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Don't Kill Saddam

What should we do with Saddam Hussein?

BY JOSH GLASSER
TREASURER

Almost immediately after the capture of former Iraqi dictator Saddam Hussein last December, the question arose, "Now that we have him, what do we do with him?" Some argued that he should be tried in an American court while others pleaded for a trial in an international court. President Bush pushed for Hussein to be tried in an Iraqi court with American backing.

An important characteristic of such a court would be that it would be free to put Hussein to death, an option not available at some international venues such as the International Criminal Court. While it may seem attractive to assign Saddam the death penalty, the issues underlying capital punishment have heavy moral, practical, and international consequences.

Two moral principles are applicable here. First, in the interest of equality, killing Saddam should receive as much consideration as killing a prisoner in any other part of the world. Thus, if one is morally repulsed by executions in the United States or elsewhere, morality dictates that one should also treat Saddam's execution with moral disdain. Moral opposition to killing a prisoner should not be contingent upon the prisoner's identity.

Second, there is a utilitarian moral consideration: will executing the dictator make the world a better place? While Saddam's fall from power might certainly have been a good thing, the same argument cannot be made for his execution. An execution might provide a "defining moment" that could be a ratings winner for the news media, but would an execution be making Iraq a better place? Healing the national psyche and the formation of an Iraqi democracy will be based on far-reaching reforms rather than media



ILLUSTRATION BY DUSTIN INGALLS

frenzies. For example, in the former Yugoslavia, former Presidents Milosevic and Tudjman and other leaders responsible for the horrific wars of the 1990s have not been assigned the death penalty, yet the process of democratization continues to move forward. So, from a utilitarian standpoint, the death penalty is difficult to justify.

Executing Saddam creates a moral conundrum in dealing with the crimes of the last 20 years. For example, Saddam Hussein and Donald Rumsfeld had a working relationship during some of Saddam's crimes against humanity in the 1980s. Putting Saddam on trial for capital crimes places him among "worst of the worst" of world dictators and by implication worsens the nature of Rumsfeld's involvement; the Defense Secretary not only aided a dictator but the worst international criminal of an entire decade. The fact that Rusted is still in government and would be overseeing the entire post-war process creates a morally troubling scenario in which accomplices to a crime would not only avoid prosecution but would be given the power to preside over the trial for the life of their former partner in crime.

Practical considerations are a factor in this issue as well. Most importantly, executing Saddam might set back the most vital process occurring in Iraq today: democratization. One of the key

components of stable democracy is that issues are settled with words and votes instead of guns and rockets. Vengeance and retribution are dangerous to the formation of any democratic society, a message that could be clouded over by a seemingly retributive execution of the former dictator. As such, the use of the death penalty in Iraq would be a disastrous step backwards for stabilization and democratization efforts.

In another pragmatic matter, how open is a trial likely to be if the death penalty is on the table? The problem in many death penalty trials is that the stakes are so high that the evidence takes a backseat to procedural wrangling intent on "getting the defendant off" or "making sure the killer doesn't get away." However, more in this trial than in any other, testimony and evidence must be provided freely. Only in this way can the trial pave the way for reconciliation and progress in Iraq. Frankly, it is doubtful that a trial featuring the death penalty would be open enough to include all major issues of the last quarter-century of dictatorship.

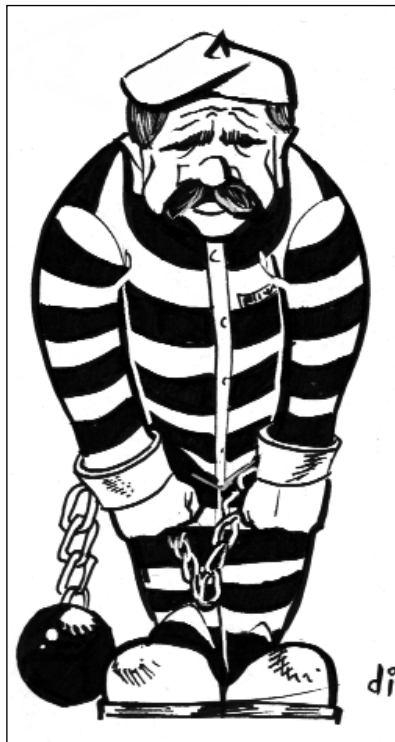
Finally, there are serious problems of divisiveness in present-day Iraq, especially between virulently anti-Saddam Kurds and Shiites and the more pro-Saddam Sunnis. An emotional trial for Hussein's life could easily reopen many of the old scars that are hastily being patched over in the interest of peace and stability. Thus, Saddam's trial could be

a tactical disaster for democratization and stabilization efforts in Iraq.

Even if all of these moral and pragmatic concerns could be assuaged, it is still dizzying to contemplate the barriers to a fair trial. Nearly every jurist understands that a fair trial is a necessary precondition for use of the death penalty. This requirement presents an array of tactical nightmares for the Hussein trial. Not the least of these are when, where, and how to conduct the trial. For example, to be fair, time must be given to allow emotions to cool, but how much time is necessary? Also, where in Iraq could Hussein possibly receive a fair trial? Finally, how could an impartial jury of Saddam's peers possibly be selected? The tactical problems in ensuring a legitimate fair trial are themselves huge barriers to seeking the death penalty for Saddam.

Though it is rarely framed this way, the death penalty has heavy international implications. The International Criminal Court (ICC), the European Union, and most of the industrialized world do not recognize the death penalty as valid. In fact, using the death penalty in this case really brings to the fore

ILLUSTRATION BY DUSTIN INGALLS



sticking points between the United States and Europe over capital punishment and the use of the ICC, a court whose usefulness the Bush Administration has already rejected. Saddam is an obvious candidate for trial in the ICC, which was created to deal with precisely this sort of international criminal. Yet an American decision to try Saddam in

held unconstitutional by any court to date, including challenges to enemy combatant detention, FISA information sharing, and the President's authority to freeze assets of purported charities suspected of funding terrorists.

