

CEI's Monthly Planet

Fighting For Freedom

JANUARY/FEBRUARY 2004 COMPETITIVE ENTERPRISE INSTITUTE VOLUME 17, NUMBER 1

The European Constitution Falls Apart

Disaster Averted, but for How Long?

by Iain Murray

Czech President Vaclav Klaus is dismayed by the prospect of his country's entry into the European Union (EU). He told United Press International's Arnaud de Borchgrave last year: "The enemies of free societies today are those who want to burden us down again with layer upon layer of regulations. We had that in communist times. But now if you look at all the new rules and regulations of EU membership, layered bureaucracy is staging a comeback." Nowhere is this more apparent than in the draft Constitution for the Union. Plans to enact this document collapsed in rancorous disagreement at the EU summit in Brussels last December. But if history is anything to go by, the EU Constitution will be back, and freedom in Europe will suffer as a result.

The constitutional convention that produced the document was headed by former French President Valéry Giscard d'Estaing, who repeatedly compared the proceedings to the 1787 Philadelphia Constitutional Convention and vaingloriously likened himself to Ben Franklin and Thomas Jefferson (despite the latter's absence from Philadelphia). But the European Convention was a much more bureaucratic and factional affair, despite the lack of any appreciable anti-Federalist presence. The nearest to a George Mason in

Giscard's convention was Gisela Stuart, a British member of the European Parliament, who said of the process: "Not once in the 16 months I spent on the Convention did representatives question whether deeper integration is what the people of Europe want...The process in the Convention was itself riddled with imperfections and molded by a largely unaccountable political elite, set on a particular outcome from the very start."

Far from the slim, serviceable Constitution that the Framers produced at Philadelphia, the Giscard document ran to 465 articles, divided into three main sections. Each section contains outrages to liberty, and they are worth examining in detail.

The first section contains the institutional arrangements for the Union. It is on this section where the most press attention has been fixed; and the disagreements that led to the Constitution's rejection began here. The Constitution would reshuffle the current institutional arrangements slightly, but enough for major differences to emerge. For instance, Europe would have a president and a foreign minister, and member nations would be encouraged to let the EU foreign minister speak for them

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One Million Euro limited edition collectible bank note. Features flags of 15 European Union nations and the legend: "This certificate is backed and secured only by confidence in the European dream."

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FROM THE GENERAL COUNSEL



DUMBING DOWN THE ATOM

by Sam Kazman

Science fiction writer Arthur C. Clarke once wrote that, “any sufficiently advanced technology is indistinguishable from magic.” In fact, even current technologies can be made to seem magical, as a recent art exhibit in Washington, D.C. demonstrated—not magical in the sense of awesome and inspiring, but magical in the sense of black magic, filling the observer with dread. All you need is a bit of dumbing down.

The exhibit was “Atomic Time: Pure Science and Seduction,” a one-room recreation of a Manhattan Project A-bomb lab by sculptor Jim Sanborn. Last November, it opened at Washington’s Corcoran Gallery of Art to rave reviews. One *Washington Post* critic called it a “magnum opus” as “conceptual as it is eye-popping,” and ranked it among the area’s top exhibits of the year. Another said it was “so layered, and novel, and interesting—so important, even—that [it] may count as the most significant work of art to come out of Washington” in the last four decades. He suggested that President Bush go for several viewings.

So what was all the buzz about? The exhibit itself consisted of several tables of scientific equipment, some gleamingly beautiful. Some of the pieces were originals from the Los Alamos National Laboratory, while others were painstakingly machined reproductions. But that was *all* that the exhibit had. There was practically no explanation of how any of the equipment worked.

This lack of explanation wasn’t an oversight; instead, it was supposedly the key to its artistry. The fact that there was “virtually no text ... [to tell] us how to think our way out of its blind alleys” made it, according to the *Post*, “not just a show about the bomb, but about who we are, and who we were.”

Well, maybe because of who I am, or who I was, I found this absence of information surprisingly irritating. It made me dislike the exhibit almost immediately. It reminded me of those dumbed-down museum exhibits that rely on physical imagery and flashing lights to draw their audiences in but then limit themselves to the most superficial of explanatory texts.

“Dumbing down” has become a pretty common phrase for the lowering of standards in such areas as education and manners. The expression received a big boost with a 1993 article by the late Senator Patrick Moynihan, “Defining Deviancy Down,” which described how criminal behavior that once would have shocked us has now become commonplace. One basic effect of dumbing down is to lower our expectations of individuals, thus opening the floodgates to a host of professionals whose job it is to remediate and medicate, often on the taxpayer’s tab. Dumbing down, in a sense, has become a fine art.

But it’s also become high art. Some dumbed-down art forms come quickly to mind: pop art, found art, mini-mini-minimalist art that occupies large rooms with tiny pieces of trivia. Sometimes it can be entertaining, but it’s rarely memorable or beautiful, and it’s usually condescending. This is bad enough.

But when an artist takes the physical embodiment of technology and simply exhibits it, under the solemn-sounding title of “seduction,” something else is going on. The *Post* claimed that we were getting “unimpeded access to its subject matter,” and that the detailed instruments “evoke the seductions that the Manhattan Project’s scientists must have felt as they prepared their bombs.”

