

HATE CRIMES were back in the news this summer. Of course, every crime is a hate crime when considered as a sin against charity and against the divinely ordained institution of human government. To this extent all crimes are equal, yet the United States government, while upholding as always the principle of equality, is attempting once again to get around it in devious and dishonest ways, for its own unspecified ends. Following the much-publicized murder in Jasper, Texas, of a black man, James Byrd, Jr., whom three white men are accused of having dragged to death behind a pickup truck, the Senate Judiciary Committee decided to amplify the body of existing hate crimes legislation. Current federal law applies to crimes "motivated" by the offender's dislike of his victim's race, color, religion, or national origin. The new measure's sponsors, Senators Edward Kennedy, Arlen Specter, and Ron Wyden, would amend it to add "gender," sexual orientation, and disability to the attributes specifically designated by the U.S. government as worthy of special—meaning "federal"—protection from "haters" (apparently legion in this country). Although the Jasper incident was presumably related to racial hatred, not machismo, ableism, or normalism, the committee brought the late Mr. Byrd's daughter, Francis Renee Mullins, all the way from Lufkin, Texas, to lobby for the measure. "I think there should be federal jurisdiction over crimes so hateful," Ms. Mullins testified. "[T]he laws of the land should punish [the perpetrators]."

Meaning Texas law *isn't* "the law of the land"? And punishment is somehow incomplete and unsatisfactory if meted out by a court deriving its authority from a lesser governmental entity than the federal one? Tearful testimony from a bereaved legal simpleton aside, the proposed bill poses all sorts of legal problems, including double jeopardy, the duplication of state laws by the imposition of a federal one, an increase in the already overwhelming burden carried by the federal judiciary—as well as, of course, considerations related to federalist principle and the Constitution of the United States. (Thirty-nine states and

the District of Columbia already have laws against hate crimes on the books, and 22 of them include sexual orientation as a protected category.)

There are other reasons, however, to question what is actually going on here. President Clinton endorsed last year's hate crimes legislation, and a lurid rainbow of women's, gay rights, black, Latino, and Asian-Pacific American groups demanded it. Organized females, queers, and people of color work hard to make sure that the American majority spends its time—all of it—thinking about them and their concerns, and the President, who is working to build what he calls "a vocabulary that embraces America's future," is eager that it should. Last year, when three white ethnics beat up a black boy who had strayed into their neighborhood, Clinton flew to Chicago to offer moral support; more recently, he visited Atlanta to dramatize another white-on-black incident in that city. He had nothing to say, however, regarding a spectacular instance of black-on-white crime in which a gang of black youth attacked three young white teenagers who had jumped a freight train going the wrong way and ended up in the slums of Flint, Michigan, shooting all three in the head and gang-raping the girl; or another, where two blacks in Saginaw abducted a white girl, bound her with duct tape, placed her on the backseat of her own car, and drove around town all night offering her to their friends before raping, sodomizing, and killing her, and leaving the body on the railroad tracks. When it comes to hate crimes, some hate crimes are definitely more hateful than others.

But finally, it is simply none of the government's business what Americans are thinking when they do *anything*—or nothing, for that matter. Hate crimes legislation establishes hating as a separate crime from doing, when it is linked to the act of doing. The logical next step—and people who propose laws of this sort are nothing if not "logical"—is to uncouple hating *completely* from doing, which would amount to the legal recognition of thought crime. That is the destination we are headed for with anti-hate laws. If we ever reach it, it will be owing more to the law of unspoken

consequences than of unintended ones.

—Chilton Williamson, Jr.

THE LINE ITEM VETO ACT has been struck down by the Supreme Court. As I predicted in the February issue of *Chronicles* ("Reining in the Feds"), the Court (in *Clinton v. City of New York*) declared that the act violated the Constitution's Presentment Clause, which commands that a bill passing both the House and the Senate "shall, before it becomes a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections." In the six-to-three decision written by Justice John Paul Stevens, the Court reasoned that the line item veto allows the President to create "a different law—one whose text was not voted on by either House of Congress or presented to the President for signature." Though acknowledging that the President does have a limited role in the legislative process, the Court properly concluded that the Constitution does not permit him to enact, amend, or repeal statutes.