Is PATRIOT growing or contracting? A bit of both. The only expansion of PATRIOT Act-like powers to be approved by Congress since October 2001 has been a measure aimed at controlling money laundering, making it easier for terrorism investigators to get financial records from a broader range of financial institutions - including casinos and stockbrokers. This expansion addresses the matter of terrorist financing, which investigators consider a major problem. Passed as part of the Intelligence

a court outside the ICC, especially to ensure a death sentence, would be a perfect way for the United States to thumb its nose at Europe once again and end any hope of reconciliation with the ICC.

Furthermore, such a decision by the United States could create a severe rift in international criminal justice, between ICC-aligned (anti-death penalty) and American-aligned (pro-death penalty) countries, largely over how to deal with dictators like Saddam. Such a break would be disastrous, because there is no way to implement an effective system of international law without cooperation amongst the world's most influential nations. Countries must trust each other to be responsible in turning over criminals for international and impartial courts to judge. Shafting the ICC in order to try to execute Saddam on its own would be a detrimental to American efforts to gain international trust. And as Bush has learned so painfully in postwar Iraq, we could all benefit from a little international trust and cooperation these days.

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Authorization Act of Fiscal Year 2004, many opponents criticized this expansion of powers as being covert and crafty politics as it was signed into law the same day as Saddam was captured in December. On the other hand, Congress voted to withhold federal funds from "sneak and peek" searches in July 2003, feeling that this provision of the act went too far. Many more proposals to expand or limit PATRIOT's powers are still before Congress.

Can we trust it yet? The Justice Department has testified in 115 Congressional hearings related to the act and the war on terrorism, and much of the implementation of new powers has been monitored by Congressional oversight. While no major patterns of abuse have arisen

The PATRIOT Act in 2004

An update and an election-year outlook

BY KEVIN FELTES
STAFF WRITER

First, an **update and review** of the PATRIOT Act. Since its passage in October 2001, this law has been a constant topic of national debate, producing high tension about tradeoffs between national security and the protection of civil liberties. Though several states and scores of communities across the country have joined civil rights organizations like the ACLU in criticizing the constitutionality of PATRIOT, no provision of the act has been

because of the act's implementation, plenty of anecdotal grievances against abuse of police power have arisen since it was signed into law. More generally, members of Congress and citizens are still concerned that the law's provisions were reactionary and impinge too heavily on constitutional rights.

PATRIOT in the Election:

Because it is an election year, Congress is unlikely to renew or make any major changes to the law until 2005. Nevertheless, the PATRIOT Act will be a big topic (as it already has been) in the Presidential election debates and candidates' platforms. This act could be central to both parties' campaigns as it involves both national security, which President Bush emphasizes in his politics, and protecting civil liberties, which the Democrats are passionate about in theirs.

Among the Democratic contenders, John Kerry is the act's most ardent critic, feeling that Congress should not renew the law in 2005. Howard Dean is not quite so opposed, but wants to repeal parts of the act that restrict basic liberties. Of the three, John Edwards is the most supportive of the law, but thinks that the administration has abused its power in implementing new tools and that an independent civil liberties watchdog agency should be created to monitor the FBI.

President Bush himself remains an unyielding advocate for the PATRIOT Act, but he might shy away from promoting an expansion of its powers during this election year. Though he made a distinct point about the renewal of the act in his State of the Union address last month, he did not repeat in that speech the call for expanded law enforcement powers he made last September on the second anniversary of 9/11.

Suggestions for Concerned Citizens:

There are several things that responsible and concerned voters should keep in mind when thinking about the PATRIOT Act in this election year.

First, the presidential election is a very suitable forum for discussion of the act. Discussion of this issue on the national level, with presidential candidates taking sides and making promises, is preferable to individual states and communities rising up against the act in principled stands for their Constitutional rights. State and local governments inherently have an imbalanced approach to the issue since they are not responsible for investigating and stopping terrorism as is the federal government. While such protests are fundamental to a safe democracy, the actions by local governments have yet to lead to any significant resolution of policy disagreement. Hopefully, the elections can provide a forum for resolution.

Secondly, voters should keep an eye out for candidates that discuss this law in terms of all three branches of government. The PATRIOT Act affects many fragile Constitutional liberties in an attempt to combat an enormous security threat, and may not properly balance these two factors unless the judiciary is given priority for determining the constitutionality of laws, the Congress is fully involved in the writing of all important legislation, and the system of checks and balances is in full working order so that the Justice Department can be trusted with the tools and information they need.

Third, voters should avoid thinking about the PATRIOT Act as a single, indivisible law that is "good" or "bad," and start thinking of it as a toolkit. The act is really a combination of numerous provisions that change the structure and rules of law enforcement in many

different ways, with each provision being contested to varying degrees by its opponents. You will not see as much in the line of discussion about each of the tools in this toolkit, since most one-page editorials (like this one) and 2-minute news debates have neither the time nor the expertise to do so. We shouldn't settle for praise or criticism for the PATRIOT Act as a whole, however, without at least trying to examine each of the tools and considering its benefit to law enforcers, possible civil liberty abuses, and governmental checks to protect against such abuses.

