

prop 22

PHOTOCOPY
PRESERVATION

MEMORANDUM FOR THE PRESIDENT -- **DRAFT**

FROM:

DATE: March 2, 2000

SUBJ: Same-Sex Marriage and California Ballot Initiative

Summary

You may soon be asked to state your position on Proposition 22, a ballot initiative now pending that would define marriage in California as heterosexual marriage. If asked, we believe you should state that Proposition 22 is divisive and unnecessary and contrary to your efforts to build a more tolerant American community. But you should not go much beyond this because, as we detail below, it is difficult to reconcile opposition to Proposition 22 with your support in 1996 for the Defense of Marriage Act. We have prepared Q and A's (attached) to guide your response on this issue.

Background: Defense of Marriage Act and Proposition 22

In 1996, you signed the Defense of Marriage Act, which holds 1) that a state cannot be required to recognize same-sex marriages performed in other states and 2) that for purposes of federal law, "marriage" means heterosexual marriage. When you signed DOMA, you noted your longtime opposition to "governmental recognition of same-gender marriages." But you added that DOMA ought not be used as an "excuse for discrimination, violence or intimidation ... on the basis of sexual orientation."

Proposition 22, which will be voted upon March 7, states in its entirety: "Only marriage between a man and a woman is valid or recognized in California." It is also known as the Knight Initiative for its author, State Senator William J. Knight, a Republican from Palmdale (north of Los Angeles).

The proposition says in effect that California should refuse to recognize same-sex marriages performed in other states. But no state in the country currently recognizes such marriages. In fact, no state is even close to passing such a law. Even Vermont, whose high court ruled recently that gay couples must be granted the same benefits and protections available to married heterosexual couples, is not headed toward a gay marriage law. Rather, Vermont is likely to draft a law that provides domestic partner benefits for same-sex couples. You have supported such treatment for domestic partners.

We recommend that, if asked, you characterize Proposition 22 as unnecessary -- because no state is even close now to passing a law recognizing same-sex marriages -- and therefore a thinly veiled attempt to pit one group against another. Indeed, you could suggest that Proposition 22 could provoke more discrimination against gays and lesbians.

It is difficult to say more than that, however, because of DOMA. In the first place, given your comments at the time you signed DOMA, you cannot now express support for same-sex marriages. Moreover, Proposition 22 is arguably consistent with DOMA. Since DOMA says that one state's recognition of same-sex marriages cannot be made binding on other states, it follows naturally that each state must decide for itself whether to recognize such marriages. Indeed, 30 states have already passed "defense of marriage" laws, most of them in the wake of DOMA.

Both the Vice President and Senator Bradley have spoken out against Proposition 22, and both have used the "divisive and unnecessary" formulation -- without endorsing same-sex marriage. Senator McCain supports Proposition 22; Governor Bush has not taken a position on the ground that it is a state issue. However, some prominent Republicans have taken a position against it, including Ward Connerly, the former University of California regent who was behind Proposition 209.

Proposition 22 Q&A
February 29, 2000

Q: What is your position on Proposition 22 in California, which would allow California to decline to recognize same-sex marriages performed in another state?

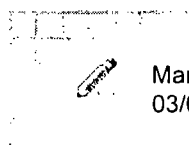
A: I believe Proposition 22 is unnecessary and divisive. My Administration has been working to build a more tolerant and inclusive American community, and it seems this initiative is mainly aimed at pitting one group against another.

Q: But doesn't California have the right to state its view on same-sex marriage?

Let's be clear: This initiative says, essentially, that California should refuse to recognize same-sex marriages performed in other states. But the fact is, no state in the country currently recognizes such marriages. No state is even close to passing such a law. And that makes me think this initiative is an unnecessary, unprovoked attempt to engage in the politics of division.

Q: How does this position square with your support of the Defense of Marriage Act (DOMA)? Wasn't DOMA just as "unnecessary"?

A: I oppose governmental recognition of same-sex marriages, and that's why I signed DOMA. But I have also strenuously opposed discrimination against gay and lesbians, and I think Proposition 22 could do more to provoke instead of prevent discrimination. I think it is important now to focus our efforts on the fight against discrimination. That's why I urge Congress to pass the Employment Non-Discrimination Act, which extends workplace protections to gays and lesbians. And that's why I urge Congress to pass hate crimes legislation that would punish hate crimes based on sexual orientation.



