It is hard to imagine two people less like each other than law scholar Richard M. Cummings and Robert F. Kennedy Jr., son and namesake of RFK. Cummings is an honors graduate of Princeton, who received his Doctorate in Jurisprudence from Columbia Law School, where he ranked fourth in his class and, as editor of the Columbia Law Review, won the coveted James Kent and Harlan Stone scholarships. Cummings also holds a Master's degree in International Law and a Ph.D. in Social and Political Science from Jesus College, Cambridge.

"Little Bobby," as he was known, was the bad boy of the Kennedy clan, leader of the fatherless band that roamed Hyannis Port during the 70's and early 80's and took the Kennedy name on a dark journey of the underside of Camelot that involved adventure, existentialism and chemicals. The drugs that killed his brother David spared Bobby, and indeed, after admitting heroin addiction, he seemed to have turned his life and career out of spite, envy, and ideological zealotry.

The triggering issue for the controversy that has shaken Pace Law School is the tenure of Richard Cummings. Given his distinguished record, tenure would seem to be a foregone conclusion. Cummings has written several articles on International and Constitutional Law, politics, legal pedagogy, and the legal aspects of inner-city school disputes. In addition to editing the collected works of Max Lerner pertaining to the U.S. Supreme Court and the Constitution, he is the author of two books, one titled Proposition 14 and the other a biography of the late left-wing activist Allard K. Lowenstein titled The Pied Piper: Allard K. Lowenstein and the Liberal Dream.

By almost any standard of judgment, Richard Cummings would be a stellar member of any law school faculty, let alone a relatively obscure campus like Pace University in White Plains, New York, where some of Cummings' colleagues have no publications, and one person teaching Constitutional Law has yet to pass the New York Bar exam after four tries. But the standards of Politically Correct academia are such that after a campaign of unparalleled viciousness, which even the Chair of Pace's Tenure and Promotion Committee felt impelled to protest, Richard Cummings was denied tenure in November, 1992. The story is a textbook case of how a coterie of left-liberal faculty, working with a politically ambitious dean, can destroy a professor's career out of spite, envy, and ideological zealotry.

What makes this particular instance of P.C. persecution stand out from the now depressingly familiar pattern is a parallel scandal involving Robert F. Kennedy Jr., which Pace University has tried desperately to cover up for the last three years, but which is slowly coming to light. The cover-up may well be linked, in the bizarre logic that makes the personal political in today's academia, with the school's denial of tenure to Richard Cummings.

In February, the New York Times reported on the findings of a report of the National Research Council, part of the National Academy of Sciences: "The AIDS epidemic will have little impact on the lives of most Americans or the way society functions, the National Research Council says. In a study made public today, the Council said AIDS was concentrated among homosexuals, drug users, the poor and the undereducated..."

"The Times treated this information as if it were somehow new, but if you had read Commentary magazine back in November of 1987, you already knew it. That's when my article, "AIDS: Are Heterosexuals at Risk?" appeared. In it, I explained that despite what virtually everyone was saying at the time—from the head of Health and Human Services to the Surgeon General to all the AIDS activists to virtually every newspaper, magazine, and television station in the country—there had been no heterosexual breakout of the disease.

AIDS, I explained, was a disease essentially of homosexual men and of intravenous drug abusers and their partners. To the extent heterosexuals were getting the disease they almost always were black or Hispanic, and almost always victimized by bad needles. Since AIDS was not a generalized disease, I argued, it was wrong to spread the hysteria of heterosexual breakout and waste resources trying to prevent infections that would never occur.

It wasn't necessary to wait for the National Resource Council report to know that it has proven the case. According to the most recent Federal Centers for Disease Control and Prevention (CDC) data, AIDS cases overall increased only 3.5 percent in 1992 from the year before, while cases increased only five percent from 1991. Cases attributed to heterosexuals increased 17 percent, compared to 21 percent from 1990-1991. The increase in female cases declined from 17 to 9 percent. Cases diagnosed among teenagers were exactly the same as the year before, while those among persons aged 20-24 actually declined slightly.

Just before releasing the 1992 figures the CDC announced that for the second time it was revising downward its estimate of future AIDS cases. You probably didn't hear about that, either. Major newspapers like the Los Angeles Times, sensitive to homosexual activism invested in AIDS hysteria, completely ignored the downward revision. But it happened all the same.

Generalized infection data, such as that of military recruits and blood donors, continue to show low infection rates. Only some specific studies, such as those done at sexually transmitted disease clinics in inner-cities, have shown infection increases. That, too, is as I predicted.
This letter is addressed to my own personal blood. Some tongue twisters put these to make your Firefox initial. Due particular hyperbole.

You may believe us as you can write all over your performance. The fact that you write all you can imagine.

If you can't cease this willingness.

And if you try, we'll just have to have an old-fashioned West Coast.

I can deal with, but, obviously your circulation manager and the rest of you society drop-outs did not consider this moment, the hands this paper might fall into once it arrived at my home i.e. MY CHILDREN. Okay, I have no children, but, you didn't know that! Advise me who the person is responsible for initiating this subscription to enter my home. I want to hear from you soon. Marvin L. Mann Loveland, Ohio

To the misinformed, misguided, mindless Bigots who pub

lish this crap please remove my name from your mailing list.

To: Mr. R. Emmett Tyrell, Jr.
Editor in Chief
The American Spectator

Dear Mr. Tyrell,
Are you familiar with Heterodoxy; are you a subscriber? If not, you must secure a copy of the January issue to read "The Culture, Stupid!" by one of the editors, Peter Collier. I'll send you my dog-carried copy, or at a clip of the particular article, except I can't bear to part with one line written by any of the contributors. If you do know Heterodoxy, your opinion will be of interest to me. Have I fallen in love too quickly? Carol Gaye Lauderdale, FL.

Please remove my name from your mailing list, I do not wish to receive any further copies of your publication "Hetero-

dony." Thank you,

Mary Kay Ash Mary Kay
Cosmetics, Inc. Dallas, Texas

Dear Sirs, or Ma'ams, or whatever the hell you are: Some-
how I appeared on your mailing list a few months ago. I skinned through the first copy, assuming (falsely) from the "progressive-sounding" headlines that you might be a sister publication to one of the organizations I support. WRONG! Instead I found reactionary, anti-political Correctness. I started looking for a copy of the particular article, except I can't bear to part with one line written by any of the contributors. If you do know Heterodoxy, your opinion will be of interest to me. Have I fallen in love too quickly? Carol Gaye Lauderdale, FL.

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REDOX AD ABSURDUM

STRANGER THAN FICTION: Judith Schuerman Weinzer, our demon satirist, has struck again. Several readers called to ask about her article in last month's issue, "Homless Man to get Law Doctorate." Their question, she asked, whether most people in the litigious homeless man was true. It wasn't, but it sounded like it could be. Among the callers were prospectors from CBS's tele-

mazine Street Stories and HBO. Life mag-

azine spent an entire day trying to track down the alleged homeless man, Lucien Saxevarche, who allegedly got a law degree after his alleged living quarters, a box, burned down. All of this tells us something about the tempos of the times and also about the mind of the media.

TEAR DOWN THAT WALL, MR. BAR-"LLET: Adam Meyerson of Policy Re-

view has been in a struggle with Justin Kaplan, editor of the new 16th edition of Bartlet's Fa-

miliar Quotations, which is unfortunately the preliminary reference work on quotable statements. Meyerson points out that while FDR and JFK each get 28 quotations in the new Bartlet's and the awful Jimmy Carter gets six, Ronald Reagan gets only three. And these three ("Where's the rest of me?"

) are intended to ridicule rather than represent Reagan's public utterances. "Mr. Gorbachev, tear down this wall!" is missing. So is Reagan's famous description of the "march of freedom and democracy which will leave Marxism-Leninism on the ash heap of history as it has left other tyrannies which stifled the freedom and muzzled the self-expression of the people." Kaplan doesn't even give Reagan credit for "the Evil Empire," misattributing it to George Lucas, maker of Star Wars. Kaplan, a left-leaning academic, makes no secret of his agenda, having told the Philadelphia Inquirer, "I'm not going to disguise the fact that I despise Ronald Reagan." It wasn't as though the egregious Kaplan lacked space. After his negligently allotment of three quotations to Reagan, he gave two to napast-writer Eldridge Cleaver and one to the departed fool Abe Hoffman. Steal this book!

CALL 911: The student newspaper of the University of Wisconsin recently interviewed Susan Riseling, chief of the campus police. Riseling commented on her colleagues' actions at the University's Milwaukee campus, where police arrested 12 men for engaging in sex acts in the bathrooms. "That was a total stereotypical response," Riseling said. "If that would happen here, we would look for other solutions. Our concern is not just on the situation and with a sense of privacy and respect." These comments were so absurd that Our response would depend on the situation and with a sense of privacy and respect. "The goal is to ensure restrooms are used for the purpose intended, not for sexual activity," she wrote. "To achieve this we must do far more than arrest those engaged in the activity...In addressing this example [we would] work cooperatively with the Ten Percent Society, the Dean of Students' Lesbian, Gay, and Bisexual Issues Committee, and other members of the community...Now that police brutality!

