

C. Brandon Crocker: The Sanctuary
Movement

C.G. Alario: The Plight of Cambodia

California Review

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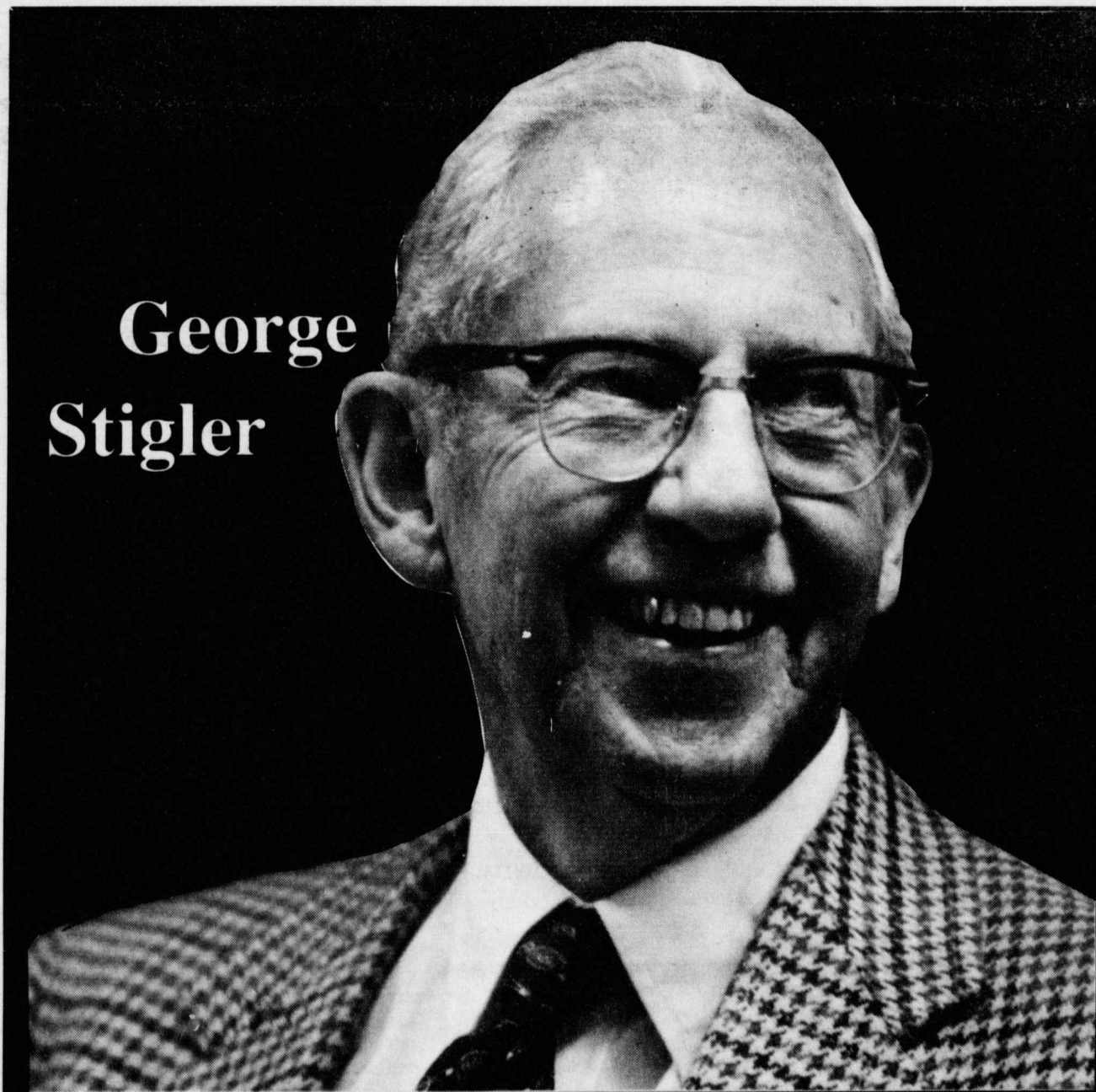
Volume IV, number 5



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Charles E. Purdy on the World Court
James D. Spounias: The Genocide Treaty
P. Joseph Moons at the Che Cafe
Also: William S. Penn, Alfred G. Cuzan,
George F. Will . . .

**George
Stigler**



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CALIFORNIA REVIEW, a non-profit) Case No. 842828 N (IG)
unincorporated association; C.)
BRANDON CROCKER, an individual;) ORDER ON APPLICATION FOR
C.G. ALARIO, an individual;) PRELIMINARY INJUNCTION
THOMAS J. EDWARDS, an individual;)
E. CLASEN YOUNG, an individual,)

Plaintiff,)

v.)

REGENTS OF THE UNIVERSITY OF)
CALIFORNIA, a corporation;)
RICHARD C. ATKINSON, an indi-)
vidual; JOSEPH W. WATSON, an)
individual; JILL BERLIN, an)
individual; MARC BORODITSKY,)
an individual; KEN CARIFFE,)
an individual,)

Defendants,)

The Motion and Application of Plaintiffs for a

Preliminary Injunction directed against Richard C. Atkinson and Joseph W. Watson, came on regularly for hearing on March 18, 1985, at 10:30 a.m. before the Honorable Leland C. Nielsen, United States District Judge for the Southern District of California. Charles E. Purdy IV, attorney at law, appeared and argued on behalf of the plaintiffs. Eric K. Behrens, attorney at law, appeared and argued on behalf of defendants Atkinson and Watson. The Court having considered the papers filed on behalf of plaintiffs and defendants, the arguments of counsel, and all other evidence before the Court,

IT IS HEREBY ORDERED that defendants Richard C. Atkinson and Joseph W. Watson be enjoined during the pendency of this action from denying to plaintiffs the allocation of on-campus office space at Gameroom 2 in Student Center Building A at the University of California at San Diego.

See Justice at Work

Come by and see us at Game Room #2 on the second floor of the Student Center

Letters



Dear Sirs:
Having discovered your publication on a recent foray into the liberal wasteland of UCSD, I was delighted to have finally gained access to conservative perceptions regarding issues with which the nation is currently grappling. I especially enjoyed your interviews of Joseph Sobran and Duncan Hunter. The viewpoints of gentlemen (and like-minded women) such as these serve to counter the liberal perspectives that, unfortunately, pervade and dominate the media and academe. I appreciate the alternatives your publication offers.

Your Obedient Servant,

Donn E. Headley
Cucamonga, CA

Dear Sir,
Thanks for publishing Harry Crocker's serious and thoughtful article on the Second World Convention of the Libertarian International ("Among the Libertarians: Are They Fair Beasts or Foul", Jan/Feb 1985), for which the Libertarian Alliance was the host organization.

My main criticism of Harry's interesting critique is his attribution of "moral relativism" and "atomism" to libertarianism. There are, of course, relativists in the libertarian movement (as there are within conservatism), but most libertarians adhere to strong moral views and have a firm appreciation of the role of the moral consensus in maintaining a functioning social order. Where we disagree with conservatives is, however, on both the ethics and the utility of employing invasive force in attempting to create or maintain particular social mores.

Harry is undoubtedly correct in observing that a small-minded and blinkered desire for simplistic consistency motivates some libertarians. Indeed, as the originator of the "asshole theory" critique of much of the libertarian movement, I would be the first to deplore the prevalence of such attitudes. Libertarians can certainly learn from the many penetrating critiques of secular religiosity and the ideological mentality penned by conservative scholars. We have, alas, observed some extremely foul behaviour in the libertarian movement. Libertarians who lie in the name of truth, steal in the name of property rights, commit violent acts in the name of non-coercion, and perpetrate gross dishonesty and treachery in the name of moral decency have provided some salutary lessons to many of us. The sort of wickedness we thought specific to collectivist movements can manifest itself almost as easily amongst our own ideological "comrades." The conservative sense of "original sin" might have provided a helpful warning. Fortunately, a number of libertarian thinkers are now attempting a rational explanation of such phenomena which, we would hope, might prevent the libertarian movement from mimicking the horrors of previous ideological movements.

While much libertarian theorising might sometimes manifest a degree of isolation from reality it is also surely foolish to reject in toto, as Harry apparently does, the rational analysis of our legal and social values. Such analysis has, after all, been a principal ingredient in the evolution of Western civilisation and the freedoms and civility prized by both libertarians and conservatives.

Harry's belief that government has a right, in the name of defending culture and values, to impose particular moral and social viewpoints surely sells the pass to the enemies of Western civilisation and freedom. It is precisely this belief that motivates and justifies the ravaging hordes of social engineers, ideological loonies and assorted busibodies who currently wreak havoc upon our respective countries. While conservatives have generated their fair share of social and political wisdom they would be well advised to abandon such coercive hubris for liber-

tarianism's moral and historically informed view on this matter.

Yours faithfully,

Chris R. Tame
Secretary, Libertarian Alliance
British Representative, Libertarian International

Editor,

Just about everyone is aware that politics make strange bedfellows, but few seem to be aware of the logical strength behind a highly complimentary notion: that ideology makes strange enemies. Until rather recently, libertarian and conservative thinkers have been under what they tended to perceive as a state of siege; what with pro-free market, pro-America views being neither fashionable nor intellectually respectable with the Establishment Left, they weren't stuck in the same boat (so much) as fighting over the only life preserver. Even though right-wing writers could give their satirical skills almost unlimited exercise merely by lampooning the Pavlovian excesses of feminist poets and bomb-throwing pacifists, once in a blue moon one camp or the other on the right would get a tad bored with criticizing the Common enemy, and instead lob brickbats against their fellow freedom-lovers, in the tried-and-true gaddy style.

The most recent such inversion of priorities occurred in these very pages. I am talking, of course, about H.W. Crocker III and his patronizing sermon on the libertarians. I must point out at this time that I am neither capital "L" libertarian nor a "conservative," and my positive judgments of political candidates have been according to severely approximated standards (to the extent that I bother to vote at all). Tooting the horn of my own particular movement, therefore is not the motivation behind my critique of Crocker's essay.

Once Crocker has made his identifications it all becomes as pat as one of those kindergarten jigsaw puzzles, the kind that only have four or five huge pieces. These libertarians aren't just capitalists, but *obsessive* capitalists, it seems, whose mission in life is to reduce all existence to simplistic, reductionist terms, all for the sake of consistency. For those Doubting Thomases who are so mean-hearted and skeptical that they won't even take Crocker's word for it, he purports to prove the truth of his assertion by misquoting Emerson. The actual line, of course, is that a *foolish* consistency is the hobgoblin of little minds; Crocker had failed, not only to understand Emerson's point and thus demonstrate (beyond mere assertion) the foolishness of the libertarians' "consistency," but he generates the (frequently half-correct) impression that conservative intellectuals think that consistency *itself* is a self-defeating delusion, and that the real man's route to mind expansion is rampant irrationality and gratuitous paradox-mongering.

Of course, Crocker is aware enough to dredge up the standard libertarian vs. conservative laundry list of debate topics: drugs, pornography, morality, culture; the entire "societal good vs. individual freedom" pseudo-debate which, regrettably, has been around much, much longer than the libertarian-conservative quarrel. The standard conservative line is trotted out; Crocker's answers, much less his arguments do not deviate in any way from the conservative norm, particularly in the sense that they are suffocatingly vague with respect to both concretes and abstracts. First of all, I would like to dispose of his point regarding the classical liberals. Crocker seems to be of the dimly ingenious opinion that 1) Libertarians, without exception, are ignorant of the classical liberals' positions, and 2) if an official "classical liberal" has an opinion, it is unquestionably correct. Not only are both propositions absurdly false, they are completely irrelevant to the supposed question, namely, "What is the truth of the libertarian position?"

Crocker's more specific arguments on heroin and pornography present little problem to anyone even remotely acquainted with libertarian theory. Needless to say, his straw-man trifles about "typical libertarian reductionism" don't mean much of anything. Confronted with a few flesh-and-blood facts, his argument loses a lot of credibility. While I strongly suggest that he read Edward Brecher's landmark book, *Licit and Illicit Drugs*, I cannot resist mentioning that the worst damage done to society

(continued on page 14)

California Review



Credo: Imperium et libertas.