This, I think, is one incredible overstatement. The physical embodiment of a laboratory, the look of its aluminum and electronics, is an incredibly small fraction of what really happened in that room; it’s the tiniest part of the show. The real stuff was *knowledge*; the real action was in the minds of the scientists, not in the appearance of their equipment. But that’s exactly what this exhibit didn’t give us.

Arthur C. Clarke didn’t get it entirely right; given enough time and inclination, we *can* distinguish advanced technologies from magic. But with the right atmosphere and context—dim lighting in an art gallery, for instance—the technologies we already have can easily be turned into objects of dumb foreboding.

That may not be the worst thing you’ll find in art galleries today. But with technology already threatened with demotion elsewhere in Washington, it’s far from trivial.

Whatever the seductions of science may be, they’re nothing compared to those of politics. That’s the exhibit that I’m waiting for.

MONTHLY
PLANET

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CEI’s *Monthly Planet* is produced 10 times a year by the Competitive Enterprise Institute, a pro-market public interest group dedicated to free enterprise and limited government.

CEI is a non-partisan, non-profit organization incorporated in the District of Columbia and is classified by the IRS as a 501 (c)(3) charity. CEI relies upon contributions from foundations, corporations and individuals for its support. Articles may be reprinted provided they are attributed to CEI.

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ISSN# 1086-3036



The European Constitution Falls Apart

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at meetings of the United Nations Security Council. It's safe to say that the U.N. debate over Iraq would have gone slightly differently if German Foreign Minister Joschka Fischer, who is said to covet the European foreign minister position, had spoken for both Britain and Spain.

The Constitution also did little to address the problem of the "democratic deficit" in the EU, which MEP Stuart—a Labor Party member—so aptly described. The European Parliament, far from being a full-fledged legislature, cannot initiate legislation, which must emanate from the EU's executive, the unelected European Commission. As we shall see below, the EU Constitution would greatly expand the Commission's power to legislate. Many expressed concern

government-provided medical care rather than forbidding government from infringing on real rights like the right to property. The Charter also includes a clause that allows the EU to ignore any of the "guaranteed" rights in pursuit of a "greater" state interest. While many Continental countries have long recognized *raison d'état* as a government prerogative, it is a concept completely alien to British and Irish jurisprudence, and therefore raised deep concern in those countries.

But it is Section III that shows the full folly of the Constitution's overreaching nature. This section outlines the "competences" of the Union—areas in which it can legislate for member governments, such laws gaining automatic precedence over the national laws of member states. The section accrues power to Brussels in a manner that makes most member governments responsible for little

Far from the slim, serviceable Constitution that the Framers produced at Philadelphia, the draft European Constitution ran to 465 articles, divided into three main sections. Each section contains outrages to liberty.

over the Constitution's failure to address this problem. But it was the relatively arcane subject of "qualified majority" voting rules that caused the most damaging split.

Initially, all member states of the European Economic Community (EEC), the predecessor to the EU, possessed vetoes over virtually anything that the organization proposed. As this proved unworkable in practice, the successive treaties that turned the EEC into the EU and expanded its membership introduced majority voting on many issues, with the national veto being removed from many policy areas. The number of votes a country possessed was based primarily on population, but to avoid the largest countries—Germany, France, and the United Kingdom—gaining too much influence, the number was qualified. Thus, a country like Spain has almost as many votes as Germany, despite having about half of Germany's population. The same deal was offered to Poland, the largest of the new EU members scheduled to accede this year.

The draft Constitution, however, abrogated this principle. Voting strength was to be related much more to actual population, so Spain and Poland would suffer, while Germany and France would benefit. Together, Germany and France—who spoke as one during the Constitutional negotiations—account for 40 percent of the EU's population, and so would tend to heavily dominate any policy discussion. This proved unacceptable to Spain and Poland, and led directly to the treaty's demise. Giscard obviously learned nothing from the Philadelphia Constitutional Convention's discussions over how to protect the interests of smaller states. Observers like Vaclav Klaus surely breathed a sigh of relief over this rebuttal to the Franco-German statist vision of Europe.

There is much to worry about in the other sections as well. Section II—the Charter of Fundamental Rights—seeks to function like the Bill of Rights, but does so in positive rather than negative language, guaranteeing positive "rights" like

besides education and public transport. Moreover, it goes so far as to lay down what policies member governments should follow. For example, in the environment article, the Constitution establishes that governments should follow the precautionary principle in assessing environmental issues. This enshrinement of such a dubious idea as the precautionary principle in a constitution is a serious affront to democratic self-determination.

The convention appears to be more motivated by Giscard's desire for a "legacy" than by any desire to address the democratic disconnect facing the European Union. Gisela Stuart says that on one occasion Giscard actually told the Convention, "this is what you have to do if you want the people to build statues of you on a horseback back in the villages you all come from." It seems Giscard is as fond of statues as Saddam Hussein was—but he won't be getting one anytime soon.

However, for all the lack of foresight involved in drafting the document, it could still return from the grave. The most avid Eurocrats—mainly in France and Germany—are determined to push the treaty through somehow. Joschka Fischer said that it would be a "tragedy" if the text were altered in any way. We should also remember that the power of the Brussels bureaucracy is such that previous treaties, including the Maastricht and Nice treaties, which had been rejected in referenda by member states, have nevertheless been ratified almost unchanged. Vaclav Klaus and his allies have good reason to celebrate the collapse of the EU Constitutional Convention, but they should not rest on their laurels yet.

