

THE PRIMARY SOURCE

The Journal of Conservative Thought at Tufts University

Volume XIV Number 4

VERITAS SINE DOLO

October 12, 1995

Criminal
Injustice

MISTRIAL
OF THE
CENTURY

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Rehabilitation
or Retribution?

Kingsbury vs. Gupta

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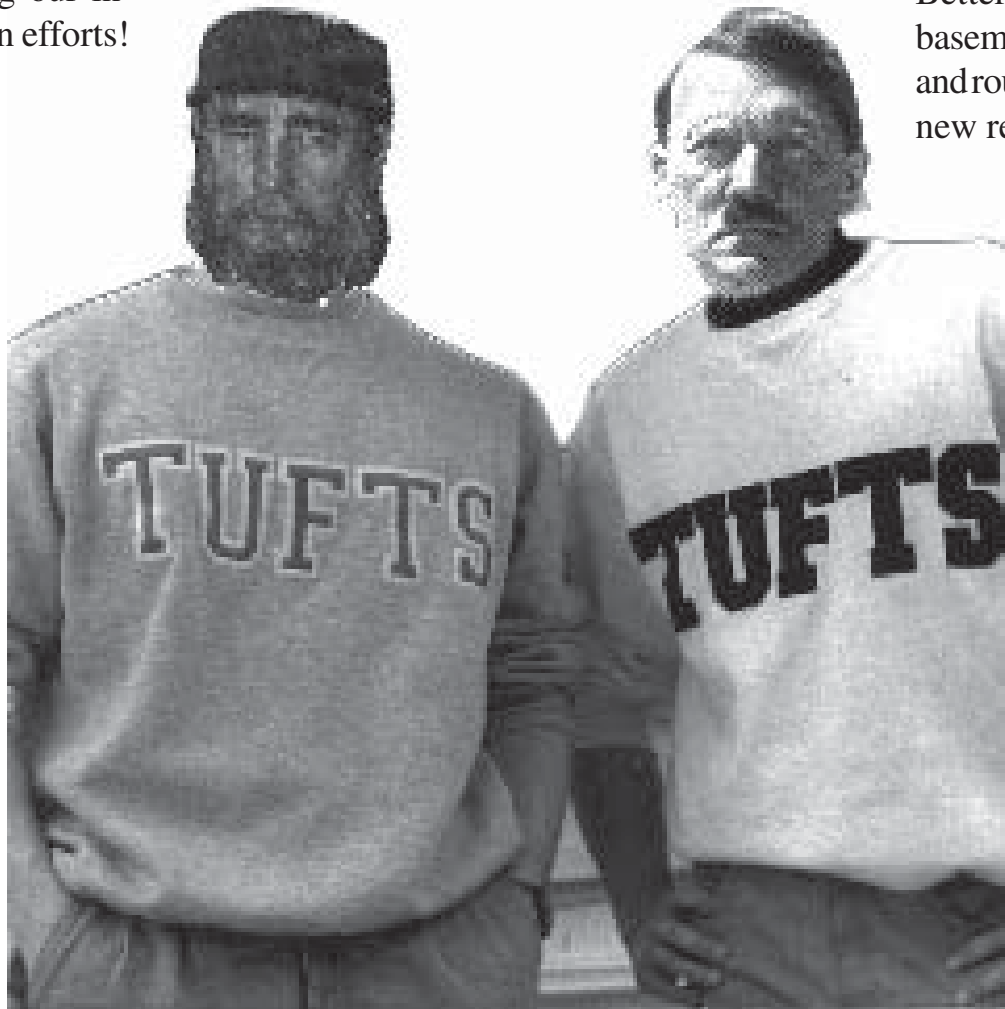
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Daily Exposed:
Author & Editors
Caught Lying

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doctrination efforts!

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and round up some
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- * Help columns return as Cochran takes your questions.

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FROM THE EDITOR

Mobil gives you three choices. Sunoco, four. Shell will make your car dance. And you can 'power up' with Mobil's Super+.

Indeed, when drivers pull up to the pump, they can choose from a variety of gasolines in all octane grades, each treated with numerous chemical additives to make engines run smoother and cleaner. But as James Spearot, head of General Motors' Fuel and Lubricants department remarked, "There's no reason to go up to premium unless your owner's manual recommends it. There's a lot of misunderstanding among the public about what they're buying."

In his October 2nd *Boston Globe* "Consumer Beat" article, Bruce Mohl wrote that the "American Automobile Association estimates well under 10 percent of the nation's cars require premium or mid-grade gasoline." Information compiled from owner's manuals demonstrated that car manufacturers recommend high-test for only a few models. Nonetheless, Mohl continued, at least 35% of gasoline sold in the United States rates above regular.

In trying to explain the public's curious purchasing practice, the author reasoned that oil companies generally advertise only their most expensive brands, those which carry the highest profit margin. Defending her company's marketing strategies, Mobil spokeswoman Jeanne Mitchell told *The Globe* that Super+ provides superior performance and cleaning capability than even Mobil's regular gasoline. Apparently the purchasing public agrees that premium provides something regular fuel does not, for consumers freely choose to spend 10-20 cents more per gallon for specialized gas. But different does not necessarily mean better.

Many of the drivers Mohl interviewed fill-up with high-test unaware of manufacturers' recommendations to the contrary. The more expensive commodity, they surely reasoned, must be better for their car. In most cases, motorists

were spending \$120 more per year than necessary. The money wasted by the uninformed, of course, went straight into the coffers of oil companies.

While the author condemns producers for malicious profiteering, he can hardly claim charitable innocence. Unadulterated goodwill may have been Bruce Mohl's sole motivating factor, but profit inspires *The Globe's* editors to select stories people will read. Similarly, profit prompts oil companies to spend millions plugging their most expensive lines of gasoline. As for consumers like Peter Foley, who puts high-test in his Mercury Villager, sheer stupidity motivates them.

Free actors driven by the innate desire to make and save money engaged in all of these actions. No one put a gun to Foley's head and forced him to spend more. For years, drivers happily spent the extra money, thinking they were purchasing a better product. Now that *The Globe* has told them otherwise, rational consumers with no need for high-priced fuels will stop buying them.

We must realize that the entire story— happy ending and all— took place within the framework of a classical liberal society. Producers met a demand for premium gasoline. Consumers inherently demand confirmation that they selected wisely. In this, as in so many other cases, government does not have to regulate a free economy. Another sector of the market stepped up to check the decisions of private citizens. Such interaction proves the totality and consistency of the Lockean thesis that a liberal society provided for by unregulated businesses and educated by a free press is self sufficient.

To the Peter Foleys of the world who waste money because they are uninformed, Locke can offer no help. Foley was free, after all, to open his glove box and read the information willingly provided by the automobile manufacturer. The liberal society, in its unyielding beauty, offers no rest for the weary— or the foolish.

THE PRIMARY SOURCE

THE JOURNAL OF CONSERVATIVE THOUGHT
AT TUFTS UNIVERSITY

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Letters

To the Editor:

In his article, "Close Shave," which appeared in the September 28 issue of THE PRIMARY SOURCE, Edward Havell contends that animal rights "are an illogical concoction which reasonable human beings cannot defend." Although I don't consider myself a radical animal rights activist, I find Mr. Havell's arguments against animal rights rather unconvincing. Mr. Havell asserts that human beings are the only species on this planet capable of "expressing and demonstrating rational thought," which I interpret as meaning essentially that only humans have language in the full sense of the word. Though this is in all probability true, I fail to see how the possession of language can constitute a criterion for having "rights." It is conceivable that someone who has suffered severe brain damage could lose all of his linguistic abilities, as well as his ability to "reason." But does that mean that he doesn't have rights? Mr. Havell asserts that animals neither "claim their own rights nor do they respect anyone else's." Fine, but as far as I know, neither do most pre-linguistic children, and I hardly think it's fair to say that they don't have rights. Finally, Mr. Havell states that "animals constantly injure and kill one another with remorseless enthusiasm." This is an activity that many human beings engage in as well (can we really attribute "remorseless enthusiasm" to animals?), but I don't think it justifies using humans to test new products.

Mr. Havell seems to have over-simplified the issue of "rights," and in order to justify his position, he will have to come up with some stronger arguments.

Sincerely yours,
Thomas Fowler LA '96

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Commentary

That's a Rap

After much consideration, Time Warner has divested from its “gangsta rap” label. Public criticism served as the catalyst for the media conglomerate’s about-face; politicians and private citizens alike condemned the recording house for producing songs that glorify rape, pedophilia, and violence, thus sanctioning such despicable behavior.

The sale of InterScope brings an end to a controversy sparked three years ago when the Time Warner label produced Ice-T’s album, “Cop Killer.” Shareholders flooded Time Warner with letters protesting the company’s support for an album including songs which advocate killing policemen and sodomizing 12 year-old girls. Management’s immediate response was to change the name of the album to “Body Count” and send out promotional CD’s in small plastic body bags while maintaining Ice-T as a client. Time Warner came under still more fire for supporting Snoop Doggy Dogg and convicted felon Dr. Dre, whose albums depict marijuana leaves and are filled with obscenities and other derogatory statements.

Opponents of the Time Warner’s decision spuriously claim that the company is violating the First Amendment rights of the rap artists it dropped. Time Warner is under no obligation, however, to indiscriminately produce records. As a private enterprise, it can choose how to invest its capital. The artists have not been censored; the Constitution still secures their right to express their views and perform their music. Other companies who wish to fund the rappers’ work are free to do so.

