

Autumn
2004

DISCOVERY INSTITUTE Views



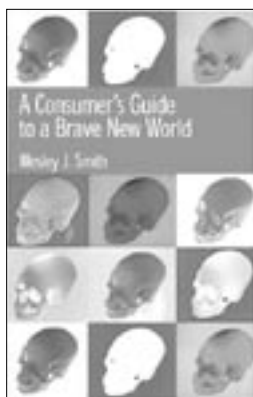
Dawn Over Baghdad author and Editor-in-Chief of *The American Enterprise*, Karl Zinsmeister, speaks to Discovery members



Priviliged Planet documentary premiers in Pacific Northwest



Water-taxi service on Lake Union and Lake Washington? Cascadia forum discusses how and why



Discovery Senior Fellow Wesley J. Smith's new book addresses the central questions in bioethics

INSIDE:
*Truth about the
Flu Vaccine —
and much more*



Bill Dembski's new Cambridge University Press volume debates intelligent design

New Discoveries

For your address book: starting November 1 you can visit Discovery Institute at our new East Coast office, 1015 Fifteenth St., NW, Washington, DC 20005. Our phone is (202) 682-1590. We are sharing space with our good

friends at the **Ethics and Public Policy Center**. Before your ask, yes, our headquarters remains in Seattle!....

On November 10, come to Seattle Pacific University to hear Senior Fellow John G. West lecture on "**Junk Science in the Bedroom: Alfred Kinsey's Destructive Impact on American Law and Culture**," and then watch the hagiographic treatment

of Kinsey coming up on public television. See who's right. Hint: Mild-mannered Professor West will shock you....

We are co-sponsoring with the **Federalist Society** another event of significance on November 4: "You Can't Count on the Courts to Protect Civil Liberties in Wartime—and Maybe

(continued on page 3)

President's Letter



Regardless of the election results, can a large majority of us please agree that the campaign itself went on too long? When the votes finally are counted, the public will turn to other passions and probably forget the crying need for reform.

We at Discovery Institute will not forget, and here are some reforms we will promote:

1) Shorten the campaign by law. Congress should deprive the political parties of federal matching funds if they do not agree to require states to hold primaries no earlier than March. The tyranny of early votes in Iowa and New Hampshire has to stop. It is a huge, poisonous distraction for the country to hold a presidential campaign that effectively lasts over a year—one quarter of a president's term. Campaigns tend to make statesmanship, especially across party lines, harder than ever. Long campaigns simply magnify this debilitating problem and divide the country on ever-deeper fault lines.

2) Reform the reforms. Admit that the new McCain-Feingold campaign finance reform law has failed us. Imagine a situation where it is illegal for political parties at the state and local level to recommend their own national tickets—but there is no such limit on out outside groups! Perversely, there have been more unaccountable money and issues in

politics than ever before. We need to strengthen party responsibilities. This in turn will necessitate restoring party preferences for fundraising (as opposed to special interest “527” groups) and providing tax breaks for small donations. The media don't want to tell you about the failure of the campaign finance law because they bear much of the blame for its passage and misuse. It's a law of unintended consequences with a vengeance, and that is the charitable description of it.

Now, climbing down from my soap box, I am happy to tell you that Discovery emerges from this whole election cycle with renewed vigor and ambition. Starting next month we will have our first real, full time office in Washington, D.C. Board member and Vice President Mark Ryland, formerly of Microsoft, will become the Director of the Discovery Office in (the other) Washington. We have secured attractive, centrally located digs at 15th and K Streets, Northwest, three blocks from the White House. We will be bunking (“sharing space” is probably the correct term) with a fine public policy center with compatible aims and an outstanding reputation, the Ethics and Public Policy Center. There will be a housewarming soon for those of you in and near the Nation's Capital.

Back in Seattle, we are disgorging books, position papers, articles and films at a record clip. A sampling of recent articles are enclosed for your delectation, though I also would like to urge you once again to visit frequently at www.discovery.org where we maintain a roster of articles, news and events information that changes daily now.

Sources as diverse as *The New Statesman* in Britain and Rush Limbaugh's radio program have mentioned Discovery Institute lately as we grow into the role of America's premier think tank on the interface of culture and public policy. We are making it safe to raise hard questions about such touchy issues as stem cell research and even the baneful, delayed action results of Dr. Alfred Kinsey's sex reports from many decades ago. We promote technology reforms and tax changes that would have given this economic recovery a major boost if they only had been enacted a couple of years ago. We are getting back into military issues and in foreign policy, stressing terror's roots in culture. All of these topics have cultural dimensions, actually, though each subject also stands alone.

And we promote daring transportation improvements and trans-national regional cooperation. The cultural question on such topics is, can people of otherwise different viewpoints and principles still collaborate on common concerns that are not really ideological at all?

We always need support from our friends. And unlike most of the other people hitting you up (and me, too) this fall, donations to Discovery Institute are tax deductible!

Warm autumnal wishes,



New Discoveries *(continued from page 1)*

That's Not All Bad". It features Judge Andrew K. Kleinfeld and is honoring former Sen. Slade Gorton. (RSVP jpeterston@ij.org).....

A revealing contretemps arose in that same Nation's Capital recently as a result of publication of a paper on intelligent design in the science journal, *Proceedings of the Biological Society of Washington*, put out at the Smithsonian. **Dr. Stephen C. Meyer**, philosopher of science and head of Discovery's Center for Science and Culture is the author. The Darwin-only crowd have long taunted that if our fellows think ID is science we should publish peer-reviewed books and articles. We do, actually; for the examples, see our website. But this case shows what happens when a rigid orthodoxy is challenged by a new and exciting idea; they go beserk. Even the editor of the science journal in question, **Dr. Richard Sternberg**, a scientist whose credentials (TWO doctorates in the area of evolutionary and molecular biology) far outstrip his critics, has been professionally attacked and berated. In science as well as public policy, when your critics refuse to debate the topic and base their stand on personal attacks instead, you are winning.

Meyer's paper, "The Origin of Biological Information and the Higher Taxonomic Categories" is available in HTML format online at www.discovery.org, or you can contact Kpennock@discovery.org for off-print copies.

Meanwhile, yet another new peer-reviewed science journal—*Protein Science*—has just published Discovery Sr. Fellow **Michael J. Behe** (author, *Darwin's Black Box*) and his college David W. Snoke on another scientific topic that has the effect of questioning key Darwinian tenets. Over time, the Darwinists are going to have to climb down from their position based on academic and

publishing power and face the scientific issues.

Then there is the new anthology of intellectuals who are skeptical of Darwin, *Uncommon Dissent*, edited by Senior Fellow William Dembski of Baylor (ISI Books).

And, still more (much more): Our fellow **Richard Weikart** is the author of an authoritative account of the ruinous public policy trail that Darwin's theory took through politics: *From Darwin to Hitler* (Palgrave MacMillan, 2004). Do you think we exaggerate? Read the history, and the prestigious praise from other historians, and make up your own mind.....

Three hundred people showed up for the Seattle film premier of *The Privileged Planet*, produced by Illustra Media (Los Angeles) and screened in the handsome Museum of Flight at Boeing Field.