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The Skeptical Environmentalist Vindicated

Radical Greens' Attempt to Destroy Bjørn Lomborg Fails

by Myron Ebell

The Danish Ministry of Science, Technology, and Innovation, on December 17, 2003, overturned a verdict of “scientific dishonesty” against Bjørn Lomborg, author of *The Skeptical Environmentalist* and winner of CEI’s 2003 Julian L. Simon Memorial Award. The judgment had been given in February 2003 by the Danish Committees on Scientific Dishonesty (DCSD)—a government-funded body—and was the culmination of a two-year effort by environmental pressure groups and their academic allies to discredit Lomborg and his acclaimed best-selling book. This is very good news, not only for Lomborg, but for anyone who dares to challenge eco-alarmist dogma in the future.

The Ministry’s 70-page report found the DCSD’s handling of the case “dissatisfactory” and its conclusion of scientific dishonesty “completely void of argumentation.” Actually, it was worse than that. As *The Economist* noted, “The panel’s ruling—objectively speaking—is incompetent and shameful.” That’s because it was based almost entirely on four hatchet jobs published in *Scientific American* by four leading academic environmental alarmists in January 2002.

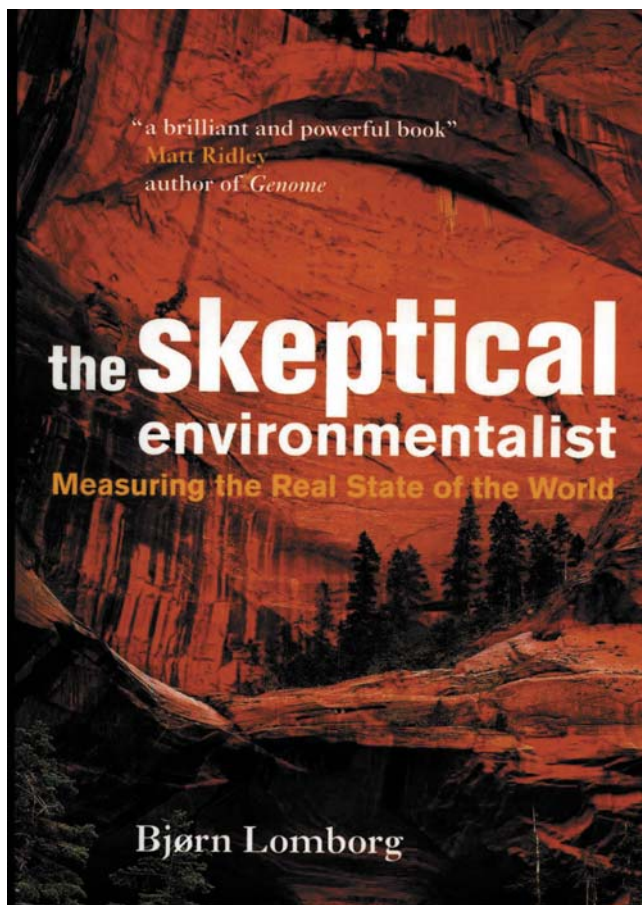
The *Scientific American* critiques of Lomborg alleged many errors, but detailed only a handful of minor mistakes—in a book with 2,930 footnotes—and then descended to accusations of incompetence and bias. In fact, the Committees acknowledged that the hostile articles did not constitute refutations of Lomborg’s work, but were merely the opinions of researchers with whom Lomborg disagreed. Moreover, the articles were published as part of a special section called “Science Defends Itself Against *The Skeptical Environmentalist*”—so there wasn’t even a pretense of balance by *Scientific American*’s editors.¹

But no matter: The goal was to get Lomborg at any cost. The DCSD—which is part of the Danish Research Agency and

is made up of mostly nonscientists—pressed on and judged *The Skeptical Environmentalist* “objectively dishonest” and “clearly contrary to the standards of good scientific practice.” Even worse, the Committees gave Lomborg no chance to respond before publishing its ruling. Radical green groups like the World Resources Institute and the Union of Concerned Scientists trumpeted the judgment as an indictment of Lomborg.

An associate professor of statistics at the University of Aarhus, in Denmark, Lomborg stumbled into his epic confrontation with the environmental thought police by accident. While waiting for a flight at Los Angeles International Airport in 1997, he bought a copy of *Wired* magazine and read an interview with Julian Simon, the late author of *The Ultimate Resource* (1981), which debunks the alarmist predictions of environmental doomsters like Paul Ehrlich by a thorough analysis of existing scientific data. Lomborg didn’t believe Simon’s claims that environmental quality had been improving across the board for decades. After all, the major media are filled with stories of imminent environmental doom. But, to his credit, Lomborg did not simply dismiss Simon, and decided to analyze the data and see if Simon’s conclusions held up.

The result was *The Skeptical Environmentalist*, published by Cambridge University Press in 2001. Lomborg—with the help of his statistics graduate students at Aarhus—produced a magnificent statistical review and analysis of data from the United Nations Environment Program, World Health Organization, World Bank, Harvard Center for Risk Analysis, and other respected bodies. What he found was that, while there are serious global environmental problems, Simon was largely correct: Environmental quality



Continued on next page



has been improving on most fronts around the world for decades.²

Clearly, such a conclusion was anathema to the enforcers of environmental political correctness. And the book received favorable reviews in *The Washington Post*, *The Economist*, and other major publications. So they launched a massive attack on Lomborg's credibility culminating in the judgment of "scientific dishonesty." The dismissal of this charge is obviously great news for Bjørn Lomborg, but it potentially has much wider significance than the rehabilitation of one scholar's reputation.

