

**Columbia Foundation**  
**Articles and Reports**  
January 2010

1. [The New York Times, January 4, 2010](#)

*Sidebar – Group Gives Up Death Penalty Work*

The American Law Institute (ALI), made up of about 4,000 judges, lawyers, and law professors, synthesizes and shapes the law in restatements and model codes that provide structure and coherence in the legal system. In 1962, ALI created the intellectual framework for the death penalty. ALI voted in October 2009 to disavow the structure it had created “in light of the current intractable institutional and structural obstacles to ensuring a minimally adequate system for administering capital punishment.”

**Arts and Culture**

CALIFORNIA HISTORICAL SOCIETY

\$200,000 awarded since 2004 for the *Living New Deal Project*

2. [The East Bay Monthly, September 2009](#)

*What's the Deal? A look at how – or whether – the New New Deal will reshape the East Bay*

For the past five years, Gray Brechin has headed up California's *Living New Deal Project*, an undertaking whose ambitious mission is to inventory, map, and interpret the physical legacy of the CWA, Civilian Conservation Corps (CCC), Public Works Administration (PWA), Works Progress Administration (WPA), and other New Deal programs in California. The writer says, “The Living New Deal Project has become something of a touchstone these days as the country grapples with economic Armageddon and pins its hopes on the \$787 billion shot in the arm (including \$85 billion for California), that some are referring to as the New New Deal.”

3. [San Francisco Chronicle, November 22, 2009](#)

*Time for a new New Deal for California*

California needs a plan in the New Deal model to restore prosperity to California [op-ed by Gray Brechin and Richard Walker, directors of the *Living New Deal Project*.]

4. [CRM: The Journal of Heritage Stewardship, Winter 2009](#)

*California's Living New Deal Project*

[The article states that] a seed grant from the Columbia Foundation provided Gray Brechin the support possible to travel the state cataloguing in text and photographs the most visible legacies of the New Deal. The project continues to grow. The current worsening of economic conditions “brings a new resonance and a deeper sense of urgency to gathering and appreciating the full record of the Living New Deal in California and throughout the United States.”

COUNTERPULSE

\$50,000 awarded in 2008 for *Performing Diaspora*

5. [San Francisco Bay Guardian, October 28, 2009](#)

*Global informing – CounterPULSE's Performing Diaspora celebrates nontraditional traditional dancers*

Preview of *Performing Diaspora*; the writer says, “Traditional dancers who want to rethink conventions often feel homeless because they don't fit into any established performance categories. That's where *Performing Diaspora* steps in. CounterPULSE's two-year initiative culminates in three weeks of performances...”

6. [San Francisco Examiner, October 30, 2009](#)

*'Diaspora' dances around the world*

Preview of *Performing Diaspora*; the writer says, "The merging of cultural traditions has already resulted in some pretty terrific outcomes: jazz music, tap dance and even those joyous Bollywood extravaganzas come to mind. One wonders what new and thrilling forms will be birthed by these artists."

7. [San Francisco Chronicle, November 1, 2009](#)

*Performing Diaspora Festival - beyond tradition*

Preview of *Performing Diaspora*; the writer says, "This ambitious new festival – which brings together artists from the Bay Area, Fresno and the Los Angeles/Pasadena area – has been as much about the process of creating the works as about the produced pieces that will be on the stage..."

8. [In Dance, November 2009](#)

*Bold New Strokes: The Inauguration of the Performing Diaspora Festival*

CounterPULSE's *Performing Diaspora Festival* provides traditional artists the opportunity to innovate within their art form.

9. [In Dance, November 2009](#)

*SPEAK*

Traditional artists receive support and opportunities to practice and preserve their craft, but many venues discourage experimentation. *Performing Diaspora* represents two years of work "enabling these [13] artists to realize a very bold vision, but in doing so, I believe it is actually expanding the field itself.

We're changing what's possible. Through this process, I have seen my own artist's vision realized... not just onstage, but in the dialogues that occur, the relationships that are forged, and the possibility that is created" [written by Jessica Robinson, executive director of CounterPULSE.]

10. [In Dance, November 2009](#)

*Dispersing the Diaspora: Excerpts from the CounterPULSE Blog*

CounterPULSE Performing Diaspora artists highlight their "trials and triumphs in bridging cultural boundaries of gender, identity, and creative innovation" [snippets from the CounterPULSE blog featuring entries from the artists.]

11. [In Dance, November 2009](#)

*A Virtual Concept: Taking a New Look at Technology and Networking in Artist Residencies*

CounterPULSE developed an online presence "capturing and uploading artist interviews and work in progress showings as well as developing a library of blog posts" in an effort to engage audiences more intimately with art.

HAMPSTEAD THEATRE

\$50,000 awarded in 2008 from the Columbia Foundation Fund of the Capital Community Foundation for the development and staging of *Barrier* (renamed *What Fatima Did*), a new play by then 19-year-old playwright Atiha Sen Gupta about a young woman's choice to wear the Hijab in Britain's modern multicultural society

12. [The Evening Standard \(London\), October 20, 2009](#)

*Atiha Sen Gupta is the playwright for today*

Review of *What Fatima Did* and profile of the playwright, 21-year-old Atiha Sen Gupta; the writer says, "Sen Gupta uses the symbol of the headdress to raise vexed issues of identity, freedom and multiculturalism in contemporary London. The play articulates how it feels to be perceived as "other" and brings the question of modest dress into the mainstream. So even-handed is Sen Gupta's handling of the subject that I can't tell from reading the play whether she herself wears the Hijab or not. In fact when she

arrives she is wearing a pink shoestring top, layers of necklaces and jeans. Her gaze is direct, amused. You sense real power. And courage – it takes guts to get your first solo play commissioned by a London theatre at the age of 17.”

13. [The Guardian \(London\), October 27, 2009](#)

*What Fatima Did*

3-out-of-5 star review of *What Fatima Did*; the writer says, “Anthony Clark has taken a lot of stick during his tenure at Hampstead theatre. But he deserves credit for commissioning this lively, provocative play from 21-year-old Atiha Sen Gupta, a product of the theatre's youth group. This is the work of a writer with a future.”

14. [The Telegraph \(London\), October 28, 2009](#)

*What Fatima Did, at the Hampstead Theatre, review – This new drama by 21-year-old Atiha Sen Gupta sheds fascinating light on modern multicultural Britain*

Review of *What Fatima Did*; the writer says, “It is a pleasure to welcome this terrific new play by Atiha Sen Gupta. This first full-length work from the 21-year-old graduate of Hampstead's youth theatre company proves entertaining, thought-provoking and topical, giving a vivid impression of what it is like to be young and living in multi-cultural Britain. One leaves the theatre impatient to discover what Atiha Sen Gupta will do next.”

15. [What's on Stage, October 28, 2009](#)

*What Fatima Did...*

4-star review of *What Fatima Did*: the writer says, “The point is not that this is a brilliantly accomplished piece of work (though it's not far off) but that it is fresh, lively, and addressing a young audience not often made to feel at home in our theatres. Sen Gupta has come through Hampstead's Heat & Light's Young Company and it is a bold, if long overdue, move of the retiring artistic director Anthony Clark to present such a play in the theatre's fiftieth anniversary season.”

16. [The Times \(London\), October 29, 2009](#)

*What Fatima Did... at Hampstead Theatre, NW3*

3-out-of-5 star review of *What Fatima Did*; the writer says, “What remains is a provocative yet playful and humane look at how we cope with difference, set against the backdrop of a society changed by the 2005 London bombings.”

17. [The Financial Times \(London\), October 29, 2009](#)

*What Fatima Did..., Hampstead Theatre, London*

Review of *What Fatima Did*; the writer says, “Hats off to Hampstead Theatre for commissioning and Atiha Sen Gupta for writing this strikingly bold new play. It is far from perfect, but for a first play it shows plenty of promise and it grapples intelligently – and often wittily – with one of the most vexed issues of our age.”

KRONOS QUARTET

\$50,000 awarded in 2008 for *Music without Borders*, a performance series presenting an array of diverse musical works, some commissioned by Kronos, including works from Islamic cultures throughout the world, as re-interpreted by the performers

18. [Nonesuch Journal, November 12, 2009](#)

*Video: Kronos Quartet Celebrates Sesame Street's 40th with Return to Show Visit*

Kronos Quartet performs on the 40<sup>th</sup> anniversary Sesame Street show [video embedded.]

19. [Nonesuch Journal, November 20, 2009](#)

*Kronos Quartet Receives Asia Society's Cultural Achievement Award*

Kronos Quartet receives the Asia Society's Cultural Achievement Award in November 2009 in New York “for its efforts to link cultures and create a global cultural dialogue through music” [includes award acceptance remarks by David Harrington, the Kronos Quartet violinist and artistic director.]

LOS CENZONTLES

\$225,000 awarded since 2003, including a three-year \$150,000 grant in 2006 for *Cultures of Mexico in California*

20. [Youtube.com, October 7, 2009](#)

*American Horizon – Taj Mahal, David Hidalgo & Los Cenzontles*

Taj Mahal, David Hidalgo & Los Cenzontles have created an album called American Horizon, “a musical narrative of work, love and the American Dream” [2-minute video introducing the album is embedded.]

21. [The New York Times, December 8, 2009](#)

*American Stories, From Mexican Roots*

Review of American Horizon; the writer says, “That’s the strange beauty of American Horizon, by a little-known Mexican-American folk-roots group, Los Cenzontles, with guest appearances by Taj Mahal and David Hidalgo of Los Lobos. It both honors and upends traditional Mexican music, tapping deep roots as it flowers into something completely new, and distinctly American.”

MUSIC THEATRE WALES

\$50,000 awarded in 2008 from the Columbia Foundation Fund of the Capital Community Foundation for the production and performance costs of *Letters of Love Betrayed*, a new chamber opera by Jamaican-born composer Eleanor Alberga and writer, producer, director Donald Sturrock based on a short story by Isabel Allende

22. [The Guardian \(London\), October 4, 2009](#)

*Letters of a Love Betrayed*

2-out-of-5 star review of *Letters of Love Betrayed*; the writer says, “Musically, the work's greatest asset is its resourceful orchestral writing. Alberga handles her 14-piece band with flair and vitality. But the anonymous vocal lines sit uneasily on top and could be interchanged from character to character with little incongruity. The other problem is pacing. Neither librettist nor composer finds the shortest route to saying what they have to say, and then moves on. However, there are strong performances from Christopher Steele's bullying Luis and Jonathan May as his materialistic father, Eugenio, while conductor Michael Rafferty, director Michael McCarthy and designers Colin Richmond and Holly McCarthy all do the piece proud.”

23. [The Telegraph \(London\), October 5, 2009](#)

*Letters of a Love Betrayed at Linbury Studio, review – Strong performances fail to lift this dull adaptation of an Isabel Allende short story*

2-star review of *Letters of Love Betrayed*; the writer says, “Doggedly dedicated to its mission to present small-scale contemporary opera, Music Theatre Wales is an admirably serious organization which always performs to a high standard and deserves its subsidy. But worthiness is not enough, and its latest commission, based on a short story by Isabel Allende, is fatally dull.”

#### OPERA GROUP

\$105,000 awarded since 2006, including \$55,000 awarded in 2008 from the Columbia Foundation Fund of the Capital Community Foundation for two projects: *Into the Little Hill* [George Benjamin's music theater piece, which received four- and five-star reviews from London newspapers: The Times and The Independent (four stars) and The Telegraph (five stars)] and *Paradise Lost*

24. [San Francisco Chronicle, January 12, 2010](#)

*Symphony creates jubilant mix of allure, color*

George Benjamin is in San Francisco for a two-week residency [January 2010] with the San Francisco Symphony for the new Project San Francisco initiative, participating in a range of performances and public appearances.

25. [San Francisco Chronicle, January 14, 2010](#)

*George Benjamin – conductor, composer, fan*

The writer says, "To have a conversation with George Benjamin is to feel very keenly the excitement that music can engender. The English composer turns 50 at the end of this month, but he still talks about musical endeavors – his own and those of others – with the breathless enthusiasm of a schoolboy" [George Benjamin interview.]

#### SHADOWLIGHT PRODUCTIONS

\$50,000 awarded since 2006, including for \$25,000 in 2007 for *Ghosts of the River*, a multidisciplinary shadow-theatre work directed by Larry Reed, with an original script by Octavio Solis, to explore the lives of those who have been affected by immigration and other U.S. border issues

26. [San Francisco Chronicle, October 3, 2009](#)

*Theater review: 'Ghosts of the River'*

*Ghosts of the River* review; the writer says, "It's a performance anthology of five sweet, funny, unsettling and affecting stories, adorned with the inventive folkloric designs of Favianna Rodríguez and the seductive melodies of Cascada de Flores (vocalist Arwen Lawrence and multi-instrumentalist Jorge Liceaga). Each tale takes place along the Rio Grande in or near Solis' native El Paso" [Octavio Solis is the playwright.]

27. [Metroactive, October 7, 2009](#)

*Shadow People: 'Ghosts of the River' penetrates the darkness of lives in peril along the border*

In the world-premiere play *Ghosts of the River* at Teatro Visión in San Jose, shadows [projected onto a large screen using silhouetted puppets] are used to tell five vignettes about people from both sides of the Rio Grande River. The writer says, "The use of Walang Kulit-style masks was brilliant for the spectacle and the message of the play. By being able to see the enlarged facial expressions of the shadow characters, the audience is able to achieve an emotional connection. They are not just faceless creatures, as important as a wisp of smoke and just as tangible; they are people, with lives and dreams and skin as delicate as yours or mine. Symbolically, if it is possible to sympathize and feel for a shadow, how can we deny the same for the person who has cast it? It is a haunting thought that while these characters are just dark masses on the screen, they may be all that is left of their flesh-and-blood inspirations. *Ghosts of the River* is a visual carnival that is worth seeing for the inspired spectacle alone."

28. [The San Francisco Examiner, October 27, 2009](#)

*Octavio Solis' Ghosts of the River at the Brava Theater*

*Ghosts of the River*, which focuses on people living on both sides of the Mexican-American border, premieres at the Brava Theater in October 2009 in San Francisco after a successful run at San Jose's Teatro Visión earlier in the month. Shadowlight Productions founder Larry Reed says, "It's interesting to do something so topical, but not to do it in a didactic or political way. So often in discussion about

immigration people just focus on statistics and anger, but you come away from these stories with a whole different feeling about immigration.”

29. [Youtube.com, December 3, 2009](#)

*Excerpts from Ghosts of the River*

Features excerpts from *Ghosts of the River*, a shadow play written by Octavio Solís, directed by Larry Reed, art direction by Favianna Rodriguez, with music by Cascada de Flores [5-minute video embedded.]

THEATRE OF YUGEN

\$20,000 awarded in 2009

30. [Theatre Bay Area, October 2009](#)

*The Iliad Project: Dogsboddy*

Preview of *Dogsboddy*, a theater work by the Theatre of Yugen in collaboration with Serbia's DAH Teatar and Research Center [premiered in late October at Yerba Buena Center for the Arts;] the writer says, “Theatre of Yugen, an experimental ensemble that makes classical Japanese Noh drama and Kyogen comedy accessible to Western audiences, has been committed to revitalizing dramatic classics and promoting intercultural understanding for close to three decades. So its latest collaboration, *Dogsboddy* (a loose adaptation of *The Iliad* told from the perspective of child soldiers), isn't merely a feather in the company's cap: it's part of a larger shift in Yugen's artistic engagement with international issues (such as war and genocide) that are still as salient as they were in Homer's time.”

## Human Rights

CALIFORNIA FARMLINK

\$500,000 awarded since 2005, including two grants awarded in 2006: a \$350,000 program-related investment for the California FarmLink Farm Opportunities Loan Fund and a two-year \$100,000 grant to build family farming and conserve farmland in California by linking aspiring and retiring farmers

31. [The California Report \(KQED Public Radio\), December 3, 2009](#)

*Growing the Next Generation of Farmers*

As the average farmer in California is nearing retirement age, California FarmLink is working to put together potential farmers who do not own land with older farmers that do, who could possibly lease or sell some of their acreage [audio report linked.]

CALIFORNIA INSTITUTE FOR RURAL STUDIES

\$250,000 awarded since 2004, including \$100,000 awarded in 2008 for the development of a multimedia presentation on California farm labor, in collaboration with photographer Rick Nahmias

32. [A three-part multimedia series on fairfoodproject.org promoting a more socially just food system in the U.S. “created through a generous grant from the Columbia Foundation”, November 2009](#)

33. *Fair Food: Field to Table – Part 1: The Farmworkers* [video embedded]

34. *Fair Food: Field to Table – Part 2: The Farmers* [video embedded]

35. *Fair Food: Field to Table – Part 3: The Advocates* [video embedded]



36. [Latin American Herald Tribune \(Venezuela\), December 21, 2009](#)

*Defending Labor Rights of Farmworkers*

A diverse group of chefs, farmers and defenders of farmworkers' rights is demanding an end to exploitation in U.S. agriculture. Rich Nahmias recently published the *Fair Food: Field to Table* documentary towards that end.

**Electoral reform**

CHANGE CONGRESS

\$50,000 awarded in 2009 to end pay-to-play politics and corruption in the U.S. government by creating a grassroots online citizen movement to hold Congressional leaders accountable, and to promote public finance of Congressional campaigns

37. [Blip.tv, 2009](#)

*Ignoring Constituents*

Both U.S. Senators Lieberman and Bayh have extensive financial ties to the healthcare industry, and have worked to block health care reform, particularly the public option, despite popular majorities in both states they represent in support of it. Such examples feed into the thought-process of the public that money buys results in government [video by Lawrence Lessig, co-founder of Change Congress, linked.]

38. [The Washington Post, December 27, 2009](#)

*After health care, we need Senate reform*

The U.S. Congress no longer requires just a majority vote to make law, but a supermajority, as the filibuster is misused. Lawrence Lessig [co-founder of Change Congress] compares the dysfunctions of Congress to an alcoholic.

PIPER FUND

\$50,000 awarded in 2009 for a funder collaborative that raises and distributes grants to expand the reach of state-based efforts promoting public finance of political campaigns at the state and local level

39. [The Capital Times \(Wisconsin\), December 3, 2009](#)

*Reformers win a fight to clean up court races*

After two state Supreme Court judicial elections in Wisconsin, which exemplified "the excesses of special-interest groups and abuses committed by irresponsible candidates", Common Cause in Wisconsin and the Wisconsin Democracy Campaign [a Piper Fund grantee] worked to pass the Impartial Justice Act, which sets up a system to provide full public financing for qualifying Supreme Court candidates who voluntarily agree to abide by a spending limit of \$400,000 [the bill was signed into law on December 2 by Governor Jim Doyle; editorial.]

40. [The New York Times, January 4, 2010](#)

*Really Big Money Politics*

The time has come for Obama to lead by example and work to fix the public subsidy option in presidential campaigns, and create pressure for Congress to follow, in order to get big money influence out of political campaigns [editorial.]

### PUBLIC CAMPAIGN

\$400,000 awarded since 2002, including \$100,000 in 2009 to continue to provide national leadership to advance understanding of and support for public finance of political campaigns through Public Campaign and the Fair Elections Now Coalition

41. [Omaha World Herald, September 2, 2009](#)

*Midlands Voices: Congress needs to address huge money in campaigns*

The Fair Elections Now Act would slow the “fundraising arms race” by allowing congressional candidates to run for office on small donations and public dollars modeled in part on successful state laws in Arizona, Connecticut, Maine, North Carolina and elsewhere, where hundreds of candidates from both major political parties have agreed to spending limits and to accept only small contributions from individuals in exchange for limited public funding [Op-ed co-authored by Bob Edgar, president of Common Cause, the organization that works jointly with Public Campaign in the Fair Elections Now Coalition.]

42. [San Francisco Chronicle, November 15, 2009](#)

*A serious challenge to campaign laws*

The Supreme Court will soon make a decision in the Citizens United vs. FEC case. The case centers around a documentary critical of Hillary Rodham Clinton, which the conservative group Citizens United wanted produced for the 2008 presidential primary. Citizens United, an ideological group that receives corporate funding, had wanted to pay a cable television consortium \$1.2 million to allow subscribers to download the movie for free "on demand". Under the McCain-Feingold campaign finance law of 2002, corporate-funded television advertisements are prohibited just before an election. A victory for Citizens United provides justices with an opportunity to declare that the ban on corporate contributions is unconstitutional. Common Cause and Public Campaign are bracing for such a decision from the Supreme Court in the Citizens United case – while hoping that a ruling against corporate limits might add momentum to their push for a system of public financing for all federal elections [editorial quotes Nick Nyhart, president and CEO of Public Campaign, and Bob Edgar, president of Common Cause.]

43. [The Miami Herald, November 16, 2009](#)

*Money affects Cuba policy*

According to a new report by Public Campaign, Congressmen who had previously supported easing sanctions against Cuba reversed their positions and received donations from the U.S.-Cuba Democracy Political Action Committee – \$10.77 million nationwide to almost 400 candidates and members of Congress.

### **Elimination of prejudice and discrimination based on sexual and gender diversity**

### CIVIL MARRIAGE COLLABORATIVE

\$800,000 awarded since 2004, including \$300,000 in 2008

44. [The Boston Globe, November 4, 2009](#)

*Backers of same-sex marriage pledge to keep up Maine fight*

On November 3, 2009, 53% of Maine voters repealed a same-sex marriage law six months after it was signed into law by the governor. Supporters of marriage equality including Gay & Lesbian Advocates & Defenders in Boston [a Civil Marriage Collaborative grantee] vow to continue the fight. GLAAD attorney Mary Bonauto says, "Here we are in a civil rights struggle. What do we do in a civil rights struggle? We pick ourselves up and we stay the course."



45. [Union Leader \(New Hampshire\), December 30, 2009](#)

*Same-sex couples say, 'I do'*

As of January 1, 2010, gay couples can legally wed in New Hampshire, the fifth state in the union to legalize marriage equality. The New Hampshire Freedom to Marry Coalition [a Civil Marriage Collaborative grantee] has organized a celebration ceremony for a group of same-sex couples scheduled to be the first in the state to wed.

EQUALITY CALIFORNIA

\$100,000 awarded in 2006 for the *California Equality Project*

46. [The Associated Press, October 9, 2009](#)

*Maine voters face historic choice on gay marriage*

On November 3, 2009, Maine voters had the opportunity to become the first state to approve or repeal a law passed by the legislature and signed by the governor to legalize same-sex marriage [quotes Geoff Kors, executive director of Equality California.]

47. [CNN.com, October 12, 2009](#)

*Schwarzenegger signs bill honoring gay-rights activist*

California Governor Arnold Schwarzenegger signs a bill commemorating Harvey Milk. The bill would have the Governor each year proclaim May 22 – Milk's birthday – as a day of significance across the state [quotes Geoff Kors, executive director of Equality California.]

48. [San Diego Gay & Lesbian News, December 7, 2009](#)

*Winning Equality in New York and California*

Although the marriage-equality movement has faced setbacks in New York and California, advocates are taking what they have learned from the losses to move forward strategically [written by Geoff Kors, executive director of Equality California.]

49. [The New Yorker, January 18, 2010](#)

*A Risky Proposal – Is it too soon to petition the Supreme Court on gay marriage?*

On January 11, 2010, a legal case opens in a San Francisco, challenging the constitutionality of Proposition 8, the California referendum that, in November 2008, overturned a state Supreme Court decision allowing same-sex couples to marry. Equality California is one of three groups leading an effort to bring Proposition 8 back to the ballot to repeal it instead. Since June 2009, Equality California has utilized a strategy of door-to-door canvassing by same-sex-marriage advocates, who have personal conversations with voters in communities that voted for Proposition 8. Marc Solomon, director of the marriage initiative for Equality California, says, “It’s important for more people to see that we’re not some abstraction. We’re not necessarily the gays in West Hollywood or the Castro but the gays around the corner in Bakersfield or Fresno—maybe the couple you’ve seen walking their dog or watering their lawn. People change their minds on this issue with personal conversation, especially with people who are local.”

FREEDOM TO MARRY

\$575,000 awarded since 2002, including \$75,000 in 2009

50. [The New York Times, November 4, 2009](#)

*Gay Rights Rebuke May Change Approach*

The loss at the ballot box has advocates of marriage equality considering aggressive tactics and abandonment of a strategy using personal conversations to press for marriage equality. Evan Wolfson executive director of Freedom to Marry, says that the personal conversations tactic should be escalated instead.

51. [USA Today, December 13, 2009](#)

*Gay advocates cheer Houston election*

In December 2009, Houston, Texas elected its first openly gay mayor, Annise Parker. Evan Wolfson, director of Freedom to Marry says, "The fact that an openly gay candidate wins for mayor in the nation's fourth-largest city, in the South, in Texas, shows that when Americans get to know gay people as people, not as stereotypes, their resistance to treating gay people equally reduces."

52. [Metro Weekly \(D.C.\), December 24, 2009](#)

*A Long Road to Equality – Marriage equality for gays and lesbians is the latest chapter in the District's history of civil-rights achievements*

Gay marriage is now legal in Washington, D.C. after the December 2009 passing of the Religious Freedom and Civil Marriage Equality Amendment Act of 2009. Advocates have been fighting for this for twenty years. D.C. has a history of civil-rights victories. In the 60s, many inter-racial couples moved to D.C., so they could marry. In 1967, in the *Loving vs. Virginia* Supreme Court case, the court ruled that, "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men...To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State's citizens of liberty without due process of law." Evan Wolfson, the executive director of Freedom to Marry says about the new law, "It's really hard to overstate the resonance of the nation's capital voting for the freedom to marry and providing the opportunity for the country and the world see families helped and no one hurt when marriage discrimination ends."

GSA NETWORK

\$280,000 awarded since 1999, including a two-year \$100,000 grant awarded in 2005 to end lgbtq-phobia and discrimination in California schools

53. [The New York Times, September 23, 2009](#)

*Coming Out in Middle School*

As a response to anti-gay bullying and harassment in schools, at least 120 middle schools across the country have formed gay-straight alliance groups, where gay, lesbian, and straight students meet to develop strategies for making their schools safer.

## Food and Farming

CALIFORNIA RURAL LEGAL ASSISTANCE FOUNDATION

\$50,000 awarded in 2008 for the *Sustainable Communities Project*

54. [The Fresno Bee, December 14, 2009](#)

*Sacramento protest targets farm chemical*

California is considering using methyl iodide as a primary fumigant pesticide for specialty crops (such as strawberries), replacing methyl bromide, which has been phased out by the federal government because it depletes the ozone layer. Methyl iodide has been linked to cancer and water pollution. Legislative advocate Martha Guzman Aceves of California Rural Legal Assistance says, "It is the worst fumigant we could possibly even think of developing for registration in California."

CENTER FOR FOOD SAFETY (CFS)

\$340,000 since 2003 for the *California Food and Agriculture Initiative*

55. [San Francisco Chronicle, September 23, 2009](#)

*Court rejects genetically modified sugar beets*

U.S. District Judge Jeffrey White ruled that the government illegally approved a genetically modified, herbicide-resistant strain of sugar beets without adequately considering the chance that they will contaminate other beet crops. The ruling rejected the U.S. Department of Agriculture's decision in 2005 to allow Monsanto Co. to sell the sugar beets, known as "Roundup-Ready" because they are engineered to coexist with Monsanto's Roundup herbicide [quotes Kevin Golden, a San Francisco attorney for the nonprofit Center for Food Safety.]

56. [San Francisco Chronicle, September 27, 2009](#)

*Nonprofit calls PUC's compost toxic sludge*

The Center for Food Safety has petitioned the Public Utilities Commission in San Francisco to stop giving out free compost; regular giveaways that CFS says are actually toxic sewage sludge advertised as compost. The PUC turns "treated" solid waste removed from sewage into compost. CFS staff attorney Paige Tomaselli says, "San Franciscans may think they're getting a gift from the city, but this is no gift. City residents could be at serious risk of poisoning from the application of sewage sludge to local crops and gardens."

57. [The Huffington Post, November 5, 2009](#)

*Sustainable Agriculture: The Unrecognized Key to Reversing Climate Change*

Although research shows that industrial agriculture is one of the major contributors to global warming neither international nor domestic policies are addressing it [written by executive director Andrew Kimbrell and international program director Debi Barker of the Center for Food Safety.]

58. [Grist, November 20, 2009](#)

*Ecological farms: the only real way to feed an increasingly hungry world*

Powerful industrial agriculture companies are behind efforts to portray industrialized farming as the only way forward to feed Earth's growing population. Studies show that industrial crops do not consistently produce more food, that "our survival depends on resilient and biodiverse farm systems that are free of fossil fuel and chemical dependencies", and "that organic farming enables ecosystems to better adjust to the effects of climate change and has major potential for reducing agricultural GHG emissions" [written by Debi Barker, international program director for the Center for Food Safety.]

59. [The Huffington Post, November 21, 2009](#)

*New Report: GMOs Causing Massive Pesticide Pollution*

In 2009, the Union of Concerned Scientists issued a detailed report entitled "Failure to Yield", which concluded that GM crops have done nothing to significantly increase yield. Also, a new report from The Organic Center, "Impacts of Genetically Engineered Crops on Pesticide Use: The First Thirteen Years", concluded that GM crops are a major reason for the massive expansion of pesticide use in recent years [written by Andrew Kimbrell, executive director for the Center for Food Safety.]

60. [The San Francisco Examiner, December 9, 2009](#)

*FDA petitioned to ban arsenic from animal feed*

On Tuesday, December 8, the Center for Food Safety and the Institute for Agriculture and Trade Policy filed a petition with the Food and Drug Administration (FDA) calling for the immediate ban of compounds containing arsenic (a known carcinogen) used in animal feed [quotes Center for Food Safety executive director Andrew Kimbrell.]

61. [The True Food Network press release, January 15, 2010](#)

*Supreme Court to Hear First Genetically Engineered Crop Case*

The U.S. Supreme Court has agreed to hear a case about genetically engineered crops for the first time. Monsanto is challenging a 2007 federal-court ruling, which concluded that the USDA's approval of the planting of Monsanto's genetically engineered alfalfa was illegal. Monsanto lost two federal appeals court cases following in 2008 and 2009. Andrew Kimbrell, executive director of the Center for Food Safety (which has represented the plaintiffs) says, "This is truly a 'David versus Goliath' struggle, between public interest non-profits and a corporation bent on nothing less than domination of our food system. That Monsanto has pushed this case all the way to the Supreme Court, even though USDA's court-ordered analysis is now complete, and the U.S. government actively opposed further litigation in this matter, underscores the great lengths that Monsanto will go to further its mission of patent control of our food system and selling more pesticides."

CONSERVATION CORPS NORTH BAY

\$30,000 awarded in 2009 for the *Indian Valley Organic Farm and Garden*

62. [The Echo Times \(College of Marin\), November 4, 2009](#)

*COM's organic growth: farming classes burgeoning with students – Program taps latest natural, sustainable methods*

Every week, dozens of students work on the *Indian Valley Organic Farm and Garden* at the College of Marin. Organic farming has become one of the fastest growing programs on campus. The writer says, "Over the semester, students and faculty explore every aspect of farming, from planting, growing and harvesting to the cleaning, packaging and selling of crops, making the experience much more than an academic pursuit. It has become a way of life."

INSTITUTE FOR FISHERIES RESOURCES

\$100,000 awarded since 2006 for the *Klamath Basin Coalition*, including \$50,000 in 2008

63. [The New York Times, September 30, 2009](#)

*Landmark Agreement to Remove 4 Klamath River Dams*

29 groups, including the Pacific Coast Federation of Fishermen's Associations [sister organization to IFR,] reach a draft agreement to remove four dams along the Klamath River [quotes Glen Spain, Northwest Regional Director and Salmon Protection Program Director for Pacific Coast Federation of Fishermen's Associations and IFR.]

64. [San Francisco Chronicle, September 30, 2009](#)

*Deal to raze Four Klamath dams*

In one of the world's largest dam-removal projects, an agreement was reached on September 29, 2009, to remove four dams along the Klamath River and restore 300 miles of salmon migratory route by 2020.

65. [Associated Press, September 30, 2009](#)

*West Virginia meet led to Klamath dam removal, salmon aid*

The Klamath River dam removal plan was first crafted at a meeting with the Governors of California and Oregon and PacificCorps representatives at the U.S. Fish and Wildlife Service National Conservation Training Center in West Virginia in May 2008.

66. [San Francisco Chronicle, October 1, 2009](#)

*Opening the Klamath*

Since 2002, interest groups have been fighting over water diversions along the Klamath River. Environmental groups have been calling for the removal of four dams along the river, which have blocked salmon migratory routes, in order to replenish salmon stocks that have declined dramatically. The fight

has resulted in an agreement that is “nothing short of amazing” to remove the dams. Will their removal spur the return of salmon? [editorial]

#### KLAMATH RIVERKEEPER

\$50,000 awarded in 2008 for its work to restore the Klamath River

67. [AlterNet, October 1, 2009](#)

*Agreement Reached On the Klamath River -- Why the Largest Dam Removal Project in History May Be Underway Soon*

29 groups, including IFR have signed on to the draft Klamath River dam-removal plan. Klamath Riverkeeper, Erica Terence, has reservations about the current plan, including environmental impact, and is particularly concerned about a new clause that would give California, Oregon, the federal government, and PacifiCorp the power to amend the agreement without the consent of other parties under some circumstances. Terence says, “It’s crucial that tribes and commercial fishermen are included in decision-making related to this settlement”.

68. [Sacramento News & Review, October 8, 2009](#)

*Klamath controversy continues – An agreement to remove four dams has been reached, but barriers remain*

The Klamath Hydroelectric Settlement Agreement would remove Iron Gate, Copco No. 1, Copco No. 2 and J.C. Boyle dams by 2020. Some Indian tribes and Klamath Riverkeeper have doubts about the plan [quotes Erica Terence, Klamath Riverkeeper.]

#### PEOPLES GROCERY

\$180,000 awarded since 2003, including \$30,000 in 2009 for the *West Oakland Food Enterprise Network* (WOFEN)

69. [San Francisco Chronicle, September 20, 2009](#)

*New USDA program promotes local food*

The new USDA program “Know Your Farmer, Know Your Food” is an effort to build stronger local and regional food systems. People’s Grocery has received a grant from this program.

#### PRODUCT POLICY INSTITUTE (PPI)

A three-year \$150,000 grant awarded in 2007 for the *California Community Extended Producer Responsibility Campaign*

70. [The New York Times, September 21, 2009](#)

*E.P.A. Report Suggests Waste Reduction and Recycling Reduces CO2 Emissions*

A new report from the EPA suggests that the way Americans procure, produce, deliver, and dispose of goods and services accounts for 42% of the nation’s greenhouse gas emissions. A similar report was released in tandem by the Product Policy Institute.

71. [The Daily Green, November 16, 2009](#)

*Everything You Know About Going Green Is Wrong*

The stuff people buy and the packaging that comes with the stuff people buy represent the biggest contribution to global warming, far more than the electricity people use or the gas they burn driving their cars.

72. [Product Policy Institute Update, November 16, 2009](#)

*National League of Cities Adopts Producer Responsibility Resolution*

The U.S. National League of Cities (NLC) adopted a resolution calling for producer responsibility for managing discarded products and packaging.

73. [Product Policy Institute press release, November 22, 2009](#)

*Black Friday Tarnishes the Globe*

According to a Product Policy Institute report, “production, consumption and disposal of the huge quantity of short-lived products and packaging used in the United States contribute 44% of all U.S. greenhouse gas impacts”. Thus, products and packaging consumed during the busiest shopping day of the year contribute to global warming. PPI and the Post Carbon Institute challenged world leaders assembling in December 2009 to discuss a unified global response to climate change – that is to make producers responsible for the greenhouse gas emissions associated with their products and packaging throughout the product’s entire life-cycle.

ROOTS OF CHANGE FUND (ROC FUND)

\$1,600,000 since 2002, including a five-year grant of \$1,000,000 awarded in 2007

74. [Good Magazine, September 25, 2009](#)

*What does it take to make no impact?*

Review of *No Impact Man*, a new documentary by food activists Colin Beavan and Michelle Conlin – a project that is similar to other projects, including the week-long Hunger Challenge in San Francisco, which asks a handful of bloggers to cook and eat on \$4 a day (the average amount food stamp recipients spend.) Michael Dimock, the president of the Roots of Change Fund, blogged about his experience while tackling the Hunger Challenge. Dimock wrote, “I guess the hunger, and the glimpse of a world with much less freedom, has cleared out my mind. I am feeling more empathy and compassion for those who require [food stamps] to eat. It is not just a mental construct today. ...I will become even more committed to food and social justice in the time ahead.”

75. [Capital Press, December 6, 2009](#)

*CRAE: Rules Stifle goals*

A group of public and private agriculture stakeholders is exploring ways of streamlining the permitting process for landowners participating in conservation programs. The California Roundtable on Agriculture and the Environment (CRAE) cites a 2007 survey that found that two-thirds of conservation workers who engage landowners in conservation projects had scaled back, canceled, or avoided projects that require permitting [CRAE is a project of the ROC Fund.]

76. [San Francisco Chronicle, December 20, 2009](#)

*Children’s garden takes root at San Francisco library*

A teaching garden has opened at the Mission branch of San Francisco Public Library. Lia Hillman, the manager of the project says she was inspired by Mayor Gavin Newsom's directive to assess city properties for food-growing possibilities [the ROC Fund conceived of and convened the San Francisco Urban-Rural Roundtable, a group of 40 urban and rural leaders charged with forming a market-development and food-access plan for the city and its rural neighbors, and to further develop the concept of regional foodsheds. Hosted by the ROC Fund, the process included a series of workgroups, which included participation from city staff and the mayor. It resulted in a series of recommendations upon which Newsom based his directives.]



77. [Roots of Change Presentation to the Farm Foundation Roundtable, January 8, 2010](#)

*A 21st Century Social Contract Between Agriculture & the Public*

On January 8, 2010, in San Antonio, Texas, ROC Fund President Michael Dimock joined former USDA Secretary Dan Glickman and Texas State University food system researcher and author, Dr. Jimmy McWilliams, on a panel for the Farm Foundation's Agriculture Roundtable, a national membership organization representing much of the nation's production agriculture leaders [speech by Michael Dimock.]

XERCES SOCIETY

\$130,000 awarded since 2007, including \$30,000 in 2009 for *Pollinator Conservation in California Agricultural Landscapes*

78. [Earth Island Journal, Autumn 2009](#)

*Plight of the Bumblebee*

The decline of bumblebees has received far less attention than the decline of the honeybee, though in the public imagination their plight has often been conflated. Not only do bumblebees pollinate about 15 percent of food crops (valued at \$3 billion), they also occupy a critical role as native pollinators. Plant pollinator interactions can be so specific that the loss of even one species carries with it potentially severe ecological consequences. The Xerces Society is working to document the status of the declining bumble bees.

79. [California Farmer, December 4, 2009](#)

*Native Bee Calendar by UC Bee Fan*

Bee aficionados affiliated with the University of California have created a North American native bee calendar, which focuses on the importance of native bees as pollinators. The project benefits the work of the Xerces Society and the Great Sunflower Project.

80. [Bloomberg.com, December 29, 2009](#)

*Bayer 'Disappointed' in Ruling on Chemical That May Harm Bees*

On December 23, 2009, U.S. District Court Judge Denise Cote ordered the EPA to rescind approval for spirotetramat, an insecticide produced by Bayer that inhibits cell reproduction in insects, because of its potential harm to bees. The EPA was aware of this potential last year when it approved its use. The Xerces Society, along with NRDC, challenged the EPA actions in court.

81. [The New York Times, January 12, 2010](#)

*Groups Seek Regulation of Bumblebee Shipments*

The Xerces Society, NRDC, Defenders of Wildlife, and University of California, Davis entomologist Robbin Thorp have formally petitioned the USDA and its Animal and Plant Health Inspection service to regulate shipments of commercially domesticated bumblebees. Scott Hoffman Black, executive director of the Xerces Society, says, "This is the tip of the iceberg. Bumblebees need to be regulated or we may see other diseases spread to bumblebees and potentially other bees."

## Other

### KQED

\$1,657,720 awarded since 1956, including a three-year \$150,000 grant in 2000 for the *Program Venture Fund* to support the productions of programs on public policy and environmental protection [this grant was used by KQED to produce the documentary, *The Botany of Desire*, based on the book by Michael Pollan]

82. [The New York Times, October 22, 2009](#)

*A Plant's-Eye View of Desire and Evolution*

[The article states that] the Columbia Foundation contributed to the budget for an adaptation of Michael Pollan's book, The Botany of Desire, for television, when finding funding was a difficult prospect for Pollan because the documentary included a focus on marijuana. The aim of the book and film is to serve as an "idiosyncratic examination of plant history and evolutionary science".

83. [San Francisco Chronicle, October 28, 2009](#)

*Documentary on Pollan's 'The Botany of Desire'*

The documentary film *The Botany of Desire* premiered on KQED on October 28, 2009. The writer says, that the program "provides a visually interesting and informative tour of four crops – the apple, the tulip, marijuana and the potato – that Pollan argues reflect different aspects of human desire."

## Articles by or about Program Advisors

### CLAIRE CUMMINGS

84. [CBS News, October 6, 2009](#)

*Burciaga Anthology among American Book Awards*

Claire Hope Cummings receives an American Book Award for Uncertain Peril: Genetic Engineering and the Future of Seeds.

January 5, 2010

Sidebar

## Group Gives Up Death Penalty Work

By ADAM LIPTAK

WASHINGTON

Last fall, the American Law Institute, which created the intellectual framework for the modern capital justice system almost 50 years ago, pronounced its project a failure and walked away from it.

There were other important death penalty developments last year: the number of death sentences continued to fall, Ohio switched to a single chemical for lethal injections and New Mexico repealed its death penalty entirely. But not one of them was as significant as the institute's move, which represents a tectonic shift in legal theory.

"The A.L.I. is important on a lot of topics," said Franklin E. Zimring, a law professor at the University of California, Berkeley. "They were absolutely singular on this topic" — capital punishment — "because they were the only intellectually respectable support for the death penalty system in the United States."

The institute is made up of about 4,000 judges, lawyers and law professors. It synthesizes and shapes the law in restatements and model codes that provide structure and coherence in a federal legal system that might otherwise consist of 50 different approaches to everything.

In 1962, as part of the Model Penal Code, the institute created the modern framework for the death penalty, one the Supreme Court largely adopted when it reinstituted capital punishment in *Gregg v. Georgia* in 1976. Several justices cited the standards the institute had developed as a model to be emulated by the states.

The institute's recent decision to abandon the field was a compromise. Some members had asked the institute to take a stand against the death penalty as such. That effort failed.

Instead, the institute voted in October to disavow the structure it had created "in light of the current intractable institutional and structural obstacles to ensuring a minimally adequate system for administering capital punishment."

That last sentence contains some pretty dense lawyer talk, but it can be untangled. What the institute was saying is that the capital justice system in the United States is irretrievably broken.

A study commissioned by the institute said that decades of experience had proved that the system could not reconcile the twin goals of individualized decisions about who should be executed and systemic fairness. It added that capital punishment was plagued by racial disparities; was enormously expensive even as many defense lawyers were underpaid and some were incompetent; risked executing innocent people; and was undermined by the politics that come with judicial elections.

Roger S. Clark, who teaches at the Rutgers School of Law in Camden, N.J., and was one of the leaders of the movement to have the institute condemn the death penalty outright, said he was satisfied with the compromise. “Capital punishment is going to be around for a while,” Professor Clark said. “What this does is pull the plug on the whole intellectual underpinnings for it.”

The framework the institute developed in 1962 was an effort to make the death penalty less arbitrary. It proposed limiting capital crimes to murder and narrowing the categories of people eligible for the punishment. Most important, it gave juries a framework to decide whom to put to death, asking them to balance aggravating factors against mitigating ones.

The move to combat arbitrariness without giving up sensitivity to individual circumstances is known as “guided discretion,” which sounds good until you notice that it is a phrase at war with itself.

The Supreme Court’s capital justice jurisprudence since 1976 has only complicated things. Justice Harry A. Blackmun conceded in 1987 that “there perhaps is an inherent tension between the discretion accorded capital sentencing juries and the guidance for use of that discretion that is constitutionally required.”

That was an understatement, Justice Antonin Scalia said in 1990. “To acknowledge that ‘there perhaps is an inherent tension,’ ” he wrote, “is rather like saying that there was perhaps an inherent tension between the Allies and the Axis powers in World War II.”

Justice Scalia solved the problem by vowing never to throw out a death sentence on the ground that the sentencer’s discretion had been unconstitutionally restricted.

In 1994, Justice Blackmun came around to the view that “guided discretion” amounted to “irreconcilable constitutional commands.” But he drew a different conclusion than Justice Scalia had from the same premise, saying that “the death penalty cannot be administered in accord with our Constitution.” He said he would no longer “tinker with the machinery of death.” The institute came to essentially the same conclusion.

Some supporters of the death penalty said they welcomed the institute's move. Capital sentencing "is so micromanaged by Supreme Court precedents that a model statute really serves very little function," Kent Scheidegger of the Criminal Justice Legal Foundation wrote in a blog posting. "We are perfectly O.K. with dumping it."

Mr. Scheidegger expressed satisfaction that an effort to have the institute come out against the death penalty as such was defeated.

But opponents of the death penalty said the institute's move represented a turning point.

"It's very bad news for the continued legitimacy of the death penalty," Professor Zimring said. "But it's the kind of bad news that has many more implications for the long term than for next week or the next term of the Supreme Court."

Samuel Gross, a law professor at the University of Michigan, said he recalled reading Model Penal Code as a first-year law student in 1970. "The death penalty was an abstract issue of little interest to me or my fellow students," Professor Gross said. But he remembered being impressed by the institute's work, saying, "I thought in passing that smarter people than I had done a sensible job of figuring out this tricky problem."

Things will look different come September, Professor Gross said.

"Law students who take first-year criminal law from 2010 on," he said, "will learn that this same group of smart lawyers and judges — the ones whose work they read every day — has said that the death penalty in the United States is a moral and practical failure."

# THE MONTHLY

The East Bay's Premier Magazine of Culture and Commerce

September 2009

What's the Deal? | A look at how—or whether—the New New Deal will reshape the East Bay. | By Bonnie Wach.

On a wet, gray day last February, a small group of Berkeley historians, architects, journalists, and activists gathered in a corner of the Codornices Park tennis courts to pay their respects to a stone wall.

This being Berkeley, tributes to rocks, walls, oak trees, naked guys, polka dots, and other objects both animated and inert are not particularly unusual or even especially noteworthy. Then again, this being Berkeley, a stone wall is never just a stone wall.

The group of mostly middle-aged academics huddled under umbrellas that February day were not there to simply pay homage to the humble wall's existence, but to mark an anniversary, to honor an almost-forgotten legacy, and to give the men who built the wall their rightful due.

Raising their glasses of sparkling cider beside two smooth, inconspicuous black markers—one inscribed “1934,” the other “CWA”—that were embedded in the hand-hewn wall, the group toasted: “To the dignity of the workers who gave us these tennis courts, the Rose Garden, and so much else.”

According to the ceremony's organizer, Steven Finacom, a columnist for the Berkeley Voice and a community historian, the 1930s laborers had pooled what “meagre income” they had to hire an out-of-work stone carver to inscribe the blocks. Digging through the archives of the Berkeley Daily Gazette, Finacom uncovered accounts of the dedication 75 years earlier, in which the foreman of the work crew proclaimed that “the men working under him wanted to leave some memento to the City and the Federal Government for the efforts that had been made to secure work for them.”

Today, the markers remain the only known tangible acknowledgment of the contributions of the Civil Works Administration, a short-lived and little-remembered Depression relief agency established in 1933 under President Franklin Roosevelt's New Deal. Though the CWA only lasted four and a half months, it managed to amass a vast and remarkable legacy, employing some 4 million Americans who constructed or improved 244,000 miles of roads, 350 swimming pools, 3,700 athletic fields, more than 800 airports, and 4,000 schools. The agency also gave jobs to 50,000 teachers, and to countless musicians, writers, and artists through its work relief programs. In the East Bay, we can thank the CWA for the stone amphitheater in John Hinkel Park, Codornices Park tennis courts, the terracing of the Berkeley Rose Garden, construction of the Eastshore Highway, and



dozens of other projects ranging from Oakland sidewalks and storm sewers to the planting of thousands of street trees.

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Three thousand miles away on that very same day in February, the United States Senate was voting on a bill that would ensure such grand-scale public works projects never happen again. The Coburn Amendment, championed by Senator Tom Coburn (R-OK), directed that no money from President Obama's proposed stimulus package could go to "any casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, stadium, community park, museum, theater, art center, and highway beautification project." The amendment passed overwhelmingly, with "yea" votes coming from, among others, California's Dianne Feinstein.

The irony was not lost on the group who gathered that day in Codornices Park, and weighed particularly heavily on Gray Brechin, a resident U.C. Berkeley geographer and scholar. For the past five years, Brechin has headed up California's Living New Deal Project, an undertaking whose ambitious mission is to inventory, map, and interpret the physical legacy of the CWA, Civilian Conservation Corps (CCC), Public Works Administration (PWA), Works Progress Administration (WPA), and other New Deal programs in California.

"That these men . . . would have gone to the trouble and expense to leave a marker is like someone who puts a message in a bottle and heaves it into the sea, hoping that someone will find it and know that they are there," reflects Brechin on a bright spring afternoon in the tennis courts, as he surveys their decades-old handiwork. "These men wanted to be remembered for what they'd done and how well they'd done it. Their craftsmanship shows in that stonework, which has scarcely moved even though the hill is sliding."

Since the passage of the American Recovery and Reinvestment Act (ARRA)—aka the stimulus package—last February, interest in the California Living New Deal Project has "skyrocketed," according to Brechin. "Certainly, there are parallels [between the New Deal and the stimulus package]. But I think what the Obama administration doesn't understand is that some of the money has to be forced into the bottom, not just handed over to the Bechtels and Kaisers of the world, where it will take a very long time to trickle down. It needs to go directly to the workers. Within one month, [New Deal relief projects administrator] Harry Hopkins put 2 million Americans to work."

Documenting the visible impact of Roosevelt's programs is the main component of the Living New Deal Project: Its ever-growing searchable online database and map show New Deal sites throughout California, augmented by photos and descriptions of the projects. The website also serves as a clearinghouse for information about the New Deal in California, including testimonial histories from participants. Brechin plans to publish a book about the project's findings and to mount a traveling exhibition.

Sponsored by the California Historical Society, the California Studies Center, and the Institute for Research on Labor and Employment at U.C. Berkeley, the Living New Deal Project has become something of a touchstone these days as the country grapples with economic Armageddon and pins its hopes on the \$787 billion shot in the arm (including \$85 billion for California), that some are referring to as the New New Deal.

Comparisons between the two seem inevitable, but any modern-day similarities to Roosevelt's "alphabet soup" programs may be more academic than realistic. The New Deal cut a wide swath through all sectors of society—bridge builders to mural painters, golf course designers to poets—guided by an underlying philosophy that paid labor would do more to boost the morale of Americans than welfare or tax relief.

It was, in a manner of speaking, change people could not only believe in, but could actually see.

Locally, we can thank the New Deal for projects both utilitarian and idealistic—from the Caldecott Tunnel and the completion of the Hetch Hetchy Dam to the soaring Art Deco stone reliefs of the Berkeley Community Theatre, the Coit Tower murals and the Hayward Plunge swimming pool to the Woodminster Amphitheater in Joaquin Miller Park, the Bay Bridge and the first four East Bay Regional Parks, the Oakland and Berkeley Rose Gardens, and the Alameda County Courthouse—to name just a small sampling.

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But Roosevelt's programs went far beyond buildings, parks, and highways. Around the country, the New Deal literally reshaped the American landscape, leaving an immense and enduring legacy from which we are still reaping the rewards. It was WPA workers, for instance, who recorded the oral histories of the South's last living slaves, and CCC workers, aka Roosevelt's "tree army," who planted some 3 billion trees across the United States. The WPA made household names of artists such as Jackson Pollock, Mark Rothko, and photographer Dorothea Lange. It gave voice to Richard Wright, Studs Terkel, John Cheever, Saul Bellow, and many others through the Federal Writers Project. And its orchestras expanded the public's musical horizons through free concerts and the first recordings and national performances of American folk and ethnic music.

While the aim of President Obama's stimulus package may ostensibly be the same, this time around economic salvation feels a little more like "Let's Make a Deal" than a New Deal. The Coburn Amendment effectively blocks certain forms of stimulation: the final, reconciled House and Senate version of the bill restores \$50 million for National Endowment for the Arts grants, but stipulates that only groups that have received federal funding in the last four years can apply; it also upholds the ban on funding for casinos, aquariums, zoos, golf courses, and swimming pools. Still, federal recovery money is flowing to state coffers, but the process is arduous and complicated.

Far from the simple “honest day’s work for an honest day’s wage” philosophy of the New Deal, city and state agencies not only have to figure out which doors to knock on as they scramble to compete for money, but how to navigate the federal government’s confusing application maze, meet deadlines (most of which mandate that cities must designate the funding to specific projects within 120 days), and ferret out whether they are even eligible for various grants.

The announcement in May that drugmaker Pfizer would provide 70 of its most widely prescribed drugs (including Viagra and Lipitor) for free to people who have lost their jobs somehow epitomizes the different, er, thrusts of the two approaches—not to mention putting a whole new spin on the term “stimulus package.”

Much of the \$85 billion slated for California in the rescue plan will end up behind the scenes in infrastructure, not structure; in the extension of unemployment benefits, small business loans, and tax relief, but not in direct work relief; and in job search–related programs, but perhaps not in actual jobs.

A July report from the Government Accountability Office on state spending of federal recovery money showed that while Recovery Act goals may be lofty, the fiscal realities are sobering. Most states, the report noted, are using the first round of stimulus money just to stay afloat—covering budget shortfalls in Medicare and Medicaid, preventing more teacher layoffs, staving off enormous tuition hikes at universities, and plugging up potholes.

“When I was reading about the CWA, I was struck by how quickly and directly the money flowed from the program to workers,” says Finacom. “For example, a city would say it was going to use CWA funds to do street repairs or plant street trees, and 50 or 100 or 200 local men would be hired and literally sent out with picks and shovels to do the work. Today, if federal stimulus funds are being used to repair a street, the city would use them to hire a contractor, who would then bring it to a relatively small team of workers.”

To be fair, the sometimes epic time lapse nowadays between projects deemed “shovel ready” and actual groundbreaking has much to do with environmental impact reports, project review boards, and fair bidding and hiring protocols—practices that mostly weren’t in place during the Roosevelt administration. Plus, says Oakland Department of Public Works information officer Kristine Shaff, “The size of the grants is not the same, relatively speaking, as it was in the 1930s.

“We probably won’t see any huge public works projects now like they had during the New Deal, because the money is coming from a variety of different agencies, and it’s not just going to public works, but to a whole spectrum of urban issues,” she says.

According to the Recovery Act website, a host of local and state agencies—the departments of Education, Health and Human Services, Transportation, Housing and Urban Development, and Energy—are in charge of determining award grants and contracts, which in turn will trickle down to the state and local levels, which then will

potentially benefit everything from school renovations and public housing development to food stamps, nutrition programs for the elderly, and overhauling the nation's electronic medical records.

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In California, Recovery Act funding is slowly making its way down the pike, earmarked for broad-based projects such as extending the wireless network for Amtrak, developing high-speed rail, updating the electric grid, and fixing crumbling streets, roads, and bridges. Dig deeper into the state Recovery website and you'll also find funding for things like youth mentoring, Head Start program expansion, salt marsh restoration in San Francisco Bay, and historic preservation at black colleges and universities.

At the local level, municipalities including the cities of Berkeley and Oakland have lined up for their fair share, but so far only a few projects are anywhere close to groundbreaking. One of those is reconstruction of the pavement on University Avenue in Berkeley, between San Pablo Avenue and Sacramento Street, for which the city has already received funding. Construction will begin this fall.

"We've also been awarded funds for summer youth employment, which has increased the size of the program this [past] summer," says Mary Kay Clunies-Ross, spokesperson for the City of Berkeley. "There isn't much building from the ground up, but we are working on maintaining buildings that serve the public as a whole, or provide housing and other assistance to low-income homeowners."

