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Spencer Platt/Getty Images

Police block the streets of New York during the 2004 Republican National Convention. Their aggressive tactics silenced protesters.

Heritage is Hip to Culture

Think Tank Turns to Family Values

By Pam Chamberlain

The Heritage Foundation's headquarters sits two blocks from the Capitol in Washington, D.C., a symbolic representation of its intimate access to Congress and public policymakers. Heritage's rise to prominence has paralleled the rise to power of conservative political thought. Having survived seven administrations, the think tank's goals have remained the same since its inception: "to formulate and promote conservative public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense."

The research center's reputation as the Right's wealthiest and, arguably most influential, think tank is based on its ability to influence an entire administration's policy output, proven with its first major

Heritage is Hip continues on page 8

First Amendment Blues

Police Tactics Suppress Free Speech

By Heidi Boghosian and Abby Scher

Three of the cops had jumped out of the white nondescript van and attacked me. They were all wearing ski masks and dressed as anarchist black bloc protesters. I threw up my hands and offered no resistance. They punched me and I fell to the ground and attempted to protect myself. They kept punching me, kicking me, and then they dragged me into the back of the van. They took me to a small windowless room in the police station where they proceeded to interrogate me about my political affiliations, schooling, and friends. They never took off their ski masks.

—Miles Swanson, Legal Observer at the Free Trade Agreement of the Americas meeting in Miami, November 2003

Miles Swanson was a legal observer monitoring whether police stuck to the law in their treatment of protestors at the November 2003 Free Trade Agreement of the Americas meeting in Miami. That was

the meeting where busloads of steelworkers were stopped before they could join the demonstrations, while others protesting peacefully on the streets were shot with rubber bullets.

First Amendment Blues continues on page 13

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Living in the Gap

The Ideal and the Reality of the Christian Right Family

By *Jeremy Adam Smith*

“Models of idealized family structure lie metaphorically at the heart of our politics,” writes linguist George Lakoff in his 2002 book *Moral Politics*. “Our beliefs about the family exert a powerful influence over our beliefs about what kind of society we should build.”

Certainly, many Christian Right leaders would agree with him.¹

People who make it their business to track and fight the Right tend, with good reason, to focus on public, political activity, but the Christian Right sees the private home as a major arena of political struggle and a showcase for the world they want to live in. “These homes are the source of ordered liberty, the fountain of real democracy, the seedbed of virtue,” write long-time activists Allan C. Carlson and Paul T. Mero in their new book, *The Natural Family: A Manifesto*.

The Natural Family attempts to distill a quarter century of “family values” organizing into a unified vision of social and political change in a bid to rejuvenate their flagging movement. It reflects a decade of international collaborations of Religious Right organizations through the World Congress of Families, organized by Carlson’s Illinois-based think tank The Howard Center for Family, Religion, and Society. First held in Prague in 1997, the congresses convene right-wing organizations from around the globe “to affirm that the natural human family is established by

Jeremy Adam Smith is managing editor of Greater Good magazine and author of Twenty-First-Century Dad: How Stay-at-Home Fathers (and Breadwinning Moms) Are Transforming the American Family, forthcoming from Beacon Press. He blogs about the politics of parenting at <http://daddy-dialectic.blogspot.com>.

the Creator and essential to good society”—and also to fight United Nations family planning initiatives.

As Carlson and Mero frame it, the single-family home—awash with enough sentiment to drown an entire city—might be the closest thing the Christian Right has to an actually existing utopian experiment. Examining these ideas can reveal a great deal about the psychology of the Christian Right as well as the visionary goals its adherents pursue.

But recent research into the daily lives of evangelicals also reveals the degree to which their ideal is vulnerable to social and economic forces that all American parents must confront. I believe Lakoff is correct to argue that the Strict Father conception

**“Whereas the boy is
being trained to be a
leader, the girl is being
trained to be a
follower,” wrote
Rev. Jack Hyles.**

of parenting—which stresses authoritarian discipline and patriarchal control—is key to understanding Christian Right politics, but his rubric might obscure the ways in which movement ideals are evolving in response to changing social conditions. Even as Christian Right leaders are “talking Right,” as University of Virginia sociologist W. Bradford Wilcox puts it, some of the evangelicals who form the base of their movement are “walking Left” and

embracing a more moderate way of political and family life. This creates a fissure in the Christian Right that no manifesto can close.

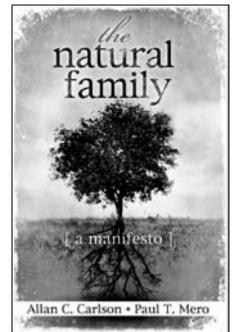
Villages are for Liberals

The Christian Right and evangelical Christians are not one in the same—“Survey research shows that 70 percent of evangelicals don’t identify with the Religious Right,” reports Rice University sociologist Michael Lindsay²—but conservative evangelicals have been largely responsible for developing and promoting the anti-gay, anti-feminist “family values” agenda that has powerfully shaped the culture and platform of the Republican Party.

Thus if we want to understand what the ideal Christian Right home looks like, we must turn to the truly staggering amount of childrearing advice conservative evangelical preachers and pundits dispense to followers.

An evangelical home takes the Bible as the basis for all its rules and relations—as opposed to the empirical evidence that shapes mainstream childrearing advice. “I don’t believe the scientific community is the best source of information on proper parenting techniques,” writes Focus on the Family founder James Dobson in *The New Dare to Discipline*, which has sold millions of copies since the first edition was published in 1971. “The best source of guidance for parents can be found in the wisdom of the Judeo-Christian ethic, which originated with the Creator and has been handed down generation by generation from the time of Christ.”

As a result of this adherence to a holy text that cannot be changed and must be



obeyed, the ideal Christian Right home is a place of authoritarian hierarchy. When University of Texas sociologists John P. Bartkowski and Christopher G. Ellison compared dozens of secular parenting books with conservative Protestant parenting manuals, they found that a literal interpretation of the Bible's childrearing advice contributed directly to a worship of authority in all spheres of life, including the political.³

They also found that conservative evangelical parenting gurus disagreed with mainstream counterparts on virtually every issue. According to their study, secular, science-based parenting advice emphasizes personality adjustment, empathy, cooperation, creativity, curiosity, egalitarian relations between parents, nonviolent discipline, and self-direction.

Conservative Protestants, on the other hand, stress a tightly hierarchical family structure and a gendered division of labor, with a breadwinning father at the top of the pyramid and children at the bottom. "Children learn to make wise choices by having wise choices made for them," writes syndicated columnist and talking head Betsy Hart in her 2006 book *It Takes a Parent* (as opposed to a village—villages are for liberals!). Needless to say, all right-wing parenting manuals stress obedience—especially for girls and women.

This leads us to the third aspect of a Christian Right home: the subordination of women. "Obedience is the most necessary ingredient to be required from the child," writes Reverend Jack Hyles, late pastor of First Baptist Church of Hammond, Indiana and author of 49 books and pamphlets. "This is especially true for a girl, for she must be obedient all her life. The boy who is obedient to his mother and father will some day become the head of a home; not so for the girl. Whereas the boy is being trained to be a leader, the girl is being trained to be a follower."⁴ It's an unashamed, old-fashioned vision of oppression updated in *The Natural Family: A Manifesto*. "We do believe wholeheartedly in women's rights," write Carlson and Mero. "Above all, we believe in rights that

recognize women's unique gifts of pregnancy, childbirth, and breastfeeding."

This commitment to inequality is not merely rhetorical: Wilcox found that "evangelical Protestant husbands do an hour less housework per week than other American husbands." And he notes that "sociologists Jennifer Glass and Jerry Jacobs have shown that women raised in evangelical Protestant families... marry earlier, bear children earlier, and work less [outside the home] than other women in the United States." Wilcox concludes that "it is true that evangelical Protestantism—but not mainline Protestantism, Reform Judaism, and Roman Catholicism—appears to steer men (and women) toward gender inequality."⁵

**While evangelical men
were more likely to use
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which indicates less
anger in the home**

The Christian Right has tried to shape its institutions—prefiguring plans for American society as a whole—to reflect its conception of gender roles. Starting with the Fall 2007 semester, for example, the Southwestern Baptist Theological Seminary in Texas introduced a new major in homemaking—available only to women. "We are moving against the tide in order to establish family and gender roles as described in God's word for the home and family," said Seminary President Paige Patterson. "If we do not do something to salvage the future of the home, both our denomination and our nation will be destroyed."⁶

Born to be Bad?

Wilcox also found that evangelical Protestantism "steers fathers in a patriarchal direction when it comes to discipline. Drawing in part on their belief in original sin and on biblical passages that seem to promote a strict approach to discipline—'He who spares the rod hates his son, but he who loves him is careful to discipline him' (Prov. 13:24)—evangelical Protestant leaders... stress the divine authority of parents and the need for parents to take a firm hand with children."⁷

And so the fourth characteristic of a Christian Right home is that children are born evil and can become good only through a Godly mixture of love and punishment. "One does not have to teach antisocial behavior to toddlers," writes right-wing family psychologist John Rosemond in a 2006 column, syndicated in 225 newspapers.⁸ "They are by nature violent, deceitful, destructive, rebellious, and prone to sociopathic rages if they do not get their way."

I wrote to Rosemond in an email and asked him to elaborate. "In my estimation," he replied, "toddlerhood is a pathological condition that demands 'cure,' accomplished through a combination of powerful love and powerful discipline.... The toddler mindset and the sociopathic mindset are one and the same: 'What I want, I deserve to have; the ends justify the means; and no one has a right to stand in my way.' This is a reflection of human nature."

Rosemond invoked the *DSM-IV*, the diagnostic bible of mental health practitioners, to justify his views and give them the veneer of scientific authority, but later in his response he made it clear that there is only one Bible that guides his parenting advice. "In every passage of Scripture that refers to the discipline (disciple-ing) of children, the central theme is leadership," he writes. "I am, first and foremost, a believer in and follower of Jesus, The Christ."

Psychologists I interviewed were horrified by Rosemond's use of the *DSM-IV* and his conception of children as mentally ill, which amounts to a translation of the doctrine of original sin, with its framework of

damnation and salvation, into contemporary therapeutic terms. The difference is simple: A two-year-old human being is still learning how to deal with and express her feelings, but a true sociopath has no feelings. To treat a toddler like a sociopath is like studying snakes in order to understand koala bears—and then declaring that koala bears are cold-blooded.

In fact, contrary to Rosemond's views, research has found that human beings exhibit empathic behavior from as early as 18 months. For example, Nancy L. Marshall at Wellesley College found that "when toddlers saw a teddy bear suffer an 'accident,' their faces showed distress and concern. They also responded by trying to help or comfort the bear"—a behavior I've seen my three-year-old son exhibit many times. There are literally hundreds of empirical studies that echo these results. Based on findings like these, evolutionary psychologists like Jonathan Haidt and

Marc Hauser argue that moral behavior has evolved to keep selfishness in check and has deep biological roots.

