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Cate Gilliom/Getty Images

Fathers 4 Justice, a fathers' rights group whose members often dress as superheroes, demonstrate on a rooftop in 2005. Their banner reads, "Stop War on Dads."

The Conservative Attack on Birthright Citizenship

By Sherrilyn A. Ifill

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

United States Constitution, Amendment XIV, Section 1

Among the many low moments of Republican leadership last year, the call by Sen. Lindsey Graham (R-SC) for hearings on a constitutional amendment to repeal the birthright citizenship provisions of the 14th Amendment to the Constitution was among the most dispiriting.¹ Back in 2007, the National Council of La Raza had honored Graham for his commitment to finding solutions to the immigration issue. He had played the responsible grown-up among his Republican colleagues at the Senate confirmation hearings of

The Conservative Attack continues on page 9

Fathers' Rights Groups Threaten Women's Gains—And Their Safety

By Pam Chamberlain

In June 2010, Ned Holstein, the president of the national group Fathers and Families, appeared on a Boston call-in radio show to promote a child-custody bill before the Massachusetts legislature. "The message is so simple," he said.

We're fit parents, most of us. We just want to be involved in helping to raise our children.... [Divorced] children have a hole in their heart. The average child would crawl over broken glass to see their absent parent.... [This bill] is a very mild

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— COMMENTARY —

IN THE WAKE OF TUCSON: A Call to Moral Responsibility

By Kay Whitlock

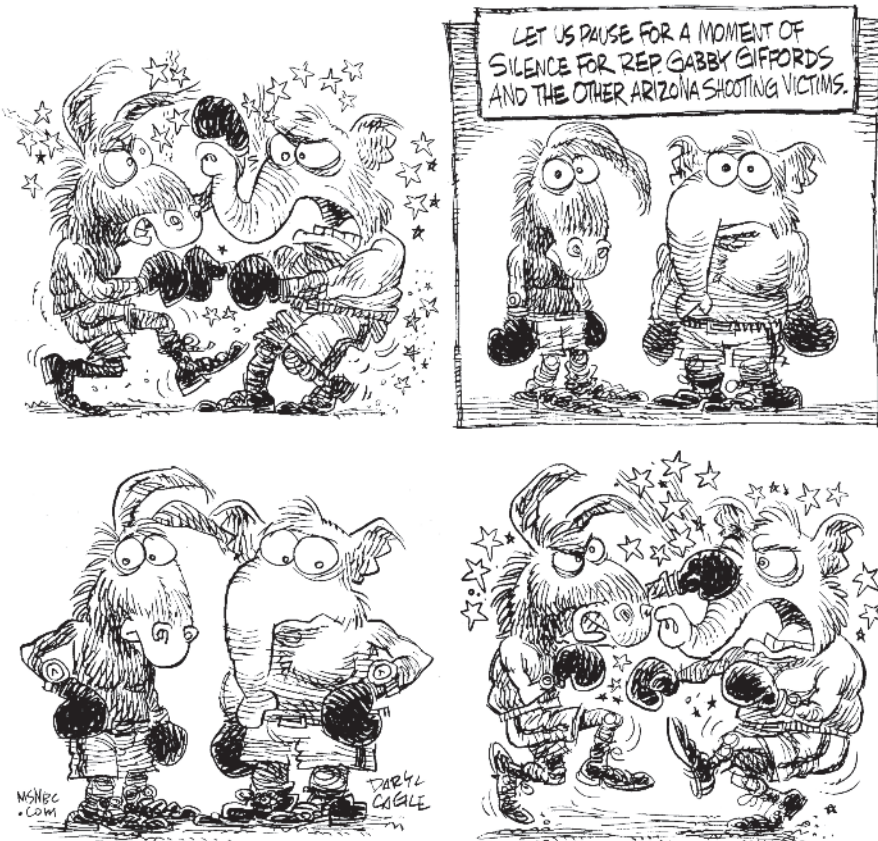
Even as Rep. Gabrielle Giffords (D-AZ), the survivor of an assassination attempt on January 8 that put a bullet in her brain, wounded thirteen others, and left six people dead, engaged in a demanding rehabilitation regimen, the accused gunman, Jared Lee Loughner, pleaded “not guilty” in federal court.

By all accounts, Loughner is a troubled, mentally unstable young man. Many analysts have documented Loughner’s belief in the conspiracy theories promoted by various right-wing groups, and he seems to have regarded Giffords as his mortal enemy.

Whether he actually pulled the trigger will be decided, as it should, in a court of law. Yet the person who fired the gun is by no means the only one who bears some measure of moral responsibility for this shooting spree. The events in Tucson unfolded in a fear-soaked, paranoia-laden, resentment-stoked, and violently polarized political environment. Who, then, is accountable—and beyond a narrow understanding of criminal liability, what does accountability mean in a case like this?

In the aftermath of the shootings, progressives told a well-documented story about escalating right-wing vitriol, underscoring a disturbing pattern of politically motivated violence that had been developing for years. The Tucson shootings, which garnered worldwide media attention because of Giffords’s political prominence, were only the latest pieces to be added to the mosaic. Liberal and progressive groups documented not only the Right’s

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Lively's Lies

A Profile of Scott Lively

By Jim Burroway

The Uganda Speech

In March 2009, Scott Lively travelled more than 8,000 miles from his home in Springfield, Massachusetts, to talk to a small audience at the Triangle Hotel in Kampala, Uganda, about homosexuality. "My name is Scott Lively," he began. "I'm married. I have four children. I am 51 years old, and I have been studying this issue for twenty years, and I want to tell you why I'm doing that."¹ Presenting his educational background, he explained that he is both a pastor who has studied scripture and an attorney "trained in secular reasoning." He graduated magna cum laude with a doctorate from Trinity Law School in Santa Anna, California, and has a doctor of theology from the Pentecostal Assemblies of God. In addition, he said, he holds "a certificate in human rights from the International Institute of Human Rights in Strasbourg, France."

"I stand before you a world traveler, having spoken on this topic in almost forty countries," he said. "I've written several books."

Lively went on to describe his family background—which has enough in it to keep a psychologist, armchair or other, occupied for a long time: he is the oldest of six children, and his father developed a mental illness when Lively was young.

Jim Burroway is the editor of Box Turtle Bulletin (<http://www.boxturtlebulletin.com/>), a website founded in 2005 to analyze the claims of antigay organizations. Jim was the first in the West to break the story of Scott Lively's fateful conference in Kampala, Uganda, in 2009, and his website has faithfully chronicled events in Uganda since then. He attends conferences and other events to monitor antigay leaders and organizations first hand.

Lively himself became an alcoholic at the age of twelve. For the next sixteen years, he said, he couldn't hold a job. He slept under bridges and begged for money on the streets. A brother and a sister, he said, "went into homosexuality," and another sister "wasn't able to enter into marriage until she was in her forties because of the pain of the family life that we had."

Finally, said Lively, "[I] got down on my knees and surrendered my life to Jesus Christ. I was healed in an instant. I never had another desire to drink or use drugs ever again. When I got up off my knees, I was clean and healed."

"I got down on my knees and surrendered my life to Jesus Christ. I was healed in an instant. I never had another desire to drink or use drugs ever again. When I got up off my knees, I was clean and healed."

Lively became involved in antigay activism because of two people who were, he said, "very close to me"—a four-year-old boy and a nineteen-year-old man, who,



Scott Lively

Lively said, molested the boy: "And I saw what happened to that little child. He was transformed [from] a sweet and innocent person into a tortured and tormented child, filled with anger and rage. And he never recovered from it." The nineteen year old, Lively said, "is still living in a gay lifestyle in Los Angeles, California.

He's an active homosexual

and he's active in a church that endorses what's called 'gay theology.'"

Lively "had his eyes opened" to all this right after he became a Christian, he said. "And God moved me very quickly into a ministry where I would deal with these things. And so for all of these years, I have been focusing on this topic. I know more about this than almost anyone in the world."

What Lively "knows" and came to warn his Ugandan audience about is chilling. He told them that one of the most common causes of homosexuality is child molestation; that's how gays recruit children into homosexuality, he said. He told them that European gays were flooding Uganda with money and gifts to recruit children. "They are very predatory," he said.

They are very sexually oriented. They want to satisfy their sexual desires. Often these are people that are molested themselves and they're turning it around. And they're looking for other people to be able to prey upon. And when they see a child that's from a broken home, it's like they have a flashing neon sign over their head.

He told the Ugandans about what he said are the various kinds of gays: the transsexuals, the transvestites, the effeminate

gays, and the “normal” ones, who blend in. They are the hardest to spot, he said. Then there are the others: machos and, worst of all, he said, the “super machos.” It’s the latter two groups, Lively claimed, who founded the Nazi party and helped Hitler to come to power. “These are men who have very little restraint,” he said.

They are so far from normalcy that they’re killers. They’re serial killers, mass murderers. . . . This is the kind of person that it takes to run a gas chamber, right? Or to do a mass murder, like—the Rwandan stuff probably involved these guys.

There’s some dispute about whether Mark Twain actually said, “A lie can travel halfway around the world while the truth is putting on its shoes.” But there is no dispute that Scott Lively has thoroughly proven this truism. “The gay movement is an evil institution,” he told his spellbound Ugandan audience. “The goal of the gay movement is to defeat the marriage-based society and replace it with a culture of sexual promiscuity.” His voice rising and his eyes flashing with anger, he continued,

If you deny and reject the design of your own body, and you engage in conduct that is self-evidently wrong and harmful to you, then you’re going to receive in your body the penalty of your error which is appropriate. Can anyone say AIDS?

The Ugandan audience was unfamiliar with this American colloquialism. They didn’t understand that Lively’s question was rhetorical. “AIDS,” some obediently but quietly answered. They knew AIDS all too well, a disease which began making itself known in the Congo River Basin in neighboring Zaire as far back as the 1960s,² long before it appeared on Western medicine’s radar. By 1982, doctors became aware of a new disease in rural Uganda that the locals dubbed “slim,” because of the way people who had it wasted away.³ It was (and is) a disease mainly of heterosexuals.

A Pushpin on the Hate Map

The peripatetic antigay activist has traveled the world, and everywhere he goes, wholesale lies about gay people fall about him like acorns in autumn. In 2007, Lively was particularly active, traveling to Riga, Latvia, in the spring; then to Novosibirsk, Russia; then back to Riga. “There is a war going on the world,” he told his Novosibirsk audience. “It’s a war between Christians and homosexuals.” The war, he said, is “the design of the devil to destroy civilization, because civilization is based on the natural family.”⁴

“There is a war going on the world... between Christians and homosexuals...It’s the design of the devil to destroy civilization, because civilization is based on the natural family.”

This kind of rhetoric landed Lively on the Hate Map developed by the Southern Poverty Law Center (SPLC) [<http://www.splc.org/get-informed/hate-map#s=ID>]. The SPLC tracks more than 1,000 hate groups across the United States, but only seventeen of them are highlighted as specifically antigay. Lively’s Abiding Truth Ministries is one of them, and Lively has connections with several others. In 2007, he helped to found the international Watchmen On The Walls, which quickly landed on the SPLC’s antigay list (The Watchmen are no longer active in the United States). He has spoken at fundraising banquets for Mass-Resistance, written several articles for the

Chalcedon Foundation, a Christian Reconstructionist organization that endorses the revival of the Old Testament punishment of death for gay people. He has contributed money⁵ to antigay activist and former *Washington Times* reporter Peter LaBarbera’s Americans for Truth about Homosexuality.⁶ He continued to contribute to discredited “researcher” Paul Cameron’s Family Research Institute long after Cameron called for the quarantining of HIV-positive gay men and expressed admiration for how the Nazis “dealt with homosexuality.”⁷ All of these groups are on that same, short SPLC antigay list.