Clunies-Ross says that in addition to these projects, the city is pursuing funds to refurbish the public health clinic on University Avenue as well as Amistad House, which houses the formerly homeless. They also plan to expand the weatherization program for low-income housing, and increase community development grants, which go toward affordable housing, services, and jobs.

In Oakland, stimulus grants, many part of larger state formula allocations, have already been received for projects that include installing barriers to reduce pollutants in Lake Merritt and the Oakland Estuary (\$3,450,000), and job search and training programs for dislocated workers (\$1,805,371). The CalTrans expansion of the Caldecott Tunnel with a fourth bore will also be partially funded by Recovery Act money. Construction is scheduled to begin this month, with completion estimated anywhere between 2013 and 2014.

In scope and ideology, the Caldecott project perhaps most closely parallels the public works of the New Deal. It was the PWA that constructed the original two Caldecott tunnels in 1937, creating the first auto roadway connecting Alameda and Contra Costa counties. And while the fourth tunnel will likely bear little resemblance to the grand Art Deco facade of the first, the Caldecott is one of the few full-scale ground-up building projects seeing fruition under Obama's New New Deal.

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Still, Brechin and other New Deal historians feel that lost in the stimulus plan is a sense of pride and self-respect that comes from creating something tangible, along with the idea of working together for the greater good of the country.

“You could say computerizing medical records is very important, but you can’t see it happening,” says Robert Leighninger Jr., a sociologist at Arizona State University and author of *Long Range Public Investment: The Forgotten Legacy of the New Deal*. “Obviously, things like high-speed rail are going to have a big impact, but I think you also need to put money into public works, so you know the money is being spent, not being saved or pocketed.”

What’s also lacking in the stimulus package, says Brechin, is an emphasis on the value of beauty in public life. Walking through the stately rows of apricot, lilac, and deep crimson blooms in the Berkeley Rose Garden, Brechin muses that this WPA project is probably his favorite in part because, “It is so absurdly superfluous.”

“The New Deal idea that people need beauty, in addition to water systems and roads, was transformative,” he says. “And I think it is directly at odds with forces in today’s government.”

Brechin is referring to conservative critics of the New Deal and the Recovery Act such as economics journalist Amity Schlaes, author of *The Forgotten Man*, and Senator Coburn, both of whom contend that Roosevelt’s plan didn’t do anything to lift America out of the Depression, and that public works projects promoting art, music, film, and theater are essentially frivolous.

The partial passage of the Coburn amendment means it’s unlikely that we’ll see Recovery money fueling a resurgence of murals depicting men in overalls drilling while they browse tomes by Karl Marx, as they do on the walls of Coit Tower, but not everyone fighting for arts funding is pessimistic. At a recent California Historical Society lecture titled “The History of Public Funding and the Arts—The Legacy of the New Deal,” a lively group of artists and activists—including a few seniors who recalled the help they received from the New Deal and other government-sponsored programs—debated the future of public art. Panelist Lincoln Cushing, an archivist and author of several books on labor posters, noted that “the challenge today is to turn the stimulus package into something else.

“Technology has changed the mechanism of distribution, but there’s no substitute for working with your hands,” he said. “We need to find ways to integrate that technology with art that will make as big an impact as WPA posters did.”

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Back in Berkeley, Brechin is walking through the Civic Center, pointing out place after place where the New Deal left its imprint: Berkeley High School, the Berkeley Community Theatre, the Civic Center Park, the vibrant murals depicting the founding of Berkeley in the Main Post Office, and on and on.

Midway through the tour, he stops to consider it all. “When I think of the scope—just in terms of knowledge—it’s absolutely phenomenal,” he says. “It was a marriage of goodwill and ingenuity the likes of which we will likely never see again. Unlike what the cynics say, I believe the New Deal brought the country from the 19th into the 20th century.”

As the Living New Deal’s map of California projects continues to expand, it has become clear that Brechin’s ultimate goal has gone beyond building a database, beyond collecting photographs, publishing a book, recording oral histories, conducting tours, and giving lectures.

“I want to uncover the hidden landscape that we all take advantage of but don’t see, to serve as a model and inspiration for a national inventory of the New Deal,” he says. “I think this is the best way to open people’s eyes, to disprove the naysayers, to show what government can do at its very best.

“We could do worse than to take our cues from the California Conservation Corps and the WPA,” Brechin adds. “It wasn’t utopia, but it sure looks like it from here.”

Perhaps in the end, drawing direct parallels between Roosevelt’s idealistic vision and Obama’s more pragmatic one is a little bit like comparing apples to genetically modified oranges. In this era of advanced computer technology, one man’s shovel is another man’s mouse click, and who’s to say that updating the electrical grid is any less valuable to society than building a beautiful electrical substation? True, it’s not change you can see, but perhaps in the end, it will be change you can bank your future on.

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Bonnie Wach is a Bay Area freelance writer and the author of *San Francisco As You Like It: 23 Tailor-Made Tours for Culture Vultures, Shopaholics, Neo-Bohemians, Famished Foodies, Savvy Natives & Everyone Else*.





**Set in stone:** An example of what New Deal money did for public works, the Berkeley Rose Garden tennis court wall looms large.

**Photo by SpiralA Photography.**



**Forging ahead:** The first two Caldecott tunnels, featuring a 1937 Art Deco facade, were built with New Deal dollars. A future tunnel will be partially funded by Recovery Act monies.

**Photo by SpiralA Photography.**



**Lovely labor: Oakland's Municipal Rose Garden is an example of the New Deal's commitment to creating beauty in public places.  
Photo by SpiralA Photography.**

# Time for a new New Deal for California

Richard Walker, Gray Brechin

Sunday, November 22, 2009



The Great Recession hit California hard. Long the largest and most dynamic part of the American economy, the state has fallen far and fast. Unemployment stands at the third-highest level of any state, and underemployment is catastrophic: 1 in 5 Californians.

What can be done? This is no natural disaster but a man-made one. We are not helpless in the face of a faltering economy. When the private sector fails to generate enough investment and jobs, government can act to combat the economic downturn and get people back to work.

It's an old lesson, first learned in the Great Depression of the 1930s. Too many of us have forgotten it, while some are mulishly blind to it, preferring to believe that the market can do no wrong. Does anyone still believe that after the financial fiasco of last year?

The lesson was taught the nation by the New Deal. After three years of economic collapse, Franklin Roosevelt was elected in 1932 and went to work reviving the country. His actions marked a radical break with the previous administration of Herbert Hoover, which had studiously balanced the budget in the belief that government deficits are always harmful.

The New Deal began by sorting out the mess at the banks. Then it put millions to work within months and ultimately employed about 12 million people in public works. It reduced unemployment by 60 percent and spurred a dramatic revival of the whole economy, which was back to normal growth by 1942.

At the outset, no one was sure the New Deal would work, but it did. Soon afterward, economist John Maynard Keynes provided the reasoning: Contrary to economic orthodoxy, government action and deficit spending are essential tools to combat the failure of the private economy in a depression.

Today, we face a similar crisis. The Obama administration is wisely applying New Deal tactics with its stimulus package of \$750 billion. The Great Recession would be worse without it.

Meanwhile, what is California doing? The governor and Legislature are applying the same tactics as Hoover, the state's onetime favorite son. They are balancing the budget by cutting spending. It is a formula for disaster.

The results are the same as they were in Hoover's time: making the Great Recession worse. Cities, counties, schools and universities are laying off workers, cutting expenditures and charging more, thereby raising unemployment and reducing consumer spending.

Meanwhile, there is silence from President Obama and the California congressional delegation (dominated by Democrats) about the meltdown in the Golden State. Have we learned nothing from the past?

Our representatives in Washington and Sacramento should all be crying out for a second stimulus and, above all, for aid to states and local governments. The Republicans cut such aid out of the first stimulus. Now it must be restored.

The cost to cover all the yawning deficits, including California's, would be about \$200 billion in 2010. This is about one year's worth of war in Afghanistan and Iraq.

Then the federal government should add \$500 billion more for public works to put the unemployed back to work.

The New Deal stimulus package ran on two legs, while Obama's stimulus is limping along on one.

During the New Deal, the Public Works Administration (PWA) built fundamental infrastructure, like dams and buildings; these are costly, require long lead times and employ mostly skilled workers. This is what Obama is doing.

By contrast, the Works Progress Administration (WPA) and Civilian Conservation Corps (CCC) built smaller and simpler projects, such as roads, sidewalks and picnic grounds, but put to work many more ordinary people.

It was money well spent. Not only did the New Deal give millions of desperate people hope, it served vital public needs. In California, the great Long Beach earthquake of 1933 wrecked schools throughout Southern California. Within three years, New Deal workers built or rehabilitated 536 school buildings.

They were built so well that most are still in use seven decades later. Scarcely a town in California lacks a PWA or WPA school. Entire campuses, such as the Spanish Revival acropolis of San Diego State University, rose virtually overnight, providing opportunity for generations of students to better themselves and their state.

The long-term economic payback for this burst of activity has been incalculable. Yet today's Californians are largely unaware that they have been benefiting from the public

works of another era. Though New Deal structures are ubiquitous, most are unmarked and unrecognized.

So what are state leaders doing today? Instead of building, they are destroying - cutting back on state and local programs and, worst of all, gutting our schools, colleges and universities. The University of California alone has suffered a \$1 billion, or 20 percent, cutback, with more to come next year.

The benefits of California's public schools (once the nation's finest) and the world's greatest public university system have been incalculable. We know - we're both products of that educational opportunity. Now is the time for Californians to remember the lesson of what a great, public-spirited generation did for us. Instead of leaving our children a ruined public sector, we should be crying out for a new New Deal.

Richard Walker is a professor and Gray Brechin a visiting scholar in geography at UC Berkeley. They direct the California Living New Deal Project: [livingnewdeal.berkeley.edu](http://livingnewdeal.berkeley.edu). Submit your comments at [SFGate.com/chronicle/submissions/#1](http://SFGate.com/chronicle/submissions/#1).



Like millions of others across the country, a man waits in a breadline in San Francisco in 1933.  
The Dorothea Lange Collection / Oakland Museum of California





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## California's Living New Deal Project

by Lindsey Dillion and Alex Tarr

President Franklin Roosevelt's New Deal looms large in the collective American memory as one of the most important public programs of the 20th century. Yet people today often forget that New Deal agencies created much of our public infrastructure in both city and countryside as well as beautiful art works that adorn public places.

In the fall of 2004, geographer Gray Brechin, a visiting scholar at the University of California, Berkeley, and photographer Robert Dawson began to document the physical legacy of New Deal-era public works in California. With a seed grant from San Francisco's Columbia Foundation, they traveled the state recording, in text and photographs, the New Deal's most visible legacies. They rediscovered the New Deal landscape in California, and also investigated how so many useful and enduring structures could have been built in such dire economic circumstances.

No one had attempted to document and map all of the public works created in one state by the Civilian Conservation Corps (CCC), Works Progress Administration (WPA), Public Works Administration (PWA), and other "alphabet soup" agencies. Because World War II brought an abrupt end to these efforts, the agency records are scattered, spotty, and imperfectly preserved. In 2007, geography professor Richard Walker brokered a supportive connection between the project, the California Historical Society (CHS), and the California Studies Center at the University of California, Berkeley's Institute for Research in Labor and Employment (IRLE) to establish *California's Living New Deal Project*. With additional funding from the Columbia Foundation, CHS hired Lisa Ericksen as project manager and research assistants Lindsey Dillon and Alex Tarr.

Even with a larger team and funding, the complete record of what New Deal agencies accomplished in California remains difficult to piece together.

Research has taken project scholars through a wide variety of archives and across the state. They have scoured minutes of city meetings from the 1930s, old newspaper and magazine articles, college theses, and papers from historical societies for information about what was actually built, retrofitted, painted, and sculpted. For example, the California CCC museum, located at Cuesta College near San Luis Obispo, houses dozens of boxes of original files from CCC camps in California. While incomplete, these records reveal the extensive amount of tree-planting, trail-cutting, stonework, and other important CCC contributions to California parklands.

This research documents a broad landscape of important public resources built by New Deal agencies. For example, most airports in California are New Deal constructions. While the PWA built big airports in urban areas, the CCC was responsible for most of the rural airports in California. These originated as emergency landing strips and today are invaluable to rural populations. In rural and urban areas alike, the WPA built hundreds of schools and often embellished them with artwork, such as sculptures, mosaics, and murals. Other important contributions to civic life left by the New Deal include many of California's bridges, post offices, courthouses, playgrounds, and parks.

*California's Living New Deal Project* aspires to reintroduce this legacy of the New Deal to as many people as possible while simultaneously reinvigorating conversations about the promise and potential of large public works. In addition to writing a book about the transformations that took place in California under the New Deal, Brechin has been delivering multimedia presentations to audiences throughout the state ranging from historical society members to public school teachers. Much of the research is already publicly available on the IRLE-hosted website that allows visitors to explore and contribute to the ever expanding database of New Deal sites in California.

At the heart of the website is an interactive map that displays a small marker for each New Deal project in the database. Visitors to the site can explore the map by a region of interest and/or a particular type of site. For example, one could ask the map to display all parks and recreational areas in Los Angeles County. Each marker on the map links to a webpage for that particular New Deal project. Visitors can see both archival and contemporary photographs and read about what agencies were involved with the project, including its cost, duration, employment levels, and much more, depending on what information has been found.

The website also provides a forum to share knowledge about the New Deal in California and to collaboratively build the database. Visitors to the website can submit information about New Deal projects in their own communities and also read the stories of others who have shared their memories and experiences. These submissions can fill notable gaps in the public record of New Deal projects. They also are important testaments to the "living" aspect of the New Deal.

A research librarian recently wrote to the project about her morning swims at a WPA swimming pool in Los Angeles. Another woman wrote about watching WPA artist Belle Baranceanu paint two murals in her high school in San Diego in the 1930s, and about going on a date to see the WPA opera in San Diego's Balboa Park. These submissions help to build the Living New Deal Project—an accessible and dynamic public record of buildings, murals, trails, parks, and other amenities enjoyed by the public for over 70 years.

The project continues to grow as more people visit the website, contribute, and share information. The daunting number of sites already recorded by *California's Living New Deal Project* just begins to scratch the surface of what was constructed under the impetus of the New Deal in California. The worsening economic conditions of our own times and current public debate over the value of large, publicly funded works brings a new resonance and a deeper sense of urgency to gathering and appreciating the full record of the Living New Deal in California and throughout the United States.



FIGURE 1: A WPA crew paves Harding Boulevard in San Francisco (Courtesy of National Archives and Records Administration)



FIGURE 2: The San Francisco-Oakland Bay Bridge was completed by the WPA in 1936. (Photograph courtesy of Robert Dawson, 2005)



FIGURE 3: John Hinkel Park Amphitheater in Berkeley was built by the Civilian Works Administration (CWA) and opened in 1934. (Photograph courtesy of Gray Brechin, 2005)





FIGURE 4: This rock wall at Point Reyes was built by the WPA prior to the area becoming a National Seashore. (Photograph courtesy of Gray Brechin, 2005)

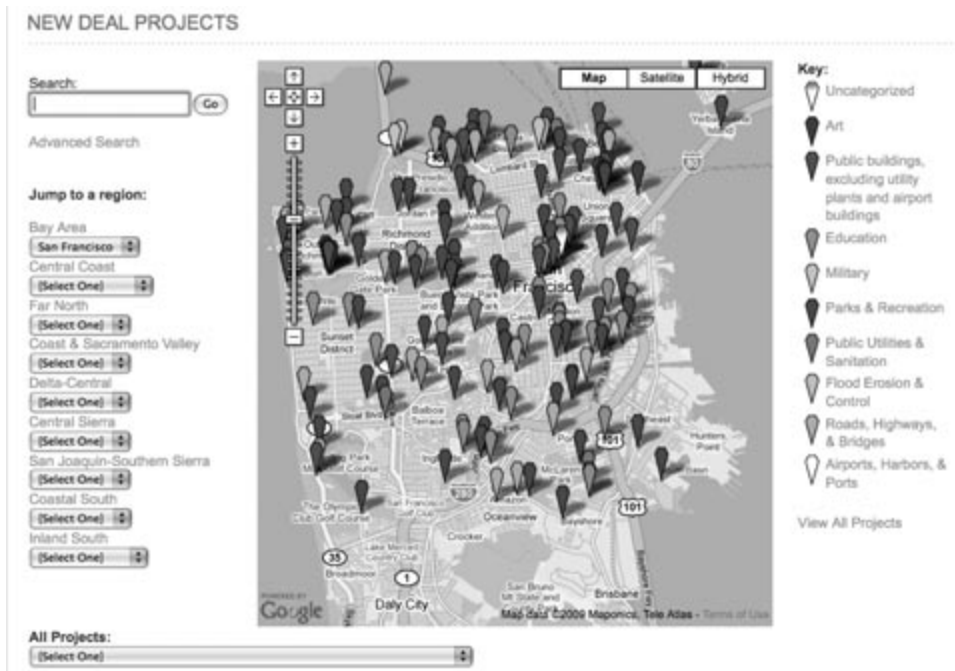


FIGURE 5: Screen capture of California Living New Deal History website shows San Francisco Bay Area projects. <http://livingnewdeal.berkeley.edu/> (Photograph courtesy of Gray Brechin, 2005)

## Global informing

*CounterPULSE's Performing Diaspora celebrates nontraditional traditional dancers*

By Rita Felciano



Kathak dancer Charlotte Moraga

**DANCE** For too many years ethnic dance, traditional dance, folk dance, culturally-specific dance — whatever label you stick on it — has been a stepchild on American stages. Considered of little interest to observers beyond the cultural groups in which its practitioners were based, general audiences admired its colorfulness and derided its lack of innovation. Yet with increased exposure, traditional dance forms have become more respected and have done their part to make the world more of a global village.

With the art form less under siege, stirrings have been coming from within the genre by dancers pushing at the traditions' parameters. It's a worldwide phenomenon. In the mid-1990s flamenco dancer Joaquín Cortés bared his chest and started performing to pop and jazz. Purists shuddered when Kathak dancer Akram Khan started to integrate modern dance practices into his performances. At the SF Ethnic Dance Festival this year, winds of change can also be felt at the venerable Ethnic Dance Festival. This year Los Lupeños de San José, one of the Bay Area's oldest Mexican companies, performed a hot mambo with the women in anything but long flouncy skirts, and Indonesian dancer Sri Susilowati's mourning dance was full of contemporary accents.

Traditional dancers who want to rethink conventions often feel homeless because they don't fit into any established performance categories. That's where Performing Diaspora

steps in. CounterPULSE's two-year initiative culminates in three weeks of performances starting November 5.

Debbie Smith, cultural program coordinator at the Arab Cultural and Community Center, is one of the three curators who chose 13 artists from the more than 60 who applied from throughout California. As "a little white girl from Texas" (as she calls herself) who speaks Arabic and is trained in Egyptian folk dance, she has learned to live with the sensitivities that surround fears about dilution of content and about perceptions of being less than respectful to well-defined art forms.

Since Performing Diaspora is the first festival of its kind, the curators had to feel their way into this new arena. It was a delicate process because "the need for support in dance is so great," Smith explains. "We did not know what we would get, though we were looking for artists who served traditions without wanting to be confined by them."

What the Festival got were artists like Charlotte Moraga, the primary dancer of the Chitresh Das Dance Company. Twenty years ago at San Francisco State University, the jazz dancer from Florida stumbled into her first Kathak class when the jazz class she wanted was full. The festival also got Devendra Sharma from Fresno, who learned Nautanki, a traditional folk music theater style from northern India, from his father.

At a recent work-in-progress showing, Moraga's *A Conference in Nine*, based on a Sufi poem, *A Conference of Birds*, was performed with jazz, North Indian, and South Indian musicians. It looked as traditional and contemporary as you would want. The same was true for Sharma's *Mission Suhani*, a reinterpretation of one spunky woman's refusal to be cheated out of her dowry.

Almost half Performing Diaspora's lineup hails from beyond the Bay Area, with artists who have made rethinking traditions a core element of their work, and those who only recently entered this wobbly territory. But the most unexpected participant in Performance Diaspora is a local: Kunst-Stoff's Yannis Adoniou, best known for his ballet-based postmodernism. He will present *Rembetiko*, a work-in-progress based on the underground culture of Greeks who returned from abroad at the turn of the 20th century. "My uncle was a rembetiko musician", Adoniou says. "I used to dance to his music when I was five."



## ‘Diaspora’ dances around the world

**By: Andrea Pflaumer**  
**Special to The Examiner**  
**October 30, 2009**



Indonesian offering: Sri Susilowati is one of numerous dance makers appearing in a three-week “Performing Diaspora” program at CounterPULSE. (Courtesy photo)

Diaspora: A body of people dispersed from their homelands. That pretty much describes the Bay Area population in a nutshell.

Beginning Thursday, CounterPULSE, the South-of-Market artists’ collective, presents “Performing Diaspora” — three weekends of dance, music and drama featuring a baker’s dozen of artists whose fresh and experimental work is rooted in cultural traditions from such diverse parts of the world as Indonesia, Serbia, the Caribbean, Japan and Africa.

CounterPULSE director Jessica Robinson Love says, “The Bay Area has had support for artists who practice traditional forms of dance and that’s very important, especially for recent immigrants. On the other hand, we have a vibrant contemporary performance community. What we were lacking was a middle ground — artists based in traditional forms who want to divert from that.”

As such, “Performing Diaspora” seems to begin where San Francisco’s popular Ethnic Dance Festival leaves off.

“I believe traditional dance is not static — society shapes it,” says Indonesian dance master Sri Susilowati, who appears in both venues. “I want to offer a way to think clearly about the underlying principles that are core to the Indonesian dance vocabulary.”

For her “Diaspora” performance, she uses the timing, movement and form of traditional Indonesian dance as a springboard to examine a Western obsession: food.

Raised in Java, where poverty was commonplace, she was stunned to see many anorexic dancers here. “At the start of the new piece, I talk about food and appearance — and I actually eat and shake my booty on stage,” she laughs.

Breaking cultural boundaries proves unnerving to some. “It’s the traditionalists from any culture that have a hard time with it,” Susilowati says.

Just as with traditional forms of dance, these new works require equal focus and discipline.

“Sometimes people throw out words like fusion,” says “Diaspora” choreographer Adia Whitaker, an Alvin Ailey-trained dancer whose own work is rooted in both Haitian dance and hip-hop.

“But what gets overlooked is the craft. It’s like growing a garden — you have to plant the seed, wait and then cultivate it,” Whitaker says. “You need a contemporary mindset to get it done, but it requires extensive knowledge of your traditions. You don’t want to present a watered-down form.”

The merging of cultural traditions has already resulted in some pretty terrific outcomes: jazz music, tap dance and even those joyous Bollywood extravaganzas come to mind.

One wonders what new and thrilling forms will be birthed by these artists.

# Performing Diaspora Festival - beyond tradition

Mary Ellen Hunt, Special to The Chronicle

Sunday, November 1, 2009



It was the Sufi poet Rumi who asked, "When will you begin that long journey into yourself?" The 13 artists of CounterPulse's Performing Diaspora Festival, which begins next weekend have been on that journey for a year, and now dance audiences will have a chance to see snapshots of their trip. This ambitious new festival - which brings together artists from the Bay Area, Fresno and the Los Angeles/Pasadena area - has been as much about the process of creating the works as about the produced pieces that will be on the stage over the next three weekends.

The very word "diaspora" is loaded with meanings, and CounterPulse Executive Director Jessica Robinson Love and Laura Elaine Ellis, who curated the selection of artists along with Sherwood Chen and Debbie Smith, both acknowledge the struggle it took to define what the criteria should be for artists participating in the project.

"We really had to hash it out and ask ourselves questions," Ellis says. "About traditional dance, cultural dance, world dance - about aesthetics, folk dance versus concert dance. Would we open it to more than just movement-based ideas or include an oratory tradition?" Ellis will lead a panel discussion investigating some of those very questions during the festival's free symposium. "After those brainstorming sessions, there was gray matter left on the ground all around us."

Ultimately, the list focused on artists well versed and grounded in their chosen form who nevertheless sought to innovate in some way.

"It's about transition and translation," Love says. "About how cultures change as they travel and what changes have to happen in an art form to keep it alive and vibrant and relevant."

Love conceived the idea as a way to encourage nontraditional efforts in the traditional arts. She was most interested in not just putting on a one-time showcase but in having the artists engage with the material, with one another and with audiences.

The process itself - a year commitment, but two years for the three or four artists who will be selected to continue developing their works - has been exhaustive. In addition to creating their works, the 13 participants have been blogging about the process, participating in panel discussions with one another, as well as offering works-in-progress showings throughout the past year. A tour through the CounterPulse.org Web site takes you not only to the usual bios and artist statements but also to YouTube videos that include interviews and footage from the showings.

"I was really apprehensive going in," Love says of the intensive schedule of responsibilities, "but we found that they were all so eager to communicate about their art and happy to have the opportunity to talk about it as it evolves."

For poet and performer Opal Palmer Adisa, the project gave her the push to create something she'd been wanting to do for a long time. Adisa's "The Myal Healer" springs from her interest in an ancient myal healing ritual, which she traces from the Caribbean back to its African roots - elements of which she saw in Ghana and Nigeria.

"I want the audience to come to see my piece and the pieces others have made with the understanding that each of us is sharing something we consider to be valuable," Adisa says.

For even the most well-educated dance audience, the twist on traditional may not always be obvious, especially if you're not an expert in the forms, which include everything from flamenco to Afro-Cuban to Indian nautanki, and practitioners of folkloric dances investigating their roots in dances from Cambodia, China, the Philippines, Indonesia and Greece.

"There's a real range," says Love, "as to how experimentation plays into a significant departure for each of these artists."

Charlotte Moraga, for instance, is a kathak dancer and disciple of the great North Indian classical dancer Chitresh Das, who himself has pushed the envelope of traditional kathak. Her collaboration with Prasant Radhakrishnan, a carnatic saxophonist, juxtaposes a North Indian dance form with South Indian music - all inspired by a Persian poem.

Moraga says the process has helped add textures to the development of her work, but feedback in the works-in-progress showings has often brought up more questions than answers.

"It's been difficult," she concedes. "Ordinarily in kathak, the person to give feedback would be your guru and ... other people who know kathak well."

Moraga notes that although working with the Performing Diaspora has taken her out of her usual community of dancers, she's felt a responsibility to take on the challenges while still staying true to her form. Ultimately, she considers the project's goals "quite brilliant."

"It opens up new avenues for art, and kathak is about relationships," she says. "I want to open it up to new audiences."

As it turns out, that idea - that art is about the journey, not the destination - is neatly encapsulated in Farid ud-Din Attar's poem "The Conference of the Birds," which Moraga takes as inspiration for her work "A Conference in Nine." A group of birds join in a quest to find the mythical Simorgh - a metaphor for God.

"They're convinced to go on this journey so that they can find something deeper," says Moraga. "But in the end, what they find when they get there is not a god, but a mirror, in which they see the reflection of each other and themselves."



Charlotte Moraga, a kathak dancer, juxtaposes a North Indian dance with South Indian music, inspired by a Persian poem.  
Photo: [counterpulse.org](http://counterpulse.org)



## **Bold New Strokes: The Inauguration of the Performing Diaspora Festival**

by Kate Law Hoflich

In Dance, November 2009

California has a very rich traditional dance and performance community. The Bay Area alone has over 300 ethnic dance groups. Along with this rich diversity comes support for traditional art to be performed, such as the San Francisco Ethnic Dance Festival. Some traditional artists, however, want to innovate within their form and there is little support for experimenting within tradition. That is where CounterPULSE's Performing Diaspora festival comes in.

Created in partnership with several local and statewide organizations, Performing Diaspora is more than a simple festival, it is a state-wide 2 year initiative featuring dance, music, theater, media and interdisciplinary artists who are using traditional forms as a basis for experimentation and innovation.

According to Sherwood Chen, of the Alliance for California Traditional Arts, who is also a curator for Performing Diaspora, this initiative is important for several reasons. "It is important not because the approach—that of tradition-based artists actively experimenting and/or innovating within their respective forms—is new. The importance emerges in addressing the gaps which exist for artists' work that falls within this often difficult-to-categorize realm," explains Chen.

There is a dilemma that artists innovating within a traditional form face. Chen elaborates on this catch-22, "Predominately, traditional arts advocates are challenged by work that may not be 'traditional' enough, due to deliberate innovation, inspiration, adaptation and new considerations which impact the creation of work and are in direct tension with the mandates of the lineage, traditional form, and politics of cultural expression...Conversely, programming, curatorial and funding resources which emphasize 'innovation' as a key criteria often overlook tradition-based work because one can too easily and inappropriately dismiss it as too 'traditional.'"

Performing Diaspora, therefore, was created as a model to carve out space for reflection, critical community and ultimately artistic development for tradition-based artists within this rich and risky realm of creation. These artists have previously been left out of opportunities for support. CounterPULSE has a history of being a creative safe haven for artists who want to push the boundaries of their form. According to Jessica Robinson Love, the Executive Director of CounterPULSE, "We were blown away by the overwhelmingly positive response we received, and by the quality and range of the applicants—it underlined the need for this program as traditional artists are pushing boundaries like never before."



From the large pool of applicants thirteen were selected. They are Adia Whitaker (San Francisco), Danica Sena Gakovich (San Francisco), Charlotte Moraga (San Francisco), Gema Sandoval/Danza Floricanto/USA (Pasadena), Ana Maria Alvarez/ CONTRA-TIEMPO (Los Angeles), Opal Palmer Adisa (Oakland), Colette Eloi (Oakland), Sri Susilowati (Pasadena), Yannis Adoniou/KUNST-STOFF with Catherine Clambaneva & Leonidas Kassapides (San Francisco), Dulce Capadocia/Silayan Philippine-American Dance Company (Los Angeles), Prumsodun Ok (Long Beach), Devendra Sharma (Fresno), and Wang Fei (Union City). The forms that these artists are working within range from hip-hop-inspired Filipino folk dance to Greek rembetiko music with shadow puppets, to a political take on Nautanki a North Indian folk theater tradition.

In addition to Chen the program has two other experienced and well-respected curators who will help to shape it's impact. Chen, Laura Elaine Ellis of the African and African American Performing Arts Coalition and Debbie Smith of the Arab Cultural and Community Center were chosen by Robinson for their expertise in traditional forms. They have acted as guides throughout the application process, artist selection, and content creation for the symposia and discussions.

Marc Vogl of the Hewlett Foundation, another key contributor to the Performing Diaspora program, underlines the value of the program, "While there are many organizations and events that exist to preserve the artistic traditions of the region's immigrant groups there are not enough outlets for artists to experiment and challenge the precepts of such cultural work."

So what exactly is Performing Diaspora going to do for the artists in the program and the audiences who are interested in what they are creating? The program has several important components: an artistic residency, symposia, performance festival and commissioning program.

The artistic residencies support the actual development of new works. This development support comes in the form of rehearsal space from June through November 2009. Bay Area artists received rehearsal time at CounterPULSE—especially valuable because it enables them to rehearse in the space where they will perform—while non-Bay Area based artists get rehearsal stipends to rehearse locally. The artists also have been participating in monthly work-in-progress showings to receive and offer feedback on each other's work.

In addition to the support for the development of new work, there is also a community and educational component to Performing Diaspora. This consists of a number of symposia where artists will be invited to discuss issues related to their work as well as a symposium focused on innovation within traditional performance. A major component of the community aspect of Performing Diaspora, which is in itself an innovative concept, is the idea of a "virtual residency" through blogs and online forums.

Catherine Herrera, Performing Diaspora's Program Coordinator, explains, "technology makes it possible to engage the audience in the creative process, inviting them to join the online conversation and shape how performance art is seen in the future. In this way, the impact of performance art is multi-layered."

The harnessing of new technologies is major component of the program. According to Robinson, "Hosting a statewide residency program provides CounterPULSE with new challenges, but also huge opportunities. Our artists will engage with their local communities as they develop their work, while they'll also be getting feedback from each other and presenting their work online. Our website will host videos, photos, interviews, artists' journals and lively discussions." This project deeply investigates the Diaspora of culture, community and traditions and at the same time places it in the very modern context of the internet.

The cap of the project's first year is the Performing Diaspora Festival Performances. The work developed during the residency will be presented during a three-week festival, November 5-22, 2009 at CounterPULSE. CounterPULSE is covering the production costs and the artists will receive payment for their work. After the performances the project moves into it's second phase in which some of the participating artists may be selected to receive a second year of support, which includes the commissioning and presentation of a full-length performance work.

As Performing Diaspora is nearing the culmination of it's first year, I asked Chen if any of the outcomes so far have been surprising. The first surprise, a pleasant one for the curators and CounterPULSE, was that there was such a large response from different tradition-based artists who identify with what Performing Diaspora is about. Chen elaborated "that many of the artists we are working with this year have deep understanding of their traditional roots and lineage while pushing their respective, sometimes personal, considerations around artistic process. That is, just because you are an innovator does not compromise how traditional of an artist you can be, and I have found that many of the Performing Diaspora artists have a fluency to toggle between traditional pathways and experimental ones, and at times, ride a sometimes delicious, uncomfortable, fresh, risky place that holds both paths at once."

If you want to check out the premiere of fresh and possibly risky perspectives presented by thirteen innovative artists from around the state then mark the Performing Diaspora Festival at CounterPULSE in bold on your calendar. The Festival takes place Thursdays-Sundays, November 5-8, 12-15, and 19-22, at 8pm. If you want to visit the blogs of participating artists or find more information on Performing Diaspora visit [counterpulse.org](http://counterpulse.org).

***Kate Law Hoflich** is a dance artist, aerialist, and co-director of Bow & Sparrow. She loves writing about and being involved in the dance community. [Katelaw.org](http://Katelaw.org), [BowandSparrow.org](http://BowandSparrow.org).*



## SPEAK

by Jessica Robinson Love  
In Dance, November 2009

I more or less quit dancing five years ago. Like many of us, I came into arts administration as a dancer needing to pay the bills. But after a few years, the work of running an organization took center stage, and I quietly stopped taking classes. For a while, I regretted not being onstage. I resented supporting other people's work, while not creating any of my own, and I wondered how I would find artistic fulfillment. Then, something interesting happened. I realized that my talent lay not in creating work onstage, but in crafting the environment for that work. Instead of choreographing gestures, I choreograph relationships, connecting artists and ideas with a community who can support, enjoy, and be transformed by their work. This month, my artistic vision and over two years of steady work come to fruition in Performing Diaspora.

Over almost a decade in this community, I've noticed a pattern: practitioners of traditional performance receive support and opportunities (although never enough), to practice and preserve their craft, however, many of these venues discourage experimentation. On the other hand, presenters of contemporary performance are making more and more efforts to include traditional and culturally-specific work in their seasons, but it's often devoid of the context and community that would allow that work to be fully understood. What about the artists who are both deeply rooted in a traditional form, AND want to experiment with that tradition? They've been coming to CounterPULSE.

In 2004, I designed our current Artist in Residence program. I wanted to give artists an opportunity to create new work with as much freedom and support as humanly possible, and to do it not in an isolated studio, but in community. In recent years, we had seen more and more traditional artists applying to and participating in our programs. I began thinking about how we could support these artists. How could we use the success of our Artist in Residence program to create opportunities and advance a conversation among artists who were innovating with traditional forms?

I'm not an expert in any form of traditional performance, so I knew I would need help. I gathered three of the most thoughtful people I knew to serve as curators for the program—Sherwood Chen, Laura Elaine Ellis, and Debbie Smith. We dreamed together over a series of dinners, and our dreams quickly evolved into a two-year initiative. It combined both festival and symposium, with residency, mentorship and commissioning components, to create a program that's as comprehensive and supportive as we could possibly make it. Performing Diaspora had emerged as an idea—now all I needed was the money to make it happen.

I didn't get the first grant I wrote for the program and was incredibly disappointed. "It's a

great idea,” I reasoned, “How could they not GET it!” I asked the funder for feedback, took that advice to heart, and it paid off immensely. After that, gathering support for the program became easy, even fun! The more I talked about the need for Performing Diaspora, the more I discovered that this was a conversation worth having—not just with artists, but with grantmakers as well. There’s nothing more exciting than advancing an idea whose time has so clearly come.

The day after we released the application, we had received over 100 phone calls and emails. I was blown away by the range and quality of the proposals that came from all over California. The demand for this support, and the eagerness of artists to engage in this dialogue was so much bigger than I had even imagined. Clearly, we were onto something!

As the program began, I had lots of questions. I knew our Artist in Residence program worked beautifully for two artists at a time (every single participant has dubbed CounterPULSE the best residency they’ve ever experienced), but how would it work for thirteen artists across the state? To my knowledge, we were the first organization to offer a “virtual residency” program, and I knew that our technology would need to evolve in order to create community across geographic and cultural barriers. I wondered about the Critical Response Process, Liz Lerman’s feedback method which we use exclusively at CounterPULSE. How would the process work for traditional artists? Could we use the tools of a postmodern developmental process to support the work of traditional artists without imposing aesthetic or cultural values? (That last question is an article in itself!)

So far, the journey has been incredible. There were tears at our first work-in-progress showing, as artists discovered what it was like to have the support and freedom to innovate—something that they had previously been punished for; shared challenges and passions were discovered. The community we imagined is coming to fruition, and our blog is brimming with thoughtful and honest insights into the complex nature of this work. Performing Diaspora has also galvanized our organization—the CounterPULSE staff amazes me daily as they each find new ways to realize this ambitious project on our small budget. Our interns organized a fundraiser almost entirely by themselves, and the board has risen to the challenge of unexpected growth.

I still have more questions than answers. How will audiences respond to these performances? How can we let the work speak for itself, and still give viewers the tools to better understand a culture that isn’t their own? Will audiences recognize innovation if they aren’t familiar with the traditions involved? And what happens next? We’ve received nationwide attention for Performing Diaspora, and I’d like to expand it to include national, and even international, artists.

But for now, I’m reveling in the art. Watching Sri Susilowati perform in sweatpants startles me into experiencing Indonesian dance in a whole new way. Adia Whitaker has got me thinking about the concepts of home and identity, her conflicting experiences yielding complex rhythms that I can’t get out of my head. Prumsodun Ok’s haunting

portrayal of queer love through an ancient Cambodian myth follows me into my dreams. In fact, each Performing Diaspora artist is changing how I think about the world and the work that I do.

Not only is Performing Diaspora enabling these artists to realize a very bold vision, but in doing so, I believe it is actually expanding the field itself. We're changing what's possible. Through this process, I have seen my own artist's vision realized... not just onstage, but in the dialogues that occur, the relationships that are forged, and the possibility that is created.

Now that's fulfilling.

***Jessica Robinson Love*** directs CounterPULSE, an organization that provides space and resources for emerging artists.



## **Dispersing the Diaspora: Excerpts from the CounterPULSE Blog**

by Performing Diaspora Artists  
In Dance, November 2009

*Edited by Maureen Walsh*

Traversing personal and cultural borders are two topics that the Performing Diaspora artists, staff and audience are talking about. I've sifted through the CounterPULSE blog, selecting compelling excerpts from Prumsodun Ok, Sri Susilowati and Adia Whitaker. These snippets highlight their trials and triumphs in bridging cultural boundaries of gender, identity and creative innovation. I hope these encourage you to join the discussion currently in progress at <http://counterpulse.org/blog>.

*By Prumsodun Ok*

**Neang Sovann Atmani**

MAY 20, 2009

A Cambodian classical dancer, when practicing her moving meditation developed over a thousand years ago as a ritual prayer, displays a serpentine grace that is hypnotic and sublime. Her form is supple, her gestures fluid, and she floats in curvilinear paths across the stage.

When referring to "her," I am speaking of an ideal embodied most by the apsara – celestial dancers, the ultimate feminine beauty and grace seen in Cambodian culture and art, the role most young girls in America strive to perform – that I am obviously not. I am a young man performing male and demon roles that are traditionally performed by women. I am a child of peasant farmers practicing an art developed and nurtured in the royal palace (in its more recent history). I wasn't even born in Cambodia. But I am actually not that different from my predecessors.

The physical and cultural ideals of man and woman have a powerful presence in Cambodian classical dance. They are embodied by the movements, illustrated and passed on with each gesture executed and performance delivered. I used to ask myself as a teenage boy, distraught, "Why do I love this thing that brings me so much pain? How can I ever successfully be something not myself?" Many questions like these made their home in my head and heart, always bringing with them an overwhelming loneliness and making my pursuits in Cambodian classical dance seem meaningless and nonsensical.

**Approaching the Feminine**

AUGUST 20, 2009

I practiced the male and demon roles assigned to me along with the female roles I

observed during open rehearsals and on the television screen. The hair on the back of my neck rose and goosebumps formed on my skin at the thought of the kru (the teacher spirits) who should strike me down for my transgression at any given moment. The sensation of fear was strongest when I executed a movement – male or female – that was not of my own, that which eliminated my identity most.

I began to understand the differences between male and female, questioning them through these solitary rehearsals shrouded in fear of the kru who seemed to be watching so close by, ready to drop the sky upon me should I let down my guard. As the cultural-physical expectations became more clear, I found myself thinking: all men don't move this way nor do they have to and I have known plenty of wonderful women who cannot be reduced to thin-framed, demure princesses trapped to play in a tame and fragile garden. I certainly was not a man of Cambodia's royal court and decided I could not fully understand its ideals. I began to bend and break the form, pushing each gesture and pulling every movement a little more and more in a manner that felt so very right inside of me.

**[From an email responding to my inquiry about relating his process to the upcoming performance.]**

OCTOBER 1, 2009

I kept pushing harder: bending fingers back just a bit more, pulling legs further back past the waist, smiling into that mirror until it was just right. And it wasn't until years later that I understood that these coded movements were more than just oppressive social expectations and fragile gender identities. Robam Tamng Buon, a suite of four dances, is perhaps one of the oldest works of the Cambodian classical dance canon. It is performed during the buong suong ceremony, functioning as a prayer in dance and music for the deliverance of rain, peace, and well-being. It may surprise most people that during this dance suite – part of a crucial act and ritual in which the survival of the Cambodian people rests – none is depicted but a courtship between the men and women of heaven. Dressed in their finery, they dance blissfully in matching pairs of god and goddess. When this happens, according to scholar Paul Cravath, there is a "regeneration," a force and power that is borne of the harmonious union of male and female energies that sustains life. In other words, the health and order of a divine existence, ingrained in the art – in each turn of the wrist, in each note of the music, in each pattern of a costume, in each choreographed formation of the dancers – is successfully delivered to the people and land after the ceremony's execution in the human realm.

This ritualistic mixing of male and female energies is again exemplified in Robam Buong Suong Yokorn in which a pream (brahmin), dressed in white to allude to Lord Brahma's white beard (and the same white as the costume of Mera, mother of the Cambodian race, which is symbolic of her transcendent purity). This being, half-male and half-female, appears at the height of Cambodian dance ritual to serve as a messenger to Preah Prum.

(Lord Brahma) – the god and energy and force of creation, from whom I was given life



(Prumsodun can be translated as “borne of the breast of Brahma”). Imagine how much hatred and suffering would be rid of in this world if the people who embodied both the masculine and feminine inside their bodies and personalities were accepted, were valued for their political and spiritual potential and abilities. Furthermore, I cannot help but think of how much humans have strayed and digressed when encountering this quote from the Rigveda, “He, who is described as male, is as much the female and the penetrating eye does not fail to see it.”

Armed with this enlightened idea, equipped with the power of the pream of Robam Buong Suong Yokorn, propelled by the ritualistic function of Robam Tamng Buon, I appear on stage – painted completely white, gendered woman with one item of regalia – with a quiet knowing. I dance not for nation state; I dance not for the continuity of a race’s historical narrative. My dance is not borne of ethnic pride nor is it exotica for cultural consumption. I draw upon the sacred vocabulary and choreography of Cambodian classical dance, upon the ideas that have informed and given life to its practice throughout the years, as a means of making a right society. The tradition of which my art takes life is one of peace and order, health and harmony, truth and well-being – this is my culture.

Rooted in ideas and rituals developed long ago is of clear and utter relevance, a voice that tells me that it is so very okay to be who I am – reminding me of my responsibility in the sustenance of all life and my duty to share this art-religion-science-magic-philosophy with the world. We, as living beings, have all we need to realize truth and it is this state – ageless, divine, expansive – that I hope my work embodies.

*By Sri Susilowati*

### **Traditional Dance Does Not Put The “No” In Innovation**

JUNE 2, 2009

Dancers from all sorts of traditions that are not well known get pigeon-holed as ethnic because of their technique. The expectation is often that they work in preservation mode, repeating their classics over and over again. Obviously, there’s nothing wrong with preservation, it is very important, but it is a starting point. It is a starting point where dancers and choreographers can master techniques that takes years to learn, and technique is the departure point for expression. Many choreographers such as myself perform classical dance, but infuse their own choreography so it’s not classical like preservationists would understand it. Nor is it modern or post-modern as people generally understand the terms and the meaning of modernity.

Of course, a challenge is that for audiences not familiar with the tradition, they don’t understand the structure of the tradition and so anything that has elements of the tradition cannot be innovative. Sometimes promoters and producers of traditional dance do not want anything that has a tinge of innovation in it. As a result, many world choreographers market their work as squarely traditional (for those who want it to be so), and then turn around to market the same piece as modern/post-modern (for those who want that).

I am a world choreographer originally from Indonesia and trained in the classical and traditional forms of Java, Sunda, and Bali from when I was a child. My interests, however, go beyond the set traditional and classical pieces to developing new choreography, using traditional and classical techniques to explore current issues. This interest forms a natural continuum with my native tradition. For example, in my original culture narratives from the Mahabharata have long been adapted in Wayang (shadow puppet theater) to explore issues of family planning, tolerance, and democracy. The essence of the aesthetics of Indonesian dance, particularly from the islands of Java and Bali, can be explained through three words: wirama, wiraga and wirasa. Wirama means the harmony and internal rhythm of the movement. Wiraga is the intensity and fullness of the movement, not in terms of its external power, but more along the lines of being filled with chi (in Chinese) or prana (Sanskrit). Soft and delicate movement can be wiraga while movement that is seemingly strong and powerful can lack it altogether. Wirasa is the feeling of the movement. The word feeling here is used not in the sense of emotion or passion, but in term of the sensation when emotion and mental construct are set aside.

**[From an email responding to my question, “What would you like the audience to know while watching your performance?”]**

OCTOBER 3, 2009

Part of the challenge for traditional art forms is to remain fresh and relevant while at the same time being true to their roots without simply repeating the classics and relegating the art form to dry, museum pieces. In my view the way to meet and overcome this challenge is not to reject new technology, viewing new methods as corrupting the art form, but rather to think clearly about the core, underlying aesthetic principles of the tradition.

There’s an emphasis on mastery of technique in Indonesian dance. I want to preserve that emphasis while at the same time become open to new ways of using that technique. The Performing Diaspora process is very valuable as it creates the opportunity for feedback, support, and disagreement in a supportive atmosphere.

Indonesian dance has an aesthetic that may be new to some of the audience. Javanese dance, in particular, has an aesthetic that developed over centuries with influences from Buddhism, Hinduism, Islam, and Europe. I hope that the audience will be able to key into the precision and subtle energy as opposed to looking for flashy movement.

*By Adia Whitaker*

**“Ampey!” Line, Circle, He(r)art**

JUNE 24, 2009

At first, I thought this process was all about “the concepts that shape tradition,” but it’s bigger than that. It’s as big as, “the concepts that shape the people that shape our relationships to tradition and the culture that shapes them.” Something as simple as the

way we communicate about our form is an incredibly important part of how we are going to carry on these traditions.

For example, if you ask a circle to explain itself, but the circle is only encouraged to communicate in the language of a line or box, will you ever really understand how that circle works or what it's made of? And, if the circle is only allowed to explain itself in line or box language, how can an audience of observers begin to understand the principles by which the circle maintains its shape? For that matter, how can the circle ever reach its fullest potential if it's never even heard its own voice.

Navigating through the principle to reach the fullest potential of the shape and teaching an audience to speak "circle" so they can understand the "heart" of the work, is the map for my journey in Performing Diaspora.

### **The Memo**

AUGUST 19, 2009

I didn't get the memo. You know the one that breaks down the ways in which descendants of enslaved Africans have a different, but just as post-traumatic-stress-disordered psychosis than the descendants of colonized Africans. To be fair, I looked completely different when I've traveled abroad before (I had long hair), and there is no pronoun for "he" or "she" in Ghanaian language. Word. My bad. Yet and still, I was expecting some kind of Haiti-ish/Southern American Negro/Caribbean stratification based on class-ish thing, where everyone called me white. Right. And that kinda played out the way I thought it would in the whole gray area surrounding the use of the Twi word "Obruni." Ghanaians use it to describe English speaking foreigners, but, I feel, there was a little extra stank on it when it came to me, mostly because I was not falling in line with the homogeneous nature of their culture.

When I'd pull their card about it (the whole "Obruni" thing) they say, "Ohhh nooo! That's just how we describe foreigners." They would then introduce me as, "This is Adia! She thinks she is black!"

I found their constructs of "black" and "white" completely different than the ones in the U.S. In Ghana, because my skin was not dark brown, I was considered white. Well not white-white, but a version of it. One man at an internet cafe said to me, "Well we are confused because we can't tell sometimes the difference between a black American and a white American. It seems as though you all have the ability to turn yourselves white if you want to. Beyonce? Michael Jackson?"

My gender was also questioned frequently, because I don't wear earrings. At first, my hair was cut into a fade and then I shaved it bald because it was causing too much trouble. In my mind I thought Africa would be the perfect place to grow it out. No pressure to look like a rock star and all that. Big mistake. Big, big mistake. Nowhere in that did I anticipate the level to which my physical appearance would cause

such disruption in the daily lives of Ghanaians. They really, absolutely needed to know whether I was a boy or girl to continue any interaction with me. At home, I'm this exotic, bald headed, queen honey bee. In Ghana, I was the sick, skinny dog walking down the road that would confuse people and cause hysteria. I made a list:

Adia's hair in Ghana = black man

Adia's hair in the U.S. = bald headed lady (I guess there are so many in Brooklyn and the Bay nobody trips.)

Adia's skin & nose in Ghana = white

Adia's skin & nose in the U.S = light-skinned, black, possibly bi-racial, with a white nose

Adia's speaking voice in Ghana = woman

Adia's speaking voice in the U.S. = woman

Adia's body type in Ghana = small boy (Because I have "small breasts," they said.)

Adia's body type in the U.S. = woman of small stature

Adia's carriage in Ghana = woman, sometimes "boygirl"

Adia's carriage in the U.S. = woman

Adia's dance in Ghana = African woman

Adia's dance in the U.S = black woman

Adia's singing voice in Ghana = African woman

Adia's singing voice in the U.S. = old black woman

Adia's name in Ghana = African woman

Adia's name in the U.S. = black gurl



## **A Virtual Concept: Taking a New Look at Technology and Networking in Artist Residencies**

by Ryan Crowder

In Dance, November 2009

CounterPULSE wanted to try something new with Performing Diaspora to better support work from artists, document the process of production and to interact with audiences. We created a virtual artist residency, like none other we have seen before, thus expanding the organization's breadth and depth online so that the artistic work, performances and discussions can reach beyond a visit to our space. Audiences can now be more involved in the creation of the work, get to know the artists and watch their pieces develop over time. It's our hope that this builds more investment in the program than had someone simply seen an event posting and come to a show.

In the beginning we set off as a staff to plan a new sort of artist residency, knowing that CounterPULSE operates on a tight budget with only two full time staff, four part-time staff and a legion of interns, whatever we created would need to be completed with elbow grease, ingenuity and creativity rather than consultants and cash. After an initial assessment, we upgraded our website to Wordpress and set our sights on capturing and uploading artist interviews and work in progress showings as well as developing a library of blog posts.

All the effort to create deep and meaningful online content could be based in a desire to make as much money at the performances. Sure, trying to sell tickets provides great motivation, but our purpose runs much deeper: we seek to update how audiences view, interact, and build interest in art. As a non-profit organization focused on art and action, we strive to present artists' work in a way to affect the most audience members possible.

Supposedly audiences who come to a performance with background information get more out of it than ones who don't have that previous knowledge. Performing Diaspora adds an extra challenge to this as the 13 artists come from specific heritage-based arts and are innovating within those forms. When viewing the performances, very few audience members will know what part of each art form is being changed, questioned or experimented with; some changes are subtle and others are more obvious. By sharing this information ahead of time, we hope that audience members can pull more meaning from the work, in some cases understand the intention of the work, know the history of the art form or relate to the artist, all of which hopefully leads to more personal resonance.

The virtual residency concept has provided space for the artists in the program from across the state to build bonds with each other. Connecting with others online is not anything new, but the amount of content, paired with face to face meetings has resulted in much more than intermittent message board chatter. These artists have turned to each other in support of getting through a demanding program, for inspiration and feedback

about the work, and to help guide each others blog entries as they show, write and interview on their process. These interactions have not been private, the public can see them. By allowing the blogs and videos to be visible to the public, the process and progression of making art becomes more open, which we hope will draw audiences in.

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I believe Performing Diaspora is not only important because the social content of the work and the support of under-funded artists, but because artists are being pushed to create meaningful art and write about that work, talk about their process and relate to it with words. I have met many artists who are uneasy talking candidly about the work they produce. Few exude a comfortable confidence in exposing themselves and their work to the public at large and even fewer have a language to communicate besides what is used for grant applications or to talk to other artists and collaborators.

To add to the challenge, many artists have disdain for social media, as if using Facebook or Twitter to broadcast their work is somehow selling out. Folks feel pride for avoiding computers and online social media. They hold tight to the perspective that online involvement is pointless because meeting face-to-face is much more “real.” I have to admit there are times when I completely agree; I don’t know anyone who wants to sit in front of a computer all day (psst...people are carrying them in their pockets these days), networking and updating profiles. But by failing to put oneself out there an artist is more likely restricted to making contact with individuals who run in their same circles. It can be a difficult jump to make, and might feel exposing, but it allows the truly creative and engaging artists to connect with audiences.

Not every artist wants their work explained to audiences, they may not want to share themselves or give insight to the meaning of their work purely for the sake of promotion. My view is that online integration can be a vehicle for a more open-ended process and product, not strictly promotion. Blogging about artistic work doesn’t have to be picking apart and exposing flaws, rather it can provide an avenue for audiences to become invested in the work. It is communicating in a different way, letting people know about what an artist is up to. In this particular moment people want to know who artists are and what they are creating. I say, give in to this and let’s make dance and performance more visible online while building relationships and simultaneously promoting and distributing art.

Performing Diaspora blogs have included a wide variety of approaches to providing interest and context for potential audiences, including in-depth personal stories from Prumsodun Ok’s trip to Cambodia, backgrounds on Kathak and the gugin, and personal confessions, frustrations, and joys. For instance, Oakland-based Adia Whitaker recounted her hesitancy at developing work, feeling trapped and worried about a final product. By writing about this, she didn’t need to give away secrets of her work, but instead can connect with a reader’s inner anxieties surrounding a performance. By sharing in a public forum, she opens up a window to her production in a way that lets people care about her and her process before they even enter a theater.

CounterPULSE has followed the traditional routes of marketing and PR for Performing Diaspora, but with evaporating arts coverage throughout the bay, our efforts have increasingly turned to social networking in the hopes of pulling people in through participatory elements; people can watch videos, read and comment on blog posts, plus have the ability to easily pick and chose how they engage. I question the difference between a self-generated blog post and an interview for a newspaper or documentary for television. Self-produced, inexpensive forms of online content and publicity for Performing Diaspora have created opportunities for folks to share their art with individuals who may not read art or dance publications. In today's media climate, sending out an email about a show, posting an event listing on a website, and getting a critic to review your work will not guarantee it will be seen. How successful is a postcard in a sea of postcards at a theater? Do we want to attract the same audiences who always see art or should we also approach people who aren't already part of our community? Artists need to acknowledge that to grab the attention of casual arts patrons, art needs to be more than a single performance. Lets build buzz as a community, get excited, post it on YouTube and see what happens.

