

Kerry, Edwards and “the Lawsuit Lobby”

How Trial Lawyers Picked the Democrat Team

By Robert James Bidinotto

Summary: *The untold story of the 2004 election may well be the extraordinary behind-the-scenes influence on the Democratic Party of organized trial lawyers groups, such as the powerful Association of Trial Lawyers of America.*

In July 2003, nearly 2,000 trial lawyers, wielding obligatory cell phones and power ties, descended upon San Francisco’s Hilton for the annual meeting of the Association of Trial Lawyers of America (ATLA).

The exhibition hall booths offered everything that a business-bashing litigator might need. Manufacturers hawked plastic body parts as props for juries, while professional “expert witnesses” proclaimed their knowledge of arcane topics. Ad agencies ran TV commercials where attorneys, wearing 800 numbers across their chests, pitched their services to “victims” of diet pills. For inspiration, there were noble paintings of Cicero and Clarence Darrow, meant for law office walls. And a “consumer rights” group offered a pinstriped dummy named “Bob,” symbolizing the enemy: a greedy insurance executive. Eager lawyers and their kids lined up to pummel Bob.

“The anti-business atmosphere was thick throughout the convention,” the *San Francisco Chronicle* reported. Further evidence of that outlook could be found in the ballroom, where a procession of Democratic presidential hopefuls sought the blessing—and cash—of the world’s largest trial lawyers’ group.

“I’m proud of what I did 20 years ago,” Sen. John Edwards said of his former career as a plaintiffs’ attorney. Edwards, who had amassed an estimated \$38 million by suing the medical profession, attacked President Bush for venality. “His values are not our values. He has respect for one thing and one thing only—wealth.”



While decrying “rich special interests,” John Edwards (right) owes his political success to heavy funding from trial lawyers. John Kerry’s selection of Edwards as his running mate was influenced strongly by the pledge of millions of dollars from organized trial lawyers.

“Not to be outdone,” reported the *Dallas Morning News*, “Sen. John Kerry...cast himself as a trial lawyer during a closed session of the organization’s political action committee, recalling how he once represented victims of hair transplants that went bad.” Kerry alluded to efforts by doctors, businesses, insurance companies and the Bush administration to limit frivolous lawsuits and cap damage awards. “There are those outside this room who are lined up to assault the bar,” he said. “This is the greatest effort by corporate America to take away from people their ability to undo things that are wrong.”

All this was music to the ears of the trial lawyers. Long derided as “ambulance chasers” (and worse), plaintiffs’ attorneys are deeply worried about “tort reform” efforts in Congress and state legislatures.

“We are under attack,” declared Dallas attorney Bryan Pope. “These kinds of efforts go on year after year,” added Alabama lawyer Tyrone Means. “Corporate America always has its lobbying forces out to try to change the law.”

For their part, Kerry and Edwards had good reason to vie for ATLA’s affections:

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lawyers hand out more in political contributions than any other industry or profession. From 1990 through July 2004, political donations by lawyers, their firms, their political action committees (PACs) and “soft money” groups have totaled a whopping \$584 million, according to the Center for Responsive Politics (CRP). More significantly, 72% of that half-billion-plus sum—some \$418 million—has gone to Democrats.

Lawyers and their firms gave state political parties \$37.6 million during the 2002 election cycle—three times more than did the next most generous industry (insurance). Three-quarters of that money went into the coffers of state Democrat committees. The story is the same at the federal level—only more so. So far this year, federal campaign donations by lawyers exceed \$112 million, with nearly \$81 million of it earmarked for Democrats.

Among law firms and groups, the 56,000-member ATLA has been the most generous by far. ATLA even ranks in the top four among *all* organizational donors over the past 14 years, having invested an impressive \$23.6 million to buy political clout. During the 2002 election cycle its political action com-

mittee gave more to Democrat candidates in federal races than did any other PAC. This year it has donated \$1.9 million, 90% going to Democrat PACs. In addition, its officers and members, contributing as individuals, have greatly augmented this largesse.

Small wonder that Kerry and Edwards competed so hard for ATLA’s favor. In fact, that competition has significantly shaped the 2004 presidential race—and may even decide its outcome.

This year, the trial lawyers industry saw a unique opportunity to put “one of their own”—John Edwards—in the White House. But as we’ll see, when Edwards’ presidential bid fell short, they pulled out all the stops to make sure that he’d be on the ticket as John Kerry’s running mate.

