

The Public Eye

A PUBLICATION OF POLITICAL RESEARCH ASSOCIATES Summer 2012 • Volume XXVII, No.2



Demonstrators stand and listen to speakers during a rally to protest the death of Trayvon Martin in Miami.
Lucas Jackson / REUTERS

Reconsidering Hate

A Forum on the "Hate" Frame in Policy, Politics and Organizing

This article is an excerpt of Political Research Associates' discussion paper, "Reconsidering Hate: Policy and Politics at the Intersection," available online at www.publiceye.org

By Kay Whitlock

In 1998, three White men in Jasper, Texas murdered James W. Byrd, Jr., an African-American man, dragging him for two miles along an asphalt road. Several months later, two men met 21-year-old Matthew Shepard, a White, gay student at the University of Wyoming, in a bar in Laramie, gave him

a ride, pistol-whipped him and tied him to a fence. Shepard died from his injuries several days later.

These horrific incidents, labeled "hate crimes," galvanized the nation. They intensified public support for laws that would add enhanced provisions to certain violations already subject to criminal penalties.

Reconsidering Hate continues on page 17

The Culture Wars Come to Zambia

Intercepting the International Human Rights Agenda

By Kapya Kaoma

On a visit to Zambia in February 2012, the United Nations Secretary General Ban Ki-moon called on African countries to stop treating LGBT people as less than human or as second class citizens. He explicitly asked Zambian lawmakers to stop discriminating against people on the basis of sexual orientation.

Zambia had just emerged from a heated election where politicians promoting anti-LGBT laws were defeated at the polls. But Ban's words backfired and the speech fanned the anti-gay embers back into flame. Politicians and religious leaders rose up with anti-LGBT invective. The U.S. Christian Right-trained pastor and opposition leader Nevers Mumba challenged the newly elected Patriotic Front government to make clear its position on homosexuality. Former opposition party leader and current parliament member Felix Mutati argued that "the country must be allowed

The Culture Wars continues on page 11

IN THIS ISSUE

On Race and Resources	2
The Right's "School Choice" Scheme	3
Reports in Review	25
Eyes Right	27

— THE LONG VIEW —

On Race, Redistribution of Resources Still Divides Liberals, Radicals

By Howard Winant

“Race” as an idea barely existed before the Enlightenment and the onset of modernity in the West. Today, many dismiss the race-concept as an illusion, arguing that “there is no such thing as race;” or in more universalist terms, “there is only one race: the human race.” Yet race continues to demarcate and stratify all the world’s peoples in striking ways. Race remains a peculiar and unstable concept; racism has been upgraded, but it is still violent, coercive, and omnipresent.

The United States is undergoing a significant racial shift. Massive migration and a demographic transition to a “majority-minority” nation are shifting the meaning of race once again. Is race an illusion or an objective reality? Is American and worldwide structural racism a holdover from an earlier epoch of conquest, empire, capitalism, and slavery—all of which are still racially ordered—or is it a more-or-less permanent means of organizing inequality and domination on both a local and global scale? Why is the race-concept so implacably situated at the crossroads of identity and social structure? How permanent is the “color line”?

Few doubt that the civil rights movement achieved substantial democratic reforms. Putting an end to the state-based and legally sanctioned racial despotism that governed the United States for centuries marked a real, if partial, democratization. Yet the movement failed to uproot the deep structure of racism. Consider: the Civil War ended slavery and killed 750,000 Americans in the process, at a time the national population was less than 50 million. Add to that racial upheaval the brief Reconstruction period that followed the war, and note that even these cataclysmic events could not end racism! So why should we think that the 1960s movement could have accomplished that task, even with the expense of blood, sweat, and tears?

The partial victories of the civil rights movement were achieved by a tactical alliance of mass movements on the one hand and elite national interests on the other, brokered by racial “moderates.” This accommodation to the demands of a mass movement too wide and too deep to be resisted any longer involved more than legislated and judicial reforms. Negotiation, compromise, and political incorporation were also required. So was “elite recruitment” of political and cultural activists and intellectuals, as well as a large-scale cultural reorientation. The civil rights movement made race and racism into far more public matters than they had ever been before, even under slavery and after emancipation. It demonstrated to the world that racism and democracy were incompatible.

Yet in the aftermath of the civil rights reforms, the forces of racial reaction—largely but not only based in the South—also regrouped. The old verities of established racism had been officially discredited, not only in the United States but fairly comprehensively across the globe. While White supremacy had been somewhat shaken, it had hardly been destroyed. The Right Wing therefore attempted to tap into repressed but still strong currents of racism in order to counter the civil rights movement’s egalitarian thrust.

Combining organized political campaigns with the free-floating racism that permeates the United States—in culture, economic practices, spatial segregation, profiling, crime, and punishment, health... the list goes on and on—has undoubtedly increased racial tension. Obama’s presidency is also a more volatile enterprise because of race and racism.

The racial reaction was an uneasy alliance between the New Right and neoconservatives. The New Right cultivated race. Its strategy was born in the campaigns of George

On Race and Resources continues on page 24

The Public Eye

Publisher

Tarso Luís Ramos

Editor

Debra Cash

Design/layout

Hird Graphic Design

Printing

Red Sun Press

Editorial Board

Debra Cash · Frederick Clarkson
Gillian Kane · Kapy Kaoma
Jean Hardisty · Maria Planansky
Malika Redmond · Tarso Luís Ramos
Abby Scher · Rachel Tabachnick



POLITICAL RESEARCH ASSOCIATES

Founder and President Emerita

Jean V. Hardisty, Ph.D.

Staff

Tarso Luís Ramos, *Executive Director*
Debra Cash, *Public Eye Editor*
Alex DiBranco, *Communications Director*
Kapy Kaoma, *Religion & Sexuality*
Charles Ocitti, *Finance Director*
Maria Planansky, *Research Deputy*
Malika Redmond, *Gender Justice*
Adrienne Roach, *Operations Coordinator*
Abby Scher, *Interim Research Director*
Jean R. Smith, *Development Associate*
Aramis Tirado, *Technology*

Interns

Siau Xi Goh · Jessica Gover
Jared Kalow · David Maas · Kat Meyers
Andrew Padgett · Caroline Yost

Board of Directors

Maria Elena Letona, *Chair*
Katherine Acey
Douglas Gould
Janet Jakobsen
Hamid Khan
Pardis Mahdavi

The Public Eye is published by Political Research Associates, 1310 Broadway, Suite 201, Somerville, Massachusetts 02144-1837. 617.666.5300 fax: 617.666.6622

PRA is a nonprofit, tax-exempt organization. All donations are tax-deductible to the extent permitted by law. © Political Research Associates, 2012.

Website: www.publiceye.org
All rights reserved. ISSN 0275-9322
ISSUE 72

The Right's "School Choice" Scheme

By Rachel Tabachnick

In June 1995, the economist Milton Friedman wrote an article for the *Washington Post* promoting the use of public education funds for private schools as a way to transfer the nation's public school systems to the private sector. "Vouchers," he wrote, "are not an end in themselves; they are a means to make a transition from a government to a market system." The article was republished by "free market" think tanks, including the Cato Institute and the Hoover Institution, with the title "Public Schools: Make Them Private."¹

While Friedman has promoted vouchers for decades, most famously in his masterwork *Free to Choose*, the story of how public funds are actually being transferred to private, often religious, schools is a study in the ability of a few wealthy families, along with a network of right-wing think tanks, to create one of the most successful "astro-turf" campaigns money could buy.² Rather than openly championing dismantling the public school system, they promote bringing market incentives and competition into education as a way to fix failing schools, particularly in low-income Black and Latino communities.

Even before the U.S. Supreme Court's *Citizen's United* ruling deregulated campaign finance and unleashed millions in political donations, concentrated wealth has played a role in politics. Now in the limelight for its attacks on unions and the exposure of 800 model bills and documents, the American Legislative Exchange Council (ALEC) has produced model bills favorable to its corporate and right-wing funders behind closed doors for

Rachel Tabachnick is a regular contributor to Talk2Action.org, the group blog about the Christian Right. She is a researcher, writer, and speaker on issues pertaining to the impact of the Religious Right on policy and politics



Joe Burbank/Orlando Sentinel/MCT via Getty Images

Kathleen Oropenza, seen here with Florida Governor Jeb Bush, says "Florida politicians...are laser-focused on showing the whole country the most expedient way to sell public education to the highest bidder."

decades—including school vouchers and tax credit bills.³

This concentrated wealth is reaching into America's classrooms state by state,

**Vouchers are not an
end in themselves; they
are a means to make
a transition from a
government to a
market system.**

—Milton Friedman

promoting the transfer of public funds to private education through vouchers that allow parents to pay for tuition at private schools with public money. Promoting

"school choice" through privately run charter schools doesn't go far enough for these billionaires. Today, "private school choice" programs, as vouchers are called in the annual report of the Alliance for School Choice, are in place in 13 states and the District of Columbia.⁴ In 2011, a year when states across the nation slashed their education budgets, 41 states introduced 145 pieces of private school choice legislation.

When enacted, the scale can be enormous. In Louisiana, a recently passed school voucher program allocating private school slots for 5,000 students for the coming school year is expected to swell exponentially, encompassing as many as 380,000 students by the 2013-2014 academic year out of a total public school population of just over 700,000 students.⁵

These programs drain tax dollars from public into private schools, including into religious schools with fundamentalist curricula (see sidebar on page 7). This effort is cloaked in the language of school reform and marketed with the claim that these programs will improve the quality of education for minority students in underserved

“PRIVATE SCHOOL CHOICE” GRANT RECIPIENTS

Grant Recipient	Advocates for School Choice/ AFC 2006 - 2010 Grants	Alliance for School Choice 2006 - 2010 Grants
All Children Matter, Grand Rapids, Michigan	25,000	
Alliance for School Choice, Milwaukee, Wisconsin	150,000	
Arizona STO Association		70,000
Black Alliance for Educational Options (BAEO), Washington, D.C.		2,665,100
Believe in Louisiana	225,000	
BOAST Alliance Maryland	88,000	214,050
Center for an Educated Georgia		475,000
Center for Education Reform, Maryland		20,000
Children’s Education Council of Missouri	70,000	
Children’s Education Alliance of Missouri		580,000
D.C. Children First	734,000	
D.C. Parents for School Choice	669,157	
Education Reform Now Advocacy, New York	45,250	15,000
Educate New Mexico		82,000
Excellent Education for Everyone, Newark, New Jersey		212,500
Florida School Choice Fund		683,736
Florida Education Freedom Foundation		1,404,000
Hispanic CREO		481,700
Iowa Advocates for Choice in Education	140,000	
Iowa Alliance for Choice in Education		369,345
Latino Leadership, Brunswick, New Jersey		113,500
Louisiana Children’s Education Advocates	275,000	400,000
Minnesota Independent School Forum		90,000
Parents for Choice in Education		
Salt Lake City, Utah	869,400	392,300
Parents for Choice in Education Political Issues Committee, Salt Lake City, Utah	610,000	
Partners for Educational Freedom in North Carolina	160,000	289,000
REACH Alliance, Harrisburg, Pennsylvania	160,000	300,000
Rhode Island Scholarship Advocates	55,000	20,000
Rhode Island Scholarship Alliance	30,000	183,000
School Choice Indiana	140,000	452,000
School Choice Ohio		1,291,000
School Choice Wisconsin		896,000
Teach NYS	70,000	
Texans for School Choice	150,000	
Washington Scholarship Fund, Washington, D.C.		1,005,750

urban schools. Despite an effort to promote private school choice as a nonpartisan, grassroots effort, the engine behind the national effort and its local offshoots has been, and continues to be, a surprisingly small group of wealthy conservatives.

Betsy DeVos: Four Star General of the Privatization Juggernaut

Rob Boston of Americans United for Separation of Church and State described Betsy DeVos as the “four-star general” of the school privatization movement shortly after DeVos announced the formation of the “new” American Federation for Children (AFC) in March 2010. As Boston noted, the American Federation for Children was not new, but a rebranding of an organization called Advocates for School Choice.⁶

The American Federation for Children is now the umbrella organization for two nonprofits that have been at the center of the pro-privatization movement for over a decade. In addition to the renamed Advocates for School Choice, it includes the Alliance for School Choice, formerly known as the Education Reform Council. Both entities received extensive funding from the late John Walton, one of the Wal-Mart heirs. The boards of the two related entities included movement leaders Betsy DeVos—scion of a Christian Right family who married into the Amway home goods fortune—William Oberndorf, Clint Bolick, John Kirtley, Steve Friess (son of Foster Friess), James Leininger, John Walton, and Cory Booker.

These two nonprofits—Alliance for School Choice, a 501(c)(3) and Advocates for School Choice a.k.a. American Federation for Children, a 501(c)(4)—provided over \$17 million in grants to 35 other national and state-level pro-privatization nonprofits from 2006 to 2010.⁷ These grants represented a significant portion of the total budgets for many of the state organizations. Today Betsy DeVos and John Kirtley are the chair and vice chair of both boards.

Betsy DeVos and her husband Dick also initiated a nonprofit (527) in 2003

Despite an effort to promote private school choice as a nonpartisan, grassroots effort, the engine behind the national effort and its local offshoots has been, and continues to be, a surprisingly small group of wealthy conservatives.

with the name All Children Matter, dedicated to electing pro-voucher state legislators. [For more on the DeVoses and All Children matter, see sidebar on page 8] Today the American Federation for Children is the standard bearer for the movement and includes a network of state political action committees that have provided millions of dollars of campaign funds to legislators in states around the nation, in addition to the grants to pro-voucher nonprofits.

21st Century Strategies

When given a clear choice, voters across the United States have consistently opposed school vouchers. Between 1966 and 2000, state ballot initiatives to allow public funding for private schools were rejected 24 out of 25 times.⁸ This dismal record led the pro-voucher strategists to rebrand the movement as “school choice” and as beneficial to public schools. In 2002, Dick DeVos suggested to a Heritage Foundation audience that the school choice movement should conceal its conservative roots. He advised that “properly communicated, properly constructed, [school choice] can cut across a lot of historic boundaries, be they partisan, ethnic, or otherwise.”

He continued:

We need to be cautious about talking too much about these activities. Many of the activities and the political work that needs to go on will go on at the grass roots. It will go on qui-

etly and it will go on in the form that often politics is done—one person at a time, speaking to another person in privacy.⁹

Dick and Betsy DeVos followed through. By 2009, the media packet of the DeVos-founded All Children Matter promoted the following successes:

- Spent \$7.6 million in 2003-2004 directly impacting statewide and state legislative elections in ten targeted states.
- In races with significant ACM involvement, we have a won/loss record of 121 to 60, phenomenally successful for a political organization.
- In an era where incumbents are rarely challenged or defeated, ACM had a role in defeating 17 incumbents that opposed school choice for low-income families.
- ACM has supported the campaigns of four school choice Governors – Bobby Jindal in Louisiana, Matt Blunt in Missouri, Mitch Daniels in Indiana, and Jon Huntsman, Jr., in Utah.

How It Works: The Case of Pennsylvania in 2010

The wealthy benefactors use a system of “rewards and consequences” across the states. It includes funding the campaigns of pro-voucher candidates and funding attack ads against anti-voucher candidates. Legislators who oppose funding private

schools with public funds are accused of selling out to teachers' unions—the primary “villains” behind underperforming schools in the pro-voucher narrative.¹⁰ The 2010 election in Pennsylvania is an instructive example of the ability of American Federation for Children and its core of wealthy donors to conduct a large-scale astroturf campaign under the public radar.¹¹

First, a PAC named Students First, which would be used as the conduit for millions of dollars of political contributions, was registered by Joe Watkins in March 2010. This organization was named in such a way to be easily confused with the national school reform organization, StudentsFirst, led by former Washington, D.C. schools chief Michelle Rhee. Watkins, an African-American pastor, had advised the George W. Bush campaign and appeared in Citizens United advertisements against presidential candidate Obama in 2008, but his GOP credentials were omitted from the Students First PAC website.

