

want to do to achieve recognition, we should talk like the newsweeklies, where there is "a cacophony of crying and warning, and urging" ("Snap Snap"). If we don't know what we really want to study, we should study "Alpha and Theta Brain Wave Training," "Belly Dance," "Divorce Before & After," "Happiness and Freedom," "Love," and "Tap Dancing" at an open university in San Francisco ("Heliotrope"). If we don't know what we really want to do to entertain ourselves, we should go to see an abstruse and tedious foreign film, whose protagonists might be "Marcello, a wealthy film critic who has enriched himself by writing attacks on Akira Kurosawa for the *American Legion Magazine*, and Anna, a lengthy, elegant beauty, blond, whose extreme nervousness is exteriorized in thumb-sucking" ("L'Lapse").

Not all of Barthelme's parodies are so successful. "The Angry Young Man" and "The Teachings of Don B.: A Yankee Way of Knowledge" are somewhat heavy-handed. And Barthelme's letters to the editor of an international art journal ("Letters to the Editore") are less

pretentious than the letters to the editor of *Commentary* and less illiterate or crazy than the letters to the editor of the *Boston Herald-American*. As for the political pieces in *Guilty Pleasures*, they seem to be inspired by socialist sentimentality ("The Palace") or antagonism to Richard Nixon and his Administration ("Swallowing," "The Young Visitirs," [sic] "The Dragon," "An Hesitation on the Bank of the Delaware," "The Royal Treatment," and "Mr. Foolfarm's Journal"). I find nothing pernicious about sentimentality itself, and I think there are good reasons (but not as many as some persons think) for antagonism to Richard Nixon and his Administration. Still, sentimentality and antagonism apparently do not inspire Barthelme to write as well as he can.

I do not want, however, to dwell on those few pieces in which Barthelme is weak or mediocre, for Barthelme is a strong and distinctive writer. That is clear from the works that preceded *Guilty Pleasures*. That is clear from most of the parodies in *Guilty Pleasures*. It is clear from the pieces in *Guilty Pleasures* that

Barthelme characterizes as "pretexts for the pleasure of cutting up and pasting together pictures," particularly "A Nation of Wheels." It also is clear from "Nothing: A Preliminary Account," a wonderful piece in which Barthelme demonstrates the impossibility of nihilism.

"Nothing: A Preliminary Account" is the last piece in *Guilty Pleasures*. Its position may be accidental, but I doubt it. I think that, whether Barthelme intends it or not, the piece serves as a warning not to misinterpret all the pieces that precede it. Barthelme realizes that, in modern American popular culture, we attend to ourselves in ways that diminish us and we extend our collective experience in ways that limit the possibilities of individual experience. But Barthelme does not proceed from there to cynicism or nihilism. He is too intelligent for that; he loves us and our culture too much for that. We would be even bigger fools than we are if we were to believe that, in our culture, we can have innocent joys. But we can have guilty pleasures, and maybe that's enough. □

Book Review/Angelo M. Codevilla

Power to the Populists

Generations of reformers have worked to make the central government of the United States ever more powerful. Only government power, they have thought, can keep the average man from being dwarfed by, and subjected to, the power of giant corporations. Yet after a half century of New Freedoms, New Deals, New Frontiers, et al., reformers are beginning to notice that the object of their cares, "the little man," is more than ever before dependent upon and defenseless against decisions of corporate and governmental bureaucracies; and they are discovering that, worst of all, corporations and government appear to be combining their powers to make "the little man's" life more expensive and less pleasant.

This situation troubles the reformers. Some attribute the unfortunate situation to the corruption of public servants by private money, and so continue to contribute to the increasing power of government by devising ways in which it can guard its flock more closely. But others have begun to doubt whether regulation can ever do right by the "little man," given that government by nature appears ready to lend its power to the strong in society—not to the weak. Thus, now that the federal government has nearly all the powers the political Left has long wanted it to have, a political dialogue between the Right and the Left on the proper

function and extent of governmental power may once again be possible.

