

HETERO DOXY

ARTICLES AND ANIMADVERSIONS ON POLITICAL CORRECTNESS AND OTHER FOLLIES



JOHNNIE'S OTHER O.J.

I first heard the name Geronimo Pratt in the early '70s during a late night conversation with Huey Newton, the minister of defense of the Black Panther Party, now deceased. Pratt was the leader of the Los Angeles branch of the Party and had been convicted of a robbery-murder that occurred on December 18, 1968, when a young elementary school teacher named Caroline Olsen, and her husband, Kenneth, were accosted by two gunmen on a Santa Monica tennis court. They were ordered to lie down and give up their cash and jewelry, which they did. But, as the predators left the scene, one of the gunmen emptied his .45 caliber weapon into their prone bodies, wounding Kenneth Olsen and killing Caroline. Nearly two years later, Geronimo Pratt was charged with the murder and ultimately convicted despite the efforts of Johnnie Cochran, then an unknown young attorney on the make.

It was not just the murder conviction that made Pratt a figure of interest. Other Panthers had run afoul of the law. Pratt was special because Newton and the Party had hung him out to dry. Even though he was a deputy minister of defense and ran the Los Angeles Party, there were no "Free Geronimo" rallies organized in his behalf, as there had been for Huey himself. In fact, Huey and the other Panther leaders—Bobby Seale, David Hilliard and Elaine Brown—flatly denied Pratt's alibi, that he



was at a Panther meeting in Oakland at the time of the murder, and this, as much as any other fact, sealed Pratt's fate.

There were reasons why Huey would be unsympathetic. Pratt had been expelled from the Panthers shortly after the murder of Caroline Olsen, as a result of his support for an anti-Newton Black Panther faction led by Eldridge Cleaver, the more violent wing of the Party that had accused Newton of "selling out" the "armed struggle." To show their authenticity, Cleaver's followers had formed a Black Liberation Army, which had already launched a guerilla war in earnest in America's cities. Pratt was the Party's "military expert" and as the Los Angeles leader had fortified its headquarters for a shootout with police, deploying machine guns and other automatic weapons in a firefight which

wounded three officers and three Panthers. At the beginning of August 1970, when Pratt was kicked out of the Party, another member of this violent faction, Jonathan Jackson, marched into a Marin County courthouse with loaded shotguns to take hostages in an episode that cost the lives of a federal judge, Jackson, and two of his cohorts. Pratt had supported Jackson and his plan to use the hostages to liberate his brother George from San Quentin, where he was waiting trial for murder.

The evening Huey and I talked about Geronimo, he explained to me

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A WALK ON THE DARK SIDE AT THE HELLFIRE CLUB ABOUT S&M

By Paul Mulshine

In beginning this article on S&M, I should say this: I think we could all use a good beating. Especially the women who edit *Ms.* magazine. I speak metaphorically, of course, but no one should be permitted to be so relentlessly stupid without facing some form of punishment.

It's not just that these women have bad ideas. That could be forgiven. It's that they present these ideas in such dull prose. A typical passage from the "Editor's Page" article, authored by Marcia Ann Gillespie, that occupies the first page of every issue:

"Regardless of how fiercely the firestorm rages . . ." is the beginning of a typical paragraph. Has a more clichéd expression ever been used? Or how about this passage: ". . . it served to remind me that some women's feminism ends not much further than their front door." There are at least three major grammatical and syntactical errors in those few words.

By the way, that last quote is from the famed 1996 issue in which the authors misspelled the word "feminism" in a banner headline on the cover: "Honest Talk About Feminisim and Real Life."

Honest talk? If the girls over at *Ms.* were trying to engage in honest talk, they'd have to stand up and scream in unison: "We're airheads. We don't have a clue what we're doing. *Ms.* magazine is proof of Orwell's dictum that bad politics and bad writing are inseparable."

The problem Gloria and the rest of them face is that, living in a free and somewhat loony country, they quickly won all the important points of their program, from free abortion to women in the military. Within a decade or so of the movement's beginning, women had more political and economic freedom in America than anywhere on earth. Their victories quickly brought them up against the limits of nature and forced them to embrace a proposition so absurd that only a feminist could believe it: that sex is a rational human endeavor.

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COMMUNIQUÉS

AIDS and the Fate of Gay Men

My youngest son died of AIDS one year ago at the age of 26. No child was more loved or better cared for, by parents and siblings, until the terrible end.

I recall as a boy walking with my CP (now PC) father through Greenwich Village and passing a group of flaming homosexuals (rare in those days). “When we have Socialism those vermin will be exterminated!” my father intoned, a sentiment he usually reserved for Trotskyites. Now he displays a red ribbon on his front door with the pride of someone who lost his grandson in the battle of Stalingrad. The party line has indeed changed. And ironically, the terrible deed is being done by the same party with its reversed line. The dead, dying, and doomed already outnumber the combined fatalities from all the wars the U.S. has fought. And that number is understated as well as growing rapidly.

HIV is an affirmative-action virus. No other contagion has a right to “privacy.” Without mandatory testing there is no way to track the virus, much less stop it. Clusters go undetected for years. Many of my son’s friends still are in an untested state of denial, although some have already had lovers who died of AIDS. The gays’ political clout in San Francisco is only matched by their immaturity, to which the left has cynically catered.

Young men are predictably willing to take enormous risks for new and varied sexual encounters. (Had co-ed bathhouses existed in my youth, I believe I would have crossed minefields to reach them). Evolution has been kind to the promiscuous male. History has not been equally kind to erotic civilizations. Judaism owes its long survival to its moral code; Sodom and Gomorrah’s extinction to theirs.

The accusation “homophobe” has lost its cutting edge from overuse. Is there anyone who would rather attend his son’s funeral than his son’s wedding? And how much longer must we listen to the hype that education and tolerance will defeat AIDS? Is any community more knowledgeable about AIDS, hipper about sex, and more tolerant of everything imaginable, than the homosexual community at the epicenter of the plague?

Members of the gay establishment pretend that no territory exists between persecution and celebration; that criticism of their lifestyle is an effort to drive them back to the closet. For the sake of argument let us imagine a worst-case (and almost unimaginable) scenario: that the U.S., as a result of criticism, reverted to the homophobia of the ’50s. How many homosexuals were actually killed because of their homosexuality? Probably not more than were killed because they were Communists, which was perhaps a few more than were eaten by mountain lions. How does that compare with the casualties of our era?

I can imagine a backlash from the growing awareness that AIDS is slowly entrenching itself within the sexual mainstream of the straight world. Gays should be at the forefront of a campaign for mandatory testing, closing bath-houses, and abolishing propaganda advocating promiscuity.

I don’t expect it to happen. The self-destructive, by definition, are not moved by self-interest.

Robert Trupin
Mendocino, CA

Gabriel Rotello has given us a sound and helpful sociobiological analysis in “Why Did

AIDS Happen to Gay Men?” (June 1997). One could wish that E.O. Wilson in coining the term had made it “biosociology” rather than the other way around, since the relatively timeless biology precedes the evanescent sociology.

No one even remotely knowledgeable about biology could have doubted that anal intercourse was an ideal setup for microbial mischief. The rectum is an ideal cultural medium: it is wet, it’s warm, it is chock-full of nutrients, and has a rich blood supply to provide oxygen for those (aerobic) organisms that need this nutrient . . .

To the above short course in Bacteriology 101, add the sociologic changes that Rotello describes and we have the current epidemic, though endemic would be a better term, given the circumscribed population to which it is largely confined.

It will be interesting to see if we can muster the political will and courage to approach this problem with the standard techniques of public health, such as those detailed in Congressman Tom Coburn’s HR Prevention Act of 1997 . . .

John H. Tanton, M.D.

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WRITE TO US

Send your comments to Letters Editor, *Heterodoxy*, by mail (P.O. Box 67398, Los Angeles, CA 90067) or by fax (310)843-3692 or by e-mail (76712.3274@compuserve.com).

Hitler, Cannibalism, Etc.

Regarding PETA, vegetarians, etc., one must keep in mind that the most famous man of the 20th century was a strict vegetarian, animal lover, and a strong proponent of animal rights. His name was Adolph Hitler.

On the subject of cannibals and Communists, don’t forget Diego Rivera, the Mexican Communist/muralist and idol of the flaming liberals. In his autobiography, *My Life, My Work*, Señor Rivera describes his life of poverty while studying art in France. Things were so tough that he and a roommate could not afford meat, so they posed as medical students, went to a local morgue and told the mortician that they were sent from the university to obtain cadavers, which they promptly devoured in their apartment . . .

Edward J. Toner Jr.
Brick, NJ

Borderlines

K.L. Billingsley’s “The View from the Border,” June 1997 issue, was an outstanding look at the thankless task performed by our courageous Border Patrol officers. Since *Heterodoxy* is probably the best publication in the nation when it comes to brilliantly skewering delusional political correctness—including PC’s fright-word tactics (“racist,” “sexist,” “fear,” “hate,” “blaming,” “bashing”), and its Orwellian double-think (only European Americans, it seems, can “hate”)—I hope you will continue to report on various other

aspects of our larger immigration bureaucracy, which, unlike the real-world-dwelling Border Patrol, are trying to drag average Americans toward some imagined High Diversity/High-Population Global Utopia.

If American elites are wrong on this one—and they are—we are headed toward a catastrophe.

Tom Andres
Santa Barbara, CA

Finally: an article that makes perfectly clear what the United States border agents view on a daily basis. A truthful article we must pass along to those misinformed by the liberal media.

I agree 110% with every word in your article concerning all the players in the most breached border in the world. However, it is my view, that the analogy of the Rodney King incident is not accurate. You should have referred to Reginald Denny. Mr. Denny was also at the wrong place at the wrong time. I viewed his beating live on television.

If you remember, Bryant Allen, a passenger in King’s car, said that King would not stop and he was acting strange. The police only tried to control a felony situation and for that they were punished. This sounds more like a reminder that simple human experience refutes political correctness every time.

Mary Beth Carpenter
Brea, CA

The Little Red Schoolhouse

Kudos to Ronald Radosh for his recollections about the youth agit-prop center in NYC (“Elisabeth Erwin Looks Back,” June 1997). However, one correction is in order. Our Lady of Fatima appeared in Portugal. Poland boasts The Black Madonna of Czestochowa.

Marek Jan Chodakiewicz

I was not thunderstruck, amazed, stunned, or even baffled, but I was surprised to read Ronald Radosh’s comment in the June 1997 issue that the ACLU was anti-Communist when he attended school.

The ACLU has never been anti-Communist and never will be. Here are some ACLU facts: Founded in 1917 by Roger Baldwin as the American Union Against Militarism, name changed to Civil Liberties Bureau later that year, became National Civil Liberties Bureau in October 1918, renamed American Civil Liberties Union on January 20, 1920. Several founders and board members included William Z. Foster, Elizabeth Gurley Flynn, Louis Budenz, all prominent leaders of the CPUSA (Budenz later recanted), plus Norman Thomas, Morris Hillquit, Max Eastman, Harry Ward, who was affiliated with over two hundred Communist or Communist-front organizations, and Clarence Darrow. . .

There is one other thing in Mr. Radosh’s article. He mentions that his anniversary book [from Elisabeth Irwin High] contains an article about McCarthyism which implied that some teachers and parents were blacklisted in 1947 or 1948 as victims of McCarthyism. Joe McCarthy didn’t hit the national scene, as I recall, until 1950 or 1951, so the usual left-wing smear doesn’t work. . .

Also, it’s HCUA, not HUAC. The letters HUAC were used in a leftist twist to give a different (read oppressive) view of an important Congressional committee. There is a difference if you care to figure it out.

Peter Meis
Tucson, AZ

Editors
Peter Collier
David Horowitz

Literary Editor
John Ellis

Staff Writers
K.L. Billingsley
Cristopher Rapp

Art Director
JP Duberg

Illustrator
Carl Moore

Circulation Manager
Bruce Donaldson

HETERODOXY (ISSN: 1069-7268) is published by the Center for the Study of Popular Culture. The Center is a California 501(c)(3).
Editorial: (916)265-9306. Fax: (916)265-3119. Subscription: 12 issues, \$25. Send checks to Center for the Study of Popular Culture, P.O. Box 67398, Los Angeles, California 90067. Visa and MasterCard accepted.

Inquiries: (800)752-6562 or visit our website at WWW.CSPC.ORG

Heterodoxy is distributed to newsstands and bookstores by Bernhard B. DeBoer, 113 East Centre Street, Nutley, NJ 07110.

REDUCTIO AD ABSURDUM

TOMORROW THE WEIRD: Late in August, on the one-year anniversary of the Welfare Reform Act, a small band of demonstrators gathered in front of the offices of Milwaukee’s Bradley Foundation to protest its role in supporting Wisconsin’s revolutionary “Wisconsin Works” measure, which helped touch off the national debate. As part of the campaign against Bradley, a dossier called “The Feeding Trough” was produced by one Phil Wilayto of A Job Is a Right Campaign. “The Feeding Trough,” which holds Bradley responsible for everything from Bill Bennett to the rise of eugenics, is written in the pseudo-scholarly, vulgar Marxist jargon of the ‘60s, looking for interlocking directorates and hidden links and mumbling “Aha!” to itself when it discovers that Bradley funded David Brock. It is, as they used to say, a Laff Riot—G. William Domhoff with a couple dozen IQ points deducted. A Job Is a Right—and indeed the whole ragtag campaign against Bradley—is a front for an organization called Worker’s World. Check it out on the Web page of the Democratic Socialists of America. The DSA has an elaborate diagram of U.S. Socialist history during the past 100 years (devolution in action) and has placed the Worker’s World in the lowest circle of the “Loony Left” alongside the Spartacist League and below even the CPUSA. Aside from being anti-Bradley, the Worker’s World is pro-Che, soft on Iraq, in love with Fidel, and dedicated to the cause of convicted cop-killer Mumia Abu Jamal.

BANANA REPUBLIC: Canaan Banana, former president of Zimbabwe, is also a former Methodist minister and theology professor fond of giving lectures in morality to the West in general and the United States in particular. But it seems that in private the chap had problems of his own. He now faces charges of sodomy with a police aide, attempted sodomy with a cook and a bodyguard, and seven allegations of homosexual assaults on presidential aides and a gardener, who evidently did not like to watch. Banana, a 62-year-old father of four, is facing jail time because President Robert Mugabe, once the darling of the American Left, has declared homosexual men and women to be “lower than pigs.” That never happened when Ian Smith ran the place.

GLASS CEILING, GLASS MENAGERIE: Given the fact that women now earn 90 percent as much as men (taking into account such factors as education, family status, profession and time worked) and that women-owned businesses are growing faster than the national economy, and that women now outnumber men in graduate school, the National Organization of Women is now scraping the bottom barrel for issues. In its sparsely attended recent national convention in Memphis, NOW passed resolutions on such pressing issues as urging greater use of the Susan B. Anthony dollar. NOW’s idea of a hot-button issue is the rights of “transgendered” people, a victim group whose exact qualities the organization seems unable to define. NOW also declared war on the

Promise Keepers, a Christian organization that encourages men to be good husbands and fathers. “The Promise Keepers threaten the status of women as full and equal partners,” fulminated Patricia Ireland, NOW’s president. “Women, lesbians, gays, bisexual and transgendered people are their targets.” Writing in the *Wall Street Journal* about the bizarre experience of attending this convention, Sally Satel concluded: “Too many years of living in a feminist dystopia have left NOW insular and inconsequential. American

phallotechnology.” Also of note is Bucknell’s “Witchcraft and Politics,” which will give students a chance to explore “witchcraft, spirit possession, and cults of the dead as idioms of power and as vehicles for protest, resistance, and violent social change.” For those weary of blasphemy and anti-religious bigotry, there is always UC Santa Cruz’s groundbreaking offering, “Feminist Cyborg Fiction,” which will include a discussion of Jewelle Gomez’s *The Gilda Stories*, the tale of “a lesbian-of-color vampire.”

