

# Liberty

November 1999

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Saigon in  
the Andes

Will Janet Reno Finally Pay?  
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## The Waco Massacre

### Will the Lies Ever Stop?

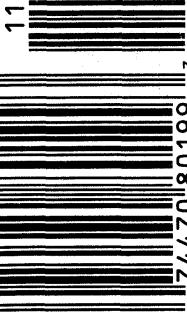
by R. W. Bradford

## Libertarianism in Russia

by Jen Tracy

## My Lunch with Liddy Dole

by Chester Alan Arthur



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# Letters

## California's Regulatory Nightmare

While I am not familiar with the specific situation of Nathaniel Branden ("Branden Speaks," September), I can attest to the credibility of what he said about his experience with licensing boards governing the practice of psychotherapy in California. One of the few states to offer the marriage, family and child counseling (MFCC) license, California multiplies the turf wars which exist between psychiatrists, psychologists, social workers and others who practice psychotherapy. Libertarians ought to be able to appreciate that Branden did not have to do anything unethical or fraudulent to get scrutinized by the state of California. The apparatus of the state has created a complicated pattern of regulation that makes it easy for someone to make a frivolous charge that a psychotherapist is operating outside of his scope of practice.

And while I am not familiar with the particular institute which Branden attended in California, I know of several schools like it in that state. The casual reporter might think they are frowzy diploma mills, but they are, rather, highly specialized professional programs aimed at qualifying the student to pass a specific state licensing exam. Branden's doctoral program appears, if anything, to have over-qualified him, since California's minimum prerequisite for the MFCC license is a masters degree.

Miles Fowler  
Clifton Park, N.Y.

## Seeing Through the Fog

The failure of libertarianism, or any other non-mainstream system of political thought, to gain the allegiance of any but a small cadre of adherents ("Libertarianism As If (the Other 99% of the) People Mattered," October) can be traced to several different conditions which commonly prevail in any society that is not faced with a crisis so pro-

found that it forces most people to re-evaluate the views they hold. Foremost is the fact that most simply don't care very much about politics, a topic viewed as boring and dirty. Sports scores, the misadventures of celebrities, and Martha Stewart's recommendations for home beautification occupy more of the public's attention than do questions regarding how society should function, who should run it, and at what cost to whom. Attention to the first set of concerns provides more certainty and timely gratification to those who have neither the time nor the preparation to become involved with issues that only affect their lives in the longer term.

A second obstacle is the difficulty of obtaining reliable information on the basis of which intelligent choices can be made. Even when that information is available, it is frequently drowned out not only by the self-serving pronouncements of those with a vested interest either in the status quo or in arrangements that would replace it, but also by the passing along of inaccuracies and misperceptions that often have nothing to do with the ideological predispositions of the reporter. Since political opinions are based less on demonstrable facts than on the perception of facts, the latter failure can have profound effects on the ability of the many to make informed choices.

To provide an example of the effect of misperception, I go outside the context of politics and rely on a recent non-event in my own field of employment (computer programming), the worldwide system crash that did not occur on September 9. It had been widely reported that many older (mainframe) computers would experience failures on that day, allegedly represented as 9-9-99 or simply 9999, because their programs would misinterpret this as a code that indicated either the end of a program or a signal to shut down the computer. This "fact" was incorrect in so many

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regards that it is difficult to list all of them. But here is one.

September 9, 1999 is represented as either "09-09-99" or "99252" depending on whether the "Gregorian" or "Julian" date format is used. Even with the year represented by only two digits, the presence of 31-day months and 12-month years require a minimum of six characters to represent the date. The "true" reason for Y2K concerns is that three months from now six characters, omitting information to indicate in which century the date falls, will no longer be sufficient.

The number 9999 is encountered repeatedly in data processing. It is interpreted simply to mean "one less than ten thousand." But it looks alarming, even apocalyptic, and when it comes to considering how such information might truly be interpreted, even computer technicians find the subject rather dry.

Frightening stories can boost newspaper sales and television viewership, however, especially when they deal with matters that are murky but that can affect a person's life in an important way. Imagine thinking that there was some chance Frankenstein's monster would soon visit your town. Then, when this didn't happen, imagine how credible further predictions of similar disasters would be.

To many, labor negotiations, theories of marginal economic behavior, interpretations of constitutional law, subtleties of international diplomacy, and other real-life factors that affect politics, are every bit as intimidating and unfulfilling as the computer example given above. Moral concepts and emotional predispositions take hold far more readily, even in issues of acute self-interest where the observer could be presumed to want to know the exact consequences of every factual detail.

The results of misinterpreting information are not lost on opportunistic politicians or pressure groups. Added to preexisting popular prejudices and an increasing disdain for logic on the part of many, this effect can explain fairly easily why a vast majority disbelieve, or fail to grasp, what seems obvious to some, even assuming that the majority is disposed to care in the first place. Our vice president has built himself a very successful

career as a "technical expert" by pretending to speak to issues such as the one above, even though much of what he says is recognized as nonsense by those in a position to know better.

Libertarians pride themselves on having a logical philosophy, one based both on a coherent explanation of the political and economic world, and on the lessons of history. But until a compelling rationale is presented for ordinary people to face the tedious chore of thinking about matters that do not normally interest them, and to keep at it until they are convinced that they have access to accurate information, only a few true believers are ever likely to be convinced by the actual doctrines of libertarianism, or of any other political philosophy.

Thomas Sherwood  
Mc Kinney, Texas

### Moral Harmony

Loren Lomasky ("Libertarianism As If (the Other 99% of the) People Mattered," October) argues that certain government programs achieve a degree of moral legitimacy because a) many people support them, and b) their effect can be "reasonably (if mistakenly) construed" as benefiting the public. In this category, he includes public roads, social security, and the FDA.

In contrast to these morally legitimate programs, Lomasky tries to distinguish government programs that wholly lack moral legitimacy because a) they plunder some to serve the interests of others, and b) it ought to be obvious that they do so. In this category, he provides examples of farm subsidies, trade barriers, and the War on Drugs. Lomasky emphasizes that he does not support these programs, only that he thinks certain programs acquire moral legitimacy for the reasons stated above.

However, this distinction is false. Many massively destructive government programs have enjoyed widespread public sympathy and support, including the murder of innocents at Dresden and Hiroshima in World War II, the slaughter of helpless virgins by Aztec witch doctors, and yes, the War on Drugs. All government programs use force to enlist Peter as a means to Paul's ends, regardless of the public-good rationalizations employed by statists; and all government activities, to be sustained, enjoy public support. No gov-

ernment program, including public roads, the FDA, or social security, can be reasonably construed to benefit the public. Whether or not one's conclusions about how people ought to live together are reasonable depends, not on the outcome of a vote or the extent of public enthusiasm, but on evidence, logic, facts. A reasonable person recognizes that events in the world are important, that the character of his life is substantially affected by government policies, and that understanding at least something about how the world works is important, because she lives in it. A reasonable person takes responsibility to acquire knowledge about these issues, by learning at least the rudiments of philosophy and economics. A reasonable person recognizes that most people's opinions about which activities are justly performed by government are worthless, because most people acquire their opinions unconsciously, without much thought, or effort, or concern.

Whatever formal position Lomasky attempts to stake out concerning this subject, his arguments imply moral relativism — a concept hopelessly riddled with contradictions. The moral relativism implicit in his argument is unavoidable, because he depends on the shifting sands of public opinion as the criteria for moral legitimacy. One source of Lomasky's moral relativism may be a belief that people's essential interests are in conflict. I don't know exactly what he thinks about this subject, but it is reasonable to conclude that if people's interests are largely antagonistic, then *any* ethical rule people select to arbitrate disputes will be non-objective and arbitrary. But if all ethical rules are non-objective, then no lone thinker has a reasonable basis to condemn certain widely embraced government programs as morally illegitimate.

Ayn Rand, Nathaniel Branden, Tibor Machan and others have demonstrated persuasively that people's interests (rightly understood) are separate, but fundamentally in alignment — an observation that is consistent with human nature. All people require individual liberty to flourish, because human life requires individual thought, individual effort, and individual action. The fact that many people muddle through life, surviving by living as para-

sites off the achievements of others but never flourishing, never becoming the person they might become, does not refute the principle of moral autonomy.

In a world in which the essential interests of all individuals are in harmony, moral principles do exist.

Mike Humphrey  
Great Falls, Mont.

### Defending the Ultra-defendable

Two recent issues of *Liberty* contain pieces describing private conversations with me. Unfortunately, both accounts misinterpret what actually happened.

In his reflection ("Ein Reich, ein volk, ein school board") in the August issue, Brien Bartels writes that "during his talk, Bumper argued that libertarians should only contest elections for positions with the power to make and repeal law." Actually, the point was made in response to a question during the discussion period following the talk, not during the speech itself. The questioner was making reference to my essay "Compromise and Concealment: The Road to Defeat." In that essay, I argue that pure libertarian principles are our greatest asset and that if libertarians compromise and conceal libertarian positions in an attempt to gain "respectability" or public office, they are dooming libertarianism to defeat.

After the question and answer session, Bartels approached me for a private conversation about the point I had made. He pointed out to me that libertarians who serve on regulatory boards often diminish the damage that would have been done if non-libertarians were instead serving on such boards (a point I mentioned in my essay).

I conceded that Bartels's point did have some degree of merit and, in support, observed that that was what many Germans had done who had been forced to serve the state during the Nazi era — people like Oscar Schindler, who had used his position to reduce the harm that otherwise would have occurred to many Jews.

However, the goal of libertarians has never been to make tyranny more efficient or tolerable. The goal has always been — and should continue to be — the achievement of liberty, not by libertarians trying to become respectable and efficient heads of the FBI, DEA, ATF, CIA, and IRS, but rather by libertarians constantly and determinedly

seeking the dismantling of these evil and immoral agencies.

Stephen Browne's somewhat silly letter in the October issue details a private conversation with me in 1993 during an ISIL conference in the town of Svit, which at that time was in the eastern part of Czechoslovakia and under the control of Czech communists and socialists. What I actually said was, "Why did they have the conference in this hole *rather than in Prague?*" Unlike Prague, which had opened up and was hustling and bustling three years after the fall of the Berlin Wall, Svit had remained a steadfast model of communism and socialism. There was a horrible chemical stench in the air and nothing worked in the town's main hotel (about \$6 a night).

Since the person with whom I was traveling had a severe stomach ailment and had spent an entire day vomiting, I asked my friend Vince Miller, ISIL's president, if it would be okay to leave the conference early. Vince gave his consent, observing that I had covered my own expenses to attend the conference and had waived a speaker's fee for my speech. I do confess that my friend and I enjoyed the rest of our time (this was my first trip to Europe) scarfing down pizzas in decadent, "capitalist" Venice and Rome rather than eating that wonderfully bland, colorless stuff that the socialists in Svit called "food."

Jacob "Bumper" Hornberger  
Fairfax, Va.

### Say It Ain't So, Sheldon

In reference to Sheldon Richman's October reflection (page 12) on constitutionalism; "Give me an example where limited government existed for more than a moment . . . I doubt it."

Is Richman saying that resistance to Big Government is futile? That would seem to belie Richman's excellent career.

Richard Holasek  
Cudahy, Wis.

### Those Pesky Lifeboats

During the last few months, readers of *Liberty* have been party to a debate concerning the "changing face of libertarianism." This shift was seen in answers to two surveys of readers and attendants of a national Libertarian Party convention, ten years apart. The shift seen is away from the Randian "non-aggression" principle, toward a more consequentialist attitude of "peo-

ple are better off when free."

When the non-aggression principle is discussed by people with far better credentials than mine, inherent contradictions, limitations and pitfalls are found. Ayn Rand is said to have admitted that the principle was self-contradictory herself.

Maybe I'm naive. I see no contradiction inherent within the principle. Using a "lifeboat scenario," if I were hanging from a 10 story building, and the only way to save my life was to trespass on private property (entering the window of an apartment against the owner's will), would I do so? I cannot be certain without being faced with the situation, but I believe I would do most anything, short of violence toward an innocent person, to save my life.

What the "consequentialists" do not seem to grasp is that it is still wrong to violate the rights of the Bad Samaritan. Either rights are inalienable, or they are not. To allow that it is not wrong to violate the right of property in order to "save a life" is to rationalize coercive charity in all its forms.

Unlike the violent aggressor, the property owner in the above situation did nothing to instigate my violation of his rights. It is *wrong* for me to violate his rights, and I would expect to be held accountable. A jury might find that it was a minuscule infraction on my part, and merely slap my wrist. In this example, to violate the right of private property and say it is *right* for me to trespass in order to save my life, a standard is imposed without recourse by the people affected. This ends up merely being more regulation of other peoples lives.

Curt Howland  
Hayfork, Calif.

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# Reflections

**You selfish pig** — You can't have a tax cut. It would overheat the economy to give the money to *you*. The economy is hot enough already — in fact, the reason it's so hot is that we've balanced the budget, which we did by raising taxes on you. Now that there are no economic crises, and we've got this money of yours, we're going to keep it. That's because if we gave it back to you, you'd probably do something stupid with it. We're smarter than that. We're going to invest it.

—BR

**Tough question** — Elizabeth Siegel writes in the *Washington Post*, "I am a middle-aged liberal who has been on the left-wing side of every social issue for the past three and a half decades. So why am I supporting the curfew that, as of last week, tells D.C. teens under 17 when to be home?" Um, maybe because over the past three and a half decades middle-aged liberals have sought to cover the whole of society with minute and detailed regulations affecting every aspect of our lives from how we earn our money to how we spend it to whom we can hire and what we can smoke? We're just lucky she and her friends aren't supporting a law to tell adults what time they have to be home and how long they have to sleep.

—DB

**Helter skelter** — Bill Clinton is giving 12 FALN terrorists clemency, and it's only a coincidence that Hillary's running for the Senate from New York. It's a good thing she's not running for office in Northern California. He might have pardoned The Manson Family.

—TS

**Nose candy that was not appropriate** — Normally, I'm one to respect the privacy of public figures. I don't much care what wild oats they sowed or drugs they ingested in their youth, and I don't think these matters are anyone else's business.

But I take exception to George W. Bush's insistence that he ought to be able to keep private his past experience with drugs. As Governor of Texas, Bush has called for a tough on drugs policy and watched Texas courts pass out horrendous sentences for possession of cocaine, the very drug he reportedly enjoyed in his misspent youth. Under his watch, a Texas court sentenced 23-year-old Melinda George to 99 years in prison for possession of less than a tenth of a gram of cocaine, a minuscule quantity — about the size of a drop of water — that is far less than the amount Gov. Bush appears to have routinely shoved up his nose before he got religion and swore off drugs. She's sat in prison for four years, giving him ample opportunity to recommend her parole board shorten her sentence, or even to pardon her.

But he hasn't done so. Nor has he taken any action to suggest that the long sentences Texas courts typically hand out to drug offenders are excessive. Presumably the reason he has not taken any of these actions — the reason that Melinda George sits in jail with no prospect of parole — is that he

believes locking up people who possess cocaine for lengthy stays in Texas prisons helps make Texas a better place.

The question inexorably arises: does he think Texas would be a better place if he had been sent to prison for years — even for life — if he had been apprehended when he himself possessed cocaine?

It is a reasonable question, and the public deserves an answer.

—RWB

**A lot closer than the Sudan** — The State Department recently issued its report on religious persecution worldwide. Somehow they managed to miss the extermination of over 80 members of a religious minority at Waco. Must have been an oversight that will be corrected next year. —AB

**FALN down on the job** — As a frequent visitor to Puerto Rico, I have mixed feelings about President Clinton's offer to release the imprisoned FALN activists. I think libertarians should favor Puerto Rican secession, just as 150 years ago we should have favored the secession of the South. The problem, however, is that people living on the island don't want independence. When the option of independence appears on Puerto Rican ballots, it never gets more than a few percent of the votes. In the most recent plebiscite in late 1998, which was for the approval of statehood, the figure for independence was roughly 2.5 percent. East Timor this isn't.

Don't be deceived by lingo. Just because they call themselves "independistas" and spout nationalistic rhetoric doesn't mean they represent the majority of Puerto Ricans any more than "The American Labor Party" or "America-Firsters" ever represented most Americans. The reason independence gets so few votes is simply that Puerto Ricans overwhelmingly favor continuing affiliation with the U.S., whether as a "commonwealth," its current status, or as a state, as Governor Rossello prefers.

Prominent activists are often the children of the rich. Why? When they go to Europe for their educations, they find independence an attractive calling-card in leftist student circles, especially for those who might otherwise be regarded as scions of provincial moguls. Were Puerto Rico to become an independent country, it would need a diplomatic service staffed by, you guessed it, those Puerto Ricans with parents wealthy enough to educate them abroad.

Their rich parents have another reason to support independence. Meet wealthy Puerto Ricans, as I have done, and you'll hear the complaint that "you can't get Puerto Ricans" to do menial work any more. Instead, they must hire Dominicans, who are often illegal immigrants, creating possible legal problems. With all the mainland benefit programs, beginning with food stamps (used by nearly half of the island's residents) and the option of migrating to the mainland without a visa or green card, menial wages offered by wealthy Puerto Ricans are not competitive. Were Puerto Rico

independent, working-class Puerto Ricans would again be receptive to menial wages.

Critics of Clinton's decision have said that it would release people with both a history and potential for violence back into Puerto Rico, which has been comparatively free of political violence for the past few years. This is credible. Critics also charge that the offer of clemency was designed to help Hillary Clinton's campaign for the Senate. This doesn't seem very smart, since Newyorkricans have traditionally voted overwhelmingly Democratic anyway, and many regard the FALN felons as dangerous people best kept in jail. They no more support release of these terrorists than most Italian-Americans would be pleased if, say, Clinton released Mafia boss John Gotti from jail.

With all this in mind, you wonder why some mainland Latino politicians are asking for unconditional release. My suspicion is that they are seeking publicity. —RK

**"It's a non-issue," he snorted.** — "Even politicians have a right to personal privacy." "We should put that matter behind us." "We should move on." "More important issues claim our time and attention." Such remarks typically call for dropping, without further discussion, whatever topic has surfaced. Fatuous remarks like these — which were made familiar with regard to Bill Clinton — have become routine responses to questions about candidate George W. Bush's possible past experimentation with drugs.

Such remarks are misconceived in several ways. First, no one is compelled to run for president, and anyone who chooses to run is deliberately putting himself or herself into a fishbowl. (Any candidate who fails to realize that is disqualified as not being too bright.) He has no right to an unavailable combination of goods — the privacy of an ordinary citizen and the prospect of election to the presidency. He enjoys no guarantee against snooping by boorish journalists and the possible innuendos of rival candidates. He has no right to the nomination of his political party, which has alternative nominees. The party is entitled to find out — before risking the election on an unfortunate choice — about the likelihood of skeletons being found in closets and about how a prospective nominee copes with exasperating questions and other strains of campaigning.

Bush has trapped himself into inconsistency by answering some questions about his private life and then drawing an implausible line. He has denied marital infidelity, has mentioned solving an old problem with alcohol, and has denied using hard drugs since 1974. Further into his past he will not go. But if he did not use hard drugs even earlier, why not say so? If he did use them, and wants the public to understand and forgive, why not say so? And if he deserves understanding and forgiveness, why do currently imprisoned young drug experimenters not deserve the same?

Such questions are not merely intrusive; they have current policy relevance. And intrusive or not, they do arise; and how a candidate handles them is a clue to his intelligence, campaigning skills, and electability.

Standard remarks about the greater importance of other issues — entitlement programs, education, taxes, defense, campaign reform, and so forth — are particularly fatuous. Answering intrusive questions does not preclude discussing the supposedly more real issues. A straightforward "no" to such questions, if honestly possible, would save time for the real issues. Clinton-esque evasions only provoke more questions and prolong the discussion. They are a clue, moreover, to personal character, which is itself a legitimate issue. Let the Republican Party take heed before it is too late. —LBY

**George II** — Of course he used cocaine. If he had not, he would have said so by now. This is obvious, and only those of cramped intellect bother to debate it. The only question is whether he is going to back down and confess, or whether the press is going to back down and stop hounding him about it. His best response is to call the dogs onto a juicier victim, but that doesn't seem to have occurred to him.

—BR

**Nothing to sniff at** — The question George W. Bush, along with Clinton, Gingrich, Gore and all the other boomer politicos who have admitted to a walk on the illicit side but saw the error of their ways and support the drug laws now more than ever should be required to answer is simple. "At what point in your drug-using career would it have been a good thing for you to get arrested and go to prison?" You can actually encounter some recovering addicts who will say that an arrest was the best thing that happened to them, and some of them might even be right. But if an arrest wouldn't have been good for high achievers like the Bushlet, Clinton, Gingrich, Gore, et. al., why do they think it's the best way to deal with somebody else's decision to do drugs?

—AB

**Yo quiero El Niño** — According to a new American Meteorological Society study, last year's El Niño saved hundreds of lives and was a major boon to the economy. Midwesterners were treated to a mild winter and lower fuel bills. Not to mention entertaining TV News footage of multi-million dollar California mansions sledding down the faces of cliffs. Global Warming might not be such a bad idea. Just ask the Minnesota Citrus Growers. —TS

**Rhapsody on G minor** — They are minor irritants, things that bother only editors and other people with English major brains (to quote Dave Barry). But little setbacks that, step by step, show our subservience to the state irk me nonetheless.

For example, I like to read *The New York Times* when I travel (it's not readily available at home). But as I start reading, after I settle into my airplane seat with my Starbucks' coffee, it only takes a minute or so to come across Government spelled with a capital G! I don't mind treating Congress or the Environmental Protection Agency or the White House as a proper name. These are real entities and real places, however degenerate. But in *The Times* the mere idea of government warrants a capital letter. To the

*continued on page 10*

### Who's Who

AB	Alan Bock
BR	Bruce Ramsey
DB	David Boaz
DC	Douglas Casey
FLS	Fred L. Smith
JSS	Jane S. Shaw
LBY	Leland B. Yeager
RK	Richard Kostelanetz
ROT	Randal O'Toole
RWB	R. W. Bradford
SC	Stephen Cox
SMcC	Sarah McCarthy
SS	Sandy Shaw
TS	Tim Slagle

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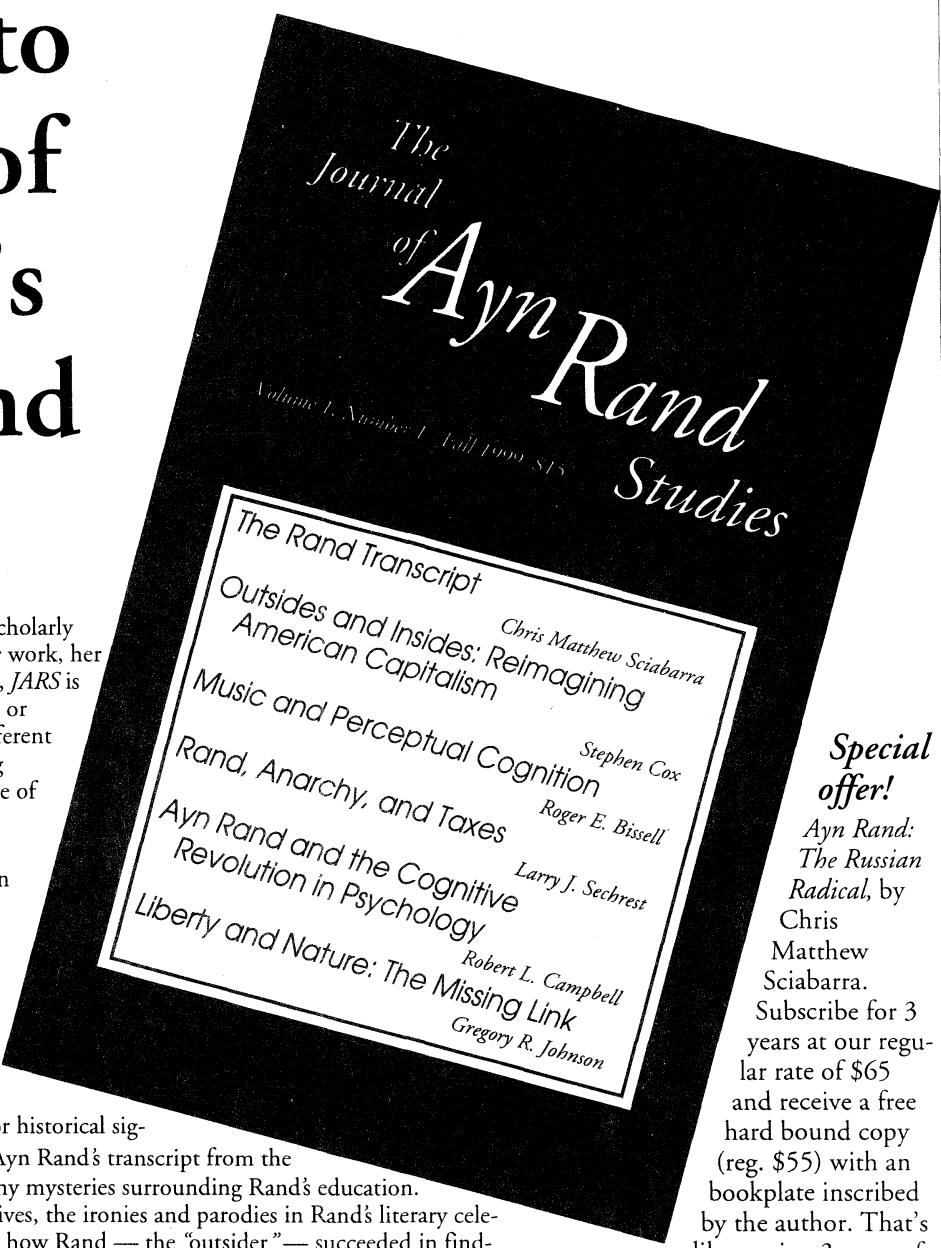
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editors, governments are a sort of floating Deity that should be venerated whenever they are mentioned, and in *The New York Times* that is all too often.

Back home things have worsened, too. The Bozeman, Montana phone book now has one of those blue-page government sections at the front. In the past, if you wanted a state office you looked it up in the white pages under M (for Montana); a city office was under B. But now the phone company gives government agencies priority of place. (Schools are still listed in the white pages, however. Maybe the idea is to keep us from realizing that our schools are government schools. Now, here's the place to make it Government with a capital G.)