INSIDE THE PRESIDENT'S BELTWAY: What does Bill do to his
ever mentioned Clarence Thomas in connection with harassment, according to this professor." From David Broock's new book, The Real Anita Hill

AN ARGUMENT FOR QUARANTINE? A new novel by author James Robert Baker called Tan And Pale is about a gang of drug crazed "AIDS kamikazes," who go off on a killing spree of right-wingers before they die. The motto of the kamikazes: "If I get AIDS, I'm going to take someone with me."

BIRDS OF A FEATHER: The Institute of Gay and Lesbian Education, headquartered in West Hollywood, California, is conducting a "science...field trip on May 18 to Anacapa, a string of small islands 15 miles off the coast of Southern California. The Institute's flyer spells it out: "In the early 1970s, ornithologists George Hunt and Molly Warner discovered that some of the Western Gulls breeding on Anacapa and adjacent islands form stable female-female nesting pairs. These gulls have become one of the best studied examples of lesbian relationships in nature. Sounds like a nice outing, but it does put that old conundrum—which came first the gull or the egg?—in a different light."

THE NATION GETS IT BACKWARDS: Reviewing This I Cannot Forget, a memoir by the widow of Nikolaus Bahrdt, the Boshevik leader executed by Stalin, Abraham Bramberg writes: "None of Stalin's iniquities seem more steeped in medieval depravity than the hounding of Communist's best and brightest. Actually, none seem more poetically just.

EDITORS NOTE: Two issues ago, in an article about AIDS investigator Peter Duesberg, we misidentified prize-winning science writer John Crewdson of the Chicago Tribune. So last issue, when we printed a letter from John Crewdson, we thought the time was right for an elegant correction. It went like this: "As a result of errors, the author of the following letter, Ed Crewdson, was misidentified in the last issue as a reporter for the Oakland Tribune...Obviously that was only Act II of the comedy.

WHITE MEN CANT JOKE: Keith Dambrot, coach of the Central Michigan basketball team was fined by the university for racial slurs. After losing a game, Dambrot said to his players, "I wish we had more niggers on this team." Dambrot is using these slurs as a defense of his free speech rights. He says that he and his team had an understanding about the term "nigger" and in their use it meant toughness and tenacity. Dambrot, who is white, is supported in his suit by 9 of his players who are black.

FOOD FIGHTS: Columbia University's Coalition to Free the Haitian Refugee recently held a hunger strike on the campus quad. A few days into the protest, members of Columbia's College Republicans decided to have a picnic.
The briefest observation of events anywhere from California to the Gulf cost of Texas will confirm the dirty little secret of our national life: the United States has lost control of its borders. In some areas, describing our borders as a "war zone" is not an understatement. The Border Patrol is hopelessly undermined and other agencies, as David Sossaman discovered, are part of the problem rather than part of the solution. A federal employee speaking of anonymity says that at some border points both customs and immigration officials have been instructed not to pursue those who burst through.

Estimates of the number of illegal aliens in the United States range from 4-12 million. In 1991, the last year for which figures are available, the number of apprehensions of illegals was 1,997,875 and it is estimated that up to three illegals escape for each one apprehended. It is a cat and mouse game that has economic consequences. The lobby that supports illegal immigration assures us that illegal aliens confer great benefits on the national economy. Their case was bolstered by the emotions surrounding Zoe Baird's dilemma. But it is pure disinformation nonetheless. George Borja, a legal immigrant from Cuba who teaches economics at the University of California at San Diego and is author of Friends or Strangers: The Impact of Immigrants on the U.S. Economy, says that he is probably being conservative when he estimates that the cost of servicing illegals, over and above their input into the economy, ranges up to $3 billion annually.

To call the question of illegal aliens a national tragedy is not to engage in hyperbole. Civic structures are rupturing under the load, school curricula are being changed, prisons and hospitals are becoming inadvertent Ellis Islands, and an ecosystem of crime has sprung up around these immigrants. Why is it, then, that the only candidate that made an issue of this problem was Pat Buchanan? And when he did, why did he find himself criticized as a "nativist."

The short answer is that there is a powerful lobby for illegal immigration, a network of organizations that empowers the Mexican American Law and Defense Education Fund (MALDEF), the Latino Issues Forum, The National Council of La Raza, the Coalition for Immigrant and Refugee Rights and Services, etc. This special interest believes that the U.S. is a glib nation that owes something akin to reparations to the people on its borders and that the internal problems of foreign countries can be solved if we accept millions of their citizens in this country. And this is an acknowledged agenda. A hidden one assumes that preventing a stop to illegal immigration will hasten the ethnic and racial reconstitution of America.

Walls and fences "don't solve anything," says Claudia Martinez of MALDEF. "People will come over whatever they have to do." Chicano Studies professor Mike Orellas claims that building walls is "a huge waste of time and money."

Roberto Martinez of the American Friends Service Committee says that the United States "shouldn't try at all" to stop illegal immigration because "nothing can stop the people coming." Not only will walls and fences not work, he says, but they "send a negative message to Mexico." Martinez finds "reprehensible" the contention that "the so-called quality of life is being threatened by Latinos who want to hang on to their culture and language and all that stuff."

END OF PAGE 4
THE ILLEGAL LOBBY

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ressed with the statistical and human evidence of the tragic illegal immigration, lobbyists like Claudia Martinez of the powerful Mexican Ameri-

can Legal and Educational Defense Fund returns to the tried argument that the economic input of illegals far outweighs the benefits they acquire.
The facts not only dispute this claim but prove that it is a sham.

According to a California State Auditor General's study released last August, there are 11,000-13,000 illegal immigrant children in San Diego schools alone, and it
costs $49.2 million a year to educate them. The cost of illegals just at San Diego State University and nearby San Mateo County was $63.5 million, and Georgia

required them that their children be educated in English at state expense or demanded ballots in the English language. Legal immigrants to America from Egypt,

Egypt, and Sweden—not yet, anyhow. But the illegal lobby demands this service for its Latino client group, in spite of the fact that it was released over 73% of Californians

in favor of proposition 63, which made English the state's official language.
The academic arguments over the effectiveness of bilingualism have raged for years. But at this point, the teaching of bilingualism has become such an article of faith for the illegal lobby that the question of its efficacy has become almost irrelevant. The bilingual establishment protects its turf no matter what the cost. In San Francisco this has meant forcing poor "disempowered" and Asian students in bilingual courses to make sure there are enough bodies to justify the program's enormous budget. In a story on the issue in the October 1992 Los Angeles Times, Jack Miles, a confessed liberal, showed that it involves a zero sum game certain to create racial and ethnic antagonisms. Miles observed that the Los Angeles Uni-

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he view of the illegal lobby, not only is there no immigration problem, but the United States has a moral obligation to provide the illegal population with benefits for which even native citizens and legal residents are not qualified. Relying on the

sanctions that accusations of racism andethnocentrism generate, this lobby has been able to steer public policy on immigration toward a catas
dly.
The official statistics confirm that over the past 11 years, San Diego County, for instance, has spent about two-thirds of its budget for emergency medical services designated for the poor (some $43 million) on undocu

mented immigrants and foreign citizens. California MediCal benefits analyst Rob Miller said that of the 500 cases he handled per month, 90 percent were illegal aliens, with 50 percent of those receiving AFDC money. His instructions were to give aid to those persons merely "present" in the state. The benefits are retroactive for three months, which means that illegal aliens can claim past eligibility and get a hefty down payment on their version of the American Dream. Miller reports that the illegals come in and seem to know all the answers, as though professionally coached, which in fact they prob-

ably were, since the illegal lobby provides "advocates" and "counselors."

Some of the abuses would be laughable if their consequences were not tragic. In Texas, cities not only had an obligation to educate the children of illegals, but, according to a recent court decision, also the children of Mexican nationals driven over the border every morning.

And one of the things investigator David Sossaman discovered during his disheartening investigation with the San Diego welfare department was wealthy Mexican businessmen coming up from Tijuana for heart bypass surgery and other expensive operations, running up bills in the hundreds of thousands of dollars.

"When we are cutting off health care to legal county residents," says San Diego County supervisor Brian Bilbray, "but leaving illegal aliens from foreign nationals it is absurd and immoral." Few other officials are so outspoken. For the most part, official discussions of the problem take place in closed session.

"Some people don't want the figures made public," said Bilbray. "No one ever wants to touch the subject, because it is not politically correct."

Another benefit the U.S. is obliged to provide is bilingual education. Americans moving to France, Mexico, or Costa Rica would be laughed back across the border if they insisted that their children be educated in English at state expense or demanded ballots in the English language. Legal immigrants to America from Egypt, Haiti and Sweden do not expect instruction in Arabic, Creole and Swedish—not yet, anyhow. But the illegal lobby demands this service for its Latino client group, in spite of the fact that it was released over 73% of Californians in favor of proposition 63, which made English the state's official language.
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fied School District dismissed several monolingual so-

LINDA CHAVEZ:
SOY POLÍTICAMENTE INCORRECTO Y ORGULLOSO DE ESSO!

The students and faculty at Hostos Community Col-

lege in New York, a bilingual school, boast about their strong commitment to "diversity." When former U.S. Civil Rights Commissioner Linda Chavez was invited to speak there in December 1991, several hundred demonstrators armed with eggs and rotten tomatoes showed why this term must be quarantined inside quotation marks. They yelled insults at the speaker, threw some of their garbage, and prevented the speech. Nor were the members of this crowd part of a lunatic fringe. According to professor Ricardo Bedoya, a member of Hostos President Isaac Santiago's staff "figured prominently as cheerleader in the mob that made it impossible for Linda to speak."