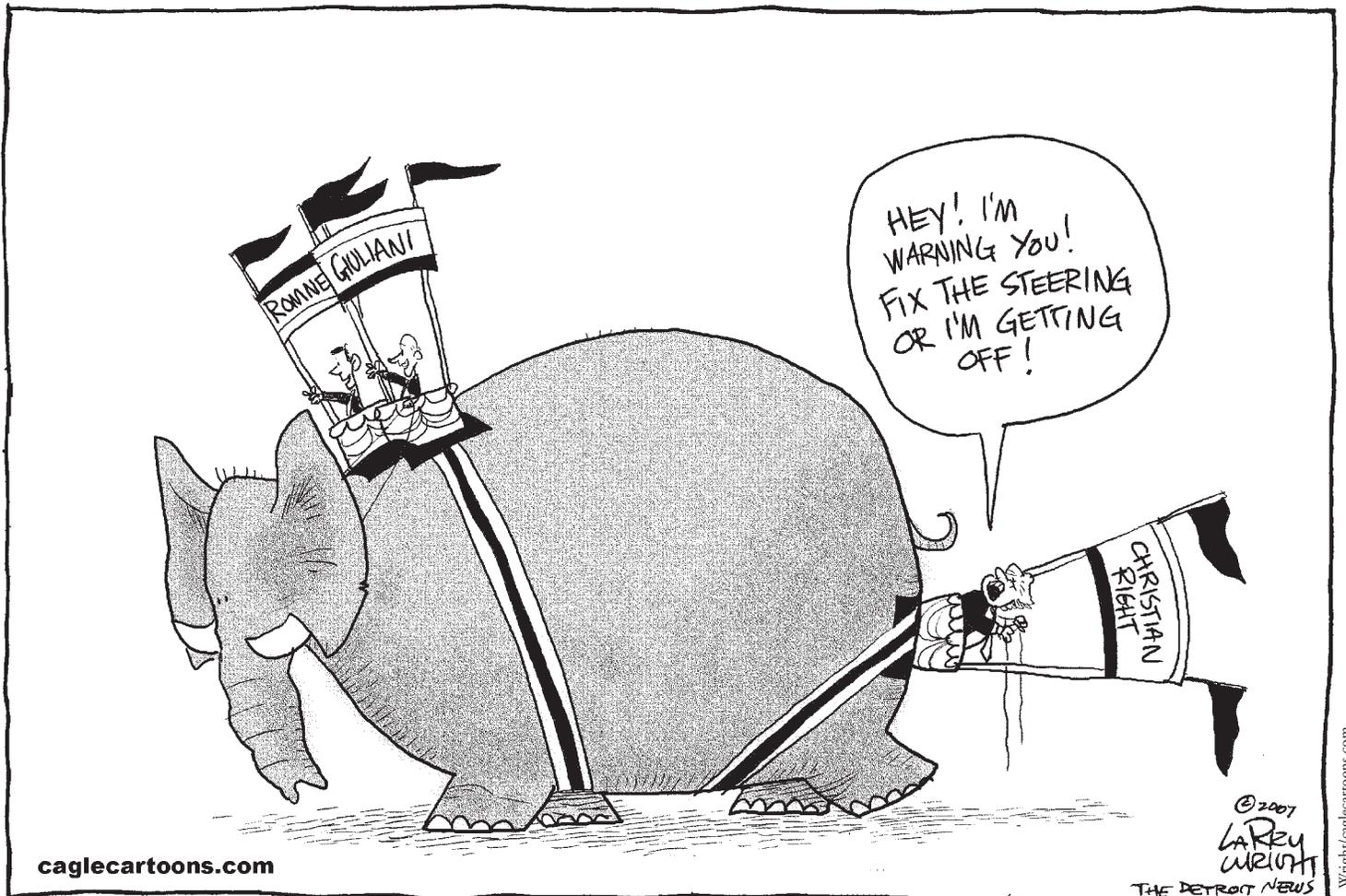
None of the findings indicate that human beings are born saints, only that the capacities for empathy and cooperation are present from the very beginning and can be cultivated—or squashed. Rosemond's views are, at best, one-sided. At worst, they suggest a deep fear and hatred of children. And among conservative evangelicals, Rosemond is hardly alone. "Your child came into the world with an insatiable faculty for evil," writes Pastor John MacArthur in his 2000 book, *What the Bible Says About Parenting*. "Even before birth, your baby's little heart was already programmed for sin and selfishness."

A mark on the forehead

Is it harsh to accuse the parenting gurus of the Christian Right of fearing and hat-

ing the precious children they've worked so hard to protect? It's no harsher than the punishments they proscribe for wicked children. Let's say, for example, that your two-year-old insists on getting out of bed after you've told him to stay put. "The youngster should be placed in bed and given a speech," writes Dobson, who launched Focus on the Family as a forum for Christian parenting and is now a major voice in the Republican Party. "Then when [the child's] feet touch the floor, give him one swat on the legs with a switch. Put the switch where he can see it, and promise more if he gets up again."

But Dobson seems like Dr. Spock when compared to Tennessee Pastor Michael Pearl. "If you want a child who will integrate into the New World Order and wait his turn in line for condoms, a government funded abortion, sexually transmitted disease treatment, psychological evaluation, and a mark on the forehead," Pearl writes in his 1994 book *To Train Up a Child*, "then



follow the popular guidelines in education, entertainment, and discipline, but if you want a son or daughter of God, you will have to do it God's way." Pearl's interpretation of "God's way" entails hitting disobedient children with quarter-inch plumbing supply line or PVC pipe—"chastisement instruments" he endorses as excellent expressions of the Lord's will.

Unsurprisingly, Christian Right groups like the Family Research Council and Focus on the Family actively campaign against laws intended to curb child abuse. "The campaign to end child abuse too often abuses families," declare the authors of *The Natural Family*, citing "witch hunts" against misunderstood parents who were probably only trying to protect their kids from the New World Order.

As Lakoff points out in *Moral Politics*, the Christian Right confuses psychologist Diana Baumrind's influential idea of *authoritative* parenting—which sees discipline as supportive, not punitive, and is responsive to children's needs and thoughts—with separate categories of *permissive* or *neglectful* parenting. As an alternative, the Christian Right promotes *authoritarian* parenting, which denies choices to children and expects them to obey without question—a style that research has shown contributes to lower self-esteem, poorer social skills, and more feelings of depression.¹⁰

Spare the Metaphor, Spoil the Rod

Evangelical homes must confront the same problems as their nonevangelical counterparts: the erosion of real wages, the rising costs of necessities like health care and education, the ubiquity of electronic media, and the declining rights of workers, to name a few. These forces shape the homes of evangelicals just as surely as they shape the homes of other sectors of society, which explains why, for example, rates of teen sex and divorce are not significantly lower in these homes. In fact, divorce is especially high in Bible Belt states, due at least in part to higher unemployment.

In *The Natural Family*, Mero and Carl-

son blame virtually all these fundamentally economic developments on feminism: in their view, it is the "imposition of full gender equality"—not, for example, globalization—that "destroyed family-wage systems." There's no empirical evidence for this claim, but that hardly matters: Scapegoating claims like this one serve to mobilize Christian Right constituencies for its social agenda of putting heterosexual men back at the head of family and society, a strategy that has seemed to work in electing conservative politicians. "People have



Julie Delton

personal standing in a discussion about what a good marriage is and what a bad marriage is," Republican operative Bill Greener told journalist Brian Mann. "They feel comfortable in that dialogue. It's about something they understand, a lot more than about trade policy."¹¹

The Natural Family describes a comprehensive range of public policies that flow from making the patriarchal family the basic building block of society. In the authors' view, families, not government, should care for the sick and the vulnerable, thereby making welfare, universal health care, and Social Security irrelevant and even anti-Christian; mothers should take care of young children instead of federally subsidized daycare providers (or, for that

matter, fathers); older children should be educated at home, not public schools; and so on. In this way the Christian Right philosophy of the home roughly converges with antitax, antigovernment sentiment, except when it comes to legally enforcing the movement's vision of how families should be structured.

But for all its gains in the political realm—which have captured most of the outraged attention of the political Left—the Christian Right continues to lose the culture war. According to Gallup polls, in 1982, only 34 percent of Americans "believed that homosexuality was an acceptable alternative lifestyle."¹² Last year, 61 percent of those polled by People for the American Way supported at least civil unions for gays.¹³ Families are more egalitarian than ever, with more and more men participating in housework and childcare, and with more and more mothers working.¹⁴

These changing attitudes and practices are reflected in the rhetoric of conservative evangelicals. In *The Natural Family*, for example, Carlson and Mero must make their argument for inequality within the framework of what they disingenuously call "women's rights." John Rosemond must use psychological research to legitimate his fundamentally religious views on childrearing. Even patriarchal ideologues like Dobson and MacArthur call for dads to be "more involved" and "loving" with their families, deploying rhetoric about fathers that only rarely appeared prior to World War II—and which is largely the creation of the secular, scientific culture they deplore.¹⁵

Thus the changes of the past half century have altered the landscape and rules of discourse in ways that appear to be long lasting. On my parenting blog "Daddy Dialectic," one evangelical Christian argued against stay-at-home fatherhood: "Men should be out there doing whatever it takes to insure that mom can spend as much time as possible with her family because she is uniquely equipped by God for the role of managing the household and the kids on a daily basis." But another evangelical

responded: “Scripture commands [that men provide for their families], and leaves it at that. It doesn’t specify a paycheck. If my family needs income, and my wife is better suited to earn it, why risk my family’s stability by forcing my way into the workforce?”¹⁶ My own conservative evangelical relatives openly supported my decision to become my son’s primary caregiver.

In an interview for this article, Wilcox urged that we distinguish “between what elite evangelicals [like Dobson] say and what average people are doing.” While elites may rail against the social and economic changes of recent decades, Wilcox told me that “your average evangelical takes all that with a grain of salt.” That’s in part because most evangelical wives work. “Part of that is a class issue,” Wilcox said. “Evangelicals are more working class, than, for example, mainline Protestants, [and] they have less economic flexibility. And so the reality on the ground, with gender issues, is more flexible than some might expect.” As a result, claimed Wilcox, “many evangelicals are walking Left, talking Right.” In other words, the more their behavior compromises with reality, the shriller the rhetoric can be.

Wilcox also found that while evangelical men were more likely to use corporal punishment and less likely to do housework, they were also much less likely to yell at children, which indicates less anger in the home, and evangelical husbands were more likely than other men to be affectionate with their families. For his part, John Rosemond told me that he is ambivalent on corporal punishment. “Unfortunately, the word ‘rod’ as used in Scripture in the context of the discipline of children has been misinterpreted as a concrete object,” he told me. “Careful Biblical exegesis will reveal that it is a metaphor for powerful, compelling leadership that is always conducted with the child’s best interests in mind.” (Of course, evangelicals and religious fundamentalists are not accustomed to thinking about holy texts in the metaphorical way Rosemond suggests.) This is all to say that while Christian Right ideals might seem simple and frightening, the behavior of

evangelicals who form the Christian Right social base is complex. Lakoff’s Strict Father model may be useful as a way to link parenting with political beliefs, but it can also obscure the degree to which evangelicals can disagree and evolve—which does happen, though it might not seem that way to outsiders. Certainly, no evangelical or even fundamentalist today lives as Christians did in the centuries right after Christ was crucified—no one, for example, is putting adulterers to death, as the Bible advises (Deuteronomy 22:22 and Leviticus 20:10). Among other practical problems, that would wipe out at least half of the current

For all their gains in the political realm, the Christian Right continues to lose the culture war.

crop of Republican presidential candidates.

Wilcox argued to me that the strength of the evangelical narrative is that it explains why, for example, women still do twice as much housework as men—it’s their God-given inclination. But that can be turned around: The evangelical narrative can’t explain why some men are doing more childcare than in the past—many even claim they *want* to—or why gay and lesbian families continue to multiply. Instead, the narrative simply declares some human desires as consistent with their version of biblical truth, and others as out of bounds. Given the inadmissibility of empirical evidence, the evangelical narrative can explain only what supports the narrative—and must dismiss the rest.

This creates an unhappy gap between ideal and reality, the place in which average evangelicals must live. And stubbornly adhering to the narrative creates another gap, between their utopian homes and the homes of everyone around them. In the face of social

change, individual homes might preserve their purity. But in the end, they will sacrifice their ability to communicate with neighbors—or to win more political power. ■

End Notes

¹ Whether the link goes beyond metaphor is a question that eludes social science. Lakoff seems to stop short of saying that “nurturant parenting” can create a more nurturing society—he’s primarily interested in the metaphor—but studies going back to the 1940s have tried to find evidence for how parenting might shape society. For example, shortly after World War II, the sociologist Else Frenkel-Brunswick sought to link “the German family, with its long history of authoritarian, threatening father figures,” to the rise of “fascist ideology” in Nazi Germany. See Else Frenkel-Brunswick, “Parents and Childhood as Seen through the Interviews.” In *The Authoritarian Personality*, ed. T.W. Adorno et al., (New York: Harper and Row, 1950) 370.

² From “Evangelicals and the Public Square,” a panel discussion hosted by the Pew Forum on Religion and Public Life, Thursday, October 11, 2007, Washington, D.C. For transcript, see <http://pewforum.org/events/?EventID=156>.

³ John P. Bartkowski and Christopher G. Ellison. “Divergent Models of Childrearing in Popular Manuals: Conservative Protestants vs. the Mainstream Experts.” *Sociology of Religion* Spring 1995 (56, no. 1) 21–34.

⁴ Jack Hyles, *How to Rear Children*. (Hammond, IN: Hyles-Anderson, 1972) 158.

