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SESSION REPORT

SSASA
15

Life and Justice in America: Implications of the New Administration



SALZBURG SEMINAR AMERICAN STUDIES ASSOCIATION (SSASA)

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Life and Justice in America: Implications of the New Administration

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Introduction

Since 1947, Salzburg Global Seminar has been examining, debating and dissecting America and its culture and institutions. Less than a year since the election of US President Donald J. Trump, this session of the Salzburg Seminar American Studies Association (SSASA) had particular resonance. Drawing on the 70 years of cross-border exchange that began at Schloss Leopoldskron in the aftermath of war, the multi-disciplinary program, *Life and Justice in America: Implications of the New Administration* examined what the “American Dream” means in today’s world and assessed progress in the United States towards fulfilling that potential.

Opening the four-day symposium in Salzburg, Session Director, Marty Gecek, welcomed the 57 academics, professionals, practitioners, observers, and students of American Studies from 25 countries to Schloss Leopoldskron. Session Chair, Ron Clifton, former associate vice president of Stetson University, FL and retired counselor in the US Senior Foreign Service, presented an overview, highlighting the goals and purpose to be discussed over the next days.

He explained that the session’s components consisted of daily themes utilizing several formats including a keynote address, formal faculty presentations, participants’ question and answer time, panel discussions, small thematic discussion groups, and a performance of the play, *Dreamscape*. Informal discussions were encouraged to continue in the evenings in the Schloss “Bierstube,” a social gathering venue at Schloss Leopoldskron.

The stated session goals were to analyze aspects of the reality of the quality of life and the sense of justice in contemporary America. Goals would also include discussion of domestic and global implications of the recent election of a new administration. A primary goal of comparing the historic “Promise of America” with the prospective 21st century reality of a good life in America was emphasized. Fairness and justice, immigration issues, incarceration practices, demographic changes, implications and challenges of new policies, and the fulfillment of domestic and foreign expectations were underscored as key elements of focus for the session.

The ultimate question for scrutiny and discussion was “How does the apparent reality of life and justice in America today reflect on the historic ‘American Dream’ and the ‘Promise of America,’ globally and in the United States since the founding of the Salzburg Seminar in American Studies in 1947?”

This report offers summaries of each of the day’s thematic discussions and a list of resources provided by the participants, as well as interviews with some faculty members and speakers.



Session Chair, Ron Clifton



Session Director, Marty Gecek



Damir Arsenijevic



Gwili Clifton

Opening Keynote

To set the tone for the four-day program, an evening keynote address was delivered by Elaine T. May, Regents professor of American studies and history, and chair of the Department of History, at the University of Minnesota, on the American Dream, focusing on the quest for personal security.

Coupled with notions of maintaining or returning to a state of domestic bliss, was the idea that that dream was always connected to a fear of loss, especially regarding an atomic attack, violent crime, election results, subversive activities, and the like. Waves of political, economic, and social issues unleashed apprehension and a sense of urgency about personal and community security. New boundaries and strategies safeguarding security were enforced as proscribed by law. Violence and discriminatory practices led, in many cases, to oppression to some sectors while others were further guaranteed stability, a perceived injustice frequently leading to unrest and reaction to the government and citizenry. Certain events such as World War Two led to cohesion among the population, while other factors including civil right movements, feminism, counter-culture and sexual revolutions caused wider gaps of inequality. Severe economic inequality has additional implications as caused by social and political movements and ordinary citizens have been marginalized. A “security obsession” prevails and how the nation moves forward links the future of the democracy to how well the nation grapples with the concept of fear and security.

In conclusion, it was pointed out that the challenge and perilous risk is that democracy could be destroyed.



Elaine T. May

Elaine T. May – Despite being preoccupied with safety, Americans have made themselves less secure

Professor at University of Minnesota reflects on her keynote speech “The American Dream and the Quest for Security – the Promise and the Perils”

Elaine T. May is no stranger to the Salzburg Seminar American Studies Association (SSASA), nor is it her first time at Schloss Leopoldskron. The professor and author last attended a SSASA symposium in 2012 – *Screening America: Film and Television in the 21st Century*, which was her fourth time at the Schloss. She says, “I’ve been here before, and I’ve always found it very exciting, intellectually stimulating, beautiful, luxurious [and] delicious. It’s always a wonderful experience. I especially love having the opportunity to discuss issues that pertain to the United States with people from other countries, because I learn so much from their perspective.”

May was speaking having returned just under five years later for her fifth visit for the SSASA symposium, *Life and Justice in America: Implications of the New Administration* to hear how other countries’ citizens perceived the new American administration under President Donald J. Trump. She also provided the keynote presentation on the first evening of the symposium, titled, “The American Dream and the Quest for Security – the Promise and the Perils.”

Among the points May made was that the United States had a “crisis in democracy,” and that the American Dream has been problematic since the beginning of the Second World War. While it’s since been possible for members of the middle class and working class to achieve material aspects of the American Dream, they live in fear that dream could be taken away from them in an instant, she says.

May, Regents professor of American studies and history, and chair of the Department of History at the University of Minnesota, says, “That level of anxiety and fear – that was first manifest in the atomic age and in the Cold War – has taken various forms over the rest of the 20th Century, and now into the 21st. That has kind of conditioned Americans to live in a world in which they always feel that they are in danger. That leads to a breakdown of belief and investment in the common good, and in a kind of mistrust in the government to work on behalf of all citizens, and in a fear and suspicion of strangers – whoever those strangers are.”

This fear has changed the way Americans live their daily lives, according to May. It changed the way citizens vote and how they envisage their nation’s identity. In short, May says this has had a long-term effect on undercutting democracy. She adds, “Americans have become quite preoccupied with issues of safety and security since the early Cold War... Everything they have done to try to make themselves more safe and secure has made them less safe and secure.”

Expanding on this point, May says US citizens have become so preoccupied looking over their shoulder that they’ve failed to notice what is happening in front of them and the growing influence of the country’s elite one percent. She says, “Keeping a gun in their pocket wasn’t going to prevent [people] from metaphorically losing their shirts to Wall Street and other big money financial institutions that are really robbing them – not somebody walking behind them on the street.”



May's keynote drew several responses from participants, one of whom suggested a hate narrative was more dominant in the US than the fear narrative. Responding to this suggestion, May says, "I think the two are very related. I think that the hate comes out of fear. If we really knew each other, you wouldn't fear each other. Hate is a stronger more aggressive stand than fear. Fear feels weak, and hate feels strong."

As a past president of the Organization of American Historians and the American Studies Association, May's interest in her country's history cannot be questioned. Her interest in US history first blossomed when she lived in Japan as a student in 1968. She says, "I hadn't really understood how important it would be for me to know my own national history until I lived abroad as an American, and I had to speak as an American, and I had to represent a country that I was profoundly alienated from in 1968 between the Vietnam War and all the other horrible things that were happening at the time. I had to speak for my country – not just as a person who saw herself as among the dissenters within the country but as the citizen of the United States that was wreaking havoc all over Asia, including Japan.

"I thought I better learn something. I went back to the US and started taking US history courses, which I hadn't really done much of. When I graduated a year later, I felt I didn't really know enough. I had applied for the Peace Corps and got in but realized I had nothing to teach anybody until I knew more. I thought I better go to graduate school. Then I went to graduate school, and then I kind of just got on the train."

