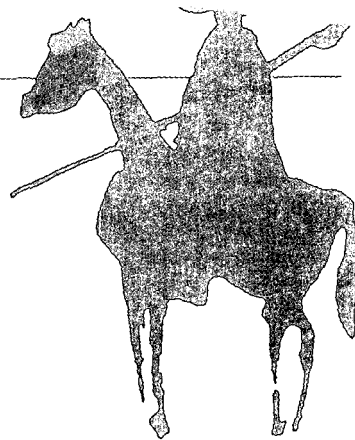


TILTING AT WINDMILLS



A glimpse into the Republican soul is provided by the modified Pledge of Allegiance recited by members of the Cascade County (Montana) GOP club. After "liberty and justice for all" come two new words: "including corporations." . . .

A Tokyo apartment-for-rent guide called *Apaman* has a special symbol that means "Foreigners Allowed." It is a measure of the true regard the Japanese have for the rest of us on this planet that a recent typical page of the guide contains just three of these symbols out of 66 listings. . . .

The pilot has warned you and the other passengers that the aircraft is in trouble. Now it's going in to attempt a dangerous landing. You hear the shouted command "Brace! Brace!" You start to bend over to grab your ankles in the recommended position. You can't do it! There is not enough room. In economy class the seats are too close together.

"Quite a few of the men," according to Susan White, one of the flight attendants on the DC-10 that crashed in Sioux City, "were unable to get into a brace position by leaning over and holding their ankles." . . .

Some years ago, hoping to halt the proliferation of adolescent welfare mothers, I proposed that we offer \$5,000 in cash to each teenage girl who reaches adulthood without having had a child. I'm delighted to report that I now have an ally, Isabel V. Sawhill, a poverty scholar at The Urban Institute. In the summer

1989 issue of *The Public Interest*, she recommends a similar program, observing:

"There is currently no real reward. . . for those teenagers who defer childbearing. Indeed, the welfare system and the social norms in inner-city communities tilt in the other direction. . . . Relatively generous rewards may be needed to turn the situation around. . . ."

3.25 million of the people of Hong Kong are British citizens. Many of them want to move to England before the Chinese Communists take over in 1997. But Mrs. Thatcher and her government don't want them. This is obviously racist. It is also quite foolish. Since World War II, the Hong Kongers have created one of the economic miracles of the world. They have just the kind of dynamic energy Britain needs. . . .

Manhattan Lawyer recently provided some hard evidence for those of us who have suspected a certain degree of exaggeration in the claims by chief justices and other distinguished jurists that the courts are overcrowded and judges overworked. On May 9, the publication sent reporters into all 45 full-time courtrooms of the New York State Supreme Court felony trial division. They found that the average court was in session only 4 hours and 27 minutes a day. Sixty-two percent spent less than five hours in session. Forty-two percent started work after 10 a.m. No court was in session more than six hours and 35 minutes.

Perhaps the judges were busy writing opinions in their chambers. Not very likely. These

are *trial* judges, not opinion-writing appellate judges. The truth is that most American judges have a soft life. What we need is not more judges but a Hong Kong work ethic on the bench. . . .

If you're curious as to why the press has not done more to expose our underworked judiciary, you should realize that reporters assigned to the courts long ago figured out that the fiction of a full day of cases being tried was a handy cover for hours spent at the race track, hanging out in a bar, or writing that novel. . . .

During my late teens and early twenties, there was no subject to which I devoted more earnest study than the identification of evidence that a young woman might share my interest in physical affection. It was not an area of scientific precision, but through dedicated effort I nevertheless developed a set of clues that were reasonably helpful.

If she liked both to walk barefooted and not to wear a girdle, for instance, the situation could usually be deemed promising. But I found no guide more surely reliable than a high regard for the works of Kahlil Gibran. Because mutuality of enthusiasm was important in those situations, I must confess that I would sometimes profess an

admiration for the Arab sage that I did not truly feel. But now it develops that if only I had studied his works more closely, my admiration might have been genuine. Thanks to a new book, *Respectfully Quoted*, published by the Congressional Research Service, I now know that he is the father of my favorite quotation:

"Are you a politician asking what your country can do for you or a zealous one asking what you can do for your country? If you are the first, then you are a parasite; if the second, then you are an oasis in the desert." . . .