⁵ W. Bradford Wilcox, “Religion and the Domestication of Men.” *Contexts: Understanding People in their Social Worlds* 5, 2006, 42–46.

⁶ Associated Press, “Baptist Seminary Launching Home-making Program,” *Dallas Morning News*, August 10, 2007.

⁷ Wilcox, 43.

⁸ John Rosemond, “Badness in Children,” Washington Publishers, August 17, 2006. http://www.washingtonpublishers.com/JohnRosemond/08_17_2006_badness_in_childr_en.htm.

⁹ Teresa Pitman, “Empathy.” *Today’s Parent*, February 2003. <http://www.todayparent.com/toddler/behaviordevelopment/article.jsp?content=1226544&page=1>.

¹⁰ Diana Baumrind, “Rearing competent children.” In *Child Development Today and Tomorrow*, ed. W. Damon, (San Francisco: Jossey-Bass, 1989) 349–378.

¹¹ Quoted in Brian Mann, *Welcome to the Homeland* (Hanover, NH: SteerForth Press, 2006) 226.

¹² Michael Gartner, “Live and Let Live.” *USA Today*, September 13, 2007.

¹³ Robert P. Jones and Dan Cox, “2006 American Values Survey.” The Center for American Values in Public Life, People for the American Way Foundation, September 2006.

¹⁴ For an empirical overview of these trends, see Paul R. Amato, et al., *Alone Together: How Marriage in America is Changing* (Cambridge, MA: Harvard University Press, 2007).

¹⁵ For an historical overview of evolving conceptions of fatherhood, see Robert L. Griswold, *Fatherhood in America, A History* (New York: Basic Books, 1993).

¹⁶ See comments on “God vs. Stay-at-Home Dads.” Daddy Dialectic, November 15, 2006. Available at <http://daddy-dialectic.blogspot.com/2006/11/god-vs-stay-at-home-dads.html>.

HERITAGE IS HIP *continued from page 1*

study, the 1980 *Mandate for Leadership*. That 1,000-page report was welcomed by Counselor to the President Ed Meese and provided a blueprint for the goals of the Reagan administration. Early suggestions included strengthening national security procedures, dismantling the progressive income tax in favor of a flat tax, and expanding exports.¹

While less well known for its work on cultural issues, in June of 2006 Heritage launched a new website, *familyfacts.org*, with the aim of trussing up support for traditional families and the social value of religion. Photos of smiling parents enjoying their children appeared on the banner, replacing the staid blue and white Liberty Bell logo that has represented Heritage for nearly 35 years. Enlisting graduate students as researchers, the organization now reviews social science research pertaining to family life and religion, with findings that support a traditional view of the nuclear, religious, heterosexual family as the optimal social unit. Is this a new direction for Heritage?

The Foundation of Heritage

The Heritage Foundation is not really a foundation at all. It accepts no grant proposals and disperses no funds. Instead, many people recognize it for what it is: a major Washington conservative idea broker, although some would call it a well-oiled propaganda machine. With an annual budget of \$40 million and an endowment of over \$100 million, Heritage is overseen by its president, Edwin J. Feulner Jr., who presides over 200 staffpeople with offices not only in Washington but in places like Moscow and Hong Kong.

In 1972 Ed Feulner and Paul Weyrich, then 30-something Congressional staffers for conservatives on Capitol Hill, formed the Republican Study Committee in an attempt to provide an ideological alterna-

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Diane Walker/Getty Images

Heritage founder Ed Feulner, here with President Ronald Reagan, established the think tank's influence with his "briefcase test": is the research short enough to read in the cab from the airport to the Capitol?

tive to what they saw as Republican slippage toward the center on social issues like welfare. Weyrich, long recognized as a central architect of the New Right, brought his far ranging conservative interests, beliefs about taxation and government

**Heritage's research passes
"the briefcase test": it is
short enough to be read
in the time it takes a cab
to travel from National
Airport to the Capitol.**

regulation, as well as his concern about the degradation of traditional values, to the task of organizing a research group for conservative lawmakers.²

Feulner, who later became the head of the Study Committee and, eventually, president of Heritage, shared Weyrich's

disdain for Republican pragmatists who would compromise principles in order to pass legislation. His interests focused on international trade and monetary policy as well as a commitment to a neoliberal, domestic agenda, most prominently a commitment to a free-market economy.

After about a year, they recognized that an internal organization held less sway over Congress than an outside group with timely delivery of research material, and they founded the Heritage Foundation as an "independent, nonpartisan" think tank with initial financial support from Joseph Coors, followed by the usual suspects of conservative funding, including philanthropies created by Ricahrd Mellon Scaife and John Olin.

The Heritage Foundation has from its inception occupied a particular niche in the D.C. think tank community, delivering "facts and figures" on any number of topics in accessible formats to government decision-makers and the media. Feulner tells the story of how he came to realize what Heritage could accomplish. The American Enterprise Institute for Public Policy Research (AEI), one of the earliest conservative think tanks (founded in 1943), maintained a reputation as a research cen-

ter with academic-quality materials. When its impressive report on the value of the supersonic transport plane appeared days after Congress had voted not to fund it, he realized someone needed to create an organization that would deliver easy-to-absorb, persuasive material in a timely manner.³

Today, under Feulner's 30-plus years of leadership, Heritage's organization, finances, and output are in their prime. Name recognition is consistently high. Heritage maintains a few dozen books in print, summary position papers called "Backgrounders" on over 2000 topics, extensive customized databases of policy-related information, and stables of researchers grounded in conservative approaches to domestic issues from agriculture, the federal budget, health care to education, labor, social security, and welfare, plus a full range of foreign policy issues as well.

Heritage supports a set of research fellows that cycle in and out of high-level federal government posts, such as former members of Congress Ernest Istook and James Talent, and Cabinet members William Bennett, Edwin Meese, and Elaine Chao. It maintains a well-developed year-round internship program and hosts hundreds of public events, often held in Heritage's own auditoriums, and trains journalists in how to use Heritage's own computer research models.

Heritage maintains as many PR departments as it does research centers. Over 50 staff work in external and government relations, communications and marketing, media services, or on the extensive website that makes Heritage authors' research and commentary available for free in a variety of formats. Although they do on occasion produce book-length work, Heritage authors maintain, in Feulner's words, a "quick response capability." He established "the briefcase test" for a piece of research: it should be short enough to be read in the time it takes a cab to travel from National Airport to the Capitol. "Backgrounders" are just a few pages long, sometimes condensing a larger work and make use of pithy Executive Summaries. Often material is

reduced to tables and charts or to PowerPoint presentations.⁴ Heritage's reputation for being influential reflects the fact that its materials get hand delivered to Congressional offices and that it garners more media citations than any other conservative policy center.⁵ The formula clearly works, but what Heritage gains in access and influence may be at the expense of accuracy.

Something Borrowed, Something True

The new website www.familyfacts.org is a secular cousin to faith-based sites like Focus on the Family's www.family.org that overtly promote the Christian value of family life. Unlike these sites, it highlights peer-reviewed social science research suggesting connections among intact heterosexual families, religious practice, and psychological and physical well-being of

Heritage is seeking to cement its reputation as an expert in the field of family and religious values.

family members. From Heritage's point of view, citing academic research that supports its agenda is key to establishing the legitimacy of its claims. The research is paraphrased in single sentence statements, or "findings," written by a stable of doctoral students hired as Fellows.

In keeping with "quick response capability," these findings are placed in a searchable database for easy retrieval. They are organized into nine categories: Children & Teens, Crime & Violence, Education, Family, Health & Sexuality, Marriage & Divorce, Parenting, Pregnancy, and Religion & Culture. Each statement is accompanied by a summary of its citation in a

peer-reviewed journal such as *Social Science Research* or the *Journal of Youth and Adolescence*. The page also features selected Heritage papers by such in-house researchers as Patrick Fagan and Robert Rector from the think tank's Domestic Policy and Family and Cultural Issues program, and it advertises upcoming special events like a Heritage-sponsored conference examining research on the connections between religious practice and civic life. Journalists and decision-makers can sign up for email updates from the database that correlate with timely topics being discussed in Congress or in the media.

The respectability of the sociological and psychological research cited and an easy-to-use website are two major assets of the project. Heritage had maintained a Family and Society database for a few years, but according to Evan Feinberg, a research assistant working with familyfacts.org, while the earlier database was popular with academics, it was not as well used by the general public as Heritage would have hoped. Still the new project receives considerable financial support. The website alone is supported with an \$834,000 grant from the John Templeton Foundation, and it is based at the Richard and Helen DeVos Center for Religion and Civil Society, which was funded in 2004 with a \$1.8 million grant.

With the establishment of this site, Heritage is seeking to cement its reputation as an expert in the field of family and religious values and an influential lobbying voice for public policies that support a conservative family agenda. In supporting its launch, Patrick Fagan had high hopes for the value of using social science research to support Heritage's pro-family work.

Part of the reality is that academia is one of the most hostile arenas to these findings. . . . Social science data is bringing people of different political ideologies together, particularly the policy wonks. The research is drawing the cooperation, reducing the animosity. A common pro-social discourse will be possible.⁶

Painting family values as a solution to economic problems links this project to Heritage's traditional strengths. *Familyfacts.org* touts marriage and work as solutions to poverty, and personal responsibility as the solution to social problems. The format lends itself to the "briefcase test," making this new project similar in set-up to other Heritage products. As James Smith says in his study of think tanks and their influence:

Many people in policy positions readily concede that they have no time to read books and reports; memos and action papers demand

immediate attention....Typically, the public official relies on the expertise of others.⁷

Each month, the site highlights ten "findings" summarized as single sentences. Examples from September 2007 with a back to school theme: "Adolescents with paternal role models tend to have higher academic achievement." "Children in one-parent families are more likely to have lower math and reading scores than peers in two-parent families." "Religious adolescents tend to spend more time on homework and are less likely to be truant." Although perhaps surprising in their con-

clusions, the findings do come from Heritage staffers' examination of actual research. To a reader who already accepts a conservative perspective on the family, these statements reinforce the superiority of traditional family values and serve as "convenient truths" to an audience who will find them helpful in convincing others. The critical reader, however, may find such statements puzzling and even suspect.

A closer examination of the relationship between the original articles and Heritage's wording of the "findings" reveals an ideological, and not always academically responsible, methodology. While undoubtedly there are social scientists who have ideological biases both towards and against a pro-family agenda, the work cited in this database is presented in a way that reinforces a conservative perspective, no matter what the authors' points of view may be.

Findings are sometimes reported out of context from the original study, a technique known as "cherry-picking." For instance, sociologist Estelle Disch and social worker Nancy Avery documented the effects of survivors of sexual abuse by the psychologists, psychiatrists or clergy treating them.⁸ Their research focused on *effects*: the levels of shame, loss, and depression reported by survivors whose abusers came from several professional roles and the subsequent implications for further medical, psychological, or spiritual treatment. Yet the Heritage finding that was pulled from their results focused on the *type* of abuse:

Sexual abuse committed by clergymen was more likely to be homosexual in nature than abuse committed by other professionals.

