

ideas of someone else (and who's to say that in the chain of command they did not ultimately come from him; she would not seem to have been in a position to know) and put words to them.

If the latter, then she seems to share a distressing attribute of conservatives that this new conservative has observed: an

ungracious, rebellious, contentious and often bitter refusal to have respect for anyone or care for someone's reputation. Now, one would hate to see the movement adopt some sort of *pas d'ennemi à droite* mentality; still there ought to be some civility among us, especially when the *eminences à gauche* are more than ready to get their

ammunition from us. After all, one rarely finds a former associate of the great Kennedy or his late brother providing gossip about their personal defects or mocking their humanity or denigrating their achievements.

—Bishop Max Broussard  
Patterson, Louisiana

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## CULTURAL REVOLUTIONS

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**NONCOMPLIANCE WITH** the 1990 census was massive: the *Wall Street Journal* reported on May 21 that only 75 percent of the forms had been filled out and sent in, "down from 90 percent a decade ago." That's good. Passive resistance against such intrusions is the least we should expect of ourselves as citizens.

Thirty years ago I received the lengthy sociological survey that was sent to every fourth house in the 1960 census, and I refused to comply. I also wrote an article thumbing my nose at the "Snooper State" (see "The Fourth House," *National Review*, May 21, 1960). Although it is next to impossible to get a constitutional challenge into the courts, I succeeded on the strength of what I thought at the time was rather Menckenesque ridicule and mockery. Someone in the Census Bureau clipped my article to an interoffice memo saying he didn't think "Rickenbacker should be allowed to violate the law in this manner."

We got to court, all right, but the government wouldn't produce the documents showing the connection between the article and the prosecution. There went our defense under the First Amendment. (Subsequently, a similar defense was mounted in a California case and carried the day, but the First Amendment defense is tactical only.) We also pled the Fourth Amendment, and here I thought we held the high ground. After all, the government had to show that the "search" was "reasonable." To my knowledge, nobody has ever shown how the Constitution authorizes the

forcible extraction of information from a householder concerning his toilets and so on, and as for "reasonableness," we called as our witness Mr. Robert Burgess, who had been director of the Bureau of the Census during the 1960 go-around. The judge, knowing full well that the government must prove the search reasonable, tried to find out from Mr. Burgess what the purpose of the questionnaire was. The dialogue (taken from the trial transcript) must be seen to be believed.

The COURT: What is the purpose of it?

The WITNESS: Well, it seemed to be carried out as a simplification of the training and of the routine which becomes enormous.

The COURT: What was the purpose of getting that particular information?

The WITNESS: Oh, that information had been obtained before 1950. It was on the census, and, some of the questions on the census, although taken at the same time by any given enumerator from a given household, some of them were, as they came to those questions, they would say these are—we will skip these for this household and—

The COURT: Well, what was the purpose for this somewhat extensive questionnaire in 1960?

The WITNESS: Well, those questions were asked before in

1950; for instance, questions mostly asked. Only minor changes from census to census in the question.

The COURT: What was the purpose for getting all that information? What was done with it?

The WITNESS: Well, it was summarized, as it had been in 1950 when sampling was done in a different procedure. These were questions that were explored very carefully through committees, one within the government and one of experts outside and one of users outside, "What changes would you like and the information you would get," and we turned down a very considerable number of those questions, requests for extensions of information, both within the Government and outside the Government. They wanted more information for house— for guidance, as an aid to housing, for instance. By the way, if that—

The COURT: Was that the general purpose of that questionnaire, as an aid to housing?

The WITNESS: You see, the Housing Administration gives Government aid in certain cities for improving the housing conditions.

Believe it or not, that gibberish was allowed to stand as proof of reasonable-

ness. I was convicted, given a 60-day jail sentence (suspended), and fined \$100. One beneficent result of my little campaign was to stir the Congress to remove the jail sentence from the census statute; the \$100 fine still applies to the uncooperative but is almost never assessed.

