

Women and Revolution



Journal of the Women's Commission of the Spartacist League X523

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Criminal State Neglect as Epidemic Rages

The Agony of AIDS



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SL/PDC Brief in U.S. Supreme Court: No to RICO Sex Witchhunt!

On May 12 the Spartacist League and Partisan Defense Committee filed an *amici curiae* (friends of the court) legal brief in the Supreme Court opposing state use of draconian RICO (Racketeer Influenced and Corrupt Organizations) conspiracy laws to shut down publishers and distributors of allegedly "obscene" material. The SL and PDC are supporting the appeal of Indiana booksellers against a state RICO law under which their bookstores were padlocked and all their assets seized simply on a judge's determination that there was "probable cause" to believe the stores had sold two or more "obscene products." The case is expected to be heard this fall.

The Reaganites' blatantly unconstitutional RICO dragnet laws are a blueprint for a police state. As we noted in "Feds Frame Up Mob" (WV No. 400, 28 March 1986), the feds' vendetta against "the Mob" had nothing to do with justice or fighting crime: they actually tried to *frame* alleged gangsters, and thereby institutionalize the RICO frame-up principle. In the RICO racket, the victim is snared not for committing any crime, but for "patterns of racketeering activities" and participation in a "criminal enterprise"—vague categories which have been applied against leftist and working-class organizations. Then they seize your assets as "proceeds of crime" before any trial, to ensure you can't defend yourself! The Reaganites are aiming their guns at the heart of organized labor, using RICO to try to crush the powerful Teamsters union and then go after the rest of the unions—they want a return to the days when all unions were considered "criminal conspiracies."

The government seeks to extend RICO laws as a battering ram against First Amendment rights, in particular freedom of expression and the press. Our interest in this case stems also from the fact that it is sexually explicit material that is targeted. We have long polem-

ized against those right-wing feminists who've allied themselves with the Meese sex police in an anti-porn frenzy, the real purpose of which is not to protect women or children, but to instill fear and social conformity. Indeed, anti-obscenity laws have historically been used against women's rights, especially in censoring birth control information. As we stated in "Reagan's Sex Witchhunt" (W&R No. 31, Spring 1986), denouncing the sinister aims of the sleazy Meese Commission on Pornography:

"The anti-sex crusade is part of Reagan's push to regiment American society into ideological conformity behind imperialism's anti-Soviet war drive. Faced with a population which still hasn't swallowed the New Right agenda, Reagan's response is to call out the cops—in this case, the vice squad. Especially dangerous is the threatened media censorship, which would provide the state with a powerful tool for clamping down on free speech. While anti-abortion terrorists are encouraged in their murderous work, 'pornographers' are arrested. Stop the terrorist attacks on abortion clinics! No to censorship laws! Government, get your snoops out of the bedroom!"

We reprint below excerpts from the SL/PDC brief (subheads added).

A Frontal Assault on the First Amendment

The issue presented in these cases is whether the government can criminalize First Amendment communicative materials, seize and destroy them and imprison their distributors—simply by alleging "obscenity." In these cases the government applied the most powerful weapon in its legal arsenal to an area of social concern inseparably connected to humanity's most public and most private worlds—opinion and sex. The current battleground is personal freedoms—focused on the three-letter word "sex." The battle cry of the government and its religious surrogates is the "protection of morality, family, children."

These cases represent government's frontal assault on First Amendment protection of the spoken and written word, books, films, and the right to publish and distribute communicative material. The starting point is the current majority position of the Supreme Court that the First Amendment is not an absolute—that an "obscenity" exception exists. The established tests for "obscenity" are subjective, imbued with religious considerations, and justified on the basis of a false history of the First Amendment obscenity exception.

Thus these cases pose in stark relief whether the First Amendment is fact or fiction; whether by an Orwellian turn of phrase books, magazines, and video movies can be transformed from First Amendment materials to fruits of racketeering.

A "Tribune of the People"

The Spartacist League seeks to act, as Lenin described the role of the vanguard workers party, as a "tribune of

Women and Revolution

Journal of the Spartacist League Central Committee
Commission for Work Among Women

DIRECTOR OF PARTY PUBLICATIONS: Liz Gordon

EDITORIAL BOARD: Helen Cantor (editor), Amy Rath (associate editor), Helene Brosius, Liz Gordon, Elizabeth Kendall, Ellen Rawlings, James Robertson, Joseph Seymour

PRODUCTION MANAGER: Susan Fuller

CIRCULATION MANAGER: Jon Lawrence

Published by the Spartacist Publishing Company, Box 1377, GPO, New York, New York 10116. Telephone: (212) 732-7862.

Opinions expressed in signed articles or letters do not necessarily express the editorial viewpoint.



Reagan's sleazy top cop Meese and his "pornography commission" paved way for state assault on First Amendment rights.

the people." Thus the Spartacist League opposes all aspects of social oppression, whether stemming from race and national hatred or from the repressive sexual morality enforced by the state and bourgeois family.

Social bigotry, racism and religion are the ideological concomitants of the drive against "godless communism" abroad and blacks, minorities and unions at home. There is a desire by the American rulers to recreate the reactionary environment of the 1950s—the first and last decade of the American century—a period

pre-Vietnam, pre-"sexual liberation," pre-civil rights movement and above all pre-American capitalism's loss of world economic and military hegemony.

As Marxists, *amici curiae* are defenders of democratic rights, recognizing the root cause of the contraction of constitutionally protected rights lies in the class nature of the state. Harold Laski explains in his treatise *The State in Theory and Practice* (1935):

"...how accidental was the union of capitalism with democracy. It was the outcome, not of an essential harmony of inner principle, but of that epoch in economic evolution when capitalism was in its phase of expansion. It had conferred political power upon the masses; but it was upon the saving condition that political power should not be utilized to cut at the root of capitalist postulates. It would offer social reforms so long as these did not jeopardize the essential relations of the capitalist system. When they did as occurred in the post-war [World War I] years, the contradiction between capitalism and democracy became the essential institutional feature of Western civilization."

The Family and Women's Oppression

As materialists, *amici curiae* understand that attempts today to proscribe sexuality and particular sexual practices (and their depiction in pornography) necessarily reflect the attitudes, values and prejudices shaped by this class society. Most prominent is the hypocritical glorification of the monogamous family unit, which Marxists have classically defined as the main Western social institution oppressing women. The "family values" the pornography police claim to uphold are in fact justification for depriving women of equal status not only in the marketplace but in relation to their own bodies.