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As of the date of writing this article, the resident artists of Performing Diaspora have cumulatively written over 40 blog posts on the CounterPULSE blog, participated in two work in progress showings and sat down to an interview, all available on YouTube. What has happened is because of the blood, sweat and tears of arts administrators and artists on a minimal budget. The website is now on a platform that any staff member can update without a background in web design. The interviews were recorded on iPhones and other personal cameras, the blogs were posted directly by the artists after a short training orientation, and the work-in-progress showings were quickly filmed and uploaded by a videographer. It has been an experiment in developing quick, content-rich and inexpensive online content.

***Ryan Crowder*** is the Outreach Coordinator at CounterPULSE and an independent graphic/web designer. He lives in San Francisco and likes to people watch.



**THEATRE NEWS**

## Atiha Sen Gupta is the playwright for today

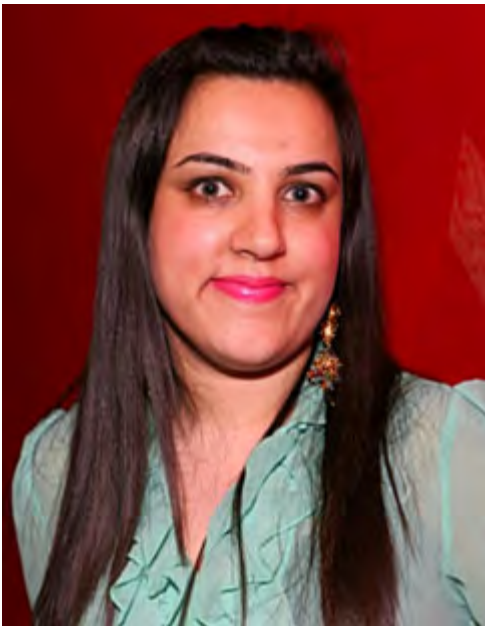
20.10.09



Asking bold questions: Shobu Kapoor and Arsher Ali in *What Fatima Did*



Bright young thing: Atiha Sen Gupta who is studying politics at Warwick University



“Special and unexpected”: Alia Bano’s debut won instant acclaim

Before 21-year-old playwright Atiha Sen Gupta walks into the café, I find myself obsessing about what she will be wearing. It's not a superficial question. Sen Gupta has written a play — *What Fatima Did*, to be staged at Hampstead Theatre this week — that asks bold questions about dress.

The main character is Fatima, a modern, liberal 17-year-old who drinks, smokes and parties but then suddenly adopts the hijab (the traditional headscarf worn by some Muslim women to cover the hair). The fallout among her family and friends is both funny and shocking.

Sen Gupta uses the symbol of the headdress to raise vexed issues of identity, freedom and multiculturalism in contemporary London. The play articulates how it feels to be perceived as “other” and brings the question of modest dress into the mainstream. So even-handed is Sen Gupta's handling of the subject that I can't tell from reading the play whether she herself wears the hijab or not.

In fact when she arrives she is wearing a pink shoestring top, layers of necklaces and jeans. Her gaze is direct, amused. You sense real power. And courage — it takes guts to get your first solo play commissioned by a London theatre at the age of 17.

Sen Gupta has been involved with Hampstead Theatre since the age of 13. Her old comprehensive, Hampstead School in Camden, has strong links with Heat&Light, the theatre's youth company. She has written with Roy Williams and Tanika Gupta for Hampstead's new writing festival, Dairing Pairings, but she has also been co-writing scripts for Channel 4's *Skins* since it began nearly three years ago. Last month she was one of the first recipients of an award from the IdeasTap fund, set up by philanthropist Peter De Haan and presented by Kevin Spacey.

As it turns out, she isn't Muslim and her parents are not religious. Her accountant father is half-Sri Lankan, half-white. Her Indian-born mother, Rahila Gupta, is a political journalist and activist for Southall Black Sisters (her co-authored book *Circle of Light*, about a real-life case of domestic violence, was made into the film *Provoked*, starring Aishwarya Rai).

“I was going on marches from the age of four, but I didn't realise I was being politicised,” Sen Gupta says. Now in her second year at Warwick University she is studying politics rather than drama. “I like the fact that it's quite cold and scientific,” she says.

All the same, her serious-mindedness is tempered by a sense of humour and an eye for the more shocking aspects of youth culture. What *Fatima* Did has some knockabout scenes that recall the drinking and shagging teens of *Skins*. When *Fatima*'s English boyfriend spots her “veiled up” for the first time, he complains: “My girl just came in looking like she'd come from sucking Bin Laden off.”

There is real ambition in the play, too (she originally wanted to call it *September*, because of the resonances of 9/11). Sen Gupta has identified a live issue for feminists: is the hijab a patriarchal form of control, a symbol of political autonomy or just a fun fashion statement? Recently the V&A organised the panel talk, *Fashion and Faith*, to debate why it is always dress, rather than other matters of religious observance, that causes so much trouble. After all, veils of some form are worn in all cultures as protection against heat, cold, as adornment or for ceremonies such as weddings.

Sen Gupta points out that the hijab has always been a political symbol, too, in times of stress, whether it's the battle of Algiers or the aftermath of 9/11. “It's a way of saying I'm proud to be a Muslim.”

She was 13 when the Twin Towers collapsed and can recall the “initial knee-jerk reaction” acutely. “I remember I was young and really innocent, going down Willesden High Road to a piano lesson, and this Irish guy at the top of the bus suddenly started shouting: Oh ask her, she's a f\*\*\*ing Paki Muslim. She knows where Bin Laden is!’ The irony is, 10 years ago he would have been the one accused of being a terrorist.”

Fatima is not the only Muslim character in the play. Her best friend, Aisha, is horrified by the hijab — a piece of cloth she sees as stained in blood, because for some it is mandatory. Fatima's twin brother, Mohammed, can't see what all the fuss is about— but as he witnesses the backlash, a more hardline attitude emerges. For their mother, Ruckshana, the hijab represents a betrayal of all her values. She had to fight her own ex-husband for the right to wear Western dress.

The fortysomething Ruckshana is a feisty professional woman who likes a glass of wine. “She looks like a bloody fundamentalist postbox,” she rages about her daughter.

For Sen Gupta it was important to write a strong British Asian woman who goes to work: “I am fed up with the same stereotypes that are perpetuated, like having Indian mothers - sticking samosas down everyone's throats.”

This is one of the last productions programmed by Hampstead's outgoing artistic director Anthony Clark (his successor has not yet been appointed), whose theatre has sometimes been criticised as “safe”. But *What Fatima Did* couldn't be more topical. To attract a young audience, the theatre has made use of Twitter and YouTube (Sen Gupta has made a short film about local people's responses to the hijab). Flyers have been sent to every secondary school in London. The image she and director Kelly Wilkinson chose is of a young woman in a hijab blowing bubblegum. Playful, rather than provocative, she hopes.

Sen Gupta remains scrupulously neutral about the hijab throughout our interview. But ask her directly if she thinks it is ever oppressive and she says carefully. “I have my views as a feminist but I also think the hijab is taken out of context. And I think when white men — white society — condemn it as an oppressive thing, they are not doing it for women's sake. It's used as a vehicle to attack the Muslim community which is already quite fragmented and downtrodden. But, having said that, I get very suspicious, even in the West, when women are forced to do a certain thing and men don't have to do it. Even simple things like women waxing their legs.”

Inevitably, some of the writing in *What Fatima Did* has a naivety but it is never dull. “I think cerebral theatre is important but it needs to have an emotional narrative,” Sen Gupta explains. The play turns on two pivotal “reveals” which frustratingly can't be discussed until you have watched the play. It will be fascinating to see if the young cast can pull them off. Even the press material can only hint tantalisingly at the “taboo” subject matter. I tell her, everyone will assume it's nudity.

“Oh, yes,” she laughs. “Say it's nudity. Then they'll all come!”

# What Fatima Did

Hampstead, London

3 / 5

Michael Billington

Tuesday 27 October 2009



Beyond the veil ... Simon Coombs and Farzana Dua Elahe in *What Fatima Did*  
Photograph: Alex Rumford

Anthony Clark has taken a lot of stick during his tenure at Hampstead theatre. But he deserves credit for commissioning this lively, provocative play from 21-year-old Atiha Sen Gupta, a product of the theatre's youth group.

The play hinges on a decision by the eponymous heroine on the eve of her 18th birthday to adopt the head-covering Muslim hijab. But Sen Gupta's trick is to keep Fatima off-stage and to focus on the reactions from her schoolmates and family. The most violent comes from her Irish boyfriend, George, who is driven to rip the hijab off her head. Both Fatima's mum, who says her daughter looks like a "fundamentalist postbox", and a bolshy Pakistani chum see Fatima's decision as a betrayal of women's fight for freedom. Dividing family and friends, Fatima's action also exposes the fissures in our multicultural society.

Sen Gupta's play is not without flaws. Having achieved an ideal climax, it goes on for another three scenes. By giving Fatima's teacher eye-witness experience of female oppression through her Iranian husband, it overloads the cultural debate. But it also explodes the myth of a homogenised Muslim "community" and uses a single defiant gesture to explore social tension.

Kelly Wilkinson's production could be a little cooler, but there is a string of good performances. This is the work of a writer with a future.



## What Fatima Did, at the Hampstead Theatre, review

**This new drama by 21-year-old Atiha Sen Gupta sheds fascinating light on modern multicultural Britain**

By Charles Spencer  
28 Oct 2009

I have often been disobliging about Anthony Clark's term as artistic director of Hampstead Theatre, but as his time draws to a close, it is a pleasure to welcome this terrific new play by Atiha Sen Gupta.

This first full-length work from the 21-year-old graduate of Hampstead's youth theatre company proves entertaining, thought-provoking and topical, giving a vivid impression of what it is like to be young and living in multi-cultural Britain.

The action is set among a group of sixth-form students at a London comprehensive. There are Muslim, Caribbean and white pupils, but race, colour and religion haven't been much of an issue for these teenagers. They are an easy-going, jokey and mostly intelligent bunch, full of sexual banter and cheek, who all drink and smoke down the pub together – including the Muslim girls.

But then one, Fatima, suddenly starts wearing the hijab, the Muslim headscarf. It's not the full burka, but it's an unmistakable sign that something has changed in her life.

The trick of the play is that we never actually see Fatima. We just hear the other characters talking about her. Why has she done it? What does it mean? Why has she cut herself off from her friends? Even her twin brother Mohammed can't understand her motivation, while the twins' mother is absolutely furious with her daughter, having fought her own ex-husband for the right to wear Western dress. In a line that captures Gupta's vigorous way with dialogue, Fatima's mum memorably declares: "I told her I'd be happier if she'd turned out to be a one-legged, pregnant prostitute than a hijab wearer."

Equally stunned is Fatima's white boyfriend, George, mortified to discover that the girl he loves has changed without his knowing why. We learn that, in a fit of frustration, he ripped the hijab off her head – and as a result faces expulsion for racism. I must admit I longed for the chance to meet Fatima herself. Keeping her off stage seems an increasingly artificial device, though the dramatist does provide clues to her action, most notably in Mohammed's description of the changed attitudes to Muslims in the wake of September 11 and the London bombings.

Despite the deliberate hole at the heart of the play, there is no mistaking the vitality of the writing or the penetrating way Gupta uses the hijab to explore the faultlines in

multicultural Britain. Is the hijab a sign of defiant pride in one's cultural background? Or does it merely represent male control of women?

Kelly Wilkinson directs a production that fizzles with strong characters and lively debate and among a uniformly excellent cast there are especially fine performances from Arsher Ali, who movingly captures Mohammed's painfully divided loyalties as Fatima's brother; from Gethin Anthony, whose raw response to his girlfriend's adoption of the hijab powers the play; and Bunmi Mojekwu who gives a comic gem of a performance as the spectacularly dim Stacey.

One leaves the theatre impatient to discover what Atiha Sen Gupta will do nex



### **What Fatima Did...**

Venue: Hampstead Theatre

Where: Inner London

Date Reviewed: 28 October 2009

WOS Rating: ★★★★★



From the moment one of the black sixth formers, reporting on his uncle's "new citizen" and allegiance test, opines that the Poles are the new gypsies, you know you are in for a feisty new play on racial attitudes.

What Fatima did was come back from the school holidays wearing a hijab, or Muslim head scarf, but why has she done this? And what will she say to her oh-so white boyfriend George?

Sure enough, there are references to the BNP, Jack Straw's tactful remarks on his young Muslim constituents and the less tactful ruling in French schools. But the small miracle of twenty-year-old Atiha Sen Gupta's debut on the Hampstead stage is that it keeps you guessing. And the slight tease in the play can be gauged from the fact that the actress playing Fatima lists her previous roles in the programme as Abigail in *Abigail's Party* and Eva Smith in *An Inspector Calls*.

The speculation among her peers, her twin brother Mohammed (Arsher Ali) and her irate "liberated" mother (Shobu Kapoor) is fuelled in a series of tautly written scenes in the classroom, the local pub, the school playground and loos, and at a party for the twins' eighteen birthday where Stacey (Bunmi Mojekwu) comes dressed as Beyonce, Craig (Simon Coombs) as Michael Jackson and George (Gethin Anthony) as a football-style patriot wrapped in his saintly namesake's flag.

The point is not that this is a brilliantly accomplished piece of work (though it's not far off) but that it is fresh, lively, and addressing a young audience not often made to feel at home in our theatres. Sen Gupta has come through Hampstead's Heat & Light's Young Company and it is a bold, if long overdue, move of the retiring artistic director Anthony Clark to present such a play in the theatre's fiftieth anniversary season.

Kelly Wilkinson's production, cleverly designed at ground level with neutral grey towers by Becky Gunstone, is beautifully cast and played with pitch perfect precision. George's offstage attempt to remove the hijab results in a furious onstage fight, while Catherine Cusack's peace-broking middle-class teacher, treading a fine line between tolerance and dismay, qualifies for joining the debate by having an Iranian husband.

- by Michael Coveney

October 29, 2009

## What Fatima Did... at Hampstead Theatre, NW3



Why would a liberal Muslim sixth-former suddenly start wearing a hijab? In this exciting full-length debut by the 21-year-old Atiha Sen Gupta, we never find out — the hijab-wearing Fatima remains offstage throughout. What we see instead is something more illuminating: the fallout among her racially mixed friends. Her twin brother, Mohammed (Arsher Ali), defends her right to do it, even if he doesn't understand it. Her Irish-English boyfriend, George (Gethin Anthony), responds angrily to what he sees as an aggressive act. Her Pakistani friend Aisha (Farzana Dua Elahe) thinks that it's a disgrace, and her Indian mother (Shobu Kapoor), who never took her children to a mosque, says that Fatima "looks like a fundamentalist postbox!"

So the headwear is on but the gloves are off in this ding-dong over values, culture, religion and respect. It's too stuffed with arguments to be always gainly, dramatically, and Fatima's absence leads to some clumsy moments, as she lingers outside doors like Maris, Niles's unseen wife in the sitcom *Frasier*. But the lack of resolution to her motives means that the debate vibrates throughout the production. We may think that Fatima is doing this to find her true identity, we may think that she's doing this simply for attention. Every interpretation you can think of gets thrashed out here.

What remains is a provocative yet playful and humane look at how we cope with difference, set against the backdrop of a society changed by the 2005 London bombings. The sixth-formers start out teasingly adopting each other's racial stereotypes but what unfolds shows that some taboos persist. George gets accused of racism for what he does

to his ex — an understandable, unacceptable overreaction, and the dramatic stakes rise satisfyingly high.

Sen Gupta isn't yet supple enough a writer to stop her characters acting as mouthpieces. One of the most satisfying scenes in Kelly Wilkinson's production is the one where they all just sit in a circle and debate the issues, moderated by their painfully right-on teacher (Catherine Cusack). Yet she makes up for that with her ability to see all sides of the story. It's a jolting yet likeable primer, conveyed with plenty of humour, even if many jokes revolve around the dim Trinidadian Stacey (Bunmi Mojekwu).

Wilkinson's cast need to pull fewer faces when they're trying to act like lively teenagers. Yet as the debate moves from the abstract to the personal, they rise to the challenge with aplomb. You'll see more elegant debuts, certainly, but it's a delight to see a play get stuck into a rollicking debate.

## What Fatima Did..., Hampstead Theatre, London

By Sarah Hemming October 29 2009

Hats off to Hampstead Theatre for commissioning and Atiha Sen Gupta for writing this strikingly bold new play. It is far from perfect, but for a first play it shows plenty of promise and it grapples intelligently – and often wittily – with one of the most vexed issues of our age.

It is set in a London school among a group of close-knit friends in their final year. They drink, joke, swear, squabble and tease one another about their sexual exploits. Then one of their number – Fatima – throws all their relationships into disarray by unexpectedly donning the Muslim head-covering, the hijab.



Simon Coombs and Farzana Dua Elahe

Why does she do it? What does it signify? The move causes consternation among her family and friends and before long the group has split into fiercely opposing factions: those who support her right to wear what she likes and those who feel her act is retrograde or provocative. Her Irish boyfriend is furious and upset by her retreat from their relationship; her brother is conflicted; perhaps most interesting are the responses of her mother and her Muslim friend, both of whom feel that Fatima is reversing years of struggle to achieve equality for women. “She looks like a fundamentalist postbox,” laments the furious mother. We sympathise with her, but Gupta does balance the argument by sketching in the cultural expectations and political and racial tensions that might have prompted Fatima’s action.

Sometimes the play is too neatly divided or overloaded, and the bones of the arguments show through. But the core of the piece – a heated debate about the pros and cons of Fatima’s move – is gripping: on press night, the audience, many of them young, listened intently. And Gupta also has the neat idea of keeping Fatima off stage, so that we never actually hear her points of view or her reasons.

A strong cast makes Kelly Wilkinson’s production vivacious and likeable, if slightly overwrought at times. Gethin Anthony and Arsher Ali are good as Fatima’s distressed boyfriend and brother respectively. You grow fond of these confused young people, and Gupta’s shrewd and lively play pinpoints some of the acute cultural difficulties that they and their generation will have to face. ★★★☆☆



# NONESUCH

Thursday, November 12, 2009

## **Video: Kronos Quartet Celebrates Sesame Street's 40th with Return to Show Visit**

Sesame Street, that much-loved PBS children's television series, celebrated its 40th anniversary on Tuesday, and Kronos Quartet has offered its own best wishes to the festivities by revisiting its appearance on the show. Back in 1987, Kronos stopped by Sesame Street to walk one Big Bird through the ins and outs of the string quartet, becoming in the process one of the few groups who could possibly perform "Purple Haze," the Jimi Hendrix classic, so fittingly on the show. (The group had recorded a version of the song to close its eponymous Nonesuch debut from the previous year.)

# NONESUCH JOURNAL

Friday, November 20, 2009

## Kronos Quartet Receives Asia Society's Cultural Achievement Award



Kronos Quartet was in New York City earlier this week to receive the Asia Society's Cultural Achievement Award during the organization's annual gala at the Waldorf Astoria hotel Tuesday night. Kronos was recognized for its efforts to link cultures and create a global cultural dialogue through music. Carnegie Hall's Director of Artistic Planning Jeremy Geffen presented the award to Kronos, and the group performed two pieces.

New York City Mayor Mike Bloomberg addressed the crowd, and the event, titled *Couples Beyond Borders: Global Forces*, also honored four influential couples from the US and Asia who, as individuals, are leaders in their communities and together make an inspiring force in the world: Ambassador Richard Holbrooke and human rights advocate Kati Marton, *New York Times* columnist Nicholas Kristof and author Sheryl WuDunn, Blackstone Group Chairman Emeritus Pete Peterson and Sesame Street creator Joan Ganz Cooney, and Indian housing financier Deepak Parekh and his wife Smita Parekh, the director of Mahindra United World College of India.

To mark Cooney's pivotal role at *Sesame Street*, that most distinguished Sesame resident Grover made a guest appearance at the event and, as luck would have it, shared a dressing room with Kronos Quartet. The *Sesame Street* connection comes just one week after Kronos helped celebrate the show's 40th anniversary by revisiting its appearance, which you can watch in the *Nonesuch Journal*.

David Harrington, the Kronos Quartet violinist and artistic director, accepted the Cultural Achievement Award on the group's behalf. Below, courtesy of Kronos, are the remarks he gave:

“On behalf of the members of Kronos, our staff and our Board of Directors, I would like to thank the Asia Society, President Vishakha Desai and Chairman Charles Kaye for this great honor. We are thrilled to share this evening with such a distinguished group of honorees, and we congratulate each of you.

When I founded Kronos in 1973, I hoped to discover and perform music from all over the world: to bring as much of the world into our music as possible. Hank, John, Jeff and I have made this mission our life's work, having played thousands of concerts and having commissioned hundreds of new pieces. Kronos is based in San Francisco, but we tour for about 6 months every year. So we have been on the road for nearly 18 of the past 36 years. In our travels we have had the opportunity to meet and work with many amazing composers and performers, all who have helped expand the dimensions of our music. Several of our recent collaborators include:

- Wu Man, from China. She is the princess of the Pipa, and she is one of the finest ambassadors of Chinese culture that I know.
- Rahayu Supanggah, the fantastic multi-instrumentalist and composer from Java, has written eloquent music for Kronos.
- The queen of Bollywood film soundtrack singers Asha Bhosle, from India has brought the magic of her voice to many of our recent concerts.
- The innovative dancers and choreographers Eiko and Koma from Japan have created an incredible work which we perform with them.
- And Homayoun Sakhi, Afghanistan's great rubab maestro, has written beautifully for us, and his performances are magnetic.

We find very deep connections in these musical meetings. When we play music together, we meet as equals. These interactions with each other and with our audiences are musical negotiations. We attempt to bring disparate elements together, a powerful model in these troubling times. Sometimes we may not share a common language or even a common musical notation with our collaborators, but we can share something even more profound. We believe that performing together, listening to each other and finding ways to make new musical experiences together are critical parts of understanding each other. The music of the future has its seeds in what is created now.

The Asia Society has an incredible legacy of cultural programs, performance and artistic exchange. The cultural work of this great organization is vital on a global level. Rachel Cooper, Asia Society's Director of Cultural Programs and Performing Arts is one of our most treasured colleagues. It is admirable that the Asia Society continues to place such high value on artists, and artistic exchange. We hope other organizations follow the leadership provided by the Asia Society.

Our most sincere thanks for this great honor.”



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December 9, 2009

## American Stories, From Mexican Roots

By LAWRENCE DOWNES

The first song on the new album “American Horizon” sends you right away to a place you’ve never been and might never want to leave: a tropical countryside under a full moon, where men come down from hills on horseback and women gather by a lagoon, full of anticipation that a warm, dark evening will become, through music and dance, a night of light and heat.

The song, “La Luna,” is sung in Spanish by, of all people, Taj Mahal, the African-American blues master. Though not a native speaker, he cradles the words in his gravel voice, and when he sings of the moonlight as “muy sensual,” and of this “baile celestial,” this heavenly dance, he clearly knows what he’s talking about, and so do you.

That’s the strange beauty of “American Horizon,” by a little-known Mexican-American folk-roots group, Los Cenzontles, with guest appearances by Taj Mahal and David Hidalgo of Los Lobos. It both honors and upends traditional Mexican music, tapping deep roots as it flowers into something completely new, and distinctly American.

What may be more remarkable is that Los Cenzontles — The Mockingbirds — is not the creation of some music label’s cross-marketing department, but a tiny storefront nonprofit organization for young people in San Pablo, Calif., a heavily immigrant and Hispanic neighborhood outside Oakland.

There’s a whole story, much too long to tell here, of what Los Cenzontles Mexican Arts Center has accomplished since it began 20 years ago. Its founder, Eugene Rodriguez, is a third-generation Mexican-American, a classical guitarist who wanted to create a haven for youths in a community scarred by gang violence, graffiti and drugs.

It started out simply as a safe place where children could learn dance and music and do their homework. It’s still that — a humble space in a noisy strip mall, with couches and stuffed chairs to flop into and small stages where students can drum and strum and sing.

But the organization has steadily gained a reputation for excellence in reinvigorating musical traditions ignored or left for dead in their home country. It has gone to Mexico looking for maestros. And it has grown some young maestros of its own, like Hugo Arroyo, one of the best players anywhere of the jarana, a ukulele-like instrument from Veracruz, and Lucina Rodriguez, a singer and expert in zapateado dancing.

The group's touring band is still the barest blip on the music scene. But it has attracted an array of friends and enthusiastic collaborators, who also include Los Tigres del Norte, the giants of norteño music, and Linda Ronstadt. In January, the group is performing in Glasgow with the Chieftains and Ry Cooder.

Ms. Ronstadt, who long ago left rock 'n' roll to explore her Mexican-American musical roots, lives in the Bay Area and has often dropped in at Los Cenzontles to sing. She said the organization gives young people the gift of an identity in an area bleak with poverty and rootlessness. "They know who they are when they come out of there," she said. " 'I play jarana.' 'I'm the one that's teaching those kids how to dance.' "

"They're making modern music, but it's very securely rooted in tradition."

It is telling that the musicians who have befriended Los Cenzontles are known as innovative traditionalists. To Mr. Rodriguez, to freeze folklore is to kill it. That is clear on all the songs on this album. Mr. Hidalgo plays ukulele on "Tocolote," a traditional Mexican dance song. On "Sueños" ("Dreams"), Ms. Rodriguez and Fabiola Trujillo trill like a doo-wop chorus, yet the bluesy song never loses its Mexican feel.

On "Voy Caminando" ("I Go Walking"), Taj Mahal plays banjo, an instrument unknown to Mexican music, and the rhythm is supplied by shoe dancers, their stomping beat summoning old Spain or Appalachia. The song tells of a young migrant who leaves home, his parents, their little plot of land, to find his future on the other side, America.

It's a new song, and an old story — the perfect fit for a country that has been renewed by immigration, but also perplexed and sometimes frightened by it. Some have declared the surge in immigrant Spanish-speakers as the end of America as we know it. But as "American Horizon" shows, it's just another new beginning.



# Letters of a Love Betrayed

Linbury Studio, London

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George Hall

Sunday 4 October 2009

At 60, the Jamaican-born composer Eleanor Alberga has waited for decades to produce her first opera. The result, unveiled in this Music Theatre Wales production that launches in the Linbury before touring England and Wales, sets a libretto by Donald Sturrock based on a short story from Isabel Allende's collection *The Stories of Eva Luna*.

The setting is a small community in the foothills of the Andes. The orphaned Anilía is placed in a convent where her uncle ignores her for seven years until he decides he needs to wrest her sole possession from her: a plot of land left to her by her parents. He enlists the help of his wastrel son, Luis, whose letters to Anilía move the imaginative girl so deeply that she agrees to marry him. It is, of course, a disaster. Luis's violence towards his wife and their son eventually drives her mad. But her husband's death in a bar brawl frees her, and the surprising discovery that Luis's letters were actually ghosted by her son's schoolteacher provides her with a new man to fall in love with. Their Jenu<sup>o</sup>fa-like duet closes the opera.

It seems an unlikely conclusion to a tale that hitherto has focused on the character's single-minded determination to withstand whatever life throws at her, especially in the vocally resilient and dramatically assured presentation of Anilía by soprano Mary Plazas.

But the dressed-up folk song – one of several planted in the score, either to suggest local colour or leaven the emotional grimness – with which Anilía's son Camino (Erwan Hughes) and his teacher José (Richard Edgar-Wilson) begin this climactic scene sounds unbelievably trite. This and the other folk-like interventions appear to be auditioning for a West End musical. They jar with the rest of the piece.

Musically, the work's greatest asset is its resourceful orchestral writing. Alberga handles her 14-piece band with flair and vitality. But the anonymous vocal lines sit uneasily on top and could be interchanged from character to character with little incongruity. The other problem is pacing. Neither librettist nor composer finds the shortest route to saying what they have to say, and then moves on. Anilía's mad scene is impossibly extended.

However, there are strong performances from Christopher Steele's bullying Luis and Jonathan May as his materialistic father, Eugenio, while conductor Michael Rafferty, director Michael McCarthy and designers Colin Richmond and Holly McCarthy all do the piece proud.

## Letters of a Love Betrayed at Linbury Studio, review

Strong performances fail to lift this dull adaptation of an Isabel Allende short story.

Rating: \* \*

By Rupert Christiansen  
05 Oct 2009

Doggedly dedicated to its mission to present small-scale contemporary opera, Music Theatre Wales is an admirably serious organization which always performs to a high standard and deserves its subsidy. But worthiness is not enough, and its latest commission, based on a short story by Isabel Allende, is fatally dull.

The plot, set in a remote corner of South America, is promisingly strong and simple. The orphaned Analia has been raised in a convent. Innocent and trusting, she longs for love. Her uncle visits her in an attempt to make her hand over rights to the property she is heir to. She refuses, on the grounds that she intends to marry and manage the estate herself. Her uncle persuades his son Luis to write Analia a series of seductive love letters, scheming that she will marry the boy and then forfeit her rights.

The plan works, but Luis turns out to be a violent, abusive and womanizing drunkard. Analia endures much unhappiness, her only consolation being her son. But Luis is involved in a fatal brawl, and a rather lamely far-fetched plot twist finally brings Analia the happiness she has always dreamed of.

Donald Sturrock's libretto does its business, but Eleanor Alberga's score fails to lift the opera into life. It is most successful in some attractive folksy pastiche of Latin rhythms and melodies a smokey ballad for one of the prostitutes hired by Luis, for example, and a catchy schoolroom duet for Analia's son and his schoolteacher.

Elsewhere, too much of the energy and invention is concentrated in the orchestra (which uses a guitar and plenty of percussion) at the expense of the strenuous but unexpressive vocal writing. The pacing is awkward too, with long passages of sluggish writing alternating with bursts of febrile energy. I'd suggest Alberga takes some lessons from Verdi (*Rigoletto*, Act IV) and Puccini (*La Bohème*, Act 3) in the art of shaping a scene with dramatic point and economy.

Michael Rafferty conducts with grim determination and Michael McCarthy presents a serviceable production. Colin Richmond's designs would benefit from more sense of hazy, damp heat and dense vegetation his set only evokes an underground car park.

The unstoppable Mary Plazas flings herself into the role of Analia with her usual fierce commitment, and there's some robust singing from Christopher Steele as the feckless Luis. But the music isn't good enough to get the show off the ground.

## **Symphony creates jubilant mix of allure, color**

Joshua Kosman, Chronicle Music Critic

Tuesday, January 12, 2010



If you combined Debussy's harmonic allure and rhythmic fluency with a heightened sense of instrumental color, you might wind up with something like the work of English composer George Benjamin. Or you might just get Debussy's piano music, orchestrated.

Either way, the results of the experiment were represented in Davies Symphony Hall on Sunday afternoon, during an enticing San Francisco Symphony concert led by guest conductor David Robertson.

Benjamin is in town for two weeks as part of the Symphony's Project San Francisco, participating in a range of performances and public appearances. He conducts the orchestra beginning Thursday, but for the first week of his residence, two of his works - the lovely, simple "Jubilation" and the more recent "Dance Figures" - were entrusted to Robertson, who brought his trademark vigor and imagination to the task.

"Jubilation," composed in 1985 for the London school system, is a splendid example of how to write clearly and engagingly for young amateurs. The score calls for a 100-voice children's choir - a role capably handled at less than half strength by the Crowden School Allegro Chorus - as well as recorder players and percussionists of a presumably young age.

From the beginning measures, in which a group of wooden claves offers an innocent-sounding ticktock while the audience is still settling in, Benjamin conjures up an irresistible blend of energy and naivete. And despite its title, "Jubilation" actually moves with the deliberate seriousness of the concentrated young mind.

"Dance Figures," written in 2004, is an entirely adult affair, a series of nine self-contained episodes that establish a mood or musical character and then move on without developing them. In performance, it sometimes proved hard to distinguish one episode from the next - there are enough tonal links to blur the formal boundaries - but the succession of inventive ideas, especially in Robertson's eloquent performance, kept a listener's attention.

In between came a magnificent rendition of three of Debussy's "Études," orchestrated by Swiss composer Michael Jarrell. Rather than trying to stick close to some imagined orchestral version by the original composer, these were fearless in their willingness to go beyond what Debussy might have sanctioned.

The results - from the dark colors and gruff rhetoric of "Pour les notes répétées" to the big, brassy harmonies of "Pour les accords" - transported the music daringly far from its roots in the piano keyboard. Robertson and the orchestra conspired to make the effect even more brazenly Technicolor.

The second half of the program was devoted to a vivid, dramatic account of Mendelssohn's "Scottish" Symphony, graced by Carey Bell's punchy clarinet solo in the scherzo and a meltingly sweet rendition of the slow movement.



Guest conductor David Robertson adds energy and imagination.  
Photo: Michael Tammaro

## George Benjamin - conductor, composer, fan

Joshua Kosman, Chronicle Music Critic

Thursday, January 14, 2010



To have a conversation with George Benjamin is to feel very keenly the excitement that music can engender. The English composer turns 50 at the end of this month, but he still talks about musical endeavors - his own and those of others - with the breathless enthusiasm of a schoolboy.

Benjamin is in town for a two-week residency with the San Francisco Symphony under its new Project San Francisco initiative. It's his first extended stay since 1989, when he curated Wet Ink, the Symphony's short-lived new music festival.

But he's not likely to see much of the city, given a full schedule of rehearsals, chamber and orchestral performances and talking to students at UC Berkeley and the San Francisco Conservatory. Benjamin has other projects in the works as well - he'll be music director for the Ojai Music Festival in June, and he's hard at work on his second opera, due to premiere in 2012 at Aix-en-Provence, France (he's "sworn to secrecy about the details").

**Q: Last week the San Francisco Symphony played your music under the baton of David Robertson, who's a longtime champion of your work. But this week you'll be conducting yourself. How are those different for you?**

**A:** The feelings of being in the audience and being on the podium are very far apart. I'm much more nervous in the audience. I mean, I get nervous before I conduct a concert, but then you just go out there and do it.

Also, concerts are dangerous because anything can happen - which is one of the joys as well. But when you're onstage and something goes wrong, you can do something about it. In the audience, you just have to sit there, and if it's a disastrous performance, I'm the one that gets blamed.

**Q: How important is conducting in your musical life?**

**A:** I began conducting when I was in school, around age 12, because I was writing little theater pieces and wanted to perform them. And then somehow I got started on it.

At first it was just to conduct my own music, but then I conducted pieces by Ligeti and Messiaen, and now I've begun doing chunks of Wagner and Schumann's Second Symphony. I love doing it, but I have to ration myself very severely or I wouldn't get anything else done.

**Q: "Ringed by the Flat Horizon," which is on the Symphony program this week, was the work that first made your name as a student at Cambridge, and it's still among your best-known pieces. Do you have any ambivalent feelings about being closely associated with such an early work?**

**A:** Not really. I've moved a long way since then, and there are pieces I prefer to that one. But I can't help feeling a certain affection for it. I've written worse - there are other pieces I would be much more severe about.

**Q: You have a reputation as a slow and methodical composer. Why is that?**

**A:** Well, first of all, I have to note that I've sped up in recent years. I wrote my opera, "Into the Little Hill," in only six months - and I say "only" because there was a time when it would have taken me four years. It's a matter of acquiring more technique and knowing one's route.

But it's true that fastidiousness and attention to detail is very much in my genes - if you knew my parents, you'd see that this is something I've inherited, only doubly so.

It's not only that I want to get things right when I'm composing but that my imagination often gets lost, and then I have to wait until I come back to the path. I think there's an internal force that makes a piece logical from beginning to end; I like to tell stories in music that are unexpected but also logical.

When I lose that direction, it becomes very hard to write. I actually get a physical pain, as if my subconscious knows better. That may sound mystical and pretentious, but it's true. But when the piece has found its direction again, then I write very quickly.

**Q: Messiaen was an important early teacher for you, but in your own music you soon moved away from some of his precepts. Was that hard for you?**

**A:** When you love a teacher very much - as I did Messiaen - you do have to leave them. I studied with him until I was 18, but there were various composers I like, including Sibelius and Mahler, that didn't fit well with his teaching.

One of the things that separated me from Messiaen was my desire to create works with a big structure, a large symphonic sweep. His forms are wonderful, glorious mosaics, but again, I prefer narrative.



**Q: From an American perspective, British contemporary music can look like a succession of wunderkinds - first Oliver Knussen, then you, now Thomas Adès. Do you feel yourself to be representative of your generation of English composer?**

**A:** I don't, really. Partly that's because my first potent musical experiences happened in France in my teens, and I maintain close ties to the Parisian music scene. There are English composers I admire, but the French influence makes me feel a little out of the mainstream.

Also, the London music world isn't a particularly cohesive place. I have some friends there, but for the most part you just do your own thing. And when I'm composing, I'm not very friendly. I need isolation.

**Q: In addition to composing, you teach music at King's College in London. What do you offer students?**

**A:** I always say that I can help someone who can already compose, but if they can't, I can't help them. I can advise on technical issues, of course, like how low the piccolo can go, but otherwise what's important is not wisdom but enthusiasm.

Sometimes a student comes in with a deadline looming and they're completely stuck. What I do is throw tons of ideas at them, and if we're lucky maybe one or two will have an influence. And once that happens then they don't need me again.

**San Francisco Symphony:** George Benjamin conducts the orchestra. 2 p.m. Thurs., 8 p.m. Fri.-Sat. Davies Symphony Hall. \$15-\$135. (415) 864-6000. [www.sfsymphony.org](http://www.sfsymphony.org).



Conductor and composer George Benjamin is in San Francisco for a two-week residency with the Symphony.

Photo: Brant Ward / The Chronicle

## Theater review: 'Ghosts of the River'

Robert Hurwitt, Chronicle Theater Critic

Saturday, October 3, 2009



**Ghosts of the River:** Shadow puppet play. By Octavio Solis. Directed by Larry Reed. Music by Cascada de Flores. Performed by ShadowLight Productions. (75 minutes. Through Oct. 11 at Teatro Visión, Mexican Heritage Plaza, 1700 Alum Rock Ave., San Jose. Tickets: \$10-\$24. Call (408) 272-9926 or go to [www.teatrovision.org](http://www.teatrovision.org). Oct. 28 through Nov. 8 at Brava Theater Center, 2781 24th St., San Francisco. Tickets: \$5-\$25. Call (415) 647-2822 or go to [www.shadowlight.org](http://www.shadowlight.org).)

October means ghost stories. For Octavio Solis, that means more rivers to cross in his exploration of the borders between and within nations, ethnicity and personal identity. In "Ghosts of the River," which opened Thursday at Teatro Visión, Solis ventures across borders with the supernatural and between actors and shadows.

A ShadowLight production, "Ghosts" is Solis' second collaboration with director Larry Reed and his shadow puppet company. Like their "7 Visions of Encarnacion" in 2002, it's a Day of the Dead celebration - which is appropriate not just seasonally but given Reed's roots in Balinese shadow puppetry, with its tales of gods, demons and other supernatural entities. It moves to the Mission District's Brava Theater Center at the end of the month, after its run in San Jose.

It's a performance anthology of five sweet, funny, unsettling and affecting stories, adorned with the inventive folkloric designs of Favianna Rodríguez and the seductive melodies of Cascada de Flores (vocalist Arwen Lawrence and multi-instrumentalist Jorge Liceaga). Each tale takes place along the Rio Grande in or near Solis' native El Paso, the setting for many of his plays from the breakthrough "Santos & Santos" through his recent "Lydia" (at Marin Theatre Company).

One story, "Corrido of the Ghosts," is actually a song, a corrido of an attempt to cross the river as a kind of spirit-time travel. It turns on a simple Day of the Dead joke, but as sung by Lawrence and Liceaga and performed by their larger-than-life shadows - and a host of tiny figures - it's a charming diversion.

The shadows of Reed's puppetry have depth, texture and vibrant flashes of color in Rodríguez's striking designs. Some are masks with intricate lacework features, atop the

acting or dancing bodies of the nine-member ensemble. Others are small or midsize people, hillsides, river currents or buildings that constantly shift size or perspective.

A train trestle twists and rotates, swallowing us within its beams in "Monster on the Black Bridge." A veiled face yields a startling effect in the ghostly revenge tale "The Other Emilio." Subtitles translate Solis' silly puns and poetic flights ("Those were the days of cinnamon," a woman says of her youth) from English to Spanish and vice versa.

The first three tales fall into traditional Day of the Dead forms. Solis raises the bar in the last two - a tense, unsettling story of a loss of childhood innocence and a nuanced transborder relationship between an American border agent and a boy working as a people-smuggler. With that twist, Solis' "Ghosts" take on more substance than standard campfire tales.



*Photograph by John Gerbetz*

**PROJECTIONS:** The tales in 'Ghosts of the River' are displayed in silhouettes.

## Shadow People

'Ghosts of the River' penetrates the darkness of lives in peril along the border

By Emily Grube

FOR ITS CURRENT offering, Teatro Visión, along with ShadowLight Productions, presents the second collaboration between director Larry Reed and playwright Octavio Solis since the critically acclaimed *7 Visions*. In the world-premiere play *Ghosts of the River*, shadows are used to tell five vignettes about people from both sides of the Rio Grande River: from a family trying to cross during the Mexican Revolution to a special agent patrolling the shore in the present day.

These ghost stories are projected onto a large screen by way of silhouetted puppets, actors and sets. Throughout the bilingual play, there is a stream of translations coasting above the stage. The combination of people in oversize masks and puppets provides a sense of awe. A wide range of inventive sizes, angles and settings makes the play almost cinematic. Some of the tales are also augmented with live music.

The stories intertwine humor with the sorrowful subject matter through allusions and visuals. In one story, a man searching a train for illegals is depicted with a gorilla head and *chupacabra* arms. This technique harks back to the humor in political theater with exaggerated representations of the oppressors. Unfortunately, there were moments when

the presentation was not really bilingual. Throughout one of the stories, for instance, the narrator speaks a combination of Spanish and English; however, the translation at the top remains in Spanish for most of his tale.

The use of Walang Kulit–style masks was brilliant for the spectacle and the message of the play. By being able to see the enlarged facial expressions of the shadow characters, the audience is able to achieve an emotional connection. They are not just faceless creatures, as important as a wisp of smoke and just as tangible; they are people, with lives and dreams and skin as delicate as yours or mine. Symbolically, if it is possible to sympathize and feel for a shadow, how can we deny the same for the person who has cast it? It is a haunting thought that while these characters are just dark masses on the screen, they may be all that is left of their flesh-and-blood inspirations. *Ghosts of the River* is a visual carnival that is worth seeing for the inspired spectacle alone.

## Octavio Solis' Ghosts of the River at the Brava Theater

October 27, 2009



Ghosts of the River  
Courtesy of Shadowlight Productions

San Francisco playwright and director [Octavio Solis](#) is one of the hardest working men in show business. Recently his Pulitzer-nominated play, *Lydia*, showed at four theaters, including the Marin Theater Company; he just did an adaptation of *Don Quixote* at the Oregon Shakespeare Festival using puppets, and now [Ghosts of the River](#), stories told with shadow puppets, opens at the Brava Theater in San Francisco on Wednesday after a successful run at San Jose's Teatro Visión earlier this month.

Solis grew up in El Paso, about a mile from the Rio Grande and these stories deal with people on both sides of the border, says [Larry Reed](#), founder of Shadowlight Productions, who directed *Ghosts of the River*. This is Reed's second collaboration with Solis.

"It's interesting to do something so topical, but not to do it in a didactic or political way," Reed said. "So often in discussion about immigration people just focus on statistics and anger, but you come away from these stories with a whole different feeling about immigration."

Reed has been working with shadow puppets for more than 30 years.

"It's a way of telling a story that's unique," he said. "You can move to any culture. It's a very digital form that follows filming rules."

Art director [Favianna Rodriguez](#), an Oakland-based silk-screen artist and printmaker,



enjoyed that aspect of working with shadows, which was new for her.

“It’s almost like film with a lot of movement,” she said. “But it’s so low tech. For example I have a close up of somebody falling off a bridge and a train is getting closer. In film you’d need a huge budget, but with shadow puppets all I had to do was cut out a train.”

Rodriguez, the daughter of immigrants, says she liked working on the subject matter of the stories.

“They point to very large social issues,” she said. “But they talk about those issues in a way people can understand. Art is a key way to communicate what is happening in the world.”



## The Iliad Project: Dogsboddy by Nirmala Nataraj



Alani Denton. Photo by Alice Shaw.

The philosopher Simone Weil's brilliant 1940 pacifist tract, *The Iliad, or the Poem of Force*, is an inspired inquiry into the brutal nature of control and combat, as evinced in Homer's epic poem. The concept of the essential powerlessness of human nature (and its very best attributes) in the face of brute force and oppression is also at the heart of an international collaboration between San Francisco's Theatre of Yugen and Serbia's DAH Teatar and Research Center.

Theatre of Yugen, an experimental ensemble that makes classical Japanese Noh drama and Kyogen comedy accessible to Western audiences, has been committed to revitalizing dramatic classics and promoting intercultural understanding for close to three decades. So its latest collaboration, *Dogsboddy* (a loose adaptation of *The Iliad* told from the perspective of child soldiers), isn't merely a feather in the company's cap: it's part of a larger shift in Yugen's artistic engagement with international issues (such as war and genocide) that are still as salient as they were in Homer's time.

*Dogsboddy*--a piece that has been in process for over a year across three continents—premieres at the Yerba Buena Center for the Arts this month. Appropriately, playwright and Yugen's artistic associate, Erik Ehn, suggested a collaboration with DAH Teatar's artistic director, Dijana Milosevic, who established her company in 1991, when forces were being moved into Bosnia. DAH quickly became an innovative artistic powerhouse--one that moved its productions from the stage to the streets in a focused attempt to build cross-community collaborations and use performance as a vehicle of healing in times of extreme violence.

When Milosevic was approached by Ehn last year to direct *Dogsboddy*, she was eager for the opportunity. "When I came and met Yugen, I felt that it was very much a sister company to DAH," she recalls.

Since June of 2008, the cast of seven performers and four musicians--as well as Ehn, Milosevic and Theatre of Yugen's artistic director Jubilith Moore--have convened in Serbia, Bosnia, Uganda and Rwanda to build the piece. Because Ehn spends time in Rwanda every summer to study the history of the region and the manner in which art is capable of healing trauma, the idea for the play originally stemmed from conversations he had with survivors and perpetrators of genocide. In fact, his play *Maria Kizito* was based on the 1994 genocide in Rwanda, and Ehn describes *Dogsboddy* as being the final piece in a cycle of six plays that are specifically about genocide and very much informed by Weil's essay.

*Dogsboddy* consists of a triptych of interrelated sections. The first focuses on child soldiers in Africa and the second is more directly tied to the *Iliad*, while the third takes place in future-day Hudson Valley within a fractured America. While each piece could be viewed as self-contained, Moore says the involved artists took more of a painterly approach in bringing the disparate elements together. "Originally, we were just working on *The Iliad* piece," she remembers. "And it was just so mammoth, but then we came up with these two bookends for the work, and everything fell into place. Each part of the triptych is individual and distinctive, with its own history and integrity, but when placed alongside each other, they form a beautiful whole."

Given both Ehn and Milosevic's experiences living in regions affected by genocide, *Dogsboddy* can be seen as both specific and universal. While the framework of *The Iliad* and the larger inquiry into force transcend time and place, the areas of the world that helped inform the work maintain a resounding presence.

"The work is about a global phenomenon," explains Ehn. "We traveled together to Serbia, Bosnia, Rwanda and Uganda with the specific intent of uncovering worldwide dimensions to the issues. While every individual case is unique, worlds are together moving in space, and there is the constellar perspective. The sign of the machete, the sword, the disgraced corpse."

"It is estimated that about 300,000 children take part in different contemporary wars around our planet today, in different countries," says Milosevic. "I am coming from a country that went through a very bloody war, and something I understood from living [in Serbia] is that history is showing us that events which happened on one side of the planet influence the present or future of a completely different country."

Using *The Iliad* to illustrate the plight of child soldiers at war is also particularly powerful for a variety of reasons. "This master work dealt with the anatomy of war and violence, and the absurdity of it all," says Milosevic. "Erik's framework makes perfect sense...it explores [how] human nature is capable of unimaginable horrors. It is speaking

from within the violence itself by trying to understand both those who are inflicting violence and the ones who are on the receiving end."

Moore also notes that while the structure and characters in *The Iliad* informed *Dogsbody*, it is critical for readers of the epic to "realize how young Achilles and the other warriors were, and what that legacy might mean when translated to today's wars."

The international nature of the collaboration meant that the artists didn't get consistent blocks of rehearsal time together, but the process wasn't as onerous as some might imagine. "Theatre of Yugen has instituted a model of going on retreats together...working for long days and intense periods of time," says Moore. "This model actually translates quite well to working internationally." In June and August of 2008, as well as January of this year, the artists were able to create the piece together. In between those retreats, Skype conversations, travel opportunities and long hours of research helped keep the momentum going.

Milosevic remarks that this manner of working comes with several advantages: "It left us space in time to digest the topic, to reflect, to contemplate."

When the work premieres in October at the Yerba Buena Center, it will be accompanied by an open rehearsal and panel discussions on topics such as the role of artists in war-torn countries. "A play isn't a play--it's a way of being around each other for a while. The conversations leading up and following are absolutely as important," says Ehn.

Moore also describes the educational outreach component as a guidebook that offers perspective and context to the work at hand. "You don't have to come to the open rehearsal or discussions to enjoy the performance, but we try to offer them to make the work as accessible as possible," she says. "In Japan, Noh theatre is basically elitist--it's similar to the opera here, where there is a certain segment of the population that goes and one that doesn't...we want to say that anyone can come to a Yugen production."

The production's willingness to recoil from the stigma that is sometimes associated with overtly political theatre is balanced by the combination of Milosevic's self-aware experimental aesthetic and Yugen's grounding in traditional Japanese theatre. In addition, according to Ehn, *Dogsbody* will hopefully provoke "sorrow for and sensitivity to the losses [of lives in times of genocide], some sense of imaginative access (including culpability), an acknowledgment of the limits of access (those of us outside these events will never fully understand), and strength to witness the engine of violence in and of itself."

"Usually, bare facts and numbers are not enough to transmit knowledge and insight about complex matters," muses Milosevic. "I am not interested in art as entertainment. I feel we are privileged to be able to have a public voice and speak through our art, and we should use it for a deeper and fuller human encounter."

*Dogsbody* runs October 22–24 at Yerba Buena Center for the Arts Forum. Visit [ybca.org](http://ybca.org).

Nirmala Nataraj is a San Francisco-based freelance writer, editor, playwright/poet and erstwhile filmmaker.



## ***The Project***

“Fair Food: Field to Table” is a multimedia presentation promoting a more socially just food system in the U.S. It was created by California Institute for Rural Studies and Rick Nahmias Photography.

Through the stories and voices of farmworkers, growers, businesses and fair food advocates, viewers learn about the harsh realities of farmworker conditions and, more importantly, the promise of improved farm labor practices in American agriculture. The growing movement for “fair food” is tapping into rising consumer demand for food produced in accordance with their values.

The presentation consists of three parts:

Part 1: The Farmworkers

Part 2: The Farmers

Part 3: The Advocates

**“Fair Food: Field to Table” was created through a generous grant from the Columbia Foundation.**











## **Defending Labor Rights of Farmworkers**

December 21, 2009

By Ivan Mejia

LOS ANGELES – A diverse group of chefs, farmers and defenders of farmworkers' rights is demanding an end to exploitation in U.S. agriculture in the same way that the United States demands fair labor conditions in factories in Mexico and other developing countries.

"Chefs are responsible not only for making sure that the food they serve is free of pesticides and hormones, but also that they were grown by farmworkers whose rights have been respected," Francisco Alvarez, executive chef with Bon Appetit Management Company, said.

"Chefs have a conscience about what it takes to grow the vegetables and how they get to your table. This conscience is not only concerned about our customers but also about our workers," he said.

In August, Alvarez, whose company markets "food services for a sustainable future," was part of a delegation that gathered testimonies about miserable labor conditions from farmworkers in the town of Immokalee, Florida.

"Fedele Bauccio, founder of Bon Appetit, was shocked and asked the farm and plantation owners to respect labor rights because if not, his company wouldn't buy their products," he said.

Founded in 1987, Bon Appetit is a food-service company that invests \$300 million annually in vegetables, meat and other products for preparing and serving meals at 400 restaurants in universities, museums and other establishments in 29 states.

Ron Storchlic, research director of the California Institute for Rural Studies, told Efe that "promoting good labor practices on U.S. farms is essential."

"So often we find abuses like low wages, no payment for overtime, occupational risks like accidents and exposure to pesticides, lack of social benefits, sexual harassment of women and even modern slavery," Storchlic said.

He spoke of the double standard existing in the United States: on the one hand, fair labor

practices in other countries' factories are made a condition for buying their products, while no such demands are made to producers in this country.

“At a local level, everything can change, the farming sector in the United States responds to the demands of the market. If the market demands good labor practices, the agricultural sector will provide them, as long as there is money in it,” he said.

Judith Redmond, owner of the Full Belly Farm in Guinda, California, where 60 laborers grow and harvest fruit, edible seeds and organic vegetables, supports the project for defending the labor rights of farmworkers.

“If we compensate labor adequately and treat our workers well, we stand to benefit because if we treat them with respect, they’ll do the best they can for the good of our business,” Redmond said.

“Many people who want assembly plants eliminated in other countries know nothing about our local agriculture where the labor situation is practically the same,” she said.

Rick Nahmias, photographer and filmmaker, recently published a documentary on the Internet entitled “Fair Food: Field to Table.”

“In a year and a half of research I found many farmers who agree with improving farmworkers’ living conditions,” Nahmias said.

“But out of fear of reprisals from other farmers (who think that improving wages and not working laborers so hard will raise production costs), they are afraid to say what they think,” he said.

# The Washington Post

## After health care, we need Senate reform

By Ezra Klein

Sunday, December 27, 2009; B01

On Dec. 8, 1964, Mike Manatos wrote a letter that explains what's wrong with the Senate in 2009. This wasn't, of course, the subject of his letter. Manatos was no futurist; he was Lyndon Johnson's liaison to the Senate, and he was writing to update his bosses on Medicare's chances in the aftermath of the 1964 election. Surveying the incoming crop of senators, Manatos counted a solid majority in favor of the president's effort. "If all our supporters are present and voting we would win by a vote of 55 to 45," he predicted.

That letter would never be written now. In today's Senate, 55 votes isn't enough to "win," or anything close to it; it's enough to get you five votes away from the 60 votes you need to shut down a filibuster. Only then, in most cases, can a law be passed. The modern Senate is a radically different institution than the Senate of the 1960s, and the dysfunction exhibited in its debate over health care -- the absence of bipartisanship, the use of the filibuster to obstruct progress rather than protect debate, the ability of any given senator to hold the bill hostage to his or her demands -- has convinced many, both inside and outside the chamber, that it needs to be fixed.

This might seem an odd moment to argue that the Senate is fundamentally broken and repairs should top our list of priorities. After all, the Senate passed a \$900 billion health-care bill Thursday morning. But consider the context: Arlen Specter's defection from the Republican Party earlier this year gave Democrats 60 votes in the Senate -- a larger majority than either party has had since the '70s. Democrats also controlled the House and the presidency, and were working in the aftermath of a financial crisis that occurred on a Republican president's watch. This was a test of whether a party could govern when everything was stacked in its favor.

The answer seems to be, well, not really. The Democrats ended up focusing on health-care reform's low-hanging fruit: the bill the Senate ultimately passed does much more to increase coverage than it does to address the considerably harder problem of cost control, it strengthens the existing private insurance system and it does not include a public insurance option. And Democrats still could not find a single Republican vote, which meant they had to give Nebraska a coupon entitling it to a free Medicaid expansion and hand Joe Lieberman a voucher that's good for anything he wants. If the Senate cannot govern effectively even when history conspires to free its hand, then it cannot govern.

To understand why the modern legislative process is so bad, why every Senator seems able to demand a king's ransom in return for his or her vote and no bill ever seems to be truly bipartisan, you need to understand one basic fact: The government can function if the minority party has either the incentive to make the majority fail or the power to make the majority fail. It cannot function if it has both.

In decades past, the parties did not feel they had both. Cooperation was the Senate's custom, if not its rule. But in the 1990s, Newt Gingrich, then the minority whip of the House, and Bob Dole, then the minority leader of the Senate, realized they did have both. A strategy of relentless obstruction brought then-president Bill Clinton to his knees, as the minority party discovered it had the tools to make the majority party fail.

