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Civil Liberties in the U.S.: Gender and Sexuality

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Note: Internet sites included in this publication, other than those of the U.S. government, should not be construed as an endorsement of the views contained therein.

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On the release of the 2006 Country Human Rights Reports to the U.S. Congress, Secretary of State Condoleezza Rice observed, "President Bush has committed us to conduct a foreign policy rooted in freedom, and he has identified the advancement of human rights and democracy as an essential element of our national security strategy. As the President stated: 'What every terrorist fears most is human freedom – societies where men and women make their own choices, answer to their own conscience, and live by their hopes instead of their resentments.'"

In the United States, June is considered Pride month, in observance of the 1969 Stonewall uprising, during which gays, lesbians, bisexuals and transgender (GLBT) people resisted police harassment in New York based on their sexual orientation and gender identity. Stonewall is considered by many to be the beginning of the modern movement in the United States for equal rights for the GLBT community. Though citizens organized before and certainly after Stonewall to press for equal rights, events in the past decade have been significant. In 2000, Vermont became the first state to offer civil unions to same-sex couples. The Supreme Court decided in 2003 that sodomy laws in the United States are unconstitutional. Writing for the majority in that decision, Justice Anthony Kennedy observed, "Liberty presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct." In 2004, Massachusetts became the first state in the union to legalize same-sex marriage.

Within the past year alone, there has been a great deal of activity in the United States about the role of the government relative to citizens – especially GLBT citizens – making their own choices, answering to their own conscience and living by their hopes. This year, there is a movement to repeal the Don't Ask, Don't Tell policy, which prohibits openly gay and lesbian people from serving in the U.S. military. High ranking political and government figures who once supported that policy, including Republican former U.S. Senator Alan Simpson, and former Chairman of the Joint Chiefs of Staff John Shalikashvili, have now gone on the record to oppose that policy. Current Chairman of the Joint

Chiefs of Staff Peter Pace ignited a controversy when, in testimony to Congress in support of Don't Ask, Don't Tell, he said that he believed homosexuality was immoral. Republican Senator John Warner quickly went on the record and said he respectfully, but very strongly, disagreed with Gen. Pace.

On May 3, 2007, the U.S. House of Representatives passed the Local Law Enforcement Hate Crimes Prevention Act of 2007, also known as the Matthew Shepard Act, in memory of the gay college student who was killed in October 1998 near Laramie, Wyoming in what was widely reported as a hate crime attack. Similar legislation has been introduced since 1999, but has never become law. Among other amendments, the legislation would expand the 1969 federal hate crimes law to include crimes motivated by a victim's actual or perceived sexual orientation or gender identity.

The Employment Non-Discrimination Act was introduced in the House of Representatives on April 24, 2007. It would prohibit discrimination in the workplace against employees on the basis of sexual orientation or gender identity. Similar legislation was first introduced in the Congress on May 14, 1974, by Representative Bella Abzug, of New York City, nearly five years after Stonewall. The bill would have amended the 1964 U.S. Civil Rights Act to prohibit discrimination in employment, housing and public accommodations on the basis of sex, marital status or sexual orientation. (Also in 1974, the American Psychiatric Association removed homosexuality from the Diagnostic and Statistical Manual of Mental Disorders.)

While the fate of the military's Don't Ask Don't Tell policy, the Matthew Shepard Act, and the Employment Non-Discrimination Act is unclear, the issue of equal rights regardless of sexual orientation or gender identity is one that has many people talking at the grassroots level of the polity as well as at the highest levels of the government.

The articles included in this section attempt to present the latest news and knowledge in this area of interest.

For additional information, a weblibliography is presented here for your use. The inclusion of Internet sites other than those of the U.S. government should not be construed as an endorsement of the views contained therein. The websites are current as of date and

are subject to change at any time.

American Psychological Association - Examining the Employment Non Discrimination Act: The Scientists' Perspective
<http://www.apa.org/pi/lgbcc/publications/enda.html>

Amnesty International
<http://www.amnestyusa.org>

Center for Lesbian and Gay Studies in Religion and Ministry (CLGS)
<http://www.clgs.org/>

Don't Ask, Don't Tell, Don't Pursue: A digital law project of the Robert Crown Law Library at Stanford University
<http://dont.stanford.edu/>

Equality Forum
<http://www.equalityforum.com/index.cfm>

Family Research Council
<http://www.frc.org>

Federal Bureau of Investigation (FBI) -- Hate Crime Overview
<http://www.fbi.gov/hq/cid/civilrights/overview.htm>

Focus on the Family
<http://www.family.org>

Frontline - Assault on Gay America: The Life and Death of Billy Jack Gaither
<http://www.pbs.org/wgbh/pages/frontline/shows/assault/>

Gender Education and Advocacy
<http://www.gender.org/>

GLBT Historical Society
<http://www.glbthistory.org/>

Human Rights Campaign
<http://www.hrc.org/>

Human Rights Watch
<http://hrw.org>

International Covenant on Civil and Political Rights
<http://www.ohchr.org/english/law/ccpr.htm>

International Gay and Lesbian Human Rights Commission
<http://www.iglhrc.org/site/iglhrc/>

The Kinsey Institute for Research in Sex, Gender and
 Reproduction
<http://www.kinseyinstitute.org/>

Lambda Legal
<http://www.lambdalegal.org/>

The Laramie Project
<http://www.tolerance.org/laramie/>

National Center for Lesbian Rights
<http://www.nclrights.org/>

National Gay and Lesbian Task Force
<http://thetaskforce.org/>

Parents, Families and Friends of Lesbians and Gays (PFLAG)
<http://www.pflag.org/>

Sexuality Information and Education Council of the United States
<http://www.siecus.org/>

Transgender Law and Policy Institute
<http://www.transgenderlaw.org/>

1. (RETHINKING) GENDER

By Debra Rosenberg. *Newsweek*, v. 149, no. 21, May 21, 2007, pp. 50-57.

