

FALL 2017

POLITICAL
RESEARCH
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The Public Eye



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In Charlottesville, Virginia, this August, Heather Heyer became the latest casualty of White nationalism—one of nearly 450 people the U.S. Far Right has killed since 1990. When President Trump condemned the violent neonazi marchers in Charlottesville only reluctantly and temporarily, it wasn't courageous; it was too little, too late. We require far more from our elected officials. We call on them to uphold our common humanity as they consider changes to immigration, healthcare, and education, and the need for just foreign policy, law enforcement, and distribution of taxes to fund vital public services. We have no intention of stopping bigotry on the streets only to suffer its continued codification in the laws of our land.

The Unite the Right rally Heyer was protesting didn't arise overnight. Rather, it was designed, over months, to be the largest gathering of its kind in at least a decade. Several weeks earlier, many of the same activists gathered in Tennessee, at the 27th **American Renaissance conference (pg. 3)**. Our reporter, Donna Minkowitz, was in attendance, and found at this "annual spectacle of 'gentlemanly,' 'decorous' White supremacy" a sort of gateway drug for people new to White nationalism. Clad in business wear and pseudoscientific rationales, venues like American Renaissance help lay the groundwork for more overt racist demonstrations elsewhere.

While the rise of naked bigotry has horrified many, these movements are not unstoppable. In an online exclusive, writer Shane Burley delves into the fissures in the Alt Right/Alt Light coalition that predated and helped lead to the deadly rally in Charlottesville. The two groups had come together as an uneasy but potent alliance, as the Alt Right viewed the less ideologically-pure Alt Light as its path to mainstream political power: "a 'stopover' point on the road to authoritarianism." But over the past year, and particularly since Charlottesville, that coalition has strained, presenting an opportunity for progressives to break their momentum.

In addition to resurgent White nationalism, an equally unsettling movement has been building more quietly around the call for a **Convention of States (pg. 9)** that could radically rewrite the U.S. Constitution. As Peter Montgomery reports, the Right's long-term vision isn't just to roll back individual rights, but to dismantle the federal government. One under-reported means to that end is right-wing campaigns to trigger the constitutional mechanism for a gathering of states to propose new amendments. That's no pipedream; currently, one such effort has 28 of the 34 states necessary to call a "Constitutional Convention." And if it's held, Montgomery notes, there's almost no limit to what it could do. As one leader remarked, at a preparatory conference simulation last year, a Convention of States can bypass the president, Congress, and the Supreme Court. "Anything is possible."

Amid these broader battles, the Right continues to chip away at reproductive health care. Scholar Diane Paul looks at the emergence of an **anti-abortion "regulatory moment"** around pre-natal testing (**pg. 15**) that uses disability rights rhetoric to ban more abortions. As prenatal testing has become cheaper and safer, Paul writes, both anti-abortion and disability rights advocates have worried that ubiquitous testing will lead to more "eugenic" abortions to avoid the birth of children with disabilities or genetic abnormalities. While this subject is emotionally fraught and morally complex, the Right's proposed solutions are as disingenuous as their earlier co-option of feminist and anti-racist rhetoric to ban race- and sex-selective abortions. As one disability rights activist has noted, this latest right-wing campaign is intended most of all "to divide and conquer."

While progressive values are under attack on myriad fronts, it's important to remember the positive values that motivate us. Patti Miller finds some of these in speaking with Alabama abortion provider Dr. Willie Parker, about his new book **Life's Work: A Moral Argument for Choice (pg. 20)**. As Parker tells Miller, "I derive that sense of the sacred from my calling to help women in need realize their God-given gifts and agency...To talk about my life's work in these terms is a counter-narrative to all the mischief that is being done in the name of Christianity."

In between issues, PRA will continue its coverage and analysis of the Right, with new blog posts, online-only features, and reports every week, so make sure to follow us at politicalresearch.org.

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ISSUE 92

www.politicalresearch.org

Hiding in Plain Sight

An American Renaissance of White Nationalism

From July 28-30 in Burns, TN, nearly 300 White men in suits and ties—and a smattering of women—attended a sold-out American Renaissance conference, business consultant Jared Taylor’s annual spectacle of “gentlemanly,” “decorous” White supremacy.

Many of the same individuals and organizations who showed up at “AmRen” would also turn out for the violent, openly Nazi-signaling march in Charlottesville two weeks later. But at this confab, intended to attract White people just beginning to dabble in White nationalism, they hid their ideology behind the benign-sounding language of “White advocacy” and “race realism.”

“Race realism” is vitally important to understanding White nationalists’ attempts to recruit beyond their base, based on two supposedly scientific “realistic facts.” First, that White people surpass people of color in intelligence, as “proven” by racially-biased IQ tests, and second, that criminal justice statistics prove people of color’s supposed criminality. A third gambit is that history proves “increasing hatred and violence”¹ occur when different races live together. With these pseudoscientific claims, White nationalists strive to recruit White people resistant to explicit slurs.

AmRen, one of only two U.S. White-supremacist conferences open to the press, does all it can to project an image palatable to the unconverted, who might be turned off by people wearing Nazi regalia, issuing openly antisemitic rants, or flaunting weapons or racist skinhead tattoos.

Instead, attendees are told, “gentle-



Image: www.amren.com

men will wear jackets and ties—equivalent dress for ladies,” a dress code that Taylor told me was instituted because it “encourages a certain deportment and demeanor” that bespeaks “civilization.” The dress code, Taylor’s theatrically stern request that attendees not scuffle with protesters,² conference organizers’ politeness with media, and AmRen’s unspoken ban on antisemitic talk were all intended to make the event seem legitimate and respectable, a worthy entrant into mainstream political discourse.

ASPIRATIONAL SUPREMACY

But an additional purpose of all this³ is to make the gathering seem patrician.

It’s no accident that Taylor uses his Yale alumni email address for American Renaissance communications; that conference-goers talk rapturously about the annual after-party hosted by wealthy Klan lawyer Sam Dickson at an onsite bungalow conference-goers call the “villa”; or that Taylor is one of the Alt Rightists most fiercely opposed to discussing economic inequality. (In a 2014 speech, Taylor called income inequality a “phony debate,” and falsely implied that Whites are little represented among the poor.⁴ This in contrast with other White nationalist leaders, including AmRen attendees Richard Spencer and Greg Johnson, who express anger about exponentially rising income inequality but blame it on “the Jews.”)

Taylor takes the aristocratic aura of his 27-year-old organization very seriously. When I asked him what demands he thought White nationalists should make of the government, he demurred: “Demands are not gentlemanly.”

Yet there is no actual evidence that AmRen attendees have higher incomes than other White people as a group. The most important reason for the AmRen dress code is the semblance—not the fact—of ruling-class membership. Speakers and attendees at the conference kept pointing out the visual difference between themselves and the protesters outside.

“We have the best people,” attendee @Manly_Task noted triumphantly on Twitter, posting a photo of seated conference-goers in business clothes and conservative haircuts. Another Alt Rightist tweeted back, “Imagine being a normie

and seeing some weird, poorly dressed youths harassing a group of well-dressed white men. Wonderful optics at #AmRen.”

From the AmRen stage, Taylor called the shorts- and t-shirt-clad protesters “neither beast nor human,” and in an interview, identified them as “trash,” while Nathan Damigo, founder of the antisemitic, White supremacist campus group

conomic system where only the top five percent can be sure of getting the health care, housing, and social supports they need. Meeting baseline economic needs wasn’t their only goal, though. In essays, tweets, and conversations, White nationalists also imagine that cultural expression, important work, lovely surroundings, and deep social ties will be provided in the White ethnostate of the future.

When AmRen attendees spoke about an imagined future White ethnostate, they were fantasizing about a world where “their talents” would be richly rewarded.

Identity Evropa, tweeted a photo of his members attending AmRen, dressed for all the world like the Young Bankers Association of Louisville. Shortly thereafter, Damigo tweeted, “There is nothing inherently or morally wrong with privilege.”⁵ Yet while Identity Evropa members had barrels of White privilege, it’s unclear that they had all that much of the economic kind; Damigo himself is an ex-con and former Marine enlistee who has described his experiences with severe PTSD,⁶ and who didn’t go to college until he was 28. Other IE members attending included a New York City-based veteran now in nursing school, and a young man from the lower-middle-class neighborhood of Bay Ridge, Brooklyn.

The three-day conference costs \$150 to attend—not something the abject poor could afford, but something working- and middle-class folks could save up for. (Students got a discount.) The conference hotel costs \$89 a night, but AmRen also provides a list of cheaper motels in the area, and it’s possible to camp onsite in the park for less still.

While the White supremacist movement is partly about protecting privilege, that is not its only draw—for many, it’s also aspirational.

When AmRen attendees spoke about an imagined future White ethnostate, they were fantasizing about a world where “their talents” would be richly rewarded—something they see impeded by the improper advancement of people of color over themselves, and not an eco-

There’s a reason beautiful art and architecture from ancient Greece and Rome has become a vital visual motif for White nationalism—the flip side of Pepe and his deliberate, vicious crudeness. American Renaissance sports an Ionian column as its logo; Counter-Currents has used a carved, bearded male head from ancient Greek statuary. The National Policy Institute (NPI) has employed other august, ancient Greek heads along with Doric columns, and Identity Evropa has a fake Latin name. These groups project the beauty and meaningfulness of a part of our collective past⁷ onto an imagined future in which they envision White people being able to realize their humanity in a way not currently available to anyone under capitalist society.

CREATING A BELIEF IN “WHITE INTELLIGENCE”

Underlining this “unique” ability of White people to suffer and experience beauty, four of the six major conference talks were about White people’s inherent “high IQ” and creativity (or as Damigo tweeted, their “cognitive privilege,” which is “where White privilege originates”). Both rank-and-file conference-goers I interviewed, like Minnesota nurse Joan Harris, and AmRen speakers like John Derbyshire, of the virulently anti-Black, anti-immigrant group VDare, were passionate about this notion. They concluded that the reason even White Americans don’t have all their needs met is that “low-IQ” African Americans, Lati-

nos, and immigrants are “given” the perquisites that should be theirs “by right.”

Retired Danish academic psychologist Helmuth Nyborg supplied “data” to support this notion in the first presentation of the conference: a 45-minute PowerPoint about his “Thermodynamic Solar Irradiance Selection (TSIS) Hypothesis,” which postulates that, for evolutionary reasons, “high intelligence” and the potential for “high civilization” are found only in those human beings whose ancestors were born in cold climates. Nyborg, who’s been getting White supremacist work published in academic journals for 30 years, showed charts depicting the relative brain sizes and IQs of people whose genes are alleged to have developed in “very cold, cold, average, warm, and very warm climates.” Nyborg argued that “Northern brains” had given birth to most positive traits in society, including “altruistic sociability” and “potential for democracy.” Explaining away an obvious challenge to this theory, he suggested, “The ancient Egyptian, Greek, and Roman empires may have been started by central European immigrants, from very cold climates, who moved south!”

In fact, all human ancestry can be traced to Africa, and it’s hard to say where any individual’s genes “developed,” given the long history of human migration and mixing. But as he spoke, young White people in the audience listened raptly. Nyborg showed a map borrowed from Charles Murray, author of the notorious book *The Bell Curve*, to illustrate that “almost all the major advancements in science and the arts since the 14th Century” came from White males whose ancestors were born in a tiny, circumscribed chunk of Europe that excluded, among other nations, Ireland, Southern Italy, Greece, and Spain.⁸

That pointed to another way AmRen’s White supremacy was aspirational: the idea that some White groups—primarily Irish and Southern Europeans—are inherently less intelligent and civilized than other White people; in effect, less White. Derbyshire, who is British-born, joked about Irish stupidity and licentiousness.⁹ Taylor said he opposed Polish immigration to Western Europe. Mean-

while, Nyborg declared that the further south one went in Europe, “the lower the IQ, the smaller the brains...the...lower quality of societies.” As historians have noted, in the U.S. prior to the 1940s, the Irish, most Southern and Eastern Europeans, as well as Jews, were frequently identified as non-White.¹⁰ It demonstrates how, for many at AmRen, Whiteness is a quality that must be constantly striven for and “proven,” one that can be granted or taken away.

