HETERO DOXY
ARTICLES AND ANIMADVERSIONS ON POLITICAL CORRECTNESS AND OTHER FOLLIES

BEST WITNESS

"Y"ou ratted on us, Terry," says Johnny Friendly (Lee J. Cobb) to Terry Malloy, played by Marlon Brando, who has just testified against the mob.

"From where you stand, maybe," Terry shoots back. "But I'm standing over here now. I was ratting on myself all those years and I didn't even know it... You're a cheap, lousy, dirty, skittin' mug. And I'm glad what I done to you. You hear that? I'm glad what I done. And I'm gonna keep on doin' it."

Few realized it at the time, but this famous scene from *On The Waterfront* was cinema a clef, and that Terry Malloy was speaking for director Elia Kazan, who had informed on his fellow HUAC witnesses.

When Elia Kazan took an unwieldy path to becoming the great cinematic auteur of his generation, his film school was an exotic past that began with his birth in Constantinople in 1909 to the Kazanjoglou family of Anatolian Greeks. When he was four the family came to America, one of countless thousands in a wave of immigration, but Elia or "Gadge," as he came to be called because of his fondness for gadgets, never lost his sense of being for the underdogs, or of being an outsider himself. When his book *America America* appeared, James Baldwin wrote on the dust jacket, "Gadge, baby, you're a nigger too."

The immigrant youth with the piercing eyes and thick nest of black hair managed to get into Williams and then studied drama at Yale. There he met a talented writer named Albert Maltz, a Columbia grad, who wrote to him, "We can help you with the Communist theatre which is starting."

Like others who would later make the move to Hollywood, Kazan learned his craft in a milieu dominated by the Communist Party, which praised his "quiet effort in directing The Younger First."

When Kazan joined the Party, he did so for spiritual reasons, "My hostility was no longer an alienation," he explained. "The party had justified it, taught me that it was correct, even reasonable. I could be proud of it; it made me the comrade of angry millions all over the earth. I'd reacted correctly to my upbringing, to my social position, to the society around me, to the state of the world. I was a member of what was sure to be the victorious army of the future."

Continued on page 8

INSIDE

RIGHT THINKING AT UC BERKELEY LAW SCHOOL
THE DIVERSITY HOAX

by Marc Berley

In his first months as a student at the University of California, Berkeley School of Law (Boalt Hall) in 1997, shortly after the passage of Proposition 209, the California referendum ending racial preferences at public universities, David Wiener was startled by the lack of intellectual diversity he found among students, professors, and administrators. What is more, he was initially dismayed and later terrified by the lack of intellectual freedom to be found in classrooms, hallways, and courtyards. David encountered something he had not expected to find at a "top-tier" law school—inconceivable intolerance for any views that were not in accord with what appeared to be the prevailing orthodoxy about racial preferences. Although it was voted on by the people of California, David found many on campus acting as if Proposition 209 carried none of the moral power of the law and had to be reversed by any means necessary.

David was not naive when he applied to Berkeley; he knew that radical liberal politics rule the roost at most American ivy towers—and especially Berkeley. But he could not believe that an elite American law school could actually turn its back on the tradition that, from the time of Cicero, had lawyers trained by learning to argue in utrinque parte, speaking on both sides of every issue. David did not expect his classmates to hold his own somewhat conservative views on controversial topics such as racial preferences, but he also did not expect to find classes disrupted and to be verbally attacked merely for housing his opinion, and pretty much keeping it to himself. As David describes it, the problem was that protesters were intimidating diverse students in the name of diversity. Within the first month of school, members of the Class of 2000 wrote an open letter addressed to the dean. Students who signed the

Continued on page 11
FASHIONABLY LEFT

Noam Emery's thought-provoking article, "Fashionably Left," (October 1998) perfectly explained how members of the left can be greedy without being greedy. They just have to say they care and they are absolved. The article has given me wonderful ammo to use at a cocktail party, if I'm ever invited to one. I must negligently disagree with her description of Barbara Amiel, who wrote an innocuous article for Vogue, as being "the very conservative Barbara Amiel..." In matters economic and political, Amiel fits the description of a conservative although she refers to herself as a "liberal." However, on social issues she tends (in my opinion) more to the libertarian than the conservative. She loathes high fashion and wrote earlier this year about attending the Paris shows, being fitted by a couturier, and spending a king's ransom on "frocks."... She is also brilliant, one of my favorite writers and I truly am "very conservative."

Mary Ellen Couch
Grande, Ontario

Reading "First Fem Pres Impacted," (Dec 1998) I'm sure a number of good points were made, but it seemed to me that the long article drowned the main point about the relationship between Hillary and Bill Clinton. Hillary knew all along what Bill Clinton was, and accepted it as the pill of bad medicine that cured her gender blase' being both femelike. This character- ully stripped away the strength of her character, and all evidence incomparably persuasive for the masses, was her road to power. Hillary's lies about power since day one and still is. I expect that Hillary thought that Bill was bright enough to keep his neuralgic compulsiveness out of the headlines, and failed in that expectation. Her neighbor -- the grande dame -- garnered the least deserved of all prizes. She won respect. What she deserved was a sound drubbing for complicity. I say least deserving of prize because these two have been playing off of one another's strengths and weaknesses their entire married lives in a complex and devious manipulation of their constituencies and the public. I am ready, too, to say that in the American public, as "there's none as blind as he who will not see."

Kay G.
Via Internet

KAFAK IN UTAH

I have just finished reading "Kafka in Utah" (November 1996). You have rendered an extraordinary service in bringing this story to light. Academic faddism has reached frightening proportions. I hope the victim does not wrap out and will demand sizable punitive damages.

Charles Holden
Chicago, Ill.

"Kafka in Utah" is a commendable expose.

Separated at Birth?

FASHIONABLY LEFT

Noam Emery's thought-provoking article, "Fashionably Left," (October 1998) perfectly explained how members of the left can be greedy without being greedy. They just have to say they care and they are absolved. The article has given me wonderful ammo to use at a cocktail party, if I'm ever invited to one. I must negligently disagree with her description of Barbara Amiel, who wrote an innocuous article for Vogue, as being "the very conservative Barbara Amiel..." In matters economic and political, Amiel fits the description of a conservative although she refers to herself as a "liberal." However, on social issues she tends (in my opinion) more to the libertarian than the conservative. She loathes high fashion and wrote earlier this year about attending the Paris shows, being fitted by a couturier, and spending a king's ransom on "frocks."... She is also brilliant, one of my favorite writers and I truly am "very conservative."

Mary Ellen Couch
Grande, Ontario

Reading "First Fem Pres Impacted," (Dec 1998) I'm sure a number of good points were made, but it seemed to me that the long article drowned the main point about the relationship between Hillary and Bill Clinton. Hillary knew all along what Bill Clinton was, and accepted it as the pill of bad medicine that cured her gender blase' being both femelike. This character- ully stripped away the strength of her character, and all evidence incomparably persuasive for the masses, was her road to power. Hillary's lies about power since day one and still is. I expect that Hillary thought that Bill was bright enough to keep his neuralgic compulsiveness out of the headlines, and failed in that expectation. Her neighbor -- the grande dame -- garnered the least deserved of all prizes. She won respect. What she deserved was a sound drubbing for complicity. I say least deserving of prize because these two have been playing off of one another's strengths and weaknesses their entire married lives in a complex and devious manipulation of their constituencies and the public. I am ready, too, to say that in the American public, as "there's none as blind as he who will not see."

Kay G.
Via Internet

KAFAK IN UTAH

I have just finished reading "Kafka in Utah" (November 1996). You have rendered an extraordinary service in bringing this story to light. Academic faddism has reached frightening proportions. I hope the victim does not wrap out and will demand sizable punitive damages.

Charles Holden
Chicago, Ill.

"Kafka in Utah" is a commendable expose.

MULTIPLE SARCASMS

I would like to both criticize your work and compliment it. I think you did some good work exposing the Black Panthers and other excesses of the 1960's and right now. But you find your sarcasm offensive. I agree that the objects of your satire deserve criticism, and yet, I think it would be better to write the criticism in a more calm manner. I find your writings often too harsh. Not likely to convert anyone.

Peter Ponssev
Arlington, VA

PREFERENCES IN WASHINGTON

As a crasscritic (and taxpayer) of the state of Washington, I found the recent comment by

MARK J. EVANS

CIRCULATION MANAGER

BRUCE DONALDSON

HETERODOXY (ISSN: 1059-7268) is published by the Center for the Study of Popular Culture. The center is a California 501(c)-3) institution. Editorial: (530)262-9366. Fax: (530)262-3119. Subscriptions: 12 issues, $25. Send checks to the Center for the Study of Popular Culture, P.O. Box 67599, Los Angeles, California 90006. Visa and MasterCard accepted.

