

Taliban Find Refuge Inside the Beltway

—WASHINGTON—

As things continue to go awry for Afghanistan's reforming Taliban, its leaders now are seeking sanctuary in their caves or with governments sympathetic to their brand of moral rigorism. If they were a bit more cosmopolitan, they might seek asylum in Montgomery County, Maryland.

There, moral rigorism reigns. As all the world now knows, the Montgomery County Council recently passed one of the most Draconian (Talibanian?) anti-smoking laws in the country. It would put a fine of \$750 on the head of any smoker whose exhausts were sniffed by a neurotic neighbor. According to this law, when tobacco smoke "crossed property lines," an offended neighbor could call in the cops.

When I say "as all the world knows," I have in mind the fervent forces of atmospheric purity and the embattled forces of personal freedom. Both created an uproar after the Montgomery County Council passed its environmental safety measure. The measure had the clean-air zealots kicking up their heels in glee (assuming they still allow kicking up one's heels). The measure had the forces of freedom laughing. Apparently even many Americans indifferent to the anti-smoking *jihad* were laughing.

"We've become the laughingstock of the world," asseverated Mr. Michael L. Subin, a County Council member who opposed the tobacco measure. Well, it is very reassuring to hear that laughing remains a vital tool of debate in the public discourse. Mark Twain would approve. Though, perhaps, it is only a matter of time before the Montgomery County Council decides that laughter that "crosses property lines" and offends neighbors should be punishable by a \$750 fine.

Laughter seems to have been at the heart of what has been termed a "public opinion backlash." County Executive Douglas M. Duncan vetoed the provision criminalizing smoking at home, noting that "upon further consideration...it has become clear that the tobacco smoke provision will be nothing more than a tool to be used in squabbles between neighbors."

Mr. Duncan and his allies on the County Council had better watch what

they say about "squabbling neighbors." Squabblers are a powerful element in his reformist constituency. They not only squabble about their neighbors' smoke. They squabble against other odors wafting from their neighbors' homes. The original bill opposed, according to the *Washington Post*, "such irritants as mold, excessive dust; pesticides, paint and carpet glue odors, or gases such as carbon monoxide."

There are all sorts of "irritants" that offend the proponents of bills such as this one." There are dog walkers and pet keepers in general. There are people who wear fragrances, particularly in the subway. There are churches that ring church bells. All these things have roused the wrath of the kind of American who goes so far as to ban smoking at home. The anti-fragrance forces are particularly vocal, but so are the anti-church bell neurotics. And so you see why it is not so much of a reach for me to suggest that Montgomery County, Maryland, might be a plausible asylum for the Taliban. Once settled there the Taliban might also find Americans who share their phobia against kite flying and the public playing of music.

Neurosis can be defined as the overreaction to stimuli. Backwards people throughout the world display it, when conditions do not meet their dull expectations. They suffer anxiety, insecurity, depression, irrational fears when, say in Kabul, a young boy flies a kite or in Montgomery County, Maryland, the fellow next door lights up a Marlboro. The neurotic in Kabul sees a dagger stabbing the heavens. The neurotic in Maryland sees dangerous gases heading toward his unprotected nostrils and into his very soul.

Jerry Rivers Strikes Again

—WASHINGTON—

Geraldo Rivera is up to his old tricks again, namely, reporting falsehoods and bullying those who oppose him. The falsehood this time is that he is to the Afghan war what Ernie Pyle was to World War II, a blood and guts journalist wriggling under enemy fire with the GIs. The bullying this time is being perpetrated upon a *Baltimore Sun* reporter, David Folkenflik, who, according to Rivera, "is

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BY R. EMMI



going to regret this story the rest of his career." The offending story exposed Rivera, once again, as a fraud.

From Rivera we have seen it all before. By modern standards, he is what may be called a self-made journalist. What do I mean by modern standards? Well, one of the 2001 winners of the Bancroft Prize for history has, it turns out, fabricated his research. The 2001 winner of a Pulitzer Prize for history fabricated his war and civil rights records. A successful college football coach recently appointed to be head coach at Notre Dame is an equally gifted bio-fabulist. In the same vein of authenticity, Rivera—originally an ACLU lawyer named Jerry Rivers—is now in Afghanistan passing himself off as a war correspondent, after a dubious career whose trajectory began with a seedy television shout show and crested with his sedulously defending the probity of the Great Pardon-er, Bill Clinton, on Rivera's own cable talk show. Through it all Rivera has been involved in an amusing series of ethical scandals.

Of all Rivera's run-ins with the truth, my favorite occurred during his nights as a cable show host defending President Bill Clinton against the slings and arrows of journalists and prosecutors. It was August of 1998. Paul McHale, then a member of Congress, had become the first Democrat to call for Clinton's resignation. He was also a war hero. Rivera reported that his decorations were fraudulent. Yes, this great war correspondent now travelling with our troops reported back in 1998 that an "always reliable source" in Clinton's [!] White House had informed him that McHale had lied about his military decorations.