So why do White people need a movement, if they have so many genetic gifts? Starting in 1870, Nyborg revealed, “high civilization” began to “decay.” The reason: due to “improvement in food sanitation, medication, and care for the feeble...the unfit began to have more surviving children than the fit.” Nowadays, he continued, “Welfare states lead to an increase in low-IQ mothers and unfit children.” As he said this, he pointed to two words on his screen: “Black mothers.” The slide accompanying his talk alleged that the rate of Black mothers bearing “illegitimate children” had risen 67 percent because of income supports given to the poor.

Nyborg went on to bemoan high fertility rates among Muslims and the “fact” that “the fit also use contraceptive means more effectively than the others.” All across the world, he cried, growing progressively more emotional, “low-IQ winners will double in number,” and will only be capable of taking “very slow, simple, supervised jobs” of the sort “disappearing in the very cold eco-type, high-tech societies!”

He ended his talk with an elegiac slide that said, “We are watching a brilliant sun being replaced by a dim half-moon.” The only way to avoid “a new Dark Era” dominated by “the unfit,” he told the group, was to enact the “honorable repatriation of warm eco-types”—that is, to expel all non-White people from Europe, the United States, Canada, Australia, and New Zealand.

APPEALING TO LEFT ECONOMIC INTERESTS

The previous evening, I’d interviewed Steve, a 32-year-old from Milwaukee who worked in retail and was attending the

conference with his mother, Kris. Steve said his extended family had always held “implicitly” racist views, but they hadn’t been coherently “articulated as politics,” the way White nationalism makes them clear. Kris, a bank employee who described herself as an “Identitarian,” told me, “I think White nationalism makes a lot of sense.” She attributed the economic problems she’d seen in the U.S. over the last 10 years to “illegal immigrants who take jobs away from the people.” I also met a 60-ish man from Cleveland who said he’d donated to Bernie Sanders, but who, when Sanders failed to get the Democratic nomination, consciously went on to “vote for the biggest ass in the history of this country,” Donald Trump.

According to a massive study of 2016 election voters,¹¹ 12 percent of those who voted for Sanders in the primary voted for Trump in the general election. There are several ways to interpret this. Some pro-Clinton Democrats have ascribed it almost entirely to unwillingness to vote for a female candidate or one embraced by African Americans. But it’s likely that, for some of these voters, certain Left economic positions (such as free college tuition and higher taxes on the rich) exist alongside racist positions on issues like immigration and police murders of African Americans¹² along with sexist reflexes in voting.

To Klan lawyer Sam Dickson, a close friend of American Renaissance who has spoken at each of its conferences since its inception in 1990, this represents an opportunity. Dickson brought up Sanders in his speech closing the event on Sunday. “In the primaries, Hillary Clinton got the Black vote, and Bernie Sanders got the White vote... It shows a racial subconscious going on, and it also shows a fundamental fissure line within the Left. There’s a rich field of Bernie Sanders leftists for us to work.” Even if you interpret Sanders’ and Clinton’s candidacies differently than Dickson does, his desire to reach out to the White Left should give us pause. As Naomi Klein recently noted, Sanders “could have won if he’d been able to win the support of just half of Black voters. But to do that, he would have needed to clearly and compellingly connect the dots between the country’s deep-

est economic inequalities and the persistent legacy of slavery, Jim Crow laws, and housing and financial discrimination.”¹³ Yet his willingness to confront economic inequities was greater than any other successful politician’s since the 1930s.

Dickson declared, “We must get away from the Left/Right dichotomy. We are racialists, not conservatives.” Others in the White supremacist movement have occasionally found Left economic issues to support: Richard Spencer came out for single-payer healthcare last March,¹⁴ and in a long interview at the conference, Greg Johnson, the virulently antisemitic publisher of Counter-Currents, told me that “the labor movement...was one of the most heroic chapters in American history” and that he supported a guaranteed minimum income. Of course, one of the reasons he loved the (White) labor movement so much was that, as he said, most of it had championed the Chinese Exclusion Act of 1882. Although he has called himself a “man of the Right,” Johnson said, “I want to go back to that trajectory of having a large middle class [and] a strong labor movement”—though in the long run, he means one for White workers only—and large-scale research and development projects “like the war on cancer and the war on AIDS.” Johnson added, “There has been a nationalist Left, and a nationalist Center, and nationalist Right. We will not win if our ideas are entirely confined to the ghetto of the Right.”

HIDING NEONAZISM IN PLAIN SIGHT

Though Johnson has expressed great enthusiasm for Nazi and pro-Nazi writers like Savitri Devi, Julius Evola, Miguel Serrano, and Francis Parker Yockey—in fact, he’s republishing them all through Counter-Currents—he chose to claim, in our interview, that the biggest current problem with the White nationalist movement was people “LARPing [live action role-playing] as Nazis,” “those advocating genocide,” and racist skinheads who follow the ideas of William Pierce, the author of *The Turner Diaries*.

Those ideas are “simply repulsive,” Johnson told me. But just two weeks later, after the march in Charlottesville, he’d engage in a radio debate with White

supremacist, antifeminist activist Vox Day¹⁵ (the pen name of Theodore Beale), in which Johnson endorsed the idea that National Socialists are a “legitimate element of the Alt-Right.”¹⁶ (Additionally, long before Charlottesville, Johnson published dozens of pieces praising Hitler, including several odes to his birthday.)

There’s an easy answer to this seeming contradiction: Johnson likes *real* Nazis—both the historical ones and present-day “National Socialists” who write for his magazine. He just doesn’t like people dressing up as Nazis at public rallies and embarrassing the movement. Those sorts, he told me, “embrace self-marginalization” at a time when “normal American people are more receptive to this movement than ever.” (After Charlottesville, many White nationalists have been debating, like Johnson and Day, how openly to support Nazism. The argument is actually moot; both sides champion an aggressively antisemitic and openly fascist movement and only differ on how publicly to align themselves with Hitler’s historical followers.)

Johnson’s attempt to hide his philo-Nazism in plain sight was like Jared Taylor’s entire project with AmRen: to make White supremacist views look as moderate as possible. In this light, it makes sense that for decades he’s been one of the leaders of the Council of Conservative Citizens, the reincarnation of the old White Citizens Councils that, until recent years, was openly supported by Republicans like Trent Lott, Bob Barr, and Haley Barbour, as well as a few Democrats like Bill Lord, a county chairman in Mississippi.¹⁷ Within the world of White supremacy, American Renaissance serves as deliberately milquetoast branding intended strictly for outreach to those yet to join the movement.

DIALECTIC OF WHITE NATIONALISM AND ANTISEMITISM

Civil rights activist Eric K. Ward has correctly noted that antisemitism “forms the theoretical core of White nationalism,”¹⁸ because White nationalists assume that people of color are too dim-witted and ineffective to fight for civil rights on their own, and thus require the secret direction of Jews. Therefore

it might seem like a contradiction that antisemitism was so carefully kept away from the AmRen stage. But if you think of AmRen’s purpose—making White nationalism palatable for the mainstream—there’s no contradiction.

If you looked, antisemitism was hiding in plain sight all over the conference, from book vendors selling *The Turner Diaries*, which calls for the extermination of Jews, to the neonazi Stormfront activists (like moderator Jamie Kelso) who peopled the aisles. It was even at the podium, grinning at the audience with a finger on its lips. Four prominent speakers this year had previously expressed virulent hatred of Jews: Richard Spencer, Nathan Damigo, VDare’s Peter Brimelow, and Sam Dickson. (Dickson, who closes the conference every year, has edited and written for Holocaust-denial journals *The Barnes Review*¹⁹ and the *Journal of Historical Review*.²⁰) Many attendees posted antisemitic tweets from the conference floor.²¹

AmRen and Taylor actually have an ambiguous history with antisemitism. In the past, Taylor occasionally invited light-skinned Jews who believe in White people’s genetic superiority to speak.²² But he’s also invited speakers who castigate Jews, like Holocaust denier Joseph Sobran, who gave a talk on Jewish power at AmRen 2004.²³ After AmRen attendee David Duke was criticized for making anti-Jewish remarks during an audience Q&A in 2006, Taylor wrote on the conference’s website, “Jews have a valuable role in the work of American Renaissance... Anyone who thinks otherwise has the choice of staying home or keeping his views to himself.” But in a display of “both sides” equivocation that’s become familiar after Charlottesville, he also denounced the behavior of a Jewish attendee, who called Duke a “fucking Nazi,” as “disgraceful.” Making clear that he wanted to keep attracting the antisemites who constitute his base and presenters, he said he supported AmRen speakers and participants “who believe Jews play no useful role in a movement that supports white interests.” He simply wanted antisemites and Jews to agree to disagree at his conferences. “By taking no position,” Taylor said, “AR has served readers who

may be sharply opposed on these questions.”²⁴ Taylor has regularly gone on his close friend Don Black’s Stormfront radio show,²⁵ and often hosted another good friend, Holocaust denier Mark Weber, at his home in Virginia.²⁶

So why does it matter whether such a profoundly racist conference is also antisemitic? Ethically speaking, it makes little difference. It’s horrifying either way. But for the American political center, unfortunately, antisemitism is much worse than White supremacy. One reason is that most White Americans read light-skinned Jews as White and thus views attacks on them as more deserving of attention than attacks on people of color.²⁷ Also, White supremacy is fundamental to America’s political economy in a way that antisemitism is not. This makes it easier for Whites to react against antisemitism than against the racism that still underpins our society. Finally, the history of Nazi Germany and the U.S. role in defeating it is widely taught in schools, making attacks on Jews highly suspect to a broad range of people.²⁸

Yet despite the implicit racism in the view that antisemitism is worse or more morally disturbing, progressives still need to call out White nationalist attacks on Jews as much as attacks on people of color; the movement constitutes a profound danger to both groups.

Jews also function as White nationalism’s cipher for the one percent. Sometimes, this equation is explicit: during the heyday of Occupy, George Hocking stated baldly in *Counter-Currents* that Jews “are the one percent” and “America’s new ruling class.”²⁹ More recently, antisemitic flyers posted at the University of Illinois at Chicago postulated that “the one percent” are not “straight white men” but “Jews,” and therefore that the nation’s most pressing need is “ending Jewish privilege.” On the poster, “the 99 percent” are identified as “goyim.”³⁰

For mainstream White nationalist organs today—such as NPI, Identity Europa, the Traditionalist Worker Party, and *The Occidental Observer*—Jews are the energy behind banks, the finance industry, and multinational corporations, and thus the driving force behind the displacement of “working people,” whom

they envision as being White. Often, these ideas dispersed by the Right have borne fruit in Left spaces. Sonia Lundy, a longtime New York activist and member of Nurses United who staffed the medical tent at the Occupy encampment in Zucotti Park, remembers her surprise at the many young and older Occupiers who spoke to her about “the Rothschilds” controlling society and “the Jews running everything.”³¹

COURTING THE MEDIA THROUGH OB-FUSCATION

Paradoxically, Taylor’s patrician signaling and others’ use of Left ideas reflect a similar desire to court the media and all potential audiences not currently aligned with their movement. Indeed, outreach to journalists is one of AmRen’s most important functions. The group actively works to place its spokespeople in the media throughout the year. For AmRen 2016, Taylor personally invited a writer from Buzzfeed,³² and also scored a reporter from Talking Points Memo.³³ In 2017, AmRen solicited journalists from the *Guardian*, *Slate*, and *Truthout*, as well as authors of progressive books on the Alt Right.³⁴

Before he was well known, Taylor regularly appeared as a “race relations expert” on mainstream radio outlets that did not identify him as a White-supremacist activist.³⁵ Even today, Taylor is regularly sought-after for lengthy interviews in venues like CNN, ABC News, and NPR, joking politely with a host of color about how, individually, she is probably “smarter than most White people,”³⁶ and claiming to be offended when he’s called “White supremacist” or “racist.”