The article focuses on the increasing visibility of transgender people in the United States, and the extent to which they challenge the conventional notion of just two categories of gender. The author discusses the political and religious implications.

2. BORN GAY?

By Michael Abrams. *Discover*, v. 28, iss. 6, June 2007, pp. 58-63, 83.

While some consider homosexuality to be a personal choice and the result of environmental influences, others insist that homosexuality is genetic. This article investigates the possible origins of homosexuality and concludes that much, though not all, of ongoing scientific research points toward a genetic basis for homosexuality.

3. FRAMEWORKS OF DESIRE

By Anne Fausto-Sterling. *Daedalus*, v. 136, no. 2, Spring 2007, pp. 47-57.

The author finds the nature versus nurture framework (which she identifies as the predominant research framework concerning sexuality) wanting. Instead, Fausto-Sterling proposes a dynamic approach, a new analytical framework, which considers many dimensions – from the subcellular to the sociocultural – that could then better inform our thinking on human desire.

4. ASK, TELL, WHATEVER?

By MacKubin Thomas Owens. *National Review*, v. 59, iss. 6, April 16, 2007, pp. 26-27.

This article takes a fresh look at the ongoing debate about the issue of allowing homosexuals to serve openly in the U.S. military. The "don't ask, don't tell" (DADT) policy allows gays to serve in the military only if they keep their sexual orientation a secret. The author examines the justifications put forward by opponents of the ban and dismisses survey results that appear to support public acceptance of gays in the U.S. military.

5. A RENEWED WAR OVER 'DON'T ASK, DON'T TELL'

By Debra Rosenberg. *Newsweek*, v. 148, no. 22, November 27, 2006, p. 8.

The controversial issue of gays and lesbians openly serving in the U.S. military is once again in the limelight and there is an increasing effort towards seeking a policy change on the issue. The military's classification of homosexuality as a mental disorder and grouping it with other "conditions, circumstances and defects" attracted sharp criticism. Several formal senior military officers including Gen. Wesley Clark and Gen. Claudia Kennedy have denounced the "don't ask, don't tell" policy. In congress, Massachusetts representative Martin Meehan has already introduced the "Military Readiness Enhancement Act" to replace the existing policy with a nondiscriminatory policy.

6. BEYOND LAWRENCE: METAPRIVACY AND PUNISHMENT

By Jamal Greene. *The Yale Law Journal*, v. 115, iss. 8; June 2006, pp. 1862-1928.

Three years after *Lawrence v. Texas*, the landmark U.S. Supreme Court case that struck down laws against sodomy, the author believes the decision remains "an opinion in search of a principle." In this article, Jamal Greene reconciles competing claims on *Lawrence's* jurisprudential legacy.

7. DEFINING ONE'S OWN CONCEPT OF EXISTENCE AND THE MEANING OF THE UNIVERSE: THE PRESUMPTION OF LIBERTY IN LAWRENCE V. TEXAS

By Mitchell F. Park. *Brigham Young University Law Review*, v. 2006, iss. 3, 2006, pp. 837-887.

The U.S. Supreme Court's decision in *Lawrence v. Texas*, the landmark 2003 ruling overturning a Texas statute criminalizing sodomy, strikes at the very heart of a debate that has been raging in academic and political circles. The article presents *Lawrence* as a landmark decision, and a significant victory for a richer Constitutional vision of individual liberty. The article gives an overview of the Court's substantive due process jurisprudence, giving context to *Lawrence's* potential reach beyond sexual autonomy cases. It depicts *Lawrence* as a watershed moment both for a renewed soundness in constitutional jurisprudence and for the revival of libertarian values.

8. HOW WILL THEY UNDERSTAND IF WE DON'T TEACH THEM? THE STATUS OF CRIMINAL JUSTICE EDUCATION ON GAY AND LESBIAN ISSUES

By Kevin D. Cannon and P. Ann Dirks-Linhorst. *Journal of Criminal Justice Education*, v. 17, no. 2, October 2006, pp. 262-278.

This study explores the relationship between gay, lesbian, bisexual and transgender (GLBT) people and the criminal justice system in the United States. The authors surveyed criminal justice undergraduate degree programs to ascertain course content on gay and lesbian issues. They found that very few programs had such a course or otherwise incorporated GLBT issues within existing race and gender courses.

9. PANIC IN THE PROJECT: CRITICAL QUEER STUDIES AND THE MATTHEW SHEPARD MURDER

By Casey Charles. *Law and Literature*, v. 18, iss. 2, Summer 2006, pp. 225-252.

This article revisits the Matthew Shepard murder case in relation to an attempt by ABC television's news magazine 20/20 to present the case as a drug crime rather than a hate crime. Prosecutor Cal Rerucha, who is one of the characters in *The Laramie Project* (a play about Matthew Shepard's murder and the local community's reaction), attributes McKinney's rage and savage pistol-whipping of Shepard not to homophobia or homosexual panic but to drug abuse. The author believes that the devaluation of homophobia in the case points to abiding flaws in the law of unwanted sexual advance, including the homosexual panic defense that defendants McKinney and Henderson pleaded in the Shepard case. The discursive intersections between media, law, and theatre demonstrate how ideological fictions continue to influence legal practice.

10. RACE, GENDER, AND SEXUAL ORIENTATION IN HATE CRIME VICTIMIZATION: IDENTITY POLITICS OR IDENTITY RISK?

By Edward Dunbar. *Violence and Victims*, v. 21, no. 3, June 2006, pp. 323-337.