Much notice has been taken of the corruption of science by politics, but the Lomborg affair points to what may be a bigger threat—the corruption of politics by the scientific

another tranche of federal funding. And the scientific leaders of environmental false alarms increasingly gain professional and public distinctions.

Lomborg's *The Skeptical Environmentalist* has revealed this unseemly disconnect between environmental fact and what the public is led to believe by environmental doomsayers in the scientific community. But this is not new. Stephen Schneider of Stanford University, who wrote one of the articles attacking Lomborg in *Scientific American*, explained the game in 1989: "[W]e are not [only] scientists but human beings as well. And like most people we'd like to see the world a better place, which in this context translates into our working to reduce the risk of potentially disastrous climate change. To do that we need to get some broad-based

The *Scientific American* critiques of Lomborg alleged many errors, but detailed only a handful of minor mistakes—in a book with 2,930 footnotes—and descended to accusations of incompetence and bias. Moreover, the articles were published as part of a special section called "Science Defends Itself Against *The Skeptical Environmentalist*"—so there wasn't even a pretense of balance.

establishment. Because they enjoy an imposing reputation for objectivity with the media, the public, and government officials, scientists are largely accepted as dispensers of disinterested, honest, and accurate advice. We can trust scientists because they know what they're talking about and don't have any special interest axes to grind.

The attack on Lomborg reveals the startling naiveté of this belief. The reason that scientist-activists locked arms with environmental pressure groups to destroy Lomborg is because he threatens their monopoly as the guardians and interpreters of scientific fact. *The Skeptical Environmentalist* does not challenge the data provided by the scientific establishment. In fact, Lomborg emphasizes that his book compiles and analyzes environmental data from the most widely accepted official sources. It's not that Lomborg got anything wrong that bothers Official Science—Canadian economist Ross McKittrick's term for the layer of scientist-activists and academic bureaucrats whom the media, the public, and government officials accept as representing science—Lomborg's crime was to reveal Official Science as a clique of politically motivated charlatans. The environmental facts simply don't support their claims.

The reality is that the high reputation of science in Western civilization is being abused by green bunkum artists and snake oil salesmen to spread false alarm among the public and thereby improperly influence our political decision making. Sadly, the scientific establishment has largely gone along with this, for several reasons. The most obvious reason is that alarmism serves the special interests of many scientists. Each new environmental scare leads to

support, to capture the public's imagination. That, of course, entails getting loads of media coverage. So we have to offer up scary scenarios, make simplified, dramatic statements, and make little mention of any doubts we might have."

For exposing those doubts, alarmists like Schneider tried to destroy Lomborg. Thankfully, they failed, and Lomborg's message has emerged the stronger for it. But in politics there are no permanent victories, and the doomsters will be back to try again.

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Notes

¹ CEI has published studies comparing two of the *Scientific American* articles with Lomborg's book. "The Heated Debate" by Robert L. Bradley, Jr. is available at <http://www.cei.org/gencon/025,03539.cfm>; and "The Infection of Science by Public Choice" by Patrick L. Michaels and Tereza Urbanova is available at <http://www.cei.org/gencon/025,03786.cfm>. When Lomborg posted the articles on his website (www.lomborg.com) together with his detailed responses, *Scientific American* objected that he was violating their copyright and forced him to remove the articles.

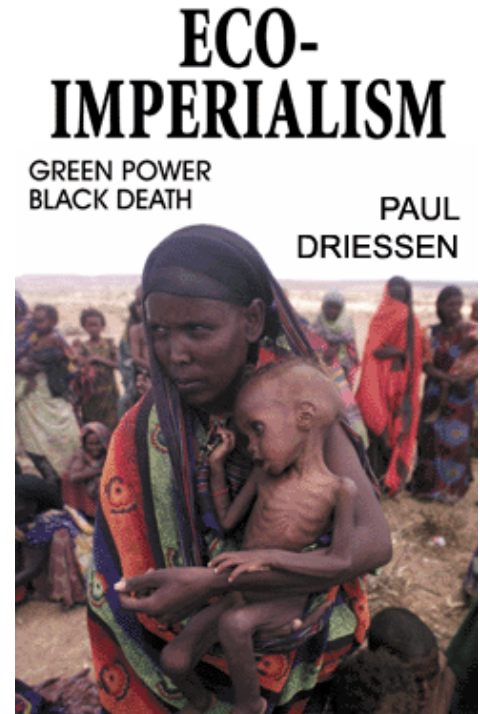
² These findings have been confirmed in three collections of essays edited by Ronald Bailey and published by CEI: *True State of the Planet* (1995), *Earth Report 2000*, and *Global Warming and Other Eco-Myths* (2002).



Q & A with Paul Driessen:

A Long-Time Environmental Researcher and Activist on How the Modern Environmental Movement Places Ideology and Its Own Interests above the Needs of the World's Poor

Paul Driessen, a senior fellow with the Committee for a Constructive Tomorrow and Center for the Defense of Free Enterprise, recently spoke with CEI about his new book, Eco-Imperialism: Green Power, Black Death. During a 25-year career that has included staff tenures with the U.S. Senate, Department of the Interior, and an energy trade association, he has spoken and written frequently on energy and environmental policy, global climate change, corporate social responsibility, and other topics. Driessen holds a B.A. in geology and field ecology from Lawrence University and a J.D. from the University of Denver College of Law.