But the actual content of his yearly meetup is anything but polite, making for a schizophrenic experience for those who’ve heard him talk to different audiences. At this year’s conference, Taylor told the crowd that when African refugees try to cross the Mediterranean, people “should make it clear that the minute they get in those boats, they’re gonna get a shell below the waterline. You would only have to sink one boat, and everyone would stay home.” The same thing—immediate execution—he said should also happen “the minute” Mexicans “step

across that border” into the United States.

In one breath, Taylor claimed to get hundreds of fan letters from people of color. In the next, he described the Black Lives Matter movement as “all that howling and gibbering.” In condemning Yale’s recent \$50 million faculty diversity initiative,³⁷ he said it made sense that the project cost so much, since, “Every university is looking for that same Black lady physicist. It’s such hard work looking for unicorns!”

Indeed, despite its framing, openly racist talk suffused the conference. Derbyshire said he was a pessimist and believed “the gorillas”—the slur he used for African Americans—“will gain in strength and power.” Brimelow said, “Hispanics...specialize in rape, particularly of children.” And Johnson, framing his White nationalism in ecological terms during our interview, said “what is now happening to the European peoples” was “habitat loss” similar to what had previously happened to other “species” when they were “forced to compete with similar creatures.” In other words, Johnson said people of color are a nonhuman species that threaten the “habitat” of White people—the only true *Homo sapiens*.

GENDER AND POWER IN THE WHITE ETHNOSTATE

On the last day of the conference, Dickson—an Atlanta real estate mogul whom the Southern Poverty Law Center says earned most of his fortune by “bullying” low-income, Black homeowners out of the deeds to their homes³⁸—unveiled plans for the “future White ethnostate” that most in attendance hoped to achieve. “Democracy is something that is so preposterous,” Dickson said. “If some welfare recipient with an IQ of 80 has a right to vote...” (At the back of the hall, Dickson was selling a 1966 video, *Africa Addio*, about the savagery and stupidity of Africans,³⁹ which was also playing on a continuous silent loop.) Instead, Dickson said the only people who would be able to vote in his imagined ethnostate would be “intelligent,” heterosexually “married men” with “legitimate children,” who had never been divorced. Men who weren’t heterosexually married, or had no children, but didn’t “suffer from per-

sonality defects,” could still run for public office. Women could neither vote nor hold office.

The women in the room—mostly young, totaling around 30 in all (about a tenth of those in attendance) and seeming to be true believers in White nationalism—said nothing.

Then Dickson went on to the issue of “how to deal with the fertility rates,” suggesting that 1930s Germany, which instituted eugenic breeding programs, might provide a model. He proposed that the state should give White men “financial incentives” to have many White children, but speculated that those wouldn’t work with women. “With women, I think there has to be emotional incentives to have children...Women with children would be allowed to wear different clothing” that would “give them greater status than women who didn’t have children,” he announced. “They would get perks,” the more White children they bear.

At this point, the 60-something nurse, Joan Harris, turned to a young woman seated near her. “Do you think this would work with you?” she whispered. “No,” the woman replied.

Men in attendance imagined they would not only accrue rich economic rewards and decision-making power in the White ethnostate, but that women in that world would be pressured to date, have sex with, and perhaps love them. Hearing these plans sketched out, it’s unsurprising that the White nationalist movement has blended so seamlessly with the manosphere; it is offering White men a vision of the future in which everyone recognizes them as the best and the brightest, and they have guaranteed economic, social, and even sexual success.

So-called “White sharia”⁴⁰—the idea that the sexuality, reproduction, daily life, and right to consent of White women should be controlled by White men in the White supremacist state—has become a controversial topic in White nationalist circles this year, and Dickson appeared to support it at least in part. Though Johnson criticized “White sharia” as anti-women in our interview, he has published articles by others defending the idea.⁴¹ And in an essay on abortion, Johnson said, “The position I favor

on abortion in a White Nationalist society is that some abortions should be forbidden, others should be mandatory, but under no circumstances should they simply be a matter of a woman's choice."⁴² Richard Spencer recently made similar comments: "Contraception has been terribly dysgenic...We want to be eugenic... We want smart people to have more children. I don't think we should, as the Alt-Right, be uncritically pro-life."⁴³

In other words, they believe in mandatory births, in some cases, for White women, and mandatory abortions for women of color. "The idea that every being that is human has a right to life... that's not how we think as identitarians!" Spencer said. "We should be genuinely suspicious of people who think in terms of human rights."⁴⁴

AFTER CHARLOTTESVILLE

Beyond AmRen's functions as an orientation for newbies and a kind of media postcard, it also presents a rare opportunity for different sectors of the movement to meet and strategize. For the near term, presenters and attendees pushed electoral politics (the American Freedom Party, of which Taylor is a member, had a strong showing at AmRen and is encouraging candidates to run on the local level⁴⁵); campus organizing; and their main toolkit of the past two years, combining the proliferation of websites, forums, and videos with trolling, meme dispersal, and demonstrations.

Violent and revolutionary tactics are rarely discussed from AmRen's podium, except in allusive ways, such as this statement by Dickson in his closing talk: "The breach could come from military overreach, or the collapse of the economy... Hopefully, it will be as bloodless as possible." But of course, other White nationalist groups do incorporate such strategies.

Charlottesville knocked the movement on its posterior. In the wake of openly neonazi chants, the battery of counter-protesters, and the murder of Heather Heyer, organizations like NPI, Stormfront, and *The Daily Stormer* lost their web domains, and in some cases, their access to PayPal, Facebook, and YouTube. Some activists whose identities were uncovered lost jobs or the support of their

families; others left the movement out of fear. This has resulted in a renewed, urgent discussion in White nationalism about tactics going forward. Recently, Eli Mosley, the new head of Identity Evropa, tweeted, "There is no possible way we can shitpost our way to victory and we must move from an online movement to the real world." Evan McLaren, the young, new executive director Spencer has hired to help him manage NPI, engaged in an illuminating Twitter conversation with @AndreasDonner, a White nationalist who had criticized NPI and the Alt Right for "fail[ing] to produce any plan at all to secure an ethnostate." McLaren responded, "The ethnostate is now a more widely-contemplated idea because of Spencer and the Alt Right. We do all the things that are preconditions to the ethnostate. But preparing people for this task requires a broader *kulturkampf*."

Spencer himself is focusing on highly publicized attempts to book talks on college campuses, with the intention of generating media coverage when universities push back. Meanwhile, at AmRen, Martin Lichtmesz, a leader of the German and Austrian Identitäre Bewegung ("Identity Movement"), urged Americans to adopt strategies he's found effective in Europe: nonviolent direct action reminiscent of ACT UP, the radical U.S. AIDS activist group that succeeded in changing the national conversation in the '80s and '90s, albeit to a wildly different, far more ethical end. Lichtmesz's movement has generated enormous publicity by scaling the Brandenburg Gate with mountaineering equipment and hanging a banner reading "Secure Borders, Secure Future"; covering the famous Vienna statue of 18th Century empress Maria Theresa with a burqa; and disrupting a pro-refugee theater performance with fake blood.

These theatrical, "audacious" protests, Lichtmesz said, were "designed to gain public sympathy." By using forms of protest pioneered by the Left and employing the "progressive" language of Identitarianism (the idea "that every people has a right to their homeland, and to defend its own culture, identity, and heritage," as Lichtmesz put it), while steering clear of explicitly racist and neonazi rhetoric,

American White nationalists might win new converts, too. (Then again, Lichtmesz donned a Confederate flag lapel pin at the conference; it's unlikely the U.S. movement has the discipline to suppress overt racism in pursuit of their agenda, either.)

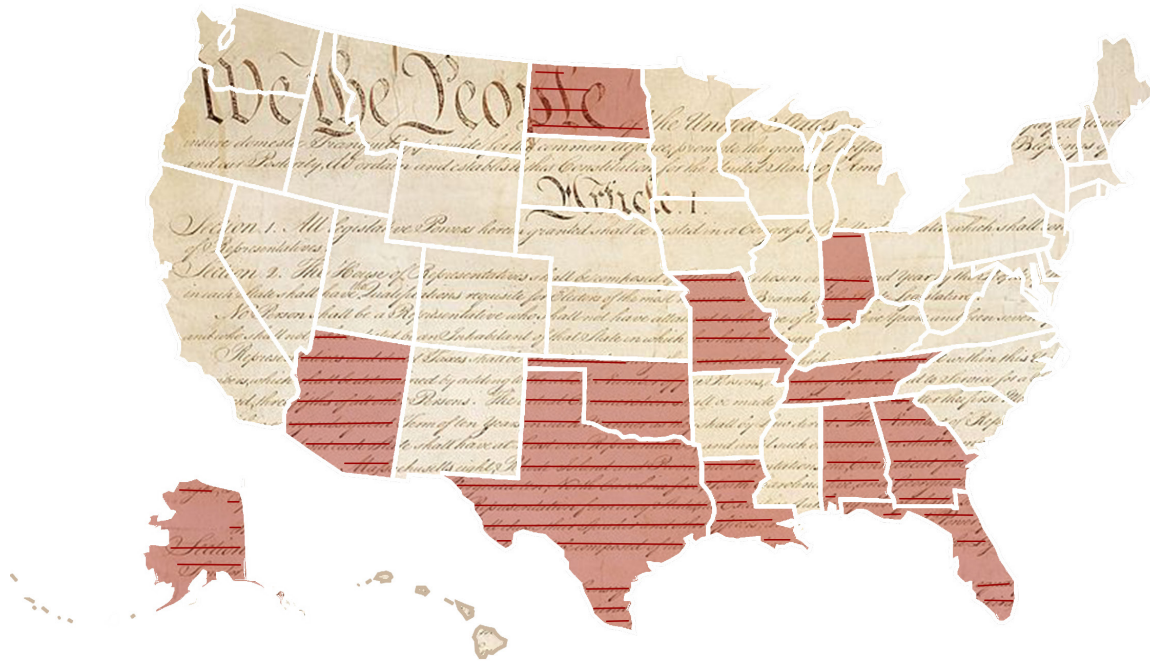
What should the Left's response be? In this case, the opposite of one-off theatrical actions and Instagram-able protests: a long-haul, multiracial, grassroots effort to educate the country on the profound connections between race and class, and the connections of both to gender.

It's a tall order, I know. But if we are to learn anything from the eruption of fascist, White supremacist organizing on both sides of the Atlantic, it should be that economic crisis and class conflict can accrue to the benefit of the Right as easily as the Left. It should be that, as labor historian Jefferson Cowie recently put it, "real world" working-class politics in America "is a messy stew of populist, communitarian, reactionary, progressive, racist, patriarchal, and nativist ingredients."⁴⁶ It should be that no group or class in America is inherently progressive, and no division lifted above others as essential.

Candid, self-supporting, but nonjudgmental solidarity is the only way forward: a true integration of issues (gender, race, class, sexuality, and others) with multi-issue education. A fight that targets systems, not "elites" who can turn into amorphous scapegoats, and radical coalition-building that combines assertiveness and humility are needed. It's a daunting task, but nothing less is required. ☺

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Will Corporations, the Christian Right, and the Tea Party Get to Rewrite the Constitution?



Former U.S. Senator Jim DeMint (R-SC), the Tea Party icon who helped bring Ted Cruz (R-TX) and Mike Lee (R-UT) into the Senate, was ousted after four years as president of the Heritage Foundation in May 2017.¹ DeMint had thought he would have more influence on policy from his perch at Heritage than he had in the Senate. But as it turned out, there was not only life after Heritage, but the possibility of greater influence still. “I feel like the Lord knows what He’s doing,” DeMint told broadcaster Glenn Beck, because now “I’m in a place where I can make a much bigger difference.”²

The place where DeMint could make a bigger difference than as senator or head of the 800-pound gorilla of right-wing think tanks is Convention of States,³ a group mobilizing an effort to rewrite the U.S. Constitution through a set of amendments that would drastically limit the taxation, regulatory, and oversight powers of the federal government and

restructure our constitutional order into one focused on states’ rights. DeMint joined the group as a “senior advisor” and sees the project as a new Tea Party mission that’s “much bigger than the Tea Party.”⁴

Convention of States is a political alliance between elements of the anti-regulatory Corporate Right and the Christian Right, organizing toward a constitutional convention that would destroy the underpinnings of Great Society projects like Medicare and food stamps, and New Deal programs like Social Security. They’re also turning their sights on the progressive gains from the turn of the 20th Century, such as the 16th Amendment, which allows the federal government to collect income taxes and which they believe started the disastrous course toward big government.

