A tour of the nation's campuses is not encouraging for friends of student rights. Almost all colleges and universities, for example, have "verbal behavior" provisions in their codes, and most have witnessed assaults at various levels on student speech. If we were to visit every landmark of censorship, it would become a numbering encyclopedia of repression. But some snapshots of a few of America's campuses give a sense of the larger landscape.

New England

Sometimes, policies say it all. In New England, "harassment" has included, within recent times, jokes and ways of telling stories "experienced by others as harassing" (Bowdoin College); "verbal behavior" that produces "feelings of impotence," "anger," or "disenfranchisement," whether "intentional or unintentional" (Brown University); speech that causes loss of "self-esteem or [a] vague sense of danger" (Colby College); or even "inappropriately directed laughter," "inconsiderate jokes," and "stereotyping" (University of Connecticut). The student code of the University of Vermont demands that its students not "engage in unwelcome verbal behavior"; it advises students to tell their friends of student "harassment" and listed "speech that causes loss of self-esteem, or [a] vague sense of danger." (University of Connecticut). The student code of the University of Vermont demands that its students not "engage in unwelcome verbal behavior." (Brown University); speech that causes loss of "self-esteem or [a] vague sense of danger" (Colby College); or even "inappropriately directed laughter," "inconsiderate jokes," and "stereotyping" (University of Connecticut). The student code of the University of Vermont demands that its students not "engage in unwelcome verbal behavior." (Brown University); speech that causes loss of "self-esteem or [a] vague sense of danger." (Colby College); or even "inappropriately directed laughter," "inconsiderate jokes," and "stereotyping" (University of Connecticut). The student code of the University of Vermont demands that its students not "engage in unwelcome verbal behavior." (Brown University); speech that causes loss of "self-esteem or [a] vague sense of danger." (Colby College); or even "inappropriately directed laughter," "inconsiderate jokes," and "stereotyping" (University of Connecticut).

"Freedom of Expression and Dissent Policy" warns: "Nothing in these regulations shall be construed as authorizing or condoning unprotected speech, such as fighting words." Sometimes, however, policies tell us nothing. In 1975, Yale University rejected the call for speech codes and adopted a policy of full protection for free expression. Yale embraced "unfettered freedom, the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable," and it explicitly rejected the notion that "solidarity," "harmony," "civility," or "mutual respect" could be higher values than "free expression" at a university. Even when individuals "fail to meet their social and ethical responsibilities," Yale guaranteed, "the paramount obligation of the university is to protect their right to free expression."

In 1986, however, Yale sophomore Wayne Dick—a Christian conservative—distributed a handout satirizing Yale's GLAD, Gay and Lesbian Awareness Days. It announced the celebration of "BAD, Bestiality Awareness Days," and listed such lectures as "PAN: the Goat, the God, the Lover" and a discussion of "Rover v. Wade." On May 2, Patricia Pearse, the
ACADEMIC DISSIDENTS

Laura Freiburg, "Confessions of a Republican Academic" (May/June Heterodoxy). Freiburg, who wrote about some of the stories that could probably be told about virtually every university in America. Here are a few of my own. In 1988 I held an endowed chair at the University of Tennessee at Chattanooga, where I was hailed and despised by the majority of the faculty despite the fact that they had never met me, heard me speak, or read anything of me for 1989 or a few months before this. I was a privately funded chair in communications offered to Thomas Griscom, a Chattanooga native who had just resigned as director of communications for the Reagan White House. Mr. Griscom had previously served as Senator Howard Baker's chief of staff and Carter administration P.R. flack Jody Powell, who is still with us. There was a faculty "riot" over the hiring of Mr. Griscom, ostensibly because he didn't have a Ph.D., even though just a few months earlier the same faculty had sponsored a multi-day visit by Carter administration PR. Back Jody Powell, who is significantly different. Mr. Griscom left a short after a while, and through my influence with the private foundation that funded the chair, one of the interviewees for his job was Marvin Olasky, author of The Tragedy of American Culture. At UTJC, which was a tenured pro­essor at the University of Texas at Austin, a much more prestigious institution than UTC. Although Professor Olasky was eminently qualified, his interview was a farce, which greatly embarrassed me. Virtually everyone he spoke to wanted to talk about one line and one line only on his vita—the line listing his forthcoming book on the history of abor­tion in America. The university provost told him that he could never hire someone who had written such a book because of the reaction to it by the campus feminists. The research was funded by a conservative founda­tion, and the provost suggested to Professor Olasky that he should have sought funding instead from a non-ideological foundation, such as the Ford Foundation!! Then there's the young history PhD who was hired on a one-year contract and who sent me two resumes—his academic resume and his political one. He asked my assistance in applying for jobs, but impressed me not to let anyone know of the political resume because it would most assuredly destroy any chance of getting a track job at UTC. The strongest case against university tenure is that today's tenured radicals use it very effectively to eliminate any and all dissent on campus.

Jeanne T. Lorenzo Loyola College, MD

POSTMODERNISM AND ITS DISCONTENTS

The following letters were addressed to the attention of Thomas Berrontneau.

I enjoyed reading your article in the May/June 1998 Heterodoxy, and as a 78-year­ old, this brings me back to the days before I had a doctorate, and like you, was under the thumb of some schmuck all the time. I would suggest to you that the word "aporia" was cribbed from a book (The Superior Person's Book of Words) written by an Australian, Peter Bowler. It defines "aporia" as "patently in­ cere professing." Bowler copied his definition from the Oxford English Dictionary, exactly the opposite is true. I, 1 think. If you look it up, you'll note the word is "obsolete, and rare." The references they give for the use of "aporia" are from 1672. (It is In my Random House without such caveats.) You probably have your doctorate by now, so don't have to put up with the same kind of dreck. It is always a good idea to have a few lithemanship or oneupmanship words like this, if you are teaching graduate stu­ dents, where wanting to talk about the word, you can watch their eyes glaze momentarily. As our glorious leader, Stephen Potter said, "When the first muscle tenses, the first victory has been won!" The optimal word for this pur­ pose changes with decades—many years ago, "ecology" was a word like this. Then "para­ digm" became good. Algorythm. Too com­ mon now. "Concentration" was one I used to use in the 50s, and either "peripatea," or "enantiosis" are excellent to this day. I think "enantiosis" is better than "peripatea" because people at least get some semasiologic contact with peripatea, knowing about the peripatetics. Hysteria, stoichiometric, maleu­ tic, hearstite, stochastic, acetic. Years ago, one of my buddies tried getting his doctorate in entomology and was a superb student. I finally told him, "Martin, back off and get an M.D., which you can do very easily in 4 years, and then with your M.D., they won't be able to pull all this shit on you." He didn't take my excellent advice, but he later became very well known in the field of criminology. The thesis has now retired, and I think gets the biggest pension of anybody at the University of California. For most committee members, yours, or mine, the biggest thing they ever did was get their doctorate. Now they want to stand and Dispute the Passage with you—like Walt Whitman said, or "as if you prefer. (My mother was an English teacher.) I got my M.D. without any problem, and then at the University of Pennsylvania, completed every­ thing for a doctor of science degree except turning in my thesis. I had the thesis complet­ ed, and had it published in the Archives of Dermatology, which was a prestigious journal at that time. The head of my faculty commit­ teee, thought the sun shine out of the terminal end of my rectum. All I would have had to do is turn in the damn thesis, and I would have had another doctorate (D.Sc.) When I started thinking about temptation—whether I wanted to succumb to be a full-time professor in some university, a department head spending my time worrying about who parked in parked lot A, as contrasted to parked lot B, I said, "Screw it. One doctorate is enough." I was a full professor at USC, and I guess I still am, 30 years later. Emeritus! I am surprised with your political orientation, that you ever managed to get a doctorate. You, who fortunately had an extremely rich hus­ band, was as right wing as you, and very bright. Also, you may have got a little bit of heresy. Of course, she also died a word like this. What cost more than your faculty committee's collective income for two years." I have always suspected that she forwarded judici­ cially for that degree! If so, I'm sorry I wasn't on her committee. Sometimes, when I get over my current malaise, I will try to look up what "binary opposi­ tion" is, and "phallocentrism"—phallos is easy enough. There are always things that you can do pour epater la faculte. It always got them very upset when I said, "Fuck," at faculty meetings, and when we had formal faculty meetings, where they would have to wear a tuxedo, I got a pair of red patent leather shoes. Whenever the meeting became dull enough, I would raise one foot and watch the people go into the same kind of color shock they went into on the last cast of a Rorschach. So where does it say you have to wear black patent leather shoes with a tuxedo?? At 78, I am too old for this. You are young—you may get tenure, but department head or dean, you won't be!

Murray C. Zimmerman

I was fortunate to have gone to col­ lege in the '60s and to have been taught by some professors whom you praise—one of whom introduced me to a phrase that helped to inoculate me from the DEC0-B.S.: "intel­ lectual masturbation." I must add that the maid who quit a rich house-hold, because "there was too much shifting" of the dishes for the fiveness of the vittles (a devastating line when applied to much of what passes for thought, nowadays.) But you do have one more step to take: Do you realize you became something of a collaborator with these ideos? By selling your books, you enabled some other poor jerk to be poisoned at a discount! Conversely, some years ago, I started reading a children's book to my son—then realized it was such a pernicious piece of redistribution­ ist propaganda, I trashied it, lest it served to poison another child. Try it, sometime! It's a glorious sensation!