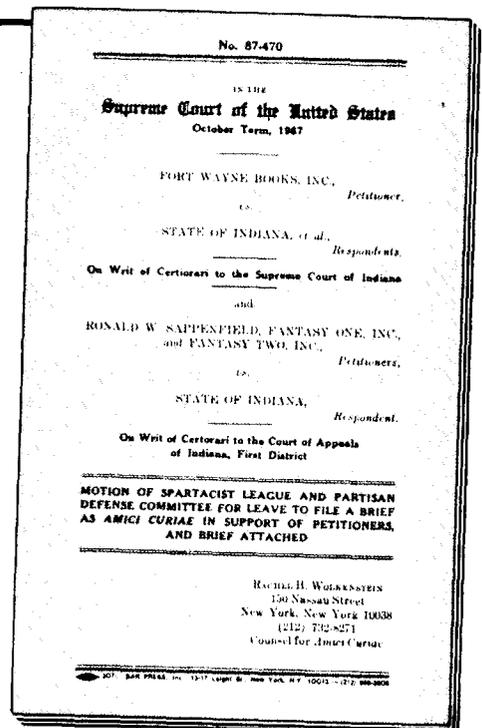
Pre-eminent American novelist and social commentator Gore Vidal has aptly stated "sex is politics" noting that:

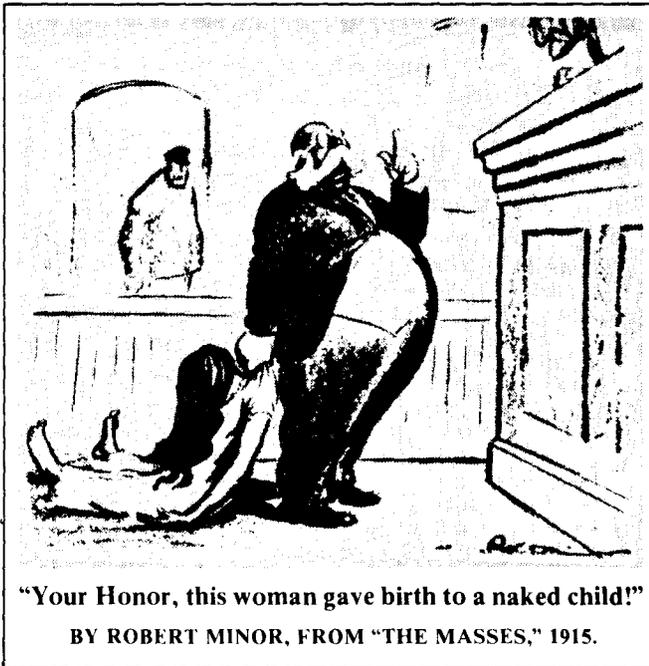
"sexual attitudes of any given society are the result of political decisions.... Today Americans are in a state of

Order Your Copies Now!

All those concerned with civil liberties should order a copy of the Spartacist League/Partisan Defense Committee brief on "obscenity" and the First Amendment. Also available are two other Supreme Court *amicus* briefs. In 1986 the SL and PDC filed a brief opposing the teaching of biblical "creationism" in the public schools, noting the issues posed were preservation of the separation of church and state, the gains of the Enlightenment and the education of future generations. In 1984 the SL submitted a brief opposed to the state's tax evasion case against the ultraright Sun Myung Moon's "Unification Church" as ugly government intrusion into constitutionally protected activities. Although Moon is one of our most bitter political enemies, we recognized that the government's prosecution was an arrogant declaration of sole authority to determine the legitimacy of a religious organization and posed a grave threat to the rights of all voluntary groups. Send \$4 per copy to: Spartacist, Box 1377 GPO, NY, NY 10116.

We urge our readers to support the work of the Partisan Defense Committee, a class-struggle, non-sectarian legal defense organization in accordance with the political views of the Spartacist League. For a donation of \$5 or more, the PDC will send you a subscription to its newsletter *Class-Struggle Defense Notes*. Write to: PDC, Box 99, Canal St. Sta., NY, NY 10013.





"Your Honor, this woman gave birth to a naked child!"

BY ROBERT MINOR, FROM "THE MASSES," 1915.

terminal hysteria on the subject of sex in general and of homosexuality in particular because the owners of the country regard the family as the last means of control over those who work and consume."

—"Sex Is Politics," *The Second American Revolution* (1982)

Those whose private sexual life does not conform to the official values of "Judeo-Christianity" and this capitalist state are subject to heavy penalties, as the decision of [the Supreme Court] upholding sodomy laws in Georgia—which specifically made reference to biblical tradition—made clear. Censoring sexual

"Comstock laws" (satirized in cartoon) targeted Margaret Sanger (right) and her campaign for women's right to birth control.

Bettmann Archive



expression via video, print or photograph is a continuation of this sex witchhunt.

Against State Interference in Private Life

The Spartacist League has a longstanding position against government regulation of private life. As stated in the Spartacist League document *Youth, Class and Party* (1971), "...we call for an end to all laws against what are known as 'crimes without victims' (e.g., prostitution, pornography, gambling, drug addiction, anti-liquor laws)... Laws against gambling and various sexual practices reflect official puritanism allied to organized religion, which acts as an important ideological pillar of capitalism, convincing the masses there can be no happiness this side of the grave."

Certainly some pornography reflects the frustrations and hostilities engendered by this repressive society. *Amici curiae* do not advocate any particular sexual practices, but define their position essentially in the negative: against this state's attempts to censor, limit and cripple human sexual expression in the service of its own reactionary ideology.

People have the right to read or look at whatever they want, to write, paint or film it too, and to engage in whatever sexual practices (or none at all) they choose, so long as they're consensual. The point is neither to proscribe, nor prescribe, what kind of sex people "should" have.

The First Amendment, Obscenity and History

Constitutional history discloses that particularly when the populace is being prepared for war, the protections of the First Amendment are ignored. And, in the midst of a national hysteria around AIDS, in *Bowers v. Hardwick*... [the Supreme Court] upheld Georgia's sodomy law, criminalizing particular sex acts between consenting adults, homosexuals and heterosexuals alike, in the privacy of home.

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Workers Vanguard

New York, April 29: Spartacists in 1,000-strong protest against bigots' campaign to close abortion clinics.

However, judicial claims that "implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance," are simply and clearly erroneous. There is no judicial precedent from British common law or the new American republic regarding prosecution of obscenity.... Reported common law prosecutions were based not on concerns of sexual improprieties but political and religious themes, particularly an attack on the state religion.... Thus, in the words of Mr. Justice Douglas "the creation of the 'obscenity' exception to the First Amendment was a legislative and judicial *tour de force*."

Criminalization of purportedly obscene writings has significantly peaked at key periods of social change.... It was not until the period of post-Reconstruction reaction that Congress passed legislation relating to obscenity. After the Civil War, mass printing, literacy, second-class postal rates, combined with the presence of single men living outside family supervision in the cities provided a market for sexual commerce. "An Act for the Suppression of Trade in, and Circulation of Obscene Literature and Articles of Immoral Use," had as its object the specific prohibition of advertising and mailing of birth control information. This Act... was promulgated by one Anthony Comstock who personally supervised its enforcement as an unpaid postal inspector.... It took the concerted campaign of Margaret Sanger to make birth control information available to women to defeat Comstock and his cronies in the Societies for the Suppression of Vice, Women's Christian Temperance Union, and the YMCA, forty years later.