Guillermo Gonzalez, Iowa State astronomer and Jay Richards, both Discovery fellows and co-authors of the book on which the film was made, answered questions and signed books and DVDs. The premier in LA last month drew a crowd of over 800.....

The new DC office comes just in time for **Discovery's Center on Technology and Democracy**. It is apparent that Congress is about to reopen the disappointing **Telecom Reform Act of 1996**—as we have been recommending for two years. We'll be there.....

In Olympia, Washington there is a mixture of gloom and doom about transportation, the object of concern at the Cascadia Center of Discovery Institute. We have enjoyed progress on some smaller issues (see the cover photo of the successful Water Taxi Forum, sponsored by Adobe Systems). The heavier lifting is going on in the advisory group we have helped convene—**The Transportation**

Working Group—chaired by former Boeing executive Doug Beighle. That stellar committee is struggling with the question of how to move ahead on long-term governance reform, planning and funding in transportation while dealing with the high priority short term critical needs in the field—needs, we are told, that can't wait.....



Bruce Chapman was honored to speak at the recent dedication of the **Ronald Reagan Trail** in Monmouth, Illinois, one of the string of towns in Western Illinois where Ronald Reagan grew up and that are now being linked. Chapman, whose own childhood home in the 50s was only a block from the one where young Ronnie Reagan lived in 1917-18, was presented with a bust of the late president.....

Do not fail to note the rise of one of America's most incisive policy thinkers on social issues, **Wesley J. Smith**. For two years, Wesley has also been one of Discovery's most productive fellows, analyzing—and often making—news on topics such as embryonic stem cell research, cloning, euthanasia; even animal rights. His new book, *A Consumer's Guide to a Brave New World* (Encounter Books), makes the telling argument that dystopias of the kind warned against by Aldous Huxley are already coming about. He is on a book tour nationally and is published often in *The Weekly Standard*, *National Review Online* and elsewhere. * * * For more information, visit www.discovery.org. * * *

La Grippe of the Trial Lawyers

Guess who's to blame for the flu vaccine fiasco.

by William Tucker
10/25/2004

JOHN KERRY wasted no time jumping on President George Bush about the unexpected shortage in flu vaccines this year. Why wasn't Bush paying attention? He should have done things differently. And of course Kerry had a "plan" to solve the whole mess.

If Kerry thinks he can solve the flu vaccine problem, he need look no further than his own running mate, trial lawyer John Edwards. Vaccines are the one area of medicine where trial lawyers are almost completely responsible for the problem. No one can plausibly point a finger at insurance companies, drug companies, or doctors. Lawyers have won the vaccine game so completely that nobody wants to play.

Two weeks ago, British regulators suspended the license of Chiron Corp., the world's second-leading flu vaccine supplier, for three months. Officials cited manufacturing problems at the factory in Liverpool, England, where Chiron makes its leading product, Fluvirin. Chiron was scheduled to supply 46 million of the 100 million doses to be administered in the United States this year. The other 54 million will come from Aventis Pasteur, a French company with headquarters in Strasbourg.

So why is it that 100 percent of our flu vaccines are now made by two companies in Europe? The answer is simple. Trial lawyers drove the American manufacturers out of the business.

In 1967 there were 26 companies making vaccines in the United States. Today there are only four that make any type of vaccine and none making flu vaccine. Wyeth was the last to fall, dropping flu shots after 2002. For

recently emerging illnesses such as Lyme disease, there is no commercial vaccine, even though one has been approved by the Food and Drug Administration.

All this is the result of a legal concept called "liability without fault" that emerged from the hothouse atmosphere of the law schools in the 1960s and became the law of the land. Under the old "negligence" regime, you had to prove a product manufacturer had done something wrong in order to hold it liable for damages. Under liability without fault, on the other hand, the manufacturer can be held responsible for harm from its products, whether blameworthy or not. Add to that the jackpot awards that come from pain-and-suffering and punitive damages, and you have a legal climate that no manufacturer wants to risk.

In theory, prices might have been jacked up enough to make vaccine production profitable even with the lawsuit risk, but federal intervention made vaccines a low-margin business. Before 1993, manufacturers sold vaccines to doctors, doctors prescribed them to patients, and there was some markup. Then Congress adopted the Vaccine for Children Act, which made the government a monopsony buyer. The feds now purchase over half of all vaccines at a low fixed price and distribute them to doctors. This has essentially finished off the private market.

As recently as 1980, 18 American companies made eight different vaccines for various childhood diseases. Today, four companies--GlaxoSmithKline, Aventis, Merck, and Wyeth--make 12 vaccines. Of the 12, seven are made by only one company and only one is made by more

than two. "There are constant shortages," says Dr. Paul Offit, head of the Vaccine Education Center at Children's Hospital of Philadelphia. "With only one supplier for so many vaccines, the whole system is fragile. When even the smallest thing goes wrong, children miss their vaccinations."

The intersection between mass vaccinations and the tort system was bound to be messy. When you vaccinate enough people, someone, somewhere, is going to have a bad reaction. You could give a glass of milk to 100 million people and a few would inevitably get violently sick from it. With vaccines, there will be allergic reactions and a tiny but predictable percentage of people will suffer some kind of permanent damage or even die. Because of liability without fault and the generosity of the tort system, the result is huge damage awards.

The first instance of this came in 1955 with polio vaccinations. Cutter Laboratories, the California company that now distributes Cutter's Insect Repellent, made an early batch of vaccines, some of which had live viruses in them. Almost all the children in Idaho were administered the vaccine and several dozen contracted polio. In 1957, the parents of Anne Gottsdanker, an 8-year-old girl whose legs had become paralyzed, sued Cutter, with famed personal injury lawyer Melvin Belli representing them.

The jury found Cutter's actions were not negligent--the orders had been rushed, standards had not been clear, and safety precautions were still rudimentary at the time. But, using the new doctrine of liability without fault, the jury held Cutter accountable anyway and awarded \$147,300. "That decision made Ralph Nader possible," Belli later claimed.

"It was a turning point," says Dr. Offit, whose book *The Cutter Incident* will be published next year. "Because of the Cutter decision, vaccines became one of the first medical products to be eliminated by lawsuits."

That this would be the outcome wasn't immediately clear. Soon after the trial, the *Yale Law Journal* published an article arguing that insurance against adverse reactions was the solution. The public wouldn't buy policies because it would be too complicated and expensive, but vaccine makers could. Insurance would cover the cost of bad outcomes and the manufacturers would pass these costs on to their customers. Those few who were harmed by a vaccine would be covered by those who benefited. Everything would work out. Unfortunately, this thesis failed to anticipate how high damage awards would go.

WHEN AN UNUSUAL EPIDEMIC occurred at Fort Dix, N.J., in 1976, for example, the federal government decided to vaccinate the whole country against the new "swine flu." To the astonishment of Congress, the insurance companies refused to participate. Senator Ted Kennedy charged "cupidity" and "lack of social obligation." The Congressional Budget Office predicted that with 45 million Americans inoculated, there would be 4,500 injury claims and 90 damage awards, totaling \$2 million. Congress decided to provide the insurance.

