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he Paradox of Missile Defense (Blue Dog Press 7-25-01; one of my last Blue Dog Press articles)

by Michael Lewyn

Ever since President George W. Bush was inaugurated, his administration has insisted on planning to spend tens of billions of taxpayer dollars on a missile defense system to protect American cities from the yet-to-be-deployed missiles of Iraq, North Korea and a variety of other small thugocracies.

The logic of missile defense is as follows: during the Cold War, we survived without missile defense because the Soviet Union was rational enough to be deterred by our thousands of nuclear warheads. But over the next few years, our pint-sized enemies may deploy nuclear missiles, and may either (a) be irrational enough to fire atomic bombs at the United States even if by doing so they risk annihilation themselves, or (b) use their future nuclear deterrent to prevent the United States from mounting a conventional invasion the next time these "rogue states" threaten their neighbors, for example, if Iraq invades Saudi Arabia or North Korea invades South Korea.

But paradoxically, missile defense may make less sense now than at the height of the Cold War. Here's why: during the Cold War, the Soviet Union's thousands of missiles threatened not just American cities, but America's own missiles. In fact, the Soviet Union had so many missiles that they arguably could have destroyed all of America's land-based missiles (though not our air- and sea-based missiles) in their silos. This, in turn, meant that if some technical breakthrough allowed the Soviets to destroy our air- and sea-based nuclear weapons, they could, in theory, have been able to fight and win World War III in half an hour, by destroying our nuclear deterrent.

It logically followed that if we deployed a missile defense that destroyed 50 percent of Soviet missiles before they entered U.S. territory, we would have insured that our own nuclear deterrent would survive a first strike by the Soviets, thus deterring the Soviets from starting World War III. Therefore, a Cold War-era missile defense would actually have been of significant value, even if it did not destroy every single incoming missile.

By contrast, the missile system proposed by President Bush would probably be designed only to deter nuclear attacks by smaller nations with only a few dozen missiles apiece, far too few to threaten America's nuclear deterrent.

It follows that the Bush program would protect only America's cities rather than its missiles, and thus would have to be 100 percent effective in order to avoid a catastrophe. Suppose, for example, North Korea decides to fire 20 nuclear weapons at United States territory. Even if the missile defense system was 90 percent effective, and 2 of North Korea's weapons landed on American cities, millions of Americans would die, as would (a few hours later) a few million North Koreans who our own nuclear weapons would vaporize. Because even a 90 percent effective system would be unable to prevent a foreign dictator from killing millions of Americans, such a system would have little deterrent value.

It could be argued that without a missile defense system, one of America's less powerful enemies could use their future nuclear deterrent to prevent the United States from using its own conventional deterrent. For example, a nuclear-armed Iraq could invade Saudi Arabia and suggest to American leaders that any attempt to rerun the Gulf War would lead to a rerun of Hiroshima in an American city. But these threats would be effective whether a missile defense was 10 percent effective or 90 percent effective, because even a 10 percent chance of a blown-up American city (or, for that matter, the destruction of an American city or two by 10 percent of Iraq's nuclear missiles) would be sufficient for Iraq's deterrent to work. In other words, unless the United States or its enemies knew with absolute certainty that our missile defense would be 100 percent effective, a missile defense would not prevent those enemies from mounting conventional attacks upon their neighbors.

Even supporters of a missile defense concede that an American missile defense would not, in fact, be 100 percent effective. For example, Frank Gaffney (who was responsible for missile defense policy in the Reagan Defense Department) wrote in the March issue of *Commentary*, "Even the best defense would likely have some leakage, a fact that, for a nation relying on it, could well prove catastrophic." It logically follows that missile defense is unlikely either to prevent an attack by a so-called "rogue state" or to deter a conventional war by a rogue state.

In defense of missile defense, Gaffney argues: "an adversary contemplating an attack in the face of even partially effective defenses could never know whether his warheads would succeed in reaching their targets and if so, which ones they would be. This in itself may create an additional disincentive to launching a strike in the first place, particularly if the consequences of doing so would be certain and devastating retaliation by a still wholly or mainly unscathed United States." In other words, Gaffney asserts that a dictator would be crazy enough to risk being blown up by mounting a successful nuclear attack against the United States, yet not crazy enough to take the risk that his nuclear attack would be frustrated by missile defense, an obviously absurd scenario. So an imperfect missile defense is unlikely to deter even the most deranged dictator.

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REALITY TV: THE GOOD, THE BAD, AND THE UNETHICAL

By Michael Lewyn

To a much greater extent than motion pictures or plays, network television radically changes from year to year.

For a while, the dominant fad might be the wholesome family situation comedy. Then, a raunchier comedy becomes popular, and all of the television networks try to copy it by airing potty-mouthed farces. For a time, hour-long

dramas are popular, and the networks fall all over themselves imitating those.

Recently, the latest fad has been so-called reality television, a generic term for shows that feature non-actors in contrived situations. For example, Survivor (the reality show with which I am most familiar) drops numerous persons into some isolated landscape, such as a tropical island or a desert, tells them to vote each other off the show on a regular basis, and then, after a series of strange challenges (eating bugs, standing on a pole), the final tribe members face their peers. After the ultimate votes are cast, a large sum of money is awarded to the person who survives the elimination battle.

Generally, I find Survivor (and its knockoffs -- for the five or ten minutes that I have examined them) to be anything but reality TV. I personally have never been on a tropical island with 15 strangers with whom I have to simultaneously live and plot against -- and I suspect the same is true for most readers. Big Brother forced a group of strangers to live together in a studio-fabricated house as television viewers voted off whom they felt were the most annoying. On The Mole, players hunted for the spy amongst them. Fear Factor finds folks willing to do almost anything (be with 400 live rats or get dragged by a horse) to win \$50,000.

Frankly, Survivor isn't any more realistic than most other television shows. For example, television executives justify their obsession with crime, premarital and extramarital sex, and violence on the grounds that these phenomena do in fact occur in the United States. But these problems are hardly as significant to my life as they are to most television shows.

For example, I have not been murdered even once, nor has my apartment ever burned to the ground -- yet TV news intensely covers crime and fire, and television entertainment is filled with violence. And about my sex life... let's just say that there's not as much sex in my life as there is on television. In fact, about one-fourth of my life (as much as one-third on good days) consists of sleep -- yet television scarcely ever portrays anyone sleeping, let alone sleeping for one-fourth of an episode (7.5 minutes of a 30 minute sitcom --with commercials; and 15 minutes of a one-hour drama).

If television truly reflected reality (say, by airing extended coverage of actual human sleep, a la Andy Warhol's movie, aptly titled Sleep), it would be far more relaxing -- but perhaps even less entertaining

than it is today, if such
a thing were possible, that is.

But even if Survivor were more realistic, it would nevertheless still fail to retain my attention. I simply don't find other people's lives interesting enough to watch on television. Rather, I prefer to obsess on the soap opera of my own life. Over the past 15 years, I have lived in eight different cities, held eleven different jobs (counting temporary jobs of various types), been laid off once, narrowly avoided termination once (by leaving a law firm only a few months before it folded), and experienced four nationwide job hunts (once of which involved 48 interviews in over a dozen cities). Even now, I am hardly stuck-in-a-rut. I usually have to prepare for a new class or two every semester, work hard to retain the good will of both my students and the administrators who have the power to fire me, worry that the law school where I teach will not stay in business, and write enough scholarly articles to have a decent chance of tenure. Perhaps if I were used to job security, I would be a bit more interested in the adventures of some people thrown onto an island, who are told to work with and against each other.

Perhaps being a contestant on a reality show is more fun than watching one -- but nevertheless, I would not like to be part of these shows' institutionalized backbiting. Jewish tradition understandably condemns lashon hara (Hebrew for "'evil talk'" -- but more loosely translated as gossip, or negative comments about others). Yet, some of the reality shows are structured to encourage lashon hara. On Survivor, for example, contestants have to vote each other off the show. This encourages them to speak negatively about their fellow combatants, scheming, of course, that someone else will be voted off the show before they are.

I realize that I wouldn't necessarily burn in Hell if I were to spend a few months as part of the Survivor cast -- but nevertheless, such a situation could not possibly be good for my ethical development.

So watch Survivor and its ilk if you must, but definitely don't treat the contestants as role models.

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SPECIAL NEEDS, SPECIAL CIRCUMSTANCES

BY MICHAEL LEWYN

On October 25, 1979, Johnny Paul Penry raped and murdered Pamela Carpenter.

He confessed that, after he installed a stove in Carpenter's home, he planned to return for an encounter that would prove deadly for her.

In his own very chilling words, Penry said, "'I decided I would go over to the chick's [Carpenter's] house and get me a piece. I also wanted to get the money that she had in her purse. I knew that if I went over to the chick's home and raped her that I would have to kill her, because she would tell who I was to the police, and I didn't want to go back to the pen.'"

After entering Carpenter's home, Penry hit her repeatedly and raped her for thirty minutes. "'I sat down on her stomach and I told her that I loved her and hated to kill her, but I had to so she wouldn't squeal on me.'" Penry (who was on parole from a previous rape) then stabbed Carpenter in the chest and ran away. Carpenter clung to life for an hour and then died from her wounds. According to the Texas Supreme Court, she "'was in the grip of violent pain...up until the time she died.'"

More than twenty-one years have passed since that tragic day, and Johnny Paul Penry's fate has not yet been resolved. After Penry was convicted of murder and sentenced to death by a Texas jury, he appealed the death sentence, asserting that (to quote the U.S. Supreme Court's description of his argument) "'it would be cruel and unusual punishment, prohibited by the Eighth Amendment, to execute a mentally retarded person like himself.'" The Supreme Court did not adopt his argument, but has twice remanded his case to the Texas courts on more technical grounds. Specifically, the Court has held that the Texas courts did not clearly instruct juries that Penry's retardation should be considered as a mitigating factor.

Recently, the High Court once again stayed Penry's death sentence. His case (and the general issue of whether retarded murderers should be executed) has attracted a significant amount of publicity. In fact, the Texas state legislature passed a bill banning the execution of mentally retarded persons, but the bill was vetoed by Governor Rick Perry.

The case against executing the retarded was articulately stated years ago by Justice

William Brennan, who concurred in the first Supreme Court opinion halting Penry's death sentence. Brennan argued that "the impairment of a mentally retarded offender's reasoning abilities, control over impulsive behavior, and moral development in my view limits his or her culpability so that, whatever other punishment might be appropriate, the ultimate penalty of death is always and necessarily disproportionate." Similarly, the American Association on Mental Retardation (AAMR) argued before the Supreme Court that because of "disability in the areas of cognitive impairment, moral reasoning, control of impulsivity, and the ability to understand basic relationships between cause and effect," mentally retarded people cannot act with the level of moral culpability that would justify capital punishment.

Penry's own behavior rebuts these arguments. Justice Brennan wrote that a retarded defendant's lack of "control over impulsive behavior" bars capital punishment. But Penry was anything but impulsive. He confessed that for three weeks before he killed her, he "thought about [Carpenter] a lot. He made the decision to rape her when he "saw a girl in City Hall who reminded me of [Carpenter]." Penry decided at that time that he would murder Carpenter in order to escape detection. While he was stabbing her, he actually told her that he was killing her "so she wouldn't squeal on me."

It is hard to imagine a more calculated, controlled crime. Far from being unable to control his impulses, Penry was about as "impulsive" as Timothy McVeigh. Like McVeigh, he mulled over the details of his crime before committing it, and killed not on impulse, but based on a rational calculation of costs and benefits. Specifically, he believed that if he stabbed Carpenter to death, he would be less likely to "go back to the pen" than if he merely raped her and allowed her to live.

The AAMR asserted that retarded individuals lack "the ability to understand basic relationships between cause and effect." But Penry murdered Carpenter because he had exactly that ability. He murdered Carpenter because he believed that there would be a cause/effect relationship between his murder and his freedom: that his decision to murder Carpenter would cause the fortunate (for him) effect of eliminating the only witness to his rape of her, thus hampering the police investigation.

I gladly concede that some killers who science defines as "mentally retarded" should not

be executed because of their mental problems. For example, the defendant who is incapable of distinguishing between death and sleep. But Johnny Paul Penry knew exactly what he was doing when he raped and murdered Pamela Carpenter, so if capital punishment is morally appropriate for anyone at all, Johnny Paul Penry deserves to die.