Finally, all citizens need to be aware of the possible abuses of fear-invoking language on both sides of this issue. Support for increased law enforcement powers should not be garnered by the PATRIOT Act's supporters through generating *excessive* fear of terrorists in the minds of voters. Likewise, those concerned with protecting civil liberties should not torment voters about all of the perturbing things that Big Brother can now find out about or do to "you." (Contrary to such rhetoric and despite vague language, most Americans actually do not qualify as suspected terrorists.) While being sensitive to those under a greater threat of being wrongly treated by this legislation and remaining cognizant of the threat of terrorism, we should all be wary of being swayed by excessive fear. By thinking about the law in these ways, we can participate responsibly in this debate so that the PATRIOT Act can be shaped to protect those aspects of American life that we all hope to preserve.

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G-20's Merit and Future

A report on the G-20

CHASE FOSTER
STAFF WRITER

Over the last few months, two major international trade negotiations have essentially failed. At both the World Trade Organization meeting in Cancun, Mexico this past September, and at the November Free Trade Area of the Americas negotiations in Miami, consensus failed because Global North and Global South countries were unable to resolve deep-set differences. In response, pundits, trade ministers, and government officials from countries around the world have been taken by surprise, and are left puzzled as to what has happened. Many officials are viewing the events as temporary setbacks that will be smoothed out in a matter of time. However, some decision makers are taking it seriously - rewriting their assumptions, redrawing their proposals, and renewing their sense of urgency - all in an attempt to revive these ailing agreements.

Most evidence suggests these changes are warranted, and that a new international dynamic has emerged over the past six months that has the potential to reshape the nature of international trade relations. Calling themselves the G-20, or "group of 20 emerging economies," a group of developing

nations has formed a new and potentially powerful alliance. Central to this alliance is mutual opposition to the \$300 billion in agricultural subsidies that the US, EU, and Japan provide for their agricultural industries every year. Believing these subsidies put their farmers at a distinct disadvantage, the G-20 nations are hoping a coalition can put them in a better leveraging position.

Led by Brazil, China, India, and South Africa, this coalition consists of the largest developing nations, comprising 60% of the world's population, and 63% of the world's farmers. In what might be the first meaningful alliance of South America, Africa, and Asia, the G-20 have used strong bargaining tactics to force their issues to be dealt with. In Cancun, talks ended primarily because developing nations refused to discuss the Singapore issues - a series of proposals on investment, competition, trade facilitation and transparency in government - until Western nations made substantive agreements to reduce agricultural subsidies. When Western nations proved intransigent on these issues, the G-20 countered by halting progress on any issue. They walked out of the negotiations.

This collapse places the WTO in danger of not reaching its deadline of January 1, 2005, for the Cancun Doha Round talks. Likewise, this precedent of solidarity amongst developing nations contributed to the impasse in Miami. The G-20 could grow into a more powerful force or dissipate, but these two precedents demonstrate that even within negotiation structures like the WTO and FTAA, developing nations can refuse to go along with Western nations. This remarkable resolve has the potential to create the first powerful bloc of Global South nations. The power displayed by the G-20 over the past few months may signal the beginning of a power transition that gives Africa, Latin America, and Asia a counterforce to the North Atlantic Treaty Organization (NATO), the Organization for Economic Cooperation and Development (OECD), and the G-7.

By looking at what led to this, and why this is happening now we can determine this group's potential, and whether or not it will likely have the solvency and longevity of other economic alliances. This new horizon might offer a palpable way for the poor of the world to improve their standard of living and more fully control their lives.

Agricultural subsidies

The driving force of the G-20 is the subset of Brazil, South Africa, India, China, and Mexico, which themselves constitute over 50% of the world's population. Membership has fluctuated frequently over the past several months, but at present the G-20 includes Argentina, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, Egypt, Guatemala, India, Indonesia, Mexico, Nigeria, Pakistan, Paraguay, Peru, Philippines, South Africa, Tanzania, Thailand, Venezuela, and Zimbabwe. Ecuador, Costa Rica, Colombia, and Peru left the group after the U.S. placed significant pressure on them to do so, though

Ecuador is considering rejoining. Furthermore, over 63 percent of farmers live in G-20 countries, which produce more than a fifth of global agricultural output and more than a quarter of farm exports. If all developing nations were thrown into the mix these numbers would become even higher. The name G-20, however, will remain no matter how many nations join as it does not refer to the number of countries but to the date it was formed, just before the Cancun meeting on August 20, 2003.

These developing nations have been pleading with wealthy countries to cut down on their agricultural subsidization for years, and fair trade campaigns have consistently urged Western countries to avoid the practice of dumping their agricultural surpluses on world markets. However, wealthy countries have not provided any meaningful concessions on the issues (usually they simply reformulate their subsidization policies), and they have refused to fully equalize their own markets, while forcing developing nations to equalize and open theirs. The G-20 hopes to provide the force that will ameliorate these inequities.

Collectively, wealthy nations spend U.S. \$330 billion on agricultural supplements and subsidies each year, U.S. \$250 of which goes directly to agricultural producers. This subsidization not only results in the overproduction of certain foods, but it is also economically inefficient and overwhelmingly goes to large, agri-business corporations. Moreover, these subsidies, combined with a more developed infrastructure for mechanized mass food production allow many Western nations to overproduce and dump artificially low priced foods on the international market. This practice devastates the economies of developing nations and skews worldwide agricultural production.

More than just agriculture

The significance of the G-20,

however, goes way beyond agricultural discrepancies. James Wolfensohn, President of the World Bank, said its emergence, "has given rise to a new paradigm of global financial relations for the 21st century, and has demonstrated that poor countries can act as an effective counterweight to the rich." Regardless of whether it succeeds or not, the G-20 has at least on the surface become the "voice of the unheard", employing its ability to bring negotiations to a halt and to create leverage against the world's most powerful nations.

