



James Q. Wilson

Zero-Based Budgeting Comes to Washington

You remember ZBB—that government reform candidate Jimmy Carter promised. Here's how it will work.

Charles Pettypoint, the newly-installed efficiency expert in the White House, was eager to see at firsthand how Zero-Based Budgeting was working. He decided to drop in on an agency getting ready to use it, and selected the National Park Service in the Department of the Interior.

He arrived to find the entire senior staff of the Park Service seated around a big table. The Director seemed pleased to have so distinguished a visitor, and asked Mr. Pettypoint to explain ZBB to his aides.

"Well, the idea is to get the most out of the taxpayer's dollar by making sure that every cent we spend is justified."

Everybody around the table nodded. "Hear, hear," one said.

"What we do," Pettypoint continued, "is to assume that the agency—in this case, the Park Service—has no money at all and then..."

Murmurs of outraged disbelief erupted, but the Director silenced the room with a firm glare.

"As I was saying," Pettypoint went on, somewhat stiffly, "we then ask the Park Service to justify each dollar of its budget and every activity it carries out. You will have to show us how much of your product or service you can produce for a given amount of money."

Only after a pin dropped noisily to the floor did everyone realize how quiet the room had become. Two older Park officials had turned pale, and the hands of another began to shake uncontrollably.

"Justify *everything*?" the Director asked.

"Everything," Pettypoint replied.

"This year?"

"This year. In fact, within the next three months."

A long pause.

"Men," the Director finally said, "I think we ought to cooperate 100 percent with this splendid idea."

"Sir, you can't be serious..." An aide started to rise, but was waved back to his seat by the Director.

"Of course I am serious. Mr. Pettypoint is serious. The President of the United States is serious. We will all be serious."

"Here is what we will do," the Director continued. "Smith, you tell Senator Henry Jackson, the chairman of the Interior Committee, that we are considering what would happen if we closed all the national parks."

James Q. Wilson is Henry Lee Shattuck Professor of Government at Harvard. His most recent books are Political Organizations and Thinking about Crime.

"Even those in the state of Washington?" Smith asked incredulously.

"Especially those in Washington," the Director replied. "But stress to the Senator that it is just a mental experiment, a planning exercise. We probably won't *really* close any of the parks in his state."

Suddenly, a beatific expression of sudden enlightenment spread across Smith's face. "Gotcha, chief."

"Gorstwinkle, I want you to get right to work on making up a list of national parks in the order of their importance, so we will know which ones to leave open if we can't reopen all of them," the Director said.

Gorstwinkle started to giggle uncontrollably. "Right away. Of course, I won't be able to keep the list secret, chief. You know, Freedom of Information and all that..." He broke up in laughter.

"I understand," the Director replied, allowing a thin smile to crease his stern features. "Nothing's ever secret any more. I suppose the Sierra Club is bound to find out that we are thinking of closing Yellowstone."

"The Audubon Society will suspect that we might be cutting back on bird sanctuaries," someone remarked.

"Wait until the Daughters of the American Revolution finds out that we are..." the speaker gasped for breath, as he shook convulsively with laughter, "that we are analyzing whether it makes sense to leave Independence Hall open!"

Howls rang through the room. One man staggered to the drinking fountain, and another had to loosen his tie to avoid choking.

Pettypoint bristled. "You are not looking at this constructively."

"Oh, but we are, Mr. Pettypoint," the Director replied. "I firmly believe that, as a result of this ZBB exercise, the public will realize that we need more money for more parks."

"But that isn't the purpose," Pettypoint rejoined.

"Isn't it?" the Director asked innocently.

Smith, wiping his eyes, shouted: "Hey, Pettypoint, did you know that some of those women in the Garden Club can hit a moving White House staffer at twenty paces with a potted geranium?" He collapsed back in his chair, overcome with hilarity.

Crestfallen, Pettypoint said plaintively, "Well, maybe the Park Service is not the place to begin. I suppose ZBB would work best if applied to a program that didn't have this kind of organized public support."

The Director stared at him for a long moment.

"Name one."

□

Tom Bethell

Psycho Justice

Washington judges seem to have missed their true vocations as social workers or psychiatrists.

Not long after I arrived in Washington, D.C., about 18 months ago, I walked home at about eleven one evening, having refused the offer of a ride thoughtfully offered by my host, and I came across the *corpus delicti* of a recent crime: a body on the sidewalk covered by a sheet, police cars, whirling ambulance lights. Next day I read in the papers that the victim, who also had only recently arrived in the capital, and like me had been walking home alone, had been stabbed to death by an unknown assailant. I followed the case with a certain degree of fellow-feeling for the young man. A day or two later a suspect, Aubrey A. Dockery, 22, was charged with the crime.

