By Paul Rauber

SAN FRANCISCO

industry scorned. Last November California voters repudiated a \$70 million campaign by the insurance industry and passed Proposition 103, a comprehensive auto insurance reform initiative backed by consumer advocate Ralph Nader and an organization called Voter Revolt. The swift and immediate retaliation of the industry gave Californians a small taste of the economic havoc that major corporations traditionally inflict on any new revolution—if rarely in their own backyard.

Within minutes of the opening of the San Francisco county clerk's office on November 9, four lawsuits challenging the constitutionality of Prop. 103 were filed, with seven more following later that same day. Fifty insurance companies announced that they were either pulling out of the state or refusing to write any new policies. By November 11 threequarters of the state's insurance companies had joined the boycott, which ended only when the California Supreme Court temporarily halted implementation of the measure, and Democratic legislators threatened massive fines against the offending companies. "If they're retaliating against the voters," warned state Senate President Pro Tem David Roberti, "we will retaliate against them."

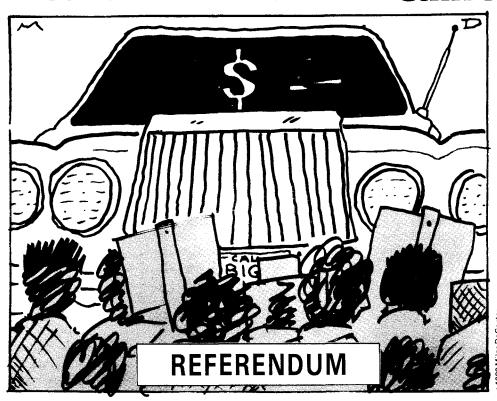
Pain and suffering: The cause of the industry's fury, Prop. 103 was itself the result of widespread voter anger at skyrocketing auto insurance rates, particularly in urban areas. The bad blood began with the "insurance crisis" of 1984, when huge rate increases forced the closure of day care centers and swimming pools across the state. (For a supposedly ailing industry, California's insurance companies quickly recovered, tallying record profits of \$12.7 billion in 1986.)

In spring of 1986 voters passed the industry-sponsored Proposition 51, which limited plaintiffs' ability to collect "pain and suffering" damages. Prop. 51 was supposed to lower rates, but consumers saw little relief. The backlash began last March, when California joined seven other states in an anti-trust suit against the insurance companies, alleging in part that they had conspired to manufacture the crisis of 1984.

With the third highest auto premiums in the country, California consumers were ripe for revolt. The state Legislature, which might normally be expected to deal with such issues as insurance reform, found itself sandwiched between big donors from both the insurance industry and the trial lawyers, and was unable to deal with the issue. The result was that five insurance-related measures appeared on the November 8 ballot (see In These Times, Nov. 2, 1988). These included, in addition to Prop. 103, a moderate reform measure backed by the trial lawyers and various consumer groups, an industrybacked no-fault plan and various measures to limit lawyers' contingency fees.

Prop. 103 alone, however, offered a fundamental restructuring of the state insurance industry, along with the enticement of an immediate 20 percent rollback of auto insurance rates. Under 103, future rate increases would have to be approved by an *elected* insurance commissioner. The current commissioner, Roxani Gillespie, was appointed by Republican Gov. George Deukmejian and is a former insurance executive. During the campaign, Nader made it clear that her performance on the job was one of the reasons

Insurers collide with California voters



for making the position elective. "She runs the department like it is a subsidiary of the insurance industry," he charged.

Other provisions of 103 called for the establishment of a statewide consumer organization to watchdog the industry, restrictions of the "zip-code underwriting" that allowed companies to base rates on where consumers lived rather than on their driving records; and the removal of the industry's exemption from the state's anti-trust laws. No wonder it gave the industry conniptions.

Beating the big guys: The five competing initiatives were enormously complex; the no-fault plan, for example, filled 122 pages. But pre-election polls showed that the voters were sensibly resolving the complexity by ignoring the enormous sums of money—more than enough for a nationwide presidential race—being spent on slick advertising, and basing their judgments simply on who was sponsoring what.

