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EXPORTING THE AMERICAN BILL OF RIGHTS: THE LESSON FROM ROMANIA

Ronald D. Rotunda*

Professor Ronald Rotunda continues the second part of our Bill of Rights Bicentennial Symposium with an essay on his experiences in Romania. Professor Rotunda was one of a small group of American legal experts that travelled to Bucharest to help the Romanian government as it drafted a new constitution and created an independent judiciary to help protect human rights. In the wake of the Romanian Revolution, Professor Rotunda found a poor country struggling to escape a totalitarian past. The author concludes that while American pop icons such as Walt Disney and Whitney Houston have made a mark on Romania, our most significant export has been the idea of a constitutional government that cherishes individual rights. On the two-hundredth anniversary of the Bill of Rights, appreciation of our first ten amendments extends well beyond America's borders.

When most people in this country think about our Constitution, we think about our Bill of Rights, not the clauses dealing with disposal of government property, or the procedure for ratification of a treaty. What we often do not realize is that when people abroad think of our Constitution, they also think of our Bill of Rights.

The Bill of Rights does not, at first, appear to offer much when compared with the sweeping promises of the typical communist constitution. A recent Soviet constitution, for example, provides for the rights of "guaranteed work, health protection, [and] education."¹ Our Bill of Rights secures none of that.² It guarantees no food for the body, nor other material things.³ Yet, less than a half century after World War II, communism and its failed promises are in disarray, while democracy and capitalism are the wave of the future. As Salman Rushdie, the author of

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1. KONST. SSSR ch. 7, arts. 39-45 (1977, amended 1981), reprinted in BASIC DOCUMENTS ON THE SOVIET LEGAL SYSTEM (William E. Butler ed. & trans. 1983). See generally Ronald D. Rotunda, *Interpreting an Unwritten Constitution*, 12 HARV. J.L. & PUB. POL'Y 15, 15-16 (1989). Needless to say, in recent years the turmoil in the Soviet Union has made its constitutions short-lived.

2. However, it protects freedom of speech, so that people can use that right to affect the legislative process, to enact laws that provide for such things as public education, social security, and welfare, if they so choose.

3. It only offers food for the mind, by protecting the freedom of conscience.

Satanic Verses, has noted, the "people's spiritual needs, more than their material needs, have driven the commissars from power."⁴

It is said that if you want to understand your own language best, you ought to study a foreign one. I think it is also true that if we want to appreciate the significance of our Bill of Rights, we ought to look to see how other countries view us. Over the years, I have been privileged to occasionally represent the United States, and have met with foreign lawyers, judges, and other public officials in various countries who are interested in our constitutional system. My most recent experience was in Romania, and I would like to share with you some of what I learned. Some of the things are heartening, others are more mundane and prosaic.

Last spring, the Romanian government invited a small group of three judges (two state and one federal),⁵ two practitioners,⁶ and several academics,⁷ including myself, to visit Bucharest, meet with government officials, and offer some input as they prepare to draft their new constitution and organize their judiciary. The group was put together under the auspices of the American Bar Association.⁸ Our delegation was called the Rule of Law Delegation.

The United States government provided part of the funding for our trip, and we were therefore subject to certain travel restrictions. In particular, we were supposed to use an American carrier. The first thing I learned is really nothing new: dealing with the government can be difficult. It is said that the three lies of the 1980s were: (1) the check is in the mail; (2) I will respect you just as much in the morning; and (3) I'm from the government and here to help you. The three lies of the 1990s are: (1) this is only a cold sore; (2) my BMW is paid for; and (3) I'm from the government and here to help you. Some things never change.

In order to use a U.S. carrier, the official travel agent designed for me an air flight that would take about twenty-three hours to complete. I

4. SALMAN RUSHDIE, *IS NOTHING SACRED: THE HERBERT READ MEMORIAL LECTURE*, FEB. 6, 1990, at 8-9 (1990). The spiritual head of Iran announced to the world in early 1989 that Rushdie must die because his book, *Satanic Verses*, was, in the eyes of some Muslims, offensive. Since then, Rushdie has been in hiding and several people who translated his book from English to other languages have been killed.