Post World War II, Cold War politics found expression in sexual politics—preoccupation with family stability, "internal subversion," "moral fiber" and "decency." The focus of the Courts turned to commercial distribution of allegedly obscene materials—books, magazines, and more recently video movies.

This Court has not found it possible to arrive at an objective legal standard of obscenity. The court established standards are imbued with religious, moral and subjective literary determinations....

Religious beliefs and determinations of morality cannot dictate what is permissible for man to read, think, fantasize—be it the classics or "smut"; erotica or pornography. Absent physical harm to another, it is no concern of the state. Established First Amendment law does not permit religious or moral determination of "public consensus."

RICO Laws: Chilling Threat to Freedom of Expression

Obscenity is a wholly improper predicate RICO offense. The mere allegation that communicative material is obscene starts the process of the draconian RICO punishment and forfeiture scheme, allowing First Amendment materials not even alleged to be proscribed to be seized. RICO, therefore comprises a constitutionally impermissible prior restraint of protected First Amendment materials.... RICO's nationwide scope poses grave dangers for an entity engaged in nationwide distribution of materials containing some sexual content.

Either the scope of the proscription or the severity of the punishment alone imposes a sufficient chill on free expression to require invalidation of the statute. In RICO, however, the two effects merge. A potential speaker must confront not only the indeterminacy of RICO's substantive scope but also the daunting risk of draconian penalties, including forfeiture of virtually all assets if the speaker errs in estimating what speech will fall on the protected side of the First Amendment line.... The application of RICO to obscenity will thus have a chilling effect on protected expression unprecedented in its breadth. For all the reasons set forth above, this Court should therefore declare the extension of RICO to obscenity crimes unconstitutional. ■

Criminal State Neglect as Epidemic Rages

The Agony of AIDS

When we first wrote about AIDS in the pages of this journal in November 1983, 2,803 cases of AIDS had been diagnosed in the United States. By June 1988, the figure had risen to 64,898; 36,480 had died. After eight years, the number of AIDS deaths in San Francisco is double the number of residents of that city killed in both world wars, Korea and Vietnam. The Centers for Disease Control predict that the number of sick in the U.S. alone will reach 450,000 by 1993. The World Health

A Review

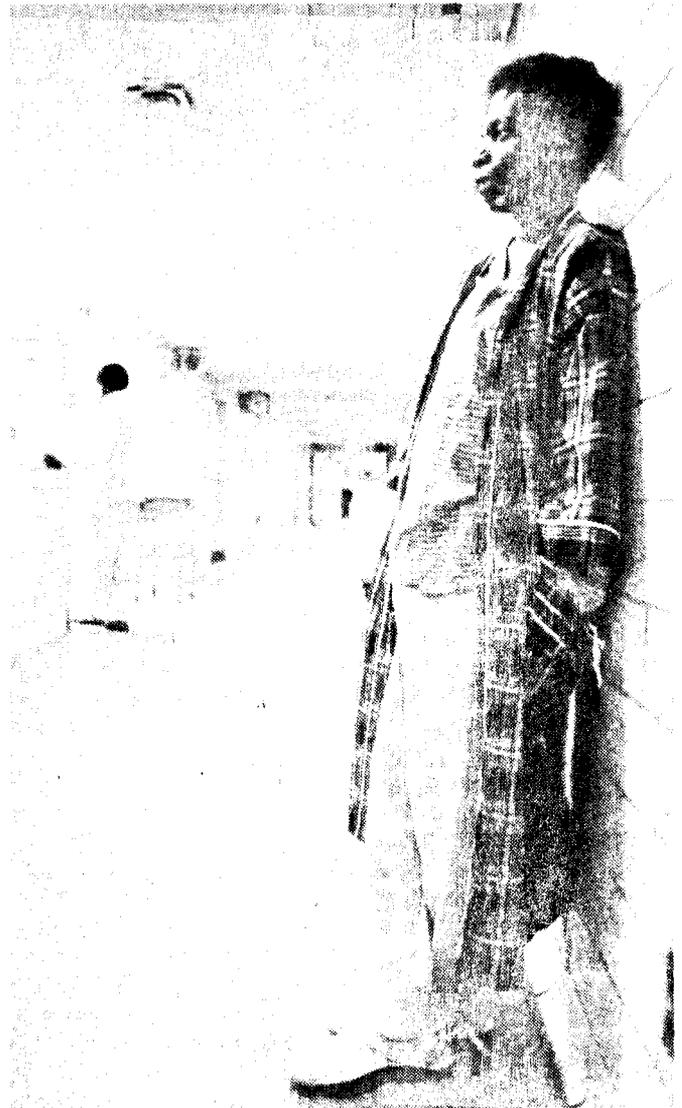
*And the Band Played On:
Politics, People, and the AIDS Epidemic*
by Randy Shilts

St. Martin's Press, New York, 1987

Organization estimates that between five and ten million are infected worldwide and the latest information is that the majority will become sick. In central Africa uncounted thousands are dead or dying of the disease they call "the Horror."

The medical catastrophe has been compounded by vicious bigotry and oppression, bred of social reaction, against the victims of this deadly disease. In the U.S. this virus has hit mainly homosexual men and intravenous drug users, two groups already considered criminals in many states. It is the worst kind of miserable coincidence that AIDS should have first been identified in 1981, the same year that Ronald Reagan, rising on a wave of bipartisan social reaction in this imperialist bastion, became president.

To date, the most compelling portrait of the utter devastation wrought by this disease and the accompanying epidemic of fear and bigotry has been Randy Shilts' *And the Band Played On: Politics, People, and the AIDS Epidemic*. Working for the *San Francisco Chronicle*, Shilts was the only full-time reporter on AIDS in the entire country. A history of the first five years of the AIDS epidemic, his book is based on exhaustive research, including through the Freedom of Information Act. Whatever its other failings, this powerful book lays bare the truth about medicine in capitalist America: the criminal negligence and outright obstructionism of the Reagan administration, the apathy of the media, and the complacency, glory mongering and money grubbing of the medical establishment. The U.S. has dealt with this epidemic about as badly as it was possible for an economically developed country to do.



Jim Pepler

AIDS patient in New York's Harlem Hospital: subject to multiple devastating diseases, abandoned by city "health care."

Shilts also does us the service of making public the fascinating work of a few doctors and researchers who risked their careers in the face of massive resistance from all sides. He describes the personal resolution of many gays who went on fighting as they, their friends and lovers faced crippling illness and death. Even the fundamental work of public education and support for the sick was undertaken not by the public health authorities, but by groups such as Gay Men's Health

Crisis and the Shanti Project, often the only support AIDS victims had.

Reagan Fiddled While Thousands Died

Federal government agencies declared AIDS an epidemic in June of 1981. President Reagan first uttered the word "AIDS" publicly in May of 1987, when 20,849 people were already dead. In the six-year interim, the White House's most active role in the AIDS epidemic was to demand the silence of medical officials in the face of Congressional inquiries on the need for AIDS funding. Researchers and epidemiologists complied, while screaming privately to Department of Health and Human Services secretary Margaret Heckler for more money, more facilities, more personnel. In 1983 Heckler lied to a Congressional appropriations committee, claiming that the researchers had what they needed: "I really don't think there is another dollar that would make a difference, because the attempt is all out to find the answer."