Mindful of societal repercussions, Time Warner and its shareholders prevented profit from mitigating ethics. The production company withdrew from the gangsta rap market for reasons other than the fear of sacrificing stockholders. In so doing, the firm eschewed the socially irresponsible pursuit of profit that other financiers expediently endorse. Indeed, the executives realized that promoting artists who express such bankrupt thought does not exalt the First Amendment. Rather, it encourages depravity.

Partied Out

Claiming that the two-party system no longer appeals to Americans, Ross Perot has announced the formation of another political party: the “Independence Party.” Although the Texan professes that his new group will transform politics as we know it, it will do little to eliminate government gridlock.

Every time a political dilemma arises, the media consults the

well-known political maverick. The lonestar, however, has yet to supply a solution. Instead, he declares that he needs time to study the situation before making a declaratory statement. Fair enough, but upon completion of his research, Perot always returns with the same answer: create a new tax and promote protectionism.

By suggesting “new” ideas like techno-town halls, Perot asserts that he and his party will reinvigorate the political system. Perot’s “studying” tactic, however, amounts to little more than creating committees of experts and task forces of policy enforcers. His false pragmatism is analogous to the liberal rhetoric that results in needless bureaucracy.

The media craze over Perot is puzzling. Social scientists clamoring in delight over this “phenomenon” are merely being fooled. Because Perot associates his ideas with a new party does not necessarily mean that his thoughts are fresh. In fact, his ideas are unoriginal and constantly recycled for application to any problem. If voters want real change inside the Beltway, they should turn to those devoted to overhauling the system and elect devout conservatives in 1996.



Never Give in to Terrorists?

By printing the Unabomber’s manifesto, *The Washington Post* and *The New York Times* have breached the journalist’s code of ethics. Giving such attention to a murderous lunatic encourages other misfits to act similarly, knowing that the press will cater to their whims. The accomplice in this crime of letters is the US Justice Department, which leaned on the papers to run the madman’s decree— an even more egre-

gious atrocity.

The decision of *The Post* and *The Times* to print the Unabomber’s 35,000 word treatise on industrial society was an exercise in irresponsibility. The papers argue that concern for the lives they might save by caving into the bomber prompted their actions— not matters of profit and loss. No one can know for sure whether or not answering the demands saved lives, but the sales of the edition containing the insert were astronomical. So high, in fact, that the following day other papers jumped on this onerous bandwagon to reap blood money’s profits, while leaving the editorial controversy to *The Post* and *The Times*.

It is rare that the government is justified in exerting pressure over private enterprise, especially the free press. The Justice Department’s forceful request spurred by its inability to apprehend the Unabomber was reprehensible. Its reasoning that publication of the manifesto would spare additional casualties was shortsighted. Printing the Unabomber’s message will inevitably prompt other psychotics to manipulate the media for their own warped agendas. Hopefully, the government will not have to face this realization, but given the DOJ’s course of action, it seems unavoidable.

Empowell America

COLIN POWELL MAY OR MAY NOT RUN FOR PRESIDENT. He may do so as a Republican, or possibly as an independent; and he is unwilling to rule out even a bid for the Democratic nomination. It is this feigned "post-partisanship," a disinclination to ally himself entirely with the Republican congress or at all with the Christian Coalition, that makes Powell an attractive candidate to liberals and the media. But in all likelihood, if Powell runs, he will do so as a Republican. It is precisely this lack of commitment to their ideals that should keep conservatives away from his campaign.

The General supports the Supreme Court's contrived right to an abortion, but denies the constitutional protection of gun ownership. He promises to mend national racial and ethnic divisions, but champions affirmative action, America's most racially divisive and harmful policy since the Jim Crow laws. He advocates the reintroduction of "shame" and "personal responsibility" to American society, but defends the welfare state, which subsidizes shameful and irresponsible behavior. Politically, there is little that separates Colin Powell from Bill Clinton, which makes the former no more a credible candidate for the Republican nomination than the latter.

But unlike Bill Clinton, Colin Powell is a veteran, a faithful husband, and black. Republicans untroubled by the General's ideological shortcomings offer his defense and foreign policy expertise, his affability, and his race as reason to elevate him to the highest office in the land. More critical examination of Powell's career, however, reveals that neither his military record nor his character is beyond reproach. Moreover, the race card must not become a *carte blanche* to the White House.

A RECENT SENATE REPORT ARGUES that it was General Powell who, in 1993, denied American commandos in Somalia the aid of AC-130 gunships. Eighteen Americans died in the botched mission, and the disaster led to Les Aspin's ouster as Secretary of Defense. If the commandos had aerial support, the Senate suggests, their efforts might not have resulted in such tragedy. Powell, says head of the US Special Forces Command General Wayne Downing, was more concerned with the appearance of escalated conflict than the lives of American troops. "General Powell advised that we keep the numbers down," Downing recalls.

Powell's unwillingness to arm adequately American forces in Somalia starkly contradicts his much-touted doctrine of "massive force." It also flies in the face of standard military policy.

According to the Senate investigation, "The AC-130s were part of the full-force package and were included in all of the training exercises. This decision is inconsistent with the principle that you fight as you train." To his credit, Powell was right that American forces did not belong in Somalia in the first place; but as a general, he was duty-bound to execute the President's policy with utmost forethought and care.

The General's proudest military achievement, his leadership in the Persian Gulf War, is similarly checkered. Lawrence Eagleburger, Secretary of State in the Bush administration, claims that Powell initially opposed Desert Storm, and at first offered an unfeasible battle strategy that would have guaranteed an American bloodbath. Only after his superiors rebuked him did Powell produce a winning game plan. To be fair, his final product was a success, but Powell's earlier fumbblings undermine his reputation for military acumen.



THE BLEMISHES ON POWELL'S Somalia and Gulf performances also mar his famed character and honor. For all his talk of honesty and responsibility, Powell told Senate investigators that he does not recall playing a role in the Somalia decision two years ago, even though two fellow four-star generals remember it vividly. Bush administration officials complain that during the Gulf War Powell leaked sensitive war-room information to the media, much of which appeared in Bob Woodward's expository tome, *The Commanders*. As media hype over a potential Powell candidacy wanes, his character will come under closer scrutiny. What we have learned so far seems to confirm what his critics have long maintained: Powell is an establishmentarian who prioritizes self-promotion over his ideals. The General's support for assigning women to combat roles substantiates this charge.

Still, Powell is charismatic, and in a campaign where the frontrunners-- Dole, Gramm, and Buchanan-- are known for their nastiness, his likability is appealing. A skilled messenger, however, is valuable only when he has a message worth delivering. Colin Powell might be a nice man, but Jimmy Carter and George Bush were nice men too. Congeniality alone is not a qualification for the White House, and it is certainly no guarantee of leadership.

Nor is race. Affirmative action makes for lousy university admissions policy, and it is an even poorer method of presidential selection. The advantage of a black president, namely a "healing" of racial tensions, would be more than offset by the hazards of electing someone unfit for office. Americans would never vote for a white Jesse Jackson; they would be equally foolish to endorse a black Bill Clinton.

Fortnight in Review

Comedy is allied to Justice.
—Aristophanes

PS In light of the O.J. verdict, we guess Jesse Jackson is right after all: there is no justice for the black man in America.

PS California's Governor Wilson has announced his withdrawal from the '96 presidential election. His campaign simply petered out.

PS New York Boss Rudy Giuliani gave some exercise tips to his subjects suggesting, "You can run, bicycle, rollerblade or even walk throughout our five boroughs." Just don't drop the Zenith.

PS Queen Elizabeth II was slightly bruised when an old bird fell dead on her shoulder. One down, one to go.

PS The Mashantucket Pequot Indian Tribe received gubernatorial backing on a plan to build a \$900 million casino complex in Bridgeport, Connecticut. They must be building one honkin' wigwam.

PS A former Secret Service agent was arrested for selling forged signatures of former US Presidents. He would have sold Bubba's but Capman Spike Lee copy-righted it.

PS The Campus Center recently hosted the One in a Minyan convention. About that many showed up.

PS Top Ten Ways To Spot the One [Gay Man] in a Minyan:

10. He frequents the Bayit Bathhouse
9. He never passes up a good briss
8. Latex yarmalca
7. Regrets being freed from bondage in Egypt
6. Loves Abel's Cain
5. Enjoys watching the Gaza Strip
4. Never quotes Leviticus
3. Cares more about STDs than the PLO
2. After his Bar Mitzvah, NAMBLA membership fees doubled
1. Helped design the technicolor dreamcoat

PS Great Britain has officially adopted the metric system. Next week they'll adopt soap.

PS 60 Minutes' Andy Rooney has offered one million dollars to anyone who can identify Nicole Brown Simpson's killer. Don't you hate it when annoying old men think anyone gives a damn?

PS Sixteen-year-old Sarah Gore was ticketed by police after they found her carrying a beer outside a Washington soirée. She should have said that she never swallowed.

PS The Rancine Zoo recently renovated parts of its exhibits to make them more "rhino-friendly." Zookeepers are now playing tunes by Meatloaf and Wilson Phillips.

PS The pachyderms are skeptical of changes in their cages.

PS The Nation of Islam has called on frenetic Farrakhan followers to participate in the Million Man March on Washington. Hopefully, this group of protestors *will* go back.



PS Jesse Jackson and Cornel West support the march. The tango, the waltz, and the electric slide, too.

PS As if the Nation wasn't busy enough, its members acted as Johnnie Cochran's bodyguards during the OJ trial. They did their job too well.