“The Lawsuit Lobby”

ATLA describes itself “as the world’s largest trial bar,” whose aims are to promote “justice and fairness for injured persons,” as well as “education and disclosure of information critical to public health and safety.” It evolved from a prior organization, the National Association of Claimants’ Compensation Attorneys. Founded in 1946, NACCA specialized in lawsuits over worker compensation for victims of industrial accidents. It proved a lucrative specialty. Soon railroad, personal injury and other plaintiffs’ lawyers took notice. As the group’s membership and agenda expanded, in 1972 NACCA was reborn as ATLA. Reflecting its increasing political interests and activities, it moved its headquarters from Boston to Washington, D. C. in 1977.

Today ATLA is a sprawling, well-heeled international group of plaintiffs’ attorneys. With a staff of 155, including some 30 attorneys, it offers members a wide range of specialized services, including educational and networking opportunities, publications and conferences. It also lobbies, funds candidates through its PAC and sponsors a variety of anti-business offshoot groups and activities.

For example, in 1986 ATLA set up the Civil Justice Foundation, which awards modest grants to “consumer activists” and environmentalists, such as the Gray Panthers and the Florida League of Conservation Voters Education Fund. Its “Community Champion Awards” have gone to such people as celebrated anti-pollution activist Erin

Brockovich; Anne Anderson, the Woburn, Mass. mother whose class action lawsuit against suspected groundwater contamination was romanticized in the book and film *A Civil Action*; and smokeless tobacco opponent Joe Garagiola (see Dr. Brad Rodu, “Give Facts a Chance,” *Organization Trends*, July 2004).

ATLA’s Web site has an “activist center” featuring a variety of political projects: a “Grassroots Action Center” for lawyers; sections on “state activism” and “federal alerts and updates”; links to its political action committee, and to “ATLA’s List” of endorsed candidates; and a “Proud to be a Trial Lawyer” section, intended to enhance the sullied public image of avaricious plaintiffs’ attorneys by portraying them as selfless crusaders fighting powerful special interests on behalf of the downtrodden.

In that vein, another ATLA project is its “People Over Profits” website (peopleoverprofits.org). Using inflammatory populist rhetoric, the site attempts to recruit citizens as allies to stop any and all legislative efforts at tort reform—reforms that would put a ceiling on lawyers’ virtually unlimited income opportunities arising from civil lawsuits. ATLA “spins” the issue to hide the financial self-interest of attorneys in gargantuan damage awards. Instead, it portrays tort reform as the plot of greedy corporations to deny accident victims their just compensation.

“Corporate America and the Insurance Industry want to take away your rights so that they can increase their profits,” the website declares. “They want to limit your ability to hold corporations and negligent medical professionals liable when they cause injury—or even death—to you or a family member. They are pushing for legislation limiting awards in medical malpractice, pharmaceuticals and medical device cases, as well as limiting your right to hold liable through class action cases companies who harm large numbers of people... FIGHT BACK by going to the People Over Profits Action Center and telling your Representatives to fight for regular Americans, not Big Business!”

Fueling the growth of ATLA—and its political involvements—is the “contingency fee” system. This is the contractual arrangement between an attorney and his civil client that allows the lawyer to pocket about a third of any damage award settlement. With such

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lucrative potential earnings from any settlement, lawyers have a huge incentive to seek sky-high awards from the court, and to expand the number of potential clients they represent through such devices as class-action lawsuits.

This arrangement also gives them a huge incentive to fight any efforts to constrain lawsuits and damage awards.

In an article published last year, Walter Olson—author of *The Litigation Explosion* and publisher of the Web site *Overlawyered.com*—wrote about perverse incentives that drive what he calls “the lawsuit lobby.” He noted that the contingency fee system “makes them part owner of the volume of claims moving through the system and gives them a far sharper and more personal interest in courtroom trends... Indeed, the financial livelihood of lawyers who sue for a living depends more or less entirely on access to governmental processes... And the pursuit of litigation is in many ways the perfect preparation for involvement in a hotly contested political campaign....”

No surprise, then, that stopping the litigation reform movement has been ATLA’s perennial political priority. And no surprise that so many politicians, such as John Edwards and John Kerry, begin their careers as lawyers—and also come to depend upon the support of the lawsuit lobby.

The Lawsuit Lobby’s Poster Boy

John Edwards is perhaps the archetypal example of what “success” entails in today’s trial lawyer industry. Born to a South Carolina family of modest means, the ambitious young man was the first in his family to go to college. After graduating from North Carolina State University, he went on to earn his law degree from the University of North Carolina in 1977.