TAKING LIBERTIES: The ACLU worked years to win Shannon Faulkner the right to attend The Citadel, the previously all-male military academy in South Carolina. Faulkner spent only one day in the kitchen before deciding she couldn’t stand the heat. The ACLU said it was working pro bono. However, the law permits the ACLU to send its bill to the losing party in its lawsuits. In this case, the loser was the state of South Carolina and the ACLU sent its statement for \$6.7 million, including rates as high as \$450 per hour by “cooperating attorneys” and paralegals, \$28,872 for local faxes, and \$18,052 for taxis. South Carolina’s attorneys are disputing several aspects of the bill, which includes 12 workweeks for an attorney who attended one deposition, and 380 “internal meetings” attended by only one person. Best of all, the ACLU took 653 hours to prepare the bill, at a cost of an additional \$105,000.

SENSITIVITY TRAINING: San Francisco fire fighters were in federal court again early in September before Judge Marilyn Patel. Patel has had the department under a consent decree for years which mandates days without pay for sensitivity training every six months. Also pending are Patel’s plans for 40% minority and 10% female quotas (her order predates Proposition 209) and bilingual slots at firehouses

around the city at premium pay. During the hearing veteran John Hanley rose to testify against the decree handed down by Patel in 1988. After he had apologized for his nervousness, Judge Patel responded to Hanley, a man with obvious Irish blood, “You sound like a public speaker, but I wonder what you sound like after being at Harrington’s Bar.” Even the insensitive in San Francisco know that Harrington’s is one of the leading Irish bars in the city.

SWING YOUR PARTNER: September is International Gay Square Dance Month. The Rocky Mountain Rainbeaus is one of over 50 clubs likely to show up at the annual hoe-down, which is being held in Denver this year. The size of the gay square dancing phenomenon is suggested by the radio show in Ottawa called “All My Lesbian and Gay Square Dancing Children.” Roughly three quarters of gay square dancers are men. “If some of the gals want to wear dresses, fine, says an official of the International Gay Square Dance Clubs. “If some of the guys want to wear dresses, fine.” All this must be true because it appeared in the *New York Times*.



women have raced ahead, and NOW is choking on their dust.”

WE ARE TIGER WOODS: Police in West Los Angeles report that on Aug. 7, at 2 in the morning at the corner of Pico and Robertson, “Nine African American women approached a person on a sidewalk. The women struck the person with golf clubs and bats before fleeing in a waiting car.”

GODSPELL: If the sample reading list for Princeton’s REL 258 (Religion in American Society), is any indication, the demise of this once-proud institution continues unabated. The course catalogue entry for this “survey of religion in the United States from the Colonial period to the twentieth century,” includes the following five texts: *Narrative of Captivity Among the Indians*; *Sisters of the Sprits*; *Yekl and the Imported Bridegroom*; *Beat Zen, Square Zen, and Zen*; and *The Late, Great Planet Earth*. Meanwhile, students signing up for the fall semester at Boston College may want to consider Theology 565: Mythic Patterns of Patriarchy I, which offers an analysis of “patriarchal religious myth, especially in the professions and in the manifestations of



Affirmative Action in Action

Doctor No

By K.L. Billingsley

“America is never going to be America as long as we have discrimination in any shape or form,” proclaimed Sen. Edward Kennedy in his distinctive accent. “We are not going to see an issue which has historically been used by the darker forces in our society to divide us to be played out again.”

It was April 30, 1996, and out in California the salvos were flying over Proposition 209, a proposal to eliminate race and gender preferences. And the Senator from Massachusetts wasn’t going to let the affirmative action battle pass without getting in his shots.

“Affirmative action is not about promoting or hiring unqualified women and minorities, admitting unqualified students, or awarding contracts to unqualified businesses,” he said. “Affirmative action has paid enormous dividends,” said Kennedy, and he had a “perfect example,” in mind: Dr. Patrick Chavis whom he mistakenly called “Bernard Chavis.”

“He is the supposedly less qualified African-American student who allegedly ‘displaced’ Bakke at the University of California-Davis in the landmark case. Today Dr. Chavis is a successful ob-gyn in central Los Angeles, serving a disadvantaged community and making a difference in the lives of scores of poor families.” In June 1995, Chavis made the cover of the *New York Times Magazine*, and key-stoned a feature by Nicholas Lemann, a national correspondent for *Atlantic Monthly*, which showed the him heroically posed under the surgical lamps holding a newly delivered child. Prior to that the *Los Angeles Times* had billed him as a star who had overcome prejudice, and before that he landed a spot in the award-winning documentary *Eyes on the Prize*. Chavis himself often championed affirmative action on PBS’ Los Angeles affiliate and was the subject of a *Prime Time Live* segment during the Prop 209 debate.

That was part of the picture, a rosy picture, of affirmative action in action. The other, far less appealing part of the picture could be seen on June 22, 1996, when, not long after Kennedy’s encomium about him, Patrick Chavis performed liposuction on Tammara Cotton, a 43-year-old court clerk and grandmother. Several hours after surgery, Mrs. Cotton was dead. While she was recovering from the procedure, Chavis left to attend another liposuction patient at his house, who had also experienced complications, and whom he had left in the care of his niece, an 18-year-old with no medical training. Mr. Chavis’ promoters in high places showed no interest in this story, which was effectively broken more than a year later not by the *Washington Post* or *Los Angeles Times* but a fashion magazine, *Allure*, in an article on the dangers of liposuction, and by *Boston Globe* columnist Jeff Jacoby.

Chavis was on the hotseat, put there by those who wanted to use him as an example. As chairman of the 209 campaign Ward Connerly commented, “Now that they have pointed to him [Chavis] as a role model, we are duty bound to carefully examine the circumstances.”

In 1969 the University of California at Davis instituted a race-based program of admissions called “The Task Force.” The first year, Davis reserved eight slots for minority students and when the class size doubled the following year doubled the number of slots reserved for minorities to 16 while setting up other separate-but-unequal conditions. For example, the applications of the non-minorities were considered by regular admissions committee while a special admissions committee attended those of minorities. It was under this plan and these conditions that Patrick Chavis, a biology graduate of Albion College in Michigan, gained admission in 1973.

UC Davis officials have not returned phone calls, but Dr. Chavis will speak to anyone willing to listen. In the course of an interview lasting several hours, he told me that his grades were “3.2 or something like that, 3.3.” But he admits that without the special program he would not have gotten in to Davis. As Nicholas Lemann put it, Chavis and four other blacks admitted to UC Davis under the Task Force “got in because they were black, and therefore took the place of five white applicants with better grades and test scores.” But “better” doesn’t quite capture it.

The GPA of those admitted in 1973 under regular standards was 3.49, while that of the special admits was 2.88. The regulars scored an average science GPA of 3.51 while the special admits turned in

unlikely from the data. More important, Chavis says Bakke sought out UC Davis because he knew the head of admissions: “They set it up to get this to happen at Davis.”

As far as being a poster-child for affirmative action is concerned, Chavis says, “I volunteered. I basically put myself out as a poster-boy for this good kind of thing.” He was so visible that it was natural that Nicholas Lemann would seek him out when doing his article for the *New York Times*. “We need to go back and do a comparison of what we are doing now compared to what Bakke did,” says Chavis. “And it just so happened that the guy Lemann, who wrote the article for the *Times*, came up with the idea and came and approached me with it. I said, that’s exactly what I want to do and you could do it a lot better.”

Chavis recently told the *Los Angeles Times* that “I don’t mean to boast, but I’m somewhat of a hero in the community.” He does have a loyal following because he lives in Compton, a rough, gang-ridden town. But he is no storefront doctor doing charity work. Chavis’ house, surely the largest in the area, boasts a three-car garage, swimming pool, and satellite dish, with the requisite BMW out front. In the *New York Times Magazine*, Nicholas Lemann said the place had “a touch of Graceland” to it.

After Davis, Chavis interned at USC, specializing in ob-gyn. He told me that he has delivered more than 10,000 children and performed “thousands” of abortions. “As far as I’m concerned,” he says, “I’m one of the best abortionists in the city. Other doctors have complications, they call me and ask me what can they do to fix it up. Or they ask me to come and finish it for them.” Others tell a different story.

Cathy Chavis, one of his former wives and who worked in his office for nine years, has testified to the state medical board that the doctor was “wrong a number of times,” about the age of a fetus. In one case, she said, after Chavis removed the arm of a fetus, the patient was determined to be eight months pregnant. The patient was then taken to the hospital to deliver the baby. According to Cathy, Chavis would keep the fetus in formaldehyde for up to 30 days. She never knew what he did with remains but said that one day the sink in the office backed up and she saw “pieces of bone and fingers.”

There were also problems with deliveries. At Long Beach Memorial Hospital, Chavis used forceps to pull a baby out of a woman not sufficiently dilated. In that situation, hospital policy called for a cesarean and administrators, always wary of lawsuits, had Chavis monitored. He charged that he had been singled out for discipline not given to whites and filed a discrimination suit. The hospital said it was simply a question of substandard medical practices. Chavis was offered \$750,000 out of court but turned it down. The court awarded him \$1.1 million but this was overturned on appeal and he got nothing.

Chavis also maintained a running conflict with St. Francis Hospital, just down the street from his Lynwood office, charging that administrators there discriminated racially against nurses and practiced unfair competition against Martin Luther King Hospital. St. Francis has since suspended his surgery privileges there, which he attributes both to race prejudice and the Catholic hospital’s animosity against him for performing abortions.

Records of complaints about doctors are not public information in California, but according to a source close to the case, Chavis was about “in the middle of the pack” as far as malpractice accusations against him. For a year Chavis worked for fellow physician Samuel McMillan, who told medical investigators that Chavis is a skilled gynecologist but “he is aggressive, can be careless, and will continue with a procedure despite the patient’s pain.” Some of McMillan’s own patients refused care from Chavis, who in late 1995 starting using an empty suite to perform liposuction. It



PATRICK CHAVIS AND CARLITHA ALLEN

2.62. On the Medical College Admissions Test (MCAT), the regulars scored an average of 81 and the specials 46. On the quantitative section the regulars scored 76, the special admits 24. In science the regulars logged 83 and the specials 35. And in the category of general information the regulars scored 69 to the specials’ 33.

Allan Bakke, a 32-year-old engineer who decided he would rather be a doctor, held a GPA of 3.51, with a 3.45 in science. On the quantitative part of the MCAT he scored 94, with a 97 in science and 72 on the general information section, higher than the average for regular admits. Despite such distinctive qualifications, Davis rejected him twice. But even though he found no sympathy from liberal administrators and the ACLU, he didn’t take no for an answer.

The reservation of 16 seats for minorities, he charged, meant that he could only compete for 84. The minorities, on the other hand, could compete for all 100 places and were also assured of 16. Believing he had been denied admission purely on the grounds of race, Bakke filed suit and won. The State Supreme Court ordered his admission but the UC regents appealed to the U.S. Supreme Court. A record 120 organizations filed briefs, 83 for the university, 32 for Bakke, and five urging the Court not to decide the case.

The Court held for Bakke, ruling that race could be a factor in admissions but not the type of quotas employed by Davis.

Chavis says he bears no animosity toward Bakke, who “just reflected what a whole lot of other white people were thinking in the first place.” But he portrays the twice-rejected Bakke as the one who got the special deal. He came to Davis, Chavis says, because he couldn’t make it in Minnesota, which seems

UCLA’s Diversity Requirement

It should have been a success story.

Alvaro Cardona emigrated to the U.S. from Guatemala with his family when he was nine, settling in a section of South Central Los Angeles known as “The Jungle.” At 16 he got married, had a child, and dropped out of high school. After taking a job as a restaurant dishwasher, Cardona worked his way up the ladder, eventually managing six Subway restaurants, which did \$8 million in business per year. By the time he was 22 he was earning close to \$35,000 a year.

In 1991, a year after the birth of his third child, he passed the high school equivalency test, and in 1992 he enrolled at Valley College, a two-year JC in the San Fernando Valley. As a tutor with the college’s writing program, Cardona assisted hundreds of students, in areas ranging from college level grammar and composition to basic English for recent immigrants. He graduated with a GPA around 3.6, taking most of his courses in European and Latin American history. In the fall of 1995 he enrolled at UCLA.

Part of Cardona’s financial aid package involved the work-study program, which required him to find on-campus work, and he landed a part-time job doing computer work and odd jobs at the university’s Academic Advancement Program.

Hoping to parlay his past experiences into a more fulfilling and remunerative position, Cardona approached Don Wasson, the director of the AAP tutorial program, who encouraged him to apply.

It seemed like a perfect fit. The AAP, founded in 1971, offers tutoring, counseling, scholarships, workshops, research opportunities, scholarships, and computer facilities to “historically underrepresented” minorities (specifically, “African-American, Chicano/Latino/a, Native American, Pilipino, and Pacific Islander”), low income students, and first-generation college attendees. Currently, more than 5,500 students take advantage of AAP’s services. The free tutoring program is one of the more popular, with almost 200 tutors offering assistance in 450 undergraduate courses. Tutors must maintain a 3.0 GPA, and are paid approximately \$12-13 per hour.

But in his November, 1995, interview Cardona claims that AAP Tutorial Supervisor Tanya Bauer never asked about his experience, academics, or professional career, wishing instead to discuss whether he recognized the problem of “institutionalized racism” at UCLA. Cardona says Bauer told him that in recognition of the presumably hostile environment faced by minority students his job would be 50 percent tutoring and 50 percent “validation.” She also asked him what he thought about affirmative action.

“I know what you want,” Cardona responded. But the answer she wanted he could not honestly give. “I told her I was ambivalent about it,” he remembers. “I think that affirmative action has helped me, but I am apprehensive about it.”

When Bauer pressed him further, Cardona explained that he felt that such programs could be taken too far, and that he admired the Middle Eastern and Asian immigrants he’d seen at Valley College who overcame obstacles of language and culture through hard work.

“They stay one hour after class, come one hour before, they have children, they work ten hours a day . . . it’s very much like my situation was” he told her. Cardona expressed his concern that, taken to extremes, affirmative action could damage the outlook and the motivation of its recipients.

He claims that Bauer, a white woman, responded that she was “offended.”

Later that week, on a Friday evening, she called Cardona at his home and informed him that he did not get the job. According to Cardona, Bauer explained that she did not feel he would be “attuned to the problems that our student body faces at UCLA.” Furthermore, she worried that he would stress academics “too much.” She closed by encouraging him to reapply for the position after he had spent a few semesters at UCLA and learned what the school was “really like.”

Cardona says that when he went to Don Wasson—Bauer’s boss—the director called the rejection “bulls--t” and “f--ing unfair,” but said he could do nothing on the student’s behalf. He did allow Cardona to continue doing piecemeal work at the AAP. One job involved working at the registration table, where, Cardona continually had to turn away interested students because the AAP did not have enough English tutors.

Cardona consulted the Los Angeles branch of the ACLU, which was preparing a massive lawsuit to block the anti-preferences measure Proposition 209, an effort that would eventually include an affidavit submitted by AAP director Adolfo Bermeo. The ACLU rejected Cardona’s case in September 1996, citing “severely limited” resources.

Early this year, after a *Daily Bruin* article discussing Cardona’s claims, Wasson consented to give him a second interview. He was again rejected. Cardona left his part-time position at the AAP, where he was making \$8 an hour, and took a job binding books at the university library which paid \$5. A few months later, the Washington based Institute for Justice volunteered to take his case.

A position paper released last month by the Institute compares the AAP’s requirement that a candidate swear allegiance to affirmative action before being hired to the loyalty oaths of the McCarthy era. Cardona is making a “straight First Amendment claim, essentially,” says the Institute’s Donna Matias, his attorney. “A state-sponsored university cannot ask students or employees to surrender certain rights in order to gain employment.” The suit requests an injunction preventing AAP from basing hiring decisions on applicants’ political beliefs, as well as the payment of an unspecified amount of damages.