Simon Lazarus is a young lawyer whose education (Yale Law) and professional life (Nader's Raiders) have firmly attached him to the tradition of upper-class liberal reformers. The book is addressed to his friends, the "genteel populists"—heirs

The Genteel Populists

by Simon Lazarus
Holt, Rinehart and Winston
\$8.95

with him to the muckraking, government-regulating traditions of the Wilson and Roosevelt Administrations. By "genteel populists" Lazarus means the complex of foundation executives, public interest lawyers (of whom Ralph Nader has been the most prominent in recent years), and likeminded men in government. They are "populist" because of their concern with the welfare of "the little man," and "genteel" because they belong to social, educational, and professional elite groups. To them he presents the argument that much of what they deplore in America is due to the error of their ways.

One of the main achievements of liberal reformers has been far-reaching

regulation of the American economy. But the regulatory statutes by which railroads, airlines, farms, broadcasters, etc. were to be placed in the service of the public interest have in effect given some railroads, airlines, farms, broadcasters, etc. a license to impose monopoly conditions and prices upon the public via government coercion. How, for example, does a single tomato get to be priced one dollar at a supermarket? Well, there's something called the "Florida Tomato Committee," a group of twelve tomato growers appointed by the Secretary of Agriculture upon "nomination" by the tomato industry itself—or rather by its most influential members. It "recommends" to the Secretary how he might regulate the size, quality, and quantity of tomatoes grown or imported in the United States. Of course, such regulations ultimately determine price. And when imports from Mexico threaten to lower the price of tomatoes, regulations are tailored to exclude the imports on technical grounds. Likewise the Civil Aeronautics Board has kept the price of airline tickets above market value: the air fare between Los Angeles and San Francisco for airlines uncertified by the CAB is half that of those certified, but an airline can't fly *between* states if it isn't certified. A host of decisions are made in secret sessions with only a few attending. This is the way, for example, that broad-

cast licenses are awarded, that foods and drugs are allowed or banned—the Food and Drug Administration ban on hexachlorophene (in Dial soap) was a coup for Procter and Gamble.

Thanks to the efforts of reformers, the regulatory agencies and executive departments have been able to form very powerful socioeconomic bonds with the sectors of society they are nominally intended to supervise. Within these closed circles, the careers, fortunes, and reputations of men move irrespective of boundaries between the public and private sectors. Such circles are well-nigh unbreakable because just about no one capable of doing the breaking has any interest in doing so. A single conferral of special privilege very seldom affects the whole public dramatically enough to focus a politically significant amount of resentment upon either the politicians offering it or the group receiving it; on the contrary, individual politicians who refuse a group's request stand to lose definite quantities of support and gain definite quantities of opposition.

Such closed circles, Lazarus argues, can only be attacked by a "self-appointed elite" of persons committed to the public interest, persons who are more concerned about the people's interest than the "people" are. He calls this elite of well-born or well-schooled lawyers a "populist vanguard," and chooses the federal court system as its principal tool.

Lazarus' choice of tools gives his enterprise an appearance quite different from that of his fellow reformer Ralph Nader, who spends most of his time trying to get Congress to create more agencies and encouraging existing agencies to issue more rules. Apparently Lazarus has learned more from Naderism than Nader has, for he realizes that some of the latter's pet causes resemble the grand reform pageants of the past and are likely to have similar results. For example, giving the Federal Communications Commission the authority to control the content of TV programs in the public interest would only bring a long line outside the President's door, each person hoping to impose his own views through TV. Second, the proposed consumer protection agency, which would be a sort of regulatory agency set over other regulatory agencies, could be controlled by precisely the same means by which the other agencies are controlled, and would surely be just another obstacle for consumers' suits unsanctioned by the agency to overcome. Third, the proposal for federal chartering of corporations can mean—indeed Emmanuel Celler's original bill so specified—special protection from private suits for corporations so chartered. Incidentally, nationalization of corporations would have the same legal effect.

Why, then, is Nader willing to give agencies and corporations even more power to control their publics—something one must assume he does not like? The leftist reformers who preceded him were willing to accept the power of the

regulatory-industrial complex they were establishing as the price that had to be paid to achieve certain worthy goals. Among these was the federal government's own ability to direct an economy which offered its controllers precious few handles; and the easiest way to create interlocutors, economic organizations through which government could act, was to offer leaders of affected groups a voice in regulatory policy. Perhaps more important, New Deal reformers aimed at an entirely different sort of representative democracy from that bequeathed us by the Founding Fathers. They believed that increases in population and in the size of the federal government—equally ineluctable things—had deprived millions of Americans of the experience of participation in public affairs. The National Recovery Act (NRA) meant primarily to expand federal power over the economy and then to delegate the exercise of that power to producers'



