

Opinion

Patrolling the sheets

The Supreme Court's 5-4 ruling Monday supporting a Georgia statute that prohibits sodomy between consenting adults not only makes homosexual activity illegal in many parts of the country, it puts states' rights ahead of personal privacy for heterosexuals as well.

Justice Byron R. White, writing for the majority, declared that "to claim that a right to engage in such (homosexual) conduct is deeply rooted in this nation's history and tradition or implicit in the concept of ordered liberty is, at best, facetious." White also pointed out that such behavior was prohibited in the original 13 states when the Bill of Rights was instigated.

But many liberties were abridged in the early days of the United States. White's argument also could be used to justify slavery and deny women the right to vote.

The Supreme Court's ruling, though targeted for homosexual acts, pertains to all acts of sodomy — homosexual and heterosexual — and applies to the 24 states and District of Columbia which still have sodomy laws on the books. The Georgia statute, which the court defended with a constitutional shield, defines sodomy as "any sexual act involving the sex organs of one person and the mouth or anus of another."

The ruling gives states the power to legislate sexual morality and conduct in even the most private locations. Closer to home, it grants constitutional protection to Texas' anti-sodomy law, which specifically prohibits homosexual sodomy between consenting adults but places no restrictions on heterosexuals.

White attempted to justify the court's decision by saying that protecting homosexual sodomy on the basis of privacy would mean condoning sexual crimes and incest on the same principle.

Granting privacy rights to consenting adults is one thing. Protecting non-consenting people from sexual crimes is another. Now, of course, homosexual and many heterosexual relations are sexual crimes in nearly half the states.

The Supreme Court, by protecting an archaic and backward law, has taken away the individual's right to decide proper sexual conduct and given it to the state.

Consistent enforcement of such laws is unlikely and in most cases ridiculous, but what a convenient loophole it creates for the persecution and prosecution of homosexuals.

The Battalion Editorial Board

New judges don't fit liberals' fascist mold

There has been an uproar by the political left over the latest recommendation to the Supreme Court by President Reagan. Antonin Scalia has been proposed for appointment as an associate justice, to replace the spot vacated by Associate Justice William Rehnquist, who has been nominated for chief justice.



Mark Ude

The uproar is over the little problem that these and other appointees are not as liberal as Democrats would like them to be. In fact, the almost 300 judges that have been appointed by Reagan since he entered office are conservative in their political and moral beliefs. This administration also will get to fill an estimated 60 future vacancies in federal courts.

Left-wingers who have enjoyed a liberal Supreme Court for years assume that such a court is the normal way of life. They think that the new Reagan appointees permanently will swing the court into upholding a distorted and twisted view of the United States Constitution.

Feeling threatened, liberals have voiced their objection to the administration's most recent choice, predicting that with legislative confirmation this summer, the governmental body which usually has the last word will destroy all the gains made in enlightening society.

This "destruction" primarily includes criminals being prosecuted to the fullest extent of the law, as many should be, perhaps leading to the presently low crime rate which now exists in this country. This policy is not supported by this administration alone. The majority of Americans have taken a get-tough attitude toward crime, which shows in the popularity of Dirty Harry movies. It also manifests itself in Cobra, in which the good but never really understood cop defends democracy in the urban environment.

Other aspects of this liberal-fearing "destruction" include the favoring of the right to life instead of abortion and the fight for reversal of affirmative action, which leads to cases of reverse discrimination. It even involves the latest case, which upheld the constitutionality of the Georgia sodomy statutes, outlawing homosexual sodomy between consenting adults.

Although Reagan has made the ultimate decisions regarding judicial appointments, U.S. Attorney General Edwin Meese III has done a good share of the research looking for administration candidates. Unfortunately, the political left disagrees with the beliefs of Meese, too — beliefs such as supporting heavily pressed police departments in combating crime and putting the rights of victims over those of criminals. Meese encountered criticism by those who think that he is close to having himself appointed as an associate justice in the Supreme Court.