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Biblical Politics

By Michael Lewyn

As I have become more interested in my religious heritage, I have begun to look at the Bible now and then, especially the one part of the Bible which lays down a large number of specific laws: the Five Books of Moses (Genesis, Exodus, Leviticus, Numbers and Deuteronomy) also known as the Pentateuch or (to us Jews) the Torah. Generally, the most religious Americans are also the most politically conservative, but the Pentateuch does not always support this tendency.

On the cultural issues that motivate the Religious Right, the Pentateuch does tend towards positions that might be considered conservative in this century (or even in the last century). For example, the text states: "He that smiteth a man, so that he dieth, shall surely be put to death" (Exodus 21:12). To be fair, Jewish commentators watered down capital punishment by endorsing a variety of procedural protections for defendants. Nor is the Bible's law-and-order tendency mitigated by a desire to protect criminals merely because they had disadvantaged backgrounds: it states "Ye shall do no unrighteousness in judgment; thou shalt not respect the person of the poor, nor favor the person of the mighty" (Leviticus 19:15). And despite the Religious Right's intense interest in abortion, this subject is never directly mentioned in the Pentateuch.

But on economic issues, the Pentateuch is not particularly right-wing. It seeks to protect debtors by limiting the use of clothing as collateral (Exodus 22:25-26), and creates an early version of bankruptcy law by mandating that all debts be released at the end of every seven years (Deuteronomy 15:1). The Pentateuch also protects the poor in a variety of ways. It states to the ancient Hebrews: "if thy brother be waxen poor, and his means fail with thee, then thou shalt uphold him" (Leviticus 35:38).

More specifically, it adds: "'And when ye reap the harvest of your land, thou shalt not wholly reap the corner of thy field, neither shalt thou alter the gleaning of thy harvest. And thou shalt not glean thy vineyard, neither shalt thou gather the fallen fruit of thy vineyard, thou shalt leave them for the poor and the stranger.'" (Leviticus 19:9-10).

This passage would appear to mandate a modest form of workfare, requiring ancient Israelites to support the poor with the fruits of their labor as long as the beneficiaries were willing to exert the effort necessary to turn agricultural products into food and money. On the other hand, such modest forms of relief do not contemplate the total elimination of poverty or inequality.

The Pentateuch also shows some environmentalist tendencies: for example, after God tells Moses to give the Levites (ancient Israel's priestly tribe) cities to dwell in, God adds: "'open land round about the cities shall ye give unto the Levites... for their cattle, and for their substance, and for all their beasts. And the open land about the cities, which ye shall give unto the Levites, shall be from the wall of the city and outward a thousand cubits round about.'" (Numbers 35:2-4). In other words, the Bible creates an urban growth boundary for the Levites: a greenbelt that, like that enacted in 20th-century Oregon, limits the sprawl of urban and suburban development and requires everything beyond that boundary to be used for agriculture and other rural land uses. The Pentateuch adds: "'When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof... is the tree of the field man, that it should be besieged of thee?'" (Deuteronomy 20:19). It therefore appears that the author of the Bible was the original pro-tree environmentalist.

Like religious conservatives and secular liberals, the Pentateuch is critical of discrimination. It states: "'Thou shalt not curse the deaf, nor put a stumbling-block before the blind'" (Leviticus 19:14). And, "'if a stranger sojourn with thee in your land, ye shall not do him wrong'" (Leviticus 19:33). Although these passages hardly mandate specific legislation, they do emphasize the value of fair treatment for foreigners and the disabled.

It could even be argued that the Pentateuch confronts racism: God inflicts a skin disease upon Miriam (Moses's sister) after she "'spoke against Moses because of the Cushite [Ethiopian] woman who he had married.'" (Numbers 12:1). (However, the Bible does not directly state the cause of Miriam's complaints, so this passage is ambiguous).

In sum, the author or authors of the Pentateuch endorsed a kind of centrist populism, moderately redistributionist on economic issues, conservationist on environmental issues, but culturally conservative. Of course for some, this discussion may beg the question: so what? The answer depends not only on one's view of the Bible's divine origin or lack thereof, but also on the extent to which one's own morality and faith should shape a religiously diverse society.

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PROHIBITION: THE LESSER EVIL?

By Michael Lewyn

A few months ago, I saw the Oscar-nominated movie *Traffic*. The apparent message of the film was that despite the billions of dollars spent on the so-called War on Drugs, anybody who wants to smuggle drugs into the United States can easily do so, and anyone who wishes to buy illegal drugs can easily do so. The film's popularity reflects a common (albeit not a majority) point of view: drug prohibition has failed to stop drug use, and is thus a failure.

Certainly, drug prohibition has failed to live up to its lofty goals. Our politicians and bureaucrats have ranted for decades that if we only throw enough money at law enforcement, we can eradicate the scourge of illicit drugs from American soil. But millions of Americans continue to sell and use cocaine, heroin, PCP and similar substances. On the other hand, the drug war has not been a total failure. Between 1991 and 1999, the number of drug-related murders in America nosedived by 58 percent (from 1353 to 564) ---- a decrease even faster than the overall 1990s decrease in crime. Similarly, use of illicit drugs appears to have decreased. Surveys by the U.S. Substance Abuse and Mental Health Services Administration reveal that in 1985, 12.1 percent of Americans used (or at least were willing to admit to using) one or more illegal drugs in the month prior to the survey, while in 1998, 6.2 percent of Americans did so. Use of cocaine, the most popular illicit drug other than marijuana, decreased from 3.0 percent to 0.8 percent. Such surveys are of questionable accuracy, because some people lie even on anonymous surveys, and because some changes may not be statistically significant; nevertheless, it appears that drug use has not increased and may well have decreased. So maybe the War on Drugs isn't a complete failure.

It follows that we cannot resolve the issue of drug prohibition merely by deciding that current laws are overly harsh, or by noticing that millions of Americans still use cocaine, heroin and similar intoxicants. Even if drug prohibition is imperfect, it may still be the lesser evil if its benefits outweigh its costs: that is, if the problems created by the status quo are less obnoxious than those caused by legalization. I don't know what the right answer to this question is ---- but I do have a pretty good idea what factors we should be thinking about.

American legislators, judges and voters generally believe that what Americans do to their own bodies is their business. Otherwise, tobacco would be illegal, as would a variety of other dangerous practices (such as drinking alcohol or maybe even eating fatty foods). Indeed, this norm is so widespread that Americans are willing to allow each other to do things to their own bodies that harm other beings, such as abortion (which kills an arguably human fetus). It follows that the case for drug prohibition rests not on harm to users but on harm to nonusers ---- that is, crime caused by drug addicts.

It could be argued that the drug war itself causes a great deal of violent crime. Sellers of illegal drugs rob and kill each other to wipe out the competition ---- a problem that would go away if large corporations sold cocaine and heroin. Addicts steal to support their habit; arguably, fewer would do so if drugs were legal, because legalization might entice more businesses into the drug market, thus causing the supply of drugs to increase, thus causing prices to go down.

But there is another side to the argument. If now-illegal drugs were legal, some Americans who don't use them would do so, both because they would no longer fear prosecution and because such drugs might become less expensive than they are today. Some of those Americans would become addicts, and some of those addicts would commit crimes ---- either because of the intoxicating effects of illegal drugs, or to get money to support their habits.

How many Americans would become drug addicts if the most dangerous drugs were legalized? Certainly not a majority; most Americans are too rational even to smoke cigarettes, let alone smokable ""crack"" cocaine. But it seems equally clear that a few Americans would yield to temptation; when cocaine became cheaper in the late 1980s and early 1990s, the streets of America's ghettos overflowed with crackheads. If even one

percent of America's adults became drug addicts, we would have about two million new drug addicts on our hands.

In other words, legalization would prevent some crimes (especially those arising from the drug trade) yet create others (especially those committed by frenzied addicts). To decide whether cocaine or heroin should be legalized, we should start thinking about whether the second group will be more numerous than the first.

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Blaming the Victims

By Michael Lewyn

One common excuse for state government's failure to stem suburban sprawl is the "blame the victims" theory: the view that the troubles of cities such as Buffalo are fundamentally the result of incompetent municipal government, rather than state policies that promote migration to suburbia (such as funding roads that shift development to the countryside). For example, Washington pundit Gregg Easterbrook argues that Americans "sought the suburbs in order to escape the corruption and mismanagement of urban government."

But in fact, there is little correlation between city competence and city wealth. In 2000, the Maxwell School of Citizenship & Public Affairs And Governing magazine graded the efficiency of 35 city governments. Fourth-place Minneapolis lost population in the second half of the 20th century, as did eighth-place Milwaukee. Conversely, some poorly-managed cities continue to grow. Columbus's city government was the fourth worst, yet Columbus has gained population in every decade since 1950. In fact, of the ten most incompetently managed cities, five (Nashville, San Francisco, Anchorage, Columbus, and Los Angeles) have gained population in recent decades. It therefore appears that some well-run cities have been bled dry by their suburbs, while some poorly run cities continue to grow and prosper, evidence that municipal incompetence is only a minor factor in sending Americans to suburbia.

It could be argued that high taxes rather than incompetent service delivery drives middle-class flight from cities. But Buffalo has lower property taxes than many of its suburbs, yet continues to lose population

to them. Conversely,
New York City has a city income tax, yet continues to grow.

Admittedly, many urban governments tax more and provide less than their suburban counterparts. But to the extent that this is so, sprawl is more cause than effect. This is so for three reasons. First, if a city's middle class migrates en masse to suburbia, its tax base will be smaller and it will thus be forced to raise taxes or reduce services. Second, if a city's middle class migrates to suburbia, its schools will become less prestigious, because children from disadvantaged backgrounds tend -- other factors being equal -- to be slower learners than middle-class children. Third, suburban sprawl itself may facilitate the election of incompetent urban governments.

Because of middle-class flight to suburbia, older cities are dominated by low-income voters, who tend to favor liberal politicians whose tax-and-spend, soft-on-crime policies drive away anti-tax middle-class voters. For example, in Washington, D.C., the "white flight" of the 1950s and 1960s and the middle-class black flight to suburbia of more recent decades combined to create a low-income, overwhelmingly African-American electorate that was responsive to Marion Barry's appeals to black pride, and supported his attempts to create jobs by inflating the city payroll. As a result, Barry was able to reduce the size of the city's police force, get convicted of using crack cocaine, and nevertheless be reelected mayor in 1994. The results of Barry's policies were calamitous: between the 1980 Census (two years after Barry was first elected) and 1998 (when he left office, hopefully for the last time) the city of Washington lost population more rapidly than the city of Buffalo, even though the population of the Washington region increased by over 30 percent. But paradoxically, Barry benefitted from the city's decay: the voters who moved to the suburbs were middle-class voters who were likely to oppose him, while those who stayed in the city tended to be his low-income supporters.

By contrast, had there been no middle-class flight during the last half of the 20th century, the city of Washington would have been resembled the Washington metro area as a whole; that is, it would have been a 3/4 white city with a 10 percent poverty rate instead of a 2/3 black city with a 20-25 percent poverty rate. In such a city, a Marion Barry-type candidate could not have been elected or reelected. Thus, Marion Barry and politicians like him are results, rather than causes, of sprawl.

Moreover, the ""blame the victim"" theory of suburban sprawl requires us to believe a number of bizarre coincidences. Most Northeastern and Midwestern American cities gained population in the 1930s and 1940s and lost population for several decades thereafter. So, to believe that suburban sprawl is the result of municipal incompetence, one would have to believe that dozens of city governments, by an incredibly strange coincidence, became unable to police their streets or improve their schools at exactly the same time -- an obviously unbelievable proposition. In recent decades, the inner suburbs of Rust Belt cities such as Buffalo and Cleveland have begun to lose population. So, to believe that municipal incompetence is the major cause of middle-class flight, we would have to believe that all of these suburbs became ungovernable at exactly the same time, an equally unbelievable proposition.

In sum, the claim that urban incompetence causes suburban growth is meritless, both because the correlation between municipal competence and urban decay is weak, and because urban decay may be a cause, rather than a result, of incompetent government.

HOW THE DEMOCRATS STOLE THE ELECTION - FROM EACH OTHER (1-3-01)

As this year's election dispute dragged on, partisan rhetoric among Democrats and Republicans alike became uglier and uglier. Republicans repeatedly claimed that Democrats were trying to steal the election from George W. Bush, until Al Gore conceded the election - at which time the Democrats promptly began to accuse Republicans of stealing the election by preventing manual recounts in Florida. But had it not been for the incompetence of Gore's fellow Democrats, he would have won Florida and the election without needing a recount.