Roy West
Philadelphia, PA
PROFESSOR BULWORTH: In an incident eerily similar to the movie Bulworth, an American literature professor at the University of Nebraska has been suspended from his position for repeatedly using racial slurs (but not, apparently, using them as epithets) in e-mails sent to students and faculty. Prof. David Hibler then further angered the politically correct crowd when he called a press conference to explain his actions and rapped—yes, rapped—with his bi-racial son and rapped-yes, rapped—about the "sparking Stories: Straight Theories, Bent Practices," and "A Short History of Sex Toys." The only thing missing was Bill and Monica with their cigars and maccadamia nuts.

DONT KNOW MUCH ABOUT HISTORY: Radical History professor Howard Zinn is up to his old tricks again. He recently penned an article in the August issue of Progressive in which he argues the Boston Massacre is given a disproportionate amount of attention given its significance in American history. Zinn argues that such incidents as the My Lai massacre and the little-known 1906 Moro massacre in the Philippines are worthier of study than the Boston Massacre. He even advocates study of the early 16th century Spanish massacre of the Taino (Arawak) Indians in the West Indies.

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REVERSE DISCRIMINATION: Pitched battles to end racial and gender preferences such as Proposition 209 in California and 1-200 in Washington State get the headlines. But there are also less celebrated victories occurring in the trenches and outside public view. One such contest was fought to a conclusion mid-sam-

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COMMUNIST GNP: On a contentious internet site examining questions of history and dictatorship, the subject of Cuba recently came up and when Castro's tropical gulag was impolished. Some said, of course, that it was the intransigence of the U.S. and its embargo. But Guto Thoms wrote: "Suppose you took a walk at the end of the 1980s around what used to be the Iron Curtain, starting at Korea and looking first at the left and then your right at the relative levels of economic prosperity. You find, roughly:"

(See table at end) Where the Iron Curtain happened to be was largely a matter of luck and war. Before the Iron Curtain regions to its inside and to its outside had very similar economic structures. Yet by the end of the 1980s the countries inside the Iron Curtain had levels of GDP per capita only some 12% of those countries just outside the Iron Curtain. I see no way to read this other than that Communist destructive strength of a country's potential economic output.
Racial Preferences versus Individual Rights

A House Divided

by John H. Hinderaker & Scott W. Johnson

In his famous speech accepting the Republican nomination for the Senate in 1858, Abraham Lincoln asserted that the institution of slavery had made the United States a house divided against itself. Slavery would either be eliminated or become lawful nationwide, Lincoln predicted, provocatively quoting scriptural authority to the effect that “a house divided against itself cannot stand.”

Lincoln’s Democratic opponent, Stephen Douglas, criticized Lincoln’s hostility to slavery and rejected his “house divided” analysis on the ground that it was disrespectful of the fundamental principle of diversity. “Our Government was formed on the principle of diversity in the local institutions and laws,” Douglas said. He accused Lincoln of preaching a “doctrine of uniformity” and argued that “uniformity in the local laws and institutions of the different States is neither possible or desirable.”

If this first debate ended in tragedy, the contemporary debate over racial preferences has the air of history repeating itself as farce. Like the debate over slavery, it raises a question of first principles with respect to the meaning of the human quality that constitutes the moral foundation of our country and our freedom. Apparently without the slightest awareness of doing so, today’s advocates of racial preferences, acting in the name of “diversity,” regularly advance arguments that are directly descended from those made by Stephen Douglas—and later by the chief theoretician of the Confederacy, John Calhoun.

In his 1858 speech, Lincoln also observed, “If we could first know where we are, and whether we are treading upon new ground or old, whether this is a house divided against itself or not, a house divided against itself cannot stand.”

The policy called “affirmative action” was originally promulgated by executive order and bureaucratic decree in the 1960s and early 1970s. It now requires the patient industry of an architect of slavery to provide an adequate account of today’s debate. Like the Civil War, this much is clear: in the university setting, “affirmative action” is an extremely misleading euphemism for the systematic racial preferences in admissions and financial aid that has become the status quo. Students have been routinely subjected to significantly different treatment depending on whether or not they are members—or describe themselves as members—of designated minority groups based on skin color, ethnic membership, and gender. It is difficult to overstate the pervasiveness of these policies of racial preference or discrimination to which they have divided our house against itself.

The University of Minnesota presents a typical example. In 1990, administrators set out to increase the number of “students of color” to 10 percent of the student body on each of the university’s five campuses. Given the dearth of “students of color” approved by the university’s five campuses, this state institution, funded by Minnesota taxpayers, was forced to provide financial incentives and other advantages “outside the state to meet its self-imposed quota.”

The impetus for racial preferences is the ardent desire to engineer equal outcomes measured across racial and ethnic groups. Proponents of preferences assume that that absent discrimination, success would be randomly distributed among the members of racial and ethnic groups. According to this point of view, the existence of unequal results across racial and ethnic groups is by itself evidence of injustice; to achieve justice is to achieve equal results.

This assertion is both obviously untrue and profoundly destructive of freedom based on the protection of individual rights through the rule of law. When people are free, they never sort themselves out with exact racial proportionality in their efforts, achievements, decisions about whether to go to college, or what jobs to choose.

By its very nature, equal opportunity produces unequal results. Unequal outcomes are as common between minority groups (including the numerous ethnic minorities) as between individuals ("majority") as they are between individuals. They have no necessary connection to invidious racial discrimination.

To take only one prominent example, consider the case of Asian Americans. Native-born Asian American college graduates from college at roughly twice the rate of the population as a whole, and average family incomes that substantially exceed those of white non-Hispanic Americans. No one can plausibly argue that these differences in average family income are a result of discrimination.

Efforts to produce equal outcomes among racial and ethnic groups therefore inevitably lead to the imposition of coercive measures by bureaucrats, judges or courts. Equal outcomes among groups cannot and will not occur without coercion. Recognition of that fact is the central feature of the public exposure of the regime of racial preferences at public universities that now brings forth the need for a "philosophical defense of racial preferences." But such a philosophical defense has not and cannot advance much further than Supreme Court Justice Harry Blackmun’s famous Orwellian affirmation in 1978 in Regents of the University of California v. Bakke, a case that legitimated a bald racial admissions quota: “To get beyond racism, we must first take account of race.” And taking account of race, of course, means treating some students differently from other students on the basis of the color of their skin—in other words, practicing racial discrimination.

Presiding on Justice Blackmun’s logic, a sociology professor at an Ann Arbor rally supporting racial preferences at the University of Michigan was quoted as condemning his opponents as "color-blind racists." All it will take to close this particular Orwellian circle is a student demonstration expressing support of racial preferences by chanting “Freedom is slavery.”

Contrary to Justice Blackmun’s statement, it should be clear that with a system that requires racial classifications can result in a decline in racialist thinking. Indeed, racial consciousness is exacerbated by racial preferences and quotas precisely because they promote the poisonous idea that an individual’s status and interest are determined by race. Preference programs are premised on the notion that rights belong to racial and ethnic groups, that individual rights are conditioned by racial or ethnic status. This idea recapitulates the morality of a caste system based on race and ethnicity that is wholly alien to the principles of the American system.

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These two University of Minnesota policies are blatantly illegal. Indeed, revelations about the discounted tuition policy last September led administrators to transform it into a less blatantly illegal program in spring 1998. The law school policy has never to our knowledge been formally disclosed to the public. In neither case has the university ever accounted, or apologized, for the illegality of the policy and its human toll.

At the University of Michigan, Professor Carl Cohen’s Freedom of Information Act request disclosed a racially bifurcated admissions system for applicants to the undergraduate liberal arts program. Under this system, applicants are screened on the basis of their grade point average and test scores; radically lower admissions standards are applied to “underrepresented or other disadvantaged” students than to “majority” students.

Until recently, as lawsuits and compellent disclosure have unlocked relevant information, the regime of racial preferences has been carefully guarded by secrecy and denial. Typical was University of Michigan Law School Dean Dennis Shields’s statement regarding the law school’s admissions programs following revelation of systematic racial preferences: “We do not have a separate review of files nor do we have a different standard for minority applicants.” As Jonathan Chait, a supporter of racial preferences in university admissions, commented in The New Republic last December: “Instead of waging a philosophical defense of racial preferences, or coming clean, or at least thinking up a different lie, Michigan’s administration is simply wrapping its old lie in a bizarre piece of semantics.”

A different lie is the public exposure of the regime of racial preferences at public universities that now brings forth the need for a "philosophical defense of racial preferences." But such a philosophical defense has not and cannot advance much further than Supreme Court Justice Harry Blackmun’s famous Orwellian affirmation in 1978 in Regents of the University of California v. Bakke, a case that legitimated a bald racial admissions quota: “To get beyond racism, we must first take account of race.” And taking account of race, of course, means treating some students differently from other students on the basis of the color of their skin—in other words, practicing racial discrimination.

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HETERODOXY

Meanwhile, anti-affirmative action movement struck a chord with Texans. Igniting uses of California's Proposition 209, he criticized the Houston measure for using "preferences," which voters opposed, for "affirmative action," about which they were less certain. The mayor and the city council, especially councilman Lew Fancher (6a), a former blackacademic, unitedly urged the measure to ask voters whether "affirmative action for women and minorities should be ended in employment and education?"

