

January 9, 2012

[Chip Mellor of the Institute for Justice](#) was the WSJ's weekend interviewee.

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Mr. Mellor is the 61-year-old chief of the Institute for Justice, which has been celebrating its 20th anniversary of guerrilla legal warfare on behalf of individual freedom. He's worth getting to know because he and his fellow legal battlers are behind a larger campaign to restore some of the Constitution's lost rights. And they're often succeeding.

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"That's not to downplay the importance of Citizens United," Mr. Mellor says, "but SpeechNow is the decision that lets people (and corporations and unions) pool their money in Super PACs." Mr. Mellor's outfit represented SpeechNow with the Center for Competitive Politics and IJ argued the case before the court.

The campaign finance reform lobby is going to fight relentlessly, Mr. Mellor says. "There continues to be the false premise that the problem in politics is too much money, when in fact the problem is too much government for sale." Besides, he points out, "these campaign finance laws are really treating only a symptom, not the disease. Until you get to the root cause, which is too much government, you are really not doing anything productive and in many cases you are doing harm." ...

More on an IJ triumph from [George Will](#).

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Was this "judicial activism" — judges acting as legislators, imposing social policies they prefer? Or was it proper judicial engagement — performance of the judicial duty to ensure that the law is applied in conformity with the actual facts of the case? Herewith an example of a court's conscientious application of law in light of a pertinent change — a technological change — in a medical sphere the law regulates.

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market for organs — offering perhaps \$50,000 for a kidney — would usually, and troublingly, involve affluent people buying from low-income people whose consent is influenced by their neediness.

Here, however, is another moral dilemma resulting from NOTA's codification of moral impulses: Potentially deadly blood diseases strike tens of thousands of Americans each year. For example, of the 44,000 who will be diagnosed with leukemia, including 3,500 children, half the adults and 700 of the children will die from it. Nearly 3,000 Americans die of various blood diseases because they cannot find matching bone marrow donors. Compensation would substantially increase the number of lifesaving donors. Unfortunately, NOTA classifies as an organ the bone marrow that is the source of lifesaving stem cells that generate white and red blood cells, and platelets.

The 9th Circuit panel ruled this month that a new medical technique has made the phrase "bone marrow transplant" anachronistic. When NOTA was written, extracting bone marrow involved a protracted, painful and risky semi-surgical procedure in which long needles were inserted into the hip bones of anesthetized donors.

Now, however, there is an essentially risk-free technique — called apheresis — for obtaining the stem cells not from hip bones but from the arms — the blood streams — of donors as they rest for six or so hours in a recliner. ...

Jennifer Rubin is looking forward to Huntsman's defeat in New Hampshire.

Jon Huntsman is going nowhere in this presidential race. In the must-win state of New Hampshire, where he has spent virtually all his time, he risks coming in next-to-last, ahead of only the faltering Texas Gov. Rick Perry.

It might have been different, if not for his decision to run as combatively anti-conservative and to throw his lot in with the isolationists.

His key strategist John Weaver, who led the presidential campaign for Sen. John McCain (R-Ariz.) before being dumped in 2007, learned the wrong lesson from McCain. Certainly McCain had been a thorn in the side of conservatives, but when running for president he did his best to convince them of his social conservative bona fides and mend fences. He didn't stick his finger in their eye and then ask for their vote.

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"The minute that the Republican Party becomes the party — the anti-science party, we have a huge problem. We lose a whole lot of people who would otherwise allow us to win the election in 2012. When we take a position that isn't willing to embrace evolution, when we take a position that basically runs counter to what 98 of 100 climate scientists have said, what the National Academy of Science — Sciences has said about what is causing climate change and man's contribution to it, I think we find ourselves on the wrong side of science, and, therefore, in a losing position." ...

[The Telegraph, UK](#) profiles trackers employed by Homeland Security.

In the seemingly endless desert wasteland of the Arizona-Mexico border, amid 30ft high cacti and thorny mesquite trees, an eagle-eyed Native American scout has found what he is looking for.