The Oregon Years

Lively cut his teeth on antigay activism in Eugene, Oregon, where a February 1991 article in the *Eugene Register-Guard* described him as the assistant director for the Oregon Citizens Alliance (OCA).⁸ OCA had been formed just a few years earlier by Vietnam vet, ex-hippie, and born-again Christian Lon Mabon,⁹ with support from the Oregon branch of Pat Robertson’s Christian Coalition.¹⁰ (Lively and Mabon served on the Oregon Christian Coalition’s board of directors until 1993.) According to the article, Lively denounced a group of protesters against the first Gulf War as “burned-out hippies and professional malcontents.” His rhetoric wasn’t terribly original, but he was just getting started. The OCA would be his training ground.

Lively quickly gained a reputation for being a loose cannon. In October 1991, the photographer Catherine Stauffer attended a church meeting where the OCA was previewing a videotape it had cobbled together in preparation for a campaign in support of a series of local antigay ballot measures across the state. Lively ejected Stauffer from the meeting forcefully, by throwing her against the wall and dragging her across the floor.¹¹ She sued Lively and OCA. The jury determined that Lively was guilty of using unreasonable force and awarded Stauffer \$20,000.¹²

OCA’s ballot measures were far reaching. They would prohibit “promoting, encouraging or facilitating homosexual-

ity”—restrictions that would determine such basic community issues as which books could be accepted into the local library and which groups could access city facilities, including streets and parks. They would institute a double standard: for example, OCA could hold meetings in city buildings, while Parents and Friends of Lesbians and Gays could not.

Lively took a particular interest in the contest in Springfield,¹³ a suburb of Eugene. An antigay ballot measure passed there by a margin of 54 percent to 46 percent,¹⁴ making Springfield the first city in the country to pass such an ordinance. But even there Lively's intemperance once again got him in trouble. In a press release, he carelessly suggested that the former Springfield Human Rights Commissioner George Wickizer was “a practicing homosexual man.” Wickizer wasn't, and he sued¹⁵: being falsely labeled a homosexual was considered libel at the time. But Lively lucked out. The court ruled that Wickizer was a public figure, making winning a libel case difficult.¹⁶ Sure enough, Wickizer lost.

The Springfield win propelled the OCA toward its fall statewide campaign for a proposed amendment to the Oregon Constitution that would bar the state from using “monies or properties to promote, encourage or facilitate homosexuality, pedophilia, sadism or masochism.” It required all levels of government, including school systems, to recognize “that these behaviors are abnormal, wrong, unnatural and perverse and they are to be discouraged and avoided.” The proposal, known as Measure 9, was the most severe statewide antigay measure ever proposed in the United States, and the campaign was acrimonious. Lively described gay people as “living a voluntary lifestyle based on sodomy,” and alleged that child molestation by other homosexuals was the most likely cause of homosexuality.¹⁷ He also released a video purporting to demonstrate the kind of sexual activity in which gay men and lesbians commonly engaged. The video was loaded with false health information as well as testimony from two ex-gays—men who

claimed to have rejected homosexuality to become straight.¹⁸

Payback Time: The Nazi Connection

Lively's and the OCA's campaign backfired. Measure 9 was defeated 56 percent to 44 percent,¹⁹ and the OCA took a drubbing as well. A statewide poll after the election found that 57 percent of all Oregonians had an unfavorable opinion of the alliance, while only 14 percent were favorable.²⁰ Lively and the OCA were underterred. Two years later, they returned with Measure 13, a slightly watered-down version of Measure 9. Measure 13 was also

**Lively denies that he
blames gay people for the
Holocaust. He reserves the
actual blame for Satan;
homosexuals, he says, were
merely “instruments in
its enactment.”**

defeated, but Lively used this campaign to try out a new rhetorical theme. Appearing on a public-access cable program in Salem, Oregon, he tied homosexuality to the Nazi Party. “It wasn't just that homosexuals were involved in the Nazi Party,” Lively told the television audience.

Homosexuals created the Nazi Party, and everything that we think about when we think about Nazis actually comes from the minds and perverted ideas of homosexuals. When you think of the Nazi Party... you cannot help but understand that this organization was a machine constructed by militant, sadomasochistic, pedophilic homosexuals. ... They built the Nazi machine. They were

the people that ran it, and that put it together. Most people understand that there were some homosexuals involved in the Nazi Party—no, it wasn't that. They were the foundation of the Nazi Party.

Where did this idea come from? OCA's Lon Mabon remembered that back in 1991, when he had filed papers in Springfield for the local antigay measure, he had passed hecklers calling him “Nazi,” “Mr. Ayatollah,” and “hatemonger.” Mabon reportedly said that Lively had “gotten tired of being called Nazi.” He decided to do some digging and concluded that “many Nazi leaders were homosexuals and that the Nazi Party was closely tied to pre-Nazi Germany's gay-rights movement.”²¹ In other words, this was payback time.

As Lively was developing this theme, he may have come across an article written by Kevin Abrams, a Canadian Orthodox Jew who moved to Israel, that appeared in Peter LaBarbera's *Lambda Report* in August 1994.²² “If history is to be told accurately,” Abrams wrote,

the behavior of homosexuals under Hitler's barbarous rule provides further evidence that homosexuality is a pathology... Ironically, the record shows that there was far more brutality, rape, torture and murder committed against innocent people by Nazi deviants and homosexuals than there ever was against homosexuals.

Lively and Abrams quickly joined forces, releasing a book in July 1995 titled, *The Pink Swastika: Homosexuality in the Nazi Party*. The book, now in its fourth edition, solidified Lively's career, not just as an antigay extremist but also as a Holocaust revisionist—although Lively denies that he blames gay people for the Holocaust. He reserves the actual blame for Satan; homosexuals, he says, were merely “instruments in its enactment.”²³ The vast homosexual conspiracies detailed in *The Pink Swastika* were sweeping: that gay people are naturally violent,²⁴ predatory,²⁵ and hostile to all moral norms;²⁶ that the permissiveness of the Weimar Republic provided the open-

ing necessary for gays to wield power;²⁷ that Nazi ideology was a modern revival of pagan “homo-occultism;”²⁸ that homosexuals specifically target the youth, both for political indoctrination as well as sexual induction;²⁹ that, yes, some gays were killed, but they were the effeminate ones targeted by the “butch” in their unquenchable thirst for absolute power;³⁰ that the Nazi Party’s stranglehold on German life was the direct result of this bloodlust;³¹ and that the same fate awaits any nation that institutes equality for LGBT people.

The few historians who bothered to comment on Lively’s historical revisions dismissed them as farce,³² while Charles Schiffman, executive director of the Jewish Federation of Portland, expressed outrage over Lively’s “low effort to use a terrible tragedy for political purposes.”³³ Lively and Abrams were unfazed. Lively, in particular, now had a mission: to sound the alarm that what had happened in Nazi Germany could happen here. “From the ashes of Nazi Germany,” he wrote, “the homophobic Phoenix has arisen again—this time in the United States.” And not just in the United States.³⁴ Lively has sounded this warning everywhere he goes.

Going Global

Some time in the late 1990s, Lively moved to Sacramento, California. There, he founded the Pro-Family Law Center and became involved in litigation on behalf of conservative Christian causes. For a while, he also served as director of the California American Family Association. Sacramento, it turns out, has a substantial Evangelical Christian, Russian-immigrant community, due largely to a popular short-wave radio station based there that used to broadcast to the Soviet Union. Although Lively soon moved to Temecula, near Los Angeles, his connections in Sacramento opened the doors to a new world of anti-gay activism. Russians and other Eastern Europeans had suffered terrible atrocities at the hands of the Nazis, and their children and grandchildren eagerly embraced *The Pink Swastika’s* litany of conspiracy theories.

Together with the Sacramento-based

Russian radio host Vlad Kusakin, Seattle pastor Kenneth Hutcherson, and Latvian megachurch pastor Alexey Ledyaev, Lively founded the Watchmen On the Walls, which quickly became closely identified with violence, both rhetorical and real. When LGBT advocates tried to hold a gay rights march in the Latvian capital of Riga in 2006, a mob of parishioners from Ledyaev’s New Generation Church pelted them with eggs, rotten produce, and excrement as they tried to leave a gay-affirming Anglican church. In May 2007, Lively traveled to Riga and spoke at New Generation, where he called the gay rights movement “the most dangerous political movement in the world”³⁵ and commended Ledyaev’s work in Latvia.

Meanwhile, back in Sacramento, a group of Russian-speaking men killed Satendar Singh, a 26-year-old gay Fijian of Indian descent. One of the two men charged with the crime fled to Russia. A month later, Lively traveled to Novosibirsk for a Watchmen conference, where he spoke about Singh’s death to cheers and applause. Lively tried to quiet the celebration—“We don’t want homosexuals to be killed; we want them to be saved”—but only after complaining that the murder investigation and news coverage proved that “homosexuals have achieved very high power... They’ve begun to cause the political powers to punish anyone who says that homosexuality is wrong.”³⁶

The Nuclear Option: Uganda’s Anti-Homosexuality Bill

Lively’s demagoguery took an even more dangerous turn when, in 2009, he traveled to Uganda to deliver his now-infamous talk at the Triangle Hotel. Two other U.S. evangelicals—Exodus International board member Don Schmierer and International Healing Foundation’s Caleb Lee Brundidge—joined him to deliver what Lively later called his “nuclear bomb against the gay agenda.”³⁷ Lively threw everything he had into the talk: gays as child abusers, gays as insatiable sexual predators, gays bent on political domination, gays bent on the destruction of civilization, gays as Nazis.

And a new one: gays as responsible for the Rwandan genocide.

The results were disastrous for the LGBT community in Uganda, a country that is already very conservative and deeply homophobic. In the wake of Lively’s talk, radio stations launched vigilante campaigns, reading out the names, addresses, and places of employment of gay Ugandans. Newspapers published their photos. LGBT people were attacked, arrested, and subjected to blackmail. A few weeks after the conference, mobs marched on the Ugandan Parliament at the behest of conservative Ugandan pastors, demanding new legislation to deal with the so-called homosexual problem.

Parliament was receptive to the idea. There had already been talk of imposing new restrictions on Uganda’s LGBT community, and that idea took on added urgency immediately following Lively’s explosive talk.³⁸ The morning after the Triangle Hotel conference, Lively met with fifty to one hundred members of Parliament for four hours to discuss ideas for a new law.³⁹ Among his suggestions was that the Ugandan government offer so-called restorative or reparative therapy, which promises to turn LGBT people into heterosexuals, as an alternative to life imprisonment—which, given the conditions of a typical Ugandan prison would not have been a difficult choice for most. Such therapies, however, have been widely discredited as not only ineffective but harmful, including by the American Psychological Association. Another suggestion, which he repeated often in his travels, was to impose a legal ban on all advocacy on behalf of LGBT people.⁴⁰

In October 2009, the Anti-Homosexuality Bill was introduced into the Ugandan Parliament. The bill would impose the death penalty on gays and lesbians under certain circumstances, including for “repeat offenders”—anyone who had had more than one relationship. The bill established a low bar for conviction, making mere “touching” for the perceived purpose of homosexual relations a criminal offense. It threatened teachers, doctors, friends, and

family members with three years imprisonment if they didn't report anyone they suspected of being gay to police within 24 hours. While Parliament ignored Lively's call for forced therapy, they did include his recommendation to broadly criminalize all advocacy of homosexuality including, conceivably, the legal defense of accused gays. The bill even threatened landlords under a "brothel" provision if they knowingly rented to LGBT tenants.