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McHale, a true war hero and exceptionally upright man, easily exposed the White House smear as baseless and, not incidentally, utterly irrelevant as to whether Clinton was fit to remain in office. Rivera, the so-called journalist who had not bothered to verify this White House leak, slapped together a weasel-worded apology. Then he proceeded to serve as the willing vessel for more White House "leaks." That the White House had lied to him and shamelessly used him made no impression. Apparently he thought that is how so-called journalists get ahead in Washington.

Now he is caught again. In December he claimed to be reporting from the scene in Afghanistan where three Americans died in a friendly fire accident. He reported seeing "bits of uniform and tattered clothing everywhere." He claimed "I said the Lord's Prayer and really choked up." Unfortunately I suspect the *Sun's* reporter Folkenflik did too. He deduced that the dead Americans had been killed hundreds of miles from the spot at Tora Bora where Rivera was blubbering. Oh, Rivera responded to this correction, he was merely "confused." The Americans were indeed killed elsewhere, but some Afghan soldiers were killed at the Tora Bora site.

The indefatigable Folkenflik investigated further. He interviewed sources at the Pentagon. The Pentagon agreed that Rivera was correct about the Afghans, but added that the deaths occurred three days *after* Rivera's melodramatic report. Apparently Rivera had not deceived the public only then, but later too, and he is still at it.

Rivera has been bullying Folkenflik,

threatening that the reporter will "regret this story" unto the end of his "career." I counsel calm. The cad made similar threats against me when he was intent on proving that my revelations about his hero in the White House were somehow inaccurate. For weeks he sent reporters and camera crews to intimidate me. During that time they misrepresented the facts repeatedly. One reporter lied to me personally about his intent, and he lied so boldly to one of my colleagues in an attempt to turn him against me that the colleague responded with a lawsuit.

During that memorable interlude, his devious reporter told me one thing that might actually have been true. Having worked with Rivera for years, through all his prior scandals and run-ins with the truth, the reporter told me that he warned Rivera if he were caught in one more scandal it would finish him. Okay, let's see. Rivera is to journalism what a freak show is to entertainment.

Say It Ain't So, Senator Pat

—WASHINGTON—

What has gotten into my old pen pal Senator Patrick Leahy? As our wartime president, George W. Bush, asks for more stringent powers to deal with today's unprecedented threat to American security, Senator Pat has become a strict civil libertarian. Specifically, the President wants to haul non-citizens suspected of terrorism before military tribunals. Senator Pat is shaken. According to other Democrats on his Senate Judiciary Committee, he is apprehensive that the administration's pursuit of terrorists is becoming a threat to "civil liberties."

Is this the same Senator Pat who was writing me last spring? In those days he was demanding that I send him all manner of private papers from The American Spectator's board meetings. Senator Pat wanted to scotch the nomination of The Spectator's lawyer and former board member Theodore B. Olson as solicitor general.

Back then William Safire, *The New York Times's* stalwart libertarian columnist, charged the Senator with "trampling on the First Amendment." He urged the Senator to lay off a little magazine of opinion and not to persist in "waving a vacuum cleaner at an editorial office." "Come back to the Con-

stitution, Pat," Safire wrote. The "vacuum cleaner" reference adverted to the letter Senator Pat wrote me demanding "copies of the internal audit, board books and minutes...and all notes and records of Board discussions..." In the prosecutorial business, defense lawyers call that a "fishing expedition." Because of such rapacious demands, those targeted by the likes of Senator Pat are left with large legal bills if we choose to defend ourselves and the First Amendment. Senator Pat does have a puckish wit. Across the bottom of his letter he scrawled to me "all the best."

Safire called Senator Pat's demands an "outrageous intrusion." Laura Murphy of the American Civil Liberties Union's Washington office said, "The ACLU does not think that a newspaper or a magazine should be compelled by Congress to turn over anything about their editorial process." Yet today's watchdog of the rights of suspected terrorists persisted. Senator Pat warned me that "should that request be declined, the [Judiciary] committee as a whole should take appropriate action to obtain the information." To these demands I practiced a resistance beyond passive resistance. I practiced amused resistance and laughed.

Today's terrorists are not so civil. So why is Senator Pat extending solicitude to them that he did not extend to peaceful American writers? It all smells like political partisanship to me. Would Senator Pat be opposing military tribunals if a Democrat were in the White House? Would he have opposed President Franklin Delano Roosevelt when he resorted to military tribunals during World War II?

Frankly Senator Pat strikes me as simply a short-term exploiter of the Constitution, playing politics as usual and rendering suspect the cause of civil liberties. Thankfully there are some long-term friends of civil liberties watching out for American constitutional process, for instance, Congressman Bob Barr. He is skeptical of the use of military tribunals against terrorists, because he believes that until a declaration of war is brought against them they are protected by the Bill of Rights. So he would have the President declare war—that is how the Roosevelt Administration did it. One never knows when an irresponsible politician might come along and misuse government power against a private citizen for political advantage, right Senator Pat? 🐾

LET'S MAKE A JUDGMENT!