This effort, like the older, more focused drive for a convention to advance a balanced budget amendment, is promoted in part by the libertarian Koch

brothers’ network—often called the “dark money ATM of the Right”—and the right-wing organizations they fund, like the American Legislative Exchange Council (ALEC).⁵ And it draws support from Christian Right figures rooted in Reconstructionist theology that believes God reserves tasks like education or caring for the poor for churches and families, not government.

Americans who feared the election of Donald Trump and Republican majorities in Congress would undermine Obama-era victories on healthcare and LGBTQ equality were right, of course. But that’s the tip of the iceberg. These battles represent a tiny piece of the Right’s long-term political vision of dismantling the federal government.

Political Research Associates published significant work in 2013 and 2014 by Frederick Clarkson, Rachel Tabachnick, and Frank Coccozzelli on right-wing approaches to limiting or eroding the power of the federal government. These

included various proposals for interstate compacts and different convention proposals.⁶ Also covered were threats of secession and civil war, and arguments for nullification⁷—the theory, repeatedly rejected by the Supreme Court, that states can ignore or defy federal laws or court rulings they deem unconstitutional. Some segregationists championed nullification as a response to *Brown v. Board of Education*, and some on the Right still call for a nullification strategy to resist developments on immigration,⁸ abortion rights, and marriage equality.⁹ All this is part of the political and religious context in which the rise of Convention of States is happening. And it has gone profoundly underreported.

Article V outlines two approaches for altering the Constitution. Every constitutional amendment to date has followed the first: Congress proposes an amendment with a two-thirds vote of both houses; it becomes part of the Constitution if it is ratified by three-quarters of the states. The second approach requires Congress to call a “convention for proposing amendments” when two-thirds of states apply for one via their state legislatures. Any proposed amendments would also require approval by three-quarters of the states before ratification.

Organizers of a convention focused on a balanced budget amendment have 27 of the 34 states required and have identified nine targets to take them toward their goal, which they hope to reach by July 4, 2018.¹⁰ The broader anti-federal-government Convention of States proposal has been approved by legislatures in 12 states; in nine more, a call passed one house of the legislature. According to Convention of States, more than 20 states considered legislation in 2017.¹¹

A SOLUTION AS BIG AS THE PROBLEM

States have long used the threat of a convention to pressure Congress to propose desired constitutional amendments. In the 1960s, 33 states called for a convention to oppose the Supreme Court’s “one person, one vote” rulings, which some feared would hurt rural interests; momentum faded as concerns about the uncertainties of calling a convention arose and the feared impacts on

rural areas failed to materialize.¹²

Conservatives opposed to government growth and worried about deficit spending have made repeated efforts to get a Balanced Budget Amendment into the Constitution, either via Congress or an Article V convention. After a flurry of organizing and state applications in the 1970s and ‘80s, the effort had gone somewhat fallow. But with a focused effort by the Balanced Budget Amendment Task Force since 2010¹³ and a push from ALEC, proponents of a Balanced Budget Amendment have come within striking distance of the 34 states required to trigger the Article V mechanism. Complicating the picture is an effort led by the Texas-based organization Compact for America, which is promoting a balanced budget amendment through an interstate compact, under which groups of states legally commit themselves to a joint project (usually around regional issues such as water use). Its supporters argue that this “next-generation Article V movement” could lead to a much quicker ratification process once enough states have signed on.¹⁴ As of August 2017, Compact for America listed five states as members.¹⁵

But even as balanced budget advocates advanced, another right-wing movement, Convention of the States, emerged, pushing states to go bigger and bolder. They want to call a convention to consider amendments in three areas: fiscal restraints on the federal government, including limits on taxation; limiting government power and “restoring the Constitution to its original intent,” which could include restrictively redefining the Constitution’s general welfare and commerce clauses; and imposing term limits on all federal officials, including the judiciary.¹⁶ Advocates call their proposal “a constitutional solution that’s as big as the problem.”¹⁷

Further muddying the waters is the fact that not every convention advocate is right-wing. Progressive activist and Young Turks host Cenk Uygur started a political action committee, Wolf-PAC, which in 2011 began urging state legislators to call a convention to propose a constitutional amendment to overturn the Supreme Court’s *Citizens United* deci-

sion and empower Congress to limit the role of money in politics.¹⁸ The effort has created conflict between Uygur and Common Cause,^{19,20} a national group focused on the influence of money in politics that supports a constitutional amendment but opposes the convention route.²¹ In 2016, Rhode Island became the fifth state to approve a convention call to consider an amendment on “free and fair elections.”²²

Activists who have been working to sound an alarm about the threat of such conventions say their biggest problem is that people haven’t been aware of the Right’s efforts and what they could mean: that, in the words of Democracy 21’s Fred Werthheimer, “Every constitutional right and protection would be up for grabs.”²³

WHO’S BEHIND THIS?

The campaigns for a balanced budget amendment and larger anti-federal-government convention are promoted and funded by many of the same people who brought the Tea Party to prominence.

ALEC, which hosts conferences to introduce conservative legislators to model bills drafted with corporate lobbyists, has been a key venue for promoting the Balanced Budget Amendment, the Compact of States, and in recent years, the Convention of States, for which it has a model resolution states can use to make the request to Congress.²⁴ ALEC claims membership of “nearly one-third of America’s state elected officials.”²⁵ In July 2017, Jim DeMint discussed Article V at a Denver ALEC meeting, and the need to enlist “the support of state leaders to save the American republic.”²⁶

Gov. John Kasich (R-OH), a high-profile supporter of a Balanced Budget Amendment and an Article V convention to achieve it,²⁷ played a “key role” in getting Wyoming to request a BBA convention in 2017, and has been active in other state campaigns.²⁸

The broader Convention of States is a project of Citizens for Self-Governance. Mark Meckler, a founder of the Tea Party Patriots, launched the group in 2012, and it has participated in ALEC conferences since 2013. Sarah Palin has cut at least two videos promoting it, and en-

couraged her followers to weigh in on state-level resolutions.²⁹

In April 2017, *Fusion* reported that Citizens for Self-Governance (CSG) has received millions from Koch-affiliated groups and the Trump-supporting Mercer Family Foundation.³⁰ CSG's 2015 filing with the IRS reported revenues of \$5.7 million, up from just over \$1 million in 2010.³¹ The Center for Media and Democracy documented "a web of Koch-linked groups having provided nearly \$5.4 million to CSG from the group's founding in 2011 through 2015."³²

The chairman of Meckler's board, Eric O'Keefe, has a long affiliation with the Koch brothers³³ and has founded and funded a number of right-wing groups, including the Wisconsin chapter of Club for Growth.³⁴

Former U.S. Sen. Tom Coburn (R-OK), one of the group's spokespeople, wrote, "Our national soul is being corrupted by Washington's unhindered and unconstitutional overreach." He concluded that a convention of states is "a means to smite the federal Leviathan."³⁵

Coburn's 2017 book, *Smashing the DC Monopoly: Using Article V to Restore Freedom and Stop Runaway Government*,³⁶ may be the most unvarnished expression of the ideology behind the movement, arguing that social safety net programs have created "a government-dependent 'nation of takers.'"³⁷

Coburn complains that progressives put an end to the era of small government at the turn of the 20th Century,³⁸ and that the Great Depression and New Deal "forged an alliance of activist courts and big government."³⁹ Incredibly, he also cites Jefferson Davis lamenting in his memoirs that the Civil War might have been avoided had a convention of states been assembled "to consider the relations of the various States and the Government of the Union"⁴⁰—in other words, he believed war could have been avoided if states had approved an amendment preserving chattel slavery in southern states and allowed its expansion in southwestern territories.

Joining secretive dark money networks and ALEC in support of the Convention of States' effort are some high-profile Religious Right activists.

Meckler says CSG was originally conceived of by Michael Farris, the founder of Patrick Henry College who in 2017 became CEO of the conservative Christian legal group Alliance Defending Freedom.⁴¹ In April 2015, Farris told David Brody of the Christian Broadcasting Network, "When people tell me that it's impossible to do this I go, 'Cool. That means it's going to be a God project not a Mike Farris project.'"⁴²

In September 2014, a group of conservative lawyers and law professors, including Liberty Counsel's Mat Staver, Catholic neoconservative strategist and anti-marriage-equality activist Robert P. George, and attorneys John Eastman and Charles Cooper, got together to talk about the Convention of States.⁴³ They came up with "The Jefferson Statement," which calls an Article V convention the "only constitutionally effective means available to do what is so essential for our nation—restoring robust federalism with genuine checks on the power of the federal government."⁴⁴

The website of Citizens for Self-Governance features a link to "The Bible & Politics," a website that appears to be a partnership between CSG and David Barton's Wallbuilders.⁴⁵

Barton's involvement suggests the degree to which convention advocates' limited-government approach is informed by Reconstructionist theology that has been adopted widely within the Religious Right.⁴⁶

Some Christian Right advocates have made explicit calls for an Article V convention. For example, after the Supreme Court's 2015 marriage equality ruling, Family Research Council President Tony Perkins said he believed a Convention of States should be called to amend the Constitution regarding marriage.⁴⁷ When Coburn appeared on the American Pastors Network's "Stand in the Gap" program in June 2017, he declared the Supreme Court "has divided us" by making decisions that should have been left to the states. While there isn't a major organized push for a convention to deal with amendments on social issues, the Arkansas Senate passed two resolutions in March, one calling for a convention to draft amendments to define marriage

as between a man and a woman, and another to declare that life begins at conception.⁴⁸ Both amendments failed in the state House.⁴⁹ But regardless of the fate of such specific attempts, the broader Convention of States movement could restrict the federal government's ability to protect women's right to choose or equality for LGBTQ people.

HOW WOULD A CONVENTION OF STATES WORK?

One bracing aspect of all this is that no one knows how a convention would work.

A few basics are relatively uncontested. A convention must be called if Congress determines that there are valid requests from 34 states to deal with the same topic. Given the increasing interest in this subject, since 2015 the House Judiciary Committee has tracked the applications for Article V conventions of any sort.⁵⁰

Once Congress calls for a convention, state legislatures would determine how to choose their delegates, and what direction to give them. Proponents say each state would get one vote, over-empowering small and rural states. A majority of states could approve proposed amendments, which Congress would then return to the states. If a convention were held, and approved a proposed amendment, Congress would determine whether state legislatures would make the decision on ratification or if state-level conventions would be held.

Common Cause, which has led opposition to convention proposals (and where, in full disclosure, the author worked decades ago), believes "there is too much legal ambiguity that leads to too great a risk that it could be hijacked by wealthy special interests pushing a radical agenda."⁵¹

One scholarly paper laid out the threats a convention could pose, in addition to the economic and social damage,⁵² by enacting a federal Balanced Budget Amendment. Its authors, the Center on Budget and Policy Priorities' Michael Leachman and Georgetown University law professor David Super, warned that delegates to such a convention, presumably under pressure from powerful interest groups, could write their own rules, set their own

agenda, and declare a new ratification process for proposed amendments.⁵³

The possibility that delegates to a convention called for one purpose—say, to pass a Balanced Budget Amendment—could decide to act on other amendments once they convene is generally referred to as a “runaway” convention. Concern about this possibility has animated opposition from across the political spectrum.