This article explores the impact of hate crimes on gay and lesbian victims. The authors reviewed 1,538 hate crimes committed in Los Angeles County for their study, which seeks to identify the characteristics that distinguished sexual orientation hate crimes from that of other bias-motivated hate crimes. Differences between sexual orientation and other hate crime categories were considered for offense severity, reportage to law enforcement, and victim impact. Sexual orientation bias crimes confirmed greater severity of violence and victim impact.

11. STIGMA OR SYMPATHY? ATTRIBUTIONS OF FAULT TO HATE CRIME VICTIMS AND OFFENDERS

By Christopher J Lyons. *Social Psychology Quarterly*, v. 69, no. 1, March, 2006, pp. 39-59.

Hate crimes have seemingly acquired a unique category of victimization. Being especially interesting for the study of attributions, hate crimes typically signify unique status difference between the victim and the offender that may have consequences for public perceptions. Victims are most often members of stigmatized minorities, while the offenders often enjoy a higher social status. This study examines two theoretical explanations for the impact of offender's and victim's social status characteristics on evaluation of hate crimes - the stigma perspective and the sympathy perspective. While the stigma perspective indicates that the public will deride minority-status individuals, the sympathy perspective implies that the public will be sympathetic to the members of minorities. Depending on the victim's status - race, gender, or sexual orientation - a survey results indicate mixed support for both perspectives.

12. AFTER WORK

By Zachary A. Kramer. *California Law Review*, v. 95, iss. 2, April 2007, pp. 627-667.

Employment discrimination in the workplace often bleeds into the private lives of the victims. The author, in this well-crafted article, asserts that stress from employee discrimination adversely affects the employee's relationships with family members and friends.

13. MORE EMPLOYERS BROADENING NONDISCRIMINATION POLICIES TO INCLUDE TRANSGENDER WORKERS

By Matthew Heller. *Workforce Management*, v. 85, no. 12, June 26, 2006, pp. 62-63.

This article sheds light on transgender people in the workplace. During the 1990s, few employers had human resources policies covering them. Courts were uniformly hostile towards recognizing them as protected under the federal ban against discrimination "because of sex." In the early part of this decade, some U.S.-based gay and lesbian advocacy groups brought this issue to the fore. Many organizations like Chevron responded favorably and adopted a nondiscriminatory policy that included transgender employees. Even some courts have become more receptive to transgender bias suits. Over the years, transgender tolerance in the workplace has gained more acceptance, but still it appears to be the exception rather than the rule.

BUSINESS & ECONOMICS

14. A BETTER WAY TO WIRE CASH HOME?

By Jeffrey Gangemi. *Business Week Online*, January 2, 2007.

http://www.businessweek.com/smallbiz/content/jan2007/sb20070102_905737.htm

The author describes how Washington-based Microfinance International (MFIC) wants to change the \$268 billion worldwide remittance industry. Partnering with UAE Exchange, a company based in the United Arab Emirates, MFIC plans to offer real-time money transfer capabilities to a network of more than 70 countries using the Internet and a platform adopted from the leading Latin American banking software. The result is that senders and receivers of remittances will no longer be at the mercy of money transfer companies. The founder of MFIC is Tochisako Atsumasa, a former Japanese banker who wants to prove that a financial services company can both make money and serve the poor. Atsumasa says his company can achieve profitability by licensing his delivery platform to banks and making loans to poor immigrants, giving the new borrowers a chance to establish a credit history. He wants to expand his licensing in the United States as more remittances are being sent from the country.

15. BEYOND MICROFINANCE: GETTING CAPITAL TO SMALL AND MEDIUM ENTERPRISES TO FUEL FASTER DEVELOPMENT

By David de Ferranti and Anthony J. Ody. *Brookings Institution Policy Brief no. 159*, March 2007

<http://www.brookings.edu/comm/policybriefs/pb159.htm>

Small and medium-sized enterprises (SME's), typically employing between 10 and 250 workers, can be crucial engines of development, contend the authors. In most OECD (Organisation for Economic Co-operation and Development) countries, they generate two-thirds of private-sector employment and are seedbeds of economic innovation. But in much of the developing world, SME's are under-represented, mostly due to stifling regulatory climates and lack of access to capital. They are ignored both by big commercial banks and "microfinance" lenders that concentrate on poor micro-enterprises. But new options for SMEs are developing, due to improved banking services in the poorest countries and creative application of venture capital. Governments of developing countries can strengthen this tendency by removing artificial regulatory obstacles and promoting greater competition within the financial sector.

16. CHINA AND GLOBAL ENERGY MARKETS

By Peter Cornelius and Jonathan Story. *Orbis*, v. 51, no. 1, Winter 2007, pp. 5-20.

A rising China's struggle to meet its ever-increasing demand for oil is shaping global energy markets as well as the international security agenda. The authors assess oil's role in China's energy mix (22 percent and growing), as demand for automobiles increases as its domestic oil reserves dwindle. While China has raised eyebrows with its global push to seek out new resources, the authors argue that the key to China's energy future hinges on the maze of conflicting domestic actors driving its energy policy. They note that China is facing a major turning point: will the Communist Party follow its WTO accession commitment to open its financial markets to international competition and stop shielding its domestic market from rising oil prices? Their decision will have major ramifications for the future of Sino-American relations, but the authors conclude that as long as they open their markets and global price mechanisms continue operating efficiently, conflict between Washington and Beijing will be far from inevitable.

17. THE END OF NATIONAL CURRENCY

By Benn Steil. *Foreign Affairs*, v. 86, no. 3, May/June 2007, pp. 83-96.