The Vice President's tale of woe began in early 1998, when the nation discovered that President Clinton had lied under oath to cover up his sexual misconduct. By doing so, President Clinton had arguably committed perjury - a felony for which his own administration had repeatedly prosecuted private citizens. If President Clinton had had the decency to step down when his lawlessness was exposed (and if Congressional Democrats had had the decency to insist on his departure) Al Gore would have been sworn in as President. And if Gore had been President, in 2000 he could, like any incumbent President, have taken credit for the nation's prosperity, and therefore would have been reelected without difficulty. (Ironically, President Clinton might have enhanced his own political viability by resigning in 1998; had he quit during the first two years of his second term, he would have been eligible to run again in 2004).

Early in 2000, Attorney General Janet Reno inadvertently sabotaged the Gore campaign. Last winter, the relatives of Elian Gonzalez were fighting over Elian's custody: his American relatives (and most of Miami's Cuban-American population) wanted him to live in America with them, while his father wanted him to come home to Cuba. (As you may recall, Elian's mother decided to leave Cuba for America and brought Elian along; the mother died, but the child survived). Janet Reno could perhaps have negotiated a peaceful settlement of this dispute with the American relatives - but after a favorable court decision or two, she got bored with negotiations and sent numerous gun-toting FBI agents into the Gonzalez home in Miami's Little Havana, thus triggering a minor riot in that neighborhood. Reno's risky scheme did not (unlike the FBI's attempt to lure the Branch Davidian cult out of their hideout with tear gas) result in anyone's death, but did alienate Miami's Cuban-Americans, thus causing Gore to lose thousands of Cuban-American votes. Between 1996 and 2000, the Democratic share of the two-party presidential vote dropped by 7 points (from 60% in 1996 to 53% in 2000) in heavily Cuban-American Dade County (Miami and its suburbs) while Gore lost only 3 points (from 53% to 50%) statewide. Had it not been for Reno's trigger-happiness, Gore's Dade County "drop-off" from Clinton's 1996 totals might have been as small as his statewide drop-off (i.e. 3 points) thus causing him to win an extra 19,000 votes (4% of Dade's 620,000 or so votes) - more than enough to win Florida and the election.

While Janet Reno was sabotaging Gore in a misplaced display of courage, the fellow Democrats were sabotaging Gore out of cheapness. Over the years, counties throughout Florida have replaced their outdated computer punch-card machines with more accurate optical scanner voting machines. But South Florida's largest counties (Dade, Broward and Palm Beach, all of which went for Gore in 2000) were too cheap to buy optical scanner machines. Unfortunately, punch-card machines fail to count five times as many votes as optical scanner machines do (15 per 1000 for the former, 3 per 1000 for the latter). It follows that if the (mostly Democratic) politicians and bureaucrats in these Democratic-leaning counties had been willing to invest money in scanner machines, and if the uncounted votes had been as pro-Gore as the counted votes, Gore would have gotten more votes in Florida - probably enough to win Florida and the election.

One county in particular belongs in the Democrats' hall of shame: Palm Beach County. That county's Democratic election officials approved an unusual ballot known as the "butterfly ballot", which required voters to read the ballot more carefully than usual in order to vote for their intended choice. The butterfly ballot confused thousands of predominantly pro-Gore voters, causing them to instead vote for Patrick Buchanan. Had those Buchanan votes gone to Gore, Gore would have won Florida and the election.

Liberals and Democrats gave Gore the coup de grace on Election Day, when 96,000 Floridians voted for Ralph Nader. According to national polls, most Nader supporters were liberals and/or Democrats who preferred Gore to Bush. It logically follows that if Florida's Democrats for Nader had been willing to endorse the lesser of two evils, Gore would have won Florida and the election.

It is a common cliché on the Left that America now has two Republican parties. But the Democrats' mishaps over the past two years suggest that America in fact has two sharply different parties: the Republican Party and the Self-Destructive Party.

NIXON- NOW MORE THAN EVER(3-30-01)

Over the past several years, the world has become a more dangerous place. North Korea and Iran may soon have nuclear weapons, Israel and the Palestinians are at war, and China and Taiwan may soon be at war. And as the horrid headlines pile up, I have started to fantasize about having a President who understood foreign policy, and to ask myself: "WWND"- "What Would Nixon Do?" Which of course leads to another question: "Why not Nixon in 2004?" Although he served two terms, he is nevertheless eligible for a third term under the 22nd Amendment (which allows a President to serve a third term if one of his first two terms lasted under two years). No one ever accused President Nixon of being lazy or an idiot (unlike certain incumbent Presidents one might name), let alone a sex addict (unlike certain former Presidents one might name).

Nixon's many enemies will no doubt attack him for being "dead" (or, to phrase the matter less offensively, a "morto-American"). But Americans have discriminated against morto-Americans for too long - often with wretched results. For example, when John F. Kennedy was assassinated, he was instantly thrown out of office in favor of Lyndon Johnson - who repaid America's confidence by escalating the Vietnam War, causing the death of tens of thousands of American boys who would have survived an eight-year Kennedy Administration even if Kennedy did not. And after Abraham Lincoln was assassinated, he too was ejected - and his successor, Andrew Johnson, bungled Reconstruction and set back the cause of African-American equality.

Common sense as well as history supports the view that morto-Americans make better leaders. Unlike President Clinton, a morto-American President would be immune from scandal: he would ignore special interests, accept no bribes, and rare indeed would be the White House intern who would be tempted to have sex with President Nixon (either by President Clinton's narrow definition of the term "sex" or by more conventional definitions).

How will government function under a morto-American president? Far more smoothly than today. Under a second Nixon Administration, Congress will be freed of the burden of executive "leadership". No longer will a President be bothering Congress with all manner of nonexistent crises and silly "reforms" merely to fulfill his campaign promises or show that he has an agenda. A morto-American president, by sheer inertia, can show the world that the government that governs best is in fact the government that governs least. Congress will at last be free to do what it does best - nothing.

Admittedly, Congress will have to pass a yearly budget and supervise the federal bureaucracy. But these duties can be performed more effectively under a morto-American President than they are today. If Congress passes legislation that is not signed or vetoed, it will go into effect without the President's signature. So in those rare instances where Congressional action is actually necessary (e.g. yearly budgets) Congress can move more quickly than before without the hindrance of a "living" President vetoing their bills or lobbying Congress.

Foreign policy and diplomacy will function even more effectively than today. Since a morto-American President will be unable to appoint new officials, the Bush Cabinet will guide foreign policy and guide it wisely: for example, Secretary of State Colin Powell, a man of presidential timber himself, will be able to do his job without interference from a President

arguably less gifted than he.

AMERICA'S MORAL BOOM (3-22-01)

A few weeks ago, Democratic Senator Robert Byrd said: "I've been in Washington now 49 years, and in these past few years I've seen a more rapid deterioration of the country's culture than ever before." But in fact, America is experiencing a moral boom. Let's look at the record:

*Crime. If America's moral fiber was indeed deteriorating, our immorality would be reflected in crime - our willingness to murder, rape and rob each other. And indeed, crime is higher than in the 1950s. But the 1990s have been a 10-year cavalcade of good news for violence-weary Americans. In 1991, 24,700 Americans were murdered. In 1998 (despite a growing population) only 16,900 Americans were murdered. Other crimes have decreased as well during this period: rape from over 102,000 to 93,100, and robbery from 688,000 to 447,000 in 1998. When population increases are taken into account, the news is even better: America's murder rate per 100,000 decreased by over 30% (from 9.8 to 6.3), its rape rate per 100,000 by almost 20% (from 42.3 to 34.4), and its robbery rate per 100,000 by almost half (from 272.7 to 165.2).

*Youth crime. The recent school shooting in Santee, California brought gun-toting teenagers back into the headlines of America's newspapers. But in fact, America's schools have become safer in recent years: according to a recent issue of Time, the number of violent deaths in public schools decreased from 54 to 16 between 1993 and 2000. Even off-campus, America's youngsters have become less lethal in recent years. The number of juveniles arrested for murder decreased from 3473 in 1993 to 1592 in 1998. During the same period, juvenile rape arrests decreased from 5490 to 4013, and juvenile robbery arrests from 44,598 to 30,047.

*Drug abuse. In 1985, 3% of Americans described themselves as "current users" of cocaine in surveys conducted by the U.S. Substance Abuse and Mental Health Administration. In 1998, only 0.8% of Americans did so.

*Education. American students, long condemned for being lazier and stupider than their counterparts in other countries, are beginning to get out of the gutter. In 1990, the average SAT was 1001 (500 verbal, 501 math). In 1999, the average SAT was 1016 (505 verbal, 511 math)- not close to the 1960s averages (which were in the mid-to-high 1000s) but a noticeable improvement. Similarly, the ACT (a standardized test given to Midwestern high school students) national average improved slightly, from 20.6 to 21.0.

*Family stability. In 1981, 5.3 Americans per 1000 divorced their spouses. The divorce rate decreased to 4.8 per 100,000 in 1992 and 4.3 per 100,000 in 1996. To be sure, some of the divorce decrease was caused by the fact that Americans married later and less frequently- but not all. The marriage-to-divorce ratio was slightly under 2-1 in 1981, and is slightly over 2-1 today.

*Teenage pregnancy. In 1991, 62.1 teenagers out of every 1000 had children. In 1999, 51.1 teenagers out of every 1000 had children. To be sure, much of this increase was caused by

teenagers' refusal to marry early rather than to a decrease in unwed teen motherhood-but not all. Even the birthrate for unmarried teenage girls is slightly lower than at the start of the decade (42.5 per 1000 in 1990, 44.4 per 1000 in 1995, and 41.5 per 1000 in 1998).

*Teen sex. Although the sexual revolution has not been reversed, it has been stalled: according to the National Center for Health Statistics, 49.3% of teenage women aged 15-19 had sex in 1995-a slight drop from 51.1% in 1988. Similarly, the percentage of male teenagers who had sex dipped slightly from 60.4% in 1988 to 55.2% in 1995.

*Abortion. Prolifers should be happy to know that the number of abortions has decreased from 430 per 1000 live births in 1981 to 351 per 1000 live births in 1996.

*Sexually transmitted diseases. The Center for Disease Control reports that the number of new AIDS cases decreased from 103,533 in 1993 to 46,521 in 1998, and the number of syphilis cases decreased from 101,000 to 38,000 during that period. (These statistics and most others listed above can be found in the 2000 Statistical Abstract of the United States, available from the U.S. Census Bureau, www.census.gov).

Why are some Americans so unwilling to accept good news? For a variety of reasons, both good and bad. The good reason is that Americans have received a steady diet of bad news for decades: between 1960 and 1990, most of the problems listed above became much worse, and as a result America is still a more dangerous, anti-family, addiction-prone, sex-obsessed place than it was in 1960. The bad reason is that the media gives more publicity to the bizarre and the exceptional than to humdrum good news: Eminem and Columbine are headline news, but when a slum neighborhood gets less dangerous the media goes to sleep.

CRIMINALS BELONG IN JAIL (2-21-01)

Between 1980 and 1997, the number of Americans in state and federal prisons increased by nearly 300%, from just under 320,000 to 1.185 million, and the number of Americans in municipal jails increased from 182,288 to 557,974. America's increased use of incarceration has been controversial: for example, one paper written for the National Center for Institutions and Alternatives (NCIA) complains: "In the past 10 years America has grown increasingly dependent on a single approach to the problem of crime. The logic that dictates ever-increasing expenditures on police and prisons goes unquestioned-as we continue to put more and more young men in prison every year."

But common sense suggests that putting criminals in prison reduces crime. Every day a robber, rapist or murderer is in prison is a day that he cannot rob, rape or murder most of his fellow Americans. So it may be no coincidence that as our prison population has grown, our crime rate has gone down. Between 1980 and 1997, America's murder rate has been virtually cut in half (from 10.2 murders per 100,000 people to 5.7), its robbery rate has gone down by 40% (from 251 per 100,000 people to 150), and its burglary rate has nosedived by over 50% (from 1684 per 100,000 people to 770).

(from 22.2% of Americans to 12.6%) and unemployment decreased (from 5.5% of Americans to 4.9%).

And during the 1970s America split the difference: the number of prisoners increased, but more slowly than in the 1980s and 1990s (by 63% as opposed to 270%) - and by an odd coincidence, crime increased, but more slowly than in the 1960s (murder by about 30%, robbery by 46%, and burglary by 55%).

The criminal defense bar and their allies in academia make several arguments against America's reliance on prison. One is that America is somehow backward because it imprisons more people than most European countries. But since America is more violent than most European societies, it has a lot more people who belong in prison. For example, America has consistently had 5-10 murders per 100,000 people over the past several decades, while countries like Great Britain and Japan typically have 1 or 2 murders per 100,000 people.