The question of whether a convention could be restricted to dealing with amendments only on certain topics is hotly contested. Some, like Article V proponent Robert Natelson, argue that the threat of a runaway convention is a myth, and portray it as a conspiracy theory promoted by supporters of the status quo.⁵⁴ But others note that the Constitution itself was written at a convention originally called “for the sole and express purpose of revising the Articles of Confederation.”⁵⁵ Instead, delegates wrote an entirely new Constitution—and lowered the Articles of Confederation’s requirement that all states consent to amendments to a three-quarters threshold. Says David Super, “It turned out OK—the Articles were replaced with the vastly superior Constitution. But the point is this: No one—not Congress, not the Supreme Court and certainly not the president—has any authority to rein in a runaway constitutional convention.”⁵⁶

The desire to downplay the risk of a big rewrite explains why proponents resist the use of the shorthand term “Constitutional Convention”—often referred to as “Con Con” by opponents—for describing what they’re trying to do. Supporters of both major Article V campaigns—the balanced budget and the broader anti-federal-government versions—have sought to allay runaway fears and portray the process as safe and predictable by holding planning meetings and practice gatherings of state legislators.

ALEC staged a “simulated” convention in Williamsburg, Virginia in September 2016, calling it “an important and reassuring window into the future.”⁵⁷ The Convention of States organization called it an “amazing” success.⁵⁸ How reassuring you find it might depend on what you think about the proposed amendments approved at the gathering,⁵⁹ which

would:

1. Empower states to void any new or existing law, executive order, or regulatory rule issued by Congress, the president, or federal regulatory agencies if three-fifths of the state legislatures vote to do so.
2. Restrict Congress’s power by “returning the Commerce Clause to its original meaning” and forbidding it to “regulate or prohibit any activity that is confined within a single state regardless of its effects outside the state.” Rep. Jamie Raskin (D-MD), a former constitutional law professor, has written that the Commerce Clause may be “the most important constitutional instrument for social progress in our history.” He cited right-wing efforts over the years to use a cramped interpretation of the clause to challenge laws on child labor, civil rights, and health care.⁶⁰ Currently, the right-wing Pacific Legal Foundation is arguing in federal court that the federal government lacks the authority under the Commerce Clause to protect an endangered species that lives in only one state.⁶¹
3. Forbid the federal government from taxing income, gifts, or estates and require three-fifths vote by the House and Senate to impose or increase any taxes.
4. Allow one-quarter of the members of either the House or Senate to declare opposition to any new or existing federal regulation. A challenged regulation could not go into effect without majority approval of both House and Senate.
5. Require a two-thirds vote in both houses of Congress to increase public debt.
6. Impose term limits on members of Congress.

At the invitation of the Arizona legislature,⁶² advocates for the Balanced Budget Amendment held their own planning session in Phoenix in September 2017. Twenty-two states sent delegates to the meeting, which was designed to develop rules for an eventual Balanced Budget Amendment convention. “There was a proposal to allow a convention to change its scope with the approval of two-thirds

of the states,” according to a news report of the gathering. “It was withdrawn after heated debate.”⁶³

Organizers portray the meeting as providing evidence that “runaway” fears are misplaced. But none of the rules devised at these or other such meetings would be binding on any actual convention.

Convention opponents also note that there are basically no rules about the role of money. The selection and lobbying of delegates would almost certainly become a big-spending free-for-all by the same groups that push for an amendment—as well as wealthy opportunists who get involved once a convention becomes inevitable.

On top of that, say Leachman and Super, “No other body, including the courts, has clear authority over a convention.”⁶⁴ This may sound like a formula for constitutional crisis, but it’s a selling point for convention advocates. Speaking at an ALEC conference, right-wing pundit and radio personality Mark Levin, who wrote a book promoting a set of constitutional amendments,⁶⁵ extolled the power that Article V gives to state legislators; in a convention, he said, governors have no role, the president has no role, and Congress’s only role is that it’s required to call a convention when enough state petitions accrue.⁶⁶

Convention proponents are trying to attract bipartisan support from state legislators by emphasizing their power, and the power they could gain, under an Article V convention. When Convention of States advocate Mark Meckler testified before the California state Assembly’s Judiciary Committee in April 2016, he stroked legislators’ egos, saying the state legislature is where “I place my trust,” rather than Washington, D.C. “It is time for the states to rise up, on an individual and collective basis, to take their power back,” he continued, so that “esteemed members of legislatures like you” can make decisions affecting constituents’ lives.⁶⁷

At a news conference held at last year’s simulated convention in Williamsburg, Meckler told attendees, “You have the power to bypass the president, Congress, the Supreme Court—to throttle down the federal government to get it out of our

lives and to get it back to what the Founders intended. Anything is possible. We are the impossible nation.”⁶⁸

And if a Balanced Budget Amendment were passed and Congress ignored it, says former Republican Alaska state Senator Fritz Pettyjohn,⁶⁹ another convention could “propose any number of solutions” to deal with it. “One would be to dissolve Congress and elect a new one. When you’re the sovereign, you can do that.”⁷⁰

WHAT’S AT STAKE?

The idea of requiring the federal government to operate within a balanced budget has a gut-level appeal. Citizens must balance household budgets, after all. But even families borrow money to buy cars and houses or pay for education. An amendment that prohibits federal deficit spending or borrowing could make recessions longer and deeper, threaten programs like Social Security, and cast uncertainty “over the economy that could retard economic growth even in normal economic times,” according to Richard Kogan of the Center on Budget and Policy Priorities.⁷¹ Kogan noted that in 2011 the prominent economic forecasting firm Macroeconomic Advisers concluded that a Balanced Budget Amendment proposed that year would have had a “catastrophic” effect on the economy, doubling unemployment.⁷²

Of course, the federal budget is a complicated beast and there are many ways to write an amendment. But if you think gridlock makes governing hard now, imagine that the Heartland Institute’s version of the Balanced Budget Amendment gets ratified, and every congressional decision that involves deficit spending or borrowing has to be approved by a majority of states representing a majority of the U.S. population.⁷³

Broader amendments designed to make social welfare programs and much of the regulatory state unconstitutional would create even more havoc. But for people like Jim DeMint⁷⁴ or Mark Levin, major constitutional change is the only solution to “an age of post-constitutional soft tyranny.”⁷⁵

“The COS strategy, if successful,” warns Arn Pearson, “would radically re-

verse the Constitution’s structure of state and federal power sharing in a way that goes to the heart of what it means to be “united states.”⁷⁶

HOW LIKELY IS A CONVENTION?

Common Cause President Karen Hobert Flynn told *The Public Eye* that the best way she’s found to get people’s attention about the threat of an Article V convention is to “show them the map.”

Thanks to Republican investments in building political infrastructure and state-level power, conservatives have a historic level of control in state legislatures: Republicans control both houses in 32 states and dominate the legally nonpartisan unicameral legislature of Nebraska. With 34 states needed to trigger a convention, it would only take a unified GOP plus “the help of only a few Democrats in a single state to reach the mark,” the *Associated Press* noted in 2016.⁷⁷ As Yale University law professor Akhil Reed Amar notes, “The overwhelming success of one political party at the state level is something of real constitutional significance.”⁷⁸

The Balanced Budget Amendment Task Force says it has 27 of the 34 states needed to call for a convention. Its 2018 targets include Idaho, Kentucky, Minnesota, South Carolina, and Virginia.⁷⁹ They’d be even closer, but in the last two years, opponents of a convention have convinced legislators in four states—Delaware, New Mexico, Maryland, and Nevada—to rescind their earlier support.

The Convention of States’ proposal has, in a much shorter period, been approved by legislatures in 12 states; in nine more, a call passed one house of the legislature. Another 20 considered legislation in 2017.⁸⁰ Coburn predicts an additional eight to 10 states will adopt the broader Convention of States call next year.⁸¹ If he’s right, the Convention of States could be a central part of our national political discussion for the foreseeable future.

Several people familiar with the convention campaigns say there’s bad blood between the two major efforts, which compete for funding, activists, and legislative allies. Coburn told participants at the 2017 ALEC conference that passing a Balanced Budget Amendment addresses

the symptom and not the disease, which is the broad authority of the federal government.⁸² Conversely, says Common Cause’s Jay Riestenberg, the broad agenda of Convention of States advocates tends to give credence to fears of a runaway gathering rewriting the Constitution—which hurts the balanced budget effort.

Even with these differences, the groups sometimes collaborate. In 2017, the two campaigns joined forces in Nevada⁸³ in a failed effort to stop the resolution that rescinded the state’s call for a balanced budget convention and other requests for an Article V convention dating back to 1903.

The successful campaign to withdraw Nevada’s calls for a convention was a bipartisan effort.⁸⁴ An activist with Eagle Forum, the group founded by the late Phyllis Schlafly, helped win Republican support.⁸⁵ Schlafly, one of the most ardent conservative opponents of a constitutional convention, described it as “playing Russian Roulette with the Constitution,”⁸⁶ and mocked supporters like Mike Huckabee, Marco Rubio, and Bobby Jindal, asking why we should expect a bunch of politicians “would do a better job than the most brilliant political thinkers in American history?”⁸⁷ The John Birch Society has also long opposed convention proposals.

Perhaps in a quiet nod to the appeal of a broader convention and the numerical advantage held by the balanced budget effort, most of the Balanced Budget Amendment resolutions enacted in the last three years, and in ALEC’s model legislation, include an additional clause: “together with any related and appropriate fiscal constraints.”⁸⁸ That could be a stealthy way to turn a balanced budget convention into something with a broader agenda. ALEC’s handbook says that phrase “enables the convention to consider limits on taxes, spending and the like.”⁸⁹ Leachman and Super warn that it “opens the door to any constitutional amendments that a convention might decide fit under this broad rubric.”⁹⁰

WHAT LIES AHEAD?

Right-wing efforts to convene an Article V Convention depend on conser-

vative domination of state legislatures. That makes the future of the Constitution itself one of the most important, if underappreciated, stakes in state-level organizing.

Balanced Budget Amendment advocates will make a major push in 2018 to reach the 34-state threshold.⁹¹ The Convention of States has more ground to cover, but it also has an aggressive battle plan grounded in grassroots pressure. Meckler claims that the Convention of States Project has “over 2.1 million supporters nationwide and an organized volunteer leadership team in all 50 states, in addition to our national staff and board of renowned legal advisors.”⁹² He outlined his strategy in 2013:

In roughly 4,000 state legislative districts around the country, you need roughly 100 people in each district to be willing to call their legislative representative and ask for a convention... That’s not a high bar. And I started talking to representatives all over the country and they said, “We don’t get 100 calls on anything. If you can generate a hundred calls then we’re going to be motivated to at least take a serious look.”⁹³

Jim DeMint said that in Texas, which passed a convention call in 2017, it was conservative grassroots power that made the difference.⁹⁴ That, along with a major push from Texas Gov. Greg Abbott, overcame a lack of support from the public at large, as well as some conservatives’ doubts. A University of Texas/Texas Tribune poll in June 2017 revealed that even among self-described Tea Partiers, given a choice between leaving the Constitution alone and holding a convention of states, the “leave well enough alone” option won 57 to 40 percent. Among all Texans, it won 54 to 28 percent.⁹⁵ Even so, organizers don’t think they need to increase popular support as long as they can motivate their activist army to push legislators into action.