Pennsylvania has no limits on individual contributions in state campaigns. During the 2010 gubernatorial election, the Students First PAC outspent the combined state teachers' unions by a factor of more than ten to one. Most of this funding came from three investment firm partners. An additional \$1.1 million of Student First's funding came from the AFC's PAC in Indiana. The Indiana PAC was registered in January 2010 under the address of Bopp, Coleson, and Bostrom, a prominent law firm representing political Right causes, including Citizens United.¹² In 2010, the Indiana PAC received over \$5.8 million from only 14 donors, including Betsy DeVos and Alice Walton, another heir to the Wal-Mart fortune, and three megadonors from Pennsylvania.¹³ The following May, Gov. Mitch Daniels signed a sweeping voucher bill.

The three Pennsylvania megadonors were described in state press as simply “pro-voucher supporters” with no mention of their association with right-wing think tanks. Joel Greenberg is on the board of American Federation for Children; Jeffrey

Yass is on the board of the Cato Institute; and Arthur Dantchik is on the board of the Institute for Justice, which is working to circumvent or change the wording in state constitutions that disallows public funding of religious schools.¹⁴ There was also no Pennsylvania press coverage in 2010 of the Betsy DeVos-led AFC.

Students First poured more than \$6.5 million into the 2010 election, most of it in the gubernatorial primary in support of Anthony H. Williams, an African-American pro-voucher candidate and Democratic state senator. Their candidate had little chance of winning, but the ploy apparently lured the eventual Democratic nominee, Dan Onorato, into embracing some of Williams' voucher plan. Onorato

Students First blanketed the airwaves with ads promoting SB1 as the salvation of poor urban children and attacking the bill's opponents as being under the influence of “powerful teachers' unions.”

failed to secure the millions in funding for himself that the pro-voucher movement had given Williams, but he did anger labor unions across the state. Republican candidate Tom Corbett won and Williams sponsored a voucher bill in early 2011—Senate Bill 1 (SB1). Corbett was the keynote speaker at the AFC national conference in 2011.

Students First worked with prominent Republican media firm Brabender Cox to generate support for the legislation, blanketing the airwaves with ads promoting SB1 as the salvation of poor urban children and attacking the bill's opponents as being

under the influence of “powerful teachers' unions.” Joining the push for SB1 was the Scaife- and DeVos-funded FreedomWorks, the Koch-funded Americans for Prosperity, the Scaife-funded Commonwealth Foundation, and the state pro-voucher organization REACH Alliance. REACH, by the way, secured \$460,000 from AFC/Advocates for School Choice and Alliance for School Choice from 2006 to 2010.

Nevertheless, Pennsylvanians across the political spectrum opposed the school voucher scheme and the bill failed to pass.

Still, the pro-voucher effort continues. Students First has already received \$1.4 million in 2012 to continue the battle—\$1.25 million from AFC and \$50,000 each from Greenberg, Yass, and Dantchik.

Using Corporate Tax Credits to Promote “Choice”

Although Pennsylvania does not have a voucher program, the state has one of the largest school choice programs in the country, second only to Florida. This is made possible through a corporate tax credit program named the Education Improvement Tax Credit, initiated in 2001.

State Senator Sam Rohrer (R-128th District), an opponent of teaching evolution in schools, claims credit for writing the state's education tax bill. Under the law, companies can divert their tax liability to private school scholarships, with 75 percent credited toward their state taxes—90 percent on a commitment of two consecutive years. According to Pennsylvania accounting firms, as well as the private schools promoting the tax credit and REACH Alliance, these donations cost the corporation little or nothing, and also count as a charitable contribution on the corporation's federal taxes.¹⁵ (Individuals contributing to nonprofit charities still pay the bulk of their donations from their own pockets.) The tax credit has been expertly (and falsely) marketed in Pennsylvania as costing the taxpayers nothing.

In Pennsylvania, some of these funds are going to schools using texts from A Beka Book, Bob Jones University Press, and

other fundamentalist curricula. [see sidebar below, as well as “From Schoolhouse to Statehouse” in the Summer 2010 issue of *The Public Eye*]. Some of the private schools now receiving students through this funding have testified to the legislature in support of vouchers and bussed students to the state capitol for rallies in support of SB-1. One of the pro-voucher schools was featured on the Glenn Beck Show in 2011, with a parent representative celebrating the school’s promotion of “biblical principles” and the “flight of public school students to private schools” to escape secularism and socialism.¹⁶ This same academy takes its students on field trips to the Creation Science Museum south of Cincinnati, where exhibits show dinosaurs and people living on earth together.

Pennsylvania is one of 37 states that have strict constitutional prohibitions against using public money for religious schools, and specifically disallows appropriations to

educational institutions “not under the absolute control of the Commonwealth.”¹⁷ The corporations’ education tax credit, however, is not the obvious violation of state law that a school voucher program would be. Florida’s constitution also disallows using public funds for religious schools, but in November, Floridians will be voting on an initiative that could eliminate the prohibition.

The Fight in Florida

The Florida State Supreme Court may have determined in 2006 that school vouchers violate the state Constitution, but that hasn’t limited the promotion of school privatization by its right-wing supporters.

Florida has the largest private school choice program in the nation. Corporations can donate to private school scholarship programs and be credited 100 percent of that donation through the Florida Tax

Credit (FTC) program. In 2011-2012, the cap on the program was \$175 million; a bill passed in March increased the cap to \$229 million for the 2012-2013 school year.¹⁸ Although corporations are receiving a dollar-for-dollar tax credit, the program has been described in the press as “donations from corporations.”

While school choice funds are administered through a long list of education nonprofits in Pennsylvania, Florida funds are funneled through a single entity called Step Up for Students. This is one of five different names used by the nonprofit Florida School Choice Fund, Inc., founded in 2000 and chaired by John Kirtley, vice chair of the American Federation for Children.¹⁹ Eighty-eight percent of students receiving these funds attend religious schools. As in Pennsylvania, some are Catholic, Jewish, and other faiths, but a large percentage are conservative evangelical schools using A Beka Book and other fundamentalist textbook series.²⁰

Former Florida Governor Jeb Bush continues to promote school privatization around the nation. In March, a bill he promoted was narrowly defeated in the state’s Senate. The bill was similar to “Parent Trigger” bills being considered in 20 states that provide a mechanism to turn public schools over to private management. Parent Trigger model bills were spearheaded by the rightwing policy network ALEC and provide a process for a simple majority of parents at a school to choose one of three options: turn their public school into a charter school; supply students with a 75 percent per pupil cost voucher; or close the school.²¹

They may be outspent, but in Florida, true grass roots organizers are fighting back. Fund Education Now, a group formed in 2009 by three Florida moms, has grown into a “statewide nonpartisan alliance of dedicated advocates” that contributed to the coordination of the successful opposition to the Parent Trigger bill.

One of Florida’s Fund Education Now founders, Kathleen Oropeza, warns that the battle is far from finished. Her focus is a November 2012 ballot initiative that

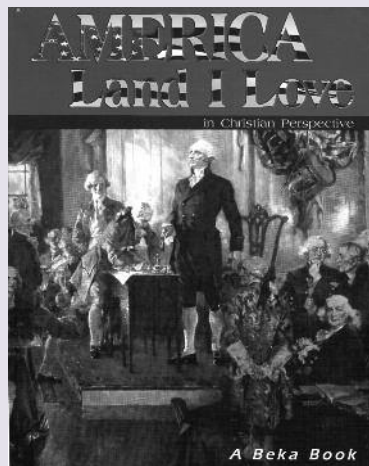
TAX DOLLARS SUPPORTING CREATIONISM

The private “school choice” movement has found a way to circumvent the federal courts, the National Council for Science Education (NCSE) and the ACLU by thinking outside of the box.

The Education Improvement Tax Credit program in Pennsylvania has provided a way to use public funds to teach creationism and global warming denial to students enrolled in religious schools. This circumvents the ruling in *Kitzmiller v. Dover*, a 2005 federal case resulting in a decision that Intelligent Design is not science, and should not be taught in public school science classes.

Many Pennsylvania schools receiving education tax credit funding are using A Beka Book and other fundamentalist curricula.⁴¹ These textbooks are hostile to Roman Catholicism and other Christian and non-Christian religions, and teach a radical form of market fundamentalism, young earth creationism, and distorted American history where, in the words of researcher Frances Paterson, “Democrats are deluded, liberals are villains, and conservatives are heroes.”⁴²

The American Civil Liberties Union (ACLU) and The National Center for Science Education, (whose logo is “Defending the Teaching of Evolution and Climate Science”) led the fight against Intelligent Design. Nevertheless, when contacted, both institutions described the Education Improvement Tax Credit issue as being outside the boundaries of their mission, since the teaching of creationism is taking place in private schools.



This textbook teaches “The greatest struggle of all time, the Battle of Armageddon, will occur in the Middle East when Christ returns to set up His kingdom on earth.”

THE DeVOSES—DOLLARS AT THE INTERSECTION

Dick and Betsy DeVos represent the merger of two wealthy and politically influential families.

Dick DeVos is the son of Richard DeVos, one of the founders of the Amway pyramidal home products business and owner of the Orlando Magic basketball team. Listed as the 60th wealthiest person in the United States and the 205th richest in the world, his net worth has been estimated at \$5 billion. He has played a central role in bringing together the “doers and the donors” as he once described the New Right merger of the Religious Right with major funders of the political Right.

Dick’s wife, Betsy, is the daughter of Elsa and the late Erik Prince, major contributors to conservative causes including Focus on Family and the Family Research Council. Betsy’s brother Erik Prince founded the infamous military contractor Blackwater USA (rebranded “Xe”), which sought to privatize another type of activity that previously had been presumed to be under the control of government agencies. Betsy DeVos heads the American Federation for Children, the national umbrella organization at the center of the private school choice movement.

In 2003, Dick and Betsy DeVos founded All Children Matter, a 527 organization,⁴³ and established Political Action Committees (PACs) in Virginia, Indiana, Florida, Georgia, Louisiana, and Ohio. PACs can make contributions directly to political campaigns. All Children Matter’s media kit advertised expenditures of \$7.6 million in 2003-2004, “directly impacting statewide and state legislative elections in 10 targeted states.”⁴⁴

In 2008, All Children Matter was fined \$5.2 million in Ohio for breaking campaign finance law, a decision that was appealed and confirmed in 2010. All Children Matter was moving money from the Virginia PAC to PACs in states around the nation. Some states allow unlimited contributions, but Ohio fined All Children Matter for contributions over the maximum allowed. In 2011, it was reported that the fine was still unpaid. Wisconsin also fined the organization \$500 for supporting candidates without registering a PAC.

Between 2009 and 2011, the All Children Matter state PACs were disbanded. During the same time period, PACs affiliated with the Betsy DeVos-led American Federation for Children were registered in several of the same states.

attempts to remove the “no aid” clause (also known as Blaine Amendments) in the constitution that prevents public funds from being used for religious schools or causes. As part of the effort to discredit the “no aid” clauses, pro-voucher groups claim they are relics of nativist anti-Catholicism. In July 2011, the ACLU published a guide titled “Exposing the Myth of Anti-Catholic Bias: The Fabrication of History to Repeal the Florida Constitution’s No Aid Provision.”²²

Oropeza points out the references to the Blaine Amendments in ALEC’s most recent “Report Card on American Education: 17th Edition.”²³ The ALEC report argues that it is the Ku Klux Klan that has kept public funds from going to private and religious schools. In fact, the push for non-sectarian education and some prohibitions on state funding of religious schools pre-

date the establishment of the KKK and Blaine (whose name is being attached to the amendments).²⁴

While the effort to remove the “no aid” clause is being promoted in the name of “religious freedom,” it would “gut church-state separation.”²⁵ According to the executive director of the Florida ACLU, “the proposal continues to mislead voters by failing to inform them of the chief purpose and actual impact of the amendment—to virtually require taxpayer funding of religious activities of churches, mosques and synagogues.” Ironically, Christian Right organizations might actually regret the results of overturning the “no aid” clause, as it could result in public funding of non-Christian faiths.²⁶

Floridians have already had a taste of the possible scale of the problems to come if their constitution is altered. A Florida

charter school going into bankruptcy was taken over by Scientologists, who held the school’s Christmas party at a Scientology church and have required teachers to take Scientology training courses.²⁷

Promoting Vouchers to Latino and African-American Leaders

By the time of Dick DeVos’ 2002 Heritage Foundation speech, strategists had already begun trying to rebrand vouchers, which have a racist history. Following federal efforts to enforce the U.S. Supreme Court’s *Brown v. Board of Education* decision, Southern states devised a “private school plan” to defend segregation by leaving public schools and taking the money with them. Georgia Governor Herman Talmadge advanced a constitutional amendment that could have allowed the privatization of the state’s entire public school system. “In the event of court-ordered desegregation, school buildings would be closed, and students would receive grants to attend private, segregated schools.”²⁸

More recently, voucher supporters recognized the need to reinvent the movement by obscuring its White, conservative support base and cultivating the support of Latino and African-American leaders as the face of the movement. These leaders have valid complaints about inequality in public education and the failure of public schools to provide quality education to low income Black and Latino children. Having their parents support vouchers—and charters—in the name of improving education is a potent political force.

The most prominent among these leaders is Howard Fuller, the former Black Nationalist who brought vouchers to the Milwaukee school system when he led it in the early 1990s. In August 2000, he launched the Black Alliance for Educational Options (BAEO).²⁹ Its major funders included John Walton and the Harry and Lynde Bradley Foundation, based in Milwaukee, which also funded Fuller’s Institute for the Transformation of Learning at Marquette University, founded in 1995. These funders, as People for the American Way commented in an extensive report on

the group, are “better known for supporting education privatization and affirmative action rollbacks than empowerment of the African-American community or low-income families.”³⁰

The conservatives had found their standard bearer. BAEO immediately launched a massive media campaign in support of vouchers in Washington, D.C. The Annenberg Public Policy Center reported that the BAEO spent over \$4.3 million on print and television ads. By 2002, BAEO had 33 chapters.³¹ And today, about one quarter of Milwaukee’s students use vouchers to attend private, often religious schools.

According to school choice supporter Hubert Morken’s extensive histories of the programs, outreach to key African American Democrats in various parts of the country was the product of carefully cultivated relationships with free-market think tanks and organizations like the Pennsylvania Family Institute and REACH Alliance. Particularly important for recruiting supporters in these ranks is the former Congressman, Rev. Floyd Flake, a BAEO leader.³² Flake is the longtime senior pastor of the Greater Allen A.M.E. Cathedral

in Queens, one of the largest churches in New York. In 1999, Flake introduced George W. Bush to an audience at the Manhattan Institute and described the future president as his “compatriot in the politics to change public education in the United States.” In 2000, Flake became head of the charter schools division of Edison Schools, at that time the largest for-profit school management company in the country.

Morken quotes Flake,

“I was on the phone Thursday with Tom Ridge, who is the governor of Pennsylvania, who worked with me in Congress, where they are taking over the schools and may be taking over the Philadelphia schools. So I’ll be meeting with [Philadelphia] Mayor Street on Wednesday morning. I’ve already had telephone conversations with the secretary of state of New Jersey where they are taking over the schools in Camden and Jersey City. I’m all over the country right now.”

Shortly thereafter, Edison took over management of 20 Philadelphia schools.

Private school choice can be used as a wedge issue to bring Latinos and African Americans into the Republican Party.