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California Review (Restitutor Orbis) was founded on the sunny afternoon of seven, January, nineteen-hundred and eighty-two, by discipuli cum civitas listening to Respighi and engaging in discourse on preserving the American Way.



A conservative journal is a terrible thing to waste. Give to the California Review, a not-for-profit organization. All contributions are tax-deductible.

In Review

Travelers found the international airport in Mexico City more exotic than usual last month when more than one-thousand lizards, small alligators, and poisonous snakes escaped from a container in which they were being shipped. Airport employees think they recaptured them all.

Chico High School in Chico, California lost about \$66,000 in state incentive funds which are awarded on the basis of improved scores on a state achievement test because some seniors intentionally flunked the exam when the principal Roger Williams refused to give in to a list of student demands. The demands included the removal of speed bumps in the parking lot, permission to smoke and chew tobacco on campus, and that 80% of the state incentive funds be used for a class trip to Santa Clara.

Fresh off of demonstrating against federal cuts in student financial aid, which they claimed would prevent them from getting an education, UC students are boycotting classes to protest UC investments in corporations doing business in South Africa.

The *National Examiner* reports that Fort Worth, Texas is being terrorized by a giant earthworm that "swallows dogs, cats and other small animals." Everything is bigger in Texas.

And according to a radio station in Latvia, drunken tractor drivers have become a menace in this Soviet state, demolishing rural highway bridges and falling into ditches and ponds.

In England, a controversial bishop who has expressed doubts about the authenticity of the Bible (he calls it the "two so-called Testaments") has been kidnapped. The kidnappers sent a note to the police reading, "We have your so-called bishop. Prove he exists and you can have him back!" The police weren't ready for this. Inspector Hadrian (also known as "Hadrian of the Wall") commented, "we're not equipped for this sort of high-level argy-bargy."

The Archbishop of Canterbury intervened, sending the kidnappers 40 pages of text arguing the existence of the bishop, complete with photographs and personal belongings of the bishop. But the kidnappers replied, "Baloney! This wouldn't stand up in a court of law. You can do better than that. PS. Thanks for the underwear. The bishop is grateful."

On the next day police received an anonymous tip and surrounded a house where the kidnappers were believed to be holed up. Hadrian of the Wall then spoke in a loudspeaker:

"Come on out! We know you're in there."

After receiving no reply, he spoke again:

"At least we think you're in there. That is, all the available textual evidence points to the likelihood of your being there. The overwhelming probability is that you are in the house and we have you surrounded, in the very real sense of the word."

Then someone responded from the house:

"What do you mean by house? What do you mean by surrounded? You will have to define your terms before we condescend to start negotiations."

Inspector Hadrian then ordered his men to move in on the house. But all they found was a tape recorder repeating the message. "If you can't tell the difference between a tape recorder and a kidnap gang how will you know a bishop when you see one?"

John Schacht, in a recent letter to the *Guardian*, showed off his awesome skill at critiquing the positions of conservatives by calling conservatives "criminally-minded," "Neo-fascists," and "human scum." It may not be articulate, but it's a lot easier than rational argument.

President Saddam Hussein of Iraq has decorated a 38 year old soldier for so far donating 770 pints of blood and one of his kidneys during Iraq's war with Iran.

Last month the state owned telephone company of Israel cut off the home and office lines of its managing director, chief manager and department heads because they were overdue in paying their bills due to a mistake.

Presidential quote of the decade: "I have only one thing to say to the tax raisers. Go ahead, make my day." — Ronald Reagan, 1985.

In Swaziland, a Swazi Member of Parliament has stated that anyone found possessing human flesh or bones without "reasonable cause" should be hanged. For some reason the Swazi MP believes that human sacrifices are hurting Swaziland's reputation.

A New York man has filed a \$20 million suit against the estate of the late Mrs. Mildred Walker, who landed on him after making a suicide leap out of her 19th floor apartment. The suit charges Mrs. Walker with jumping "without regard for human safety."



The disco champion of Dar es-Salaam, Mwamvita Francis Bwahama, aged 14, committed suicide after a family argument about her devotion to break-dancing.

And Break-dancing claimed its first victim in Indonesia when a 15 year old died after practicing his head spin.

The Inner London Education Authority has asked libraries not to carry copies of *Tom Sawyer* because it is "racist," nor copies of *Robinson Crusoe* because it is "racist, sexist and imperialist."

The chief of the West German armed forces, General Wolfgang Altenburg, has defended a policy of giving troops weekends off saying he has ruled out the possibility of a weekend attack by the Soviets. Altenburg assures, "I already know on Thursday if there is going to be a war at the weekend."

Communist China has crossed the point of no return. It has issued its first credit cards, valid at about 20 stores, to be used by about 400 customers in the Zhuhai free-enterprise zone in southern Guangdong Province.

Saudi Arabia's *Saudi Gazette* has issued a warning to its readers telling them that the word "Allah" and verses from the Koran are likely to be found in its pages. The *Gazette* editors say, "We caution you against trampling on them, packing your things with them or using them as a dine-spread at home, so as to be thrown finally into the garbage bins. You must avoid committing this sin."

In accordance with university regulations and to demonstrate the equal distribution of the AS Media Budget we acknowledge that *California Review* (UCSD's only conservative publication) has been allocated \$864 from the ASUCSD Alternative Media Budget (2% of the budget for print media). This compares with the following allocations to Leftist publications:

<i>People's Voice</i>	\$3,186.00
<i>La Voz Fronteriza</i>	\$5,304.00
new indicator	\$12,195.31
Total	\$20,685.31
	(56% of the budget)

I'll have an omelete and a side order of collectivism.

The Che Cafe

By P. Joseph Moons

Breakfast at the Che Cafe was an adventure in and of itself. Initially, I was apprehensive about even going near it. For those of you unfamiliar with the cafe, it is located on the south end of the beautiful UCSD campus, next door to the offices of the *UCSD Guardian*.

From rumors, I had heard that the cafe was a hotbed of political activism and that this was supposed to be reflected in the atmosphere. Prior to entering, I had expected the walls would be black and there would be incense lamps burning on the tables. This was not the case. The tiled floor and wood covered walls provide for a pleasant atmosphere. There is even a piano and numerous large paintings by Ann Chamberlain.

Upon asking where the cafe derives its name from, I learned the reason for the many posters and other paintings of Ernesto "Che" Guevara, a Bolivian radical who contributed to the Cuban Revolution.

As for the food at the Che Cafe, it is definitely worth the money. For my breakfast, I had the Aztlan, a two egg omelete that was delicious. It had cheddar cheese and long, green chiles. On the side was "home-made salsa," which was equally good. The plate also contained sprouts, which I had never had before. Sprouts are not bad, that is, if you like eating grass. I wonder if they are



not the obligatory health food at the cafe. The red salsa and egg combination was spicy, especially after I doused it with Tabasco sauce from the economy size bottle.

The plate was \$2.35 and a small glass of orange juice was 45¢. A complete breakfast for under \$3.00. It is a regular commuter student bargain. Breakfasts range in price from \$1.35 to \$2.45. In some omeletes, tofu is substituted for eggs. I have never had tofu either, but it does not sound like something one is supposed to eat for breakfast. The cafe also serves sandwiches costing between \$1.50 and \$2.30, and salads filled with healthy things priced from 90¢ to \$2.40.

The philosophy of running the Che Cafe revolves around the ideas of Ernesto Guevara. As described to me by one of the workers, Che Guevara proscribed to the idea that a government, organization or even a cafe can be run on the basis that there is no set hierarchy. In the case of the cafe, there is no manager; everything is run equally.

Any profits after expenses are reinvested into the organization, but the worker told me that they sometimes have difficulties paying the employees. The walls and literature table are adorned with leftist proclivities. These include flyers promoting "African Liberation Day" and U.S. disinvestment in the Republic of South Africa. Other literature includes holistic living and mental health magazines. These are in line with the healthy food served at the cafe. But if you can stomach the atmosphere, you will enjoy the food.

P. Joseph Moons is a sophomore at UCSD.



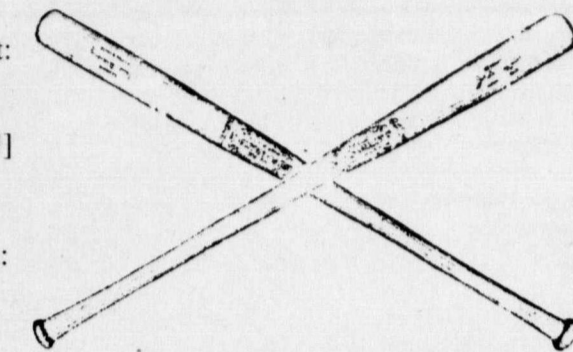
George Will's Statements on the 1985 Baseball Season

Winner of the National League West:

The Atlanta Braves
(Oh, come on, George!)

Winner of the National League East:

The Chicago Cubs



Winner of the American League West:

The Kansas City Royals

Winner of the American League East:

The Baltimore Orioles

The Orioles will beat the Cubs in the World Series in six games.

George F. Will is CR's sports editor.

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In The Shadow of Vietnam: The Legacy of Cambodia

By C.G. Alario

Cambodia lies on the threshold of oblivion. It is a country that the civilized world has forgotten. For the past ten years, the Cambodian people have known nothing except war, destruction, and death. They are the victims of an attempted genocide, committed by their own leaders — the ruthless Khmer Rouge. The outlook for the future remains discouraging, almost intimidating for Cambodia. The country exemplifies the consequences of the American withdrawal, followed by the communist victory in Indochina; condemning Indochina to Vietnamese domination and brutal repression. The Cambodian people's suffering endures.

SHORT HISTORY: 1975-79

The fall of Saigon on April 30, 1975 ended twenty-one years of South Vietnamese resistance to communist aggression from the North. In Soviet tanks, North Vietnamese troops, not the so-called indigenous Vietcong, rolled into the streets of Saigon. The war in Vietnam had ended; however, the killing continued. Those who could fled the country. Those who remained were damned to experience the barbarism of the North's revenge. A dark cloud was cast over the skys of Indochina.

On April 17, almost two weeks prior to the fall of Saigon, Cambodia fell to the communist Khmer Rouge. Preceding the Khmer Rouge victory over the non-communist Lon Nol government, 7 million lived in Cambodia. Wasting little time, the new leaders embarked down the road of modern-day genocide. Within three years, more than two million Cambodians were slaughtered at the hands of the Khmer Rouge.

Under the leadership of Khieu Samphan and the infamous Pol Pot, the Khmer Rouge was fanatically committed to the construction of a total revolutionary state. The first order of business involved the eradication of the traditional beliefs and institutions responsible for shaping and guiding Cambodian society. More than 4 million Cambodians were evacuated from the cities in order to build new villages, the foundation for the revolutionary society. The Khmer Rouge was inspired by the agrarian communism of Mao Tse-tung's China, particularly Mao's abortive Great Leap Forward of 1958-1959 and his Great Proletarian Cultural Revolution of 1966-1969. Those who resisted were taken out to the rice fields and killed. In addition, the Khmer Rouge systematically sought out and eliminated the non-communist intelligentsia.

In late December, 1978, Vietnamese troops invaded Cambodia. Vietnam invaded not to "liberate" the Cambodian people from the horrors of genocide, but rather to subjugate them under their own severe system of repression. The conflict pitted competing communist factions against one another. Vietnam supported by the Soviet Union, the Khmer Rouge by China. By the end of January, 1979, the Vietnamese army had captured Phnom Penh, the capital of Cambodia. As the Khmer Rouge retreated to the familiar countryside, Hanoi promptly installed the Heng Samarin puppet regime. In less than four years, the Khmer Rouge had been driven from power. Cambodia was now an occupied country with an estimated 180,000 Vietnamese troops.

WHY DID VIETNAM INVADE?