But opponents have also been organizing, as evidenced by the four states that withdrew their convention calls in the past two years. In April 2017, Common Cause released a letter signed by more than 200 public interest organizations,⁹⁶ from the AFL-CIO to NAACP to Green-

peace, opposing all calls for an Article V Convention and urging states to rescind previous calls.⁹⁷

“The implications of a Constitutional Convention are staggering,” said Robert Greenstein, president of the Center on Budget and Policy Priorities, when the letter was released. “Our country faces enough problems and division. We don’t need to add to them and inflame an already toxic political environment by placing at risk the constitutional structure that has served us well for more than two centuries.”⁹⁸

Convention proponents counter that even if something horrible came out of a convention—depending on your politics, nightmare scenarios include a rewrite of the First or Second Amendments—the 38-state threshold for ratification would serve as a check on dangerous additions to the Constitution. But Common Cause’s Viki Harrison, who worked on the successful effort to get New Mexico to rescind its convention application, said these assurances are “like setting your house on fire and praying the fire department will show up.”⁹⁹ Ratification battles could “tie the country up in knots,” Wertheimer adds, and would require enormous investments of time, resources, and organizing energy—all without any rules about how money would influence the process.¹⁰⁰

Wisconsin Democratic state Rep. Chris Taylor noted that the reality that just 13 state legislatures could prevent ratification of a damaging amendment was little comfort. After watching the Bradley Foundation and Koch brothers dismantle her state’s progressive tradition, she said, “I have learned never to underestimate the Right.”¹⁰¹

At its worst, said another Common Cause state leader, Maryland’s Jennifer Bevan-Dangel, a Convention of States threatens to look like redrafting the Constitution “in the age of Twitter.” Issues crucial to the wellbeing of millions of Americans would be hashed out “in a back room with no referee, no clear rules, no guarantee of transparency,” but the almost assured involvement of figures like the Kochs.¹⁰²

A return to an earlier constitutional order, in which the federal government’s

ability to regulate corporations and protect the public interest is severely constrained, is the end toward which decades of right-wing investments in think tanks, media networks, and legal and political organizations have been directed.

Trump’s election was not their purpose, but his presidency can serve their goal of filling the federal courts with judges who share the reactionary view of the Constitution championed by organizations like the Federalist Society and Heritage Foundation, which pre-approved Trump’s list of potential Supreme Court justices. Consolidated right-wing ideological domination of the federal judiciary would be disastrous, but perhaps not as devastating as a far-right rewrite of the Constitution itself.

The stage for an Article V convention that bypasses Congress, the White House, and the Supreme Court has been set by the massive investment in state-level politics by the Koch networks and their allies. The Tea Party election of 2010 gave Republicans a powerful hand in redistricting; partly as a result, Republicans control almost 1,000 more legislative seats now than they did in 2008—the most state legislative seats in the history of the GOP.¹⁰³

An energized progressive movement focused on reversing right-wing gains at the state level is essential to stopping the momentum of Article V campaigns. There are glimmers of hope in the array of organizing efforts designed to put progressives into state offices. And there have been victories: four wins in September in New Hampshire, Oklahoma, and Florida brought the number of Republican-to-Democratic turnovers in contested state House and Senate races in 2017 to eight.¹⁰⁴ Those victories put progressives on a positive trajectory but are only a tiny down payment on what’s needed for 2018 and 2020. 🇺🇸

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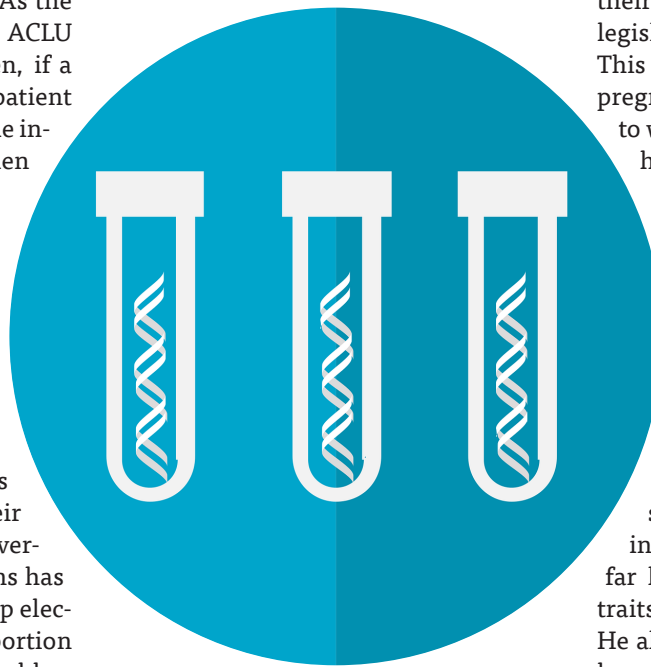
Prenatal Diagnosis, Reproductive Rights, and the Specter of Eugenics

In 2014, the state of Virginia enacted legislation shielding health care workers who provide genetic counseling from lawsuits if they withhold test results they think might dispose a woman to have an abortion. Although counselors can't lie about results, they no longer have to disclose them. As the executive director of the Virginia ACLU noted, "The way the law is written, if a genetic counselor doesn't think a patient will make 'the right choice' with the information you give them, well, then you don't have to tell them."¹

Advocacy of such "conscience clauses" is but one element in a recently accelerating campaign to restrict reproductive rights.² As Frederick Clarkson has found, a raft of state-level legislative and regulatory restrictions on access to abortion followed the "wave election" of 2010.³ As Republicans have continued to consolidate their control of state legislatures and governorships, the stream of restrictions has turned into a flood, with the Trump election further emboldening anti-abortion activists. But a closely related trend has gone less noticed: the increasingly successful movement to bar or discourage the practice of *selective* abortion; that is, pregnancy termination based on a determination of fetal sex, race, or—far more commonly—genetic abnormality. Conservative anti-abortion activists have certainly fought to restrict abortion in general, but increasingly their strategies focus on banning abortions sought for specific reasons.⁴ In their campaign against selective abortion, conservatives sometimes find *de facto* allies among groups that lean Left politically but share conservatives' unease with the use of

prenatal diagnosis (PND) to avoid the birth of children with disabilities.

On both the political Right and Left, some groups find this use of PND repugnant, and charge that it constitutes "eugenics." Recent changes in medical-practice guidelines and in the technol-



ogy of testing have heralded a major expansion in the use of PND. The sequencing of the human genome in 2003 ushered in "a new generation of prenatal screening tests," as journalist Beth Daley has noted.⁵ A particularly significant development has been the advent of noninvasive prenatal testing, which, unlike conventional procedures such as amniocentesis, involves only a simple blood test. Critics of selective abortion are alarmed by these developments; the new tests can make PND easier and cheaper, and eliminate risks to the fetus.

Consequently, they could greatly expand both the uptake and scope of testing, and thus the rate of termination for fetal anomaly. The belief that we are on the cusp of a major expansion of PND has fueled a multi-pronged effort both to regulate what healthcare providers can say to their patients about prenatal tests and to legislatively restrict the use of such tests. This increasing legislative concern with pregnant women's decisions all adds up to what law professor Rachel Rebouché has called a "regulatory moment for prenatal health care."⁶

WHAT IS EUGENICS ANYWAY?

The word "eugenics" was first coined by Sir Francis Galton, a British polymath and half-cousin of Charles Darwin. Galton believed that differences in heredity explained differences in human intellect, character, and social success, and that the environments in which individuals are raised are far less important than the hereditary traits they inherited from their parents. He also thought that those with the best heredity were being outbred by those with the worst, and that civilization was doomed unless the principle of "breeding from the best" was applied to humans and not just plants and other animals. In 1883, Galton termed this idea "eugenics" (from the Greek *eugenes*, to refer to one born "good in stock, hereditarily endowed with noble qualities").

Galton, who knew that opposition from Catholics, Whigs hostile to government intervention, and the organized working class would doom any legislative program in Britain, consistently characterized eugenics as a "science" or "study"—not a state prescription. Had

it remained such, it's unlikely that there would be much interest in the subject today. But around 1910, eugenic aims began to inspire an organized social movement, the changing fortunes and reputation of which have informed what the term has come to mean to us. In the 1910s and '20s, that movement was both international and widely supported. Eugenics attracted adherents across the political spectrum, appealing to social radicals and conservatives, militarists and pacifists, feminists and misogynists, racists and critics of racism. What united these disparate enthusiasts was the conviction that differences in heredity explained why some people were weak in mind and body while others were strong, and that the least fit members of society, including "mental defectives," criminals, and the shiftless were breeding more prolifically than the intelligent, prudent, and industrious.

Ultimately, eugenics fell into dispute. World War II and the revulsion against the Holocaust and specific Nazi programs (such as the murder of mentally ill patients) was long considered a watershed event in eugenics' popular demise. More recently, though, historians have stressed how little actually changed in its immediate aftermath.⁷ Although criticism increased after 1945, it was only in the 1960s that eugenic sterilizations began to decline in the U.S.,⁸ and elsewhere the practice often continued, with and without legal authorization. What ultimately made eugenics disreputable were not revelations of Nazi atrocities but the social movements of the 1970s, especially second-wave feminism, with its maxim that women had a right to control over their own bodies. By the 1980s, the term "eugenics" had acquired highly pejorative connotations.

Once the term became stigmatizing, it also acquired value as a political resource. To claim that a policy or practice constitutes eugenics became implicitly to condemn it. Critics of birth control and reproductive genetic services such as PND and the selection of embryos created via in vitro fertilization would strive to associate them with eugenics. And the criticisms crossed traditional culture-war divides. Catholic disability-rights

advocate Mark Leach compared the rationales for past eugenics and contemporary prenatal testing, concluding that the latter "is factually eugenic." Pope Benedict XVI repeatedly warned that, "There are appearing in our days troubling manifestations of this hateful practice [of eugenics]," suggesting that practices such as the selection of embryos and prenatal testing would lead to abortion.⁹

Supporters of these practices strenuously reject efforts to link them to eugenics. Ellen Painter Dollar, a pro-choice disability-rights advocate, acknowledged that prenatal testing would lead to "babies with genes defined as 'undesirable' [not being] born." But she denies that such testing constitutes eugenics, writing:

Historically, "eugenics" refers to social movements, supported by *governments, institutions, or influential public figures*, that had a stated goal of purifying the gene pool either positively (by enabling those with traits perceived as positive to reproduce) or negatively (by forcibly sterilizing or otherwise limiting the reproductive capacity of those with traits perceived as negative). In contrast, proactive decisions today... are largely private decisions made by expectant parents primarily concerned with the well-being of their family, not the genetic make-up of society at large.¹⁰

Historian of technology Ruth Schwartz Cowan would agree. In her view, "Prenatal diagnosis has almost nothing in common with eugenics, neither historically nor technologically."¹¹

CONFLICTING PERSPECTIVES ON THE EUGENICS AND REPRODUCTIVE GENETICS RELATIONSHIP

Today, we can broadly distinguish three perspectives on the relation of eugenics to reproductive genetics.¹² The first is that they have little in common. In this perspective, the eugenics movements that flourished in the early decades of the 20th Century are epitomized by Nazi efforts to breed a master race and eliminate those considered undesirable. Contemporary reproductive genetics could hardly be more different, since, according to this view, it doesn't target

racial or ethnic minorities, concerns disease rather than ill-defined traits like "feble-mindedness," and conceives of disability as a personal and not a societal matter. Above all, it lacks the coercive power of the state. Indeed, the oft-stated point of the enterprise is to increase reproductive choices. Science journalist Matt Ridley (as well as Ellen Painter Dollar and Ruth Schwartz Cowan) expresses this perspective when he writes, "The essence of eugenics was compulsion: it was the state deciding who should be allowed to breed, or to survive, for the supposed good of the race. As long as we prevent coercion, we will not have eugenics."¹³

A second perspective is that reproductive genetics is indeed eugenics, but that fact does not condemn it. Thus, Oxford philosopher Julian Savulescu writes, "in point of fact, we practice eugenics when we screen for Down's syndrome, and other chromosomal or genetic abnormalities."¹⁴ In the view of Savulescu and several other philosophers, scientists, and science journalists, PND may be eugenics—but not the worrying kind. In their view, eugenics can be good or bad depending on the specific form it takes, and PND is benign.¹⁵

In the third perspective—more common than Savulescu's argument—reproductive genetics is also assumed to be eugenics, and as such, unreservedly bad. This attitude is shared by many politically Left and feminist critics of biotechnology as well as Catholics and disability-rights advocates. Like Savulescu, these critics define eugenics broadly. In their view, it need not involve government coercion (as with the sterilization laws adopted at earlier points by 33 American states and many countries). It can instead come through the "back door," to use a phrase popularized by sociologist Troy Duster, chosen by women and their partners responding to social norms of health, attractiveness, and so forth.

