Six Myths
by Mel Goodman

The Greatest Single Myth: The Intelligence Reform Act of 2004 solved the problems that had been exposed by the 9/11 Commission by creating a director of national intelligence, the so-called intelligence tsar.

In fact, the 9/11 Commission failed to use the powers it had been given to explore the reasons for the 9/11 intelligence failure. It deferred unnecessarily to the White House’s use of “executive privilege,” and failed to stand up to CIA Director George Tenet, who refused to permit commissioners to debrief prisoners held by the CIA. The commission failed to use its subpoena powers and lacked experience in the world of the intelligence community.

The CIA’s Inspector General concluded that the 9/11 failure was about personal failures, accountability, and bureaucratic ineptitude. The 9/11 commission focused on larger issues: budgets and funding, organizational problems, and structural fixes. The Intelligence Reform Act of 2004 actually made a bad situation worse. It created a new bureaucracy under a Director of National Intelligence (DNI) beholden to the White House, as well as a centralized system that stifles creative thinking and risks more politicized intelligence.

The DNI was not given the authority to challenge the Pentagon’s control of key intelligence agencies and their budgets, and the Department of Homeland Security (DHS) was not given a central depository to fill the analytical gaps between domestic and international terrorist threats.

Finally, by making the DNI responsible for the daily briefing of the president, it ensured that the “tsar” would have little time to conceptualize and implement the strategic reforms that were needed.

Myth Number Two: The intelligence community is a genuine community that fosters intelligence cooperation and the sharing of intelligence information. In fact, the intelligence community has never functioned as a community. With the exception of the production of National Intelligence Estimates (NIEs), which are indeed a corporate product of the community, there is limited sharing of the most important and sensitive documents collected by the various intelligence agencies, and very little esprit de corps within the community.
There have always been deep rivalries between civilian and military agencies, with the CIA and the State Department’s Bureau of Intelligence Research often lined up against the Defense Intelligence Agency and the four military intelligence branches. This division was particularly profound during the debates over Soviet military power and the verification of Soviet and American arms control agreements, with military intelligence consistently exaggerating the strength of the Soviet military and opposing the disarmament agreements of the 1970s and 1980s. The 9/11 failure revealed continued parochialism and lack of cooperation within the community.

The intelligence community suffers from an inability to learn from its failures and successes. The CIA needs to emulate the US Army, which routinely conducts after-action reports and boasts a Center for Army Lessons Learned at Fort Leavenworth, Kansas. The center has a small staff, takes advantage of teams of experts to investigate specific issues, and maintains a direct line of communication to senior military leaders to understand what needs to be examined. Conversely, the CIA has resorted to a culture of cover-up to conceal failures such as the collapse of the Soviet Union, 9/11, the Iraq War, the Christmas Day bombing attempt in 2009, and the suicidal bombing of the CIA’s most important facility in Afghanistan.

Myth Number Three: The Office of the Director of National Intelligence offers a genuine possibility for exercising central control over the intelligence community.

In fact, the creation of the DNI has worsened the malaise within the CIA without reform for either the agency or the intelligence community. The fact that the president had to meet with more than 20 intelligence principals to discuss the Christmas Day failure points to the crazy-quilt bureaucratic structure created in the wake of 9/11, as well as the lack of centralized authority and responsibility within the community. The Pentagon has veto power over the DNI with respect to transferring personnel and budgetary authority from individual agencies into joint centers or other agencies. This fact undermines the possibility of any legitimate reform process.

The first DNI, John Negroponte, became frustrated and left suddenly in December 2006 for a lesser position at the State Department. All of his successors have been retired generals and naval admirals. They have lacked an understanding of the importance of strategic and long-term intelligence. The DNI spends far too much time preparing for his daily briefing of the president, which should be in the hands of the CIA, and the issue of cyber-security, which should be in the hands of the NSA.

Instead of pursuing reform, the DNIs have built a huge, lumbering, and bloated bureaucracy that includes a principal deputy director, four deputy directors, three associate directors and no fewer than nineteen assistant deputy directors. The DNI has a huge budget (over $1 billion) and has taken its management staff from the CIA and INR, thus weakening the overall intelligence apparatus. There has been no real accountability of the DNI. Moreover, congressional intelligence oversight committees have failed to monitor the DNI’s hiring of contractors with extravagant salaries.