As Peter Huber recounts in his book *Liability*, the CBO's first estimate proved uncannily accurate. A total of 4,169 damage claims were filed. However, not 90 but more than 700 suits were successful and the total bill to Congress came to over \$100 million, 50 times what the CBO had predicted. The insurance companies knew their business well.

Adding to the problem are the predictable panics about vaccines that spread among parents and are abetted by trial lawyers. In 1974, a British researcher published a paper claiming that the vaccine for pertussis (whooping cough) had caused seizures in 36 children, leading to 22 cases of epilepsy or mental retardation. Subsequent studies proved the claim to be false, but in the meantime Japan canceled inoculations, resulting in 113 preventable whooping cough deaths. In the United

States, 800 pertussis vaccine lawsuits asking \$21 million in damages were filed over the next decade. The cost of a vaccination went from 21 cents to \$11.

Every American drug company dropped pertussis vaccine except Lederle Laboratories. In 1980, Lederle lost a liability suit for the paralysis of a three-month-old infant--even though there was almost no evidence implicating the vaccine. Lederle's damages were \$1.1 million, more than half its gross revenues from sale of the vaccine for that entire year.

In recent years, the most prevalent anti-vaccine rumor has held that Thimerosal, a mercury-containing preservative used in vaccines from the 1930s until just recently, is behind an "epidemic of autism." Once again, scientific studies have disproved the allegation, but hundreds of parents are filing suit, and trial lawyers continue to troll for clients.

Congress tried to stave off liability problems with the National Childhood Vaccine Injury Act in 1986. The program functions almost as an ideal "medical court," with panels of scientists, virologists, and statisticians reviewing each complaint and rewarding those that seem legitimate. Unfortunately, the program allows plaintiffs to opt out of the system. Trial lawyers continually bypass it and elect to go to trial--particularly for cases where the review looks unpromising. With Thimerosal, lawyers have argued that the law does not apply because mercury was an additive, not the actual vaccine. The result is jackpot awards and very little protection for the vaccine companies. In 1998, the FDA approved a vaccine for Lyme disease, which strikes 15,000 people a year. GlaxoSmithKline manufactured it for three years but quit when rumors began circulating that the vaccine caused arthritis.

All this has made the flu an epidemic waiting to happen. Each year flu viruses circle the globe, moving into Asia in the spring and summer and back to North America in the winter. Surface

proteins change along the way so that the previous year's vaccine doesn't work against the following year's variation.

Each year in February, the Centers for Disease Control meets with the vaccine-makers--all two of them--and decides which strain of the virus to anticipate for next year. Then they both make the same vaccine. Last year the committee bet on the Panama strain, but a rogue "Fujian" strain suddenly emerged as a surprise invader. A mini-epidemic resulted and 93 children died, only two of them properly vaccinated.

With several companies competing in the field, as was once the case, somebody would have been more likely to produce a dark horse vaccine. If that rogue strain emerged, the dissenting company would hit the jackpot, and there would be ample supplies of an effective vaccine, at least for those most at risk. In the "planned economy" of the CDC, however, there is no back-up for an unexpected turn of events. This year there isn't even a front line.

Are trial lawyers ready to accept responsibility for their starring role in creating this health hazard? Don't hold your breath. "This is just the typical garbage and propaganda from the drug manufacturers," says Carlton Carl, spokesman for the Association of Trial Lawyers of America. "There's absolutely no disincentive for making vaccines. American companies don't do it for the same reason they're sending jobs overseas--because it increases their profits."

Whether doctors are quitting the profession because of an out-of-control tort system, whether malpractice premiums are the cause of health care increases--such hardy perennials of the litigation debate are still a subject of lively controversy. But with vaccines there is no argument. Trial lawyers have all but ruined the market. Yet they are still unwilling to take responsibility.

William Tucker is a fellow at the Discovery Institute. His book on trial lawyers, Civil Lynchings, will be published next year.

OpinionJournal

from THE WALL STREET JOURNAL *Editorial Page*

Liberation Online

A look at Iraq's bloggers.

BY BRUCE CHAPMAN

Thursday, October 21, 2004 12:01 a.m.

BAGHDAD, Iraq-- Basking in the sun by the Al Hamra Hotel swimming pool, a Spanish journalist complained to me that "all my editors want is blood, blood, blood. No context. No politics."

Such editors are cruising to be scooped by such local Iraqi blogs as Iraq the Model, which last summer debunked a *Los Angeles Times* story on the departure of Coalition Provisional Authority head L. Paul Bremer. The Times told its readers that Bremer had fled abruptly, "afraid to look in the eye the people he had ruled for more than a year." In fact, as Iraq the Model reported, Mr. Bremer before leaving delivered a television address that gave a moving account of his tenure and his hopes for the new all-Iraqi interim government.

The bloggers had heard it, the *L.A. Times* reporter had not. The paper ultimately had to correct its account, though never acknowledging the indignant Iraqis who caught its snide oversight.

Meet one of those bloggers, Ali Fadhil, a key author of Iraq the Model, perhaps the best known of the blogs, with 7,000 individual visitors a day. Thirty-four years old, a Sunni, Fadhil

is a cheerful Baghdad doctor who contributes news and commentary.

Medical students in Iraq use English in their classrooms, so doctors are overrepresented among English-language bloggers, as they are among translators. All of the main contributors to Iraq the Model are young physicians who see a cross-section of Iraqi patients daily and have witnessed, Ali says, a steep improvement in medical services since Saddam was overthrown.

The state no longer is siphoning Oil for Food revenue into presidential palaces and Baath Party coffers. Still resentful toward the United Nations, Ali impugns all attempts to turn Iraq's election or anything else over to the international body that John Kerry, among others, would like to elevate.

With the summer heat fading, it is refreshing to sit on a veranda of the Al Hamra Hotel in the early evening with Ali and get his views on Iraq's war. Unlike the Westerner, who is advised not to leave the hotel without a Kevlar protective vest and a pair of bodyguards (\$2,000 to \$4,000 a day), Ali feels safe going about Baghdad on his own.

"Maybe in a real sense, I am less safe than I was under Saddam. But then I never felt safe. We were always in fear of some bad surprise from the authorities. Now, the threat is different, but it is random (he is

thinking of the car bombs). Personally I also feel safer because I am free."

He is also better off, making about \$200 a month instead of the \$3 a month doctors earned under the Baathists. Ali is appalled by the terrorists, but not surprised. "We are at war and the enemy is fighting back, so why be surprised about that?" he asks. "Iran, some in Saudi Arabia, all the Islamist groups, and the former Baathists, of course, naturally are funding the fighting. They want to terrorize us before the elections, so things are going to get worse before then. But when terrorists see that the people demand democracy, they will feel they have lost. Many will leave."

Ali is more worried about the Americans, given John Kerry's talk of setting an announced timetable for the removal of U.S. troops, and he is dismayed by U.S. commentators and career bureaucrats who say that democracy in Iraq is impossible. "What they really are saying is that we are barbarians. There is some racism in that. They despise Islam and think it cannot reform itself or lead to reform. They think we are so ignorant we need a dictator."

But "look at what happened in Najaf when the US chased out al Sadr. The media said the people were angry, but they were only angry with al Sadr. They demonstrated against al Sadr and for the [interim] government. There was very little news on that."