In November, 1993, Houston voters rejected Proposition A by a 55-45 margin, to the undisguised delight of Jesse Jackson and other members of the Connerly, noting that courts have shot down the same type of argument in the wake of the infamous Pecos court decision in the 1969 campaign, when I-20 got on the Washington bal-

Indeed, those who were posturing at the con-

ence of defeat, the "stronger" San Antonio news-

ored news gave scarcely a thought to what had hap-

pended in Houston, and, even more importantly, to the way the turn of events in Houston played in their own pages.

The New York Times, which hailed the

Houston vote on page 1, stuck Judge Wood's decision on page 13 in the last edition of a Saturday paper, giv-

ing it a total of six sentences. Other national media which had seen the original vote as a vindication of affirmative action simply ignored or downplayed the rebuff to Laster. Only the Washington Times featured the story and evaluated the significance of the Wood decision.

More to the point, not a single newspaper in Washington State, which is the next electoral battleground for racial preferences, carried a story about the Houston reversal. Seattle Times columnist Michelle Malkin learned about the Houston ruling from friends in California. Ten days later she ripped her own paper for its silence on the matter, as if the Texas election, "Silas of omission can be as annoying to the news media's credibility as sins of commission," she said.

Seattle Times executive editor Michael R. Fancher fumed at a dog-ate-morning家务about how the story had been overlooked in an awkward weekend newspaper cycle. His editors missed the Associated Press report, he said, and the paper only learned of it after a reporter for a Houston newspaper had written an article about it.

The contrast between the well-informed Houstonians and the uninformed or uninterested in most places was stark. The Connerly, noting courts have shot down the same type of argument in the wake of the infamous Pecos court decision in the 1969 campaign, when I-20 got on the Washington bal-

ior was "It's beyond DIY."
The Civil Rights Act of 1964 was the culmination of this long-lived struggle to recognize and codify the principle of nondiscrimination and to fulfill the promise of "equal protection of the laws" embodied in the Fourteenth Amendment. The Civil Rights Act of 1964, for example, Title VII prohibited discrimination in public accommodations; Title VI outlawed discrimination in federally funded programs and institutions; and Title VII prohibited discrimination in employment. The act made it illegal to discriminate against "any individual" on the basis of race, color, religion, national origin, or sex.

The implication is that individual rights are the prejudice of reactionaries and the enemy of pluralism. As the late Chief Justice Earl Warren put it in his majority opinion for the Court in Brown v. Board of Education, "The history of the color-blind ideal in our law is the proper backdrop against which to view the issue of racial preferences in public universities. In the past ten years, constitutional law governing racial preferences has evolved in the direction of the color-blind mandate of the equal protection clause. In Wygant v Jackson Board of Education, City of Richmond v. Cusson, and Adarand Constructors v. Peninsula, a closely divided Supreme Court invalidated the government's use of racial preferences in contexts other than university admissions. The majority in each of these cases held that the government's use of racial preferences was constitutionally prohibited unless it was remedial, ameliorative, or otherwise based on substantial evidence for concluding that the particular use of racial preferences was narrowly tailored to eliminate the present consequences of past discrimination and thereby bring the particular government entity itself was responsible.

Most recently, in the Adarand case, the Court emphasized the color-blind principle in the Fifth and Fourteenth Amendments to the Constitution protect persons, not groups. It follows from that principle that all governmental action based on race should be subject to detailed judicial inquiry to ensure that the personal right to equal protection of the laws has not been infringed. . . . A free people whose institutions are founded upon the doctrine of equality . . . should tolerate no retreat from the principle that government may treat people differently based on race only for the most compelling reasons. To which Justice Antonin Scalia eloquently added, "In the eyes of government, we are just one race: white." These Supreme Court cases would invalidate virtually every program of racial preferences in public university admissions. The Fifth Circuit, in a per curiam opinion of the en banc Court of Appeals, held that the University of Boston be declared unconstitutional on the basis of the Massachusetts constitution's provision that "All men are born free and equal. . . . (Incidentally the lawsuit was brought on behalf of a young woman, four-year-old Sarah Roberts.) Charles Sumner, the great Massachusetts abolitionist, argued that the principle of equality that invalidated slavery likewise invalidated "any institution founded on inequality or caste."

And thus to vindicate the principle that all men are created equal that we fought a bloody civil war, ratified the Thirteenth Amendment to abolish slavery and the Fourteenth Amendment to extend "the privilege of the laws" to all persons, or rather to each person individually.

And it was in the spirit of the same principle that, beginning in the 1950's, NAACP Legal Defense Fund lawyers embarked upon a litigation strategy designed to end segregation in public schools. Thurgood Marshall successfully argued in 1954 in Brown v. Board of Education that the racial segregation of public school students was unconstitutional. During the two decades that followed, a black applicant because "classifications and distinctions based on race, color, and national origin are inherently unequal." Two years later, Marshall argued that "racial classifications are irrational, irrelevant, odious to our way of life, and specifically proscribed under the equal protection clause of the Fourteenth Amendment. This was also the argument that Marshall successfully upheld in 1954 in the 1954 case in Brown v. Board of Education. "The Constitution is color-blind, and one is entitled to be treated as a team for local and national publications."

John Hindersaker and Scott Johnson are Michigan observers who write as a team for local and national publications.
The Weekend
The event formerly known as Dark Ages

December 30, 1998 - January 2, 1999

If you are tired of the same old traditions of ringing in the New Year, would like to escape from the winter weather and bask in the luxurious comfort of a world class spa and resort, and if you would like to get some insight from experts on the future course of the country in political, cultural, and economic domains, then you need to be at The Weekend.

The Weekend will be a four day event held on December 30, 1998 - January 2, 1999—filled with gourmet food, fabulous entertainment, and intellectual insight into national and international affairs that affect us all.

Some of our confirmed speakers include:


Tentative: RNC Chairman Jim Nicholson and Rep. J.C. Watts

Our panel discussions will touch on:

Government & Technology: The Competitive Frontier
America’s Ethnic Future and How We Need to Address It
A Candid Discussion on the President’s Morality
Foreign Affairs: Are We Delegating Away Our Authority?
Educational Choice: A Revolution in the Making
The Clinton Scandal & the Political Future

No New Years would be complete without a party and a live band—and what a party we have planned.

On January 1, the Center will host a Conservatism With A Heart banquet to showcase individuals and projects that are making a difference in the lives of the disadvantaged, employing private solutions to public problems.

On January 2, the Second Annual celebrity Golfing for Kids Classic charity event to benefit the CEO and CSF scholarship programs for inner city children will kick off pairing up players with members of Congress and Hollywood celebrities. House Speaker Newt Gingrich will be the keynote speaker at the awards banquet.

Now in its third year, The Weekend is an alternative to the Friends of Bill (FOB) love-in held every year in Hilton Head, SC. Originally conceived by attorney Jay Lefkowitz and news analyst and author Laura Ingraham, this popular event is now produced by the Center for the Study of Popular Culture.

For more information contact
Noelle McGlynn at 703.683.5452
Peter Singer Gets A Chair

Animal Rights Extremism at Princeton

by Wesely J. Smith

M ost people know that it is wrong to kill babies. Most people understand that pigs are animals, not persons. Most people view the intentional killing of "medically incompetent" people as murder.

Not Peter Singer. The Australian philosopher, a founder of the animal rights movement, claims that infants have no moral right to live and views infanticide as an ethical act. He believes that if society regarded newborns as persons...
Binding and Hoche also justified the killing of mentally incompetent adults, just as Singer does today. They based their euthanasia advocacy on the alleged misery of the lives of mentally incompetent adults, as well as a way to end the burden their support caused to families and to society—a concept echoed clearly in Singer's utilitarian premise that it is always wrong to be able to kill human nonpersons whose lives are deemed to have little value to them, if it produces the most "total amount of happiness."

The 1920 publication of Permission to Destroy Life Unworthy of Life set off a national discussion about euthanasia among the German intelligentsia and eventually among the general populace. These dehumanizing ideas deeply influenced German popular attitudes toward medically disabled people. As reported by British author Michael Buruma in his book on the euthanasia movement in Germany, Death and Deliverance, a 1925 survey taken among the parents of children with mental disorders disclosed that 74 percent of them would agree to the killing of their children, (One can only imagine the attitude of the nonparents.) Thus, while the Nazis certainly propagated energetically against the value of the lives of the disabled after they came to power, they were working in a field already made fertile by the general acceptance by doctors and the general populace of the Singer-like notions of Binding and Hoche.

Singer seeks to distance himself from German euthanasia with the claim that the actual killing of disabled infants which would be considered under his ethical paradigm would be nothing like those which occurred in Germany. To this one must respond not so fast. One of the first people murdered in the Holocaust, as described in Lifton's, The Nazi Doctors, By Death and Deliverance, and Hugh Gallagher's book on German euthanasia, By Trust Betrayed, was an infant known as Baby Knauer. Baby Knauer was born in late 1938 or early 1939. The child was blind and had a leg and an arm missing. Baby Knauer's father was drafted at a very young age to work on a German child farm. He wrote to Hitler requesting permission to have his child "put to sleep." As Baby Knauer had been receiving many such requests from German parents of disabled babies over several years and had been waiting for just the right opportunity to launch his euthanasia initiative, The Knauer case seemed the perfect test case. He sent one of his personal physicians, Dr. Kurt Rudolph, Brandt, who would later be hanged for crimes against humanity at Nuremberg, to investigate. Dr. Brandt's instructions were to verify the facts. If the child was disabled as described by the father's letter, Brandt was to assure the infant's doctors that they could kill the child. With the knowledge of the fact that doctors willing murdered Baby Knauer at the request of his father, Brandt witnessed the baby's killing. He signed a secret order permitting infanticide.

