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Williams and the seduction of guesting

BY DAVE BERG
STAFF COLUMNIST

Why did Brian Williams tell a lie about being shot down in a helicopter over northern Iraq in 2003 when the truth would have been enough? His dynasty as anchor and managing editor since 2004 of "NBC Nightly News" was solid. His newscast has long been the crown jewel of NBC News, leading in the ratings for much of the past decade.

Just last December, NBC News President Deborah Turness called Williams one of "the most trusted journalists of our time," as the Peacock Network renewed his contract at a reported \$10 million a year for five years.

Now he has been suspended from his job for six months without pay, as NBC News conducts an internal investigation into his false story about the chopper, his exaggerated recollections of covering Hurricane Katrina in 2005 and other incidents. There is much speculation that his credibility has been so badly damaged that he may never return to the anchor desk. His luster faded, almost overnight, after he told the fabricated chopper story on his broadcast. In fact, Williams was not on the chopper hit by a grenade, but was on another one that arrived about an hour later. Then he bungled an on-air apology for the story, which only made matters worse.

Williams first reported the helicopter incident - accurately - on "Dateline" in March 2003. But then he repeated it in 2013 on David Letterman's show, adding the embellishments he would retell on his own broadcast. But why? It was a good story in and of itself. I think the answer has everything to do with his "Letterman" appearance.

Turns out, Williams was a frequent guest on Letterman's and other late-night shows, where he had a reputation as a raconteur. According to imdb.com, his late-night appearances totaled 21 with Letterman, 15 with Jay Leno, 21 with Jimmy

Fallon, 22 with Jon Stewart and 15 with Conan O'Brien. He also hosted "Saturday Night Live."

Not at first, but, over time, I think he succumbed to the intoxicating environment of these shows.

The genre lends itself to stretching the truth. When you're sitting onstage with Letterman and a live audience, you're expected to be entertaining, if you want to come back. It's very easy to get caught up in the moment by enhancing a story to make it funnier. Most late-night show producers don't vet the anecdotes their guests tell.

Williams' foray into late night began in 1994 when NBC News made a strong pitch to "The Tonight Show with Jay Leno" to book their rising, young, ambitious star newsman. As a co-producer for Leno, I favored the idea of booking television journalists, who tended to be excellent storytellers.

I especially liked Williams after talking with him on the phone. He seemed sharp, witty and charming. So the show booked him in August 1995. It was his first late-night appearance, and, as they say in the business, he killed. He had the gravitas of a newsman, the timing of a veteran comedian and an endearing tendency to be self-deprecating.

But he also set boundaries, making it clear to both Leno and me that he was, first and foremost, a journalist with a reputation that he was not willing to jeopardize just to get a few laughs. Leno agreed to respect his request.

But Williams eventually crossed a line with his helicopter story. I don't think he ever intended to tell a lie to Letterman. He just got caught up in an environment where entertainment is valued more than truth. Williams' experience is a cautionary tale for all journalists.

Dave Berg's new book, "Behind the Curtain: An Insider's View of Jay Leno's Tonight Show," showcases his 18 years as co-producer for Jay Leno.

E-VERIFY DOES LITTLE TO HALT ILLEGAL IMMIGRATION

New government regulatory tactics never work as planned.

By ALEX NOWRSTEH
CONTRIBUTING WRITER

The showdown over President Obama's immigration executive actions is approaching its climax. Congress is prepared to let the Department of Homeland Security run out of money so long as it intends to enforce Obama's decrees, and prospects for reform are deteriorating fast.

But there is one policy making progress: E-Verify mandates are moving through Congress and several states. Whether mandated by states or by the federal government, E-Verify is an expensive labor market regulation that, in any case, does little to actually halt illegal immigration.

E-Verify is a federal government-run electronic system that allows employers to check the identity of new hires against a government database. E-Verify then tells the employer whether the new employee can legally be hired or not.

Unfortunately, the expense and inefficiency of E-Verify hasn't dimmed enthusiasm for its universal mandate.

Last week, the House Judiciary Committee had a hearing for the Legal Workforce Act, which would force E-Verify on all businesses and workers in the United States.

Support for E-Verify peaked during the hearing when even Randy Johnson, Senior Vice President for Labor, Immigration and Employee Benefits at the U.S. Chamber of Commerce, testified in support of an E-Verify mandate - with very few caveats.

E-Verify is supposed to deny employment to illegal immigrants and reserve those jobs for natives. But new government regulatory regimes never work as planned.

E-Verify's discouraging performance would push hundreds of thousands of American workers out of the job market for almost no improvement in immigration enforcement.

E-Verify is worse than a coin toss at identifying known illegal immigrant job seekers - 54 percent of illegal workers run through E-Verify are approved for work.

Worse, a small percentage of legal workers are erroneously flagged as unauthorized. Applying that error rate to the entire American workforce, E-Verify would flag between 400,000 and 900,000 U.S.-born workers as illegal. Thirty-six percent would have to wait at least eight days to resolve the error. Of those workers who are barred from employment after their appeal, a full six percent of

them are eventually found to be legal.

