

crowds gaining in size and strength each month, this was to be one of the largest. As was usual in these demonstrations, the crowd in Jaleh Square was unarmed. It was also quite unaware that at seven o'clock that morning the shah had declared martial law in Tehran and eleven other Iranian cities, making it illegal to hold public demonstrations against the government.

At 9 A.M. the crowd was told to disperse. Instead, many of the demonstrators sat where they were. Others began walking toward the soldiers, some carrying flowers that they intended, as in previous demonstrations, to give to them. They never got there.

The soldiers opened up with machine guns and semiautomatic rifles. Helicopter gunships joined in. According to some accounts, the massacre lasted twenty minutes, and when it was over the bodies lay in piles. The lowest believable estimate of the dead that day in Jaleh Square is five hundred to eight hundred. Those working from hospital death certificates and graves in a nearby cemetery place the number at three thousand to four thousand.

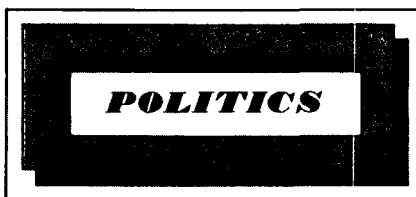
Two days later, Jimmy Carter called the shah from Camp David, interrupting the discussions with Begin and Sadat, to reassure him of the continued friendship and support of the United States.

On the twentieth day, a spring-like Saturday in November, I passed a sidewalk vendor in Georgetown selling T-shirts that said NUKE IRAN. He was wearing one of the T-shirts himself, smiling over the mushroom cloud and the words on his chest.

"That's really smart," I said. "Do you have any idea what a nuclear war is?"

He shrugged. "It's only a T-shirt, man."

Maybe he wasn't serious, but there are lots of people around here who are. If not about dropping the big one now, at least a lot of small and medium-sized ones. Nor is it only the conservatives who are salivating over the prospect of a few well-placed punitive air strikes against Iran. Liberals, many of whom couldn't really get into Vietnam, are full of righteous indignation too. And the old Vietnam antiwar crowd, apparently unable to deal with a situation in which both countries are guilty and both aggrieved, is confused and silent. If war comes it will be a popular one indeed. □



PETER SCHRAG

A nongovernor who would be nonpresident

JERRY BROWN PROBABLY always knew there was a terrible flaw in liberal politics, but he's never known what to do about it. Brown, indeed, has never even been certain whether the flaw really lies in the liberal part of it or in the politics part of it. Many people of his generation do not, and so they join organizations like Common Cause—but he suffers more from the affliction than do most. Thus while most of the press, particularly the California press, regards his famous vacillations as just another political slalom—the twists and turns of expediency—Brown seems to detest the compromising through which ordinary politicians earn their living as much as he hates the clichés and slogans of his liberal heritage. That he often engages in both seems to be not so much a matter of choice as of an irresistible impulse. What else explains Brown's appointment of a one-time POW who was accused of collaborating with the North Vietnamese to a supervisor's post in—of all places—Orange County? What other possible reason can there be, five days into his penurious official campaign for the presidency, for Brown's sudden disappearance from his nervous entourage to spend an afternoon with an Indian holy man at an "International Conference on Transpersonal Psychology"?

When Brown first became governor of California in 1974, all of that was charming, even refreshing: the ringing declarations, for example, that until the educational bureaucracy became more productive he wasn't going to give it any more tax money; the attacks on the mental health establishment; the flirtation

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with the ideas of Illich and Schumacher; the search for antipoliticians to head some of the state's major offices and fill some of its more powerful jobs. It was even charming in 1976 when he flashed in the pans of a few presidential primaries. But now that he pretends to be a serious candidate for president it is no longer charming or even interesting. It is only boring and tacky.

In the 1980 campaign, officially launched last November 8 from a lectern in Washington adorned with the words "Wow! Brown Now," Brown has declared himself a sort of political scavenger waiting to feed off the entrails of his Democratic rivals, should one of them be eliminated from the race. That sort of strategy isn't new, particularly for a candidate who trails badly in the polls, nor is it particularly flattering to one who prides himself on his fresh brand of politics. But it is a strategy particularly fitting to a major officeholder who has swooped around and over the battles of national politics without leaving much more than his droppings. There is little in the public record to show that Brown has been governor of the largest state in the union for the past five years (or indeed of any state), nor can one detect from anything occurring since his reelection in 1978 that anyone, either in California or elsewhere, considers him a major force in American politics. One way or another, he has lived off the political initiatives of other people: Cesar Chavez, Howard Jarvis, Tom Hayden.

The real irony for Brown, the great critic of bureaucrats and big-government solutions, is that his own tenure as governor has been closely tied to a network of new bureaucracies so large and intrusive that they may properly be classed as a whole new layer of government. Some of them—the Agricultural Labor Relations Board, for example—were created by his administration; others, like the state Energy Commission, were approved just before Brown came into the governor's office. But they have become what they are—and in most instances that means extremely active—under his appointees and through his influence. And while Brown has talked a great deal about eliminating useless agencies, reducing the state budget, reforming the \$4 billion Medical program, and a variety of other measures to streamline state government, he has never really had the patience to administer the state government, let alone reform it. Thus while Brown the candidate may legitimately be able to claim that under his direction

California has taken the lead in developing state programs in energy, conservation, environmental protection, and the regulation of farm labor, he cannot possibly make those claims without also acknowledging that California has vastly enlarged government intervention to do so. For a man who pretends to be philosophically opposed to expanded government, it's a real tightrope act.