Her graduate school days are now long behind her and she certainly now has a lot more to teach people. In addition to her work as a professor, May has authored several books, most recently *Fortress America: How We Embraced Fear and Abandoned Democracy* (2017) and *America and the Pill: A History of Promise, Peril, and Liberation* (2010). Alongside multi-time Salzburg Global Fellow Reinhold Wagenleitner, she also co-edited *Here, There, and Everywhere: The Foreign Politics of American Popular Culture* (2000), a collection of essays that originated at a Salzburg Global session.

70 Years of Trends and Events

The theme of the first full day of the session was intended to describe and explicate movements in America. This timeframe was chosen to coincide with the 70th anniversary of the founding of the Salzburg Seminar in American Studies in 1947, to observe the development of the discipline of American Studies, and to contextualize the historical changes in America and American policies.

PRESENTATIONS

“A European Americanist looks at recent political trends in the US and in Europe”

“The Politics of Morality of US Immigration and Refugee Policy”

“Changing Social and Racial Issues and Diversity”

“Populism and Politics in America”

Historical examples depicting prominent public or governmental stances were closely analyzed and cited. Participants had opportunities to question, discuss, and respond to the views and interpretations presented. A wide range of responses gave rise to academic dialogue and exchange of ideas.

Participants discussed the signs of fascism in recent political developments in many European countries as well as in the US. Such movements are propelled by the wide and vociferous appeal to people who feel left out and ignored in their countries’ political systems. Elements of typical policies place an emphasis on emotional solidarity, nationalism, nativism, racism, and supremacy of one race over others. There are attacks on the liberal order in the name of nationalism and the communal bonds of the nation, whether in Europe or in the US. Participants questioned whether US President Donald J. Trump’s administration represents the wave of the future, but also posited that it is probably too soon to be regarded as a new normal. Since Trump was not elected by the majority vote, some participants view his election as somewhat of an anomaly.

Further on the theme of the day, social and racial issues were discussed. Racial issues in America were incorporated in the discussion, and examples of legislation to prevent discrimination against minorities were cited. There is, however, an up-tick in hate-group activities as evidenced in many settings such as cemeteries, bomb threats and events, mosques, police violence and murders, destruction of art and the like. Anti-immigration information has led to hate crimes as well. Presidential campaign slogans such as “Make America Great Again” have sometimes been interpreted as “Make America White Again” by disgruntled



Alassane Dia



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John Howard

voters. The summer’s hate-focused events in Charlottesville, Virginia seem to ratchet up further intolerance of minorities, partially due to unclear or biased Tweets from President Trump, and these events have led to more emboldened actions such as removal of masks and blatant physical gesturing and defiance by the demonstrators. Prisons and incarceration practices and statistics over time were discussed. Mass incarceration is viewed as an atrocious practice leading to horrific social injustices. Reform of sentencing practices as well as criminal codes is critically needed, it was argued, to provide fairness – especially to minorities and poorly represented offenders. There is an overwhelming need to elicit more involvement in the democratic process so that young people, in particular, become more involved with issues of social justice. Endeavors at organizations such as the Southern Poverty Law Center are providing outreach on key initiatives involving social justice issues.

Issues involving military justice and diversity have changed dramatically over the past 70 years. President Harry S. Truman declared equal treatment in the armed services without regard to race, color, religion, or national origin under an executive order in 1948, thus ending segregation in the military. Though the military appeared to drag its feet on integration, it acted faster than society. The process was different for gender integration, however. In 1948, women were enabled to serve as permanent, regular members in the armed forces, but roles were limited. In 1993, Congress lifted the ban on active service (combat) for women. The “Don’t Ask, Don’t Tell” policy introduced during the Clinton Administration was repealed under President Barack Obama, allowing lesbian, gay, bisexual and transgender (LGBT) service men and women to serve openly in the armed forces. Trump’s presidential memo calling for the ban of transgender Americans from serving in the armed forces has received push back from many

in the military and judiciary. Questions and action regarding LGBT military personnel, sexual assaults, executions, court martials and the military justice process gave rise to progress in the armed services, it was argued. With the military seriously studying these issues, it has championed progress in diversity, implemented plans, and executed changes in areas in which civilian society has lagged.

Immigration and refugee policies have had foundations of (im)moral justification for prevailing political actions. The ideologies have didactic undertones upon which immigration policies are based, though the rationale provided can be two-faced. Acceptance of immigrants or refugees depends on receptivity by the in-taking country. Thus, proscriptions, denials, and xenophobic reactions can be secreted for social, cultural or other alleged nationalistic reasons. For example, refugees are regarded as: disposed, banished, or exiled persons. Their status is almost always viewed as inferior and unwanted. Preferred status individuals are regarded as “maestros” (someone like German-born Albert Einstein) and “madonnas,” or “comrades-in-arms” such as advisors, translators and facilitators. In addition to a weariness of “outsiders,” issues such as homeland security, and advocates for or against designated groups such as Chinese, Irish, Italian, etc. have had special legislation, such as the Chinese Exclusion Act of 1882. The morality or immorality of these policies are quite often obscured by politics, with camouflaged agendas. Currently, 13 percent of Americans are foreign born, but the number is expected to change with the more restrictive policies of the new administration. Participants remarked that similar problems exist in other countries; issues of how to integrate are prevalent, and solutions to undocumented residents and others are of concern. Apprehension exists when dilemmas must be resolved. Problems



Romain Huret



Heinz Ickstadt



Stephen Joyce



Peter Rose



Thomas Koenig



Elizabeth Ktenidou

abound. Negativity is rightly accentuated, but the ideal of a viable pluralistic society, despite those who are striving to dismantle it, breathes on.

Definitions and conceptualizations of populism in America were offered in the session to help make sense of the 2016 elections. Populism was portrayed as a political style, as a strategy, and as a thinly veiled ideology evoking sentiment for the forgotten or ignored people. The success of populism among many voters seemed to be that it answered questions about what is wrong, who is to blame, and what is to be done, even if its movement was characterized as ambivalent and opportunistic. Followers perceived that their culture was under threat and their support would allow the “forgotten people” to take over. The tenets of the ideology have little or no stated value system or solution of its own and, therefore, seek host ideologies of the left or the right. Consequently, early in the 2016 campaign, some critics refuted that candidate Trump was a true representative of the Republican party. Participants in the session suggested that Trump’s victory was an “accidental coalition” between an ideological construct feathered with nativism and nationalistic and one of the established (Republican) political parties. Events as played out by the “Populist Party” (1892-06), the Union Movement, Huey Long, George Wallace, Ross Perot, the Tea Party Movement provided a historical backdrop. Some session participants also noted the media provided Trump with wide coverage, whether left or right, supporters or detractors, and fans or foes. The media, in its fragmented landscape, was both receptive of and supportive to Trump’s candidacy whether it intended to be so or not. Results of media coverage morphed into dramatization, sensationalism, conspiracy-mongering and narrowcasting.



Lecia Brooks

RESOURCES

Books:

Gecek, Marty. "Salzburg Global Seminar: 1947-2015." In *Austria and America: 20th-Century Cross-Cultural Encounters*, edited by Joshua Parker and Ralph J. Poole, 137-148. Zuerich: Lit Verlag, 2017.

Heinisch, Reinhard C et al. *Handbook On Political Populism*. Nomos Verlagsgesellschaft, 2017.

