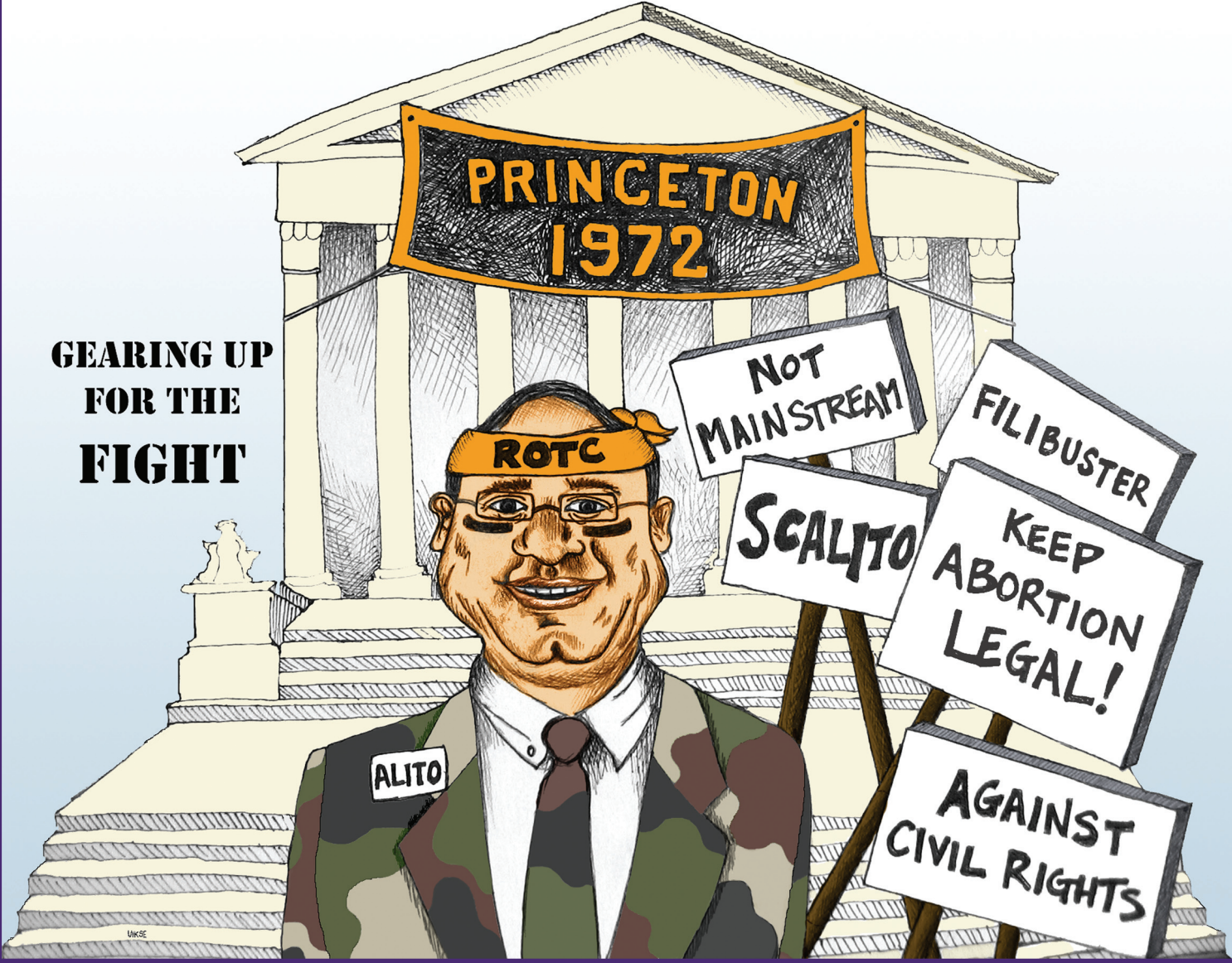


December 2005

# PRINCETON TORY

**GEARING UP  
FOR THE  
FIGHT**



UKSC

# THE PRINCETON TORY

December 2005

Volume XXII - Issue VI

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## *From the Publisher*

Dear Princetonian,

In my previous Publisher's Note, I asked how Princeton students can best express our needs and desires to the University trustees. The dilemma is by no means unique to Princeton: at universities across the country, trustees hold enormous decision-making power, while the student body is granted few opportunities for oversight. As a result, resolutions of great importance are debated and passed without students having any knowledge of these events until after the fact. To make matters worse, there seems to be a pattern of university Boards of Trustees coercing consensus by alienating dissenters. Rather than serving as independent guardians of the university, trustees are now expected to grovel before a few senior members and the university president (Heather Mac Donald reporting in *City Journal*, Summer 2005).

What all universities dearly need is greater oversight of their Boards of Trustees. Fortunately, at Princeton, the Board includes an individual whose role can be instrumental in achieving this goal: the Young Alumni Trustee. But instead of being a hard-fought race that centers on the University issues most important to each candidate, the election has essentially become a "reward" for the graduating senior who has been the most engaged in campus affairs over the last four years. For the last decade, the candidates running for Young Alumni Trustee have disturbingly voted to ban campaigning of any kind.

It is easy to understand why the alumni representatives who run the election might encourage such a ban. After all, logic dictates that without campaigning the election becomes a popularity contest, and "popular" people, by nature, tend to take less principled stances on controversial issues; neither Thoreau nor Saint Paul was popular during his times. The last thing the older trustees would want is a Young Alumni Trustee willing to challenge the *status quo*.

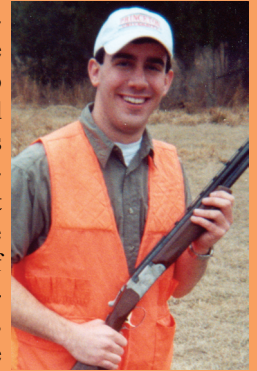
The real question, then, becomes why would the majority of Young Alumni candidates consent to such a ban? If the election is in fact a popularity contest, as empirical evidence from at least the last few years suggests, then clearly only one candidate is going to be most popular. Except for explaining this phenomenon as an irrational propensity to overestimate one's own popularity, I don't have an answer for this one.

But I do have a solution to the greater problem. For my final public statement as *Tory* Publisher, I want to challenge this year's slate of candidates – which I plan to be one of – not to take the easy way out by banning active campaigning. The future of the University relies on the Young Alumni Trustee to bring new perspectives and solutions to the Board of Trustees and the administration. I firmly believe that the intellectual growth and expression of this community are currently being hindered by a stagnant group of yes-men (and women) who decide our fate.

Whether you agree with my candidacy or not, please support my call for active campaigning among the Young Alumni Trustee candidates. It will be a long fight that has only just begun, but it will only make our bonds as Princetonians stronger if we elect the individual who best represents our collective interest.

Sincerely,

Ira Leeds '06



## Letters to the Editors:

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The editors welcome, and will print, letters on any topic.

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# THE PRINCETON TORY

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December 2005

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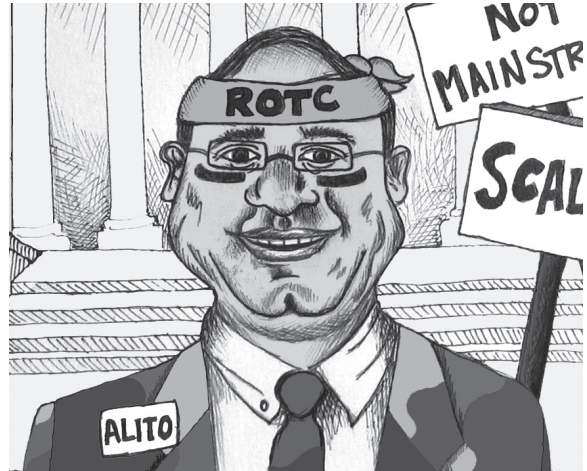
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## LETTERS

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*Every month, many of our readers send us letters voicing their thoughts on the articles in the most recent issue of the Tory. These letters have been reprinted below with responses from the staff writer when appropriate. Unless otherwise noted, the letters are printed in full with no editing done by the Tory.*

To the Editors,

I was surprise[sic] and disappointed to find that the staff of the Tory joined with the majority of Princeton students in attacking the University's new grade inflation policy. I expected that, instead of allowing an "A's for everyone" style of grading to permeate campus, the Tory would support the University in holding students to the highest possible standards. The University's mission is not to make their students feel good about themselves, or even to get them good jobs. The University is here to produce exceptional citizens by giving them the best education in the world. In order to do this, it must demand that the students perform exceptionally.

Opposition to the grade deflation measure appeared most curious in the article decrying a lack of competition among University student agencies ("Capitalism on Campus"). What better example of capitalism is there than the harsh reality of a grading curve? If you perform the best, you will receive the best grade. If not, your grade will suffer. The University is not taking "A's away from professors who are giving 'too many' good grade". It is reserving the highest mark for the students who perform on the highest level.

The argument that we should all get good grades because we all go to Princeton (or we all work hard, or we are all very smart, etc.) is indefensible. Should we all get 4.0's simply because we, being Princeton students, are in the top 0.1% percent of college students? No. We should not be measured against the national average, but against the group of accomplished peers we choose when we decided to matriculate. If you want A's, go to Rutgers.

The grade deflation measure possibly the best single step the University has taken in my time here. If I get an A, I know it's because I worked damn hard.

Jess Riedel '07

To the Editors-

I was struck by one of the statements in the "Points & Punts" section that warned of a "very dangerous road" when liberals "begin to deny historical facts and ignore reality in order to construct a fantasy world that better conforms to their beliefs." Funny thing, that sounds an awful lot like President Bush's state of mind when choosing to invade Iraq, or the religious right's strategy when pushing Intelligent Design on public schools. I try to avoid sweeping indictments of either conservatism or liberalism, but since you've gotten the ball rolling I'd like to point out that when it comes to denial of reality, the conservative movement has us Libs beat hands down. And in the case of Iraq, that mindset has led down a very dangerous road indeed.

