

Viridian Vexation

By Sara Rimensnyder

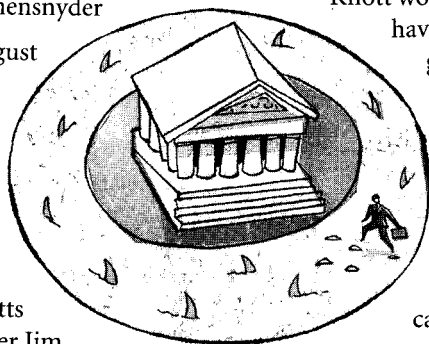
On August 1, a U.S. District Court ordered the federal government to cut Massachusetts factory owner Jim Knott a \$68,000 check—payback for the money he spent during his four-year legal tangle with the Environmental Protection Agency. Knott was entitled to the award under the Hyde Amendment, a three-year-old law allowing defendants found innocent of federal criminal charges to seek reimbursement of legal fees. To win, they've got to prove the government's case against them was "frivolous, vexatious, or in bad faith."

Not too difficult in Knott's case. In 1997, more than a dozen EPA agents armed with semiautomatic weapons stormed into his wire mesh plant in Orthbridge, acting on an anonymous tip that he was violating the Clean Water Act by sending highly acidic wastewater through the sewage system. He was indicted on that charge—until a federal prosecutor admitted that officials had concealed evidence that would have exonerated him. While preparing to seek Hyde compensation, Knott found evidence suggesting that agents not only concealed data but falsified pH tests in order to incriminate him.

Almost as troubling as the

agency's guile is the fact that it didn't simply file a civil complaint against Knott; it wanted to throw him into the slammer. Of course, if it had taken the less severe route,

Knott wouldn't have been eligible for a dime: The Hyde Amendment applies only to criminal cases.



Pulling the Tap

By Michael W. Lynch

The government's war on a good time has opened a new front in Ohio, where the state Liquor Control Commission decreed that as of August 9, 2000, persons planning to throw a party requiring five or more kegs of beer must register with the state five days in advance. To get permission to purchase the kegs, they have to disclose the party's address and grant a general right of entry to police, making a mockery of the Fourth Amendment's protection against unreasonable search and seizure.

Julie Ehrhart, spokesperson for the Ohio Department of Public Safety, which requested the law, says the new regulations were needed because under the old rules it was up to the beer distributors to decide how many kegs to sell. What problem does this solve? "It's a proactive approach, not a reactive approach," she explains. "We'll know about parties that will be having multi-kegs. It'll give us a heads up. That is important because we need to monitor the liquor laws."

One would expect an out-

Balance Sheet

By Jeff A. Taylor

ASSETS



▲ **Rich and Richer.** The number of U.S. millionaires grows at 16 percent each year, according to Spectrem Group. Last year 7.2 million people topped the seven-figure mark in liquid assets, up from 3.4 million five years before. Meanwhile, the number worth over \$5 million grew at a 46 percent annual clip.

▲ **Radio Free Harare.** Two days after a police raid, Zimbabwe's first private radio station was back on the air, thanks to a ruling by the country's top court. An earlier ruling had overturned the state-owned Zimbabwe Broadcasting Corporation's monopoly over the airwaves. Capitol Radio then went on the air.

▲ **The Gauntlet.** A San Jose federal jury finds that Clint Eastwood did not violate the Americans With Disabilities Act by refusing to make modifications to his Carmel, California, hotel. A woman with muscular dystrophy sued Eastwood in 1996, claiming his property did not comply with the law. Eastwood refused a settlement offer and went to trial rather than pay \$500,000 in legal fees to the plaintiff.



▲ **Fueling Around.** Europeans revolt against high fuel taxes. In the U.K., site of shutdown and gridlock, drivers pay the equivalent of \$3.46 per gallon in taxes. The U.S. is spared as only truckers protest still-high U.S. levies.

▲ **Going Dutch.** The Netherlands lifts an 88-year-old ban on brothels, which had been tolerated in the country but were still illegal. Prostitution itself was already legal. The new law means, however, that the brothel owners will have to pay taxes and obey work rules.

▲ **Sunshine State.** A Florida appeals court resuscitates the state's school voucher program. The panel overturns a March decision by declaring that vouchers do not violate the state constitution. Opponents of the plan will appeal.



cry on campus. Yet Shane McClintock, a 21-year-old senior at Ohio University, is surprisingly blasé. "In theory, it's a good law," he says. Part of his nonchalance no doubt stems from the fact that kegs are already prohibited at the eight or so bashes a month that his fraternity, Delta Upsilon, helps throw. And it'll be easy to evade the rule by simply breaking up orders into four-keg allotments.

But like the Ohio chapter of the American Civil Liberties Union, which may challenge the law, McClintock draws the line at rolling out

the red carpet for the cops. "They come into your house, and there could be a slew of things going on," he says. "People could be doing drugs, theoretically. Someone could get into a fight, and if the cops are there they could get arrested for assault."

Yes, there certainly is a downside to having cops hanging around.

