The _Globe and Mail_ quotes the director of academic computing services: "It's the same as if somebody wants Playboy or Penthouse. We don't have them in the university library." In fact, SFU has _Playboy_ in its library.

Email send to or from the National Center for Supercomputer Applications (NCSA) that verbally attacks the Center or the *University of Illinois at Urbana-Champaign*

No longer grounds for a computer file search

Any computer files at *Boston University* that anyone else finds offensive or annoying

The rules at Boston University prohibit a computer user from "making accessible offensive [or] annoying ... material".

All rude articles at *Iowa State University*

On-line rudeness is prohibited by Iowa State computer policy. A student was reprimanded for posting a rude article to the net.

All email containing "offensive" material at *James Madison University*

The alt.sex * hierarchy on PSUVM, the main general purpose computer at *Pennsylvania State University*

All offensive messages at *University of Newcastle*

All email or Netnews articles that "bring discredit" to the *University of Texas* or its Computer Science Department

The alt.sex newsgroup at the *University of Toledo*

More than a dozen newsgroups, including alt.sex, at *Western Washington University*

They were removed from Western Washington University on the order of one person, the Vice Provost for "information and communication". Alt.sex remains at the *University of Washington*, but other newsgroups were removed right before a negative article was printed in the Seattle _Post Intelligencer_. 
COVER STORIES: TIME FORUM: Tough talk on entertainment

TIME Domestic
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Everybody agrees it's vulgar and violent. The question is why, and what should be done about it

*De gustibus non est disputandum* was the way the ancient Romans put it: there is no point arguing about matters of taste. But that was easy for the Romans to say; they—and their children—weren't awash in a tide of explicit films, TV programs and recorded music. We are. And the consequences of this condition—even the question whether there are any consequences—have spurred arguments that grow more intense as mass entertainment becomes more pervasive. In the aftermath of Bob Dole's latest attack on Hollywood, TIME asked some prominent people who produce or comment on the arts for their reactions:

LYNNE CHENEY, Fellow, American Enterprise Institute

In one scene of Oliver Stone's film Natural Born Killers the hero drowns his girlfriend's father in a fish tank and kills her mother by tying her down on her bed, pouring gasoline on her and burning her alive. Meanwhile, a raucous, laugh-filled sound track tells the audience to regard this slaughter as the funniest thing in the world. Is it any wonder that millions of Americans are concerned about kids growing up in a culture that sends such messages—or that someone who wants to be our President would talk about it?

A lot of the commentary about Bob Dole's remarks on Hollywood has focused on whether he has gained political advantage from them, and I think there is no question but that he has. Not so much because he has positioned himself better with the cultural right, but because, as Americans across the political spectrum realize, he is right—just as President Clinton was right a few years ago when he castigated rap singer Sister Souljah for saying that blacks have killed one another long enough and that it was time for them to start killing whites. When you glamourize murder, as Natural Born Killers does, or glorify violence against women, as does 2 Live Crew; when lyrics are anti-Semitic, as Public Enemy's are, or advocate hatred of gays and immigrants, as those of Guns N' Roses do, it's not just conservatives who know something has gone wrong; any thinking liberal does too.

Those producing this garbage tell us we're naive. Natural Born Killers isn't an attempt to profit from murder and mayhem, says Oliver Stone. It's a send-up of the way the tabloid press exploits violence—a claim that would be a lot more convincing if Stone would contribute to charity the multimillion dollar profits the movie earned last year. Time Warner CEO Gerald Levin, whose company produced Natural Born Killers and has put out much of the most offensive music, says that rappers like Ice-T are misunderstood: when Ice-T chants "Die, die, die, pig, die," he is not really advocating cop killing, but trying to put us in touch with the "anguished" mind of someone who feels this way.

This is nonsense—rationalization of the most obvious sort. What we need to do, each of us as individuals, is let those who are polluting the culture know that we are going to embarrass them and shame them until they stop, until they use their vast talents and resources to put us in touch with our best selves—instead of with the worst parts of our nature.

JOHN EDGAR WIDEMAN, Author and professor

Which is more threatening to America—the violence, obscenity, sexism and racism of movies and records, or the stark reality these movies and music reflect? If a messenger, even one who happens to be black and a rapper, arrives bearing news of a terrible disaster, what do we accomplish by killing the messenger?

I wasn't around when black people were barred from playing drums. But I know the objections to African drumming weren't aesthetic; Southern legislators feared the drums' power to signal a general slave revolt. I was around when finding black music on the radio was a problem. Growing up in Pittsburgh, Pennsylvania, the only way to hear the latest rhythm-and-blues sounds after dark was searching the scratchy hyperspace for Randy's Record Shack beaming up from Nashville, Tennessee.

Banning, ignoring, exploiting, damning black art has a long history. Protecting black freedom of expression and participation at all levels of society began just yesterday. So it's not accidental that politicians reaffirm the doublespeak and hypocrisy of America's pretensions to democracy. Let's deregulate everything; let the marketplace rule. Except when rap music captures a lion's share of the multi-billion dollar music market. Then, in the name of decency and family values, we're duty bound to regulate it. On the other hand, in areas of the economy where black people are appallingly underrepresented—the good jobs, for instance, that enable folks to maintain families—we should abhor intervention because it's not fair.
The best art interrogates and explodes consensus. Recall how traditional African-American gospel music, transformed in the 1960s to freedom songs, the oratory of Martin Luther King and the essays of James Baldwin inspired and guided us. But we can't have the best art unless we are willing to risk living with the rest, the second rate and 15th rate, the stuff that eventually Xs itself because its worthlessness teaches us not to buy or listen.

We must not lose patience and stop paying attention. We must not mistake jingoism or propaganda or sensationalism for art. We must not fear change, fear the shock and disruption true art inflicts. We must not smother what we don't want to hear with the drone of morally bankrupt, politically self-serving Muzak.

DONNA BRITT, Syndicated columnist

As a columnist who often writes about how American parents of every color, income and political stripe feel they're engaged in a losing war with cultural swill, I was glad to hear Bob Dole lambaste the entertainment industry. Every parent I know feels bombardment; who cares who thrusts it under the microscope?

Sure, it's hypocritical. Dole, who long ignored the issue, is playing politics by reducing a complex and unwieldy problem to too-easy sound bites. But who isn't? People who excoriate Dole for hypocrisy in blasting movies in which fictional characters use the same assault weapons he supports in real life ignore that his most passionate attackers make fortunes off the depravity they're protecting. Free speech invaders who say only parents are responsible for policing what their children hear and see overlook that even good parents—who've never been busier or had a more pervasive pop culture to contend with—are sometimes too overwhelmed to fight. Bad parents—and there are millions—aren't even trying. But we all must share the planet with the kids they're raising badly.

PAUL SCHRADER, Screenwriter and director

I don't know which is more appalling— the conservatives' hypocrisy or the entertainment industry's sanctimonious.

There are solid arguments here, both Dole's and the libertarian response. You'll never know it from what you hear or read. That's because the debate, as framed by Dole and the entertainment industry, is not about values or freedom. It's about popularity. Hollywood calls popularity money; politicians call it votes.

The entertainment conglomerates are fond of invoking the First Amendment. That's because there's precious little excuse for what they've been up to the past 20 years. We've worked so long and hard at making audiences dumber, they have actually become dumber.

Is Dole up to anything different? Several years ago, I was involved in a public debate over a film I adapted from Nikos Kazantzakis' The Last Temptation of Christ. It was assailed as blasphemous by religious conservatives, most of whom had not seen the film. I realized at the time it didn't matter whether they had seen it. This was not a debate about the spiritual values of Last Temptation; this was a fight about who controls the culture. Last Temptation, like other cultural totems—flag burning, Robert Mapplethorpe, gun control, nea, abortion—had become a symbol of cultural hegemony.

Yes, the entertainment industry is an empty, soulless empire. I can't bring myself to defend many of the films now made; I can't even defend those Dole approves of. Hollywood must examine itself. Its greed is sickening. It must judge the social impact, not just the popularity impact, of what it does. So must politicians who seek to exploit cultural values.

KATHA POLLITT, Poet, writer and social critic

People like pop culture—that's what makes it popular. Movies drenched in sex and gore, gangsta rap, even outright pornography are not some sort of alien interstellar dust malevolently drifting down on us, but products actively sought out and beloved by millions. When fighting to abolish the nea and other government support for the arts, conservatives are quick to condemn "cultural elitism" and exalt the majority tastes served by the marketplace. So how can they turn around and blame entertainment corporations for following the money and giving mass audiences what they want? Talk about elitism!

I too dislike many pop-culture products, although probably not the ones that bother Senator Dole. But the fact is, no system of regulation or voluntary restraint is going to have much effect on mass entertainment. And I'd like to hear how Dole squares his antiviolence stand with his ardent support for the N.R.A. and the overturning of the assault-weapons ban. Guns don't kill people; rap music kills people? Oliver Stone movies kill people? Please.

Ultimately, culture reflects society—for a violent nation, violent amusements. But if Senator Dole and his fellow conservatives are serious about elevating American tastes, they'd do better to encourage
greater variety in culture than to seek to homogenize it even further. Let them increase the NEA budget until it at least equals that for military bands. Let them restore to the public schools the art and music and performance programs that have been cut in the name of "getting back to basics." Let them support public radio and television—or not complain when the kids watch Beavis and Butthead and their parents watch Married ... With Children, a show whose raw humor at the expense of family values enriches not some Hollywood liberal, by the way, but Newt Gingrich's publisher, Rupert Murdoch.

That Dole and other cultural conservatives claim to speak out of concern for women is particularly galling. What have they ever done for women? These are the same people who were silent when Republican Congressmen compared poor single mothers to mules and alligators, who want to ban abortion. If these men want to do something about entertainment that insults women, why not start with Rush Limbaugh and his references to pro-choice women as "feminazis"? Oh, but I forgot. Criticizing gangsta rap for demeaning women is defending "American values." Criticizing right-wing talk radio for doing the same is "politically correct."

DANYEL SMITH, Music editor, VIBE magazine

Senator Bob Dole's recent attacks on hip-hop music and violent films are as ugly and transparent as some of the so-called gangsta rappers he wants to huff and puff and blow away. Like those of the worst rappers, Dole's views sound tinny and half-desperate. Like the lamest films, Dole goes for the spectacular (guns, violence, melodrama) rather than the substantive (love, sex, race, class). The main thing Dole, weak rappers and weak movies share is an ultimate goal: money. Staten Island hip-hoppers Wu-Tang Clan said it best with their 1994 hit single, C.R.E.A.M. (Cash Rules Everything Around Me).

The mass of folks going to the movies and buying records are in their teens, 20s and early 30s. The optimism of Forrest Gump rang false for a lot of us. The Lion King offered moments of uplift that faded when the lights came up. But hip-hop songs such as KRS-One's Build & Destroy, Gang Starr's Just to Get a Rep and Tupac Shakur's Holler If Ya Hear Me sound fierce and true, reflecting in mood and content the real world around me and many hundreds of thousands of fans.

Yes, sexism runs rampant through hip-hop. But it, like the violence in the music, runs rampant through the world, and needs to be protested and dealt with—not just silenced on the whim of an ambitious politician. The assumption that simply because the Notorious B.I.G. raps around gunfire in a song, people are going to run out and shoot stuff up is insulting and tired. We are trying to make sense of the world—just like every generation has had to do. Forgive us if our salve is your sandpaper, but we are not you—and we're not sure we want to be.

BILL BRADLEY, Democratic Senator from New Jersey

I applaud Senator Dole. Almost by any measure, the airwaves have become the pathways for too much trash. Violence without context and sex without attachment come into our homes too frequently in ways that we cannot control unless we are monitoring the television constantly.

Studies show that by the time a kid reaches 18, he's seen 26,000 murders on TV. That has implications. It creates a sense of unreality about the finality, pain, suffering and inhumanity of brutal violence. The question really is, What is government's role? The answer has got to be more citizenship in the boardroom, not censorship. The public has got to hold boards of directors, executives and corporations accountable for making money out of trash.

For example, if you see something that offends you, find out who the sponsor is, find out who's on its board of directors, find out where they live, who their neighbors are, their local clubs, churches and synagogues. Send a letter to the members of the board at their homes and ask whether they realize they are making huge profits from the brutal degradation of other human beings. Then send a copy of that letter to all of their neighbors and friends. You can also begin to put economic pressure on a corporation. Because the market that the economic conservative champions undermines the moral character that the social conservative desires, you have to try to introduce into the functioning of the market a moral sensibility that is usually absent.

DAVID MAMET, Playwright

Politics seems to me much like the practice of stage magic. The magician is rewarded for appearing to perform that which we know to be impossible. We onlookers agree to endorse his claims and applaud his accomplishments if he can complete his performance before getting caught out. Similarly, we know, in our hearts, that politicians running for office are, in the main, mountebanks. They promise us an impossible future, or in the case of Senator Dole, a return to an imaginary pristine past.
It is in our nature to credit the ridiculous for the sake of the momentary enjoyment it affords. We do so at the magic show, at the car showroom and during the electoral process. It has long been the favored trick of the Republican Party to seek support through the creation of a villain. This imaginary being, whose presence stands between us and a Perfect World, this pornographer, this purveyor of filth, this destroyer of the family is he or she who used to be known by the name of communist, fellow traveler, labor agitator. Other historical names include nigger lover, papist, Yellow Peril, faggot and Jew.

It is the pleasure of the demagogue to turn otherwise sane people one against the other by this ancient trick, in order to further his or her own personal ends.

Yes, popular culture, in the main, is garbage. Perhaps it always has been, I don't know. I know we have a legitimate human desire for leadership, and Senator Dole's demagoguery corrupts this desire into a search for a victim and a longing for revenge. Whether as entertainment or politics, I find such actions objectionable.

STANLEY CROUCH, Critic

Regardless of the political opportunism that may propel the rising attack on the entertainment industry, the attention is more than a good thing because our mass popular culture is the most influential in the world. But when questions are raised about that industry's irresponsible promotion of certain material, the industry's executives tell us it has no influence. Everyone has to know that is a steaming pile of shuck. At its best, popular art has been part of our ongoing redefinition of American life, moving us to question our prejudices and our political policies, our social fears and the ways in which we live our personal lives.

But what we are faced with now is the panting exploitation of all our worst inclinations. We see the cult of slut chic in which Madonna has been such an influence across all lines of race and style that video after video looks like a combination of film-school virtuosity and bimbo routines with a backbeat. We see films in which dramatic intensity is replaced by the shock of gore that takes place in a ruthless universe of amoral one-liners derived from James Bond.

Narcissism and anarchic resentment are promoted in such a calculated fashion that numskull pop stars pretend to be rebels while adhering to the most obvious trends. The executives who promote these performers say that the issue is one of "freedom of expression," while others claim that we are getting "reports from the streets." But the rapper Ice Cube told an interviewer that his work was for young people and that if his audience wanted something else he would give it to them. That is not the statement of a rebel.

These people are not about breaking taboos, they are about making money, and they know where to draw the line. A few years ago, there was an understandable controversy about the anti-Semitic statements of Professor Griff when he was a member of the rap group Public Enemy. He was soon gone from the group. That is a perfect example of how responsibly the industry can work. We will hear no "reports from the streets" that give voice to the mad ravings of Khalid Muhammad or Louis Farrakhan, regardless of the young black people who cheer them at rallies. We have no idea how often the words "nigger," "bitch" and "ho" have been recorded in gangsta rap, but we can be comfortably sure that no rap group will ever be signed and promoted if it uses the word "kike" as frequently. Nor should it be.

Why is this? Because the Third Reich proved beyond all reasonable doubt what the constant pumping of hate-filled images and inflammatory statements can do to a culture. I do not believe censorship is the answer. But I have no doubt good taste and responsibility will not limit the entertainment industry's ability to provide mature work that attacks our corruption, challenges our paranoia and pulls the covers off the shortcomings that Balkanize us. What we need is simply the same sense of responsibility and dire consequences that we bring to the issue of anti-Semitism.

Compiled by Andrea Sachs and Susanne Washburn
Chapter 4 Privacy
The Bill of Rights of the United States Constitution guarantees individuals the right to personal autonomy, which means that a person's decisions regarding his or her personal life are none of the government's business. That right, which is part of the right to privacy, encompasses decisions about parenthood, including a woman's right to decide for herself whether to complete or terminate a pregnancy, as well as the right to use contraception, freedom from forced sterilization and freedom from employment discrimination based on childbearing capacity.

As early as 1923, the U.S. Supreme Court ruled that the Constitution protects personal decisions regarding marriage and the family from governmental intrusion. In 1965, the Court ruled that a state cannot prohibit a married couple from practicing contraception. In 1972, it extended the right to use birth control to all people, married or single. And in its 1973 ruling in _Roe v. Wade_, the Court held that the Constitution's protections of privacy as a fundamental right encompass a woman's decision to have an abortion.

The _Roe_ decision, which legalized abortion nationwide, led to a dramatic improvement in the lives and health of women. Before _Roe_, women experiencing unwanted or crisis pregnancies faced the perils and indignities of self-induced abortion, back-alley abortion, or forced childbirth. Today, _Roe_ protects the right of women to make life choices in keeping with their conscience or religious beliefs, consistent with American tradition. And by relieving American women of the burden of unwanted pregnancies, _Roe_ has permitted them to pursue economic opportunities on a more equal basis with men.

The movement to newly restrict reproductive choice is, therefore, not only an attack on personal autonomy but also on the principle of equality for women, and it is a grave threat to all Americans' cherished right to privacy, bodily integrity and religious liberty.

Here are the American Civil Liberties Union's answers to questions frequently asked by the public about reproductive freedom and the Constitution.

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How does the Constitution protect our right to privacy, including reproductive freedom, if that right isn't explicitly named in the Constitution?

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Even though a right to privacy is not named, the Ninth Amendment states that the naming of certain rights in the Constitution does not mean that other, unnamed rights are not "retained by the people." The Supreme Court has long held that the Bill of Rights protects certain liberties that, though unenumerated, are "fundamental" to an individual's ability to function in society. These include the right to privacy, the right to travel, the right to vote and the right to marry. The Court has articulated various constitutional bases for these liberties, including the First, Fourth, Fifth, Ninth and Fourteenth Amendments. And in recent years, the Court has viewed the privacy right as an essential part of liberty, specifically protected by the Fifth and Fourteenth Amendments.

The Court has also held that the government may not restrict fundamental rights without a compelling reason, and it has repeatedly struck down various state restrictions on birth control and abortion as being unjustified by a compelling reason.

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Is reproductive choice protected by constitutional principles other than the right to privacy?

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Although the Supreme Court has not so held, the ACLU believes that reproductive choice is not only protected by the right to privacy, but by several other constitutional principles, including the Fourteenth Amendment's guarantee of "equal protection of the laws" and the First Amendment's guarantee of freedom of religion. Since only women can become pregnant, only women are affected by laws that dictate whether and under what conditions childbearing should occur. By precluding only women's exercise of personal decision-making, laws that prohibit or restrict abortion discriminate on the basis of sex in violation of the Fourteenth Amendment's Equal Protection Clause.
All of the world's major religions regard abortion as a theological issue, although their doctrines on the issue differ. Some religions teach that abortion is a sin; others, that it is a woman's duty if a pregnancy imperils her life or health. Bans on abortion force all citizens to conform to particular religious beliefs. Thus, the ACLU believes that such laws violate the First Amendment's Free Exercise Clause, which prohibits governmental encroachment on an individual's right to act according to her own beliefs or conscience. Abortion bans that establish, as a matter of law, that a fetus is a person violate the First Amendment's stricture against "an establishment of religion."

Have restrictions on abortion always existed?

No. Abortion was legal under common law -- except in late pregnancy -- for hundreds of years, including the period when our Constitution was written. Not until the late 1800s did a movement seeking to curtail women's reproductive choices arise in the United States, spearheaded by two groups: white Protestant nativists and medical doctors. The nativists opposed abortion out of fear that permitting limits on childbearing would cause the nation's white Protestant population to be "overrun" by immigrant Catholics, who had been entering the U.S. in great numbers since the 1830s and '40s. Doctors opposed it partly because they wanted to exclude midwives and traditional practitioners from performing abortions or any other medical practice, and partly because abortion in those days raised legitimate health concerns.

Societal changes also spurred opposition to abortion. The average size of families was shrinking, and the movement for women's suffrage and equality that had emerged in the 1840s was growing. These developments fueled fears of an imminent breakdown in women's purely domestic roles.

All of these factors prompted the passage of anti-abortion laws. But only in the late 20th century have anti-choice forces based their support for such laws on the concept of "protecting the fetus as a person."

Shouldn't the abortion question be left to state legislatures, or voted on by the people in referenda?

No. The Bill of Rights guarantees that _fundamental_ rights cannot be abrogated by the will of the majority. For example, even if the majority of a state's citizens wanted to ban the practice of Catholicism, the constitutional right to free exercise of religion would forbid the legislature from enacting such a ban. Similarly, the privacy right that encompasses reproductive freedom, including the choices of abortion and contraception, cannot be overruled by referenda or legislation.

Moreover, we learned during the years before _Roe v. Wade_ how women suffered in states where abortion was illegal. Affluent women were able to obtain safe abortions by traveling to states where they were legal, while poor, rural and young women -- a disproportionate number of them women of color -- were left to dangerous, back-alley abortions or forced childbirth. Such discriminatory conditions are unacceptable.

Do abortion bans also outlaw birth control?