If you dine at the Palm Restaurant, a favorite of Washington lobbyists, there's a good chance the waiter won't just be serving you—he'll also be serving time. Eight of the Palm's waiters were recently convicted of cheating on their income tax, failing to let the IRS know about \$145,000 in tips they had received. That this case might be just the tip, so to speak, of an iceberg is suggested by the fact that the audit covered only credit card receipts and did not include gratuities received in the form of cash. It also covered only one restaurant. There are probably at least 50 fancy restaurants in Washington where waiters receive similarly lucrative income from tips and are under equally strong temptation not to confide in the IRS, especially where the hard-to-trace cash portion is concerned. Consider the hundreds of such establishments in cities like Los Angeles and New York, and the thousands elsewhere throughout the country, and you begin to understand the dimensions of the problem and of the revenue that could be gained from tough tax enforcement. . . .

Who are the liquor companies targeting as consumers? Here are a couple of clues. In a recent

survey, teenage boys of the Washington area said that their favorite ads were beer commercials. In San Jose, California, there are five times as many stores and bars selling alcoholic beverages in Hispanic as in Anglo areas. . . .

For congressmen, the closest legal equivalent to straight cash bribes is the speaking fee or honorarium, as our legislative statesmen prefer to call it. The second, third, and fourth leading dispensers of honoraria are the National Association of Broadcasters, the American Bankers Association, and the American Trucking Association. Number one is, of course, the Tobacco Institute. . . .

One reason for the declining performance of government agencies is the declining quality of

government employees. The people who are in make it hard for talented outsiders to get hired. Recently Senator David Pryor dispatched four interns to find out just how difficult it was to get a job. Three out of the four were treated rudely. One, for example, who asked when she would hear about her application was told "probably never." . . .

Thirty years ago, only one baby in 20 was delivered by Caesarean. Today, the figure is one in four. Since there is substantial evidence that the figure could be much lower without threatening an increase in infant mortality and since the Caesarean poses a risk of death to the mother that is two to four times higher than in normal birth, why has this form of surgery increased so dramatically?

It just might have something to do with the fact that the operation

THE CONTINUING AMERICAN DILEMMA A NATIONAL CIVIL RIGHTS CONFERENCE



Roots by Walter Williams

THE AMISTAD RESEARCH CENTER NOVEMBER 10-13, 1989 NEW ORLEANS

Featuring Andrew Young, Juan Williams, Hodding Carter III, Leon Higginbotham, Constance Baker Motley, Ron Brown, Ray Marshall, and many others. For more information, call conference chairman Prof. Lawrence N. Powell or the conference coordinator at (504) 865-5535, or write the Amistad Research Center, Tulane University, New Orleans, Louisiana 70118.

produces about \$2,000 more income for the doctor and hospital than the normal vaginal birth. Another indication that greed may be motivating physicians is that, according to Jane Brody of *The New York Times*, “resident physicians who are salaried are much less likely to operate than private obstetricians who receive a fee for services.” Also, it would seem more than coincidental that Caesareans are, according to a Los Angeles study, 73 percent more likely to be performed on women with incomes above \$30,000 a year than on women earning less than \$11,000. . . .

For those of you who share my concern about the shortage of the engineering students we need to regain this country’s technological leadership, here’s more evidence that our concerns are not baseless. I found it buried in a *New York Times* story about the son of a high Chinese official who is attending Drexel University in Philadelphia.

It seems that of Drexel’s 110 full-time graduate students in electrical and computer engineering, 80 are foreigners. . . .

I am reminded by the recent publication of a biography of Maxwell Taylor that when I was deciding whether to support John Kennedy in 1960, I asked him whether he agreed with Taylor’s theory of the flexible response. Younger readers will almost certainly not know what I’m talking about. I will explain.