Myth Number Four: The CIA is not a policy agency, but is chartered to provide objective and balanced intelligence analysis to decision makers without any policy axe to grind.

This is possibly the most harmful myth of all, because the CIA’s covert actions, which have registered a series of strategic disasters over the past 60 years, are part of the policy implementation process. As a result, much clandestine collection over the years has been designed to collect information that supports policy.

The CIA is part of the White House policy process. Various presidents have authorized regime change in Iran, Guatemala, Cuba, the Congo, the Dominican Republic, and South Vietnam, which have had disastrous consequences for US interests. The White House authorized assassination plots in Cuba, the Congo, and South Vietnam, and provided legal sanction for the CIA to create secret prisons, conduct torture and abuse, and pursue renditions, often involving totally innocent people without recourse to judicial proceedings.

Myth Number Five: The 9/11 and Christmas Day failures were due to the lack of sharing collected intelligence.
The conventional wisdom is that the 9/11 intelligence failure was caused primarily by the failure to share intelligence, particularly the failure of the CIA to inform the FBI of the presence of two al-Qaeda operatives in the United States. In actual fact, the problem was far more serious; it was a problem of sloppiness and incompetence in dealing with sensitive intelligence information.

It has been established that 50–60 analysts and operatives from the CIA, the FBI, and the NSA had access to information that Khaled al-Mihdhar and Nawaf al-Hazmi, who had links to al-Qaeda, had entered the United States long before 9/11. These analysts and operatives failed to inform leading officials at their own agencies of the two al-Qaeda operatives, who fell through the cracks of the system. Eight years later, the Nigerian bomber similarly escaped detection despite excellent intelligence collection that was seen by most intelligence agencies. There is still an inadequate flow of information between intelligence agencies. The United States lacks one central depository for all information on national and international terrorism, and the proliferation of intelligence agencies makes sharing of intelligence products even more cumbersome. The DNI and the National Counterterrorism Center (NCTC) were created after 9/11 to make sure that intelligence was shared, but this led to a downgrading of the CIA and the lack of a single agency responsible for analyzing intelligence on terrorism.

The worst example of the failure to share finished intelligence took place in August, 2001, when the CIA produced a controversial item for the President’s Daily Brief (PDB) that warned of a possible terrorist attack in the United States. It was briefed to President Bush only five weeks before the terrorist attacks in Washington and New York, but it was not given to any of the intelligence chiefs of the community except for CIA director George Tenet, who was also the Director of Central Intelligence (DCI). The DCI and the PDB were responsible for incorporating the findings of more than a dozen intelligence agencies, but those agencies (including the FBI and the intelligence departments of State and Defense) were kept in the dark about what the CIA was providing to the president.

This practice, which continues to this day, inhibits peer review of questionable reporting and analysis, which is the greatest weakness of the intelligence community. Unlike the academic, scientific, and medical communities, the intelligence community largely abhors the sharing, vetting, and reviewing of its finished intelligence. If the PDB item of August 6, 2011 was an actual warning of a terrorist attack, then the warning was muffled by the lack of sharing intelligence. Denying PDB access to leaders of other intelligence agencies may provide the CIA director with unparalleled access to the president of the United States, but it does not serve the interests of the United States.

Myth Number Six: The CIA successfully recruits foreign assets. In fact, the CIA’s National Clandestine Service (NCS) relies on walk-ins and rarely recruits major espionage assets. The most successful walk-ins, moreover, such as Col. Oleg Penkovsky, often have great difficulty in getting CIA operatives to accept them. And Vasili Mitrokhin, a KGB archivist who brought thousands of pages of valuable notes to the West, volunteered twice to the CIA, was turned away, and then went to the British who recognized the gold mine that he was.

The NCS has had little success in recruiting assets in the closed world of terrorism or in closed societies such as China, Iran, and North Korea. Many of the agents recruited from Cuba, East Germany, and the former Soviet Union were double agents reporting to their host governments. The suicide bomber in Afghanistan responsible for the deaths of eight CIA employees and contractors in 2009 was a double agent. The CIA’s clandestine officers responsible for this costly tragedy ignored every aspect of tradecraft in allowing the bomber access to a sensitive facility without the proper vetting.