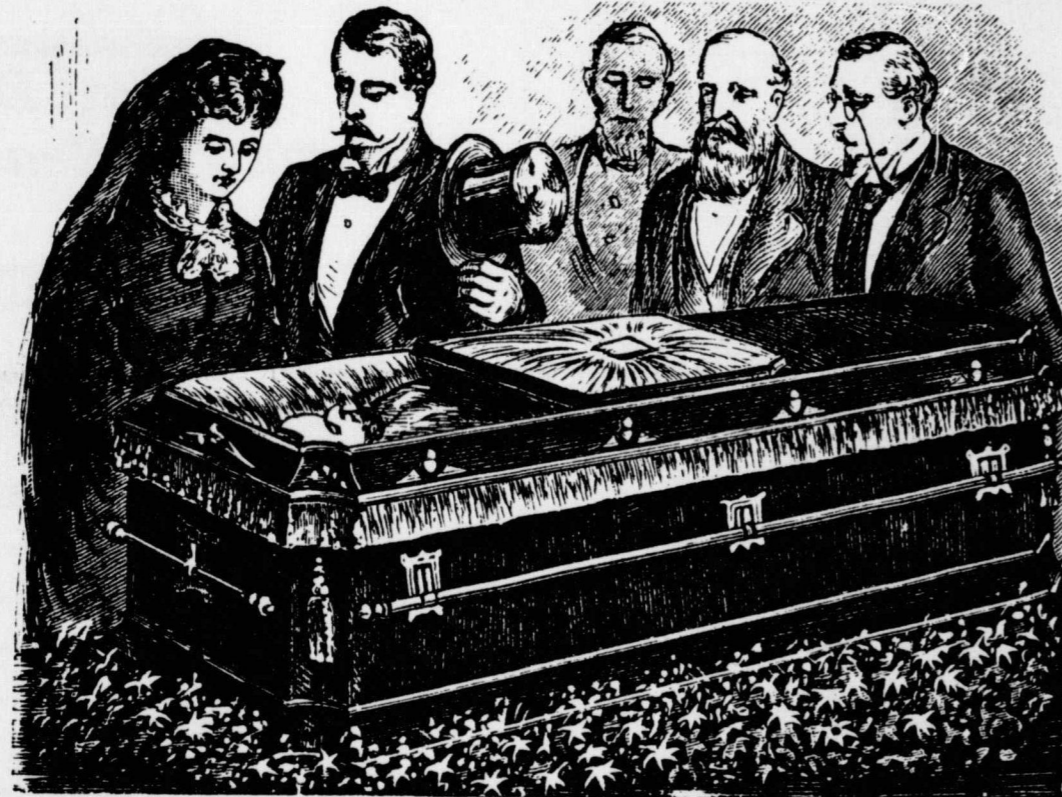
There are various explanations surrounding Vietnam's invasion of Cambodia. Many in the West rushed to endorse the explanations provided by the Vietnamese communist leaders. Hanoi insisted that it had invaded Cambodia with the intent to "liberate" the Cambodian peasants from the clutches of Pol Pot's genocidal extermination program and to eliminate the threat from China. These explanations are more than just self-serving; they are false.

Hanoi's leaders have never been concerned for the plight of their own people, let alone the Cambodian people. When most of the killing was transpiring, Hanoi showed not the slightest concern for the fate of the Cambodian people. Only when Hanoi realized Pol Pot would not succumb to its demands concerning their common border, a controversial issue since 1975, did Hanoi start to raise the issue of the Khmer Rouge's domestic horror.

The "Chinese threat" did not cause the invasion of Cambodia, rather it was a consequence of the invasion. Only after Vietnam began to persecute and drive out its ethnic Chinese minority in early 1978, did China exhibit public signs of hostility towards Vietnam. It was Vietnam who instigated the advent of China's hostility.

In addition, Vietnam accepted the authority of the Soviet Union as the leader of the Socialist camp, undercutting Chinese influence in Indochina. China did attack Vietnam in February, 1979, but it came after Vietnam launched a full-scale invasion of Cambodia. In effect, Vietnam bit off more than it could chew, underestimating Chinese resolve against a Vietnam dominated Indochina.

From a historical perspective, Hanoi is expressing the traditional expansionist nature of the Vietnamese. Over several centuries, Vietnam has expanded geographically, by military conquest and by cultural dissolution of neighbors. In Central Vietnam, the Cham civilization, a Moslem culture, once existed until it was completely annihilated by the Vietnamese in the seventeenth century. In South Vietnam, what is now the Mekong Delta, was once part of Cambodia until the region was conquered and annexed by Vietnam in the eighteenth century. During the first part of the nineteenth century, the remains of the once great Khmer empire in present-day Cambodia were caught in the middle of an expansionist struggle between the Thais and the Vietnamese. If it was not for the intervention of French Colonialists, the Khmer empire, the descendants of the predominant ethnic group in Cambodia today, may have perished long ago.



The only viable explanation for Hanoi's invasion of Cambodia is the Vietnamese communists inherently expansionist nature, rooted in historical tradition and communist revolutionary ideology. Their desire for an Indochinese federation, dominated by Vietnam, is what caused them to invade Cambodia. Considering the high economic and diplomatic costs that Vietnam has to bear for its occupation of Cambodia, it is clear that Hanoi has staked a claim to the political future of Cambodia.

THE CAMBODIAN RESISTANCE

The rising popular resentment towards Vietnamese occupation fueled the formation of the Cambodian resistance. The resistance is formally structured in a tripartite political entity called the Coalition Government of Democratic Kampuchea (CGDK), whose president is Prince Norodom Sihanouk. The coalition includes the Khmer Rouge and two anti-communist groups.

The Khmer Rouge is by far the most powerful element of the resistance. Its troops number an estimated 35,000. The Khmer Rouge is well supplied with weapons by China. However, one problem that haunts the Khmer Rouge is their past political record. The Cambodian people fear a return to the revolutionary terror and slaughter committed by the Khmer Rouge during their reign of power from 1975-1978. To alleviate these fears, the Khmer Rouge has taken steps to emphasize nationalistic themes, such as the survival of the Cambodian race and culture, rather than tainted revolutionary ones. Are these changes only temporary? No one knows for sure and at the moment the Khmer Rouge remains a dominant player in Cambodia's life or death struggle.

The second largest group within the coalition is the Khmer People's National Liberation Front (KPNLF). Son Sann, former prime minister under Prince Sihanouk, leads the broadly based nationalist movement. The KPNLF is a fusion of several smaller groups who fought against the Khmer Rouge in late 1975 and early 1976. The KPNLF now numbers 16,000 soldiers with weapons and several thousand more who have been trained, but have not received weapons. The KPNLF military aid comes from China and the Association of Southeast Asian Nations (ASEAN). Western democracies, including the United States, provide only humanitarian aid.

The third and smallest group of the resistance is the organization of Prince Norodom Sihanouk. The organization was created in Pyongyang, North Korea. In 1981, it established itself in Western Cambodia. There are roughly 9000 men with weapons for Sihanoukist forces. As with the KPNLF, the Western democracies provide only humanitarian aid for Sihanoukist organization.

The United Nations' General Assembly has recognized CGDK as the legitimate government of Cambodia at the urging of ASEAN. Admittedly there are differences between the various resistance camps; however, they are united under the common goal to drive the

Vietnamese out of Cambodia. It is also true that the resistance suffered a major setback during the Vietnamese sixth dry-season offensive, which began in mid-November, 1984. In a matter of several months, the Vietnamese army overran all major resistance bases along the Cambodian-Thai border, forcing rebels to flee into Thailand and the Cambodian interior. Presently, the resistance does not have the military means to drive the Vietnamese out of Cambodia, however, they can make Vietnam's occupation considerably burdensome. The major advantage attributed to the Cambodian resistance groups is that they are fighting for the survival of their country, unlike the Vietnamese who are fighting to occupy a foreign land.

C.G. Alario is a senior at UCSD.

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The Sanctuary Movement and the Law

By C. Brandon Crocker

A majority of the few students who voted in the recent student elections, came out in favor of UCSD becoming involved in the sanctuary movement. The sanctuary movement gives shelter to and, in some cases, actually engages in the smuggling of illegal immigrants from Central America into the United States. U.S. immigration officials have determined that these immigrants have not shown they would face persecution by the government of their home country if they returned and are, therefore, not eligible for political asylum. The people involved in the sanctuary movement say that they have a "moral commitment" to help these immigrants stay in the United States. And the majority of voting students at UCSD assert that following this "moral commitment" justifies breaking U.S. law. What these UCSD students have shown, however, is hypocrisy and extreme arrogance.

UCSD students supporting the sanctuary movement argue that when a person's sincere moral convictions come in conflict with the law, a person is perfectly justified in breaking the law. But do they really believe this? Do they believe the "moral commitments" of abortion clinic bombers justify their illegal activity? Or what about the University police? Should they not be subjected to law but rather be free to search student dorms and throw students in jail in accordance to what each policeman's "moral commitments" dictate? No, sanctuary supporters don't believe this. What they are really espousing is that laws should be broken when, and only when, they disapprove of them on their moral grounds. In other words, the UCSD students who voted in support of the sanctuary movement implicitly believe that they (and only they) should be above the law.

Student supporters of the sanctuary movement aren't demonstrating their "conscientiousness," as they claim, but arrogance. A person who rejects the democratic process, proclaiming instead that only he is the proper judge of what the laws should be and how the laws should be interpreted, is certainly arrogant. Those students who voted in favor of UCSD becoming a part of the sanctuary movement, knowingly or not, made this proclamation.

If this argument of the sanctuary supporters became government policy, the result would be either dictatorship or anarchy; no one would have secure rights. There



cannot be any legal recourse in a society in which law is superseded by personal moral convictions. How can there be any legal recourse when laws have no sanction? Without a legal system to resolve disputes violence would probably be the primary replacement. No one who believes that people should be free from arbitrary or capricious power can seriously profess that personal moral codes should ever overrule duly enacted laws in a democratic society which is bound by constitutional provisions that protect the rights of minorities.

The rule of law is essential for peaceful civil society. But the rule of law depends on peoples' respect for the laws. Such respect for laws has been rare in human society, with the result being that throughout history most of the people of the world have been ruled by force of arms — not law. Supporters of the sanctuary movement have questioned the legitimacy of rule of law; it is doubtful they have given much serious thought to the desirability of the alternative.
C. Brandon Crocker is a senior at UCSD.

In Praise of Cambridge

By Michael Johns

Europe is changing. For the most part, the things which make Europe worth the visit are all, in some capacity, historically-oriented. All that is good is what was. Modern Europe is decadent, protest-oriented, and poverty-stricken.

London's Soho district, once the home of Karl Marx, is now the home for another type of debris — pornography shops and seedy nightclubs. The statue of Eros in London's Piccadilly Circus is cluttered by foul-mouthed and repulsive youth with "punk" haircuts. And Trafalgar Square, the famed home of the National Gallery and St. Martin's (an 18th Century church), is now a favorite rallying point for left-wing protest marches which occur almost every weekend and frequently result in violence. For the tourist, it is all a symbol that the present, with its

few virtues spare technology and industrial advances, is inescapable.

Cambridge University, however, may be the exception. At Cambridge, there is a certain joy in doing things the way they have always been done. There are no protests or punk haircuts here. Students live "in hall" (a slang word for the Cambridge dorms) and follow many of the school's traditions such as afternoon tea, punting (boating) on the river Cam, and eating at the "High Table," (an opportunity to dress for dinner and dine with the faculty).

The Cambridge classes, too, are remarkably traditional. The classes, since before the days when Charles Darwin attended, have never been large. English education emphasizes a very low student faculty ratio. Cam-

bridge is organized as a society for the study of all arts and sciences. It maintains particularly high standards in all fields of study; but particularly science and mathematics.