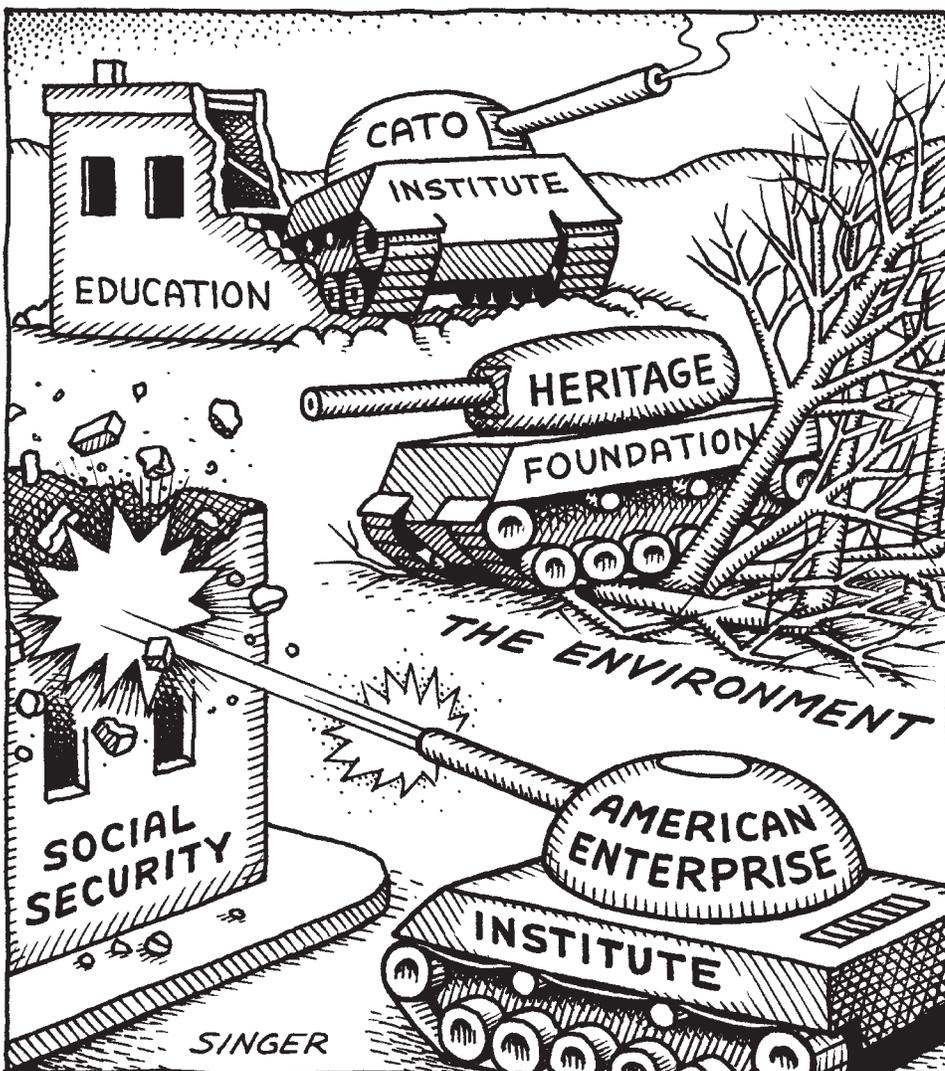
This "finding" did not emerge from the study's design. The sample was non-representative and therefore not legitimate for much quantitative analysis, nor did it focus on homosexuality and sexual abuse by clergy.

Another example of distortion in *familyfacts.org* is the common assumption that a correlation between two events implies that one event causes the other. This practice of assigning a questionable cause to a

NO EXIT

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THE THINK TANKS



social problem is widespread at Heritage and other conservative organizations and is common on the website. Take, for example, this finding:

Greater educational attainment is achieved to the degree that religion is practiced and the traditional Christian doctrines are adhered to.

While carefully worded, this statement encourages the reader to infer that Christians who go to church and follow traditional teachings do better in school than others. Yet the sociologists who conducted the cited research—based on a sample of Dutch students in the 1980s—were cautious about drawing causal relationships from their data.⁹ They acknowledge that they have found an association between a Christian worldview and students' educational positions, but they cannot say that adherence to religion causes higher educational outcomes. "The mechanisms causing these effects are unclear... To explore the extent to which religious doctrines and religious-directed attitudes and behavior might enhance or constrain educational conditions, a causal model must be developed."¹⁰ The format of *familyfacts.org* does not allow for the inclusion of such statements alongside the listing of findings.

Another example of drawing more conclusions than the studies' authors intended is this finding from a paper on Religion and Child Development:

According to parents' reports, children whose parents had more frequent discussions about religion with them exhibited higher levels of cognitive development.

Such a statement implies that frequent discussions of religion result in superior intellectual development. An examination of the actual study reveals that the data set used by researchers Bartkowski, Xu, and Levin, sociologists at Mississippi State, focused only on young learners, kindergarteners and first graders, and depended on parent and teacher reports about behavior, not grades. The quantitative analysis chose several subjective scales that measured different child developmental aspects.

Most were behavioral and emotional, and the "cognitive" development scale measured "approaches to learning," such as the child's eagerness to learn, interest in a variety of things, creativity, persistence, and responsibility, not specific demonstrated cognitive skills which would be difficult to measure among such early learners. Most relevant of all, though, is the fact that the data come from parents' own reports, substantially limiting the objectivity of the results.

An additional limitation in *familyfacts.org's* approach is the tendency to cite ideologically driven research, such as making reference to a report by Alabama Policy Institute, a state-based conservative think tank that supports marriage promotion. *Familyfacts.org* states a finding in "Effects of Cohabitation Length on Personal and Relational Well Being" as:

The longer couples cohabited before marrying, the more likely they were to resort to heated arguments, hitting, and throwing objects when conflicts arose in their subsequent marriage.

Perhaps recognizing the possibility for misuse, the website offers a disclaimer:

Findings are paraphrased summaries of published research results and are intended to serve as "pointers" to the primary source. When presenting information from *familyfacts.org*, the primary source should be referenced.

Heritage has been criticized before for shoddy scholarship.¹¹ In blasting a 2001 Center for Budget Policy and Priorities tax policy report, Heritage criticized the use of unreliable data from the U.S. Census Bureau, when the CBPP report had deliberately used IRS data to avoid such methodological problems. Burton Pines, a former vice president at Heritage, once described its mission: "We're not here to be some kind of Ph.D. committee giving equal time. Our role is to provide conservative public-policy makers with arguments to bolster our side."¹²

Research from *familyfacts.org*

Compared with peers who had not cohabited prior to marriage, individuals who had cohabited reported higher levels of depression and the level of depression also rose with the length of cohabitation.

Pregnant women who were not married or living with a partner were more likely to have a first-trimester miscarriage than those who were married or living with a partner.

Wives of husbands who express strong belief in a literal interpretation of the Bible feel significantly more appreciated for their household labor than other wives.

An increase in the proportion of single-parent families in a neighborhood was associated with a significant increase in youth violence.

More than three quarters of the students who had become more religious throughout their high-school years had Grade Point Averages (GPA) above the norm.

Among white students from two-parent families, maternal employment had a negative effect on academic achievement for both elementary and high school students. The more the mother worked, the stronger the effect.

Compared to adolescents who were virgins, those who had initiated sexual activity were 58 percent more likely to engage in delinquent behavior in the year after they had become sexually active.

Fathers who are theologically conservative, or express a strong belief in a literal interpretation of the Bible as the word of God, are more likely to praise and hug their children very often than fathers who are not theologically conservative.

In this study, children whose mothers worked during the first year of life were found to be more likely to hit or be mean to their classmates when they reached the third or fourth grade. This tendency was found more in boys than girls.

Heritage and Family Values: How Long Has This Been Going On?

Why has an organization so linked to neoliberal economic policies and a secular approach to conservatism begun spending such energy on topics that have generally been associated with the Christian Right?

Although Heritage is best known for its strong stands on economic issues, it has also advocated conservative positions on social issues. While the founders of Heritage, Ed Feulner and Paul Weyrich, established a secular think tank, they each are serious about their faiths. Feulner is a Roman Catholic, and Weyrich a deacon in the Melkite-Greek Catholic Church. Weyrich in particular has influenced Heritage's commitment to traditional cultural values, if only from his seat at other organizations. He cofounded the Moral Majority with Jerry Falwell in 1979, which, among other things, served to split Roman Catholics off from their traditionally Democratic affiliation over the issue of abortion. Weyrich was also actively involved in organizing annual Family Forums to help Christian Right leaders meet with the Reagan administration,¹³ and he coined the phrase "culture war," referring to the clash between traditional and counter-culture attitudes and behaviors that arose in the 1960s. When Weyrich founded his Free Congress Foundation in 1977, he was banking on the notion that cultural issues could unite conservatives more effectively than economic ones, and he published the organization's first book, *Cultural Conservatism: Toward a New National Agenda*, which outlined this argument.

Meanwhile Heritage was considering the value of traditional values as an organizing focus. Lee Edwards, the author of a Heritage 25th anniversary report, *The Power of Ideas*, revealed to reporter James Ridgeway, "There has always been a healthy debate about emphasis. Heritage did stay away from cultural issues and so-called traditional-value policy deliberately for almost twenty years."¹⁴ Eventually they invited William Bennett, former Reagan

Education Secretary and G.H.W. Bush Drug Czar, to become a Distinguished Fellow in Cultural Policy Studies in the early 1990s, and he published the *Index of Leading Cultural Indicators* and *The Book of Virtues*. Bennett was enlisted to sign a direct mail solicitation for Heritage in which he asserts, "The real crisis of our time is one of moral values."¹⁵

In 1996 Patrick Fagan authored a Heritage report, "Why Religion Matters: The Impact of Religious Practice on Social Stability." An update appeared in 2006. And in 2004 Richard DeVos, the successful founder of Amway Corporation and a leading conservative funder, donated

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almost \$2 million to Heritage for a new Center on Religion and Civil Society. *Familyfacts.org* followed not long after, going "live" in 2006. Heritage has come to embrace cultural issues as an organizing focus, reminiscent of its historical underpinnings.

Weyrich's old dictum that traditional values can provide a unifying focus for a mass movement has certainly borne fruit in the Christian Right's political successes. How well it will do for Heritage remains to be seen. With four researchers working on domestic, family, and cultural issues, Heritage's traditional values output is small compared to some other of its areas, but its authors are widely promoted, their work referenced at Congressional committee

hearings or delivered directly when they appear as witnesses. Robert Rector and Patrick Fagan joined forces to support marriage promotion and to respond to critics of domestic violence in a 2004 paper, "Marriage: Still the Safest Place for Women and Children, a revision of a 2002 article."¹⁶ Heritage's website frequently features videoclips of Rector and Fagan commenting on their own research or on *familyfacts.org*. The largest question mark comes from Fagan jumping ship for the premier Christian Right advocacy group, the Family Research Council, where he is now a Senior Fellow heading up their new Center for Family and Religion.

Fagan is upbeat in describing Heritage's continued commitment to family issues and to the programs he developed there over his 13 year tenure. "Heritage represents the Reagan coalition, and it knows how to maintain that coalition politically with a three-pronged focus on foreign policy, the economy, and cultural and family issues. All the family-related programs will remain." But he added, "The family needs a strong, permanent single-issue voice in Washington," referring to the FRC. "This new position is a natural extension of my lifelong work and dedication. Heritage has given us their full blessing."¹⁷

A 2008 Republican presidential victory will require a coalition of ideologues and pragmatists, economic and cultural conservatives, and voters motivated by both religious and secular concerns. Existing attitudes towards homosexuality, extramarital sex, divorce, and abortion have fueled the Christian Right's agenda, but they are not the exclusive intellectual property of frequent churchgoers. Campaign strategists undoubtedly realize that allowing the Christian Right a corner on "values voters" does little to guarantee that they will vote for the Republican nominee, especially if there is a third party spinoff. A strategy that blends economic and cultural concerns may provide some insurance, playing to the multiple resentments of dissatisfied voters.

If *familyfacts.org* takes off, its conservative findings may trickle-down to affect

not only policy-makers but the voting public. With plenty of cash to invest in experiments, Heritage may be betting that at the least, its newest website can't hurt the cause. ■

End Notes

- ¹ The Heritage Foundation, "Mandate for Leadership: Policy Management in a Conservative Administration," November 12, 1980, PRA files.
- ² Weyrich has founded or co-founded several important Rightist organizations, including the Moral Majority with Jerry Falwell, his own Free Congress Foundation, and the Council for National Policy, as well as Heritage.
- ³ James A. Smith, *The Idea Brokers: Think Tanks and the Rise of the New Policy Elite*, (New York: The Free Press, 1991) 198.

⁴ See "The Harmful Effects of Early Sexual Activity and Multiple Sexual Partners Among Women: A Book of Charts," by Robert Rector, et.al. (Washington, D.C.: Heritage Foundation, 2003) at www.heritage.org/Research/Family/Family/upload/44695_2.pdf.

⁵ Michael Dolny, "Think Tank Sources Fall but Left Gains Slightly," *Extra!* March/April, 2007, <http://www.fair.org/index.php?page=3129>.

⁶ Patrick Fagan, spoken at a Heritage conference, "Religious Practice and Civic Life: What the Research Shows," October 4, 2007, retrieved from webcast.

⁷ Smith, *The Idea Brokers*, 194.

⁸ Estelle Disch and Nancy Avery, "Sex in the Consulting Room, the Examining Room, and the Sacristy: Survivors of Sexual Abuse by Professionals," *American Journal of Orthopsychiatry*, 71(2), April 2001, 204-217.

