ward statutes, “often directly contrary to Evidence . . . .” The incent-
itive to false witness inherent in the reward statutes gave rise to
major scandals evidencing the danger.

Next come the reward scandals, which are fascinating.

• See weighty, OED ONLINE (2d ed. 1989; vis. Aug. 16, 2009); JOHN H. LANG-
BEIN, RENÉE LETTOW LERNER, AND BRUCE P. SMITH, HISTORY OF THE COMMON

**SOME WISDOM OF BARNEY FRANK**

In his capacity as chairman of the Financial Services Committee in
the U.S. House of Representatives, Barney Frank made an open-
ing statement at a hearing on July 21. (The subject of the hearing is
irrelevant for our purposes.) He made two especially enlighte-
nuing observations. First, on the subject of email he said:

I have looked carefully at the deliberations we have seen about the
Bank of America-Merrill Lynch issue. And our colleagues on the
Government Reform Committee have had a number of hearings on
that. I must say one of the most interesting and potentially instruc-
tive things that came out [of] it was Secretary Paulson’s explaining
that he could not produce e-mails, because he has never sent them.
That is a practice I recommend to many others. I follow it myself.

Second, on the subject of economics and tenure he said:

Not for the first time, as a – a – an elected official, I envy econo-
mists. Economists have available to them, in an analytical approach,
the counterfactual. Economists can explain that a given decision
was the best one that could be made, because they can show what
would have happened in the counterfactual situation. They can
contrast what happened to what would have happened. No one has
ever gotten reelected where the bumper sticker said, “It would
have been worse without me.” You probably can get tenure with
that. But you can’t win office.

• See Barney Frank on Politicians and Academics, INSIDER HIGHER ED, www.inside-
Holds a Hearing on the Semi-Annual Report of The Fed on Monetary Policy, WASH.
POST, www.washingtonpost.com/wp-dyn/content/article/2009/07/21/AR20-