

The bad news is most movie and theater types subscribe to all the usual left-wing pieties; the good news is they're not very good at selling them. As in *Cabaret*, their sense of showmanship gets the better of them. That's probably the way it ought to be. In *Pleasantville*, for example, the 90's high-school tramp starts deflowering the clean-cut back-porch white-bread sexless types and, suddenly, they begin turning from black-and-white to full color. Naturally, the bigots in the town start devising "NO COLOREDS" regulations. That's a good joke to come up with, and no professional writer should throw it away because of politics. Besides, it makes the point that there were those excluded from the small-town TV utopias. But interestingly, for all *Pleasantville*

preaches the virtues of self-liberation from picket-fence coziness, it's the opening scenes, set in the here and now, that have the most impact—the teacher reporting the HIV statistics; the divorced couple, neither of whom want the kid for the weekend; the sheer ugliness of a world that's elevated self-gratification above all else. *Those* suburbs are the ones where life is truly barren.

But that's not the way Hollywood sees it. So this year they'll be honoring a film whose view of American life is supposed to be sharp and acerbic, but instead patronizes its characters (a cardinal sin) and is mainly a compendium of clichés from a thousand other films. It's narrated by a corpse—like William Holden in *Sunset Boulevard*. The guy salivates over a nymphet—like James

Mason in *Lolita*. There's a bit of *Sex, Lies and Videotape*, a soupçon of *Reflections in a Golden Eye*. At this year's ceremony, *American Beauty* could be the first Oscar-winner that's indistinguishable from the montage salute to Hollywood greats. When Dmitri Tiomkin won an Oscar for the score to *The High and The Mighty* in 1954, he said, "I would like to thank my colleagues Brahms, Bach, Beethoven...." On Oscar night, Sam Mendes should thank his (uncredited) colleagues Billy Wilder, Stanley Kubrick, Steven Soderbergh.... But the 50's are such a soft target that hot new directors can launch an Oscar-winning career just by saying the same things everyone's said a thousand times. Sort of makes "Ozzie and Harriet" look adventurous by comparison. ❧



PRESS WATCH

by John Corry

One Big Media

Cross-pollination generates the buzz you hear.

In retrospect, it almost seems quaint. The best minds in the media, not to mention the United States Senate, once worried that Rupert Murdoch might own both a newspaper and a television station in Boston. They said they wanted a hundred flowers to bloom, but that if Channel 25 and the *Boston Herald* both became Murdoch properties, diversity of opinion would be stifled in the Commonwealth of Massachusetts. Apparently Channel 25 and the *Herald* would share the same viewpoint—Murdoch's conservative viewpoint, that is—

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and when they reported the news it would show. The best minds said that would never do. Ted Kennedy was particularly upset. The cross-pollination of print and television was unacceptable, and the Senate told Murdoch that if he wanted to buy Channel 25, he would have to get rid of the *Herald*. More or less Murdoch did—he sold it to an associate—and if this did not please everyone, at least it affirmed a principle: Newspapers and television stations were not to speak in the same voices, much less with the same personnel.

But that was way back in the grim 1980's; the Reagan oppression was under way, and the best minds had to stand

guard. However, they can relax in a time such as ours, and cross-pollination is now an approved practice for our big news organizations. Its roots may be found in the joint polling operations conducted by newspapers and television networks. The *New York Times* began to poll with CBS, and the *Washington Post* with ABC, and soon one thing led to another. First the *Wall Street Journal* and CNBC struck up a modest, and relatively benign, alliance. *Journal* reporters would turn up on the cable network during daytime hours, and talk about mergers, acquisitions, and other business matters. Subsequently the *Times* and MSNBC made an arrangement. An MSNBC anchor would speak respectfully about a *Times* story, and then the reporter who wrote the story would appear on the all-news cable network, and talk about it. The *Times*-MSNBC connection did not

last very long, although it made clear what lay ahead: the increasing homogenization of news, and the trend toward more celebrity reporters. The story-teller was becoming as important as the story, and the *Times*, which once discouraged reporters from going on television, was now paying them to do so.

