



by Benjamin J. Stein

Toughest Nails

Ring, ring, goes the bell. Up from a deep sleep. It's a woman from MacNeil/Lehrer (now "The NewsHour With Jim Lehrer"). "You've been recommended highly by a professor at the University of Pennsylvania to appear on our show on Monday about race in America."

"I have to think about this," I said. "I had a very bad experience last time I was on TV talking about race."

"Well, this is going to be a very sensible discussion, very cool, very restrained and thoughtful," she said. "A group of important black and white historians talking about race in America."

"And you want me?"

"Definitely," she said. "Now, what will you say once you're on?"

"I guess I would say that black people in this country have suffered terribly over the past several hundred years. They were still suffering terribly until about twenty years ago."

"Uh-huh, uh-huh," she said, obviously taking this down.

"And, in fact, they were really still suffering when I was a child to the point that it was criminal. But in recent years, I think their suffering is largely self-inflicted. White America has done an almost unbelievable job in correcting its racism. Official, legally sanctioned racism is a thing of the past, at least against blacks. There is no historic precedent for the revolution of decency in America about helping blacks and stopping hurting blacks. I think that now the gates are wide open for blacks, and if they do not come through the gates, that's very largely

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because of pathology within their community. If they would start behaving like Finns, and have fewer out of wedlock babies, stronger families, take advantage of the educational system, and really work with discipline for a better life for them and their children, they would soon live at least as well as whites." (Of course, I'm not sure I live like a Finn . . .)

There was a weighty sigh and a pause at the other end of the phone. "Are you saying that things have actually gotten better in America? That there's less racism?"

"Oh, definitely," I said. "No doubt about it."

There was an even longer pause. "Well," she said softly, "maybe this isn't the right show for you to be on. But I can promise you that we'll be using you soon on some other show. Just in case, maybe you should tell me your credentials."

"I'll call you later," I said. "I'm on my way to a business meeting."

Gee, I wonder why many Americans don't trust PBS.

I hustled off to my meeting, which was downtown with a very funny, smart lawyer named Kevin Roddy. It's about a case I am not allowed to discuss. Suffice it to say, it's one of the more fascinating cases I have ever come across. On the other hand, I almost always think these cases are fascinating. My pals ask me how I can find the whole subject of bonds and default rates so interesting. I tell them that if you get deeply into almost any subject it becomes interesting.

After my meeting, I headed to the airport on the virtually new Century Freeway. It goes through South Central L.A. to the airport. The sky was a sickening light gray from smog. The landscape was utterly featureless. The cars on the freeway were

dented and old. They drove recklessly, drivers staring forward without expression.

In a few minutes I was off the freeway and on my way to American Airlines. The airport was under a "heightened security alert," yellow and black signs everywhere. I checked in and went to the Admirals' Club. Guards everywhere. Plainclothes cops behind the check-in desk. The baggage area was locked up. Could Al-Fatah have called in? Does Hezbollah know about Platinum AAdvantage?

Off I went on Flight 36 to Washington, D.C. I got into my seat and soon I was in the kind of haze I get into when I am half asleep and the headphones are playing Bob Dylan's "Desire" for the millionth time.

Willie and Frank kept coming to mind, and the days when black people led sad lives indeed in this blessed America.

Willie was the janitor at my grade school, Parkside Elementary, which was beautifully set in a grove of trees next to still lovely Sligo Creek Park. Like every school in the sovereign state of Maryland, Parkside was racially segregated. White children only. The sole black face was Willie's. He was a portly man with a gold capped tooth. He would walk up and down our school's one hallway, tossing resin out onto the floor and then sweeping up the dust it collected with his push broom. I can still smell that resin and remember Willie whistling. He knew the name of every boy and girl at Parkside, and always was friendly. Sometimes he would chuck us behind the ear or even pretend to throw a punch. He had been in World War II in some capacity, and now he was the janitor.