Within a few years, he was a personal injury lawyer in Raleigh. Taking on a malpractice case, he boldly refused a \$750,000 settlement offer. The jury ultimately awarded his client \$3.7 million—his first multimillion-dollar verdict, and as of 1984, a record settlement amount in North Carolina.

The next year he fell into his specialty: suing doctors for allegedly “causing” cerebral palsy in newborns by failing to properly perform timely caesarian sections. Representing a 6-year-old cerebral palsy victim, Edwards theatrically played the part of the unborn child, begging for help in the womb.

His tearjerker techniques won him a \$6.5 million judgment from the jury.

Unimpressed with the manipulation, however, the judge ruled the judgment “excessive,” the evidence for it “insufficient to support the verdict” and “given under the influence of passion and prejudice.” Still, on appeal the final award came in at a cool \$4.25 million.

Edwards pioneered the use of jury focus groups “to decide whether to get involved in a case or whether to accept a settlement offer, [and for] trial preparation.” In a case against a psychiatrist, he screened out any potential jurors who might hesitate to blame a doctor for his patient’s suicide. The resulting jury delivered him a \$1.5 million “wrongful death” award, plus \$175,000 for the “emotional distress” of the suicide’s children.

Edwards took on 63 cases during his 20-year courtroom career. Over 50 were decided with awards or verdicts exceeding a million dollars, 31 of them for medical malpractice. He became so feared that doctors and hospitals would settle for millions rather than risk having him perform before a jury.

His final win, in 1995, brought a \$23 million settlement against a doctor, gynecological clinic, anesthesiologist and hospital that delivered a baby with cerebral palsy and other problems. In total, Edwards won over \$152 million for his clients, of which nearly \$40 million went into his own pockets in contingency fees.

Needless to say, this triumphant record put him on ATLA’s radar screen: it bestowed on him a national award for public service. Reporting on the state’s 50 biggest settlements of 1995, *Lawyers Weekly* noted that “Like last year, the medical malpractice category leads the new list... [an] upward trend [that] held since 1992, when only four cases made the survey.” The publication praised Edwards as being “lead counsel in eight of the 16 medical malpractice cases in the top 50.”

In the process of turning medical malpractice lawsuits into a highly remunerative growth industry for lawyers, Edwards and the lawsuit lobby have sent medical care in North Carolina (like 19 other states) plunging into what the American Medical Association labeled a full-blown “crisis.”

“Insurance rates for doctors have skyrocketed—putting some out of business and driving others away, especially from rural

areas,” the *Washington Times* noted recently. “And doctors who have lost cases to Mr. Edwards have been bankrupted.” It cites former Raleigh obstetrician and gynecologist Dr. John Schmitt, forced to leave the state after 20 years of practice when—despite the fact he’d never been sued—his liability insurance rates tripled in a single year.

“The John Edwards we know crushed [obstetrics, gynecology] and neurosurgery in North Carolina,” Charlotte neurosurgeon Dr. Craig VanDerVeer told the paper. “As a result, thousands of patients lost their health care... We are currently being sued out of existence.”

The medical lawsuit industry pioneered by Edwards and other litigators has encouraged many parents’ to expect perfect babies, and to sue if a delivered child has any defect. A 2002 survey of 1800 physicians found that 58% had been sued. It’s even worse for obstetricians: 76% have been sued. This has inflated the cost of health care by forcing doctors to perform “defensive medicine”—unnecessary diagnoses, treatments and operations to protect themselves against the possibility of litigation.

For example, in 2003, two major pediatric medical societies issued a study concluding that the “vast majority” of cerebral palsy cases originate long before childbirth—which means they aren’t caused by improper deliveries. Yet fearing cerebral palsy lawsuits, obstetricians have quadrupled their percentage of C-section deliveries—even though there’s been no apparent drop in cerebral palsy as a result. These unnecessary operations have vastly inflated post-natal costs and inconvenience for patients and insurers.

And it doesn’t stop there. Nearly 80% of *all* doctors report they order unnecessary tests, and 74% admit to making unneeded referrals. Such defensive medicine adds between \$60 billion to \$108 billion to health care costs each year.

The lawsuit lobby has burdened us with the most expensive tort system in the world. Tillinghast-Towers Perrin actuarial firm reports that it costs taxpayers \$205 billion annually—or \$721 per citizen. \$21 billion of that is due to medical malpractice lawsuits. The sheer volume of lawsuits is clogging the court system. Between 1997 and 2000, U. S. firms were hit by a 300% rise in federal class action suits, and a stunning 1,000% jump in state class action filings.