The notion that an American citizen could be denied a job thanks to an ineffective and shoddy regulatory scheme is alarming and ought to be a non-starter for policymakers considering this mandate.

Fortunately, in this case, we don't have to speculate. E-Verify mandates tried in Alabama, Arizona, Mississippi and South Carolina have proven ineffective. In those states, all new hires are supposed to be run through E-Verify, but only 54 percent actually were in 2013.

All of these states mandate harsh punishments for businesses that don't use E-Verify, but they are rarely enforced. If these states can't enforce E-Verify within their own borders, how can the federal government do so nationally?

In the few sectors of Arizona's economy where E-Verify was actually enforced, like agriculture, many illegal immigrants did leave the workforce but

native-born workers or legal immigrants did not rush to fill them. As people are forced out of a local economy, they take their jobs with them - regardless of their immigration status.

Despite the abysmal record of E-Verify, others are moving to embrace it. Texas State Rep. Greg Bonnen has proposed a limited E-Verify mandate. Nebraska State Senator Bill Kintner recently introduced a bill to expand the state's limited mandate for state contractors, even though a 2011 Nebraska go-

vernment report found that only 23 percent of registered state contractors have complied with the law.

Expanding E-Verify now would raise the regulatory cost of hiring without doing anything to stop illegal immigration.

Furthermore, requiring every employee to ask the federal government for permission to work is completely at odds with the free market, and should be a non-starter for Republicans.

The only saving grace of E-Verify is that it doesn't work very well, but the system's ineffectiveness does not lessen the burden for businesses and workers who have to navigate the complex system.

We're never going to get a functioning immigration system through shoddy government mandates and onerous restrictions. It's time lawmakers come to understand that.

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MARK MARTINEZ, REGISTER PHOTO

The E-Verify login page requires users to input user identification code and a password for entry.

Net neutrality could usher in new fairness doctrine

Net neutrality is about to be imposed on broadband service providers by the Federal Communications Commission.

The FCC has scheduled a vote in two weeks on whether companies like Comcast and Verizon should be treated as "common carriers." The Federal Communications Commission Act has heretofore reserved that category to regulate telephone companies, requiring they not discriminate in their charges based on the type of customer using the phone lines, or the content of what was being communicated.

The classic model of a "common carrier" is a railroad, under the 19th century Interstate Commerce Commission, whose mandate was to prevent preferences

given to some shippers of goods over others. Monopolistic railroads were charging different prices based on the shippers' availability of alternatives, and the perishability of the commodity. After the ICC regulation, a pound of diamonds could not cost more to ship than a pound of coal, and a boxcar of bananas no more than a boxcar of wheat.

Where an Internet service provider can, it might like to charge more for access to higher-value communications; and the higher-value content provider might want to ask for faster service and offer to pay for it.

It's not so much a question of a monopolistic railroad extorting higher prices to ship food that would otherwise rot as it is a mutually advantageous arrangement between a streaming video provider and a broadband company, whereby films could be made available without the aggravation of buffering delays.

If the differing treatment of

customers provides a better product for the ultimate consumers, different prices are not inherently evil. Where differing treatment, however, is directed at eliminating a rival, it is economically harmful. This distinction has been applied for decades under the Sherman Antitrust Act.

In the Microsoft antitrust case in the 1990s, the Justice Department alleged that Microsoft was using its Windows operating-system monopoly to exclude competitors of Microsoft's own search engine, which came preloaded on Windows. Microsoft defended itself by saying its search engine ran better than any rival's, as it was more smoothly integrated into its operating system than any outsider's could be. A federal court sorted out the competing positions, and Microsoft accepted a consent decree forcing it to unbundle its browser from its operating system.

The availability of antitrust laws calls into question whether

we need the FCC to expand its jurisdiction in order to deal with claims of discrimination by broadband companies. When should government intervene to prohibit higher prices for higher-quality service? The answer is not an economic one: it is a political one, under the rubric of "fairness."

There is something offensive about a railroad driving up the price to farmers whose produce has to move by rail or spoil. In the case of broadband, it is the perceived unfairness that those with more money will get faster Internet service, a departure from the open access, egalitarian ethos of the Internet since its founding. Antitrust laws might be adequate to patrol against broadband companies, but they do not reach these questions of political fairness.

That's what the FCC is now proposing to do - but I urge caution. Concepts of monopolization have a fairly solid basis in eco-

nomics science.

Fairness, by contrast, especially as seen applied by new agencies like the Consumer Financial Protection Bureau, can become quite unhinged from its original purpose in a law.

The danger of net neutrality is not so much the first application that the FCC will make of it, but what further interpretations the FCC might pursue to prevent "unfair" access to the Internet. The FCC used to apply a "fairness doctrine" to political commentary on radio and television, banning too much of one view; net neutrality could be the means of their doing so again, regarding access to the Internet. Government regulation, however narrow at the start, seldom stays within its originally intended purpose.

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