



# Buying Into Beverly Hills

*Saturday*

**A**n unusual day. I am up early to go down to CBS Television City to be a guest star, hee-hee, on the new "Hollywood Squares," starring Whoopi Goldberg and Tom Bergeron. It's a funny show, and it's supposed to be a big celebrity thing, so I am very happy and flattered to do it. I have a really nice dressing room. Its only problem is that the couch has been sprayed with some evil fabric stain repellent. I am wildly allergic to all such chemicals and start to hyperventilate when I get near them. Luckily, there was a blanket in the closet that I could use as a shield. I know people scoff at claims of allergies to chemicals. But I assure you they are deadly serious and real.

At makeup and hair, we were all talking about the Starr Report. It was really interesting how reaction to it fell out. By and large, men were amazed and disturbed. Women took it far more casually. Black women took it the most casually of all. Whoopi in particular was eagerly defending Bill Clinton.

"Why, Whoopi?" I asked her. "What do you see in him?"

"He's a friend to black folk," she said, or words to that effect.

"How?" I asked. "In what possible way?"

"Well, he's been good to us welfare mothers," she said with a cheerful smile.

"You think of yourself as a welfare mother?" I asked in amazement.

"Not entirely," she said, "but I still know a lot of them. Clinton made their lives a lot easier."

BENJAMIN J. STEIN is a writer, actor, economist, and lawyer living in Hollywood and Malibu.

"Maybe Whoopi likes him because he liked her," said one of the other guests with a clever wink.

"You're not that far off," Whoopi said with another clever wink. But, then, Whoopi is such a joker.

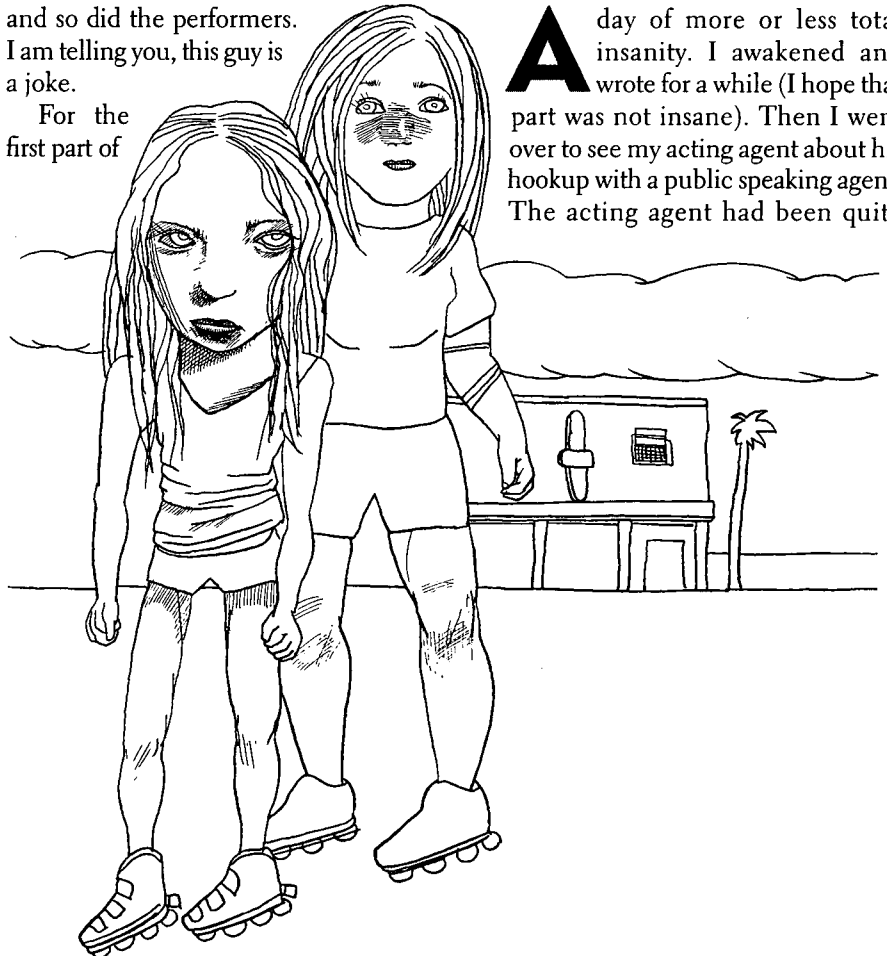
The show turned out really great. I got in a good lick when a question was asked about "What is an astronomical unit?" The idea is to make up a gag answer and then to tell the real answer. My gag answer was, "An astronomical unit is the number of lies Bill Clinton tells in a week." The audience loved it, and so did the performers. I am telling you, this guy is a joke.