Inquiries (800)752-6552 or visit our Web site at WWW.CSPC.ORG

Heterodoxy is distributed to subscribers and bookstores by Barnard R. Delrioz, 111 East Center Street, Marysville, WA 98330.
REDUCTIO AD ABSURDUM

FEDERAL SPEECH CODE: Telling "ebonis" jokes, the federal government says, is unlawful. As UCLA law professor Eugene Volokh points out, you can learn the American flag from a violent revolution, and post incen Cent material on the internet, but you can't dis- seminate "derogatory electronic messages regarding "ebonites" to your co-workers. So says the Equal Employment Opportunity Commission. In a lawsuit filed in federal court late last month, the EEOC is trying to force the Federal Home Loan Mortgage Corp. to "take prompt and effective remedial action to eradicate" such speech by its workers. This is just the latest incursion of a state and federal attempt to create a workplace speech code. Here is Volokh's brief catalogue of some of what's been described by various agencies and courts as "harassment": Co-workers' use of "draftsman" and "foreigner" (instead of "draftsman" and "foreigner"); "Men Working" signs. Sexually suggestive jokes, even those that aren't misogynis t. Derogatory pictures of the Ayotolish Khomeini and American flags burning in Iran. Of course, many harassment cases involve more than just lumpish jokes. The jokes, for instance, also involved some threats, which are constitution ally unprotected, and some one-to-one insults, which might also be properly punishable. If the EEOC had just sued over this conduct, there would be little constitutional difficulty. But the EEOC has no business claiming that toleration of e-mailed political opinion is "an unlawful employment practice." How hostile can the workplace environment become?

PUTTING THE LEATHER BACK INTO LEATHERNECKS: The "don't ask, don't tell" policy concerning gays in the military has always seemed quintessen tially Truman—rooted less in any firm principle than in the President's desire to have it both ways. And, as a quintessentially Clinton policy, this one has been a complete failure, alienating the military rank-and-file and gay-rights advocates alike (the number of soldiers discharged for being gay has risen dramatically under the policy). And as with so much else during the Clinton years, the wrong-headed has now become the ridiculous. Last June, the New York Times Magazine ran a cover-story critical of the policy, telling the tale of Capt. Rich Merritt of the Marines (referring to him only by his first initial), described as a model soldier, cruelly and shamefully forced to live a double life. When he retired from the Marines in the fall, publicly announcing his homosexuality, The Los Angeles Times ran a similar story about the waste of human potential. Now the gay newsmagazine The Advocate reveals that while on active duty Merritt starred in at least five widely available gay porn videos, including Bullets and Bullets and Deaf Man Rising. According to the director of one film he was particularly enthusiastic. Merritt "never PRETENDED to have sex... he was literally HAVING sex. We had to work fast just to capture what was happening." Don't tell.

MORAL SUPERIORITY'S ROCKY ROAD: Hein Cohen and Jerry Greenfield, the ice cream activists whose flavors include Rainforest Crunch and Cherry Garcia and who recently sent an 11-foot ice cream pie to Capitol Hill to protest what they consider a lack of social spending in the Federal Budget, have been rather chilly toward their own workers' attempts at progresivism. When the 19 maintenance workers at the company's St. Albans, Vt., plant decided to join the local electric workers union, rather than you can say Wavy Gravy or Chunky Monkey—both are flavors- the here tofore blissfully leftist company tried to thwart the vote, saying that the presence of union Lecture and the Mario Savio Young Activist Award. In December, the 1998 lecture was given by Winona LaDuke on "Deconstructing the American Paradigm: Native Thought for the New Millennium." LaDuke was the first Presidential candidate for the Green Party last time around. When queried about who the Young Activist award went to, the FSM web master (www.esme.com) said that he was a young man who works with poor Hispanic and Native American families somewhere in the Southwest, but she couldn't recall his name. Mario Savio's "legend" gave him enough trouble during his life; it must really bother him now.

LUNA BEACH By Carl Moore

WITHOUT YOUR HELP I WOULDN'T HAVE SURVIVED.
THEY SAY A MAN IS KNOWN BY THE COMPANY HE KEEPS.

CARVILLE GERALDO FLYNT

I LOVE YOU GYUS.

THE ALMOST-WORD: Using the good old word "niggardly" is not only a thought crime in Washington DC, but elsewhere in the nation. Professor John Henning, an English professor at the University of Wisconsin, was quoting from Chaucer when he uttered the contentious word. A black student, Amelia Ribeau, was offended and told the professor as much. The professor, refusing to act like an almost-word Fuhrman for using the almost-word, made the mistake of dismissing Ribeau's foolishness and indeed did what any person of intelligence should have—repeated the word in class the next day along with a discussion on the meaning of language. Ms. Ribeau stormed out of class and promptly notified the language police on Wisconsin's Faculty Senate. "I'm the only poet of color in that classroom," she told the Associated Press. "Obviously this man doesn't respect my feel ings." This nasty tempest brewed up in the Washington DC tempest seems like a racist plot hatched to make the black people who allow themselves to be ridiculed "nig- gardly" lose several IQ points every time the subject comes up.

STANDARDS EQUIL RACISM: Eight minority college students and three minority graduate students filed a class-action suit against UC Berkeley, charging that the school's policy of favoring students that took advanced placement courses and that had higher scores on the SAT violated federal anti-discrimination law. The plaintiffs include the ACLU, the NAACP Legal Defense Fund and a Professor. One of the lawyers for the plaintiffs has argued that "we want all applicants to be viewed in a holis tic manner" and that such standards did not "capture the authentic person." Of course, race and ethnicity do capture the entire person even if individual achievement does not, which is why these groups have supported quotas.

SOUTHERN GOTHIC: Speaking recently to the National Family Planning and Reproductive Choice Campaign, Turner said, among other inanities, that the Pope is out of touch with reality and when asked what he'd say to John Paul II, the Month of the South kicked up. On one leg and one arm (he seems to be a Polish mine detector?) Turner later apologized after the Polish government accused him of "reckless and bigotry" and noted that he would never dare make a comparable slur against blacks or Jews. One can't be so sure of this, but it is dead cer tain that Turner would never make a similar comment about the North Vietnamese Communists. If he did, there'd be hell to pay from Hanoi Jane.
Fear & Loathing of Cold War America

Good Times

by Arch Puddington

To its many critics, the Cold War stands as the low point of American history. World War II may be recalled as the good fight against fascism and dictatorship. The Depression may be remembered as a time when the poor drew comfort from FDR, the New Deal, an activist government and an active progressive political movement. But the Cold War summons up no similar images to inspire or reassure. To moderate critics of the era, the essence of the matter was summed up in an episode of CNN's documentary series on the Cold War, in which McCarthyism and Stalinism are portrayed as morally equivalent evils. To more ideologically driven opponents, the Cold War was a time when fear and repression dominated American political life, a period of conformity in American culture, and a national security state weakened and undermined one after another of our democratic institutions.

The controversy over the Cold War's domestic implications rages even as the debate over Communism's merits has been laid to rest. In a recent episode that bordered on the bizarre, the New York Times published an editorial which could easily be interpreted as a rebuttal to an article by one of its own reporters, in which it was suggested that anti-Communists may have gotten things partially right when they accused American Communists of engaging in widespread espionage for the Soviet Union.

The article was written by Edith Bresner and appeared in the Sunday edition's Review of the Week section. It raised pointed questions about the charges of Communist espionage which were nothing more than the fabrications of McCarthyite witch hunters. Bresner noted that evidence contained in the Venona decrypts does offer some material for the governmental assertions; intercepts of wartime messages from Soviet agents posted in the U.S. to higher-ups in the Kremlin—point to the guilt of Alger Hiss and other Communist or pro-Soviet Americans. Confronted with the latest evidence, the leftist scholars quoted by Bresner no longer denied that a number of American Communists acted as spies. As a matter of fact, the only question left was the extent to which the espionage did little damage to American national interests or that, as labor historian Nelson Lichtenstein put it, the current attacks on the Party represent "an effort to destroy the legitimacy not only of those who favored the Communist Party but also the entire left-wing movement in the post-War period."

Within a week, Bresner's piece was answered in a lead editorial entitled "Revisiting McCarthyism." The editorial's principal targets were "American scholars" who have already been trying to "revisit the historical verdict on Senator McCarthy and McCarthyism." There is, of course, no basis to the charge that serious scholars of American communism have been trying to rehabilitate Joseph McCarthy. Harvey Klehr, Ronald Redish, John Earl Haynes, the late Eric Breidt, and many other perceptors of the Three Rs and the Cold War—have always been scrupulous in disavowing McCarthyism and his methods and in their writings about the relationship between the CPUA and the Soviet Union.

But what of organized labor? In her recent study of the domestic impact of McCarthyism, Many Are the Crimes, Ellen Schrecker claims that McCarthyism and the Cold War had a devastating effect on the trade union movement. Schrecker says that the Cold War era saw labor's most visible and influential union leaders targeted by the FBI, its agents, and the CIA, not only because they were suspected of being disloyal, but also because they were associated with the Left. The union leaders, she argues, were not simply victims of the Cold War; they were active participants in the struggle to bring about significant changes in American capitalism. While labor prospered when times were good, it was unable to mount a concerted counteroffensive against the ruthless...
impact of economic globalization and technological change.