Have you noticed that you don't write your tax check to the Internal Revenue Service anymore? You pay it to the United States Treasury. Soothing, isn't it?

— JSS

**Terrorists in lab jackets** — Walter Williams has pointed out that nobody would believe it if they were told that the sun rises and the river flows because Clinton is on the job. Yet, he notes, many people readily believe the similarly asinine idea that the economy is burbling smoothly along because of Clinton.

Not so long ago, people would have really believed that the sun rises and the river flows because the Leader is on the job. During the height of the Maya civilization, huge observatories were said to have been built to provide astronomical knowledge such as that permitting the prediction of eclipses. This knowledge was reserved for the big cheeses, who used it to terrorize their subjects into believing that only they knew how to appease the gods to "bring back" the moon and sun after eclipses.

Perhaps this was the beginning of modern "scientific terrorism," where scientists frighten the public with bogeymen in order to get money and power, a serious and growing problem since the post-WWII investment of huge amounts of government money in threats and fearmongering that increase state power. As Chandra Mukerji pointed out in *A Fragile Power*, science has sold its soul, its credibility and respectability, to the government in exchange for the Almighty Grant.

It appears that even some leftist biomedical/scientific publications are beginning to figure this out. *The Lancet*, a highly respected British medical journal, notes in a recent editorial: "If scientists are risking their next generation

through overplaying their political hand, are they any better at shoring up contemporary perceptions of science? [Simon] Jenkins, took up this theme . . . in *The Times*, berating scientists for playing 'fast and loose with public fear,' using as his example the long-running mess that is the variant Creutzfeldt-Jakob story. Jenkins criticizes the impossibly vague language in which the possibility of a link between bovine spongiform encephalopathy [mad cow disease] and variant CJD has been couched. Jenkins names this phenomenon 'scientific terrorism,' and points out that the profession of science, in its broadest sense, is not subject to ethical review . . . Perhaps a more immediate threat, and call to account, will come from increasingly science-savvy book-reading taxpayers, who will recognize that science's calls for special favors can be based on hype as well as on evidence."

Well, I certainly hope so!

The problem may go far beyond simple ignorance. It may be associated with a hard-wired instability. The Jivaro headhunters of South America believe that nothing happened except as a result of some other person's "bad magic." Nothing happened "naturally." Every death, every sickness, even the destruction of bad weather were caused by somebody's "bad magic." As a result, of course, there was a lot of hostility and murder in that society. Much of modern environmentalist philosophy looks just the same: nothing happens naturally; all destructive events in Nature are a result of the "bad magic" of human beings. Cancer is caused by the pollution or carcinogenic products created by somebody else's bad lifestyle; hence, everyone's life must be controlled to prevent such evil emanations. No species ever had naturally fluctuating population levels, habitat losses, extinctions, or disease epidemics until people were around to abet it. Modern liberal political philosophy also seem to have the same sense of causation: everybody's bad fortune is due to somebody else's good fortune.

From this perspective, it could be said that we are a nation of headhunters.

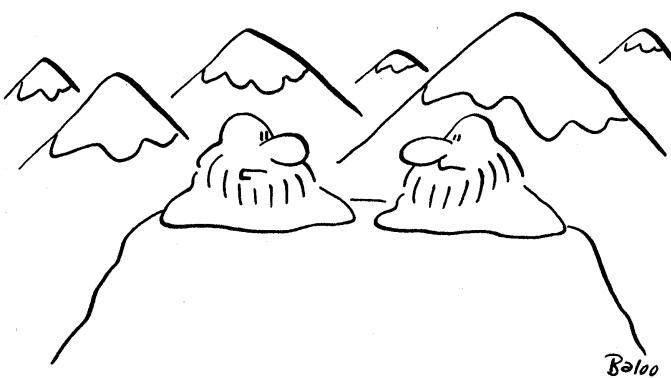
—SS

**The naked truth** — Having some experience of Chappaqua, New York, where the Clintons have recently purchased a post-Presidential home, I suspect that Hillary, not Bill, chose the place to keep her husband out of trouble. I first visited the northern Westchester town three decades ago in the course of doing an extended magazine profile of the thermonuclear strategist-philosopher Herman Kahn.

Kahn lived with his family in the last house on a dead-end street. On the empty side of his house, he had off his living room a sunken swimming pool in which I learned he swam nude every morning. As a Los Angeles boy, Kahn felt he needed his morning swim, even in northeast America, much as others need a morning walk.

A year or so later I accidentally ran into Jane Kahn, who invited a lady friend and me up for dinner one Sunday night. We came, talked, and ate. As Jane was clearing the dessert plates in the kitchen, I asked Herman whether my friend and I could use the pool. He assented. Remembering how he swam, I asked if we could skinny dip as well. He smiled.

As we were enjoying the water, I heard Jane up on the landing scream something like, "Herman, those kids are naked," before disappearing for the rest of the evening.



"Oh, I think reality is okay as far as it goes."

Once we got out of the water, Herman wished us well and sent us home.

I'd forgotten about the swim until B. Bruce-Briggs, Kahn's former colleague, interviewed me for a biography he was writing. He opened by asking whether that story about me swimming naked in the Kahn's swimming pool was true. I confirmed it. It turns out that all through the seventies, Jane Kahn would use it as an example of "how wild kids were in the sixties." Since we didn't do violence or drugs or public sex, I felt that Jane as a Chappaqua housewife was truly hard up for her contribution to the conservative complaint about the 1960s.

Understand this story and you understand why Hillary chose Chappaqua. —RK

**Take my kidneys, please —** A recent eBay auction for a human kidney reached \$5,700,000 before eBay closed down the auction. For that kind of cash, you can have both of mine, and I'll have a private nurse administer dialysis on my new yacht!

Besides being a violation of the National Organ Transplant Act of 1984, eBay officials found the sale abhorrent. Where are the Feminists on this one? Don't we own our bodies? —TS

**The Tumult and the Shouting Dies,  
The Captains and the Kings Depart.**  
— Kipling

Late this summer, a refreshing thought occurred to me: Princess Di was done. Finally, we could get through whole days without receiving fresh reports about how Di revolutionized modern politics, brought glamor to the British monarchy, and liberated millions of chunky, drug-dependent adult children from their inner demons. At last, the world's greatest bimbo was allowed to rest in peace, at one with Nineveh and Troy and the fast-departing shade of John F. Kennedy, Jr.

Then it happened. Elton John, the world's second greatest bimbo, decided to flog his fading career as "singer" and "song-writer" by starting a fund-raising campaign for a memorial to the deceased ex-royal.

Well, why bother? To paraphrase the famous inscription on a Roman tomb, "If you seek her monument, look around you" — Look at any cheap, tawdry, false, and stupid feature of today's pop culture, a culture, that is of, by, and for the millions of human reductios ad absurdum who are the spiritual clones of Her Royal Highness Princess Di, and remember the festivities with which these people surrounded her death.

Not that past ages lacked their own brands of funerary excess, but they found ways of giving them a certain solemnity and self-respect. I found impressive evidence of this — just when Elton John was resurfacing — in a visit I paid to President Garfield's tomb in Lake View Cemetery, Cleveland.

The tomb is the largest ever built for a president. It is a round tower of massive stone, 180 feet tall and 50 feet in diameter. A terrace, part-way up, provides an A-1 view of the Lake Erie shoreline. Above the crypt, which holds the big bronze caskets of Garfield and his wife, is the domed

Memorial Hall. A stodgy statue of Garfield — not, to be fair, an especially attractive subject for any artist — stands in the center of this room. The circular wall is broken by allegorical stained glass windows representing states of the Union. These are quite good, as is the mosaic that runs around the wall above them. It shows a procession of allegorical figures, people of various races, classes, and occupations, engaged in making and carrying memorial wreaths.

It is naive, perhaps, and silly, this procession of personified abstractions — Law, Justice, Literature (Garfield was a very considerable scholar), Labor, Concord, War, Veterans — until one reflects on the fact that there are modern idols of the people who have no connection whatever with *any* of those things. (What were Princess Di's views on Literature, Justice, or Labor? As for War, I presume she was against it.) There is at least some sense of dignity and importance here, some sense that there may be interests more valuable in life than the expert manipulation of news media.

There is also dignity in the fact that Garfield, unlike many modern celebrities, required no public funds for his memorial. The monument was privately built and is still privately maintained.

Near it is another funerary landmark, the burial plot of the Rockefeller family. The circle of graves is surmounted by an obelisk that is reputed to be the largest block of granite ever quarried in the United States; but the grave of John D. Rockefeller, the great entrepreneur who founded the family's fortune, is marked only by a small, flat stone displaying his name and dates.

This simplicity and reticence is not attractive to modern visitors, who characteristically demand some meaningful personal connection to the rich and famous. They offered teddy bears and plastic hearts to Di; they offer money to John D. Rockefeller. I counted \$2.84 in change (mainly dimes and nickels), lying on the gravestone. —SC

**And we'll need 801,984 more coffee breaks —** The Office of National Drug Control Policy (colloquially known as the Drug Czar, a federal position not envisioned by James Madison) has been running full-page ads in newspapers claiming that "illegal drugs are estimated to cost America over \$110 billion each year." The ads ask what else one could buy for \$110 billion, presumably on the theory that all these lost wages and "social damage" will be centrally spent by someone. Among the things you could buy for \$110 billion, the ads tell us, are "400,947 more clerks at the post office." Just what we need to speed those birthday cards along. — DB

**I accept the responsibility. But not the blame. —** Soon after the Waco matter heated up again, with new revelations of governmental misconduct and new spasms of media praise for the Attorney General's "taking responsibility" (while blaming others), I happened to visit a family of true-blue Democratic loyalists who have always tried hard to overlook the administration's scandals. While I was there, one of their kids did something wrong and its parental figures threatened punishment. But a relative loudly advised the offender, "Just take responsibility." "Then refuse to comment further," another added. "Everyone will love you."

And the whole family laughed at Janet Reno.

That's progress. —SC

**Timber!** — The Forest Service is in trouble again. Judge Dwyer, the "spotted owl judge," has halted 25 Forest Service timber sales. It seems that when the president's Northwest Forest Plan was written, biologists weren't certain that the plan would protect from extinction some 77 species of plants and wildlife, some of which are snails that few people have ever seen.

So the Forest Service agreed to develop a plan to monitor those 77 species to make sure that they could survive any logging that continued to take place under the president's plan. The agency promised that the plan would be done in four years and also promised to submit annual progress reports. Biologists agreed to sign off on the plan.

The Forest Service then proceeded to do . . . nothing. No progress reports. No monitoring. No plan. Four years later, when the plan was supposed to be ready, Judge Dwyer responded by stopping timber sales in progress.

What is going on here? The Forest Service could have written a plan, but it didn't. So now more loggers are out of work.

Andy Stahl, of Forest Service Employees for Environmental Ethics, has a theory. The last time the Forest Service agreed to monitor the relationship between timber cutting and a wildlife species, it did so expecting to find that timber cutting wouldn't hurt the wildlife. That species was the spotted owl. Stahl figures that the Forest Service has learned a lesson: Don't ask, don't tell.

In the last decade, National Forest timber sales have fallen by nearly three-quarters. Congress has responded by throwing more money at the Forest Service than ever, apparently in the hope that someday that money will translate into timber sales and jobs. Instead, all it has done is created a fat bureaucracy that accomplishes very little.

The Forest Service has learned that it doesn't have to do much to still get money from Congress. Meanwhile, the loggers who are out of work can take consolation in the fact that at least none of the Forest Service officials who failed to keep their promises are threatened with job loss. —ROT

**Zeroed In** — I don't know about the rest of the country, but in Orange County we've had a rash of "zero-tolerance" expulsions from government high schools of kids caught with a joint or a few beers, sometimes not even on school property or at a school-sponsored function. Just how useful is it for schools to be teaching kids that tolerance is not to be tolerated? —AB

**A Dematerialized Future** — A common theme of contemporary policy debate is that using energy and material more efficiently will enable us to have our cake and eat it too. The theory has a germ of truth — technology certainly enables us to get the same results using less energy and less material. But it's a mistake to conclude that more efficient use will reduce resource use.

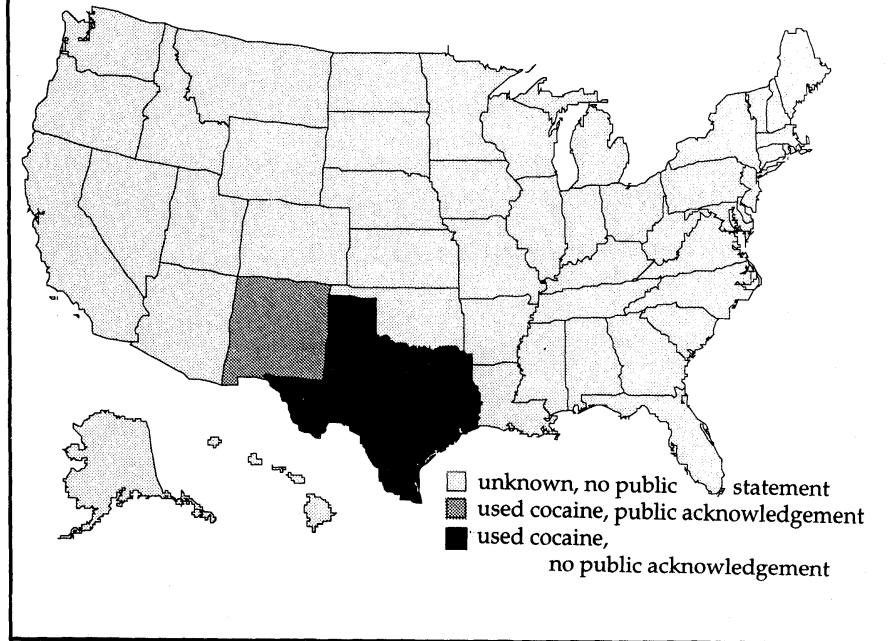
The problem is that increasing efficiency lowers costs, which increases use. Remember the predictions of a "paperless" society? Computer networks cut the cost of transferring information in part by eliminating paper. But that meant that massively more information could be accumulated and transmitted . . . and printed up on paper. The gains in efficiency stimulated the use of vastly more paper than ever before.

The notion that increasing efficiency reduces use — which might be called "Lovins's Fallacy," after the negawatt guru who seems to believe that fossil fuel use will soon decline — stems from a confusion of energy *efficiency* (how well we use energy to produce outputs) and energy *demand* (how much energy we consume in total). EPA and the environmental establishment do this consistently and for good reason — everyone favors efficiency, no one favors resource rationing.

The British Air Transport Association, for example, having volunteered to be the first global industry sector penalized under the Kyoto Accord, recently sought to fend off an energy tax (designed to reduce *energy use* — and thus carbon dioxide emissions — and also of course air travel) by committing to a 23 percent *energy efficiency* gain by 2010. That the two goals have little to do with each other — certainly British airlines expect to use more aviation fuel in 2010 than today — is ignored. Sooner or later the dishonesty of all this will become apparent and the fight will begin again over whether or not to suppress energy and material use. Industry is foolish in its efforts to appease the Malthusian left — they should stop apologizing and seek to clarify the moral value of their products and services.

Indeed, since policies based on global warming theories are based on carbon dioxide emissions levels and energy efficiency makes it cheaper to use energy,

## States Whose Governors Have Used Cocaine



then EPA's programs are likely to lead to developments that the EPA believes will exacerbate global warming!

Suppose we find some way of reducing the energy cost of auto transport — say by some new CAD streamlining of car bodies. If that change is introduced and other conditions remain unchanged, then fuel consumption will drop. But other conditions always change. People may prefer to use savings generated by greater efficiency to drive larger, safer or more powerful cars, using the same amount of fuel, or even more. The point here is subtle but very important: Rarely is a factor-saving innovation used to save that factor — normally the gain is "consumed" in some other product quality enhancement!

Indeed, the gain might be used simply to expand use of the same commodity or source of energy. Little energy was used in aluminum production until aluminum production became efficient enough for aluminum to compete in price with other metals. Little material is used until it can be used efficiently — and as we find ways of using it more and more efficiently, we use more and more of it in an ever increasing array of demands.

But we should not forget that most people today consume very little energy or material at all. If the living standard of people in the underdeveloped world is raised to the U.S. poverty level — if people of the rest of the world are ever to acquire basic housing, refrigerators, air conditioning and central heat, cars — total consumption of energy and material will increase no matter how much efficiency is improved.

If this happened, material and energy consumption in the developed world would increase rapidly, though at a slower rate than during the comparable economic growth phase of earlier Western growth periods. Indeed, increased energy use is likely even in the United States. After all, the American upper middle class lifestyle (several cars, two homes at least, vacation trips around the world, numerous computers and other electronic gadgetry, trophy stoves for trophy mates) is today enjoyed by a very small number of people; most seek it today and thus we can expect material use to grow substantially — not *despite* the fact we will be using resources more efficiently, but *because* we're using them more efficiently.

—FLS

**A nation at sea** — It's appropriate to say some words on the passing of John F. Kennedy, Jr., if only because John-John was a true celebrity, someone who is famous only for being well-known. Aside from that, he will likely be remembered only for having above average good looks, slightly below average intelligence, a lack of piloting skills, and the connections to start a lame magazine which attempts to glorify politics.

And, of course, for being better than the average Kennedy, a family best known for its high rate of reproduction, and high population of rapists, drunks, politicians, child molesters, liars, and junkies. Most Kennedys go into some kind of "public service" partly because they don't appear capable of actual productive labor, and partly because their progenitor, the notorious hypocrite Joseph Kennedy, made enough money that they don't have to do honest work.

The saddest part of the whole sorry episode, other than the huge amount of press coverage and the pathetic spectacle of large numbers of Boobus Americanus blubbering away as if their mothers had died, was the extensive search for the lost plane by the US Navy, followed by a military burial at sea, with 21-gun salute. The best comment on this that I heard came from a friend's Mexican gardener: "Yeah, my brother's a pilot. If he'd crashed they wouldn't have had even a rowboat out looking for him; they'd just say 'So what? The stupid spic shouldn't have been flying in the fog.'" —DC

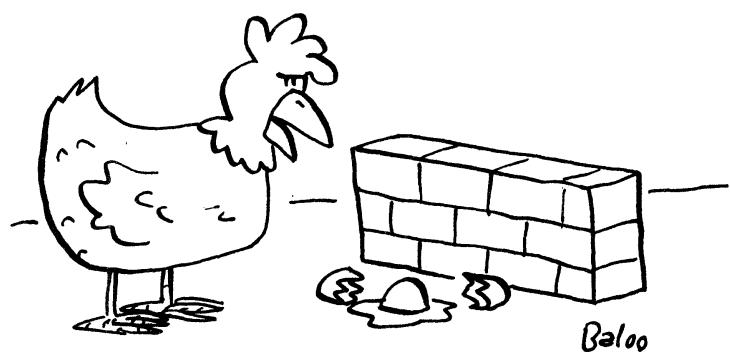
**The good old days** — I was listening to a re-broadcast of an old Mercury Radio Playhouse program with Orson Welles — "The Hitchhiker" — a thriller in which the protagonist tops off his car with gas for about \$1.35 (not much different from today, if you factor in higher gas taxes and inflation.) But, then he made a three-minute telephone call from New Mexico to New York for \$3.75!!!

And some people think we should re-regulate telecommunications?

—FLS

**The smoke is clearing** — It's so rare any good news comes out of Washington D.C., but six years after the incineration of 86 people, including 24 children, at the Branch Davidian "compound" (that's what your home becomes when government agents mount an assault on it) in Waco, there finally appears to be an actual investigation afoot. As I'm sure you've heard, the FBI has admitted it used "pyrotechnic devices" during the massacre, and there's every likelihood that its agents actually started the fires. The FBI confession came only after Texas Ranger investigators uncovered new evidence that forced them to admit they'd been engaged in a coverup since the April 19, 1993 incident. Of course we may never know what really went on there, since the evidence was bulldozed, in contrast to usual practice at crime scenes.

Congress is re-opening hearings on the matter, and Janet Reno has started yet another investigation within her department. This is not enough. The best way to get to the bottom of it is to put Janet Reno, who gave the orders, and other officials on trial for murder. Of course this is unlikely to happen, because neither major party wants to challenge the doctrine of "sovereign immunity," a concept held over from medieval



"How many times have I told you not to sit on the wall?"

times whereby a ruler's minions can't be held responsible for what they do in the course of their duties. —DC

### **Third thoughts about the Sixties —**

Someone recently wrote that if you want to know what shapes a person's political consciousness, check out what was going on in the world when he or she came of age in their twenties.

When I was in my twenties, the Vietnam War had just begun. Women, if they were fortunate enough to go to college, were essentially limited to two careers, nursing and teaching, but what was really expected of them (all of them) was to become mothers and housewives. The birth control pill had

people to political action — an undeniable reality discovered by conservatives in the Clinton era. The Sixties could not have occurred without the widespread palpably repressive uniformity and suffocating atmosphere of the Fifties as perceived by millions of Americans. In *Second Thoughts About the Sixties*, David Horowitz claims that opposition to the Vietnam war was engineered by him and other red diaper communists. But the rebellion was much more than that. The Sixties was a heroic grasp for individual empowerment and freedom, and a rejection of the deadening conformity and mind-numbing grip of the big institutional agencies — government, corporate and religious.

The Sixties grew into a creative burst of epic proportions. Whether it be in music, art, education, writing, poetry, women's rights, law, medicine, religion, political science, the era has changed American cultural life and American thinking forever, for good and bad, but for far better rather than worse. Opposition to the Vietnam War is the primary reason American politicians still strive to wage wars with no casualties. Politicians today recognize that Americans will not tolerate the tragic waste of human life. We will not hand over our sons lightly to the forces of government or politician's whims — nor should we. When waging a war, the government needs very good explanations to now enlist the cooperation of the citizenry. Blind patriotism no longer suffices.

It is fashionable lately to blame the Sixties for many of America's current ills. But the decade was essentially one of libertarianism — an earthquake power shift from the big institutions into the hands of ordinary people. Because of that, we are no longer a society that requires rigid sex role uniformity or economic bondage for blacks, women and gays. We have gleefully escaped the black and white numb conformity of "Pleasantville" and become exceptionally confused and colorful — and it has led to some incredibly interesting times.

—SMCC

**Greenspan, the Good —** The badgering of Federal Reserve Chairman Alan Greenspan by the likes of Jack Kemp, publisher Mortimer Zuckerman, and editorialists at *The Wall Street Journal* has long been familiar. Their refrain is that the Federal Reserve has been victimizing the country with too tight a monetary policy, supposedly to fight inflation, although inflation is nowhere in sight. Conservative commentators like Kate O'Beirne, Robert Novak, and Rush Limbaugh have repeated such complaints on TV and radio. Novak called Greenspan a "quirky right-wing economist"; Limbaugh bewailed his "paranoia with inflation."

It is not surprising that Senator Tom Harkin makes such charges; but conservative presidential aspirants, including Gary Bauer, Steve Forbes, and Dan Quayle, have also gotten into the act. Forbes all but blames Greenspan for low farm commodity prices and associates his policies with the "bogus theory that prosperity causes inflation." Dan Quayle accuses Greenspan of ignoring real-world evidence and causing "deflation." An illegibly signed cartoon in the *Auburn Bulletin* of July 21 epitomizes such thinking. Three people and a dog are gorging themselves on a cake labeled "ECONOMY." Props indicating a bull market in stocks and other signs of prosperity are at hand. Alan Greenspan, wearing fireman's garb labeled FED\$ and carrying a fire extinguisher labeled INTEREST RATES, has just burst into the

*continued on page 20*

*It is fashionable lately to blame the Sixties for many of America's current ills. But the decade was essentially one of libertarianism — an earthquake power shift from the big institutions into the hands of ordinary people.*

just been invented, and the Catholic Church was adamant that no one should use it. I saw a frightening movie, "The Cardinal," about a woman dying in childbirth because the Church decreed that when given the choice the baby's life must take precedence over the mother's. Women avoided Catholic obstetricians who refused to prescribe birth control pills. Leon Uris' novel *Trinity* documented centuries of oppression of Irish women robbed of the right to control their own bodies.

In the early Sixties, economic power was essentially unavailable to women, who were rendered helpless and dependent on men who were not always promise keepers and not always kind. Half the human race was quite literally defined and limited by the functions of their uterus. Such primitive and rigidly gender-based power imbalances were not good for men, and not good for women — nor were they good building blocks for healthy marriages or well-developed people.

Though much has been written about the corrupt self-indulgence and moral relativism of the Sixties, we were a generation who reached adulthood meeting with widespread expectations to offer our lives as martyrs for the next generation. For women, the sacrifice came in the form of uncontrolled, unplanned and unending childbirth.

For men, it was expected of them to offer their young lives as cannon fodder in a war which was both inexplicable and unwinnable. America had not been attacked as it had been in World War II, but President Lyndon B. Johnson assured his young daughter Lynda Bird that her daddy wasn't going to be the first American president to lose a war. Young men were drafted and killed, sent to war by powerful older men whose own sons were almost universally exempted. Talk about the Culture of Death! Together, the oppressive power of big government, big corporations and big religion forged a rebellion. We had learned firsthand about the arrogance of power. As in physics, every action in cultural life leads to a reaction. Our generation wanted more from life than the culturally prescribed path of conformity and war, stagnation and misery.

It is not easy to overcome natural apathy or to mobilize

# Waco: Fire and Lies

*by R. W. Bradford*

What happened at Waco was no conspiracy. It was standard operating procedure.

When the Waco massacre percolated back into public consciousness in late August — thanks to the news reports that the FBI used incendiary devices in attacking the Branch Davidians — I had mixed feelings. On the one hand, it looked like perhaps the American public might finally face up to the fact that their government had massacred nearly a hundred people who had committed no crime worse than believing in a goofy religion. On the other hand, there is no way to revisit events in early 1993 near Waco without reliving its horror.

It doesn't help that most of the small segment of Americans who pay attention to what their government is doing have consciously turned their eyes away from the evidence. Even without the FBI's admission that it had used military incendiary devices at Waco, and had been lying for all these years when it categorically denied that it had, easily accessible evidence could lead to only one conclusion: agents of the Treasury and Justice Departments, acting with the knowledge and approval of the heads of their departments, had committed mass homicide. The only issue that remained unsettled was whether the killing of more than 80 human beings near Waco was done on purpose, or resulted from negligence on an enormous scale.