AAP officials have not officially responded to the complaint, but they have been quick to respond in the campus press. Wasson, Cardona’s one-time ally, defended Bauer’s interviewing practice in a statement released to the media. “Tutors frequently must probe beneath the surface to find, for example, a way to pursue an academic interest, deal with personal feelings of alienation,” he said. “The university has made a large commitment to diversity and AAP is a large part of that commitment.”

AAP director Adolfo Bermeo maintains that Cardona was turned down because, as a transfer student, he did not have an academic record at UCLA at the time of his initial interview. “Alvaro Cardona had no academic record at UCLA in the fall of 1995,” Bermeo told the *Daily Bruin* last month. “His academic track record at UCLA was non-existent.” But attorney Matias points out that Bauer never raised the issue of Cardona’s grades or his newcomer status when telling him why he was not being hired. Furthermore, both Cardona’s community college GPA (3.6) and his current GPA (between 3.5 and 3.6 overall, 3.7 in history, his major) are significantly above AAP requirements.

Cardona, who plans to pursue a graduate degree in history after graduation next spring and eventually teach at the community college level, stresses that the suit is not an attack on affirmative action, per se, but simply an effort to protect his right to dissent from AAP orthodoxy. “I think affirmative action has done some good and helped people—that isn’t my beef,” he explains. “My beef is that in the interview process it was used as a shield to deny me a job.”

The irony in the situation—that UCLA administrators would punish him in the name of advancing his interests—is not lost on Cardona. He was the right minority in the right place but with the wrong beliefs.

—Cristopher Rapp



was an after-hours business: in the morning, McMillan’s staff would find used gowns and miscellaneous supplies. He was concerned because his insurance did not cover liposuction and that suite was under construction, with building materials around, making sterilization difficult. McMillan called him on it and the two doctors parted company, with Chavis opening his own office down the hall. Chavis told me he left because McMillan’s staffers were making off with the money.

Chavis’ practice took a sharp downturn when he diversified into liposuction, which can hardly be construed as a priority for inner-city women. A brochure for his “New Attitude Body Sculpting” says that “Liposuction is a safe and easy cosmetic surgical procedure which gives you the ability to smooth and contour the shape of your body today . . . a beautifully sculpted body lifts the spirit.” For an abdomen he charged \$1,500, abdomen, side rolls, waist, and back, \$2,500, with abdomen, side rolls, waist, back, and thighs running \$4,000.

His effective partner in the venture was Carlitha Allen, alias Carlitha Hellen, his nurse and girlfriend, who told the medical board that she owned a piece of the business. On July 7 the medical board issued a suspension order against Allen, who claimed a BSN degree she had not completed and had practiced surgery without a license.

Experienced board-certified plastic surgeons—which Chavis is not—agree that liposuction is a low-risk procedure, often performed on an outpatient basis. Chavis says he undertook the practice not for money but for altruistic reasons, to help women regain their shape after childbirth. But he acknowledges that liposuction, in which customers usually pay cash up front, is hugely competitive. To attract clients Chavis redecorated his office, adding a marble floor, fountain, weight room, Jacuzzi, and big-screen television. He also sent a limousine to pick up his patients, who have described their first consultation as “a sales pitch,” with Chavis showing before-and-after photos on his computer and in an album.

Chavis’ training in liposuction consisted of a four-day course at the Liposuction Institute of Beverly Hills, but he did not take the second part of the training, in which he was to perform 20 liposuction surgeries on his own patients at the Institute’s surgery center, with the Institute’s David Matlock assisting and supervising. In testimony to the California Medical Board, Matlock said Chavis was not fully trained, a “maverick,” and “dangerous” in the way he performed liposuction with no anesthesiologist present.

Even after the death of Tammaria Cotton and serious complications with a series of other liposuction complications on other black women, Chavis comes across as a calm authority on the practice.

“The plastic surgeons do less of the liposuction than the ob-gyns and other people that do it,” he says, “but they have the highest death rate and complication rate because they insist on doing it under general anesthesia, and they insist on not going on to better techniques,” a reference to the tumescent technique Chavis preferred. In this approach, the doctor floods the fatty tissue below the skin with a solution laced with drugs such as Lydocaine and Epinephrine. These provide a local anesthetic and facilitate the suctioning away of the fat with a cylindrical instrument called a “cannula,” inserted through a number of small incisions.

On May 11, 1996, Chavis performed a general anesthetic liposuction on Yolanda Mukhalian at the Westwood Surgery Center. In a written declaration to the medical board, Mukhalian said they agreed to do only her abdomen but Chavis also removed fat from her buttocks, hips and thighs. Afterward she was sweating and her heart began racing. When Chavis was driving her back to her hotel, fluid was gushing down her legs.

“Fuck it,” he said. “I’ll just take you to my house.”

Despite subsequent ministrations by Chavis at his home and office, her condition worsened. She was admitted to hospital on June 8, 1996, with acute abdominal pain, weakness, nausea and an astonishing 70 percent blood loss. She also suffered abdominal scarring and the shape of her thighs remained irregular.

Also in May 1996, Chavis performed liposuction on Annette Rucker (Not her real name. The names of those in cases not yet public will not be

revealed), who felt weak after surgery but was left standing unattended by Chavis’ aide, Allen. Rucker later testified that she fell facefirst on the floor, injuring her nose.

“You fucking bitch!” Chavis yelled at Allen. “You can get your shit and get the fuck out, ’cause I don’t give a damn, ’cause you don’t treat my patients like that.” But Allen stayed on, contributing to Chavis’ troubles.

Linda Kinchen (name changed) said that before her May 30, 1996, surgery Chavis had no blood work done, checked no vital signs or medical and provided no pre-surgery instructions. She was not prepped for surgery except, as she testified to the medical board, “Carlitha cut some of my pubic hair and scrubbed the area really hard—it hurt.” Kinchen asked Chavis and Allen why they were not wearing gloves.

“Why, do I need them?” said Chavis, “Do you have something I’m going to catch?”

After surgery Kinchen could not walk and was urinating in bed. After several calls, Chavis showed up with Allen, who told the patient, “Smoke a joint. You have one around here, don’t you?” On another trip to Chavis’ office, Kinchen, who remains disfigured and scarred from surgery, heard screams from the operating room, with Chavis explaining that “Carlitha is cleaning up a patient.”

Personnel in the adjoining medical office, where Chavis used to work, made four tapes of “horrific screaming” by patients, with Chavis telling them, “Don’t talk to the doctor while he is working” and “Liar, liar, pants on fire.” In one case a patient screamed “stop,” and a voice could be heard asking another doctor for advice on a patient who was experiencing trouble.

Chavis told me that with the liposuction pump running, you can’t hear anything through the wall. He even started the machine up to prove the point.

On June 21, 1996, Chavis used that machine to suction 2,200 cubic centimeters of fat from Valarie Lawrence, who lost 300 ccs of blood during the procedure and fainted three hours after discharge. She made her way to the hospital but Chavis discharged her with a Foley catheter and IV tubes still in place, then took her home, did not take her vital signs and did not monitor her condition. The next day Chavis left her in the care of his 18-year-old niece and went to perform liposuction on Tammaria Cotton.

Chavis removed 3,500 ccs of fat through 11 incisions in Mrs. Cotton, who moaned and complained of pain during the procedure. At one point she complained she couldn’t breathe, to which Chavis replied, “If you can talk you can breathe.” Her husband, Jimmy, who stayed with her throughout, was alarmed at her drop in blood pressure and the “red fluid” pooling on the floor.

Chavis left the office to attend to Lawrence, who was still at his Compton home, and made no arrangements for another physician to monitor Mrs. Cotton. The limo departed to pick up singer Patti Labelle at the LA airport and the two medical assistants also left, leaving the distressed patient with her husband and Carlitha Allen, Chavis’ nurse and girlfriend, who called the departed doctor and yelled at him, “You should have never left.”

By 5:30 Mrs. Cotton’s pulse was faint and Allen called 911. “There was a lot of blood on the floor, on the exam table itself, and on her and her clothing,” testified a firefighter paramedic, who believed Mrs. Cotton was dead when they arrived. She was pronounced dead later that evening at St. Francis Hospital, with “immediate cause” on the death certificate reading: “Hypothermia and fluid overload. Tumescant anesthesia for liposuction.”

“It was only liposuction,” said a horrified Jimmy Cotton, who was told by nurse Allen that at least he would get his money back. Chavis, who maintains he did nothing wrong, blamed Jimmy Cotton, who in the doctor’s absence had attempted to put his wife in a wheelchair.

“Mr. Cotton, if he didn’t commit murder, it would have been at least second-degree murder because you don’t just do that. You don’t take things if you don’t know what you are doing,” Chavis told me. He told the *Los Angeles Times* that Mr. Cotton should be accused of “second-degree murder, if not first-degree murder.”

The death of a patient in any case is a serious matter and a death following a normally safe procedure can bring swift sanctions. For example, a patient died after liposuction by W. Earle Matory Jr., a board-certified plastic surgeon in Orange County. Within two months, the state medical board suspended his license. But Chavis, who is not board-certified, was allowed to continue practicing for more than a year.

A longstanding board-certified plastic surgeon interviewed for this story notes that when doctors experience complications, they normally take steps to ensure that the problems do not recur. But Chavis continued to experience the same difficulties. This, said the surgeon, who is experienced in all types of liposuction, raised questions about his suitability to practice.

Fiona Price, (not her real name) told the medical board that she was not washed or otherwise prepped for surgery and that Chavis and Allen wore scrubs but no masks or head coverings. Chavis told her liposuction would not hurt, but she said that “it was extremely painful” and she screamed throughout most of the August 29, 1996, procedure during which Allen, who some have noted holds considerable influence over Chavis, became annoyed with the doctor for working too slowly.

“That’s not right,” she said. “Here, let me show you how to do it.”

Price testified that the pair struggled over the cannula, and that he did more than she had asked. She told Chavis she was having trouble breathing and her heart was racing.

“So, what do you want me to do about it?” Chavis said.

Price’s boyfriend Andrew (not his real name) heard her screaming and went into the room. Chavis told him to get out. As Andrew later testified, “Fiona seemed limp, but the doctor and Carlitha said she didn’t have any anesthetic, that she was just tired. . . . The doctor told me to ignore her, that all women complain of pain and say they’re dying. He said ‘don’t take her to a hospital because they don’t know anything about liposuction and they’ll hurt her.’ He’s a doctor—I thought he knew what he was talking about.” Andrew further told the medical board that Price was having trouble on the way out and that Chavis and Allen had her urinate in the parking lot. “It was awful,” he said. “Right there on the street and with the limo driver there.”

When Chavis came to her home, he only checked her pulse and again told Andrew to ignore her requests for medical intervention. Two days later Price became incoherent and Andrew drove her to Harbor UCLA Medical Center. She had lost 60 percent of her blood and her stitches had become infected.

After a May, 1997, liposuction at Chavis’ office, Renee Mitchell (name changed) found that her incisions did not heal properly. She told the medical board that by mid-June, after further treatments from Chavis, her hip tripled in size and became abnormally hard. The next month, more than a year after the death of Tammaria Cotton, Chavis’ license was sus-

pending.

It was not the first time. The license had been suspended in April 1996 when he failed to make court-ordered child-support payments. Performing surgery while under suspension is a criminal offense and part of the long list of charges against him. These include multiple counts of gross negligence and incompetence, including the “inability to perform some of the most basic duties required of a physician.” Letting him continue, ruled administrative law judge Samuel Reyes, “will endanger the public health, safety, and welfare.” But Chavis remains defiant.

“As far as I’m concerned, I didn’t do anything wrong,” he told me, making it clear he meant all the cases mentioned by the medical board, including the Cotton, Lawrence, and Mukhalian cases (Cotton, Lawrence, Mukhalian, and others, all black women, were in life-threatening situations), and using the word “conspiracy” for the action against him.

In his response to the board Chavis cites an “Unholy Alliance” out to vilify him. When board officials interviewed him, he showed up in his scrubs but would not answer questions until they revealed whether they were Catholics. “If Minister Farrakhan sent in a complaint on you, and then the first investigator doing the interview was one of the ministers from the Nation of Islam, some people might say that looks unfair,” says Chavis.

The plastic surgeon interviewed for this story says the notion that California hospital officials or state medical officials would discriminate on the basis of religion or race is a joke. But Chavis, the beneficiary of preferences, still sees racism everywhere.

A pamphlet handed out by his office says that “the system” is not treating Chavis fairly and that “this harsh and unjustified action taken by the Attorney General and the Medical Board and against Dr. Chavis and against the people of our community is not justified. It has hurt our community and all of the people who have come to depend on Dr. Chavis and his medical expertise.” A handout of his own is even more revealing.

“I need your help,” it reads. “I have become a political victim of the system and especially the Medical Board of California.” If he is a victim, it is of a system that admits people with lower qualifications to medical school, holds them up as exemplars of that process, then abandons them when they have difficulty and are no longer useful as an argument for race preferences. Though invited to comment on the Chavis case, post-Tammaria Cotton, Sen. Edward Kennedy, Tom Hayden, and others who used Chavis for their own political ends declined to so.

“If you are a doctor or lawyer and admitted with a preference the first thing that goes wrong, we gravitate to ‘was he qualified?’” says Ward Connerly. “It’s the problem of stigma. The opposition denies it but it is a real problem.”

And what of Allan Bakke, the fully qualified “regular” admit? Far from being the stereotype of the rich, remote physician that Kennedy and others implied, he achieved a difficult career change and now works as an anesthesiologist in Rochester, Minnesota, at Olmstead Community Hospital, which serves a working-class populace, including minorities.

Bakke does not speak to the press and for that one can hardly blame him. He likely senses that the media would make light of any claim that he changed careers in order to help people.





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Remaining Questions About Vince Foster

By Christopher Ruddy

Although Vince Foster's death has been officially deemed a suicide by the official investigations looking into it, including most recently that of Special Prosecutor Kenneth Starr, the case continues to raise disturbing questions. No reporter has followed the case more closely than Christopher Ruddy of the Pittsburgh Tribune-Review. The following excerpt from Ruddy's forthcoming book, The Strange Death of Vince Foster, was prepared by Heterodoxy consulting editor Judd Magilnick.

FIRST DOUBTS

To trained investigators, a neat crime scene for a gunshot wound to the head can mean the victim did not die by the gunshot, or that the body might have been moved. For experienced homicide detectives, a gun found in a suicide's hand is also a red flag of possible foul play. What might have been disturbing to other investigators apparently raised no red flags for Park Police officer Kevin Fornshill, or for his colleagues who arrived later. Indeed, it fell to the paramedics to note some of the significant anomalies with Foster's body and the surrounding scene.

In the warm humid days that followed Foster's death in July 1993, significant press attention was focused on the story. Richard Arthur, one of the Fairfax paramedics who had been present at Fort Marcy, became increasingly agitated as he closely followed the media reports. Arthur was absolutely certain that Foster did not commit suicide. He voiced his concerns to his Fairfax colleagues and raised important questions that eventually led to a reexamination of the Park Police probe.

Disturbed and increasingly obsessed by his observations at the Fort Marcy crime scene, Arthur, a five-year veteran of the department, spent his days just after the death thinking and complaining about the suicide conclusion. He spent time at the fire station computer reviewing the 911 dispatches and went to some lengths to locate the phone used by park-worker Francis Swann to make the original 911 call.