A second argument is that prison costs too much- to quote the NCIA essay, Americans are "Trading Textbooks for Prison Cells." This argument rests on the premise that government spends more on prison than on education or other social services- a premise that is blatantly false. In fact, state and local governments (the primary financier of both schools and cells) spent \$279 billion on elementary education in 1996, and \$100 billion more on higher education. By contrast, state and local governments spent a grand total of \$37.5 billion on prison - less than 3% of all state and local government spending.

Moreover, imprisoning dangerous felons is actually a fairer way to spread the burden of crime than is setting them free to commit crimes. If Joe Criminal is sent to prison for a few years, every taxpayer pays a minuscule portion of the cost of his upkeep. But if Joe Criminal is set free and robs or rapes a dozen people, those victims will be saddled with the entire cost (financial or otherwise) of Joe's crimes. And because crime victims, to a much greater extent than taxpayers, tend to be proportionately nonwhite and poor, the state's refusal to incarcerate Joe actually redistributes wealth from poor, nonwhite victims to white, middle-class taxpayers (and of course, to Joe himself). A 1997 Justice Department poll revealed that in 7.1% of all persons in households earning under \$7500 were victimized by violent crime, as opposed to 3% of persons in households earning over \$75,000. Similarly, blacks were 28% more likely to be robbed, raped or assaulted than whites.

It is occasionally argued that government education and social welfare spending (or "prevention" to use a more recent code word) prevents more crime than police or prisons. This argument, however, has no obvious support in recent history. Social welfare spending exploded while crime was exploding in the 1960s and 1970s, and increased far more slowly when crime went down in more recent decades. For example, elementary and secondary education spending doubled in real terms during the crime-ridden 1960s (although enrollment increased by only 22%, from 42.6 million children to 51.8 million), and took thirty years to double again. Similarly, total federal domestic spending increased from 8.5% of GNP in 1960 to 11.3% of GNP in 1970 to 16.8% of GNP in 1980-and dipped to 16.5% of GNP in 1998.

A more persuasive argument is that government sometimes imprisons the wrong people, imposing preposterously long terms on nonviolent drug users. I agree. But a truly just prison system might be just as costly as the status quo, for two reasons. First, few prisoners are nonviolent first-time offenders: 49% are in prison for a violent crime, and 45% more are repeat offenders. Second, many dangerous criminals serve less time than many people

would think just: the average convicted rapist is in prison for only 87 months (just over 7 years) and the average robber only 55 months (just over 4 and a half years) - and many other rapists and muggers serve even less time (or no time at all) by plea bargaining to lesser charges. Although 1.8 million Americans were in jail or prison in 1997, 3.2 million more were on probation (which means that they were convicted but not punished for their crimes), So for every crackhead who serves too much time there may be a predator who serves too little.

DO TAX CUTS EQUAL SPENDING CUTS? (2-1-01) (NOTE: the growth of spending over the past four years shows how prescient I was).

After Alan Greenspan suggested that the nation could survive a modest tax cut, a feeding frenzy began. Democrats admitted that some kind of tax cut was inevitable, while some Republicans hinted that President Bush's \$1.6 billion tax cut was too small - even though that tax cut will, if enacted, soak up most of the non-Social Security surplus.

But in their zeal to augment their constituents' paychecks, politicians are overlooking one tiny fact: that the budget surplus doesn't mean that we are debt-free. In fact, the federal government still owes over \$5 trillion to various creditors. The much touted budget "surplus" means only that the debt is no longer increasing every year. To draw an analogy to your private life: suppose that you saved \$2000 in 2001, but you still owe \$30,000 in credit card debts from the preceding ten years. Then you are in the federal government's position - that is, you are just beginning to dig yourself out from under a mountain of debt, and you are in no position to start increasing your spending or reducing your revenues. So if Americans don't want to move that mountain of debt onto their children or grandchildren, they will have to pay down the debt before they give themselves a pay raise.

Politicians push two arguments for a large tax cut. Some argue that the American economy is heading for a recession and needs a tax cut for some quick fiscal stimulus. But President Bush's proposed tax cut is spread out over 10 years, and thus does not support this goal. If we want to put money in people's pockets, a one-year, one-time tax rebate will do the trick nicely.

Ari Fleischer, President Bush's press secretary, justifies a tax cut on a somewhat more intellectual ground: "The less money that is sent to Washington, there'll be less money available for the politicians in both parties to waste . . . So he [Bush] does want to put the beast on a diet so it has less money to spend." While 20th century conservatives sought to cut social services in order to balance the budget, Fleischer wants to cut the surplus in order to cut social services.

This argument, however, fails on its own terms, because a surplus-draining tax cut may actually increase government spending. In recent years, taxpayers have been forced to cough up over \$200 billion per year to pay interest on the federal debt-more than the federal government spends on education, job training, veterans benefits, space flight, energy conservation, disaster relief, community development, foreign aid, and transportation combined. If we reduce the debt, taxpayers will waste less money on debt interest, and thus will be less heavily burdened by government. But if we forego debt reduction in favor of tax cuts or spending increases, interest costs will continue to mount - and therefore overall

government spending will go up as well, other things being equal. The example of the 1980s is instructive: between 1980 and 1990, the federal budget increased from 21.7% of GNP to 22% of GNP - and all of that increase and then some was because interest on the national debt increased from 1.9% of the GNP to 3.2%. In other words, non-debt spending actually went down (from 19.8% of GNP to 18.8%) - but overall spending went up because of the national debt.

So if we want a less costly government in the long run, we ought to have a smaller national debt, rather than a huge tax cut and a huge national debt. This is not to say that estate tax relief or the elimination of the marriage tax penalty would cause the end of civilization. But Alan Greenspan got it right when, in his January 25 testimony to the Senate Budget Committee, he suggested that any "long-term tax plan . . . include provisions that would limit surplus-reducing actions if specified targets for the budget surplus and federal debt were not satisfied" (English translation: if the surpluses go away, ditch the tax cuts). Will our politicians listen to his wise counsel? Don't bet on it.

THE UNDERRATED AND THE OVERRATED (1-18-01) (After Sept. 11, Clinton looks worse than he did at the time I wrote this article, and Eisenhower looks better- if only because his steadiness of character and ability to bring the nation together compares favorably with most of his recent successors).

In a similar survey in 1996) the Journal survey made a serious effort to include conservative as well as liberal scholars; as a result, Ronald Reagan was ranked as a "Near Great" president (No. 8). However, other presidents' rankings were similar to the rankings in the 1996 study.

Presumably, different scholars used different criteria for ranking chief executives. However, a commonsense rule of thumb should be that those Presidents whose tenure made America a significantly better place for future generations were good Presidents, those Presidents whose actions harmed future generations were bad Presidents, and the many Presidents with no long run impact whatsoever were average.

This test supports the scholars' decision that Washington, Lincoln and Franklin Roosevelt were our three greatest presidents: Washington for being the first and for showing future generations how to be a President without being a dictator, Lincoln for preserving the Union and eliminating slavery, and Roosevelt for saving the world from Hitler. Similarly, three of the four Presidents ranked as failures (Andrew Johnson, Franklin Pierce and James Buchanan) appear to deserve their ranking; Pierce and Buchanan for failing to stop America's drift to civil war, and Johnson for sabotaging the Reconstruction Congress's attempt to give African-Americans equality under the law, thus contributing to the poisonous racial climate of the 20th century. But the scholars made a lot of mistakes with the Presidents in between. To name a few:

*Theodore Roosevelt: The first President Roosevelt is ranked as "Near Great"- ahead of everyone but the three Great Presidents and Thomas Jefferson (who deserves his ranking for the Louisiana Purchase, which saved America from having to guard a border with the European superpowers of the day). Roosevelt was clearly not a bad President: he presided over peace and prosperity, he was charismatic, and he might have been a great President had he been forced to confront a major crisis. But for all that, his impact on our lives was

virtually nil. Roosevelt's greatest achievement (or so he claimed) was locking up millions of acres of forest in national parks- arguably a praiseworthy policy, but one with no obvious impact on my life. By contrast, had Jefferson not purchased Louisiana, we might be fighting wars with France and Spain on a regular basis. My ranking: "Above Average."

*Dwight Eisenhower. Ranked as "Near Great", probably because commentators of all ideologies like him: conservatives because he was a Republican who balanced the budget as often as not, liberals because he was nonideological. And to be fair, Eisenhower might have seemed like a good President in 1960, when the nation was prosperous and at peace. But the long term consequences of the Eisenhower Administration were toxic beyond belief: the interstate highway program helped to destroy American cities both by physically removing neighborhoods from the map and by encouraging suburban migration, and his appointments of Earl Warren and William Brennan to the Supreme Court accelerated the growth of crime and immorality over the past several decades, as the Warren/Brennan Court increased judicial power, handcuffed police and prosecutors, and created constitutional rights out of thin air. Every time I see a deteriorating urban neighborhood or read about the rampant crime of the 60 and 70s, I remember the unintended consequences of the Ike Age. My ranking: "Below Average" bordering on "Failure."

*Woodrow Wilson: Ranked as "Near Great" - and justifiably so, in domestic policy. Our prosperity in recent decades owes a great deal to Federal Reserve chairmen Paul Volcker and Alan Greenspan- and it was Wilson who created the Fed. But Wilson's foreign policy record was not so good: first he dragged us into a pointless European war (World War I) and then stood idly by as England and France lost the peace by punishing Germany, thus making the Germans mad at the rest of the world, thus paving the way for Hitler. And by insisting that every ethnic group was entitled to its own nation, Wilson facilitated the destruction of the Austro-Hungarian Empire, which could have been a crucial counterweight to Germany. My ranking: "Average" (Near Great at home, Terrible abroad).

*Lyndon Johnson: Ranked as "Above Average" for his signing of civil rights legislation, which did make it easier for talented African-Americans to get jobs. But 50,000 Americans died thanks to Johnson's escalation of the Vietnam War, and millions of lives have been wasted thanks to the welfare dependency induced in part by Johnson's Great Society. For his contribution to human misery, Johnson deserves a resounding "Below Average."

And on the underrated side of the ledger:

*Harry Truman: The scholars ranked Truman as "Near Great" - below not only the "Big Four" of Washington, Lincoln, Jefferson and Roosevelt but also the overrated Teddy Roosevelt and Andrew Jackson (whose record is marred by his decision to stand idly by as Georgia expelled thousands of Indians to the West in violation of a federal treaty). But Truman's major accomplishments dwarf those of the other "Near Great" presidents. Through the Marshall Plan and NATO, Truman turned Western Europe from an economic basket case into a group of peaceful, prosperous nations, and thereby made it impossible for Communism or Fascism to gain a foothold there. Truman set the template for America's Cold War victory, by creating containment policies that other Presidents successfully followed for nearly half a century. In short, Truman saved Europe and the world from Communism, and in so doing earned himself a rating as "Great."

*Calvin Coolidge: Ranked as "Average" (and just barely, No. 25 of 39). Most of our nondescript peace-and-prosperity Presidents (such as William McKinley and James Monroe) were ranked as "Above Average." Coolidge deserves the same.

*Gerald Ford: Ranked as "Below Average." Can you think of anything bad he did to deserve this ranking? Me neither. I rank him as "Average."

*Jimmy Carter: Ranked as "Below Average" - and when he left office I agreed. But some of the achievements of the Reagan era were set in motion by Carter: by appointing Paul Volcker as Federal Reserve chair, Carter set in motion Volcker's taming of inflation during the Reagan years, and Carter began the Reagan defense buildup (albeit in baby steps). For these good deeds I upgrade Carter to "Average" (and am tempted to rank him even higher).

*Warren Harding: Ranked as "Failure" because of the corruption within his administration. But recent administrations have routinely had an indicted Cabinet secretary here and there (or at least one heavily investigated by special prosecutors) and Harding's administration was otherwise harmless, with no long-term impact on our lives for good or ill. My ranking: just a tad below average.

What of President Clinton? On domestic policy alone, he might deserve an "Above Average" for taming the deficit and for the nation's general prosperity. But after eight years of Clinton mismanagement, the world outside America is more dangerous than before. China is more aggressive, Russia more authoritarian, and the Mideast is once again at war. If these problems turn into major crises, history may judge Clinton harshly. If not, Clinton may look pretty good to our descendants.

SUPREME COURT EXONERATED by Michael Lewyn

When the Supreme Court stopped further recounts in Florida last December 12, the conventional wisdom (at least among liberals and Democrats) was that the Court had essentially elected George Bush President. Conversely, the conservative conventional wisdom was that the Supreme Court had stopped Al Gore from stealing the election.

