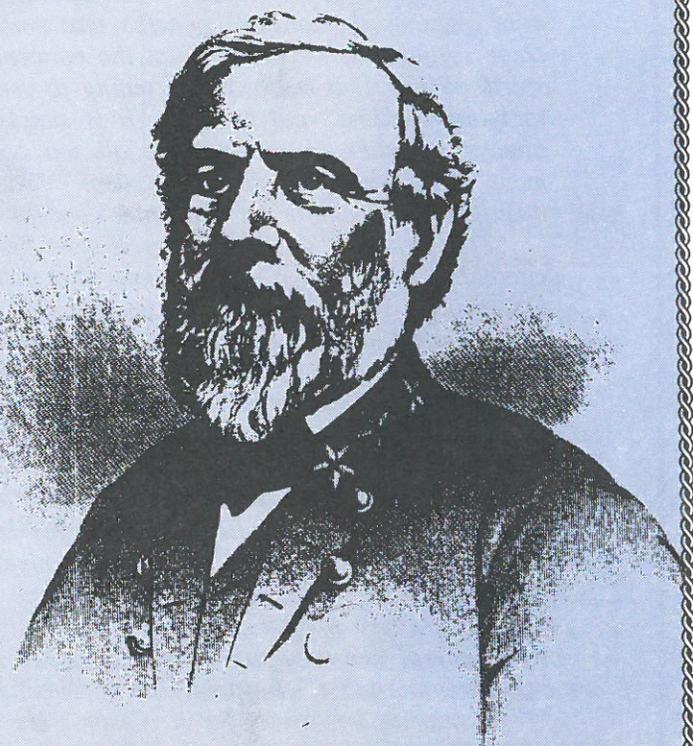
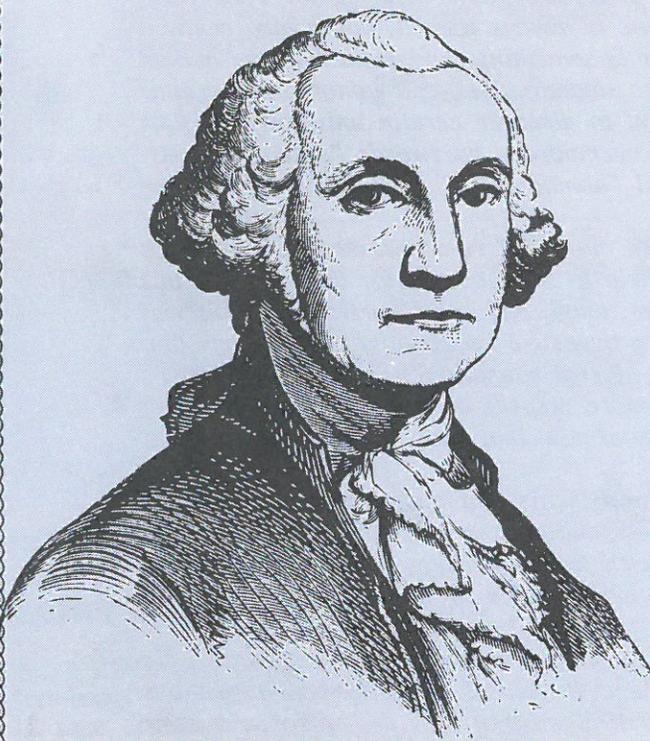


# Washington & Lee Spectator

W&L Spectator/May 1989

Volume 1, Issue 1

Alumni Weekend Issue  
Is This The Same Place You Left?



## Inside

W & L Review

The Speaking Tradition

Minimum Wage

## Letter From the Founders

We the founders of the Washington & Lee Spectator welcome you to enjoy our premier issue. In starting this newsmagazine, it is partly our objective to enliven student awareness and student involvement on campus. Regrettably, here at W&L, there has been little involvement in journalistic ventures that provide a forum for students to speak out on ideas and issues. To this end, we plan to offer an alternative forum of discourse on important political, cultural, and student issues of the day, as well as topics of direct interest to the University.

We also sense a change in the atmosphere on this campus. We have found that certain time honored traditions are being increasingly ignored and sometimes even attacked. It is no secret that this country has experienced a breakdown of traditional values. C.S. Lewis writes, "In a sort of ghastly simplicity we remove the organ and demand the function. We make men without chests and expect of them virtue and enterprise. We laugh at honour and are shocked to find traitors in our midst." Fortunately, W & L is an exception. Our honor system not only gives us the tangible benefits that come when one is always trusted, but it also sends a clear signal that we believe that the concept of honor is something fundamental to the human spirit. While it is a bit disheartening to see that some students think that honor only pertains to lying, stealing, and cheating, it is simply abhorrent to discover certain university officials always so quick to resound the all too confusing contemporary buzzwords "sexual harrasment," "rampant alcholism," "sexism," "racism," and "homophobia." All this, without one mention of the simple yet important concept of honor.

The future of this university is now being mapped out. The re-accreditation self-studies currently being drawn up by Deans and faculty will help to set a course for the future of this University. With the aid of these self-study committees, tough and controversial decisions will be made. Will our university become one of those "progressive" educational institutions that emphasizes certain social attitudes rather than a true liberal education? It is the Spectator's hope that the wisdom of Robert E. Lee will garner more respect in shaping the outcome of these committee reports than the leftist academia nonsense that has plagued so many of America's universities.