On April 24, 1969, I had the honor of testifying before the late Senator Sam Ervin's Subcommittee on Constitutional Rights of the Senate Judiciary Committee. The senator was holding hearings on S. 1791, a bill "to secure personal privacy and to protect the constitutional right of individuals to ignore unwarranted requests for personal information." My testimony ran seven pages in the transcript, some of it pretty hot stuff if I do say so myself, but I'll quote only a few lines narrating the further history of the court case.

In October 1962 the United States Court of Appeals for the Second Circuit affirmed the judgment of the lower court. I appealed to the Supreme Court for certiorari and that appeal was rejected. It is interesting to note that the opinion of the Court of Appeals was written by the Honorable Thurgood Marshall, now a distinguished member of the Supreme Court. In a recent decision Mr. Justice Marshall came forward to protect the right of privacy of the citizen in his home—at least inasmuch as the citizen chooses to possess and presumably enjoy pornographic films. Everyone who is devoted to the idea of individual liberty must applaud Mr. Justice Marshall for his recent decision. But a growing number of American citizens are becoming uncomfortable and even in many cases almost mutinous in a society that expresses its concern almost exclusively in terms of the liberty of pornographers and the privacy of perverts and the convenience of criminals. Why, I keep asking myself, is a law-abiding citizen unprotected in his home against the irrational and capricious inquisitions of the government when all manner of degraded,

suspect, and parasitical gentry enjoy the express protection of our highest courts?

And there, as far as I know, the matter has stood until now. But a new wind is blowing, cold and clear from the mysterious peaks of the Ninth Amendment. ("The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.") I recommend to all a close reading of *The Rights Retained by the People: The History and Meaning of the Ninth Amendment*, edited by Randy Barnett (George Mason University Press, 1989). This collection of excellent scholarly and lawyerly studies shows that the Ninth Amendment is a sleeper, our ace in the hole. From 1791 to 1936, as Calvin Massey points out (p. 291), there appears to have been no scholarly commentary on the Ninth Amendment. A veritable avalanche of studies has appeared since 1981, mainly in the law journals. This sudden upsurge of interest in an amendment that seemed to defy comprehension for a century and a half may be associated with the equally sudden upsurge of the language of "rights" as shouted in the streets since 1960 or so. It is associated also, I think, with growing popular discontent with a government that seems to be pressing against the citizen from every angle.

Open your ears and you will hear the *vox populi* calling for its rights. And these are the unenumerated rights, the ones protected only by the Ninth Amendment: women claiming a right to their reproductive function (at the expense of the fetus, no less); people of all sexes—all three or four sexes now recognized by the Bureau of the Census—claiming the right to die (at the expense of suicide); people claiming the right to breathe (at the expense of the next fellow's right to smoke—which *he* claims as a right); the right to peace and quiet (death to boom boxes!); the right to be let alone. In a day or two of attentive listening you will hear all manner of rights claimed with perfect confidence by people who have no idea what the Ninth Amendment says. And yet when they get to court it may be the Ninth, and nothing but the Ninth, that saves them.

The obnoxious prying of the Cen-

sus Bureau is a terrific affront to a right that everyone understands, the one I just mentioned, the "right to be let alone," as the man in the street says. You know the argument: "Look, I'm at home with my wife and kids, I get along with my neighbors, I pay my taxes, I haven't done anything wrong, I have a right to be let alone, dammit."

That is a Ninth Amendment right *par excellence* and if I should be so lucky as to be taken to court by the government for my failure to cringe and obey when faced with a census questionnaire, I'll stand foursquare on the Ninth—this time around.

For the hallmark of a Ninth Amendment right is that it clearly antedates the formation of the federal government. A woman's right to kill her fetus is a rather freshly discovered right. But the right to be let alone is universally seen to be a basic aspect of civil society. William Pitt the Elder (1708-1778) said it best: "The poorest man may in his cottage bid defiance to all the forces of the crown. It may be frail—its roof may shake—the wind may blow through it—the storm may enter, the rain may enter—but the King of England may not enter—all his forces dare not cross the threshold of the ruined tenement."