Steil relates how President Nixon in 1971 effectively ended the link to gold not only for the U.S. dollar but also for all national currencies. Since then all currencies have become fiat money, with no intrinsic value. Most people in most countries seek to get rid of their own national currencies because they fear default by their own governments. Instead they hold U.S. dollars or euros, in which they maintain faith. Countries such as Ecuador that have abandoned their national currencies entirely and adopted the U.S. dollar instead have seen lower interest rates and thus stable economic expansion and low inflation. Countries such as Argentina that try to maintain a fixed dollar exchange rate without the dollars to do so have seen continued economic crisis and stagnation. Daily capital flows between two of the 12 largest economies in the world, California and New York State, take place with negligible cost, practically without thought, in a single currency. The developing economies of the world should take the lesson by abandoning their costly national currencies and instead adopting the U.S. dollar, the Euro, or some Pan-Asian currency.

18. THE ETHICAL MIND: A CONVERSATION WITH PSYCHOLOGIST HOWARD GARDNER

By Bronwyn Fryer. *Harvard Business Review*, v. 85, no. 3, March 2007, pp. 51-56.

It is more difficult for businesspeople than other professionals to adhere to moral standards because business, unlike medicine, law, or engineering, is not strictly speaking a profession with its own gradually established and peer-enforced rules, says Harvard psychologist Howard Gardner in an interview with Bronwyn Fryer from *Harvard Business Review*. Gardner advises young people who start their own businesses or go into the corporate world to periodically "inoculate" themselves by studying both positive and negative cases of other people's behavior under stress, developing a network of trusted "counselors," taking time to think of their larger goals and values, and being ready to pay the price. "If you are not prepared to resign or be fired for what you believe in, then you are not a worker, let alone a professional. You are a slave," Gardner tells future business leaders.

19. DETERRING A NUCLEAR 9/11

By Caitlin Talmadge. *Washington Quarterly*, v. 30, no. 2, Spring 2007, pp. 21-34.

In discussing the sobering prospect of whether the United States can deter a nuclear terrorist threat, the author reviews some aspects of deterrence theory, and cites the concerns of many analysts that deterrence by punishment is irrelevant to dealing with terrorists since they "lack a return address at which to direct retaliation." Talmadge points out that it is virtually impossible for terrorists to create their own nuclear material – plutonium production requires sophisticated, expensive reactors, as well as reprocessing facilities, and enriching uranium requires relatively large buildings and advanced technologies. Thus, both paths to nuclear material require considerable resources, making it "extremely implausible that a terrorist group would be able to construct a thermonuclear (hydrogen) or boosted implosion (tritium and deuterium) bomb on its own without state assistance." The key is nuclear forensics, which would allow the tracing, or attribution, of materials to their source, thus providing a "return address." Talmadge argues that if the U.S. develops a credible nuclear attribution capability, countries that wish to protect themselves are less likely to provide assistance to terrorists.

20. IN PURSUIT OF SECURITY AND PROSPERITY: TECHNOLOGY CONTROLS FOR A NEW ERA

By Mark Foulon and Christopher A. Padilla. *Washington Quarterly*, v. 30, no. 2, Spring 2007, pp. 83-90.

Globalization has broken down the neat divisions between national security policy and economic policies, according to Foulon and Padilla. As a result, policies once regarded as mainly security-related like nonproliferation, defense sales, and border protection now have important implications for economic policy. Now, the authors say, traditional economic issues like foreign direct investment, tax, and visa policy, increasingly have security implications. Nowhere is this more evident than in the area of technology collaboration between U.S. companies in the areas of technology trade, research and development, and overseas manufacturing. In this new dynamic U.S. policymakers must "strike the right balance of controls, incentives, and market-based policies to allow the United States to reap the benefits of technology collaboration while minimizing its potential threats to

national and economic security," the authors contend.

21. NOT TOO LATE TO CURB DEAR LEADER: THE ROAD TO PYONGYANG RUNS THROUGH BEIJING

By Dan Blumenthal and Aaron Friedberg. *Weekly Standard*, v. 12, no. 21, February 12, 2007, pp. 12-14.

The authors, both of whom worked for the current Bush administration, believe the president should press China now "to use its very considerable leverage to bring Kim Jong Il to heel." They assert that the Six-Party Talks, including China, Japan, Russia, the U.S. and both Koreas, could have worked if the five seeking to curb Pyongyang had been willing to "squeeze" the Democratic Peoples Republic of Korea (DPRK) while talking. Though Japan and the U.S. did that, they say, China and South Korea did not. China gains by a continuation of the status quo, they assert, and so persuading Beijing to change course requires convincing it that "continued passivity is riskier than action." The authors recommend three steps: impose further financial sanctions on the DPRK; tell Beijing clearly that with a Democratic majority in Congress, failure to resolve the North Korean issue satisfactorily will hurt U.S.-China relations; and a clear U.S. statement that it will do whatever is necessary to defend its interests and those of its Asian allies. A nuclear North Korea could result in a nuclear Japan, among several other possibilities.

22. NUCLEAR PROLIFERATION OVER THE NEXT DECADE: CAUSES, WARNING SIGNS AND POLICY RESPONSES

By Peter R. Lavoy. *Nonproliferation Review*, v. 13, no. 3, November 2006, 433-454.