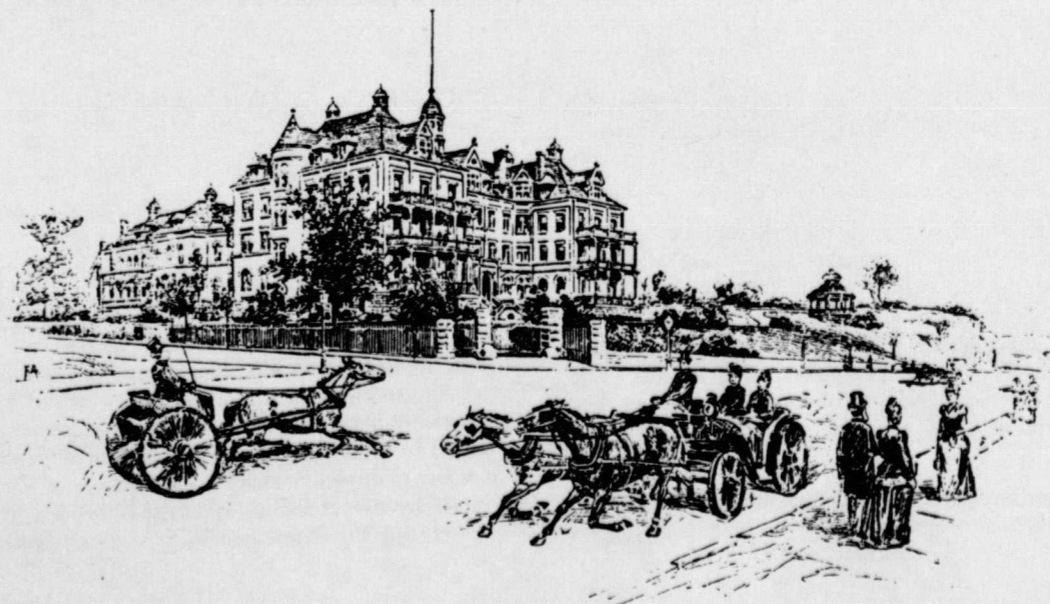
The greens, which are kept well gardened, are to be walked on by the university fellows only. And the buildings reflect 14th and 15th century English architecture at its very best. The university is divided into many separate colleges; each with its own academic speciality and its own sense of school spirit.

There is a desire here to relish in the past; not to reject it. Indeed, while it is generally accepted that Cambridge was founded after Oxford, many attempts have been made by Cambridge students to prove that Cambridge is actually older. Hugh de Balsham, the Bishop of Ely, established the first Cambridge college in 1284. Cambridge now consists of twenty-one colleges. The most modern, Selwyn College, is more than a hundred years old.

England once stood tall abroad with one of the largest and most powerful empires the world had ever seen. Those days are gone. Today, the country is plagued by the deterioration of most of that empire, continuing terrorism throughout the country, and economic failure at home highlighted by the disaster of government ownership and operation of the Bank of England, the coal mines, the iron and steel industry, and public utilities.

"Reform" has not been the answer for England. Rather, the country could do worse than try to hold on to the few remaining traditions and establishments which once made it the empire on which "the sun never set." Surely, Cambridge is no less than a bivouac in a continuing crisis.

Michael Johns is the founding editor of the Miami Tribune, a conservative student newspaper at the University of Miami, and CR's Miami Praefectus. He spent the past summer studying at Cambridge University and traveling in England and France.



California Review Interviews

Dr. George Stigler is one of the most highly respected economists in the country and was awarded the Nobel Prize for economics in 1982. He received his B.B.A. from the University of Washington, his M.B.A. from Northwestern University, and in 1938 he received his Ph.D. from the University of Chicago. Dr. Stigler has taught at the University of Minnesota, Brown University, and Columbia. He is currently Walgreen Professor of American Institutions at the University of Chicago. In 1977-78, Dr. Stigler served as president of the Mt. Pelerin Society, and was a director of the Chicago Board of Trade from 1980 to 1983. He is currently editor of the Journal of Political Economy and director of the Center for the Study of the Economy and the State. Dr. Stigler is the author of several books including The Organization of Industry, (with J.K. Kindahl, 1968), The Citizen and the State, (1975), and The Economist as Preacher, (1982). He has also authored numerous articles appearing in such publications as the Journal of Law and Economics. Recently Dr. Stigler took time to chat with CR's C. Brandon Crocker.

CR: Do you think it is possible for us to grow out of our current budget deficit?

STIGLER: Well, I think if you waited long enough the constraint of the expansion of the budget, which has been stronger than any attempt at reducing it, will tell and the growth in the economy would eventually make it a balanced budget. But that depends on how fast the economy grows and how strong this recession is. It's not been that tough, you know, up to now. If you get most of what Stockman wants, you'd maybe be in a deficit for four or five years.

CR: Would you favor any type of tax increase for the purpose of reducing the deficit?

STIGLER: Well, the answer is you fight to the last tooth to get a reduction in these absurd programs which are costing a lot of money and not doing the country a whole lot of good, even though they may be benefiting some select group. I don't know what day you give up on that and say, "Well, I guess we're stuck on this and the society isn't ready to face that choice." In that case, you'll have to have some increase in taxation. You see, that's a political judgment. I don't think we economists are super good at making political predictions.

CR: Would a quick drop in the value of the dollar be desirable for the economy as a whole?

STIGLER: I have some doubts about that. I'm not a foreign trade specialist, but I think there's been an exaggeration in the lethargy of the overvaluation of the dollar. And if foreign countries want, for a substantial period of time, to lend us money to live well, I for one don't feel violently opposed to that act of benevolence. I've always enjoyed care packages.

CR: Are you worried about our huge trade deficits?

STIGLER: Not as much as I should be, probably. I have to save my worries for things I know a little more about.

CR: What are your views on protectionism?

STIGLER: So traditional that they aren't interesting. Any economist who isn't in favor of protectionism should be tarred and feathered.

CR: Then you don't think it would bring serious backlashes?

STIGLER: Of course. And by the way, I think the main figures in the Administration probably share my views, but they just live in an environment that is a good deal more responsible than I live in. Professors can say things and nobody cares. If Reagan said something like that, he would alienate power groups that he might think useful in the continuation of his Administration.

“If foreign countries want to lend us money to live well, I for one don't feel violently opposed to that act of benevolence. I've always enjoyed care packages.”

CR: Well, do you think a rise in tariffs or trade barriers would result in much retaliation?

STIGLER: In some ways, the answer is probably not. They are already so protective on agricultural products that it's hard to think of them getting more outrageous in Japan and some countries in Europe. On the other hand, in certain manufacturing areas, maybe so.

CR: Do you think it is good policy for the federal government to bail out farmers?

STIGLER: The answer is I don't think it's good policy for the federal government to bail anybody out. It may be a good political decision for some groups. In this case, they are feeling the crunch in the credit markets because they bought a lot of land in our part of the world for \$4,000 an acre, put mortgages on it, and its now worth \$2,000 an acre. So their future is bleak. Well, that sort of land speculation shouldn't elicit sympathy from the rest of the country.

CR: Are you in favor of any of the simplified tax plans currently being debated in Washington?

STIGLER: I think so. I think the Treasury's proposal is a great improvement on the status quo. Some of the flat rate taxes go a bit farther; they will slightly reduce the degree of progression in the system. That would cause me to complain against it. But the basic argument is over whether these 10,000 special favors in the tax code should be removed, and that, of course, includes professors as well as everybody else.

CR: Is there any particular aspect of the plan that makes you favor it?

STIGLER: There are some things that sound essential to me. For example, indexing capital gains. Indexing capital gains would mean if you bought a house for \$100,000 and the price went up to \$200,000 because the price level doubled, you wouldn't be taxed for any capital gain at all. That seems to me highly equitable. On the other side, not doing it puts a premium on irresponsible practices by the federal government. They can increase their tax revenue by being incompetent in managing their affairs.

CR: Do you think a sub-minimum wage for teenagers would significantly reduce youth unemployment?

STIGLER: Yes. I don't know the current status, but there have been several studies on the minimum wage which have been universal in finding strong adverse effects on teenagers and especially minority teenagers in large cities. These minimum wage laws after a while get eroded away by inflation. So even if you didn't do anything, after awhile they would disappear. But I, of course, would be in favor of abolishing all minimum wage laws, not just those for teenagers.

CR: What do you think about the concept of "comparable worth" pay scales?

STIGLER: If I were a woman I might think more fondly of them. But I think they pose quite impossible problems of sensibly trying to determine the relative value of duties in several different jobs. The market does it now by supply and demand; these people would do it by making time-motion studies and other things and I think that's a hopelessly impossible, and probably litigation laden step that we shouldn't even dream of taking.

“A couple of years ago, one of my lawyer friends told me that one anti-trust suit was costing the defendants at least a million dollars a month. So they're kind of costly.”

CR: Is American industry over-regulated, on the whole?

STIGLER: On the whole and the parts.

CR: Do you know how much we're spending on regulations right now?

STIGLER: No. The figures, of course, are always going to be dubious. For example, if you take the anti-trust field of regulation, the amount of money spent by the government is modest — maybe 50 to 100 million a year. The amount spent by defendants in anti-trust cases is many multiples of that. Even a couple of years ago, one of my lawyer friends told me that one anti-trust suit was costing the defendants at least a million dollars a

month. So they're kind of costly. Don't just look at the public expenditures.

CR: Do you think the recent problems with Ohio savings and loans shows the need for more federal regulation of thrift institutions?

STIGLER: I don't know. As I understand it, almost all the problems stemmed from the fact that they did not insist that the securities they owned be held in a reliable custodial institution. So fraud and double-dealing and less than arm's length transactions by the securities companies allowed large scale losses and even embezzlements. Remember we're not dealing here with widows and orphans, we're dealing with bankers. I wouldn't mind seeing a few of these bankers cleaned out. These bankers are supposed to be careful, whether they're dealing with a local securities company or a South American company.

“Professors can say things and nobody cares.”

CR: Do you think cash flows have been high enough during the recovery to allow businesses to expand without borrowing much and putting upward pressure on interest rates?

STIGLER: I don't know. It would be different across industries. I have no objection to them borrowing anyway, so I don't think that's important.

CR: Do you think the recovery has been a supply side recovery or a demand side recovery?

George Stigler

STIGLER: I wouldn't know how to separate it. The ancient remark of Alfred Marshall that supply and demand are two blades of a scissors and it's hard to say which of the two is doing the cutting, holds here. But you're asking the utterly tradition macroeconomic, public regulation questions. The macroeconomic questions have wide interest to people, but they don't have great professional interest to me. You ought to focus in more on the things I'm presumably more specialized in, specifically the theory of public regulation and stuff like that.

CR: Well, what do you think about the recent take-overs, or attempted take-overs in the communications field?

STIGLER: They're no different in that field than they are in Unocal and Uniroyal and other cases. I have mixed feelings. I don't mind seeing a bureaucrat like Hartley of Unocal get the shaking up of his life, but I really don't see how you make more money out of loading a company with senior debt and making it extremely vulnerable to business recessions. The way you make an enterprise more efficient is not primarily by changing its capital structure from equity to debt but by rearranging its functions or giving it more competent managers. While I think take-overs are generally a good method of disciplining the corporation and giving incentives to get new men, and the like, on the other hand I have some misgivings that these so-called "junk debt" instruments are of any real importance to the society in any way.

CR: Do you think the break-up of AT&T was a good move?

STIGLER: I don't think it was a bad move. The short-run effects are somewhat partly disturbing because you had to find new ways of doing business. But in the long run I think it has powerful pro-competitive effects. One is that the big, strong regional telephone companies are going to be opened up to a lot of potential competition. Another thing is that companies such as MCI will become a significant factor, so Ma Bell's days of acting

basically without regard for competition are approaching an end. I don't think those are bad long run achievements.

CR: Do you think deregulation of the airline industry has done more harm than good?

“The way you make an enterprise more efficient is not primarily by changing its capital structure from equity to debt, but by rearranging its functions or giving it more competent managers.”