Lively was proud of his "nuclear bomb,"⁴¹ even though he disavowed any responsibility for its fallout. In fact, his first response was to claim that the bill was the LGBT community's fault. Ugandans, he said, were merely reacting to "a lot of external interference from European and American gay activists attempting to do in Uganda what they've done around the world—homosexualize that society."⁴²

As for the bill itself, Lively called it "a step in the right direction," although he said he opposed the death penalty.⁴³ But even there, he struggled. He told one interviewer that given the alternative of seeing Uganda become more accommodating to gays and lesbians, he would rather the bill passed "as the lesser of two evils."

"Even with the death penalty?" an interviewer asked him. After much hemming and hawing, Lively admitted that even as the "lesser of two evils," he would oppose the bill's passage if it included the death penalty.⁴⁴

Lively's Latest Campaigns

Lively's "nuclear bomb" earned him worldwide condemnation—about which he seemed ambivalent. Sometimes he appeared to relish the attention; other times he tried to flee from it. In July 2009, Lively announced his "final book on the homosexual issue."⁴⁵ He bragged that this book, *Redeeming the Rainbow*, "is the product of twenty years of service as a front-lines opponent of the homosexual movement and encompasses all that I have learned through this long tour of duty." And with that, he said would "no longer be monitoring the day-to-day developments of the culture war regarding homosexuality as

closely, nor posting stories about it to this website."⁴⁶

However, just a few weeks later, he was back to obsessing about homosexuality. He had moved to Springfield, Massachusetts, in 2008, and in August 2009 he traveled to Boston to testify against a transgender rights bill. (To him, gender identity and sexual orientation are indistinguishable.) After his testimony, he gave an interview that was posted on YouTube. "Frankly, I see things simply disintegrating very rapidly and I believe that we're going to suffer some kind of infrastructure collapse in this society because of the failure of moral culture," he said.⁴⁷

In Springfield, Lively initially worked at a church affiliated with Ledyaev's New Generation Church. In January 2011, he reiterated to the *Boston Globe* that he was through with talking about homosexuality, and that he wanted to "re-Christianize Springfield."⁴⁸ He explained, "If someone were looking for Scott Lively to stop being involved in the other stuff [antigay activity], this is it. Those people who criticize me, they should be happy." He opened the Holy Grounds coffee shop, a drop-in center for Springfield youth. Springfield officials expressed concern that truants from a nearby high school were hanging out at the coffee shop. The shop's manager, Michael Frediani, was arrested in January because he failed to register as a convicted child-molester. Lively banned the students during school hours, and defended his manager as someone who had changed by converting to Christianity.

The Rev. Kapyka Kaoma is an Anglican priest from Zambia who attended Lively's talk in Uganda. As a PRA researcher, Kaoma wrote the report, *Globalizing the Culture Wars* [<http://www.publiceye.org/publications/globalizing-the-culture-wars/>], about antigay organizing in Africa by U.S.-based conservative Christians. Kaoma doesn't think Lively's new focus is particularly credible. "Honestly, I wouldn't believe a thing from Scott Lively," he said. "I don't even think he's capable of toning down his antigay rhetoric."⁴⁹ As it turns out, Kaoma was right. In March

2011, Lively traveled to the former Yugoslavian Republic of Macedonia to denounce a proposed antidiscrimination law as the product of "a secret plan by the homosexual powers of the E.U." He warned that its passage would result in an "outbreak of homosexuality."⁵⁰ The Macedonian bill has been shelved for now. ■

Endnotes

¹ All quotations from Lively's 2009 talk in Uganda are transcribed from the video, *The Truth About Homosexuality & Its Agenda: A Family Life Network Initiative, Day Three*. The DVD was obtained jointly by Ex-Gay Watch and Box Turtle Bulletin.

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THE CONSERVATIVE ATTACK *cont'd from page 1*

Supreme Court Justices Sonia Sotomayor and Elena Kagan.

But with the rise of the Tea Party and its increasingly ruthless attempts to purge Republicans of other persuasions from party leadership, Graham seemed anxious to prove his conservative bona fides. He argued that birthright citizenship had encouraged Mexican women to come to the United States to have “anchor babies,” who would enable the parents to remain in the country legally. “It’s called ‘drop and leave,’” Graham explained.

Graham’s evocation of a ruthless Mexican woman who breeds for the purpose of gaining privileges and immunities was unaccompanied by facts, statistics, or even one verifiable story. But in the fantasy world where affirmative action underachievers, welfare queens, Manchurian candidates, and anchor babies appropriate resources from deserving Americans, facts don’t matter. Reactionary rhetoric, bedecked with catchy phrases that insult immigrant families, is a surefire way to demonstrate conservative allegiance. Graham’s defection to the fringes of the immigration debate provided a patina of legitimacy to attacks on the birthright citizenship provisions of the Constitution—which had previously come from far beyond the mainstream. Among those advocating a repeal, some argued that Congress needn’t bother with amending the Constitution—a simple statute would do. Others suggested that birthright citizenship could be denied as a matter of state law, without regard either to the Constitution or federal statutes.²

In the United States, legislation that targets groups based on racial identity or national origin is subject to the most rigid scrutiny. It is unconstitutional unless it is narrowly tailored to serve a compelling gov-

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ernmental interest. The challenge to birthright citizenship is repugnant on several grounds: it stigmatizes the children of undocumented immigrants. It is targeted at a specific racial/ethnic group—Lati-

Contemporary efforts to repeal birthright citizenship strike at the most lasting and important legacy of the Reconstruction Congress: the post-Civil War transformation of American ideals and identity.

nos—and at a specific nationality—Mexicans. The movement to repeal—and mainstream acceptance of its legitimacy—has grown up in a context in which members of far-right groups feel emboldened to

violently attack Latinos in border states, all the while cloaking themselves in the language of “security” and “border control.”³

But facts do matter. So does law. Both the facts and the law demonstrate that arguments calling for a repeal of birthright citizenship cannot be supported by the history leading up to the passage of the 14th Amendment, the intent of the Framers who drafted it, or the Supreme Court’s interpretation of the birthright citizenship provision.

The Case That Started the Civil War

The 1857 Supreme Court case *Dred Scott v. Sanford* has been called the case that started the Civil War. In it, the court, led by Chief Justice Roger Taney of Maryland, held that Blacks “are not... and were not intended to be included under the word ‘citizens’ in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens.”⁴ The decision was sweeping in its scope. It foreclosed citizenship rights for slaves and stripped free Blacks (many of whom were property owners and even voters in the North) of their citizenship.

After the Civil War, Black Codes—local laws that created a labor-contract system that forced Black families into indentured servitude, limited Black access to the justice system, and restricted Black movement—threatened to make Blacks “slaves in everything but name,” in the words of W.E.B. DuBois.⁵ (In the restrictions the Black Codes placed on where Blacks could live and work, they resemble today’s statutes that attempt to regulate Latinos’ access to jobs and home rental.) Under the Black Codes, newly freed slaves

were “required to reside on and cultivate the soil without the right to purchase or own it[,] . . . were excluded from many occupations of gain and were not permitted to give testimony in the courts of any case where a white man was a party,” explained the Supreme Court in one case.⁶ By maintaining the former slaves as a servile class, one correspondent observed, southerners were “determined to do by policy what they had failed to do with arms.”⁷

Nevertheless the use of arms by southerners constituted its own problem:

violence by intransigent southerners directed at both former slaves and Union officials suggested that without the presence of Union soldiers in the South, the peace was precarious indeed. Violence was encouraged by southern legislators, who exhorted their constituents to resist “acts of Congress . . . by the bayonet.”⁸ The loyalty of the South to the Union remained in question. Bombastic secessionist rhetoric continued unabated.

Any attempt to understand the meaning and intent of the provisions of the 14th Amendment must be made with the knowledge of this historical context. The physical battles of the Civil War were over, but the legislative war was yet to be won. Neither the loss of 600,000 lives in the Civil War, Lincoln’s Emancipation Proclamation, nor even the passage of the 13th Amendment, which abolished slavery, could restore or create citizenship status for former slaves and free Blacks. By the summer of 1866, Republicans—both moderate and radical—understood that strong legislation protecting the rights of newly freed Blacks would be necessary to ensure that the war had not been fought in vain. Before settling the debates about the meaning of “privileges and immunities” or even “equality” as used in the 14th Amendment, the Reconstruction Congress understood that, first and foremost, the newly freed slaves, and indeed all Blacks, needed to be entitled to citizenship on the same terms as Whites. As a result, the birthright citizenship provision was the first and least controversial provision of the 14th Amendment. It was also the most important.

For this reason, attacks on the birthright citizenship provision not only target Latinos, they also constitute an affront to African Americans, for whom the provision was originally enacted. Efforts to undo birthright citizenship undermine the foundation of Black—and indeed all—civil rights. In this regard, contemporary efforts to repeal birthright citizenship strike at the most lasting and important legacy of the Reconstruction Congress: the post-Civil War transformation of American ideals and identity.

The Conversion of Lindsey Graham

Senator Lindsey Graham’s statements opposing birthright citizenship were particularly tough for Latinos and immigration advocates to swallow. When Graham received an award from the National Council of La Raza in 2007 because of his courageous vow to act on immigration reform, he took a great deal of heat from conservatives. At the time, his response was to call his opponents out of touch.

But that was before the 2008 election of Barack Obama. The ascent of the first Black president unleashed a wave of nativism that has swept the immigration debate far from the shores of rational discourse. Obama’s election itself has been persistently challenged by “birthers” who insist he was born not in Hawaii but in Kenya. Because the Constitution limits the presidency to native-born U.S. citizens (as opposed to naturalized citizens), the birthers claim Obama’s presidency is illegal.

Both the birthers and those who wish to repeal birthright citizenship seem to be impervious to facts. The birthers refuse to accept Obama’s birth certificate, while repeal activists insist that the United States is being invaded by “anchor babies” in the absence of any empirical evidence. Despite their questionable ideas, both birthers and birthright citizenship repeal activists have succeeded in mobilizing an influential bloc of the Republican Party. The Tea Party has put congressional Republicans on notice that if they make common cause with Democrats on immigration, or even behave cordially to the president, they will be seen as traitors to the party.

To his credit, Graham criticized the Tea Party as late as last July, when he announced that it was “unsustainable.”²⁸ His critical comments about the Tea Party in a *New York Times Magazine* profile were the last straw for some.²⁹ One Republican website labeled him a RINO—Republican In Name Only.³⁰ His willingness to work out a pragmatic conservative position on closing Guantanamo, to support Democrats on climate change legislation, and to vote in support of Supreme Court nominee Elena Kagan had placed him squarely within the sights of Tea Party activists.

In August, Graham announced that he would introduce legislation to overturn birthright citizenship. Although he doesn’t face re-election until 2014, given the aggressive challenges mounted by the Tea Party to establishment Republican candidates last fall, he is surely concerned about the likelihood of drawing a Tea Party challenger in 2014. To shore up his support among conservatives, a reversal on immigration may seem like a small price to pay—his state of South Carolina is only 4.5 percent Latino.³¹

Graham is likely to throw more red meat to the Right during the next few months. A recent poll found that forty percent of Republican voters think Graham is “too liberal.”³² Already, his website has a new look³³; it touts Graham as “A Conservative Problem Solver” and features photos of Graham posing with South Carolina Tea Party darlings Governor Nikki Haley and Senator Jim DeMint.