The school was heated by a coal-fired basement furnace. To make sure we were warm on winter days, Willie would get up at dawn or maybe before. He drove in

from his little shack in the woods near Rockville—there were lots of woods in those days. He would stoke the furnace, get the school toasty warm for us, and then start his sweeping.

I remember even then thinking that it was sad that Willie's children, if he had any, could not go to the school he warmed up for us. There he would be, driving in on freezing days in his old Plymouth, a prewar model, and he was keeping the school warm for whites only.

We had a teacher who routinely called black people "coons." The students routinely called them even worse. That was the environment Willie kept warm.

Willie retired when I was in sixth grade. A small deputation of us went out to Willie's shack, really just a shack, and brought him a plaque expressing our gratitude. He seemed very tired, but he showed a certain grace and even made a little bow. He laughed and threw a fake punch. I could smell the resin on him, and I still can now, thirty-nine years later.

Then there was Frank. He was a slender, seedily stylish black man who did gardening and handiwork in our neighborhood, Woodside Park, in Silver Spring. He toiled away pulling weeds, raking, carting away leaves, all for maybe a dollar an hour or maybe a dollar and a quarter. How could he possibly have lived on that? The people who employed him were always yelling at him, telling him he did it wrong, generally treating him as less than human and without feelings. I remember how he would walk around the neighborhood in the snow dressed only in thin summer clothes. Can it be that he does not feel the chill the way white people do? So I thought. Could it be that his black skin kept him from feeling pain and snow and hurt and humiliation? It did not even occur to me that he had no money for warm clothes.

Frank drank heavily. Sometimes I would see him staggering in the immense park behind our house or just lying on a park bench. He was found dead on a park bench, of exposure, on a winter morning maybe thirty-five years ago. That was Frank. A dead colored man. Dead from his drinking, of course, not dead from life as a colored man in suburban Maryland, USA. Talked of for a day, and then gone.

I was awakened to be fed my dinner on the plane by a stewardess who wanted my autograph. I didn't know what to think about Frank and Willie as I ate my roast beef at 29,000 feet. Anything I thought made me feel like an idiot and a fool. Let's just say I felt really, really bad about it.

In seventh grade, in 1956, when I went to the hellhole of the universe, Montgomery Hills Junior High, the schools were integrated. At least in Silver Spring. We had a "colored" math teacher who did not use grammatical English. "Listen at you," she would say when disdaining one of our answers in elementary algebra or fractions. She also explained that there were TVs only on the east and west coasts, and when I told her I was sure there were TVs in Cleveland and Chicago, she scoffed at me. One day a student asked her why she did not wear a bone in her hair. She cried and ran out of the classroom.

By 1957, there were Freedom Rides, and the whole world started to change. By high school, we had a black fellow named Sonny Jackson who was a star pitcher for our baseball team. We all loved him. We had a black girl who was editor of the yearbook. Still, there was a lot that lingered of the bad old days.

The Washington, D.C. newspapers had classified sections listing houses for sale as "white" and "colored." Job listings as "white" and "colored." Even rentals and hotels as "white" and "colored." The listings were like that in the *Star*, the *Daily News*, and even in the *Washington Post* and *Times-Herald*. Now it's an un-fact, and no one I ever meet from the *Post* will acknowledge that it happened. It has disappeared down the memory hole at the Ministry of Truth, like the war between East Asia and Oceania. But it was fact. I saw it.

There were still segregated movie theaters in Bethesda when I was in high school and as far as I recall, they were all segregated in Northern Virginia. A boy in my class whose parents had been Communists, Ricky, took me along with him a few times to demonstrate against the Hiser-Bethesda's segregated ticket policy. We walked back and forth languidly on the sidewalk of Wisconsin Avenue, but I was there mostly to keep him company.

One night at a Valentine's Dance, or maybe it was a Thanksgiving Dance or a Halloween Dance, a girl in the grade behind me, a white girl, with the lovely name of Delight, showed up with a black student. The chaperones asked them to leave. She had been out without her father knowing, and when he found out, he took her out of Blair and sent her to a strict all-girls school.