5. The Honorable Richard L. Nygaard of the Third Circuit, the Honorable Martha Craig Daughtery of the Supreme Court of Tennessee, and the Honorable Douglas K. Amdahl (ret.) of the Supreme Court of Minnesota were the judges.

6. Florentino Garza, Esq. and William Marshall Morgan, Esq. were the practitioners.

7. Professor Joachim Herrmann of the University of Augsburg Faculty of Law (who lived under East German rule before he escaped to the West), Professor Robert Yegge of the University of Denver College of Law, and Professor David Larson of Creighton University School of Law were the other academics.

8. The Central and East European Law Initiative (CEELI) of the American Bar Association, administered by the Section on International Law and Practice was the organizing force. CEELI's very capable Executive Director is Mark S. Ellis, who accompanied us on this trip. CEELI is actively involved with assisting the other emerging democracies of Eastern Europe.

CEELI's Executive Board is composed of Judge Abner Mikva; Lloyd Cutler of Wilmer, Cutler & Pickering; Max M. Kampelman of Fried, Frank, Harris, Shriver & Jacobson; Sandra Day O'Connor of the U.S. Supreme Court; and the Chairman, Homer E. Moyer, J., of Miller & Chevalier. The co-founders are Talbot "Sandy" D'Alemberte and Homer E. Moyer, Jr.

would leave Champaign, Illinois on Friday morning and—after five stops, four changes of planes, and eight time zones—I would arrive in Bucharest Saturday night, assuming that every connection worked perfectly. Then, I was supposed to arise bright-eyed and deliver the first paper at the workshop.

I realize that my time means nothing to the government, but it does to me. After some complaints, the travel agent discovered that the terms of the government grant allowed her to book me on a more direct flight on the Romanian Airline, TAROM. It flew directly from Chicago to Bucharest with two short stops and no change of planes. The flight was only about sixteen hours, and, because there were no plane changes, I was allowed time to sleep. TAROM is supposed to mean Romanian Air Transport, but when I arrived in Romania one of the Romanian Army officers told me that it really means *Take Another Route Or Miss it*.

The travel agent had her revenge for my complaints: TAROM, the plane from hell. The seats were like folding chairs though not as comfortable. The first class section seats had been pulled out and that area was used to haul freight. Most of the signs were in Romanian and Russian. The Romanian language, by the way, is a romance language similar to Italian.⁹ The late dictator, Nicolae Ceausescu, had sought to pepper the language with Slavic words, but, except for those anomalies, the language has a lot of roots in Italian as well as Latin. Thus I was able read the sign in the rest room warning me not to drink the water. The water, I suppose, was used to wash your hands . . . if there had been soap. The rest room compared favorably to rest rooms of old trains in about the 1950s.

The racks above the seats in the plane were open and full of heavy luggage, like portable typewriters. As the plane taxied on the runway in Chicago, I told the flight attendant that the luggage could fall if we hit turbulence. FAA regulations forbid leaving luggage in open overhead racks. She ignored me. Needless to say, there was no in-flight movie but there was alcohol. I ordered a scotch and soda. The flight attendant gave me bourbon and soda. Close enough I thought.

Romania is a poor country: decades of Ceausescu's dictatorship had seen to that. The airport in Bucharest, the nation's capital, was not nearly as nice as the old airport (now replaced) that used to serve Champaign-Urbana. It is difficult for us to appreciate just how oppressive that dictatorship was. Ceausescu governed with the aid of the secret police, the Securitate. The Securitate was housed in a complex series of subterranean tunnels. As if he were some ancient Pharaoh protecting his pyramid, Ceausescu killed the architects who had worked on portions of the tunnels in order to preserve the system's secrecy.¹⁰ He tried to keep the

9. The Romans, under the Emperor Trajan, in A.D. 106, colonized Romania. Trajan's Column in Rome includes scenes that celebrate the colonization.