groups, in which the widest possible kind of participation would be encouraged. There was nothing haphazard about this. The NRA contained a whole vision of democratic politics in which the administration of things would replace the government of men, and in which socioeconomic units, whose members would be tightly bound together by common interest, would be far more important politically than geographically-defined heterogeneous communities. But though the NRA was declared unconstitutional by the Supreme Court, an argument could be made that the alphabet agencies combined have a milder effect along similar lines. And although Nader's distaste for the fruits of regulated oligopoly is even greater than that of earlier reformers, a view of politics similar to theirs keeps him in the lobbies of Congress working to create yet another layer of bureaucracy.

Lazarus, on the other hand, proposes no new agencies. Rather, he proposes that the federal courts take on the detailed superintendence of the vast federal regulatory apparatus. No doubt fairer decisions and healthier attitudes really are more likely to come out of public ad-

versary proceedings than out of closets shared by "government experts" and "interested parties." But Lazarus' suggested reforms also fail to address the real problems. The practical difficulties involved in subjecting thousands of administrative, quasi-legislative, and quasi-judicial (the American euphemism for administrative law) decisions to review by the ordinary federal courts are enormous. Moreover, what reason is there to believe judges cannot be "captured," just as quasi-judges have been? Experience teaches that wherever there is power to grant favors worth fortunes, people will line up to influence it, and fight and pay for a place up front. Why should judges be immune to influence? Surely a law school diploma immunizes against neither partiality nor corruption. Lazarus bids us rely on nothing but "the mystique of the courts" and his expectations of judges. But can judges, even with the best of intentions, get into the business of robbing Peter to pay Paul without losing their protective mystique and becoming no more respected, though far less powerful, than Presidents? The Supreme Court's majority in *Colegrove v. Green* and Alexander Bickel's argument in *The Supreme Court and the Idea of Progress* point to the incompatibility of social management on the retail level and leadership in the realm of principles. The former uses up the "credit" required for the latter.

One gets the impression that Lazarus is asking the genteel populists to place their bets on the courts not so much because he believes they will work wondrous changes in a bad situation, but rather because the legislative and executive branches have proved their unreliability and there is nowhere else to turn. Believing, like Nader and like New Deal reformers, that "pluralist democracy" if left to itself will produce insufferable inequities, he seeks, as they did, "some additional agency of review, some mechanism for intervention by guardians of the public weal." In fact, he likes the courts as a means because they come closest to being independent of the corrupting influences of what he calls American pluralism. Thus, fundamentally, no less than other reformers, Lazarus wants American government to be organized on a basis other than the popular one upon which the Founding Fathers set it.

Lazarus understands that the American republic is somehow based on self-seeking and recognizes that the Founding Fathers, unlike "postwar liberals," wisely limited government's power to help one selfish interest impair the liberty of another. Nevertheless, Lazarus shares the contemporary view of "pluralism" as a sociopolitical system in which life itself consists of a never-ending contest between organized interest groups, each of which attempts to enlist the government in its effort to extract its living from the hides of all the others. Quite in tune with most of modern political science, he believes in Lasswell's dictum that politics is the process which determines who gets

what. Since this is so, the fewer decisions made according to political criteria, the more made according to "principled" ones, the better, and the more just, society will be.

But the republic was built on quite another view of politics. Of course Madison knew that economic interests would try to capture government, but his design—an extended republic with geographic representation, federalism, separation of powers, and staggered elections—was intended to keep any one interest from succeeding at the expense of the others, and not to surrender to all comers and then judicially allocate the spoils to build a just society. The political system was meant to keep the people away from temptation. For if the government attempts to referee the competitive satisfaction of people's desire to live off one another, it must either be trampled by all parties or be obliged to join one. Besides, how does a population participate in this sort of

refereeing—and retain a sense of justice—when injustice itself may be defined as judging in one's own cause? No, the framers of our Constitution did not establish the modern state as France then knew it, and as we have come to know it. The *political* society they founded had a rather restricted set of aims: the preamble of our Constitution limits itself only to those concerns the Christian and classical tradition considers to be political. The government would not attempt to fulfill the function of the head of the household, giving more sustenance to one than to another of its members. Nor would the people, through their political agent, provide themselves with priests, though men do not—or at least did not then in large numbers—live without the Spirit any more than they live without bread or order. People could take part in the government because, among other reasons, politics did not offer them the opportunity to live off one another, or to

use others to fulfill their social or religious fancies.

