

CHILD MOLESTATION has been much in the news in the past few months, and as always in such debates, the issue of homosexuality is never far from the surface. For decades, conservative activists have argued that homosexual behavior is closely related to molestation and pedophilia, so that tolerating homosexuals ultimately endangers children. According to the slogan, “Homosexuals aren’t born, they recruit.” Homosexual activists angrily deny these charges.

Recently, though, the substance of the debate has changed significantly, as the homosexual rebuttal has become much more aggressive. As expressed in op-ed pieces and talk shows across the country, a new liberal orthodoxy not only denies the gay/pedophile link but explicitly charges that pedophiles are virtually always heterosexual, even when they victimize boys. When pressed on this point, activists respond that this is something that “studies have shown.” In fact, studies have shown no such thing, and only one significant study has even claimed to prove such a point. What we have here is a classic example of a popular myth drawn from the misinterpretation of social science.

The legend grew out of an article in *Pediatrics* magazine in 1994 by Carole Jenny, Thomas Roesler, and Kimberly J. Poyer, who wrote a study entitled “Are children at risk for sexual abuse by homosexuals?” Based on an examination of 352 young children who had been diagnosed as sexually abused, the authors answered that question with a resounding “No.” In only two of these cases was the perpetrator clearly a homosexual—a homosexual man and a lesbian, respectively. Overall, the authors found that the children studied “were unlikely to have been molested by identifiably gay or lesbian people.” As the study entered popular discourse, however, the claims based on it expanded somewhat, to boast that pedophiles were virtually never homosexuals. In this case, it was necessary to determine why *heterosexuals* were so likely to abuse: Just what kind of pathology followed from that deeply unnatural state? I have not yet seen the further claim that “heterosexuals recruit”—but it should not be too far down the road.

Unfortunately, the famous “Jenny Study” is deeply flawed, at least in what it

can possibly tell us about any linkage between homosexuality and molestation. The problems of the study should be immediately apparent from the sample used. Reviewing their cases, the authors found 269 children who had clearly been abused by adults, including 219 girls and 50 boys. Right there, we know there is something wrong, since no study of molestation victims has ever suggested such a large disparity between the sexes. Probably as many boys as girls are victims of abuse, and the hospitals and clinics used by Jenny and the others *must* have been disproportionately treating female victims, while missing boys. Many reasons can be suggested for this fact—perhaps the doctors referring children were better able to recognize abuse in girls, perhaps parents were more sensitive to the dangers faced by their daughters—but whatever the reasons, the boys are lacking. Since men are far more likely to abuse than women, this logically means that the sample is also ignoring the men who abused these boys. If men abuse little girls, we call them “heterosexual pedophiles”; if men abuse little boys, we call them “homosexual pedophiles.” By definition, the study is simply failing to detect a large number of homosexual pedophiles, a type of deviant that undoubtedly does exist.

Though this logic seems unassailable to me, it would not be accepted by Jenny *et al.*, whose article is frankly presented as a polemical contribution to political debates over homosexual rights. Even in the cases in which men clearly abused boys, the authors still deny that this act involved any element of homosexuality. In their view, the term “homosexual” (or “lesbian”) can only be applied to individuals who are clearly and identifiably “out”: It reflects social status rather than behavior. With such an incredibly narrow definition, and such a flawed sample to begin with, it is remarkable that Jenny and Co. were prepared to admit the possibility of any homosexual misconduct with minors occurring at all.

Based on the Jenny Study, we can say absolutely nothing positive or negative about any possible association between homosexuality and child molestation. My impression of the evidence accumulated over the years is that there is no terribly direct linkage either way, that homosexuals are neither more nor less

likely than heterosexuals to molest. A desire to avoid false charges against homosexuals, however, should not lead us to the opposite extreme, to favor an exoneration that is ultimately derived from deeply flawed social science. If you ever hear the “Jenny Legend” in the media, recognize what it is, and be prepared to confront it.

—Philip Jenkins

PUBLIC-SCHOOL FINANCE, as a topic of concern, reminds us that the egalitarian impulse lives on imperishably. Mankind must be hard-wired to scratch the ears of the perceived—generally self-defined—underdog, before siccing him on the perceived top dog.

Public schools, financed with public monies, were probably overdue their share of the action; but, boy, are they catching up.