Unfortunately, both parties have followed Gingrich's playbook ever since. According to UCLA political scientist Barbara Sinclair, about 8 percent of major bills faced a filibuster in the 1960s. This decade, that jumped to 70 percent. The problem with the minority party continually making the majority party fail, of course, is that it means neither party can ever successfully govern the country.

Jeff Merkley, a freshman Democratic Senator from Oregon and former speaker of Oregon's House of Representatives, spoke to this issue in an interview last week. "When you use the word filibuster," he said, "most of us in America envision it as the ability to speak at length and even delay progress by taking hours. I count myself among those Americans." He sighed. "But it's not a filibuster anymore. It's a supermajority requirement. And when that becomes commonly used, it's a recipe for paralysis."

Tom Harkin, the veteran Iowa Democrat who chairs the Senate's influential Health, Education, Labor and Pensions Committee, was even more dismayed by recent events. His efforts to curb the filibuster began in the 1990s, when he was in the minority. "People say I only worry about this because I'm in the majority," he said Tuesday. "But I come at this with clean hands!" Back then, his partner in the effort to reform the filibuster was Lieberman. "The filibuster," Lieberman said at the time, "has become not only an obstacle to accomplishment here, but also a symbol of a lot that ails Washington today." Lieberman has since stopped worrying and learned to love obstructionism. But Harkin hasn't.

This isn't just a Democratic concern, though Democrats, being in the majority, are the ones raising it now. In 2005, Senate majority leader Bill Frist nearly shut the chamber down over the Democratic habit of filibustering George W. Bush's judicial nominees. "This filibuster is nothing less than a formula for tyranny by the minority," he said at the time.

Potential solutions abound. Harkin would eliminate the filibuster while still protecting the minority's right to debate. Under his proposal, bills would initially require 60 votes to pass. Three days later, that threshold would fall to 57. Three days after that, 54. And three days after that, 51. Merkley has some other ideas. One is to attract Republicans to the project by phasing the filibuster out six or eight years in the future, when we can't predict which party will initially benefit.

There is real promise in Merkley's approach. The danger of reforming the Senate is that, like health-care reform before it, it comes to seem a partisan issue. It isn't. Members of both parties often take the fact that neither Democrats nor Republicans can govern



effectively to mean they benefit from the filibuster half the time. In reality, the country loses the benefits of a working legislature all the time.

But members of both parties have become attached to this idea that they can block objectionable legislation even when they're relatively powerless. This is evidence, perhaps, that both parties are so used to the victories of obstruction that they have forgotten their purpose is to amass victories through governance. Either way, a world in which the majority can pass its agenda is a better one, a place where the majority party is held accountable for its ideas and not for the gridlock and inaction furnished by the Senate's rules.

Law professor Lawrence Lessig often compares the dysfunctions of the Congress to the woes of an alcoholic. An alcoholic, he says, might be facing cirrhosis of the liver, the loss of his family and terrible debt. Amidst all that, the fact that he drinks before bed at night might not seem his worst problem. But it is the first problem, the one that must be solved before he can solve any of the others. America, too, is facing more dramatic problems than the Senate rules: A coming budget crisis, catastrophic climate change and an archaic and inefficient tax system, to name a few. But none will be solved until we fix the dysfunctions of the Senate.

*Ezra Klein* reports on domestic and economic policy for The Washington Post and blogs at [washingtonpost.com/ezraklein](http://washingtonpost.com/ezraklein). The full interviews with Sen. Jeff Merkley, Sen. Tom Harkin and political scientist Barbara Sinclair can be found there.

## Reformers win a fight to clean up court races



The Wisconsin Supreme Court, from left to right, includes Annette Ziegler, David Prosser, Ann Walsh Bradley, Shirley Abrahamson, Patrick Crooks, Pat Roggensack and Michael Gableman. Court photo

After ugly state Supreme Court contests that produced two of the most ethically challenged justices in Wisconsin history, Annette Ziegler and Michael Gableman, the anti-democracy crowd decided to blame the voters.

Rather than focus on the excesses of special-interest groups and abuses committed by irresponsible candidates, they argued that the people of Wisconsin were no longer capable of electing judges.

Their “solution”? Do away with elections and give the authority to select the most powerful jurists in the state to elite legal and political insiders under a scheme known as “merit selection.”

There was never any “merit” in the “merit selection” scam. It was just a strategy to give more power to those who are already too powerful.

Unfortunately, because special-interest groups and their political allies thwarted reform across several legislative sessions, the argument that it was impossible to repair judicial races started to gain traction.

Luckily, the real reformers did not buy into the lie. Common Cause in Wisconsin and the Wisconsin Democracy Campaign kept fighting for the fix that was needed: the Impartial Justice Act, which sets up a system to provide full public financing for qualifying Supreme Court candidates who voluntarily agree to abide by a spending limit of \$400,000.

Common Cause's tireless executive director, Jay Heck, kept pulling together honest jurists and legal scholars, specialists in campaign finance reform and engaged citizens for public forums and lobbying days. He was aided by the best of the state's elected leaders, led by Lt. Gov. Barbara Lawton, who kept pushing for the right reform even when many in the media and the political class declared the project a failure.

The 2006 and 2008 election cycles put more reform-minded Democrats and Republicans in the Assembly and Senate, making it possible for bipartisan majorities to pass the reform measure in both chambers this fall. And this week, with a signature from Gov. Jim Doyle, the Impartial Justice Act becomes law.

The act is not going to repair everything that is wrong with judicial elections in Wisconsin. But its enactment marks a significant stride in the right direction. And it proves that real reform is possible.

That's important because it proves the proponents of false choices wrong.

It was always possible to fix the way in which Supreme Court justices are chosen while maintaining an open and democratic system of selection.

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January 4, 2010

Editorial

## **Really Big Money Politics**

The nation's hard times are proving to be boom times for the lobbying industry in Washington. Lobbyists are expected to easily break their record of \$3.3 billion in annual business, raising an inevitable question: How much more in special-interest donations will be bagged by lawmakers as they are furiously lobbied on everything from health care reform to economic regulation?

No one confesses to explicit quid pro quo crudity. But the power of lobbyists as they channel money and urge favor for rich clients is a gripping, and so far immutable, fact of political life. It needs to change.

To his credit, President Obama has delivered some promised reforms in the executive branch, particularly by banning administration officials from doubling back as lobbyists across his time in office. But the moneyed clout of K Street makes it urgent that Mr. Obama deliver on an even bigger promise. He must repair the damage done by his unfortunate rejection last year of publicly subsidized election financing as an alternative to the temptations of the special-interest trough.

Mr. Obama chose unlimited private financing to buoy his campaign to a huge electioneering advantage. He pronounced the leaner public subsidy option used by major candidates since Watergate to be a "broken system" outdated by modern campaign costs.

Mr. Obama made much of a promise to fix it, once elected. So, the time has come to fix it.

He needs to set a strong example for Congress and the status quo laziness of Washington and move convincingly for revival of the public option, which served the nation well. This would create pressure for a similar system of restraint by Congressional candidates now basted with special-interest money. As the lucre builds to critical mass, a public option for Congressional and presidential candidates becomes ever more vital.

Wednesday September 2, 2009

## **Midlands Voices: Congress needs to address huge money in campaigns**

By Bob Edgar and John J. Cavanaugh III

*Edgar, a former member of Congress from the Philadelphia area from 1975 to 1987, is the national president of Common Cause. Cavanaugh represented Nebraska's 2nd District in the U.S. House of Representatives from 1977 to 1981.*

As former members of Congress, we can remember the pressures of raising money for a re-election bid. At the time, that task felt formidable. Today, those same fundraising goals would get us laughed off Capitol Hill.

That's because running for Congress has become a high-dollar industry of consultants, experts and expensive television advertising.

Consider this: The winners of House elections in 1976 spent an average of about \$87,000 on campaigns, or about \$308,000 in today's dollars. In contrast, the average House winner in 2008 spent \$1.3 million.

Why should you care, especially if you have no plans to run for Congress?

Because the high cost of campaigns, and the pressure on our federally elected officials to constantly raise large sums of money, is undermining our democracy.

We have a campaign-finance system in which large donors, as well as those who can "bundle" lots of smaller checks and deliver them to a candidate, are far more valued and coddled than average voters by our representatives in Washington. What's more, the public loses out when our elected officials spend their time raising money rather than working for us on key issues.

In a sense, you can't blame members of Congress for the outsized role of big donors and special interests in our government. If a person or an industry raised \$25,000 or \$50,000 for you, you'd be sure that the donor got his phone calls returned, you were paying attention when his issue came up for debate and you would fight hard for what he wanted.

But big-money lobbying leaves out of the political process the voices of hard-working, conscientious Americans who don't have the means or desire to make large political contributions. And our democracy is not supposed to be based on money.

There is a better way.

It's legislation called the Fair Elections Now Act, and it would slow the fundraising arms race by allowing congressional candidates to run for office on small donations and public dollars.

The bipartisan bill is modeled in part on successful state laws in Arizona, Connecticut, Maine, North Carolina and elsewhere, where hundreds of candidates from both major political parties have agreed to spending limits and to accept only small contributions from individuals in exchange for limited public funding.

Republican and Democratic candidates alike say those programs allow them to spend more time meeting with constituents and talking about issues, instead of fundraising.

And once they are in office, they can focus on the job they were elected to do and stop worrying about the conflicts of interest created by accepting large contributions from those with business before Congress.

In a nutshell, Fair Elections for Congress would work like this:

U.S. House candidates would have the option to run for office with a mix of small contributions and limited public funds. To qualify, candidates would be required to take no contribution over \$100 — and no PAC money — and would have to demonstrate broad public support by raising 1,500 small contributions totaling \$50,000 from their home state.

Once they qualify, participating candidates would get an initial grant and then could earn a 4-to-1 match on in-state small donations, up to a limit. The small-dollar fundraising could continue after the limit is reached. (A full summary of the bill can be found at <http://www.fairelectionsnow.org>.)

The time is now for Congress to act. As Congress wrestles with major issues like health care, climate change and regulation of the financial markets, the fundraising pressures get in the way of deliberative lawmaking.

Members of Congress can't do their jobs when they're constantly distracted with raising money to keep their jobs.

## A serious challenge to campaign laws

Sunday, November 15, 2009

Advocates of meaningful campaign finance laws are waiting with great trepidation for the U.S. Supreme Court to rule in a case that challenges a 60-year-old ban on corporate contributions to candidates for federal office. Five of the nine justices already have established a willingness to chip away at restraints on campaign spending. This case, *Citizens United vs. FEC*, provides them with an opportunity to declare that the ban on corporate contributions is unconstitutional - which could dramatically increase the already formidable clout of special interests to influence congressional and presidential elections.

"In our view, it would make an intolerable situation much worse," said Nick Nyhart, president and CEO of Public Campaign, a nonprofit group that has been pushing for public financing of campaigns.

At issue is a documentary critical of Hillary Rodham Clinton that the conservative group Citizens United wanted produced for the 2008 presidential primary. The ideological group, which receives corporate funding, had wanted to pay a cable television consortium \$1.2 million to allow subscribers to download the movie for free "on demand." Under the McCain-Feingold campaign finance law of 2002, corporate-bankrolled television advertisements are prohibited just before an election.

It's possible the high court may rule on the narrow issue of whether the prohibition of corporate-funded political advertising applies to this video-on-demand scheme. But good-government advocates are worried that a court that already has declared that money is equivalent to speech - and corporations possess some of the rights endowed on individuals - might use the *Citizens United* case to end the prohibition on corporate spending in federal elections.

As it is, special interests hold great sway in the nation's capital. A recent study by Common Cause showed that health care interests were spending \$1.4 million a day lobbying the House and Senate - and millions more through contributions from their political action committees. A recent poll showed that 79 percent of Americans were worried that dependence on big campaign contributions would prevent Congress from addressing the major issues, such as health care reform, banking regulation and climate change.

"Money was important in the '70s and '80s, when I was one of the Watergate babies. ... It has gotten exponentially more intense," said Bob Edgar, the Common Cause president who was elected to the U.S. House as a Democrat from Pennsylvania in 1974.



Common Cause and Public Campaign are bracing for the worst from the Supreme Court in the Citizens United case - while hoping that a ruling against corporate limits might add momentum to their push for a system of public financing for all federal elections. They are backing the Fair Elections Now Act, sponsored by Sen. Dick Durbin, D-Ill., and Rep. John Larson, D-Conn., which would set up a system for public financing of campaigns.

Under that measure, which is similar to the "clean money" system that is being used in several states and is being proposed for the secretary of state campaigns in California, candidates for Congress who collect at least 1,500 contributions of \$100 or less from within the district would qualify for public funding. The system would be voluntary for candidates, in keeping with past Supreme Court rulings on the regulation of political donations - but the experience in "clean money" states suggests there would be considerable pressure on candidates to comply.

Americans already have all the evidence they need that the current system is broken: from Washington's decades of avoidance of an energy policy that would break our dependence on foreign oil to the industry-crafted deregulation measures of the 1990s that contributed to a near-meltdown of the financial system.

We can understand some taxpayers' wariness about funding political campaigns. Just remember: Americans are paying a high price for allowing special interests to fund our elections.

## Money affects Cuba policy

BY LESLEY CLARK

Supporters of the U.S. embargo against Cuba have contributed almost \$11 million to members of Congress since 2004 in a largely successful effort to block efforts to weaken sanctions against the island, a new report shows.

In several cases, according to the report by the nonpartisan group Public Campaign, members of Congress who had supported easing sanctions against Cuba changed their positions -- and then got donations from the U.S.-Cuba Democracy Political Action Committee and its donors.

All told, the political action committee that champions the embargo and its contributors have given \$10.77 million nationwide to almost 400 candidates and members of Congress, the report says.

The contributions include more than \$850,000 to 53 House Democrats who earlier this month sent a letter to House Speaker Nancy Pelosi opposing any change to U.S.-Cuba policy. The average signer, the report says, received \$16,344.

The top five recipients of the cash: Miami's three Cuban-American Republican members of Congress; 2008 Republican presidential nominee John McCain; and New Jersey Sen. Robert Menendez, a Democrat, whose parents fled Cuba before his birth.

The report comes as defenders of the embargo fend off efforts to repeal the decades-old ban against U.S. travel to Cuba. Proponents of greater engagement with Cuba contend they have the votes for a change.

A hearing on the issue is set for Thursday before the House Foreign Affairs Committee.

### **MONEY AND POLICY**

Critics of U.S.-Cuba policy have long suggested a link between campaign contributions and policy. Public Campaign -- which advocates for public financing of political campaigns -- says the contributions raise questions about the role money plays in lawmakers' decision-making on Cuba issues.

``The pressure they get to raise money plays heavier in their decisions than it ought

to," said David Donnelly, national campaigns director for Public Campaign. "We think this is a damning pattern. . . . If members of Congress have to spend too much time raising money, they have to listen to people who give money."

The director of the U.S.-Cuba PAC, Mauricio Claver-Carone, said they support lawmakers who side with Cuban-Americans who believe easing sanctions would benefit the Castro regime.

"I will not apologize for the Cuban-American community practicing its constitutional, democratic right to support candidates who believe in freedom and democracy for the Cuban people over business and tourism interests," Claver-Carone said.

"Unions help elect pro-union candidates," he said. "The chamber of commerce helps elect pro-business candidates. AIPAC [the American Israel Public Affairs Committee] helps elect pro-Israel members. Who are we supposed to help? Pro-Castro members?"

Public Campaign looked at the Cuba political action committee because Congress has continued to uphold the travel ban even though public opinion polls suggest most Americans believe it should be lifted.

## **PUBLIC'S OPINION**

Rep. Jeff Flake, R-Ariz., who backs greater engagement with Cuba, said the report isn't a surprise.

"I don't know how else you can explain how our current policy has survived for so long without yielding any meaningful results -- it's all politics," Flake said.

The report says at least 18 House members received campaign contributions from the PAC or its donors and then switched to opposing efforts to soften the embargo.

## **'NOT HUMANITARIAN'**

U.S. Rep. Mike McIntyre, D-N.C., said his changed views came not from campaign contributions but from humanitarian interests and concerns about oppression in Cuba. He said he spoke with Miami Republican Reps. Lincoln and Mario Diaz-Balart about their family's experience in Cuba under Fidel Castro.

"I thought, 'This is not right, and it's not humanitarian, and it doesn't promote democracy and I'm not going to support someone who is repressive and evil,'" McIntyre said.

Claver-Carone said he started the PAC in 2003 to help win back clout the Cuban-American community had when the late Jorge Mas Canosa ran the Cuban American National Foundation.

“The farm lobby came in and they were telling people, ‘Cuba is like Costa Rica,’ ” Claver-Carone said. “We came in and started telling people, ‘Hey, here's what's really happening in Cuba.’ ”

Weston Democrat Rep. Debbie Wasserman Schultz, who has received \$75,700 from the PAC and donors, noted that “just last week, the leading blogger in Cuba, critical of the government, was abducted and severely beaten.

“A relationship with the United States needs to be earned, not given away, and that was my feeling and has been reflected in my voting record long before I ever received any political support from people who share my views,” she said.

A spokesman for Rep. Kendrick Meek, D-Miami, who ranks eighth on the list of top recipients, said Meek's position on Cuba was “informed by a lifetime of living alongside an exile community who experienced dictatorship rule firsthand.”

The report shows the PAC shifting contributions to Democrats as they assumed control of the House and Senate in 2006. In the 2004 election cycle, the PAC gave just 29 percent to Democrats; by 2008, the Democrats' share was 59 percent.

*Barbara Barrett and David Goldstein of McClatchy's Washington bureau contributed to this report.*

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## Backers of same-sex marriage pledge to keep up Maine fight

November 4, 2009



Associated Press photo

Friends console one another early today after learning that voters had repealed Maine's gay-marriage law.

By Maria Sacchetti, Globe Staff

PORTLAND, Maine -- Proponents of same-sex marriage vowed today to continue their fight in Maine a day after voters narrowly shot it down. Opponents of gay marriage said they, too, would keep up their efforts.

Yesterday, 53 percent of Maine voters repealed the state's gay-marriage law just six months after the governor signed it, and a year after California voters defeated same-sex marriage by a similar margin. It was a devastating blow for national efforts to expand gay marriage since Massachusetts was the first to allow it in 2003, and a victory for opponents who say marriage should be limited to a man and a woman.

On the steps of City Hall today in Portland, a city where gay marriage won overwhelmingly at the ballot box, exhausted and teary-eyed advocates and about 100

supporters said they would start over. They planned to regroup and come up with another strategy.

Many had hoped to be obtaining marriage licenses from the stately slate-gray building in coming months. Instead, they took hope in progress in other states, such as Vermont, which first allowed civil unions and until it instituted gay marriage this year.

"Here we are in a civil rights struggle," said Mary Bonauto, an attorney with Gay & Lesbian Advocates & Defenders in Boston. "What do we do in a civil rights struggle? We pick ourselves up and we stay the course."

The day before the vote, Mary Conroy, leader of Stand for Marriage Maine, which opposes gay marriage, said the group was aware the fight would not be over.

"They will continue to fight, I know that," she said. "We believe marriage is between a man and a woman. We believe that is best for our society."

With 99 percent of the precincts reporting this evening, 299,483 voters supported a repeal of the measure vs. 267,574 who wanted it to stand.

At today's news conference, Irina Malayev, a Scarborough business owner, showed up with a handmade sign proclaiming marriage as the union between a man and a woman. She said she hoped gay-rights advocates would drop the issue.

"I feel very strongly about redefining the institution of marriage," she said. "We can be equal without being the same."

Advocates acknowledged that they were devastated by the loss, especially those who are growing older and are worried that they will not have the legal rights to easily make medical and burial decisions for their partners.

"Are we disappointed? Yes, we're disappointed," said Pat Peard, a lead organizer of the No on 1 effort, told the subdued crowd. "We feel deeply what happened to us last night. This is personal."

But, she added, 47 percent of Mainers supported gay marriage, something unthinkable only a few years ago.

"That's a wonderful number, one that we're not going to forget," she said. "I assure you we are going to build in the future."

"We are on the right side of history," said Shenna Bellows, executive director of the Maine Civil Liberties Union. "This is just another beginning."



## Same-sex couples say, 'I do'

By BETH LAMONTAGNE HALL

New Hampshire Union Leader

Wednesday, Dec. 30, 2009

When the clock strikes midnight on New Year's Eve, New Hampshire will become the fifth state to allow same-sex couples to marry.

As of Tuesday, 39 couples had secured same-sex marriage licenses to use sometime in the new year. The state has been issuing the marriage licenses to same-sex couples since Oct. 3. Once a license is issued, couples have 90 days to tie the knot before it expires.

Stephen Wurtz, acting director of the New Hampshire Division of Vital Records, said that in the last day or two, clerks' offices across the state have seen a bump in the number of requests for same-sex couple marriage licenses.

Gov. John Lynch signed the gay marriage bill into law in June, about two years after he had signed a similar bill legalizing same-sex civil unions. When the gay marriage law goes into effect, couples who were previously joined in a civil union can apply for a new marriage license at their local clerk's office for the standard fee. The couple can also apply for a conversion that would merge their civil union status into a marriage.

All New Hampshire civil unions that are not converted by the end of the year will automatically change to a marriage on Jan. 1, 2011. Wurtz said his office has received a number of questions about the transition.

"A lot of the phone calls I've received over this year is questioning the status (of civil unions) and how to go about obtaining the legal status of marriage," said Wurtz. "That has definitely slowed down the amount of civil unions."

Wurtz said that in 2008, there were 621 civil unions in New Hampshire. In 2009, there were 188. Although civil unions will soon become obsolete, Wurtz said same-sex couples can still get one up until Dec. 31.

Wurtz could not say specifically which towns or regions have greater numbers of same-sex marriage license requests, but expected cities would likely see the most. In 2008, Manchester issued 69 same-sex civil unions, the most of any city or town in New



Hampshire. Concord came in second with 48, Portsmouth had 33 and Nashua had 31 civil unions that year.

Compared with the state's numbers for traditional marriage, however, the request for same-sex marriage licenses is very small. In the past three months, 39 same-sex couples obtained marriage licenses. During that same time, 1,535 opposite-sex couples stopped by their local clerk's office for a license.



Rep. Jim Splaine, D-Portsmouth, who sponsored the same-sex marriage bill, said he will celebrate the law going into effect the same way he celebrated the civil union law, by watching a number of gay couples tie the knot at the State Capitol. On New Year's Eve, the New Hampshire Freedom to Marry Coalition has organized a celebration ceremony for a group of same-sex couples scheduled to be the first in the state to wed.

Republican leaders opposed the same-sex marriage bill, but since its passage have said they have no intention of overturning it this legislative session. However, there are two bills currently before the state legislature that would reverse it. State Rep. Alfred Baldasaro, R-Londonderry, has submitted a bill that would reverse the gay marriage law; Rep. Dudley Dumaine, R-Auburn, has submitted legislation for a state Constitutional amendment declaring marriage as between one man and one woman.

## Maine voters face historic choice on gay marriage

10.09.2009

(Portland, Maine) For an off-year election, in a state only rarely in the national political spotlight, an upcoming referendum on same-sex marriage has dramatic potential to make history and to roil emotions from coast to coast.

On Nov. 3, Maine voters will become the first in any state with the chance to repeal or uphold a law passed by their Legislature and signed by their governor, legalizing same-sex marriage. The outcome is considered too close to call, and the race is galvanizing activists on both sides of the issue across the country.

The ballot measure, Question One, results from Maine's provision for a "people's veto" – any newly passed law can be subject to repeal by voters if enough valid signatures are obtained to trigger a referendum.

"The stakes are very high in Maine, no question about it," said Frank Schubert, who was hired by gay-marriage opponents in Maine as their top strategist after he coordinated the Proposition 8 campaign last year in California that repealed court-ordered gay marriage there.

Though five other states have legalized same-sex marriage, including four of Maine's New England neighbors, none has done it with the affirmation of a popular vote. Maine could be the first – a prospect which worries Schubert and his allies.

"It would be first time gay marriage advocates would be able to convince the public to be on their side," he said. "It would add to their attempt to convince people that it's inevitable they will win, that it's just a matter of time."

Supporters of same-sex marriage, in Maine and elsewhere, are cautiously hopeful of a landmark victory that they believe would have impact in other states, including California. But they acknowledge that defeat – by an electorate known for its independence and moderation – would be crushing.

"If we lose, it will be a day of tremendous grief," said Judy Chamberlain, who along with her partner of 30 years, Karen Marlin, has been working in the campaign to uphold the marriage law.

Chamberlain, 57, and Marlin, 62, who hope to wed in their church in Brunswick, got engaged in May when the state Senate approved the marriage bill. Marlin replied to Chamberlain's proposal by text message: "You bet."

Their 17-year daughter, Nena, adopted from Russia as a toddler, hopes her mothers get the election result they're working for.

"It would be cool for them," she said. "They've been wanting it so long."

Among the lawmakers backing the marriage bill was Sen. Larry Bliss, an openly gay Democrat who moved many colleagues with personal stories of raising a family as half of a same-sex couple. Initially, Bliss felt the bill was premature, but changed his mind when his longtime partner quit his job and needed to get on Bliss's health insurance.

"If he'd been my spouse, it would have been easy," Bliss said. "Instead the process was appallingly humiliating."

Many Mainers were surprised by the decision of Democratic Gov. John Baldacci, a Roman Catholic, to sign the bill swiftly on May 6 despite having voiced doubts about same-sex marriage.

The spiritual leader of Maine's 200,000 Catholics, Portland Bishop Richard Malone, said he was "deeply disappointed" in Baldacci and legislative leaders, and called same-sex marriage "a dangerous sociological experiment." Catholic churches statewide have taken collections to aid the repeal effort.

Baldacci, a former altar boy, says he is at peace with his decision.

"It's important to have your own faith and connection to God," he said in an interview in his statehouse office. "At the same time, it isn't just that faith you're the governor of. ... You're governor of all the people."

When the marriage bill was introduced, Baldacci argued that gay couples could get needed legal rights through civil unions, but his views evolved.

"I was creating a second-class marriage for certain people, which wasn't right," he said. "I wasn't doing my duty to the constitution I swore to uphold."

Baldacci hopes the campaign, as it gains national attention, will be illuminating and respectful rather than nasty.

"To divide us more, especially during difficult times, would hurt us – leave such scars that they could never be healed," he said.

Both campaigns depict Maine voters as unlikely to be swayed by out-of-state efforts. Yet the No on One campaign – which supports gay marriage – is welcoming volunteers from afar, and both sides are expected to report substantial out-of-state financial contributions when figures are released next week.

No on One's supporters include the Human Rights Campaign and other national gay-rights groups. The other side, Stand For Marriage Maine, is getting major assistance from the National Organization for Marriage, which played a key role last year when Proposition 8 quashed a California Supreme Court ruling that briefly legalized same-sex marriage.

Schubert, hired to reprise his role in California, has employed controversial TV ads similar to those which helped sway the Prop 8 vote. Among other claims, the ads assert that "homosexual marriage" will be taught in Maine public schools if Question One loses.

Trying to learn lessons from California, supporters of same-sex marriage have responded with swift rebuttals. Critics of the ads – including Baldacci and top legislative leaders – say Maine has no mandated statewide curriculum addressing marriage, and family life programs adopted by local school boards generally enable parents to exempt their children.

"What Frank Schubert is known for doing is using lies to try to scare people," said Geoff Kors, executive director of Equality California, who hopes a victory for his gay-rights allies in Maine will bolster efforts to get another referendum on same-sex marriage in California.

Schubert, in a telephone interview, stood by the accuracy of his ads.

"Having an aggressive campaign that focuses on potential consequences, you force people to think about an issue in the way they haven't before," he said.

The rival campaign managers have contrasting backgrounds. The No on One leader is Jesse Connolly, 31, who ran Baldacci's re-election campaign in 2006 and whose father, while a legislator in 1974, led the first attempt to pass a state law protecting gays from bias.

Stand for Marriage's top leaders are a generation older, both with church backgrounds. Marc Mutty is on leave from his job as public affairs chief for the Catholic diocese, and the Rev. Robert Emrich runs the Maine Jeremiah Project, a conservative Christian coalition.

In a joint interview, Mutty and Emrich said the campaign pits rank-and-file Mainers against political and professional elites.

"Our constituency is Ma and Pa Kettle and Joe Sixpack – people not that engaged in the political process," said Mutty.

His modest headquarters in a shopping plaza had no sign visible to anyone approaching – a low profile stemming partly from fears of harassment.

“Everywhere we turn, we’re accused of being bigots,” Muttly said, describing initial attempts to secure office space that were rejected based on concerns about security or political backlash.

Emrich said he and his wife have received harassing phone calls and mysterious knocks on their door.

“You don’t want to talk too much about it because you don’t want to scare people off from getting involved,” he said.

Connolly says he wants everyone with his campaign, including out-of-state volunteers, to behave respectfully and he’s skeptical about the alleged harassment.

“The victimization card the other side tries to play doesn’t live up to face value,” he said.

On some matters, Connolly and Muttly agree. They say the vast majority of voters already have made up their minds and believe the battle for an edge in turnout will be pivotal.

Among the most fervent campaigners for gay marriage – working the phones, canvassing face-to-face – are same-sex couples yearning for the right to wed.

Jim Bishop, 62, and Steve Ryan, 56, who both work for a Portland-area low-income housing program, have been partners for 34 years and never before have invested so much time and money – more than \$12,000 so far – in a political campaign.

“It’s an emotional issue for me – you realize you’ve been discriminated against your whole life,” said Bishop, who recalled past travels with Ryan when they would pose as brothers to avoid potential hassles.

Beth Allen, 30, and Valerie Frye, 29, just moved into a wood cabin in the hamlet of Fletchers Landing, a three-hour drive northwest of Portland.

They’ve been a couple for three years, working for the same social service agency and sharing care of Allen’s 5-year-old daughter Fiona. They’re engaged to marry next year.

“It makes me nervous what Fiona will have to go through if it doesn’t work out,” Allen said. “She knows we’re a family with two mommies. It doesn’t cross her mind that people would disagree with that.”

Even amid moving and readying Fiona for kindergarten, they’ve made time for their first-ever political campaigning; conversations with potential voters have ranged from warm to cold. Allen said one married woman at a local festival told her icily, “I don’t want you to have what I have.”

Episcopal Bishop Stephen Lane, part of a religious coalition supporting same-sex marriage, anticipates a harrowing election night.

“That will be one of my major concerns on the pastoral level,” he said. “Hopes are so high in the gay and lesbian community that it will be devastating if they lose.

The campaign seems so close, said University of Maine political scientist Mark Brewer, that he wouldn’t even guess at the outcome.

“Unless someone makes a big mistake, it will all come down to mobilization and turnout,” he said.

Whatever the result, he said it is likely to reverberate nationwide because of the attitude and track record of Maine voters.

“The Maine electorate tends to view itself as independent and pragmatic,” Brewer said. “They like to believe they reach decisions based on good old Yankee common sense.”



October 12, 2009

## Schwarzenegger signs bill honoring gay-rights activist

(CNN) -- California Gov. Arnold Schwarzenegger has signed a bill commemorating Harvey Milk, the first openly gay politician elected to public office in the state, a spokesman for the governor said Monday.

"He really saw this signing as a way to honor the gay community in California," spokesman Aaron McLearn told CNN in a telephone interview.

Schwarzenegger vetoed a similar bill last year, saying he believed Milk should be recognized at the local level.

But since then, "Milk has become much more of a symbol of the gay community," McLearn said, citing the eponymous movie starring Sean Penn, Milk's posthumous receipt of the Presidential Medal of Freedom and his induction into the California Hall of Fame.

Milk served briefly as San Francisco's supervisor before he and Mayor George Moscone were assassinated in 1978 by Dan White, a city supervisor who had recently resigned but wanted his job back.

Under the measure, the governor each year would proclaim May 22 -- Milk's birthday -- as a day of significance across the state.

The bill was one of 704 signed Sunday -- most of them near the midnight deadline -- by Schwarzenegger, said spokesman Aaron McLearn.

The legislation passed the state Senate in May and the state Assembly last month.

The legislation has been divisive, with the governor's office receiving more than 100,000 phone calls and e-mails, most of them in opposition, spokeswoman Andrea McCarthy said last month.

But she added that most of the Twitter posts the governor received were in favor of the bill.

Schwarzenegger vetoed a similar bill last year, saying he believed Milk should be recognized at the local level.



Milk was a "unique" historical figure who led a civil rights movement and then was "assassinated in his public office for being who he was," State Sen. Mark Leno, a Democrat, told CNN last month.

The day of significance would not close schools or state offices, according to its text.

However, Randy Thomasson, the president of SaveCalifornia.com, said the bill was vague and could allow for a number of things at schools, including gay pride parades or "mock gay weddings."

"Harvey Milk was a terrible role model for children," said Thomasson, whose organization opposed the bill.

"The reality is Harvey Milk is a hero to so many people and a great role model," said Geoff Kors, executive director of Equality California, the group that backed the bill introduced by Leno.

"It's very appropriate that the state he worked in and passed the first gay rights bill in the country should honor him."

He said the bill marks the first time any state has officially honored an openly gay person.

Leno said that claims that the bill would lead to schools holding gay-pride parades and similar activities were "hyperbole." The bill "mandates nothing," he said, although it "affords an educational opportunity."

President Obama posthumously honored Milk with a Presidential Medal of Freedom this year, and Sean Penn portrayed him in the 2008 film "Milk," for which he received an Oscar for best actor.



Stuart Milk, nephew of Harvey Milk, sits next to a photo of the gay rights activist in March.



## Winning Equality in New York and California

### From EQCA's Blog: The California Ripple Effect

Geoff Kors, EQCA Executive Director | Mon, 12/07/2009



The news from the New York State Senate this week was sad to hear. In their vote on a bill that would have ended marriage discrimination against same-sex couples in the state, eight Democratic senators and five Republican senators who had indicated their willingness to vote for the bill ended up voting no. The bill did not pass.

Watching the senate debate and slow roll call vote took me back to our experiences here in California trying to pass a marriage bill through our legislature. In 2005, California became the first state in the nation to see its legislature pass a bill extending marriage to same-sex couples in the state. It wasn't our first try, however. Similar to New York, we had tried unsuccessfully to pass a marriage bill the previous year.

New York is doing the right thing. The Empire State Pride Agenda who have been building support for years and the many LGBT advocates in the state are using what they have learned through the vote to hold those senators who didn't vote for LGBT rights accountable. Without an actual vote, you often don't know what you don't know. Now they know the score, and they are working hard to right this wrong.

## California's Marriage Bills

Through a hard-fought legislative effort, California created a domestic partnership registry that went into effect in 2000. However, it came with no substantive rights for same-sex couples. Former Assemblymembers Carole Migden, who authored the bill establishing the registry, and Jackie Goldberg introduced several bills sponsored by EQCA that expanded the registry to include almost every right and responsibility that married spouses were afforded under California law. But we knew we had to do more. We had to win marriage.

In the 2003-2004 legislative session, then-Assemblymember and now Senator Mark Leno introduced a marriage equality bill sponsored by EQCA. The bill passed its first committee but did not make it to the floor for a vote. In the next session, Leno introduced another marriage bill sponsored by EQCA, which saw a floor vote in the Assembly that fell first six and then four votes shy of passing in June 2005. Two of the six members who changed their mind in June had pledged in writing to vote for marriage equality as part of their EQCA PAC questionnaires, and we were able to show them their signed commitment.

A week after the bill failed in the Assembly, Leno and EQCA moved to the Senate and in September 2005, it passed. EQCA had worked over the summer to secure the additional four votes that were needed in the Assembly through an aggressive lobbying effort targeting members in their districts. The Assembly then voted again just days after the Senate, and this time it passed that chamber as well.

It was a close vote. Leno shared his personal story during the debate. But he was not always received kindly. Assemblymember Dennis Mountjoy (R-Monrovia) said:

“Marriage should be between a man and a woman, end of story. Next issue. It’s not about civil rights or personal rights, it’s about acceptance. They want to be accepted as normal. They are not normal.”

Leno had many long, difficult conversations with other Assemblymembers to help them understand the importance of their vote for the bill. EQCA lobbied hard for the bill, bringing supporters to Sacramento to talk to their legislators and generating tens of thousands of phone calls and emails from constituents to their legislators in support of marriage equality.

When it finally passed, LGBT people and our allies across the state celebrated. It was an exciting moment.

We knew all along that getting Governor Schwarzenegger’s signature would be a big challenge. The legislature held onto the bill for two weeks to buy time, while EQCA worked behind the scenes to try to convince the governor to sign. We met with the Governor and First Lady and his senior staff, we delivered over 50,000 postcards from Californians urging the Governor to sign the bill, with families delivering the postcards to

the Governor's Office, and we ran a hard hitting television ad urging the Governor to be a hero and sign the bill. Our best efforts still did not convince him, however. In his veto message he argued that a court decision or a voter initiative was the right way to extend marriage rights to same-sex couples.

In 2007, we tried again. Now-Senator Leno introduced a second marriage bill that EQCA sponsored. This time the bill passed both houses of the legislature with a few extra votes, but the governor again chose to veto.

What Next?

Looking back on the marriage debates in our own legislature and at the debate in New York this week, a couple of things are crystal clear to me.

First, as a community, we have to support only candidates who are 100 percent for equality. EQCA's PAC only supports those candidates who are 100 percent for LGBT equality, and this includes support for marriage equality and for coverage for transition-related health care for transgender people. As a community, we must help to advance those candidates who support us all the way, and refuse to give to those candidates who do not. We must elect legislators, governors and other officials who will fully support our equality once they are in office.

Second, we have to hold those legislators and elected officials who fail to vote for or support our equality accountable. Legislators must know that if they backpedal on or do not vote for our rights, it will impact them when election time rolls around again. These legislators risk their endorsements and campaign donations when they cave in to pressure from our opponents. In some districts, these legislators are putting their re-election on the line.

Don't give up on New York or California, or any other state. If we focus on electing the candidates that will support us 100 percent, and if we keep doing the difficult work of building support among elected leaders, we not only can see full equality from coast to coast – we will.

Cross-posted from journalist Karen Ocamb's blog, LGBT POV.

(Editor's note: Coming on the heels of the gut-wrenching loss of marriage rights in Maine, the vote in the New York state Senate to oppose a marriage bill brought by openly gay Senator Thomas K. Duane was agony. (Read Paul Schindler's excellent coverage in Gay City News here.) For some of us in California, the losses are constant reminders of our own unhealed grief and anger over Prop 8. But in fact, California didn't have an easy time winning marriage equality in the state Legislature, either. So I asked Geoff Kors, Executive Director of Equality California, to write a piece about what that experience was like – to perhaps add a tiny bit of balm to the open wound our New York friends might be feeling. – Karen Ocamb)

# THE NEW YORKER

A REPORTER AT LARGE

## A Risky Proposal

Is it too soon to petition the Supreme Court on gay marriage?

by Margaret Talbot January 18, 2010



A still from the advertisement “Family Values.” After the Proposition 8 vote, new ads have aimed to make same-sex marriage palatable by emphasizing the conventionality of gay couples.

On January 11th, a remarkable legal case opens in a San Francisco courtroom—on its way, it seems almost certain, to the Supreme Court. *Perry v. Schwarzenegger* challenges the constitutionality of Proposition 8, the California referendum that, in November, 2008, overturned a state Supreme Court decision allowing same-sex couples to marry. Its lead lawyers are unlikely allies: Theodore B. Olson, the former solicitor general under President George W. Bush, and a prominent conservative; and David Boies, the Democratic trial lawyer who was his opposing counsel in *Bush v. Gore*. The two are mounting an ambitious case that pointedly circumvents the incremental, narrowly crafted legal gambits and the careful state-by-state strategy that leading gay-rights organizations have championed in the fight for marriage equality. The Olson-Boies team hopes for a ruling that will transform the legal and social landscape nationwide, something on the order of *Brown v. Board of Education*, in 1954, or *Loving v. Virginia*, the landmark 1967 Supreme Court ruling that invalidated laws prohibiting interracial marriage.

Olson’s interest in this case has puzzled quite a few people. What’s in it for him? Is he sincere? Does he really think he can sway the current Court? But when I spoke with



Olson, who is sixty-nine, in early December, he sounded confident and impassioned; the case clearly fascinated him both as an intellectual challenge and as a way to make history. “The Loving case was forty-two years ago,” he said, perched on the edge of his chair in the law offices of Gibson, Dunn & Crutcher, in Washington, D.C., where he is a partner. “It’s inconceivable to us these days to say that a couple of a different racial background can’t get married.” Olson wore a brightly striped shirt and a paisley tie, without a jacket; there was something folksy in his speech, which reminded me that he’s a Westerner, who grew up and was educated in Northern California. He said, “Separate is not equal. Civil unions and domestic partnerships are not the same as marriage. We’re not inventing any new right, or creating a new right, or asking the courts to recognize a new right. The Supreme Court has said over and over and over again that marriage is a fundamental right, and although our opponents say, ‘Well, that’s always been involving a man and a woman,’ when the Supreme Court has talked about it they’ve said it’s an associational right, it’s a liberty right, it’s a privacy right, and it’s an expression of your identity, which is all wrapped up in the Constitution.” The Justices of the Supreme Court, Olson said, “are individuals who will consider this seriously, and give it good attention,” and he was optimistic that he could persuade them. (The losing side in San Francisco will likely appeal to the Ninth Circuit, and from there the case could proceed to the Supreme Court.) Olson’s self-assurance has a sound basis: he has argued fifty-six cases before the high court—he was one of the busiest lawyers before the Supreme Court bench last year—and prevailed in forty-four of them. Justices Sandra Day O’Connor and Anthony Kennedy attended his wedding three years ago, in Napa. Olson said that he wanted the gay-marriage case to be a “teaching opportunity, so people will listen to us talk about the importance of treating people with dignity and respect and equality and affection and love and to stop discriminating against people on the basis of sexual orientation.”

If the Perry case succeeds before the Supreme Court, it could mean that gay marriage would be permitted not only in California but in every state. And, if the Court recognized homosexuals as indistinguishable from heterosexuals for the purposes of marriage law, it would be hard, if not impossible, to uphold any other laws that discriminated against people on the basis of sexual orientation. However, a loss for Olson and Boies could be a major setback to the movement for marriage equality. Soon after Olson and Boies filed the case, last May, some leading gay-rights organizations—among them the A.C.L.U., Human Rights Campaign, Lambda Legal, and the National Center for Lesbian Rights—issued a statement condemning such efforts. The odds of success for a suit weren’t good, the groups said, because the “Supreme Court typically does not get too far ahead of either public opinion or the law in the majority of states.” The legal precedent that these groups were focussed on wasn’t *Loving v. Virginia* but, rather, *Bowers v. Hardwick*, the 1986 Supreme Court decision that stunned gay-rights advocates by upholding Georgia’s antiquated law against sodomy. It was seventeen years before the Court was willing to revisit the issue, in *Lawrence v. Texas*, though by then only thirteen states still had anti-sodomy statutes; this time, the Court overturned the laws, with a 6–3 vote and an acerbic dissent from Justice Antonin Scalia, who declared that the Court had aligned itself with the “homosexual agenda,” adding, “Many Americans do not want persons who openly engage in homosexual conduct as partners in their business, as scoutmasters for their children, as teachers in their children’s schools, or as boarders in their home. They view

this as protecting themselves and their families from a lifestyle that they believe to be immoral and destructive.”

Seventeen years was a long time to wait. “A loss now may make it harder to go to court later,” the activists’ statement read. “It will take us a lot longer to get a good Supreme Court decision if the Court has to overrule itself.” Besides, the groups argued, “We lost the right to marry in California at the ballot box. That’s where we need to win it back.” Plenty of gay-marriage supporters agreed that it was smarter to wait until the movement had been successful in more states—and, possibly, the composition of the Supreme Court had shifted. (During the last year of a second Obama term, Scalia would be eighty-one.)

By August, the inevitability of the Olson-Boies suit had become clear, and several of the groups decided, grudgingly, to support the effort. But, when they petitioned to be intervenors in the suit, Olson and Boies opposed the move. Olson told me that their inclusion would have made the case too fragmented, and he wanted a “unified, controlled, consistent, on-message approach.” The presiding judge in the case, Vaughn Walker, sided with Olson and Boies, though he did allow the City of San Francisco to join their suit.

Nobody seems to be saying anymore, as some skeptics did initially, that Olson was deliberately setting up the gay-marriage movement for a fall. But doubts remain. William Eskridge, a professor of constitutional law at Yale University, and a prominent advocate of same-sex marriage, says that he is now “even more pessimistic” about the lawsuit’s chances, given that, in recent months, voters in Maine approved a referendum overturning a same-sex-marriage law, and the state senates of New York and New Jersey opted not to allow gay marriages. “A question that so evenly but intensely divides the country is not one that should be decided by the courts nationwide,” Eskridge said. “It’s the mirror image of the mistake the Bush Administration made by trying to introduce a constitutional amendment to define marriage as between a man and a woman.” He added, “It is just not something that this Supreme Court is going to deliver on at this point.” It’s a peculiar situation: while gay-rights activists advocate judicial restraint, solicitude for the popular will, and a gradual, state-centric approach, Ted Olson argues, in the urgent language of civil rights, for a sweeping, federal solution on their behalf.

At present, only five states—Massachusetts, Vermont, New Hampshire, Connecticut, and Iowa—permit gay couples to marry. (Five others, including California, have civil-union or domestic-partnership laws, which confer benefits and some official recognition without the title, and freighted significance, of marriage.) Since 1993, when the Supreme Court of Hawaii surprised just about everybody by finding that a state ban on gay marriage was discriminatory, twenty-nine states have passed amendments prohibiting gay marriage. (Most states had seen no need to be explicit on that point before.) And in 1996 Congress passed, and President Bill Clinton signed, the Defense of Marriage Act, which defined marriage as between a man and a woman. Seen from this angle, an incipient movement has been countered by a formidable backlash.



Yet there is a countervailing story, one that points to an inevitable shift toward acceptance of same-sex marriage. In 1993, few Americans had heard of same-sex marriage. Now some forty per cent of Americans support marriage for gay couples, and more than fifty per cent support civil unions. Many more people condone gay marriage today than condoned interracial marriage at the time of *Loving v. Virginia*, when only twenty per cent of Americans told Gallup that they approved of it.

Younger Americans endorse gay marriage at strikingly higher rates than older ones. According to a 2009 study underwritten by the Pew Charitable Trusts, fifty-eight per cent of Americans between the ages of eighteen and twenty-nine support gay marriage, compared to twenty-two per cent of Americans sixty-five and older. And the age divide cuts across some ideological lines as well. In a 2008 study, twenty-six per cent of white evangelicals under the age of thirty supported full marriage rights for same-sex couples, while only nine per cent of older evangelicals did.

Patrick Egan, a political scientist at New York University, and Nathaniel Persily, a law professor at Columbia University, who together have studied public opinion on gay rights, believe that in five years a majority of Americans will favor same-sex marriage—the result of generational replacement and what Persily calls “attitude adjustment.” When people change their mind on this issue, they tend to change it toward marriage equality. The more striking conversion stories of the past couple of years conform to this pattern: Bill Clinton saying that he was “wrong” in opposing gay marriage; Dick Cheney, whose daughter Mary is a lesbian with a partner and two children, declaring that “people ought to be free to enter into any kind of union they wish”; Jerry Sanders, the Republican mayor of San Diego, explaining tearfully at a press conference that he couldn’t look his lesbian daughter and others “in the face and tell them that their relationships . . . were any less meaningful than the marriage I share with my wife.”

The generational divide does not produce such results for all social issues. On abortion, for instance, younger Americans tend to be less supportive of unfettered rights. Nor does gay marriage seem to be a life-cycle issue—one that people become more conservative about as they age. People who went to high schools where there were gay-straight alliances, had friends who shared their coming-out stories, and grew up in a culture populated with gay celebrities simply feel more comfortable with the idea of same-sex couples marrying.

In some ways, though, this trend makes the *Olson-Boies* suit more complicated. Why push the Court far ahead of public opinion if public opinion is moving in that direction anyway? Even a victory for *Olson and Boies* could cut one of two ways. It could be like *Brown v. Board of Education*, which accelerated a gradual shift in public opinion. Or it could be like *Roe v. Wade*, in 1973, which interrupted a move toward abortion rights, and froze public opinion in two polarized camps. Olson is undaunted. “I have spent a fair amount of time reading Dr. King’s response to people who said, ‘People aren’t ready for this,’ ” he said. “His ‘Letter from a Birmingham Jail,’ one of the more moving documents in history, addresses this. If people are suffering and being hurt by discrimination, and

their children and their families are . . . then who are we as lawyers to say, ‘Wait ten years’? ”

The case that became *Perry v. Schwarzenegger* would probably never have materialized had it not been for a young political strategist in Hollywood named Chad Griffin. On Election Night in November, 2008, Griffin was watching the returns at a San Francisco hotel with Gavin Newsom, the city’s mayor, who, in a short-lived experiment in 2004, had presided over same-sex marriages at City Hall; Newsom’s wife, Jennifer; Bruce Cohen, a filmmaker who produced “Milk” and “American Beauty” and is a high-profile gay activist in Hollywood; and Kristina Schake, Griffin’s business partner and best friend. Like many gay Democrats that night, Griffin was exultant about Barack Obama winning the Presidency but despondent that Proposition 8 had passed. Griffin recalls “going into a forty-eight-hour spiral of depression. All I could think about was the message this sent to the kid I used to be, growing up in Arkansas.”

But Griffin is not a guy who stays depressed—or at least merely depressed—for long. A week after the election, he was having lunch at the Polo Lounge, in the Beverly Hills Hotel, with Schake, discussing strategy with the actor and director Rob Reiner, for whom Griffin had formerly run a foundation, and Reiner’s wife, Michele. This was no idle exercise: Griffin had played a big role in the “No on 8” campaign, enlisting donations and support from prominent Californians, including the actor Brad Pitt, the real-estate heir and film producer Steve Bing, and the supermarket mogul Ron Burkle, who hosted a fund-raiser at his Los Angeles mansion. Griffin has orchestrated successful statewide ballot initiatives promoting clean energy and early-childhood education, and his clients include Maria Shriver, the First Lady of California. Still, nobody at the Polo Lounge lunch had alighted on what seemed like a winning plan until an acquaintance of Michele Reiner’s, Kate Moulene, stopped by the table, and heard what they were talking about. Later, Moulene told the Reiners that they should get in touch with her former brother-in-law, Ted Olson. You’d be surprised, Moulene told them—he’s with you on this.

Griffin related this story when we met in the restaurant at the Chateau Marmont hotel, one of those Hollywood landmarks fetishized by the young. Griffin is a slim thirty-six-year-old, and has close-cropped hair and nerdy-chic glasses. In the ostentatiously dim restaurant, the bright-white tennis shoes that he wore with his jeans and blue blazer were like runway lights guiding me to our table.

Griffin came out in his late twenties, and he is dating, but he does not have a partner. Laws like Proposition 8 repel him primarily because they are a form of licensed hostility. Ask him why “marriage equality”—the term he always uses—is so important, and the first thing he’s likely to tell you is how much higher the suicide and homelessness rates are for gay teen-agers than they are for their straight peers. “I’ll be fine if I can’t marry the person I love,” he told me. “I have a good life. I’m lucky. But there are consequences to inequality.”

The idea of a federal lawsuit had appealed to him immediately. He felt that it had been a strategic and moral mistake for the marriage-equality movement to count on ballot

initiatives. “One’s fundamental constitutional rights should never be subject to a majority vote,” he said. “That’s what the Constitution is for. That’s what the courts are for.” He hadn’t given up on politics: it was important to elect people who supported gay marriage and to vote out politicians who didn’t. The movement, he said, had to “create more fear of the consequences” for Democratic and Republican politicians alike. But he was through with ballot initiatives: they were the strategy of the anti-gay lobby, and fighting them “forces us to play on the opposition’s turf.” Griffin’s side had spent some sixty million dollars campaigning against Proposition 8. “What we need is to aggressively execute our *own* strategy,” he said. “The only way you win a battle of this size is always playing on the offensive.”

Griffin is fond of saying, “I was born in a war room,” by which he means that his first job, at the age of nineteen, was working on Bill Clinton’s 1992 Presidential campaign. He was raised in Hope, Arkansas, and later in Arkadelphia, by a family of schoolteachers, principals, and counsellors. For a while, an aunt was married to a state representative, and Griffin loved travelling around with him, handing out matchbooks to prospective voters. He had earned less than a year’s worth of credits at Ouachita Baptist University when Clinton’s campaign took off, and he became a full-time volunteer. “If my governor hadn’t been running for President at that moment, I might be a manager at Wal-Mart today,” Griffin said. “I was Employee of the Month there once.” Instead, he took a job as a staff assistant in the White House press office, under Dee Dee Myers. He was one of the youngest staffers ever to work in the West Wing.

Griffin met Rob Reiner when he was assigned to show him around the White House; Reiner was getting ready to direct “The American President” at the time. After finishing college, at Georgetown, Griffin moved West to work for Reiner, running an organization devoted to health care and preschool for all children under five. But the Clinton “war room” remained Griffin’s model of how to make noise in the world. “Every single hour was strategic,” he recalled. “I was this little freakin’ kid hanging around watching Paul Begala and James Carville and George Stephanopoulos. They did not let the opposition gain an inch, and if it did they knocked it down with firepower.” As Griffin saw it, “Our movement has been satisfied with small steps, but we can no longer be afraid of big steps.”

He spoke with Olson on the phone, and after that they met in Washington. “At first, I was in a bit of shock that I was talking to this person I’d loved to hate from a distance,” Griffin said of Olson. “This, after all, was the man who had given us eight years of Bush.” Still, he found a receptive listener in Olson, who had demurred when he was approached about defending Proposition 8 in the California Supreme Court. (Kenneth Starr took the job.) “I wouldn’t want to be on that side,” Olson told me. He had some history of opposing discrimination against gays—while working in the Reagan Justice Department, he wrote a legal opinion arguing that an openly gay prosecutor could not be denied a promotion on the basis of his sexual orientation—but he had never litigated anything related to the subject. Indeed, several of the cases he’d argued before the Supreme Court would have put him at odds with some of the civil-rights advocates he was now loosely allied with: on behalf of the State of Virginia, he argued against

allowing women into the Virginia Military Institute; during the Reagan Administration, he led an assault against affirmative-action “set-aside” programs.

In deciding whether to take the case, Olson talked with his wife, a tax lawyer—and a Democrat—named Lady Booth Olson. (Olson’s third wife, the conservative commentator Barbara Olson, was killed on September 11, 2001, in the plane that struck the Pentagon.) He also consulted with his mother, and with his son and daughter, who are both in their forties. The more he considered the idea, the more he thought that “this was the right side to be on”; besides, it would be “an intellectually challenging venture.”

Griffin and Olson agreed that federal lawsuits were inevitably going to be filed on this issue, and that gave them a sense of urgency. As Olson told me, “There are millions of people in this country who would like to be married—in California, in Arkansas, wherever. Some couple is going to go to some lawyer and that lawyer is going to bring the case. And that case could be the case that goes to the Supreme Court. So, if there’s going to be a case, let it be us. Because we will staff it—we’ve got fifteen, twenty lawyers working on this case and we have the resources to do it, and we have the experience in the Supreme Court.” Olson went on, “We’ve all seen people bringing cases in the Supreme Court who don’t know what they’re doing.” Proposition 8 was the basis for a shrewd lawsuit, he reasoned, because it had created three unequal classes of people in California: “The eighteen thousand or so gay couples who were already married got to remain married. But if they get divorced they can’t get remarried! Is that irrational, or what? Then you have heterosexual couples who can get married, and gays and lesbians who didn’t get married before Prop. 8 and now can’t.”

For the case, Griffin wanted, as he put it, “the lawyers Microsoft is going to want, not the lawyers who are going to do it pro bono.” And for that he needed to raise money. He formed a foundation, the American Foundation for Equal Rights, whose logo evokes the American flag, not a rainbow. He and Schake sit on the board, along with the Reiners, Bruce Cohen, and Dustin Lance Black, the screenwriter of “Milk,” the 2008 bio-pic about Harvey Milk. In four weeks last spring, Griffin told me, he raised “millions of dollars”—“all from individual donors who have a history of caring about this issue. Less than a dozen. Gay *and* straight.”

