

# BRIEFING

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## DRAFT REGISTRATION

\*\*\*\*\* Carter's proposal is in serious trouble. Attempts to register women, which requires an act of Congress, are dead. Though Carter has the authority, under the Military Selective Service Act, to invoke registration, he still needs approval from Congress for the \$45 million in appropriations deemed necessary to carry out his registration plan. Appropriations for his plan are meeting resistance for a variety of reasons in the House appropriations subcommittee (See enclosed WP article).

\*\*\*\*\* In a report released by Senator Hatfield, the Director of the Selective Service recommended before Carter's State of the Union address, that registration for the draft be revived only after the President has ordered military mobilization in a national emergency. His major contention is that prior registration would be costly and unnecessary - that it would save only 7 days in registration. Registration after mobilization would produce the first draftee in 17 days and 650,000 in 124 days. Registration before mobilization would produce the first draftee in 10 days and 650,000 in 117 days. (See NYT article entitle "Report by Draft Director ...")

\*\*\*\*\* On March 22nd, a national rally against the draft will be held in Washington, D.C. The rally is sponsored by M.A.D. (Mobilization Against the Draft) which includes the Libertarian Party and SLS as sponsoring organizations. Leslie Key (LP of Wisconsin) is handling the media and the LP effort for the rally. The LP is encouraging as many libertarians as possible to attend. This is very important for us and for the anti-draft movement.

\*\*\*\*\* Carter's enthusiasm for draft registration may have been dampened by the strong student support for the Kennedy and Brown campaigns largely resulting from opposition to registration. (See the Washington Post article entitled "The Me Generation ...")

\*\*\*\*\* A new organization called Resistance Mobilization Against the Draft, led by libertarian Bob Bergle and sponsored by SLS and the War Resisters League, among others, has been formed. Should registration or the draft become a reality, this group will actively lead the resistance.

\*\*\*\*\* The AFL-CIO supports Carter's registration plan but calls instead for the creating of registration processing centers. Under Carter's plan, registration would be performed through the Post Office. There would be no Selective Services offices handling registration outside Washington.

IRAN

\*\*\*\*\* On February 18th the new President of Iran, Abol Hassan Bani-Sadr approved an international commission to go to Iran and begin an investigation into the crimes of the shah. The inquiry will be conducted by a five member United Nations commission co-chaired by Andres Aguilar of Venezuela and Mohammed Bedgaoui of Algeria. It is expected to complete its investigation in two weeks. The Carter administration reported that the hostages would probably be released sometime shortly after the commission arrived in Iran. However, on February 23rd, Khomeini said that the question of the release of the hostages would be taken up by the Iranian legislature which will not be elected until mid-March and is not expected to meet until April. The Carter administration claimed that the release of the hostages was one of the conditions set for U.S. approval of the commission. However, it was not in writing. It was a "verbal assumption." The drama continues.

AFGHANISTAN

\*\*\*\*\* Beginning on February 22nd, a general strike by shopkeepers accompanied by widespread protests against Russian occupation in Kabul has led to martial law. Martial law was declared Friday, the 22nd, placing the Soviet military commander (name unknown) of Kabul essentially in charge of the government and of the militia of the ruling Democratic People's Party. Several thousand people gathered outside the Pukhusthi mosque in Kabul chanting and waving Islamic flags. The crowd was soon surrounded by government tanks and personnel carriers which opened fire on the crowd. Hundreds were said to have been killed. Meanwhile, Soviet helicopters and artillery have been bombarding many towns in Eastern Afghanistan near the Pakistan border. Islamic guerilla organizations with offices in Peshawar, Pakistan, close to the Afghan border, said the strike has spread to the Afghan cities of Jalalabad, Herat, and Hanahar.

\*\*\*\*\* The Washington Post reported that the CIA has begun supplying weapons - mostly Soviet made small arms and anti-tank guns - to Afghan rebels.

\*\*\*\*\* An article describing the complexity of the Afghan guerilla forces is enclosed ("Myriad Rebel Units ...").

EL SALVADOR

\*\*\*\*\* The U.S. is considering a "limited amount of military training and equipment" to the government. The State Department claimed that reports that U.S. military advisors would be involved in counter-insurgency training in El Salvador are incorrect. See the enclosed article "U.S. Puts limits on Any Use of Advisor ... "

\*\*\*\*\* El Salvador - brief description. El Salvador is a small country on the Pacific coast between Mexico and Panama. It is bordered on the west by Guatemala and on the North and East by Honduras. It has a population of 4.3 million. The dominant PNC (Party of National Conciliation led by the wealthy land-holding "14 families" ruled for many years. In October of 1979 a military coup overthrew and replaced it with a junta with left-center politicians. Pledges were made of land reform and economic and social reform.

EL SALVADOR CONTINUED

1979 a military coup overthrew and replaced it with a junta with left-center politicians. Pledges were made of land reform and economic and social reform. The civilian members of the junta resigned this January, charging that the military would not permit the promised reforms. The junta was reconstituted with members of the "centrist" Christian Democratic Party and the reform promises have been renewed. A number of organizations have begun waging guerilla war against the government. The two dominant organizations are the Popular League of Feb. 28, who occupied the Panamanian and Spanish embassies recently, and the Popular Revolutionary Bloc (See the enclosed article "U.S. Warned on Assisting El Salvador")

\*\*\*\*\*GM assembles group of big businesses to help the Trucking Industry Fight Deregulation. See enclosed article.

