

protection clause. Morgan, a professor of constitutional law and government at Bowdoin College, argues that it is time to admit that, constitutionally, the Court was simply wrong.

In *Brown*, he notes, Chief Justice Earl Warren brushed aside 70 years of precedents, relying instead on social science findings (since called into question), showing that black children were psychologically damaged by racial segregation in the schools. That the Court was using sociological, rather than constitutional, reasoning was widely recognized at the time, but most critics held their tongues, seeing the outcome as morally right, whatever the reasoning used.

While many people have similarly regarded the *Brown* ruling as historically essential because it triggered the civil rights revolution, Morgan contends that recent scholarship has found otherwise. Very little actually changed in the segregated South, he says, before the Civil Rights Act of 1964, which, along with the Elementary and Secondary Education Act of 1964 and the Voting Rights Act of 1965, “provided the federal government with the statutory muscle to undertake the heavy lifting involved in dismantling Jim Crow.”

Nor did *Brown* fuel the drive for that legislation: civil rights protest activity dropped after the Court handed down its decision. In fact, Morgan says, “by dramatically increasing racial tension in the South, [*Brown*] froze progress, at least in that region.” If the ruling contributed to positive change, he believes, it was only in a perverse way: the “ugly” conflicts over subsequent school desegregation mobilized northern public opinion in favor of civil rights.

Protections against racial discrimination are now firmly enshrined in law, but *Brown*’s legacy of judicial activism continues to influence the way these laws are interpreted, Morgan says. All too often, legislation that was “born color-blind” is given a race-conscious spin in the courts. The best way to correct that—and to clear away the *Brown* obstacle to stopping other exercises in judicial activism—is, in his view, a constitutional amendment barring government from making decisions that discriminate for or against persons on the basis of race. That would “align the text of the Constitution with our national ideals, and bury Jim Crow the way he should have been buried in the first place—by votes in legislative assemblies.”

## FOREIGN POLICY & DEFENSE

### *Let the People Rule*

“A Democratic Foreign Policy” by Eric Alterman, in *World Policy Journal* (Summer 1996), World Policy Institute, New School for Social Research, 65 Fifth Ave., Ste. 413, New York, N.Y. 10003.

Americans have “a consistent set of values” with regard to international affairs, but U.S. foreign policy frequently fails to reflect it, contends Alterman, a columnist for the *Nation*.

The views of the foreign policy Establishment fly in the face of public opinion, he says, citing quadrennial surveys conducted since 1978 by the Chicago Council on Foreign Relations. Whereas “opinion leaders” “are ideologically committed to free trade and widespread military intervention,” the general public “believes that the United States should protect American jobs and mind its own business whenever possible.” Asked in 1994 if the United States should go to war to defend South Korea from a North Korean invasion,

84 percent of the elite, but only 45 percent of the public, said yes. More than 80 percent of the public deemed protecting the jobs of American workers “a very important goal”; barely half of the opinion leaders did.

“The values of the foreign policy establishment,” Alterman asserts, “are less reflective of the political interests of poor and middle-class Americans than of the transnational class of bankers, lobbyists, lawyers, and investors.” Ordinary Americans, in contrast, are “liberal republicans,” much as the country’s founders were.

Alterman urges adoption of a “liberal republican foreign policy.” Its goals would include:

- “A stable peace enforced by the United Nations, NATO [the North Atlantic

Treaty Organization], and unilateral American power as its extreme last resort. . . . If a less interventionist United States means a less tidy world, with greater instability in some areas and unfortunate ethnic strife in others, so be it.”

- “Reciprocal free trade fortified by a crusade on behalf of a global workers’ bill of rights.” Access to the U.S. market would depend on reciprocity and adherence to “a set of agreed-upon international workers’ rights and employer [standards].”

- “A realistic strategy to control immigration.” Alterman says that “the American people want a carefully controlled, extremely limited policy of immigration, based on the country’s domestic needs.”

A liberal republican foreign policy, Alterman continues, would also seek to terminate all U.S. covert activities abroad, control and reduce international arms sales, and promote “a sustainable global ecology.”

The Establishment’s tradition of acting independently of public opinion goes back to Franklin Roosevelt’s efforts to counter Nazi Germany’s strategic aims before Pearl Harbor, despite the isolationist mood of the public. But there is no Nazi threat today to justify the Establishment’s actions. Its defiance of “the clearly stated values of the American people for purely political or ideological reasons,” Alterman believes, is undermining American democracy.

## *The ‘Vilest Thing’*

Casting a suspicious eye on gala commemorations of war, Paul Fussell, a professor of English at the University of Pennsylvania and “a superannuated, badly wounded, former infantry lieutenant,” warns in *Society* (Sept.–Oct. 1996) against the political uses of patriotic gore.

*The truth is that very few people know anything about war. In an infantry division, for example, fewer than half of the troops actually fight, that is, fight with rifles, mortars, machine guns, grenades, and trench knives. The others, thousands upon thousands of them, are occupied with truck driving, photocopying, cooking and baking, ammunition and ration supplying, and similar housekeeping tasks. Now those things are no doubt necessary, but they are hardly bellicose; they do not provide the sort of experience required to define what the word “war” might mean. This is the reason why most combat veterans tend to smile cynically and sardonically at veterans’ reunions when those reunions are attended by very large numbers. Very few of those attending, the real veterans know, deserve to be there. For most soldiers participating in World War II, the war meant inconvenience rising sometimes to hardship, enforced travel and residence abroad, unappetizing food, and the absence of tablecloths or bedsheets. For those unlucky enough to be in the forward combat units, the war meant death or maiming, usually in extraordinarily dirty and undignified circumstances. At the very least, for most it meant a rapid and shocking metamorphosis from boyhood innocence to adult cynicism and bitterness. . . . Tolstoy’s words are worth recalling: War, he said, “is not a polite recreation, but the vilest thing in life, and we ought to understand that and not play at war.”*

## *Virtual War?*

“Morality and High Technology” by A. J. Bacevich, in *The National Interest* (Fall 1996), 1112 16th St. N.W., Ste. 540, Washington, D.C. 20036.

The dazzling high-tech swords that U.S. forces unsheathed during the 1991 Persian Gulf War—stealth aircraft, antiballistic

missiles, and “smart” munitions—seemed to herald the dawn of a new age of “sanitary war.” Americans would be able to exercise