But by recounting every uncounted ballot in the state of Florida, the media has proved both sides wrong. USA Today, the Miami Herald, and Knight-Ridder newspapers examined hundreds of thousands of votes that were not counted in Florida- both undervotes (ballots that registered no presidential vote when run through vote-counting machines) and overvotes (ballots disqualified by the machines because they registered votes for more than one presidential candidate). By manually recounting the undervotes, USA Today found that 18% of the 171,908 uncounted ballots could be counted as clear legal votes in a manual recount, because the voter's intent could reasonably be determined from those votes.

USA Today found that the identity of the winner of Florida depends on the meaning of the word "vote" - specifically on which undervotes are counted. If only overvotes and clean punches on punch-card ballots are counted, Bush won Florida by 152 votes. But if "dimpled" chads (i.e. ballots bearing a slight impression) are also counted, Gore wins. Unfortunately, Florida law provides no guidance as to which standard should be used, and other states are divided. So there is no clear Florida winner.

One fact, however, is quite clear: unless overvotes are counted, Bush still wins, because Gore's lead among undervotes (even among the most lenient "dimpled chad" standard) was not large enough to overcome Bush's prerecount lead. And the Florida Supreme Court-mandated recount that the federal Supreme Court halted was a recount of undervotes only. (Even that recount was more than Gore's lawyers requested; Gore asked for recounts of undervotes in just four counties). Thus, the USA Today recount reveals that the Florida Supreme Court recount would have gone for Bush, because Gore's lead among the undervotes was simply too small to beat Bush. In other words, even if the federal Supreme Court had affirmed the Florida Supreme Court, the end result would probably have been a recount that handed Florida and the election to Bush on a silver platter.

Ironically, a majority of Florida voters almost certainly intended to vote for Gore, but failed to do so because of a variety of ballot errors. Tens of thousands of Floridians overvoted by voting for more than one candidate, thus making it impossible for the state to decide their true intent. Most of those voters supported Gore; for example, 10,234 ballots included marks for both Gore and Buchanan, while only 4,957 contained marks for Bush and Buchanan. This mistake occurred in part due to confusing ballots. In Duval County, voters were shown the first five presidential candidates on one page and another five candidates on a second page. After the first page was an instruction that said "turn page to continue voting." In addition, a sample ballot distributed by election officials contained the instruction "vote every page." And many voters did exactly that, voting for one candidate from the first ballot page and another from the second.

OUR CONSERVATIVE PROLETARIAT (2-8-01) (NOTE: Douglas County again gave Bush 61% of its votes in 2004).

I was at a party in December, and one of the guests was complaining about the election. "I don't understand my neighbors in Douglas County [a lower-middle class suburb of Atlanta that gave 61% of its votes to President Bush last year]. They are working-class people, yet they all vote Republican." In other words, my fellow partygoer suffered from a common liberal delusion: that "the working class" is the natural rival of "the rich" and thus naturally liberal.

In fact, America's "working stiffs" have more in common with Bill Gates than they have with a homeless panhandler or a perpetual welfare recipient.

*The average Douglas County breadwinner actually works for a living (thus the phrase "working-class"). So does Bill Gates. By contrast, America's slums have low rates of labor force participation and high rates of unemployment.

*Working-class families pay income taxes, and thus have a handy excuse to be perpetually mad at the federal government. So does Bill Gates. And because both the working class and the rich work and pay taxes, members of both groups often feel exploited by the welfare-dependent poor, because they perceive (rightly or wrongly) that the latter group lives off the taxes provided by the rich and the middle class.

*Working-class families typically have a home in a suburb (usually one which, like Cheektowaga or Douglas County, has few if any perpetually poor people) and a car or two.

So does Bill Gates. Poor people live outside the suburban mainstream, in urban slums or out-of-the-way rural areas.

*Working-class families, like the rich, fear the urban poor, because they believe (not without good cause) that violent, predatory criminals disproportionately come from America's slums. By contrast, Bill Gates may rip you off with high prices or bad service, but the chances of him murdering you in your bed tonight are infinitesimal.

*Most lower-middle-class Americans are white. So are most rich people. So when racially polarizing issues dominate politics, working-class and rich voters gang up against the (disproportionately nonwhite) urban poor.

And on some cultural issues, working-class Americans are actually more conservative than the rich. For example, a 2000 Washington Post poll revealed that only 32% of Americans earning under \$30,000 per year believed that abortion should usually be legal, as opposed to 53% of Americans earning over \$75,000. And another 2000 Post poll revealed that only 40% of Americans earning under \$30,000 per year believed that the National Rifle Association had too much power over gun policy, as opposed to 52% of Americans earning over \$75,000.

Perhaps in the 1930s, before the growth of welfare dependency among the poor, the decay of labor unions, and the crime explosion of the 1960s, working-class Americans had more in common with their poorer neighbors than with the rich. But today, lower-middle class voters' day-to-day lives resemble those of their bosses far more than they resemble the lives of the nonworking poor. So it is only natural that America's lower middle class should make common cause with the rich against the poor. And so they do: although high school dropouts voted 60-40 for Gore in 2000 (as did the most educated Americans, voters with postgraduate degrees), high school graduates and college dropouts voted for Bush.

LEARNING FROM THE ROMANS (9-28-00)

It was 1977, and I was 14 years old. I was lingering around a small-town drugstore, and heard the proprietor complain: "These kids today they got no values . . . they'll do anything for kicks - just like Rome."

And since then, I have again and again heard the fall of the Roman Empire used as proof of the dangers of loose morality, and as evidence that if America did not embrace social conservatism its empire too would fall. But the truth about ancient Rome is far different. When Americans think of Roman immorality, they think of the pagan emperors of the Empire's first centuries - for example, Caligula, who performed indecent acts with his sister, and Nero, who according to some legends bedded husbands as well as wives. But the Roman Empire survived Caligula and Nero with hundreds of years to spare.

Rome did not fall until 476, after a century and a half of rule by Christian emperors and bureaucrats so addled by fundamentalist puritanism that they made today's Religious Right look like the staff of Hustler. For example, the Catholic Church was so powerful that when, in 388, St. Ambrose (then bishop of Milan) ordered the Emperor to repent for the "sin" of punishing the destroyers of a Syrian synagogue, the emperor cravenly caved. The late

Empire, unlike the tolerant pagans, also mimicked the Church's hostility to homosexuals: the Empire's Theodosian Code of 390 stated that gays "shall expiate a crime of this kind [homosexual sex] by avenging flames in the sight of the people" - that is, by being burned alive. Obviously, the late Empire was not a land of liberalism run amok. But if loose morals didn't kill Rome, what did?

The ultimate cause of Rome's fall was, of course, military weakness. Throughout the 5th century, Rome was surrounded on all sides by Germanic tribesmen, who gradually chipped away at its borders and eventually penetrated the Empire's Italian heartland. The Empire could not defeat the tribesmen (or "barbarians", as the Romans called them) because they did not have the manpower to fight on several fronts. For example, Stilicho, Rome's greatest 5th-century general, could muster only 20-30,000 troops against one set of German invaders-not an overwhelming force even by ancient standards.

But why was Rome's military so weak? Rome may have taxed itself to death, taxing the peasantry so heavily that it destroyed its agricultural tax base, thus depriving the Empire of revenue with which to finance its wars. 90% of Roman tax revenue was based on land taxes, most of which were paid by small farmers. In the words of 5th-century theologian Sylvian of Marseilles, "Taxation, however high and brutal, would still be less severe and brutal if all shared equally in the common lot . . . [instead] the tributes due from the rich are extracted from the poor." Farmers evaded taxes by abandoning the land, and switching careers either to become bandits or to knock on the door of the nearest large landowner (who usually had the political clout to avoid being taxed himself) and volunteering for serfdom as the lesser evil. The popularity of such abandonment is suggested by the fact that emperors repeatedly issued edicts governing the proper disposition of abandoned lands. And when farmers left the farm, they stopped paying land taxes, which meant that the Empire had less revenue, which in turn meant that the Empire did not have enough troops to preserve itself.

The Roman government's meddling with its citizens' lives extended from matters of the pocketbook to matters of the spirit. For the Empire's first several centuries, it was run by pagan emperors who tended to tolerate most of their subjects' religious eccentricities. But the Christian emperors of Rome's twilight years sought to stamp out both other faiths and dissent within Christianity. In 381, a scant 95 years before the final fall of Rome, Emperor Theodosius I prohibited pagan worship and visits to pagan temples. And in 448, Theodosius II went still further, burning pagan books. The king explained: "All the volumes that move God to wrath and that harm the soul we do not want to come to men's hearing." So-called heretics (that is, Christians whose views differed from those of church leaders and the Emperor) were subjected to similar treatment. In the last 125 years of the Empire, emperors passed 66 anti-heretic degree. Heretic-phobia grew so intense that one Imperial decree actually forbade discussion of any religious question whatsoever. It is not clear that the Empire's religious intolerance contributed to its fall - but common sense dictates that imperial attacks on religious dissidents must have impaired popular morale by diminishing the latter's desire to fight for the Empire.

The late Empire's religious intolerance was matched by its racism. For centuries, the Empire had prospered by assimilating non-Italians -- but its tolerance ran out in its last century. Had the Empire sought to assimilate the "barbarians" rather than fighting them, it could have built an Italo-Germanic order for the ages. Instead, it oppressed the Arian

heresy (a religious doctrine similar to Unitarianism in that it questioned the Holy Trinity, and which most Germanic tribesmen subscribed to) , and oppressed the Germans who suckered themselves into believing that they could live under Roman rule. In 370, for example, the empire prohibited intermarriage between Roman citizens and German immigrants, and by 416 Imperial bigotry had reached such a fever pitch that Romans were prohibited from wearing "barbarian" clothes such as certain furs and skins. Eventually, the Germans got the message and decided to fight the Empire rather than continuing to live under it.

The Rome of the Caesars, despite crazy emperors like Caligula and its vicious treatment of nationalist dissidents, was a tolerant society. By contrast, the late Empire strangled itself with economic statism, racism, and religious fanaticism. Fortunately, America today resembles the early Empire more than the late Empire. Although Americans complain about taxes, they pay lower taxes than residents of almost all countries in Europe (with the occasional exceptions of Switzerland and Turkey). While our military has been weakened over the past decade, we, unlike Rome, have the money to rebuild it: military spending now soaks up only 3% of GNP, down from about 6% in 1985. While ancient Rome sought to impose one religious orthodoxy on its people, our Constitution guarantees Americans the right to worship the god or idol of their choice. And although racism is still a problem in America, American political debate is generally not over whether the government should oppress ethnic minorities, but over how much government should do to help them. The guiding principles of late Rome were high taxes and state-enforced morality. The guiding principles of America today are free minds and free markets - and as long as this continues to be so, we will never be just like Rome.

LITTLE SURPRISES (12-20-00)

It now appears that the 2000 election is finally over, and that Gov. George W. Bush of Texas will, on January 20, 2001, be inaugurated as the next President of the United States. The biggest surprise of the 2000 election, of course, may be Al Gore's inability to translate America's unprecedented prosperity into a clear Democratic victory. But a look at the exit polls and the election returns of individual states and counties reveals a variety of little surprises, including:

*The irrelevance of women. Once upon a time, conventional wisdom dictated that to win, Republicans had to narrow the gender gap - perhaps by putting a woman on the ticket, perhaps by being more ostentatiously "compassionate" (whatever that means). But in 2000, the gender gap was larger than ever, and Bush won anyway (at least in the sense of doing well enough to get elected, since we may never know who "won" the election in any other sense of that term). Bush got 53% of the male vote and 43% of the female vote-a 10 point gender gap. By contrast, the gender gap was 6 points in 1996 (when Bob Dole got 44% among men and 38% among women) and 1 point in 1992 (when Bush the elder got 38% of men and 37% of women). Bush even lost suburban women by a 52%-45% margin, a worse showing than his father in 1992, who lost this so-called "soccer mom vote" by a 45%-41% margin. In sum, Republican presidential candidates win when the gender gap is big and lose when it is small; it logically follows that Republican presidential candidates win not by narrowing the gender gap but by widening it.

