

## Video Violence

By Michael W. Lynch

**W**hen a videotape of inmates being beaten by prison guards in a privately run Texas prison leaked to the press in September, critics of privatization thought they had been handed a smoking gun. The brutal beatings were delivered to Missouri inmates doing time in Texas because the Show Me State's prisons were packed beyond capacity. The media howled, Missouri canceled its contract with Brazoria County, Texas, and repatriated its prisoners, and more than 100 lawsuits were filed by prisoners against Capital Correctional Resources Inc. (CCRI), the company in charge of the prison. (See "Prisoners' Dilemma," November 1997.)

Although the press has moved on, this story hasn't ended. After reviewing the entire tape, a federal district judge threw the first case to come up out of court. The reason? All but seven seconds of the brutality revealed by the tape was delivered not by employees of CCRI but by Brazoria County sheriff's deputies.

## CDA II

By Jacob Sullum

**E**nough is enough, says Donna Rice Hughes, captured on film in presidential candidate Gary Hart's lap aboard the naughty ship *Monkey Business*. Back then Rice Hughes apparently had no problem with adultery, but she now draws the line at dirty pictures. As spokes-

woman for the aptly named group Enough is Enough, she supports a bill introduced by Sen. Dan Coats (R-Ind.) that aims to protect the youth of



America from this peril.

Coats, you may recall, was a co-sponsor of the Communications Decency Act, which the Supreme Court unanimously overturned last June in *Reno v. ACLU*. He says the new legislation is "narrowly tailored to meet the concerns of the Court."

Unlike the CDA, which imposed a blanket ban on "indecent" communications that might be seen by minors, this bill prohibits "commercial distribution on the World Wide Web of material that is harmful to minors." Material is deemed harmful if, "taken as a whole and with respect to minors," it "appeals to a prurient interest in nudity, sex, or excretion"; it depicts or describes excretion, sexual activity, or "a lewd exhibition of the genitals" in "a patently offensive way with respect to what is suitable for minors"; and it "lacks serious literary, artistic, political, or scientific value."

A commercial Web site would be permitted to display such material only to someone who first supplied a credit card number or other proof of age. Violators would face a prison term of up to six months and fines of up to \$50,000 a day.

## Balance Sheet

By Rick Henderson

**▲ Party On.** Happy New Year: The "Misery Index"—the inflation plus unemployment rates—sinks below 7 percent, its lowest level in three decades.

**▲ Taxachusetts, RIP?** Massachusetts will elect a governor in November, and the tax-cutting party started by Bill Weld goes bipartisan. Gov. Paul Cellucci (the Republican front-runner) signs Americans for Tax Reform's pledge to never raise taxes and vows to cut the income tax rate from 5.95 percent to 5 percent. Cellucci's probable opponent, Democratic Attorney General Scott Harshbarger, pushes a \$1.5 billion tax cut based on lower rates and higher personal exemptions.

**▲ Rules Rule.** The World Trade Organization rejects a suit filed by the U.S. government for Eastman Kodak alleging that Japanese bureaucrats and Fuji conspire to keep foreign film companies out of Japan. Consumers win, as the WTO decision keeps the United States from imposing tariffs or other trade sanctions.



**▲ Motion Sickness.** Congress temporarily puts OSHA micromanagers on hold. Legislators cut off funding for the implementation of squishy new "ergonomics" regulations that could have given OSHA power to redesign most of the nation's work sites. Besides eliminating ergonomics money from OSHA's budget, Congress stops the agency from enforcing any ergonomics cases against companies this fiscal year.

As with the CDA, critics of the bill argue that it would have a chilling effect on speech, since Web site operators would have difficulty predicting which material might be targeted by prosecutors. The ACLU warns that the "harmful to minors" definition could cover online bookstores such as Amazon.com or promotional sites for Hollywood movies.

"This is the equivalent of having to pay a fee every time you want to browse in the bookstore or watch a trailer for an R-rated movie," said ACLU attorney Ann Beeson. In *Reno v. ACLU*, she added, the Supreme Court recognized that requiring proof of age "would impose a severe financial and logistical burden."

ACLU attorney Chris

Hansen scoffed at the idea that Coats's new bill would pass muster with the Supreme Court. "Senator Coats is confident this is constitutional," he told the *San Francisco Chronicle*. "Then again, he thought the CDA was constitutional, too."

## Death of a Town

By Brian Doherty

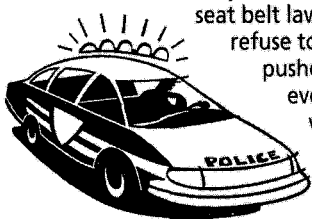
**T**hey're really dedicated to shrinking government in Russell County, Virginia—shrinking it right out of existence.