CEI: You used to be a member of the Sierra Club and Zero Population Growth. What prompted you to leave the environmental movement?

Driessen: I'm still an environmentalist. But ideological environmentalism has become a crisis creation industry that ignores our progress and feels justified in using lies, intimidation, and even terror to advance its interests and agendas. It's anti-technology and anti-business, except for its own multi-billion-dollar, high-tech international operations, and the large foundations that fund it.

Worst of all, it's anti-human. Eco-radicals insist that the world's poor remain "indigenous"—and miserable—while they enjoy the nutrition, electricity, clean water, and health care available in the developed world.

CEI: Citing ecological claims, European Union regulators and environmental extremists oppose genetically engineered crops and the use of DDT to combat malaria. Why do you think they are more interested in preventing developing countries from getting these products—neither of which has been shown to cause harm—than in saving lives?

Driessen: First, they can afford to have purist, utopian viewpoints about pesticides and biotechnology. They live in healthy, wealthy, well-fed countries that once used DDT and other pesticides to eliminate malaria, and now use biotechnology to improve crop yields, reduce erosion, fortify plants with vitamins, and reduce the need for fertilizers. Their policy prescriptions bring them fortune and fame, while all the costs fall on poor Africans, Asians, and Latin Americans, who die in droves from malaria, malnutrition, and other maladies.

Second, eco-radicals have an uncanny ability to ignore or deny the horrendous misery and death toll their attitudes impose on the world's poor. They simply cite their standard pseudo-theological dogma: "We're saving the planet from big business, bad technology, and rampant overpopulation. We're protecting birds from pesticides." To which my Ugandan friend Fiona Kobusingye replies: "I lost two sisters, two nephews, and my son to malaria. Don't talk to me about birds."

Former USAID official Edwin Cohn illustrated the radical green mindset when he stated that, "better some people should be sick with malaria and spread the job opportunities around. In fact, people in the Third World would be much better off dead than alive, and riotously reproducing" (quoted by Robert Desowitz in *The Malaria Capers*).

CEI: Bio-engineered seeds reduce both pesticide use and the amount of land used for agriculture—two environmentally desirable outcomes. Why, then, are most environmental activists so adamantly opposed to using this technology?

Driessen: They're not starving. They're also not getting investigated, hauled up on fraud charges, or even rapped across the knuckles for hypocrisy, so opposing technologies that can benefit nature and save lives doesn't much bother them.

Their position also reflects what they do best: prey on people's fear of the unknown or anxieties about science run



amok, à la Mary Shelley and Stephen King. It also ensures greater power and influence, and lavish funding. It brought them over \$500 million between 1995 and 2001 from wealthy foundations—like Pew, Ford, Joyce, MacArthur, and Turner—organic food companies, and the European Union.

CEI: In your book, *Eco-Imperialism: Green Power, Black Death*, you discuss green activists' desire to find alternatives to petroleum for our energy needs. Two alternatives that excite them are wind and solar power. Could either source prove practical? Why do environmentalists tout them as a panacea?

Driessen: There's no way they're practical—even if subsidized via taxes, subsidies, and requirements that 20 percent of electricity come from renewable sources (excluding hydroelectric power). For instance, just one 555-megawatt gas-fired power plant in California generates more electricity every year than do all 13,000 of the state's enormous bird-killing wind turbines. The fossil fuel plant impacts 15 acres. The turbines impact 106,000 acres and destroy scenic vistas for miles.

Of course, the radical greens' real goal is to force America to slash electricity consumption to "sustainable" levels—circa 1950 or 1920—and force developing countries to remain indigenous and poor. So facts and practicality are largely irrelevant.

CEI: Alarmist green groups have grown immensely over the last few years. What do you believe has led to this growth? Can anything be done to check their influence?

Driessen: Environmentalism has become a multi-billion-dollar growth industry because activists know how to generate money, power, and fame by creating a new crisis every week. Scientists make careers out of studying and promoting new dangers. Journalists get famous. The media sells ads. And politicians, bureaucrats, and lawyers ride to rescue, getting rich or reelected for saving people and planet from exaggerated, imaginary, or fraudulent

threats. So the crisis charlatans con us over and over—from DDT to Alar and phthalates, to biotech, global warming, and wind power. What can be done? We have to do more to hold these groups to the same standards of transparency and accountability—including fines and jail terms for fraudulent claims—that we impose on individuals and corporations. Go after the organizations, their officers, and the foundations that finance them. We're finally starting to see some overdue efforts on this. The Internal Revenue Service is investigating The Nature Conservancy for illegally rewarding directors with prime lands for homes, improperly pressuring people into selling, and engaging in other unethical behavior—thanks largely to an in-depth

Washington Post exposé published last year.

Tort reform is essential, but may have to come via individual states, since pressure groups and trial lawyers have Washington in their grip.

Public shame, pressure, and litigation can be powerful weapons—especially if combined with real-life examples of people who have been victimized, like children who've been made blind because they couldn't get golden rice or died from malaria because their homes couldn't be sprayed with DDT.

That's what *Eco-Imperialism* is really all about: pressure groups that violate people's most basic human rights in furtherance of their own political agendas. It's morally reprehensible, it's lethal, and it has to end.