Hopkins, Daniel J, and John Sides. *Political Polarization in American Politics*. Bloomsbury, 2015.

Loescher, Gil. *Calculated Kindness*. Simon and Schuster, 1998.

May, Elaine Tyler. *Fortress America: How We Embraced Fear and Abandoned Democracy*. Hachette UK, 2017.

Navarro, Armando. *The Immigration Crisis: Nativism, Armed Vigilantism, and the Rise of a Countervailing Movement*. Lanham, Md : Altamira Press, 2009.

Parker, Christopher S. *Change They Can't Believe In*. Princeton, New Jersey, Princeton University Press, 2014.

Rose, Peter. *Tempest-Tost*. New York: Oxford University Press, 1997.

Rose, Peter. *The Dispossessed*. University of Massachusetts Press, 2005.

Journals:

Kroes, Rob. "Populism and Feminism: Odd Bedfellows." Working paper, 2017.

Kroes, Rob. "Signs of Fascism Rising: A European Americanist Looks at Recent Political Trends in the U.S. and Europe." *Society* 54, no. 3 (May/June 2017): 218-225. DOI: 10.1007/s12115-017-0128-7.

Newspapers & Magazines:

Coates, Ta-Nehisi. "My President Was Black." *The Atlantic*, 2017, <https://www.theatlantic.com/magazine/archive/2017/01/my-president-was-black/508793>

Coates, Ta-Nehisi. "The First White President." *The Atlantic*, 2017, <https://www.theatlantic.com/magazine/archive/2017/10/the-first-white-president-ta-nehisi-coates/537909>

Shiller, Robert J. "Transformation of the 'American Dream.'" *New York Times*, Aug. 7, 2017. <https://nyti.ms/2urx6fD>



Ron Clifton and Natali Micciche

INTERVIEW

*Lecia Brooks – Dedicated to ending injustice in America***Outreach director at Southern Poverty Law Center discusses events in Charlottesville and the “Take the Knee” protest**

The Southern Poverty Law Center, based in Montgomery, Alabama, is committed to fighting hate, teaching tolerance, and seeking justice. Lecia Brooks, the Center’s outreach director, frequently gives presentations around the United States to put this message across to others. As a faculty member of the 15th symposium of the Salzburg Seminar American Studies Association (SSASA), Brooks wanted to put another thought in her audience’s minds.

“What I wanted to convey to the participants in the seminar was that these issues that they do such a good job in chronicling for academic purposes, and they spend their time researching, have real-life consequences; that they’re representative of people’s real lives; and that the threat to civil rights and civil liberties that we’re seeing thus far under the Trump administration are affecting people already. I wanted it to be more than an intellectual discourse, but I sought to put a face to some of the story, the pictures we were painting,” she says.

A few weeks before the symposium in Salzburg in September 2017, events unfolded in Charlottesville, Virginia that grabbed the world’s attention. Hundreds of white nationalists and supremacists descended on the town for the Unite the Right rally: a far-right rally organized to oppose the removal of a statue of Civil War general, Robert E. Lee. The night before the rally, about 250 people took part in a torchlight procession through the University of Virginia campus, shouting phrases such as “You will not replace us!” and “Blood and soil.” The group clashed with counter-protesters and left following the arrival of police.

On the day of the rally, the violence continued. In the early hours of the afternoon, one person was killed and others were injured after a car went into a group of counter-protesters. A helicopter monitoring the clashes also crashed that day, killing the two Virginia State Patrol troopers who were on board.

Brooks, who also serves as director of the Civil Rights Memorial Center, chose to share images from the torchlight procession in one of her presentations. She says, “It was just so incredible, and it is just frightening that it happened in the United States and right in the open on a university campus. First and foremost, I wanted to document that it happened, remind people that it happened, and remind people that it could happen in their university as well.”

The Southern Poverty Law Center’s Teaching Tolerance project has led to the creation of anti-bias resources such as documentaries, lesson plans, and curricula, which are distributed to educators free-of-charge across the country. Brooks says the Center hopes to educate young people about the threat from the far right and “talk more about our aspirations to create diverse and inclusive communities and to make clear that those diverse communities are for everyone, including white males who are feeling marginalized at this time, [which] makes them particularly vulnerable to messages from white supremacists.”

Brooks wanted to attend the 15th SSASA symposium – *Life and Justice in America: Implications of the New Administration* – to have a conversation about justice, civil rights,

and the issues surrounding them with a global community. She says, “I thought it would be really important, and it has been.”

On the first morning of the symposium, participants woke up to remarks from US President Donald J. Trump made during a rally in Alabama. He criticized National Football League (NFL) owners for not punishing players who protested, who he accused of disrespecting the American flag. In a series of tweets posted the following day, he said, “If a player wants the privilege of making millions of dollars in the NFL, or other leagues, he or she should not be allowed to disrespect our Great American Flag (or Country) and should stand for the National Anthem. If not, YOU’RE FIRED. Find something else to do!”

His remarks are thought to be in reference to the actions of players such as Colin Kaepernick, who first chose to sit during the anthem in August 2016. Kaepernick sat down during the anthem to protest the oppression of people of color in the US and issues with police brutality. Following a conversation with Nate Boyer, a former NFL player and US army veteran, Kaepernick chose to kneel, not sit, during the anthem from that point onward to show more respect for the armed forces.

In response to Trump’s remarks, a movement sparked on social media with people tweeting a photo of themselves kneeling using the hashtags #TakeAKnee and #TakeTheKnee. In the NFL games that followed, several teams linked arms while other teams chose to stay in the locker room during the national anthem. More players were also seen to be kneeling.

Commenting on the origin of the “Take the Knee” movement, Brooks says, “I think that it is up to us as individuals to talk about what the movement [and] what this protest is about. The narrative, unfortunately, has been switched by the president and other people. They’re trying

to frame it as a protest that is disrespecting the United States flag or disrespecting the anthem, and thus the military and [what] all of America stands for when in actuality it’s a protest.

“It’s a way of protest that was used during the Civil Rights movement with Dr [Martin Luther] King [Jr.] and others on numerous occasions.... That’s what the ‘Take the Knee’ protest is about, protesting injustice, in particular, racial injustice. It has nothing to do with the flag.

“People who have participated in the protests are veterans [and] from all walks of people. What people can do is correct the narrative. Be sure to correct people when they mistakenly think it’s about something else. Talk to people about it and decide how they can support anyone – in this case NFL players – in exercising their First Amendment right to protest.”

Brooks, who grew up in Oakland, California, first joined the Southern Poverty Law Center in 2004 as director of Mix It Up at Lunch Day, a Teaching Tolerance program which aimed to help break down racial, cultural and social barriers in schools. Before this, she worked for 12 years in several roles for the National Conference for Community and Justice in its Los Angeles office.

She says, “I grew up very much aware of the racial oppression of the United States and fortunately found a way to channel that, to help advance equality and equity for African-Americans. That has, over the course of my life, exposed me to the inequities that people suffer because of who they are. So, that’s just really important to me in my life. It’s my life. It’s my work. It’s what I’m dedicated to: trying to end injustice or call out injustice.”