Despite the high tempo of terrorist bombings, Ali sees public satisfaction over the growing role of the Iraqi police and national guard, and he thinks it was right in 2003 to disband the old Iraqi army. Even now there

is concern about infiltration by old Baathist elements who, for example, alert terrorists when recruits are lined up outside police stations and thereby vulnerable to attack. Ali also believes that some former Baathists work as interpreters for U.S. media and help to color their stories.

Ali wants to answer those who, like Warren Rodgers on CNN, refer to terrorists merely as “fighters” or “militants.” “That helps the terrorists,” he says.

One of the failures of the coalition after the direct warfare, Ali says, was not setting up a suitable replacement for Saddam’s state television right away. He admits that more Iraqis watch Al-Jazeera than any other TV channel, but he cites as reasons the technological edge and stylistic professionalism of the channel, plus its suspicious access to terrorists. He points hopefully to a new television channel, Al Fayha’a, which comes from the United Arab Emirates. The US-sponsored Al Hurra is “good, but not as attractively presented as Al Jazeera.”

Other bloggers in Iraq include American soldiers like Sgt. Chris Missick, at A Line in the Sand, who regularly assail the Western media’s numbing lack of interest in the anything other than terrorist sabotage. In contrast, there is Christopher Allbritton’s backbiting Back to Iraq. Mr. Allbritton is a *Time* magazine correspondent who on the side operates the blog. Recently he unsuccessfully sought help in finding a quotation in which President Bush said God told him to attack Iraq.

The Iraqis, though, are more original

and interesting. “Riverbend” is a fan of Michael Moore and completely accepts the theories of Fahrenheit 9/11 that have circulated in DVD form in the Middle East. A Family in Baghdad is critical of practically everybody, but its main female contributor nonetheless reports that her attempts to organize a women’s group was informed greatly by a seminar produced by the National Democratic Institute, an American foundation loosely affiliated with the Democratic Party.

The International Republican Institute also is working in Iraq to promote democracy. It moves its training seminars from place to place each day to avoid terrorist detection. Like the NDI, this Republican-linked organization gets U.S. government funding. It not only has helped spur the successful local elections that have taken place in Iraq in the past year, and the creation of affinity groups for political action, but it also has helped Iraqis set up three new public opinion polling organizations with professional standards.

According to Ron St. John of the IRI, the survey organizations are able to send Iraqis out to poll where westerners are not safe and to devise questions that delve beneath the often-conflicted feelings about the Americans and the interim government. Among the findings is confirmation of the major points bloggers have been making: that most Iraqis still smart from the memory of the Baath Party and therefore are wary of anything that calls itself a “party,” and that the interest-based parties represented in the interim government, though they are well funded and relatively

well-organized, appeal to only about 15% of potential voters.

The polls suggest that the bloggers are right again when they report that numerous new nonsectarian parties are being organized and may prosper the way new newspapers did a year ago, and then begin a process of mergers and regional alliances. It all is happening with rapidity unusual in any society. Iraq may be terror-ridden, but it also has a relatively well-educated population, extensive mass communications --and the Internet--to abet the process of political organizing.

Most important, polling confirms the bloggers’ contention that 90% of Iraqis want to vote next January and will oppose any delays. Seventy percent say they will vote even if there is violence. The experience of Afghanistan only confirms their determination.

A reporter for NBC in Baghdad tells me he is not interested in the work of the two party foundations. He suspects that “they are sowing seed in ground that is already salted.” He smiles and then allows, “But maybe I am too cynical.”

Maybe he is. And maybe he and the rest of the major media are missing a lot of significant stories.

Bruce Chapman, a former U.S. ambassador to the United Nations Organizations in Vienna, is president of Discovery Institute.

Why Bush is the best choice to fight the war on terror

BY JAMES J. NA
Special to The Times

I DO not fit the media-pushed stereotype of a Bush-supporter — that of a Bible-thumping, Anglo-Saxon male Southerner. I am Asian. I grew up largely in congested urban areas of Seoul and New York City, and now live in Seattle. I do not even attend church.

Nevertheless, I am supporting President Bush's re-election on Nov. 2.

The overriding concern for me this election is the war on terror — specifically, the war on Islamic fundamentalist terrorists and their anti-Western allies. This war, in my view, also includes the struggle for a free Iraq. On this crucial issue of war, I am convinced — more than ever — that the president offers a better choice than Sen. John Kerry.

I can, of course, present a series of policy contrasts between Bush and Kerry on a range of foreign-affairs topics, not just on the war. Whereas Bush seeks to sustain the pressure on North Korea with regional powers Russia, China, Japan and South Korea, for example, Kerry wants the United States to negotiate directly with North Korea on its nuclear activities. Kerry's proposal is something that Japan, America's most important ally in Asia, adamantly opposes, because it amounts to a dramatic concession to North Korea without anything tangible in return.

What is more important than specific policy differences, however, is the issue

of personal conviction and political character. After all, the war against terrorists and insurgents is not about numbers or equipment. More than anything else, it is a contest of wills.

What many of my fellow Americans seem to forget is that these terrorists, whether operating in Iraq or elsewhere, cannot defeat the United States the way, for example, the Allies systematically incapacitated the Germans' ability to wage war during World War II by destroying armies, obliterating factories and even bombing population centers.

No, the only way the terrorists can defeat the United States is by convincing us that we are defeated — by creating a perception of calamity in our minds that does not exist in reality.

In a war like this, waged with fear on one side and with freedom on the other, the most crucial trait for the leader of the free world is steadfastness — the ability to withstand temporary fluctuations in military situations and popular opinion to ensure long-term success.

In this regard, Bush has demonstrated the necessary character of perseverance and political courage. He went as far as to state, "So be it," even if the war were to cost him the second term. Bush has demonstrated clearly that he views the eventual victory in the war to be more important than his own political future.

How does Kerry fare on this account? Kerry has shifted his position on the war based on changing popular and editorial

sentiments, calling it, at various times, necessary, unnecessary, what needed to be done and a colossal mistake. Even now, as he calls Iraq "wrong war, wrong place, wrong time," he claims, somehow, that he will be able to attract a recalcitrant France and Germany to come to our aid.

A president so afflicted with self-doubt and prevarication cannot win the war on terror. Instead of strengthening the conviction of Americans to persevere, such a president will fall victim to the shifting sentiments that inevitably occur with temporary reverses in war. A president who slavishly follows such momentary lapses of popular resolve creates a situation ideally suited for our adversary, who operates in the realm of fear and terror.

In 216 B.C., a great terror struck the Roman world. In a single battle of Cannae, not far from Rome, Hannibal and the Carthaginians annihilated the larger Roman forces. Over 40,000 Roman soldiers perished. It was the greatest defeat in Roman history. The city of Rome was panic-stricken. The people rioted in the streets and politicians called for immediate peace negotiations with Hannibal, who was expected at the gates of Rome any moment. Many thought of fleeing the city.

Yet, steadier Roman leaders prevailed; they rallied the people and steeled them for a grim war and went on to vanquish their mortal foe in the end.