Mary L. Smith
03/01/2000 11:12:44 AM

Record Type: Record

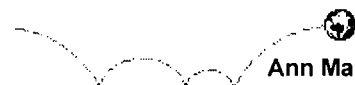
To: Anna Richter/OPD/EOP@EOP, Elizabeth J. Potter/WHO/EOP@EOP

cc:

Subject: Re: could we see a draft of your background paper

FYI -- this is what political affairs has written

----- Forwarded by Mary L. Smith/OPD/EOP on 03/01/2000 11:12 AM -----



Ann Marie Wallace

03/01/2000 11:01:21 AM

Record Type: Record

To: Mary L. Smith/OPD/EOP@EOP

cc:

bcc:

Subject: Re: could we see a draft of your background paper 

My 22 update is part of my overall Calif. Political Brfg. for POTUS:

Proposition 22: With days left until the March 7th primary, the most controversial initiative that will appear on the ballot is Proposition 22, also known as "the Knight Initiative." The measure that defines marriage as a union between a man and a woman and prohibits California from recognizing out of state same sex marriages. The latest poll conducted February 22-27 by the Field Institute showed the Yes side favored by 53% to 40% with 7% undecided. Opponents believe Proposition 22 fosters discrimination and an invasion of privacy. The measure is sponsored by state Sen. William "Pete" Knight (R) and has turned into a family dispute. On February 23, Knight's gay son participated in a half-hour telephone news conference where the junior Knight said he's become involved in the "No on Knight/22" because of the importance of the issue and to lend support to others who have had similar disagreements with their parents. Last week, during the national telecast of the Grammy awards, talk show host and comedian Rosie O'Donnell urged viewers to vote against 22. On Monday, a coalition of ministers and rabbis in southern California declared their opposition to 22 stating that initiative is mean-spirited, discriminatory and could undercut the rights of homosexuals. Monday's announcement underscores a split in the local religious community since the campaign in favor of 22 received financial support from Mormons and Catholic churches. Supporters have raised approximately \$5 million and their opponents only half that amount. Governor Gray Davis (D) and the California Democratic Party are officially opposed to 22. Many prominent California Republicans have opposed the Knight Initiative. Some

leading Republican opponents include: Rep. Tom Campbell, (R); Ward Connerly, Regent, University of California; All Republican candidates for mayor of San Diego; San Diego Mayor Susan Golding(R); and Assemblyman Jim Cunneen (R).
Mary L. Smith



Mary L. Smith
03/01/2000 10:32:20 AM

Record Type: Record

To: Ann Marie Wallace/WHO/EOP@EOP
cc: Anna Richter/OPD/EOP@EOP
Subject: could we see a draft of your background paper

just to make sure we are not duplicating efforts? Thanks, Mary

DOMA and Proposition 22 Background

March 1, 2000

Defense of Marriage Act (DOMA)

In 1996, you signed into law the Defense of Marriage Act (DOMA). This law has two parts: (1) it allows states to fail to give effect to same-sex marriages that may be valid in other states, and (2) it provides a rule of construction under federal law that whenever the words “marriage” and “spouse” appear, they shall mean only heterosexual marriages.

At the time you signed DOMA, you stated that “I have long opposed governmental recognition of same-gender marriages.” You then clarified that this legislation should not be used as an “excuse for discrimination, violence or intimidation against any person on the basis of sexual orientation.”

While there might appear to be some constitutional concerns with DOMA, particularly under the Full Faith and Credit clause, the Department of Justice informally concluded that because there is a “public policy” exception to full faith and credit, states would be able to articulate a policy justification for refusing to recognize other states’ marriages.

Proposition 22

Proposition 22 is a ballot initiative in California that aims to prevent gay and lesbian couples from marrying in another state, then moving to California and asking that their unions be ruled valid there. This initiative will be voted upon on March 7. In its entirety, Proposition 22 states: “Only marriage between a man and a woman is valid or recognized in California.”