Meanwhile, starting in 1982 the accumulating evidence that AIDS could be spread through transfusions of infected blood was denied by the blood banks. Screening AIDS from the blood supply was not an impossible task, even though the virus had not yet been discovered. The CDC had found that a majority of AIDS victims carried hepatitis antibodies; thus screening for hepatitis B could have at least significantly reduced, although not eliminated, cases of transfusion AIDS. By March 1984, when the CDC counted 73 cases of AIDS from blood transfusions, a few Bay Area blood banks finally began screening for AIDS by this method. But this elementary public health measure was denounced as unnecessary by blood bank authorities, who allowed a tainted blood supply to continue out of pure greed. Dr. Joseph Bove, who served as both the head of the FDA's advisory committee and an officer of the American Association of Blood Banks, told the *Wall Street Journal* that "more people are killed by bee stings" than by transfusion AIDS. One of the results of this criminal avarice is that 70 to 90 percent of hemophiliacs who need continual doses of a clotting factor concentrated from thousands of blood donors are now infected with HIV.

In late 1981, Dr. Arye Rubinstein, a pediatric immunologist at the Albert Einstein College of Medicine in New York, wrote a paper for the *New England Journal of Medicine* documenting cases of AIDS in black children from the Bronx. Six months later his paper was returned: the journal deemed it impossible that children could have a "homosexual disease." French researchers isolated the AIDS virus as early as January 1983, but the National Institutes of Health suppressed the discovery for over a year so they could get credit for their own, slower work. Then, in simple petty rivalry, NIH refused the CDC access to their viral isolates. Comparing NIH budget allocations for previous health emergencies like Legionnaire's disease, Shilts figures "the life of a gay man was worth about one-quarter that of a member of the American Legion.... The joke among gay congressional staffers was that NIH stood for *Not Interested in Homosexuals*."

And it continues today, as Shilts reported at a June 9



Perkins/Magnum

AIDS patients in Uganda. Uncounted thousands in Africa have died of "the Horror."

speech at the New School in New York. Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases, has repeatedly assured the media that lack of resources is *not* holding up trials on drugs approved for testing a year ago. Under oath before Ted Weiss' Congressional subcommittee, Fauci finally admitted the truth: 127 additional staffers are desperately needed to begin the work. Between government sandbagging and the drug companies' fear for their profit line, such experimental drugs as exist to treat AIDS are often available only on the black market. To this day, the simple measure of the distribution of disposable needles to intravenous drug users has been opposed by the government.

AIDS: Crisis and Controversy

The intersection of disease with sex creates the conditions for social explosion. AIDS calls out every hatred, every prejudice in this sick society; against sexual "deviants"; against the poor and the sick, the victims themselves; and especially against blacks and Hispanics, who suffer disproportionately from AIDS because of its spread through IV drug use in the ghettos. Reactionaries have reduced fighting this disease to a political weapon to instill fear as part of a religious, anti-sex witchhunt. The rabid rightist Norman Podhoretz protested even the pathetic government expenditures on research for a vaccine: "Are they aware that in the name of compassion they are giving social sanction to what can only be described as brutish degradation?"

A *New York Times* editorial complains that Shilts' verdict on government inaction is unfair. Glossy magazines have seized upon his descriptions of promiscuous gay sex, painting the book as a gay *Valley of the Dolls*. Podhoretz's *Commentary* cites Shilts' book as evidence for the gross slander that gays are promoting the idea of the heterosexual transmission of AIDS to get

more research dollars.

Many gay papers, especially those centered around leftovers from the New Left gay lifestyle milieu, also hate Shilts' book. *Reactions* from Los Angeles headlined its review (22 March) "And the Press Whored On: Randy Shilts panders to base appetites, for money." For the past six months letters columns in the *New York Native* and *Gay Community News* have printed vituperative exchanges over the book. A reviewer from the *Windy City Times* indicts the book for saying "what the 'normal mind' has always thought about us and our diseases. Sex is either ridiculed, belittled, or treated as an abnormal act" (19 November 1987). Shilts' devastating critique of the government response to AIDS is often obscured in reviews in the gay media. Instead they indict him for blaming AIDS on gay promiscuity, for calling for closing of the gay bathhouses, for



Linda Schaeffer

KKK race-terrorists rally in Georgia. Government's vicious anti-black, anti-gay and anti-labor policies embolden murderous bigots.

describing in detail the alleged exploits of "Patient Zero," and, not least, for exposing to the public political debates within the gay community itself.

The Democratic Party and Gay Liberation Politics

In the book, Shilts' point of view is represented by Bill Kraus, a young leader of the Harvey Milk Gay Democratic Club and Congressional aide to Democratic Party boss Phillip Burton. The book ends with a heart-wrenching description of Kraus' terrible death from AIDS in January 1986, shortly after Rock Hudson's death made AIDS a household word. The country was swept with the first massive wave of anti-AIDS hysteria, when Queens parents boycotted schools because a single child with AIDS was attending school somewhere in New York City.

And the Band Played On powerfully condemns the anti-gay bigotry of the Reagan administration, which Shilts maintains can be successfully countered by organizing the gay community within the framework of liberal Democratic Party coalition politics. Yet there is a certain undercurrent in his book that "gay men playing on the freeway in the late 1970s" brought AIDS on themselves. Shilts' enmity toward the hardline gay

lifestylists, whom he blames for impeding the fight against AIDS, is not simply based on their alleged light-mindedness but reflects as well a concern that spokesmen for the gay community be seen as respectable and responsible by bourgeois society at large. He describes the division between those striving for bourgeois respectability and the lifestyle radicals in the gay movement—divisions which are longstanding but which have been heightened by the AIDS crisis.

The gay liberation movement was born amid the political degeneration of 1960s New Leftism. Seeking to fight for black rights and against the U.S.' bloody war in Vietnam, the New Left proved unable to generate an alternative to liberalism. The breakup of the radical New Left into separatist, parochial "vanguards," each aiming to achieve its "own" liberation, led to trivializing politics into "personal liberation," a liberal/utopian variant of the anti-political "me generation" mood. Gay movement activists of the 1970s divided into two wings. The liberal reformists sought to legitimize homosexuality through fighting for anti-discrimination laws and other minimal reforms. The hardline "radicals" favored a confrontational approach centered in lifestylism. These supposedly counterposed lines—the root of much of the gay press' bitter denunciation of Shilts' book—are really two sides of the same coin. Neither one proposes to end the oppression of homosexuals in capitalist society, but merely to come to some uneasy truce with it. Sectoralist gay politics is simply an attempt to generate a program out of sexuality, "gay is good," and as such can no more conquer the real root of homosexual oppression—the institution of the family—than campaigns for "wages for housework" can liberate women.