INTERVIEW

*Linell Letendre – Justice requires a culture of leadership, professionalism and respect***US Air Force Academy professor discusses repeal of “Don’t Ask, Don’t Tell” and inspiring the next generation of leadership in the military**

As Colonel Linell Letendre spoke in front of her fellow participants at the 15th symposium of the Salzburg Seminar American Studies Association (SSASA), her charge was to discuss how the concept of justice and diversity has changed in the United States military over the past 70 years.

Letendre, permanent professor and head of the Department of Law at the United States Air Force Academy, reflected on integration efforts concerning race, gender, and sexual orientation. This approach was to see if any lessons could be learned for society-at-large – both the good and the bad.

In March 2010, then-US Secretary of Defence Robert Gates issued a directive for a working group to conduct a comprehensive review of the issues linked to repealing the policy “Don’t Ask, Don’t Tell” (DADT). The policy had prohibited military personnel from discriminating against or harassing service personnel and applicants about their sexual orientation (“don’t ask”) – but it had in turn also prohibited all servicemen and women from being open about their sexual orientation on threat of dismissal (“don’t tell”). Letendre was a part of this group, working as a legal advisor and as an editor for the subsequent report.

During their research, Letendre and others looked at integration efforts involving race and gender and the responses from serving personnel interviewed about it at the time.

Speaking to Salzburg Global during the symposium, Letendre says, “In the mid ‘40s to the late ‘40s, when the service members were

interviewed, over 80 percent were violently against any sort of racial integration of the services. We saw similar percentages with respect to gender when we began more gender integration across specialties and particular jobs across the service.

“In contrast, in 2010, when a very large survey [on DADT] was done of the Department of Defence, we saw almost a complete reversal of that [percentage]. Approximately, 70 percent of the service members essentially said, ‘Well, this isn’t going to be that big a deal,’ and only 30 percent had any sort of concerns about open service of gay and lesbian service members.”

In July 2011, after receiving recommendations from military leaders, then-US President Barack Obama certified to Congress that the US armed forces were prepared for the repeal of DADT. On September 20 that year, the policy was successfully repealed and no longer in effect in the Department of Defence.

Letendre admits there is speculation as to why the survey responses differ for each experience of integration. She says, “When we were racially integrating the military, that was taking place in the late ‘40s, early ‘50s, and we still had Jim Crow laws across the South that had a required societal segregation as opposed to integration. The repeal of ‘Don’t Ask, Don’t Tell’ in contrast was coming at a time when LGBT rights were an integral part of society. It’s just a very different aspect when you think about the civilian versus military and where each was at the time of integration efforts.”



From a military perspective, Letendre says there are three things which are fundamental for justice to take place. She says, “It requires a culture and a climate of leadership, professionalism, and respect. If you can foster that climate where everyone – from the private soldier or the young airman all the way up to the senior leaders – is demonstrating those three attributes... I think it goes a long way toward achieving that ideal that we talk about, the American Dream: that ideal of justice and fairness and an equal opportunity for all to succeed.”

The year’s SSASA program – *Life and Justice in America: Implications of the New Administration* – was divided up into three themes: 70 years of trends and events, quality of life and opportunity, and fairness and justice. Letendre says the conversations taking place were “critically important.” She says, “I think conversations like the ones we’re having here in Salzburg where we think about how various disciplines are concerned about what justice means can only help us to inform and have better dialogue in the pursuit of what the American Dream is.”

In her position at the United States Air Force Academy, Letendre leads a team of staff, which is responsible for the design and teaching of 19 core and elective law courses, legal support to the administration of the Cadet Honor System, and the development of officers of character for the US Air Force.

When asked what inspires her to do the work that she does, she says, “One amazing part of being a professor is that you’re part of the education and learning of the next generation and the next leadership generation. That’s no different at the United States Air Force Academy where we take very seriously the idea of developing leaders of character.

“Being a part of that – to develop our nation’s future leaders who have within them a sense of purpose, a sense of character and understanding of the rule of law and the appropriate place for justice and so forth – that’s what inspires me not only to come here and have that conversation with other individuals from around the world in Salzburg, but that also inspires me to be a professor at the United States Air Force Academy.”

Quality of Life and Opportunity

The theme of the third day focused on the actualities of the quality and status of life and opportunity. Formal presentations were followed by small thematic discussion groups and a performance of the play, *Dreamscape*.

PRESENTATIONS

“Wealth, Challenges, and the American Dream”

“Legal Rights, Justice and the Constitution”

“Media Changes, Society, and Politics”

Dreamscape

THEMATIC GROUP DISCUSSIONS

US Justice System Seen from Abroad

Migrants and Policy Practices

American Political Behavior, Elections and the Electoral College

Criminal Justice Reform Around the World

America Seen from China



Hernani L. de Faria



Samer Makhoul

Studies about American wealth have provided a plethora of models to explain its spread and gaps, and the nature of the economy, poverty, and mobility. Simon Kuznets’ model, for example, predicted that there would be no poverty in the US. Obviously, this was not to be the case. Thus, later efforts to explicate social and political factors regarding the wealth of the elite one percent and the widening wealth inequality gap, and the forces at work on the economy and stability issues, are all of interest in understanding and measuring individual prosperity. Participants pointed out that even though policies are enacted, the divide is widening and future expectations are grim. For many, it seems that it is not possible to become independently wealthy. Further, it was noted that children of the poor are discriminated against by having to endure the poverty cycle, including inferior schools, impoverished neighborhoods, and a lack of guidance and support, further hindering their potential for social mobility and financial stability.

Ongoing challenges exist regarding, race, gender, family, education; the tragedies are current. There is tension between the legal and the actual, and the disparities are known. For example, some states offer free tuition for higher education, while unreasonably high fees are charged in others. Laws against sexual assault exist, yet some political candidates commit such assaults and still get elected with no recourse for the victims. Some participants found it shocking and disturbing for such vulgarity to happen. Challenges loom large. Solutions are not forthcoming in a timely manner.



Lukasz Wordliczek and Simon Rienäcker

The American Dream may now be described by some as a nightmare. The dream may be fading away for some; for others, it may not be born yet. There are multitudes of dreams and their contents vary. For some, the dream is a personal feat such as playing on a major league baseball team. It can be economic, religious, or political, but it is always aspirational. Though the dream is always aspirational, it is not always attainable. There are residues of the dream, and the inclination is to cling to optimism. Democracy is hard work, but nevertheless the dream lives on.

Significant changes are also afoot in the media sector, with discussions in Salzburg focusing on competition in the media, new forms of the media, commercialism, and the blurring lines between media and entertainment. Historical references to James Madison's belief that citizens can do the work of democracy including in fields of religion, speech, press, assembly, and grievance were made. Developments in technology such as the telegraph helped speed up communications and moved journalism away from offering partisan opinions on months' old events to reporting on more current affairs. Growth of cities and better transportation led to broad delivery of newspapers which promoted a better-informed citizenry. Cable television began to change the neutrality of the news and became politically driven, which commercialism helped to finance. Digital formats and social media gave rise to more partisan writings and presentations, often accommodating those with combative strategies to expound their points. Session participants commented on issues of neutrality and the loss of a central position



Edgardo Medeiros da Silva



Anne Mørk



Hanna Musiol



Özge Özbek Akiman

in news reporting. Participants were also interested in issues of “fake news,” the polarization in news coverage, issues of trust in the news reporting, and the misplaced belief that digital formats would make journalism unnecessary. As president, the former general Dwight D. Eisenhower was cited as counseling a devoted follower to work at democracy, emphasizing that it was no longer his job to give orders. Citizens must take on the work of democracy themselves.

