

---

**POLITICS & GOVERNMENT**


---

ered in the light of our whole national experience, and not merely in the light of what was said a hundred years ago." Justice Benjamin Cardozo (1932–38) argued that effective interpretation by the Court fills the Constitution's "vacant spaces." Modernists often wrestle with matters of degree, as in free speech cases in which judges decide whether an utterance poses "clear and present danger" to others.

Modernists usually invoke the due-process clause of the Fifth Amendment (adopted in 1791, it barred deprivation of "life, liberty, or property without due process of law") and the Fourteenth Amendment (adopted in 1868, it guaranteed "equal protection of the laws"). But did the Fifth Amendment's authors mean to lay the foundations for broad Supreme Court review—when even "limited" review was then controversial? Wolfe thinks not. And Congress's debate over passage of the Fourteenth Amendment makes clear its intention only to solve Southern race problems, not to launch a "constitutional revolution."

The modernists prize the democratic results of their actions—their protection of free expression, privacy, and minority rights. But by making the Constitution a "container into which the desired content may be poured," argues Wolfe, they sacrifice "government by law" for "government by men."

---

**FOREIGN POLICY & DEFENSE**


---

### *What China Really Wants*

"Choice and Consequence in Sino-American Relations" by Thomas W. Robinson, in *Orbis* (Spring 1981), 3508 Market St., Ste. 350, Philadelphia, Pa. 19104.

"The enemy of my enemy is my friend." Such reasoning, and fears of growing Soviet power, led the United States and China to formal contacts in 1971. Since then, the Carter and Reagan administrations have nursed along a quasi-alliance with offers of military and economic aid. Yet Robinson, a political scientist at the National Defense University, warns U.S. policymakers to expect a double-cross.

The erosion of America's military edge over the Soviets has made close ties with China a must for Washington, writes Robinson. But enlisting U.S. help in containing Soviet power is only a short-term ploy of Beijing's. China's huge standing army is equipped largely with obsolete 1950s weapons, and the new drive for economic modernization launched by Vice Premier Deng Xiaoping will channel scarce resources into civilian industry. Beijing's foreign-policy priority now is to avoid international conflict—hence its strong interest in defusing its 20-year feud with Moscow. Western arms aid is needed to allow China to negotiate with the Soviets as a near-equal.

Other factors may push China toward the Soviets before long. Many

**FOREIGN POLICY & DEFENSE**

---

of the scientists and economic managers central to Deng's plans were trained in the Soviet Union, or by Soviet personnel in China. They make up an important pro-Moscow pressure group. Further, the regime still regards itself as unalterably opposed to capitalism. The Sino-Soviet dispute began as a doctrinal squabble, Robinson notes. But having adopted market-oriented reforms themselves, the Chinese no longer revile the Soviets as "revisionists" but simply as power-hungry "hegemonists." Since Mao's death, Beijing has twice made diplomatic overtures to Moscow—in mid-1977 and in mid-1979. They were cut short, respectively, by the Vietnamese invasion of China's ally, Cambodia, and by the Soviet invasion of Afghanistan.

Ultimately, Robinson writes, Beijing aims to supplant both U.S. and Soviet power in East Asia. But for the time being, he contends, the United States must strengthen China to help counterbalance Soviet might. Only by building up its own military and reducing the need for a "China crutch" will Washington prevent the price of future cooperation—acquiescence in Beijing's dominance of her neighbors, including Taiwan—from rising too high.

*A 'Massive' Ploy*

"The Origins of Massive Retaliation" by Samuel F. Wells, Jr., in *Political Science Quarterly* (Spring 1981), Ste. 500, 619 West 114th St., New York, N.Y. 10025.

"Massive retaliation," the nuclear doctrine first articulated by President Eisenhower in 1954, evokes a frightening image of the Strategic Air Command "on rampage" against Moscow at the slightest provocation. Actually, says Wells, a Wilson Center scholar, it was a far subtler strategy, shaped by politics and a desire to cut defense outlays.

Eisenhower was elected in 1952 after he promised to end the deadlocked Korean War and to cut military expenditures (then consuming 70 percent of the federal budget). "If our economy should go broke," he said during the campaign, "the Russians would have won even a greater victory than anything they could obtain by going to war." But the former NATO commander was under intense pressure from hard-line Republicans who demanded a credible new global strategy to replace Truman's "containment" doctrine.

"Massive retaliation" offered a solution to Eisenhower's political problems. Although it depended on weapons and air power developed under Truman, the policy sounded new and stern. And, by relying on nuclear might, Eisenhower was able to justify cutting back America's post-Korea conventional forces. His fiscal 1955 budget called for \$31 billion for the military, down from the \$41.5 billion Truman had sought right before leaving office in 1953.

Eisenhower consciously exaggerated what he meant by massive retaliation, writes Wells. *New York Times* columnist James Reston voiced the popular view when he said in 1954 that the administration meant to use nuclear weapons against the Soviets even in the event of a local