A freshly dislodged leaf from a Creosote bush is his first sign, followed by a snapped branch still wet to the touch. Nearby, a shiny patch of dirt shows where suspected drug smugglers have tried to evade his ancient skills by brushing over their vehicle's tyre tracks with a tree limb.

Unfortunately for the smugglers Jason Garcia, 38, a modern day Tohono O'odham Indian, is hot on their trail. Mr Garcia is a member of an elite group called the "Shadow Wolves," the US Department of Homeland Security's only Native American tracking unit. The squad also includes members of the Navajo, Lakota and Blackfoot tribes, and they are considered by some the best hunters of human beings in the world.

While a giant multi-billion dollar fence, unmanned Predator drones and electronic sensors are being touted as the way to seal this porous section of the border, Mr Garcia uses the same methods his ancestors developed over centuries to catch deer and peccary.

He and eight other Shadow Wolves operate in the Tohono O'odham Nation, a vast Indian reservation roughly the size of Northern Ireland. The O'odham have inhabited the area for thousands of years and their name translates as "Desert People.". Some 20,000 of them now live in scattered villages. ...

Big football game tonight and there might be some drinking of adult beverages. The [Wall Street Journal](#) says it is hard to spell "lush" without the letters LSU.

This weekend, thousands of Louisiana State fans will swarm New Orleans to watch the Tigers take on Alabama in Monday's BCS Championship game. But before, during and after the contest, these celebrants will gather in the French Quarter to engage in the one activity they're better at than perhaps any other group of football fans: drinking.

Year in and year out, regardless of how well their team is playing, LSU supporters make other college tailgating crews look like Baptist choirs.

All six games at Tiger Stadium in Baton Rouge, La. this season drew more than 90,000 fans. While beer isn't sold inside, the parking lots remain jammed during the action.

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WSJ

Litigating for Liberty

Move over, ACLU. Chip Mellor, president of one of America's most influential law groups is expanding freedom on political speech, organ transplants and other economic frontiers.

by Collin Levy

The Republican presidential campaign is at full boil, and among the biggest players are so-called super PACs, political-action committees that can raise and spend as much money as they like. Mitt Romney's version helped ruin Newt Gingrich in Iowa, for example. For that right to free speech (not the ads), you can thank or blame Chip Mellor, who runs the most influential legal shop that most people have never heard of.

Mr. Mellor is the 61-year-old chief of the Institute for Justice, which has been celebrating its 20th anniversary of guerrilla legal warfare on behalf of individual freedom. He's worth getting to know because he and his fellow legal battlers are behind a larger campaign to restore some of the Constitution's lost rights. And they're often succeeding.

Take political speech. The Supreme Court's January 2010 ruling in *Citizens United v. FEC* restored the First Amendment rights of corporations and unions to assemble to influence elections. That was followed in March 2010 by *SpeechNow v. FEC*, in which the D.C. Circuit Court of Appeals said that political committees may accept unlimited contributions for the purpose of independent political spending.

"That's not to downplay the importance of *Citizens United*," Mr. Mellor says, "but *SpeechNow* is the decision that lets people (and corporations and unions) pool their money in Super PACs." Mr. Mellor's outfit represented *SpeechNow* with the Center for Competitive Politics and IJ argued the case before the court.

The campaign finance reform lobby is going to fight relentlessly, Mr. Mellor says. "There continues to be the false premise that the problem in politics is too much money, when in fact the problem is too much government for sale." Besides, he points out, "these campaign finance laws are really treating only a symptom, not the disease. Until you get to the root cause, which is too much government, you are really not doing anything productive and in many cases you are doing harm."

Sitting in the IJ's brightly colored office in Northern Virginia, Mr. Mellor recalls the satisfactions and challenges since he founded the institute with Clint Bolick in 1991. The best part, Mr. Mellor says, "is that we find these people around the country who are already standing up for the principles we want to help vindicate. They say: All I want to do is earn an honest living, get a good education for my kids, own my home or business [or] speak in a political campaign without being subject to restraints."