In the 1950s, Eisenhower’s secretary of state, John Foster Dulles, relied on the threat of “massive retaliation”—with nuclear weapons—to deter our enemies. The virtue of the theory was that it meant low military spending because you really didn’t need much in the way of an army or navy if you were going to rely

on nukes. The danger, of course, was that you would always be forced to give in to the enemy in disputes that didn’t justify nuclear war. Taylor—and Kennedy, who, I discovered, was a fan of flexible response—believed that we had to have enough conventional armed strength to deal with the disputes that were important but not so crucial as to require risking the destruction of the planet.

So Kennedy, with Taylor as his chairman of the Joint Chiefs, significantly strengthened our conventional forces in the early sixties. It all seemed so thoroughly sensible, yet the unintended consequence was to bequeath to Lyndon Johnson an army capable of massive intervention in Vietnam. While Eisenhower could have sent only a division or two, Johnson was able to commit 500,000 men by the end of 1965. . . .

Of the many explanations for the HUD scandal, two that have not received enough attention involve basic prejudices of the country club conservatives who dominated the Reagan administration. One is that their contempt for social programs meant that they didn’t care about the quality of people they assigned to run HUD. It was used as a turkey farm, and when that happens to a government agency—as it has over the years with the General Services Administration and the Small Business Administration—the result tends to be an agency run by knaves and fools.

The other characteristic of the country club conservatives that was a factor in creating the disaster at HUD is their ignorance of blacks. Because they don’t know many black people, when they feel they have to choose one to serve the purpose of political tokenism, they can rarely rely on personal knowledge or the

thorough checking out that a network of mutual friends makes possible. All they can ask is does he look okay and does he have respectable credentials. Pierce passed both these tests, but he was a miserable failure on the job. . . .

As veteran readers know, next to my hometown *Charleston* (West Virginia) *Gazette*, my favorite paper is *The San Jose* (California) *Mercury News*. I am indebted to it and to two of its writers, Gary Webb and Pat Dillon, for many of the facts in the next two items of the column. . . .

Webb tells about a correspondent who covers state government for KOVR-TV in Sacramento and who was paid \$25,000 last year by the California Highway Patrol to teach CHP officers how to deal with the press, including “how to make the CHP look good” and “how to take control” of an interview. The correspondent has, it seems, been paid for several years to provide such instruction for the patrol.

There were several things that intrigued me in this story. For one, the correspondent did not think he had done anything wrong. But what fascinated me the most was the way the correspondent’s contract with the police was renewed last year even though there was a lower bidder. For a second round of bidding, the CHP changed the contract specifications to require that the successful bidder have “recent experience as a TV newscaster” and “a history of frequent interaction with the California Highway Patrol or other police agencies.”

Such tailoring of contract specifications is a key technique of government contracting officers who want to take care of their friends. Similar skill in drafting job descriptions is the basis of

what is called "the Buddy system" in the civil service, under which the person who is already in makes sure that his friend is the outsider who gets hired. This is why the outstanding jobseeker who doesn't know anyone will be told he will "probably never" hear about his application. . . .

The other *Mercury News* article was a column about the town of Santa Cruz by Pat Dillon. Santa Cruz is fashionably progressive. It has announced itself to be a free port of Nicaragua. U.S. Navy ships aren't welcome because the city does not want to be "part of the Pentagon machine." It refused to host the Miss California contest because it is sexist. It chose a socialist as its mayor.

Yet it jailed Sandra Loranger because she fed the homeless. Why? Because it does not want the homeless. Its policy, says Pat Dillon, is to treat the homeless like stray dogs: "Discourage them. Don't pet them. Don't feed them. Don't make eye contact. They'll leave your doorstep and won't come back."

Several years ago I ran into a group of this kind in another California town, Santa Monica. I was part of a mostly liberal panel of speakers who were generously applauded when we adhered to the conventionally progressive line. But I noticed there weren't many hands clapping when I called on the affluent to do their fair share of service in the armed forces or organizations like the Peace Corps. They were even less pleased when I suggested that the affluent should not receive social security beyond what they and their employer had paid for plus interest; that it was unfair to expect struggling young wage earners to pay for other's Caribbean cruises through social security taxes that had to be paid regardless of how impoverished

the worker might be. . . .

