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# THE CONTINUING CRISIS

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• September has elapsed, but the war clouds spread. And it is not just war between President Saddam Hussein and the outside world. The American press has found another theater of combat, to wit, the conservative movement. Conservative writers whom the media have not recognized for years are now being sought after to strut their isolationist views on national television and on prestigious op-ed pages. As far as the research department of this magazine has been able to ascertain, there are four such writers, but to hear the American media's ghostly reverberations, conservatism is split right down the middle between those who favor the American military presence in the Middle East and those who want to return to Fortress America. According to the World Society for the Protection of Animals, Iraqi soldiers have dined on over 70 percent of the edible animals in Kuwait's Zoo. Presumably the others are being conscripted into the Iraqi army.

• Justice has been done! At Dartmouth College Mr. William Cole, the infamous music teacher whose imbrolios with the conservative *Dartmouth Review* have brought so much unwanted notoriety to that splendid manifestation of 1980s youthful idealism, has resigned. Mr. Cole's career plans remain unclear, though it is eminently possible that he might be hired by General Motors Corporation to become an air bag. In New York City, Mayor David Dinkins has been slow to act on the recommendation of the Rev. Al Sharpton, a local black reformer, who proposes that the city be renamed New King in honor of deceased civil rights activist Martin Luther King, Jr. Dr. King visited the city often, taking particular delight in the Empire State Building and the piano bar at the Algonquin Hotel. Of course, the Dinkins Administration is usually slow to act, but in this dispute the mayor's languid response may be a sign of statesmanship. The recommendation of the Rev. Sharpton's group is being challenged by another gang of forward lookers led by gubernatorial candidate Miss Lenora Fulani. They urge that the city's new name be Martin Luther King City, because "We want to reclaim the city for our people," whoever they might be.

• In Richmond, Virginia, the Eskimo Pie Corporation unveiled The Fat Freedom Eskimo Pie, America's first fat-free dessert named after a minority group, and the group has yet to sue. Possibly that is because that ambulance-chaser of civil rights sophistries, Mr. William Kunstler, is booked solid for the rest of the year. On September 4, high-level talks were auspicated between North and South Korea; no one was injured. The American Bar Association gave Judge David Souter its highest rating, to the concern of conservatives whose apprehensions were heightened by the judge's September 14 endorsement of Warren Court activism and affirmative action, before a Senate panel that included at least one plagiarist, a sex addict, and several dipso-manics, some of whom were probably sober enough to hold him to his testimony. In Pontiac, Michigan, Mr. Richard E. Green was arraigned on six misdemeanor counts of animal cruelty for allegedly burying six live puppies in his back yard when other decent citizens in the neighborhood were planting daffodil and tulip bulbs for the spring epiphanies. Five of the pups survived. Those wishing to assist Mr. Green in his defense may send donations to the "Richard E. Green Defense Fund" care of this magazine. In Canton, Ohio, an unnamed 11-year-old boy was arrested for allegedly breaking into the home of Miss Marlene Stephens, a Humane Society employee, and microwaving Jo Jo, her white Maltese. Race has been ruled out as a motive, Canton being a long way from New York City. Rather the



dastardly act appears to have been purely recreational, as Miss Stephens attests, "He did it for kicks. He took my little dog and put her in the microwave." Then, poof.

• On September 8, Miss Marjorie Judith Vincent was chosen as Miss America despite the protests of feminists and Klansmen—Miss Vincent is very pretty and of a non-Aryan race. From Reno, Nevada, comes word of a fresh outbreak of bubonic plague in Calena Creek Park and historic Camp We-Che-Me. Officials have cautioned people to avoid sick or dead animals commonly referred to as "road fare" in the region and much prized when prepared in a proper French sauce. In Tampa, Florida, the mystery that arose when Miss Carina Guillot of New Jersey discovered that a Ken doll purchased in a Tampa toy store was dressed in Barbie's purple tank top and a lace-covered purple-and-turquoise skirt, was cleared up when a store clerk came forward and admitted to committing a tasteless prank, he being the aptly named Mr. Ron Zero. Mr. Zero was duly fired, but what was Miss Guillot doing so far from New Jersey?

• There is more to this—on September 9 President George Herbert Walker Bush met with a wobbly President Mikhail Gorbachev in Helsinki and after a suitable confabulation they issued a joint statement, vowing to reverse Iraq's conquest of Kuwait even if force is required. In the Soviet Union centrifugal forces continued to spin, as yet another dissenting group became unruly, namely urban cigarette smokers. In several cities they rioted over the scarcity of tobacco. Fortunately, capitalism's peacemakers responded—and with characteristic alacrity—when Philip Morris and R. J. Reynolds promised billions of cigarettes to the victims of Dr. Marx's kookery. Shouts of protest resounded from American wowsers, but finally America is on the right side of revolution.