Indeed, as I pointed out in an article published only a few days after the conflagration, Attorney General Janet Reno actually confessed to committing mass murder: she claimed to have been fully informed about the situation and had ordered an attack that could only have one result — the death of those on the Davidian property, including more than 15 children, who were innocent of any wrongdoing even by the government's paranoiac standards.

Later evidence suggests that Reno's confession was a false one: that she took far more "credit" than she deserved. She had not understood fully the conditions at Waco at the time she approved the raid and was thus guilty not of mass murder but of mass negligent homicide.

But the FBI's decision to burn over the entire property, thus destroying nearly all physical evidence of its assault,

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combined with its willingness to lie about what happened there, left open a number of questions, most notably: Who started the fires?

As I pointed out at the time, this question is less important than it at first seems. For even if the fires were started by the people the FBI kept isolated under siege conditions or if the fires had started accidentally, the FBI had total control of a situation where fire was virtually inevitable, and would inexorably kill both the adults and children of Waco.

The FBI cut off water and power to the Davidian property, leaving the Davidians dependent on highly flammable fuel for light and warmth and with no means of fighting a fire should one break out. It chose a hot, dry, extremely windy day for its assault on the people inside the wooden buildings, stacked high with baled hay, which the Davidians had placed against walls as protection against FBI bullets. The FBI assaulted with tanks firing canisters of poison gas with enough force to break through the walls, where they were liable to hit caches of fuel or lanterns the Davidians used for light. And each canister of poison gas, outlawed for use in warfare, bore the ominous warning: "May Start Fire." Under these conditions, fire was virtually inevitable, whether accidental, as the result of negligence, or by design of either the FBI or the Davidians. And so was the death of the Davidians and their children: they had no water to fight the fire and no means of escape (the building was surrounded by FBI snipers). The FBI kept fire engines miles away from the scene and refused to allow them to come to the scene until all in the Davidian compound were dead.

In its defense, the FBI claimed that the Davidians themselves had started the fires. As evidence, FBI officials claimed that they had heard the Davidians plan to start fires if they were attacked. There were two problems with this claim. Despite the fact that the FBI had the entire compound electronically bugged and had recorded virtually everything said inside, it was unable to provide tapes of Davidians making these plans. Even if the FBI had not been lying, the obvious implication is even more ominous: knowing that any

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*For six and a half years, it has been known that the FBI had fired poison gas that was liable to light fires into buildings that were particularly inflammable and were inhabited by about 65 adults and 20 children.*

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attack would result in Davidians burning down their buildings, which would inevitably result in their own deaths and the deaths of their innocent children, the FBI attacked anyway.

Still the question of how the fires actually started remained. But it was purely an academic question: the FBI murdered the Davidians whether its agents actually lit the fires or not, just as the Nazis murdered Jews, homosexuals and Gypsies who jumped onto electrified fences rather than continue to "live" in Nazi concentration camps.

### **The Fires**

The fires failed to destroy all the evidence. It's taken years, but the truth is slowly coming out. Some of it came out during the House hearings in 1995. Some of it came out as the result of courageous investigation by private individuals. Some has come out from scientific examination of documents and recordings that various federal authorities have released. More has come from documents and evidence pried from authorities by the families of the Waco victims, in pursuit of wrongful death claims against the federal government.

Two pieces of evidence have come out in the past month:

1) The FBI used military incendiary devices in the attack, contrary to its previous claims. The proof of this is in an audiotape of a conversation in which FBI agent Stephen McGavin asks and gets permission to authorize firing such devices during the early hours of the attack:

Richard Rogers: Are you saying he can penetrate the block covering over the construction on the green side?

Stephen McGavin: Ten-four. He thinks he can get into position with relative safety utilizing the track for cover and attempt to penetrate it with military rounds.

Rogers: Roger. Of course, if there's water underneath that's just going to extinguish them but you can try it.

McGavin: Ten-four. Copy. He can try it?

Rogers: Yeah, that's affirmative.

There is no way to interpret that conversation to be anything other than Rogers giving permission to use devices intended to light fires.

2) Local authorities examining the site discovered the remains of three flares in the ashes. The FBI had kept the

entire scene illuminated with huge spotlights during the entire siege (partly to prevent the Davidians from sleeping), so it had no need for flares. No one has come up with any reason for the Davidians to have flares. So it is reasonable to surmise that the flares may have been fired by the FBI into the property, starting the fires.

That still doesn't add up to conclusive evidence that the FBI consciously chose to light the fires — though, as I've pointed out, whether it consciously chose to light the fires is irrelevant to whether it is criminally responsible for lighting them — but it proves beyond any doubt that the FBI has lied and lied repeatedly about its conduct during the siege.

The result of these revelations has been an inside-the-beltway pissing match. The administration is spinning the story to read: the FBI lied to us, let's fire a bunch of FBI officials, starting with Judge Louis Freeh, current head of the FBI. Republicans are spinning a different story: Janet Reno is responsible for the FBI, not Louis Freeh (who took charge of the FBI six months after Waco); she investigated the matter and came up with nothing until the *Dallas Morning News* reported that incendiary devices had indeed been used.

The episode reveals an incredibly callous indifference to human life on the part of the Republicans, the Democrats and the news media. For six and a half years, it has been known that the FBI fired poison gas that was liable to light fires into buildings that were particularly inflammable and were inhabited by about 65 adults and 20 children. For six and a half years, virtually no Republicans, no Democrats and no mainline news organizations have found this to be interesting enough even to report. But evidence that government officials lied comes out and suddenly the media are irate and Republicans are calling for the head of Janet Reno and Democrats are calling for the head of FBI boss Louis Freeh.

What an absurd charade! Politicians and government officials lie all the time. It is what they do. To see a politician

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*But evidence that government officials lied comes out and suddenly the media are irate and Republicans are calling for the head of Janet Reno and Democrats are calling for the head of FBI boss Louis Freeh.*

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lying is no more unusual than to see water running downhill or to see a dog lick his balls.

Somehow, the Republicans, the Democrats and the media have missed the real story: federal agents, acting with the approval of their superiors, murdered nearly a hundred innocent people.

History does not remember Hitler as a bad person because he lied on a massive scale, raised taxes too high or wasted money on useless public works. It remembers him as a man who killed millions of innocent people.

Those who are responsible for Waco ought not to be remembered as people who told lies. They ought to be remembered as mass murderers, penny-ante Hitlers.

The actions of the mainline media are almost as reprehensible as those of the politicians. The media are so focused on

politics as a sport, where you score big points by catching the opposition in a lie, that they have ignored for more than six years — and continue to ignore today — the bigger story.

And what about the American public? As I observed above, even before these revelations, there has been ample evidence that their government committed mass murder at Waco. Why haven't they risen up and demanded justice? I suspect the reason is the same that Germans didn't rise up and demand an end to Hitler's genocide: they simply do not want to believe that their leaders are capable of such a horror.

### "Conspiracy Types"

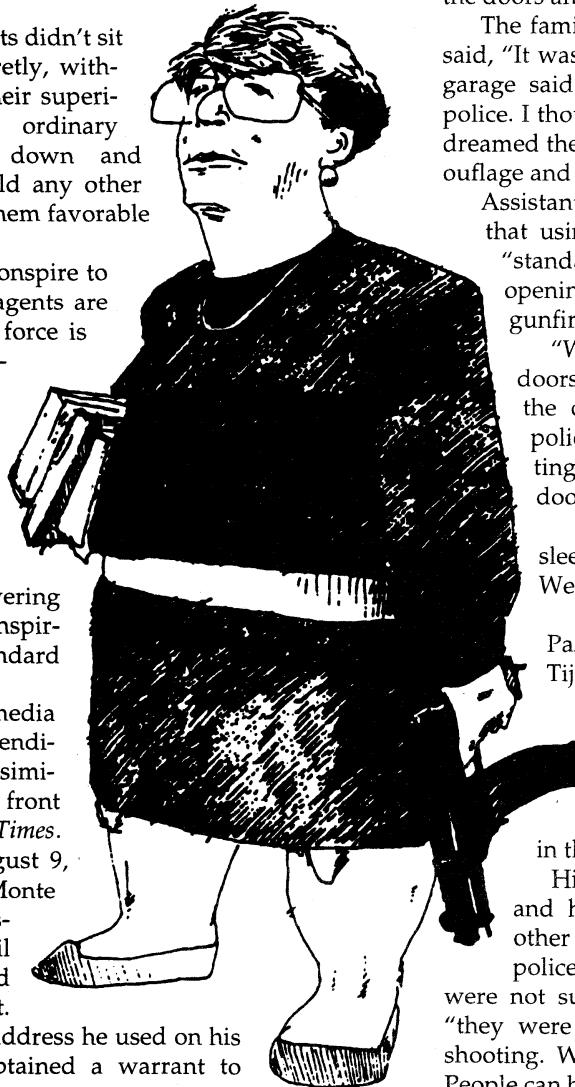
For more than six years, people like me who have been extremely critical of the assault on the Davidians at Waco have been dismissed by politicians and media as "conspiracy types." While I'll grant that some of the harshest critics of the Waco assault are inclined to believe that a conspiracy is to blame for it, a great many critics do not. Certainly, I don't see Waco as a conspiracy.

A conspiracy is a joint action secretly designed to accomplish some evil, unlawful end. The Waco assaults was not the work of conspirators. They were the work of ordinary law enforcement bureaucrats doing their ordinary business.

A bunch of ATF agents didn't sit down and plot this secretly, without the knowledge of their superiors in violation of ordinary procedure. They sat down and planned it as they would any other arrest designed to gain them favorable publicity.

Nor did FBI agents conspire to kill the Davidians. FBI agents are taught to use whatever force is necessary to handle situations like this. Nor was the coverup a conspiracy to hide the truth. FBI agents are trained to omit embarrassing details from their After Action Reports. Killing the Davidians and covering up the details was no conspiracy. It was Standard Operating Procedure.

While the national media were focusing on the incendiary Waco revelations, a similar story made it to the front page of the *Los Angeles Times*. On the morning of August 9, police in nearby El Monte had arrested a drug suspect. He posted bail almost immediately and was back on the street. But they had noted the address he used on his driver's license, and obtained a warrant to



search the home at that address.

At 11:00 p.m. that night, they approached the home at that address in nearby Compton. They considered the situation to be "high-risk" because in another search connected with the drug suspect, they had found rifles. So they followed the usual method of serving a warrant: they shot the locks off the door of the home, fired a "diversionary device"

*The state's agents — some of them anyway — are murderers of the most callous sort, people who've lost all touch with their own humanity, people whose "standard operating procedure" is to murder a sick old man, a mother clutching her baby in her arms, or 86 people who practice a strange religion, and go home, have dinner, make love to their wives, and get a good night's sleep.*

into a back bedroom window, threw a "flash-bang" grenade on the ground behind the house, and fired shotguns through the doors and windows.

The family thought they were being robbed. A neighbor said, "It was like war." A family friend who lived above the garage said "I didn't even hear them say they were the police. I thought they were thieves coming to rob us. I never dreamed they would be police busting into the house in camouflage and hoods."

Assistant Police Chief Bill Ankeny later told the *Times* that using an "explosive device" to enter a home is a "standard SWAT procedure" adding that it can involve opening a door with "a battering ram or a round of gunfire."

"We throw flash-bang grenades. We bust open the doors. You've seen it on TV," he said. "We do bang on the door and make an announcement — 'It's the police' — but it kind of runs together. If you're sitting on the couch, it would be difficult to get to the door before they knock it down."

Inside the bedroom, Maria Argueta told her sleeping 63-year-old husband "Get on the ground! We're being robbed."

Earlier that day, fearful of Y2K problems, Mario Paz had removed \$10,000 in cash from his bank in Tijuana and stashed it beneath his bed. When he hit the ground, he reflexively reached under the bed to see whether his money was safe. As he did so, two policemen entered the bedroom.

As his wife screamed "My husband is sick! He's an old man!" one of the officers shot him in the back twice, killing him.

His wife, clad only in panties, was given a towel and handcuffed and hauled out of the house with other family members. They were taken to the local police station, where they were questioned. "They were not suspects," explained Sheriff's Lt. Marilyn Baker, "they were taken in as witnesses to the officer-involved shooting. Witnesses do not get read their Miranda rights. People can be detained in handcuffs for safekeeping."

And what happened to the police officer who shot Mario Paz, as he sat quivering on the floor reaching to see whether his life savings were safe? He was given two days of "routine administrative leave" (time off with pay) and put back on the job.

The police confiscated the \$10,000 life savings, though under pressure from the press, now say they'll return it if it turns out not to be the product of drug dealing. The police have yet to come up with a shred of evidence that anyone at the home was involved with drugs. Their only connection to the dealer arrested that morning is that he had used their address.

Like Waco, the murder of Mario Paz, the invasion of his home, and the humiliating detention of his family were Standard Operating Procedure. The officers who planned and executed the raid were doing what they always do. The

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officer who shot Mario Paz in the back received no punishment at all.

Most of the time, I am able to separate myself from the horrors of the state. I don't even think of them as horrors. Oh, sure, I realize the state is up to mischief, but mostly I think of its agents as figures for ridicule, as buffoons, as characters in an absurd comedy. And besides, their best efforts cannot keep me from being happy, cannot keep the country from prospering, cannot keep human beings from learning new things, from building new tools, from making the world a better and happier place.

When you read a story like this, all that pretense collapses. It exposes the state — and its agents — for what they are: the state is a criminal conspiracy and its agents — some of them anyway — are murderers of the most callous sort, people who've lost all touch with their own humanity, people whose "standard operating procedure" is to murder a sick old man, a mother clutching her baby in her arms, or 86 people who practice a strange religion — all of them innocent — and go home, have dinner, make love to their wives, and get a good night's sleep.

What happened at Waco, what happened at Ruby Ridge, what happened to Mario Paz were Standard Operating Procedure. The only legitimate function of police is the protection of life and property. So long as police kill innocent people and destroy or loot people's property, they are part of the problem of crime, not part of its solution.

At Waco, the FBI did what the FBI does. To ask it to stop doing it is to ask it not to be the FBI any more. Which is precisely what Americans must do.

September 2, House Judiciary Minority Counsel Julian Epstein appeared on Fox News's *The O'Reilly Factor* and unveiled the latest attempt to explain away the massacre:

I think that the fact that the FBI didn't give us two pieces of information is going to reinforce the cynics and people like Timothy McVeigh who believe that everything the government does is corrupt and wrong, and that's unfortunate.

There are two other issues that [are very important]:

One, whether or not it was responsible for the government to conduct a raid in April of 1993. And while I may even disagree and think that it was done too hastily, I think the you have to remember exactly what was going on. There was a hostage situation and there were Davidians who wanted to leave the compound. We found out during the Congressional investigation that there was a child of 11-years-old who was being raped. There were 200,000 rounds of ammunition. While it's possible the FBI could have defused the situation by waiting, that's a very, very difficult call. And it's easy to Monday morning quarterback, but I don't think any of us would want to be in that position, given the fact that if the government did nothing real disaster could also have occurred.

Secondly, the point about the fire, the Republicans conducted a Congressional investigation in 1995 with two different committees and they came to the conclusion that the fire was started by the Branch Davidians, not just because of the representations of the FBI but because the fire was started in three separate places within the compound, because there was gas on the clothes, there were others that were shot at point blank when the confrontation occurred.

Now I think there is not much of an honest debate about where the fire started, but I think it is absolutely outrageous that the FBI didn't give us this information and I don't think the FBI can do it itself, to find out, to give us some explanation and see if there, in fact there is additional information.

An 11-year-old came before the committee and testified she was raped. Before the committee. There were conversations with other children that said they wanted to leave and they couldn't. There were 200,000 rounds of ammunition. I'm not here saying the decision to go in was the right decision necessarily, but I'm saying to try to put yourself in the shoes of the Justice Department at that time when you're looking at a tinderbox with a group of Davidians who were loaded to the hilt with often-illegal ammunition, it was a difficult call. Again I'm not saying it was necessarily the right thing to do but a tough call.

I think we should be careful not to use the word cover-up. I prefer the word screw-up, to tell you the truth.

What do we have here? Epstein's opening salvo is a suggestion that reopening the case gives aid and comfort to a convicted mass murderer. Epstein may be right, so what? Consider the parallel argument: Hitler was a vegetarian; if he were alive today, he'd no doubt get aid and comfort by scientific studies that suggest eating red meat causes heart attacks. Would this mean we should stop dietary research?

Epstein then gives three reasons for making a quick decision: Davidian leader David Koresh was holding an 11-year-old inside the compound and was raping her, the Davidians had 200,000 rounds of ammunition and "there were Davidians who wanted to leave the compound" but presumably were not allowed to.

The "11-year-old" rape victim that Epstein spoke about was Keri Jewell. She was the first witness in the 1995

## The New Spin

It took nearly two weeks for Democrat apologists of the Davidian massacre to come up with a new spin. On

Congressional hearings on Waco, called by the Democrats, for whom Epstein was chief counsel. Her tearful account of being raped by Davidian leader David Koresh was dramatic and emotionally explosive. It captured the headlines, was excerpted on the evening news, and settled the whole issue as far as many Americans were concerned.

But dramatic as Jewell's testimony was, there is ample evidence that it was false. In 1991, a hostile former Davidian contacted Jewell's father, who had joint custody of the child with her mother, who lived in California, but professed the Davidian faith. He convinced him that he could get sole custody of the child by claiming that Koresh intended to rape the child and that her mother was liable to co-operate with Koresh's intentions. When Keri visited her father for the holidays, she was held and "deprogrammed" for four months. In February 1992, the father attempted to get sole custody of Keri in a Michigan court, based partly on this testimony. The judge continued joint custody, but required Keri's mother to keep the child away from Koresh. The apostate ex-Davidian informed the Texas Department of Children Protective Services of the case, as well as other allegations by ex-Davidians. The Texas authorities investigated the charges but found no evidence that any sexual abuse had occurred.

One thing is certain: Keri Jewell was not, as Epstein claimed, at Waco at the time of the assault. And lucky for her she wasn't. If she had been there as Epstein claimed, she would have been incinerated with the rest of the Davidians in the FBI's destroy-the-village-in-order-to-save-it assault.

But no matter. The Keri Jewell testimony, though absolutely irrelevant and almost certainly false, had captured

news media attention and disarmed Republican members of the Congressional committee investigating Waco. Apparently, Epstein thought this tactic might again divert attention from the real issues.

What about Epstein's second reason for taking immediate action, the "200,000 rounds of ammunition . . . [some of which was] illegal"? This is a new twist, and a strange one. I don't know how many rounds of ammunition the Davidians had, nor whether any was illegal. But one fact is pretty well

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*Epstein generously grants that he "may even disagree" with the decision, but reiterates his warning against "Monday-morning quarterbacking," i.e. criticizing a decision to kill more than 80 people, at least 15 of whom were innocent children.*

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established: during the entire siege, the Davidians had not fired a single round of that ammunition. So there is little reason to believe that if the FBI waited further, its agents or the children inside would be endangered by all that ammo.

Still, the spectre of 200,000 rounds of ammunition sounds ominous. Like the spectre of Koresh inside the building raping little girls, it provides good reason for the FBI to act quickly and decisively.

And what about the "Davidians who wanted to leave the

## Investigating the Waco Massacre

Given the political constraints — Janet Reno had to avoid offending the Beltway crowd first — former Missouri Sen. John Danforth was probably as decent a choice as was likely to conduct an official quasi-independent probe into the Waco holocaust. He seems to be personally decent, he might be capable of being shocked by what he uncovers, and during the Clarence Thomas confirmation hearings he stayed with his man when things got ugly, although it's unlikely that he agreed with every aspect of Thomas's judicial philosophy.

But the odds are against him — or, to be more accurate, against the full truth coming out of his new investigation. For starters, he has already announced that he's going to concentrate on the events of April 19, 1993. If he has the fortitude to look into the events of that day without fear or favor that will be a plus. But while the government's actions that day were certainly outrageous, they can also be viewed as the culmination of 51 days of utter outrageousness. A fresh investigation into why the BATF thought it just had to do a military-style "dynamic entry" to serve a warrant on pennyanite gun charges (not to mention whether the information in the warrant was reliable or supported even those minor charges) would be welcome, as well as some explanation of why the feds rebuffed the efforts of religious leaders and experts in minority religions to mediate and instead insisted on demonizing Koresh and the Davidians with a campaign of patent lies and slander.

Perhaps one of the congressional committees threatening to conduct its own investigations and hearings will oblige us, though it's seldom wise to trust any Congresscritter to do the right thing. I talked to Stuart Wright, the Lamar University sociologist who has studied marginal religions and consulted with the Branch Davidian attorneys. He thinks the best hope for new information coming out is the civil trial the Davidians have pressed and which is getting underway. He has a point. The "new" evidence started to be made public when the Texas Rangers, having lost any confidence in the feds and having gotten sick and tired of their games, moved to turn their 12 tons of evidence over to the judge conducting the trial. That was one of the factors that got the *Dallas Morning News* interested. And the background to all the "new" revelations is Mike McNulty's film, *Waco: Rules of Engagement* which he worked for years to make, which garnered an Academy Award nomination, surprisingly good reviews from interesting quarters and lots of shocked and moved audiences. His research for his second film may well have been what precipitated the Texas Rangers' decision. So while the formal and official procedures have dithered and avoided the truth — and might not get to it with Danforth's investigation — people in the private and informal sectors kept plugging, and a few of them were competent (or lucky or persistent) enough to accomplish something that forced the public sector to act. — Alan Bock

compound" but were not allowed to? These appear to be entirely a figment of Epstein's imagination. During the siege, seventeen people had left the compound with no interference from Koresh or his followers.

Having falsely provided a rationale for making a hasty decision, Epstein generously grants that he "may even disagree" with the decision the FBI and the Attorney General made, but reiterates his warning against "Monday-morning quarterbacking," i.e. criticizing a decision to kill more than 80 people, at least 15 of whom were innocent children. How could any rational person call this a "tough call"?

Then he returns to the question of who started the fires. Here he offers three bits of evidence that the fires were started by the Davidians themselves: "because the fire was started in three separate places within the compound, because there was gas on the clothes, there were children, others that were shot at point blank when the confrontation occurred."

Let's examine these bits of evidence.

1) "the fire was started in three separate places . . ."

Hmm. Is he saying that the FBI, which had the place surrounded and had millions of dollars worth of military equipment present, was incapable of starting fires in three places?

2) "there was gas on the clothes . . ." Good grief! The fires burned so fiercely and so long that authorities could not even identify how many people were killed. The heat was so intense that a flap atop a flagpole 75 feet away from the fire was incinerated. Does Epstein really believe that *gasoline-soaked clothing* could survive such an inferno?

3) "there were children, others that were shot at point blank when the confrontation occurred." Even if this were true, it offers no evidence that the Davidians themselves set the fires.

Epstein concludes that "we should be careful not to use the word *cover-up*" to describe six years of government lying. He'd "prefer" that we just call it a "screw-up." I'm sure Hitler would like us to "be careful" not to call his killing of millions of innocent Jews, homosexuals and gypsies "extermination" or "genocide." Let's call it a "mix-up" instead.

## Reflections, continued from page 14

room, flattening the door. He says ". . . there are *too* many of you people working and you're having *too* good of a time! *That worries us!*" A child asks, "Does this mean the party is over?"

What do the critics think explains our almost inflation-free prosperity of recent years? Is it a gift of nature for which Greenspan deserves none of the credit?

The critics show no signs of feeling any obligation to try to understand money-macro theory or the Federal Reserve, which has learned that monetary policy works with lags. By the time that prices show unmistakable signs of inflation, it is too late to stop it without unpleasant side effects. An antiinflationary shift of monetary policy then causes a recession or economic slowdown. To avoid the economic slumps and spurts associated with the stop-and-go monetary policies of the past, the Fed must pursue a steady course, avoiding short-run overstimulation that will have to be reversed. It must look ahead for signs that its policy has become or is becoming too expansionary. Clues may be found not only in consumer prices, but in the real economy — in unsustainable growth of output and decline of unemployment — and even on Wall Street. Signs of unduly easy money usually occur ahead of the general price increases that follow if the overexpansion is not promptly stopped.

Prosperity is a good thing. If output grows because of a larger or better-educated and healthier labor force or because of technology-based gains in productivity, fine. It is likewise fine if unemployment shrinks through better matching of workers and jobs and job vacancies, owing perhaps to improved management and even to the opportunities offered by a steady economic environment (as opposed to one beset by stop-and-go policy). Real factors like these, contributing to an impressive real growth rate, are of course not to be resisted by monetary policy. They permit an accommodating (and noninflationary) increase in nominal spending and in the supporting quantity of money. Such reality-based

growth in output is distinct from an unsustainable spurt due to unwise policy. (An increasingly complicated money-supply-and-demand situation, partly the result of ongoing financial innovation, renders this distinction between a merely accommodating and an overexpansionary policy difficult, however, for the Fed to make.) The price increases that lag behind an unsustainable spurt in output and employment tend to reverse that spurt. A tightening of monetary policy delayed until then comes too late to stop the price inflation and tends to produce a slump.

That is why the Fed must look ahead, seeking clues even from what is happening in factories and on farms, on Main Street and on Wall Street. I have no first-hand knowledge that the Fed is following the theory just sketched out, but supposing so does make sense of its actions and pronouncements.

Nothing that I have said here suggests approval of our current monetary arrangements. They are absurd. The value of our dollar bill depends on nothing sounder than the ability of the Fed to manage the quantity of money suitably in the face of a changeable, complicated, multitiered demand for money. The fact that the bulk of U.S. paper money is held abroad, partly for lubricating the drug trade, is just one of the complications.

But ignorant political pressures *do* complicate the FR's task. What may deserve admiration is not the system itself but its management by Alan Greenspan and his colleagues, which looks good in comparison with their predecessors' performance.

The politicians among the Fed's critics may not want to let any actual understanding get in the way of their demagogic. Their ignorant criticism of the FR is just one more piece of evidence about democracy. How many areas of life can we safely entrust to management by politicians chosen by voters of low attention span in election campaigns pervaded by arguments of the low quality that we regularly observe?

— LBY

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## Analysis

# *What Are They Smoking?*

*by Alan Bock*

Medical marijuana advocates have the truth, the voters, and even a few brave politicians. So why are they getting nowhere?