The Baby Knauer incident convinced Hitler that his plan to permit doctors to kill disabled infants should go forward. He signed a secret order permitting infanticide of disabled infants in 1939. Soon thereafter, adult disabled people could also be killed in what came to be known as the "T-4 Program" (named after the "T-4" Program, named after the "T-4" program which had been used to exterminate disabled adults. (He did not order an end the killing of disabled babies, however.) But despite Hitler's partial and partial record, euthanasia continued unabated until a few weeks after the end of the war, carried out by doctors whose behavior were acting ethically, compassionately, and responsibly in their killing work, based on the premises first articulated by Binding and Hoche more than twenty years before.

The murder of Baby Knauer is precisely the scenario Peter Singer supports when he argues that parents should be permitted to have their unwanted babies killed in order to maximize their own happiness and that of their potential future children. Indeed, Baby Knauer's father was quoted in Lifton's book, The Nazi Doctors, as stating in 1973 that the family was thankful for the killing: "We wouldn't have to suffer from this terrible misfortune because the Father had granted us the mercy killing of our son. Later, we could have other children, handsome and healthy..." Note, the explicit congruence of the father's sentiments suggesting the murder of his baby with Singer's philosophy.

The German euthanasia program also took the lives of tens of thousands of disabled adults during its six year reign of medical terror. Most of those killed were people with physical disabilities or relatively mild retardation, people whose killing would not suggest that any of the disabled adults butchered in the Holocaust were profoundly retarded or demented. According to Singer, such people are not persons and they can be killed with little or no regard for their lives. "We kill these helpless people, it is hard to distinguish their actions from those advocated by Singer today.

It is true, of course, that there are many learned men and women who spend their lives promoting praiseworthy, even evil, ideas, and the world is none the worse for wear. So, why does this particular article come up for so much alarm? In a word, Princeton. The holders of elite chairs at elite universities, such as that soon to be held by Peter Singer, "Singer's academic freedom." That is why these positions are so highly coveted.

Dr. Herbert London, the John M. Olpin Professor of Humanities at New York University (NYU), explains how the influence of Peter Singer can spread throughout society because of his Princeton professorship. When a controversial thinker is given an elite academic chair, London points out, a "superstructure" is created to kilich values. Increases the influence of the professor beyond the ivory covered walls of the university. Visualize this superstructure as an avalanche spreading, with Singer at the bottom and his influence branching out and in all directions. His position at Princeton gives him great respectability. What he says and advocates, almost by definition, will now become legitimate topics of public discourse.

"After all," says Professor London, "this is not some small, insignificant university. This is a very significant university. It is a major chair. It is a significant appointment and all those things contribute to the legitimacy of the arguments that emanate from it." Thus, from the mere fact of the appointment itself, Singer's ideas will matter more than they did before and his influence will grow. Princeton. As London points out, "These elite professors produce new holders of the Ph.D., who look and act and quack just like the professors who conferred the degrees. Then, the young people go out into the world exposing the same views as the professors." Making matters worse, Princeton being Princeton, most of Singer's students are destined to rise to the top of American life. They are the physicians, health care executives, political office holders, bureaucratic policy makers, foundation decision makers, and university and college professors of tomorrow. That means that Singer's ideas are likely to eventually affect the very day realty of American life.

Singer will also exert influence in the public policy debate over euthanasia and medical ethics beyond the academic setting. "He is likely to become a talking head anytime the electronic or print media discuss euthanasia," says Stephen Drake, an organizer for Not Dead Yet, a group made up of disabled people and their allies who oppose assisted suicide, euthanasia, and medical discrimination against disabled people, and who view Singer's appointment as a profoundly misguided act. "The Princeton prestige factor will impress the audience, adding weight to his ideas. Moreover, he is extremely charming and engaging, and is able to give a rational veneer to what is actually a gonadically agendized factor. Singer's radicalism is likely to make other bioethicists, who hold similar views, seem moderate because they may not share his extremist anti-human-person mentality. "Singer will do the same thing to bioethicists that Kevorkian did to the debate over assisted suicide," Drake says. "Before Kevorkian, the Hemlock Society was seen widely as a fringe group. Today, in contrast to Kevorkian's radical persona, Hemlock is seen by some as more moderate. The same thing will happen with other bioethicists who look and act and quack just like the professors."

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Human History has long been taught by us now that horror results whenever we attempt to distinguish the moral worth of some people from that of others based on "relevant characteristics," whether race, tribe, nationality, religion, gender or any other human trait. Such cutting, however motivated, always leads to injustice, oppression, and discrimination. Blind to this lesson, Singer seeks to create a new form of under humanity—the human being who is not a person—and further states that "Singer's" ideas are destined to rise to the top of American life. They are the physicians, health care executives, political office holders, bureaucratic policy makers, foundation decision makers, and university and college professors of tomorrow. That means that Singer's ideas are likely to eventually affect the very day realty of American life.

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Utopia's Grave, Continued from page 1

a) Hugo Blanco Defense
b) Student Union
c) Women's Movement
d) Sexual Minorities
e) Unemployed Coalition
f) Beer halls riot

Hugo Blanco was, and, I gather, still is, a Peruvian union leader and member of the international Trotskyists. He was one of "us," and he was in jail. He'd been head of a peasant movement that had begun to occupy land and seize it from the oligarchy. We heard about Blanco from one or another of the comrades. He was in jail and his life was in danger.

The Peruvians might execute him, it was said. We swung into action. We had begun to shape an international campaign for his release. Fidel himself had granted Blanco some lukewarm words of praise.

The real issue was his life. It was said that the oligarchy had passed a death sentence on him. This was what we'd heard—although, today, I have no evidence. But to us, the hand of the Peruvian executioner was nigh, and could only be stayed by international pressure.

Here and there, sympathizers took notice, attracted by the threat of the death sentence. We banked on that. Since Sacco and Vanzetti's time, people had always responded to death-sentence appeals.

One Sunday, we debated the question in the branch. The topic was "Are Bolsheviks in Favor of the Death Sentence?" For the negative, an oldtime comrade who had known members of Trotsky's Mexican guard. For the affirmative, a youthful firebrand from among the students.

The student took the first shot. Death, he argued, was a revolutionary's constant companion and an accessory to revolution. "There is no fundamental change without violence," he yelled, glaring at the audience. "And if we are to promote revolution, who are we to oppose the death sentence?"

His opponent surprised us by agreeing with all the student's points. Violence, was he said, quoting the familiar words of praise.

His argument was that, with our support, the student could count on not being executed. He could not count on reactions to rally, and you might have to execute him. The student beamed.

The discussion, to the veteran, leaning forward for emphasis, "that doesn't mean we have to admit it." Hey, he said, if we supported capital punishment, the bourgeoisie would capital­ly punish us! That would be no good. That would prevent us from ever reaching the point where we could capital­ly punish them. So, no execution was out. We'd rally the broad masses on this point.

Today, I don't think of Sacco-Vanzetti, the students. I write, there is still a movement called Shining Path that—without Blanco, to be sure—has bathed in peasant blood, under the direction of an overweight college prof.

 overtime, you could treat them as a category of "mankind," a lay person's term for homo sapiens, a zoological species. And so, we marched and agitated and denounced and encouraged women to be leaders. To make the point clearer, we were looking for symbols, tokens of male privilege. There were many at hand, but the most visible, in Quebec, was the institution called the tavern.

The thought of that march came to me last week. The women on it were sincere, and their indignation profound. Also, they had a sense of humor. They wanted to join the men, not defeat them. They intended the institutions that kept men and women apart.

Today, I'm recalling a more recent report on a demonstration by the Alaskan Women's Collective. The women were marching in front of the courthouse, in support of a wife who demanded her children back. The kids were spirited away by her 10-year-old son, who was an alcoholic and beat them daily. Now, she wanted custody, and the Women—but not thechildren—agreed.

The husband had been charged with kidnapping. Over in my dresser is a letter from a cousin. His dental practice is now dead, victim of an assistant whom he once let go, only to face harassment charges, pursued by the Womyns Legal Defense, costing him a quarter of a million.

The idea of that march spread quickly. On the road, by phone, and by mail. We decided to protest the injustice. We formed ourselves into a group of women. We planned a protest, and I gladly went.

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Where was I with the Khmer? Oh yes, back in 1971, when their guerrillas were teeing up for the Utopia we craved. The war was hot and we craved victory. I craved many things and she wanted custody, and the Womyn—but not thechildren—agreed.

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Quebec, was the institution called the taverne. Taverns were beer halls, those ubiquitous stations of the ale-drunk Quebec landscape. They were reserved for men. For my women friends, this was worse than discrimination.

When you talked about women, more often than not, the quote was: "The Khmer want to steal the Khmer."

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Just Causes and Many Arrests

Not from curry or lemon grass, but from urine and excitement in the halls. One day I couldn't work at all, I was supposed to enter the utilities view room. There, I was greeted by a social worker. There was an eerie uniformity, and kinship with the world's oppressed masses.