Willie Poor '07

[To the Editors]

The Tory prides itself on being unapologetically outspoken as a strong voice of Conservatism at Princeton. So embrace that spirit and revert the Rant back to its former, real name. There is nothing

wrong with a good rant, as long as it is backed up with reason, which is provided in ample amounts by the (mostly) excellent articles in the Tory. Ditch "Points and Punts", even if it does sound more sophisticated. The game of subterfuge and trickery through names should be saved for real life politics. For now, the Tory should continue with its excellent tradition of speaking the truth and keep ranting (followed by reasoned and thought-out articles, of course).

David Lu

Hello,

I recently read your article [Powell Fraser, "Capitalism on Campus: Student Agencies Walk the Line"] and it was right on the money. I and my partner, Alex Fuller, run the Campus Newspaper Delivery Agency. We personally believe that Sean Weaver's compensation structure is absolutely idiotic in that it in no way provides any incentive to provide better service to the consumer. Our predecessors ran this agency for 3 continuous years quite successfully, one of them even created, on his own, the website that we used today because he had a financial incentive to increase subscriptions and provide better service.

We are, by far, the single most profitable agency on campus with well over 2,000 newspapers delivered daily and we find it upsetting that the bulk of our profits are supporting failing businesses. We also work every day during the academic year, yet our compensation, from previous years has been decreased by 75% than that of our predecessors, thanks to Mr. Weaver's brand new "great ideas". I just thought that you'd might take an interest in this.

Sincerely,

Lamar Sapp '08

[To the Editors]

The Tory's continued framing of issues in as inflexibly partisan a manner as that seen in the October issue may just end up causing further misrepresentation of conservative ideology.

Conservative ideology is not about the liberal media or gay marriage or stem cell research or any of those issues that have come to define parties. It's not that they aren't important, but I'm sure a lot of us know that all these issues that we now define ourselves by are just temporary distracters. They aren't fundamental to conservative ideology (in fact some of them seem to go against the very ideology formerly held most dear ie. state's rights) and in fifty or so years they probably won't matter anymore.

As students, we really only have a few more years left to define or redefine our politics without worrying much about the consequences. Let us not spend these formative years just reciting the party line.

JNK [Joy Karugu '09]

# POINTS & PUNTS

➤ Gay marriage! The November 21, 2005 issue of the *Prince* informs us of a proposal by USG to support gay marriage in New Jersey. Says the article: “Debate during the meeting was heated and broad-reaching, with USG members discussing the merits of gay marriage and the institutional goal of student government. USG President Leslie-Bernard Joseph ‘06 urged the group to act, saying, “We should not decide to do nothing. That would be a direct insult to the gay and lesbian students who voted for us.” As opposed to it being an insult to the students who elected you to focus on campus-related issues?

➤ The USG has no business signing amicus briefs in favor of gay marriage (which some would say is a contradiction in terms) at a time when grade deflation is a problem affecting the mental state of most students, the student course guide ([www.princeton.edu/scg](http://www.princeton.edu/scg)) is in shambles, campus drainage an absolute disaster, and discrimination against conservatives in professorial ranks rife. USG should focus on practical matters. Leave the politics to all the bright students at Princeton and the political organizations they are a part of. And by the way--if 51% of the students were to vote yes and 49% no, could the USG claim to speak on behalf of all students in supporting gay marriage? Of course not--it's impossible to speak on behalf of “the Princeton student body” when it comes to controversial political matters.

➤ One of the most successful endeavors of the USG during the tenure of Matt Margolin '05 was the creation of a University “portal” web site designed specifically for students. Instead of the sterile, pandering news stories of Princeton's regular home page, the “Point” web site provides campus news, local weather, and information about upcoming student events. The site also conducts daily polls on issues ranging from the political to the comical, and then allows users to look at breakdowns of the results. We were rather perplexed by one category, however – on the student government-run site, there are four different categories for gender. Along with the prejudiced, unscientific, old-world options of “male” and “female,” the student government has sought to reach out to students who classify themselves as having a “male brain, female body” and vice versa. That's right: as all enlightened citizens know, your brain has a gender independent of your body. Perhaps this is what Lawrence Summers was talking about. Meanwhile, for those still confused about their body's gender, we recommend the old “between-the-legs” check, archaic as it must seem on a campus as progressive as ours.

➤ The *Prince* appeared to have gotten a major scoop when it reported that Supreme Court nominee Sam Alito's thesis advisor, Professor Walter Murphy, said that both he and Alito believed that *Roe vs. Wade* should be overturned. This seemed destined to become a national story (The Washington Post was already reporting on it), except for one little problem. Professor Murphy never actually said that. The reporter “misinterpreted” Prof. Murphy's words. Bet this won't be the last time the media—campus or otherwise— tries to distort Alito's record.

➤ This might not come as a surprise, but it seems that Princeton Township is run by a group as liberal as the administration in Nassau

Hall. Democrats maintain a tight grip on local government and have consistently kept property tax rates high. In November, township committee candidates Tom Pyle and Gordon Bryant attempted to start a revolution, to bring some sense of fiscal discipline and good governance to Princeton. Although they were unsuccessful, they deserve our applause for taking a stand for conservative values in our community.

➤ At a symposium held by the Woodrow Wilson School's Students and Alumni of Color (SAOC) group, symposium co-chair Suman Sureshbabu GS said during opening ceremonies: “The world of public policy still does not reflect the racial or ethnic makeup of the ever-changing face of this country,” implying he wants full proportional representation of ethnic groups in the higher levels of policy-making. As such, the public policy leaders of the United States should be 71.8% non-Hispanic white, 11.4% Hispanic, 12.2% black, 3.9% Asian/Pacific Islander, and 0.7% American Indian. There's virtue in color-blindness, but that was certainly not a point that was emphasized at the Woodie Woo symposium.

➤ Others at the Wilson School's Students and Alumni of Color group symposium went further. Keynote speaker Chris Owens GS '98, a Democratic candidate for the U.S. House of Representatives in Brooklyn's 11th Congressional District, was positively Stalinist when he said that the U.S. must pursue “equality, rather than equal opportunity”. There's no better example of where conservatism and liberalism differ. Conservatives stand for equal opportunity above all else. Owens' statement is profoundly illogical and displays a penchant for heavy-handed intervention by the state. Then again, he is a liberal.

➤ The Task Force on Dining and Social Options has made its recommendations and guess what? The residential colleges should be more like the eating clubs, complete with food of better quality cooked by resident chefs that is served in more intimate dining settings. The *Tory* is glad to hear that Dean Malkiel learned from her mistake in formulating her plan to stem grade inflation and actually conducted “brainstorming sessions” on how to make the four-year residential colleges viable social alternatives to the Street. In light of Campus Club's demise, however, this new strategy on the part of the University should give both students and alumni pause. In the past, eating clubs were usually able to weather the cyclical nature of Street popularity, but in the face of a competitor with the resources of the University, it is hard to imagine any but the richest few clubs being able to operate effectively in the long run in the new market for diners that is to come. Even worse, the University might try (or maybe already is trying) to tilt the odds in its favor by admitting students who are less likely to revel in the atmosphere that is the Street. In either case, these new University initiatives signal not only a threat to the Street, but to the shaping of character that the Street provided and the University took credit for. The Street and its culture are quintessentially Princetonian, but the days of the long-romanticized “Princeton Man” seem to be numbered...

➤ According to the Nov. 14 edition of the *Prince*, “[A Senator from the Class of 2006] proposed increasing the availability of periodicals

and newspapers at the campus center in the interest of promoting awareness outside the ‘Princeton bubble.’” If only we received a shiny nickel for every time someone mentioned “the Princeton bubble” in the *Prince*...

➤ In a November 14, 2005, column in the *Prince* titled “Princeton, affluence and morality,” one student writes that Princeton needs to stop expanding its endowment and devote any additional money it gets to fighting poverty. Writes the junior: “We need to change our priorities.... It means living with an unattractive but functional Butler College for another couple of decades in order to fund research on a malaria vaccine or something of comparable benefit in our own laboratories.” The author of that article, who himself resided in Forbes (not Butler) for the first two years of his stay at Princeton, makes the worst of arguments. Why end with Princeton’s endowment? Why, for instance, should President Tilghman be allowed to make almost \$600,000 per year at a time when hundreds of millions have to survive on less than a dollar a day? Why should we tolerate Princeton students spending \$6,000 per year on an eating club membership when children in Africa still starve of hunger? Would it be too much to ask of Princeton students to make their own food and send the money they save from not being in an eating club to Africa? Why should the author of the article be allowed to attend a university that costs \$40,000 per year? Couldn’t he have attended Rutgers, paid less, and given the difference to organizations fighting poverty? As we can see, the argument is without any merits, but it doesn’t prevent the author from purporting to be ever so moral and virtuous by making it.

➤ The *Tory* has been looking forward to the establishment of the Roosevelt Institution at Princeton. The Roosevelt Institution is a new student-run think tank, founded by liberal students at Stanford and Yale after their defeat in the 2004 elections. It promises to articulate new, innovative, progressive ideas, which, as we’ve always maintained, the Democratic leadership sorely needs. So far, we’ve been rather disappointed. The first Roosevelt Review came out this fall, and it leaves much to be desired. It does not contain a single article regarding foreign policy, and the domestic policy proposals

are hardly “innovative” or “progressive.” The articles push for the usual liberal ideas, from new taxes on gasoline to price controls on pharmaceutical drugs. Meanwhile, the Roosevelt Institution’s most significant contribution to the intellectual debate at Princeton is a six-person Facebook group. It’s probably just as well.

