

BRICKBATS

◆ **Police in Gloucester, England, have begun going undercover in local restaurants, eavesdropping on diners to make sure they don't say anything racist about their fellow customers or the staff. "Racist behavior is unacceptable," explains Chief Inspector Dean Walker. "The constabulary is now taking a proactive stance in relation to racist offenses rather than waiting for people to report them to us."**

◆ **Barbara Graham was a speaker at last year's Million Mom March and a member of a group that co-sponsored that rally for gun control. Now a District of Columbia court has convicted her of shooting the man she thought killed her son. Her victim, who police say was not the murderer, is now paralyzed.**

◆ **When Ed Elliott retired as president of Central Missouri State University, the school guaranteed him \$621,000 over three years, plus other perks. When the campus newspaper, *The Muleskinner*, tried to ask the school's Board of Governors about the retirement package, the school's attorney told them not to bother the board. The journalists then sent their questions by certified mail. That led the school's provost to write a memo to the dean who oversees the Department of Communication: "It seems to me that we need to teach our students to respect an individual's time, job responsibilities and position within an organization."**

—Charles Oliver

and the information would be stored for years in vast state-run "data warehouses."

Big deal, you might say: That's about par for a country whose commitment to civil liberties peaked in the 13th century with the Magna Carta. Yet what the Brits now mull is nothing less than a global data trap. Any information passing through the U.K. in any form would be fair game. The international intent is clear enough from the justifications cited for the dragnet: such familiar bugaboos as child porn rings, terrorism, and international drug trafficking.

Roger Gaspar, deputy director general of the National Criminal Intelligence Service, framed the extraordinary measures as ordinary extensions of current crime fighting techniques. The log, he told BBC radio, would be "the eye-witness account for high-tech crime. There will be no one who sees what goes on and this is the comparable data."

But that would only be the case if the Home Secretary had long ago established a legion of eavesdroppers in every dwelling in Avalon. Just because bits and bytes are infinitely easier to collect and store than whispers and wailings does not mean the state can make a police powers claim to get them. New legislation might thus be required to fully deliver on the data-hoarding proposal. And the proposal has already sparked strong opposition from civil libertarians.

Protest Protection

By Sara Rimensnyder

In late November, a Massachusetts court struck down a law designed to quiet



the battleground surrounding abortion clinics, where patients and staff are often besieged by activists trying to prevent what they regard as murder. The law had established protest-free zones around clinics. According to District Judge Edward Harrington, that was an unconstitutional regulation of speech. It's unclear, though, if his view will carry the day.

The law's supporters hope it won't. According to Melissa Kogut, director of the Massachusetts chapter of the National Abortion Rights Action League, "It's very narrowly tailored.... We're talking about a six-foot bubble zone within an 18-foot diameter of doors, entrances, and driveways." She adds, "All we're trying to do is decrease tension by keeping people away physically. Women should be able to receive health care free from intimidation."

Such arguments didn't impress Judge Harrington. "The statute is a regulation of speech and the content of the only speech regulated is the subject of abortion," he wrote. The law may also be gratuitous: Congress has already enacted the Freedom of Access to Clinic Entrances

Act to deter activists from physically interfering as patients enter clinics. And physical intimidation and harassment, in any context, are already criminal offenses. Nonetheless, the state's attorney general is appealing the ruling, and the federal appeals court has stayed Harrington's injunction in the meantime, leaving the law in force.

With the FDA's recent decision to permit trade in RU-486, the abortion pill, the issue may soon be less pressing. The pill won't shut down abortion clinics, but it may disperse their opponents, as abortions move into ordinary doctor's offices and women's own homes.

Stroke of Genius

By Jeff A. Taylor

The Philadelphia trial of an alleged Mafia boss shows that when it comes to threats to privacy, the government will always have an ace in the hole. Or a sniffer on the keyboard.