A breakthrough in moral thinking by our best and brightest

BY MICHAEL KELLY

Not to be judgmental about it, but two cheers for Alison Hornstein. Hornstein is a student at Yale University, and she has written a column for the Dec. 17 issue of *Newsweek* in which she attempts to come to terms with what for her and her friends at Yale is the most troublesome question arising out of Sept. 11: Did somebody do something really bad here?

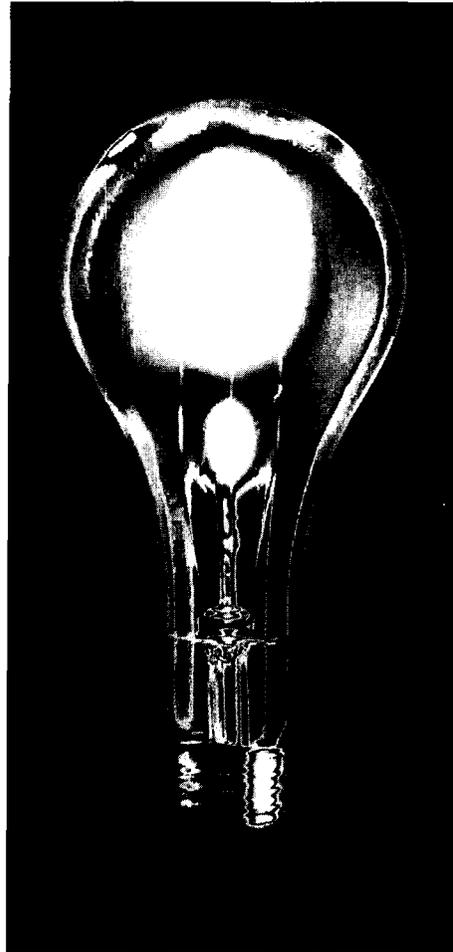
This is not a question that most people have a hard time with, and that is Hornstein's point. She is surprised and bothered to find that, in the wake of the murders, many of her classmates had been unable even to address the question. Why? Because to address it would be to make a moral judgment, and to judge others is, for Hornstein's generation of properly educated young elites, the great taboo.

Hornstein writes that the initial response at Yale on Sept. 11 was one of horror:

But by Sept. 12, as our shock began to fade, so did our sense of being wronged. Student reactions expressed in the daily newspaper and in class pointed to the differences between our life circumstances and those of the perpetrators, suggesting that these differences had caused the previous day's events. Noticeably absent was a general outcry of indignation at what had been the most successful terrorist attack of our lifetimes. These reactions and similar ones on other campuses have made it apparent that my generation is uncomfortable assessing, or even asking, whether a moral wrong has taken place.

Hornstein is clear as to why she and her peers find it so difficult to judge: They were trained all their lives to be this way. Hornstein spent 14 years in a public school in

Michael Kelly edits a magazine whose name we can't remember. This essay originally appeared in the Washington Post, which in itself is encouraging. Reprinted with permission.



Manhattan "with students who came from a variety of ethnic and socioeconomic backgrounds" being tutored in an "open-minded curriculum." In second grade, she writes, she was taught that the Inuit of Alaska were "essentially like us," even though they ate caribou hoofs. In third grade, a teacher instructed the class in a parable of violence—one boy kicking another—the moral of which was that the kicker "had feelings that sometimes led him to do mean things." In high school, Hornstein and her fellow students agreed that although they personally found the practice of female genital mutilation to be abhorrent, they must accept it as part of the culture of other societies.

At some point soon after Sept. 11, listening to Yale students and professors offer rationalizations for the mass murders (pover-

ty in the Middle East, U.S. foreign policy, etc.) Hornstein had an epiphany. Some things were just wrong:

Just as we should pass absolute moral judgment in the case of rape, we should recognize that some actions are objectively bad, despite differences in cultural standards and values. To me, hijacking planes and killing thousands of civilians falls into this category.

Hurrah! A breakthrough! A moral judgment! Yes, Ms. Hornstein, murdering thousands of people in fact is bad. But wait. A lifetime of instruction is not sloughed off quite so easily as all that; Hornstein's bold moral judgment is not quite so bold as all that. Look at her conclusion again: "To me," it begins. To me. Hijacking planes and killing thousands is not objectively bad after all. It is objectively bad only in Hornstein's opinion. Indeed, she rushes to reassure on this point: "Others may disagree." Others may disagree. And she adds: "It is less important to me where people choose to draw the line than it is that they are willing to draw it at all." Oh, dear.

It is astonishing, really. Here you have an obviously smart, obviously moral person trying nobly and painfully to think her way out of the intellectual and moral cul-de-sac in which the addled miseducation of her life has placed her—and she cannot, in the end, bear to do it. She cannot judge.

Ms. Hornstein, push on. Go the last mile. Go out on the limb of judgment. Mass murder is indeed objectively bad—and not just in your opinion. Others may disagree—but they are wrong. Indeed, they are (shut the door for this part, lest the hall monitors catch us) morally wrong. Ms. Hornstein, it is not less important where people choose to draw the line as long as they will draw it somewhere; that puts you right back with your silly professors.

Draw the line, Ms. Hornstein. Draw it where you know it belongs. Dare to judge. ✎