In July 2006 the author organized a conference at the Naval Postgraduate School in Monterey that attracted some 60 scholars, non-governmental experts, military officers and U.S. government officials who were asked to look out over the horizon for the next 10 to 15 years to consider what factors might influence nuclear weapons proliferation in 2016. He provides an introduction to an entire edition of the Review devoted to nuclear proliferation in the coming decade at the very time that there are heightened concerns in the international community about nuclear plans by Iran and North Korea. Lavoy looks at what might motivate new countries in the Middle East or Northeast Asia to go nuclear. His article looks at early warning indicators that could suggest that a nation might be pursuing a nuclear program and at a variety of policy measures that might usefully be adopted to prevent or head off potential proliferant states. One of the key findings is that individuals make

the decisions necessary to pursue nuclear weapons, "so understanding the psychological mindsets of individual leaders is crucial to nonproliferation efforts." Another critical finding is that diplomatic engagement with nuclear problem states can frequently "buy enough time for the international community to develop long-term nonproliferation solutions, or, for other unforeseen forces, such as the change of national leadership, or a severe economic crisis, to reorient the priorities of the proliferating state."

23. THE PROLIFERATION SECURITY INITIATIVE: CORNERSTONE OF A NEW INTERNATIONAL NORM

By Joel A. Doolin. Naval War College Review, v. 59, no. 2, Spring 2006, pp. 29-57.

The author, a Navy commander and lawyer, examines the Proliferation Security Initiative from a lawyer's perspective, and maintains that PSI should be used within its legal limits to make the search of ships at sea for weapons of mass destruction a new international norm. He makes recommendations to improve interdiction operations, such as joint participation by the U.S. Coast Guard (which has law enforcement authority) and the Navy (which does not). He also recommends using NATO's multinational communication and coordination scheme with non-NATO participants in PSI activities. He notes that no counter-proliferation convention has created the right to interdict the shipment of weapons of mass destruction on the high seas, but shows that U.N. Security Council Resolution 1540, which contains two of PSI's four interdiction principles, "can be cited as the legal basis to persuade a flag state to cooperate with counter-proliferation activities."

24. RUSSIA: "EUROPEAN BUT NOT WESTERN?"

By Nikolas K. Gvosdev. Orbis, v. 51, no. 1, Winter 2007, pp. 129-140.

The author grapples with the concept of Russia's relationship with the West, abandoning traditional clichés of "Westernizers" vs. "Slavophiles" and "the West and the rest" as too simplistic in favor of a notion that today's Russia is "together but separate" from the rest of Europe. At best, this means that enough historical and cultural ties exist that a "conditional membership" in a wider Europe can develop based on common interests and membership in international governing bodies. At worst, however, it could also mean conveniently selective application of European practices without underlying laws and social guarantees and a brand of multilateralism that could undermine global institutions. With the decline of "pro-Western" movements in Russia and enduring ambiguity of the country's place

in the world, the author concludes that it may be best that this age-old question remains unresolved for now.

25. WARLORDISM IN COMPARATIVE PERSPECTIVE

By Kimberly Marten. International Security, v. 31, no. 3, Winter 2006/07, pp. 41-73.

Some call them failed states, some call them dens of warlords, but in fact history is full of examples of nations and empires that disintegrated into segmented territories ruled by bandits or, at best, feudal overlords, or of such territories that never cohered into nations. In this comparative study, the author compares various historical instances, including medieval Europe, China at certain stages, and modern Somalia and Afghanistan. The conclusion she draws is that warlordism is often rational for warlords and can be difficult to eradicate. History, she believes, shows that warlordism can be defeated best when a national economic interest group believes that it is in their strong economic interest to create a predictable economy. In addition, it helps if better ideas of society and governance are introduced, simultaneously, from outside the warlord zone. Absent these changes, the capacity of outsiders to influence warlords may be weak.

26. WHAT MAKES A MUSLIM RADICAL?

By John L. Esposito, Dalia Mogahed. Foreign Policy, Web Exclusive, posted November, 2006, 5 p.

http://www.foreignpolicy.com/story/cms.php?story_id=3637&print=1

Esposito and Mogahed present some of the findings from a Gallup World Poll of more than 9,000 interviews in nine Muslim countries. The results counter many common perceptions and show that "Muslim radicals have more in common with their moderate brethren than is often assumed." For instance, radicals are no more likely to attend religious services regularly than are moderates, and radicals are actually better educated and wealthier than moderates. The poll also showed that both moderates and radicals admire the West, especially its technology, democratic system, and freedom of speech. "Although almost all Muslims believe the West should show more respect for Islam, radicals are more likely to feel that the West threatens and attempts to control their way of life." Moderates would like to build ties with the West through economic development. Policymakers could use this information to develop strategies "to prevent the moderate mainstream from sliding away."

DEMOCRACY & HUMAN RIGHTS

27. CONSTITUTIONAL COURTS: A PRIMER FOR DECISION MAKERS

By Donald L. Horowitz. *Journal of Democracy*, v. 17, no. 4, October 2006, pp. 125-137.

When newly emerging democracies are drafting constitutions, drafters are adding judicial review of government action as a necessary limitation on the power of the executive branch. Some countries allow the Supreme Court to declare legislation or executive actions as unconstitutional, while other countries have created constitutional courts to hear these cases. Horowitz's article describes the strengths and pitfalls of each approach. He contends that careful constitution drafting is necessary to limit the powers of the executive by allowing the judicial branch the opportunity of judicial review.

28. GENERATION 'WE'-THE AWAKENED GIANT

By Carl M Cannon. *National Journal*, v. 39, no. 10, March 10, 2007, pp. 20-27.

The author examines the role young people play in American politics. "Today's youth are an underrated force in American civic life – difficult to stereotype, with attitudes markedly different from those of their predecessors," Cannon writes. Additionally, there are surveys showing that youth are voting more – in the 2004 elections, voting among 18-24 year-olds increased 10 percentage points compared to 3 percentage points among all voters. A study of youth found that the September 11 attacks gave them new meaning of the concept of public service, and increased their interest in political issues. The author provides evidence arguing that youth were influential in two tight Senate races in 2006 in Virginia and Montana, the outcomes of which gave Democrats control of Congress.