Your welfare check, of course. All that money. Four minutes later, he'd joined his girls in the taxi and roared off. I was ushered into a small office with a desk and a telephone. There, I was greeted by a social worker. She replied that I'd just been列入 the welfare system.

Somebody in the office found his jamborees, and so I was enrolled. Welfare? Impossible. She frowned. I explained the circumstances: stress, exhaustion, disillusionment. The careful words sank deeply into her college-trained heart. There was nothing to be done, she sighed. I was considered self-employed. Welfare was for wage earners—entirely different. She asked me what I did for a living.

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checkeredboard of ficticons, each with its own flag and language. Casablanca in the movie was not more chaotic.

Like a noisy storm, this maelstrom had burst over Toronto, previously a WASP bastion of royalists and Tory bankers. The novelty did not go unnoticed. It seemed so obviously concentrated that the elites decided it was fate.

It was fate that Canada should not only take these immigrants, but, somehow, conform to them, becoming diverse and colorful in the process. It was the new liberal canon and a natural leap for Boomers.

Boomers could now pay their dues to the Third World, importing it wholesale into Ontario. They turned up the heat on minorities, where academics and medicos could tart up their resumes by giving papers on every imaginable subject, from the north, sans Cambodia, it was scurrily luck indeed for that vitamin-starved immigrant!

To atone for being a majority, you simply erased the whites. Non-whites might now be 16% of Ontarians, but 60% of TV anchors had to be colored. Similarly, you erased the language. It was reactionary to impose English on people, since it was not listed as a post-colonial idiom.

Thousands were in English schools without English. But teaching them the language held no virtue. Instead, activists ran all over town, recruiting and tailoring immigrant medicine to immigrant culture. To counter this, I put out propaganda. One day, I mailed out a Cambodian version of "How to Get Vitamin C in Your Diet."

It was not entirely without merit, that pamphlet, for even Cambodians needed vitamins. However, it was not set in Canada. It was about going to the market and looking for C-laden Cambodian foods. And if that Kampuchean happened to escape the ghetto, finding herself, say, in the north, sans Cambodia, it was scurrily luck indeed for that vitamin-starved immigrant!

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The Ottawa government weighed in, sanctifying Multiculturalism, and even making it law. A statute now declared that English and French were "official" but every other language on Earth had status. Activists scurried to found interest groups and apply for funding.

That's where I came in. The Health Coalition did outreach to people who were not yet tailoring immigrant medicine to immigrant culture. To counter this, I put out propaganda. One day, I mailed out a Cambodian version of "How to Get Vitamin C in Your Diet."

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The Great Ethnic Winding-Sheet Incident, in which indignation was raised over the fate of a hospitalized granzy, Granny was a Greek-Canadian who spoke no English. One day, she went to hospital for a procedure. She took off her clothes. The nurses passed her a hospital gown.

By the time Granny's daughter, an activist, had found her, Granny was hysterical. The gown was all white. White was the Greek color for shrouds!

The Great Non-Italian Hospital Name, wherein a hospital in an Italian neighborhood was named Northwestern. And the local's Italian pronounces its name, thundered an activist, and nobody would change it!

And finally, The Great Ethnic Non-Ethnic Thought Bubble. This happened during a round-table, and featured speakers from many cultures: Finns, Kenyans, Salvadorians, etc. Ethnicity was the universal password. Suddenly, there was a pause. There, among the ethnicities, lay original Canadians.

Specifically, one French-Canadian and one Native person from Ontario. The Indian had been defining the group's mandate. She could not go on. She shot a glance at her French-speaking colleague. They searched the room.

It had dawned on them that Ojibway and French-Canadians were being recategorized. They'd relinquished their Canadian status, and been lumped into 120 "ethnic" groups. I approached them later. Why, said I, wicked, did they even participate? They showed me the stubs from their government grants.

Foxy government, this, that could blur 300 years of cultural patterning into a colorless wash. That was the goal of Multicult: to hose the real history of the country into a formless pool.

Which brings me to the end. My end, a sort of burial. There goes the coffin into the hole that was marked for me in the cemetery of the Left. A county full of makers that have been largely best out of the shapes that were intended for them.

In that box, bones from Cambodia, and from AIDS suffers, not a few of whom I loved dearly. Could Gay Lib have been more protective of them? The question oppresses me—1, who, seven years later, for almost 20 years, I have practiced gay celibacy, and, until recently, that was considered "treasonous."

And finally, other things in the coffin: faded placards, covered in neo-marxist graffiti. Notes from a cultural break-up, of men from women, kids from divorced parents, and teaching from its moral center. May we all find out why in our own, private ways.

Walter Bruno is a writer living in Calgary, Canada.
associate dean of Yale College, informed Dick by letter that both an administrative member of the committee coordinating the program and a faculty member had written a complaint alleging harassment in the form of a "BAD week 80." poster. The college's Executive Committee, the coordinating group, had decided that the charge that Dick's poster violated a ban on "physical restriction, assault, coercion, or intimidation" (it should be submitted to the full committee. According to Dick, as reported in the Village Voice in July 1986, when he asked Dean Pearce how his satirical poster could be actionable if Yale's policy guaranteed full freedom of expression and the right to "challenge the unchangeable," she replied that it did not pro­hibit one's doing so."

On May 1, 1993, the Executive Committee found Dick guilty of harass­ment and intimidation. His mother told the Boston Globe, "Wayne feels very strongly about things. He expresses himself freely." At Yale, that earned him two years of pro­bation. A code, absent a commitment to freedom, will mean whatever power wants it to mean. Assisting a student at Wesleyan University against violations of the speech code in the spring of 1996, Robert Christeleth, of the National Writers Union, wrote to Wesleyan's president and quoted from the university's harassment policy: "Harassment and abuse. You don't need a Ph.D. in logic to notice that verbal harassment is anything but." Dick decided it to be. Dartmouth College even decided that free expression was, literally, garbage. In 1993, some students repeatedly stole the "manifesto" of the conservative Dartmouth Review from dorm­itory delivery sites. The dean of students announced that the confiscations did not violate the code of student conduct. As an official Dartmouth spokesman explained, the "Dartmouth Review was "filth." Authors of these codes rarely make their full agenda explicit, but some­times a document sheds real light. In June 1989, the Massachusetts Board of Regents adopted a statewide "Policy Against Racism" for higher education. It "pro­scribes all conditions and actions or omissions including all acts of verbal harassment or abuse which deny or have the effects of denying to anyone his or her rights to equality, dignity, and sobriety on the basis of his or her race, color, national origin, gender, sexual orientation, culture or religion." It mandated both "appreciation for cultural/racial pluralism" and "a unity and cohesion in the diver­sity which we seek to achieve," outlawing "racism in any form, expressed or implied, intentional or inadvertent, individual or institutional." The regents pledged "to eradicate racism, ethnic and cultural offenses and religious intolerance," and "required," among other things, programs "to enlighten faculty, administrators, staff, and students with regard to ways in which the dominant society manifests and perpetuates racism." They did not call for any program on political tolerance. At the state's flagship campus, the University of Buffalo, in March 1992, the Board of Regents, in the spring and summer of 1992, the student newspa­per, the Collegian, lost all real protection of the rules of law. At an angry rally on the campus of the acquisitive of the Los Angeles police officers in the Rodney King affair, protesters targeted their hatred against the supposed "racism" of the Collegian in hopes of the L.A. Times. Unlike Professor John Bracey, later head of the Faculty Senate, who at the rally termed the rotors "our plates," he tended the officers of the Collegian, smashing windows, destroying property, and assaulting staff. Northampton police arrested one protester for attacking a Collegian photographer with a baseball bat and dragging him to the Student Center (the municipal court sentenced him to counseling). The Collegian appealed to the university for protection, but was refused. Editors of the staff got a Northampton police escort to another municipality, and published a few editions in hiding, but those were stolen and destroyed. Marc Elliott, editor-in-chief, told the Boston Globe that it was "like a Nazi book burning." Under pressure by the university, the editors of the Collegian surrendered and agreed to an editorial structure of separate editors and sec­tions for every "historically oppressed" minority on campus. Managing editor David Weitzen told the Daily Hampshire Gazette, "There's 100 people running scared right now, and 100 people intimi­dating them. I'm not going to put a student organ­ization above my safety." He told the Associated Press, "We gave up our journalistic integrity for the safety of the students." When the Collegian appealed for protec­tion, UMass's chancellor, Richard O'Brien, replied that there was a conflict between two val­ues that "the university holds dear: protection of free expression and the creation of a multicultural community free of harassment and intimidation."