For the first part of

the show, I sat next to Al Roker, the weather man for the "Today" show. He's truly funny and amazingly quick. I am sort of amazed that anyone could be that quick. He's wasted doing the weather. He could do much more. In fact, he used to do a quite good game show at MSNBC. Thank heavens, their show was canceled. On the other hand, this show, this wickedly clever "Hollywood Squares," is on right opposite "Wired Ben Stein's Money." Not good at all, except WBSM is a hell of a lot funnier.

*Thursday*

**A** day of more or less total insanity. I awakened and wrote for a while (I hope that part was not insane). Then I went over to see my acting agent about his hookup with a public speaking agent. The acting agent had been quite



verweight, but had lost a ton of weight. That part also was not insane and in fact quite encouraging.

I like my acting agent, and I want him to be healthy.

Then, a short hike to a totally grungy building where the public speaking agent hangs out. It was a dismal suite with ancient shag carpeting, pitiful fiberboard partition walls, tiny, undersized furniture, and a bedraggled look.

"So, what kind of a show do you want to do?" asked the public speaking agent.

"I don't do a show," I said. "I give talks about family values and appreciating your family and your life. It's not a show."

As if he had not heard me, the agent said he had a revue going in Lake Tahoe featuring tap dancing girls. Was there anything I could do to join in with that revue? Any kind of visuals?

"No," I said again. "I give the occasional speech. No revues. No shows."

"How about speaking to Intel?" asked his colleague, a lovely young woman. Would that be all right?"

"Yes, that would be fine," I said. Yeah, right.

I left that interview feeling old, beaten, broke, and pathetic. One picks up the aura of the people one is with.

Then, a chance meeting with the busty and beautiful but decidedly wacky Dotty. She wanted to know if she could move in with me. "My landlord is tossing me out," she said. "He's selling my unit. Can come live with you?"

"With my wife and my son and me?" "Right."

"I don't think so," I said.

"Why not?"

I told you it was an insane day.

Thursday

Here I am racing along the road from Dulles Airport to Washington, D.C. in my rented Buick Park Avenue. What a great, super car. Heavy. Luxurious. Smooth. Powerful. Great stereo. Great air conditioning. This is a Buick that rides like the great Buick Roadmasters of old. A Buick's Buick. Far more comfortable than a Lexus. I like it.

My father was waiting for me, watching TV. Wow, does he love TV. Basketball, baseball, football, detective shows, mys-

teries, opera, ballet, anything but talk shows. That TV and a chair are the only furniture he needs. Plus, he seems to read about two books each day and write an article. How on earth does he do it?

Speaking of TV, maybe it's time for a book about the good things that TV has done for America. I start with its dilutive political effect. For example, Bill Clinton is a pure demagogue, although a good president on economic issues, largely because he turns them over to people who understand them. (No, this does not mean I am about to follow David Brock in any way.) But no one thinks of him as a spellbinder and there is no possibility that in any large way he could supersede the Constitution. There just is not much excitement about him one way or the other. That's because we know him from TV.

In TV land, America, when we see something that's interesting on TV, we watch it for a moment, then get up for a beer or potato chips, and then switch to the sexy exercise gals on ESPN. In many little families, no enthusiasm or fervor can be whipped up for anything.

Nothing takes much hold except very slowly in America, and that's thanks to TV and the way it reaches us in small groups split up from each other.

I got this notion from my smart father, and it makes a lot of sense.

Another good thing about TV is that it endlessly preaches tolerance. There is no such item in TV land as a racist show—except for racist depictions of black people often by black people. But these are shows where the black people talk loud, mock each other, act like KKK parodies of black people, by black people. It's not allowed on TV for a white person to mock a black, and Jews are only mocked by themselves also. In TV land, unlike in real life, blacks and whites hang out together, drink beer together, socialize together. This is a template for a future, more mixed society, if people choose to have it.

On TV, no one ever hurts his kids, at least not for long. All family problems are solved out of love. No one beats a kid into submission and gets away with it. (Although come to think of it...awww, never mind.) Husbands and

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wives may bicker but they always kiss and make up.

On TV, there is a lot of crime, but it's always labeled as crime, and no one praises it as bold new initiatives in finance, the way some people praise financial shysters.