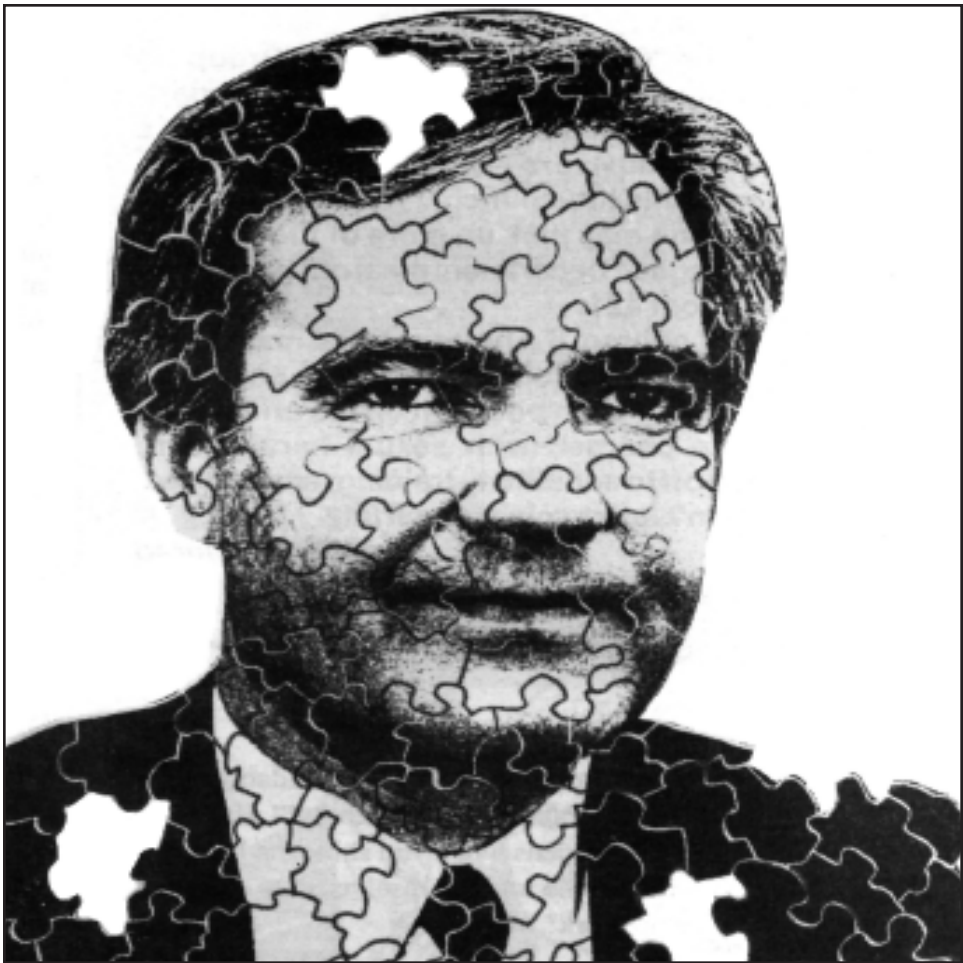
As Arthur later told the FBI, he had good reason to doubt Foster had killed himself or that the death had taken place at Fort Marcy. Arthur described the neat position of Foster's body as "coffin-like," as if the body had been "placed" there. He told Senate investigators that he had "just never seen a body lying so perfectly straight after shooting a bullet in his head." The gun was also too neatly positioned in the hand next to the body, he said.

Arthur was not part of the first group that found the body but had come to the death scene as an observer. Back at the firehouse, he loudly expressed doubts about the death and chided his superior, Sgt. George Gonzalez, for not taking a stronger position in challenging the suicide verdict. Another superior admitted to the FBI he was afraid Arthur might speak to the press, and he took steps to shield Arthur from the media.

Arthur was never interviewed by the press. But Gonzalez was, months later as matters involving Foster's death took on a new life with the burgeoning Whitewater scandal. By then, Gonzalez shared many of Arthur's views. Like Arthur, Gonzalez told the *New York Post* that he thought Foster's body looked as if it was "ready for a coffin." Gonzalez was also struck by the small amount of blood he found on the

body—just a trickle emanating from Foster's mouth.

After Gonzalez and Arthur left the scene, EMT worker Corey Ashford came to place Foster's body in a body bag and transport it to the hospital morgue. Ashford told the FBI agents working for Robert Fiske [appointed by Janet Reno to officially inquire into the Foster death] that he noticed two surprising things about the death scene as he lifted Foster's body up by the shoulders. First, he observed no blood. Second, he saw no exit wound as he cradled Foster's head in his arms. Fiske and the autopsy report claim the bullet had created a large exit



wound in the top back portion of Foster's head. Ashford got no blood on him, and he did not have to wash his hands after the task.

THE BODY

Because Foster was found in a symmetrical position on the side of a berm, faceup and arms extended neatly at his sides, Park Police theorized he shot himself while in a sitting position. Had he lain down to shoot himself, their reasoning apparently went, the bullet would have been found in the ground under his head. It was not. Had he been standing, it is highly unlikely that his body would have fallen into the "coffin" position. By elimination, this left only the sitting position. Fiske's pathology team argued that after firing the gun from the sitting position, Foster was thrown back on the "sloped terrain" with "his arms falling to their respective sides by gravity. . ."

But the two former New York City homicide experts Vincent Scalice and Fred Santucci question this scenario. [Scalice and Santucci were hired by an independent think tank to review seemingly inconsistent aspects of the case.] They argue that the exit wound should have created a jet stream of blood, brain matter, bone, and other tissue as the bullet emerged from the back of the skull. Had Foster shot himself on the slope (as Fiske claimed) with the exit wound at the top and back of his head (as noted in the autopsy), the blood and other matter should have been evident in the area behind him. Yet of approximately twenty officials on the scene, no one noted, as the body lay on the ground—any blood on the vegetation around the body. The Park Police report and that of the Fairfax County medical examiner on the scene, Dr. Donald Haut, specifically state that no blood was observable on the vegetation.

Scalice and Santucci also assert that in such

a case the legs would not likely have extended straight out, since Foster's heels would have been caught in vegetation or on root stems that etched the ground underneath his body.

Scalice and Santucci found the neat position of the body inconsistent with suicide and conducted simulations at the "official" death site by having someone of Foster's height and weight sit on the spot. They demonstrated that both of Foster's arms would have flailed outward and come to rest more at right angles to the body than parallel to it had he in fact fired the gun in the manner claimed. Both veteran investigators stressed that freak things happen in any death, and it is not impossible for a suicide to be as tidy as Foster's was, just very, very unusual. Foul play, they argue, should have been foremost in the minds of police at the crime scene.

Even the goriest movies and TV programs understate the amount of blood from a close-range gunshot death. Experienced paramedics are much more realistic in what they expect to find. Sergeant Gonzalez had been quite emphatic when he told me that a gunshot to the head should produce a "mess" or "pork brains for breakfast." Surprisingly, he observed only a trickle of blood draining from Foster's mouth.

THE MEDICAL TECHNICIAN

According to Fairfax County medical technician Richard Arthur, Foster may have suffered more than one wound. Arthur stated to FBI investigators in March 1994 that he had noticed what he believed was a "gunshot wound," or a small-size bullet hole, on Foster's neck, just below the right ear. According to transcriptions of his FBI statement, Arthur "noted what appeared to be a

small caliber bullet hole in Foster's neck on the right side just under the jaw line about half way between the ear and the tip of the chin." Fiske, relying on an FBI analysis of a crime-scene Polaroid shot, dismissed Arthur's testimony as a mistaken observation of a bloodstain.

In the same statement, Arthur makes another startling contention. Interviewed by FBI agents in both March and April 1994, Arthur identified the gun in Foster's right hand as a semiautomatic pistol such as a .45 or 9 mm. He claimed he was certain that it was not the .38 caliber revolver later identified by authorities as the weapon found with Foster. Arthur had thought this odd from the beginning, since he noted that the neck "wound was caused by a small caliber gunshot" and he was struck by his recollection "that the weapon in Foster's hand was a high caliber weapon."

THE GUN

What little photographic evidence remains of the death scene appears to show that at some point the gun was moved or switched after the Park Police arrived. When one of the Polaroids taken on July 20 was superenhanced by prosecutor Miquel Rodriguez during the Starr inquiry and compared to a 35 mm photo taken at the same time, blades of grass or other vegetation protrude from between different fingers of Foster's hand. (Although the FBI laboratory had stated that the 35 mm film that the Park Police had underexposed was useless, an outside agency used by Starr's office was able to retrieve some useful information.)

Startling, too, was the fact that the Park Police could not positively connect the gun with Foster. Foster's wife told Park Police that the only gun she was aware of was a silver revolver—not the

black one found at Fort Marcy. She recalled having packed a silver revolver in Little Rock for the family’s move to Washington.

Park Police spokesman Major Robert Hines had said in January 1994 that while the gun was never positively identified by the family, Foster’s sister, Sharon Foster Bowman, had believed it to be a gun once owned by her father and passed on to her brother. Police never showed her the gun; rather, a family friend, on behalf of the police, showed her a photograph. According to that friend, Bowman “said it looked like a gun she had seen in her father’s gun collection.”

This bit of speculation was widely reported and seemed to assuage many skeptics of the suicide conclusion. Yet documents obtained by the Fiske investigators show conclusively that the gun was not owned by Foster’s father and had not been part of his father’s gun collection. The Foster children, too, said it was not a gun owned by their father. And Foster’s nephew Lee Foster Bowman, Sharon’s son, who was intimately familiar with his grandfather’s collection, told the FBI that the old black Colt did not match any of his grandfather’s guns.

DEPRESSION

Is there a way to tell the difference between a suicide and a murder made to look like a suicide? According to several veteran detectives, there are a number of telltale signs that can help them form an opinion. Aside from the immediate issues at the death scene, investigators look for other circumstantial evidence that offers “consistencies,” facts that link the person to the act. A suicide note, for instance, is one piece of evidence they look for, but is not the only thing.

Foster, a family man, had said nothing even resembling a farewell to his wife and three children and close colleagues. As far as investigators knew at the time, he had left no suicide note and had apparently made no special financial arrangements for his survivors. He had left his wife about \$1 million in insurance money, a nice sum but not enough to afford the sort of life to which the Fosters had been accustomed.

There is often a significant reason why someone will choose a particular site at which to commit suicide. No such reason can be deduced as to why Foster would choose obscure Fort Marcy Park. There was no evidence he had ever visited or even

knew about the place. Police know that usually suicides by gunshot to the head are an attempt to ensure a certain, quick death in order to avoid the possibility of surviving with an agonizing lifetime disability. On the face of it, did this antique Colt strike one as the instrument of preference for a resolute suicide? There were many other problems with the physical, forensic, and circumstantial evidence. Instead of sticking to these areas, which are usually the prime focus of a police death inquiry, Park Police were more eager to probe the psychological aspects of the case.

The Park Police verdict of suicide hinges on their finding that Foster was depressed, and the most compelling evidence of depression was a torn note found in Foster’s briefcase in his office almost a week after the death. There is no indication that the Park Police consulted with mental health experts or psychiatrists in reaching their conclusion.

On July 27 the Park Police interviewed Foster’s brother-in-law, former congressman Beryl Anthony. For the first time, the word “depression” appears in witness testimony. Anthony and his wife said that for a month preceding the death they noted “Mr. Foster’s depression had become increasingly worse. . . .” Foster had said that he was worried that congressional hearings looking into the travel office might harm his reputation. [It is important to note here that none of the official reports on the travel office held Foster responsible for the fiasco.]

THE LAST HOURS

Not having determined a clear motive for the suicide or strong evidence of depression, the Park Police should have redoubled their efforts to examine missing gaps and inconsistencies in the circumstantial evidence. One of the most obvious problems was the large gap between the time Foster was last seen alive and the time his body was found at Fort Marcy five hours later.

Officials stated that Foster left his office around 1:00 p.m. No one saw Foster alive from the moment he left the White House’s West Wing. This failure to find any circumstantial evidence—such as someone having spotted Foster driving to the park, obtaining the weapon, or at the park itself—should have aroused some suspicion. A large block of unaccounted time like this is a serious inconsistency, I was told by experts. In the days after the death, Foster’s face was splashed across television screens and in

newspapers, yet no one came forward to say something like, “Yeah, he’s the same guy I saw in McDonald’s,” or, “I remember him, he was ahead of me at the gas pump.” There were not even any false sightings, of which there are usually at least a few in such cases.

This problematic gap did not go unnoticed by the Park Police. Four days after Foster’s death, a *Washington Times* report quoted Major Robert Hines, the Park Police spokesman: “It is unusual that, so far, we haven’t heard from one person who can tell us anything about his activities after 1 p.m.”

It is standard procedure to vigorously attempt to reconstruct a decedent’s last hours, yet no information was ever developed about Foster’s activities that afternoon by the Park Police, the Fiske probe, or the Senate Banking Committee.

Special counsel Fiske concluded that he was “unable to determine where Foster went” after leaving the White House. Nor did he have any idea when Foster entered the park. Had Fiske or the Park Police taken pains to conduct the admittedly tedious but nonetheless somewhat routine police work that a case like this calls for—such as combing the several routes Foster may have taken to Fort Marcy Park for possible witnesses, interviewing neighbors around the park, asking anyone who had been at or near the park that afternoon to come forward—more information might have developed.

THE BULLET

In the absence of any evidence whatsoever linking Foster to the gun, the police investigators should have felt it incumbent on them to locate one crucial piece of physical evidence: the fired bullet. Not until the Fiske inquiry many months later was a serious effort made to find the bullet.

Why did the Park Police not conduct an immediate and vigorous search for the bullet that killed Foster? Initially, a Park Police spokesman explained that no metal-detector search was conducted because the bullet likely “was lost in the woods.” Some homicide experts were incredulous at this explanation; they said there was more than a good chance that the bullet would be found in the immediate vicinity of the body. According to pathologist Vincent DiMaio, one of the nation’s leading experts on gunshot wounds, there was only a fifty-fifty chance of the bullet’s even exiting the cranium. Even if it does break through, DiMaio said, it can

Fostering Doubts

Chris Ruddy’s reporting on the death of Vince Foster certainly stands as one of the most politically incorrect investigations by any journalist in recent years. Ruddy’s new book, *The Strange Death of Vince Foster*, comes with many important endorsements, notably one from former FBI chief William Sessions. But Ruddy himself has been consistently vilified and marginalized during the last few years of covering this story for the *Pittsburgh Tribune-Review*.

My own interest in the case sprang from some indirect personal links to the Foster family and to an intriguing 1993 “Endpaper” by Frank Rich in the *New York Times Magazine*. (“The Washington Murder Mystery, the whodunit death of deputy White House counsel, Vince Foster.”)

Chris was the one journalist who got his teeth into this story and wouldn’t let go. I was doing some writing on the Foster case too and I called him after his July 18, 1994, analysis of the first publicly available government report on the death (the June 30, 1994, “Fiske Report”) was released, to critique his map of Fort Marcy Park. We each realized the importance of good maps—and aerial photographs—of Fort Marcy, both items omitted from the Fiske Report. Indeed, as Chris later reported, the lead prosecutor on the Foster death appointed by Ken Starr, Fiske’s successor, resigned in part because FBI agents assigned to Starr had refused to obey his instructions to prepare maps of the park.

I became an informal “data diver” for Chris, sifting through the thousands of pages from the underlying government investigative records and helping to locate material discrepancies.

In addition to the dozens of technical discrepancies Chris records in his book, there is also the bizarre narrative of the events surrounding federal grand jury witness Patrick Knowlton. A Democrat who had voted for Clinton, Knowlton chanced to appear at Fort Marcy about 70 minutes

before Foster’s body was found. The Fiske Report indicates that a car Knowlton saw in the lot (apparently being watched over by a man who threatened Knowlton) must have been Foster’s Honda. They made this assertion despite Knowlton’s repeated statements in his FBI interviews that the car he saw could not have been Foster’s—the color and age of the car were wrong and the contents observed by Knowlton were wholly incompatible with the official reports.

Before and after he was subpoenaed before the grand jury by Starr’s office, Knowlton was subjected to serial harassment on the streets of Washington by some two dozen men in an apparent effort to destroy his credibility before the grand jury or to keep him from truthfully describing what he had seen. The harassment was witnessed by an initially skeptical Chris Ruddy, who has provided sworn affidavits to Knowlton’s attorney. Knowlton sued the U.S. government and a named FBI agent after Starr’s office ignored the Report of Witness Tampering he filed, and is resisting government attempts to have his case dismissed without trial.

