Question of the week: Has President Clinton read the Supreme Court’s 5-to-4 decision in Shaw v. Reno? The last time Clinton read about race and representation it was the subject of Lani Guinier’s law review articles. Guinier argued that race-apportioned districts are a flawed idea; she advanced some creative alternatives. The result: Clinton dumped her.

Now the Supreme Court says race-apportioned districts may be a flawed idea. Sandra Day O’Connor’s majority opinion attacks the shape of a largely black North Carolina district and, by implication, raises doubts about twenty-six other districts created under the Voting Rights Act after the 1990 census. All involved long-term patterns of racist under-representation. Unlike Guinier, the Court offers no creative alternatives for extending democracy to such places.

Shaw v. Reno is a no-win situation. If courts throw out race-conscious districting, civil rights advocates will be robbed of their only current tool for gaining minority representation. (And it’s worth remembering that electoral districting is always political.) On the other hand, if the majority-minority approach remains frozen in the amber of government policy, minorities will still face what Guinier called “the triumph of tokenism.”

Clinton, the “agent of change,” ought to take this dilemma seriously. He can begin by insuring that Guinier’s successor-nominee has some constructive ideas for resolving the representation crisis. Whoever that is will undoubtedly start by reading Lani Guinier.
in a day of the bombing. Support for the raid was running at better than three to one. Nor did reports of "collateral damage"—civilian deaths and errant missiles—produce any adverse reaction. The horrible truth is that the greater the damage, the higher the ratings.

The Administration framed the bombing as just punishment for the alleged plot to assassinate former President Bush in Kuwait last spring. But in the Wonderland system of justice developed by Reagan and Bush, the sentence was executed without a trial or conviction. Clinton's assertion that the F.B.I. had solid evidence that the fiendishly clever Iraqi intelligence service—and, indeed, Saddam himself—had conspired against Bush was presented as fact, with no details. Apparently, U.S. investigators relied on the confessions of two notorious (and inept) smugglers whose van—packed with contraband whiskey and cocaine as well as high explosives—was found far from its supposed target of Kuwait University. Eight other passengers were well-known smugglers.

The Nation's Middle East correspondent, Stephen Hubbell, attended the first phase of the trial of the two confessed plotters in Kuwait City and found the case against them porous and clouded by skepticism. "Many parts of the story do not add up," he writes. "Would the Iraqis really have recruited men with no experience—and clearly no talent—for terrorism against as important a figure as Bush? Can we rely on Kuwaiti justice, with its rich history of collaborator trials, extrajudicial Lynchings, torture, hatred of foreigners, manifest lies and unrestrained propaganda, to render a fair verdict on a couple of lowlife Iraqis?"

The United Nations, Ambassador Madeleine Albright's self-righteous defense of the bombing reminded old-timers of a similar episode in the first few months of the Kennedy Administration. At an emergency session of the Security Council during the invasion by U.S.-trained and supported Cuban exiles on the Bay of Pigs, Ambassador Adlai Stevenson denied that the United States was committing aggression toward Cuba. When he later grasped the full extent of his lie, he despised of ever regaining credibility at the world body.

Whether or not irrefutable evidence is found of Saddam's personal involvement in the "plot," the United States has no justification for its aggression. Clinton invoked Article 51 of the U.N. Charter, which allows states to act unilaterally in self-defense, but an assassination attempt against a former President hardly applies. Certainly it cannot justify indiscriminate bombing (a third of the missiles missed their mark) two months after the fact. The article says nothing about "retribution," which, in the form of the embargo and sanctions, is still being meted out to the Iraqis for the crime of living in their country.

If the Clinton criteria under the U.N. were universally applied, Saddam would have every right to attack the United States, since he was the target of several assassination attempts by Bush. And so would Muammar el-Qaddafi, who was targeted in his tent in 1986 by Reagan (also invoking Article 51 and a highly suspect dossier). And don't forget Somalian General Aidid or, indeed, Fidel Castro, plus a score of other world leaders who have found themselves in Washington's crosshairs over the years.

In the end the bombing was a political act, not a judicial one. Domestic politics precipitated it, and international politics formed the strategic context. With the cold war face-off inoperable, the United States searches for a doctrine to rationalize its imperial "mission," rehabilitate the function of the military to project power and designate (or create) an enemy worthy of global struggle and at least minor sacrifice. The bogusman seems to be "Islamism," an amorphous movement not unlike "godless communism" before the Sino-Soviet split. "Islamism" includes every Muslim government, leader, mullah or terrorist in the public spotlight—an essentially racist construction, which doesn't even distinguish between fundamentalists and secularists. In the beginning was the Ayatollah Khomeini, followed by Saddam Hussein, and now the enemy stretches to Sudan, Algeria and the mosque of the blind sheik of Jersey City. It looks to be a long war.

Meanwhile, American liberals and leftists offer only minimal opposition to this brutal strategy. Representative Ron Dellums deplored the bombing, and The New York Times ran a somewhat querulous editorial asking, "Was this strike necessary?" (Maybe not.) Otherwise, the response has ranged from pleased to ecstatic. The press and political elites reacted similarly in the late 1940s, creating ideological anticomunism and preparing the public for the cold war. Half a century later, the United States could declare victory over communism because the East and West were playing the state-empire game with the same notion of victory and defeat. It will not be possible for the West to defeat Islamic nationalism in the same way. The Baghdad raid has already inspired some Arab governments to spin out of the Western orbit secured during Desert Storm. Clinton's policy will not deter nationalism and terrorism, nor address their underlying causes; it will only inflame them.