Morken describes Flake as “targeting core groups of swing voters” in “Black and Latino caucuses” and often promoting charter schools from “the pulpits of their churches.” Morken states that Flake was “at the center of a major funding coalition in New York state” that included rightwing funder John Walton. Flake and his wife had founded a 750-student private school affiliated with their church in 1982; it closed in June 2012 in the face of a \$1.7 million budget shortfall.³³ Edison Schools failed to produce the promised improvements and their contracts for Philadelphia schools were ended in 2008 and 2011.³⁴

The AFC claims that 91 percent of Latinos polled in five states support vouchers or corporate tax credit programs, and that this will be an issue in the 2012 election.³⁵ AFC and its related entities provided almost a half million dollars in funding for the Hispanic Council for Reform and Educational Options between 2006 and 2010.

Private school choice is not only a way to privatize education but viewed by some as a wedge issue to bring Latinos and African Americans into the Republican Party.³⁶

Grading the Privatization Report Card

The pro-corporate ideology behind school choice asserts that business style competition will be invariably good for education, and that putting school



management and teaching into private (and nonunion) hands will make education less expensive, more efficient and more effective.

The statistics do not bear out their claims. By the time of the 2010 election and 2011 campaign for Pennsylvania's SB1, test results for the two oldest school voucher programs in the nation—Milwaukee and Cleveland—had reported disappointing results. Participating students scored no better or worse than their peers who had remained in the public schools.³⁷ Voucher proponents responded by asserting that voucher students attending private schools graduate at a higher rate. They fail to mention the lack of standards or accountability for some of the institutions bestowing those diplomas.

Much of the positive reporting on private school choice quotes the Foundation for Educational Excellence, founded by Milton Friedman; the Department of Education Reform at University of Arkansas, recipient of a \$300 million donation from the Walton Foundation; and other entities funded by pro-privatization supporters.

Louisiana's new voucher program, signed into law by Gov. Bobby Jindal in spring 2012, has a list of approved schools that includes church schools using home schooling DVDs for instruction and schools that lack the facilities to house the students they are offering to enroll for the 2012-2013 school year. Louisiana legislators threatened to withdraw support if an Islamic school was included in the approved list, of which over 90 percent are Christian schools.³⁸ The program promises to be such a debacle that the Cato Institute is already recommending a corporate tax credit program instead of vouchers.³⁹

But the private school choice juggernaut will roll on and the claims of privatization as the magic bullet will continue, no matter how baseless these claims may be. The multi-billion dollar budget for the nation's schools is a rich prize for those who would profit from the privatization of public schools, and they are joined by equally determined anti-public education ideologues. In May 2011, a headline in the *Wall*

Street Journal trumpeted, "The Evidence is In: School Vouchers Work."⁴⁰

Endnotes

¹ Milton Friedman, "Public Schools: Make Them Private," *Cato Institute Briefing Paper* No. 23, June 23, 1995. <http://www.cato.org/pubs/briefs/bp-023.html> and http://media.hoover.org/sites/default/files/documents/0817928723_339.pdf

² Astroturf, a derivation of the trade name for synthetic grass, refers to a corporate, political and/or organizational effort disguised as a "grassroots" movement. Astroturf campaigns are increasingly used to disguise the intentions of Right wing individuals and organizations.

³ Alec Exposed, a project of the Center for Media and Democracy, http://www.alecexposed.org/wiki/ALEC_Exposed and "Defending Justice, An Activist Resource Kit", Political Research Associates, http://www.publiceye.org/defendingjustice/pdfs/chapters/cons_infra.pdf

⁴ "The School Choice Virtual Yearbook," Alliance for School Choice, 2012. <http://www.allianceforschool-choice.org/yearbook>

⁵ Louisiana's Act 2 includes options for students to attend other public schools as well as private schools. However, the list of approximately 118 approved schools offering slots for 2012 - 2013 currently includes only one public school.

⁶ The AFC's 2009 990 tax form includes the legal name change from Advocates for School Choice to American Federation for Children.

⁷ See associated chart in this issue or at www.publiceye.org.

⁸ Albert Menendez and Edd Doerr, "School Vouchers: Voters Say No," *Americans for Religious Liberty*, http://www.arlinc.org/articles/article_voterssayno.html

⁹ Rachel Tabachnick, "Strategy for Privatizing Public Schools Spelled out by Dick DeVos in 2002 Heritage Foundation Speech," May 3, 2011, <http://www.talk2action.org/story/2011/5/3/12515/58655>

¹⁰ Rachel Tabachnick, "Betsy DeVos Announces PA Governor Tom Corbett Will Keynote Pro-Voucher National Policy Summit," April 26, 2011 <http://www.talk2action.org/story/2011/4/26/112152/230>

¹¹ Rachel Tabachnick, "Voucher Advocate Betsy DeVos, Right-Wing Think Tanks Behind Koch-Style Attack on PA Public Schools," April 20, 2011. <http://www.talk2action.org/story/2011/4/20/232844/831>

¹² Bopp, Coleson, and Bostrom has represented Citizens United, Focus on the Family, National Organization for Marriage, Concerned Women of America, National Right to Work Legal Defense and Education Foundation, Club for Growth and the Republican Governors Association.

¹³ Rachel Tabachnick, "Pro-Voucher Astroturfing: Campaigns Across Nation Coordinated by DeVos, Funded by a Few Mega-Donors", April 24, 2011. <http://www.talk2action.org/story/2011/4/24/22559/1547>.

¹⁴ Greenberg <http://www.federationforchildren.org/leadership>, Yass <http://www.cato.org/people/directors.html>, Dantchik <http://www.ij.org/about/board>

¹⁵ Sample Tax Credit Calculations, REACH Foundation, 2012. <http://www.paschoolchoice.org/eitc/sample-tax-credit-calculations/>

¹⁶ Fox News, April 28, 2011. http://www.youtube.com/watch?v=Ve0_nDYBZHc&feature=youtu.be

¹⁷ Article III, sections 15, 29 and 30. http://sites.state.pa.us/PA_Constitution.html

¹⁸ Florida spends about 30 billion dollars on K-12 education for 2,645,000 students. Florida Senate, 2012 Summary of Legislation Passed. Committee on Education Pre-K-12. "CS/CS/CS/HB 859— Florida Tax Credit Scholarship Program. <http://www.flsenate.gov/Committees/billssummaries/2012/html/182http://www.flsenate.gov/Committees/billssummaries/2012/html/182>.

¹⁹ Step Up For Students website. <http://www.stepupforstudents.org/>

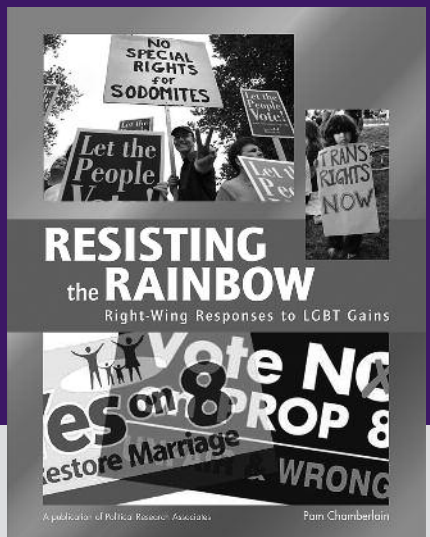
²⁰ One of the several names used by the Florida School Choice Fund is Florida Alliance for Choice in Education or FACE. A promotional webpage for FACE promotes some of the participating schools in a webpage titled "School Spotlights." Of the 13 schools highlighted, five reference their A Beka curriculum in the school summary. The websites of the schools indicate that at least nine of the 13 are using A Beka textbooks.

²¹ ALEC, <http://www.webcitation.org/5yGOUW6LI> Also see ALEC Exposed at http://alecexposed.org/wiki/Bills_Affecting_Americans'_Rights_to_a_Public_Education

²² "No aid" clauses have surprising allies. In Pennsylvania, representatives of the Orthodox Union (OU) have written opinion pieces in support of vouchers, because they will provide financial support for families sending their children to Jewish day schools. During the 2010 elections, this battle for private school dollars took an ugly turn, when a PAC in Florida funded solely by the AFC attacked a Jewish candidate for attorney general, State Senator Dan Gelber, with full-page "wanted" posters accusing him of "crimes against Jewish education." ACLU Program on Freedom of Religion and Belief and the ACLU of Florida; "Exposing the Myth of Anti-Catholic Bias: The Fabrication of History to Repeal the Florida Constitution's No-Aid Provision", July 2011 <http://www.aclu.org/files/assets/aclu-exposing-themythofanticatholicbias.pdf>

²³ The report was co-authored by Dr. Matthew Ladner of Milton Friedman's Foundation for Educational Choice and a former Director of State Projects for the Alliance of School Choice. The forward is by Gov. Mitch Daniels,

HOT OFF THE PRESSES!



Available free online:
www.publiceye.org

who signed the Indiana voucher bill, and the report was financed by the Gleason Family Foundation and the Allegheny Foundation, one of the Scaife foundations. Dr. Matthew Ladner and Dan Lips, "Report Card on American Education: Ranking State K-12 Performance, Progress, and Reform," 2012. <http://www.alec.org/publications/report-card-on-american-education/>

²⁴ Steven Green, "The Insignificance of the Blaine Amendment," *Brigham Young Law Review*, April 12, 2008. <http://lawreview.byu.edu/archives/2008/2/5GREEN.FIN.pdf> Also see Rob Boston, "The Blaine Game: Supporters Of Government Aid To Religious Schools Are Trying To Eliminate State Constitutional Provisions That Stand In Their Way," Americans United, September 2002. <http://www.au.org/church-state/september-2002-church-state/featured/the-blaine-game> and the ACLU's "Exposing the Myth of Anti-Catholic Bias" <http://www.aclufl.org/pdfs/ACLU-ExposingtheMythofAntiCatholicBias.pdf>

²⁵ Derek C. Araujo "Ballot Initiative, Motivated by CSH Lawsuit, Would Gut FL Constitution's Church-State Separation," Center for Inquiry, May 9, 2011. http://www.centerforinquiry.net/blogs/entry/ballot_initiative_motivated_by_csh_lawsuit_would_gut_fl_constitutions_church/

²⁶ Ibid.

²⁷ Unsigned editorial, "Charter school dangers on display in Scientology case," *Tampa Bay Times*, March 5, 2012 <http://www.tampabay.com/opinion/editorials/article1218150.ecc>

²⁸ Kevin M. Kreuse discusses this and other strategies in White Flight: Atlanta and the Making of Modern Conservatism. <http://press.princeton.edu/titles/8043.html>. More recently, the pro-privatization movement has been closely aligned with the Institute for Justice, known for its effort to end affirmative action. Clint Bolick, former president of Alliance for School Choice and co-founder of Institute for Justice, described Lani Guinier, a Clinton nominee for Assistant Attorney General as one of "Clinton's Quota Queens" in a *Wall Street Journal* op-ed, April 30, 1993.

²⁹ Howard Fuller served as the chair of the BAEO board of directors until 2010. The board also includes Pennsylvania's Dwight Evans, Anthony H. Williams, and Dawn Chavous, executive director of Pennsylvania's Student First and former chief of staff for Williams. Kevin Chavous, a former member of the Council of the District of Columbia, followed Fuller as the chair of the BAEO board and is also on the board of AFC and Democrats for Education Reform.

³⁰ "Community Voice or Captive of the Right? A Closer Look at the Black Alliance for Educational Options," People For the American Way Foundation, December 2001. <http://www.pfaw.org/media-center/publications/community-voice-or-captive-right-closer-look-black-alliance-educational-op>

³¹ "Community Voice or Captive of the Right? A Closer Look at the Black Alliance for Educational Options. Expanding the PR machine." People For the American Way Foundation, December 2001. <http://www.pfaw.org/media-center/publications/community-voice/expanding-the-pr-machine>

³² Hubert Morken and Jo Renee Formicola, *The Politics of School Choice* (MD: Rowman & Littlefield, 1999)

³³ Maria Alvarez, "Allen Christian School in Queens to Close," *Newsday*, February 15, 2012 <http://www.newsday.com/news/new-york/allen-christian-school-in-queens-to-close-1.3533617>

³⁴ Chaka Fattah, "Edison Schools Perform Poorly Nationwide," *Education News*, April 5, 2004. <http://www.educationnews.org/articles/edison-schools-perform-poorly-nationwide.html>

³⁵ "Education Trumps Immigration among Top-Tier Issues for Latino Voters, New Poll Finds," *American Federation for Children*, May 15, 2012. <http://www.federationforchildren.org/articles/689>

³⁶ For example, the ministry of Apostle Alice Patterson, who stood next to Gov. Rick Perry while he spoke during his prayer event in Houston in August 2011, has hosted events to promote school vouchers, including the African American Pastors' and Leaders' VIP Summit in 2007, featuring former Secretary of Education Rod Paige,

Gov. Perry, and James Leininger. Patterson writes about traveling the state with David Barton to speak to African American churches about the Democratic Party as the source of American racism and as a "demonic structure."

³⁷ Erin Richards and Amy Hetzner, "Choice schools not outperforming MPS," *JS Online*, Milwaukee-Wisconsin Journal Sentinel, March 29, 2011. <http://www.jsonline.com/news/education/118820339.html> and "Debunking the Myths about Vouchers," Education Voters of Pennsylvania <http://www.educationvoterspa.org/index.php/site/issues/debunking-the-myths-about-vouchers/>

³⁸ Louisiana Department of Education, "Scholarship Participants Map," http://www.louisianaschools.net/resources/community/scholarships_map.aspx

³⁹ Andrew J. Coulson, "State Rep. Balks at Voucher Funding for Muslim School," *Cato@Liberty* <http://www.cato-at-liberty.org/state-rep-balks-at-voucher-funding-for-muslim-school/>

⁴⁰ Jason L. Riley, "The Evidence Is In: School Vouchers Work," *Wall St. Journal Online*, May 3, 2011. <http://online.wsj.com/article/SB10001424052748703396404576283381160558552.html>

⁴¹ Rachel Tabachnick, "From Schoolhouse to Statehouse," *Public Eye*. Summer 2010. http://www.publiceye.org/magazine/v26n1/schoolhouse_to_statehouse.html and Rachel Tabachnick, "Vouchers/Tax Credits Funding Creationism, Revisionist History, Hostility Toward Other Religions" Talk2Action, May 25, 2011. <http://www.talk2action.org/story/2011/5/25/84149/9275>

⁴² Paterson, Frances Democracy and Intolerance: Christian School Curricula, School Choice, and Public Policy, (Bloomington, IN: Phi Delta Kappa, 2003).

⁴³ A 527 is a tax-exempt organization created for the purpose of influencing the election or appointment of public officials.

⁴⁴ All Children Matter Media Kit. <http://web.archive.org/web/20090507235854/http://www.allchildrenmatter.org/mediakit.php>

THE CULTURE WARS *continued from page 1*

to be guided by biblical principles and the existing law against homosexuality. . . . Zambia is a Christian nation and Christianity is against homosexuality." Elias Chipimo, Jr., the president of Zambia's National Restoration Party, blamed Western countries and called on them to stop promoting homosexuality. "The insistence of foreign nations donating aid conditioned upon the active promotion of gay rights is nothing other than the battle for the soul of our nation and our way of life," he said.¹

Rev. Dr. Kapyia Kaoma is PRA's researcher on religion and sexuality and is a priest in the Episcopal Diocese of Massachusetts. He is the author of the recent PRA report, "Colonizing African Values." He received his doctorate from Boston University.

"Mr. Ki-Moon's [sic] statement was aimed at forcing Zambia to accept homosexuality," said Rev. Pukuta Mwanza, executive director of The Evangelical Fellowship of Zambia (EFZ). "His message of gay human rights. . . is not appropriate to Zambia because our laws do not allow homosexuality."

