

Reading Comprehension

1 What explains why gun control measures have failed to advance in Congress despite the massacre in Sandy Hook, according to the Editors?

2 Why does Melissa Harris-Perry believe that regardless of the Supreme Court ruling on same-sex marriage, “marriage equality has won”?

CHECK THE FACTS

Do additional research to find the answers to these questions:

■ Read some of Anthony Lewis’s columns for the *New York Times* (see <http://bit.ly/nyt-lewis>). Do you agree with Eric Alterman that these are what Lewis should be best remembered for? What stands out to you most about Lewis’s columns, compared to other op-ed writers?

YOUR TURN TO DECIDE

■ Do you agree that Americans still largely “treat sexual assault as a joke”? Does rape get taken as seriously as other major crimes? If not, why not? And by whom? What has been effective at changing your perception of sexual assault, or that of your friends? Did reading Jessica Valenti’s article make you take it more seriously? What, if anything, will you do differently now to address it, either as a political issue or in your own personal life?

■ Should limits on unreasonable search apply to DNA? Why or why not? Would allowing unlimited DNA collection encourage police departments to make arrests in order to build their DNA database? Why do you think African-Americans are so overrepresented in DNA databases? Could this be rectified? Do statistics like this point to the need to limit collection of DNA, or to reform police behavior?

VOCABULARY

DEFINE THE TERMS IN BOLD.

[PAGE 3]

“...the sheer monstrosity of a preventable tragedy breaks through our national **stupor** and galvanizes political action.”

[PAGE 3]

“The rhetorical high point of his State of the Union address was a **sonorous** call for a timely vote on such a bill...”

[PAGE 5]

“...the human **detritus** your war has left behind, those who will spend their lives in unending pain and grief.”

[PAGE 8]

“...DNA is a **trove** of personal, medical and ancestral information.”

[PAGE 8]

“...**pretextual** traffic stops—in which police seize on minor violations for the chance to investigate ‘suspicious’ drivers.”

[PAGE 8]

“...only nine of the twenty-eight states that collect DNA from arrestees **expunge** the samples automatically if the person is not convicted.”

[PAGE 9]

“...the *New York Times* headline somewhat **anachronistically** focused on how he ‘Transformed Coverage of the Supreme Court.’”

[PAGE 9]

“...refused to recognize what Chomsky believed were the evil intentions that lay

behind America’s **nefarious** activities.”

[PAGE 10]

“What if God decided to prove—dramatically, **irrefutably** and publicly—that God does exist by writing across the night sky.”

[PAGE 11]

“In the **annals** of national security, the Obama administration will long be remembered for its unprecedented crack-down on whistleblowers.”

[PAGE 11]

“...squandered billions of dollars on a vast data-mining scheme that never produced an **iota** of intelligence.”

[PAGE 12]

“Its report severely admonished the NSA for ‘wasting’ its resources on Trailblazer (the amounts are **redacted**).”

[PAGE 12]

“...this tsunami of taxpayer **largesse** reached into every nook and cranny of the intelligence-industrial complex...”

[PAGE 14]

“Hayden was appointed director in 1999, when the agency was struggling to figure a way out of this **conundrum**.”

[PAGE 15]

“This model of “taking it all” remains the NSA’s **modus operandi**...”

[PAGE 18]

“Talk of the most recent presidential election **elicited** audible groans.”

Reading Comprehension:

1 The National Rifle Association has lobbied Congress hard on the false notion that background checks for gun purchases would be intrusive and ineffective. In addition, the need for a supermajority vote in the Senate to get around a potential filibuster makes it hard to pass gun control legislation even if a majority of voters (or Senators) support it. Finally, Republican redrawing of House districts has created a set of far-right representatives who don't feel the need to listen to the desires of the bulk of the American people.

2 With 70 percent of young Americans now supporting same-sex marriage, it appears that it's only a matter of time before it becomes the law of the land. Beyond that, while marriage equality will allow same-sex partners to obtain the economic protections that mixed-sex married couples currently enjoy, it won't change the fact that society needs to be more supportive of all family structures, whether within or outside of marriage.

Vocabulary:

stupor: daze, state of dulled sensation • **sonorous:** impressive or loud in sound • **detritus:** debris, loose material left over after destruction • **trove:** collection of treasure • **pretextual:** providing a contrived purpose or motive • **expunge:** mark for deletion, eliminate • **anachronistically:** in a manner inappropriate for the historical time • **nefarious:** flagrantly wicked or evil • **irrefutably:** in a way impossible to prove wrong • **annals:** historical records • **iota:** tiny amount • **redacted:** removed from a document • **largesse:** generous gift • **conundrum:** intricate puzzle or problem • **modus operandi:** typical method of operation • **elicited:** drew forth

WORD OF THE WEEK

IOTA: *Iota* was (and is) the 9th letter of the Greek alphabet, which looks like an English “i” and is pronounced “ee” or “y.” Because it is the smallest letter, *iota* has been used since ancient Greek times to refer to anything dramatically small; in Latin this was translated as “jota,” giving rise to the English word *jot*.