We are now likewise at our crossroads. Will we select someone as our president who is more likely to reflect and magnify transitory popular panic, or someone who has demonstrated that he will willingly sacrifice his popularity for our victory in war?

I do not agree with Bush on everything, but because I know the choice is crystal clear on this issue of life and death, my vote is for him.



CHRIS WARE / KRT

...the most crucial trait for the leader of the free world is steadfastness — the ability to withstand temporary fluctuations in military situations and popular opinion to ensure long-term success.



James J. Na is a senior fellow in foreign policy at Discovery Institute in Seattle (www.discovery.org). He also runs the "Guns and Butter Blog" (at.gunsandbutter.blogspot.com). He can be reached at jamesjna@hotmail.com.

How to deal with evil

By Richard W. Rahn

Published October 19, 2004

Assume you were on a ship that sank in the middle of the ocean. You, your family and 200 fellow passengers manage to reach a small isolated island where you think you can survive. Assume this happened before the advent of satellites, aircraft, and modern communications. This made it a rescue unlikely for many months, or perhaps years.

A fellow passenger turns out to be a thug who has recruited several other thugs to work with him. The thugs kill five of your fellow passengers without provocation. The rest of you try to decide what to do. Several passengers advocate getting together and killing the thugs. Several others argue killing is wrong and that you should do nothing because you cannot be sure the thugs will kill any of the rest of you.

Others want to reason with and thereby “contain” the thugs. Those who favor containment argue it is wrong to kill the thugs since they have not said they will definitely kill any of the rest of you. But, since they might, you should try to contain them.

As an individual, you need to decide which group of passengers you should support. Before deciding, you try to think through the consequences of each alternative. If you join the pacifists and it turns out the thugs suddenly have a change of heart and stop killing, then all the remaining passengers will be safe until rescued. But what if you join the pacifists and

the thugs keep on killing? How will you feel, particularly, if they start killing members of your own family?

If the risk of joining the pacifists seems too high, you might consider joining those who argue for containment. Given the island has no materials for building a jail, containment will have to be provided by groups of passengers large enough to protect themselves, watching the thugs at all times.

In darkness or bad weather, it will be very difficult if not impossible, to make sure all the thugs do not escape from the defined containment perimeter. If a thug escapes, everyone will be at risk, particularly the women and children.

If you don’t want to risk the women and children, as well as your own life, you may decide to join those who want to kill the thugs. This alternative also is not without risks. Though there are enough nonthug men to overpower and kill the thugs, some good men may be killed or injured in the struggle.

Good people have faced real versions of the above parable since the dawn of civilization. Unfortunately, evil exists. History teaches if evil is not stopped, many good people will be killed. If all nonevil people were pacifists, there would be no pacifists.

The record of trying to contain, rather than destroy, evil is mixed. Again, history shows containment can work for short periods but is unstable. Ultimately those contained find ways to get out, and either evil triumphs or good destroys evil.

When Ronald Reagan took office, he understood the containment strategy of the early Cold War years no longer worked. The Soviets were expanding around the globe and building up their military. Mr. Reagan, unlike many in the establishment, realized we would win or lose. He set out to win.

How he did so is vividly portrayed in a riveting new movie, “In the Face of Evil.” The movie is quite remarkable because the producers have managed in a documentary to capture the tension of the Cold War with the heart-stopping effect of a good action movie. “In the Face of Evil” is exciting, entertaining, thought-provoking and never boring.

The movie is a good history lesson that causes viewers to think about a profound issue. To win, Mr. Reagan realized the battle had to be waged not only on the military front, but also on technological, economic, psychological and moral fronts to avoid a nuclear conflagration. He understood the necessary tradeoffs, such as the relative risk of a larger deficit compared to risks of insufficient military capability or an economy strangled by excessive taxation.

Our current presidential election is, in part, a battle over conflicting risk analysis. The Kerry Democrats lean more toward trying to contain evil. The Bush Republicans lean more toward trying to destroy evil. Either alternative entails real human costs. The Kerry approach might save more U.S. military lives in the short run. But history shows such a strategy puts many times more civilian and military lives at risk in the long run.

Richard W. Rahn is a senior fellow of the Discovery Institute and an adjunct scholar of the Cato Institute.

America's New Jingoos

By **GEORGE GILDER**

October 8, 2004; Page A16

With markets at last recovering from the turn-of-the-century crash and the attacks of September 11, it is an opportune time to debate America's future in a rapidly changing world economy. America's establishment of liberal economists and media pundits, however, are joining in a cramped new nationalism that jeopardizes the future of American technology and prosperity. Like reactionary jingoos of the past, they are priming John Kerry with the delusional view that the U.S. and its workers are somehow victims of global trade and capital movements. But as the presidential debates turn to domestic policy and economics, voters need to recognize the realities of world economic transformation and the real threats to American dominance.

In a popular image, "Benedict Arnold CEOs" are seen to be offshoring factories and outsourcing jobs. Once-prestigious economists such as Paul Samuelson and once-responsible analysts such as Paul Krugman and once-sensible financial pundits such as Lou Dobbs are adducing twisted new theories of how free trade is no longer a win-win proposition. The alleged victims of expanding trade and globalization run from low-wage American workers to Third World environments, from aging American software engineers to overall U.S. competitiveness. Mr. Kerry is showing a disturbing receptivity to this alarming turn among his economic allies and advisers.

With international trade expanding as a share of global GDP, these pundits want to revisit and politicize all trade compacts in order to incorporate favored rules for ecological and labor policy,

presumably lowering the permitted exhalations of carbon dioxide by low wage workers abroad. They want to revive the entirely spurious issue of dumping, a system of price traps and controls used only against foreign rivals outperforming U.S. companies, usually using U.S. components.

Central to their concerns is the hugely beneficial emergence of China from barbarism and India from penury to become crucial sources of skills and components for U.S. companies and by far the fastest growing markets for high technology goods. But in a remarkably callous and destructive revulsion, these new self-defeating nationalists of the left want to deprive Indian engineers of jobs serving American companies and to harass China over spurious charges of currency "manipulation" and picayune technicalities of ever more complex U.S. trade laws.

In the crucial area of technology, the new nationalists claim to want a futuristic industrial policy. But when closely examined, their support for technology shuns most existing markets, energy sources, and technology companies in favor of subsidies for fashionably flaky or far out technologies, such as nanotech and hydrogen cars. Promises to achieve energy independence, for example, invoke the usual heliotropic mantras and Quixotic tilts at windmills, while opposing any demonstrably effective means of energy production, such as new drilling for oil and gas in Alaska or new generations of nuclear plants.

All these policies reflect an era when the U.S. was the global capitalist spearhead, dominant in technology deployment, and our major rivals routinely crippled themselves with socialism. Through

these decades, the U.S. could afford to indulge in chemophobia, xenophobia, eco-legal self-abuse, rampant litigation, and regulatory excess without gravely harming what remained the world's lowest taxed and freest major economy.