For these critics, eugenics is fundamentally about attitudes, not state intervention. In their view, PND involves judgments about which traits are desirable or undesirable that reflect socially prejudicial assumptions, with some lives viewed as inherently defective. On the feminist Left, political scientist and

historian of technology Joan Rothschild exemplifies this perspective when she writes:

Science and technology, medical professionals, and parents meet in the doctor's office. This privatized setting is the site for individual decisions... whether to keep a pregnancy or terminate it, and for which diagnosed "defect." Each decision becomes another judgment as to which conditions, and which children, are acceptable or not. As they aggregate over time, individual decisions add up to a selection process, marking the imperfect, those who may be dispensed with, while certifying those worthy to be born.¹⁶

A similar viewpoint is expressed by Mark Leach when he asks:

Why is the existence of a governmental policy the critical element for raising moral concerns about the eugenic implications of prenatal genetic testing? Is the lesson of the previous eugenics atrocities that viewing others as burdensome defectives ripe for elimination is wrong *only* when a governmental policy says so? Or, is not the lesson that it is wrong to view another human life as defective, as a burden, regardless of whether there is a governmental policy or not?¹⁷

THE EXPANSION OF PRENATAL TESTING: NEW PRACTICE GUIDELINES AND NEW TECHNOLOGIES

The last decade has witnessed a rapid expansion of prenatal genetic testing. One factor has been a recommendation by professional societies to eliminate maternal age as a criterion for amniocentesis and another less-common test, chorionic villus sampling (CVS). In 2007, the American College of Obstetricians and Gynecologists published a new Practice Bulletin recommending that PND for aneuploidy (the gain or loss of a chromosome) be made available to all women, regardless of maternal age, who were less than 20 weeks pregnant at the time of their first prenatal visit. The American College of Medical Genetics soon followed suit.¹⁸ To opponents of selective abortion, these new guidelines seemed to presage an imminent expansion of prenatal testing and hence increase in

terminations for fetal anomaly.

An even more important cause has been the advent of noninvasive prenatal testing, a technique that analyzes fragments of cell-free fetal DNA found in pregnant women's blood. First introduced in Hong Kong in 2011, the technology has spread across the globe, and is now available in more than 90 countries.¹⁹ Until quite recently, its dissemination occurred almost exclusively through the commercial sector. (Six companies, four based in the U.S. and two in China, own most of the relevant patents and other intellectual property.) The vast potential market for noninvasive tests provided correspondingly huge incentives to market directly to consumers and to continuously expand the tests' scope in order to obtain an edge over the competition.²⁰ With demand driven by aggressive consumer advertising, the uptake of such tests occurred prior to their clinical validation and in advance of their endorsement by relevant professional societies or a regulatory framework for their use. However, in response to consumer demand, such testing is increasingly reimbursed by health insurance in the U.S., and several countries now include it in their national prenatal screening programs.²¹

Although professional societies currently recommend that noninvasive tests only be used for screening, not diagnosis, both the excitement and anxiety the technology has generated arises from its potential to replace amniocentesis and CVS. Noninvasive testing can be offered earlier in pregnancy than amniocentesis, creating less anxiety and potentially allowing abortions to be medical rather

than surgical. Noninvasive testing is also cheaper than conventional PND, and it removes the roughly 0.5-1 percent risk to the fetus.

Due to the risk of miscarriage associated with invasive procedures, their cost, and the stage of gestation at which decisions are made, PND is not now universally offered. Instead, maternal serum tests and ultrasound are employed as screening tests to limit invasive procedures to those pregnancies considered "at risk." But with noninvasive testing, all the factors that have constrained the offer of testing are removed. In the fu-



Federal and state regulatory efforts to bar or discourage selective abortion have included attempts to regulate the kinds of information that health-care providers give to pregnant women. Photo: Alex Proimos via Flickr.

ture, it will likely be possible to combine noninvasive testing with full genome-wide analysis, enabling the detection of any genetic condition, predisposition, or even non-medical trait.²²

The rapid dissemination of noninvasive testing has understandably alarmed those opposed to selective abortion. Although some of their concerns, especially around the commercial sector's dominance of this field, are shared by other groups, Catholics and social conservatives have been particularly vocal. Writing in the *National Catholic Register*, journalist Celeste McGovern summarizes, "Rather than saving lives, pro-lifers

see this test as an enhanced ‘search and destroy’ diagnostic tool that exponentially expands the genetic information available on unborn babies—so that parents may have up to 3,500 genetic possibilities to weigh into a decision about whether or not to have an abortion.” David Prentice, a senior fellow at the Family Research Council, similarly argues, “For the most part, this is just a further slide down the eugenics slope.” Cardinal Christoph Schönborn, Archbishop of Vienna, sees the PrenaTest as “eugenics, pure and simple,” and asks, “Is the infernal term ‘life unworthy of life’ going to become reality again?”²³

A “REGULATORY MOMENT” FOR PRENATAL DIAGNOSIS

Concerns related to the expansion of noninvasive testing are international—as is the backlash.²⁴ In the U.S., these concerns have spurred a variety of federal and state regulatory efforts to bar or discourage selective abortion. One form such efforts have taken is regulation of the kinds of information that health care providers provide to pregnant women. Recent laws in Virginia and Nebraska allow genetic counselors to refuse to share any information that conflicts with their

from health care providers is biased. On this view, obstetricians and gynecologists, genetic counselors, and other providers all believe that life with Down syndrome—the near-exclusive focus of the movement—is exceedingly burdensome to the individual and family. Disability-rights and anti-abortion activists say that assumption is wrong. (These two very different groups of activists sometimes overlap, but their positions aren’t identical, since the latter oppose abortion *per se*, whereas many disability-rights activists are only critical of selective abortion, which they would discourage but not necessarily ban.) They point to statistics indicating that people with Down syndrome and their families are satisfied with their lives. They want prospective parents to be given literature they have produced or vetted and to be referred to their organizations for further information and support.

This campaign resulted in a 2008 federal law, the “Prenatally and Postnatally Diagnosed Conditions Awareness Act,” cosponsored by Senators Edward Kennedy (D-MA) and Sam Brownback (R-KS), which aimed to strengthen patient support networks, increase referrals to support services for women who receive

“Even when the bills explicitly deal with disability-selection abortions... they are not disability rights legislation. They are attempts to divide and conquer.”

moral or religious beliefs, while laws in Arizona and Oklahoma protect physicians who fail to disclose fetal abnormalities.²⁵ These laws are part of a more general movement over the past two decades to expand so-called conscience clauses that allow health care workers to opt out of providing services they disagree with, and to enact regulations that claim to protect women from themselves.

A less controversial effort aims to require objectivity in the information provided to pregnant women. This “pro-information” movement, which began about a decade ago, assumes that many women choose pregnancy termination because the information they receive

a positive diagnosis, and guarantee that they’re given accurate information about test results and the range of outcomes associated with the diagnosed conditions.²⁶ But no funds were appropriated for the law, which also lacked any enforcement provision. As individuals and organizations realized that the statute would have little if any impact, they began to mobilize at the state level. To date, 17 U.S. states have enacted pro-information statutes.²⁷ Given that it’s difficult to argue against “information,” which is often taken to be an unqualified good, such proposals are often passed unanimously or by overwhelming majorities.

Those who support such laws often

emphasize that the movement is merely pro-information, not anti-abortion. However, to the frustration of many Down syndrome associations, this effort to bridge the abortion divide has increasingly been hijacked by right-to-life organizations. Thus, Louisiana’s law prohibits the state from recognizing materials that “explicitly or implicitly present termination as a neutral or acceptable choice,” and recently, Indiana and Texas have followed suit.²⁸ David Perry, an influential disability-rights activist who is also pro-choice, has written that right-wing legislators’ efforts to use the pro-information movement to restrict reproductive choice has forced him to question whether he can continue to advocate for pro-information laws. “In general, conservative legislatures pass anti-choice bills while simultaneously removing social supports for poor families,” he said. “Even when the bills explicitly deal with disability-selection abortions...they are not disability rights legislation. They are attempts to divide and conquer.”²⁹

A more direct effort to limit abortion would ban providers from performing the procedure if they knew it was sought for specified reasons. This strategy is congruent with the incremental restrictions on abortion that have largely supplanted attempts to overturn *Roe v. Wade*. At the federal level, Prenatal Non-discrimination Acts (PRENDAs) to bar abortion based on the sex (or in most versions, both sex and race) of the fetus have been proposed nearly every year since 2008. The 2012 bill passed the House by a vote of 246 to 168, with only seven Republicans opposed (and 20 Democrats voting in favor), but as it was brought up under a rule suspension that limited debate, it required a two-thirds majority to pass.³⁰ At the time of this writing, the 2017 PRENDA has 64 cosponsors, 63 of whom are Republicans. Should it be enacted, medical professionals could be sentenced to up to five years imprisonment for performing an abortion sought because of fetal sex or race.³¹

PRENDA, FEMINISM, AND RACIAL JUSTICE

The language of feminism, civil rights, and racial justice suffuses these bills; indeed, they were originally titled the Susan B. Anthony and Frederick Douglass

Prenatal Nondiscrimination Acts. But it's obvious from the records of their sponsors that these bills have nothing to do with either feminism or racial justice. All the PRENDA bills have been introduced in the House by Rep. Trent Franks (R-AZ), a "Freedom Caucus" member and the driving force behind other anti-abortion legislation, including a bill to ban all abortions after 20 weeks even in cases of rape and incest. In Franks' own words: "I've introduced every pro-life effort you can think of."³² As journalist Kate Shepard remarked of the 2012 version, "The lawmakers behind it haven't been particularly interested in women or people of color after they exit the womb in the past, opposing measures to require equal pay for women and to renew the Voting Rights Act, and most recently gutting the Violence Against Women Act."³³ The real agenda is also evident in the fact that the bills only target abortion and not any other means for practicing sex- or race-selection, such as the choice of which embryos to implant as the result of pre-implantation genetic diagnosis. At the state level, race-selective abortion bans have been approved by legislatures and governors in two states, while sex-selective abortion bans have been introduced in over 20 and approved in nine.³⁴

Laws barring race-selective abortion are part of an effort to link relatively high rates of abortion in the African-American community to eugenics. As noted in PRA's *Defending Reproductive Justice: An Activist Resource Kit*, a key event in this effort was the 2010 "Too Many Aborted" billboard campaign sponsored by the Radiance Foundation. A parallel campaign, sponsored by a different group, erected billboards with images of Barack Obama and the legend, "Every 21 minutes, our next possible LEADER is ABORTED." Recently, anti-abortion activists have taken up the language of "Black Lives Matter." Trading on the emotional resonance of that phrase, Americans United for Life (AUL) has sponsored a "#BlackWomenMatter" campaign.³⁵ (Such efforts often reference Margaret Sanger's frequently-misrepresented "Negro Project." See additional discussion online at PRA's website.³⁶) But implicit in PRENDA laws is the assumption that women of color practice

racial discrimination against their own fetuses, an assumption that, as Rep. John Conyers commented, "is absurd on its face."³⁷ Race- and sex-selective abortion are rarities in the U.S. The legal prohibitions against them are introduced not to counter actual practices but to make liberals and leftists look like hypocrites.

Abortion for fetal anomalies, on the other hand, is widespread. Indeed, in at least 11 states, a diagnosis of serious fe-

fetal tissue be buried or cremated by a funeral home. That Pence was responsible for making Indiana a leader in curbing access to abortion explains why, according to reporter Todd Zwillich, at least some conservative evangelicals believe that "God is using Trump to deliver Pence to the WH, & that Trump will be eliminated."⁴⁰ At least in respect to reproductive rights, there could be even worse fates than continuing the Trumpian sta-

The legal prohibitions against race- and sex-selective abortion don't counter actual practices but serve to make liberals and leftists look like hypocrites.

tal defect was a recognized exception to pre-*Roe v. Wade* laws barring abortion. And in the post-*Roe* era, at least six states explicitly allowed late abortions for fetal anomaly.³⁸ Thus, efforts to legislatively discourage the practice by requiring special counseling when an abortion is sought for that reason or banning it outright are far more controversial. Nevertheless, as part of its "Infants' Protection Project," the AUL proposed model legislation "protecting unborn infants from eugenics" by banning abortions performed because of genetic abnormalities.³⁹ In 2013, North Dakota became the first state to approve such a statute. Louisiana and Indiana followed in 2016, although implementation of the law in those states has been temporarily enjoined by court order.