Shilts harks back to the days before the murders of SF Mayor George Moscone and Supervisor Harvey Milk, when the Democratic Party city government was fairly widely seen by gays as "theirs." (Shilts is also the author of *The Mayor of Castro Street: The Life and Times of Harvey Milk*.) In San Francisco "gay liberation" is played out for the benefit of the Democrats, who exploit homosexual oppression for the liberal-sophisticate face of capitalist rule. San Francisco probably defines the limits of "gay liberation" in capitalist America and is seen as a "liberated zone" in a homophobic country. But the city exists in bourgeois society with its reactionary ideology and institutions, its attacks on the democratic rights of the oppressed, its needs to shore up the family. In fact, Moscone's first action as mayor was to bust the municipal craft unions, and Dianne Feinstein kicked off her tenure with a series of cop attacks on gay hotels and private clubs.

The Bathhouse Controversy

The major controversy sparked by *And the Band Played On* is Shilts' chronicle of the debate over the question of closing the gay bathhouses. Shilts supports those, like Kraus, who campaigned to close the baths, favoring "an aggressive campaign to alert gays to the dangers of the disease," as against those "who favored a low-key approach to the epidemic, fearing that panic could spread to heterosexuals who might resort to such unsavory actions as mass quarantines of gays." For this

The Progressive



San Francisco,
21 May 1979:
Verdict of "voluntary
manslaughter" for
killer of Moscone
and Milk sparked
"Night of Gay Rage."
Democrat Feinstein
unleashed her
cops against gays
in brutal revenge.

Randy Shilts has been most bitterly condemned in the gay press:

"The book has certainly contributed—as Shilts clearly intended—to the sentiment that closing bathhouses is a matter of 'public health,' not a matter of civil liberties. This is a matter not of principle, but of appeasement, which we may define as feeding your friends to the crocodiles in the hope you will be eaten last. We have seen here in Los Angeles the consequences of this strategy: not only gay bathhouses, but also gay bars and even bookstores are under police attack."

—Reactions, 22 March 1988

The problem is that there are two principles here which are always in tension: public health vs. individual rights. Which one has more weight at any given moment can only be decided by examining the particular health threat posed.

By the time the disease now known as AIDS was recognized as an epidemic in June 1981, a few doctors in New York, Los Angeles and San Francisco had been aware of a strange immune disorder in gay men for some time; one could trace Kaposi's sarcoma patients back to 1979. By March 1982, CDC investigators and SF public health officials had conclusively proved that the disease was sexually transmitted. A control study showed that the 285 people already diagnosed were "far more likely" to have gone to gay bathhouses for sexual recreation.

Surely the very first course of action should have been to attempt to slow the spread of the disease. Two years before the rest of us, public health authorities knew that the risk of contracting AIDS was maximized by promiscuity. Authorities knew that the disease had a long incubation period, during which the unknowing victim was infectious. Thus public health authorities focused attention on the bathhouses as an "amplification system" for the disease:

"Virtually every study on sexually transmitted diseases had shown for years that gay men who went to bathhouses were far more likely than others to be infected with whatever venereal disease was going around, whether it was gonorrhea or syphilis, hepatitis B or AIDS. Bathhouses guaranteed the rapid spread of AIDS among gay men."

—Randy Shilts, *And the Band Played On*

The only factor in the equation that could be affected was the number of sexual contacts. Once the virus had started to spread, having unprotected sex was like playing Russian roulette, and in the bathhouses the game was being played with a machine gun rather than a revolver.

In 1982 closing the bathhouses as an extraordinary public health measure could have slowed down the

SL Protests, Publisher Agrees

On 16 February 1988, the Spartacist League's General Counsel Rachel H. Wolkenstein wrote to Randy Shilts and the legal department of St. Martin's Press, publisher of *And the Band Played On*, demanding damages and retraction of a libelous statement in the book, specifically the sentence: "At the site of the Family Forum, earnest members of the Revolutionary Communist Party and the Spartacist League were fighting with police officers." As the letter noted, "That statement is libelous and damaging to the Spartacist League in that it falsely states that the Spartacist League and its members engage in violent and criminal acts against the police." The statement first appeared in the *San Francisco Chronicle* in 1984. The SL immediately demanded a retraction, and did receive a partial and unsatisfactory one, which we further protested. The *New York Daily News*, which had repeated the libelous statement, issued a prompt and complete retraction and apology.

We received a letter dated March 2 from the general counsel for St. Martin's Press, stating, "We have discussed your letter and the enclosures with Randy Shilts. He and we are willing to delete the reference to the Spartacist League from any future printings or editions of *And The Band Played On* which we may print in the future."

spread of AIDS. And immediate action to clean up the blood supply and distribute disposable needles to IV drug users would have saved thousands of lives. The spread of the disease was not linear, but exponential. As Harvard biologist Stephen Jay Gould said in the *New York Times Magazine* (19 April 1987), "A fight against an exponential enemy is primarily a race against time."

Closing the baths would have at least served as a fast way to get out the message to those gay men who were most at risk, who remained largely uninformed or dismissive of the facts, that they were in danger of contracting a fatal disease. An indication that an earlier change in sexual patterns could have saved lives is that in recent years the rate of infection among gay men in San Francisco has fallen considerably. We know how fast health authorities can move when they want to: remember Legionnaire's disease, the poisoned Tylenol scare and toxic shock syndrome. So why should gay men have believed that promiscuity is unsafe if the bathhouses were *not* shut down?

Could a government of Anita Bryants and Jerry Falwells have convinced gay people about anything? It was not so unreasonable that in 1981 and 1982 many gays reacted to the rumors of a new killer disease spread through sex as if it were a lie to create anti-gay hysteria. This is a classic Catch-22. *In fact, this vicious anti-gay bigotry is precisely why the bathhouses were not closed down.* The government of Bryants and Falwells turned deaf ears to health authorities worried

about saving gay lives. To Reagan and the Moral Majorityites, AIDS was even better than the neutron bomb. That is exactly how it was treated by the White House where, according to Republican presidential candidate Bush, it is still a "giggling factor" (*Boston Globe*, 1 April 1987).

From Day One the AIDS issue has been manipulated in the service of gross bigotry and repression. It is right to be concerned that what should be an elementary measure to protect people's lives might well, in the hands of this state power, become a tool of persecution, used to justify cop raids and to unleash an anti-gay backlash. But now the objects of this bigotry are dying by the thousands. At some point, it is simply necessary to act. Instead, city officials used their phony "concern" for gay rights as a specious argument to cover their refusal to do anything, while their real worry was loss of votes in the next election. Hysterical reactionaries pushed medically unjustified moves such as quarantine, which in this case can only be an act of state persecution. People died, and the cop raids and anti-gay attacks happened anyway. By 1985, when most of the bathhouses were closed, the virus had already spread too far for this measure to be effective. Many bathhouses had already shut for lack of business.