29. LESSONS FROM EUROPE

By Sheri Berman. *Journal of Democracy*, v. 18, no. 1, January 2007, pp. 28-41.

The author believes that during the 1950s and 1960s, the debate over democracy as the best form of modern political governance, was dominated by the preconditionists, who stressed the importance of various national prerequisites and deep structural factors such as levels of socioeconomic development, degrees of socioeconomic equality and group polarization, patterns of land ownership or agricultural production, or the prevalence of certain beliefs or

cultural traits. In contrast, universalists contended that democracy could emerge through diverse paths and flourish in diverse circumstances. The "third wave" of global democratization that began in 1974 gave a strong push to the universalist view, as the shift from authoritarian to democratic rule was made in dozens of countries – including many that preconditionists would not have considered ripe for such a move. As a result, scholarship began to focus less on the structures supposedly associated with successful democracy and more on the process of democratic transitions. However, the best way to understand how stable, well-functioning democracies develop is to analyze the political backstories of most democracies, which include struggle, conflict, and even violence. Understanding past cases is a crucial step toward putting today's democratization and democracy promotion discussions into the proper intellectual and historical context.

30. POLLING THE POPULACE

By Jonathan Walters. *Governing*, v. 20, no. 7, April 2007, pp. 66-68.

<http://www.governing.com/manage/pm/perf0407.htm>

Local officials are surveying their citizens to learn of preferences in services, priorities in new programs, and indicators of performance. Whether the survey is by mail or phone, or face-to-face in a focus group, the information gathered from these selected respondents is considered more reliable than that obtained from comments at public hearings or on web sites. Officials and administrators are using the information to make local government more responsive to citizen needs. One survey administrator commented that the information "helps frame the debate, and it helps you stay vigilant about doing the right thing and being responsive." The author cites the case of city officials in Chippewa Falls, Wisconsin, who made budget decisions that contradicted survey findings; the public turmoil that ensued led the mayor and several other officials to forgo reelection.

31. ROBERT'S RULES

By Jeffrey Rosen. *Atlantic Monthly*, v. 299, no. 1, January/February 2007, pp. 104-113.

In a lengthy interview, Supreme Court Chief Justice John Roberts offers his views on what makes a successful chief justice. Roberts believes that the "temperament of a chief justice can be as important as judicial philosophy in determining success or failure." His ideal is John Marshall, chief justice from 1801-1835, who "gave everyone the benefit of the doubt; he approached everyone as a friend ... it was

just in his nature to get along with people ... I think that had to play an important role in his ability to bring the Court together, to change the whole way decisions were arrived at, to really create the notion that we are a Court – not simply an assemblage of individual justices." Roberts believes that "a chief justice's authority is really quite limited ... and the dynamic among all the justices is going to affect whether he can accomplish much or not." Chief justices assign cases to the different associate justices, and Roberts intends to use this power to strive for consensus as much as possible. "It's not my greatest power; it's my only power. Say someone is committed to broad consensus, and somebody else is just dead set on 'My way or the highway.' Well, you assign that [case] to the consensus-minded person, and it gives you a much better chance, out of the box, of getting some kind of consensus."

COMMUNICATION & INFORMATION

32. THE DENIALISTS

By Michael Specter. *New Yorker*, v. 83, iss. 3, March 12, 2007, pp. 33-38.

Long-time health and science writer Specter outlines the alarming and tragic ways that individuals and governments find to deny or discredit the reality of HIV/AIDS and its treatment. Focused on but not limited to South Africa, the article discusses the popularity of untested herbal remedies, concocted and sold by people with no medical or scientific background. Other "cures" include an industrial solvent, an extract made from red clover, and massive doses of multi-vitamins. The use of these potions is encouraged by the Health Minister of South Africa, whose "antipathy towards pharmaceutical AIDS treatment has long been an international scandal." HIV itself is on trial in the Supreme Court of South Australia, where an HIV-positive man, convicted of deliberately infecting a sex partner, is appealing on the grounds that HIV does not cause illness. The article traces the story of Peter Duesberg, a pioneer in the discovery of HIV/AIDS in the 1980s, who now argues that HIV is "harmless" and a sign that the human immune system is doing its job properly. Anthony Fauci, the U.S. government's leading AIDS expert, calls this idea "murder ... it's really just that simple."

33. THE NEW MEDIA AGE: END OF THE WRITTEN WORD?

By Patrick Tucker, et al. *The Futurist*, vol. 41, no. 2, March-April 2007, pp. 23-30.

Experts compare the evidence that the mid-21st century will bring a post-literate society where digital technologies will have rendered the written word obsolete. This collection of articles by authors with opposing views notes various trends, such as the decline of newspaper circulation, the rise of the Internet as a news source, and the explosive growth of sites such as YouTube. This series of developments will lead to an era when reading is virtually obsolete, some predict. The authors have opposing opinions of what this portends for our abilities to communicate complex ideas. Proponents see a democratization emerging, in which literacy is unnecessary to engage in the exchange of ideas, and education can be devoted to the development of creativity and problem-solving rather than the 3Rs, whereas opponents are vehement that a post-literate age will bring a demise of civilization.