In arguing for the Line Item Veto Act, the government asserted that the cancellations were exercises of discretionary authority granted to the President, and that the vetoes were merely executive decisions declining to spend appropriated funds, an act called "impoundment." The government based the first argument on *Field v. Clark*, which dealt with the Tariff Act of 1890. Section three of the Tariff Act directed the President to suspend tariff exemptions for certain products if he found that the country of origin placed "unequal and unreasonable" duties on American agricultural goods. But the Supreme Court rejected this argument on three grounds. First, the President's suspension of tariff exemptions was contingent upon a condition that did not exist when the Tariff Act was passed. The line item veto, on the other hand, must be exercised within five days after the bill is signed into law, and thus the same circumstances exist as when Congress passed the statute. Second, under the Tariff Act, the President had a duty to suspend the exemptions

when he discovered “unequal and unreasonable” duties on American products. In contrast, the President has total discretion—rather than a duty—under the Line Item Veto Act. Finally, when the President suspended tariff exemptions, “he was executing the policy that Congress had embodied in the statute.” With the line item veto, the President rejects the policy judgment of Congress.

As for the government’s impoundment argument, the Court emphasized the “critical difference” that the Line Item Veto Act “gives the President the unilateral power to change the text of duly enacted statutes.” With impoundment, the expenditure is not repealed.

President Clinton, taking time out from Democratic fundraising in Beijing, described the High Court’s decision as “a defeat for all Americans,” claiming that the Line Item Veto Act “made it much easier to control spending.” Republican Senators John McCain and Dan Coats chimed in, arguing that *Clinton v. City of New York* “means a retreat to the practice of loading up otherwise necessary legislation with pork-barrel spending.” In reality, the 82 items Clinton canceled in the past 18 months saved the nation an estimated \$335 million, which is chicken feed in light of our \$5.4 trillion national debt. Clearly, the line item veto merely made it easier for politicians to bamboozle the voters by allowing incumbents to claim to be agents of reform.

Never ones to learn from their mistakes, the Republicans have promised to introduce new legislation to circumvent the Supreme Court. The new bill will most likely be a separate enrollment proposal. Under separate enrollment, when an appropriations bill passes both houses, clerks divide the unified bill into thousands of separate bills for presentation to the President. But this is also of questionable constitutionality since Congress votes only once for a mammoth appropriations bill and does not separately consider each of the smaller bills presented to the President.

Of course, if Congress simply respected the Constitution, there would be no budget crisis and no need for a line item veto. Unfortunately, the Republicans’ desire to revive the statutory line item veto shows what little respect the ruling elite has for the nation’s fundamental law. As Justice Kennedy pointed out in his concurring opinion: “Failure of political will does not justify unconstitutional

remedies.”

—William J. Watkins, Jr.

THE GM STRIKE that occupied the headlines this summer may be a portent of things to come, as a new wave of corporate consolidations and trade agreements destabilize the last of America’s great industries. Both UAW leaders and outside observers compared the strike to the historic 1937 “Sit-Down Strike” that established a symbiotic relationship between the UAW and General Motors. In exchange for a living wage for its members, the UAW provided GM (and Ford and Chrysler) with a steady supply of trained workers. But this 61-year relationship—or “social contract,” as Michigan State Representative Greg Kaza (Republican-Rochester Hills) calls it—is under fire today, as the Big Three, under the pressure of NAFTA and GATT, attempt to restructure the automobile industry.

While union leaders did attempt to stop the passage of NAFTA in 1994, they—and, more importantly, the rank-and-file members—are only now beginning to recognize the changes that global free trade has in store for the automobile industry. While GM denies that it intends to cut back or abandon its American operations, its 1997 Annual Report offers a somewhat different story. Inside the front cover, the report’s theme is splashed across three pages: “Go common. Go lean & fast. Go global. Go for growth. GM is going everywhere.” Well, perhaps not everywhere. The Annual Report discusses new GM plants in China (Vice President Gore, true to his campaign donors, attended the groundbreaking ceremony for the plant, which will begin production by the end of this year), Argentina, Brazil, Poland, and Thailand. No new plants are planned for the United States. While Pablo Lopez Perez, a worker at GM’s truck assembly plant in Silao, Mexico, says, “I like to think there’s work enough for everyone,” is it any wonder that American workers don’t trust GM when it argues that new factories in lower-wage countries don’t pose a threat to their jobs?

