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Mt. Holz Science Fiction Society
07/10/20 -- Vol. 39, No. 2, Whole Number 2127

Table of Contents

[Computer Sentencing for Crime](#) (comments by Mark R. Leeper)
[QUATERMASS AND THE PIT](#) (letters of comment by Paul Dormer, Scott Dorsey, and Dorothy J. Heydt)
[Entanglement](#) (letter of comment by David Goldfarb)
[Art Show Tours, Hugo Voters Packet, Sagacity, Alcohol, "Meseems", and Broken Link](#) (letter of comment by John Hertz)
[This Week's Reading](#) (AUTHOR IN CHIEF) (book comments by Evelyn C. Leeper)
[Quote of the Week](#)

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Computer Sentencing for Crime (comments by Mark R. Leeper):

This is one of my serious columns. There aren't many of them, but they do exist. However, just because I am serious here, it does not mean that I do not intend to get to a science fictional idea eventually. But you will have to wait a while for me to get there.

Though this was sparked by a very old discussion, the issues involved are still relevant and the subject-matter is still controversial and is relevant to science fiction.

In the July 15, 1996, issue of the NEW YORKER magazine, page 72, Judge Sol Wachtler argues against the current call for mandatory "cookbook" sentencing for crimes. The same crime gets the same sentence.

Wachtler believes that one of the major reasons you have a judge for a trial is to examine the mitigating circumstances of the crime and to decide what the punishment should be. He asks the question should a mother who steals powdered milk to feed her child be given the same punishment as a man who steals powdered milk to cut heroin before selling it. He feels not and he feels that you have a judge to realize that former crime should get a light punishment and the latter a heavier sentence.

Immediately I see three things I consider wrong with the judge's argument here. The first and biggest objection is that possessing and/or selling heroin is a crime that carries a penalty, and feeding a baby is not. Hence we are unlikely to see the two people getting the same punishment for their actions overall, even if they get the same punishment for theft of the milk. It is not clear to me from this argument that the theft should not be equally punished, but the heroin pusher should get an additional sentence for the possession and sale of heroin.

My second objection is that while Judge Wachtler talks about the mitigating circumstances of the crime he omits any reference to the amount of damage that each crime does. It may well be unintentional, but if the mother's stealing the milk

causes some serious damage that the heroin pusher's theft does not, that, in my opinion, should be factored into the sentences. Let us say for the sake of argument that the grocer sees the woman's theft and chases after her, right into the path of a speeding car. Suppose the car hits the grocer and kills him. The damage was precipitated by the woman. Her motives for the theft may have been as pure as Jean Valjean's, but she created a situation that led to the grocer's death and I would think that should be factored into the sentence. Judge Wachtler does not suggest that the amount of damage done should be factored into the sentencing process, and I feel this is a serious omission.

My third complaint with his example, admittedly a lesser one, is that by bringing the gender of the two offenders into his description he seems to be implying that it is a part of the mitigating circumstances. If it is a man stealing milk for a child and a woman who is the heroin pusher I would hope that the judge would feel exactly the same way about the case. Judge Wachtler chose to describe the two cases in a non-gender-neutral manner and that is frankly a bit irksome.

My feeling, however, is that one of the great advantages of mandatory sentencing is the uniform application of the law. If the law takes out of the hands of the individual judges the specific punishment, it means that the question of whether a specific judge is lenient or strict will no longer affect the fate of the criminal. And regardless of what rights the accused has and has not, every person accused of the same crime should have precisely the same set of rights. If the accused is convicted, the degree of punishment should not be a matter of the "luck of the draw," dependent on which judge was chosen to decide the case.

But there really are two independent factors here. One is the uniformity of the application of the law, which Judge Wachtler does not mention, the other is the degree of complexity and the factors taken into account in the sentencing decision. Judge Wachtler seems to believe that the only way to have a system that takes into account of all the mitigating factors is to give judges complete autonomy in sentencing. It is Judge Wachtler's belief that complex decisions require a great deal of localized autonomy.

That may have been the case at one time, but we are reaching a higher level of technology. We are approaching a time when the most complex decisions cannot be entrusted to individual autonomy. For years there have existed artificial intelligence programs that diagnose disease. Diagnosing disease is a fairly complex decision process. Yet there exist computer programs that do a good job of asking the right questions and from the answers diagnose disease with a fairly respectable reliability. And the process is executed the same way from Seattle to Miami. How different is the complexity of the process diagnosing illness and that of determining sentences? My guess is that they must be of about the same order of complexity. If that is the case we could have a national AI program that would suggest sentences for convicted criminals. It would take a while to debug, as AI programs inevitably do. At least initially it would be only advisory and if it gave an absurd sentence, it could have additional questions programmed into it to refine the decision tree. Eventually it could be the basis of a uniform national sentencing structure. I hasten to add I am not saying the program would determine guilt or innocence. It would only assign reasonable sentences to the set of circumstances of a crime. We may live to see that done and it would be a fairer way of determining sentences than what we currently have. And if it would be fairer, we have a responsibility to at least reach that level of equity, if not this way at least by some other way that is as good. [-mrl]

QUATERMASS AND THE PIT (letters of comment by Paul Dormer, Scott Dorsey, and Dorothy J. Heydt):

In response to [Mark's comments on QUATERMASS AND THE PIT](#) in the 07/03/20 issue of the MT VOID, Paul Dormer writes:

This was actually based on a TV series done by the BBC in late 1958. (There were three Quatermass series done by the BBC in the fifties and they all were made later into films.)