PS During the trial, Cochran and his cronies came to court in African garb. While they're at it, why not replace Ito with Idi Amin?

PS Opening his US tour, Pope John Paul II referred to this nation as one in which "none are so poor that they have nothing to give." Sounds like Slick Willie's tax plan.

PS Speaking of our fearless leader, the President has declared that the country is in a funk. So is the Democratic Party.

PS Michael Barbieri, the brother of OJ's main squeeze, predicted that the two will tie the knot within the next six months. After all, the Juice needs a new ball and chain.

PS Beijing Communist Party chief Chen Xitong has been keeping a mistress for the past six years. Looks like capitalists aren't the only ones that screw the working class.

PS Former Congressman Mel Reynolds began serving his 5-year prison sentence for the statutory rape of a 16-year old. As he entered the court building, he yelled at a photographer, “Do that again and you’re going down.” No kidding.

PS Unlucky daredevil Robert Overacker died trying to jet-ski over Niagara Falls when his parachute didn’t open. Use a barrel next time.

PS A Kansas judge is deciding whether *Annie on My Mind*, a novel about two girls falling in love, can be taught in the local public high school. Given the state, a more appropriate title would be *Mama on My Mind*.

PS *Lisp*, a new gay quarterly, hand-stamped the cover of its first issue with HIV-positive blood. Readers were given a number to call to determine if their issue was “infected.” Sorry, wearing a condom while reading won’t help.

PS The Swedish Academy of Letters, the body which awards the Nobel Prize for Literature, must have slipped. This year’s recipient, Irish poet Seamus Heaney, is not only white and European, but also male.

PS Pulp-novelist Danielle Steele recently separated from her husband of 14 years. To celebrate, the author’s ex threw a “Coming Out Bachelor’s Party.” Danielle bought the rights to the book.

PS Ellen Haas, the Agriculture Undersecretary in charge of the US school lunch program, recently spent ten million dollars on an advertising campaign that promoted such nouveau dishes as rice pilaf and vegetable tortes. If all else fails, let them eat crêpe.

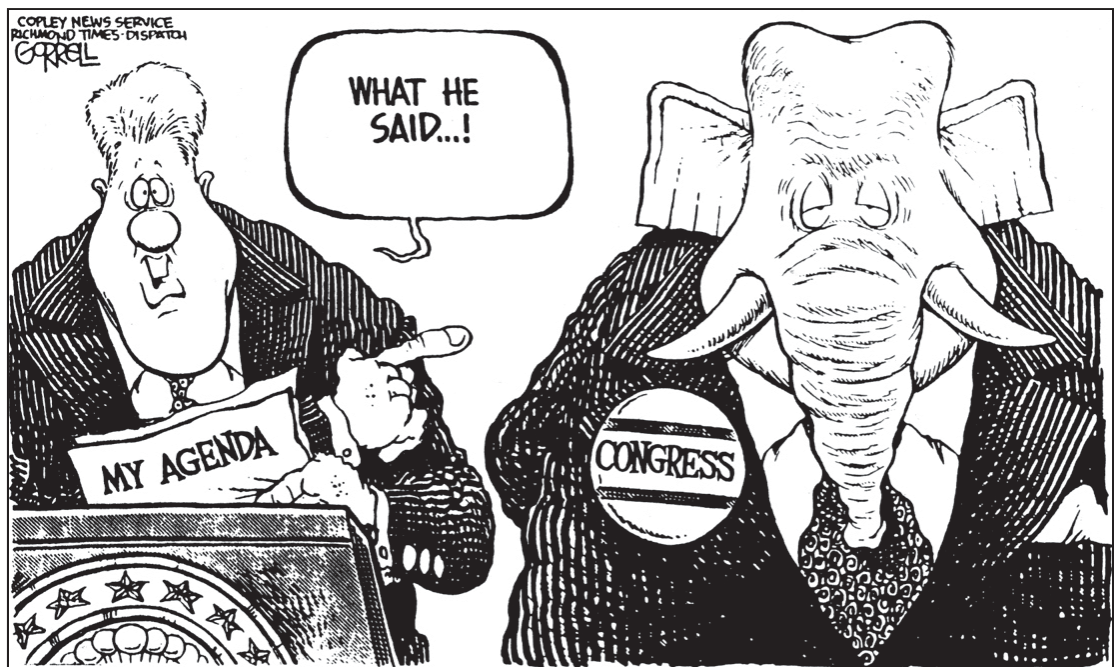
PS Spineless GOP guys have once again caved into President Clinton’s demands by allowing an extension of the debt ceiling. Today’s kids will be paying for their school lunches until they’re seventy.

PS The US Postal Service settled a labor dispute affecting 365,000 employees. Like anyone would notice if they went on strike.

PS A recent study by the American Health Foundation shows a rise in drug and alcohol abuse by America’s youth. What a gore-y thought.

PS Angry Hispanic activists petitioned the FCC to censor New York “shock jock” Howard Stern, claiming he promotes “hate and racism.” Stern gives all the credit to Johnnie Cochran.

PS Talk-show diva Oprah Winfrey just barely cracked the *Forbes* list of the 400 richest Americans, coming in at number 399 with \$340 million dollars. Definitely a bad sign for the economy... the exchange rate will probably go up about ten dollars per pound.



PS Top Ten New Uses for Hodgdon Dining Hall:

10. Soup kitchen for faculty
9. New pad for Bags’ pups
8. Phi Sig Sig henhouse
7. Radiation testing
6. Role-playing dungeon
5. B&G hideout
4. Jai-alai arena
3. Chicky-chicky coop
2. Storage for TCU Treasury forms
1. Soup kitchen for students

PS Boston’s favorite baseball team lost three playoff games in a row against the Cleveland Indians, shattering World Series hopes. Sox to be them.

PS A bankrupt French sperm bank has refused to return sperm samples to their donors. Sacre bleu!

Viewpoint Author Exposed

The Executive Board

Critics of THE PRIMARY SOURCE typically berate our publication's content and manner of presentation. While often erroneous, such castigation occasionally offers thoughtful commentary. Former managing editor Jayne Wellman, however, has publicly abandoned intellectual standards by penning an unsubstantiated and dishonest *Daily Viewpoint*. Abetted by an exceedingly lax *Daily* editorial policy, Wellman vented a mendacious assault on THE SOURCE's integrity while launching an *ad hominem* attack on Editor-in-Chief Colin Delaney.

Although entitled to the expression of her views, Miss Wellman's blaming of Delaney for THE SOURCE's professional and ethical 'demise' amounts to a disingenuous campaign against the entire publication's character. Jayne Wellman submitted blatant lies and flawed claims to portray THE PRIMARY SOURCE as a corrupt institution; we have no choice but to address and correct her false accusations.

Focusing on bureaucratic and procedural matters, Wellman's critique is no more consequential than it is valid. She protested her inclusion on our Orientation issue's masthead, arguing that she had given every indication of quitting THE SOURCE prior to studying in England. Miss Wellman did not mention, though, that she drew a "Fool on the Hill" caricature for the last issue on which she could possibly work. She never informed us of her supposed resignation.

Wellman does not devote her diatribe solely to factually deficient claims; she espouses outright lies to justify her argument. Her Viewpoint maintains that both her signature and social security number were fraudulently included on THE SOURCE's current membership list. That allegation is simply untrue. Wellman adds that Mark Dorn, now a part-time student, was improperly listed as a SOURCE member. Last year, however, Dorn was a full-time student who paid the activities fee. The Student Activities Office liaison to the TCUJ, David Backman, confirmed that seniors are eligible for inclusion on re-recognition lists. Although Wellman purposely wrote otherwise, Mark Dorn, Chris Weinkopf, and Matthew Fountain legally signed THE SOURCE's re-recognition form. Apparently Wellman believes that she can cite fictitious events to condemn people she dislikes.

While Mr. Dorn was indeed listed on our Orientation issue, his mention is neither unconstitutional nor unethical. Wellman confuses THE SOURCE's masthead with its membership list. The official membership list is a separate document submitted to the TCUJ for approval. The masthead appears in each edition, listing regular contributors *and* guest contributors. Any interested individual can contribute to THE PRIMARY SOURCE, regardless of his status as a Tufts student. He is not, though, recorded as a permanent member on the official re-recognition list. The TCUJ apparently agrees, as it re-recognized THE SOURCE while placing 63 other student organizations on probation.

Perhaps the most egregious of Wellman's lies was her assertion that Delaney asked Student Activities Director Bill Stackman not to release the SOURCE constitution. Mr. Stackman, when asked, confirmed that Mr. Delaney did nothing of the sort. Fabricated information, however, did not prevent Wellman from writing her "exposé." Jayne Wellman is not merely culpable for distorting the truth; she has committed libel.

Wellman complements flagrant falsification with malicious character assassination. Fulfillment of her agenda necessitates misportrayal of THE SOURCE as a thoughtless and reprehensible publication. She contends that Mr. Delaney asked Stackman to deny others access to the publication's constitution in order to 'conceal' a bylaw that allows the Editor-in-Chief to reject potential new members. The staff installed that clause to eliminate the possibility of liberal students joining the publication to ruin it from within. Instead, Wellman writes that THE SOURCE responded to a contingent of black women that threatened to join the publication. Those ladies only voiced their opposition to the content of a particular feature; they never attempted to join. Wellman twisted the event to depict THE SOURCE staff as one that does not welcome black members.