No other person did more to found the virtues and ideals that make our school special than General Robert E. Lee. Without his leadership, Washington & Lee University might not exist today. General Lee began this University's march from the ashes of the War Between the States to its current high plateau. The Spectator believes that to strengthen our roots, to keep this school special, we must look to General Lee's insightful words for guidance.

General Lee recognized the importance of autonomy for the moral growth of students. He was no paternalist. As president of Washington College, he ceased unannounced inspections of dormitories by faculty for a reason. He realized that a sense of duty and honor, the same sense that our precious and fragile honor code is based on, is an ideal that cannot be forced upon students. He knew that honor and duty must come from within, from a person's soul. And he was appealing to student's souls when his only rule was to be a "gentleman" or, of course, a "lady." For General Lee realized that his students should sustain a high level of personal freedom, not because student's affairs were none of his concern, but because students' controlling their own affairs enabled students to become better people.

We promise to provide lively, intelligent commentary on topics involving American culture, politics, and university affairs. Our aim is not to be controversial, but we believe that debate on these issues is important. It is our hope that whether you agree with us or not, you will always enjoy reading us and will not hesitate to respond. Welcome to the Washington & Lee Spectator...

Paul C. Lagarde

Robert E. Lee

Claude S. Williams

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W&L Spectator/May 1989

SEP 16 2010

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## Letter From The Editor

Welcome to our introductory "sub-issue." We do not consider this 12 page *Spectator* our premier issue, but rather, as Ray Welder puts it, "a taste of what is to come." You see, we had hoped to publish a 28 page magazine, yet due to a turn of events, we had to shorten it down and lay it out without any professional help.

Actually, we were caught a bit by surprise. We believed that we were eligible for student funds, and after our initial meeting with the E.C., all factors indicated that we would get them. At that time, we were told that we would not be judged on the basis of content, yet in our second meeting with the E.C., we were deemed unfundable on the basis of our conserva-

tive viewpoint. In fact, without ever having read us at all, the Publications Board and the E.C. seemingly disregarded our stated purpose, "to provide a student forum for ideas and issues," by mistaking our conservatism for a "political agenda." At any rate, we are now independent and that, perhaps, is for the best.

The *Spectator* will start up full time next year in October with our real premier issue, which will include an interview with alumnus Senator John Warner. Also it will contain some of the articles that we could not print in this issue. There will be new departments as well as photos and cartoons. Hope you enjoy reading the *Spectator*.

*Paul Lagarde*

# Washington and Lee SPECTATOR

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*Special thanks to the Publications board for permitting use of thier equipment necessary for the production of this introductory issue.*

Signed articles reflect the opinions of the authors and do not necessarily reflect those of the *W & L Spectator*. The Washington and Lee Spectator is an independent non-profit organization and has filed for non-profit corporate status under section 501(c)(3) of the International Revenue Code.

THE JUDICIAL consensus in favor of *Roe v. Wade* has looked shaky ever since the confirmation of Justice Kennedy. Just six months ago, a pro-choice candidate and a pro-life candidate were running for President. The latter is in the White House. The former was sent back to Boston to hector people about seatbelts.

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# AT ISSUE

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## JUDICIAL RESTRAINT

by Ron Brown

Few Americans would (or could) deny that the United States Constitution is the basis and foundation of our society and that it behooves us to adhere to the original and timeless presumptions therein. In fact, a Sindlinger poll published in the Winter 1987 issue of *Policy Review* indicated that when asked, 80% of Americans believe that the founding fathers are a "somewhat" or "very reliable" guide in dealing with today's problems. Therefore if the average citizen were to carefully examine the development of the judiciary and its ascendancy to virtual hegemony over the legislative branch, he would be appalled. If he were to realize that every time the Court makes a result-oriented activist decision his democracy and self-determination is severely curtailed, he would be outraged. But unfortunately Justice Frankfurter's "cult of the robe" pervades cloaking the judiciary under a veil of mystery, allowing it to go unopposed by society's grassroots.

Alexander Hamilton saw the judiciary as the weakest branch of our government, serving primarily to check the legislative branch from straying outside the public will as reflected in the Constitution. But with the introduction of judicial review in *Marbury v. Madison* (1803), in which the Supreme Court declared itself the final interpreter of the Constitution and the law, the weakest branch theory collapsed. The ability of the Court to assert its own pleasure without any checks upon it became foreseeable. The original role of judicial review was intended to be proscriptive, that is, a negative power to strike down legislation that the Court deemed unconstitutional. This is a much more restrained function than the present-day use of prescriptive judicial review, which amounts to policymaking by the Court. And judges even held themselves back from overuse of this proscriptive review, for while they were

now able to enact their will (as opposed to their judgement) as they pleased, they instead maintained a voluntary sense of self-restraint and compliance with the intent of the Constitution until the 1954 Warren Court decision in *Brown v Board of Education II*.

The progression from proscriptive to prescriptive judicial review was facilitated by the merging of courts of law and courts of equity. While law is derived from the literal words and context of the Constitution itself, equity should be an exception to that rule of law. Aristotle defined equity as a necessary and useful tool in accounting

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*"Supreme Court decisions are not based on values or current social norms, but rather on constitutionality."*

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for omissions in the law recognized in hindsight, and to allow for the fine-tuning of broad laws which apply to most, but not every case. It is a mechanism designed to protect the aggrieved individual from the monolithic and strict construction of the law. The brilliant Anti-federalists BRUTUS and the Federal Farmer keenly predicted that by granting courts power over cases in law and equity, as the U.S. Constitution has it, the judiciary would gain the authority to address virtually any question of construction it wished. These premonitions became reality when the Codification movement succeeded in unfettering equity and virtually eliminated all distinctions between law and equity, culminating in the 1938 Rules of Civil Procedure. If the law does not provide the desired result then the judge is free to use the power of equity to achieve his ends.