Those who disagree with the beliefs of the judicial appointees resort to petty criticisms. These are nothing more than mere attempts to throw mud on the credibility of the nomination.

Overall, when a judge is recommended to a seat in a federal court, a politics-versus-qualifications fight is born. This fight is characterized by the political party opposing the current administration and feeling obligated not to observe the legal skills or ability of the candidate. Instead, they are compelled to make the nominee look like a fascist who threatens our American way of life.

Mark Ude is a senior geography major and a columnist for The Battalion.

It is the opinion of this court that no act of sodomy deserves Constitutional protection. Acts of idiocy & bigotry, however, shall remain protected as inalienable rights....



Buckley's cause tainted by Sobran's anti-Semitic pen

A few thoughts, as William F. Buckley Jr. would say, about anti-Semites and whether his fellow *National Review* editor, the syndicated columnist Joseph Sobran, is one. Buckley, in an extraordinary move, has disassociated himself in the *National Review* from Sobran's writings but not — note — from Sobran himself. He remains one of the *Review's* three senior editors.



Richard Cohen

magazine called *Instauration*. He called it "often brilliant," but B'nai Brith's Anti-Defamation League had a different assessment of it: "anti-Semitic" and racist.

Buckley appreciates that Sobran has offended and he finds some of his writings inexplicable. He concedes a reader "might reasonably conclude" that Sobran is "inclined to anti-Semitism," but he assures us that the truth is otherwise. The thrust of his argument is that Sobran is insensitive, a klutz with the pen, and the consequences have been potentially damaging. Sobran has insulted Jews — "the natural allies" of the conservative movement. Thus Sobran is accused of endangering the Great Conservative Coalition. He is welcome to stay, but only if he keeps his mouth shut.

Buckley is right that Jews sometimes see anti-Semitism where it isn't and ascribe it to those who, for whatever reason, are critical of Israel. But he begs the question in Sobran's case. The man cannot be separated from his writing. If, after a thousand years of Christian persecution of Jews and the direct papal role in establishing the ghettos of Italy (the word originated in Venice), he can instead see Jewish persecution of Christians, then he is dealing from an anti-Semitic deck.

Similarly, any reader of Sobran's column praising *Instauration* would have to conclude that an animus towards Jews and other minorities is what compels him to stand things on their head. The magazine publishes cartoon stereotypes of blacks ("Willie"), Jews ("Marvin") and Hispanics ("Pancho") and refers to the Holocaust as the "Holofoax"

("one gigantic hebe soap opera"). In September 1985 edition, *Instauration* returned Sobran's praise. It entitled an article "The Brave Pen of Joseph Sobran," hailing him for his defense of white racial pride and solidarity.

Understandably, Buckley shies from disassociating himself entirely from his friend and colleague. His is a painful task. But one can fairly ask how the Sobran-Buckley relationship is, in essence, different than the one Joseph Jackson had with the Rev. Louis Farrakhan. Jackson initially went the Buckley route and disassociated himself from Farrakhan's statements. Finally, when others pointed out that those statements reflected the man, he severed the relationship entirely.

Buckley and the other editors of the *National Review*, though, have refused to drop the other shoe. Buckley rejects particular Sobran writings but embraces the whole man. But anti-Semitism can be deduced from the way a person conducts himself. In Sobran's case, the conduct in question is his writings, and those put his anti-Semitism beyond doubt. But rather than disassociate himself from the man, Buckley raps his knuckles and issues a warning. We heard nothing from Sobran himself.

As Buckley notes, American conservatism has come a long way since it was polluted by anti-Semitism — and some of the credit is his. But the continued presence of Sobran on the masthead of America's most influential conservative magazine is a step backward. Sobran is no martyr to the hair-trigger sensitivities of Jews, but a victim of his own poison pen. Reconsider, Bill Buckley, before Sobran's ink stains your own cause.

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B. SPEED

C. EXCEDRIN CAPSULES

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