THE PRIMARY SOURCE is open to any student who wishes to help circulate conservative thought on campus. Liberals, by definition, need not apply. Indeed, any student group should be able to refuse membership to those planning to destroy it. Although Wellman is petty enough to reduce the matter to one of race, we most certainly are not.

Triviality is commensurate with absurdity where Jayne Wellman is concerned. Her spurious claim that THE SOURCE "hardly deals with conservative issues" indicates that she must not read our

issues. If she had, she would have encountered thoughtful pieces on taxation, AmeriCorps, licensing requirements, and welfare reform—to name only a few.

Wellman's motivation for her libelous and malignant Viewpoint remains unclear. We can only surmise, however, that she harbors professional resentment towards particular staff members. In all likelihood, she is exacting revenge upon a staff that rejected her ideological and editorial competence by voting her out of office.

Shallow arguments and non-existent facts did not deter Wellman from producing a poorly reasoned tirade against THE SOURCE and its members. Her hollow charges and outlandish claims demonstrate that she will sink to the lowest of levels to exercise her bitter wrath. Jayne Wellman, no doubt, is satisfied with *The Daily's* publication of her malediction. After all, we stopped giving her such satisfaction a long time ago.

The Executive Board of THE PRIMARY SOURCE consists of Mr. Delaney, Mr. Havell, Miss Schupak, Miss Rockett, Mr. Kingsbury, Mr. Gupta, and Mr. Seltzer.

In the aftermath of The Great Escape, many people are wondering what would have happened if the jury had been different. Well, for all those asking how a supposedly random process ended up with nine blacks, two whites, ten women, and one Hispanic, we present the following (condensed) copy of...

The Dream Team's Jury Selection Questionnaire.

1. Do you know OJ?

a) I only drink Tropicana b) I sold speed to him last week c) Yeah, I was stuck behind him for hours on the freeway d) He's no Bryant Gumbel

2. What race/ethnicity are you?

a) I am an empowered African American b) Hey, I got my green card c) Fuhrman Youth d) I'd rather not speculate

3. Please state your sex/gender:

a) Former prisoner of the patriarchy b) non-liberated female c) Phallic Oppressor d) Hey man, I get around

4. Have you ever committed a felony?

a) Nah, the fuzz planted that stuff on me b) Not since the Rodney King verdict c) No d) They dropped those charges.

5. What is your level of education?

a) I don't understand the question b) I dropped out of Jefferson High c) I got an A-in PS 45 d) I'm still waiting for Sally Struthers to send me my degree

6. Could you be an impartial juror?

a) Free the Juice! b) How much does the job pay? c) I would do my best d) Just don't put me in Motel 6

7. How do you feel about race relations in America?

a) Honkeys oppress the black man b) Reginald Denny got what he deserved, period! c) NIMBY d) Chariots of Fire stunk

8. Have you ever perpetrated or been the victim of domestic abuse?

a) Yes, but the broad deserved it b) Only after I let dinner get cold, and that was my fault c) No, I think it's awful d) I never once hit the maid

9. What is your economic status?

a) I am a victim of institutional racism b) I get a raise when I have another baby c) I'm a hard working member of the middle-class d) Depends on the Super Bowl

10. The trial could go on for months. How well could you deal with that?

a) What else would I be doing? b) I better not miss Ricki Lake c) I have a job and family, you know d) Occasional conjugal visits with Alan Dershowitz

SCORING

Give yourself 2 points for each "A," 1 point for each "B," 0 points for each "C," and -1 point for each "D"

If you scored between:

20 and 15: Welcome to the jury!

15 and 5: Stick around, we need alternates.

5 and -5: Put that sheet back on the bed!

Less than -5: Have you been watered lately?

When OJ walked out of court a free man, he vowed to search out his ex-wife's real killer. Always ready to aid in the triumph of justice over evil, we at THE PRIMARY SOURCE present the following list of prime candidates for indictment. See if you can help track down one of

The Us



RuPaul:
Accidentally slashed Nicole's neck while trying to cut off her gold locks for a new wig.

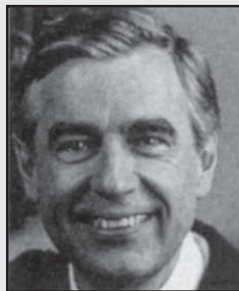


Bruce Reitman:
Accidentally slashed Nicole's neck while trying to cut off her gold locks for a new wig.



Michael Jackson:
Thinks Justin Simpson is a PYT.

Homey the Clown:
Miffed that whitey passed him over for the part of Nordberg in *Naked Gun* series.



Mr. Rogers:
Disgruntled after Brown's Akita tinkled on his lawn.



Anita Hill:
History of framing black

zual Suspects



Peggy Barret:
Anything to
promote single-
parenthood.

**Rush
Limbaugh:**
Furious
after losing
that OJ
contract.



Colin Ferguson:
Because he's already
been framed once before.

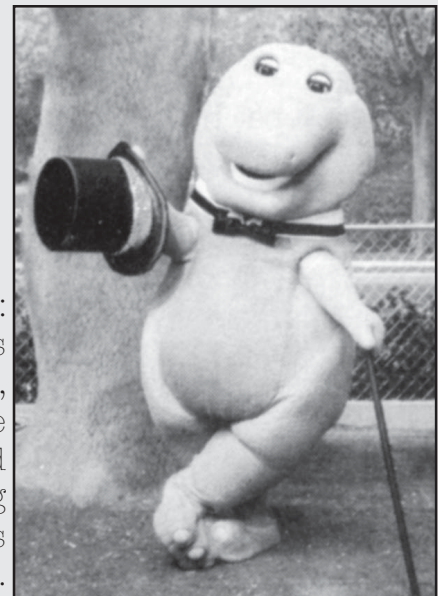


k men.



**Teddy
Kennedy:**
White Bronco at
the bottom of
Chappaquiddick
Bay has officials
suspicious.

Barney:
Explains
mysterious,
dark figure
spotted
running
across OJ's
front yard.





Ask Johnnie Cochran...

Dear Johnnie,

This is to inform you that if you don't pay your security bill soon, we'll give you the Malcolm X treatment. You'll be the million-piece man march on Washington. Pay up soon.

—Calypso Louie

Dear Minister F,

I tell you, as soon as the pay-per-view goes through, I'll have your money. Tell Qubillah there's no need to get her gun out yet.

—The Juice-Looser

Dear Johnnie,

I'm not black, but the prostitute that I was arrested for soliciting is. Like OJ, I'm a celebrity and have an unlimited amount of money to spend on my defence. What does my situation look like to you?

—Lecherous Limey

Forget about it, Hugh. Nine whores on the jury and you're walking right outta court.

—Lecherous Litigator

Dear Meester Johnny,

When am I gonna get the rest of the money you promised?

—Rosa, still in Juarez

Dear Rosa,

S-O-C-K-S! Hasta la vista, baby!

—Señor Cochran

Dear Johnnie,

I'm the biggest fan of your work. I love how you incriminate and persecute people solely for their race. Bravo!

—Captain Mark

Thanks, buddy! Couldn't have done it without you.

—Johnnie C.

Dear Johnnie,

Can't we all just get along?

—Rappin' Rodney

Nope.

—John

Dear Johnnie,

The prosecution kept mentioning a girl named Nicole and a boy named Ron. Who were they?

—Juror #2

Dear #2,

Nobody of any consequence.

—Johnnie Crookran

Dear Johnnie,

About fifteen years ago, I shot and killed a police officer. I have reason to believe that I was convicted of this crime solely because I did it. As such, I like to consider myself a political prisoner. I am to be executed for this crime shortly. What can I do?

—Mumia in waiting

My Brother,

You have a few options:

1. Say that Jodie Foster made you do it. 2. Claim that it was an uprising. 3. Tell admissions officers that the cop died in a car accident.

That'll be \$5000. Catch you on the flip side,

—JC, JD

Dear Johnnie,

I like the way you deal that "race card" thing. How would you like a job in campaign management?

—Action Jackson

As I told my good friend: Crack pipe + Prostitute + FBI + Jail term = Guaranteed election. Fourth time's the charm.

—Team Captain

Women's Rights and Wrongs

Micaela Dawson

Tufts is no stranger to radical leftist activism. Whether it be Dean Ammons' protest of President Bush's visit last year, or President DiBiaggio's cameo appearance at the TLGBC's National Coming Out Day rally, the University has always proudly displayed its political stripes. This radical politicking, however, escalated to new heights when six Jumbos traveled to China to attend the United Nations Non-Governmental Organizations Forum on Women outside Beijing. When the festivities concluded, Tufts students Julie Rosenthal, Christianna Beebe, Gabrielle Wang, Marian Doub, and professor of Urban and Environmental Policy Molly Mead convened a mini-conference here on the Hill to present the information they obtained at the conference.

Organizers said that the event, entitled "Tufts Community Members Report on the Fourth World Conference on Women," was intended to inform students about the issues facing women today. The forum, however, was more concerned with advancing a radical agenda than it was with helping women. The Fourth World Conference illustrates the degree to which radical feminists have appropriated legitimate concerns about human rights and welfare to further their reprehensible political goals. The Tufts delegation joined the ranks of the 30,000 gynowarriors seeking to deconstruct marriage and family institutions, while advancing sexual degeneracy in the form of lesbianism. Their convergence in China, of all nations, symbolizes the great hypocrisy underlying the entire escapade.

The Appeal to Liberty

Women did not realize true equality of opportunity until this century, after a massive campaign waged by both sexes. Early

women's liberation movements focused on inalienable rights, freedoms, and liberties. Supporters of women's rights felt that those women who hoped to pursue their dreams deserved the chance to do so, whether as an accomplished homemaker or an accomplished nuclear physicist. As a result, American women are now fully integrated into all aspects of society.