➤ A handful of students and faculty protested outside Frist on November 17th attacking American interrogation techniques as inhumane and un-American. The event, organized by the editor of the Princeton Progressive Nation, came to an abrupt end when instead of marching around campus as part of the protest, most of the students just walked back to their rooms. During the protest, university politics professor Gary Bass declared that “the United States makes itself more vulnerable by systematic mistreatment of prisoners.” No, professor, what makes this country more vulnerable are whiny liberals who want to treat with “kid gloves” those same bloodthirsty killers that we are fighting a war against, an enemy who will publicly behead any Americans they capture, an enemy that desires only our death and the destruction of free nations everywhere. As the eminent journalist Heather Mac Donald has demonstrated, our military is already hamstrung to the point of ineffectiveness by the present regulations on interrogation, the same regulations that they now want extended to the CIA. The United States is in a war for the survival of our way of life, and these liberals want our intelligence forces to fight it with both hands tied behind their backs.

➤ On November 8th, in an effort to demonstrate that the University administration doesn’t take sides on political issues, President Shirley Tilghman spoke to a conference of scientists and journalists, with the apparent goal of explaining how science could be best utilized to advance the agenda of the far left. Regarding global warming, she said that “the globe is in fact warming up due to greenhouse gases,” and that any doubts about climate change are just a “misunderstanding” that comes from lack of information, which of course explains why as many (if not more) scientists reject the idea of global warming as support it. Other topics in the conference included homosexuality, the exploitation of public ignorance by politicians, and the problems that have been caused by what Tilgh-

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man described as “the difference between the goals of the scientific community and the administration.” Apparently without any sense of irony whatsoever, another speaker at the conference condemned the politicization of science by people driven by ideology.

➤ In the Nov. 11 issue of the *Prince*, writing about stem-cell research, Jason Scheltzer writes: “Bush dons the sanctity-of-life halo and rails against those who would ‘destroy life in order to save life.’ But he justifies capital punishment for exactly that reason.” There’s an argument to be added here: the death penalty involves the taking of lives of the guilty. Many types of stem cell research require the taking of innocent life. This doesn’t mean that all stem cell research is bad; but taking innocent life is quite different from applying the death penalty to convicted murderers.

➤ According to the Washington Times of November 14, 2005, “Judge Samuel A. Alito Jr. [’72], President Bush’s Supreme Court nominee, wrote that “the Constitution does not protect a right to an abortion” in a 1985 document obtained by The Washington Times. “I personally believe very strongly” in this legal position, Mr. Alito wrote on his application to become deputy assistant to Attorney General Edwin I. Meese III.” It will be interesting to see what happens now that this is out in the open, and it’s worth remembering that current Supreme Court Justice Ruth Bader Ginsburg (a Clinton nominee) had written before her nomination to the Senate that prostitution (!) and polygamy (!! ) are constitutional rights, a strange position in constitutional interpretation. Senators did not bring this up during Ginsburg’s confirmation hearings, recognizing that a good judge can dissociate his/her personal views from interpreting the law.

➤ The support which Supreme Court Nominee Sam Alito ’72 has received from Princeton faculty members and students is encouraging, although it is highly cautious. But contrast that cautious support to what lefties at Yale Law School are saying about the highly

qualified Princeton alum: “[Yale Law] Professor Bruce Ackerman, who teaches constitutional law appeared on CNN with this instant assessment: “I don’t think conservative is the word. This person is a judicial radical.” Prof. Robert W. Gordon, who teaches legal history, said “Alito in my judgment is just too steadfastly conservative.” Yale Law, of course, suffers from an extraordinary liberal bias. As even the *New York Times* notes in a November 13, 2005 article: “Forty-three percent of law professors at Yale made contributions of more than \$200, and 92 percent of those gave mostly or wholly to Democrats.” According to one Professor: “The politics of Yale Law School and the other elite law schools is 95 percent left and 5 percent other. [Professor Shuck] said he counted perhaps four conservative professors on a faculty of about 70.” It’s just one more indication that liberals hold a near-absolute monopoly on jobs in prestigious institutions of higher learning, and we should examine claims of Yale Law Professors about Sam Alito ’75 with caution.

➤ When Dean Malkiel introduced her grade deflation system which artificially deflates Princeton students’ grades disproportionately she promised that other universities would follow suit. This has not happened, but that in itself is not surprising (why would Harvard and Yale wish to disadvantage their students?). What is highly surprising is Dean Malkiel’s persistent unwillingness to comment on this phenomenon of other universities not following suit. It would be nice if the *Prince* started asking some pertinent questions...

➤ John Corzine is New Jersey’s new governor. As the former CEO of Goldman Sachs, and a limosine liberal, here is a governor that Princeton students can really relate to. Among Corzine’s stated plans: an “Affordability Agenda” to make the distribution of health care, wages and property taxes more fair. Although one assumes that, as an extraordinarily wealthy individual, Corzine will get the ball rolling on this by donating some of his half-billion dollar fortune to pay for lower-income healthcare, this would be incorrect. Ahh, but at least Corzine claims he will deliver us a “Prouder New Jersey.”

*Continued on the next page*

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Of course, as a man whose marriage was broken up by an affair with a head of one of the state's biggest government employees union, this might be slightly harder to deliver.

➤ When Rebecca Beach, a freshman at Warren Community College in New Jersey, e-mailed faculty announcing a campus program featuring decorated Iraq war hero Lt. Col. Scott Rutter, the response she got from one English professor took her aback. English professor John Daly replied: "Real freedom will come when soldiers in Iraq turn their guns on their superiors." Daly added that he would ask his students to boycott the event and also vowed "to expose [her] right-wing, anti-people politics until groups like [Rebecca's] won't dare show their face on a college campus."

➤ The *Tory* would like to extend its warmest congratulations to William F. Buckley, Jr. on the occasion of his 80th birthday. Fifty years ago, Mr. Buckley founded *National Review*, a magazine that has become an institution in American politics. He rescued the Republican Party from the John Birch Society and transformed conservatism into an impressive intellectual movement. He inspired and shaped generations of conservatives, including Judge Samuel Alito '72, who mentioned him in a 1985 memo as one of the greatest influences on his views. Conservatives and liberals alike should be grateful to Bill Buckley for tirelessly stimulating intellectual debate for the past fifty years.

➤ Former Sen. John Edwards (D-NC) wrote on November 13 in the *Washington Post* that he wishes he'd voted against the war in Iraq. One supposes that John Edwards, John Kerry (D-MA) and Hillary Clinton (D-NY) could all have done what Rep. Ron Paul (R-TX, yes, that's right, R-TX) did and vote against giving President Bush a blank check to go to war against Iraq. Then again, at the time the war was a popular idea and voting against it would have required principle and going against the political wind, something many people are not good at...

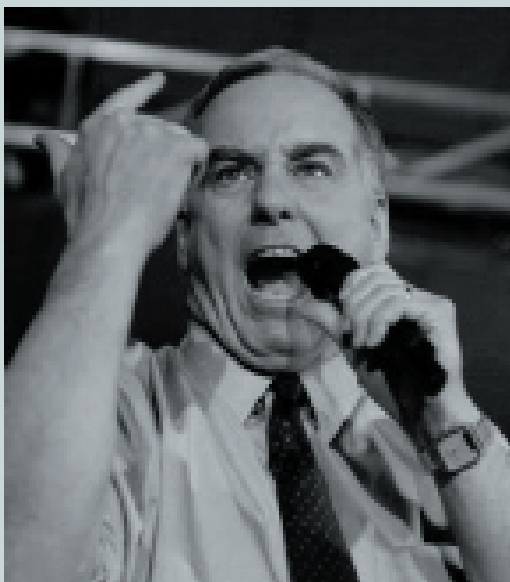
➤ This month's World Summit on the Information Society held in

Tunisia will address the concerns of nations including China, Iran and the EU over the "problem" that the internet's top level Domain Name Servers "perform their functions today without a formal relationship with any authority." Lest you think that the problem is solely a lack of bureaucracy, rest assured, the fact that the internet works is also another manifestation of U.S. Hegemony, due to "unilateral control by the United States government." Of course, China already restricts its citizens' access to the internet, but having UN control over domain name servers would allow diplomatic wrangling to shut down dissenting web sites outright instead of just blocking people's access. The EU, on the other hand, has simply never met a regulation it didn't like. One sympathizes with these countries, however, as the internet truly is anathema to the UN: it is American in origin, it can't be shouted down with a non-binding resolution, and, of course, it works.

➤ The riots in France show the failure of France to integrate its immigrants. The biggest problem is economic: while most children of immigrants receive a good education, they cannot find a job. In some areas of France, youth unemployment has reached 40%, increasing social tensions. France needs to reduce unemployment by cutting red tape, reducing its high minimum wage which prevents job creation and job access for new workers, and implement some real capitalism. Enforcing anti racial discrimination laws in hiring is also a good idea: one study found a person with a French-sounding name had a probability of getting a call back for a job opportunity 40 times higher than a person with an Arabic-sounding name. No person should be treated differently on the basis of his racial background, and feelings of being excluded in society is something that big-government housing projects cannot remedy.

➤ Brokeback Mountain? We'll pass...

-- Compiled by the Editors



# Angry? Frustrated?

Tell us what you're  
thinking...

Send the *Tory* an e-mail at [tory@princeton.edu](mailto:tory@princeton.edu).  
We'll run your letter unaltered in the next issue.



# BIO-WARFARE

## PRINCETON'S FACULTY AND BIOETHICS

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*Michael Fragoso '06*

*"My poor Aylmer!" murmured she. "Poor? Nay, richest! Happiest! Most favored!" exclaimed he. "My peerless bride, it is successful! You are perfect!" "My poor Aylmer!" she repeated, with a more than human tenderness. "You have aimed loftily!—you have done nobly! Do not repent, that, with so high and pure a feeling, you have rejected the best that earth could offer. Aylmer—dearest Aylmer—I am dying!"*

-Nathaniel Hawthorne, "The Birth-mark"

The field of bioethics is dominated on this campus by one justly famous name: Peter Singer. Ever since his appointment outside of the Philosophy Department, our Ira W. Decamp Professor of Bioethics has received the anger of the handicapped, the condemnation of Steve Forbes '70, and the accolades of fawning students. Ask any leftist undergrad about Prof. Singer and be ready to receive hours of insipid tedium masquerading as argument, rife with unsubstantiated moralizing about pigs, Africa, and imbeciles. For a

more enlightened understanding of Prof. Singer's views ask any graduate student about him. With an accumulated knowledge base more than mere lecture notes, your grad student interlocutor will give you fascinating yet platitudinous drivel about "reconsidering our preconceived notions of personhood."