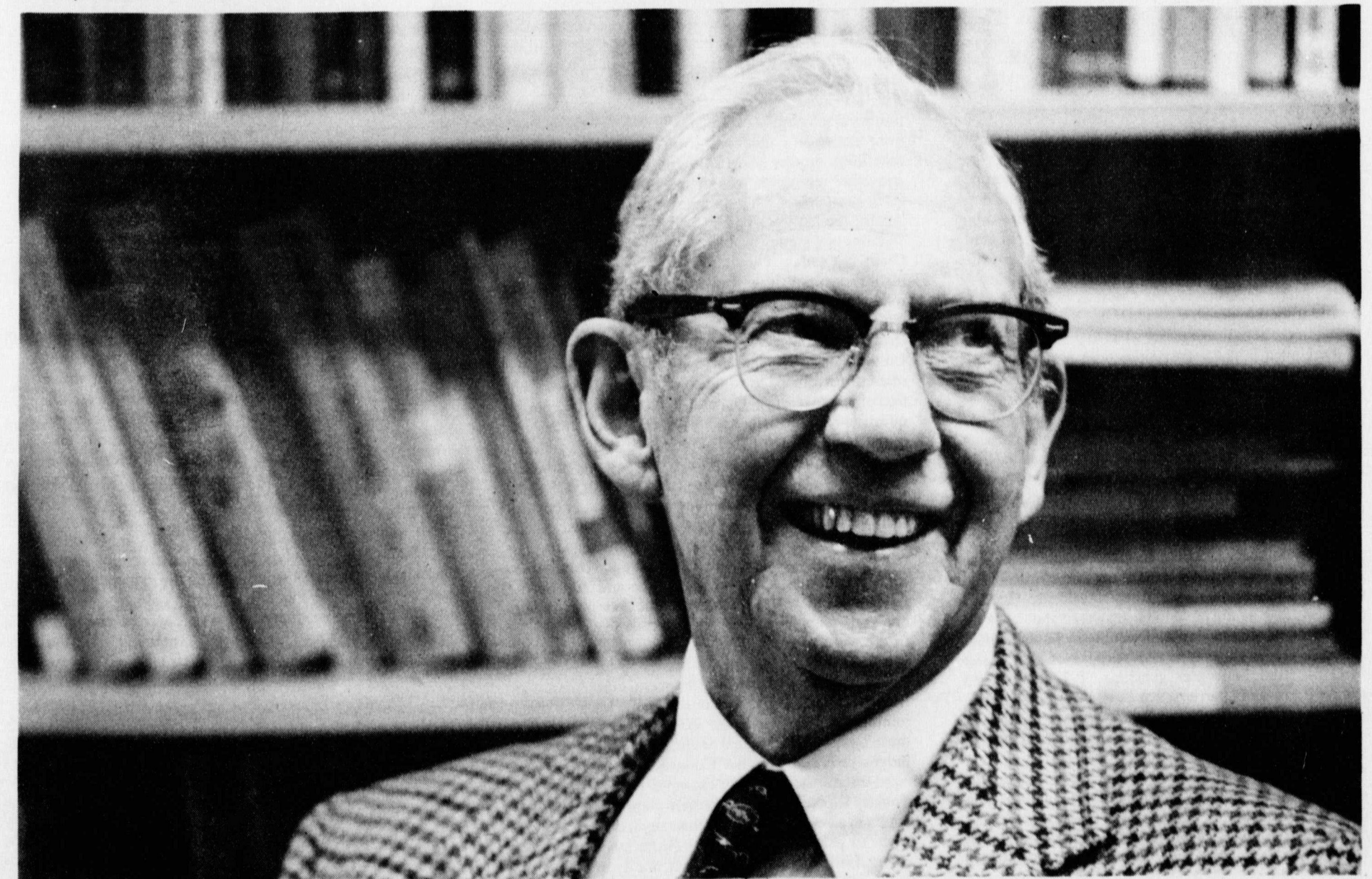
STIGLER: No, I don't think so. On the whole, I think it has led to a more efficient industry. I'm willing to let them fight and struggle. It's got all the makings of a perfectly good competitive industry.

CR: I suppose you don't have any objections to the deregulation of oil either.

STIGLER: Yes, I supported that. In fact, I think that was one of the few clear cases of deregulation that we owe to Mr. Reagan.

CR: Well, thank you for your time Dr. Stigler.

STIGLER: Alright.



Central America and the World Court

By Charles E. Purdy IV

The Ortega brothers and their Marxist-Leninist associates have pulled off a public relations coup: They have filed a formal complaint with the so-called World Court challenging the United States' anti-Sandinista policies. And, because the United States has decided, albeit quite properly, not to present the merits of its case, the masses of the world have supposedly been given reason to condemn the United States as an international outlaw. Put another way, an element of the communist bloc has once again demonstrated its keen ability to prey upon the international mechanism of collective hallucination.

The national news media have, of course, contributed to the plethora of misinformation now circulating on this important and complex issue. In short, the liberal press has quite simply ignored important principles of jurisprudence as well as common sense and has instead engaged in the type of diatribe hoped for by the Sandinistas: The President has been analogized to the Ayatollah; the Administration has been accused of "hiding behind technicalities" and "confess(ing) that we have no proper defense;" the United States has been reclassified as an "outlaw" nation. The media have not even made clear that several nations, among them some of our closest allies, have shunned the World Court on several occasions.

The first point: The propriety of the Reagan Administration's withdrawal from the jurisdiction of the World Court cannot be grounded on the fact that the World Court has no effective enforcement powers. The United States Supreme Court often times adjudicates controversies that it has no real power to enforce. Recall the reaction of President Andrew Jackson when he learned of the Supreme Court's ruling that certain Indian tribes in Georgia could not, contrary to President Jackson's understanding, be removed by state officials. He said: "John Marshall has made his decision. Now let him enforce it." Yet, with the exception of the Georgia Indian case, which both federal and state officials refused to enforce, the U.S. Supreme Court's decisions have over the years been enforced. This has been so despite the fact that the justices have zero control over anything like the National Guard or the Marines or the 82nd Airborne Division and in fact have direct control over only a small security force. So, it is correct to say that such is certainly not a function of having the power to, for example, send federal marshals into the White House to seize something like tape recordings or send in the National Guard to free up the nation's steel mills from Presidential control. Rather, such is strictly a function of the commanding degree of respect that the Supreme Court receives. Thus, the fact that the World Court has no effective enforcement tools is not good reason to ignore it.

The reason the World Court should not decide who's right and who's wrong in Central America is because the World Court, like any other court, is simply not competent to do so. The complaint filed by the Sandinistas does not request the World Court to determine certain fishing rights or settle a boundary dispute or the like. Instead, the Sandinistas want the Court basically to pass upon the propriety of Marxist-Leninist organizational theory at work. More specifically, the Court is being asked to decide if the Sandinistas' conduct has been sufficiently damaging to regional stability so as to justify the efforts of the United States to assist in actions directed against the rulers in Managua. As a corollary matter, the World Court would probably have to delve into the issue of whether the Sandinistas' game plan is so damaged and infringed upon the liberty of the Nicaraguan people such that the ostensible government is, in theory, no longer the legitimate government and, therefore, subject to removal by the people pursuant to their exercise of the right to revolution that is vested in all similar peoples.

These are tough questions. To respond with any degree of seriousness to the first inquiry, the World Court would need to evaluate and understand a large quantity of complex evidence. Specific questions that would have to be answered shed light on the nature of this evidence. Examples would include: What is the exact nature and purpose of the Soviet MiG-24 Hind helicopter gunships, T-72 tanks, and armored personnel carriers that have been delivered in great quantity to the Sandinistas? Why is an airfield capable of servicing modern supersonic tactical and fighter aircraft being constructed at Puerto Cabezas, Nicaragua's nearest point to Cuba? Why are the Sandinistas, according to their ambassador to Spain, Orlando Castillo, intent upon obtaining MiG fighters? Why are the Bulgarians hard at work converting the port at El Bluff into a deep water port? How is it that over eighty

percent of the AR-15 assault rifles seized from captured or dead guerrillas in El Salvador have serial numbers indicating that they were deployed by the United States in Vietnam and then captured by the Soviets? Why is it that much of the ammunition seized from Salvadoran guerrillas was manufactured at Ammunition Factory No. 10 in Bulgaria? The list goes on.

On the other side of the coin, the World Court, insofar as the first inquiry is concerned, would need to examine evidence of United States' involvement. Again, examples: What was the purpose and specific nature of the program known as La Tripartita, which involved CIA funds, Argentine trainers, Honduran territory and eager Nicaraguans willing to give their lives for freedom? Do the great majority of FDN, ARDE, and Miskito Indian rebel recruits join the fight as a matter of free choice or are they coerced?



To even begin to pass upon the second question, the World Court would need to consider testimony from not only the Ortegas and their buddies but also from a variety of other interested and informed persons. As might be expected, the list of necessary witnesses is long: At least a few of the more than 1,400 political prisoners reported by the Nicaraguan Human Rights Commission to be jailed in Nicaragua; Pedro Joaquín Chamorro, the editor of *La Prensa* who has left the country because of strict censorship and travel restrictions; Arturo Cruz and Virgilio Godaz, who withdrew their respective opposition parties from the campaigns for the November election; Steadman Fagoth and Brooklyn Rivera, who lead rebellious groups of Miskito Indians; Adolfo Calero and other representatives of the FDN; and, of course, Eden Pastora and other members of his guerrilla group. Again, the list goes on.

This competency problem is not unique to the World Court but rather a limitation that plagues all judicial institutions; that is, institutions that hear evidence and render decisions in an adversarial context and at least purport to consist of persons who are basically disinterested bystanders. For example, federal courts in the United States as well as the courts of other nations have often times refused to adjudicate cases simply as a function of incompetence. Generally speaking, if the court in question opts for deference it typically does so because of the applicability of the "political question" doctrine. (Sometimes the court will rely on the "act-of-state" doctrine, which basically prevents courts from passing upon the propriety of the public acts of another government. However, this doctrine is not founded on the problem of competence but rather the principle of comity; that is, even though a court may have the competence to deal with the issue presented, it should not because prudent public policy dictates that the nation speak with one voice, namely, that of the Executive Branch or that of the Crown. Thus, the "act-of-state" doctrine is not germane to the discussion at hand.)

During the Vietnam War era several complaints were filed with various federal courts for the purpose of enjoining the President's war efforts. Although most of these cases demonstrate a willingness on behalf of the judges to decide whether Congress had in fact authorized the war effort by, for example, passing the Gulf of Tonkin Resolution or authorizing appropriations, the courts in all cases made clear that they lacked the competence to pass upon or even begin to evaluate the war effort itself. In *Orlando v. Laird*, for example, certain

Army enlistees who had received deployment orders that would take them to Vietnam sought to enjoin enforcement of the orders on the ground that the war was unconstitutional. Though the court held the war effort to be constitutional, it made clear that it was not affirming or denying the propriety of the war effort itself because such is strictly a function of "complex considerations of diplomacy, foreign policy and military strategy inappropriate to judicial inquiry." Similarly, in *Holtzman v. Schlesinger*, a federal court considered the question of whether the President had the constitutional authority to continue the bombing of North Vietnam after the withdrawal of American forces and in the absence of some type of Congressional authorization. The court refused to delve into the matter and made clear that the military tactics used by a President to wind down a war was a political question beyond the capacity of courts to judge.

The courts that decided *Orlando* and *Holtzman* realized that no court could competently adjudicate the propriety of the United States war effort in Indochina because such would require the examination of matters that judges simply cannot competently evaluate. Examples would include the composition and location of enemy forces, the nature of any foreign leadership of those forces, as well as the sources and types of weaponry being provided to the combatants. Although the *Orlando-Holtzman* line of cases and similar cases were decided by judges not functioning in an international capacity, these cases permit an analogy which demonstrates the incompetence of the World Court to properly deal with the Sandinistas' complaint: Both the United States federal courts and the World Court are courts; that is, they all at least supposedly consist of judges that are disinterested and, most important of all, completely uninformed as to the specifics of a war effort or similar conflict except to the extent that the parties present evidence. Put another way, just as the federal judges in this country know little about foreign policy interests and basic diplomacy, let alone the specifics of a given insurrection, the judges of the World Court know darn little of the etiology of the many ongoing guerrilla wars with international implications. Although the current World Court judges likely have an understanding of the UN Charter, the many grandiose Resolutions of the General Assembly and international law generally, such is not the equivalent of an understanding of the causes of and reasons for a given guerrilla war.