In many of its cases, IJ will lose at the trial court and then win on appeal. That was the story in the group's latest foray into medicine, in which it represents cancer patients in their fight for access to bone-marrow donations that can save their lives. Under the 1984 National Organ Donor Transplant Act, Congress made it a felony for anyone to give or receive compensation for donating an organ, sweeping bone marrow into the net along with organs like kidneys and lungs.

IJ filed suit against the U.S. attorney general to challenge the law and saw the case dismissed in the trial court. When the case got to the Ninth Circuit Court of Appeals, however, the judges reversed unanimously, in effect ruling that most bone-marrow donations can be treated like blood donations, making a pilot compensation program legal and handing IJ's clients a major victory.

"Blood can be sold, sperm can be sold, ova can be sold" so this shouldn't be any different, Mr. Mellor explains. Providing a modest stipend for those who donate to the National Bone Marrow Registry could exponentially improve the chances of terminally ill patients finding a donor that could save their life.

As with many of IJ's economic-liberties cases, Mr. Mellor explains, the point is to undo the damage done by courts acting as a rubber stamp for whatever the Congress and executive branch do. "Judicial activism is an empty pejorative invoked by both liberals and conservatives to criticize outcomes they don't like," he says. The more appropriate role of the courts is judicial engagement. "They would start with a presumption of liberty and strike down those laws that exceed constitutional power delegated to the other branches."



The institute's cases often deal with the burdens of government regulation on the common man and in doing so bring national attention to the core principles of constitutional government. Listen to the GOP presidential debates and "economic freedom" is an idea every candidate invokes to appeal to a sizeable segment of American voters alarmed by the big-government encroachments of the Obama administration.

It wasn't always thus. "I think it's not being immodest to say that when we started the Institute for Justice in 1991, the term [economic liberty] was confined pretty much to libertarian academics," Mr. Mellor grins. "Today even [Supreme Court Justice] Stephen Breyer talks about it, if only to disparage it."

Ironically, the institute's most visible case, 2005's *Kelo v. New London*, was a loss. Susette Kelo and other homeowners in New London, Conn., had resisted the use of the government's eminent domain powers to take their homes and give the property to a development corporation for condos and other private development adjacent to a new Pfizer plant. The Supreme Court found against them.

But in the national backlash against the decision, they arguably won the war. Since *Kelo*, 44 states have strengthened their laws protecting property rights from eminent domain and *Kelo* has become shorthand for insensitive, overreaching government not respecting the rights of ordinary people.

Mr. Mellor is an optimist about the outcome of future private property cases before the Supreme Court. Justice Antonin Scalia, he notes, "just recently said that there have been three cases that have been wrongly decided by the Supreme Court, and that two of them have been undone and one of them soon will be. He cited *Dred Scott*, *Plessy*, and *Kelo*."

The institute's first client was not famous at all but what Mr. Mellor calls a "paradigmatic" one who framed an injustice with crystal clarity. IJ represented Taalib-Din Uqdah, who wanted to make his living braiding hair in Washington, D.C. But he couldn't do that without becoming a licensed cosmetologist, a requirement that would have cost him thousands of dollars. IJ got the city council to back down and allow Mr. Uqdah and his wife to get back in business without the onerous regulation.

"The constitutional principle was very, very important, it went far beyond hair braiding," Mr. Mellor says. "So it really was a perfect platform to start awakening people to what's at stake and what the solutions are."

In the years since, IJ has taken on regulations that suffocate entrepreneurs from ferry operators, taxi drivers and stadium vendors to food-truck operators, tour guides and interior designers. Behind each is a small business owner suffering under government regulations that, in most cases, aren't about protecting the public or some general interest—but about awarding anticompetitive privileges to an influential company or interest group.