In the ensuing popularity contest between the insurance industry and the trial lawyers, neither side won. Instead, after having been outspent by more than 30-to-1, Prop. 103 squeaked by with 51 percent of the vote, racking up an enormous 600,000 vote margin in Los Angeles, the area hardest hit by large premium increases under the zip code underwriting system.

But winning the election was only a start for Prop. 103 supporters. The next challenge was dealing with what San Francisco Consumers Union spokeswoman Judith Bell calls the "absolutely hysterical" industry response to 103's passage. "I think in all the scenarios they had thought of," she says, "they never anticipated that just 103 would pass."

Immediately after the election, with the insurance industry ready to boycott California, the resultant panic created by the unavailability of insurance (in a state where basic coverage is mandatory) made real the industry predictions of "chaos" should 103 pass. It also stood as a warning to other states that might be tempted to try similar reforms.

Things calmed down somewhat after the California Supreme Court accepted the industry's challenge to 103. Following the ouster of Chief Justice Rose Bird and two other liberal justices in 1986, the court returned to reliably pro-business conservative hands.

Believing their suit was in safe hands, most insurance companies resumed selling policies and postponed their moving plans pending the court's verdict.

Contrary to the urging of Gov. Deukmejian and the insurance industry, however, the court did allow the bulk of the measure to go into effect, staying only its two most controversial provisions: the 20 percent rate rollback and the creation of the statewide consumer organization. The measure is being aggressively defended by state Attorney General John Van de Kamp, a Democrat with an eye on the 1990 gubernatorial race.

Populist push? Insurance reform, in fact, may turn into a powerful Democratic issue in California. Only Democratic names, including that of Assemblyman Tom Hayden, are being mentioned as likely candidates for the new statewide office of insurance commissioner. "The tendency of the voters will be to elect an anti-industry populist," admits industry campaign manager Clint Reilly in a leaked post-election assessment. "The insurance industry must begin now interviewing responsible candidates and developing a common agenda with respect to this critical public office."

The development of a "common agenda" for the industry, however, is being complicated by the anti-trust provisions of Prop. 103 which have now gone into effect. Industry representatives have turned uncustomarily circumspect in their pronouncements and predictions, lest they be charged with collusion. Two companies, however, seem to be taking on the burden of challenging different parts of the law.

State Farm, the largest insurance company in the state, has stopped issuing new policies and is referring new customers to higher-priced subsidiaries. Insurance Commissioner Gillespie ordered the company to resume selling policies at its standard rate; State Farm is asking for a hearing.

Travelers Corp., on the other hand, is refusing to *renew* current policies as they come due, despite explicit language in 103 forbidding non-renewal except in cases such as nonpayment of premium or fraud. Its spurned policyholders are left to flounder in a hostile marketplace, where many companies are taking advantage of the chaos to increase rates drastically.

"They aren't doing anything that violates

the law," protests industry spokesman Dave Fountain. "I don't know of any law that can keep a company in business where it does not choose to stay in business."

But Travelers does not propose to pull out of the state entirely—only to stop selling auto insurance. Sensing defeat, the company had filed for withdrawal from the auto insurance business the day before the election, saying that it could no longer afford to sell auto insurance in the state.

Insurance Commissioner Gillespie has backed away from an earlier pledge to issue a "cease and desist" order to Travelers, holding instead a drawn-out hearing process. "But if we were to allow one major insurance company to refuse to renew their policies," warned state Sen. Alan Robbins at a January 4 hearing on the Travelers case in San Francisco, "we would be encouraging other insurance companies to do the same. Within a very short period it would snowball, and there would be a panic in the automotive insurance market." A ruling in the Travelers case is expected later this month.

Tarnished image: Presently most legislative action is stalled awaiting the state Supreme Court's decision on the constitutionality of 103. The insurance industry, meanwhile, is trying to figure out how to improve its image, which everyone admits is at an all-time low. "As companies threaten to leave California or make good on previous threats," says industry consultant Reilly in his confidential memo, "as legislators hold public hearings and flog industry executives, as the industry is publicly accused of subverting the will of the people, a picture of a callous, disorganized industry is being indeliby etched in the consciousness of California consumers.... In terms of public opinion, the insurance industry is worse off today than on November 8."