While there is much to be criticized rigorously in Singer's utilitarian calculus, it is entirely secondary to my purposes here; this is not philosophy but polemic.

Accordingly, I am taking it as a given that a philosophy which allows for bestiality and infanticide while abjuring porterhouse steak and Mercedes-Benz ownership is wrong. In doing so I am not alone; no serious person would doubt that the natural orthodoxy of the American people would agree with such an assertion. Nevertheless, mediocre liberal thought at Princeton swarms around Pete Singer's philosophy like flies in a holding pattern around a dung heap. How is this so?

Here we are helped by an old cliché from the *Daily Princetonian*: the Orange Bubble. The Orange Bubble—also known as the Princeton Bubble—not only insulates us from off-brand Polo shirts and the suffering masses of the world; it also shelters us from having to deal with these unwashed masses in any serious way. The Princeton Man, cream of society, steeped in liberal academic theory, often goes to help society's dregs out of altruism. Upon doing so, he

"apartheid" in Israel, or whatever the cause *du mois* happens to be.

The Princeton Man's foray in "service" between stints of posh collegiate living has given him a sense of moral entitlement. He has seen the worst of the world and has helped it. He has seen those underprivileged privileged enough to be aided by the privileged. This gives him the sort of utopian optimism only possible among the elite—that that comes from within the Orange Bubble. This optimism is what allows him to adopt Peter Singer as his prophet, for Singer's world is a logically consistent utopia of its own: there are no disabled and no imbeciles; the friendly beasts of the world are left to their own devices; sexual autonomy is total and without consequence; all persons live comfortably.

Thankfully, outside the perky optimism of the Orange Bubble, Singer's utopia is dead on arrival. The deliberate sense of the American people sees the flaws in this vi-

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feels as if he's made a difference, and returns to our Gothic bubble convinced that if only the rest of the landed elite of the Ivy League would assuage their guilt in a similar way, perhaps the systemic misery in which most of the world dwells might be alleviated. If only we forwent our riches, renounced our materialist ways, and became helpful bureaucrats instead of investment bankers we could finally solve poverty in Africa, or AIDS in Thailand, or the abuse of turkeys, or

sion. The typical American knows and loves certain handicapped and stupid individuals. He realizes that if he doesn't eat a chicken, a fox probably will. He realizes that society must draw a line with regards to sexual license—although where exactly it should be is a debatable proposition. He realizes that the poor will be with us always. This is why Singer's views are merely annoying: outside of Princeton and the *New York Times* they have little cache. This is where Lee

Silver comes in.

Lee Silver, Professor of Molecular Biology and Public Affairs, does not come to questions of bioethics through the same radical methods as Prof. Singer. Silver's positions are in many respects just as radical as Singer's, but their ideological methods are quite different. Whereas Singer's approach to bioethics is generally utilitarian, Silver's approach is better described as scientism.

Silver, whose training is in biophysics, has had a long and distinguished career in the hard sciences. His career in ethics has been far briefer. Given his joint appointment in the Woodrow Wilson School about five years ago at the behest of the Sainted Hal Shapiro, Silver has long endeavored to brush away most ethical objections to immanent biotechnological advances. Well-thought-out and published systems of metaphysics are not in his purview: science is. To summarize Silver's scientism, there are scientific developments on the horizon—genetic engineering, cloning, stem cell therapies, etc.—and they are desirable in that they are possible and therapeutically helpful. There are certain Luddites out there who dispute the ethical validity of these practices. Such people are invariably religious—whether they admit it or not—and are thus irrational. These people should not partake in cloning therapies and genetic engineering if they do not approve of them, but they certainly have no moral standing to prevent others from partaking in them. People have the moral right to better themselves through science however they see fit—so long as they do not harm others—and thus science ought to be given the leeway it needs to properly better people.

The danger of this position must be made perfectly clear, as it is often difficult to appreciate when placed against the wicked Singerian foil of infanticide. The only ethical bound he presents is that which comes from the well-meaning of scientists. The familiar metaphor of the Invisible Hand is left to guide more than simple markets, but rather the existential course of humanity. Perhaps the benevolence of scientists will allow our species to stay as it is with fewer illnesses and maladies, perhaps it will create—as Silver has called it—“a special group of mental beings” tracing “their ancestry back to *homo sapiens*.” One way or the other, the direction that science takes

must be left to the possibilities of science. Any ethical barrier presented by external forces to scientific development is wrong and must be opposed. This manifests itself in Silver's thought, as one very prominent bioethicist termed it, in his “ignorant yet

The natural orthodoxy of the American people will not stomach infanticide, euthanasia, poverty, and bestiality as the mandates of utilitarian deliberation. Singer will never be taken seriously outside of the Academy. This is largely because most sen-

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***Any ethical barrier presented by external forces to scientific development is wrong and must be opposed. This manifests itself in Silver's thought, as one very prominent bioethicist termed it, in his “ignorant yet confident belief that appeals to nature or God or to traditional philosophy are mere matters of superstition.”***

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confident belief that appeals to nature or God or to traditional philosophy are mere matters of superstition.”

The end result of Silver's vision has rightly been called “free-market eugenics”, in which the radically autonomous *homo economicus* engages in market transactions with an unfettered biomedical industry. Science isn't free for the sake of science, but for the sake of the individual who is capable of contracting science. He is free to clone himself for parts or to genetically engineer his children, for doing so would be his right as an autonomous individual.

Ultimately, what justifies these processes is not a Singerian metaphysical system but market efficiency. As Silver once said, “If you see a better technology that is beneficial, doesn't hurt anybody, helps either you or your children be happier or more successful or healthier - and that is what biotech does - common sense tells you that people are going to accept it and desire it.” This is why he is more dangerous than Singer: he is right.

When one looks at the history of bioethical debate, one sees that it is lost on the peaks of Parnassus and won on the floor of the Agora. For example, when the English sought to legalize embryo research in order to perfect their assisted reproductive technologies in the 1980s, they were unable to achieve a liberalization of the law so long as the scientists argued it was their ethical right as scientists to be unrestricted in their inquiries of the origins of human life. It was only when the argument was couched in the language of curative benefits—“embryo research is not for us scientists, but for the poor infertile women!”—that the laws were changed.

sible people have a well-developed sense of revulsion at the flagrantly unnatural. With Silver, however, the average person is not presented a foreign philosophical system and asked to abandon his cultural and religious predispositions in favor of them. He is asked to dismiss those predispositions because of their intrinsic faults: they are mere superstition. Not only are they superstition but they are superstition which impedes self-improvement. Silver's Jacobin dismantling of inherited sentiments coupled with the enticing specter of raw self-interest allows his system to seduce the deliberate sense of the American people. In the end, Singer will be a utilitarian Napoleon, ruling over his little Elba of Princeton. At the same time, Silver's abhorrent scientism and its free-market eugenics shall have blitzed across our society—a kinder, gentler version of its ghastly predecessor—delivering a techno-utopia to those vulgar post-humans who shall inherit it.

Call it superstition, but I pray it's a day that I never live to see. P



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# JUDICIAL CONSERVATISM

## AN INTERVIEW WITH PROF. GEORGE

*Juliann Vikse '08*

*Christian Sahner '07*

Tory writer Juliann Vikse recently interviewed Professor Robert George regarding President Bush's nominees to the Supreme Court, now-withdrawn Harriet Miers and Samuel Alito '72. Professor George, the McCormick Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions, has served on the President's Council on Bioethics, was a Judicial Fellow at the Supreme Court of the United States, where he received the Justice Tom C. Clark Award, and authored the books *In Defense of Natural Law*, *Making Men Moral: Civil Liberties and Public Morality*, and *The Clash of Orthodoxies: Law, Religion and Morality in Crisis*.

**TORY:** Does the withdrawal of the Miers nomination hurt or help the Republicans?

**GEORGE:** Well, the Miers nomination hurt the Republicans, because she was, at best, a marginally qualified candidate. It didn't look good. Whichever party occupies the White House, certainly the president should put forward the strongest person on his side of the fence. You would expect a liberal president, a Democratic president, to appoint an outstanding liberal scholar or jurist. Even conservatives should want that.... This is what we expect from a president, and it's what we expected from President Bush—and it's what we got in the case of John Roberts. It's what we now have in the case of Sam Alito, but it's not what we had in the case of Harriet Miers. She was certainly a competent lawyer, there's no doubt about that. She had a distinguished record in public service, including an elected office on the City Council of Dallas. She had been president of the Dallas Bar Association, and she'd served as White House Counsel. These are far from insignificant achievements, but they are not sufficient to qualify a person to serve as an Associate Justice on the Supreme Court of the United States. So it

was a poor nomination on the President's part, certainly not of the quality of his first nominee, John Roberts; and now he has rectified the situation by putting forward an outstandingly qualified person. So, there's my comment on the Miers nomination: it was an unfortunate little footnote to history

doesn't dictate conservative social policy; he's not proposing to revive the conservative judicial activism of the early 20<sup>th</sup> century. By the same token, he represents a view of jurisprudence that rejects the liberal judicial activism of the Warren and Burger periods.

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***Alito's judicial philosophy doesn't dictate conservative social policy; he's not proposing to revive the conservative judicial activism of the early 20th century.***

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but no long-term damage has been done.

**TORY:** Alito was a student at Princeton in the late sixties and early seventies, during the Vietnam War and the cultural upheaval of the sexual revolution. To what extent was Alito's jurisprudential philosophy shaped by his environment?