The current campaign for gender equality, however, has no interest in creating opportunity. Behind the leadership of such controversial figures as NOW President Patricia Ireland, Jane Fonda, and Hillary Clinton, the movement equates marriage with slavery and condemns those women who choose to "stay home and bake cookies." Thus, the struggle has taken a tragic leap backward, annulling the important advances of years past. By mistakenly linking women's rights with the dissolution of

Those familiar with radical feminist exercises in victimology and self-aggrandizement were not surprised by the goings on at the UN conference.

Feminist influence on the conference's Platform for Action is unmistakable. The document placed considerable emphasis

Radical politicking escalated to new heights when six Jumbos traveled to China to attend the United Nations NGO Forum on Women outside Beijing.

on "liberating" women from traditional conjugal and parental roles by fostering sexual freedom, legitimizing alternative lifestyles, and extending abortion rights. The draft seeks to undermine parental influence by referring to "the rights, duties, and responsibilities of parents and other persons legally responsible for children" as

problematic. In addition to questioning the right of parents to raise their children, the authors endorsed adolescents' "right" to sexual freedom and the worldwide distribution of birth control material.

The Draft Platform for Action was not satisfied with its attempt to destroy the concept of family; it also sought to reconstruct the notion of gender. Pressured by

North American and Scandinavian delegations, the lesbian-sympathizers replaced the term "sex" with "gender," to include all five genders in the document. Sex, of course, is a biological absolute which allows only for males and females. Gender, on the other hand, is a sociological invention which recognizes heterosexual males and



traditional institutions, modern feminists have widened the gender gap that their forebears originally set out to bridge.

The Charge of the Red Brigade

For decades, these extremists have been mobilizing their militant forces to further the radical feminist cause. Due to a lack of popular support for their true goals, the so-called "Women's Movement" has had to attach itself to other, more legitimate causes.

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females, homosexual males and females, and bisexuals of both sexes. The latest scheme to validate deviant lifestyles improperly grants equal status to all of these “genders.”

Conference attendees claim a desire to improve the condition of women, yet they did not once address the correlation between socio-economic development and familial stability. Single-mother households, and other dysfunctional arrangements, have a greater propensity for destitution. Two parents are simply better than one. A father provides his wife and children with much more than economic security. He offers stability and leadership by acting as a moral force within the household. The conference, which ignored the importance of a two-parent family, promoted only radical feminist views.

Hypocrisy Over Beijing

The so-called “People’s Republic” of China is one of the world’s worst oppressors of human rights, especially when it comes to women. Civilians who dare challenge that cruel communist regime can expect the same treatment that student protesters in Tiananmen Square received. The People’s Republic enforces its policy of one child per family through mandatory sterilization which often lead to sex-selection abortions. In fact, nearly ninety-five percent of Chinese abortions terminate female babies. As if the location of the conference was not sufficiently ironic, Peng Peiyun, the director of the state family planning committee, chaired the Conference Planning Committee.

To their credit, western feminists did not mute their criticism of the Chinese government. In her speech, Hillary Clinton derided the policies of forced sterilization and abortion, and spoke out against numerous other human rights abuses perpetrated by the PRC. However strong a statement

Mrs. Clinton made in her speech, refusal to attend would have sent a far more effective message. Jeanne Kirkpatrick put the situation in perspective, saying that “all that millions of Chinese women know is that on that day, Hillary Clinton stood on stage, next to their oppressors.” Despite pleas from human rights advocates across the political spectrum, President Clinton decided to allow his wife to lead the American delegation to the conference. In Clinton’s moral vacuum, the illegitimate rights championed by the fanatics carry more weight than actual human rights.

Chairman Hillary

“Women’s rights are human rights once and for all,” declared the First Lady as she addressed the United Nations delegates. The conference, however, was attended almost entirely by women. According to the Tufts delegation, many of the issues discussed did not relate exclusively to women: “All of us were there to talk about

acquiring undue international recognition for alternative lifestyle “rights.” But if the conference, as the First Lady declared, deals with human rights, there should be no need to distinguish among certain types of people on the basis of sexual orientation.

Mrs. Clinton, though, saw fit to cater to the whimsical demands of maniacal women’s factions. By embracing the extremist politics of radical feminism, the First Lady has allied herself with the most depraved of interest groups. Mrs. Clinton’s actions are perplexing because most American women reject the revolutionary positions held by feminists. Sadly, Hillary does not hesitate to eschew widely held moral values so that she may indulge in wanton political activism.

Keep Moving On

The achievements of the Fourth World Conference on Women remain unclear. The very nature of the conference smacks of inefficient and ineffective bureaucracy, and begs the question as to whether anything *could* have been accomplished. Furthermore, any discussion of women’s welfare must embrace economic growth and individual responsibility. Both tenets were conspicuously absent from the agenda at Beijing; unfortunately, the hollow rhetoric of coercive economic planning, radical feminism, and lesbian rights was not.

President Clinton’s decision to allow the First Lady to lead the United States’

delegation lent the People’s Republic of China unwarranted legitimacy and prestige. The President should have stood up to the pressures within his administration and maintained American dignity. In the meantime, the Tufts delegation and their militant sisters within the women’s movement will “Keep Moving On” and deconstruct social institutions which women the world over support.

Miss Dawson is a sophomore majoring in Political Science.



the issues of the world, issues of peace, food security, pesticides, globalization of the economy, jobs imported to developing countries, reproductive rights, violence...” By convening on these gender-neutral issues, on terms which so deliberately exclude male presence, the female attendees sanctioned the very same separatism and discrimination for which they chastise the other half of the world’s population.

Such exclusion, however did not stop at the first “gender.” Lesbians stressed the separation of all five genders as a means of

The Fix Is In

Colin Delaney

Political commentators and spin doctors of all persuasions are attempting to use the OJ Simpson trial as soapbox to preach about the social evils they find most offensive. Ever since defense counsel Johnnie Cochran succeeded in turning the trial into a plebiscite on race relations, observers with their own axes to grind hurried to correct his malpractice. Following Simpson's acquittal, for example, *Boston Globe* columnist Eileen McNamara reflected the mood of many when she wrote that "The trial became a referendum on every social ill except the one it was about—escalating domestic violence."

McNamara and her colleagues are guilty of using the "trial of the century" to their own political ends. In fact, the case was not about domestic violence, police misconduct, or even race; it was about Orenthal James Simpson brutally murdering Nicole Brown and Ron Goldman. Certainly, a host of issues were involved in this case, but at its heart lies the dead bodies of two people struck down in their prime. Attorneys should have placed nothing more than hard evidence on the blind lady's scales.

Advocating concentration on the victims may appear to rise out of special regard for the hotbutton political issue of victim's rights. But the criminal court system's sole responsibility to society is the adjudication of charges. Although Johnnie Cochran likes to speak about the jury's ability to censure racists and police, that is not their duty. Any message sent by a verdict in the course of serving justice is tangential to the real issue. Juries cannot concern themselves with the social consequences of their decisions; subjugating evidence can only result in a miscarriage of justice.

Unfortunately, the actors in the OJ Simpson case doomed it from the beginning. Legal community activists voiced concern about overzealous prosecution of a black man accused of killing a white woman. Others worried about the implications a change of venue might have—that is, if the case were tried in a predominantly

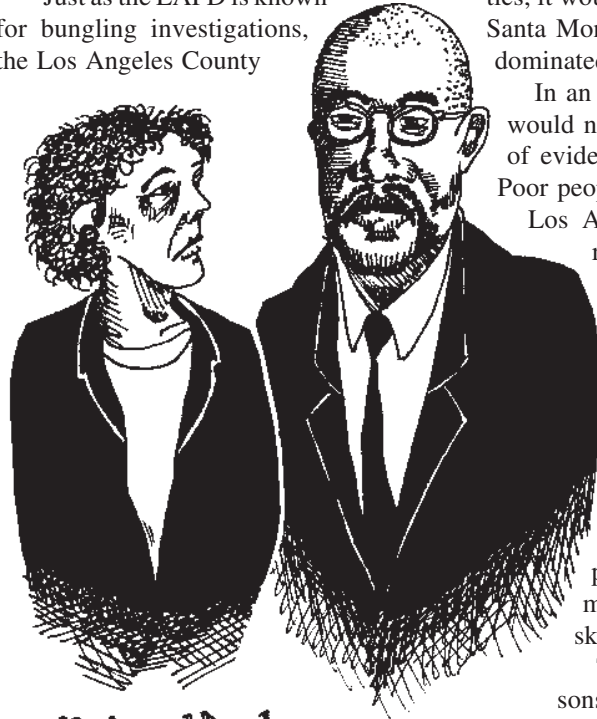
white community. Worse yet, Judge Ito allowed the defense to taint jury selection with irrelevant racial considerations. It should come as no surprise, then, that the

If a judge allows attorneys to emphasize race where it has no relevance, he poisons the process by bringing jurors' preconceived notions of racism to bear.

panelists disregarded Marcia Clark's reasoned summation of undisputed evidence, voting with their hearts and Johnnie Cochran's racially charged rhetoric—thereby setting a guilty man free.

Fumbling the Kickoff

Just as the LAPD is known for bungling investigations, the Los Angeles County



Clark and Darden:

Victims of Circumstance

District Attorney's office is famous for losing high profile cases. When the ex-wife of a well-known celebrity was found dead, both departments hoped to reverse their respective reputations by swiftly bringing the killer to justice. But while Detective Philip Vannater was casually carrying around vials of blood

and criminologists were losing track of evidence, District Attorney Gil Garcetti was allowing politics to supercede justice.