If entrepreneurs are often the good guys, at the top of IJ's hit list are corporations looking for government favors and handouts. "We do recognize that there is a profound difference between being pro-free enterprise and being pro-business," Mr. Mellor notes. "When it comes to businesses, Adam Smith recognized that it will only be a matter of time before business interests get together and try to monopolize to achieve some kind of control over the market. But without government, they can't do that for any length of time."

Mr. Mellor traces his political evolution back to his days as a student protester at Ohio State University in the late 1960s. This was the time of the Vietnam War and Mr. Mellor, while marching against it, had the "epiphany of my life," he says. "It became undeniably obvious to me that both the left, which I was a part of, and the right were really after the same thing, which was power. And I didn't want any part of that."

So began an intellectual odyssey that took him from Whittaker Chambers to Ayn Rand and Friedrich Hayek and led to law school at the University of Denver. He went into private practice "in hopes that I could be an independent Clarence Darrow type," but he "quickly became disabused of the notion that you could ever control your own schedule," let alone do it all pro-bono. He went the public interest route and met legal eagle and school-choice specialist Clint Bolick in 1982, founding IJ in 1991.

The language of student protest became a key part of the IJ way. The group—it consists of some 33 lawyers and 65 staffers—is fighting not just to overturn precedents and restore

constitutional jurisprudence, but to frame the debate in a way that educates and embeds those ideas in the national consciousness.

"We learned our lesson from the NAACP," Mr. Mellor continues. "Back in 1934 if you look at their annual report, there is a paragraph to the effect that the goal of the campaign must be to affect broad public opinion as well as [to win] individual cases. So every case we take is an educational vehicle designed to manifest the constitutional principles and how they apply to countless other people around the country."

Public interest law is traditionally practiced by liberal groups like the ACLU and the NAACP. Adapting the model to the kind of libertarian goals espoused by IJ has a unique set of challenges. The left fights to pass laws and create new bureaucracies to enforce them, which in turn fosters a permanent interest group to defend the left's gains.

"Groups on the left can fight for their goals through statutory law, and then count on an army of other activist groups to continue to build on their work . . . The left has tremendous advantage," Mr. Mellor explains.

In a broader legal context, Mr. Mellor notes, restoring the Privileges or Immunities Clause, a portion of the 14th Amendment which was intended to protect the economic freedom of freed slaves and other Americans, is at the core of IJ's mission when it comes to economic liberty. When the Supreme Court dismantled its protections in what were known as the "Slaughter House cases" in 1873, he says, it began "the whole progressive era of economic regulation and property regulation." If you have a recognition of enumerated powers, "the potential for expansive mischief or creating new rights out of whole cloth is limited if not nonexistent," he says.

"The Supreme Court is really the culprit in creating a lot of the problems we have today," he adds. "They gutted provisions of the Constitution that were intended to constrain government or transformed them, like the Commerce Clause, into an affirmative grant of power."

If the Supreme Court is the problem, then it is also eventually the solution, and Mr. Mellor sees promise in today's court. Justice Clarence Thomas, he says, has "developed a very coherent and consistent constitutional philosophy," Chief Justice John Roberts has "said some amazingly powerful things in the campaign finance cases." And "Justice Kennedy has also evidenced some libertarian streaks over time."

As for IJ, he says, don't worry about them becoming victims of their own success. "We're not going to run out of arrogant and avaricious officials out there." he smiles. "We're going to have lots to do for a long time."

Ms. Levy is a senior editorial writer at the Journal, based in Washington.

Washington Post

The 9th Circuit's proper call on bone marrow donations

by George F. Will

The U.S. Court of Appeals for the 9th Circuit is famously liberal and frequently reversed. Recently, however, a unanimous three-judge panel of this court did something right when it held that [bone marrow donors can be compensated](#). In effect, it revised a law, the [National Organ Transplant Act](#) (NOTA) of 1984, because of a medical technique developed since then.