On July 29 the House of Representatives, by a voice vote, (which means nobody's vote had to be recorded) reaffirmed a previous decision ordering officials not to count the vote on Initiative 59, which Washington, D.C. citizens had voted on last November. Initiative 59 would have authorized the medical use of marijuana, with a recommendation or prescription from a licensed physician. Exit polls showed that it had support from about 70 percent of D.C.'s voters. But a few weeks before the election was held, Republican Rep. Bob Barr attached an amendment to a District appropriations bill forbidding the use of any funds to count the votes on this measure. Counting the vote involved flipping a computer switch, at an estimated cost of \$1.28.

It takes a request from only one Member of the House to require that a vote be recorded. Only one Member would have had to say, in effect: "If you guys want to nullify the will of the voters, and demonstrate your utter contempt for the democratic process that gives you whatever shred of legitimacy you possess as lawmakers, you'll at least have to have your name on a 'yea' vote for all to see."

But not a single legislator made that request, so the House continued the nullification of the rights of D.C. citizens in the most cowardly fashion possible, behind the anonymity of a voice vote.

There are House members on the right side of this issue. Democrat Barney Frank of Massachusetts has introduced legislation to "re-schedule" marijuana, from Schedule I (reserved by law for drugs with unique abuse potential and no known medical uses) to a Schedule that would allow doctors to prescribe it legally. Republican Ron Paul of Texas openly criticizes federal drug laws on a regular basis, but he wasn't on the floor at the time.

Chuck Thomas of the Marijuana Policy Project tried to activate a phone and e-mail campaign before the vote. Some drug-reform activists, including Peter McWilliams, used their e-mail lists to encourage protests. But the trickle of pro-

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tests and the editorial I did for the *Orange County Register* out on the Left Coast didn't impress the august members of the House of Representatives.

Why did this happen?

Most elected officials have the impression that there will be no political price to pay for demonstrating utter (and utterly cruel) and downright irrational intransigence on the subject of medical marijuana. Even those few who are in sympathy with the goals of reformers perceive that it is more important to preserve some degree of comity with their legislative colleagues. Chuck Thomas thinks some Democrats placed party solidarity ahead of forcing a recorded vote. This must have happened on the Republican side as well.

In some ways this should be surprising. The District of Columbia isn't the only place where medical marijuana proposals were on the ballot. In all six states where such measures were on the ballot, they were passed easily. The smallest margin vote gathered by medical marijuana initiatives was 56 percent in California. Arizona, generally viewed as a politically conservative state, passed the measure for the second time, after the state legislature had gutted the previously-passed medical marijuana initiative.

A Gallup Poll taken March 19-21 of this year found 73 percent of adults favored "making marijuana legally available for doctors to prescribe in order to reduce pain and suffering." Other polls show the same thing. If it came to a national referendum on the topic, even with almost all elected officials, all of law enforcement and a good deal of the medical community in active, declared opposition, there

is little doubt that it would pass. That has been the situation in each state where such an initiative has passed.

Recent events have obliterated whatever intellectual and legal rationale ever existed for extending marijuana prohibition to sick people whose doctors believe marijuana might offer them some benefit no other medication can. After California passed Prop. 215 in 1996, Drug "Czar" Barry McCaffrey threatened, fulminated, and commissioned a study by the quasi-independent Institute of Medicine. Issued in March of this year, that study offered a couple of sops to the drug warriors — for example, it concluded the future of medical marijuana does not lie in smoked marijuana — but on balance the report acknowledged that "the adverse effects of marijuana use are within the range tolerated for other

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*Every independent government agency around the world that has studied marijuana has concluded that prohibition imposes more costs on society than does the herb itself.*

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medications," and that marijuana is useful in treating several medical conditions: nausea induced by cancer chemotherapy, AIDS "wasting syndrome," some kinds of chronic pain — especially chronic back conditions, and even some aspects of multiple sclerosis.

The upshot is that while the report did not make direct policy recommendations, nobody who read it with a shred of intellectual honesty could conclude that marijuana belongs on Schedule I of the schedule for prescription medicines established by the Controlled Substance Act of 1974. This conclusion verifies the conclusions of every government panel that has studied marijuana, from the 1898 Indian Hemp Commission selected by the British government to the Nixon-era Schaefer Commission. Every independent government agency around the world that has studied marijuana with a smidgen of impartiality has concluded that prohibition imposes more costs on society than does the herb itself. And as the Institute of Medicine report notes, the discovery in the middle 1980s of specific cannabinoid receptors in the human brain suggests things earlier researchers and policy wonks didn't know about, including the fascinating possibility that the human body is hard-wired to use cannabis.

### **Legalization: the Road to Electoral Success?**

Of course, politicians as a breed can't be expected to have much interest in science or respect for intellectual integrity. The perception among most professional pols is that to a much greater extent than Social Security ever was, drug reform is the real "third rail" of American politics. Whatever one might think privately, if you're tagged as a legalizer your political career is as good as finished. Punishment will be swift and severe, not just from law enforcement unions but from the general public.

Curiously, there is not a lot of evidence for this view. Not a single elected official who has questioned the wisdom of marijuana prohibition or called for legalization has suffered at the polls as a result. Kurt Schmoke was re-elected as mayor of Baltimore by a larger margin than his first election

after questioning drug prohibition. Joseph Galiber, a New York assemblyman from the Bronx, introduced a drug legalization bill every year for a couple of decades and still had no problem getting re-elected. And Ron Paul, despite open hostility from the Republican establishment in Texas and the nation, seems to be able to be re-elected whenever he wants, despite his unremitting opposition to the War on Drugs.

More recently New Mexico Gov. Gary Johnson announced that he is in favor of decriminalizing drugs. The 46-year-old Republican governor, an avid athlete who uses neither alcohol nor illicit drugs (though he admitted to trying marijuana and cocaine in the 1970s), contends the national war on drugs has failed to stop the flow of drugs and consumes too much law enforcement money and attention. He vows to hold public forums later this year to jump-start the debate. He says it will take several years to sway public opinion and doesn't plan to introduce legislation in New Mexico this year. Johnson doesn't plan to run for another term, but he and the decriminalization issue are unlikely to disappear.

So what does that leave as an argument for resisting even modest, compassionate changes like allowing physicians to prescribe marijuana? The best hypothesis I can come up with is that being actively cruel to sick and old people is easier in terms of getting along with one's colleagues in government, and there's no political price to pay for deciding not to cross the most ignorant and intransigent of the prohibitionists. The medical marijuana movement might have billionaire George Soros to fund it, and enough public support to get initiatives passed at the state level. It might have a few general-circulation newspapers, a few libertarian and counter-culture publications on its side. But it doesn't have enough political clout to hurt politicians who support the most draconian aspects of marijuana prohibition.

This is true even (or maybe especially) at the state level, including in California, where the newspaper for which I write has the third-largest circulation in the state. Even elected officials who have publicly supported Prop. 215 wimp out in the face of the least little threat from the feds. From what I see, they pay no political price for their cowardice. The medical marijuana movement is substantial in this

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*The discovery in the middle 1980s of specific cannabinoid receptors in the human brain suggests that the human body is hard-wired to use cannabis.*

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state, but not substantial enough to make any politician quake in his boots or even want to displease some of his more fascistic colleagues in government.

Consider the case of Bill Lockyer, the Democrat who was elected Attorney General of California last year. While his mother battled cancer in 1996, Lockyer told me and other journalists that he supported Prop. 215. If terminal patients could have access to cocaine or morphine (and patients after routine surgery are given morphine), he came to believe it was simply ridiculous that they should be denied the use of

marijuana if there was even a glimmer of hope that it might relieve discomfort. He reaffirmed his support for proper implementation of Prop. 215 during the Attorney General's race and promised to appoint a task force to recommend guidelines.

The task force he appointed was heavy on the law enforcement side, which was probably politically expedient, but it did include a few patients, some caregivers, attorneys who had defended medical marijuana patients and medicalization advocates. It was co-chaired by San Jose's Democratic Sen. John Vasconcellos, who has been a stalwart opponent of the Drug War for years, and is a skillful legislative infighter to boot. The report, incorporated into legislation carried by Vasconcellos, recommended a voluntary state registry under the auspices of the Department of Health Services, with the idea of taking validated patients out of law enforcement's purview. Several medical marijuana advocates, including me, had critical comments to make, but considering all the interests that had to be persuaded to sign on, it wasn't a bad recommendation. It probably would have passed the Democrat-controlled legislature, maybe even garnering some Republican votes.

But even before the bill got out of committee, newly-elected Democratic Gov. Gray Davis, who has been carefully climbing the political ladder in various elected positions since he was Jerry Brown's chief of staff back in the 1970s and is perhaps the most aptly named politician in America, announced that he would almost certainly veto it. This was unusual in that the most common complaint about Davis in the legislature had been that he refused to take positions on pending legislation, leaving Democrats in the dark about what his legislative priorities were. But his spokesman said he was convinced that federal law was supreme in this area and was loathe to have the California state government challenge it so formally as by establishing a state registry.

On the last day of the legislative session, Sen. Vasconcellos made SB 848 a "two-year bill," meaning no final vote was taken and it can be brought up again next year. Vasconcellos had flirted with law enforcement-backed ideas that might have mollified Gov. Davis, like making state registration mandatory or requiring doctors to report contacts with medical marijuana patients to county health officials (even if they had not prescribed

or recommended it themselves) who would forward names to a state registry. Most patients and medical marijuana advocates opposed such notions vocally and there was no guarantee Gov. Davis would have signed it anyway. The effort to implement Prop. 215 will take even longer. And while a September 13 9th Circuit Court decision ordering a federal judge who had closed Northern California cannabis clubs to reopen the case and consider a "medical necessity" defense should have an impact on federal enforcement activities, it's too early to tell what impact it will have at the state level. Federal officials obviously sense the fear in California. Drug Czar Barry McCaffrey practically threatened to arrest

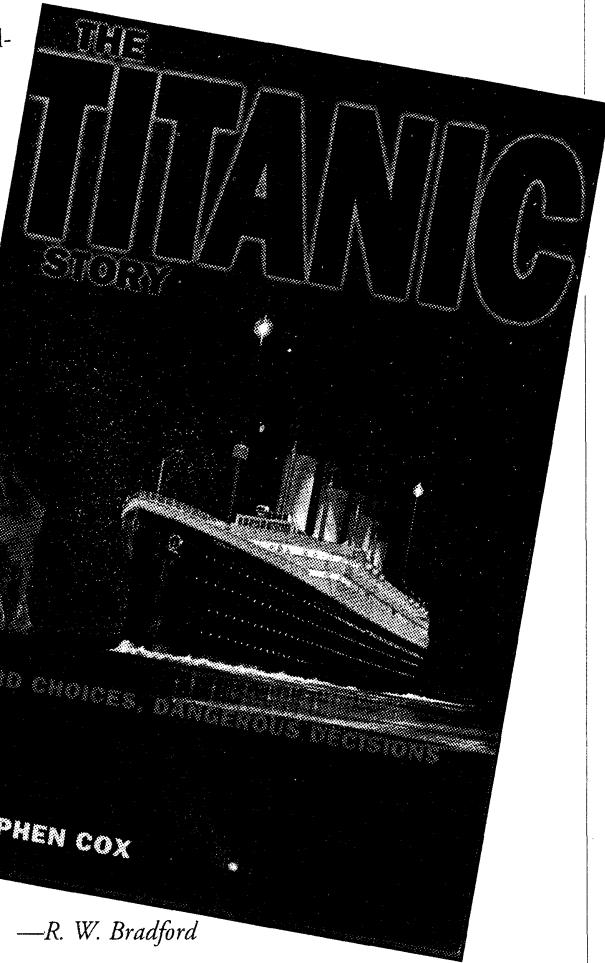
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Attorney General Lockyer if he so much as authorized government research on medical marijuana. Instead of telling McCaffrey something like "I'll be sure to notify the media when you come by with the handcuffs and we'll whip you in court," Lockyer left the meeting with his tail between his legs. An old-line New Deal liberal with just a bit of a '60s sheen, he seems uncomfortable and troubled by arguments that might sound like they have something to do with "states' rights." He also came to the AG's office after years in the legislature, including a longish stint as Senate Democratic leader, so it's quite likely he still has a legislator's accommodationist instinct rather than an executive leader's mindset.

Lockyer is obviously upset with the intransigence of federal drug warriors but not ready to challenge federal hegemony, even by so modest a step as signing on to the petition pushed by Virginia resident John Gettman to take marijuana off Schedule I. Now that Marinol, the synthetic form of THC, has been taken off Schedule I, the argument for maintaining Schedule I status for the raw herb, which is associated with even fewer medical risks than Marinol, has disintegrated. Lockyer told me in an interview that he favored rescheduling as the key to most of the problems that have made it so difficult to implement Prop. 215, but he doesn't want to be seen even as a "friend of the court" on behalf of the rescheduling petition.

In addition, Lockyer has refused to intervene in the obviously selective and politically-motivated prosecution of former Libertarian Party gubernatorial candidate Steve Kubby by Placer County officials. In fact, the AG's office has provided expert witnesses to the local prosecutors. Kubby credits marijuana with keeping him from dying of adrenal cancer years ago, and his doctor from more than 20 years ago agrees and will testify to that effect. Kubby had a recommendation from a licensed doctor, just as Prop. 215 specifies, and grew marijuana plants in his home near Lake Tahoe. Prosecutors allege he was growing to sell based on the number of plants they confiscated, but produced no evidence of any sales in preliminary phases of the trial.

Nor has Lockyer, who according to California law "shall have direct supervision over every district attorney and sheriff and over such other law enforcement matters as may be designated by law, in all matters pertaining to the duties of their respective offices," chosen to express a view about the

case of medical marijuana activist Marvin Chavez, who was sentenced to six years in prison after the judge instructed the jury not to consider Prop. 215 in its deliberations.

Richard Cowan, former executive director of NORML who now presides over the Web site [www.marijuananews.com](http://www.marijuananews.com), has an alarming theory to explain Lockyer's inaction. "I think that what almost all of the politicians really fear is the political power of organized 'law enforcement.' If this is the case, then this should be of concern to everyone, regardless of their views on marijuana prohibition. When a nation is effectively ruled by the political power of the police, it is a police state, regardless of whether or not it retains the formal procedures of a democracy."

The organized political power of law enforcement is nothing to sneeze at. In California, the prison guards' union has become a prodigious political machine through selective campaign donations and support for prison-filling legislation like the "three strikes" law. Other law enforcement organizations who used to exercise their clout fairly quietly

*Federal officials obviously sense the fear in California. Drug Czar Barry McCaffrey practically threatened to arrest Attorney General Lockyer if he so much as authorized government research on medical marijuana.*

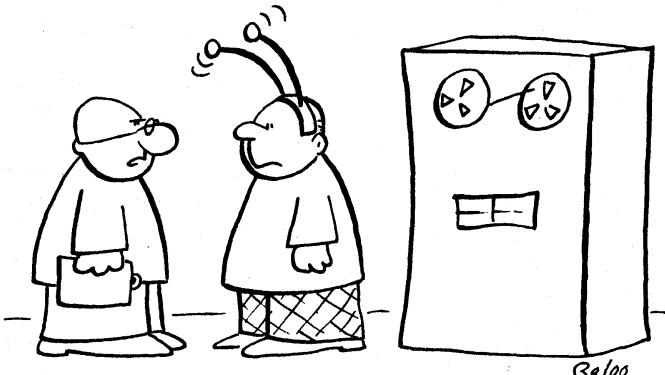
have been more and more openly making campaign donations and lobbying for the kind of laws they prefer.

It wasn't all that long ago that police chiefs would tell me "we don't make the laws, we just enforce them" during interviews or editorial board meetings. Now, none of them even try to claim such detachment from the political or legislative process any more. They are heavy political players and they are political players with the power to arrest their opponents and, if not send them to jail, at least make their lives miserable and expensive for months and years as the legal process unfolds ever so slowly.

What concerns me is that the drug reform movement has apparently not found a way to counteract this kind of law-enforcement political clout with political clout of its own or even begun to recognize the problem. Libertarians and other people who have concerns about the war on drugs seldom put the issue at the top of their priority list. They'll say they're for medicalization or legalization if asked, and maybe they'll talk to neighbors or co-workers if the subject comes up. But when it comes to trying to pressure politicians, even through a simple e-mail campaign, they're seldom around. You'll see patients — often people with little or no money and severe physical handicaps — and a few dedicated reformers at the scene when work needs to be done, but most of those who support reform confine their support to moral support.

It's not hard to understand a certain reluctance. It doesn't take talking about drug legalization too many times to get yourself branded as a "fanatic" on the subject, a johnny-one-note whose views can be discounted accordingly. Most of the

*continued on page 52*



"Henderson, you just don't take your debugging duties seriously enough!"

# My Lunch with Liddy

by Chester Alan Arthur

What you get when you mix two GOP hopefuls, 7,000 GOP faithful, an all- American picnic, "beautiful" hot, muggy weather, and *Liberty*'s political correspondent?

Two days after the last issue of *Liberty* went to press, I dragged my sorry carcass out of bed at an ungodly early hour so I could attend a gigantic Republican "Meet the Candidates" picnic held on an island in Puget Sound. Only two GOP presidential hopefuls would attend, but both planned press conferences, and I figured this would be the easiest opportunity I'd likely have to see any of the Republican candidates in the flesh. And I wanted to ask Elizabeth Dole whether she'd rethought the mandatory airbag requirements that she'd imposed on the American people.

I managed to arrive at the press relations booth at 10:55 a.m., five minutes before the time at which the public relations people insisted that I arrive so I'd have time to get my press badge and be ready to attend Sen. John McCain's press conference at 11:15. I signed in and got my badge. "Where will Sen. McCain's press conference be?" I asked. "Oh, right here," the GOP flack said. "He'll be arriving right here any moment now and do the press conference first thing."

So I waited around for ten minutes or so, making small talk with another reporter. Sen. McCain arrived, as advertised. He hopped out of a large, shiny SUV, looking tanned and fit, with his young wife at his side. He was plainly in campaign mode, smiling engagingly at me, saying hello. I did my best to smile politely, but avoided any political small talk, figuring any questions I might have for him I'd ask at the press conference, due to begin in five minutes. He disappeared into the crowd, glad-handing, smiling, and chatting amiably with anyone he could find. There was no press conference.

I walked back to the press table to ask about the other promised press conference, this one with Liddy Dole, scheduled for 11:30. The press people, who'd so enthusiastically promised me the press conferences when I'd called the day before, said they didn't know where it would be, and told me to check with her staff. The candidate herself was stationed in a tent where she would allow her picture to be taken with anyone who'd cough up a \$35 donation to her campaign. I wandered over to her headquarters and asked about the press conference, only to be told I needed to speak with some-

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one with her national staff, "over there by the picture tent." I eventually found her press relations guy, who told me there was no press conference planned. I was vaguely annoyed, and told him so. He promised to set up a "few minutes for questions" after she finished her speech.

I wandered around for a bit. The picnic was more like a county fair than anything else, except that everything was free and the exhibits were all political. I noticed that the booths for candidates Alan Keyes and Pat Buchanan were well away from the main area, so I asked the Keyes and Buchanan people whether they'd been discriminated against. They seemed befuddled by my question.

By now, the crowd was beginning to fill the several thousand chairs set up before the stage, so I figured the speechifying was about to begin. I found an empty seat in the front row next to a large woman dressed from head-to-toe in elephant clothes (clothes decorated with elephants, I mean, not clothes that an elephant would normally wear) and sat down to see what McCain's and Dole's stump speeches were like.

Dole came up first. She began by telling the crowd how happy she was to be there and how wonderful the weather was. I was a bit mystified, since the weather was more-or-less the worst we'd had all summer, overcast, muggy and hot by Puget Sound standards. I imagine she compliments the local weather wherever she goes, unless an actual hurricane is in progress.

She continued her spiel with all the enthusiasm of a telemarketer interrupting your dinner. She'd fought drugs when she headed the Coast Guard, she had more experience as an executive than any other candidate, she was an inspiration to women, blah blah blah. At one point she made a pitch for an open party, listing all the minorities she welcomed into the

party. Conspicuous by their absence were gays; I wondered how the Log Cabin Republicans over at their booth felt about being the only minority not welcomed into the party by its most inclusive candidate. When she finished her mechanistic performance, she answered a couple of questions and walked off the stage, her plaster-of-paris smile still frozen on her face. The crowd cheered with polite faux-enthusiasm.

I went over to the place where her press secretary had said she'd be available to the press. Naturally, she wasn't there. She was busy signing autographs and glad-handing. I found her press guy again, and asked him a bit testily whether she was going to be available to the press at all.

*When he was returned to the compound, he hobbled over to the single bare light bulb that illuminated the room and with his bloody fingers began to sew another American flag. It was an inspiring story that brought tears to my eyes, though it didn't convince me to abandon the Bill of Rights.*

Other reporters gathered round, looking as annoyed as I did, and I wondered whether the press guy felt intimidated. In any event, he promised she'd be available after she finished a radio interview, which she'd begin after McCain finished his speech.

I went back to try to reclaim my front row seat. Someone was in it, but the elephant lady shooed her away, saying "I was saving this seat for this man." I thanked her and sat down to sample McCain's performance. McCain sprinted out on stage looking extraordinarily fit and enthusiastic. He began by observing that some American soldiers actually get food stamps to help feed their families, and promised to end this indignity by raising military pay. (Apparently, the possibility of tightening food stamp requirements hadn't occurred to

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him.) Most of his speech was about the corruption of power, and how he'd end it. He exuded sincerity and determination.

The emotional high point was his response to a question about flag-burning. He told how a poor southern boy held in the same prison as he in North Vietnam had secretly sewn an American flag out of scraps of cloth with a bamboo needle, and how every morning, the POWs had pledged their allegiance to the sacred flag. One day, his North Vietnamese captors discovered the flag, took him outside and beat him mercilessly for hours. When he was returned to the compound, he hobbled over to a table below the single bare light bulb that illuminated the room and with his bloody fingers began to sew another American flag. It was an inspiring story that brought tears to my eyes, though it didn't convince me to abandon the Bill of Rights and prohibit flag desecration. He answered questions with gusto and what I took to be genuine enthusiasm. If I had to vote for a Republican, he'd get my vote, despite his screwball ideas about the military.

## Eyeball to Eyeball with a Child Killer

I walked over to the radio station booth and sure enough, Liddy Dole was doing an interview. By the time she finished, virtually every reporter at the event was waiting to talk to her, not surprisingly, since this was the only opportunity any of us would have to speak to a candidate. She first nodded toward local reporters who lobbed softball questions at her. Finally, an MSNBC reporter got a chance to ask her whether, in the wake of New Mexico Gov. Gary Johnson's admission that he had used drugs and his call for reconsidering drug prohibition, she was inclined to explore options to the current system. She repeated almost verbatim the anti-drug screed from her talk a few minutes earlier, as if the only word she had heard from his question was "drugs." He asked again, "Well, do you favor reconsidering drug prohibition?" And she said she didn't.

She turned to me, and said, "You've been very patient." I asked her whether she thought enough was being done about schoolyard shootings. This was a subject she hadn't mentioned in her speech, but she was still capable of delivering a concatenation of cliches on the subject — they were awful, we ought to do more to stop them, etc. So I asked her whether, in light of the fact that airbags in automobiles kill more innocent children than schoolyard shootings, she had regretted having worked so hard to make them mandatory in new cars. She responded that while airbags had killed some children, they had saved far more lives than they had cost, and that she supported continued government research on trying to make airbags that won't kill kids. I tried to ask her whether it bothered her that since the lives saved by airbags were of adults who had chosen not to wear their seatbelts, she had in effect traded the lives of innocent children for those of negligent adults. But she indicated she was through answering questions.

I wandered over to the radio station booth to say hello to local talk show host Kirby Wilbur, who reads *Liberty* and says nice things about it on the air. After I chatted with Wilbur for a minute or two, Justice Richard Sanders of the Washington Supreme Court happened by, and I was quickly embroiled in a fascinating discussion of legal philosophy.

My visit to the GOP picnic wasn't a waste of time after all.

# Beachhead in Russia

*by Jen Tracy*

A vast frozen tundra of statism is showing signs of thawing.

There are few countries in the world that could be considered less nurturing to a libertarian party than Russia.

Russia isn't exactly a stomping ground for freedom. Rather it's eleven time zones of political repression and socialist economics — and eleven times zones of half-baked post-Soviet reforms and economic crisis. (In fact, it is just a year ago that the ruble devaluated from around 5 to the dollar to 25 to the dollar, at which it stands today.)

But this is the Catch-22: For exactly the same reason that Russia is not a place where a freedom party can easily spread its wings, such a party is a significant endeavor.

The Russian libertarian movement is small, but there is definite evidence of growth. Its main harbinger is a well-trafficked, up-to-date Web site called the Moscow Libertarium, which is now averaging over 16,000 readers per month.

On August 4, the Moscow Libertarium celebrated its five-year anniversary, and the masterminds behind the site are sure that the last year has been a particularly successful one. Anatoly Levenchuk, the mastermind behind the Moscow Libertarium, says it's very difficult to calculate growth in the movement, but the site has made it possible for Russian libertarians to find each other and share information. And, in Russia, where the movement is still in its embryonic stage, this is the necessary place to begin.

The number of people who have expressed interest in membership in a libertarian party in Russia has not yet reached 1,000. According to Levenchuk, when this list breaks 1,000, the Moscow Libertarium will register the Party of Freedom as an official party of the Russian Federation.

The fact that such a party can now be a legal entity is, in itself, monumental. But a brief look at post-Soviet history shows other deeply rooted problems that a libertarian party must overcome.

As late as July, 1990, at the meeting of the 28th Party

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Congress (Gorbachev was still in power), the delegates voted by a large majority to ban the word "market" when referring to the economic reform commission that those same delegates appointed. That must have been especially exasperating to economists who were appointed to a commission for the specific purpose of introducing the market into Russia's ailing economy. And, though this may have annoyed Gorbachev, the banning only underlined the deep-seated beliefs of the majority of the party delegates. It also presaged where his reforms were headed — not far.

Later market reforms did perhaps succeed, particularly under the guidance of Yegor Gaidar: Pricing was freed to follow supply and demand rules, the exchange rate was unified; and most significantly, Russia was recognized as a market economy. These, however, were only half-baked social-democratic reforms.

When the ruble crashed on August 17, 1998 and an intense economic crisis engulfed Russia, liberal reform policies were the first to be blamed. Liberalism was an easily available scapegoat for a political circus that badly needed one.