Publicly mandated, their job is to help in solving the "dispute." Privately, according to Marc Elliott, "We were told by the administra­tion that the choice was to give in or let the cam­pus burn down in a race riot where people would get killed." Chancellor O'Brien denied that, and told the press, "We were there to facilitate discussion, not to take any side on the issue." In 1994, in response to an inquiry about the actions taken by the administration in 1992, the new chancellor, David K. Scott, replied, in writing: "Collegian takeover of May 1, 1992; charges were not brought; Whitmore occupation of May 1, 1992; no disciplinary action was taken; Theft of copies of Collegian May 4, 1992; individuals who may have taken copies of the Collegian were never identified. It is difficult to call the action theft because the paper is distrib­uted to the great good of change." As for the phys­i­cal assault and the destruction of the newspapers: "I am not aware of any specific statements by the administration in response to the incident with the on campus photographer or the theft of copies of the Collegian." In 1995, Chancellor Scott proposed a new harassment policy that would outlaw "sexual epithets and slurs," but, in addition, "negative stereotyping." The policy caught the eye of the media. New York Times columnist Anthony Lewis illustrated the gulf between liberal and campus views of freedom. UMass's policy, he wrote, would "create a totalitarian atmosphere in which everyone would have to guard his tongue all the time lest he say something that someone finds offen­sive." Lewis asked: "Do the drafters have no knowledge of history? No understanding that freedom requires 'freedom for the thought that we hate'? And if not, what are they doing at a univer­sity that prides itself on being a citadel of legal education on liberty, but it adopted these rules years after federal district courts had ruled that similar codes violated the First Amendment. Indeed, these lines seem to have been enacted precisely in order to suppress speech on the heels of a great campus controversy involving a law student who made his entire named of the expressive-filled Harvard Law Review article, "A Postmodern Feminist Legal Manifesto," published as a posthumous memoir of Mary Isa. Frug, a radical feminist legal scholar (and the wife of a member of Harvard Law School's faculty) who had been brutally murdered some months earlier. When the paradoxically modified the decision to publish, there were calls from some outraged students and fac­ulty for a new code. As for the law school, the new chancellor, David K. Scott, told the administration that the drafters have no re­spect for their discipline or even expulsion. As for the physical assault and the destruction of the newspapers. "I am not aware of any specific statements by the administration in response to the incident with the on campus photographer or the theft of copies of the Collegian."
confront their accuser, convicted them of creating "a hostile and intimidating atmosphere," and sentenced them to 200 hours of community service. Further, it required them to view the videotape Homophobia: The Other Face of Campus Racism, and write a paper on "homophobia."

Lask was indignant. According to Francis Randalls, an attorney advocating for Lask, Lask took notes of a conversation with Robert Cameron, associate dean of student life, in which he recorded the following judgment: "We know that you are not guilty of any of the items [in the code] 'through him, but [you] tried to make an environment that was uncomfortable and demonstrated your hostility toward [the student]." Randalls's notes of a later conversation with Marilyn Katz, the dean of studies and student life (who requested and confirmed Randalls's notes), reflect that she said to him: "I know it makes a good phrase to say he was convicted of laughing, but the laughing was in a confirmed." The closest that the college's administration came to trying to defend itself in what became an increasingly embarrassing situation was when Barbara Kaplan, dean of the college, told the New York Times that she dispelled Lask's claims that he had refused just for laughing, but then Kaplan reframed to elaborate, citing confidentiality rules. Just two weeks later, Lask refused to write a paper on homophobia and took a year at Hebrew University in Jerusalem. During that time, Randalls worked for reconsideration, and the New York Civil Liberties Union (NYCLU) joined the case, which Randalls believed worried the college the most. Norman Siegel, executive director of the NYCLU, told the New York Times that the case was "another situation of political correctness run amok, of political correctness being extended into the twilight zone." Lask was afterward of having to demonstrate in writing his successful thought reform, but the conviction remained a part of his academic file. When, in January 1994, the NYCLU was about to file suit on Lask's behalf, Sarah Lawrence removed the letter from Lask's file, and the case died.

Randalls (in a memorandum for his colleague) explained that in 1991, organization of gay, black, and Asian students secured a speech code resolution that a person had defender professor with bigoted graffiti in one incident. By 1993, however, the code never had been invoked. "Lask himself was charged with harassment, but that was not harassment. What if someone had laughed?"

The Mid-Atlantic

In November 1994, at Montclair State University (New Jersey), an entire fraternity, Delta Kappa Psi, was sentenced by the campus judiciary to 150 hours of community service because one of its members hung a Confederate flag over the cadet's table. This is because the university provides students and faculty with separate statements about freedom of expression. The first proclaims "free speech" essential to the university, declares that "more is better," asserts that "to forbid or limit discourse contradicts everything the university stands for," and promotes the notion that restrictions are unconstitutional "considerations of time, place, and manner." The second, under which students and faculty operated, was that a restriction was "an expression that is grossly offensive on matters such as race, ethnicity, religion, gender, or sexual preference is inappropriate in a university community." Rutgers University had a category of "verbal assault," and a separate "heinous act," harassment, which included "communication" that is "in any manner likely to cause annoyance or alarm." The speech provisions of the sexual harassment policy at the University of Maryland—College Park, however, go well beyond those of the other two. Maryland's policies list among "unacceptable verbal behaviors" idiosyncratic of a sexual nature," "graphic sexual descriptions, sexually provocative gestures," "comments about a person's clothing, body, and/or sexual activities," "sexual teasing," "suggestive or insulting sounds such as that of a kissing sound," "sexually provocative compliments about a person's clothes," "comments of a sexual nature about body weight, body shape, size, or figure," "comments or gestures about the availability of a person, or her/his spouse or significant other," "pseudo-medicinal advice such as 'you might be feeling bad here, but you won't get enough' or 'a little Tender Loving Care (TLC) will cure your ailments,' " "telephone calls of a sexual nature," "staged whispers or mimicking of a sexual nature about the way a person walks, talks, or sits." Further, these verbal behaviors "do not necessarily have to be specifically directed at an individual to constitute sexual harassment."

Even remaining silent about life, sexual, private views, fashion, or love is no path to safety at Maryland, however, because the policy also prohibits an array of "verbal and/or non-verbal behaviors." "Gestures are 'movements of the body, head, hands, and fingers, face and eyes that are expressive of an opinion or idea of communication.' Non-verbal behaviors, distinguished from 'physical behaviors which involve touching,' are 'actions intended for an effect or as a demonstration.' The policy identifies non-verbal 'exhibits of unacceptable verbal behaviors and nonverbal behaviors,' including "sexual looks such as lingerie and ogling with suggestive overtones, kissing lips, holding or eating food provocatively; and lèwd gestures, such as hand or sign language to denote sexual activity." As dry lips or American scraps, blow to sexualize a woman's image, the policy identifies specific acts of "sexual discrimination" as actionable "sexual harassment," including "gender-based—gender based—that some women [and course materials that ignore or depreciate a group based on their gender]."

At Carnegie Mellon University, in Pittsburgh, suppression of speech by charges of harassment, formal censorship, and ever more repressive codes has become a way of life. According to the dean of student life, "unfortunately, for too long, faculty have been having to demonstrate in writing that to demonstrate the need for a university to protect the rights of a student who is being harassed, demonstrating the depth of harassment, and demonstrating whether or not the student's conduct was a protected activity."

McCullagh was himself charged with "harassment" for his website campaign in the number of the candidate in student government elections (a charge dropped later). His accuser wrote to him that "this may not be enough to legal- ly win [in court] it is more than enough to win a UCD [University Committee on Discipline] hearing on this campus." That is true of charges of "harassment" on most campuses. The same accuser, Lara Wolfson, when she was president of the Graduate Student Organization, was criticized on the student government newspaper by a fellow graduate student, Erik Altmann, for trying to create "graduate student ghetto." He called her a "megalomaniac." She sentenced the student, "another move in the fight against harassment, demonstrating the depth of harassment, and demonstrating whether or not the student's conduct was a protected activity."

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I and racial themes," the court found, "was intended to impart a message that the University's concerns, in the Fraternity's views, should be "far more concretized" than the administration now contended, including public service and educational remediation."

At Vanderbilt University, a conservative student group, the Young Americans for Freedom (YAF), one of whose member chapters and wrote "behaviors" and "discrimination" based on sexual preference is subject to penalties that range from "reprimand to expulsion" under the harassment policy of the university. George Mason had understood that perfectly correctly well that the freedom of e-mail and Websites be sacrificed in the name of more good taste. The assault on student electronic freedom most often arises from the occasional wave of vulgarities or obscenities that one finds on free expression of ideas at the university. Indeed. A professor emailed Deean McCullough about wanting to share with him the university's defenses of its policy but he noted, "I would have to send them U.S. Mail."

The Border States and the South

Virginia broke from the rurality over the government's policies to establish the university with an institution. WVU's "ster lifetime learning; practice civic responsibility..."

Researcher 

Next to censor is almost boundless. In February 1996, according to reports from the Associated Press, Winthrop College, in South Carolina, suspended the Internet accounts of two students because only certain groups actually are allowed to conduct research on the internet. college refused again to supply the information. On December 8, 1995, therefore, Jerome wrote to the administration that "these kinds of limitations are not only unnecessary but also illegal..."

Thus, WVU prescribes an official, orthodox, state definition of homophobia: "Lesbians and gay men are often portrayed as sick, pervert..."

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Sorority and the honesty to confront issues" that President Ford had nurtured at Washab was best revealed by the Student Senate's 21 to 7 vote to denounce the Roman Catholic Church's conformity to the Commonwealth. Chip Timmons, president of the student government, gladly explained to the Chronicle that "people are not very happy that the Commonwealth have to say:"

One student senator said, "Does the Commentary harm the college? Then we must not fund it." Kull's response was: "If the reporting is true, if they say that Washab, he noted, had succeeded "in silencing the only dissent on campus." The money was reallocated to a new publication, The Washash Spectrum, under the College Democrats.