I remember my mother telling me she watched episodes of that alone. I guess my father was out at meetings (he was active in local politics and his union) and me and my siblings would have been in bed by then. She found it very scary.

The TV series is available on DVD, apparently. [-pd]

Scott Dorsey replies:

Some of it is. A lot of episodes were lost. Only three episodes of "Quatermass and the Pit" still exist, and only two of "The Quatermass Experiment". This is just enough to get you really interested in seeing the rest of it.

All of the existing episodes have been shown at Arisia. [-sd]

Paul answers:

Are you sure? Wikipedia says otherwise. Furthermore, I remember watching a repeat screening on the BBC in the eighties, complete. And I think they showed it complete as Seacon 79, my first Worldcon.

The specs for the region 1 DVD says 207 minutes, which is consistent with 6 episodes lasting 36 minutes each, which agrees with what Wikipedia says.

The region 2 DVD is all three series, but it doesn't say how many episodes. However, one of the reviews says it is only "The Quatermass Experiment" that has missing episodes. [-pd]

Dorothy Heydt says:

I have on DVD both the TV series and the film adaptation. Time I watched one or both again. (N.B. IMO the film was better, but it had better SFX.) [-djh]

Evelyn adds:

In a desperate attempt to end the dispute, I will note that we have one episode of "The Quatermass Experiment" (the second episode), all six episodes of "Quatermass II" and all six episodes of "Quatermass and the Pit". We also have all three movies, as well as the mini-series "Quatermass" and its theatrical version THE QUATERMASS CONCLUSION (a.k.a. QUATERMASS IV), and the radio series "The Quatermass Memoirs".

(Yes, I know there was a 2005 version. We live in the US, and I don't think there is a Region 1 version.) [-ecl]

And Mark writes:

Recognize you are talking about my favorite film of all time. In the 1960s to 1980s, when it was virtually unknown in the U.S. I bored a great number of science fiction fans proselytizing for the movie QUATERMASS AND THE PIT which I considered the best science fiction film ever made.

(Surprise!) QUATERMASS AND THE PIT does show up once or twice a year in the U.S. on Turner Classic Movies under the American title FIVE MILLION YEARS TO EARTH. It is worth the wait.

What the BBC plays actually constituted was not exactly a series. It was a sequence of plays, each one highly popular. Each was so good the public demanded a sequel.

Only one or two chapters of "The Quatermass Experiment" remain. Then the broadcast technology improved and nothing was ever lost again. I know it because I have copies of all the rest. Oh, I also do not have the 2005 remake of "Quatermass Experiment". (Not a big loss.) [-mrl]

Entanglement (letter of comment by David Goldfarb):

In response to [the closing quote](#) in the 07/03/20 issue of the MT VOID, David Goldfarb writes:

[You wrote:]

You and your mate living together but isolated in your house are 'entangled'! You both have it or don't. If you leave the house and goes to a testing facility--even on the other side of the world, you will have Einstein's 'spooky action at a distance'! As soon as the test reveals that you have it (or not), then you know instantly what the state of your mate is!

This is the concept of "hidden variables". In the case of you and your spouse, the type of hidden variable is obvious: the virus is present in your systems or it isn't. But for quantum particles like photons, there are mathematical and experimental proofs that these hidden variables don't exist. There is no equivalent of the virus to find--the photon's polarization really isn't determined until it's measured. [-dg]

Art Show Tours, Hugo Voters Packet, Sagacity, Alcohol, "Meseems", and Broken Link (letter of comment by John Hertz):

In response to various issues of the MT VOID, John Hertz writes:

I should have known better than to try (in MT VOID 2117 [05/01/20]) telling E she was wrong. of course she found a way to explain how I was wrong.

Arranging SF con Art Show tours I invite people to lead them. Sometimes I get a response, "Who am I to go around telling folks what's wrong with pieces of art?" I answer, "Why not just talk about points you can honestly praise?" That's what I do

on the tours I lead. It's safer--what if the artist is on the other side of the display panels?--and anyway it's interesting.