Reilly's prescription is for a renewed PR push—which would presumably entail continued lucrative employment for himself—and what sounds like a continued attempt at destabilization to turn voters against the insurance revolution: "The ramifications of Prop. 103 may ultimately force these voters to re-examine Prop. 103, but only if events create an unstable environment where the auto insurance system is in continuing turmoil."

Voter Revolt, on the other hand, is busy defending the gains of 103 and answering questions from consumer activists in other states that hope to implement similar reforms. "We've gotten calls from about 37 states," says spokeswoman Carmen Gonzalez from Voter Revolt's Santa Monica head-quarters. Most other states do not share California's statewide initiative system, she says, but the Prop. 103 message is still exportable. "What it has done is create an awareness in politicians that their constituents are good and angry about this issue," she says.

"It shifts the momentum away from weakening victims' rights in personal injury cases to insurance reform," says Nader. "The important thing is to turn this giant industry into a sentinel for health and safety in this country. That's the way to keep their claims down, not by thriving off the tragedies and then blocking the victims from collecting under the policy."

Paul Rauber is a staff writer for the *East Bay Express*.

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Chemical

Continued from page 3

Mikhail Gorbachov decided to apply "openness" to chemical weapons disarmament and accept strict verification, including "challenge" on-site inspections. The West Germans, who are particularly anxious to negotiate a ban that would get U.S. chemical weapons off their territory for good, rejoiced that an agreement was in sight. Last June West German Foreign Minister Hans-Dietrich Genscher predicted that a chemical weapons convention could be concluded in Geneva by the end of 1988.

But last August 30 U.S. disarmament negotiator Max Kampelman told a confidential meeting of Western ambassadors in Geneva that a chemical weapons ban was not feasible because it was unverifiable. Some experts attribute this about-face to pressure from the powerful U.S. chemical industry to keep international inspectors from snooping into its business. "Openness" may be fine for the Soviet Union, but it has never characterized major private corporations.

Turning the *tableaux***:** Meanwhile, playing copy cat, France had also written a new chemical weapons program into its 1986 military planning law. French negotiators in Geneva took a position regarded by everybody else as particularly obstructionist.

The U.S. and France thus found themselves on the defensive, under suspicion of deliberately blocking a possible worldwide chemical weapons ban. By a funny coincidence, those are the very two countries that initiated the Paris conference. By sponsoring several days of speechmaking in Paris, the French and the Americans paraded in front of the media as the leading adversaries of chemical weaponry.

France's cherished arms customer, Iraq, has blatantly used chemical weapons against Iran in the Gulf War, as established by independent U.N. investigators. The failure of the U.N.—meaning the great powers that control

it—to sanction Iraq in any way amounted to an advertisement for chemical response. This moral damage might have been repaired at the conference. But it wasn't French and U.S. diplomats alluded politely to "chemical weapons use in the Gulf War" without naming the culprit. The French hosts graciously insisted that the conference should not be used to "put anybody on trial."

Instead, with much fanfare, the U.S. spent the previous weeks denouncing Libya.

The U.S. attacks on Libya were characterized by their flagrant unfairness. Unfairness toward Libya is invisible in the U.S. But it was bound to be noticed elsewhere.

The Reagan administration charged that a pharmaceuticals plant under construction at Rabta near Tripoli was really a huge chemical arms factory. First of all, even if the U.S. charges are true, Libya has every right to manufacture chemical weapons until a convention has been reached and accepted. There is nothing illegal about it. As the world's leading chemical weapons producer, the U.S. knows this. But the U.S. follows a double standard.

Moreover, while the poisonous substances in chemical weapons can easily be derived from a pharmaceuticals or other chemical installation, to become weapons they require sophisticated delivery systems. Libya is far behind the U.S. or Israel in this crucial technology.