Last November, after the *Times* connection had ended, MSNBC and the *Washington Post* reached an agreement. Reporters and columnists from the *Post* and its sister publication *Newsweek* were to appear regularly on the cable network and do analysis, discussion, and commentary. As it turns out, most of what they talk about is politics. Sometimes this is entertaining, and even knowledgeable. Usually, however, it is only the distilling of conventional wisdom, although the idea on television is always to act as if it were authoritative and original.

On the other hand, the *Post-Newsweek* people, the reporters anyway, if not the columnists, are more informative than the other people who regularly appear on the MSNBC talk shows. Almost to a man, or a woman, those others move in prescribed boundaries, and their positions are known in advance. They all seem to read the same publications, and when they talk, they talk not so much to television viewers as they do to one another. Dissidents are always welcome so there is the appearance of free debate, but no one's opinions ever change, and indeed if anyone's opinions were to change, he, or she, would give up the position of dissident, and not be invited again to participate. It is hard to imagine who makes up the audience for any of this besides other people who want to go on the talk shows.

Nonetheless cross-pollination has now taken a great step forward. The *Times* and ABC News have come to a meeting of minds, and if you are not distressed by this, you should be. Homogenization is being institutionalized, and by comparison the *Post-Newsweek*-MSNBC operation is no more than a mere vanity production. The *Times* and ABC are co-producing a daily 15-minute video report on politics that appears on both their Websites. The video is moderated by ABC's political director and the *Times*'s Washington bureau chief.

Meanwhile the *Times* is also supplying reports for ABC's "20/20" and "Good Morning America." The arrangement between the two organizations covers only this year's political season, but it seems likely it will be extended and broadened. The *Times* and ABC are ideologically compatible, and if the *Times* can do "20/20" today, it can do "World News Tonight" tomorrow. It is impossible to escape the thought now that we are in striking distance of having only one big media. Superficially it would be dissimilar in its parts—the way the *Times* is a newspaper, and ABC is a network—although this would have only a marginal effect on how news is presented, and none at all on how news is defined. We are at least half-way toward one big media now.


Some aspects of this no doubt are harmless. So what if all three news-magazines put John McCain on their covers? Covers aren't as important as they once were, anyway. So what if CBS correspondent Lesley Stahl tells the *Philadelphia Inquirer* she is "endlessly fascinated" by Hillary Clinton, and then adds: "She's so smart. Virtually every time I've seen her perform, she has knocked my socks off"? Dan Rather has said more or less the same thing, and it would be pointless to be bothered. On the other hand, when Stahl went on cable's "The O'Reilly Factor" soon afterwards, and said, "I had my opinions surgically removed when I became a network correspondent," you should feel some alarm. Stahl probably believed what she was saying. And, in fact, as far as one big media was concerned, she was telling the absolute truth. Network correspondents, by definition, can have no opinions; they only deal in facts. If you should think otherwise, however, then that's only your opinion. One big media has rules all its own. Some of them were on display when Mrs. Clinton announced that, yes, she really was a *New Yorker*, and she was running for the Senate.

On NBC's "Meet the Press" that day, Tim Russert interviewed a panel of journalists—Gail Collins, Bob Herbert, Joe Klein, and David Remnick—and asked them what they thought about this. Collins and Herbert are *New York Times*


columnists, and neither one has ever had anything nice to say about Rudy Giuliani. It is unlikely that Klein, a staff writer for the *New Yorker*, or Remnick, the editor of the *New Yorker*, has ever had anything nice to say, either. It was something less than kosher that all four should be commenting, presumably objectively, on his electoral opponent. (Remnick seemed to show some wry awareness when he said, "Well, I live in the People's Republic of the Upper West Side.") "Meet the Press," however, was observing one-big-media rules, and granting the four a dispensation: What they were expressing were facts, not opinion.

Meanwhile on ABC's "This Week" that same day, cross-pollination took effect. Adam Nagourney, a *Times* reporter, sat down with Sam and Cokie. Mrs. Clinton had been interviewed by the *Times* the day before, and Nagourney had written the story. He gave Sam and Cokie his perspective on this, and while he did it intelligently and well, you wished he wasn't doing it. The world of one big media was only getting closer. ❁

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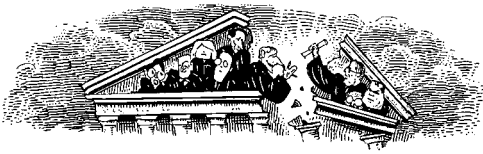
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by Jeremy Rabkin

The Ballad of Timothy Joe

A divorce case that strengthened the right to bear arms.