Sometimes. Criminal abortion laws that define a fertilized egg as a "person" outlaw birth control methods that sometimes act to prevent pregnancy after fertilization, such as the intrauterine device (IUD), Norplant, and the most popular birth control pill. In addition, because abortion bans are criminal statutes that provide for long jail terms, when implemented they have a chilling effect on contraceptive research and other reproductive technologies, such as in vitro fertilization.

Why are poor women and women of color especially hurt by anti-choice laws?

In 1972, before _Roe v. Wade_, 64 percent of the women who died from illegal abortion were women of color. Middle class and white women could more readily travel to obtain a legal abortion, pay a private physician to perform it, or convince typically all-white hospital committees that the procedure was necessary to preserve their mental health (one of the claims under which some states allowed abortion before _Roe_). Poor and non-white women would once again suffer, die or bear unwanted children in
disproportionate numbers if the Supreme Court were to overturn Roe. In addition, it is low-income women and, therefore, disproportionate numbers of non-white women, who suffer the most when the government prohibits the use of public funds for abortion and abortion information, or otherwise blocks women's access to abortion. Indeed, the restrictive laws that govern public funding of medical care in effect coerce poor women to "choose" childbirth over abortion.

Why shouldn't the government be able to force a woman to carry a pregnancy to term for the sake of a fetus?

Our courts have always held that the government cannot compel an individual to use his or her body as an instrument for preserving people who are already born, much less for preserving a fetus in the womb. For example, the government cannot force a relative of a child afflicted with cancer to donate bone marrow or an organ to the child, even if the child is sure to die without the donation.

Obviously, if the state cannot force someone to undergo a bone marrow or organ transplant for a person already born, it cannot force a woman to continue a pregnancy that might entail great health risks for the sake of a fetus. As the Court of Appeals for the District of Columbia stated in a 1989 decision, "surely a fetus cannot have rights superior to those of a person who has already been born."

Enforcement of the idea that a fetus has legal rights superseding those of the woman who carries it would make pregnant women second class citizens with fewer rights, and more obligations, than others. For example, cancer patient Angela Carder, forced by the District of Columbia Superior Court to undergo a cesarean delivery of her 26-week-old fetus, died prematurely as a result.

Shouldn't pregnant women who drink or use other drugs be prosecuted for "child abuse?"

Absolutely not, for several reasons. Prosecutions of women for their behavior during pregnancy threaten all women's rights because, again, they are based on the "fetal rights" concept. Acceptance of that concept in law could bring about government spying and restrictions on a wide range of private behavior, in the name of "fetal protection." Having one's privacy invaded would become the price of pregnancy.

Prosecutions of pregnant women for allegedly harming their fetuses through drug use contribute nothing to solving the problem of drug abuse. Instead, they create a climate of fear that deters pregnant women from seeking prenatal care, and from informing doctors about their drug use. The waste of taxpayers' money on these prosecutions is especially cynical, given the scarcity of prenatal care services for poor women.

Although 85 percent of the people who use drugs are white, 80 percent of the women criminally prosecuted for drug use during pregnancy are women of color. At least one study showed that African American women are ten times more likely than white women to be reported to civil authorities for allegedly harming a fetus by using drugs.

What would really help pregnant women, and help them deliver healthy babies, is access to affordable drug treatment programs. Pregnant women are often excluded from the few such programs that exist.

Why do laws requiring parental involvement in a minor's abortion decision infringe upon fundamental rights?

The Constitution protects all of us but especially those who are powerless to protect themselves. A minor who has good reasons for not wanting her parents to know she is pregnant is just such a powerless person.
Laws that require young women to inform their parents before obtaining an abortion are, at best, unnecessary since most young women automatically turn to their parents without prodding from the law. At worst, such laws are tragically misguided. Consider the plight of the underaged who become pregnant through incest (a 1970s study showed that, of girls 12 years-old and younger seeking abortions, 65 percent were victims of incest). Confidentiality in such cases can be a life or death matter: In 1989, the day before she was scheduled to obtain an abortion, 13 year-old Spring Adams was shot to death by her father. Family members claimed he had been feeling guilty about impregnating his daughter.

Pregnant minors who cannot turn to their parents need extra legal protection that ensures their access to safe, confidential abortions, rather than laws that limit such access, since minors already face greater economic and privacy barriers to medical care than adult women do.

In what ways have the opponents of choice attacked the right to choose abortion and birth control?

The right to choose has been under attack ever since contraception and abortion were first legalized. But the attacks have become more common and more extreme in recent years, in part because our last two presidents have supported them. They have taken the following forms:

> Opponents of choice have tried to limit the ability of federal or state health care programs to deliver abortion information and services to low-income women. First, in the late 1970s, Congress prohibited Medicaid coverage of abortion even though Medicaid fully funds all other health care, including childbirth. In 1980, the Supreme Court found this discriminatory policy to be constitutional. Since then, the federal government and many states have limited access to abortion and abortion information in a wide range of public programs. In 1991, the Supreme Court upheld federal regulations forbidding the staffs of family planning clinics that receive federal funds under Title X of the Public Health Service Act from providing their patients with accurate information about, or referrals for, abortion.

> States have erected such obstacles as mandatory waiting periods, restrictions on late abortions, parental notification/consent laws, and laws that force doctors to give anti-abortion lectures, or that require married women to involve their husbands in their abortion choice. These laws directly restrict women's right to choose and, by increasing medical costs and physicians' liability, make access to abortion more difficult.

> Some states (Louisiana and Utah, for example) have enacted laws that criminalize nearly all abortions. These laws literally turn back the clock to the days before Roe when physicians, and sometimes patients, faced jail for performing and seeking abortions.

What can I do to help protect reproductive choice?

Some cases headed for Supreme Court review could well lead to the total elimination of constitutional protection for the fundamental right to choose abortion and allow states, once again, to ban abortion and birth control. If this happens, Congress can pass a constitutional amendment or enact a federal law, which would preempt state laws, to protect reproductive choice. You can help preserve the right to choose by urging your Congressional representatives to support federal protection of this right for all women, without exception, through the Freedom of Choice Act and the Reproductive Health Equity Act, and by letting your state legislators know that you support reproductive choice. For more information, contact your local ACLU or the national ACLU Reproductive Freedom Project.

ACLU
TECHNOLOGY: WHO SHOULD KEEP THE KEYS?

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The U.S. government wants the power to tap into every phone, fax and computer transmission
By PHILIP ELMER-DEWITT Reported by David S. Jackson/San Francisco and Suneel Ratan/Washington

Until quite recently, cryptography - the science of making and breaking secret codes - was, well, secret. In the U.S. the field was dominated by the National Security Agency, a government outfit so clandestine that the U.S. for many years denied its existence. The NSA, which gathers intelligence for national security purposes by eavesdropping on overseas phone calls and cables, did everything in its power to make sure nobody had a code that it couldn't break. It kept tight reins on the "keys" used to translate coded text into plain text, prohibiting the export of secret codes under U.S. munitions laws and ensuring that the encryption scheme used by business - the so-called Digital Encryption Standard - was weak enough that NSA supercomputers could cut through it like butter.

But the past few years have not been kind to the NSA. Not only has its cover been blown, but so has its monopoly on encryption technology. As computers - the engines of modern cryptography - have proliferated, so have ever more powerful encryption algorithms. Telephones that offered nearly airtight privacy protection began to appear on the market, and in January U.S. computermakers said they were ready to adopt a new encryption standard so robust that even the NSA couldn't crack it.

Thus the stage was set for one of the most bizarre technology-policy battles ever waged: the Clipper Chip war. Lined up on one side are the three-letter cloak-and-dagger agencies - the NSA, the CIA and the FBI - and key policymakers in the Clinton Administration (who are taking a surprisingly hard line on the encryption issue). Opposing them is an equally unlikely coalition of computer firms, civil libertarians, conservative columnists and a strange breed of cryptoanarchists who call themselves the cypherpunks.

At the center is the Clipper Chip, a semiconductor device that the NSA developed and wants installed in every telephone, computer modem and fax machine. The chip combines a powerful encryption algorithm with a "back door" - the cryptographic equivalent of the master key that opens schoolchildren's padlocks when they forget their combinations. A "secure" phone equipped with the chip could, with proper authorization, be cracked by the government. Law-enforcement agencies say they need this capability to keep tabs on drug runners, terrorists and spies. Critics denounce the Clipper - and a bill before Congress that would require phone companies to make it easy to tap the new digital phones - as Big Brotherly tools that will strip citizens of whatever privacy they still have in the computer age.

In a Time/CNN poll of 1,000 Americans conducted last week by Yankelovich Partners, two-thirds said it was more important to protect the privacy of phone calls than to preserve the ability of police to conduct wiretaps. When informed about the Clipper Chip, 80% said they opposed it.

The battle lines were first drawn last April, when the Administration unveiled the Clipper plan and invited public comment. For nine months opponents railed against the scheme's many flaws: criminals wouldn't use phones equipped with the government's chip; foreign customers wouldn't buy communications gear for which the U.S. held the keys; the system for giving investigators access to the back-door master codes was open to abuse; there was no guarantee that some clever hacker wouldn't steal the keys. But in the end the Administration ignored the advice. In early February, after computer-industry leaders had made it clear that they wanted to adopt their own encryption standard, the Administration announced that it was putting the NSA plan into effect. Government agencies will phase in use of Clipper technology for all unclassified communications. Commercial use of the chip will be voluntary - for now.

It was tantamount to a declaration of war, not just to a small group of crypto-activists but to all citizens who value their privacy, as well as to telecommunications firms that sell their products abroad. Foreign customers won't want equipment that U.S. spies can tap into, particularly since powerful, uncompromised encryption is available overseas. "Industry is unanimous on this," says Jim Burger, a lobbyist for Apple Computer, one of two dozen companies and trade groups opposing the Clipper. A petition circulated on the Internet electronic network by Computer Professionals for Social Responsibility gathered 45,000 signatures, and some activists are planning to boycott companies that use the chips and thus, in effect, hand over their encryption keys to the government. "You can have my encryption algorithm," said John Perry Barlow, co-founder of the Electronic Frontier Foundation, "when you pry my cold dead fingers from my private key."

The seeds of the present conflict were planted nearly 20 years ago, when a young M.I.T. student named Whitfield Diffie set out to plug the glaring loophole in all traditional encryption schemes: their
reliance on a single password or key to encode and decode messages. Ultimately the privacy of coded messages is a function of how carefully the secret decoder keys are kept. But people exchanging messages using conventional coding schemes must also find a way to exchange the key, which immediately makes it vulnerable to interception. The problem is compounded when encryption is employed on a vast scale and lists of keys are kept in a central registry.

Diffie's solution was to give everybody two keys - one that could be widely distributed or even published in a book, and a private key known only to the user. For obscure mathematical reasons, a message encoded with either key could be decoded with the other. If you send a message scrambled with someone's public key, it can be turned back into plain text only with that person's private key.

The Diffie public-key encryption system could solve one of the big problems facing companies that want to do business on the emerging information highway: how to collect the cash. On a computer or telephone network, it's not easy to verify that the person whose name is on a credit card is the one who is using it to buy a new stereo system - which is one of the reasons catalog sales are rife with fraud. But if an order confirmation encoded with someone's public key can be decoded by his or her private key - and only his or her private key - that confirmation becomes like an unforgeable digital signature.

However, public-key encryption created a headache for the NSA by giving ordinary citizens - and savvy criminals - a way to exchange coded messages that could not be easily cracked. That headache became a nightmare in 1991, when a cypherpunk programmer named Phil Zimmermann combined public-key encryption with some conventional algorithms in a piece of software he called PGP - pretty good privacy - and proceeded to give it away, free of charge, on the Internet.

Rather than outlaw PGP and other such programs, a policy that would probably be unconstitutional, the Administration is taking a marketing approach. By using its purchasing power to lower the cost of Clipper technology, and by vigilantly enforcing restrictions against overseas sales of competing encryption systems, the government is trying to make it difficult for any alternative schemes to become widespread. If Clipper manages to establish itself as a market standard - if, for example, it is built into almost every telephone, modem and fax machine sold - people who buy a nonstandard system might find themselves with an untappable phone but no one to call.

That's still a big if. Zimmermann is already working on a version of PGP for voice communications that could compete directly with Clipper, and if it finds a market, similar products are sure to follow. "The crypto genie is out of the bottle," says Steven Levy, who is writing a book about encryption. If that's true, even the NSA may not have the power to put it back.
ABORTION PILLS ON TRIAL

After years of controversy and delay, the drugs that can end a pregnancy without surgical intervention are being tested in Des Moines and other American cities

BY ANDREA SACHS

"I was the first one in Des Moines. Everyone was really excited on Wednesday, when I was given the first dose of medication. I made a joke that we should have a ribbon-cutting ceremony. They kept telling me I was making history.

"I was very nauseous in a couple of hours. I threw up constantly for three days. I went to work. Luckily, there's a restroom in my department. I moved a little slower. Usually I'm very upbeat, but I wasn't for those three days. It was like food poisoning. I couldn't keep anything down.

"I went in on Friday and took the second dose of medication. After 15 minutes there was a tiny bit of cramping, but less than menstrual cramps. After two hours the cramps got stronger, and I started using a heating pad on my belly. I went to the restroom. When I started to stand up, it was like a faucet turned on. There was a steady stream of blood. I passed a golfball-size blood clot that scared me. I thought maybe it was the fetus.

"The cramps stayed steady. In the last 15 minutes of my appointment, I was doubled over. The bleeding was very heavy, heavier than a period. My mom drove me home. By this time, I was bleeding severely, and I had diarrhea. It reminded me of the way you bleed after you give birth. Maybe a woman that hasn't given birth might be a little more distressed.

"I aborted at 6:30 on Friday night. I heard it fall into the toilet. It looked like a blood clot. I cried when I knew it had passed - partly from relief, partly from sadness. I knew it was over."

Patient 001

At the Planned Parenthood clinic in Des Moines, Iowa, they are known simply as "the M&M trials" because of the two drugs involved: mifepristone and misoprostol. But the breezy nickname fails to convey either the scientific significance or the social controversy surrounding the U.S. clinical trials of the so-called abortion pill. Although an estimated 150,000 women in Europe have used mifepristone (known there by its brand name, RU 486), the threat of consumer boycotts by antiabortion organizations discouraged Roussel Uclaf, the drug's European manufacturer, from marketing the pills in America. Instead, the company eventually agreed to let the Population Council, a nonprofit group, sponsor clinical trials of mifepristone in the U.S.

Last month tests began at some of the 12 sites around the country, five of them Planned Parenthood clinics. Based on the results of these trials - which will involve 2,100 volunteers nationwide - the Food and Drug Administration will decide whether to approve the drug.

Patient 001, a 30-year-old blue-collar worker, was not an obvious candidate to become an abortion pioneer. "I was brought up in a Christian home," she told TIME. "My family was pro-life, so I always said 'I could never do that.' " But by the time Planned Parenthood of Greater Iowa announced on Oct. 27 that it was looking for volunteers, she found herself pregnant and desperate. Married, with two children and "a complicated domestic situation" she prefers not to discuss, Patient 001 and her husband decided that she should take part in the trials. "I was terrified of a surgical abortion because of a friend's bad experience," she says.

The Des Moines clinic reports no shortage of women willing to try the pills, which are free during the trial. (Eventually, a mifepristone abortion is expected to cost about the same as a surgical procedure.) In fact, inquiries have been coming in from as far away as New Jersey. To qualify, a woman must be over 18, in good health and less than 63 days away from her last menstrual period.

On her first visit to the clinic last week, Amy,* 23, was given a medical checkup that included a Pap smear, breast exam and pregnancy test. Then a counselor took her through a series of questions about her health and her decision to have an abortion, and explained the M&M procedure in detail. When it was time to sign a six-page consent form, Amy did not hesitate. "Not even for half a second" did she and her husband think about having the baby, she says. "We've known for over two years that two children were enough for us." Amy was then handed three mifepristone tablets, which look like slightly oversize aspirin, and a paper cup of water. For her, the decision to take the pills rather than undergo a surgical abortion was easy. "It's much more simple," she says. "To me, it sounds a lot less traumatic."
In fact, the M&M process can be far more taxing than a Surgical abortion, which lasts for about 15 minutes, with a recovery time of roughly one day. The first dose of mifepristine, which overrides the pregnancy hormones and breaks down the lining of the uterus, usually produces only minor side effects such as nausea, headaches, weakness and fatigue. But two days later the patient returns to the clinic for a dose of misoprostol, which causes contractions of the uterus to expel the fertilized egg. This stage of the procedure can be painful, messy and protracted. Women are required to stay under observation at the clinic for four hours. Recalls Angie, an unmarried 20-year-old with two children: "I started to bleed like menstruation. But nothing really happened until the next day. I was having deep cramping when I went to the bathroom, and it was like turning a water jug upside down. I looked at the fetus and was disgusted. I flushed before I got sick to my stomach." She then had to return to the clinic 12 days later for an exam that would ensure that the abortion was complete. (The pills fail to completely expel the fetus in 4% of cases, and a surgical abortion is necessary.)

"This requires more of a time commitment than surgery. It's a lengthy process," says Jill June, the president of Planned Parenthood of Greater Iowa. "And women will be dealing with blood that, in a surgical abortion, only medical professionals would see." Yet for a variety of reasons women are glad to have an alternative to surgical abortion. For one thing, M&M can be done sooner in the pregnancy than surgery, which is usually performed after seven weeks. There is no anesthesia involved with M&M, and little risk of infection or perforation of the uterus. "This is more natural for the body," says Theresa, 32, a divorced mother of four. "It's working with the body." Stephanie, a single 19-year-old who has never been pregnant before, agrees. "I didn't like abortion and I said I'd never have one. These were just pills," she said, after her first dose. "This was just like being at the doctor's."

For now, the M&M volunteers have been spared the gauntlet of antiabortion protesters who had at one time routinely picketed and blockaded the Des Moines clinic. A year ago, a judge ordered Operation Rescue to stay away from the facility, which has been guarded by U.S. Marshals since Dr. John Britton was shot in Pensacola, Florida, in July. But June is worried that this may be "the calm before the storm." Two weeks ago, local antiabortion activists met to strategize against the M&M trials.

By last week, 50 patients at the Des Moines clinic had become part of the national trials. For Patient 001 it was "a positive experience. I don't think any kind of termination of an unwanted pregnancy is easy. But the pills seem to me to be a lot less traumatic." Planned Parenthood expects many other women to agree. "The scientific genie is out of the bottle," says June. "This technology is available to the women of Europe. Now the women of America will be satisfied with nothing less."

* The names of patients have been changed.
Here's the plot: short of cash but endowed with a wealth of computer skills, a clever employee is able to reach inside the boss's private database and "kidnap" invaluable company secrets by locking them with a sophisticated encryption program. She then sends an anonymous electronic ransom note demanding a wire transfer of $3 million to a blind account in the Cayman Islands - or the boss's proprietary data will be lost forever.

Extortion - in this case hypothetical - is only one of the many imaginative, daring and increasingly publicized crimes that have gone high tech in recent years. In addition to the predictable tax, insurance and credit-card scams, software infringements and eavesdropping, the computer is now the site of crimes that range all the way up to homicide. "Law enforcement is becoming aware that computers can be used to facilitate just about any type of crime," says Jack King, legal editor of the Bureau of National Affairs Criminal Practice Manual.

One of the most emotion-raising illegal activities is the occasional use of the Internet and online services by pedophiles, who can not only transmit child-pornography images but also have been known to use the Net to make assignations with youngsters. As for homicide, while it's hard to imagine that someone could actually be killed online, police in a Pennsylvania murder-kidnapping case found critical evidence, including a ransom note, on the defendant's computer. The computer can also be a tempting conduit for anonymous threats; the Secret Service tracked down one perpetrator who sent a threat to President Clinton's well-known E-mail address.

Computer crimes are hardly new. In California prosecutors have been pursuing high-tech crime in Silicon Valley for a couple of decades. But the focus and nature of the crimes have changed dramatically. When the Department of Justice set up a computer-crimes unit in September 1991, it was intended to cope primarily with threats to computer security posed by hackers, toll-fraud artists and electronic intruders. But the new crimes, says Jim Thomas, a criminology professor at Northern Illinois University, "aren't simply the esoteric type they were five years ago." They are "computer crimes," he adds, "only in the sense that a bank robbery with a getaway car is an "automobile crime." And computers are fast approaching the ubiquity of automobiles.

The ever richer variety of criminal activities has had law-enforcement officials scrambling - largely because neither the laws nor the enforcement structures were designed to deal with them effectively. A recent case that illustrated this was watched closely by just about everyone in the computer world. It was that of David LaMacchia, an M.I.T. undergraduate who was charged last April with conspiring to distribute millions of dollars' worth of illegally copied commercial software over the Internet. LaMacchia allegedly set up and ran an online bulletin board that allowed anyone who accessed it to copy for free a variety of software programs. Touted as the largest single instance of software piracy ever uncovered, LaMacchia's case was thrown out last December by Massachusetts Federal Judge Richard Stearns, who decided that the senior from Rockville, Maryland, had in fact committed no crime at all. In January U.S. Attorney Donald Stern announced that he would not appeal the decision.

The Copyright Act, which covers software as well as tangible commodities like books, records, tapes and film, did not specifically criminalize LaMacchia's alleged conduct because he did not benefit from the venture. Instead, the feds chose to indict him on a charge of conspiracy to commit wire fraud. That was not a particularly good fit either, but government officials felt they had to charge him with something. "If the government did not respond when someone gave away a million dollars in software," says Scott Charney, who heads the U.S. Justice Department's computer-crimes unit, "we'd essentially be saying that you can give away software as much as you want."