Completing his conversion, Graham recently announced that the Republican Party needs a coalition of “Main Street, the Chamber of Commerce, and the Tea Party.”³⁴

The Framers' Determination to Extend Birthright Citizenship to All

When the Reconstruction Congress guaranteed that anyone born on U.S. soil would become a citizen, it did so consciously, deliberately, and explicitly. Any fair examination of the legislative history reveals that Congress considered and rejected many of the arguments made by contemporary repeal supporters. Conservatives who in other contexts contend that the Constitution should mean only what the Framers intended conveniently ignore the great weight of the historical record surrounding their decision to embrace birthright citizenship.

When the 14th Amendment was enacted, there was no more disfavored immigrant group than Chinese laborers. Nineteenth-century U.S. history (and indeed a good part of twentieth-century history as well) is replete with national and local discriminatory legislation targeted at Chinese immigrants. Justice John Marshall Harlan's dissent from the Supreme Court's *Plessy v. Ferguson* decision, which upheld the constitutionality of segregation, is well-known for its courageous and prescient articulation of Black equality—but it is less well-known for its explicit denigration of Chinese immigrants. In support of his argument that segregation in public accommodations is unconstitutional, Harlan criticized Louisiana's segregation laws, which restricted Blacks but not other races. He reminded the majority that “there is a race so different than our own that we do not permit those belonging to it to become citizens of the United States . . . I allude to the Chinese race.”⁹ Segregation of Blacks on railway cars could not be justified, reasoned Harlan, if no such laws existed to similarly restrict the Chinese. Indeed, as a matter of federal law, Chinese immigrants were effectively barred from becoming citizens until 1943¹⁰—a sweeping restriction placed on no other immigrant group in U.S. history.

Prejudice against the Chinese was no less intense in 1866, when Congress was debating the birthright citizenship provision of

the 14th Amendment. During the debate, some opponents asked, “Is the child of the Chinese immigrant in California a citizen? Is the child of the Gypsy born in Pennsylvania a citizen?”¹¹ Others openly expressed the fear that “the tide of emigration that might pour in upon the Pacific States from the surcharged populations of eastern Asia” would overrun “[o]ur Christian civilization and our [g]overnment.”¹² A senator opposed to Section I asked “Are [the people of California] to be immigrated out of house and home by the Chinese?”¹³

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These concerns failed to win the day. Instead, the principle of birthright citizenship was deemed critical to the transformation of the United States. One Republican senator from California who had expressed concerns about Chinese immigration nevertheless offered his support for the birthright citizenship provision, announcing, “[W]e are entirely ready to accept the provision proposed in this constitutional amendment, that the children born here of Mongolian parents shall be declared by the Constitution of the United States to be entitled to civil rights and to equal protection before the law.”¹⁴

Clearly, in the interest of articulating an undiluted principle of equality in citizenship, the Framers chose to ensure that any

person born on U.S. soil would be a citizen of the new United States, as ushered in by the Civil War Amendments to the Constitution.

“Subject to the Jurisdiction”

On the first day of the 2011 congressional session, Rep. Steven King (R-IA) introduced legislation to amend the Immigration and Nationality Act to outlaw automatic birthright citizenship.¹⁵ King argued that the 14th Amendment on its face gives Congress the authority to restrict birthright citizenship because of the language of Section 1, which includes the qualification that potential citizens born on U.S. soil must be “subject to the jurisdiction” of the United States. King contends that this enables Congress to deny citizenship to the children of illegal immigrants who, he says, are not “subject to the jurisdiction” of the United States.

A simple originalist analysis of the birthright citizenship provision defeats King's argument. The intense prejudice against the Chinese again led to the Supreme Court's most cogent and unequivocal interpretation of the birthright citizenship provision, in the 1898 case, *U.S. v. Wong Kim Ark*.¹⁶ In that case, the court had to decide whether the U.S.-born child of Chinese immigrants was a citizen. Wong Kim Ark was born and raised in San Francisco, the son of Chinese laborers who were forbidden by federal law from becoming naturalized citizens. When he was about seventeen, Wong Kim Ark and his parents visited China, and upon his return to the United States, he was permitted to enter the country by customs officers, on the grounds that he was a U.S. citizen. However, when he went to China for a second visit four years later, customs officers prohibited him from re-entering, claiming that he was not a U.S. citizen.

At the outset of the case, the court noted an important fact: Wong Kim Ark's parents were laborers. They had never been “employed in any diplomatic or official capacity under the Emperor of China.”¹⁷ This was the key to the court's resolution of the case. It found that the words “sub-

Anchor Babies, Welfare Queens, and Other Tropes

The crude use of the term “anchor baby” to describe a child born to an undocumented Mexican mother in the United States is part of a long tradition of the successful deployment of imagery that plays to coarse racial and gender stereotypes. It was President Ronald Reagan who invoked the idea of the “welfare queen”³⁵ during his 1976 presidential campaign. Referring to a single story of welfare fraud in Chicago, he denounced women who supposedly “drove Cadillacs” while living on welfare checks. It was understood that these women were Black. The “welfare queen” myth took on a life of its own, dramatizing the racialized anger of Whites on the Right toward the Black poor. Reagan used the story to stoke the ire of those he called “hard-working” Americans.

The right-wing activist Clint Bolick used the residue of the “welfare queen” image in his distorted description of the civil-rights scholar Lani Guinier as a “quota queen” in the *Wall Street Journal*.³⁶ Bolick’s op-ed essay was the opening salvo in a campaign of character assassination designed to derail President Clinton’s nomination of Guinier as assistant attorney general for civil rights. An article in *U.S. News and World Report* marked Guinier as an “other” on the basis of gender and ethnicity when it said of her, “strange hair, strange name, strange ideas—she’s finished.”³⁷

The “anchor baby” trope has similar possibilities. It both demonizes Mexican mothers, who allegedly use their newborns as tickets to welfare and other citizenship benefits, and dehumanizes their children as just so much immigration baggage. The thin logic behind this notion is illustrated by Lindsey Graham’s claim that the process of coming to the U.S. to have “anchor babies” is called “drop and leave.” Either Mexican women are crossing the border to have their babies in the U.S. to obtain welfare benefits, or they are having babies and leaving for Mexico. Both cannot be true. (In an additional twist, Rep. Louie Gohmert [R-TX] told Congress last summer that Arab women come to the United States to have babies, take them home to be indoctrinated as “terrorists,” and then unleash them into the United States.³⁸)

There are real dangers attendant to this kind of dehumanizing language. When children are no longer regarded as vulnerable members of our society, entitled to the protection of the state, then it is easy to justify such actions as workplace immigration raids that leave children frightened and devastated by the abrupt arrest and detention of their parents. Indeed the children themselves can be detained in conditions likely to leave them psychologically scarred.³⁹

Only certain immigrant children are dehumanized in this way, however. Dismissive references to Mexican “anchor babies” stand in stark contrast to the solicitous welcome extended by those on the political Right to the noncitizen, undocumented child-immigrant Elian Gonzales, who arrived from Cuba in 2000, after his mother drowned at sea during an attempt to gain access to the United States. Conservative Cuban-Americans and others campaigned to allow Gonzales to stay—although he was eventually deported.⁴⁰

Of course, no empirical data has ever been presented to support the existence of “anchor babies.” Instead the same anecdotes are circulated as right-wing talking points: hotels that offer “birth holidays” in the U.S.; pregnant Mexicans who time their dilation precisely and show up at hospitals across the border. In fact, the Mexican-national parent of a U.S.-born infant could not even apply for citizenship until the child was 21 years old.⁴¹ Thereafter, the average wait time for the successful processing of a citizenship application is ten years. This means that a Mexican-national mother would have to wait at least 31 years for her baby to provide her with the reward of citizenship—an unlikely motivation for her to give birth in the U.S.

Mexicans come to the United States for the same reason that millions of immigrants have traveled to the U.S. over the past 200 years: economic survival. The impending birth of a child can make the need for employment and a chance at a better life even more urgent than usual. Irish, Scottish, Italians, Norwegians, Russians, and others were assisted by U.S. immigration policies that until the 1960s discriminated in favor of European immigrants. This “affirmative action” ensured that millions of White children born in the U.S. to newly arrived families would never be labeled “anchor babies.”

ject to the jurisdiction” confirmed the common-law understanding that diplomats are “subject to the jurisdiction” not of the country in which they serve, but of their sovereigns. (Similarly, an embassy represents the actual territory of the home country, and the conferral of diplomatic immunity recognizes that foreign ambassadors are subject to their countries’ laws.) The Framers intended to recognize and carry forward this tradition. Thus, the children of foreign diplomats who are born in the U.S. do not become U.S. citizens.

Common law also recognized a second category of children born in the United States who were excluded from birthright citizenship: those born to soldiers in hostile armies of occupation. Thus, according to the court, “The real object of . . . the addition [of the words] ‘and subject to the jurisdiction thereof,’ would appear to have been to exclude, by the fewest and fittest words . . . the two classes of cases—children born of alien enemies in hostile occupation and children of diplomatic representatives of a foreign State.”¹⁸ The amendment, according to the court, “was not intended to impose any new restrictions upon citizenship, or to prevent any persons from becoming citizens by the fact of birth within the United States.”

Congress regulates naturalized citizenship. But the fact that Congress had exercised its power over naturalization to exclude Chinese immigrants was irrelevant to the citizenship of Wong Kim Ark. The court held that “[t]he fact . . . that acts of Congress or treaties have not permitted Chinese persons born out of this country to become citizens by naturalization, cannot exclude Chinese persons born in this country from the operation of the broad and clear words of the Constitution.”¹⁹ The 14th Amendment, said the court, “has conferred no authority upon Congress to restrict the effect of birth, declared by the Constitution to constitute a sufficient and complete right to citizenship.”²⁰ Birthright citizenship is limited only by “birth within the dominion of the United States, notwithstanding alienage of parents.”²¹ Wong Kim Ark was unequivocally a U.S.

citizen. And Congress is powerless to restrict birthright citizenship.

Rep. King's efforts to restrict birthright citizenship by statute, therefore, constitute a patently unconstitutional usurpation of authority. The birthright citizenship provision of the 14th Amendment cannot be altered by legislation. Only a constitutional amendment can overturn a constitutional provision—much as Section 2 of 14th Amendment, which requires the inclusion of Blacks in the enumeration of population for congressional districts, overturned the hideous “3/5 clause” of Article I of the Constitution, which counted only a fraction of each slave for purposes of apportionment.

The Benefits of Birthright Citizenship

The U.S. is among a minority of countries that provide birthright citizenship—also called *jus soli*. Most countries, including many in Europe as well as India, determine citizenship according to *jus sanguinis*—or “blood law.” Under *jus sanguinis* a child's citizenship depends on the citizenship of the parents. To be a citizen, one parent, or in some cases grandparent, must also have been a citizen. *Jus sanguinis* often results in generations of permanent immigrants who, despite their longstanding presence and work in a country, never count as citizens. In Germany, for example, generations of Turkish “guest workers” were never accepted as Germans, resulting in parallel, separate, self-contained Turkish communities in cities like Berlin and Hamburg.²² After 9/11, German authorities recognized that they had little meaningful understanding of or contacts with the large Turkish-Muslim communities in those cities.

Ironically, nativists who attack birthright citizenship fail to recognize that it furthers the aims many of them purport to advance in other contexts. For example, many right-wing, anti-immigrant groups support “English only” initiatives and argue that immigrants to the United States

should integrate themselves fully into U.S. culture. But it is birthright citizenship that has fostered the integration of immigrants into mainstream American life at a rate and

Birthright citizenship has fostered the integration of immigrants into mainstream American life at a rate and with an intensity unprecedented among immigrants internationally.