On her way out, a group reached Chavez and a man tried to punch her in the face. A faculty member diverted the blow which landed on Chavez's shoulder, leaving a bruise. President Santiago claimed to have conducted an investiga
tion later on, which of course proved that nothing had happened.

In spite of written eye-witness accounts by faculty members, President Santiago charged that Chavez had made the whole thing up. "All I know," says Shave, "is that if there was an investigation Santiago certainly never

The New Heterodoxy

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had made the whole thing up. "All I know," says Shave, "is that if there was an investigation Santiago certainly never spoke to me."

This was not the only such anti-Chavez demonstra-
tion. Officials at Arizona State, SUNY at Stonybrook, Northern Colorado and Rutgers—all just as committed to diversity and multiculturalism as Hostos — also canceled her speaking engagements. What had Linda Chavez done to invite such treatment? She has opinions that are less than worshipful of the PC dogmas preached by militant His-
panic activists who consider her heretics from their cause.

Currently a fellow at the Manhattan Institute, Chavez is author of Out of the Barrio: Towards a New Politics of Hispanic Assimilation. But she does not think of herself as

"Hispanic."

"Nobody really identifies themselves as either His-
panic or Latino," she says. These identifications, she notes, promote a bogus sense of inclusiveness. They are quickly dropped when it comes to play the hardball of affirma-
tive action. Larger groups such as Mexican-Americans in California "exclude people who are from Spain," and even middle class people from certain parts of South America. Why? "Primarily because they don't want the competi-
tion," says Chavez.

On the other hand, Chavez points out that, when it suits their purposes, organizations like the National Coun-

cil of La Raza and others are perfectly happy to lump Immigrant students, who are usually receptive to Chavez's message: "When you have a population that is in the

murky, creating clarity."

confusion and ignorance about this subject rather than creating a zero sum game certain to create racial and ethnic antagonisms. Miles observed that the Los Angeles Uni-

fied School District dismissed several monolingual so-

linal workers in favor of others who were bilingual and that most of the dismissed social workers were black. He showed too that black welfare mothers are increasingly turning away from state- run day-care centers because they have fewer children than most illegals and thus do not qualify on the neediest-first principle. Like other government employees the day-care people don't ask who is legal and who isn't.

CONTINUED PAGE NEXT
generate, is $145.9 million. A November 6, 1992, study directed by Manuel Moreno-Evans for the Los Angeles County Board of Supervisors totaled the net costs for recent legal, annested persons and "undocumented" persons to be $947 million. The three groups generated revenues, taxes and fees of $139 million, resulting in a net deficit of a whopping $808 million dollars.

When this study was released, as in the case also of the San Diego study, members of the illegal lobby claimed that the data were "intellectually flawed" and contaminated by "racial assumptions." But according to Alan Nelson, former Commissioner of the U.S. Immigration and Naturalization Service, Hispanic activists had in fact been pushing for a study of this type for a long time and MALDEF itself had made a number of supportive suggestions while the work was in progress.

In a document sent to Governor Pete Wilson, a judge in Los Angeles County who re-quested anonymity relates what he calls a typical incident which shows what is behind the cata-

strophic increase in costs associated with illegal immigration. In the case this judge described, a Mexican woman ran a red light and slammed into cars, injuring six people. She had no license or insurance and there was therefore no possibility of re-stitution for the victims. The woman had come to the United States illegally and gained "resi-
dent alien" status when one of her children was born here. She now has five children, no job and no husband. Every month she gets AFDC of $355 (it would be $1,010 if other children had been born here), $122 in food stamps, and a $350 housing subsidy. Add free medical services, education for five children, a lawyer and interpreter paid for by the court, and now supervision by a probation officer, and it is clear that this woman never bothered with a green card because she got a gold card just for sneaking over the border.

Multiply such cases by the thousands and $808 million illegal aliens cost Los Angeles County becomes an entirely realistic, probably even an understated fig-

ure. According to County Supervisor Mike Antonovich, 63 percent of births in Los Angeles hospitals are to illegals. In a recent paper of the Claremont Institute, former INS Commissioner Alan Nelson and his col-

league Lance Izumi point out that only 19 percent of illegals file tax returns and more than half do not have taxes withheld, like the Peruvians who worked for Zoe Baid. The authors show that California prisons house 15,000 illegal immigrant felons at an annual cost of $300 million a year. The total cost to California of illegal immigration is, in Nelson and Izumi's phrase, "a breath-
taking 3 billion." Ironically, this is almost exactly the same sum as the state's catastrophic budget shortfall last year.

In response, MALDEF's Claudia Martinez says haughtily that illegals are not even eligible for AFDC and other programs. The idea that immigrants are using up welfare, she says, is therefore "a total myth." This would be true if illegal aliens were not encouraged to break these laws so by U.S. advisers through techniques that are appallingly easy. Los Angeles Times writer Jack Miles points out that the state requires no proof of legal residency for a California driver's license. Miles won-
ders why, instead of bothering to conduct " sweeps" of employers, Immigration officials don't simply visit the Department of Motor Vehicles. Both HUD and compa-

rable California state agencies do not screen public housing applicants to determine their residency status. The INS operates a computer system that lists all legal residents in the United States, but many state agencies that supply benefits do not use it.

Past generations of immigrants were urged to blend in. The illegal lobby and its multiculturalist supporters now urge them to stand apart. Leftist Mexican commen-
tator Jorge Castaneda sees new immigrants being sub-
ject to "ideological bombardment" which "incites re-
jection, indignation and class hatred." He warns that "any spark can light the fire." It already has.

By the state attorney general's estimate, one third of the rioters in Los Angeles were illegal immigrants. Jack Miles notes that more than half of those arrested were Latino and many: if not most of these were either Central Americans or very recent immigrants from Mexico. Forty percent already had criminal records.

Is any concern about crime committed by illegals legitimate? "Absolutely not," snaps MALDEF's Claudia Martinez. "That just doesn't happen. There is a lot of hype about it. They don't commit crimes in any inordinate numbers." During the riots, Martinez says, "the police went after an inordinate amount of undocumented people, people who looked immigrant. Most of those were for curfew violations. They weren't looters. They were people who were going to the corner store to buy milk. Our feeling is that they used that opportunity in order to do some INS investigation, not anything necessarily related to the riots. They abused their power."

Adds Roberto Martinez of the ACLU, "Most of us are upset and angry at the way these people were arrested. The INS and the police took a bad situation to just target Latinos and undocumented people." Chicano Studies teacher Mike Ornelas sees the crime question as "a lot of hysteria. I don't think these people have a whole lot of facts to support them. It's absurd to suggest that illegals are responsible for any measurable amount of crime."

These responses have the sound of a party line, it is also that they are part of a larger, politically correct ideology about Hispanic immigrants that in effect holds them blameless, whatever they might do, because of what was done to them by the U.S. government. Radical Chicano groups such as the Union del Barrio, Brown Berets d'Aztlan, and Comite Civico Popular Mixto—all of which have a constituency in Chicano Studies departments—want to establish a state called Aztlan in the southwestern United States which is currently in their view "the occupied territories." These groups found support for this position for this concept during a demonstration at the border when then Nicaraguan commander Daniel Ortega called his soldiers "freedom fighters." Voice of the Border, is a publication funded by the University of California at San Diego. The office posts worshipful posters of Cubas' dictator, Fidel Castro, and the latest issue features two articles promoting aid to Cuba, whose regime shows those who be immigrants attempting to leave. The

publication's logo is a sombrero-wearing skeleton and headlines include "Amerikansk Indictment" and "United States of Amerikkah Gets It." The writers are obsessed with "la raza" and only racially pure Latino sisters and brothers qualify for membership. There are similar pa-

pers at UCLA and other major universities.

The winter 1992 newsletter of the Colorado based Movimiento de Liberacion National Mexicano exhibits a kind of demagogophobia. "We are a national organization of Mexicans and Mexicanos," says the publication, "who struggle for the social, political and economic liberation of Mexico and the destruction of the U.S. federal system." An editorial says that "what we should rebuild" in the wake of the LA riots is "the various sectors of the militant nationalist movement." How militant? "We do believe that only a prolonged people's war will ever lead to the social re-estitution of our divided homeland."

That kind of rhetoric cer-

tainly excites the largely American Revolutionary Communist Party (RPR), the American af-

iliate of Perú's Sendero Luminoso. The RCP's Los Angeles bookstores peddle posters of Sendero's genocidal chief, Abimael Guzman. The RCP, like the Movimiento de Liberacion Nacional, is not a large group, but the influence of such political gangs is always far out of proportion to their numbers and it would be folly to ignore them. According to LA Times writer Jack Miles, the Revolutionary Communists did "join in" on the first night of the LA riot. That is, they, burned, looted, obstructed the police and fire departments, and possibly murdered innocent people. That's the dialectic in progress.