Consider this tidbit several months back from the *Dallas Morning News*: “The Highland Park Independent School District asked parents and community members this month to raise \$900,000 in individual contributions to pay for a 3 percent teacher raise. The fund-raiser may be the first time a Texas school district has used donations to pay for a core element of its operating budget, state school finance authorities say. Under the state’s [property tax] recapture system, the Highland Park district is required to send \$52.5 million from its 2001-02 budget for redistribution to poorer districts.”

The district’s plight—which has worsened in recent months—stems from a financial whammy put on “property wealthy” districts a few years ago at the behest of “property poor” districts seeking bigger bucks. First, in 1993, the Texas Supreme Court found the school-finance system—the normal mix of state and local dollars, though with the state share in decline—unconstitutional. Legal and political maneuvers ensued. At length, with Supreme Court approval, a brand-new system emerged, known as “Robin Hood.” No legislative act was ever more appropriately dubbed. It robs the “rich” and gives to the “poor.” Why? Don’t ask silly questions. Because the “rich” are rich, and the “poor” are poor.

Oh—and because the “poor” tend to outvote the “rich”: meaning it’s very, very

hard to palliate such a situation.

With hardly any effort at all, you could forget that the whole affray centers, supposedly, on education. The idea behind Robin Hood is the equalization of educational opportunity through the equalization of wealth. The idea overrides competing considerations, such as the right to the use of the resources you have, with some effort and foresight, managed to amass. Wherever you got your money, you can be relied on to supply more.

Well, can't you?

Not so easily as it might seem. Highland Park—I am honor-bound to note that I have lived in the district for 28 years, and that both my children were educated there—has the money to give the teachers their raise; but, under Robin Hood, pressures increase yearly, as the law forbids a district to tax more than \$1.50 per \$100 of assessed valuation. Already giving away 50 to 60 percent of locally raised revenues, the “wealthy” districts must give more and more as property values continue to rise. The more they make, the more they lose. Ah, sweet land of liberty!

In the spring, Highland Park, 99 percent of whose graduates go to college, announced faculty cuts for the fall. Districts with considerably fewer resources than the original 51 “donor” districts worried as they approached donor status themselves. A select committee of legislators and citizens is investigating remedies.

The state legislature is believed incapable of action before its 2005 session. But, then, what if it were ready now? Would it rise to smite the thief of Sherwood? Since the legislature loosed the thief in the first place, this seems unlikely; unlikelier still, given the way legislative leaders define the problem as a “shortage of tax revenues.” Everyone knows what we do to cope with a scarcity of tax revenue: We raise taxes. It would take a constitutional amendment to enact a state income tax, but just such an effort is surely forthcoming, despite the lugubrious and certainly counterproductive consequences of such a move.

Or is that looking at the matter through the wrong lens? Education may not be the point here. The point may be just plain old leveling; leveling for the hell of it, with the excuse of “improving” education, sure, but leveling in the main because the leveler, looking out on the unlevel ranks of humanity, is traditionally shocked. He doesn't like it. He wants to

change it.

What annoys levelers sometimes even more than pecuniary inequalities is mental and intellectual ones. If the good Lord gave all men and women equal intellectual powers and equal supplies of git-up-and-git, He has kept it a deep dark secret. The creed of the leveler is that lack of “opportunity” accounts for inequalities. Smooth out the opportunities, and we've got it made. The notion has been field-tested in the Gulag and—another kind of prison—the public schools, but somehow things don't quite work out. Quotas, the downgrading of standards, and the redistribution of resources are strongly indicated answers.

We're instructed these days to avoid irony, but it keeps popping up anyway. The sublime educational irony is that the public schools were conceived as a leveling institution—and not entirely for ignoble reasons, be it said. (The state saw a duty in the nurture of the unnurtured.)

Today, no small number of public schools—maybe a majority—show themselves adept at leveling or minimizing intellectual achievement. Yet it's not enough, somehow. With more money—tax money, naturally—the levelers could pay back the aspiring and talented for the social crime of exhibiting aspiration and talent. Which might fix the public schools once and for all, because then no one would attend them but those singled out by the state for uplift. *Ex malo bonum*, as the old saying goes.

—Bill Murchison

JUDGE DANNY BOGGS of the U.S. Court of Appeals for the Sixth Circuit is, for believers in the rule of law, a hero. Judge Boggs, in an extraordinary dissenting opinion published in May, revealed profound problems with the majority of his court's approach to law in an affirmative-action case and pointed out that his chief judge manipulated the make-up of the court that was deciding the case, in order to reach the result that the chief judge desired.