Proposition 22, also known as the Knight Initiative for its author, State Senator William J. Knight, a Republican from Palmdale (north of Los Angeles), assumes that one day, gay unions will be recognized somewhere in the country. However, currently no state in the country recognizes such marriages. In fact, no state is even close to passing such a law. Even Vermont, where the Supreme Court ruled that gay couples must be granted the same benefits and protections given to married couples of the opposite sex, is not headed toward enacting a gay-marriage law. Rather, it looks like Vermont will draft a law that provides domestic partner benefits for same-sex couples. You have supported more equal treatment for domestic partners.

We have proposed that, if asked during this trip, you would say that Proposition 22 is divisive and unnecessary because no state is close to passing a law recognizing same-sex marriages. It is difficult to say more than that because there is a slight conflict between your support of DOMA and being opposed to Proposition 22. As enacted, DOMA provides that it is a state’s decision whether to recognize same-sex marriages, but DOMA does not prejudge a state’s decision. Accordingly, each state would have to enact

a law stating whether it would recognize same-sex marriages. In essence, Proposition 22 is California's implementation of DOMA. Thus far, 30 states have passed definition-of-marriage laws, including Hawaii and Alaska, which did so through ballot initiatives.

Both Al Gore and Bill Bradley have come out against Proposition 22. They are walking a fine line which basically says – you don't have to be for same-sex marriage to be against Proposition 22. The main reason that they have given to oppose it is that it is divisive and unnecessary. Republicans are mixed. Senator McCain is for it; George W. Bush did not take a position because he doesn't interfere in states' issues. However, some prominent Republicans are against it including Ward Connerly, the former University of California regent who wrote California's Proposition 209, banning affirmative action.

In a Field Poll released on February 29, voters favored Proposition 22 by 53 percent with 40 percent against, and 7 percent with no opinion. Support and opposition levels have hovered in that range since March of last year. The strongest support for Proposition 22 comes from Republicans, Protestants, political conservatives, and people who don't have a college education.

Proposition 22 Q&A
February 29, 2000

Q: What is your position on Proposition 22 in California, which would allow California to decline to recognize same-sex marriages performed in another state?

A: I believe Proposition 22 is unnecessary and divisive. It says, essentially, that California should refuse to recognize same-sex marriages performed in other states. But the fact is, no state in the country currently recognizes such marriages. No state is even close to passing such a law. And that makes me think this initiative is mainly an unprovoked attempt to pit one group against another and to engage in the politics of division.

Q: How does this position square with your support of the Defense of Marriage Act (DOMA)? Wasn't DOMA just as "unnecessary"?

A: I oppose governmental recognition of same-sex marriages, and that's why I signed DOMA. But I have also strenuously opposed discrimination against gay and lesbians, and I believe Proposition 22 could do more to provoke instead of prevent discrimination.

Besides, California law is already clear: only a marriage between a man and a woman is recognized as valid in that state. So again, I wonder whether this initiative is really necessary or whether it's just meant to be a political wedge.

[Note: this is a somewhat disingenuous answer because the real issue is not what California law now holds as to marriages performed in California, but what it should hold as to marriages performed in other states.]

GALS & LGBS -

PROP 22

DOMA and Proposition 22
February 28, 2000

Defense of Marriage Act (DOMA)

- In 1996, Congress passed the Defense of Marriage Act (DOMA), which denies federal recognition of homosexual marriage and allows states to ignore same-sex unions licensed elsewhere. → is this self-explanatory? or do states need more of a explanation?
- 30 states have passed definition-of-marriage laws, including Hawaii and Alaska, which did so through ballot initiatives.

Proposition 22

- In its entirety: "Only marriage between a man and a woman is valid or recognized in California."
- This initiative, known as the Knight Initiative, would prevent gay and lesbian couples from marrying in another state, then moving to California and asking that their unions be ruled valid there.
- This is basically California's DOMA law.
- However, both Al Gore and Bill Bradley, have come out against Proposition 22. They are walking a fine line, which basically says – you don't have to be for same-sex marriage to be against Proposition 22. The main reason that they seem to have given to oppose it is that it is divisive and unnecessary.
- Republicans are mixed. Senator McCain is for it; George W. Bush did not take a position because he doesn't interfere in states' issues. However, some prominent Republicans are against it including Ward Connerly, the former University of California regent who wrote California's Proposition 209, banning affirmative action.
- I spoke to Eddie Correia, and he thought other than saying Proposition 22 is unnecessary, we could argue that Proposition 22 is constitutionally suspect because it violates full faith and credit. Eddie's argument was that while it is one thing to pass a federal law, states should not be failing to recognize other states' laws. I think that this is a dangerous argument, given that the federal DOMA is probably constitutionally suspect as well. Also, the federal law also allows states to refuse to give effect to other states' marriages.