Today, however, our major rivals are China, Taiwan, South Korea, Japan, and other Asian tigers that are more aggressively capitalist and more resourceful in deploying technology than we are. Preparing to join them are Russia and its Baltic and Eastern European neighbors now competing with each other in lowering tax rates to flat levels in the low teens. China has become a new Wild East of enterprise, with the heart of its economy located in "free zones" with lower tax rates and regulations than Silicon Valley. In energy policy, China is far more advanced than the U.S. and has announced plans to build 60 new nuclear power plants over the next five years; Russia is unleashing petroleum venturers across its endless reaches of promising territory.

In high technology, China today has more Internet connections and its free zones have higher bandwidth than does the U.S. South Korea has 40 times more communications bandwidth per capita than we do. Japan is also far ahead of us in broadband deployment. India is advancing rapidly, particularly in software, fueled by graduates of its rigorous and competitive school system. Asian countries annually graduate 10 times more electrical engineers than does the U.S., and the U.S. still feels free to send back to their homes foreign engineers and scientists graduating from advanced education in the U.S.

At the same time that our rivals have turned sharply toward capitalism and technology, the U.S. intelligentsia is turning toward a technophobic fear of useful chemicals (DDT, PCBs) and fervent opposition to world-leading deployment of technology in the U.S. by such corporations as Wal-Mart and General Electric. In passionate support

for the Kyoto treaty, they arouse false fears of global warming (global temperatures today stand just below the average of the last two millennia), and raise the hopes of foreign and U.S. bureaucrats bent on usurping control of U.S. energy usage from our citizens.

At the same time that this movement offers reefs of proposals that would ensnare the U.S. economy in new taxes and regulations, its economists accept a set of unduly pessimistic beliefs about current U.S. performance. Not only is the U.S. wartime budgetary deficit strangely seen as evidence of runaway tax cuts for the rich, but a growing trade gap is seen as evidence of a gullible America absorbing goods dumped from abroad while outsourcing jobs to cheap labor overseas. Over and over, the new American jingoes depict the U.S. as somehow a victim in the international economy.

Warning of a possible turn against the dollar by current holders of the currency, such establishment figures as Robert Rubin and Pete Peterson, and their academic and journalistic vicars, urge tax hikes, devaluations, trade restrictions, higher minimum wages for labor, as if the U.S. were a precarious Third World country to be pushed into crisis by the International Monetary Fund.

Their case is a tangle of contradictions. We are to run down the dollar, creating inflation and inflation premiums in interest rates, increasing the costs of all technology businesses that import crucial components (nearly all), crashing our markets ourselves, in order to prevent foreign banks from selling our securities, running down the dollar, and crashing our markets. Beat 'em to the punch. Hey, sounds smart, if the balance of payments were a sign of failing U.S. competitiveness rather than of flourishing American growth. Smart policy perhaps if the U.S. were likely long to remain the largest market for American technology companies.

But this is no longer the 19th century, when

trade in goods dominated the balance of payments and a gap was filled with gold shipments across treacherous seas. In the 21st century, capital movements traveling on fiber lines at the speed of light precede and dominate goods movements, which are inhibited by all the obstacles of international trade. By definition, a trade gap means a capital surplus. For the last several years, foreign movements of capital to purchase long-term assets in the U.S. have exceeded the trade gap by between \$200 billion and \$300 billion per year. Most of the trade gap is capital goods used by American companies to compete internationally. Foreigners want to invest in the U.S. because we have the most creative and entrepreneurial culture and by far the deepest and most liquid financial markets. By Walter Wriston's Law, capital goes where it is welcome and stays where it is well treated. People send us money because we welcome it and treat it well. The only way we can stop them is by slowing U.S. economic growth and destroying our uniquely resourceful financial industries.

While regularly incurring trade gaps and budgetary deficits, our economy has grown since the early 1980s from a level, depending on dollar valuation, between one-fifth and one-fourth of global GDP to close to one-third of global GDP last year. During this upsurge entirely unexpected by the same economists now advising Sen. Kerry, U.S. per capita GDP surged from 4.7 times per capita global GDP in 1980 to 6.5 times per capita global GDP in 2003. The U.S. created some 36 million net new jobs at ever higher levels of productivity and earnings, while Europe and Japan created scant employment at all outside of government and entered a productivity slump that continues today. Meanwhile, the U.S. won the Cold War, and since 1990 its stock markets soared from less than one-third to roughly one-half of global market cap. The net wealth of U.S. households in real terms trebled to all-time records (\$45.9 trillion at last report). Debt has been shrinking as a share of overall national assets, which now stand at a level near \$80 trillion.

Throughout this period of expanding trade, catastrophist economists like Mr. Rubin, Mr. Krugman, Fred Bergsten and Mr. Peterson have been predicting the same disastrous flight from the dollar that they would cause by their policies. The remedy is always tax rate increases and spending cuts -- which always tend to mean reductions in defense, the only kind of spending that Congress permits to be cut.

These proposals are silly and self-defeating. They reflect the continuing bankruptcy of demand-side economics. Empirically, the supply-side engine of global growth revived by President Bush with crucial tax rate reductions has outperformed all other countries. To adopt some panicky austerity regime now would crash our competitiveness without achieving any significant benefit.

The U.S. today stands at a crossroads. The key economic issue confronting the next president is whether to embrace the policies of decline and sclerosis that afflict old Europe and have left generations of young people unemployed; or whether to enlist with Asia in the supply-side policies of dynamism and growth that have brought more human beings out of poverty than any other regimes in world history.

It should be an easy choice. The American left once displayed a real concern for poor people, but today they exhibit merely a morbid envy of the rich. Once they supported American engagement in the world. Today, they retreat to a timorous parochialism. Now it is President Bush who shows compassion for the world's poor and confidence rather than timidity before the forces of global capitalism. It is Mr. Bush who is embracing Asian dynamism rather than Eurosclerosis. For America, that is the winning side.

Mr. Gilder, a senior fellow at Seattle's Discovery Institute, is editor of the Gilder Technology Report.

Dying to Donate?

The transplant-medicine community should reassure the public.

By Wesley J. Smith

October 20, 2004

As I travel the country speaking about the many ongoing controversies in bioethics, I am occasionally approached by grieving people who believe that a catastrophically injured relative who had been declared “brain dead” did not die from injuries but was actually killed during organ procurement. I always assure these emotionally devastated folks that as far as I have been able to determine, vital-organ procurement in the United States is only performed on people who have truly died — either after suffering “brain death,” meaning their whole brain and each constituent part have ceased completely to function as a brain, or after being taken off life support and experiencing irreversible cardio/pulmonary failure.

But now a very disturbing event has occurred in western Colorado: It may be the first identifiable case of death by organ procurement in the United States. On September 26, William Thaddeus Rardin, age 31, shot himself in the head in a suicide attempt. He was rushed to Montrose Memorial Hospital, where he was declared brain dead. Determining this requires specific medical tests. But according to the *Denver Post* report, no testing was done at Montrose.

Rardin was then air lifted to St. Mary’s Hospital in Grand Junction, where surgeons removed his heart, liver, pancreas, and two kidneys for transplantation. A St. Mary’s spokesperson insists that appropriate neurological testing confirmed the diagnosis of brain death before the organs were procured.