Protecting the rights - in fact the livelihood - of commercial software makers is only one of many challenges facing authorities as they try to police cyberspace. Tricky legal issues abound, such as the admissibility of computer evidence. And law enforcers are often inadequately prepared for the tasks. As a result, more and more federal agents at the FBI Academy in Quantico, Virginia, and at the Federal Law Enforcement Training Center in Glynco, Georgia, are being trained to deal specifically with the complex issues involved in computer crime.
Shadowing every issue is the need to balance law enforcement with the constitutional rights of the burgeoning population of Internet users in the U.S. as they communicate in a universe without borders. One of the chief problems, for example, is how to write a search warrant for computer evidence. Warrants for physical evidence are relatively easy, but finding the "location" of computer evidence on a network - or on the Internet - can be downright metaphysical. Is the evidence really on this computer terminal, or is it being accessed from a hard disk in another state? In addition, searching a computer bulletin-board system with two gigabytes of data on it may require agents to spend weeks scanning through irrelevant material to find what they want. Last year Charney co-authored a set of federal guidelines for searching and seizing computers, designed to provide answers to some of these questions.

Authorities are also concerned about the adequacy of current laws in dealing with computer and network crime. While most states now have some kind of computer-crime laws, those laws often go uninvoked, largely because such crimes are still rare and prosecutors have little experience with them. To circumvent this problem, Massachusetts Governor William Weld recently signed into law a set of amendments that integrate computer crimes into existing criminal statutes.

Then there is the question of exactly what should qualify as a crime. The LaMacchia case, for example, illustrates a serious risk to system operators (sysops) on the Net: To what extent will they be held criminally responsible for the acts of their users? Computer networks, both public and private, have become an important forum for public discourse and activity. Laws that hold sysops responsible for their users' online actions might drive them to quit operating those forums altogether.

That outcome would be disastrous for the Internet, whose major appeal has been as a "digital space" where individuals and societies can explore freedom of expression and self-definition. That is why the fine line between legitimate deterrence and constitutionally protected speech is coming under increased scrutiny. "If you "walk the beat' on the Internet too vigorously," says the Justice Department's Charney, "you have a chilling effect on First Amendment rights." Rather than patrol the Net themselves, cybercops increasingly urge citizens to contact the FBI or the Secret Service if they learn about crimes or threats.

Law-enforcement agencies, in turn, are using the Net to help solve crimes. The FBI, for example, has begun putting requests for information about lawbreakers on its Mosaic home page, the electronic equivalent of a WANTED poster. Late last year the agency posted details of the so-called Unabomber case, a series of 14 unsolved bombing incidents in the U.S. dating back to 1978 - and offered a $1 million reward.

Constitutional rights aside, the government often feels pressure to put a lid on activities that are seen as antisocial - even when the laws don't directly address such conduct. In the LaMacchia case, civil libertarians were disturbed at what they saw as strong-arm tactics: an attempt to mold criminal law according to what the Justice Department wanted. Judge Stearns, in his decision to dismiss the case, suggested that it was up to Congress to amend the copyright laws if it wanted to encourage this sort of prosecution.

At the same time, the judge warned that interpreting the criminal law too broadly "would serve to criminalize the conduct of not only persons like LaMacchia, but also the myriad of home computer users who succumb to the temptation to copy even a single software program for private use." That, he said, was not something "that even the software industry would consider desirable."

Stearns' opinion outlines the balance of concerns that must guide any attempt to pursue law and order in cyberspace. This new jurisprudential battleground is littered with double-edged swords. While it is clearly important that the laws of this new realm be explicit and enforceable, it is even more vital that he legal system have enough perspective and flexibility to deal with a world that is changing at fiber-optic speeds.
Chapter 5 Racism
RACIAL JUSTICE

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.

The Declaration of Independence

In 1776, the American revolutionaries issued that bold and eloquent tribute to the principles of self-determination and human equality, the Declaration of Independence. Yet at the very time the Declaration of Independence was proclaimed, chattel slavery had existed in the Western hemisphere for nearly two centuries, and almost one quarter of the North American population lived in total bondage.

The United States Constitution, with its ten amendments that comprised the Bill of Rights, did not correct this glaring contradiction. In fact, the Constitution explicitly legitimized the institution of slavery in three of its provisions: It counted a slave as only three-fifths of a person for the purpose of apportioning seats in the House of Representatives, it prohibited Congress from abolishing the slave trade until 1808, and it provided for the swift return of fugitive slaves to their owners.

To the new nation's enslaved people of African descent, the Constitution underscored, rather than provided relief for, their condition of servitude. As a symbolic comment on that reality, during the early 1800s white abolitionist William Lloyd Garrison burned a copy of the Constitution at an anti-slavery rally in Boston, to the cheers of thousands of supporters.

THE SLAVE CODES

In contrast to the condition of entitlement and privilege enjoyed by white Americans, black people in bondage lived under a system founded on repression and terror. Under the "Slave Codes" that regulated every aspect of their lives, enslaved blacks had no access to state courts and could not make contracts or own property. A slave could not strike a white person, even in self-defense. And the rape of a slave woman was considered, not a violent assault on a human being, but a trespass against a white person's property. The codes were mercilessly enforced through slave tribunals, night patrols, public rituals of torture (such as whipping, branding and even boiling in oil), imprisonment and death. Of those blacks who organized or participated in revolts against slavery, few survived. Nonetheless, history records 250 slave rebellions during the centuries that slavery existed.

In 1857, against a backdrop of increasing national disunity over the issue of slavery, the U.S. Supreme Court announced its decision in the case of Dred Scott v. Sandford. Dred Scott was a freed slave who, upon being reenslaved when he returned to the South from a trip North with his former master, sued in federal court for his permanent emancipation and citizenship status. The Court ruled that no blacks, whether slave or free, could be citizens of the United States because the Constitution itself excluded them from the national community. This exclusion, said the Court, was justified by the fact that blacks were "subordinate and inferior beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority."

Black abolitionist Frederick Douglass was prescient when he said of the Dred Scott decision: The Supreme Court is not the only power in this world. We, the abolitionists and colored people, should meet this decision, unlooked for and monstrous as it appears, in a cheerful spirit. This very attempt to blot out forever the hopes of an enslaved people may be one necessary link in the chain of events preparatory to the complete overthrow of the whole slave system.

Four years later, the Civil War erupted.

EMANCIPATION AND THE BLACK CODES
Two years into the Civil War, on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, an executive fiat that freed all the slaves in the Confederate states. In the course of the war, hundreds of black men, women and children served the Union cause as cooks, couriers and spies; 179,000 black men fought in the Union army, and 37,300 of them died. On December 6, 1865, six months after the war ended in a Union victory, the states abolished the institution of slavery forever by ratifying the Thirteenth Amendment: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

The vanquished Confederacy did not accept defeat gracefully. In response to the Thirteenth Amendment, the Southern states revived the Slave Codes, now labeled the "Black Codes," and imposed on African Americans a status that differed from slavery in name only. For example, South Carolina's code provided that: blacks could not enter and live in the state unless they posted a $1,000 bond; and no black person could become a shopkeeper, artisan or mechanic or pursue any other business without obtaining a court license -- which the courts could arbitrarily refuse to grant. Throughout the South, "lack of means of visible support" was a crime, and both black and white partners of interracial marriages could be sent to prison for life.

These practices reflected determination on the part of white citizens of the Old South to keep black people, if not in chattles, in political, economic and social bondage.

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RECONSTRUCTION

The centerpiece of the postwar period -- referred to, historically, as Reconstruction -- was a Congress dominated by the anti-slavery Radical Republicans. These political leaders, infuriated by the recalcitrance of the former Confederacy, set about dismantling the vestiges of slavery through enactment of a succession of new laws and constitutional amendments.

In March 1866, Congress passed its first Civil Rights Act by an overwhelming majority. The Act guaranteed federal protection for freed slaves, invalidated the Black Codes and explicitly conferred "the rights of citizenship" on all black people.

The Fourteenth Amendment was drafted in the same year and sent to the state legislatures for ratification. Its purpose was to put the weight of the Constitution behind the Civil Rights Act of 1866, and to apply the Bill of Rights to state and local governments. The Fourteenth Amendment, ratified on July 9, 1868, conferred citizenship upon all persons born in the United States, and forbade the states from depriving any person "of life, liberty or property without due process of law," or denying to any person "equal protection of the laws."

In 1869, the Fifteenth Amendment was passed by Congress and ratified a year later, on February 3. This last of the Civil War amendments enfranchised the freed slaves: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Congress enforced the Reconstruction of the South by maintaining a strong military presence throughout the region. It established the Freedmen's Bureau to provide emergency relief for the war weary and impoverished, both black and white, and set up special courts to arbitrate disputes between the races.

Congress also facilitated a massive voter registration campaign. By 1867, there were 735,000 blacks and 635,000 whites on the voting rolls in the ten states of the Old South. State constitutional conventions, dominated by Radical Republicans and emancipated slaves, enacted state constitutions that contained some of the most enlightened provisions ever conceived in our nation. Some of the ten documents obligated the states to care for the poor, sick and mentally ill, eliminated debtors' prisons, and eliminated property qualifications for voting and holding public office. All of them called for universal public education and universal male suffrage.

But this era of enlightenment was not to last long. For even as the Reconstruction legislatures and Freedmen's Bureau were attempting to reorder the political, economic and social relations of the South, the forces of white supremacy were organizing to undo what had been accomplished.

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RECONSTRUCTION SPURNED
As the 1870s ensued, white supremacist groups, whose members were drawn from the ranks of Confederate Army veterans, Rifle Clubs, White Leagues, Red Shirts and the Ku Klux Klan embarked on a campaign of relentless terror against blacks and their white supporters. The mission of such groups was to destroy the Reconstruction state governments through intimidation of voters, and to run blacks out of all areas of public life.

Boasted one Ku Klux Klan official: "I intend to kill Radicals."

During the state and local elections of 1874, blacks who showed up at polling places, intending to vote, were surrounded by white mobs and beaten. A black senator from Mississippi was murdered by night riders.

Congress passed the final piece of legislation associated with Reconstruction, the Civil Rights Act of 1875, guaranteeing equal access to public accommodations regardless of race or color. But by 1876, the South was moving full tilt in the direction of consolidating its reversal of the Reconstruction process, with only Louisiana, South Carolina and Florida still retaining Republican governments. The rest of the state legislatures had been "redeemed" by Southern Democrats opposed to racial equality. A disheartened and angry Frederick Douglass, speaking at the Republican National Convention of 1876, asked: "What does it all amount to if the black man, after having been made free by the letter of your law, is to be subject to the slaveholder's shotgun? The real question is whether you mean to make good to us the promises of your Constitution."

The Republican Party answered Douglass's question with a resounding "no" by nominating Rutherford B. Hayes, whose campaign had stressed home rule for the South. Soon after being elected President of the United States, Hayes implemented what would become known as the "Compromise of 1877": The federal government withdrew the last of its troops from the South, and African Americans were left to defend their rights of citizenship as best they could under extremely adverse conditions.

Reconstruction had not fundamentally altered the social structures of the South that existed before the Civil War. Thus, disfranchisement, total exclusion from the political process and pervasive poverty were to characterize the lives of Southern blacks well into the 20th century.

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THE SUPREME COURT ACQUIESCES

The United States Supreme Court, through its decisions, could have undergirded and breathed life into the constitutional amendments and civil rights legislation enacted in the wake of the Civil War. But it chose, instead, to assist in emasculating the achievements of Reconstruction. In 1883, the Court announced its decision in the Civil Rights Cases, five consolidated cases that challenged the constitutionality of the Civil Rights Act of 1875. The Court struck the Act down, on the ground that the Civil War Amendments regulated only government action and, thus, did not bar discrimination by such private individuals as hotel owners, theater proprietors and railroad companies.

The Civil Rights Cases decision unleashed a hail of new anti-black laws throughout the South. These laws, called "Jim Crow" laws after the title of a minstrel song portraying blacks as childlike and inferior, enforced a rigid caste system of segregation and discrimination that reached into every corner of Southern life. Blacks and whites were separated on trains, in depots, and on boat wharves. Blacks were excluded from white hotels, barber shops, restaurants and theaters. And by 1885, most Southern states maintained segregated school systems.

Segregation laws sometimes carried the theme of racial separation to incredible extremes: For example, in Birmingham, Alabama, it was a crime "for a Negro and a white person to play together or in the company of each other at checkers or dominoes."

The Supreme Court finally ruled on the constitutionality of Jim Crow laws in 1896, in the historic case of _Plessy v. Ferguson_. The petitioner was Homer A. Plessy, whose racial identity was determined to be "seven-eighths" white and "one-eighth" black. Mr. Plessy, after refusing to obey a conductor's order to leave the first class coach of a Louisiana railroad train where he had taken a seat, had been arrested and convicted of "going into a coach or compartment to which by race he does not belong." The Supreme Court, taking the opportunity presented by Plessy's appeal to place its imprimatur on the "separate but equal" doctrine, ruled that Jim Crow laws did not violate the Thirteenth or Fourteenth Amendments. Going a step further, the Court scolded African Americans for taking offense at discrimination:
We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it.

The lone dissenter on the Court, Justice John Marshall Harlan, wrote with great foresight: "In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott Case."

The years following the _Plessy_ decision were times of severe economic hardship and political powerlessness for African Americans. The Southern states instituted a variety of measures, such as literacy tests and poll taxes, that effectively disfranchised blacks. For example, black voter registration in Louisiana declined from 130,334 in 1896 to only 5,320 in 1900. Blacks who dared to object, and even many who did not, often fell victim to Ku Klux Klan terrorism. Indeed, at least 3,600 lynchings of black people (ritualized hangings or burnings of blacks by white vigilantes) occurred between 1884 and 1914.

The South was not the only region of the country inhospitable to black citizens. As the 19th century gave way to the 20th, race riots in Northern cities became increasingly commonplace, as did discriminatory laws and practices.

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**THE WINDS OF CHANGE**

But the turn of the century was also accompanied by the stirrings of change. In June 1905, the Harvard-educated historian and sociologist, W.E.B. DuBois, brought together a group of young black intellectuals in Niagara Falls, Canada to draw up a platform for change that listed, among its priorities, black suffrage and the abolition of all legal distinctions based on race.

Incorporating themselves as the Niagara Movement, these activists subsequently joined with white social reformers and veterans of the abolitionist crusade to organize, in 1909, the National Association for the Advancement of Colored People (NAACP). The NAACP adopted a program that demanded equality in education, enforcement of the Fourteenth and Fifteenth Amendments, and an end to all forced segregation. Other organizations sprang up in response to the example set by the NAACP, including the Commission on Interracial Cooperation and the National Urban League.

As the movement for racial equality under the law burgeoned and confronted officialdom with new challenges to legal discrimination, the Supreme Court began to chip away at the edifice of Jim Crow. In 1917, in _Buchanan v. Warley_, the Court declared that a Louisville, Kentucky ordinance requiring residential segregation violated the Fourteenth Amendment.

By 1921, the NAACP had 400 branches throughout the United States, and the civil rights movement had become a fixture of the American landscape. Throughout the Depression years, the movement and its institutions experienced membership growth, continued philanthropy from white supporters and incremental legal victories. World War II further energized the movement: Black soldiers, after fighting and dying for freedom abroad by the tens of thousands -- in a segregated U.S. army -- returned more determined than ever to win freedom at home.

In 1946, in _Morgan v. Commonwealth of Virginia_, the Supreme Court struck down segregation in interstate bus travel and in railway dining cars. In 1948, in _Shelley v. Kraemer_, the Court ruled that "restrictive covenants" used to bar the sale of private residential properties to blacks, were unconstitutional. And in 1950, in _Henderson v. United States_, the Court affirmed its rejection of segregated facilities in bus and train travel.

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**BROWN AND ITS AFTERMATH**

Notwithstanding the Cold War climate of political repression and contempt for civil liberties that blanketed the land as the 1950s dawned, the civil rights community was in a mood to attempt a direct hit on the "pernicious" separate but equal doctrine. The target the NAACP chose for what would be its frontal assault on legal segregation was the field of education.

In 1952, NAACP legal director Thurgood Marshall argued five consolidated cases from Delaware, the District of Columbia, Kansas, South Carolina and Virginia before the Supreme Court, over which a new
Chief Justice, Earl Warren, presided. On May 17, 1954 the Court announced its most far-reaching decision of this century, in _Brown v. Board of Education_. Speaking for a unanimous Court, Chief Justice Warren wrote: "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal...Any language in _Plessy v. Ferguson_ contrary to this finding is rejected."

The _Brown_ decision set the precedent for the overturning of other forms of government-imposed segregation. The courts soon ordered the desegregation of parks, beaches, sporting events, hospitals, publicly-owned or managed accommodations and other public facilities.

But court decisions are not handed down in a vacuum, and they were not sufficient to close out this chapter of our nation's history.

Tummoil reigned in the Deep South, where black people, pushed to their limit of endurance and inspired by visionary leadership, had opted for non-violent direct action to challenge discrimination. The protests—which included, among many other campaigns, the Montgomery bus boycott, the Greensboro lunch counter sit-ins, the Freedom Rides and the Mississippi Freedom Summer voter registration drive—were met with police violence, mob assaults and murder.

But the protesters and their supporters would not give up. As the movement pressed on, the entire nation bore witness, through television, to the violent efforts to suppress it. Feeling enormous moral pressure, the American people responded. On August 28, 1963, a quarter of a million Americans joined in a March on Washington for racial justice—until that date, the largest protest demonstration in the nation's history. Now the federal government had to respond to the protesters' grievances with concrete remedies.

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**A SECOND RECONSTRUCTION**

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After almost a century of inactivity on civil rights issues, Congress embarked on an aggressive legislative program to end segregation "root and branch." First, it passed the Civil Rights Act of 1964, which declared certain private acts of discrimination unlawful. Title II of the Act prohibited discrimination in privately-owned facilities open to the public (hotels, restaurants, swimming pools, etc.); Title VI forbade discrimination in federally-funded programs, and Title VII prohibited employment discrimination in both the public and private sectors. In 1965, Congress passed the Voting Rights Act, which finally put teeth into the long ignored Fifteenth Amendment. The Act outlawed such devices as literacy tests, which had been deliberately fashioned to disqualify blacks from voting, and assigned the supervision of new registration procedures to the U.S. Department of Justice. Congress also required Justice Department pre-clearance of all proposed changes in election procedures and laws in states that had a history of legal discrimination.

Next, Congress passed the Civil Rights Act of 1968— one week after Martin Luther King, Jr. was assassinated on a hotel balcony in Memphis, Tennessee. The Act, which was the country's first open housing law, prohibited discrimination in the sale, rental, financing and advertising of housing.

During this "Second Reconstruction," the Supreme Court acted differently than it had during the first. The Court upheld the new laws as legitimate exercises of the Congressional will to undo past injustices. In case after case, throughout the 1960s and 1970s, federal courts struck down discriminatory laws and practices—in the areas of employment, public accommodations, voting, education, the administration of justice—and designed new and creative remedies intended at least to lessen the effects of 300 years of slavery, and 100 years more of pervasive racial discrimination.

The courts based their decisions, not only on the most recent civil rights legislation, but also on its precursors—those post-Civil War amendments and laws that had been buried for almost a century. Judge John Minor Wisdom of the U.S. Fifth Circuit Court of Appeals, which covers the states of the Deep South, captured the spirit of the times in his opinion in _U.S. v. Jefferson County Board of Education_ (1966): Brown's broad meaning, its important meaning, is its revitalization of the national constitutional right the Thirteenth, Fourteenth and Fifteenth Amendments created in favor of Negroes. This the right of Negroes to _national_ citizenship, their right as a class to share the privileges and immunities only white citizens had enjoyed as a class. _Brown_ erased _Dred Scott_, used the Fourteenth Amendment to breathe life into the Thirteenth, and wrote the Declaration of Independence into the Constitution. Freedmen...are created as equal as are all other American citizens and with the same unalienable rights to life, liberty, and the pursuit of happiness.
African Americans were not the only beneficiaries of their struggle for freedom, or of what one scholar has called the "egalitarian revolution in Constitutional law" that their struggle set in motion. The black movement galvanized other racial and ethnic minorities — Native Americans, Hispanics, Asians — as well as women, the elderly, the young, gay men and lesbians, prisoners, soldiers and disabled people, to organize and demand their rights. Indeed, all Americans have benefited from the civil rights laws and legal precedents established in recent decades.

THE BACKLASH

A core concept of the Second Reconstruction was that removing the formal, legal barriers arrayed along the path to equal opportunity was not, by itself, enough. Since black people had experienced centuries of exclusion, compensatory measures would also be necessary to unburden them and make the promise of full equality a reality. This concept was embraced on the highest level of our federal government — the White House. In 1965, in a speech at Howard University, President Lyndon Johnson observed: Freedom is not enough. You do not wipe away the scars of centuries by saying: Now, you are free to go where you want, do as you desire, and choose the leaders you please. You do not take a man who for years has been hobbled by chains, liberate him, bring him to the starting line of a race, saying, 'you are free to compete with all the others,' and still justly believe you have been completely fair. Thus it is not enough to open the gates of opportunity."

That perspective is reflected in the remedies the federal courts have crafted to try to overcome the consequences of past discrimination. For example, in cases where employers have had a proven history of discriminatory hiring practices, courts have often ordered the employers to adopt "affirmative action" plans. Such plans have usually required both the active recruitment of minority job applicants, and the setting of goals and timetables for the hiring and promotion of minorities to positions from which they had been historically, or were currently, excluded. In practice, the achievement of an affirmative action goal in the workplace has sometimes required the hiring of qualified minorities ahead of qualified whites. And in education, where segregated schools are often the consequence of segregated housing patterns, courts have sometimes felt compelled to order the busing of black and white students in order to achieve racial integration.