Of course, besides the World Court's inability to evaluate seriously the type of evidence described above there is the added problem of getting the evidence in the first place. Are the Sandinistas really going to provide evidence that substantiates the exact nature of the huge deployment of Soviet weaponry on their soil? Are the Ortegas really going to fess up to their past and present policies of crucial assistance to the armed minority in El Salvador?

Several commentators as well as Senator Moynihan have opined that Article 33 of the United Nations Charter obviates the "political question" problem. The argument is as follows: Article 33 states that the parties to any dispute likely to endanger international peace shall seek a solution by "negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement . . . or any

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Janus Meets His Match: The Genocide Treaty

By James D. Spounias

What appears to be sublime is often ignominious to the core. Such is the case with the Genocide Treaty.

The treaty endows the World Court with *final* jurisdiction to adjudicate cases of "genocide," which may be brought by nations or by individuals claiming to be victims of "genocide." The treaty nobly purports to mete out "world-justice" but in actuality it serves as a viable tool for legalizing Marxist aggressions and attendant propaganda. The treaty also poses a serious threat to the sovereignty of the United States and the Constitutional guarantees to U.S. citizens.

If the Genocide Treaty threatens the security of the United States, why would the honorable Senator Proxmire, an avid supporter of the treaty, deliver 2900 Senatorial speeches supporting the treaty during the years since 1967? Surely, the noble Senator and other Genocide Treaty advocates, including a few respectable conservatives, are not intending treason to the United States.

Because the Genocide Treaty was drafted following WWII as a dose of prevention for any more holocausts, the intentions of many treaty supporters are admirable. However, one must not allow the well intended, emotionally laden arguments on behalf of ratification to mask the ominous by-laws and articles found in the treaty's fine print.

The most peculiar aspect of the Genocide Treaty resides in the definition of what crimes are to be recognized as "genocide." According to the "Genocide Covenant," genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

In their "White Paper on the Genocide Convention," the self-proclaimed "Populist" Liberty Lobby attacked the treaty, alleging that the failure to include *political* murders in the treaty gives the Soviets and their ilk carte blanche for slaughter.

Liberty Lobby observed that under the "Genocide Treaty," "President Reagan could be accused of genocide because he has placed immigrant Cubans in detention camps, but Stalin could not have been convicted of genocide for the slaughter of more than twenty million anti-communist dissenters. The former is defined as 'genocide,' in the treaty; the other — a political crime — is exempt."

Senator Stephen Symms (R-Idaho) noted that the deletion of political murders from the Genocide Treaty "would excuse actual atrocities such as those taking place in Cambodia, Afghanistan and Uganda, and could only realistically be applied to situations in the free nations such as Israel, South Africa and the United States."

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other peaceful means of their own choice." (Emphasis added.) Thus, the argument goes, because the Central American mess is certainly a dispute threatening international peace and because Article 33 authorizes the "judicial settlement" of such disputes, the matter can be litigated before the World Court.

This argument misses the point. The competency problem discussed and exemplified herein is an inherent limitation on the capacity of courts. That is, this competency problem is a function of the way courts operate procedurally, the way evidence is presented in judicial forums, et cetera. Thus, because the roadblock is an inherent one, no enumeration of judicial authority can eliminate the basic problem.

As ironic as it may seem, the withdrawal of the United States from the jurisdiction of the World Court may in the long run save any legitimacy the World Court still has. As mentioned earlier, it is very important for a court without real enforcement powers to have respect if its decisions are to be carried out. And, if the World Court is, contrary to the wisdom of established jurisprudence, going to inject its will into nonjusticiable matters like the guerrilla conflict in Central America, then why not permit the guerrilla wars in Ethiopia, Cambodia, Angola,

According to Senator Symms, the murder of two million Cambodians by Pol Pot's Khmer Rouge, the execution of Afghan women, children and elderly, as well as the Ugandans murdered by the bloodthirsty Idi Amin would not be rendered punishable under the Genocide Treaty.

Senator Symms stated that "while Israel was an early signatory, it has thus far been protected by the U.S. refusal to ratify the treaty. Should U.S. ratification bring the Genocide Treaty to life, Israel's supporters would do well to note that, unlike the United Nations Security Council, the Genocide Treaty confers no veto power upon the United States in the World Court. The drumbeat of false accusations, which have been leveled against the state of Israel in the U.N., could easily be shifted to the World Court under the Genocide Treaty."

Another important aspect of the ill-constructed Genocide definition is the clause which states that "causing serious mental harm to members . . ." is a genocidal crime. How "mental harm" will be justly quantified by the World Court is left to conjecture. Senator Symms believes that the definition is "so broad that it would cover a zealous missionary trying to convert a small African sect to Christianity."

In 1969 *Time* magazine reported that the Black Panthers planned to go to the U.N. to charge genocide against the U.S. With such dubious groups as the Black Panthers already vying for genocide charges against the U.S., it certainly would not be long, if we ratify the treaty, before the proverbial prankster would be whisked away to the World Court for inflicting mental harm on an individual or group due to the telling of ethnic jokes.



Before he became Secretary of State under President Eisenhower, John Foster Dulles declared: "The treaty making power is an extraordinary power liable to abuse. Treaties make international law and they

also make domestic law. Under our Constitution treaties become the supreme law of the land. They are indeed more supreme than ordinary laws, for congressional laws are invalid if they do not conform to the Constitution, whereas treaty laws can override the Constitution. Treaties, for example, can take powers away from the state and give them to the federal government, or to some international body and they can cut across the rights given the people by the Constitutional Bill of Rights."

Professor Grover Rees III, who teaches constitutional and international law at the University of Texas, writes in the *National Review*: "The very last power we should give the (world) Court is the power to declare that some fact of our foreign or domestic policy is 'genocide' and to tell us how to stop."

Although Professor Rees concedes that the World Court is virtually powerless because it lacks any mechanisms beyond the mutual consent of the countries involved in the suit to enforce its decision, he also states:

"The foreign relations committee's assurance that the World Court is harmless and shall always remain so has the flavor of Alexander Hamilton's statement 14 years before *Marbury vs. Madison* that the federal courts would pose no threat to the sovereignty of the 13 states because they would possess 'neither force nor will.' One can even be glad that Hamilton was wrong in the case of the United States, and yet hope that the lesson will not be played out again on a larger stage."

What began as a virtually powerless institution — the U.S. Supreme Court — now assumes power and prestige beyond the intentions of the framers of our Constitution. For the most part the Supreme Court's decisions have been in the *interest* of the U.S. citizenry. And, where the Supreme Court failed to represent the will of the people (i.e. *Dred Scott*), other Constitutional mechanisms, like amending, came into play.

What recourse does our sovereignty have if we confer the seeds of power on the World Court?

Why should such a sweeping power be conferred to any jurisdiction under an instrument of such dubious definition?

The answer, of course, is that such power should never be seeded beyond our borders into an alien court. International idealism sounds sublime, and the emotional appeal of apparent genocide prevention is powerful, but the impracticality should override the rhetoric. We must not risk giving a hostile world a jurisdictional tool to "cut across" the Constitutional Bill of Rights — to drill a hole in the hull of our ship of state that has weathered 200 stormy years of free and active people.

James D. Spounias is a junior at UCSD.

States or the Contadora process, as suggested by Allan Gerson, legal advisor to UN Ambassador Jeane Kirkpatrick. In fact, the matter should be discussed wherever all interested and informed parties can engage in a candid exchange of views. In addition, the matter should be brought to the attention of Mr. Karpov, the Soviet representative in Geneva. He and everyone else at the Kremlin should know of our great concern over the large quantities of Soviet weaponry being provided to Nicaragua. That is, maybe there should be some type of linkage between nuclear arms control and Soviet surrogate practices in the Third World.

Charles E. Purdy IV is an attorney in San Diego.

Nicaragua at the Crossroads

By Alfred G. Cuzán

After more than five years of increasingly totalitarian rule under the Sandinistas, Nicaragua appears to be in the fourth of five stages through which a country passes from revolution against an old dictatorship to communist despotism inside the Soviet bloc.

In the first stage the communists — old or new Marxist-Leninists, whether they are members of the official communist party or not — take the lead in waging violence against a government whose legitimacy is tenuous and whose police and military have been weakened or neglected. The terrorism is extended against prominent individuals, families, firms or institutions the government appears unable or unwilling to protect.

In the second stage, communist propaganda persuades non- and even anti-communists to join a broad opposition front against the common enemy. The communists portray themselves as nationalist heroes; they soft-pedal their Marxist-Leninist militancy; and they promise to respect most private property and abide by democratic rules after the revolution. American editors, journalists, and academics are among the first to be most impressed by the new "moderation" of the communists, who are labeled, at worst, "leftist." Politically inexperienced businessmen, professionals, educators and churchmen are among the many respectable domestic figures willing to believe the communists as their exasperation with the ineptness, intransigence, and arrogance of the old dictatorship becomes acute.

The third stage is ushered in in the wake of the successful revolution. The communists put themselves under the nominal authority of a coalition government while rushing to monopolize all real power in the military, police, and newly-created para-military forces or "militias." In a matter of months, the communists set up the party organs of a totalitarian state capable of reaching out politically to control the unions, schools, professions, press, churches, and most of the economy, which begins to decline.

All the while, fraternal relations are established with the Soviet bloc, which sends large contingents of military intelligence (GRU) and secret police (KGB) officers and trainers, "advisers" in every conceivable field, above all propaganda, and large caches of weapons and other sinews of war. Concomitantly, relations with the United States — portrayed in communist propaganda as the enemy — inexorably deteriorate.

In less than a year, the democratic members of the provisional government realize that they have been had. They resign, some quietly, others in protest; they go into exile, join an increasingly panicked opposition, or resign themselves to a political passivity inconceivable during the days of the old dictator.

War breaks out in the fourth stage. On one side are the communists and their remaining allies in the government — small factions tolerated temporarily — assisted by the Soviet bloc. On the other side are the entire non- and anti-communist spectrum, including many allies of the communists in the "popular front" days against the old dictatorship. Including as it does a wide range of ideas, interests and personalities, as well as former political enemies, this side is internally divided. It receives assistance from the West; in Cuba and now in Nicaragua, it has been the United States that has come to the assistance of the side opposing the communists.

To compensate for their loss in voluntary support from the public, the communists resort to militarizing the country, the better to control the population. Conscription and other forms of military obligations are imposed of everyone, men, women, and even children. The country is put on a war footing.

Nicaragua is presently in this fourth stage of a communist revolution-cum-dictatorship. The ratio of military personnel per 1,000 inhabitants has skyrocketed, from 3 in 1977 (the last year of relative peace under Somoza) to over 25 today — an increase of 800 percent. In comparison, El Salvador has less than 10 military personnel per 1,000 inhabitants and Latin America as a whole has only five. In proportion to the population, the Sandinista military became, as early as 1982, the largest in Latin America.

Only Cuba has a military establishment of comparable size. This is only one of many similarities between the two "revolutionary" regimes, and it is no wonder, since the Sandinistas have incorporated thousands of Cubans into their government and party organizations in order to be able to replicate, as much as local and

international conditions permit, the Marxist-Leninist despotism of their patron, Castro. There should be no



doubts that, if present trends continue, Nicaragua will, indeed, become "another Cuba."

It is indeterminate whether the Sandinistas will be able to take Nicaragua into the fifth and last stage of Sovietization. This depends, above all, on the war against the contras, which could possibly escalate into a confrontation between the United States and the Soviet Union over Nicaragua. If, like Castro before them, the Sandinistas are able to survive U.S. opposition and defeat their "class enemies" militarily, they will have reached the last phase of their political evolution from revolutionary fledglings under Castro's care to Marxist-Leninist despots in their own right. They will consolidate their power, suppressing all non- or anti-communists, and turn Nicaragua into the second permanent outpost of Soviet imperialism in the Americas. Young Nicaraguans will be drafted to serve in "internationalist" battalions to wage war on behalf of Moscow's interests all over the world.