Proof impositive: Finally, the U.S. framed its charges in such a way as to provide Libya with no way to defend itself. Inspection was rejected as "not proving anything." This was the Alice in Wonderland system of justice: "I'll be judge, I'll be jury, said charming old Fury...and condemn you to death."

To top it off, the U.S. shot down two Libyan air force planes off Libya's own coast, under patently unjustifiable circumstances.

The Libyans themselves seemed confused as to how to respond. Some apparently favored allowing inspection, while others maintained that if Libya allowed inspection

of its factories, so should the U.S. A practical way to proceed was suggested by Italian Foreign Minister Giulio Andreotti: take up Libya on its offer of outside inspection. But the U.S. administration proved more eager to show that inspection was useless than to extend its use. Why? Experts point out that a chemical weapons capacity almost automatically goes with certain industrial capacity. Thus the following are two potential ways to check chemical weapons production.

- One is a comprehensive worldwide system of inspection of industrial sites. This is the method that experts have been working on in Geneva. The Italian and West German foreign ministers stressed in Paris that success was within reach, and urged all scientists to reject work on weapons and help with the work of verifying a ban.
- The other is to prevent spread of chemical industry know-how. This method freezes the existing hierarchy between industrialized and underdeveloped countries, allowing the former to continue "vertical" proliferation of weapons, while stopping "horizontal" proliferation to Third World countries. This is what the US was promoting in Paris.

The fact that it was Libya, rather than Iraq, that was singled out for U.S. threats convinced Arab and Third World countries that the U.S. was acting in bad faith. Focusing on unproved allegations against its favorite whipping boy, the Reagan administration ensured that the Arab countries would protest against the double standard being applied. And these protests—even though fairly mild—could and would be portrayed as obstructionist.

For months in advance, Western commen-

tators had been calling chemical weapons—"the poor man's nuclear weapons," implying that they could be used by non-nuclear countries to deter nuclear attacks. This is highly debatable, but Israel's Arab neighbors were bound to take it seriously.

Inevitably, the main Arab delegates pointed out that they had signed the nuclear weapons Non-Proliferation Treaty (NPT), whereas Israel had not. Now Israel's powerful ally was telling them they could not have chemical weapons either, whereas Israel was accumulating every kind of modern weapon, with U.S. help.

"Chemical weapons are weapons of mass destruction just like nuclear weapons. and therefore we believe chemical disarmament should be linked to nuclear disarmament." the Kuwaiti spokesman said. If the U.S., Israel and France all believe that chemical arsenals are necessary to deter attack, why should Arab countries not think the same? Disarmament, the Kuwaiti spokesman said, should be "equitable" and "balanced" so that "no country or group of countries are granted special privileges."

Spreading the word: Primed by U.S. official sources, much of the U.S. media was all ready to report "the story" from Paris: chemical disarmament was being held up by "the Arabs" with their unreasonable linkage of chemical to nuclear weapons. This was exactly what the U.S. war dance around Libya had ensured. But the Arabs' ability to sabotage an agreement sincerely desired by all the major powers is as illusory as the capacity of chemical weapons to protect any Third World country against any industrialized adversary.

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BACKGROUND

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"Not since Jacob Riis' book of social criticism

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The San Francisco Film Festival.

time he returned to Denmark 12 of his American friends had been murdered.

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Los Angeles Times

A show and a book of a Danish vagabond's journey through the underclass

"Powerful, intense"
New York Times

тне воок

The book, which is based on the show, is an international bestseller. The Village Voice revealed that the U.S. State Department grow worried about its impact overseas and commissioned photographers to present the "other side" of America. Written in a personal tone it is now a popular classroom supplement in American schools. 800 photos, the bulk in color.

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By Salim Muwakkil

HEBLACK MOVEMENT HAS STOPPED MOVING and it couldn't have happened at a worse time. In fact, the need for concerted African-American social action is probably greater in 1989 than a quarter century ago when the non-violent protest tactics of Martin Luther King Jr. enjoyed a wide consensus. But the African-American crusade for racial justice has now been marginalized by Reagan-era conservatism and hobbled by its own lack of focus.