10. See ANDREI CODRESCU, *A HOLE IN THE FLAG: A ROMANIAN EXILE'S STORY OF RE-*

people ignorant by banning "all manner of intellectual pursuits, from Scrabble to cybernetics."¹¹ He filled the country with monuments to himself and his family and created a history full of lies to glorify himself.

In stark contrast to the drab surroundings were the Romanian people, who were absolutely marvelous hosts. When I arrived, several Romanian officials met me and treated me like royalty. While waiting in the diplomats' lounge, I learned that two of the best currencies in Romania were the American dollar and Kent 100 cigarettes.

During the ride to the hotel, I learned that we would be staying in what was called a Military Hotel. In the United States, if a general from California would travel to the Pentagon for a briefing, he would stay at the local Marriott or the Hilton. In Bucharest, the general would go to the Military Hotel.

I had never stayed at a military hotel, so my face probably showed a little surprise. The official sought to assure me. "Don't worry," he said, "the Army won't hurt you; it's there to protect you." Interesting. In America, it would never occur to us that the Army would be used against us—the people. Many years ago, I gave a speech at the U.S. Air Force Academy. I stayed there overnight. That was about the closest I had ever been to a military hotel before now. I felt very safe in the arms of the military. Romania, of course, has had a different history. My host interpreted my surprise as an expression of concern for my safety.

The Military Hotel was, itself, an interesting learning experience. The concierge carried a Kalishnikov assault rifle.¹² (One of the other Americans in our group asked if the gun was called a Barishnikov. Perhaps, I explained, if it were dressed in tights.) Patrolling the hotel were young soldiers who looked too young to shave. They also carried sub-machine guns and Pancho Villa belts full of bullets.

My room was quite luxurious by Romanian standards. It had a private bath and a television with two channels, one Romanian and one Italian. I learned later, while talking to an Irishman in Bucharest on business, that the television in his commercial hotel had no foreign stations. In the Military Hotel we were apparently trusted enough to be able to see a foreign channel. However, there was a catch: the Italian channel had no sound. I saw Secretary of State Baker meeting with some Saudi leader, but I was not able to lip read the Italian announcer, whose voice-over explained what was going on.

My room, like all of the other rooms in the hotel, lacked one impor-

TURN AND REVOLUTION (1991); EDWARD BEHR, *KISS THE HAND YOU CANNOT BITE: THE RISE AND FALL OF THE CEAUSESCUS* (1991); Robert D. Kaplan, *The Fall of Romania's Loathsome Duo*, WALL ST. J., July 26, 1991, at A7.

11. Roger Thurow, *The Dictator Lied Through His Teeth—and His Tusks*, WALL ST. J., Apr. 26, 1991, at A1.

12. See generally EDWARD C. EZELL, *THE AK 47 STORY: EVOLUTION OF THE KALASHNIKOV WEAPONS* (1986). Romania, while it was a member of the Warsaw Pact, produced hundreds of thousands of these weapons for home and for export. *Id.* at 190.

tant thing—hot water. On the first day the concierge met with our group and asked if there was anything we wanted. He referred to the food, the service, and other things. Finally, we all asked him about the one item he had neglected to mention, the lack of hot water. He told us that a pipe had broken and we would not be able to have hot water until the next day. Unfortunately, it was two days after that. And so, on the second day, I was brave (and dirty) enough to try taking one cold shower. (We only had showers, so we could not dump the water in a tub and wait for it to rise to room temperature.) The water was *really* cold. If it were not running water, I swear it would have frozen. The longer it was on, the colder it got. Even though my shower was very short, by the end of it, my head felt like it was buried in an ice cube.