Among other things, *And the Band Played On* made us rethink the evolution of our political position on this crucial question with the benefit of hindsight. In 1984 San Francisco banned all sexual activity in gay bathhouses as a "compromise" measure; rather than close the bathhouses, the city proposed to police them. At this time, the Spartacist League took a blanket position against closing the bathhouses, reducing the question simply to the maneuvering of Dianne Feinstein to clean up the "gay mecca" in her bid to become Democratic Party vice presidential candidate.

As Marxists, we correctly see the anti-sex crusade as a domestic corollary of the imperialist war drive against the USSR, in the name of fighting "deviants" of all kinds, whether of sexuality, religion, race, politics. But Shilts, as a liberal concerned centrally with gay rights nearly to the exclusion of any other question, downplays the all-sided nature of social reaction in this country in the 1980s. Bigots bomb abortion clinics; the Supreme Court declares any kind of oral or anal sex "condemned" by "Judeo-Christian moral and ethical standards"; the day-care centers are pronounced rings of child sex abuse; the Meese police bust Mom and Pop stores for renting dirty videocassettes. Having long fought for "Government Out of the Bedrooms!" (we are virtually the only people to defend NAMBLA, the North American Man/Boy Love Association, from vicious state persecution), we had a knee-jerk reaction and wrongly demanded "Government Out of the Baths!" However, there is a difference between a bedroom and a bathhouse: very private acts happen in a bathhouse, but it is still something of a public place. We defend people's right to engage in sex of whatever kind and at whatever rate they wish (or can get), as long as it's consensual. As we said in "AIDS and the 'Mortal Sin' Scam" (*W&R* No. 27, Winter 1983-84), "one damn good reason to get this frightening outbreak cleaned up is so people can enjoy sexual activity in safe, healthy condi-

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tions—including the baths and bars if that's their scene."

If closing the bathhouses is somewhat a question of history, the key test of homophobia is now raised by the proposal to test high-risk populations for HIV antibodies. Both Reagan's hand-picked commission and a committee of experts appointed by the National Academy of Sciences have urged strong new laws to enforce confidentiality to protect those who test positive. Nevertheless the Reagan administration has consistently and adamantly refused to grant even this limited protection, because it is seen as an "endorsement" of homosexuality and drug use.

However a person contracts AIDS, he is faced with social stigma: in the summer of 1987, three hemophiliac boys infected with HIV were burned out of their family home in Arcadia, Florida. AIDS victims face loss of housing, jobs, health insurance, friends and family. Without protection, testing is a sure prelude to discrimination and ostracism. But a government decree of confidentiality is no guarantee; they are already trying to make our Social Security numbers into an internal passport system. And in a hospital "confidentiality" is meaningless. When your blood comes back positive, a sign goes on the door, the nurses won't touch you and you're left lying helplessly in bed.

As Allan M. Brandt says in his book *No Magic Bullet: A Social History of Venereal Disease in the United States Since 1880*, "testing raises the question of whose interest medical science will serve. Compulsory testing raises the most fundamental tensions between civil liberties and social control." In the absence of a treatment or cure, taking a test for AIDS will not benefit most individuals. However, testing populations at high risk would at least help researchers to track the epidemiology of AIDS. For pregnant women who have a high chance of giving birth to an infected baby, testing is crucial. *Voluntary, anonymous* testing would simultaneously provide the CDC with important information and help to assuage justified fear.

Like everything else in this capitalist society, "public health" is infused with class, race and sex bias. Early in this century, health officials blamed immigrants and the poor for diseases like syphilis and gonorrhea, which they claimed (falsely) were spread through drinking fountains. But the extraordinary powers granted by law to departments of public health are necessary to fight disease. This fight can often involve quite brutal interference of the state into private life.

Key to control of plague, for example, is the eradication of domestic rats infesting people's homes—which must certainly lead to forced entries and searches. The prejudices of capitalist society can often infuse these necessary measures with a very ugly content. In the outbreak of plague in San Francisco in the early 1900s, there were proposals to raze Chinatown and forcibly detain its inhabitants. But this utterly wrong, vicious racist hysteria does not mean that eradication of the rats should stop.

In 1966 the World Health Organization began a successful campaign to wipe smallpox from the face of the earth. For eleven years health workers, armed with vaccines and bifurcated needles, scoured cities and vil-



NY Public Library

India, 1964: Massive public health campaign spear-headed drive against smallpox. 279 million people, over 64 percent of the population, were vaccinated in less than a year.

lages throughout Asia and Africa for cases and contacts. One official described his team as "a band of vigilantes, about forty-four white, foreign infidels who were not likely to be excessively worried about the finer points of Muslim belief" (June Goodfield, *Quest for the Killers*). Time was key to their success, and in the face of resistance force was fastest. Some "vigilantes" were attacked and nearly killed. Smallpox no longer exists on this planet (except in government biology labs).

Sexual Politics

The other side of the controversy on the bathhouses is the question of sex and promiscuity in the gay milieu. Shilts' graphic descriptions of gay sex do have a negative cast. He plays up lurid, anonymous sex in the bathhouse; infected lovers can't screw, they just hold each other. This is partially a problem of subject matter—sickness and death are not particularly erotic topics. Yet it also seems as though he thinks of promiscuity among homosexuals as different than among heterosexuals. Thus the one real stupidity in his book: "Some heterosexual males privately confided that they were enthralled with the idea of the immediate, available, even anonymous, sex a bathhouse offered, if they could only find women who would agree." Hasn't he heard of Plato's Retreat? This is a variant on one of the mythical versions of a whorehouse.

Perhaps gays also get upset over Shilts' book because the title evokes the sorrow of the classic movie of homosexual life, *The Boys in the Band*. This film bitterly portrays the self-hatred gays are taught by a society which stigmatizes their most private and deeply felt emotions.

For gays, already considered "sick" or even criminal

in this society, the portrayal of the alleged sexual psychopath Gaetan Dugas—and the twisted way the bourgeois press sensationalized him as “Patient Zero”—can lead to a justified paranoia. But the personal character of this man is irrelevant. There are no more sick psychopaths among gays than there are in any section of society, and a lot fewer than, say, in the Pentagon.

Shilts' line on homosexual promiscuity echoes that of Larry Kramer, already hated for his critique of the gay sexual subculture in his 1978 novel, *Faggots*. Yet there are reasons why promiscuity has become more than a matter of individual sexual preference and has been imbued with a meaning beyond the personal, seen even as a political act of liberation. *The Normal Heart*, Kramer's roman à clef play on AIDS, touches on the truth felt so keenly by so many:

“We have been so oppressed! Don't you remember how it was? Can't you see how important it is for us to love openly, without hiding and without guilt? We were a bunch of funny-looking fellows who grew up in sheer misery and one day we fell into the orgy rooms and we thought we'd found heaven.”