The character and nature of the legal landscape in America present vast opportunities to study movements, events, and change in the judicial system. Actions since the Trump administration began have been enabling for some sectors. Police empowerment, for example, in border enforcement, at state and local levels, and on the traditional police beat has gained momentum. Some of the myths and realities about the judicial system were discussed. Notably, dismissal rates in civil rights cases, the difficulty in dealing with police misconduct, racial profiling, and issues regarding checks and balances are matters of intense concern. Specific events such as the appointment and confirmation of a new Supreme Court judge and public statements and actions of the Attorney General and other court officials are of great interest in the judicial process, especially as it relates to accountability and constitutionality. Participants expressed apprehension about bench appointments, sentencing practices, the role of the public defender which gives entitlement to everyone, and guidelines for sentencing, as well as the course of action in cases of ethical dilemmas. The optimistic tool is to seek fairness, but the role and abuse of police power, including differential treatment of police and the judiciary encourage a more pessimistic view and suggestions that America is enduring the “new Jim Crow era.”



Linell Letendre, Jennie Kirkpatrick and Jakub Leps

The justice system as seen from abroad, elections and the electoral college, migrants and policy practices, criminal justice reform, and America as seen from China were among the many topics considered in the small thematic discussion groups. On the latter topic, one discussion group formed a consensus that China and the US must find a way in this interdependent world to resolve differences and conflicts. Anxieties about policies practices for migrants were linked to a stronger need for the role for education. Questions about moral leadership, role modeling, and human rights actions were raised by a discussion group who posited that there must be a strengthening of internal institutions and charters regarding criminal justice reform. Clearly, it was noted that nations look to the US and there is international interest in the direction of the new administration.

Dreamscape

The theme of the day was continued with an evening performance of *Dreamscape* by the South Coast Repertory Theater's Natali Micciche and John "Faahz" Merchant. According to Salzburg Global Fellow and playwright Rickerby Hinds, *Dreamscape* was apropos to the theme of the session, *Life and Justice in America: Implications of the New Administration*, because of its in-depth focus on crime and fairness, especially relating to equal treatment. Though the play was written well before the current administration, Hinds maintains that *Dreamscape* explores "the tense relationships between African-American community and the police, which is relevant in today's society. The relationship has been exacerbated by the current administration through incendiary rhetoric from the White House." Hinds further maintained that there exists a "legitimizing of hate groups such as the Klan and the so-called 'alt-right,'" which "has signaled a renewed attack on African-Americans that had remained out of sight, although it has been present since the abolition of slavery."

Hinds felt that the play contributed to a better understanding of the theme of the session by taking the theoretical ideas discussed and using art to articulate even more about the topic. The playwright said that the "implications of the play for actual life in American society were that being black in the society is still a tough proposition in spite of the many advances that have been made since the Civil Rights movement of the 1960s."

The performance is structured around the real-life event of the shooting of a young woman. In the play, the victim dreams of the twelve bullets fired by a dispassionate police officer who kills her. Audience members commented in the after-performance discussion period that the autopsy report read during the "beatboxing" spoken word gave poignancy and credence to the horrific death as well as the vivacious life of the victim. The play, actors, and playwright have received many awards and *Dreamscape* has travelled to numerous countries. It provided a thoughtful moment about justice.



John Reinstein



Radek Rybkowski



Rebecca Scherr

RESOURCES

Books:

Skocpol, Theda, and Vanessa Williamson. *The Tea Party and the Remaking of Republican Conservatism*. Oxford University Press, 2012.

Journals:

Arestis, Philip et al. "Power, Intergroup Conflicts and Social Stratification in The United States: What Has The Global Crisis Taught Us?" *Review of Social Economy*, 73, no. 4 (2015): 370-387. DOI: 10.1080/00346764.2015.1089109.

Becerra, D., Quijano, L. M., Wagaman, M. A., Cimino, A., & Blanchard, K. N. "How Immigration Enforcement

Affects the Lives of Older Latinos in the United States." *Journal of Poverty*, 19, no. 4 (2015): 357-376. DOI: 10.1080/10875549.2014.999969

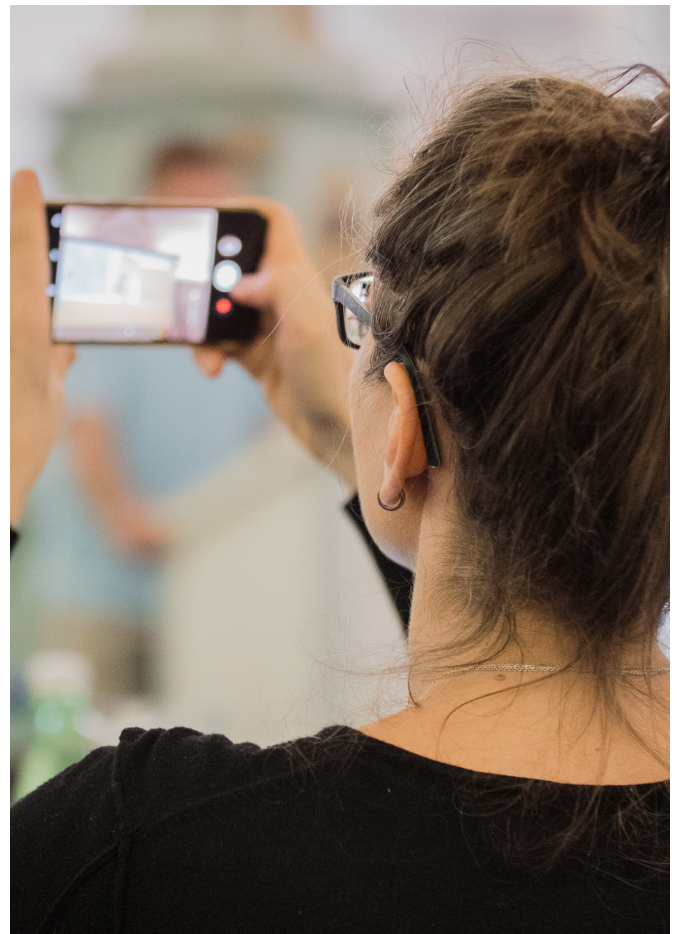
Pedace, Roberto, and Christine DuBois. "Immigration Policy and Employment Assimilation in the United States." *Applied Economics*, 44, no. 36 (2012): 4721-4730. DOI: 10.1080/00036846.2011.589817.

Newspapers:

Leonhardt, David. "The American Dream, Quantified at Last." *New York Times*, Dec. 8, 2016. <https://nyti.ms/2h06lGn>



Reinhard Heinisch



Dreamscape – Exploring race and justice in America

Salzburg Global Fellow Rickerby Hinds brings his award-winning play to Schloss Leopoldskron

Ahead of the 15th symposium of the Salzburg Seminar American Studies Association (SSASA), participants were warned to expect a “highly participatory” four-day program. Daily thematic presentations, plenary discussions, and panels on topical issues were all designed for participants to debate life and justice in the US. at a theoretical and analytical level. A special performance of Rickerby Hinds’ *Dreamscape* in Schloss Leopoldskron’s Great Hall midway

through the program helped bring these issues further to life.