*The irrelevance of minorities. A year ago, Bush purported to be a compassionate conservative who could bring blacks and Hispanics under the Republican banner. In fact, Bush got only 8% of the black vote - less than Bob Dole, less than his father, even less than Ronald Reagan. Bush did slightly better among Hispanics, getting 31% of the Latin-American vote. Bush's share of the Hispanic vote, although higher than that of the Republican candidates of the 1990s, was lower than that of Ronald Reagan (who got a muscular 37% of the Hispanic vote in 1984). Bush's weakness among Hispanics caused him to lose the Catholic vote, and Bush's 19% among Jews (although higher than the Republican Jewish vote in 1992 and 1996) was far smaller than the Republican share of the Jewish vote in the 1970s and 1980s, when 30-40% of Jews routinely voted Republican. In sum, Bush did worse than most Republicans among racial and religious minorities - but won anyway.

*The irrelevance of moderate and conservative Democrats. In the 1980s, Republicans usually needed large numbers of moderate and conservative Democrats to win elections. But in 2000, only 11% of Democrats crossed party lines to vote for Bush (including only 26% of conservative Democrats), slightly more than abandoned Bill Clinton but far fewer than the 17% who voted for Bush the elder in 1988 or the 25% who voted for Reagan in 1984. Bush also got only 13% of liberals, as opposed to the 18% who supported Bush the elder in 1988 or the 25% who voted for Reagan in 1984. In other words, the base Republican vote is so large that Republicans can now win elections without significant Democratic support. And because Bush did poorly among moderate and conservative Democrats, he lost five of the eight largest states with Republican governors (New Jersey, New York, Pennsylvania, Michigan and Illinois), thus proving once and for all the irrelevance of governors to presidential elections.

*The irrelevance of suburbia. Bush won the suburban vote by only 49%-47%, which means he probably lost the suburban vote outside the South. Bush lost such once-Republican suburbs as Montgomery and Delaware County (outside Philadelphia), Westchester, Nassau and Suffolk Counties (outside New York City), St. Louis County (outside St. Louis), Baltimore and Howard County (outside Baltimore), Macomb and Oakland Counties (two Detroit suburbs which supported Bush the elder in 1992 when the rest of America was deserting him), and the suburban portions of Los Angeles County, Chicago's Cook County, and Buffalo's Erie County.

*The irrelevance of ticket-splitting. In 2000, only six states supported a Presidential candidate of one party and a senatorial candidate of the other, as opposed to 9 in 1996 and 12 in 1976 (the last year in which the presidential election was close). In other words, the base Republican vote is so large that Bush won without attracting massive numbers of ticket splitters.

So if Bush couldn't attract women, blacks, Hispanics, Jews, Catholics or Democrats, how did he win? By gaining larger than usual majorities in the South and among the traditional Republican base of rural, male, white Protestants. Bush won the South 55%-43%, carrying every single Southern state, even West Virginia (which voted for Jimmy Carter in 1980 and Michael Dukakis), Al Gore's home state of Tennessee, and Bill Clinton's home state of Arkansas. Bush didn't win the south by carrying urbanized areas: in fact, he lost Tennessee's two major urban counties (Shelby County, which includes Memphis and many

of its suburbs, and Davidson County, which includes Nashville) as well as the major urban counties in West Virginia (Kanawha County, which includes Charleston) and Arkansas (Pulaski County, which includes Little Rock). Instead, Bush swept the South (and parts of the Midwest and West as well) by sweeping rural America: he won the rural vote 59%-37%, up 13 points from his father's showing in 1992. Bush's rural strength may have had something to do with his opposition to gun control: nearly 60% of Republican congressional voters had a gun in the house, while an even larger percentage of Democrats did not. Bush also carried the white Protestant vote 63%-34%, up 16 points from his father's showing in 1992. And as noted above, Bush clobbered Gore among males, winning the male vote 53%-42% while losing the female vote by a comparable margin.

How did Bush morph from the compassionate conservative of 1999 to the macho conservative of 2000? By having a simple, clear, polarizing message: like Newt Gingrich in 1994, Bush promised to leave Americans alone with their money and their guns. In the debates, Bush emphasized tax cuts and gun control, while deemphasizing issues on which conservatives arguably favor more government (like abortion). Bush's positions may have turned off some moderates, but they undoubtedly deepened his support among conservatives. And in 2000, that strategy was enough to get him elected.

AL GORE, THE UNABOMBER AND ME (6-22-00)

by Michael Lewyn

While surfing the Internet recently, I came across a web page entitled "Did Al Gore Say It? Or Was It The Unabomber?" (www.atr.org/Gore/gore25.htm) The message of the page, briefly summarized, is: Al Gore believes that industrial civilization is bad for the environment. So does the Unabomber. Therefore, Al Gore, like the Unabomber, is a nut.

But in fact, the Vice President's remedies for the problems of industrial society are far different from the Unabomber's remedies - even leaving aside the latter's penchant for blowing up people. The Unabomber's infamous manifesto reveals that he wants to reverse the past several thousand years, to go back to the days when people roamed the Earth in small tribes. In the Unabomber's own words: "The positive ideal that is proposed is Nature. That is, wild Nature". By contrast, Gore believes that the answer to the problems of technology is more technology. Instead of eliminating electricity, Gore wants to reduce pollution by bringing us electric cars and other antipollution technology. And instead of damning the Internet as the spawn of Satan, as the Unabomber would presumably do, Al Gore claims credit for its wide distribution (if not for its very invention). Indeed, Gore and the Unabomber are at opposite ends of the pro-technology spectrum, with most Republicans (like, for example, me) somewhere in the middle - more pro-technology than the Unabomber, but maybe a bit less willing than the Vice President to use government spending to spread technology throughout the citizenry.

Similarly, the Vice President and the Unabomber have very different views of the role of government. The Unabomber is a self-proclaimed anarchist, who would gladly eliminate even the smallest government. By contrast, the Vice President wants to use some of the federal budget surplus to make Big Government a little bigger and would, if elected, nominate liberal Supreme Court justices who would, if confirmed, redistribute power from state and local governments to the national government. Indeed, the Unabomber is the

ultimate reactionary, an opponent of virtually every trend that has taken place since the days of Abraham, Isaac and Jacob, while Al Gore is the ultimate progressive, a man who wants even more government, centralization and globalization than we already have. And here too, most Republicans and responsible conservatives are somewhere in between the extremes: they believe that the existence of government is on balance a good thing, but would probably spend less of the surplus than would Vice President Gore.

So from my standpoint and that of many other moderates and conservatives, Al Gore's problem isn't that he is too much like the Unabomber. Instead, his problem is that he isn't enough like the Unabomber.- that is, that he and the Unabomber are at opposite ends of the pro-government/anti-government spectrum, and that conservatives are (or at least think they are) somewhere in the sensible middle.

THE SOCIAL SECURITY HOAX (10-26-00)

Democrats and Republicans alike claim that Social Security is on the ropes - that, in the words of the Atlanta Journal, "left unattended, Social Security will begin running a deficit and dipping into its surplus in 15 years, and that the surplus will be eliminated around 2037 [at which point] Social Security will be bankrupt." And indeed, the Social Security Administration (SSA) projects that if its economic and demographic assumptions are correct, the Social Security trust fund will be exhausted in 2037.

But there is no consensus as to the remedy for this so-called crisis: conservatives want to privatize Social Security (i.e. force or allow workers to put their retirement at risk in the casino of Wall Street), while liberals want to use general revenues as well as Social Security payroll tax revenues to bolster Social Security (a radical shift from America's current policy of having workers finance their own retirement by paying Social Security payroll taxes into the Social Security trust fund).

Both liberal and conservative supporters of radical Social Security reform reason as follows: under the existing payroll tax system, today's workers support today's retirees. In a few decades, America will have more retirees (because of the retirement of the baby boom generation and longer life spans) and fewer workers (because of declining birth rates). Thus, the Social Security system is unsustainable. This argument makes sense if, and only if, the workers of 2037 produce just as little revenue as the workers of 2000. For example, the SSA's famous projection that the trust fund will go bust in 2037 is based upon the assumption that the gross domestic product (GDP) will grow at only a 1.7-2% rate- a rate which was below America's growth rate for all but 5 of the past 25 years.

But in recent years, the economy has grown at more than twice the rate projected by SSA. If the economy continues to grow, the workers of 2037 will pay far more money into the Social Security trust fund than the workers of 2000, which means that even though the number of retirees will grow, there may well be enough tax revenue to support them. In other words, the widely held assumption that "Social Security is going broke" is based on incorrect economic assumptions.

If Social Security isn't going broke, why do both liberals and conservatives continue to rant and rave about a "Social Security crisis?" Because both liberals and conservatives desperately need to believe that Social Security is in trouble.

Some conservatives are opposed in principle to government support of the elderly. To quote one of my right-wing friends, "retirement is something you should plan for in your own budget" - and if some old people wind up eating dog food, it's their own fault for being poor or imprudent in their investments. This argument has been a vote-loser because most Americans reject the proposition that caring for the elderly is none of the government's business. But today's conservatives seek to privatize Social Security without seeming hardhearted, by arguing that even if Social Security is a good idea in principle, it is going to die no matter what we do to save it. But to make this argument, conservatives need to persuade themselves (and everybody else) that Social Security is in fact dying.

Liberals too wish to imagine a Social Security crisis, albeit for radically different reasons. In a world of unlimited resources, liberals would gladly redistribute enough money to give all seniors a middle-class standard of living. But under today's system, the amount government can spend on Social Security is limited to the amount government takes in through Social Security payroll taxes, thus limiting liberals' ability to throw money at the elderly. But if Social Security is financed through general revenues as well as payroll taxes, liberals can raise benefits with reckless abandon, secure in the knowledge that an ever-growing number of elderly voters will support them. As a result, liberals have always wanted to plunder general tax revenues in order to preserve and raise Social Security benefits - and the alleged bankruptcy of Social Security gives them an excuse to do exactly that.

Predictably, Vice President Gore and Gov. Bush claim that Social Security needs to be "reformed" to save itself. Gov. Bush wants to privatize Social Security by allowing younger workers to invest their payroll taxes in the stock market - thus depriving the Social Security system of revenue, and hastening the very crisis of which he complains. Vice President Gore seeks to dump part of the budget surplus into the Social Security trust fund - in other words, to begin to use general revenues to make retirees better off. To the extent Americans take either plan seriously, they do so because they believe in America's great bipartisan hoax - the Social Security crisis that may never happen.

TWO FOR GOVERNOR BUSH (7-20-00) (Although President Bush did not pick either of my top two choices, the person he did pick, Dick Cheney, is a lot like Sen. Lugar-experienced but dull).

At the end of July, George W. Bush must pick his party's nominee for Vice President. Presidential candidates have generally employed one of two major strategies in deciding who to nominate for Vice President.

Candidates employing the "Big State" strategy (including Tom Dewey in 1948, Dwight Eisenhower in 1952 and 1956, and John F. Kennedy in 1960) have picked senators or governors from big states in order to bring the running mate's state into the presidential candidate's column. Dewey picked Governor Earl Warren of California, Eisenhower picked Richard Nixon of California, and Kennedy picked Lyndon Johnson of Texas.

Governors who ran for President, by contrast, have usually employed the "Washington Insider" strategy: in the past half century, every governor or former governor who won a presidential nomination (including Adlai Stevenson, Jimmy Carter, Ronald Reagan, Michael Dukakis, and Bill Clinton) has picked a running mate with significant experience in Congress.

or the Executive Branch. The purposes of the Washington Insider strategy is to show voters that even if the candidate himself lacks Washington experience, he can succeed as President by surrounding himself with experienced subordinates. Moreover, a running mate with decades of Washington experience will often be experienced enough to serve capably as President (should something happen to the President) and to impress the voters in a vice presidential debate. For example, in 1988 Michael Dukakis's running mate, Sen. Lloyd Bentsen, cleaned the clock of the less experienced Dan Quayle in such a debate. Some candidates have combined the two strategies by picking Capitol Hill insiders from big states (like Bentsen, a Capitol Hill veteran from Texas). And a few candidates have picked running mates who did not fit either category-but these candidates (such as Spiro Agnew, Richard Nixon's infamous vice president) generally embarrassed, rather than aiding, their party's ticket.

Unfortunately for Governor Bush, many of the would-be vice presidents who are being prominently mentioned this year don't fit either strategy. For example, it has been rumored that Bush is considering Oklahoma Gov. Frank Keating. Keating doesn't help Bush win Oklahoma, which will go Republican no matter who Bush picks. But Keating (whose highest-level Washington job was as general counsel of the Department of Housing and Urban Development) doesn't add significant Washington experience either: his qualifications for the Presidency are if anything dwarfed by those of Bush himself (who at least has been a governor of a large state).

