

Some Bets Are Off

As someone who has always received high ratings from libertarian groups for my voting record, I was disappointed with your recent feature on Internet gambling and my legislation to stop it ("Gambler's Web," October). Reasonable people can certainly disagree on the subject, but your lead story unfairly impugned my motives and contained arguments that are belied by the facts and are of questionable adherence to libertarian principles and logic.

Author Tom W. Bell cynically ascribes the interest of elected officials in enforcing gambling laws on the Internet to a love of tax revenue from land-based casinos and political contributions from their owners. Had he checked my record, he would have found that I don't like those taxes or government's reliance on the revenues they generate and I don't take money from gambling organizations. I have long opposed state-sponsored gambling and recently supported an effort to repeal the lottery in my state. So argue the merits of your position, Mr. Bell—don't try to win by slyly impugning my motives (inaccurately at that!).

I've also never misrepresented my bill as a "mere update of the Wire Act." That's

only half of what it does—ensuring that law enforcement will retain the ability to prosecute the same sports gambling crimes in the future that it does today. My bill also addresses the enforcement gaps in nonsports gambling on the Internet—gambling that violates the law in virtually every state but which (because cyberspace does not recognize state boundaries) can only be enforced only at the federal level. The state attorneys general are considered pretty good federalists, resisting attempts at federal "power grabs." Yet they recognized the necessity of federal assistance in this area and asked me to introduce my legislation.

Ironically, Mr. Bell also criticizes my legislation because it doesn't prohibit enough gambling but contains what he calls "loopholes" that allow some forms of gambling to continue in the electronic arena. Due to the complexity of gambling laws in the nation and the fact that my bill attempts only to prevent the expansion of gambling rather than rolling back existing practices, such provisions are necessary. I don't like them; does Mr. Bell? If so, then he's being hypocritical for criticizing my bill. If not, why does he want to stop betting at Churchill Downs but not on the Internet?

After fretting about the effect of my legislation, Mr. Bell postulates that it won't work—that jurisdictional and technological problems will prevent effective enforcement. It is not the purpose of the bill to gain jurisdiction over the operators of offshore casinos; rather, the intent is to stop the illegal activity from being conducted in the United States by shutting down access to illegal gambling Web sites. That may not always be easy, but when it is technically feasible, Internet service providers must do so.

Finally, Mr. Bell makes the astounding claim that Internet gambling is in fact beneficial to society, helping to get people out of smoky casinos, where they are plied with liquor and encouraged to keep betting, and into cybercasinos, where help for gambling addicts is just a "click" away. Leaving aside the speciousness of bragging about which form of harmful activity pro-

vides the best information about how to avoid doing it, experts agree that Internet gambling exacerbates the problems of conventional gambling because it removes the barriers to addiction. Its ease of access and repetition, and its privacy and, hence, lack of societal stigma, make electronic gambling what one professor has called "the crack cocaine of gambling."

Experts have testified that youth gambling will soon rival drug abuse as the biggest problem facing our children. Mr. Bell argues that cybercasinos are better equipped to check the age of participants but then quickly admits that Internet gambling will "marginally increase the chances that some kids will gamble." Amazingly, he argues that we should accept this outcome due to the benefits he claims Internet gambling will bring, such as movies on demand and better, more honest, and more competitive gambling. No thanks.

But the most telling point is how pleased Mr. Bell is that Internet gambling allows people to "escape the grip of merely local legislation"—in other words, to break the laws their fellow citizens have enacted. Principled people who wish for unlimited opportunities to gamble, or to do anything currently unlawful, should seek to convince their fellow citizens to change the law, not break it.

*Sen. Jon Kyl (R-Ariz.)
Washington, D.C.*

Tom W. Bell replies: I certainly agree with Sen. Kyl that opinions about Internet gam-

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bling differ, and rightly so. Reasonable people base their opinions on facts, however. I thus suggest that Kyl worry less about what he thinks my article implied and more about what it actually said.