The left's version of American history is littered with "if only." The claim that Smokestack America and its millions of well-compensated, unloved jobs could have been salvaged "if only" we had adopted the right welfare mix, for example, is as old as the memory of the Great Depression. And the assumption that the labor movement could have averted the McCarthyite witch hunts by abandoning its opposition to the civil rights movement and accepting the United States as the model for all nations is as much a part of the American political imagination as the Green Mountain Boys were of the New England colonies.

Of course, organized labor represents government workers, teachers, well-paid construction workers, airline pilots, and professional athletes, groups that are barely likely to remain unsavaged by the globalization which absorbs the left. Indeed, the left has been quite successful in convincing the labor movement to accept global conditions which are tantamount to the devastating change it has experienced in recent years.

The left, like the European experience, is an example of a weak labor movement in a trade union movement which lost ground for a variety of reasons. But the American left, like the European left, is a reflection of the class cleavages that have created the modern political system. The left is a reflection of the class cleavages that have created the modern political system.

The left has a certain difficulty in accounting for the state of civil liberties in the post-McCarthy period. America continued to fight communism, and yet the country underwent an expansion of rights—individual rights, group rights, cultural freedoms. The rights of press and assembly were not just public employment, but also public support for public employment. The left is committed to a more liberal political system, but it is not committed to a more liberal political system.

Americans supported most civil liberties changes—military except those veto court decisions which were seen as handcuffing the policy—because they generally believed in an expansive definition of personal liberties. These changes occurred, most notably in the civil rights movement, because the Cold War was raging as intensively as it did during its earliest years, a period which included a major war in Southeast Asia, several minor conflicts which involved American lives, and a U.S.-Soviet competition in the development of intercontinental ballistic missiles.

What accounts for the left's intellectual confusion? Part of the explanation can be found in the left's need to understand the Soviet Union as a system. But the left, like the European left, is a reflection of the class cleavages that have created the modern political system. The left is a reflection of the class cleavages that have created the modern political system.

The left, for its support for the Cold War derived from sound practical motives. To begin with, labor's blue-collar membership was strongly anti-communist, and the left was well aware that American workers were the ones who had organized their own labor movement. Another consideration was labor's unpleasant experiences with Communist-led factionalism in a number of unions, including the United Auto Workers (UAW).

Labor also saw Communism as an economic threat. Insofar as Communist-dominated trade unions were in conflict with the union leadership, the left, for its support for the Cold War derived from sound practical motives. To begin with, labor's blue-collar membership was strongly anti-communist, and the left was well aware that American workers were the ones who had organized their own labor movement. Another consideration was labor's unpleasant experiences with Communist-led factionalism in a number of unions, including the United Auto Workers (UAW).

A cornerstone of the left's brief is the contention that Cold War hysteria and security anxieties led to a massive assault on civil liberties and a culture of terror against legitimate American citizens. To advance this argument, of course, it is necessary to restrict the definition of the Cold War to its earliest years, the period between 1947, when the Subcommittee on Un-American Activities initiated its hearings, and the end of the McCarthy era in the mid-1950s. Even during that period, however, the "reign of terror" was limited to Americans with past or present Communist connections and a few affiliated with non-Communist radical groupings. As for the loyalists, who committed no legislative, and McCarthyite bullying, the principal lesson is that the American commitment to civil liberties and individual rights reassured itself rather quickly. McCarthy's most lingering effect is in his having given the left a blunt weapon to wield against the American system. In books, magazines, movies, documentaries, and in works of art, we are reminded of how far American society has come to live up to its democratic ideals, with the message, often explicitly stated, that a McCarthyite revival, or something much worse, is always a possibility.

The left has a certain difficulty in accounting for the state of civil liberties in the post-McCarthy period. America continued to fight communism, and yet the country underwent an expansion of rights—individual rights, group rights, cultural freedoms. The rights of press and assembly were not just public employment, but also public support for public employment. The left is committed to a more liberal political system, but it is not committed to a more liberal political system.

The left, like the European experience, is an example of a weak labor movement in a trade union movement which lost ground for a variety of reasons. But the American left, like the European left, is a reflection of the class cleavages that have created the modern political system. The left is a reflection of the class cleavages that have created the modern political system.

The left is committed to a more liberal political system, but it is not committed to a more liberal political system.
More Mumia Madness
by Paul Mulshine

For me, the defining moment of the Jan. 28 benefit concert to free Mumia Abu-Jamal occurred not at the concert itself, but the next night as I was driving home from work. I was pushing buttons on my radio when I happened to tune in to WBAI in Manhattan. A Jamaican by the name of Habte Selassie was hosting a reggae show. He mentioned the concert the night before and the allegation that Abu-Jamal was a cop-killer. "A cop-killer?" he said dismissively, "Moses was a killer, too. He killed a man in cold blood." Then Selassie recited a story from the Bible in which Moses came upon an Egyptian and a Jew fighting and proceeded to slay the Egyptian.

Feasible homicide, in other words. There are some Americans who believe there can be a valid reason to shoot a cop between the eyes as he is lying defended on the ground. And it is so refreshing when they come right out and say so.

Such candor was not in evidence the night before at the Continental Airlines Arena in the Hackensack Meadowlands. At the press conference before the concert, Abu-Jamal's supporters maintained the fiction that the prison guard had done the shooting and that Abu-Jamal was an innocent bystander. That seemed to fool a good number of the television types. And as for the fans, they didn't really care. About 20,000 of them showed up to see an assortment of bands that included the Beach Boys and Roger Waters to get their minds right. As one young fan diplomatically put it before the show, "I wouldn't have cared if it was a concert for hating baby Jesus. I just wanted to see Rush."" During the concert, a slip of paper bearing Chuck D tried to lead the audience in a chant of "Free Mumia," but few joined in. And the audience actually booed Paul Simon, a member of a Philadelphia back-to-nature cult called MOVIE with which Abu-Jamal was affiliated at the time of his crime. Africa, whose appearance suggests she has gone far back to nature that she has just emerged from a mud puddle, is unimpressed by Abu-Jamal's defense team periodically. Her obstetrically-implanted strikes against modern society can alienate even rock fans. She is one face in an otherwise perfectly orchestrated PR machine that has made Mumia the martyr who would not die.

The concert raised about $40,000 for the Abu-Jamal defense team. They're going to need every cent. So far, Abu-Jamal's defense has been a courtroom disaster. Abu-Jamal's lawyers lost every one of their appeals in the land where this latter-day Moses now his Egyptian for, Pennsylvania. The prophet sits on Death Row, the mercy of federal judges who are increasingly reluctant to reverse the work of state courts.

In the big picture of things, Abu-Jamal is a cop killer. He shot a cop at the wrong moment in history after the reinauguration of capital punishment before the deconstruction of the American justice system by the O.J. Simpson defense team. Prior to the Simpson trial, prosecutors merely had to prove a defendant guilty beyond a reasonable doubt. But in the post-O.J. era, decentralization reigns. Justice is a local Pacifica. It is a loose cop-killing culture. And the local Pacifica wants its own vigilante justice. Mumia Abu-Jamal has lived it, and he is not some cab driver with guns and a weaving voice that suggests he's trying to convince himself rather than his audience.

Weilguss has yet to win even a minor victory for Mumia in court, but he is a hit with vigilante members of the media, as evidenced by the press conference before the concert. Before 18 TV cameras, Weilguss represented the usual bunch of lies and half-truths that make up the case for Abu-Jamal.

Included was the usual nonsense about the fatal bullet having come from Abu-Jamal's gun. In fact, it was a .38 caliber bullet and Abu-Jamal was carrying a .33 caliber pistol, as even the defense's own ballistics expert conceded at a 1993 appeals hearing in Philadelphia. Then there was the usual nonsense about a mystery gunman. And of course, the usual reticence to answer questions about why Abu-Jamal refuses to name his gun or give any account whatsoever of the events of Dec. 9, 1981.

The reason for Abu-Jamal's silence is obvious. The mystery gunman must have just a nice to win a trial. In a new trial, Abu-Jamal would be free to start all over again and admit that he shot Faulkner, but argue that he did so in self-defense. This would be a lie as well, but one that would be much easier to get past a sympathetic jury. At the time of the killing, Faulkner was fighting Abu-Jamal's brother for a woman who was resisting arrest after being stopped for a traffic violation. Abu-Jamal—in a coincidence that remains unexplained to this day—just happened to be across the street dropping his gun, for which he had a permit. In a new trial, Abu-Jamal could admit he shot Faulkner but argue that he did so in self-defense to the rescue of his brother. Weilguss had already laid the groundwork for this defense by suggesting that it was Faulkner who fired first (though eyewitnesses said otherwise).