The lack of water was amusing in retrospect, but it should not obscure the great effort the Romanian government made to accommodate us. We were their guests and they were generous hosts. The country is poor but we were showered with food. A typical lunch had an appetizer of salami, cheese and other meats followed by soup, then a meat course, like a pork chop, then yet another meat course, like steak, and then dessert. Every lunch and dinner had two meat courses accompanied by vodka and wine. Vegetables were in short supply, but when we asked for them, they appeared. We were also given big breakfasts. (The Romanians, like the British, have a tradition of a big breakfast.) For breakfast the poor country could offer us no fresh (or frozen) orange juice, so we were served orange soda. We were also served delicious tea and a rich dark coffee that, unfortunately, always came with a lot of sugar already added.

Years ago, I visited a small town in southern Italy where my mother was born and where my father grew up. My relatives are very poor and did not have much to offer. So, to emphasize their hospitality, they showered us with food. The Romanians acted the same way. I think it was their way of showing us that we were their guests and that our visit was important to them.

Two years ago it would have been inconceivable that Americans would ever be staying at a Romanian Military Hotel, but there we were—Romanian officials and Americans, talking and eating together. In our honor, they placed an American flag on our table.

During our week, we met with both official and unofficial groups, including dissident groups. The press, television, and radio covered our public discussion. It was clear that the government viewed our coming as important. As I mentioned, this is a poor country. The people there lack many of the tools we have to boost our productivity. For example, I presented a paper typed on a computer. The Romanian papers that I saw were all typed by *manual* typewriters. To save paper, the typist had typed on both sides of the paper.

Although we had simultaneous translators—the conference room,

with wireless translating ear phones, was copied from the United Nations—I was impressed with the number of Romanians who spoke excellent English. You must realize that Ceausescu did not promote tourism. He favored heavy industry. Like other communist countries, it was not easy for citizens to leave and go travelling. Yet many of the people—not just high officials—knew English. We easily bargained in English with youths selling books on the 1989 Romanian Revolution. They knew many English words, as well as the value of the dollar. So soon after their revolution, Romania had budding capitalists. Fortunately, the Communists had indoctrinated people in their ideology the same way they did everything else, incompetently.

All of these people studied English, not because they expected to become tourists, but so they could look to America and its culture and its ideas. Of course, our wealth impressed them. Nearly a half century after World War II, it is clear that the communist system is not better for the state, or for the worker, or for anyone else, save perhaps the secret police.¹³ But it is much more than our wealth they admire. It is our freedom. They learned English, in part, so they could read about and study our system. The Romanians that we met—government officials as well as journalists and dissident groups—were typically quite sophisticated about our judicial system.¹⁴ They do not intend to merely copy our system, for they have a different cultural background. But in the process of constitution-building, they believe that it is important to know how and why our system has worked so well; they wanted to learn how we structured our judiciary so as to protect human rights. In this respect, the Romanians were no different than the other emerging democracies of Eastern Europe, which have also turned to the American experience as they forge their new constitutions.¹⁵

Our private sessions were as interesting as the public ones. During one of the breaks, for example, a prosecutor confided to me: "I was a prosecutor for eight years under the Communists; I don't ever want to have to do again what I had to do then in order to survive. I don't want to have to arrest people on trumped up charges." He was surprised to learn that American prosecutors, both state and federal, have no power of arrest. In America, it is not unusual for the police to fail to persuade the prosecutor to prosecute.

13. See Alex Kozinski, *The Dark Lessons of Utopia*, 58 U. CHI. L. REV. 575 (1991).

14. For example, they knew something that many Americans do not know: our constitution never explicitly says that courts have the power to invalidate acts of Congress or of the state that are unconstitutional. In contrast, a recent survey sponsored by the American Bar Association showed that only 33% of American adults could correctly identify the Bill of Rights as the first ten amendments to the Constitution. See *ABA Survey Reveals Americans Don't Know Their Rights*, B. REP. (Washington, D.C. Bar Ass'n), Dec./Jan. 1992, at 5.