⁹ Annebert Dijkstra and Jules L. Peschar, "Religious Determinants of Academic Attainment in the Netherlands," *Comparative Education Review* Vol. 40, Number 1. (February 1996) 47-65.

¹⁰ *Ibid.*, 64-5.

¹¹ See, for instance, Brendan Nyhan, "Creaky Foundation," at http://www.spinsanity.org/post.html?2002_05_05_archive.html, May 10, 2002 and Benjamin Armbruster, "CNN's Dobbs, Christian Science Monitor Cited Dubious Heritage Foundation Study on Immigration," *Media Matters*, May 25, 2006 at <http://mediamatters.org/items/200605250014?src=rss-alert>.

¹² Greg Easterbrook, "Ideas Move Nations," *The Atlantic*, January 1986.

¹³ Chip Berlet and Margaret Quigley, "Behind the Culture War to Restore Traditional Values," <http://www.publiceye.org/magazine/culwar.html>.

¹⁴ James Ridgeway, "Heritage on the Hill: The Right's Preeminent PR Machine," *The Nation*, v. 265 n.21, December 22, 1997, 11-18.

¹⁵ William Bennett, "Dear Fellow American," n.d. PRA files.

¹⁶ Robert E. Rector, Patrick F. Fagan and Kirk A. Johnson, Jr., "Marriage: Still the Safest Place for Women and Children," *Backgrounders* #1732, March 9, 2004.

¹⁷ Telephone interview, November 8, 2007.

FIRST AMENDMENT BLUES *continued from page 1*

Swanson is active in the National Lawyers Guild, a progressive bar association whose members often serve as legal observers at protests. Even before the demonstration, police featured him in a PowerPoint identifying key people coming to Miami for the protests. Then he became victim of a "snatch squad," a new police tactic where officers drag protestors off, having singled them out based on their perceived political ideology. Does a protestor dress in black like an anarchist? Is she a ringleader? Better watch out.

It is unconstitutional to target someone for arrest based on their political views, but snatch squads are only one of many new government tactics that are chilling Americans' free speech rights. These tactics are not authorized by laws passed by Congress or a state legislatures, but are devised and

adopted informally through expanding networks of police agencies. Because the tactics emerge in relatively informal ways, the overall impact on activities protected by the Constitution's First Amendment—

Police tamper with evidence in order to justify roundups of peaceful protestors.

particularly free speech and the right of assembly—evades public scrutiny. Yet as police violence and harassment grow, these actions become normalized, sending a message that the very act of protest is unlawful. The police's aggression heated up as war brewed and burst open, driving a politics of fear, suggesting that activists are violent, activists are terrorists, and strong measures are needed to curb the threat from within. It mutes opposition by raising the stakes of speaking out.

We now know more about these tactics and their spread thanks to lawsuits around the country challenging federal, state and local police targeting of activists. Because some of their worst—and most revealing—offenses took place around the party conventions of 2004 and 2000, progressive lawyers are drawing lessons from the past to prepare for defending constitutional free speech rights in another election year. Even now the U.S. Secret Service and other agencies are preparing for the Democratic Convention, August 25-28 in Denver and the Republican Convention, September 1-4 in St. Paul. Whether or not the lawsuits—or the softening of the hysteria that accompanied Bush's drive to war—will dampen the police response, those of us defending free speech understand their playbook and will come prepared.

Pre-emptive Policing

These new tactics serve to chill speech even before concerned citizens have spoken. Mass arrests round people up even as they are assembling. Police deny permits for demonstrations based on who is doing the demonstrating and what they want to say. Squads force demonstrators into constricted "free speech" zones, using pop-up

Heidi Boghosian is executive director of the National Lawyers Guild and author of the recent report Punishing Protest: Government Tactics That Suppress Free Speech. She cohosts a weekly radio program, "Law and Disorder," broadcast on WBAI-FM in New York. Abby Scher is editor of The Public Eye and a sociologist who writes frequently about civil liberties.

The Public Eye

police lines to trap protesters before conducting mass illicit arrests and detentions for those caught on the wrong side of the line. They routinely use supposedly non-lethal weapons like rubber or wooden bullets, pepper spray, and Tasers on people gathering peacefully. Less visibly but no less chilling, police used fire code violations as a way to close down activists' organizing centers, as in Philadelphia before the 2000 Republican convention.¹

At the federal level, civil libertarians pay a lot of attention to the way the Bush Administration has enlarged the scope of spying on citizens behind closed doors, with or without the approval of Congress. With the aid of the Federal Bureau of Investigation, organized regionally through Joint Terrorism Task Forces, the same is happening at the local and state levels. New York City, with its own homeland security director, is a lead innovator. To avoid public scrutiny, the city's police department finds unconventional channels to enact rules that subtly constrict free speech. In 2006, the NYPD proposed requiring permits for a host of mundane activities such as riding bicycles and gathering with friends on sidewalks—prompted by an increased suspicion of bicycle activists who ride monthly in "Critical Mass" events to promote biking and safer city streets. After a judge ruled the proposed parade permit law was beyond the bounds of the constitution and a burden on free expression, the NYPD proposed even more impractical regulations which were eventually enacted. By making protest a threatening or difficult experience—as with free speech zones and pop-up police lines—police are discouraging people from turning out to peaceably assemble and present their views.

The *New York Times* and others raised an outcry when the city denied demonstrators a permit to gather on the Great Lawn of Central Park during the 2004 Republican Convention. A lawsuit failed to win the permit in time for the convention—clearly legal delays are yet another mode of repressing free speech. More commonly, government agencies raise permit fees or require that the groups sponsoring

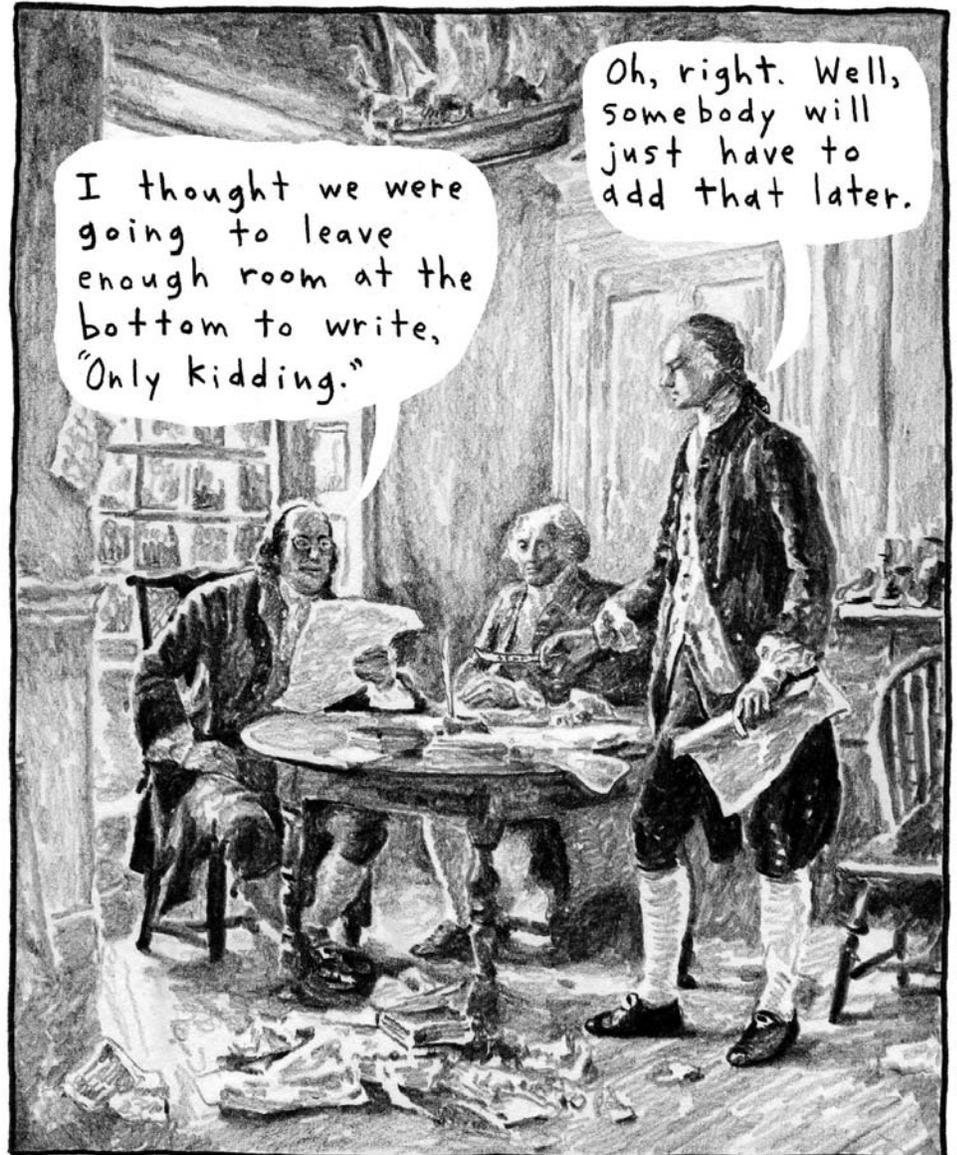
the gathering take out astronomical levels of insurance. The Pentagon demanded thousands of dollars in fees from those organizing a March 2007 antiwar protest, only to back down in the face of a threatened lawsuit.

There is another, insidious, form of pre-emptive policing: intimidating or preventing concerned citizens from joining a demonstration. Sounding a media drumbeat about all the trouble activists are planning is one way the authorities try to discourage people from coming out. Visiting and intimidating people is another.

The FBI used both tactics before the 2004 Republican convention when agents dropped in on activists around the country who the FBI claimed would have information on potential violence. As the *New York Times* reported at the time:

FBI officials are urging agents to canvass their communities for information about planned disruptions of the convention and other coming political events, and they say they have developed a list of people who they think may have information

THE FOREFATHERS DECIDING ON A FINAL DRAFT OF THE U.S. CONSTITUTION.



MR. FISH

Mr. Fish/Getty Images

about possible violence. They say the inquiries, which began last month before the Democratic convention in Boston, are focused solely on possible crimes, not on dissent.²

The article went on to quote Sarah Bardwell of Denver, a 21-year-old intern of American Friends Service Committee who was visited: “The message I took from it was that they were trying to intimidate us into not going to any protests, to let us know that, ‘hey, we’re watching you.’” The FBI interviewed dozens, and three St. Louis, Missouri men represented by the local American Civil Liberties Union (ACLU) said they were trailed by agents. An FBI spokesman explained, “We vetted down a list and went out and knocked on doors and had a laundry list of questions to ask about possible criminal behavior. No one was dragged from their homes and put under bright lights.” An April 2006 report by the FBI’s Office of the Inspector General dismissed the idea that the agency had done anything improper or encroached on people’s First Amendment rights.

Sometimes the pre-emptive policing tactics are a bit more immediate, as with the steelworkers trying to get to Miami. During the February 2003 anti-war demonstration on the east side of Manhattan, police detained people in unheated vehicles who were heading for the event, preventing them from attending, as a lawsuit by the New York Civil Liberties Union (NYCLU) demonstrated. Police set up a patchwork of crowded pens, then slowed people’s ability to enter them by searching bags, creating logjams in a demonstration that attracted at least 750,000; some frustrated people turned back and never made it to the rally.

One of the most frightening examples of pre-emptive policing involves the gathering of evidence from people merely because of their political opinions. Local police have stopped by activists’ homes requesting DNA for their files, and the NYPD detained hundreds of peaceful protesters for mass fingerprinting during the 2004 RNC. The NYPD only destroyed the fingerprints—which can legally be taken

only from people charged with a violation and whose identity is in question—after the NYCLU sued.³

In Washington, D.C., a secret FBI intelligence unit and local police detained a group of protesters in town in April 2002 to demonstrate against the invasion of

None of these threats to free speech and the First Amendment could take root without the President of the United States setting the standard.

Iraq. Officers took them to a downtown parking garage where they were questioned on videotape about their political and religious beliefs as well as about protests they had attended and whom they spend time with.⁴ Police records reveal that the protesters were targeted because they were all wearing black clothing and were thus believed by police to be anarchists. In response to efforts by the activists’ lawyers

at the DC-based Partnership for Civil Justice, the police expunged their arrest records. Still unresolved is their lawsuit charging that local and federal law enforcement violated the U.S. Constitution by singling out people for arrest based on their perceived political ideology, targeting people the government perceived by their clothing to be anarchists.