—William F. Rickenbacker

**MACHIAVELLI**, in answer to the question of whether a prince should prefer gold or arms, replied that arms were the logical choice since gold could not always buy a strong military but a strong military could usually acquire wealth. This answer had not changed three and a half centuries later when Kipling wrote, "Gold for the mistress—silver for the maid—/ Copper for the craftsman cunning at his trade. / 'Good!' said the Baron, sitting in his hall, / 'But Iron—Cold Iron—is master of them all.'" Nor, as demonstrated by Iraq's seizure of Kuwait, has another century changed this reality.

On a per capita basis, Kuwait has been for a generation one of the world's richest countries. Kuwait's oil reserves are more than half the size of Saudi Arabia's and twice that of Iraq's. Its refinery capacity is also second only to Saudi Arabia. It has a fleet of tankers that supply not only foreign customers

but its own network of outlets for petroleum products in Europe. Kuwait has the Middle East's largest nitrogenous organic fertilizer industry. It has overseas ventures in both oil and fertilizer (including ownership of oil reserves in the United States). It has a stock exchange and a general reserve of government-owned financial assets that have in some years yielded income rivaling that produced by its oil fields. It also had a long-term economic plan to assure its citizens prosperity for another century.

What Kuwait lacked was the ability to defend itself against a powerful and aggressive neighbor. Its unguarded wealth was an open invitation to plunder. This is not the first time gold has failed to provide a shield against iron in the modern Middle East. Lebanon was once the prosperous center of finance in the region, but the bankers were no match for the local warlords who turned luxury hotels into high-rise bunker systems.

It is fashionable to claim that the advent of a global economy has finally elevated gold above iron in world politics, but the global economy is already five hundred years old, and its principal effect has been to widen the scope and increase the scale of conflict. It is the very fact of interdependency that makes it vital for governments to project their power in an attempt to control events in distant lands or mold the international system itself in ways beneficial to its interests.

The concept of a "new" world order based on cosmopolitan commerce divorced from nation-state politics is an ahistorical illusion. Its imminent establishment has been falsely heralded for nearly three hundred years. Thus appeals to its enlightened values are unlikely to persuade Saddam Hussein to give up the wealth his army has won in Kuwait. Indeed, a U.S. policy of political and military appeasement that depended only on economic sanctions was sure to fail. Business "realism" would subvert any long-term boycott of Iraqi-controlled oil that was not backed by a credible show of force. President Bush had to throw American "iron" into the balance.

Americans need a refresher course in world history. During this century communism generated a great deal of bloodshed through war and revolution,

and Soviet imperialism also served to amplify many other conflicts whose origins had nothing to do with Marxism. But the attention given the Cold War often made it seem a unique phenomenon, leading to the belief that if it would only abate, the world would return to its "normal" condition, which was erroneously thought to be peace. Yet there have been other wars in this century that were rooted in ideologies other than communism as well as wars based on religion and plain old *Realpolitik*. Among them must be counted the two world wars. During the 1980's, in addition to supporting the Contra war against the Sandinista regime in Nicaragua and liberating Grenada, America used its military against non-communist foes in Libya, the Persian Gulf, Lebanon, and Panama.

The respite in the Cold War has not changed the fundamental nature of the international system. It has only changed the balance of power within the system. The current crisis in the Persian Gulf has revealed that the decline of Moscow has not meant the rise of Washington. Indeed, just the opposite has occurred. Instead of seeing changes in Eastern Europe and the collapse of the Soviet economy as an opportunity for America to regain the superior position lost in the 1970's, American leaders have taken events as an excuse to do even less.

The decline of both superpowers provides an opportunity for regional powers to expand. Iraq is the first, but will not be the last, to take advantage of this change in the global balance. At the same time, American military capabilities will be drastically reduced by politicians whose primary interest is cutting the budget.