The CIA has to rely on foreign intelligence liaison sources for sensitive intelligence collection and even the recruitment of foreign assets. There are few al-Qaeda operatives who have been killed or captured without the assistance of foreign liaisons, particularly the Pakistani intelligence service. But the suicide bomber at the CIA base in Afghanistan in December was recruited with the help of the Jordanian intelligence service, an
extremely risky way to recruit assets; he was brought onto the base without proper inspection and met with more than a dozen officers.

President Obama’s appointment of former CIA deputy director John McLaughlin, a master of the CIA cover-up over the past two decades, points to business as usual at the CIA. Instead of a CIA outside the policy community telling truth to power, providing objective and balanced intelligence to policymakers, and avoiding policy advocacy, as President Harry S. Truman wanted, we now have the CIA as a paramilitary organization.

Starting School

by Jake Radin

It was not a dream. This memory appeared before I drifted off to sleep one recent chilly night.

The setting:

It is 1921. I am five years old. It is a time when our family—Papa, Mom, and I—are living in the four rooms over our grocery store in Chattanooga. Papa is in the store downstairs, taking care of the morning trade, mainly children on their way to school. Two blocks away, perched on a slight hill, sits the Second District elementary school, a big decrepit brick building with wide halls and iron steps between floors.

I have a vision of Mom seated with me in our kitchen which is dominated by an enamel coal-burning stove, connected by 90-degree angle stove pipes to the chimney. Standing next to it is the scuttle which Mom uses to carry the coal up from the basement. Through the rear window we are watching the children trudging their way in small groups toward the school.

Mom is in her middle twenties. I would like to think that this was a happy period in her life. A dedicated mother, she would soon have another son in June. Her life had not been easy and many challenges lay ahead. Her father died when she was a child, forcing the breakup of a family of five children. Luckily, she was able to escape to America with an older sister.

age ten or eleven she was working under harrowing conditions, as a seamstress in a sweatshop.

Mom called out to in her native Yiddish to the children.

“Kinderlach, kinderlach, wart far Jankele” (Children, children, wait for little Jakie). She was looking forward to the time when I would join the school crowd.

I did not have a long wait.

My sixth birthday would not come before February. A new school year was starting in September, and Papa was unwilling to waste a year. He found a copy of the first-grade reading book and took it upon himself to teach me to read Baby Ray. When I became proficient, we went up the hill to see Miss Katie Price, the kindly first grade teacher. She passed me and I enrolled in September 1921 instead of the following year.

Weaving My Senses

by August K. Spector

I will never forget that day
To find the battle continuing
War torn I returned
From Iraq and Afghanistan

Ahead … a Mosque
Its high Minaret calling believers to prayer

A beautiful afternoon
Though we troops were given the responsibility
To protect worshipers assembling outside their holy walls

Suddenly the Minaret flew into the air high above
All assembled … believers and non-believers alike … ran their ways
Suddenly the noise of another explosion within the Holy Mosque
Spread bricks, glass, bodies onto our paths

Lying on the ground hearing … seeing nothing
Was the last I was able to view my surroundings
Figured I was dead … being transported to heaven above
Woke from my deep slumber lying in a hospital bed.

Still I could see nothing through my eyes
Sounds were everywhere
Doctors, nurses, orderlies … talking
Some gently … others not
I turned to the closest voice, “Am I in the Mosque?”

Learned … I was no longer in the middle of the East
Was in a hospital awaiting my long trip home
Westward to good care in the States
Care to give me sight again … enjoy life again

I inquired about the others on my team
Unfortunately, was told most did not survive
“I Those who did would soon be well
And so will you,” the soothing voice replied

I realized I’d never view life the same
That terrorist blast long ago
Stopped my eyes from functioning
Nothing on my sides, nothing ahead … nothing

Depression overcame my soul
Through eyes … never to view my wife, parents, children with love
Family and friends disappearing to memory
Forever blind … the sun … stars … left behind

Today sitting in this park
Before me watching happy play
Again learning to enjoy life
I have left depression long behind

The park … busy sometimes
People crossing end to end
Walking along the red brick path
Cherry red bricks encircling the green grass

