

TILTING AT WINDMILLS



When one is so vulgar as to call a Washington lawyer an influence peddler, the indignant attorney will reply that he persuades congressmen only because of the soundness of his argument and the merit of his cause. Why then does Donald Santa write in the July-August issue of *The Washington Lawyer*, the official magazine of the District of Columbia Bar Association:

"A lawyer with a legislative practice invariably can expect to receive solicitations for campaign contributions. For a firm with a legislative practice, this is just as much a cost of doing business as is maintaining facilities or providing legal services."...

Not long ago we gave you the dismaying figures on how many more administrators per student there were in the headquarters of Chicago's public schools than in its parochial schools. Here are the figures for the City of New

York: for the public schools, one for every 147 students; for the parochial schools, one for every 4,200 students....

How many times have you noticed a speeding car recklessly run a red light, looked around for a cop, and seen not one in sight except for the guy busy ticketing your car for being parked five minutes overtime? West Germany and Australia have a solution to this problem—not for the parking ticket but for the red-light runner. They have a camera that is triggered by cars going through red lights. It photographs their license plates so that the offenders can be punished. This makes great sense to me. I fear, however, that the ACLU will delight George Bush by coming up with some bizarre argument claiming that our liberties would be in the direst danger....

The Journal of the American Medical Association, once notorious as a propagandist for the views of the medical establishment, has in recent years seemed to embark on a flirtation with integrity. That the romance has ended is suggested by a recent "study" published by the *Journal* that conclusively demonstrates something that tight-fisted hospitals and senior physicians, both of whom have a keen interest in exploiting young doctors, desperately want to believe—namely, that sleeplessness does not impair the performance of residents. This is just as credible as the lawyer's claim that he relies on reason alone to convince legislators of the wisdom of his views....

Michael Combe is the petty officer second class who killed a frightened navy recruit

by repeatedly forcing his head under water. After the recruit said he wanted to withdraw from the drill, Combe used a head hold to force him back into the water and held his head under until he died, as "The Star Spangled Banner" was being sung by his fellow recruits at the order of their instructor.

Combe's punishment by a navy court-martial panel: 90 days in the brig and a reduction in rank to petty officer third class. This tender tap on the wrist could have been justified only by the punishment of higher-ups who may have encouraged such practices and who thus may have been really responsible. But they weren't punished either.

What is most maddening about this episode is that the recruit, who had fled from the

pool before, had been diagnosed as having a possible phobia and classified as unfit for training of this kind. . . .

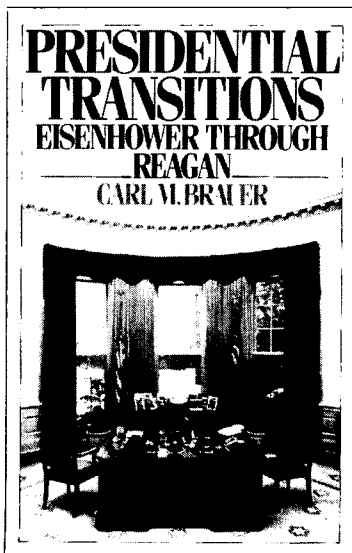
One of the arguments against the protective headgear that makes boxing a far safer sport has been that it deprives boxing of excitement. No one who watched this year's Olympic boxing matches, in which headgear was worn by all participants, will ever believe that argument again. . . .

Speaking of Olympic boxing, everyone I know who saw the fight between Roy Jones, a young American black, and Park Si Hun, says that Jones was the clear victor. Yet the judges gave the

decision to Park in a move that may have been directed at making up to the South Koreans for slights, either real or imaginary, they had suffered earlier in the games.

It seems to me that, ironically enough, there is a lesson in all this for American blacks. It is that, although affirmative action is a wise policy when it involves special efforts to recruit minorities and to make them aware of opportunities and to train them to take advantage of these opportunities, affirmative action is wrong when it involves giving a specific job to a black when there is a white who can clearly do a better job. Just as the black boxer who fights best should win, the white worker who performs better than the black worker should get the job or the promotion. . . .

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One of the more dubious claims made by the Republicans this fall is that the Reagan-Bush administration is responsible for the lower unemployment figures. These figures are in fact caused by demographic trends, which, by the way, were predicted in this column in May 1981. Where Jimmy Carter had to find jobs for the hordes of baby-boomers entering the labor force in the seventies, Ronald Reagan is the beneficiary of the much lower birth rate that followed the boom, which means fewer first-job seekers and lower unemployment today. . . .