But Mark Young, the Montrose County coroner, didn’t see it that way. In consultation with the local district attorney, he determined that the two hospitals did not follow proper procedures in determining that Rardin was really dead. He therefore declared the cause of Rardin’s death to be homicide. Indeed, Young told the *Rocky Mountain News*, “The cause of death was removal of the internal organs by an organ-recovery team.”

It is important to note also that Young, who is not a doctor, believes the hospitals acted in good faith and didn’t intentionally kill for organs. He also found that Rardin would have died within a few days from the gunshot wounds had his organs not been procured. However, this determination is irrelevant since vital organs are only supposed to be removed from the certifiably dead.)

In discussing this disturbing episode, we must be very careful. Rardin’s death could be easily sensationalized and lead to an unwarranted loss of public confidence in organ-transplant medicine. Moreover, the issue of brain death remains highly controversial, despite every state permitting organ procurement from patients who have been declared dead by “neurological criteria.” And while a (relative) few physicians and bioethics observers — primarily well-intentioned skeptics within the pro-life community, along with the internationally respected pediatric neurologist Dr. Alan Shewmon — believe that the entire concept of brain death is

fallacious, the vast majority of neurologists and transplant medical professionals accept that to be brain dead is indeed to be dead.

But that assumes proper diagnosis. As the Rardin case has exposed, standards for determining brain death differ widely across the country and even from hospital to hospital within the same state. This is unacceptable, and leads to the worry that sometimes corners may be cut. Thus if confidence is to be maintained in the organ-procurement system, we need to establish a binding, uniform national standard of testing for determining death by neurological criteria. Moreover, these criteria should be so thorough and clearly established that they are beyond reasonable reproach. Most importantly, these uniform standards must reiterate the irrevocable requirement that *vital, non-paired whole organ donors be really and truly dead* before their body parts are procured.

This last point should go without saying. Unfortunately, it cannot. Because of the ongoing organ shortage, some at the highest levels of bioethics and organ-transplant medicine have for the last several years agitated for a more liberal organ-procuring license. These proposals generally come in two forms: either that death should be redefined to include a diagnosis of permanent unconsciousness or that the “dead donor rule” itself should be rescinded to permit living patients to be harvested even though doing so would directly cause their deaths.

Thus several doctors, writing for an international forum on transplant ethics argued in the November 1, 1997, edition of the British medical journal *The Lancet* that the legal definition of death should be expanded “to include comprehensive irreversible loss of higher brain function” so that “it would be possible to take the life of a patient (or more accurately stop the heart since the patient would be defined as ‘dead’) by ‘lethal’ injection” and then procure organs upon receiving proper consent. Consider this: Under such a regimen, Terri Schiavo would be eligible to be killed for her organs on the pretense that

she has already died. And consent could be given by the odious Michael Schiavo.

Two Harvard doctors advocated an even more radical approach in the September 2003 *Critical Care Medicine*. Drs. Robert D. Troug and Walter M. Robinson proposed that “individuals who desire to donate their organs and who are either neurologically devastated or imminently dying should be allowed to donate their organs, without first being declared dead.” Were such criteria to be adopted, the apparent homicide of William Thaddeus Rardin would be transformed from an alarming, unintended, and potentially criminal anomaly into a standard operating procedure in transplant hospitals across the country.

Organ-procurement professionals worry that the publicity surrounding Rardin’s death will “affect future donations.” Well, they should. But whatever went wrong in this case — assuming anything did — is correctable by the transplant community redoubling its efforts to assure that no corners are cut when diagnosing brain death and establishing sufficient standards of universal and reliable testing that must be performed *in every such case*.

The real danger to public confidence, not to mention the morality and ethics of medicine, lies in the growing advocacy to permit devastated and dying patients to be killed for their organs. Such a radical policy shift would not only shatter the public’s willingness to sign organ-donation cards, but worse, it would turn would-be organ sources into commodities, reducing them from the status of fully human persons to mere harvestable natural resources. The Rardin case offers the transplant-medicine community an important opportunity to assure the public that killing for organs will never be permitted.

—Wesley J. Smith is a senior fellow at the Discovery Institute, an attorney for the International Task Force on Euthanasia and Assisted Suicide, and a special consultant to the Center for Bioethics and Culture. His next book will be *Consumer’s Guide to a Brave New World*.



Faith has positive effect on the country

JOHN G. WEST

Tuesday, August 31, 2004

George W. Bush is a religious fanatic hell-bent on imposing his view of God’s will on the world. At least, that’s what some journalists and academics would have us believe, including University of Washington Professor David Domke (“With God as his co-pilot,” Aug. 22).

Domke concedes that other presidents have invoked “civil religion” in speeches but he claims Bush “is doing something altogether different.” In support of this claim, Domke quotes President Bush saying such things as “the liberty we prize is not America’s gift to the world, it is God’s gift to humanity.”

Domke should do more reading in American political history. The idea that liberty is God’s gift to humanity is hardly peculiar to Bush. Indeed, it’s one of the oldest themes in American political rhetoric. It was deist Thomas Jefferson, not evangelical Bush, who declared “the God who gave us life, gave us liberty at the same time” and who insisted that the “only firm basis” of civil liberties was the “conviction in the minds of the people that these liberties are the gift of God.” It was Roman Catholic John F. Kennedy, not Bush, who declared in his inaugural address “that the rights of man come not from the generosity of the state, but from the hand of God.”

Yet Domke insists “Bush is the most publicly religious president since at least Woodrow Wilson.” Domke must have missed the Carter years. During the 1976 presidential election campaign, Jimmy

Carter frequently told audiences that “the most important thing in my life is Jesus Christ.” At the 1976 Democratic Convention, a clergyman supporting Carter declared, “Surely the Lord sent Jimmy Carter to come on out and bring America back where she belongs!”

Bush’s statements are positively mild-mannered compared with such appeals. His public invocations of religion fall well within the mainstream American political tradition.

Why, then, are academics and journalists raising this non-issue? One reason may be ignorance.

For all their talk about diversity, newsrooms and academia are two of the least diverse places in America when it comes to religion. Surveys show that journalists and academics are far less likely to attend church than most Americans. That may make it easier for them to fall for (and spread) stereotypes of religious people as scary Bible-thumpers who want to impose a theocracy. Bigoted appeals that wouldn’t be tolerated in stories about gays or women or blacks routinely slip into stories about conservative Christians.

There also is a strong element of hypocrisy in the attack on Bush. Political observers who couldn’t have cared less about President Clinton’s speeches to African American churches or his frequent use of Biblical imagery in his speeches suddenly decry Bush’s rhetoric

as one step away from the Taliban. Their criticism smacks of a cynical attempt to gain a cheap political advantage by inspiring unfounded fears about Bush rather than a genuine concern about the proper role of religion in politics.

There are many issues worth debating about Bush's record, but his conventional

use of religious rhetoric isn't one of them. Those who try to make it so expose their own limited grasp of the political tradition and would deprive the public square of some of its most important contributors. Americans who favor religious liberty should applaud when a candidate for public office, particularly one as important as the Oval Office, articulates

how faith affects his public policy views.

John G. West is chairman of the Department of Political Science at Seattle Pacific University and senior fellow at the Seattle-based Discovery Institute. He is also co-editor of The Encyclopedia of Religion in American Politics.