The coal-mining town of Castlewood, population 2,800, formally voted itself into oblivion in November, by a 749-622 vote. The town was created out of unincorporated county land six years

▼ **Child Abuse.** Requesting additional tax dollars to fight AIDS, Bill Clinton falsely invokes "the children." "HIV is affecting more and more young people," the president says. In fact, over the past year the Centers for Disease Control and Prevention note a 13 percent drop in AIDS cases among pre-teens.

▼ **Riling Rosie.** In its alarmist campaign against the fat substitute Olestra, the Center for Science in the Public Interest deceptively enlists talk-show host Rosie O'Donnell. When O'Donnell turns down the chance to make commercials promoting Frito-Lay's Olestra-laden "Wow" chips, a CSPI press release states she did so because she thinks Olestra is unsafe. Not true, says O'Donnell's agent. She just decided not to take the offer.

▼ **Choke Hold.** Every state but New Hampshire has mandatory seat belt laws. But about a third of drivers refuse to buckle up. The White House pushes states to make seat belt laws even tougher: It may withhold highway funding if states refuse to set up random motorist stops or upgrade seat belt violations from mere traffic offenses to misdemeanors.



▼ **Slaying Tigers.** South Korea's "bailout" by the International Monetary Fund is, ironically, a Buchananite's dream. The higher taxes, government "investment" (read: spending), and heightened financial regulations attached to the IMF's dollars will choke off South Korea's market for exports and imports. Will the IMF soon offer similar "help" to Indonesia?

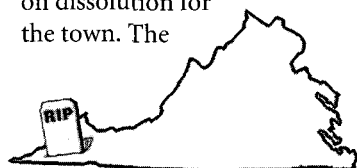


LIABILITIES

ago. The residents were aswim in promises of new sewer systems and new industry.

Instead, they got new taxes—real estate taxes, utility taxes, hotel taxes, meal taxes. When residents got the bill for the new taxes that came with the new township—around \$400,000 last year—they rebelled. Last spring they elected a mayor and town council dedicated to eliminating their own jobs, and the town itself.

The new town government began refunding \$88,000 worth of taxes and spearheaded the referendum on dissolution for the town. The



vote now has to be ratified by a county judge and the state legislature.

While Castlewood was small in population, its 8,900 acres of mostly pasture land made it Virginia's second largest city in area.

## Houston Has Some Problems

By Nick Gillespie

Last November, residents of Houston voted down Proposition A, a ballot initiative that would have ended a set-aside program designed to give about 20 percent of municipal contracts to companies owned by women and racial or ethnic minorities. By a margin of 54 percent to 46 percent, voters said no to Prop. A, which read, "Shall

the charter of the city of Houston be amended to end the use of affirmative action for women and minorities in the operation of city of Houston employment and contracting, including ending the current program and similar programs in the future?"

Although one might assume that the voters' decision is final, the backers of Prop. A are taking their fight to court. That's because the wording voters encountered on November 4 was markedly different from the language used to collect the 20,000 signatures necessary to get the proposition on the ballot. The original version of Prop. A borrowed heavily from the successful California Civil Rights Initiative, which itself leaned on 1960s civil rights legislation: "The city of Houston shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public em-

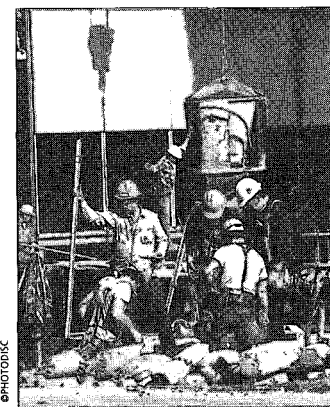


PHOTO BY SCOTT

ployment and public contracting."

After Prop. A qualified for the ballot, Houston's city council rewrote it, citing a state election code that allows the rewording of initiatives; in justifying its action, the council also noted it had changed the wording of five of the last seven ballot

## QUOTES

**"It would be nice if there were a simple solution to this quandary—nationalize Windows? break up Microsoft?—but there isn't."**

—Andrew L. Shapiro in the December 8, 1997, issue of *The Nation*, writing about federal anti-trust action against Microsoft.

**"This case...is about a fundamental principle in our economic system: open and free competition. When a dominant company artificially dictates how, where and even if consumers have choice in the online marketplace, it is time for the government to step in and enforce the anti-trust laws."**

—Just-a-man Bob Dole (whose law firm, according to his credit line, just happens to represent "a number of software companies") in a widely syndicated column.

## SOURCE

**"While greenhouse effect theory is a relatively uncontroversial issue in the scientific sense, global anthropogenic [human-induced] climate change theory is at a much younger stage of development....Findings which support or oppose the central tenets of global anthropogenic climate change theory still appear regularly on the pages of leading science journals."**

—"A Plain English Guide to the Science of Climate Change," by Kenneth Green, director of environmental studies at the Reason Public Policy Institute ([www.reason.org/climateintro.html](http://www.reason.org/climateintro.html)).