The moral consensus in favor of such compensatory remedies that existed at the height of the civil rights movement began to break apart during the mid-1970s, when many white Americans began to perceive affirmative action as a threat to the advantages they had long enjoyed under a discriminatory system that benefited whites. This backlash took encouragement from President Richard Nixon's campaign to pass a constitutional amendment prohibiting the busing of schoolchildren to achieve desegregation. The backlash gained further steam with Ronald Reagan's election to the Presidency. The Reagan Administration tried to repeal key sections of the Voting Rights Act, stopped enforcing civil rights laws and targeted affirmative action for explicit and intense criticism, falsely labeling it as a program of "racial quotas" and "reverse discrimination."

Unfortunately, that misguided terminology and the white resentment it fosters have outlasted the Reagan years, making the danger of another civil rights rollback increasingly real.

WILL THE SUPREME COURT ACQUIESCE AGAIN?

In 1989, as it did in the late 19th century, the Supreme Court once again rendered a series of decisions that seriously eroded decades of civil rights advancement. For example, the decisions in two important employment discrimination cases undermined the availability of judicial relief to victims of job bias. In _Patterson v. McLean Credit Union_, the Court ruled that while the Civil Rights Act of 1866 bars discrimination in hiring, it does not prohibit racial harassment on the job; and in _Wards Cove v. Atonio_, the Court reversed 18 years of legal precedent under the Civil Rights Act of 1964, when it relieved employers of the burden of proving that an employment practice that effectively screened out minorities was a "business necessity."

These and other recent decisions prompted one of the dissenters, Justice Harry Blackmun, to exclaim: "One wonders whether the majority still believes that discrimination is a problem in our society, or even remembers that it ever was."
In the past 40 years, the Supreme Court was a leader in championing the cause of civil rights. Today, the Court is leading the retreat.

A NEW CIVIL RIGHTS ACT

At this writing, a new Civil Rights Act is before the Congress. The Act, which is supported by a broad coalition of civil rights, women's and religious organizations, was conceived to restore the statutory civil rights protections eliminated by a series of decisions that the Supreme Court handed down in its 1989 term. It was first introduced as the "Civil Rights Act of 1990" and was overwhelmingly passed by Congress in early October of that year. But President Bush, culminating a lobby campaign during which his administration repeatedly mischaracterized the legislation as a "racial quota" bill, vetoed it on October 22, 1990. The current bill, titled the Civil Rights Act of 1991, awaits Congressional action.

American society is burdened with a legacy of monumental racial injustice that began with the largescale destruction of North America's indigenous peoples, and includes the subjection of an estimated total of ten million African people to the ravages of the slave trade and slavery. Since slavery was only yesterday, on the historical clock, it is no wonder that our nation has experienced wrenching turmoil from the end of the Civil War up to the present. More difficulties lie ahead, and many problems remain to be resolved. But we can take great pride in the fact that we have made enormous progress, in a relatively short time, towards ensuring that all Americans enjoy -- equally -- the promise and protections of the United States Constitution and its Bill of Rights.

A C L U
ESSAY: THE CURE FOR RACISM
TIME Domestic
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BY LANCE MORROW

In 1966, Vermont's Senator George Aiken proposed that the U.S. disentangle itself from Vietnam by declaring victory and withdrawing. America should think about a variation on the Aiken scenario in order to begin leaving behind its fatal domestic quagmire of race. The nation should decide that, in order to rescue everyone's honor - above all, that of African Americans - it is time to withdraw from an untenable dynamic, from the racial equivalent of what the French generals in Indochina called "bad country."

The legal and rhetorical overemphasis on race in the past generation (busing, affirmative action, quotas, punitive political correctness) has ended by compounding the oldest American melodrama. What should have been, at most, a temporary tactic (like Lincoln getting Congress to suspend habeas corpus during the Civil War) has become a permanent installation of bad principle - a way of life. America's chattering classes have been beguiled by the idea of compensatory unfairness. They have not recognized it for what it is: a flirtation with the devil, a deepening reliance on the principle that formed the foundation of slavery, the Ku Klux Klan and Jim Crow. This was the poison at the center of apartheid and Hitler's Nuremberg Laws.

What affirmative action affirms, covertly - the hidden premise, growing more powerful - is a proposition not distant from the conclusions of Messrs. Herrnstein and Murray in The Bell Curve. In an America where all the genes of the world have settled and hope to succeed, the only way to justify open-ended affirmative action for blacks is to shake one's head and say, "Well, you know, we have to do this: African Americans are inherently inferior." Who would have thought the mind-set of a Kluxer would turn up as U.S. government policy?

We must presumably distinguish between the good, official racism (which is polyunsaturated) and bad racism (which is the saturated fat of the redneck). Well, good racism does not drive out bad. It is weak-minded and dangerously innocent to think one can enlist an immoral principle (sorting out individuals by race) in the service of social justice. The battle against bad racism becomes (like the war in Vietnam) not only unwinnable but self-perpetuating. And worse: the effort to combat racism grows evil in itself. Ideological corruption flourishes in government agencies, as it does in the universities - a kind of moral hiv. It destroys immune systems. A liberal icon teaching at Harvard whispered to me one day, "Affirmative action poisons the university for everyone. The students, both black and white, know it is crooked. The professor knows it is crooked. You cannot teach in these circumstances." The Federal Reserve Board at the moment is considering a new regulation that would require all small businesses applying for bank loans to identify themselves by race and gender. To what one-thousandth will the Fed measure my bloodline? (Was there a trace of some pristine, nonwhite, non-European victimness four generations back?) All is well. Subdividing bureaucratic determinism files away more millions of citizens in its racial pigeonholes.

If I were something like the Pope of black America and had the moral authority to make such suggestions, I would propose that no African American use the terms racism or racist. The words are a feckless indulgence, corrosive to blacks and whites alike and to relations between them. Such rhetoric has given blacks a leadership that has built its career upon mere race-grievance agitation, and is therefore profoundly, almost unconsciously committed to its perpetuation. As in a hateful Strindberg marriage, each party somehow requires the abuse of the other. It is a catastrophic pattern. The lingering ghost of the plantation haunts it.

The word racism has degenerated to being a mere ritual term of abuse and self-pity, part of the Kabuki of manipulation. Any grownup knows there is racism in America. There is racism almost everywhere in the world. The Chinese refer to Africans as hei gwei, or "black devils." (They refer to whites, by the way, as "white devils"). The Chinese were used as virtual slaves in the American West during the 19th century. In Egypt (which many African Americans embrace as the founding mother of black civilization), even people with moderately dark skins refer to themselves as "white." In the Dominican Republic, citizens despise Haitians with an appalling frankness. Racists? Try Russia. Visit Japan. Tour the world. Racism is an evil constant. America stacks up better than most societies on this subject.

At the Lincoln Memorial, Martin Luther King said he looked forward to the day - his "dream" - when his four little children would not be judged by the color of their skin but by the content of their
character. He was right then, and now. But from the time of King's death to the present, the country has sunk deeper into the swamp, the essential error.

It is time to regress to Martin Luther King's ideal. The content of one's character, not the color of one's skin, is the sole decent American criterion.
LAW: REACTION AGAINST AFFIRMATIVE ACTION
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LAW
A NEW PUSH FOR BLIND JUSTICE
Preferences for minorities and women are under attack in the courts, in Congress and on the ballot
BY RICHARD LACAYO

You won't find an attack on affirmative action among the major clauses in the G.O.P. "Contract with America." There were only so many battles that Newt Gingrich wanted to wage during the first 100 days. But just wait until the next hundred. The new Republican majority in Congress is getting ready to position Democrats as die-hard defenders of preferential treatment for minorities. (The fact that affirmative action also benefits women, making it potentially a bipartisan perk, isn't mentioned much in the present debate.) Last week Senate majority leader and presidential candidate Bob Dole let drop on NBC's Meet the Press that he had asked the Congressional Research Service to compile a list of all bills that offer special preferences for minorities. While acknowledging America's history of discrimination, Dole wondered aloud, "Should future generations have to pay for that? Some would say yes. I think it's a tough question." For Republicans that's more than a rhetorical question. It's the sound of a wedge issue being honed for 1996.

After two decades in which affirmative action has been more widely used in hiring, awarding contracts and school admissions, misgivings about it are reaching a critical mass. A 1994 Times Mirror poll shows for the first time in eight years that a majority of whites agree with the idea "We have gone too far in pushing equal rights in this country." In the federal courts several cases have been filed by angry whites that challenge race-based preferences. And in a development that could start a national free-for-all on the issue, Californians are expected to face a ballot initiative next year that would forbid preferences for women or minorities in state programs.

"Reaction against affirmative action has been growing for a long time," says Andrew Hacker, author of Two Nations, the widely cited study of race in the U.S. "Even among liberals there is a feeling of weariness." While accepting that affirmative action may be a redress for centuries of discrimination against blacks and women, Americans have grown suspicious of what it can become in practice. In a TIME/CNN poll of 800 adults taken last month, 77% thought that it sometimes or frequently discriminates against whites. Even among black respondents, 66% answered the same way.

To some extent it's the very success of affirmative action that has made it vulnerable. Before the major civil rights legislation of the mid-1960s, a century of Jim Crow laws in the South and entrenched practices elsewhere enforced a world of preferences for white men - one that no mere change in the laws could undo by itself. Without affirmative action, it's unlikely that African Americans - or women - would have been able to open up such white male bastions as big-city police and fire departments. Helped by affirmative action, about one-third of blacks have made their way into the middle class. "To an amazing degree, it has worked," says Roger Wilkins, a history professor at George Mason University in Fairfax, Virginia, and a longtime civil rights activist. "If you stopped all affirmative action, we would slide backward.

But memories of the worst of the bad old days are fading. With campuses and workplaces more integrated, it becomes harder to justify a continuing use of racial preferences as a clear remedy for current discrimination - especially when they channel benefits to blacks already in the middle class, sometimes at the expense of less affluent whites. And even among African Americans, who still support affirmative action by wide margins, there is resentment about the way it can cast doubt on the genuine abilities of anyone who benefits by it.

Into that climate comes the West Coast ballot measure, called the California Civil Rights Initiative. The brainchild of two academics, Thomas Wood and Glynn Custred, it would forbid the state to use race or gender preferences in employment policies, admissions or awarding contracts. Affirmative action has deteriorated into "ethnic bean counting," says Wood.

But even before voters get to decide, affirmative action may be trimmed by skeptical judges. This term the Supreme Court is considering what could be a test case for federal contracting programs that give advantages to businesses owned by women and minorities. Under a minority-preference program of the Department of Transportation, white-owned Adarand Constructors of Colorado Springs, Colorado, was bypassed for a federal job building highway guard rails, despite having submitted a lower bid than the winner - Gonzales Construction. Adarand sued. "What is prejudice?" asks Adarand manager Randy Pech. "It's when
government makes a decision based on something that doesn't matter, like race or gender." In the tangle of its earlier rulings on affirmative action, the Supreme Court has required states and localities to design race-based preferences narrowly, as compensation for well-documented prior discrimination. But the court allowed the Federal Government greater leeway, in part because, under the Fourteenth Amendment, Congress has broad powers to ensure equal protection to all citizens. Adarand's lawyers want federal actions subjected to the same strict scrutiny applied to states.

That argument lost twice in the lower courts. In the Supreme Court, however, all bets are off. The last time it approved a race-based special preference, in a 1990 case on broadcast licenses, the ruling came down as a 5-to-4 majority cobbled together by the tireless liberal William Brennan. Four of the winning five have since retired; all four dissenters remain. Among the Justices who have joined the court since then, Clarence Thomas is on record as opposing affirmative action.

From the time of its 1978 Bakke decision - which agreed that a white applicant to medical school had been unjustly excluded by an affirmative-action quota - the court has mostly sown confusion on this issue. Goals are O.K., it says. Numerical quotas, in most instances, are not. Just how to achieve the first without falling into the second has been a problem, one that is at the heart of a Texas case currently on appeal.

Until 1950 the University of Texas Law School excluded blacks entirely. (In the 1940s it had tried to offer them a separate facility in the basement.) Fifteen years ago, the U.S. Department of Health, Education and Welfare found that the school had still failed to eliminate vestiges of past discrimination. Soon after, the university adopted a new admissions policy: black or Mexican-American applicants would now be considered by a separate committee and admitted under lower standards than those required of whites. After four white students were rejected in 1992, they brought suit. Last year a federal judge ruled that the two-track system was an unconstitutional denial of equal protection. Because the judge did not order the law school to admit them, the students have appealed the ruling. Meanwhile, the university has scrapped the two-committee system.

If the Supreme Court has sent mixed signals about race-based hiring, the Justices have been clearer about race-based firing: they have ruled in favor of whites who have lost their jobs in order to accommodate minorities. Which is why the Clinton Administration seems to be asking for trouble with its handling of a New Jersey case that involves a 1989 faculty layoff at Piscataway High School. The choice came down to two equally qualified teachers who had equal seniority. Ordinarily, that would have meant a coin toss to decide the loser. Instead the school board dismissed one of them, Sharon Taxman, who is white, arguing that keeping the other, who is black, was essential to diversity - not so much on the staff as a whole, which was 10% black, but just among the business teachers.

When Taxman sued, the Bush Justice Department sided with her. So did the court. The school board has appealed. The Clinton Justice Department, which inherited the case, remained on Taxman's side until last summer, when it switched. "It was an appropriate affirmative-action plan," insists Assistant Attorney General Deval Patrick, "because race did not trump anything that matters." Except Taxman's job.

A court ruling on the appeal is expected well in time for use in Republican campaign ads in '96.

Reported by Adam Cohen/New York and Hilary Hylton/Austin
Chapter 6 Sexual Discrimination
ESSAY: PLANET OF THE WHITE GUYS
TIME Domestic
March 13, 1995 Volume 145, No. 10

BY BARBARA EHRENREICH

On the planet inhabited by the anti-affirmative action activists, the only form of discrimination left is the kind that operates against white males. There, in the name of redressing ancient wrongs, white men are routinely shoved aside to make room for less qualified women and minorities. These favored ones have no problems at all - except for that niggling worry that their colleagues see them as underqualified "affirmative-action babies." Maybe there was once an evil called racism in this charmed place - 30 or 300 years ago, that is - but it's been replaced by affirmative action.

Now I agree that discrimination is an ugly thing no matter who's at the receiving end, and that it may be worth reviewing affirmative action, as President Clinton has proposed, to see whether it's been fairly applied. People should not be made to suffer for the wicked things perpetrated by their ancestors or by those who merely looked like them. Competent white men should be hired over less competent women and minorities, otherwise, sooner or later, the trains won't run on time and the planes will fall down from the sky.

But it would be a shame if Clinton's "review" sidesteps the undeniable persistence of racism in the workplace and just about everywhere else. Consider the recent lesson from Rutgers University. Here we have a perfectly nice liberal fellow, a college president with a record of responsiveness to minority concerns. He opens his mouth to talk about minority test scores, and then - like a Tourette's syndrome victim in the grip of a seizure - he comes out with the words "genetic hereditary background." Translated from the academese: minorities are dumb, and they're dumb because they're born that way.

Can we be honest here? I've been around white folks most of my life - from left-wingers to right-wingers, from crude-mouthed louts to prissy-minded elitists - and I've heard enough to know that The Bell Curve is just a long-winded version of what an awful lot of white people actually believe. Take a look, for example, at a survey reported by the National Opinion Research Center in 1991, which found a majority of whites asserting that minorities are lazier, more violence-prone and less intelligent than whites. Even among the politically correct, the standard praise word for a minority person is "articulate," as if to say, "Isn't it amazing how well he can speak!"

Prejudice of the quiet, subliminal kind doesn't flow from the same place as hate. All you have to do to be infected is look around: at the top of the power hierarchy - filling more than 90% of top corporate-leadership slots and a grossly disproportionate share of managerial and professional positions - you see white men. Meanwhile, you tend to find minorities clustered in the kind of menial roles - busing dishes, unloading trucks - that our parents warned were waiting for us too if we didn't get our homework done.

So what is the brain to make of this data? It does what brains are designed to do: it simplifies and serves up the quickie generalizations that are meant to guide us through a complex world. Thus when we see a black colleague, who may be an engineer or a judge, the brain, in its innocence, announces helpfully, "Janitor-type approaching, wearing a suit."

Maybe it's easier for a woman to acknowledge this because subliminal prejudice hurts women too. Studies have shown, for example, that people are more likely to find an article convincing if it is signed by "Bob Someone" instead of, say, "Barbara Someone." It's just the brain's little habit of parceling reality into tidy equations, such as femaleprobable fluffhead. The truth is that each of us carries around an image of competence in our mind, and its face is neither female nor black. Hence our readiness to believe, whenever we hear of a white male losing out to a minority or a woman, that the white guy was actually more qualified.

In Jesse Helms' winning 1990 campaign commercial, a white man crumples up a rejection letter, while the voice-over reminds him that he was "the best-qualified." But was he? Is he always? And why don't we ever hear a white guy worry out loud that his colleagues suspect he got the job - as white men have for centuries - in part because he's male and white?

It's a measure of the ambient racism that we find it so hard to believe that affirmative action may actually be doing something right: ensuring that the best guy gets the job, regardless of that guy's race or sex. Eventually, when the occupational hierarchy is so thoroughly integrated that it no longer makes sense for our subconscious minds to invest the notion of competence with a particular skin color or type of genitalia, affirmative action can indeed be cast aside like training wheels.

Meanwhile, aggrieved white men can console themselves with the gains their wives have made. Numerically speaking, white women are the biggest beneficiaries of affirmative action, and because white women tend to marry white men, it follows that white men are, numerically speaking, among the top
beneficiaries too. On this planet, Bob Dole and Pat Buchanan may not have been able to figure that out yet, but most white guys, I like to think, are plenty smart enough.
Being a lawyer is one of the most prestigious, influential and lucrative occupations in our society. Until about 30 years ago, it was dominated almost exclusively by men. Women saw the allure of the profession and entered the field in record numbers. Per class, law attracted more women than medicine or engineering. Today, half the classroom seats in the nation's top law schools are filled with women.

Similar test scores, grades and law review work among men and women show that both have the same potential to succeed at law. Yet recently, those in the profession have noted a disturbing trend: women have succeeded in legal careers, but are reporting higher dissatisfaction with their jobs, and are leaving the profession.

Hindi Greenberg, a San Francisco lawyer who left her formal law practice to help counsel other lawyers in the midst of career changes, sees a proportionally greater number of women than men in her consulting practice. Some legal scholars, such as the University of Michigan's Catharine MacKinnon, have explored the effect of male-oriented laws on our society. But few others than Greenberg have examined what that influence does to the practice of law and the people within law firms.

After talking with scores of women in her consulting practice, Greenberg has decided that women have found law to be a difficult if not hostile work environment. And when they find they can't even the playing field, they get out.

Women are discovering that it is as difficult to change the way law is practiced as it is to change long-standing laws themselves. "When it doesn't change, women will say, 'I won't settle for this system. Therefore, I will make a change in law or I will choose to leave it completely,'" Greenberg says. Men are trained "to bite the bullet" and suffer through, she says.

Additionally, Greenberg says, there is "still unfortunately a lot of sexism in the practice of law. Women who aspire to be lawyers are not being allowed to practice in the same way as their male colleagues. They are not being promoted to partner. They are not getting the same cases. Women have made the recognition that the system is more designed for men and treats them better. Therefore, they get out."

Associates at law firms in San Francisco agree with Greenberg's assessment. "Even though there is a lot of lip service paid to women's concerns, women are superficially accepted," says one woman, who left her position as an associate at one of the city's largest law firms this year. "Law firms judge women differently than they judge men doing the exact same task," says litigator Stephanie Foster. "They expect perfection of women, but not of men."

Right now, half of the new attorneys hired by large law firms are women. Using an average 7-year partnership track, by the year 2000 the partnership ranks of major law firms should have dramatically changed. Unfortunately, trends, studies and personal interviews suggest they won't. When women at lower levels at law firms leave, it means it will take longer to achieve parity. But when more experienced women attorneys are lopped off the top, it signals the profession is one that will be very slow to change.

One of the most dramatic example of women reaching the top ranks of law firms and then being tossed aside is the case of Ingrid Beall, a 65-year-old tax attorney with the mega-law firm of Baker & McKenzie. Beall, who joined the firm in its infancy in 1958 and helped build it into the giant it is today, was the first woman partner. She was a key firm leader, holding positions on important management committees. But after a turnover in firm management in 1984, she was removed from leadership posts and the work she received fell by an order of magnitude. After long negotiations with the firm, she filed a sex and age discrimination suit against Baker & McKenzie on Oct. 7.

In addition to the damage to Beall's own career, her very visible fall from power sends a pessimistic message to younger women associates and partners.

An alarming number of women attorneys are thwarted in their careers. They may make partner, but they will not advance to leadership or management positions in their firms. And, less dramatically and less visibly, they will not achieve the top salary ranks. "How many firms have women in the top compensation tier," asked Michele Corash, a top environmental law attorney at Morrison & Foerster.

"I would venture to guess you would be hard pressed to find one," she says.