In sum, we see in Simon Lazarus a populist reformer who, while acknowledging that previous accretions of government power over the lives of people has benefited only bureaucracies, is unwilling to contemplate reduction of that power. His proposal, the greatest virtue of which is its modesty, is based on the belief that the further an institution is from popular control, the better. Alas, Mr. Lazarus is ideologically hooked on power, the power to shape society. In Europe this addiction has long permeated whole political cultures—every group fearful of government power, yet unwilling to agree to its diminution in the hope of someday wielding it as the group sees fit. *The Genteel Populists* shows the pitfalls of this "schizophrenic" attitude toward government, which Lazarus apologizes for sharing, and which is the lot of modern democrats. □

<p>The Bootblack Stand</p>		<p>by George Washington Plunkitt</p>
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Dr. George Washington Plunkitt, our prize-winning political analyst, is celebrating the publication of his new book, which is now available at avant-garde bookstores throughout New Jersey. Dr. Plunkitt's book is about the importance of altruism in politics and it is titled What's in It for Me? Although Dr. Plunkitt expects to earn ten million dollars from sales of his new book, he has agreed to continue to advise public figures through this column. Address all correspondence to The Bootblack Stand, c/o The Alternative.

Dear Dr. Plunkitt:

Recently I took a break from my writing and lecturing and spent some time in a federal prison just helping the convicts learn the essentials of good manners, sound bodily hygiene, good grooming, and tennis—things essential for rehabilitation. You see, I am an advocate of the old axiom that if one is good to oneself one will be good to others and thereby a better world will obtain.

Unfortunately, while I was helping others, others helped themselves to my belongings, not only the personal effects I had locked away in my locker but also several books which I had been using in my college lecture series. One was a hard-to-get classic by Dale Carnegie and another did not even belong to me, John Dean's *Simplified Version of the Bible*.

This should put an end to the old myth that the people we enjoin are just common criminals. Some of them are as fine as anyone I have worked with in years. These are people who are thirsting for knowledge and yet we just lock them up. On the college lecture circuit I intend to speak out on behalf of prison reform.

—Regards,

Jeb Stuart Magruder

Dear Mr. Magruder:

Hold on. You're jumping the gun, so to speak. After all, how do you know that your belongings were stolen by convicts thirsting for knowledge? They may have been taken by prison guards thirsting for knowledge. I have long suspected that much of the virtue ascribed to prisoners by prison reformers is really the virtue of prison guards. Admittedly prisoners may be uncommonly admirable people whom society has misunderstood but so might prison guards. Prison guards are often just as pathetic as prisoners; they just dress differently.

—GWP

Dear Dr. Plunkitt:

New York's current excitement about law and order has got me thinking about the whole matter of crime, criminals, and the people who are driving these gifted people into infamy—you and me. With crimes like mugging, burglary, and simple manslaughter rising despite the increased expenditure of public moneys to halt this increase, one simple fact

seems to elude policy makers. It is that many Americans commit crime because they *like* crime. For them crime is *the good*, and who are we to gainsay minority group values? Not only has our attempt to impose our sense of the good on others proved ineffectual, but it is a kind of moral tyranny that is clearly out of touch with the Declaration of Independence, the Bill of Rights, and the World Food Conference.

Clearly the time has come to take extraordinary measures in dealing with crime. What I am suggesting is that we can, in one swoop, cut down the incidence of crime in America while ridding our democracy of moral repression, by simply decriminalizing crime. This would not be a blanket decriminalizing. Obviously that would not be prudent at this time. Instead I suggest we decriminalize those crimes in which the perpetrator is apprehended and identified as a chronic repeater. Such people clearly adhere to value systems which, though different from the middle-class white system, are nonetheless valid in their own right.

—Cordially,
Barbara Walters

Dear Miss Walters:

Your suggestion appears, at first blush, to be genuinely innovative, but I fear it is only a half measure. I am fetched by those who call for a radical reordering of the system. What this means as I understand it is that we not only decriminalize all crime but that we make illegal those actions that are today considered legal. If you are really serious about changing the system this is the surest route, and from all indications several members of the Democratic Study Group are preparing the legislation even now.

—GWP