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Should the U.N. Control the Internet?

by Neil Hrab

Should the United Nations control the Internet? This is more than a hypothetical question.

Elites in a number of countries—including South Africa, China, and Brazil—believe that the United States exerts too much control over the Internet. They believe that it would be better if a United Nations agency called the International Telecommunications Union (ITU) controlled the ‘Net. Proponents of this position hoped to further their cause last December, at the United Nations World Summit on the Information Society, held in Geneva, Switzerland, but their proposal did not survive the summit’s preparatory talks.

This is by no means a permanent defeat for the idea of giving the U.N. control of the Internet. Since this idea will likely raise its head again, it will be useful to look at what is at stake.

Currently, a private company called the Internet Corporation for Assigned Names and Numbers (ICANN) fashions global standards on Internet issues such as how web sites are named. To date, ICANN has done a good job. But what irks some foreign governments is that: (a) ICANN is based in California; and (b) it has extensive contact with the U.S. government. They think it is unfair to the rest of the world for the United States to have so much influence over ICANN. The just thing to do, they argue, is to strip ICANN of its power over the Internet and hand that influence over to the ITU, which, as part of the United Nations, is not dominated by any one country.

Now, ICANN is far from perfect. For instance, it would benefit from more procedural transparency in its decision making, as Syracuse University Information Studies Professor Milton L. Mueller has suggested. Mueller also argues that ICANN should make its board of directors more “broadly representative” of the global Internet community. Indeed, ICANN is already taking steps towards increasing the diversity of its board, which should

reassure foreign complainants that ICANN is not under the U.S. government’s thumb.

It is one thing to say that ICANN could be improved, but it is quite another to claim that the United Nations would do a better job managing the Internet than ICANN, without demonstrating why this is true.

Indeed, there are reasons to believe that the U.N. would make an ineffective guardian for the Internet—and could even undermine one of the features that make the Internet so dynamic. I am talking here about the unprecedented global freedom of expression that the Internet makes possible. This is

Given its history, granting the U.N. regulatory power over the world’s newest, most vital means of communication would be sheer folly.

worrisome, because a look at the U.N.’s record indicates that the organization has been remiss in protecting free speech.

Consider:

- During the 1970s and 1980s, a number of Third World countries used the United Nations Educational, Scientific and Cultural Organization (UNESCO) to press for a “new world information order,” which would involve governments in “managing” information flows to better serve the “public interest.” This included requiring journalists to obtain government licensing to report the news. American journalists were quick to point out the dangers this system posed to media independence—if a reporter

uncovers news a government doesn’t like, she could lose her license. Disgusted at this effort to impose censorship, President Reagan pulled the U.S. out of UNESCO in 1984. (The U.S. rejoined in 2003.)

- In 1995, delegates attending a UNESCO meeting on “Women and the Media,” held in Toronto, called for various forms of government control of media, including mandatory “gender-sensitive” hiring practices, allegedly to combat the “predominantly male culture of the mainstream media.” This heavy-handed regulatory approach surfaced again that year during a U.N. conference on women’s issues in Beijing.
- And in 2002, the U.N.’s Human Development Report praised South Africa’s government-funded Human Rights Commission for persecuting journalists who uncovered high-level corruption. The Commission slapped the journalists with trumped-up charges of “subliminal racism.” The U.N., bizarrely, said that this persecution helped to build “respect for human rights.”

Given its history, granting the U.N. regulatory power over the world’s newest, most vital means of communication would be sheer folly. ICANN is not perfect, and could use some reform. But it should not be scrapped simply to appease a few critics. What would replace it could turn out to be far, far worse.

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Combined Federal Campaign

The Combined Federal Campaign (CFC) is the annual fund-raising drive conducted by federal employees in their workplace each fall. Each year, federal employees and military personnel raise millions of dollars through the CFC to benefit thousands of non-profit charities. The Competitive Enterprise Institute is proud to be a CFC participating organization. If your workplace allows for CFC contributions, you can designate your gifts to be given to CEI. Our CFC number is 9824.

If you have questions, or desire more information on giving to CEI, please contact:

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Contributions are tax-deductible.



The Good, the Bad, AND THE UGLY

The Good: Bush Administration to Establish Regulatory Peer Review Process

Federal agencies often spend years constructing rules and regulations to supposedly protect the public against health and environmental threats. But, because there is no system of peer review for federal regulations, many regulatory decisions are based more on the precautionary principle than on realistic risk assessments. To address this problem, the Bush Administration has asked the Office of Management and Budget (OMB) to establish a universal system of peer-review throughout the federal agencies—a move that will promote the use of sound science over the precautionary principle.

Although the U.S. government does not officially recognize the precautionary principle in regulatory policy, many agencies apply it in practice. The Food and Drug Administration (FDA) has probably used it most extensively—FDA has held up approval of potentially beneficial AIDS drugs and attempted to ban saccharine based on results from a flawed study. Such wide-ranging use of the precautionary principle stifles innovation and jeopardizes the public's health and safety, as regulatory agencies direct their efforts toward studying potential and ill-founded harms rather than eliminating actual ones.

Critics of the OMB plan have complained that the Bush Administration will pick scientists friendly to industry to oversee rule making. Rather, this new policy will brake overzealous regulators eager to increase their authority. "The precautionary principle has a miserable record when applied to policy. Yet its advocates continue pushing for it," observes CEI Director of Risk and Environmental Policy Angela Logomasini. "We already are seeing cases in which misguided allegedly 'precautionary' approaches are proving deadly, particularly to people in the developing world."