So over the years the American judiciary expanded its power base, pr-

ogressing from a separation of equity and law to a merger of the two in which the free-hand of equity became an everyday tool of the Court, thus supplanting negative judicial review with the prescription of remedies--the legislating of policies. This finally and completely asserted the judiciary over the legislative branch. While the Founding Fathers had expected an eventual development of proscriptive judicial review, the resulting use of will instead of judgement, to make policy rather than judge it subverted the legislative will to the court's will. The problem is that while the legislature is a body of the people and is representative of them and their desires the judiciary is not; it is merely a deputy of the people empowered to make specialized decisions for which they are supposedly uniquely prepared. A lone judge does not have the resources to formulate and develop policy. He does have the training and skill to assess Congress' policies in light of the Constitution.

The difficulty of achieving restrained jurisprudence--which is nothing more than strict construction to the Constitution--is that it relies on the individual judge and the degree to which he feels responsible to uphold the Constitution. Activist judges do what they do because they know they can get away with single-handedly imposing their personal agendas on their defendants, not because they think it is right. To stop judicial activism requires bold steps by the Executive and especially the Legislative branches; steps which they have as yet declined to take for whatever reasons, political or otherwise. In order to return to the intention of our Constitution, and to maintain our freedom, the Executive branch must refuse to carry out extra-Constitutional activist decisions, and Congress must utilize its impeachment powers upon activist judges. Congress also Constitutionally controls the sub-

Supreme Court makeup and jurisdiction of the judiciary. The Constitution is rarely invoked in such ways, however, and Congress in particular seems too timid to utilize its significant powers. The answer is clear: the judiciary will restrain itself and adhere to the Constitution if the other branches require it by enforcing the Constitution. But the people--the grassroots of America--must let Congress and the President know that it is important to them.

Rather than standing up to this unwarranted usurpation of powers by the Courts the American people are awed by it. Judges are believed to be beyond reproach and are idolized and/or feared to the point that their inter-

pretations of the Constitution--constitutional law--have come to be perceived as the equivalent of the Constitutional document itself. But how can this be? We maintain a general belief that the Constitution is a great permanent and fundamental statement of basic truths and principles. But if Constitutional law is the Constitution then it merely regurgitates and spits out the current norms of the society. This is contradictory, for while the Constitution is fundamental and can only be amended through a laborious and deliberate popular process, Constitutional law is susceptible to individual human error. Who would deny that Dred Scott v Sanford was a flawed decision based

as it was on the will and desires of the Taney Court, rather than on the sound principles of the Constitution. So while Dred Scott remains in our case history, do we really wish to associate it with the Constitution itself? Supreme Court decisions are not based on values or current social norms, but rather on constitutionality. If our "values" change to the extent that our Constitutional guarantees are no longer sufficient to meet them, then our entire system is shot anyway and we may as well just start over from scratch. But it is certainly not up to the independent judiciary to keep the Constitution "up to date."

□

## or CONSERVATIVE ACTIVISM

The modern Supreme Court has taken on a mystic and somewhat awe inspiring quality. It has acted as the final arbiter in many of the most politically controversial issues of the last two decades. Great controversies such as busing, abortion, and criminal rights have been settled at the bar of the high Court. The Court has acted on these matters with very little interference from the other branches of the Federal Government. Therefore, it has become essential to the survival of the Judicial Branch that the Court begin to check its own power or, in other words, practice judicial self restraint.

In reaction to the liberal, activist decisions of the Warren Court (1953-1969), conservatives began to call for Justices with a more self-restraint mentality. This became a major issue in President Nixon's 1968 campaign. Since this time, some kind of restraint policy has been a plank on nearly all conservative platforms.

Sometime in the last twenty years, however, the distinction between judicial restraint and conservatism has all but disappeared. In the most recent Presidential campaign the two terms were used as synonyms. President Bush made it quite clear that he intended to appoint conservative Judges and Justices. Although judicial restraint is, today, most often supported by conservatives, the fact is that conservatism and judicial restraint are simply not synonyms. The connection

between the two terms is purely conditional. In other words, judicial restraint is not, and never has been a "conservative value". It does not belong with ideas like free enterprise, limited government, or strong national defense. These ideas have been and always shall be pillars of the conservative agenda. Judicial restraint, on the other hand is a relatively new addition to "conservatism".

As a matter of fact, in the early 1900's the Supreme Court acted with intense conservative activism. During this time, the Court held that nearly all government interference with free enterprise was unconstitutional. Beginning with Lochner v. New York (1905) the Court threw aside the basic intentions of the Constitution and mandated a laissez-faire economic system. These actions precipitated calls for judicial restraint from liberals. The

conservative justices, however, simply dismissed the idea of self-restraint and, until 1937, continued to set the economic policy of the nation.