Only two years before, Uganda's draconian Anti-Homosexuality Bill—the "Kill The Gays" bill—made international headlines. The global campaign to forestall the bill singled out the true instigators of this hateful legislation: U.S. Christian Right figures including the internationally prominent Baptist pastor and bestselling author, Rick Warren; Scott Lively, the anti-gay, Holocaust revisionist; and Lou Engle, head of the revivalist group, The Call, and a

leader in the right-wing New Apostolic Reformation movement. Warren, and later Lively, spoke out against the Ugandan bill, and the legislation was tabled soon after.

Many African leaders who followed American conservatives' anti-gay teachings felt betrayed and abandoned.² However, while Uganda's Anti-Homosexuality Bill was blocked, similar anti-gay measures passed in Malawi, Nigeria, and Liberia. Uganda has reintroduced the anti-gay bill in each parliamentary session since 2009. The international outcry did little to improve the climate of tolerance of sexual diversity on the continent. In fact, the opposite happened: Amnesty International reports, "Instances of harassment, discrimination, persecution, violence and murders committed against individuals

because of their sexual orientation or gender identity are increasing across sub-Saharan Africa.”³ The speed and fervor of African anti-gay sentiment in recent years has mobilized Western activists and politicians alike.

But almost every Western leader who has spoken out on behalf of the rights of LGBT people have faced the same backlash as Ban, including U.S. Secretary of State Hillary Clinton (see page 14) and British Prime Minister David Cameron. Cameron threatened to cut funding to African countries that persecute LGBT people during the Commonwealth Heads of Governments Meeting in Perth, Australia in October 2011. African religious and political leaders not only condemned Cameron’s move as immoral but also used it as evidence to feed the myth that homosexuality is a new form of Western imperialism aimed at destroying Africa.⁴

Be it in Kenya, Zimbabwe, Zambia, or Malawi, the sentiment is the same. Both independent and government news media houses reacted with indignation: “Ghana tells off UK over threat on gays” (*Daily Nation*, Ghana); “Is the West still colonizing Continent,” (*Tanzania Daily News*, Tanzania); and “UK’s Cameron Touched Wrong Button on Gays” (*The Observer*, Uganda). “Amoral and horrendous culturally imperialistic,” said Mobhane Matinyi of Tanzania’s *The Citizen* of Cameron’s move. Most viewed the prime minister’s position as imposing homosexuality on the continent.

Many political leaders on the continent eagerly use these Westerners’ statements as a rallying point for votes, challenging the human rights efforts as neo-colonial forays into African sovereignty.⁵ During the 2011 election in Zambia, politicians brought the issue of homosexuality, which had historically remained at the margins of political life, into a prominent role.

Imposing a “Christian Nation” on a Secular State

Zambia’s charged Christian Right politics didn’t start with the 2011 election.

The late Frederick Chiluba, a Pentecostal influenced by the U.S. Christian Right and Zambia’s second president, declared the country a “Christian Nation” to be governed by biblical principles when he came to power in December 1991. He appointed many conservative Christian pastors to senior government positions.⁶

But Zambians’ embrace of this American version of Christianity can be traced back even earlier. Since its independence in 1964, Zambia had been a secular state.

Almost every Western leader who has spoken out on behalf of the rights of LGBT people has faced significant backlash in Africa.

But in the last quarter of the twentieth century, Zambia’s separation between church and state began to dissolve. Back in the 1970s and 1980s, the U.S. Christian Right partnered with young African religious leaders across sub-Saharan Africa in an attempt to fight the perceived communism of Pan-Africanist leaders, including Zambia’s first president, Kenneth Kaunda. During this time, the number of U.S.-founded churches on African soil increased, and U.S. conservative evangelists of all persuasions exported their teachings to Africa—many in concert with the Reagan administration. The CIA under the Reagan administration supported Christian conservatives in strategic countries to fight what they claimed were Marxist guerillas and terrorists. Conservative Christian missionaries went to Zambia, as well as Angola and South Africa; their charge was to stop the growth and spread of liberation theology.⁷

Backed by the CIA and funded by U.S. right-wing churches and other international organizations, Chiluba ousted Kaunda and within three months of coming to power declared Zambia a “Christian Nation.”⁸ Chiluba’s brand of Christianity was rooted in Pentecostalism, an evangelical movement that sees the Bible as inerrant, with heaven waiting for the born again and hell for those who are not saved. Pentecostals believe God’s spirit continues to work in the world through the gifts of prophecy, speaking in tongues, and faith healing. Homosexuals are seen as possessed by demons who must be cast out. While many of these beliefs have spread to other Christian denominations as part of the charismatic revival of the past decades, Pentecostalism is traditionally in direct conflict with mainline churches, such as Anglican and Roman Catholic denominations.

Following Chiluba’s election in 1991 and his subsequent thanksgiving service, or what scholars Paul Gifford and Isabel Phiri call his “anointing service,” these beliefs found fertile ground in Zambia.⁹ Consequently, human rights for sexual minorities started to deteriorate.¹⁰

As Human Rights Watch noted on issues of LGBT rights, “Zambia is a center for the activities of North American-based fundamentalist Christian evangelists: their approaches and language were invoked in debates. Traditionally, Zambians were not anti-gay; in fact...one Zambian newspaper simply reprinted materials from Exodus International, an American anti-gay religious organization, to support the idea that ‘Christian counseling’ could cure homosexuals and return them to the fold of society.”¹¹ U.S. evangelical media outlets such as Trinity Broadcasting Network (TBN) and Christian Broadcasting Network (CBN) took root and began broadcasting to a wide audience throughout the country. In 1995, U.S. Christian Right minister and media star Pat Robertson—himself a charismatic evangelical and former faith healer—called Chiluba the model president not only for “Africa but for the rest of the world.”¹²

Opposition to Homosexuality

Zambia is overwhelmingly Christian—the Pew Research Center lists it as 98 percent Christian, with 92 percent of Zambians and 92 percent of Zambian Christians opposing homosexuality. Even Zambia’s traditional and tribal leaders base their opposition to homosexuality on the Bible, a Western product. A tribal counselor to Chieftainess Lesa named Danny Kakunka told us, “I know that homosexuality is not a taboo among the Westerners. But our traditions are opposed to it. Even the Bible does not allow it.”

Unlike many African countries, only a somewhat small portion of Zambians are reported to still hold traditional beliefs. But even in countries where a larger portion of the populace follow traditional beliefs and incorporate those practices into Christianity, as in neighboring Malawi, traditional leaders root their understanding of homosexuality in the Bible. Take, for example, 80-year-old John Robert Mangani, the senior chief of the Kadewere-Chiradzulu district of Malawi, who could not find *traditional* reasons to oppose homosexuality; relying instead on the Bible. Mangani told us, “Our culture does not accept same-sex marriages. It is against human dignity. Let us go to the book of Genesis: God created man and woman that they should live together. God knew that man has sperms and these sperms are aimed at fertilizing ova in a woman. If we hear that there are some people advocating for same-sex marriages, as chiefs, we are totally against. Frankly speaking, it is an abomination in our country.”

Paramount Chief Lundu concurred, “At the beginning God created Adam and his wife Eve, it is very strange to see that these people who are promoting homosexuality have wives and they do not encourage their children to follow homosexual acts. If we go to scriptures Genesis 19:1-22, it states how Sodom and Gomorrah were destroyed due to homosexual acts. As chiefs we will not allow such acts to continue in our country, it is an abomination. We will not accept this. It is better to remain poor than to accept same-sex marriage.”



Joseph Mwendwa/AFP/Getty Images

U.N. Secretary General Ban Ki-moon with Zambia’s first president Kenneth Kaunda on February 25, 2012 in Lusaka. During the visit, Ban urged African countries to respect gay rights.

That even “traditionalists” echo U.S. Christian Right biblical interpretation would be no surprise to the authors of the 1996 book *Exporting the American Gospel: Global Christian Fundamentalism*. They noted that American Christian funda-

**Though religious leaders
in Zambia have embraced
American anti-gay rhetoric,
it is Zambian politicians who
have taken up the anti-gay
mantle for political gain.**

mentalism, the Protestant evangelical movement of militant biblical literalists, had taken hold across much of the developing world. In Africa, they argued, U.S.

fundamentalists invested heavily in transforming Christianity on the continent. They warn that this fast-growing African Christianity “is fundamentalist and American. Through its [American Christian Right] resources, personnel and technology, it may be exerting influence on every bit as the colonial Christianity of the last century.”¹³

This American style of Christianity is especially evident in Zambian Christian attitudes towards homosexuality. Influential Zambian Bishop Joshua Banda of Northmead Assembly of God asserted that homosexuality was “alien to the Zambian society.” Despite his bishop title (a common honorific Africans ascribe to religious leaders), Banda practices an American form of Pentecostalism and is no stranger to anti-gay religious teachings—his doctoral advisor was Canon Dr. Chris Sugden, executive secretary of the break-away group Anglican Mainstream International, which parted ways with the Episcopal Church USA over inclusion of sexual minorities. In addition to studying at Trans-Africa Theological College in

One sign of the U.S. Christian Right's influence in the political arena is the use of parliament to enact anti-gay laws. The Uganda "Kill The Gays" bill revealed this practice—and Zambian conservative Christians have leapt on the bandwagon.

Kitwe, Zambia, which was founded and funded by the U.S. Christian conservatives, Banda is a graduate of Northwest University in Kirkland, Washington, a Pentecostal institution. While scholar Adriaan S. van Klinken associates Banda's positions on homosexuality with "the church's gender politics, specifically with regard to men and masculinity," Banda's anti-gay arguments are rooted in U.S. conservatism. In fact, Banda's church is a product of a Western Christian mission, founded by the Pentecostal Assemblies of Canada (P.A.O.C.) Mission in the 1970s with no Zambian members.¹⁴ You can hear this influence within Banda's sermons on *Fatherhood in the 21st Century*; as quoted by van Klinken:

Biblical fatherhood has in mind that a man, as God aimed him, in a family takes his role as a father, and a woman, as God has fashioned her, takes the role as a mother in the home, and the two become the package that bring into this life, by procreation, a family through the offspring. And nothing else exists besides that. And why should those who take up a so-called alternative life style still take on the role of a mother and a father if they are [of the] same sex, and then go into adoption of children? We can adopt children in families and that's fine, but not in this fashion. Why do they want a different role when it is [the] same sex?...There is no substitute for fatherhood. It is rooted in biblical

manhood, and biblical manhood is rooted in creation. And in creation God made them male and female. It is Adam and Eve and not Adam and Steve. In creation, we see a man and a woman in their respective roles.¹⁵

Banda is not alone—other U.S.-influenced Pentecostal leaders preach similar anti-gay positions. Bishop Joe Imakando of Bread of Life Church International and a frequent visitor to the United States says that "gays and lesbians had no room in society because Zambia had been declared a Christian nation."¹⁶ International Fellowship of Christian Churches' president Bishop Simon Chihana was reported to have said that "homosexuality will never be

a human right issue because God created men to perform some special roles, which should only be done by men."¹⁷ Chihana added that "homosexuality was not a human rights issue but a demonic right which was unacceptable" and that "his own findings showed that most people practising homosexuality were victims of the act who were finding it difficult to fully recover and were now being forced to perform the act on others."¹⁸ Another clergyman, Bishop Bernard Nwaka of Living Waters Global Ministries, was quoted as saying, "Homosexuality or same-sex affairs are serious issues political parties should not ignore because Zambia is a Christian Nation."¹⁹

"Janet", a nurse at Lusaka West BB Clinic, told PRA that "from a Christian point of view," same-sex relations are "very bad but, when we look at it from the other angle it is a special case, for example the South African case." Here, she refers to Caster Semenya, the Olympic runner whose sexuality became the subject of widespread debate.²⁰ "A person may appear to be female, but the hormonal makeup is that of man. This simply means that though appearance may be of a woman, the sexual feelings will be towards a fellow woman and general behavior will be masculine." Asked

U.S. FUNDS AND THE PUSH FOR LGBT RIGHTS

In a major speech given in December 2011, U.S. Secretary of State Hillary Clinton linked foreign aid to gay rights, defining "human rights as gay rights and gay rights as human rights."³² The inherent threat to withhold aid from nations that persecute sexual minorities was certain to provoke a backlash, but could have also produced some results. Just two days after Secretary Clinton's address, Malawi's then-Justice Minister, Ephraim Chiume, announced that the country would begin reviewing its laws banning homosexuality.³³

However, the Obama administration soon clarified that the new directive to defend LGBT rights would not result in withdrawal of aid; instead, the United States would grant additional monies to empower LGBT communities.³⁴ The government of Malawi responded by dropping its review and resuming its public condemnation of homosexuality. In backing away from its threat to cut aid, the Obama administration got the worst of both worlds—the predictable flak, without any progress on policy. With its announcement of a \$3 million global equality fund for civil society organizations working on LGBT rights across the world,³⁵ the administration somehow reinforced the conservative narrative that LGBT groups and the West are flooding the continent with money to impose foreign sexual mores. If the Obama administration's commitment to LGBT rights everywhere is to bear fruit, there is need to follow through on its bold statements.

whether homosexuality is a Western import, Janet said, “Not really because it is everywhere. Some people can be attracted to the same sex. It started from Western—yes—but we not blame them.”

Homophobia as a Political Tool

Though religious leaders in Zambia have embraced American anti-gay rhetoric, it is Zambian politicians who have taken up the anti-gay mantle for political gain. In early 2011, conservative Christian politicians challenged the then-opposition leader of the Patriotic Front Michael Sata as being pro-gay and therefore not fit to rule a Christian nation.²¹ Then-president Rupiah Banda (no relation to Bishop Joshua Banda) pulled out the neo-colonial card and told Zambians they should blame the Western aid community for homosexuality. “Some sections of the donor community had embarked on a campaign aimed at making Zambians believe that homosexuality was a human rights issue,” Banda said.²² Late Vice President George Kunda ratcheted up the election-year gay baiting and called on the public to report LGBT persons to the police. “If you have information about such people, report them to the law enforcement agencies. There are also some people who are bisexual and they marry to cover up their activities, but, at the end of the day, we know them.”²³

While Kunda accepted that gays are part of the Zambian community, he nevertheless argued homosexuality was “not part of the Christian norm”²⁴ and “Zambian laws are tailored [to] Christian values the country practices.”²⁵ Former President Kenneth Kaunda, widely respected in the international community, argued that homosexuality was against the Bible and therefore “against God’s commandments.” He called on leaders to “advocate for laws that prohibited such wicked vices especially that Zambia was a Christian Nation.”²⁶

Despite politicians’ attempts to foil their opposition with anti-gay rhetoric, Michael Sata and the Patriotic Front came to power in September 2011 and the politics of sexuality in Zambia died down.

However, U.N. Secretary General Ban Ki-moon’s visit to the country resurrected the vitriol. Once again you heard the anti-LGBT claims of the pastors. “The 2010 draft constitution specifically recommended that ‘Marriage between persons of the same sex is prohibited,’” said Mwanza of the Evangelical Fellowship of Zambia.²⁷ Martin Musaluke, the vice president of the Law Association of Zambia (LAZ) similarly insisted that “respecting gay rights in Zambia is impossible because homosexuality is a criminal offence under the current laws.”²⁸

This deep-seated view of LGBT rights as a neocolonial import puts Westerners hoping to stand in solidarity with those under threat for their sexuality in a difficult spot.