15. E.g., Jimmy Carter, *The United States and the Advancement of Human Rights Around the World*, 40 EMORY L.J. 723 (1991); Andrzej Rapaczynski, *Constitutional Politics in Poland: A Report on the Constitutional Committee of the Polish Parliament*, 58 U. CHI. L. REV. 595 (1991); Herman Schwartz, *New Constitutions in Central and Eastern Europe: Replacing "Telephone Justice" with the Rule of Law*, 23 TRANSATLANTIC PERSPECTIVES 3 (1991).

During one of the other breaks, a reporter interviewed me. She asked me to explain to her viewers why we were there. We were not there, I said, to lecture the Romanians. We were there to discuss how the judiciary in the American system helps to enforce our Bill of Rights. We would exchange views and learn from each other. I thought that was a diplomatic answer. She responded, acting genuinely surprised: "What could the Americans possibly learn from the Romanians about the protection of human rights?"

The question was a good one, and since the interview was being taped at that very moment, I had to think quickly. I told her that I knew that the Romanians were thinking about abolishing court martial courts. All military prosecutions would then take place in civilian courts, like the German system now. She was impressed that there was at least one right the Romanians were thinking of adding to their constitution that the Americans did not already have.

I was in Romania only about a week, and I did not become an instant expert. The real question, of course, is whether the Romanian Revolution of Christmas 1989 was a real revolution or only a palace coup. I make no predictions, for they would only serve to give evidence of my fallibility. Yet there is reason for hope. I do know, from talking to a lot of people during the public and private meetings, that many Romanians do not want to go back to the old ways. Already, many dissident groups are publishing flyers, handbills, and newspapers. For them, the genie of democracy is out of the bottle, and it will take much bloodshed to recork that bottle, even if the present leaders in Romania originally had hoped to usher in a mere changing of the dictatorial guard.

It seemed to be important to the Romanian officials that we believe that they want democracy. I questioned several of them about the so-called "miners action," where, shortly after the revolution, police, dressed up as miners, beat up demonstrators. The Romanians I talked to, including the officials, acted embarrassed and offered no justification.¹⁶ Hopefully, that outrage was an unfortunate aberration, not to be repeated.¹⁷ Later, one evening, one of the Romanian army officers stressed, in a private conversation, that the country will never go back to communism. "Never," he emphasized. The future must be democracy, he said. Hopefully, he will be proven right.

The Romanians underscored, in a variety of ways, that they regarded our trip as important. The American ambassador hosted a reception for our group, and various high level Romanian officials attended, including the Foreign Minister, Andrian Nastase, the Minister of Defense, the Minister of the Interior, and the General Prosecutor. The Am-

16. The Romanian officials I talked to, by the way, had seen the videos of the Los Angeles police mercilessly beating a suspect.

17. It is interesting that in July a Romanian military court sentenced the former secret police chief, General Iulian Vlad, to nine years imprisonment because he had encouraged the killing of anti-Communist protestors during the revolution. *What's New*, WALL ST. J., July 23, 1991, at A1.

bassador graciously kidded the Foreign Minister about missing his Fourth of July party yet coming for our gathering. His presence emphasized the importance that he attached to our visit.

At this reception, next to the indoor pool, was the bar. And at that bar was the largest bottle of Chivas Regal I had ever seen. The bartender could not tip this barrel size bottle to serve any drinks. It was too big for that. He used a suction mechanism. Interspersed with various conversations about human rights were questions the Romanians had about Scotch. Why is it, they asked me, do all Americans love Scotch? I do not know if we all love Scotch, but perhaps the American Ambassador does. The Ambassador also served typical "American" hors d'oeuvres, such as pizza slices!

I had to leave Romania a few days earlier than the rest of the group in order to make my Friday 8 a.m. class. Because French President Mitterand was arriving Wednesday, when I was leaving, the Romanian military heavily patrolled the airport. In America, of course, our military has no domestic police functions, a fact that surprised the Romanians who drove me to the airport for my departure.

The customs guard, as I left the country, carefully inspected my baggage—the first time ever I was inspected upon *leaving* a country. I asked her what she was looking for. She did not know. Her job was just to look. Romania has an authoritarian background. Before the Communists there were the Nazis. Old habits die hard. I told her that her hands were deep in the section of my luggage filled with dirty laundry. She finally stopped.