Photo ID at polls could prevent fraud

SETH COOPER
Guest columnist

Claims of voter intimidation in Florida from 2000 led to rumors that large groups of people will be prevented from voting next month. Such rumors are based upon inferences from sketchy accounts and are discounted by factual studies.

Yet, agitation of such fears for 2004 is generating an opposite, more valid worry, namely, that we may witness widespread fraud — people voting in two places or casting ballots on behalf of people who don't exist or people with advanced mental illness.

Recent voter drives have produced hundreds of thousands of new registrants, which is a valuable expansion of democratic participation. But thousands of registrations are suspicious enough to have provoked investigations by election authorities. Officials in Pennsylvania, Florida and Ohio report organized delivery of voter cards for people whose addresses don't exist or who moved away.

Universities have reached a point of political self-righteousness where some students boast openly of plans to vote twice: by absentee ballot in their home state and also in the state of their school. This is clearly illegal. Cheaters dilute ballot choices of honest voters.

Thousands of lawyers from both parties, anticipating charges and counter charges, are organized to dispute election results in swing states.

Much of the current mischief is the unintended consequence of reform legislation passed after Florida's 2000 fiasco. Under the Help America Vote Act of 2002, millions of provisional ballots will be available for people who appear at polls but are not on registration lists. After polls close, officials will have to wade through such ballots to determine which ones are valid. A few such ballots, as Washington state had in the past, are manageable. A deluge is not.

The new law won't be applied in a simple or consistent manner across the nation. Congress left interpretation and implementation of many statutory provisions up to individual states. More than half the states have decided that provisional ballots must be cast in correct precincts (where a person is registered) or they won't count. In other states (such as Washington), a ballot may be cast in one place and referred to another.

Such differences are sure to inspire spirited and creative lawsuits. In the new book, "Stealing Elections: How Voter Fraud Threatens Our Democracy," John Fund says our election laws are the result of a "designed sloppiness" that serves to empower election lawyers and those who have little regard for safeguards against voter fraud. The results could include short-term confusion and long-term delays in resolving dis-

puted elections at many levels. The presence of millions of provisional ballots will fuel demands to relax existing state and local election standards and "count every ballot." Unless officials are allowed to stick to previously agreed policies, they'll be opened to endless wrangling.

Simply asking people for photo identification at polls could prevent many voter fraud attempts. But 39 states, including Washington, do not even require this safeguard. Americans today cannot check out a movie without photo ID, let alone board an airplane, yet some activists object to any similar check against voter fraud. The Help America Vote Act requires people who registered via mail or Internet since January 2003 show some sort of ID (as simple as an electricity bill), but even this provision is under attack.

Landslide elections make voter fraud largely irrelevant, but close elections remain inside what Fund calls the "margin for litigation." This year, one can hope officials will have the courage to enforce existing laws and pursue those who cheat.

For the long term, some sort of ID verification is desirable if we want to assure the integrity of the democratic process. It is that process that gives ultimate legitimacy to our form of self-government.

Seth Cooper is an attorney with the Seattle-based Discovery Institute.

Kerry's protectionist shift out of touch with reality

BY STEVEN J. BARI
Special to The Times

ARGUABLY the most neglected issue in this year's presidential contest is international trade. That's because trade, unlike issues such as tax policy or the war on terror, rarely, if ever, commands the central attention of voters.

Yet, the issue should matter a great deal to the residents of Washington state, since free and open access to the global marketplace is crucial to our economy — just consider Boeing, Microsoft, Starbucks and the state's many agricultural products.

President Bush, despite following Commerce Department recommendations on steel tariffs (as required by statute), has been a steady free-trader. He is committed to expanding commerce with developing countries and traditional trading partners alike.

In contrast — and characteristically — John Kerry's position on trade is muddled by contradictions.

Ray Waldmann, a former assistant secretary of commerce for international economic policy (and also a retired Boeing executive and University of Washington business instructor), recently commented:

"First, Kerry raised eyebrows with his talk of 'Benedict Arnold CEOs' — those CEOs who were contracting with overseas suppliers. Now he is supporting an increase in taxes on companies with overseas operations. His statements have many members in the trade and business community worried about his commitment to the principles of free and open markets."

At first glance, Kerry has an admirable record on free-trade agreements. He supported the North American Free Trade Agreement (NAFTA), which is vital to our region's hugely favorable trade with Canada and Mexico. He also voted to renew "fast-track" trade authority for the president and to make "most-favored nation" trading status for China permanent.

Yet, Kerry drifted toward protectionism during the Democratic primaries — and continues to do so.

This shift is neither subtle nor unimportant. Kerry, who famously has waffled on taxes and the war in Iraq, apparently has come to believe that his free-trade record as a Massachusetts



MATT WUERKER / OP ART

senator is detrimental in key battleground states that are net losers of manufacturing jobs — particularly Ohio, Pennsylvania and Michigan.

So instead of defending his pro-trade votes of the past, he is attempting to distance himself from them. In defending the benefits of free trade, Kerry also could have educated voters on the changing worldwide economy — one in which many countries are shedding manufacturing jobs at a much higher rate per capita than the United States. His failure to do so demonstrates a lack of personal conviction on this issue.

The decline in support for free trade among rank-and-file Democratic Party activists is almost as troubling as the new attitudes of the party standard-bearer. And they certainly depart from the strong pro-trade record of President Clinton.

Those on the far left, such as former presidential candidate Dennis Kucinich, advocate withdrawing from NAFTA and the World Trade Organization altogether. And while most members of the party aren't nearly as strident, protectionist policies are gaining converts.

Kerry's own running mate, John Edwards, criticized him during the Democratic primaries for his record on trade issues and said that, had he been in the U.S. Senate at the time, he would have voted against NAFTA. Protectionist clichés from the Democratic National Committee, labor unions and environmental activists are also enshrined in the 2004 Democratic Platform.

Add all this together and it is clear that Kerry, as president, will be under substantial pressure to push for labor and environmental provisions in trade agreements that most countries would find untenable.

The internal pressure on Kerry from political advisers and the external pressures from labor unions and certain en-

vironmentalists already are having their intended effect. According to his campaign Web site, Kerry will, among other things, order a 120-day review of all existing trade agreements — ostensibly to ensure that U.S. trading partners are meeting their labor and environmental obligations. As president, he will also work to include "strong and enforceable labor rights and environmental standards in the core of new free-trade agreements." Serious people in the trade field know that such standards are little more than a euphemism for preventing competition from poor countries.

Kerry's new stance may sound smart politically, but it is out of touch with reality. On balance, trade is enormously beneficial to both the United States and our trading partners. Developing countries especially benefit from free and open trade because of the economic prosperity and job creation that come with it. And with that prosperity come the resources to improve the environment.

Increased prosperity in nations also means more long-term trade opportunities for higher-priced and more-skilled U.S. goods and services. In the past, Kerry embraced this philosophy — making his recent backpedaling all the more disconcerting.

Kerry's protectionist overtures will, in the long-term, slow environmental progress and economic justice in the United States and abroad. But Washington state, in particular, will feel the effects swiftly and severely.



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Forrest Mims

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