

## One flew over the albatross' nest

ANNE RAJOTTE

# Republican actions cause Democrat victory at polls

Tuesday's elections were not what most people suggested they were going to be. There were predictions of the Republicans gaining eight to ten seats in the House of Representatives. However, the Republicans actually lost seats. Candidates supported by the Christian Right lost races throughout the country.

The prediction by Republicans of President Clinton's effect on Democratic candidates were dimly wrong. Despite the fact that Clinton's approval ratings have maintained a high percentage and the majority of the American people don't want Clinton impeached, Republicans still expected a reaction against him by the voters.

Voters seemed to want the focus on real issues rather than the sexual life of our president.

Newt Gingrich said on the Today Show Wednesday morning that it is the media, not the Republicans, who are obsessed with the Monica Lewinsky scandal. However, impeachment proceedings are now underway due to a very large majority of the Republicans voting for them.

Though Pennsylvania was not one of the states that benefited from the support for Democrats - we retained our Republican governor, senator, and representative- voters throughout the country have said what the polls have been saying. Voters like Clinton

as president, and they don't like Republicans trying to impeach their president.

They also don't appreciate the push of Republican family values, which could explain the loss of so many of the Religious Right supported candidates. The unacceptable investigation of Bill Clinton's life has gone too far in many voters' eyes. Whether they agree with Clinton's moral decisions, and polls show that they do not, voters realize that his personal choices have not affected his ability to do what he was elected to do.

Voters sent a message on Tuesday. It is a wasteful and counterproductive thing to consume the

government's time attempting to impeach a president that the majority of Americans want to see finish his term. Voters are concerned with issues that affect them directly: education, taxes and Social Security. Americans are smarter than the Republicans took them for. Whether they like Clinton's personal morals or not, they voted for the party that provided them with a president they can count on to run their country.

Rajotte is the editor in chief of the Beacon. Her editorial appears every three weeks

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## A view from the lighthouse

### Proposed rehab center should win appeal

The Gateway Program, a rehabilitation program for people who have been in prison, is appealing a decision by Harborcreek township to revoke their zoning certificate.

Gateway had planned to open a facility on 38th Street, in close proximity to Behrend. Many citizens in the community are concerned that a rehabilitation center for former prisoners might be opening near their homes. Many have been vehemently fighting Gateway and are prepared to take them to court if Gateway wins their appeal.

All of the people in the Gateway Program are residents of Erie. They have not committed murder, sexual offenses, or arson. In similar facilities elsewhere in Pennsylvania, there have been no problems with the participants in the programs.

The citizens who are concerned about the possibility of a rehab center near their neighborhood



have a legitimate viewpoint. However, they are also taking a not-in-my-backyard attitude. The rehab center has to go somewhere, and to Gateway, this is the best place. All of the participants will be Erie residents; the Department of Corrections is not bringing in convicted criminals from all over the state.

The Gateway Program also has people involved with work release in their program. Why shouldn't Erie be responsible for reintegrating former prisoners into society? Those in this program need assistance before returning to society.

## British Wrong on Pinochet Release

By Marguerite Feitlowitz  
Special to Newsday

Current photos of Augusto Pinochet depict him as the very essence of a major British gentleman: white-haired, rosy-cheeked and regal in luxuriously sober civilian suits. He has praised London for its "civility" and "respect for rules." For close to 20 years he has taken tea with Margaret Thatcher, who declared the general's recent arrest in her capital "outrageous."

The British High Court Wednesday ordered the release of the former Chilean dictator on the grounds that, as a former head of state, he has immunity from prosecution in the United Kingdom. This decision, misguided both legally and morally, ought to be overturned on appeal.

Pinochet did not always look so refined as his current photos show; nor did he speak with such moderation. Let's not forget, Pinochet was arrested in London for his brutality. Here is but one telling scene based on secret recordings made during the Chilean coup on Sept. 11, 1973 (first published in Chile, then reported by John Lee Anderson in The New Yorker).