Olson believed, as he recalled, “that it would be very important to balance my reputation as a conservative . . . with someone who had a reputation as being on the other side of the political spectrum.” It would send a powerful message of bipartisanship, Olson felt, and “allay people’s suspicions of ‘What in the world is Ted Olson doing?’ ” During a conference call with Griffin, Reiner, and others, Olson suggested David Boies. Though Boies had lost to Olson in *Bush v. Gore*, his track record as a litigator is formidable—he is known as a fierce cross-examiner. In the last few years, he has successfully defended Nascar against antitrust charges, won for American Express a record four-billion-dollar settlement from other credit-card companies, and represented the filmmaker Michael Moore when the Treasury Department opened an investigation of a trip that Moore had taken to Cuba. Olson had become friends with Boies, and thought he was “fun to work

with.” Griffin and the others were enthusiastic about Boies, and Olson recalls that when he approached him “there wasn’t a moment’s hesitation.”

Boies told me that the issue had been on his mind ever since 2004, when San Francisco had its brief experiment with gay marriage: “I remember being struck by all those powerful images of people from all over the country flying to San Francisco and lining up to get marriage licenses. If it was something that was really so important to people, it was really something that needed to be addressed.”

Meanwhile, Griffin had begun discreetly looking around for potential plaintiffs—same-sex couples who wanted to get married in California but hadn’t done so in the six-month window between the state Supreme Court decision and the passing of Proposition 8. The plaintiffs needed to be willing to be the public faces for a court case that could take years to resolve, and that many gay activists considered unwise. It isn’t easy to find the right plaintiffs for a high-profile constitutional case. There have been plaintiffs before the Supreme Court who made moving and stalwart examples of the principle they were upholding, and plaintiffs who faltered on the job. Mildred and Richard Loving, the interracial couple, were close to ideal. They were blessed with a name so perfectly suited to their case that, had they been fictional characters, you would never have believed it. And they were not professional activists. He was a white bricklayer and she was a homemaker of African-American and Native American descent, and all they wanted was to be married and to live in Virginia, near their families. “Tell the Court I love my wife,” Richard Loving said to one of his lawyers. “It is just unfair that I can’t live with her in Virginia.”

Though it doesn’t matter from a legal point of view what happens to plaintiffs after their case is resolved, their post-Supreme Court life can affect how people view their cause. The Lovings, who had three children, remained married until Richard Loving died, in a car accident, in 1975. They seldom gave interviews, though on the fortieth anniversary of the decision Mildred Loving issued a statement: “Not a day goes by that I don’t think of Richard and our love, our right to marry, and how much it meant to me to have that freedom to marry the person precious to me, even if others thought he was the ‘wrong kind of person’ for me to marry. I believe all Americans, no matter their race, no matter their sex, no matter their sexual orientation, should have that same freedom to marry.”

Norma McCorvey, who later revealed herself as the Jane Roe in *Roe v. Wade*, was a more problematic plaintiff. A former carnival worker who’d had an unusually rough life, McCorvey was twenty-one and pregnant with her third unplanned child when she became a plaintiff for Roe. She never had the abortion she’d been seeking—her case was decided too late—and she gave the baby up for adoption. In the nineties, she renounced her role in Roe, saying she’d been led astray by her crusading young lawyers, and began to work for the anti-abortion group Operation Rescue. In 2003, she even petitioned a federal district court to overturn Roe. McCorvey was the sort of plaintiff who should have been better vetted, and whose unhappy trajectory became a metaphor for ambivalence about abortion itself.



In a case about marriage rights, lawyers want to find couples who are likely to stay together—not always an easy prediction to make, especially given the stresses of the case. As Mary Bonauto, the lawyer who brought the 2003 suit that legalized same-sex marriage in Massachusetts, told me, “You want people who can withstand the rigors of a multiyear process.” You don’t need “picture-perfect people,” Bonauto said, but you do need the “kind of people you wouldn’t mind sitting in a room and chatting with, no matter who you are. We are always concerned about people who are overeager to be plaintiffs, and people who are huge activists.” Ideally, you want people who are just “living their lives” but are running up against a clearly defined problem because of a misguided law. You don’t want glib types who are too fluent in movement jargon, but you do want people who can talk easily in a courtroom or to reporters, without stumbling into reality-TV-style oversharing about their romantic life.

One doesn’t advertise for plaintiffs in a case like this. Instead, Griffin got in touch with people he knew, or knew of. As he put it, “I’m gay. I live in California. I know a *lot* of gay couples.” One day, he was speaking on the phone with Kris Perry, a woman he and Reiner had known for years, because she was active in children’s-policy debates and was now the executive director of First 5, a state agency that promotes health and education for young kids. Perry and her partner, Sandy Stier, a tech-support manager who works for Alameda County, live in Berkeley, and are raising four boys, ranging in age from fifteen to twenty-one. Griffin asked Perry if she might be interested in working on a big project to restore marriage equality. As Perry recently recalled to me, she wasn’t sure until he explained that it was a federal lawsuit. “Oh,” she recalls thinking. “You mean there might be a permanent solution? We get to talk about this in a nonpolitical way? Now I’m really interested.” As Perry sees it, “A lot of people out there have gay-marriage fatigue. Sandy and I even have gay-marriage fatigue! With every political defeat, there is a certain level of humiliation.” Perry and Stier arranged to come home early from work one day to discuss the prospect with each other, and with each of their children. One of the boys asked if their case was kind of like *Brown v. Board of Education*, which he was studying in school. Yes, they told him. Perry and Stier figured that they were in a better position than a lot of other committed couples to do something like this. “We’re in stable parts of our careers,” Perry said. “Our children aren’t really young, we live in a really liberal place, and we weren’t worried about a lot of rejection from neighbors and friends.”

Griffin also approached Paul Katami and Jeff Zarrillo, a couple in the San Fernando Valley, whom he knew through mutual friends. Katami, who is a fitness expert and a consultant, and Zarrillo, who works for a chain of movie theatres, are both in their late thirties, have been together for almost nine years, and are good-looking, polished, and articulate. They were the kind of obviously well-suited couple whom friends and family felt comfortable nudging to just get married already, and they were both severely disappointed when Proposition 8 foreclosed the possibility. The idea that marriage equality “could take a generation if we continue to go state by state,” as Zarrillo said, frustrated them. When Griffin told them about the lawsuit, they liked the idea of being involved in something that “put a respectable face to the fight,” Katami said. “I didn’t want to just come out with my arms swinging.”

In San Francisco, Olson and Boies will be arguing that marriage—and, by extension, the right to marry the person you choose—is a fundamental right. The first part isn't so difficult. Marriage is one of the rights—along with, for instance, the right to vote, to travel from state to state, and to bear children—that the Court has repeatedly elaborated on and endorsed, though they are not stipulated in the Constitution. In 1974, for example, the Court declared that “the freedom of personal choice in matters of marriage and family is one of the liberties protected by the Due Process clause,” and in 1987 it affirmed the rights of prison inmates to the emotional support, “spiritual significance,” public commitment, and expectation of consummation that come with marriage. Whether these decisions necessarily entail the right to marry a person of the same sex is another matter. Certainly, it could be construed that way, and needn't mean, as opponents of same-sex marriage sometimes claim, that the Court would then have to allow a person to marry a child, or his sister, or his dog. Constitutional rights are not absolute—free speech does not extend to obscenity, for instance—and since marriage is a contractual relationship both parties must be in a legal and mental position to agree to it. And one could argue that legitimate interests allow the state to ban incestuous and polygamous marriages, for example. (Then again, opponents of same-sex marriage argue that legitimate moral interests justify banning gay unions.)

Olson and Boies must also convince the Court that Proposition 8 violates the Constitution's Equal Protection clause by assigning gay or lesbian citizens a different, lesser status with regard to marriage rights. When the Supreme Court decides if a law violates the Equal Protection clause, it engages in one of three levels of scrutiny: “rational basis,” intermediate, or strict. If the court uses strict scrutiny, the law in question will be struck down unless it can be shown to have been “narrowly tailored to further a compelling interest” of the state. (It was by subjecting laws against interracial marriage to strict scrutiny that the Court ruled, unanimously, in *Loving v. Virginia*.) Strict scrutiny is applied only when a law either interferes with a fundamental right or deals with a so-called “suspect” classification: religion, race, ethnicity, or national origin.

If Olson and Boies can convince the Court that the fundamental right of marriage includes the right to marry someone of the same sex, that will get them a long way toward victory. They will also try to convince the Court that sexual orientation is a suspect classification, and that gays and lesbians have been subject to a history of discrimination, are defined by an immutable characteristic that “bears no relation to their ability to perform or contribute to society,” and are “politically powerless,” in this case, to win marriage equality. This argument is trickier. Though gays and lesbians lost at the polls in California, can they really be said to be politically powerless? Just how immutable homosexuality is remains a hotly contested question. And the Court has never before defined sexual orientation as a suspect classification.

Even if the Court declined to apply strict scrutiny, Boies told me, he could still argue that Proposition 8 fails the much more commonly applied “rational basis” scrutiny. Under that test, a law is considered valid as long as it is logically related to a plausible state interest. But, Boies says, “There is overwhelming evidence of damage to gay and lesbian couples who cannot marry—and to their children—and no evidence that permitting gays to marry

damages heterosexual couples. The idea that heterosexual couples won't get married because their gay neighbors can is ridiculous. If you're going to deprive citizens of basic rights, even under a rational-basis test, you have to show that it's of benefit to *somebody*." Olson and Boies will aim to show that the motivation for Proposition 8 could only have been animus—a rationale that the Court does not look kindly on. In the 1996 case *Romer v. Evans*, for instance, it ruled that a Colorado amendment that excluded gays and lesbians from anti-discrimination laws was motivated by anti-gay feeling, and was therefore unconstitutional.

So far, Judge Walker, who was appointed to the federal bench in 1989, by George H. W. Bush, has made it clear that he has an eye toward both the high court and history. He has allowed the trial to be videotaped, and plans to let the proceedings be uploaded to YouTube each evening. (Boies and Olson supported the arrangement; their opposing counsel argued vigorously against it.) Walker could have relied primarily on legal filings to make his decision, but instead has opted to admit oral testimony on everything from the history of marriage to the history of anti-gay discrimination, from the fitness of gays and lesbians as parents to the definition of homosexuality. Boies and Olson are happy with this expansive approach. They are eager to cross-examine witnesses. And to help establish animus they plan to introduce as evidence material from the "Yes on 8" campaign that lawyers for the opposing side consider confidential. Among other documents, they have obtained a fund-raising letter from a pro-8 activist named Bill Tam, which warned that if Proposition 8 lost "other states would fall into Satan's hand," and "every child, when growing up, would fantasize marrying someone of the same sex."

The legal team on the other side will be led by Charles Cooper, a Washington lawyer who succeeded Olson as assistant attorney general under Reagan, and by the Alliance Defense Fund, a sort of Christian-conservative counterpart of the A.C.L.U. (The State of California, in the person of Governor Arnold Schwarzenegger, declined to defend Proposition 8, leaving it to private lawyers to fill in.) Cooper will argue that California indeed has a rational interest in upholding "procreative marriage." As Cooper told the Judge at a pretrial hearing, in October, the traditional definition of marriage has "prevailed in every civilized society throughout the ages" and "still prevails everywhere in the world, with the exception of five American states, and seven foreign countries." (Since then, Portugal has become the eighth country to legalize gay marriage.) With Proposition 8, Cooper said, California voters merely defended that tradition. A court, therefore, "should not lightly conclude that everyone who held this belief was irrational, ignorant, or bigoted." At the heart of the case "are two competing conceptions of the institution of marriage, and of its central purpose," Cooper declared. "We say that the central and the defining purpose of marriage is to channel naturally procreative sexual activity between men and women into stable, enduring unions for the sake of begetting, nurturing, and raising the next generation. Plaintiffs say that the central and constitutionally mandated purpose of marriage is simply to provide formal government recognition to loving, committed relationships."

Already, this procreative definition of marriage has led to some puzzled questioning by Judge Walker, and some peculiar exchanges, like this one, at the pretrial hearing:



THE COURT: The last marriage that I performed, Mr. Cooper, involved a groom who was ninety-five, and the bride was eighty-three. I did not demand that they prove that they intended to engage in procreative activity. Now, was I missing something?

MR. COOPER: No, your Honor, you weren't. Of course, you didn't.

THE COURT: And I might say it was a very happy relationship.

MR. COOPER: I rejoice to hear that.

Same-sex couples “do not naturally procreate,” Cooper persisted. “That is the natural outcome of sexual activity between opposite-sex couples.”

“Fair enough, but procreation doesn't require marriage,” replied Judge Walker, who noted that he'd heard on the radio that morning that forty per cent—“can this be right?”—of pregnancies occur in unwed females. Yes, Cooper allowed, that was a sad statistic, but the state still discouraged sexual activity among people who are not married, as it should, because it had a “vital interest” in “promoting responsible procreation.” The “body politic ultimately has to take responsibility or shoulder some of the burden”—often through public assistance—of raising children when their parents didn't “take that responsibility properly.” (He did not address whether gays and lesbians were any more likely to shirk their responsibility, perhaps because many gay and lesbian parents go to great lengths to have children in the first place.)

The case has involved some unexpected staking out of positions—as though both sides had been reading up on the work of postmodern academics and come to opposite conclusions. Olson's team will argue that marriage is a malleable institution, shaped by shifting notions of gender, race, and property, while sexual orientation is innate. And the defendants will likely argue that marriage is immutable, and sexual orientation is a performative act, a chosen identity.

Nan Hunter, a law professor at Georgetown University, is skeptical about Olson and Boies's chances. “As a purely formal matter, one could argue that Olson and Boies are correct,” Hunter said. “But invalidating roughly forty state laws that define marriage as between a man and a woman is an awfully heavy lift for the Supreme Court, and especially for Justices who take a limited role of the scope for the judiciary.” She added, “I fear that their strategy is: Ted Olson will speak, Anthony Kennedy will listen, and the earth will move. I hope I'm wrong about this—they're excellent lawyers—but I fear, frankly, that there's more ego than analysis in that.”

Proposition 8 won by only four percentage points, and some believe that if the opposing side had waged a better campaign California might still have gay marriage. Three statewide organizations—Restore Equality 2010, the Courage Campaign, and Equality California—are now leading efforts to bring Proposition 8 back onto the ballot and repeal it. (The latter two groups are aiming for 2012, because their leadership thinks that 2010 is premature, and that more young people will vote in a Presidential-election year.)

Whatever happens with the Perry lawsuit, these groups are waging a campaign to

persuade reluctant Californians to embrace gay marriage, and they are basing their approach on the power of personal stories.

After Proposition 8 passed, many gays and lesbians complained that the ads that political consultants had come up with for their side did not show any couples. They did not counter the other side's claim that gay marriage would now be taught in schools with their own images of gay families who would be hurt by the denial of marriage rights. The ads were not visceral or urgent. They didn't show enough love. Instead, they were abstract and a little arid, if sometimes wry. One, based on the "Mac vs. P.C." ads, featured a portly, middle-aged guy in a brown suit, who represented "Yes on 8"; a young hipster in skinny jeans was "No on 8." Another showed a woman talking to her friend about attending her lesbian niece's wedding, but never showed the wedding pictures (or the niece).

Eugene Hedlund, a media consultant in Southern California who runs a political-action committee called TruthAndHope.org, and who is working on new ads for the gay-marriage side, says of the last media campaign, "It was too intellectual. And though that might have worked for some people, it wasn't a strong enough argument against 'They want our children.' I remember thinking, Where are the ads with the couples? . . . How can you have a campaign based on equality and then hide what it would look like? Can you send a clearer message that there is something to hide? This time around, we'd better be serious about getting emotional."

Many gay-rights activists seem determined to be more emotional and direct this time. Recent polling suggests that people who know someone who is gay are more likely to support same-sex marriage, and one of the goals of the new campaign is to simulate the experience of knowing someone who is gay. Equality California has produced new ads, one of which ran during the Miss California U.S.A. pageant, in late November, showing gay families talking about the homely details of their lives. In one, a teen-age girl and her two moms sit in a sunlit back yard, laughing about the daughter's quest for the perfect prom dress. At one point, the girl recalls telling her moms, "If you can't get legally married, I don't want to be married." She adds, "It's just not fair. It's love either way."

TruthAndHope is working on a series of ads that will be similar to "Local Voices for Obama," which it produced during the Presidential campaign. Those ads, which aired in "red" areas of swing states, were microtargeted, featuring local people—an auto-repair shop owner in Joplin, Missouri; a marine veteran in Columbus, Ohio—explaining why they were supporting Obama. The ads had high production values, but they were unscripted and had a warm, conversational feel. The "Local Voices" campaign won a Pollie—the Oscar of political advertising.

Hedlund now plans to make ads in support of gay marriage that are similarly microtargeted: one might be aimed at Latinos in San Diego, and another at churchgoing African-Americans in South L.A. One ad that he's put together, titled "Family Values," features a man named Frank Reifsnyder, who is a retired naval submarine commander and a devout Catholic. The ad begins with him speaking of his and his wife's long-held

dream of grandchildren, and of their happiness when twins came along. “Watching our son become a wonderful father has been an amazing gift,” he says. Reifsnyder then explains that his son is gay and has a husband, and that the two of them are raising their children with “strong morals, compassion, and love.” The ad, which has the intimacy of a home movie, shows the babies being baptized; their two fathers walking down a tree-lined street, with the kids on their shoulders; and the whole family, including the grandparents, saying grace before dinner. The montage ends with Reifsnyder saying, “It may not be the family we had imagined, but it is the family we have—and love.” For Hedlund, that’s a seductive sentiment, because “nobody gets quite the family they imagine.”

This fall, the spot was tested by H.C.D., a New Jersey-based advertising-research firm, and Republicans were surprisingly receptive: fifty-five per cent of them called the ad “effective,” even though only twenty-nine per cent of them supported gay marriage. Glenn Kessler, the head of research for H.C.D., told me, “That suggests a useful dissonance.” The ad didn’t change many minds after one viewing, he noted, but the reaction “suggests that if you tell that kind of story over and over you could get some movement.” Hedlund said, “TV allows us to have a silent conversation with people who may be having a conversation within themselves already. Maybe they have family in the room that they can’t even share their doubts with. And what we’re doing is giving them permission to have those doubts.”

In door-to-door canvassing, same-sex-marriage advocates are having those conversations out loud. Marc Solomon, who directs the marriage initiative for Equality California, told me, “It’s important for more people to see that we’re not some abstraction. We’re not necessarily the gays in West Hollywood or the Castro but the gays around the corner in Bakersfield or Fresno—maybe the couple you’ve seen walking their dog or watering their lawn. People change their minds on this issue with personal conversation, especially with people who are local.”

Since June, Equality California has been sending canvassers to communities that voted for Proposition 8, and reports that it is persuading nearly a quarter of the people its volunteers meet. The weekend before Thanksgiving, I went out with a team of canvassers in Orange County, an area that, with its history as a headquarters for the aerospace industry and as a destination for whites fleeing Los Angeles, tends to be conservative. Fifteen people, most of them in their twenties, met at a park in Huntington Beach. Younger gays and lesbians tend to be the most motivated on the marriage issue. As Patrick Egan, the N.Y.U. political scientist, says, they are “not as concerned about freedom from discrimination as they are about freedom to be like everyone else.” Egan calls their stance “assimilationist.”

A picnic table was piled with clipboards, bottled water, and doughnut boxes. Two young field organizers, Elizabeth Aversa and Daniel Shad, stood in front of an easel draped with big sheets of paper, each marked to resemble smaller sheets that canvassers had on their clipboards. One big sheet said, in Magic Marker, “Rank ’em: Supportive, Undecided, or Opposed.” Another showed the rankings you were supposed to make after conversing

with someone: “Volunteer/donor,” “Supportive,” “Undecided,” “Opposed,” or “Unpersuadable.” Canvassers were instructed to share personal stories—to either come out as gay or talk about someone they cared for who was hurt by Proposition 8. “Tell details, names, years together,” another sheet instructed. “Be emotional and memorable.”

Aversa was an energetic twenty-seven-year-old who had short auburn hair, and who wore gray eyeshadow, jeans, and a hoodie. “The emotional part is really important,” she said. “A year from now, we want people to remember they had this conversation with you, and how sad you were not to be able to marry.” Aversa pointed to a young woman in the group. “Jamie here is engaged to her girlfriend.” The group clapped. “She could talk to people about her hopes for her marriage.” Aversa said to look for “people’s faces softening” as you spoke to them: some would really listen to you, and you’d have a sense of “peeling back layers.”

Aversa and Shad reminded the canvassers to remove their sunglasses when approaching people’s doors—“eye contact is key.” And they told them to ask a lot of questions, because sometimes when people were asked to explain why they believed, for example, that gay marriage would hurt children they discovered that they hadn’t rigorously examined their views. As the crowd dispersed, she called out, “When in doubt, come out! Tell those stories!”

I was assigned to a team with Shad, a low-key guy who wore sandals and baggy shorts. We drove to a neighborhood of neatly kept ranch-style houses, where cactuses and birds-of-paradise grew on freshly mowed lawns. Nearly everybody had set out some sort of harvest-themed decoration, and a lot of the houses displayed American flags.

Only one person was supposed to go to the door at a time—two people on your doorstep talking about their sexuality and the meaning of marriage was thought to be a little overbearing—so I waited on the sidewalk while Shad knocked on the first door. A woman who looked to be in her sixties, with a patchwork apron tied around her waist, and a voice that suggested origins in Brooklyn or Queens, appeared on her porch. When Shad told her why he was there, she said, “I’m very opposed—and I’m very passionate about it.”

“I’m gay,” Shad started in, but the woman cut him off.

“That’s fine that you’re doin’ what you’re doin’, but that’s your choice.”

Shad replied, “It was never a choice for me.”

The woman wiped her hands on her apron, and said, “I have grandchildren, and I’ve told them, ‘None of you are going to be gay, and if any of you are I’m going to do everything I can to ungay you.’ ”

Back on the sidewalk, Shad said, “I’m going to mark her ‘Unpersuadable.’ ”

Next, we knocked on the door of a man named Peter, who also looked to be in his sixties. After Shad mentioned the words “gay” and “marriage,” we heard Peter’s wife hiss, “Don’t talk to those people!” Peter rolled his eyes slightly, stepped out onto the porch, and shut the door behind him. A wiry guy in a blue turtleneck and suede moccasins, he was equable but stubborn. Shad made his overture: “I’m gay, and when Prop. 8 passed, last year, it was a huge slap in the face for me. I felt that my friends and neighbors were saying that my love is not the same as theirs.”

Peter was silent, then said, “I don’t believe it is.”

Shad asked him if he had any gay friends. Peter said that he did. When Shad asked him to name one of them, however, Peter declined—it was none of his business.

If the law changed, Peter said, he’d accept it, but the idea that marriage was between one man and one woman was “a foundation of civilization.” We could hear Peter’s wife grumbling behind the kitchen window. “They’re not leaving,” he called to her. Then, to us: “A hundred years from now, people will probably accept it.”

Shad smiled: “It’s going to be sooner than that.”

“Yes,” Peter said. “You bring it up again and again and again, and in a few generations you’ll probably get it.”

Shad tried a different tack: “The marriage you share with your wife, I’m sure a lot of great things have come out of that—”

Peter’s wife slammed the kitchen window, and Peter sighed.

At another house, an Asian woman in a Berkeley sweatshirt opened the door a crack. She turned to say something to a small child inside the house and then spoke to Shad as though he were a small child himself. “Of course I voted for Prop. 8!” she said. “Marriage is between a *man* and a *woman*.”

“You’re married, I assume,” Shad said. “Why did you marry?”

The point of asking that question, Shad told me, is to get people to acknowledge that most people don’t marry for the benefits, and that domestic partnerships are therefore insufficient. The word “marriage” matters because it seems to exalt love, whereas “domestic partnership” does not. The institution of marriage, shorn of its utility for the inheritance of property and the assurance of legitimate children, now seems more important for the ratification it bestows on our relationships, for its sacralization of love. Shad’s provocation did not engage this woman, however: she slammed the door. I almost sympathized with her. Who really wants to answer such a personal question, posed by a stranger on your doorstep?

A few conversations went more smoothly. Shad met a seventy-four-year-old man who was “ambivalent” about same-sex marriage—but he had a gay son, and after they spoke amiably for several minutes the man promised to think more about the subject. The personal connection was the key, Shad told me: “I wouldn’t have reached him if he didn’t have a gay son.”

Perry v. Schwarzenegger is not the only federal lawsuit for gay marriage. Another one, Gill v. Office of Personnel Management, is thought by some scholars to stand a better chance of success, though it has been overshadowed by Olson and Boies’s effort. Gill was filed last March, by a public-interest law firm, Gay & Lesbian Advocates & Defenders (GLAD), in Boston. One of the GLAD lawyers on the case is Mary Bonauto—the attorney who successfully argued the case that legalized same-sex marriage in Massachusetts. (That case is heralded by many gay activists but is seen by others as a cautionary tale: the ruling, announced in the run-up to the 2004 Presidential election, served as a rallying cry for evangelical voters, and may have helped Bush win a second term.) Gill is not the damn-the-torpedoes case that Perry is. It challenges a section of the Defense Against Marriage Act which prevents same-sex couples from receiving the many benefits accorded to married couples at the federal level—from joint tax filing to health insurance for federal employees’ families—even though in the state of Massachusetts those couples are lawfully married. Gill insists not on the constitutionality of same-sex marriage but on the unconstitutionality of denying federal benefits to a class of citizens whose marriages are recognized by the state.

“This is not going to be a case that results in more people getting married if we win,” Bonauto told me when I met with her at her offices, across from the Boston Common. A conservative dresser, she has the low, soothingly intelligent voice of a National Public Radio announcer. “But it very clearly presses on the federal government’s double standard,” she added. “Americans don’t like double standards. The federal government recognizes all kinds of marriages once they’re licensed by the state except the ones for gay people. We’re in the legal mainstream here, when you look at cases like Romer and Lawrence, where the federal courts have condemned gay exceptionalism. And that’s what this is.” GLAD could have brought the suit that Olson and Boies did but feared “pushing the ball too far and potentially having a setback.” She added, “We are wishing the Perry folks the absolute best. That said, we can’t help but have concerns about the timing.”

As in the Perry case, the plaintiffs in Gill make for an all-American picture. Bonauto’s co-counsel, Gary Buseck, told me, “We want people the American public can identify with.” From the beginning, Buseck had a vision. “I thought it would be great to have a postal worker,” he said. “Everybody knows a postal worker.” In fact, the lead plaintiff is Nancy Gill, who has been a postal clerk in Massachusetts for twenty-two years. Among the other plaintiffs are Mary Ritchie, a state police sergeant, whose wife, Kathy Bush, left her job at *The New England Journal of Medicine* to stay at home with their eight- and ten-year-old boys; Bush spends a lot of time volunteering at their school, in a pleasant suburb of Boston. When I visited the family in early December, the living room was Rockwellian: a twinkling Christmas tree, poinsettias on the hearth, and a copy of *Martha Stewart Living* on the coffee table, along with plates of little cookies.



If Ritchie were to be killed in the line of duty, they explained to me, Bush would not be entitled to the federal benefits for spouses of public-safety officers. Bush said, “It’s just so odd that one marriage can be treated one way, and another another way.”

Two other plaintiffs are Al Koski, a retired Social Security claims representative, and his husband, Jim Fitzgerald, who works at a rehab clinic. They’ve been together for thirty-four years, but the federal government does not allow Fitzgerald to be the beneficiary of Koski’s pension or to be covered by his health-insurance plan. Koski is a hearty guy with a broad Massachusetts accent, who plays bridge with other retired folks on the Cape, where he and Fitzgerald live. When I met them, they told me the story of how they had informed Fitzgerald’s Irish-Catholic mother about their participation in the lawsuit. They hadn’t revealed to her that they were married, and now they had to tell her they’d be in the news as a married couple. She’s virtually deaf, so they typed up a letter and gave it to her to read. Her response will surely be quoted in the courtroom: “I can’t believe you didn’t tell me before you’d gone before the justice of the peace. Congratulations!”

As seemingly modest as the Gill case is, it could help create a favorable climate for more ambitious challenges, including the Perry case. Thomas Keck, a political-science professor at Syracuse University who is an expert on the Supreme Court, told me, “I don’t think any of us can predict how it’s all going to turn out. But Gill is a very well-designed case, a well-targeted challenge that has a good chance of winning, and that broader challenges could be built on. If it wins, in a practical sense we would have federally recognized same-sex marriage. At that point, it would be much harder to defend the federal government’s refusal to recognize same-sex marriage in other parts of the country.” Gill could also go to the Supreme Court, and if it makes it there first, and succeeds, it could help Olson and Boies. As Gary Buseck told me, “I haven’t said this out loud even to myself before, but, to the extent that either of these cases is going to get to the Supreme Court, I think it would be better if our case got there first.” (Predicting the trajectory of court cases is, of course, a futile endeavor.) He added, “You have to approach the Supreme Court in an incremental way.” For Buseck, this, and not the “Letter from a Birmingham Jail,” was the relevant lesson from the civil-rights movement. He recalled that the N.A.A.C.P. Legal Defense and Educational Fund had recognized it would be a stretch to try to desegregate the public schools first—it would be too sweeping and provocative an effort. “So they first won cases about a law school and a university, to make it inevitable that when they brought the case that became Brown the chances of winning would be so much better.”

Maybe the Perry case stands a better chance than skeptics are willing to admit, given that public opinion is more in favor of gay marriage than it was of interracial marriage when the Court ruled in *Loving*. But Bonauto notes that in 1967 only sixteen states, most of them in the South, had anti-miscegenation laws, whereas thirty-nine states now have laws against gay marriage. A more aggressive strategist like Chad Griffin would counter that state laws are often anachronistic: South Carolina and Alabama didn’t overturn anti-miscegenation laws until 1998 and 2000, respectively. And who would make a serious argument that the Court should have postponed a decision on *Loving* until the Southern states were in line with it?



To win before the Supreme Court, Olson and Boies need only five votes. Assume that they could count on the four liberal Justices: Stephen Breyer, Ruth Bader Ginsburg, Sonia Sotomayor, and John Paul Stevens. One might read Justice Kennedy's sympathetic opinions in *Romer v. Evans*, the discrimination-laws case, and *Lawrence v. Texas*, the sodomy-law case, as an indication that he would be more open to recognizing gay marriage than his otherwise conservative leanings would suggest. (In his *Lawrence* opinion, Kennedy argued, "The petitioners are entitled to respect for their private lives. The State cannot demean their existence or control their destiny by making their private sexual conduct a crime.") And though Kennedy's votes with the conservative bloc include one, in 1989, upholding the death penalty for juveniles, he has changed his mind in response to evolving views on a controversial subject: in 2005, Kennedy wrote the opinion that *overturned* the death penalty for juveniles, arguing that a reversal was called for because "standards of decency" had changed.

It may be that evolving "standards of decency" regarding homosexuality have given the Olson and Boies team a key advantage over its opposing counsel. Public opinion has changed enough so that many anti-gay claims can no longer be made in public. "In the early nineties, lawyers defending traditional marriage were willing to make these very broad anti-gay arguments," Thomas Keck said, but that has become more difficult, and sometimes seems to leave advocates of traditional marriage rhetorically disarmed—especially, perhaps, in a courtroom in San Francisco.

For example, one of the arguments that the anti-gay-marriage side has increasingly turned to outside the courtroom is that allowing same-sex marriage would hurt heterosexual marriage. At the pretrial hearing, Judge Walker kept asking Charles Cooper, the lawyer defending Proposition 8, how exactly it did so. "I'm asking you to tell me," he said at last, "how it would harm opposite-sex marriages."

"All right," Cooper said.

"All right," Walker said. "Let's play on the same playing field for once."

There was a pause—it seemed like a long one to people in the courtroom, though it was probably only a few seconds. And Cooper said, "Your Honor, my answer is: I don't know. I don't know." ♦

November 5, 2009

## Gay Rights Rebuke May Change Approach



Craig Dilger for The New York Times

Supporters of gay marriage watched election results on the issue trickle in on Tuesday night in Portland, Me.

By ABBY GOODNOUGH

They had far more money and volunteers, and geography was on their side, given that New England has been more accepting of same-sex marriage than any other region of the country. Yet gay rights supporters suffered a crushing loss when voters decided to repeal Maine's new law allowing gay men and lesbians to wed, setting back a movement that had made remarkable progress nationally this year.

Maine, with its libertarian leanings, had seemed to offer an excellent chance of reversing the national trend of voters rejecting marriage equality at the ballot box. Instead, it became the 31st state to block same-sex marriage through a public referendum.

At a time when gay rights activists believe that President Obama is not treating their agenda as a high priority, the Maine loss has left them asking who their friends are. At stake, they say, is not only same-sex marriage, but the military's ban on openly gay service members and the federal law prohibiting the federal government from recognizing same-sex marriage.

State legislatures had been viewed as new allies in the fight for same-sex marriage after lawmakers in Maine, Vermont and New Hampshire approved such bills this year. But now, with Maine voters dealing a rebuke to their Legislature, it is far from clear whether elected officials — including the president — will risk political capital on gay rights.

Tuesday's defeat is also likely to further splinter a movement that has been debating the best tactics for success. Some prominent gay politicians last month skipped a gay rights march in Washington, questioning its purpose, which emboldened some of the younger advocates at the march to call for a new generation of leaders.

Some advocates said they were unimpressed last month when President Obama signed a law against gay hate crimes but offered relatively restrained remarks. They questioned whether it was time to take a more confrontational posture toward Mr. Obama, who benefited during the 2008 campaign from a surge of votes and donations from gay men and lesbians.

In Maine, advocates had stuck to a familiar path: using their own personal stories, they tried to persuade voters that gay people were no different from their straight neighbors and deserved equal treatment under the law.

Now, many will argue that that approach is not enough. Some are already pressing for more aggressive tactics, like speeding up a ballot measure to reverse California's ban on same-sex marriage next year, instead of taking more time to build support. Others want to focus on swaying federal lawmakers to repeal the Defense of Marriage Act, which Representative Barney Frank, the nation's highest-ranking openly gay politician, has called foolish at this point.

"The state-by-state strategy that looked clever a few years ago has run its course," said Richard Socarides, who advised President Bill Clinton on gay issues. "The states that were easy to get have been gotten."

This year, Iowa, New Hampshire and Vermont joined Massachusetts and Connecticut in allowing same-sex marriage, but only through court rulings and legislative action.

The tactic of using personal conversations to press for marriage equality will not be abandoned after Tuesday's resounding vote, and several advocates said that, if anything, the defeat called for more such conversations around the country.

Evan Wolfson, executive director of the national gay rights group Freedom to Marry, said the loss in Maine underscored "the fact that we need to continue those conversations and make ourselves visible as families in communities."

He added, "It shows we have just not done it long enough and deep enough, even in a place like Maine."

But opponents said that given Maine's "live-and-let live" mentality, the results were especially strong proof that same-sex marriage was not gaining acceptance.

"It interrupts the story line that is being manufactured that suggests the culture has shifted on gay marriage and the fight is over," said Maggie Gallagher, president of the National Organization for Marriage, the conservative Christian group that is leading the charge against same-sex marriage around the country. "Maine is one of the most secular states in the nation. It's socially liberal. They had a three-year head start to build their organization, and they outspent us two to one. If they can't win there, it really does tell you the majority of Americans are not on board with this gay marriage thing."

Voter turnout was higher than expected in Maine — perhaps 50 percent, officials said — but not nearly as high as in last year's presidential election, which drew record numbers of young people to the polls. Opponents of the repeal sought to mobilize college students, who tend to support same-sex marriage, but the outcome suggests they might not have succeeded.

The next battlefields are New Jersey and New York, whose Democratic governors were pressing lawmakers to pass same-sex marriage bills by the end of the year, and California, where voters approved a constitutional ban on same-sex marriage last November. Gay rights groups there are likely to seek a ballot measure reversing the ban by 2012. A federal lawsuit challenging the prohibition is scheduled to go to trial in January and is expected to make its way to the Supreme Court.

In New Jersey, Gov. Jon S. Corzine's loss on Tuesday to Christopher J. Christie, a Republican who opposes same-sex marriage, dealt another potential blow to the movement. Mr. Christie has vowed to veto any same-sex marriage bill that reaches his desk, but Mr. Corzine could still sign a bill into law if the legislature approves it before January.

The City Council in the District of Columbia also appears poised to pass a same-sex marriage law, although opponents are seeking a referendum that would ask voters to ban it.

A more long-term, complex question is whether gay rights supporters can reverse the constitutional bans on same-sex marriage in some 30 states that have enacted them since 2000. The outcome in Maine reinforces voters' reluctance to endorse same-sex marriage, which national polls echo, though the gap is narrowing. And supporters acknowledge they would much rather avoid ballot questions.

"They tend to marginalize the group that is being targeted and inflame people's passions in a way that is at best divisive and at worst terribly cruel," said Jennifer C. Pizer, marriage project director for Lambda Legal, a national advocacy group. "Our founders did not intend to allow a majority to take basic rights from a minority."

Still, a group in Oregon announced Monday that it would seek a repeal of a constitutional ban there, perhaps as soon as 2012. Oregon voters approved the ban in 2004, and gay rights groups have been quietly building support for a repeal.

But in general, supporters are more likely to focus on states with statutory bans on gay marriage, which legislatures can reverse without voter approval. One such state is Washington, where preliminary returns from Tuesday's election showed voters approving an expansion of a domestic partnership law that would give gay couples more state-granted legal protections.

Opponents of same-sex marriage said the outcome in Maine should make lawmakers in other states nervous about endorsing it.

"We're already hearing in both New York and New Jersey that they are noticing what's happening here," Ms. Gallagher said. "Do other politicians really want to enter this particular culture war given all the stuff they are going to have to defend in the next election?"

This article has been revised to reflect the following correction:

Correction: November 17, 2009

An article on Nov. 5 about gay rights activists' considering a change in approach after Maine voters blocked same-sex marriage described the federal Defense of Marriage Act incorrectly. It prohibits the federal government from recognizing same-sex marriage; it is not a "ban on same-sex marriage."



## Gay advocates cheer Houston election

12/13/2009

By Brad Heath, USA TODAY



By David J. Phillip, AP Mayor-elect Annise Parker, right, celebrates her runoff election victory with partner Kathy Hubbard on Saturday in Houston.

Houston's election of its first openly gay mayor had supporters across the country cheering a symbolic victory, though they say it's likely to do little to reshape heated national battles over gay marriage.

Saturday's election made Houston the largest city in the USA to choose a gay mayor. Annise Parker's victory came in a state that overwhelmingly voted to outlaw gay marriage four years ago and in a city where voters have rejected offering benefits to the same-sex partners of government employees.

"The fact that an openly gay candidate wins for mayor in the nation's fourth-largest city, in the South, in Texas, shows that when Americans get to know gay people as people, not as stereotypes, their resistance to treating gay people equally reduces," said Evan Wolfson, director of Freedom to Marry, which advocates for legalizing gay marriage.

"It's going to cause a lot of people around the country to take another look," he said.

Parker won with about 53% of the vote.

"Clearly that has a lot of symbolic importance," Parker said Sunday. "I didn't run to be a symbolic mayor, I ran to be mayor of Houston, and my sexual orientation is part of who I am and part of how I presented myself to the voters."

It is far from clear what Parker's election means for more contentious issues, particularly same-sex marriage. Maine's voters rejected a gay marriage plan this year in a referendum.

So did New York's lawmakers. In Texas, voters overwhelmingly backed a measure outlawing gay marriage in 2005.

Four states allow same-sex marriages; a fifth, New Hampshire, will allow them starting in January.

The issue has yet to win support in a statewide election.

Parker's win will do little to change that dynamic, said Family Research Council President Tony Perkins. "When you talk about specific policy issues like the redefinition of marriage or special rights, I think that's where people draw the line. Other than that, I don't think this is a huge deal."

Before Parker, 53, ran for mayor, she had won six citywide elections, though this was the first time some opponents made a serious effort to use her sexual orientation against her.

A *Houston Chronicle* poll found about three-quarters of voters said Parker's sexual orientation wasn't an issue.

"It's another sign of the ongoing progress that has been going on for years," said Rea Carey, head of the National Gay and Lesbian Task Force.



## A Long Road to Equality

### **Marriage equality for gays and lesbians is the latest chapter in the District's history of civil-rights achievements**

by Chris Geidner

Published on December 24, 2009

"By not fully asserting ourselves and trying to get the license, we would be agreeing with society that our relationship is less than other marriages."

Nearly 20 years ago, that's how Craig Dean made the case for marriage equality, filing a legal challenge when he and his partner, Patrick Gill, were denied a marriage license from the D.C. Clerk of Court.

Dean and Gill were in their 20s, activists who received the ire of the gay and lesbian establishment for bringing such a case, here, at that time. The executive director of Lambda Legal Defense Fund was described in *The Washington Post* as "the couple's most outspoken critic."

Despite that opposition, the men went forward with their lawsuit, where they were represented by then-Georgetown Law Professor William Eskridge. They were opposed by the city, lost in a trial court opinion that cited from the Bible and lost again in a 2-1 decision in the D.C. Court of Appeals.

All was not lost, however, as one judge – Judge John Ferron – thought it possible that the men could have proven to the court that prohibiting the men from marrying violated the constitutional protections of equal protection. As he concluded, quoting from an earlier U.S. Supreme Court case describing marriage as a "noble" purpose:

"I see no basis on this record, or in law, for concluding summarily that...a homosexual couple, cannot lay equal claim to such a 'noble' relationship, sustained by law."

Nearly 15 years after Ferron wrote those words, the D.C. City Council and Mayor Adrian Fenty (D) agreed, respectively passing and signing the Religious Freedom and Civil Marriage Equality Amendment Act of 2009 this past week.

On the night of the bill's passage, Fenty said, "It's part of a movement throughout the country of states and cities treating all residents equally when it comes to the most fundamental rights." And as Frank Kameny, longtime District equality advocate, optimistically said that afternoon, "The tide is with us because we are right and they are wrong, and that is that."

The passage of the marriage-equality bill, though, was just one more step in a lengthy process of ensuring that no loving couples' relationships are treated as "less than other marriages" in the District – as the mayor knows. Fenty comes to his support for marriage equality with a very particular understanding of what it means for a marriage to be treated as less than other marriages.

As he told the crowd assembled for the bill-signing at All Souls Church, Unitarian Dec. 18, his father, who is black, and mother, who is white, moved to the District in 1967 because their parents had opposed their interracial relationship.

Phil and Jan Fenty were not, of course, the only interracial couple to seek the protection of the District's laws and attitudes.

Nearly a decade earlier, Richard Loving and Mildred Jeter had crossed into the District to marry. Under Virginia's Racial Integrity Act of 1924, Loving was deemed to be "white" and Jeter was deemed "colored" and, thus, they could not marry in Virginia. So to D.C. they went.

After moving back to Virginia following their marriage, however, the couple was arrested and – in a court opinion that cited from the Bible – avoided jail sentences only by moving out of Virginia and staying in the District.

Years later, after reopening the case that had sent them out of Virginia – and in the same year that Fenty's parents moved to D.C. – the Lovings received word they could finally move back home, in the form of the U.S. Supreme Court's ruling in *Loving v. Virginia*.

As the Court famously concluded: "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men.... To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State's citizens of liberty without due process of law."

Washington, D.C., it is often said, is a city of symbol. Its monuments define the city to many. Many of the people associated with the city live or spend time here only at the whim of far-removed voters. Actions taken here create laws that rule the entire country.

But, on rare occasion, the symbol comes from a far more ordinary place – a vote of the City Council – as happened this past week.

That simple action, though directly applicable only to the residents of small tracts of land on the eastern banks of the Anacostia and the Potomac, served as a much-needed shot in the arm to an LGBT-equality movement beset in recent months by several disappointments.

As Evan Wolfson, the executive director of Freedom to Marry, said, "It's really hard to overstate the resonance of the nation's capital voting for the freedom to marry and providing the opportunity for the country and the world see families helped and no one hurt when marriage discrimination ends."

Stuart Milk, the nephew of slain openly gay San Francisco Supervisor Harvey Milk, was in Washington on the day of the vote and left a holiday party he was attending to stop and visit with those celebrating the success of the marriage vote because it was "a history-changing event."

Citing activists' work in "reach[ing] out to the full community," Milk said, "This is another place in America that now has a message to all of our LGBT youth, not only in D.C. but around the country, that says, 'You are fully equal.'"

This past Friday, Fenty took a simple step: He signed the bill the Council had voted for earlier in the week. But, with the view of history in mind, this was much more.

The residents of the District and people of the country saw a mayor born of an interracial marriage do his part in the nation's capital to help bend the arc of the moral universe one step closer toward justice.

September 27, 2009

The School Issue: Junior High

## Coming Out in Middle School

By BENOIT DENIZET-LEWIS

Austin didn't know what to wear to his first gay dance last spring. It was bad enough that the gangly 13-year-old from Sand Springs, Okla., had to go without his boyfriend at the time, a 14-year-old star athlete at another middle school, but there were also laundry issues. "I don't have any clean clothes!" he complained to me by text message, his favored method of communication.



Brent Humphreys for The New York Times  
Austin, a gay 13-year-old from Oklahoma.

When I met up with him an hour later, he had weathered his wardrobe crisis (he was in jeans and a beige T-shirt with musical instruments on it) but was still a nervous wreck. "I'm kind of scared," he confessed. "Who am I going to talk to? I wish my boyfriend could come." But his boyfriend couldn't find anyone to give him a ride nor, Austin explained, could his boyfriend ask his father for one. "His dad would give him up for adoption if he knew he was gay," Austin told me. "I'm serious. He has the strictest, scariest dad ever. He has to date girls and act all tough so that people won't suspect."

Austin doesn't have to play "the pretend game," as he calls it, anymore. At his middle school, he has come out to his close friends, who have been supportive. A few of his female friends responded that they were bisexual. "Half the girls I know are bisexual," he said. He hadn't planned on coming out to his mom yet, but she found out a week before the dance. "I told my cousin, my cousin told this other girl, she told her mother, her mother told my mom and then my

mom told me,” Austin explained. “The only person who really has a problem with it is my older sister, who keeps saying: ‘It’s just a phase! It’s just a phase!’ ”

Austin’s mom was on vacation in another state during my visit to Oklahoma, so a family friend drove him to the weekly youth dance at the Openarms Youth Project in Tulsa, which is housed in a white cement-block building next to a redbrick Baptist church on the east side of town. We arrived unfashionably on time, and Austin tried to park himself on a couch in a corner but was whisked away by Ben, a 16-year-old Openarms regular, who gave him an impromptu tour and introduced him to his mom, who works the concession area most weeks.

Openarms is practically overrun with supportive moms. While Austin and Ben were on the patio, a 14-year-old named Nick arrived with his mom. Nick came out to her when he was 12 but had yet to go on a date or even kiss a boy, which prompted his younger sister to opine that maybe he wasn’t actually gay. “She said, ‘Maybe you’re bisexual,’ ” Nick told me. “But I don’t have to have sex with a girl to know I’m not interested.”

Ninety minutes after we arrived, Openarms was packed with about 130 teenagers who had come from all corners of the state. Some danced to the Lady Gaga song “Poker Face,” others battled one another in pool or foosball and a handful of young couples held hands on the outdoor patio. In one corner, a short, perky eighth-grade girl kissed her ninth-grade girlfriend of one year. I asked them where they met. “In church,” they told me. Not far from them, a 14-year-old named Misti — who came out to classmates at her middle school when she was 12 and weathered anti-gay harassment and bullying, including having food thrown at her in the cafeteria — sat on a wooden bench and cuddled with a new girlfriend.

Austin had practically forgotten about his boyfriend. Instead, he was confessing to me — mostly by text message, though we were standing next to each other — his crush on Laddie, a 16-year-old who had just moved to Tulsa from a small town in Texas. Like Austin, Laddie was attending the dance for the first time, but he came off as much more comfortable in his skin and had a handful of admirers on the patio. Laddie told them that he came out in eighth grade and that the announcement sent shock waves through his Texas school.

“I definitely lost some friends,” he said, “but no one really made fun of me or called me names, probably because I was one of the most popular kids when I came out. I don’t think I would have come out if I wasn’t popular.”

“When I first realized I was gay,” Austin interjected, “I just assumed I would hide it and be miserable for the rest of my life. But then I said, ‘O.K., wait, I don’t want to hide this and be miserable my whole life.’ ”

I asked him how old he was when he made that decision.

“Eleven,” he said.

As the dance wound down and the boys waited for their rides home, I joined Tim Gillean, one of Openarms’s founders, in the D.J. booth, where he was preparing to play the Rihanna song

“Disturbia.” An affable 52-year-old with wire-rimmed glasses and salt-and-pepper hair, he founded Openarms in 2002 with his longtime partner, Ken Draper. In addition to the weekly dances, the couple lead discussion groups every Thursday — about self-esteem, healthy relationships and H.I.V./AIDS.

When I asked Gillean if he ever expected kids as young as Nick and Austin to show up at Openarms, he chuckled and shook his head. Like many adult gay men who came out in college or later, Gillean couldn’t imagine openly gay middle-school students. “But here they are,” he said, looking out over the crowd. “More and more of them every week.”

I heard similar accounts from those who work with gay youth all across the country. Though most adolescents who come out do so in high school, sex researchers and counselors say that middle-school students are increasingly coming out to friends or family or to an adult in school. Just how they’re faring in a world that wasn’t expecting them — and that isn’t so sure a 12-year-old can know if he’s gay — is a complicated question that defies simple geographical explanations. Though gay kids in the South and in rural areas tend to have a harder time than those on the coasts, I met gay youth who were doing well in socially conservative areas like Tulsa and others in progressive cities who were afraid to come out.

What is clear is that for many gay youth, middle school is more survival than learning — one parent of a gay teenager I spent time with likened her child’s middle school to a “war zone.” In a 2007 survey of 626 gay, bisexual and transgender middle-schoolers from across the country by the Gay, Lesbian, and Straight Education Network (GLSEN), 81 percent reported being regularly harassed on campus because of their sexual orientation. Another 39 percent reported physical assaults. Of the students who told teachers or administrators about the bullying, only 29 percent said it resulted in effective intervention.

A middle-school counselor in Maine summed up the view of many educators I spoke to when she conceded that her school was “totally unprepared” for openly gay students. “We always knew middle school was a time when kids struggle with their identity,” she told me, “but it was easy to let anti-gay language slide because it’s so imbedded in middle-school culture and because we didn’t have students who were out to us or their classmates. Now we do, so we’re playing catch up to try to keep them safe.”

As a response to anti-gay bullying and harassment, at least 120 middle schools across the country have formed gay-straight alliance (G.S.A.) groups, where gay and lesbian students — and their straight peers — meet to brainstorm strategies for making their campus safer. Other schools are letting students be part of the national Day of Silence each April (participants take a vow of silence for a day to symbolize the silencing effect of anti-gay harassment), which last year was held in memory of Lawrence King, a 15-year-old gay junior-high student in Oxnard, Calif., who was shot and killed at school by a 14-year-old classmate.

Both G.S.A.’s and the Day of Silence have been controversial in places, as some parents and faculty members object to what they see as the promotion of homosexuality in public schools and the “premature sexualization of the students,” as a lawyer for a school in central Florida that was fighting the creation of a G.S.A. put it. But there is a growing consensus among parents and

middle-school educators that something needs to be done to curb anti-gay bullying, which a 2008 study at an all-male school by researchers at the University of Nebraska and Harvard Medical School found to be the most psychologically harmful type of bullying.

“I certainly don’t believe school districts should force a sexual agenda on the community,” says Finn Laursen, the executive director of the Christian Educators Association International, “but we can’t just put our heads in the sand and ignore the kind of harassment that’s going on.”

The challenging school experience of so many gay and lesbian students — and the suicides last spring of a sixth grader in Massachusetts and a fifth grader in Georgia, both of whom were relentlessly bullied at school for appearing gay — reinforces the longtime narrative of gay youth in crisis. Studies in the ’80s and ’90s found gay teenagers to be at a significantly higher risk for depression, substance abuse and suicide than their heterosexual peers.

When I went to work in 1998 for XY, a national magazine for young gay men, we received dozens of letters each week from teenagers in the depths of despair. Some had been thrown out by their families; others lived at home but were reminded often that they were intrinsically flawed. My arrival at XY (at 23, I was only three years out of the closet myself) coincided with the founding of the Trevor Project, which runs a national 24-hour crisis and suicide hot line for gay and questioning youth, and with the first large wave of G.S.A.’s in high schools. (They are now in more than 4,000 high schools, according to Glsen.)

But by the time I stopped writing for the magazine nearly three years later, the content of the letters we received was beginning to change. A new kind of gay adolescent was appearing on the page — proud, resilient, sometimes even happy. We profiled many of them in the magazine, including a seventh grader in suburban Philadelphia who was out to his classmates and a high-school varsity-football player from Massachusetts who came out to his teammates and was shocked to find unconditional support.

That’s not to say that gay teenagers didn’t still suffer harassment at school or rejection at home, but many seemed less burdened with shame and self-loathing than their older gay peers. What had changed? Not only were there increasingly accurate and positive portrayals of gays and lesbians in popular culture, but most teenagers were by then regular Internet users. Going online broke through the isolation that had been a hallmark of being young and gay, and it allowed gay teenagers to find information to refute what their families or churches sometimes still told them — namely, that they would never find happiness and love.

Today, nearly a decade after my time at XY, young people with same-sex attractions are increasingly coming out and living lives that would be “nearly incomprehensible to earlier generations of gay youth,” Ritch Savin-Williams writes in his book “The New Gay Teenager.” A professor of developmental psychology at Cornell University, Savin-Williams told me recently that being young and gay is no longer an automatic prescription for a traumatic childhood.

In particular, openly gay youth who are perceived as conforming to adolescent gender norms are often fully integrated into their peer and school social circles. Girls who come out as bisexual but are still considered “feminine” are often immune from harassment, as are some gay boys, like



Laddie, who come out but are still considered “masculine.” “Bisexual girls have it the easiest,” Austin told me in Oklahoma. “Most of the straight guys at school think that’s hot, so that can make the girl even more popular.”

Still, the younger they are when they come out, the more that youth with same-sex attractions face an obstacle that would be unimaginable to their straight peers. When a 12-year-old boy matter-of-factly tells his parents — or a school counselor — that he likes girls, their reaction tends not to be one of disbelief, dismissal or rejection. “No one says to them: ‘Are you sure? You’re too young to know if you like girls. It’s probably just a phase,’ ” says Eileen Ross, the director of the Outlet Program, a support service for gay youth in Mountain View, Calif. “But that’s what we say too often to gay youth. We deny them their feelings and truth in a way we would never do with a heterosexual young person.”

I was guilty of my share of that, too, the first time I met Kera — then a 12-year-old seventh grader — and her 13-year-old best friend, Justin, last spring in a city in New England. Kera had small, delicate features. Justin had freckles and braces. They seemed like kids. Yet there they were at a bookstore coffee shop after school, talking nonchalantly — when they weren’t giggling uncontrollably about one of their many inside jokes, that is — about their sexual identities. Kera said she was bisexual. Justin said he was gay. The effect was initially surreal to me, and before long I heard myself blurt out, “But you’re so young!”

My reaction surprised me. After all, I’d known on some level that I was gay when I was their age. If I were growing up today, it’s possible that I would feel emboldened enough to confide in my parents, or at least a close friend, that I was gay. I’d also spent the morning of my visit reading a handful of studies about when gay and lesbian youth first report an awareness of same-sex attraction. Though most didn’t self-identify as gay or lesbian until they were 14, 15 or 16, the mean age at which they first became aware of that attraction was 10. Boys tended to be aware about a year earlier than girls. (Of course, not all kids with same-sex attractions go on to self-identify as gay.)

Those findings are consistent with what many adult gay men have been reporting for years: they may not have come out until adulthood, but they knew they were attracted to the same sex as early as elementary or middle school. Kera and Justin knew that, too, but they’re among the first generation of young gay adolescents to take on an identity that many parents and educators associate with adult lifestyle choices.