Although officers cannot legally collect purely political information unless they suspect criminal activity, this case shows agents doing exactly that.

The targeting of anti-war demonstrators goes well beyond this incident, as activists themselves have long known. Within the past two years, Freedom of Information Act suits and whistleblowers have documented spying on the pacifist Thomas Merton Center in Pittsburgh, on Oakland’s Direct Action to stop the war, on anti-war groups on the Santa Cruz and Berkeley campuses and scores more, plus the existence of a secret Pentagon database tracking 186 antiwar protests and hundreds of groups in 20 states.⁵

Police Tamper with Evidence

One of the most disturbing under-the-radar techniques used to impede free speech is police tampering with evidence in order to justify roundups of peaceful protesters. Once again, the NYPD is the leader in this area. During the 2004 Republican National Convention, police doctored

PATRIOT ACT’S THREAT TO FREE SPEECH

The USA PATRIOT Act continues to pose a threat to free speech. Section 215 allows government agents to secure records and determine which library books someone has checked out, and which books someone has purchased from a bookstore. Even someone’s browsing on a library computer is open to scrutiny.

Prosecutors failed to convict a computer science graduate student under Section 805 for providing “material support” to terrorists in his role as webmaster. In 2004, a jury declined to convict him. Yet the material support statute remains as a threat to free association and free speech.

The PATRIOT Act loosened restrictions on the use of National Security Letters to gather information in intelligence investigations. The FBI bypasses the courts and uses the letters to get customer records from telephone companies, internet providers, banks and other institutions. The Department of Justice’s Office of Inspector General found widespread abuse in the FBI’s use of the letters. Plus the FBI retains all the information it collects, whether the person is tied to terrorism or not.

video evidence to justify the unlawful arrests of peaceful bystanders and protesters, giving those altered tapes to defense attorneys and the courts, and engaging in perjury and evidence tampering. Alexander Dunlop was one person exonerated after it came out that the police had given his lawyer a video of his arrest during the RNC which had been edited to justify their claim that he had resisted.⁶ An unedited version clearly showed Dunlop asking a police officer for directions and that he was not involved with a nearby demonstration.

The extent to which such evidence tampering is occurring in police departments around the country is difficult to know. Had it not been for the volunteer-based group, I-Witness Video, the doctoring would likely not have been discovered. Over 200 I-Witness volunteers documented arrests and police activity at the protests, making sure that their video evidence would be usable, if needed, in later court proceedings. Working in alliance with legal observers from the National Lawyers Guild who monitored most of the

RNC demonstrations, their videos helped vindicate several people who were falsely arrested on disorderly conduct charges, and were used in the defense of approximately 400 of the 1,806 people arrested during the Convention. Eileen Clancy was the I-Witness Video volunteer who discovered the tampering on Dunlop's tape:

It really hadn't occurred to us that they [the police] were making these kinds of edits. It was really shocking. I mean, when we had to put these two tapes on monitors next to each other and run them at the same time, and we sat there and you saw the—when we saw the cut, I think—I mean, I was astonished that this happened. This is—I mean, it's just absolutely outrageous. They took out the parts that basically prove he's innocent. So, I mean, it was—it's quite extraordinary this happened.⁷

In addition to physical evidence proving video tampering, other examples of police perjury are now out in the open, thanks to litigation. At a February 2006 Critical Mass ride, NYPD assistant chief Bruce Smolka pulled graduate student and Guild Legal Observer Adrienne Wheeler off her bicycle, pinning her to the ground and causing several injuries. He did not identify himself as a police officer, nor did he ask her to stop her bicycle before hauling her to the ground. Police issued a traffic ticket to Wheeler, based on police testimony that she was riding the wrong way on a one-way street.

As was proven later in court, the officer who gave a sworn statement saying she personally saw her riding the wrong way, had lied. In September 2006, a traffic court judge dismissed charges against Wheeler after NYPD Officer Alfred Ortiz admitted he gave false statements under oath. The National Lawyers Guild New York City Chapter provided videotapes of the incident to the Civilian Complaint Review Board (CCRB) in March showing clearly that Smolka did not identify himself as an officer nor issue any warning beforehand.

Targeting Animal Rights Activists

At the highest level, the Justice Department chills free speech by applying the emotion-laden designation of "terrorist" to activists. This opens the door to local police intimidation, the levying of higher charges and penalties, and can influence the outcome of trials. By marking environmental and animal rights activists as "domestic terrorist" threats, the Justice Department emboldens local "intelligence" units, like the one in DeKalb County, Georgia, which was caught taking pictures of vegan demonstrators leafleting a HoneyBaked ham store in 2002. The agents arrested two of the vegans, and demanded they turn over their notes on which they'd written the license plate of an undercover officer's car. The intelligence unit was funded by the feds to the tune of \$12 million.

Alabama's Department of Homeland Security only removed a web site listing environmental and animal rights groups as potential terrorists in May 2007 after bloggers discovered it (The site also listed regional gay rights and anti-abortion groups).

Congress did its part in criminalizing political speech with the sweeping language of the Animal Enterprise Terrorism Act (AETA), passed in November 2006. This law makes it a crime to cause any business classified as an "animal enterprise" (e.g., factory farms, fur farms, vivisection labs, rodeos and circuses) to suffer a loss in profits—even if the company's financial decline is caused by peaceful protests.

The damage is already visible in an animal rights case against seven New Jersey members of the group Stop Huntingdon Animal Cruelty. Jurors found them guilty of criminal conspiracy under a 1992 law for listing the animal testing labs of Huntingdon Life Science on their website as a possible target for protestors. This spring, the defendants received sentences ranging from three to six years, but their convictions reverberate far beyond their families and friends into the courts and other political groups by criminalizing their use of the Internet.

The prosecution presented no proof that anyone had actually attacked or even protested outside the labs as a result of reading the website. The government premised its prosecution on two narrow exceptions to the First Amendment: (1) the defendants used Internet websites to incite others to participate in a campaign to close Huntingdon Life Sciences, and, (2) the words on the websites and the language of the campaign constituted a true threat.

The website did not post targeted threats against specific individuals, as did the website in the so-called Nuremberg Files Case decided in 1992, *Planned Parenthood v. American Coalition of Life Activists*, which posted personal information about abortion providers. The names of doctors who were murdered had lines through them, crossing them off.

Now civil libertarians are watching the Homegrown Terrorism Prevention Act, which the House passed in November (and awaits Senate action when this issue went to press). It would set up research centers with the aim of devising new laws to curb terrorist movements, yet defines those movements in so vague a way as to perhaps capture protected internet speech and civil disobedience by a range of dissidents.

Infiltration and Provocateurs

Beyond police perjury, police infiltration and provocation continues to be a difficult-to-monitor constraint on free speech. Infiltration and provocation change the tone of protest by initiating violence falsely attributed to protesters. Using provocateurs, police can actually change the speech that political groups are trying to communicate.

Jim Dwyer of the *New York Times* drew on Clancy's forensic video analysis to reveal police sparking confrontations by arresting police officers who were disguised as activists, both at the RNC and at Critical Mass bicycle events.⁸ Bystanders objected to the false arrests, and the police thus succeeded in creating a conflict and an unruly situation.

As history has shown, during the McCarthy period and other moments in U.S. history, knowing that political activities could be under scrutiny can intimidate people and stop them from stepping forward with their political opinions. Yet infiltration has become widespread, at least in New York City and California, where the ACLU of Northern California catalogued numerous examples in a July 2006 report.⁹ In California, Camille Russell, a Fresno schoolteacher, discovered Peace Fresno was infiltrated while reading an obituary of a sheriff's deputy killed in a motorcycle accident who was a member of the group under another name.¹⁰ Campus anti-war activists at Fresno State, a United Food and Commercial Workers at a labor rally protesting Safeway supermarkets in Contra Costa, and other activists have also stumbled over plainclothes or undercover officers at events.

In March 2007, Jim Dwyer of the *New York Times* broke the story of the secret surveillance going on, as New York City police detectives traveled the world to spy on and infiltrate groups that might attend RNC protests.¹¹ Recently released records show they were even interested in the FTAA protest where Miles Swanson was arrested.

Since 2003, New York police officers posed as activists and attended meetings of political, artistic, and church groups, made friends and exchanged email messages, and, during the RNC confrontations,

reported daily with the NYPD Intelligence Division. They also spied on a city councilman, Sean Combs, Jay-Z, Alicia Keys, and other stars connected with the Hip Hop Voters Summit. The pages of intelligence reports—with many sections blacked out and unreadable—were only released this spring, leaving you wondering how they saw a threat in the comedy troupe Billionaires for Bush, or Brooklyn Parents for Peace.

The new chairman of the House Homeland Security Committee, Bennie Thomp-

To avoid public
scrutiny, New York's
police department
finds unconventional
channels to enact rules
that subtly constrict
free speech.

son, met with the NYPD in May 2007 to express his concern that police spying had violated civil liberties and gone into states and countries outside of its jurisdiction.¹² The New York Police Commissioner continues to say the RNC was his department's finest hour, and continues to ignore a federal court order to release its intelligence records from that period in response to an NYCLU lawsuit.¹³

Weakening Old Limits on Surveillance

I went to the 2000 DNC prepared for trouble. I saw then-LAPD Chief Bernard Parks brandishing his new toys—an arsenal of “less-lethal” weapons—cavalierly pledging there would be no replay of the Seattle WTO in his city. That's why, along with pens,

paper, and other tools of legal observing, I had a hockey helmet in my backpack. Not that it did much good. It didn't protect me from the pepper spray in my face or the club across my back. And it certainly didn't help when I got shot. The rubber bullet hit me on the thigh as I tried to run away, knocking me off my feet and leaving me helpless.

As I watched the LAPD beat peaceful demonstrators at the Immigrant Rights march on May Day [seven years later] I wasn't surprised. Disregard for the demonstrators' rights seems to be ingrained in the LAPD, no matter how much settlements, consent decrees or court judgments cost them. They'll do it again.

—Dave Saldana, Asst. Prof. of Journalism at Iowa State University, attorney, and NLG member.

The NYPD widened its spying on political groups and people in 2003 despite a court ruling restricting its power to do so. It burst the bounds of limits placed on it by the courts following the exposure in the 1970s of decades of spying abuses, not just by cities but by the FBI's COINTELPRO (counterintelligence program). Police departments across the country faced consent decrees—agreements to modify unconstitutional surveillance and other policies—that were diluted or dropped before but especially after 9/11 under Democratic and Republican administrations. Police returned to the bad old days, once again instilling a fear in people's minds that their antiwar or other political activities are being watched.

Soon after September 11th, the NYPD asked U.S. District Court Judge Charles Haight to lift the guidelines for investigating religious, political or other “associational” activity set out in 1986 in the wake of the lawsuit *Handschu v. Special Services Division*.¹⁴ The settlement prohibited, among other things, creating files on groups or individuals based solely on their political, religious, sexual, or economic preference. It required police to submit a request for spying to a three-person panel and to show that the group or person had “crim-

inal intent.” Haight agreed that the new threat of terrorism justified changing the consent decree—dropping the need to go to the panel or demonstrate criminal content—and he instructed the police instead to adopt guidelines modeled on new ones created by Bush’s Justice Department to govern the FBI’s political investigations. What that means legally has been in dispute in the courts since early 2004. Nonetheless, the police took the modified decree as an open door for widespread infiltration and surveillance of political groups.

Another longstanding consent decree—Chicago’s Alliance to End Repression Consent Decree, or the Red Squad federal consent decree—was modified in January 2001 after Chief Judge Richard A. Posner for the Seventh Circuit U.S. Court of Appeals wrote that it essentially left the police helpless to protect the public. Signed in 1981, the original agreement prohibited police from spying on or disrupting a political group unless it is engaging in criminal activity. Now police can spy on demonstrators as long as the intelligence gathering is documented and audited to monitor compliance with the court order. The police admit that they videotape demonstrations with the express purpose of identifying individual protesters for later action.