Demonstrating its reach into other policy areas, the G-20 recently had its first meeting in Brasilia where President Lula of Brazil proposed the creation of a Free Trade Agreement (FTA) that would only include countries in the Global South. This would allow nations of similar developmental levels, with similar power, to more fairly and equally trade than the present system where the absolute advantage of the West seems to dominate trading dynamics. Though this FTA is still in the preliminary stages, it could mean that the G-20 will become increasingly multi-issue oriented and expand its influence beyond agriculture.

But is the West willing to compromise?

The E.U. and the U.S. have reacted clearly in opposition to the G-20. According to the New York Times, U.S. trade representatives called the coalition "a grouping of the paralyzed," in September and Franz Fischler, the E.U. agricultural commissioner said "The improvised articulation led by Brazil is something from another planet," and that these countries "need to come back to earth quickly." Both of these entities, consequentially, have reacted to the collapse in Cancun by pursuing bilateral trade negotiations of their own. The E.U. is pursuing a Euro-Mediterranean pact, while the U.S. has recently completed pacts with Chile and Singapore and is

currently pursuing agreements with Australia, Morocco, Ecuador, Costa Rica, Colombia, and Peru. In fact, the U.S. has knocked four of the original G-20 members from the coalition by offering bilateral agreements. Moreover, the U.S. has made it publicly known that it would look unfavorably upon countries that were part of the coalition, despite that fact that many G-20 nations are not in opposition to U.S. policies outside of agriculture.

Many Western publications have also espoused the theory that the collapse in negotiations has only hurt the G-20 countries because they stand to benefit more from multilateral trade agreements than the West. As John Audley of the Carnegie Endowment for International Peace explained, "We're going to be fine. The Europeans are going to be fine. Its developing countries that ultimately are the losers when negotiations like this collapse."

However, most international economists would agree that the fulfillment of the Doha round is arguably more important, and thusly more beneficial for the West, than for the Global South. The heads of thirty-two business organizations representing over \$3 trillion in trade have issued a common statement declaring the urgent need to revitalize the Doha round of negotiations and overcome the September failure in Cancun, according to the U.S. Council for International Business. These companies recognize that the Singapore agreements need to be deliberated if their corporate security and safety are to be held in developing nations markets. Western countries, therefore, can certainly not afford to abandon the Doha round of talks completely. If G-20 countries can hold their resolve, Western countries will consequentially now have to ensure some manner of compromise.

Yet, most experts would agree that these compromises would not come from the U.S. until at least after the 2004 election. International

agreements rarely happen during election years in any country, and they are even more unlikely to take place in the U.S. in 2004, because key mid-western electoral votes for Bush are contingent upon maintaining high agricultural subsidies.

What does this mean for international organizations like the WTO?

The failure in Cancun means that the Doha round will not be accomplished unless substantial concessions are made on agricultural subsidies. And if the G-20 continues to expand and fortify, then it could create challenges to other free trade permutations having to do with intellectual property rights, patents, and the utility of multilateral agreements.

For the WTO, how it deals with the G-20 can determine whether it succeeds or fails. If the organization cannot overcome its U.S.-European dominance, evidenced through its disproportionate share of delegates then it will not be able to continue. Even if the G-20 collapses (which is seeming less and less likely), then an inevitable new coalition will form that will effectively fulfill the same space. Within the WTO, there is also evidence for hope. The 146-member organization at least has a democratic structure, where each member gets one vote. Many agreements continue to be made behind closed doors in so-called "Green room," but modern technology utilization, and more up to date communication can help G-20 countries and others overcome heavy-handed divide and conquer strategies. Furthermore, a poll conducted by the Institute for International Business, Economics, and Law (IIBEL) revealed a strong desire by trade officials to deal with agricultural subsidies and remove the Singapore issues from the developmental agenda. Nearly three-quarters of those surveyed said a primary focus on subsidies was the only way towards an effective post-Cancun strategy. If the WTO can adapt to this new power bloc then it will prove its resiliency as an organ-

ization, and demonstrate that its structure provides a beneficial means for countries to arbitrate trade disputes.

How should activists respond?

Although, Western anti-corporate globalization activists certainly would not want to support a series of events that reinforces the power and legitimacy of the WTO, it must be recognized that a more equal WTO is better than an unequal WTO. Moreover, many of the problems with the WTO have to do with the players and not the structure or existence of the institution itself. If democratically elected Global South governments pragmatically decide that having improved free trade regimes are better than blindly abandoning membership in the WTO, Western activists need to respect this. Thabo Mbeki, President of South Africa has recently said that anti-globalization protesters are an important ally to the Global South. "They may act in ways that you and I would not like - breaking windows in the street and this and that - but the message they are communicating relates to us. We need to link up with our constituency in the developed world."

If effective North South alliances can be created, especially on blatant issues like agricultural subsidy hypocrisy, then more equitable trading conditions can be reached, and the lives of millions of people can be improved. However, this requires activists to be more willing to work with more moderate elected leaders. And although there is always a role for radicals who bring up the issues in clear, power ways, the G-20 should not be written off completely. Although it should be scrutinized, it seems at least for now that it is serving as an indispensable lever of empowerment for dozens of countries and hundreds of millions of people.

Problematising G-20

As a new coalition, the G-20 faces organizational, infrastructural,

UNEQUAL REPRESENTATION

The the two richest delegations, the EU (651) and the US (212), representing approximately 10% of the world's population, have a total combined delegation of 863 - over three times the total of 235 for China, India, Brazil, Argentina and South Africa, who represent 51% of the world's population.

It is also over twice the negotiating strength of the combined delegations of the 30 Least Developed Country members of the WTO (377). The total number of delegates from the seven richest nations, the G7, in Cancun is 805.