The Bad: U.S. Considering State Oil Monopoly for Iraq

Soon after the overthrow of Saddam Hussein, the Bush Administration endorsed a plan to quickly privatize the Iraqi oil industry and to give every Iraqi a share in the industry. However, American officials are now backing away from this plan in favor of gradual privatization—preceded by the creation of a state oil monopoly.

The Bush Administration originally pushed for an ownership structure similar to the one used by the state of Alaska. Under the "Alaska model," the legislature places a share of the proceeds from state-owned oil reserves in a state fund and disburses the funds to citizens as "dividends." A similar plan in Iraq would have allowed the Iraqi people to profit from the sale of Iraqi oil to foreign investors.



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There is no dearth of examples of failed states enterprises—especially when it comes to oil. "There is a risk that the future Iraqi government—like the past one—would seek state management of the oil industry. That would be a recipe for disaster, as the experiences of Mexico, Venezuela, and other petro-states demonstrate," notes CEI President Fred L. Smith, Jr. "State-run enterprises are rarely efficient. Further, the vast wealth flowing through such state bureaucracies is too tempting for fledgling civil servants. To divert Iraq's best and brightest into corrupt rent-seeking would be tragic."

THE UGLY: REPORT OUTLINES AID AGENCIES' MALARIA MALPRACTICE

The Roll Back Malaria campaign—launched in 1998 by the World Health Organization (WHO), United Nations Development Program (UNDP), United Nations Children's Fund (UNICEF), and World Bank—sought to halve the number of people dying from malaria by 2010. To further this goal, the G8 countries established the Global Fund for AIDS, Tuberculosis, and Malaria (GFATM) in 2002. Working primarily with WHO, the Fund was supposed to help poorer countries obtain effective medicines. But with six years to go before 2010, the campaign's malaria control goal seems out of reach—largely because of policies pushed by WHO and GFATM.



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In the January 17, 2004 edition of the British medical journal *The Lancet*, Dr. Amir Attaran, of the Royal Institute of International Affairs, accuses WHO and GFATM of promoting two drugs, chloroquine and sulphadoxine-pyrimethamine (SP), in places where increased resistance by the parasite has rendered them useless—due to pressure from bureaucrats and activists from developed countries. Although there is a treatment—Artemisinin Combination Therapies or ACT—that has shown promise in combating malaria, the higher cost discourages its use. Every year, WHO and GFATM spend far more on the two ineffective medicines (\$38.5 million) than on the promising ACT therapies (\$16.1 million). As a result, 300-500 million people contract malaria each year.

CEI Adjunct Fellow Roger Bate and Richard Tren—co-founders of the South African nongovernmental organization Africa Fighting Malaria—question whether the WHO and GFATM can be trusted to seek the best methods to combat malaria and other diseases. "[President] Bush has promised significant amounts of money for HIV/AIDS, some of which will go to the GFATM. Yet, if the GFATM cannot get it right over malaria drugs, one wonders if it can sustain decent AIDS treatment," they note. "Thousands of African children are dying needlessly from malaria because of negligent policies; African health ministers and President Bush should take the health bureaucrats in Geneva to task over this."



Director of Food Safety Policy Gregory Conko and co-author Prof. C.S. Prakash detail the dramatic achievements and potential of agricultural biotechnology in feeding the world:

The record of agricultural progress during the past century speaks for itself. Countries that embraced superior agricultural technologies have brought unprecedented prosperity to their people, made food vastly more affordable and abundant, helped stabilize farms yields, and reduced the destruction of wild lands. The productivity gains from G.M. crops, as well as improved use of synthetic fertilizers and pesticides, allowed the world's farmers to double global food output during the last 50 years, on roughly the same amount of land, at a time when global population rose more than 80 percent. Without these improvements in plant and animal genetics and other scientific developments, known as the Green Revolution, we would today be farming on every square inch of arable land to produce the same amount of food, destroying hundreds of millions of acres of pristine wilderness in the process.

- *The American Enterprise*, March 2004

Senior Fellow Iain Murray explains why current European efforts to push the U.S. towards regulatory action on global warming are unlikely to be successful:

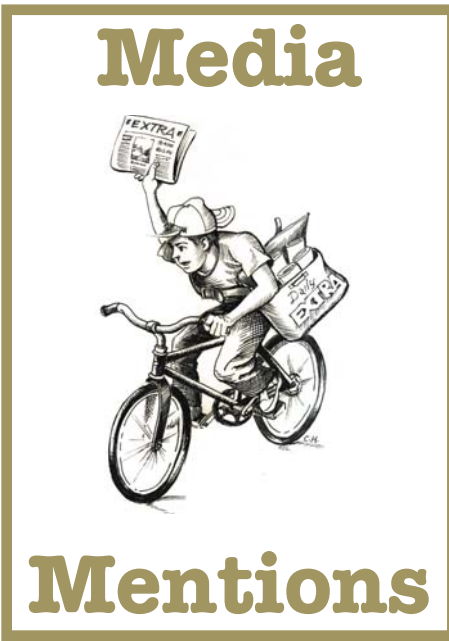
The Chief Scientific Adviser to the British Government, Sir David King, was in Washington, D.C., this week trying to persuade America to act on global warming. A laudable aim, most Europeans might think, but the manner of Sir David's approach, which will prove fruitless, was an object lesson for Europeans in how not to handle America. He is fighting in the wrong place, at the wrong time, and with the wrong tactics.