The extent to which this country was once segregated was recently brought home to me by the obituary of Barney Josephson, a New York night club owner who was the first to have black and white entertainers work in a club before a black and white audience. This did not happen until Josephson opened Cafe Society in December 1938. Here was a profession, entertainment, long associated with liberal attitudes on race, and a city then considered the most liberal in America. Yet it was not until the eve of World War II that this seemingly simple step was taken. That it was a Jew who took it is something blacks, who are becoming increasingly antisemitic, should ponder, and that those Jews who are becoming antiblack should recall as they seek, as I hope they will, a rebirth of their old liberalism. . . .

Speaking of blacks who have gone astray, the Congressional Black Caucus gets the financing for its annual conference in Washington from the tobacco and alcohol

industry, two of the great enslavers of black people throughout the country. . . .

I happened to be in Yellowstone Park on what was probably the worst day of the fire, September 9, and saw both the devastation the blaze had caused and how frighteningly out of control it was. I saw where it had jumped the 100-foot-wide Madison River. I realized then that this was a battle firefighters could not win. There were no barriers they could construct that would be more formidable than the river. The fire was going to have to be put out by nature, by heavy rain or snow, and by nature alone. As to the devastation, it seemed at least half the park was destroyed. And not just for a little while. We were shown one area that had been burned more than ten years ago. A ranger pointed and said, "Look, you can see the process of regeneration is under way!" There was new underbrush on the floor of the forest, but at eye level and above there was nothing to be seen but the charred skeletons of dead trees. . . .

Michael Dukakis, I am delighted to report, has adopted *The Washington Monthly* program for financing higher education: long-term loans for students repayable out of their future income through an additional assessment on their income tax (see "Highbrow Robbery," Timothy Noah, July-August 1983). The beauty of this idea is that it means people will not be denied higher education because they or their parents can't afford it.

Unlike most such plans, the taxpayer is not stuck with the bill. The beneficiary of the education pays for it, but over a term long enough to be affordable. Because he, not his parents or society, will pay for it, he is much more likely to be the kind of customer who demands that colleges hold their costs down (for one university's scandalous administrative costs, see "Letters," page 1). And he will not be able to escape paying, as many student loan recipients have done in recent years, because the IRS will collect. This very sensible plan, one that should appeal to intelligent conservatives above all, was immediately rejected by George Bush. . . .

I was pleased to see the headline, "To Stop the Killing, Partition Burundi," over an op-ed article in *The New York Times* not long ago. The hatred, the author argues, between the Hutu and Tutsi tribe is so strong that they can't live together. I've already indicated that I favor the partition of Cyprus between Greeks and Turks on similar grounds. I think it is the only answer where animosity is so intense that it is sure to produce violence for generations unless the warring tribes are physically separated. . . .

Paul Snapp, a mailman in Bloomfield Hills, Michigan, had compiled an exemplary record over 14½ years of service. There was not a single reprimand in his file. Then on August 6, as he was a few minutes from completing his route, a natural gas explosion took place in a nearby office building, which then caught

fire. Snapp immediately rushed to the building and proceeded to help police keep people away from the dangerous area. "He did an outstanding job," said the local police chief. His reward from postal authorities was an official disciplinary letter of warning, charging him with "deviating from your scheduled delivery time" and "failing to complete your route as scheduled". . .

Guess what's the biggest-spending lobby these days. It's the National Committee to Preserve Social Security. This is bad news for those of us who feel that we have to stop wasting Social Security on the affluent, whose benefits the committee is determined to protect. This committee is also demagogic and misleading in its fundraising, which is why it made our recent list of the worst lobbies.

Speaking of wasting money on Social Security for those who don't need it, the government is guilty of even more egregious waste in its retirement programs. Take Albert Gore Sr., who retired from the Senate in 1971 and is a wealthy man. This month he will receive a check that will put the retirement income he has received from the government at a total of more than \$1 million. We are now paying him a pension of \$81,347 a year. . . .