"There is this notion that somehow compensation is not what it is all about. Nonsense. This is the business world. In the business world, the people at the top are the ones with the highest compensation," she says.
Corash's colleagues in San Francisco hold precious few prominent leadership posts. In 1990, for example, while some 13 percent of the partners in large firms were women, only two women held visible leadership positions in those firms: Toni Rembe was elected to the 5-member executive committee of 704-attorney Pillsbury Madison & Sutro, and Kathleen V. Fisher was the managing partner of Morrison & Foerster's largest office, its home base in San Francisco. Rembe was the first woman at the firm and the firm's first woman partner. While not the first, when Fisher joined Morrison & Foerster in 1976, the firm had no women partners. Today, 48 of the firm's 236 partners are women.

In the late 1980s, bar groups began to address some of these bias issues. The State Bar of California commissioned a study to determine to what degree gender bias existed.

Their report, a draft of which was first released in 1989, showed that nearly 9 in 10 women lawyers surveyed say a "subtle gender bias" is pervasive in the profession, and a stunning 62 percent say they did not believe they have as much opportunity for advancement as men.

The American Bar Association found much the same. According to a national survey of 3,000 lawyers entitled "The State of the Profession 1990," women have a more difficult climb to success in law firms than men.

They are far less likely to be promoted, get paid less and express more dissatisfaction with their jobs, the bar's report on the study concluded.

One of the most troubling findings of the study was a sharp increase in the degree of dissatisfaction expressed by women partners. In a 1984 study, only 15 percent of women partners said they were dissatisfied with their work. By 1990, 42 percent of women partners were in this category. While overall dissatisfaction among both men and women attorneys is on the rise, more women than men report disappointment.

We know of no studies tracking the progress of women as they enter the profession. But anecdotal evidence and Greenberg's extensive experience clearly shows that women are leaving large law firms. It means much more than a loss of bodies. In several firms in San Francisco, the women who have left recently were the women driving much of the progressive change taking place in these firms. At two major firms, Orrick, Herrington & Sutcliffe and Thelen, Marrin, Johnson & Bridges, in-house groups that focused on the needs of women attorneys in the firm no longer exist because the people involved in the groups no longer work there. At one local firm, associates begged a partner to stay because if she left they would have no role model at the firm.
Martin v. Texaco
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Martin v. Texaco "... in the last ten to twenty years, women have not made much progress."

A jury in Los Angeles Superior Court returned the largest amount ever awarded in a sex discrimination case last week: $6.9 million. Almost as newsworthy is the near-blackout level of media coverage of this story. For example, the New York Times ran a brief wire item; Dick Stevenson in the Times's Los Angeles office did not follow the case and expressed surprise that anyone would be interested in it. The Wall Street Journal's article appeared on the last page of Section B, and incorrectly stated the amount of the judgment. The Los Angeles Times did follow the case and reported on it; no other major metropolitan newspaper mentioned it.

The $6.9 million judgment does not include punitive damages, although Judge Ronald Cappai expressed concern that the jury effectively included punitives in the amount, and he may overrule their decision. Further hearings on punitive damages are due in early October, and the amount awarded to plaintiff Janella Sue Martin, who still works for Texaco, could go higher still. Martin's lawyer, Dan Stormer of Hadsell and Stormer, told DataLine that the final amount, whatever it is, will be doubled because the case was filed not only under California's Fair Employment and Housing Law, but also under Labor Code 690.

In defending Texaco, attorneys with Paul, Hastings, Walker and Janofsky claimed that Texaco's management reflected the workplace of the last twenty years. The jury, it appears, was more impressed by the actual data the company presented: of 54,000 employees, they had four women managers. ("Manager" was defined by Texaco itself as anyone in the top seven pay grades of their grade levels 0 - 24.) Countering Texaco's defense, Martin's attorney showed that she was denied one promotion because it would require travel to Latin America and South Africa, where she might be "raped or murdered". Stormer also successfully demonstrated to the jury the cumulative effect on Janella Sue Martin of years of discrimination.

Labor attorneys for both plaintiffs and defendants agree that the judgment will most likely be reduced. Cliff Palefsky of McGuinn, Hillsman & Palefsky commented that "most verdicts of this size get reduced, regardless of the merits of the case", and added that he believes that the judgment may reflect jurors' lack of sympathy with "the big corporation/big law firm defense". Another Los Angeles Superior Court watcher who attended the trial observed that the jury seemed to react to Texaco's "persistently sexist defense", which he characterized for DataLine as the "she's a whining bitch" defense. Palefsky also admitted to being somewhat mystified by "the corporate mind, which doesn't appear to be much affected by large judgments and doesn't do much soul-searching after a large verdict."

Dan Stormer has agreed to discuss this case with DataLine in detail after the issue of punitive damages has been settled; our calls to Paul, Hastings, et. al. have not been returned. Texaco's corporate headquarters in White Plains, New York, referred DataLine to Lowell Elsen, head of Texaco's regional legal group in Los Angeles. Elsen told DataLine that he had just relocated to Southern California from Texaco's regional office in New Orleans one week before, and could not comment on the case because "it's still pending". We asked Elsen about the statistics presented by Texaco - four women managers out of 54,000 employees. He said, "I'm not surprised, I don't find them terribly unusual", and went on to describe his graduating law school class in Chicago in 1962: there were 96 men and 2 women. But he added that he is "alarmed" that Texaco's numbers show "in the last ten to twenty years, women have not made much progress."

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Chapter 7 Sexual Orientation Discrimination
Military Ins and Outs
The Pentagon ponders its options after a court orders the reinstatement of a gay National Guard colonel
By DAVID VAN BIEMA Reported by Ellis E. Conklin/Seattle and Mark Thompson/Washington

Some would suggest it was a silly question to bother her with, at this stage in a brilliant career; a little like pestering a star athlete who has led his team to a brace of championships about his religious preference. National Guard Colonel Margarethe Cammermeyer had earned a Bronze Star for supervising a hospital during the Vietnam War; in 1985 the Veterans Administration named her Nurse of the Year over 34,000 other candidates; and most recently, she had served as chief nurse of the Washington National Guard. But somebody's curiosity got the better of him: during a security clearance in 1989 for her admission to the Army War College, Cammermeyer was quizzed about her sexual preference. And so she answered: she is gay.

Her subsequent discharge from the armed forces in 1992 attracted headlines around the country and eventually helped persuade the Clinton Administration to change its policy on gays in the military last year. At the time, her superiors fought her ouster; on the day of her departure, her commanding officer wept. And last week Federal District Judge Thomas S. Zilly ordered her reinstated. The judge, a Reagan appointee, explained that the old military policy was "based on heterosexual members' fear and dislike of homosexuals." Given the Constitution's equal-protection clause, Zilly continued, such feelings "are . . . impermissible bases for governmental policies." Said a jubilant Cammermeyer: "This is what we've been waiting for. We won!"

The battle, if not the war. Zilly's decision was the seventh lower-court ruling against the old military rules on homosexuality; and, like several of the other decisions, it has implications for the new regulations negotiated by Bill Clinton and Senator Sam Nunn last summer. The events that led to Cammermeyer's discharge might not have occurred under the new "don't ask, don't tell" policy, since she might never have been asked. But her answer would break the new as well as the old regulations. The current policy holds that although homosexual "status" is theoretically permissible, admitting to it signals an impermissible intent to engage in homosexual "conduct."

Judge Zilly's ruling heartened gay-rights activists. "Change in this policy is inevitable," said Joseph Steffan, whose 1987 expulsion from the U.S. Naval Academy on similar grounds was overturned by an appeals court late last year. "The only question is when, and decisions like this lead to the conclusion that it may be sooner rather than later." The military itself seems torn about whether to appeal the Cammermeyer verdict. "We have to press ahead," said one official. "If we let this decision stand . . . we'd be barred from enforcing our own policy." Yet Pentagon spokesman Dennis Boxx was more cautious. "We disagree with the judge's conclusions in the Cammermeyer case," he said, but "we need to look very hard - along with the Justice Department - to see how far we want to pursue that disagreement."

The hidden reference in that statement was doubtless to the Supreme Court, which is expected to encounter several appeals-court rulings on both the old and new rules on military homosexuality in the next few years. Which case it chooses to hear and how it rules may well be the final word on the topic for some time. Until then, admits Tanya Domi, a retired Army captain who is now legislative director for the National Gay and Lesbian Task force, "we're stuck. You have to continue to hide and lie."
For those living through the summer of 1969, its epochal moments seemed to be Chappaquiddick, the moon landing, Woodstock. But in terms of American social history, the most important event of those steamy months a quarter-century ago may have been a largely unreported street clash, in the early-morning hours of June 28, between police and the homosexual clientele of an unlicensed New York City bar, the Stonewall Inn. The brief uprising inspired a gay civil rights movement that until then had few public adherents and scant hope of success. It launched a social revolution that is still changing the way Americans see many of their most basic institutions - family, church, schools, the military, media and culture, among them. A group long dismissed as deviant or perverted or simply beneath mention has been able to claim a sizable space in national life, to the joy of its members and the continuing consternation of many fellow citizens. Declaring oneself to be gay is no longer an automatic admission that psychotherapy is needed or an abandonment of all hopes for family and career. Increasingly, especially for young Americans, it is seen as a straightforward matter of self-expression and identity.

That change is particularly striking given the relative newness of the gay movement: it is hard to trace significant activity back much further than the 1950s, whereas the civil rights movements for blacks and women took shape in the 19th century and needed far longer to attain their basic goals. The rapid pace of change for gays owes much to the trails blazed by blacks and women, and the success of those groups gives gays hope that in a generation or so they will have attained full acceptance as just another piece fitting into the mosaic of national life.

Yet for every gay success, there is a countervailing setback. For every invitation, there is a rebuff. If the view over the past quarter-century suggests that gay progress is inevitable, the picture today suggests that gays may instead be, as their opponents argue, a unique case rather than just another minority group. Far from continuing toward inclusion, gays may already be bumping up against the limits of tolerance. When Americans were polled by TIME/CNN last week, about 65% thought homosexual rights were being paid too much attention. Strikingly, those who described homosexuality as morally wrong made up exactly the same proportion - 53% - as in a poll in 1978, before a decade and a half of intense gay activism.

In jubilant moments like those planned this week in New York City - the Gay Games, an athletic gathering with more registered participants than the Barcelona Olympics; a companion cultural festival; and a Stonewall commemorative parade on Sunday, June 26, that is expected to attract hundreds of thousands of unafraid, unashamed marchers - it can seem that the gay struggle has already succeeded, or at least that its eventual triumph is ensured. Everywhere one looks, there are signs of gay acceptability unimaginable to the dreamiest of Stonewall patrons.

Gays are working openly in the White House and on Capitol Hill, at least two of them as elected members of Congress, a gay man is president of the Minnesota state senate, and another is the Democratic candidate for secretary of state in California. Unabashed gays are employed as doctors, lawyers, teachers, police officers. Pop stars and Olympic heroes acknowledge they are gay - as gold-medal diver Greg Louganis did, movingly, during Saturday night's opening ceremonies at the Gay Games. The gay dollar is courted by big companies, and gay tourism is encouraged, not only in Miami and Los Angeles but in traditionally conservative Pensacola and Palm Springs as well. Gays rally for rights not only in big cities but also, if more anxiously, in such places as Missoula, Montana, and Tyler, Texas. Earlier this month 20,000 gay men and women were made welcome at that icon of bourgeois family life, Disney World. Barbara Hoffman of Boston, 61, a retired, Radcliffe-educated clinical psychologist, has been "out" since 1955, when "the best we could hope for was to live quietly in our personal closets." She says, "I cannot believe how far our community has come."

Yet if gays are vastly less separate than they used to be, they are far from equal. Americans are willing to accept the abstract idea that gays have equal rights under the law - 53% in the TIME poll favor allowing them to serve in the military, and a plurality of 47% to 45% supports giving them the same civil...
rights protection as racial and religious minorities - but are distinctly less comfortable when asked about gays close at hand. By 57% to 36%, poll respondents say gays cannot be good role models for children; 21% say they would not even buy from a homosexual saleswoman or -man.

Many heterosexuals resent any perceived invitation to "condone" or "endorse" gay behavior. They would rather not know - or, in the words of the Pentagon, they would rather not ask and they would rather that gays didn't tell. When confronted with the likelihood that at least some of their children, or those of relatives or close friends, will grow up gay, even liberal parents recoil in dismay. Verline Freeman, 31, a word processor in New York City, describes herself as "tolerant" and says she has gay friends. Yet she objects to her sons, 13 and 6, being taught about homosexuality in school, and has never discussed it at home. "It probably is important, but to me it's not. It's not something I want to be bothered with." To many adults, letting children know about homosexuality legitimizes it. Says Joseph Dickerson, 52, an electrician from Hightstown, New Jersey: "I disagree with teaching a broad spectrum of life-styles. It may have a tendency to sway some kids. When I was a teenager, if someone introduced me to a different life-style, there's no telling how I would have accepted that."

In many areas of law there has been little or no change for homosexuals during the post-Stonewall years. Gays are not allowed to marry. They may have trouble adopting, and risk losing custody of their biological children. In 23 states their private lovemaking remains technically illegal. While a growing number of companies offer some form of benefits for same-sex "spousal equivalents," all but eight states allow employers to fire people just for being gay. Sexually active gays remain unwelcome in many mainstream Christian churches. Denominations that are more accommodating face fractious internal dissent - as happened last week, when an Episcopal congregation in Arlington, Texas, voted to switch to Roman Catholicism, in large part over some Episcopalians' willingness to bless same-sex marriages.

While gays see themselves as fighting for equal rights, opponents often characterize what is at stake as "special rights," a tacit appeal to the backlash generated by affirmative-action programs for blacks and women. Roy Schmidt, city commissioner of Grand Rapids, Michigan, voted this year against an ordinance adding gays to the existing civil rights code. He insists, "I have no problem with the gay community or gay people. My beliefs aren't based on bigotry or ignorance. But you could take it further and say fat people, prostitutes or left-handed people deserve their own protections." Like many people who regard themselves as unprejudiced, Schmidt sees gay rights as a threat to traditional families. "The core family unit already has enough problems. I don't want my three sons to think that the gay life-style is acceptable." If his children turned out gay, he adds, "I would never disown or break away from them. But I would try to have them mend their ways."

At the extreme, distaste for gays can lead to violence. The FBI, which has begun keeping statistics on hate crimes because of a congressional mandate, reports that in 1992 there were at least 750 cases of assault and intimidation against homosexual men and women. Those jolting numbers may be vastly understated. The National Gay and Lesbian Task Force surveys data on gay bashing in six cities - Boston, Chicago, Denver, Minneapolis-St. Paul, New York and San Francisco. For 1992, it reported 2,103 episodes. While cases in other cities declined substantially in 1993, they jumped 12% in Denver, perhaps as a result of emotional debate over an antigay referendum question on the 1992 Colorado ballot. Another telling count comes from the Southern Poverty Law Center's Klanwatch Project, which says at least 30 murders in the U.S. last year were hate crimes, a third aimed at gays and lesbians in places as rural as Humboldt, Nebraska, and as urban as Washington, D.C. Says Klanwatch researcher David Webb: "As gays and lesbians become more visible, hate crimes rise in direct correlation. Bigotry today isn't just about the color of one's skin. In fact, people now are less likely to condemn someone for being black or Hispanic. It has become more acceptable to go after gay men and lesbian women." In Los Angeles County last year, hate crimes against gays overtook similar attacks on blacks.

That fear is why anonymous calls threatening to "slit your throats and watch your faggot blood run in the street" drove Jon Greaves to drop a grass-roots campaign last year against an antigay resolution adopted in Cobb County, Georgia, a prosperous and fast-growing Atlanta suburb. He and his lover moved instead to Atlanta, or Hotlanta, as its large and lively gay community likes to call it. "It wasn't a surrender," says Greaves, "just a retreat to safer ground." The resolution, which stands, declares homosexuality to be "incompatible with the standards to which this community subscribes." That apparently makes Cobb County, where the lynching of a Jewish man in 1915 sparked a resurgence of the Ku Klux Klan, the only government jurisdiction in America to declare homosexuals officially unwelcome. Says the Rev. Charles Scott May of St. James' Episcopal Church in Marietta: "People are feeling insecure. The world is changing. They're confronted with different cultures and personal values, and it scares the hell out of them." One factor that
intensifies the battle is the 1996 Olympic Games. Cobb County is the venue for volleyball, and gay activists are lobbying Atlanta's Olympic committee to get the sport moved or the resolution rescinded.

When Cobb County turned hostile, Greaves had a gay-friendly place nearby. That option does not always exist for gays in rural areas, as 400 marchers bore in mind in early June at Montana's first ever gay-pride parade, through the streets of downtown Missoula (pop. 45,000). "You have to understand the risks people here are taking," said Linda Gryczan, the lead plaintiff in a suit challenging the state's sodomy law. "This is different from being one in a million in New York or San Francisco. We are not anonymous anymore." Unlike gay parades in some big cities, the kind depicted in alarmist antigay videos used for fund raising by conservative Christian groups, this 30-minute procession had no men in nun drag, no topless women on motorcycles. The marchers mostly looked like the cowpokes and earth mothers next door. Even so, many closeted gays stayed away. One would-be participant watched longingly from a parked car.

The main reason for the protest: Montana's unenforced "deviate sexual conduct" law, theoretically among the nation's harshest, deeming gay sexual contact a felony punishable by up to 10 years in prison. When Governor Marc Racicot said last year he would support repeal, he got hundreds of angry letters, some threatening his family. For gays, the issue is dignity. Montana law prohibits harassment of sports officials and livestock, but not of them.

Long-term, low-key approaches have helped gays elsewhere. In March 1993 a law banning many kinds of discrimination - including that against gays - went into effect in Miami Beach, where gay investors have played a key role in the resurgence of the South Beach area. Greg Baldwin, a gay partner in Florida's largest law firm, Holland & Knight, spearheaded the drive for the ordinance. Says Baldwin: "We were very careful. We weren't screaming and yelling and alienating. That wouldn't have helped us achieve our goal." Instead, Miami Beach's gay leaders spent a year and a half working to elect supportive politicians, then consulting everyone - even conservative clerics - and negotiating compromises. The ordinance was worded so that it could not be repealed piecemeal, only as a whole.

A similar step-by-step process worked in liberal but heavily Roman Catholic Massachusetts, where a gay-rights bill was enacted in 1989 after 17 years of legislative debate. By 1992, a third of all candidates for state legislature sought endorsement from the 15,000-member Massachusetts Gay and Lesbian Political Caucus; this year, all four gubernatorial hopefuls support gay rights. The Massachusetts Board of Education last year adopted, unanimously, the nation's first state educational policy prohibiting discrimination against gay elementary and secondary students. Last December, Governor William Weld signed a similar bill into law.

By contrast, in even more liberal Hawaii, gays chose to sue for the right to marry, reasoning that many civil rights advances have come from the judiciary. At first they seemed to have won, when the state's highest court last year required government officials to show "compelling interests" against same-sex marriage. Hawaii appeared to be on the verge of allowing such unions, which could have had nationwide significance, because other states would be constitutionally obliged to recognize marriages licensed by Hawaii. But few gay-rights issues are more sensitive; marriage is traditionally the province of religion, and allowing it for gays would treat them as truly the moral equivalent of straights. A Honolulu Advertiser poll found two-thirds of respondents opposed to same-sex marriage. Legislators quashed the idea by more than 3 to 1 and referred it to a study commission, a majority of whose 11 members must belong to specified religious groups - a proviso that many observers say ensures a negative outcome.

While gays have faced uneven results in the political arena, especially at the national level, they have made great strides in the seemingly less inviting world of private business. Hundreds of companies, including IBM, Eastman Kodak, Harley-Davidson, Dow Chemical, Du Pont, 3M and Time Warner, have specific policies banning discrimination based on sexual orientation. Many, ranging from the Wall Street law firm Milbank, Tweed, Hadley & McCloy to the insurer Blue Cross and Blue Shield of Massachusetts, provide health or other benefits for gay employees' partners. Such old-line companies as Union Carbide and Colgate-Palmolive hire consultants to teach about sexual orientation. Yet many gays still fear that acknowledging their sexuality may hurt their chances for promotion, and stay closeted even at firms that vow equal treatment. A 1992 survey of 1,400 gay men and lesbians in Philadelphia found that 76% of men and 81% of women conceal their orientation at work.

Why do gays have to come out at all? Why can't they just live their lives discreetly? Many do, of course. Some consider themselves out because they tell other gays, or a few straight friends, or some family members. Some believe the only important announcement is the first - coming out to oneself. For every drag queen or gender bender who believes life ought to be street theater, dozens if not hundreds of gay men and lesbians avoid confrontation.
Yet gays have compelling reasons to come out. Banding together - in public - is the path toward political power and, consequently, protection. In the longer run, many gays believe, one-to-one relationships with straights are the best means of reducing tensions and prejudice. Gregory Herek, a psychologist at the University of California at Davis, has found that antigay feeling is much lower among people who know gays personally. Above all, gays come out because they feel that to keep silent is to imply they should be ashamed.

That is what motivated Mary White, the postmaster of West Southport, Maine. She wasn't sure how people would react on the island of 500 where she lived and worked. "Everyone gay I know anywhere in the Postal Service is in the closet. But I'm tired of worrying about what other people think about my life. The choice to be open is the choice to be free. The more of us who throw our stones into the pond of freedom, the more ripples there will be. " She spoke those words months ago. But she didn't come out to anybody. "I didn't feel safe. One or two people seemed to be letting me know, in code, that they suspected and it was O.K. I don't have much tolerance left for that kind of tolerance."