It nowhere attempted to diagnose Kyl's motives for authoring the Internet Gambling Prohibition Act. His particular motives did not matter to the analysis. Whether good or bad, they inspired a bill that protects the incumbent gambling industry from upstart Internet competitors. Regarding that, the article's central claim, Kyl remains notably silent.

Does Mr. Kyl regret that strange bedfellows hijacked his pure-hearted political crusade, turning it into a special-interest junket? Again, it does not matter. It matters only that Kyl's intentions launched this particular road trip to ruin. He cannot escape responsibility by claiming that he meant well.

Kyl should pay more attention to what he himself has said, too. He has on several occasions defended his Internet Gambling Prohibition Act solely in terms of updating existing law. Take, for instance, his comments during the Senate Judiciary Committee markup of his bill on June 17, 1999: "The advent of the Internet, a communications media not envisioned by the Wire Act, requires enactment of a new law to address the activities in cyberspace. The essence of the bill is that it bans gambling on the Internet, just as the Wire Act prohibited gambling over the wires."

As Kyl now admits, however, his Internet Gambling Prohibition Act does a great deal more than just update the Wire Act. His bill would for the first time ban gambling-related transmissions that do not cross state lines or that travel between states which allow the gambling in question. Kyl's bill would also redefine "gambling business" to include anyone who wins more than \$2,000 in one day. In short, his bill would vastly expand federal power in an area traditionally left to the states.

Of course some state attorneys general welcome Kyl's bill; it gives them concurrent authority to prosecute Internet gambling. Their opinions matter little, at any rate, because they are not elected legislators. Nor does Kyl represent the state attorneys general—unless, of course, this senator from Arizona has become the

senator for other politicians.

Kyl should perhaps also pay closer attention to what others have said about Internet gambling. Although his present letter neglected to do so, Kyl has elsewhere credited the "crack cocaine of gambling" line to Professor Robert Goodman of Hampshire College. Professor Goodman was referring not to Internet gambling, however, but to slot machines and video poker—distinctly lower-tech and non-networked games.

Kyl misquoted me on the risk that Internet gambling poses to kids. The full line reads: "At most, it will marginally increase the chances that some kids will gamble—kids with unsupervised and unfiltered Internet connections, who have not been raised to steer clear of adult-only activities, and who have ready access to credit cards." Those extra words matter. They show not only that prohibitionists exaggerate the threat to kids but that responsibility lies with each kid's family.

Kyl poses a false dichotomy when he asks whether I favor giving the incumbent gambling industry special treatment (as his bill does) or banning all types of gambling (as he apparently would like to do). He overlooks a third option, one immediately apparent to anyone concerned with individual rights: Let people peaceably dispose of their money as they alone see fit.

Once again we witness the devastating effects of the crack cocaine of conservatism: trying to legislate morality.

Preservation Methods

The article about Taylor Ranch in Colorado ("Treasure of La Sierra," October) was a welcome sight. My group, La Herencia en Santa Fe, has been lobbying the state legislature for land grants and rights under the Treaty of Guadalupe Hidalgo for more than 15 years. Some 40 million acres in Colorado are in the same legal position as the Taylor Ranch. Our group feels that private ownership is the only way to conserve these vast areas of the West.

New Mexico Sens. Pete Domenici and Jeff Bingaman are planning on introducing legislation on the land grants in this session of Congress. We are very concerned because they also want to purchase some land grant property and put it into the

hands of the U.S. Forest Service.

La Herencia wants the land returned to the original heirs. If the government can't find the heirs, the group wants to be responsible for electing the Board of Trustees to administer these lands.

We do not feel that the federal government can do anything but create more problems for the impoverished people of northern New Mexico and southern Colorado. Private ownership and the government fulfillment of its trust responsibility are the only solutions for the future preservation of these lands.

We also feel that families like the Forbeses and Turners have done the right thing by preserving these lands. Most people think that groups like ours want to force everyone off our land grants. Our second group, Los Vecinos del Norte, does not want anyone to leave their land. There is nothing we can do about land loss that occurred more than 100 years ago; the only thing we can do now is live in peace with our neighbors. We are, however, reclaiming every single parcel of land that the government has had a hand in messing up.