Denver, the location of the upcoming Democratic convention, has its own sordid history to tell. Its police were spying on the local Amnesty International chapter, American Friends Service Committee, and Chicano activists for years until it came out late in 2002 when someone leaked a print-out of some of the records. Following an ACLU lawsuit, the Denver police agreed to purge their files and stop spying. Yet officials worked hard to save funding for Colorado’s “fusion center,” where Denver police, along with federal and state agents, sift through local and national intelligence and other information to find signs of terrorist threats. Even as local police go to court to remove themselves from judicial constraints over their spying, the feds poured millions of dollars to set up such intelligence centers outside of these courts’

jurisdiction from coast to coast.

Subpoenas as Intimidation

In the past eight years, we have seen authorities intimidating activists by issuing them subpoenas to appear before a grand jury. Environmental and animal rights activists but also anti-war activists have found themselves hauled before these chambers. The FBI has actually admitted that it uses both email monitoring and subpoenas to gather information on activists.

Here is only one example that hit close to home to one of the authors, who is executive director of the National Lawyers Guild. In October 2003, the NLG received word from a member in Des Moines, Iowa that local authorities had told her that her

THE FIRST AMENDMENT OF THE CONSTITUTION

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

e-mail was likely being monitored. On February 3, 2004 that same member, Sally Frank, a law professor and an advisor to the Guild chapter at Drake University, called to say that the authorities had issued subpoenas for four antiwar protesters in Des Moines to appear before a grand jury. Federal prosecutors also subpoenaed Drake University for records of its National Lawyers Guild chapter, including names of officers, information relating to an antiwar training in November 2003 entitled “Stop the Occupation! Bring the Iowa Guard Home,” and reports dating back two years. The government also issued a gag order on employees of the University. These actions puzzled the locals, mobilized the Guild, and quickly attracted national attention, because they seemed to target individuals

based on their political activity. After the U.S. Attorney’s Office took the unusual step of issuing a statement confirming its investigation, the Guild won its motion to quash the subpoena on First Amendment grounds.

Preparing for 2008

Long drawn out lawsuits to defend civil liberties may be victorious, eventually, but rarely soon enough to allow the people to have their say, when they want to say it. So lawyers are working with activists to prepare ahead of time for possible police responses to the next party conventions.

In St. Paul and Denver, Guild and ACLU lawyers are already negotiating with public officials to prevent demonstrators from being channeled into cramped, fenced off “free speech zones” distant from events. As one lawyer reported, “In a free society, a security zone that corals all dissenting voices and treats us all like criminals cannot substitute for true law enforcement... responding to specific articulable facts that amount to reasonable suspicion that a crime is being committed.” From previous experience, the lawyers have learned to go to court as soon as a so-called free speech zone is proposed.

“In the past, federal judges have expressed concern over the legality of restrictive protest zones but claimed it was too late for them to do anything about it. We have to seek relief sooner,” says NLG member Thomas Cincotta of the law firm Kurtz & Peckham. “But how do you ask a court to enjoin a protest zone that hasn’t even been put in place? We must make the case that these restrictive plans are in place now, despite the government’s refusal to disclose them to us.”

In both cities, the permitting process is being manipulated by authorities. The Twin Cities NLG is prepared for any quick rules change; for instance St. Paul may refuse to even consider demonstration permits until six months before the event, and civil liberties lawyers are prepared to sue. Denver embarked on a review of its permitting policy, and then suspended an

Book Review

Making Patriotism Democratic

Pledging Allegiance: The Politics of Patriotism in America's Schools

Edited by Joel Westheimer, Foreword by Howard Zinn

Teachers College Press, 2007, 219 pages, \$18.95 paperback, \$50.00 cloth.

Reviewed by Eleanor J. Bader

During the past five years I've periodically asked the community college students I teach to write about their, or their parents', arrival as immigrants to the United States. I'm always humbled by the responses for, to a one, the students talk about such lofty concepts as freedom, opportunity, and equity. The cynicism and sneers one might expect are missing, and dreams of being given a chance regardless of race, gender, or class abound.

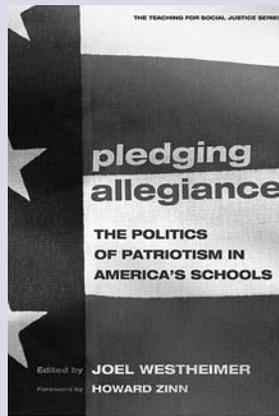
I admit that at first I thought they were shining me on. But deeper probes revealed that The American Dream is alive and well and living in these newcomer's hearts. They believe in a nation where anyone can succeed and where hard work and determination are enough to ensure a rosy tomorrow.

Immigrant voices like theirs are missing from *Pledging Allegiance*, an intriguing, if limited, collection of essays on post 9-11 patriotism in America's public schools. Also absent are the voices of U.S.-born students. Instead, 27 teachers, social theorists, and writers offer their opinions on the role patriotism should play in educational institutions.

Some, like Diane Ravitch and Chester E. Finn, Jr., approach the issue from the Right and encourage the expression of patriotic sentiment, including the daily recitation of the Pledge of Allegiance, as a way to foment national unity. Others, like Robert Jensen and Bill Bigelow, argue the opposite: that uniformity stifles critical thinking and leads to blind acceptance of the status quo. Still others—the majority of contributors—differentiate patriotism from nationalism, seeing a far greater danger from the latter.

California State University professor Cecilia O'Leary's "Patriot Acts: This Isn't the First Time" is particularly instructive in putting today's patriotic fervor into context. She reminds us that Christian Socialist Francis Bellamy did not pen the Pledge of Allegiance until 1891 and that laws against flag desecration did not exist until 1968. "The flag, which stands as the pre-eminent symbol of the

Eleanor J. Bader is a Brooklyn-based teacher, writer, and activist. She is the coauthor of Targets of Hatred: Anti-Abortion Terrorism (St. Martin's Press, 2001).



nation, lacked any standardized design until the invasion and subsequent conquest of Mexico in 1848, when, for the first time, mass-produced flags replaced the kaleidoscope of homemade flags that creatively placed stars in different arrangements, added other icons, and freely combined a patchwork of colors," she writes. "Reverence for the flag as sacred symbol only became popular during the Civil War."

Post-Civil War, she continues, teachers helped newly arrived immigrants—people speaking a panoply of tongues—to assimilate, and newly created schools became receptive to military-inspired rituals. The goal, she writes, was to create one national identity among the diverse groups pouring

into the country. By 1892, 400 years after Columbus's arrival on North America's shores, few argued against repeating a Pledge that heralded a country "with liberty and justice for all." Public schools played a central role in spreading this ethos and were necessary sites for both political socialization and book learning.

The balance between these two responsibilities—deciding how much emphasis to place on the three Rs and how much to place on political engagement—remains delicate, and 150 years later we're still grappling with how best to fulfill the dual roles. Still, a quick look back at the past decade-and-a-half reveals what happens when countries fail to build a meaningful national consensus. As recent history demonstrates, when ethnic or religious loyalties trump national identity, trouble brews. The Union of Soviet Socialist Republics is now 15 countries, Yugoslavia is no more, and menacing tribal clashes have made most of Iraq and Afghanistan unlivable. These realities demonstrate the tension between love-it-or-leave-it boosterism and ethnic pride and are evidence of the fragility of nation-states that are held together by geography rather than evolving, deeply-felt, and unifying belief systems.

At the same time, knee-jerk patriotism can bleed into fascism, not democracy. University of Texas journalism professor Robert Jensen sees nationalism and patriotism as two sides of the same evil coin. "There is no way to rescue patriotism or distinguish it from nationalism," he argues, "which most everyone rejects as crude and jingoistic. . . . Any use of the concept of patriotism is bound to be chauvinistic at some level. At its worst, patriotism can lead easily to support for barbaric policies, especially in war. At its best, it is self-indulgent and arrogant in its assumptions about the uniqueness of U.S. culture and willfully ignorant about the history and contemporary policy of this

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We are still grappling with how best to fulfill schooling's dual role of political socialization and book learning.

country.” Worse, he concludes that patriotism “retards” moral development.

Editor Joel Westheimer of the University of Ottawa disagrees, at the same time offering an example of patriotism gone awry. He hones in on a November 2001 decision by the Nebraska School Board to impose a uniform social studies curriculum that includes “instruction in the superiority of U.S. forms of government, the dangers of communism and similar ideologies, the duties of citizenship, and appropriate patriotic exercises. The Board further specified that middle school instruction should instill love of country...and include exploits and deeds of American heroes, singing [of] patriotic songs, memorizing *The Star Spangled Banner and America*, and reverence for the flag.” It’s shocking stuff made more disturbing by Westheimer’s assertion that 25 states presently require daily recitation of the Pledge, as if this alone will promote engaged, freedom-loving people.

For Westheimer, it is a question of whether the patriotism proffered is authoritarian or democratic. “Authoritarian patriotism is a resigning of one’s will, right of choice, and need to understand to the authority.... [It] asks for unquestioned loyalty,” he

writes. Democratic patriotism, he continues, is the opposite and requires inquiry and debate over ideas and strategies.

Mills College instructors Joseph Kahne and Ellen Middaugh call it constructive patriotism and urge educators to inculcate a love of country within students so that they can “critically assess what is needed and make it better.” For them, and for the majority of *Pledging Allegiance* contributors, patriotism means working to eradicate racism, sexism, classism, homophobia, and political disaffection. Their arguments are important and well-presented. Nonetheless, the volume would have been stronger had the voices of immigrant and native-born students and their teachers been included. It should also have informed us how Nebraskan educators and their unions have responded to the mandated curriculum. For example, have daily Pledge requirements been enforced? What about those who have resisted?

At the same time, *Pledging Allegiance* asks important questions about the role of schools and school employees in promoting a national identity and in debating whether patriotism can be compatible with democratic ideals. While it makes no attempt to settle the score, the arguments included are cogent and leave readers to decide for themselves what role civic concerns should play in both the school room and the public square.

High Achieving for Jesus

God’s Harvard: A Christian College on a Mission to Save America

Hannah Rosin

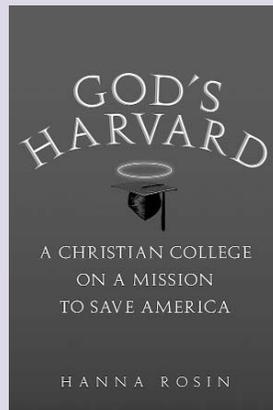
(Harcourt, 2007)

Reviewed by Pam Chamberlain

Hannah Rosin’s book about students at Patrick Henry College, *God’s Harvard: A Christian College on a Mission to Save America*, provides a lens that both illuminates and distorts the image of young evangelicals today. Patrick Henry is a Christ-centered liberal arts college for high-achieving, mostly homeschooled students who sign on to the premise of the college: to transform the United States into a Christian nation.

Rosin spent 18 months with the faculty and students, gaining their trust and cataloguing their behavior, values, and, above all, their humanity. She paints sympathetic portraits of members of the college community. We meet Derek, a seasoned political operative who organizes 10-year-old homeschoolers into Generation Joshua, a lean campaign machine, for local candidates, and whose devotion to Jesus is visible in everything he does. Rosin shows us the personable side of the college’s president, Michael Farris, a micromanager who is driven to make Patrick Henry graduates a Christian elite who run the country. Because the book is mainly a series of these portraits, it’s a fast-paced, fascinating glimpse into a rarified world few outsiders know anything about.

But that polite voyeurism feeds its major weakness: while the author may not have intended this, the book fuels the common temptation to generalize from this one college to all Christian colleges and to all evangelicals. Patrick Henry is indeed a Christian college, and it is one of hundreds of theologically con-



servative schools in the United States. But Farris’s vision for the college as a conscious breeding ground for politically influential conservative evangelicals makes it unique, and the academic and moral discipline of the students sets them apart from their peers. The student body is small (under 400 students), while Bob Jones, Liberty, and Regent Universities, other more established Bible-centered schools, have thousands more enrolled.

Nevertheless, Rosin’s tone is foreboding, asking us to imagine our country run by conservative evangelical zealots. At first she develops a picture of the school as a powerhouse of commitment to its biblically based vision, and then uncovers chinks in the image, from nonconforming students and faculty to underperforming graduates who find it more difficult than they imagined to live out their idealism in a secular world. It’s as if to say we can breathe easy knowing that Farris and his students will not be successful after all. Unfortunately, at the moment it is tempting to oversimplify the image of the U.S. Christian Right, and evangelicals in particular. Scholars and analysts continuously struggle to create an accurate description of the breadth and depth of evangelical Christianity in this country. Perhaps finding examples of failed ideas and institutions is a way for some to try and contain its influence. Readers who latch hold of this book as another piece of evidence of the waning of Christian Right power will be mistaken.