White went on the record now because last week she left her job, taking a pay cut and demotion to move to Cambridge, Massachusetts, where she can join a thriving gay subculture. She wasn't assaulted or threatened. She was simply tired of having to hide. "I can't be myself here," she said, surrounded by packing cartons. She is not sure where the gay movement is going. She feels it is leaderless and fractured. She has seen firsthand the collision with the limits of tolerance. But for the hundreds of thousands of gays who are coming to New York City for a week of sports and celebrations, and for the majority who, like her, are not, one thing is certain. They believe their civil rights are just as inherent in the Constitution as those of blacks or women or anyone else - and they believe that a quarter-century of phenomenal change since Stonewall is not enough.
LESBIAN AND GAY RIGHTS

The struggle of lesbians and gay men for equal rights has moved to the center of the American stage. At no time in our nation's history have gay people been more visible: Lesbians and gay men are battling for their civil rights in Congress, in courtrooms and in the streets; well-known figures are discussing their sexual orientation in public, gay characters are featured in movies and on prime time television shows. More Americans today than ever before are aware of the concerns and needs of lesbians and gay men.

Historically, our legal system has sought to enforce presumed cultural and moral norms through laws that dictate what combinations of individuals may have sex with one another and how. Adultery, for example, is still a crime in nearly half of the states, and a few states still criminalize premarital sex. Not until 1967 did the U.S. Supreme Court strike down "anti-miscegenation laws" criminalizing interracial marriages, as unconstitutional. This type of government regulation has been particularly punitive for lesbians and gay men. Sodomy laws, which invade the intimate realm of sexual expression, have provided the legal basis for justifying a wide range of discrimination against lesbians and gay men, in areas from housing and employment to parenting. The modern movement to end discrimination against lesbians and gay men began dramatically in June 1969, when the patrons of the Stonewall Inn, a tavern frequented by gay people in New York City's Greenwich Village, fought back against police violence during a raid. Using the same strategies of grass-roots activism and litigation used by other 20th century movements for social change, the nationwide movement spawned by the Stonewall rebellion has achieved significant progress. After two decades of struggle:

> Sodomy laws that previously existed in all 50 states now exist in only 23 states;
> eight states, the District of Columbia and over 100 municipalities ban discrimination based on sexual orientation in employment, housing and public accommodations, and
> dozens of municipalities and many more private institutions, including some of the country's largest corporations and universities, have "domestic partnership" programs that recognize and accord various benefits, such as health insurance coverage, to gay and lesbian partners.

But as lesbians and gay men have become empowered, and issues concerning them have gained national attention, anti-gay hostility has become more open and virulent. Sexual orientation, although unrelated to an individual's ability, is still the basis for employment decisions in both the public and private sectors.

State and local ordinances aimed at blocking equal rights for gay people are proliferating nationwide.

A homophobic backlash has sparked a dramatic rise in "hate crimes" against gay people or those perceived to be gay, including murder -- for example, a 127 percent rise in five major cities that keep anti-gay violence records between 1988 and 1993. Millions of Americans are still denied equality, including custody of their children, and access to housing and public accommodations because they are openly lesbian or gay or are so perceived.

Gay organizations on college campuses are denied official recognition, access to funding and campus services.

The federal government continues its tradition of sanctioning anti-gay bigotry, which led, in the late 1940s and 1950s McCarthy-era, to the firing of at least 1,700 federal workers who were suspected of being lesbian or gay and were branded "perverts" and "subversives." Today, the government maintains discriminatory policies in, among other areas, the military and in access to security clearances.

In 1986, after more than two decades of support for lesbian and gay struggles, the American Civil Liberties Union (ACLU) established a national Lesbian and Gay Rights Project to coordinate the nation's most extensive program advocating equal rights for lesbians and gay men. The ACLU's work for the rest of the decade is cut out: Well-organized and well-funded radical right-wingers and religious fundamentalists have pledged that "gay rights will be the 'abortion' issue of the 1990s" --meaning that the gay community's every advance towards equality will be challenged.
Here are the ACLU's answers to some questions frequently asked by the public about the rights of lesbians and gay men.

What is the constitutional basis for lesbian and gay rights? The struggle for legal equality for lesbians and gay men rests on several fundamental constitutional principles. Equal protection of the law is guaranteed by the Fifth and Fourteenth Amendments and reinforced by hundreds of local, state and federal civil rights laws. Although the Fourteenth Amendment, ratified at the end of the Civil War, was originally intended to ensure full legal equality for African Americans, courts have interpreted the Equal Protection Clause to prohibit discrimination on other bases as well, such as gender, religion and disability.

The right to privacy, or "the right to be left alone," is guaranteed by the Fourth, Fifth, Ninth and Fourteenth Amendments and further secured by a series of Supreme Court rulings: In 1965, the landmark Griswold v. Connecticut struck down a state law that prohibited even married couples from obtaining contraceptives, citing "zones of privacy" into which the government cannot intrude; in 1967, Loving v. Virginia decriminalized interracial marriage; in 1972, Eisenstadt v. Baird recognized unmarried persons' right to use contraceptives, and in 1973, Roe v. Wade recognized women's right to terminate pregnancy.

Freedom of speech and association are protected under the First Amendment and include the rights to form social and political organizations, to socialize in bars and restaurants, to march or protest peacefully, to produce works of art or popular culture with homosexual themes and to speak out publicly about lesbian and gay issues.

What exactly do sodomy statutes prohibit? Sodomy statutes generally prohibit oral and anal sex, even between consenting adults in the privacy of their homes. "Sodomy" is variously referred to as "deviate sexual intercourse," "a crime against nature" or "unnatural or perverted sexual practice." The language of some statutes is extremely vague and subjective. Michigan, for example, outlaws "gross lewdness" and "gross indecency." Penalties for violating sodomy laws range from a $200 fine to 20 years imprisonment. In most of the 23 states that still retain consensual sodomy statutes, these laws apply to both homosexual and heterosexual sex. However, six states limit the laws' application to same-sex couples. The primary effect of sodomy laws is to sanction discrimination against lesbian and gay male sex.

What has the Supreme Court said about sodomy laws? Sodomy laws invade one of the sexual "zones of privacy" defined by the Supreme Court in 1965. But unfortunately, the Court ignored its own standard in 1986 by upholding the constitutionality of Georgia's sodomy law. Bowers v. Hardwick involved an Atlanta resident who was arrested when a police officer entered his home and found him in bed with another man. Stating that a majority of Georgians regarded homosexuality as immoral, the Court ruled that the constitutional right to privacy did not prevent states from criminalizing sodomy.

Justice Harry A. Blackmun, representing four Justices, dissented sharply and forcefully. "[W]hat the Court really has refused to recognize," he wrote, "is the fundamental interest all individuals have in controlling the nature of their intimate associations with others." Four years later, Justice Lewis F. Powell, who had provided the decision's swing vote, stated publicly that he regretted having voted to uphold sodomy statutes.

Why is it necessary to seek repeal of sodomy laws when they are so rarely enforced? Though infrequently enforced, consensual sodomy laws can be used against gay people for as long as they remain on the books, as illustrated by the Hardwick case. Thus, even their occasional use is a good reason to seek repeal. Moreover, such statutes are the cornerstone of the oppression of lesbians and gay men: By criminalizing lesbian and gay sex, sodomy laws institutionalize the concept that gay people are by nature outlaws, and that their mistreatment by government and society is, therefore, justified.

The Supreme Court decision in Hardwick was a disappointing setback, but the effort to achieve equality for lesbians and gay men has since continued on the state level. Indeed, that effort has met with some success. Courts in Kentucky, Michigan and Texas have declared sodomy laws unconstitutional under their state constitutions' guarantees of privacy and equal protection. In Kentucky v. Wasson, the Kentucky Supreme Court explained: "...we hold the guarantees of individual liberty provided in our 1891 Kentucky Constitution offer greater protection of the right to privacy than provided by the Federal Constitution as interpreted by the U.S. Supreme Court, and that the statute in question [prohibiting 'deviate sexual intercourse'] is a violation of such rights.

The fight to repeal sodomy laws will continue, in both legislatures and the courts, until such laws have been consigned to history in every state.
Are gay men and lesbians specifically protected anywhere in the country? Yes, eight states (California, Connecticut, Hawaii, Massachusetts, Minnesota, New Jersey, Vermont and Wisconsin), the District of Columbia and more than 100 municipalities have enacted laws that protect gay people from employment discrimination. But in most locales in 43 states, such discrimination remains perfectly legal.

Every year, thousands of Americans are denied job opportunities and denied access to housing, restaurants, hotels and other public accommodations simply because they are gay or lesbian or are perceived to be so. Businesses openly fire lesbian and gay employees, many states maintain policies that exclude gay people from certain positions and even the federal government maintains discriminatory employment policies.

The best way to redress pervasive discrimination against lesbians and gay men is to amend all existing federal civil rights laws to ban discrimination based on sexual orientation in employment, housing, public accommodations, public facilities and federally assisted programs. The ACLU, through its Lesbian and Gay Rights Project, is working tirelessly to attain that goal.

Aren't lesbians and gay men demanding special rights and preferential treatment? Absolutely not. The gay community is demanding equal rights, not more or different rights than other Americans. Equal rights include the right to live free from persecution and violence based on sexual orientation.

The misleading term, "special rights," is used by those who hope to perpetuate discrimination against lesbians and gay men. For example, it was used successfully in November 1992 to convince a majority of Colorado voters that they should enact a state constitutional amendment -- called Amendment 2 -- repealing all existing gay rights laws and barring any future enactment of such laws.

What most Americans do not realize is that the many lesbians and gay men who face discrimination have no legal recourse: Federal law does not prohibit discrimination against gay people, and only a handful of states do. Therefore, laws prohibiting discrimination on the basis of sexual orientation are merely intended to provide equal rights -- to level the playing field so that lesbians and gay men will be judged according to their abilities, not based on their sexual orientation.

Do any states recognize gay marriage? Not yet. But more than two dozen cities, including New York, Los Angeles, San Francisco, Seattle and Minneapolis, have enacted "domestic partnership" ordinances that provide legal recognition for both heterosexual and homosexual unmarried cohabitants who register with the city. These ordinances, while not conferring all of the rights and responsibilities of marriage, generally grant registered partners some of the economic benefits accorded to married couples -- typically, sick and bereavement leave and insurance and survivorship benefits for city employees.

Why does the ACLU support gay marriage? Lesbian and gay couples experience the law's hostility to their intimate relationships as a blatant enforcement of their status as second-class citizens.

To deny their relationships full legal recognition is to unfairly deprive lesbians and gay men of benefits that married heterosexuals take for granted. For example, married people automatically enjoy certain tax advantages; they can inherit property from one another without a will; one spouse can recover damages for the wrongful death of the other; they can adopt children more easily than singles can. Employers often extend health insurance, pension and other benefits on the basis of marital status. Thus, practically speaking, lesbians and gay men cannot achieve complete equality in American society until the government officially recognizes their relationships.

ACLU
Mobilizing A Strong Response: When Your State Is Targeted For An Anti-Gay Initiative

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Washington, D.C.

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This article talks about building a coalition and training leadership when your state is targeted for an anti-gay initiative.

Begin by identifying the broadest coalition you can to oppose the initiative. Strive for representation from the greatest possible strata of racial, ethnic, geographic, economic, political, religious, ideological groups. Your coalition should resemble the community that is being targeted by the ballot initiative (i.e., your state or town.)

BUILDING A COALITION

1. Start by gathering those leaders and groups who are your strongest allies. Consider, for instance:
   RELIGIOUS GROUPS. American Jewish Committee, National Jewish Democratic Council, other liberal Jewish groups, United Church of Christ, Unitarian Universalists, Quakers, Metropolitan Community Church, gay caucuses of all religions [e.g., Dignity, Integrity], the state branches of the National Council of Churches, interfaith alliances. Be sure to identify supportive religious leaders in communities of color.
   LES/BI/GAY GROUPS. Social, spiritual, political, professional, university, corporate, sports teams, support groups. Pick up a copy a local gay newspaper for contacts.
   CIVIL RIGHTS/ CIVIL LIBERTIES GROUPS. Statewide chapters of NAACP, ACLU, Prisoners' Rights groups, Welfare Rights, Gray Panthers, AIDS groups, PFLAG [Parents, Families and Friends of Lesbians and Gays].
   POLITICAL PARTY LEADERSHIP. Elected representatives, Democratic or Republican party leaders, political candidates.
   LABOR UNIONS AND BUSINESS GROUPS. Progressive Unions such as SEIU, AFL-CIO, progressive corporations vis a vis gay/lesbian/bisexual employees. Bureau of Tourism, Chamber of Commerce, Convention centers, small business owners. Realize that gay business owners might be especially receptive and supportive.
   SEX EDUCATION/ HEALTH ADVOCACY GROUPS. Planned Parenthood, AIDS groups, neighborhood clinics.
   ANTI-CENSORSHIP GROUPS. National Coalition Against Censorship, American Arts Alliance, artists, theatre companies, libraries, etc.

2. Gather the group with the specific intention of broadening it. Brainstorm a list of groups and prominent individuals who are connected to your issue, and strategize about how to reach out to them. Consider as potential allies any groups that have tangled with Religious Right groups around other issues. "The enemies of my enemies are my friends." For instance:
   ENVIRONMENTAL GROUPS such as the Sierra Club, Audubon, etc.
   PARENT/ TEACHER GROUPS who have struggled with school voucher initiatives, censorship, curriculum issues.
   IMMIGRANTS' RIGHTS GROUPS who have struggled with English Only initiatives.
   PSYCHOLOGISTS/ SCHOOL COUNSELORS.
   DEATH WITH DIGNITY GROUPS.

3. Provide training for this group about coalition building. Agree to disagree about that which is not central to the ballot initiative. Create clear expectations about communications and behavior within the group.

LEADERSHIP TRAINING
Once you have come this far, it's time to educate your leadership and work to expand even more. One way to begin is by asking your strongest allies to sponsor a day, evening, or weekend seminar on leadership training and development for interested groups and/or individuals. Planning for this training should include:

- Brainstorming about your group's needs as related to strategies, messages, public relations, and fundraising opportunities.
- Obtaining ideas for specific workshop topics and presenters from national organizations and other state groups who have faced similar challenges.

The following are essential topics and issues for any initial leadership workshop:

1. Media Training
   - Understanding the press and contacting them
   - Interview skills and appearance (role-play)
   - Overcoming public speaking fears (role-play)

2. Electoral/Political Process
   - Understanding the initiative/ballot/legislative process
   - Understanding who can influence the outcome and how to contact/influence them (lobby skills)
   - Understanding the political calendar (how long it takes to get funding, advertising, task forces up and running)

3. Building Stronger Coalitions
   - Understanding leadership involves compromising, listening and doing
   - Reaching out to new coalition partners (What do you have to offer them in return for their help?)
   - Understanding the need to check "baggage" from past campaigns/experience and egos at the door.
   - Developing intra-coalition communication vehicles (phone, Internet, fax)
   - Phone tree system and on-line computer communications

4. Message Development and Messengers
   - Conducting polling and focus groups
   - Developing sustainable messages and consistent delivery
   - Identifying the right messenger for the right audience (same messages different messengers)

5. Fundraising
   - Forming a budget
   - Finding resources grants, donations, house parties
   - Setting budget limitations

Remember that no one person can or should try to do everything. Have participants evaluate their professional skills and personal interests and concentrate their expertise in those areas or projects. Initiatives do not provide a lot of time to train people from scratch. Keep your eyes on the prize!

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Chapter 8 Presidents-Republican
Abraham Lincoln

FIRST INAUGURAL ADDRESS
MONDAY, MARCH 4, 1861

The national upheaval of secession was a grim reality at Abraham Lincoln’s inauguration. Jefferson Davis had been inaugurated as the President of the Confederacy two weeks earlier. The former Illinois Congressman had arrived in Washington by a secret route to avoid danger, and his movements were guarded by General Winfield Scott’s soldiers. Ignoring advice to the contrary, the President-elect rode with President Buchanan in an open carriage to the Capitol, where he took the oath of office on the East Portico. Chief Justice Roger Taney administered the executive oath for the seventh time. The Capitol itself was sheathed in scaffolding because the copper and wood “Bulfinch” dome was being replaced with a cast iron dome designed by Thomas U. Walter.

Fellow-Citizens of the United States:

In compliance with a custom as old as the Government itself, I appear before you to address you briefly and to take in your presence the oath prescribed by the Constitution of the United States to be taken by the President “before he enters on the execution of this office.”

I do not consider it necessary at present for me to discuss those matters of administration about which there is no special anxiety or excitement.

Apprehension seems to exist among the people of the Southern States that by the accession of a Republican Administration their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that—

I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe [have no lawful right to do so. and I have no inclination to do so.

Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations and had never recanted them, and more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:

Resolved’, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter what pretext, as among the gravest of crimes.

I now reiterate these sentiments, and in doing so I only press upon the public attention the most conclusive evidence of which the case is susceptible that the property, peace. and security of no section are to be in any wise endangered by the now incoming Administration. I add, too, that all the protection which, consistently with the Constitution and the laws, can be given will be cheerfully given to all the States when lawfully demanded, for whatever cause—as cheerfully to one section as to another.

There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions:

No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call fugitive slaves; and the intention of the lawgiver is the law. All members of Congress swear their support to the whole Constitution—to this provision as much as to any other. To the proposition, then, that slaves whose cases come within the terms of this clause "shall be delivered up" their oaths are unanimous. Now, if they would make the effort in good temper, could they not with nearly equal unanimity frame and pass a law by means of which to keep good that unanimous oath?

There is some difference of opinion whether this clause should be enforced by national or by State authority, but surely that difference is not a very material one. If the slave is to be surrendered, it can be of but little consequence to him or to others by which authority it is done. And should anyone in any case be content that his oath shall go unkept on a merely unsubstantial controversy as to 'how it shall be kept?

Again: In any law upon this subject ought not all the safeguards of liberty known in civilized and humane jurisprudence to be introduced, so that a free man be not in any case surrendered as a slave? And might it
not be well at the same time to provide by law for the enforcement of that clause in the Constitution which guarantees that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States"?

I take the official oath to-day with no mental reservations and with no purpose to construe the Constitution or laws by any hypercritical rules, and while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed than to violate any of them trusting to find impunity in having them held to be unconstitutional.

It is seventy-two years since the first inauguration of a President under our National Constitution. During that period fifteen different and greatly distinguished citizens have in succession administered the executive branch of the Government. They have conducted it through many perils, and generally with great success. Yet, with all this scope of precedent, I now enter upon the same task for the brief constitutional term of four years under great and peculiar difficulty. A disruption of the Federal Union, heretofore only menaced, is now formidable attempted.

I hold that in contemplation of universal law and of the Constitution the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Constitution, and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself.

Again: If the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it--break it, so to speak--but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that in legal contemplation the Union is perpetual confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was "to form a more perfect Union."

But if destruction of the Union by one or by a part only of the States be lawfully possible, the Union is 'less' perfect than before the Constitution, having lost the vital element of perpetuity.

It follows from these views that no State upon its own mere motion can lawfully get out of the Union; that 'resolves' and 'ordinances' to that effect are legally void, and that acts of violence within any State or States against the authority of the United States are insurrectionary or revolutionary, according to circumstances.

I therefore consider that in view of the Constitution and the laws the Union is unbroken, and to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part, and I shall perform it so far as practicable unless my rightful masters, the American people, shall withhold the requisite means or in some authoritative manner direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it 'will' constitutionally defend and maintain itself.

In doing this there needs to be no bloodshed or violence, and there shall be none unless it be forced upon the national authority. The power confided to me will be used to hold, occupy, and possess the property and places belonging to the Government and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion, no using of force against or among the people anywhere. Where hostility to the United States in any interior locality shall be so great and universal as to prevent competent resident citizens from holding the Federal offices, there will be no attempt to force obnoxious strangers among the people for that object. While the strict legal right may exist in the Government to enforce the exercise of these offices, the attempt to do so would be so irritating and so nearly impracticable withal that I deem it better to forego for the time the uses of such offices.

The mails, unless repelled, will continue to be furnished in all parts of the Union. So far as possible the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection. The course here indicated will be followed unless current events and experience shall show a modification or change to be proper, and in every case and exigency my best discretion will be exercised, according to circumstances actually existing and with a view and a hope of a peaceful solution of the national troubles and the restoration of fraternal sympathies and affections.

That there are persons in one section or another who seek to destroy the Union at all events and are glad of any pretext to do it I will neither affirm nor deny; but if there be such, I need address no word to them. To those, however, who really love the Union may I not speak?
Before entering upon so grave a matter as the destruction of our national fabric, with all its benefits, its memories, and its hopes, would it not be wise to ascertain precisely why we do it? Will you hazard so desperate a step while there is any possibility that any portion of the ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from, will you risk the commission of so fearful a mistake?

All profess to be content in the Union if all constitutional rights can be maintained. Is it true, then, that any right plainly written in the Constitution has been denied? I think not. Happily, the human mind is so constituted that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might in a moral point of view justify revolution; certainly would if such right were a vital one. But such is not our case. All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guaranties and prohibitions, in the Constitution that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate nor any document of reasonable length contain express provisions for all possible questions. Shall fugitives from labor be surrendered by national or by State authority? The Constitution does not expressly say. 'May' Congress prohibit slavery in the Territories? The Constitution does not expressly say. 'Must' Congress protect slavery in the Territories? The Constitution does not expressly say.

From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must, or the Government must cease. There is no other alternative, for continuing the Government is acquiescence on one side or the other. If a minority in such case will secede rather than acquiesce, they make a precedent which in turn will divide and ruin them, for a minority of their own will secede from them whenever a majority refuses to be controlled by such minority. For instance, why may not any portion of a new confederacy a year or two hence arbitrarily secede again, precisely as portions of the present Union now claim to secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this.