*Carmen Quintana
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Karl Hess Jr. and Tom Wolf argue that prospects for improved management of the Taylor Ranch arise from "the transforming power of the marketplace." But their evidence, and the history of the ranch, do not support such a conclusion.

The Taylor Ranch has been privately held and "in the marketplace" for more than a century and a half, including the past four decades, while it has been controlled by the Taylor family. Its untransformed management during the latter period has ranged in ecological quality from fair to dreadful. Socially, things have been worse, as the Taylors have assiduously defended their property "rights" against their neighbors while acknowledging nothing by way of property responsibilities.

What seems to be transforming matters now is that long-hostile parties are at last negotiating with each other meaningfully and finding ways in which to cooperate—a process that Hess and Wolf, to their credit, have materially advanced. Opening

needed channels of communication is fundamentally a social process, not an economic one, and it can take place on public lands as well as private ones. After that, finding ways to make the numbers work is the smaller part of the puzzle.

The authors' gratuitous reference to "a grim sea of failed federal management" betrays their operating prejudice. While current management of Ted Turner's Vermejo Ranch may indeed be exemplary, it does not follow that private management ipso facto is better than public. The Taylors themselves have furnished proof to the contrary, as have many greater and lesser names from Charles Hurwitz to the anonymous proprietors of any number of farms, ranches, and subdivisions throughout the nation.

If the free market were a silver bullet for wise stewardship of the land, we would never have had a Dust Bowl or Love Canal, and non-point-source pollution would occur only on public land. The good work of the authors toward transforming matters at the Taylor Ranch is an important story and deserves telling, but

their ax-grinding obscures the story's essential message: that shared good will and willingness to adapt can improve any management situation, public or private.

William deBuys
Santa Fe, NM

Tom Wolf and Karl Hess Jr. reply:

Whether in life or in politics, there are no panaceas. Neither private nor federal ownership guarantees good conservation. However, the right incentives and institutions make private land a more promising setting today, especially when private lands can lead to better management of adjacent public lands, as they do in northern Colorado's Owl Mountain Partnership.

A century ago, the federalization of public lands may have been the right solution to an unregulated tragedy of the commons. But today, when conflicting political agendas and value systems gridlock management of our public lands, we look to private and communal lands for innovations, especially ones that are market-based. Mr. deBuys is correct that private

landowners have rights as well as duties, but he ignores how both government and local politicians conspired to restrict the property rights of the owners of the Taylor Ranch to the point that no market solutions were possible because no clear title existed. Recent events at the ranch show that such a stand off is not inevitable and that both the ranch owners and their neighbors can benefit if they respect each other's property rights and work to expand their share of common resources through market-based solutions.

The quest by Ms. Quintana's group for more local and private solutions to New Mexico's Baca Ranch may actually get some attention if a bill passes to fund acquisition of the ranch and put its management in the hands of a board that is more locally responsible. People unfamiliar with the history of New Mexico may forget that what are now "public" lands were often once part of Mexican and Spanish land grants. How those grant lands found their way into the public domain is a subject that Congress should perhaps look at. In the meantime, a federally funded buyout of the Baca Ranch may move us a step closer to local solutions.

Finally, we are proud to be putting our own theories into practice through a conservation effort we call The Long-Term Landholder Monitoring & Stewardship Project. This 10-year experiment will go a long way toward developing answers to critics like Mr. deBuys—and also perhaps satisfy the longings of those who, like Ms. Quintana, think that conservation is better served if it is part of a sustainable local economic and ecological effort.

Limited Market

Thank you for the informative and interesting article, "Truth, Terror, and David Trimble," by Michael McMenamin (October). I wish to clarify one point made, and that is that at no time since publishing *The Committee: Political Assassination in Northern Ireland* have we sold this book in the United Kingdom or Ireland.

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Futile Resistance

By Jacob Sullum

Contrary to the impression created by DARE T-shirts and bumper stickers, most kids do in fact "resist drugs," so there's nothing especially daring about it. But it does take a certain amount of chutzpah to push a "drug education" curriculum that has never been validated by independent research. That's what DARE—a.k.a. Drug Abuse Resistance Education, a program used in nearly three-quarters of U.S. school districts—has been doing for 16 years.