To paraphrase one of the Russian libertarian movement's best-known authors, Andrei Illarionov, in "The Cost of Socialism": The August 17 ruble crash and ensuing crisis could not be pegged as the failure of a liberal economic model because this model was never really implemented. It is not fair to blame and repudiate something that never happened.

So, now not only does a libertarian party in Russia have

to contend with a government suffocating under 70 years of socialism and a fearful, set-in-its-ways mass of citizens, but it also has to contend with accusations that liberal economic reforms caused the crisis that Russia is now trying to dig itself out of.

The founders of the unofficial Party of Freedom are by no means unaware of their situation. The most fervent work they do involves educating the people.

Levenchuk, an independent Internet expert and market securities specialist from Moscow, is the father of the voice of the libertarian movement, by virtue of the fact that he is the founder and coordinator of the Moscow Libertarium Web site ([www.libertarium.ru](http://www.libertarium.ru)).

*There is no internal desire for freedom in the masses. Seventy years of fear and arbitrariness have dried out any lingering sentiments or even understanding of privacy. No equivalent of the word privacy even exists in the Russian language.*

The web site, in both Russian and English, contains a wealth of information, from essays by well-known Russian liberal economists to translated works by western scholars such as Hayek and Mises. And, the call for papers, in either language, is always open to any who wish to contribute.

The coordinators of the movement spend a good portion of their time translating the works of Austrian economists into Russian, as well as translating the libertarian works of their Russian contributors into English so that westerners can better understand the nuances of liberalism in the Russian economy.

The web site opens its page with a note to readers: "The Moscow Libertarium is primarily a Russian language resource created to support Russian-speaking people in their efforts to build a free and prosperous society in Russia."

Of all the obstacles to overcome, instilling in the Russian people the desire to fight for freedom is probably the most overwhelming hurdle to clear. The height of the hurdle first became evident during the Gorbachev reforms. Ideological barriers had penetrated deeply into society. For decades, citizens had looked upon private enterprise and buying and selling for profit as a "dirty," black-market, speculative activity. They were accustomed to low prices of necessities. They were accustomed to job security and stability. They were accustomed to a Mother Russia who took care of them. They were not accustomed to efficiencies that the market would enforce. They did not know how to function in a market environment.

That is why the older generation is the fiercest protester of liberal changes. Many people are too old to be able to learn how to function in the market; they are too old to be able to support themselves in this way. They are afraid, as they should be. Although Russia has only half-embarked on liberal reforms, their stability has been removed, and many of them are now attempting to subsist on a salary of \$16 per

month or much less. They blame liberal market reforms for their plight rather than the mishandling of the government in implementing those reforms — or the unbridled corruption that invades every aspect of business and government.

Privacy, protection from political repression, free speech, and the other attributes of a free society are new ideas to Russia. There is no internal desire for freedom in the masses. Seventy years of fear and arbitrariness have dried out any lingering sentiments or even understanding of privacy. No equivalent of the word privacy even exists in the Russian language.

This is the environment in which the potential Party of Freedom tries to instill an understanding of what freedom is.

How did Levenchuk himself come to be one of Russia's most important voices of the libertarian movement?

Well, he says, Gena Lebedev (a well-known mathematician and programmer) once told me in the late 80's that he believed the main political question "Socialism or Free Market?" was the same as the philosophical question "Is there a God or not?" He said he thought it was not possible to answer this question.

But then he later understood that it is not the same question at all. He understood that the reasoning of the socialists had multiple logical errors and that this was not in the least bit existential in nature, simply erroneous reasoning. The question of "Socialism or Free Market?" was in fact more like a math or physics question (so it could indeed be answered). I thought a lot about his words and his questions.

Levenchuk, who has been called the midwife of the Russian Internet, sees the Net in Russia as one of the most important tools of freedom — a tool of bringing heretofore unknown people together.

Who are his favorite authors?

Hayek and Mises, of course. They are the favorites of all libertarians in the world. But our Russian authors can better reflect the nature of political and economic life here.

And it is this political and economic nature that is truly impossible for a Westerner to comprehend — especially an American who has yet to cross the borders of convenience and stability. And, if the Libertarian movement is struggling to form an increasingly cohesive movement in America, the land of the supposedly free, then in Russia this task is a thousand times greater.

It will be a long road for Russian Libertarianism, but should the changing of power keep up at such a rapid pace, where prime ministers last less than a year, and there are more and more stories of the government funneling billions to offshore bank accounts in the midst of a huge economic crisis, perhaps people will come to realize the values of a market system devoid of government interference.

Because, in the case of Russia, the government's mishandling of money means the pensioners don't get paid, the hospitals have no medicines, state workers receive tampons (or whatever that particular factory produces) instead of cash and schools have no heat. Education here will be the key. And, slowly but surely, the Moscow Libertarium is doing its part to offer the people an alternative to instability. □

# Schools and the Constitution

by Mel Dahl

There's only one way to stop school shootings.  
Abolish public schools.

Even people normally on the same side of public policy issues are in disagreement about the causes of school shootings of the sort that happened at Columbine High School on April 20, 1999. The July 1999 issue of *Liberty*, for example, featured articles by two libertarian writers, one of whom argued that the shootings result from too much permissiveness and one who saw the shootings as the result of too little permissiveness. (Jane S. Shaw, "Amoral Cocktail," *Liberty*, July 1999 p. 17 and Sarah J. McCarthy, "Why Johnny Can't Disobey," p. 19.) Here, two writers who each start with the same premise, that government is an enemy of liberty and should be kept on as short a leash as possible, take that premise and reach polar opposite conclusions. I suspect that permissiveness, whether excessive or insufficient, is not at the root of the matter.

There may be no practical way to prevent future Columbines, and if there is, I'm not smart enough to know what it is. I can, however, identify a fundamental weakness in public education that dooms it to failure no matter what. For reasons set forth below, it is my view that a good public education is impossible without doing violence to the laws of reason and logic and without teaching children to ignore reality. I believe that the philosophy underlying public education is based on mutually exclusive premises. And finally, I believe the difference in result between public schools and private schools (there has never been a school shooting at a private school, just to cite one example) is due to the fact that private schools do not labor under such a hardship.

Public schools are agencies of government. As such they are bound by the Constitution, so students who attend public schools are protected by the Bill of Rights. They have the right to free speech, freedom of religion, freedom of expression and due process, among others. While it is true that the courts have to some extent curtailed these rights for students — more about that later — it is also true that there are sharp limits on a public school's ability to stifle dissent.

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Thus, beginning in 1943 when the United States Supreme Court held that public school students whose religious convictions prevented their reciting the Pledge of Allegiance could not be disciplined, there has been a long line of cases generally holding that schools must recognize Constitutional rights. While most famous for its decisions excluding organized prayer and Bible reading from the schools, the Supreme Court has also struck down laws against teaching evolution, laws requiring teachers to sign loyalty oaths, regulations forbidding high school students to marry (or placing restrictions on students who married), and regulations permitting students to be disciplined without a hearing. At the height of the Vietnam War it held a student had a First Amendment right to wear a black armband protesting the war.

I largely agree with these decisions: the legal reality is that schools, as agencies of the state, are bound by the Constitution. I believe that the purpose of schools is to teach math and science; not to serve as a tool for social engineering. Students who marry or join the Communist Party may have made a foolish decision, but unless it somehow disrupts the teaching of Shakespeare it is not the school's concern. There has been an unfortunate trend toward using the schools to inculcate students with the values of whoever has a majority of votes on the school board. Every hour spent on diversity training is an hour not spent teaching history or calculus.

This will be true regardless of whose social views are being pushed. Whether it is the left asking for self esteem

workshops or the right demanding Bible reading and prayer, schools should not be at the disposal of those with social agendas. It has long been my suspicion that part of the reason the Japanese do so much better at math and science than we do is that while American students are learning diversity and self esteem their Japanese counterparts are learning quadratic equations and the structure of the atom.

But what happened (as was bound to happen) is that it occurred to some that since students had some Constitutional rights, there was no philosophically sound reason to deprive them of other Constitutional rights. As a general rule, the Constitution is a package deal; government agencies do not get to pick and choose which rights they

*There may be no practical way to prevent future Columbines, and if there is, I'm not smart enough to know what it is. I can, however, identify a fundamental weakness in public education that dooms it to failure no matter what.*

wish to respect. It must therefore logically follow that if a student has a First Amendment right to wear a black armband to protest the Vietnam War, she probably also has a First Amendment right to tell her teacher that he is an idiot (especially if the teacher in question really is an idiot). Or that if the Due Process Clause means a child cannot be expelled without a hearing, the Search and Seizure Clause probably prevents school administrators from taking a peek inside his locker to see if he is holding drugs.

Of course, some institutions cannot function as democracies. Corporations, for example: In my job, I supervise five clerks; while I solicit their suggestions I do not take votes on how the department is to be run. If I did try to run the department as a democracy my own boss, who likewise does not operate a democracy, would have concerns. The usual way for a business enterprise to make money is for those at the top to make decisions (presumably well thought out and far-sighted) and then instruct those below them on the corporate food chain to carry the directives out.

Like corporations, schools cannot be democracies. They cannot educate their students if the students are allowed by popular vote to determine curriculum, hours, teaching methods, books, or other educational issues. In order to provide students with a proper education, the administration must determine all of these things and the students must do as instructed. While a wise administration should always be open to hearing suggestions from any source (including students), policy must flow from above.

This presents a conflict between ideals that is ultimately irresolvable: *Schools cannot give students the full panoply of constitutional rights while at the same time exerting such control over them as is necessary to teach.*

This is one reason why private schools on the whole do a much better job of educating pupils than do public schools. Unencumbered by constitutional constraints and under no obligation to respect students' free speech or due process rights, they can concentrate on the business of getting stu-

dents to learn. Disruptive influences can be dealt with quickly and efficiently. Students soon learn that their conduct must conform to certain standards; and their classes are places where people actually learn things.

Some years ago I represented a 12-year-old who had been caught inside a public school building with four packets of marijuana. In the principal's office, with his father present, he was asked from whom he had bought the drugs. He flat out refused to say, bluntly telling the principal that it was none of his business. (This, by the way, was not an underprivileged minority youth; he is the lily white son of a nuclear engineer in a high income bracket.)

Except for the first grade, my entire educational experience was in parochial schools. I cannot imagine my old headmaster (or for that matter the parents of any of my classmates) enduring for one split second a 12-year-old refusing to answer a direct question about where he purchased illegal drugs. Yet under a legal system where the Constitution has been extended to middle school students, neither the principal nor his father had any particular leverage to get the information from him.

The courts, especially the Supreme Court, are fond of making nonsensical distinctions to obtain a desired result. Thus, we have court holdings distinguishing "commercial speech" from other kinds of speech. We have court decisions distinguishing "due process" from "substantive due process" and "rudimentary due process." The Fourteenth Amendment, which requires "equal protection under the law," has been held to require a higher standard of equality for some classes than for others. And my own personal favorite is the distinction between "pornography," which is protected by the First Amendment, and "obscenity," which is not.

So it should come as no surprise that the courts would eventually figure out the practical result of awarding full Bill of Rights treatment to public school students and create yet more fictitious distinctions to evade the clear language of the Bill of Rights.

One of the by-products of the Rehnquist court has been a sharp curtailment of student rights. Over the past ten years the Supreme Court has reversed course and given educators

*Administrators, with help from the courts, have regained control of their schools by telling students that up is down, that black is white, that North is South, and that the Constitution really doesn't mean what it says.*

broader authority to control students, at least in some contexts. But rather than come right out and say that education is incompatible with the Bill of Rights and so it won't be applied to students, the Court has simply created a new series of nonsensical distinctions.

Thus, there are decisions of recent vintage holding that a search of a student's locker or a student's bodily fluids is not a search. Not that it is a constitutionally permissible search,

*continued on page 34*

# The Last, Legal, Best Way To Stand Up to the State

by *Gary Alexander*

Do something. Not just anything, but something important.

How would you like to get on local TV, to air your libertarian views, without having to pay for the air time? Or be interviewed for over an hour by a reporter who seems sincerely interested in your ideas, and is feverishly taking notes, quoting you reasonably correctly?

Those are just two of the benefits of running for political office, which I did in 1997. In the space of six months, I was on television at least four times (plus re-runs), and was profiled in all of the local major and minor newspapers. None of that cost a cent.

I ran for the Virginia State House of Delegates, in a rare three-way race. A three-way is rare because, in 1997, 59 out of 100 Virginia Delegate races were unopposed by the other major party. Minor parties ran a few nuisance campaigns, like mine, but still, 44 of 100 incumbents ran totally unopposed. Think of the lost opportunities for all that free press time.

Every year, every election suffers from lack of real choices. In 1998, seven of Virginia's eleven U.S. Congressional incumbents ran unopposed by the other major party. All eleven incumbents scored landslide victories. Two years earlier, in 1996, all the incumbents won, and in five of the last eight Virginia state elections for the House, going back to 1983, over 60 percent of all incumbents ran unopposed, even by the other major party. The Democrats and Republicans say it's all about winning, so they won't sponsor candidates where incumbents are strong. But I say, it's not about winning; it's about exposing the voting public to radical new ideas.

The only other time I was on the ballot was in 1988, as a Libertarian elector in the First District of Louisiana for Ron Paul. That's when I first noticed that six of the seven Louisiana Congressional seats were unopposed by any party, major or minor. By 1998, nothing had changed, as six of seven Louisiana House incumbents still ran unopposed. It's a shame that all that air time went begging. Someone

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could have run a campaign to promote liberty and freedom.

In a way, I can understand why there aren't more challengers. The lure of speaking one's mind is tempting, but filling out all the forms and getting the necessary signatures to get on the ballot can be difficult, frustrating and time-consuming. It's not something I would want to do on a regular basis, but I have no regrets about deciding to run for office as a one-time event. Few things in life seem so right as trying to make a difference in my community by running for office on a freedom-based platform. Here are some of the benefits that stick out most:

(1) The media want to know what you think. Newspapers and public access TV outlets are required to (or at least feel obligated to) give all candidates a forum for their positions on major issues. Often, this is the only way to reach voters with new ideas. For me, it grew increasingly frustrating over the years to write 20 or more letters to the editor, and see none of them reach print. (This is my actual experience with the *Washington Post*, for instance). But even the elitist *Post* had to print what I, as a candidate, wrote up in its candidate questionnaire. The same is true for League of Women Voters surveys, printed as newspaper supplements, and other candidate surveys. They *want* to know what you think!

(2) High school students listen, and some learn. As a candidate, you are given a forum in schools, usually before a whole senior class (South Lakes High, in my case). I was invited back to talk a second time, with a Political Science class. As a result of these appearances, a handful of young people volunteered to help in my campaign. As we stamped

letters or pounded in signs, we were able to talk about the ideas of freedom.

(3) If you and I don't stand up to the state, it will only accelerate its intrusions into our lives. By taking a stand, we can slow the growth of Leviathan. This may be difficult to prove, empirically, but I am certain from my varied experiences, as a tax protester and public speaker for freedom, that when we stand up to the state in sufficient numbers, it backs off — ever so slightly. The surest way to slavery is to lie down and say "there's nothing we can do." I will add that I don't want to become an expatriate. America may be free-

*The lure of speaking one's mind is tempting, but filling out all the forms and getting the necessary signatures to get on the ballot can be difficult, frustrating and time-consuming.*

dom's last bastion. I'd rather go down with it, if necessary, than flee.

### **In Fairness, There Are Some Negatives, Too**

The primary negative is that you probably won't win. But that can be a relief, too. I don't really care much for the idea of running to win. The job only pays \$19,000 a year, but it would be worth a cut in pay to sit there and vote *no* every day. By losing, we can still "win" by bending the debate and pulling the other candidates, and voters, toward freedom's ideas. I like to use the example of the Socialists back in 1928. They bent the debate in America for the next 50 years, but they never won a major election. About half the Socialist platform became part of the New Deal in the 1930s, and most of the rest became part of the Great Society of the 1960s. By analogy, in my opinion, I think the Libertarian Party can be a prime influence on 21st century politics, whether we win or not.

Here are some of the more mundane negatives (or hurdles) of running for office.

It takes money to run a campaign, even a small one, so you have to be willing to ask for money. Still, if you don't raise much money, you can still get all the free publicity — appearing on TV, in the newspapers, and at high schools, free of charge. You can still go to all the public forums, or else invite yourself to the major debates, without much money. It doesn't cost that much, just time and preparation, to share your ideas with others.

Do you have detailed answers to every issue? In my opinion, this doesn't matter that much, either. If your principles are right, you can keep coming back to principles of freedom, promising to deliver the details of a plan later on. The right hierarchy is to establish principles first, then draft plans and programs. Without the right principles, any plan or program is doomed. I found that most voters will give a rookie candidate the benefit of the doubt on tough questions. By just showing up and answering all surveys, you will change a lot of minds.

A little more problematic (to me) were the state's threats of fines and up to ten years in prison for a variety of minor infractions in campaign reporting requirements. I chafed

under those threats for a while, but I finally realized that life is filled with such empty noise and — if you let them scare you — you'll throw up your hands and head for some palmy tax haven. Gritting my teeth, and complaining all the way, I did my best to obey all the silly rules, live a clean life, and chronicle all my income and expenditures on time and accurately. I wouldn't give them the satisfaction of scaring me out of the race.

You will have to endure a lot of friendly advice from all the libertarian ideological camps. As in a religious conflict over doctrines, your closest allies can become your biggest enemies. I learned a lot from listening to constructive critics on both sides, but I also learned a lot about the wings of the party. There were the think-tank purists who wouldn't settle for anything less than leading off each debate with a plea to "legalize pot, prostitution and child labor." And there were the more pragmatic party activists who mostly stressed fund-raising and "sounding normal." I didn't care much for either extreme. I don't think I compromised, but neither did I stress drug legalization as a major local issue as such, treating it as one example in a long list of federal intrusions into private lives, which I would resist.

### **Try to Stick to Very Few Major Issues — And Shrink Them to Bumper-Sticker Length**

After getting the necessary signatures on a petition and filing my major forms, I drafted a game plan. In order to keep my message simple, I stressed only three campaign points, which I hammered endlessly: (1) Richmond can say "no" to Washington, D.C., every day: "As your delegate, I

*As in a religious conflict over doctrines, your closest allies can become your biggest enemies.*

will use the 10th Amendment to the U.S. Constitution to veto federal intrusions into your life." (2) I'll work to eliminate state income taxes entirely, and cut the budget at least 50 percent the first year. (3) Let's open the ballot to more voices of diversity, like mine (or yours, dear voter), so you're not stuck with the same old choices.

My first major campaign experience was on live and taped television, in debates with my opponents. The most amazing part of my first debate, taped in July and aired in October, was the positions my opponents took. I should have been prepared for this, but they came right out and said they had no interest in my points — Constitutional and tax issues — and they had no interest in even discussing the slowing down of state or federal government growth.

I argued vociferously that the main role for any state legislator was to enforce the U.S. Constitution, particularly the 10th Amendment, telling federal agents to keep their noses out of our state. I cited several cases of unwarranted federal legislation, including legislation in the educational field.

At that point, the TV host (a friend of liberty!) gave the big party candidates a copy of the U.S. Constitution and said, "Where do you find authorization for any federal involvement in Virginia state or local education?" The candidates returned the Constitution to the host, unopened, and said:



Advocates of activist, overbearing government claim to be against exploitation. But they did not hesitate to exploit John F. Kennedy Jr. in death.

Do you believe for a moment that the death of the son or daughter of any other ex-president (or even an ex-president himself!) would have set off the shameful media frenzy we witnessed after the airplane accident involving Kennedy, his wife, and his sister-in-law? Would pundits, TV historians, and former courtiers have poured out the sort of embarrassing blather that became routine for a solid week? Would Dan Rather have cried on the air?

It wasn't JFK Jr.'s fault, and my comments are in no way critical of his life. In fact most of the reaction to the plane crash had little to do with his life. It was about something else entirely. The chain of association is this: JFK Jr. was the son of President John F. Kennedy. President Kennedy is the faded symbol of Nice Big Government. This is all about

government, not the Kennedys.

Some background: The cause of activist government has encountered problems in recent years. Failure is everywhere: from the collapse of socialism to the bankruptcy of European welfare states to the public's reaction to Hillarycare to President Clinton's toying with an intern in the Oval Office. This has made the weary champions of government long for the good old days, when politics and government intervention were fun and public service (what a self-serving term!) was considered noble. The Kennedy years were the height of that era. Kennedy was a "Cold War liberal," distinguishable from the later dovish McGovern wing of the Democratic party. A "Cold War liberal" was someone who favored government intervention in both domestic and foreign policy. The Vietnam war was the signature — the New Deal and New Frontier applied to Southeast Asia. Comprehensive intervention thrilled the hearts of the self-proclaimed "enlightened" intellectuals, including key media figures. Kennedy, with good looks, lovely wife, and cute kids, made it seem so wholesome, so American. It was anything but.

## Exploiting JFK Jr.'s Death

### by Sheldon Richman

When Kennedy said, "Ask not what your country can do for you. Ask what you can do for your country," few seemed to notice how contrary to the American spirit those words were. It was a classic false alternative. Is there no other choice than mooching off the taxpayers and serving the country? (They are in truth the same thing.) Do the words "pursuit of happiness" ring a bell? America was about neither serving nor being served. It was about making one's own way, finding one's own fulfillment, pursuing one's own happiness. In doing so, one would also benefit others; that's how a free society works. The idea of serving the country — translation: government — would have appalled the individualists who founded this country.

Such rhetoric was more at home in the European despots of the 1930s. Mussolini talked about the individual's duty to serve his country. So did Hitler. Every dictator does.

After Kennedy told us to ask what we could do for the country, he set in motion a policy that led 58,000 young men to die "for their country" in a remote jungle. That's what such talk gets you.

The guardians of Camelot would like us to

forget that unpleasant detail and to once again associate government with a young, handsome First Family frolicking on the South Lawn. It's all style. They can't talk about substance, because the substance of activist government is, as George Washington said, "not reason; it is not eloquence, it is force." The Kennedy myth has been calculated to shroud that truth. The devices perfected by *People* and *George* magazines were first assembled by President Kennedy and his mythmakers.

What is called "public service" is more accurately called paternalism and power lust. Most of what public servants do is spend other people's money magnanimously, to be sure, but other's people's money just the same. Taking people's money and telling them how to live is not noble. Not even when done with a swagger and smile.

It is sad that JFK Jr., who went into business not politics, has been used in this cynical cause.

*Sheldon Richman is senior fellow at The Future of Freedom Foundation in Fairfax, Va., and editor of The Freeman: Ideas on Liberty magazine.*

### THE FUTURE OF FREEDOM FOUNDATION

11350 Random Hills Road, Suite 800  
Fairfax, VA 22030  
Phone: (703) 934-6101 • Fax: (703) 352-8678  
E-mail: FFFVA@compuserve.com  
<http://www.fff.org>



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(1) West Point is authorized by the Constitution, and it's a school. (2) Jefferson was for "public education." (3) The "pursuit of happiness" requires good education. Later, they added (4) the commerce clause.

What amazed me is that both candidates, in their late 50s, had degrees in political science and American history. They were both retired from over 30 years of working in government. Hadn't they learned some elegant arguments for getting around the Constitution in 35 years?

My second campaign plank — eliminating state income taxes — was first deemed "way too radical," but I followed it up by saying that (1) eight states have no income tax and they are among our most prosperous states; and that (2) by cutting spending by 50 percent in the first year, all I am asking is that we return to the Virginia state budget of 1991. Were there no roads in 1991? No teachers? No services? (It's true: the Virginia state budget has grown 85 percent in the last five years, from less than \$10 billion to about \$18 billion. In this campaign, I found that many state governments are growing far faster than the federal government, and that if you want a real battlefield, start at the state, not the federal, level.)

It's important to accept all invitations to speak or write, and then to think of new ways to be heard. I filled in at least 25 candidate questionnaires. I was on local TV four times (some shows being repeated often) and got my face onto C-SPAN three times. I was profiled in the press four times. Each interview or TV exposure was a learning experience to find out what works and what doesn't. The C-SPAN appearances turned out to be a cheap way to spread ideas nationally. This may work only for a DC-area candidate, but each morning, I'd find out where C-SPAN cameras were going to be, then I'd go ask questions.

In community forums, my two opponents and I appeared before workers at several locations, including Virginia Power, the local electrical utility, and in front of the senior class at South Lakes High. Sadly, few students seemed interested in the big issues, but the purpose of such debates is to identify the few people who are.

## Press Coverage Is Generally Thorough and Fair

In the beginning, I thought the local papers were ignoring

Dahl, "Public Schools," continued from page 30

but that it isn't a search at all. Other cases have held that speech school authorities deem offensive isn't really speech.

Also of recent vintage are the rash of news reports of students being suspended from school under zero drug tolerance policies for possession of aspirin, Tylenol, Alka-Seltzer, and in one particularly bizarre case from West Virginia, Certs. Remember my earlier comments about my old headmaster not tolerating a student refusing to reveal his marijuana source? The same headmaster, I am happy to report, knew the difference between cocaine and aspirin and would never have thought to punish a student for trying to cure a headache. But government bureaucrats do what government bureaucrats do best, and that is send common sense packing while conforming to the letter of the law.

So what do students learn from all of this except that school officials lack common sense and judges lie to back

me. I kept calling and writing them. In the end, I found out that they just march to a different deadline drum. They don't think about covering challengers until late September. My first coverage came in the local *Connection* newspaper, under a great headline, "Candidate Running Against Government," in the Sept. 24 issue. Amazingly, to me, they fairly quoted all my radical libertarian positions.

Next came a *Reston Times* profile written by a young (23-year-old) Canadian, who had read a lot of Ayn Rand. He began his October 22, 1997 profile of me by headlining the fact that I am a "Different" candidate. So far, so good, but his lead was this: "Gary Alexander is a study in contrasts. He's pro-choice, but opposes state funding for abortions. He wants to cut taxes, but also reduce government spending. He cringes at any form of government intervention, yet he's running for office." (I failed to see any contradictions in these positions.)

The much larger *Washington Post* and *Fairfax Journal* also printed thorough rundowns of my positions, generally quite fair (though truncated). Each paper interviewed me for over an hour, and two long interviews appeared in the *Connection*. I also advertised weekly in the local papers, getting a good deal on a quarter-page ad. Despite my advertising and sympathetic coverage, nearly every newspaper endorsed incumbents, Democrat or Republican.