Did you see Eugene McCarthy's article arguing against the vice presidency? I agree with McCarthy. The post has attracted far too many second-rate people who are only an assassin's bullet away from running the country. Let's amend the Constitution so that,

in the event of a president's death, someone like the secretary of state would serve as president until, but only until, the House and Senate could convene to elect a successor to serve the remainder of the term. This would mean thoughtful consideration would be given, not to balancing a ticket, but to choosing the best president. There is *no* chance that such an election would produce a Dan Quayle. . . .

I reported to you a few years back that government had surpassed coal mining as an employer in West Virginia. It has now surpassed manufacturing as well and has the largest payroll in the state. . . .

The growth of the bureaucratic economy is further illustrated by the cost of "administration" in the health care field. While other health costs—doctors, nurses, operating rooms, bandages, etc.—rose by 85 percent between 1980 and 1986, the cost of administration grew 186 percent. And the worst cause of this increase was in the corporate bureaucracy sector, revealed by what is called the "net cost" of private health insurance, which is the premiums collected minus the benefits paid out. It rose 249 percent. . . .

I've written before about the small print in brokerage contracts that gives the big Wall Street firms the right to screw the small investor, and, if he is graceless enough to protest, to compel him to submit the dispute to an arbitration panel loaded in favor of the brokerage firm.

The SEC staff recently proposed an end to this outrageous practice, but they were overruled by Ronald Reagan's chairman of the SEC, David Ruder. . . .

Although I'm rarely accused of being a card-carrying member of NOW, I do think many of the grievances of the women's movement are real. An example is revealed in a recent survey conducted by the American Compensation Association: most companies continue to determine secretarial salaries, not on the basis of the work the secretary does but on the rank of her boss, who of course is more often than not a male. So it is the man's status, not the woman's work, that governs the size of her paycheck. . . .

The world's failure to crack down hard on Iraq for its use of poison gas against Iran and the Kurds may leave a terrible price to be paid as the other countries see the use of gas tolerated and as they learn how cheap and easy it is to use. Put yourself in the shoes of a beleaguered commander, desperate for some way to save his forces from almost certain defeat, and then ponder this paragraph from a recent article in *The Wall Street Journal* by John Fialka, a very careful and reliable reporter:

"Take a 20-year-old Russian ballistic missile, readily available on the world's arms market. Install a hollow warhead with tiny vents that blow open as the missile nears its target. Then pour in a compound that any competent lab can mix up from off-the-shelf ingredients: nerve gas."

In addition to Iraq and the

major powers, Fialka says, Egypt, Syria, North Korea, South Korea, and Taiwan all are strongly suspected of having chemical weapons now, with ten other countries seriously considering obtaining them....

The 1989 Midwinter Convention of the Association of Trial Lawyers of America is being held in London. The opportunity to gain a touch of class by rubbing shoulders with bewigged barristers doubtless is irresistible to the people who some cynics suspect spend their days advising clients on such elevated matters as how to feign a whiplash injury. And the similarity of English and American law does lend a faint, if very faint, justification for the tax deductibility of the London convention. But what can be said in defense of the Ohio State Bar Association, which is holding its tax-deductible Continuing Legal Education Seminar not in Zanesville or Dayton but in Puerto Vallarta, Mexico?...

Now for my annual warning to young people who are thinking about becoming lawyers. For my ammunition this time I'm grateful to a long article by Paul Ciotti of the *Los Angeles Times*, who reports that "many lawyers say they are working harder, getting richer, and enjoying it less." One attorney told him, "I think one would have to have a deranged sensibility to genuinely enjoy...the day-to-day practice of law...[which] largely consists of arguing with other people about money." Ciotti also points out that the alcoholism rate among lawyers is about twice that of the general population....

A reader who shares my concern about the snobbish trend in the names given to girls has sent me a clipping with a photo of the president of the Jacksonville (Florida) Bar Association sitting in his back yard with his wife and daughters, Stacey, Hillary, and Ashley....

The tragic episode of the drowned navy recruit and Jason DeParle's article on fraternities in this issue (page 38) combine to make me want to figure out what kind of hazing makes sense and what doesn't. An awful lot of hazing still goes on in fraternities, at the service academies, and in many other military training programs. Sometimes it has a legitimate point, such as to inculcate the habit of swift obedience or to teach people how to deal with difficult or dangerous situations, like the prison camp Scott Shuger described in the May issue.