Between 1995 and 1997, GM’s vehicle production in the United States declined by 129,000 units, while its combined production in Canada and Mexico rose by 161,000 units. That’s why this strike had a different feel from those of the past. The *Flint Journal* not-

ed that “what appears to be at the backbone of public support for the strikers is not necessarily a pro-union sentiment, but a legitimate fear of losing local jobs to foreign work forces and technological advances, all in the name of becoming more globally competitive.” And while the *Journal*’s letter to the editor column saw its share of management charges and union counter-charges, many of the letter-writers, like Ray Lord of Fenton, put the strike in a broader context: “This historic strike is about decent jobs, about where one can live and be a part of his or her grown children’s lives, and about watching their grandchildren mature and be able to work in the Flint area, if they choose. It is about loyal, courageous Americans who want a piece of the pie for themselves and their families.”

Conservatives and libertarians simultaneously dismiss unions as a relic of socialism and complain that union workers make too much. There’s no doubt that unions have hurt their own cause over the years by protecting deadbeat workers or making demands that the public (and not simply corporate management) finds unreasonable. But autoworkers today are solidly a part of the middle class, and union workers (especially UAW members) formed the core of the socially conservative “Reagan Democrats.” Because of union intervention, many autoworkers can support their families on a single income, keep their children out of daycare, and live in the same community that their parents and grandparents did. Those who argue that “efficiency” and the “global marketplace” are more important than these concerns show where their priorities lie.

—Scott P. Richert

THE BOX-OFFICE FAILURE of *Primary Colors* and *Bulworth*, directed by Mike Nichols and Warren Beatty respectively, has prompted Hollywood executives to view the future of the genre as “dicey,” or so says entertainment writer Bernard Weinraub in the June 18 *New York Times*. Mr. Weinraub seemed slightly shocked at this turn of events, since the aforementioned cinematic gems were “critically acclaimed” and had “generated an extraordinary number of magazine covers, television interviews and newspaper stories.”

Bernard Weinraub had lifted himself gingerly up on his rhetorical tiptoes to

avoid saying this: the combined best efforts of the left-leaning world of pop-culture criticism and the left-leaning political media establishment could not generate commercial success (i.e., public validation) for the left-leaning Mike Nichols and the left-leaning Warren Beatty.

Their powerlessness to control public opinion often makes left-leaners both seethe and engage in compulsive fits of rationalization. Hence Mr. Weinraub's summation as to why neither *Primary Colors* nor *Bulworth* "stirred enthusiasm" among moviegoers: "[Hollywood executives] blame the public's dislike of politics and politicians for the [films'] lackluster box-office performance."

Don't you just love it? Hollywood makes millions by appealing to the public's basest appetites, then acts *insulted* when its pretensions to "art" are ignored. In a way, though, it makes sense. The collective sensibility that turns out cynical crud like *Godzilla* and *Natural Born Killers* would automatically expect an audience to be not only grateful for but enlightened by a non-entity like *Bulworth*, a movie that achieves a certain level of "taste" merely by being nothing worse than a leaden conceit. After all, it's not *pomographic* or anything.

There are two points to be made about Hollywood's reaction. First, never blame the customer for disliking your product. Doing so creates a consumer who is not only dissatisfied but alienated. This is simply rudimentary marketing, of course, and you would think the financial wizards of the entertainment business would understand it, even if they don't accept it. Does General Mills get ticked off when consumers reject its latest cereal?

The second point is more complicated and, in this instance, more relevant. According to Mr. Weinraub, Hollywood producers have concluded that "the air waves are so glutted with politicians and scandal that making a movie about a President or Senator in trouble seems redundant. Worse, it seems unentertaining." I think that these executives are seeing it backward. Political movies aren't redundant because we are glutted with politics; they are redundant because politics is glutted with entertainment. Movie politicians like John Travolta aren't uninteresting because real politicians are boring; they are uninteresting because real politicians are now bigger celebrities than John Travolta. To recog-

nize and understand this unique turn of events, the Hollywood establishment need merely cast its gaze upon its most adoring groupie: President Clinton.