Today, two years later, I look back and say I probably won't do this again, but it was certainly worth doing once. My only real regret is the paperwork hangover. My dealings with the state will not likely be over for a while. I still have more reports to file and some discrepancies to clear up. I may even have to pay a fine some day. A candidate friend of mine said he was fined \$1,300 for technical reporting violations. He appealed the ruling as unfair to lightly funded third parties, but the judge threw his case out of court and he had to pay the fine.

But don't let the paperwork turn you off. If you have the time, or someone to help, you can do a better job than I did. Don't let minor doubts stop you. Running for office seems to me among the last legal ways to challenge the state. Until the bulk of Americans wake up to their loss of freedoms and get on the ballot, we will continue to have no real choices. □

them up.

As a practical matter I should be pleased that these newly minted strictures on student conduct may at least have the effect of creating an atmosphere where teachers are once more in charge and students learn their subjects.

But I am not, because the cost is duplicity and irrationality. Administrators, with help from the courts, have regained control of their schools by telling students that up is down, that black is white, that North is South, and that the Constitution really doesn't mean what it says.

This is the cost of ignoring reality, and the price of trying to do what the Constitution forbids. It is better to acknowledge that public schools, with their duty to the Constitution, are incompatible with the benevolent authoritarianism necessary to run a school. What that means for public policy can be debated. But the conflict must be addressed. □

# Saigon in the Andes

*by Dyanne Petersen*

The U.S. War on Drugs is beginning to have a familiar look.

When I heard the first report of the missing plane that Friday evening, I suspected the worst. I had visions of an in-air explosion: Pieces of fuselage, personal effects and body parts confettiied across the night sky like a meteor shower. I channel-surfed my Walkman for news updates about the missing plane, unable to remove my headphones long enough to even comb my hair.

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The location of the downed aircraft was reported the following Monday morning. All aboard were assumed dead. Responsibility for the "great loss" was not, to my surprise, assigned to right-wing paramilitary groups nor to left-wing radicals. Pilot error, bad weather and mechanical failure were named as the probable causes for the crash — and I thought of poetic justice, karmic debt and divine intervention. Reports became less frequent throughout the afternoon and by evening, even top-of-the-hour news coverage of the crash had been dropped just as mysteriously as the plane had disappeared from the air.

Unlike the plane crash that took the lives of John F. Kennedy, Jr., his wife, and her sister, the loss of a U.S. Army reconnaissance plane one week later in the mountains of Colombia was an event with profound implications. The plane carried five U.S. military personnel and two Colombian Air Force officers on a mission to monitor drug production and trafficking activities and to gather intelligence on guerrilla movements which would be used by the Colombian police. The wreckage was discovered at 7,000 feet and first reported on Monday, July 26. Also on Colombian soil that day but at a lower altitude was Drug Czar Barry McCaffrey, who was beginning a friendly four-day visit to review the progress of U.S.-Colombian anti-drug efforts.

For the past five years, Colombia's anti-drug police, backed by U.S. forces, have tried to eradicate coca in its southern jungles, where the U.S. reconnaissance plane went down. Light aircraft and helicopters dodge guerrilla bullets to spray nearly 350 square miles of coca plantations. In 1994,

Colombians grew an estimated 45,000 hectares (175 square miles) of coca; 1997's total was 80,000 hectares. Faced with increased risks of losing part or all of their crops to the herbicides, farmers simply planted more; those who lost all and faced poverty were more tempted to escape it by joining the local guerrillas.

Colombia's cocaine business, which used to be controlled by the Medellin and Cali mobs, is now decentralized and shared among competing anti-government guerrilla groups and right-wing paramilitary squads and a variety of non-political, independent entrepreneurs. McCaffrey expressed his concern that the largest of the leftist guerrilla groups, FARC (Revolutionary Armed Forces of Colombia), is earning \$250 million per year from the drug trade to finance its bloody offensive against the Colombian government. He also expressed his reluctance to use the U.S. military to enforce drug policies, but said that the dramatic increase in cocaine production would cause a reevaluation of drug-control strategies. In response to a request from Colombian President Andrés Pastrana, McCaffrey suggested the U.S. give \$500 million in military aid to support the Colombian army and its modernization program — and to create a special battalion to escalate the war on drugs. The Drug Czar also launched a new and improved drug eradication campaign, with \$600 million of its \$1 billion budget earmarked for Colombia.

As in the past, increased expenditures and military efforts in Colombia will do little or nothing to curb drug appetites back home in the U.S., nor will they help to secure

political and economic stability in Colombia. Colombia already ranks third on the list of countries receiving the most in U.S. foreign aid (right after Israel and Egypt), and its aid was tripled last year to \$300 million.

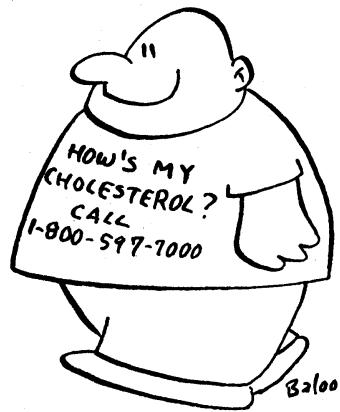
Despite having the muscle of the U.S. government behind it, Colombia continues a backward slide. There have been two devaluations of the peso since Pastrana's presidency began and Colombia is suffering from an unprecedented recession, its most severe economic crisis in 70 years. It also suffers from 35 years of civil conflict. Negotiations are being made for a \$3 billion credit with the International Monetary Fund.

Peace talks between Colombia's government and FARC's leadership, rescheduled from July 7 to July 19, are now

*Like the Serbs, Colombian guerrillas will take to the hills and mountains, making the introduction of ground forces impractical; like the ethnic Albanians, the Colombian civilian population will head for the borders to escape U.S. air strikes.*

"indefinitely postponed." Between those dates, FARC forces launched coordinated attacks on army encampments, banks and other targets in 26 towns across the country in what was called "the biggest and most demented guerrilla offensive in the past 40 years." Hundreds of rebels, military personnel and civilians were killed.

Although President Pastrana and his peace efforts have enjoyed support from the U.S. government, Colombia's neighbors have been undiplomatically critical, a result of the troubles spilling over their borders. Peru's Alberto Fujimori, who has exhibited his no-nonsense and non-negotiation approach to rebels and terrorists, predicted the escalation of Colombia's civil war and saw Pastrana's poor performance as "a threat to the continent." After FARC guerrillas launched their offensive in early July, President Fujimori ordered his troops to the Peru-Colombia border as defensive insurance. In June, thousands of refugees flooded into Venezuela to escape the conflict between Marxist FARC rebels and right-wing paramilitary groups in northeastern



Colombia. Eighty people were killed in cold blood and thousands driven from their homes in what Venezuela's President Hugo Chavez called a mini-Kosovo. Also in June, Panama sent troops to its border with Colombia to protect villagers threatened by the presence of FARC guerrillas who used the area as a resupply and rest stop.

Of course, none of this is acceptable to the U.S. Talk of "Vietnamization" in early 1998, based on creeping American involvement in Colombia's wars against both drug traffickers and guerrillas (frequently the same people), has given way to speculation that Colombia will be the next Kosovo. When General McCaffrey expresses reluctance at committing U.S. forces to drug enforcement activities in Colombia, he is being disingenuous. Those forces are already there. Five U.S. military personnel are killed in a mission over Colombia. A few days later, the wife of a U.S. Army colonel responsible for what *The New York Times* called "United States military activity in Colombia" was arraigned in New York for sending \$230,000 worth of pure cocaine from Colombia to the U.S. The Vietnamization of Colombia is well underway.

Using American supplied Black Hawk helicopters, intelligence supplied by the U.S. under a recent information-sharing agreement, and American financial aid, Colombian security forces are putting more effort into defeating the FARC and the smaller National Liberation Army, and less into negotiating peace. I can imagine strategy sessions going on back in the U.S. in those formerly smoke-filled back rooms. "Boys, we've got a winner this time with Pastrana. He's not going to be another Somoza, Batista, Pinochet or Noriega. We can help him bring the old hammer down and wipe out those rebel forces while we wage our war on cocaine and heroin production. It's a win-win, boys. McCaffrey's got the military track record in Latin America and the mantle of Drug Czar — and if we could sell the world on intervention in Kosovo, we can certainly make Americans buy U.S. intervention in Colombia to end a civil war and rebel drug trafficking."

But the lessons from the Kosovo experience can lead one to anticipate a scenario far different from a quick and certain win in Colombia. Left-wing guerrillas and right-wing paramilitaries recognize and appreciate that increased U.S. military intervention on their home turf will stimulate increased anti-government nationalism, which plays into their political agendas. Like the Serbs, Colombian guerrillas will take to the hills and mountains, making the introduction of ground forces impractical; like the ethnic Albanians, the Colombian civilian population will head for the borders to escape U.S. air strikes. But unlike the targets-of-choice in Kosovo, sights will be set on the cash cow of Colombian rebels — tens of thousands of acres of coca plants — leaving the country more like another Vietnam than an infrastructure-challenged Kosovo.

Some estimates put the number of people killed in the last ten years of Colombia's civil war as high as 35,000. The deaths, political and economic instability, perceived and real threats to neighboring countries and record levels of coca production provide more than adequate justification for the "Vietnamization/Kosovoization" of Colombia. We're already in the preliminary stages. □

# NATO, Kosovo, and Cuba: A Fuzzy Analysis

by Bart Kosko

The argument for intervening in Kosovo applies equally to Cuba. So why isn't NATO bombing Havana?

Binary logic lets you kill an argument with just one counter-example. One orange rose kills the claim that roses are red — even if the orange rose is partly red. Fuzzy logic softens that blow because it accepts partial truths and partial matches of word with fact. But political power can do more than just soften the blow of counter-examples and contrary evidence. Power can keep dead arguments alive and can keep living arguments quiet. The logic of liberty did not put the slavery clause in the Constitution (Article IV, Section 2: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.")

And it is not logic but power that better explains why South America has not formed a federalist union and why NATO does not invade Cuba.

South America remains a counter-example to the power arguments of the *Federalist Papers*. Those arguments allege that nearby states need a strong central government to protect their citizens from foreign invasion and to maintain a civil society among those states. "Who shall command the allied armies, and from which of them shall he receive his orders?" asks John Jay in Federalist 4. "Who shall settle the terms of peace, and in cases of dispute what umpire shall decide between them and compel acquiescence?" Alexander Hamilton contends in Federalist 15 that "The great and radical vice in the construction of the existing Confederation is in the principle of legislation for states or governments, in their corporate or collective capacities, and as contradistinguished from the individuals of whom they consist . . . the United States have an indefinite discretion to make requisitions for men and money; but they have no authority to raise either by regulations extending to the individual citizens of America." He states in Federalist 21 that "the next most palpable defect of the existing Confederation is the total want of

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a sanction to its laws." And so on: centralized government can provide the public goods of national defense and the rule of law more efficiently than decentralized government can.

Those claims convinced enough citizens and state legislatures in the late 1780s to conduct one of the most important experiments in human history — despite the conflict of interest involved when those who argue for a powerful new central government are the very people who are likely to first run it. That let the politicians and Founding Fathers give up their earlier and arguably more reasonable efforts to amend the Articles of Confederation to overcome these and other alleged defects. It let them replace the Articles outright with the Constitution and thus create a far more powerful central government than the Articles would have allowed.

(Formal argument: Let  $A$  denote the old Articles of Confederation. Let  $A'$  denote a modified Articles that would have answered the complaints in the *Federalist Papers*. Let  $C$  denote the Constitution and note that in theory we could always amend the Articles to include all the content of the Constitution and a lot more. Then a nested relation holds in terms of power given to the central government:  $A < A' < C$ . This means that the modified Articles  $A'$  grant at least as many powers to the central government as the original Articles  $A$  did and that the Constitution grants at least as many powers as the modified Articles grant. The *Federalist* arguments account for the set difference  $A' - A$ . But what accounts for the power gap  $C - A'$ ? The new powers in  $C - A'$  are just those that are controversial and those that a deliberative body should debate one at a time and not wholesale in a

new charter document. The anti-federalists seem to have dealt with this in part by passing the Bill of Rights as a kind of check on the new powers in C-A'. Yet how often do modern jurists cite the arguments of the anti-federalists to balance their citations of the *Federalist Papers*?)

So why has the same logic failed to convince the people of South America? Are they not smart enough to see the strength of these arguments? Does their culture trump this reasoning? The oceans that protect and isolate the United States of North America also protect and isolate the independent states of South America. Europeans or Asians could have invaded South America as easily as they could have invaded the U.S. The independent states of South America share a common language and religious culture just as the

*Russia and China would surely oppose a NATO attack on Cuba. But so what? NATO showed with Yugoslavia that Russian and Chinese opposition does not matter.*

first 13 states in the U.S. did. And the South Americans have had the advantages of time and evidence. They have had more than two centuries to observe the U.S. experiment in federalism. Even the recent experiment of a European Union among the culturally distinct and often antagonistic European states has not swayed them.

Yet there is no real movement in or out of South America to create a central government. The largely liberal democracies of South America seem to be doing fine on their own. How would Alexander Hamilton explain that?

Cuba serves as a counter-example to the arguments that the North Atlantic Treaty Organization put forth to justify its air war against Serbia. Why should NATO not bomb or invade Cuba for the same reasons it gave for bombing Serbia? And why did NATO bomb Serbia in the first place?

The need for some argument is crucial because NATO went beyond both the spirit and letter of its 1949 treaty when it waged an air war against Serbia. NATO acted outside the bounds of its treaty and without UN approval. The sovereign state of Yugoslavia does not belong to NATO. It did not attack or threaten to attack any of NATO's 19 member states. So how can a treaty alliance fight a state that did not pick a fight with it?

Article 5 of the NATO treaty demands an active military threat to trigger a military response:

"The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against all and consequently agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

UN Article 51 itself does not support the NATO bombing because it allows member states to use force only if they act

in self-defense: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."

Note how the above language of NATO Article 5 relies on the United Nations for its moral authority. Indeed Article 5 concludes by giving the UN at least conditional veto power over NATO's use of force:

"Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security."

But the UN did not approve NATO's air war against Yugoslavia. Russia and China sit on the Security Council and they actively opposed the air war. Article 1 of the NATO treaty states that "The Parties undertake . . . to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations." NATO clearly took international law into its own hands when it waged its air war. That action has now set a precedent for a Cold War military alliance that has struggled to justify its existence since the end of the Cold War.

NATO leaders did not appeal to the language of their treaty to justify the air war. They pointed to Serbia's brutal and deceptive dictator and his policy of "ethnic cleansing" and to Serbia's crimes against Albanian civilians who lived in the Kosovo province of Serbia. The bombing itself created a positive feedback loop. It induced hundreds of thousands of Kosovars to flee their homes because they feared Serbian reprisals. Then the NATO leaders could point to the sheer number of these refugees to justify their past bombings against the Serbs and to argue for more bombings to stop the flow of refugees. That led to the first and simplest argument to justify the air war: NATO had to bomb Serbia to "stop the killing." And here the logic begins to unravel.

Critics charged that NATO applied this stop-the-killing argument selectively. NATO did not use force to stop the violence in Tibet or Ethiopia or in any of the 30 or more wars

*Political power can do more than just soften the blow of counter-examples and contrary evidence. It can keep dead arguments alive and can keep living arguments quiet.*

that factions now fight around the world. Some critics even pointed to NATO-member Turkey's violence against the Kurds.

The NATO leaders did not rebut this charge head on. They did not say that none of these combatants directly threatened a NATO member. They gave instead a new and final argument that rests on the middle-ground status of the logical quantifier 'some' between 'none' and 'all': Some does not imply all. NATO need not fight all of the world's aggressors just because it fights some of them. NATO enforces as much morality as it can afford.

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# Arms in the Celestial Kingdom

by David Kopel

The sage of ancient China knew a thing or two about how weapons make polite, honorable society.

In the eastern hemisphere, perhaps no person has had more enduring influence than the Chinese philosopher Confucius (born 551 B.C.E.). He is usually thought of as a strong supporter of the authoritarian state, and few people would imagine that he understood the importance of an armed, responsible population in a well-ordered society. "Confucius," by the way, is an 18th century Western mis-translation of his name. So let's call him what his students called him, "Master K'ung."

Master K'ung spent much of his energy advising governments about right conduct. "To govern a state of middle size" (ideal in Master K'ung's view, which extolled moderation in all things), the ruler should, among other things, "mobilize the people only at the right times" (1:5).\*

This advice about mobilization suggests that the state is not to be protected by a standing army, but instead by a force of "the people" which is only mobilized under certain conditions. This force of "the people" seems to resemble what 17th century Englishmen would have called "the militia."

This proto-militia required training and cultivation, as did everything else: "The Master said: 'The people need to be taught by good men for seven years before they can take arms.' The Master said: 'To send a people to war that has not been properly taught is wasting them'" (13:29-30).

Skill at shooting was important for much more than war, however. As a young man, Master K'ung made sure to master the "Six Arts" of a Chinese gentleman. These arts were ritual, music, charioteering, calligraphy, arithmetic, and archery.

Would Master K'ung agree with persons who find the

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shooting sports barbaric? "The Master said: 'A gentleman avoids competition. Still, if he must compete let it be at archery. There, as he bows and exchanges civilities both before the contest and over drinks afterward, he remains a gentleman, even in competition'" (3:7). In modern America, which form of competition builds character better: high school football, in which boys taunt other players after slamming them to the ground, or target shooting, for which self-control is required at all times?

Master K'ung might have agreed with Thomas Jefferson, who advised his nephew: "Games played with a bat and ball are too violent, and stamp no character on the mind . . . [A]s to the species of exercise, I advise the gun." The shooting sports emphasized focus and control over strength: "In archery, it does not matter whether one pierces the target, for archers may be of uneven strengths. Such was the view of the ancients" (3:16).

To Master K'ung, the point of archery, like any of the other Six Arts, was character development in a spirit of moderation. Thus, one passage records Master K'ung's ironic reply to criticism that he was not an expert in anything:

A man from Daxiang said: 'Your Confucius is really great! With his vast learning, he has still not managed to excel in any particular field.' The Master heard of this and said to his disciples: 'Which skill should I cultivate? Shall I take up charioteering? Shall I take up archery? All right, I shall take up charioteering' (9:2).

Not just a target shooter, Master K'ung was a hunter. A responsible one, of course, who emphasized skill and fair play: "The Master fished with a line, not with a net. When

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\*Most of Master K'ung's teachings which have been preserved for us come through his *Analects*, a book-length series of anecdotes and teachings collected by his disciples. All citations to the *Analects* provide the chapter and the verse to Simon Leys' 1997 translation.

hunting, he never shot a roosting bird" (7:27).

Some of Master K'ung's teachings speak directly to our current political situation: "Lead them by political maneuvers, restrain them with punishments: the people will become cunning and shameless. Lead them by virtue, restrain them with ritual: they will develop a sense of shame and a sense of participation" (2:3). Our current President presides over a mammoth state, and is correctly regarded as a slick hypocrite. Our first President presided over a government of few laws, and led America primarily through the good example of his own character, which he worked hard to cultivate. As Master K'ung would have predicted, President Washington ennobled the character of Americans, while President Clinton's example brings out the worst in Americans.

Asked what would be the first step if a government sought his advice, "The Master said: 'It would certainly be to rectify the names. . . . If the names are not correct, language is without an object'" (13:3). In modern America, the failure to "rectify the names" is at the heart of the gun control problem. The gun prohibition lobbies succeed to the extent that they can label guns like the M-1 Garand an "assault weapon." Likewise, inexpensive handguns used for self-defense by poor people are "junk guns" or "Saturday Night Specials." And people who stand up for the Constitution are "extremists."

Today, East Asian tyrants portray Confucianism as a philosophy demanding that the masses submit to tyranny, but this is a falsehood. Master K'ung certainly placed tremendous emphasis on respect for parents as the foundation for society, on benign paternalist government, on temperate and polite behavior, and on religious ritual. But these conservative values hardly mean that Master K'ung believed that people should meekly bow to rapacious government:

The Head of the Ji Family was richer than a king, and yet Ran Qiu kept pressuring the peasants to make him richer still. The Master said: 'He is my disciple no more. Beat the drum, my little ones, and attack him: you have my permission' (11:17).

Mencius, the most influential developer of Master K'ung's thought, also advocated revolution. In contrast to the Legalist philosophers popular in the imperial palaces, Mencius considered the people more important than the state. Quoting from the *Shu Ching* ("Classic of History," one

of the Five Classics of Confucianism), Mencius wrote, "Heaven sees as the people see; Heaven hears as the people hear." And thus, the dissatisfaction of the people could remove the mandate of Heaven from a ruler, and place it on another ruler. The *Encyclopaedia Britannica* notes Mencius considered that revolution "in severe cases is not only justifiable but is a moral imperative."

Compare Mencius's philosophy with the second paragraph of the Declaration of Independence, which affirms that rights come to the people directly from Heaven, from the "Creator," and that government which does not conform to the will of the people may properly be changed by the people, with violence if necessary. Great minds in different places and circumstances often come to the same conclusion. (Compare what Westerners call "the Golden Rule," with Mencius's "Try your best to treat others as you would wish to be treated yourself, and you will find that this is the shortest way to humanity.")

Pursuant to the teachings of Master K'ung and Mencius, Confucian scholars in 220 C.E. led a peasant rebellion which brought down the tyrannical Han Dynasty.

In contrast to the Taoists, many of whom chose to live as hermits to contemplate nature, the philosophy of Master K'ung emphasized the moral imperative of engagement in public affairs. In one passage, a man asks the Master, "Can a man be called virtuous if he keeps his talents to himself while his country is going astray? I do not think so. Can a man be called wise if he is eager to act, yet misses every opportunity to do so? I do not think so. The days and months go by, time is not with us."

Master K'ung replies, "All right, I shall accept an office" (17:1).

If you believe in the Constitution, but never volunteer your time to defend it, can you be called virtuous?

In America, the philosophical heritage of the right to keep and bear arms can be traced directly to the English philosophers of the 17th and 18th centuries. But as the teachings of Master K'ung illustrate, understanding the importance of an armed, responsible population in a well-ordered society was not a unique accomplishment of Englishmen. Throughout world history, our greatest philosophers, including Master K'ung, have taught us that an armed society is a polite society. □

## Kosko, "Kosovo," continued from page 38

This argument sidesteps the language of the NATO treaty and how the treaty relates to the UN. Indeed the UN could make the same argument. The U.S. made this argument at least tacitly when it invaded Panama and Grenada and when it threatened to invade Haiti. It is the classic argument for doing good on a fixed budget. Just because you cannot give money to all charities does not mean you should not give money to some. Just because you cannot solve all the world's problems does not mean you should not solve the ones you can.

Then why does NATO not invade or at least bomb Cuba? NATO has the power to crush Cuba's brutal dictatorship.

Russia and China would surely oppose a NATO attack on Cuba. But so what? NATO showed with Yugoslavia that Russian and Chinese opposition does not matter.

Fidel Castro's 40-year dictatorship has been at least as bloody and repressive as Slobodan Milosevic's 10-year rule has been. Hundreds of thousands of refugees have fled from the regimes of both dictators. Thousands of Castro's victims have called for justice for the Castro regime's "crimes against humanity." Some critics have charged that Castro has aided drug traffickers and money launderers. The Cuban military still kills Cubans who try to flee the island. One study estimates that in the last 40 years as many as 100,000 "balse-

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## Biography

# The Woman Who Would be President

by Wendy McElroy

Meet Victoria Woodhull: anarchist, stockbroker, feminist, publisher, and presidential candidate.

With Elizabeth Dole expressing interest in becoming the next president of the United States, the spotlight has been cast anew on the first woman to throw her cock's feather hat into the presidential ring — Victoria Claflin Woodhull, who ran against Ulysses S. Grant in 1872.

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Woodhull was also the first female stockbroker on Wall Street, and a successful one. She was the first woman to argue for women's suffrage before a congressional body. Her magazine, the *Woodhull & Claflin's Weekly*, had 20,000 subscribers, and a particularly notorious issue went for as much as \$40 on the street. Her brilliance as an orator, coupled with her provocative subjects, drew crowds of thousands to her speeches.

Woodhull was one of the best known and most progressive women of her day, yet modern feminists have only started to claim her as their own. Indeed, until recently, Belva Lockwood was often referred to as the first "Woman for President" even though her campaign occurred years after Woodhull's.

Woodhull is one of several colorful figures in the radical individualist movement of nineteenth-century America. Yet she is often viewed as being "from the left." There are reasons for this confusion. For example, when Section Twelve of the newly formed International Workingmen's Association (IWA) was organized in New York in 1871, Woodhull became one of its leaders. Historians have correctly identified the organization she sought to control as Marxist, but one must understand that in the 1870s and 1880s, American individualists attempted to forge bonds with other radical ideologues. For example, when the IWA revived in the early '80s, Benjamin Tucker, the most prominent and rigorous individualist of that century, wrote, "To this momentous event, which marks an epoch in the progress of the great labor movement . . . *Liberty*, in the present issue, devotes a large portion of her space."

In *Anarchist Women*, historian Margaret S. Marsh remarks on the eagerness of individualists to cooperate with left-leaning reformers: "Their conflict . . . came after a brief period of good will and cooperation with the European

anarchist movement. In 1881, the editor of *Liberty* hailed the creation of the anarchist 'Black International,' proposing that his paper serve as its English-language organ." This fellowship of ideologies would shatter within the decade when Tucker would bitterly and publicly regret his former generosity. From then on, individualists and radicals from the left became ideological enemies. Yet, during the window of goodwill, Woodhull and Tucker journeyed together to Europe and marched in protest through the streets of Paris with other reformers. Upon their return, Tucker continued to promote the economic theories of socialist Pierre Joseph Proudhon, especially his idea of free banking, and to set them within the individualist framework of private property. Meanwhile, Woodhull published the first English version of Marx's *Communist Manifesto* in her *Weekly*. It is not difficult to see why Woodhull would be identified with the left.

However, if you look beneath Woodhull's rhetoric, it is clear that she drew her philosophy directly from the individualist tradition. Her intimate associates not only included Tucker, but also Stephen Pearl Andrews, whom historian James J. Martin considers to be "the fourth [most] prominent exponent" of individual sovereignty of his day.

Andrews became her mentor. He believed that every individual had an inalienable right to act in a peaceful manner and that the State had no right to intervene. Woodhull's most theoretical work, *The Origin, Tendencies, and Principles of Government*, appeared as a series of articles in the *New York Herald* in 1870, and was published the following year in book form. These articles were so similar to Andrews's views with so little original theory that Tucker accused her of plagiarism.