SOURCE: World Development Movement (<http://www.wdm.org.uk/press-rel/current/cancunnodeal2.htm>)

and financial problems. It has no precedent for similar developing nation agreements, and it seeks compromises by playing an inexperienced role in a power game with the most powerful and wealthy nations in the world - a move that could be self-destructive. Countries like the U.S. are not used to being told what to do, and there is some concern that U.S. will completely disengage if pressure is put on.

The G-20 also lacks trust and assurance between the countries that comprise it. Potential problems could ensue between agricultural exporting countries like Brazil, and agricultural importing countries like China. These two countries, along with many others have not traditionally been in alliance, creating an environment where small disputes could break the entire alliance. This is because, like all supranational entities, the G-20 lacks enforcement power, and nations can come and go as members whenever they want.

Conclusions

The emergence of the G-20 offers billions of people in the Global South, real, tangible improvements in their lives. Not only could it allow for the elimination of billions of dollars in harmful farm subsidies, but also it could allow for over 63% of the world's population to have a greater voice, which is no small victory. Though the emergence of the G-20 does not have revolutionary potential, it does provide developing nations the option to play against the West on their own terms. It counters moneyed power with population and resource power, and seeks to force the West into negotiations that are long overdue. This new alliance, if it proves tenable, has the potential to negotiate deals with the West on a whole variety of issues. If developing nations can have structural solidarity, a "race to the bottom" can be averted and capital flight constrained.

It does leave out, at least for now, the poorest of the poor countries, and this could de-legitimize some claims of the grouping. Its primary coalition

leaders also stand on shaky ground together, because many of them have very different interests. Many of the member nations are in the G-20 solely to oppose agricultural subsidies, so an expansion to other issues may meet opposition at first, especially from those countries largely influenced by the U.S. Petty divides and cleavages must therefore, be avoided if success is to be achieved. Finally, the G-20 faces its chief opposition from the forces it is trying to counter, those in the West. Though Europe has showed some movement toward compromise, the U.S. has not, and both the E.U. and the U.S. have pursued bilateral negotiations since the collapse in Cancun in an attempt to undermine the new group.

But with all of its problems, the prospects for the G-20 look good, and the prospect for developing nations to be able to stand up to the West looks even better. Indigenous movements are making their governments more democratic, and holding governments more responsible. Proposals like Lula da Silva's FTA for developing countries only are gaining steam. Other South-South treaties are also being worked out, including a China-Africa negotiation agreement that is being debated this month. Treaties like these offer the real possibility for mutually beneficial growth.

What is needed now is for more nations to align themselves with the G-20, and for the nations who are part of it to create a more firm grouping. For the G-20 to be most effective, it should look to other organizations like the G-7 and G-8 for guidance, and create proposals, plans, and funding mechanisms for the future. The G-20 can also work with non-profits and anti-corporate globalization groups in the West for funding and support. Alliances across borders between groups that support each other are especially important now. With these efforts, the G-20 could be transformed into a force that can actually ameliorate people's lives.

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ILLUSTRATION BY DUSTIN INGALLS

The File-Sharing War

Students continue to download music and movies; the RIAA and MPAA frowns

BY KELLI CLANCY
STAFF WRITER

Chances are that while at Chapel Hill you or one of your friends have burned a music CD or watched a burned DVD. College is a time of frugality for most students, so why spend twenty dollars for a movie or CD when you can acquire them free off the web. File-sharing programs such as Kazaa, WinMX, Bearshare, and Grokster allow students to upload and download pirated movies, video games, and songs free. And because UNC requires their students to have laptops, which now come with CD burners, students have everything they need to download and burn at their fingertips. Free music, movies, and games- the idea sounds like a college student's paradise.

But the Recording Industry Association of America is out to spoil the fun by slapping file-sharers with lawsuits in an effort to scare them into buying CDs and DVDs. On January 21, 2004, the RIAA filed its largest number of lawsuits yet in the war on illegal file-sharing as 532 John Does, tracked by their IP addresses, woke up to find themselves faced with hefty lawsuits and the misfortune of serving as an example. To make matters worse for the unlucky 532, the laws concerning John Doe lawsuits forbid defendants from settling outside of court. Without the opportunity to settle, defendants face higher fines, longer sentences, and the stress and cost of going to

court.

However, this does not mean that file-sharing companies are just going to roll over and die. First, Napster put up a strong, though ultimately futile, fight against the music industry. Now Kazaa is ready to get down and dirty by slapping the RIAA with its own lawsuit. According to Kazaa, the RIAA is guilty of copyright infringement. There is an obvious question of how a company whose software is responsible for illegal downloading of files can sue for copyright infringement. According to Kazaa, the RIAA is guilty of illegally using its program to invade the privacy of its users, corrupt their files, and send threatening messages. However, the RIAA seems confident that the lawsuit is nothing more than a last ditch effort, which will not go very far in court.

But with new programs popping up everyday, are the RIAA's efforts to crack down on downloading really working? Well, it depends on whom you ask. According to surveys, the number of Americans who download illegal files has dropped substantially since the RIAA began its lawsuit campaign. However, other statistics that measure the number of files people are downloading suggest that the only change is in people's willingness to admit to file sharing. Nor is file sharing limited to the United States;

a fact that might be the thorn in the RIAA's side. Many people in Europe or Asia share music without having to worry about RIAA lawsuits. The RIAA mainly focuses on people who upload files, so Americans may still have the chance to download their favorite songs thanks to our friends across the Atlantic.

But music downloads are only half of the problem; the entertainment industry also has to worry about movies being pirated. Pirating movies has become increasingly popular, especially with pre-release copies of hyped-up Hollywood blockbusters. In addition to movies that were uploaded, over fifty pre-release "Hollywood blockbusters" were pirated this year. After seeing how the music industry has suffered from file sharing, the Motion Picture Association of America has not wasted any time in prosecuting individuals who pirate movies. Even though prosecutions have begun one must wonder whether they will actually deter the trading of movies, given the widespread availability of the internet.