Revelations about courses, however, can be specifically invited by a university when the goal is "progressive." In September 1993, the Department of Human Relations of Michigan State University (MSU), an administrative unit, issued a set of guidelines for "Bias-Free Communication." These instructed the community to avoid, among other things, words that reinforce stereotypes, such as "colorful" or "black mood."

The speech code was drafted with the help of professors Richard Dambrot, Gordon Baldwin, and Ted Finman, who expressed confidence that it would withstand constitutional scrutiny, that it specifically exempted faculty members, and that the policy "applied only to students."

Twelve student plaintiffs challenged the policy in federal court (only one of whom had been prosecuted under it), arguing that the prohibitions went far beyond the university's stated constitutional justification, the "lightning words" doctrine of Chaplinsky, in that they themselves frequently said "the cases of all students who had been sanctioned under it. Every single one related to offenses against on-campus speech, as if it were one in the real world. The system had said an actionable word about white males. Many of the offenses were already crimes (both, impersonating an officer, assault, and terrorist threats). Many of these sentences were bizarre, demanding that students take specific courses, and otherwise intruding into matters of private conscience.

The court agreed emphatically with the plaintiffs, noting that no definition of "intimidating" or "demeaning," let alone of "hostile," created the necessary public interest in its own official speech by Chaplinsky although the court refrained from addressing to a person of average sensibility who is a member of the group that the word, phrase, or symbol insults or threatens." Faced with another lawsuit, however, the regents reversed themselves in September and repealed the speech code, 10 to 6. The Washington Post, a consistent critic of campus speech codes, editorially observed: "Debate, example, and the establishment of guidelines for more effective tools in creating and upholding civility on campus than quasi-legal procedures that seem to be merely "fools."

America knows that; its universities do not.

When federal courts began striking down codes restricting "verbal behavior" at public universities and colleges, other institutions, even in those jurisdictions, did not seek to abolish their policies. Thus, Central Michigan University, after the University of Michigan had applied a speech code to eliminate "unconstitutional, maintained a far broader and vaguer policy outlawing "offense" on grounds of race or ethnicity, not to mention "epithets [sic, we hope] or slogans that infer [sic] negative connotations about an individual's racial or ethnic affiliation."

In 1993, this policy was challenged, successfully, in U.S. District Court, in a case that reveals much about the current state of American academic life. The court noted that the code applied to "all possible human communication" and required the university to issue "systematic feedback" to students who did not possess "the possible instructable accountability," in their "communications, for [sic] bias, prejudice, and offensive implications." Even at extracurricular meetings, nothing must "stereotype" or "demean," and all members of the campus community must avoid "subtle discrimination" such as "eye contact or lack of it, seating patterns, interrupting, dominating the conversation, and verbal cues that discourage some participants from speaking while encouraging others." Indeed, the MSU Office of Human Relations advised: "If people on campus can help us identify subtle and overt discrimination."

In the Midwest, contempt for the Constitution by public universities has been an ongoing scandal. The University of Michigan, recent例子，see that its speech policy overturned by an appalled federal district court. An equally repressive policy (also overturned by a federal court) had been imposed on the University of Wisconsin (UW) by its chancellor, Donna Shalala.

In May 1987, a fraternity at UW Madison had displayed a caricature of a dark-skinned Fiji Islander with the words, "Ding Dong!" On March 29, 1990, the Wisconsin ACLU joined a suit against the university, announcing that the important moral goals of toleration and equal opportunity "can be accommodated through means other than the creation of rules which infringe upon the fundamental freedoms to express ideas."

This speech code was drafted with the help of UW Madison Law School professors Richard Delgado, Gordon Baldwin, and Ted Finman, who expressed confidence that it would withstand constitutional scrutiny. In September 1989, upon recommendation by Chancellor Shalala, it was adopted by the Board of Regents, 22 to 5, for the entire Wisconsin system. At that time, the Wisconsin system had displayed a caricature of a dark-skinned Fiji Islander when they adopted a speech code, 22 to 5, for the entire Wisconsin system.

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corrected the university's attorneys, who dropped the order against the leaflets.

The incident, however, was just one of numerous cases that the university has had to deal with in recent years. In 1995, a group of students at the university challenged the university's policy of allowing student groups to display their flyers only on certain designated locations on campus. The students argued that the policy violated their First Amendment rights, and the university ultimately agreed to amend its policy to allow student groups to display their flyers on a more unrestricted basis.

Another case that the university has had to deal with is the case of the university's newspaper, the "Duluth News Tribune". In 1996, the newspaper published an article critical of the university's administration, which led to a lawsuit filed by the university against the newspaper. The lawsuit was ultimately settled out of court, with the university agreeing to allow the newspaper to continue publishing its articles critical of the university.

In addition to these cases, the university has also had to deal with a number of other issues, including allegations of sexual harassment and discrimination. In 1997, a group of students at the university filed a lawsuit against the university, alleging that the university had failed to take adequate steps to address incidents of sexual harassment on campus.

Despite these challenges, the university continues to strive to create an environment that is free from discrimination and harassment, and that respects the rights of all its students and employees. The university has implemented a number of policies and procedures to address these issues, and has also provided training and resources to help students and employees understand their rights and responsibilities.

In conclusion, the university's commitment to academic freedom and the rights of students and employees is evident in its policies and actions. While there have been challenges, the university has also demonstrated a commitment to addressing these issues in a fair and equitable manner, and to creating a campus environment that is free from discrimination and harassment. As the future unfolds, the university will continue to work towards creating a campus environment that is inclusive, diverse, and respectful of all its students and employees.

P.S. The case of the University of Minnesota v. Redford, discussed in the article, involved the university's attempt to prevent the publication of a satirical movie that was critical of the university's administration. The case ultimately went to the United States Supreme Court, which ruled in favor of the university, upholding its right to ban the movie. The decision was seen as a victory for the university and its efforts to maintain decorum on campus.

The University of Minnesota is committed to protecting the rights of all its students and employees, and to fostering a campus environment that is free from discrimination and harassment. The university's policies and procedures reflect this commitment, and the university will continue to work towards creating an environment that is inclusive, diverse, and respectful of all its students and employees.
Featherly, newly appointed vice chancellor at UM-Duluth, received several appalling, terrorist threats that were not addressed by the administration. The university's response to these threats involved a call for employee self-defense by equipped personnel. The UMDSon held a press conference on September 30, 1996, where the president announced that they had found the photos “insensitive and inappropriate,” and Chancellor Lawrence Linn ordered the campus police to remove the two offensive photographs. The students (and the two professors) successfully sued UM-Duluth in U.S. District Court, which pre­dictably, ruled in April 1995, that the removal of the photographs was offensive, indeed, an “imprima­tor” violation of their constitutional rights.

The university appealed to the Court of Appeals, where the three-judge panel reversed the district court, ruling 2 to 1 that UM­Duluth's interests as a public agency overrode any First Amendment rights in this case. The court cited the atmosphere of tension, and it reasoned that “displaying the ‘case display’ was a constitutionally unprotected nonpublic forum.” In a dissent, Circuit Judge Arlen Beam noted that under this reasoning, the students and historians literally could have “burned an American flag outside the University history department, [but] cannot acknowledge that nonstudent, unauthorized, inde­cent and indecorous materials may be displayed or publicized areas of teaching expertise and special interest within the department.” In Beam's view, “The Court's opinion is not a demonstration of legitimate First Amendment jurisprudence but...an example of the triumph of the political cor­rection agenda.” He pointed out that “the opinion would permit even surreptition of...advocacy of gender and cultural diversity at UM-Duluth if Chancel­lor Linn subjectively felt that such speech con­tributed to an inefficient and negative working and learning environment on the campus because of [either] unlawful or vengeful or protected opinion.

Justice Beam's constitutional reasoning was vindicated in July 1997, when the full mem­bership of the Eighth Circuit Court, on further review, reversed the three-judge panel. The court decided, by a decisive 8 to 2 mar­gin, that the university had violated the First Amendment of the U.S. Constitution—indeed, that they had not even come close to meeting criteria where any actions which pro­duce complaints [seven women had charged sexu­al harassment by his column] because they are directed at individuals, or, by virtue of their persis­tent pattern, create a hostile or intimidating cli­mate, could result in sanctions which could range from administrative warning to dis­missal from the University.”

A group of faculty, calling the photos a threat to the university's students, were advised that they too should be removed. Then, a few weeks before the long­planned photographic exhibit was unveiled in late March, Featherly received death threats similar to those against Feathely. In that context, and in response to complaints about the photographs, Judith Karon, Featherly, newly appointed vice chancellor at UM-Duluth, received several appalling, terroristic threats. Although the term conjures images of illegal phys­i­cal threats, the university has other things in mind, such as the “offensive, derogatory, offensive conduct” that is “verbal or non-verbal, which subjects members of either sex to humiliation, embarrassment, or discomfort because of their gender.” Montana State College's vice chancellor and provost flew to Washington, D.C. and received death threats similar to those against Feathely.

The University of Southern California had one of the broadest definitions of verbal harassment in the nation, until the 1992 adoption of the state's Leonard Law, which extended First Amendment protections to students at nessecitarian private un­iversities. Until very recently, USC included ques­tions or statements about sexual activity, “jokes” and “innuendos,” and “whistling and other sounds, etc.” among possible acts of harassment by expres­sion. The Leonard Law might have its limits, how­ever. In April 1996, the Supreme Court of Pepperdine College suspended a student for a newsletter in response to charges from three female readers that the publication created a hostile environment, making his return to the college dependent on suc­cessful completion of sexual harassment sensitivity training. The Southern California chapter of the ACLU took the case to the Ninth Circuit Court, arguing that the newsletter was obviously protected speech. Judge Wendell Morrison, Jr., ruled that the California law was unconstitutional because of the newness of the potential to create a hostile environment, so the final verdict is not yet in.