By the 1960's the roles had reversed. Activist Justices were now handing down liberal decisions. As mentioned before, these decisions began to cause conservatives to call for judicial self restraint. However, the people who elected Presidents Nixon, Reagan, and Bush do not support restrained judicial actions because they harbor some extraordinary love for the sanctity of the Constitution. Modern conservatives desire to check the Court's power not because they desire a more sound jurisprudence, but because they disagree with the results of the Court's recent decisions.

In essence, modern conservative politicians have rearticulated the well thought out arguments for judicial restraint and turned them into political issues by placing emphasis on the results of the activists decisions. They have stressed, for example, that these rulings have caused legalized abortion and forced busing and thus pushed their supporters into the restraintist camp.

However, the political policies implemented by unsound judicial decisions are not, by any means, the most significant consequences of judicial activism. The real problem with activ-

□ Continued on p. 8

### Write Now!

The *Spectator* would like to hear what you thought of our introductory issue.

Address all letters to the editor to:

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# COMMENTARY

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## LOOKING BACKWARD

by John Roach

I must confess that the title of this article is not original. Readers might recognize it from Edward Bellamy's turn of the century book. It is the title President Wilson chose for his "Founders' Day Address." His speech was also entitled "Looking Backward" and it was quite consistent with his previous positions and feelings about the University. This address by President Wilson represents the attitudes of many in our faculty and administration. I believe that a different type of looking backward is necessary.

It was not so long after my arrival at W&L that I received a letter from President Wilson asking me to be a freshman representative on the Coeducation Steering Committee. Thinking this would be a good opportunity to learn about the University, I accepted. Participation on this committee would forever change the way I viewed the workings of our University. The committee consisted of many good people, but its activities disturbed me then and they still do today. It included various deans, faculty members, and four students. And for those who have served on committees in these years at W&L the names will be quite familiar, for it seems that the same people are on every committee. Names such as Pam Simpson, Nancy Margand, Dean Lamont (then Dean Schroer), and Dean McCloud.

The committee served as a sounding board for notions like adding ad hoc members to committees such as the student conduct committee. This committee had been elected by the student body, and certain members of the Coeducation Steering Committee felt that it was not representative of the "correct" interests. The fight against this wretched proposal was led by John Lewis, the president of the student body, and he would eventually delay the issue until it was a moot point. This refusal to trust the students would finally come to fruition

this year with the Confidential Review Committee.

The arrival of the CRC is perhaps the saddest event in my four years at W&L. This committee, whose *modus operandi* is modeled after Soviet jurisprudence, is a slap in the face at student government as well as an omen of academic and speech censorship. I am afraid this innovation will turn W&L in to another Dartmouth. Kangaroo courts somehow do not seem to fit in a university dedicated to the liberal arts. This Star Chamber has no substantive appeal and its procedural appeal is to the man who appoints the members. And this is justice?

The Coeducation Steering Committee also sank to the pettiness of driving the biology department to use the word "humankind" instead of "mankind." This type of vindictiveness, as well as affirmative action obsessiveness applied to almost everything, abounded. The committee was a bastion of feminism. Women such as Mrs. Lamont portrayed W&L as a sexual Beirut, and the committee was a theatre of constant warfare. This radical feminism cannot be better described than in the way that Ayn Rand put it shortly before her death. Her argument was that feminism is trying to do, in a sense, what Marxism always tried to do; that is, just as Marx-

ism tries to foment class war, feminists have sought to incite sex war. Male bashing by faculty and administrators has provided many cases in point.

Perhaps one of the most appalling policies has come in regard to fraternities. Many in the faculty would love to see them go and I am sure they are disheartened with the new Renaissance program. But the Renaissance program, which was approved by the Board of Trustees, is not the whole story. The fraternity system has been assaulted constantly by the same knot of people that are on every committee that we spoke of earlier. Almost every social ill and university problem is blamed on the fraternities. Professors such as Lad Sessions illustrate the point. Mr. Sessions has always been outspoken against fraternities and seems to have little understanding of what a Social Life is, as evidenced by his presentation to the IFC just last year. But guess what? He was not only a member of the self-study committee on freshman social life, but was chairman, and he actually had the nerve to present a rush plan last year. This is odd considering that he has always been hostile to fraternities. It makes one wonder about how his plan would have benefitted fraternities. This is the type of person that has much influence in

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our University.

The fraternities have been gradually whittled away. The rules and constraints are so absurd that the students are running to the country and to private residences to have parties. One wonders whether, when someone is killed late at night on a country road, anyone will look with happiness on the near-elimination of fraternity parties. College students are going to have parties willy-nilly and instead of allowing the fraternities to have parties that are designed to be safe, we have come to the point where we run all over the county looking for social fun.

Many of the "committee work addicts" feel that they can regulate almost every aspect of student life. This goes as far as attempting to oversee such groups as the Sigma Society and the Mongolian Minks, even though they are not a part of this University. If the people in these voluntary clubs

want to roughhouse with one another that should be fine, for they are private groups and nothing more. But the crusaders of the left see it as their role to harass voluntary and unaffiliated recreational organizations.

The logic is confounding. This University used to stand for Southern tradition. Southern tradition is not racist or chauvinistic, as so many try to portray it. It is a conservative set of beliefs in the "permanent things" in life such as the ones that T.S. Eliot often wrote of. These "permanent things" are not expressions of moral relativism, so praised by Mr. Sessions in his Alumni Magazine article on Allan Bloom's Closing of the American Mind but are instilled through years of tradition that no one in the administration seems to understand. We have a President who on Founders' Day mentions Robert E. Lee only twice even though this was his birthday and clear-

ly an appropriate time to evoke Lee's name. The same is true for the opening convocation in the Fall. The seniors were addressed by a liberal one-world type and to hope to hear the name of Lee more than in passing on such a dismal occasion is a pipe dream.