Edges enclosed with tall old oak trees … bring shade from the hot sun
Trees carrying beautiful seasonal colors … reds, yellows, brown, green
Keeping their short reign … forever changing
Though always budding with new life

Grass recently mowed … noisy mechanical equipment
Mowing down high thin green blades rising from the ground
Collecting newly dead life … slowly changing to mulch
A rotted after afterlife … mulch … now cover roots of weeping willows

Sound is what I experience
Wonderful varied sounds
Fathers catch baseballs thrown by their cheering children
Girls chase mothers running on the red brick walk

Sounds … voices … music … automobiles and buses … birds … dogs
Sounds tell stories … stories about those who make them and those who listen
Hearing these sounds creates within me images of beauty ... sometimes sadness
But, it is the sounds of beauty that I remember
Voice of folks seriously discussing the weather of life
Health ... aches and pains ... operations ... recovery
Diplomacy initiated in the past ... now different ... though somewhat the same
Of future problems grandchildren may have ... resulting from today's flair of world affairs

When I was a child I too played in this park
Grasping my football ... father chased me on the green grass
His long arms outstretched, tackling my legs
My son, now will never know such days

Violin and cello music enter through my left ear ... I turn my head as if to see
One chord from the violin pitched high ... another ... by the cello ... a deep low tone
Music played in harmony ... creating colorful thoughts within my mind
Beautiful music ... enhancing an inner sight ... extending the worlds of reality

There is much to see ... to experience ... to take back
To tighten the internal and external bonds in a meaningful pattern
Meaningful ... useful for enhancing my trip forward
As I step down onto my red brick path toward the future

Although believing I lost my potential to deal with the future
Resulting from that trying experience ... below the rubble of the Mosque
Through self-understanding ... my brain and even my heart have been cleansed
My life-giving experiences helped cleanse and fashion my understanding of life and death
My new sight is clearer now ... I've gained new senses
Senses providing different opportunities used to weave my world together
The destruction of one sense can give an individual an opportunity to create a new reality
A reality to be extended into their future

Sochi: The Penguin and Sgt. Pepper
by Judy Estrin

Sochi has been much in the news lately; the Winter Olympics bring back memories from March 1972, when our family (with two preschool daughters) spent a few days in Sochi, then a remote resort town on the Black Sea. What were we doing there? My husband Alex, who speaks Russian fluently, was a guide at a US Information Agency exhibit, “Research and Development USA,” which was traveling to six Soviet cities. Our six-month half of this year-long exhibit would take us to three Soviet cities. We had just completed a two-month stay in Tbilisi, the capital of Soviet Georgia, and the next two exhibit sites would be Moscow and Volgograd. While the exhibit hardware was en route to Moscow, we were free for a week. We were eager for a change of scene and a respite from the cold. The Intourist
agent recommended Sochi. “It’s quiet and healthful. It will be good for the children.”

We took a shaky Aeroflot flight to Sochi and checked into an ornate, turn-of-the-century hotel that was seedy but full of atmosphere. It was a place where prerevolutionary aristocrats must have come to take the waters. There wasn’t much to do in Sochi in March but take long walks by the Black sea, where there were few passersby as workmen were getting the place ready for summer. We strolled along, getting the usually curious stares from Russians who appraised the children’s nylon parkas and my leather boots.

Suddenly, our three-year-old daughter Michele ran on ahead. She was attracted by a girl about her age who was walking a penguin. Actually, the black and white plastic penguin was battery-run. When the girl squeezed a rubber bulb at the end of the penguin’s leash, it waddled forward with a buzzing sound. It was an unusual toy for Russia, even for the United States. Michele was fascinated as she squatted and watched it with big eyes.

The little girl’s father, who was sitting nearby, came up and urged Michele to play with the penguin. He greeted us and was surprised to learn that we were Americans and that Alex could speak Russian. He grabbed his hand and pumped it enthusiastically. “I want to congratulate you. Your country accomplished a great feat in getting a man on the moon.” It was obvious that the event that took place three years earlier had captured the imagination of Russians, in spite of the cold war and Sputnik.