FURTHER READING AND ACTIVITIES

OBAMA'S CRACKDOWN ON WHISTLEBLOWERS (PP. 11–18): Read Jane Mayer's *New Yorker* article from 2011 on NSA whistleblower Thomas Drake (<http://bit.ly/nyer-drake>). Does ThinThread seem like it could actually have prevented the 9/11 attacks, as J. Kirk Wiebe suggests? Does it seem likely that Drake, Wiebe and William Binney are being pursued by the Obama administration as much for their criticism of domestic surveillance as for their exposure of NSA's handling of the ThinThread program? Ask your class: What do they think the US government would do with advanced surveillance powers over Americans? Does this worry them? Why or why not? Discuss the history of the National Security Agency. Why has it gotten comparatively little public attention compared to the Central Intelligence Agency? Should it be the subject of more public attention, and discussion? Does the government's investigation of Drake, Wiebe, Binney and Edward Loomis qualify as harassment when only one was charged? Was pulling their security clearances, making it impossible for them to find work in US intelligence, justifiable? How should government weigh the need for secrecy for intelligence agencies against the need for public oversight of government operations? Is outsourcing government operations always a bad idea? Why or why not? What should the government learn from Trailblazer failure? Can whistleblowers help government officials learn that lesson?

THE RIGHT LEANS IN (PP. 18–26): Ask your students: Are they surprised or concerned by the existence of groups like the State Policy Network that are coordinating state-level conservative political organizing? Are there similar liberal groups that do the same for Democrats? If so, what are their similarities and differences? How are battles over policy likely to play out in coming years, if conservatives increasingly focus campaign spending and lobbying money on the state level instead of the federal level? Have your students read the Associated Press report on the Buckeye Institute's error-riddled database on public employee pay (<http://bit.ly/buckeye-ap>). Should groups like these be expected to disclose their political leanings when publishing ostensibly nonpartisan information? Or is it the job of the media to expose these connections? Have your class visit MediaTrackers.org. How does its message, and the way it presents it, differ from progressive media watch groups such as FAIR.org? How do they compare in accuracy, and in being up front about their funding and political perspectives? How can people interested in information determine the provenance of what they read on the Internet? Are there ways for concerned citizens to educate themselves, and each other, on how to determine what's legitimate information and what's political spin? How is this changing as more people get their news from political websites?

From *The Nation*, June 24, 1996

To Have and To Hold

BY GABRIEL ROTELLO

THE modern lesbian and gay rights movement has a history of stumbling into battles it is ill prepared to fight. Gays in the military had barely been a blip on the radar screens of most mainstream gay groups until persistent pressure from gay people in the military led to a presidential promise of acceptance and then a highly organized and effective right-wing backlash. As it was with the military, so it is now with same-sex marriage. If most national lesbian and gay leaders had their druthers, the struggle for full marriage rights would be years, even decades, away. How, they reason, can homosexuals expect to win the revolutionary right to marry when they are still unable to secure basic civil rights protections in employment or housing, abolish antisodomy laws that remain on the books in almost half the states and—until the Supreme Court's recent ruling against Colorado's Amendment 2—prevent a steady stream of antigay state ballot initiatives from dominating the agenda?

THE NATION DIGITAL ARCHIVE
AN ALTERNATIVE HISTORY...SINCE 1865

Most efforts by major gay groups to address family and relationship issues have tried to expand the definition of family through piecemeal legislation and litigation, and through so-called domestic partnership laws that confer limited rights on gay couples but fall far short of marriage. Yet despite most leaders' misgivings, ordinary gay men and lesbians have been pushing for full marriage rights for years, applying for licenses and filing lawsuits when their applications are denied. Their efforts finally bore fruit in 1993 in a surprise decision by the Hawaii Supreme Court, which ruled that the state had to show a "compelling" reason why three homosexual couples should be denied marriage licenses. That ruling has now placed same-sex marriage on the movement's front burner. Its arrival has thrown many leaders into near panic; they fear that instead of producing progress, it will spark a backlash so vicious it could set their careful plans back years. Yet predictions of disaster seem premature. Round one of the struggle has gone remarkably well for same-sex marriage advocates, and it now seems distinctly possible that by 1998 such marriages will be a reality not only in Hawaii but also in a good number of other states.