**GEORGE:** I don't know; I've never spoken with him about it. And there's nothing that I find in the record from which anyone could draw any inferences on the impact of the upheavals of the late sixties and early seventies on his view of the role of the judge. His view of the role of the judge is very much in line with the view of Chief Justice Roberts. It embraces the idea that judges should not be making social policy one way or the other. They shouldn't be making liberal social policy, and they shouldn't be making conservative social policy. The making of social policy is the province of the state legislatures and the Congress; if they want to go liberal, they can go liberal and judges should defer to them and not "legislate from the bench," as the slogan goes. If they want to go conservative, same thing. So Alito's judicial philosophy

**TORY:** If Alito is confirmed, he will presumably move the Court to the right. In your opinion, *should* the ideological balance of the Court be considered an important factor in the proceedings?

**GEORGE:** I don't think he will move the



*Professor Robert George, Princeton University  
Department of Politics*

court to the right. I think he will move the court out of the business of legislating social policy right or left. Let's take the issue on everybody's mind, abortion. Now, a court that wanted to make left-wing social policy on abortion would hand down *Roe v. Wade*. The justices would restrict the power of the elected representatives of the people to protect the child in the womb. A right-wing court...would strike down liberal abortion laws, and would claim that there's a right to life of the unborn in the Constitution which the states and the federal government are required to recognize and respect, whether they like it or not, even if they would prefer to have liberalized abortion laws. That happened in Germany. In 1975, a couple of years after *Roe v. Wade*, the German Supreme Court handed down a decision that was the very antithesis of *Roe v. Wade*. It struck down a legislative act just as *Roe* had done, but it struck down a liberal law and imposed a conservative one.

Under Alito's philosophy, or Roberts's philosophy, or Scalia's philosophy, you get no judicial imposition of a liberal or conservative policy. Rather, the judges say that the question of abortion regulation...is not something that is up to judges, because there's nothing in the Constitution about it, and judges have no authority except to enforce Constitutional norms. So rather than imposing a liberal or conservative policy, judges defer to the legislature. The likely outcome would be that states with more liberal populations would go in one direction, and states where more conservative views are dominant would go in the other. Now, Alito won't dictate for any state to go one way or the other. He'll vote to uphold, say, California's liberal law, and, say, Louisiana's conservative law, because he'll see the matter as requiring judicial abstinence. Judges shouldn't be dictating social policy. And if we were unsatisfied as a people with a patchwork situation in which abortion laws differ substantially from state to state...then democracy would work by shifting the ultimate resolution of the question to Congress to create a national policy one way or another—probably a compromise in the middle on abortion. That's what you have in most of the other democratic nations in the world. In most of these countries, the issue has been resolved by the legislatures. And something of a compromise has emerged in almost all cases, where abortion is permitted early in pregnancy but forbidden later in pregnancy. You don't get an all-or-nothing situation like what we have with *Roe v. Wade*.

**TORY:** In reference to a campaign opposing Alito's confirmation, Nan Aron, president of the Alliance for Justice, has said, "You name it, we'll do it." Do you think the liberal groups waging war on Alito will be as effectual in persuading Democratic senators as religious and conservative groups were in their campaign against the Miers nomination?

**GEORGE:** No, I don't think they will be. It's not that I doubt that Nan Aron and others on the extreme left will do everything they can to prevent Judge Alito's confirmation. These are, after all, the people who waged an extraordinary campaign of vilification against Robert Bork back in 1987.... Their campaign worked in the case of Bork, but I don't think it will work this time.... One, this time there's a solid Republican majority in the Senate, unlike the situation with Bork in 1987. Two, the Republicans were taken by surprise by the assault on Bork. They thought by putting forward a nominee who was so well qualified that it would be an easy ride. Boy, did they get a surprise. They didn't think the Democrats would attack a candidate with a record of distinction such as Bork. He had been a distinguished Yale law professor and the Solicitor General of the United States. He had been a judge on the United States Court of Appeals for the D.C. Circuit, generally regarded as the court

concentrate the minds of people like Blanche Lincoln down in Arkansas, or Byron Dorgan in North Dakota, or Ben Nelson in Nebraska. They will think long and hard before they participate in a campaign of vilification against Sam Alito.

The other thing is that the Democrats are facing a very important senatorial election, a bellwether election, in Pennsylvania. This is a socially conservative state with a strong pro-life constituency, where a pro-life Democrat, Bob Casey—the son of the most famous of all pro-life Democrats, the late Bob Casey Sr.—is running against Rick Santorum, somebody the Democrats would really like to take out. Pennsylvania has one more thing: a large Italian American population in its cities. The Democrats have to ask themselves: Do we want to jeopardize an important, perhaps trendsetting, tide-turning victory over Rick Santorum by vilifying an Italian American who was the judge who upheld the abortion regulations in *Planned Parenthood v. Casey*, which regulations were signed into law by Bob Casey Sr.? An attack on Alito, of the type that was launched against Bork and Clarence Thomas, could very well be used by the Republicans in Pennsylvania to rescue a candidate who is, at the moment, extremely vulnerable to the Democrats.

**TORY:** How will the so-called "litmus tests" being imposed on Alito by right- and left-

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***He certainly ruled very much in line with Roe v. Wade in some celebrated cases because he perceived it as binding precedent. So, while he very likely thinks Roe was wrongly decided, that isn't sufficient on his judicial philosophy to justify overturning it.***

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just below the Supreme Court. This time the Republicans won't be caught by surprise.

Of course, the Democrats have paid a political price: "red-state" Democrats—begin the list with Tom Daschle—have been defeated on the question of judicial activism, and this has not been lost on other "red-state" Democrats. They know that the Republicans have a powerful issue; the public doesn't want judges making social policy. Now, that's not going to threaten people like Chuck Schumer or Teddy Kennedy, because they're in liberal states where liberal judicial activist opinions are welcome. But it will

wing advocates of issues such as abortion affect the confirmation hearings?

**GEORGE:** Well, there certainly are people, particularly on the issue of abortion, who will support the nominee or attack the nominee exclusively on the basis of what they are guessing—and we can only guess, because there's no clear record—the candidate would do about reversing *Roe v. Wade*. Now, nobody really knows what he would do, because he hasn't shown his hand. Plainly, his judicial philosophy would indicate that he would see *Roe* as a

bad opinion, as a mistake, as an instance of judicial usurpation of legislative authority. But that doesn't resolve the matter, because Alito seems to have a high degree of respect for precedent. He very clearly and carefully followed precedent as a 3<sup>rd</sup> Circuit Court of Appeals judge. And that has won for him a certain amount of criticism from both the right and the left. He certainly ruled very much in line with *Roe v. Wade* in some celebrated cases because he perceived it as binding precedent. So, while he very likely thinks *Roe* was wrongly decided, that isn't sufficient on his judicial philosophy to justify overturning it. You would have to look at a number of other factors before you decided to overturn an opinion. Just because its wrong isn't sufficient.

**TORY:** Do you believe this, or any other prospective rulings, gives social conservatives reason for concern about Alito?

**GEORGE:** Yes; it certainly worries someone like me, who thinks it's extremely important that *Roe* be overturned. On the basis of his record, I think it is fair to suppose that Alito knows that *Roe* is a constitutional atrocity. What I don't know, though, is whether, applying the principles that should govern the question of *stare decisis*, he will conclude that, even though it was wrongly decided, it's a precedent that has been accepted. I hope that he doesn't reason that way, but he very well could; it would be consistent with a certain kind of "conservative" judicial philosophy.

**TORY:** Strategically, what should Alito say or not say during his confirmation hearings?

**GEORGE:** Well, he can't say how he's going to vote. As much as I would like him to, as much as people on the other side would like him to, he plainly can't say how he would vote on a particular case, including the question of reversing *Roe v. Wade*. That would amount to making a campaign promise. Judges are not politicians; they are not running for office, and they don't make and shouldn't make campaign promises. But I think he can give us some sense of his philosophy of judging; how he would analyze a case in which there are claims of unwritten constitutional rights, like the so-called right to privacy that *Roe* is based on. He can also spell out for us the principles that he thinks should govern questions of *stare decisis*. Now, I think he can say more, and should say more, and should be asked to

say more, than John Roberts said.... Roberts was right not to say how he would rule on *Roe* or any other particular case, but he was a little vaguer than I thought he had to be on questions of interpretation and philosophy of judging.

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***I hope that he will challenge the judicial usurpation of democratic legislative authority that one sees flamboyantly on display in a case such as *Roe v. Wade*.***

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**TORY:** What was the down side to Roberts's vagueness?

**GEORGE:** Roberts is so plainly well-qualified that you can't say that the down side is that we got a judge that was less than a great judge. Obviously, he's a terrific judge. The down side is that the American public was not brought into the debate and discussion of constitutional interpretation that we, as a nation, really need to have. Our nation is long overdue for a serious discussion of the role we want our courts to play, a discussion of the scope and limits of judicial power under our Constitution. I would like to see a judge like Roberts or Alito, in the context of the confirmation hearings, engage with Senators on both sides of the divide, Republicans and Democrats, liberals and conservatives, and spell out and defend a view of the judicial role in which that role is limited by a proper understanding of the Constitution itself. I hope that Alito will make the case that judges must refrain from setting themselves up as "super legislators" who have the right to overturn social policies because they happen to disagree with them. I hope that he will challenge the judicial usurpation of democratic legislative authority that one sees flamboyantly on display in a case such as *Roe v. Wade*.

**TORY:** If Alito is confirmed, do you see any other justices rising to fill the "swing-vote" position that Justice O'Connor is leaving open, possibly for purposes of fairness or self-promotion?

**GEORGE:** Well there is another "swing voter" on the Court right now. Anthony Kennedy has long been a swing voter like O'Connor. If you look at the swing votes, a high percentage of the time they were O'Connor, but a high percentage of the time they were Kennedy as well. For example, in the federalism area, it was Kennedy

who was the swing vote, not O'Connor. She tended to be consistently on the side of the states. So I think what you would get with Alito confirmed is four people on the judicial restraint side of the divide, four people on the judicial activism side of the

divide—the liberal side at this period in our national history (though it was not always thus)—and then one swing voter, Anthony Kennedy. Then everything would depend on when the next vacancy occurs and who makes the nomination.