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Although racial and national origin, and language-minority discrimination continue to pose substantial challenges to Blacks, Latinos, and others in the United

States, when compared to other western nations, this country has been remarkably successful in absorbing immigrants. Contrary to conservative rhetoric, empirical evidence demonstrates that the children of immigrants to the U.S. today quickly become integrated.²³ Even when segregated, immigrants enjoy a support network of social service organizations, political leaders, and activists. Birthright citizenship and the presence of a well-developed civil rights infrastructure ensures that successive generations benefit from accumulated political power and social justice organizing.

What Graham, King, and other antibirthright citizenship advocates propose is trading in America's relatively successful (although troubled) immigrant integration experience for the failures of Western Europe.

The New United States

Despite the high aspirations of the Framers of the 14th Amendment, it took nearly 100 years for the Civil War Amendments to begin to yield fruit from the trees they so painstakingly planted. The early flower of Reconstruction—the



CROSSING THROUGH ARIZONA

FATHER'S RIGHTS GROUPS *continued from page 1*

nudge in the direction of getting both parents to be involved.¹

This mild-mannered approach to child custody, a major issue in contested divorces, hides the real agenda of Fathers and Families. What appears at first glance to be an honest plea for fairness is in fact a backlash movement against changing gender-role norms and family structures—cultural shifts that have been influenced by feminist thought and action.

Although Holstein sounds as though he is promoting a new initiative, some form of joint custody bill has been filed in the Massachusetts legislature every year since 1983. Since the 1970s, certain conservative men's organizations, commonly called fathers' rights groups, have been seeking to increase their visibility and influence over divorce-court proceedings. While their tactics have changed, they remain a threat to women's hard-won gains.

Fathers and Families, one of the hundreds of fathers' rights groups that has sprung up in the past 35 years, uses language that is far removed from the angry pitch of early movement spokespeople. For example, in 1986, the journalist Greg Weston paraphrased the feelings of such fathers:

They are tired of being legally castrated by what they perceive as a sexist judicial system that almost automatically hands sole custody to women for no other reason than the archaic and unproved belief that children are better off with their mothers.²

In 1989, a divorced father was quoted as saying, "We're sick and tired of being considered no more than walking wallets and sperm donors."³

From the fathers' rights point of view, the wave of no-fault divorce laws that swept across English-speaking countries in the 1970s made it too easy to file for



A display by a disgruntled ex-husband

Photo by Jennifer [creative commons]

divorce. The groups correctly point out that most of the time, women do the initial filing,⁴ but they go farther, claiming that fathers usually lose in divorce courts. They base their organizing on the anger and resentment of a million ex-husbands a year.

Although some groups continue to use rancorous, misogynist language, the most influential organizations have modified their tone. Sounding reasonable gains them mileage and has the added benefit of masking their true agenda.

The Demographics of Fathers' Rights Groups

Fathers' rights groups are diverse, ranging from one-man websites and grassroots support networks to national membership organizations. They share some common characteristics, though. According to Jocelyn Elise Crowley, a political scientist at Rutgers who studies fathers' rights groups, these organizations tend to attract men (and a smattering of second wives) who are more highly educated, more often White, more conservative, and more highly politicized than the general population⁵—although the movement also includes African Americans such as the

lawyer Jeffery Leving and the author Eric Legette. Fathers' rights groups organize against what they perceive to be a court system that unfairly penalizes men during contested divorces and custody battles, leaving them without adequate contact with their children and with burdensome financial obligations.

These groups tend to be driven by a charismatic leader's personal, negative, experience with divorce and as such display a high level of emotional content. This appeal to emotion can be an effective organizing tool. The rhetoric of fathers' rights tends to represent women's and men's rights as mutually exclusive; if the woman gains benefits in a divorce proceeding, then the man loses. According to "Christian," a member of a fathers' rights group,

Since the 1960s, we [have] had tremendous progress, if you will, in terms of obtaining equal rights between the genders and among the races, but few have realized how much the pendulum has swung the other way in terms of the role women have in the family court system versus what men have.⁶

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The movement has continued to grow, so that there are now several groups in every state. Along with U.S. groups, such organizations have simultaneously developed over the past 35 years in Canada, the U.K., and Australia. They all share a common complaint: divorce must change.

Making Sense of Marriage

“Making sense of divorce requires making sense of marriage,” say the legal scholars June Carbone and Margaret Brinig.⁷ What they mean is that the rankling disputes over divorce gain meaning when we look at society’s various expectations for marriage. For social conservatives, the institution of marriage is both a symbol of traditional gender roles and a basic economic structure. A smoothly functioning family should be a self-sufficient economic unit that does not need to rely on charity from private or state sources. Thus, marriage is characterized as the building block of society.⁸

In addition, some traditionalists assert that marriage “tames” the man and makes him more responsible, to both his wife and his children. Marriage, then, is a behavior regulator and guarantor of civilized behavior. People with these views claim that challenges to conventional marriage are deliberate attempts to destroy the social structure. Divorce, they believe, signals the disintegration of a sacred institution. Mike Duff, the president of United Families International, a conservative anti-abortion, pro-traditional-family advocacy group, says:

Experiencing life in a natural family becomes absolutely fundamental to the preservation of society....A culture that does not value marriage will eventually replace civil society with tribalism.⁹

The most visible current “enemy” of traditional marriage is same-sex marriage. Strategists have skillfully used existing homophobic attitudes to encourage opposition to any alternative to a heterosexual family structure. In the past, single-parent families with nonmarital births were the

main targets. Female-headed households were seen as incomplete and devoid of a moral compass. Daniel Patrick Moynihan famously promoted this idea in his 1965 government-funded report, *The Negro Family*, which excoriated African Americans:

There is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, disorder—most particularly

“We’re sick and tired of being considered no more than walking wallets and sperm donors.”

the furious, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near to inevitable. And it is richly deserved.¹⁰

In recent decades, defense of so-called family values has become one of the Right’s most reliable frames. Organizers have been able to use the issue to pull voters to the polls in support of conservative candidates.

Current political interest in marriage has focused on encouraging some people, such as poor, heterosexual women of color, to marry, while forbidding others, such as LGBT people. But marriages can be fragile things, and there is additional controversy over how society handles the other end of the marriage contract, divorce. The fathers’ rights movement has taken full advantage of all these social anxieties.

Divorce in the United States

Divorce has long been stigmatized by religious and social conservatives as a personal, moral flaw. Until the 1970s, this notion was reinforced by state requirements that couples seeking a divorce produce a valid reason for terminating the marriage, such as a spouse’s adultery, abuse, or abandonment.

Because marriage is a legal contract, divorce requires the intervention of the state to witness its dissolution. In the United States, there are about one million divorces a year. The rate of divorce spiked after no-fault divorce was introduced but has since declined and leveled off to about forty percent of marriages. You would never know that, though, if you listened to people like Stephen Baskerville, a national marriage-promotion leader:

The decline of the American family has reached critical and skeptical proportions....The breakdown of the family now touches virtually every American. It is not only the source of instability in the western world but seriously threatens civic freedom and constitutional government.¹¹

Divorce laws and their reform have largely been the purview of state legislatures. In 1970, California began offering no-fault divorce, which now exists in all fifty states. No-fault laws indeed make it easier to divorce, because neither party needs to prove the other is at fault. If both agree, the process can be relatively smooth. In contrast, contested divorces are expensive. The cost of repeated trips to court in lawyers’ fees, court costs, child support, and settlement arrangements can add up to hundreds of thousands of dollars.

While the division of material property plays a part in many of these disputes, the battle is most often about custody and financial support of the children. Where the children live and who pays for their expenses are two interdependent aspects of divorce. Usually, one parent is appointed the main physical custodian, and the non-custodial parent pays child support. If the

divorcing parents cannot agree, a court decides who will gain custody of children and the amount of child support to be paid. Government enforcement agencies monitor how often and how much child support is actually paid. In 2007 a little more than sixty percent of child support money was actually paid.¹² The courts and enforcement agencies have the authority to order noncustodial parents to pay or to seize the money out of their paychecks. This is a major source of anger for fathers' rights advocates, who resent state interference in their finances.

Giving custody of children to their fathers is a major plank in the fathers' rights platform, but an inspection of group members' language reveals that they are often more interested in asserting power and control than in providing for "the best interest of the child"—family courts' usual standard for assigning custody—or the strengthening of the father/child relationship. A self-help website, "Divorce Advice for Men: How the System Really Works," recommends,

Demand primary custody of your children even though you would have agreed to a joint custody or visitation arrangement. You spouse will probably be terrified by the thought, and he or she might agree to an unfair agreement.¹³

Usually, a judge determines where the children will live, based at least in part on evidence of which parent has better cared for the child. In many cases, because the mother has already provided more hours of direct care, she receives custody. Fathers' rights groups have focused their recent lobbying efforts on what they call the "presumption of joint physical custody," which makes both parents more or less equal partners in direct, day-to-day care.

Fathers' rights groups recognize that a joint physical custody standard can give them more time with their children without prolonged courtroom battles. For example, the *Boston Globe* quoted "Brian Ayers, a part-time police officer who juggles two jobs, [and] is the proud father of a fourteen-month-old son."

He...says he wants to build the same kind of close relationship he enjoys with his [own] father.... But Ayers does not share joint physical custody of his only child.... "I was very upset," said Ayers, 30. "I thought, in this country, you wouldn't have to necessarily fight to spend time with your child."¹⁴

Another reason to favor joint physical custody is one these groups rarely articulate: an award of joint physical custody usually reduces the amount of child-support

The rhetoric of fathers' rights tends to represent women's and men's rights as mutually exclusive; if the woman gains benefits in a divorce proceeding, then the man loses.

paid by the noncustodial parent. Stephen Baskerville, a spokesperson for the fatherhood movement, describes state-mandated child support as

a political underworld where government officials are feathering their nests and violating citizens' rights while cynically proclaiming their concern for children.... The divorce industry, in short, has turned children into cash cows.¹⁵

Since one-third of court-ordered child support is never paid, avoiding the court involvement, expense, and the tarnishing of reputation that may occur because of nonpayment is a priority for some fathers' rights group members. Of course, speaking openly about this aspect of the con-

nection between custody and child support is not an effective way to build support for fathers' rights, since it hints at selfishness.

Rhetorical Tools

The fathers' rights rhetoric that the legal scholars Miranda Kaye and Julia Tolmie analyzed in Australia is similar to that in the United States.¹⁶ In general fathers' rights groups appeal to familiar, esteemed values such as the protection of families, the guarantee of equal rights, and the welfare of children. These powerful rhetorical devices link the desires of divorcing fathers with established norms, making their arguments appear plausible and rational.

Often fathers' rights groups illustrate their claims and demands using stories about individual incidents. These accounts create an emotional link between the public and the fathers who seek support and understanding of their loss. For example, the *Boston Globe* reported:

For one divorced father of four who requested anonymity because his case hasn't been settled, the crumbling economy has had consequences beyond the emotional and financial. His \$1,400 weekly support payments, plus additional expenses like health insurance and tuition, had been based on a court judgment in 2007. The man works for a realty business, and since the real estate market has frozen, his income has plummeted. Earlier this year he fell \$23,000 behind in what he owed, including attorney's fees to his ex-wife's lawyer. With his modification petition still pending, he was handcuffed in court and put in jail for 30 days.¹⁷

In response to the *Globe* article, "Skyhawk85u" wrote:

I've been divorced for a few years, have my children about 50% of the time, yet still pay hundreds in child support every week. Why? I don't know. As I am self-employed with wildly variable income I often have weeks when my support payments

are far more than I've made. And I still have my kids 50% and pay for everything while they're home with me (yes, "home" not "visiting"! It's ridiculous, and all the ex wants is more. Everyone should support <http://www.fathersandfamilies.org/>¹⁸

Anecdotes can be powerful rhetorical tools. However, as sociologists are fond of reminding us, "anecdotes are not evidence."