Can the PC people like that woman at MacNeil-Lehrer have forgotten all this? Do they really think racism today is what it was in 1960? Raw ignorance of history can have devastating consequences. There is a black man who works as a doorman at my building in West Hollywood. He grew up in northwestern Mississippi in the 1940s. He tells me he laughs when he hears black people today complaining about racism because they can't get into Harvard or UCLA without taking the SATs. It's a sad laugh all the same.

All of this remembering left me desolated. By the time I was in my Avis rent-a-car heading along the George Washington Parkway near where Vince Foster's body was dumped, I was ready to cry. I started to sing, "America the Beautiful," and that only made me want to cry more. It's hard to drive in the dark when you are crying, especially when you know that the headquarters of the CIA is nearby.

Saturday
Mom's *Geburtstag*. I am forbidden to say what birthday it is. But it's a big one. My sister and my brother-in-law, the hard-working, maddeningly thin Melvin, have come down from New York to take my mother and father to dinner. We ate at the Old Anglers' Inn, a dark, crowded, pretentious place in suburban Maryland. My mother looked very small and hesitant. But when we got home and gave her her birthday presents, she lit up. We gave her a photo of her graduating class at Monticello High School in what might have been 1931. She was right in the center of the front row, as valedictorian. Then, thanks to my cousins who still live in Monticello (New York), I was also able to give her the program from her graduation and snapshots of Monticello in her early youth.

She sat at her dining table, crowded

with mail, and said, "That girl had such a lovely voice. That boy had a great sense of humor. That boy became the County Sheriff." It was amazing how my mother remembered each and every name and face from more than sixty years ago. She has an astonishingly good memory for everything. Small wonder that she was valedictorian of her high school and fifth in her class at Barnard in the days when Jewish girls did not get in unless they were super smart.

I can't stand the thought that we are all getting so old so fast. I look at my parents' apartment with my parents lounging about, my sister and her husband wittily commenting on everything (Melvin and I bitterly disagree about securities law, but otherwise we get along well). Someday, all of us will be in eternity, and then other people will have this apartment at the Watergate, and it will be as if we were never there. Except in some corner of America, God willing, Tommy Stein will be fishing or water skiing or snowboarding.

Monday

Here I am at my new favorite place, Trinity Church in Oxford, Maryland. It's a tiny church in this tiny town. It's right on the Tred Avon River, with a spectacular immense yard of a beautiful grassy green lawn looking out on the confluence of river and Chesapeake Bay.

My mother and father are here. They're standing under a huge ancient oak, holding hands. They look as if they will be standing there staring at each other's faces for all eternity, and maybe they will. I have often said that if there is an afterlife, and I believe there is, and if what I have done that's good outweighs the bad, if I wake up and see Alex's face, I will know I am in heaven. If Mary the dog and Trixie are there, too, it will be paradise.

We went to the Tidewater Inn for dinner. I stepped to a payphone to get my messages. Ugh. Definitely not paradise. My fine lawyer tells me that the bad guys in a certain legal struggle are still torturing me. I am trying to get them to stop using my persona in a commercial. Now, I am not a litigator myself, so I could be wrong. However, this looks to me like a possible case of what's called "the agency

problem." The agency problem is when an agent, such as a lawyer, puts his own interest ahead of the client's and—for example—prolongs a case to get the last possible billable hour out of the situation.

It's really important to remember that when you hire a lawyer, in many cases, maybe in most cases, the lawyer puts his interest first. The lawyer is the lawyer's real client. If the nominal client is served, well and good. But it's often incidental to the well-being of the lawyer.

I was so agitated by the phone call and the prospect of more legal bills and more aggravation that I excused myself from my meal for a few minutes and walked around the block in Easton. I passed two little black boys who recognized me and asked for my autograph. They were named Darrell and Lionel. One was fat and one was thin. How I wish I could have signed something that would give them a pass out of being sad and violent and alone.