Many of our faculty members have the tunnel vision bias of left-wing evangelists. Their bias is illustrated in letters such as Professor Geimar's "Contact Pays Questionable Speakers" in the January 19, 1989 issue of the Ring Tum Phi. The sad thing is that Mr. Geimer is not the exception. Our faculty is full of left-wing Sixties leftovers. They lost the political battle and are waging war to brainwash the students of our generation. Students of such teachers are ill-served. □

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by Michael Novak

## WHAT THE SALMAN RUSHDIE AFFAIR TEACHES: STUDY THE WEST

Salman Rushdie, that hypocritical anti-Westerner and trendy leftist, has taught us a number of important lessons. The controversy over his book, *The Satanic Verses*, has also illustrated, with great clarity, what is at stake in the debate over Western Civilization courses at many leading universities.

Now we know that our literary establishment believes in absolutes. At least one absolute. Socialist journalist Christopher Hitchens intones the Western creed: "the absolute right of free expression and free inquiry."

If not absolute, self-evident this truth may be to us and to our literary establishment. It appears not to be self-evident to the Ayatollah Khomeini. Or to millions of Moslems.

Most places on earth, in fact, do not believe in the absolute right of free expression and free inquiry. In historical perspective, the idea is a

relatively new one. The Ayatollah is quite right: It is a Western idea.

And so, maybe the world does need the West, after all. Certainly Mr. Rushdie does and so do other writers and thinkers.

Which makes it so odd that so many writers and professors have for years preferred Third Worldism to the West. One writer called the white race "the cancer of the human race." Others say the West should not "impose" its values on the Third World.

But now, thanks to Mr. Rushdie, Western writers do want to impose their values on the Third World. Western culture is a tiny minority in a sea of cultures with shockingly different values. If we insist our values are superior, we must offer good reasons.

Does the Ayatollah understand why there is a right to free expression and free inquiry? Does he know how such rights came to recognition and

were institutionally secured? To understand, one has to read the Western books (from Milton, Locke, Mill and Madison to Vatican II) that argued for, defined and explained those rights, and know the histories of the long and arduous struggles that have secured them in so few places on earth.

This presents a problem. Since many of our universities are not even imposing these Western classics on their own students, it may seem odd to want to impose them on grown men and women not of the West.

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*"Mr Rushdie has shown us why the universities should require all students to study the classic books of the West."*

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But Salman Rushdie may have changed this. After building a high reputation in London by excoriating the West in book after book, Mr.

by Jennifer Spreng

## MINIMUM WAGE: RACIST LEGISLATION?

Close down the Office of Housing and Urban Development, repeal the minimum wage and forget about the "drug-czar" -- that's how to start to solve many of the nation's most pressing urban problems, according to George Mason University economist and syndicated columnist Walter E. Williams.

Williams, the author of *The State Against Blacks* and a forthcoming book, *South Africa's War on Capitalism*, has long been studying the discriminatory effects of social legislation against those the legislation is trying to help. He said in an April 11 interview that President Bush should veto any minimum wage increase bill he receives, because the minimum wage causes disproportionate unemployment among those most at risk.

According to Williams, many workers are not productive enough in the beginning of their work experience to warrant even a minimum wage job. In such a job they could learn basic skills to make them employable at higher wages, but they cannot compete for those jobs in the first place.

He adds that jobs like gasoline attendants and movie theater ushers that used to fill the role of training young people in how to hold a job at low cost to employers no longer exists. This is crippling those young people's chances of getting better jobs in the future.

"For many of these young people that go to rotten schools, their ... only alternative is for them to learn something by having an afterschool job or a summer job. Sometimes we trivialize what kind of training any kind of job can get you. It can teach you that you have to come to work on Friday even though you got paid on Thursday; you can't do handstands on the job; you have to respect your supervisor. For many of us that's something that comes naturally, but for a whole lot of these youngsters, it's a new experience."

Unfortunately, in a world where there are not enough minimum wage jobs to go around, Williams ex-

plains that the "least preferred" worker is usually the black worker. He says that when workers are free to offer their labor for any price, low wages often offset racial feelings on the part of employers. Perhaps more importantly, the chance to pay low wages makes investigating negative stereotypes on which judgement of potential workers are often made more appeal-

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*"The minimum wage has been an effective tool in the arsenals of racists everywhere."*

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ing. He calls reliance on stereotypes a "less costly form of information" that employers will use when they have plenty of applicants from which to choose. Employers are more likely to investigate the validity of an individual minority worker's ability if he is willing to work for a lower wage. However, due to minimum wages, most never get the chance.

Williams believes that supporters of the minimum wage and other similar wage increasing proposals, like "comparable worth laws", know what they are doing. "The minimum wage has been an effective tool in the arsenals of racists everywhere."

He cites white unions in South Africa which actively support minimum wages and equal-pay-for-equal-work laws for blacks willing to work for less than whites as an example. In *The State Against Blacks*, he admits that while US unions may not have had racist intent, they certainly intended to limit "job access" of minorities to protect members.

Some who support the minimum wage claim that an increase is needed, because minimum wages have not even kept up with inflation. But Williams believes that argument succeeds only in promulgating certain myths about the demographics of those who hold minimum wage jobs.