Oddly enough, the Hawaii court's decision had nothing to do with antigay discrimination. Years ago Hawaii passed an equal rights amendment forbidding discrimination based on sex, and the court ruled that to forbid a woman from marrying a woman, or a man from marrying

a man, is sex discrimination. Ironically, during the raucous E.R.A. debates back in the seventies, conservatives routinely raised the possibility that such amendments would mandate not only unisex public toilets and the like but (gasp!) same-sex marriage. E.R.A. supporters laughed, yet that is precisely what has come to pass. In any event, a trial is scheduled and a final ruling expected sometime next year. Legal experts almost unanimously believe that the state will not prevail, and that marriage licenses will be issued to same-sex couples sometime in 1998.

As soon as this occurs gay couples are expected to flock to Hawaii, boosting the state's faltering tourist economy. But the mass exodus to Hawaii is just step one. Step two is a mass homecoming, in which gay newlyweds demand recognition of their marriages by local, state and federal authorities under the "full faith and credit" clause of the Constitution, which mandates that contracts legal in one state must be honored in all.

Conservatives have argued that Hawaii's Supreme Court is engaging in judicial activism. So this spring they began a massive campaign to get the Hawaii state legislature to place a constitutional amendment on the November ballot banning same-sex marriage. With a majority of public opinion against same-sex marriage, the amendment was considered almost sure to pass. But while the House passed a version of it, the more liberal Senate voted it down; This has forced even conservatives like William Safire to admit that what is happening in Hawaii is now more than mere judicial overreach. It barely matters whether the senators were motivated more by genuine support for gay matrimony (doubtful) or by fear that placing the issue on the ballot would result in a right-wing stampede to the polls (probable). Either way, the Senate dashed conservatives' last best hope to thwart the court's expected ruling. You can almost hear the voices singing in the chapel of gay love.

Conservative groups consider this a catastrophic development. They have accordingly adopted an aggressive policy of containment, promising bills in all fifty states that would deny recognition to Hawaiian marriages. They injected the issue into presidential politics on the eve of the Iowa caucuses, when most of the Republican candidates pledged their support to a "marriage protection resolution" in a nightmarish, hate-filled rally. More recently, conservative moralist William Bennett urged the lackluster Dole campaign to make opposition to same-sex marriage a major issue. Dole appeared to comply

when, after the Defense of Marriage Act was introduced in Congress, he became its first Senate sponsor. The act would have no power over events in Hawaii, or over the right of other states to recognize Hawaiian marriages. But it would deny federal recognition to same-sex marriages for things like Social Security benefits, federal taxes and immigration, and it attempts to skirt the Constitution's full faith and credit clause by affirming that states are not required to recognize Hawaiian marriages. In any event, President Clinton announced he would sign the bill, blunting the issue's effect on the election.

Given the stakes, one might think forces on the left—both gay and straight—would be launching a vigorous counteroffensive against the antimarriage campaign. Yet so far the battle has garnered little more than passing comment from most progressive groups and publications. Their lack of enthusiastic support for gay marriage rights, indeed the lack of a clear endorsement of same-sex marriage from most prominent progressives, might depress lesbians and gays who place faith in coalition building. But they can hardly complain, since this attitude is shared by the largest gay and lesbian rights organizations themselves.

Shockingly, the only group that has a full-time marriage project director is the Lambda Legal Defense and Education Fund, whose staff attorney, Evan Wolfson, is co-counsel on the Hawaii case (with Hawaii lawyer Dan Foley). Wolfson has emerged as a tireless strategist, organizer and cheerleader for marriage, yet Lambda is a lawyers' group that generally eschews political organizing and fights its battles in the courts. There is not a single organizer working full time on marriage in any lesbian or gay group that traditionally publicizes, organizes or lobbies for gay causes—groups such as the National Gay and Lesbian Task Force, the Human Rights Campaign and the Gay and Lesbian Alliance Against Defamation. To be sure, all the major national groups are lending Wolfson a hand. All joined the Freedom to Marry Coalition, an umbrella group. But most seem tepid in their support and fearful of the backlash it could ignite, and they hardly seem inclined to raise money around the issue. The current fundraising mailing from the Human Rights Campaign, for example, lists dozens of reasons supporters should contribute to the group. Marriage is not mentioned once. "My biggest fear about marriage," said a top leader of a major gay rights group this spring, "is that it will get people's hopes up. Because we're going to get creamed."