**TORY:** Recently it has been suggested that Alito is somewhat of a "free speech libertarian." Eugene Volokh, a UCLA law professor, said that Alito was "a cautious jurist who seems likely to move the court toward a slightly more claimant-friendly view of free speech and religious freedom."

**GEORGE:** Yes, this is an area in which, judging from some opinions he's handed down as a 3<sup>rd</sup> Circuit Court of Appeals judge, we can begin to glean his views. And what [Volokh] says there, I think, makes sense. Now, you can't be sure, because again, remember that the Court of Appeals judge is always operating under the restraint of Supreme Court precedent as he interprets it. So we can't be certain, but I think it's reasonable to draw some inferences here. There's one area in which his third circuit rulings do seem to suggest that he would come down quite differently from Justice Antonin Scalia. Scalia has taken the view that, when it comes to neutral laws of general applicability, the Court should not interfere with them even if they have an adverse impact on the free exercise of religion. This is an interesting area in which Scalia was joined by the most liberal justice on the court, John Paul Stevens. And it has been criticized by a lot of religious people and religious groups, as well as by civil libertarian groups like the ACLU. This one has everybody on the same side against Scalia. Alito's rulings seem to indicate that he's more open to the idea that the courts should review—and, in certain circumstances, even invalidate—laws that impinge upon the free exercise of religion, even if that negative impact on religion is not by design but is merely incidental. ¶

# STORMING THE COURT

## THE ALITO NOMINATION

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*Juliann Vikse '08*

A recently aired “Alliance for Justice” ad calls Americans to arms with the terrifying suggestion: “The right wing has taken over the West Wing. Don’t let them take over your Supreme Court.” The implication of the underlined “your” is not certain; presumably, it emphasizes to Americans that they will, no doubt, feel the effects of upcoming Supreme Court decisions—and, if the Court is comprised of right-wing fanatics such as Samuel Alito, those effects will include restricted freedom and loss of privacy rights. It is ridiculous, then, that the Alliance for Justice has expressed such ardent opposition to a nominee whose judicial philosophy has been described by conservative and liberal colleagues alike as unequivocally fair—and whose rulings paint the same picture.

Would the American people be better represented by a liberal or conservative “activist” judge whose opinions reflected his or her personal ideology rather than an objective interpretation of constitutional law? (To preempt objections: there is something to be said that objectivity is impossible to achieve; I use the term “objective” here to contrast the considerably subjective act of pursuing one’s political agenda within a constitutional framework.) That Alito is an exceptionally well-qualified candidate goes without saying; more importantly, however, he demonstrates a clear and steadfast commitment to the responsibilities and duties vested in a Supreme Court justice. That being the case, whether due to Republicans’ failure to push hard enough or simply a result of the quickly approaching holiday season, it is disappointing that Alito cannot be confirmed before the new year.

In response to a possible overturn of *Roe*, Senator Edward Kennedy cited the

likelihood of Alito to subsequently question Americans’ right to privacy and the “liberty clause” in the Constitution in various other circumstances and attempted to justify his imposition of a so-called “litmus test” regarding abortion. In light of critical analyses such as these, Alito has recently come under intense scrutiny regarding comments he made over two decades ago. Applying for a position as Deputy Assistant Attorney General in 1985, he wrote, “I am particularly proud of my contributions in recent cases in which the government has

pro-abortion advocates very well may not have much to fear. Judge Leonard I. Garth, a Nixon appointee on the 3rd Circuit U.S. Court of Appeals for the 3rd Circuit for whom Alito served as a law clerk recently responded to the question of whether Alito would overturn *Roe* by stating, “He would not. He might have restrictions and limitations, but it is a precedent he’d honor. As a previous mentor and as a present colleague, I don’t think he’ll overrule it.” Another man who shared the 3rd Circuit Court of Appeals with Alito, Washington lawyer Timothy

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***That Alito is an exceptionally well-qualified candidate goes without saying; more importantly, however, is his clear and steadfast commitment to the responsibilities and duties vested in a Supreme Court justice.***

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argued in the Supreme Court that racial and ethnic quotas should not be allowed and that the Constitution does not protect a right to an abortion.” Insofar as these remarks pertain to *Roe v. Wade*, Alito’s belief that the case was wrongly decided (those students who attended the October panel discussion entitled “Oh, the Lies We Told” will recall Ramesh Ponnuru’s comments regarding the historical inaccuracies upon which the case is based) has little relevance to his potential vote to uphold or overturn it. In fact, Alito told Senator Diane Feinstein (D-CA) that he was an “advocate seeking a job” at the time he made the aforementioned statement, whereas now his responsibility is only to interpret the law. Other pundits have suggested that his comments were put forth as legal arguments within the Justice Department under President Reagan.

Moreover, the comments in question precede the *Casey* decision that cemented *Roe* with considerations of *stare decisis*. Given his cautious allegiance to precedent,

K. Lewis, said, “Based on my experience, he has an abiding respect for *stare decisis*, and frankly I’ve never seen anything that would give rise to a hint of disrespect for precedent.” Finally, to stage a filibuster on such weak, plausibly inapposite grounds would be a risky—and arguably unreasonable—move by Democratic senators.

Alito has been labeled “on the wrong side of civil rights” by those who take issue with his narrow interpretation of civil rights legislation. In fact, the Alliance for Justice advertisement cited in the first paragraph claims that Alito will “make it easier for companies to discriminate.” Granted, Alito raises the bar for plaintiffs when it comes to evidence of discrimination; however, this should not, by any means, designate Alito as an anti-civil rights, anti-rights (or perhaps simply an “anti-”)jurist. In predictably inflammatory—and yet remarkably vague—fashion, left-wing activists have been employing their usual scare tactics to

stir uneasiness over the nominee. “In the course of his judicial career, he has opposed many of the goals of people who are trying to protect and expand rights and liberties,” said William L. Taylor, chairman of the Citizens’ Commission on Civil Rights. It goes without saying that not all discrimination cases are meritorious, however; Alito found the plaintiff’s claim in *Bray v. Marriott Hotels* not deserving of such merit. To argue that his dissenting opinion—simply stated, that a hotel’s decision to promote a white worker over a black worker was based on factors other than race—makes him an enemy of those who face legitimate discrimination in the workplace is altogether preposterous (non-meritorious, you might say).

Beyond this particularly controversial opinion, it is apparent that Alito’s record on civil rights is diverse and evenhanded. He has ruled against racial profiling, and upheld the rights of religious minorities. As Rachel Brand, the Justice Department’s

Assistant Attorney General for legal policy said of Alito, “He comes to the result the law requires. He is not outcome-oriented.” The latter only emphasizes the counter-effectiveness of a pro-Alito campaign promising an

as this tactic may prove in seeking the nods of those studied in constitutional law, it can be successfully employed to inform a largely uninformed public. This is not to say we should support Alito by disseminating so-

*One hopes that we have found in Alito, who thus far has demonstrated a remarkable understanding of and adherence to the Constitution, a justice who is willing to repudiate ideological activism on the bench.*



*Will Democrats have the nerve to reject as well-respected a legal-mind as Alito?*

end to partial-birth abortion and prayer in schools as if the nominee was running for president. In fact, it is strikingly reminiscent of the aborted (eek) Miers nomination, during which the Bush camp was forced into negotiations with social conservatives. President Bush reminded them of the White House Counsel’s strong faith and purportedly assured Evangelical leaders of the likelihood of Miers ruling to their liking on specific cases. This focus on outcomes rather than commitment to a strict interpretation of the Constitution is contradictory to what conservative jurists typically stand for. One hopes that we have found in Alito, who thus far has demonstrated a remarkable understanding of and adherence to the Constitution, a justice who is willing to repudiate ideological activism on the bench.

It can be granted, however, that conservatives do need a certain amount of ammunition to battle the hysterical “anti-rights” garble being spewed by anti-Alito activists. In their attempts to battle a campaign of misinformation and gross misinterpretation of former decisions, right-wing groups are appealing to a public already bombarded by leftist histrionics by emphasizing traditional values. As prejudicial

called right-wing propaganda that feeds off the fears of social conservatives. Rather, I would claim that it is understandable—and, in some respects, beneficial—for the pro-Alito camp to gain support by reaching over the collective head of Congress to rouse the public (current polls suggest that, based on what they have heard about the nominee, 40% of Americans think Alito should be confirmed while 26% think he should not be\*). Doing so requires the American people to stay informed and interested, however, and this rarely occurs unless pertinent or controversial issues are in question. Perhaps, then, the ideological battles being waged on both sides of the fence are indeed effectual means to spark a “national conversation” regarding the proper roles of the Judiciary and, more fundamentally, constitutional interpretation.

My guess is that, unless Alito single-handedly gives rise to a national “bird flu” pandemic, confirmation is all but certain. If he proves to be as steadfast in his allegiance to the Constitution as is currently perceptible, I am sure he will do an outstanding job as a justice on your Supreme Court. ¶

\* <http://www.pollingreport.com/Court.htm>



*A prospective Politics major, Juliann Vikse '08 plays club basketball, volunteers with Pitstop, and is involved with Princeton Model U.N.*

# LESSONS OF GAZA

## WHAT AMERICANS CAN LEARN FROM ISRAEL

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*Jordan Reimer '08*

This past August, in the days following the Jewish mourning and commemoration of the destruction of the Temple and the subsequent diaspora of the Jewish people, the same nation once again felt the pain of forced eviction when its own army began the disengagement from Gaza. In a process that lasted less than three weeks, nine thousand Israelis were forced from their homes in the Gaza Strip and parts of the West Bank and relocated throughout the country into makeshift trailers and hotel rooms.

Journalistic queries into the Disengagement from Gaza circled around numerous issues. Almost all, however, focused on either the micro effects of such a policy, like “what will happen the day after Gaza?” or the future of Israeli-Palestinian relations. While many scholars sought to discuss the future of a viable Palestinian state emerging with Gaza as a solid beginning, analysis of the legacy of disengagement from the viewpoint of Israeli discourse is completely absent. This is the most important of all the perspectives, for it informs every nation that is faced with making tough decisions in a time of perpetual war. As such, it is important for Americans to draw distinct lessons from the episode of Gaza and relate it to our own internal discourse. That said, I believe that there are two main lessons that Israelis can take away and should focus on: the stability of its democracy and the ultimate unity of the nation.

