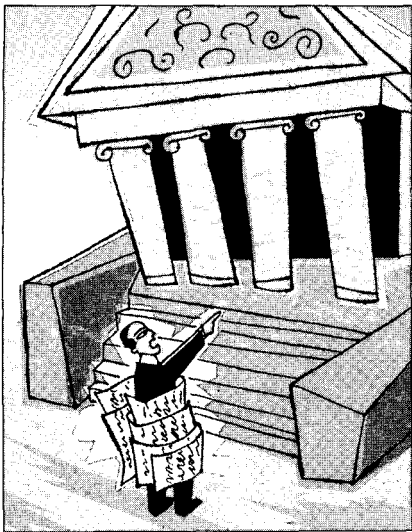


Citings

Beating City Hall

By Bill Steigerwald

Who says you can't fight City Hall and win? A horrible urban renewal project planned for the heart of downtown Pittsburgh has



been stopped in its tracks.

In late November, after two years of political turmoil, merchant apprehension, and public outcry, Mayor Tom Murphy gave up on his \$525 million scheme to remake a thriving though downscale shopping district (see "Death by Wrecking Ball," June 2000). Dubbed Market Place at Fifth & Forbes, the plan would have used eminent domain to flatten two dowdy but busy shopping streets and replace them with a mix of high-end retailers, restaurants, and movie theaters aimed at attracting suburbanites.

Mayor Murphy, who just happens to be running for reelection this year, got an excuse to drop the project when the management of Nordstrom, the key anchor to the project, decided not to com-

mit to putting a store in Pittsburgh now or anytime soon (despite a \$28 million gift from the city just to show up).

In other words, the little guys—125 formerly doomed merchants of gold, candy, wigs, and cheap dresses, and their predominantly low-income customers—won. Who lost? The mayor's development pals and the corporate city fathers, including their editorial cheerleaders in the *Pittsburgh Post-Gazette*.

Now Murphy, who is not as humble or as contrite as he ought to be, has been meeting with the resistance fighters to do what he should have done at the outset: figure out a more sensible, less grandiose way to revitalize the city's Fifth & Forbes corridor without bulldozing the freedoms and property rights of those who are already there. That effort may or may not succeed. But it's bound to be better than what Murphy tried to ram down the neighborhood's throat.

Body Art

By Sara Rimensnyder

In late October, a Massachusetts Superior Court judge ended the state's 38-year-old ban on tattooing, saying the law restricted free speech. Artists, many of whom campaigned for the repeal, now have state sanction to grace clients' skin with flaming phoenixes, jeering skulls, or anything else. But there's a paradox in this victory: Legalization may mean less freedom, not more.

Balance Sheet

By Jeff A. Taylor

ASSETS

▲ **Blocks Tackled.** The Supreme Court bars police roadblocks set up to snag the odd motorist that might, kinda, maybe have drugs. Seems somebody fought a war over this once.

▲ **Temp Tempest.** The UN climate conference at The Hague blows up when Europe rejects sweeping U.S. concessions as insufficient to stop the certain looming catastrophe. The E.U. will have to go it alone with high energy taxes and economic gridlock.

▲ **Secret Sharers.** A New Jersey court rules that the anonymity of two Web posters is protected. The judge says the software company that didn't like their messages never proved they made defamatory statements or did anything unlawful.



▲ **Mr. Greenbyte.** U.S. growers adopt "precision farming," using computers to track production in their fields right down to the row. Seed and fertilizer can be better applied, with less waste and runoff.

▲ **Ozone Whole.** The hole in the ozone layer at the South Pole will start shrinking within a decade and should close completely in the next 50 years, scientists say. The Stratospheric Processes and their Role in Climate Panel says volcanic eruptions could slow the change, but it is definitely closing.

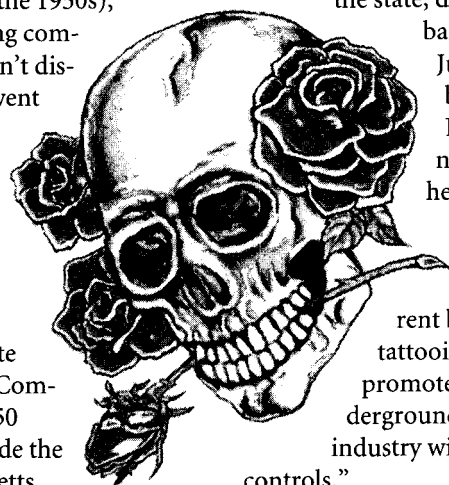
▲ **Personal Crunch.** General Mills announces a plan to make Web-customized cereals. Mycereal.com will allow over 1 million combinations and ship the concoctions to your door in a couple of days.