• The Old Order in Massachusetts suffered an unforeseen setback when Mr. John Silber, the president of Boston University, won the Democratic nomination for governor. In London, England, the offbeat historian Mr. A.J.P. Taylor died of Parkinson's disease. He was eighty-four. In Chicago, Illinois, Mr. Ike Sewell, originator of the "Chi-

cago-style" deep-dish pizza died of leukemia. He was eighty-seven. And in New York City, Mr. Fred Munsch passed away. He was fifty. In Alaska the popular sport of moose-watching suffered a setback when two small planes collided after their pilots became recklessly engrossed in the antics of a moose down below. In Poland General Wojciech Jaruzelski announced plans to step down, opening the way for presidential elections in December that will probably pit Mr. Lech Walesa against Prime Minister Tadeusz Mazowiecki, a protege. In Bucharest, Rumania, there was more bad news for the Ceausescu family. On September 21, Mr. Nicu Ceausescu, until recently the up-and-coming son of the late Mr. Nicolae Ceausescu, was sentenced to twenty years imprisonment for misjudgments committed by him in the last hours of his father's presidency. Earlier in the month it was divulged that the 39-year-old heir-apparent to the Ceausescu dynasty had come down with cirrhosis of the liver despite his recent spartan diet, and would probably not be able to embark on a nationwide speaking tour that he had been yelling about while under police guard at Fundeni Hospital.

• The regional dissent now threatening the Soviet Union seems to have spread to Madison, Wisconsin, where indigenous females have been demonstrating topless in the streets to protest "outdated" laws that force them to cover their breasts in public. "My breasts are not disorderly," read one of their clever banners, and another pithily stated, "Breasts, not bombs." In São Paulo, Brazil, Mr. Arlindo Barbosa da Silva, a widely respected car mechanic, was acquitted of assault for giving his mother-in-law what the newspapers acclaimed "a nice thrashing." Apparently the mother-in-law tried to break up an argument between Mr. da Silva and his wife, but Judge Antonio Carlos Goncalves found that "the accused acted in the strict fulfillment of his duty, which is to keep outsiders from perturbing conjugal harmony." Mr. da Silva achieved this feat, incidentally, while under the influence of alcohol.

• In Perth, Australia, the state Health Department is paying AIDS-infected prostitutes \$80 a week not to practice their scortatory arts. Mr. Jerry Hodge,

vice chairman of the Texas Department of Criminal Justice, came under criticism for bringing along his buddies to watch convicts try to elude prison dogs on the hunt. Mr. Hodge dubbed the event the "ultimate hunt" and gave his pals jackets inscribed classily, "Ultimate Hunt," but now the American

Civil Liberties Union is protesting and Mr. Hodge's pals may have to return their jackets. In Sacramento, California, Superior Court Judge David Stirling ruled that a mother who was given custody over her five-year-old boy will have to refrain from smoking in his presence until the child

turns eighteen. Then anything goes. • On September 1 the state of Michigan ended its program of allowing Medicaid clients twenty-four free condoms a day, owing to abuse of the program. Pickets appeared in front of Manhattan's left-wing *Village Voice* protesting near sweat-shop conditions

at that celebrated organ of progressive sensibility. The Kinsey Report's Dr. June Reinisch flailed at Americans for failing to pass her test of sexual intelligence. Fifty-five percent flunked the report, according to Dr. Reinisch, who has two nicely turned ankles but remains fastidiously nulliparous.—RET

## C O R R E S P O N D E N C E

### Trial Lawyers' Entrails

Congratulations on Robert Stowe England's account of how organized plaintiff's lawyers have succeeded in manipulating Congress and the press ("Congress, Nader, and the Ambulance Chasers," *TAS*, September 1990). The most aggressive contingency-fee operators have made a fortune inflaming public sentiment against every other industry and profession; yet curiously (or not so curiously) they have thus far escaped critical scrutiny of their own dubious conduct. Mr. England's piece, together with the pioneering work of Peter Brimelow and Leslie Spencer in *Forbes*, should help rectify that.

In the deadline crush, unfortunately, the author inadvertently got a quote from me a bit wrong, leaving the impression that the plaintiffs' bar had managed to monopolize Democratic fund-raising completely in some states. The crucial point remains that their funding is extraordinarily influential in making and breaking politicians, and comes with at least as many strings as funding from other sources.

—Walter Olson  
*Manhattan Institute for Policy Research*  
*New York, New York*

Mr. England's article was read with great interest and approval. The term "America Held Hostage" takes on profound new meaning so long as these jackals are permitted to use the judicial system as a form of national lottery.

The first paragraph of Mr. England's article had a few errors that, while slight, will probably cause undue pain and suffering. The bus carried eighty-three souls, not seventy. It was struck by a Dr. Pepper delivery truck, not Coca Cola; and it was near Alton not Alston, Texas. The driver of the bus survived, as did the driver of the truck.

The frothing of the bloody water by the legal sharks was an amazing, disgusting spectacle. Some were even convicted later of misdemeanor business solicitation. Many people in the area were amazed at the level of the settlements and the trial lawyers' share for doing less work than most secretaries do in three days.