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Here, however, is another moral dilemma resulting from NOTA's codification of moral impulses: Potentially deadly blood diseases strike tens of thousands of Americans each year. For example, of the 44,000 who will be diagnosed with leukemia, including 3,500 children, [half the adults and 700 of the children](#) will die from it. Nearly 3,000 Americans die of various blood diseases because they cannot find matching bone marrow donors. Compensation would substantially increase the number of lifesaving donors. Unfortunately, NOTA classifies as an organ the bone marrow that is the source of lifesaving stem cells that generate white and red blood cells, and platelets.

The 9th Circuit panel ruled this month that a new medical technique has made the phrase “bone marrow transplant” anachronistic. When NOTA was written, extracting bone marrow involved a protracted, painful and risky semi-surgical procedure in which long needles were inserted into the hip bones of anesthetized donors.

Now, however, there is an essentially risk-free technique — called [apheresis](#) — for obtaining the stem cells not from hip bones but from the arms — the blood streams — of donors as they rest for six or so hours in a recliner.

Paying donors of blood plasma has long been legal, routine and effective in increasing donations of blood. It — like sperm and eggs, donors of which can be compensated — is quickly regenerated. As are the lifesaving cells captured by apheresis.

One of the plaintiffs — represented by limited-government litigators from the Institute for Justice — who challenged NOTA's compensation ban is a California nonprofit organization that wants to encourage donations by offering \$3,000 awards. These would be in the form of scholarships, housing allowances or contributions to charities chosen by donors. The program would initially

target potential minority and mixed-race donors who are likely to have marrow cell types that are the most difficult to match.

Unfortunately, the 9th Circuit panel decided that it did not need to reach the constitutional issue the plaintiffs raised, which was this: NOTA, in today's context of the noninvasive cell-procurement technique, apheresis, violates the constitutional guarantee of equal protection of the laws. It does because it makes a distinction — between compensation for donors of blood plasma and donors of bone marrow — that no longer has a “rational basis.”

The “rational basis test” makes courts excessively deferential to Congress regarding the reasons it gives for regulations it imposes. Courts applying this test usually approve any “conceivable” interest that Congress asserts unless it is so preposterous it makes the judges laugh until their ribs ache.

It would have been nice if the 9th Circuit panel had been *more* assertive — if it had struck down NOTA's proscription of compensation for bone marrow donors on equal-protection grounds. The panel said that it did not need to reach this constitutional question. It simply ruled that Congress did not really ban compensation for bone marrow donors under the apheresis method — which does not take actual bone marrow — because this method did not exist in 1984.

Pushing back against the too-permissive rational basis test is a project for another day. For now, it suffices to say this: At this moment of careless rhetoric about “judicial activism,” the 9th Circuit judges have *judged*, thereby providing a reminder that proper judicial engagement is different and admirable.

Right Turn

[Jon Huntsman's imminent demise](#)

by Jennifer Rubin

Jon Huntsman is going nowhere in this presidential race. In the must-win state of New Hampshire, where he has spent virtually all his time, he risks coming in next-to-last, ahead of only the faltering Texas Gov. Rick Perry.

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His key strategist John Weaver, who led the presidential campaign for Sen. John McCain (R-Ariz.) [before being dumped](#) in 2007, learned the wrong lesson from McCain. Certainly McCain had been a thorn in the side of conservatives, but when running for president he did his best to convince them of his social conservative bona fides and mend fences. He didn't stick his finger in their eye and then ask for their vote.

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2012. When we take a position that isn't willing to embrace evolution, when we take a position that basically runs counter to what 98 of 100 climate scientists have said, what the National Academy of Science — Sciences has said about what is causing climate change and man's contribution to it, I think we find ourselves on the wrong side of science, and, therefore, in a losing position."

He sounded similar themes in the campaign, practically daring the conservative voters he was courting to reject him. It was unnecessary and only served to increase the mistrust with which Republican voters viewed President Obama's ambassador to China.

But his greatest failing was in throwing his lot in with the isolationists. It frankly didn't even seem sincere. To the contrary, he was generally praised by human rights activists for his conduct as ambassador. He blithely declared the number of troops in Afghanistan should be 10,000. But where was his analysis? He seemed to don the cloak of isolationism in order to woo independent voters.