Certainly, in combat, instantaneous obedience can be essential. But it also can be catastrophic if the order to be obeyed is bad and if there is still time to argue. The habit the military *should* try to inculcate is one of distinguishing between an order that has to be obeyed instantly and one that can be rationally examined. Make sure men are trained to argue that that is a civilian airliner not a warplane out there and it's going up not down, as long as there is time to argue, and that they're trained to shut up and obey only when there is no rational option left.

Military training also has tests like the one Shuger

endured that are necessary to determine if recruits have the combination of courage and intelligence needed to be effective in combat or to deal with their captors. These tests should never be conducted as the navy water exercise was that refused to let the recruit say, "I want out." Let such people be radar operators or supply clerks. Find out who can be a hero in battle, but don't try to force every man to be one. Some people have moral but not physical courage, and a good many have neither.

One other legitimate purpose of hazing is the bonding that occurs when a group of people has met a tough challenge together. In the Peace Corps we found that the group feeling produced by going through the physical challenges of Outward Bound experiences, such as rock climbing and drown-proofing, helped prepare our volunteers for both the physical and emotional challenges of living and working in difficult circumstances overseas. But the challenges of Outward Bound all made sense. There were actually physical situations one could conceivably be confronted with some day and the mastery of which would prove useful, if not in life-threatening at least in pleasurable recreation situations later in life. There were no stupidities like drinking to excess or having to follow pointless orders. And there was no attempt to intimidate, humiliate, or dehumanize. Instead there was mutual support, the good feeling that will be understood by everyone who saw that girl finally make it over the obstacle course in *An Officer and a Gentleman*....

—Charles Peters

The Making of the Hollywood Working Class

How the writers' strike drove
the Jaguar owners to the barricades

by John Eisendrath

Whew! For a while there it looked like America would have to endure an entire fall television season without new episodes of "Sonny Spoon." Now after a five-month strike the writers are back at work, the new season has begun, and the couch potatoes can rejoice.

In Hollywood, though, there is relief but no joy. The writers (and the producers for whom they work) resolved the narrow question of royalty payments, which was at the core of the strike. But the future looks uncertain for the dozens of studios that sell shows to the major television networks. In 1981, the major networks controlled 90 percent of prime-time viewership; now with competition from upstarts like Fox and CNN, that share has shrunk to 70 percent. Videocassette recorders are now in 60 percent of American homes, contributing to eroding network ratings and revenues. As of August 1, the advertising agency, J. Walter Thompson, had spent \$500 million less on television advertising this year than last; up-front, prime-time network sales are expected to drop 6 percent this year to \$2.9 billion. Less money for the networks means less money for the Hollywood studios. This, together with some dogs at the TV box office, has crippled certain studios. Lorimar Telepictures (producers of "Dallas") lost \$86 million in 1987. New World Entertainment ("The Wonder Years") is nearly bankrupt, and the DeLaurentis Entertainment Group is under Chapter XI.

You're probably assuming a dispute between

John Eisendrath, a former editor of The Washington Monthly, is a Los Angeles writer.

Hollywood writers and producers on the set of "Mr. Belvedere" would be different from gritty labor-management showdowns in Youngstown: that it would be a family affair, pitting liberal against liberal, the affluent against the rich. Nothing could be further from the truth. There is as much animosity between, and shortsightedness among, labor and management in Hollywood as in any mill town in America, and there is the threat of competition, too. Do any of these scenarios—all present in the writers' strike—sound familiar? Management demanding rollbacks from labor while receiving multi-million dollar salaries and bonuses. Workers caring more about their own bottom lines—wages and profits—than in fighting for a more democratic workplace where risk and reward are shared.

What producers and writers do share is a sense of self-pity that knows no bounds. With memories of the early guild battles and anticommunist witch-hunts, the writers see themselves as oppressed artists chained to the assembly lines of the Hollywood entertainment factory. At a *minimum* a writer makes \$68,880 for a 40-week season. And they very frequently make several times that. The producers feel put upon: they take big risks, underwriting dozens of unsuccessful pilots and movies in search of a hit, yet they are among the highest paid executives in any industry.

There is no reason to believe Hollywood will be able to write itself a happy ending. Neither side has shown the willingness to temper its whining and meet the common enemy of outside competition. Like the steelworkers and factory bosses who squabbled between themselves while plants were