

THE BIG CITY

If You Fool Us Once, Jail for You

By JOHN TIERNEY
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SENATOR CHARLES E. SCHUMER wants to make it a federal crime to threaten or falsely report a terrorist attack. If his bill passes, a hoaxer would face penalties of up to five years in prison, fines of at least \$10,000 and reimbursement of the costs due to the hoax, such as police overtime.

Would the bill actually stop any of the guys now amusing themselves by sprinkling baby powder in subway stations and mailing letters with fake threats of anthrax? It seemed logical to consult the dean of hoaxers, Joey Skaggs, the proprietor of www.hoaxes.com and a veteran of three decades of media pranks.

Mr. Skaggs, who is 56 and lives in Greenwich Village, has convinced gullible journalists that he is, among many other things, a psychic lawyer, a gypsy activist fighting the use of the term "gypsy moth" and a doctor who treats baldness by transplanting scalps from cadavers. He made national news by dressing up as a priest pedaling the Portofess, a confessional booth mounted behind a tricycle ("Religion on the Move for People on the Go!"). He appeared on television news programs as the proprietor of a canine brothel for sexually deprived pets — the Cathouse for Dogs.

Mr. Skaggs has mixed feelings about the proposed new penalties. On the one hand, he said, five years may not be enough punishment for someone who causes mass panic — the kind of prankster that Mr. Skaggs disdains. Mr. Skaggs, who calls himself a "sociopolitical satirist" as well as "media activist" and "culture jammer," worries that the jerks are ruining his profession's good name.

"I'm not into meaningless, stupid, vicious, vindictive acts of rage against people or institutions," Mr. Skaggs said. "Nor am I interested in delusional people who confuse their lack of conscience with some tweaked concept of anarchy, pulling off the equivalent of the burning-bag-of-poop-at-the-door trick."

But Mr. Skaggs also worries that a law forbidding the false reporting of threats would outlaw some of his own work. In 1997, for instance, he fabricated evidence of a scientific project called BioPEEP, which was supposedly perfecting a way to put viruses into consumer products that would addict people to the products and then eradicate members of certain races.

"Much of what I have done could become illegal," Mr. Skaggs said. "The purpose of most common pranks is to embarrass, humiliate, frighten, or exploit without malicious intent. How will a law differentiate between a vicious terroristic threat, a harmless juvenile prank and a socially revealing satire? And if they can outlaw my work, what about politicians, advertising and public relations spinsters, and irresponsible journalists?"

NEWS organizations could be in big financial trouble if they were billed for the time spent by the police dealing with minuscule threats inflated into scares by journalists. Politicians could be bankrupted if they had to pay for all the unnecessary alarms they sound to get their faces on television. But it's safe to assume that prosecutors would not be going after such powerful targets, and probably not after anyone as media savvy as Mr. Skaggs, either.

The ones who would be prosecuted are the losers who get their kicks by anonymously scaring others, and it certainly seems fair to charge them for the costs they impose on society. But why stop with money? The time they cost the public is often worth more than the money directly spent responding to a hoax. The total time wasted by the public can easily be longer than the five-year prison sentence in Mr. Schumer's bill.

If, say, someone sprinkled baby powder in a subway station, thereby delaying 200,000 people for an hour, the total amount of time wasted would be nearly 23 years. Wouldn't it be fair to sentence hoaxers to serve the time they've already forced others to serve? If this approach were applied to the creators of computer viruses — an hour in jail for every hour spent disinfecting a computer — some of them would spend their lives in jail. If you've ever had your hard drive wiped out this way, you may think one lifetime is not enough.

But would it be fair to put nerdy hoaxers into prison with violent criminals? Perhaps they deserve their own prisons, where the wardens could cater to their quirks. The imprisoned hoaxers might, for instance, occasionally notice suspicious powders in their cells or odd tastes in their food. They could be awakened for false fire alarms in the middle of the night — all done in their own peculiar spirit of fun, of course. During the holiday season, they could all be treated to whoopee cushions.

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