Bill Clinton's greatest and most insidious effect on American culture has been to transform the presidency—and much of American politics—into a vehicle of celebrity, "celebrity" being defined in the 90's as being famous for being famous. The first presidential product of modern popular culture, Bill Clinton—baby boomer, Elvis impersonator—didn't just become President in 1992. He also became, in his own mind, a star. And in the same fashion as, say, Madonna, he behaves like a star: consumed by his own awareness that he is being observed. Thus he performs, behaves, and strikes poses—does everything, that is, but *be*. If Clinton's conduct in office reveals anything, it is his assumption that attitude is action. And of course, attitude-as-action—*posing*—is the foundation of popular culture, the base on which contemporary celebrity rests.

So the real question for Hollywood is this: Why pay to watch Warren Beatty, a preening actor, impersonate a politician, when we are forced every day to watch Bill Clinton, a politician, preen like a movie actor? The habits and values of celebrity culture now permeate the presidency; indeed, they now define the presidency. Who needs the fantasy of movie politics when real politics has traded the precepts of leadership for the precepts of fame? Mike Nichols and Warren Beatty, and the industry that financed their self-infatuated little movies, can simply count themselves as victims of their own success.

Bill Clinton has changed, at least for the time he is in office, the standards by which we judge a President. The biggest risk for most politicians is losing the public's trust. We abandon elected officials when they misjudge their obligations or fail at their responsibilities. For Bill Clinton, it's different. His risk is losing the public's attention; he never really had its trust. As our first celebrity President, he faces a situation more similar to Michael Jackson's than to any politician's: When will he become too tedious, too weird, too predictable, too *boring* to care about? When that moment arrives (if that moment arrives), Bill Clinton will then embody a second milestone in American life: our first celebrity President will have evolved into our first has-been President. Has-been.

It's a term that probably originated in Hollywood.

—Janet Scott Barlow

RICHARD HOLBROOKE is President Clinton's nominee to replace Bill Richardson as U.S. Ambassador to the United Nations. This nomination stems from Holbrooke's role in imposing the Dayton Accords on Bosnia and Clinton's desire to exploit such interventions to convert the United States into the world's policeman. Recently, Holbrooke applied his heavy-handed tactics to Kosovo. Holbrooke declared he met with both Serbs and Albanians in Kosovo, failed to negotiate a cease-fire, and implied that an American military response was required to impose a "settlement." Armed intervention was averted, in part, as a result of an open letter by Serbian Orthodox Bishop Artemije which revealed that Holbrooke never met with Serbs. By linking the Dayton Accords with the International War Crimes Tribunal on Bosnia, and then linking Kosovo with Bosnia, Holbrooke presented himself as a defender of human rights interested in prosecuting the crimes of mass murder and ethnic cleansing. His true character, however, was revealed two decades ago, in the "killing fields" of East Timor.

On December 7, 1975, Indonesia, after receiving approval from President Ford and Secretary of State Kissinger, invaded the Portuguese colony of East Timor. Lacking the military equipment necessary to overcome the island's mountainous terrain, Indonesia confined its occupation to the coast while most East Timorese escaped to the mountains. The Carter administration, despite its rhetoric of human rights, provided Indonesia with the napalm, "Huey" helicopter gun ships, "Skyhawk II" and "Bronco" attack planes, Lockheed transport aircraft, and Commando armored cars which enabled Jakarta to occupy the entire territory, establish concentration camps, and engage in ethnic cleansing and the systematic torture and massacre of East Timorese. More than one-third of the East Timorese population (over 200,000) died. The official in the Carter administration who lobbied on behalf of Indonesia for those weapons, who justified their use against the East Timorese, and who minimized the atrocities committed by Indonesia was the Assistant Secretary for Asian and

Pacific Affairs—Richard Holbrooke.