Despite the derisive hoots from the mainstream media, I know personally that Chris’ work has had an impact. In February of this year, both he and I were featured in a *New York Times Magazine* cover story by Philip Weiss entitled “Clinton Crazy.” A Harvard grad and self-avowed member of the establishment media, Weiss had his mind changed during the course of the preparation of his *Times* article. Two full months before publication, he told me that he had become convinced that “the central assertion of the Fiske Report cannot be true”—that a depressed Vince Foster committed suicide in Fort Marcy Park by shooting himself in the head with the .38-caliber Colt found in his hand.

Chris Ruddy, the son of a policeman, believes that Fort Marcy Park may become “the symbol of a cover-up conducted by people who have, with the help of the press, placed themselves, above the law.” If obstruction of justice (or worse) has occurred in the Foster case, Chris Ruddy remains the perpetrators’ worst nightmare.

—Hugh Sprunt



CHRISTOPHER RUDDY

still, by way of its greatly reduced velocity, “get caught under the skin.”

THE FIBERS

Although there were no soil or grass stains, the FBI laboratory did find some other strange evidence not found in Fiske's official report. An FBI trace analysis of Foster's clothing found "blonde to light brown head hairs" similar to Foster's. The FBI lab also found six different colors of carpet fibers: white, tan, gray, blue, red and green. These fibers were found on almost every article of Foster's clothing, including his underwear. Pink wool fibers were found on his t-shirt, socks, and shoes. The laboratory gave no explanation as to the probable origin of these hairs and fibers and, of course, neither did Fiske in his report.

Later, when questions arose about those fibers, Fiske's investigators speculated that they came to be found on his clothing because Foster had walked across carpets at his home and office. Presumably the fibers clung to his shoes and socks. After his death, the Park Police claimed that they had mixed all of Foster's clothing in the same evidence bag. But that explanation collapsed when it was discovered that Foster's suit jacket and tie were found in his car and bagged separately. Yet they, too, had carpet fibers all over them.

The New York experts found the carpet fibers to be critical proof that Foster's clothing, if not his body, had obviously been in contact with carpeting at some recent time that day. Concerning this, Scalice's comment was simple but unassailable: Fort Marcy Park is not carpeted.

Park Police had not tested the clothes for fibers and were apparently unaware of their existence. There were other clues among the physical evidence that showed the death site did not comport with the manner of death. The first person to find Foster's body, CW, the Confidential Witness, told the FBI of having seen trampled vegetation on the pathway below Foster's body. Park Police said that none of the vegetation was disturbed when they arrived. If CW's statement is accurate, it contradicts Park Police who say there was no sign either that a struggle took place or that other persons had been to the scene who might have helped to move the body.

THE CAR KEYS

The Fiske report implies Foster's car keys were found in his pockets at the park, but here is what really happened.

According to police, Foster's clothing was initially searched for identification and for a piece of paper, specifically a suicide note. Both Cheryl Braun, a senior Park Police investigator, and Christina Hodakievic, a Park Police officer, told the FBI they had observed lead Park Police investigator John Rolla carefully checking all of Foster's pockets. As Rolla testified in his Senate deposition: "I searched his pants pockets. I couldn't find a wallet or nothing in his pants pockets."

The Park Police also searched Foster's Honda. No keys were found, though on the passenger seat they found personal papers, and his wallet was inside the suit jacket, which lay on the car seat.

Where were the keys, then? Curiously, that question aroused no suspicion on the part of the Park Police. This is especially strange since they assumed that Foster drove to the park and shot himself. Did the police begin another search for car keys around the body and on the pathway to the death scene, especially after having found his eyeglasses so far [nineteen feet] from his body? No. By several accounts, Foster's car was locked. Police and EMT personnel tried to enter it because of the matching suit jacket visible inside, but could not. (This, by the way, might have been another violation of proper police procedure. The car should have been dusted for fingerprints before Park Police and others began attempting to open it, not later when they started rummaging through it. Senior investigator Braun explained in a Senate deposition in the summer of 1994, "We didn't see any reason to do that," because of what she termed the obviousness of the suicide.)

At about 8:20 p.m. Fairfax County rescue personnel put the body on a gurney and wheeled it across an uneven terrain to a waiting ambulance. From there the body was to be taken to the morgue at Fairfax Hospital in Falls Church, Virginia.

Park Police explain that only after the body had left the park did they become concerned about the keys. Instead of conducting a tedious “hands and knees” search of the area in which the body was found, some police apparently began having doubts about Rolla’s initial search of the clothing. So Braun and Rolla left the scene and drove to the morgue for another search of the pockets. Braun says that at the morgue she checked Foster’s right front pocket and found not just a set of car keys but two rings of keys: the car keys on one and another holding four door and cabinet keys.

Park Police have given conflicting testimony as to when they arrived at the hospital. But a Fairfax Hospital nurse, speaking on condition of anonymity, said that she had dealings with all the officials present that night, and she was “certain” that two White House officials, apparently Craig Livingstone and William Kennedy, arrived before the Park Police, presumably Braun and Rolla, showed up to search Foster’s pockets. Livingstone, in a deposition to Senate investigators, claimed he never came into contact with Foster’s body and only viewed it from behind an observation window.

Homicide expert Vincent Scalice said the entire episode sounded “fishy.”

“Without [even] putting your hand in the front pocket, two sets of keys should have been bulging” on the outside, he said.

THE AUTOPSY

Authorities would have had an easier time ruling out foul play had they been able to account for Foster's time on the last day of his life. But a considerable amount of that time—almost five hours—has been totally, and quite inexplicably unaccounted for. Fiske and the Park Police tried to gloss over this significant gap by suggesting Foster died anytime from 1:00 p.m., when he left his office, until shortly before his body was discovered at almost 6:00 p.m. Dr. Beyer's autopsy never established a time of death. The autopsy does give us clues, however, based on the digestive process. One way of determining the time of death is by ascertaining the stage of digestion and comparing that to the last time the deceased had eaten.

According to the Park Police report, Dr. Beyer examined the stomach contents and informed the Park Police that Foster had “eaten ... 2-3 hours prior to death.” Beyer could still discern that Foster “had eaten a large meal,” which Beyer thought “might have been meat and potatoes.”

If we accept the White House claim that Foster consumed a cheeseburger and fries and a Coke close to 1:00 p.m. and that this was the “large meal” that Beyer found in the stomach, Beyer’s interpretation means that Foster died between 3:00 and 4:00 that afternoon. This two to three-hour lag

between the time Foster left the White House and the time of death is also problematic, since no one had observed Foster during that period.

There are indications, too, that Foster may have died later than the 3:00 p.m. to 4:00 p.m. time frame that the lunch-in-the-office scenario suggests. For one thing, Foster's Honda was not reported seen in the parking lot until about 4:30 p.m. On a typical weekday a steady flow of cars moves in and out of Fort Marcy's lot, not to mention maintenance, police, and other such vehicles that routinely pass through.

Another indication that Foster may have died closer to the time officials found his body—at 6:15 p.m.—was that when Park Police removed the gun from his hand later that evening, they noted his hand was still flexible without evidence of rigor mortis. This stiffening of the body usually begins to set in two to four hours after death.

A review of statements by officials at the crime scene that evening shows that earlier witnesses, such as those who first came upon the body, saw less blood on Foster's clothing than did later witnesses. As the evening progressed, still more blood appeared on Foster's shirt, a sign that blood was still draining from the wounds after the police appeared on the scene. As the Park Police report itself noted, the "blood. . . appeared to still be wet." Indeed, some earlier witnesses said the blood still appeared wet near the mouth and nose.

Two other issues remain unexplained. First is the whereabouts of Vince Foster's appointment schedule. Fiske accepted White House assurances that Foster kept an appointment schedule only on his office computer, and the one turned over by the White House to investigators showed sparse appointments. Foster's secretary, Deborah Gorham, stated in a Senate deposition that Foster had a written one, but inexplicably stopped using it just before his death, opting to use the computerized one exclusively. Later, Starr's employees found the computer calendar incompatible with Foster's busy routine. Some dates on the printout of that calendar had blanks for whole days. Why would a superlawyer like Foster, going from meeting to meeting, not have a personal appointment calendar? Obviously, he could not carry his computer with him in case he had to mark a date.

Second, there is an unexplained aspect of the crime scene that both the Park Police and Fiske's team knew was completely inconsistent with the official suicide version: Visible on the front right side of Foster's starched white shirt was a purplish, wine-colored stain that was patently not blood. According to the White House account, Foster did not have wine or anything like it for lunch. Where did the stain come from? Could it have come from a drink Foster had someplace else, with persons unknown? Could it have been a sign of a struggle?




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Johnnie's Other O.J., Continued from page 1

that Pratt, a decorated Vietnam veteran, was also a psychotic (the word he used) “crazy man,” who had not only committed the Santa Monica murder, but actually enjoyed violence for its own sake. Huey attributed Pratt’s aberrant behavior to his war experience, although he had not met Pratt prior to his military discharge.

And that was the way it remained for me for twenty-five years, when I was discovering that Huey himself was a cold-blooded killer and the Panthers a political gang that had committed many robberies, arsons and murders. By the time Johnnie Cochran brought the case of Geronimo Pratt before a national public he hadn’t gotten the first time around, I was almost ready myself to give Huey’s enemy the benefit of the doubt. Perhaps some other Panther had killed Caroline Olsen and used Pratt’s car in committing the crime, as his supporters maintained. Perhaps the murder weapon, a distinctive .45 caliber model used in the military and identified by several witnesses as belonging to Pratt had actually belonged to someone else as he maintained.

But there was a detail from that conversation with Huey that I could never forget and yet never quite believe either. Pratt was so crazy, Newton told me, that “he couldn’t get an erection unless he was holding a knife in his hand.” This detail would come up again in the aftermath of Pratt’s release last June by Orange County Superior Court Judge Everett Dickey, who agreed with Cochran that the prosecution had wrongfully concealed from the original jury the information that their key witness, a former Panther named Julius Butler, was a police and FBI “informant.” It was Butler who had identified the .45 as Geronimo’s weapon and—even more damning—had claimed that Pratt boasted to him that he had killed Caroline Olsen. It was Butler—and the adroit use Cochran made of him—that led Pratt to be granted a new trial and be hailed by Johnnie Cochran and a compliant press as a “hero” and “victim of injustice.”

In the tapestry of Johnnie Cochran’s political career, the case of Geronimo Pratt turns out to be a central thread. A young Johnnie Cochran, just setting out on his career in the law, was Pratt’s counsel in the original trial. By his own account, it was the Pratt case that “radicalized” him, persuading him that America’s criminal justice system was unfair to black men. It showed him, too, that his failure to play the “race card” had led to the conviction of his client. He resolved never to make this mistake again. When Cochran later took on the legal battle that made him famous, he told O.J. Simpson, “I’m not going to let happen to you what happened to Geronimo Pratt.” And after getting Simpson off, he reiterated the solemn promise to the imprisoned Pratt that he would never rest “until you are free.”

Johnnie Cochran made the two cases into the legal equivalent of Siamese twins. For Mark Fuhrman and a racist police conspiracy acting to plant evidence to frame a popular black hero, substitute Julius Butler and an FBI-sponsored “Cointelpro” conspiracy to frame a political hero who also was black. As in the Simpson case, the indictment of law enforcement as conspiratorial and racist was the heart of the Cochran appeal that freed Geronimo Pratt. Of course, the public climate had been so turned against law enforcement by Johnnie Cochran and others, that all Cochran had to show was that Julius Butler, the prosecution’s chief witness, had had contacts with the police prior to the trial, in order to taint the verdict. In playing the race card for Simpson he had also put it on the table for Pratt.

It was this use of the race card, along with that odd comment Huey had made to me over

twenty years earlier, that led me to inquire into the decision to give Geronimo Pratt a “new trial” and thus—since the only eyewitness to the murder, Caroline Olsen’s husband, was also now dead—to free him.

To understand the flimsy construction of the argument that prompted Judge Dickey’s decision, one needs to look at the court’s lengthy rejection of an almost identical appeal Pratt’s lawyers made in 1980. At that time, Pratt’s petition was supported by a blue ribbon *amici curiae* list including Congresswoman Maxine Waters, Congressman Pete McCloskey, current San Francisco mayor Willie Brown, the ACLU, the president of the California Democratic Council, and the chair of the Coalition to Free Geronimo Pratt. The central claim made by Pratt’s defenders then, has not changed in nearly twenty years:

“A totally innocent man has languished in [prison] since mid-1972, . . . He was sent there as

the murderer was on the loose.

When Butler’s envelope was finally opened, 14 months after his meeting with Rice, and 22 months after the murder, the letter inside was for the first time read by police. It described a factional struggle in the Black Panther Party and said that the writer was fearful because of threats on his life made by Geronimo Pratt and other Panther leaders, including Roger Lewis, whose nickname was “Blue.” The letter offered “the following Reason I feel the Death threat may be carried out,” namely that Geronimo and the other Panthers “were Responsible for Acts of murder they carelessly Bragged about”:

“No. 1: Geronimo for the Killing of a White School Teacher and the wounding of Her Husband on a Tennis Court in the City of Santa Monica some time during the year of 1968.

“No. 2: Geronimo and Blue being Responsible for the Killing of Capt. Franco [a Panther leader] in January 1969 and constantly stating as a threat to me that I was just like Franco and gave them No Alternative but to ‘Wash me Away.’”

This was and remains the most important incriminating evidence linking Geronimo Pratt to the tennis court murder. Yet, it is not even addressed, as an issue, in the Court’s decision to accept Johnnie Cochran’s newest appeal. (Nor has Cochran, of course, raised it as an issue himself.) Roger “Blue” Lewis, in a recorded prison interview with attorneys for the state, has also testified that Geronimo Pratt killed Caroline Olsen and that the murder weapon was his. Eyewitnesses identified Pratt at the murder scene, and at an attempted robbery committed moments before. Neither Pratt nor his attorneys have denied that the car driven by the murderer belonged to Pratt. Still, no other piece of evidence is as incontrovertible and unimpeachable as the letter from Julius Butler contained in the sealed envelope.

Although Butler is accused by Cochran of being a police and FBI informant working with law enforcement to frame Pratt, he did not give this envelope to the FBI. In fact, he had never had a single contact with the FBI up to this point in time. Nor did he just give the envelope to the “racist” Los Angeles Police Department. He gave it to a friend who was a policeman, whom he trusted, and who was black.

When Julius Butler handed over the envelope to Duwayne Rice on August 10, 1969, FBI agents observed the transfer. Three days later, on August 13, the FBI approached Butler and questioned him for the first time. But Butler refused to answer their questions about what was in the envelope and told them nothing about its incriminating contents.

The FBI then went to Rice to get him to give up the envelope. But Rice was also uncooperative. The FBI threatened him with prosecution for obstruction of justice and withholding evidence. But even in the face of these threats Rice held firm. He would neither open the envelope nor turn it over to the agents. It took the FBI another fourteen months, until October 20, 1970, under circumstances which I will turn to in a moment, to get police to give up the letter so that they could open it themselves and read Butler’s testimony that Geronimo Pratt had killed Caroline Olsen.

In addition to their accusations that Butler was an informer, the defenders of Geronimo Pratt speculate that the prosecution of Pratt was the result of a “Cointelpro” conspiracy by the FBI to “neutralize” leaders of the Black Panther Party. Their references, typically vague, are meant to insinuate incriminating possibilities. But they are in fact irrelevant. By the time of the



“I’M NOT GOING TO LET HAPPEN TO YOU WHAT HAPPENED TO GERONIMO PRATT”

the result of a case which was deliberately contrived by agents of our state and federal governments . . . [His] conviction was the result of a joint effort by state and federal governments to neutralize and discredit him because of his membership in the militant Black Panther Party . . .”