Plus, and here is probably the best thing about TV, TV elevates consumerism to a religion. That's a good thing. There is probably nothing less harmful in life than getting and spending. A smart philosopher once said that no activity was more harmless than making money. (Was it Samuel Johnson?) On TV, with its endless selling, Americans are diverted from more harmful pursuits into making money.

And then there is all that gasoline that's saved as families and individuals stay home with their shows rather than go to the movies.

The only really bad part is that network TV has reached an all-time low of idiocy. But what the heck? We have cable now, and shows for almost every taste.

Anyway, my Pa was happy to see me and we talked for a long time about age and the stock market and love and loss. Then to bed at the River Inn, my Washington terrarium. The staff all know me here, and it is a great thing to have friends when you travel.

#### *Sunday*

**B**runch at the Cosmos Club in Washington, D.C. with my father and his pals Stanley and Rhoda Fischer. Stanley is a 54-year-old economist who is deputy head of the International Monetary Fund. His wife is a high official at George Washington University. She's very pretty. He has responsibility for bailing out all of the poor countries whose currencies are such a mess. Since the advent of floating rates, the IMF's mission has gotten somewhat cloudy. But I am not really an expert in this area, so I'll just say something about Stanley and Rhoda.

Here they are, in positions of incredibly crucial authority. Stanley has a big hunk of all the responsibility in the whole world on his shoulders. But is he the son of an Earl? Perhaps the scion of a powerful New York banking family? No. He,

“

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broke, and pathetic. One  
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people one is with.*

”

like Rhoda, grew up in what was then Northern Rhodesia. Stanley's family was in a tiny little town whose name I cannot even pronounce. His father had emigrated from Latvia or maybe it was Lithuania, to be a small shopkeeper in this little town. His father then became mayor of that small town, surely a stunning comment on his abilities and self-confidence. (His uncle became mayor of Salisbury or maybe it was Bulawayo. Some much bigger town. Obviously, self-confidence runs in the family.)

Stanley's town was so remote that it was three days' train ride from Capetown even in the 1950's.

How did he get to the mighty post he now holds? By being a great student in high school, and then a great student at M.I.T. He is immensely self-effacing and never brags at all. But what a mind he must have and what self-discipline. I am totally impressed by this man.

After lunch, a trip to my mother's grave. Those are sad trips. I am telling you: appreciate your parents when they're still here. Make the most of your time with them. It's serious. When they're gone, there is no replacement.

#### *Tuesday*

**T**oday I'm heading back to L.A. My father and I had a dismayingly poor lunch at the Watergate Hotel, and then made turkey hot dogs in his apartment. Then I bid him a sad good-bye. He stood out on the corner of Virginia Avenue and New Hampshire in front of the Watergate and watched me drive away. I hate seeing my father recede in the rear-view mirror.

“Too much saying ‘good-bye,’” my mother used to say.

My flight to LAX was crowded indeed considering that it is the first night of Yom Kippur. I have gotten to the point where I recognize quite a few of my fellow frequent-flying passengers in the cabin, and that's nice. But what was not nice was that the man in front of me leaned his seat back so far that his head was literally in my lap as if he were my dog and I were looking for fleas. I complained and he moved. But who designed the seats that way?

I watched an amazingly pointless movie called *The Truman Show*. Jim Carrey, who was so great in *Ace Ventura* is totally wasted here. I guess the movie is supposed to be about paranoia, and how paranoia is often justified. Or maybe it's about how we all live in a world of totally manufactured reality. I imagine the Holocaust deniers would love *The Truman Show*. It's a sort of blue skies, chirping birds version of their theories about history.

Speaking of which, I am reading an amazingly fine book called *The Reason Why*, by Cecil Woodham Smith, about the causes of the catastrophic Charge of the Light Brigade in the Crimea. The story of the aristocrats' contempt for just basic good sense is terrifying. A large part covers the Irish Famine of the 1840's, because one of the architects of the charge was lord of huge estates in County Mayo. Sad, sad, heartbreakingly sad.

I am not even up to the Crimean War yet, but a great work of history is a great work indeed. Now that the stock market is carrying off all of my hopes for a lavish life, I will spend my declining years reading instead of playing polo or racing my yachts.

Off I drifted to dreamland, listening to the Eagles on my headphones when I was awakened by a loud sound of some fool shuffling cards. It was really, really loud. Plus, it went on and on and on. As if someone were shuffling hundreds of cards. Then the vile sound of cards being slapped into a neat pile. Where the hell is this coming from? I ventured forth in the premium cabin to find the evil-doers.