Holbrooke's policy became entrenched. Congress did not terminate International Military Education and Training (IMET) aid to Jakarta until after the November 1991 massacre of over 270 East Timorese by Indonesian troops. However, in March 1997, in testimony to the House Foreign Operations Appropriations Subcommittee, the Clinton administration admitted providing Indonesia with military training (including "Advanced Sniper Techniques," "Military Operations in Urban Terrain," and "Air Assault") throughout 1996—the very time Clinton was accepting campaign donations from Indonesia's Lippo Group—in violation of the clear intent of the congressional ban.

While Holbrooke's actions regarding East Timor should be grounds for the Senate to reject his nomination as Ambassador to the U.N., the question of accountability remains. While Holbrooke championed an International War Crimes Tribunal for Bosnia, he fears one for East Timor. As a human rights activist has noted, if such a court is established, one of the first people it will indict will be Richard Holbrooke.

—Joseph E. Fallon

America at home requires us to be more involved with our neighbors around the world than ever before."

• **Bean There, Done That:** President Clinton's trip to China this summer generated plenty of controversy about . . . **Beanie Babies?** Shortly after Clinton returned to the United States, the *Washington Post* reported that U.S. Trade Representative Charlene Barshefsky, who is charged with protecting America's trading interests, returned from China with as many as 40 Beanie Babies. The stuffed animals are manufactured in China for Ty, Inc., an Illinois-based company. According to CNN, "the U.S. Customs Service has placed a limit of one Beanie Baby per family for people re-entering the United States." Barshefsky's contraband has a total retail value of approximately \$240; on the street, however, she could get thousands for her stash. Barshefsky's Beanie Baby fixation came under fire from Jim Nicholson, the chairman of the Republican National Committee, who declared, "Instead of trying to reduce our \$50 billion trade deficit with China, our trade representative was scouring the street markets of Beijing grabbing up every illegal, black market Beanie Baby she could get her

hands on." Barshefsky has turned the stuffed animals over to the Customs Service.

OBITER DICTA: *Chronicles* is illustrated this month by St. Petersburg native **Anatol Woolf**, who, in addition to freelance work, has designed sets for theaters in Russia and provided illustrations for St. Petersburg Textbook Publishers. Since coming to America in 1987, Mr. Woolf has been a frequent contributing artist to *Chronicles*, as well as to the *Washington Post*, the *Washington Times*, *Policy Review*, *National Geographic Traveler*, *Legal Times*, and *Cricket*. Mr. Woolf works with a variety of materials, from watercolors to pencil to acrylic. Further samples of his work are available on his Web page: www.net-com.com/~a.woolf/.

Lawrence Dugan, a librarian who lives in Philadelphia, has contributed two poems this month. Mr. Dugan's poetry has appeared in numerous national and international publications, including the *New Republic*, *Southern Review*, the *Spectator*, *Encounter*, *Commonweal*, *Tar River Poetry*, *Irish Edition*, and *Poetry Australia*.

EPICYCLES:

• **Preserve, Protect, and Defend:** Not content with massive federal land grabs in the name of ecological restoration, President Clinton has set his sights on **America's historical treasures**. In July, Clinton deputized his wife and sent her off on a four-day trip to identify significant national treasures, saying, "Every community in this country has got some piece of itself that needs to endure." (Of course, one might argue that it would be nice if entire communities could endure, but that would undoubtedly interfere with the federal government's plans.) In conjunction with his wife's trip, President Clinton urged Congress to pass the "Save the American Treasures Program." Historical preservationists undoubtedly were confused, however, when Clinton tied their efforts to foreign intervention: "We have all kinds of responsibilities now to the rest of the world we didn't have before, because now the world is yearning for freedom, and there is no Cold War. We must summon ourselves to understand that in the 21st century, preserving everything good about



Wayne Fuller, *The Old Country School: The Story of Rural Education in the Middle West* (University of Chicago Press).