After Simpson became the prime suspect, Garcetti came under intense pressure from black leaders not to move the trial out of mid-city Los Angeles, as the DA had done in the Rodney King beating case. However, Brown and Goldman were killed in ritzy West LA—the jurisdiction of the Santa Monica Superior Court. If the crime had not been so widely publicized, the trial would have been held there. But Garcetti moved the case to downtown, where the jury pool consists largely of poor minorities, to avoid the appearance of racism. By the twisted logic of those concerned exclusively with prejudice and politics, it would have been racist to remain in Santa Monica because that community is dominated by whites.

In an ideal world, a change of venue would not alter the jury's interpretation of evidence or its subsequent decision. Poor people and minorities from Central Los Angeles are no less capable of rendering a fair verdict than affluent whites from the West Side. If the judge allows attorneys to emphasize race where it has no relevance, he poisons the process by bringing jurors' preconceived notions of racism to bear. In the Simpson case, as in countless others, the court rendered the racial composition of jurors relevant by permitting the defense to consider skin color during empanelment.

The Constitution guarantees persons accused of crimes a trial before a jury of their peers. Liberal justices and legal scholars argue that any panel must "look like the community," but frequently fail to enumerate the standards for judging representation. Employment of race as a criteria, they believe, is implicit in managing diversity. It need not be. A jury proportionally identical to

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the community in racial terms may consist entirely of Fortune 500 CEOs. Surely such a panel would not reflect the community's diversity. Would proportionality advocates argue, then, that race is a contributing factor in analytical thought? Certainly not. There is no reason to consider a prospective juror's race—or any other factor not related to intellectual competence—in determining his ability to judge the accused. To assemble a jury of peers, it is necessary only to make all members of the community eligible for service.

Color Commentary

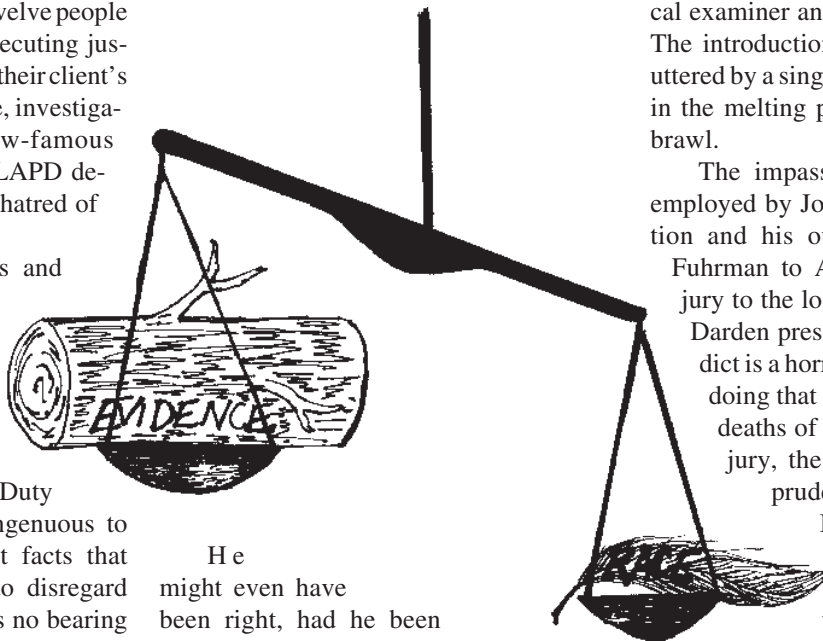
Even having selected a jury that might be receptive to arguments of police racism, the defense still faced a monstrous task. They had to find something so fantastic and disgusting that it would move twelve people charged with the burden of executing justice to disregard the evidence of their client's guilt. And by some twist of fate, investigators happened upon the now-famous Fuhrman tapes, in which the LAPD detective discusses at length his hatred of black people.

During press conferences and interviews following the trial, Johnnie Cochran claimed that not playing the race card would have constituted malpractice. Such are the words of a man paid millions to do whatever it takes to exonerate his client. Duty aside, it is intellectually disingenuous to deliberately present irrelevant facts that would give jurors a reason to disregard important evidence. If race has no bearing on the defendant's guilt—and in this case it surely does not—the race card, no matter how powerful it may be, does not belong in a court of law.

The only conceivable reason to address racial issues—other than to enflame the jury—is to make a political point about post-Civil Rights America. However, politics, too, does not belong in court. Interestingly, the supreme irony that seems to be lost on liberal activists is that they picked the wrong man to exemplify the plight of poor blacks abused by police and the system. If a white society even exists, OJ Simpson is an integral part of it. The football Hall-of-Famer earned millions selling

Hertz Rent-a-Car and was a fixture of NBC Sports telecasts. Like his ex-wife, he lived in the affluent Brentwood district of Los Angeles and was a regular on the LA charity circuit. In short, OJ is no Rodney King. He was not beaten by over-eager cops at a traffic stop; Simpson was thoroughly and fairly investigated by a department under intense public scrutiny.

As the trial concluded, the illogical elevation of Simpson to black martyrdom took a front seat while Johnnie Cochran pleaded with the jury to ignore the evidence and vote with their passions. In his summation, defense counsel jettisoned concern for fact and argued that the panel had a responsibility to condemn racist police officers such as Mark Fuhrman. "You're the ones who send the message; nobody else in this society has the courage.... You're the ones at war," proclaimed Cochran in his animated closing statement.



He might even have been right, had he been referring to rampant crime and the permissibility of wanton violence. Juries hearing a murder case on which racism has no bearing are under no obligation to send any such message. In fact, consideration of anything other than evidence directly related to guilt and innocence is a miscarriage of justice.

The Wrap-Up

From start to finish, the murder trial of OJ Simpson was a carefully orchestrated farce played out for millions to see. It could have been a wonderful example of American racial harmony and a lesson in personal responsibility. Nicole Brown could have

been the heroine who did the right thing by leaving an abusive relationship. And when the enraged and vengeful ex-husband stormed her condo that one last time, young Ron Goldman risked his life to save her. Had the jury convicted Simpson, they would have re-affirmed the virtue of personal integrity and accountability for one's own actions by sending a brutal killer away forever.

Similarly, when the trial began last January, the nation had an opportunity to see the products of American equal opportunity at work. Marcia Clark, the deputy DA with a stellar track record named to lead the prosecution's case, is a working single mother. Exemplars of successful minorities and peaceful interracial coexistence abound, as illustrated by Darden and Cochran's often spirited arguments before an American judge of oriental descent. Expert witnesses included an Indian medical examiner and a Chinese criminologist. The introduction of the disgusting words uttered by a single racist cop turned a swim in the melting pot into a discordant legal brawl.

The impassioned and fiery rhetoric employed by Johnnie Cochran in summation and his outrageous comparison of Fuhrman to Adolph Hitler blinded the jury to the logical arguments Clark and Darden presented in rebuttal. The verdict is a horrible and deliberate wrongdoing that only compounds the tragic deaths of Brown and Goldman. The jury, the pillar of American jurisprudence, failed in this case.

But the costs of allowing a citizen panel to set a guilty man free outweighs the possible loss of liberty that granting a tribunal of professional judges power to punish the innocent would have. Our legal system, like democracy, is imperfect. Anything else, though, would be horrific.

Nicole Brown and Ron Goldman need not have died in vain. The nation can still learn from the travesty of justice that was the trial of their killer. Presiding judges must never again allow spurious arguments about such inflammatory social ills as racism to supercede reason and outweigh hard evidence.

Mr. Delaney is a junior majoring in History and Political Science.

Posting Bombs

Keith Levenberg

On September 19th *The Washington Post* re-ignited a national controversy by publishing the Unabomber's 35,000-word manifesto condemning modern society. Last July, the terrorist issued *The Post* and *The New York Times* an ultimatum, promising to resume his bombing campaign unless they printed the work. Predictably, most publicity surrounding the event focused on the newspapers' decision to run the treatise at the Justice Department's request. Few commentators have investigated the content of the text itself. The media clearly did not intend it to be read; publication was meant to placate the Unabomber. However, the mental state and warped ideology that prompted a member of a civilized society to begin a 16-year long campaign of terror certainly warrants investigation.

The radical beliefs which the Unabomber espouses in his lifework are standard fare for the average modern anarchist. FC, as he calls himself, believes industry and technology are inherently evil and the root of man's problems. Advancement, he argues, infringes upon a litany of freedoms. In all seriousness, the bomber claims that "Walk, Don't Walk" signals exemplify the automobile's ability to constrict liberty. While these postulates are decidedly on the fringe, they are accompanied by other, more mainstream, misconceptions.

FC points out that if he had submitted his manuscript conventionally—rather than resorting to terrorist blackmail—it would have been rejected or ignored. Therefore, he concludes, freedom of the press as it exists in America is undemocratic. It must be noted that the bomber's terrorist guise does not alter the claim's status as a stalwart of traditional liberal ideology. The bomber echoes A. J. Liebling's assertion that "freedom of the press is limited to those who own one." In fact, FC takes Liebling's

proclamation into the information age and argues that even those who are able to publish have no control over whether or not they will be heard. The bomber argues that powerful media organizations "swamp"

The radical beliefs which the Unabomber espouses in his lifework are standard fare for the average modern anarchist.

people with a "vast volume of material," drowning out those who are not part of the 'establishment.'