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

REPORT OF THE MONTH

Losing out in Higher Ed

Charting the Future of College Affirmative Action— Legal Victories, Continued Attacks, and New Research

By Gary Orfield, et.al. *The Civil Rights Project at UCLA, Los Angeles, Calif., 2007.* http://www.civilrightsproject.ucla.edu/research/affirmativeaction/fullreport_charting_aa.php

The Civil Rights Project, a well-respected education research center headed by Gary Orfield, which recently moved from Harvard to UCLA, has produced this important anthology of papers about the current state of affirmative action in higher education.

Although these articles, a compendium of a 2005 roundtable, are of primary interest to legal scholars and university administrators, portions of this report are eye-opening for anyone who wants information about conservative attacks on education. While the most recent Supreme Court decisions about college-level affirmative action, *Grutter v. Bollinger* and *Gratz v. Bollinger*, appear to support affirmative action, organized opposition remains strong, backed by the Bush administration.

Opponents of affirmative action in admissions and financial aid are firmly in charge at the U.S. Department of Education, Office for

Civil Rights (OCR). Meanwhile organizations such as the American Civil Rights Institute and the Center for Equal Opportunity filed 10 formal letters of complaint asking OCR to investigate potential illegal uses of race-exclusive or race-conscious standards in pre-college programs. These groups also contacted over 50 colleges directly and suggested that the schools might be subject to an OCR investigation unless such programs stopped. Thanks to their bullying, between 1995-2005, 71 programs were changed or discontinued due to these threats and the Department of Education's anti-affirmative action stance.

Blacks and Latinos have lost access to higher education, especially at leading law schools, as this report documents. Between 1994-2004, law school matriculation rates for Blacks and Latinos decreased 6 percent and 7 percent, respectively. The rates for Asian Americans increased 45%, while the rate for whites decreased by 1%. But the fight is not over. "Colleges and state policy makers have much more discretion than they are led to believe by those trying to roll back civil rights policy," states the report. The university community may figure out ways to maintain higher education access for underrepresented students if it heeds the words of this report's authors.

Other Reports in Review

Prejudice Against Muslims Runs High

The Status of Muslim Civil Rights in the United States 2007: Presumption of Guilt

By Arsalan Iftikhar, *the Council on American-Islamic Relations, Washington, D.C., 2007.* <http://www.cair.com/Portals/0/pdf/2007-Civil-Rights-Report.pdf>

The 2007 Civil Rights Report from the Council on American-Islamic Relations (CAIR) reveals some troubling data. The War on Terror has unsurprisingly contributed to escalating levels of intolerance towards Muslims. An August 2006 USA Today poll showed that nearly two in five Americans admitted to hold prejudicial views, and at least 20% said they would not want American Muslims as neighbors.

In each of the past three years, Muslim civil rights complaints to CAIR have grown, with a 25 percent increase between 2005 and 2006 to a total of 2467 cases. While it is unclear whether this is due to an increase in violations or better outreach and awareness, the figures

are still sobering. Hate crimes comprise less than 10% of the complaints. Fully one-third of the complaints related to an encounter with the government, primarily on legal and immigration issues.

CAIR recommends "prejudice reduction" techniques such as creating opportunities for interaction with ordinary American Muslims, but its most wide-ranging recommendation is to decrease Islamophobia, a by-product of international events, by enacting domestic and foreign policies that respect the human dignity of all people.

Purging Minority Voters

Caging Democracy: A 50-Year History of Partisan Challenges to Minority Voters

By Teresa James, *Project Vote, Washington, D.C., September 2007*

In the name of combating voter fraud, the Republican Party has successfully purged the voting rolls of minority voters it presumes will pull a lever for a Democrat. Some of its techniques date back to Reconstruction efforts to

purge new black voters from the rolls, but the RNC first used "caging" during 1964 campaigns in key cities.

A "caging list" is created by sending mail that cannot be forwarded to registered voters; its return is a signal that the party can challenge the voter's eligibility. In 2004, the RNC used the technique with a vengeance after using it in a few states in the 1980s and early 1990s. The Republicans targeted more than half a million voters in 2004, challenging the eligibility of 77,000 voters from 2004 to 2006. Party workers stand at the polls and directly challenge the right of someone to vote, creating chaos.

Republicans prepared for this effort by lobbying key swing states to make it easier for private individuals to issue a challenge—in Florida, Pennsylvania and Ohio. Minnesota specifically outlawed the practice, and Washington and Minnesota made it harder for private individuals to challenge a voter's eligibility. Monica Goodling, the Justice Department White House liaison, told Congress that a former interim U.S. Attorney in

Arkansas was involved in caging operations in that state.

Democrats vigorously fight caging in the courts as a form of voter intimidation, and the RNC — though not state parties — are banned from the practice under a consent decree in a New Jersey case. Voters in Ohio unsuccessfully tried to get the courts to enforce the decree in 2004 since the national party was involved in caging there. In the future, the author suggests, partisan challengers at polls should be banned, replaced by “observers” from each party. Any partisan challenges should include evidence, not just based on forwarded mail, and be made 30 days before the election.

Populism or Nativism?

Nativism in the House: A Report on the House Immigration Reform Caucus

Building Democracy Initiative, Center for New Community, Washington, DC, September 2007

Despite its title, this report regrettably doesn't spend much time establishing the nativism of the members of the House Immigration Reform Caucus. It begins by quoting its founder, Colorado Congressman Tom Tancredo, “. . .if we don't control immigration, legal and illegal, we will eventually reach the point where it won't be what kind of a nation we are, balkanized or united, we will have to face the fact that we are no longer a nation at all.” We learn generally that caucus members oppose amnesty, want to beef up border enforcement, reduce the number of legal immigrants, and supported HR 4437, promoted by Rep. James Sensenbrenner, which

would have criminalized those helping an undocumented immigrant, and turned the undocumented into felons.

The report's value, instead, is in offering voting report cards on the caucuses 102 Republican and eight Democratic members, and tracking who is funding their campaigns. More than half of its members come from the south; most of their districts had small percentages of Latino residents, and were on average 30% rural and 25% blue collar. Despite their often populist arguments to cut immigration to save jobs, the researches determined that caucus members have dismal voting records on labor rights. Most of their campaign funding comes from free trade supporters and other typical Republican donors, with small amounts coming from five political action committees linked to such groups as the Minuteman and Federation for American Immigration Reform.

FIRST AMENDMENT BLUES *continued from page 18*

application deadline for a permit, saying it had not yet finished its review.

Denver is following New York in its refusal to issue summons to protestors who break the law committing civil disobedience, rather than arrest them. The City Attorney recently enacted a policy of no “cite and release” for protestors, which allows them to be detained and indeed punishes them for exercising their free speech rights. The city already used it at an October Columbus Day protest, where police arrested 83 people and held them overnight although they posted cash bond. And to transmit the idea that these demonstrators were dangerous, police, like those in Miami, New York, and indeed at a November anti-war protest in Seattle, appeared armed in full riot gear. In Seattle, the police brought tanks.

Stonewalling by officialdom has already begun, despite regular meetings. In Denver, says Cincotta, “My frustration. . . stems from the lack of true dialog concerning security preparations for the DNC. Information-sharing has been a one-way street.” As we've seen in New York at the RNC, an incommunicative police force violates laws in their mistreatment of demonstrators,

secure that any redress will come long after the event. For citizen's free expression, the damage will be done.

None of these threats to free speech and the First Amendment could take root without the President of the United States setting the standard. The decision by George W. Bush to authorize warrantless spying on Americans stands as the supreme example of government disregard for the First and Fourth Amendments. ■

End Notes

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¹⁰ Schlesinger, p. 12.

¹¹ Jim Dwyer, “City Spied Broadly Before GOP Convention,” *New York Times*, March 25, 2007.

¹² Ernie Naspretto and Alison Gendar, “Dem Big to NYPD: Butt Out,” *NY Daily News*, May 13, 2007.

¹³ “Federal Court Orders NYPD To Release Intelligence Documents About RNC Surveillance Operation,” *New York Civil Liberties Union*, August 6, 2007. <http://nyclu.org/node/1275>

¹⁴ Chip Berlet and Abby Scher, “Political Profiling: Police Spy on Peaceful Activists,” *Amnesty International magazine*, Spring 2003. <http://www.amnestyusa.org/amnestynow/profiling.html>

¹⁵ “History Repeated: The Dangers of Domestic Spying by Federal Law Enforcement,” *American Civil Liberties Union*, May 29, 2007, p. 16.

¹⁶ David E. Kaplan, Monica M. Ekman, Angie C. Marek, “Spies Among Us: Despite a troubled history, police across the nation are keeping tabs on ordinary Americans,” *US News & World Report*, (May 8, 2006), v. 140, no. 17: 40.

Eyes RIGHT

THE TROUBLE WITH MITT

Mitt Romney vexes even former Republican National Committee official John Lofton who is co-host of the syndicated weekly radio show *The American View*. Romney and other non-Christian candidates fail to meet scriptural requirements for occupying God-ordained civil government offices.

“This is ridiculous on its face to say that Christians can vote for non-Christians. It’s Christ denial, it’s something that’s very serious.”

Source: *One News Now* at http://www.onenewsnow.com/2007/10/radio_host_says_christians_vot.php

SOVEREIGNTY IMPERILED

Howard Phillips, founder of The Conservative Caucus (TCC), a direct mail operation, has mounted a fundraising campaign to motivate donors who fear One World Government. “In case you haven’t heard, high level political figures in the United States, Canada, and Mexico have been working behind the scenes in recent years to put in place a North American Union (NAU)...that would erase our borders, dump our dollar, and overturn our Constitution.” Phillips, a former staffperson for Sen. Jesse Helms, asks readers of his well-honed direct mail materials to donate to TCC to prevent the creation of the “Amero,” a single currency that will be merged from the U.S. and Canadian dollars and the Mexican peso.

Source: *Direct mail solicitation, “Should the United States be Merged with Mexico and Canada in a North American Union (NAU)?”* received at PRA October 31, 2007.

GOOD NEWS: THE GOSPEL AND PROFIT ARE COMPATIBLE

Christian Capitalism and the Prosperity Gospel have a new twist: Business as Mission

(BAM). These marketplace missions are business ventures located mostly in developing countries where, according to Ken Crowell, owner of Galtronics, “there was little or no Christian witness, to give employment to believers and non-believers...and to support the building of a local church.” Businesses are formed not by fundraising through a church but by the capitalization of a businessman’s idea. Johnny Combs, consultant to BAMs explains, “Christ was a carpenter for probably fifteen years and then an evangelist for about three. So we businessmen had him for about five times longer.”

Source: *“The Mission of Business,”* by Joe Maxwell, *Christianity Today*, November 2007, 24-28.

PROSETURNS PURPLE FROM CARBON

The John Birch Society is not only upset about Al Gore receiving the Nobel Peace Prize for 2007; it says that regulating carbon emissions could result in economic meltdown. “Invariably, it is government intervention in and regulation of the economy that leads, first to shortages, then to wars, famines, and genocides.” If environmentalists’ proposals are enacted, they “will deindustrialize the developed nations and threaten the peace, stability, and prosperity of the world.”

Source: *“The Economics of Climate Change,”* by Dennis Behreandt, *The New American*, November 12, 2007, 20-24.

BLAME THE NEWCOMERS

Conservatives don’t usually quote Robert Samuelson, Newsweek’s business analyst. But conservative publications loved this assessment of the causes of poverty that appeared in Samuelson’s *Washington Post* column: “The stubborn persistence of poverty, at least as measured by the government, is increasingly a problem associated with immigration. As more poor Hispanics enter the country, poverty goes up. This is not complicated, but it is widely ignored.” Samuelson’s other point, that declining poverty rates in the 1990s among blacks and whites (while increasing among Latinos) suggests that the government’s poverty fighting programs work, did not win their interest.

Source: *“Imported Poverty,”* by Robert Samuelson, *Washington Post*, September 5, 2007, p. A21.

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