But Rep. Ron Paul (R-Tex.) has a lock on those people. And no one is going to out-do Ron Paul as a Fortress America advocate. His "[bring the troops home](#)" mantra was cartoonish, echoing the nation-building-at-home line that seemed more like an Obama speech to MoveOn.org than a Republican seeking to become commander-in-chief.

Moreover, Huntsman turned out to be unfunny, stiff and condescending. In debates, his barbs were often cringe-inducing. And, as Newt Gingrich presently does, he seemed at times more dedicated to attacking Mitt Romney than making headway with voters. He has made Romney, by contrast, seem like a cuddly teddy bear.

Huntsman could have run a different campaign, in essence the sort that Tim Pawlenty tried to mount: internationalist and reform-minded. In the end, would he have done better? It's hard to say. But the lesson here is a reassuring one: It's hard to cook up an entirely artificial presidential race, with no grass-roots support, by pandering to the irresponsible streak of isolationism that has at times attracted conservatives. For that, we can thank Huntsman, and then look forward to his swift departure after what will certainly be a miserable showing Tuesday.

Telegraph, UK

[On patrol with the Shadow Wolves, the best hunters of humans in the world](#)

On the trail with the US Department of Homeland Security's Shadow Wolves, the department's only Native American tracking unit, along the Arizona-Mexico border.

by Nick Allen

In the seemingly endless desert wasteland of the Arizona-Mexico border, amid 30ft high cacti and thorny mesquite trees, an eagle-eyed Native American scout has found what he is looking for.

A freshly dislodged leaf from a Creosote bush is his first sign, followed by a snapped branch still wet to the touch. Nearby, a shiny patch of dirt shows where suspected drug smugglers have tried to evade his ancient skills by brushing over their vehicle's tyre tracks with a tree limb.

Unfortunately for the smugglers Jason Garcia, 38, a modern day Tohono O'odham Indian, is hot on their trail. Mr Garcia is a member of an elite group called the "Shadow Wolves," the US Department of Homeland Security's only Native American tracking unit. The squad also includes members of the Navajo, Lakota and Blackfoot tribes, and they are considered by some the best hunters of human beings in the world.

While a giant multi-billion dollar fence, unmanned Predator drones and electronic sensors are being touted as the way to seal this porous section of the border, Mr Garcia uses the same methods his ancestors developed over centuries to catch deer and peccary.

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The Shadow Wolves patrol Arizona's border with Mexico

The reservation's border with Mexico is 76 miles long and its canyons and scrub land have become a favourite illicit entry point to the US for both Mexican drug cartels and illegal immigrants.

A recent tightening of border controls in urban parts of California and Texas has funnelled interlopers to more inhospitable areas such as Tohono O'odham, where there are few paved roads and the desert is infested with rattle snakes and venomous lizards called Gila monsters.

As a result the area is becoming more dangerous and the stakes for both crossers and law enforcement are high. Over the course of last year a record 252 bodies were recovered along the Arizona border as illegal immigrants perished from heat exhaustion and dehydration in summer, when temperatures reach 118F, and hypothermia in winter.

Last December border agent Brian Terry, 40, a former Marine, was killed in a shoot-out with Mexican bandits who were preying on illegal immigrants. On the day The Daily Telegraph visited Tohono O'odham a Guatemalan would-be illegal immigrant, Byron Neftali Sosa Orellana, 28, was shot dead by border agents near the Shadow Wolves base. The Shadow Wolves themselves once had \$500,000 bounties placed on their heads following a shoot-out with a drug gang.

The tracking technique they use is known as "cutting for sign" and is taught from childhood. Mr Garcia says: "This takes a lot of patience. You're looking for something that's almost invisible. Initially it can be something minute. But it's the thrill of the hunt. I'm looking for bad guys that don't want to be found."

Bending to his knees to study his latest find he can tell that the quarry passed by only minutes before in an SUV, probably a Chevrolet, heading directly north towards Phoenix 100 miles away.