Kera says she was 10 when she realized she was interested in both sexes. “It was confusing for a while, because for some reason I thought that you had to be straight or gay, and that you couldn’t be both,” she told me at the coffee shop. “So I thought about it a lot, like I do about everything, and I went online and looked up bisexuality to read more about it. I realized that was me.”

She told her mom soon after (more on that later) and then came out to her close friends at school, including Justin, who she had suspected was gay. Last year, the entire school found out when she briefly dated a female classmate. “We didn’t think we had anything to be ashamed of, so we didn’t want to go around hiding,” she told me. “It was a whole big drama at school. Some guys made fun of us, others hit on us. Most middle-school guys are total, complete morons.”

Though he wishes he could be as “brave” as Kera, Justin is out to only a few friends at school. “I lie when people ask me if I’m gay,” he told me. “Sometimes they leave me alone after that, but other times they still call me names.”

Kera doesn’t back down when someone harasses her or one of her gay friends. “I don’t want to be a bully back, but if I get mad, I will say mean things back,” she told me, adding that she has gotten into two fights at school.

Middle school was even worse last year for another boy named Austin, who lives in a small town in Michigan. A tall, heavysset 15-year-old now in his first year of high school, Austin said his eighth-grade classmates regularly called him the “gay freak.” They groped themselves in front of him. Not a day went by when someone didn’t call him a “fag,” sometimes with teachers present. And at a football game last fall, several classmates forced him off the bleachers because it wasn’t “the queer section.”

“I would have preferred that he not come out in school, but he wanted to be honest — he wanted to be true to himself,” Austin’s mother, Nadia, told me. “So I took a job as the lunch lady at school because I felt like I needed to be his bodyguard. It seems like I spent the entire year in the principal’s office trying to get them to protect my son. But they would say things like, ‘Well, what did he do to provoke them?’ We live in a very conservative area with very vocal parents, and I believe the school didn’t want to be seen as going out of their way at all to protect a gay student.”

The school’s principal would not comment specifically about Austin, but he insisted that the school “does not tolerate harassment and bullying of any kind.” He did concede that teachers don’t react to anti-gay language as consistently as he would like, which is something I also heard from a counselor at Kera’s school. “We have veteran teachers who have been teaching for 25 years, and some just see the language as so imbedded in the language of middle-schoolers that it’s essentially unchangeable,” she said. “Others are afraid to address the language because they feel like it would mean talking about sexuality, which they aren’t comfortable doing in a middle school setting.”

Jennifer Mathieu Blessington, who teaches at Johnston Middle School in Houston, said she has been forced to address the issue in her class. “Many boys at that age are so unsure of themselves and are incredibly worried about being perceived as gay, so they call everything and everyone else gay,” she told me. She relayed to me a recent incident when a boy in her class held up a book with a pink cover and said he wouldn’t want to read it because it “looks gay.” “Everyone in the class started laughing like it was the funniest thing they’d ever heard,” Blessington continued, “but I said: ‘We don’t use the word “gay” in a negative way in this classroom. Gay people are human beings, and that’s the way we talk about them in here. Is that understood?’ ”

By far the most common usage of the word “gay” in middle schools is in the expression “that’s so gay,” a popular adolescent phrase that means that something is dumb or lame. The phrase has become so ubiquitous in the culture of the average middle school that even friends of gay students sometimes use it. Still, the expression is offensive to many, and last year Glsen and the Ad Council embarked on a media campaign to combat it. (Glsen would have preferred to go after

more incendiary language, “but broadcasters would be very reluctant to let us say the word ‘faggot’ on television,” Eliza Byard, Glsen’s executive director, told me.)

Though the commercials (featuring the celebrities Hilary Duff and Wanda Sykes) are aimed at teenagers, many of those who work with gay youth say that teachers also need to get the message. “Teachers would never let students say, ‘That’s so black,’ ” says Eileen Ross from the Outlet Program in Mountain View, “but I’ve had teachers look at me like I’m crazy when I suggest that they should say something to a student who says ‘that’s so gay.’ They’ll say, ‘If I have to stop what I’m doing every time a student says that, I won’t have any time to teach!’ ”

A few years ago, when I first heard from educators that young adolescents were coming out of the closet, I visited a middle school in Northern California where three eighth graders (a gay boy named Justin and two heterosexual girls, Alison and Amelia) took me on a tour of the school. They wanted to show me how many students were gay, bisexual or “confused,” but they wanted to do it discreetly — or as discreetly as middle-schoolers can.

All three were members of the school’s G.S.A. “Even though this is a liberal area,” Alison explained, “it’s still hard to be gay at this school. Most people won’t even come to G.S.A. meetings because they don’t want people other than their close friends to know they’re gay or lesbians, even though straight people also come to meetings. I get called a lesbian all the time even though I’m not.” She continued, “People are totally paranoid.” She suggested that they “come up with some code words on the down low so we can tell you what’s up without anyone knowing what we’re saying!” (They settled on “paw” for gay and “woof” for bisexual.)

As we walked past the gym, a group of boys came rushing out. Justin pointed to a short, muscular eighth grader in a baseball cap. “Paw!” he said.

Alison looked surprised. “Isn’t he a woof?”

“No, he just thinks he’s a woof,” Justin said.

Amelia looked confused. “What does woof mean again?”

A minute later, they fixed their gaze on a boy sitting against a wall listening to his iPod. “Paw,” Alison told me. “I mean woof!”

“Yeah, he’ll make out with anyone,” Justin confirmed. “Totally bisexual.”

“No, he’s not!” Amelia said, apparently distraught by the news.

“Oh, stop getting all mad just ’cause you like him,” Alison told her. “Everyone knows he’s a woof.”

After pointing out a handful of girls who are “definitely woofs,” Alison turned to me and recalled a recent “lesbian moment” of hers. “I totally had the hots for this girl in ‘Jesus Christ Superstar,’ ” she said with a giggle. “I was, like, ‘Whoa, I’m really attracted to you right now!’ ”

“Jesus was hot in that, too,” Justin offered.

Midway through our tour we were joined by Sayre, a handsome and soft-spoken 12-year-old. Sayre was one of the few students at the school who was out to everyone, which had earned him the respect of the G.S.A.’s dozen or so members. “I really admire him,” Justin told me as we walked. “I’ve only come out to my close friends, but Sayre doesn’t care what people think.”

I asked Sayre if he was interested in any boys at the school. “I like this one guy over there,” he said, pointing toward classmates playing soccer on a grass field, “but I think he’s straight, so that’s probably not going to happen.” A few minutes later, Sayre added that he was in no rush to start dating. “It’s not like I have a lot of options anyway,” he said, echoing what I would go on to hear from many gay middle-schoolers. “I like guys who are nice and caring and don’t act like jerks to everyone. But this is middle school, where guys think it’s funny to pick their nose and fart really loud and laugh.”

As we came to the end of our tour, we approached a handful of boys sitting in a circle on the pavement eating lunch. “Woof, woof, woof, woof, woof!” Justin said, barely able to contain himself. “They’re all woofs.” One boy heard him and turned to us. “What’s a woof?” he asked us.

“Never mind,” Justin said.

“I don’t think he’s really a woof,” Alison told me, referring to a boy in the circle. “I think he’s straight but just confused.”

“He’s not confused,” Justin assured her. “He’s confused,” he said, referring to another boy in the circle. “He doesn’t know what he is. He changes his mind a lot.”

I was certainly confused trying to keep track of it all, but Alison told me not to worry. “We can’t even keep up with who’s gay or bi and who’s into who, and we go to school here!” she said.

All of this fluidity, confusion and experimentation can be understandably disorienting for parents and educators. Is an eighth grader who says he’s gay just experimenting? Could he change his mind in a week, as 13-year-olds routinely do with other identities — skater, prep, goth, jock — they try on for a while and then shed for another? And if sexuality is so fluid, should he really box himself in with a gay identity? Many parents told me they especially struggled with that last question.

Nadia, the mother of Austin in Michigan, told me that she and her husband “blew up” at him when he came out to them. “I really lost it, and my husband took it even harder than I did,” she said. “We just couldn’t wrap our heads around the idea that Austin would know what he was at 13, and that he would want to tell other people.”

A year earlier they asked Austin if he was gay after they discovered his call to a gay chat line. He promised them that he was straight, and he promised himself that he would cover his tracks better. It’s not uncommon for gay youth to have their same-sex attraction discovered thanks to a

rogue number on a phone bill or, more often these days, a poorly concealed Internet search history. “We see a lot of kids get outed by porn on the computer,” Tim Gillean told me in Tulsa. “I knew one kid who told his mom: ‘I don’t know how that got there. Maybe it was dad!’ ”

Austin eventually ended up telling his parents he was bisexual, which he knew was a lie (he wasn’t attracted to girls) but which he hoped would lessen the blow. But the plan backfired. “My mom said something like: ‘What does that mean, you’re bisexual? Do you just wake up in the morning and willy-nilly decide what you’re going to be that day? Straight yesterday, bi today, gay tomorrow?’ ” Austin recalled. “For the next two months my parents tried to convince me that I couldn’t know what I was. But I knew I was different in second grade — I just didn’t really put a name to it until I was 11. My parents said, ‘How do you know what your sexuality is if you haven’t had any sexual experiences?’ I was like, ‘Should I go and have one and then report back?’ ”

While Austin’s mother correctly assumed that Austin wasn’t yet sexually active, other parents heard the words “gay” or “bisexual” and immediately thought “sex.” In reality, many of their kids hadn’t had any yet. Some (including Kera’s friend Justin) hadn’t even kissed anyone. Those who had been sexual in some form often reported that it was with a heterosexual friend who they presumed was just experimenting.

Though many of the parents I spoke to needed a period of adjustment before accepting their children’s announcement that they were gay or bisexual, others offered immediate and unequivocal support. “The biggest difference I’ve seen in the last 10 years isn’t with gay kids — it’s with their families,” says Dan Woog, an openly gay varsity boys’ soccer coach at Staples High School in Westport, Conn., who helped found a gay-straight alliance at his school in 1993. “Many parents just don’t assume anymore that their kids will have a sad, difficult life just because they’re gay.”

That was certainly the case for Kera’s mother, who told me she hardly batted an eye when Kera came out to her. I visited them last spring in their small two-story house on a quiet street in a middle-class neighborhood. We sat at the kitchen table. Kera’s mother, who had just finished her shift as a nurse, hadn’t had time to change out of her blue scrubs.

Kera handed me a poem she wrote for her mom a year earlier. “It’s not one of my best,” she insisted, covering her ears in embarrassment after she agreed that I could read a portion of it into my tape recorder.

I like girls. I know it’s true

I like girls, I really do

Not just boys, but girls as well

I’m bisexual as you can tell

“My first reaction to the poem, which she slipped under my bedroom door before going to hide in her room, was that she seemed really worked up about this,” her mother recalled. “But I knew I was interested in boys when I was her age, so it didn’t strike me as unusual that Kera might know she’s interested in boys and girls, put two and two together and call herself bisexual. Kids just know what those words mean a lot earlier than when I was growing up.”

On the national Day of Silence last April, I visited Daniel Webster Middle School in Los Angeles, one of 21 middle schools in California with a G.S.A. California is one of only 12 states that have passed laws to protect students from bullying and harassment on the basis of sexual orientation and gender identity or expression. (In May, Representative Linda Sanchez of California introduced the Safe Schools Improvement Act, a federal anti-bullying bill that would require schools to implement comprehensive anti-bullying policies that include protections for gay students.)

I arrived at Daniel Webster, a school of some 850 students, most of them Hispanic or African-American, at lunchtime. About 50 kids milled around two large wooden tables at the center of the school’s leafy courtyard. Many of them wore pink T-shirts, and some filled out cards that would later be strung together and displayed: “You Are What You Are — Embrace It,” “Never Put Someone Down, and Never Let Someone Put You Down.” Others communicated using hand gestures or by writing notes to one another. But most had given up trying to be mute. “Good luck getting middle-schoolers not to talk,” the school’s counselor and G.S.A. co-adviser at the time, Ruben Valerio, told me with a smile.

One of the loudest students at the tables was Johnny (a nickname), a tall, handsome seventh grader. A leader of the G.S.A., he had only managed to stay quiet for about 30 seconds that morning. “It’s just really exciting to be at a school where it’s O.K. to be gay,” he told me as he bear-hugged his friend, an outgoing seventh grader known to her friends as Lala, who’d come out earlier that year as bisexual. At his previous school, Johnny didn’t feel safe and had little support when he came out to his mother. “She would go back and forth between saying things like: ‘I love you. I just don’t understand why you would choose this lifestyle at this age,’ to ‘It’s disgusting what you’re doing. Are you a faggot now?’ No one would ever use that word here.”

Johnny estimated that there were about 35 girls and 10 boys at Daniel Webster who were out as bisexual, lesbian or gay. (The vast majority of those girls identified as bisexual.) He introduced me to a handful of them, including two members of the G.S.A.: Tina (also a nickname), a seventh grader who considered herself bisexual and was dating a boy at another school; and a popular eighth-grade girl who used to date Tina.

They were joined at the tables by dozens of their straight friends and a handful of teachers. One teacher, Richard Mandl, approached me and asked what I thought of the school. I told him that I’d never seen so many happy gay kids in one place. “It’s a little disorienting,” I told him. “I feel like I’m in a parallel gay universe.”

He laughed. “Yeah, it’s pretty unusual what’s happened here,” he said. “It definitely wasn’t always this way.”



When Mandl began teaching at the school in 2002, he said that there weren't any openly gay students — and that it was common to hear anti-gay language. “Kids would run by you and be screaming at another kid: ‘You fag! You’re so gay!’ ” he said. “It wasn’t until a few years ago when the faculty sort of came together and said: ‘You know what? We need to stop this.’ ”

That became a lot easier two years ago when one of the school’s most popular boys came out to his classmates. Because he was so well liked, and because so many of his friends rallied around him, “it became cooler at Daniel Webster to be accepting and open-minded,” Mandl said.

The principal, Kendra Wallace, told me that she didn’t hesitate when the school’s science teacher approached her (on behalf of the boy and several of his friends) about starting a G.S.A. “I had some staff who were livid at first, because they thought it would be about sex, or us endorsing a lifestyle,” she said. “But the G.S.A. isn’t about that, and they’ve come around. This is a club that promotes safety, and it gives kids a voice. And the most amazing thing has happened since the G.S.A. started. Bullying of all kinds is way down. The G.S.A. created this pervasive anti-bullying culture on campus that affects everyone.”

Not all principals have reacted as enthusiastically to students or teachers hoping to start a G.S.A. (Teachers often wait for students to make the request, because they don’t want to be perceived as “having a political agenda,” as one school counselor told me.) At a middle school in Massachusetts, the G.S.A. adviser told me that the school’s principal initially balked when students asked to observe the Day of Silence and start a G.S.A. “She argued that it wasn’t age-appropriate, and she worried about having to deal with negative editorials in the local paper,” the adviser said. But because the school had other extracurricular clubs, “the principal was made aware that blocking a G.S.A. from forming is against the law.”

Indeed, courts — citing the Equal Access Act, which requires public schools to provide equal access to extracurricular clubs — have consistently ruled against schools that try to block G.S.A.’s from starting. (The 1984 law was the brainchild of Christian groups fighting to allow students to form religious clubs in schools.)

When Yulee High School in northeast Florida was forced by a federal judge last spring to let a G.S.A. meet on campus, the school asked students to change the name of their proposed club to something other than Gay Straight Alliance. The students refused, and a court backed them up in August. Administrators at Austin’s middle school in Michigan used the same tactic when he tried to start a G.S.A. there, he said. “They told me I needed to change the name to something ‘less controversial,’ ” Austin recalled. “I didn’t feel like fighting them, so I just called it the Peace Alliance.”

And because there were so few openly gay students at Austin’s middle school last year, all but 2 of the 15 or so students who attended each meeting were straight. At G.S.A. meetings at Daniel Webster, gay and straight members spend two periods a week reading and discussing news stories about gay issues, organizing events like the Day of Silence and talking about navigating the outside world — which isn’t always as supportive as their campus. Lala, for example, said the backing of the G.S.A. was critical when she came out to her family.



“They’re a lot better now, but the first thing one of my relatives did when I told them I was bisexual was hit me on the head with a Bible,” she told me. “So while I was dealing with that insanity at home, I at least had a safe place at school to talk about what was happening.”

Later that day, as I sat in a conference room with a handful of the G.S.A members from Daniel Webster, they spent a lot of time talking about dating. Asking 13- or 14-year-olds if they think they’re old enough to date is a little like asking them if they’re old enough to stay up past 11, so I didn’t even bother. I was more interested in learning how their parents reacted to the news that they not only had gay kids — but also that those kids had same-sex boyfriends or girlfriends.

Tina surprised me when she said her father actually prefers that she date girls. “His biggest fear has always been that I’ll get pregnant before I’m 18,” she told us, “so my dad’s really supportive of the girl thing.”

Johnny said his mom has made it very clear that he’s not allowed to bring a boyfriend over to the house. “She’s like, ‘O.K., I accept you, but you better not bring any of those people around,’ ” he told me.

That’s one of about 50 “rejecting behaviors” identified by Caitlin Ryan of San Francisco State University, who has spent the last eight years studying the link between family acceptance or rejection of gay children and their mental health in early adulthood. (Ryan found that teenagers in “rejecting families” were significantly more likely to have attempted suicide, used drugs and engaged in unprotected sex than those who were raised in accepting families.)

Of course, many parents of middle-schoolers don’t want their child dating yet, no matter their sexual orientation. But several parents I spoke to conceded that it wasn’t always easy to fashion the same rules for their gay and straight kids. Their instinct was to tell their gay children to wait longer before they could date. Austin from Michigan said he could see the struggle playing out in his parents. “When I came out, they said I couldn’t date anyone until I was 18,” he said. “Then I think they realized that was ridiculous, so they changed it to 16.”

In a rural area outside of Tulsa a few years ago, I visited a mother and her 14-year-old gay son, Ely, who were struggling to fashion the rules of when, and in what context, he could date. I listened as Ely tried to persuade his mother to let his latest crush spend time in his room (“With the door shut,” he clarified):

Ely: So, can we hang out in my room?

Mother: I don’t trust you two alone in there. Period.

Ely: What about if there are no body parts touching?

Mother: You don’t have that kind of self-control.

Ely: Yes, I do!

Mother: No you don't. How old is he again?

Ely: 15.

Mother: And he has a shaved head and piercings everywhere. Is this who you really want to date?

Ely: All kinds of people have shaved heads.

Mother: I don't think you're ready to have a relationship right now.

Ely: Ugh.

Mother: I know, I know, you can't wait to move away from me. You have the most unfair mother in the world!

As I listened to them bicker, I couldn't help remembering what Ritch Savin-Williams, the professor of developmental psychology at Cornell, told me the first time we spoke: "This is the first generation of gay kids who have the great joy of being able to argue with their parents about dating, just like their straight peers do."

Though dating and sexual activity were a reality for some of the middle-schoolers I spent time with, others were more concerned with simply making gay friends their age. Those who attended a school with other openly gay students or who lived near a gay youth group (Openarms in Tulsa, for example) were the lucky ones. But many, like Austin in Michigan, had never met another openly gay boy.

"He has his close girl friends, but he doesn't have any gay friends," his mother told me. To meet other gay people, he has gone with his father to nearby meetings of Pflag (Parents, Families and Friends of Lesbians and Gays), where gay kids often accompany their parents. And in June, she agreed to let him attend the gay-pride parade two hours away in Chicago.

"I told Austin he could go if either me or his dad went with him," she recalled. "So he chose his dad, probably because he knew it would be the thing his dad would want to do least in the world. But off they went, and I give my husband credit, because he will do anything for his son. He doesn't totally understand why Austin is gay, or how he can know for sure at his age, but he's trying to be there for him. And he's rarely seen Austin happier than at the parade. Austin warned his dad, 'You can't get mad at me when I scream at cute guys in Speedos!' And boy, did Austin scream. He was in gay teenage heaven."

Benoit Denizet-Lewis, a contributing writer for the magazine, is the author of "America Anonymous: Eight Addicts in Search of a Life." His new book, "American Voyeur," a collection of his writing, will be published in January.

This article has been revised to reflect the following correction:

Correction: September 27, 2009

An article on Page 36 this weekend about gay teenagers who come out when they are in middle school misstates part of the name of an organization that promotes tolerance in schools. It is the Gay, Lesbian and Straight Education Network, or Glsen — not “Educators” Network.

# Sacramento protest targets farm chemical

Monday, Dec. 14, 2009

By E.J. Schultz / Bee Capitol Bureau

SACRAMENTO -- The fight over a potent farm chemical is heating up as state regulators near a decision on approving its use in California.

At a Capitol rally Monday, environmentalists and farmworker advocates urged the state Department of Pesticide Regulation to deny registration of methyl iodide, a pest-killing fumigant that opponents say causes cancer and contaminates waterways.

"It is the worst fumigant we could possibly even think of developing for registration in California," said Martha Guzman-Aceves, a legislative advocate for the California Rural Legal Assistance Foundation.

Fumigant supporters have launched their own public relations blitz, including promoting the chemical at the Web site "agcommonsense.com."

"Extremists are working hard to keep this badly needed tool out of the hands of California growers. If successful, the future of California agriculture could be jeopardized," the Web site declares.

Industry groups are pushing the fumigant as a replacement for methyl bromide, which is being phased out by the federal government because it damages Earth's protective ozone layer.

Methyl bromide has been heavily used on strawberry crops, especially along the Central Coast. Growers in the Valley have used the chemical to kill pests when planting orchards and vineyards.

The U.S. Environmental Protection Agency in 2007 registered the new fumigant, methyl iodide, but put restrictions on its use. The fumigant, made by Tokyo-based Arysta LifeScience Corp., is registered in 47 states and is being used in 12 of them, according to the state Department of Pesticide Regulation.

In response to the health concerns, the department formed an external review committee chaired by John Froines, director of the Center for Occupational and Environmental Health at the University of California at Los Angeles.

The committee is expected to issue its findings soon, which the department says will "serve as the basis for the decision on whether methyl iodide should be registered in California." The ruling could come around the first of the year, said department spokeswoman Lea Brooks.

## **Court rejects genetically modified sugar beets**

Bob Egelko, Chronicle Staff Writer

Wednesday, September 23, 2009

**(09-22) 13:45 PDT SAN FRANCISCO --** The government illegally approved a genetically modified, herbicide-resistant strain of sugar beets without adequately considering the chance they will contaminate other beet crops, a federal judge in San Francisco has ruled.

The ruling by U.S. District Judge Jeffrey White rejected the U.S. Department of Agriculture's decision in 2005 to allow Monsanto Co. to sell the sugar beets, known as "Roundup-Ready" because they are engineered to coexist with Monsanto's Roundup herbicide.

Sugar beets produce 30 percent of the world's sugar and, according to consumer groups, half the granulated sugar in the United States. This year's planting, centered in Oregon's Willamette Valley, is the first to include a full crop of the Monsanto product.

White said the USDA, in concluding that the new crop would have no significant environmental effects, discounted the likelihood that wind-borne pollen would spread to fields where conventional sugar beets, table beets and the beet variety known as Swiss chard are grown.

Planting genetically modified sugar beets has a "significant effect" on the environment, White said in his ruling Monday, because of "the potential elimination of a farmer's choice to grow non-genetically engineered crops, or a consumer's choice to eat non-genetically engineered food."

He said the department must prepare an environmental impact statement, which would include public input.

White did not immediately prohibit distribution of the genetically modified sugar beets, but a lawyer for plaintiffs in the case said they would ask the judge for an injunction against sales until the review was completed.

The ruling "sends a very clear message to the USDA to protect American farmers and consumers and not the interests of Monsanto," said Kevin Golden, a San Francisco attorney for the nonprofit Center for Food Safety, which opposes genetically modified foods and supports organic farming.

Golden said the ruling could also affect herbicide use, because the Environmental Protection Agency has allowed more herbicide spraying in areas where the resistant crops are grown.

Representatives of the Agriculture Department and Monsanto were unavailable for comment. Luther Markwart, spokesman for the 10,000-member American Sugar Beet Growers Association, said the group is "looking forward to aggressively advocating" for farmers who want to use the altered beets.

The ruling followed a similar decision in 2007 by another federal judge in San Francisco, Charles Breyer, to halt the nationwide planting of Monsanto's genetically engineered strain of alfalfa until the USDA conducted an environmental study. A federal appeals court upheld Breyer's decision last year.

The department's 2005 decision on sugar beets acknowledged that pollen from the genetically modified crop could spread to other beet crops. But the USDA said farmers would not be harmed because they would still be able to buy non-genetically modified seeds.

White, however, cited studies that said winds can carry sugar beet pollen at least 2 1/2 miles, much farther than the voluntary buffer zones between beet crops recommended by Oregon agriculture officials.

He said the department had failed to consider the economic effects of its decision and had provided no evidence for its conclusion that non-genetically modified sugar beets would remain available to farmers.

## Nonprofit calls PUC's compost toxic sludge

Heather Knight

Sunday, September 27, 2009

It seems we have a compost smackdown on our hands. In one corner is the San Francisco Public Utilities Commission and in the other is the Center for Food Safety.

The latter, a national nonprofit that seeks to curb harmful food production, has petitioned the former to stop giving out free compost. The nonprofit says the PUC's regular giveaways are actually toxic sewage sludge advertised as compost.

The PUC turns the treated solid waste removed from sewage (basically anything that's flushed down our drains except water) into compost and gives it away to gardeners and others. The Center for Food Safety says this sewage sludge should never be used on home gardens because it contains heavy metals, pharmaceuticals, flame retardants and other hazardous material.

"San Franciscans may think they're getting a gift from the city, but this is no gift," said **Paige Tomaselli**, staff attorney for the center. "City residents could be at serious risk of poisoning from the application of sewage sludge to local crops and gardens."

The center admits the PUC is in total compliance with federal regulations regarding sewage sludge, but says the regulations need to change.

**Tony Winnicker**, spokesman for the PUC, said the center's charges are "flatly untrue." He said San Francisco's sludge is treated over the course of several weeks and mixed in with wood chips or paper fiber at a composting facility in Merced. The material has been tested and contains metals not only below U.S. standards, but below the standards of the European Union, too. ("And you know how they regulate everything," he said with a laugh.)

"It's unfortunate and irresponsible that they're raising such a stink," Winnicker said. "Our biosolids compost is safe, tested and great for plants."

Check out Winnicker's full rebuttal here: [www.sfgate.com/blogs/cityinsider](http://www.sfgate.com/blogs/cityinsider).

Tomaselli said a lawsuit could be in the works so stay tuned.



November 5, 2009

# Sustainable Agriculture: The Unrecognized Key to Reversing Climate Change

By Debbie Barker and Andrew Kimbrell

World leaders who met last month at the United Nations climate summit took stock of the sobering reality that a global pact on climate change very likely will not be achieved in Copenhagen this December. At the heart of this looming failure is money. Most of the proposed solutions to curb greenhouse gas emissions are costly, and funds are scarce. However, there is a solution being overlooked in climate negotiations that could result in rapid greenhouse gas reductions with comparatively low financial investment and little technology transfer -- a transition toward ecological, organic agriculture.

Even though research concludes that industrial agriculture is one of the major contributors to global warming, neither international nor U.S. domestic policies are adequately addressing this sector. The figures are stunning -- at least 60 percent of all nitrous oxide (NO<sub>2</sub>) emissions, the most potent greenhouse gas, are caused by industrial agriculture, primarily from the use of synthetic nitrogen fertilizer. Nearly 40 percent of methane (CH<sub>4</sub>), the second strongest greenhouse gas, is due to industrial farming practices, much of this from intensive industrialized livestock operations.

The Intergovernmental Panel on Climate Change (IPCC) conservatively tells us that industrial agriculture methods contribute at least 14 percent of greenhouse gas emissions. Many scientists say this figure could as high as 25-30 percent of emissions when the total energy backpack of the current food system is taken into account. Some greenhouse emissions related to agriculture are embedded in other sectors cited by the IPCC -- forestry, transportation, and industry. These areas include inputs such as the use of fossil fuels to produce chemical fertilizers and pesticides; processing, packaging, refrigeration, and transport of food; and land conversion from biodiverse ecosystems to giant, monoculture food plantations.

Given that industrial agriculture methods are a major part of the global warming problem, why not turn agriculture around to make it a major climate solution? As the late Edward R. Goldsmith -- author of seminal writings about ecosystems, including the critical link between agriculture and climate change -- often stated: "When doing something that causes harm, one must do the exact opposite in order for things to change." If we make a U-turn away from harmful industrial agriculture practices toward ecological, organic systems, we can significantly change the course of climate change.

The potential is exciting. A Rodale Institute study projects that the planet's 3.5 billion tillable acres could sequester nearly 40 percent of current CO<sub>2</sub> emissions if they were converted to "regenerative" organic agriculture practices. The same 10-year study submits that if U.S. cropland (based on 434 million acres) were converted to organic farming methods, we could reduce nearly 25 percent of our total GHG emissions.

Many studies have drawn similar conclusions. In India, organic farming research shows increases in carbon absorption by up to 55 percent (even higher when agro-forestry is added into the mix), and water holding capacity is increased by 10 percent. A study of 20 commercial farms in California found that organic fields had 28 percent more carbon in the soil than industrial farms.

The inevitable industrial critique of organic farming is: yes, that's all well and good, but can we afford to worry about environmental hazards when we must feed our burgeoning global population? Viewing the current problem more broadly answers pro-industrial arguments decisively.

The environmental problem of climate change that industrial agriculture is now causing will guarantee that we simply won't be able to feed a hungry world. And, contrary to general belief and prejudice fostered by agribusiness, industrial crops do not consistently yield more food. In fact, it is a pernicious myth that ecological organic agriculture yields less than conventional agriculture. A comprehensive study of 293 crop comparisons of industrial and organic agriculture demonstrated that organic farm yields are roughly comparable to industrial farm yields in developed countries; and result in much higher yields in developing nations.

The World Bank and United Nations International Assessment on Knowledge, Science and Technology concluded that fundamental overhaul of the current food and farming system is needed to get us out of the food (and fuel) crisis, and that small-scale farmers and agro-ecological methods are the way toward food security. Further, numerous studies unequivocally state that our survival depends on the resiliency and biodiversity of organic farm systems free of fossil fuels and chemical dependency.

Recently, Senators Kerry and Boxer introduced a version of a climate and energy bill which finally includes language that begins to address harmful emissions caused by current agricultural practices. This is a good step, but we need large-scale change in the way we grow our food. The way forward, the great U turn, is to transition toward regenerative, living carbon systems and away from non-renewable, dead fossil-carbon systems. A rapid, global transition is an imperative both for mitigating climate change and for ensuring food security.

*Debbie Barker is international program director, of the Washington, D.C. based not-for-profit Center for Food Safety.*



DON'T EAT THE HYPE

## Ecological farms: the only real way to feed an increasingly hungry world

20 Nov 2009  
by Debbie Barker



Image: Tom Twigg for Grist

There are those who would like us to believe that industrialized farming is the only way to feed the earth's growing population. Disinformation comes daily from powerful industrial agricultural companies whose profits depend entirely on the sale of chemicals, genetically modified (GM) seeds, and food processing. Furthermore, they maintain that massive-scale farming methods are key to adapting to climate change.

This is just not so.

Contrary to what the propaganda tells us, yields from industrial crops do not consistently produce more food. It's an industry-generated myth that ecologically-safe organic agriculture yields less than conventional agriculture. In fact, a [comprehensive study](#) comparing 293 crops from industrial and organic growers demonstrates that organic farm yields are roughly comparable to industrial farms in developed countries; and result in much higher yields in the developing world.

Numerous studies unequivocally state that our survival depends on resilient and biodiverse farm systems that are free of fossil fuel and chemical dependencies. The 2008 World Bank and United Nations International Assessment on Knowledge, Science and Technology concluded that a fundamental overhaul of the current food and farming system is needed to get us out of both the food and fuel crises. The [report's findings](#) indicated that small-scale farmers and agro-ecological methods are the way forward.

This assessment dovetails with a 2002 United Nations Food and Agriculture Organization (FAO) [report](#), which found that organic farming enables ecosystems to better adjust to the effects of climate change and has major potential for reducing agricultural GHG emissions. The FAO report also found that organic agriculture performs better than conventional agriculture in terms of both direct energy consumption (fuel and oil) and indirect consumption (synthetic fertilizers and pesticides).

Large-scale agriculture-dependent upon commercial seeds (including GM seeds), chemical sprays, and petroleum-based fertilizers-can only reliably feed one thing: company profits. These profits come at the expense of our climate as well as farmers who become wholly dependent upon these companies for their livelihood.

And it's farmers who are realizing through hard experience that this system doesn't work. Monsanto, a major proponent of GM seeds, agro-chemicals and industrialized methods, this week reports a massive \$283 billion loss in the third quarter-quite a hit.

Monsanto and others in the industry are scrambling for a foothold in developing nations to save a failed agricultural and business model in the U.S. They're trying to convince foundations, aid agencies, and foreign governments that they hold the only key to staving off starvation. And, the way to do this is by smearing organic farming - which is the only truly dependable way to feed the world - and by ignoring climate change.

They're putting their shareholders' bottom line before a sick and hungry planet. It's time we held them to the truth.



Andrew Kimbrell  
Executive Director of the Center for Food Safety  
Posted: November 21, 2009 05:50 PM

# New Report: GMOs Causing Massive Pesticide Pollution

There is one fact about genetically engineered foods that there is no debate about: no one wakes up in the morning eager to buy gene-altered food. There's good reason for this. Genetically modified foods do nothing for the "eating public". They provide no extra nutrition, flavor, safety or any other trait that people actually want. Instead, these food products only offer risks, which include potential toxicity, allergenicity, and lower nutritional value.

This presents a tough problem for the Monsantos of the world, who are pushing these GM foods. How can you sell something to the public that offers no benefits to them? And, because of their lobbying power, the biotech companies have ensured that their products are not labeled. So Monsanto's real request of the public is "be unknowing guinea pigs for foods that make us a lot of money and offer you nothing but risk."

Obviously this message is a PR nightmare, so Monsanto has come up with a spin that is old as public relations itself: "accept and buy our products because they will help the world." More particularly, their ads displayed in mass transit systems around the country and regularly on NPR claim that GM foods "will feed a hungry world" and "reduce the load of pesticides" used in agriculture.

Not surprisingly, both these claims turn out to be self-serving myths. Earlier this year the Union of Concerned Scientists issued a detailed report entitled "Failure to Yield". The report's findings were straightforward and incontrovertible. After 21 years of research, billions of dollars of investments in public and private funds, and more than 13 years of commercialization, GM crops have done nothing to significantly increase yield: so much for the "feeding the world's hungry" spin.

Now, a new report from The Organic Center, "Impacts of Genetically Engineered Crops on Pesticide Use: The First Thirteen Years", exposes the "less pesticide" myth. The report, which was released on Tuesday, was authored by Dr. Charles Benbrook, a leading agricultural scientist. In the spirit of full disclosure, I should also mention that Center for Food Safety helped fund the report.

It turns out that far from reducing pesticides, GM crops are a major reason for the massive expansion of pesticide use in recent years. This should not be a surprise. The majority of GE

crops are "Roundup Ready," designed to survive heavy and repeated spraying with Monsanto's Roundup weedkiller. Roundup Ready crops have dramatically increased Roundup use, and spawned a growing epidemic of Roundup-resistant weeds, which now infest millions of acres of American cropland. Killing resistant weeds requires more herbicides. How much more? Dr. Benbrook's study - based on official USDA data - shows that GE crops have increased the overall use of weedkillers in the U.S. by a massive 383 million pounds since 1996.

Sometimes even more chemicals won't do the trick. In the South, cotton farmers are reverting to the pre-industrial practice of "chopping cotton," or manual hoeing, to rid their fields of Roundup-resistant pigweed.

Never fear, the biotech industry has "killer" solutions to the Roundup-resistant weed epidemic - you guessed it, new crops resistant to different and multiple herbicides. Dr. Benbrook describes these "next-generation" GE crops, which are the true pesticide-promoting future of agricultural biotechnology.

For instance, Dow Agrosiences will soon bring us GE corn, resistant to 2,4-D, one of the weedkillers in Agent Orange - the dioxin-laced defoliant used during the Vietnam War. 2,4-D-resistant corn will undoubtedly increase use of this dangerous weedkiller, which has been banned in Sweden, Norway and Denmark due to its links to cancer and reproductive disorders. Monsanto, DuPont, Bayer and Syngenta all have their own new "herbicide-tolerant" crops in the works, some resistant to two and even three herbicides each. The inevitable result will be continuing increases in the use of toxic chemicals to kill "next-generation" weeds resistant to multiple weedkillers.

In the face of all this, many farmers are becoming disillusioned with GE crops. In many states, demand for conventional seed, especially soybeans, is outstripping supply. Among the reasons given by farmers for this historic switch are dramatic price hikes for biotech seeds, increased pesticide costs due to resistant weeds, premiums for non-GM supplies, and importantly, the ability to save and replant conventional seeds, which is illegal with Monsanto's patented GE seeds.

Thanks then to the Union of Concerned Scientists and the Organic Center for debunking the myths about GM crops and foods. In terms of timing, the two reports released this year couldn't have come at a more crucial moment. Through careful scientific analysis they expose the false advertising that biotechnology companies are using in print and on our public radio airways.

We should all know what Monsanto and other companies are selling, and it's not a solution to world hunger or a cleanser for the environment. What they are really selling is what they make best: chemicals. The biotech giants - Monsanto, DuPont, Syngenta, Bayer and Dow - are, without exception, major pesticide manufacturers. They have each bought up sizeable chunks of the world's seed supply, and are using biotechnology to make those seeds sell their pesticides for them.

It may be good for their bottom line, but it's bad for us, the safety of our food, and the health of our environment.

## FDA petitioned to ban arsenic from animal feed

December 9, 2009 • Jeri Lynn Chandler



photo by wEnDaLicious

On Tuesday, December 8, the [Center for Food Safety](#) (CFS) and the [Institute for Agriculture and Trade Policy](#) (IATP) filed a petition with the Food and Drug Administration (FDA) calling for the immediate ban of arsenic-containing compounds used in animal feed. These additives are commonly used in poultry production to induce faster weight gain and create the appearance of a healthy color in meat from chickens, turkeys and hogs. The petition was supported by a coalition of food and farm groups around the country.

According to the CFS and IATP, arsenic-containing compounds have been approved additives to animal feed since the 1940s and are currently used in chicken, turkey and swine production. Most arsenic-containing animal feed additives are not used to treat sickness. Instead, arsenic compounds are generally approved for "increased weight gain, improved feed efficiency, and improved pigmentation." The European Union has never approved the use of these types of compounds in animal feed, acknowledging the lack of science supporting health or safety standards for such use.

In a press release announcing the petition, the Center for Food Safety's Executive Director Andrew Kimbrell said, "The fact that arsenic - a known and powerful carcinogen - in these feed additives leads to arsenic residue in chicken is now well known." FDA's failure to investigate the mounting evidence that these compounds are unsafe is a breach of the public trust, and the use of arsenic-containing compounds in food animal production is a needless and dangerous risk to human health."



David Wallinga, M.D. of the IATP added, "Arsenic can be poisonous. Its use in animal feed, therefore, is unnecessarily risky and has not been shown to be safe given the latest science. To best protect public health, all avoidable exposures to arsenic should be eliminated. FDA can and should act."

Arsenic-containing compounds are most widely used in chicken production, and most chickens receive arsenic-laced feed. In 2004 and 2005, the [IATP tested](#) for total arsenic in retail packages of raw chicken and in "fast food" chicken sandwiches and nuggets. Those test results showed detectable levels of arsenic in the majority of both supermarket and fast food chicken with higher levels found in brands of chicken raised conventionally. Lower or non-detectable levels of arsenic were found in certified organic and other "premium" brands where the use of arsenic-containing feed additives were either legally prohibited or claimed not to have been used.

Legislation has also been introduced in Congress by U.S. Representative Steve Israel of New York calling for a ban on the use of roxarsone, an arsenic-containing compound in poultry feed. This bill, the "Poison-Free Poultry Act of 2009," would prohibit all uses of roxarsone as a food additive in poultry. The groups behind Tuesday's petition applaud the bill, but maintain that it does not go far enough. Their petition calls for a ban on roxarsone, along with Arsanilic acid, Nitarsone, and Carbarsone, commonly used compounds which also contain arsenic.

Other groups signing the petition include: Food Animal Concerns Trust, Oregon Physicians for Social Responsibility, San Francisco Physicians for Social Responsibility, Food and Water Watch, Center for Biological Diversity, National Sustainable Agriculture Coalition, Center for Environmental Health, Institute for a Sustainable Future, Health Care Without Harm and Ecology Center of Michigan.

**For more info:**

Read IATP's report on arsenic in poultry: [Playing Chicken: Avoiding Arsenic in Your Meat.](#)

The Center for Food Safety is national, non-profit, membership organization, founded in 1997, that works to protect human health and the environment by curbing the use of harmful food production technologies and by promoting organic and other forms of sustainable agriculture. On the web at [www.centerforfoodsafety.org](http://www.centerforfoodsafety.org).



## Supreme Court to Hear First Genetically Engineered Crop Case

January 15, 2010

### Monsanto Takes Center for Food Safety Legal Victory to Highest Court

Today, the U.S. Supreme Court decided to hear a first-time case about the risks of genetically engineered crops. Named *Monsanto v. Geertson Seed Farms*, No. 09-475, the case before the high court will be yet another step in an ongoing battle waged by the Center for Food Safety to protect consumers and the environment from potentially harmful effects of genetically engineered (GE) crops.

The modified alfalfa seed at the heart of the dispute has been engineered to be immune to Monsanto's flagship herbicide Roundup. Monsanto intervened in a 2007 federal district court ruling that the Department of Agriculture's approval of GE alfalfa was illegal. The Center for Food Safety (CFS) filed a 2006 lawsuit on behalf of a coalition of non-profits and farmers who wished to retain the choice to plant non-GE alfalfa. CFS was victorious in this case – in addition CFS has won two appeals by Monsanto in the Court of Appeals for the Ninth Circuit: in 2008 and again in 2009. Now, upon Monsanto's insistence, the Supreme Court has agreed to hear the case.

"This is truly a 'David versus Goliath' struggle, between public interest non-profits and a corporation bent on nothing less than domination of our food system," said Andrew Kimbrell, executive director of the Center for Food Safety. "That Monsanto has pushed this case all the way to the Supreme Court, even though USDA's court-ordered analysis is now complete, and the U.S. government actively opposed further litigation in this matter, underscores the great lengths that Monsanto will go to further its mission of patent control of our food system and selling more pesticides."

The federal district court required the Department of Agriculture to undertake an Environmental Impact Statement (EIS) assessing the impacts of the crop on the environment and on farmers; the first time the U.S. government had ever undertaken such analysis for any GE crop. The court permitted farmers that had already planted to continue, but halted any further planting pending the agency's re-assessment. That the EIS was required is not in dispute; the legal issue is only the scope of relief while USDA analyzed the impacts of the crop for the first time.

In October 2009 Monsanto asked the Supreme Court to hear further arguments. In response, the Center and the U.S. government separately opposed that request the following December. USDA completed the first draft of the EIS in December 2009.

“Although we believe a further hearing is unnecessary, we are confident we will again prevail, as the lower courts have already three times determined,” continued Kimbrell. “We hope that this grand stage will further inform the public, policymakers and the media about the significant risks of genetically engineered crops and the vital need to protect farmers and the environment.”

Alfalfa is the fourth most widely grown crop in the U.S. and a key source of dairy forage. It is the first perennial crop to be genetically engineered. It is open-pollinated by bees, which can cross-pollinate at distances of several miles, spreading the patented, foreign DNA to conventional and organic crops. Such biological contamination threatens the livelihood of organic farmers and dairies, since the U.S. Organic standard prohibits genetic engineering, and alfalfa exporters, since most overseas governments also reject GE-contaminated crops.

“We trust the Supreme Court will uphold farmers right to choose their crop of choice and protect us from the constant fear of contamination from GE crops,” said Phil Geertson, an alfalfa farmer based in Idaho.

Related:

A 2009 [study](#) showed that the use of genetically modified crops, the vast majority Monsanto’s “roundup ready” crops, has caused over the last 13 years a dramatic increase in herbicide use, by 383 million pounds, and concomitant harms to the environment and human health.

The U.S. Department of Justice has undertaken an [investigation](#) of Monsanto regarding violations of anti-trust and monopoly laws and is set to hold public hearings in spring 2010.

Another 2009 [study](#) showed that, despite decades of promises and hype, GE crops do not increase yields.

###

The Center for Food Safety is national, non-profit, membership organization, founded in 1997, that works to protect human health and the environment by curbing the use of harmful food production technologies and by promoting organic and other forms of sustainable agriculture. On the web at: <http://www.centerforfoodsafety.org>

# THE ECHO TIMES

## COM's organic growth: farming classes burgeoning with students

### Program taps latest natural, sustainable methods

William Kennedy

11/4/09

Every week at College of Marin's Indian Valley campus, dozens of students work on an organic farm nestled in the Novato hills. This picturesque setting, with its multicolored flowers, lush green cabbage and delectable fruits and vegetables, boasts an ideal environment for the college's new sustainable agriculture program.

"If you would have tried this program 10 years ago no one would have shown up," said farm manager Bethallyn Black.

Today, however, organic farming ranks as one of the fastest-growing and most popular subjects at COM.

In August 2009 the program received a two-year Chancellor's grant of \$374,254, cementing its future at COM, "This was the amount of money we needed to kick it off," said Conservation Corps North Bay Director Marilee Eckert.

The brainchild of Eckert, former U.C. Coop Extension director Ellie Rilla and COM dean of workforce development Nanda Schorske, their vision of a sustainable agricultural center along Highway 101 has been five years in the making. In October 2008, COM leaped on board by donating land, which COM students and CCNB employees helped develop.

These commitments, coupled with donations from industry partners including St. Anthony Farm in Sonoma, Treemasters and Sonoma Compost, meant COM had enough



Media Credit: Nick Madden  
Students Macia Harding (left) and Larken Bradley prepare for planting at College of Marin's organic farm, situated within the idyllic Indian Valley Campus.

support to create the first two-year Sustainable Agriculture certificate program in California. It is still a work in progress, Black said. "This is all being invented as we go."

Black and others hope to use the program as a blueprint that will eventually pave the way for other schools to build farms of their own.

Even though the program is still new and there are kinks that still require ironing out-like the need to establish models for selling crops and building a processing shed- Black has already received calls from people interested in hiring program graduates to create and manage farms. Farm managers can easily rake in salaries of up to \$80,000 annually, but the focus here, according to Black is not the money.

"I would love for people to learn to grow quality food," Black said. "The goal of the program is getting the students the skills to do so."

From the very first classes offered last spring in areas like sustainable gardening, organic farming, landscape design and insect and pest management, students have grasped enthusiastically for any spot they can get in the program. With an estimated 185 students enrolled and another 37 sitting on a waiting list, "Classes fill up the day they open," Eckert said.

Over the semester, students and faculty, explore every aspect of farming, from planting, growing and harvesting to the cleaning, packaging and selling of crops, making the experience much more than an academic pursuit. It has become a way of life.

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September 30, 2009

# **Landmark Agreement to Remove 4 Klamath River Dams**

By COLIN SULLIVAN of Greenwire

SAN FRANCISCO -- In a development that could herald the largest dam removal in modern history, 29 parties signed a draft agreement today to destroy four dams on the Klamath River to restore salmon and steelhead runs that have been partially blocked for the better part of the past century on the California-Oregon border.

The agreement is the product of years of often bitter negotiations among electric utilities, government officials, commercial fishers, farmers, native tribes and environmental groups. It calls for the breaching and removal of four Klamath River hydroelectric plants owned and operated by PacifiCorp.

PacifiCorp, which is owned by Warren Buffett's Berkshire Hathaway Inc., appears ready to go along with the agreement when -- and if -- officials from Oregon, California and the Interior Department make the pact official through a number of policy measures.

"If the federal government and the states of California and Oregon sign onto this negotiated final settlement, then we will join with them and all the other stakeholder groups that may choose to sign this agreement," said Greg Abel, chairman and CEO of PacifiCorp.

Abel went on to say his company's top priority is "to keep our customers out of legal harm's way and keep their costs and risks as low as possible when compared against the option of relicensing the dams."

Translation: PacifiCorp executives appear ready to remove the dams rather than pursue expensive fish-saving modifications that would have cost the utility more than \$300 million. A study by the California Energy Commission determined that dam removal would cost about \$100 million less than the modifications.

The Klamath River was once home to one of the most vibrant salmon runs in the West. But since the first dam was erected in 1908, the region has been host to a nasty battle over water rights, with wildlife and commercial fishers ultimately bearing the worst scars as regulators were forced to repeatedly close salmon fishing along 700 miles of the Oregon-California coast.

Officials from the Interior Department, the National Marine Fisheries Service, the California Department of Fish and Game, and the Oregon Department of Fish and Wildlife were listed as signatories on a copy of the agreement secured by E&E last night. Also on the list were a number of environmental groups, native tribes, and irrigation and water districts in both states.

“If it was not for the good-faith efforts of a wide range of stakeholders and the engagement of the public, we would not have reached this milestone” Interior Secretary Ken Salazar said in a press release. “It is vital that all parties stay engaged, lend their ideas and views on this draft agreement and – importantly – complete the Klamath Basin Restoration Agreement as well.”

California Gov. Arnold Schwarzenegger (R) and Oregon Gov. Ted Kulongoski (D) signaled official support today in complementary statements. "The agreement calls upon each of us to do our part," said Kulongoski, whose constituents would largely finance the effort.

But before actual dam removal can take place, the deal calls for the secretary of the Interior to confirm by March 31, 2012, that the project is in the public interest. After that takes place, PacifiCorp would transfer title of the dams to the federal government, which would oversee their destruction.

Under the agreement, PacifiCorp's ratepayers in Oregon would foot much of the bill, contributing up to \$200 million for dam removal and river restoration. The agreement calls for proceedings at the Oregon and California public utilities commissions to raise money for removal through customer surcharges.

Oregon ratepayers would be responsible for up to \$184 million of the project's cost. California ratepayers would be on the hook for far less, at no more than \$16 million of the total cost.

If the project's costs go higher, the California Legislature would be expected to pass a bond for an additional \$250 million, which is no easy feat in Sacramento's budget-constrained environment. Most estimates peg the cost of dam removal at no more than \$200 million, making the bond issue unlikely.

Steve Rothert, California director for American Rivers, said today's signing means "the finish line is in sight." The group insists that PacifiCorp will be able to replace the lost power, which serves about 70,000 customers, with efficiency and renewable power.

"When the Klamath dams come down, it will be the biggest dam removal project the world has ever seen," Rothert said.

Glen Spain, of the Pacific Coast Federation of Fishermen's Associations, reiterated the same feeling that a breakthrough had been reached and said the draft represents "nearly nine years total of negotiations over the fate of these dams."

"And I am feeling every meeting," Spain wrote in an e-mail.



# Deal to raze 4 Klamath dams

Peter Fimrite, Chronicle Staff Writer

Wednesday, September 30, 2009



In what is being touted as the world's biggest dam-removal project, an agreement was reached Tuesday to remove four dams on the Klamath River and restore a 300-mile migratory route for California's beleaguered salmon.

The tentative agreement was reached after a decade of negotiations among 28 parties, including American Indian tribes, farmers, fishermen and the hydroelectric company that operates the dams and distributes the water. The plan would set in motion one of the most ambitious efforts in U.S. history to restore the habitat of a federally protected species if it receives final approval by the parties in December, as expected.

The dams - Iron Gate, Copco 1, Copco 2 and J.C. Boyle - have blocked salmon migration for a century along the California-Oregon border and have been blamed for much of the historic decline of chinook and coho salmon and steelhead trout in the Klamath. Under the plan, the dams operated by the utility, PacificCorp, would be dismantled beginning in 2020.

The ultimate goal of the so-called Klamath Hydroelectric Settlement Agreement is to restore what has historically been the third-largest source of salmon in the lower 48 states, behind the Columbia and Sacramento rivers. Chinook once swam all the way up to Upper Klamath Lake in Oregon, providing crucial sustenance to American Indians, including the Yurok, Karuk, Klamath and Hoopa Valley tribes.

"This is the deal that we have all been working on for 10 years," said Steve Rothert, the California director of American Rivers, a national nonprofit river conservation group. "There were a lot of people who didn't think we could do this, and some groups that worked actively to prevent it. It's fantastic that we've reached this spot."

The groups involved in the negotiations agreed Tuesday to take the proposal to their various boards and commissions for approval and then have everybody sign the final document in December.

The project, which would cost an estimated \$450 million, is then expected to go through nearly three years of study and cost analysis before it lands on the desk of Interior

Secretary Ken Salazar in 2012. "This agreement marks the beginning of a new chapter for the Klamath River and for the communities whose health and way of life depend on it," Salazar said Tuesday in a written statement. "This agreement would establish an open, scientifically grounded process that will help me make a fully informed decision about whether dam removal is in the public interest."

Serious talk of removing the dams began in 2002 after a federally ordered change in water flow led to the death of 33,000 salmon in the river.

The effort picked up momentum over the past few years after devastating declines in the number of spawning salmon in both the Klamath and Sacramento river basins. The paltry number of fish forced regulators to ban virtually all ocean fishing of chinook salmon in California and Oregon over the past two years.

The four midsize dams were built along the Klamath's main stem starting in 1909, blocking off about 300 miles of salmon-spawning habitat. The dams warmed the river water, allowing destructive parasites and blooms of toxic, blue-green algae to contaminate the water. Water diversions to cities and for agriculture exacerbated the problem, according to fishery biologists.

The various tribes with rights to the river have been battling for years to get the dams removed. Fishermen and environmentalists rallied to their side, but PacifiCorp and farmers along the Upper Klamath Basin fought the effort and even sought to extend the hydropower lease.

Some agricultural groups still oppose the plan out of fear that it would limit irrigation and raise the cost of energy, and a few claim it is little more than a giveaway to environmental interests, but most of the stakeholders now at least support moving forward.

"I cannot adequately say how impressed I am by everyone's ability to put aside their differences," said Craig Tucker, spokesman for the Karuk Tribe. "There is a long history of not getting along, of fighting over water rights. Now we are optimistic."

PacifiCorp has pledged to raise \$200 million of the cost of removing the dams by implementing a surcharge on its customers in California and Oregon, but the bulk of the money would come from Oregon.

Tearing down the dams is expected to cost less than making the improvements necessary to comply with the federal Clean Water Act and Fish and Wildlife Agency regulations, which would require, among other things, the construction of fish ladders and screens. The utility would have to get certification from both states under the Clean Water Act to continue operating the dams, a potentially difficult proposition given the algae problems.

"We've really looked at this as a business deal, and we believe it is in the best interests of our customers," said Dean Brockbank, vice president and general counsel for PacifiCorp.

"The agreement we have now is a collaborative effort, and we believe it beats all of the alternatives."

California would raise another \$250 million from voter-approved general obligation bonds.

**Coming thursday:** Decades after decimating salmon and spurring numerous lawsuits, Friant Dam will begin releasing more water into the San Joaquin River - California's second largest.



Thomas Willson, a Yurok Tribe member, fishes in the Klamath River, where salmon populations have sharply declined.

Photo: Michael Macor / The Chronicle







Copco 1 is one of four dams on the Klamath River that would be removed under the tentative agreement.