Is there such perfect identity of interests among the States to compose a new union as to produce harmony only and prevent renewed secession?

Plainly the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it does of necessity fly to anarchy or to despotism. Unanimity is impossible. The rule of a minority, as a permanent arrangement, is wholly inadmissible: so that, rejecting the majority principle, anarchy or despotism in some form is all that is left.

I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court, nor do I deny that such decisions must be binding in any case upon the parties to a suit as to the object of that suit, while they are also entitled to very high respect and consideration in all parallel cases by all other departments of the Government. And while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice. At the same time, the candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal. Nor is there in this view any assault upon the court or the judges. It is a duty from which they may not shrink to decide cases properly brought before them, and it is no fault of theirs if others seek to turn their decisions to political purposes.

One section of our country believes slavery is 'right' and ought to be extended, while the other believes it is 'wrong' and ought not to be extended. This is the only substantial dispute. The fugitive-slave clause of the Constitution and the law for the suppression of the foreign slave trade are each as well enforced, perhaps, as any law can ever be in a community where the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think, can not be perfectly cured, and it would be worse in both cases 'after' the separation of the sections than before. The foreign slave trade, now imperfectly suppressed, would be ultimately revived without restriction in one section, while fugitive slaves, now only partially surrendered, would not be surrendered at all by the other.
Physically speaking, we can not separate. We can not remove our respective sections from each other nor build an impassable wall between them. A husband and wife may be divorced and go out of the presence and beyond the reach of each other, but the different parts of our country can not do this. They can not but remain face to face, either amicable or hostile, must continue between them. Is it possible, then, to make that intercourse more advantageous or more satisfactory 'after' separation than 'before'? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you can not fight always; and when, after much loss on both sides and no gain on either, you cease fighting, the identical old questions, as to terms of intercourse, are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing Government, they can exercise their 'constitutional' right of amending it or their 'revolutionary' right to dismember or overthrow it. I can not be ignorant of the fact that many worthy and patriotic citizens are desirous of having the National Constitution amended. While I make no recommendation of amendments, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor rather than oppose a fair opportunity being afforded the people to act upon it. I will venture to add that to me the convention mode seems preferable, in that it allows amendments to originate with the people themselves, instead of only permitting them to take or reject propositions originated by others, not especially chosen for the purpose, and which might not be precisely such as they would wish to either accept or refuse. I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments so far as to say that, holding such a provision to now be implied constitutional law, I have no objection to its being made express and irrevocable.

The Chief Magistrate derives all his authority from the people, and they have referred none upon him to fix terms for the separation of the States. The people themselves can do this if also they choose, but the Executive as such has nothing to do with it. His duty is to administer the present Government as it came to his hands and to transmit it unimpaired by him to his successor.

Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present differences, is either party without faith of being in the right? If the Almighty Ruler of Nations, with His eternal truth and justice, be on your side of the North, or on yours of the South, that truth and that justice will surely prevail by the judgment of this great tribunal of the American people.

By the frame of the Government under which we live this same people have wisely given their public servants but little power for mischief, and have with equal wisdom provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance no Administration by any extreme of wickedness or folly can very seriously injure the Government in the short space of four years.

My countrymen, one and all, think calmly and 'well' upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to 'hurry' any of you in hot haste to a step which you would never take 'deliberately', that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it, while the new Administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in the dispute, there still is no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulty.

In 'your' hands, my dissatisfied fellow-countrymen, and not in 'mine', is the momentous issue of civil war. The Government will not assail 'you'. You can have no conflict without being yourselves the aggressors. 'You' have no oath registered in heaven to destroy the Government, while I shall have the most solemn one to 'preserve, protect, and defend it.'

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.
Richard Milhous Nixon
FIRST INAUGURAL ADDRESS
MONDAY, JANUARY 20, 1969

An almost-winner of the 1960 election, and a close winner of the 1968 election, the former Vice President and California Senator and Congressman had defeated the Democratic Vice President, Hubert Humphrey, and the American Independent Party candidate, George Wallace. Chief Justice Earl Warren administered the oath of office for the fifth time. The President addressed the large crowd from a pavilion on the East Front of the Capitol. The address was televised by satellite around the world.

Senator Dirksen, Mr. Chief Justice, Mr. Vice President, President Johnson, Vice President Humphrey, my fellow Americans—and my fellow citizens of the world community:

I ask you to share with me today the majesty of this moment. In the orderly transfer of power, we celebrate the unity that keeps us free.

Each moment in history is a fleeting time, precious and unique. But some stand out as moments of beginning, in which courses are set that shape decades or centuries.

This can be such a moment.

Forces now are converging that make possible, for the first time, the hope that many of man's deepest aspirations can at last be realized. The spiraling pace of change allows us to contemplate, within our own lifetime, advances that once would have taken centuries.

In throwing wide the horizons of space, we have discovered new horizons on earth.

For the first time, because the people of the world want peace, and the leaders of the world are afraid of war, the times are on the side of peace.

Eight years from now America will celebrate its 200th anniversary as a nation. Within the lifetime of most people now living, mankind will celebrate that great new year which comes only once in a thousand years—the beginning of the third millennium.

What kind of nation we will be, what kind of world we will live in, whether we shape the future in the image of our hopes, is ours to determine by our actions and our choices.

The greatest honor history can bestow is the title of peacemaker. This honor now beckons America—the chance to help lead the world at last out of the valley of turmoil, and onto that high ground of peace that man has dreamed of since the dawn of civilization.

If we succeed, generations to come will say of us now living that we mastered our moment, that we helped make the world safe for mankind.

This is our summons to greatness.

I believe the American people are ready to answer this call.

The second third of this century has been a time of proud achievement. We have made enormous strides in science and industry and agriculture. We have shared our wealth more broadly than ever. We have learned at last to manage a modern economy to assure its continued growth.

We have given freedom new reach, and we have begun to make its promise real for black as well as for white.

We see the hope of tomorrow in the youth of today. I know America’s youth. I believe in them. We can be proud that they are better educated, more committed, more passionately driven by conscience than any generation in our history.

No people has ever been so close to the achievement of a just and abundant society, or so possessed of the will to achieve it. Because our strengths are so great, we can afford to appraise our weaknesses with candor and to approach them with hope.

Standing in this same place a third of a century ago, Franklin Delano Roosevelt addressed a Nation ravaged by depression and gripped in fear. He could say in surveying the Nation's troubles: "They concern, thank God, only material things."

Our crisis today is the reverse.

We have found ourselves rich in goods, but ragged in spirit; reaching with magnificent precision for the moon, but falling into raucous discord on earth.

We are caught in war, wanting peace. We are torn by division, wanting unity. We see around us empty lives, wanting fulfillment. We see tasks that need doing, waiting for hands to do them.

To a crisis of the spirit, we need an answer of the spirit.

To find that answer, we need only look within ourselves.
When we listen to "the better angels of our nature," we find that they celebrate the simple things, the basic things—such as goodness, decency, love, kindness.

Greatness comes in simple trappings.
The simple things are the ones most needed today if we are to surmount what divides us, and cement what unites us.

To lower our voices would be a simple thing.

In these difficult years, America has suffered from a fever of words; from inflated rhetoric that promises more than it can deliver; from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postures instead of persuading.

We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices.

For its part, government will listen. We will strive to listen in new ways—to the voices of quiet anguish, the voices that speak without words, the voices of the heart—to the injured voices, the anxious voices, the voices that have despaired of being heard.

Those who have been left out, we will try to bring in.

Those left behind, we will help to catch up.

For all of our people, we will set as our goal the decent order that makes progress possible and our lives secure.

As we reach toward our hopes, our task is to build on what has gone before—not turning away from the old, but turning toward the new.

In this past third of a century, government has passed more laws, spent more money, initiated more programs, than in all our previous history.

In pursuing our goals of full employment, better housing, excellence in education; in rebuilding our cities and improving our rural areas; in protecting our environment and enhancing the quality of life—in all these and more, we will and must press urgently forward.

We shall plan now for the day when our wealth can be transferred from the destruction of war abroad to the urgent needs of our people at home.

The American dream does not come to those who fall asleep.

But we are approaching the limits of what government alone can do.

Our greatest need now is to reach beyond government, and to enlist the legions of the concerned and the committed.

What has to be done, has to be done by government and people together or it will not be done at all. The lesson of past agony is that without the people we can do nothing; with the people we can do everything.

To match the magnitude of our tasks, we need the energies of our people—enlisted not only in grand enterprises, but more importantly in those small, splendid efforts that make headlines in the neighborhood newspaper instead of the national journal.

With these, we can build a great cathedral of the spirit—each of us raising it one stone at a time, as he reaches out to his neighbor, helping, caring, doing.

I do not offer a life of uninspiring ease. I do not call for a life of grim sacrifice. I ask you to join in a high adventure—one as rich as humanity itself, and as exciting as the times we live in.

The essence of freedom is that each of us shares in the shaping of his own destiny.

Until he has been part of a cause larger than himself, no man is truly whole.

The way to fulfillment is in the use of our talents; we achieve nobility in the spirit that inspires that use.

As we measure what can be done, we shall promise only what we know we can produce, but as we chart our goals we shall be lifted by our dreams.

No man can be fully free while his neighbor is not. To go forward at all is to go forward together.

This means black and white together, as one nation, not two. The laws have caught up with our conscience. What remains is to give life to what is in the law: to ensure at last that as all are born equal in dignity before God, all are born equal in dignity before man.

As we learn to go forward together at home, let us also seek to go forward together with all mankind.

Let us take as our goal: where peace is unknown, make it welcome; where peace is fragile, make it strong; where peace is temporary, make it permanent.

After a period of confrontation, we are entering an era of negotiation.

Let all nations know that during this administration our lines of communication will be open.

We seek an open world—open to ideas, open to the exchange of goods and people—a world in which no people, great or small, will live in angry isolation.

We cannot expect to make everyone our friend, but we can try to make no one our enemy.
Those who would be our adversaries, we invite to a peaceful competition—not in conquering territory or extending dominion, but in enriching the life of man.

As we explore the reaches of space, let us go to the new worlds together—not as new worlds to be conquered, but as a new adventure to be shared.

With those who are willing to join, let us cooperate to reduce the burden of arms, to strengthen the structure of peace, to lift up the poor and the hungry.

But to all those who would be tempted by weakness, let us leave no doubt that we will be as strong as we need to be for as long as we need to be.

Over the past twenty years, since I first came to this Capital as a freshman Congressman, I have visited most of the nations of the world.

I have come to know the leaders of the world, and the great forces, the hatreds, the fears that divide the world.

I know that peace does not come through wishing for it—that there is no substitute for days and even years of patient and prolonged diplomacy.

I also know the people of the world.

I have seen the hunger of a homeless child, the pain of a man wounded in battle, the grief of a mother who has lost her son. I know these have no ideology, no race.

I know America. I know the heart of America is good.

I speak from my own heart, and the heart of my country, the deep concern we have for those who suffer, and those who sorrow.

I have taken an oath today in the presence of God and my countrymen to uphold and defend the Constitution of the United States. To that oath I now add this sacred commitment: I shall consecrate my office, my energies, and all the wisdom I can summon, to the cause of peace among nations.

Let this message be heard by strong and weak alike:

The peace we seek to win is not victory over any other people, but the peace that comes "with healing in its wings"; with compassion for those who have suffered; with understanding for those who have opposed us; with the opportunity for all the peoples of this earth to choose their own destiny.

Only a few short weeks ago, we shared the glory of man's first sight of the world as God sees it, as a single sphere reflecting light in the darkness.

As the Apollo astronauts flew over the moon's gray surface on Christmas Eve, they spoke to us of the beauty of earth—and in that voice so clear across the lunar distance, we heard them invoke God's blessing on its goodness.

In that moment, their view from the moon moved poet Archibald MacLeish to write:

"To see the earth as it truly is, small and blue and beautiful in that eternal silence where it floats, is to see ourselves as riders on the earth together, brothers on that bright loveliness in the eternal cold—brothers who know now they are truly brothers."

In that moment of surpassing technological triumph, men turned their thoughts toward home and humanity—seeing in that far perspective that man's destiny on earth is not divisible; telling us that however far we reach into the cosmos, our destiny lies not in the stars but on Earth itself, in our own hands, in our own hearts.

We have endured a long night of the American spirit. But as our eyes catch the dimness of the first rays of dawn, let us not curse the remaining dark. Let us gather the light.

Our destiny offers, not the cup of despair, but the chalice of opportunity. So let us seize it, not in fear, but in gladness—and, "riders on the earth together," let us go forward, firm in our faith, steadfast in our purpose, cautious of the dangers; but sustained by our confidence in the will of God and the promise of man.
George Bush  
INAUGURAL ADDRESS  
FRIDAY, JANUARY 20, 1989

The 200th anniversary of the Presidency was observed as George Bush took the executive oath on the same Bible George Washington used in 1789. The ceremony occurred on a platform on the terrace of the West Front of the Capitol. The oath of office was administered by Chief Justice William Rehnquist. After the ceremony the President and Mrs. Bush led the inaugural parade from the Capitol to the White House, walking along several blocks of Pennsylvania Avenue to greet the spectators.

Mr. Chief Justice, Mr. President, Vice President Quayle, Senator Mitchell, Speaker Wright, Senator Dole, Congressman Michel, and fellow citizens, neighbors, and friends:

There is a man here who has earned a lasting place in our hearts and in our history. President Reagan, on behalf of our Nation, I thank you for the wonderful things that you have done for America.

I have just repeated word for word the oath taken by George Washington 200 years ago, and the Bible on which I placed my hand is the Bible on which he placed his. It is right that the memory of Washington be with us today, not only because this is our Bicentennial Inauguration, but because Washington remains the Father of our Country. And he would, I think, be gladdened by this day; for today is the concrete expression of a stunning fact: our continuity these 200 years since our government began.

We meet on democracy's front porch, a good place to talk as neighbors and as friends. For this is a day when our nation is made whole, when our differences, for a moment, are suspended.

And my first act as President is a prayer. I ask you to bow your heads:

Heavenly Father, we bow our heads and thank You for Your love. Accept our thanks for the peace that yields this day and the shared faith that makes its continuance likely. Make us strong to do Your work, willing to heed and hear Your will, and write on our hearts these words: "Use power to help people." For we are given power not to advance our own purposes, nor to make a great show in the world, nor a name. There is but one just use of power, and it is to serve people. Help us to remember it, Lord. Amen.

I come before you and assume the Presidency at a moment rich with promise. We live in a peaceful, prosperous time, but we can make it better. For a new breeze is blowing, and a world refreshed by freedom seems reborn, for in man's heart, if not in fact, the day of the dictator is over. The totalitarian era is passing, its old ideas blown away like leaves from an ancient, lifeless tree. A new breeze is blowing, and a nation refreshed by freedom stands ready to push on. There is new ground to be broken, and new action to be taken. There are times when the future seems thick as a fog; you sit and wait, hoping the mists will lift and reveal the right path. But this is a time when the future seems a door you can walk right through into a room called tomorrow.

Great nations of the world are moving toward democracy through the door to freedom. Men and women of the world move toward free markets through the door to prosperity. The people of the world agitate for free expression and free thought through the door to the moral and intellectual satisfactions that only liberty allows.

We know what works: Freedom works. We know what's right: Freedom is right. We know how to secure a more just and prosperous life for man on Earth: through free markets, free speech, free elections, and the exercise of free will unhampered by the state.

For the first time in this century, for the first time in perhaps all history, man does not have to invent a system by which to live. We don't have to talk late into the night about which form of government is better. We don't have to wrest justice from the kings. We only have to summon it from within ourselves. We must act on what we know. I take as my guide the hope of a saint: In crucial things, unity; in important things, diversity; in all things, generosity.

America today is a proud, free nation, decent and civil, a place we cannot help but love. We know in our hearts, not loudly and proudly, but as a simple fact, that this country has meaning beyond what we see, and that our strength is a force for good. But have we changed as a nation even in our time? Are we enthralled with material things, less appreciative of the nobility of work and sacrifice?

My friends, we are not the sum of our possessions. They are not the measure of our lives. In our hearts we know what matters. We cannot hope only to leave our children a bigger car, a bigger bank account. We must hope to give them a sense of what it means to be a loyal friend, a loving parent, a citizen who leaves his home, his neighborhood and town better than he found it. What do we want the men and women who work with us to say when we are no longer there? That we were more driven to succeed than anyone around us?
Or that we stopped to ask if a sick child had gotten better, and stayed a moment there to trade a word of friendship?

No President, no government, can teach us to remember what is best in what we are. But if the man you have chosen to lead this government can help make a difference; if he can celebrate the quieter, deeper successes that are made not of gold and silk, but of better hearts and finer souls; if he can do these things, then he must.

America is never wholly herself unless she is engaged in high moral principle. We as a people have such a purpose today. It is to make kinder the face of the Nation and gentler the face of the world. My friends, we have work to do. There are the homeless, lost and roaming. There are the children who have nothing, no love, no normalcy. There are those who cannot free themselves of enslavement to whatever addiction--drugs, welfare, the demoralization that rules the slums. There is crime to be conquered, the rough crime of the streets. There are young women to be helped who are about to become mothers of children they can't care for and might not love. They need our care, our guidance, and our education, though we bless them for choosing life.

The old solution, the old way, was to think that public money alone could end these problems. But we have learned that is not so. And in any case, our funds are low. We have a deficit to bring down. We have more work to do; but will is what we need. We will make the hard choices, looking at what we have and perhaps allocating it differently, making our decisions based on honest need and prudent safety. And then we will do the wisest thing of all: We will turn to the only resource we have that in times of need always grows--the goodness and the courage of the American people.

I am speaking of a new engagement in the lives of others, a new activism, hands-on and involved, that gets the job done. We must bring in the generations, harnessing the unused talent of the elderly and the unfocused energy of the young. For not only leadership is passed from generation to generation, but so is stewardship. And the generation born after the Second World War has come of age.

I have spoken of a thousand points of light, of all the community organizations that are spread like stars throughout the Nation, doing good. We will work hand in hand, encouraging, sometimes leading, sometimes being led, rewarding. We will work on this in the White House, in the Cabinet agencies. I will go to the people and the programs that are the brighter points of light, and I will ask every member of my government to become involved. The old ideas are new again because they are not old, they are timeless: duty, sacrifice, commitment, and a patriotism that finds its expression in taking part and pitching in.

We need a new engagement, too, between the Executive and the Congress. The challenges before us will be thrashed out with the House and the Senate. We must bring the Federal budget into balance. And we must ensure that America stands before the world united, strong, at peace, and fiscally sound. But, of course, things may be difficult. We need compromise; we have had disension. We need harmony; we have had a chorus of discordant voices.

For Congress, too, has changed in our time. There has grown a certain divisiveness. We have seen the hard looks and heard the statements in which not each other's ideas are challenged, but each other's motives. And our great parties have too often been far apart and untrusting of each other. It has been this way since Vietnam. That war cleaves us still. But, friends, that war began in earnest a quarter of a century ago, and surely the statute of limitations has been reached. This is a fact: The final lesson of Vietnam is that no great nation can long afford to be sundered by a memory. A new breeze is blowing, and the old bipartisanship must be made new again.

To my friends--and yes, I do mean friends--in the loyal opposition--and yes, I mean loyal: I put out my hand. I am putting out my hand to you, Mr. Speaker. I am putting out my hand to you, Mr. Majority Leader. For this is the thing: This is the age of the offered hand. We can't turn back clocks, and I don't want to. But when our fathers were young, Mr. Speaker, our differences ended at the water's edge. And we don't wish to turn back time, but when our mothers were young, Mr. Majority Leader, the Congress and the Executive were capable of working together to produce a budget on which this nation could live. Let us negotiate soon and hard. But in the end, let us produce. The American people await action. They didn't send us here to bicker. They ask us to rise above the merely partisan: "In crucial things, unity"--and this, my friends, is crucial.

To the world, too, we offer new engagement and a renewed vow: We will stay strong to protect the peace. The "offered hand" is a reluctant fist, but once made, strong, and can be used with great effect. There are today Americans who are held against their will in foreign lands, and Americans who are unaccounted for. Assistance can be shown here, and will be long remembered. Good will begets good will. Good faith can be a spiral that endlessly moves on.
Great nations like great men must keep their word. When America says something, America means it, whether a treaty or an agreement or a vow made on marble steps. We will always try to speak clearly, for candor is a compliment, but subtlety, too, is good and has its place. While keeping our alliances and friendships around the world strong, ever strong, we will continue the new closeness with the Soviet Union, consistent both with our security and with progress. One might say that our new relationship in part reflects the triumph of hope and strength over experience. But hope is good, and so are strength and vigilance.

Here today are tens of thousands of our citizens who feel the understandable satisfaction of those who have taken part in democracy and seen their hopes fulfilled. But my thoughts have been turning the past few days to those who would be watching at home, to an older fellow who will throw a salute by himself when the flag goes by, and the women who will tell her sons the words of the battle hymns. I don't mean this to be sentimental. I mean that on days like this, we remember that we are all part of a continuum, inescapably connected by the ties that bind.

Our children are watching in schools throughout our great land. And to them I say, thank you for watching democracy's big day. For democracy belongs to us all, and freedom is like a beautiful kite that can go higher and higher with the breeze. And to all I say: No matter what your circumstances or where you are, you are part of this day, you are part of the life of our great nation.