Instead, the real fire for same-sex marriage comes from grass-roots lesbian and gay groups out in the states where the battles are being joined. Their work is impressive, passionate and surprisingly well organized and coordinated. Groups such as HERMP in Hawaii, FORM in Boston, the Center in L.A. and various P-FLAG chapters are mounting vigorous campaigns to block antimarriage legislation and present the case for same-sex marriage. And the Internet is abuzz with information and organi-

zational tools.

Why the gap? Many leading lesbian and gay activists still have basic misgivings about marriage itself. The gay movement retains a powerful antipathy to "heterosexist norms," especially the straitjacket of enforced gender roles and partnerships, in favor of a more fluid vision of personal and sexual freedom. Indeed, many gay and lesbian idealists don't want to join mainstream culture so much as have mainstream culture join them. During the eighties the tension between the so-called radical and assimilationist camps crystallized around the marriage issue. Two of the movement's leading lights, lawyers Tom Stoddard and Paula Ettelbrick, traveled the gay lecture circuit in a sort of ideological dog-and-pony show debating the desirability of marriage, he arguing for, she passionately against. It was a riveting spectacle, signaling that any consensus on legalized marriage lay far in the future. Marriage, rank-and-file gays were told, was too "controversial" to be pursued by the movement. This has left a legacy of mistrust between grass-roots "marriage activists"—most of them outside mainstream gay political circles—and the more left-wing political activists. Yet the whole tempest swirled in a theoretical teapot, since conventional wisdom held that no court anywhere was actually going to rule in gay people's favor.

Hawaii changed all that. In 1993 activists suddenly awoke to the fact that same-sex marriage was a real possibility. Wolfson and others began to argue that the time for theoretical debate was past. If lesbians and gays failed to unite behind this issue, they could not only expect something as nasty as the 1993 military fiasco, they would, by their indecision and inactivity, deserve it. This call to mute the internal debate has been largely heeded. The potent gay and feminist critiques of marriage are rarely heard now, and overt opposition has mostly withdrawn into the ideological closet. But as any queer theorist can tell you, just because something is driven into the closet doesn't mean it has gone away. Ettelbrick herself is now an effective advocate for marriage rights at New York's Empire State Pride Agenda, but there's still great ambivalence at the largest gay organizations about the desirability of marriage as a goal—at least off the record. And ambivalence is hardly the best attitude with which to motivate followers to rush to the barricades. Neither is a palpable sense of doom. Even gay leaders who strongly support same-sex marriage are skeptical about the prospects. They have reason to be. For all their valiant efforts, gay politicians are hardly accustomed to legislative success. They are painfully aware that when the Defense of Marriage Act comes up for a Congressional vote, passage is a foregone conclusion. They even fear that since right-wingers have long used the specter of gay marriage as a scare tactic ("If you give the radical homosexuals employment rights, the next thing they'll be after is marriage"), even raising the issue could worsen the climate for more modest, and passable, legislation. And so the grass roots

and judicial juggernaut of gay marriage rolls on without the big gay groups solidly behind it.

But while it once seemed reasonable to fear (as I did in a column two years ago) that the Hawaii decision might precipitate disaster if it resulted in the enactment of a solid wall of antimarriage state constitutional amendments, or worst of all, a federal constitutional amendment, things are not turning out that way. Bills that seek to deny recognition to Hawaii marriages have now been introduced in a total of thirty-four states but enacted in only ten. They have been defeated, withdrawn or killed in seventeen, including the amendment that died in Hawaii. Just as encouraging: Where such bills have passed, they have often succeeded by tiny margins. An antimarriage bill passed the Colorado House, for example, by a single vote—and was vetoed by the Governor. Nongay legislators like Iowa State Representative Ed Fallon are delivering ringing speeches on behalf of same-sex marriage. “Gay-bashing, generally thought of as a Friday-night frolic for inebriated thugs,” said Fallon to his fellow legislators, “has its parallel expressions in...legislative chambers across this country. Today we are witnessing one of those expressions in the form of this bill.”

Undoubtedly this legislative score will change as some of the remaining states enact such bills. Certainly bills will be reintroduced in states where they have already failed. But this is clearly no cakewalk for the far right. In the wake of the KJH Supreme Court’s ruling against Colorado’s Amendment 2, some powerful right-wingers are touting a “pro-family” constitutional amendment as their only way out. “What we need right now, more important than anything else I can think of,” attorney Jay Sekulow told Christian Coalition chairman Pat Robertson on a recent 700 Club broadcast, “would be a constitutional amendment.” Robertson enthusiastically agreed, replying, “I think very frankly that thing would roll through Congress.”

