

Litwak, *Keel Power* 85

Squire, Jason E. *The Movie Business Book* New York: Simon and Schuster, 1988.

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An American Renewal

By Senator Bob Kerrey (D-NE)

Biography

Senator Bob Kerrey, in his personal life and political career, is a study in overcoming odds and demonstrating inspiring leadership.

A Navy SEAL in Vietnam, Kerrey was severely wounded and earned a Congressional Medal of Honor for "Conspicuous gallantry and intrepidity." Home in Nebraska, he put his life back together, and built a successful business.

As Governor, Kerrey turned Nebraska's budget deficit into a surplus. With an eye for long-term needs, he insisted on improved access to health care, investment in technological development, environmentally sound farming, and creativity in education.

In the Senate, Kerrey is recognized leader on health care and education and is a respected voice on issues of the day.

I want to lead a process of renewal which will open up new possibilities not only for Americans of this generation, but also for generations to come. I want to lead because I believe almost everyone but our present leadership knows what we must do. I believe Americans know deep in their bones that something is terribly wrong and that business as usual—the prescription for the 80s—cannot work for our future. What we need is a renewal, a willingness to act upon the idea of building for great -

ness.

When I graduated from high school in 1961, my classmates and I faced a future of great promise, the direct result of our parents' determination to make our lives

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better than their own. My parents' generation had taken this nation to the forefront of world leadership. They had defeated fascism, and were in the process of implementing a network of arms and alliances that would eventually contain communism.

My parents' generation was also doing great things for us at home. In 1961 they were in the midst of building a brand new interstate highway system to be paid for with cash. The schools they provided us with were respected throughout the world. They gave us a thriving economy that enabled us to double our standard of living within a single generation; to buy a house; to purchase health care; to afford higher education for our own children.

Next year, my own son will graduate from high school. What kind of legacy will he inherit? My generation understands that the power of those earlier gifts is dwindling because our leadership simply has not renewed them.

I am thankful that the threat of communism has receded, and that my son does not face the likelihood of war. But the benefits of this historic victory have not been brought home to the people who deserve to claim them and unless we do things differently now, he will assume title to a far different inheritance than I received in 1961.

It is time for leadership committed to posterity rather than popularity and focused on the next century instead of the next election. We can build a future full of promise and hope for the turn-of-the-century Americans. We can leave them a legacy of greatness. But it requires us to believe. It requires us to risk. Most of all it requires us to look towards and work for the future.

To begin building for the future, we must make certain our base is solid. After a decade of unchecked greed and cynicism, we must reaffirm our commitment to fundamental rights and values, including civil rights, quality education, and health care for all.

We must ensure that all Americans receive full protection of our laws. Extending to women the same legal protections received by other minorities was one of the most important aspects of the Civil Rights Bill we

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worked so hard to get past the White House. The establishment of such legal protection is crucial at a time when

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the President and his men can choose to trivialize the charge of sexual harassment as they did during the Thomas hearings. Standing up for civil rights is critical in an era when the Republican party can water the tree of racism and then attempt to disown its fruit—a nut called David Duke.

Slow to defend our civil rights and liberties, President Bush was quick to defend our flag at the expense of First Amendment rights. The polls showed support for a constitutional amendment, and so the President yielded to his political advisors. Even though most Americans had not read the decision prior to being polled, even though they did not understand what was potentially at stake if our Bill of Rights was altered, the President chose the path of least resistance and greatest political gain.

This controversial incident led me back to the writings of John Stuart Mill. In his 1859 essay, *On Liberty*, Mill offered several reasons why the expression of opinion should rarely be limited. In particular, Mill pointed out that, even if the opinion to be silenced is completely wrong, in silencing it mankind loses "what is almost as great a benefit as that [of truth], the clearer perception and livelier impression of truth, produced by its collision with error." Flag burning fits into this category. It does not persuade us that the burner holds an opinion that is true. It persuades us that his opinion is untrue. And it gives us the opportunity to see what true freedom and patriotism are. I give thanks that America, the home of the free and the brave, does not need our government to protect us from those who burn a flag.

The Bush Administration has chipped away at another right—a woman's right to choose. I believe that abortion is a personal, moral decision to be made by a woman, her family, her doctor, and her clergy. I oppose a constitutional amendment to prohibit abortion and would support codification of a woman's right to choose should *Roe v. Wade* be overturned.

As we look to the future, the base that we build from must include opportunity—yet another fundamental American ideal forgotten or overlooked by our leadership for the last decade. Unless we do things differently now, the turn-of-the-century graduates can expect lives in which college tuition, home ownership and even adequate

health care will be beyond the reach of all but the wealthiest.