She did not want me to carry one piece of luggage to the plane. I explained that the Austrian airlines allowed me to hand carry this baggage because it was full of Romanian wine, which I wanted to carry by hand, so there would be no breakage. She adamantly insisted otherwise. I do not know why she even cared; after all, the Austrian airlines did not care. But she did. I had no intention of giving up. Finally, the Austrian official told her not to worry, and she let me pass. Fifteen feet away a young Romanian soldier, with a submachine gun and apparently charged with protecting Mitterand, stopped me and also insisted that I toss the luggage on the moving belt. I again objected and again there was a stalemate until the Austrian official intervened. Old authoritarian customs are hard to change. Yet there is hope: the Romanian inspector in charge of x-raying the luggage was more humorous. He told me, in perfect English, "Put your bombs here."

As I waited in the Romanian airport, I saw an old lady pulling weeds growing in the cracks in the tarmac. Next to her was a young man who was doing nothing but directing her and scratching his bottom. That young man was not engaging in what we capitalists would call productive work. The communist system had been good to him. The road to a market economy, like the road to freedom, will require many adjust-

ments and unsettle the old ways.¹⁸

Late that night, when my plane had landed in Zurich, I went to my airport hotel that the government travel agent had booked for my guaranteed late night arrival. We should not pat ourselves on the back regarding our efficient capital system too much. The hotel concierge had no record of my reservation, and the hotel was booked up. So were all of the other ones near the airport, as well as all of those in downtown Zurich. The concierge kindly placed a long distance call to the U.S. travel agent in Washington, D.C., where it was only about 4 p.m. The agent could offer no help, but I am glad that the concierge called her, for at that moment she knew that I was not pleased. I was reminded of that young unproductive Romanian directing the old lady on the tarmac.

The next morning I checked in with American Airlines, where officials closely questioned me about my trip. They were very concerned that I had accepted a gift from a Romanian. "From whom," they asked. "A Romanian army officer." "Did you know him?" "Well, not until the trip. But if he wanted to do me in, he could have done so while I was at this military hotel surrounded by machine guns." "Oh, you were at a military hotel." I tried to be helpful: "Do you want to see the wine?" "No," they said, "don't touch it." Then several agents came over, carefully inspected the wine, and told me to enjoy it. I finally came home and, although the wine came on a later flight, it finally did arrive unbroken.

A few days later, I mailed some of my constitutional law books to a group that had requested them while I was in Romania. To get through Romanian customs, I had to certify that my books contained no communist propaganda! The importation of communist propaganda in Romania is now illegal. A lot has changed during the last twenty-four months.

CONCLUSION

When Romanians think about our country, they think about our Bill of Rights. They see America as a country that offers its people tremendous protection for human rights, and yet our country does not merely survive—it *thrives*.

In March 1990, a Moscow city court convicted a dissident of burning the Soviet flag. The dissident, Valeria Novodvorskaya, was sentenced to two years of correctional labor for "insulting the state flag." She was, by the way, found innocent of slandering Mikhail Gorbachev whom she called a "bald coward."¹⁹ (Gorbachev is bald, after all.) Yet in the United States, as we know, we all have the constitutional right to burn

18. See generally Paul Hofheinz, *New Light In Eastern Europe?*, FORTUNE, July 29, 1991, at 145-52; Louis S. Richman, *Managing for a Second Miracle*, FORTUNE, Apr. 22, 1991, at 221-26 (discussing East Germany's conversion to capitalism).

19. *Soviet Who Burned Flag Is Sentenced*, CHI. TRIB., Mar. 2, 1991, § 1, at 11.

the national flag.²⁰

The Bill of Rights has not made our country weak, but strong. When an Eastern European governmental official argues that it would be reckless to allow dissent, the dissenters point to the experience of America, where we accept the right of dissent, and yet the country remains strong. We are powerful because of our democratic system, not in spite of it. Our recent war in the Gulf illustrates this point. (Romania, by the way, contributed some material to our war effort.)