On the way back to Washington we stopped to buy gasoline on the outskirts of Easton. A knot of teenagers lounged at the candy machines. One of them recognized me and asked me what I was doing in a "noplac" like Easton.

"But Easton is one of the garden spots of the universe," I said. "Wealthy people look forward all their lives to living here. People scrim and save to live here."

"It's great if you're 65," a boy said. "There's nothing to do if you're our age."

"Well, you could go to D.C. and score rock and get really, really high," I said.

JUST KIDDING!!! In fact, I told them they should read a good book, get up early the next morning, and play in the park. They looked at me as if I were crazy, and I drove away.

"You're slipping," my father said. "None of them asked you for an autograph."

Wednesday

This is my mother's actual birthday. My father is at some meeting of brainos at the White House and so I am taking Mom to lunch at the Cosmos Club. It has the most respectable looking people I have ever seen in my life. At the next table is a woman who is "ombudsman" of the *Washington Post*. She recently was involved in some minor romantic scandal. There are men with

bow ties, men with suspenders, men with belts and suspenders. I have to laugh out loud when I think of this crew and the crowd of sexbombs and con-men I usually see at my normal luncheon places in West Hollywood. Actually, I have nothing to say to the sexbombs and the con-men, but as I think of it, I have very little to say to the folks at the Cosmos Club, either.

Then, good-bye to Mom and Dad—Dad said his meeting had not been very productive, to put it mildly—and then downstairs to the Watergate Barber Shop to get my hair cut. Mom and Pop went down with me and just sat in chairs looking at me. This is not just sweet. It's ultra sweet.

Children, be good to your parents and you will have very devoted parents indeed. You will have the most devoted parents anyone could have ever. They will be super-devoted. In fact, if you are good to your wife, she will be devoted as well, and the same thing with the kiddies.

The airport was mobbed. I went to a Chinese place called the Panda Express that I think I own a few shares of, and had some delicious orange-flavor beef—just in case they forget to put food on the plane. Yet another little black boy came up to me and asked for my autograph. Obviously, I have made a big impression on the black young male viewer.

Then, onto the plane. Thank you, God, I had no one sitting next to me so I could spread out my papers and then sleep. I had read some reference to allegations of bank-lending discrimination in the *Wall Street Journal* and that led me to think about discrimination. Of course, I usually have absolutely zero sympathy for any large bank. I think these institutions basically loot their depositors by paying trivial interest compared with the interest they get—and they do it to cover up their own gross lending errors. But this business of lending discrimination is just nonsense. As far as I know, there is no study that shows black applicants with identical credit, family, and employment histories to whites getting turned down more than whites. If we expect banks to lend to unqualified applicants, that means we want to compel bank stockholders to give charity to a certain group. Why should

the stockholders—many of whom are widows and orphans—be made to give charity to a group they do not even know?

Anyway, while I considered this word “discrimination,” I thought about my own life. When I was a child, discrimination against Jews was standard. No Jews at the best country clubs. No Jews at the best schools. No Jews in vast neighborhoods in D.C., Maryland, and Virginia. Strict quotas against Jews at schools in the Ivy League. No Jews at the white-shoe investment banks. No Jews in Henlopen Acres in Rehoboth Beach.

That used to really, really hurt my feelings. I would drive by the Chevy Chase Club on Connecticut Avenue—a club that allowed no Jews as members—and feel simply overpowered with rage. I do not like to feel excluded. It made absolutely no difference that there were elegant Jewish clubs. People do not like to feel excluded.

I can scarcely imagine how furious and hurt blacks must have felt over their far more comprehensive discrimination. They had to live in a world of total defense mechanisms. Codes. Pretend to be cool when they are seething. Pretend to be all about peace and love when they are really about fury and resentment. Pretend to know secrets when they know they are missing out on the biggest secret.