This time the nation’s press, which—as former *New Republic* editor Michael Kelley recently observed—still construes its journalistic obligation to be institutionalizing the New Left version of the ’60s, bought this argument whole. But the facts, summarized in the earlier opinion from the court record, reveal this argument to be fiction. In a striking vindication of Kelley’s judgment, all the information that follows was easily available to reporters, but none of it made its way into the reams of newsprint that described and celebrated Pratt’s release.

In Judge Dickey’s opinion and the press reportage, Julius Butler is defamed as a “police informer.” But it was not until August 10, 1969, about seven months and three weeks after the murder of Caroline Olsen, and more than a month after Butler had been kicked out of the Black Panther Party, that Butler made his first voluntary contact with any law enforcement official. He met with Sergeant Duwayne Rice of the Los Angeles Police Department and gave him a sealed envelope. The envelope was addressed to Rice and had the words “Only to be opened in the event of my death” printed on the outside. Butler did not reveal the contents of the envelope to Rice. The envelope was then put in a locked safe, where it remained for 14 months after this meeting, while

Pratt trial, the FBI’s famous “Cointelpro” program had been terminated. Moreover, Pratt was no longer even a Panther. Three months earlier, in August 1970, he had been expelled from the Party by Newton. (The official “declaration” of his expulsion, complete with the charge that he had threatened to assassinate Newton, was, however, not made public until Pratt’s arrest.)

On December 4, 1970, two months after the letter was opened, Pratt was indicted by a grand jury on one count of murder, one count of assault to commit murder and two counts of robbery. He was arraigned in April 1971 and was convicted a year later on July 28, 1972. Throughout the trial, Pratt maintained that he was in Oakland at the time of the murder for a meeting with Panther leaders. During the trial, and for nearly twenty years thereafter, the Panther leaders—Bobby Seale, David Hilliard and Elaine Brown—denied Pratt’s story and left him to his fate. It was the decision to change their story that led to the new and successful appeal, although the judge’s decision in the appeal was based on new (but as we have seen, irrelevant) evidence that Butler had talked to law enforcement before the trial, and not on their revised claims.

In the 1980 court opinion denying Pratt’s original appeal, the conspiracy theory is succinctly refuted: “First, it is noted that Julius Butler did not give the letter to the FBI but to a trusted friend (Sergeant Rice) for safe-keeping only to be opened in the event of his death Second, logic dictates that if the FBI with the aid of local law enforcement officers had targeted Pratt and intended to ‘neutralize’ him by ‘framing’ him for the December 18, 1968, murder of Caroline Olsen, they would not have waited over 14 months after the letter was handed to Sergeant Rice to have the contents of the sealed letter disclosed.”

The circumstances under which Butler’s letter was finally opened are even more damning for the conspiracy crowd. The FBI agents who had observed Butler transferring the sealed envelope walked over to Sergeant Rice after Butler left and demanded that he turn over the envelope to them. Rice refused. Then, as a precaution, he gave the envelope to yet another black police officer, Captain Edward Henry, who put it in his safe deposit box, still sealed. Rice told no one of this move, in order that the FBI would not know its location. What next transpired is best told in Sergeant Rice’s own words:

“Soon after this incident [the initial demand for the letter from the FBI], the FBI threatened to indict me for obstruction of justice for refusing to turn over the letter to them. Some time the next year I was involved in a fight with a white Los Angeles police officer. Due to this fight, and other allegations against me, I became the subject of an internal police investigation. During this investigation I was questioned by the Los Angeles Police Department regarding what Julius Butler had given me and ordered to turn it over to the police department. When I refused, I was threatened with being fired for refusing a direct order.”

It was this investigation of Rice by the L.A.P.D.’s Department of Internal Affairs that led to the opening of the letter. Internal Affairs had actually become suspicious that Rice was “subversive” and sympathetic to the Panthers because of his relationship with Butler. The FBI was also pressuring Butler about his involvement in the Black Panther Party and a possible firearms violation. (Butler had purchased an illegal submachine gun in October 1968, while still a Panther, and did not want to reveal the name of the person he had given it too—another puzzling posture for a “paid informant.”)

The questioning of Butler by the FBI, after he was observed delivering the envelope to

Sergeant Rice, is the principal source of the false impression successfully promoted by the Cochran team that Pratt was on the payroll as an informant for the agency. In the records of the seven FBI interviews with Butler, however, the only mention of Pratt is “that Pratt had a machine gun was common knowledge” and that “Pratt also had a caliber .45 pistol.” There is no mention of the crucial fact, still hidden in the sealed envelope, that Pratt had boasted of killing a white school teacher and wounding her husband on a Santa Monica tennis court in 1968.

In fact, an exhaustive review of the FBI records by a deputy attorney general of California states categorically that “Prior to [Pratt’s] indictment [for the crime] in December 1970, there are no FBI documents connecting [Pratt] with the tennis court murder.” Pratt’s indictment was based on the evidence in the envelope sealed by Julius Butler. It was opened at Butler’s request in



GERONIMO BECAME THE LEADER OF THE PANTHERS
AFTER THE UCLA SHOOTOUT

October 1970—22 months after the murder took place—because, as he put it, the FBI was “jamming” him. In turning down Pratt’s 1980 appeal, the court noted that “It would be unnatural for the FBI not to be inquisitive about the contents of the sealed envelope once aware of its existence.”

The appeal which secured Pratt’s release in May of this year adds only minor details to the original 1980 appeal that was rejected. It basically cites recent information voluntarily turned over by prosecutors that seems to amplify the claim that Butler had some kind of involvement with law enforcement after the sealed envelope was delivered to Sergeant Rice. The key new claim, for example, is the existence of an “informant” card that the district attorney’s office voluntarily turned over to Cochran’s team. When I asked one of the original prosecutors about this, he maintained that the “informant card” was insignificant. “When you take someone to lunch you have to provide a chit for the lunch,” he explained. “‘Informant’ is a convenient category, and that’s all there is to it.” There is a record of Butler’s contacts with the FBI following its agents observation of the encounter with Sergeant Rice. Butler’s response to agents’ questions is always that he is no longer with the Party and isn’t able to give them an informed opinion.

But no matter how one parses the language of these reports, or interprets “informant cards,” none of the evidence brought forward by Cochran in any way alters the picture of Julius Butler’s relations to law enforcement as outlined here. Butler did not take his charges against Pratt to the police, but strenuously withheld them for

nearly two years, until forced by the Internal Affairs investigation of Rice to give them up.

Johnnie Cochran has called Julius Butler a “con-
niving snake” and “liar” and “police infor-
mant.” As in the Simpson case, he has had great success with this line of attack before his credulous publics. Los Angeles Urban League president John Mack was only one of many who swallowed it whole. At the time of Pratt’s release, Mack told the *Los Angeles Times*: “The Geronimo Pratt case is one of the most compelling and painful exam-
ples of a political assassination on an African-
American activist.”

Cochran’s brief for Pratt religiously fol-
lows the pattern of the Simpson defense. It is an attack on law enforcement as a racist conspiracy to “get” his client. A principal problem for Cochran has been the fact that Butler is black, and that until Cochran’s charges he was a responsible member of the community, a lawyer and a church elder. As part of Cochran’s assault on Butler’s character he has alleged that Butler carried a grudge, which was the result of thwarted ambition. That is, when “Bunchy” Carter, the leader of the Los Angeles Panthers was killed by a rival gang headed by Ron (“Malauna”) Karenga in a shoot-out at UCLA a month after the Olsen murder, Pratt rather than Butler was made head of the Party and Butler didn’t forgive him.

Once again, however, the facts do not substantiate the hypothesis. If jealousy was the motive, why not go to the police immediately? Why hand over a sealed letter and wait 22 months until long after you have become so disillusioned with the Panthers that your jealousy, if not cooled, has become an irrelevance?

In fact, Butler did not even deposit his “insurance” letter into the safekeeping of Sergeant Rice immedi-
ately after the murder. He did so only after he was relieved of his Panther duties in July 1969, and then physically threatened by Pratt and his lieutenants, who were conducting a witchhunt in the Party’s ranks in the wake of the murder of Bunchy Carter. The cause of Butler’s conflict with Pratt was not envy, but a growing concern about the Party’s direction. In the sealed letter, Butler wrote:

“During the year of 1969 I began to notice the party changing its direction from that set forth by Huey P. Newton, and dissented with some the-
orys [*sic*] and practices of the So. Calif. Leadership. During the months of June and July 1969 I more strongly critisized [*sic*] these Leaders, because I felt they were carelessly, and foolishly doing things that didn’t have a direction beneficial [*sic*] for the people. I also critisized [*sic*] the Physical Actions or threats to Party members who were attempting to sincerly [*sic*] impliment [*sic*] programs that oppressed people could Respond to.”

The incident that most depressed Butler was the pistol-whipping of a 17-year-old Panther named Ollie Taylor, who was suspected of working for Karenga’s gang. The incident led to false imprisonment and assault with a deadly weapon charges against Butler, Geronimo Pratt and Roger Lewis. Butler’s feelings about this incident were so regretful that he pled guilty to the charges in the case. Pratt was also tried but the juries were hung 10-2 and 11-1 for conviction.

According to Butler, Pratt masterminded the torture-interrogation of Taylor, holding a cocked weapon at Butler’s head while ordering him to beat the suspect. Under oath at his own trial, Pratt not only denied leading the interroga-
tion but claimed that the beating had taken place before he arrived and that he reprimanded Butler, telling him this wasn’t the Panther way to deal with suspects. He then relieved Butler of his posi-
tion in the Party’s security force, and placed him under “house arrest.” At trial, the victim Ollie Taylor confirmed Butler’s version of the events

and flatly contradicted Pratt's story.

Reading Butler's testimony about the Ollie Taylor incident, I had a jolt of recognition that resolved any remaining doubt I may have had as to the integrity of Butler's account not only of these matters but of those regarding the behavior and guilt of Geronimo Pratt. For it was in examining Butler's testimony that Huey's story about the eroticism of violence in Pratt's psyche resurfaced in my mind with riveting force.

"Q. Was Ollie Taylor in the room at this time?"

"A. Yes."
"Q. Okay."

"A. Ollie Taylor was sitting in the middle of the room, and I was sitting next to Ollie Taylor, and I was trying to talk to Ollie Taylor on the basis of 'Give as much information about yourself to clear yourself,' and Geronimo stated to me that the shit he was talking was a bunch of bull shit, and I looked over and he cocked the hammer on the pistol."

"Q. Where was the pistol pointed, if at all?"

"A. It was actually right between me and Ollie Taylor, because I was sitting side-by-side with Ollie Taylor."

"Then I noticed that Geronimo had an erection, and he stated, 'If you don't move, I'll blow your head off,' and he said 'Furthermore, I think maybe you're siding with him,' so he told me to slap Ollie Taylor.

"He say, 'You interrogate,' so I did it in the pretense of trying to—at that time I was frightened of Geronimo's behavior, very seriously

frightened. *I had never seen a man with an erection* . . ."

Before Butler could complete the sentence, his attorney interrupted with an objection that the course of inquiry was irrelevant. But as far as I was concerned, the sentence didn't need to be finished. Here were two different figures, both intimate with Pratt, but otherwise far separated by distance, status, and motivation, who remarked on the erotic charge violence gave him.

Despite the persuasive evidence of Pratt's guilt as contained in the sealed letter, and despite the persuasive evidence in the handling of the letter that Butler was not part of a police or FBI conspiracy to frame Pratt, Cochran prevailed. On May 29, 1997, an Judge Dickey granted Pratt a new trial and immediate release from his current confinement. Dickey concluded that "this was not a strong case for the prosecution without the testimony of [Julius] Butler," and that it was reasonably probable that Pratt could have obtained a different result "in the entire absence of Butler's testimony," or had the prosecution revealed Butler's contacts with law enforcement.

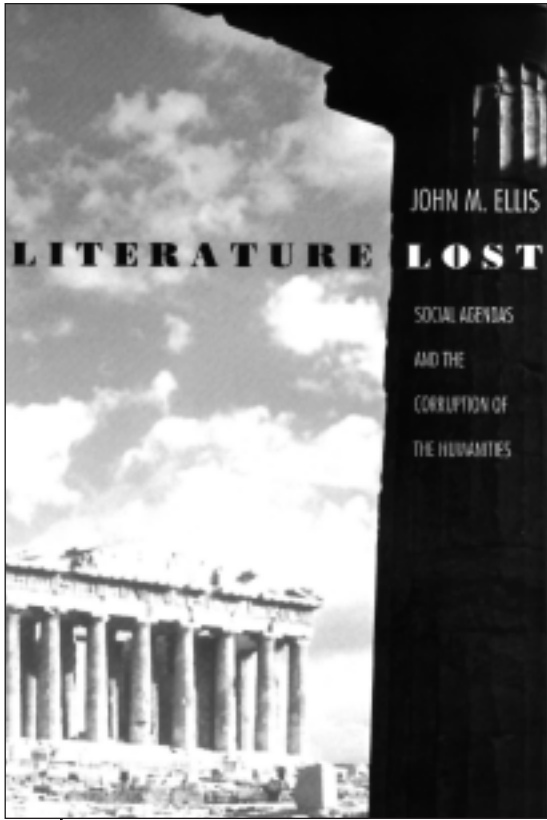
Reading Dickey's opinion is a depressing experience for anyone concerned about American justice. The salient reason cited by Judge Dickey for overturning the original verdict is that the prosecution concealed the "fact" that "[Butler] had been, for at least three years before the trial, providing information about the Black Panther Party and individuals associated with it to law enforcement agencies on a confidential basis."

The statement, as we have seen and as the court records show, is false and misleading. Julius

Butler had absolutely no contact with the FBI or law enforcement prior to his delivery of the sealed letter to Sgt. Rice on August 10, 1969, seven months after the murder and less than two years before the trial. The letter's identification of Geronimo Pratt as the killer of Caroline Olsen was available to the jury and was a centerpiece of the court proceeding, a fact which is not even addressed in Dickey's opinion. Nor is the whole history of Butler's withholding of the incriminating document despite efforts by the FBI and the police to pry it from him. These would seem to establish beyond any reasonable doubt that Julius Butler was not an informant, and was not cooperating with the FBI, the police, or the prosecutors of Geronimo Pratt prior to Pratt's arraignment for the murder. Moreover, Butler's testimony at the trial is entirely consistent with the information contained in the incriminating letter and with his behavior throughout the case.

Why hasn't justice prevailed in this matter? Why is a clearly guilty individual free? The answer lies in the climate of the times, in which the testimony of officers of the law have become more readily impeachable than the testimony of criminals. As in the O.J. Simpson trial, the appeals process in the Pratt case has been turned by Johnnie Cochran into a class action libel against the FBI, the police, the prosecution and its chief witness. And as in the Simpson case, Johnnie Cochran's fictional melodrama has won out over the politically incorrect truth.

—David Horowitz 



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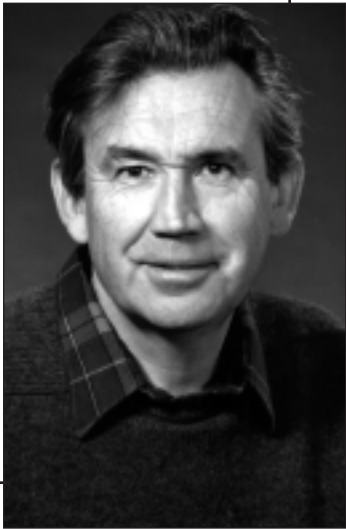
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About S&M, Continued from page 1

The tragic result has been been skyrocketing divorce rates, huge jumps in teen pregnancy and—most horrifying of all—books by Naomi Wolf.

I recently got a hold of her latest, titled *Promiscuities: The Secret Struggle for Womanhood*. Read this book. It is hilarious. It is the story of a young girl who grew up in the era of sexual freedom and who thoroughly believes in that freedom and who takes 287 pages to whine about the nature of that freedom:

Safer access to physical ecstasy, in a world that was not yet ready to tell us that what we felt was good, did not do away with our own, very different, set of sexual penalties, double standards and sorrows.