Paritisan of Aztlan claim that farm workers now 

ton on land stolen from their ancestors, a claim that many liberals, including Jack Miles, find legitimate or simply take for granted. A college textbook presents the follow-

ing question: President James K. Polk deliberately pro-

voked war with Mexico in order to acquire a) New Mexico, b) California, c) Texas, d) all of the above. The correct answer is "d" and there is no room for wonder if Polk actually deliberately provoked war. Since Ameri-

can imperialism supposedly stole this land of the South-

west, so the PC argument goes, the illegals are exercising a kind of right of return and only re-entering their own country. Guilty, imperialistic Americans, as the real squatters, are therefore obliged to pay them benefits in compensation.

Does the illegal, lobby with its radical fringe and 

academic wing speak for all "Hispanics?" Actually, this 
supposedly pan-Latino term, which is supposed to con-

vey a universal blood-and-land identity, is not even 
supported by those it is supposed to identify. The recent 
ground breaking Latino National Political Survey, di-

rected by University of Texas professor of government Rodolfo O. De la Garza and released late last fall, found that most Latinos think of themselves as neither "His-

panic" nor "Latino." Instead they prefer to be identified by their national origin, such as "Mexican" or "Cuban," united with the addition of "American."

The survey, the largest and most comprehensive of its kind ever conducted, found no distinct Latino community sharing cultural, political and economic interests. In other words: there is no "Hispanic community" or possibility of an "Hispanic view" of an issue, including immigration. Not surprisingly, de la Garza's most signif-

icant finding was that 80 percent of Puerto Ricans, 75 

percent of Mexican Americans and 66 percent of Cuban
CAPTURED FAMILY

The United States is still a nation of immigrants, accepting more of them than any other nation, roughly half the world’s total. American immigration policies remain remarkably open. It was the conservative Ronald Reagan, after all, who in 1986 approved legislation for 3 million immigrants living illegally in the U.S. What other nation has shown similar generosity to people who had flouted its laws? By contrast, Japan allows virtually no immigration and Switzer-

lolland makes prospective citizens find a community willing to accept them. Australia recently cut its immigration rate in half.

It was the long-standing collaboration between the left-wing dogma on race and ethnicity and the policies of the welfare state that transformed immigration from a legal to an illegal process. Thus the hard work of past immigrants to gain entry to the civic structures of America has degenerated into a grievance procedure and as-

signment for “entitlements” to be fought for, both now and later, by “Anglos,” the equivalent of malevolent white males in PC demonology.

The corrupt bureaucrats encountered by David Sowell and his allies are the nation’s immigration laws to be obeyed are key allies of the illegal lobby, even though privately they may laud the immigrants as people. “The more money that went out, fraudulent or not,” says Sossaman of his days in the San Diego County Welfare Department, “the bigger their budget, the more administrators they had, and higher salaries and perks.” The process of bureaucratic feather-bedding dovetails perfectly with the agenda of PC activists, always eager for more accredited victims for whom they can claim to speak. The lobby for illegal aliens manufactures misery and creates racism. In this it is no different from other aspects of the pathology that goes by the name of political correctness. But the challenge it poses is made far more significant by the nasty polyhedron that currently dominates the American campus. As former INS Commissioner Alan Nelson says, “We are a nation where law is king and to openly allow and even encourage a class of people to exist above the law is to subvert one of our dearest constitutional principles.”

and voting, citizenship stops having any meaning at all,” but rather than confronting this argument the illegal lobby simply calls it racist.

A BILINGUAL HORROR STORY

BY SARAH HOROWITZ

Diana Walsh had observed other classrooms as an education writer for the San Francisco Examiner, but this kindergarten class was different. “It was a mass group of kids, six of them were black,” she later wrote. “The teacher was speaking Spanish right off the bat, and I thought there was a reason for that.” It was a reason she didn’t understand what she’s saying. These kids looked totally lost and it was their first day of school.”

Her interest was piqued. After observing other bilingual classes in the San Francisco schools, she noticed something odd: in practice, bilingual education was not really bi-lingual, i.e., designed to teach students a second language. “The vast majority are designed strictly to teach Spanish speaking kids English” Walsh says. “The English speaking kids don’t learn how to speak Spanish. They could spend 6 years in bilingual classes and they will not speak Spanish. The school district knows that and if you push them they will concede that.”

Walsh began to investigate the number of English-speaking children in these classes. School administrators initially underestimated the number but when Walsh did her own math she found it was in the thousands. Although blacks made up only 18% of the students, they were twice as likely to be in bilingual classes. In addition, she found that 80% of those blacks in bilingual classes tested below grade level.

Even more amazingly, Walsh discovered that 325 children were placed in bilingual classes that taught a third language (i.e., Spanish speaking children were put in Chinese immersion classes). Ligaya Avenida, head of the bilingual department, explained that they did so to have a policy of only assigning English-speaking children who were at or above the district average in test scores to such classes, “but it became increasingly difficult to maintain enough of those children in bilingual.” In other words, they needed more bodies to keep the bilingual courses going.

Walsh also discovered that in spite of the fact that San Francisco schools require parental consent for placement in bilingual classes, parents were sometimes not told at all. Duncan Hodel, principal of William DeAvila Elementary, which has a large Chinese immersion program, defended this omission in Walsh’s story: “I’ll went and asked everybody, I’d get too many no’s.” More often, Walsh says, parents are informed, but told the only space available is in a bilingual class. Those children whose parents are mostly easily intimi-

ated — blacks and others at the bottom of the socioeconomic scale — were least likely to resist this recruitment process.

Less than a week after Walsh’s first story appeared in the Examiner on May 19, 1991, then-Superintendent of Schools Ramon Cortines was charged with mismanaging the bilingual program by the NAACP, the Chinese for Affirma-
tive Action, and the Latino Issues Forum, groups not known for their minority-bashing or conservative politics. Cortines responded by saying that he would prohibit assigning stu-

dents to bilingual classes who were two or more years behind grade level. Lulann McGriff, president of the NAACP, was unimpressed: “We propose that any student functioning below grade level should not be placed in a bilingual class, and at no time should a student be so placed without parental consent.”

Cortines’ policy, controversial though it was, has yet to be implemented. Ligaya Avenida, who still heads the San Francisco Schools’ Bilingual Department, despite the furor caused by Diana Walsh’s article, concedes that students behind in grade level are still assigned to these classes, but says they are doing well. Asked what her bottom line is, Avenida says they would draw the line at placing Special Education kids in these classes. She concedes there were problems with the program but points with pride to the fact that instead of simply assigning black students to these classes, the District has now hired a black bilingual consultant to help gear more of these classes to them.

As a result of Walsh’s article the district is better about getting parental permission. Even principal Duncan Hodel now observes this requirement, although he laments the fact that the Chinese immersion classes at his school are now attended mainly by Chinese students. But Walsh feels that little has changed fundamentally. “They’re better about getting parental permission, but they’ll still the parents that there are only bilingual classes available in that grade.”

She gets by charges that they were warehousing stu-
dents in bilingual programs to promote the fiction of bilingual integration and to keep the numbers of these programs up, some school district officials struck back. For instance, Mrs. Avenida says Walsh’s articles lent themselves to misinterpretation and have promoted the racist notion that black children cannot learn a second language. But Lulann McGriff of the NAACP, whose own daughter speaks French, says that this is ridiculous. “They weren’t really teaching a secondary language—that was the problem. It was a dumbing down. They weren’t teaching anything. Most of the people they hired to teach the classes didn’t speak English very well themselves.”

Reflecting on the aftermath of her stories Diana Walsh says, “I didn’t know there’d be any controversy, I thought people would see it was a gross wrong. Instead it was seen as an attack on bilingual education.”

The powerful bilingual lobby makes it difficult to correct even glaring episodes of bureaucratic featherbedding like this one, as Thomas Sowell points out in his latest book, Inside American Education. The lobby is so powerful that even under Ronald Reagan, who was criti-
cal of bilingual education, only 25% of federal funds went to English as a Second Language or other equivalent programs, as opposed to bilingual classes. And while the problem in San Francisco is almost Kafkaesque in the absurd situation it created for children who with no advocates, the problem is hardly unique to this city.

A recent national study found that only 16% of the students in bilingual classes were Spanish-speaking children theoretically needed such a program to ease their entry into the education system. The rest were there for ideological zealotry is involved here.”

It is the reason taught by Deep Threat: follow the money. There are hundreds of dollars per child enrolled in bilingual classes and thousands of dollars annually in bonuses for Spanish-speaking teachers. Bureaucratic lobbying and cultural nationalism is appeased. Only the kids suffer.
pepper, selling it discount to hospitals. Saltimbocca didn't have anything on the guys running the university. Wouldn't you say that's true Manny, comes to cutting corners these guys are right up there with the five families?"

Manny nodded his rounded fat head; he was remembering the great days in New Jersey.

"Your boy Montague," too," said Dreyfus. "I'm telling you, you want they should hold up his Nobel Prize until we do an audit."

I arranged my hands into a pyramid, the fingertips just touching, and tapped at my upper lip with my index fingers.

Manny chuckled. "Most of the time we're the university's supposed to take money again in overhead, administer the grants, so Montague takes in seven hundred and fifty thousand, we're taking more than a million five in Uncle's money."

"Not much," I said. "The Dean wants to know why one of his professors died suddenly."

Dreyfus nodded vigorously. "I heard your boy was doing just a little bit better than the Sultan of Brunei. Not surprised, though."