Fathers' rights groups claim that fathers are discriminated against in divorce proceedings because they are not treated "equally": they may end up spending less time with their children or paying more child support than the mother. But the notion that "equality" requires an identical division of benefits ignores the differences between men's and women's roles in marriages, the reality of women's greater responsibility for childcare, and their lesser economic strength compared to men. Calling for equal rights in this context is a co-optation of the language of liberal social change.

Nevertheless, such demands have successfully appealed to an American sense of fairness. For instance, in 2004, voters in Massachusetts were presented with a ballot question about child custody. The nonbinding resolution read:

[I]n all separation and divorce proceedings involving minor children, the court shall uphold the fundamental rights of both parents to the shared physical and legal custody of their children and the children's right to maximize their time with each parent, so far as is practical.¹⁹

Most voters probably saw nothing problematic with such language; 86 percent of those voting on the measure supported it. But the nonbinding referendum obscured the fathers' rights strategy of moving toward legislation that would require equal distribution. The resolution gave fathers' rights groups in Massachusetts a powerful addition to their toolkit.

Fathers' rights groups often claim that their members have been denied their rights by a state that intervened in their private lives with restrictions on their income, freedom of movement, and freedom of association with their children. A father who was imprisoned for not paying said,

Some traditionalists assert that marriage "tames" the man and makes him more responsible, to both his wife and his children.

Marriage, then, is a behavior regulator and guarantor of civilized behavior.

My fellow fathers.....even though you've been a great citizen for all of your life, if you are captured by the child-support Gestapo, you will no longer be treated as human beings. You will be housed with murderers, three-strikers, lifers ... the real scum of the earth.²⁰

Describing divorced or single fathers as targets of government-sponsored discrimination can appeal to the public's sense of fairness, especially in a climate where trust in government has plummeted. But the feminist legal scholar Selma Sevenhuijsen argues that "rights" in our cul-

ture were founded on a "property model," in which "ownership, entitlement, interest, and control" are central concepts.²¹ She suggests that the rights that fathers' rights groups seek are associated with the traditional, privileged position of men in our society.

Fathers' rights groups often portray their members as victims, either of an uncaring court system or vindictive women. The fathers describe themselves as having lost control over their lives because of an external source. Occasionally, they combine women and the courts into a melded opponent, claiming that the courts have been influenced by feminist thought, which they believe is necessarily biased against men.

Appealing to "Science": The Myth of Parental Alienation

Over the last two decades a distressing pattern has emerged in divorce settlements: women who claimed that the fathers had abused their children ironically began to lose custody, in favor of the alleged abusers. It turned out that fathers' rights groups had developed a persuasive argument in family courts across the country, enabling them to win custody of their children more often. The fathers hired expert witnesses trained in identifying a disorder in children called Parental Alienation Syndrome, or PAS—a phrase coined in 1985 by the psychiatrist Richard Gardner, who gave himself a new career in the process. He claimed that children of divorce could be alienated from one parent by the other, thus transforming what most experts acknowledge may be an occasional phenomenon into a full-blown, although unproven, theory. Gardner further insisted that any associated charges of child abuse were unfounded and due to a spiteful attempt by one parent to alienate children from the other.

Scientists' reaction to Gardner's considerable influence has been harsh. "This is an atrocious theory with no science to back it up," says Eli Newberger, a professor at Harvard Medical School and an expert on child abuse.²² "No data are pro-

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vided by Gardner to support the existence of the syndrome and its proposed dynamics,” says Kathleen C. Faller, a professor at the University of Michigan.²³ Gardner regularly published his own writing, avoiding the peer-review process. The American Psychiatric Association does not include PAS in its *Diagnostic and Statistical Manual of Mental Disorders* (DSM), the gold standard of mental-illness definitions. Despite the theory’s lack of scientific credibility, Gardner continued to publish extensively until his death in 2003, and the PAS argument has been used in hundreds of divorce cases, almost entirely by men who are trying to increase their chances of receiving custody of their children. In Massachusetts, fathers now receive primary or joint custody in more than seventy percent of contested cases.²⁴

PAS claims can obscure legitimate accusations of child abuse and violence against women. Sadly, disputes in a divorce are not always verbal; domestic abuse occurs in 25 to fifty percent of custody cases.²⁵ Feminists began to point this out in the 1980s, and since that time sociologists and psychologists have continued to document the problem. Domestic violence remains a major problem for women and children in this country. A conservative estimate is that more than 1.3 million women per year are attacked by their male partners.²⁶ Three-quarters of visits to emergency rooms by victims of domestic violence occur after a separation, making the divorce process one of the most dangerous times in a woman’s life.²⁷

The tactic of claiming PAS is used to distract courts from an accurate understanding of claims for divorce; accusing women of making false allegations of child sexual abuse is another. Some fathers’ right groups use the term “abuse-excuse” to trivialize accusations of violence against women. In fact, multiple studies have shown that up to twenty percent of child sexual abuse allegations made during custody disputes are falsely initiated; but the evidence shows that these false allegations are most often made by men.²⁸ By deliberately spreading misinformation, father’s rights groups have

managed to shift the grounds for discussion about violence against women from a feminist challenge to men’s physical power to a male-centered attack on women.

Some fathers’ rights groups make the specious claim that women abuse men as often as men abuse women. The fathers’ rights group RADAR [Respecting Accuracy

Giving custody of children to their fathers is a major plank in the fathers’ rights platform, but an inspection of group members’ language reveals that they are often more interested in asserting power and control.

in Domestic Abuse Reporting] claims to have weakened four pieces of legislation about violence against women, including the reauthorization of the groundbreaking federal Violence Against Women Act (VAWA).²⁹

Fathers’ Rights and Domestic Violence

A growing segment of the fathers’ rights movement consists of fathers who never married their children’s mothers. A man who does not marry his child’s mother lacks visitation or custody rights when the relationship ends unless he secures a court order, and he is required to pay child support, even if the mother receives TANF (Temporary Assistance for Needy Families) funding. This lack of legal rights can create resentment among fathers that may transform into anger.

Applying for TANF creates problems for low-income women. To receive support, they must provide the father’s name to TANF officials. Fear that the agency may track down an angry father and require him to pay child support may prevent them from applying, since it may result in their becoming victims of violence.³⁰ Recognizing the problem, TANF created a Family Violence option for applicants. But according to a study conducted by Legal Momentum, the women’s legal defense and education fund, this option is inadequate and creates its own problems.³¹ Women must submit burdensome documentation proving they are victims of violence in order to receive a waiver from providing the father’s name. Many TANF-eligible women fear that state child protection agencies will become involved if they provide evidence of domestic violence. These obstacles have prevented some women who need TANF from applying for it.

INTERNET RESOURCES

Rights for Mothers is a blog that provides “Resources and Support for Noncustodial and Custodially Challenged Mothers.” <http://www.RightsforMothers.com>

The Leadership Council on Child Abuse and Interpersonal Violence is an educational and advocacy group of professionals including scholars, lawyers, and scientists who provide reliable information on family structures and domestic violence. <http://www.leadershipcouncil.org/index.html>

National Organization for Women Family Law Ad Hoc Advisory Committee Newsletter provides articles and resources for women and their advocates involved in family courts. http://www.nowfoundation.org/issues/family/family_law_newsletter_summer2010.pdf

Get Involved to Prevent Havoc

Despite their use of questionable tactics, fathers' rights groups have succeeded in influencing public policy through testimony before commissions and other state bodies, lobbying for changing family law through legislation and case law in the courts, and creating an echo chamber in the media to broadcast their views.

Additionally, they have built a movement by providing supportive spaces for fathers who experience anger, resentment, and loss at the ending of their relationships. After all, sympathy for those involved in contested divorces is widespread and understandable. Such reactions create a climate in which fathers' rights groups can gain a listening ear, if not actual policy change. Some leaders have used the movement to fuel both their anger at a loss of male power in a relationship and their resentment in the face of state interference in what they consider a private family matter.

Practitioners of feminist family law are, of course, already aware of gender bias in the courts and the stealth tactics of fathers' rights groups. The rest of us would do well to get up to speed. Fathers' rights groups are not a short-lived or a trivial phenomenon. To hold fathers' rights advocates accountable and restrict their illegitimate grab for power, activists should scrutinize state-level ballot questions and proposed pieces of legislation about child custody and violence against women. They should support public education campaigns about the actual agenda of fathers' rights groups. And, they should alert progressive judicial watchdogs to scour the courts for changes in patterns of legal judgments. Such vigilance will reduce the amount of havoc such groups can inflict on women, children, and the culture as a whole. ■

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COMMENTARY *cont'd from page 2*

promulgation of fear and hatred toward purported traitors but also the constant amplification of that message through right-wing controlled media.

Predictably, Glenn Beck, Rush Limbaugh, Sarah Palin, and Bill O'Reilly, among others, lashed out, labeling Loughner as a deranged, extremist loner and denouncing the politicization of a terrible crime. Loudly denying any culpability for the violent political atmosphere, they accused liberals, Democrats, and Pima County Sheriff Clarence Dupnik of demonizing conservatives, failing to keep the community safe, and even destroying the country.

Others simply dismissed the notion that a steady stream of violent rhetoric is harmful. The conservative *New York Times* columnist David Brooks rejected wholesale the idea that the Tucson killings were fostered by a climate of hate, saying the very suggestion "that political actors" were in any way culpable was "extremely grave" and "vicious."¹

A bogus media theme conflating right-wing and left-wing rhetoric conveniently took hold—what the *New York Times* columnist Frank Rich called, "the pious, feel-good sentiment that both sides are equally culpable for the rage."² Such media pundits as David Gregory (NBC), Matt Bai (*New York Times*), and Dan Baltz (*Washington Post*) helped to mainstream the message.³ Indeed, both the Left and the Right resort to demonizing rhetoric from time to time; however, liberals and progressives have not made it a reliable and consistent tactic and do not possess the media equivalent of Fox News, Rush Limbaugh's radio outreach, or other right-wing broadcast media to amplify the rhetoric. Moreover, as the *Washington Post's* Eugene Robinson pointed out well before the Tucson shootings,

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It is dishonest for right-wing commentators to insist on an equivalence that does not exist. The danger of political violence in this country comes overwhelmingly from one direction—the Right, not the Left. The vitriolic, antigovernment hate speech that is spewed on talk radio every day—and, quite regularly, at Tea Party rallies—is calibrated not to inform but to incite... Demagogues scream at people that their government is illegitimate, that their country has been 'taken away,' that their elected officials are 'traitors' and that their freedom is at risk... They have a right to free speech... [b]ut they shouldn't be surprised if some listeners take them literally.⁴

The events in Tucson unfolded in a fear-soaked, paranoia-laden, resentment-stoked, and violently polarized political environment. Who, then, is accountable?

Rich and Robinson are correct

Following the passage of the federal healthcare reform bill in 2010, some Democrats in Congress—including Giffords—received anonymous threats and were targeted for incidents of vandalism at their homes or offices.⁵ But the danger goes far beyond threats; the recent record of killings and attempted violence shows clear links to the influence of far-right scapegoating and conspiracy theories.⁶

So, is anyone willing to take up the more difficult question of moral responsi-

bility? The nation seems also to have entered a plea of "not guilty."