34. OBSTRUCTED VIEW

By Sherry Ricchiardi. *American Journalism Review*, v. 29, no. 2, April/May 2007, pp. 26-33.

http://www.ajr.org/article_printable.asp?id=4301

From the news media's perspective, the Iraq war is different from previous conflicts – journalists themselves frequently are the targets of the enemy, writes Ricchiardi. For the fourth consecutive year, Iraq ranked as the world's deadliest spot for journalists in 2006, according to the Committee to Protect Journalists (CPJ). Since the invasion, 133 journalists and media support workers have been killed; 83 percent were locals, many with ties to Western media outlets. CPJ reports that for the first time, murder has overtaken crossfire as the leading cause of deaths. Ricchiardi writes that escalating threats to foreigners and astronomical security costs have led media companies to scale back their staffs. As a result, she says, the numbers of correspondents in Iraq has dropped and coverage of what may be the most important story in the world today has been seriously compromised. "Though journalists struggle mightily to cut through the fog and spin," Ricchiardi writes, "Americans are left without a complete account of a prolonged, bloody war that is devouring billions of taxpayers' dollars. Correspondents are hamstrung when it comes to independently verifying information from military press briefings or rhetoric from the Pentagon."

35. THE CHALLENGE OF GLOBAL HEALTH

By Laurie Garrett. *Foreign Affairs*, v. 86, no. 1, January/February 2007, pp. 14-38.

The recent spate of high-profile donors such as Warren Buffett and Bill and Melinda Gates pledging millions to improve health conditions in developing countries has been cause for praise and hope. However, author Laurie Garrett cautions, the tendency of large donors to focus funds on narrow, disease-specific problems such as HIV/AIDS, malaria and TB exacerbates the failing public health infrastructure in poor countries. These factors include bureaucratic corruption, oversight and coordination deficiencies in the receiving countries, and the "brain drain" of health care personnel to wealthy countries. She urges using maternal and child health as the critical baseline marker for judging the general effectiveness of any health initiative, and highlights the need for innovative approaches that encourage self-sufficiency rather than dependency on donors. One example cited is the "Doc-in-a-Box," a prototype mobile delivery system built from abandoned shipping containers that could have linked networks for information-sharing and inventory and quality control. Operated as franchises that could generate modest salaries, this initiative would provide an incentive to retain critically-needed doctors and nurses in poorer countries.

36. IMMIGRATION NATION

By Tamar Jacoby. *Foreign Affairs*, v. 85, no. 6, November/December 2006, pp. 50-65.
<http://www.foreignaffairs.org/20061101faessay85606/tamar-jacoby/immigration-nation.html>

In this essay Jacoby argues that the overwhelming majority of Americans want a combination of tougher enforcement and "earned citizenship" for the estimated 12 million illegal immigrants in the country. He says the best way to regain control is not to crack down on illegal immigrants, but to liberalize U.S. laws by expanding quotas and establishing a guest-worker program more in line with the half-million new workers now needed each year to keep the U.S. economy growing. Jacoby also calls for "a national, mandatory, electronic employment-verification system" that informs employers in a timely way whether job applicants are authorized to work in the United States. Acknowledging the serious fears that immigrants will not or cannot assimilate, Jacoby says that eliminating "the vast illegal world of second-class noncitizens" would remove barriers to Americanization.

37. SHAKING THE BABY TREE

By Jim Motavalli. *E: the Environmental Magazine*, v. 17, no. 6, November/December 2006, pp. 26-33

Editor Motavalli's article is a counterpoint to recent books that claim the Earth is suffering from a decline in births – a "birth dearth". He notes a skewed interpretation which cites 63 countries, including Russia, as having less-than-replacement levels of births. However, with 35 countries in which there are 5 or more births per mother, overall world population is not dropping. The UN projects world population to grow from 6.4 billion to 9.2 billion by 2050. Poor access to family planning, the low status of women and a desire to offset continued high rates of infant mortality will continue to increase numbers. The U.S., the world's third most populous nation, will continue to experience one percent annual growth due to immigration, even though household size has dropped from 3.1 persons to 2.6 persons. Two sidebars: The Planet's Lopsided Growth and The U.S.: A Population-Environment Imbalance accompanies the story.

38. THE SOURCE OF EUROPE'S MILD CLIMATE

By Richard Seager. *American Scientist*, v. 94, no. 4, July/August 2006, pp. 334-341.

The author writes that the notion that the Atlantic Ocean's Gulf Stream is responsible for Europe's mild climate is erroneous. He writes that a comparable ocean current in the Pacific, known as the Kuroshio, delivers no heat northward to such cities as Vancouver or Seattle, which for their latitudes, have mild winters. Seager attributes Europe's mild winters to air flowing eastward over the U.S. Rocky Mountains. Upper atmospheric levels act as a lid, compressing the air as it passes over the Rockies, and according to the principle of angular momentum, the air flows expand horizontally, warming as they travel over the Atlantic. Seager believes that the "doomsday" scenarios of frigid winters in Europe due to a slowdown of the oceanic currents are overblown, and any such event would not cause winter temperatures in Europe to drop more than a few degrees – which would be counteracted by warming global temperatures due to climate change.

39. UNPREPARED FOR A PANDEMIC

By Michael T. Osterholm. *Foreign Affairs*, v. 86, no. 2, March/April 2007, pp. 47-57.

According to Osterholm, sooner or later an influenza pandemic will strike the world, but the world will likely not be prepared for it. Even

the spread of avian flu has failed to generate a commitment from national policymakers who are overwhelmed by the uncertainties and faced with competing demands for resources. Apathy will have a high cost because the unprecedented connections in the global economy today "could make the next influenza pandemic more devastating than the ones before it." Without surge capacity to produce, transport and distribute pharmaceuticals, food, and other products, the global economy could grind to a halt, leaving local communities to get through the crisis on their own. The author urges that governments should devise national strategies to prepare for pandemics and spend a lot more on research to develop universal influenza vaccines.