A CONCLUDING CAUTION

This history holds a warning for those who would like to see Donald Trump removed from office and replaced by his VP. It was, after all, then-Governor Mike Pence who signed Indiana's uniquely expansive PRENDA bill—the first to bar abortion based on all three criteria of race, sex, and suspected genetic abnormalities, and to penalize doctors who performed an abortion motivated by these reasons—as well as a host of other restrictive provisions and laws, including requirements that women receive an ultrasound before an abortion and that

tus quo.

Of course, many who would like to see Trump removed from office recognize that Pence would likely be even more destructive to the cause of reproductive rights. But given the nature and extent of Trump's other flaws, they are willing to accept the trade-off. The moral to be drawn from the history of efforts to discourage prenatal diagnosis is not that progressives should prefer Trump to Pence, but that they should be exceedingly wary of engaging in de facto alliances with the Right. The history of PRENDA laws, whose advocates have managed to wrap their anti-choice agenda in the mantle of feminism and racial justice, and the sad fate of the "pro-information" movement, illustrates how easily the efforts of feminists, disability, and civil-rights activists can be co-opted for ends they would find repugnant. As a 14th Century proverb has it: "He who would sup with the devil had better have a long spoon."⁴¹

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BY PATRICIA MILLER

Life's Work

A Conversation with Dr. Willie Parker

In his new book, *Life's Work: A Moral Argument for Choice*, Dr. Willie Parker recounts his conversion from a fundamentalist Christian who abhorred abortion to what he calls his current ministry as an itinerant abortion provider working in some of the most underserved areas of the Deep South. It's a trajectory that helps him make the case that supporters of legal abortion need to reclaim a moral and religious narrative for choice.

It's a provocative argument in a nation that often equates opposition to abortion with religious faith. But Parker shows how supporters of legal abortion can draw upon faith practices and moral language to make the case for abortion rights. It's a much-needed corrective at a time when abortion retains its power as the most pivotal wedge issue in modern political history, helping to corral many evangelical and Catholic voters for Donald Trump and once again tempting Democrats to equivocate in an attempt to woo "faith" voters.

Parker's book shows that, while abortion will always be deeply entwined with religious and moral narratives, it's up to progressives to rewrite those narratives in ways that highlight and respect bodily autonomy and free choice as absolute moral goods. And he makes a compelling argument that the much-lauded "moment of conception" that undergirds so much religious anti-abortion rhetoric is smoke and mirrors. Parker challenges us to see beyond the fog of sentimentality and moralizing that allows opponents of abortion to cow even well-meaning progressive women to acquiesce to laws that reduce women's humanity.

This July, he spoke with Patricia Miller for PRA:

PM: You write in your book that you

believe that as an abortion provider you're doing God's work and compare yourself to a "twenty-first century Saint Paul, preaching the truth about reproductive rights." This notion may seem challenging, even heretical, to people accustomed to seeing abortion as a secular practice, not only wholly divorced from people or practices of faith, but often antithetical to them.

"Abortion isn't a bad thing or a good thing; it's a thing."

WP: Most people are familiar with my identity as a women's health provider, so they automatically assume that precludes an identity of ministry. But I dispense with the notion that there is a difference between the secular and the sacred. For me, I derive that sense of the sacred from my calling to help women in need realize their God-given gifts and agency. For me, that's the faithful approach. To talk about my life's work in these terms is a counter-narrative to all the mischief that is being done in the name of Christianity.

The book isn't a polemic for abortion; it's a defense of the agency that's essential to what it means to be human. Abortion isn't a bad thing or a good thing; it's a thing. My sense of working through religious custom on reproductive rights is that there is nothing heretical about being a Christian and providing abortion care. Nothing about choosing to terminate a pregnancy puts a woman outside of God's love.

PM: You write that it's a lack of scientific understanding of reproduction and the idea of God as "a meddler" that al-

lows people who oppose abortion to turn people of faith against themselves. This is the idea that everything is "God's will" and that conception and birth are somehow uniquely miraculous and, therefore, not open to human interference. But you note that conception is a "morally neutral, purely biological event" and that a "pregnancy that intimates a baby is no more sacred than an abortion."

WP: This book on a moral argument for choice is my attempt to diffuse the tension between a religious understanding of reproduction and a scientific understanding of reproduction. The fact is pregnancy is a biological process that happens to happen in women. But our culture also has a sentimental notion about the primacy of motherhood in women's lives. This is why we have made reproductive health a moral issue. There is no other type of health care that we force people to ask permission for, often in humiliating and intrusive ways. Imagine if we asked a man to go through what we put women through to get an abortion.

PM: You write that it's this sacralization of motherhood—not just among people who oppose abortion but also by upper-class liberal women who "became enraptured with the sonogram image they saw at the obstetrician's office" and plunged full-force into competitive motherhood—that has allowed a widespread maternal conservatism, a "blurry consensus about the 'sanctity of life'" to take hold.

WP: There is a cultish preference for motherhood embedded into our culture. If motherhood is always the higher value, then even liberal women don't revolt when laws are enacted that force women to become mothers. And many women in blue states are somewhat insulated from

the devastating impact that anti-choice laws can have on Black women and poor women, especially in the South, so they look away.

PM: This strategy isn't an accident. You note that the battle over choice is largely fought over the bodies of Black women and poor women because they're the ones who most acutely feel the impact of waiting periods and other laws designed to discourage choice. But you say the real target of these laws is White women and that the "thing that all too many white anti-abortion activists really want...is for white women to have more babies, in order to push back against the browning of America."

WP: The culture war over abortion is being fought over the lives and bodies of Black women and poor women. This can make women of means blind to the significance of poor women controlling their fertility [since wealthier women, and White women, are less likely to directly lose access]. But it's a sleight of hand. The goal is to limit access [to abortion] for all women, especially White women. Men have to be able to assert control over all women's fertility because the traditional family remains the repository of White heteronormative culture.

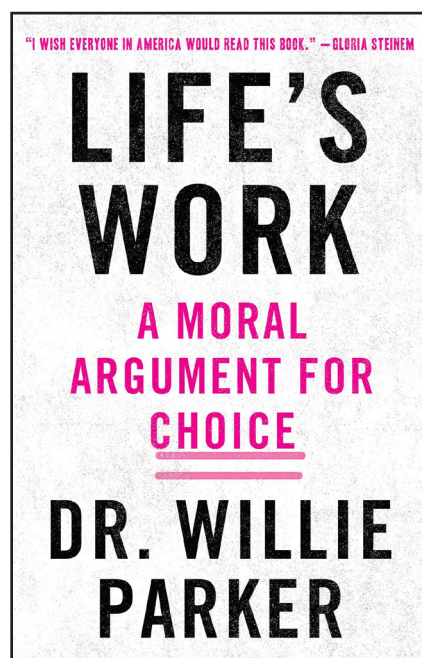
PM: At the same time, you criticize the "Black genocide" movement, launched by White anti-abortion activists to get Black people to see abortion as an "assault by white America on blacks," as nothing more than a sham perpetrated by organizations like Priests for Life and Life Dynamics.

WP: The Black genocide movement is [a] joke, especially its claims that Planned Parenthood is the main perpetrator and Margaret Sanger its primary architect. Looking back to the days of Teddy Roosevelt, it was Eastern Europeans who were the target, not people of color. But the antis want [to] change the terms of the debate and frame abortion as systematic racism by health care institutions against Black people, which means even White women will acquiesce to new limits.

PM: You hold that one reason the anti-abortion forces have been so successful in the last decade is that "progressive and humanist people have failed to offer a moral, spiritual, ethical, or religious

case for abortion rights and so have ceded those arguments to their opponents."

WP: The antis seized the moral high ground 40 years ago with phrases like "pro-life," and abortion rights activists haven't mounted a significant moral or religious counterargument. But every great justice cause has been waged in moral terms. The reset is that abortion is a human rights issue, not a religious issue. Scripture is largely silent about abortion. The "sanctity of life" rhetoric was lifted from the Roman Catholic catechism and grafted onto the Moral Majority to create single-issue abortion voters.



Atria Books / 37 Ink (2017)

We need to start with the premise that reproductive rights are human rights and human rights are the kind of rights that are neither derived from nor provided by the state. Abortion is a process that happens to play out in the bodies of women and is a health and human rights issue for women. Women have a human right to decide their own futures and live their lives as they see fit. Women are entitled to both the negative and positive outcomes that come in a free society.

PM: Some Democratic strategists and politicians like Sen. Bernie Sanders are arguing just the opposite: that the Democratic Party needs to be more accepting of pro-life voters if it wants to be competitive across the country. They argue that

supporters of choice need to be "reasonable" and allow the party to bargain away abortion rights like it was any other political chit. Is this the way forward for the Democratic Party?

WP: The Democrats are never going to out-Republican the Republicans. This formulaic approach to politics flies in the face of the need to generate genuine social capital. Rather than coming up with a progressive body politic, the Democrats decide if you can't beat 'em, join 'em. Their political moves are always reactive because they don't stand for anything, so they latch on to abortion as the factor that made the difference in Republican wins.

A major plank in the Democratic platform is that the party is pro-woman and pro-reproductive rights. But then they decide that this is "an" issue not "the" issue. The Democratic Party says that women are central to their constituency, but then they equivocate on reproductive control and run the risk of isolating a key part of their base. This is a shameful thing to be talking about after the Women's March, but if they accommodate the Blue Dog Democratic demands, there is no authenticity around reproductive rights. If the party is now supporting pro-life Democrats, that means we have one-and-a-half parties against reproductive rights and one-half of a party for reproductive rights. No political party is standing firmly for reproductive rights.

PM: What's the solution here?

WP: I think there has to be a test of authenticity. Maybe women and people of color have to become single-issue voters—that's how essential reproductive choice is. For me, reproductive rights are *the* issue because they determine so many other things. If Democrats are going to be the party of progressive values, then they need to rebrand reproductive choice as essential to progressive politics. ☺

Patricia Miller is an award-winning author and journalist who writes about issues at the intersection of religion, sex, and politics. She is the author of Good Catholics: The Battle over Abortion in the Catholic Church, and her work has appeared in The Atlantic, Salon, The Nation, and Huffington Post.

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The Art of Activism

Spotlighting the efforts of artists and organizations who are engaged in the struggle for social justice and are helping to build the movement through their work.

Our cover artist, Jennifer Luxton, describes herself as a “journalist by training, designer by profession, illustrator by passion, and amateur taxidermist by moonlight.” Originally from California, she now lives in the Pacific Northwest and is the lead designer at *YES! Magazine*, a solutions-oriented social justice publication. Among other topics, her assignments have led her to delve into the worlds of creative resistance, sustainable death practices, and “kayaktivism”: protesting with a coordinated group of kayakers.

As both a journalist and artist, Luxton is a storyteller at heart. In school she was torn between drawing and writing but now enjoys not being limited to one form or the other. “Being versed in both words and illustrations lets me choose which are best to tell the story at hand.”

Her process as an editorial illustrator starts with thinking about what the audience already knows about a topic and what obvious images might first come to mind. She then asks herself



Jennifer Luxton, “Liberty on Strike” for YES! Magazine online, March 2017, digital illustration. See more at: <http://jenniferluxton.com/>.

how she can twist the perception of something by playing with those images. “I try to be clever, cheeky, and conceptual in my work, while also being conscious of how much I’m editorializing—it’s the journalist in me.” She usually completes the concept digitally in a style that is bright and graphic with measured use of color.

Whether she is illustrating an article or movement message, Luxton considers her role as an artist to be the same. In both types of work she seeks “to package content in a way that is accessible, inviting, exciting, and potentially provocative.”

Since the election, the stories she’s focused on have revolved more and more around resistance. “I’ve had more opportunities to illustrate about the state of the world now than I ever

-Gabriel Joffe

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