The feeling of “sexual liberation,” however, is an *illusion*, like the feeling of political power which gays had in the Castro Street district and in Greenwich Village. The social reaction to AIDS has tragically underscored the fact that the oppression of homosexuals is rooted in the patriarchal nuclear family. Based in this era on the capitalist mode of production, the institution of the family forms a trinity with organized religion and the state. The oppression of gays under capitalism is a simple corollary to this social institution, while prejudice

against gays on the part of the “man in the street” flows from stereotyping decreed by the sexual division of labor in the family.

Sex, Race and Class

And the Band Played On is reflective of the limited worldview of the gay movement. The grim realities for IV drug users and their sexual partners and babies are largely ignored. As devastating as AIDS has been to homosexuals, at least the gay community has some social weight in bourgeois society. It is a largely petty-bourgeois layer, with education, jobs, health insurance and social connections. This has enabled gays to pick up some of the pieces let fall by the government.

Right now the epidemic is spreading most rapidly among users of IV drugs and their sex partners—people who are predominantly black and Hispanic. Thus AIDS, which was first recognized as a disease in gays, is being transformed into a disease of the ghetto, among the desperately impoverished and oppressed: the chronically unemployed, sometimes already homeless, often illiterate, already without any insurance for health care. For these people, it is a struggle simply to make it to the disability office; some have died standing in line waiting for welfare. The fastest growing single category is congenital AIDS in the newborns of infected mothers; there are nearly 300 in New York alone. Many of these children live their whole short lives tied down in their hospital cribs.

By 1985 the despicable Ed Koch, mayor of the “AIDS capital of the world,” had doled out an unspeakably pathetic \$75,000 for AIDS education and community services. In New York over 50 percent of AIDS patients are black or Hispanic, although it is estimated that the number of IV drug users with AIDS may be vastly underreported. The city doesn't bother to diagnose or identify the bodies of IV drug users—they are just dumped in Potter's Field.

Amid the compound horror of AIDS and the poison of drug addiction, the only hope is to decriminalize drugs, remove the stigma and get these people to some help fast. Yet for an estimated 250,000 to 350,000 junkies in New York, there are only 30,000 places in methadone clinics. The government would rather do “public health” with the police than with scientists. If AIDS had surfaced first in this population instead of among gays, would anybody know about it even yet? Black people are the main victims of Reagan reaction. The intersection of the AIDS epidemic with the race question in this deeply racist country gives it a horrifying potential for race-hate mobilizations.

Break with the Democrats! Build a Workers Party!

The fate of homosexuals—like that of any other oppressed group—is determined by the course of the class struggle. Today the rise of “gay-bashing” and vicious discrimination against homosexuals flows not only from the rise of AIDS hysteria, but from the general reactionary climate engendered by a bourgeoisie triumphant in its “rollback” against the union movement and assaults on the working people and minorities.

This escalating reaction was begun by the same Dem-

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Workers Vanguard

Chicago, 27 June 1982: 3,000 at Spartacist-initiated mobilization to stop Nazi provocation against Gay Pride Day. Only a multiracial, class-struggle party can be the "tribune of the people," fighting for the interests of all the oppressed.

ocratic Party that gays claim as their own. "Born-again" Carter first brought the fundamentalists into the White House. In 1977 Anita Bryant launched her "Save the Children" campaign, targeting homosexuals for firings and harassment. In 1979 in Greensboro, North Carolina, five leftists and unionists, black and white, were gunned down in cold blood by fascists, with the complicit participation of the FBI. The racist Dixiecrat from Georgia, "life is not fair," "ethnic purity" Carter, rolled out the carpet for Reagan and his cabal of reactionaries. Reagan picked up where Carter left off, opening his presidency by smashing the air traffic controllers union, PATCO.

The best of the 1970s gay activists found that they had to look outside the narrow perspective of "gay liberation." In 1977 the Spartacist League fused with the Red Flag Union, the former Lavender and Red Union, gay activists who had organized their group to fight for a "Vanguard Communist Party." Key to winning them was our Trotskyist program for a multiracial, class-struggle party to fight as the tribune of the people, championing the cause of all the oppressed. As the RFU wrote in the last issue of *Red Flag* (special fusion supplement to *Workers Vanguard*, 9 September 1977):

"Revolutionary Marxists approach the question of homosexual oppression as the only consistent defenders of democratic rights for all the exploited and oppressed. These rights are indivisible and can be secured only with the proletariat in power. The slogan 'Full Democratic Rights for Homosexuals' means a commitment not only to fight against such abuses as job discrimination and legal inequality, but also to mobilize the power of the working class in defense of homosexuals' democratic rights. It is not a separate demand for homosexuals, but a demand in the interests of the entire working class."

This key point was dramatically illustrated on 27 June 1982 in Chicago where 3,000 protesters mobilized to stop the Nazis from staging a terrorist provocation

against Gay Pride Day. The Spartacist League-initiated united-front action organized unionists, South Side blacks, Jews, Latinos, New Town gays, socialists, to defend gay rights and stop the Nazis because "in the factories, union halls and neighborhoods, Chicagoans know that this attack on gays is only a *beginning*."

The disease of AIDS is still evolving. Recent reports have shown that the virus can hide in the macrophages (cells of the immune system), perhaps undetected by the current means of testing, which reopens the question of the safety of the blood supply. Estimates of the mean incubation period have grown from two years to up to ten years. Massive public education, widespread use of condoms, decriminalization of drugs and the distribution of disposable needles are all measures which could buy some time. But this epidemic cannot be stopped without a cure or containment for the virus. Many thousands are dying quite miserably—this at least could be alleviated. We call for free, quality health care for all, billions for AIDS care and the allocation of socially necessary resources to find some answers.

There is not enough money for AIDS because the U.S. imperialists are pouring their billions into the lost struggle to maintain American hegemony against the USSR. The Pentagon spends more each day (\$821 million) than the government has spent on AIDS treatment and research (\$626 million) since the epidemic began. AIDS exposes the gaping holes in pathetic reform schemes, "anti-discrimination" bills, single-issue sectoralism pitting different sectors of the oppressed against each other, and every liberal patchwork scheme advocated by lackeys of the twin capitalist parties. The fight against AIDS cries out for a socialist revolution which will lay the basis for a society which will end all forms of social oppression. Only then will the limits of science be the sole limits—and those will constantly be enlarged through thoughtful, energetic research. ■

In Defense of Homosexual Rights: The Marxist Tradition

Defense of democratic rights for homosexuals is part of the historic tradition of Marxism. In the 1860s, the prominent lawyer J.B. von Schweitzer was tried, found guilty and disbarred for homosexual activities in Mannheim, Germany. The socialist pioneer Ferdinand Lassalle aided von Schweitzer, encouraging him to join Lassalle's Universal German Workingmen's Association in 1863. After Lassalle's death, von Schweitzer was elected the head of the group, one of the organizations that merged to form the German Social Democratic Party (SPD). The SPD itself waged a long struggle in the late 19th century against Paragraph 175 of the German penal code, which made homosexual acts (for males) a crime. August Bebel and other SPD members in the Reichstag attacked the law, while the SPD's party paper *Vorwärts* reported on the struggle against state persecution of homosexuals.