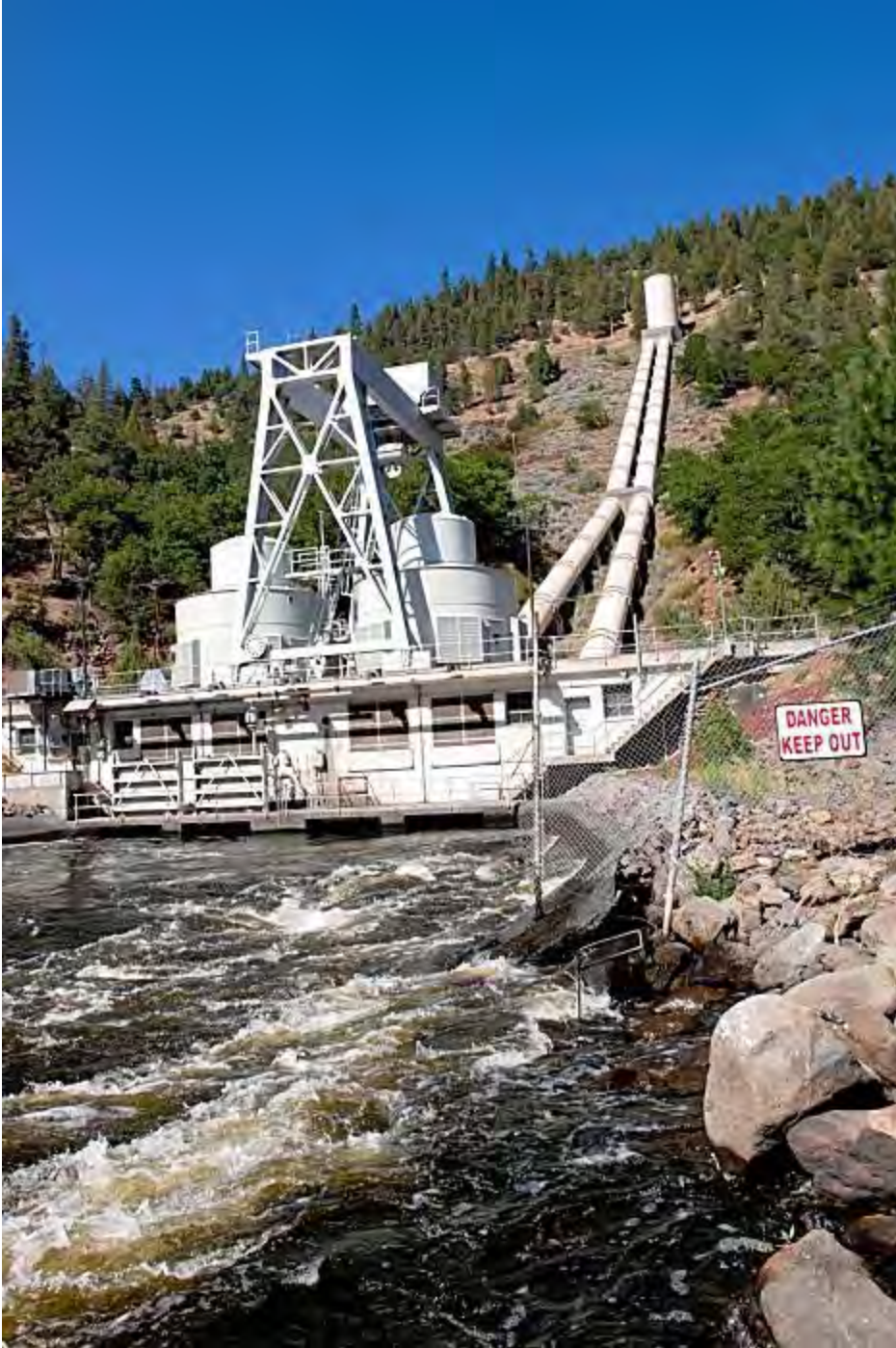
Photo: Jeff Barnard / AP



Water not diverted by the J.C. Boyle Dam flows back into the Klamath River near Keno, Ore. Dam owner PacifiCorp announced a tentative agreement to remove the Boyle and three other dams it owns on the Klamath River, marking the latest milestone in efforts to restore what was once the third biggest salmon run on the West Coast.

Photo: Jeff Barnard / AP





Water flows back into the Klamath River outside Keno, Ore., after being diverted by J.C. Boyle Dam upstream and running through the powerhouse shown here to make electricity. PacifiCorp announced the terms for giving up four hydroelectric dams on the Klamath so they can be removed by the government to help struggling salmon runs.

Photo: Jeff Barnard / AP





Iron Gate Dam spans the Klamath River near Hornbrook, Calif. The dam is one of four that PacifiCorp has tentatively agreed to allow removed to help struggling Klamath River salmon.  
Photo: JEFF BARNARD / AP



Copco 2 Dam regulates outflows from Copco 1 upstream on the Klamath River near Hornbrook, Calif. PacifiCorp has tentatively agreed to allow this and three other dams to be removed from the Klamath to make way for restoration of struggling salmon runs.  
Photo: Jeff Barnard / AP





Water trickles down the face of Copco 1 Dam on the Klamath River near the Oregon-California border outside Hornbrook, Calif. PacifiCorp, the owner of the 137-foot concrete arch dam, announced terms of a tentative agreement to remove this and three other dams.  
Photo: Jeff Barnard / AP

# W.Va. meet led to Klamath dam removal, salmon aid

By JEFF BARNARD, AP Environmental Writer

Wednesday, September 30, 2009

(09-30) 16:01 PDT Medford, Ore. (AP) --

The turning point toward removing four Klamath River dams in Oregon and California to restore struggling salmon runs came in the little Shenandoah Valley town of Shepherdstown, W.Va.

Michael Bogert, an aide to then-Interior Secretary Dirk Kempthorn, summoned representatives of PacifiCorp and the governors of Oregon and California to the U.S. Fish and Wildlife Service National Conservation Training Center there in May 2008. They would find a way to peace in the Klamath after decades of battling over water, fish, power and farming.

"We relicense our hydro projects — that's the regular course of business," PacifiCorp Vice President and General Counsel Dean Brockbank recalled Wednesday after the Portland-based utility announced it had agreed to terms for removing the dams.

"In this case, Gov. (Ted) Kulongoski, Gov. (Arnold) Schwarzenegger, and at that time Secretary Kempthorn made it very clear from a public policy point of view that they did not want these dams relicensed. They wanted the dams removed as part of a larger (Klamath) basin settlement and restoration program.

"Once that became abundantly clear, we shifted our framework from relicensing to settlement involving a possible dam removal framework."

Kempthorn said from Washington, D.C., that he did not initially want the dams removed, but President George W. Bush wanted a resolution to the long-standing water crisis, and he was determined to find an agreement that would be a good business decision for PacifiCorp.

"I think that was an attitude change, maybe a game-changer," he said.

A key element was the federal government agreeing that some other entity besides PacifiCorp would take out the dams, Brockbank said.

"Up until that point, people talked aspirationally about taking dams out," he said. "But PacifiCorp was not going to take the dams out. One of our fundamental negotiating principles was someone else has got to take that burden on."

PacifiCorp has agreed to terms for removing four hydroelectric dams on the Klamath that produce enough power for 70,000 customers. If they actually come out sometime after 2020, it will open some 300 miles of river to salmon for the first time in a century. Conservation groups have characterized it as the biggest river restoration effort ever.

The utility, a unit of Omaha, Neb.-based Berkshire Hathaway Inc., is expected to sign the draft agreement by the end of the year.

The deal sets a cap of \$450 million for dam removal. Oregon has agreed to a surcharge of \$180 million on Oregon customers of PacifiCorp. California must still approve bonds to cover the rest. Meanwhile, PacifiCorp has agreed to spend \$500,000 a year for the next 10 years on restoration of coho salmon habitat in California tributaries of the Klamath River.

The focus now shifts to getting farmers, American Indian tribes, salmon fishermen, conservation groups and others to sign onto a \$1 billion proposal for restoring the Klamath Basin.

The draft agreement includes water and power assurances for irrigators in the upper basin, as well as continued farming on the Tule Lake and Lower Klamath national wildlife refuges — terms that have angered some conservation groups worried that they will limit water for fish and block the restoration of wetlands critical to improving water quality.

Charles Bonham, California director of Oregon Trout, said the support of everyone in the community is necessary for restoration to work.

"We want salmon to be met in Klamath Falls with open arms, not pitchforks," he said.

Federal marshals had to be called to Klamath Falls in 2001 to keep farmers from opening floodgates to the Klamath Reclamation Project, which had been closed so scarce water could be devoted to threatened salmon during a drought.

When the Bush administration restored irrigation the next year, tens of thousands of adult salmon died in the lower river, stranded by low water in warm pools where they were vulnerable to disease.

In 2006, poor returns to the Klamath forced authorities to practically shut down salmon fishing in the ocean off California and Oregon, triggering appropriations from Congress for millions of dollars in disaster assistance to fishermen.

"Society has been incurring great costs already outside the basin for these unresolved issues within the basin," said Mike Carrier, policy director for Kulongoski, the Democratic Oregon governor.

Not all tribes and conservation groups are happy with the way things are going.

"The (agreement) allows PacifiCorp to stall dam removal until a date when all naturally spawning salmon in the river could be dead," Hoopa Tribal Chairman Leonard Master said in a statement. "We cannot afford to wait that long."

Oregon Wild is fighting the deal's link to assurances of steady water supplies for a federal irrigation project and continued farming on two national wildlife refuges.

# Opening the Klamath

Thursday, October 1, 2009



An agreement to demolish four dams on the upper Klamath River is nothing short of amazing. The project will be the largest such removal project on the planet, the risks and advantages are largely unproved, yet a contentious army of interest groups have ended a major fight in the Western water wars.

The removals, handled carefully, could set the stage for a broader change. Four dams on the Snake River in Washington state are being eyed for demolition, and soon fresh flows from Friant Dam near Fresno will fill long-dry sections of the San Joaquin River. These pillars of water policy are ripe for reappraisal.

For the Klamath dams, stretching across the California and Oregon border, the issue is plummeting salmon stocks. Despite a nearby fish hatchery, the dams have cut off 300 miles of fish-rearing habitat for the sake of irrigation and power generation. The fight began in 2002 when water diversions led to the death of 33,000 migrating fish. This year, California has banned open-water salmon fishing to protect salmon.

Ripping out the dams, sensibly, won't happen overnight. By 2020, after lengthy study and more approvals by the Interior Department, the demolition work could begin.

The issues are many. Oregon farmers want water from Klamath Lake at the top of the river. Tribes and fishing groups want steady flows and revived salmon runs, which could come from a dam-free Klamath. The dam's owner, PacifiCorp, will pay up to \$200 million in ratepayer fees for removal, a better price than refitting the dams with fish-friendly ladders and other features.

Taking down the four medium-size structures will be an experiment. Sediment backed up for nearly a century behind the dam walls must be removed lest it run downriver to smother existing salmon-rearing areas. California voters will likely be asked to approve a \$250 million bond measure to pay for other removal costs.

The biggest question of all: Will the restored stretch of river spur the return of salmon to the Klamath, once the third-most productive river after the Columbia and Sacramento? It's a question no one dared to dream of asking before the remarkable agreement reached this week.





The Copco I Dam near Hornbrook (Siskiyou County).  
Photo: Jeff Barnard / AP



## **Agreement Reached On the Klamath River -- Why the Largest Dam Removal Project in History May Be Underway Soon**

**By Dan Bacher, AlterNet**

**Posted on October 1, 2009**

In the largest dam removal project in history, the federal government, three Indian Tribes and 25 other parties released a tentative agreement on September 30 providing for the removal of four Klamath River dams owned by billionaire Warren Buffett's Berkshire Hathaway Company.

The agreement would remove Iron Gate, Copco 1, Copco 2 and J.C. Boyle dams, opening up historic habitat above Iron Gate Dam to the migration of coho salmon, chinook salmon and steelhead for the first time in nearly a century. The Klamath Hydroelectric Relicensing Agreement (KHRA) would provide a pathway that would lead to dam removal in 2020, following an analysis by the Interior Secretary to determine whether dam removal is indeed to the benefit of fisheries and "in the public interest."

"This agreement marks the beginning of a new chapter for the Klamath River and for the communities whose health and way of life depend on it," said Interior Secretary Ken Salazar. "Hats off to all the stakeholders who have worked so hard to find common ground on one of the most challenging water issues of our time. This agreement would establish an open, scientifically grounded process that will help me make a fully informed decision about whether dam removal is in the public interest."

The Yurok, Karuk and Klamath Tribes have supported the process, touting it as an unprecedented opportunity to restore the Klamath, historically one of the West's great salmon and steelhead rivers. The Hoopa Valley Tribe has opposed the pact, calling it an "Old West water deal." Most fishing groups have backed the process, while environmental groups and farming organizations are split over the agreement, with many supporting it and others criticizing it.

"We haven't seen salmon in our country for 90 years; this Agreement represents our best chance of finally bringing the salmon home," said Jeff Mitchell, council member for the Klamath Tribes of Oregon. "Once we decided to stop fighting and start talking, we realized the opportunities provided by collaboration and coalition building."

The Karuk Tribe, Klamath Tribes, Yurok Tribe, American Rivers, Trout Unlimited,

California Trout, Pacific Coast Federation of Fishermen's Associations, Salmon River Restoration Council, Northern California Council of the Federation of Fly Fishers, National Center for Conservation Science and Policy, Sustainable and the Natural Heritage Institute released a joint statement Wednesday morning regarding the agreement. They said the Klamath Basin Tribes, counties, conservation groups, fishing groups, and farming and ranching organizations will consider the "pros and cons" of the Agreement and decide whether or not to support it in the coming weeks. Several groups already appear eager to support it.

"The Klamath River Basin has been used to support farming, local power needs, and commercial fishing for over a century, all at the expense of the health of the ecosystem that supports a wide array of plant and animal species," said Curtis Knight, Mt. Shasta Area Regional Manager of California Trout. "After years of complex negotiations among interest groups and dam owner PacifiCorp, we have come to an agreement that will dramatically change the landscape along the Klamath."

#### The Companion Agreement: Klamath Basin Restoration Agreement

The groups said the KHSA would be complemented by the implementation of a companion agreement, the Klamath Basin Restoration Agreement (KBRA). "Whereas the KHSA focuses on the fate of PacifiCorp's lower four Klamath River Dams, the KBRA significantly increases water flows for fish, provides greater reliability of irrigation water delivery, undertakes Basin-scale habitat restoration, and makes critical economic investments to ensure the economic viability of Basin fishing and farming communities into the future," the groups stated.

"This Agreement represents a major step toward restoring the health of the Klamath River," said Troy Fletcher, negotiator and Yurok Tribal member. "We look forward to working with all Tribal, agricultural, and fishing communities in the Klamath Basin on implementing these solutions."

The groups also noted that the safety of dam removal must be scrutinized through a public environmental review process consistent with all applicable state and federal environmental laws.

"Of course we'd like to see the dams removed tomorrow, but the reality is we must make sure dam removal is as safe as preliminary assessments suggest and that it can be done cost effectively," said Steve Rothert, California Director for American Rivers. "For a restoration action that is simply unprecedented in scale and scope, this is actually a reasonable timeline."

The KHSA is based on the Agreement in Principle (AIP) reached between the federal government, Oregon, California and PacifiCorp, a subsidiary of Buffett's Berkshire Hathaway, in November 2008. It provides for funding up to \$200 million

in dam removal costs by collecting a surcharge from PacifiCorp's Oregon and California customers over the next 10 years. The Oregon legislature earlier this year authorized the customer surcharge. If necessary, the State of California would provide up to \$250 million more towards the cost of removal with the total project costs not to exceed \$450 million, according to the groups.

The groups added that release of the proposed Agreement marks "a significant shift in attitude for many in the basin. Over the past 20 years the Klamath has been marked by bitter and acrimonious debate. The various communities had targeted one another with lawsuits and protests, often marked by acts of civil disobedience, in a failure to truly resolve issues pertaining to water rights, river flows, and economic development."

Greg Able, Chairman & CEO of PacifiCorp, lauded the agreement, describing it as a "balanced and reasonable outcome that best protects the interests of our customers, while achieving the policy objectives of the states and federal government, as well as helping to peacefully resolve numerous conflicts in the Klamath basin."

Luther Horsley, president of the Klamath Water Users Association, emphasized that this agreement is part of a larger package, the Klamath Basin Restoration Agreement KBRA that "will provide meaningful benefits to irrigated agriculture." Horsley applauded Secretary of the Interior Ken Salazar's commitment to complete the remaining work on the KBRA in order that it can be considered together with the Hydro Agreement.

"We look forward to having dedicated time, now that the Hydro Agreement is complete, to update and finalize the KBRA document," said Horsley.

The agreement would not have been possible without the intense political pressure that the tribes and fishing organizations put on Warren Buffett, whose Berkshire Hathaway owns PacifiCorp, at the annual shareholders meeting in Omaha, Nebraska in 2007 and 2008. The tribes and fishermen disrupted the meeting in 2008, unfurling banners and demanding that Buffett sign a dam removal agreement.

After the AIP was reached between the federal government, Oregon, California and PacifiCorp last year, the tribes and fishermen this year went back to the shareholders meeting in late April and early May to thank Buffett and PacifiCorp for signing the agreement.

### Klamath Riverkeeper Gives Agreement A Mixed Review

The Klamath Riverkeeper and other grassroots river advocates reacted to the final dam removal agreement package with mixed emotions.

"We support local stakeholders' efforts to craft an agreement that works for



everyone but it remains to be seen whether this agreement will hold water,” added Terence. “While many of Klamath Riverkeeper’s concerns about the viability and environmental impacts of the draft dam removal agreement have been largely addressed in the final version, some have not.”

In August, Klamath Riverkeeper released a 9-point list of concerns about the 2008 draft deal the Klamath-based non-profit wanted to see addressed before lending its support to the final dam removal agreement (<http://www.klamathriver.org/media/pressreleases/Press-Release-080609.html>).

“Language in the final Hydropower Agreement has improved on many points of concern to us, but we’re also analyzing some new language in the agreement,” said Terence. Klamath Riverkeeper is particularly concerned about a new clause that would give California, Oregon, the federal government and PacifiCorp the power to amend the agreement without the consent of other parties under some circumstances.

Terence emphasized that “it’s crucial that tribes and commercial fishermen are included in decision-making related to this settlement.”

Klamath Riverkeeper also remains concerned with the dam agreement’s compliance with the Clean Water Act and is scrutinizing the agreement to ensure that it upholds water quality requirements laid out in the Klamath TMDL, a Clean Water Act pollution clean-up plan currently being finalized on the mainstem Klamath. Another question left by the agreement is who will pay to clean up poor water quality around Keno Dam, Terence said.

“If our concerns are answered, the Klamath settlement could give us a better shot at getting four dams out by 2020 than any other venue. However, there are other ways to get the dams out including legal and legislative tools, and Klamath Riverkeeper will pursue them aggressively if parties to this settlement don’t follow through with their commitments or the process becomes bogged down dealing with loopholes and delays,” said Terence.

Friends of the River (FOR), a California-based statewide river conservation organization, is critical of the agreement for providing “little certainty” that the Klamath Dams would be removed.

“Although an important step towards restoration of the Klamath River, the draft settlement provides little certainty that PacifiCorp’s fish-killing and polluting dams will be removed by the proposed target date of 2020,” said Steve Evans, FOR Conservation Director. “It’s going to take a lot more work and effort by all parties to ensure that the dams are actually removed and the Klamath River salmon are restored in our lifetime.”

Despite its flaws, he said FOR will seriously consider signing the proposed settlement agreement. “If we don’t sign the agreement, we won’t be at the table to

protect the public interest and advocate for swift removal of the dams,” Evans explained.

#### Hoopa Valley Tribe, Water Watch Oppose Pact

The Hoopa Valley Tribe on the Trinity River, the Klamath's largest tributary, said the dam removal deal was "no cause for celebration," criticizing it for failing to include Trinity River protections.

"We all agree dam removal is necessary for the improvement of Klamath-Trinity basin health, and the recovery of salmon runs," said Mike Orcutt, Hoopa Tribal Fisheries Director. "But the theme of putting the business needs of PacifiCorp above area of origin and tribal water rights concerns us."

He claimed that attempts by the Hoopa Tribe to protect the Trinity River Restoration Program during negotiations were ignored in the final KHSA. A Department of the Interior representative made note of the unfinished business with Hoopa in his closing remarks yesterday in Portland.

"We've seen, with the 2002 fish kill, the lack of honor the government has for their promises," said Daniel Jordan, Hoopa Valley Tribe Self Governance Officer. "They continue to undermine the science, which in turn, undermines the scope of trust responsibilities to the Tribe."

The Tribe added that the "deal also requires signatories to approve a companion agreement, the Klamath Basin Restoration Agreement, a water deal that undermines tribal fishery based water rights and provides assurances for all parties except tribes and fish."

WaterWatch of Oregon also slammed the final draft dam removal plan, claiming that it protects the dam owner and agribusiness while leaving fish and wildlife at risk.

"The agreement announced today is not an agreement to remove the Klamath dams, but an agreement to go through a lengthy process to determine whether or not to remove any dams," said WaterWatch staff attorney Bob Hunter. "The agreement is riddled with escape routes for the dam owner, and provides no guarantees that the dams will actually come out."

#### Groups Oppose Governor's Attempt to Link Klamath Dam Removal to Peripheral Canal

One of the biggest obstacles in the campaign by tribes, fishing groups and environmentalists to remove the dams has been Governor Arnold Schwarzenegger's

insistence that Klamath Dam removal be linked to a multi-billion dollar general obligation water bond that would build a peripheral canal and Temperance Flat and Sites Reservoirs.

The canal is strongly opposed by a broad coalition of fishing groups, conservation organizations, Indian Tribes, farming organizations and Delta residents. Opponents of the canal and new dams will strongly contest any final Klamath dam removal agreement that leads to the destruction of imperiled Central Valley salmon and Delta fish populations.

When the federal government, California, Oregon and PacifiCorp signed the AIP last November, Schwarzenegger used the announcement as an opportunity to link Klamath Dam removal with building of the canal and dams. "Now, let me just say that we all know that we have a very serious water problem in California and, of course, we want to make sure that we build more water storage, above-the-ground and below-the-ground water storage, but they have to be strategically located," stated Schwarzenegger. "So this is why it is important that we continue building those, even though we want to take four down."

Gov. Schwarzenegger on Wednesday morning praised the agreement and, at least this time, didn't include any link between Klamath Dam removal and building a peripheral canal and dams.

"Restoring the Klamath River is one of my top environmental priorities, and I am very happy to announce that the negotiating team has taken a tremendous step forward toward completing a preliminary agreement that will make possible the removal of the four dams blocking salmon passage," said Schwarzenegger.

"California has been a leader in bringing all 26 parties, ranging from Klamath Basin tribal governments to ranchers, and environmental groups to commercial fisherman, to the point where they will recommend the agreement to their organizations. The draft agreement not only addresses the unique needs of each of these very diverse groups, but also provides a framework for both environmental protection and economic growth in the region."

While Schwarzenegger lauded the dam removal agreement, he has pursued a relentless campaign against Central Valley salmon and Delta fish populations since he took office. Increased water exports from the California Delta and decreasing water quality under his administration have resulted in the unprecedented collapse of Sacramento River salmon, Delta smelt, longfin smelt, threadfin shad, striped bass, green sturgeon, Sacramento splittail and other fish populations.

Most recently, Schwarzenegger appeared on the Sean Hannity show to attack the federal biological opinions protecting Delta smelt, Sacramento River chinook salmon, Central Valley steelhead, green sturgeon and the southern resident population of killer whales from plunging into the abyss of extinction.



The Klamath Riverkeeper, Friends of the River and other groups have opposed Schwarzenegger's attempt to link Klamath dam removal with a bond to build the peripheral canal and new dams. "California must support Klamath dam removal on its own merits," summed up Georgiana Myers, Klamath Riverkeeper Community Organizer and Yurok Tribal Member.

For a copy of the Klamath Hydropower Agreement and an Executive Summary, go to [here](#).

## Klamath controversy continues

An agreement to remove four dams has been reached, but barriers remain

By Dan Bacher

This article was published on 10.08.09.

**In the largest dam-removal project in history**, the federal government, three American Indian tribes and 25 other parties released a tentative agreement last week providing for the removal of four Klamath River dams owned by billionaire Warren Buffett's Berkshire Hathaway company.

The Klamath Hydroelectric Settlement Agreement would remove Iron Gate, Copco No. 1, Copco No. 2 and J.C. Boyle dams by 2020, opening up historic habitat above Iron Gate Dam to the migration of coho salmon, chinook salmon and steelhead for the first time in nearly a century.

"This agreement marks the beginning of a new chapter for the Klamath River and for the communities whose health and way of life depend on it," said U.S. Interior Secretary Ken Salazar. "Hats off to all the stakeholders who have worked so hard to find common ground on one of the most challenging water issues of our time."

Nevertheless, the agreement has earned mixed reviews from many of the stakeholders involved, indicating much work still needs to be done before it is approved.

The Yurok, Karuk and Klamath tribes have supported the process, touting it as an unprecedented opportunity to restore the Klamath, historically one of the West's great salmon and steelhead rivers. Likewise, most fishing groups have backed the process.

"We haven't seen salmon in our country for 90 years," said Jeff Mitchell, council member for the Klamath Tribes of Oregon. "This agreement represents our best chance of finally bringing the salmon home."

"The Klamath River Basin has been used to support farming, local power needs and commercial fishing for over a century, all at the expense of the health of the ecosystem that supports a wide



Organizations such as Klamath Riverkeeper support removal of the four dams on the river but remain concerned about the agreement.

PHOTO COURTESY OF KLAMATH RIVERKEEPER

Dan Bacher is the editor of the Elk Grove-based Fish Sniffer magazine and a longtime advocate for fishery restoration in California and the West.

For a copy of the Klamath hydropower agreement and an executive summary, go to [www.edsheets.com](http://www.edsheets.com).

array of plant and animal species,” said Curtis Knight, Mount Shasta area program manager of California trout. “After years of complex negotiations among interest groups and dam owner PacifiCorp, we have come to an agreement that will dramatically change the landscape along the Klamath.”

However, some environmental groups and farming organizations are split over the agreement, and the Hoopa Valley tribe has opposed the pact, calling it an “Old West water deal.”

“We all agree dam removal is necessary for the improvement of Klamath-Trinity Basin health, and the recovery of salmon runs,” said Mike Orcutt, Hoopa tribal fisheries director. “But the theme of putting the business needs of PacifiCorp above area of origin and tribal water rights concerns us.”

The Klamath Riverkeeper’s Erica Terence said her group is particularly concerned about a new clause that would give California, Oregon, the federal government and PacifiCorp the power to amend the agreement without the consent of other parties under some circumstances.

“While many of Klamath Riverkeeper’s concerns about the viability and environmental impacts of the draft dam-removal agreement have been largely addressed in the final version, some have not,” Terence said.

Klamath Riverkeeper also remains concerned with the dam agreement’s compliance with the water-quality requirements laid out in the Klamath total maximum daily loads, a Clean Water Act pollution cleanup plan currently being finalized on the main stem Klamath. Another question left by the agreement is who will pay to clean up poor water quality around Keno Dam, Terence said.

Greg Abel, chairman and CEO of PacifiCorp, lauded the agreement, describing it as a “balanced and reasonable outcome that best protects the interests of our customers, while achieving the policy objectives of the states and federal government, as well as helping to peacefully resolve numerous conflicts in the Klamath Basin.”

The KHSA will be complemented by the implementation of a companion agreement, the Klamath Basin Restoration Agreement. Proponents say the KBRA would significantly increase water flows for fish, provide greater reliability of irrigation water delivery and help ensure the future economic viability of the Basin fishing and farming communities.

“Of course we’d like to see the dams removed tomorrow, but the reality is we must make sure dam removal is as safe as preliminary assessments suggest and that it can be done cost-effectively,” said Steve Rothert, California field office director for American Rivers. “For a restoration action that is simply unprecedented in scale and scope, this is actually a reasonable timeline.”

## **New USDA program promotes local food**

Miriam Morgan, Chronicle Food Editor

Sunday, September 20, 2009

Eating locally grown food has become a mantra for Bay Area consumers who flock to farmers' markets and eat at restaurants with menus that tout purveyors and their products.

Now, the U.S. Department of Agriculture is tapping into the same zeitgeist with a new program, "Know Your Farmer, Know Your Food."

It's designed to combine ongoing programs with new ones, all in an effort to build stronger local and regional food systems.

"Reconnecting consumers and institutions with local producers will stimulate rural economies, improve access to healthy, nutritious food and decrease the amount of resources to transport our food," Agriculture Secretary Tom Vilsack said in a press release.

The program is also designed to eliminate structural barriers that have prevented local food systems from thriving.

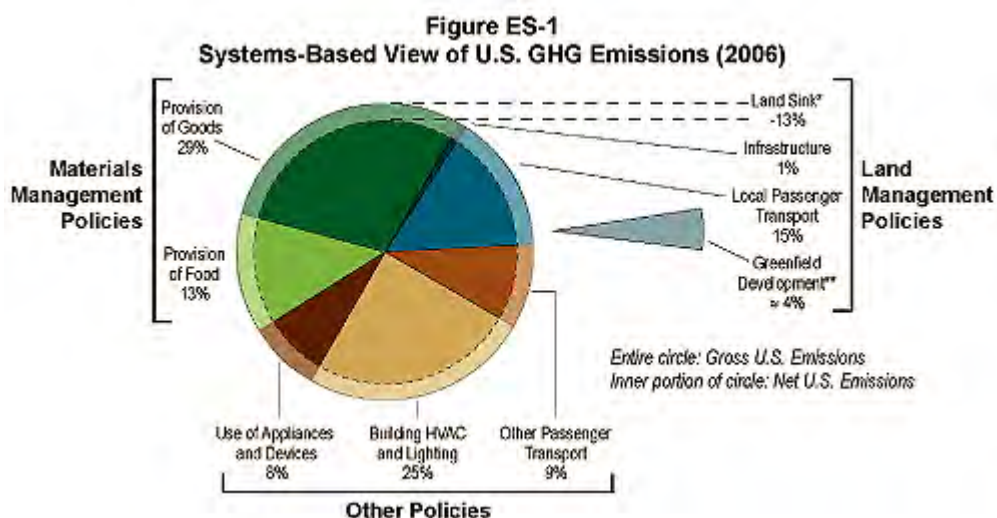
The initiative began with \$65 million in new funding, much of it coming from allocations in the 2008 Farm Bill. Grants announced Thursday included awards to People's Grocery and Mandela MarketPlace, Oakland community groups that work to bring more fresh food into underserved communities.

Other "Know Your Farmer" programs are expected to roll out over the next several months. The department is also seeking comments via e-mail at [KnowYourFarmer@usda.gov](mailto:KnowYourFarmer@usda.gov) and at [youtube.com/usda](http://youtube.com/usda).

September 21, 2009, 8:11 am

## E.P.A. Report Suggests Waste Reduction and Recycling Reduces CO2 Emissions

By JOHN COLLINS RUDOLF



E.P.A. A new E.P.A. study examines the greenhouse gas impacts of the way Americans obtain, deliver and dispose of goods. The full report, including this chart, can be found [here](#).

A [new report](#) from the United States Environmental Protection Agency suggests that way Americans procure, produce, deliver and dispose of goods and services — what the agency refers to as “materials and land management” — accounts for 42 percent of the nation’s greenhouse gas emissions.

The study took stock of the emissions generated by land use, food and product production across the entire life cycle — from resource extraction (think mining, agriculture and forestry) to manufacturing, packaging, transportation and ultimately disposal.

The report breaks from conventional analyses of greenhouse gas emissions, which typically focus on sectors such as transportation or electricity generation. According to Joshua Stolaroff, a former science and technology policy fellow with E.P.A.’s Office of Solid Waste and Emergency Response and the report’s lead technical author, it suggests

that emissions savings from waste reduction, recycling and improved product design can be significant.

“These are things that were essentially considered small or zero in terms of how important they are to the climate change mitigation toolbox,” said Mr. Stolaroff.

Doubling the recycling of construction and demolition debris, for example, would result in an emissions savings of 150 million metric tons of CO<sub>2</sub> equivalent per year, equal to the entire annual carbon emissions from the state of North Carolina, the study found.

Reducing product packaging by half could also reap significant benefits – as much as 105 million tons of CO<sub>2</sub> equivalent per year. Increasing the lifespan of personal computers by 25 percent, meanwhile, could reduce greenhouse gas emissions in the United States by 15 million tons of per year.

“Extending the life of products in general is probably a huge opportunity,” said Mr. Stolaroff.

The E.P.A. report was released in tandem with a similar report, also written by Mr. Stolaroff, from the Product Policy Institute, a nonprofit group focused on promoting sustainable production and consumption. In the Product Policy Institute report, Mr. Stolaroff, citing statistics from his E.P.A. report on the carbon impact of products and packaging, pushed for state, local and federal government adoption of “Extended Producer Responsibility” laws, which hold manufacturers responsible for the afterlife of their products.

Similar laws have been adopted in Western Europe, Canada and other countries. In the United States, a number of states and New York City require electronics manufacturers to pay a fee for the future disposal or recycling of their products.

Advocates for increasing producer responsibility also seized on the E.P.A. report as proof that stronger policies were needed to reduce waste and bolster recycling. “This just verifies what we thought all along,” said Heidi Sanborn, the executive director of the California Product Stewardship Council, a nonprofit advocacy group.

“Manufacturers need to reduce the lifecycle cost of their products.”

# Everything You Know About Going Green Is Wrong

**Why driving the most fuel efficient car and buying the most energy efficient appliance matter much less than we think. (Hint: It's all about stuff.)**

What if that brand new Prius is worse for the environment than a 1995 Chevy Suburban, despite getting [38 more miles to the gallon](#)?

What if that sirloin, shipped to the steakhouse from a newly deforested pasture in the Amazon, means less to the global climate than a hill of individually wrapped jellybeans?

What if using that old avocado-green clothes washer turned out to be better for the environment than the brand new [Energy Star model](#)?

These are the types of thoughts one thinks after reading two recent reports by Joshua Stolaroff, who could do far more to turn "going green" on its head than your average faceless bureaucrat.

Stolaroff was at a low enough level at the Environmental Protection Agency when he wrote [Opportunities to Reduce Greenhouse Gas Emissions through Materials and Land Management Practices](#) that he can't even "speak for the agency" when discussing it. The Product Policy Institute, which published is next paper, [Products, Packaging and Greenhouse Gas Emissions](#) encouraged him to talk, but the only reporters who sat in on his recent press call were writing for publications serving readers in the solid waste industry. (The second paper was like the first, but included a key addition: Consideration of the greenhouse gas emissions embodied in imported goods, not just domestically produced items.)



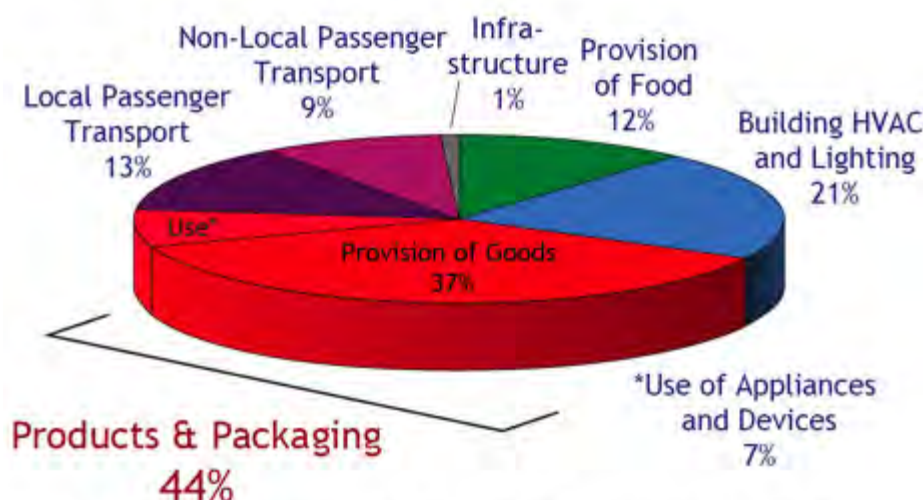
The reports have the same conclusion: the stuff we buy and the packaging that comes with the stuff we buy represent our biggest contribution to global warming – far more so than the amount of electricity our stuff uses, or the amount of fuel our stuff burns on the highway.

As a nation, the products we buy, and the plastic and paper those products are packaged in, account for 44% of our greenhouse gas emissions – dwarfing all other sources of pollution. It's all about stuff. Good stuff, bad stuff, fuel-efficient stuff, organic stuff: The problem is too much stuff.

Powering every AC unit, boiler and hot water heater in the United States adds up to less than half the impact of our stuff – just 21%. Driving our cars, or – why not? – Hummers, as the case may be, accounts for just 13%,



and food just 12%. Even all our guilt-ridden globe-trotting vacations and every one of those celebrity private jet trips – "non-local passenger transport" in the parlance of these reports – account for just 9% of all global warming pollution produced by the United States. And, in a note that makes you want to gouge out both eyes with an electric fork, the electricity used to run all our appliances amounts to just 7% of our nation's greenhouse gas emissions.



**Figure 2: U.S. Greenhouse Gas Emissions: Systems-based view including emissions embodied in international trade.**

(Provision of Goods: all consumer goods including building components and vehicles.)

The papers are written for policy wonks, encouraging such practices as lifecycling responsibility for manufacturers, so that the cell phone you buy today is dismantled and remade by the same company that manufactured it. "There's enough evidence

here that we should institute policies around products or materials to control greenhouse gas emissions," Stolaroff said.

Good advice. But what about us?

Even as an expert on the topic, Stolaroff was surprised by the way the report affected him. "In the process of the report I became convinced that recycling is much more important than I thought it really was," he said. "Particularly appliances, cars,

electronics and construction and demolition debris – those turn out to be pretty important. I never really thought about that. We hear a lot about recycling containers, but we're much less advanced in terms of recycling durable goods, like building debris and furniture. There's lots of potential to prevent greenhouse gas emissions."

Which isn't to say that energy efficiency doesn't matter (or that other studies don't [contradict some of these findings](#)) ... but Stolaroff's studies suggest that the types of products we buy and how much stuff we buy in the

first place matter most. Choosing to buy products made from recycled materials, that can be [repaired](#) or recycled -- or choosing to [rent](#) what we don't need to buy ... these amount to some of the most important choices we make for the environment.



November 16, 2009

## **National League of Cities Adopts Producer Responsibility Resolution**

SAN ANTONIO, TX – The US National League of Cities (NLC) adopted a resolution calling for producer responsibility for managing discarded products and packaging at their 86th Congress of Cities & Exposition. The resolution also urges Congress “to protect and support the ability of local and state governments to establish producer responsibility legislation.”

### **BACKGROUND**

Product Stewardship – also known as Extended Producer Responsibility, or EPR -- is a policy approach whereby product manufacturers are primarily responsible for the life cycle impacts of their products. The goal of producer responsibility policies is to transfer waste management costs from taxpayers and ratepayers to producers and consumers and thereby stimulate innovation in more sustainable products and packaging. Producer responsibility has also been identified as an important strategy to address climate change goals.

The National League of Cities serves as a resource to and an advocate for the more than 19,000 cities, villages, and towns it represents. Product Policy Institute provided input on a draft of the resolution.

### **QUOTES**

“NLC’s support for the Principles for Product Stewardship calls attention to the harmful effects of consumer waste and the need to reduce a product’s life-cycle impacts. This resolution supports local government efforts to reduce adverse health and environmental impacts from consumer products by promoting responsibility by manufactures. Manufacturers and others along the product chain who take steps to reduce the environmental impact of their products, such as creating and financing take-back programs, reducing packaging, and designing products to be less toxic and easier to recycle, will also assist local governments in their efforts to reduce waste management costs by reducing the amount of trash directed to landfills.”

- **Claude Mattox**, Council Member, Phoenix, Arizona, chair of the NLC Energy, Environment and Natural Resources Committee.

“I was excited to support this resolution. The producer responsibility policy approach harnesses the tremendous capacity of capitalism and turns it towards cleaning up our environment. Internalizing disposal costs in product prices will stimulate innovation and new ideas.

- **Sandra Colvin Roy**, Council Member, Minneapolis, Minnesota; member of the NLC Energy, Environment and Natural Resources Committee.

"This resolution empowers local governments by speaking with one voice on the need for waste policy reform. It tells Congress to protect producer responsibility legislation at the state and local levels."

- **Heidi Sanborn**, Product Policy Institute Outreach Director and Executive Director of the California Product Stewardship Council. Sanborn addressed the NLC annual conference workshop on Product Stewardship.

## RESOLUTION

- <http://www.productpolicy.org/content/local-epr-resolutions>

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### **About National League of Cities**

The National League of Cities is the oldest and largest national organization representing municipal governments throughout the United States. Its mission is to strengthen and promote cities as centers of opportunity, leadership, and governance. Working in partnership with the 49 state municipal leagues, the National League of Cities serves as a resource to and an advocate for the more than 19,000 cities, villages, and towns it represents. More than 1,600 municipalities of all sizes pay dues to NLC and actively participate as leaders and voting members in the organization. For more information, visit [www.nlc.org](http://www.nlc.org)



### **About Product Policy Institute**

Product Policy Institute is a North American non-partisan, non-profit research, communication, and educational organization. Founded in 2003, PPI works with communities and their local governments to advocate for public policies that protect public health and safety and address climate change by encouraging waste prevention and clean production. PPI helped local governments establish Product Stewardship Councils in California, New York, Texas and Vermont, and is currently working in other states. For more information, visit [www.productpolicy.org](http://www.productpolicy.org). P.O. Box 48433, Athens, GA 30604 \* Tel: 706-613-0710 \* [info@productpolicy.org](mailto:info@productpolicy.org)



November 22, 2009

## **Black Friday Tarnishes the Globe**



### **Policy Institutes Challenge Obama, Global Leaders; Link Shopping and Climate Change**

#### **CONTACTS**

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ATHENS, GEORGIA USA (November 23, 2009) -- All those products and packaging about to be consumed during the world's biggest shopping day will have a major effect on climate change. This finding is derived from complementary reports recently released by the U.S. Environmental Protection Agency and the Product Policy Institute (PPI).

On the heels of these reports, PPI and the Post Carbon Institute are issuing a challenge to world leaders assembling next month to discuss a unified global response to climate change: make producers responsible for the greenhouse gas emissions associated with their products and packaging throughout the product's entire life-cycle, from "cradle to cradle."

#### **THE PROBLEM**

**Production, consumption and disposal of the huge quantity of short-lived products and packaging used in the United States contribute 44% of all U.S. greenhouse gas impacts**, according to the PPI report (written by the same technical author as the US EPA report).

These emissions have a dangerous impact on the Earth's climate.

"If we're serious about tackling global, we need policies that drive better product design and management at end of life," says Bill Sheehan, Executive Director of PPI and a Post Carbon Institute Fellow. "Reducing impacts from production and consumption of throw-

away products offers the single largest opportunity to combat climate change. The best point to apply leverage is with the producer, who controls product design and marketing.”

## THE OPPORTUNITY

Popularly known as “Black” Friday due to the massive traffic jams and over-crowded sidewalks resulting from a crush of frenzied shoppers, this year’s day-after-Thanksgiving shopping spree is of special significance. It lands only ten days prior to the start of COP15, the United Nations Climate Change Conference being held in Copenhagen. The gathering will be the world’s largest meeting of legislators trying to tackle the economic and social effects of a warming planet. An agreement in Copenhagen to take strong, decisive action to combat climate change also has the potential to jumpstart the moribund global economy. If producers were required to ensure environmentally sound stewardship of their products and packaging, this would create local economic opportunities and green jobs in recycling and repair services in communities all over the world where the products now become waste.

## THE CHALLENGE

Product Policy Institute challenges nations and municipalities to adopt policies that make brand-owners responsible for ensuring sound environmental stewardship of their products, from creation to disposal. The policy approach, known as Extended Producer Responsibility (EPR), influences green design of products and packaging and reduces waste – and in so doing, reduces greenhouse gas emissions. EPR requirements give producers an incentive to design products that close the loop by being easy to repair, reuse, and recycle. EPR is a well-established policy in Canada, Europe, Japan, and South Korea and is poised for broader adoption.

**Download PPI White Paper:** [http://bit.ly/GHG\\_report](http://bit.ly/GHG_report)

**Download EPA Report:** <http://bit.ly/EPA-rpt>

**Download NY Times article:** <http://bit.ly/jg0gI>

**About Product Policy Institute:** Product Policy Institute is a North American not-for-profit education and technical assistance organization. PPI’s **mission** is to prevent waste and promote sustainable production and consumption practices through good public policy and governance. Founded in 2003, PPI works with communities and their local governments to advocate for public policies that protect public health and safety and address climate change by encouraging waste prevention and clean production. PPI is an affiliate of the Post Carbon Institute. P.O. Box 48433, Athens, GA 30604  
[info@productpolicy.org](mailto:info@productpolicy.org) Web: <http://www.productpolicy.org>

**About Post Carbon Institute:** Post Carbon Institute has gathered 28 of the world's leading experts, including the Product Policy Institute, to point the way forward through a systems oriented, interdisciplinary, and collaborative approach. Through strong, collaborative partnerships with the Transition Town movement and other leading innovators, the Institute work to transform lives and communities through a powerful combination of integrated thinking and replicable direct action.  
500 N. Main St., Suite 100, Sebastopol, CA 95472 Web: <http://www.postcarbon.org>





# What Does It Take to Make an Impact?

September 25, 2009

Twilight Greenaway



**Orwell went down and out in Paris. Today, bloggers and filmmakers are following his lead, taking the plunge into voluntary poverty. To what end?**

**Doing without** is big in the world of food activism. So the fact that Colin Beavan and Michelle Conlin—the couple behind the recently released documentary *No Impact Man*—centered their year-long project to reduce their impact on the environment largely around food will come as little surprise to many.

Beavan and Conlin appeared on the big screen in a handful of major cities this week, and their story—converting to locavorism, learning to compost, discovering their farmers' market, and volunteering in an urban garden—was nothing if not familiar. For all its grandiose promises and dramatic scenes showing the family huddled in their unheated



New York apartment by candlelight, *No Impact Man* may just be the latest high note in a chorus of similar projects.

The 100-Mile Diet made waves several years back, and new variations on that theme, such as the 250-mile Eat Local Challenge, have sprung up all over the country since. This week, in San Francisco, a handful of bloggers are taking the week-long Hunger Challenge, which asks them to cook and eat on \$4 a day (the average amount food stamp recipients spend). Johns Hopkins' Bloomberg School of Public Health wants all Americans to go meatless on Mondays. Even Mark Bittman, whose Minimalist persona implies nothing but ease in the kitchen, has begun acting like a vegan before 6 p.m.

But what exactly does this trend toward cold-turkey abstinence mean?

In his film, Beavan stands in for all those who sincerely believe personal responsibility can compensate for a lack of systematic change if turned up to 11. But his wife Conlin—who most viewers will find compelling—is a useful foil. She deals with Beavan's showy extremism, by cheating, bucking the process, and complaining. And yet, about six months into the family's year-long experiment, we see her perspective start to shift. Conlin begins to embrace their all-local, meatless meals, has a transformative—if not cliché—city-girl experience on a nearby farm, and goes from being a pre-diabetic lover of takeout to learning to roast her own vegetables.

Viewers of the film start to realize that while Beavan, whose drive to "do more good than harm" is stronger than his need for creature comforts, Conlin would never have made this change gradually. But the extreme change managed to open her eyes.

Michael Dimock, the president of the Roots of Change network, blogged earlier this week about a having similar experience while tackling the Hunger Challenge. After the humbling experience of bringing a \$1.50 portion of pasta to an elaborate dinner party at the home of his foodie friends, Dimock wrote:

*I guess the hunger, and the glimpse of a world with much less freedom, has cleared out my mind. I am feeling more empathy and compassion for those who require [food stamps] to eat. It is not just a mental construct today. ... I will become even more committed to food and social justice in the time ahead.*

Like Colin Beavan, who wonders aloud throughout the film whether his stunt will make a meaningful or lasting impression, it's easy to doubt this work. Will it really make a difference? After seeing *No Impact Man*, and considering the larger context of projects like it, I find myself asking, can there really be too many of us doing this work? And can we get enough people to exhibit the same level of commitment?

Drastic measures are sometimes necessary to break the loop, to shift our awareness and behavior. So many mechanisms—Big Food, advertising, U.S. food policy, subsidies—make it easy for us, ensuring we make the wrong choices as eaters, consumers, and citizens. Knowing how all-encompassing and big those forces are makes me wonder just

how large and "extreme" the work might have to be to provide a real counterbalance. Just how many No Impact Men and Women will it take to eliminate hunger, or to really create a sustainable food system?

Sunday, December 06, 2009

## **CRAE: Rules stifle goals**

Need for multiple permits derails some conservation projects

By Wes Sander

Capital Press

SACRAMENTO -- A group of public and private agriculture stakeholders is exploring ways of streamlining the permitting process for landowners participating in conservation programs.

The California Roundtable on Agriculture and the Environment cites a 2007 survey that found two-thirds of conservation workers who engage landowners in conservation projects had scaled back, canceled or avoided projects that require permitting.

Respondents criticized federal, state and local agencies for treating projects intended to benefit the environment no differently from commercial development projects. That discourages many landowners who are trying to do the right thing, said Katy Mamen, a project manager with CRAE.

"One of the problems that needs to be addressed is the multiple permits that these landowners need," Mamen said. "There are so many great projects that are just not happening."

Mamen described CRAE's efforts at a November meeting of the state Board of Food and Agriculture. Board member Marvin Meyers, a San Joaquin Valley farmer, said the permitting process "90 percent of the time is a nightmare."

"Growers would definitely back something like this," Meyers said.

While conservation programs -- like those conducted through the Environmental Quality Incentives Program of the USDA's Natural Resources Conservation Service -- involve federal cost-sharing, the responsibility for permitting rests with the landowner.

The 2007 survey, co-authored by the California Rangeland Conservation Coalition, obtained responses from conservationists with the Natural Resources Conservation

Service, regional conservation-district directors and staff members with nonprofit groups and the U.S. Fish and Wildlife Service.

More than half said permitting difficulties had caused frustrations to landowners and increased projects' cost and completion time. Nearly two-thirds reported project delays, and nearly half reported increases in staff time to help landowners deal with difficulties. Nearly a third said they had discouraged landowners from taking on projects that require permitting.

CRAE -- a collection of environmental and commodity groups and regulatory agencies -- has considered the concept of a regulatory ombudsman, envisioned as a person or office tasked with smoothing the permitting path.

That's an idea that tops the list for stakeholders in the state's ongoing Agricultural Vision project, which seeks to create a guiding document for agriculture policy.

"We have a lot of stories about growers told to do one thing by one agency, and another way by another agency," said Ed Thompson, state director of American Farmland Trust, which the state contracted to conduct the Ag Vision process. "There's a great deal of frustration about this."

Luana Kiger, outreach coordinator with the Natural Resources Conservation Service, said delays in permitting can heavily impact projects.

Any conservation project requires a landowner's investment, and delayed permitting can often cause a landowner to rethink the project's worth, Kiger said.

"I have heard of people who have said it's not worth it, I'm not going to do it," Kiger said.

"Time can be the enemy on restoration projects. If the landowner has money to invest now, it needs to be done now."

## Children's garden takes root at S.F. library

Joe Eaton, Ron Sullivan

Sunday, December 20, 2009



As a rule, libraries don't mix with muddy little hands. But that's what's happening at the San Francisco Public Library's Mission Branch, where a Teaching Garden opened this fall. With the help of a designer and a gardening instructor, interim Children's Room Manager Lia Hillman has turned an unused patio into a unique resource to teach sustainable urban gardening.

Hillman, who's also trained as a chef, was inspired by Mayor Gavin Newsom's directive to assess city properties for food-growing possibilities.

"I was staring at the patio lining the back side of the library," she recalled. She saw possibilities and contacted Nicole Brisebois, youth program coordinator with the nonprofit Garden for the Environment, about starting classes for elementary-school kids. Brisebois jumped at the chance. First, though, they needed a garden.

On a Sunday Street Day, when some of the city's streets are temporarily closed to automobile traffic, Hillman dropped by landscape designer Janet Moyer's outdoor display on Valencia Street and explained what she had in mind. "I could probably get the lumber, the soil and the irrigation system," Moyer's partner Michael Hoffman told her. "Would that be enough?"

"My first concern was who was going to take care of the garden," Moyer said. "With this kind of investment, we wanted to make sure it would be sustainable."

The solution: a satellite-controlled "smart drip" irrigation system, donated by Toro. It was designed for agriculture, but Moyer has been using it for urban clients for four years. The weather stations that collect the data are on various federal buildings in the city. "They send data to a company in Petaluma that interprets it, then sends a message by pager. It gets adjusted every day."

Moyer designed and built a 35-foot raised vegetable bed, from natural redwood: "We made it 15 inches tall so it can provide support for children to reach in, or double as seating. It's just 3 feet wide so the kids can reach in; they don't have to walk on it to maintain it."

"Our facilities department was super-cooperative," Hillman said. "We started planning the garden in August, and it was ready for our first class on Oct. 16."

The Department of Public Works installed a tempered-glass panel to filter the un-scenic alley view. Hillman and Brisebois volunteered at Sunnyside Organics Seedlings in Richmond. "In exchange, the owner gave us as many plants - kale, chard, arugula, cilantro, beets, garlic - as we could fit in Nicole's pickup truck," Hillman said.

Classes are geared to second- and fifth-graders from nearby Marshall Elementary School, most from Spanish-speaking working-class families. The students are participants in an after-school tutoring program run by the local nonprofit Mission Graduates. "The kids are so excited about it," Hillman said. "Some of them normally don't ever get to put their hands in the dirt. The first class was right after a big storm and the ground was really wet. They literally bathed themselves in mud."

Brisebois said the students "get excited about just the smells and the textures." The library provides reusable T-shirts and a hand washing station so those smells and textures don't accompany students inside.

"So far, we've done transplanting and planting," Brisebois said. Seedlings from Sunnyside went into the ground in October, along with garlic bulbs and fava beans. "For the second class, we top-dressed the soil with compost and mulched it with straw and hay from a Halloween pumpkin patch." She plans to make compost on-site with a "worm condo," a stack of bins separated by screens: "When the worms finish one bin, they move up."

December's lesson plan involved maintenance, harvesting and a tasty salad. "They had seconds and thirds, and one wanted a fourth bowl," Hillman said.

In January, Hillman will resume her regular job at the library's Potrero Branch, but Brisebois will work with the Mission staff at least through May. "We should have a really great summer garden with the amount of sunlight we get here," she said. "A couple of students from Garden for the Environment's compost trainer program have volunteered to teach bilingual teen and adult classes."

Other libraries embrace green landscaping, but Brisebois thinks the Mission Branch project is unique: "I haven't heard of a library that's doing something like this. The library gardens of my youth were never edible."

## **Resources**

Janet Moyer Landscaping: [www.jmoyerlandscaping.com](http://www.jmoyerlandscaping.com)

Garden for the Environment: [www.gardenfortheenvironment.org](http://www.gardenfortheenvironment.org)

Joe Eaton and Ron Sullivan are naturalists and freelance garden writers in Berkeley. Check out their Web site at [www.selbornesurveys.com](http://www.selbornesurveys.com) or e-mail them at [home@sfchronicle.com](mailto:home@sfchronicle.com).



Marfeli Luna, a fifth-grader at Marshall School, gets her hands dirty in the garden at S.F. Public Library's Mission Branch.  
Photo: Janet Moyer Landscaping





Children from Marshall Elementary School work in the garden at the Mission Branch library.  
Photo: Janet Moyer Landscaping



A 21st Century Social Contract Between Agriculture & the Public

*ROC President, Michael Dimock, joined former USDA Secretary Dan Glickman and Texas State University food system researcher and author, [Dr. Jimmy McWilliams](#), on a panel for the [Farm Foundation's](#) Agriculture Roundtable on January 8th in San Antonio, Texas. The Roundtable is a national membership organization representing much of the nation's production agriculture leaders. Following their presentation, Glickman, McWilliams and Dimock engaged in a 90-minute dialog with these leaders. It was a penetrating and constructive, offering further evidence that a major shift is underway. Important elements of production agriculture are seriously engaging the challenge of creating a sustainable food system.*

**Presentation to the Farm Foundation Roundtable  
January 8, 2010  
San Antonio, Texas**

Ladies and gentleman, I want to thank you for this exciting opportunity to share the podium this morning with former USDA Secretary Dan Glickman and Dr. McWilliams. I value this opportunity to consider, with you all, this vitally important issue of the emerging social contract between agriculture and the public. I feel the survival of our farms and ranches depends on a renewed contract.