BROWN HAS NEVER MADE A secret of his contempt for the ordinary activities of ordinary state government. Since his election in 1974, however, he has institutionalized this attitude in a set of high-level appointments which, even if they are expressions of affirmative action, are also arrogant declarations of a belief that any amateur can administer the state Department of Health, mental health system, or any other state agency. As a practical matter, Brown's appointments almost unfailingly reveal his belief that since a lot of public agencies are run by time-servers and fools, they might as well be chicano fools or female fools.

A different governor with a similar concern for affirmative action might also have made Rose Bird—or another woman without judicial experience—a justice of the state supreme court. But he surely would not have given her the additional burdens of the post of chief justice and the responsibilities of administering a judicial system that was certain to be hostile to her presence. Bird has just barely survived in her post, but both she and the state's judiciary have been damaged.

Many of Brown's affirmative-action appointments—particularly the women—haven't turned out to be nearly as incompetent as the old bureaucrats and courtiers in their respective departments tried to make them out to be, but they still haven't gotten any more support or attention from Brown than he gives the rest of his neglected administrative responsibilities. Indeed, one of the distinguishing marks of Brown's regime is that it consists largely of a series of semi-autonomous departmental baronies—health, food and agriculture, the various environmental agencies, transportation—each pursuing its own legislative program and administrative course without much regard for the others or direction from the governor. In perhaps the classic example of administrative noncoordination, Brown asked Assemblyman Bob Naylor to carry an airline deregulation bill through the legislature. Naylor obliged, and managed to get the bill

through both houses—only to learn Brown had vetoed it. The governor, it later turned out, had been listening to one administrative agency when he made the request, and to another when the bill reached his desk.

Brown treats the resulting (and often inevitable) maladministration as something that doesn't concern him—the problem of another state perhaps, or of some other administration. On the one hand he thus complains incessantly about waste in government; on the other, within his own Health and Welfare Agency he tolerates political and administrative disasters so enormous that, at the very least, they long ago would have justified a major shake-up and the dismissal of a secretary of health and welfare, Mario Obledo, who appears so supremely incapable of doing anything about them.

Many of those disasters have taken place in and around the state's Medi-Cal program, which is troubled with chronic waste and fraud. Prepaid health plans, once touted by Brown as the solu-

The Brown bureaucracies form a large and intrusive new layer of government in California.

tion to ever-increasing Medi-Cal costs, have also been troubled by a series of rip-offs. Despite repeated studies, reports, and recommendations of various state commissions and committees, Obledo seems unable to confront, much less eliminate, any of these problems. An even more revealing administrative catastrophe was Brown's badly bungled attempt to fire a lesbian in the Health Department—one of the best administrators in that agency—on the flimsiest of grounds. (The woman wrote a private letter on state stationery, using some scatological language, and an office enemy stole a copy out of her files and reported it.) The irony of that episode, which ended with the woman's reinstatement by the state Personnel Board, is that it reflected a conflict between two sets of minority values—macho chicanos vs. gay females—that Brown tried to solve by siding with the more powerful

political element. Since Obledo is regarded as a key to Brown's hold on the chicano vote, his position is particularly secure. Yet Brown's aristocratic neglect of the problems in health, Medi-Cal, mental health, and social services is no different in kind from his disregard of other major administrative problems. The only difference is that Obledo's agency and its problems are much larger.

BROWN, THE SUPREME antipolitician, is the ultimate product of the apolitical suburban politics of the fifties and the movement politics of the sixties. That mix of politics generally prefers outsiders to insiders, amateurs to professionals, philosopher-reformer-professors to practitioners. It disdains compromise—the very essence of successful politics—as somehow demeaning and dirty, and it adores planning. It is thus especially consistent with single-issue, special interest politics—with movements and groups that also disdain compromise and that, while they may make temporary alliances, will not modify their own positions or pursue other causes.

Brown has assembled his California constituency out of such groups—environmentalists, Proposition 13 tax rebels, farm workers, chicanos, feminists, a handful of unions, space freaks—and he negotiates among their uncompromisable positions by trying to create a political mosaic made of mirrors and little chips of political tile. By definition, real compromise or deferral won't work, and thus conventional political administration is unnecessary. What is necessary is symbolism—jobs for minorities, brave (but ineffective) stands for public funding for abortions, appearances at anti-nuclear rallies, buzzwords, and to cap it all, a ringing call for a constitutional convention to balance the federal budget.