Vermont case

- On December 20, 1999, in Baker v. State of Vermont, the Vermont Supreme Court ruled that its state legislature must offer benefits for domestic partners. The court stated that these include access to a partner's medical, life, and disability insurance,

hospital visitation and other medical decision making privileges, spousal support, intestate succession, homestead protections, and many other statewide statutory protections.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 20, 1996

STATEMENT BY THE PRESIDENT

Throughout my life I have strenuously opposed discrimination of any kind, including discrimination against gay and lesbian Americans. I am signing into law H.R. 3396, a bill relating to same-gender marriage, but it is important to note what this legislation does and does not do.

I have long opposed governmental recognition of same-gender marriages and this legislation is consistent with that position. The Act confirms the right of each state to determine its own policy with respect to same gender marriage and clarifies for purposes of federal law the operative meaning of the terms "marriage" and "spouse".

This legislation does not reach beyond those two provisions. It has no effect on any current federal, state or local anti-discrimination law and does not constrain the right of Congress or any state or locality to enact anti-discrimination laws. I therefore would take this opportunity to urge Congress to pass the Employment Non-Discrimination Act, an act which would extend employment discrimination protections to gays and lesbians in the workplace. This year the Senate considered this legislation contemporaneously with the Act I sign today and failed to pass it by a single vote. I hope that in its next Session Congress will pass it expeditiously.

I also want to make clear to all that the enactment of this legislation should not, despite the fierce and at times divisive rhetoric surrounding it, be understood to provide an excuse for discrimination, violence or intimidation against any person on the basis of sexual orientation. Discrimination, violence and intimidation for that reason, as well as others, violate the principle of equal protection under the law and have no place in American society.

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*** THIS SECTION IS CURRENT THROUGH 106-170, APPROVED 12/17/99 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
PART V. PROCEDURE
CHAPTER 115. EVIDENCE; DOCUMENTARY

28 USCS § 1738C. (1999)

§ 1738C. Certain acts, records, and proceedings and the effect thereof

No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.

HISTORY: (Added Sept. 21, 1996, P.L. 104-199, § 2(a), 110 Stat. 2419.)

NOTES:

RESEARCH GUIDE

Law Review Articles:

Landeveer. The constitutional arguments for and against the Defense of Marriage Act, 11 Am J Fam L 23, Spring 1997.

Fisk. ERISA preemption of state and local laws on domestic partnership and sexual orientation discrimination in employment, 8 UCLA Women's L J 267, Spring/Summer 1998.

Wardle. DOMA: protecting federalism in family law, 45 2 Fed Law 30, February 1998.

1.1.87

1 USCS § 7 printed in FULL format.

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*** THIS SECTION IS CURRENT THROUGH 106-170, APPROVED 12/17/99 ***

TITLE 1. GENERAL PROVISIONS
CHAPTER 1. RULES OF CONSTRUCTION

1 USCS § 7 (1999)

§ 7. Definition of "marriage" and "spouse"

In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word "marriage" means only a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex who is a husband or a wife.

HISTORY: (Added Sept. 21, 1996, P.L. 104-199, § 3(a), 110 Stat. 2419.)

Bid to Thwart Gay Marriage Roils California

A By EVELYN NIEVES

SAN FRANCISCO, Feb. 24 — Its proponents call it the "California Protection of Marriage Initiative," a way to prevent gay and lesbian couples from marrying in another state, then moving to California and asking that their unions be ruled valid here.

Its opponents call it the most dangerously loaded 14-word sentence to find its way onto a state ballot: "Only marriage between a man and a woman is valid or recognized in California."