Another sign of U.S. Christian Right influence in the political arena is the use of parliament to enact anti-gay laws. The Uganda “Kill The Gays” bill, first introduced in 2009, revealed this practice—and Zambian conservative Christians have leapt on the bandwagon, using the country’s constitution. Zambia’s current constitution, specifically its anti-gay portions, can be viewed as a colonial product with its condemnation of what it calls “carnal knowledge.” Despite three constitutional reviews (1973, 1991, 1996), British colonial laws prohibiting homosexuality remain on the books in Zambia. Despite this, in 2005, the Parliament amended the penal code so it would read, “Any person who has carnal knowledge of any person against the order of nature [or] permits a male person to have carnal knowledge of him or her against the order of

nature; is liable to imprisonment for a term not less than 15 years and may be liable to imprisonment for life.”²⁹

The struggle over LGBT rights continues to rage in constitutional battles. A draft constitution proposed in 2011 would discriminate against LGBT persons, but Zambia’s 2012 draft constitution protects all citizens from discrimination. Article 27 (1) of the draft constitution states: “A person has the right not to be discriminated against, directly or indirectly, on any grounds including birth, race, sex, origin, colour, age, disability, religion, conscience, belief, culture, language, pregnancy, health, marital, ethnic, tribal, social or economic status.”³⁰ The draft constitution also prohibits the passing any law or “provision that is discriminatory either of itself or in its effect.”³¹ While this seems to safeguard LGBT persons, it is likely that the new constitution will uphold anti-gay laws that are of colonial origins.

The general public has picked up on politicians’ and pastors’ appeals to their national pride in claiming that homosexuality is a sign of Western encroachment on the purity of Zambian Christian life. Chikumbi Ndolesha, a biomedical student in Ndola, told us that homosexuality is not part of Zambian culture. “It is a Western import because, us Zambians, we tend to imitate things that we see on TV, read in magazines, and the things we see in movies. We think it is a normal way of life and we think it is fancy to come across one. In the long run we are adopting [the] wrong culture.” Another interviewee added that “America is not governed by Christian values, it is a secular state and as such would want to encourage other states, especially in Zambia, in particular, to promote it—America sees nothing wrong with practicing homosexuality and is now promoting it here in Zambia so that homosexuals are spared.” Heath Hammumba, a laboratory technician in Ndola, argued that homosexuality is copied from the West. From the Christian perspective, he insists homosexuality “is wrong in the eyes of God because God created man and women for a purpose. If it was right, God would have

created one sex, either male or just females.”

This deep-seated view of LGBT rights as a neocolonial import puts Westerners hoping to stand in solidarity with those under threat for their sexuality in a difficult spot. Christian conservatives manage to use their frequently tone-deaf, public condemnations against them, endangering the very people they intend to defend. Threats of punitive measures from the United States [see sidebar on page 14] and the United Kingdom legitimize religious conservatives’ contention that homosexuality is a Western import. Human rights advocates—rather than U.S. Christian Right actors—are cast as neocolonialists.

This dynamic raises questions about whether Western diplomacy might be practiced more effectively away from the lights and cameras. Diplomats cannot back down when they suggest sanctioning countries that institutionalize homophobia.

For their part, U.S. human rights and LGBT advocacy communities should build good relationships with African diplomats so that they can start the dialog from a stronger position. Westerners can support African leadership by providing them with concrete resources—including schooling or research support. They have already shown that it can be highly effective to challenge the U.S. Christian Right individuals and groups who fan the flames of homophobia. Exposing their true neocolonial roots is essential in order to defend LGBT people throughout sub-Saharan Africa.

Endnotes

¹ Interview, MUVI TV, March 1, 2012.

² Jodi Jacobson, “Martin Ssempe Responds to Rick Warren on Uganda’s Homosexuality Bill,” *RHRealityCheck*. <http://www.rhrealitycheck.org/blog/2009/12/19/martin-ssempe-responds-rick-warren-uganda-s-homosexuality-bill>

³ Amnesty International, “Africa: End discrimination against LGBTI on international day against homophobia,” May 16, 2012. <http://amnesty.org/en/news/africa-end-discrimination-against-gays-international-day-against-homophobia-2012-05-16>

⁴ “Cameron threat to dock some UK aid to anti-gay nations,” BBC News, October 31, 2012/ <http://www.bbc.co.uk/news/uk-15511081>

⁵ Amnesty International, “Africa: End discrimination against LGBTI on international day against homophobia.”

⁶ The presidential declaration speech was centered on the following biblical passages: John 14:6; Jeremiah 7:23; Luke 22:20; 2 Chronicles 7:14; and 2 Kings 23:3. “The Presidential Speech,” 29.12.91. *Times of Zambia* 1.1.92; 9.1.95.

⁷ Jeffrey Marishane, “Prayer, Profit and Power: US Religious Right and Foreign Policy,” *Review of African Political Economy* (1991), 19(52), 73-86.

⁸ Frederick T. J. Chiluba, *Democratisation Process in Zambia*, Masters Thesis (Warwick: Warwick University, 1994), 100.

⁹ For a detailed discussion, see Paul Gifford, *African Christianity: Its Public Role*, (London: Hurst & Company, 1998), 197; Isabel Phiri, “President Frederick Chiluba: Evangelicals and Democracy in a “Christian Nation,”” in *Evangelical Christianity and Democracy in Africa*, Terence O. Ranger, ed. (Oxford: Oxford University Press, 2008), 95-129, 102.

¹⁰ “More Than a Name: State-Sponsored Homophobia and its Consequences in Southern Africa,” Human Rights Watch, May 13, 2012. <http://www.hrw.org/reports/2003/05/13/more-name-0>

¹¹ “More Than a Name,” Human Rights Watch.

¹² “The 700 Club,” Christian Broadcasting Network, April 25, 1995. While Isaac Phiri claims that Chiluba invited Pat Robertson to Zambia, Chiluba’s interview was pre-recorded and aired on April 25, 1995 on “The 700 Club.” Isaac Phiri muddies the circumstance. See: Isaac Phiri, *Proclaiming Political Pluralism: Churches and Political Transitions in Africa* (Westport: Praeger, 2001), 44.

¹³ Steve Brouwer, Paul Gifford, and Susan D. Rose, *Exporting the American Gospel: Global Christian Fundamentalism* (New York: Routledge, 1996), 178.

¹⁴ Northmead Assembly of God, “About Us.” http://www.northmeadassembly.org/index.php?option=com_content&view=article&id=238&Itemid=30

¹⁵ Adriaan S. van Klinken, “The Homosexual as the Antithesis of Biblical Manhood? Heteronormativity and Masculinity Politics in Zambian Pentecostal Sermons,” *Journal of Gender and Religion in Africa*, vol. 17, no. 2 (December 2011), 126-142.

¹⁶ “Channel funds to projects, not gay rights, donors urged,” *Lusaka Times*, May 7, 2010. <http://www.lusakatimes.com/2010/05/07/channel-funds-projects-gay-rights-donors-urged/>,

¹⁷ “Former president Kaunda says no to homosexuality,” State House, October 21, 2010. Originally published in *Times of Zambia*, October 21, 2010. <http://www.statehouse.gov.zm/index.php/component/content/article/48-featured-items/1938-former-president-kaunda-says-no-to-homosexuality>

¹⁸ Former president Kaunda says no to homosexuality,” *State House*.

¹⁹ Former president Kaunda says no to homosexuality,” *State House*.

²⁰ Semenya finally able to focus on Olympic gold after three-year nightmare: <http://www.dailymail.co.uk/sport/olympics/article-2152053/Caster-Semenya-finally-able-focus-Olympic-gold.html#ixzz1yXvAJgQl>

²¹ “Veep challenges Sata, HH over gays,” *Lusaka Times*, January 1, 2011. <http://www.lusakatimes.com/2011/01/01/veep-challenges-sata-hh-gays/> Originally published in *Zambia Daily Mail*.

²² Former president Kaunda says no to homosexuality,” *State House*.

²³ “Gay and lesbianism illegal – Kunda,” *Lusaka Times*, March 18, 2011. <http://www.lusakatimes.com/2011/03/18/36366/> “The Vice President said that Zambian

laws are tailored by the Christian values the country practices.”

²⁴ “Kunda warns homosexuals,” *Times of Zambia*, March 21, 2009. <http://allafrica.com/stories/200903230722.html>

²⁵ “Gay and lesbianism illegal – Kunda,” *Lusaka Times*.

²⁶ Former president Kaunda says no to homosexuality,” *State House*.

²⁷ Republic of Zambia, National Constitutional Conference, 2010: 222.

²⁸ “Gay Rights Impossible in Country,” *Times of Zambia*, February 28, 2012. <http://allafrica.com/stories/201202280767.html>

²⁹ Zambia’s Penal Code Act. <http://passthrough.fwnotify.net/download/587453/http://www.parliament.gov.zm/downloads/VOLUME%207.pdf>

³⁰ Republic of Zambia, *First Draft Constitution of the Republic of Zambia*, April 30, 2012, 14/ <http://zambianconstitution.org/downloads/First%20Draft%20Constitution.pdf>

³¹ Republic of Zambia, *First Draft Constitution of the Republic of Zambia*, April 30, 2012, 14. <http://zambianconstitution.org/downloads/First%20Draft%20Constitution.pdf>

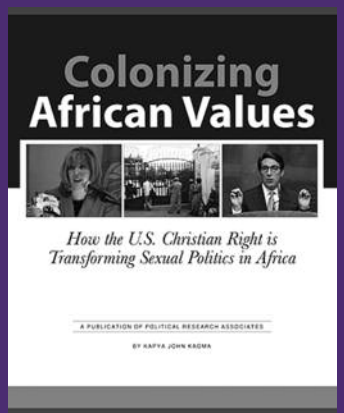
³² Igor Volsky and Zack Ford, “Sec. Clinton To UN: ‘Gay Rights Are Human Rights, And Human Rights Are Gay Rights,’” *Think Progress*, Dec 6, 2011. For the full speech of Secretary Clinton, see <http://thinkprogress.org/lgbt/2011/12/06/383003/sec-clinton-to-un-gay-rights-are-human-rights-and-human-rights-are-gay-rights/>

³³ BBC, “Malawi to review homosexuality law,” 8 December 2011, <http://www.bbc.co.uk/news/world-africa-16092694>

³⁴ Exporting the Anti-Gay Movement: How sexual minorities in Africa became collateral damage in the U.S. culture wars. <http://prospect.org/authors/rev-dr-kapya-kaoma>.

³⁵ Igor Volsky and Zack Ford, “Sec. Clinton To UN: ‘Gay Rights Are Human Rights, And Human Rights Are Gay Rights,’” *Think Progress*, Dec 6, 2011. For the full speech of Secretary Clinton, see <http://thinkprogress.org/lgbt/2011/12/06/383003/sec-clinton-to-un-gay-rights-are-human-rights-and-human-rights-are-gay-rights/>

NEW REPORT!



Colonizing African Values

How the U.S. Christian Right is Transforming Sexual Politics in Africa

A PUBLICATION OF POLITICAL RESEARCH ASSOCIATES
BY KAPYA VONA KAOMA

Available free online at
www.publiceye.org

RECONSIDERING HATE *continued from page 1*



Kay Whitlock

These provisions include law enforcement reporting requirements, mandated training for law enforcement personnel, and civil legal remedies (permitting victims to sue for damages). Penalty enhancements could only be applied in cases where the crimes could be proved to be linked by bias and attempts to terrorize entire groups of people based on their actual or perceived race, color, religion, ethnicity, national origin, sexual orientation, gender, gender identity or expression, or physical/mental disability.¹

Now let's fast-forward to 2012 in Sanford, Florida and the killing of a Black teenager, Trayvon Martin, as he was walking home. George Zimmerman, a self-appointed neighborhood watch volunteer who entertained hopes of being a cop one day, admitted shooting Martin to death. He was charged with second-degree murder 46 days after the shooting. Many groups hailed this indictment as a victory. FBI agents have also questioned witnesses, presumably to determine if Zimmerman might be charged with a federal hate crime.² It is worth noting that a murder charge prosecuted under federal hate crime law could carry a death sentence.

Over the past four decades, social justice advocacy groups have increasingly

A longtime LGBT activist, Kay Whitlock was the National Representative for LGBT Issues for the American Friends Service Committee (AFSC) and an AFSC regional director. She is coauthor, with Joey Mogul and Andrea J. Ritchie, of Queer (In)Justice (Beacon Press) which has drawn wide critical acclaim for its call for a multi-issue social justice agenda and was honored with the 2011 PASS (Prevention for a Safer Society) Award from the National Council on Crime and Delinquency.

adopted the frame of “hate” for analyzing, describing, and responding to violence, oppression, and discrimination. Today, almost every state has enacted some form of hate crime statute, although the focus, wording, and identification of “protected” status categories differ widely.³ There are several federal hate crime laws.⁴

Since the 1980s, there has been a robust, sometimes fiery debate in social justice arenas over the desirability, efficacy, and possible consequences of “hate speech” law as a response to violent and dehumanizing rhetoric. An increasing number of colleges and universities have adopted policies prohibiting certain forms of speech,

**The hate frame has
had unintended,
harmful consequences
that social justice
activists and scholars
need to re-evaluate.**

with the stated intention of protecting pluralism and ensuring equal educational opportunities.⁵

Prominent advocacy organizations, including the Southern Poverty Law Center (SPLC),⁶ the Anti-Defamation League (ADL),⁷ and Center for New Community,⁸ regularly monitor and report on “hate” and “extremist” groups (defined according to their own criteria). “Stop Hate” initiatives abound.⁹ SPLC offers an array of “teaching tolerance,” diversity awareness, and prejudice reduction educational resources for both teachers and students. Not in Our Town is a national organization that highlights community initiatives to resist, respond to, and prevent hate violence.¹⁰

The Gonzaga University Institute for

Hate Studies, created to help advance an interdisciplinary field of Hate Studies and disseminate new theories, models, and discoveries about hate, began publishing the *Journal of Hate Studies* in 2001.¹¹

These are significant achievements, and represent a major investment by social justice advocates. However, I believe the hate frame has had unintended, harmful consequences that social justice activists and scholars need to re-evaluate. Does calling something a hate crime or hate speech clarify or distort the nature of our struggles?

Beyond “Bad Attitudes”

No one familiar with the history of lynching and other means of enforcing racial segregation and asserting White supremacy in the United States could reasonably argue that such actions are not motivated by racial hatreds—or that hate doesn't motivate anti-immigrant vigilantes who take it into their hands to “patrol” the U.S.-Mexico border. Similarly, one could not plausibly assert that vile, anti-LGBT sentiments expressed in queer bashings and anti-gay political campaigns aren't hateful. Hate is very much at the center of bombing and burning of Black churches, synagogues, and mosques. Hate is certainly involved when women's health care centers are torched and abortion providers murdered.

But beyond a sense that we know hate when we feel it, we don't know a great deal about hate itself. Is hate an emotion? A belief? A behavior? A process? An outcome? Is it innate? Learned? A mental disorder? Is it an individual phenomenon? Is it still considered “hate” when it appears in systemic form, preserved in routine actions of public and private institutions? What is its relationship to hierarchies of power, if any? Is it intrinsically violent? Is it a fixed part of human nature? Can it be corrected or healed?

Ken Stern, specialist on antisemitism and extremism for the American Jewish Committee (AJC), suggests that one working definition of hate might be “the human capacity to define, and then dehumanize or demonize, an ‘other,’ and the processes

which inform and give expression to... that capacity.”¹² At first glance, that seems clear and useful. But the waters muddy when we try to utilize a single frame—hate—for interpreting and responding to the actions of the following actors: individuals motivated by obvious bigotry; independent groups and networks pushing openly oppressive agendas; and the histories and systemic operation of respectable public and private institutions and entire nation-states.

There is no evidence that hate crime laws deter acts of violence.

The liberal version of the hate frame asserts that people who engage in bullying, threat, intimidation, and violence stand outside the circle of normalcy and mainstream standards of civic morality. “Haters” are identified as “extremists” acting outside social norms.