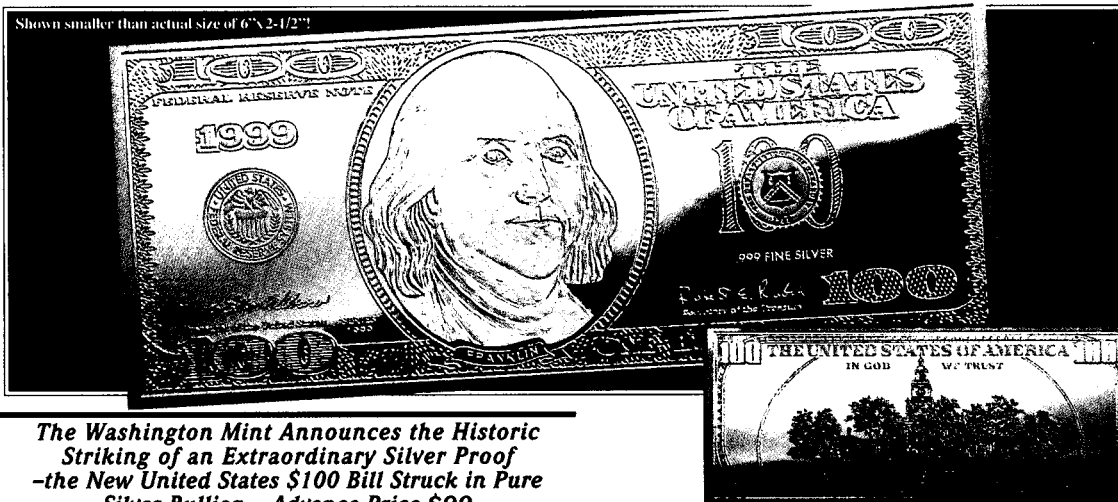
The culprits were the usual suspects: namely, the stewardesses clustered in the kitchen. Six of them. Gathered around one plump flight attendant who was shuf-



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fling a huge deck of cards, a super megadeck from hell.

"What on earth is this?" I asked. "What are you doing?"

"We're playing cards," she said warily.

"Surely you are not supposed to be playing cards," I said. "Plus, the noise is driving me insane. Anyway, what kind of game uses so many cards?"

"The game is called Misery," the plump one said, unsmilingly.

"Well, it's time to stop waking me up," I said. "If you have to play, do it quietly, please."

The stewardesses all looked at me with surly anger. They mumbled about how they were sorry, but they did not seem at all sorry. In fact they looked as if they were going to poison me.

Where on earth do employees get the idea that their job is their playtime? That the people who pay their salaries are hindrances and bothers? There is a lot written about the rights of employees, and that's fine. But what about the duties of employees?

“

*'I want Dana to take me to soccer,' he said.*

*'Daddy is too crabby and too controlling.'*

”

Anyway, when I got off the plane, what should I hear on the car radio but another stock market crash. How maddening. I was rich two months ago, and now what am I but another derelict loser? I felt dizzy with fatigue and loss as I rode home. Loser, loser, loser, said my mind, my committee, my internal Vishinsky.

Ah, when I arrived home and opened the door there was my bleached-blond salvation, Tommy Stein, smiling like a

jack-o'-lantern, grinning madly, smiling like his face would split, and when he saw me he screamed, "DADDY!"

*Wednesday*

**Y**om Kippur. Four in the afternoon I am fasting. I am hungry. I am on my way to Yizkor services at our Temple, where the faithful pray for our departed dear ones. I miss my mother so fiercely that I talk to her all the time anyway, but here I am en route to pray with my fellow Jews.

It was a mob scene. I parked about a mile away and strolled to the synagogue on a leafy residential part of Hollywood Boulevard. It was a swirling cauldron of praying, worried-looking fellow Jews. The first man I recognized was Marty Kaplan, former Mondale speechwriter, Hollywood screenwriter, and now high-level academic at USC. He greeted me affably. Then I ran into a psycho whom I will call "Harry." In his insinuating hostile way, he started to ask me about Judge Starr and call him a bad guy. Harry always stands way too close to me and leans into me, and it makes me insane. "I am not here to debate about Clinton," I said, "but Starr is my hero and that's an end to it."

Then, another problem. No prayer books. They ran out. Not good. I am a substantial donor to the temple. How come I don't get a book? Probably too many people like me walk off with them.