The most controversial and widely watched ballot measure California voters will decide on come March 7, Proposition 22 has pitted Mormon and Roman Catholic groups who are campaigning for its passage against Protestant and Jewish leaders who have come out against it, evoked impassioned debates in both conservative Republican and Democratic Party ranks and raised one overriding question: Just what does it mean?

Proposition 22, also known as the Knight Initiative for its author, State Senator William J. Knight, a Republican from Palmdale (north of Los Angeles) who has tried unsuccessfully to pass laws against same-sex marriage in the state Legislature and whose own son is gay, assumes that one day, gay unions will be recognized somewhere in this country.

"This simply closes a loophole so that we don't have to recognize marriage from another state with a definition different from our own," said Robert Glazier, a spokesman for the Yes on Knight campaign. (The "loophole" is this: Since 1872, California has followed a policy of recognizing all marriages, wherever contracted,

even if the couple could not marry in California.) "It's a way we can protect the right to determine for ourselves how we will define the institution of marriage in our state, which we feel should be between men and women."

But opponents say Proposition 22 is a wolf in sheep's clothing. No other state is close to legalizing same-sex unions — Vermont is considering "domestic partnership" rights — and already only marriage between a man and a woman is valid or recognized in California. Thirty other states have passed definition-of-marriage laws, including Hawaii and Alaska, which did so through ballot initiatives. But California's measure is the first to ask voters to define marriage when no legislation or court case is pending that might alter the existing definition. That, opponents say, makes the measure suspect.

"At its best, Prop. 22 is unnecessary," said Kate Kendell, executive director of the National Center for Lesbian Rights, and a co-chairwoman of the No on Knight campaign, both based in San Francisco. "Given that there is no state in which lesbian or gay couples can marry and there's no imminent possibility

of that happening, you have to ask yourself what's really going on here. Other states have used similar statutes as justification to roll back, block or repeal domestic partner protections or other civil rights for gay and lesbian families."

In Idaho, for example, a judge refused to allow a lesbian to adopt her partner's child strictly because of that state's enactment of a law similar to the Knight initiative.

Although Proposition 22 has not become a subject of much debate for the presidential contenders vying for votes in the March 7 primary, both sides expect the issue to receive a high profile in the next two weeks.

Among the candidates, support is split along party lines. The initiative, which has been endorsed by the California Republican Party, was endorsed today by Senator John McCain of Arizona, and was previously endorsed by Alan Keyes, the radio talk show host. A spokeswoman for the campaign of Gov. George W. Bush of Texas said Mr. Bush did not interfere with states' issues, but thought marriage should be between a man and a woman. Vice President Al Gore and Senator Bill Bradley join with the state's highest-ranking Democrat, Gov. Gray Davis, in opposing the proposition.

Some prominent Republicans also oppose the measure. Those include

Sharp differences over the meaning and intent of Proposition 22.

Ward Connerly, the former University of California regent who wrote California's Proposition 209, banning affirmative action, and Brian Perry, former head of the Log Cabin Republicans, a group of gay Republicans.

"What Republicans against 22 stand for is a true conservative ideology, which says government should stay out of my wallet, off my back and away from my bedroom," Mr. Perry said. "Personally, I don't think the issue is playing out as a partisan issue. It's more of an individual issue and neither party is uniformly for or opposed to 22. Those for 22 are driven by stereotypes and fear."

In a Field Poll conducted this month, voters favored Proposition 22 by 52 percent to 39 percent. The Yes on Knight campaign, which has placed advertisements on Spanish-language television that show a Mexican couple in a flowery wedding, said that Latino voters supported the measure by 70 percent.

"There are three reasons why Latinos will vote yes on 22," said Julio Calderon, co-chairman of the Yes on 22 campaign. "Tradition, tradition, tradition. The conservative streak has always been there in the Latino community, and the more conservative the initiative, the more support it enjoys."

"Although Latino leaders are against 22," Mr. Calderon said, "the rank and file are for it, and it crosses Democratic and Republican lines."

But Dr. Ignacio Castuera, pastor of the Community United Methodist Church in Pacific Palisades, and an opponent of Proposition 22, said the Latino support was a "knee-jerk reaction."