While the two girls played with the penguin, Alex and Oleg continued to talk. They were the same age and had both trained as engineers. Oleg’s friendliness was not unusual. On a person-to-person level, Russians could be warm, especially toward children. Although some Russians might talk to us in a park or other neutral place, they usually didn’t want it to be noticed by the authorities.

The next day, when we took our usual stroll along the shore, Oleg appeared, with his daughter, Tanya, clutching a large white box. He thrust it at Michele, and she opened it with excitement. “Look! a penguin!” she shouted. We were touched by the gift and thanked Oleg. He wanted us to meet his wife when she got off work, and we made plans to meet that evening at a small restaurant near our hotel. We were glad to have the chance to get to know some Russians more personally. However, even Oleg was not totally fearless. He said, “If anyone asks, tell them you are from one of the Baltic countries.”

Over dinner we discussed the exhibit, our impressions of Russia, and our life in the US. Russians visiting the exhibit often asked questions about the quality of life, and Oleg asked similar questions. What do you earn? How much do you pay for an apartment? Do you really own a house? What did you pay for it? How big is it? How many months must you work to buy a car? In Sochi there weren’t many opportunities to meet Americans, so this was his chance to find out more about life in the US.

At the dinner, Oleg and his wife told us about how much they liked living in Sochi, their trips around the Soviet Union, and their proudest possession: a car. He mentioned that he had a dream to get a copy of the Beatles album, “Sgt. Pepper’s Lonely Hearts Club Band.” Alex said he would send him the album, but there could be problems getting it through the Soviet mail and security systems. We didn’t know if it would reach Oleg, but it was worth a try. We chatted some more, but it was getting late. Because we were due to leave Sochi the next day, we said goodbye and exchanged addresses. We wondered if we would ever hear from Oleg; it was said to be dangerous for Russians to write to Americans.

When we were back in the US, we sent the Sgt. Pepper album and a Beatles poster by airmail and also sent a letter telling Oleg that it was coming. A few weeks later we got a note thanking us profusely for the album. “All our friends enjoy listening to it; it is a sensation! The poster of the four Beatles is proudly displayed in our living room.” He also appreciated that the words for all the songs were on the back of the album cover, so he could follow them in English.

We were very glad to hear that they were enjoying the Beatles and glad, too, that we had repaid Oleg’s generosity.

Over time, we lost touch with Oleg. But now, years later, we remember the friendly Russian in Sochi and
his warmth and generosity. We wonder if Sgt. Pepper is still the hit of Sochi.

Images on Siesta Key
by Anne Saxe

A wide beach of white quartz, powdery sand, firm and cool to the touch, gradually reaches out to meet a gentle surf whose bands of aquamarine, blue, and turquoise stretch as far as the eye can see out to the horizon.

A peaceful cloudless scene, unlike the angry surf that beats endlessly against a rocket northern shore, with a harsh pulsating rhythm that revitalizes and stirs my melancholy soul.

Today I am calm, mindless, receptive to this gentle scene.

I sit in a pink flowered sand chair under a ruffled lavender beach umbrella, half avoiding, half inviting the sun, half reading, half dozing, languidly awaiting the return of my more energetic crew from their mile-long walk along the shore.

Nearby, at knee level, stands a sandcastle and watchtower, surrounded by high walls and a drawbridge. Three young children pour water into a deep channel, careful not to disturb the swirling roads that surround their magic kingdom. All is still.

An occasional bird is seen in flight. A sandpiper hops along the water’s edge. A multi-colored parachute, with knees dangling from below, rises and falls and glides across the sky.

Tired from nothingness, I take my book, walk back and climb the steps to our patio, enter the apartment, lie down on a cool leather sofa, under a whirling fan. Siesta time.

I am here—in the moment
My other life forgotten—where is it?
I try to fathom time and place—but can’t.
All but the present—is a dream.

Later. The Cocktail Hour

Two lovely mermaids, one blond, one brunette, tall, slightly buxom, adorable in matching bathing suits, are ready to serve.

They come with big hostess smiles,
bearing spicy Bloody Marys,
each glass sprouting a celery palm tree.
Photo op! Peter quickly goes for his camera.

We go back to the beach.
It is quiet as family groups depart.
Soon Ellen returns with crispy rounds
of mozzarella and red peppers, drizzled with olive oil,
and huge shrimp, draped over glasses, dipped in cocktail sauce.
Can it get better than this?