Israel was long regarded as the sole democracy in the Middle East. (Why it’s not taught in Princeton’s course on “Democracy in the Middle East” is a different matter). Of course, since the liberation of Iraq, Israel is now the only “functioning” democracy in the Middle East. Israel in its first Basic Law, its shell of a potential constitution, defined itself as a state both “Jewish and democratic” in nature. This duality, and seeming con-

tradition for many post-colonial theorists, has long been a topic of debate in Israeli society. This dispute revolved around Israel’s relationship to its Arab minority, however, especially to the status of Palestinians living in the territories captured in the 1967 Six Day War. Understandably, Israel seemed to have taken for granted the relationship between the government and its Jewish citizens, for since Israel is their national homeland, citizens’ liberty and democratic rights were virtually guaranteed. As a result, concern for upholding that relationship has fallen by the wayside as demonstrated by the handling of civil unrest this summer.

The disengagement from Gaza provided the perfect opportunity for Israel to uphold its democratic foundation. By definition, certain undeniable rights are guaranteed to the citizens of a democracy, such as association, expression, and personal security. It is unfortunate that Israel violated nearly all of these rights of its citizens in the weeks leading up to the pullout.

The final decision to enact the disen-

with the anti-disengagement population and apparently struck so much fear in the eyes of bureaucrats that it was outlawed from the premises of Israel’s parliament, the Knesset.

This ridiculous example of state overexertion manifested itself most absurdly on two separate instances. In June, a parliamentary aide was refused entry to his office due to the fact that he had dyed his hair orange. A month before that, a near international crisis erupted as members of Knesset security forbade a goodwill mission from India, a nation which is forming strong ties to Israel, from visiting the Knesset due to its members’ saffron-colored religious scarves, which ironically symbolized “bravery.” The fact that the Israeli political establishment could be so afraid of a color as to prohibit an international delegation from entering its premises reveals just how tenuous Israeli freedoms can be.

Further instances of Israel’s flagrant violations of basic citizen rights were evident when the movement actually engaged

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***There are two main lessons that Israelis can take away...the stability of [Israel's] democracy and the ultimate unity of the nation.***

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agement justifiably elicited mass protest on the part of a large segment of the Israeli population. The color orange was designated as the color of the protest, either to evoke recent memories of the Ukrainian so-called “Orange Revolution,” or more likely because it is the official color of the Council of the West Bank and Gaza. Throughout the spring and summer, orange virtually inundated urban areas on t-shirts and wrist-bands and could be seen hanging everywhere from knapsacks to car antennas and baby carriers. The color became so intertwined

in protest. A three-day “march on Gaza” was called for in mid-July, rallying the nation’s anti-disengagement citizens to meet at a central point and begin a march to the Gaza border in an effort to show solidarity with the soon-to-be-evicted settlers. While entering the boundaries of Gaza was declared illegal in order to prevent violent right-wing Israelis from squatting on the land in preparation for a final showdown with the army, a protest in and of itself is not illegal. The authorities seemed to make no such distinction, however, and refused a permit to hold



the rally at all, even at the original meeting point that was miles away from the actual border. This policy was carried out to the extent that buses of protesters in Jerusalem were not allowed to leave by orders of the police. When a bus unrelated to the rally was headed in its general direction, the police went so far as to order all those wearing yarmulkes to disembark (since the movement is associated primarily with the religious right). Meanwhile, when a crowd of 25,000 amassed at the meeting point anyway, they were diverted into a small gated community and were effectively held hostage until the rally fervor subsided.

At another demonstration, a fourteen-year-old girl was trying to convince a police officer not to detain her friend and cried out for him to arrest her instead. Of course, he did, and she was held in prison for over a month for no other reason than non-violent protest. When she came before the district attorney, he suggested that she be put on a kibbutz, claiming it would be educational. Her father, a Russian exile, correctly pointed out that "in Soviet Russia in the 1930s, the state would take away children...and send them to special institutions to re-educate them." In another case, a twelve-year-old was jailed for three weeks for simply refusing to sign a commitment not to participate in any further demonstrations.

Israel in the intervening months considered other numerous methods of restricting civil liberties: confiscating the settlers' legally-owned weapons necessary for their immediate defense, closing the entire Negev region to traffic as disengagement progressed, and even arresting known extremists without due cause. While in the end these policies weren't enacted, it demonstrates the ease at which the Israeli government considered suspending natural rights of person despite its boast of democracy.

While the Israeli establishment, particu-

larly the military and the police as institutions, were intent on limiting the freedoms of all its citizens *carte blanche*, what showed through during and after the disengagement was the ultimate brotherhood between the servicemen and women and the religious public.

where the threat of terror grips the lives of citizens daily and occupies the intense focus of the military and police forces, one swells with pride when receiving a parking ticket or being billed for jay-walking as a testament to how a normal country operates.

*The disengagement from Gaza provided the perfect opportunity for Israel to uphold its democratic foundation.*

Doomsayers were predicting an outbreak of civil war as a result of disengagement, decrying Jewish right-wing fanaticism as a threat to Israel's national security. Yet, when the process actually began, what was found was a plethora of tears and hugs, cries of "I love you, we are brothers," and an overall sense of submission to the duty that needed to be carried through. While many settlers refused to be evacuated willingly, opting rather for the more sentimental option of being carried from their homes, each was done peacefully, orderly, and on their own terms. Soldiers allowed settlers to finish their prayers in synagogue before evacuating them. Only in select communities did tensions run high, but even in these cases, the most dangerous action taken by the so-called extremists was paint-throwing and the laying down of barbed wire. This civilized behavior epitomized the norm to the extent that the one time a settler actually threw a punch at a soldier, it made front-page news. Not a single bullet was fired and the evacuation proceeded efficiently and even concluded ahead of schedule.

This noble and dignified demonstration of civil disobedience, yet ultimate concession even in the face of what most believed as biblical right, can be viewed most clearly when contrasted to that of the Palestinian factions. Since the summer, when Hamas gained more popularity and tensions increased as to whom will dominate political affairs, especially in Gaza, these supposedly civil debates evolved into gun battles between Hamas militiamen and the Fatah police forces. When contrasted to Israel, where almost all Jewish settlers own weapons, the latter's commitment to peace shows not only the world but more importantly themselves how honorable and united Jews can all be in a time of need.

In a country such as Israel,

Unfortunately, a country should never get too complacent about the rights it affords its citizens. How a country relates to its own citizens is the primary litmus test for a democracy. Despite the socialist roots of Israel, where individual expression is surrendered to the collective in the name of the "greater good," Israel chose to put itself on the mantle of democracy. Once on this mighty pedestal, it must place first and foremost attention to see that it continuously deserves this accolade of honor. Though Israel must weigh this unfortunate result of an unfortunate decision, it may take solace in that what ultimately showed through was its worthiness as a nation-state.

It is exactly from these legacies that I feel Americans can learn the most. While engaged in the necessary travail that is the War on Terror, we must never take our own sense of liberty for granted and must constantly be our own watchdogs for legislative infringements upon civil rights. Most importantly, we must also remember that although we may seem racially, economically, and politically divided, we are ultimately all Americans living under the same banner of democracy and fortitude in the face of evil. P



*Israeli protesters indirectly strengthened democratic institutions in Israel.*



*Jordan Reimer '08 is a prospective history major with a focus on the Near East and researched Israeli constitutionalism at the Shalem Center in Jerusalem this summer."*

# WAR FOR PROSPECT

## NASSAU HALL V. EATING CLUBS

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*Will Scharf '08*

Nassau Hall has been waging a war against the clubs on Prospect since the days of Woodrow Wilson himself. Prospect has been losing this war for close to four decades now. From a high-water mark of seventeen clubs, we are now down to ten. If the administration's current plans regarding four-year residential colleges are put into effect, we can expect to lose more of these uniquely Princeton institutions in coming years. The potential ramifications for social life at Princeton are simply devastating almost beyond comprehension, and yet, there is silence from the student body. When Campus Club, a venerable institution with a long history, shut its doors last year in what will be remembered as the first volley of a new phase in the war for the clubs, nobody blinked an eye. How many more Campuses will it take before people wake up to the fact that Nassau Hall is attempting to undermine the Princeton way of life, and erase well over a century of Princeton history with the swipe of a pen?

Within the next few years, four-year residential colleges will become a reality. In and of themselves, there is not really anything inherently wrong with the idea of four-year colleges. Some would argue that the "collegification" of Princeton will lead to a balkanized student body; others would say that the benefits of communities within communities outweigh the detrimental effects on student body unity. The problem with the plan as currently proposed by Nassau Hall is that students who join these four-year colleges will be forced to buy meal plans in the colleges. Assuming that the cost structure of meal plans as applied to the current two-year colleges is not changed dramatically, these compulsory board contracts in the four-year residential colleges would range in cost from just below \$4,000 to over \$4,300. In short, upperclassmen that choose to join four year residential colleges will be paying on aver-

age upwards of four thousand dollars to do so. These upperclassmen that join the four-year colleges will not, with the exception of a very small and particularly wealthy minority, join eating clubs, because, quite frankly, why pay for your meals twice?

It appears from looking at the various statements and releases that have come out of Nassau Hall that the initial goal for enrollment in the four year residential colleges is

the 10 clubs (this is not the case, but that particular fact is irrelevant to the overall argument being made here), your typical eating club feeds and generally provides for 184 students. A decline in overall Prospect enrollment to 1,275 represents a loss of 565 students, or slightly more than the aggregate membership of three clubs.