The latest cycle of this selfishness at work is the great protest movement among the affluent elderly, liberal and conservative alike, against the medicare surtax. The tax finances catastrophic health care, which all the elderly want but are indignant about because the wealthiest 40 percent of them are taxed to pay for it. They have become so accustomed to the rest of the population paying for their benefits that they feel self-righteous about it even though most of them are better off than most of the people they want to finance their benefits. You expect a conservative to be selfish—selfishness is what he believes makes the world go round—but liberals should be embarrassed by their own hypocrisy. . . .

The Me Decade has now lasted 20 years. Sometimes it seems the selfishness is just getting worse and worse. But a few individuals continue to show a better way: Mickey Leland giving his life to the cause of famine relief; Colonel Higgins sacrificing his to the cause of peace. Mrs. Higgins says her husband accepted his U.N. assignment, even though he was well aware of the danger, "because he believed he could be useful—that he could help and that he was needed."

"He wrote in his high school year book," she went on to say, "his goal was 'to always make my family proud of me.' He succeeded."

All the people out there who are trapped in meaningless money-rich careers should ask themselves: What would my wife or husband be able to say if I died today? . . .

—Charles Peters

"STOP THEM DAMN PICTURES"

That's what "Boss" Tweed demanded when he saw the handwriting on the Hall (Tammany, that is).



But the pictures didn't stop. "Boss" Tweed met his maker in the Ludlow Street Jail and Thomas Nast put bitingly eloquent political cartoons squarely and permanently in the middle of American political life. Tweed aside,

we think Emerson had it right when he said, "Caricatures are often the truest history of the times."

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The Pro Bono Hustle

Law firms need to pretend that their over-paid young lawyers aren't really buying into boring lives. Here's how they do it.

by Liza Mundy

Some time or other you've probably heard a lawyer friend speak in glowing terms about a *pro bono* case he's taken on as part of the work he does for his firm. In a fit of pride and excitement, that lawyer may even have used the full Latin phrase—*pro bono publico*—which means “for the good of the public.” It refers to legal work performed without charge for a worthy individual or cause, in order to guarantee everybody fair and equal access to the courts.

Over the past several decades, large law firms have been using the opportunity to do such work as a lure to attract and keep the thousands of bright young men and women they need to protect corporate America from the legal consequences of its misdeeds. There is of course some good in this approach, and worthy cases do get taken on. But along with the good there is also a generous portion of hot air, not to mention deliberate self-deception on the part of both firms and attorneys.

First, though, why do these big firms have to use a lure at all? Because a sample of their *paying* work is the last thing that would bring young lawyers to a big firm. Here. See for yourself.

Imagine for a moment that you're a first-year associate at one of the biggest law firms in Washington. You already make more money than your father,

more than most businessmen. But imagine, too, that it's a hot Wednesday in August and that, feeling a little drowsy after lunch, you're reading through a motion you drafted yesterday. By now the motion has been red-lined by three different partners and returned to you, to re-draft, in barely recognizable form.

At this precise moment—pen in one hand, coffee mug in the other, diplomas from Berkeley and Yale hanging neatly on the wall—you're flipping idly through the *Uniform System of Citation* to solve the pressing and momentous and socially useful question of whether you should introduce a new footnote with “See,” or “See Generally.”

For this, you're being billed out at \$150 per hour.

Suddenly your phone rings. You jump five inches out of your chair, awakened from a stupor in which you dreamed you were practicing domestic relations law out of a storefront office in Little Havana. Without warning, the Tap has come from above. Billy Bluechip—one of the most important partners, the kind you never even see, never meet; the kind whose existence has been confirmed to you only by rumor—has declared a red alert. Emergency. All hands on deck. He wants you, Teresa Mudd (let's give you a name), second in your class, editor of the law review, to meet with him right away.

Along with another nervous first-year and the

Liza Mundy is a Washington writer.