When the state banned the industry (following a hepatitis scare in the 1950s), the tattooing community didn't disappear. It went underground. According to shop owner and artist Keith Marchand, whose Acute Body Arts Company sits 150 yards outside the Massachusetts border, many of the

country's most famous inkers have continued working in the state, despite the ban. As Judge Barbara Rouse noted in her decision, "The current ban on tattooing has promoted an underground tattoo industry with no controls."

Though tattooing was ille-



SOURCES

Where can you find new or unusual music? Surprisingly, the answer may be TV commercials, as advertisers use songs from such obscure but brilliant performers as Nick Drake and Jorge Ben to sell their wares. While the spots don't identify the music they're playing, a Web site does: www.adcritic.com/music, which lists dozens of commercials, the music you hear on them, and the musicians who perform it. The rest of the AdCritic site can be fun as well. "Here," the FAQ explains, "is where you will find practically any ad you have seen on TV. At least that is the goal. And soon you will be able to tell the world what you thought of the ad. You can vote on it, comment on it, discuss the underlying innuendos, and hopefully even get your comments read by some of the leading advertising agencies in the world."

QUOTE

"I'm a liberal Democrat. I started in Florida politics. I worked for George McGovern. I worked for Jimmy Carter. I've worked for Ted Kennedy, Mario Cuomo. Nobody can question, I think, my credentials and my convictions. But I have to tell you, at this point it's hard to believe that my party, **the party that [my family has] belonged to since my great, great grandfather...has become no longer a party of principles, but has been hijacked by a confederacy of gangsters who need to take power by whatever means and whatever canards they can say.**"

—Pat Caddell, MSNBC's *Hardball*, November 27

tions lessen the value of their property.

Measure 7 passed with 54 percent of the vote, despite strong opposition from the governor, most other state officials, environmentalist groups, and some business interests. Opponents warned that compensation under the measure would total \$5.4 billion a year—effectively admitting that they intend to impose that much cost on property owners without compensation. David Hunnicutt of Oregonians in Action, a landowners' rights group that helped get the measure



on the ballot, says the victory was unexpectedly large, given that Measure 7's opponents outspent proponents by a 5-to-1 margin.

The new law applies only to regulations that went into effect after the current owner bought the property. Unlike many state-level laws that ask government to "consider" property values in its regulations, Measure 7 "provides teeth and ties takings compensation to going beyond what common law would provide," says Steven Eagle, professor of law at George Mason University and author of *Property Rights and Regulatory Takings*. "I think that's extremely significant."

The new rule already seems to be making a difference. Oregon's Department of Land Conservation and Development was set to issue new rules about expanding ►



LIABILITIES

▼ **Charlotte's Web.** A federal appeals court votes 2-1 to overturn a lower court's decision that found the public schools in Charlotte, N.C., were desegregated after 28 years of busing. Another 25 years of 50-minute bus rides should even things out.



▼ **Gallic Gall.** Yahoo! lands on the wrong side of a French court decision requiring the global Web portal to block French surfers' access to Nazi auctions (see "No Liberté Online," Citings, October). Next up, making the Web comport with China's view of content?



▼ **Dorm Dodge.** Colleges and universities give students a lesson in phone-charge robbery. Student bodies are hit with high mark-ups for phone services. UC-Berkeley, for one, hikes overseas calls over 200 percent.

▼ **Cloak and Stagger.** The CIA fires four employees and suspends at least 10 others over a "secret" chat room within the agency's computer network. Chiefly used for "bitching about management," it went undetected for years.

▼ **Mourning After.** The city of Los Angeles spent about \$36 million to put on the Democratic National Convention in August, four times more than expected. Twenty-two million dollars went to security, \$4.1 million for shuttle buses, and \$4.2 million for logistical support.



▼ **Snuffed Outside.** Friendship Heights, Maryland, moves to become the first jurisdiction in the country to ban smoking on public property. Outside. In parks and on sidewalks. In the fresh air.

gal, artists had little to fear from state authorities. Satisfied customers weren't likely to turn them in, and police—as Marchand and others confirm—were more inclined to join their clientele than to bust them. There were no inspections, no regulations, and no taxes.

Still, most tattooists fought hard for legalization and the security it brings. Marchand, who lives in Massachusetts, has been driving an hour-long commute into Connecticut so that he can operate an above-board business. He says he hasn't heard

of any health disasters resulting from the thriving underground, but he's all for law and order: "It's like a mini-combat zone.... It's definitely got to be regulated."

Just Compensation

By Brian Doherty

In November, Oregon, notorious for its expansive land use regulations, passed a constitutional amendment that just might rein them in. The new law will help citizens get compensation from the state government if its regula-