"Why's that Dreyfus?"

"Money goes in, it don't come out!"

Dreyfus put his two fists on the table theatrically.

"What we see is pretty much what we figure we're going to see," said Dreyfus. "Far as the university's concerned they don't remember anything, hardly speaks a word of English."

"Not much," I said. "The Dean wants to know why one of his professors died suddenly."

Dreyfus nodded. "You know why?"

"No idea. Neither does anyone else. It wasn't from hunger."

Dreyfus nodded vigorously. "I heard your boy was doing just a little bit better than the Sultan of Brunei. Not surprised, though."

"Why's that Dreyfus?"

"Come on back to my office. Manny'll be there. He'll lay it out for you."

Dreyfus finished the rest of his beer, sighed, and pushed himself back from the table theatrically.

We walked from Van Ness toward the Federal Building. The air had grown cold. The transvestite hookers were already standing on the street corners, stamping their large feet and shrieking to one another in their uneven falsettos. The winos were standing on the marble steps of the Federal Building. A few Vietnamese children were playing on the sidewalk. It's not exactly like walking down the Champs Elysées. Manny Edelweiss was waiting for us at Dreyfus' office on the 10th floor of the Federal building. He was sitting at Dreyfus' desk sipping coffee from a polyurethane cup. He looked friendly and cheerful and fat.
"We talk to the DA's office, see what's holding up the autopsy report on your boy."

"I thought for a moment of what I had to lose and what I had to gain."

Then I said: "Deal."

I woke the next morning after dreaming about one of my ancestors. She had become a beggar and was standing in the shelter of an ATM station on the corner of Green and Columbus. I tried to slink past her. She recognized me at once. "You," she sneered bitterly. "I should have known."

As she spoke her features merged mysteriously with the tragic face of an elderly Bosnian woman clutching a ruined doll.

I woke again at nine and called the Dean without getting out of bed. I told him I needed to speak with the university's contract compliance officer. He said: "Sure, thing, Asherman. Get right to it. Only thing is, right now I'm up to my ass in allergans. Can this wait?"

"Absolutely," I said. "Any day I get paid without working I'll take in a few Kung Fu movies, check back with you tomorrow or maybe the day after that."

The Dean required a moment for meditation. "Mr. Asherman," I said, "the university doesn't have to do contract compliance?"

"Sure. I'd like to know why the university allowed one of its professors to set up a dummy corporation, take Federal resources when it comes to affirmative action grants. It means I can do you a lot of harm and there's nothing you can do to me. It's got nothing to do with racism. It's just the way things are."

McHenry stood where he was; he was still fuming, but he wasn't about to leave anymore.

"What kind of harm you talking about, Asherman? Montague's contract was strictly on the up and up."

" Couldn't be, Henry," I said. "The university didn't administer the money and the money is lost!"

McHenry said: "What you may not realize, Mr. Asherman, is that under Title 7 the university does have certain discretionary resources when it comes to affirmative action grants."

"You mean you get a black or a woman on the arm, the university doesn't have to do contract compliance?"

"That's not how I would characterize it, Mr. Asherman," he said abruptly. "Ascherfeld feels there might perhaps be some committee irregularity in one of our university contracts," said Padwinkle delicately.

"What contract be?"

"NSF award to Richard Montague," I said. "This fiscal year, the one before that."

McHenry placed his hands on his wide-apart knees. "No irregularity there," he said defiantly. "Contract's clear."

"Mr. Asherman," said Pat Pudwinkle, "this is Henry McHenry."

McHenry turned to me. "How you don't Asherman, I said I was doing fine. I didn't bother to correct my name."

"Only one problem, though."

I raised my eyebrows; there was a knock as they were talking and McHenry turned to it. "Mr. Pudwinkle," he said in a thin voice, "this is Henry McHenry."

Pat Pudwinkle retreated to her armchair behind the desk; and Henry McHenry sat at the very edge of the leather sofa. He stretched his neck so that he could straighten his tie and fused with his sparkling white cuffs so that they were evenly exposed.

"Understand you got a problem, Asherman," he said roughly.

"That's pretty much what I think."
In 1989, Kennedy, Jr., whose family associations and celebrity won him the regard at Pace that Cummings' intellectual accomplishments failed to elicit, was teaching as an adjunct professor of law at the Environmental Litigation Clinic (ELC) at Pace University Law School. Ordinarily, such clinics function as pedagogical workshops where law students can concentrate in some specialized areas of legal practice and procedure under the supervision of a professor with expertise in that field. Most such clinics are comparable to seminar classes in the humanities, or lab sessions in the sciences. The ELC, however, was different. In their outside work, its legal staff — including Kennedy — were exclusively involved in litigation with the New York City Department of Environmental Protection (DEP) in several cases pertaining to the pollution of the Hudson River.

During the fall semester of 1989, a disgruntled employee of the DEP sent Kennedy a number of confidential documents produced by its own staff and by the legal representatives of New York City. According to a former faculty member of Pace Law School, "One of the documents, prominently identified as the confidential work product of the New York City Corporation Counsel's office and directed to DEP, appears to be covered by an attorney-client privilege." Not only did Kennedy retain these stolen documents, but he made their existence known to several persons working and studying at the Environmental Law Clinic. The unauthorized retention of an adversary's legal papers constitutes a serious breach of ethics, for it allows one party in a dispute to gain an unfair advantage over the opposition through knowledge of its attorney's plans, counsels, or deliberations.

At a student at Pace Law School, Jane Builder, who was working for Kennedy on a related environmental project, was sufficiently troubled by the ethical questions surrounding the receipt and retention of these documents to consult Professor Gerald Stem, the teacher of her Professional Responsibility class. Stem is an expert on issues of this sort. In fact, since leaving Pace he has become Director of the Commission of Judicial Conduct for New York State. What Builder told him about young Kennedy was so upsetting to Stem that he wrote a four-page, single-spaced letter to Steven Goldberg, the Dean of Pace Law School, expressing his deep concern over the breach of legal ethics involved and his fears for the reputation of Pace. Among other things, Stem told Goldberg:

I advised Professor Kennedy seven weeks ago that I was deeply troubled by his acceptance of the DEP documents and that the law school was vulnerable to criticism... Professor Kennedy replied that the legal analysis by the New York City Corporation Counsel's office was an extremely important document which he needed for his continuing advocacy against DEP, although it was not related to any of the pending lawsuits. His rationale for accepting and maintaining the documents was that he was an "activist" lawyer, he needed the assistance of an idealistic, disgruntled employee of DEP, and that the City of New York was the primary cause of pollution in this region.

Stem was not impressed by the argument. He told Dean Goldberg that he could not countenance "accepting pilfered documents, disregarding the attorney-client privilege, reviewing documents taken from an adversary in pending litigation (even if such documents are unrelated to the litigation)" and, by accepting such documents, possibly encouraging a government employee to continue to act in such a manner.

Bobbie Kennedy was apparently frightened by the seriousness with which both Builder and Stem had treated the matter of the stolen DEP documents. After various unsatisfactory attempts to explain or justify keeping the DEP papers, he informed Stem that he intended to retain the services of a law firm to advise him on the issues involved. After this, despite Stem's memo to Goldberg, which never got a reply, the entire question of the DEP documents fell into abeyance, a subject not of official action but of intermittent and sometimes passionate discussion and controversy among the Pace Law faculty. According to some members of the department, when the issue of the stolen documents was raised by Professor Bennett Gerdsman (who was planning to run as a candidate in a local election) at a faculty meeting, Kennedy threatened to destroy his political career.

Like so many other disputes in academia, the controversy over the DEP papers might have died a natural death in the course of time. But as it happened, Kennedy's application for reappointment to his ELC position, and Richard Cummings' bid for tenure occurred almost simultaneously in late 1992.

The political atmosphere at Pace helped determine the outcome. Over the last few years it has become something of Kennedy's ethical conduct in the matter of the stolen New York Department of Environmental Protection papers. Sobie was apparently concerned that these charges had been floating around for so long without the air being cleared, and he took this opportunity to ask for a full review of the matter.

I trust that the subcommittee will carefully look over the matter and report fully to the Committee. I also trust that all the material relevant to the issue, including administration memos and memoreads, as well as relevant reports or correspondence from ourselves... will be made available to the full Committee so that we can adequately deliberate and determine the application for reappointment.

This memo caused consternation among the Law School administration and the faculty connected with Kennedy's Environmental Law Clinic. It threatened to bring to light a subject that they had been hoping to forget; it also triggered their protective instincts for Kennedy, whom the legal left regards as one of its own. The reaction was so furious that Sobie was compelled to ask for the return of all distributed copies of his memo. (Sobie began a second memo on the matter by saying "Several of my colleagues, including the Dean, have expressed a concern that the above memorandum could cause a candidate for reappointment might possibly reach someone outside the Law School...") I seemed for a while entirely outside — but especially the ELC faculty — was terrified lest this unresolved ethical question come under public scrutiny.