However, these kinds of hatreds aren’t merely about personal prejudice or “bad attitudes.” Sociologist Kathleen Blee is one among a number of social scientists and legal scholars writing about hate who recognizes that violent acts motivated by bias or hatreds “can reflect broader social institutions and cultural norms.”¹³

Racist and gendered violence is supremacist in nature, touting the alleged superiority of Whites over people of color; heterosexuals over queers; men over women; and a certain variety of Christianity over other denominations and faiths. Such hatreds, openly expressed and used as a focal point for organizing, intend to retain and reinforce traditional (and unjust) hierarchies of racial, gender, and economic power. As former PRA political analyst Chip Berlet notes in the *Journal of Hate Studies*, “Organized supremacist groups utilize and amplify the same elements of prejudice, supremacy, demonization, and scapegoat-

ing that already exist in mainstream society. [Their] ideologies, styles, frames, and narratives... are drawn from pre-existing systems of oppression buried in mainstream society.”¹⁴

Safety or Distraction?

At the time President Barack Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act into law in October 2009,¹⁵ many activists believed that with the passage of federal and state hate crime laws, law enforcement (historically a persecutor of people of color, queers, and other targeted groups) would at last protect those marginalized communities. Hate crime laws, major advocacy organizations said, would help deter and prevent hate violence. They would make our communities safer.

Unfortunately, no such message was sent or received. Violence against people of color, queers, and other vulnerable groups remains widespread. In fact, some communities are now more likely to experience harassment and abuse.¹⁶ Racial, gender, and sexual profiling permanently classify people from targeted communities as “suspicious” and “dangerous others.”

Glimpses and discussion of criminalizing processes at the intersections of race, class, gender, and immigration status are found in *Queer (In)Justice: The Criminalization of LGBT People in the United States*, which documents these overarching problems:

- Hate crime laws provide no proactive protection. Highly selective enforcement of these laws typically takes place (sometimes) only after an incident is reported.
- There is no evidence that hate crime laws deter acts of violence. For example, National Coalition of Anti-Violence Programs (NCAVP) annual reports do not show any consistent reductions in reports of violent crime. But they do show recent increases, especially in murder.¹⁷
- Based on reported incidents, people of color and transgender people

are disproportionately targeted for bias-motivated violence; transgender people, particularly, are at risk for murder. People of color who are transgender face especially heightened risk for being targets of violence.

The neutral wording of hate crime and related laws is “power-evasive.” When selectively enforced, these laws can morph into instruments of injustice. For example, a South Carolina anti-lynching statute intended to protect African Americans against White mob violence has transformed into a legal tool used disproportionately against young Black men—simple enough, given the law’s race-neutral definition of “mob” as “the assemblage of two or more persons, without color or authority of law, for the premeditated purpose and with the premeditated intent of committing an act of violence upon the person of another.”¹⁸

Police often treat many LGBT and HIV-affected people who attempt to report hate violence as offenders rather than as people who have suffered violence. Such “re-victimization” is especially likely if the

Police officers consistently constitute a major hate violence offender group.

person reporting is a person of color, transgender or gender nonconforming, poor, presumed to be a sex worker, or an immigrant. Additionally, many who are targets of hate crimes do not wish to report incidents to the police out of fear. These can include fear of not being believed, fear of additional abuse at the hands of police, fear of being reported to immigration authorities, fear of unwanted and negative publicity, and fear of reprisals.

According to NCAVP, police officers consistently constitute a major hate violence

offender group; Amnesty International has documented widespread, systemic police misconduct and abuse—particularly against queers of color. Police in some jurisdictions have refused to take hate crime reports, and some reports may not be accurately classified as hate crimes under

legal criteria.

Most discussions of hate violence in the United States cite annual reports from the FBI. However, as recently as 2005, the Bureau of Justice Statistics (BJS) recognized that the actual incidence of hate violence was vastly understated by the FBI. The FBI's

reports suffer from these shortcomings:

- There is no way to ensure that evaluation and classification of reported incidents are consistent across jurisdictions.

Continues on page 21

DIPPING INTO THE UNDERCURRENT: A RESPONSE TO "RECONSIDERING HATE"



By Rabsaan D. Hall

At the Lawyers' Committee for Civil Rights and Economic Justice, our mission is to eliminate race and national-origin discrimination through litigation, and community and legislative advocacy. Despite our narrowly focused mission we are always working collaboratively with community partners to advance an agenda that supports and affirms expansive hate crimes legislation.

After reading Kay Whitlock's discussion paper I was moved by the manner in which she touched on the consistent acts of violence and aggression towards the "Other," whoever that might be, throughout the history of this country. I think she did a good job of documenting that history, similar to Isabel Wilkerson's book *The Warmth of Other Suns*, which tells the story of the Great Migration of African Americans leaving the oppression of the South only to be met by the oppression in Northern cities, where groups of White people sought to protect their "entitlements" through threats and acts of violence.

Whitlock's discussion paper evoked an idea of an "undercurrent" of fear, animosity, and resentment that is directed toward groups that are not identifiable as straight, Christian, White males. This undercurrent is the reason it is difficult to address the larger structural and systemic inequities that exist along race and bias lines in this country. Attacking the societal and structural existence of hatred is very difficult. Anything that raises questions about the structural and systemic nature of racism, sexism, homophobia, Islamophobia, and any other structural power inequities undermines and calls into question the foundation of many people's beliefs, and threatens the privileges they benefit from. Therefore, this undercurrent is easily tapped into by many people who feel their position in society is threatened. They need only dip the bucket into the stream of this undercurrent and pull it up to pour out rhetoric that motivates hatred and acts of bias violence.

In my work, I see the impact of that undercurrent played out when I take on police misconduct cases. There are many instances in which Black men speak back to White police officers and the police abuse their power. It's an ultimate show of authority, by the officer, to send the message that "You don't belong, I am in charge, and any exercise of free speech or expression of dissatisfaction about this encounter is not valuable—and furthermore, I am going to use force against you to ensure you know where your place is."

Another set of examples is the cases that invoke the Massachusetts Civil Rights Statute. I have worked closely with the Office of the Massachu-

sets Attorney General to address neighbor-to-neighbor harassment. One case in particular involved a White man creating an unbearable living experience for his Haitian neighbor through racially hostile statements, gestures, and harassment. The ability to provide the victim some protection came through the Massachusetts Civil Rights Statute, because the Massachusetts Hate Crimes Statutes only addresses acts of violence. The latter statute is limited in that it does not afford greater protections to victims of bias-based harassment. Although there are protections through other statutes, bias-based infringements of people's rights have few remedies. This shortcoming touches on the premise of Whitlock's article and the need to expand the conversation around hate crimes legislation.

As a former prosecutor I recognize that hate crime legislation that allows for criminal prosecution of conduct that would not otherwise be considered criminal is always a tool that can be used. I recognize Whitlock's cautionary note about the South Carolina anti-lynching statute that ended up being used against Black men as something to be aware of. However, I do think prosecutors' ability to leverage the desired outcome is important. Penalty enhancements are useful because they provide additional leverage and help define criminal conduct, and identify the protected status of the victim. Ultimately, this narrow framework is reactionary and will not address the undercurrent that motivates these types of crimes. Nevertheless, even if the existing legislation is limiting, it can still be very helpful.

Realistically, it will take continued advocacy to not only affirm the existing usefulness of the hate crimes legislation that exists, but also to continue to push the envelope about what the conversation regarding hate crimes legislation should be and who the conversation should include. More opportunities for conversation and education are important, but I really think that a dramatic shift will not occur until there are straight, White men in positions of authority, power, and privilege who are able to recognize their privilege and have meaningful conversations geared at reframing the narrative. It's not that change rests on the shoulders of these influential people, but until there are honest conversations about the "undercurrent" we will continue to see resistance to pushing this narrative forward. We have to get people to separate their individual issues from the larger narrative around structural inequities, bias, and violence to see how they impact all of us.

Rabsaan D. Hall, a former Public Defender in Dade County, Florida, and a former Assistant District Attorney for Suffolk County, Massachusetts is Deputy Director of The Lawyers' Committee for Civil Rights and Economic Justice, where he engages in both legislative advocacy and community outreach. His litigation practice focuses on police misconduct, and public accommodations. He also serves as the director of the Lawyers' Committee Voting Rights Project, protecting voting rights for racial and ethnic minorities, and other historically disenfranchised groups.

LOOK BEYOND POLICE FOR SOLUTIONS: A RESPONSE TO “RECONSIDERING HATE”



By Rinku Sen

The dominant story about race in the United States goes like this: in the past, we had troubling racial patterns, including genocide, slavery, and segregation. Then heroic individuals took spontaneous action and showed America the error of its ways. We changed all of our racist laws and became colorblind, evidenced by the election of President Barack Obama.

When race is evoked today, it is only by people of color aiming to avoid responsibility and gain “special rights.” If some people still act on extremist notions of White supremacy, then punishing hate crimes is the best we can do about such behavior which seems to be innate to human beings.

In this narrative, racism is defined as individual, intentional, and overt, causing an enormous problem for those of us working on the institutional and structural causes of inequity. If there isn't a noose hanging, too many Americans think, then there isn't a racial problem. A similar gap between dominant thinking and the reality of systemic oppression affects LGBT people, immigrants, and people of certain faiths. The issue of hate violence is particularly tricky because it offers both expansions and limits in the fight for justice. Hate crimes are a form—sometimes the only form—of racism, homophobia, xenophobia, religious intolerance that most Americans will recognize. It has emotional impact that generates action because hate crime violence is indeed taking so many lives. In addition, we can see the need for structural solutions in the criminalizing policies that have been adopted to address it. On the surface, hate crimes legislation appears to join the individual and the structural in ways that few other issues do.

In her insightful discussion paper, Kay Whitlock points out some severe limits of the hate frame, which ultimately amount to the fact that the problem isn't actually being solved. The criminal justice system on which we've pinned our hopes is itself responsible for generating and reinforcing deep bias against the people who are most frequently victimized: queers, people of color and especially queer people of color.

Whitlock's discussion of the role that police officers play in hate crimes mirrors a similar pattern found in domestic violence. The National Center for Women and Policing notes that “most departments across the country typically handle cases of police family violence informally, often without an official report, investigation, or even check of the victim's safety.” This “informal” method is often in direct contradiction to legislative mandates and departmental policies regarding the appropriate response to domestic violence crimes.¹ Between 1990 and 1997, the Los Angeles Police Department reported 91 sustained allegations of domestic abuse among its officers, but only four resulting in criminal prosecution.

By relying on criminal justice as our only recourse, we ask the system that puts our very humanity in question to reverse the consequences of such dehumanization. One of the things we should fight for is the implementation of hate crimes legislation that addresses the role police officers play in perpetrating it. But given how difficult it has been to reform police departments, we'd better start looking at

some other options.

These options might exist in other institutions. The dehumanization of “protected classes”—people of color, immigrants, queers—is generated not just by criminal justice systems. Racial, sexual, national, and religious profiling takes place in our immigration, energy, education, employment, and health care systems, among many others. In June, the Sikh Coalition in New York City announced the settlement of a lawsuit that forces the Metropolitan Transit Authority to abandon its post-September 11 rule requiring employees with headaddresses either to put an MTA logo on it or work away from public view.² If the public transit system of the nation's largest city thinks it's okay to “hide” its Muslim and Sikh employees, then many individuals will think it's okay to send such people into hiding permanently.

Hate crime legislation has been one issue around which LGBT, immigrant, religious groups, and native-born communities of color have joined forces. If we want to prevent such violence, we need to seek a broader range of campaigns to engage together. In the Applied Research Center's “Better Together” report, which focuses on the relationships between racial-justice and LGBTQ-liberation groups, issues, and communities, we argue that people concerned with both issues need to move beyond abstract moral support to concrete, strategic interventions.³

These strategic interventions suggest themselves in every institution of our society. Schools provide a great place to start; we should endeavor, for example, not to replicate the limitations of the hate crimes approach in creating anti-bullying policies. Health institutions and their treatment of victims might be another site of collective struggle. The Employment Non-Discrimination Act offers some options.

There are solutions we haven't thought of yet, because our collective notions of justice are still oriented toward punishment rather than prevention. We need to begin work, together, on breakthrough agendas that uphold the dignity and safety of all our people, in all our institutions. We have to be able to connect individual pain to systemic rules, not only when violence is the result, but any form of dehumanization. We can do it, but only if we're completely honest with ourselves about where the current range of hate crimes solutions have taken us, and where they haven't.

Rinku Sen, president and executive director of the Applied Research Center (ARC) and publisher of ColorLines, is the author of The Accidental American: Immigration and Citizenship in the Age of Globalization and Stir It Up: Lessons in Community Organizing. She is the Chair of the Media Consortium, an association of progressive independent media outlets, and the recipient of numerous fellowships and awards for activists and journalists.

ENDNOTES

¹ National Center for Women & Policing, “Police Family Violence Fact Sheet,” <http://womenandpolicing.com/violenceFS.asp> (accessed June 20, 2012).

² The Sikh Coalition, “Sikh Segregation Ends at MTA,” <http://www.sikhcoalition.org/advisories/2012/sikh-segregation-ends-at-mta> (accessed June 20, 2012).

³ “Better Together: Racial Justice Orgs and LGBT Communities,” Applied Research Center, September 2010, <http://www.arc.org/content/view/2244/> (accessed June 20, 2012).

- State and local law enforcement agency participation in the FBI's hate crime reporting program is voluntary. In 2009, for example, of the 14,422 agencies formally par-

ticipating in the effort, only 2,034 actually submitted incident reports.¹⁹

- Most law enforcement agencies within a state jurisdiction do not

report any incidents. For example, in 2009, only 67 out of 413 agencies in Virginia; five out of 487 Georgia agencies reported inci-

Continues on page 22

ERADICATING HATE VIOLENCE NEEDS COMMUNITY ENGAGEMENT: A RESPONSE TO "RECONSIDERING HATE"



Penny Weaver/SPLC

By Pat Clark

The outrageous killings of James Byrd, Jr. and Matthew Shepard shine a light on the power of hatred fueled by racism, sexism, homophobia, and other forms of intolerance that are used to separate and divide us as human beings. Proponents of hate crime legislation and enhanced penalties for hate crimes want to make sure that killings and acts of violence like these provide an opportunity not only to hold accountable those responsible, but to expose and

eradicate all violence based on bias, bigotry and prejudice. The goals underpinning this legislation deserve our defense: The lives of those who are often dehumanized, demonized, and marginalized should be valued. Everyone should be afforded protection by our system of justice. Those whose safety has been violated should be free of fear, and confident of redress. Most important, we should seize every opportunity to ensure that these crimes never happen again.

We look to our legal and criminal justice systems to meet such goals. Nonetheless, as Kay Whitlock notes, we are dependent on a criminal justice system that engages in dehumanizing and demonizing the Other. Our legal system emphasizes the differences between us, pitting the monster perpetrator against the less-than-innocent victim, who is often further debased in the course of the judicial process.

Our justice system is not designed to confront crimes or hate crimes in ways that ask people and communities to address the root sources of harm. It is not a system that places as a high value on the importance of the truth as it does on the "win." This system is good at retribution, punishment, and creating a profit on the backs of the same population that is often victimized. It is not a system designed to ask the questions that can unpack a history and legacy of hate. These questions should include not only what happened but why did it happen? Who, beyond the individual perpetrators, are responsible for these acts of violence? What provided the environment or fertile ground for hate to fester? What is needed in order for the victims/survivors, perpetrators, and the broader community to heal?

Alternative processes are trying to pose some of these questions. In 2004, the Greensboro Truth and Reconciliation Commission was established to address the killing of five people, and wounding of ten, by members of the Ku Klux Klan and neo-Nazis in Greensboro, North Carolina in 1979. Tensions had been mounting for years between those advocating for health care, housing, and other social justice issues and the White supremacists who saw these activities as a threat to their well being and way of life. There was no doubt about the identities of the

physical perpetrators of the crimes, yet many years later it was unfathomable that more people had not been held responsible for the murders. [For more please see "Truth and Reconciliation Comes to the South: Lessons from Greensboro" from the Summer 2007 issue of *The Public Eye*].