The accelerating decay of conditions among the black underclass is one reason for the movement's inactivity; new data demands time to devise new approaches. But concerned observers increasingly are worried that the current full reflects a more serious failing. There's nothing new being done, because no one knows what to do," says Harold Cruse, author of *Plaral but Equal* and professor emeritus of History and Afro-American studies at the University of Michigan.

Deep pessimism: Cruse, whose 1987 book argued that black leadership's longheld emphasis on "non-economic liberalism" effectively doomed blacks to a position of economic patronage, contends the problems in black communities cannot be adequately addressed by anything but emergency federal action. "An accumulation of socioeconomic problems that have been developing for more than 25 years are closing in on blacks like a vise. It's a process that can't be reversed," he says.

Cruse further predicts that things must get worse before they get better. "I'm afraid the deteriorating social conditions among black Americans will help fuel a period of intense racial polarization," he says. In Cruse's vision of the future, the social pathologies associated with the growth of the black underclass will so aggravate interracial tensions that the tederal government will be forced to devote resources in some massive ameliorative effort.

Cruse's dire prediction is not the product of some disillusioned doomsayer. He is one of black America's most innovative analysts and has been raising uncomfortable issues since the publication of his controversial 1967 book, *The Crisis of the Negro Intellectual*. But his argument concludes in a bleak fatalism: nothing substantial can be done to improve conditions in the black community until a racial crisis forces the government's hand

Although Cruse still urges the black movement to adopt economic self-sufficiency as its guiding strategy, he says problems now overwhelm the capacity of any indigenous, self-help approach: "We're not living in normal times. This is an era of immense international change and restructuring, and black people are not being prepared for survival."

Cruse's deep sense of pessimism is not widely shared by other leading theorists of the movement. Martin Kilson, professor of government at Harvard University, also is concerned about the lack of effective strategies to address the problem of the expanding black underclass. However, he sees silver linings in Cruse's storm clouds.

"There is a plethora of black professional groups that have come into existence in recent years—groups of black engineers, MBAs, computer analysts and the like—and they offer a unique promise for new approaches to the problems of those less able to cope," explains Kilson. That promise has yet to be fulfilled. But recent developments—like the example set by Bill Cosby's gift of \$20 million to Spelman College, a

Black America: looking for a new consensus



"The deteriorating social conditions among black Americans will help fuel a period of intense racial polarization."

-Harold Cruse

school for black women—suggest Kilson's optimism may be justified.

Antiquated language: A self-professed leftist. Kilson says he nonetheless has become less committed to ideological solutions for the problems of black Americans. "Another promising development is the realization by this country's corporate interests that they must have an educated workforce if they are to remain competitive in international trade." Kilson notes. "Corporate investment in education may help us salvage those black students who are underachieving, dropping out and making life dangerous and miserable for others in their communities."

Kilson contends that black theorists are failing to devise innovative approaches because they're using antiquated concepts to interpret a society that has changed considerably in the '80s. "We're victims of a one-class language, while blacks are a two-class society," Kilson says. "There is the coping strata and the non-coping strata, and for too long we've focused all of analytical where-withal on the deficiencies of the non-coping strata, or the underclass."

Instead, he contends, "we should be discovering ways to utilize the strengths of the coping strata for the good of that one-third of the black population that is dipping deeper into poverty." Kilson believes that black professional associations will address problems from a different angle, and perhaps provide more creative alternatives to traditional methods of African-American empowerment

A grand strategy: While Kilson welcomes eclectic solutions to the problems of the black community, Maulana Karenga, director of the Institute of Pan-African Studies in Los Angeles and a visiting lecturer at the University of California-Riverside, is attempting to draft a grand, unified strategy. Karenga was the philosophical guru of the '60s cultural

nationalist movement and his theoretical work still is highly regarded among movement intellectuals.