As his troops stormed the presidential palace, Pinochet received word that President Salvador Allende wanted to negotiate. "The offer to take him out of the country is maintained ... but the plane falls, old boy, when it's in flight," Pinochet's next-in-command is heard to laugh. When, a few hours later, Pinochet learns that Allende has killed himself, he is vexed over what to do with his corpse: "Boy, even dying this guy caused problems!"

Pinochet wanted his opponents literally to vanish. Over the 17 years of his dictatorship, more than 3,000 in-

dividuals would be kidnapped, tortured and made to disappear in an enormous program of state terror; much of it conducted out in the open. In 1986, a military patrol doused student demonstrators with gasoline and set them on fire. The officer in charge was tried and convicted, but only for "denying first aid." In exchange for a democratic transition in 1990, Pinochet got a blanket amnesty for any crimes committed during his rule. Fewer than 30 men have ever been tried in Chile for their participation in the atrocities.

The overwhelming worldwide support for Pinochet's arrest; for genocide, torture and terrorism under Spanish statutes; marks an important moment in international law. Baltasar Garzon, the Spanish investigating magistrate who wants Pinochet to stand trial for the murder and torture of Spanish citizens during his reign, bases his extradition order on human-rights conventions holding that certain atrocities (including the charges in question) are crimes against humanity. Such crimes are defined by the 1946 Nuremberg Principles. They can be tried at any time, in any place.

Historically, the application rate of these conventions has been dismal, their force having been vitiated by issues of sovereignty and realpolitik. The Spanish prosecution is an attempt to move into a new era. Garzon cites no fewer than nine human-rights conventions. But his case also derives from Spanish law, which underwent major modernization after the death of dictator Francisco Franco. The Spanish penal code declares both terrorism and torture "universal crimes." The Spanish constitution forbids amnesties of the type given to Pinochet.

The most innovative feature of the Spanish case stems from the charge of genocide, defined in the 1948 Convention as systematic acts intended

## The Behrend Review

CHARLES TESTRAKE

# Campaign finance reform is needed for today's politics

Thank God it's over! With the election having taken place two days ago, we will see no more television campaign ads until at least next March or April. I don't know about you but every time I see another campaign ad, with a candidate proclaiming that he or she is for jobs, schools, and lower taxes, with warm fuzzy music in the background, I feel like I'm going to vomit. However in this era of capital intensive campaigns, which ever candidate runs the most ads, digs up the most dirt on his or her opponent, and spends the most money will probably win the election, regardless of whether or not they are the most qualified candidate for the job.

In 1952 when General Dwight Eisenhower was running for president, he became the first candidate to fully utilize television as an influential campaign tool. While his opponent Adlai Stevenson ran television ads which feature him sitting in front of a fire place discussing his views on the important issues of the day, Eisenhower's ads merely had the jingle of "I like Ike! You like Ike! Everyone likes Ike!". The big difference between the two is that Stevenson's ads were long and bor-

ing, and Eisenhower's ads were short and entertaining. Now don't get the idea the "I like Ike!" ads alone lead to Eisenhower's landslide victory, but they did demonstrate the power that television has over people.

The 1952 Presidential election was a major turning point in American politics. From there after any candidate seeking election to major office would need to utilize the media for all its worth. This meant television campaign ads. And television campaign ads cost a lot of money. So candidates not born into wealthy families would need to raise money any way they could even if it was not ethically or morally right. An example of this is the 1972 reelection campaign of President Richard Nixon. The Committee to Re-Elect the President, or CREEP, spent an all-time record of \$65 million, some of it illegally, to reelect Nixon. If adjusted for inflation that would be well over \$100 million today which would still be an all-time record.