Woodhull's restatement of Andrews's views was a passionate one. Delivered in the voice of a woman, it did much to popularize those views. Indeed, other individualist

magazines of the period found themselves caught up in the power of her popularizing. The first issue of the prominent magazine *The Word*, edited by the indomitable Ezra H. Heywood, proclaimed itself to be dedicated to publishing the views of "Woodhull and Claflin," among a handful of others. The American Labor Reform League and the New England Labor Reform League (NELRL) made Woodhull an honorary official. A spin-off organization from the NELRL, the New England Free Love League, was founded with Tucker's assistance. Its expressed purpose was to engage Woodhull in a

*Woodhull was one of the best known and most progressive women of her day, yet modern feminists have only started to claim her as their own.*

speaking tour. The connections that establish Woodhull firmly within the individualist tradition run on and on.

Woodhull cannot be rediscovered without appreciating her ideological underpinnings.

### Rediscovering Woodhull

The first book of this decade to reclaim Woodhull was *The Woman Who Ran for President: The Many Lives of Victoria Woodhull* (Penguin, 1996) by Lois Beachy Underhill and translated by Gloria Steinem. In the past year, two major treatments have appeared: *Other Powers: The Age of Suffrage, Spiritualism, and the Scandalous Victoria Woodhull* (Knopf, 1998) by social historian Barbara Goldsmith and *Notorious Victoria: The Life of Victoria Woodhull, Uncensored* (Algonquin, 1998) by Mary Gabriel. These books constitute powerful reevaluations of this pioneering feminist whom history has tended to dismiss as a crank or worse.

But the reasons for her dismissal were superfluous. Consider just one fact from Woodhull's life: She was a prominent spiritualist who channeled voices from the dead to advise Cornelius Vanderbilt, the railroad tycoon, on financial matters. Moreover, she was the 'muckraker' who broke one of the greatest sex scandals of the nineteenth century. Interestingly, for publishing these accusations, the first woman presidential candidate spent election day in jail. It's no wonder that two previous books on Woodhull are entitled *The Terrible Siren* (1928) and *Mrs. Satan* (1967).

To their credit, the current reevaluations of Woodhull look beyond the sensationalism of her life and the incendiary quotations that are repeatedly offered as representative of her whole philosophy. The books appeal to the wider social and political context of Woodhull and portray a passionate reformer with deep ideological commitments. True, in this emerging portrait, Woodhull's sense of flash often overwhelms her substance, but the substance is still there. In particular, Gabriel's *Notorious Victoria* extensively quotes Woodhull and offers a broader perspective.

Woodhull is perhaps most famous for her advocacy of free love. That is, she believed the State had no place in regulating the private sexual arrangements between consenting adults. Such matters as marriage, divorce, and the recognition of illegitimate children should be left to the consciences of those involved. The specific arrangements should be a matter of consent and contract, not of regulatory law. In a modern-sounding manner, she defended prostitutes as

"victims," while excoriating the men who patronized them. At one point, she threatened to publish the names of prominent male customers in the *Weekly*. When unsolicited "hush money" flowed into her office, some people accused her of blackmail.

With high drama and ideological confusion running rampant, it is useful to step back and look at what we know of the fascinating woman who was born Victoria Claflin in 1838 in the Ohio wild.

### The Journey Toward Notoriety

To those of a cynical bent, Victoria Claflin's childhood might seem to be the ideal preparation for a career in politics. Her father Buck Claflin was a drifter and a "pitch man" who sold patent medicine and preached about spiritualism. Eventually, the Claflin family became a traveling medicine show in the Midwest. The unusually beautiful and magnetic Victoria drew crowds by singing and dancing. She also joined her mother in telling fortunes and occasionally falling into a convincing trance. Her younger sister, Tennessee ("Tennie") Celeste Claflin, hosted seances and sold an elixir of life that sported her image on the label. Her brother, Hebern, was known as a "cancer doctor." At 15, Victoria married the adventuring Dr. Channing Woodhull whose alcoholism led to their separation and divorce 12 years later.

By the time Victoria arrived in New York City in the late 1860s, she was an experienced entertainer, a woman of the world, and perhaps more than a bit skeptical about the conventional role of women, especially within marriage. She beguiled the elderly and immensely wealthy Commodore Vanderbilt, who became so intrigued by Tennie that he backed the sisters in opening the first "Lady Brokers' Office" on Wall Street. He is said to have supplied them with timely market tips. This inside information, along with massive newspaper coverage, assured the Lady Brokers of success — and of being less than respectable in the eyes of "better" society.

On April 2, 1870, flush with money and fame, Woodhull abruptly announced her candidacy for president in the upcoming election of 1872. Six weeks later, the *Woodhull & Claflin's Weekly* appeared, initially intended as a campaign publicity vehicle. During its six-year run, the *Weekly* was edited primarily by Stephen Pearl Andrews and Col. Harvey James Blood, Victoria's husband.

The standard biographical reference *Notable American*

*Woodhull is perhaps most famous for her advocacy of free love. That is, she believed the State had no place in regulating the private sexual arrangements between consenting adults.*

*Women* describes the influence of Andrews on Woodhull in strange terms, which further contribute to the confusion over Woodhull's political views. The entry under Woodhull reads, "[f]resh inspiration had entered her life in the person of Stephen Pearl Andrews. A fifty-eight-year-old *aberrant* philosopher, Andrews carried the baggage of a long career in radical reform" (emphasis added). Thus, Andrews's individualist philosophy is dismissed in passing as "aberrant," although it was no more abnormal than that of other leading reformers of the day. Andrews's distinguished record in the

anti-slavery movement, his lifelong work for marriage and labor reform, and his immense contributions to the theory of radical individualism are all disregarded as "baggage."

## Woodhull as a Popularizer of Andrews

Stephen Pearl Andrews's key theoretical work is *The Science of Society* (1852), which was published in two parts. When the intellectual anchor of nineteenth-century individualism, Lysander Spooner, read No. 1, he wrote to Andrews, "It is very able and I think the most of it is true. I go for individualism to the last extent, and I think the time may possibly come when the rights of the individual, and the law resulting from them, will be so well understood that little government will be necessary to protect the former from encroachment." (July 4, 1851, Basket Collection).

Part I of *The Science of Society* expressed the most pervasive theme of the nineteenth-century individualist movement. Warren and Andrews called it the "Sovereignty of the Individual"; others referred to it as "self-ownership." This was the idea that every human being — male or female, black or white — had a moral jurisdiction over his or her own body against which no other person or agency (e.g., the government) could rightfully aggress. Andrews's most rigorous application of this principle concerned the need for women to have autonomy over sexual matters, including a claim to their own children. The principle of self-ownership was the intellectual glue that held the individualist movement together as a cohesive whole despite ensuing differences on the theme expressed in the second part of *The Science of Society*.

Part II of Andrews's work was entitled "Cost the Limit of Price: Scientific Measure of Honesty in Trade as One of the Fundamental Principles of the Solutions of the Social Problem." This constituted a version of the "labor theory of value" as set forth by Adam Smith and later by Karl Marx. Though a severe departure from modern individualism as it is understood by Austrian economists, "Cost the Limit of Price" was not an anti-free market philosophy. In "The Spooner-Tucker Doctrine: An Economist's View" in *Egalitarianism as a Revolt Against Nature*, economic theorist Murray Rothbard explained:

... it was [Spooner's and Tucker's] adoption of the labor theory of value that convinced them that rent, interest and profit were payments exploitatively extracted from the worker. In contrast to the Marxists, however, Spooner and Tucker, understanding many of the virtues of the free market, did not wish to abolish that noble institution; instead, they believed that full freedom would lead, by the workings of economic law, to the peaceful disappearance of these three categories of income.

In general terms, this was the nineteenth-century individualist view of economics: profits were stolen from working people through an alliance of capitalism and government. This union was a disease that could be cured only through "society by contract" and the free market system. This sounds odd to modern ears — the free market as a defense against capitalism. Even odder, many staunch advocates of the free market referred to themselves as socialists. By this term,

*Ultimately, the fate of Woodhull's candidacy — which could never have been successful, but might have become notorious — was decided by the anti-obscenity crusader Anthony Comstock.*

they meant to advocate a society based upon cooperation rather than upon imposed laws. Consider the NELRL, an organization defined by individualists — Heywood, Tucker, Josiah Warren, and William B. Greene. The NELRL adamantly opposed "profit-taking." The self-expressed purpose of the NELRL was "[f]ree contracts, free money, free markets, free transit, and free land — by discussion, petition, remonstrance, and the ballot, to establish these articles of faith as a common need, and a common right, we avail ourselves of the advantages of associate effort."

Andrews's views formed the basic philosophy that Woodhull would bring — along with spiritualism and many other idiosyncrasies — to her bid for the presidency.

## Woodhull's Bid for the Presidency

On January 10, 1871, the National Suffrage Convention was in session in Washington. To its surprise, the leadership learned that Woodhull had been invited to give an address on woman suffrage to the House Judiciary Committee on the following day. The leadership of the National Woman Suffrage Association (NWSA) decided to attend.

In addressing the congressional body, Woodhull argued that women already had the vote under the Constitution, which proclaimed, "All persons . . . are citizens." She asked, "Are women not persons?" The Constitution reads, "No state shall abridge the privileges or immunities of citizens . . . nor deny to any person equal protection of its laws." She asked again, "Are women not persons?" Moreover, she insisted, nowhere did the Constitution prohibit women from voting nor grant that right exclusively to men. Therefore, it was only custom, not the Constitution, that barred women from casting a ballot.

Carried away by Woodhull's eloquence, several of her former critics, including Susan B. Anthony, became admiring supporters. Anthony's opinion

## Errata

William Stepp has discovered two minor factual errors in his article "Clinton's Fiscal Demagoguery" (October): Under the GOP tax plan, capital gains rates are cut to 18% for taxpayers in the 28% bracket and to 8% for taxpayers in the 15% bracket. And capital gains will be indexed to inflation. He apologizes.

Patrick Bedard's "Airbags Kill" (October) was reprinted from the September issue of *Car and Driver*. Our apologies to Mr. Bedard and *Car and Driver*.

An October reflection, "A day of rest," written by Bruce Ramsey was accidentally attributed to David Boaz. Our apologies to both.

Loren Lomasky's "Libertarianism As If (the Other 99% of the) People Mattered" (October) is from a paper delivered at the 1996 *Liberty* Editors' Conference. A different version appeared in *Social Philosophy & Policy*, Vol 15, No. 2.

Randy Barnett was identified as a professor at Boston College Law School. He is in fact a professor at Boston University School of Law.

Finally, to correct an impression that one could gain from Bryan Register's "A Kinder, Gentler, 'Judgment Day,'" (August) it was Wilfred Schwartz, not Barbara Branden, who had given Nathaniel Branden the erroneous impression that he and Barbara Branden had been lovers.

changed in 1872 when Woodhull published a manifesto in her *Weekly*, in which the NWSA leadership appeared to be calling for the formation of a new political party to facilitate Woodhull's entry into the presidential race. Anthony repudiated the manifesto and moved to curb Woodhull's influence within the NWSA. In response, Woodhull appeared at her own convention at Apollo Hall in New York City and, by unanimous vote, became the presidential candidate of the new Equal Rights Party. According to some accounts, when Woodhull stepped onto the stage, the jubilance of the audience could be heard blocks away. She was introduced as the woman who would "attempt to unlock the luminous portals of the future with the rusty keys of the past."

The brilliant orator and former slave Frederick Douglass was nominated as her vice presidential candidate, but chose to ignore the honor bestowed upon him, since he favored Grant for president.

Ultimately, the fate of Woodhull's candidacy — which could never have been successful, but might have become notorious — was decided by the anti-obscenity crusader Anthony Comstock. Under what became known as "the Comstock Laws," American citizens were prohibited from sending obscenity through the mail. Woodhull exposed the affair that famed preacher Henry Ward Beecher was having with a parishioner and the wife of his best friend, prominent editor Theodore Tilton. She did so in a particularly public manner, offering the details in the pages of the *Weekly*. For mailing this issue, Woodhull was charged and arrested for postal obscenity. The case was eventually dismissed, but the months that would have gone to campaigning went instead to fighting legal battles and imprisonment. After her release from prison, Woodhull became seriously ill and went into relative seclusion.

Commodore Vanderbilt died in 1877, leaving the bulk of his estate to his son William. The rest of the family sought to overturn the commodore's will on the grounds of incompetence. Vanderbilt's dalliance in spiritualism and the

influence of the Woodhull sisters were considered evidence of senility. Victoria and Tennie abruptly departed for England, amid rumors that William was funding their relocation to prevent their testifying.

Clearly, Woodhull was ready for a life change. She divorced Col. Blood for adultery, and in the last issue of the *Weekly*, she proclaimed marriage to be "a divine provision."

### **The Self-Rehabilitation of Woodhull**

Those who are tempted to lock the rabble-rousing Woodhull away in some closet within the history of individualism may find comfort in the fact that in the end, Woodhull agreed with them. Woodhull repudiated much in her early life and spent the later years trying to erase her questionable past and become respectable. Former colleagues seemed at a loss as to how to react, with the exception of Tucker, who condemned the reformed Woodhull.

In London, she met John Biddulph Martin, a wealthy banker, when he attended a lecture she delivered entitled "The Human Body the Temple of God." After six years of arguing with his genteel family, Martin married Woodhull in 1883. She went about the business of rewriting history, going so far as to sue the British Museum for holding pamphlets that described her part in exposing the Beecher-Tilton scandal. Meanwhile, Tennie married a wealthy businessman named Francis Cook. When he became a baronet, she became Lady Cook.

Victoria Woodhull died in her sleep at the age of 88 in Tewkesbury, England. According to Mary Gabriel, "in a dark corner behind the high altar at Tewkesbury Abbey . . . a single candle in a red votive cup still illuminates a tribute to her."

Woodhull remains one of the most intriguing, confusing, and dynamic personalities of nineteenth-century individualism. In drawing our own conclusions about Woodhull's life and work, we would do well to remember the difficulties of being an outspoken woman in the nineteenth century and to judge her eccentricities with respect and generosity. □

### **Kosko, "Kosovo," continued from page 40**

ros" or rafters may have died trying to escape the island. Left-leaning Amnesty International says that the Castro regime still jails hundreds of political dissidents and uses physical torture. And this dictator once let the Soviet Union install missiles pointed directly at a NATO member. Cuba even lies on the fuzzy border of the north Atlantic Ocean.

The irony is that Cuba's communist government has called on the world to put NATO Secretary General Javier Solana on trial as an international war criminal. The Cable News Network reports that one Cuban document claims that "Europe will always be stigmatized by this crime against humanity." Cuban Foreign Minister Felipe Perez Roque told journalists in June that "the war against Yugoslavia has turned into an outright genocide." The Associated Press reports that the Cuban government has also filed in Havana a symbolic \$181 billion lawsuit against the U.S. for what it claims are four decades of U.S. aggression against Cuba.

There is no more real chance that NATO will invade Cuba than that South America will create a federal government. That is all to the good on both counts. But not invad-

ing Cuba or even threatening to do so makes Cuba's dictatorship a living counter-example to NATO's new extra-treaty logic of invasion. That alone suggests that NATO's moral argument for bombing Serbia was a sham. And there never was a legal or treaty-based argument.

So why did the NATO leaders wage an air war against Serbia? NATO's actions and arguments leave room for a cynical answer and John Jay suggests one in Federalist 4 that may describe at least part of the truth:

There are *pretended* as well as just causes of war. . . Nations in general will make war whenever they have a prospect of getting anything by it; nay, that absolute monarchs will often make war when their nations are to get nothing by it, but for purposes and objects merely personal, such as thirst for military glory, revenge for personal affronts, ambition, or private compacts to aggrandize or support their particular families or partisans. These and a variety of other motives, which affect only the mind of the sovereign, often lead him to engage in wars not sanctified by justice or the voice and interests of the people. □

# Reviews

*The Long Boom: A Vision for the Coming Age of Prosperity*, by Peter Schwartz, Peter Leyden and Joel Hyatt. Perseus Books, 1999, 336 pages.

## Mainstreaming Libertarianism

Bruce Ramsey

*The Long Boom* is a book of particular interest to libertarians, although it will annoy a lot of them. It should interest them because it uses their main idea: economic and social liberalism, served up together. It even calls this idea "libertarian."

The book proposes "a new American ideology." The libertarian who already has an ideology is likely to find this one far too tentative, mushy, New Agey and Al Goreish to provide much inspiration. He'll call it Libertarianism Lite, and give it a toss. But this book is not addressed to libertarians. This is a mainstream book — and, as such, tells something about where the mainstream is.

The book's embrace of the market, of "twenty-first century capitalism," is much in the vein of Daniel Yergin's *The Commanding Heights*: Its technological analysis of politics is similar to Virginia Postrel's *The Future and Its Enemies*. The authors have reduced their "ideology" into a series of two-word slogans: "Go global in all things. Open up in every capacity. Let go of all tendencies to control. Grow more. Always adapt. Keep learning. Value innovation. Get connected. Be inclusive. Stay confident."

This is a progressive vision. The

authors are explicitly trying to reconnect the culture with pre-World War I optimism, which (though they don't say this) was the high era of gold and laissez-faire. After 1914, they say, the world moved "in the direction of greater centralization" for two-thirds of a century, "driven in part by increasingly centralized technologies." (And in part by centralizing ideologies, though they don't say this either.)

The turning point, they say, came in 1980. The key events were the breakup of the Bell System, the creation of the personal computer and the rise of two political leaders: Margaret Thatcher in 1979 and Ronald Reagan in 1980.

These authors hold their noses at the harshness of Reagan and Thatcher, but credit them with altering the trajectory of the 20th century state. "The validity of their approach," they write, "is that the political parties that once fiercely fought them have now adopted their economic programs." You know something's happened when Bill Clinton reappoints Alan Greenspan, signs the Republican welfare bill, and adopts a policy toward the Internet that could be described as Let It Alone.

And you know something is going on when a book like *The Long Boom* comes out, not from libertarians, but from a business consultant, an editor of

*Wired* magazine and from Joel Hyatt, the 1994 Democratic senatorial candidate from the state of Ohio.

It's a messy business for three people to cook an omelette, and particularly when they let so many other people in on it. Thomas Friedman, foreign-affairs correspondent for *The New York Times*, and Michael Porter, the Harvard Business School professor who wrote *The Competitive Advantage of Nations*, both read the book and commented on it. The authors talked to Herman Kahn, Amory Lovins, Walter Wriston and Robert Hormats; *Wall Street Journal* Correspondent Pascal Zachary, Broderbund Software founder Doug Carlston and Harvard's David Landes, author of *The Wealth and Poverty of Nations*. And lots of others.

The "ideology" the authors extract from all this talking is rather better than the "neither left nor right" label they put on it. Consider the book's com-

*Everybody politically aware knows what a libertarian is, and the adjective "libertarian" is routinely fixed to one of the two main factions in the Republican Party. That faction is not pure — but, better yet, it's real. It's alive. It's a contender.*

ments on education. "Today the U.S. educational system is in a severe disconnect from the emerging New Economy," they write. Education needs to make people "veritable learning animals — adaptable, innovative people who can move confidently within an economic environment that is constantly in flux." But the U.S. educational system, they say, "does not have high enough standards, social discipline or parental involvement." Without using that right-wing unmentionable, "vouch-

ers," they call for a "GI Bill" of generous federal support for public and private education in higher and lower grades. They cheer the private schools as the vehicles of innovation. They also see charter schools following the lead of

*Philosophers serve up their tequila pure, and aficionados may savor it that way. But in the mass market it goes down as margaritas.*

private schools and operating "in a symbiotic relationship" with them. They call for "a rapid expansion in new schools, both public and private, spurred by an entrepreneurial market for education reminiscent of the can-do ethos of Silicon Valley."

Unlike libertarians, who tend to dismiss global warming (whether they understand the science or not), these authors accept it (whether they understand the science or not) — and argue that a booming global capitalism is the best way to ameliorate it.

"Some environmentalists argue that the only way to save the planet is to consume much less," they write. "There is virtually no political support for that idea in any country and never has been. We can't rein in affluence." What we can do, they say, is to promote technology, which they say "has a pretty good track record of becoming environmentally cleaner with successive generations."

The authors write, "The New American Ideology draws from the traditional thinking of both the Right and the Left — particularly the libertarian tracks in both." The consistent theme here is the value of freedom — freedom for people to make their own decisions in their economic lives, their social lives and their personal lives.

However, this libertarianism is not Libertarianism with a capital L. That formal Libertarianism has been associated in the United States with a party on the right-wing fringe that is fanatically antigovernment. Long Boomers are not antigovernment. They understand that we need good government for security, for roads, for securing an education for all people and help for

those in severe trouble. Long Boomers aren't even too upset about taxes — they just want to be sure the money is going to be well spent. But when in doubt, when the choice is between two seemingly equal options of expanding government or letting people solve their own problems outside government, they'll tilt in the more libertarian direction.

Well, I can live with that. I am not so fanatically antigovernment that I expect to see the entire country reordered to fit a political theory — mine or anyone else's. Philosophers serve up their tequila pure, and aficionados may savor it that way, but in the mass market it goes down as margaritas. Get used to it: your neighbors in this fat and easygoing Republic are not ever

going to be radicals.

What this book tells me is that liberty is on the map — not as the Libertarian Party, which is too pure to win elections, but as an idea. Everybody politically aware knows what a libertarian is, and the adjective "libertarian" is routinely fixed to one of the two main factions in the Republican Party. That faction is not pure — but, better yet, it's real. It's alive. It's a contender.

That's progress. This book is progress. If its "vision" comes true, and a decade from now both parties are competing over which can best create "The Long Boom," that's real progress.

Pour yourself a drink and toast the millennium. The 21st century is looking up.

*All on Fire: William Lloyd Garrison and the Abolition of Slavery.* by Henry Mayer. St. Martin's Press, 1998. Pp. xxi, 707 pages.

## *The Consequences of One Man's Moralism*

Dyanne Petersen  
Jeffrey Rogers Hummel

No single issue provoked more controversy in the United States during the middle decades of the nineteenth century than slavery, and the moral high ground found itself highly contested. While many Southerners used scripture to defend human bondage as consistent with Christian charity, the faithful from the North interpreted the same Good Book as making slavery's abolition a moral imperative. Opponents of slavery, although united in their ultimate goal, were divided into numerous factions. They disagreed and fought over not only how best to achieve freedom for the country's slaves but also over how millions of Negroes should be treated once freed. Libertarian activists, particularly those who have engaged in

all the movement's lively faction fights, caucus building, and platform arguments, can easily identify with the schisms within abolitionism; those who have participated in single-issue coalitions will recognize the many challenges that come when any group of politically, socially, and culturally diverse people rally around one unifying idea or event.

Conventional historical wisdom has elevated such antislavery leaders as Frederick Douglass, Harriet Beecher Stowe, and above all, Abraham Lincoln to a stature so enormous that their collective shadow almost obscures the one man most deserving of the pinnacle position within the abolitionist pantheon. He is William Lloyd Garrison. Evidence of that shadow can be found too frequently in less-than-adequate descriptions of Garrison and his contributions. One example, dis-

turbing because of its literal accuracy, comes from Scribner's *Concise Dictionary of American Biography*. "An extremist in all things, he inspired more than he led and is remembered more for his courage and tenacity than for his ideas." Nor has Garrison been adequately served by his biographers. The all-too-common inclination has been to portray him as an intolerant zealot whose actual antislavery activities were far less constructive than those of other, more conservative but less visible abolitionists. When not openly hostile, many historians have descended into excessive and patronizing psychologizing.

Now at last, William Lloyd Garrison has a biography worthy of him. Henry Mayer, the author of *A Son of Thunder*, probably the best study of Patrick Henry, has outdone himself with this new book. It is rare for one writer to be able to provide varying perspectives on an intellectual figure with equal facility. Often you end up with a disembodied and lifeless treatment of the subject's ideas, or at the other pole, with a detailed personal history that skims over intellectual intricacies inadequately or superficially. Mayer, in contrast, masterfully and seamlessly integrates all the dimensions of Garrison's life. Indeed, the author's eye for detail, from the drudge tasks of an apprentice printer to the warm family life of a prominent agitator, makes this one of the most realistic biographies we have ever had the pleasure to read. You feel like you intimately know Garrison through every challenge in his amazing career, despite his inhabiting an era when people's religious commitments were so encompassing as to be utterly alien to our modern, secular culture.

*All On Fire*, the result of a ten-year effort, restores Garrison to his rightful place in history as "an authentic American hero who, with a Biblical prophet's power and a propagandist's skill, forced the nation to confront the most crucial moral issue in its history." The author does justice to all of Garrison's most radical stances: his advocacy of disunion and denunciation of the Constitution, his opposition to voting and to political parties, his anarchism and pacifism, his early and hearty support for women's rights, and his disillusionment with and rejection of organized churches. Mayer gives

these intellectual conflicts such drama, without ever oversimplifying, that the book propels you effortlessly through its nearly 700 pages and, in the process, provides one of the best narrative histories of abolitionism overall. In the end, *All On Fire* makes a strong case that without the crusading editor's inflammatory but compelling writing, speaking, and organizing, there may have been no effective antislavery campaign at all.

Mayer has also produced, inadver-

tently, a historical study of exceptional relevance to the libertarian debate (enjoying a forum within *Liberty* this year) on moralism versus consequentialism. Similar ideological and strategic battles were waged throughout the pages of *The Liberator*, founded in 1831 by a twenty-five year old Garrison. Its opening manifesto would govern the editorial content of the weekly newspaper for the next thirty-five years.

*I will be as harsh as truth, and as uncompromising as justice. On this*

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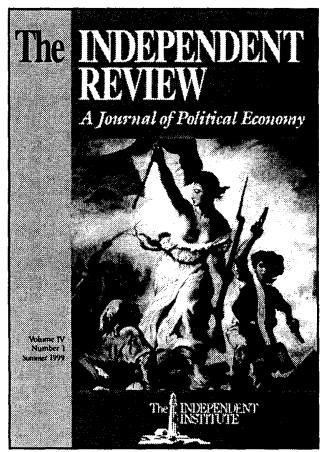
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subject, I do not wish to think, or speak, or write with moderation. No! No! Tell a man whose house is on fire, to give a moderate alarm; tell him to moderately rescue his wife from the hands of the ravisher; tell the mother to gradually extricate her babe from the fire into which it has fallen; — but urge me not to use moderation in a cause like the present. I am in earnest — I will not equivocate — I will not excuse — I will not retreat a single inch — AND I WILL BE HEARD. (Italics and emphasis in original.)