The day after Iraq invaded, President Bush proclaimed a new force reduction target; a 25 percent cut in active forces by 1995 instead of by the 1997 date set earlier. This is still not enough for congressional Democrats who want the military cut by a full third. The argument is that with the Soviet threat reduced in Europe, the United States now has a vast surplus in military capability that should be reduced. What is forgotten is that throughout the Cold War, America and its NATO allies operated at a huge deficit in conventional forces versus the Soviet Union-Warsaw Pact, a deficit

that required the West to rely on the early use of nuclear weapons should war erupt.

The Iraqi challenge has revealed that current U.S. force levels still show a deficit. Even if every division and tactical air unit could be transported from Europe to Saudi Arabia by magic (the only way it could be done given the lack of sea and airlift capacity), it is an open question whether these forces could defeat the battle-hardened million-man army of Hussein that would outnumber them by more than three to one. Of course, the question will soon be moot as American forces are brought home from Europe to be deactivated.

It is bad enough that budget decisions are being made with a blind eye to current events. But to make plans based on the notion that nothing adverse will happen the rest of the decade is irresponsible in the extreme. Political change in Europe may make it prudent to withdraw some or most of the American units now stationed there. However, these units should be retained as a strategic reserve in the United States, combat ready and supported by expanded transport and logistical capabilities. There is a high probability that they will be needed elsewhere.

The notion that America only needs a small "contingency army" composed of light units (paratroopers, rangers, infantry) without the heavy armored units deployed in Europe is dangerous nonsense. Equally false is the notion that aircraft carriers, cruise missiles, and stealth fighters are only needed to fight the Soviets. Tanks, heavy artillery, jets, submarines, and missile systems of all types fill the arsenals of governments around the world. Forty-one Third World states possess a total of over 250 submarines. A dozen regimes have 1,000 or more heavy tanks (Iraq has 5,500, triple what the U.S. has in Europe). Forty have domestic armament industries. Many states in Latin America, Asia, and the Middle East are developing ballistic missiles of intermediate range. And Iraq has successfully tested a three-stage rocket it claims can reach orbit (meaning it could be used as an ICBM). Nuclear, chemical, and even biological weapon technologies have also proliferated. The countries acquiring these new

systems (Argentina, India, Iran, Iraq, North Korea, and Syria) would require a substantial military effort to subdue.

But in the current domestic political environment, the United States will not take the steps necessary to create or maintain a military capability of sufficient global reach to protect its interests. It thus risks becoming a larger version of Kuwait, a nation of great wealth but with major assets left exposed. The plundering process started long ago (OPEC's 1973 grab in the wake of America's retreat from Vietnam being the most obvious) but will now accelerate. Those who believe that they can trade iron for gold end up with neither.

—William R. Hawkins

**HARVARD UNIVERSITY**, in 1959, refused more than \$350,000 in money offered for student loans by the National Defense Education Act in the wake of the Soviets' *Sputnik* shock because of the requirement that students submit to an oath and an affidavit of loyalty and noncommunist affiliation. Harvard President Nathan B. Pusey stated that the demand singled out college students as a group not worthy of the nation's trust. It would have been possible to interpret the NDEA requirement differently, but Pusey was in harmony with the old academic and professional tradition

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which contended that higher education presupposes adherence to certain standards of personal integrity and academic accomplishment.

Since then, the old idea that education includes *moral* education has suffered some harsh blows. Recently, following an earlier decision by the Student Council, the Harvard Faculty Council recommended "that Harvard end its remaining connection with ROTC within two years unless the Defense Department drops its discriminatory policies against gay and lesbian applicants for cadets." The Harvard faculty "downgraded" ROTC from a for-credit to an extracurricular program in 1969, but allowed students to participate in M.I.T.'s ROTC program (91 students in 1989-90). In April 1989, the Harvard Student Council first approved, then rejected proposals to bring the ROTC back to Harvard on a credit basis, the rejection coming in response to pressure from gay and lesbian activists. At that time, President Derek Bok replied to a query by this editor explaining that there was very little demand for ROTC at Harvard, but failing to answer the question of whether, and if yes, why, it was the university's policy to demand that the Department of Defense change its stand on homosexuality.