In the 80s, we retreated on universal health care. We sat idly by as the cost of health care to the working poor forced more and more of them into the ranks of the uninsured. We must create a health care plan that would let us cover more people, for more services, at our existing quality, at a far lower cost to our families. My proposal, Health USA, is that plan. I developed this plan during almost three years of study and meetings with health care experts. Health USA guarantees universal access to high quality basic health care while controlling runaway health care costs.

I believe that in failing to provide all Americans with the opportunity to obtain a good education, we endanger our country's ability to prepare for the challenges we will face in the 21st century. I have proposed the Education Capital Fund Act to Renew America's Schools. The legislation creates an independent board to administer \$1 billion, with state matching funds, to provide funding for the most innovative, long-term local reform initiatives.

Building for greatness will also require a new economic policy. We can begin with making government more responsive and effective by reducing its size and cost. We must invest in our people and our businesses not only by reforming health care and education, but also by embarking on an aggressive campaign to apply advanced

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technology at home. In addition, we need a communications policy to bring us into the information age.

Finally, we must pursue economic and diplomatic strategies relevant to the Post-Cold War world. We can begin by establishing new global structures to encourage free and fair trade. We also need a new strategic concept, sustaining our position of military superiority while cutting unnecessary costs.

The year 1992 offers us a chance to break from a decade in which our leaders invited a season of cynicism. They invoked morality but winked at greed. They criticized the public sector but robbed it blind. They spoke of balanced budgets but never submitted one. They railed against taxes but raised them on the middle class. They called for civil rights but practiced racial politics. They

wrapped their cause in motherhood out tried to strip motherhood of meaningful opportunities.

My campaign is grounded in the belief that we can and should trust again. As such, it is not so much a fight against George Bush as a fight for what America can be.

People continually underestimate our youth, forgetting that, in many ways, the government of the last ten years has sold it short—leaving the tab to our youth for a federal deficit that threatens our standard of living and that of our children.

I know that it is your generation that must answer this most critical question: Are we headed in the right direction? If you answer no, I invite you to join in the good work of rebuilding greatness in America.

Trusting Your Institution: A Challenging Proposition to a Difficult Issue of Racist Speech on College Campuses

By Jin Song

It is technically impossible to write an anti-speech code that cannot be twisted against speech nobody means to bar. It has been tried and tried and tried.

— Eleanor Holmes Norton,
chair of the National Advocacy
Council for the ACLU

If the attempt to regulate speech is such an impossible endeavor, why does our society repeatedly strive to do it? It is not as if we live in a country that enjoys suppressing our individuality and liberty. On the contrary, the United States is one of the only countries in the industrial world that has not created some form of hate speech law; France, England, and others have had them for years. We hail our democratic foundations as the hallmark of all our progress and prosperity, standing firmly behind our notion of governance as a true symbol of virtue. We cherish our Constitution and clutch dearly to our Bill of Rights with the intense grip of a nation utterly dependent upon these concepts.

What then, is Norton's point in stating that we

**One man's vulgarity is
another man's lyric.**

have "tried and tried and tried" to ban speech in our society? The quotation above should not convince the reader that the "impossibility" of writing an anti-speech code proves its uselessness. Rather, it should raise the larger question of why a society whose structure is based on a document as great as the Constitution would keep returning to the drafting table in search of a fair speech code as a solution to a conflict that appears in the guise of different issues. The answer lies somewhere in the First Amendment. One way to evaluate the issue is to examine the direct applicability of the definition of the First Amendment to a specific situation.

Today, the First Amendment finds itself under great scrutiny due to a fierce resurgence of racial incidents on university campuses across the nation. When hateful words and equally offensive symbolic expressions pass between students, a wide range of viewpoints arise concerning the actions that should be taken against them. While some feel that a speech code should be integrated into the university's community for the protection of the victims, others believe that the First Amendment should not be compromised and that a speech code violates basic constitutional rights.

These viewpoints will be further discussed and as one becomes more engrossed in the intricacies of this issue, one will realize that the regulation of racial speech is undeniably a double-edged sword. Both sides present compelling arguments, but the only way to reconcile the two sides is to analyze and understand two underlying factors: the university's responsibility as an educator, and the student's basic and essential rights. With these factors in mind, the most fundamental question remains: does racist speech enhance or degrade the values protected by the First Amendment?

Presenting Both Sides of the Issue

Although many people would agree that racial insults have little or no social value, those who oppose speech regulations of any kind are more concerned with protesting the "stifling" of their opinions than advocating a more general principle of free speech. These staunch supporters of First Amendment rights feel that regulating free speech would inevitably become an expression of the political goals of the group that controls the censor's office, and that any form of regulation would be sup-