



Ignorance Is Bliss—Maybe

Not having experienced much of the past is a mixed blessing. What's grotesque, shocking, and unheard of to older Americans might seem normal, perhaps just a bit curious, to younger Americans. For example, last year New Orleans Mayor Marc Morial brought suit against gun manufacturers to recover carnage costs in his city. This January, Philadelphia Mayor Ed Rendell met with his advisers to consider whether the city should sue gun manufacturers for creating a public nuisance since guns were used in its 400-plus homicides. The city would seek to recover the cost of everything from cleanup after bloody murders to court and social workers for victims. Mayor Rendell's imagination has also led him to discover a new liability for tobacco companies: since some of Philadelphia's fires have careless smoking as their origin, why not sue tobacco companies to recover the city's fire losses?

Decades ago anyone suggesting bringing lawsuits against gun manufacturers for homicides, or tobacco companies for fires caused by careless smoking would have been considered a prime candidate for a lunatic asylum. If one generalizes from the lawsuits brought against gun manufacturers because people use their product to commit murder and mayhem, and against tobacco companies for smoking illnesses and fires caused by careless smoking, one would conclude that people are not to be held responsible for anything they do. It is

the inanimate object, while incapable of acting, that is responsible. That is, a gun is responsible for murder, not the gun's user. A cigarette is responsible for a fire, not the careless smoker. That being the case, it "logically" follows that manufacturers of the offending inanimate object are culpable. After all, had the manufacturer not produced the gun or cigarette there would be fewer homicides, smoking-related illnesses, and fires caused by careless smoking.

"It's Not My Fault"

This it's-not-my-fault principle can be broadened to include just about anything. If a scantily clad young lady prancing along the street distracts my attention, and I have an automobile collision, the it's-not-my-fault principle would hold the young lady liable for my accident. But she might make the case that it is the manufacturer of her miniskirt who is really liable. If we Americans were to carry the it's-not-my-fault principle to its logical conclusion, we would virtually guarantee poverty. There would be little production. Why should I manufacture irons if I could be held liable for anything a person might do with the iron, including assault or leaving the iron unattended and thereby causing a fire.

Suppose by some miracle a person who died as recently as 1950 were to come back to visit today's America. How might we explain all this to him? At first blush we might tell him that Americans and their leaders have taken complete leave of their senses and wish

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to abandon all notions of personal responsibility. But there is a more flattering explanation though nonetheless still troubling: Americans simply want other people's money, and the courts and the legislature have provided them with a mechanism for getting it. I do not believe we have reached a point where the courts would countenance legislatures' brazenly picking out a corporation and saying, "You look as if you have a lot of money; give it to us." Thus, we have to create an aura of legitimacy to extortion. We do it with propaganda impugning the company's moral character and with bogus science. Health and professed concern about the nation's children have been two successful strategies. After all, who can be against health and the welfare of America's children?

Where it all ends is difficult to predict but there are some signs on the horizon. "Caffeine is the new drug of choice among kids," warns Helen Cordes writing in *The Nation* magazine (April 27, 1998), adding, "Caffeine Inc. [soda manufacturers] is raking it in, often targeting teens and younger kids. . . . The major caffeine suppliers to kids have been throwing millions into advertising and give-aways." The Center for Science in the Public Interest (CSPI) agrees and wants the FDA to regulate caffeine content of soda, coffee, tea, and chocolate. Roland Griffiths of Johns Hopkins University is also concerned about coffee's addictive qualities and says, "If health risks are well-documented, caffeine could be catapulted in public perception from a pleasant habit to a possibly harmful drug of abuse." That vision, along with bogus science, might become justification for lawsuits and FDA regulation.

Michael Jacobson, CSPI's director, also thinks Mexican and Chinese restaurants offer servings much too large and says, "It's high time the [restaurant] industry begins to bear some responsibility for its contribution to obesity, heart disease and cancer."

Got Milk?

Since obesity impacts heavily on health-care costs, why not bring lawsuits against the food industry like those against the tobacco industry? Yale University's Professor Kelley D. Brownell, director of the Center for Eating and Weight Disorders, proposes that foods high in fat or with little nutritional content be taxed. He recommends that the tax proceeds be used to build bike and hiking trails. He also says that since the average child sees 10,000 food commercials each year, 95 percent of them for junk food and sugared cereals, Congress ought to regulate junk-food commercials. The cigarette tyrants got "Joe Camel" advertisements banned. Why not go after Rice Krispies' "Snap, Crackle, and Pop"?

In New York City, Anti-Dairy Coalition Executive Director Robert Cohen, author of the book *Milk: The Deadly Poison*, says that "Milk products, like tobacco, are an enormous threat to the health of both children and adults, yet we see the dairy industry protected by constitutionally questionable laws while the tobacco industry is held accountable."

If there is a blessing to being at an age when one contemplates the arrival of the grim reaper, it is the knowledge that one will not be around to witness the end of sanity in America. □