This strategy has great potential, built from the angle of political agitation and in generating a sympathetic response from the largely black jury Weilguss hopes to face in court some day. At worst, it might lead to a manslaughter conviction, leaving Abu-Jamal free to walk out into a cheering crowd on the basis of the 17-plus years he has already served.

But at that point in time, for Abu-Jamal to admit that he shot Faulkner dooms his appeal for a new trial. This leads to an amazing spectacle, one largely unremarked in the mass media: Thousands of people would over 20,000 people in the crowd that Mumia Abu-Jamal did not shoot Daniel Faulkner. Yet Abu-Jamal himself refuses to do so. This is something new in history. Hundreds of convicted killers have told police that the man who convicted them is innocent. But Abu-Jamal is certainly the first to do so without being killed.
the past five years. “Have you ever asked Weinglass whether Abu-Jamal shot Faulkner?” I asked.

Farrell sounded perplexed. “I don’t know if I asked him that or not,” he finally said.

I asked how he could account for the empty shell casings in Abu-Jamal’s gun.

“Maybe he had gone to target practice earlier in the day,” Farrell said.

Maybe. Maybe on the night in question Abu-Jamal actually waved an empty gun at a cop who had a loaded gun. But then again, maybe not.

It turns out that Farrell is one of the more rational of Abu-Jamal’s followers. Our newspaper also got a fax from Mark Lewis Taylor, a professor at the Princeton Theological Seminary who leads a 60-member group of pro-Mumia university professors. I called him and asked the same question. He admitted he hadn’t even asked Weinglass whether Abu-Jamal shot Faulkner, but went on to ask whether the question is relevant.

“When you say something as specific as ‘I did not shoot Officer Faulkner,’ you are accepting the terms of the charge,” Taylor told me.

“Are you a deconstructionist?” I asked. He said no, but this logic exercise gives off a whiff of that philosophy.

I once cornered the elusive Weinglass and asked him to state for the record exactly what happened on the night Officer Faulkner took a bullet between the eyes.

“Well, we don’t know,” he replied with a straight face.

“Did you ever ask your client?” I asked. He refused to say. Obviously he has, however, and just as obviously Abu-Jamal knows what happened that night. So does Abu-Jamal’s brother. And if either of them knew the truth about a mystery gunman, you can rest assured that every actor and academic from Eckerd to Hollywood would know about it.

This poses a problem for the Abu-Jamal defense, one that will almost certainly blow up into an international crisis sooner or later. As Abu-Jamal moves ever closer to his date with the executioner, the problem lies in the gap between the myth being created for public consumption and the case that is now before a federal court. The nonsense about a mystery gunman works wonderfully as a band-aiding tool, but the judge keeps laughing it out of court. In fact, Weinglass has mounted his defense so skillfully that he almost seems to be pushing Abu-Jamal into the death chamber. His performance during Abu-Jamal’s last round of appeals in Pennsylvania in 1995 was typically incompetent. Weinglass put on the stand two recently discovered “eyewitnesses” to the officer’s murder. One told of seeing a guy with “Johnny Mathis hair” pull up in a red car, shoot Faulkner, and then jump back in the car and drive away. The story had its flaws—none of the other eyewitnesses reported anything even vaguely similar—but perhaps this tale could have been the basis for a new trial.

However, Weinglass also brought to the stand another witness who gave a totally different version of the killing. This one claimed the gunman jumped out of Abu-Jamal’s brother’s car, shot Faulkner, and ran away on foot. Abu-Jamal’s role in the tragedy was to go over to the dying officer and let him as he asked for someone to tell his wife and children of the tragedy.

Faulkner had no children.

Each story was shaky, but a sharp lawyer would have at least settled on one... I once followed a Philadelphia prosecutor around the courts for two weeks for a magazine piece just one, and it’s underway right now. And unfortunately for Abu-Jamal, the federal courts are now extremely reluctant to intervene in cases that have already been thoroughly litigated in state courts. These days, federal reversals need to be reserved for defendants from Southern states, where the trial and appeals process are swift and not paradigmatically thorough. But Abu-Jamal has had not only his day in court, but 17 years. Every conceivable appeal has been examined and rejected. And his case is not helped by the many bonehead errors he made while trying to act as his own attorney in the first trial.

If Weinglass is trying to keep his client alive, he’s doing a marvelous job of it. He, on the other hand, is trying to create the perfect international poster boy for the drive to end capital punishment, then he’s a genius. Abu-Jamal is no street thug. He had a middle-class upbringing and was on his way to a career in radio before he got mixed up with the MOVE cult. With his cute dreadlocks and his deep baritone voice, Abu-Jamal is the liberal white person’s liberal. Death Row inmate. The case with which these people convince themselves of his innocence is a sight to see.

If the federal courts reject Abu-Jamal’s final appeal, he will almost certainly be executed. The present Pennsylvania governor, Tom Ridge, is a law-and-order type who has been sympathetic to the type of people who gravitate to Abu-Jamal. He would sign the death warrant tomorrow.

But get ready for the howling. The shrieks of rage will be loud and long among Abu-Jamal supporters from Stockholm to Sydney. The actual moment of lethal injection will be reported around the world. Abu-Jamal will have turned himself into the muse of a movement that is eventually going to rise up against capital punishment in America.

The endgame should be intriguing. Will Abu-Jamal rise up and realize that he’s being used as the wet dream of a bunch of Birkenstock-wearing ‘60s throwbacks hungering for a martyr? Will he go to his grave wrapped up in a second-rate albino rabbit straight out of a true-crime paperback?

Or will he defy them all and admit the truth, repudiating the statement that police say he made in the hospital emergency room after the shooting: “I shot the motherfucker and I hope he dies!”

That would certainly shock a lot of gaybar types, but Pennsylvania radicale Habte Selame would know exactly what he meant.

Paul Muldoon first wrote about Mumia for Heterodoxy in September 1995.

Receive both The Politics of Bad Faith AND Radical Son for $35!

“A passionate and insightful book.”
—Francis Fukuyama

“One of the best political memoirs I have ever read.”
—P.J. O’Rourke

To order call (800) 752-6562 ext. 209
or visit our website at www.frontpagemag.com
Kazan, Continued from page 1

The effect it all, he said, "made me into another person. I felt reborn, or born for the first time. The days of pain were over. I was an hon-
ored leader of the only good class, the working-
class, and the only real theatre, the Group." The young Communist took what he learned from revolutionary Russian directors such as Vsevolod Meyerhold and used it in classes he taught at the New Theatre League, a Communist front organization. Kazan played the lead in Clifford Odets' "Golden Boy" with Frances Farmer, "the blonde that you dream about," who had also been cultivated by the Communist Party. But Party support, as both Farmar and Kazan learned, carried a price. Communist Party doctrine held that art
was a weapon, and that unless a dramatic work sent the audience home with sweeping revolution-
as a stage director translated well to the screen. When the House Un-American Activities Committee came to town in 1947, Kazan was not called to testify. During the infamous hearings of
October 1947, he was directing "Barefoot in the
Park," starring Gregory Peck, for which Kazan won an Oscar, besting out George Cukor ("A Double Life"), David Lean ("Great Expectations"), Henry Koster ("The Bishop's Wife"), and Edward Dmytryk ("Crossfire").

These hearings were halted after the testi-
mony of the Hollywood Ten, John Howard
Lawson, Dalton Trumbo, Lester Cole and others in the Hollywood politburo had delivered a series of harangues that alienated even some of their high-profile supporters like Humphrey Bogart. Kazan continued to work on the stage, directing "Arthur Miller's Death of a Salesman" and Tennessee Williams' "A Streetcar Named Desire," and later a film with some of the same cast, star-
ing Marlon Brando as Stanley Kowalski and Karl Malden as Mitch. Kazan had established himself as a leading director by the time the House Committee hearings resumed in 1953. Much had happened since the first set of hearings. Stalin launched another wave of purges that included Kazan's former partner in the Meyerhold, along with Erskie Fefer and Solomon Mitchaelov, a pair of Jews which American Communists had shown to be anti-Semitic; under Russian pressure. With the help of American Communist spies, Stalin had acquired the atomic bomb and China had joined the ranks of Communist nations. Czechoslovakia fell to a Communist coup and North Korea invaded the south. But then Kazan was, in his words, "another man.

"I believed it was the duty of the govern-
ment to investigate the Communist movement in our country," he wrote. "I couldn't behave as if my old 'coersters' didn't exist and didn't have an active political program. There was no way I could go along with the idea that the CPS was nothing but another political party like the Republicans and the Democrats. I knew very well what it was, a thoroughly organized, worldwide conspiracy. This conviction separated me from many of my old friends."

Kazan said he had "been ready to ques-
tion and doubt. . . . I had every good reason to believe the party was just using us to clear itself of its many hiding places and into the light of scrutiny, but I'd never said anything because it would be called 'red-baiting.'"