Other potential running mates have either publicly refused the office (like Colin Powell and John McCain) or would antagonize the Republican Party's powerful anti-abortion faction (like Gov. Pataki or New Jersey's Gov. Christine Todd Whitman). Elizabeth Dole suffers from neither defect, but her dull, wretched presidential campaign suggests that she would add neither substantive policy expertise nor political star quality to the Republican ticket.

Nevertheless, Bush has some plausible candidates under either strategy. To successfully employ the Big State strategy, Bush must pick a candidate from a big state that is likely to be closely contested. The three biggest states (Texas, California, and New York) will not be close if the national election is close: California and New York are so heavily pro-Gore that Bush will not win them unless the election is a GOP landslide, and Texas is likely to be equally pro-Bush. That leaves four toss-up states with over 20 electoral votes: Pennsylvania, Ohio, Illinois and maybe Florida. However, statewide Republican officeholders in Florida, Ohio and Illinois are not plausible candidates: Florida's Sen. Connie Mack has publicly refused the Vice Presidency, Ohio's Senator George Voinovich and Illinois's Governor George Ryan have been plagued by petty scandals, Ohio's Governor Robert Taft and Florida's Governor Jeb Bush has been in office for less than two years, and Ohio's Sen. Michael DeWine has not been tested with significant opposition. Pennsylvania's Gov. Tom Ridge, who was reelected by a 57%-31% margin in 1998, would be an excellent choice in every respect but one: he might be too moderate for many Republicans, especially religious conservatives unimpressed with his support for legal abortion. (Sen. Arlen Specter of Pennsylvania is even more liberal than Ridge, and thus unlikely to be picked).

That leaves one Pennsylvania Republican who both would unify the Republican Party and give Bush an edge in the Keystone State: Senator Rick Santorum. Santorum, whose conservative credentials are impeccable, would (unlike Ridge and other moderates) unite rather than divide the Republican Party. Moreover, Santorum's electoral record is

magnificent. He began his political career in 1990, whipping a long-time Democratic incumbent in a Democratic district even though he was outspent by a 70-30 margin. In 1994, he took on one of the Democrats' stars, incumbent Sen. Harris Wofford. Just a few years earlier, Wofford had mauled a former governor and U.S. Senator, Richard Thornburgh, by a 55-45 margin. Nevertheless, Santorum beat Wofford.

Today, Santorum is favored for reelection, despite the fact that he is Pennsylvania's first conservative Republican senator in recent memory. (Pennsylvania has often elected Republican senators-but the Republicans have usually been moderates like Specter). So there is a good chance that Sen. Santorum can bring Pennsylvania into Bush's column.

Because Santorum has only been in the Senate for six years, he would not be the perfect "Washington Insider" candidate: he might lose a vice presidential debate to a more seasoned Democrat, and his selection would not lead anyone to conclude that Bush has surrounded himself with heavyweights. But there are plenty of conservative Republican senators who have been on Capitol Hill for decades and would ably distinguish themselves in a vice presidential debate: New Mexico's Pete Domenici, Indiana's Richard Lugar, Utah's Orrin Hatch, and Mississippi's Trent Lott and Thad Cochran, to name a few.

But Lugar is the class of the field, for a variety of reasons. First, Lugar has the executive experience that most Senators lack. As mayor of Indianapolis, Lugar, in a stroke of foresight, persuaded the Indiana state legislature to allow the city to annex most of its suburbs through a merger of the city and surrounding Marion County. As a result, Indianapolis is one of the few Midwestern cities to gain rather than lose population in recent decades. After serving Indianapolis for seven years, he was elected to the United States Senate 24 years ago.

Second, Lugar is more qualified than most to serve as President. According to the Almanac of American politics, Lugar's "great interest is foreign policy" - a useful interest, since as a practical matter foreign policy is the President's job. The Constitution itself gives presidents power over war and peace by designating the President as commander in chief, while hamstringing presidents at home by giving Congress power over taxation and spending. In 1985-86, Lugar was chairman of the Senate Foreign Relations Committee, where he took the lead in easing Filipino dictator Ferdinand Marcos out of office. In 1991, Lugar (along with Georgia Sen. Sam Nunn) developed the Nunn-Lugar Cooperative Threats Program to pay Russia, Ukraine and Belarus to dismantle their nuclear weapons. By 1998, nearly 5000 nuclear weapons had been dismantled. In fact, Lugar's unsuccessful 1996 presidential campaign focused on the important but boring issue of deterring nuclear terrorism. Lugar is also a good ideological fit for Bush: both are strong internationalists, favoring NAFTA and other international commitments.

Lugar also has one advantage that is unrelated to his qualifications to hold the Presidency. If Bush is elected and serves two terms, he will leave office in 2008. His vice president will probably become the front-runner for the 2008 Republican presidential nomination, and Bush's brother Jeb (the governor of Florida) will thus be unable to continue the Bush dynasty. But Lugar will be 76 in 2008, possibly too old to run for President himself. So if Bush picks Lugar, he will dramatically increase Jeb's chances of becoming the third President Bush.

THE VICE PRESIDENT'S ACCEPTANCE SPEECH (8-27-00)

The most recent polls show that Vice President Gore is 11 to 18 points behind Governor George W. Bush - a margin of landslide proportions. But Gore may be able to cut that margin if he makes a strong, positive impression on the electorate in the Democratic convention this month. Because much of the electorate finds his personality to be at best boring and at worst annoying, he cannot, unlike Gov. Bush, win a contest of personalities. Instead, he will have to persuade voters that despite his lack of charisma, he is more competent to govern than his genial rival. Although I question whether this is so, I concede that there are a few arguments he can make with a straight face. So if I were him, I would give this speech:

"I would like to begin this speech by leveling with the American people. During the last year, I have made a huge mistake. I twisted myself into a knot trying to make you, the American people, like me: changing the shirts I wear and hiring fancy consultants telling me how to act like an alpha male. So far, it hasn't worked. The time has come to concede the obvious: if this election is about who is more likable, who is more fun, who you'd rather have a beer with, I'll lose to my Republican opponent ten times out of ten. He has charisma and I don't. He has the common touch and I don't. Unfortunately, there are only two good reasons to vote for me: issues and experience.

On many issues, we agree. We're both for improving education, both for bolstering America's defenses, both for the death penalty. There are three major issues that separate us: the economy, taxes, and Social Security.

Governor Bush seems to think that the Clinton-Gore Administration had nothing to do with low unemployment and the booming stock market. But if it's so easy to keep the economy prosperous, how come his father, a man far more experienced than his son, couldn't keep it going? In 1992, Alan Greenspan headed the Federal Reserve, just as he does today. The only difference between 1992 and today was that George Bush was President instead of Bill Clinton. Yet in 1992, the country was in the toilet. Unemployment was 7% then; it's 4% now, the lowest it's been in a generation. There were riots in the streets of Los Angeles, the murder rate was a third higher than it is today. Obviously, we must have been doing something right over the past eight years. As you vote, I suggest that you ask yourself the following question: are you better off now than you were eight years ago? If the answer is yes, vote for me.

We disagree about how to keep the economic boom going. Gov. Bush wants to blow the budget surplus on a huge tax cut - which means that if the economy slows and the government starts losing tax revenue, its bye-bye surplus, hello deficit. By contrast, I want to use the surplus to pay down the debt, and perhaps spend a little on prescription drugs for the elderly. If you favor budget surpluses, vote for me.

We disagree about Social Security. I believe that Social Security is one of the best things government does. Thanks to Social Security, poverty among the elderly is lower than among the young- something that would have been unimaginable 60 years ago. Governor Bush says he wants to preserve Social Security too - but he has a funny way of showing it. He wants to drain the Social Security trust fund of revenue by having a chunk of Social Security taxes go to the stock market. That way, when you retire, the government won't

have nearly as much revenue to pay Social Security benefits with, and maybe we can all go back to the good old days when old people ate dog food. So if you want to get Social Security benefits when you get old, vote for me.

A final issue separating us is experience. Governor Bush has held only one job in government: he's been governor of Texas for a grand total of five years. Thanks to the Clinton-Gore economic boom, Texas's economy has been doing relatively well. And Texas is less divided than most states, because just about the entire state legislature is as conservative as he is, including the Democrats. In other words, Texas is so easy to govern that a hamster could get reelected, let alone George Bush. By contrast, I've been in the House for six years, in the Senate for eight, and Vice President for eight. I've had a ringside seat for every tough foreign policy decision, and I've dealt with presidents and prime ministers of superpowers like Russia and China. I'll be a President you won't have to train - a factor that gets more important every year as more and more countries get nuclear weapons. If you believe that someone with experience is more likely to prevent the world from being blown up, vote for me.

Most of you think I'm boring - and maybe I am. But if you think experienced leadership is more important than charisma, you'll have to agree with me that this year, boring is beautiful."

DID THE MILLION MOM MARCH MISS THE MARK? (6-8-00)

A few weeks ago, gun control supporters sponsored the "Million Mom March" (MMM) in Washington. Although this march did not in fact feature a million moms, it was nevertheless large enough to attract significant public attention - enough to make me curious about the MMM agenda.

On their web page (www.millionmommarch.com/mission.html) the MMM proposed a variety of new gun control laws, including requiring gun sellers to design child-proof guns, more consistent enforcement of laws requiring background checks for gun buyers, limiting purchasers to one gun per month, and national registration and licensing of all handguns.

Some of the MMM proposals seem to be fairly harmless. For example, the MMM's assertion that gun manufacturers "should have to design guns with locks built in" does not infringe upon the rights of gun owners any more than requiring grocery stores to sell fresh meat infringes upon the rights of meat eaters. In both situations, the ultimate consumer has the right to disregard the safety regulations - in the first example by leaving his or her gun unlocked in order to ease access in an emergency, in the second example by exercising his or her own judgment as to when the meat is rotten.

The MMM also explodes the gun lobby myth that all we need do is "enforce existing laws" by showing that new laws can facilitate the enforcement of existing laws. In addition to calling for "No-Nonsense Enforcement of Gun Laws", the MMM proposes background checks for all firearms buyers (not just those who purchased guns from federally licensed gun dealers) and limiting purchases to one handgun per month. Background checks make it more difficult for felons to purchase guns, because if Joe Criminal goes to a gun show and tries to buy a gun, a background check will reveal his criminal record, and a law-abiding gun dealer will then refuse to sell the gun to Mr. Criminal. Similarly, the one-gun-per-month limit

facilitates the enforcement of existing gun laws by making it harder for someone to buy dozens of guns at a time and sell them either directly to persons who are not allowed to purchase the guns (e.g. juveniles, criminals, or persons who live in areas with unusually strict gun laws) or to black market gun traffickers who will do the same

But one MMM proposal is far more radical. The MMM calls on Congress "to require all handgun owners to be licensed and that they be required to register their weapons with the proper authorities." National gun licensing and registration, unlike the other MMM proposals, operates directly upon gun owners rather than upon gun dealers or manufacturers.

30-35 million Americans own handguns, and a national handgun licensing statute would require the cooperation of all of them to be successful; otherwise, the federal government would be forced to either let the law become a joke, or institute a "War on Guns" as costly as the "War on Drugs" or America's unsuccessful attempt to prohibit alcohol during the 1920s. If the United States was a law-abiding country like Sweden or Canada, such a scheme might work: everyone would quietly register their guns and then go about their business, and the issue would quietly go away.

But the United States is not such a country. Americans have historically been more violent and more distrustful of government than Europeans (as proven by our higher crime rates and lower taxes). As a result, laws restricting what goods Americans may own, such as attempts to prohibit drugs and alcohol, have historically turned otherwise law-abiding citizens into criminals and created black markets in the contraband to be prohibited.

Anti-gun legislation is even less likely to be obeyed than legislation governing drugs and alcohol. Here's why: the gun lobby has historically argued that registration of handguns is the first step to handgun prohibition, and that handgun prohibition in turn will lead to (a) crime sprees by felons who need no longer fear armed law-abiding citizens, and (b) tyrannical behavior by an out-of-control government that need no longer fear its disarmed citizens. Gun owners who believe these arguments may take these arguments to their logical (and lawless) conclusion: that they need to ignore gun laws in order to protect their lives, their property, and their freedom. By contrast, users and sellers of illegal drugs generally lack such a strong motive for their conduct. It logically follows that a federal gun licensing law will be at least as widely disregarded as drug laws, and perhaps even more so. So at best, such a law will turn law-abiding citizens into criminals, breed disrespect for the law, and increase the size of the firearms black market.