At issue was the University of Michigan Law School's policy of according preferences to members of certain “races,” most commonly African-Americans and Hispanics, ostensibly in order to achieve “diversity” in the law school's student body. The problem is that the U.S. Constitution, in the 14th Amendment, forbids any state from depriving any person of the “equal protection of the laws,”

and the Supreme Court has declared that classification of citizens on racial grounds by the state is a deprivation of equal protection, unless it is done to promote a “compelling state interest.” No one knows what a “compelling state interest” is, although, in this particular context, the Supreme Court has suggested that one might be the remedying of past instances of racial discrimination. The University of Michigan Law School had argued, however, that its policy of preferring members of favored minority groups over others was justified not because of past discrimination, but because of the goal of promoting “diversity,” which, it further argued, ought to count as a “compelling state interest.”

The Supreme Court, however, has never held that promoting “diversity” is a “compelling state interest,” although Justice Lewis Powell, in one case, had opined that diversity might be one. Powell's opinion, as Boggs pointed out, was what lawyers call “dicta”—that is, a gratuitous pronouncement not necessary for the holding in the case. That didn't stop the majority in the Sixth Circuit from following Powell in this case, even though the lower court and one other federal circuit court had quite properly refused to accept Powell's opinion as binding. Worse, even Powell's opinion had held that, when following a “compelling state interest,” the state had to tailor its racial discriminations in a manner that fulfilled the purpose at hand but did not, under any circumstances, involve racial “quotas.”

The University of Michigan Law School argued that, while it did set aside a number of places for favored minorities, these should not be regarded as quotas but as a minimum “critical mass.” In the words of the majority opinion, there would be a rough number sufficient “to ensure under-represented minority students do not feel isolated or like spokespersons for their race, and do not feel uncomfortable discussing issues freely based on their personal experiences.” The majority bought this weird argument, but Judge Boggs nicely pointed out that, in practice, there was no real difference between “quotas” and “critical masses.”

Exposing the quite dubious legal holding of the majority was a service, but the real heroism came from Boggs's detailing in a Procedural Appendix, how his court's chief judge had manipulated the panel initially dealing with the case, as

well as the eventual hearing by all of the sitting judges. In particular, the chief judge, who wrote the majority's opinion, had arranged the timing of the hearing to exclude two judges whom the chief judge believed to be hostile to the supposed constitutionality of the affirmative-action plan. In effect, he guaranteed the result he wanted, since the addition of these two would have meant that there would have been a majority of judges who doubted the constitutionality of the law school's scheme.

Predictably, Judge Boggs' revelation of this chicanery caused an outcry. One of his colleagues in the majority complained that Judge Boggs' appendix suggested that "the judges of this court manipulate and ignore the rules in order to advance political agendas" and that this would "severely undermine public confidence in this court." Boggs' succinct reply was that "Legitimacy protected only by our silence is fleeting. If any damage has been done to the court, it is the work of the actors, not the reporters."

Just so. At a time when the party controlling the U.S. Senate is determined not to allow judges to be confirmed unless they possess the requisite "judicial ideology"—namely, a preference for particular judicial outcomes dictated by that same majority—it is helpful to be reminded that the law is supposed to be objective and not simply the result of power politics. There is still hope while such men as Judge Boggs remain on the bench.

—Stephen B. Presser

RUSSIAN SECURITY is threatened in the east as well as in the south and west (through NATO expansion). In an interview in Moscow's elite-oriented *Nezavisimaya Gazeta* on April 25, Prof. Vilya Gelbras of Moscow State University's Asia and Africa Institute called Russia's East Siberia and Far East regions the "weakest link" in the "system" of Russian "state security."

That's quite a claim for a country fighting a bloody war with Muslim "holy warriors" in Chechnya. In fact, Moscow is threatened with the expansion of Islamic radicalism all along its southern border, from Central Asia to Georgia. Nevertheless, Gelbras claims that the ongoing depopulation of Russia (about a million people per year), especially in Siberia and the Far East, combined with the burgeoning population of a dynamic, aggres-

sive China, represents the chief long-term threat to Russian security.