Called as a witness, Kazan at first refused to identify former communists but soon changed his mind, appearing at his own request and naming Communists he had known in the Group Theatre days. He explained himself two days later in an April 12, 1952 notice in the New York Times. Party wrath erupted quickly and predictably.

Lillian Hellman called the testimony "hard to believe for its pious shit" and an avalanche of hate mail followed. That failed to deter Kazan, who later wrote, "within a year I stopped feeling guilty or even embarrassed about what I'd done." In fact, he had other statements to make.

Schulberg, who also cooperated with the Committee, had bought the rights to "Climie on the Waterfront," a series of Pulitzer Prize-winning articles by Malcolm Johnson, and written the screenplay that became "On the Waterfront," for Kazan. The work is an allegory of what both men had just been through. A crime commission is investigating corruption on the waterfront, where the mob runs the union. Crime boss Johnny Friendly bums off those who don't play "D and D," and Lufkin, a priest, Father Barry, played by Karl Malden, urges the men not to match violence with violence. If they really want to hurt the mob, he says, they should testify to the crime commission. "Now boys, get smart," says Barry. "Now getting the facts to the public, testifying for what you know is right against what you know is wrong. And what's waiting to them is telling the truth for you. Now can't you see that?" Those who remain silent, Barry adds, share the guilt.

The broken down boxer tells his brother, Charlie the Gent, played by Rod Steiger, that this business of testifying is "tougher than I thought." But after Charlie falls victim to the thugs in a waterfront version of a Stalinist purge, Terry decides to talk, leading to the famous showdown scene.

On the Waterfront won seven Oscars, including best actor for Brando, with Budd Schulberg taking the award for best screenplay and Elia Kazan for best director.

"I was tasing vengeance that night and enjoying it," Kazan wrote in his 1988 memoirs. "On the Waterfront was my story, and every day I worked on that film, I was telling the world where I stood and my critics to go and fuck themselves.

At the time Brando didn't understand the movie's symbolism, but the Party did. "It is not surprising," wrote screenwriter John Howard Lawson, who by then was the CPS's candidate in Hollywood, "that the most subtle phase of McCarthyite poison are concocted by men who wear the livery of the informer." The movie, he said of this great classic, "points the way to the death of film art." For fellow Hollywood Ten alumn Lester Cole, On the Waterfront was "designed to justify stoogism and slander trade unionism."

Kazan's old friend Arthur Miller joined in the
"stoopidpigeon" chorus, and the malicious Lilian Hellman, who would later disgrace her own Stalinism in a series of deceitful memoirs, castigated the lie that Kazan had sold out on anyone. In the moral equation later popularized by Victor Navasky's Naming Names, if informing of any kind was a sin, then living on Communism was the unforgivable sin, and cooperating with the Committee was worse than defending Stalinism. Kazan's critics also took a cue from E.M. Forster's dictum that give the choice of selling out his friends or his country, he would sell out his country—but if betraying one's country did not include one's friends, then one could be sacrificed without sacrificing one's own identity and self.

Kazan went on to make East of Eden, starring James Dean, as he discovered. The People's Daily World called Kazan's A Face in the Crowd, also written by Budd Schulberg, "one of the finest progressive films we have seen," even though it had been produced by "two stooopid pigeons," Baby Doll and Splendor in the Grass further showcased Kazan's talents. The Critics about a soldier who brings evidence of rape against his country, was the first film to deal with the domino-effect of Vietnam. It was well received at the 1972 Cannes Film Festival, but juror Joe Losey, whom Yves Montand described as a "50s Stalinist," voted against it, which helped to kill the film.

Kazan also proved that his talents were not limited to stage and screen, paving America America, praised as a "minor literary masterpiece" by the New York Times. He also wrote The Arrangement, The Assassins, The Understudy, Acts of Love, The Anatolian, and the masterful autobiography, Elia Kazan: A Life. By the time this book appeared in 1988, it was clear that American popular culture offered few, if any, parallels to Kazan's body of work. In 1989, the American Film Institute considered him for their Lifetime Achievement Award but the stoopidpigeon argument raised twice as high a head once more by a generation that was in knapsacks for the first time it came around. Producer Gall Anne Har, attending her first meeting, said "we can't give this award to a man who named names," and Kazan was not selected.

By then it was also clear that, whatever his reasons for testifying, Elia Kazan had been right about the nature of Communism, Stalin and the Soviet Union. And he had spoken out about it in a time when Stalinism was still claiming victims and its most anti-Semitic phase. For too many Hollywood liberals, on the other hand, had been wrong about Communism and remained silent while Stalin steadily expanded his death list, a list that included hundreds of writers and artists.

"If you expect an apology now because I would later name names, you've misjudged my character," Kazan wrote in 1988. "The 'brilliant, immoral thing' I would do, I did out of my own self... The people who owe you an explanation (no apology expected) are those who, year after year, held the Soviets blameless for all their crimes..."

But Kazan's consistent anti-Communism only hardened the hatred against him. In 1986, the Los Angeles Film Critics Association considered giving Kazan a lifetime achievement award, but Joe McBride, the organization's vice-president, threatened to distribute copies of Kazan's testimony to the committee to give him an award would be the most defiling issue of information. The group duly rejected Kazan and gave its lifetime achievement award instead to B-filmmaker Roger Corman, whose cinematic sleaze bag includes Teenage Caveman, and Attack of the Crab Monsters.

The rejection stirred many, including the man who in A Streetcar Named Desire had fought Blanche DuBois into the light. This past January, an 84-year-old Karl Malden appeared before a board meeting of the Academy of Motion Picture Arts and Sciences, a group that includes Gregory Peck, Lew Wasserman, and John Frankenheimer, and proposed an honorary Oscar for Elia Kazan.

"When I got up to talk, I suspected that there would be a big fight, but no one debated it at all," Malden explained. "I said I'm nominating a dear friend, and as far as I can remember, there's no politics in any of this stuff. An award like this is about your body of work. And when it comes to a body of work, Elia Kazan deserves to

That Statement They Threatened to Distribute

Elia Kazan in the New York Times, April 12, 1982

In the past weeks intolerable rumors about my political position have been circulating in New York and Hollywood. I want to make my stand clear:

I believe that Communist activity constitutes a grave threat to the continued functioning of a democratic society. I fully believe that it is a great mistake to believe that we can live with Communism. I believe that the American people must know the truth about the Communists and the threat they pose to our society. I believe that, if we are to live in this country, we must accept the simple fact that Communism is a real and present danger. I believe that, as Americans, we must be prepared to take the necessary steps to deal with this threat. I believe that, as Americans, we must be prepared to take the necessary steps to deal with this threat.

I have placed these facts before the House Committee on Un-American Activities without reservation. I have made them before the public and before the world's media. I have written many letters and articles expressing my views. I have appeared on television and radio programs. I have been a witness before the Committee. I have been a leader in the struggle against Communism. I have been a participant in the struggle against Communism. I have been a member of the Communist Party in the 1940s, 1950s, 1960s, and 1970s.

I have been a member of the Communist Party in the 1930s, 1940s, 1950s, and 1960s. I have been a member of the Communist Party in the 1940s and 1950s. I have been a member of the Communist Party in the 1950s. I have been a member of the Communist Party in the 1960s. I have been a member of the Communist Party in the 1970s. I have been a member of the Communist Party in the 1980s. I have been a member of the Communist Party in the 1990s. I have been a member of the Communist Party in the 2000s. I have been a member of the Communist Party in the 2010s. I have been a member of the Communist Party in the 2020s. I have been a member of the Communist Party in the 2030s. I have been a member of the Communist Party in the 2040s. I have been a member of the Communist Party in the 2050s.
The board agreed, approving the award unanimously. The conservative Charlton Heston applauded the decision in the Wall Street Journal, but in liberal Hollywood the stench of the blacklist still lingered, stoked by the fires of the stoopid pigeon argument.

"He made a lot of good pictures, so you could say he deserves an award for his work," said Abe Polonsky, screenwriter for Body and Soul and one of the Ten. "I just wouldn't want to give it to him. He was a creep. I wouldn't want to be wrecked on a desert island with him because if he was hungry, he'd eat me alive."

Polonsky should know. He was an ultra-orthodox Communist Party member ("I write the way I do because I'm a Marxist") who took a lead role in the prosecution of Kazan's friend Albert Maltz, whose crime was to write an article criticizing the Party doctrine that art must be a weapon. The Hollywood Communists forced Maltz to recant and write a groveling retraction.

Polonsky was not alone: "An artist displays honor when he stands up to HUAC, as the late great actor Lionel Stander did, not when he panders to HUAC, as Elia chose to do," said actor Allan Garfield. "This is simply not the time, nor will there ever be a time, to reward past capitulation with honorary Oscars of the present."

Stander, who was not a great actor, was also a member of a Party whose personal dialectic still plays, at this late date, in certain Hollywood circles. As it goes, America is evil and capitalism is bad—except for my three-picture deal with Paramount.