At Washington State University, the student newspaper, the Evergreen, was partially censored in the summer and fall of 1996. In protest, it published an issue on November 1, 1996, that was empty of news on all pages, printing only advertisements and a front-page editorial that demanded an end to censorship. At a meeting of the Student Publications Board on November 4, Bob Hillard, general manager of student publica­tions, claimed that he had censored the paper on behalf of the interim provost, Geoff Gamble, and that university policies were within the right to edit and control the content of the Daily Evergreen.

In the West as elsewhere, the struggle for campus First Amendment and academic freedoms requires coalitions, including with the political Left. On May 16, 1989, in Washington, D.C., former Attorney General Edwin Meese stood next to President George Bush to hear his former press con­fiance announce the settlement of a lawsuit between their common object of concern, James Taranto, a con­servative former college journalist, and California State University—Northridge. In 1987, the University of California—Los Angeles had sus­pended a student editor for printing a cartoon that, in the words of the national ACLU, “made fun of affirmative action.” That penalty should have been unthinkable, but worse was to happen. In March 1987, Taranto, news editor of the Daily Sundial, who student newspaper, the Daily Suzdal, was an open to criticism on a wide variety of issues.

Students are brave, however, have invested so much of their time, hopes, and funds in their college education that the University of California—San Diego, where I worked, has many undergraduates are silenced or choose never to express themselves at all?

This essay was excerpted from The Shadow University: The Betrayal of Liberty on American Campuses by Alan Kors and Harvey Silverglate to be published by The Free Press. Alan Kors is a professor of history at the University of Pennsylvania. Harvey Silverglate is a civil liberties litigator who lives in Cambridge, MA.
A meeting of the National Bar Association, the largest organization of black lawyers in the United States, strangely enough, is not a friendly audience for the only black on the Supreme Court. Similarly, those who doubt strangely enough, is not a friendly audience for the only black on the action, perhaps the nation's most important cy, are not allowed to speak to the President's and punishing dissident voices? Such is the question that animates Richard Ellis' long acquisition on egalitarian movements and their Democratic Society "toughen from embracing extremism. He acknowledges the ful of the potential consequences of leftist ideologies a warning to the left from one of its members, one cedes, own hopes for reformist liberalism since, as he liberalism-and his faith in its egalitarian leanings¬avian tendency. Ellis invokes a reasonable tone, speaking Ellis rejects self serving explanations for the of black lawyers in the meeting of the National. Bar Side SDS, mimes' end up so thoroughly immersed in a versal falsehood' end up in the obscurantism of mital perversion of the organization's original aboli­ Research and Action Project (ERAP) because, as Ellis explains, "the problem for ERAP was that most violence of the inner cities and embraced the revolu­ Thus, as the summer of 1964, the Swarthmore chapter of the embraced revolution and guerrilla warfare and praised models like Red China. As Ellis notes, "There was no provision for the most extreme measures are..." After leaving Vietnam, Lynd and Hayadera saw the potential for guerrilla activity emerging from the guerrilla war in Cuba. Ellis also visited Cuba in 1967 he marveled at its communist revolutionaries saw the system wants to discredit and it is [the American] system wants to discredit and...be taken over in 1968 by various Marxist-Leninist fac­ and falsely accused..." John Lauck is a student at the University of Minnesota and his work was taken from "the system". Ellis notes that university courses too often become indoctrination, not education (he also recognizes that it is on....... doing "[t]o...".
Homeowner Held Liable in Electrocution

by Judith Schumann Weizner

A six-person jury has found Raynes County, New York electrician Andy Blitzer liable for medical and other expenses incurred by Tracei Foudre when Foudre was struck by lightning while sunbathing in Blitzer's back yard in upstate Thunder Gap.

Two summers ago, Foudre and Blitzer were sitting on lounge chairs in Blitzer's yard when Foudre was struck by the proverbial bolt out of the blue. Weather records indicate that although the sky was clear and the sun was shining in Thunder Gap, a line of thunderstorms was moving rapidly across an area some eighteen miles north of the town. Neither Blitzer nor Foudre was aware of the storms, as they were listening to CDs together on a Twin-ear™ portable CD player.

When lightning struck the Twin-Ear, Foudre was knocked unconscious and suffered the loss of most of her hair, including her eyelashes and brows. EMS personnel speculated that Blitzer was not injured because he had unplugged his earphones and had just put on rubber sandals to go to the kitchen for a beer.

While Foudre's hair grew back within a few months, it was no longer curly; she also found that long after she had recovered physically, she still suffered persistent fear of sunny weather and could no longer enjoy her favorite music on her own portable CD player, as the sight of the apparatus caused her to experience flashbacks of the terrifying event. Additionally, because of her fear of sunny weather, she was unable to return to her former job as an ice cream concessionaire in nearby Thunder Gap State Park, and she began a course of therapy, which is still ongoing.

Her suit against Blitzer charged him with negligence in not encouraging her to remove her earphones when he removed his own, and deliberately setting the scene in which a life-threatening event could occur.

Foudre testified that she had told Blitzer she wanted to watch the Weather Channel before going out into the yard, but that he had ridiculed her, calling her "weather-obsessed." She explained that he had a habit of teasing her about her desire to watch the weather reports, and said this was one of the reasons she had hesitated to accept his proposal of marriage. Finally, she said, once she had agreed to go out despite the fact that she did not know what weather to expect, he had induced her to listen to CDs instead of to a radio program, thus depriving her not only of the opportunity to hear a weather forecast, but also of the possibility of hearing any radio that would have given her an indication that there was a storm in the area.

Several neighbors testified that they had heard static on their radios earlier in the day. They stressed that they had not actually heard any thunder and that the static on the radio had been their only indication that storms might be in the region. Each described the bolt that struck Foudre as "deafening" and "shocking."

When Blitzer took the stand, he explained that it was Foudre who had asked him to bring her a beer, thus prompting him to unplug his earphones, as the wire was not long enough to reach into the kitchen; he had not encouraged her to remove her earphones because he had not wanted her to miss the opening bars of her favorite song, which had been about to begin. He acknowledged having teased her about her intense interest in the weather, adding that he had always regarded her curiosity about it as a loveable eccentricity, and swore that he had in no way deliberately attempted to prevent her from acquiring knowledge that would have spared her this terrifying experience.

Nevertheless, the jury found that Blitzer should have known that by constantly teasing Foudre about her desire to stay informed on weather matters, he was providing the background against which it was only a matter of time until she would be negatively affected by the weather.

Foudre has also filed a suit against the insurance company for her medical treatment and to pay for her ongoing emotional therapy, in addition to her hairdresser's bills. He must also support her until she is able to return to work.

While this marks the first time that an individual has been held liable for personal injuries resulting from an act of God, it is not completely without precedent. In Florida last year, Jerry Orkan, president of Hurricane Construction, Inc., was ordered to reimburse, at his own expense, an entire condominium subdivision that had been leveled by a tornado, because the jury determined that not only his advertising, but also his corporate name, implied that his condos were constructed better than those in a neighboring development, lulling prospective purchasers into a false sense of security.

Orkan argued that he had chosen the name Hurricane to suggest that his condos would be built very quickly, not that they could withstand 200 mile-an-hour winds, and produced tapes of the meetings with his advertising consultant in which his logo and corporate name had been discussed. On one tape, Orkan could clearly be heard to reject the use of the mushroom as the corporate logo because, while he wished to convey the speed with which he could produce finished buildings, he did not wish to suggest that they could be built overnight, adding that the mushroom shape had acquired a negative association in 1945. In another taped conversation Orkan vetoed the idea of printing the specifications of his houses side-by-side with the specs of his rival, built better Corporation, but the jury found that an ad showing the cut-away view of a Hurricane-built home with its heavily reinforced walls strongly suggested that it could withstand intense winds.

The jury stopped short of ordering Orkan to reimburse residents for parked cars that had been damaged by flying debris from the condos, although it did recommend that he pay veterinary expenses incurred by owners of pets found cowring in the wreckage.

Blitzer is planning to appeal because evidence tending to exculpate him was excluded under an unusual application of the New York State Women's Legal Protection Act (NYSWL­PA) which shifts the burden of proof to the male sex. (The NYSWLPA was intended to be used in cases involving sexual harassment, and legal scholars are said to be evenly divided as to whether the Court of Appeals will allow its application in a non-harassment case.) The evidence is believed to consist of a page from the Thunder Gap Weekly Peal found on Foudre's dresser that indicated a chance of storms somewhere in New York on the day Foudre was struck. Because an ad for a used barometer was reportedly circled at the bottom of that page, Blitzer's attorney could have made a strong case for Foudre's having read the weather forecast as well, given her interest in meteorology, had the page been introduced.

Foudre has also filed a suit against the U.S. Weather Service, and is said to be considering a suit against two of Blitzer's neighbors who admitted that although they had heard that storms might develop in the early afternoon north of Thunder Gap, they had failed to warn her of the possibility.

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