At this point, something unexpected happened. On October 20, Dean Goldberg sent an unprecedented memo to the Promotion and Tenure Committee on the subject of "The Promotion and Tenure Process," in which he generalized about the meaning of tenure and the reason why a candidate should or should not receive it. By sending this memo at precisely this time, Goldberg, who has acquired a reputation for intimidating and bullying at Pace, had blatantly intruded into a process that was supposed to be carried out impartially, and without his influence. The memo was a deliberate attempt to sabotage Richard Cummings' chances for a positive vote. The Dean went out of his way to denigrate Cummings and his qualifications:

...My current assessment of Professor Cummings' record while at Pace — fair to poor teaching, one case note-letic article and one edit of another's work, and failure to be an active participant in the Law School community — falls short of the "outstanding performance in teaching, scholarship... and substantial service" required by our tenure standards.

Goldberg then went on to defend his intrusion into the tenure process with an extraordinary species of argument, even for a lawyer. [There was a possibility of a wrong result on a short-term issue that is unfortunate, but establishing a tradition of decanal leadership and interpreting our promotion and tenure standards in a way that helps us improve our quality are too important sacrifice for a short-term issue. I hope, therefore, that you will not view this discussion of the promotion and tenure standards as an unwarranted intrusion into the general dialogue, nor an inappropriate attempt to influence the result in Professor Cummings' tenure application.

The Dean's defense of his actions is that, even if his interference proved "wrong," in the present case, it would prove useful in the long run — that is, getting rid of Cummings might be unjust, but it would benefit Pace ultimately. He therefore asks the Committee to accept his meddling in the tenure decision as an appropriate and warranted innovation that will henceforth become an established tradition.
Goldberg's memo was seen by some faculty members for what it was: a blatant attempt to destroy Cummings' chances. In replying to it on October 22, Professor James Fishman of the Promotion and Tenure Committee said pointedly:

If faculty governance has any meaning, it is the Faculty's right to an independent, disinterested consideration of its applications for reappointment, promotion, or tenure. The Dean's prejudgment of a pending candidate usurps the Faculty's role and contaminates the deliberative process.

Fishman's memo concludes, "reprehension over the result of a consent to undermine the integrity of the process or attempting to predetermine an outcome."

When the report of the subcommittee did come out on October 26, it was lavish in its praise of Cummings' scholarship, teaching, and service. After mentioning and describing his writings, both published and in progress, the subcommittee said, "We feel that Professor Cummings's writings have far exceeded our tenure requirements, both in quantity and quality... He is in fact, a prodigious writer and recognized scholar who should be made welcome on our faculty." There was, however, one ominous sign in this otherwise glowing report. One subcommittee member, Professor Gary Minnuck, who had been associated with the Environmental Litigation Clinic some years earlier, elected to file a separate and apparently negative report. The majority subcommittee report ended with a severe rebuke of Dean Goldberg's unprecedented memo of October 20.

In another extraordinary development in this case, the chair of the Tenure Subcommittee composed an "Appendix" to the report on Richard Cummings's tenure bid, in which she disclosed several untoward and prejudicial occurrences that had clouded the entire deliberative process. She began her four-page, single-spaced appendix by saying: "Quite frankly, I never encountered nor heard of such goings-on in my 24 years experience in four different law schools" and then went on to point out that "a few faculty members have undertaken a campaign to actively solicit members of the faculty to vote against granting tenure to Richard Cummings." There is nothing intrinsically wrong with that, noted the chair, but the intensity and vehemence of the campaign were totally out of proportion and unwarranted. Further, she said, blatant lies were told about Cummings's alleged lack of work on faculty committees, and there were whispered accusations of fraud on his resume. All of these charges were baseless, said the chair, who was also disturbed by the mysterious disappearance of very sensitive to the unspoken irony of the case: he, who has his "receipt and possession of the DEP document". Kennedy contends that his behavior in the matter of the DEP documents was ethically correct, at the same time that he asserts that any airing of this issue is an "attempt to destroy" him and part of hostility against his family. After the unsolicited documents came to him at the ELC, Kennedy says that he consulted a prestigious law firm for advice on this entire matter. Kennedy explained that he had not because he had any worry about any ethical problem, but simply because there was a "public perception problem," and both he and the Environmental Litigation Clinic had many enemies who might use the issue to attack him. The law firm told him that there were no grounds for the DEP documents did not give rise to any ethical violations."

According to Kennedy, he has no interest whatsoever in Richard Cummings's tenure application. (This, in spite of the fact that it is an open secret that the most intense hostility towards Richard Cummings at Pace is located among the left-liberal activist faculty, a number of whom are connected with the Environmental Litigation Clinic. He did say that he did sense hostility among many of the faculty towards Cummings, but only since the onset of litigation between Cummings and Pace over the tenure denial. He dismisses at the suggestion that there might be a connection between the November tenure vote and the question of the DEP papers. He seems sensitive to the unspoken irony of the case: he, who was no feeling one way or another about Cummings, is now somewhat associated with him and thus might be exposed to a serious ethical controversy which otherwise might have remained smothered.

Kennedy did prepare an extensive memo on the question of the DEP documents and his handling of them, which he distributed to the Promotion and Tenure Committee on November 2, 1992. It was in reply to Merrill Sobie's memo of October 13, and carefully outlined the history of the controversy and Kennedy's role in it. In the memo Kennedy insists that he acted at all times in good faith, and that he scrupulously followed the advice of his lawyers and other authorities that he consulted. Perhaps so. But what remains to be explored in the trial that Richard Cummings and his attorneys are demanding is the connection between Merrill Sobie's memo of October 13, Dean Goldberg's memo of October 20, and the almost immediate collapse of Cummings' hopes for tenure at Pace. Is there a link between the Environmental Law Clinic's desperate desire to protect its most famous faculty member from scandal, and Dean Goldberg's resolve to "get" Richard Cummings?

Since the tenure vote and the inception of Richard Cummings's lawsuit, there has been an interesting development. Steven Goldberg, announced, at a faculty meeting in March of this year, his resignation as Dean of Pace University Law School, effective in 1994. Some faculty members have said that the resignation was long overdue—the school is in financial disarray, and this controversy over Richard Cummings has traumatized and polarized the faculty. A dean is supposed to avoid these carftlights, not start them. One faculty member suggested that Goldberg is hoping for an appointment to the Federal bench, courtesy of his good friend Hillary Clinton.

As for Richard Cummings, his future is decidedly poorer in possibilities. If his lawsuit against Pace is unsuccessful, he is for all practical purposes finished in academia. He is too old to be hired as junior faculty, his political and social views putting him at a distinct disadvantage in the current atmosphere of the university, and the fallout from this controversy will follow him like Nemesis, scaring off those timorous hiring committees who only take on safe noncontroversial types.

As for Bobby Kennedy, Jr., he is used to living on the edge. It was an approach to life he perfected during his wild days at Harvard and afterward when he lived a double existence as the most promising of the young Kennedy's role in it. In the history of the controversy and Kennedy's role in it. In the current atmosphere of the university, and the fallout from this controversy will follow him like Nemesis, scaring off those timorous hiring committees who only take on safe noncontroversial types.

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As for Bobby Kennedy, Jr., he is used to living on the edge. It was an approach to life he perfected during his wild days at Harvard and afterward when he lived a double existence as the most promising of the young Kennedy's role in it. In the history of the controversy and Kennedy's role in it. In the current atmosphere of the university, and the fallout from this controversy will follow him like Nemesis, scaring off those timorous hiring committees who only take on safe noncontroversial types.
After the Commentary piece appeared I expanded the thesis into a book. One paragraph in a letter I recently received sums up what happened to it:

Reality hit home when I tried to purchase The Myth of Heterosexual AIDS last November. Not only was I unable to locate a single book store in Houston carrying the book, but your publisher removed Myth from print. I then began researching the subject matter and soon realized that there is widespread collusion and conspiracy to discredit you and your book. The news media is playing a major part in what I now feel is deliberate and intended deceit, distortion, and misinformation on the entire subject of AIDS. Sound like right-wing paranoia? If so, it is.

My trouble began long before there was a book, when publisher after publisher rejected the manuscript, not because there was a basic disagreement with the facts, but because, as one editor put it, "I'm not convinced that [the] argument or the cause of curing AIDS for those who have it or are prey to it is best served by publishing this in book form." Or, as another stated, "I'm afraid I feel the book community is terribly overloaded on this subject, and also on Michael Fumento's point of view on this subject."

At the time, there were over two hundred AIDS books in print, not one of which had anything approaching "Michael Fumento's point of view." After Joe Queenan published an article in Forbes on the troubles I was having, the homosexual activist group ACT-UP pounced on the magazine, demanding that publisher Malcolm Forbes "retract" the article. Forbes did so, calling my views "thoroughly researched, poignantly written, and a must read for anyone who is interested in preventing the spread of AIDS. Consider what happened after Newday dared allow me to review two AIDS books. Michelangelo Signorile at the now defunct Outweek blasted the paper and its book review editor with language that would make a child pornographer blush.

Signorile declared what I thought of me ("baboon, racist, homosexual") and demanded in all upper case letters: "SUCH A HATE-FILLED, UNTALENTED, LYING LOSER REVIEW IMPORTANT BOOKS?"

Indeed, AIDS activists have jumped with joy upon hearing that various celebrities from Rock to Madonna to Magic Johnson to Arthur Ashe to Randyl Shills were diagnosed with HIV or AIDS. This means more notoriety; more sympathy; more fear.

But it isn't just groups like ACT-UP and Queen Nation that have fought off attempts to actually cartul the spread of the disease. AIDS has been sold as a disease in this country because various groups hijacked it and directed it to fly to goals they had established long before the disease arrived on the scene.