Dr. Cuzán is Associate Professor of Political Science at The University of West Florida, in Pensacola, and one of CR's Ivory Tower Praefecti.

can education be worthwhile?

At a time when university education is often nothing more than an extended job-training course, the value of the liberal arts is being questioned. The idea of broad knowledge developed through the various disciplines has given way to fragmentation; and education's historic role in transmitting the principles of American, and Western, culture has been replaced by skepticism and radical attack.

The Intercollegiate Studies Institute (ISI) believes that the crisis in education will end only when the integrity of the liberal arts is restored. ISI seeks to enhance knowledge of the American tradition of individual liberty and personal responsibility, limited government and the rule of law, moral norms and respect for the common good, private property and a free economy.

ISI is a non-profit, non-partisan educational organization. The Intercollegiate Review, a 64-page interdisciplinary journal, is sent free of charge to all students and faculty on the ISI mailing list. For further information on The Intercollegiate Review and ISI's other publications and programs, please write to: ISI, 14 South Bryn Mawr Avenue, Bryn Mawr, PA 19010.

The Halls of (Poison?) Ivy

By Dr. William S. Penn, Jr.

"Colleges' curricula in disarray," read the headlines recently as the Association of American Colleges' report on the sad state of higher education was released. Entitled "Integrity in the College Curriculum," the 47-page report became the latest in the rather long series of negative evaluations made of what is going on in the nation's colleges and universities. Sadly we must note that there is really nothing new in this latest commentary. Each study, each report, each analysis of the failures of colleges and universities in America draw the

distressing conclusions of these several studies: students are sent to colleges and universities basically illiterate, unable to read with comprehension, incapable of writing or speaking respectably good English, lacking any understanding of syntax, grammar, or punctuation. After these students have been processed, and that term is used deliberately, in the "higher" institution, the resultant graduate's characteristics are rather easily predictable.

Interestingly, the fault is found in the higher institutions which are held to blame for the illiteracy of their

hand since the academicians of today have been themselves "educated" in the same systems that yield us illiterate students, this disclosure may not be unexpected.

Now were we to attempt as much remedial teaching of English in the four-year colleges as might be realizable under the circumstances, there are some corollary matters that must be taken into account. For example the charge was made earlier that faculty were more interested in "scholarly research" than in teaching. The fact is that promotion and tenure decisions are made far more on the so-called scholarly research (and publication of the results) than on teaching proficiency. True it is that at an increasing proportion of our colleges and universities the students' ratings of the faculty are given significant weight by administrators in decisions on retention, promotion and tenure. This patent folly of itself practically guarantees one of two outcomes. Either the professor will do his best to do research and publish, diminishing the impact of poor student ratings, or the professor will cynically cultivate high "ratings" from the students by turning that which should be a disciplined exposure to thinking into the equivalent of basket-weaving 1A.

In part himself illiterate and ill-led, ill-administered by deans, department chairs, and the institution-wide executives, the professor can scarcely be expected to perform in any different manner than is cited as reprehensible by these many studies. The wonder is not that the situation is repeatedly found to be so bad — it is that it is no worse than it is. Declining enrollment levels resulting from the inescapable demographic trends have deluded the heads of the colleges and universities — and most especially those not perceived as the most prestigious ones — into regarding students as consumers, target markets to be served to their satisfactions and pleasures at whatever cost to academic standards and rigor. The student has become the ruler, the controller of the campus and the classroom. What professor among us would contravene his school's leadership by demanding the meeting of stiff academic standards, especially since his student ratings would suffer and his status be made doubtful as a consequence?

But the fundamental problem is in fact the basic illiteracy of the incoming and the outgoing students, enhanced by the illiteracy of the faculty. To coin a phrase, "Quis custodiet ipsos custodes?"

Dr. William S. Penn, Jr. is professor of Business Administration at San Jose St. University and one of CR's Ivory Tower Praefecti.



same conclusions: something must be done! It's the nature of that "something" that seems to escape the writers of these studies. This one calls for changes in the doctoral programs to offer "training in teaching." Academic content is to be covered, of course, but the report focuses on the lack of teaching training as a major need. Brand new PhD's without practical experience of any degree are to become instructors by simply adding training in teaching! Were that the solution!

Noteworthy also is the charge made in the report that college administrators have adopted a "misguided marketplace philosophy" in competing for able students. Associated with this defect in the management of the colleges and universities is the charge that faculty members are found to be more interested in scholarly research than in teaching. My, my! How could this be??? Well, let's look at the realities of the world of academe from the inside, from an instructor's viewpoint and look at these charges and at the proposed "remedies," if indeed they are remedial in the sense of attacking the roots of the problem that they identify.

To begin we might recall the previous reports that uttered warnings of problems in the colleges and universities. The National Institute of Education, the research arm of the U. S. Department of Education, called attention to the lack of quality in higher education. Then the National Endowment for the Humanities served notice that American colleges and universities were not giving students an adequate education in the "culture and civilization of which they are members." This one went further in claiming that "the quality of American life is at stake, the wisdom and humanity of our leaders, our ability as citizens to make informed choices, and the dedication with which we exhibit humane and democratic values as we go about our daily lives." Whew!! That sums up a rather immense responsibility for education and educators. The deficiencies of education and the resultant defects in citizens' behavior, if the charges are properly drawn, are matters with which all should, indeed, be greatly concerned. Other specifics on defects or deficiencies included what is, in fact, the key to all the

graduates, never mind the truth that the incoming freshmen or community college transfers at the junior level are fundamentally illiterate to begin with. Could any higher institution be conceived of that could accept this type of incoming student and in from two to four years repair the fundamental damages done in the preceding 12 to 14 years of what passed for education? I suggest not.

Other ills noted in college curricula included foreign language incompetence, failure to keep pace with scientific and technological change, and a general unhappy disarray in undergraduate studies. All of these ills have their roots in the basic illiteracy cited earlier.

In "Critical Essays of the Seventeenth Century," J. D. Spingarn, editor, quotes from some writings of Ben Jonson from the period between 1620 and 1635. What Jonson had to say is rather pertinent to this essay. In his own spelling and style, here's his comment:

Neither can his mind be thought to be in tune, whose words do jarre; nor his reason in frame, whose sentence is preposterous; nor his Elocution cleare and perfect, whose utterance breaks it selfe into fragments and uncertainties.

Ask any instructor in America's colleges and universities whether or not these words strike home as applicable to the students faced in class after class, being sure, however, to inquire only of those instructors who are not themselves illiterates, of course. (And that requirement may lead to a severe diminution of potential respondents!)

For a bit more than 20 years, I had the editorship of a major section of a great association's quarterly scholarly journal. Manuscripts originated with academicians around the nation from large and prestigious institutions as well as the lesser-renowned ones. That it was a principal part of the editing task to make English out of what was submitted, correcting spelling, punctuation and syntax will astonish you — perhaps. On the other

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Parting Shots II

By James D. Spounias

Due to popular demand, here is another collection of wonderfully nasty quotes.

What is UCSD internationally known for, besides the *Review*? Science, of course. George Moore in *To Philip Gosse*, 1932, says: "Science? Pooh! Whatever good has science done the world? Damned bosh!" Thomas Love Peacock in *Gryll Grange*, 1860, optimistically notes: "I almost think it is the ultimate destiny of science to exterminate the human race." One need not stroll past Revelle college to realize that what Miquel De Unamuno said is true: "Science robs men of wisdom and usually converts them into phantom beings loaded up with facts."

Perhaps Attorney General Edwin Meese should personally try Gore Vidal for seditious libel for Gore's irrelevant comment that President Reagan is "a triumph of the embalmer's art."

Quoted in the July, 1977 edition of *Rolling Stone*, Anita Bryant became infamous among the Hollywood Norman Lear types by daring to observe that: "If homosexuality were the normal way, God would have made Adam and Bruce." Contempt for homosexuality is not limited to middle aged fundamentalist mothers, however; King George V in *Maugham*, 1980, speaks about homosexuals: "I thought men like that shot themselves."

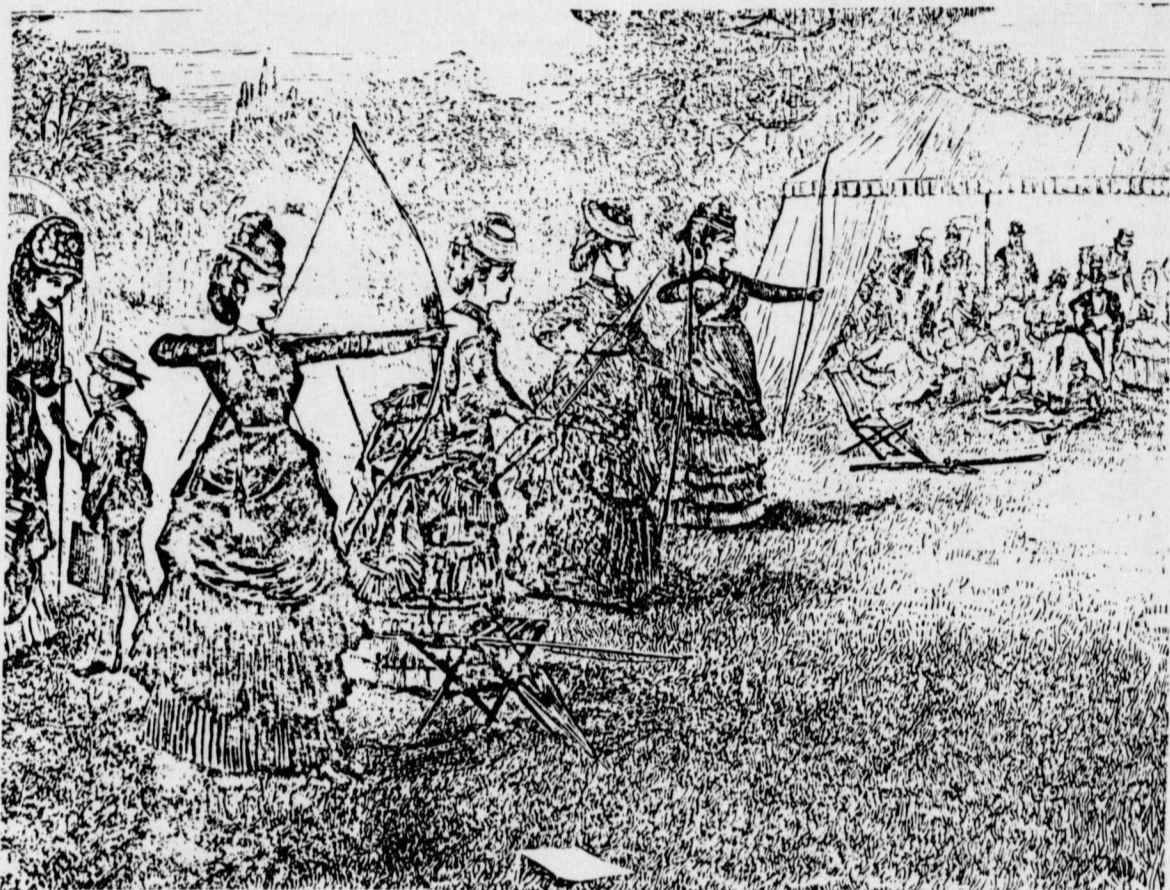
The word "gay," whose traditional meaning was happiness, now used by "progressives" to define a particular lifestyle — homosexuality — has not gained acceptance everywhere. Matt Crowley in *The Boys in the Band* condescendingly laments: "Show me a happy homosexual and I'll show you a gay corpse."

Disgust for teachers traces itself from the ancient world to the present. Meng-Tzu (Mencius) in his *Discourses* 300 BC, perceives: "The evil of men is that they like to be the teachers of others." Napoleon remarks: "A fool is only troublesome, a pedant insupportable." Seneca in *Epistolae ad Lucilium*, 64 AD, mentions: "It is when the gods hate a man with uncommon abhorrence that they drive him to the profession of a schoolmaster." George Bernard Shaw in his *Maxims for Revolutionists*, 1903, is credited with the overly used: "He who can, does; He who cannot, teaches."

