

LETTERS

Letters to the editor should be addressed to INQUIRY Magazine, 1320 G Street S.E., Washington, D.C. 20003. The editors reserve the right to edit letters for length when necessary.

Of Poland, El Salvador, and Nazi America

SUE MASTERMAN'S ARTICLE, "Poland: Eyewitness to Terror" [Feb. 15], and your editorial "Warsaw winter" in the same issue did not impress me. It never ceases to amaze me how "journalists" can be so myopic or hypocritical when writing about affairs in socialist countries. Masterman's objectivity is either nonexistent, or she went into Poland with the preconceived notion that "the commies are the baddies" and Solidarity members are the "goodies." INQUIRY conveniently forgets the historical circumstances surrounding Polish affairs, especially those of Joseph Pilsudski's coup and the bankrupt state of Poland in 1925. Yet you remember those of El Salvador from the Spanish conquest forward, to justify "authoritarian" governments being supported by the U.S. government and to discredit the U.S. left wing as naive and romantic about communism and Marxism. Who is being naive when a supposedly "democratic" Poland was usurped by a fascist military leader between 1925 and 1935? Is Walesa and company above this?

Who is arbiter of "democracy" and "liberty"? Who defines it? Certainly not the United States, with its record of racism, sexism, and discrimination, as well as capitalist repression and terror at home and abroad. As Russell Means said in protesting the conditions of Native Americans—including enforced sterilization, genocide, and malnutrition—"Welcome to Nazi America."

DAVID STEAR
North East, Pa.

Mr. Stear's claim that we somehow endorsed the Salvadoran junta is completely false. Because INQUIRY opposes left-wing tyranny in Poland does not mean it supports right-wing tyranny in El Salvador. We have never advo-

cated U.S. aid to any foreign regimes, whether authoritarian, totalitarian, or something in between.

We would like to listen as Mr. Stear explains to Polish citizens that they must live under military rule because of a coup that took place fifty-seven years ago, or as he tries to convince them that Lech Walesa was planning his own coup. (For further observations on both El Salvador and the left's reaction to Poland, see the editorials beginning on page 3.) No less fascinating would be hearing his explanation, to the thousands of American citizens who came here from Europe during the 1930s, that this country is no better than Nazi Germany. We suspect both arguments would be met with the same response: a horse laugh.

—THE EDITORS



Ronald Reagan's reading

TELL ME: WHEN SHELDON Richman describes Ludwig von Mises as a "libertarian" for whom freedom "includes not only the right of the businessman to be free from regulatory harassment, but the right of every peaceful individual to conduct his personal affairs according to his own lights," ["Bonzo's bedtime reading," Feb. 15], is he talking about the same Ludwig von Mises whose "magnum opus, *Human Action*," endorses military conscription and denounces all who oppose it as "abettor[s] of those aiming at the enslavement of all"? I don't really find it difficult to believe that President Reagan consults *Human Action* routinely. Perhaps

that's where he found the ideological support he needed for his recent decision to continue draft registration. It is the editors of INQUIRY who haven't been doing their reading.

BOB BERKEL
Oakland, Calif.

RICHMAN replies: Lacking a natural-rights foundation for his philosophy, Mises unfortunately endorsed military conscription in *Human Action*. But this must be seen as a glaring contradiction of Mises's predominant view that voluntary action in the free market is both proper and efficacious. Moreover, Mises's slip on conscription should offer no comfort to the Reaganites. He was a trenchant critic of foreign adventurism, imperialism, colonialism, and war in general, as his 1919 book *Nation, State and Economy*, soon to be published in English by Humanities Press, demonstrates.

Save Ozzie

MURRAY WAAS'S STORY on Ozzie Myers [Jan. 11 & 25] is a brilliant portrait of an inevitable creature of the state. What kind of person can we expect to be attracted to an organization with the legitimized authority to take people's money without consent and otherwise curtail their liberty? A relatively harmless neighborhood punk finds himself in a position to royally shaft the taxpayers because they are not free to refuse the system that supports him. This is not something mere reformist tinkering can fix.

My only regret is that Ozzie is gone from Congress. His continued "service" would have done good by reminding us what government is.

PAUL BECKNER
Washington, D.C.

Whoops!

Due to a mechanical foul-up on the part of our printer, a few INQUIRY subscribers may have found blank pages inside their February 28 issue. We'll be happy to send out replacement copies free of charge to anyone who got a defective issue. Just drop us a postcard and let us know.

FIRST AMENDMENT WATCH

NAT HENTOFF

More First Amendment snapshots

THE FIRST AMENDMENT says we have a "right peaceably to assemble." Followed by a comma, the amendment spells out the additional right "to petition the Government for a redress of grievances." But we can assemble even if we have no grievances against the government. Or, as the Supreme Court said in 1972 in striking down a vague vagrancy ordinance, the right to stand on street corners is "historically part of the amenities of life as we have known them . . . unwritten amenities . . . in part responsible for giving our people the feeling of independence and self-confidence, the feeling of creativity."