We linger as the sun sets,
a huge ball of fire, glistening
and scattered into tiny dots over the ocean’s surface,
soon disappears behind the horizon,
leaving celestial brush strokes of pink and gold.
A few stray figures by the water’s edge
appear as a black wavy outline against a darkening sky.

Tomorrow we must all board flights
back to places where that other life exists.
We pack, slightly frenzied, the night before
Janet can’t find her driver’s license,
which appears later in Ellen’s wallet.
A madcap, mixed up tale—but such relief
And on route to the airport,
we all agree it’s been a wonderful time.

Lawyers
by Jerry Mandelberg

Miss Smith came into my office very upset. She had been ticketed for recklessly smashing into a police car. This did not appear to be a very interesting case, but frankly, a lawyer’s practice is composed almost entirely of humdrum routine matters that rarely stir the imagination.

They are our bread and butter, and we’re happy to get them. So I tried not looking down my nose at this one. Miss Smith, who told me that she had been coming home from work, was on the way from downtown Baltimore to her home off Route 40 near Rolling Road. Her normal route home was up Franklin Street to Route 40, and then home. The time was close to midnight as she passed an intersection about two blocks before Rolling Road where she had the green light, when suddenly a police car swerved into her path. Because of his sudden action, she could not avoid a collision and smashed into his front right fender. She said he had neither flashing lights nor siren on at the time of the collision.

The two policemen in the car got out, walked away from the collision scene and wandered over to the opposite side of the road where another police car sat. We later learned that the two police cars had planned to meet here for it was their favorite meeting spot. The policemen chatted for about five minutes, she said, and let her sit in her car dazed and confused. Soon, one of the policemen from the waiting car came over and gave her a ticket for going through a red light, and reckless driving. She insisted the light was green.

Since some people in the most indefensible positions will swear to their innocence, I probed. Was she sure of the light? Was she certain there was no screaming siren or flashing lights? She stood her ground. Her eyes, her voice, her body language seemed to say she was truthful. Was she? I didn’t know. It seemed to me that this case needed some “shoe leather”. How was I going to corroborate her testimony? How much time to spend on a case is always difficult to determine. It was not wise to spend endless hours on what seemed open and shut—not profitable for you or your client. But there was something that my “nose” detected.
Why did not the police from the impacted car first go to see if Miss Smith was injured? What was discussed when they walked across the street to talk to the other policemen in the waiting car? Since Route 40 was a well-traveled street, were there any witnesses? Something smelled here—I wasn’t sure what.

Step one was to see the police report. There had to be one, and there was. The facts seem clear enough on the report even though differing from Miss Smith’s version. The report said Miss Smith went through the red light and hit the police car on its right front fender. Period, end of story. On the section of the report dealing with possible witnesses was listed a Robert Brown with a line drawn though. There was no statement from him. There was no indication of an address or any location where he could be reached. Who was he and where was he? The smells got stronger.

Step two was to visit the scene. On one of the corners was a filling station, and I noticed its sign indicated that it was open 24 hours per day. Sure enough, Robert Brown worked the night shift here. They gave me his name, address, and phone number. The smell was overpowering.

I called Mr. Brown. He had worked that night and saw the accident. He substantiated everything Miss Smith had told me. The police car was clearly at fault. Right after the accident the police from the two cars got together to discuss what to do. Mr. Brown was about ten feet away and was close enough to hear them. In addition, it was unusually quiet that night, and the raised voices carried very well. At first, the policemen did not notice his presence. When they did, they came over to him and simply asked his name. Mr. Brown said that Miss Smith’s car was not speeding but going at a moderate speed. On the other hand, the police car seemed to be in a big hurry, and it was the police car that struck her and not the other way around. Would he testify in court? He said yes. My nose was right.

But we had to go to trial. What would the police do when I presented this evidence? There are standards in trial work that say you never ask a question of someone testifying unless you already know the answer and you try to determine your opposition’s positions. You do not want surprises. I had to try and figure out what they might do. Miss Smith was innocent.

