we must be cautious. A logical fallacy plagues social science; the fact that one event follows another is no proof of causation. While favorable to countries practicing corporal punishment, simple crime rate comparison doesn't account for other social factors. Neither is the surge in crime since the abolition of flogging in the United States conclusive.

Davis proposed a four-year experiment with corporal punishment. However, the experiment has already been made. There were no judicial floggings in the United States during World War II, while we harnessed the violent impulses of our young men overseas. Flogging resumed sporadically after 1945. Let us compare the change in population-adjusted FBI crime rates for each state that imposed corporal punishment to the simultaneous national trend.

Arkansas lashed three men in June 1946 for burglary and grand larceny. It

was a tonic. While the postwar crime wave receded marginally in 1947, Arkansas enjoyed precipitous declines compared with the rest of the country: robbery (AR, -45 percent; U.S., -5 percent), burglary (AR, -22; U.S., -2), larceny (AR, -11; U.S., -1), aggravated assaults fell six percent in Arkansas; they rose seven percent nationally.

Last employed in 1940, Delaware imposed two flogging sentences in 1945 and 1946. The following year saw a miraculous fall in violent crime compared to 1945: robbery (DE -23; U.S., +9) and aggravated assault (DE, -58; U.S., +19)—this despite the return of thousands of battle-hardened soldiers that drove up crime nationwide. Property crimes rose much less than the average, particularly burglary (DE, +5; U.S., +20) and larceny (DE, +15; U.S., +21).

Maryland's last flogging came in 1948 for wife-beating. An immediate improvement in crime rates occurred over 1947, even while crime rose nationally: robbery (MD, -11; U.S., -6), aggravated assault (MD, -11; U.S., +5), burglary (MD, -4; U.S., +1), and larceny (MD, -3; U.S., +2).

In 1952, Delaware imposed the last judicial flogging in the United States. Crime in 1953 was down in Delaware and up everywhere else: robbery (DE, -10; U.S., +7), aggravated assault (DE, -26; U.S., +4), burglary (DE, -22; U.S., +5), larceny (DE, -1; U.S., +3). When the floggings ceased, crime rose again in 1954. Governor McKeldin commuted a flogging sentence for wife-beating in Maryland in 1952, arguing that he wouldn't commit a "crime" against the criminal. His crime was against Maryland citizens, who in 1953 endured an increase in crimes to ten times the national average: robbery (MD, +24; U.S., +7), aggravated assault (MD, +4; U.S., +4), burglary (MD, +18; U.S., +5), larceny (MD, +30; U.S., +3).

While flogging's deterrence did not extend to rape and murder, flogging clearly "beat" the national average. Flogging adds efficiency to the virtue of effectiveness. Consider that corrections spending has outstripped inflation by two to one for 20 years. Incarceration now costs \$59 per prisoner per day; new prison space costs \$60,000 per bed. In the present circumstances, the cost of punishing the offender often exceeds the cost of the vandalized property.

Flogging is also more egalitarian than fines. Like a regressive tax, the limits on

fines fall unevenly. The rich consider them a nuisance; the criminal a business expense. Viewed objectively, flogging is also *more humane* than incarceration. In all four of the 1946 cases, the convicts chose flogging in lieu of jail terms ranging from one to three years. When the accused is employed, fines and flogging may allow him to keep his job, while he is certain to lose it after imprisonment. This may keep his family off the welfare rolls, and it preserves his self-respect. Keeping first offenders away from career criminals might even lower the rate of recidivism. With the occurrence of male rape in prisons and an HIV incidence among male prisoners as high as eight percent, any time in jail can be a *de facto* death sentence. The AIDS epidemic and cramped conditions also make prison ideal for the spread of antibiotic-resistant strains of tuberculosis.

In 1978, the European Court of Human Rights overturned a flogging sentence in the Isle of Man, but not because it constituted "torture" or "inhuman punishment." The court merely found the punishment "degrading" because it was applied by strangers to the bare buttocks. Our constitutional test is "cruel and unusual," not "degrading," and the state laws allowing flogging were repealed by legislatures, not overturned in court.

Given the wide contemporaneous use of corporal punishment, the intent of the constitutional convention was clearly not to ban it. The Fifth Amendment implies the legality of corporal punishment when it states, "nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb." Public flogging for 25 different offenses in Delaware was not abolished until 1972, and 16 countries still employ flogging worldwide. The pillory and the stocks could combine milder discomfort with social opprobrium. Corporal punishment is not cruel; we should see to it that it is not unusual. We bomb Serbs, Iraqis, Vietnamese, Koreans, Chinese, Italians, Germans, and Japanese to defend other people's cities; why do we recoil from corporal punishment to defend our own? The only problem with the legislation that was proposed in Maryland is that it does not apply to violent or adult crime. It should be the criminal, not the citizen, who turns the other cheek.

*Sherman McCall is a physician in Washington, D.C.*