Rich from his litigation legacy, John Edwards did what many lawyers do. As the Center for Public Integrity (CPI) put it, he “parlayed his fame and personal wealth...into a seat in the U. S. Senate.” His 1998 campaign “was financed largely through two sources: the wealth Edwards won in the courtroom...and contributions from attorneys from around the country.”

ATLA’s “Manchurian Candidate”?

That December the Greensboro *News and Record* quoted Edwards as promising he would “never take a dime from a political action committee or Washington lobbyist.” But that depends on your definition of the word “never.”

Even during that year, the Web site PoliticalMoneyLine.com reports a \$2500 PAC contribution from “organized labor” on his

suits in the event of a terrorist attack.”

In January 2003, after only two years in the Senate, Edwards announced that he would seek the Democratic presidential nomination. Over the next three months, the *Washington Post* reported, he barnstormed the country to attend 175 fundraising events, most targeting personal injury lawyers. And they opened their checkbooks to him. In the first quarter of 2003 alone, he raked in \$4.65 million from 3,220 lawyers, 29 paralegals, 17 legal assistants and 555 people listing the same address as a personal injury attorney. Nineteen of his top 20 organizational contributors were personal injury law offices. In all, two-thirds of Edwards’ support came from the legal profession.

The *Wall Street Journal* observed that “even political professionals seem[ed] stunned by the degree to which his candi-

dent (Baron), vice-president, secretary, treasurer, and parliamentarian. Their donations, along with those of dozens of officers in ATLA’s network of affiliated state trial lawyers associations, added \$90,950 to his campaign during the first quarter of 2003 alone, helping Edwards become the top money-raiser in the Democratic field.

The Offer Kerry Couldn’t Refuse

When Edwards’ candidacy collapsed under the Kerry juggernaut in March 2004, attention turned to Kerry’s vice-presidential selection. Once Kerry picked Edwards as his running mate, theories abounded as to why.

Much is made of “ticket balancing.” The buoyant, expressive, intuitive Edwards stands in stark contrast with the reserved, patrician, cerebral Kerry. Unlike the New Englander at the top of the ticket, Edwards the Southerner can appeal below the Mason-Dixon line—perhaps even tipping a few states there toward the Democrats.

But there are other considerations as well. One of them is Ralph Nader. He was a spoiler in the 2000 race, drawing votes that might have given the election to Al Gore. On June 22 the veteran “consumer advocate” and lawyer, who made a career of suing big corporations, wrote a public letter to Kerry urging him to select Edwards, finding in him a kindred spirit.

“One of the pillars...of our democracy—the civil justice system—is under severe attack by the corporate supremacists who wish to deny wrongfully injured or defrauded people from having their full day in court or even a partial day in court,” Nader said. “Senator Edwards can stand up for the millions of Americans who suffer these harms and costs every year.”

So Team Kerry’s political calculations have had to include the possibility that by picking Edwards, they’d satisfy Nader and get him to withdraw from the race.

Another fan is Ted Kennedy. Edwards worked with the Massachusetts liberal to draft a “patients’ bill of rights”—also high on the trial lawyers’ agenda.

But sifting through news stories, the real reason for Kerry’s selection of Edwards becomes clear: Edwards could bring the campaign millions in trial lawyer money.

In fact, just after Edwards withdrew from the race, ATLA and the trial lawyers made

The lawyers told the presumptive Democratic nominee that he had their “unflinching” support. But there was a caveat. They’d be happiest if Edwards was on the ticket.

campaign records. And in 2001, Edwards set up his own “527” PAC, New American Optimists (NAO), in order to raise unlimited amounts of cash from individuals and corporations. While he “decried the influence” of big money in politics, it didn’t stop him from accepting \$300,000 in “soft money” from just four contributors. Edwards then used the PAC money to contribute to fellow Democratic candidates—and thus buy their gratitude and loyalty for his future presidential run.

NAO raised over \$3.2 million from trial law firms, injury lawyers and their families—over 70% of its total contributions. “The degree to which Edwards’ political career has been funded by the plaintiffs’ bar is truly astounding,” writes James Copland, director of the Center for Legal Policy at the Manhattan Institute. He points out that “86 percent of his Senate campaign contributions came from personal-injury lawyers,” and that “trial lawyers know their compatriot well. Since his election to the Senate, Edwards has voted consistently with their interests—against class-action reforms, against medical-malpractice reforms, against solutions to the asbestos bankruptcy crisis, even against proposed limitations on personal-injury law-

dacy ha[d] become a wholly owned financial subsidiary of the national tort bar.”