How does this affect us as students at UNC? And what is the likelihood that out of the millions of Americans who use file-sharing programs, you will be the one that they catch? File sharing matters for UNC students because it is an abuse

of the school's network, which violates the Honor Code. The school measures the bandwidth use of Carolina students who purchased laptops from the school, and report students who are using extraordinary amounts of bandwidth.

Does this mean that if your computer uses Roadrunner or some other means to connect to the Internet, you can download as you please? Perhaps one would be safe as far as the Honor Court is concerned. Yet if served with a lawsuit from the RIAA, a violation of the Honor Code would most likely be the least of your worries. Although the chances are slim, it could quite possibly happen to you—it has already happened to one of our fellow Carolina students. Along with the ACLU, this student is fighting his lawsuit, arguing that the way it is being handled violates the Fourteenth Amendment. And with the RIAA and MPAA filing a greater number of lawsuits every day, your chances of being caught are increasing. If caught and convicted of a felony, users face multi-thousand dollar fines, house arrest, and probation, as well as the energy, emotion, and money involved in being on trial. Is it really worth it? You be the judge.

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Schwarzenegger Progress Report: What Has He Done So Far?

The State of California under Schwarzenegger

BY RACHEL FRANKLIN
STAFF WRITER

So how is Arnold Schwarzenegger progressing as the governor of our nation's most populous and fiscally challenged state?

California is currently plagued with by one of the worst budget crises in state history. In mid-December, Schwarzenegger declared the state of California to be in a fiscal crisis. He then invoked emergency powers, giving him the authority to

enact spending cuts totaling \$150 million without the Legislature's approval. These cuts were made primarily in social service programs. Yet despite this seemingly sizable reduction in expenditures, \$150 million in cuts barely made a dent in the state's \$99 billion budget for the current fiscal year. Within the next year and a half, if current spending and revenues remain the same,

California will be forced to deal with a \$12 billion to \$24 billion budget deficit.

In his State of the State address in early January, Governor Schwarzenegger advocated a \$15 billion bond measure to be put on the ballot in March. If successful, this bond will save California from bankruptcy in June, when \$14 billion in short-term loans are due. Many peo-

ple, however, oppose this measure, as they feel that borrowing money is not a substitute for revenue. Thus far, there is weak support for Schwarzenegger's plan, according to public opinion polls. If the proposition does not pass when put to the polls on March 2, one of the most important areas that will suffer cuts is education.

The final state budget for the coming fiscal year is due in July, and the government's 37 departments have already compiled a detailed list of programs that may be cut next year.

The governor is against raising taxes, as he believes that it will not solve the monstrous budget deficit. However, he has yet to make any progress in replacing the billions of dollars in lost revenue from the car tax increase he repealed in his first official act as governor. This money would have been used primarily to fund local government services.

Due to these budget cuts, Los Angeles County, California's largest county, is expecting a \$459 million loss in government revenue that may result in the loss of over 4,600 jobs. The Sheriff's Department and the Department of Parks and Recreation will be among the hardest hit, in terms of the percentage of their budget cut. These cuts may result in the elimination of anti-gang and search-and-rescue programs, the closing of five jails, and the release of inmates charged with misdemeanors. Ten of Los Angeles County's 84 public libraries will be forced to close and free public swimming pools and botanical gardens will also be left with no choice but to shut down, as will many other programs. For two years now, programs have been cut and funding reduced in many departments. Employees have not had salary increases at all during this fiscal crisis, and reserve funds have already been spent. The general consensus is that there is very little spending left to be trimmed, except the wages of laid off workers. The governor is working on down-sizing the state government, eliminating positions and departments that do not serve a

public need, thus reducing spending and purging the system of waste.

In the State of the State speech, Schwarzenegger also mentioned his California Recovery Plan, which would encourage investment in business and create more jobs, thereby rebuilding the state's economy. According to Schwarzenegger, the workers' compensation reform is a vital aspect in the plan to salvage California's economy. Currently, the employer-paid workers' compensation insurance premiums in California are twice the national average and the highest in the nation. However, until recently benefits for injured workers were among the lowest in the nation. Now, they are merely average, despite the high premiums.

Schwarzenegger has also signed a repeal of Senate Bill 60, a bill that would have allowed approximately two million illegal immigrants obtain driver's licenses by using taxpayer identification numbers instead of Social Security Numbers. This repeal fulfills one of his campaign promises. As an immigrant to the United States himself, Schwarzenegger believes that allowing illegal immigrants to get licenses is the wrong way to handle the issue. Instead, he plans on working with legislators to form a new law, complete with more extensive background checks for applicants and other security measures.

During his first week in office, the governor paroled two killers. Schwarzenegger's supporters have referenced this as evidence for his commitment to law and order and respect for the system: qualities that former-Governor Gray Davis lacked. While he paroled these two inmates, he also declined the parole board's suggestion to release two other inmates, citing their potential threat to public safety and insufficient progress. The governor's refusal of the board's recommendation has convinced some Californians that he will do what is just and not let the board control the entire parole program.

Currently, Schwarzenegger is confronted with the mounting public

sentiment that California's extensive prison system is in dire need of reform. There is widespread violence, corruption, and inefficiency in both the adult and juvenile systems. Schwarzenegger professes to be taking this problem seriously by making an effort to bring order back into the system and reducing the abuses of power and corruption in the Department of Corrections. According to reports made from confidential interviews and visits, the juvenile prisons allegedly were host to violence by the staff members and inhumane conditions, with tiny wire cages serving as isolation cells. State Senator Gloria Romero (D-Los Angeles), who is the chairwoman of the Senate committee on corrections, stated, "we clearly have a juvenile detention system that is in chaos, ruled by fear and neglect." The governor has been criticized for his approach to solving this problem—the formation of a task force of experts to study the system's shortcomings. Schwarzenegger also slashed the budget of the Office of the Inspector General and made the prison program's overseer Roderick Q. Hickman, the new head of the Youth and Adult Correctional Agency. Critics of this decision claim that the agency will be unable to function independently under Hickman's control. They are also afraid that many of the reforms may be merely temporary fixes, rather than permanent solutions.