Nothing much unusual so far, you must be thinking. Par for the urban course. But what happened next really did give me a jolt. After Dockery was arraigned and charged with first-degree murder, and his case set for trial a few months later, *the judge let the man back out on the street again*. I imagine the judge must have said something like: "We'll see you back here in February. Be good now." It turned out that Dockery had a prior conviction for possession of marijuana, that he had failed to show up in court once before, and that he had previously been arrested and charged with armed robbery, all unbeknownst to the judge. Following that, I began to accept rides home.

But the *Washington Post*, at least, was not particularly upset about the incident. "The desirability of jailing murder suspects is not so obvious as it might look at first glance," the paper editorially intoned a few days later. "The first and most important point [the editorial continued] is that Judge Newman and the prosecutor were both following the law, literally and explicitly." This added no further encouragement. What was this "law"?

It turned out to be a piece of lunacy passed in 1966 called the Bail Reform Act. At that time, as may be recalled, Original Sin was thought to have disappeared from the face of the earth, along with other superstitions. Only a wicked and corrupting society remained to be put to rights. The conventional wisdom more and more tended to conceive of crime as an inevitable (and deserved) reaction to the pricks and goads of society, which manifest themselves in such forms as racism, corporate greed, institutional authority, inadequate educational facilities, harsh toilet training, and premature weaning.

It is a relief to know that this wisdom is no longer quite so current, having been jeered at by a number of writers, including James Q. Wilson, a Harvard professor who, as M. Stanton Evans remarked recently, "obviously has tenure." But I am sorry to report that the Criminal-is-the-Victim view of justice still seems to hold sway with a number of judges in the nation's capital, some of whom appear to have missed their true vocations as social workers or psychiatrists when they were elevated to the bench.

Take the case of D.C. Superior Court Judge Sylvia Bacon. In 1973 she ordered that one Edward J. Holmes, a 17-year-old who had been convicted of various offenses including burglary and

auto theft, be released from custody so that he could go and live with his family in Maryland. "His institutional behavior was greatly improved," Judge Bacon later noted, and "it appeared that there were no further programs for him in the District of Columbia." She regarded Holmes as "immature and impulsive," with "sex identification problems and drug abuse problems." These were quite sinister euphemisms, as it turned out.

Upon his release, Holmes murdered an 11-year-old child, Peggy Schroeder, for which he was convicted, and after his conviction he confessed to having murdered two other children at about the same time—Stanford Kendricks, 9, and Joanie Bradley, 12. In his confession Holmes said he dragged the boy off to some woods and "burned" him. "I stacked paper all over his head and I burned it....I lost my temper....I started to strangle him. I picked up a big brick and I started to beat him with it."

As for Joanie Bradley, Holmes told police he dragged her off to the woods, too, had sexual relations with her, and then "I tied her hands to the back with a sock. I think they were red socks, like knee socks." Then he hit her with a "white concrete brick, a big chunk, it was white and had blood on it. I hit her lots of times." Holmes said he did it because "something came over me."

When this confession surfaced at a pretrial hearing, Judge Bacon immediately got on the case. She refused to admit the confession into evidence, and said she would deny its admissibility into any trial, because it was "the product of a culmination of unlawful and coercive police activity." Holmes just wasn't sane enough to know what it meant to waive his constitutional right to remain silent, Bacon argued on behalf of the murderer. "Psychological testing" had persuaded her that "his reading level is sixth grade," his mathematics only second grade, and (a real Catch-22 here) Holmes' "entire experience had been in the juvenile system, which did not acquaint him with the consequences of criminal behavior." (Holmes was 19 when he committed the murders.)

And what was even worse, Judge Bacon felt, Holmes "was intensively interrogated for some four hours in the middle of the night after being whisked from a bus stop in the District of Columbia to a Maryland police facility," that is, he was improperly extradited.

So Holmes, who drags young innocents into the woods and beats their brains out, is in turn *whisked from a bus stop* and very properly interrogated by police, as a result of which society in turn is to be penalized by the denial of Holmes' confession. The *police*, it turns out, are accused of unlawful and coercive activity, not Holmes. In short, the law has been stood on its head by the social worker judge.

What strikes me as being so appalling about this case, when looked at from the point of view of plain decency and common sense, rather than from the point of view of those who are pleased to call themselves civil libertarians, is that the judge seems to construe her role not as meting out justice to criminals but as meting out retribution to society. Let me briefly review the technique employed by Judge Bacon, because it is quite common among judges today.

Tom Bethell is a Washington editor of Harper's and a contributing editor of the Washington Monthly.