The commission was charged with looking at the "context, causes, sequence and consequences" of the events of November 3, 1979. That process revealed that the violence didn't happen in a vacuum. The perpetrators of the crimes were influenced and aided by some members of the Greensboro community, either specifically or through the perpetuation of an environment of intolerance and hate that sustained White supremacy. Years later, the consequences of hate violence and the continued presence of racism and other forms of intolerance permeated the city in ways that were not always identifiable, but made it difficult for the city to grow and move forward.

The commission provided people who had been silenced for years the opportunity to share their understanding of the events of 1979. More importantly, the process provided people in Greensboro the opportunity to truly heal their divided community.

When people are arrested, convicted and incarcerated for baseless crimes, hate crime legislation can certainly provide a sense of satisfaction to victims, their loved ones, and the community. It can provide momentary acknowledgement that racism, homophobia, and other forms of intolerance exist and continue to be harmful. On the other hand, as Whitlock describes, it can also provide cover for systems, communities, and individuals to separate themselves from the "monsters" who perpetrated those crimes and the conditions that allowed hate and intolerance to foment.

It is not the criminal justice system that will provide the change we seek. If we are serious about the business of eradicating violence based on intolerance, it will require a lot of soul searching about the past, the present, and the future we want. It will also take years and years of outreach, education, building relationships, and working in community with anyone and everyone who is the potential victims of hate crimes and/or the potential perpetrators of hate crimes. That work will never be completed.

Pat Clark, an emeritus member of the Southern Poverty Law Center (SPLC) board and former director of the SPLC's Klanwatch program, is the former executive director of the Fellowship of Reconciliation and over her career has focused on such issues as prison reform, the death penalty, juvenile justice, and restorative justice.

ENDNOTES

¹ Jill Williams, "Truth and Reconciliation Comes to the South," *The Public Eye*, 2007.



President Obama applauds the families of James Byrd and Matthew Shepard at the 2009 signing of the Hate Crimes Prevention Act.

dents. Less than half the participating agencies in California reported incidents.

- The FBI does not report clearly, if at all, on violence or other hate crime offenses committed by law enforcement authorities.

Making the Change We Need

If hate is a social problem, and not just a matter of individual psychology, then intensified policing and enhanced punishments cannot create safe and just communities.

Does that mean every concept in hate crime law is worthless? Not at all. Most of us would probably all agree, for instance, that documentation, reporting, and analysis of violence directed against targeted groups are essential. We should not stop being concerned about White supremacist, neo-Nazi, and other groups that are rooted in fear, intimidation, and violence. There is a strong argument for, and tradition of, identifying, monitoring, and exposing virulently bigoted groups and individuals in order to interrupt their actions and minimize their influence on the larger culture and mechanisms of the state. Political Research Associates, SPLC, Center for

New Community, Institute for Research and Education on Human Rights, and other organizations have been doing this for many years.

SPLC suggests that the most recent expansion of “right-wing extremism came even as politicians around the country, blown by gusts from the Tea Parties and other conservative formations, tacked hard to the right, co-opting many of the issues important to extremists.”²⁰ Yet it is often difficult to distinguish between the messages of “hate” groups and the actions of leaders in public and private institutions.

We should also ask how federal hate crime commitments to respond to violence against “protected” groups square with other federal programs, such as “Secure Communities” (S-Comm) which automatically compares fingerprints submitted by local law enforcement agencies against Immigration and Customs Enforcement Agency (ICE) databases—a program slated to be mandatory nation-wide by 2013. Marketed as a program to locate and deport criminal immigrants, in practice, S-Comm is deployed against immigrants regardless of criminal background.²¹

But we also need to resist the easy demonizing of “criminals” and challenge our overreliance on the legal system to produce

community safety. After all, processes of criminalization, selective law enforcement, and mass incarceration are structural ways of devaluing and destroying the lives of people of color, poor people, immigrants, and queers.

How do liberal and progressive groups and leaders go beyond our now well-established pattern of responding to one egregious act of hate violence or police brutality after another with little more than outraged demands for more policing, prosecution, and punishment? Even when these demands are fulfilled in individual cases, the *structures* of violence and injustice remain intact. As Ejeris Dixon, former coordinator of the Audre Lorde Project’s Safe OUTside the System (SOS) Collective once observed, “It’s easier to talk about hate than power.”²²

We must turn to community-based strategies that seek to address structures of violence as well as individual acts. To that end, we might better focus our efforts on increasing the capacity of (underfunded and overstressed) community-based anti-violence organizations and coalitions committed to collecting, analyzing, and reporting anti-violence data that includes law enforcement as an offender category.

A growing number of “movement building” initiatives have emerged to help equip social justice advocacy groups with the additional knowledge, tools, and resources essential to expanding their capacity to organize for lasting change, and intersectional organizing is taking root in new ways. For instance, the federal government’s S-Comm program has been met with growing opposition from surprising allies. Law enforcement officials, state and local governments, and dozens of LGBT organizations have joined to protest programs and laws that restrict and criminalize immigrants.²³ And while Critical Resistance, INCITE! Women of Color Against Violence, families of prisoners, former prisoners, and others have long educated about and organized to oppose the prison industrial complex, resistance to mass incarceration is now expanding rapidly to include new networks of civil rights

groups, students, faith communities, and others.²⁴ They are finding new ways to address violence in their communities without overreliance on the criminal legal system.

It's time to build on the best of our histories, deepen and expand our vision, take in some fresh air, and redouble our efforts to create, in the words of Angela Y. Davis, "new terrains of justice."²⁵ ■

Endnotes

¹ The most widely-used template for hate crime laws was developed by the Anti-Defamation League in 1981 to address continuing harassment, intimidation, and violence motivated by the actual or perceived race, religion, or national origin of the victims. In time, sexual orientation and gender were added to the ADL template and to some hate crime laws. Other status categories such as actual or perceived disability, gender identity or expression, ethnicity, ancestry, political affiliation, and marital status could also fit neatly into the model. State laws vary widely with regard to included status categories.

² "FBI may charge George Zimmerman with hate crime," WFTV Channel 9 Orlando, May 14, 2012. <http://www.wftv.com/news/news/local/fbi-seeks-charge-george-zimmerman-hate-crime/nN5pR/>

³ For a useful overview of hate crime laws in the United States, and differences among them, see Bryce Therrien and Nadia-Elyse Harris, *Criminalizing Hate: America's Legislative Response to Bias Crimes* (New York: Tribeca Square Press, 2011).

⁴ Federal hate crime laws include the 1990 Hate Crime Statistics Act (28 U.S.C. 534); the Hate Crimes Sentencing Enhancement Act, enacted into law as Section 280003 of the Violent Crime Control and Law Enforcement Act of 1994; the Violence Against Women Act (VAWA) of 1994 (42 U.S.C. 13981), which provides authority for domestic violence and rape crisis centers and for education and training programs for law enforcement and prosecutors. VAWA includes a civil remedy for victims of gender-based violent crimes which provides them with the right to compensatory and punitive damage awards as well as injunctive relief; the 1996 Church Arsons Prevention Act (18 U.S.C. 247). In 2009, the most recent federal bill, the James Byrd, Jr. and Matthew Shepard Hate Crimes Prevention Act was signed into law. This statute provides the U.S. Department of Justice (DOJ) with the authority to assist with investigation and prosecution of state and local hate crimes motivated by bias based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the person targeted, or step in where local and state officials fail to do so. It also includes a provision to strengthen the state and local investigation and prosecution of youth-committed hate crimes and requires the Federal Bureau of Investigation (FBI) to track statistics based on gender and gender identity, just as it has done for the other status categories.

⁵ For powerful arguments drawing on direct experience of injury from racist hate speech that favor a First Amendment interpretation that recognizes such injury, see Mari J. Matsuda et al, *Words That Wound: Critical Race Theory: Critical Race Theory, Assaultive Speech, and the First Amendment* (Boulder, CO: Westview Press, 1993). For a different perspective, but one that also departs from "First Amendment absolutism," see Anthony Lewis, *Freedom*

for the Thought That We Hate: A Biography of the First Amendment (New York: Basic Books, 2010). See also Timothy C. Shiell, *Campus Hate Speech on Trial* (Lawrence, KS: The University of Kansas Press, 2009).

⁶ Southern Poverty Law Center's HateWatch: Keeping an Eye on the Radical Right project is online at <http://www.splcenter.org/blog/>.

⁷ The Anti-Defamation League's "Extremism in America" online resource serves "as a guide to prominent extreme movements, groups, and leaders in the United States." http://www.adl.org/learn/ext_us/

⁸ The Center for New Community monitors anti-immigration groups in the United States. Please see their website: <http://www.newcomm.org/content/category/9/61/92/>

⁹ For example, Campus Pride, an organization for student leaders and campus groups working to create a safer college environment for LGBT students across the United States, sponsors a program called Stop Hate that provides educational resources and training to those who want to stop hate crimes on campus, please see: <http://stophate.org/aboutus.html>; United Methodist Women (UMW) have a "When We Hate: UMW Anti-Hate Campaign" online at <http://gbgm-umc.org/umw/anti-hate/>.

¹⁰ Not in Our Town. <http://www.niot.org/>

¹¹ "About Us," Gonzaga University Institute for Hate Studies. <http://guweb2.gonzaga.edu/againsthate/aboutus.html>

¹² Kenneth S. Stern, "The Need for an Interdisciplinary Field of Hate Studies," *Journal of Hate Studies* Vol. 3, No. 2 (2004), 11. This is an abbreviated version of his working definition of Hate Studies, which also includes the study of ways of controlling, curtailing or combating the capacity to define, demonize, and dehumanize others.

¹³ Kathleen Blew, "Positioning Hate" (Lecture, Conference to Establish the Field of Hate Studies, Spokane, WA, March 20, 2001), 102.

¹⁴ Chip Berlet, "Hate, Oppression, Repression, and the Apocalyptic Style: Facing Complex Questions and Challenges," *Journal of Hate Studies*, Vol. 3, No. 2, (2004), 147.

¹⁵ National Gay and Lesbian Task Force, "Task Force: Signing of hate crimes measure is historic," press release, October 28, 2009. http://www.thetaskforce.org/press/releases/pr_102809

¹⁶ For example, *Queer (In)Justice* documents ways in which racial profiling distorts the routine policing as well as policing of hate crimes and domestic violence reported by LGBT people; police often profile LGBT people of color as intrinsically "criminal," aggressive, and dangerous, including in predominantly White, gay urban

enclaves where they are "perceived by police and residents to be criminally 'out of place.'" See Joey Mogul, Andrea Ritchie, and Kay Whitlock, *Queer (In)Justice: the Criminalization of LGBT People in the United States* (Boston: Beacon Press, 2011), 128–129, 45–68 and 118–140. See also Amnesty International, *Stonewalled: Police Abuse and Misconduct against Lesbian, Gay, Bisexual, and Transgender People in the United States* (New York: Amnesty International USA, 2005), 66–87.

¹⁷ NCAVP data for 2010, released after the publication of *Queer (In)Justice*, documented an increase of 13% in reports of violent crime by LGBTQ and HIV-affected people and 27 murders, the second highest yearly total ever reported. Reports can be downloaded from the NCAVP website at <http://www.avp.org/ncavp.htm>.

¹⁸ Mogul, Ritchie, and Whitlock *Queer (In)Justice*, 127–8. See also Allen G. Breed, "State Lynching Law Now Used Mostly Against Blacks," Associated Press, 2003. <http://newsminer.org/content.php?ol=security/civil-rights/lynching-law-used-against-blacks.txt>

¹⁹ "Federal Bureau of Investigation, "Hate Crime by Jurisdiction," *Hate Crimes Statistics*, 2009. <http://www2.fbi.gov/ucr/hc2009/jurisdiction.html>

²⁰ Southern Poverty Law Center, "SPLC Hate Group Count Tops 1,000 as Radical Right Expansion Continues," by Mark Potok, February 23, 2011. <http://www.splcenter.org/blog/2011/02/23/new-report-splc-hate-group-count-tops-1000-as-radical-right-expansion-continues/>

²¹ See, for example, Stokely Baksh, Julianne Hing, and Renee Feltz, "Secure Communities 101: Here's What You Need to Know," *ColorLines*, May 25, 2011. http://colorlines.com/archives/2011/05/secure_communities_101.html

²² Whitlock interview with Ejeris Dixon, November 19, 2007.

²³ See, for example, *Restoring Community: A National Community Advisory Report on ICE's Failed "Secure Communities" Program*, prepared by a commission comprised of 18 national and community-based organizations, August 2011. <http://www.detentionwatchnetwork.org/node/2824>

See also Community United Against Violence, "LGBT Organizations Come Out for the Immediate Elimination of ICE's 'Secure Communities; Program," October 11, 2011. <http://www.cuav.org/article/11>

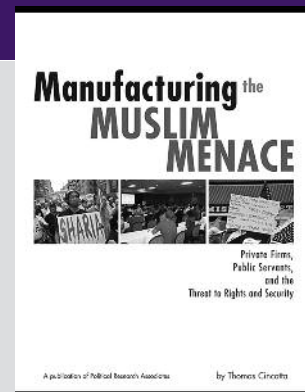
²⁴ See, for example, a listing of groups/networks organizing against mass incarceration on Michelle Alexander's *The New Jim Crow* website at <http://www.newjimcrow.com/action.html>.

²⁵ Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories, 2003), 21.

Manufacturing the Muslim Menace

This report from Political Research Associates details the systematic failure of federal government to regulate the highly prejudiced content of publicly funded counterterrorism training for first responders and others. **Manufacturing the Muslim Menace** exposes the myths promoted in some training firms' curricula.

Find the full report online at www.publiceye.org.



ON RACE AND RESOURCES *continued from page 2*

Wallace and Richard Nixon; they mobilized “coded” White resentments of Blacks, and later women and gays. Neoconservatism downplayed race by reducing it to ethnicity. Neocons were willing to dispense with the outright institutionalized prejudice and discrimination of Jim Crow. They seized upon the most “moderate” and integrationist dimensions of the civil rights movement. To them, “integration” meant ignoring race: “the content of their character, not the color of their skin,” was their message, adopting Dr. King’s words but not his meaning. In practice, this amounted to a denial of the significance of race in American life.

A decades-long series of Supreme Court decisions has attempted to redefine racism as a problem chiefly suffered by Whites.

Reformist Strategies and Structural Change

At its heart, the civil rights movement was a radical democratic initiative. This is what explains its influence beyond its core Black adherents. The New Left, feminism, Black power (and Brown power, Red power, and Yellow power, too), and even the later queer and environmental movements were all influenced by it.

As movement demands were translated into law, they were attenuated through compromise. For example, during negotiations in the Senate over the 1964 Civil Rights Act, centrists (mainly Republicans) approved only weak civil remedies against

Howard Winant is a sociologist at the University of California, Santa Barbara, and is Director of the University of California Center for New Racial Studies.

discrimination, rather than criminalizing it. Since the Democrats were split, civil rights law retains that character.

Black “entrism” into government at all levels, where numerous movement activists won electoral and appointed positions *inside* local and federal governments, also provided a substantial moderating force. It offered a counter-narrative to more radical demands. Activists who remained outside the state apparatus also acted as mediating forces. Working in community organizations and other NGOs, they provided contacts between state officials and the community. [Full disclosure: this is my background. I come out of 1960s community-based service and advocacy work.] Another moderating force was the middle classes of color who rejected Black power, Brown power, etc. These were the people who stood to gain the most from moderate civil rights reforms.