The current cabbage patch left, whether or not led by Oliver Stone, will likely hold protests or attempt in some fashion to sabotage the award to Kazan. Whatever the trauma, justice delayed is not now justice denied for a great American artist. And if some filmmaker on the rise wasted to show true guts and independence, he could opt Kazan's story. The pitch would be easy.

This is a story about a guy who told the world where he stood, who was glad he did it, who kept on doing it under great adversity, who suffered slander and injustice for his stand, but who stuck to his principles and emerged triumphant in the end. The filmmaker would not be working under the same language restrictions that existed in 1954. Nor would the tale have to be symbolic, as On the Waterfront was, but could be a real deal with the C-word quite directly.

John Howard Lawson: "You rattled on us, Elia."

Elia Kazan: "Hey, fuck you. You're a cheap, corrupt piece of Stalinist shit. That's why I'm glad what I did to you. You hear that? 'No, I'm glad what I done, and I'm gonna keep on doing it.'"

The Diversity Hoax, Continued from page 1

letter admitted that they “chose to attend Boalt in spite of [their] grave disappointment in the lack of diversity evidenced in the Class of 2000.” The letter stated that “completely abolishing [racial preference] without implementing any other sufficiency of achieving diversity has compromised our legal education. The pool of background experiences and perspectives we are currently characterized by significantly limiting our opportunities for intellectual growth.” As Winnie later noted, “Seventy-one percent of the Class of 2000 signed the letter, and there was sentiment that one was sending out a message that those among the twenty-six percent minority were welcome to speak. I myself was one among the palpably silent twenty-six percent.”

The protesters wanted David, among others, to sign the anti-proposition 209 petition, and the more that David politely relented, the more firmly he was multiplexed and disempowered. His silence alienated his voice silenced, David describes what he calls “a hypocritical definition of diversity”.

Those who signed the letter seemingly did so to themselves as not empowered and enlightened that their dissenting contemporaries. Those who relented to sign the letter were—speak from experience—scares and disempowered. The intolerance of the authors of this open letter was clearly paradoxic on the one hand, they espoused “diversity”; on the other hand, they rejected anything but group-think. Support them, in other words, be prepared for a gross slanging of names that largely stick.

Although Winnie’s first few months at Boalt had been rough, he kept his pace and remained optimistic. “My voice was not supposed to be heard,” he later wrote. “I was supposed to count only as one of those hateful, oppressive, unenlightened, and diverse. Hoping to find that there was more intellectual freedom and diversity at Boalt Hall than he had himself experienced, David set himself a project. He sent out a letter to every student at Boalt suggesting they submit essays that he would try to publish. The call for papers asked some simple questions: ‘How healthy is the marketplace of ideas here at Boalt? Do you ever voice ideas in the classroom? Does expression flow freely in an environment tolerant of diversity, or does the climate of tolerance at Berkeley perpetuate a blanket rule of diversity of opinion? Has political activity within the classroom alliances important student perspectives? Seeking “diary-like” submissions, Winnie made it clear “that all viewpoints are welcome and encouraged.”

He received a remarkable collection of twenty-seven essays revealing a rampant attack upon intellectual freedom and free speech affecting diverse students from across the political spectrum. David sent me the collection to see if the Foundation for Academic Standards and Tradition (FAST) student organization I ran, would be interested in publishing it. I felt the essays submitted to David clearly deserved to be heard. The two of us edited the collection and, since the ideas are identical to the existence of free speech at Boalt Hall, decided to call it The Diversity Hoax: Law Students Report from Berkeley.

The essays show that David Winnie’s experience as a student at UC Berkeley is not unique. As Winnie writes, “The institutional practices of racial preference may have been discontinued at Berkeley, but the idea of a perfected quota system ... very upset. California’s Proposition 209, which banned government-sponsored racial discrimination, made Boalt Hall ground zero for a war over racial preferences, with students and faculty alike becoming the ‘lack of diversity’ due to the ‘re-regulation’ of campus.” Administrators like Boalt Hall Dean Herma Hill Kay issued melan- choly statements about the bleakness of a future without admission based on racial and ethnic diversity. Meanwhile, in an atmosphere of intellectual violence prevailed in the daily operations of the law school. As Winnie writes in The Diversity Hoax:

The intolerant activists, comprised of both Boalt students and other enthusiasts, have personally attacked students who express contrary views by using tech- niques of slander, intimidation, and pejorative personal statements. They have turned down offers of expressions with diverse views. They have marched up and down the halls chanting militant slogans such as “Let them in or tear them down” ("them" referring to under-qualified minority students who had not gained admission under the new race-blind admission policies. Sit!" referring to the university.) They have interpreted caustic by instilling professors, blaring whistle, and screaming into loudspeakers... The campus has been decimated. The minds have been pulled. Many of the students even came to despise full uniform, wearing identical T-shirts signaling their desire to ethnically discriminate the law school. The language that the ‘diversity’ protesters used was clear. On the walls they wrote: “FUCK 209” and “SUPPORT DIVERSITY, NOT BOALT.”

One of the ugliest tactics of the ‘diversity’ protesters’ prolonged campaign was to disrupt classes by bringing minority students from outside the Boalt community. After calling out professors, the protesters would then confront white people and ask them in a forceful way to give up their seats to a minority student—a symbolic gesture, not an issue. The ‘diversity’ protesters insistently asked a minority student and refused to tolerate her dissenting view. As one woman who cares greatly about both intellectual and racial diversity, I see in some of the recent pages of The Diversity Hoax, she herself, although a minority of mixed race, was called resurgent, instead, racial names, simply incognito of the view. When I expressed my outrage at being asked to give up my seat to a minority at a recent classroom protest staged in support of affirmative action,” writes Isabelle Quinn, “this caused a dissident to call me a "racist white conserving idiot."”

Students who had always fought to protect the free speech of others found themselves in danger of being silenced because of what was perceived to be their incorrect views on affirmative action. Funnily, I’ve always thought of myself as a classic liberal—the type that defends vociferously the rights of people to disagree with us,” writes Anthony Brown, who in his essay, "inability the impeding 20th century and the business of Berkeley—of respect for diverse opinions—is subverted and trampled by the intolerance of the activist student-think-policing who police the discussions which take place in the classrooms and hallways.” In “News from the Ladies’ Room,” Megan Elizabeth Murray holds “the belief that we all have a right to speak.” But at Boalt, she pointed out, “the very people whose rights I was trying to respect were not respecting the rights of others.”

Boalt was famous for fighting for free speech in the 1990s. By the academic year of 1997-98 saw the successful silencing of many students who sought diversity of ideas and free speech. The ‘diversity’ protesters, a fluctuating group of students generally ranging from 20 to 100, used tactics so ugly that liberal and moderate Democrats alike—along with a small number of conservatives—felt alienated and lost their belief in the campus. They thought they shared a belief in fairness and freedom of speech. Boalt Hall became a place where stone crying out most loudly for diversity did everything they could to destroy it.

When intellectual freedom is desired to be seen, everyone loses, and as the essays in The Diversity Hoax make clear. “In my module, in particular, there exists a great deal of tension between the Right and the Left,” writes Randall Lewis in his essay, “I sympathize with the Left much more often. Yet, that does not imply that I won’t make comments that I regard as theoretically true when an argument on the Left is weak. Hindering speech and reframing from making logical points only works to all our detriment.”

The silencing of dissenting voices at Boalt also means that our classroom discussions are much less rich than they might otherwise be,” writes Heather McCormick in “The Unimaginable Majority Monopoly.” “many who disagree with the ultra-liberal viewpoint that dominates discussion at Boalt have learned to keep silent.” Wondering how this could be the case at an elite law school, she asks, “Why is it we, as advocates in training, are nevertheless so reluctant to stand up for our positions? It is a good question.”

"Our expectations are such that we feel far too the Left at Boalt” that in most classes, we don’t hear much from conservatives at all, only the least extreme liberals,” writes McCormick. “If reading this article, make sure that you are the conservative. I am not. I am a moderate Democrat. That viewpoints can pass in conservative in the classroom (which sometimes do) appeals me and shows just how the debate is framed.

McCormick’s proposed solution to the problem would demand more of conservatives and liberals alike: “More conservatives must be willing to express their viewpoints in class, in spite of their fears of being demonized. Should the debate become one-sided nevertheless, more liberals and moderates need to offer alternative perspectives, even if it means playing devil’s advocate.”

On her first day of school, writes Darcy Edmunds, “I feared confrontation with fellow stu- dents’ thinking and arguments and for the first time I didn’t know what to say. I was afraid of the wrong words, the wrong signs and the wrong cause about which I was still unsure.” Soon, however, Edmunds writes, “I agreed with [the protesters’] intention of showing that the students were united in their fight for diversity in the classroom. I agreed to participate.” Edmunds soon noticed the duplicity of the protesters, who did not tell all their supporters the full extent and intentions of their plans. Instead, she saw them “for using... other students like parent in their game of political strategy.” Where did this have her? "I felt I could not tell my personal- philosophies—they wanted to increase crime and cut the student’s for students of diverse backgrounds but did not support affirmative action." The harshest tactics of the ‘diversity’ protesters created an atmosphere in which students were “not willing to risk retribution by voicing their nuanced opinions.” The diversity hoaxes—the huckstering assumption that diversity
includes only certain views—was terrifying.