The first is that those who held minimum wage jobs in 1981 are still earning \$3.35/hour. "Nothing could be further from the truth," he says, "I would be willing to stake my life on it that you probably couldn't

find 100 people across America that were making \$3.35/hour in 1981 that are still making \$3.35 now."

He says that as people work at a job their production rises and they gain new skills. Consequently, they are worth more to their employers. In order to keep them, and not undergo the productivity decrease of training new workers, he must pay the experienced worker more.

The second myth is that the minimum wage cannot support a family. "A lot of people like to say that the minimum wage can't support a family of four. Well, of course, if it's just one person working. But if everybody is working in that family - a husband and wife and if the kids have afterschool jobs, they can surely be above the poverty line."

Williams also said that non-minimum wage jobs would also be affected by an increase due to a "ripple effect." As minimum wage workers received pay increases, those non-minimum wage workers would want increases to keep pay scales in proportion.

Though most economists oppose minimum wage increases, the opposite is true of the average citizen. A recent Robert Samuelson column reports that over 3/4 of Americans responding to a Gallup poll would like to see the minimum wage increased.

He thinks the rush to increase the minimum wage is a sad commentary on the state of anti-poverty policy. "Both parties want to appear to be doing something in the name of helping the poor without really doing very much and without expending much political energy," he explained.

Williams says in the end of *The State Against Blacks* that he hopes that his research and work on these and other issues will help to replace faulty policies with reason. If people are allowed to offer their labor for whatever price they choose and to sell their goods for whatever price they choose, eventually, many problems of poverty could be eradicated. "That's the power of the market," he writes.

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# W & L Review

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## A SHOT AT FRATERNITIES

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If you haven't noticed it already, please read the Letters to the Editor section in the Winter edition of our Alumni magazine. It looks as though our University photographer (you know, the bearded hippie with the camera) has taken to writing. And in his letter he engages in a little name-calling. A few samples: students are referred to as "spoiled brats", "snide little ingrates", and "uppity little boozers;" fraternity houses are called, "pestholes", and "the vanguard of the heathens." But that's not all. He brazenly reminisces about his days as a student: "When students of my day sat in the streets blocking traffic to the Pentagon, it was to protest what we knew to be an unjust war. History has proven us right." Ah, those glory days. Well, we COULD engage in a little name-calling of our own. We COULD call our photographer a light-headed, lily-livered, liberal. But we've decided to hold our tongues.

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## NOT AGAIN!

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Those evil SAT question makers are up to no good again. According to a report issued by the Center for Women Policy Studies, twenty-one questions on a recent SAT discriminated against women while only two did so against men. The vocabulary word "stamina" is given as one example of the bias towards men. Of course, the only solution to this bigotry is to lower the standards for one group...

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## UNDER WRAPS

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The Self-Study Committee on Student Activities, headed by Associate Dean of Students Anne Lamont, has criticized several Executive Committee practices - or so reports the March 23 issue of the Ring Tum Phi. But the Spectator has learned from Carol Caulkins that, since this leak, Mrs. Lamont has decided that "it [Self-Study Report] is not available to students." She indicated that, although completed, it could not be released until all the other sub-committee reports are compiled. But why is such a report under wraps? What about all the other self study reports? Our informant close to the situation has commented that "you can dam a creek, but you can't dam an ocean." The Spectator has decided to set up a sub ad-hoc task force committee in order to determine whether this is an accurate estimate of the situation. Tyranny by committee, anyone?



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## THE LORD

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Forty-one years of service and he has never missed a day due to illness. The *Spectator* congratulates Coach Lord on his outstanding record and dedication to his job, and wishes him good luck in all his future endeavors. Give Him Five!

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## POISONED IVIES

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We recall from earlier this school year Dean Hilda Hernandez-Gravelle of Harvard's Office of Race Relations and Minority Affairs calling for a ban on 50's nostalgia parties because racism was rampant in America during that decade. Does any of the above sound familiar?

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## I'M SORRY MOM & DAD

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Next time one of Lexington's Finest busts you for drinking in public, get ready to go visit one of your favorite deans, so he/she can determine whether or not you need professional help. Isn't it comforting to know that your administration has enough respect for you to treat you like a son or daughter?

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## BARRY & JOHN

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Barry Goldwater once observed, "Where Fraternities are not allowed, Communism flourishes." Hmmm. Anti-Fraternity faculty; CRC; Soviet Jurisprudence. Yep, it all fits. Anyone "Looking Backward"?

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Rushdie has shown us why the universities should require all students to study more carefully the classic books of the West. And by contrast the literature of Islamic, African, Asian and other cultures.

Salman Rushdie has taught us that, on some crucial matters, cultures are not equal. On some matters and in certain dimensions, some cultures are better than others. Those that protect free inquiry and free expression are better, for example, on that point, than others.

It is all well and good to talk about "one world," "interdependence," and "cross-cultural interchange." But if all this noble talk is to be conducted uncritically, without attention to particular values (and to the classic arguments that vindicate them), it is only babytalk.

Some differences are worth dying for. Free inquiry is one such. Free expression is another. World War II was fought to prevent a thousand-year Reich from banishing both. The long, gray war against communism has had a similar purpose.

Already many Moslems have expressed shame at the Ayatollah's murderous threats. Powerful reasons exist for respecting free inquiry and free expression, and most of the world is coming to realize them. Glasnost itself owes to them.