Those groups are essentially the same ones I identified in 1987, groups which carried various agendas into the epidemic and found the disease a convenient vehicle to further their own goals. Homosexual activists said that AIDS demanded that the nation repudiate senory laws and teach the validity of homosexual lifestyles. Christian right groups said that AIDS demanded a sexual counterrevolution and a restoration of traditional moral values. Population control groups said that AIDS demarded the widespread distribution of condoms. The media said that AIDS demanded harrid and terrifying stories of the exploding plague that would happen if AIDS was not stopped.

One group that existed early on but which I failed to notice until they targeted me was national health insurance lobby, which said that AIDS threatened to wipe out the entire U.S. health care system and demanded that a socialized system be put in place. Donna Minkowitz, in her review of my book in The Village Voice (where she called it "bilge" built on "a foundation of lies") nonetheless in the opening statement of her review revealed that the real problem with Myth — that it hastened her pet agenda of socialized medicine. Health care is a right, not a privilege. Now that the AIDS, abortion rights, and labor movements have a good shot at making this dream a reality, in comes… Michael Fumento to quell to rebellion…

Actually, Myth transcended the bureaucratic framework of the Department of Health and Human Services, the educators at schools and city health clinics, the pontificating professors who saw AIDS as a better way of advancement than writing obligatory books that nobody would ever want to read. My last article on AIDS in the New Republic prompted about 10 angry letters. The very titles of those signatures made it clear that at least eight, and possibly all ten, made their living off AIDS.

There have always been truly dedicated warriors in the AIDS struggle. I met some of them when I worked at the U.S. Commission on Civil Rights. They are local health officials and epidemiologists, outreach workers who tried to get at-risk and infected individuals to avoid sex or at least to practice safe sex, and to break their drug habits, and misguided or not, worked to distribute clean needles in the hope

Michael Fumento
that this would at least dampen the growth of infection among addicts. But with few exceptions, these were not the "AIDS advocates" you see on the talk shows, the ones you hear about getting the awards and staving off death. The ones quoted in People magazine and USA Today. These are the opportunists. Far from being their enemy, AIDS is their shirk.

This conflict of interest helps explain why the AIDS establishment fought so deplorably to suppress a book that to this day remains the most detailed, accurate, and, yes, the most honest account of how and why people get AIDS and how they can do to avoid it. Yet the suppression of Myth and its author is only a microcosm of the war which the AIDS establishment has fought against other comparable efforts to reduce the number of new infections.

Consider contact tracing, urged by many public health officials, in which persons found to be infected with HIV are urged to identify their sexual partners so those partners can be notified, told the risks they face, and asked if they wish to be tested. Since it is relatively difficult to spread, AIDS is an ideal disease for such a program. Pilot studies in San Francisco, Colorado, and elsewhere have shown that contact tracing is highly cost-effective in identifying persons at high risk of getting HIV or who actually have it, and that it is effective in getting infected persons to curtail their unsafe sexual activities. Yet AIDS activists have fought against such tracing as a "violating of civil rights." (Is there not some sort of right, civil or otherwise, not to be infected?)

Homosexual activists undermined the highly successful Colorado program by forcing the state to open anonymous testing centers. (This even though participation is by definition voluntary and no one can be forced to give the names of sexual partners.) Contact tracing is suspect to the AIDS lobby because it undermines the "risk" campaign. After all, the only diseases which put everyone at risk are those spread by air and touch such as the flu and there is no point in contact tracing with those diseases. AIDS activists have also hurt the campaign to curtail AIDS by drawing off money from sexually transmitted disease (STD) control programs. The evidence is overwhelming that some STDs, including syphilis and chancroid, tremendously facilitate the spread of HIV by causing small openings in the male or female genitals and thereby allowing the entry of a virus which cannot penetrate intact skin.

The infection level for these two particular diseases is quite low among white, middle-class heterosexuals but much higher among inner-city blacks and Hispanics. Prior to 1987, levels of these diseases were dropping in the inner-cities. But then they began to skyrocket. The cause? In my opinion, that money used to conquer the spread of syphilis at all white Pleasant Valley High that they were at terrible risk of contracting AIDS was devasitating the programs to control STDs that were keeping the kids at all-black Booker T. Washington middle school alive.

Now consider the shibboleth which states, in so many words, "Until there's a cure, education is our best weapon against AIDS!" The problem isn't the expression, which is basically true. The problem is that the ones using it have fought so desperately against such proper education. As I wrote in 1987, "Every dollar spent, every commercial made, every health warning released, that does not specify promiscuous anal intercourse and needle-sharing as the overwhelming risk factors in the transmission of AIDS is a lie, a waste of funds and energy, and a cruel diversion." That is as true today as it was five years ago. Yet to this day the reality of the dangers of anal sex are masked in every way by pretending that AIDS is an "equal opportunity disease, by simply saying non-specifically that "sex" spreads AIDS, or by pretending to be specific while actually ignoring the issue. I have in mind statements like this one: "Sex — vaginal, anal, and oral — can spread the AIDS virus." What is the purpose of putting vaginal before anal? It's not even alphabetical. Yet that's the order adopted in Surgeon General Everett Kopek's famous 1987 report mailed to households throughout the nation and that's the order which the media and the self-styled AIDS educators use today. The purpose of the curious word order is not to offend homosexual activists who want to assault the "ideological superiority" of heterosexual intercourse.

Just as specific sex acts are not targeted for fear of offending radical gays, so rarely are high risk groups given straight talk. Rather, most AIDS messages are designed to convince us that "anybody can get it." If breast cancer messages stated that "anybody can get it," a statement which is strictly interpreted is true since men can get the disease, health officials would be outraged. Why, they would ask, when it is so difficult to get women to pay attention and have themselves checked out for cancer, are we targeting men as well? Yet, that is exactly the approach our country continues to take with AIDS. A non-drug abusing heterosexual man in his thirties has a much better chance of getting breast cancer than getting AIDS. But he is constantly told he is at risk of AIDS, told that if a star basketball player could get AIDS from a woman—or at least say he did—we're all at risk.

Indeed, to the extent AIDS warnings have been directed at specific groups, those groups are often those least at risk. Last year, then Health and Human Resources Secretary Louis Sullivan announced a new series of advertisements aimed at persons who believed themselves to be at low risk of getting AIDS, specifically heterosexuals and residents of rural areas. That homosexuals and rural residents happen to be correct in that belief was considered utterly unimportant.

Nobody in the media asked Sullivan about it and he certainly wasn't going to broach the issue himself. Much AIDS education funding also is diverted into educational courses and other programs that have little other purpose than seeking to legitimize homosexuality. Such was the case with former New York School Commissioner Joseph Hernandez's Rainbow Coalition curriculum, which under the cover of teaching teens the deadly facts of life and love in the age of AIDS encouraged the reading of such books as Heather Has Two Mommies and Daddy's New Roommate. Such has also been the case with something called the Art Against AIDS Project, which put up posters on public transportation platforms in Chicago and other cities showing a man kissing a man, a woman kissing a woman and a man kissing a woman, with the vague message: "Kissing Doesn't Kill; Greed and Indifference Do." Chicago Tribune columnist Mike Royko asked what these posters had to do with preventing the spread of AIDS, saying they appeared to be little more than an endorsement of homosexual relationships. Annie Philbin, a member of Art Against AIDS, quickly fired back. "This guy clearly doesn't know the first thing beyond being a white privileged male heterosexual in this country," adding, "He is exactly, exactly the problem why AIDS is devastating this country. He's just so unformed it's pathetic."

So you see, it's not anal sex and needle-sharing that spread AIDS, it's newspaper columnists.

But I must confess that I was not entirely unamused. For you see, Mike Royko was one of those columnists I pleaded with to write about the smear campaign against my book and by so doing hopefully save some lives. I never heard from him.

Michael Fumento is the author of The Myth of Heterosexual AIDS (which will be republished in September by Regnery- Gateway) and Science Under Siege: Balancing Technology and the Environment.

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Political Re-Education at the Whitney

Reviewed by Michael Brandow

After each two-year hiatus, the Whitney Museum emerges with a Biennial of self-proclaimed avant-garde visionaries, an annual exhibition that aims to showcase contemporary art. This year's Biennial, held at the Whitney Museum, was curated by Ann Nathan, who was asked what she was up to. Her response included the statement that the Biennial is a site of political and social critique.

The exhibition features a diverse range of artists, including those who focus on issues of identity, race, and gender. Some of the works on display include paintings, photographs, sculptures, and installations. The Biennial is known for its inclusion of minority artists, who have been historically underrepresented in major art exhibitions.

The Whitney Museum has been criticized for its role in maintaining the art world's hierarchy and for its failure to adequately represent marginalized communities. However, this year's Biennial may provide a chance for visitors to explore the work of underrepresented artists and to engage with their perspectives.

Overall, the Biennial is a valuable opportunity for art lovers and critics alike to explore the diverse range of contemporary art being produced today. As always, there are challenges to be faced, but the potential for meaningful social and political change is significant.

The Whitney Museum's role in all this? By providing a common ground for artists to share their work and ideas, the Biennial can offer a platform for social and political critique. As such, it serves as a reminder of the power of art to inspire and provoke thought.