Schwarzenegger still has a very full plate in front of him. Finding a viable solution to the fiscal crisis will not be an easy task. California has many problems, many of which Schwarzenegger has begun to tackle during his brief term in office so far. The question remains: can this actor-turned-governor handle the monumental task set before him of reforming and reviving California and lifting her out of the financial quicksand into which she seems to be disappearing?

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Out of Iraq

Will the United States get out by June 30?

BY GEORGINE VAN RYNBACH
INTERNATIONAL EDITOR

If all goes as planned, on June 30, Paul Bremmer, who leads the interim Coalition Provisional Authority, will step onto a jet, turn and bid farewell to a tornado of foreign conflict, salute the United States flag, and depart Iraq, never to return. If he stays longer, there could be terror magnified and manifested in suicide bombings, more death, and a tarnished reputation for President Bush. The question of which finish will finally materialize in our involvement with Iraq lingers in the wake of every one of the administration's speeches like a cloud of uncertainty.

I am convinced that whether in shambles or without a hitch, there will be some semblance of a handover to a sovereign Iraqi governing body, if for no reason other than to satisfy a Texas cowboy's pride. A successful midsummer completion of the second Iraqi military escapade will set the President up nicely for accolades on foreign policy and give Bush time to focus on his reelection campaign. His success would sell votes, and his banners would read, "For a safe and free world." The President clearly has a lot at stake on the personal level in the success of this turnover.

The major point of division that has arisen so far is that of the election of representatives to the General Council. Without tailoring a constitution for Iraq suited to the people's needs, the United States has only replicated its own doctrines about election from our constitution. These include the diluting effect of a caucus system. Such a system disperses public opinion so that only a portion of the majority is actually voiced. This is intended to prevent a tyranny of the majority and, thus, render the govern-

ment more stable and secure. It just so happens that the collective voice of tens of thousands of Iraqis has echoed the appeals of Sistani. If you have not heard, Sistani is the Iraqi equivalent of the hidden celebrity politician. . . What he is not hiding, and what the Iraqi people have rallied behind, is his demand for a quick, free and direct election of representatives to the General Council.

Sistani and his supporters believe that direct elections will remove what they consider the disproportionate authority of Bremmer in drawing up a new government. American leaders would prefer a caucus system. According to the Nov. 16 announcement by the United States, the Coalition Provisional Authority, Bremmer and the Transitional Iraqi Assembly will organize the General Council, which will run the soon-to-be democratic nation. This means two out of the three deciding votes will be American. The Iraqis were happy to lose Saddam, but as the daily casualties attest, any lingering foreign

troops or influences are unwanted. The Muslim population inhabiting the country is in no rush to get too friendly with Americans. They want to institute their own form of government, and without delay.

We see our caucus at work right now. Democratic candidates cross the nation, asking townspeople for their votes, but really asking for electoral votes. Electoral votes are harder to come by than those of individual citizens, and they serve as a brake system to shield the government from extreme viewpoints. There are certainly some extreme viewpoints lingering in the Iraqi population at present.

In theory, if direct elections are held in Iraq, a revolutionary faction will most likely assume governmental control. Several large and radically different ethnic groups characterize Iraq, which are far from comparable to regional differences in America. The divisions between cultures would almost certainly lead to antagonism between parties. Financial and societal differences between Shiites and Sunnis would



ILLUSTRATION BY DUSTIN INGALLS

quickly escalate beyond political platforms to violent actions. Violent, because that is how for so long people have reacted to difference there. A democratic government under such conditions could quickly become manipulative, and if it had a majority of the votes and the zeal of followers, a civil war would likely ensue. These are the concerns in the White House about the prospect of direct elections in Iraq.

Indeed, a civil war in Iraq following our occupation would be very bad for Bush. Instead of liberty and peace, violence would reign, stirring up the Middle East beyond our imaginations. If, however, violence is avoided, fear could replace it. A situation could arise where one party would take advantage of its election and "amend" the constitution in its favor. If this were the case, we could also see, and should almost expect to see, another Hussein-like figure "democratically elected."

One way to steer America towards a badly needed compromise would be to ask why Iraq is behaving this way? If only political scientists would engage in a cursory study of sociology and anthropology, identical government systems would not be prescribed for every nation. Now there is a growing radical Muslim movement in Iraq. Instead of just an intruder, these Muslims see American troops as an

absolute evil. They are fighting a jihad, not a war for independence. Americans, and their constitutional democracies, caucuses and relatively liberal values are the impending world cultural bulldozer. We must be careful not to align democracy with American foreign interests to keep it pure. Furthermore, we must not make democracy an unforgiving system of government. For us to take the Founding Fathers' ideas and apply them to 21st century Iraq would disregard their pattern of cultural and hierarchical values. A compassionate, and in some ways compromising, democratic culture in Iraq will be what eventually goes forward.

The compounding pressures to finalize a plan for government will most likely bring about some interesting compromises, and there is no telling what this administration will come up with next to justify itself. One likely addition to the equation will be the inclusion of foreign peacekeeping troops working under the transitional Iraqi government, rather than under the U.S. forces. There have already been requests before the United Nations for reinforcements, advice, and an international housekeeper to vacuum the U.S.'s desert storm. There is no question, however, whether or not the damage has been done. It will be cleaned up, and the dust remaining will be swept under the carpet.