See what I mean? Get me the cat o’ nine tails.

The bulk of the book consists of a soft-porn retelling of the sex acts that Wolfe and her friends engaged in while growing up in California in the ’70s. The best part: It has footnotes, as if to certify that Naomi really did graduate from Yale. The footnotes follow the classic form, but they’d be more useful if arranged by sex act: Blowjobs, 10-11, 16, 170. Handjobs, 21, 24, 27, 79-80; Lesbian lip-locks, 144-15, and so on.

Okay, I made that up as a joke. But I just opened the book up and checked the actual footnotes. Here goes: oral sex, 170; cunnilingus, 152, 154, 187 ; fellatio, 70-71, 89, 99-100, 184.

No kidding.

The problem all these babes have is they simply can’t accept the obvious: that all the understanding and discussion in the world is not going to make the human sex drive conform to the restraints the rational mind wishes to impose on it. Camille Paglia has made a career out of pointing this out to feminists. Paglia had it right from the very beginning. In her 1990 book, *Sexual Personae*, written at a time when she had no reasonable expectation of becoming famous, she said this:

Sexual freedom, sexual liberation. A modern delusion. We are hierarchical animals. Sweep one hierarchy away and another will take its place, perhaps less palatable than the first. . . . My theory is that whenever sexual freedom is sought or achieved, sadomasochism will not be far behind. . . . Sex is a far darker power than feminism has admitted.

Or can admit. Which is why I decided to make an inquiry into the dark power myself.

In the course of my research, I spent a lot of time talking to people in the S&M scene around New York. I’d have to say that every single one of them was a lot easier to take than your average feminist. Some give beatings, some take them. But they don’t whine about it or pretend that they’re doing something to benefit humanity.

When I got to the Hellfire Club, the first woman I saw after paying my \$30 at the door weighed a good 250 pounds, all within five feet of the floor. She was wearing a skimpy negligee that would let any man see what no man would want to see. I hate to be judgmental, but I felt like going over to her and trying to persuade her to put on a coat.

That was just the beginning. Over in a corner, a man dressed in black leather was administering a beating to a half-naked woman who was strapped face-down on a table. This may sound vaguely erotic. It wasn’t. In the national fantasy life, S&M is practiced by beautiful people whose sculpted, tanned bodies strain against glistening black leather. In reality, it’s practiced by the sort of people you see sitting behind computer terminals when you go to apply for a mortgage. In clothes, in an office, they are not too bad. But in leather G-strings . . . Ugh!

What I found most remarkable about this—the first S&M beating I’d ever witnessed—was the complete lack of drama. The guy would give the woman’s butt a little smack, then he’d turn to

his friends and talk. The friends talked back, glancing around the room in the same bored, distracted fashion you’d expect in a singles bar in a strip mall. None seemed to take notice of the perils of the poor woman who stood there topless, chained to a pole, moaning in pain, pleasure or both.

At least I thought it was a woman. On closer inspection, the person in question had a lower body that was disturbingly male. Yes, the bulge in the crotch was unmistakable. But the breasts were unquestionably the breasts of a woman, but small, barely noticeable. Why, if one were to go to all the trouble and expense of having one’s breasts enlarged, would one settle on an A-cup? Why not go a C?

This was the sort of question that haunted me all night.

The combinations were endless. A guy who dresses like a woman might like to get spanked by men. Or to spank men. Or to whip women. Or to



get whipped by women. Sometimes it’s not even vaguely sexual. One guy let a woman punch him in the face till he was bloody. Some men like to be encased in plastic with just a straw to breathe through. Then they like for someone to pinch the straw shut for a while . . .

I learned this from my friend, whom I’ll call Zeke. He was my passport to the world of S&M. I’ve known Zeke since high school, but only in the past few years did he let me know that he’d been taking part in the Manhattan S&M scene. I figured I’d write about it, and that’s how I ended up at the Hellfire.

The initial beating I saw as we walked in the door turned out to be a common theme as the night wore on. Only rarely did the beater seem to muster much enthusiasm for thrashing the beatee. I ran this by my friend Zeke. “In the clubs, you can’t do anything real serious,” he said. “For that, you’ve got to go to someone’s house.”

Zeke knows whereof he speaks. He has been a masochist for 10 years or so, but it was only in the past few years that he began to talk to his friends openly about his obsession with S&M. A few years ago, Madonna made a video in the Vault, a Manhattan S&M club, and for a while there S&M was hip. So Zeke began to talk about what he’d been doing on all those trips to New York for all those years.

I would have been just as happy never to know. Zeke is, in all other respects, a normal guy, a guy you can drink a lot of beer with while discussing the normal, dumb things males discuss—cars, sports, politics, women. He is a great human being, a guy who is perpetually broke because he can’t say no to anyone who wants anything from him. His sole character flaw is that he likes to get beaten by women dressed in black leather.

Most of the other male S&M aficionados are like Zeke. They’re middle-aged. They’ve got solid jobs in the suburbs. They just like to get abused by women.

The Hellfire is, according to Zeke, one of the two best S&M clubs in Manhattan. The other is the Vault, but ever since the Madonna video, the Vault has gone downhill. I learned that from a guy known as “The Worm.”

The Worm, as the name suggests, likes to slither along the floor, nude. As he does this, he masturbates. His dream is for a woman to come along and abuse him. An insult, a kick, a high heel in the groin—these would do wonderfully for the Worm. After Madonna popularized the Vault, however, college kids started showing up. They were throwing cigarettes at him and pouring beer on him. “Things have really gone downhill,” he tells Zeke. “Things are not what they used to be.”

This is the kind of thing that makes S&M so difficult to fathom. Why is it fun to get kicked by a woman but not by a guy? Why would someone who likes to grovel on a filthy floor make such distinctions? How do you figure all this out?

And the weirdest part was the way the Worm would go from groveling on the floor one moment to making small talk the next. He’d jump up and talk about football or basketball with me and Zeke for a few minutes and then—at the sight of a woman in high heels—drop and grovel. Just like that.

Some things at the Hellfire are hard to make sense of. There’s a certain logic in your standard drag queen, a man who dresses as a caricature of a glamorous woman. Sexy dress, lots of makeup, five-inch heels. You might not agree with where that guy is going, but at least you know where it is: the exact opposite of where he started out.

But what do you make of a guy who dresses up like a preppy girl? A rather plain sweater. A simple cloth skirt. Sensible shoes. No makeup.

I saw this guy hanging around by the bar. Other than the clothes and his shoulder-length hair, he looked like a normal guy. At his day job, he probably tied the hair back in a ponytail and acted straight. But here, he was surrendering to his homosexual impulses.

Or so I figured. But when I looked over a few minutes later I saw him getting a rather intense back rub from a woman—a real woman.

“Zeke,” I asked. “What’s going on with that guy. Isn’t he gay?”

“Probably not,” said Zeke. “Hard to tell.”

This is the great thing about the S&M scene, say the participants. Perhaps a guy wants to dress like a rather drab, unattractive student at Bryn Mawr. Or a woman might prefer the full-leather dominatrix look. Or a man might simply desire to walk around naked pulling on his privates (there are so many of these that one club has a sign at the door “No solo jerkoff artists”). It’s all part of the fun.

“Isn’t it great?” asked Zeke’s friend, whom I’ll call Joe. Joe had heard that I was doing an article on S&M, and he was eager to be interviewed. They all were. I’d feared that it would be difficult to get these people to talk. Actually, you can’t get them to shut up.

“Isn’t it great?” was the mantra. It reminded me of nothing so much as Woodstock, the first one. I was there, and I recall the exact same spirit, the idea that a new frontier in human freedom had been reached.

Charting the boundaries of that freedom is a tough task for the authorities, however. Posted prominently at several locations around the Hellfire was a notice from the New York City Health Department on the thorny subject of testicle-licking. It went on for seven or eight paragraphs during which the author, after much hemming and hawing, finally pronounced a verdict on the legality of the practice. Blowjobs, the author averred, were clearly illegal in places like the Hellfire Club. But as for ball-licking in its pure form, well that is clearly

not a blowjob, the writer stated. But it's kinda like one. And it might lead to one. So what the hell? it's illegal. Not in this establishment!

My immediate thought was: Who's the poor bastard of a civil servant who had to write this notice? I know it's great fun to criticize public employees—God knows I've done so more than once—but the guy who wrote that notice is clearly underpaid.

A few weeks after this initial visit to the Hellfire, Zeke and I are driving down the highway in the suburbs where we live. We are going to the Home Depot to buy some electrical parts for a bathroom renovation I'm doing. Zeke is helping out.

As we drive down a highway full of minivans, I ask Zeke questions about the world of S&M. He describes some of the many practices in which S&M aficionados engage. These are so varied that an entire article could be devoted to listing and describing them. They range from overtly sexual acts that are little more than kinky sex to rituals so arcane that there seems to be no sexual connection to them whatsoever. Some people, for example, like to have themselves entombed in concrete. Then there are those who liked to be urinated or defecated on.

"I don't get it," I say to Zeke. "Where's the thrill in that?"

Zeke shrugs. That's not his fetish so he can't explain it. He enjoys the more-or-less standard treats of the male submissive, whippings, foot-lickings, being ordered around. The regular stuff.

As for normal, missionary-position sex, it doesn't do much for Zeke. S&M aficionados call this "plain vanilla sex" or just "the in-and-out." They're not philosophically opposed to this, they simply don't see the attraction. They've outgrown it. It was fun when they were young and it seemed unusual. But they've been doing it for 15 years or so and they're ready for something new.

However deranged these feelings may be, Zeke comes by them honestly. For the first 10 years or so of his adult life, he did his best to manufacture an interest in normal sex. He was 27 before he got laid for the first time, and that was only because his friends put him together with a beautiful blonde hooker. After that, he managed to have a couple of normal relationships with women, but his heart wasn't in it. It was only when he started going to the S&M clubs of Manhattan in the mid-1980s that he found his true calling.

In many ways, this has worked out well for Zeke. He used to be overweight and he used to drink way too much. But after he got into S&M, he began watching his diet and exercising. As for drinking, he now stops after a beer or two.

In other words, he just needed a little discipline. Bondage and discipline.

Still, the whole thing gives me the creeps. I find it hard to imagine that just an hour's drive away from our suburban paradise, there are people for whom the phrase "shit-eating grin" is not a metaphor but a goal in life. Nonetheless, I plunge on in my inquiries.

Zeke tells me of the progress of his life in the S&M world. Things have been going well. He has acquired a dominatrix. This is quite an accomplishment. The club scene consists largely of horny males looking for someone to abuse them. But to have a dominatrix who will abuse you in the privacy of a home dungeon—this is all a submissive male could expect in life.

She's young and good-looking, Zeke tells me as we make our way to the parking lot of the Home Depot. As we get out of car, he lifts his T-shirt and shows me the scars on his back. "Good with a whip," he says. "You should see my butt."

I decide that at some point I will have to interview the dominatrix.

In the meantime, however, I got a hold of Andrea Dworkin's latest book. It's titled *Life and Death*, and it's a look at the world of S&M by someone with no sense of humor.

I particularly liked the part where Dworkin recounts how her first husband, a cad, burned her breasts with a lit cigarette, "beat my legs with a wood beam so that I couldn't walk," and—my favorite—"did immoral things to other people" in front of her.

That was after she was—according to her—

raped by cops after being arrested in a Vietnam War demonstration. And it was also after she used to work as a hooker to pick up spare change.

Let me backtrack for a minute here and explain—for those fortunate enough not to know—who Andrea Dworkin is. She is a fanatical feminist whose one-dimensional attacks on males have led to some of the more humorous moments in recent history. My personal favorite was when she and co-maniac Catharine McKinnon got Canadian authorities to adopt a strict anti-pornography law. The law was so airtight that it caused the authorities to restrict the importation of Dworkin's own books. Dworkin doesn't think this is funny.

However you feel about pornography, you have to despise Dworkin's position on it: Pornography is wrong not because it is immoral but because it is a form of sex discrimination. This sex discrimination occurs when women are, in her words, "presented as sex objects tied up or cut up or mutilated or bruised or physically hurt," or presented "in scenarios of degradation, injury, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual."

Let me point out the obvious: In the midst of her spiels against pornography, prostitution and so forth, Dworkin admits that she has, on occasion, had sex for cash. Her books are full of descriptions of various sex acts, tortures, fetishes, and so forth. that are rendered in exquisite detail. In every instance, she goes on to denounce whatever action she has just described, but a sane reader wonders why she is so obsessed with this stuff in the first place.

But the important thing is this: Nutty as she is, Dworkin is considered a deep thinker of the American feminist movement. (Make that "Amerikan" feminist movement to conform to her spelling.) Anti-American clichés are still considered good form by the girls at N.O.W. But then so is the idea of women as passive, pliant victims of us horrible male chauvinists.

In fact, anyone who pays attention to the war between the sexes will note that women are not without weapons. But to understand just how effective these weapons are, you need to talk to someone like Britt. She is Zeke's dominatrix. It took me several months of negotiating before I finally got an interview with her, but it was worth the wait. Domina Britt (for some reason, dominatrixes like the title "Domina") is a walking refutation of every assertion ever made by Dworkin or Steinam about the nature of male-female relations.

"All women have the power to dominate men," Britt told me. "But they don't realize it. They have the power but they just don't know how to use it."

Britt knows. She hasn't cleaned her house in six months, but it is spotless. Her submissives do all the housework for her. Men wash her dishes, do her laundry and clean her kitchen. And they do it all well. Real well. Britt believes in discipline.

As for the dungeon, the submissives largely built that for her and they keep it in perfect shape. It has the usual assortment of stocks, shackles and medieval torture devices. There, if a submissive has been good, he can count on a nice beating. Paying clients also use the dungeon. The cost is \$175 for the first hour and \$125 for each succeeding hour.

"I guess I'm lucky because I realized it early in life," Britt says of her ability to make men do her bidding. "It pretty much started when I was 12 or 13 and I was growing up in Los Angeles. I was the only girl on the block and we'd be out there and I'd tell the little boys to go climb a tree or go to the store and get me candy. And if they didn't, I'd kick them with my saddle shoes and they would."

As she grew up, Britt polished this talent for ordering men around. She studied their weaknesses. "When I was between 16 and 20, I had boyfriends who had foot fetishes and I said, 'Take me shopping and I'll let you play with my feet.'"

This led Britt to further refine her theories. By the time she was old enough to go to bars, she found that she could order men around more or less at will. She'd walk into a bar and within 20 minutes have guys scurrying around buying drinks for her and otherwise doing her bidding.

She was working in an office job in the New York City area when she first found that what had been a pastime could become a career. "I was work-

ing as a purchasing agent for a pharmaceuticals corporation and I had a friend who was in the scene, running a dominatrix house in Manhattan. We talked for six months then he called me out of the blue and said, 'You're dominant, so why don't you come work for me?'"

Britt kept her day job, but then one day she had a falling-out with her boss, nothing major, just a typical office blowup. "I went to his office and closed the door and I said, 'I should just tell you to get down on your knees and say you're sorry.'"

The boss took it well enough, but Britt realized that her days as an office worker were numbered. "My dominatrix job was crossing to my corporate job."

So she quit work, set up her dungeon and has lived happily ever after. She has no shortage of men who will pay to be beaten. As I was interviewing her, the phone rang. It was a guy who identified himself as a professor at a college in Manhattan. She put the call on speaker-phone so I could listen. The guy had a whiny voice. He described his life as a submissive in a world where women expect men to be dominant: "I've lost a lot of girlfriends over it. A person punched me out and she told me to beg her for more. And I did, but I wound up in the hospital with a bloody face. It wasn't such a great experience, but it was a turn-on."

This guy was typical, Britt told me after he hung up. Contrary to what Gloria Steinam might think, men don't particularly like ordering other people around.

"The big problem for men is that most men don't like the degree to which they're expected to dominate women," she said. "They say, 'I'm normally a mean, rough person and all day long I boss people around and I need someone to boss me around.'"