The play depicts the final moments of a young African-American woman shot by the police while sleeping in her car. Mixing the elements of beat-boxing, hip hop, dance and poetry, the award-winning performance tells the life story of Myiesha Mills, who dreams through the impact of the 12 bullets that kill her. The play is



John “Faahz” Merchant and Natali Micciche perform *Dreamscape* in the Great Hall of Schloss Leopoldskron

a meditation and reimagining of the shooting of Tyisha Miller in 1998 in Riverside, California.

Hinds, the writer and director behind *Dreamscape*, revealed the incident inspired him to tell a wider story. “In 2004, I decided to write a play that would address that issue of the relationship between the African-American community and the police,” Hinds said.

“I went back to the Tyisha Miller incident and decided that this will be a good vehicle for exploring this issue, for a couple of reasons. One, because she was a young woman, and two, because there was enough information for there to be a dramatic exploration of the relationship, so it wasn’t so black and white. There were gray areas to allow the conversation to be a little more nuanced.”

Prior to the performance, participants at 2017’s SSASA symposium had already begun to reflect on legal rights, justice, and racial issues in the US. The fact *Dreamscape* was performed at a symposium discussing the very issues his play was addressing made Hinds a “little bit more nervous than usual.”

Hinds said, “As the director, you’re always thinking about how the play would land on your audience who have studied these issues, who are scholars and experts on the field. Plus, we had met our audience, so we knew them! It’s very unusual!”

Dreamscape’s current cast includes Natali Micciche and John “Faahz” Merchant. Both have been performing the show for about five years, across the US and overseas. The two traveled to Salzburg for this “unusual” performance.

Discussing her performance as Myiesha, Micciche said: “It was absolutely beautiful. It was a great interlude – sitting in the presentations, talking about this subject and the topics, and then



Rickerby Hinds

[to] go and perform – because the energy is heightened around the subject and everybody is fully invested.

“The reception was great. It’s more than I could ask for. It’s always moving. In a space where I can see the audience, it’s super effective because you watch people and their emotions. Afterwards it was just great to hear feedback on my movement and my artistry.”

Merchant, who played the role of a police officer and a dispassionate coroner, incorporated his beat-boxing talents to help create the play’s unique soundscape. “It was probably one of the most exciting and exhilarating feelings,” Merchant said. He added it was great to see their work transcend across different audiences – even 6,000 miles away from home.

“It’s a great feeling because it means that our work over the past years has been doing what it’s supposed to do.”

Asif Efrat – The new US administration has shown less interest in international cooperation

Israeli professor reflects on efforts to stop transnational crime and explains how US justice system is seen from abroad

In 2010, the United Nations Office on Drugs and Crime (UNODC) published a report on “The Globalization of Crime.” The report examined 16 crime problems, 13 of which were deemed intercontinental. An extract from the report’s conclusion reads: “From a global perspective, national or even regional efforts made in isolation can be worse than ineffective, they can be counterproductive, as the problem is pushed from regions that pose resistance to those that do not, or cannot.” More can be achieved together than by working alone.

The buzzword of the time, however, is “sovereignty” – something which does not

align well with international cooperation. That’s the view of Asif Efrat, an associate professor of government at the Interdisciplinary Center (IDC), in Herzliya, Israel. He spoke to Salzburg Global while attending the 15th symposium of the Salzburg Seminar American Studies Association (SSASA).

At various points in recent history, the United States has been considered the world policeman but rhetoric expressed by President Donald Trump during his election campaign and first months in office have prompted many people question whether this role would change. What effect might this have on the efforts to limit transnational crime?

Efrat, author of *Governing Guns, Preventing Plunder: International Cooperation Against Illicit Trade* believes it will take time for the implications to reveal themselves. Commenting in general, however, he said, “This administration has signaled that it has less interest in international cooperation.”

In his book, Efrat focuses on the illicit arms trade, the trade in looted antiquities, and human trafficking. He said, “There are some people who say that globalization has a ‘dark side’: the rise of global crime. This is one of the undesired side effects of globalization and in the recent years, governments have been trying to work together to try and address problems of transnational crime. These efforts of suppressing transnational crime are the center of my analysis.”

Since taking office, despite his rhetoric on the campaign trail, President Trump has reaffirmed



the US' commitment to NATO. He also made his first address at the UN general assembly where he said countries must "work together and confront together" others who threaten with chaos, turmoil, and terror. On both occasions, however, Trump also referred to the cost burdens the US has carried. The concern remains that diminishing international cooperation is still a possibility. The picture remains unclear.

Most of the international initiatives against international crime have been led by the US, says Efrat. If there is less leadership shown from the US, Efrat believes this will not bode well for international cooperation in general. "The international regime against drugs has been led by the United States since the beginning of early 20th century. International efforts against money laundering, international efforts against human trafficking – these are all American initiatives. [They are] very important American initiatives in my view, and I'm concerned that the new administration has much less interest in international cooperation."

The US justice system as seen from abroad In addition to assessing the international role and responsibilities of the US, this year's symposium – *Life and Justice in America: Implications of the New Administration* – saw participants reflect on the US justice system in several ways. There were rich discussions around issues of legal rights, immigration policy and discrimination, and changes in policy over the past seven decades. During the symposium, Efrat led a small group discussion on how the US justice system was perceived from abroad, drawing on his current research examining ethnocentric views on legal standards and justice. In his work, Efrat examines how countries view foreign legal systems and the extent they are willing to cooperate with them.

The US justice system is not looked upon favorably by other countries, Efrat has found: "There are various attributes of American justice

that are seen as completely unjust to foreign audiences. One is the very harsh American attitude towards criminal justice.

"The United States has the highest rate of incarceration in the world... America locks up many people for very long periods of time. American sentencing policies are seen as very unjust."

Efrat said the use of juries during trials also raised eyebrows among foreign audiences. He said, "For Americans, a trial by jury is the ultimate expression of justice: you're being tried by your peers. But for foreign audiences, juries are sometimes the exact opposite of justice." In many countries, a judge or panel of judges decide the guilt of a defendant – seen as some non-Americans as fairer than a jury of non-professionals.

Salzburg Global spoke to Efrat the day after the symposium's keynote presentation was given by Elaine T. May, Regents professor of American studies and history at the University of Minnesota. The talk was titled "The American Dream and the Quest for Security – the Promise and the Perils." Reflecting on the keynote, Efrat says, "It identified this kind of broad theme of fear in American society, and the interests that are driving this fear. It helped to put the current administration – the current mood in the United States – into a broader perspective, and I think this is one of the nice things about this seminar.

"We tend to think of our times as very unique, and very special, but you can see that this is actually part of a much broader historical trend."



Fairness and Justice

On the concluding day of the session, the thematic focus shifted to issues of criminal law and justice in American, civil rights and drug courts, global reactions to the new administration.