During time of war, it is said, one of the first casualties is free speech. But free speech and the right of dissent were alive and well during our Gulf War. The Greeks of ancient Athens, the cradle of democracy, believed that freedom of speech made their armies more brave. Herodotus, in his history, writes that the Athenians could win victories over the more numerous Persians in the first part of the fifth century B.C. because the Athenians fought as free people and not as slaves. Herodotus wrote, "Thus grew the power of Athens . . . [W]hile they were under despotic rulers, the Athenians were no better in war than any of their neighbors, yet once they got quit of despots they were far in away the first of all" because "when they were freed each man was zealous to achieve for himself."²¹

Pericles, in his famous funeral oration, argued that the Athenians were strong because they were free: "The great impediment to action is, in our opinion, not discussion, but the want of that knowledge which is gained by discussion preparatory to action."²² Aeschylus, in his play *The Persians*, similarly celebrates the victory of the Greeks because he said "of no man are they the slaves or subjects."²³ As one commentator has perceptively noted, "For Aeschylus, and for the Athenians it was not just a victory of Greeks over Persians but of free men over 'slaves.' The victors at Salamis were men elevated and inspired by the freedom to think their minds and govern themselves."²⁴ Sometimes in this country we forget this ancient truth, a truth that we have taught to people around the world who have lived under despotic rule. People who are free are happier and work more intensely, because they work for themselves not for a master. It is for the same reason that it takes many hunting dogs to catch one fox. The fox works harder because he is self-employed. Thus our freedom, symbolized by our Bill of Rights, has enabled our country to thrive.²⁵

In America, we have our own problems, of course, and they are

20. *United States v. Eichman*, 110 S. Ct. 2404 (1990); *Texas v. Johnson*, 491 U.S. 397 (1989); see Peter B. Maggs & Ronald D. Rotunda, *Meanwhile, Back in Mother Russia*, *LEGAL TIMES*, Oct. 2, 1989, at 35.

21. I.F. STONE, *THE TRIAL OF SOCRATES* 50 (1988).

22. 1 BENJAMIN JOWETT, *THUCYDIDES* 116, 118-19 (1881).

23. STONE, *supra* note 20, at 51.

24. *Id.*

25. See generally 3 RONALD D. ROTUNDA, JOHN NOWAK & J. NELSON YOUNG, *TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE* § 20.6 (1986).

more serious than incompetent government travel agents. But let us not sell ourselves short. We also have our freedoms. Our Bill of Rights is a beacon of light that the whole world sees. The wave of the future is not communism; it is democracy. We have many things to improve in our country, but as we celebrate the two-hundredth anniversary of the Bill of Rights, we should not forget that we have done some very important things right.

And one of the most important things that we have done right is to export what the Bill of Rights represents. When we refer to the balance of trade, we typically think of numbers and dollar signs. But that is a poor measure of all that we transfer abroad; it ignores the tremendous export of American ideas and culture. I am not referring to the pop culture of Walt Disney and Whitney Houston—though one who has never travelled abroad would be surprised to know the extent of these cultural transfers. (When I turned on the Romanian radio, one of the first things I heard was an interview with Whitney Houston.)

People in this country do not fully appreciate the significance of the export of our belief in democracy and free speech. It is the power of the idea of democracy, not Madison Avenue advertising, that accounts for the eagerness with which foreigners seek to learn about American political ideas. When we celebrate the Bill of Rights, we celebrate the two-hundredth anniversary of America's grandest export.²⁶

26. Thus, when President Bush delivered his speech commemorating the 200th anniversary of our Bill of Rights in December 1991, special guests in his audience included the Ministers of Justice from Armenia, Bulgaria, Estonia, Kazakhstan, and Moldavia. See *At Madison's Dacha*, WALL ST. J., Dec. 23, 1991, at A8.