Jumping into his own pickup truck he then plunges into the undergrowth, bouncing wildly through the cacti, and down a dry rutted riverbed, following signs invisible to the untrained eye. Unlike his ancestors he is armed with an M-4 rifle and a semi-automatic pistol.

Before long the Chevrolet looms ahead. It is stationary and has been partially hidden behind a cactus with a camouflage tarpaulin hastily thrown over it. The smugglers have already fled. Inside, a small amount of marijuana remains but the main cargo has gone. The SUVs can each carry loads of up to 2,000lb of marijuana, with a street value of \$2 million.

Disappointed, Mr Garcia indicates a hill a few hundred yards away where one of the drug cartel spotters may be hiding. He explains that the spotters sit on peaks all the way from the border to Phoenix. They outnumber the Shadow Wolves and are equipped with night vision goggles, mobile phones and radios that deliver encrypted messages to drug mules on the ground. Other spotters work for people smuggling gangs and are in touch with the "coyotes" who guide groups of illegal immigrants across the desert.

"We're probably being watched right now," says Mr Garcia. "They see us coming and they get on the radio telling people we're coming."

Despite the vastness of the desert the tracker soon discovers two less recently abandoned drug smuggling vehicles hidden under tree branches, and a pile of warm coats left behind by a group of illegal immigrants. However, the trail of broken twigs and dislodged stones eventually goes cold. Mr Garcia's longest ever successful track took him 21 miles through the desert and mountains.

Drug smugglers use every possible option to get over the US border including horses, quad bikes and even ultralight aircraft. But the main delivery method is still the oldest, human mules carrying 40lb hessian wrapped bales of marijuana for payment of as little as \$500 per trip. It can take them seven days to cross the desert.

The mules, and the thousands of illegal immigrants crossing, strap pieces of carpet to their shoes in an attempt to obscure their footprints. In response the trackers examine thorns for snagged fibres of clothing or hessian. They study the direction of indentations in the soil made by dislodged pebbles. Moisture from a carelessly squashed piece of cactus tells them how far ahead people are. Disturbed soil under a tree reveals how long ago someone stopped to rest, as the shade from the tree moves through the day.

The game of cat and mouse between the Shadow Wolves and the mountain-based spotters goes on daily, and at night, and the tracking methods are having some significant success. They seize an average of 60,000lb of drugs a year with a street value of around \$60 million (£38 million). It is impossible to determine how much marijuana, and how many illegal immigrants, get through.

With illegal immigration a hotbed issue in the 2012 presidential race most Republican candidates, with the notable exception of Texas Governor Rick Perry, favour erecting a giant fence across the entire US-Mexico border.

But the politicians' obsession with a fence is not shared by some of those at the sharp end of protecting the border. They appeared to back Mr Perry's view that the priority should be more manpower.

In Tohono O'odham there are already metal barriers in place to stop vehicles, but drug smugglers simply build temporary ramps and drive over them.

Mr Garcia said a fence would be useful in some flat areas but there was "a lot of rugged mountain country" where it would be simply impractical.

John Bothof, 47, a Lakota Shadow Wolf, said a fence would be "pretty ineffectual" and the money should be used to "create local Native American task forces."

"These guys live out here. They know what's going on," he said.

WSJ

You Can't Spell 'Lush' Without L-S-U

When it Comes to Drinking, Tigers Fans Top Every College Poll; the \$120,000 Stadium Tab

by Ben Cohen

This weekend, thousands of Louisiana State fans will swarm New Orleans to watch the Tigers take on Alabama in Monday's BCS Championship game. But before, during and after the contest, these celebrants will gather in the French Quarter to engage in the one activity they're better at than perhaps any other group of football fans: *drinking*.

Year in and year out, regardless of how well their team is playing, LSU supporters make other college tailgating crews look like Baptist choirs.



LSU fans cheered during a game against Florida at Tiger Stadium on Oct. 8, 2011. The Tigers beat the Gators 41-11.