None of these contentions, however, support his bold claim that "freedom of the press is of very little use to the average citizen." There is a serious difference between the *right* to speak and the *ability* to be heard. The First Amendment only guarantees the right to express ideas; convincing an audience to take them seriously is another matter entirely. If someone publishes what he considers an important text, only to have it dismissed by readers, he can only blame himself for failing to write convincingly. Ideas, like products, compete in a market. If a company lacks the resources to widely distribute its products, freedom of commerce has not been abridged. Likewise, if a person who is incapable of gaining an audience cannot disseminate his ideas, freedom of the press has not necessarily been compromised.

Though FC divorces himself from modern leftism, he shares proletarian ideology. The solutions to labor issues which he proposes may be radical, but his diagnosis of the perceived problem is shared by most labor unions and liberal activists. The terrorist states that "When skilled workers are put out of a job by technical advances

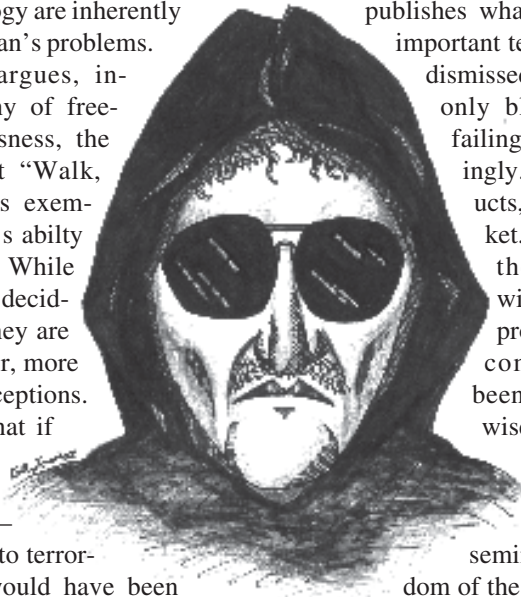
and have to undergo 'retraining,' no one asks whether it is humiliating for them to be pushed around in this way." While FC uses such a lamentable situation to justify elimination of industry, mainstream liberals use the same logic to defend regulations protecting workers from the pressures of a competitive job market.

Such a position is based on the ridiculous notion that industry exists to benefit its employees rather than its owners and customers. If a firm can be more competitive by using machines instead of men, products will be less expensive and consumers will save money. Furthermore, the use of machines does not eliminate jobs; it merely alters the nature of work employers require. Highly-specialized engineers are more productive and earn more money than even skilled workers. While the labor movement would have us believe that it represents the interest of most citizens, it actually stands for the anachronistic self-interest of specific workers.

Avid concern for laborers is only a small part of the virulent anti-technology drivel that is omnipresent in the text. His relentless castigation of industry ignores the reality that technology solves the problems which it creates. The media is more accessible than ever; technological developments have made mass production of information inexpensive. Similarly, scientific advancements have immeasurably improved conditions for workers, allowing for shorter working days and a more comfortable environment.

The Unabomber callously suggests replacing the industrial system with a society ruled by "nature." A fantastic irony is lost on him: if his vision of society is truly natural, it would already exist. He ignores the fact that desire to improve both oneself and society is a fundamental part of human nature. Denying men the opportunity to participate in a free society and economy is as gross a denial of nature as there can be.

Mr. Levenberg is a freshman who has not yet chosen a major.



Just Deserts

Ananda Gupta

The idea of punishment often follows any mention of “serving justice.” Although most people frown upon involuntary incarceration and property confiscation, civilized nations empower their courts to take those very actions when faced with a convicted felon. The moral grounds for punishment, while often taken for granted, dictate that a person does not deserve such extreme treatment unless he has committed a serious transgression.

Consideration of a criminal generates temptation to look ahead. Rehabilitating and realigning criminal’s attitudes, therefore, seemingly constitute the most constructive policies. But looking to the future alone is incomplete treatment of the criminal. The precise reason for dealing with criminals lies in the past. Thus, punishment is inevitably and inherently backward-looking, despite the forward-looking nature of rehabilitation. Consequently, rehabilitation cannot be the sole purpose of punishment.

Retribution is more consistent with the retrospective nature of punishment. When a criminal commits a crime, the scales of justice must be brought back into balance. This approach of “letting the punishment fit the crime” does not even consider rehabilitation; it provides moral compensation to the victim. No one gave any thought to rehabilitating German war criminals after World War II. The Nuremberg Trials aimed to examine past actions, assign responsibility, and exact retribution. One would be hard-pressed to find a reasonable person who doubts that those proceedings yielded justice, however incomplete.

Victims of Society?

Arguments in favor of rehabilitation are necessarily utilitarian, since they only consider ways to make the most of the tragedy of crime. Asking whether or not criminals deserve punishment, utilitarians

argue, misses the point. According to them, it is foolish to cry over spilt milk. By this logic, the possibility of deterring criminal

Retribution is consistent with the retrospective nature of punishment. When a criminal commits a crime, the scales of justice must be brought back into balance.

activity through rehabilitation receives primary consideration. Rehabilitation and deterrence, however, are merely beneficial side effects on which the justice system should not focus.

Even utilitarians must look to the past, since there is no other reason to punish the “criminal.” But utilitarians do themselves a disservice by claiming that only the fu-



ture matters, thereby discounting the importance of balancing the scales.

Often, utilitarians will rationalize their consideration of the past by holding society responsible for individuals’ actions. This view, social determinism, ignores individual desert. Social determinism quickly

leads to absurdity, as in the notorious “black rage” defense strategy. It is simply irresponsible to hold a criminal’s social group (or its oppressors) responsible for his crime. If a black person commits a crime, one should not hold all blacks responsible for that individual’s actions. But utilitarians do just that when they deem society responsible for the actions of a single criminal.

Back and Forth

Proponents of rehabilitation argue that its benefits justify using the approach as a means of retribution. Rehabilitation offers no guarantees; it is impossible to tell whether a particular criminal will voluntarily atone after realizing that he should not have committed a crime. More fundamentally, society can never be sure that the convict recognizes that criminality is wrong.

Pure retribution, on the other hand, ensures that the scales will be balanced.

Utilitarians often argue that pure retribution, although fair, does not contain a constructive aspect. Dealing with such an issue, however, makes an unnecessary concession to utilitarians; the retributivist need not concern himself with aggregate social benefits. As with rehabilitation itself, other social benefits make wonderful sideshows, but they should not be the purpose of punishment. It is illogical to capitalize on the tragedy of crime.

One major obstacle remains for the retributivist. The scales of justice he seeks so ardently to balance are intangible, the weights of which are impossible to quantify. A rehabilitated criminal returning to the community, however, is a tangible result.

*Please see “Deserts,”
continued on page 22.*

Incomplete Justice

Colin Kingsbury

Americans, justifiably frustrated with rampant crime, demand that their elected representatives get “tough on crime” by expanding the police force and easing prosecution requirements. Politicians who make “justice” their platform often promote stricter sentencing, more jails, and the death penalty. Rather than trying to show criminals the error of their ways, retribution advocates would toss lawbreakers into captivity, without any explanation as to why what they did was wrong.

While “getting tough on crime” seems appropriate, today’s reality suggests that cracking down on transgression has been an almost unmitigated failure. While society should not coddle criminals, a simplistic approach to punishment does not serve the best interests of the community or the lawbreakers. Hard-line talk will not solve the crime problem; nor will more jails. Rather than simply punishing outlaws, the legal system must reform them. Morality may be scarce in these trying times, but it is the ingredient missing from the criminal justice system.

Failures of both the police and district attorneys lead would-be offenders to believe that they are unlikely to get caught, let alone convicted. Criminals thus have little reason to fear the system. Furthermore, the frequency of plea bargains which save time and money, as well as help catch bigger fish, encourages misfits to view punishment as an improbable consequence. But only punishments that courts are serious about implementing make for effective deterrents.

In 1983, 63% of released inmates reappeared before the bench. Apparently, punished convicts neither fear the wrath of justice nor realize the moral bankruptcy of their actions. This indifference persists even though lawmakers have made prison sentences progressively longer over the past twenty years. At the current rate, government officials will eventually propose life sentences for most offences; but

even such severe measures will have little impact. The punitive approach assumes all crimes are rational, but its failure to date suggests that it is inadequate.

While “getting tough on crime” seems appropriate, reality suggests that cracking down on transgression has been an unmitigated failure.

I-95 and Morality

Anonymous surveys indicate that somewhere between eighty and ninety percent of American drivers willfully break the speed limit. Speeding, the nation’s most pervasive crime, turns the notion of the rational criminal on its head, as it is among the least rational of offenses. There are slight benefits to speeding, namely exhilaration and saved time. On the other hand,



there is a chance that it will result in costly tickets, higher insurance rates, and car wrecks. No matter how fast one drives, it is unlikely that the extra time or thrills will ever make up for the cost of one ticket, much less a serious accident.

To the extent that people do slow down,

it is not the law that motivates them, but fear of injury. Many drivers speed for years without getting a single citation. Speeding is not only common but socially acceptable in most circles. People joke, even brag about how fast they go, or how many times an officer pulled them over. Most speeders do so because they have no moral or social inhibitions against it; citizens generally ignore laws that do not accord with their ethical convictions. Similarly, in many communities, particularly those suffering from chronic destitution, more extreme criminal behavior such as theft is not taboo.