Here in America, our framers conceived of an experiment in "ordered liberty," a liberty confirmed in law and self-control, and guided by

temperance, justice, courage and wisdom. The fantasy that a republic could survive without such virtues, James Madison said, is "chimerical."

The reason we believe in free inquiry and free expression is that the mind by its nature seeks the truth; it can be trusted, even though it often errs, is distracted, or is pulled aside by passion and bigotry. Given more stimulation, it is more likely to sail straight as an arrow.

The reason for free expression and free inquiry is so that reflection and choice may be practiced in as wide a field as possible, and so that truth may be singled out amidst error. But truth, reflection and choice are to be served in a spirit of respect.

And that is the final lesson that Salman Rushdie teaches us. Yes, he had a right to free expression and free inquiry -- at least, among us he had that right. But for causing pain and embarrassment to millions of his fellow Moslems, for the outrage of mocking (even in a literary dream) the founder of their religion, he does not win our respect.

He is free to write what he believes. But we are also free to withhold from him our respect. Free expression invites freely given disappointment. Protect him, yes; respect for what he wrote, no.

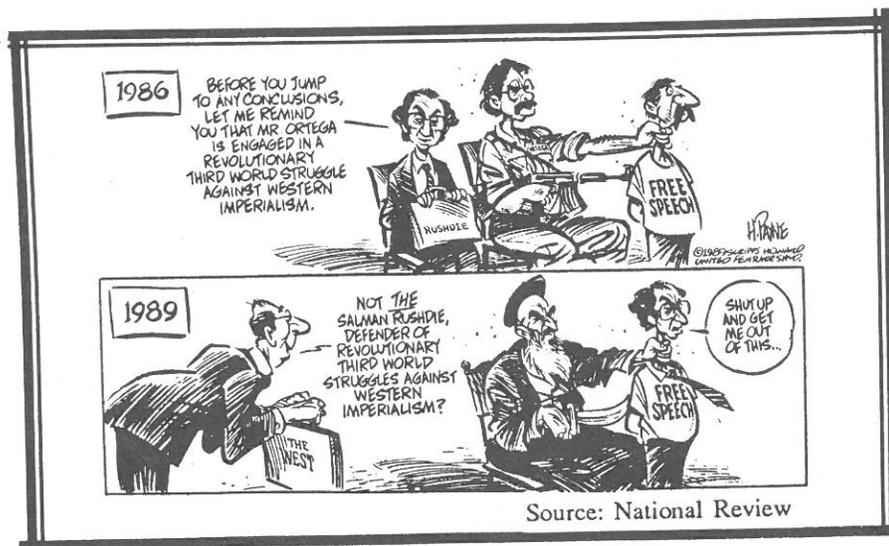
Not all of us in the West are secular. Indeed, in America, most of us are religious -- and respectful of other religions besides our own.

## Activism (cont. from p. 3)

ist decisions is that they endanger the authority and position of the Supreme Court. The Court's power rests with the confidence of the people. It has no means by which to implement its decisions. To quote Alexander Hamilton, the Court "has neither force nor will only judgement." Therefore, if the people's confidence is lost, the Court's position would be seriously compromised.

This effect on the Court, even though potentially disastrous, has not been widely expressed in political rhetoric. Instead, liberals have taken a passive attitude toward the Court by applauding its liberal decisions. At the same time, Conservatives have positioned their constituency against judicial activism by using, as ammunition, the results of the activist decisions. The real threat of an unrestrained judiciary has heard little discussion in the political arena. These other issues, such as abortion and busing, appeal more to the common passions of the people and therefore have dominated the political scene. However, the danger persists. Judicial activism, whether it creates individual rights out of thin air or mandates conservative economics, places the separation of powers doctrine in jeopardy.

There exists now the unique situation where three justices are in their eighties. It seems likely that President Bush will have the opportunity make at least one appointment to the Court. The problem of judicial activism will not be solved by simply appointing Justices who are conservatives. Presidents Eisenhower and Nixon both appointed supposedly "conservative" (Warren and Berger) men to serve as Chief Justice and they both eventually became incredibly disappointed with their choices. The problem is not that individual justices were politically liberal, rather, it is that their jurisprudence was not conducive to a policy of restrained judicial actions. As Justice Felix Frankfurter once said, "the robe changes the man." In other words, political ideology concerning supreme court justices is meaningless. The Supreme Court now needs competent Judicial scholars who are committed to exercising justice according to the letter of the constitution and the intent of its framers.



Source: National Review

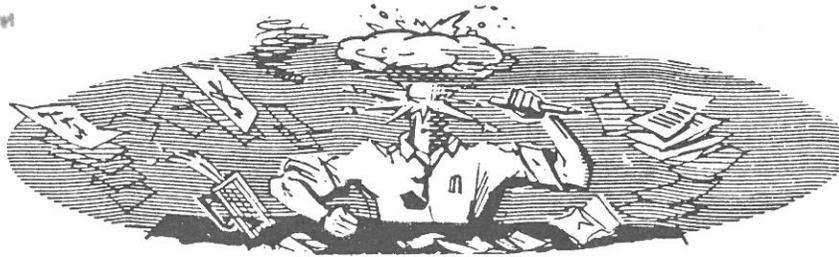
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# THE SUNDAY SATIRIST

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## Of Brick - Counters and Lovers

by C. Edward Klank III



"Marrying for love may be a bit risky, but it is so honest that God can't help but smile on it." - Josh Billings. A student told me that the Honorable Justice Powell had enjoyed his recent stay in Lexington, but was disappointed that the speaking tradition seems to be disappearing from Washington and Lee. Sir, you have a keen sense of the obvious. As a senior ready to graduate, I have observed this prized tradition slowly, but surely, becoming lost. Interestingly, both students and faculty members are guilty of this voluntary silence that has developed on campus.