I was thinking John Scalzi might be entitled to the Serendipity Prize (or No-Prize, for Marvel Comics fans) for inventing the Hugo Voters Packet.[*] Back then no one guessed public libraries and many bookshops would be closed because of some virus when people wanted to catch up reading or re-reading. Then I remembered Walpole said the Three Princes of Serendip were always making discoveries by accident *and sagacity* of things they were not in quest of. We already have the notion of good luck.

The word "sagacity" always reminds me of sagrazi in "The Proud Robot" [by Henry Kuttner]. Maybe because in that story Gallegher combines accident with sagacity.

For me the pleasure of alcoholic drinks (MT VOID 2120 [05/22/20])--good ones--is subtlety of flavor and aroma. I don't like being drunk. It feels as if someone put sludge in my motor.

Sam Johnson said "meseems" should replace "methinks" [MT VOID 2124, 06/19/20]; it's more reasonable to say "it seems to me" than "it thinks to me". Meseems the attention to beauty is an integral part of "No Woman Born" (MT VOID 2120 [05/22/20]). It's why Kuttner & Moore chose their motto for the story. [-jh]

[*] Actually, the nitpicker in me requires me to point out that Brad Templeton came up with the "Hugo and Nebula Anthology 1993 CD-ROM" (ISBN 9781569410127) almost thirty years ago. [-ecl]

Evelyn also adds:

"Being drunk" always reminds me of the HITCHHIKER'S GUIDE TO THE GALAXY exchange:

"It's unpleasantly like being drunk."
 "What's so unpleasant about being drunk?"
 "You ask a glass of water."

"Meseems" meaning "it seems to me" seems one of the few examples in English of the Spanish sentence construction of placing the object before the verb, e.g., "Te amo" = "I love you". Or the reflexive construction, "Me amo" = "I love myself".

Also, in the HTML/PDF versions of the MT VOID issue of 04/24/20 [MT VOID 2116], I accidentally lost the link for John Hertz's article on A CONNECTICUT YANKEE IN KING ARTHUR'S COURT; it should have been <http://File770.com>. [-ecl]

This Week's Reading (book comments by Evelyn C. Leeper):

AUTHOR IN CHIEF: THE UNTOLD STORY OF OUR PRESIDENTS AND THE BOOKS THEY WROTE by Craig Fehrman (Simon & Schuster, ISBN 978-1-4767-8639-1) should probably have added "AND THE BOOKS THEY DIDN'T" to the subtitle. From the beginning, when we discover that Washington's famous farewell speech was written by Alexander Hamilton, to the long discussion of how Kennedy didn't write either of the books for which he received (and accepted, and indeed, pursued) acclaim, this is as much a book about Presidential ghost-writers as about Presidential writers.

Fehrman does not say that ghost-writing is dishonest, but he does say it should be done well, which seems to mean that the subject and purported author does more than a couple of short interviews with the ghost-writer, leaving all the work to the latter.

There are of course Presidents who did write their own books, but often this was more true of works written before they became President than to their post-Presidential books.

What I found odd in a book written by a journalist discussing the processes various men used in their writing is that Fehrman himself needed a better editor. One encounters asides that seem as if they should go somewhere (e.g., several about Toni Morrison), but don't, and sentences that are just plain awkward ("He knew Kennedy had an in at Harper's with Michael Canfield, who'd married the sister of Jacqueline, the Senator's wife."). Surely "Jacqueline Kennedy's sister" would have been better, or does Fehrman think readers won't know that Jacqueline Kennedy was John F. Kennedy's wife?

The book does cover a variety of Presidential works--some well-known, others obscure, and Fehrman provides an appendix with his recommended reading list for those who are not completists (see below). There is a lot of background about the authors, both to explain the circumstances under which they wrote their books and (perhaps) to bulk out this book, which also has about 75 pages of notes.

Given the flaws, I would say this is a book designed for the sort of person who visits Presidential birthplaces and libraries, but not for the general reader.

The reading list:

- John Adams: AUTOBIOGRAPHY
- John Quincy Adams: ABANDONED BIOGRAPHY OF HIS FATHER
- Abraham Lincoln: SPEECHES
- Ulysses S. Grant: PERSONAL MEMOIRS
- Theodore Roosevelt: AUTOBIOGRAPHY (Chapter 9)
- Woodrow Wilson: CONGRESSIONAL GOVERNMENT
- Calvin Coolidge: "Books of My Boyhood"
- Harry Truman: MEMOIRS
- Jimmy Carter: AN HOUR BEFORE DAYLIGHT
- Ronald Reagan: WHERE'S THE REST OF ME?
- Barack Obama: DREAMS FROM MY FATHER

[-ecl]

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Quote of the Week:

What is eternity? You're on the checkout line at a supermarket. There are seven people in front of you. They are all old. They all have two carts and coupons for every item. They are all paying by check. None of them have ID. It's the checkout girl's first day on the job. She doesn't speak any English. Take away fifteen minutes from that, and you begin to get an idea of what eternity is.

--Emo Philips

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