The region is simply being overrun by illegal Chinese immigrants, a reflection of the huge population disparity in the Russian-Chinese border regions and of the market for cheap consumer goods in the poverty-stricken Russian hinterlands. (Most Chinese illegals are traders or work in small-scale production, often owned and operated by their fellow countrymen, according to Russian media sources.) China, with over one billion people, has a population of 106 million in the lengthy, largely unguarded Russian border region, while Russian demographers report a sparse seven to eight million Russians in the same area. On top of that, Gelbras maintains that the total number of unemployed and partially employed people in China "exceeds the entire [population] of Russia."

Unlike Russia, which, according to Gelbras, lacks a long-term strategy for developing the area in question, Beijing has plans for the vast Siberia/Far East region, which is rich in mineral resources, oil, and gas. Gelbras sees China using "economic means" (making the region dependent on Chinese labor and trade) and mass migration to absorb it. Thus, the region, which lacks an integrated transportation system and remains remote from European Russia, will gradually become "detached" from the Russian Federation.

This should sound familiar to Americans and Europeans. The same economic and demographic forces threaten the long-term security of both, with Muslim and Latin American states adopting tactics similar to those of the Chinese: Shift unemployed, growing populations to the North, make *El Norte* dependent on cheap labor and trade ties to the South, and gradually absorb them into the South's sphere of influence. "Direct threats," as Professor Gelbras noted, are not needed.

Meanwhile, Russia has become a transit point for illegal migration from Africa and Asia to Europe, with Russian border authorities hampered by a lack of funding and rampant corruption. (Does this ring a bell with those familiar with the situation in the U.S. Border Patrol?)

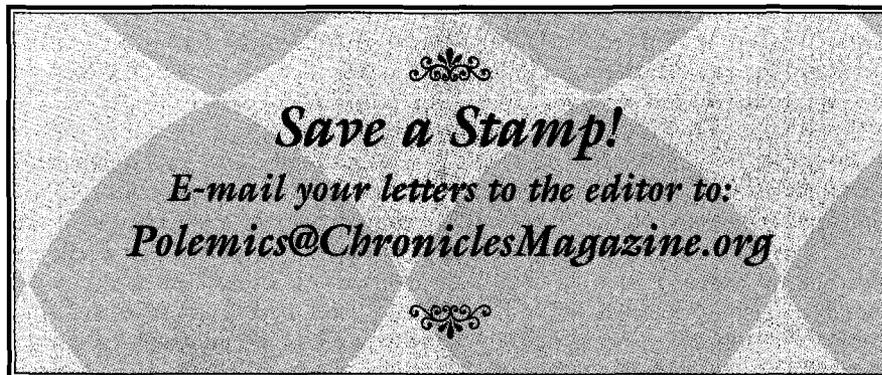
Russia is attached to the West not only by its Christian heritage and shared cultural attributes but by the very fact of its status as a "developed" nation—one whose defining core population (Russians and other Eastern Slavs) is declining and whose industrial base is disappearing, even as migrants from vastly different nations and cultures fill in the black hole left by the country's dissolution. The only difference is that the Russians have the excuse of being poor—Western states have the means, but not the will, apparently, to defend their own borders.

Can the West, especially Washington, stop treating Moscow as an enemy long enough to develop some system for cooperating against the common problems we both face? Can Russian elites stop looting their country long enough to develop a credible mechanism for cooperation? That, regrettably, remains an open question.

—Denis Petrov

OBITER DICTA: Our poetry this month is provided by **Robert Beum**, who resides in Saskatoon, Saskatchewan. Dr. Beum's poems and essays have appeared in the *Sewanee Review*, *National Review*, the *Christian Century*, *Prairie Schooner*, and the *Southwest Review*, among others. His most recent books are *Classic European Short Stories* and *Modern British Essayists*.

Our art this month is provided by **Jeff Drew** of Albuquerque, New Mexico. Mr. Drew, who originally hails from Indiana, is a software developer specializing in computer graphic design.



Deracinated Americans

It was a late night in the small-town pizzeria, and the owners were sitting at our table drinking the Antinori Chianti *riserva* that was “too sour” for the local Swedes, who prefer Lambrusco on the rocks when they are not drinking Miller Lite. The husband had come from Italy as a child, but his wife was an authentic “SaudaRoccafoda” Italian, who had grown up in the shadow of “St. Anthony’s” steeple. She was telling me stories, similar to what I had heard from other exiles, about the old neighborhood.