In some areas, as pointed out by one of Harvard's 1990 honorary degree recipients, David Riesman, "Derek Bok has been a man of stamina and seriousness who has stood firm against political pressure, as in appointing a dean of the Law School over the wishes of many in the Critical Legal Studies group." There is no doubt that as president of the nation's oldest university, Bok has been subjected to immense pressure to make symbolic concessions and statements of many kinds. But the university has totally caved in on the issues of sexual morality in general and of homosexuality in particular.

This leads to one of the curious moral anomalies of our day: we see on all sides a moralistic crusade against every aspect of cigarette manufacture and use, on the grounds that cigarette smoking creates real health risks, but this oral zeal for tobacco purity is accompanied by benign tolerance of and even support for sexual practices that promote ever graver risks. On May

18, Bok announced the university's determination to divest itself of all stock in firms that manufacture tobacco products, "motivated," in Bok's words, "by a desire not to be associated as a shareholder with companies engaged in significant sales of products that create a substantial and unjustified risk of harm to other human beings." Apparently, Harvard has no qualms about attempting to force the Defense Department to acquiesce in practices that create a "substantial and unjustified risk of harm to other human beings," nor with being an advocate or patron, not merely a passive shareholder.

Although Harvard carries the word *Veritas* (truth) in its seal, ringed by the expression, *Christo et ecclesiae* (for Christ and the church), its current official posture not merely repudiates traditional Christian values but in effect acts as though they had never existed, and ignores the *veritas* about the social, psychological, and medical consequences of practices such as those which biblical morality forbids. It is true that some traditionalist Christians, especially fundamentalists and some of the newer religious communities, have long condemned tobacco smoking, but most Christians and Jews have regarded it with tolerance if not outright affection, and the present anti-smoking movement has little to do with religion.

Harvard seems to be changing its motto from *pro Christo et ecclesiae* to *contra Christum et ecclesiam*. In view of the broadening, over three and a half centuries, of the school's spiritual base to accept other religious traditions, one would hardly expect the Harvard of today to stand *pro Christo*. But *contra Christum et ecclesiam*? The university maintains a divinity school with a distinguished faculty as well as a university church and a Christian ministry. But these institutions touch only a minority of the university community, and the stand taken by the Harvard Faculty Council addresses not merely the whole university community but the federal government and the whole of society.

Although at today's Harvard—as at many other centers of higher learning—tolerance is demanded for acts that traditional Jewish and Christian morality has consistently disapproved, no similar tolerance is shown to those who

permit themselves to voice the old values of biblical religion. No tolerance was shown to Harvard undergraduate Sumner Anderson, '92, president of the Republican Club, whose remarks, printed in the *Harvard Crimson*, caused outrage. Anderson's assertion that homosexuality is a disease that is repulsive and "just totally abnormal," allegedly generated general outrage on campus. His expressions, "repulsive" and "abnormal" are not stronger than the Hebrew word *to'ebah*, abomination (e.g., Leviticus 18:22).

The battle of words continues unabated. Unfortunately, those who take what we might consider the right position, namely that of upholding biblical norms, often do so in ways that are inappropriate to win sympathy. Thus the *Harvard Lampoon*, no standard-bearer of biblical religion, intensified its traditional campaign of supposedly humorous vilification against the consistently pro "gay" *Harvard Crimson*, publishing not one but three parody issues last year, and in the process garnering complaints of being racist,

sexist, anti-Semitic, and homophobic.

Commenting on the *Lampoon/Crimson* imbroglia, Dean of Students Archie C. Epps III said, "I thought it was very vulgar and in poor taste, and in my opinion, the people who prepared it don't belong at a place like Harvard." (But what about those who engage in *to'ebah*, Dean Epps? Do they belong there?) Epps was once unceremoniously thrown out of his University Hall office when it was "occupied" by protesting students in the course of the student revolts of the late 60's, and perhaps he is now skittish about attempting to stand against popular student will.