In the most recent confirmation of the program's ineffectiveness, researchers at the University of Kentucky followed up on a study in which students at elementary schools randomly assigned to DARE were compared to students who received drug information as part of health class. The initial study, which evaluated the students from sixth grade through 10th grade, found that DARE had a temporary effect on the attitudes they expressed toward drug use but no effect on drug use itself.

The follow-up study, which surveyed about 1,000 of the original subjects at age 20, was intended to test for "sleeper effects" that might show up after adolescence. "Few differences were found

between the 2 groups in terms of actual drug use, drug attitudes, or self-esteem," Donald R. Lynam and his colleagues wrote in the August 1999 *Journal of Consulting and Clinical Psychology*, "and in no case did the DARE group have a more successful outcome than the comparison group." (The report is available at www.apa.org/journals/ccp/ccp674590.html.)

Lynam et al. offered two possible reasons why DARE continues to be the nation's most popular "drug education" program despite the lack of evidence that it works. First, since stopping kids

from using drugs is an unquestioned goal, DARE is "a 'feel-good' program...that everyone can support." Second, parents see that most kids who go through DARE do not get into trouble with drugs. They may not realize this is also true of teenagers in general, because "adults may believe that drug use among adolescents is much more frequent than it actually is."

Hmm. Where could they have gotten that impression?

Betrayed Principals

By Mariel Garza

The public school experience sure has changed since today's parents put in their time. Staples such as gym class, driver's ed, wood and metal shop, dances, and recess have been curtailed or eliminated at many schools. Elementary- and secondary-

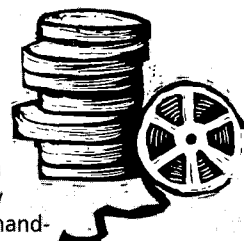
Balance Sheet

By Jeff A. Taylor

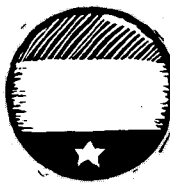
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▲ **Skin Nix.** Fear of porn kills a bad idea to give tax credits to independent film productions. To combat lower production costs in Canada, Congress sought to give some booty to productions with budgets under \$10 million. Then the suits realized that language would make every maker of X-rated movies eligible for the hand-out. Cut!



▲ **Investor Nation.** More Americans than ever are investors. A survey by the Securities Industry Association finds that almost 79 million individuals own equities, up from 42 million in 1983. Nearly half of all households own some stock, up from just 19 percent in 1983. Further, they report these shareholders are long-termers and are diversified, with more than 60 percent owning shares in international stock funds.



▲ **Tax Returns.** In the midst of the debate over campaign finance reform, taxpayers vote against public financing with their wallets. The percentage of taxpayers who elect to use \$3 of their tax payment for the presidential election campaign fund is at 11.3 percent, down from 28 percent in the early '80s.

▲ **Mixed Bag.** Gun-grabbers struggle to explain why Hawaii's super-strict gun laws did not stop a lone nut from going off. The state is the only state that requires firearms to be both licensed and registered, bans cheap handguns, has a 14-day waiting period, and keeps tabs on second-party sales.

school principals across the nation blame liability concerns for those changes, according to a survey conducted by the American Tort Reform Association in conjunction with two school principal associations.

The survey, the results of which were released in September, was sent to 5,000 principals, and 523 responded to the four-page questionnaire. Respondents reported spending as many as 10 hours a week documenting events or attending meetings to avoid lawsuits.

Overwhelmingly, the principals said they tailor their administrations to avoid lawsuits. They said insurance concerns mean fewer choices

and fewer programs for students. A quarter of the principals said they've had a lawsuit or out-of-court settlement in the last two years, compared with only 9 percent in 1989. That number probably will rise further: 60 percent of the respondents said they expect an increase in litigation as a result of the May 1999 decision by the Supreme Court making schools liable for student-to-student sexual harassment.