The trial before a Traffic Court magistrate came up two weeks later. We were there, my innocent client, and my witness. Two of the four policemen showed up, the ones that ticketed Miss Smith, but not the officers in the police car that was struck. When the policemen noticed that Miss Smith had an attorney with her, they got their first rude awakening, and when they noticed whom we had brought with us, they got their second. They recognized the filling station attendant. Two more rude awakenings were yet to come.

There were three trials before us, and in two of them attorneys represented the defendants. In both of those cases the lawyers had been rather brutal with the policemen. In both of these cases the defendants were acquitted. “My” policemen were beginning to look very worried. They started making signs that they wished to talk to me, but I ignored them. I knew when I was ahead and saw no advantage to my client to speak to them, not with the evidence I had. I almost felt sorry for them for what was about to happen to them. The clerk called the case number and we approached. As usual, the ticket-issuing officer rattled off the basic facts in a shaky voice. I did not cross-examine him. There would have been no point to it. I had more than enough to refute him even though he, as a police officer, would usually carry the presumption of truth, and deservedly so. He breathed a sigh of relief. But it was short-lived. I introduced my client who told her side of the case. Then I proffered my witness’s testimony. That is, I told the court—the judge, really—that my objective witness—the witness located by the police themselves and so noted on the police report—was prepared to back up everything
to which Miss Smith had testified. The judge decided in the interest of saving time that it was not necessary that my witness testify personally and he, the judge, would accept my proffer. I did not call the police liars, although they were; instead I suggested to the court that there was more than a scintilla of reasonable doubt in this case and that Miss Smith should be found not guilty.

The judge agreed with me and Miss Smith was found not guilty. In addition, in poisonous tones he said that he would like to see the two police officers in his chambers immediately. I do not know what he said to them but I can imagine.

The client was happy. She paid me, and I was happy. Everybody was happy—except for two policemen.

A Change of Heart
by Leight Johnson

I’m sure I’m not the first to find that a personal crisis can change one’s outlook. Several years ago, when I was still young (60), I attended a conference on the advisability of attempting to resuscitate elderly people. It was pointed out that CPR is seldom successful, and that those who are revived often spend months in intensive care facilities afterward.

This led to a discussion of the proper allocation of finite health care resources, and how it seems wasteful to expend them on people in failing health who will probably not live much longer anyway.

The consensus among those attending, most of whom were health-care professionals, was that our society must soon come to recognize the futility of trying to keep people alive at any cost, and must develop a system of choosing who is to be given full medical treatment and who should be refused it. We were all being objective, which is easy to do when you’re dealing with issues in the abstract.

When I was awakened by massive chest pain late one Friday night a few years later, I realized that I was having a heart attack and called immediately for an ambulance. The next few minutes were the worst part of the ordeal, sweating, struggling for breath, and wondering when the ambulance would arrive. It did, of course, and my treatment began even before we reached the hospital. The rescue crew was in touch with the hospital, and started an IV while we were still underway.

Once we arrived at the emergency room I was the center of a flurry of activity by the medical team, hooked up to a bank of monitors, and injected with the medication that I learned later was able to clear the arterial blockage that had brought all this on.

After three or four hours I was moved into the Intensive Care Unit where I shared the attention of a nurse with only one other patient, and a doctor who looked in on me every few minutes. I was still tethered to a monitor and an IV pole, and still felt as if someone were standing on my chest, but I realized that I was going to survive this after all.

A day and a half later, now wearing a transmitter that relayed my heart behavior to a monitor at the nurse’s station, I was moved from the ICU to a regular room.

The next morning I underwent angioplasty, where a catheter is inserted into the femoral artery and pushed up to the heart, a balloon inflated to open the blocked artery, and a device called a stent is placed to keep the artery open. This procedure was followed by a couple of hours in a recovery room, again with nearly constant attention from a nurse.

Two days later I was sent home. My bruises had disappeared, I could walk around the block without puffing, and my appetite was nearly back to normal. When I told the doctors that I had played squash the day of the attack, they assured me that I could expect to play again.

Was all this treatment expensive? Total charges for the five-day stay were $16,524, of which the largest single item was $7,557 for “pharmacy.” That was just the hospital bill; I had yet to hear from the doctors.

Was it worth it? Those of us at the conference long ago might have said no, but I see the issue differently now.
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