Harvard was originally founded to train Congregational (Calvinist) ministers for the Massachusetts Bay colony, and until relatively recently Harvard College, at any rate, saw itself as acting *in loco parentis* towards its students, most of whom were minors before the age of majority was lowered from the traditional 21 to 18. Harvard's Divinity School and Memorial Church still bear witness to the school's origins, but its

relationship to historic Christianity has become tenuous, to say the least. Pluralism at Harvard and other once-Christian institutions no longer means sympathetic acceptance of other great spiritual traditions, or even of the reverse spiritualities of agnosticism and atheism, but now requires the abolition of moral norms.

The exclusion of sexual morality from the range of moral issues that is important to the university says, in effect, that sexual conduct has no moral significance and that what used to be considered moral development has no place in intellectual development. It is possible, of course, to adopt the position that Christian morals have nothing to do with the academy or the life of the mind, but in order to do this one must repudiate not only Christian and Jewish morals but most of the moral and ethical reasoning of human societies through the centuries. It is sad that the nation's oldest university is apparently not merely a willing but even an eager participant in this repudiation.

—Harold O.J. Brown

## Principalities & Powers

by Samuel Francis

"And the bogeyman will get ya, if ya don't watch out," sang James Whitcomb Riley in one of his most popular and most insipid poems. The bogeyman is still out there, it seems. Sometimes he's Libya's Muammar Qaddafi; sometimes Syria's Hafez Assad, or Idi Amin, Yassir Arafat, the Ayatollah Khomeini, Abu Nidal, or any of a small army of other characters who seem to bear more resemblance to the kinds of villains that Sax Rohmer used to make up than they do to any real human being. Late last summer the bogeyman shifted his shape once again, this time becoming Saddam Hussein of Iraq. He was going to get us—if we didn't watch out.

Even before Mr. Hussein decided to top off his summer vacation by swallowing Kuwait in a midnight snack, *U.S. News & World Report* dubbed him "the most dangerous man in the world," a sure signal that the bogeyman was about to change his address once more. What exactly Mr. Hussein

had done or even contemplated doing to merit this appellation remains unknown to me. It's perfectly true that the dictator of Iraq is not the sort of fellow that English lady mystery writers would use as one of their heavies. His capacity for brutality, cunning, and mendacity far transcends the very limited grasp of human evil that Agatha Christie, Dorothy Sayers, and their sisters displayed. But why he was any more dangerous than a host of other malefactors—including a number of utterly unscrupulous and repulsive American politicians—was never clear.

But once Mr. Hussein had smashed Kuwait, the monsters of a thousand slasher films seemed to leap from the celluloid, expropriate his sullen puss, and cast their torches toward our temple doors. Rotgut liberal columnist Mary McGrory, assuring us that the "beast of Baghdad" was "capable of anything," advocated doing just about anything to get rid of him. Neoconservative Paul Greenberg called for an American onslaught against Iraq. Professional Negro Jesse Jackson intoned

that the United States must be ready to "use military force, multilaterally or unilaterally," to drive Hussein back into his lair. Leftist Senator Chris Dodd opined that "obviously, the oil reserves pose an immediate, major security threat." And before the week was over, President Bush and the Pentagon were dispatching some two hundred thousand U.S. troops in the largest force to go abroad since the Vietnam War to the Arabian desert, there perhaps to die for the security of the House of Saud and to save the clan of Sabah from the cruel fate of munching caviar on the Riviera for the rest of history.

Not even the Ayatollah Khomeini's attack on the U.S. Embassy in Tehran in 1979 provoked the kind of unanimous consent to commit mayhem against the aggressor that the Iraqi invasion of Kuwait incited, nor did terrorist attacks against Americans or the Soviet massacre of Korean Air Lines Flight 007 in the 1980's. And yet Hussein had done absolutely nothing to the United States itself or its citizens or their property. All he want-

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