While many suggest that the current administration is hostile to the global warming issue, that is not the whole truth. American administrations are complex beasts, made up of many different constituencies and interests. There are forces in the administration that believe America has to do more than it is doing on global warming, and they have issued comprehensive reports to that effect. The problem is that their case is weak. The *Climate Action Report 2002*, issued under the current President, presents a doomsday scenario of climate change badly affecting America, but it is based on models that show the same predictive ability as a table of random numbers.

- *EU Reporter*, February 16

Warren T. Brookes Journalism Fellow Neil Hrab assesses the threat from anti-American cultural protectionism:

There's an amusing scene in *Gulliver's Travels* where the



protagonist awakens from a nap and has his first encounter with the tiny people of Lilliput. "I attempted to rise," Gulliver recalls, "but was not able to stir for, as I happened to be on my back, I found my arms and legs were strongly fastened on each side to the ground...I likewise felt several slender ligatures across my body, from my armpits to my thighs." A sleeping giant, the Lilliputians discover, is surprisingly easy to tie down.

This fictional scene is being replicated in real life, with the United States as the target. Since 1998, a group of governments representing nearly 60 countries has met annually to devise ways to tie down the giant known as American popular culture. The group is known as the International Network on Cultural Policy (INCP). Its members feel that American popular culture

represents an existential threat to their own identity. As Kim Campbell, a former Canadian prime minister put it, "images of America are so [globally] pervasive...that it is almost as if instead of the world immigrating to America, America has immigrated to the world, allowing people to aspire to be Americans even in their distant cultures."

- *In the National Interest*, February 4

Adjunct scholar Henry I. Miller charts the ideological drift of the modern environmental movement:

Since the Endangered Species Act was passed in 1973, most Americans have come to identify themselves as environmentalists. Unfortunately, over the years a small faction of the movement has drifted farther and farther away from the original goals of environmentalism. These pseudo-environmentalists now pursue an agenda that has less to do with conserving resources, reducing pollution, and protecting wildlife than with attacking business and opposing certain products and technologies. Ironically, their efforts are often inimical to the protection of the environment—and to common sense, as well.

- Scripps Howard News Service, February 3

President Fred L. Smith, Jr. and Vice President for Communications Jody Clarke warn the business community against neglecting the political dimension of public relations:

In today's highly politicized world, a firm's profitability depends not only on its sales, but also on the severity of the regulatory environment in which it operates. In effect, business operates in two worlds: the private market (geared to attract Joan Consumer) and the political arena (which seeks Joan Citizen's support in fending off adverse regulatory or tax policies). A well-designed PR plan would both expand sales and enhance a firm's moral legitimacy.

- *PR Week*, January 19



A Winning Lawsuit and a Winning Legal Strategy

Timothy Dumouchel of West Bend, Wisconsin, is trying to sue his local cable company, blaming it for his TV "addiction," his wife's 50-lb. weight gain, and his children becoming "lazy channel surfers." Dumouchel wants to sue Charter Communications for \$5,000, or three computers, and a lifetime supply of free Internet service, because his cable connection remained intact four years after he tried to get it canceled. In other words: He wants to sue for getting four years of free cable! "I believe that the reason that I smoke and drink every day and my wife is overweight is because we watched TV every day for the last four years." Will Dumouchel succeed in his lawsuit? He might have a shot if he hires a lawyer who heeds a new Association of Trial Lawyers of America handbook's recommendation that the plaintiff's lawyer identify jurors who have a "personal responsibility bias" and move to exclude them from the jury.

As California Goes...

In California, the La Jolla Playhouse is developing a musical based on the life of serial killer Andrew Cunanan with a \$35,000 grant from the National Endowment for the Arts. Meanwhile, the Riverside County Board of Supervisors has ordered its Sheriff's department not to hire smokers as deputies. And California Assemblyman Leland Y. Yee, of San Francisco, introduced legislation to adopt building standards that "promote feng shui principles and publish these standards in the California Building Standards Code."

...END NOTES



The Campus: The Final Frontier for Free Speech

The University of Maryland wants the state's attorney general to help it curb vulgar chants at the university's men's basketball games, reports *The Washington Times*. Meanwhile, officials at Rancho Coati High School, about an hour north of San Francisco, are under investigation by their school district after the principal suggested that Tim Bueler, a 17-year-old student at the school who started a campus conservative club, go home for a "cooling off" period and a teacher posted a flier encouraging students to "take a stand against the neo-conservative wing nuts who

call themselves Americans." And in January, James Lord, a senior at Dupu High School in Dupu, Illinois, was suspended for a month for signing off his daily closed circuit news broadcast with "God bless."

Two Innovations Worth Celebrating

Germany's Neuzeller Kloster Brewery has developed a beer with added vitamins and minerals designed to slow the aging process. However, the new brew may have a problem being labeled "beer," since Germany's purity law—which dates from 1516—states that beer can only be made from barley, hops, yeast, and water. And the Danish company Aresa Biodetection has developed a genetically modified flower that could help detect land mines, and says it hopes to have a prototype ready for use within a few years, reports Reuters. The flower has been coded to change color when its roots come into contact with nitrogen dioxide evaporating from buried explosives.



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