But when I was a young man feeling this discrimination, I never blamed America. Whatever was going on here, America was the best place on earth. Whatever problems we had about discrimination, they were a joke compared with the good things about American life.

America was the promised land and if the Chevy Chase Club did not want Jews, that was a pinprick compared with the gift of life.

I may be way off base, but isn't the same true for blacks in America today? I often think that for the Jews of America, life is the best that it has ever been in the 5,800-year history of Jews. But isn't that also true of the blacks? Where else have blacks ever had the kinds of opportunities they have here? Or the political power? Or freedom?

When I got to L.A., I rushed over to see Tommy. He was waiting for me and jumped into my arms. I hugged him for a

long time. “You put me to bed, Daddy,” he said. “Not Mommy. You read to me.”

I sat next to his bed and read to him. He took my hand and pressed it against his cheek. “I’m keeping you right here,” he said. “You’re not leaving. I’m keeping you right here with me.” He pressed my hand against his cheek and kept it there. “You’ll know when I’m asleep, because my mouth will drop open like this,” he said, and opened his mouth. “But you can’t leave until I’m asleep.”

“That’s fine, my boy,” I said.

“Daddy,” he said, “did you know that ‘civic,’ like a Honda Civic, is a palindrome? That it spells the same from front or back?”

“I didn’t know that,” I said.

Then he was asleep. Think of all the people who fought and died and sacrificed so that I could be here with my boy. Dead on Iwo Jima. Dead of overwork in Poland. My father-in-law in Germany fighting the SS. My cousin in the Army in Korea. And the brave police who keep some semblance of order in L.A. All so Tommy and I can be together in the dark in peace. Thank you for the best night of my life.

Monday

Dinner at Morton’s with my pal Baron. It’s jumping. Just booming. Power players all around. Edgar Bronfman, billionaire heir/owner of Seagram’s/MCA. Steve Tisch, billionaire heir producer of *Forrest Gump*. Other major players. The beautiful but wacky Dotty with a rich older man. There was a slight commotion at the door as two of billionaire Marvin Davis’s bodyguards handed in a huge chair, more like a throne, which Mr. Davis needs to sit in because he does not find the regular Morton’s chair sufficiently comfortable. The chair is passed hand to hand until it finds itself at his table. Then in comes Mr. Davis and his wife, and Joan Collins and some other folks. As Joan passed by, I could hear her say, “What I’d like to do is play myself as a sort of overdone version of myself in a sitcom.”

Tuesday

I’m up real early reading a truly scary article about David Begelman. He’s the dude who was head of Columbia until he began forging checks for Cliff Robertson, among others. Then, to

show how Hollywood treats its own, he was punished by becoming head of MGM and then United Artists. A few months ago, he committed suicide in the Century City Hotel.

The article points out how lonely, broke, and crazy he was. It also points out that he was having an affair with Sandi Bennett, ex-wife of the singer Tony Bennett. She had a brief rendezvous with him hours before he shot himself.

The story notes that when Sandi Bennett found out that her paramour was dead, she grieved, took calls, and then went to have her nails done at a place right near my condo here at the Shoreham Towers. I have often seen Nancy Reagan going into the same place.

At the crack of dawn, my wacky neighbor, beautiful Dotty, called to ask what was new. I told her about the article, about Begelman, about Sandi Bennett and her nails. There was a pause. “I know that place,” she said. “It’s forty bucks to get your nails done. I think that’s the real story here.”

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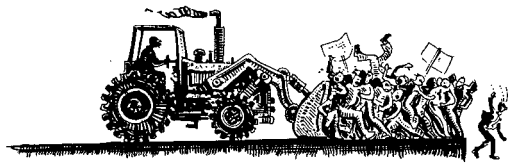
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by Terry Eastland



Pete Wilson's Finest Hour

The legacy of a principled presidential run.