A political candidate's words can come back to haunt him, if an opponent quotes them back to a different audience in a different context. But after the election, mere words tend to be forgotten. That's one important difference between speeches and laws. Laws can sit out there for a long time before triggering an unexpected reaction.

That's what has happened with the Omnibus Crime package of 1994, which the Clinton administration and congressional liberals loaded down with cheap political gestures on the eve of midterm elections. One piece of that package, "The Gun-Free School Zone Act," was scarcely noticed at the time. But a federal prosecution under that measure subsequently launched a constitutional appeal that allowed the Supreme Court—for the first time since the 1930's—to find broad limits on the congressional power to regulate commerce (*U.S. v. Lopez*). Another piece of that package, the Violence Against Women Act, is now before the Supreme Court on a similar argument about federal overreaching (*Brzonkala v. Morrison*).

What these cases have done for the Tenth Amendment, another case, now working its way through the lower courts, may soon do for the Second Amendment. The case challenges another piece of legislative debris from that 1994 crime bill. To uphold this enactment as valid law, the courts may be forced to say that it's the Second Amendment that is mere historical flotsam and of no contemporary legal significance. However, there are good rea-

sons to think that the judges will prefer to sweep away (or substantially curtail) the 1994 gun control measure.

U.S. v. Emerson began with a divorce proceeding in Tom Green County, Texas—something that ought to be very far removed from grandstanding federal authorities. When Sacha Emerson filed for divorce in the state court system, she requested a standard preliminary restraining order against her husband, instructing him not to dispose of financial assets, not to take custody of their child, not to "stalk" or "harass" her or their child, or threaten them with physical violence. These were routine provisions, drawn up by Sacha's lawyer, who then accompanied her to the hearing on the order. Timothy Joe Emerson, who did not bother to get a lawyer, readily agreed to its terms. Neither the state judge who presided nor anyone else mentioned a federal law that might apply to the order.

But there was such a law. In a subsequent encounter at Emerson's office, Sacha said something that angered her estranged husband and he told her to leave. To emphasize his point, Timothy Joe took out a gun and placed it on his desk. She complained to the police, who alerted a local prosecutor. Emerson was in serious trouble. It is against the law in Texas—as in every other state—to threaten someone with a gun, even if you don't fire it. But federal prosecutors decided this matter required still higher authority—which is where the 1994 crime bill comes in.

An obscure provision of that legislation makes it a federal crime even to possess a firearm if one is the subject of a restraining order involving physical threats to an "intimate partner or child." Although

Emerson had not been found guilty of violent conduct, he was technically within the reach of this obscure federal statute. A U.S. attorney promptly secured his indictment by a federal grand jury. Claiming to be bereft of funds, Emerson was given a public defender. The lawyer petitioned a federal judge to throw out the charges, raising a whole series of constitutional objections. Prosecution in such circumstances would, he argued, violate due process, violate the Tenth Amendment limitation on congressional power—and violate the defendant's Second Amendment right to possess firearms.

The last must have seemed a particularly desperate claim. The most recent successful Second Amendment appeal was in 1938—a ruling that was promptly overturned by the U.S. Supreme Court.

But this time a courageous federal judge gave the argument serious consideration. Judge Sam Cummings's opinion, filed in April 1999, presents a competent review of academic literature on the Second Amendment and holds that Emerson is right—Congress does not have the power to deprive citizens of their right to possess firearms on so flimsy a basis as it did here. The U.S. attorney's office set appeals in motion. But then a lot of outsiders got interested in this case which, as the government's appellate briefs said, had "stunned" and "shocked the legal community." After various petitions for extra time, amicus briefs came in from some two dozen outside organizations. Suddenly, a major constitutional debate seemed underway.

In fact, a lively debate on the meaning of the Second Amendment has been stirring for more than fifteen years, but largely in academic journals. The wording of the amendment itself suggests it has something to do with state militias (now organized as state divisions of the National Guard): "A