Same-sex marriage has certainly prompted forces on the farthest fringes of the religious right to a frenzy of antigay oratory, fundraising and organizing. So why haven’t they been more successful? One reason has to do with local politics. Many state legislatures have powerful members determined to thwart any bill that might score points for the far right, as with flag-burning laws or bills to limit abortion. Polls also show that a full third of the public is solidly in favor of extending marriage to gays and that half of the remaining two-thirds are, in the words of Evan Wolfson, “reachable” on the issue. But perhaps the biggest reason is the odd fact that same-sex marriage, radical as it may seem, is in many ways a conservative issue. Those who love to portray gays as promiscuous and predatory are bewildered by images of gentle lesbian and gay male couples living in connubial and monogamous bliss. Indeed, virtually all their main arguments fall apart when exposed to the very family-values logic that otherwise bolsters conservatism, as *The Economist* pointed out in its January 6th-12th front-page editorial supporting

same-sex marriage.

What’s more, some of the most forceful advocates for same-sex marriage are religious leaders. In Hawaii itself, leaders of many faiths have been at the forefront of the pro-marriage campaign. And whereas most progressive national groups have yet to take a strong stand in favor of gay marriage rights, religious groups have been faster on the draw. Both the Reform and Reconstructionist branches of Judaism have now formally endorsed same-sex marriage, as have many Quaker and Buddhist denominations and many individual Protestant congregations. Episcopal bishops and high-ranking clerics of many faiths.

It now seems likely that Hawaii will not hasten an antigay disaster. Instead, this process may first result in a bizarre national patchwork in which such marriages are legal and recognized for state but not federal purposes in some states, while being denied recognition in others—what Wolfson calls “a house divided.” How might this scenario unfold? After married gay couples return from Hawaii and demand recognition from the federal government and their home states, expect lots of lawsuits. Both sides will undoubtedly appeal all the way to the Supreme Court, and no one knows what it will do.

But even a loss in the High Court would only forestall federal recognition of Hawaii marriages and mandatory full recognition in all fifty states. Individual states would still be free to recognize Hawaii marriages if they chose. And since many have already quashed efforts to ban recognition, it now seems likely that a small but significant core of states will simply allow them to stand. It does not seem implausible that within two years there will be legally married lesbian and gay couples in a handful of states across the nation.

If this indeed comes to pass, it is difficult to overstate its importance for lesbians and gay men, for the feminist movement, for all those who favor a humane expansion of the definition of family. It would certainly amount to the single greatest victory in all of gay civil rights, the watershed event in which homosexuality and the loving and committed relationships it spawns finally began to take their place as recognized and fully legitimate. The religious right seems far more aware of the momentousness of this potential development than progressives. “Government recognition of same-sex marriage,” wrote Martin Mawyer, president of Christian Action Network, “will forever change the American family as we know it. Forced acceptance of homosexuality will be thrust upon America. In public schools, homosexual marriage will be taught as a normal, healthy alternative to male/female relationships. Homosexual adoption and foster parenting will be widespread. The military’s ‘don’t ask don’t tell’ policy will be rendered meaningless and homosexual soldiers will be permitted to serve openly. Military, Social Security and welfare benefits will all be available for ‘spouses’ of ‘married’ homosexuals.” With the Defense of

Marriage Act looming, Mawyer may go too far. But what he fears, progressives should cheer. The legalization of same-sex marriage would amount to a pivotal event in the progressive struggle. If it occurs without the enthusiastic

support and involvement of major gay and progressive groups, it would also amount to one of the most breathtaking lapses of organizational vision in the history of the modern left.

QUESTIONS

■ How have the issues that the lesbian and gay rights movement has “stumbled into” shaped the battle for these rights? In retrospect, does the prominence of gay marriage as a national issue seem to have helped or hurt overall acceptance of lesbians and gays in American society?

■ Why do you think lesbian and gay rights groups were so hesitant to adopt same-sex marriage as a prominent issue? Because they were fearful of a backlash? Because many lesbians and gays didn’t see marriage rights as a priority? Some combination of the two?

■ If same-sex marriage becomes recognized through-

out the United States, do you think Martin Mawyer’s prediction that the American notion of the family, and acceptance of homosexuality, will be changed as a result? Or is it changing acceptance of homosexuality that is leading toward broader recognition of same-sex marriage? In what areas of American culture does homophobia still need to be addressed?

■ How is recognition of same-sex marriage likely to affect gays and lesbians, and how they see their relationship to the broader culture? Are there other reasons why couples might choose not to get married, even if it becomes legal for all?