These losses will be distributed, and it is unlikely that the picture after the in-

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***If the decision is made to push ahead with the creation of four-year residential colleges, and every indication is that the colleges will be established as planned, we, as a unified student body, need to ensure that compulsory meal plans for upperclassmen in the colleges are scratched***

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50% of the junior and senior classes. This goal is not at all unreasonable, and could be met easily if the administration incentivizes joining the colleges well. Financial aid packages including upper-class meal plans in the colleges but no similar assistance for upperclassmen that join clubs, or even the nicest dorms and rooms on campus being pulled into colleges would be all that it would take. Assuming that the undergraduate population will be, after the expansion currently planned, in the vicinity of 5,100, we can similarly assume that 2,550 students will be of the age to join clubs or four year colleges. If the administration meets its goal of 50% college enrollment, there will be at most 1,275 students remaining on Prospect. This number cannot sustain the existing clubs.

Undergraduate enrollment at the moment is approximately 4,600 students. Assuming equal distribution amongst the four classes, our eating club-age population is 2,300. Assuming further that 80% of these students actually join clubs, Prospect feeds about 1,840 students at the present. If there were an equal split of membership amongst

the 10 clubs (this is not the case, but that particular fact is irrelevant to the overall argument being made here), your typical eating club feeds and generally provides for 184 students. A decline in overall Prospect enrollment to 1,275 represents a loss of 565 students, or slightly more than the aggregate membership of three clubs. These losses will be distributed, and it is unlikely that the picture after the introduction of the four year colleges will be quite as clear as three clubs closing and the rest keeping current membership levels. If we assume that bicker clubs, because they are already turning down so many potential members, will be able to maintain their enrollment levels, we now have a loss of 565 purely from the five sign-in clubs. We can safely assume that two of these clubs will close, and that the remaining membership deficit will negatively impact numbers at the remaining three sign-in clubs. Depending on the financial solvency of these clubs, a third sign-in club may close as well.

Some might argue that this is not a problem; that clubs have been closing for years, and that maybe a couple more clubs closing wouldn't be such a bad thing. This argument is overly simplistic, and not at all concerned with the broader ramifications of any more clubs, particularly sign-in clubs, closing their doors. Quite frankly, Princeton's social fabric will be torn asunder, and the damage will be irreparable.

Right now, the Street is the great social leveler at Princeton. Yes, some of the clubs are more "prestigious" than others, but at the

end of the day a great majority of students find their niche, and spend a very significant portion of their time eating in their club dining halls, working in their club libraries, and partying in their club taprooms. Upperclassmen lives, in this way, follow a pattern, regardless of social standing or economic background. Four-year residential colleges will establish a distinct economic, elitist boundary between those who join clubs, and those who don't.

At Yale, everyone is in a residential college for their last three years. In some ways, loyalty to Pierson College outweighs loyalty to Yale itself. In addition, a very narrow segment of Yale's student population joins elite secret societies. At Harvard, a small percentage of students join a finals club. What we run the risk of doing here at Princeton is taking our relatively--and I do emphasize relatively here--egalitarian social scene, and turning it into a Yale or Harvard-like system, with a small segment of students belonging to a social scene from which others are simply and literally locked out. This is far more exclusionary than not getting into a club on a Saturday night because you don't have the right pass color. A Princetonian mirror of Yale's or Harvard's respective systems, which is where this author and many others see the four-year colleges taking us, would establish a solid divider along Washington Road, between those who can afford to pay the thousands of extra dollars required to join clubs, and those who simply can't. This is a pretty bleak vision, and it is one with which the administration has not yet come to terms, or publicly addressed. It is no secret that Nassau Hall really does not like the bicker process. The irony of this situation is that the colleges are probably going to leave the bicker clubs mostly intact, and just kill off the sign-in clubs -- clubs which would seem to be much more in line with the administration's views on social leveling.

If the decision is made to push ahead with the creation of four-year residential colleges, and every indication is that the colleges will be established as planned, we, as a unified student body, need to ensure that compulsory meal plans for upperclassmen in the colleges are scratched. Upperclassmen should have a choice, wherever they decide to live on campus, how they want to eat their meals. If they want to eat dining hall food, let them purchase a meal plan; if they want to join a club, let them join a club without the school setting up serious financial disincentives for them to do so; and if they want to remain independent and cook their own



*"Princeton Whitman Club" just doesn't have the same ring to it...*

meals, let them do so as well. Coercion of students to buy into a comprehensive room/board system is just wrong. How and where one eats his meals should have no bearing on eligibility to live within a four-year college. The two have nothing to do with each other, and should have nothing to do with each other.

In the lead up to the implementation of the now-infamous grade deflation policy, the USG took a leading role in fighting the arbitrary and simply absurd policies Nancy Malkiel pushed past a largely unwilling and partially coerced teaching faculty (I emphasize the word "teaching" here as Malkiel hasn't been in a classroom for over a decade. Interestingly enough, various former students of our beloved Dean of the College have attested to the fact that she was a particularly easy grader, giving far more than a mere 35% A-range grades. Hypocrisy, anyone?). The problem was that the USG's fight largely ended after the policy was implemented. The USG gained minor concessions with regard to enclosing a written explanation with transcripts telling prospective employers why Princeton GPAs are about four-tenths lower on average than say the average GPA at Penn, but did not continue to fight the policy itself in a meaningful, concerted way. We, as a student body, pushed our noses to the grindstones that much more, and received less reward for our hard work.

This attitude has to go. We as a student body have to be willing to fight. When

Campus Club closed, there was no talk of a University aid package to the club in need, or any effort to restore Campus to financial solvency. We abandoned our fellow students and a beloved institution, and the USG patted itself on the back over finally finding a solution to the 24-hour study space problem. We hung our classmates and their home out to dry, to enable us to work even harder for longer hours and get even lower GPAs under Malkiel's grade-busting. How many more Campus Clubs will it take for the student body to wake up and realize that our way of life is under attack? How many more Campus Clubs will it take before we start fighting back? Let's throw down the gauntlet. Let's tell the administration that we will not tolerate a four year college system designed to undercut Princeton's unique social institutions. We had seventeen, now we're down to ten. In my book, we're losing seven to nothing. Let's not allow that deficit to grow any larger. P



*Will Scharf '08 is a sophomore from Manhattan planning on majoring in history. He is active with the James Madison Program, and the president of the Princeton Chabad Student Group.*

# Boots on the Ground

## An Alum's Perspective from the Frontline in Iraq

November 19, 2005

Dear Family & Friends,

...We are still in south Baghdad and providing immediate security for FOB (Forward Operating Base) Falcon. We have also executed a number of missions in the surrounding area. I'm really proud of our guys thus far, they're doing a great job. We've been busy the past few days: patrolling the streets of Baghdad at night, which kind of felt like a stroll through Manhattan (minus the skyscrapers, plus automatic weapons). It was a successful night - a sniper team from another unit "neutralized" two insurgents who were emplacing an IED (Improvised Explosive Device) in the middle of the street. We had just traveled that section of road 15 minutes earlier - a reality that was exhilarating at the time, but more eerie now.

...However, the above scenario is not really the norm; most nights, at least here in Baghdad, are quiet and relatively uneventful. Minus the occasional high-profile bombings, the city and its people are generally conducting business-as-usual. Don't get me wrong, the sounds of explosions and gunfire provide consistent background noise, but **life is improving. Power levels are rising, the free press is expanding, and businesses are opening. But you wouldn't know that from watching the nightly news; according to those sources the past three weeks have seen nothing but a "significant increase in violence" in our area.**

...The best overall development I've witnessed over the past month is the increased roll of Iraqi police and Iraqi security forces. Americans still provide the "overwhelming firepower" but Iraqis are really starting to take over the nitty-gritty here in Baghdad. They are constantly on patrol and conducting raids, putting their lives on the line....

I've been mulling over whether to throw in my two cents about the prospects for success in Iraq.... For starters, I believe that amongst reasonable people (both on the left and the right) there is consensus that we mustn't abandon the fight over here. There is too much at stake - 1) the future of the Iraqi people (facing prospects of a bloody civil war); 2) the future of the Middle East (facing a pendulum of prospects between either a model democracy or a failed state in their midst); and 3) the future of American security. Regardless of the war's origins, Iraq is now the front lines in the war on terrorism. Failure to see our mission to completion would embolden the terrorists indefinitely; providing them a virtual safe-haven from which to attack our homeland and our way of life. If we fail here - if we leave too early - we will not only fail our generation, but generations upon generations of Americans to come. We cannot allow that to happen. We need to leave when we're certain that this democracy project can succeed - whether that be next month or five years from now.

So where do we go from here? How do we move beyond a media preoccupied with making this a "body count war"? How do we continue the fight here in Iraq with our military already stretched thin? How can we move beyond the seemingly insurmountable ethnic divisions? Well, admittedly, there is no magic bullet. There have been miscalculations and mistakes made. Things will continue to be tough and great men will continue to die, but they will not, and should not, die in vain. There is too much worth fighting for; too much at stake.... Suffice it to say that if America can muster the necessary will - McCain-like "guts" - to stay in Iraq until Iraqis are ready to take over, there will eventually exist the necessary internal foundation for civil security. Despite the chorus of nay-sayers, I've seen it with my own eyes. It can be done - but it will take good old fashion "hard work" and some outside-the-box thinking. We can do it, one platoon at a time.

...If there is one thing I know for sure, it's that Americans love peace - we crave peace. Every day I want this thing to be over - I want to believe that if we leave, the terrorists will just go away and we'll be safe. It's a tempting perspective, it really is. But it's a very dangerous one. The insurgents truly believe that we're going to tuck-tail and run eventually - so they gladly engage in a daily game of fight and wait. "Continue to kill enough of them and they'll run," they say, "They don't have the stomach for it." It is our duty to resist the temptation to return to more comfortable times. Everyone would love to come home, but we can't. We drew the line in the sand and now we must hold our ground.

Well, I guess that's far more than my two cents...thank you for sticking with me. I rarely get the opportunity to relay the realities from the ground. Please feel free to write back with your thoughts, I would love to answer any questions or discuss other perspectives.

...God bless you all - you are in my prayers each day. And I hope you have a blessed Thanksgiving holiday.

Regards,  
Pete Hegseth [02], 1LT, US Army

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