Before I describe what I think the emerging contract is, let me set some context by talking a bit about Roots of Change. Practically speaking, Roots of Change is a philanthropic fund investing in people and projects. We have built a network of nearly 32,000 people who are unified by their pursuit of a sustainable food system in California by the year 2030. There are hundreds leaders from farms and ranches, food businesses, nonprofits, small towns, government agencies, and tens of thousands of consumers within the ROC network.

ROC has committed to network formation and support because our theory of change holds that the best way to make the food system sustainable is to connect and

support the people within the system that have the knowledge, positions, relationships, and commitments required to successfully manage a rapid transformation. ROC implements three primary activities to support this network of stakeholders.

We convene stakeholders face-to-face and we also offer fellowships, grants and contracts in order to help them: a) embrace system thinking and science, and/or to resolve conflicts (particularly among farmers and environmentalists and farmers and labor advocates) and hopefully through sustained dialogs to arrive at new ways of thinking about a problem that will improve the food system; b) we also convene stakeholders, particularly NGOs, so they can coordinate plans and accelerate or expand projects; and c) we include in the realm of convening our communication with ROC's online community. We link and communicate using our Facebook pages, twitter, our website and email blasts. The posting of educational information spawns on-line dialog and builds agricultural literacy.

The second big thing we do is to write grants or find funding for allied organizations to implement projects that aim to improve the food system.

Last, but not least, we advocate for increased investment in food system work by foundations, government, and citizens. Given the impact of food and farming on the environment and society, philanthropic support is very low.

So now let me turn to the emerging social contract. First, clearly a new social contract is emerging. We believe it will increasingly be defined by the desire for health, economic recovery, and long-term sustainability of the economy and nation.

My sense is that the food and agriculture industry is in a period similar to the financial industry in the late 1990s and early 2000s. There are serious signs of trouble based on external and internal challenges, particularly around food safety, labor supply, water quality and quantity, energy pricing, diabetes, and other nutrition related disease.

Consequently, respected and highly visible authors, filmmakers, journalists, policymakers, and cultural heroes (like chefs, musicians, and actors) are increasingly critical of the food and agricultural system. Retailers like Wal-Mart and food service providers like Sysco are demanding change.

It is interesting to note that Christine Quinn, the Speaker of the New York City Council, who wants to move out of Mr. Bloomberg's shadow, in the hope of becoming that City's next Mayor (or so reports the New York Times), has stated that her defining political focus will be coordination of the city's food policies. Roots of Change is working closely with Mayors Newsom in San Francisco and Villaraigosa in Los Angeles on their food policies. The big city mayors of Chicago, Boston, Detroit and Seattle are also focused on food and agriculture. To me this indicates that the "good food movement" is real and will get larger over time and

that urban centers will increasingly seek power over America's agriculture and food policy.

This new public focus is a sea change. Before now and for the last 100 years, the people of this nation have increasingly lost their focus on agriculture. The perception of US farmers and ranchers as the foundation of community, which was evident until maybe even the late 1950s, has been lost. Now agriculture is perceived as a source of cheap food, fiber and beverage. This transformation in perception does not accurately reflect agriculture's fundamental role as the basis of civilization. This diminution of agriculture - in fact - threatens the future of civilization itself.

The growing crises related to energy, health, and climate change provides the opportunity for agriculture to reemerge as a fundamental characteristic in the nation's identity, a central player once again.

I believe that this opportunity will be most constructively realized if agriculture proactively aligns with the public interest in green jobs, health and sustainability. Agriculture seen as a primary solution to many problems faced today creates the basis for a new social contract.

### **The New Social Contract**

First, what do I mean by sustainability. At ROC we broadly define it as follows: a sustainable system provides food perpetually and ensures that the underlying ecosystems and resources remain abundant and viable. It maintains the health of the soil, people, animals, and plants. The economics underlying the system allow owners, workers, and investors to live and benefit from the system at a level that maintains their wellbeing, life-long participation, and commitment to the system's continuous improvement.

But what would this mean, practically speaking, for those working in agriculture? What would they be asked to do over time? I would like to offer 10 defining characteristics of a new social contract:

1. Agriculture would move from an industrial model of production to a biological model, meaning it would seek to mimic nature, not a Ford assembly line, when producing food and fiber. An assembly line does not like diversity, but nature does because diversity, whether in nature, economics, or politics, is strategy for long-term health. Investors seek diverse portfolios. Regions seek diverse economies. So why do we not seek diverse farms and ranches that are resilient in the face of ecological and economic changes?
2. The diversity principle requires that we eliminate all broad spectrum, long-lived, toxins in our efforts to control pests and weeds or increase fertility. These compounds kill indiscriminately and thereby disrupt natural biological cycles or spawn unintended disease in non-targeted species. Think of the impact of Atrazine

on amphibians. So yes, we need more green chemistries that mimic naturally occurring compounds that nature has already learned to breakdown and metabolize quickly. But even better, we need to use nature to manage nature. More beneficial insects to control pests, more cover crops to control weeds, supply nitrogen, and provide habitat to beneficial species.

3. We need to eliminate use of fossil fuels as a means to create fertility and power machinery. A major rationale for expanding local food systems is climate change. If farmers are not impacting climate, there is less reason to focus on local. Even if climate change was not a reality, a fossil fuel-based system is not sustainable, fossil fuels will eventually run out, becoming ever more expensive as they are depleted.

4. We must end the maltreatment of farm and food system workers, even if it is the result of a few. We need to create an industry ethic that ostracizes bad actors. Further, let's transform food and farming jobs into careers that lead to advancement, pride of participation, long-term commitment through enhanced opportunity and quality of life. The divide between labor and operators is not good for anyone. As the technology sector has shown, when there is more alignment between management and labor, there is more innovation, job satisfaction, and productivity.

5. Likewise, we must end the inhumane treatment of animals evident in confined animal feeding operations (CAFOs) because the public concern will only grow. The fight cannot be won on economic grounds. The more people know, the less they like CAFOs. Entire nonprofits have been born to stop them. Alternative livestock systems are showing us that when we understand each breed's life cycle and allow it to live stress free, we enhance flavor and product quality and consumers are willing to pay more.

6. The nation was founded on a fear of tyranny and concentrated power. Thus, perceived ownership of the food supply by a few, using intellectual property rights or economies of scale, although legal and economical when viewed in a relatively brief time frame, will never be politically, ethically, or socially useful because concentrated power undermines public trust.

7. Food safety is a constant and growing challenge. What are the increasingly frequent recalls telling us? Perhaps that e coli, salmonella, and other food borne bugs like huge processing or manufacturing facilities. I would bet that no prophylactic approach will be thorough enough to fully control germs and viruses, at least not for long. These things quickly mutate. Pathogens will always exist in a biological system. I believe a sound systemic solution will be more diversification and decentralization of production to limit the scale and scope of a persistent problem.

8. We clearly need to end the loss of soil and over tapping of aquifers. To continue it will guarantee the end of agriculture and increase the anger of the public. We



need to build soil and bank water. No till systems, intensive composting and cover cropping are the pathways. We need accurate water balances that are adhered to in all parts of the nation.

9. We must accept or recognize the impact of genes on human consumption patterns. Most people will seek out sugar and fat because their genes are programmed to find it. So to align our industry with the public's best interest, we need to take the lead in weaning the nation from its unhealthy addiction to these substances. We need less processed and more fresh and whole foods. Otherwise, we risk that physicians and health insurance companies will become agriculture's worst enemies.

10. Local and regional food systems are good. Big agriculture would benefit from embracing small farmers and ranchers, peri-urban and urban food producers who are the frontline of these regional systems. They can be seen as the diplomatic corps for all agriculture. Farmers and ranchers with direct relations to consumers in the urban centers, which are the base of political and financial power, are the best way to build agricultural literacy.

These are my ten basic building blocks for the new social contract. Every thing I have suggested is achievable because people are doing them all now in small and increasingly large ways. But these building blocks need to be assembled within a cogent and consistent framework. I have some thoughts on that as well.

### **The Framework for Building the Social Contract**

To start with, it would be much better for the industry if agricultural products were no longer seen or described as "commodities." Here are two of the five entries from Merriam-Webster that define the word commodity: "a good or service whose wide availability typically leads to smaller profit margins and diminishes the importance of factors (like brand name) other than price; one that is subject to ready exchange or exploitation within a market."

Remaining competitive in a commodity system is a thankless task that has forced huge segments of the industry into insolvency. Food is the basis of life; it deserves to be valuable. It is undervalued because our current system defines it as so. Our thinking is flawed. Cheap food requires that we externalize costs because we cannot pay to mitigate or avoid impacts on the ecosystem, workers and communities, which gets us into a conundrum. If we do not end the negative impacts, we are increasingly regulated, taxed and/or both to cover the costs of those impacts. So commoditization of food is a losing game for growers, (but consider the fact that it is good for manufactures of processed food).

Obviously, this move to sustainability is a long-term affair. It will take time because achieving sustainability is not an end point. It is actually a process of continuous improvement. A human life span is insufficient to address the problem.

**Sustainability is really about millennia, not centuries. To be frank, Roots of Change has set 2030 as the time frame for changing thinking and setting a new direction, not necessarily becoming sustainable. However, by then we should be able to see a shift from short-term profit maximization to maximization of long-term productivity and health if ROC is successful. We believe sustained productivity and health are the basis for profits earned over the longest term.**

**Linked to this concept of long-term thinking, it would be very useful to end the contradiction within the industry that, on the one hand, calls for unfettered property rights and unregulated capitalism, and on the otherhand, for a safety net (price supports or subsidy payments) for the industry. What is the quid pro quo for establishing a safety net? And I believe there does need to be a safety net. Biological systems are inherently in flux. So, what should the public get back for providing a safety net? That is the social contract.**

**So obviously I am not calling for the end of payments to farmers. I am calling for different payments and perhaps even more payments. Commodity programs and other subsidies provide the rules of the agriculture game.**

**I think it would useful, productive and appreciated by the public if we tied payments to health enhancement and resource stewardship. Let's pay more money for riparian buffers, species enhancement, and on farm energy production. Let's tie payments to diversity of scale, larger sums to smaller farms. Payments are the incentives. The current incentives render cheap calories. Let's devise payments that render healthy farm business and healthy ecosystems and healthier people. We engineered the current system, so we can engineer a new one with new policy. Congress sees this and has built within the Farm Bill a corner stone, if not a foundation, for major change through the Conservation Security Program.**

**To reengineer the system we need allies. Luckily, agriculture has more allies in waiting than we could imagine. Powerful environmental, health, social justice, and community advocates want to align with agriculture to create a healthier world. If we join with them, they will help give agriculture the Congressional and State house votes needed to create policy for the long-term health of farms and ranches and the environment. We need more people to vote and speak for agriculture's interests. A new social contract will give us those votes we need.**

**For instance, we need substantially more research and the public has little concept of that need now. So one message we must get out is that a healthy sustainable agriculture will require a research agenda as bold as that being called for in energy. The trend of reducing the research funds for agriculture must be reversed, but that will be impossible without broad public support. [The public wants chemistries that do not threaten health, good, okay then, let's get a research agenda to ensure that happens. The public wants more species protected. Okay then, lets receive more money to understand how to ensure food production and species can best coexist. The public wants agriculture to use less water and energy and produce more food**



without GMO's okay then, the public must pay for it. Because if they do not, private industry will attempt to solve the problems in ways that will render profit. That is what biotech has done with the move into GMOs. ]

This raises a controversial issue. I really don't think we should bet the farm on genetic modification. Resistance to GMO food is firm among certain consumers. And there is evidence that the hoped for results may prove much more illusive than once thought. Furthermore, the issues of concentration and tyranny over the food supply loom very large when GMOs enter the picture.

I would argue that it is much less problematic to think about learning to mimic natural systems in scaled up ways. How could we scale or massively replicate Joel Salatin's Poly-Face Farm model of multi-species livestock production? What could be done on the plains with cattle and hogs in large open ranges managed by collaborating producers using intensive range management? How can we accelerate the work of Wes Jackson and create a perennial poly-culture of grains in the Great Plains? None of these systems bring in the problems associated with gene ownership and genetic pollution of organic and non-GMO conventional farms.

This brings me to my final point and I need to be very careful to be clear. I am a realist who looks at the past and says we can, we will, and we must change in unbelievably immense ways. Science and technology must be part of that change. Agriculture has a history of rapid change using technology. But I am very concerned about what appears to be an underlying hubris that permeates our perception of our ability to build and maintain industrial scale food production for a sustained period, particularly one based on fossil fuel.

In fact, it appears to me that our nation has been suffering a massive case of hubris in our economic, military and energy policy, as well as food. I was stunned at what happened to the CIA in Afghanistan last week. It was very tragic, but the more I read the details the more I felt it was another indicator of our loss of contact with reality about the world. Why do we see ourselves as immune to the blow back from systems we seek to "manage"?

We have myths that warn us about hubris. The ancient Greeks gave us Icarus who flew too close to the Sun and fell into the sea. The Old Testament teachings and those of Jesus contain warnings about believing we are not subject to larger dynamics. I posit that these would be both biological and social dynamics. I think of Noah's flood and I cannot help thinking about the melting of the polar caps. I am not talking about magical thinking here. I am saying that our culture has imbedded in collective memory long held stories that contain warnings for the human species as it evolves. We must be careful to not overstep and unleash nature's immune response.

Natural biological communities, which are the result of billions of years of evolution, are the key. They share energy, feed each other, and maintain a balance. Species are

**interdependent. We too are one of those species. To the extent we understand in depth the survival mechanisms of diverse communities of species and apply them to our agricultural and social systems, I think we will find that we will be well guided.**

**In short, nature is no longer our enemy. It once was, we had to fight to survive. I think we have evolved past the fight. It is time to relate to nature with a more collaborative approach. We can learn to surf the dynamics of nature in order to efficiently produce food, fiber and fuel in ways that restore and maintain health, not degrade it.**

**I am absolutely certain that we can and will do it. We have no choice really. So let's show the public that farmers and ranchers are civilization's life stewards, the most important people in the world, who will perpetually and deftly tend the food supply, by tending large swaths of nature and well employing large numbers of people, for current and future generations. That social contract will be enduring. Thank you.**

## Plight of the Bumblebee

By Adam Federman

*Bombus franklini*, a North American bumblebee, was last seen on August 9, 2006. Professor Emeritus Robbin Thorp, an entomologist at UC Davis, was doing survey work on Mt. Ashland in Oregon when he saw a single worker on a flower, *Sulphur eriogonum*, near the Pacific Crest Trail. He had last seen the bee in 2003, roughly in the same area, where it had once been very common. “August ninth,” Thorp says. “I’ve got that indelibly emblazoned in my mind.”

Thorp had been keeping tabs on the species since the late 1960s. In 1998, the US Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management supported an intensive monitoring project to determine whether the bee should be listed as an endangered species, in part because of its narrow endemism. The total range of *B. franklini* is only 190 miles north to south, from southern Oregon to northern California, and 70 miles east to west between the Coast and Sierra-Cascade Ranges.

Are Commercial Greenhouses to Blame for the Disappearance of Native Pollinators?

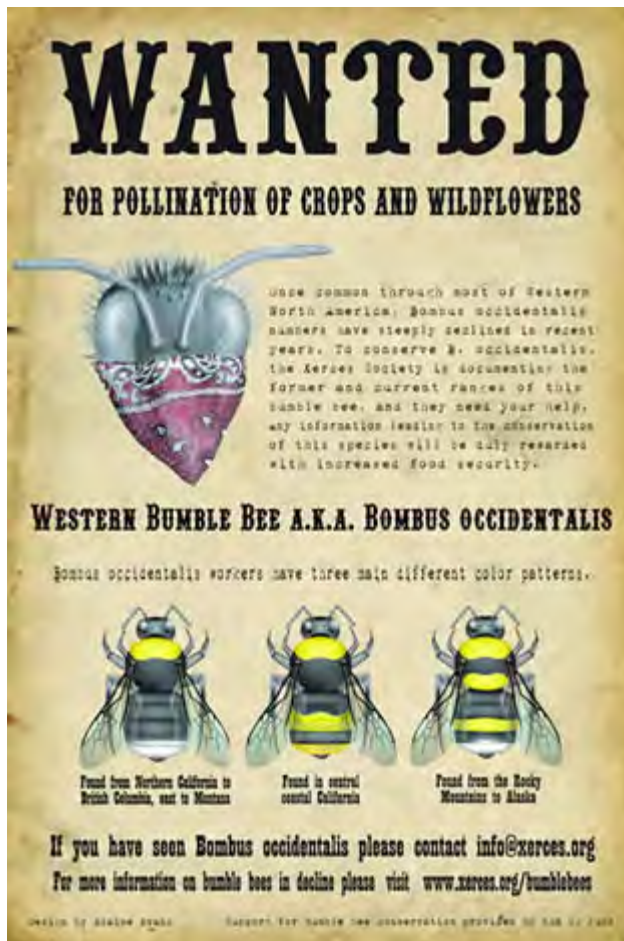
When Thorp began to monitor the bee, populations were robust, and he even estimated their range to be slightly further to the north and southwest than previously believed. The study was, in part, an attempt to find out why *franklini*’s range is so restricted and other western bumblebees, such as its close relative *Bombus occidentalis*, are not. Thorp was investigating that question when something else occurred: Populations of both bees began to decline precipitously. “All of a sudden the bees disappeared out from under me,” he says.

Bees, and particularly the European honeybee, *Apis mellifera*, have come to symbolize a deepening ecological crisis in North America. Colony Collapse Disorder, first reported in 2006, has been described as “an insect version of AIDS,” ravaging honeybee colonies throughout North America. It has become a cause célèbre of sorts, embraced by Häagen-Dazs, which features the bee on some of its pints of ice cream and asks consumers to imagine a world without pears, raspberries, and strawberries. In fact, the US has become so dependent on honeybees for agricultural purposes that in 2005, for the first time in 85 years, the US allowed for the importation of honeybees to meet pollination demands. Although millions of dollars have been invested in an effort to pinpoint the cause, the honeybee lobby and some environmental organizations say it’s not enough, and argue that if dairy cows were disappearing, the response would be slightly more engaged.

The decline of bumblebees has received far less attention, though in the public imagination their plight has often been conflated with that of the honeybee. Not only do bumblebees pollinate about 15 percent of our food crops (valued at \$3 billion), they also occupy a critical role as native pollinators. Plant pollinator interactions can be so specific and thus the loss of even one species carries with it potentially severe ecological consequences. As E. O. Wilson writes, “If the last pollinator species adapted to a plant is erased ... the plant will soon follow.” There are close to 50 bumblebee species in the United States and Canada that have evolved with various plants and flowers over the course of millions of years; our knowledge of those species, however, is incredibly weak.

In recent years, there has been much loose talk about the overall decline of pollinators, and the causes are manifold: habitat loss, pesticides, the spread of disease, and, without fail, global warming. The tendency to make sweeping claims about the demise of all pollinators has led to a lack of specificity when it comes to why particular species have declined, or in the case of *B. franklini*, disappeared. One of the only news stories to highlight the plight of bumblebees, published in *The Washington Post* last August, noted that “the causes of bumblebee decline are not scientifically defined and might be a combination of factors.”

A crucial factor, according to Thorp and other scientists, was the rise of the commercial bumblebee rearing industry in the early 1990s, largely for greenhouse tomato pollination. Captive bees, they say, played a key role in spreading disease, which has led to the decline of several North American species, all of which belong to the same subgenus. If their theory proves to be correct, the rapid growth of the greenhouse tomato industry over the last two decades may have inadvertently wiped out a number of important native pollinators.



Around the same time that Thorp noticed a decline in *B. franklini*, John Ascher, a research scientist in the division of invertebrate zoology at the American Museum of Natural History, was having trouble finding samples of *Bombus occidentalis*, a common western bumblebee, for his personal collection in California. When Ascher went to graduate school in Ithaca, New York, he was able to find samples of *Bombus affinis*, *B. terricola*, and *B. ashtoni* without difficulty. (*BB. affinis*, *terricola*, *franklini*, and *occidentalis* belong to the same subgenus. *B. ashtoni* is a social parasite that specializes on members of this group). But in 2001, the bees began to disappear. *B. terricola* became rare, Ascher says, and *BB. affinis* and *ashtoni* nonexistent. The declines that Ascher, Thorp, and others observed were not site specific. A recent study carried out by Sheila Colla and Laurence Packer at York University in Toronto compared surveys of *B. affinis* – the species most closely related to *B. franklini* – from 1971-73 and 2004-06 both in Ontario and throughout its native range (18 sites in Canada and 35 in the US). From 2004 to 2006, they found only one individual of *B. affinis*, foraging on a woodland sunflower in Ontario’s Pinery Provincial Park. None were found in the US.

“It would be like if you went out one day and there were no cardinals, or there were no mockingbirds anymore,” Ascher says. “It’s that obvious to bee people.”

In 1997, just months before he began his monitoring project, Thorp attended a symposium of the Entomological Society of America during which he learned that an outbreak of *Nosema bombi* – a fungus that lives in the bees’ intestinal tract – had wiped out commercial populations of *B. occidentalis* in North America. Breeders couldn’t get rid of the disease and were suffering a shortage of colonies. In an e-mail to a *bombus* list-serv in 1998, Adrian Van Doorn, then head of the pollination department at Koppert Biological Systems, a commercial breeder, noted that they had been rearing *B. occidentalis* for several years with few problems, but that in 1997 the rearing stock had “become infected with *N. bombi*.” There was no treatment for the disease, and the breeders were unable to eradicate it. A competing company, Biobest, suffered similar losses, and both companies would eventually phase out production of *B. occidentalis* altogether. Today they produce only one bee for distribution in all of North America: *Bombus impatiens*, an eastern bumblebee whose range extends from Maine to southern Florida. After observing sharp declines of *B. franklini* and *B. occidentalis*, Thorp began to wonder if there was a possible connection to the disease outbreak that had swept through the commercial facilities.

Thorp knew that the USDA Animal Plant Health Inspection Service (APHIS) had allowed Biobest to ship queens of both *B. occidentalis* and *impatiens* to Belgium, where they were reared in facilities that likely housed the European bee *Bombus terrestris*, the preferred species of commercial breeders. The colonies were then shipped back to North America and distributed for use in greenhouse and possibly open field pollination in the US. This went on from 1992 to 1994 until APHIS, under pressure from scientists, conservation groups, and even some industry representatives, terminated the practice.

Thorp argues that while the bees were in European facilities that housed *B. terrestris*, they acquired an exotic strain of *N. bombi*. When the colonies were shipped back to the US and distributed, the commercial bees, which can easily escape from greenhouses if they aren’t equipped with insect screens (and few were at the time), were able to infect related wild populations. The disease spread from there, carried by *impatiens* on the East Coast and *B. occidentalis* on the West.

“Basically, these two species in the West were declining while other bee species were thriving very well in the same areas,” Thorp says. “It was not obvious habitat alteration or pesticides or global warming or other things that could potentially, and have on record, gotten rid of local bumblebee populations in various areas and are threats to bumblebees. This seemed to be very unique and very specific. And then it turned out that people in the East began noticing that two other very closely related species, which were at one time quite common, had also disappeared.”





James Buckley

*Bombus terrestris* may be introducing nonnative parasites to Japan and Chile.

The evidence to support Thorp's hypothesis is circumstantial. A sudden and dramatic decline of several species belonging to the same subgenus points to the introduction of an exotic disease. The timing coincides with the outbreak of *N. bombi* within commercial rearing facilities, and there is an established point of entry via the importation of colonies from European rearing facilities during the early years of the industry. The big question is whether a European strain of *N. bombi* ever entered the country and whether scientists will ever be able to figure that out.

Both Koppert and Biobest strongly dispute Thorp's hypothesis and argue that the pathogen entered their facilities from wild bees collected for the purpose of replenishing genetic stock. In the early 1990s, Koppert helped to establish a joint venture, Bees West Inc., which had a rearing facility near Watsonville, California. Tom Kueneman, the founder of Bees West and one of those who opposed the trans-Atlantic shipment of bumblebees, says the company used only three collection sites within about 50 miles of Watsonville, and that there was only one small commercial greenhouse nearby; otherwise, the nearest facilities were at least 150 miles from the company's headquarters. Kueneman adds that Koppert and Bees West had close to 99 percent of the market share west of the Rockies and that Biobest had a very small presence there. "It's really a non-story if you want to look at scientific facts," he says.

Kueneman and Rene Ruiter, Koppert's general manager, argue that the very wet El Niño years and high humidity of the mid-1990s led to a higher prevalence of *N. bombi* among native populations of *B. occidentalis*. When those bees were collected and housed at high density, the disease spread quickly and wiped out the commercial stock.

"Back in the '90s, we collected *B. occidentalis* in California ... and it had a lot of *nosema*," Ruiter says. "That was the reason why we discontinued *B. occidentalis*. The bee itself contained *nosema* and we were unable to stamp it out."



But at the time, there were few regulations governing what was then a young industry, and no one was keeping a close eye on where the bees were being shipped once they entered the US, if they were housed in facilities with insect screens, and if colonies were properly disposed of after use.

Indeed, the commercial bumblebee industry has grown so rapidly in the last two decades that it is hard to remember what life was like before cherry and grape tomatoes were available in supermarkets year round. Although certain species were exported from England to New Zealand in the 1870s and 1880s for red clover pollination, and attempts to rear bumblebees were made in the early 1900s, their use on a commercial scale is relatively new.

Dr. R. De Jonghe first used *B. terrestris* for tomato pollination in the mid-1980s and launched Biobest in 1987. “Within a few years in the Low Countries,” writes Hayo H. W. Velthuis in a brief history of the domestication of the bumblebee, “there was hardly a tomato grower left that still used pollination through artificial vibration.” (Artificial vibration refers to the costly practice of hand pollinating tomatoes, the industry norm before the use of bumblebees.) Koppert soon followed suit and began to rear bees for crop pollination on a commercial scale.

Since then, the greenhouse tomato industry has continued to expand – it represents roughly 17 percent of US fresh tomato supply – and with it the use of commercially reared bumblebees. “You can’t grow them on that scale without the bees,” says Martin Weijters, head grower at Houweling Nurseries, a large greenhouse facility in California. Mexico has far outpaced the US and Canada in greenhouse tomato production in recent years, and the use of bumblebees for blueberry and cranberry pollination has become increasingly popular.

In the early 1990s, few had heard of the commercial bumblebee industry and it remains unclear precisely how many colonies were imported from Europe and where they were sent. At the time, there were greenhouse facilities in British Columbia, Oregon, Washington, and California. Biobest’s general manager, Richard Ward, who was not with the company at the time, says they probably imported no more than a few thousand colonies and that most if not all were *B. impatiens*. Ruiter says that since Koppert never sent queens to Europe, it would have been virtually impossible for an exotic strain of *Nosema bombi* to enter their rearing facilities.

“It would be like if you went out one day and there were no cardinals or mockingbirds anymore. It’s that obvious to bee people.”

Thorp argues, however, that the fact that Koppert never sent queens to Europe misses the point. They could have collected bees carrying a nonnative strain of *N. bombi* when they were replenishing their breeding stock. “If the disease organisms had gotten out into the field, they could easily have picked it up in their collections for replenishing their genetic stock,” he says.

Although there is a trail of evidence establishing the shipment of queens to Europe and colonies back to North America, there is little documentation of the path the bees took once they returned. In a 2004 article, Robert V. Flanders, former USDA senior entomologist, said that the imported bees were distributed “throughout the United States with courtesy permits issued by APHIS.”

According to Flanders, the bees were to be received by the Pennsylvania Department of Agriculture – the company distributing the bees, Beneficial Resources Inc., now defunct, was based in Pennsylvania – where they would be checked for parasites and pathogens. They were also to be accompanied by a zoosanitary certificate from the host country ensuring that the production facilities had been inspected and that the bees were free of pathogens.

Karl Valley, chief of the division of entomology at the Pennsylvania Department of Agriculture at the time (and currently chief of the division of plant protection), says that the inspection involved removing a single bee from each package, placing it in alcohol, and examining the exterior portions of the body for mites. They did not look for pathogens or other diseases specific to bumblebees. He doesn’t recall how many shipments they received, where the bees were sent after they were examined, or if records from that period still exist.

Additional specimens were also sent to the Bee Laboratory in Beltsville, MD. According to a permit issued in 1992 and obtained by Dr. Thorp through a Freedom Of Information Act request, some of the bees were quarantined at the Maryland facility. “When cleared,” the document states, “Dr. Shumanuki [*sic*] will release the bees to you and notify this office.”

Dr. Hachiro Shimanuki was the research leader at the Beltsville Lab at the time and now lives in Florida. He recalls having examined only one sample of bumblebees from Europe over a three-year period and says that the company provided the sample.

“We certainly couldn’t tell you whether it was a one percent sample or a one-thousandth of a percent sample,” he told me. “It was just something that they sent to us as being typical of the kind of shipment they would like to make.”

“There was really no request to look for any particular disease,” Shimanuki adds. “As I recall, I think all it was was: Would the importation endanger our honeybees? That was really the question I guess that we tried to resolve in some way. That was our concern. But other than that, we didn’t know what to look for.”

There’s another note on the permit record. It states that Dr. De Jonghe, a veterinarian and founder of Biobest, is the largest producer of bumblebees in the world and that the bees are “certified to be free of pathogens.”

Leamington, Ontario (the “Tomato Capital of Canada”) until recently had the highest concentration of commercial greenhouses in all of North America. (That honor now goes

to Mexico, where Koppert has had a rearing facility since 2004 and produces *B. impatiens*, a bee that is not native to Mexico or the West Coast, for crop pollination.) The number of bumblebees needed for greenhouse pollination can reach into the tens of thousands. Houweling Nurseries in southern California, with 124 acres under glass, introduces roughly 20 hives with between 50 and 70 bees twice a week. That comes close to 30,000 bees a year.

Although Houweling installed insect screens on all of its vent windows in 2000 (to keep other insects out, not to prevent bees from escaping), they are not required by law and, without them, worker bees can easily escape, forage for pollen in the wild, and then return to the greenhouse. (According to Kueneman, during the early years of the industry, less than half of all greenhouses were using insect screens.) Hives sent to the West Coast, far outside the native range of *B. impatiens*, must be equipped with queen excluders – a very narrow rectangular opening large enough only for workers to get out. When the growers are through with the hives, they are required by law to destroy them either by drowning the bees or freezing them overnight.

Michael Otterstatter has studied the interaction between wild bees and pathogens for more than two decades and, five years ago, with a team of scientists from the University of Toronto, decided to look at whether commercial bees had higher rates of disease and if those diseases were spilling into wild populations. Otterstatter conducted a straightforward study that compared the prevalence of four pathogens among bees foraging in close proximity to commercial greenhouses with bees foraging in areas where there were no greenhouses. They sampled from six sites in southwestern Ontario, including Leamington, and found that bees near commercial greenhouses had a much higher rate of disease than those collected elsewhere. In fact, the presence of *Crithidia bombi*, a gut pathogen that lives within the intestinal tract of bumblebees (like *Nosema bombi*) and can spread between bees at flowers, was found only in bees foraging near greenhouses.

“It actually turns out to be present in almost 90 percent of the [commercial] colonies we looked at,” Otterstatter says. “Nearly all of them. And the other place that you find this pathogen is in populations of bees right around greenhouses, within a few kilometers....It really looked like a disease that you only find around greenhouses.”

Otterstatter’s research team also found that the prevalence of *N. bombi* was three times higher at the Leamington site than elsewhere and that the infections tended to be more intense. Otterstatter notes that every study of commercially reared bees conducted in North America, Europe, and elsewhere has revealed very high levels of parasitic organisms, many of which are rare or entirely absent from most wild populations.

The commercial bumblebee industry is relatively young. As greenhouse production has expanded, so has the need for pollinators.

Koppert’s Ruiter points out that his company’s bees were not used in Otterstatter’s study and says that the unusually high rate of disease is not a reflection of the industry at large.

“It’s appalling that something like that happens,” he says. “I’m embarrassed for my industry. On the other hand, when I called him about his study, he was forthright in admitting that he didn’t use our material, which is a good sign for us that we are doing what we’re supposed to be doing, which is keeping things disease free.”

According to Ruiter, Koppert’s bees are inspected every two weeks by the Michigan Department of Agriculture and annually by Michigan State University. Ward, of Biobest, says that their facility is inspected on a regular basis without warning and that every shipment of bees made to the US or Mexico must have a health certificate signed by the Canadian Food Inspection Agency (CFIA).

The rise of the commercial bumblebee industry reveals the limits of APHIS’s regulatory authority. Prior to 1997, when Koppert’s bees were infected with *N. bombi*, there was a gentleman’s agreement that *B. occidentalis* would be used only in the western United States and *B. impatiens* in the east, roughly within their natural ranges. In 1994, when the importation of bees from Europe was discontinued, Secretary of Agriculture Mike Espy spelled out the agency’s policy in a letter addressing concerns raised by Congressman Sam Farr (D-CA). “Risk assessments conducted by APHIS officials indicate that this type of movement could result in the introduction of bumblebee pests and diseases into new areas, such as eastern species of parasitic nematodes into Western States,” he wrote. Therefore APHIS would not be issuing permits for the movement of eastern species west of the 100<sup>th</sup> meridian and vice versa.

But now that *B. occidentalis* has been removed from the market, *B. impatiens* is shipped freely to western states. When I asked Wayne Wehling, senior entomologist at the USDA, if APHIS still agreed with its earlier risk assessments he said, “Well, yes. That’s the simple answer.

“Certainly we have been all over the board with that,” he acknowledged. “And I think we’ve been all over the board largely because of the lack of clarity in the regulatory authority as to what our capacities really are.”

Although the same concerns apply today, there are few restrictions (other than the use of queen excluders) on the interstate shipment of *B. impatiens* in the US. The largest greenhouse tomato-producing states – Arizona, Texas, and Colorado – are all states in which the bee is not native, and while the companies are happy to abide by the law, they do not share the concern about the shipment of bees outside of their native ranges.

For conservationists and many scientists, the movement of an eastern species to the West is reckless. If a queen did somehow escape and the bee became naturalized, it could compete with local species for floral resources, and close relatives of *B. impatiens* would be susceptible to nonnative diseases. “The diseases that are in *B. impatiens* could be virulent in things out here. We just don’t know and I don’t think we want to risk trying,” Thorp says.

Globally, the issues and potential problems are perhaps even more pressing. *B. terrestris* has been introduced to Japan and Chile, where it is not native, and has become naturalized. Two parasites previously unknown in Japan, including *N. bombi*, have entered the country along with the commercial bumblebees. There are reports that *B. terrestris* has migrated from Chile into Argentina and that the bee may have been spotted in Uruguay as well. It is only in the last few years that the importation of *B. terrestris* into Mexico has been stopped. According to Wehling, the bee has already established itself in areas surrounding greenhouse production in the state of Michoacan, west of Mexico City.



Tony Wills

The bee battle echoes the controversy over salmon domestication.

In Canada, a *laissez-faire* approach rules. The greenhouse industry in southwestern British Columbia relies heavily on commercial bumblebees and, although queen excluders must be present on all hives shipped west of the 100<sup>th</sup> meridian, most greenhouses do not have screens covering the vents, so worker bees would have no trouble escaping. Given the urgency of a memo from Agriculture Canada's Central Plant Health Laboratory to APHIS in 1993, this is even more surprising:

"We really must get together to discuss a plan of action," it reads. "It appears that attempts to limit the movement of *Bombus* is not working. *Bombus impatiens* is being moved into California. Perhaps there is a need to review the whole policy of *Bombus* importations into North America before all hell breaks loose."

The battle over the bees echoes other controversies that have erupted around domestication of previously wild species. One example cited frequently in the literature on bumblebees is the spread of sea lice among farmed salmon in the Pacific Northwest, which led to the decimation of wild populations. Many fishermen, conservationists, and activists warned early on that the proliferation of disease among farmed, nonnative Atlantic salmon could spread to wild fish. They were largely ignored and told that no evidence had been found to prove such a hypothesis and that in fact the pathogens had migrated from wild salmon to farm stock.

Large fish die-offs were observed as early as 1989. In 2001, an outbreak of sea lice in Broughton, British Columbia led to one of the most dramatic declines of wild salmon ever seen. In a single generation, local pink salmon runs fell from 3.6 million spawners to 147,000.

Bumblebees, of course, are not salmon, but some of the same principles apply. “Feedlot farming attempts to break immutable laws of nature by overcrowding animals, lowering their genetic diversity and putting them where they do not belong,” wrote Alexandra Morton in an essay on salmon farming published in 2004. The titles of many such essays and books are becoming all too familiar: “Silent Spring of the Sea,” Fruitless Fall, *etc.* In the case of bumblebees, there is a wealth of evidence pointing to the risks associated with the importation of nonnative species and of pathogen spillover. Yet, according to Otterstatter, Thorp, and others, the regulations in place are hardly adequate to ensure that risks are minimized. Discontinuing the shipment of bees beyond their native ranges and requiring all greenhouses to install insect screens would be a start, they say.

“Bumblebees are marvelous pollinators and I really wouldn’t want to see the industry come to a halt,” Thorp says. “But I would like to see a lot more protection of the potential environmental risk.”

*Adam Federman is a contributing writer to Earth Island Journal. His last article for the magazine was on illegal logging in Siberia.*

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The Xerces Society is working to document the status of the declining bumble bees mentioned in this article. For more information, please visit:  
<http://www.xerces.org/bumblebees/>

To help search for these rare bumble bees, you can download pocket identification guides for the rusty-patched bumble bee ([http://www.xerces.org/wp-content/uploads/2009/02/affinis\\_pocketid.pdf](http://www.xerces.org/wp-content/uploads/2009/02/affinis_pocketid.pdf)), the yellowbanded bumble bee ([http://www.xerces.org/wp-content/uploads/2009/02/terricola\\_pocketid1.pdf](http://www.xerces.org/wp-content/uploads/2009/02/terricola_pocketid1.pdf)) and the western bumble bee ([http://www.xerces.org/wp-content/uploads/2009/02/occidentalis\\_pocketid.pdf](http://www.xerces.org/wp-content/uploads/2009/02/occidentalis_pocketid.pdf)).



## **Native Bee Calendar by UC Bee Fan**

*Calendar benefits the conservation work of two non-profit organizations.*

*Compiled by staff*

Published: Dec 4, 2009

By Kathy Keatley Garvey

Bee enthusiasts affiliated with the University of California have created a North American native bee calendar, focusing on the importance of native bees as pollinators. The project benefits the conservation work of two non-profit organizations, Xerces Society for Invertebrate Conservation, an international organization headquartered in Portland, Ore., and the Bay Area-based Great Sunflower Project.

The images, featuring 12 commonly encountered types of native bees, are the work of noted insect photographer Rollin Coville of the Bay Area, who has a doctorate in entomology from UC Berkeley. The calendar is the brainstorm of UC Master Gardener Celeste Ets-Hokin, a member of the Alameda Master Gardeners, who worked closely with Xerces Society senior conservation associate Matthew Shepherd.

"Celeste came up with idea and pursued it," says Shepherd, who provided information on the native bees, such as the preferred plants, nesting needs and how to identify them.

Coville captured macro images of the native bees in their habitats. The result: native bees as "pin-up models."



**Images by Bay Area resident Rollin Coville, who received his doctorate in entomology from UC Berkeley, appear in the native bee calendar.**



Coville teams with UC pollinator specialists Gordon Frankie of UC Berkeley and Robbin Thorp of UC Davis in many native bee projects. They recently published a piece on native bees in the California Agriculture journal.

Coville took some of the images at the UC Master Gardeners' Lake Merritt gardens. Earlier this year Ets-Hokin created a native bee garden in one section, working with Coville and Frankie in selecting the plants that native bees prefer.

"Rollin has made several visits to our Lake Merritt habitat for photo opportunities, and he's been thrilled with the number of native bee species it attracts," says Ets-Hokin. "It was on one of these outings with Rollin and Gordon in September that it occurred to me what a wonderful teaching aid and fundraising tool a native bee calendar could be--not to mention a way to give Rollin's magnificent photos some much deserved exposure.

The Great Sunflower Project, led by San Francisco State University associate professor Gretchen LeBuhn, "empowers people from pre-schoolers to scientists to make the world a better place for bees," she says. "The idea is simple; gardeners plant a sunflower and time how long it takes for five bees to visit. Gardens that quickly see bees are healthy. Gardens that don't see bees aren't. The sunflowers are both a thermometer measuring the health of the bee community across the continent and a wonderful resource making each garden where they are planted a better place for bees."

The Xerces Society is "an international nonprofit organization dedicated to preserving the diversity of life through the protection of invertebrates and their habitats," Shepherd explains. "The group works at the forefront of invertebrate protection, harnessing the knowledge of scientists and the enthusiasm of local citizens to implement conservation and education programs with a focus on endangered species, aquatic invertebrates, and pollinators."

The calendar is available through the two groups. The cost is \$14, which includes shipping.

## Bayer ‘Disappointed’ in Ruling on Chemical That May Harm Bees

By Alan Bjerga

Dec. 29 (Bloomberg) -- A Bayer AG unit is “disappointed” by a U.S. judge’s [ruling](#) that may prevent distribution of its spirotetramat insecticide, a spokesman said. Environmental groups say the chemical causes harm to honeybees.

U.S. District Court Judge Denise Cote on Dec. 23 ordered the Environmental Protection Agency to rescind approval for spirotetramat, which inhibits cell reproduction in insects. Cote said the EPA didn’t properly seek comments or publicize the review process. The judge in New York ordered the ruling stayed until Jan. 15 and sent the matter back to the EPA.

Spirotetramat, sold under various names including Movento, was approved for use in the U.S. last year, even though the agency was aware of its potential harm to bees, Cote said. The Natural Resources Defense Council, an environmental organization in New York, and the [Xerces Society](#), a Portland, Oregon, a wildlife conservation group, challenged the EPA’s actions.

The insecticide is fit for use and the ruling is based on EPA processes rather than product safety, Jack Boyne, a spokesman for Bayer CropScience LP, a unit of the Leverkusen, Germany-based company, said in a statement. The chemical “has shown excellent performance with regard to bee safety,” he said. Bayer is “evaluating our options” on how to respond to Cote’s ruling, he said.

Pest killers have been linked to honeybee colony collapse disorder, or mass deaths of the insects, which have been reported since 2006. Bees pollinate \$15 billion of U.S. plants each year, according to the U.S. Department of Agriculture.

Viruses, mites, pesticides and poor bee treatment have been suggested as primary causes of the disorder, which has been reported in at least 35 states, as well as in Europe and Asia. The Bayer insecticide was approved in Australia in August, and the company said at the time that it also had been cleared for use in Canada and Austria.

January 12, 2010

# **Groups Seek Regulation of Bumblebee Shipments**

By THE ASSOCIATED PRESS

GRANTS PASS, Ore. (AP) -- Conservation groups and scientists want federal agricultural authorities to start regulating shipments of commercially domesticated bumblebees -- used to pollinate crops -- to protect wild bumblebees from diseases threatening their survival.

The groups said Tuesday that four species of bumblebees once common in the United States have seen drastic declines -- and the evidence points to diseases spreading out of greenhouses that use domesticated bumblebees.

"This is the tip of the iceberg," said Scott Hoffman Black, executive director of the Xerces Society, an insect conservation group based in Portland. "Bumblebees need to be regulated or we may see other diseases spread to bumblebees and potentially other bees."

Besides pollinating wild plants, bumblebees are responsible for pollinating about 15 percent of all the crops grown in the U.S., worth \$3 billion. Demand has been growing as supplies of honeybees decline, especially for hothouse crops such as tomatoes, peppers and strawberries, and field crops such as blueberries, cranberries, raspberries, squash and watermelon.

Federal regulation is needed because while some states, like Oregon, prohibit importation of bumblebees, others, such as Washington and California, allow it, Black said.

Two European companies produce commercial bumblebee hives sold in the US: Koppert Biological Systems Inc., of the Netherlands, and Biobest Biological Systems of Belgium. Telephone calls to Koppert's office in Canada and Biobest's office in Michigan were not immediately returned.

The Animal and Plant Health Inspection Service was reviewing the petition and had no immediate response, spokesman Larry Hawkins said in an e-mail.

The Xerces Society, Natural Resources Defense Council, Defenders of Wildlife and University of California, Davis entomologist Robbin Thorp formally petitioned the U.S. Department of Agriculture and its Animal and Plant Health Inspection service. They want

to prohibit shipping commercially domesticated bumblebees and hives outside their native range, and to certify that domesticated bumblebees are disease free.

The petition cited steep declines in recent years of the Franklin's and Western bumblebee in the West, and the rusty-patched and yellow-banded bumblebee in the East.

Nine prominent entomologists signed a letter in support of the petition.

"A major threat to the survival of these wild bumblebee pollinators is the spread of disease from commercially produced bees that are transported throughout the country," said the letter, signed by University of Kansas entomologist Charles Michener and others.

Black said they wanted to work with federal authorities to control the spread of disease before taking the next step, seeking Endangered Species Act protection for the bumblebees.

While research has yet to conclusively blame a specific disease shared with domesticated species, the petition cited studies showing domesticated bumblebees regularly escape greenhouses and one bee can infect another when they come in contact gathering pollen.

Unlike honeybees, which came to North America with the European colonists of the 17th century, bumblebees are natives. They collect pollen and nectar to feed to their young but make very little honey.

A 2007 National Academy of Sciences report blamed the decline of pollinators around the world on a combination of habitat loss, pesticides, pollution and diseases spilling out of greenhouses using commercial bumblebee hives.

October 25, 2009

## A Plant's-Eye View of Desire and Evolution

By ELIZABETH JENSEN

BEFORE Michael Pollan became a guru of the food-supply-reform movement, thanks to best sellers like “The Omnivore’s Dilemma” and “In Defense of Food,” he wrote a book called “The Botany of Desire.”

But it wasn’t Mr. Pollan’s growing prominence that finally got “The Botany of Desire,” an idiosyncratic examination of plant history and evolutionary science published in 2001, turned into a PBS documentary. It just took that long to raise the production funds. The nearly decade-long lag resulted from an unhappy reality of the business: Film underwriters are skittish about topics like marijuana, widely used but still mostly illegal, which is one of the program’s four topics.

“The Botany of Desire” is Mr. Pollan’s first book to be adapted for television — and, he says, his favorite of all his works. The two-hour documentary, to be broadcast on Wednesday on many public television stations, follows the book’s conceit: It takes the plants’ point of view in exploring whether they control humans to ensure their survival.

To illustrate, Mr. Pollan, a constant on-screen presence in the program, examines how people’s desires for sweetness, beauty, intoxication and control of nature have been exploited by apples, tulips, marijuana and potatoes to lure humans into spreading them far and wide. Many of the ideas he developed in the book became the “seeds,” he said, for his writing on the food supply in The New York Times Magazine, where he is a regular contributor, and then in his books. (He examines corn “from its own point of view,” for example, and looks at the perils of planting crops with uniform genetic traits.)

The documentary’s producer and director, Michael Schwarz of Kikim Media, said he immediately saw the television potential when Mr. Pollan sent him the manuscript for “The Botany of Desire” in October 2000. The two have long been collaborators, first working together in New York in the late 1970s on a short-lived magazine, Politicks & Other Human Interests.

Close-ups of multicolored tulips and panoramic vistas from mountaintop Andean potato fields would provide visual interest, Mr. Schwarz said, and “the whole idea of looking at our relationship with plants from the plants’ point of view is very provocative.” Plants, he said, are “not simply working for us but we may also be working for them.”

Although the budget for the film was relatively small by commercial standards, about \$1.2 million, Mr. Pollan called the financing process, which included presentations to several different National Science Foundation panels, “incredibly long and laborious.” The proposals, he said, were landing on the desks of corporate underwriters and foundation grant makers at the height of the drug war. And the film’s marijuana section would examine how the humble cannabis weed benefited dramatically from the war on drugs to become a more potent, pampered and prolific species, as growers, whom Mr. Pollan calls “the best gardeners of my generation,” brought it indoors and crossbred it for hardness.

At one point a potential financier suggested substituting grapes for cannabis. “This seemed to me to be a really bad idea,” Mr. Pollan said, “in part because the marijuana section is really interesting, and also because what kind of message would that send? That we changed for television for political reasons; you just can’t go there. We stuck to our guns.”

Mr. Schwarz said he eventually found a bit of National Science Foundation grant money to make a portion of the marijuana section in advance. He used it to emphasize to other potential underwriters that he was not making a pro-drug film but a natural history story about “this co-evolutionary relationship and brain science.”

In the end PBS also contributed to the budget, as did the Alfred P. Sloan Foundation and the Columbia Foundation in San Francisco.

Once he had the funds, Mr. Schwarz still had the challenge of staying true to the book. “The way Michael thinks about the plants, the way he allows us to get inside his head as he’s discovering them is very hard to translate into film,” he said. “It’s like an interior monologue.” There was also the cinematic hurdle of having plants as main characters. “We were faced with a couple predicaments, one is they don’t move, the other is they don’t talk,” Mr. Schwarz said.

Special photographic lenses allowed some close-up photography of the plants. And he and his collaborators found people — including medical-marijuana growers and Jan Ligthart, a strapping Dutch tulip grower shown lovingly cradling a white-bordered pink tulip he developed — who were “mad about these plants, who were completely obsessed about them and had devoted their lives to them,” Mr. Schwarz said.

Mr. Pollan is pleased with this foray into television, he said, but the medium isn’t always for him. He worked on a television documentary early in his career, and decided the process was too cumbersome. “There’s a certain freedom you have as a writer to be digressive,” he said.

Six producers approached him about adapting “The Omnivore’s Dilemma” for a documentary, but “nobody came along who had a really interesting idea who was going to freshen it,” he said. So he didn’t sell anyone the rights, although he was interviewed in the feature documentary “Food, Inc.,” which incorporates some of his ideas.

As a book “The Botany of Desire” weaves together evolution, biology, psychology, literature, poetry, philosophy and Greek myth. Inevitably, some of that went by the wayside in the television adaptation, including Mr. Pollan’s musings on Apollo and Dionysus, characters he used to illustrate the competing approaches to nature, domination and abandon. Nietzsche disappeared too.

“It’s television,” Mr. Pollan said. “It doesn’t do as well with ideas, especially old ideas.” In his defense Mr. Schwarz noted that he was able to save Swedenborgianism, a form of Christianity followed by Johnny Appleseed, but “Dionysus wouldn’t agree to an interview.”



# Documentary on Pollan's 'The Botany of Desire'

Tamara Straus, Special to The Chronicle

Wednesday, October 28, 2009



Over the past decade, environmental writer Michael Pollan has become a kind of modern-day Thoreau, an intellectual rock star who packs lecture halls, abides fan clubs and has altered the way millions of people think about his big subject: man's relationship with nature and food. Lanky, bespectacled and not particularly telegenic, Pollan, who lives in Berkeley, is proof that cults can be formed around brainy people, too.

So it is not surprising that, one by one, Pollan's best-selling books are begetting television shows and films. "The Omnivore's Dilemma," Pollan's 2006 indictment of the American industrial food system, heavily informed the recent documentaries "Food, Inc." and "King Corn."

Pollan's 2008 work, "In Defense of Food: An Eater's Manifesto," which explores the relationship between nutrition and the Western diet, was the subject of dozens of talk shows.

Now, with the two-hour PBS special "The Botany of Desire" premiering tonight, we have the first, pure Pollan adaptation.

Based on the 2001 book of the same name and directed and produced by Michael Schwarz, "The Botany of Desire" is as faithful a TV adaptation as TV adaptations come. True, it may disappoint readers who delight in Pollan's supple prose and whimsically learned digressions.

But for the uninitiated, the show provides a visually interesting and informative tour of four crops - the apple, the tulip, marijuana and the potato - that Pollan argues reflect different aspects of human desire.

Pollan's original thesis is that people and plants form a reciprocal relationship. We have cultivated the apple because of our desire for sweetness, the tulip for beauty, the marijuana plant for intoxication and the potato for control over our sustenance. In turn, these plants have transformed human history.

## Longtime friends

Schwarz, who has been a friend of Pollan's since the late 1970s, said he read "The Botany of Desire" in manuscript form and immediately saw its television potential. But it took him eight years to secure the necessary \$1.2 million in funding. Why?

"For us, marijuana was the equivalent of the third rail," Schwarz said from his office in Menlo Park. "We got funding, then we lost it because we wanted to devote a fourth of the program to Michael's exploration of marijuana."

It was not until Schwarz received a grant from the National Science Foundation and used some of the money to shoot the marijuana chapter that PBS understood that the show could not be perceived as an endorsement of pot and provided significant funding.

Like the book, the PBS show is divided into four parts, one for each crop. Pollan, wearing an earthy (and clashing) brown shirt and sport coat, serves as the onscreen guide, interpreting a quickly moving stream of original footage and archival imagery.

There is an entertaining cast of experts - farmers, agricultural scholars and historians, mostly from the book. And actress Frances McDormand provides a fluid and at times amusing narration. (She, too, is a Pollan fan.)

## Around the globe

Schwarz cannot re-create the experience of Pollan's erudite and often intimate narrative style. But he does take viewers on globe-trotting journey - from the apple orchards of New England and Kazakhstan to the potato fields of Peru and Idaho.

We meet underground cannabis cultivators, whom Pollan calls "the best gardeners of my generation," and see the bustling Aalsmeer market outside Amsterdam, a warehouse the size of 200 football fields where 19 million flowers from all over the world change hands daily.

The show is at its best when underscoring Pollan's message about the dangers of industrial agriculture. In the sections devoted to the apple and the potato, Schwarz moves the viewer from the crops' origination in Kazakhstan and the Andes to the histories of their transplantation to U.S. soil.

Then we learn the bad news - Americans' preference for a few types of apples and potatoes has led to a "monoculture" approach to agriculture. The result: Most farmers rely on pesticides to protect crops from disease.

Schwarz said his goal was to make the crops, not Pollan, the main characters of the show, and in this regard he has succeeded. The TV version of "The Botany of Desire" imbues plants with anthropomorphic qualities. They seem to cry out, "Take care of me. I have powers. I'll make you pay!"

## **Varieties of potatoes**

We learn, for example, that the Peruvians have successfully cultivated more than 500 varieties of potatoes for more than 8,000 years, whereas the Irish's singular cultivation of the lumper potato paved the way for the great famine. In the 1840s, a spore wiped out the lumper in a matter of weeks, leading to the death of 1 out of 8 people.

"The Irish potato famine is the great cautionary tale about monocultures of all kinds," says Pollan in the film. "It's a parable about the importance of biodiversity, and it's a parable we forget at our peril."

For hard-core Pollan fans, "The Botany of Desire" will be a reminder that Pollan's first best-seller contains the seeds of the ideas he developed in subsequent work. For people unfamiliar with the work, said Schwarz, "The show should be a pleasant surprise, and maybe even a revelation."



The Rembrandt tulip is shown in "The Botany of Desire".  
Photo: Ruth Dundas





"The Botany of Desire" looks at harvesting potatoes in Peru.  
Photo: Misha Schwarz





Marijuana, like this bud in a medical marijuana growing house, is one of the four species examined in the documentary.

Photo: Kikim Media



Apples on a tree in Geneva, N.Y. "The Botany of Desire" shows how the apple evolved to satisfy our yearnings for sweetness.

Photo: Edward Gray





"The Botany of Desire" director Michael Schwarz (left) and Michael Pollan, who wrote the book.  
Photo: Jeffrey Wood



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## **Burciaga Anthology Among American Book Awards**

### **Jose Antonio Burciaga Collection, Houston Baker Book Among American Book Award Winners**

**(AP)** A critical work on black intellectuals and an anthology of the late Chicano poet Jose Antonio Burciaga are among this year's winners of American Book Awards.

The awards, now in their 30th year, are given for outstanding work of multicultural literature and are sponsored by the nonprofit educational organization, the Before Columbus Foundation.

Recipients announced Tuesday included Houston A. Baker's "Betrayal: How Black Intellectuals Have Abandoned the Ideals of the Civil Rights Era," "The Last Supper of Chicano Heroes: Selected Works of Jose Antonio Burciaga" and Claire Hope Cummings' "Uncertain Peril: Genetic Engineering and the Future of Seeds."