A President is neither prince nor pope, and I don't seek a window on men's souls. In fact, I yearn for a greater tolerance, an easy-goingness about each other's attitudes and way of life.

There are few clear areas in which we as a society must rise up united and express our intolerance. The most obvious now is drugs. And when that first cocaine was smuggled in on a ship, it may as well have been a deadly bacteria, so much has it hurt the body, the soul of our country. And there is much to be done and to be said, but take my word for it: This scourge will stop.

And so, there is much to do; and tomorrow the work begins. I do not mistrust the future; I do not fear what is ahead. For our problems are large, but our heart is larger. Our challenges are great, but our will is greater. And if our flaws are endless, God's love is truly boundless.

Some see leadership as high drama, and the sound of trumpets calling, and sometimes it is that. But I see history as a book with many pages, and each day we fill a page with acts of hopefulness and meaning. The new breeze blows, a page turns, the story unfolds. And so today a chapter begins, a small and stately story of unity, diversity, and generosity—shared, and written, together.

Thank you. God bless you and God bless the United States of America.
Chapter 9 Presidents-Democratic
ELECTIONS: WAS TRUMAN PROTO-CLINTON?

TIME Domestic
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THE ELECTION HARRYING TRUMAN
Is his fall and rise a valid model for Bill Clinton or merely a bedtime story for wishful Democrats?
BY DAVID VAN BIEMA

America was not buying the President's health-insurance plan, the one that guaranteed every citizen "ready access to all necessary medical, hospital and related services." The populace held him partly responsible for the economy, which looked good on paper but not at the grocery store. But mostly, it appeared, his fellow citizens simply disdained him. So much that the 87% approval rating he enjoyed after taking over was down to 32%. So much that when the midterm election approached, his party leaders implored him not to campaign. So much that his party got trounced anyway, reversing its long-standing majorities in both houses of Congress. Crowed one Senator who suddenly found himself in the majority: "The United States is now a Republican country." The year was 1946. The President was Harry S Truman.

Arthur Schlesinger Jr., adviser and historian of Presidents, notes dryly, "I'm sure everyone in the White House is studying the Truman experience." A few months ago, in fact, it seemed that the entire Administration was reading David McCullough's Pulitzer-winning biography Truman. They are no doubt reviewing pages 525 through 719, which offer the cautionary tale of the last Democratic President to scare away so many midterm voters that he ended up facing a hostile Congress followed by a fairy-tale sequel for the Democrats: the same President riding that very Congress, which he called "the do-nothing" 80th, to his epic come-from-behind victory in 1948.

It was an ebullient age of bebop and charades and Sea Breezes and the new cellophane-wrapped cigarette packages; of returning soldiers and their wives conceiving the first baby boomers; of the goods and services that grew up around those families, from Levittown to Dr. Spock's baby book to frozen orange juice. But 1946 was a troubled time for Truman. His failed health plan was just a small part of an ambitious attempt to continue Franklin D. Roosevelt's activist domestic agenda. Truman found himself blocked by Roosevelt's nemesis: a coalition of Republicans and conservative Democrats. The economy, although sound, was plagued by a black market and strikes. A meat shortage was so bad that House Speaker Sam Rayburn dubbed the 1946 debacle "a damned 'beefsteak election!'" But '46 was also, says Columbia University history professor Alan Brinkley, "a referendum on Truman," whom contemporaries regarded as too small-town, too intellectually limited and too amiable to command "the fearsome respect" that should attend his office. They couldn't vote him out, so they voted the 80th Congress in.

Like the Republicans this week, the 80th entered barking furiously: a conference of leaders promised to slash $10 billion from the budget, lower taxes and repeal all social and welfare legislation passed since 1932. The freshmen that year included a crowd of eager red baiters, including Richard Nixon and Joseph McCarthy. But the 80th's bite was surprisingly mild. The aid of Senate Foreign Relations Committee chairman Arthur Vandenberg, a Republican, assured passage of Truman foreign policy initiatives from the Marshall Plan to containment of the Soviets to the recognition of Israel. Domestically, Truman suffered some stinging rebukes, most famously the override of his veto of the antilabor Taft-Hartley Act. Yet the 80th passed his consolidation of the military services and some other major bills, and the threatened welfare "repeal" never materialized. The 80th was contentious but not remarkable.

It took Truman to immortalize it with his "give 'em hell" strategy. William Manchester, in his book The Glory and the Dream, records that "the first tactic was to hit the Hill every Monday with a popular proposal ((the Republicans) were sure to table.) Armed with that record, the no longer amiable Truman initiated the famous railroad tour that was named when Senator Robert Taft complained that the President was "blackguarding Congress at whistle-stops all over the country." The master stroke followed: when the Republicans put out an ambitious party platform in June, Truman immediately convened a special session of Congress and challenged them to pass their own plan. They refused; and he "do-nothinged" them all the way to his famous photograph, holding up the Chicago Daily Tribune's incorrect front page.

If you're a Clintonite, the parallels are tempting. For red baiters, read religious right. For the Republicans' ill-fated platform, read Newt Gingrich's brash "Contract with America." For the amiable, unrespected Missourian, read an affable Arkansan. But scholars counsel caution. The economy had ironed itself out by '48, notes Columbia's Brinkley, whereas today the public is experiencing "the kind of frustrations that are not likely to be alleviated very easily."
More important, says historian Michael Beschloss, "in 1946 the majority of Americans were Democrats. There was mass national support for the New Deal program. So the election of '46 turned out to be more of a deviating election." But he continues, "We are in a very conservative period now. If the Republicans pass their program and their program works, it could confirm them as the definite majority party in this country for the next generation." That would leave Clinton's 1992 election as the deviation - and history refusing to repeat itself.

Reported by Ratu Kamlni/New York
The similarities between the Republican triumph on Nov. 8 and the Congressional elections of 1946 are, understandably, the subject of great interest. Not only did the Republicans win the House and Senate by substantial majorities in both cases, recovering power after years of unbroken Democratic control, but the Democrat in the White House was humiliated, both at the polls and by the withering invective of the campaign.

And although the incoming Speaker of the House in 1946, Joseph W. Martin Jr., had none of the fire of a Newt Gingrich, he and the Republicans and Southern Democrats who dominated Capitol Hill felt they had a mandate to cut into the power of the Presidency and to turn back the New Deal.

Yet Harry S. Truman staged one of the great comebacks in political history. So an obvious question comes to mind: What does Bill Clinton have to do to be another Truman?

Truman had seen his popularity plunge from a record approval rating of greater than 80 percent during his first months in office to less than 40 percent by the mid-term election. He was ridiculed for his diminutive size, his Midwestern expressions and dress, his past ties to Kansas City's Pendergast political machine, even for his devotion to his mother. He was called stupid, corny, and, like Bill Clinton, a small-bore provincial pol who was eager to please everybody.

The Democrats were mortified. Liberals complained that he was too conservative, conservatives that he was too liberal. When he returned to Washington after voting in Missouri, Dean Acheson, the Assistant Secretary of State, was the only Administration figure that even bothered to go to Union Station to welcome him.

But what is more interesting is what happened next: how Truman responded. Downcast he was not. Repudiation seemed to liberate him; he began to look and sound like a President of purpose and determination.

He stood behind his nominee for head of the Atomic Energy Commission, David Lilienthal, who was accused of having Communist ties by the vituperative Senator Kenneth McKellar, Democrat of Tennessee. Truman took on and bested John L. Lewis, head of the United Mine Workers. He put a balcony on the White House so that he and his wife, Bess, could enjoy outdoor privacy and let the critics rant as they would. And in one of his wisest moves he named George C. Marshall as Secretary of State.

It was after the 1946 election, when the Truman Presidency should have been in sorry eclipse, that most of his landmark achievements came to pass-the Truman Doctrine, the Marshall Plan, the first civil rights message ever sent to Congress, the executive order to desegregate the armed forces, the recognition of Israel, the Berlin airlift.

Of course, not all these triumphs were entirely Truman's doing. Some came in response to world events. It was the sudden withdrawal of British support from Greece and Turkey in 1947 that led to the Truman Doctrine, the Soviet blockade of Berlin in June 1948 that inspired the airlift. Nor should General Marshall's immense influence be discounted, as Truman himself was the first to stress.

And without the bipartisan support of the legislature that he so roundly berated later as the "do nothing 80th Congress" run by "a bunch of old mossbacks"—especially the leadership of Arthur Vandenberg, the Michigan Republican who headed the State Foreign Relations Committee—there would have been no Truman Doctrine, no Marshall Plan.

But in the Presidency it is character that counts above all. Though never known to raise his voice with his staff, he could be tough as a boot when the chips were down. "We stay in Berlin," he said simply, emphatically, at the start of the crisis, at a time when there seemed no way to supply the beleaguered city.

The courage he is so widely remembered for was mainly the courage of his convictions. Warned by Southern Democrats and old friends back home that his civil rights program could cost him re-election, Truman responded that if he lost because of civil rights, then his failure would be in a good cause.

Like Bill Clinton, Truman was being pushed and pulled in all directions on domestic issues. His Cabinet, old friends on the Hill from his years in the Senate, big city Democrat bosses like Ed Flynn of the Bronx, former Roosevelt insiders, columnists and radio commentators—they all seemed to know better than he how he should conduct himself.

His staff, especially his counsel Clark Clifford, urged him to "strike for new moral high ground...made the most reprehensible political decision of his Presidency, an executive order to create the loyalty
program, under which all Federal employees were subject to investigations. Trying to appease the growing right-wing clamor over Communists in government, he only made matters worse.

Still, he knew who he was and he knew what he stood for. This helped him keep a sense of proportion and to work for what he felt was best for the country in the long run, never mind the polls and the nay-sayers.

From his diary entries and private correspondence, we know how low he often felt. “Any man in his right mind would never want to be President if he knew what it entails,” he confided to his sister in 1947. Yet those around him heard none of this, no complaints, no whining.

Dean Acheson later said it was the “life force” in Truman that so amazed them all—“his strongest, most inspiring quality, and always in the darkest, most difficult times.” Acheson recalled the lines from Shakespeare’s “Henry V” where the King—Harry—walks among the dispirited, terrified troops in the dark of night before the Battle of Agincourt “every wretch, pining and pale before, Beholding him plucks comfort from his looks. His liberal eye doth give to every one A little touch of Harry in the night.”

Truman had little capacity to move an audience as could Franklin D. Roosevelt (or for that matter Bill Clinton). Nonetheless, on the night of July 15, 1948, in a sweltering Philadelphia auditorium, wearing a snow-white “ice cream suit” he walked onto a floodlit stage and bought a weary, dispirited Democratic National Convention to its feet cheering as no one had thought possible.

“I will win this election and make these Republicans like it—don’t you forget that,” he said, his hands chopping the air. Although several factors aided his upset victory that November—including his lackluster opponent, Thomas E. Dewey, and a strong voter allegiance to the New Deal—it was Truman himself, the kind of person he was, that mattered most. If there is a lesson to be drawn from the Truman example, it is that.
Clinton and the Truman Strategy
Los Angeles Times November 17, 1994
By James P. Pinkerton

The moth wings of the media are fluttering over the question of “whither Clinton?” Will he come back from Asia ready to compromise with the new Republican congressional leadership? Or will he give ‘em hell? The new bible of the Clinton White House is David McCollough’s “Truman,” the 992-page biography that was a surprise best seller two years ago.

There are some Harry Truman/Bill Clinton similarities. Both are Baptists from the Southern middle of the country and both enjoyed comfortable congressional majorities in their first two years of office but lost them in the midterm elections. Chapter 14 of McCullough’s book, detailing Truman’s whistle-stop campaign of 1948, should provide any underdog Democrat with enough hope to get through the dark Gingrich night. Not only did Truman win his own bid for a second term, but he also carried with him Democratic majorities in both chambers of Congress. Some in the White House are telling Clinton that he can do it: Tee off against Bob Dole and prove himself to be the once and future Comeback Kid. But for all the high hopes, the Truman strategy will never fly.

Why not? Two reasons. First, unlike Truman half a century ago, this Democratic president is no longer riding the wave of the future. Second, well let’s just put it this way—Bill Clinton is no Harry Truman.

In the late 1940’s, the New Deal was still new. More than a third of American workers were in labor unions. People saw the cradle-to-grave welfare state as Franklin D. Roosevelt’s unfinished legacy. Was that Big Government? Sure it was. Most people wanted a government big enough to protect them from fascists and communists abroad and capitalists at home. In the 1946 midterms, the Republicans campaigned on a two-word slogan: “Had Enough?” They won a throw-the-bums-out reflex, not a policy mandate. (Thus, their campaign was the opposite of the “1994 contract with America,” with its hundreds of pages of specificity.)

The Republican plan worked well enough to elect everyone from Joe McCarthy to Richard Nixon, but once they got to Washington, the Republicans had no clue about what to do. As they floundered, Truman pounced, warning Americans that the Republicans wanted to take them back to the bad old days of Herbert Hoover. Truman engineered showdown after showdown with the opposition, Republicans. Even if he lost on Capitol Hill, he knew that he was winning the war for public opinion. As Truman recalled: “I knew that the people of this country weren’t ready to turn back the clock—not if they were told the truth, they weren’t.”

Clinton would also be better off; Truman-strategy-wise if he had more personal credibility. Truman was 33 when the United States entered World War I—well past draft age. He had bad eyes and was the sole support of his mother and sister—two more excuses from military service. Yet he volunteered for the 2nd Missouri Field Artillery as an enlisted man. His first electoral victory came when his comrades-in-arms chose them as their lieutenant.

In 1947-48, when he was a punching bag for the congressional Republicans, Truman needed all his accumulated inner strength. He had seen combat against the Germans at Saint-Mihiel in 1918: what was the worst the Republican leader Sen. Robert Taft of Ohio could do.

Military experience is not a requirement for leadership, but it does instill perseverance. Lani Guinier, the Bosnians and middle-class taxpayers would all be better off today if Clinton had been more committed to his commitments.

So if not Truman II, what’s ahead for Clinton? Clinton himself may have provided the answer. He’ll be Eisenhower. In his book “The Agenda: Inside the Clinton White House,” Bob Woodward reports that Clinton was so fearful of another round of Carter-style inflation and high interest rates that he restrained his big-spending appetite. In 1993, he told his Cabinet: “We’re all Eisenhower Republicans,” adding acidly “We stand for lower deficits and free trade and the bond market. Isn’t that great?” The big exceptions to Clinton’s Ike-like restraint, the billion-dollar “stimulus” package and his trillion-dollar health plan, were both defeated when Congress was controlled by Democrats.

So what’s left for Clinton? ABC’s Sam Donaldson says he ought to “enjoy life”—take more foreign trips. There’s the beginning of a realistic Clinton strategy. See the world, fight the NRA when it seeks to legalize bazookas, defend abortion rights and hope like heck that Ross Perot will make it a three-way race again in ’96.
HOW MUCH DO YOU KNOW?

1. _____ Lee v. Weisman was a Supreme Court case which dealt with:
   a. Gun control  
   b. Graduation Prayers  
   c. Newspaper censorship  
   d. A jeans company and its quest for the baby Jesus

2. _____ The 2nd Amendment of the U.S. Constitution is cited in arguments concerning which of the following:
   a. Abortion  
   b. Flag Burning  
   c. Gun Control  
   d. Whether Coke or Pepsi is the taste of the New Generation

3. _____ Freedom of expression does not include which of the following:
   a. Wearing black arm bands in protest of war  
   b. Yelling “fire” in a crowded theatre  
   c. Burning flags  
   d. Picketing Lafollette dining service

4. _____ Roe v. Wade was a Supreme Court case in the 70s which dealt primarily with:
   a. Abortion  
   b. Racism  
   c. Power of the president  
   d. What to do when your boat is sinking

5. _____ Which of the following cases is connected with segregation in schools?
   a. Furman v. Georgia  
   b. Brown v. Board of Education of Topeka Kansas  
   c. Regents of California University v. Bakke  
   d. John Worthen v. AAUP

Appendix D
6. ______ The “glass ceiling” is a term used in describing:
   a. Discrimination against women
   b. Constitutional Rights
   c. Presidential vetoes over Congress
   d. The amount of privacy residence hall students have

7. ______ Which president was associated with the “Do-Nothing” Congress?
   a. Dwight Eisenhower
   b. Richard Nixon
   c. Harry Truman
   d. Michael Vanfleet

8. ______ Who is the current Speaker of the House of Representatives?
   a. Bob Dole
   b. Newt Gingrich
   c. Al Gore
   d. David Letterman

9. ______ At which university was a student penalized for having a computer code to crack e-mail account passwords although the code was never used?
   a. Harvard
   b. Western Michigan
   c. UCLA
   d. Ball State

10. ______ Which of the following movies is being dragged through a censorship debate?
    a. Natural Born Killers
    b. Color of Night
    c. The Specialist
    d. Free Willy II
On a scale of 1-5 (1=strongly disagree, 2=disagree, 3=neutral, 4=agree, 5=strongly agree), rate the following statements

1. _____ Children should be allowed to read literature in junior high which exposes them to sexual issues.

2. _____ Citizen organizations should be allowed to march in city parades.

3. _____ Newscasters should be able to use profanity on the air.

4. _____ Citizens should be able to burn flags in public.

5. _____ The New York Times should be able to write a story about the president’s health care plan.

6. _____ University students should have internet access to world-wide sexual chat lines.

7. _____ Citizens should be able to use profanity at home.

8. _____ Children should be able to read classical literature in high school.

9. _____ Citizens should be allowed to burn paper in public.

10. _____ Full frontal nudity should be allowed in movies.

11. _____ University students should have internet access to world-wide information.

12. _____ New York Times should have been able to publish the Pentagon’s papers concerning Vietnam in 1967.

13. _____ Citizens should be able to use profanity in the mall.

14. _____ The Ku Klux Klan should be allowed to march in predominantly black neighborhoods.

15. _____ Full frontal nudity should be allowed on late night television.

16. _____ Citizens should be able to burn crosses in public.

17. _____ Advertisers should be able to use profanity on billboards.

18. _____ University students should have internet access to world-wide sexual information.

19. _____ Children should be able to read classical literature in high school which uses the word “nigger.”

20. _____ Full frontal nudity should be allowed on prime-time television.

_____ TOTAL

Appendix E
Honors 390A Midterm Assignment
DUE OCTOBER 24

By the start of class on October 24, have prepared a 3-5 page, typed, double-spaced paper comparing or contrasting your assigned discrimination topics. Bring two copies to class. One will be turned in at the onset of class and the other will be for your own use during class discussion.

Your paper should focus on the similarities and/or differences in your particular topics. A minimum of three sources besides the course packet must be used. Be creative. Do not rely solely on textbooks for information. Feel free to utilize information from any medium (e.g. newspapers, Internet, film, documentaries). A Works Cited page should be included with the paper. However, in-text documentation is not necessary. Use of current events for comparison is highly encouraged!

During class on the 24th, you will break into groups to discuss and then defend your paper. Be prepared to provide specific, persuasive facts. The paper and subsequent class participation will compose 30 percent of your total course grade.

The following is a list of assigned topics:

Discrimination against Women & Discrimination against Blacks
David, Becky, Janie, Greg

Discrimination against Women & Discrimination against Homosexuals
Amanda, Katey, Ryan

Discrimination against Blacks and Discrimination against Homosexuals
Scott, Matt, Kevin

Please contact me if you are having trouble understanding the assignment or locating resources.
Honors 390A Final Paper

The bulk (50%) of your Honors 390A grade will consist of your final paper and its presentation. Your paper should be 7-10 typed, double-spaced pages. The focus of the paper will be any approved topic which deals with a current event and how history does or does not repeat itself. No topic directly studied in class may be used. However, topics which were not included in the text but were touched on in class may be used. The topic must be approved by either myself or Dr. Riley.

Papers will be due in Dr. Riley’s mailbox by no later than 2:00 p.m. on November 21. There will be NO class that day.

At least five sources must be used not including the course packet. Remember to use creative sources such as interviews, media, local events, etc. Include the history of your topic, current events related to it, and the direction it is headed (if applicable). In-text documentation as well as a Works Cited are expected. An author’s last name and page number are sufficient for in-text documentation. No other specific format is necessary (e.g. MLA, APA) as long as you are consistent.

Papers will be presented to the class on November 28 as well as on the scheduled Final day. The presentation should be 7-10 minutes long. Be creative!! The presentation will make up 20% of your total grade and the paper will make up the other 30%.

If you have any questions, feel free to e-mail me at 02tlwalter or call me at home at 284-9397. If you need help choosing a topic, speak to Dr. Riley or myself as soon as possible.
What's my party?

(hint: they are all either Republicans or Democrats)

Andrew Jackson
Martin Van Buren
James K. Polk
Franklin Pierce
James Buchanan
Abraham Lincoln
Ulysses S. Grant
Rutherford B. Hayes
James Garfield
Grover Cleveland
Benjamin Harrison
William McKinley
Theodore Roosevelt
William Taft
Woodrow Wilson
Warren Harding
Calvin Coolidge
Herbert Hoover
Franklin Roosevelt
Harry Truman
Dwight Eisenhower
John Kennedy
Lyndon Johnson
Richard Nixon
Gerald Ford
Jimmy Carter
Ronald Reagan
George Bush
William Clinton

How many did you get right???

Appendix H
Tricia Walter with Glenda Riley
"Making History"


Ostling, Richard N. "Is there a place for god in school?" Time April 11, 1994. vol. 143, no.15, p.60(2).


Appendix I


Pinkerton, James P. "Clinton and the Truman strategy" *Los Angeles Times* Nov 17, 1994, B, 7:5.