The theater of accusation developed in response to the tragedy of Tucson is all too familiar: "*they* hate and are trying to destroy *us*." It's an appealing and potent political message, not only for the Right but also for us progressives. After all, it is easy to decry the "extremists"—the shooters, the arsonists, the bombers, the vandals, and those who encourage them through inflammatory rhetoric.

But how do we show that Tucson was just not about "a crazy loner" with too much time and ammo on his hands? How do we bring into vivid focus the reality that respectable leaders, together with public and private institutions who want to ensure that power remains in the hands of wealthy, White males, have always fueled hatreds and resentments, while washing their hands of responsibility when disturbed individuals inevitably do some of their dirty work?

We will never end political violence by denouncing the actions of others while denying our own complicity—often tacit and unintentional—in supporting its structural underpinnings. Today, liberal advocacy and civil rights groups increasingly organize and fundraise around the message, "Stop Hate." While a worthy aspiration, it is not a message that calls us to transform either the conditions that bolster and reinforce structural violence or the demonizing political rhetoric that protects it. Nor can we effectively expand our base of support when our primary recruiting message to people who believe themselves to be

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moral and decent but don't (yet) agree with us boils down to, "You're a hater. Stop it! Just say no!"

To develop a progressive politics of transformation, we have to stop speaking primarily to ourselves while insisting that only evil others are responsible for the current state of affairs. We may not be guilty of firing the shots in Tucson, but we are all responsible for what happens next. None of us holds all the answers, but together, we can develop them.

That, however, requires willingness to reach out in new ways to people who may not yet be with us, but yearn for something better and share many of our concerns—including the favoring of Wall Street over Main Street, low wages and unemployment, lack of affordable healthcare and housing, attacks on Social Security, crumbling public school infrastructure, and lack of community safety. Recent right-wing/Republican Party assaults on unions and public sector employees—school teachers, nurses, and other government workers—in Wisconsin and a growing number of states have fostered powerful new waves of protest and resistance to the attacks. How can we build on and sustain protests while also addressing the hunger for something better?

Our usual modes of campaign-focused, single-issue organizing and increasing reliance on Internet communications can't meet the challenge of the moment, because they cannot substantively address the question of shared moral responsibility for the well-being of all our neighbors.

The challenge is to expand our communities' capacity to care for one another, build a collective stake in a more compassionate future, and bring collective pressure to bear when public and private institutions not only foster injustice but also seek to consolidate power by stoking fear and deploying violently demonizing rhetoric and images. Deeper change demands an emphasis on building strong, trustworthy relationships across issues and constituent



The site of the Tucson shooting rampage in which Rep. Gabrielle Giffords and others were shot.

cies in our own locales. The particularities of how the hardship is distributed across many groups—communities of color, immigrants, indigenous peoples, LGBT folks, seniors, people with disabilities—should concern us. What would safe and

common agenda, uniquely suited to local needs and conditions. That's harder—but also more rewarding—than it might initially seem.

For example, some years ago, my economically diverse neighborhood was being hammered by a devastating set of political decisions: closing our beloved elementary school; displacing poor residents for the sake of aggressive, higher priced development; destroying open space; jacking up real estate taxes and prices. At the time, we lacked any organized voice. We had to start from scratch. We held a series of meetings, open to all, and to publicize them, we walked the neighborhood time and again, talking to people and delivering flyers to every house, apartment, trailer, and business. We posted announcements and set up sidewalk sandwich board signs to encourage participation. More and more people began to attend. We did not discuss Left-Right divisions; rather, we had come together to talk about what we loved about our neighborhood and how the changes were affecting us. We wanted to figure out how to respond.

“It is dishonest for right-wing commentators to insist on an equivalence that does not exist. The danger of political violence in this country comes overwhelmingly from one direction—the Right, not the Left.”

just communities for all really look like? What strategies hold the promise of producing such communities? And how do we start?

That's where renewed commitment to “boots to the ground,” grassroots community organizing comes in. We start by getting folks together and developing a

Respectable leaders, together with public and private institutions who want to ensure that power remains in the hands of wealthy, White males, have always fueled hatreds and resentments, while washing their hands of responsibility when disturbed individuals inevitably do some of their dirty work.

We realized that, to be effective, we could never retreat to an insular vision of a community of agreeable people who were “just like me.” We had somehow both to embrace our (sometimes profound) differences and develop and move forward with a common voice. Eventually, we developed a solid, inclusive neighborhood vision that today remains as valid as it was years ago. And the vision isn’t just about stopping negative impacts; it also speaks to our collective hopes and dreams. We’ve won several heartening victories and lost a couple of heartbreaking battles.

Today, as a new round of destabilizing development threatens us, new waves of leadership and activism have a foundation on which they can build. Because we meet over kitchen tables and get to know the families in the neighborhood and how everybody is doing during rough economic times, we have come to care about one another. We understand the specifics of how our lives and our futures are interrelated. We learn from one another’s experiences. This makes it easier to bridge at least some political divides with fresh ideas. It’s not perfect—sometimes too few people are doing too much—but new folks are stepping up to help out. We are constantly learning about how to challenge our local politicians as well as one another without relying on a politics of enemy formation. We’re proud of having managed to do this within a

severely polarized political environment—locally, statewide, and nationally.

In San Antonio, Texas, the Esperanza Peace and Justice Center⁷ offers another inspiring example of organizing within a framework that emphasizes an inclusive vision of civil rights, economic justice, and cultural integrity for multiple communities, including women, people of color, LGBT people, and working-class and poor people. With a focus on bridge building through cultural and artistic expression, education, crosscultural understanding, and community empowerment, Esperanza constantly strengthens the community’s ability to respond to pressing—and ever-changing—local, national, and global concerns. By providing meeting space and networking support for grassroots activists and groups as well as technical assistance in such areas as grant writing, alliance building, and board and membership development, Esperanza helps to expand the community’s capacity to organize for social and economic justice. Art shows and cultural programs featuring drama, dance, poetry, performance art, and music touch hearts, impart history, and stir imaginations. Through its passionate determination to address “the inherent connection of issues and oppressions across racial, class, sexual orientation, age, health, physical and cultural boundaries,” Esperanza shares resources, breaks down walls of

isolation, and helps equip groups with what they need to keep going for the long haul.

And we are in this for the long haul. Directly following the Tucson shootings, Republican politicians, leaders, and right-wing media revved up the toxic, violent rhetoric, exhorting us to be a nation of enemies. In an interview with the Christian Broadcasting Network, John Boehner (R-OH), the Speaker of the House of Representatives, compared collective bargaining to armed hostage-taking, saying that unions have “a machine gun” aimed directly “at the heads of local officials.”⁸ Echoing Rush Limbaugh, Tea Party groups refer to public employees and unions as “parasites.”⁹

In response, progressives need to work on changing the entire frame of debate. Our visions of safe and just communities can inspire vibrant and expansive organizing. Starting at the local level and moving out from there, we must develop the means to hold not only public and private leaders and institutions but also ourselves accountable for dismantling structural violence and tending to the collective well-being.

We are all responsible. Not because there is any equivalency in violent rhetoric between the Left and the Right, but because as progressives we believe that no lives and no communities are expendable.

Endnotes

¹ <http://www.nytimes.com/2011/01/11/opinion/11brooks.html>

² <http://www.nytimes.com/2011/01/16/opinion/16rich.html>

³ <http://www.commondreams.org/view/2011/01/11?print>

⁴ <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/29/AR2010032901891.html>

⁵ <http://www.nytimes.com/2010/03/25/health/policy/25health.html>. See also <https://www.irehr.org/issue-areas/tea-parties/19-news/67-tea-party-reactions-to-the-tucson-tragedy>

⁶ <http://www.ourfuture.org/blog-entry/2009062410/tragedy-holocaust-museum-how-real-terrorism-begins>

⁷ <http://www.esperanzacenter.org/>

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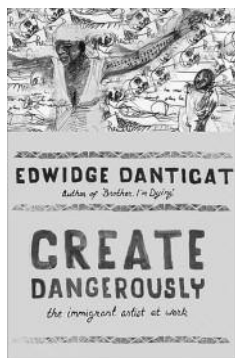
Books

Edwidge Danticat: “To Add My Voice”

By Michelle Coffey

Born in Haiti, Edwidge Danticat moved to the United States when she was twelve. She is the author of many works of fiction set in Haiti and the United States, including the short story collection *Krik? Krak!* (1991), which was a finalist for the National Book Award; *Breath, Eyes, Memory* (1994), an Oprah’s Book Club Selection; *The Farming of Bones* (1999); and *The Dew Breaker* (2004). She received a MacArthur Fellows Genius Grant in 2009.

In Danticat’s memoir *Brother, I’m Dying* (2007), she writes about being raised in Haiti by her uncle, Joseph Dantica, a minister—and about her uncle’s death at age 81 at the hands of the U.S. Immigration and Customs Enforcement (ICE). Although he had a valid visa and had come to this country to request asylum, he was imprisoned in ICE’s Krome Detention Center in Miami, Florida. In testimony before the U.S. House Judiciary Committee’s Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law in October 2007, Edwidge Danticat explained



that her uncle had been arbitrarily denied his medication, and as a result had had a fatal seizure: “Fifteen minutes passed before help arrived,” she said. “When a medic and nurse arrived at the scene, the medic accused my uncle of faking his illness.” Her family had to file a Freedom of Information Act request to obtain his medical records. Thus, Danticat and her family are intimately acquainted with the terrible consequences of U.S. immigration laws and policies.

I was both excited and humbled when Political Research Associates asked me to interview Danticat about her new book, *Create Dangerously* (2010), for The Public Eye.

It is an honor to engage in dialogue with one of the most important artists of our time about the artistic process and the artist’s response to today’s political challenges. Can artists offer innovative frameworks and strategies for progressive movement building and fundamental social change? Danticat’s explorations in *Create Dangerously* can help guide our collective efforts to make a more just world.

Michelle Coffey: Tell me, how did *Create Dangerously* come about? Was it something that was living inside of your head for a while? Was it triggered by the anti-immigrant climate here in this country? Last year’s devastating earthquake in Haiti?

Edwidge Danticat: I wanted to write about something that I not only have expertise in, but that I am passionate about: how people come to their art, especially under difficult circumstances. How do people create in spite of horrors, in spite of tragedies? I had read an essay by Albert Camus, called the “The Artist in his Time.” The English translation is called “Create Dangerously.” I decided to borrow his title and to explore what “create dangerously” means to me and to other immigrant artists.

Michelle Coffey is the director of the Lambent Foundation, which examines, explores, and supports the intersections between arts/culture/creativity and social justice.

It’s a privilege for us to have words, and the ability to live with experience rather than to suffer through it, as many people do. For example, my uncle died in the custody of ICE, an experience I share with many families. But many of them are silenced, because they’re undocumented, or because

they don’t know how to maneuver around the system. I had recourse: I had words and the ability to make protest art.

One of the people I talk about in my book is a radio journalist, who always said, “My microphone is my weapon.” That’s how he would fight against injustice, on the radio with his microphone and his words. Those of us who have that privilege are lucky. We can express ourselves out in the world. We do it with words. We do it with song. We do it with our bodies. We do it with our canvases.

Q: Where does that “privilege” come from?

A: As an immigrant artist, you’re inauthentic to the place where you come from, and you’re inauthentic to the place where you are. This silences many people, because they think, “I’m not Haitian enough. I’m not American enough.” But I believe that the minute you realize that wherever you are from, you’re just enough, you are free. You have your own sort of national identity, with its own landscape and its own stories.