Specifically—even literally—the deed to John Edwards’ candidacy appeared to be held by the Association of Trial Lawyers of America. The Edwards for President campaign headquarters paid rent to Baron & Budd, the Dallas law firm of former ATLA president Fred Baron. Baron, who became rich by exploitative asbestos litigation, was an early Edwards’ backer: his family and firm had donated \$275,000 to the senator’s New American Optimists PAC in 2002. For the presidential run, Baron & Budd became the candidate’s second biggest organizational donor, and even kicked in discount air travel for the candidate on its private plane (as did other law firms).

“Edwards’ (Senate) election set a tone, a loud tone,” Baron declared. “To see a guy like him come out and say, ‘I am a personal injury attorney and proud of it’ has emboldened a lot of us personal injury attorneys to get more involved in politics.”

Fred Baron became Edwards’ campaign finance chairman, and did a stellar fundraising job by ringing up his ATLA contacts. Kicking in the maximum \$2000 personal contribution were ATLA’s president, former presi-

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very clear to John Kerry that they *wanted* Edwards on the ticket.

“Within days after Edwards dropped out of the presidential race,” *USA Today* reported on July 6, “he invited [former ATLA president Fred] Baron and 150 of his top fundraisers to a reception in Washington, and arranged for the survivor of the primaries, John Kerry, to woo the crowd to raise money for his campaign.”

The next day’s *Los Angeles Times* more fully described that meeting. “Back in March, when Sen. John F. Kerry met with the big-money trial attorneys who had been Sen. John Edwards’ largest financial backers in the presidential primaries, the lawyers told the presumptive Democratic nominee that he had their ‘unflinching’ support.

“But there was a caveat. ‘They made it clear they would be happiest if Edwards was on the ticket,’ said a Democratic Party official.

ATLA made Kerry an offer he couldn’t refuse. In retrospect, the group’s influence on his decision should be obvious.

In May, well before Kerry named Edwards his running mate, Fred Baron became co-chair of the Kerry Victory ’04 committee. By mid-June, the Associated Press noted that “Edwards and his finance team have helped usher virtually all of those [Edwards] donors over to Kerry, said Baron... Four years ago, lawyers helped Democratic candidate Al Gore raise money, too, but Baron says their work first for Edwards and now for Kerry has been more intense. ‘I think that what we’ve learned over the last four years is just how much is at stake in terms of the civil justice system,’ Baron said, noting President Bush’s goal of limiting liability for physicians, among other measures.”

The *Washington Post* added that in his pitches to lawyers, Baron “is asking for maximum contributions of \$27,000—with \$25,000 going to the Democratic National Committee and the remaining \$2,000 to the Kerry campaign.”

Another sign that Edwards’ selection was in the cards was his incessant fundraising for Kerry. “During the search process,” adds *USA Today*, “Edwards was highly visible on the Democratic fundraising circuit. That led to speculation that he was campaigning too eagerly for the [vice-presidential] spot. But Edwards, all the while talking regularly to Kerry, says he never worried about his chances. ‘The places I was going to were places that the campaign had asked me to go,’ he said. ‘They just kept sending me everywhere.’”

In early July, Kerry finally announced the inevitable.

“Now that Kerry has chosen the former trial attorney as his running mate,” the *L. A. Times* concluded, “Democrats are hoping that some of the millions that so easily flowed to Edwards will now flow to the Democratic National Committee.” Thomas Edsall of the *Washington Post* agreed, adding “the addition of Edwards to the Kerry ticket is likely to boost political and financial support from trial lawyers and from the many consumer groups that view trial lawyers as crucial to the regulation of business.”

So it has. According to the *Times* story, news of Edwards’ selection thrilled participants at the ATLA convention in Boston last summer.

“Obviously we are excited about having Edwards on the ticket,” said Larry Rogers, a lawyer from Chicago. “I think it will help motivate members even more.” Washington trial attorney John Coale, who helped negotiate the multi-billion-dollar tobacco settlement (and is husband to Fox News host Greta Van Susteren), raised more than \$50,000 for Kerry. He predicted that Kerry would see a “big-sized bump” in fundraising because of Edwards. “I have run into people who said if he picks Edwards, you know we could probably do a lot more,” Coale said. “So now he’s picked Edwards. This will get them out on the street to get more money.”

As of mid-September, lawyers and law firms are the top industry group contributing to the Kerry campaign, with \$18.5 million in donations. No other profession even comes close.