Torture Bearers

By Brian Doherty

Last spring the United Nations accused the United States of violating provisions

▼ **Low Blow.** The German Cartel Office orders Wal-Mart and two German rivals to raise prices because other stores may not be able to match them. Loss leaders are verboten in the heavily regulated world of German retailing.



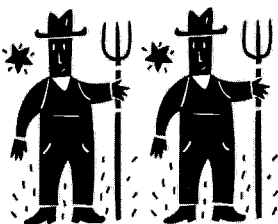
▼ **COPPA Plea.** The Children's Online Privacy Protection Act kicks in and Web sites respond by going out—of business. Sites remove content intended for young children rather than spend thousands complying with COPPA's rules, which include written permission from parents for some features.

▼ **Alternative Lifestyles.** The alternative minimum tax goes unreformed, despite bipartisan support for change. The unindexed levy will catch millions of taxpayers next year, even though it was designed for the super-wealthy and not middle-class families with lots of deductions.

▼ **Filter Clog.** Sherrill Babcock is forced to register with BlackPlanet.com as Babpenis and Babdildo because her last name wouldn't pass censorware. The Web site operator says, Sorry, but the filters have to stay to keep the site "civil."

▼ **In Dock.** The U.S. Navy delays a multibillion-dollar computer outsourcing contract after Congress complains. The holdup has all the earmarks of politicians trying to steer the contract to a favored source. It is expected to be worth between \$6 billion and \$12 billion during the next five to eight years.

▼ **Drug Kingpins.** A 74-year-old Wisconsin farmer and his 80-year-old brother are charged with running a marijuana farm after pot worth \$598,000 is seized. David and Eugene Burmesch could each face up to 30 years in prison. David said he grew the pot because he needed money to support a disabled son and had done so for the past 20 to 25 years.

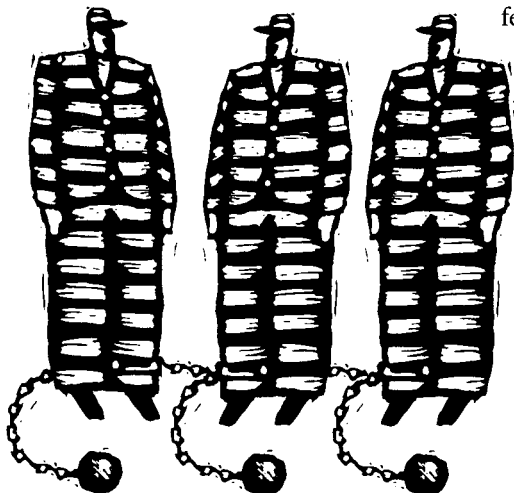


LIABILITIES

of the U.N. Convention Against Torture, which the U.S. ratified in 1994. According to a report from the U.N.

Committee Against Torture, American police and prison guards have a record of discriminatory prisoner abuse,

female prisoners are often raped by prison personnel, and public chain gangs are still in use. The committee is demanding, among other things, that torture be made a federal crime, that electroshock stun



belts be banned, and that juveniles not be held in prisons with adult populations.

Amnesty International filed its own 45-page report to the committee, detailing specific actions by U.S. police officials. The abuses included the shocking of a California prisoner by a 50,000-volt stun gun for eight seconds in open court at a judge's order; widespread shackling of children in a South Dakota juvenile detention center; the death of a Texas inmate after he was pepper-sprayed while tied in a restraining chair; and the use of pepper spray swabbed directly into the eyes of anti-logging and anti-World Trade Organization protesters in the Pacific Northwest.

All signatories of the convention were supposed to file reports on torture in their countries. The U.S. report was officially due in 1996 but was delivered only this year. A State Department spokesman says the United States will take the U.N. committee's recommendations under consideration, but stresses that "Article II of the convention leaves it up to signatory state parties to decide how to comply with its promise to eliminate torture." For example, the U.S. insists it can rely on its own "cruel and unusual punishment" standard under American constitutional law, although many foreign governments argue that capital punishment, legal here, is covered by the convention's ban on "torture" and "cruel, inhuman or degrading treatment."

The Coders' Code

By Jeff A. Taylor

In September, the button-down corporate world ►

QUOTES

"Because mind and body are intricately connected, **psychoactive substances should be banned from chess tournaments** as they are from basketball, weight lifting, and other events played singly or in teams." —Drug czar Barry McCaffrey, in the September issue of *Chess Life*. McCaffrey urged U.S. chess tournaments to follow Spain's lead and make participants submit to urine tests that would detect, among other things, "performance-enhancing steroids."

"There is another sort of violence that befell our misfortunate people—external violence spearheaded by power-wielders in Washington and Brussels. The forms of the external violence are the long-standing sanctions, last year's bombs, and support to Albanian terrorists in Kosovo. **Whatever the source, violence is always violence, despite occasional attempts at presenting it as humane.**"

—Vojislav Kostunica, victor over Slobodan Milosevic in the Yugoslavian presidential race, at an April 14, 2000, Belgrade rally, quoted in the October 9 *Progressive Review*

SOURCE

Want to know why the White House's Web site for kids violates the Children's Online Privacy Protection Act? Go to www.privacilla.org for a discussion of privacy issues from a free market perspective.