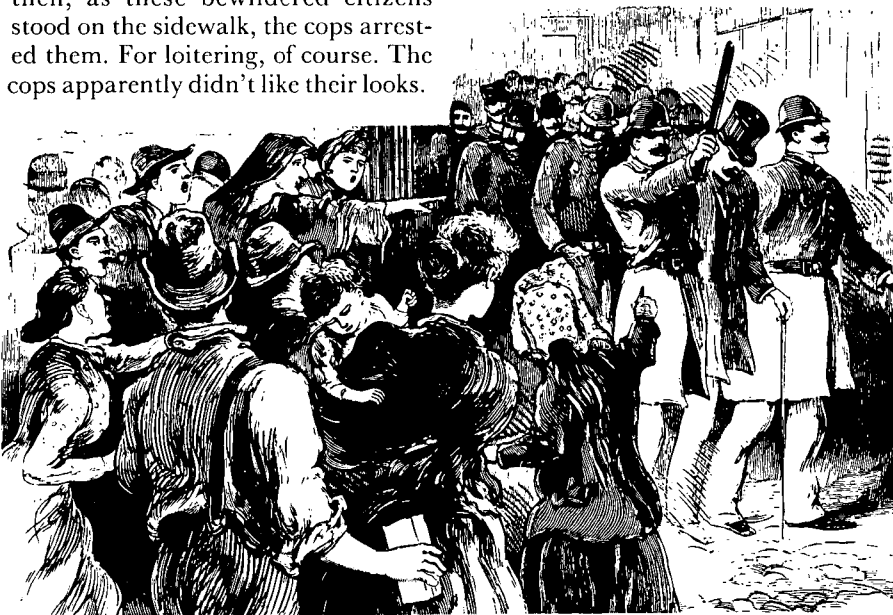
Nonetheless, state legislatures and city councils feel compelled, from time to time, to clear the streets of suspicious citizens. These persons are suspicious because they do not stride along purposefully; instead, they stand idly by, planning who knows what mischief.

A customary weapon against such immobile eyesores in public places is the loitering statute. Its implementation is part of the ordinary abuse of the Bill of Rights that I began to explore in my last report on the psychopathology of everyday civil liberties ["First Amendment snapshots," Feb. 28]. These are cases given little notice outside their own communities, but in the aggregate they help explain why most citizens regard the Constitution, if

they regard it at all, as an ancient document under glass somewhere. Maybe in a museum in Washington, but certainly not in City Hall.

And certainly not in Baltimore. In that upscale city (as the admen say), the police swept up dozens of people in a twenty-block downtown area during March and April of 1981. Their offense? Well, most of them were standing on street corners. Therefore, the police reasoned, these persons must be either prostitutes or homosexuals looking for companionship.

The Baltimore police were a dedicated lot. One woman, having been busted for standing on a street corner, emerged from the police station, and crossed the street to wait for a bus. There she was picked up once more—for loitering. And some particularly ingenious officers stopped cars, demanded the occupants get out, and then, as these bewildered citizens stood on the sidewalk, the cops arrested them. For loitering, of course. The cops apparently didn't like their looks.



No evidence was offered that any of those arrested were "soliciting," or were doing anything at all, except breathing. However, the police brandished Baltimore City Ordinance No. 1195, which proclaims: "It shall be unlawful for any person to loiter at, on, or in a public place or place open to the public in such manner . . . that by words, acts, or other conduct, it is clear that there is a reasonable likeli-

hood [that] a breach of the peace or disorderly conduct shall result."

Reasonable likelihood to *whom*?

That's one of the questions the American Civil Liberties Union of Maryland is asking in a court challenge to the constitutionality of this ordinance. There is not only a First Amendment violation here, says the ACLU, but how is the Fourteenth Amendment guarantee of due process possible when the language of the ordinance is so vague?

"A person of average intelligence," says the ACLU, "could not reasonably understand what is prohibited by an enactment that forbids standing or remaining in a public place if 'it is clear' [to someone] that his words, acts, or other conduct is reasonably likely to result in a breach of the peace. The person who wishes to obey the law is left to guess at his peril what words, what acts, or what other conduct, coupled with standing or remaining in a public place, may result in his arrest or conviction."

What this does, the ACLU adds in a burst of understatement, is to place "unfettered discretion in the hands of police and prosecutors." Or, as the

Supreme Court said of an ordinance in a similar case in 1972 (*Papachristou v. City of Jacksonville*): "It [the ordinance] results in a regime in which the poor and unpopular are permitted to 'stand on a public sidewalk . . . only at the whim of any police officer.'"

Unless the courts eventually decide that the First Amendment has standing in the city of Baltimore, prudent visitors there will walk briskly and on

NAT HENTOFF writes a monthly column on civil liberties for *INQUIRY*. His books include *The First Freedom: A Tumultuous History of Free Speech in America*.