Civil rights measures were thus a mixed bag. Undeniable victories, such as voting rights and immigration reform, stood alongside many losses, such as activists’ unmet demands for redistributive policies and broader social rights. The assassinations and repression of the 1960s were devastating, especially for more radical groups. Reforms provided a counter-narrative to COINTELPRO and the murder of Panthers, AIM activists, and others, and defused political opposition by permitting the reassertion of a certain broad-based racial stability.

Nonetheless, it is important for those working for social change to recognize that to be “free at last” ultimately means something deeper than the gaining of partial access—principally by favored minority elites—to key social and political institutions. It means more than limited reforms and palliation of the worst excesses of White supremacy. It requires a *substantive reorganization of the American social system*. It means political implementation of egalitarian economic and democratizing political measures. It means social democracy, “a Marshall Plan for the Ghetto and Barrio,” human rights, and social citizenship for people of color.

It is this last issue—redistribution of resources—that seems to be the dividing line between liberal and radical demands. This is the continuing threat to the right-wing racial regime that continues to rule, even with a Black man in the White House. What threat exactly? That of a working and poor people’s alliance, race-conscious but transracial, and feminist and queer as well. We can see inklings of that “dream” yesterday in the Poor People’s Movement that Dr. King was trying to organize when he was killed, in the peace movement, and today in Occupy.

Beyond Obama

Nothing symbolizes the unresolved dilemmas of race more acutely than the election of Barack Obama. A few years earlier, the idea of a Black president appeared to be the stuff of purest fantasy, or at best a Hollywood conceit (see: Chris Rock in “Head of State” or the series “24,” among others). Although the 2008 election briefly appeared transformational, to paraphrase George Clinton, the White House has not yet become a Black House.

The U.S. Right Wing may speak the language of “colorblindness,” but it unhesitatingly uses race to rule.

Obama is manifestly unable—especially in a chronic recession—to address a severe heightening of racial inequality. Structural racism lives on. The massive increase in Black and Brown incarceration, the growing disparities in Black-White (and Latino-White) inequality, and the resurgent, somewhat race-driven U.S. imperialism in the Middle East and elsewhere, all demonstrate the failure of sus-

ON RACE AND RESOURCES *continues on page 26*

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

Forensic DNA Database Expansion: Growing Racial Inequities, Eroding Civil Liberties and Diminishing Returns

By Marina Ortega. *Generations Ahead*, December 2011. 19 pp.
<http://www.generations-ahead.org/projects/dna-databases-and-justice>

Generations Ahead, a social justice organization founded in 2008 that focused on the social and ethical implications of genetic technologies, shut down operations this past January when founding director Sujatha Jesudason left to start the CoreAlign Initiative at the University of California, San Francisco. One of its final efforts was “Forensic DNA Database Expansion: Growing Racial Inequities, Eroding Civil Liberties and Diminishing Returns,” a report on the ever-expanding use of DNA databases for criminal investigations. (The report will remain available on the website for another three years).

United States databases now include the genetic profiles of millions of people. Managing Director Marina Ortega’s study points to a number of key problems in such databases: the routine inclusion of people arrested but not convicted of crimes due to no standard requirement for expunging the DNA sample and profile of a person found innocent; the databases’ disparity in racial composition, which reflects the disproportionate arrests of Black and Latino men; and the potential for error in DNA testing.

Generations Ahead points out that the vast majority of social justice organizations have not engaged on this issue at all. In fact, these are not questions the scientific community has actively debated.

The Generations Ahead researchers operate on the premise that there might actually be a downside to having your DNA profile in a law enforcement database. Consequently, should some racial groups be subjected to these downsides more than others? Should innocent people ever be subjected to them? Forensic scientists often argue that there is no such downside for law abiding citizens, since the rarity of particular genetic profiles would make it impossible for an innocent person to be mistakenly matched to DNA found at a crime scene.

However, other scientists disagree with this point of view. DNA typing techniques, like any other scientific technology, can produce

Laurence D. Mueller is Professor of Ecology and Evolutionary Biology in the School of Biological Sciences at the University of California, Irvine.



The vast majority of social justice organizations have not engaged on the issues arising from DNA database expansion. In fact, these are not questions the scientific community has actively debated.

erroneous results. Indeed, two reports from different National Research Councils have acknowledged the significance of lab errors in forensic science.¹

Why is genetic matching so controversial? Aren’t genetic profiles unique? While the chance of a coincidental match at thirteen genetic markers or loci (thirteen is the number used in most U.S. databases) is extremely small, many evidence samples today do not produce results at all thirteen loci. This is because the ability to amplify DNA in the laboratory has encouraged police to search for DNA in places they never would have examined 20 years ago. Evidence samples today may come from swabbing a door handle or light switch. Twenty years ago, the DNA typing techniques used would have yielded no results for these types of samples. However, the techniques used now permit the scientist to make additional copies of the evidence DNA in the laboratory, making it possible to detect profiles from samples so small they may only contain a half dozen cells.

Nonetheless, there are technical limits. The process of amplifying DNA in the lab may not perform equally well with all parts of the genetic profile. Consequently, many samples with extremely low amounts of DNA will yield only a partial profile. All other things being equal, a coincidental match to a partial profile is much easier than a match to a complete profile.

Most database searches do not require a precise match. The computer program that does these searches only looks for close matches (called moderate stringency matches). Again, all other things being equal, a moderate stringency match is easier to obtain than a standard match.

As a scientist with 23 years of experience in forensic DNA typing, I can confirm the warnings Generations Ahead has raised within the social justice community. Mistaken identifications have *already* happened in database search cases. The investigation into the death of Jaidyn Leskie, a child who was kidnapped and murdered in Australia in 1997, produced DNA evidence believed to have come from the assailant. The investigators submitted this DNA profile to their local police databases. The samples seemed to match, but it was later determined that the person identified by the database search could not have been the murderer. A thorough coroner’s investigation produced evidence that the erroneous database match was probably the result of contamination in the Australian laboratory.

REPORT IN REVIEW *continued on page 26*

Most research on the population genetic theories used in forensic DNA typing have relied on small databases of a few hundred people. Today's offender databases have millions of genetic profiles that offer the possibility of doing novel and powerful research relevant to forensic DNA typing. This research could test assumptions that are part of models used in forensic statistics, testing criteria for uniqueness declarations, and studying laboratory errors. These are the scientific areas that will eventually have significant implications for criminal investigations and civil rights.

The FBI, which controls access to the national database, refuses to let scientists use this data despite permission granted through the authorizing legislation. The arguments given against releasing data include privacy concerns and, according to officials, the excessive time required for law enforcement to provide such information. The FBI has also argued that other databases exist for these types of research programs,

and that no worthwhile research can be done with these databases.²

These excuses are either wrong or have trivial solutions. Recently, 41 scientists and legal scholars have published a letter asking for access to these data.³ So far, the FBI has been steadfast in not heeding these calls.

—Laurence D. Mueller

Endnotes

¹ National Research Council, "DNA Technology in Forensic Science," (Washington, D. C.; National Academy Press, 1992). National Research Council, "Strengthening Forensic Science in the United States: A Path Forward," Washington, D. C: National Academy Press, 2009).

² L. D. Mueller, "Can simple population genetic models reconcile partial match frequencies observed in large forensic databases?" *Journal of Genetics* 87 (2008): 101-108.

³ D.E. Kraneet al, "Time for DNA disclosure," *Science* 326 (2009): 1631-1632.

ON RACE AND RESOURCES *continued from page 24*

tained efforts to institutionalize "colorblindness" as the new racial common sense. In addition, a decades-long series of Supreme Court decisions has attempted with increasing absurdity to redefine racism as a problem chiefly suffered by Whites. The claims of a "post-racial" order were premature.

The Continuing Political Project and the New Coalition

The United States' Right Wing may speak the language of "colorblindness," but it unhesitatingly uses race to rule: to manipulate elections, justify foreign wars and nativism, organize repression and incarceration at home, and to assault social and human rights. Racial profiling is not gone; indeed it is more embedded than ever in such arenas as immigration, where all Latin@s are presumed to be undocumented. Profiling is also visible in the "homeland security" targeting of Muslims but not White terrorists like Timothy McVeigh or the White assassins of abortion providers.

There's resistance out there. Our movement challenges racism mainly through the targets it chooses and the people it mobilizes. Immigration, education, health, incarceration, police violence, labor, and many more issues are being confronted by people at the grassroots, and by community organizations. Movement people and

movement groups today have an awareness of racism and a racial diversity that was not present in previous waves of American protest. Occupy, immigrants rights, anti-war, opposition to profiling and police violence, feminist, and queer movements, all have significant anti-racist dimensions.

Occupy has not been sufficiently understood in terms of race. Where Occupy has succeeded, it has directly addressed the needs of poor people and people of color: feeding and talking with the homeless in Zuccotti Park was not easy, but it was vital. Voices of color were heard in the General Assemblies. Resisting foreclosures and evictions and occupying banks have been recognized as anti-racist actions. Occupy is the prototype of a new direct-action, non-

violent, and somewhat anarchist-oriented political approach. It is a radical democratic project. Given that the structural racism at the heart of the Right Wing is fundamentally despotic and anti-democratic, Occupy offers an alternative. Direct democracy must be antiracist.

Activists for racial justice must come to understand race and racism, as well as a wide range of other political themes, as everyday encounters between despotic and democratic practices. As individuals and groups confronted by state power and entrenched privilege, but not entirely limited by those obstacles, we must choose to take part in a constant antiracist "reconstruction" both of everyday life and of the state itself. ■

Read the best analysis of the Christian Right on Talk2Action.org!

Talk2Action is a group blog led by The Public Eye writer and editorial board member Frederick Clarkson. Read weekly contributions from Fred, researchers Chip Berlet and Rachel Tabachnick, and the rest of the best thinkers about the Christian Right.

Visit Talk2Action.org

Eyes

RIGHT

THE IMPORTANCE OF RICK WARREN'S WAISTLINE

Time magazine's June 11, 2012 article "Does God Want You to Be Thin?" celebrates Rick Warren's faith-based weight loss initiative, with barely a mention of the conservative evangelical pastor's homophobic teachings. While the "Daniel Plan" and Rick Warren's incredible shrinking waistline receive five pages of gushing praise, *Time* glosses over the fact that this "inclusive" plan—open to Christians, Jews, and Muslims, too—mixes getting-in-shape advice with condemnations of any expression of sexuality that deviates from Warren's expectations of normative heterosexuality and sexual identity.

Even after admitting the existence of anti-LGBT content in the Daniel Plan, the article credits Warren for not "belaboring" the issue of same-sex marriage, and continues to downplay the issue, stating, "it would be more than a little disingenuous for outsiders to profess themselves shocked, shocked that an evangelical church . . . has a rule or two about human sexuality." The *Time* puff piece minimizes the harmful effects of such views on the LGBT community and political discourse, while offering an offensively simplistic view of the uniformity of evangelical beliefs.

Those familiar with Warren's relationship with Martin Ssempe, who advocated imprisonment for gay individuals and supported Uganda's 2009 Anti-Homosexuality "Kill the Gays" Bill, might be surprised to hear that the pastor doesn't belabor the issue. It took months of negative publicity for Warren to distance himself from Ssempe, and even more months passed before he denounced the Anti-Homosexuality Bill. Now Warren's PR machine appears to be running to rescue his badly damaged image. [Political Research Associates' 2009 "Globalizing the Culture Wars" report exposed Warren's work in

Africa—our follow-up investigation details other activities of the U.S. Christian Right on the continent.]

This isn't the first instance of *Time* magazine glossing over Warren's discriminatory behavior and teachings. In an August, 2008 cover story on Rick Warren, *Time* characterized him as the "U.S.'s most influential and highest-profile churchman," claiming that his approach favors a "shift away from 'sin issues'—like abortion and gay marriage." The article applauded the pastor's activism on self-described "uniting" issues, such as human rights—with no whisper of the role that Warren's homophobic stance itself plays in violating those rights.

ATTACKS ON WOMEN'S CLINICS CONTINUE

Almost three years to the day since Kansas abortion provider and women's rights advocate Dr. George Tiller was assassinated by an anti-choice activist, three reproductive health organizations have fallen victim to arson attacks. Two women's health clinics in the Atlanta, Georgia area were targeted in late May 2012, followed by a third arson committed against Women With A Vision, a women's reproductive health organization in New Orleans, Louisiana.

These violent attacks follow a string of burglaries committed against Atlanta-area clinics earlier this year and the passage of Georgia's HB 954, a "fetal pain" bill which outlaws most abortions after 20 weeks of pregnancy. Both Georgia clinics attacked involved the group of OB/GYNs who spoke out against the bill.

Vicki Saporta, president of the National Abortion Federation (NAF), said in a statement released to member clinics across the country that she is "...concerned about the escalation and activity....It's not a good sign when one arson follows another, after following several burglaries. Something clearly is escalating there and we're hoping that the strong law enforcement so far can stop it."

While these recent incidents should raise alarms, attacks against abortion providers and women's health clinics happen regularly: the NAF reports 114 attacks against abortion providers in 2011 alone. The mainstream media has failed to identify these attacks as organized acts of domestic terrorism targeting legal abortion providers and supporters. Reporters often frame the story as the act of a "lone wolf" behaving violently and contrast that with the "nonviolence" of most organized anti-abortion groups. Fairness & Accuracy In Reporting (FAIR) reported on the media's distinction between the "pro-life" movement and domestic terrorist militias as early as 1995, calling the mainstream media's handling of the issue "a quasi-conspiracy itself." The FAIR report quoted Planned Parenthood researcher (and *Public Eye* editorial board member) Fred Clarkson: "For some reason, the same blind eye that's been turned to the domestic terrorism we call clinic violence remains turned that way, even when we have militia groups among those whose major issues is being opposed to abortion." Seventeen years later, this description still appears to hold true.

NO SUCH THING AS A GAY SUPERHERO

One Million Moms, an arm of the American Family Association, has been involved in an epic battle against gay superheroes since May. In light of DC Comics' recent announcement that the widely-beloved superhero Green Lantern is gay, which followed Marvel Comics' announcement that openly gay superhero Northstar would wed his boyfriend in the June issue of *Astonishing X-Men*, One Million Moms is setting itself up as an archenemy to gay superheroes everywhere. An alert on its website mobilizes its followers to "TAKE ACTION." One Million Moms asserts that DC and Marvel "want to indoctrinate impressionable young minds . . . by using children's superheroes to desensitize and brainwash them in thinking that a gay lifestyle choice is normal and desirable."

The Public Eye

M A G A Z I N E

Political Research Associates
1310 Broadway, Suite 201
Somerville, Massachusetts 02144-1837

NON-PROFIT ORG.
U.S POSTAGE
PAID
BOSTON, MA
PERMIT NO. 54584

ADDRESS SERVICE REQUESTED

The Public Eye

Support *The Public Eye* magazine!

Help us provide the best reporting & analysis on the U.S. Right! Each issue costs \$12,000 to produce—not including staff time. It is a valuable resource for you & our other allies, and with your help we make it available to everyone who wants it.

Support Political Research Associates!

In addition to a subscription to *The Public Eye*, consider a monthly sustaining donation—a great way to provide PRA's work consistent funding throughout the year. Think about a \$30/month pledge to help celebrate our 30th Anniversary. One-time donations and pledges in any amount are always appreciated!

Yes! I want to support *The Public Eye*.

Enclosed is a donation of:

\$1000 \$750 \$500 \$250 \$100 \$50

\$_____ per month, for _____ months

Other \$_____

Check Enclosed

Charge my Mastercard or Visa (*circle one*)

Account # _____ Exp Date _____

Signature _____

Name _____

Address _____

City _____ State _____ Zip _____

Mail form with payment to:

Political Research Associates, 1310 Broadway,
Suite 201, Somerville, MA 02144-1837