In one case, a biological father of

one of the children came forward with his lawyer in order to receive his fair share, \$900,000. The fact that he was a fugitive from justice, had abandoned his wife and child long before, and had never paid any child support made no difference. For this magnificent contribution to the system of American jurisprudence the trial lawyer received \$300,000.

The social impact of the settlements has been predictably troubling. The grieving survivors now cannot be discerned from the ranks of the drug traffickers because of their gold and diamond ornamentation, their flashy expensive automobiles, and consumptive lifestyle. The lawyers live the same way, but some would think with less right to tread upon the graves of the dead children. —David Christian Newton  
*Mission, Texas*

Thank you for Robert Stowe England's well-researched look into the hypocritical posturing of Ralph Nader. The only consumer Nader represents is himself. His kow-towing to the trial lawyers serves to promote his Byzantine network of organizations representing Nader's left-wing ideology.

Please note the error on p. 21. Nebraska Senator James Exon is a Democrat, not a Republican.

—Stephen E. Slattery  
*Falls Church, Virginia*

*The American Spectator's* September article on the plaintiffs' trial bar did not even make a cursory attempt to be even-handed. Surely your readers deserve more than inaccuracies, unreliable anecdotes, and blatant bias.

To cite just one example, the article states that "thousands of American trial lawyers . . . descended on Bhopal . . ." This statement is ludicrous. There aren't thousands of American trial lawyers who would be interested in such despicable conduct. The obvious inference that the trial bar in general condones such activity totally overlooks the resolution by ATLA's Board of Governors strongly condemning solicitation of disaster victims and their families. Why did your publication choose to completely overlook this

easily accessible and already well-publicized resolution?

Further, the article includes no mention of ATLA's extensive educational activities, or of our contributions to the health and safety field. We have a program designed to prevent harm to citizens—and we provide support to injury prevention and rehabilitation organizations. We sponsor conferences on toy safety, injury prevention for senior citizens, and farm safety. ATLA is a large, diverse association with numerous interests and many good works. Any image of ATLA as a "single issue" organization is a result of the article's own lack of balance.

Your readers surely deserve reporting that is fair and factual. It's unfortunate that they didn't receive it in this article.

—Thomas H. Henderson, Jr.  
*Executive Director*  
*The Association of Trial*  
*Lawyers of America*  
*Washington, D.C.*

### Robert Stowe England replies:

Now, now, Mr. Henderson, look who's calling the kettle black. The incidents are not merely single-source anecdotes, as you suggest, but have been corroborated. Both identified sources and those not identified are either leading members of Congress, attorneys on prominent congressional committees, tort reformers and their lobbyists, consumer advocates, and a few of the more forthcoming members of the trial bar. They cut across the political spectrum. They are responsible and credible eyewitnesses. You fail to attack any single major allegation of the story, which appears to suggest you have no major challenge to any of the facts or events as reported. Furthermore, no other party to any of these stories has questioned the facts contained in them. You make no effort to disagree with the conclusion that the trial bar has systematically reduced Congress to a lapdog, and that nothing ever passes Congress that threatens the interests of the trial bar. Far from being unbalanced, the story omits dozens of additional examples of influence-peddling and manipulation of Congress.

As for Bhopal, while no one made

a head-count of the hordes of lawyers that flew half-way around the world when a gas leak killed two thousand and injured thousands more, it was commonly observed at the time and has been since that the trial-bar lawyers there numbered in the thousands. Your claim that there are not thousands interested in "such despicable conduct" could not withstand a single cross-examination. Everyone knows that thousands of American trial lawyers chase ambulances and feed off the tragic mishaps of the world every day with relish and gusto. Only one of the many thousands of victims and relatives of the Indian dead would have been a windfall for any of these colorful entrepreneurs. As for your association's so-called educational activities, they are surely a distinctly minor part of this story. They are remarkable only because they appear to be publicity gimmicks to soften the rather unflattering image trial lawyers have earned. If you were really interested in the public, you would encourage trial lawyers to work by the hour at a reasonable fee, payable only after the case is settled, or give tort reform a chance to work. Needless to say, the day after you do either of these will be the day hell freezes over.

I must thank Mr. Newton for the corrections. Unfortunately, I relied on media reports for most of the facts in the case. The *New York Times* erroneously reported that it was a Coca-Cola truck that hit the school bus, and omitted the location of the accident. A tortured sentence in *Time* magazine left the impression that both drivers were killed. News accounts still differ on the number of people on the bus. From now on, I'll have to recheck even the facts and assume that the reporters on the scene may not be reliable.

Mr. Olson, since I did not tape-record the interview with you, I cannot state categorically that you made the statement as quoted, but, according to my notes, the quote is exactly as I heard it. In any case, I'm happy to see the record set straight, and I'm sorry for any trouble it may have caused.

And, Mr. Slattery, the damage Nader does goes beyond that caused by left-  
*(continued on page 49)*