In conclusion, the 2019 Whitney Biennial is a provocative and thought-provoking exhibition that offers visitors a chance to engage with the work of contemporary artists and to reflect on the role of art in society.

This exhibition is sponsored by a generous grant from Emily Fisher Landau.

Additional funding for the National Committee of the Whitney Museum and The Greenwall Foundation. Performance on April 4th is funded by the National Endowment for the Arts, Audio and video equipment provided by Sony USA Inc.

April 1993

Michael Brandow

The New

The Whitney Museum

The Whitney Museum

Biennial

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Re-Education at the Whitney

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Michael Brandow

The New
OUTERCOURSE: THE BE-DAZZLING JOURNEY
Reviewed by JENDIREITER

"I wanted to throw my life as far as it would go," writes the post-Christian radical feminist professor Mary Daly in her autobiography Outercourse: The Be-Dazzling Voyage. Too bad she didn't throw it farther.

The most striking aspect of this exhaustive exploration of Daly's version of her life and philosophy is its pretentiousness. When inviting readers into her life, a writer needs to shed some of her pomposity if she hopes to establish a connection. But Daly's style and ideology in Outercourse display an unrelied sense of self-importance. By generalizing her own interior world into a philosophy/mythology she tries to make a claim for its universality, yet her way of doing this paradoxically devalues even her valid insights by making them seem like matters of merely private interest to Daly herself. Moreover, her radical rejection of nearly all of world civilization as "patriarchal" forces her back upon her own resources and into a symbol system that cannot help but seem impoverished by comparison.

Daly divides Outercourse into four "Spiral Galaxies," corresponding to four stages she perceives in her life. These are her experiences as a child and as a student; her growing awareness of her mission to fight patriarchy; her campaign to eliminate or reverse all the symbols of patriarchal culture and create a new liberating mythos for women (see her books Beyond the Father and GymEcology); and her maturity, or "Cronehood," in which she looks back on her life's meanings. The galaxy metaphor is supposed to express unbounded freedom, power, and communion with the cosmos, states which she proposes will be accessible to all women once they free themselves from the influence of "undead vampires," "dicks," and "butchers"—i.e., men.

"Outercourse," for Daly, is a spiritual voyage beyond the limits most people recognize as part of the human condition but which she believes are actually only repression structures devised to the evil male sex. Not surprisingly, she considers the doctrine of original sin to be only a "myth of feminine evil... providing the setting for women's victimization." Yet like the misogynistic theologians she deports, Daly projects the failings of humanity entirely onto the opposite sex, treating men as an entirely different class of victimization. Yet like the misogynistic theologians she deports, Daly projects the failings of humanity entirely onto the opposite sex, treating men as an entirely different class of victimization. Yet like the misogynistic theologians she deports, Daly projects the failings of humanity entirely onto the opposite sex, treating men as an entirely different class of victimization.

For example, she frequently refers to herself as a "Crone," a "Spinner," a "Wonderlusting Philosopher," and a "Pirate Righteously Pondering and Smuggling back to women gems which have been stolen from us by the patriarchal thieves." Every animal she and her Cronies (feminist friends) encounter is a "Divining Familiar." Moreover, Daly wholeheartedly adopts the deconstructionist technique of punning in words to "discover" their hidden meanings. Sometimes this is amusing ("academintal") and other times vulgar ("dick-tionary"). However, her practice of inventing a private vocabulary as she goes along makes her gymnastropia less and less accessible to any but its founding members.

When she gets carried away by her own rhetoric, which is often, she loses her grasp of those logical abilities she admires, is a "good, operative habit which is acquired by repeated acts." Yet then she adds, "For a woman on this patriarchally controlled planet, to be is to Sin, and to Sin is to be... Radical Feminist Virtues, transcending patriarchal 'good' and 'evil,' reverse the inherent reversals of phallic morality." What does this mean—"To have killed, perhaps... Or Than?" And even though she has unwittingly succeeded in transcribing patriarchal "good" and "evil" reverberate in the reverberating reversals of phallic morality. When she gets carried away by her own rhetoric, which is often, she loses her grasp of those logical abilities she admires, is a "good, operative habit which is acquired by repeated acts." Yet then she adds, "For a woman on this patriarchally controlled planet, to be is to Sin, and to Sin is to be... Radical Feminist Virtues, transcending patriarchal 'good' and 'evil,' reverse the inherent reversals of phallic morality." What does this mean—"To have killed, perhaps... Or Than?" And even though she has unwittingly succeeded in transcribing patriarchal "good" and "evil" reverberate in the reverberating reversals of phallic morality.

"AS THEIR PIN-UP GIRL... AS THEIR CENTERFOLD... I'M NOT SURE I CAN JUDGE [THEIR IMPACT]." - CATHARINE STIMPSON ON HETERODOXY IN THE CHRONICLE OF HIGHER EDUCATION, MARCH 17, 1993
PRESIDENT OF SMACT-UP PROTESTS DISCRIMINATION

BY TURK RICHARDS

I t's time discrimination against 'people of pain' came to an end!” In the opening words of his recent press conference, Will B'Hert, President of SMACT-UP, (Sado-Masochists Action Committee) whipped himself into a frenzy over what he regards as the continued, S&Mophobia permeating the fabric of American society.

"Our lifestyle should be recognized as part of the beautiful rainbow of American culture," B'Hert said. "People of pain are as normal as anyone else." He spoke flanked by other members of the organization who chanted, "We're the news! We're bruised!"

The SMACT-UP leader cited a recent study by sex researchers Muster and Bonds which he claimed indicates that one in ten Americans are either practicing sadomasochists or have engaged in at least one sadomasochistic experience in their lifetime.

"Millions of us live, work and study amongst you," B'Hert asserted, "but we are denied many of the basic civil rights guaranteed to all Americans under the Constitution. What we do in our basements is our business."

Discrimination against people of pain is no figment of the S&M community's collective imagination. There are statutes on the books of every state except Massachusetts prohibiting sadomasochistic families from adopting children. These laws remain despite a number of studies conducted by eastern Ivy League universities which indicate that youngsters reared in S&M households are no more likely to embrace the lifestyle than other children. Prohibiting adoptions "smacks of S&Mophobia," according to B'Hert. "Like any other dedicated parents, we can provide our children with love and stability, and above all, with a sense of normality, as we do not punish us for our lifestyle, we'd rather do that ourselves!"

B'Hert and his group were particularly incensed by the refusal this spring of Boston's St. Patrick's Day Parade organizers with a federal lawsuit aimed at reversing the decision, an action which one long-time South Boston resident says threatens to tear apart the local community. "Let 'em do what they wanna in their own basements, but not on our streets," said one city resident, "enough is enough!"

B'Hert, author of the best-sellers Getting to No and What Did I Do To Get So Black, And Blue?, which was optioned recently by Madonna's production company, described such thinking, "An example of a phobic mentality based on prejudice, a mentality which has never read De Sade or von Masoch, has socially constructed an image of what we are, and uses that image to condemn its sadomasochistic sons and daughters to a life of denial and to being in the closet for the wrong reasons."

S&Mophobic attitudes like those in South Boston must be "attacked head on," according to the SMACT-UP President B'Hert outlined an eight point plan for achieving this goal:

1. Introduction of new pain-sensitive textbooks such as Heather's Daddy Beats Her Mommy into the first grade curriculum at elementary schools throughout the nation.
2. Opening of fully funded S&M Centers on college campuses to provide counseling and technical know-how.
3. Adding Sadomasochistic Studies to the core course requirements at all State Universities and engaging in an active recruitment effort for S&M instructors as role models for students of pain.
4. Gaining a commitment from President Clinton to appoint openly Sadomasochistic men or women to key posts in administration, so that the cabinet "not only looks like, but FEELS like America."
5. Ending the practice of banning Sadomasochists from the military. "S&M soldiers have been physically attacked by their straight peers, which is all right, but it is also true that once liberayed from the constraints of S&Mophobia they could effectively employ aspects of their culture in combat situations."
6. Boycoting any state that refuses to pass laws banning discrimination against people of pain.
7. Repeated invasion of churches, particularly Catholic churches, until the hierarchy allows sadomasochists into the priesthood. "It's a prejudice from the Dark Ages. Who better to provide examples of how sinners can scrape away past offenses?"
8. Recognizing April 1, the Marquis de Sade's birthday, as "National S&M Pride Day."

Many sociologists and S&M activists predict that even if these efforts are successful, the values will be difficult to change. B'Hert is hopeful that others can adopt the high level of tolerance exercised by SMACT-UP. "As people of pain, we embrace diversity without regard to race, class or gender. Our credo, 'If you can do it to us, we can do it to you,' is about as ecumenical as it gets."

B'Hert's determination at this press conference recalled his dramatic appearance at the Democratic National Convention last July as part of a campaign "to put people of pain in the national eye and lead them into bondage." On that occasion, his impassioned words brought Hillary Clinton to her feet in the Presidential box to start a foot-stomping ovation:

"We at SMACT-UP are chained together in our fight for justice and bound to the goal of acceptance by the dominating culture. Next time you see the symbol of our oppression, the black and blue triangle, on a bumper sticker or a pin sticking into our chest, remember, please, do not punish us for our lifestyle, we'd rather do that ourselves!"