In recent years Karenga's ideological range has widened a bit and his strategies for furthering the cause of racial justice have become much less dogmatic. Once a foe of electoral politics, for example, he was one

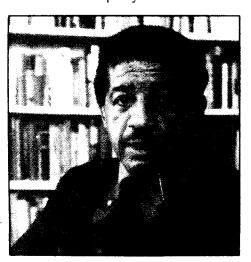
POLITICS

of candidate Jesse Jackson's strongest supporters in the 1984 and 1988 presidential campaigns. A former:critic of multiracial coalitions, Karenga now welcomes the advent of organizations like Jackson's National Rainbow Coalition (NRC). Still, he remains a black nationalist who believes that African-Americans will continue to suffer without economic and cultural autonomy.

"The crisis currently afflicting the black movement is a result of the black leadership class changing the focus of civil rights from social justice to social inclusion," Karenga says. "Meanwhile, the liberal alignment they had depended on to deliver the goods defected to neoconservatism and blacks were left stranded. They still haven't recovered."

Karenga would lessen the black movement's reliance on political alliances, yet stress the need for a strong political component in a multileveled approach. He credits the Jackson effort for forcing a renewed focus on the value of political organizing. "Jesse forced us to recognize the legitimacy of the electoral process. Not as a panacea, however, but as it involved and excited people, especially the middle class," Karenga says. "Jackson's campaigns had clear political goals and aspirations focusing on this country's imperative to share the social wealth and power in this country and end the white male monopoly of the Democratic Party."

A black party? Karenga also credits Jackson for the development of the kind of multiethnic alliances—in the form of the NRC—he thinks are essential to improve African-Americans' quality of life. He differs



Black professional groups may provide "new approaches to the problems of those less able to cope."

-Martin Kilson with Jackson, however, when Karenga argues for the creation of two independent political parties: a party of multiethnic progressives and an independent black political party.

"We need a party that can argue for progressive policies from a multinational perspective," Karenga argues. "But we also need a black party that speaks directly to and for black people and is rooted in the community. In any kind of coalition blacks should be equal, not just satellites. Clients and patrons don't make good coalition partners, and the only way blacks can do that is from an independent base."

Cruse also argues for a third-party strategy. While praising the Jackson political efforts as "good rhetoric," he faults the two-time presidential candidate for foresaking the effort to create a third-party movement. "Jackson's entry into the fray was positive for galvanizing hope, but then the hopeful should have been mobilized to form a third party. The only way the Rainbow Coalition could be of practical use is as the center-piece of another political party.

"The Democratic Party is a dead end," Cruse adds. "The liberal left-wing axis of the traditional two-party system is archaic and is ideologically unequipped to deal with the massive accumulation of social problems. And since the Republican Party remains in thrall to the right-wing fulcrum of electoral politics, it offers no hope to those who see little progress for blacks without a change in the status quo. The only plausible option left, he concludes, "is to organize an independent black party."

But according to Cornel West, the black movement already has wasted too much of its energy and resources on electoral politics. West, professor of religion and director of Afro-American studies at Princeton University and author of the critically-acclaimed collection of essays, Prophetic Fragments, argues that the movement most needs a change of focus. "Louis Farrakhan of the Nation of Islam and Rev. Al Sharpton and other charlatans are seemingly the only black people with extrapolitical thrusts. I'm not saying we should neglect our electoral responsibilities, but I think the emphasis on political matters has siphoned off too much of our very limited resources," says West. Reparations: Karenga also emphasizes

the responsibility of leadership to hold white Americans accountable for the ills of chattel slavery and that inhuman institution's reverberating effect. "Europeans are guilty for our debasement, but we're responsible for our liberation. That means we must marshal all of our internal resources to do for ourselves what must be done. But it also means that part of our responsibility is to make white Americans understand that we still hold them responsible."

That task is made much more difficult with the death of the political coalition that passed Great Society legislation and the following triumph of conservative dogma. Consequently, more theorists are beginning to shift the discussion of government assistance to a broader historical context. They are attempting to craft arguments that make clear blacks' legitimate claim for reparations.

These theorists argue that black Americans were culturally ravaged and economically dispossessed by nearly 250 years of official enslavement and the subsequent deprivations of the Jim Crow era. Reparations are needed to repair the damage done, they insist. This idea is nothing new, of course. During the Reconstruction period, the U.S.

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