Legal Reform: ATLA Shrugs

Clamping down on the abuses by the lawsuit lobby has been difficult even with Republicans controlling the White House

and both branches of Congress. ATLA began courting Republicans, especially senators, several years ago; they even have a “Republican Trial Lawyers Caucus.” And because many congressmen, including Republicans, are former attorneys, they tend to sympathize with their legal brethren. So despite House passage of legal reform initiatives in recent years, most have died in the upper body.

The election of the Kerry-Edwards team would not only put an end to such reform efforts, it would reverse them. ATLA spokesman Carlton Carl is giddy at the prospect. A Kerry-Edwards victory, he says, would bring relief from the Bush administration “and its financial supporters—the chemical and tobacco industry, the drug and asbestos industries, and others, who have consistently injured American families.”

But on the other side are those like Dr. Craig VanDerVeer of North Carolina, who explains that patients are dying because the lawsuit lobby is driving doctors out of business.

“People have to choose whether they want these lawyers to make gazillions of dollars in pain and suffering awards, or whether they want health care.”

This election may force the issue. **OT**

Robert James Bidinotto is the editor of Organization Trends.

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BrieflyNoted

A featured performer at a **National Organization for Women** rally on September 1 accused **President Bush** of having “savagely raped” women “over and over” by allegedly stealing the 2000 presidential election. According to reporter **Marc Morano** of **CNSNews.com**, poet **Molly Birnbaum** read to a crowd of feminists in New York’s Central Park attending a NOW event, “Code Red: Stop the Bush Agenda Rally.” “Imagine a way to erase that night four years ago when you (President Bush) savagely raped every pandemic (sic) woman over and over with each vote you got, a thrust with each state you stole,” Birnbaum said. “A smack with each bill you passed, a tear with each right you took until you left me disenfranchised with hands shackled and voice restrained. Thanks for that night, Mr. President, I can barely remember my tomorrows.”

NOW’s president, **Kim Gandy**, warned that “In the next four years, he could do so much damage to the environment, to civil rights and civil liberties, to reproductive rights, to our anti-discrimination laws.” New York **Democrat Rep. Major Owens** proclaimed that the Bush administration “spits on democracy” and is taking America “into a snake pit of fascism.” The NOW crowd burst into applause as “feminist folk punk” **Gina Young** sang, “I got better grades than you, you stupid boy W. Your dad was a killer, too, and you know that nobody voted for you.” And: “I object not just to this war, but to all of the things that you stand for, like dropping bombs to lower the price of gas.” (What followed cannot be printed here.) Another poet, **Stacey Ann Chin**, declared, “I want to be that voice that makes George Bush so scared he hires two butch black bodyguards.” And after she condemned the Bush administration’s policies toward women, **Donna Lieberman**, executive director of the **New York Civil Liberties Union**, added: “We are not some fringe lunatics, we are the people. We are the mainstream of America.”

However, **Todd Gitlin**, former leader of **Students for a Democratic Society (SDS)**, urges the left to avoid the tactics of disruptive demonstrations and third-party Naderite politics. Leftists should learn from conservatives and become institution-builders. “Get back to work building...start-up think tanks and media and Internet networks, from the **Center for American Progress** through **Air America Radio** through **MoveOn.org** and various 527 soft money distributors...,” he advises in the September **Washington Monthly**.

At **Fratney Street School** in Milwaukee, **Bob Peterson** teaches fifth graders that the “root causes” of terrorism include overpopulation and poverty, which help to recruit terrorists for attacks like those on 9/11. According to the Sept. 8 **USA Today**, “In one of Peterson’s lessons, students stand, arranged by population, on a huge world map. Peterson hands out cookies according to gross national products: The 16 students in Asia each get one cookie, and the three in Africa split half a cookie among them. In North America, one student enjoys eight cookies. Though he doesn’t ‘blame America’ for the attacks, Peterson says, even children ‘can be encouraged to ask deep questions’ about the causes of terrorism...**Families of September 11**, founded by victims’ relatives, is honoring Peterson and three others for curricula on terrorism’s root causes. At a **Smithsonian Institution** conference today, the group will issue guidelines for educators. Opponents say that runs the risk of creating empathy for terrorists. Teachers must ensure ‘that students aren’t taking away an overly simplistic view of why terrorism happens,’ says **Kathleen Porter-Magee** of the **Thomas B. Fordham Foundation**, a think tank that has pushed for more rigorous history curricula. Though students might understand its causes, she says, terrorism is irrational.” OT