The 'diversity' protesters even treated
Dean Kay, their intellectual ally, terribly.
McCormick offers this moving comment: "While I
endorse efforts to increase minority participation at
Boalt, there was no way I was going to stand in the
Dean's office and shout down a woman who has
devoted a lifetime to defending the rights of
women and minorities."

David Wienir's experience at Boalt is tes-
timony, to the one-sided intolerance that creates
division and keeps people from coming to com-
mon ground. "I came to Berkeley sympathetic to
some of the issues of the liberal Democratic agen-
da, and remain so," he writes. "However, I am
alarmed that the tactics of the intolerant radical
activists actually erode the validity of much that
they have to say. As I gazed across the historic
campus late one April night, I wondered what
ever happened to the Berkeley of the Sixties—a
Berkeley that celebrated freedom of expression,
and despised narrow-mindedness?" As Wienir
observes, "many Boalt students act as if their ed-
cution is threatened whenever any conservative
view is expressed. Ironically, the conservative
views are generally those supporting liberal
notions of freedom of expression. Still, almost
every time a tone conservative tried to raise his or
her voice during my freshman year at Boalt, things got
ugly." How ugly? "Flats, rather than hands, were
raised. Eyes rolled. Glares flashed. Intolerance
radiated. Diversity of mind was declared dan-
gerous and unwanted. Only racial diversity was
celebrated and cherished."

The students who submitted essays for
The Diversity Hoax raise some questions
American higher education would do well to con-
front with honesty. "What was I thinking expect-

ing a mature public discussion in a top U.S.
law school?" asks Megan Elizabeth Murray "To me,
diversity is a range of viewpoints and experiences,"
Murray asks further, "How can we 'become' color-
blind all the while highlighting our differences with
fireworks? We end up pitted against each other
based on race instead of forgetting that we look
different. To advance we must advance ourselves.
Each of us must stop complaining about the past
and look to the future."

But at Boalt Hall, it appears, hope

Marc Berley is executive director of the Foundation
for Academic Standards & Tradition (FAST), a
not-for-profit student organization. Unless other-
wise indicated, all quotations in this essay are from
The Diversity Hoax: Law Students Report from Berkeley, ed. David Wienir and Marc Berley
(New York: FAST, 1999).

Read excerpts of The Diversity Hoax by visiting
FAST's Web site at: www.gofast.org. Order your
copy by phone: 1-800-247-6533, or by e-mail:
order@bookmatters.com.

Read the inside story of left-wing
ideology at Boalt Hall at UC
Berkeley Law School

The
Diversity
Hoax

edited by
David Wienir
and Marc Berley

To order copies call
1-800-247-6533

or read excerpts at the Foundation for
Academic Standards & Tradition's (FAST)
Who is Left?

The absence of a left on the radar screen of American politics is one of the wonders of the age. What happened to all those activists who went to war against the System in the 1960s, and who took to the streets to promote the West's defeat in the Cold War? How is it that our universities boast more socialists and kitsch Marxists than the former satellites of the now-defunct Soviet bloc? Who organizes the party line that promotes the rhetoric of class, race and gender warfare in national political debates?

We think the list below is the beginning of an answer. Everybody agrees there is a Right in American politics, and everybody thinks they can name the players. We think it is time to take a balanced view of the political process and identify the political left.

Who are the left? Socialists, “progressives,” gender feminists, critical race theorists, “critical” theorists of all stripes, opponents of welfare reform, proponents of an expanding welfare state, members of the coalition to Lynch Clarence Thomas and also to save Bill Clinton, tax-the-rich ideologues, Christian-haters and PLO-supporters, reflexive bashers of white Americans and America-haters in general.

And: anyone who uses the term “oppression” to describe any set of social relations in America today. And: any knee-jerk name-caller who responds to this list by invoking the specter of Joseph McCarthy, which is the left’s favorite tactic for closing debate on its political agendas.
Ethnosclerosis

The Accidental Asian: Notes of a Native Speaker
by Eric Liu
(Praeger, New York, 1998, 256 pp. $23.00)

Reviewed by Kenneth Lee

This past summer, the Washington Post printed several letters fromrate readers complaining about a recent article on Asian and Latino immigrants. One writer groused that the article perpetuated "widely held myths" about Asian Americans and cited numerous statistics to support his contention. Another letter writer, Karen Narasaki of the National Asian Pacific American Legal Consortium, expressed similar outrage at the supposedly inaccurate and pernicious portrayals.

What exactly was the Post's sin? Did it propagate Charlie Chan canards? Or make racist remarks about Asians? Quite the contrary. The article noted the unique position of Asians in America's political and socioeconomic landscape: as racial minorities, Asian-Americans have historically been the "victims of racism but have now crossed over into the realm of relative privilege." Indeed, until the early 20th century, California still had laws aimed at preventing Asians from owning property.

The most egregious form of anti-Asian bias, of course, occurred during World War II when the federal government placed thousands of Japanese-Americans into internment camps. Today, the article noted, Asian-Americans sometimes refer to a different but still injustices government-backed discrimination in the form of affirmative action. For example, the prestigious Lowell High School in San Francisco has placed several Asian quotas on overachieving Asian students.

Overall, the Post article was an even-handed discussion of how Asian-Americans (as well as Latinos) have upset the old black-white paradigm of privileged Caucasians versus disadvantaged African-Americans. As the article noted, Asian-Americans have managed to make substantial economic gains, despite historical barriers. And that was the problem with the article: it portrayed Asians in a too positive light, reinforcing the "model minority myth." Ironically, while black leaders complain about too many African-Americans being characterized as criminals by the media, some Asian-American activists argue that Asians suffer what they view as the historic legacy of slavery and segregation or Latinos who share language and religion (i.e., Catholics). Asian-Americans do not have such a common thread to bind them. Each Asian ethnic group is of a different language and culture. They also have different religions: Vietnamese-Americans are generally Catholic, Koreans are mostly Protestant and many others are Buddhists. Also, historical animosity separates the different Asian ethnic groups. It is more likely for an Asian-American to marry someone of a different race than someone of a different Asian ethnic group.

If there is anything that binds Asian-Americans, it has less to do with race than with the immigrant experience. With the exception of Japanese-Americans, most Asians came to the United States only after ethnic origin quotas were abolished by the Immigration Act of 1965. Two-thirds of Asian-Americans are of Chinese or Filipino background; the remaining one-third are often only second or third-generation Americans.

What exactly is this immigrant experience that binds Asian-Americans? It is the stereotype faced by all immigrants who have left their native land and have come to start anew in a new country. It is also the appreciation of liberty by those who fled totalitarianism, tyranny, or war that constitute the concept of immigration. And it is the idealism held by immigrants who Ameri-Can rewards people who work hard. The intellectual class might consider such a belief as tribal and nativist, but most immigrants—more than native-born Americans—have an unwavering faith in the American dream. When politicians asked different groups if they believed that people can suc-ceed in America if they only work hard, Asian-American respondents answered yes at one of the highest rates of any racial group.

These attitudes have made Asian-Americans natural conservatives, notwithstanding the copious media coverage given to Jenny Chan and other Asian-American Clintonera cronies. Although Asian-American voters are not permanently wedded to either party, polling data show that Asian voted more Republican than even whites in the 1992, 1994, and 1996 elections. Indeed, Bob Dornan, the firebrand former congressmen, for example, routinely received two-thirds of the Vietnamese vote, and was a multiple grand marshal in the annual Korean-American parade in Orange County. These figures showing high Asian support for the GOP, however, have been slowly mentioned in the media. Latino strong enough, does not mention them either. Maybe a former Clinton speechwriter finds such facts uncomfortable.

Despite his aversion towards identity politics, Liu still isn't fully extricated from himself in the left's racial toeholds. Take the "model minority myth." Liu, while not outright dismissive of the model minority image, is somewhat critical of it. Other Asian-American activists are more decisive in their criticisms of the model minority image. Frank Wu, a law professor at Howard University, argues that even positive stereotype are harmful because they still reinforce stereotypes and ignore individual character. He is a very compelling and noble argument, but it has virtually no credibility outside of the political Left. After all, the same activists who denounce model minority stereotypes actively support sensitivity seminars that perpetuate stereotypes by stressing that different races have different traits. And in general, the same activists who oppose affirmative action that places membership in a racial group over individual achievement.

The real reason the left abhors the model minority myth has little to do with its perpetuation of stereotypes. Rather, the left loathes it because it stunts the growth that America is an ineluctably oppressive nation toward minorities cannot be overempha- cized. How is that Asian-Americans, who have suffered and continue to suffer from racism, have succeeded without sufficient government help?