In 1895 one of the most infamous anti-homosexual outbursts of the period targeted Oscar Wilde, one of the leading literary lights of England (where homosexuality had been punishable by death until 1861). Wilde had some socialist views of his own: his essay, "The Soul of Man Under Socialism," was smuggled into Russia by young radicals. When the Marquess of Queensberry called him a sodomist, Wilde sued for libel. Queensberry had Wilde successfully prosecuted and sent to prison for being involved with Queensberry's son. The Second International took up Wilde's defense. In the most prestigious publication of the German Social Democracy, *Die Neue Zeit*, Eduard Bernstein, later known as a revisionist but then speaking as a very decent Marxist, argued that there was nothing sick about homosexuality, that Wilde had committed no crime, that every socialist should defend him and that the people who put him on trial were the criminals.

Upon coming to power in 1917 in Russia, the Bolshevik Party began immediately to undercut the old bourgeois prejudices and social institutions responsible for the oppression of both women and homosexuals—centrally the institution of the family. They sought to create social alternatives to relieve the crushing burden of women's drudgery in the family, and abolished all legal impediments to women's equality, while also abolishing all laws against homosexual acts. Stalin's successful *political counterrevolution* rehabilitated the reactionary ideology of bourgeois society, glorifying the family unit. In 1934 a law making homosexual acts punishable by imprisonment was introduced, and mass arrests of homosexuals took place. While defending the socialized property forms of the USSR against capitalist attack, we Trotskyists fight for political revolution in the USSR to restore the liberating program and goals of the early Bolsheviks, including getting the state out of private sexual life. As Grigorii Batkis, director of the Moscow Institute of Social Hygiene, pointed out in "The Sexual Revolution in Russia," published in the USSR in 1923:

"Soviet legislation bases itself on the following principle:

"It declares the absolute non-interference of the state and society into sexual matters so long as nobody is injured and no one's interests are encroached upon...."

"Concerning homosexuality, sodomy, and various other forms of sexual gratification, which are set down in European legislation as offenses against public morality—Soviet legislation treats these exactly the same as so-called 'natural' intercourse. All forms of sexual intercourse are private matters." [emphasis in original]

—quoted in John Lauritsen and David Thorstad,
*The Early Homosexual Rights Movement
1864-1935* ■

Black History and the Class Struggle



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Afghanistan...

(continued from page 16)

on May 15 leaves open the field for the bloody tribal chieftains and mullahs to unleash a bloodbath against leftists, against unveiled women, against atheists, against any who have assisted the Soviets.

An article by Marc Kaufman in the *Philadelphia Inquirer* (26 April) pierced the American bourgeoisie's veil of lies over what an anti-Communist victory will mean, describing how "the specter of a *mujaheddin* reign of terror against women" is widely perceived:

"When asked why they had left Afghanistan for the refugee camps, many Afghans in Pakistan don't talk about the bombing or land reform, or even the suppression of Islam.

"What they did not like, those Afghans said recently, was that the communists in Kabul wanted to send their daughters to school."

Those young women who did seize the opportunity for an education are now, in the most literal sense, faced with a fight for their lives. One woman interviewed in Kabul explained:

"Without the revolution, what would I be?" said the handsome young woman, who has a college degree

from Bulgaria, a good job with the Red Crescent, and the freedom to wear lipstick, a skirt and even high heels.

"I would be staying at home, and maybe only going out with the veil—like my mother did," she said. "And for marriage, I could be bought like so much property.

"This is why so many Afghan women are with this revolution, and why we will fight so hard to defend it'....

"They will try to put us back in *chaderie* [veils]—we know this," Mina Fahim said of the *mujaheddin*.

"Like in Iran with Khomeini but maybe worse, because we would resist. For us, *chaderie* is impossible," she said with a shudder."

Afghan women will resist, arms in hand. Among the contingents in the April 27 demonstrations this year, celebrating the tenth anniversary of the "April Revolution" that installed the Afghan reform regime, was one of determined-looking women armed with AK-47s. The Bolsheviks under Lenin and Trotsky understood that the struggle for women's liberation in such backward regions is a great motor force for revolution which must be centered on the proletariat. Gorbachev's bitter betrayal of this struggle underlines the burning necessity to reforge a Trotskyist vanguard to lead the fight for political revolution in the Soviet Union, to restore workers democracy and to reopen the road to proletarian internationalism. ■

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12 Nummern DM 10,—

Auslandsseepostabonnement DM 15,—

Auslandsluftpostabonnement DM 30,—

Verlag Avantgarde, Postfach 11 02 31

2000 Hamburg 11, West Germany

As Soviets Pull Out, Islamic Fanatics Threaten Bloodbath Afghan Women Fight for Their Lives



Kabul, 1988: Afghan women armed with Soviet AK-47s march on tenth anniversary of "April Revolution." Reuters

When the Soviet Union intervened in Afghanistan in 1979 against the CIA-backed Islamic holy warriors, we proclaimed, "Hail Red Army in Afghanistan!" Faced with unenviable options on their Afghanistan border, the Brezhnev regime chose what it saw as the lesser evil: intervention against CIA-backed tribalist reactionaries. This pushed the Soviet military into defending social progress and women's rights, while cutting against the pursuit of "détente."

In the first months of 1979, when Khomeini's reactionary theocracy came to power after the fall of the hated U.S.-backed shah in Iran, we said, "For workers revolution to defeat Islamic reaction! No to the veil!" The difference between Iran and Afghanistan is that Iran at least has a significant proletariat, albeit politically beheaded by years of Stalinist betrayals. But in Afghanistan at the time of the Soviet intervention, 70 percent of the population was agricultural and there were literally only two factories in the entire country. Far from being a historically cohered nation-state, Afghanistan has been and is a cauldron of feuding tribes and fragmented peoples for whom effective assimilation into the USSR through an Afghan workers state would constitute enormous social progress.

Conditions of life in Soviet Central Asia testify to the

vast gains this would bring for the Afghan peoples. The tremendous productive capacity of the Soviet planned economy made possible the services, education and jobs that finally decisively undercut the ancient order in those areas under Soviet control and liberated women from their stifling subjugation. Thus we said in 1979, "Extend the social gains of the October Revolution to Afghan peoples!" Lenin foresaw such a possibility, speaking on the national and colonial questions at the Second Congress of the Communist International in 1920, "... with the aid of the proletariat of the advanced countries, backward countries can go over to the Soviet system, and through certain stages of development, to communism, without having to pass through the capitalist stage."

Today Gorbachev thinks he can make a deal with the nuclear nuts in the White House to buy "peace in our time" by extinguishing "regional hot spots" from Afghanistan to Angola. But we Trotskyists, who unconditionally defend the Soviet Union against imperialism and internal counterrevolution, understand that all he will do is fuel Washington's counterrevolutionary ambitions to roll right up to the gates of the Kremlin. The Soviet troop pullout from Afghanistan that began

continued on page 15