U.S. SOCIETY, VALUES & POLITICS

40. CASUALTY OF WAR

By David A. Bell. New Republic, v. 236, no. 15, May 7, 2007, pp. 44-52.

The author urges more government and private funding to promote the study of military history at the university level. While robust History Book Club sales and popular History Channel broadcasts show that military history is very popular with the public, many leading universities have nonetheless abandoned the subject. Many major universities, such as Harvard or Johns Hopkins, have a single military historian among its history faculty. Bell attributes this development to a broad shift away from narrative history toward a social science model grounded in a liberal, Enlightenment-era thinking that dismisses war as primitive, irrational, and alien to modern civilization. Also many historians – as a group politically well to the Left of the general public - condemn military history as inherently "conservative." Even so, a broader, more rigorous intellectual knowledge of war is now a matter of civic interest.

41. HERE IS NECESSITY

By Joshua Bodwell. Poets & Writers, v. 34, iss. 6 November/December 2006, pp. 48-54.

Two decades after novelist Richard Ford created his prototypical American character, Frank Bascombe, in *The Sportswriter*, and ten years after bringing him back in the Pulitzer Prize-winning novel *Independence Day*, Ford is reintroducing readers to Bascombe in what the novelist says is the sportswriter-turned-real estate agent's final appearance in the pages of a Ford tale. Bascombe, who, for

readers, is this generation's version of Arthur Miller's Willy Loman and John Updike's Rabbit Angstrom, is a self-aware yet self-effacing everyman who embodies both the American Dream and an American brand of self-consciousness. As for the novel itself, it is littered with ominous and potentially life-changing events looming in the background. Over the years, Ford, the writer, emerged gradually in the public eye and matured with each successive publication. "I try to connect emotions to experience in a way that is different from what convention tells us is true," the novelist says about his characters and their feelings. "In a kind of Wordsworthian way, I want to write books that elicit strong feelings in readers."

42. PLACE MATTERS: LOS ANGELES SCULPTURE TODAY

By Anne Rochette and Wade Saunders. Art in America, November 2006, pp. 168-170.

In a survey of nineteen Los Angeles-area sculptors, the authors note that "humor, wild energies and disrespect for esthetic codes run through the best L.A. art." They write that local artists have had the freedom of developing new ideas outside the strictures of the East Coast art scene; Los Angeles is a "city of the present, little marked by European history ... and tradition." Los Angeles as an art center "has never fully been paid its due," notes one art critic. Local museums actively support the regional art scene, more so than in New York, so L.A. artists have a better chance to be shown. Although the film industry has had relatively little influence on the work of local artists, the authors note that performing artists have long intermixed with the visual arts scene. A recent exhibition at the Centre Pompidou in Paris acknowledged Los Angeles' growing importance as an art center.

SCIENCE & TECHNOLOGY

43. THE INVISIBLE ENEMY

By Steve Silberman. Wired, February 2007, pp. 132-139, 148-150.

The imperative to save the lives of U.S. soldiers wounded in Iraq has led the Department of Defense to create "the most heroic and efficient means of saving lives in the history of warfare," writes Silberman. This emergency care system has also unwittingly created an environment where a potentially dangerous bacteria has been able to evolve rapidly to a point where it is now resistant to most

anti-bacterial drugs. The microbe *Acinetobacter Baumannii* is not a danger to a healthy person, but can be deadly to a wounded or immuno-suppressed person. Wounded soldiers have also carried the bacteria through medical facilities in the evacuation route, exposing other civilian patients who are likewise vulnerable. Upon recognition of the problems being caused by the highly-resistant bacteria, military doctors and infectious disease specialists conducted an investigation in 2004. They found that diminished attention to infection control in combat support hospitals operating in emergency conditions had provided a perfect breeding ground for *Acinetobacter* to evolve and develop the drug-resistant capabilities of other bacteria. A higher level of vigilance is now being maintained in the war zone, but Silberman reports that medical experts are still worried about the evolution of super-bugs and the dwindling effectiveness of the antibiotic arsenal available to them.

African-Americans, notes the author. Among those profiled in the article are wireless LAN expert John Terry, inventor Thomas Mensah, physicist Shirley Ann Jackson, software engineer Kerrie Holley and scientist James West. The author notes that African-American scientists and engineers have a major role to play in encouraging more students from minority backgrounds to go into professions related to science and technology.

44. THE SCORE

By Atul Gawande. New Yorker, v. 82 iss. 32, October 9, 2006, pp. 58-67.

Subtitled "How childbirth went industrial," the article describes in graphic word pictures the process of birth when things go right, and how they can go wrong, too often with fatal results. Key developments over the centuries – the invention of forceps, sterilization, anesthesia - were assumed to have made childbirth less risky. National studies conducted in the 1930s, however, showed that deaths were nearly as prevalent as before, and frequently the reason was that doctors did not know how to use the tools at their disposal. The Apgar Score, the author notes, changed everything. Created in 1953 and now used throughout the world, it rates the condition of babies at birth on a scale from zero to ten. Just as importantly, the score has encouraged doctors to develop ways to improve the ratings of their newborn patients. This has led to a more methodical, "industrialized" approach based on carefully measured routines of labor and delivery. The new methods are not without controversy - pre-scheduled cesarean sections are on the rise, not always for defensible reasons. But the number of babies who die in childbirth is at an historical low, and is likely to go even lower.

45. WHO'S WHO IN THE TECHNOLOGY BOOM

By Shirley Henderson. Ebony, v. 61, no. 12, October 2006, p. 52.

Not well known is that some of the industry players behind many of the technological innovations in recent decades have been

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