That's where Britt comes in. A typical customer might be an executive. "I'll tell him he's no good in bed. Then I take all the money out of his wallet and tell him I'm going to take his credit card and go to an island with my lesbian lover."

This works, she told me. "They get some kind of a fantasy out of that. I don't really understand it that much. Everyone is different and has their own likes and dislikes. I get these presidents of banks and major corporations who want to be dressed up in garter belts and lingerie and want to be treated as a girl. Sometimes I dress them up and take them out and we got to a lunch in a mall, just two girls going to lunch."

I should mention here that Britt has a great body. I'm sure she looks wonderful in a leather bustier and miniskirt along with five-inch heels. And that must play a role in the way she can dominate men.

But a lot of dominatrixes aren't particularly good-looking. They're big, they're middle-aged and they still do fine at the trade. Looks are not the crucial factor. For every type of dominatrix, there is a corresponding masochist.

This fits nicely with real life. I know, for example, several couples in which the wife is a big, rather commanding—even nasty—woman and the husband is a guy who seems, for all intents and purposes, perfectly normal. And when I look at these hectoring husbands, I think, "What in the hell is he getting out of this? If I were married to her I'd shoot myself."

Yet these are some of the more stable couples I know. Cindy Crawford could meet the husband in a bar one night and ask him to go up to her room for a nightcap and the guy would figure out an excuse to get out of it. And not out of virtue, though it's nice to think so. He's happy with his wife, though she outweighs him by 50 pounds and looks like Jabba the Hutt.

In one of her tirades against males, Dworkin writes, "I want real change, an end to the social power of men over women; more starkly, his boot off my neck."

I read that passage to Zeke.

"A boot on the neck?" he said. "I kind of like that. Dworkin is okay."

Paul Mulshine is a columnist for the Star Ledger in Newark, NJ.



Sympathy for the Oppressor *Zealotry and Academic Freedom*

by Neil W. Hamilton
Transaction Publishers, 402 pages
\$44.95

REVIEWED BY RICHARD FERRIER

Neil Hamilton’s massive and sober study, *Zealotry and Academic Freedom* is a timely and useful antidote to the books clogging the diversity shelf. Hamilton, who characterizes himself as “a moderate Democrat” and “a supporter of aggressive affirmative action,” has had some first-hand experience in the PC world. He was himself the victim of ten investigations, five internal to his university, five by external agencies, including a complaint to the accrediting agency for law schools, over a period of 66 months. The root of all this harassment was his concern for the maintenance of academic standards.

One of the complaints was for sending a confidential memo to the faculty and board of trustees on the disparate rates of bar passage due to his university’s extreme group preferences policies. The memo fell into the hands of “five students of color,” who declared themselves offended. A colleague investigating the memo—remember, it was supposed to be confidential—found it “insensitive” and determined that Hamilton “should make a public apology and resign from an elected faculty position.” Although nine of the accusations were dismissed and the other one withdrawn, Hamilton estimates he spent more than 4,500 hours of his time (he is a lawyer; presumably, they keep track of things like this) in defending his good name. He found himself abandoned or even betrayed by his friends and colleagues, physically and emotionally ground down, and in retrospect, “terribly naive.”

In the depths of his despair, he stumbled upon Ellen Schrecker’s *No Ivory Tower: McCarthyism and the Universities*. This book is written from a left perspective about the struggles over academic freedom in the ’50s, but it led him to the inquiries into the legal and political history of academic freedom in American colleges and universities, reaching well back into the nineteenth Century. He saw that he was not unique in his trials, and as he puts it, “this discovery dramatically reduced my confusion and substantially increased my peace of mind.” The present work is the fruit of the inquiry he embarked upon to put his case in a broad historical perspective.

Hamilton’s survey of the available evidence is more complete than any heretofore published, and his analysis of the recent wave of zealotry, which he calls the “fundamentalism of the radical academic left,” is deepened by an historical perspective missing in much other writing on the subject from both right and left. By comparing the recent suppression of opinion in the Academy to the McCarthyism of the ’50s and the excesses of the New Left in the ’60s, the most recent of the seven periods he examines, he uncovers important similarities in the structure and habits of the Academy that lead to zealous campaigns.

Chief among these is the entirely plausible claim that those whose political views are in sympathy with the zealots are not very likely to notice the suppression of contrary views, and are even prone to acquiesce in the defamation of dissenters’ character. In this connection, he gives the statistical evidence on the self-described political affiliation of American faculty. The best recent studies of this question (1989-90), coming from UCLA and the Carnegie Foundation, indicate that the left outnumbers the right in research universities by a ratio of 4-1.

Hamilton’s interest is not in the inherent implausibility of the deconstructionist and racist nonsense of politically correct dogma. He concentrates instead on violations of the tradition of academic freedom as defined by its chief defender, the American Association of University Professors (AAUP). PC apologists cite AAUP sources in support of their claim that serious violations of academic freedom remain rare. Indeed, an official AAUP statement in July 1991 actually accused PC critics of being moved by “an only partly concealed animosity toward equal opportunity and its first effects of modestly increasing the participation of women and racial and cultural minorities on campus.” Despite repeated protests from such important quarters as the last six chairs of the AAUP Committee A on Academic Freedom and Tenure, and the executive committee of the California Conference of the AAUP, the national body has yet to repudiate this statement.

But, as Hamilton shows, this is nothing new. The sometimes violent harassment of scholars like Alan Bloom by the student left in the ’60s was neither recognized nor opposed by the AAUP until the fires of radicalism were dying in the ’70s. The chief contribution the organization has made during all three periods of repression has been to state sonorously the general principles of academic freedom, not to come to the defense of the actual targets of repression.

McCarthyism and the earlier waves of repression were largely attempts arising from the administration or the public to repress unpopular views of professors, while the violence and vulgarity of the ’60s arose from radical students. Professors had a natural self-interest in resisting some of these excesses. But the PC wars are largely a matter of *magistri contra mundum*. The sympathies of the AAUP are as much with the oppressors as with the oppressed, maybe more so. It is no accident that the AAUP has shown little concern with victims of the preference and diversity crowd, but has set up a special committee to investigate political interference and violations of shared governance in the regents’ roll back of sex and race preferences at the University of California.

Reflecting on these facts, and recalling his own experience, Hamilton concludes his book with suggestions for personal and institutional strategies to make up for the weakness or collusion of the AAUP and similar organizations that at best are not part of the solution, and at worst are part of the problem. His advice shows a continuing faith in the power of truth and the resilience of liberal institutions. Above all, he urges the victims of PC to seek the light of public debate, and to fight the smears and slanders meant to silence them.

This is a classical liberal political strategy, and very practical, as far as it goes. It is not, on the whole, a legal strategy. One reason for this is that academic freedom, as Hamilton’s study shows, is actually two distinct things, constitutional academ-

ic freedom, and professional academic freedom. The former protects chiefly colleges and universities against governmental interference in their affairs. It would serve against legislative interference in academic discourse of the sort that characterized the McCarthy period.

Professional academic freedom, on the other hand, is essentially ordered to the protection of the individual scholar against the suppression of competent but controversial research or teaching by the authorities and other members of his own university. It is grounded in classical liberal tenets arising from the Enlightenment and the professionalization of scholarship.

Hamilton is not very sympathetic to doubts about the AAUP’s version of academic freedom, and, in consequence, he overlooks important differences between the earlier waves of what he calls “zealotry” and the more recent ones. The four periods in question are the 1870s, when religion was the issue, the 1890s, which featured disputes over economic and social theory, World War One, when universities pressured their professors to support the war effort, and the 1930s, in which some faculty were fired over their association with the American left, and the Communist Party in particular.

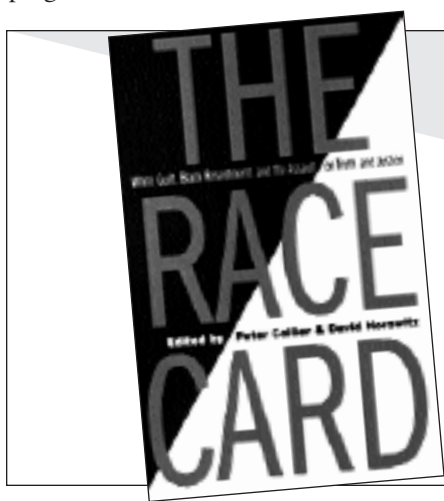
The defenders of tradition in all of these four periods were chiefly the governing bodies of the institutions, who felt a loyalty to the original intention of the founders and constituents or to the civic order. While economic and religious controversies were closely bound to the curricular and moral order of the colleges, the persecution of “disloyal” professors during the World War and, to a lesser degree, the campaign against Communists in the 1930s, were essentially intrusions of general political concerns into academic affairs. The offending professors were punished not so much for what they taught as professionals as for what they thought and did as citizens. Communist association, in particular, was deemed grounds for censure because it was held secretive, conspiratorial, and committed to illiberal and coercive tactics foreign to the political traditions of the country. While there was probably little to be said for the hounding of “pro-German” teachers, the response to Communists is a little more difficult. As documents released after the fall of the Soviet Union show, there was something to the charges of their critics.

Common to these periods of zealotry is the large role played by governing boards in trying to control the faculty. It is noteworthy that the formation of the AAUP was prompted by the religious and internal disputes of the first wave, the one which essentially drove religion out of the American university. The resulting doctrine of professional academic freedom is marked by its origin as a faculty labor rights dogma, closely associated with a hostility to competing private and religious institutional rights. It has not been a completely effective tool in fighting the intellectual fads of a secular and leftist professoriate.

Zealotry and Academic Freedom is an important and encouraging book. It is also a big book, and not always for the best of reasons. The reader may find himself muttering, “I’ve read this before, haven’t I?” Still, the book is a weighty contribution to the debate on the current crisis in the Academy, and indispensable to anyone who would play a part in its resolution.



Richard Ferrier teaches at Thomas Aquinas College in Southern California.



“This book shows how the race card is always dealt—off the bottom of the deck.”
—RUSH LIMBAUGH

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STRANGER THAN FACT

Mother & Daughter Face Dumping Penalties

By Judith Schumann Weizner

An 88 year-old widow and her 65 year-old daughter are facing lengthy prison sentences and heavy fines on charges stemming from their failure to obey a recycling ordinance in the northern New Jersey town of East Weston.

Mrs. Frank Basura and her daughter, Mrs. George Rifiuti, have been charged with multiple counts of theft of municipal property, conspiracy to defraud a municipality of its revenue and conspiracy to evade environmental responsibility.

The seriousness of the charges reflects the fact that each woman had been fined on previous occasions and warned about infractions of the town's recycling ordinance, one of the strictest in the state

In 1974, East Weston was the first community in New Jersey to pass a recycling law requiring residents to bundle their newspapers and put them at curbside for pick up by the town, which then sold them and used the money to fund the East Weston Imagination Center for Youth at Risk.

That same year, at the age of 63, Mrs. Basura was widowed. Unsure of her finances and seeking ways to conserve her resources, she started burning wood in the fireplace to lower her heating costs. She soon discovered that a newspaper, rolled tightly enough, would burn like a log, and began, under cover of darkness, to gather the papers that her neighbors had placed at the curb for collection tor use to heat her house.

One night as she was making her rounds, the town's Resources ReUse Coordinator, returning from his monthly State Conservation and Recycling Retreat, spotted Mrs. Basura lifting a bundle of her neighbor's papers. He informed her that she was stealing town property and handed her a summons.

Coincidentally, teens from the Imagination Center for Youth at Risk had recently been caught pilfering trash cans from the town's parks for use in a game called Shoot the Falls, in which they rolled off the edge of a 10-foot cliff attempting to simulate going over Niagara Falls in a barrel. Wishing to send an unmistakable message to the youngsters, the magistrate fined Mrs. Basura \$4,000.

Mrs. Basura was unable to pay the fine and appealed for an alternate sentence. Her appeal succeeded and she was ordered to work at the Imagination Center for 18 months, but this radical change in her daily routine finally obliged her to confess the state of affairs to her daughter, who gladly began collecting papers for her mother in her own town, which did not yet have a recycling ordinance This arrangement worked well for 23 years.

Meanwhile, East Weston had discovered a substantial untapped source of revenue, and passed an ordinance that required residents to collect glass

and plastic bottles and metal cans, sorting the glass according to color, cans according to the type of solder used in the seams, and plastic according to the thermal properties of its polymers. The revenue thus raised soon enabled the town to build the state's first Interactive Environmental and Recycling Recreation Center without resorting to a tax increase. The Center attracted large groups of school children, raising tens of thousands of dollars from admission fees, which were then used to underwrite the recently mandated East Weston Gay Youth Center.

But despite the obvious benefits of the new recycling program, some residents regarded

Her appeal denied, Mrs. Basura prevailed on her daughter to take her bottles, cans, and papers to West Weston, a town 10 miles from East Weston, where trash could be deposited at the Recycling Depot any weekday between 8 a.m. and 4 p.m. This arrangement worked well for several years until one day, when Mrs. Rifiuti arrived at the Recycling Depot, she was asked to produce a West Weston Resident Recycling Depot ID. Unable to do so, she was arrested for dumping without proper identification, a lapse that cost her a \$5,000 fine.

Mrs. Basura's papers, bottles and cans began piling up in her cellar while the two women sought a solution to the problem.

Meanwhile, Mrs. Rifiuti's town of Mullville had begun its own recycling program and Mrs. Rifiuti and her mother agreed that the easiest solution would be for her to take her mother's bottles, cans, and newspapers home with her and put them out with her own. That way they would be subject neither to East Weston's once-a-month nighttime requirement nor to West Weston's residency requirement.

For a time, the plan worked like a charm. Mrs. Rifiuti mixed her mother's trash with her own, carefully removing any labels that might indicate its origin. It was much easier than driving to West Weston, and her mother's cellar was once more free of trash.

However, the sudden increase in the amount of recyclables at Mrs. Rifiuti's curb aroused the curiosity of Mullville's Recycling Compliance Inspector who, unbeknownst to Mrs. Rifiuti, tested the cans for fingerprints and discovered that a third of her cans and bottles had fingerprints that did not match those of anyone in the Rifiuti household. A check of the state's records of convictions for recycling offenses produced Mrs. Basura's matching prints.

While both women have been charged with theft of municipal property, legal experts predict that these charges will be dropped, since Mrs. Basura's trash, having gone directly from her possession to her daughter's, had never been placed at the curb in East Weston and had never been the property of the town, although the state will argue that it should have been.

Each count of conspiracy to evade environmental reponsibility carries a mandatory 3-to-10 year jail term and a \$12,000 fine, while conspiracy to defraud a municipality of recycling revenue is punishable by 12-to-16 years and 1,400 hours of community service. Because of their prior convictions, the women are likely to receive heavy sentences.

Yesterday, sources within the Internal Revenue Service indicated that the agency is preparing to subpoena documents to establish the cash value of the cans and bottles transferred to Mrs. Rifiuti by her mother. If the amount exceeds \$10,000, she would be liable for back taxes on the value of these gifts.



MRS. FRANK BASURA & MRS. GEORGE RIFIUTI

the recycling bins as an eyesore and prevailed on the board of the East Weston Downtown Rehabilitation and Beautification Project to restore the town's former pristine appearance. New regulations were passed, stipulating that the bottles and glass be put out once a month, after dark, on the night before Recycling Cooperation Day, when they would be collected before daybreak and thus never seen by residents.

Because of advancing years, Mrs. Basura found it difficult to haul her bottles and cans to the top of her steep driveway in the shopping cart, and one night, as she toiled in the darkness, she slipped on a patch of ice and broke her hip. As soon as she had recuperated, she applied for an exemption that would permit her to put her trash out during daylight hours, but the Recycling Committee refused her request, citing Section 3.A of the East Weston Downtown Rehabilitation and Beautification Project's Aesthetics Mandates, and reminded Mrs. Basura that anyone attempting to pass off bottles and cans as ordinary garbage risked a ten thousand dollar fine.



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