

## Everybody on the Bus

In Houston, as in many other cities, there are poor people whose success in getting to jobs or anywhere else depends on their ability to breathe life into rusting hulks of superannuated gas guzzlers or to negotiate the vicissitudes of public transportation. So Alfredo Santos, a taxi driver, decided in the summer of 1983 to try something new.

In some predominantly Mexican neighborhoods, he began offering rides based on the Mexican *pesero* system: riders would share the vehicle but could travel up to five miles for \$1.00 each. Unlike public buses, Santos would drop off passengers anywhere they wished within this five-mile limit.

People loved it. "We'd drive up and down in the 90-degree heat," says Santos, "and say, 'Hey, man, where are you going? Downtown? So are we.'"

He kept his cab full and his passengers happy. Pretty soon friends who also drove

taxis joined him. They advertised their service with Spanish-language flyers and on Spanish radio stations. But when they tried to expand the business by advertising in English, executives at the Yellow Cab Co. found out.

Soon, Santos could no longer sublease a Yellow cab. To make matters worse, the city taxi inspector dusted off an 1924 antijitney law—probably passed to protect streetcar companies from competition—and told Santos to shut down his jitney service. "Until then," says Santos, "I'd never even heard the word *jitney*."

Today, he is an expert. Santos has earned a master's degree in transportation planning. (*Jitney*, he explains, is a 1920s-era slang term for a nickel. Until jitneys were banned, Model-T owners would offer shared-ride service for five cents.) A former labor activist for Cesar Chavez, Santos is now, says his lawyer Clint Bolick, a "born-again capitalist."

Bolick is director of the Landmark Legal Foundation's Center for Civil Rights, a Washington, D.C.-based public interest law firm. In April he filed a

lawsuit on behalf of Santos to force the city to overturn the law. The center's goal, says Bolick, "is to reinvigorate economic liberties as fundamental civil rights." Many regulations such as Houston's ban on jitneys adversely affect minorities in particular.

In March, the center won a suit in federal court challenging a District of Columbia law that forbade outdoor shoe-shine booths. A black entrepreneur named Ego Brown had been put out of business by the law (see "Battered Ego Brown," Aug./Sept.). Bolick came to his rescue, arguing that the ban was the economic equivalent of a Jim Crow law and might have been designed to limit opportunities for blacks. The judge found the law unconstitutional under the Fifth Amendment's due process clause.

Pending the resolution of Santos's suit, Yellow Cab is again allowing him to drive a cab on the condition that he charge passengers according to the fare box, which he says he does "most of the time." Says Santos, "You can't stop a good idea."

—Craig M. Collins

## Trading Votes

Our legislators voted for free trade less than half the time during the 100th Congress, according to the Competitive Enterprise Institute. Senators opposed protectionism 42.7 percent of the time, down from 45.1 percent during the 99th Congress. In the House, representatives voted for free trade 38.5 percent of the time, up slightly from 35 percent during the 99th Congress.

CEI studied 24 Senate votes and 17 House votes on trade issues. Among the bills were proposals to limit textile and apparel imports, require disclosure of foreign investment in the United States, restrict use of imported cement in highway construction, and expand various forms of trade protectionism in the omnibus trade bill.

In the House, 15 Republicans had perfect scores, supporting free trade 100 percent of the time. Included in this group were Jack Kemp (now secretary of

HUD), Phil Crane, Robert Dornan, Al McCandless, Robert Badham, and Minority Leader Robert Michel. House Whip Dick Cheney—now secretary of Defense—voted for trade 94 percent of the time, and Republican conference chairman Jerry Lewis (the number-three Republican) followed closely with a 93. House Republicans averaged 71.9, almost exactly the score earned by new Whip Newt Gingrich (71).

On the other side of the aisle and the other end of the spectrum, 31 House Democrats, including Speaker Jim Wright, scored zero, opposing free trade on every vote. Perennial REASON target John Dingell scored only a 7. But House Majority Leader Tom Foley had one of the highest scores among House Democrats, 53. House Democrats averaged only 15.2.

In the Senate, Daniel Evans of Washington state was the only member to score a perfect 100. He was followed closely by fellow Republicans Gordon Humphrey (96), Rudy Boschwitz (92), Phil Gramm (92), John McCain (91), and Dan Quayle

(90). Bringing up the rear among Senate Republicans were Pennsylvanians John Heinz (15) and Arlen Specter (18), William Cohen (17), and Strom Thurmond (26). Senate Republicans earned an average score of 63.

The lowest overall rankings in the Senate were obtained by Democrats John Melcher (4), Richard Selby (4), Dennis DeConcini (5), Carl Levin (8), and Howard Metzenbaum (10). Brock Adams joined fellow Washingtonians Evans and Foley at the top of the ratings. Adams's 61 was the highest score among Senate Democrats, followed by Bill Bradley (58) and Bob Graham (54). That "conservative son-of-the-South" Sam Nunn scored only 38. The average score of Senate Democrats was 26.

Tom Miller, who surveyed and analyzed the votes for CEI, notes that "the 100th Congress did more than its share" in imposing trade barriers. The only good news, he contends, is that "there's not much more damage that Capitol Hill legislators can do."

—Charles B. Oliver

## Slippery Slope

**C**limbing up the sheer rock face of a mountain supported by ropes no thicker than your middle finger and wearing a helmet, yes, but otherwise no more protective gear than a t-shirt, shorts, and sneakers—this can be dangerous. Proper training can make it safer. That seems logical and obvious. Less logical though increasingly more obvious these days is that our legal system creates another kind of danger—financial destruction—for any group that might offer this kind of training.

The Sierra Club has discontinued its rock-climbing and mountaineering school rather than pay an insurance premium of \$325,000, which would more than triple the club's total insurance bill. The insurance company hiked the premium this year, club financial director

Andrea Bonnette explains, after settling several claims in the past few years for serious injuries. The courts no longer recognize individuals' choices to take risks (see "Courting Danger," April).

"The insidious thing about this," says Bonnette, "is that all people, even those who want to engage in dangerous sports, want to do so in a risk-free environment. They make a conscious choice to engage in activities that most people would consider dangerous. They knowingly go into this with their eyes open about the risks, and they get injured and then turn around and expect to be rewarded."

As in many other cases, the courts' obsession with making life risk-free may in fact make mountaineering less safe. People may continue to climb but without proper training. Says Bonnette, "If you have a passion, you'll pursue it."

—Craig M. Collins

## FYI

Groups or individuals mentioned in this month's Trends:

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### Trade Rating

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# IN PURSUIT

In Pursuit  
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Charles Murray  
Author of *Losing Ground*

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