All six games at Tiger Stadium in Baton Rouge, La. this season drew more than 90,000 fans. While beer isn't sold inside, the parking lots remain jammed during the action.

It's not uncommon for tailgates to have full bars—with some stations serving as many as 200 guests with bourbon, gin, vodka, scotch, Bloody Marys, mimosas and up to 25 cases of beer.

The same ethic applies to road games: In September, LSU and its fans traveled to West Virginia, which has one of the few college stadiums that serves alcohol.

According to a school spokesman, Mountaineer Field sold over \$120,000 in beer alone that night—even though parts of the stadium sold out of cold Bud Light around halftime. Not only was that figure 33% higher than the figure for the next-highest game, it accounted for 23% of the season's total beer sales over seven games.

"The whole line was LSU fans buying four beers at a time," reports Judson Sanders, a 31-year-old Tigers fan who works in electrical contracting.

Beer rankings have always been a source of strength in Louisiana. In a study of beer sales and shipments over the last decade, the Beer Institute, a Washington, D.C. industry group, has ranked the Bayou State as high as No. 5 among all states in per capita beer consumption. That makes it the thirstiest state in the South.

Rather than making a push for temperance, LSU is considering a plan to cash in on the situation. The Tin Roof Brewing Company, a microbrewery near LSU's campus, announced a partnership this summer with the university that may result in what could be a first for a major football program: an officially licensed school beer.

According to the brewery, this light ale, which would be marketed in school-color purple and gold cans, would be called Bandit Blonde after a defensive unit on the school's 1958 national-championship squad. The brewery said the brew was chosen for the honor because of its "crisp, refreshing taste," which beer lovers and LSU tailgaters "can enjoy pretty much year round."

The partnership has the support of LSU chancellor Mike Martin, a school spokesman said, and it will be voted on by the LSU Board of Supervisors in coming months. The university will collect a 10% royalty fee.

That cut from beer sales is "no different" than taking a position in selling t-shirts, said Charles D'Agostino, the executive director of the Louisiana Business & Technology Center, an arm of LSU's business school that helps develop revenue streams for the state.

Several watering holes in New Orleans and Baton Rouge are already incorporating Bandit Blonde into a signature drink called the Honey Badger, which is named in honor of star LSU cornerback Tyrann Mathieu. It consists of a shot of Jack Daniel's Tennessee Honey Whiskey dropped into a glass of the brew.

"I'm not sure who came up with it," said Darin Smith, the general manager of Walk-On's Bistreaux & Bar near Tiger Stadium. "Word gets around Baton Rouge pretty quick."

Monday's national championship game isn't likely to be a sober affair. The Mercedes-Benz Superdome, which is just 80 miles from the LSU campus, is LSU's second home. Thousands of fans, even those who don't have tickets, will set up outside the stadium in RVs to get an early start on Mardi Gras.

"People like to say the game's secondary, even with a great team," said Brandon Landry, the owner of Walk-On's, which recently opened a location two blocks from the Superdome. Despite LSU's three national-championship teams in the last decade, he says, "the tailgating is a priority."

For some bar proprietors, a visit from a contingent of LSU fans is a dream come true. In 2003, when LSU visited Tucson, Ariz., for a matchup with Arizona, the managers at a restaurant called Hacienda Del Sol welcomed 40 couples in purple and gold for a private party. The LSU supporters racked up such a large bill that it was one of the best nights in the restaurant's history, a manager told them that night. The owners confirmed Thursday that they still remember it fondly.

Tin Roof co-owner William McGehee sums it up this way: "I don't want us to look like raging alcoholics, but I don't think there's any more passionate fans."

Dr. Helen

The Difference in the Treatment of Men and Women

I am in the Caribbean and spotted this t-shirt at a beach shop.



That kind of sums up the double standards between the treatment of men and the treatment of women, huh?





WHICH CANDIDATE DO YOU THINK IS MOST LIKELY TO UNITE REPUBLICAN VOTERS IN NOVEMBER?



OBAMA.