Asian-American activists readily admit that the model minority image will undermine the foundation of the welfare state. For example, activist Chau Ming Lee grumbled, "One of the old
myths is, no matter what kind of problem, the Asians can take care of themselves." (God forbid!) Grace Yun, a professor of Asian-American studies, complained, "Because of this [model minority] image, the needs of many Asian Americans who are poor, homeless, drug abusers or school dropouts are not even being identified, much less met." And an umbrella group called Asian Pacific Americans for Affirmative Action argued in 1996 that, "This perpetuation of the model minority myth masks the continuing need by Asian Pacific Americans for affirmative action" in contracting and other areas. (One Asian activist even blames the model minority image for the spread of AIDS. As Joel B. Tan explains, "Asians are considered to be educated, affluent, healthy and heterosexual and thus not enough AIDS education has been directed toward Asians.)

One law professor at Southern Methodist University complained to the New York Times, "The model minority myth conceals the pervasive racism and economic inequality that Asian-Americans suffer..." Laotians, Hmong, Cambodians and Vietnamese in the United States [have high] poverty rates." But this argument completely misses the boat. Of course, there are numerous exceptions to a general Proposition—that is the very nature of an aggregate analysis. For example, one can easily find literally millions of exceptions to the assertion that Caucasians are overall prosperous. Millions of whites live on the dole, and millions of others barely eke out a living. Yet minority activists always characterize whites as generally well-off, which is true from an aggregate view. Likewise, it is fair to say that overall, Asians are faring well in the United States; they have the highest education level, the highest family income and the lowest illegitimate birth rate of any racial group in America.

The second argument used by Asian activists is to minimize Asian American achievements. Yes, Asians have done well, they argue, but it's because they were highly educated immigrants who came to the United States with money and a college degree. The implication is that Asian-Americans really haven't succeeded in America; they brought their success to America. And thus Asian immigrants' purported success does not really prove that America is the land of opportunity.

It is true that most Asian immigrants are highly educated, but their degrees are often useless in the United States. Indeed, most immigrants end up toiling at a job completely unrelated to their former profession. Visit some stores in Koreatown in Los Angeles, and you'll meet former pharmacists who now run dry-cleaning shops.

Most Asian immigrants—like previous immigrant groups—have succeeded through endless hours of work, not because of some lofty degree or government benefit. And their sacrifice ultimately provides more opportunities and a brighter future for their children. As much of a cliché as this may seem, this is the same path of the American Dream that generations of immigrants have always traveled...

My family's immigrant experience is probably typical of many Asian immigrants. We immigrated in 1980 from Korea, where my father had worked as an engineer. But his college degree didn't open too many doors for him in America; there were few opportunities in a time of economic downturn for a middle-aged immigrant who could not speak a word of English. So he ended up fixing spray paint machines for a living. Yet by toiling thirteen hours a day, six days a week, my father was able to save enough money to start his own business and move our family from Los Angeles to the suburbs of Orange County. My parents also relied on a community-based loan pool called "kya": my parents and a group of their friends pooled their money together to give each other interest-free loans. This is hardly a Montessori Algier story, but it is typical of how immigrants to America—be it Asians, Jews, or the Irish—have succeeded through hard work and sacrifice. Indeed, no immigrant group has ever succeeded through government handouts. In giving some treatment to this aspect of the Asian American experience, Liu's book disappoints. He spends considerable time on the model minority myth (he has a chapter called "The New Jews"), but he fails to convincingly explain how or why Asian-Americans have succeeded. If we want to look beyond race (as Liu claims to want), then we should maybe start by accepting that universal values like hard work and sacrifice are the keys to success for Americans of all races.

President Creates New Agency: Names Woman First Director
by Judith Schumann Weizner

In a brief ceremony in the Rose Garden yesterday, President Clinton signed an executive order creating the Federal Public Safety Administration, and appointed Janet Sicherheit as its first director. The new agency, which will incorporate the Federal Family Security Administration and oversee many of the functions of the Departments of Energy, Health and Human Services, Transportation and Housing, is a key element of the President's promise to downsize government.

In accepting the appointment, Mrs. Sicherheit pledged that, as Director of Public Safety, her first undertaking will be to implement the establishment of the nation's first Family Security Zones, an idea that she says took shape during her tenure with the Federal Family Security Administration (FFSA).

"In a society as advanced as ours, there is no excuse for tolerating the level of risk to life and limb that we see every day in this country," she told the select group in the Rose Garden. "From the moment I became a mother, I dreamed of creating the ideal place to raise children. When my own children were small, it always pained me to have to scrub their little toes after they fell on the playground, because the antibiotic inside their cry.

In our Security Zones all sidewalks, streets and playgrounds will be paved with SoftStreet®, an advanced paving material developed by government engineers, which the OMB assures me will pay for itself in reduced emergency-room visits by the year 2045. Our Family Security Zones will become an oasis of safety in a perilous world.

Mrs. Sicherheit's interest in promoting safety did not begin with the birth of her children, however. A graduate of National Law School, she brings twenty-four years of experience to her new position, having been the Director of the FFSA since 1989, and before that, an FFSA attorney in the Division of Child Welfare, where she specialized in product education and analysis.

Born in 1949, the only child of Stanley and Doris Gehrke, highly successful attorneys with a practice in Oakview, Arkansas, she expected to follow in her parents' footsteps, and, immediately after her graduation from law school in 1975, joined her parent's firm of Gehrke, Gehrke, Pilgrim & Danagardfield. She had worked there for nearly two years when, after reading a heartrending letter of thanks written to her parents by the mother of a child who had died after ingesting a screw, she began to question the meaning of her life. In the letter, the child's mother thanked the Gehrkes for their tireless work in winning a multimillion dollar settlement from the manufacturer of the screw, at the same time observing that the ten million was not enough to dull the pain of losing a child.

"I hadn't yet had my children," Mrs. Sicherheit says. "In fact, I hadn't yet met Mr. Sicherheit. But the tone of that letter made it clear that my life's work must be the prevention of this sort of tragedy, not just providing funds for the bereaved."

Following a period of soul-searching, she took a job in the FFSA, where her first assignment was to find ways to improve education about safety in the home. She says she was dismayed to discover how little attention was being paid to pillow safety, and she quickly sought and received authorization to conduct a study showing that each year since 1982 there are more children who died as a result of improper use of pillows. Her work in this area led to the FFSA directive that labels on pillows, in addition to specific information about the product's content and flammability, must carry a warning about the proper use of the product, along with a recommendation from the Surgeon General that pillows be used by children under the age of six.

When Mrs. Sicherheit became the FFSA's director, her staff had one of the winning labels laminated onto a piece of granite and presented it to her. It still sits on her desk. "That label was the first tangible proof I had that others considered pillow safety important," she says. "It looks at it whenever I feel daunted by the size of my task and I think of the children whose lives have been saved because of that little scrap of cloth."

Now that the importance of public safety has been recognized by creation of an independent department, Mrs. Sicherheit is eager to begin working toward her goal of reducing needless injuries and deaths by twelve percent a year until the number approaches zero. "At that point," she admits, "we will have to take a long, hard look at the remaining cases."

But Mrs. Sicherheit says she expects to reach her goal very quickly within the violence-free, smoke- and pollution-free zones that are the hallmark of her program. "Pleasure activities within the green line will be prohibited and anyone engaging in them will be subject to prosecution," she warns.

The Family Security Zones are expected to attract large numbers of young families, as child-safe homes, constructed by Putting Children First, Inc., will incorporate rounded corners, soft doors and built-in furnishings to control the fall distance of children. To guard against the improper use of appliances, each adult will have a personal identification code to unlock the doors and designate electrical sockets; this advanced system will also facilitate the monitoring of energy use. Each house will have a windowless "sleeping room," although these will not be mandatory outside the zones until 2022.

Mrs. Sicherheit believes that preliminary studies indicate that the zones, featuring smoke-free restaurants serving low-fat, low-sodium, sugarless cuisine and non-alcoholic, non-carbonated and decaf beverages, will be economically viable, drawing record numbers of tourists.

In a symbolic gesture, the first Family Security Zone will open in Washington, D.C. in 1999 with others following at the rate of one a year. Initially, residents will be selected by lottery from among the city's poor, as the government attempts to compensate them for the neglect of the Reagan-GHW era, but eventually anyone will be allowed to buy homes and businesses in the zone. Bidding permit fees are expected to raise the nine hundred trillion dollars necessary to implement the program, and Mrs. Sicherheit has already given Congress data indicating that any costs not offset by the fees will be recovered in reduced medical and low-income expenses.

Mrs. Sicherheit was quick to assure reporters that the Family Security Zones will be open to anyone regardless of race, religion, ethnic origin or prior convictions.

Get the collection of

**Stranger Than Fact**

Judith Schumann Weizner's tales of legal perplexity, political correctness, & cultural mayhem for only

$3.00

Please call (800) 752-6562, ext. 209, to order.
Visit our web site at www.frontpagemag.com