

Where, meanwhile, is the outrage at French extremists of the left? Jospin proudly worked with French Communists, whose party was the most Stalinist in western Europe. Jospin himself, as a not-so-young man, was a Trotskyist, compounding totalitarianism with futility. It was even possible, as François Mitterrand showed, to be a successful ex-fascist, so long as one made one's later career on the left. After 1945, Europe successfully de-Nazified. But after 1991, it did not de-Communistize, and it pays the price in inconsistency and self-delusion.

In the late Sixties the American political system was traumatized by George Wallace. Like Le Pen, he was a fiery speaker with unsavory associations. Like Le Pen, his economic ideas were traditionally big-government. But also like Le Pen, he addressed issues that the leadership of the major parties seemed too squeamish to raise. One of Wallace's issues—spiraling crime—is now a problem in France. Le Pen has made hay with high immigration, and loss of national sovereignty to Brussels. On all three issues, Chirac and Jospin offered mush, or worse.

For twelve years, conservative GOP strategists tried to capture the Wallace vote. They also hoped to change it, edging it toward the free market and draining it of racism. This process is called leadership, and after the false dawn of Richard Nixon, it succeeded with Ronald Reagan. There are no comparable figures in France, partly for historical reasons—the French state has been a top-down affair since Louis XIV—partly because the French elite are ensorcelled by visions of a united Europe, in which they hope to play a leading role. If Le Pen indeed goes, things will be different, but not better. As one online wag put it, we have no frog in this fight.

THE SUPREME COURT

Virtual Porn, Real Corruption

THE SUPREME COURT threw out a federal law banning “virtual” child pornography, including both computer-generated images of minors in sexual situations and depictions of minors in sexual situations by adult actors. If the Court had struck down the law because the Constitution reserves the regulation of pornography to states and localities,

its decision would perhaps be defensible. But the Court's rationale for its decision was different.

It said that the First Amendment should be presumed to protect pornography that “records no crime and creates no victims by its production.” The Court has long held that the amendment applies to states as well as to the federal government (ignoring the fact that it is explicitly directed at “Congress”). So if a state were to ban “virtual” pornography, the federal courts would be obligated under this ruling to block it. The ruling was thus an expansion, not a retrenchment, of federal power.

The Court—and, it must be added, most of the proponents of the law—construed the purpose of child-pornography laws too narrowly. The Court comes close to suggesting that virtual child pornography is a good thing, since it reduces the demand for pornography involving actual children: “[F]ew pornographers would risk prosecution for abusing real children if fictional, computerized images would suffice.” But the harm done by child pornography is not limited to the harm done to children exploited in the course of its production.

There is also the harm to public morality, and to the many other children who will suffer if that morality declines—if people who are attracted to sex with children, and the sexualization of children, are told that the law does not frown on this desire and behavior and that it even tolerates a subculture oriented around this desire. The making of “virtual” pornography inflicts *that* harm just as much as pornography involving actual children does.

For most of American history, nobody thought that the Constitution enjoined legislatures from enacting laws to protect public morals. Nobody doubted that such laws were legitimate even if they impinged on “free expression” (sex with a prostitute is an expression of lust, but it can be legally proscribed). Today's Court has a routinized distrust for democratic processes. In this case, it argued that prosecutors and juries would be unable to distinguish between obscenity and *Romeo and Juliet*. Our own view is that the general public can be trusted to draw the appropriate lines—especially when the alternative is to hope that sexual deviants will themselves respect the line between enjoying depictions of sex against children and actually forcing sex on children.

■ NOTES & ASIDES ■

■ Dear Mr. Buckley: On behalf of my entire family, I want to thank you for your tribute to my son Tom [Burnett] in your February 8 letter to subscribers. As a longtime reader and supporter of NATIONAL REVIEW, I was touched by your account of his heroism on September 11, 2001.

I thought you might find of interest the following account of Tom's four cell-phone calls from Flight 93 to his

wife, Deena, which she reconstructed from memory shortly thereafter.

It shows that Tom was instrumental in informing his fellow passengers of the atrocities that were occurring in New York and at the Pentagon and in leading them to an act of unparalleled sacrifice and courage that saved thousands of lives and spared a great symbol of our democracy from destruction. Their desire to save

others' lives even led them to wait until they were over a rural area before launching their assault on the terrorists.

Tom's last—and greatest—act was completely in his character as a leader, which he often demonstrated during his short life. With no warning, Tom and the other passengers on Flight 93 were suddenly placed in the vanguard of the war on terrorism.