One reason that no one greets each other is that most people walk while staring at the ground. This has always puzzled me. First, walking with your head between your legs is a tell-tale sign of a complete and total lack of self-confidence and pride. Occasionally, a student walks out of an academic building with his head down, talking to himself. O.K., you failed a test, but there is no reason to communicate to the rest of the world you are an intellectual mite. Curious to see what others see on the ground, I walked a short distance gazing at the deck. All I saw were bird droppings and places where people with sinus problems relieved themselves. I always get a giggle out of people that approach me from about twenty yards away, and once they get within ten yards, their heads immediately drop and/or they force a cough, and their pace quickens. They are by me before I have the chance to say "Hello." Walking with your head upright also diminishes the chances that you walk into someone. I have always hoped that a "brick-counter" would run into someone with belligerent tendencies. Perhaps a stiff uppercut would enable them to look straight ahead.

Unfortunately, the fact remains that the speaking tradition is becoming extinct. Disappearing are the simple, but kind greetings as "Hello," "How are you," or perhaps the more colloquial "What's up, dude." The reason is that the social misfits that now compose a growing percentage of the student body do not wish to say "hello" to anyone. Recognition of another person passing is the minimum form of courtesy. But it seems that we cannot expect the

minimum from some people. There are people who would walk by Robert E. Lee if he were alive today without saying hello, although I believe the General would give them a good dressing down. It is the responsibility of those members of the student body that value this tradition and have some sense of human decency to awaken the lost brethren. Perhaps a more vocal greeting can grab their attention or maybe a couple of well-placed charlie-horses will stimulate their vocal cords. It would be a horrible shame to see these socially handicapped, prideless zeroes destroy a tradition that has set apart this university since its inception. No solution seems too extreme.

Two years ago, I wrote in another publication about a problem that was just beginning to appear in campus life. Well, the snowball has rolled down the hill. After years of blocking it from my mind, it has come back to haunt me. During winter exams in April, I was entering the School of Commerce, Economics, and Politics when I was exposed to the most base and foul form of socially unacceptable behavior. Yes, public displays of affection. A lovely couple was walking by the C-school hand-in-hand, when they stopped, gazed at each others' eyes, and kissed. They seemed afraid to let go of each other, but after a brief pause that I'm sure lasted an eternity to them, they separated. This really moved me -- it moved my stomach to the roof of my mouth. What happened to the traditional "Good Luck, I'll see you after the exam?" God differentiated man from the canine: the canine is free to search and find every available opportunity that presents itself, and immediately mount the task. However, man and woman are not permitted to make an orgy out of the ordinary academic day. The ability to control one's sexual desires is a simple matter of self-control.

In conclusion, two new groups of people have arrived at Washington and Lee: those who are socially incapable of greeting others on an informal basis, and those who believe foreplay is a twenty-four hour job. As a wise man once said, "Better to stay awake than go to bed with a dragon."

## Out Loud

To escape criticism - do nothing say nothing, be nothing.

-Elbert Hubbard

Mistrust a subordinate who never finds fault with his superior.

-John Churton Collins

lins

Bad taste is simply saying the truth before it should be said.

-Mel Brooks

One revolution is like one cocktail, it just gets you organized for the next.

-Will Rogers

As a matter of biology, if something bites you it is probably female.

-Scott M. Kruse

What we need is a rebirth of satire, of dissent, of irreverence, of an uncompromising insistence that phoniness is phony and platitudes are platitudinous.

-Arthur Schlesinger, Jr.

Fun! Friendship! Fitness!

-Norm "Give 'Em Five" Lord

I think we are making a mistake crushing student initiative like this.

-John McDonough

Suspicion often creates what it suspects.

-C. S. Lewis

It isn't so much that Liberals are ignorant. It's just that they know so much that isn't so.

-Ronald Reagan

Few except the poor preserve traditions. Aristocrats live not in traditions but in fashions.

-G. K. Chesterton

When in doubt, do right, and you will never do wrong.

-J. Keith Shillington

I don't think we should equate a conservative viewpoint with a political viewpoint.

-John McDonough

The right to be heard does not automatically include the right to be taken seriously.

-Hubert Humphrey

Communist: One who has nothing, and is eager to share it with others.

-Unknown

Manure truck jackknifed on the Santa Anna, God Awful mess. You should of seen my shoes.

-Fletch

They realize what they have to say to get money.

-Hugh Finkelstein

90% of this game is half mental

-Yogi Berra

We can't deny you funding on the basis of content.

-Hugh Finkelstein, 4-24-89

We don't fund anything with a political slant. The Spectator has a political slant.

-Betsy Vegso, 4-27-89

## The Washington & Lee Spectator

The *Spectator* is a new student-run newsmagazine on campus offering a forum of discourse on important political, cultural, and student issues of the day, as well as topics of direct interest to the University.

Unlike other student magazines, the *Spectator* is W&L's only publication entirely independent of the University. We need your support in order to sustain this journalistic enterprise.

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