Pete Wilson is no longer a presidential candidate, but the California governor has managed to demonstrate the relevance of executive power to the formidable task of ending affirmative action. Wilson's executive labors, taken last summer, were reported at the time. But perhaps because of his decision in September to bench himself as a presidential candidate, they have been insufficiently parsed.

Wilson issued an executive order in June that repealed executive orders signed by three previous governors—including Ronald Reagan and George Deukmejian—whose imprecise language had assisted the rise of race- and sex-based affirmative action throughout California state government. The directive condemns not only numerical quotas but also preferential treatment, recognizing that it is the act of favoring one person over another on the basis of race or sex that is the essential evil; a quota, after all, represents the sum of one or more instances of preferential treatment. The order plainly supports nondiscriminatory recruitment, but just as plainly insists that hiring and contracting decisions must be based on merit. To promote conditions under which that might be done, the order abolished the many councils, committees, and boards—some 200 mainstays of the affirmative action culture—that had long advised the government on “diversity” issues. It also did away with affirmative

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action “performance recognition” awards, and the incentives they create to discriminate.

Since an executive order cannot trump an act of the California legislature, or, for that matter, federal law, there were limits to what Wilson could do. But within those limits he went about as far as his office allowed, commanding all state agencies, departments, boards, and commissions to “eliminate all state preferential treatment requirements that exceed federal statutory or regulatory, or state statutory requirements.”

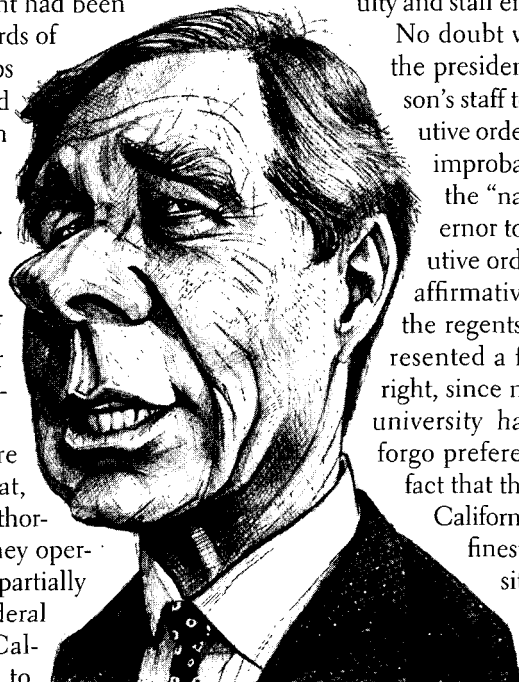
Wilson's office highlighted programs eliminated as a result of his order. The forestry department had been reserving 50 percent of its seasonal positions for minorities and women. The water resources department had been setting aside two-thirds of all student internships for minorities. And Caltrans had been making purchases under \$500 from minority- and women-owned businesses, with no firms owned by people of the “wrong” race or sex allowed to compete.

But there were some programs that, owing to the legal authorities under which they operated, could be only partially changed. Under federal law, for example, Caltrans was required to

award to minority firms some 10 percent of federal contracting dollars. On its own initiative, the agency had increased that figure to 27 percent. Wilson's order forced Caltrans to push the figure down to 10 percent, and no more. That Wilson could not go further shows that action against affirmative action is needed above all at the federal level. A governor can only do so much.

Wilson was limited in another area: He could not, on his own authority, end preferences in higher education. Appointed boards manage the affairs of the community college, California State University and University of California systems. But Wilson, who as governor appoints members of those boards, could and did ask them to comply with his order. On July 19, the board of regents for the most selective of the three systems, the University of California, voted to end preferences in both student admissions and faculty and staff employment.

No doubt with an eye on the presidential race, Wilson's staff touted his executive order, claiming not improbably that he was the “nation's first governor to issue an executive order rolling back affirmative action.” But the regents' decision represented a first in its own right, since no other public university had decided to forgo preferences. And the fact that the University of California, arguably the finest public university in the country, was doing away with preferences



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