Growing up, she had known practically everyone, had navigated the complicated networks of kin and marriage that connected the houses and streets of South Rockford more securely than telephone lines and water mains could ever do. On hot summer afternoons, she and the other children had sucked on the *granite* they bought at the Italian market, and her family, when it was not dining at home or in the houses of uncles and cousins, had gone out to Maria’s for the famous pizza and the more famous steaks. If you were well connected, you could order dishes that never appeared on the menu. You had to know—and be known. This was the turf of Illinois Rep. Zeke Giorgi—“Uncle Zeke” literally to hundreds, and figuratively to thousands, of Rockford Italians.

Their part of South Rockford had been, like so many Italian immigrant neighborhoods, a community unto itself, and other ethnic groups were well-advised not to penetrate too deeply into the Sicilian heartland. The gangs left St. Anthony’s and Maria’s alone, if they knew what was good for them, and despite (or, rather, because of) the presence of at least one of the five families, the neighborhood was a bastion of safety for the residents. But the close-knit fabric of Italian community life quickly began to unravel in the 1960’s. The despised Italians, whom the Anglos and Swedes had kept out of jobs on the East Side, were graduating from college and earning legal and medical degrees; they owned businesses and were making good money. South Rockford began to feel like the Italian ghetto; the suburbs represented the America that no Italian had discovered.

And, even if they wanted to stay, the civil-rights movement was making it difficult to maintain the frontier. Only a bigot would object to diversity, they were told, but, in their hearts, they knew that only unnatural parents would want to rear their children in an atmosphere polluted by drugs, violence, and crime.

“We all lived together in those days,” she explained, and she and her sisters could walk across the street to see their grandmother or down the block to visit aunts and uncles. “We had everything to make us happy, and yet we left it all—for what?—or let ourselves get driven out by the gangs. We thought we were moving up into a better world for our children. In fact, we lost everything.” Now, to appreciate South Rockford, you have to look at the photography displays at the Festa Italiana or attend an event sponsored by the Columbus Day Committee, which is valiantly trying to keep alive a sense of Italian heritage.

Naive conservatives (not just the conservatives who shill for developers) speak of the suburbs as the fulfillment of the American dream, but, for most people, they were a *cul de sac* where all traditions of community were destroyed. Now we live in a country of suburbanites who do not have the faintest conception of what life might have been like in places like South Rockford or the Polish East End of Superior, Wisconsin, or old Mt. Pleasant, South Carolina. They do not know what they are missing, but they miss it, nonetheless. Man is not born to live among faceless people who barricade themselves to watch TV in houses picked out of a developer’s plan book. Man must find meaning in everything he does, or else he goes mad or dies. Too many Americans are turning into the living dead, more terrifyingly dead than the creatures of George Romero’s tawdry nightmares.

A community is not a suburban house that can be built on spec and sold to a young couple who view it as a tax write-off to be resold as soon as their combined incomes make it possible to trade up. If a man is eager to trade up the family home, why should he be reluctant, once he is making the money, to trade up his wife

and family?

Christians quite properly loathed King Henry VIII as a philandering adulterer, but if Henry had the good fortune to live in California, his serial monogamy would be regarded as proof of his attachment to the institution of marriage. A man might dally, when he is young, and still make a good husband, but a man who has lived with a series of women, in or out of wedlock, can never be true to any woman. He has seen too much, done too much, and we who have lived in too many towns and fixed up too many houses and fit into too many new groups can never be fully loyal. In the back of our minds, we know we can always move on if things do not work out as we had hoped.

A community is not a mirage that keeps on disappearing over the horizon; it is more like a home, “the place where when you have to go there, they have to take you in,” as Robert Frost says, the place “one somehow doesn’t have to deserve.” If we are among the lucky few in modern America, we are born into a community. If we are not, we may fall into one by accident and may even, after long residence, be accepted as resident aliens, especially after our children are born in the village. “Your children will belong here,” a friend told me in McClellanville, South Carolina (population, perhaps, 500), “but you never will.” That was a year before we moved to a place to which neither I nor my children will ever quite belong.

Community means, primarily, a commonality, a place and a people who live and work together, where children are born and play in the shadow of their ancestors’ tombstones. Members of a community accept one another, warts and all, much as parents are willing to endure their ne’er-do-well children (sometimes preferring them to more successful but less dependent offspring), so long as they are loyal to the family. A community is not made up of individuals who “choose” to live in a place that suits their fancy but of families who are part of the common life, whether they want to be or not. I remember a couple who had left our village to avoid some gossip, but after a few