I walked around the lobby looking for a prayer book. Aha! There's one on a radiator. I walked over and a woman with a thick Russian accent held out her hand and said, "Stop. That belongs to her!" She pointed at a large black, yes, black woman who strolled over and said, "Hey, sugar, no problem. I'll share it with you."

No, thanks. It's a time to have some solitude amidst the crowd. But I appreciated her offer.

I went to my lonely seat high in the balcony. Ooops. Behind me is a family of two parents and about six kids. Again, it's Yom Kippur. A fasting day. The parents of this family are feeding the kids Fritos in the sanctuary. Yes! On Yom Kippur. The noise of the cellophane and the smell and the chomping are driving me batty.

Then person after person passes by and

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ust blithely talks to whoever is nearby while the rabbi is giving a very fine sermon about being with the people we love.

Then some male jerk with dreadlocks down to his knees passed in front of me and everyone nearby began to talk about him. Then the little kids started jumping in my row of seats, jolting me every time he began to pray. I can't take it. I want to think about God and my Mom, not about kids eating Fritos.

I walked the very long way uphill back to my car. At home, I took out an ancient prayer book for the Day of Atonement. Leather bound. Given to me by my long-departed Uncle Hy. I prayed for forgiveness for sins of obduracy, pride, greed, stiff-neckedness, lust, lechery, adultery, meanness of spirit, harsh words, and hundreds more over and over again. Then, I said the Kaddish for my Mom, and then it was time to eat. I pray more or less nonstop, so this day was about not eating, and I guess that's a sort of prayer, but now it's over.

Tommy, Alex, and I went to Morton's and ate a quiet meal in the quiet room. Tommy was being very, very cute. "I want to have Dana take me to soccer," he said, because Daddy is too crabby and too controlling."

He thinks I am controlling! Me, the world's biggest patsy for his scams and schemes??? Wow, is he in for some shocks. I can't wait to see who he marries.

"I don't want to wear glasses any longer," he said. "They make me look nerdy."

"Too bad," I said. "The doctor says you have to wear them."

"But they make me look like a nerd," he repeated.

"Tommy, as you can clearly see, both Mommy and Daddy wear glasses," I said blithely.

"I rest my case," says little Blackstone.

After dinner, he made me a paper Napoleon hat. Then he made one for theitty, Peabo, and then back to sleep. Only I could not sleep because I am thinking of the stock market and the big new house we are buying, and I am scared.

Money has always been a frightening subject for me. It has a particularly dense gravity in my life. My grandparents were terrified about money. My mother was terrified about money. I have always been

terrified about money, but I fight against it and try to act as if spending it or losing it did not bother me. In fact, the whole subject can electrify me with fear, even over small things like a dinner tab.

While the stock market was racing upward, shooting off great showers of paper profits, I had a unique, once-in-a-lifetime feeling of safety and security. Now, that's ancient history. Those great days of wondering what kind of speakers to buy for my stereo, what new kind of disc player I should have, whether I felt like getting a new boat—those blithe and silly concerns were my day. I felt as if I had zero weight. I could do anything. I could fly, all thanks to the ever charging market, a miraculous deity that said I was rich when I should have known it was teasing me.

Now, it's wake-up time. I feel sick every day when I read the reports on AOL about the market. My losses have reached staggering levels.

And, again, my wife and I are buying a house next week. A "grown-up house," as my wife calls it. A house in a neighborhood of all rich people except for us. It's scaring me so much I can hardly think straight.

A house is a big responsibility. "Oh, you can't lose money on a house in Beverly Hills," say my friends. "Oh, we deserve it," says my wife.

Maybe so, but then why am I so scared? When I drive by a lowly apartment house, I imagine myself living there in poverty because we lost all of our savings on that house in Beverly Hills. I can already see the sheriff posting the foreclosure notice on the door. I can see our little family living in a trailer out by the Salton Sea with a lifetime of work sunk into that house in the flats of Beverly Hills. I am telling you, it's terrifying. A big mortgage is stone solid terror. My shrink pal Gartho often tells me that a big mortgage is one of the number one stressors in life. He should certainly know: he has a multi-million dollar house in Palm Beach, another one in St. John's Wood, and a lush condo in Manhattan.