"The fact that the Roman Catholic Church has supported 22 — about 97 percent of the Latinos go, 'Yes, yes, whatever the church says,'" Dr. Castuera said.

Some opponents of Proposition 22 have suggested that Mr. Knight wrote the initiative in a raw public display of his private struggle with his son David's homosexuality. But David Knight, 38, a cabinetmaker in Baltimore who has become a reluctant campaigner for same-sex unions, said he believed that his father was acting out of personal conviction.

"He's got a view of what he thinks marriage and family and what's be-

ing taught in school should be," David Knight said on Wednesday in a telephone news conference. "He's doing what he really honestly believes."

Senator Knight, who has kept a low profile on the measure, released a statement on Wednesday condemning the anti-Proposition 22 forces "who should be ashamed of themselves for exploiting a private family matter for political gain."

David Knight said his father did not understand that gay unions were indeed a personal, private matter. "I believe in gay marriage," said David Knight, who has been with the same person for six years.

Proposition 22 has galvanized disparate gay and lesbian groups and persuaded Rachel Pray, 34, and her partner, Laura Weinstock, 40, both writers, to open their home and lives to reporters for scrutiny. The San Francisco couple have been together for nine years (they were "married" in a symbolic Jewish ceremony six years ago) and are raising a 2½-year-old adopted daughter, Talia.

They say that although they own a house together, have joint bank accounts and are equally sharing the responsibilities of parenthood, they can not enjoy the benefits of society's most revered institution. "What I don't understand," Ms. Weinstock said, "is what are people scared of?"

An Afghan Mosaic of Misery: Hunger, War and Repression

A1

By BARRY BEARAK

KABUL, Afghanistan, Feb. 20 — As snow melted on his cheeks, the tall, stout man — a father of seven — reached past the firm red apples on a vendor's pushcart and began to choose from the rotting ones, assessing the brown and the speckles and the mushiness.

"People don't have money to buy the good ones," Aman Ullah said flatly. And then, as if to help him make the point, a whimpering old man fell to his knees and touched his forehead on Mr. Ullah's muddy boots, begging for a share of the spoiled fruit.

Rotten apples outsell the fresh ones in Afghanistan's capital, but that only begins to describe the poverty here, for even bad apples — sold at a penny a pound — are an extravagance in a city so overcome with tragedy and want. Each day, hundreds of thousands survive on nothing more than weak tea and handouts of bread.

This woebegone nation is enduring its 21st straight year of war, unable to escape the malign shadow that geopolitics has cast on its history. Since it emerged as a force five years ago, the Taliban militia has conquered 80 to 90 percent of the country. But while the Taliban have brought a measure of security to the territory they control, including Kabul, the better part of their attention is focused on what they know best — the strategies of battle, not the burdens of government.

Their tasks are made harder by the world's scorn. The Taliban are notorious for imposing a puritanical Islam that includes the head-to-toe sheathing of women and justice by amputation. Only three nations recognize them as Afghanistan's legitimate government. In November, the United Nations — at Washington's urging — imposed economic sanctions against the Taliban for their refusal to hand over their guest, the accused terrorist Osama bin Laden.

The sanctions puzzle people here. Oddly enough, they come at a time when Taliban leaders are showing

some signs of moderation. And while the restrictions may have only made a dismal winter a bit worse, they carry the sting of ill will. Afghans believe that others are reveling in their pain, smugly approving of a situation where hungry families huddle in bomb-ravaged buildings and children forage through the streets for firewood.

"It's such an insidious thing, making people feel like pariahs, pushing them away from the world community," said Jolyon Leslie, the South African who is the United Nations' senior regional coordination officer for relief assistance in Kabul. "I keep reminding the Afghan people that the member nations voted the sanctions, not the U.N. staff. But this may be a difficult distinction for the people in the bread lines."

Last week, Abdul Samad waited in one of those meandering lines. He is a teacher who earns the \$6-a-month wage common to government employees. "The Taliban are like animals," he complained as friends cautioned him to be more discreet. "They have no respect for human rights. They rule at the point of a gun. They have no wisdom."

To him, like many in the city, the Taliban are "they," some alien force, an occupying army whose men are largely undereducated, overzealous and mean.