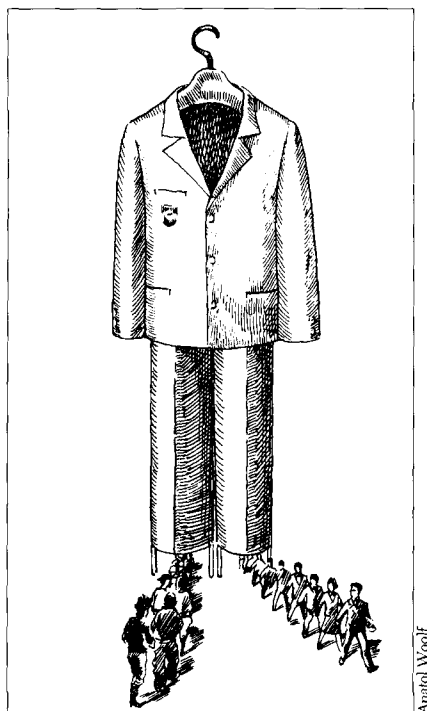
This classic study of the one-room schoolhouse shows that, from the very beginning, school consolidation has led to the dumbing-down of education.

Laura Ingalls Wilder, *Little House on the Prairie* (Harper Trophy). The chapters on Laura's experiences as a schoolmarm present a vivid picture of the pioneer schoolhouse in action.

Edward Eggleston, *Hoosier School-Master* (Indiana University Press). The life of a schoolteacher has never been easy, as this novel of education in rural Indiana shows.

Charles Glenn, *Educational Freedom in Eastern Europe* (Cato). With the collapse of communism, state control of education in Eastern Europe was broken. Glenn examines educational developments—some public, most private—that point toward a new relationship between school and state.

***Hoosiers*.** Forget what you've heard—it's not about basketball, but about the central role that a public school should play in the life of a community.



It Takes a Village

by Thomas Fleming

One of the most popular fads in public education is the reintroduction of school uniforms. In some American burghs, the proposal is greeted with general approval. In many, however, school boards, administrators, parents, and pupils are put through the usual paces of reform, going from unfounded optimism through a stage of unreasoning resistance, and finally to irreconcilable partisanship.

There is a problem, real or perceived, of declining attendance and worsening conduct in the schools. The problem is sometimes, by no means always, associated with an influx of this or that minority, because of immigration or desegregation or urban decline. Someone—an administrator or board member—comes back from a taxpayer-supported conference at Disney World with the bright idea—school uniforms, with or without a boot camp program for young black males in need of role models—and puts it before a board meeting. Community leaders of all ethnicities rise up to endorse the concept, citing all the successes in Milwaukee or some other place no one has been to, but before long the local chain newspaper outlet begins reporting on boys who do not want to cut their dreadlocks or pony tails and girls who regard dressing like a slut as an expression of their inner self. (They are probably right.) Weak-faced parents come forward, whining on talk radio that children today are different from earlier generations of students—they cannot be ordered around. After all, they have rights. Or perhaps it is not school uniforms but an 11:00 P.M. curfew or an anti-drug program that authorizes routine locker searches or a mandatory program of community service that sends suburban teenagers, like so many Lady Bountifuls, into the benighted

inner cities where they expect to find servile colored aunts who will hug them and call them “honey chile” for instructing them in the mores of the middle class.

At some point, someone will inevitably hire a lawyer, and before long the outside interests will send in their hired guns to stand up for the rights of people they have never met before, looking for the court case that will put them on the front page of the *New York Times*. You have seen it in your hometown, and if you have not, then you are wise enough not to read the generic chain newspaper that has bodysnatched the *Des Moines Register* or the *Nashville Tennessean*.

After spending nearly 50 years as student and parent, teacher, headmaster, consultant, and pundit, I have reached the not very momentous conclusion about education in America that schools, particularly public schools, are not places where learning takes place so much as arenas where children, their parents, and the agents of the state engage in a three-way battle of opposing rights. Here in Rockford, where we have had the usual posturing over school uniforms, the combat of rights is played out under the nose of the emperor, the federal magistrate who oversees the desegregation order he imposed on an unsegregated city. In the nearly ten years this battle has been going on, I have listened to charges of racism batted back and forth across the Rock River that divides the east side from the west, I have endured endless talk of equity in funding, I have heard about how the poor kids in west-side schools had to use old textbooks and sit at desks their parents used (as if old textbooks were not, in most cases, superior to their replacements and old desks a more palpable connection with tradition than any living muse-