Facing unfathomable choices, Tom was calm, clear-headed, decisive, and fearless. I can only hope that in the days and years to come, the rest of us live up to the standard of character and heroism he set.

"He died as a hero to millions," Tom's longtime friend and fraternity brother Jeff Swanson said. "None of us will likely be in the position in which Tom found himself that morning, so we can't emulate his last acts, but we can emulate how he lived: with character, courage, spirit, curiosity, integrity, and love."

Sincerely,
Thomas E. Burnett Sr.
Bloomington, Minn.

9:27 A.M. [cell-phone call]

Deena: Hello.

Tom: Deena.

Deena: Tom, are you okay?

Tom: No, I'm not. I'm on an airplane that has been hijacked.

Deena: Hijacked?

Tom: Yes, they just knifed a guy.

Deena: A passenger?

Tom: Yes.

Deena: Where are you? Are you in the air?

Tom: Yes, yes, just listen. Our airplane has been hijacked. It's United Flight 93—Newark to San Francisco. We are in the air. The hijackers have already knifed a guy, one of them has a gun, they are telling us there is a bomb on board, please call the authorities.

(*He hung up.*)

9:34 [the phone rang on *call waiting*, Tom's cell phone]

Deena: Hello.

Tom: They're in the cockpit. The guy they knifed is dead.

Deena: He's dead?

Tom: Yes. I tried to help him, but I couldn't get a pulse.

Deena: Tom, *they are hijacking planes all up and down the East Coast*. They are taking them and hitting designated

targets. They've already hit both towers of the World Trade Center.

Tom: They're talking about crashing this plane [a pause]. Oh, my God. It's a suicide mission [he talks to people sitting around him].

Deena: *Who are you talking to?*

Tom: My seatmate. Do you know which airline is involved?

Deena: No, they don't even know if they're commercial airlines or not. The news reporters are speculating: cargo planes, private planes, commercial planes. No one knows.

Tom: How many planes are there?

Deena: They're not sure. At least three. Maybe more.

Tom: Okay, okay. Do you know who is involved?

Deena: No.

Tom: *We're turning back toward New York*. We're going back to the World Trade Center. No, wait, we're turning back the other way. We're going south.

Deena: What do you see?

Tom: Just a minute, I'm looking. I don't see anything, we're over a rural area. It's just fields. I've gotta go.

(*He hung up.*)

9:45

Tom: Deena.

Deena: Tom, you're okay? [I thought at this point he had just survived the Pentagon plane crash.]

Tom: No, I'm not.

Deena: They just hit the Pentagon.

Tom: [He tells people sitting around him, "*They just hit the Pentagon.*"] Okay, okay. What else can you tell me?

Deena: They think five airplanes have been hijacked. One is still on the ground. They believe all of them are commercial planes. I haven't heard them say which airline, but all of them originated on the East Coast.

Tom: Do you know who is involved?

Deena: No.

Tom: I'm wondering what is the probability of their having a bomb on board. I don't think they have one. I think they're just telling us that for crowd control.

Deena: A plane can survive a bomb if it's in the right place.

Tom: Did you call the authorities?

Deena: Yes, they didn't know anything about your plane.

Tom: They're talking about crashing this plane into the ground. We have to do something. I'm putting a plan together.

Deena: Who's helping you?

Tom: Different people. Several people. There's a group of us. Don't worry. I'll call you back.

9:54

Deena: Tom?

Tom: Hi. Anything new?

Deena: No.

Tom: Where are the kids?

Deena: They're fine. They're sitting at the table having breakfast. They're asking to talk to you.

Tom: Tell them I'll talk to them later.

Deena: I called your parents. They know your plane has been hijacked.

Tom: Oh . . . you shouldn't have worried them. How are they doing?

Deena: They're okay. Mary and Martha are with them.

Tom: Good [a long, quiet pause]. We're waiting until we're over a rural area. We're going to take back the airplane.

Deena: *No!* Sit down, be still, be quiet, and don't draw attention to yourself! [the exact words taught to me by Delta Airlines flight-attendant training]

Tom: Deena, if they're going to crash this plane into the ground, we're going to have to do *something*.

Deena: What about the authorities?

Tom: We can't wait for the authorities. I don't know what they could do anyway. It's up to us. I think we can do it.

Deena: What do you want me to do?

Tom: Pray, Deena, just pray.

Deena: [after a long pause] I love you.

Tom: Don't worry, we're going to do something.

(*He hung up.*)

—WFB

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