Long ago, my old girlfriend Pat talked me into buying a house in Wesley Heights in Washington. I was terrified about it all the time. Come to think of it, in a way that house is like the one we're

about to buy: the cheapest house in a very snooty neighborhood. The only difference is that this latest house costs about thirty times what the one in Wesley Heights cost, and I assure you I do not make anywhere near thirty times as much as I did then. I used to sit at my little desk at the Old Executive Office Building going over and over whether I could afford the mortgage. Then, right after I bought it, my boss lost his job and so did I. I sold it at a slight gain a couple of years later. Recently, it sold for seven times what I paid for it. There is a lesson there. But what is it?

Thursday

**F**ear. Terror. Waking me up. Fear to turn on CNBC and see the stock market prices. Fear to look at the escrow papers. Should I take a pill? Take a sip of cough syrup? Or, should I pray?

I decided to read my books on serenity:

- "It does not matter if our backs are against the wall. God is our wall."
- "If you truly surrender to God the results of every action, you can live in peace."
- "You cannot be a loser or someone who does not count, because to God, you count, and that's the only counting that matters."
- "My only job today is to do what's in front of me, trust God, not hurt anyone including myself, and go on."
- "Relax. God is in charge."
- "If my relationship with God is right, nothing else in my life is of great consequence."
- "Just for today, I will take a vacation from fear."

These words and these thoughts, little by little, offer peace. I watched the morning news, and then in a serenity frame of mind, I wrote this letter:

Honorable Bill C.  
The White House  
Washington, D.C.

Dear Bill C.,

I notice that you have apparently become a member of a 12-step group since your recent problems with the law. You have talked about "turning



[your] problem over to God," about "surrendering [your fate]" so that it's "out of [your] hands," and you even made a small gesture of making amends to Monica L., which is also a part of the 12-step program.

Frankly, from the first minute you appeared on the national scene, you had a lot of the Program about you, talking about being the victim all of the

time, sharing your feelings, biting your lip in pain and self-chastisement. That whopper you told about standing up to your alcoholic stepfather and threatening to hit him if he abused your mother when you were 15 is straight out of a dozen "pitches" I have heard in church basements.

In fact, I went for years to a meeting in Malibu, where I suspect you will soon

live, and maybe I'll see you making the coffee or stacking the chairs at the meeting very soon, and don't forget we are self-sufficient through our own contributions so don't expect anyone else to throw in that dollar for you.

Now, Bill, step four requires you to take your own moral inventory of your own shortcomings, and I would not dream of taking your inventory. I have plenty of my own problems, or issues, as we say here. But I think you might be a little bit unfamiliar yet with how the Program works.

For example, when we admit we are powerless over our problem, whether it is alcohol, or drugs, or sex (and I am not laughing at you—I've been there) or dishonesty (a literal addiction to lying), soon thereafter we are supposed to make a list of all people we have harmed (step 8), become willing to make amends to all of them (also step 8), and then to make amends to them all, directly wherever possible (step 9).

Now, Bill, admitting you did wrong but then having your army of goons start an unprecedented smear campaign against the man who brought you to your knees before God is not usually thought of as asking forgiveness and making amends. When we are caught driving drunk and ordered to these program rooms by the judge, we don't come here and act holy—and then put our friends on TV saying the judge is a repressed sex criminal and a danger to the state. The Program only works if you really do show evidence of making amends—and crucifying the people who pointed out that you were powerless over lying or sex is not a form of making amends. For a member of the Program to ask his friends to deny in the well of Congress that he in fact had a problem while he is also turning over his powerlessness before that problem to God is not consistent with Step 6: becoming entirely ready to have God remove our shortcomings.

Bill, there's a saying in the Program. If we don't get to our knees, we're going to be knocked to our knees by our addiction. You have been knocked to your knees, all right, but you are not staying on your knees. You're trying to stand up and lash the people who busted you into submission.

Bill, the Program is about humility, surrender, service, prayer, and making amends. You can't have it both ways. You

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can't proclaim a life of humility—and then use the power of your position to elevate yourself to moral superiority over those who caught you. Otherwise you are not admitting your powerlessness, not admitting your faults, not making amends, and in fact are still “out there” doing what got you here in the first place.

The Program has power, Bill. It can make you well and give you peace. But you have to Walk the Walk, not just Talk the Talk. Call off your attack dogs, Bill. Apologize to Judge Starr for what you and Mr. Carville have called him. Make a full confession, if only to your sponsor, and make it right to the real people you have harmed—the whole American nation, by lying and soiling your office—by leaving the office for which you are clearly incapacitated. Come to meetings twice a day. Your life will be better than you ever dreamed possible. You will trudge the road of happy destiny with people a lot like you who really did surrender, really did make amends, and really did become healed, day by day, dependent on a temporary reprieve from God.

