

A verdict, of sorts

If jurors had been asked to decide whether John Edwards was a cheating lowlife, it would have taken them 10 minutes. He fathered a child with a former campaign worker while his wife was terminally ill, then lied about it long and loud while campaigning for president of the United States. OK, five minutes.

What jurors were asked, though, was whether Edwards broke the law by using nearly \$1 million in campaign contributions to cover up that affair. It took them nine days to find him not guilty on one of six counts. A judge declared a mistrial on the other five.

It's a wholly unsatisfying verdict, especially for those who wanted to see the defendant drawn and quartered. But let's not bother with Season 2. This reality show has been one big flop.

For one thing, it suffered from lack of character development. The 101-year-old heiress named "Bunny," who routed secret payments to an Edwards aide to keep the mistress hidden, was too frail for even a cameo appearance. The billionaire Texas lawyer who paid for private jets, luxury hotels and a rented mansion in California was already dead. The Other Woman wasn't called to testify. The defendant decided not to take the stand.

The only sympathetic characters were Edwards' grown daughter and his parents — a constant but mostly silent courtroom presence.

A promising storyline involving the campaign aide and his wife, who funneled the money to Edwards' mistress while keeping some for themselves, was never fully developed.

As for the plot — well, jurors couldn't decipher it, and they tried a lot harder than the rest of us. They sat through 17 days of testimony and sifted through 500 exhibits in the jury room, including piles of phone and financial records. They weren't trying to figure out if Edwards had betrayed his family and his political supporters. Their job was to decide whether he knew about the secret payments and, if so, whether he knew they were illegal.

We can't fault the jury for failing to agree on something the government can't seem to figure out. The Federal Election Commission, which audited the campaign accounts, didn't consider the payments campaign contributions. The Justice Department did.

The law defines campaign contributions as payments meant to influence the outcome of an election. Prosecutors argued that Edwards' supporters knew his affair would hurt his candidacy and were willing to cough up big bucks to help him hide it from voters. That's a crime.

Edwards' attorneys argued that the payments were gifts, which he used to hide the affair from his wife. Perfectly legal.

Jurors managed to sort things out on one count.

Prosecutors might have done a better job convincing them if they'd rehearsed their argument in previous cases. But this was the first time they'd charged such behavior as a crime. It was clearly a reach. That didn't stop a lot of people from hoping it would succeed anyway, but it's time to drop the case.

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CORNING, NY 14830 leader.com

The LEADER

The Leader (ISSN #10501983)
 The Leader is published daily at
 34 West Pulteney Street,
 Corning, New York 14830

CIRCULATION

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 936-4651, Ext. 320

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 Retail (607) 936-4651, Ext. 653
 Adv fax (607) 962-0782

PUBLISHER

Kurt Bartenstein | Ad director,
 936-4651, Ext. 388

POSTAL RATES

STEBEN COUNTY		ELSEWHERE IN USA	
One month	\$28.60	One month	\$36.85
Three months	\$85.80	Three months	\$110.55
Six months	\$171.60	Six months	\$221.10
One year	\$308.88	One year	\$397.98



MARCELLUS WATCH | PETER MANTIUS

Shilling for drilling

For decades, the tobacco industry paid friendly academics to tout the notion that cigarettes are harmless in a bid to hold back the tide of mainstream scientific evidence that they are in fact lethal.

Today the gas drilling industry follows the same script, employing reliable ivory tower types to whitewash the invasive practice of high-volume hydrofracking of shale formations.

It's dirty business when academia carries water for industry. So it's no surprise that the State University of New York at Buffalo's brand new Shale Resources and Society Institute (SRSI) has taken a public pounding for its very first published academic analysis.

The report concludes that energy regulators in Pennsylvania have done a wonderful job regulating fracking in the Marcellus Shale and that New York state should promptly open wide its doors to fracking.

Initial media reports on the study were uncritical, but the tide soon turned. Within two weeks, critics began hammering it for flaws in research and analysis, murky sources of funding, pro-industry spin and its authors' ties to industry.

On its website, the new institute promised to provide peer-reviewed studies that stick to the highest standards of academic independence. But the analysis of Pennsylvania's regulation of fracking misses that mark.

The study is based on "notice of violation" statistics at that state's Department of Environmental Protection (DEP) between 2008 and August 2011. The authors identified 25 "major environmental events" during that period and found that all but six had been "mitigated."

They went on to say that the incidence of polluting events, large and small, declined by 60 percent during the study period.

"On this basis, the Marcellus industry has cut its incidence of environmental violations by more than half in three years, a rather notable indicator of improvement by the industry and oversight by the regulators."

Is this objective scholarship or logic-challenged spin?

If a decline in violations alone is a reliable indica-

tor of improved safety, as the authors argue, police everywhere should take a lesson: If they quit arresting people, crime is sure to fall.

In fact, the UB analysis ignores reality.