Budding philosophers take heed — Ambrose Bierce, in *The Devils Dictionary* defines philosophy as "a route of many roads leading from nowhere to nothing." Regarding the sacred study of logic, Joseph Addison in the *Spectator*, 1711, says about logic: "the application of whips, racks, gibbets, galleys, dungeons, fire and faggot in a dispute may be looked upon as popish refinements upon the old heathen logic."

Quoted in a lecture by Russel Sanjek, *The War on Rock*, 1971, the esteemed Frank Sinatra appropriately dismisses the aural opiate of the masses — rock music:

James D. Spounias is a junior at UCSD.



Charles E. Purdy IV and U.S. District Court — Defenders of Freedom.

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by drugs are the laws that people throw up to "protect" each other from them. The Harrison Act of 1914-5, which prohibited all Federal trafficking of the drugs that are now presently illegal, had the effect that Brecher and the editors of the *Consumer's Union* put thusly:

The only conclusion possible from either the bureau estimate or the NIMH (National Institute of Mental Health) estimate is that the decades of enforcement of the Harrison Act and of countless other state and federal laws designed to stamp out addiction have been a losing battle. There were almost certainly more addicts in the U.S. from 1969 to 1971 than in 1914. And their status was, of course, far worse.

Although mention is given to "the drug addicts around us" and the "effect of opium in 19th Century China," what Crocker doesn't tell us is that these two instances of deterioration are two of the libertarians' pet cases in showing how a relatively small problem was exacerbated by power politics into an expensive public health scandal. The U.S. statistics regarding easy-to-obtain narcotics is there for all to see, since the state of Kentucky, through a bureaucratic oversight, left a loophole in the state laws enabling physicians to prescribe otherwise-illegal narcotics to addicts. This is one of the few instances of bureaucratic bungling where matters actually improved; the results are guaranteed to confound the knee-jerk moralists who seem to think that the libertarians are nothing but a lobby for the pushers. A similar (albeit more deliberate) experiment was tried in England, where, at its low point, the number of heroin addicts was 301 — roughly one ten-thousandth of the American figure. And so it goes. The various other cases in Brecher's book show remarkable consistency with virtually any predictions a libertarian economist would have had in the matter. And you know that when a conservative attempts to teach the libertarians the rectitude of his position by saying, in all matter-of-fact seriousness, that the law of supply and demand can be proven empirically, you know he's missed the point, in more ways than one. Conservatives show a horrifying lack of psychological insight when they imply that a choice about one's well being — such as pursuing a lifetime of addiction — depends strictly, or even primarily, on the ease of obtaining drugs.

Pornography, in many ways is a similar matter. Whatever Crocker's assertions about the tameness of the pornography in earlier American eras, it is clear that he knows nothing about the Victorian-era pornography that

has become a major collector's market in certain underground book clubs. Repression, both inside the person and externally, and on matters not related to sex as well, are widely held by most people to be damaging and for good reason. In the Victorian era particularly, sex was considered to be a piece with insanity, death, and free-thinking, in that "decent" people did their level best to feign utter dissociation from it. It was no accident that Sigmund Freud's theories emerged in this atmosphere; a repressive, heads-in-the-sand attitude about anything is a quick route to neurosis, and is neither healthy nor admirable.

One can only conclude that repression is not an act of morality, but of evasion; and whatever vague, impressionistic quotes one can summon up about the limitlessness of man's "depravity" or Muggeridge's allegedly authoritative views on man's appetite for pornography (speaking, as it seems, from first-hand experience!), it is clear that the compulsive man-haters' knowledge of their own subject is selective at best.

The Danish Parliament, bless their hearts, had the good common sense to throw their censorship laws to the winds a few years ago, and again, the results were consistent with libertarian theory. As Roger MacBride noted, there was an initial surge of erotica onto the marketplace; within a year, things had settled down, and the level was "substantially below" what it had been before the repeal of the laws. The conservatives would do well to remember that the Platonic/Christian view that the body is a septic tank of unfathomably animalistic passions is a stereotype the general public has had for years about conservatives and it is a prime source of the derision they have been accorded. Any intellectually honest person with any experience in the area will realize that some hopelessly mythical repeal of an already non-existent "Police State of the Erogenous Zone" will not result in anything resembling the Oklahoma Land Rush. I am perceptive enough to realize that Crocker doesn't literally expect us to engage in "promiscuous homosexuality with African pygmies." But, nonetheless, this is a textbook example of the ignorant, fearful attitude conservatives sometimes have, for which the liberals, with some justice, serve up their blanket smears of conservatives as "backwoods bigots."

The points conservatives make about the relationship of the law and morality are the most naive of all. Why this is so is partly explained by the fact that even though libertarians have a wide variety of arguments, I've yet to see

"It fosters almost totally negative and destructive reactions in young people. It smells phony and false. It is sung, played and written for the most part by cretinous goons and by means of its almost imbecilic reiterations and sly — lewd — in plain fact, dirty lyrics, and . . . it manages to be the martial music of every sideburned delinquent on the face of the earth. This rancid aphrodisiac I deplore."

James D. Spounias is a junior at UCSD.

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Libertarians have the feeling they are making up for lost time. Gleeefully universalizing from particulars by quoting a nascent child molester and slyly suggesting that he is representative of libertarianism does not hide the actual issue. For better or for worse, the Libertarians have ascended as the party of ideas because those they call "the Republicrats" have abdicated the responsibility that ideas carry, in deference to the icon of the Status Quo.

Nearly all conservative thinkers, Buckley, Will, Kirkpatrick, and Kristol among them, present skepticism (wittingly or otherwise) as their main weapon against the fallacious hyper-rationalism of society's utopian planners. For all their learning, and the strength of their arguments, their ideas have a dangerous side effect: they spread. It was the skeptic David Hume, a conservative and a friend of Adam Smith's, who introduced moral relativism as a sign of intellectual maturity. Crocker, like the conservatives before him, is out to emulate the Big Boys, and sing the praises of the not-yet, the not-quite, and the can't-be-sure. Not even teetotaling conservatives can walk the straight line between religious dogmatism and secular skepticism, with the end result being their claim that a pinch of coercion here and a dash of coercion there should be regarded as part of life, and nothing to get excited about. As Tibor Machan pointed out to me, the liberals have a welfare state for the body and the conservatives have one for the soul, with each claiming that the importance of their own little province as humanity's only worthwhile aspect is their justification. To those Ralph Naders of the spirit who believe with Russell Kirk, that to talk of traditional conservatives and libertarian conservatives is like talking about Protestant Christians and Muslim Christians, I can only reply that they probably won't have the support of others in the end. A famous conservative once said, "If you analyze it, I believe the very heart and soul of conservatism is libertarianism." The name of the man was Ronald Reagan.

Kevin Caldwell
Spring Valley, CA

H.W. Crocker III responds:

Mr. Tame's intelligent and fair-minded comments are most welcome. The ragged, discordant tone of my essay was poor recompense for his gracious and generous hospitality, and I'm glad to see my article didn't offend him. Nevertheless, I disagree with his two main criticisms of my position.

I do not reject rational analysis of the bases of Western civilization, but I do reject analysis that sounds as if it came from "Pseud's Corner" in *Private Eye*. To someone who believes in Burke's politics of prescription, as I do, arguments in favor of blackmail, libel, and non-

coercive sex with juveniles are self-evidently absurd. Such are the limits of my imagination.

Nor do I believe that government intervention in defense of civilized values sells the pass to the enemies of freedom. While I agree that government coercion should be severely limited in scope, I am pessimistic about the durability of a free society governed on strictly libertarian principles. The great writers on classical republicanism — Polybius, Machiavelli, and Montesquieu — all recognized the need for government to foster certain values if republican institutions were to survive. Laws undertaken to preserve a society's civic virtue are legitimate and necessary defenses for the preservation of freedom.

As for Mr. Caldwell's lengthy epistle, it is also to be welcomed. It adduces arguments well worth debunking.

It is ridiculous to assert, as Mr. Caldwell does, that drug addiction is caused not by the availability of drugs, but by laws prohibiting their use and abuse. Drugs are abused because their abuse is, at first, pleasurable and because peer pressure, a powerful form of non-governmental coercion, has encouraged drug abuse, (it has done so because since World War II our cultural mores have been increasingly defined by teen-agers). If drugs were removed from our society, young people would, by necessity, find something else with which to amuse themselves at parties such as booze, goldfish-swallowing, or gin rummy, all of which are much more salubrious diversions. Drug abuse is terrible not only because of the mental, physical, and emotional harm it inflicts on the individual, but also because of the counter-cultural aroma that wafts into the atmosphere whenever a marijuana cigarette is lit, cocaine is divided-up for snorting, or heroin is readied for injection.

The perverse logic behind Mr. Caldwell's position is that if one wants to curtail anti-social behavior, one should eliminate laws against it. Would Mr. Caldwell extend this logic to laws prohibiting the use of force or fraud? And if not, why not? The problem behind this aspect of libertarian thinking is one that has also dogged their defense policy. Libertarians not only oppose the use of force, they believe that force is ineffective, a most dangerous idea indeed. It was not libertarian principles that helped the Chinese overcome their difficulties with opium-addiction and it is not libertarian principles that keep the enemies of freedom at bay in international affairs.

While it is true that I am neither a connoisseur of Victorian-era pornography nor a frequenter of underground book clubs, I am confident that Victorian-era pornography is pretty tame stuff compared to *Hustler et al* and I think Mr. Caldwell is more than a bit naive if he accepts that all material advertised as Victorian-era pornography actually dates from the Victorian era and has not been falsely titled as such merely to enhance its titillative value for aficionados of women's undergarments. But be that as it may, Mr. Caldwell is wrong when he says that repression is "neither healthy nor admirable." In fact, it

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is both. The human animal is full of dark passions and secret longings that should never see the light of day, and which, if freed, propagate new and darker passions. To endorse the "if-it-feels-good-do-it" philosophy, to support sexual liberation and the abandonment of sexual taboos, and to promote the unleashing of man's passions not only undermines one's confidence in the sincerity of libertarian moralists who put the individual conscience as sufficient restraint on individual behavior, but topples the argument that libertarians oppose moral relativism. Frankly, I think it's rather a good thing if someone with a surfeit of aggression represses it, or sublimates it in sport, or disciplines it by military service rather than expresses it by boxing me around the ears whenever he gets angry; or if a would-be child-molester keeps his perversion under wraps and dates short, child-like women rather than indulge his untoward desires; or if young men repress their urge to murder their fathers and marry their mothers. I think such repression and sublimation is healthy, admirable, and necessary for civilized life. But perhaps I'm just a young fogey.

Finally, Mr. Caldwell makes two significant errors near the end of his letter. Before he informs anyone else of his discovery that David Hume regarded moral relativism as a sign of intellectual maturity, I would advise him to read the first page of Hume's *An Inquiry Concerning the Principles of Morals*. It may save him embarrassment in the future.

And I'm afraid Mr. Caldwell is also incorrect when he implies that it is mainly conservatives, rather than libertarians, who have erected the roadblocks between the two camps. One of the most annoying aspects of libertarianism is its constant emphasis on ideological purity — an emphasis that often gives libertarians a sense of arrogant isolation from politics in the real world. I overheard one libertarian at the conference snigger smugly about what little difference existed between Ronald Reagan and Walter Mondale, both of whom he would describe, presumably, as statist equidistant from libertarian purity. This is nonsense, but no less nonsensical than the libertarians who quit the *California Review* and bitterly condemned it because it printed two articles favorably disposed to George Gilder in its maiden issue. Ronald Reagan, Bill Buckley, R. Emmett Tyrnell, and myself (a former libertarian) have all expressed our debt to libertarian thinkers. Libertarians, with the exception of Mr. Chris Tame, have rarely returned the compliment.

(continued on page 15)

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