Try it, Bill. It works if you work it.

*Monday*

I got a call from a British friend today. “Is this going to be the same as Watergate?” he asked.

“Yes, it will be exactly the same as Watergate. In Watergate, the media establishment kicked out the guy they didn't like and spit in the face of the law. In Clintonism, the media establishment will keep in power the guy they like and will spit in the face of the law. Both will be examples of the amazing power of an inelected media elite.”

He's a kindly English guy, so he agreed.

Then a call from my pal John. “Have you seen Perot on TV saying Clinton is a drug user and it's fried his brain and left him insane? What do you think?”

“It's possible,” I said. “After all, he resists shame, resists normal human responses, so maybe he's drugged on powerful anti-depressants or amphetamines. The people I know who are truly unable to respond to normal moral constraints are often on drugs.”

But when I told this hypothesis to my wife, she made a brilliant observation. “He's too crazy,” she said. “It goes beyond drugs.” ❁

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## 100 Years of Zionism and 50 Years of Israel What Can the World Learn from It?

In 1894, Theodor Herzl, an Austrian Jewish journalist, was assigned to cover the Dreyfus trial in France. Seeing this Jewish officer being railroaded to a life sentence led him to the recognition that life for Jews in Europe was untenable and that the solution of the “Jewish problem” lay in the establishment of a Jewish state.

### What are the facts?

**The Birth of a Dream.** The return to Zion had for 2,000 years been the dream of Europe's dispersed Jews. “Next year in Jerusalem” had always been the watchword. But nothing was done to bring this dream to reality. Theodor Herzl organized the first Zionist Congress in Basel (Switzerland) in 1897 and political Zionism was born.

The concept of creating a new nation in what was then a sparsely-settled country was something never before attempted in the history of mankind. But Herzl's vision fired up world Jewry and especially the Jews of eastern Europe, who were despairing under the yoke of Russian oppression. Energized by Zionist aspirations, British Foreign Secretary Lord Balfour issued his famous Declaration in 1917, by which Palestine was established

as a national home for the Jewish people. In 1922, the League of Nations entrusted Britain

with the Mandate for Palestine. Regrettably, Britain decided that the requirements for setting up a Jewish national home would not apply east of the Jordan River. That area constituted three-fourths of the territory of the Mandate. Only one-quarter of Palestine remained to fulfill the Jewish dream.

**A Nation is Born and Succeeds.** The modern state of Israel was founded in May 1948—fifty years after Herzl formulated the concept. Immediately the country was invaded by five Arab armies. With a total Jewish population of only about 650,000, and with limited armaments and resources, the ragtag army of Israel defeated the combined might of the aggressors and established itself firmly within its boundaries. Jordan stayed in possession of Judea/Samaria (now

known as the “West Bank”) and the eastern part of Jerusalem. Egypt occupied the Gaza Strip. The price was very high. In this bloodiest of wars imposed on Israel, over 6,000 citizen-soldiers died—over 1% of the population. In the Six-Day War of 1967, Israel once again prevailed; it repossessed Judea/Samaria, the eastern part of Jerusalem, and conquered the vast Sinai Peninsula and the Golan Heights. And once more, in 1973, the Arabs tried to destroy Israel in the Yom Kippur War. Once more, they suffered defeat.

Despite being under constant attack and siege and having suffered over 20,000 dead in those defensive wars, Israel created social and political systems and an economy that continues to amaze experts worldwide. Israel is the only truly democratic country in the entire Middle East,

“One would think that emerging nations would wish to learn from Israel's example.

But the opposite is the case.”

with governmental structure and institutions comparable to those of the United States.

Its economy—despite the enormous defense expenditures mandated by the aggressiveness of its neighbors and despite the effort and expense of having absorbed more than 2.5 million immigrants (four times the population at the creation of the state)—can only be described as a miracle of human accomplishment. Virtually the entire infrastructure had to be built from a minimal base. Today, Israel's economy is booming. It is a leader in high-tech technology; it has created one of the most advanced agricultural systems in the world; it is one of world leaders in economic growth rate; it has one of the highest per-capita incomes in the world; and it is the world leader in exports per capita.

We have in this century seen the demise of many “isms”, the most prominent failures being those of Communism and Nazism. But Zionism has flourished to an extent that the visionary Theodor Herzl could not have possibly imagined 100 years ago. One would think that the emerging nations would wish to learn from Israel's example. But the opposite is the case. Goaded by the Arab nations, inalterably hostile to Israel, the United Nations has offered more than 100 resolutions condemning Israel's actions.