What might be dismissed by some as youthful hyperbole was to Garrison a sincere expression of his commitment to Revolutionary and Christian principles and his intent to agitate for them. And let the pro-slavery Constitution — which Garrison denounced as "a covenant with death and an agreement with hell" — and the apologist orthodoxy of Christian pulpits be damned.

Garrison demanded the immediate emancipation of all slaves and full equality for all blacks, North and South. He savagely denounced the disingenuous reform of colonizing freed slaves in Africa, utterly rejected any compensation to slaveholders, and relentlessly undermined the New England establishment's liberal and philanthropic self-image. Garrison, however, did not look to direct political action to eradicate slavery. Moral suasion and non-violent resistance were his strategies. He eventually came to believe that, if anything, the North should secede from the Union so it could become a haven for runaway slaves. The slogan, "No Union with Slave-Holders" appeared on *The Liberator*'s masthead for years. The indefatigable editor also helped organize the American Anti-Slavery Society, and two thousand local affiliates with 200,000 members had sprung into existence by the 1840s. Although abolitionists were still only a tiny minority in the North, they were definitely heard.

Garrison had arrived at this platform, which steadfastly subordinated politics to moral principles, only after some early, frustrating attempts to effect positive change with gradualist goals and strategies. One of his first jobs was as a political hack in Vermont writing for President John Quincy Adams's reelection campaign. Editing the party vehicle, *Journal of the Times*, Garrison

rejected immediate abolition as "visionary" and "out of the question," but critics still branded him an insurrectionary. As late as 1830, the young antislavery activist had sought a political hero in Henry Clay, the "great pacifier" who had been instrumental in the Missouri Compromise. But the concessions, equivocations, and ultimate futility of Garrison's forays into practical politics marked, in Mayer's words, "an important way station on his journey from a strategy based upon an appeal to benevolent leaders to one that sought to change the climate of opinion in which leaders had to operate."

It would be another thirty years before Garrison would again attempt to influence a political party or politician. But his conditional support for the

*The all-too-common inclination has been to portray Garrison as an intolerant zealot whose actual antislavery activities were far less constructive than those of other, more conservative but less visible abolitionists.*

Republican Party and Abraham Lincoln during the bloody Civil War was more the product of a lifetime spent instigating a moral revolution now on the verge of success than a late-life conversion to political expediency. "Garrison willingly accepted the paradigm of practical politics," Henry Mayer offers, but the author's own evidence suggests instead that Garrison's endorsement was for the emancipation victory about to be won and from an understandable weariness, certainly not out of desperation and defeatism because his radicalism and moral suasion had failed. Even after the South's firing on Fort Sumter, Garrison was still willing to entertain disunion over any perpetuation of slavery. "Let there be no more compromise," he wrote in *The Liberator* in May 1861; "let the government, UNDER THE WAR POWER, either proclaim emancipation to all in bondage, or else take measures for a final and complete separation between the free and slave States. Unquestionably, the former course would . . . be the greatest boon

that could possibly be bestowed upon the South. But if this measure be deemed questionable, then for a free, independent Northern republic, leaving the South to her fate!"

Throughout most of his life, the vitriolic editor and activist paid a heavy personal price for his radicalism. Garrison was jailed in Baltimore on libel charges for censuring in print a merchant involved in the intercoastal slave trade; in Boston an enraged mob dragged Garrison through the streets and nearly lynched him; financial hardships burdened Garrison, his newspaper, and his beloved family without remission; and during the Civil War, the pacifist Garrisons had to find, according to Mayer, "a way to live with their mingled sense of pride and fear" when their son, George, enlisted in the Union army and led a regiment of black soldiers into battle. Yet *The Liberator* would continue to appear every week, without a single interruption, much of it either written or typeset by Garrison himself, until ratification of the Thirteenth Amendment abolishing slavery in December 1865.

By adopting and maintaining a radical, moral consistency, Garrison successfully changed the contours of the slavery debate. His public addresses

*Garrison demanded the immediate emancipation of all slaves and full equality for all blacks, North and South. He savagely denounced the disingenuous reform of colonizing freed slaves in Africa, and utterly rejected any compensation to slaveholders.*

and actions complemented his explosive editorials each week. He exposed the hypocrisy of those sons and daughters of the American Revolution who defended a Constitution that required the return of runaway slaves, and proudly burned a copy at a 4th of July celebration, proclaiming "So perish all compromises with tyranny." To proponents of subsidized colonization, Garrison countered with a reminder

that the "foreigners" were American born and asked "Does OUR color make us subjects of George IV?" Just as Garrison challenged the morality of the constitutional compact and defied any government to impose limits on his repudiation of slavery, so too did he denounce those churches that failed to profess the fundamental Christian principle that God had made people "equal in value, in dignity, in existence, in immortality." While keeping his deep faith in God and advancing abolitionism as the "holy cause of human rights," his exasperation with organized religion caused an irreparable split.

Garrison's attack on slavery arose from an objective morality with religious roots — one prohibiting the use of force against another and valuing all persons as created equal. This was the basis for his advocacy of pacifism, non-resistance, and disunion, for his refusal to vote or engage in partisan and electoral politics, for his anarchism, and for his support for women's rights. Although it took many years, Garrison not only survived to see the end of slavery in America, but he also reaped a reward of recognition and praise for his consistent, principled moralism. John Stuart Mill was one who paid special tribute to Garrison in 1867: "If you aim at something noble and succeed, you will generally find that you have succeeded not in that alone. The whole intellect of the country has been set thinking about the fundamental questions of society and government."

Author Henry Mayer generously shares details of Garrison's personal and public life, showing a loving, devoted father and husband, a faithful friend and comrade-in-struggle to women and persons of color, a devoutly religious and benevolent man, and a courageous, tireless, and talented speaker and writer. Mayer is equally generous in documenting the contributions of other heroic abolitionists, although the credit and sympathy he grants to Lincoln will irritate knowledgeable revisionists. Yet not once in *All On Fire*'s massive narrative does Mayer reveal an effective or influential consequentialist argument made by opponents of slavery. Garrison and his compatriots attached themselves instead to natural rights and non-aggression and fiercely condemned any

person, agency, or decree that violated these principles. One fears that twentieth-century libertarian consequentialists, in contrast, would merely portray the Fugitive Slave Act as an unfunded mandate on Northern states, attack colonization because it would be too

*The global triumph of abolitionist moralism makes any so-called successes of consequentialist libertarians look pathetic in comparison.*

costly, and draw back from emancipation without compensation to the slaveholder as a violation of property rights. Gradualist libertarians might hold that slavery is wrong but express concern for the economy and the labor market if full and immediate abolition was instituted.

R. W. Bradford, *Liberty*'s editor ("The Rise of the New Libertarianism," March 1999), has written that "the moralist speaks a language that is foreign to

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most people, while the consequentialist speaks the language of ordinary human beings." But as Mayer reminds his readers, Garrison employed familiar yet revolutionary ideas from the Declaration of Independence and the New Testament. Bradford concludes: "So while the moralist fails, the consequentialist succeeds." But the international abolitionist movement eliminated in a little over a century a labor system that had been ubiquitous on every continent and in every civilization for millennia. Economic historian Robert William Fogel admits that the death of chattel slavery "was an act of 'econocide,' a political execution of an immoral system at its peak of economic success, incited by men ablaze with moral fervor." [Without Consent or Contract, p. 410.] We today live in a world where slavery may still persist clandestinely, but no dictator or ruler, no matter how vile or ruthless, would dare get up and publicly endorse owning another human being. The global triumph of abolitionist moralism makes any so-called successes of consequentialist libertarians look pathetic in comparison.

True, Garrison had the luxury of addressing a population that had a majority of professed Christians. He understood and spoke their language. The invocation of Isaiah to "Break every yoke, and let the oppressed go free" resonated with his audience; reprinting an entire episode from Bunyan's *Pilgrim's Progress* in *The Liberator* provided an effective allegory applicable to abolitionists. Today's more secular and denominationally diverse society would make impractical and even offensive the Bible-based rhetoric of Garrison. Modern day libertarians can, however, revise the language without compromising the moralism. With or without religious conviction, most people agree that it is wrong — it is immoral, not just impractical — to steal, cheat, or rape, to murder, kidnap, or enslave. Philosophical quibbles about life-boat exceptions to the non-aggression axiom are not even germane. A moralistic argument does not require libertarians (any more than it required Garrison) to resolve definitively every one of the age-old ethical conundrums. It merely applies to the State the same moral principles, however imperfect and imprecise, that govern individual interaction.

Like Garrison, moralist libertarians take shared premises and insist upon greater consistency. Consequentialist libertarians are foolish if they fail to recognize this common foundation upon which a second story can be built to judge the immoral actions of groups, organizations, and governments.

Garrison asked, if men of "high standing and extensive influence . . . shrink from the battle, by whom shall the victory be won?" And if libertarians descend from the moral high ground and choose instead consequentialism or gradualism, who will articulate the moral superiority of our ideas? If libertarians do not loudly proclaim that tax-

ation is theft, conscription is slavery, and war is mass murder, who will? If libertarians do not burn with righteous moral outrage at such State atrocities as the killing of children at Waco and the bombing of innocent civilians in Kosovo, who will? Garrison employed the language of his times to raise a moral standard in the slavery debate. His fervor blazed with such passion and heat that it still singes us over one hundred years later. Libertarians, moralists and consequentialists, have much to learn from the example of William Lloyd Garrison, as scrupulously detailed in this truly inspiring biography. □

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## Personals

**Gay libertarian man** — 39, 5' 10", 155, blond/blue/beard, nonsmoker, atheist, HIV neg. — would like to meet other gay libertarian men. I live in the San Francisco area. E-mail: [mdf1960@yahoo.com](mailto:mdf1960@yahoo.com).

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*Mostly on the Edge: Karl Hess, an autobiography*, edited by Karl Hess, Jr. Prometheus Books, 1999. 409 pages.

# A Revolutionary Life

R. W. Bradford

I knew Karl Hess fairly well, and spent uncounted hours listening to him reminisce. I encouraged him to write a memoir, and even managed to publish a few bits of his life story in this magazine. Nevertheless, when my copy of his posthumous autobiography arrived, I stopped what I was doing and spent an evening reading the entire book. Much of it was at least passingly familiar to me, but there was lots new, including one entire chapter ("The Morgue"). And all of it was a pleasure to read.

The thing that distinguishes Karl Hess from other leaders in the resurgence of libertarianism that began in the 1960s is that he wasn't much of a writer. Yes, I know he earned his living as a writer for more than 50 years. But most of his writing was straight journalism, plain and simple. A good portion was written for others. What is left are a few brilliant essays — "The Death of Politics" comes to mind — and one brilliant book, *Dear America*.

But unlike the others who had enormous influence in the libertarian renaissance, Karl never wrote a systematic account of his thinking. There are those who would tell you that he never wrote a systematic account of his thinking because he was never a systematic thinker. There is something to this: if anyone ever was an eclectic thinker, Karl Hess was. Indeed, in his maturity, he eschewed ideology explicitly, espousing an anarchism based on personal values.

Another reason is that Karl was never a professional intellectual and

never attained wealth sufficient to have the leisure needed for such an endeavor. Until the mid-1960s, he was a working journalist, a speech writer or a ghost writer. In the mid-60s, he became a self-styled revolutionary. Somehow he never found time to write a systematic account of his thought until his thought was no longer systematic. It was only in his later years that he had the time to write such a book. But by then his health was poor. And he had other things to do.

Now five years after his death comes *Mostly on the Edge*, an autobiography written during the final few years of his life, after he had suffered a massive heart attack from which he never really recovered. Much of it was dictated by Karl and edited by others. A good part was edited from taped conversations with his friend Charles Murray. And a small part was cobbled together from earlier essays, letters and the memory of friends.

Not surprisingly, the result is a book that reads a lot more like Karl spoke than like he wrote. When I read a passage like this . . .

. . . when my neighbors learned of the film *Karl Hess: Toward Liberty*, and the fact that it had won the 1981 Academy Award for best short documentary, my standing in the community did not fall by much. They took it as just another West Virginia eccentricity that could be excused and that would quickly be forgotten. After all, their concern was that the welds held — that I could do something, not that I was somebody or some momentary celebrity as defined by newspapers and magazines that most of them never read or, if they did, took with

little more than a grain of salt. They had faults, but being pretentious or putting up with pretentious people was not one of them.

. . . I can almost hear Karl's mellifluous voice.

Happily, editor Karl Hess, Jr. chose to append to the book eight specimens of Karl's writing, including two pieces that originally appeared in this magazine.\* But they are not mere appendices: one can trace the development of Karl's thinking from "The Death of Politics" (1969), which expresses with unmatched eloquence the anarchism that libertarians embraced in the late 1960s, to his "Anarchism without Hyphens" (1980) which embraces the diversity of libertarian thinking, to his "The Importance of Tools" (1991) which conveys the disenchantment with political thinking that characterized his beliefs in his later years. Unhappily, the editor did not put these essays in chronological order; I suggest

*Karl did more than develop a personal, idiosyncratic, dynamic libertarianism — he was a moral exemplar, a man always fascinated with life, a man loyal to his friends and to the truth as he saw it.*

the reader remedy this by reading them in order.

If a survey of libertarian opinion had been taken in the late 1960s or early 70s, I am absolutely certain that Karl would have been at the top — along with Ayn Rand and Murray Rothbard — of a list of individuals identified as the most important libertarian thinkers. Yet this year, when *Liberty* surveyed its editors to select the "Libertarian of the Century," Karl did not get a single vote. The last intellectual who had lasting impact without putting his words to paper was Socrates — and he had Plato to transcribe nearly every word he uttered.

Which is too bad. Karl did more

\*The sharp-eyed will find other passages in the autobiography itself, sometimes reworked a bit, that originally appeared in these pages.

than develop a personal, idiosyncratic, dynamic libertarianism — a libertarianism that I think outshines many of its more formally systematic alternatives. He was a moral exemplar, a man always fascinated with life, a man who

was loyal to his friends and to the truth as he saw it.

The world — and the cause of human liberty — would do well to have more Karl Hesses. And libertarians would do well to read *Mostly on the*

*Edge*. For those like me who were Karl's friends, it brings back wonderful memories. For those who never knew Karl, it introduces them to a libertarian who was not merely great, but also good. □

## Bock, "Medical Marijuana" continued from page 24

media still marginalize marijuana reformers readily (sometimes unconsciously) with what they think are cute references to hippies and folks who never got out of the Sixties. The offhand comment "what are you smoking?" is often sufficient to end any serious discussion of drug law reform, and it is invoked repeatedly by people with no other means of defense. Last year, *The Wall Street Journal* even accused Nobel Laureate Milton Friedman of using illegal drugs. (Friedman responded, in a letter-to-the-editor, "I have not done so during the past 85-plus years. But I make no guarantees for the future.) And for those casual or recreational users of marijuana, there is the perfectly-justified fear that if they speak up they'll become targets of law enforcement attention.

I don't know what it will take to get beyond these and other inhibitions and create a situation in which the prohibitionists are as politically marginalized as they are intellectually bankrupt. I don't even know what it will take for elected politicians to pay as much attention to the repeatedly expressed desires of the people as to the blandishments of self-interested, empire-protecting law enforcement officials.

I have no idea whether, as some reformers and drug warriors seem to

think, a few cracks in the prohibitionist façade precipitated by authorizing the medical use of marijuana will undermine the entire drug war and eventually bring it to a halt. I'm inclined to think otherwise, that a good-faith effort to implement a system whereby marijuana can be prescribed and researched would leave the warriors with most of their empire intact. But I've met too many patients who get relief from marijuana yet remain fearful of law enforcement, even in a state whose voters have authorized them to use their and their doctors' preferred medicine. If we can't figure out a way to end this legally-induced cruelty, to let sick people get access to marijuana safely and legally, we forfeit a lot of claims to being a civilized society.

Barry McCaffrey is both right and wrong about people like me. I proudly cop to being for much more extensive drug legalization. But I've tried to stay away from that argument while there seemed to be a chance to get marijuana medicalization done for the sake of patients and common compassion. Maybe that makes me a "stealth" legalizer exploiting the medical marijuana issue. But he can co-opt me and others like me easily by showing a speck of common sense (and respect for federal

law) on medical marijuana. That would satisfy many advocates of legalization of medical marijuana and take them out of the political battle. Then he could take on the remaining legalizers on a clearer and less emotional political playing field, where he presumably thinks he would have an advantage.

His reluctance to do so leaves his argument for drug prohibition standing on the shaky ground of harassment of the suffering. And insofar as that is the case, it's all the more essential for casual opponents of the drug war to make ending it a higher priority. The drug war can't be waged without the invasion of private spaces and the systematic shredding of the Fourth Amendment and much else in the Constitution. It has led to expansion of property forfeiture laws and undermined the concept of private property.

The drug war has led law enforcement officials and many citizens to support the idea that random searches of law-abiding citizens who have shown no evidence of wrongdoing are acceptable and even desirable. It has filled prisons with people who have done no harm to others. It has created entire industries that inflict misery on people with medical problems. It has enhanced federal power at the expense of localities and states — not to mention individual citizens. It is predicated on and feeds the idea that no citizen ever becomes fully adult in the eyes of the State, that all must be protected from themselves by brave guardians willing to lie and prostitute whatever shred of intellectual integrity they may once have possessed to protect mere ignorant citizens. It gets citizens accustomed to the idea of making law and public policy through lies, exaggeration and myths rather than intelligent analysis.

Beliefs and policies are changed when those with a strong desire are willing to speak up even when they are ridiculed and apparently marginalized. If we can't end the drug war, perhaps we don't deserve to be free. □

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## Notes on Contributors

*Gary Alexander* is a newsletter editor living in Virginia.

*Chester Alan Arthur* is *Liberty*'s political correspondent.

*Balo* is a *nom de plume* of *Rex F. May*.

*John Bergstrom* is a cartoonist and animator living in California.

*David Boaz* is the author of *Libertarianism: A Primer*.

*Alan Bock* is a senior columnist for the *Orange County Register*.

*R.W. Bradford* is editor of *Liberty*.

*Douglas Casey* is the editor of a financial newsletter, *International Speculator*.

*Scott Chambers* is a cartoonist living in Arizona.

*Stephen Cox* is the author of the recently released *The Titanic Story*.

*Mel Dahl* is a writer living in Massachusetts.

*Jeffrey Rogers Hummel* is the author of *Emancipating Slaves, Enslaving Free Men*.

*David Kopel* is Research Director of the Independence Institute in Colorado.

*Bart Kosko* is the author of *Fuzzy Thinking*.

*Richard Kostelanetz* is an independent critic of culture and politics living in Manhattan.

*Sarah J. McCarthy* is co-author of the new book *Mom & Pop vs. the Dreambusters: The Small Business Revolt Against Big Government*.

*Wendy McElroy* is the author of *The Reasonable Woman* and other books and articles.

*Randal O'Toole* is editor of *Different Drummer*.

*Dyanne Petersen* is a long-time libertarian activist and writer, currently a resident of Federal Prison Camp in Dublin, California.

*Bruce Ramsey* is a reporter for *The Seattle Post-Intelligencer*.

*Jane S. Shaw* is a staff member of the Political Economy Research Center.

*Sandy Shaw* is co-author of *Life-Extension: A Practical, Scientific Approach*.

*Tim Slagle* is a stand-up comedian living in Chicago.

*Fred L. Smith, Jr.*, is president of the Competitive Enterprise Institute.

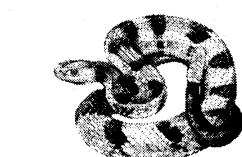
*Jen Tracy* is a correspondent with the Russian *St. Petersburg Times*.

*Leland B. Yeager* is Ludwig von Mises Distinguished Professor Emeritus at Auburn University.

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# Terra Incognita

## Lake McMurray, Wash.

Protecting public morals in the Evergreen State, reported in the *Port Angeles (Wash.) Daily News*:

"Nude recreation club draws true jazz buffs; practitioners say they shed stress with clothes . . . The owners collected a \$3 cover charge to help pay for jazz groups from Seattle. 'We don't want people to come up here to be lookey-lous,' Astrid King said."

## Washington, D.C.

Possible evidence of a population control experiment, from a report in the *Bozeman (Mont.) Daily Chronicle*:

Twenty-five beauty salons in the nation's capital are participating in a Department of Health program that provides free condoms to women when they get their hair cut.

## U.S.A.

Creative themes in the crusade against drugs, quoted from the catalog of Positive Promotions:

"One way to celebrate Red Ribbon Week is to hold 'theme' days throughout the nine-day event. Some of the most popular theme days are: 'Shade Out Drugs' where students come to school wearing sunglasses; 'Sock It To Drugs' — a day when students wear their craziest socks to school; 'Stomp Out Drugs' which encourages kids to wear boots or unique shoes to school; and 'Put a Cap on Drugs' inviting students to wear their favorite hat to show their commitment to remain drug free."

## U.S.A

Advance in couch-potato technology, reported by Reuters:

La-Z-Boy, Inc. announced that it is introducing the first reclining chair ever to be equipped with a built-in electric cooler. The thermo cooler holds six 12-ounce cans and features a cup holder. The chair also includes a telephone in one arm that comes equipped with a Caller ID display and storage for up to 99 names and numbers. In addition, the chair has a 10-motor massage and heat system. La-Z-Boy said the chair will cost \$899.00.

## Virginia Beach, Va.

Minister of the Gospel Pat Robertson makes a startling discovery about the late genius Carl Sagan, on television's "700 Club":

"Well this just goes to show you that all of his scientific theories and his teachings are whacked out ideas dreamed up in clouds of illegal marijuana smoke."

## Sao Paulo, Brazil

The courts defend virtue in the land of the thong bikini, from a report in *Folha de S. Paulo*:

A judge has awarded 23-year-old law student Thaís Bittencourt Camello \$14 — the price of a bikini — and \$267 for moral damages after the red bikini she bought turned see-through during a snorkeling trip. Bittencourt testified she scrambled to cover her private parts which "had never been seen by any man."

## Indonesia

Foreshadowing of events to take place Jan. 1, 2000, reported by the *Jakarta Post*:

Police are investigating Indonesian cult members who sold all of their personal possessions and spent nine days locked in their homes, and then killed three of their fellow cult members when their 9/9/99 doomsday prediction failed to materialize.

## San Francisco

Victory for civil rights, reported by Reuters:

San Francisco's Commission of Animal Control and Welfare voted to recommend changing city laws to include the term "pet guardian" when referring to animal-people relationships. Commission Chairman Richard Schulke said recognizing pet guardians was a moral step in the right direction. "This is a very emotional issue . . . especially for me," Schulke said. "I've always treated all of my pets as friends and family."

## Norristown, Pa.

Odd experience in the Keystone State's penal system, reported by the *Philadelphia Inquirer*:

A Pennsylvania man convicted of being an accomplice to a 1965 murder spent 19 extra years in jail after authorities misplaced his plea agreement. David Marshall Brown, 54, should have been released by 1980 after pleading guilty as a 19-year-old to participating in a botched robbery.

## Great Britain

Curious ornithological discovery, reported by *The Times* (London):

Authorities at Gloucestershire's regional airport have found that broadcasting the songs of pop singer Tina Turner works better than any other sounds, including bird distress calls, at clearing birds from the airport's runways.

## U.S.A.

Curious definition found in the *Random House Webster's College Dictionary*:

**new world order**, *n. (sometimes caps.)* the post-Cold War organization of international power in which nations tend to cooperate rather than foster conflict.

## Colorado Springs, Colo.

All-out offensive against the devil in a stronghold of Christian purity, from coverage in *The Denver Post*:

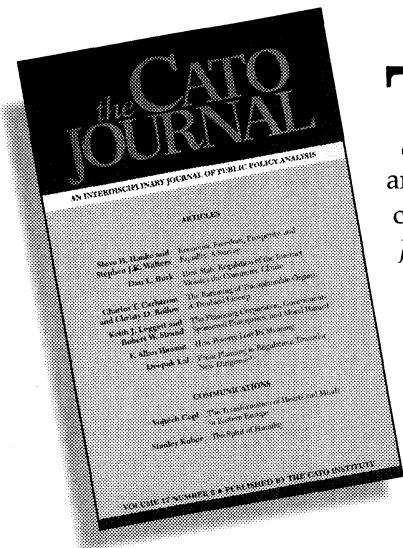
Pastor Mark Juvera told 85 children during a service at Grace Fellowship Church that the Pokémon characters from a Warner Bros. animated series and a Nintendo video game are evil. Juvera highlighted his message by burning Pokémon trading cards with a blow torch, and striking a Pokémon action figure with a 30-inch sword. Juvera's 9-year-old son then tore the limbs and head off a Pokémon doll. During the demonstration, the children chanted: "Burn it. Burn it," and "Chop it up. Chop it up."

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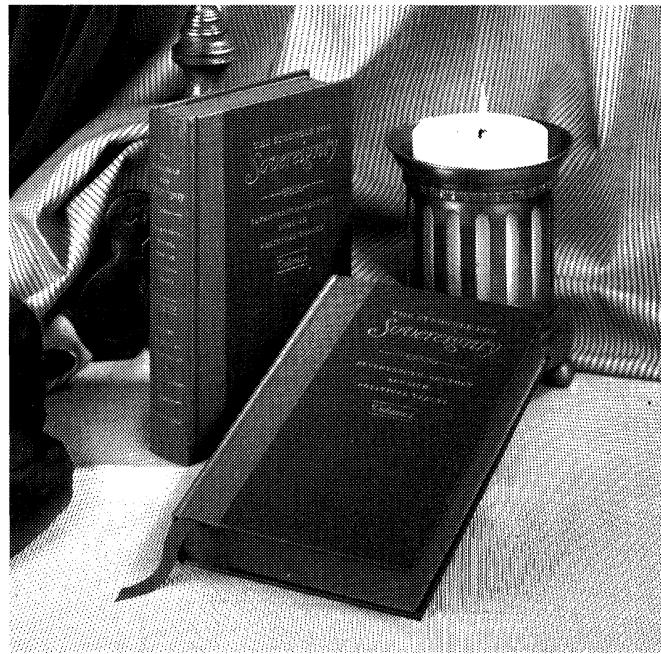
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