Kenneth Kirkpatrick, Ekrema Shabab
and Brianna Menning

PRESENTATIONS

“Criminal Law and Justice in America”

“Implications and Global Reactions to the New
Administration”

“Civil Rights and Drug Courts”

The nature of criminal law was presented from colonial times to more recent periods. Early notions about the law were that everyone could be cured of criminal actions. Sentencing guidelines, though, were seen to be requisite as problems concerning rehabilitation were evident; but there were few models upon which to base the regulations, and resistance to guidelines came under question. Problems regarding standardization, discretion in fair sentencing, and discrimination against social, racial and other groups led to political coalitions



Alex Seago



Piotr Szyja

(sometimes unlikely ones) promoting adjustments in the treatment of criminals. The ratcheting up sentences, mandatory minimum sentencing, rehabilitation, and other “cures” were offered, thus leading to fierce debates regarding punitive policies, cruel and unusual punishment (including death), mental health, economics, and social issues. Today, prisons are overpopulated and the recidivism rate is very high, currently at 47 percent. Given the difficulty in formulating solutions, it compounds the issue to try to change single key elements even when there is some agreement on identified flagrant problems. Participants asked about optimism for the justice system; it seems that hope and positive change centers around a re-emphasis on values, norms, and fairness.

A discussion of civil rights and drug courts looked at the difficulty of being a minority in the criminal justice system. It is found that early (even minor) offenses lead to incarceration. The poor become disenfranchised due to being labeled as criminal, and they most often lose their ability to work as well. Restoration of rights vary from state to state, but a former inmate is almost always marginalized and viewed as dysfunctional in society. The role of the educational system, municipal laws and the influence of economics and their impact on minorities are key issues causing exclusion or rejection. Crime is a social construct and there is an increasing criminalization of the population, flooding courts and prisons. Mass incarceration is easy for prosecutors, but tough for the accused. Voter suppression was deemed to be the civil rights issue of our time. Other appalling issues are often ignored or unreported. Drug courts can mandate treatment and drug treatment facilities often resemble prisons. Though problems loom large, some focus is being made by citizens and organizations to call attention and to help solve very dire problems. There is clearly a need for revision and reform.



JosAnn Cutajar and Verena Holztrattner

RESOURCES

Books:

Araújo, Susana. *Transatlantic Fictions of 9/11 and the War on Terror*. London: Bloomsbury Academic, An Imprint of Bloomsbury Publishing, 2015.

Graaff, Kristina. *Street Literature*. Heidelberg: Winter, 2015.

Rose, Peter I. *Mainstream and Margins Revisited*. Transaction/Routledge, 2017.

Rose, Peter. *Working with Refugees*. Center for Migration Studies, 1985.

Journals:

Tomm, Christie. "The United States Criminal Justice System: Protecting Constitutional Rights and National Security." *Journal of Civil Rights and Economic Development*, Vol. 26 : Iss. 4 , Article 11 (2013): <http://scholarship.law.stjohns.edu/jcred/vol26/iss4/11>

van Ham, Carolien. "Getting Elections Right? Measuring Electoral Integrity." *Democratization*, 22, no. 4 (2014): 714-737. DOI: 10.1080/13510347.2013.877447.

Newspapers & Magazines:

King, Shaun. "The White Privilege of the 'Lone Wolf' Shooter." *The Intercept*, Oct. 3, 2017, <https://theintercept.com/2017/10/02/lone-wolf-white-privilege-las-vegas-stephen-paddock>

"How the United States Immigration System Works." American Immigration Council, 2017, <https://www.americanimmigrationcouncil.org/research/how-united-states-immigration-system-works>

"Next America: Criminal Justice." *The Atlantic*, 2017, <https://www.theatlantic.com/projects/next-america-criminal-justice>

Polakow-Suransky, Sasha. "White Nationalism Is Destroying the West." *New York Times*, Oct. 12, 2017. <https://www.nytimes.com/2017/10/12/opinion/sunday/white-nationalism-threat-islam-america.html>

Prideaux, John. "The Power of Groupthink: A Special Report on Donald Trump's America." *The Economist*, Jul. 1, 2017. <https://www.economist.com/news/special-report/21724115-observers-donald-trumps-presidency-who-hope-politics-will-eventually-return>

"The Presence of Justice." *The Atlantic*, 2017, <https://www.theatlantic.com/projects/the-presence-of-justice>

Tisdall, Simon. "A Letter to My American Friends: When Did the Dream Die?" *The Guardian*, Aug. 19, 2017. <https://www.theguardian.com/us-news/2017/aug/19/a-letter-to-my-american-friends-when-did-the-dream-die>

Documentaries:

DuVernay, Ava, director. "13th." Kandoo Films, 2016.

INTERVIEW

*Nancy Gertner – “Lawyers should effect social change”***Former US federal judge reveals love of public policy issues and reuniting with those she sentenced as part of her latest book project**

Known for her long career in advancing civil rights, civil liberties, and human rights in the United States, retired judge Nancy Gertner remains a trailblazer for women working in the legal profession. Her work, first as a criminal defense lawyer and later a federal judge, received many acknowledgements from her peers, not least the American Bar Association who awarded her the Thurgood Marshall Award in 2008.

Her appearance at the 15th symposium of the Salzburg Seminar American Studies Association (SSASA) was a perfect fit for the program’s topic – *Life and Justice in America: Implications of the New Administration*. Alongside others, the now retired Judge Gertner spent five days discussing issues of justice, discrimination, criminal law and legal rights. For Gertner, now a professor at Harvard Law School, the experience was “remarkable.”

“When I came, I had only read the biographies of the people who were invited – both the other participants and the seminar leaders – and I don’t think I fully understood how accomplished, cosmopolitan and interesting they were,” said Gertner. “So, the ability to talk to people and get a sense of the depth of their background was wonderful.”

Gertner has had an extensive career in the legal profession and has written widely about employment, criminal justice and procedural issues. But what was the original spark that inspired Gertner to enter the profession in the first place?

“Well, I think I wanted to run for president of the

United States. Then I figured that you had to be a lawyer in order to get to be a senator first. I got stuck at the first stage!” Gertner laughs, “But you know, I love public policy issues. I went to law school at the time that the civil rights movement was at its height, and women’s movement, and anti-war movement – and lawyers were the vehicle for social change. So that’s how I became interested in it.”

Mass incarceration was one of the issues that was discussed at this year’s SSASA symposium. The American Civil Liberties Union (ACLU) reports that by 2010 more than 2.2 million people in the US were behind bars, accounting for 25 percent of the world’s prison population in a country that represents only five percent of the world’s total population. Gertner spoke at the symposium on mass incarceration and the structures in the justice system that had exacerbated it.

“For a 100 years, the principal purpose of sentencing was rehabilitation. Rehabilitation was essentially using a medical model to deal with crime. Other kinds of professions also went through this. The judge was looking for a cure. The belief was that everyone could be cured and the idea was that he would come up with ways of solving the crime in a way not just finding the perpetrator but solving the criminal – and that judges had unlimited virtually unlimited discretion to figure out what the appropriate sentence would be,” Gertner explains.

Multiple factors caused this to change in the 1980s. There was a spike in the crime statistics and the implications of the Vietnam War stayed in the American people’s minds. The public were



concerned about discrimination in sentencing and the discretion of judges to cast sentences. The media became increasingly focused on covering crime. Toward the end of the decade, the phrase “If it bleeds, it leads” was adopted.

“Suddenly, we essentially rejected rehabilitation as a rationale for sentencing, and moved to retribution,” says Gertner. “So, rehabilitation asks ‘What will help the offender not offend anymore?’ Retribution asks ‘What does the crime deserve?’ So, it was a very different question and it led to different answers, and the answer is that retribution led to mass incarceration.”