\*\*\*\*\*"Allied Attitude on a Gulf War Troubling U.S.". See enclosed article.

\*\*\*\*\*Oman, Kenya, and Somalia have agreed to give United States forces access to military facilities in their countries. See enclosed article. ("Indian Ocean Lands ...")

COMMENTS ON THE SATURDAY REVIEW CRITICISMS:

In his article "The Libertarians, Stripping Government of Its Powers" (Saturday Review 3/1/80), Michael Nelson used the problem of pollution as a means to illustrate what he sees as some basic flaws in the libertarian prescription. Below are listed his major criticisms with LP responses for each.

1) Citing Murray Rothbard's example of a private firm owning Lake Erie, Nelson writes "Libertarians don't tell you what would stop a private firm from buying Lake Erie precisely to sell other firms the right to dump garbage into it."

Though this criticism may at first seem silly it is a valid one and one that libertarians can expect to be asked when advocating complete private ownership of all resources. Someone could, and likely will, apply the same argument to the Mississippi River, the Grand Canyon, or the Chesapeake Bay. First, we must stress that under a libertarian system no one could indiscriminately claim and secure just title to enormous tracts of land or waterways for his private use. Such claims should be no more recognized as legal or just than those tens of thousands of acres "granted" by the king to aristocrats in early America. Ownership must be based on libertarian "homesteading" principles. Ownership must go to that individual who not only first occupied a parcel of land but who made some use of the land. There is still disagreement over what standards a libertarian court might use to settle a property boundaries dispute. However, it can be expected that as individual courts compete with one another certain basic objective standards to determine just ownership of a natural resource would be arrived at. Some of these standards would likely be proof of occupation, defense, and particularly use, whether it be "transformation" by mixing one's labor with the resource or aesthetic use. So taking the example of Lake Erie, no one person or firm

COMMENTS ON THE SATURDAY REVIEW CRITICISMS CONT.

could purchase the lake. An extension of property rights to the lake would result in a host of individual property owners. Fishermen would have fishing rights to specific areas of the lake, waterfront property owners would own portions of the shoreline, recreation firms, sporting associations, and conservation groups would individually own parcels of the lake and lake bottom, etc. With a multitude of owners, anyone dumping garbage in the lake would be met by a horde of angry property owners all with the right to individually or collectively file suit. That is a strong incentive not to pollute. But let's take a worst case scenario. Theoretically, an individual firm could buy out all the individual property owners of the lake and become the sole owner with the intention of selling dumping rights to other firms. Such an enterprise would prove very, very expensive as the firm would still have to deal with irate property owners of Lake Ontario and the St. Lawrence Seaway which the waters of Lake Erie flow into. Further, a cesspool the size of Lake Erie would threaten the lives of people in the lake area by presenting the threat of disease, not to mention odor. So in reality the scenario described by Nelson would be nearly impossible in a libertarian society.

Under government ownership, polluting industries have had, up until recently, free reign with pollution. In the 19th century and throughout most of this century, a government-business alliance has turned Lake Erie into a "dead" lake. Pollution, particularly phosphate buildup, has encourage the growth of algae and the resulting eutrophication (depletion of oxygen) of the lake. Under government ownership who is to say this won't happen again. In the future, under a collapsing state controlled economy, desperate politicians will decide that production and jobs have priority over cleaning up pollution. Only a free economy, a recognition of property rights and an extension of those rights to the air and water can insure a clean environment and a free society.

2) Nelson's next major criticism is that "everything in a libertarian society would end up being fought out by lawyers ... Problems currently being addressed by elected officials in the legislative and executive branches would not be removed from government jurisdiction at all, but simply transferred to judges and the police, who would enforce court decisions."

The first implication is that there would be more litigation in a libertarian society than under the current system. This is nonsense. Under the present system, government invents a thousand times more litigation by constantly aggressing against people's lives and property. Libertarians would abolish all laws forbidding or regulating consensual, voluntary acts between individuals. This would eliminate tremendous sources of litigation alone. Unlike under the current system, everything would not be fought in the courts. Litigation would arise only in those areas where individuals have aggressed or threaten aggression against the lives and property of others. As long as human beings remain human beings, conflicts will arise and there will be a demand for arbitration and for courts to settle disputes.

COMMENTS ON THE SATURDAY REVIEW CRITICISMS CONT.

Nelson's criticism also hints at a confusion between natural law and man-made law. On hearing about libertarianism, many non-libertarians will conjure up an image of private courts and police arbitrarily and on a whim making their own laws and imposing them on the populace. Libertarians believe in a strong rule of just law. Laws must recognize the nature of all human beings. The ultimate litmus test to determine whether a law is just or unjust is to ask the question "does this law recognize every individual's right to the ownership and control of his life and justly acquired property." If it does, it stays. If it does not, out it goes.

Finally, I think it is a good idea for libertarians to acknowledge the complexity of pollution disputes. Whether one is talking about radiation or automobile pollution, the problem for the legal scientist of setting boundaries and standards will be very, very complex. Still a more just and equitable solution lies in a voluntary society that recognizes individual rights rather than through the efforts of a coercive, centralized government.