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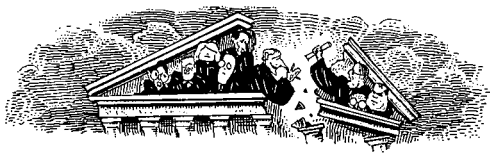
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by Jeremy Rabkin

# Let Us Study (and Pray)

**State aid to religious schools is receiving a real hearing.**

Lawyers are fond of Oliver Wendell Holmes's maxim that "hard cases make bad law." If the converse is true, and easy cases make good law, then *Columbia Union College v. Clarke* should lead to a good turn in constitutional interpretation. Now before the Fourth Circuit Court of Appeals, the case could be a blockbuster if it gets to the Supreme Court next year. At its heart is the question of whether the First Amendment's guarantees of Freedom of Speech and Free Exercise of Religion are superseded by the restrictions imputed to the amendment's prohibition of religious Establishment. A sensible decision would allow more state assistance to private schools that happen to be religious. But when it comes to the Establishment clause, nothing is certain.

Columbia Union College, located in Takoma Park, Maryland, is affiliated with the Seventh-day Adventist Church. In 1990 it applied for funds under a Maryland state program providing grants to institutions of higher education. CUC is a fully accredited educational institution, offering degrees in a variety of academic and vocational programs, from computer science to nursing. Yet Maryland authorities refused to make any grant to CUC, on the ground that the institution, for all the training in secular subjects it offered, was still "pervasively sectarian"—that is, too religious. A renewed application by CUC was denied by the Maryland Higher Education Commission in 1997 and the present litigation commenced soon after.

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Among the ironies of the case is that the grant program under which CUC sought funding is named for a Catholic priest, Father Joseph Sellinger. Maryland, a state which was founded by Catholics and still has a sizable Catholic population, has no problem with using taxpayer money to assist Catholic colleges. And when critics brought a legal challenge, even the Supreme Court (in *Roemer v. Evans*, 1976) held that Maryland's "Father Sellinger Program" did not transgress the Court's prior rulings against government aid to religion.

So the legal question in CUC is straightforward. Can the government have one policy for Catholic schools and another for Adventist schools? Can the government favor a sect which happens to be numerous and well-respected, while giving the back of its hand to a less popular one? The Free Speech and Free Exercise clauses of the First Amendment have long been interpreted as prohibiting government restrictions or burdens—or denials of benefits—that turn on nothing more than a discriminatory distinction between one religious teaching and another.

Of course, Maryland did not quite assert a right to discriminate. And the federal district court in Maryland, which upheld the state's decision in a ruling last year, was not brazen enough to say that it simply preferred Catholics to Adventists. The state commission insisted that CUC was more "pervasively sectarian" than its Catholic rivals, and the court agreed that giving aid to such an institution would constitute aid to religion, as prohibited by the Establishment clause of the First Amendment.

CUC's appeal makes it hard to sustain Maryland's distinctions. For example, it is

true that more than three-fourths of the students in CUC's day program are Adventists, but similar proportions obtain at Catholic colleges in the state. Counting students in night school, the majority of those receiving CUC degrees are not Adventists. CUC's board of trustees is indeed dominated by Adventists, but at Mount Saint Mary's College in Emmitsburg, the Archbishop of Baltimore is an automatic trustee, and under the College's own rules, at least one-fourth of his fellow trustees must be ordained priests. At Baltimore's College of Notre Dame, one-third of the trustees must be nuns. At Loyola College, also in Baltimore, the president of the college must be a Jesuit and the Board of Trustees is required to "maintain a suitable proportion of Jesuit representation." All of these Catholic institutions receive state aid.

In fact, all the religious schools funded under the Father Sellinger program are Catholic. Maryland maintains that these institutions will restrict state grants to secular uses. But in the view of the state funding commission and the district court, CUC cannot be trusted to keep religion out of the programs (in mathematics, clinical laboratory science, and nursing) for which it requested state grants, since "the college is inherently incapable of separating these programs from religious activity." Yet Maryland found no difficulty accepting the secular bona fides of Mount St. Mary's, which directs its faculty, in their research and teaching, to "follow the normal canons of scholarship...and the Mission of Mount Saint Mary's College." The college's mission statement proclaims that the college "affirms the values and beliefs central to the Catholic vision of the person and society" and its promotional materials promise students that "we combine 'Catholic' with 'liberal arts.'"