The concern over the discretion of judges and inconsistencies between sentences across the US led to the creation of a set of guidelines that provided objective standards for sentencing. “That essentially is to wish there was no judgment, no discretion. So, you focused on the nature of the crime, and you focused on the nature of someone’s criminal record,” says Gertner.

That would, for example, lead to drug-related cases being judged on the basis of the quantity of the substance and past convictions alone, with no regard to the individual’s situation and the judge’s discretion on whether they thought the accused was likely to re-offend.

Gertner recalls: “You focused on objective factors that [some] believed could be objectively enforced. Of course that wasn’t true. Those objective factors were often the product of decisions made by others down the line, which we’re not so objective.”

In 2011, Gertner published her memoirs, fittingly entitled *In Defense of Women: Memoirs of an Unrepentant Advocate*. Now, she’s working on another book about the hard work of judging – more specifically, reflecting on her own experiences as a judge, working in a system that she didn’t always deem to be a fair one. For her book, Gertner reached out to some of the people she had sentenced to find out what happened to them. “I found it easiest to write about the people I had sentenced because that

was a situation in which I was most acutely aware of the difference between my beliefs and what the law required,” Gertner says.

“I was obliged to impose mandatory minimum sentences. I was obliged to use mandatory guidelines. And I felt the difference between what I was obliged to do and what I believed in all the time. So this book is about the men that I sentenced.”

The book paints the portraits of several men, who they were, what Gertner learned about them, and the legal framework she had to use to evaluate them. Moreover, the book discusses how they should have been sentenced in a “humane system,” according to Gertner.

“These are portraits that will help us understand how punitive and inhumane the system became.”

Gertner was appointed to the federal bench in 1994 by President Bill Clinton. Since retiring in 2011, she has continued to teach subjects including criminal law, criminal procedure, forensic science and sentencing, and has written about women’s issues around the world. Whether she’s in the court room, the lecture hall or writing her book, social justice work continues to be a driver for Gertner.

“I believe that lawyers should effect social change. That’s what animates me as a lawyer, as a judge, as a professor. These are remarkable tools and a remarkable education that should be used to serve the public good.”

INTERVIEW

Chris Lehmann: American justice is still a model for the world – but a flawed model

Executive director of the Central and East Europe Law reflects on US justice system

Chris Lehmann, executive director of the Central and East Europe Law Institute (CEELI), is inspired to improve the world and spread justice. Speaking at the 15th symposium of the Salzburg Seminar American Studies Association (SSASA), he says, “My father was an Episcopal priest, and I think he just had a very clear idea of what was right and wrong. I think you can either spend your life trying to make the world a better place or not.”

Lehmann’s decision to attend the 15th SSASA symposium – *Life and Justice in America:*

Implications of the New Administration – was in part thanks to Salzburg Global Program Director Charles Ehrlich. Lehmann says, “Charles has been up to Prague several times to my Institute and had been wanting to get me down here, which I was eager to do. This session seemed particularly relevant, partly because there would be quite a bit of focus on transatlantic legal issues – European perspectives of America – but with a lot of that focus being on our criminal justice system. So, it was kind of a perfect fit for me.”

The CEELI Institute, based in Prague, was established to advance the rule of law in the world. Lehmann, who previously worked for the US Department of Justice, has served as its executive director since 2014. The Institute works with judges and lawyers from around the world on matters relating to comparative law, judicial issues, and human rights. Reflecting on justice in the US, Lehmann says, “The US, obviously, in some ways continues to be a model for the rest of the world, but it is a very flawed model.”

Lehmann highlights the “extensive use of plea bargaining” and “police issues” as two areas in the US that require further attention. His hope in attending this symposium was to see how others around the world viewed these issues, which would help him assess where the US is today, whether the country still has a system viewed as worth emulating.

As of the time of the session, Lehmann believed this view is a “very mixed bag.” He said: “There are theoretical aspects of the US justice system which continue to be aspirational, but I think there are some deep flaws that are making a lot of people in Europe skeptical of US solutions.”

The CEELI Institute is based at the Villa Grébovka, a historic building that dates back to 1871. The Institute was founded in 1999 and has provided post-graduate legal education and exchange to more than 5,000 legal professionals. Lehmann says the Institute has found it very valuable to bring people together for several days and allow them to step out of their lives and focus on the topic at hand.

Noting the similarity with Salzburg Global Seminar, Lehman says, “I think you’ve recognized that some of the best discussions go on at the coffee hours, at the meals, and in the evenings, and in strolling around the parks. It’s not just what takes place in the sessions.



“If you go to a conference somewhere at a hotel, you don’t necessarily have quite that sense of convening. There’s just a huge value to a serene setting like this. It puts people at ease, it relaxes them, and it just allows this sort of dawn till dusk conversation to go on in and out of formal settings.

“There are lots of different learning styles. Some people will be on their feet in the classroom, and there are other people that are much more comfortable having a quiet conversation over a cup of coffee after the session is over. This really enables everybody to kind of be drawn into the discussion.”



Rebecca Tiger



Dragan Vukotic

Conclusion

The themes and presentation topics of the session were considered with the express purpose of exploring and analyzing the depth and nature of the American dream. In the concluding session, participants explored what the dream represents today and for the future, especially in light of the new administration.

Panelists presenting their own ideas and opinions talked about implications and global reactions to the new administration and saw several shifts and procedures in the new presidency. Trump is still an enigma, one participant maintained, and has turned the presidency on its head. He has created a “rhetorical” presidency, one which seems to be predicated upon “permanent” campaigning. And, disturbingly, rhetoric proceeds policy, followed by combative debate and analysis. The rhetoric or conversations and resulting confusion is interpreted by nations abroad that America is in an “existential crisis.” One panelist viewed that daily politics has turned into virtual entertainment likened to a wrestling match.

On the international front, panelists felt that some nations see a rebalancing act in progress. Mixed signals, however, lead to feelings of neglect and confusion. Nations seek reassurances and strive for continuity, it was maintained. A lack of confidence leads to hostility and suspicious understandings.



Fellows, faculty, speakers and staff of SSASA 15



Session chair Ron Clifton (LEFT) with the faculty of SSASA 15

Trump's inaugural address was thought to be violent and filled with negativity, and America's appeal as a "city on a hill" was diminished. Many who used to appreciate American culture now feel that Trump is doing tremendous harm to its image. Some even felt that the president is making a deliberate attempt to undermine America's soft power. Linkages to the rise of the Trump presidency were made to other right-wing movements in Europe, but even some of those European leaders have toxic relationships with the new administration. Participants questioned the fragility of America's standing abroad. Replies included optimism that there could be a return to an attractive American model. Others felt that America is embattled in an endurance test for the next months and years until that return occurs.

In his concluding remarks, Ron Clifton, the chair of the session pointed out that two prominent things had struck him during the four-day program. "First, as was articulated in the session, issues of fairness and justice depend very much on factors such as social status and race," said Clifton. "Second, I agree with the phrase that a participant just came up with which is, 'At this moment it would seem to me that America is looking less good.' The question is: what does that imply for the future and when and how will the turn occur and America look better again?"

"Of course, being an American, we are optimistic and hopeful. We have a burden to carry and that burden is to carry out the promise of America to make things better and to invite people to join in with us to fulfill the American Dream."



Mark Wenig



Zheng Zhai

APPENDIX

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