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Q: You write about Marcel Numa and Louis Drouin. Were they artists or cultural workers?

A: Numa and Drouin were activists who were executed by the dictator Francois “Papa Doc” Duvalier in 1964, in Port-au-Prince. People were required to watch the execution and the government showed the video of it everywhere. If you went to the movies, it came on first thing, and it played on TV all the time, too.

Q: In the book you say you remember seeing big posters of the execution.

A: Yes. It’s imprinted on people’s psyches. One person told me, “They die all the time. They die over and over again.”

The dictatorship made them symbolic and used their images for its purposes, but ultimately another meaning emerged. Numa and Drouin became cultural symbols just as Che Guevara did. I tried for a long time to write fiction about them, but it just wouldn’t work.

Q: Could you talk about your work as protest art—and by that I don’t mean that you are necessarily an agitator, but rather that you’re holding up a new lens through which we can view the world.

A: Camus goes deeply into the old debate about “art for art’s sake” versus “committed art.” He says, if you’re on the deck of a slave ship, where do you focus your attention? Do you write about the slaves or about the constellations in the night sky? You’re in the Roman Coliseum: do you record the gossip in the stands, or do you

show us the lion crushing the victim?

Camus says you do both. They’re interwoven. If you come from a place like Haiti, where you have disasters in rotation, it’s nearly impossible to create art that is completely removed from those events. Even if you tried, there would still be the contrast: “I’m writing about outer space because I don’t want to write about earthquakes.”

Q: As a social justice activist, I’ve always wanted to figure out how we can bring creativity, and imagination, and beauty into our movement work. How can social justice organizers work together with artists?

A: In Haiti, the tradition of playacting is so strong that if you want to get a message across, the best way is to present a play, and it helps if it’s a funny play. Groups of traveling performers have educated people about many issues, including domestic violence and AIDS prevention.

The artist brings expertise and enthusiasm into a collaboration with the community; he or she doesn’t just come in from the outside. The artist honors what already exists, and learns about what the community has to offer. Both the community and the artist benefit. There is parity. The artist doesn’t come in to teach the community.



Q: As you describe it, there are artists, and nongovernmental organizations (NGOs), and communities. The important connection is between the artist and the community, isn’t it? Do we really need the NGOs?

A: They’re a bridge. The artists may have the initiative and the time, but they don’t always know how to make the connection with the community. For example, when I was in Haiti recently, I went with the International Rescue Committee (IRC) to some refugee camps where they’ve created child-friendly spaces. The adults in the camps who are singers and dancers teach the children. The IRC provides organizational structure, supplies, a building. Without the IRC, there would still be singers and dancers, and there would still be children, and maybe once in a while they would organize something.

Q: The arts can remind us of the resources we have internally. Are there other artists who have a similar philosophy to yours?

A: Many of them! For example, the Dominican-American writer Julia Alvarez. She has a farm in the Dominican Republic, and aside from writing great novels, she grows coffee: it’s

fair-trade and organic, and the people who work on the farm learn to read and write during their time there. The Chicana novelist Sandra Cisneros is another role model. She created a writers’ colony, a house where writers come and stay and work.

I’m still trying to figure out what I can do. Before my uncle died, he had a school, so I worked through him. There are so many efforts that are worth supporting. I don’t need to start a new one. I’ve always wanted to support what others do, to add my voice.

For the complete interview, visit www.publiceye.org/

.....Reports in Review.....

REPORT OF THE MONTH

Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa

Edited by Ryan Thoreson and Sam Cook

New York: International Gay and Lesbian Human Rights Commission, 2011, 140 pp. <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/484-1.pdf>

Nowhere to Turn does what no other research on LGBT people has managed to do: it documents with incontrovertible evidence that gays, lesbians, and gender-nonconforming people across sub-Saharan Africa suffer serious persecution, often by people they know well.

The stories told here are so compelling, it is difficult to put the document down. Seven experts on African LGBT culture have contributed new research to document the prevalence of blackmail and extortion in the lives of LGBT people on the continent. It is a common practice in countries where homosexuality is illegal to threaten closeted LGBT people with exposure unless they respond to demands of money, material goods, or other valuables. For example, 26 percent of men who have sex with men in Botswana report being victims of blackmail. Where LGBT people are vulnerable socially, in the nearly forty African nations that outlaw homosexuality, these men and women are targets for exploitation.

Example after example fill chapters covering Zimbabwe, Ghana, Nigeria, Malawi, and Cameroon. The perpetrators are usually people who know their targets personally. In the Malawi study, 95% of victims were acquainted with their blackmailers. Many of the victims are blackmailed by their own relatives, coworkers, or lovers.

The story of “Bola,” a Nigerian woman, is unusual in that it demonstrates both extortion (demands for money, goods, or services under threat of violence) and blackmail (a threat to reveal a secret unless demands are met). A co-worker at the high school where Bola taught intercepted some of Bola’s emails to her lover and threatened to “out” her unless she turned over a portion of her monthly salary. Bola agreed, until the co-worker demanded more money. When Bola refused, the emails ended up with the male principal of the school, who extracted sexual favors from Bola for months before she fled the city, changed her name, and started a new life.

“Rashid,” a Ghanaian man, ended a short-lived relationship with another man who then became his blackmailer. The man went to the police, claiming that Rashid had hired him for sex but that Rashid had refused to pay. Because the accuser carries the weight of presumptive innocence since he spoke up first, Rashid was put on the defensive with the authorities. In countries such as Ghana, where homosexuality is illegal, the police often become entangled with the blackmailers, using their power to extract a share of the money themselves.

Occasionally the threats, especially from extortionists, turn real, and LGBT people have been beaten, raped, and killed by their tormentors. The murky details surrounding the recent death of the

Ugandan gay activist David Kato, demonstrate that even prominent LGBT activists are not immune to this frightening phenomenon.

The report’s co-editors also shed light on the cultural context for blackmailing LGBT Africans. In Zimbabwe, for instance, what the researcher Oliver Phillips calls a “lineage-based culture,” which prioritizes collective responsibility, clashes with a “modern” culture that values individual autonomy. When a woman marries a man, according to Phillips, the groom makes a “bridewealth” payment to her father or other male guardian. If as a lesbian she chooses not to marry, she effectively denies her male relatives resources and challenges the patriarchal structure in a real, not symbolic, way.

These stories are so disturbing that the report’s findings would be heavily depressing had the editors not also included multiple recommendations on how to deal with these violations of human rights. The key leverage point for blackmailers is the threat of both social and criminal sanctions. Although blackmail is illegal in virtually every society, laws against blackmailing gays and lesbians are not always enforced in countries where homosexuality is perceived negatively. According to report editor Ryan Thoreson, the major reform that would stop blackmail of LGBT people is the decriminalization of homosexuality. This would remove the legal threat. However, legal reform alone would not guarantee protection for LGBT people. Social stigma continues to exist long after laws have been changed. African countries face a formidable challenge in re-educating their people about homosexuality.

Holding authorities accountable for human rights violations is another avenue of reform. Many African nations have adopted universal human rights language in their foundational legal documents, and claims that violations of sexual rights are violations of human rights certainly exist in such rights declarations. However, there is a philosophical, maybe even a legal, problem. According to Columbia University scholars Alice Miller and Carole Vance, as referenced in the report, human rights arguments depend on the perception of the victim as innocent and the perpetrator as guilty. Demanding redress is difficult in any culture that labels sexual activity outside of heterosexual marriage as inherently noninnocent. *Nowhere to Turn* highlights this contradiction, as well as the urgency of finding thoughtful solutions to the profoundly troubling pervasiveness of persecution and harassment of LGBT Africans.

—Pam Chamberlain

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Eyes RIGHT

PAYING KENYAN WOMEN TO BE STERILIZED

Project Prevention, formerly Children Require a Caring Community (CRACK), pays women drug addicts and alcoholics in the United States and the United Kingdom to be sterilized or to use long-term contraception. The project has now expanded to Kenya, where it is offering women who are HIV positive \$40 to have an intrauterine device (IUD), a form of long-term birth control, implanted by a doctor. South Africa, Project Prevention says, is next.

According to the organization's website (www.projectprevention.org), Project Prevention's goal is to increase public awareness of the problem of women giving birth to drug-addicted children. It "seeks to reduce the burden of this social problem on taxpayers, trim down social worker caseloads, and alleviate from our clients the burden of having children that will potentially be taken away." Because the group doesn't have the resources to eliminate poverty and drug addiction, the website says, "Those resources we do have are spent to PREVENT a problem for \$300 rather than paying millions after it happens in cost to care for a potentially damaged child."

In Kenya, Project Prevention seems similarly to define a poor woman's child as a "problem" to be "prevented." Giving birth control to HIV-positive women, the organization says, will "prevent the conception of a child who will only be born to die."

Reproductive justice advocates on the Open Society Blog (blog.soros.org) point out that this idea is false on two counts: first of all, explains Anne Gathumbi, the program manager of the Health and Rights Unit at the Open Society Initiative for Eastern Africa, and a founding member of the Coalition on Violence against Women in Kenya, "Overwhelming evidence shows that transmission

of HIV can be stopped by giving mothers the medicine Nevirapine before delivery." Second, adds Betsy Hartmann, the director of the Population and Development Program and professor of Development Studies at Hampshire College, in Amherst, Massachusetts, "It ignores the fact that HIV is a chronic condition, not an automatic death sentence. With access to healthcare and the appropriate medicine, people with HIV—both adults and children—are living much longer lives than in the past."

Hartmann explains that Project Prevention's funding comes from right-wing sources. According to *Forbes.com* (October 19, 2010), one of Project Prevention's main funders is the conservative billionaire Richard Mellon Scaife. Barbara Harris, Project Prevention's founder, told *Forbes.com*, "I met him years ago. It was an honor."

Hartmann says that Project Prevention's targeting of drug addicted women in the United States and HIV-positive women in Kenya is racist. "There is a long history of population control organizations using incentives and disincentives to pressure poor people to be sterilized," she says. "These were roundly rejected at the 1994 UN population conference in Cairo, but they persist, for example, in China and India."

Asked what her message would be to people considering supporting Project Prevention's African initiative, Gathumbi had one word: "Don't," she said.

A WORLD-CLASS DEAD-BEAT—AGAIN

In 2009, the Obama administration ended a decade of nonpayment and forked over the \$750 million the U.S. owed in back dues to the United Nations. Republicans had blocked paying the U.S. obligation, arguing that the U.N. undermines U.S. sovereignty and that the dues might pay for abortions.

The U.N. has long been a target of the right-wing conspiracy theorists, especially the John Birch Society, which believes that it aims for a "one-world" government that will enslave the world's population. Today's

Republicans are more narrowly focused on projects such as the U.N. Intergovernmental Panel on Climate Change and the U.N. Population Fund. At the end of February, led by the new chair of the House Foreign Affairs Committee, Rep. Ileana Ros-Lehtinen (R-FL), the House cut funding for the two projects and for U.N. peacekeeping activities.

"These are the kind of extreme measures I don't think we've seen for years," said former Sen. Tim Wirth (D-CO), president of the independent United Nations Foundation and Better World Fund.

House members have introduced legislation that would make additional cuts. According to columnist Renée Loth of the *Boston Globe*, "Representative Kevin Brad of Texas filed something called 'The Cut Unsustainable and Top-Heavy Spending Act of 2011,' which would slash \$300 million from a different U.N. account. Representative Blaine Luetkemeyer of Missouri led the attack on the climate change panel, complaining that its Nobel prize-winning scientists have 'whipped up a global frenzy about a phenomenon that is statistically questionable at best.'"

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