But as he stood in the punishing cold, Mr. Samad did not blame the Taliban for the hunger in his belly or the fits of coughing that afflict his six children.

"The West had use for us when the Soviets invaded our land in 1979, when we were a front line in the cold war," he said, sounding at once boldly sarcastic and utterly defeated. "We were worth helping then. We are not so important now."

The United Nations sanctions banned flights to and from Afghanistan and froze all the government's assets held outside the country. The impact of those restraints is hard to measure, though it is probably just another jab to a country already reeling from body blows.

More important, the sanctions further demonstrate a fundamental decision by the outside world that it is better to isolate the Taliban than to engage them — and this is something that angers people here as they teeter from one day to the next.

"If you think a family member has gone mad, shouldn't you try to give him help through treatment, through talking?" asked Abbas Stanikzai, the deputy minister of public health and one of the Taliban's more

skilled diplomats. "We may not be accepted by most nations, but we are still human beings. To want us to suffer is cruel."

And the suffering is extraordinary.

An estimated 70 percent of the working age population of Kabul is jobless. For men, work is hard to find; for women, it is forbidden. Afghans in the countryside are thought to be better off; they can live off the land. In Kabul, there is nothing to reap from the dead factories or the shuttered stores.

People sell their possessions on the street, their cooking utensils and their picture frames and their extra clothes. Competition is keen, customers few. At dusk, hundreds of women come outside to beg, desperate for a pittance before the 9 p.m. curfew. Dressed in the all-encompassing burkas, they look ghostly in the aqueous light of oncoming headlights.

Older people recall a worldly Kabul, a city with fine wares and good restaurants and easy laughter. But the memories sometimes startle them, like the tingling in the stump of an amputee. An elderly carpet seller, Haji Abdul Hakim, began to weep and could not stop, thinking of days when he sipped tea with buyers from New York.

"I have lived too long," he said. "I shouldn't have lived to see this."

Half of the city's buildings are devastated. The entrance to the government's central bank is a hanging brown blanket. Kabul University's computer science department recently acquired its first computer, but there is no electricity. In many neighborhoods, the only water supply flows from curbside spigots that operate four hours a day.

Some 15,000 refugees who fled last summer's fighting in the Shomali Plain have taken shelter in the compound of the long-abandoned Soviet Embassy. They live much like the many thousands of squatters throughout the sprawling urban detritus, their blankets spread over cold concrete and their makeshift cook stoves exhaling smoke.

Imam Uddip, 62, has lived these last three years in a blind corner of rubble. He was wearing a lightweight coat over three sweaters and was eager to display the hardship of his meager home. But once inside he too began to sob.

"This is for a dog to live like this," he said.

Last year's dry weather caused a poor wheat harvest, and neighboring Pakistan, with a scarcity of its own, has withheld exports. Each day, 400,000 people — about a fourth of Kabul's population — are given bread or wheat by the United Nations and the Red Cross and other charities. The United States is the largest donor country.

Mr. Uddip has lost his identification papers, and is thus ineligible to receive food from the aid groups. He earns his daily bread by acting as a stand-in for others in the lines, trading his time in exchange for a few bites from the flat loaves he collects.

"Our bread program," said Karina Schmitt of the United Nations' World Food Program, "used to be an income transfer, allowing people to buy other things to eat, but for most of these people the bread now seems to be all they have."

Amid Afghanistan's long run of grief, gathering reliable statistics has become impossible. The population is variously estimated between 18 million and 24 million. In 1996, the last time the United Nations included it in its surveys, Afghanistan was near the bottom in every social indicator. More than one in four children died before the age of 5. Average life expectancy was 44 years. Literacy was 30 percent.

The Soviet invasion in 1979 opened the trapdoor that Afghanistan fell through. Resistance fighters — the mujahedeen — were given billions in the latest lethal weapons by the United States and Saudi Arabia.

In 1989, the Soviets made an ignoble retreat, and many presumed that Afghanistan would right itself. Instead, age-old ethnic rivalries and simple avarice turned one mujahedeen group against another. The fight for freedom was replaced by civil war.

Kabul became a main battleground, and peace did not return to the city until the Taliban arrived in September 1996. This new militia was made up largely of Pathan