The decision to commit crime is based on rational *and* moral calculations. The budding criminal must believe not only that the illicit act is in his best interest, but that it does not conflict with his own mores. The role morality plays in this decision is implicit; it does not matter how rational the commission of a crime is if the would-be perpetrator views it as immoral. For example, many people who find bags of money return them to their rightful owners, and most speeders are not also armed robbers. Morality functions above and beyond rationality. As the speeding example shows, personal morality and law do not always coincide. Societies that stress only the legal and not the moral complications of crime will have much difficulty combatting contraventions, no matter how draconian their penal codes.

The logic of retribution is that if the cost of a convict’s punishment is greater than the benefits gained by his transgression, he will not commit the crime. It assumes not only a certain level of intelligence but a basic morality on the part of the delinquent—that he is capable of self-reform by virtue of his own rationality. It fails to account for the immoral motivation behind crime and the improbability of the criminal’s apprehension or conviction. Most important,

*Please see “Justice,”
continued on the next page.*

*“Justice,” continued
from the previous page.*

incarceration is no guarantee of ethical instruction; there is no reason to believe that the released felon will have any better sense of morality than the lifelong thug who manages to evade arrest. Although some criminals find religious solstice, hence virtue, in jail, their reformation is purely incidental. Moreover, most inmates do not get in touch with God while behind bars and therefore never comprehend why violating others is wrong. Their incarceration succeeds only in suspending, but not ending, their dereliction.

Where We Fail

Society seeks to deal with crime through a process that begins with moral education. Over the course of one's life, influences such as parents, clergymen, and teachers attempt to instill a sense of right and wrong. The next step is deterrence, which purports to offset the benefits of crime and thus render it irrational. The

final cog in the machine is rehabilitation of wrongdoers, the element most lacking today.

Punishment for punishment's sake serves no end other than vengeance. Currently, thousands of criminals in prison and under probation are repeat offenders. The system failed to deter them, or provide them with the ethical integrity not to wrong again. The third stage of an anticrime strategy must correct the shortcoming of the first two. Only when a justice system uses punishment to reform the criminal morally can the public be confident that when he is released from his sentence he will truly deserve his place in society. Extending the length of time one spends in prison, without making an effort to provide him with any sort of remedial moral education, will not change the national crime rate. Ironically, it is the very politicians who make the grandest statements about the moral character of America who push for more “dumb” punishment.

It is incumbent upon society, as the conduit of ethos, to instill moral values in those who have demonstrated a deficiency

of them. Thoughtlessly jailing a criminal for five, ten, or even twenty years will not only fail to correct his vices, but effectively pull the plug on an otherwise valuable human life. Every year the US imprisons over 100,000 people, thus removing them from productive society. When the felons return to life on the outside, unreformed, they are still dangerous and surely not as productive as they could be. Not that criminals should be dealt with softly, but prisons must offer tough-love, not just room and board, to society's deviants.

Faced with an epidemic of crime, political leaders in desperate search of easy answers to complex problems have chosen, in typical fashion, an approach that denies the moral calculation. The failure of their strategy has proven that they cannot cure social problems through the mere application of scientific principles. Criminals operate in the absence of morality; the justice system must not do the same.

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*“Deserts,” continued
from page 20.*

Utilitarians often claim that their approach yields results, despite its many conceptual problems. But one need only look at the conditions that characterize prison life to see retribution in action. The results are not as gratifying, perhaps, unless one considers the peace of mind that victims of crime receive. To the retributivist, little else matters.

Rehabilitationists occasionally invoke a scientific approach to support their position. One can legitimately question whether criminal behavior is learned or genetic. Utilitarians argue that it makes no sense to exact retribution against someone who cannot control his identity. However, this question makes no difference to the retributivist, since the causes of criminal behavior probably mean little to the victim. On the other hand, the utilitarian finds himself in a quandary, since the absence of individual desert indicates that criminality must be genetic or at least involuntarily acquired. Criminal behavior, they argue, cannot be voluntarily learned. But if criminal behavior is a biological phenomenon, the utilitarian pursuit of deterrence is ultimately futile.

Crime

The definition of crime, like the moral justification for punishment, is often taken for granted. The case for retributive justice rests on a balancing of scales; an innocent has unjustly suffered, and the appropriate individuals within society punish the wrongdoer. It seems absurd that retribution ought to be exacted against those who have not harmed others. But many laws mandate just that.

Drug laws represent the most obvious case of such foolishness: the “crime” of drug use has no victim. Victimhood entails the suffering of injustice, but in cases where the “crime” involves no involuntary parties, injustice is not apparent. Unless one accepts the paternalistic idea that the individual does not always know what is in his own interest, he cannot make a credible case for punishing drug users by arguing for victims' interests.

Other examples include prohibitions on such activities as prostitution and any number of unusual sexual behaviors. In all of those situations, no victim exists. It is awkward, then, that society considers these practices criminal. No wrong has occurred, and there is no reason to seek retribution from participants in these practices.

Practicality

Incarceration, however, is not ideal for retributive purposes. In addition to serving justice, care must be taken to sever the wrongdoer from the community he has offended. Incarceration eventually renders the criminal a ward of the community. A better solution would be some form of exile, which would efficiently remove the criminal from the community while sparing the latter the costs of supporting its vagrants. Although similar to prison, banishment is much cheaper, and equally punitive.

Ultimately, only the purpose of punishment is clear: retribution against the wrongdoer. Methods of approximating fair punishments and mechanisms of deciding severity are questions which do not have easy answers. But the inherently retrospective nature of punishment itself precludes rehabilitation alone as a sensible approach to dealing with crime. If the scales of justice are to be balanced, the criminal, not the community or the victim, must suffer.

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Thank God for the extraordinary human epic that is the United States of America.

—Pope John Paul II

Is life worth living? That depends on the liver.

—Unknown

Don't jump on a man unless he's down.

—Finley Peter Dunne

I guess you will have to go to jail. If that is the result of not understanding the Income Tax Law, I will meet you there. We shall have a merry, merry time, for all our friends will be there. It will be an intellectual center, for no one understands the Income Tax Law except persons who have not sufficient intelligence to understand the questions that arise under it.

—Sen. Elihu Root, 1913

What a strange illusion it is to suppose that beauty is goodness.

—Leo Tolstoy

I'm not going to climb into the ring with Tolstoy.

—Ernest Hemingway

Hemingway was a jerk.

—Harold Robbins

The things required for prosperous labor, prosperous manufactures, and prosperous commerce are three. First, liberty; second, liberty; third, liberty.

—H. W. Beecher

It is often easier for our children to obtain a gun than it is to find a good school.

—Joycelyn Elders

Maybe that's because guns are sold at a profit, while schools are provided by the government.

—David Boaz

Just because your voice reaches halfway around the world doesn't mean you are wiser than when it reached only to the end of the bar.

—Edward R. Murrow

Taxation of earnings from labor is on a par with forced labor. Seizing the results of someone's labor is equivalent to seizing hours from him and directing him to carry on various activities.

—Robert Nozick

Alcohol didn't cause the high crime rates of the '20s and '30s, Prohibition did. And drugs do not cause today's alarming crime rates, but drug prohibition does.

—Judge James C. Paine

The average person thinks he isn't.

—Father Larry Lorenzoni

Quotations are a publication's bullpen. Stealing someone else's words frequently spares the embarrassment of eating your own.

—Peter Anderson

A minimum wage... does not guarantee any worker's employment; it only prohibits, by force of law, anyone from being hired at the wage which would pay his employer to hire him.

—Murray Rothbard

The length of a film should be directly related to the endurance of the human bladder.

—Alfred Hitchcock

I thoroughly disapprove of duels. If a man should challenge me, I would take him kindly and forgivingly by the hand and lead him to a quiet place and kill him.

—Mark Twain

It stands to reason that where there's sacrifice, there's someone collecting sacrificial offerings. Where there is service, there is someone being served. The man who speaks to you of sacrifice speaks of slaves and masters. And intends to be master.

—Ayn Rand

Two Farmers each claimed to own a certain cow. While one pulled on its head and the other pulled on its tail, the cow was milked by a lawyer.

—Jewish Parable

Anyone who has listened to certain kinds of music, or read certain kinds of poetry, or heard certain kinds of performances on the concertina, will admit that even suicide has its brighter aspects.

—Stephen Leacock

Any fool can make a rule.

—Henry David Thoreau

I am convinced that we can do to guns what we've done to drugs: create a multi-billion dollar underground market over which we have absolutely no control.

—George Roman

For every new mouth to feed, there are two hands to produce.

—T. Bauer

The illegal we do immediately. The unconstitutional takes a bit longer.

—Henry Kissinger

He who conceals a useful truth is equally guilty with the propagator of an injurious falsehood.

—Augustine

Income tax forms should be more realistic by allowing the taxpayer to list Uncle Sam as a dependent.

—John Perkins

Enjoy yourself. If you can't enjoy yourself, enjoy somebody else.

—Jack Schaefer

Tell the American people never to lose their guns. As long as they keep their guns in their hands, what's happened here will never happen there.

—A dying Chinese citizen shot at Beijing

The great object is that every man be armed. Everyone who is able may have a gun.

—Patrick Henry

This year will go down in history. For the first time, a civilized nation has full gun registration! Our streets will be safer, our police more efficient, and the world will follow our lead into the future.

—Adolph Hitler

Get in good physical condition before submitting to bondage. You should be fit to be tied.

—Robert Byrne

Very few people do anything creative after the age of thirty-five. The reason is that very few people do anything creative before the age of thirty five.

—Joel Hildebrand