Gergengate

In 1972, Bill Clinton was hustling in the hot Texas sun for George McGovern's struggling campaign. David Gergen, sitting in the cool of Richard Nixon's White House, was scribbling notes assailing "Hanoi George." Gergen was part of the crew that would be undone by Watergate, but he was never tainted directly by the scandal. Asked about Watergate in 1981, Gergen, then a communications director for President Reagan, replied that he had been merely a "young" and "naive" member of a speechwriting staff that "didn't know anything, we were so far out of it." That's good spin, but the documentary record shows that Gergen participated in the White House's ruthless political operation and was a strategist in the Watergate damage control effort.

Gergen joined the Nixon White House in 1971. The following year, according to heretofore unpublicized papers in the Nixon archives, Gergen was part of a White House attack group run by Charles Colson, the President's special counsel, later convicted of obstructing justice. The group, which included Pat Buchanan, Dwight Chapin, Gordon Strachan, Ken Clawson and others, was officially separate from the Nixon campaign committee, but it orchestrated political assaults
on McGovern. As journalist Theodore White put it, this gang pursued its mission with "enthusiastic malice." Gergen, according to his own handwritten notes, was in attendance when the group discussed attacking McGovern's campaign as one of "amnesty, acid and abortion." (McGovern favored amnesty for draft dodgers once the Vietnam War ended, advocated lighter penalties for first-time marijuana offenders and wanted to leave the abortion issue to the states.) The group schemed to distract the public from Watergate with the true but minor charge that some phones at a McGovern campaign office were used by organizers for an antiwar demonstration. One of Gergen's notes records an apparent White House ploy to win sympathy for Maurice Stans, Nixon campaign finance chairman (then under investigation because a campaign contribution had ended up in a Watergate burglar's bank account), by "leaking the fact that his wife is dying." This was done, Gergen wrote, at Colson's "insistence."

After Nixon won re-election, Gergen remained at the White House to the bitter end. But he was not a naif isolated from Watergate. Gergen busily reviewed Nixon's statements on the controversy and made notes and comments that indicate he knew Nixon was not telling the truth.

In August of 1973, Gergen, now a senior speechwriter, reviewed a draft white paper explaining Nixon's actions related to Watergate. In it the President claimed he had not learned of the White House involvement in Watergate until March 21, 1973, when he met with his counsel John Dean. The paper also declared that the White House, on Nixon's orders, had been in the lead to uncover wrongdoing by Administration officials. In his handwritten notes on the draft, Gergen said that White House logs showed Nixon was aware of White House participation a week prior to the Dean meeting. (In fact, Nixon knew much earlier but had decided to fix the date at the 21st and didn't want that story to start unraveling.) Gergen furthermore commented that it was "implausible" to claim the White House had been in the investigative lead, adding, "We didn't follow this policy."

Another draft of that white paper stated, "[Nixon's] consistent position throughout has been to get the facts about Watergate, not to cover them up." Gergen worried that there was a "problem" with this remark. The "document will not be seen as consistent with this statement," he wrote. "Too many observations + recollections of RN omitted."

Despite Gergen's objections, these three passages remained essentially the same when the white paper was released. When the House Judiciary Committee voted in 1974 to impeach Nixon, it cited these assertions, among others, as evidence of Nixon's "deliberate, contrived, continued deception of the American people." Gergen, according to his own notes, realized Nixon was being deceptive, but he took no public action.

Gergen wanted to protect Nixon. For example, the draft of a speech Nixon was to give on May 22, 1973, stated that the work of the White House "plumbers," the covert unit that investigated news leaks, "perhaps inevitably led to the use of improper or illegal means." Next to this line Gergen scrawled, "RN is admitting possible criminal act." The incriminating statement was ultimately removed. Finally, toward the end in 1974, Gergen convinced Al Haig, Nixon's Chief of Staff, to form a committee to coordinate the President's legal and public relations defense. Gergen promptly joined this group.

Gergen's jottings on several Watergate documents show he was deeply immersed in the arena of the scandal. John Dean even suspected that Gergen was Deep Throat, the Administration source Bob Woodward and Carl Bernstein relied on for their exposés in The Washington Post. Dean says that when the ghostwriter of his memoirs, Taylor Branch, asked Gergen, a Yale schoolmate of Woodward, if he was Deep Throat, Gergen, with tears in his eyes, denied the charge.

Gergen's successful promotion of the out-of-the-loop cover story is more proof of his skill in image-crafting. In the President's inner circle now sits a man who misled the public about his role in the worst White House scandal ever. The Oval Office—and the public—deserves better.

STUART STREICHLER

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SADDAM HUSSEIN,
SADDAM HUSSEIN

Upon whose head our missiles rain,
It's often said that you're a stain
And maybe just a tad insane
(You seem to think you're Charlemagne),
And therefore we should not refrain
From bombing part of your domain
Until it looks like beef chow mein.

And yet there is a question whether
We'd really like to send you nether.

When diplomatic talk turns plain,
It's said there's value in your reign.
You stabilize and you contain.
You keep some folks from raising Cain.
And we use you to show the pain
That those who challenge us obtain—
As you use us when under strain:
We're blamed for what you can't explain.

Although we're birds of different feather,
We may be in this thing together.

Calvin Trillin