The worst-case scenario is even more ominous. If gun owners begin to believe that federal gun laws are tyrannical, a few of them may start to believe that such tyranny, like any other tyranny, justifies armed rebellion. So the more enraged gun owners may become radicalized, and start to heed the appeals of right-wing extremists such as militia groups. Eventually, a few fanatics may engage in terrorist acts like blowing up federal buildings - or worse still, find a few thousand like-minded fanatics and try to plunge the nation into civil war.

If we are unlucky, the most far-reaching anti-gun proposals risk terrorism and civil war. If we are lucky, we risk creating another unenforceable law. How lucky do we feel?

THE MEDIA MONOPOLY THAT ISN'T (5-18-00)

by Michael Lewyn

On the Left and on the Right, Americans are as worried as ever about the power of Big Media. On the Left, politicians and pundits worry about recent media mergers. For example, Senator Patrick Leahy (D-Vt.) fears that information may become "controlled by just two or three sources", and a policy paper endorsed by Consumers Union and numerous other liberal-leaning groups suggested that the Time Warner/AOL merger may lead to a "giant media-Internet dictatorship." On the Right, "liberal media bias" is a constant concern. For example, one article on the conservative Media Research Center's website suggests that unnamed "reporters" are conspiring "to create a new Republican Party that casts aside its Reaganite past in favor of an older, more liberal-friendly Nelson Rockefeller model."

These concerns over "liberal media bias" and "corporate media monopolies" made a great deal of sense 30 years ago. When I was a little boy, most Americans got their news from three moderately liberal sources (ABC, CBS, and NBC) who in turn got their news from the moderately liberal New York Times. But today's media contains something for everyone. The old news giants are still around, but have to face dozens of competitors, including:

*Cable television. C-SPAN gives viewers unmediated coverage of Congress, while other cable networks such as CNN, the conservative-leaning Fox News and Family channels, and the feminist-leaning Lifetime cover politics and culture from a variety of perspectives.

*National newspapers. At least three newspapers are truly national in their reach: the liberal New York Times, the conservative Wall Street Journal, and the in-between USA Today.

*The Internet. The Internet contains web sites to suit every ideological taste- not just on major national issues, but even on relatively obscure issues like suburban sprawl.

*Local and national talk shows (mostly, but not entirely, on the Right).

In sum, America now has exactly what the Framers envisioned-not a stodgy media monopoly, but a joyous cacaphony of competing voices.

If there is a media monopoly, it exists not at the national level, but at the local level. Decades ago, most cities had multiple newspapers that were as ideologically diverse as today's press. But today, all but the largest cities have just one daily newspaper. So instead of worrying about media monopolies on Wall Street, you should probably be worrying about the monopoly in your own back yard.

A BAD DOWNTOWN MEANS A BAD CONVENTION CENTER (5-25-00)

Not long ago, I read an article in the Atlanta Constitution about Atlanta's weaknesses as a convention destination. Alf Nucifora, the incoming chairman of the Atlanta Convention and

Visitors Bureau, stated that even though Atlanta had more conventions than most smaller cities, "There are great clouds looming on the horizon." According to the Constitution, Nucifora stated "that the city will have to work hard to preserve its prominence as a convention destination." Specifically, Nucifora "ticked off downtown's problems: a lack of vibrant attractions, panhandlers, poor taxi service, a perception that the area isn't safe."

In other words, Nucifora was arguing that Atlanta's downtown was dragging down its convention center, and that without a vibrant downtown, Atlanta's convention center would be unable to compete with those of livelier cities.

Nucifora's argument was supported by the fact that of the five cities with more trade shows scheduled for 2000 than Atlanta, four (Toronto, Las Vegas, Chicago and New York) have more vibrant business districts or nearby areas than Atlanta. The only exception, Orlando, benefits from Disney World and other theme parks. As Nucifora complained, "We [Atlanta] don't have a Bourbon Street [New Orleans' entertainment district near downtown], we don't have a beach, and we don't have a mouse [that is, Mickey Mouse]." So without a livelier downtown, Atlanta can't compete.

Nucifora's concerns have a great deal of relevance for smaller cities like Buffalo and Niagara Falls. Small city politicians often fall victim to the delusion that a large convention center will provide a boost for their ailing downtowns. But Atlanta's convention officials believe that the reverse is true - that a successful downtown will create a successful convention center, and that an unsuccessful downtown will drag down their convention center. It logically follows that until cities like Buffalo and Niagara Falls rebuild their downtowns, investments in convention centers might well be a waste of money.

NO BAD SCHOOLS, JUST BAD STUDENTS (4-27-00)

Most readers of this article know someone who lived in the city of Buffalo in their twenties, but moved to the suburbs after marriage or childbirth in order to avoid city schools. The same problem exists in metropolitan areas around America: from coast to coast, families flee to suburbia in order to flee urban public schools.

Why are urban schools so obnoxious to so many parents? The conventional wisdom is that urban schools are simply "bad schools": that is, that suburban schools provide children with a better education. The liberal version of this argument is that urban schools are bad only because they are underfunded, and that if they were funded as generously as suburban schools the "quality gap" between city and suburbs would disappear. The conservative version of the argument is that due to some mysterious quirk of fate, suburban schools have better teachers and administrators. But both theories are easily disposed of.

The liberal "bad schools" theory is based on the assumption that urban schools do in fact spend less than suburban schools - an assumption that is false as often as not. On average, big city schools and their suburban counterparts spend taxpayers' money at a roughly comparable rate. In 1989-90, for example, big-city school districts spent \$5447 per pupil, compared with \$5427 in suburban areas and \$4507 in rural communities.

More importantly, big city schools cannot successfully compete with suburbs even when they go on spending sprees. For example, in the early 1990s, a federal court's

desegregation degree mandated that the Kansas City, Mo. school district be given state subsidies in order to compete with the suburbs for white students. As a result, the Kansas City school district spends at least 30% more than the most well funded suburban districts, and over twice as much as less well funded suburban districts. Yet the city/suburb gap (as measured by performance on statewide tests) did not narrow very much, and the Kansas City school district remains unable to attract white suburbanites.

The conservative version of the "bad schools" theory requires one to believe a variety of bizarre assertions. First, this theory requires one to believe that even though urban teachers and administrators are selected by the same rules and take the same education courses as their suburban counterparts, urban teachers and administrators nevertheless perform badly (relative to their suburban peers) not just in Buffalo or Cleveland, but in every urban school district in America - an incredible coincidence if true. Similarly, this theory requires one to believe that by an even more unusual coincidence, the richest suburbs just happen to have the best teachers and administrators in every corner of America, even when they spend just as little as less affluent communities.

Second, the conservative "bad schools" theory requires one to overlook the fact that when urban schools in otherwise "bad" school districts can limit their student body to high achievers, they perform just as well as suburban schools - for example, Buffalo's City Honors is as prestigious as any suburban school. It follows that the only difference between urban schools and suburban schools is the aptitude of the students.

Third, the conservative "bad schools" theory requires one to believe that suburban schools, due to their superior teachers and administrators, could turn urban children into well-scrubbed geniuses if they were only given the chance. But even suburbanites do not believe this myth. Instead of admitting urban children in order to turn them into productive citizens, suburban school districts have done their best to lock out those children. For example, Cleveland's suburban public schools have excluded urban children by refusing to participate in Cleveland's small school voucher program, and some states have even created the crime of "enrollment fraud" in order to imprison and fine urban parents who seek to sneak their children into suburban schools. Why? In the words of Cynthia Tucker, the liberal editorial page editor of the Atlanta Constitution, "Very few upscale parents - black, white or Hispanic - warm to the idea of sending their children to school with poor underachievers." For example, in exurban Coweta County, Georgia, an attempt to merge a predominantly middle-class school with a predominantly poor one met with the following response from school board member Wade Corley: "Do we want to spread all the low-income children around the schools so we can achieve mediocrity?" Mr. Corley evidently believes that a school's "mediocrity" arises from the presence of "low-income children" and not from what is taught or who teaches it.

And the Wade Corleys of the world may be right. Harvard sociologist Christopher Jencks has concluded that "qualitative differences between high schools seem to explain about 2 percent of the variation in the students' educational achievement" and that "equalizing the quality of elementary schools would reduce [test score] inequality by 3 percent or less." This view is supported by the fact that low-income children achieve less than their more affluent peers even within the same school or school system. For example, P.S. 24 in Riverdale (an affluent "outer borough" New York City neighborhood) has a regular program for relatively gifted students and a "special" program for slower students. The "special" programs are

dominated by children who are poor enough to qualify for government free-lunch programs, while the regular program is dominated by students from middle-class households. The disproportionate presence of poor children among low achievers does not mean poor children are uneducable - but does mean that, in the absence of truly exceptional measures, the educational gap between rich and poor will not be completely eliminated.

Thus, it seems clear that there is little educational difference between "good" suburban schools and "bad" urban schools: rather, the difference is in the schools' student bodies. In other words, if the Buffalo and Clarence school districts retained their current school boards, teachers, and administrators, but switched students, parents would be fleeing Clarence for Buffalo, and would be complaining about the alleged idiocy of the Clarence school board.

Given that a school's academic reputation is nearly always dependent on its students' test scores (which in turn is partially dependent on the socioeconomic status of its students) what are the policy consequences of this fact? Two points come to mind:

1. To attract middle-class families back to cities, urban school districts will probably have to cater to suburbanites' desire for schools which, like City Honors, are dominated by high achievers. If an urban school district focuses on improving its allegedly "worst" schools it may at most narrow the gap between rich and poor - a worthwhile result, but not one that will bring the middle class back to those schools.

2. Suburban politicians should stop blaming cities' decline on their "bad schools", because the major reason cities have schools with bad reputations is that they have a disproportionate share of the region's poor - a fact which, in turn, is caused by factors largely beyond any urban politician's control (e.g. the city's disproportionate share of older housing and antiurban state and federal policies such as highway, sewer, and housing subsidies that favor migration to suburbia). In other words, there are no truly good or bad public schools: only good and bad students.

STICK IT ANYWHERE (6-26-98)

County Executive Gorski, Mayor Masiello, and most other local politicians and pundits seem to agree that Buffalo should and will have a new convention center - but cannot agree about its proper location. Mayor Masiello wants the building to be located just south of the Theater District, County Executive Gorski leans towards a waterfront site, and others have raised alternatives to both sites. Theater District partisans fear that if a convention center is placed on the waterfront, the waterfront will suck new businesses away from the Theater District, which in turn will revert to its former squalor. Some members of this faction also argue that a new site would expand the Theater District's renaissance south along Delaware Avenue. Says Mayor Masiello, "[a Delaware Avenue site would] link up with the existing cultural entertainment district . . . It also would create an opportunity to resurrect Delaware Avenue as the main street in Buffalo for retail." (Buffalo News, 6-14). Conversely, waterfront partisans see the convention center as the beginning of a waterfront renaissance. Members of every faction seem to believe that a convention center will spur development near the site of the center (and possibly harm other downtown areas).

But both the desires of conventioners and the experience of other cities suggests otherwise. Richard Geiger, president of the Buffalo Convention and Visitors Bureau, has

stated: "Groups would choose the Adam's Mark (hotel) over (a convention center) every time if they can just . . . meet, eat and sleep in one facility." (Buffalo News, 5-23). In other words, many conventioners don't want to run around Buffalo looking for a place to shop or eat; they just want to sit through their meetings, network with each other, and stay cooped up in their hotel for breakfast, lunch and dinner. If this is so, a convention center will not do anything for the surrounding blocks, because conventioners will avoid those blocks.

And experience from other big cities supports the view that convention centers do not help surrounding neighborhoods. For example, in Atlanta, the convention center is on the southwestern fringe of downtown, a lonely and scary area even by the low standards of downtown Atlanta. (In downtown Atlanta, as in the rest of the Atlanta area, north is the fashionable direction.) The area around the convention center has recently been spruced up a bit, but only because of an unrelated development - the growth of Ted Turner's media empire, which is headquartered nearby

Washington, D.C. has a convention center at the northeastern fringe of downtown. As in Atlanta, the blocks surrounding the convention center are more sluggish and rundown than those a few blocks away at the west end of downtown. In both cities, the convention center is less a gateway of fun than a line of death separating the drabber parts of downtown from the really nasty neighborhoods a few blocks away- kind of like the Greyhound bus station in Buffalo.

If Washington, Atlanta, and Mr. Geiger's opinions are any guide, the blocks surrounding our new convention center will probably be some of the duller blocks in Buffalo. So we should build it not where we want to develop a bustling new downtown, but where we can build an uninteresting place as cheaply as possible, with as little disruption as possible to the surrounding businesses.