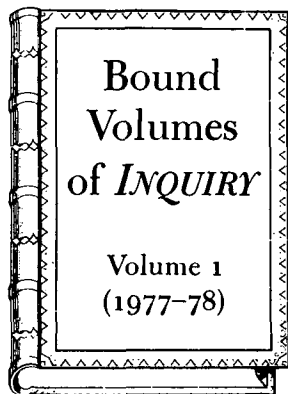
Now, as a presidential candidate, Brown pretends to see himself as a latter-day Andrew Jackson or Franklin Roosevelt, forging a new coalition out of such groups, offering something to replace what he calls debased political language and values. Yet so far he has been able to offer his “insurgent movement” nothing but a triad of bloodless generalities—“protect the earth, serve the people, and explore the universe”—that indicates just how hopelessly far he is from the movement he hopes to create.

Temperamentally and intellectually, Brown has always been the outsider, the critic, the analyst. He understands the

rhetoric and the reasons why conventional liberalism is in such bad shape; he knows almost instinctively that the assumptions of unlimited economic and social growth that once sustained conventional liberalism can no longer be taken for granted. At the same time he is incapable of making the choices that the realization requires: He offers semimystical futures in space, a metaphorical "era of limits" on earth, and a great many little political chips and mirrors in place of vision.

It has been pointed out that even after nearly four years in the White House Jimmy Carter is still running against Washington. Just as accurately it can be said that after nine years as a high state official—four as secretary of state, five as governor—Jerry Brown still runs against government. In that respect he resembles superficially the man he seeks to replace. Yet while Carter's rhetoric is ultimately skin deep, Brown's contempt runs to his very marrow. Carter really would like to be president if only he knew how. Brown is running only because the compulsion of the political critic—the public prophet—drives him to it. If, by accident or inadvertence, he ever comes close to the White House, he will find a way to rise above it. □

HANDSOME



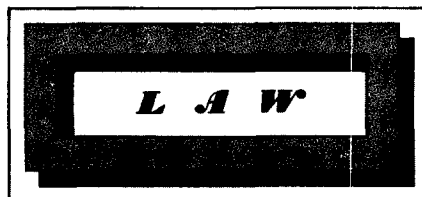
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CLAUDIA WRIGHT

Toying with extradition

THE STATUE OF LIBERTY is still standing out there, asking for "your tired, your poor, your huddled masses yearning to breathe free." But in practice we only want some of them. Any Soviet, regardless of whether he has any salable skills, money, or even American relatives, is always welcome. So are Cubans. Haitians, however, are beyond the pale. The shah can come here, but his youthful former subjects can expect public abuse at best and deportation at worst. Israeli Jews are protected, but Palestinian Arabs are not. Ask 19-year-old Ziad Abu Ain, a native of Israeli-occupied Jordan now sitting in the Cook County jail. Ziad faces extradition to Israel on charges of murder and terrorism, and he may well have to go back—not because of the flimsy evidence the Israelis have been able to produce against him, but because the U.S. State Department wants to prove a point.

The Israeli government alleges in its formal request that on May 14, 1979, Ziad was responsible for placing a bomb that was detonated in Tiberias, a city on Israel's Sea of Galilee; it killed two people and injured thirty-six. The evidence against Ziad is a confession given by a friend of Ziad's to Israeli interrogators after several weeks in prison. The only other evidence the Israeli authorities have sent to the United States is a statement by a young woman who told police that she had carried letters between Ziad and his friend—without knowing what they said—and had been the go-between for the friend and a Fatah official in Syria. Both thought Ziad was safe at his sister's house in Chicago when they made their statements without le-

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gal counsel, witnesses, or translators.

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International extradition is a tricky and ill-defined area of American law. The leading case involves a Yugoslav request in 1951 for the extradition of a Croatian accused of ordering the murder of thousands of civilians in 1941-42 during the short-lived Ustachi regime. After eight years of litigation the courts denied the request. One reason was that the evidence against the accused, collected in a Yugoslav hearing, was hearsay and thus considered unreliable. The American judge said he thought the Yugoslav court had pressured the witnesses into making unsubstantiated allegations. The second reason was that whether or not the Croatian had committed the crimes, what he had done was "of a political character and therefore not extraditable under the treaty."

The court wrestled with the problem of defining this "political character," and decided that "it is an offense against the government itself or incident to political uprisings." The fact that the murders were of civilians was not considered relevant either way. For Andrija Artukovic, who had been a minister of internal affairs (security) in the independent state of Croatia, extradition was avoided because the crimes he was charged with were "in furtherance of one side or another of a bona fide struggle for political power."

Artukovic's case was decided in 1959. Last May, just three days before the explosion in Tiberias, the federal district court in San Francisco reiterated the exception for political offenses in refusing a British government request for the extradition of Peter McMullen, a Provisional IRA member wanted for the bombing of the Claro army barracks in 1974. In a decision that apparently took both the British and the U.S. governments by surprise, the judge found that the IRA conducted "terrorist or guerrilla activities," but that these were "acts of political violence with a political end."

Once the defendant offered the evidence that his activities were covered by the political exception, the court told the government, the burden of proof shifted to the prosecution to rebut it. As neither the British extradition documents nor the U.S. Attorney offered any rebuttal, McMullen was safe. "Even though the offense be deplorable and heinous," the judge ruled, "the criminal actor will be excluded from deportation if the crime is committed under these [political] prerequisites." Subsequent events indicate that shortly afterward the State Depart-