In other words, the transition will go forward, literally at any cost.

No doubt, the UN advising committee will return with a well-rounded and well-thought out approach to stabilization. The plan will likely have a two-year time-frame during which Americans would slowly recede power to Iraqis as they take baby steps toward democratic independence. Two years is unthinkable, financially and politically, to Americans, and it always has been.

In May, as elections are scheduled to take place, we will have learned much more as to how the Iraqi psyche works. We will have also completed a new precedent in foreign relations: the champion nation cedes power to a semi-stable government without a constitution set to steer itself towards its own liberal happy ending. America should compromise on direct elections for the sake of time and agreement and stick around in Iraq a little longer to oversee the plan to its completion. Anything too hasty or fishy would get us into big trouble with the tumultuous masses in Iraq. By the deadline of June 30 we should expect a compromised constitutional democracy, a victorious American administration, and a very, very large bill, for as we know all too well, time is money.

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A New Immigration Policy Proposal

Change in policy is long due

BY NICOLE MARTIN
STAFF WRITER

Serious legislation regarding immigrant workers is long overdue, and the immigration policy proposed by President Bush at the beginning of the year appears to be a good start.

The US labor market is 14% foreign-born compared with 11.5% (or 32.5 million) of the general population. Both figures are probably

underestimates, as the number of illegal aliens is notoriously hard to calculate. Estimates range from 8 to 20 million people. Approximately 2 million people enter the US illegally each year as border patrols, hindered by tight budgets, have been forced into a 'catch and release' pattern that is inefficient and unsafe.

President Bush's proposal

allows workers who are already 'matched' with jobs to receive work visas. Additionally, employers who are unable to find Americans to fill jobs can offer them to people overseas. Senior administration officials have confirmed that approximately 7 to 8 million people would be eligible for this program, although no cap on the work visas

has been discussed.

Once accepted, workers in the program would be allowed to apply for a green card, although they would not be afforded a higher status than those who are not in the program. The number of green cards is currently fixed at 140,000. The program's participants would not be allowed to stay permanently, but the visas would be eligible for renewal for three years. The administration has stressed that this is not an amnesty program, yet, in permitting workers to come forward without being deported, the program does seem to offer amnesty, if only temporarily. After the visas expire, the immigrants are supposed to go home, but given the current under-funding of similar programs, they will likely disappear into the world from whence they came.

Some of the program's critics hold that it will 'reward' illegal aliens. This argument neglects the fact that these people have found their own reward in the form of jobs and that they are not going to stop coming. President Bush's plan acknowledges the facts and offers solutions.

This is going to be a pilot project, and it is currently one with quite a few holes. Bush's budget did increase funding in the Department of Homeland Security, but it is unclear whether that increase includes funds for this program. Immigrants do have incentives to join the program, as they will receive the minimum wage and all other labor protections. But when the program ends, they cannot remain in the country legally, which means the program may not provide a long-term solution to the immigrants' employment problem. Nor is it clear whether there will be limitations to the number of renewals or if the laborers will have time to look for new jobs if they get downsized. If not, immigrants might be tied to bad jobs as the fear of deportation keeps them from

quitting.

Perhaps the most important question to be asked is not about the bill's details but its political feasibility. Skeptics have wondered aloud whether President Bush even thinks the bill will pass, or whether he wants it to. There was an initial burst of media activity in the few days following the announcement of the program. Since then, there has been little conversation and no action on the matter. President Bush discussed the plan only briefly in the State of the Union address. The response to President Bush's announcement is a perfect example of the hyperactive lack of attention in an election year. The media has moved past this issue to those more pertinent to the election. And while the Democratic nominees have not even deigned it worthy of their attention, the issue should be discussed, if not this year, then later.

Even if Bush were dedicated to its passage, there would be other hurdles. In an election year, Democrats will be even more unwilling to make compromises. Considering the vicious fights over the energy bill, the prescription drug benefit, the appropriations bill and the judicial nominees, there's little bipartisan goodwill left. Conservative Republicans are already unhappy about the expensive 2005 budget and the mounting deficit, and will probably balk at the opportunity to spend more money to import workers.

Senators Hagel and Daschle have proposed a bipartisan bill that has only a few changes from the administration's proposal. Daschle is himself facing a difficult reelection fight, and introducing this legislation is a smart move for him. This bill would have a good chance of passing, but it has yet to be written and descriptions are currently limited to press releases. It could be several months until it is introduced, and the chances of a bipartisan bill passing will get slimmer

and slimmer as Election Day nears.

Even with these doubts that the proposed legislation raises, critics are short-sighted in saying that the President is just "playing politics." It is true that the bill is a politically savvy move. The President is starting to move toward the political center, trying to appeal to more moderate voters. The issue is very important to the increasingly influential Hispanic demographic. Democratic nominees, if forced to take a position, will be stuck between supporting the President and displeasing Hispanic voters. At the very least, political observers should respect this aspect of Bush's reelection strategy.

The electoral value that Bush may gain from the bill has no bearing on its worth as potential domestic policy. It should not be that amazing that every so often the incentives in politics and in policy align, for one brief moment, to create an effective bill. Good politics might just be making good policy in this case.

Immigrants are streaming in. They are an important source of labor and deserve protections such as the minimum wage. Although some politicians would clearly rather ignore it, this is becoming more than just a problem of border security and labor markets. The continued denial of basic rights to these economic refugees amounts to a human rights violation and should be addressed. If we are unwilling to change the fact that our border patrols are under-funded and unable to enforce the laws, we must offer protections to the people who do come into the country. The proposal might have little chance of being passed this year, but, at the very least, it has introduced an important issue to the arena of public debate.

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