First, the Pennsylvania DEP doesn't have sufficient staff to closely monitor all Marcellus fracking. Second, the agency has been notoriously slow to address health complaints from people who live near gas drilling sites, even when those complaints arrive in clusters.

That pattern of laxity and inconsistency was evident even before Tom Corbett rode a tsunami of gas industry campaign contributions to election as Pennsylvania governor in November 2010.

Corbett promptly required all DEP enforcement actions to be approved by a high-level political appointee, hamstringing field examiners. Although he backed off that stance shortly after it leaked to the public, Corbett proved that DEP stats are political.

That's a major omission from the UB analysis.

But chances aren't good that the lapse was inadvertent, given the track record of the two lead authors, Timothy Considine and Robert Watson.

Considine, a professor at the University of Wyoming, and Watson, a retired Penn State prof, were also lead authors of a rosy Marcellus Shale report in 2009 that was stamped with Penn State's name and shield. Critics claim the industry secretly funded that study and then used it to raise capital on Wall Street, argue against a Pennsylvania severance tax on natural gas and block state legislation to protect human health and the environment.

Considine and Watson did not disclose the gas industry's financial role — a breach of academic ethics and Penn State rules. And the university didn't admit the error until after Considine and Watson had produced a followup report that triggered an angry letter to the university's president at the time, Dr. Graham Spanier.

In his letter, Drake Saxton of Williamsport, Pa., president of the Responsible Drilling Alliance, challenged Spanier to come clean about the industry's

secret role and the inappropriate use of Penn State's good name.

"These completely biased works greatly exaggerate the economic potential of gas exploration," Saxton wrote, "and they are distorting the legislative process."

Of course. That's why industry paid up.

Penn State's response to Saxton came quickly from Dean William Easterling, who admitted that failure to disclose industry funding of the original report was a "clear error" and that the authors may have "crossed the line between policy analysis and public advocacy."

UB's 2012 study drew similar harsh critiques from the Public Accountability Initiative, a Buffalo non-profit, and others.

"The serious flaws in the report, industry-friendly spin, strong industry ties, and fundraising plans raise serious questions about (SRSI's) independence and (UB's) decision to lend its independent, academic authority to the Institute's work," PAI wrote.

UB's response was more tepid than Penn State's. E. Bruce Pitman, dean of UB's College of Arts and Sciences, said the topic was timely and SRSI was "consistent with the university's mission of teaching, research and public service." He said UB would examine relevant concerns about the study and added that UB had not received industry funding for SRSI.

But Considine reportedly emailed The Associated Press that the University of Wyoming had paid him and two of the study's other three authors. That funding wasn't acknowledged in the study, and UB didn't respond to the AP's questions about it.

It's not clear whether the gas industry used UW to launder money that paid for the UB study, but never doubt that industry will find creative ways to pay its skills.

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Beyond the 'tipping point'

Kofi Annan, the United Nations' special envoy for Syria, believes the horrific massacre by suspected pro-government militias of more than 100 people, mostly women and children, in the township of Houla will serve as a "tipping point." But toward what action should that atrocity "tip" the international community or the "Friends of Syria," an association of sympathetic nations? Should the United States arm rebel forces, as GOP presidential candidate Mitt Romney proposes, or engage in airstrikes against President Bashar Assad's forces, as Sen. John McCain, R-Ariz., advocates? Or should it stay out of the conflict between Assad and his opponents altogether and let events take their course?

We continue to oppose a potentially costly U.S. military involvement in Syria, which is a vastly better-defended country than Libya and an ally of Iran.

Though less extreme than direct intervention, providing weapons to the Free Syrian Army is also problematic. The political agenda of the rebels is still unfocused, and an infusion of arms would escalate the violence without guaranteeing an early overthrow of the Assad regime.

It is easy for Romney to accuse the administration of a "policy of paralysis" on Syria. But the U.S. and its allies have been active on several fronts, both substantive (economic sanctions) and symbolic (the expulsion of Syrian diplomats). The principal problem they have encountered is a refusal by Russia and China to join in a condemnation of the Assad regime by the U.N. Security Council. Even after the Houla massacre, Russia's deputy foreign minister said it was premature for the Security Council to consider "any new measures."

Yet there are also signs that even Russia is losing patience with Assad, who has repeatedly reneged on commitments to stop military attacks on his opponents, release political prisoners and engage in political dialogue. On Sunday, Russia joined in a Security Council statement criticizing Syria for the artillery and tank bombardment of Houla, and it may be receptive to a request by the Obama administration that it restrict its economic dealings with Assad.

Painstaking pressure on Syria is not as dramatic as the chest-thumping actions proposed by Romney and McCain. But its goal is to isolate Assad without involving the United States in another intervention in the Middle East. Recent experience suggests that such engagements don't always accomplish their goals and that they often drag on much longer than intended. If the events in Houla create a tipping point that accelerates international opposition to Assad without requiring a new international war, so much the better.

Letters to the editor regarding the June 26 primary must be received by June 19.