Following the 1972 election, Congress passed a campaign finance reform law. Under the law there were five major points: 1. Limits were placed on how much any individual

or interest group could contribute to any campaign or candidate. A \$1000.00 limit for individuals and a \$5000.00 limit for interest groups. 2. Any party that received more than 25% of the vote in the last presidential election would receive full public financing in the next presidential election. And also any parties that received between 5%-25% of the vote in the last presidential election would be partially reimbursed after the election and receive partial public financing for the next election. 3. Limits were placed on the overall spending for Congressional campaigns. 4. Limits were placed on Candidate self-financing. 5. Limits were placed on spending allowed by so-called "independent" groups that were not officially connected which a campaign or a candidate.

Unfortunately though in Buckley v. Valeo (1976) the Supreme Court ruled points 3, 4, & 5 of this campaign finance reform law unconstitutional. While the Court ruled that points 1 & 2 were constitutional, it was of the opinion that points 3, 4, & 5 violated the First Amendment Right to free speech.

While the opinion of the Supreme

Court in Buckley v. Valeo (1976) was legally accurate, it was never the less the wrong decision. By this ruling the Supreme Court opened American politicians up to the exploitation of those who finance their political campaigns. And thus unwittingly sold American politicians out to the special interests.

The only way to correct this grave error by the Supreme Court is to immediately pass a Constitutional Amendment on campaign financing. Any proposed Constitutional Amendment of campaign financing should include all the previous points the Supreme Court ruled unconstitutional in Buckley v. Valeo (1976), provisions against donations by foreign nationals or governments, and most importantly, a time limit on how soon campaigning could begin prior to an election. Unfortunately though since any such Amendment would probably drastically change the political establishment, significantly decrease the amount of influence of the special interest groups, and dry up the money; it will most likely never happen.

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"to destroy, in whole or in part, a national, ethnic, racial or religious group." Under Pinochet, "subversives," "leftists" and "communists," were officially defined as "alien" and targeted for elimination. So Garzon is accusing Chile. (Garzon also accuses Argentina, in a parallel investigation, of "auto-genocide," a term coined in a 1994 UN Report on the Khmer Rouge massacre of fellow Cambodians.)

"Genocide has attained its modernity, that's what this argument is about," I was told by Carlos Castresana, the lead prosecutor for Spain's case against Argentina. "More and more, it is the very repressor who 'organizes' and 'defines' the (persecuted) group. The enemy is a construct of the repressor's mind (rather than an ethnic, religious or racial group)."

Support for this view comes from the genocide conviction handed down last summer by the UN ad hoc tribunal on Rwanda, in which the Convention's reach was extended to include rape.

Garzon has formidable adversaries at home, including Attorney General Jesus Cardenal and Eduardo Fungairino, chief prosecutor of the National Court. Fungairino publicly defended the Chilean and Argentine dictatorships as a "necessary interruption in civilian institutions, so that peace could be restored." For that statement, Parliament nearly impeached him last spring. He and Cardenal have softened their rhetoric, but not their positions.

In an interview with me last summer, Fungairino expressed frustration

with the notion of crimes against humanity. "The whole concept is vague," he said. "We know what is murder, or car theft or rape. But what is a crime against humanity?" He contends Spain has no jurisdiction in the case against Pinochet because the crimes were not committed on Spanish soil.

A special nine-judge panel of the Spanish National Court will vote on whether to uphold Garzon's extradition order. They should not be swayed by the lamentable decision in Lon-

don. As they review the briefs and evidence, they should consider that France, Germany, Italy and Sweden are also prosecuting on behalf of their respective nationals "disappeared" during Latin America's Dirty Wars. They should remember also that if they are to be effective, human rights conventions must be rigorously interpreted, revised and extended in light of the moral imperatives of unimpeachable evidence.

And as they weigh Chile's com-

plaint of "judicial harassment," they should heed their own prosecutor, Carlos Castresana, who told me this: "(These trials against Chile and Argentina) are an offering from one court of law to the victims of repressions who have been unable to find justice in their own countries. It is from Spain to Chile, not Spain against Chile. Our emphasis is on the future. To all those who would commit atrocities we say: 'There will be no safe haven, no place for you to hide.'"