Sometime during court-approved break-ins in May or June, the FBI planted a keystroke-logging tap in Nicodemo S. Scarfo Jr.'s com-

puter. Scarfo had thwarted other court-approved methods of surveillance because he used the popular encryption program Pretty Good Privacy. That was too powerful for the FBI to crack, so the agency instead used a key-stroke tap, which recorded Scarfo's passwords to his data. Just weeks after the tap was in place, Scarfo was arrested and charged with mas-terminating an illegal betting and loan-sharking operation.

The FBI has yet to reveal whether the tap was software or hardware. A hardware tap would mean the FBI has to get permission from a judge for the kind of black-bag op used on Scarfo's computer. In theory, a software bug has the same restrictions. But it would certainly be easier to abuse and install remotely without judicial oversight. It could even be hijacked by bad guys outside the bureau and put to who knows what ends.

In any case, the mere existence of government keyboard taps illustrates that



direct marketers—even the most vile spammer—are amateur-hour violators of privacy. The pros carry a badge.

Hemp Holdup

By Brian Doherty

Because of the government's reefer madness,

SOUNDBITE

Economical Humanism

By Nick Gillespie

Deirdre McCloskey is best known as the author of a series of books—including *Knowledge and Persuasion in Economics*, *If You're So Smart: The Narrative of Economic Expertise*, and *The Rhetoric of Economics (Rhetoric of the Human Sciences)*—that analyze the language economists use to explain their dismal science. Her approach allowed her to bridge a gap between economics and literary studies, and she found herself in the rare position of being a free-market enthusiast who was admired by many left-leaning English professors. Her new book, a collection of previously published essays (many from her long stint as a columnist for the *Eastern Economic Journal*), is *How to Be Human, Though an Economist* (University of Michigan). This latest volume is, as one representative reviewer put it, "by turns wise, generous, and deep—and always beautifully written."



Deirdre McCloskey

McCloskey is a long-time REASON contributing editor; an excerpt from *Crossing*, her memoir of her gender change, appeared in the December 1999 issue and is available online at reason.com/9912/fe.dm.from.html. She taught for many years at the University of Chicago and the University of Iowa, and is currently Distinguished Professor of the Liberal Arts and Sciences at the University of Illinois at Chicago. REASON Editor-in-Chief Nick Gillespie recently spoke with her by phone.

Q: Why is it so hard for economists to be human?

A: Since the days of Jeremy Bentham and David Ricardo, the central argument of economics has been that prudence—the idea that everything is about maximizing utility—is the preeminent virtue. It's certainly a virtue—it's what we try to teach our children. But the trouble is, as Adam Smith pointed out long ago, that prudence alone is not a complete account of human beings. So if we are going to be complete, we need to recognize other virtues, too. From left to right, so to speak, these include faith, love, justice, temperance, courage, and hope.

Q: You've written that too few economists appreciate literature, and too few lit professors appreciate economics. Why is that a problem?

A: The first is a problem because economists feel very comfortable thinking of humans as maximizing machines of a particularly simple sort, and that narrows their understanding. They ignore the social side of the economy, of how things like love and language affect people. The second is a problem because the literary people, often coming out of a Marxist or socialist background, are terribly interested in the economy. But they don't know anything about it. They forget prudence.

Q: *How to Be Human* speaks not of immutable truths, but of "relatively absolute absolutes." What's an example?

A: We should believe in modern economic growth and the power of capitalism to make it happen. I recently spoke to my colleagues at UIC—to faculty from the college of liberal arts, the business school, and the medical college. My main point was to emphasize that, between 1820 and 1994, real income per head in the United States increased by a factor of 17. This really set the anticapitalists back on their heels.

the American people may soon be denied the pleasures of certain citrusy sodas, soothing lip balms, and tasty nut butters. As many eager activists at campus literature tables will remind you, the cannabis sativa plant is useful

for a lot more than getting high. You can make clothing and rope from its body, and tasty, high-protein food from its seeds and oil.

While growing the plant—known as "hemp" to distinguish it from recreational

marijuana—is illegal in the United States, it is legal to import and sell hemp by-products. (The curious can find a fine sampling of hemp food, beauty, and other products at www.hemp-products.org.) You can't get mari- ▶